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**Tuesday, December 20, 1977**  
**Agrahayana 29, 1899 (Saka)**

# Lok Sabha Debates

**(Third Session)**



सत्यमेव जयते

*(Vol. XVII, contains Nos. 20-30)*

**LOK SABHA SECRETARIAT**

## New Delhi

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LOK SABHA

Tuesday, December 20, 1977/Agrahayana 29, 1899 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair.]

ORAL ANSWERS TO QUESTIONS

पोरबन्दर रेलवे स्टेशन यार्ड से कोयले की चोरी के बारे में ज्ञापन

\* 489. श्री धर्म सिंह भाई पटेल : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पोरबन्दर कोल एण्ड कोक एसोसिएशन ने गुजरात में पोरबन्दर रेलवे स्टेशन के यार्ड से कोयले की बहुत सी चोरियों के बारे में जुलाई, 1977 में सरकार को कोई ज्ञापन भेजा था, यदि हाँ, तो उस ज्ञापन में क्या शिकायतों की गई हैं;

(ख) क्या सरकार ने इस बारे में अब तक कोई जांच की है और यदि हाँ, तो कब और इस बारे में क्या कार्यवाही की गई है अथवा किये जाने का विचार है; और

(ग) कोयले की चोरियाँ पकड़ने के लिये क्या कार्यवाही की गई है तथा अब तक कितने चोरों का पकड़ा गया है और कब ?

रेल मंत्री (प्रो० मधु बण्डवते) : (क) से (ग). एक विवरण सभा पटल पर रख दिया गया है ।

3087 L.S.—1

(क) जी हाँ । पोरबन्दर रेलवे स्टेशन के यार्ड में कोयले की चोरी के सम्बन्ध में रेल मंत्री के नाम प्रेषित 7-6-1977 को एक शिकायत प्राप्त हुई थी, जिसे जांच के लिए पश्चिम रेल प्रशासन को भेज दिया गया था ।

(ख) जांच की गई थी और पोरबन्दर यार्ड में पश्चिम रेलवे के रेलवे सुरक्षा दल अधिकारियों द्वारा अचानक छापे भी मारे गये थे ।

(ग) इस वर्ष के दौरान कोयले की चोरी के 213 मामले पकड़े गये, जिन में 3,831 रुपये के मूल्य के कोयले की चोरी हुई थी और 246 बाहरी व्यक्तियों तथा 18 रेल कर्मचारियों को गिरफ्तार किया गया था । सुरक्षा के उपायों में कड़ाई लाने के फलस्वरूप पोरबन्दर यार्ड में कोयले की चोरी पर काबू पा लिया गया है । कोल एण्ड कोक मर्चेन्ट्स एसोसिएशन, पोरबन्दर के अध्यक्ष ने भी पश्चिम रेल प्रशासन द्वारा की गई सामयिक कार्यवाही की प्रशंसा की है ।

श्री धर्म सिंह भाई पटेल : आप ने मेरे प्रश्न के खण्ड (क) के जवाब में यह बताया है कि पोरबन्दर रेलवे स्टेशन के यार्ड में कोयले की चोरी के सम्बन्ध में रेल मंत्री के नाम प्रेषित 7-6-1977 की एक शिकायत प्राप्त हुई थी, जिसे जांच के लिए पश्चिम रेल प्रशासन को भेज दिया गया था, लेकिन उस के बाद 21-7-77 और 31-10-77 को फिर कोयले की चोरी के बारे में आप को दो शिकायतें भेजी हैं, उन के बारे में सरकार ने क्या किया है ?

**प्रो० मधु दण्डवते :** 7-6-77 को जो शिकायत हम लोगों के पास आई थी उस के अनुसार पश्चिम रेलवे के अधिकारियों को इत्तिहा देने के बाद 213 चोरी के केसेज पकड़े गए जिन में 3831 रुपये के मूल्य के कोयले की चोरी हुई थी और 246 बाहर के व्यक्तियों तथा 18 रेल कर्मचारियों को गिरफ्तार किया गया था। सुरक्षा के उपायों में कड़ाई लाने और ये सब काम करने के बाद पोरबन्दर यार्ड में कोयले की चोरी पर काफी काबू पा लिया गया है और कोल एण्ड कोक मर्चेन्ट्स एसोसिएशन के अध्यक्ष की तरफ से हम लोगों के पास एक बयान भी आया है जिस में उन्होंने स्वागत किया है कि आर पी एफ अफसरों की तरफ से जो छापे मारे गए उस की वजह से काफी माल उन्हें मिला है। माननीय सदस्य ने कहा है कि और दो शिकायतें बाद में भेजी हैं, मैं जरूर उन की तलाश करूंगा और उन की जांच कराऊंगा और जैसे इस मामले में हम ने दखल दे कर कुछ काम किया है इसी तरह से दूसरी जो शिकायतें है उन के बारे में भी ध्यान देंगे।

**श्री धर्म सिंह भाई पटेल :** कोयले की चोरियां सम्पूर्ण रूप से नष्ट करने के बारे में सरकार क्या कदम उठाना चाहती है और कब उठाएगी ?

**प्रो० मधु दण्डवते :** कोयले की चोरी रोकने के लिए रेलवे प्रोटेक्शन फोर्स की तरफ से जिन के बारे में सन्देह है वहां रैड डालना और प्रिवेंटिव ऐक्शन लेना, जिन लोगों पर कोई निश्चित चार्ज लगा सकते हैं उन्हें कोर्ट के सामने रख कर प्रासीक्यूशन करना, इस प्रकार की कार्यवाही चाहे वे रेल के कर्मचारी हों या बाहर के व्यक्ति हों, उन के बारे में की जायगी और हमें जरूर इस के बारे में कोई सन्देह नहीं है कि इस प्रकार की कार्यवाही करने के बाद कोयले की चोरी भवश्य कम हो सकती है।

**श्री भानु कुमार शास्त्री :** माननीय मंत्री जी ने अपने उत्तर में बताया है कि मुझे शिकायत 7-6-1977 को प्राप्त हुई। मुझे आश्चर्य है क्योंकि माननीय सदस्य ने 28-9-77 को, एसोसिएशन ने 21-7-77 को और 31-7-77 को अपनी कंप्लेंट्स मंत्रालय को भेजी हैं। साथ ही यह भी आप ने बताया है कि 213 मामले पकड़े गए लेकिन चोर कितने पकड़े गए और उस में रेलवे कर्मचारी कितने थे वह स्पेसिफाइड नहीं है। मैं एक बात और कहना चाहूंगा मंत्री महोदय से कि रेलवे मंत्रालय में यह बहुत अच्छी बात है कि हमारे मंत्री महोदय बड़े एकीशिएन्ट हैं और कोई कंप्लेंट जाने पर जल्दी ही शिकायत दूर कर लेते हैं लेकिन आज स्थिति यह है कि स्टेशन पर माल चोरी हो जाता है, और चोर पकड़ा जाता है, पकड़े जाने के बाद माबित होने पर भी केवल उस का स्थानांतर होता है और बाद में मैनिपुलेशन कर के वह फिर उसी जगह पर आ जाता है। इन चोरियों के कारण लाखों रुपये के क्लेम्स रेल मंत्रालय को देने पड़ते हैं। मैं जानना चाहता हूं कि जो चोर पकड़े गए उसमें कितने रेलवे कर्मचारी थे और कितने दूसरे थे—यह मंत्री जी स्पेसिफाइ करें।

**प्रो० मधु दण्डवते :** जो सवाल पूछा गया है उस के दो हिस्से हैं। मैं पहले यह बता देना चाहता हूं कि जो जानकारी माननीय सदस्य ने मांगी है वह उस विवरण में जो कि सभा पटल पर रखा गया है, दी गई है। मैं पढ़कर पुनः बता देता हूं : “इस वर्ष के दौरान कोयले की चोरी के 213 मामले पकड़े गए, जिन में 3,831 रुपये के मूल्य के कोयले की चोरी हुई थी और 246 बाहरी व्यक्तियों तथा 18 रेल कर्मचारियों को गिरफ्तार किया गया था। सुरक्षा के उपायों में कड़ाई लाने के फलस्वरूप, पोरबन्दर यार्ड में कोयले की चोरी पर काबू पा लिया गया है। कोल एण्ड कोक मर्चेन्ट्स एसोसिएशन,

पोरबन्दर के अध्यक्ष ने भी पश्चिम रेल प्रशासन द्वारा की गयी सामयिक कार्यवाही की प्रशंसा की है ।”

उनका जो दूसरा सवाल है कि एक शिकायत आने के बाद भी दूसरी शिकायत उन्होंने भेजी है तो मैं उनको आश्वासन देना चाहता हूँ कि उनकी दूसरी शिकायत पर पूरा ध्यान देंगे और उस की जांच कर के उचित कार्यवाही करेंगे ।

**श्री हुकम चन्द कछवाय :** अध्यक्ष महोदय, रेलवे के अन्दर यह चोरी की परम्परा वर्षों से है और चोरी कराने में रेलवे पुलिस का प्रमुख हाथ होता है जोकि अनेकों बार सिद्ध हो चुका है । मैं मंत्री जी से जानना चाहता हूँ क्या यह बात सही नहीं है कि जो चोरियाँ पकड़ी जाती हैं, उनके केसेज जो न्यायालयों में जाते हैं वहाँ पर आपके रेलवे के वकील चोरों से मिले होते हैं वे उन से पैसा ले लेते हैं और केस को ढीले से लड़ते हैं जिसके कारण अधिकांश केसेज रेलवे हार जाती है ? मंत्री जी ने जो बताया है कि इतने लोग पकड़े गए हैं तो उनमें से अब तक कितने लोगों को सजा दिलाई गई है और कितने छूट गए हैं ? यह जो मंत्री जी ने जानकारी दी है कि 213 मामले पकड़े गए और अब सुरक्षा के मामलों में कड़ाई लाने से चोरी पर काबू पा लिया गया है तो उस का मतलब है भविष्य में चोरी वहीं होगी लेकिन आज भी चोरियाँ हो रही हैं । यह जो गलतबयानी की है, क्या इस की सफाई मंत्री जी करेंगे ।

**प्रो० मधु बंडवते :** दो प्रकार के सवाल पूछे गए हैं । एक तो जनरल सवाल है । उन्होंने कहा कि क्या आपको जानकारी है कि जो रेलवे प्रोटेक्शन फोर्स के अधिकारी चोरी की जांच करने के लिए छापे डालते हैं उनकी तरफ से और हमारे जो वकील कोर्ट में जाते हैं उनकी तरफ से काफी भ्रष्टाचार होता है—मैं आम तौर से कोई इल्जाम नहीं देना चाहता लेकिन माननीय सदस्य को इतना आश्वासन जरूर देना चाहता हूँ

कि कोई निश्चित केसेज यदि मेरे पास भेज दें तो उन की मैं जरूर जांच करूँगा और जो लोग जिम्मेदार होंगे—चाहे अगर पी एफ के या दूसरे लोग उन पर कड़ी कार्यवाही की जायेगी । अगर माननीय सदस्य निश्चित केसेज मेरे पास भेज देंगे तो मैं जरूर उन की जांच करूँगा । सिर्फ जांच ही करूँगा, इतना ही नहीं बल्कि जो भी दोषी होंगे उनके खिलाफ सख्त कार्यवाही की जायेगी ।

दूसरा सवाल उन्होंने ने पूछा कि जिन लोगों को पकड़ा गया, जो रेल कर्मचारी है या बाहर के व्यक्ति उन के बारे में क्या कर रहे हैं । 246 बाहर के व्यक्तियों के बारे में कोर्ट में केसेज चल रहे हैं, उनके बारे में कोर्ट निर्णय करेंगे । जहाँ तक हमारे कर्मचारियों का सम्बन्ध है—उन के बारे में हम ने तय किया है कि इस प्रकार की चोरी के मामले में या दूसरे किसी इन-डिस्प्लिन के बारे में यदि वे पकड़े जाते हैं तो हम उन को सस्पेंड कर देते हैं और कोर्ट का फैसला आने के बाद आगे की कार्यवाही की जाती है । वही इसमें भी किया जायगा ।

**श्री रामानन्द तिवारी :** मैं जानना चाहता हूँ कि जितने लोग गिरफ्तार किए गए हैं, उनमें कितने लोगों को चार्ज-शीट किया गया और कितने लोगों को चार्ज-शीट नहीं किया गया तथा उन में कितनों का कन्विक्शन हुआ है और कितनों का एक्विटल हुआ है ?

**प्रो० मधु बंडवते :** मैं ने अभी कछवाय जी को जवाब देते हुए बतलाया है कि ये केसेज कोर्ट में पेंडिंग हैं . . . . .

**श्री रामानन्द तिवारी :** इन को चार्ज शीट दिया या नहीं ?

**प्रो० मधु बंडवते :** चार्ज-शीट देकर ही ये केसेज चल रहे हैं—इन कर्मचारियों की तादाद 18 है और इन को सस्पेंड किया गया है ।

### Issue of Letter of intent to IDPL for manufacture of Sulphadiazine

\*490. SHRI CHITTA BASU: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether M/s IDPL was granted a letter of intent for the establishment of a new undertaking for the manufacture of sulphadiazine and other 14 items on 28th March, 1974;

(b) whether the decision on the location of the proposed unit was to be finalised within a period of six months from the date of issue of the letter of intent;

(c) if so, the reasons for the delay in the finalisation of the location;

(d) whether it is also a fact that the Government of West Bengal approached the Government to set up the proposed unit in West Bengal; and

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

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) to (e). A statement is laid on the Table of the House.

#### Statement

(a) and (b). Yes, Sir, the letter of intent was granted for 18 items.

(c) to (e). On a rationalisation of the product-mix at the Hyderabad Plant of I.D.P.L. necessitated by a downward trend of off take of Sulphas, it was found that some of the items for which the letter of intent was granted, could be conveniently manufactured in the existing Plant. The technology for Phthalyl Sulphathiazole, Metronidazole, Chloropropamide, Glybenclamide Trimethoprim and Diazepam was developed at the Hyderabad Plant itself and the production of the first three items has

already been taken up and the production of the other three is also proposed to be taken up at the Hyderabad Plant. I.D.P.L. has on further review decided not to take up manufacture of five of the items contained in the letter of intent, viz., Sulphadiazine, Sulphamerazine, Caffeine, Theophylline and Aminophylline.

2. As regards location of the new undertaking to take up the manufacture of the remaining items and some other items for which the technology is being developed or will be procured from abroad, I.D.P.L. has a tentative proposal to locate it in West Bengal. However, the question of establishing a new Public Sector Unit for manufacture of drugs or in the alternative expending facilities available in the nationalised undertaking of M/s. Smith Stanistreet & Co. Ltd., and integrating with facilities of such other units as have come or may come under Government's control will be examined by Government in due course.

SHRI CHITTA BASU: I have to point out that the statement which has been given has no relation to the question, particularly its second part.

In paragraph 3 of the letter of intent it was stipulated that it had finally been decided to open a unit of IDPL in West Bengal. There was no question of rationalisation, no other consideration was taken into account. The Government of West Bengal was asked to allocate land, and they allocated 30 acres of land in the Salt Lake area. So, may I know from the Minister why it is that the Government of India decided not to have that unit in West Bengal and have said that the Hyderabad unit will do the job. Is it not a clear case of injustice to West Bengal? Are there political considerations behind it?

SHRI H. N. BAHUGUNA: At the outset I must assure the hon. Member that there is no question of political discrimination. The intention of the proposal was to set up such a unit in

West Bengal, it is admitted. The letter of intent did indicate that type of mind of the Government, but January, 1977, was the time when this type of running about between West Bengal and the Government of India was done. Perhaps, that was for political reasons than really for doing something for West Bengal. This Government, since it has come into power, has already proved by its attitude towards Haldia plants, towards mini-steel plant and towards Bengal Chemicals, that we mean business in relation to West Bengal. I can assure my hon. friends that we will do whatever is possible in regard to all the taken-over units and additional units, if necessary, to give West Bengal a leading role. So far as we are concerned, we will do our best in that direction.

**SHRI CHITTA BASU:** May I know whether he agrees with me that there is a gap between bulk drug manufactures and formulation manufactures..

**SHRI H. N. BAHUGUNA:** A great deal.

**SHRI CHITTA BASU:** If he agrees, then there is another question that follows. In West Bengal, so far as the share of West Bengal towards the country's total production in the drug and pharmaceutical industry is concerned, it was 30 per cent. It has now dropped down to 10 per cent because of the lack of supply of basic drugs. In view of this, if the hon. Minister agrees that the basic drug manufacture is an important part of the drug and pharmaceutical industry, may I know in this context whether he proposes to set up a unit in the public sector for the manufacture of basic drugs in West Bengal so that other subsidiary pharmaceutical industries can also be set up in West Bengal?

**SHRI H. N. BAHUGUNA:** I must do away with the misunderstanding or an illusion under which the hon.

Member appears to be suffering. No. bulk drug unit put up by the Government of India in any particular area is for that area. Wherever a bulk drug unit comes up, it is for the nation as a whole. When it comes up in West Bengal, if at all it does come up, it will again be for the nation as a whole. All I can assure my hon. friend is that West Bengal will not be allowed to suffer in any manner in regard to the allocation of bulk drugs, wherever there are bulk drugs, and whatever is needed to bring up the West Bengal drug and pharmaceutical industry shall be done.

**श्री राघवजी :** क्या माननीय मंत्री जी यह बताने का कष्ट करेंगे कि मध्य प्रदेश में आई० डी० पी० एल० की यूनिट...

**MR. SPEAKER:** Now, you are going out of the Question. (Interruptions.)

**श्री राघवजी :** अध्यक्ष महोदय, इस में आई० डी० पी० एल० के बारे में है। इसलिये मेरे प्रश्न की अनुमति दीजिए। मध्य प्रदेश इतना बड़ा प्रदेश है और वहाँ पर आई० डी० पी० एल० की कोई यूनिट नहीं है क्या मंत्री जी मध्य प्रदेश में आई० डी० पी० एल० का एक यूनिट खोलने पर विचार करेंगे ?

**श्री हेमवती नन्दन बहुगुणा :** मान्यवर, इस सरकार का इरादा है कि हर स्टेट में आई० डी० पी० एल० का एक फार्मूलेशन यूनिट चालू करें। मध्य प्रदेश में भी ऐसा ही इरादा है।

#### Food Articles served through vendors and stalls at stations

\*491. **PROF. P. G. MAVALANKAR:** Will the Minister of RAILWAYS be pleased to state:

(a) whether food articles including beverages, tea, coffee and ice-cream are served through vendors and stalls on all the important stations of the Railways, particularly on the Western Railway's Saurashtra region;

(b) if so, broad details thereof:

(c) whether any one of the said commodities is sold by dealers or contractors on a monopoly basis; and

(d) if so, reasons for not allowing competition and variety of choice in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes, Sir.

(b) Vegetarian, non-vegetarian meals, snacks, hot and cold beverages including ice-cream are sold from Refreshment Rooms and stalls at all important stations. In Saurashtra region there are 8 Refreshment Rooms and 300 vending contracts at the Railway Stations selling these items.

(c) No, Sir.

(d) Does not arise.

PROF. P. G. MAVALANKAR: The hon. Minister has given a neat answer for which I am grateful, but I wish he had given a detailed answer specifically to all the points that I have raised. When he says in part (b) of the answer 'at all important stations', may I know what is the criterion, according to the Railways, to decide that a particular station is important, so that it has all refreshment facilities. I ask this question because there are areas in our vast country where in terms of traffic or passengers a station will not be very important, but it may be important because it takes a long time to reach that station and if you do not get anything, it will be difficult for you to survive—without food. Therefore, my first question is this. I would like both the Ministers, Prof. Madhu Dandavate and Shri Sheo Narain, particularly Shri Sheo Narain, to come with me to Saurashtra, not in a special saloon but in an ordinary way, by First or Second Class, and then travel and find out whether the eight refreshment rooms and 300 vending contracts which

are mentioned in the answer are actually there or not. Because, these are there only on paper. Whether we get food, that is the question. I want a categorical answer to this, whether food items or at least hot coffee, tea and good bread are available in the Saurashtra region.

SHRI SHEO NARAIN: I will assure the young professor that he will get hot tea, coffee and good refreshments; I will supply him groundnuts also.

PROF. P. G. MAVALANKAR: What are the 'important' stations? How do you decide that?

SHRI SHEO NARAIN: Important stations depend on important people. (Interruptions) इम्पोर्टन्ट स्टेशन बाम्बे है कलकत्ता है मद्रास है और जहाँ पर ट्रैफिक ज्यादा होता है वे इम्पोर्टन्ट स्टेशंस हैं जहाँ तक खाने का प्रश्न है वह तो मैं रोज आप को खिलाता हूँ ।

PROF. P. G. MAVALANKAR: The Minister has replied that these refreshment facilities are available at all important stations in the country and he has mentioned ice-cream, tea, coffee, etc.. My question is whether the foodstuffs, including fruits and ice-cream of more than one variety are sold or the contract is given only to a specific contractor and a large number of areas are covered only by one monopoly contractor.

Secondly, the Minister says that there is no monopoly. Has he really taken care to see that there is no monopoly? My information is that contractors are selected on the basis of irregular procedures. Long-term, established contractors are removed and others are brought in, and then on paper there is no monopoly, but in effect, in practice, there is some kind of a monopoly. That is why I am asking whether the Railways will see to it that selection and ap-

pointment of contractors is based on certain procedures, so that a choice is available to the passengers.

**श्री शिव नारायण :** सेलेक्शन आफ प्रांसीजर का मैंने पहले बता दिया है ।

Departmental catering managed by the Railways themselves has been provided only at important stations. For departmental catering, selection is made by CS and DCS.

ये दोनों ऐजेंसियां सेलेक्शन करती हैं । उस के बाद आप क्या चाहते हैं ? यं हर जगह पर केटरिंग है; बाम्बे में है; और दूसरी जगहों पर भी है ।

**प्रो० पो० जो० मानसुंदर :** मेरा दूसरा सवाल यह था कि सारे मुल्क में आप जो कांटेक्ट देते हैं वे क्या एक ही आदमी को, दो हैं या अलग अलग किस्म के आदमियों को देते हैं ?

**श्री शिव नारायण :** कांटेक्ट देने के लिए हमने पालिसी बनायी है कि किस किस को ये कांटेक्ट देंगे । कोम्पार्टेन्ट सोसायटीज को हरिजनों को, बैकवर्ड क्लास के लोगों को और अनम्प्लाइड लोगों को ये कांटेक्ट देंगे ।

**SHRI HUKAM RAM:** I would like to know from the hon. Minister whether it is not a fact that certain persons have not only created monopolies but have taken a lot of contracts and created their own domain all along the railway lines. The land belongs to the tiller; similarly the real man must get the benefit; these contracts should be given to the actual workers there and not to the contractors who have monopolised the trade. I would like to know whether the hon. Minister is going to revise the policy about the allotment of vending contracts in consultation with the Members of Parliament.

**श्री शिव नारायण :** जो पुराने ठेकेदार हैं उन्हें भी एग्जामिन कर रहे हैं चैकिंग कर रहे हैं और न्यू पार्टीज को दे रहे हैं जैसा मैंने पहले बताया ।

**श्री हुकम चन्द कछवाय :** एक एक आदमी को 50,50 ठेके दिये हैं ।

**श्री शिव नारायण :** आप लिख कर दे दें हम देखेंगे । . . . (अवधान)

**MR. SPEAKER:** He is a new Minister, do not unduly trouble him.

**SHRI O. V. ALAGESAN:** The hon. Minister is aware that in the early fifties, many railways had monopoly contractors and with great difficulties, their business was curtailed and many of them were given lesser contracts and departmental catering was introduced on almost all the railways, as it obtained on one part of the Southern Railway. After that, the quality of the catering was very good, but recently the standards have very much fallen down and we get very poor food even on trunk routes and important mail trains. Will the hon. Minister look into this and see that the quality of railway catering is improved definitely?

**SHRI SHEO NARAIN:** I have been to Southern India myself and I found that the quality of the food served is nice. . . . (Interruptions.)

**MR. SPEAKER:** May be for you; please look into the matter.

**SHRI A. BALA PAJANOR:** The hon. Minister is misleading the House. This is not correct.

**श्री अनन्त बबे :** वैंस्टन रेलवे के रिफ्रेजमेंट रुम में कभी मंत्री महोदय ने विजिट की है ? वह सौराष्ट्र और कच्छ एरिया में कब आने वाले हैं ?

**SHRI SHEO NARAIN:** I require notice for that



**SHRI A. BALA PAJANOR:** Sir, whether we get good refreshment on trains or not, the hon. Minister is very refreshing in his answer. But, I cannot understand how the hon. Minister can say that the food supplied in the Southern region is good. I have had the unfortunate experience of coming by train this time. The meals are prepared at 7.00 O' clock in the morning and supplied at about 9.00 O' clock at Balarashah, and then supplied to the passengers at 12.00 or 13.00 hours. I wonder, how this can be very hygienic food. I am not asking for ice cream and hot coffee, as Prof. Mavalankar wanted. The people going to the extreme South have to travel in the train for two days. Will the Minister see to their difficulties and look into this matter? Has he any proposal for sudden checks as they make in other categories to see how the food is supplied to the common man, specially people going in the second class? Is there any such programme?

**MR. SPEAKER:** Please look into it.

**SHRI SHEO NARAIN:** I will examine it.

**डा० सुशीला नायर :** मैं मंत्री जी से जानना चाहती हूँ कि क्या उन्हें मालूम है कि जो खाना दिया जाता है ट्रेन्ज में उस की सफाई में बहुत कमी देखने में आती है। जो प्याला वह चाय बगैरह के लिये देते हैं उस को पाखाने के अन्दर जो वाश बेसिन लगा रहता है उसी में धोते हैं। उसी में लोग धुकेते हैं और वहीं प्वालों को धोया जाता है। और सभा सगय पर जो डिपार्टमेंटल खाना बन कर आता है उस में टिड्डियां बगैरह निकलती हैं शायद बैजोटेरियस को प्रोटीन देने की कोशिश करते हैं। परिणामस्वरूप कई लोग वह खाना खाना पसन्द नहीं करते हैं। क्या मंत्री जी सोचेंगे कि कुछ चीजें जैसे कि चीज टमाटर बगैरह की सलाद का सामान तो कम से कम रेलवे में रखा जाये जैसे पहले रखा जाता था ताकि जो लोग पूरी या

दूसरी पकी चीज नहीं खाना चाहते उन्हें कुछ ऐसी चीजें खाने को मिल सकें।

**श्री शिव नारायण :** जब से हम लोगों ने चार्ज लिया है दो नई ट्रेनें दक्षिण में खुलाई हैं जिन में कि लोगों को अच्छा खाना दिया जा रहा है। मैं डाक्टर मुशीला नायर से विशेष रूप से कहना चाहता हूँ कि वह तो डाक्टर हैं अच्छी तरह से जानती हैं अगर उन को कोई शिकायत है तो वह लिखकर भर्जें मैं उस की चेकिंग करा दूंगा।

#### **Commission of Varanasi to Gorakhpur Line into BG**

**\*492. SHRI YADVENDRA DUTT:** Will the Minister of RAILWAYS pleased to state:

(a) whether he proposes to start work on changing the metre gauge line from Varansi to Gorakhpur and Shahganj to Balia, and Jaunpur to Ghazipur, into broad gauge line; and

(b) when is it proposed to start work on changing the metre gauge railway line from Kanpur to Gorakhpur, and from Lucknow to Agra, into broad gauge railway line?

**THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):** (a) and (b). A statement is laid on the Table of the Sabha.

#### **Statement**

Conversion of Varanasi and Bhatni metre gauge line via Mau and Indara is an approved project. The metre gauge line between Bhatni and Gorakhpur forms parts of the conversion project from Barabanki to Samastipur which is already in progress.

Surveys for conversion of metre gauge lines between Mau and Shahganj, between Varanasi and Chhapra via Ghazipur and Balia sections into broad gauge have been sanctioned recently and field work will be taken up shortly. There is no proposal at present under consideration to convert the metre gauge lines between Jaunpur and Aunrihar and between Lucknow and Agra via Kanpur into

broad gauge. There is already a broad gauge line between Kanpur and Lucknow and between Lucknow and Barabanki.

**SHRI YADVENDRA DUTT:** In the statement the hon. Minister has said that there is no proposal at present under consideration to convert the metre gauge lines between Jaunpur and Aunrihar and between Lucknow and Agra via Kanpur, into broad gauge. I would like to know when this House was assured that metre gauge lines will be changed into broad gauge, why those two lines which carry heavy traffic have not been taken into consideration and if so, when do they propose to take them into consideration and convert them into broad gauge?

**PROF. MADHU DANDAVATE:** Recently, we have tried to change slightly the perspective of conversion work and new line construction work. What was happening formerly was and many members of this House and also the other House complained that nominally certain allocations have been made to various construction schemes as also conversion schemes and as a result of that, a number of schemes were given on the paper but they do not get implemented. Therefore, rather than taking up new projects and new conversion schemes, our entire stress will be to complete whatever schemes are already in hand. I may inform the House that already there are 13 pending conversion works and their route is 3500 km and the amount that we require is Rs. 300 crores and the allocation that has been made by the Planning Commission is only Rs. 25.5 crores and next year there will be Rs. 27 crores. So, with these financial constraints, rather than taking up new conversion lines, we are trying to complete those which are already in hand.

**SHRI YADVENDRA DUTT:** The hon. Minister has mentioned in his

reply certain financial constraints. May I request him that lines which carry heavy traffic, particularly, Jaunpur and Aunrihar and Lucknow-Agra via Kanpur where the question of transshipment is a very troublesome one and leads to a lot of pilferage and loss of goods—this Jaunpur-Aunrihar line is only a 26 mile line—should be looked into and I would like the Minister to see that these smaller lines which carry heavy traffic and where the question of transshipment from broad gauge to metre gauge is a complicated one, are converted into broad gauge instead of going for a long stretch which may be only over a long period.

**PROF. MADHU DANDAVATE:** I do concede that in terms of the density of traffic and problems created by transshipment, the two lines which the hon. Member has been pleading for conversion are commendable cases and we will examine it. But as I told you earlier, our emphasis is for completing those lines which are already on hand and only because of financial considerations we are not able to start them.

**SHRI HARIKESH BAHADUR:** The conversion of the line between Lucknow to Gorakhpur from metre gauge into broad gauge is very much delayed. Though it was taken up by the previous government, it has not been completed till this time and it has been considerably delayed. I would like to know from the hon. Minister whether he will try to accelerate the process or will things continue as they are?

**PROF. MADHU DANDAVATE:** The speed of our progress will depend upon the funds that are available. Therefore, I cannot make a firm commitment. But I may tell you that we are already raising the issue with the Planning Commission and if we could get a better quantum of allocation, then in that case some of

these pending cases which we are desirous of undertaking can be examined and executed effectively.

**SHRI V. ARUNACHALAM:** I would like to know from the Minister whether there is any proposal for placing any time limit to convert all the metre gauge lines into broad gauge lines and if so, will he take up the Madras Egmore-Tirunelveli metre gauge line for conversion into broad gauge?

**SHRI VAYALAR RAVI:** Also Salem-Bangalore line.

**PROF. MADHU DANDAVATE:** I may bring to your notice the fact that the question is regarding specific conversion works. He wants to generalise the problem. I may give a general answer. While the demand is Rs. 300 crores we are getting only Rs. 25 crores and on the basis of whatever is being provided, I cannot set up any time-table for the completion of the track to which he has made a reference.

**चौ० हरी राम मल्हासर गोदारा :** मैं मंत्री महोदय से यह जानना चाहता हूँ कि इस वक्त भटिंडा से सूरतगढ़ तक बड़ी लाइन बनी हुई है मगर भटिंडा से बीकानेर तक बड़ी लाइन कब तक बनाई जायेगी। यह रेलवे लाइन उत्तरी रेलवे के अन्तर्गत राजस्थान में है। इस लाइन पर सब जगह रास्ते बन्द किये हुए हैं जिस की वजह से गांव वालों को रेलव लाइन को क्रास करने में बहुत कठिनाई होती है और दुर्घटनाएँ भी बहुत होती हैं। मैं यह जानना चाहता हूँ कि ये क्रास करने के रास्ते क्यों बन्द कर रखे हैं। बीकानेर से सिंदरी के कारखाने में कच्चा माल जाता है। इसलिए भटिंडा से बीकानेर तक बड़ी लाइन का बनाना बहुत जरूरी है। इस के अलावा बीकानेर शहर में जिस की चार लाख की आबादी है रेलवे लाइन पर पुल बनाया जाना चाहिए। इसी तरह हनुमानगढ़ जंक्शन

पर भी रेलवे लाइन पर पुल बनाया जाना चाहिए। मैं यह भी कहना चाहता हूँ कि अन्नूगढ़ से फलोदी तक भी रेलवे लाइन बनाई जानी चाहिए। नहर आ जाने की वजह से वहाँ अब उत्पादन काफी बढ़ गया है लेकिन यातायात की व्यवस्था न होने की वजह से लोगों को बहुत तकलीफ का सामना करना पड़ता है। इसलिए यह जरूरी है कि यह रेलवे लाइन बनाई जाये ताकि उस पिछड़े हुए इलाके को तरक्की हो सके।

**प्रो० मधु दण्डवते :** माननीय सदस्य का सवाल बहुत महत्वपूर्ण है लेकिन चूंकि मूल प्रश्न से उस का कोई ताल्लुक नहीं है इसलिए मैं उस का जवाब देने की स्थिति में नहीं हूँ।

**श्री निर्मल चन्द्र जन :** मंत्री महोदय ने बड़ी लाइन में परिवर्तित की जाने वाली कुछ जाइनों का जिक्र किया है। मैं यह जानना चाहता हूँ कि क्या जबलपुर को कानपुर से जोड़ने वाली जबलपुर-गोंदिया रेलवे लाइन भी जो कि नैरोगेज है उस में शामिल है या नहीं।

**प्रो० मधु दण्डवते :** इस वक्त जिन स्कीमों का काम चालू है और अभी तक पूरा नहीं हुआ है मैंने उन तरह योजनाओं का जिक्र किया है। माननीय सदस्य ने जिस स्कीम की बात कही है वह इस फेहरिस्त में शामिल नहीं है।

**श्री युवराज :** क्या मंत्री महोदय ने कनवर्शन की स्कीम के सम्बन्ध में इस बात पर विचार किया है कि जहाँ कनवर्शन की बहुत आवश्यकता थी उस की तो उपेक्षा की गई और जहाँ आवश्यकता कम थी वहाँ रेलवे लाइन का कनवर्शन का काम प्रारम्भ कर दिया गया है? कटिहार बरोनी लाइन पर रोज पच्चीसों मालगाड़ियां आती जाती हैं और सामरिक दृष्टि से भी उस का

बहुत महत्व है। क्या मंत्री महोदय उस की महत्ता को दृष्टि में रखते हुए यह समझते हैं कि उस का कनवर्शन होना चाहिए ?

**प्रो० मधु दण्डवते :** जनता सरकार मार्च में बनी थी। कई ऐसी कनवर्शन की स्कीम्स थीं जो मेरे रेलवे मंत्री बनने से पहले शुरू हुई थी जो पैडिंग वर्क्स मैंने शुरू किये हैं उन्हें हम लोगों ने पैडिंग रखा है ऐसा नहीं है वे पुरानी सरकार के पैडिंग वर्क्स हैं उन्हें पुरानी सरकार ने शुरू किया था इस लिए हम उन्हें पूरा न करें ऐसी नकारात्मक भूमिका हमारी नहीं है और इसलिए हम ने उन्हें पूरा करना है।

#### **Annual production by Multinational Drug Companies**

\*493. **SHRI NATWARLAL B. PARMAR:** Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the percentage of the annual production of formulations and bulk drugs being controlled by the multinational companies in our country;

(b) whether Government have any idea to set up new drug industries only in the public sector; and

(c) if so, the steps being taken in this regard?

**THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):** (a) The total value of production of Bulk Drugs & formulations in the country during 1976-77 is estimated at Rs. 150 crores and Rs. 700 crores respectively. The value of production by the foreign firms is estimated to be Rs. 63 crores & Rs. 292 crores respectively representing 42 per cent and 41.7 per cent of the total.

(b) and (c). No, Sir. While a leadership role is assigned to the public sector, proposals received from other sectors of drug industry will also be considered on merits, keeping in mind the areas demarcated for the public sector and the Indian sector and the rest which is open to all Sectors.

**SHRI NATWARLAL B. PARMAR:** I want to know whether it has come to the notice of the Government that foreign companies are importing intermediates and bulk drug from their principals at high prices to push up their sales turnover of formulations.

What are the details in this regard and extra profits made through such imports?

**SHRI H. N. BAHUGUNA:** This is a very wide question. But, it is a fact that, in some cases, some facts have come to the notice of the Government even to the outgoing Government; the Hathi Committee had gone into that part of the question. And the Government is likely to take a decision soon in all such matters so as to remove such types of malpractices involving import of basic or intermediate drugs from the principals by these companies at exorbitant rates.

**श्री कल्याण जैन :** मैं माननीय मंत्री जी से जानना चाहूंगा कि जो दवाई बनाने वाली कम्पनियां हैं वे अपना नाम बेचती हैं बजाय दवा बेचने के एक एस्प्रो हैं जिसे एस्प्रो कम्पनी 10 पैसे में बेचती है और वही पेटेन्ट एक पैसे में दूसरी कम्पनी बेचती है तो क्या मंत्री महोदय बताएंगे कि जो हाथी कमेटी ने सिफारिश की है कि कम्पनी नहीं बिके दवा बिके उस के ऊपर सरकार क्या कर रही है ? इस के द्वारा करोड़ों और अरबों रुपया मल्टी नेशनल कम्पनियां बना रही हैं। हाथी कमेटी ने सिफारिश की है कि जैनेरिक नेम दवाइयों का होना चाहिए और उस पर सिर्फ कम्पनी ब्रांड होना चाहिए उस के बारे में सरकार क्या कर रही है ?

**श्री हेमवती नन्दन बहुगुणा :** हाथी कमेटी ने पूरे तौर पर ऐसी सिफारिश तो नहीं की है कि हर दवा का जैनेरिक नेम चले लेकिन उन्होंने ने कहा था कि कुछ दवाइयों के जैनेरिक नेम शुरू करने चाहिए। इस प्रश्न पर हाथी कमेटी के अनेक प्रश्नों के साथ

साथ फैसला आएगा। आज निर्णय करना और कहना मुश्किल है कि इस में गवर्नमेंट का क्या रख होगा। आज जो माननीय सदस्य ने प्रश्न उठाया है और हाथों कमेटी ने जो कहा है वह अत्यन्त विचारणीय विषय है और उन पर विचार होगा।

**SHRI VAYALAR RAVI:** Sir, Indeed every other matter is with the drug industry. The Hathi Committee is now a talking point. It is true that Hathi Committee has gone into more details in the working of the Indian Multi-national Companies in drugs in this country and has made various suggestions.

In this background, all the time the Minister and the former Government as also the present Government went on discussing and considering the matter. I want to know how long will the hon. Minister take to come to a final decision? And will he come before Parliament with a national policy on the drug manufacturing as well as on pricing?

**SHRI H. N. BAHUGUNA:** The decision on the Hathi Committee Report shall have to be brought before Parliament. But, if the Parliament is not in session and decision is taken, then that decision will have to be announced. But I quite agree with my hon. friend, Shri Ravi, that too much time has been taken by the previous Government. We do not want to take even half the time which the then Government has taken in deciding this matter. But, as I said earlier, I can assure Mr. Ravi that we have not lost a single day in coming to a decision in regard to the perspectives in the field of operations of various sectors of drug industries—nationals, multi-national, large and small-scale, sectors as also the pricing pattern of all basic, bulk drugs and formulations and various questions regarding generic versus brand names.

**डा० बलदेव प्रकाश :** क्या माननीय मंत्री महोदय यह बताने की कृपा करेंगे कि जो लाइफ सेविंग ड्रग्स हैं और बेसिक ड्रग्स हैं उन की कीमत चूँकि बहुत बढ़ गई है तो सरकार को जो पब्लिक सेक्टर की कंपनियाँ हैं उन में उन की कीमत कम कर के गरीब आदमियों को वह दवाएं सुलभ करने की पालिसी पर वह विचार करेंगे और उन पर जो एक्साइज ड्यूटी और सेल्स टैक्स वगैरह लगने के कारण कीमत दस पन्द्रह परसेंट और बढ़ रही है उस को कम कर के देश के अन्दर सस्ती दवाइयाँ देने का प्रबन्ध करेंगे ?

**श्री हेमवती नन्दन बहुगुणा :** दवाइयों के दाम के सम्बन्ध में भी कैसे उन के मूल्य रखे जायें या कैसे वह मूल्य निर्धारित हों यह प्रश्न भी इस वक्त सरकार के सामने विचारणीय है और उस के दूसरे पहलू हैं कि उस पर एक्साइज क्या हो आक्रांश क्या हो सेल्स टैक्स क्या हो। अनेक चीजें उस में हैं जिस में अकेले इस सरकार का ही नहीं, प्रदेशीय सरकारों का भी हाथ है तो जिस समय दवाओं के मूल्य के सम्बन्ध में हम निर्णय करेंगे उस समय इन सब प्रश्नों पर भी विचार किया जाएगा।

**डा० बलदेव प्रकाश :** निर्णय कब तक हो जाएगा ?

**श्री हेमवतीनन्दन बहुगुणा :** आशा है इसी वर्ष में होना चाहिए।

**PROF. DILIP CHAKRAVARTY:** Will the Minister be pleased to give an assurance in this House about the time-bound implementation of the recommendations of the Hathi Committee? One of the important recommendations of the Hathi Committee is to initiate public sector in the drug industry. I would like to know when the public sector is initiated in the drug industry, the workers' participation in that will be strengthened.

**SHRI H. N. BAHUGUNA:** I would merely say that the public sector is already in a dominant position in

drug industry, we are committed to further strengthen the public sector participation in drug industry. Sir, the Hathi Committee has made 262 recommendations and we have gone into them. It is our effort to see if we can decide as early as possible. Perhaps, it may be possible to do so in this very year. Sir, so far as the question regarding workers' participation is concerned it is something beyond the scope of the Hathi Committee, I for one would say although workers' participation in the management may be a laudable thing yet we have to look at it from many angles. We have to know as to how the workers' themselves look at this matter. It is a complicated matter and I cannot, at this instance, announce any policy.

#### Proposal for setting up oil refinery in Gujarat

\*494. SHRI AHMAD M. PATEL: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether there is any proposal to set up oil refinery in Gujarat State during the next Plan period;

(b) if so, the location selected; and

(c) the broad outlines thereof?

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

(a) There is no proposal presently under consideration of Government for setting up another Oil Refinery specifically in Gujarat State during the next Plan period.

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

श्री अहमद एम० पटेल : क्या स्टेट गवर्नमेंट ने आयल रिफाइनरी के सेंट-अप के लिए कोई पार्टिकुलर लोकेशन की प्रोजेक्ट भजी है ?

श्री हेमवती नन्दन बहुगुणा : मैं कह सकता हूँ कि गुजरात की सरकार बड़ी सतर्क सरकार है। आयल रिफाइनरी के संबंध में ही नहीं

बल्कि पेट्रोलियम पर आधारित जितने भी उद्योग हैं उन सब के सम्बन्ध में बराबर परामर्श कर रहा है। रिफाइनरी खास के संबंध में कोयली के एक्सपेंशन के बारे में लिखा है सात मिलियनको उस को कैपेसिटी हो सके इस तरह से एक्सपेंशन प्रोग्राम चल रहा है। गवर्नमेंट ने एक कमेटी बना दी है कि भविष्य में कहां पर रिफाइनिंग कैपेसिटी लगाई जाये और गुजरात सरकार को भी बता दिया गया है।

श्री अहमद एम० पटेल : क्या मंत्री जी कोई दूसरी आइल रिफाइनरी के लिए सोच रहे हैं या जो अभी चल रही है वही काफी है ?

श्री हेमवती नन्दन बहुगुणा : गुजरात में जो तेल मिलता है भूमि में उस के लिए कोयली काफी है। यही नहीं कोयली के लिए हम बाम्बे हाई से भी तेल लेने वाले हैं। 70 लाख टन तेल रेफाइन करना कोई साधारण रेफाइनरी नहीं है बल्कि यह देश की सबसे बड़ी रिफाइनरी बन जायेगी। इसलिए यह प्रश्न नहीं है कि तेल कितना है बाम्बे हाई का तेल रेफाइन करने के लिए गुजरात की जो लोकेशन है वह आइडियल है और इस दृष्टि से अगर जरूरत पड़ेगी तो उस पर भी विचार करेंगे।

SHRI VINODBHAI B. SHETH: In view of the availability of oil at Bombay High and drilling operations in Kandla and expanding petro-chemicals complex near Surat and Baroda and industrial peace in Gujarat and also the proximity of Persian Gulf will the Hon'ble Minister assure a refinery—out of necessity and on merit—for Gujarat to be set-up in the next Plan?

SHRI H. N. BAHUGUNA: All that the hon. Member has suggested is in national interest and therefore if and when the question of location of a refinery comes up all these factors will be borne in mind by the Committee. Right now we have no such proposal.

**श्री नबाब सिंह चौहान :** कुछ ग्रबबारों में निकना है कि मथुरा को रिफाइनरी को वहां से हटा कर इटावा पहुंचा दिया जाय क्योंकि उस के वहां रखने से ताज को खतरा है । क्या सरकार इस को इटावा पहुंचाने का इरादा रखती है ?

**SHRI H. N. BAHUGUNA:** That question does not arise but there is a lot of public debate and fear in the minds of the people about this particular question. Therefore may I inform the hon. Member that the report of the Expert Committee on Environmental Impact of Mathura Refinery was received a few days also and it is being examined. As soon as we come to a conclusion on that we will come to the House and inform the House and we may assure the House that we will see that nothing hampers or mars of jeopardises Taj in any manner.

**PROF. P. G. MAVALANKAR:** I entirely agree with the hon. Minister that this question has to be looked at the national interest; the location may be Gujarat, Assam or anywhere. In view of the fact that around Gujarat, Cambay, etc., and also in Bombay High the latest findings are that oil is coming in abundance and will be so available for many years to come, there will be need for a refinery in Gujarat or near about Gujarat. In view of this may I ask him whether proposals for an additional refinery as well as petro-chemical complex are being discussed here by the officials of the Gujarat Government? They came to Delhi on the same aircraft with me yesterday for a discussion with the Planning Commission of the Gujarat plan. Are these proposals being actively considered by this Ministry in consultation with the Planning Commission and the Gujarat Administration?

**SHRI H. N. BAHUGUNA:** The hon. Members has raised a question which is in two parts: one is whether the state government of Gujarat has

taken up any proposals regarding various types of industries connected with the Bombay High gas or petroleum. The second part is whether we are in touch with them or doing something about the whole thing. I may assure the hon. Member that we have constituted a working group for utilisation of the gas and oil from Bombay High and other regions. It is a bilateral group, that is, ministry of petroleum and chemicals, Government of India, Planning Commission and the Government of Gujarat, their representatives. The details about feasibility, possibility for future set up, etc., are being worked. The whole matter is under discussion and the working group is yet to come out with its final views about the whole matter.

**श्री उप सेन :** मैं माननीय मंत्री जी से स्पष्ट जानना चाहता हूँ—क्या मथुरा रिफाइनरी के बारे में उन के पास जो रिपोर्ट आई है उस में इटली की एक टैक्नोक्रेट कम्पनी और हिन्दुस्तान के एक प्रमुख वैज्ञानिक ने ऐसा लिखा है कि इस में सल्फर-आक्साइड निकलता है जिस से ताज के सफेद और लाल पत्थरों पर प्रभाव पड़ेगा इस लिये इस को वहां से हटा देना चाहिये । क्या यह भी उस रिपोर्ट में शामिल है ?

**SHRI H. N. BAHUGUNA:** I am not willing to disclose the contents of the report except to say, as I have said earlier that this government will not let the interest of Taj suffer in any manner.

## 288 'ब्रांच' लाइनों का विस्तार

\*495. डा० महावीर सिंह शास्त्री:  
क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मंत्रालय ने 288 ब्रांच लाइनों के विस्तार के बारे में योजना आयोग

से रिपोर्ट मांगी है; और

(ख) यदि हां, तो इस बारे में क्या कार्यवाही की गई है ?

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

(ख) प्रश्न नहीं उठता।

डा० महादीपक सिंह शास्त्री : अध्यक्ष महोदय, मैं मंत्री महोदय से जानना चाहता हूँ—इस पार्लियामेंट के प्रथम अधिवेशन से इन 288 ब्रांच लाइनों का मामला प्लानिंग कमिशन के पास चल रहा है—इस लिए प्लानिंग कमिशन से यह रिपोर्ट कब तक आ जायगी ?

प्रो० मधुदण्डवते : मूल प्रश्न में पूछा गया है कि इन 288 ब्रांच लाइनों के बारे में रेलवे मंत्रालय ने कोई रिपोर्ट मंगवाई है—मैंने उत्तर दिया है कि हम लोगों ने ऐसी रिपोर्ट नहीं मंगवाई है। लेकिन मैं आप का बतलाना चाहता हूँ कि प्लानिंग कमिशन के द्वारा जो स्टडी-ग्रुप मुकदर किया गया है, उस में रेलवे के डेवलपमेंट, कंस्ट्रक्शन और नई लाइन्ज से सम्बन्धित प्रश्नों के बारे में विचार चल रहा है। हमारी अपेक्षा है कि दिसम्बर महीने में उनकी अन्तरिम रिपोर्ट हम लोगों के पास आयेगी, उस से पता लग जायगा कि कितनी एलोकेशन रहेगी और हालत क्या रहेगी।

लेकिन उन्होंने जो जिक्र किया है 208 लाइनों का, 288 नहीं, वे जो ब्रान्च लाइनें हैं ऐसी ब्रान्च लाइनों की डेफीनीशन 1969 में इस तरह से की गई है। एक तो जो लाइन किसी भी गेज की हो, वह मैन लाइन को जोड़ी जाती है या किसी प्रकार की नेरो गेज लाइन, जहां ट्रांशिपमेंट की जरूरत होती है उस को ब्रान्च लाइन समझा जाता है। ऐसी जो ब्रान्च लाइनें हैं इनमें हमें काफी घाटा आ रहा है लेकिन वह एक अलग सवाल है।

डा० महादीपक सिंह शास्त्री : मंत्री महोदय ने 288 ब्रान्च लाइनों के बारे में अभी अपने स्टेटमेंट में कहा है कि ब्रान्च लाइनों को मैन लाइनों से मिलाने के बारे में विचार चल रहा है। एटा से टुण्डला ब्रान्च लाइन हमेशा से घाटे में चल रही है, और सन् 1971 से अब तक इस हाऊस में इस प्रश्न को लाया गया है, तो मैं माननीय मंत्री जी से जानना चाहूंगा कि क्या वे इस बात का आश्वासन देंगे कि उस लाइन को फारूखाबाद मैन ब्रान्च लाइन से मिला दिया जाएगा ?

प्रो० मधु दण्डवते : जैसा दूसरे प्रश्न के उत्तर में मैंने यह बताया था कि हम लोगों के सामने आर्थिक कठिनाई होने की वजह से, जो लाइनें हमारे हाथ में हैं चाहे न्यू लाइनें हों या कोई कन्वर्जन का काम हो, उस काम को पहले पूरा करेंगे और उस के बाद दूसरी लाइनों को लेने के बारे में विचार करेंगे।

श्री राममूर्ति : अध्यक्ष महोदय, भारतवर्ष में हजारों मील लम्बी मीटर गेज की लाइनें बिछी हुई हैं और लाखों पैसे रोज एक स्थान से दूसरी स्थान पर जाते हैं और हजारों टन माल उन से पहुंचाया जाता है। मेरा एक स्पेसीफिक प्रश्न यह है कि बजाए योजना पर लाखों रुपये का खर्च करने के, इस धन को, रोड डेवलपमेंट और ग्रामी क्षेत्रों के विकास पर क्यों नहीं लगाया जाता और मीटर गेज से ब्राड गेज में बदलने का काम क्यों नहीं बन्द किया जाता।

प्रो० मधु दण्डवते : मान्यवर, एक तरफ तो पिछड़े हुए हल्कों में नई रेलवे लाइनों को बनाने के लिए कहा जाता है और उन की मांग की जाती है और दूसरी तरफ यह कहा जाता है कि जब इस तरह की लाइनों पर घाटा होता है, तो ऐसी स्कीमों को रद्द किया जाय और उस पैसे को रोड और



रूल डेवलपमेंट पर खर्च किया जाए और उन पर ज्यादा ध्यान दिया जाए। इन दोनों विचारों को ध्यान में रख कर हम फैसला लेंगे।

**श्री ओम प्रकाश त्यागी :** नई लाइनों के बिछाने या ब्रान्च लाइनों को मैन लाइनों से जोड़ने के लिए आप ने कौन सा क्राइटीरिया निश्चय किया है जिस की बेसिस पर आप यह निश्चय करते हैं कि यहां नई लाइन बननी चाहिए या केवल घाटे का प्रश्न ही आप के सामने है। कोई और क्राइटीरिया भी आप ने बना रखा है ?

**प्रो० मधु बच्छते :** अगर रेलवे लाइन पिछड़े हल्कों में बननी हैं तो वहां कम से कम ट्रैपिक की अच्छी डेसिटी तो होनी चाहिए। यातायात की सुविधाएं बढ़ाने के लिए और ज्यादा लाइनें बिछाने के लिए तभी विचार किया जा सकता है जब रिटन ज्यादा मिल सकत हो। मैं माननीय सदस्य की जानकारी के लिए बताना चाहता हूं कि 1972-73 से 1975-76 तक हमारी कितनी ब्रान्च लाइनें थीं और उन पर कितना घाटा हुआ है :—

सन	ब्रान्च लाइनें	घाटा करोड़ रुपये
1972-73	127	11.39
1973-74	139	19.90
1974-75	142	26.14
1975-76	132	25.75

इन सब बातों को ध्यान में रख कर हम कोई फैसला लेंगे।

**SHRI R. V. SWAMINATHAN:** Before opening more branch lines, will the minister tell us how many accidents are taking place per day on the railways and whether he will try to minimise the accidents?

**MR. SPEAKER:** How does it arise out of this?

**PROF. MADHU DANDAVATE:** I would reply to it on an appropriate occasion when there is a question on railways.

**MR. SPEAKER:** The Question Hour is over.

**SOME HON. MEMBERS:** Still there are two minutes.

**SHRI D. B. CHANDRE GOWDA:** The next question can be taken up.

**MR. SPEAKER:** No, there is no time for answering it.

## WRITTEN ANSWERS TO QUESTIONS

### Production of Industrial Alcohol

\*496. **SHRI D. B. CHANDRE GOWDA:** Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) what is the annual production of industrial alcohol in the country and what are the names of the companies/States who are its major producers;

(b) what are the names of the industries which are its main consumers; and

(c) what steps are being taken to increase production of industrial alcohol in the country?

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

(a) The production of alcohol in the country in the last few years has been as follows:

Year	Quantity in Million Litres
1974-75 .	387.00
1975-76 .	408.19
1976-77 .	445.23
1977-78 (Estimated) .	489.45

The major producing States are U.P. Maharashtra, Tamil Nadu, Karnataka, Bihar and Haryana. A list of 71 distilleries producing industrial alcohol in the organised sector is laid on the Table of the House. [Placed in Library. See No. LT—1433/77]

(b) The main industries using alcohol are synthetic rubber, polyethylene styrene, PVC, acetic acid, acetic anhydride, ethyl-acetate and 2-ethyl hexanol.

(c) Government has taken several steps to increase the production of industrial alcohol. Out of a price of Rs. 60 per tonne of molasses, an amount of Rs. 20 per tonne is required to be funded separately by the sugar factories for construction of adequate storage facilities for molasses, the raw material for the distillation of alcohol. Khandsari molasses have been brought under the purview of the Central Molasses Control Order so that the same may be used for distillation. Increase in the price of alcohol was allowed in 1975 based on the cost study carried out by the Tariff Commission to bring the price of 3087 LS—2.

alcohol at a fair level. The Central Molasses Board reviews the production of alcohol and molasses from time to time and makes necessary recommendations to Government to step up its production.

### अपूर्ण उपरि पुल

\* 497. श्री गोविन्दराम मिरी : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) जयराम नगर, बरदवार आदि जैसे अनेक रेल स्टेशनों पर अपूर्ण उपरि पुलों को अब तक पूरा न किये जाने के क्या कारण हैं; और

(ख) क्या वर्तमान सरकार उन्हें पूरा करेगी, यदि हाँ, तो कब तक ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) सभी रेलवे स्टेशनों पर, जिनमें जयराम नगर और बारादार रेलवे स्टेशन भी शामिल हैं, हाल ही में स्वीकृत किये गये और बनाये जा रहे ऊपरी पैदल पुलों को छोड़ कर कोई भी ऊपरी पैदल पुल ऐसा नहीं है जो अधूरा पड़ा हो।

(ख) प्रश्न नहीं उठता।

पी० एण्ड डी० डिवाजन का फेक्ट इंजीनियरिंग एण्ड डिजाइन आर्गेनाइजेशन में बिलय

\* 498. श्री रामानन्द तिवारी : क्या पेट्रोलियम तथा रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या वर्तमान पी० एण्ड डी० डिवाजन को फेक्ट इंजीनियरिंग एण्ड डिजाइन आर्गेनाइजेशन के साथ मिला कर एक पृथक

कम्पनी जिसका प्रधान कार्यालय [दिल्ली में होगा, बनाने के बारे में एक प्रस्ताव है; और

(ख) यदि हां, तो पी० एण्ड डी० डिबिजन जैसे सुस्थापित संस्थान को सिन्दरी से दिल्ली स्थानान्तरित करके व्यर्थ व्यय उठाने का क्या औचित्य है ?

**पेट्रोसियम तथा रसायन और उर्वरक मंत्रालय में राज्य मंत्री (श्री जनेश्वर मिश्र) :** (क) जी, नहीं, फर्टिलाइजर कारपोरेशन आफ इण्डिया के योजना और विकास प्रभाग को एक अलग इंजीनियरिंग कम्पनी के रूप में स्थापित करने और उसका मुख्यालय सिन्दरी में रखने के प्रस्ताव की सक्रिय रूप से जांच की जा रही है। इस प्रस्ताव में एक० सी० आई० के पी० एण्ड डी० और फेक्ट के फीडो को मिलाने की कोई परिकल्पना नहीं की गई है।

(ख) प्रश्न नहीं उठता।

#### **Compendium of rules under the companies (Amendment) Act, 1974**

**\*499. SHRI K. RAMAMURTHY:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) when the compendium of rules under the Companies (Amendment) Act, 1974, as has been done in the case of Companies Act 1956, will be published; and

(b) the reasons for the inordinate delay in publishing such a compendium?

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

The Compendium of Rules under the Companies Act, 1956, already published, includes the necessary compendium in respect of the amendments brought into force by the Companies (Amendment) Act, 1974. Therefore, the question of publishing another separate Compendium does not arise.

(b) Does not arise.

#### **Concession in goods traffic by Railways**

**\*500. SHRIMATI PARVATHI KRISHNAN:**

**SHRI P. K. KODIYAN:**

Will the Minister of RAILWAYS be pleased to state:

(a) whether the big industrial houses have been given concessions in goods traffic by Railways; and

(b) if so, what is the criterion of allowing such concessions to the big industrial houses and the loss incurred by the Railways on this account during the last three years?

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

(b) Does not arise.

#### **Transfer of Posts from South Central Railway to Central Railway**

**\*501. SHRI HUKAM CHAND KACHWAI:** Will the Minister of RAILWAYS be please to state:

(a) the total number of South Central Railway Employees category-wise opted for Central Railway consequent upon transfer of posts to that Railway at the event of merger of Sholapur Division with Central Railway with effect from the 2nd October, 1977;

(b) the total number of optees considered for transfer to Central Railway; and

(c) in case of the employees opted for Central Railway, whether the provision of Railway Quarters is made to these employees?

**THE MINISTER OF RAILWAYS**  
(PROF. MADHU DANDAVATE  
(a) and (b). As a result of discussions held with the representatives of staff it has been decided that fresh option should be given to the staff of Shahbad-Wadi-Raichur-Section for transfer to Secunderabad BG as well as MG Division of South Central Railway besides to Sholapur Division of Central Railway and Guntakal Division of South Central Railway. This option is to be exercised upto 31st December 1977. It is, therefore, only after this date that the total number of optees from South Central Railway to Central Railway would be known. Till then all the transfers in this connection have been pending.

(c) Allotment of quarters is determined on the basis of priority groups and date of registration. The same facilities as are enjoyed by their counterparts on the Central Railway, will be open to these optees.

#### **Releasing of canalised raw materials and bulk drugs to small scale units**

\*502. SHRI NARENDRA P. NATH-WANI: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) what is the policy of Government for allowing releases of canalised raw materials and bulk drugs to small scale units, medium scale and large-scale units;

(b) whether it is a fact that small-scale units are not allowed release of Methyl Dopa whereas organised sector companies like IDPL and Merck Sharp Dhorne have been allowed to monopolise in this line; and

(c) what are the basis for disallowing release of Methyl Dopa to new small scale units?

**THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):** (a) The Ministry of Chemicals and Fertilizers in their circular letter dated the 29th October, 1977 have laid down the policy about the release of canalised raw material to the small-scale units and the organised sector units, which covers both medium-scale and large-scale units. This policy relates to the release of canalised raw material for 1977-78. The details are as follows:—

#### **SMALL SCALE UNITS**

(a) The overall additional requirement for 1977-78 and 1978-79 shall not exceed 100 per cent of the 1976-77 allocations of canalised bulk drugs.

(b) Release will be made on a monthly or quarterly basis.

(c) New units in the small-scale sector will be registered on produc-

tion of a photostat copy of the drug manufacturing licence issued to them by the concerned State Drug Controller and a certificate from their Bank or the State or Central financing institution which finances them, to the effect that their production plans as filed with them, warrant the quantity of material asked for.

(d) The units seeking releases will have to give a certificate to the canalising agency that the raw materials are required for captive consumption in their own production.

(e) At the end of the year, the units will furnish a certificate from a Chartered Accountant to the effect that the material has actually been consumed in their own unit for production of formulations.

#### D.G.T.D. UNITS:

In respect of their requirements for 1977-78, D.G.T.D. Units will be released raw materials on the basis of their 1976-77 releases of individual items or entitlement as per licensed capacity for formulations, whichever is higher. The policy for 1978-79 will be announced later.

The above policy will however not be applicable to the releases of L-Base, Streptomycin, Amidopyrine, Doxycycline and Gentamycin, which will be regulated separately.

(b) Upto 1976-77 releases of Methyl Dopa were being made to both units in the Organised Sector as well as Small Scale Sector after taking into account the status of the company, its plans to manufacture complicated and sophisticated drugs and its capabilities to produce Methyl Dopa Tablets. With effect from, 1977-78, however this restriction has been removed and even new units in Small Scale Sector have been allowed release of a minimum quantity of 25 kgs. Future releases of Methyl Dopa to various units would be governed by the policy indicated in reply to (a) above.

(c) Does not arise.

#### Rise in Assets of big Industrial Houses

\*503. SHRI L. L. KAPOOR: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government are aware that there has been rise in assets of big industrial houses in the country during the last 5 years;

(b) if so, the value of assets year-wise during the last 5 years of twenty big industrial houses in India; and

(c) what steps are being taken to curb the growth of industrial houses in the country and whether they will be at all curbed?

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

(b) The following table shows the value of assets for the years 1972 to 1975 of the top 20 large industrial houses as per registrations under Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 as on 30-9-77 and ranked according to the value of assets in 1975. The corresponding information for the year 1976 has not become available.

Sl. No.	Name of the Industrial House	Assets (Rs. in Crores)			
		1972	1973	1974	1975
1	Tata . . . . .	634.84	667.22	774.71	909.68
2	Birla . . . . .	572.17	627.00	721.90	858.81
3	Mafatlal* . . . . .	183.74	224.56	232.98	244.23
4	J. K. Singhania . . . . .	121.45	147.01	186.36	209.56
5	Thapar . . . . .	136.16	150.11	167.56	197.90
6	Scindia . . . . .	107.73	133.93	151.33	183.05
7	I.C.I. . . . .	135.21	143.30	160.92	178.34
8	Shri Ram . . . . .	120.77	126.28	144.57	166.16
9	A.C.C. . . . .	134.36	139.90	140.96	160.05
10	Bangur@ . . . . .	118.87	124.13	149.52	158.63
11	Kirloskar . . . . .	97.93	105.45	128.07	148.65
12	Larsen & Toubro . . . . .	79.03	93.68	119.35	137.69
13	Walchand . . . . .	99.47	116.35	121.85	126.78
14	Khatau (Bombay)@@ . . . . .	63.77	67.97	107.98	119.63
15	I.T.C. . . . .	74.75	81.01	99.88	116.80
16	Macneill & Magor** . . . . .	106.21	119.64	113.57	114.40
17	Mahindra & Mahindra . . . . .	58.49	64.51	98.10	114.08
18	Sarabhai . . . . .	85.35	87.68	105.21	111.13
19	Kasturbhai Lalbhai . . . . .	78.61	86.38	100.55	108.16
20	T.V.S. Ivengar . . . . .	50.32	69.35	94.26	102.04
Total . . . . .		3059.23	3375.46	3919.63	4465.17

Note: \*First B/S of one company viz. M.G. Consultancy Services Ltd. is for the year 1975-76.

\*\*Assets for the year 1973 in respect of one company viz. J. Thomas & Co. Pvt. Ltd. have been repeated in the year 1974. Does not include the assets of Binny Ltd. (for the years 1974 & 1975) as it is no longer interconnected with this group.

@ Assets for the year 1974 in respect of one company viz. Shreenivas Trading Corpn. Ltd. have been repeated in the year 1975.

@@ Assets for the year 1974 in respect of four companies viz. (i) Keming Tools Pvt. Ltd. (ii) Mani Traders Pvt. Ltd. (iii) Phoenix Distributors Pvt. Ltd. and (iv) Precision Printers Pvt. Ltd. have been repeated in the year 1975.

(c) Attention of the Hon. Member is invited to the provisions of Chapter III and IV of the Monopolies and Restrictive Trade Practices Act, 1969, which relate to prevention of concentration of economic power to the common detriment and prohibition of monopolistic and restrictive trade practices. Statutory Annual Reports pertaining to the execution of these provisions are being laid on the Table of the House from time to time. A high Powered Expert Committee, which was set up by the Government recently, is undertaking, *inter alia*, a comprehensive review of the MRTP Act with a view to recommending changes which may be required to be made in the procedures, administration and operation of the said Act.

#### Proposal for Limiting price control to Essential Bulk Drugs

\*504. SHRI OM PRAKASH TYAGI: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government are considering a proposal for limiting the price control to a few essential bulk drugs used for essential formulations; and

(b) If so, the main features regarding the policy of the Government in this regard?

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

(a) and (b). The future policy on the Drugs Industry which includes *inter alia* the policy relating to price control of essential Bulk Drugs is being actively considered in the context of the Hathi Committee recommendations and a decision thereon is expected to be taken soon.

#### पिछड़े क्षेत्रों में नई गाड़ियां चलाने की प्राथमिकता

\*505. श्री एस० एस० सोमानी : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार देश में पिछड़े

क्षेत्रों में नई रेल सेवाएं उपलब्ध करने को प्राथमिकता देने के प्रस्ताव पर विचार कर रही है;

(ख) यदि हां तो सरकार का इस योजना को किन किन राज्यों में कार्यान्वित करने का विचार है; और

(ग) क्या सरकार ऐसे प्रयास कर रही है कि रेल सेवाओं के उपयोग के लिये गैर-सरकारी क्षेत्र भी पिछड़े क्षेत्रों में उद्योगों की स्थापना करें ?

रेल मंत्री (प्रो० मधु दंडवते): (क) से (ग). वर्ष 1978-79 के दौरान नयी गाड़ियां चलाने की योजनाओं को अभी अन्तिम रूप नहीं दिया गया है। इन योजनाओं को बनाने समय अतिरिक्त सवारी गाड़ियों के लिए यातायात के औचित्य तथा अपेक्षित संसाधनों की उपलब्धता को दृष्टि में रख कर विभिन्न क्षेत्रों की आवश्यकताओं पर विचार किया जायेगा।

#### Fraud on the Sick

\*506. SHRI ANANT DAVE: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether his attention has been invited to the news item which appeared in the Weekly Blitz dated the 19th November, 1977 under the heading 'Fraud on the Sick' to the effect that the multi-crore pharmaceutical industry will be allowed to fleece the sick of country for a few months more; and

(b) the reaction of Government thereto?

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

(b) The Hathi Committee have made various recommendations some

of which concern the regulation of the activities of foreign drug companies. Immediately on assumption of Office in March, 1977, a fresh directive was issued for the most expeditious examination of various recommendations made by the Hathi Committee keeping in view the large number of representations received from the drug manufacturers and other related associations as well as individual manufacturers on the role of the various sectors, licensing and pricing policy etc. A series of discussions were held with the following drug manufacturers' and other associations:

(i) Organisation of Pharmaceutical Producers of India (OPPI).

(ii) All India Manufacturers' Association (AIMO).

(iii) Indian Pharmaceuticals Manufacturers Associations (IPMA):

(iv) Indian Drugs Manufacturers Association (IDMA).

(v) Pharmaceuticals and Allied Manufacturers Association (PAMDAL).

(vi) Indian Medical Association (IMA) and

(vii) All Indian Chemists and Druggists Association.

A series of inter-Ministerial meetings were also held subsequently to review all points of view.

A special meeting of the Consultative Committee of the Ministry of Chemicals and Fertilizers was convened exclusively on 5-11-77 to discuss in depth the recommendations of the Hathi Committee.

All the suggestions and view points emanating from various sources have been before the Government. It would thus be seen that a very elaborate report containing scores of complicated recommendations with infinite ramifications on the entire gamut of the Drug Industry in India on which

a decision could not be taken by the Predecessor Government had to be processed and the final decisions are likely to be taken very soon.

### **Illegible Reservation Lists**

\*507. SHRI LALJI BHAI: Will the Minister of RAILWAYS be pleased to state:

(a) whether railway passengers experience great difficulty in locating their reservations in the reservation lists displayed at various places because the list is not written legibly; and

(b) if so, the action being taken by Government to remove this difficulty?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) A few complaints of this nature have come to the notice of the Railway Administration.

(b) At important stations, type-written reservation charts are displayed. A system of preparing these charts on special typewriters with bold type letters has already been introduced at certain important stations. This has proved very useful and convenient to the passengers.

At other stations, where number of reservations done is not heavy, endeavours are made to display neat and clean reservation charts prepared in good and legible hand. Frequent surprise checks are carried out to ensure compliance and immediate action is taken in the event of any laxity.

### **Conversion of basic drugs into formulations and Tablets**

\*508. SHRI G. Y. KRISHNAN: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:



(a) whether Government have decided on experimental basis to step up conversion of basic drugs into formulations and tablets;

(b) what is the extent of increase in capacity for stepping up the conversion of basic drugs into formulations proposed for the IDPL and by what time this increase in capacity and full utilisation thereof is likely to be achieved or has been achieved; and

(c) whether it has been brought to the notice of the Government that private drug companies, mostly foreign owned ones, have been indulging in exploitation and profiteering in the absence of effective competition from State-owned agencies?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) Government are giving all encouragement to public sector, Indian sector and small-scale sector units to step-up production of formulations. Public sector units would endeavour to consume 60 per cent of their production of bulk drugs for conversion into formulation. The Indian sector units are being given licences for production of formulations to the extent of 10 times the value of bulk drugs produced by them. A liberal distribution policy for canalised bulk drugs for small-scale sector has been announced in October, 1977. All these measures are expected to result in stepping up of formulation production in the country.

(b) IDPL sold Rs. 38.10 crores worth formulations in 1976-77. Government have approved the establishment of their own formulation projects of IDPL at Gurgaon and Madras, which are expected to be operative by late 1978. Government have also approved the establishment of a joint sector formulation unit at Lucknow in which IDPL and The Predhisha Industrial and Investment Cor-

poration of Uttar Pradesh are participating. This project is expected to be operative by middle 1979. These projects will increase the turnover of IDPL formulation by Rs. 41 crores, when full capacities are achieved.

(c) Government are aware that drug manufacturing units are producing formulations in excess of their approved capacities. But it is expected that with the increase in the formulation activities of public sector firms, apprehensions of exploitation by private drug companies will diminish.

As regards profiteering, prices of bulk drugs (excluding cases where declared prices are applicable) and formulations produced by the foreign drug companies are fixed under the Drugs (Prices Control) Order, 1970, whereunder they are only allowed to sell them at fair prices. However, the question of reviewing the prices of bulk drugs which are based on declared prices, is under consideration.

#### Allotment of Berths

4567. SHRI PUNDALIK HARI DANWE: Will the Minister of RAILWAYS be pleased to state:

(a) who are entitled to avail the privilege of allotment of berths from the H.O.R. Quota earmarked for Divisions and Headquarter Offices;

(b) whether Railway Officers, their relations and friends are also entitled to avail this facility;

(c) whether Government are aware that this facility is being misused by officers controlling this Quota on Allahabad, Moradabad, New Delhi and Bikaner Divisions of the Northern Railway and they generally allot berths to relations and friends of their colleagues; and

(d) if so, the number of such berths allotted on Divisions mentioned above and what preventive steps are being taken to stop misuse of H.O.R. Quota?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). This quota is meant for use of the Central/State Ministers and high officials entitled to requisition rail accommodation on "High Official Requisition". When this quota is not utilised by those entitled to it, Members of Parliament, Foreign Tourists, Press correspondents, Government officials travelling on duty and other compassionate cases i.e. those travelling in connection with death, serious illness etc. are accommodated against the unutilised quota.

(c) and (d). The utilisation of this quota is kept under constant supervision to ensure proper use.

#### Price rise in Oil by Iran

4568. SHRI PARMANAND GOVINDJIWALA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) how many tons of crude is imported from Iran;

(b) what will be effect of the declaration of Shah of Iran to the effect "It is necessary to revise the price of oil despite Riyadh's objection"; and

(c) has the Government formulated any plan to meet the requirement of India in spite of the threatened price rise in oil by Shah of Iran?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) The import of crude oil from Iran during 1977 would be of the order of 6 million tonnes.

(b) Any comment on this is premature in view of the fact that OPEC Nations have yet to finalise their views on oil prices.

(c) Does not arise.

#### Hindi terminology of Railway Administration

4569. SHRI R. K. MHALGI: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Government have received a representation dated the 26th September, 1977 regarding Hindi terminology of Railway administration suggesting various Hindi words for English ones; and

(b) if so, what action have Government taken or propose to take and when?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes Sir, a letter was received.

(b) The terminology suggested in the said letter has been examined by the Railway Ministry and found to be difficult to understand and not in vogue. It has, therefore, been decided not to adopt it on Railways.

#### Assistance for Establishment of Drug Research Units

4570. DR. LAXMI NARAYAN PANDEYA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government have any scheme to give assistance to indigenous producers of drugs for the establishment of drug research units; and

(b) if so, the details of the scheme?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). No Special Scheme of assistance to indigenous producers of drugs for the establishment of drug research units is operative. However, the import facilities available to industrial

units for Development and Research facilities are indicated in paras 144 to 163 of the Import Trade Control Policy (Vol. I) for 1977-78. As an incentive to establish drug research facilities, the Hathi Committee in their recommendation about the future pricing policy for formulations have suggested a higher ceiling on return for drug manufacturing units engaged in approved research and development work. This recommendation, along with other recommendations, is under consideration of the Government.

#### **Cycle Stand contract at Allahabad**

4571. SHRI SHIV SAMPATI RAM: Will the Minister of RAILWAYS be pleased to state:

(a) whether tenders were/are required to submit an attested copy of latest Income-tax Clearance Certificate and in the absence of this their tenders were/are liable to be rejected outright;

(b) whether it is a fact that the Divisional Superintendent, Northern Railway, Allahabad, violated terms and conditions of tender and accepted an invalid tender for cycle stand contract at Allahabad with effect from 1st September, 1977 though the same was not accompanied with a latest Income-tax Clearance Certificate;

(c) whether Divisional Superintendents have been vested with arbitrary powers to act in specific violation of the terms and conditions advertised; and

(d) if not, under what circumstances the relaxation in production of latest income tax clearance certificate was granted to the successful tenderer and accepted with effect from 1st September, 1977 for cycle stand contract at Allahabad?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (d). In terms of instructions to Tenderers, only a

certified copy of the Income Tax clearance certificate is required to be submitted. There is no mention of the word "latest;" in these instructions.

The successful tenderer had submitted valid Income Tax Certificate as per instructions. As such there was no violation of the terms and conditions of the tender.

#### **Representation for Introduction of a Train between Dhanbad and Sindri**

4572. SHRI A. K. ROY: Will the Minister of RAILWAYS be pleased to state:

(a) whether the representation dated 16th October, 1977 by Divisional Secretary, Divisional Railway Employees' Co-ordination Committee, Eastern Railway, Dhanbad regarding introduction of new Branch line passenger train between Dhanbad and Sindri via Prodhankhanta, has been received; and

(b) if so, the action taken by the Government to redress the long-standing troubles of the people of this vast area of villages and industrial complex?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) Introduction of passenger trains to Sindri via Pradhan Khunta would involve provision of passage for these trains from Pradhan-Khunta to Sindri and provision of a new passenger terminal at Sindri for which space is not available. In view of the availability of efficient road services there appears no difficulty for passengers to travel to Sindri. Hence the proposed introduction of passenger services from Dhanbad to Sindri is not considered economically justified.

**Survey to explore Oil and Gas in the Waters of Kolodyne River, Mizoram**

4573. DR. R. ROTHUAMA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state in view of the high content of the Natural Gas and Oil in the water of Kolodyne River (its water strongly smells gas and oil) in Southern Mizoram whether the Government will initiate to undertake official survey to explore the oil and natural gas potentials of the river?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): Necessary information is being collected and will be laid on the Table of the Sabha.

**New Companies registered during 1975-76 and 1976-77**

4574. SHRI SUKHENDRA SINGH: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state the number of new companies in the private and public sector which have been registered under the Companies Act during 1975-76 and so far during 1976-77?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): During 1975-76, 75 new companies in the public sector, i.e. Government companies and 2937 new companies in the private sector, i.e. non-Government companies were registered under the Companies Act, 1956. In 1976-77, 54 new Government companies and 2645 new non-Government companies were registered.

**Short Supply of Brand Names of Drugs**

4575. SHRI GOVINDA MUNDA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) which brand names of drugs are in short supply in the country;

(b) what is the policy in respect of giving canalised items to small scale sector and organised sector; and

(c) what was the excess production of bulk drugs used for captive consumption formulations detected during the last three years and what steps Government have taken or propose to take to safeguard the laws of the land which are being flouted by multinational drug manufacturing concerns?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) Occasional shortage of some medicines with brand names are reported from different parts of the country. These reports vary from time to time. However, in most cases equivalent products and generally available.

(b) The requisite information is furnished in reply to Part (a) of Lok Sabha Starred Question No. 502 for 20-12-1977.

(c) A Statement indicating the name of the foreign firms which have exceeded their licensed capacities of bulk drugs has already been furnished in reply to parts (a) & (b) of Lok Sabha Unstarred Question No. 3667 answered on 13-12-1977. The Hathi Committee have inter alia, made various recommendations in regard to regulating the excess production of bulk Drugs and formulations by foreign drug companies. These are under the active consideration of Government.

**Posts earmarked for Promotion for SC and ST**

4576. SHRI K. PRADHANI: Will the Minister of RAILWAYS be pleased to state:

(a) the number of posts earmarked as reserved quota posts for promotion of employees belonging to the Scheduled Castes and Scheduled Tribes in each grade and category during the last two years, zone-wise;

(b) whether the quota reserved for the Scheduled Castes and Scheduled Tribes was fully subscribed; and

(c) if not, what are the reasons therefor?

THE MINISTER OF STATE IN THE  
SHEO NARAIN): (a) The information  
services are concerned:

MINISTRY OF RAILWAYS (SHRI  
is as follows so far as non-gazetted

Railway	1975-76				1976-77			
	Class III		Class IV		Class III		Class IV	
	SC	ST	SC	ST	SC	ST	SC	ST
Central	606	431	252	202	1205	981	278	266
Eastern	960	648	1128	1300	526	298	380	280
Northern	391	1376	182	321	984	725	401	227
North Eastern	220	125	55	33	519	277	222	135
Northeast Frontier	85	63	54	21	741	491	423	256
Southern	753	521	379	372	1158	852	549	366
South Central	365	333	239	300	507	361	315	283
South Eastern	438	229	102	100	1260	738	363	238
Western	624	334	424	270	800	435	314	164

In regard to Gazetted services, the information is being collected and will be laid on the Table of the Sabha.

(b) No.

(c) The quota could not be filled due to non-availability of suitable employees.

#### Upgrading Post of X-Ray Technician at Amritsar

4577. SHRI PHOOL CHAND VERMA: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Medical Department, Northern Railway is interested in upgrading the post of X-ray Technician at Amritsar in Ferozepur Division and downgrading the post at Lalgah Hospital at Bikaner Division although there is no appreciable change in the quantum and quality of work at the two places if so, why is Medical Department interested;

(b) if not, why there should be change of grade at two places Amritsar and Bikaner Divisions;

(c) has no decision been taken by the Medical Department of Northern Railway on the representations of the Lower Scales X-Ray Technicians in the Ferozepur Division;

(d) if so, the reasons for delay; and

(e) if not, then why Railway Medical Department is avoiding the Railway Board Policy vide N.R. Serial No. 3188 of 10/85 Note (1) Below Letter No. 940/E/O-III (EIV) of 10/85?

THE MINISTER OF STATE IN THE  
MINISTRY OF RAILWAYS (SHRI  
SHEO NARAIN): (a) to (c). The post of Radiographer (X-Ray Technician) grade Rs. 330-560 (RS) which was sanctioned for Bikaner Division was transferred along with the incumbent to Amritsar and the post of X-Ray Technician in the lower grade at Amritsar was transferred to Bikaner

along with the incumbent on the recommendations of the Vigilance Organisation of Northern Railway.

(d) and (e). Information is being collected and will be laid on the Table of the Sabha.

**Railway Terminal Station at Brar Square in Delhi Cantt.**

4578. SHRI MUKHTIAR SINGH MALIK: Will the Minister of RAILWAYS be pleased to state:

(a) whether there is any proposal to construct a Third Railway Terminal station at Brar Square in Delhi Cantt. to mitigate the difficulties faced by lakhs of residents of West Delhi colonies such as Janakpuri, Tilak Nagar, Rajouri Garden, Naraina, Hari Nagar etc.; and

(b) if so, when is the final decision likely to be taken?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) No.

(b) Does not arise.

**Licences issued to M/s. Hindustan Antibiotics Limited, Pimpri and Smith Stanistreet**

4579. SHRI SURENDRA BIKRAM: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the industrial licences, import licences, allocations of canalised raw materials given to M/s. H.A.L. Pimpri and Smith Stanistreet during the last three years;

(b) the present production of Hindustan Antibiotics Ltd., item-wise, capacity-wise and how Government would like them to achieve approved targets in the interest of production; and

(c) is it a fact that some political motivated actions have been taken in the management of Hindustan Antibiotics Limited which has affected its production, if so, details of the same?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) The details of Industrial Licences, allocation of canalised raw materials granted to M/s. Smith, Stanistreet & Co. Ltd. during the last three years are indicated in the attached statement.

No Industrial Licence was granted to M/s. H. A. L. during the last three years (Period 1-1-1975 to date).

The details of allocation of canalised raw materials (for HAL only) and import licences granted to them during the last three years are being collected and will be laid on the Table of the House.

(b) The production of Bulk Drugs by HAL during the years 1974-75, 1975-76 and 1976-77 is indicated below:

Item	Unit	Production		
		74-75	75-76	76-77
Penicillin . . . . .	MMU	62.83	64.78	74.00
Streptomycin . . . . .	Kgs.	86370	61789	85948
Vitamin C . . . . .	Kgs.	618.0	3943	1291
Ampicillin . . . . .	Kgs.	195	439	760

In order to improve efficiencies and to achieve the approved capacities of HAL, Government have allowed the introduction of better strains and technologies for the production of Penicillin and Streptomycin. Govern-

ment have also agreed to the utilization of assistance offered by M/s. Roche Products Limited for the rehabilitation of HAL's Vitamin C Plant.

(c) No, Sir.

#### Statement

*Industrial Licences issued to M/s. Smith Stanistreet & Co. Ltd., Calcutta during the last three years.*

Industrial Licence No.	Items of manufacture	Unit	Capacity (annual)
1. CIL : 29 (77) dt. 27-1-77	1. Tablet Chloroquin 250 mg.	Million	40.00
	2. Tablet Methyl Dopa BP/USP 250 mg.	"	10.00
	3. Tablet Frusemide BP 40 mg.	"	12.00
	4. Tablet Cobastan-6 (B <sub>1</sub> , B <sub>6</sub> , B <sub>12</sub> & Niacinamide)	"	10.00
	5. Tablet Cobastan-6 Forte (B <sub>1</sub> , B <sub>6</sub> , B <sub>12</sub> )	"	10.00
	6. Indomethacin BP 25 mg. Capsules	"	20.00
2. CIL : 49 (77) dt. 5-2-77	A. Capsules		
	1. Oxytetracycline IP 250 mg.	Million	10.00
	2. Tetracycline IP 250 mg.	"	3.00
	3. Chloramphenicol IP 250 mg.	"	4.00
	4. Chloramphenicol IP 125 mg.	"	4.00
	5. Ampicillin N.F.I II 250 mg.	"	4.00
	6. Doxycycline BP 100 mg.	"	4.00
	7. Cloxacillin BP. 250 mg.	"	5.00
	8. Streptomycin with Chloramphenicol 125 mg. each	"	6.00
	B. Tablets		
	1. Tetracycline 500 mg.	"	1.00
	2. Lactoflora (Lactobacillus—100 million spores)	"	50.00
	3. Polyvitamin, Therapeutic NFI II	"	30.00
	4. Vitamin B-Complex with Vitamin C and Folic Acid, Therapeutic N.F.I. II.	"	30.00
	5. Analgin U.S.S.R.	"	50.00

Industrial Licence No.	Items of manufacture	Unit	Capacity (annual)
	6. Erythromycin Stearate USP 250 mg.	Million	5'00
	7. Tolbutamide I.P. 500 mg.	"	7'00
	8. Griseofulvin UPS 125 mg.	"	7'00
	<i>C. Oral Suspension</i>		
	1. Tetracycline Suspension 125 mg. per 5 ml.	Litres	10000
	2. Tetracycline Drops 100 mg. per ml—5 ml.	"	1000
	3. Chloramphenicol Ester Syrup 10 mg. per 5 ml.	"	5000
	<i>D. Injectables</i>		
	1. Erythrolate I. M. 50 mg. per ml (Erythromycin Propionate) Intra-muscular 2 ml ampoules	Million	1'20
	2. Analgin intra-muscular 2 ml. ampoules	"	3'00
	3. Analgin intra-muscular 30 ml. vials	"	1'00
	4. Oxytetracycline intra-muscular 50 mg. per ml.—2 ml. ampoules	"	2'00
	5. Oxytetracycline intera-muscular 50 mg. per ml. 10 ml. vial	"	2'00
	<i>E. Ointment &amp; Creams</i>		
	1. Oxytetracycline Ophthalmic Ointment 10 mg. per gm.—3.5 gm. tube.	Kg.	10000
	2. Nitrofurazone Ointment 0.2%	"	40000

*Statement of Raw Materials released & lifted by M/s. Smith Stanistrest & Co., Calcutta from C.P.C.*

Items	Period (April—March) & (April—Dec.).		
	1975-76	1976-77	1977-78
	Kgs.	Kgs.	Kgs.
Vitamin B6.	100	60	35
*Chloroquine Phos.	400	750	550
Citric Acid	200	5029	2500



Items	Period (April—March) & (April—Dec.)		
	1975-76	1976-77	1977-78
*Vitamin C . . . . .	200	1140	1275
*Erythromycin Estolate . . . . .	870	1845	973
Ampicillin Anhy./Trih. . . . .	80	670	325
Tartaric Acid . . . . .	50	200	Nil
Chloramphenicol Powder . . . . .	Nil	375	100
Indomethacin . . . . .	Nil	Nil	5
Prednisolone . . . . .	Nil	Nil	4
Methyl Dopa . . . . .	Nil	25	300
Erythromycin Stearate . . . . .	Nil	5	50

\*Release Orders have been received for 200 Kgs., 1000 Kgs. and 325 Kgs. respectively which are under process.

† Statement of Raw Materials released & lifted by M/s. Smith Stanistreet & Co., Calcutta from I.D.P.L.

Items	Period (April—March) & (April—Dec.)		
	1975-76	1976-77	1977-78
	Kgs.	Kgs.	Kgs.
Vitamin B1 Hcl. . . . .	750	445	835
Vitamin B1 (Mono.) . . . . .	Nil	2	Nil
Vitamin B2 . . . . .	296	200	260
Folic Acid . . . . .	Nil	23.5	5
Sod. P.A.S. . . . .	7600	500	Nil
Piperazine Hexahy . . . . .	5170	Nil	4350
Piperazine Citrate . . . . .	540	2515	3000
Tetracycline Hcl. . . . .	540	425	505
Sulphadimidine . . . . .	9320	21,101	14,800
Sulphaguanidine . . . . .	10	4700	5500
Riboflavin 5 Phos. Sed. . . . .	10	Nil	Nil
Analgin . . . . .	110	100	40
Oxytetracycline Hcl. . . . .	114	251	175

### COB Licences for Bulk Drug and Formulations

4580. SHRI R. L. P. VERMA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) what are the basis on which COB licences were granted during 1970 onwards for bulk drugs and formulations;

(b) whether any exception was made of these basis in favour of any companies; if so, details of those companies, industrial licences, etc. granted with items and capacities approved therein; and

(c) whether such an exception was made by the Licensing Committee or the administrative Ministry and reasons for making this exception?

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

(a) "Carrying on Business" industrial licence under the provisions of the I (D&R) Act, 1951 is required in the following types of cases:—

(a) Where an Industrial Undertaking which was required to be registered under Section 10 but has not been registered within the time fixed for the purpose, proposes to carry on the business of that undertaking after the expiry of such period [vide clauses (a) of sub-section (1) of Section 13 of the Act].

(b) Where an Industrial Undertaking, the registration in respect of which has been revoked under Section 10A proposes to carry on the business of the undertaking after the revocation [vide clauses (b) of sub-section (1) of section 13 of the Act].

(c) Where an industrial undertaking to which the provisions of the Act did not originally apply but became applicable after the commencement of the Act for any reason, proposes to carry on the business of the undertaking after

the expiry of three months from the date on which the provisions of the Act became so applicable [vide clause (c) of sub-section (1) of section 13 of the Act].

(d) Where an industrial undertaking to which the provisions of section 10, section 11, section 11A or clause (d) of sub-section (1) of section 13, of the Act did not originally apply on account of an exemption order issued under Section 29-B of the Act but became applicable thereafter as a result of the cancellation of the exemption order, proposes to carry on the business of the undertaking after the expiry of such period as may be specified in the notification cancelling the exemption.

(b) Only one company namely M/s. East India Pharmaceuticals Works Limited (an Indian Company) has been granted a COB licence, which could be considered an exception from the above policy relating to grant of COB licences.

M/s. East India Pharmaceutical Works Ltd., Calcutta was registered with DGTD in July, 1973 for the manufacture of following drug formulations under the provisions of diversification policy:—

1. Chloramphenicol Capsules
2. Chloramphenicol Streptomycin Tablets/Capsules.
3. Tetracycline HCL Capsules/ Tablets.

The party commenced the production of the aforesaid item in the beginning of 1975. In October, 1975 this company submitted an application to the Government for the allocation of canalised raw materials i.e., Chloramphenicol Powder and Tetracycline HCL required for the manufacture of the above formulations. It was then observed that the party was not eligible for taking up manufacture of these items under the exemption policy contained in the notification dated the 16th February, 1973

issued by the Ministry of Industry. However, since the party was already manufacturing these items, it was decided to regularise their manufacture and a COB licence was granted to them in January, 1977.

The annual capacities for these items have been fixed as indicated below:—

Items of manufacture	Annual Capacity
(a) Tetracycline Capsules (250 mg.) Tablets (250 mg.) . . .	One Million Nos.
(b) Chloramphenicol Capsule (250 mg.)	[Do.]
(c) Chloramphenicol Streptomycin Cap- sules (125 mg. plus 125 mg.) . . .	Do.]

(c) Powers to dispose 'COB' licence applications are vested with the Administrative Ministries concerned. Hence approval of the Licensing Committee was not necessary.

#### Financial Assistance to College and High School at Khurda Road

4581. SHRI PADMACHARAN SAMANTASINHERA): Will the minister of RAILWAYS be pleased to state:

(a) whether Government have got any memorandum or application to help the college and High School at Khurda Road at Jatni; and

(b) if so, when and what amount is being sanctioned for the purpose?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). Yes. A memorandum and an application were received by the South Eastern Railway Administration for taking over a college at Khurda Road (Jatni) and a High School at Khurda Road (Retang) and also for granting financial assistance to the

school for extension of building and provision of furniture.

While it is not the policy of the Government to enter the field of collegiate education or to take over privately managed educational institutions, the Railway Administration has already sanctioned a sum of Rs. 1.25 lakhs for extension of the school and provision of furniture.

#### Transfer of Parcel Porters working at New Delhi Station

4582. SHRI MAHMOOD HASAN KHAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that some Parcel Porters working at New Delhi Station were transferred out of New Delhi in the year 1976-77 on the recommendations of C.I.B. of Railway Board due to their involvement in theft of passenger luggage;

(b) if so, whether all the employees recommended, have been transferred; and

(c) if not, reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) Three have been transferred. The fourth, who was a Casual labourer has been discharged.

(c) Does not arise.

#### Lady students attached on running Train

4583. SHRI MUKUNDA MANDAL:

SHRI DILIP CHAKRA-  
VARTY:

Will the Minister of RAILWAYS be pleased to state whether he is aware of the joint statement of the students and the staff report, published in the "Anand Bazar Patrika" dated the 23rd

November, 1977 in connection with his Department and if so, the content thereof and action taken or proposed to be taken against those who failed in providing protection and accommodation and who are alleged to be guilty of the charges of corruption?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): Yes. According to the news and the complaint received by the Government, a party of girl students of Jogamaya Devi College, Calcutta, while travelling by 61 UP Janata Express on 30th October 1977 between Howrah and Dehra Dun and 10 Dn. Dehra Dun Express on 7th November 1977 between Dehra Dun and Howrah were put to inconvenience due to un-authorised entry of anti-social elements in their compartment, non-provision of reservation, harassment and rude behaviour by the railway staff enroute.

An enquiry is being conducted and defaulting officials will be suitably dealt with as per findings of the enquiry. Meanwhile, two travelling ticket examiners have been placed under suspension. The Railway Administration have also expressed their regret to the Principal, Jogmaya Devi College, Calcutta, over this incident. This apart, a sum of Rs. 170/- alleged to have been taken from the party by the railway staff has been refunded.

#### छोटी लाइन का बड़ी लाइन में बदला जाना

4584. श्री अमर सिंह बी० राठवां : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मियांगाम से छोटा उदेपुर नैरोगेज रेल लाइन को बड़ी लाइन में बदलने का कोई प्रस्ताव है; और

(ख) क्या खंडवा रेल लाइन को छोटा उदेपुर से जोड़ने का कोई प्रस्ताव है

और यदि हां तो उस पर कब तक कार्य शुरू किया जायेगा ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) अलाभप्रद शाखा लाइन समिति की सिफारिशों के आधार पर छोटा उदेपुर-छुछापुरा-डभोई-प्रतापनगर और छुछापुरा टन्खाला छोटी लाइन खण्डों को बड़ी लाइन में बदलने के लिए यातायात सर्वेक्षण करने के सम्बन्ध में आदेश नवम्बर 1970 में दिये गये थे। सर्वेक्षण रिपोर्ट से पता चला था कि उक्त क्षेत्र की परिवहन सम्बन्धी आवश्यकताओं को मौजूदा छोटी लाइन द्वारा पूरी तरह पूरा किया जा सकता है। चूंकि आमान परिवर्तन अलाभप्रद होगा इसलिए यह निश्चय किया गया था कि किन्हाल इस परियोजना को शुरू न किया जाये। मियांगाम और डभोई के बीच छोटी लाइन को बड़ी लाइन में बदलने के लिए कोई सर्वेक्षण नहीं किया गया है।

(ख) रेल मार्ग द्वारा खण्डवा को छोटा उदेपुर से मिलाने के लिए कोई प्रस्ताव विचाराधीन नहीं है।

#### 'B' Grade Driver to Man Deluxe Train which met with Accident at Naini

4585. SHRI R. N. RAKESH: Will the Minister of RAILWAYS be pleased to state:

(a) whether Shri Nand Kumar Sharma, a 'B' grade Driver was given the work of senior 'A' class driver to man De-luxe train which met with a serious accident at "Naini" over Allahabad Division if so, reasons;

(b) whether it is a fact that Shri Nand Kumar Sharma was a passenger train driver and was running train faster than the prescribed speed limits in the marshalling yard; and

c) whether there was any shortage 'A' class Drivers and if so, how many 'B' grade drivers were utilised against the vacancy of 'A' class drivers?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) De-uxe trains are normally worked by 'B' Grade drivers. However, leave reserves against 'A' Grade drivers are provided from 'B' Grade drivers. Shri and Kumar Sharma, a 'B' Grade driver, was deputed to work the De-uxe train because of absence of 'A' grade drivers due to leave, sickness, medical examination, etc.

(b) No.

(c) No.

#### **Goods/Passenger Trains' Accidents on Allahabad Division**

4586. SHRI SHIV NARAIN SARSONIA: Will the Minister of RAILWAYS be pleased to state:

(a) the number of goods/passenger trains met with accident on Allahabad Division of the Northern Railway during the last one year;

(b) the number of persons injured and killed during the relevant period and compensation paid to them and extent to which the damage caused to railway property and loss sustained; and

(c) what steps the Government proposes to take in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) During the last one year i.e., from December, 1976 to November, 77, there were 7 train accidents in the categories of collisions, derailments, level crossings accidents and fires in trains.

(b) In these accidents, 60 persons were killed and 107 injured. The cost

of damage to railway property has been estimated at approximately Rs. 81,67,760]-;

No compensation has so far been paid to the victims or their legal heirs, of these accidents as the claims for compensation are pending in the Courts of Ad hoc Claims Commissioners/ex-officio Claims Commissioners. Payments will be arranged by the Railway Administration on the basis of the verdict of the Court without any delay.

The question regarding payment of necessary compensation under the Workmen's Compensation Act, 1923 in the case of 7 railway employees who were killed in these accidents while on duty is under active consideration of the Railway Administration. Eight railway employees who were grievously injured in these accidents while on duty, are still under medical treatment and necessary compensation will be paid in these cases under the said Act after the loss in their earning capacity is determined.

(c) Since failure of railway staff is the largest single factor responsible for the accidents a nation wide safety drive has been launched since 24th October, 1977 to create greater safety consciousness amongst the staff connected with the running of trains and to ensure that staff did not violate rules and indulge in short-cut methods. In order to reduce dependence on the human element, various sophisticated aids like ultrasonic flaw detectors for wheels, axles and rails, track circuiting automatic warning system etc., are being introduced progressively.

#### **Training of Apprentices in Clerical grade by Railways**

4587. DR. VASANT KUMAR PANDIT: Will the Minister of RAILWAYS be pleased to state:

(a) the number of apprentices in the clerical grade who were given

training by the Railways during the year 1976-77 in the Northern railway Headquarters;

(b) the number of apprentices who have passed the written test and absorbed in the regular services of the Railways;

(c) the number of apprentices who have passed the trade test and are yet to be absorbed in the regular services of the Railways and the reason for delay in their case; and

(d) the policy of the Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) 664.

(b) to (d). Under the Apprentices Act, employers have an obligation to impart training to apprentices but there is no provision for absorbing them in service. So far as Railways are concerned, their capacity to absorb apprentices is limited by (1) shortage of vacancies, (2) the procedures to be complied with for selecting candidates for Government service.

None of the 664 apprentices mentioned in the reply to (a) has passed the test conducted by the National Apprenticeship Council but they have been seeking absorption on the Railway. After examining the problem and having discussion with their representatives, Government took a decision that 50 per cent of the vacancies arising upto 31st March 1978 would be filled by selection from these apprentices by a Selection Board headed by the Chairman of the concerned Railway Service Commission. The selection of candidates for the Northern Railway has not been finalised.

# **Memorandum of Roster for promotion of Scheduled Castes/Tribes in I.O.C. New Delhi**

4588. SHRI MAHI LAL:

SHRI RAM CHARAN:

Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to refer to the reply given to Starred Question No. 226 on 28th June 1977 and to state

(a) whether separate roster in regard to Reservation in promotion to the employees belonging to Scheduled Castes/Tribes is being maintained in the Marketing Division of Indian Oil Corporation Ltd., New Delhi;

(b) if so, number of persons belonging to Scheduled Castes/Tribes communities who have since been given promotion post-wise and their percentage;

(c) if not, the reasons therefor, and whether Government propose to constitute a Commission of Enquiry to enquire into this matter thoroughly; and

(d) by what time the eligible Scheduled Castes/Tribes employees will be given their long due promotions in New Delhi itself including R and P Division and Chairman's Office also?

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

(a) No, Sir.

(b) The question of promotion on the basis of separate roster does not arise in view of reply to (a) above.

(c) and (d). In order to ensure that the Government's policy regarding reservation for persons belonging to Scheduled Castes/Scheduled Tribes is followed fully instructions have already been issued to Indian Oil Corporation Limited that hereafter 50 per cent of the vacancies would be reserved for persons belonging to Scheduled Castes and Scheduled Tri-

bes until the quotas of jobs reserved for them are met.

### Broad Gauge lines sanctioned in Orissa

4589. SHRI GIRIDHAR GOMAN-GO: Will the Minister of RAILWAYS be pleased to state:

(a) number of new broad gauge lines sanctioned by the Ministry for survey and construction in the State of Orissa for the year 1977-78;

(b) whether the work started in those lines; and

(c) what is the money so far released for above works?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c). Preliminary Engineering-cum-Traffic Surveys for construction of the following railway lines have been included in this year's budget:

Provision made in the Budget for 1977-78

1. New Broad Gauge line from Talcher to Sambalpur.	Rs. 2 lakhs
2. New Broad Gauge line from Koraput to Parvatipuram/Sa'ur.	Rs. 2 lakhs

The survey work for these two projects will be taken up shortly.

Sanction has been accorded to the construction of a new Broad Gauge line from Jakhapura to Daitari (33.5 kms. as the first phase of the rail link between Jakhapura and Banspani. The construction work on this project has already started. Expenditure to the extent of Rs. 1.30 crores would be incurred on this project by March, 1978.

### Supply of Cooking Gas

4590. SHRI M. A. HANNAN AL-HAJ: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the number of people who had applied for cooking gas during the year 1973-74;

(b) the number out of them who were supplied gas;

(c) the time by which the remaining will be provided with gas connection; and

(d) whether there is bungling in gas supplying and only the influential people get gas connection through their various sources?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). It is not possible to indicate the figures in respect of the number of people who had applied for cooking gas connections during the particular year 1973-74 and out of them how many have been actually provided gas connections since the booking records are kept by the distributors in a continuous series and as no separate year-wise statistical data are maintained by all the oil companies.

(c) Currently, the demand for liquefied petroleum gas (cooking gas) is far in excess of the availability of the product. New gas connections on a large-scale can be released to those on the waiting list only around 1979/1980, when substantial quantities of LPG will start becoming available from Bombay High Associated Gas, by the Commissioning of new refineries and by setting up additional facilities for LPG production in the existing refineries.

(d) No, Sir.

### Cash Award Scheme for Hindi Noting and Drafting

4591. SHRI BAPUSAHEB PARULEKAR: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) how many employees in Petroleum Ministry have been awarded cash awards in last two years for writing notes and drafts in Hindi under cash award scheme;

(b) What is the total amount awarded in last two years and year-wise break-up thereof?

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

(a) None.

(b) Does not arise.

### रेलवे स्टेशनों पर पैदल पुल

4592. श्री राघवजी : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत में ऐसे रेलवे स्टेशनों की संख्या कितनी है जहाँ नगर के दो भागों को जोड़ने वाले पैदल पुल हैं;

(ख) ऐसे पैदल पुलों की संख्या कितनी है जिन का संपूर्ण व्यय रेलवे ने वहन किया है और ऐसे पैदल पुलों की संख्या कितनी है जिन का व्यय आंशिक रूप से राज्य सरकारों अथवा स्थानीय स्वायत्तशासी सरकारों ने वहन किया है, और

(ग) क्या इस सम्बन्ध में कोई नियम बनाये गये हैं यदि हाँ तो वे कब बनाये गये और वे नियम क्या हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) 226।

(ख) (i) पूर्णतः रेलों की लागत पर बनाये गये ऊपरी पैदल पुलों की संख्या—177

(ii) ऐसे पैदल ऊपरी पुलों की संख्या जिन की लागत का भाग राज्य सरकारों या स्थानीय प्राधिकारियों ने वहन किया है—4

(iii) पूर्णतः राज्य सरकारों/स्थानीय प्राधिकारियों की लागत पर निर्मित ऊपरी पैदल पुलों की संख्या—51

(ग) इस सम्बन्ध में बनाये गये नियम समय समय पर यथा संशोधित भारतीय रेल अधिनियम 1890 की धारा II पर आधारित हैं। इन नियमों के अनुसार रेल प्रशासन को केवल रेल लाइन के निर्माण के समय (या उस के बाद 10 वर्ष के भीतर) रेल लाइन के निर्माण से उत्पन्न व्यवधान की कमी को पूरा करने के लिये अपनी लागत पर 'सुविधा निर्माण-कार्यों' (जिस में जनता के लिए रेलपथ पार करने के लिए ऊपरी पैदल पुल भी शामिल हैं) की व्यवस्था करनी होती है। इस अवधि के बाद ऐसे ऊपरी पैदल पुलों की लागत (प्रारम्भिक और आवर्ती दोनों) उन राज्य सरकारों/स्थानीय प्राधिकारियों द्वारा वहन की जायेगी जिन को ऐसी सुविधाओं की आवश्यकता हो।

### Parcels handling work at Allahabad

4593. SHRI BATESHWAR HEM-  
RAM: Will the Minister of RAIL-  
WAYS be pleased to refer to the reply  
given to Unstarred Question No. 2576  
on the 5th July, 1977 regarding parcels  
handling work at Allahabad and  
state:

(a) whether the amount of short payment made by the Society to the workmen employed during the period from 1st August, 1975 to 31st July, 1977 has been worked out by the Senior Divisional Commercial Superintendent, who is the 'Principal Employer';

(b) if so, the details thereof;

(c) whether amount of short payments made by the Society has been recovered as per policy decision taken by the Northern Railway Headquarters Office and distributed amongst the workers; and

(d) if not, what action is proposed to be taken against the Officers, who



in connivance with the Secretary of the Society, are adopting delaying tactics in initiating recovery of short payment?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (d). The matter relating to short payment made by the Society is under investigation by the Labour Enforcement Officer (Central). Necessary action will be taken on receipt of his decision.

#### Commercial Inspectors in Allahabad Division

4594. SHRI N. K. SHEJWALKAR: Will the Minister of RAILWAYS be pleased to state:

(a) what is the sanctioned strength of Commercial Inspectors over Allahabad Division of Northern Railway;

(b) whether Commercial Inspectors were provided with an Out-door Enquiry Clerk under them with a view to assist them in performance of their work;

(c) whether out-door Enquiry Clerks have now been designated as Out-door Inspectors (Inspection) and they have been given independent charge by reducing the Jurisdiction of Commercial Inspectors;

(d) if so, whether similar procedure has been adopted over other Divisions of the Northern Railway; and

(e) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Five.

(b) Yes. Three posts were created for this purpose.

(c) They have since been given independent charge. A proposal to re-

designate the posts as Commercial Inspectors is under consideration.

(d) No.

(e) As workload varies from Division to Division, no uniformity is possible in such matters.

#### अलीगढ़ रेलवे स्टेशन का नवीकरण

4595. श्री नवाब सिंह चौहान : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या अलीगढ़ रेलवे स्टेशन के नवीकरण करने का कोई प्रस्ताव है;

(ख) यह कब क्रियान्वित किया जायेगा; और

(ग) इस कार्य में धीमी प्रगति होने के क्या कारण हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी हाँ ।

(ख) अलीगढ़ रेलवे स्टेशन के नवीकरण का कार्य अनुमोदित हो चुका है और अब प्रगति पर है ।

(ग) यह कार्य इस प्रकार किया जा रहा है कि स्टेशन पर दिन प्रति दिन का आम कार्य अन्यवस्थित न हो और यह धन की उपलब्धता के आधार पर भी हो ।

#### Misrepresenting facts in application for licences by M/s Hoechst Pharmaceuticals

4596. PRO. R. K. AMIN: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) is it that M/s. Hoechst Pharmaceuticals have been found to be

misrepresenting the facts in their applications for industrial/import/C.O.B. licences; and

(b) if so, what action Government have taken against them?

**THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):**  
(a) and (b). M/s Hoechst applied for a C.O.B. Licence for continuing the manufacture of (i) Catilan Capsules; (ii) Vita-hexet; (iii) Hostacortin H 10 ml.; (iv) Titanus Antitoxin (v) Hostacycline Dry Syrup; and (vi) Foot and Mouth Disease Vaccine based on certain facts and assumptions made by them. These were examined as per policy and C.O.B. licence was granted for the first 3 items.

For Foot and Mouth Disease Vaccine, it was not considered necessary to grant a C.O.B. licence since they had already obtained a separate industrial licence for higher capacity and their manufacture of this was to be subsumed in that licence.

For the remaining items, viz., Tetanus Antitoxin and Hostacycline Dry Syrup, their application was rejected since Government did not consider them eligible for a C.O.B. licence as per policy, considering the facts made available by the Company. M/s. Hoechst represented against the rejections in respect of Hostacycline Dry Syrup and Tetanus Antitoxin and filed petitions in the Bombay High Court seeking legal remedies to compel the issue of C.O.B. licence for these two items also. The High Court directed that the Government consider the case *de novo* and pass appropriate orders after hearing the Company.

Whether they have misrepresented facts for obtaining other Industrial/Import licences is not known since no separate study in this respect has been made. No specific instance of this nature has, however, come to the notice of Government.

## Set up of more Petrochemical Projects

**4597. SHRI AHMED HUSSAIN:**  
Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government is considering to set up more Petro-chemical projects in the country;

(b) number of petro-chemical Projects proposed to be set up in the near future in the country and number of projects proposed to be set up in Assam; and

(c) the likely date of finalisation etc.?

**THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):**  
(a) to (c). For the present there are no plans to set up any new Petro-chemical projects in the country. The position is, however, kept constantly under review and as and when it is decided to set up any additional Petro-chemical projects, the question of their location will also be decided.

## Casual Labourers in Katihar Division

**4598. SHRI HALIMUDDIN AHMED:**  
Will the Minister of RAILWAYS be pleased to state:

(a) the number of temporary C.P.C. scale holder casual labourers working up to 15th September, 1977 in Katihar Division of N.F. Railways working under various inspectors against class IV category vacancies;

(b) how many of them have been retrenched and the reason of their random discharge;

(c) how many of them were working on the open line and completed 4 months' continuous service and were they given temporary status and brought on to regular scale of pay; and

(d) number of direct recruitment in class IV posts after 15th September, 1977; whether these recruitments were made from amongst the casual labourers on roll; if not, the reasons thereof, when class IV posts are normally being filled from amongst casual labourers and substitutes?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) 370 were working on 15th September 1977.

(b) None.

(c) Does not arise.

(d) Class IV posts are filled on N.F. Railway on a 50:50 basis, that is, 50 per cent from the candidates sponsored by Employment Exchange and 50 per cent from amongst casual labour and substitutes. No direct recruitment has however, been made after 15th September, 1977.

#### **Railway Route from Ariyalur to Attur**

4599. SHRI A. ASOKARAJ: Will the Minister of RAILWAYS be pleased to state:

(a) any survey was conducted for a new Railway route from Ariyalur to Attur via Permbalur and Thuraiyur;

(b) if so, the fate of that survey;

(c) if survey was not conducted, would it be taken hereafter; and

(d) is there any proposal to have a survey for a new route from Jayankondam to Attur via Ariyalur, Perambalur, and Thuraiyur?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAN): (a) No.

(b) Does not arise.

(c) and (d). Due to the existing paucity of funds, it will be difficult to undertake a survey for the proposed railway line at present.

#### **Reported loss of empty Cooking Gas Cylinders**

4600. SHRI SHAMBHU NATH CHATURVEDI: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether 2700 empty cooking gas cylinders have been reported lost by the Indian Oil Corporation during transit between Calcutta and Gauhati;

(b) if so, the details thereof; and

(c) if Government aware that a regular black market is flourishing in these empties because of the stoppage of new gas connection, what does Government propose to do about?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). Between December, 1976 and April, 1977, 2700 empty gas cylinders reportedly despatched on eight occasions by one distributor of Indian Oil Corporation (IOC) at Gauhati through two approved transport contractors to Gauhati Refinery were not received at Gauhati refinery. While the distributor had stated that these cylinders were handed over to the contractors, the latter have denied having accepted the cylinders. The non-receipt of these cylinders came to IOC's notice when the inventory of equipment lying with the distributor was taken in April, 1977. After preliminary investigations into the matter, the IOC had reported this case to the Director, Bureau of Investigation, Economic Offences, Gauhati on 1st September, 1977. Investigations are in progress to locate the missing cylinders and apprehend the culprits.

(c) There is no report of any regular black market of empty cylinders. Whenever loss of cylinders is noticed by IOC with the distributor or the transport contractor, money is recovered from the concerned party at a penal rate for the cylinders lost.

**Khamgaon Chikhli-Jalna Railway line**

4601. SHRI D. G. GAWAI: Will the Minister of RAILWAYS be pleased to refer to the reply given to the Unstarred Question No. 3203 on the 12th July, 1977 regarding survey for Railway line from Khamgaon Chikhli to Jalna and state;

(a) whether the railway line from Khamgaon Chikhli to Jalna (District Buldana) is considered in present days in 1977 as unremunerative;

(b) if so, whether Government think that there have been no change in the situation even after 42 years when in 1935 the construction of this line was abandoned by saying that it would be unremunerative; and

(c) whether Government propose to conduct a fresh survey on this section to ascertain whether the said line can be remunerative now; if so, when?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c). Factual historical information as sought by the Hon'ble Member was furnished to him in reply to his Unstarred Question No. 3203 replied on 12th July 1977. A precise idea of the viability of the project under the present conditions can be obtained only after a survey is carried out for it. In view however, of very limited availability of resources which are not sufficient even for meeting the commitments already made, the project have to await better times for consideration.

**उच्चतम न्यायालय में याचिकाओं का हिन्दी में अनुवाद**

4602. श्री दयाराम शास्त्री : क्या विधि, न्याय और कम्पनी कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या कुछ उच्च न्यायालयों द्वारा याचिकाओं के साथ सम्बद्ध किये गये हिन्दी के संलग्नक उच्चतम न्यायालय द्वारा उसी रूप में स्वीकार नहीं किये जाते और उच्चतम न्यायालय का एक विभाग उसका अंग्रेजी में अनुवाद 45 रुपये प्रति पृष्ठ के हिसाब से करता है जिस का भुगतान प्रार्थी को करना पड़ता है; और

(ख) क्या सरकार हिन्दी को बढ़ावा देने तथा न्यायालयों को कम खर्चीला बनाने एवं कम खर्च पर न्याय दिलाने तथा समय की बचत को ध्यान में रखते हुए उच्च न्यायालयों द्वारा लगाये गये हिन्दी संलग्नकों का निःशुल्क अनुवाद कराने की व्यवस्था करेगी और यदि नहीं, तो इस के क्या कारण हैं ?

विधि, न्याय और कम्पनी कार्य मंत्री (श्री शान्ति भूषण) : (क) संविधान के अनुच्छेद 348(1) में अन्य बातों के साथ यह कहा गया है कि उच्चतम न्यायालय में सभी कार्यवाहियां अंग्रेजी भाषा में होंगी। उच्चतम न्यायालय नियम 1966 के आदेश 10 के नियम 2 में यह कहा गया है कि :

“2. न्यायालय के समक्ष किसी कार्यवाही के प्रयोजन के लिए अंग्रेजी से भिन्न भाषा में किसी दस्तावेज का प्रयोग तब तक नहीं किया जाएगा जब तक कि उस के साथ :-

(क) दोनों पक्षकारों की सहमति से किया गया अनुवाद; या

(ख) ऐसा अनुवाद जिस को न्यायालय द्वारा निःशुल्क किसी अनुवादक ने सही अनुवाद प्रमाणित किया हो, न हो; या

(ग) जब तक कि उक्त दस्तावेज का अनुवाद न्यायालय द्वारा नियुक्त या अनुमोदित किसी अनुवादक ने न किया हो।

“स्पष्टीकरण”—इस नियम के उपबंध यथासंभव, अंग्रेजी के उस दस्तावेज को लागू होंगे जिस का कुछ भाग अंग्रेजी से भिन्न भाषा में है।”

जैसा कि संविधान और उच्चतम न्यायालय के नियमों के पूर्वोक्त उपबंधों में उपबंधित है, न्यायालय की भाषा अंग्रेजी होने के कारण न्यायालय के न्यायाधीशों को हिन्दी में कोई भी दस्तावेज परिचालित नहीं की जाती है। यदि उच्चतम न्यायालय में ऐसी कोई दस्तावेज दाखिल की जाती है जो हिन्दी या संविधान द्वारा मान्यता प्राप्त किसी अन्य भाषा में है, तो उस का दोनों पक्षकारों की सहमति से किया गया अनुवाद या शासकीय अनुवाद द्वारा अनुमोदित या उस के द्वारा किया गया अनुवाद न्यायालय को परिचालित किया जाता है। जहां तक अनुवाद प्रभार का संबंध है उन अनुवाद प्रभारों की अनुसूची, जो इस प्रकार नियुक्त शासकीय अनुवादकों को दिए जाने हैं, इस प्रकार हैं :—

(1) प्रथम 10 पृष्ठों के लिए अनुवाद प्रभार—4 रु 0 प्रति पृष्ठ की दर से।

(2) अगले 10 पृष्ठों के लिए अनुवाद प्रभार—3.50 रु 0 प्रति पृष्ठ की दर से।

(3) उस से अगले 30 पृष्ठों के लिए अनुवाद प्रभार—3.00 रु 0 प्रति पृष्ठ की दर से।

(4) उस से अगले 49 पृष्ठों के लिए अनुवाद प्रभार—2.50 रु 0 प्रति पृष्ठ की दर से।

(5) सौवें और उस से आगे के पृष्ठों के लिए अनुवाद प्रभार—2 रु 0 प्रति पृष्ठ की दर से।

(कम से कम प्रभार 25 रु 0 है)

शासकीय अनुवादकों के पैनल में उच्चतम न्यायालय के अधिवक्ता और उस न्यायालय के कर्मचारी, जो अधिकतर विधिज्ञातक है, होते हैं।

(ख) इस संबंध में कुछ सुविधाएं दी जा चुकी हैं। हिन्दी की ऐसी सभी दस्तावेजों का जो उच्चतम न्यायालय की रजिस्ट्री को जेल प्राप्त होती हैं, रजिस्ट्री में निःशुल्क अनुवाद किया जाता है। जैसा कि उच्चतम न्यायालय नियम, 1966 के आदेश 10 के नियम 2 के खण्ड (क) में उपबंधित है, ऐसी दस्तावेज का, जिस का अनुवाद दोनों पक्षकारों की सहमति से किया गया है या जहां वह ऐसे अनुवाद की प्रति है, जो उच्च न्यायालय के समक्ष मामले के प्रयोजन के लिए किया जा चुका है, पुनः अनुवाद करने की आवश्यकता नहीं है और यदि सम्बंधित पक्षकार चाहें तो वे किसी अधिवक्ता या अन्य उत्तरदायी व्यक्ति द्वारा किया गया अनुवाद और उस के समर्थन में शपथपत्र प्रस्तुत करके, उन दस्तावेजों का शासकीय अनुवादक द्वारा अनुवाद कराए जाने की अपेक्षा से छूट प्राप्त करने के लिए आवेदन कर सकते हैं।

#### Production of Chloramphenicol, Capsules by M/s Hoechst

4603. SHRI MOTIBHAI R. CHAUDHARY: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) under what provisions of law M/s. Hoechst commenced production

of Chloramphenicol capsules, when the production was commenced and the quantum of production year-wise;

(b) what were the provisions for establishing production at that time;

(c) was it according to policy and if not, why COB licence was granted for this item and several others production of which was established in violation of the policy prevailing at that time; and

(d) whether Government propose to withdraw COB and punish the firm for false statement and if not, the reasons therefor?

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

(a) and (b). M/s. Hoechst Pharmaceutical took up the production of Chloramphenicol (Catilan) Capsules in February, 1970 under the policy of Free Diversification announced in October, 1966 as modified on 7th December 1967. As per this Policy, industrial undertakings had the freedom of diversifying their production by taking up manufacture of new articles without obtaining a licence under the Industries (Development

and Regulation) Act, 1951, provided the following conditions were met:—

(i) o additional plant and machinery is installed except minor, balancing equipment produced indigenously;

(ii) No additional expenditure of foreign exchange is involved;

(iii) The diversified production does not exceed 25 per cent of the total production; and

(iv) The diversification does not include any of the specified industries in which the small scale sector is substantially interested.

On 7th December 1967 condition (ii) above was relaxed so as to allow diversification upto the limits mentioned in condition (iii) above, even if this involved import of raw materials provided the diversified product was of 'priority' industry for raw material licensing.

The quantum of production of Catilan Capsules Chloramphenicol as from July '70, by the company has been as below:

Year	Quantity		Value
	Nos.	Rs.	
1970-71	3771800	1064024.78	
1971-72	11074580	3125328.81	
1972-73	7171200	1737573.52	
1973-74	17763000	4223013.40	
1974-75	10284300	3410062.51	
1975-76	12832700	2313371.51	

(c) and (d). The company was eligible to establish production of Catilan Capsules as per the then prevailing diversification policy. They were required to obtain a C.O.B. licence therefor on account of further revision of the policy in July, 1970 envisaging that where direct/indirect import of raw materials is involved in the manufacture of items whose production had been established under earlier policy of diversification, a C.O.B. Licence would have to be obtained.

M/s. Hoechst have also been granted a COB licence in respect of two other items viz., Vitahex and Hosta Cortin 'H' 10 ml. after verifying that they had established manufacture of these items without violation of the policy prevailing at that time.

In respect of two items viz., Hostacycline Syrup and Tetanus Antitoxin, Government took the view that production established was not according to policy and their application was rejected.

### बिहार का सहरसा पिछड़ा क्षेत्र

4604. श्री विनायक प्रसाद यादव :  
क्या रेल मंत्री यह बताने को कृपा करेंगे कि :

(क) क्या यह सच है कि बिहार राज्य का सहरसा जिला देश का सर्वाधिक पिछड़े क्षेत्रों में से एक है और इसीलिए भूतपूर्व रेल मंत्री, स्वर्गीय श्री ललितनारायण मिश्र ने क्षतिग्रस्त रेल लाइनों को पुनः खोजने और नई लाइनें डालने के उद्देश्य से विभिन्न मार्गों का सर्वेक्षण करवाया था और यहां तक कि उन में से कुछ पर काम भी आरम्भ करवाया था; और

(ख) वर्तमान सरकार का विचार पहले से ही सर्वेक्षण की गई उन पुरानी और नई लाइनों का काम कब तक आरम्भ करवाने का है ?

रेल मंत्रालय में राज्य मंत्री (श्री सिव नारायण) : (क) और (ख) बिहार राज्य के सहरसा जिले में निम्नलिखित नयी लाइनों/आमान परिवर्तनों के लिए सर्वेक्षणों का काम पूरा हो गया है :—

(i) बिहारीगंज और सिसरी बख्ति-  
यारपुर से नई मीटर आमान लाइन के लिए  
इंजीनियरी एवं यातायात सर्वेक्षण :

सर्वेक्षण रिपोर्ट से पता चला है कि यह लाइन अर्थक्षम नहीं होगी, इसलिए इस परियोजना के निर्माण पर फिलहाल विचार नहीं किया जा रहा है ।

(ii) निर्मली सरायगढ़ मीटर आमान लाइन

इस लाइन के लिए एक सर्वेक्षण किया गया है और यह परियोजना विचाराधीन है ।

(iii) दोरम मधेपुरा और सिधेश्वर  
स्थान के बीच रेलवे लाइन का सर्वेक्षण

सर्वेक्षण रिपोर्ट की जांच करने से पता चला है कि इस क्षेत्र में बसों, ट्रकों और यातायात के अन्य साधनों द्वारा पर्याप्त रूप से सहायता ली जा सकती है । अतः इस परियोजना के निर्माण के लिए फिलहाल विचार नहीं किया जा रहा है ;

(iv) सहरसा से तारापीठ महिषी तक  
नई मीटर आमान लाइन के निर्माण के  
लिए प्रारम्भिक इंजीनियरी एवं यातायात  
सर्वेक्षण

सर्वेक्षण रिपोर्ट 3-12-1977 को ही प्राप्त हुई है और उस पर सभी पहलुओं से विचार किया जा रहा है ।

### Allotment of Gas Agencies and Pumps in 1977 to ex-Servicemen

4605. SHRI K. MALLANNA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state the number of ex-servicemen given gas agencies and petrol pumps in 1977?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): 10 retail outlets (petrol pumps) and 3 gas agencies were given to disabled defence personnel, war-widows, ex-servicemen etc. during 1977 by different oil companies.

### मध्य प्रदेश के पिछड़े क्षेत्रों में नई रेल लाइनें

4606. श्री रामेश्वर पाटीदार :  
श्री गोविन्द राम मिरी :  
श्री परमानन्द गोविन्दजी बाला :

क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मध्य प्रदेश सरकार ने परिवहन की दृष्टि से उस राज्य के पिछड़े क्षेत्रों में नई रेल लाइनें बिछाने के बारे में कुछ प्रस्ताव भेजे थे और क्या इन प्रस्तावों को इस आधार

पर नामजूर कर दिया गया है कि वे अलाभप्रद होंगी :

(ख) यदि हां, तो भारत सरकार ने उन के द्वारा की गई इस नई घोषणा के अनुसरण में इन योजनाओं पर क्या कार्यवाही की है कि पिछड़े क्षेत्रों में लाइनें बिछाने की योजनाओं को इस आधार पर नामजूर नहीं किया जाएगा कि वे अलाभप्रद होंगी ।

(ग) क्या मध्य प्रदेश में खारगोन जिला एक ऐसा पिछड़ा हुआ क्षेत्र है जहां वन उत्पादों की बहुतायत है तथा उस जिले में कोई रेल लाइन नहीं है तथा क्या सरकार का विचार खारगोन जिले के सम्पूर्ण विकास के लिए खण्डवा-दोहद रेल लाइन बिछाने का है; और

(घ) यदि हां, तो वहां निर्माण कार्य कब तक आरम्भ हो जाएगा ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) और (ख). एक विवरण संलग्न है ।

(ग) और (घ). संसाधनों की भारी कमी को देखते हुए खंडवा से दोहाद तक रेलवे लाइन के निर्माण के बारे में विचार करने का अभी कोई प्रस्ताव नहीं है ।

### विवरण

मध्य प्रदेश सरकार की ओर से समय-समय पर नयी रेल लाइनों के निर्माण/आमान-परिवर्तन के लिए सिफारिशें प्राप्त हुई हैं और राज्य सरकार द्वारा सिफारिश की गई परियोजनाओं की वर्तमान स्थिति नीचे दी गई है :—

क्रम संख्या	निर्माण कार्य का नाम	वर्तमान स्थिति
1	2	3
1	दिल्ली राजहरा से जगदलपुर तक बड़े आमान की नई लाइन का निर्माण	सर्वेक्षण पूरा हो चुका है और उसकी रिपोर्टों की जांच की जा रही है ।
2	हिरदागढ़ से दमघा तक बड़े आमान की नई लाइन का निर्माण	जांच की जा रही है ।



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| <p>3 रीवा के रास्ते सतना से ब्योहारी तक बड़े आमान की गई लाइन का निर्माण ।</p> <p>4 महोबा से खजुराहो तक बड़े आमान की नई लाइन का निर्माण</p> <p>5 रतलाम से बांसवाड़ा तक बड़े आमान की नई लाइन का निर्माण</p> <p>6 रांची से कोरबा तक बड़े आमान की नई लाइन का निर्माण</p> <p>7 इन्दौर से महु तक बड़े आमान वाली नई लाइन का निर्माण</p> <p>8 गुना से मकसी तक बड़े आमान वाली नई लाइन का निर्माण</p> <p>9 जबलपुर-दमोह-टीकमगढ़-ललितपुर बड़ी लाइन का निर्माण</p> | <p>इस परियोजना के लिए किये गये सर्वेक्षण से पता चला है कि इस लाइन पर बहुत ही कम यातायात उपलब्ध होगा । इस लाइन के सतना रीवा भाग के लिए हाल ही में किये गये पुर्नमूल्यांकन से भी यह मालूम हुआ है कि इस खण्ड पर बहुत कम यातायात प्राप्त होगा । तथापि पुर्नमूल्यांकन रिपोर्ट की सभी दृष्टिकोणों से जांच कर लिये जाने के बाद ही अन्तिम निर्णय लिया जायेगा ।</p> <p>चूँकि इस लाइन पर बहुत कम यातायात उपलब्ध होगा इसलिए इस परियोजना को अर्थक्षम नहीं पाया गया ।</p> <p>सर्वेक्षण हाल ही में पूरे हुए हैं और उनकी रिपोर्टों की जांच की जा रही है ।</p> <p>सर्वेक्षण पूरा हो चुका है । इस लाइन पर बहुत कम यातायात उपलब्ध होगा ।</p> <p>इस परियोजना के लिए किये गये सर्वेक्षणों से पता चला है कि इस लाइन पर बहुत कम यातायात उपलब्ध होगा ।</p> <p>यह लाइन पूरी हो चुकी है और इसे यातायात के लिए खोल दिया गया है ।</p> <p>रेलों की वर्तमान कठिन वित्तीय स्थिति को देखते हुए, इस समय मध्य प्रदेश राज्य में इन रेल सम्पत्तियों के लिए सर्वेक्षण प्रारम्भ करना सम्भव नहीं हो सकेगा ।</p> |
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| <p>10 टीकमगढ़-छतरपुर-खजुराहो-पन्नासतना के बीच बड़ी लाइन का निर्माण</p> <p>11 सागर-करेली-नरसिंहपुर-छिन्दवाड़ा के बीच बड़ी लाइन का निर्माण</p> <p>12 मकसी से शिवपुरी तक नई लाइन का निर्माण</p> <p>13 भीखनगांव, खारगांव, वरवान के रास्ते खंडवा से दाहोद तक बड़े आमान की नई लाइन</p> | <p>रेलों की वर्तमान कठिन वित्तीय स्थिति को देखते हुए इस समय मध्य प्रदेश राज्य में इन रेल सम्पत्तियों के लिए सर्वेक्षण प्रारम्भ करना सम्भव नहीं हो पायेगा ।</p> |
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- 14 उज्जैन-आगरा लाइन का आमान-परिवर्तन और नलखेड़ा-सुरसार तथा झालावाड़ा के रास्ते इसका कोटा तक आगे विस्तार करना अत्यन्त सीमित मात्रा में धन उपलब्ध होने के कारण, इस समय इस प्रस्ताव पर विचार करना कठिन होगा ।
- 15 धार और जभुआ के रास्ते इन्दौर से दाहोद तक बड़े आमान की नई लाइन का निर्माण "
- 16 चिरीमिरी-बरवाडीह-बैकुण्ठपुर- अम्बिकापुर के बीच बड़ी लाइन का निर्माण चिरीमिरी-करोँजी पहले से ही बड़ी लाइन से सम्बद्ध है । अम्बिकापुर के रास्ते करोँजी से बरवाडीह तक लाइन का विस्तार करने के लिए 1948-49 में किये गये सर्वेक्षण से यह पता चला था कि इस लाइन पर पर्याप्त यातायात उपलब्ध नहीं होगा और यह अलाभप्रद रहेगी । बरवाडीह से करोँजी तक एक नई लाइन बनाने के लिए नया सर्वेक्षण प्रारम्भ करने के बारे में विचार लिया जा रहा है ।

**Number of complaints regarding corrupt practices by Officers of Gorakhpur Headquarters**

4607. SHRI PHIRANGI PRASAD: Will the Minister of RAILWAYS be pleased to state:

(a) the number of complaints received by the Ministry from the Members of Parliament and journalists from March, 1977 to October, 1977 in regard to misappropriation of Government revenue, corrupt practices by the Officers of the Gorakhpur Headquarters on the N. E. Railway; and

(b) the action taken by Government thereon and the names and the designations of the corrupt officers?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS

3087 LS-4.

(SHRI SHEO NARAIN): (a) During the period, three complaints were received against Gazetted Officers of the Gorakhpur Headquarters of the North Eastern Railway. Two complaints were received from Members of Parliament and one from a journalist.

(b) The two complaints received from Members of Parliament are being looked into. In regard to the third complaint from a journalist, a case has been registered by the Special Police Establishment, Lucknow, for investigation. The identity of the alleged corrupt officers, if any, would be known on completion of the investigation.

**Division of Fertiliser Corporation of India**

4608. SHRI BHANU KUMAR SHASTRI: Will the Minister of PET-

**ROLEUM AND CHEMICALS AND FERTILIZERS** be pleased to state:

(a) whether he has talked in terms of strengthening and rationalisation of the four marketing organisations of the proposed four companies to be carved out of the existing Fertilizer Corporation of India; and

(b) whether this will not lead to a multiplication of staff and an additional burden on the four fertilizer companies?

**THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI JANESHWAR MIS-HRA):** (a) and (b). The Working Group constituted for making recommendations for the revised set up of the new companies as a result of the reorganisation of the FCI and NFL, has given its recommendations on marketing aspects also. The recommendations of the Working Group are under consideration of the Government.

**संजय सेल्ज कारपोरेशन, दिल्ली।  
द्वारा एस्प्रीन की सप्लाई**

**4609. श्री अर्जुन सिंह मथुरिया :**  
क्या पेट्रोलियम तथा रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या संजय सेल्ज कारपोरेशन दिल्ली से दिल्ली, पंजाब हरियाणा, और उत्तर प्रदेश की फर्मों, कुंवर आयुर्वेदिक फार्मसी, कानपुर सफला फार्मसी, औरैया, कटहरण औषधालय, इटावा आदि को एस्प्रीन सप्लाई की जाती है ; और

(ख) क्या सरकार को मालूम है कि बम्बई अल्ट्रा लेबोरेट्रीज द्वारा जहां एस्प्रीन तैयार होती है वहां से अनियमित ढंग से सीधे इटावा की एक फर्म को उसकी श्रृंखला से अधिक एस्प्रीन सप्लाई की जाती है ?

**पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्रीहेमवती नन्दन बहुगुणा) :** (क) जी, हां। एस्प्रीन, मैसर्स अल्ट्रा लेबोरेट्रीज द्वारा मैसर्स संजय सेल्ज कारपोरेशन के जरिए, जो कि मैसर्स अल्ट्रा लेबोरेट्रीज के साथ अन्त-सम्बद्ध वाली एक कम्पनी है, बेची जाती है। मैसर्स संजय सेल्ज कारपोरेशन, कुंवर आयुर्वेदिक फार्मसी प्राइवेट लिमिटेड कानपुर; मैसर्स सफला फार्मसी औरैया इटावा ; मैसर्स कस्ट-हरण औषधालय इटावा, तथा दिल्ली, उत्तर प्रदेश, पंजाब और हरियाणा में कई फर्मों एस्प्रीन की सप्लाई कर रही है।

(ख) मैसर्स अल्ट्रा लेबोरेट्रीज ने सूचित किया है कि वे इटावा में किसी भी पार्टी को एस्प्रीन की सप्लाई सीधे तौर पर नहीं कर रहे हैं।

**Total strength of R.P.F.**

**4610. SHRI RAJ KESHAR SINGH:**  
Will the Minister of RAILWAYS be pleased to state:

(a) the total strength of the Police on the Railways and the total strength of the R.P.F.;

(b) whether Government are considering the desirability of centralizing the control and working of the Police forces on the Railways; and

(c) has any work been done on these lines by Shri Rustomji, who was presumably appointed to examine this matter?

**THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN):** (a) Policing on the Railways is done by the State Police and as such Government Railway Police functions direct under

the administrative control of the State Police. Railways, therefore, are not maintaining any separate statistics about the strength of the G.R.P. The total strength of the R.P.F. is 58,946.

(b) No.

(c) Shri K. F. Rustomji was not appointed to examine the desirability of centralizing the control and working of the Police Forces on the Railways. He was appointed to advise problems in connection with the enactment of the Railway Property Special Offences Bill.

#### **Voting by Scheduled Castes and other weaker sections in last Lok Sabha Elections**

4611. SHRI K. OBUL REDDY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether he is aware that in the last elections to Lok Sabha a large number of voters in some constituencies belonging to the Scheduled Castes and other weaker sections could not exercise their franchise because they were prevented from doing so by interested and powerful elements;

(b) if so, what steps he is proposing to prevent the recurrence of such happenings in future; and

(c) whether he will take steps to set up separate polling booths in Harijan basties and other places where weaker sections reside, so that they may exercise their franchise without fear and intimidation?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NAR SINGH YADAV): (a) Some complaints were received in the Election Commission regarding intimidation of Harijan voters and other

voters belonging to the weaker sections of the community from the States of Rajasthan, Assam, Andhra Pradesh, Uttar Pradesh and Bihar.

(b) According to the new norms evolved by the Election Commission, a much larger number of polling stations will be set up than before. This will automatically help to some extent in setting up polling stations in places where there is a concentration of voters belonging to the weaker sections of the society. The Election Commission has also requested the State Governments where elections are due to be held shortly that as far as possible, C.R.P. rather than the State Police should be deployed for maintaining law and order.

(c) According to the Election Commission, it will not be appropriate to set up polling stations solely for voters belonging to Scheduled Castes or other weaker sections of the society.

#### **इटावा रेलवे स्टेशन के प्लेटफार्म पर लाउड स्पीकरों का लगाया जाना**

4612. श्री राम प्रकाश त्रिपाठी : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या 19 सितम्बर, 1977 को उत्तर रेलवे के इटावा रेलवे स्टेशन पर प्लेटफार्म पर भूतपूर्व प्रधानमंत्री श्रीमती इन्दिरा गांधी की यात्रा के समय मंच बनाने और सभी खम्बों पर लाउड स्पीकर लगाने की अनुमति किसी रेल अधिकारी द्वारा दी गई थी ;

(ख) यदि हां, तो उस अधिकारी का नाम क्या है, जिसकी अनुमति से यह सब किया गया था ; और

(ग) यदि नहीं, तो रेलवे अधिकारियों ने क्या कार्यवाही की है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी नहीं ।

(ख) और (ग). प्रश्न नहीं उठता ।

### कटिहार जंक्शन पर उपलब्ध आरक्षित सीटों का कोटा

4613. श्री युवराज : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या अवध-तिरहुत मेल 1 अप्र और 2 डाउन लखनऊ और आसाम के बीच में चलती है ;

(ख) क्या कटिहार यद्यपि मीटर गेज का इस देश में सबसे बड़ा जंक्शन है, परन्तु कटिहार में पहले की तरह प्रथम श्रेणी और द्वितीय श्रेणी में तथा "टू टायर" और "थ्री टायर" डिब्बों में सीटों का आरक्षण नहीं किया जाता है ;

(ग) क्या आरक्षित कोटा के अभाव में प्रथम और द्वितीय श्रेणी और टू टायर और थ्री टायर डिब्बों में यात्रा करने वाले यात्रियों को अत्यधिक असुविधा होती है ; और

(घ) यदि हाँ, तो कब तक पहले की ही तरह कोटे का आरक्षण किया जाएगा और यदि नहीं, तो इसके क्या कारण हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी हाँ, ये गाड़ियाँ लखनऊ और गुवाहाटी के बीच चलती हैं ।

(ख) 1-5-77 से 1 डाऊन, ए०टी० मेल (गुवाहाटी से ) के लिए आरक्षण व्यवस्था कम्प्यूटर द्वारा शुरू की गई है ।

इस समय इस गाड़ी के दूसरे दर्जे के 2-टियर यान अर्थात् 16 शायिकाओं और 48 सीटों का आरक्षण, पहले की तरह, कटिहार से ही किया जाता है । 1 डाऊन मेल से पहले दर्जे में जिसमें पहले 2 शायिकाओं का कोटा था और दूसरे दर्जे में जहाँ मांग निर्धारित कोटा से बढ़ गई है, आरक्षण अब मालीगांव में कम्प्यूटर द्वारा "पहले आओ पहले पाओ" के आधार पर किया जाता है । इस व्यवस्था से कटिहार के यात्रियों को पहले निर्धारित स्थान से अब अधिक स्थान मिल जाता है । यह एक नया परीक्षण है इसलिए इस पर निरन्तर नजर रखी जा रही है ।

(ग) जी नहीं । 2 अप्र ए०टी० मेल में दूसरे दर्जे में 6 शायिकाओं का कोटा पहले जैसा ही है ।

(घ) प्रश्न नहीं उठता ।

### (Forty-Second Amendment) Act, 1977

4614. SHRI SAMAR GUHA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether The Constitution (Forty-Second Amendment) Act, 1977 passed during the Congress regime has created problems for the Supreme Court and High Courts in regard to dealing with cases involving constitutional issues, land reforms acts and other matters;

(b) if so, facts thereabout;

(c) whether most of the Bar Associations of India have demanded repeal of The Constitution (Forty-Second Amendment) Act;

(d) if so, facts thereabout; and

(e) the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NAR SINGH YADAV): (a) and (b). The provisions in the Constitution (Forty-second Amendment) Act, 1977, relating to the jurisdiction of the Supreme Court and the High Courts to decide the constitutional validity of a Central law and State law and the requirement of the minimum number of judges and special majority for the invalidation of such laws have held up the disposal of a large number of cases involving constitutional issues.

(c) and (d). Yes, Sir.

(e) The suggestions made by the Bar Associations are under consideration of the Government. The Constitution (Forty-fourth Amendment) Bill, 1977 was introduced in the Lok Sabha on the 16th December, 1977 seeking, *inter alia*, to do away with the requirement of the minimum number of Judges and also a special majority for the invalidation of Central and State laws.

#### **Views of All India Railwaymen's Federation on Accidents**

4615. SHRI ISHWAR CHAUDHRY: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that the All India Railwaymen's Federation has said that the recent railway incidents has shown that 'some sinister forces' were at work to discredit the present Government and the railwaymen besides creating a sense of fear among the travelling public;

(b) if so, whether Government has also investigated the facts in this regard; and if so, the details thereof; and

(c) whether Government has given some compensation to the relatives

of the victims who died in the accident which took place near Rewari on 23rd November, 1977 including Shri Prakash Veer Shastri, Member of Rajya Sabha and if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) In a resolution passed recently, the All India Railwaymen's Federation have stated that they note with great concern the activities of some anti-social and unscrupulous elements who have raised their ugly heads in causing accidents on the Railways and killing innocent passengers and railway workers besides causing damage to the railway property.

(b) Recent cases of sabotage and tampering with track occurring on the Railways are under investigation by the respective State Police. Ministry of Home Affairs is assisting the State Police in their investigation.

(c) No compensation has so far been paid to the victims or their dependents in the Rewari accident, under Indian Railways Act, 1890. Shri R. S. Gupta, District and Sessions Judge, Bhiwani, has been appointed as Claims Commissioner to deal with claims arising out of this accident. Payments will be made by the Railway Administration on the basis of the verdict of the court.

#### **Two-Tier Formula for Multi-National Drug Firms**

4616. CHAUDHURY BRAHM PERKASH: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether a two-tier formula on equity dilution for the multi-national drug firms has been prepared;

(b) if so, the salient features thereof;

(c) whether according to the new formula not all the drug companies will have to bring down their equity level to 40 per cent;

(d) the manner in which the percentage of foreign equity for each firm is proposed to be decided; and

(e) the particular reasons for not having one formula for all?

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

(a) to (e). The future policy on foreign drug companies, having regard to the recommendations of the Hathi Committee on the Drugs and Pharmaceuticals Industry, is under active consideration of Government.

#### **Drug Units in West Bengal**

4617. **SHRI K. A. RAJAN:** Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether it is a fact that a number of drug units in West Bengal are in a bad shape;

(b) if so, what are the details of the financial position of these units during the last three years; and

(c) what measures are being proposed to be taken to save these units from further deterioration and make them efficient units?

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

(a) and (b). On the basis of the information available, only two drugs, and Pharmaceutical manufacturing Companies viz., M/s. Bengal Chemical and Pharmaceutical Works Ltd., and M/s. Indian Health Institute Laboratory Ltd., are facing a financial crisis. The details of their financial performance to the extent available are

indicated below:—

*Bengal Chemical & Pharmaceutical Works Ltd.*

(Rs. Lakhs)

Year	Sales	Losses
1974-75 .	598	0.1
1975-76 .	586	35
1976-77 . . .	502	103
<i>Indian Health Institute &amp; Laboratory Ltd., Calcutta</i>		
1972	60.56	0.44
1973	44.17	3.22
1974 . . .	39.04	11.32

(c) While Government has taken over the management of Bengal Chemicals and Pharmaceuticals Works Ltd., Calcutta on 15-12-1977 under Industries (Dev. and Reg.) Act, an investigation under Section 15 of the IDR Act has been ordered into the affairs of the Indian Health Institute and Laboratory Limited, Calcutta on 28th November, 1977.

#### **Lube Refineries**

4618. **SHRI D. D. DESAI:** Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the number of lube refineries, the products they make, the prices they charge, the quantities of products they make and the basis for fixing their prices;

(b) whether the Government has explored all possibilities of meeting the consumers needs in regard to lube products at prices comparable in the international market;

(c) if not, reasons thereof; and

(d) if yes, the details thereof along with price comparisons in the international market?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) There are five lube refineries making lube base stocks in the country namely; Hindustan Petroleum Corporation Ltd., Bombay, Madras Refineries Ltd., Madras, IOC's refineries at Haldia and Barauni and Assam Oil Company's Refinery at Digboi. The various grades of lube base stock produced by these and the quantities thereof are given in the attached statement. With effect from 16-12-1977, retention prices have been fixed for each lube base stock for each Refinery, as in the case of bulk fuel products. For fixing ex-refinery prices, the different grades of lube base stocks have been classified into three broad categories namely; LVI Base Stocks, HVI/Bright Stocks and Turbine Oils. The weighted average of the retention prices of these groups of base oils forms the basis for the determination of ex-refinery prices, which are as follows:

Category of lube base stocks	Ex-refinery prices per metric ton
LVI Grades . . . . .	1540.00
HVI/Bright Stocks . . . . .	1890.00
Turbine Oils . . . . .	1990.00

(b) to (d). Almost the entire requirements of lubricants are met indigenously and only a small quantity is imported for specialised requirements. There is no standard international price for finished lubricants, which are sold in a large variety of

grades. Therefore, domestic prices cannot really be compared with international prices.

#### Statement

*Hindustan Petroleum Corpn. Ltd.*

#### Lube Grade

(Qty. in thousand M.T.)

	1976
150 Neutral	11.11
500 Neutral	61.35
1300 Neutral	26.03
100 Industrial .	12.56
1600 Industrial .	38.09
TOBS . . . . .	16.27
150 Turbine Oil .	2.24
500 Turbine Oil .	0.91
RPO	3.27
Axle Oil . . . . .	7.25
Total . . . . .	179.08

*Madras Refineries Ltd. (Qty. in thousand M.T.)*

	1976-77
Axle Oil . . . . .	5.58
TOBS	16.87
SP LVI . . . . .	3.41
SP HVI . . . . .	3.74
LN HVI . . . . .	5.52
IN HVI . . . . .	43.85
IN LVI	15.35
HN HVI . . . . .	46.65
HN LVI . . . . .	9.91
Total . . . . .	150.88



*Haldia Refinery (Qty. in thousand M.T.)*

	1976-77
HVIs . . .	10.00
Total . . .	10.00

*Barauni Refinery (Qty. in thousand M.T.)*

	1976-77
LVIIs . . .	1.00
Total . . .	1.00

*Digboi Refinery (Qty. in thousand M.T.)*

	1976-77 (January to November, 1977)
LVIIs . . .	9.00
Total . . .	9.00

**उत्तर रेलवे में एकसरे तकनीशियनों  
की संख्या**

4619. श्री सुभाष भ्राह्मण : क्या रेल  
मंत्री यह बताने की कृपा करेंगे कि :

(क) उत्तर रेलवे में ऐसे एकसरे तक-  
नीशियनों की संख्या तथा नाम क्या हैं जो एक  
ही स्थान पर दस वर्षों से अधिक समय से  
कार्य कर रहे हैं और उन स्थानों के नाम क्या  
हैं ;

(ख) उत्तर रेलवे में ऐसे एकसरे  
तकनीशियनों की संख्या तथा नाम क्या हैं  
जिन्हें उन की दस वर्षों की सेवावधि के दौरान  
एक स्थान से दूसरे स्थान पर स्थानान्तरित  
किया गया और उन स्थानों के नाम क्या हैं ;  
और

(ग) उत्तर रेलवे में ऐसे डाक्टरों की  
संख्या कितनी है जो गत दस वर्षों से एक  
ही स्थान पर काम कर रहे हैं ?

रेल मंत्रालय में राज्य मंत्री  
(श्री शिव नारायण) : (क) दस। वे  
नीचे बताये गये स्थानों पर काम कर रहे  
हैं :—

केन्द्रीय चिकित्सालय, नई दिल्ली में

1. श्री एस० के० कोहली
2. श्री एल० एस० जैन
3. श्री एस० पी० मदान

लखनऊ में

4. श्री प्यारे लाल श्रीवास्तव
5. श्री बी० एन० मल

फिरोजपुर में

6. श्री अमर सिंह

टुण्डला में

7. श्री बी० एस० शर्मा

दिल्ली में

8. श्री आर० एन० प्रसाद सक्सेना  
रेवाड़ी में

9. श्री भगवत स्वरूप गुप्त

मुरादाबाद में

10. श्री शराफत हुसेन उसमानी

(ख) पांच। उनके तथा उन स्थानों  
के नाम जहाँ उन्हें स्थानान्तरित किया गया  
था नीचे दिये गये हैं :—

(1) श्री बी०एम० गोस्वामी दिल्ली  
से भ्रमृतसर (2) श्री बी०एम० गोस्वामी  
भ्रमृतसर से लालगढ़, बीकानेर  
(3) श्री रमेश कुमार कानपुर से  
इलाहाबाद (4) श्री बी० पी० सिंह  
बीकानेर से इलाहाबाद (5) श्री के०  
आर० मिश्र, लालगढ़, बीकानेर से  
भ्रमृतसर।

(ग) 24.

**Benches of High Courts in States**

4620. SHRI KAILASH PRAKASH:  
Will the Minister of LAW, JUSTICE  
AND COMPANY AFFAIRS be pleas-  
ed to state:

(a) the names of the States with  
their population in which High Courts  
have Benches;

(b) the number of Benches in each  
of such States;

(c) the dates from which such  
Benches began functioning; and

(d) the policy regarding establish-  
ment of new Benches?

THE MINISTER OF LAW, JUS-  
TICE AND COMPANY AFFAIRS  
(SHRI SHANTI BHUSHAN): (a) to  
(c). A statement is laid on the Table  
of the Lok Sabha.

(d) Proposals for the establishment  
of Benches are considered as and  
when they are received from the  
State authorities. However, the Law  
Commission and the High Court Ar-  
rears Committee have generally ex-  
pressed themselves against the estab-  
lishment of Benches.

**Statement**

Sl. No.	Names of States which have Benches of High Courts	Population of such States according to [Census Report of 1971]	Number of Benches in Such States	Date from which such Benches began functioning
1	Bihar . . .	56,353,369	1	19-4-1976
2	Maharashtra . .	50,412,235	1	1-5-1960
3	Madhya Pradesh .	41,654,119	2	1-11-1956
4	Rajasthan . . .	25,765,806	1	31-1-1977
5	Uttar Pradesh . .	88,341,144	1	The Bench started functioning consequent on the promulgation of the United Provinces High Court (Amalgamation) Order, dated 19th July, 1948.

NOTE : Judges and Division Courts of the Gauhati High Court also sit in Meghalaya, Manipur Nagaland and Tripura in accordance with the provisions of Section 31(3) of the North Eastern Areas (Reorganisation) Act, 1971. Information regarding the population of these States is as follows :—

	Name of the State	Population (Census of 1971)	Report
1	Meghalaya . . .	1,011,699	
2	Manipur . . .	1,072,753	
3	Nagaland . . .	516,449	
4	Tripura . . .	1,556,342	

जबलपुर गोंदिया छोटी लाइन को बड़ी  
लाइन में बदला जाना

4621. श्री शरद यादव : क्या रेल  
मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या जबलपुर-गोंदिया, गोंदिया-  
चांदा और नैनपुर-नागपुर नैरोगेज सेक्शन  
को बड़ी लाइन में बदलने का कोई प्रस्ताव  
मंत्रालय के विचाराधीन है ; और

(ख) क्या इस बारे में कोई सर्वेक्षण  
किया गया है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव  
नारायण) : (क) और (ख). अलाभप्रद  
शाखा लाइन समिति की सिफारिशों के  
अनुसरण में, 1972-73 में सतपुड़ा रेल  
प्रणाली के उत्तरी खण्ड के आमान-परिवर्तन  
के उद्देश्य से, जिसमें निम्नलिखित लाइनें  
सम्मिलित हैं, एक यातायात सर्वेक्षण किया  
गया था, लेकिन इस परियोजना को अर्थक्षम  
नहीं पाया गया :

(I) परसिया-छिन्दवाड़ा-सिम्रौनी-  
नैनपुर-मांडलाफोर्ट ;

(II) जबलपुर नैनपुर-बालाघाट-  
गोंदिया तथा बालाघाट-कटंगी ; और

(III) छिन्दवाड़ा-नागपुर

जबलपुर-गोंदिया लाइन को बड़ी लाइन  
में बदलने के लिए एक नया सर्वेक्षण किया जा

रहा है। गोंदिया-चांदा खण्ड को बड़ी लाइन  
में बदलने का फिलहाल कोई प्रस्ताव विचाराधीन  
नहीं है।

#### Connecting of Sidhi Town by a Train

4622. SHRI SURYA NARAIN  
SINGH: Will the Minister of RAIL-  
WAYS be pleased to state:

(a) whether there is any proposal  
for connecting Sidhi town in Madhya  
Pradesh by any connecting train;

(b) whether any survey to this  
effect has been made; and

(c) if so, the details thereof and  
estimated cost for construction of the  
railway line?

THE MINISTER OF STATE IN  
THE MINISTRY OF RAILWAYS  
(SHRI SHEO NARAIN): (a)  
to (c). No survey has been carried  
out so far for construction of a rail  
link connecting Sidhi Town in Ma-  
dhya Pradesh, and it will not be pos-  
sible to consider the proposal at pre-  
sent on account of the limited avail-  
ability of resources.

निलम्बित कर्मचारियों के मामलों का  
निपटान

4623. श्री राम नरेश कुशवाहा : क्या  
रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या निलम्बित रेल कर्मचारियों के मामलों का फैसला करने के लिए कोई समय सीमा नियत की गई है ;

(ख) यदि हां, तो समय सीमा क्या है ;

(ग) पूर्वोक्त रेलवे के कितने कर्मचारियों के मामले निर्धारित समय पूरा हो जाने के उपरान्त भी निलम्बित है ; और

(घ) सरकार द्वारा ऐसे मामलों के शीघ्र निपटाने के लिए क्या कार्यवाही करने का विचार है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी नहीं ।

(ख) और (ग). प्रश्न नहीं उठता ।

(घ) निलम्बन को रद्द करने के लिए समय सीमा निर्धारित करना संभव नहीं है । फिर भी, वर्तमान नियमों में यह व्यवस्था है कि निलम्बन की अवधि को घटाकर कम से कम किया जाए ।

#### **Allegations of Rigging of 1972 Assembly Poll**

4624. SHRI MUKUNDA MANDAL:  
Will the Minister of LAW, JUSTICE  
AND COMPANY AFFAIRS be pleas-  
ed to state:

(a) whether Government are aware that the Congress-opposed political parties in West Bengal brought allegations of wholesale rigging of the

1972 Assembly Poll, against the erst-while Central Government and West Bengal State Government led by the Congress;

(b) if so, the nature of the allegations; and

(c) whether the Government will consider to constitute a high-powered body under the Commission of Inquiry Act to probe into the allegations?

THE MINISTER OF STATE IN  
THE MINISTRY OF LAW, JUSTICE  
AND COMPANY AFFAIRS (SHRI  
NARSINGH YADAV): (a) Yes, Sir.

(b) The allegation was that the whole election in West Bengal was rigged as a result of a preplanned conspiracy engineered at the highest level and that manipulation of ballot papers and ballot boxes and fraud during counting had in a large number of constituencies come to light. It was also alleged that in some cases defeated candidates were declared elected.

(c) Neither the Constitution nor the election law provides for such a course of action. Article 329(b) of the Constitution provides that "no election to either House of Parliament or to 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."

**Petro-Chemical Complex at Haldia**

4625. SHRI C. K. CHANDRAPPA:  
SHRI P. K. KODIYAN:

Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether any work on the proposed Petro-chemicals complex at Haldia has since been started;

(b) whether the West Bengal State Government had any talks with the Central Government recently regarding the financial assistance and other matters regarding this plant; and

(c) if so, the details and Government's reaction thereto?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). No. Sir.

(c) Does not arise.

**मनमाड-निजामाबाद एल्लोरा एक्सप्रेस  
का चलना**

4626. श्री केशवराव घोंडगे : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मनमाड-निजामाबाद-एल्लोरा एक्सप्रेस रेलगाड़ी नान्देड तक जाती थी, परन्तु अब वह केवल निजामाबाद तक ही जाती है और इस परिवर्तन के क्या कारण हैं ?

(ख) क्या नान्देड में इस रेलगाड़ी के साथ एक डिब्बा जोड़ा जाता था, परन्तु अब उसकी जोड़ा जाना बन्द कर दिया गया है और उसके क्या कारण हैं ?

(ग) क्या रेलगाड़ी के साथ डिब्बा न जोड़ने जाने के कारण नान्देड में यात्रियों को भारी कठिनाई होती है, क्योंकि रेलगाड़ी निजामाबाद से ही यात्रियों से पूरी तरह भारी हुई आती है ; और

(घ) इस बारे में लोगों की मांग के अनुसार नान्देड में डिब्बा लगाने के लिए रेलवे ने क्या कार्यवाही की है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) 31-3-1976 से 95/96 मनमाड-नान्देड एक्सप्रेस को निजामाबाद तक बढ़ा दिया गया है ।

(ख) नान्देड के यात्रियों के लिए निजामाबाद-मनमाड एल्लोरा एक्सप्रेस में दूसरे दर्जे का एक सामान्य सवारी डिब्बा लगाया जाता था । अब उसके बदले में दूसरे दर्जे का 3 टायर एवं 2 टायर वाला एक शयनयान लगा दिया गया है ।

(ग) और (घ). नान्देड से चलने वाले यात्रियों के लिए अलग रखे गये वर्तमान स्थल का पूरा पूरा इस्तेमाल नहीं किया जाता है और नान्देड से चलने वाले यात्रियों को किसी परेशानी का सामना नहीं करना पड़ रहा है ।

**Licences issued to M/s Hoechst**

4627. SHRI BHARAT SINGH CHOWHAN: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) how many letters of intent/ industrial licences have been granted to M/s. Hoechst during the last three years; items of production, capacities and conditions of the letters/licences;

(b) how many of these intent letter/licences have been implemented fully/partially and how many remain unimplemented; and

(c) whether any relaxation was made in conditions of letters of intents while converting them into licences, if so, the nature of relaxations and reasons for doing so?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). A statement showing the requisite details of Industrial Licences Letters of Intent granted to M/s. Hoechst during the last 3 years (period 1-1-75 to date) is laid on the Table of the House. [Placed in Library. See No. LT-1438/77.]

(c) No relaxation of conditions was made while converting them into licences. However, in respect of one letters of intent a condition of 10 per cent export obligation was deleted with the approval of Licensing Committee, prior to its conversion into an Industrial Licence.

#### **Bills framed during Emergency**

4628. SHRI KANWAR LAL GUP-TA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the names of the Bills which were framed during the emergency by the Ministry of Law either on its own or on being referred to by the Ministries of Home Affairs, External Affairs, Finance, Defence, Information and Broadcasting, Works and Housing, Health and Family Welfare and Labour, along with its main contents;

(b) names of the aforesaid Bills, which were not presented in the House, but their drafts were prepared or considered;

(c) any reason for not moving the aforesaid Bills in the House;

(d) what were the suggestions made to Law Ministry to make changes in the Constitution during emergency;

(e) is it a fact that a draft for making the basic changes in the Constitution and suggesting Presidential form of Government in India was also thought of; and

(f) if so, give the details thereof?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) A statement showing the Bills which were drafted during the period of internal emergency (that is, from the 25th June, 1975, to the 21st March, 1977) by the Ministry of Law either on its own or on being referred to it by the Ministries of Home Affairs, External Affairs, Finance, Defence, Information and Broadcasting, Works and Housing, Health and Family Welfare and Labour and which were enacted by Parliament is laid on the Table of the House. [Placed in Library. See No. LT-1439/77] For the contents of these Bills, the relevant Acts may be referred to.

(b) and (c). On the basis of the information available in this Ministry a statement showing the other Bills drafted during that period, on a reference made to it by the Ministries mentioned in part (a) is laid on the Table of the House. [Placed in Library. See No. LT-1439/77]. These Bills could not be introduced either because all the steps connected with undertaking of legislation could not be completed in time or perhaps because the concerned Ministries did not consider it necessary to pursue them. The purport of the Bills are indicated briefly in the last column of Statement II.

(d) The provisions included in the Constitution (Forty-second Amendment) Act, 1976, were mainly based

on the recommendations of the Swaran Singh Committee and the suggestions received from other Ministries as well as certain individuals and associations.

(e) The Ministry of Law is not aware of any such proposal.

(f) Does not arise.

#### **Water Facilities to Railway Employees**

4629. SHRI P. RAJAGOPAL NAIDU: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that huge amounts have been spent to provide water facilities to Railway employees working at Guntakal;

(b) the amount spent for the purpose so far since 1956;

(c) whether it is a fact that water is supplied once in two or three days to the Railway employees living in quarters in spite of spending heavy amount so far; and

(d) whether Government propose to solve this problem as a permanent measure?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). Details of expenditure on supply of drinking water for Railway staff are not maintained station wise and hence the amount spent so far since 1965 at Guntakal cannot be furnished.

(c) The water supply position at this station has been posing a problem. At present water is pumped from the bore wells and open wells and supplied to staff. During the months of August to February when the yield from these sources is normal, drinking water is supplied daily to the staff. But during the months of March to July, when the yield goes down and water has to be railed to

this station from other stations, the staff are supplied water on alternate days.

(d) To solve this problem once and for all, the Railway Administration is currently examining various schemes independently as well as in consultation with the State Government and local municipality.

#### **Introduction of a Classless Train between Bombay and Howrah**

4630. SHRI KACHARU LAL HEMRAJ JAIN: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that a new 'classless' super fast train with three-tier second class cushioned sleeper coaches has been introduced between Bombay and Howrah;

(b) what is the response of the public to this;

(c) whether it is proposed to introduce such trains on other routes; and

(d) if so, the particulars thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) The service has proved popular.

(c) and (d). The plan for introduction of new services during 1978-79 is being finalised and running of such trains will be kept in view.

**कुकिंग गैस तथा पेट्रोल पम्प की एजेंसियां देना**

4631. श्री छवि राम अग्रवाल :

**पेट्रोलियम तथा रसायन और उर्वरक**

मंत्री यह बताने की कृपा करेंगे कि :

(क) 21 नवम्बर 1977 तक कितने व्यक्तियों को कुकिंग गैस तथा पेट्रोल पम्प की एजेंसियां दी गई हैं ;

(ख) उनमें से अनुसूचित जातियों और अनुसूचित जन जातियों के लोगों की पृथक् पृथक् संख्या क्या है जिन्हें उक्त एजेंसियां दी गई हैं ;

(ग) क्या समाज के कमजोर वर्गों की वित्तीय स्थिति के लाभ के लिए सरकार का विचार कमजोर वर्गों के लोगों को आनुपातिक क्रम से पेट्रोल पम्प, कुकिंग गैस, प्राकृतिक गैस और अन्य एजेंसियों का आवंटन करने का है ;

(घ) यदि हां, तो सरकार की अब तक इस पर क्या प्रक्रिया है और इस बारे में सरकार का भविष्य में क्या कार्यवाही करने का विचार है ; और

(ङ) उक्त जातियों के कितने व्यक्तियों के आवेदन-पत्र सरकार के विचाराधीन हैं और उन पर कब तक कार्यवाही की जाएगी ?

**पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवती नन्दन बहुगुणा) :** (क) तेल कम्पनियों के पास इस समय लगभग 800 एल०पी०जी० वितरक उपवितरक और लगभग 11000 फुटकर बिक्री केन्द्र (पेट्रोल-पम्प) के डीलर हैं ।

(ख) 1-1-1974 से अभी हाल तक केवल इंडियन आयल कारपोरेशन लिमि० अपनी कुल एजेंसियों/डीलरशिप के 25% का आरक्षण अनुसूचित जातियों/अनुसूचित जनजातियों के व्यक्तियों के लिए आरक्षण करने की नीति का अनुपालन कर रही थी । इंडियन आयल कारपोरेशन और इन्डेन गैस के फुटकर बिक्री केन्द्रों में 1-1-74 से 31-10-77 तक अनुसूचित जातियों के विक्रेताओं/वितरकों की संख्या क्रमशः 31 और 13 है और फुटकर बिक्री केन्द्र और इन्डेन गैस के विक्रेताओं/वितरकों में अनुसूचित जनजातियों की संख्या क्रमशः 2 और 5 है ।

(ग) और (घ). सरकार द्वारा दिनांक 23-9-1977 को जारी की गई मार्गदर्शी रूप रेखाओं के अनुसार सार्वजनिक क्षेत्र की तेल कम्पनियों की सभी प्रकार की एजेंसियों अनुसूचित जातियों/जन जातियों के व्यक्तियों के लिए आरक्षित की जाती है ।

(ङ) क्योंकि ये आवंटन सामान्य रूप से तेल कम्पनियों द्वारा किये जाते हैं अतः इस सम्बन्ध में सरकार के पास निपटान के लिए पड़े हुए आवेदन पत्रों का प्रश्न नहीं है ।

#### **Proposal to introduce Employment Oriented Schemes**

4632. SHRI NARENDRA SINGH: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether his Ministry is considering some proposals to introduce employment oriented schemes in rural as well as in urban areas during the coming two years;

(b) if so, whether the schemes are proposed to be introduced from the next financial year; and

(c) if so, details thereof?



**THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):** (a) Considering the nature of operations there is no scope for introducing employment-oriented schemes in petroleum industry.

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

#### **Implementation of MRTP Act**

**4633. SHRI JYOTIRMOY BOSU:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the MRTP Act was introduced in 1969 with a view to check the growth of big business houses and also to break the concentration of economic power in their hands;

(b) whether the MRTP Act was also expected to put a stop to Monopolistic and Restrictive Trade Practices;

(c) if so, how far the Act has been successful in this regard;

(d) whether it has been alleged that the MRTP Commission is, for all practical purposes, defunct; and

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

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN):** (a) and (b). The object of the MRTP Act, 1969 is to provide that the operation of the economic system does not result in the concentration of the economic power to the common detriment, for the control of monopolies, for the prohibition of monopolistic and restrictive trade practices and for matters connected therewith or incidental thereto.

(c) The performance of the Monopolies and restrictive trade practices Commission in curbing the growth of monopolies and restrictive trade practices is narrated in details in the five sta-

tutory Annual Reports pertaining to the execution of the provisions of the MRTP Act, 1969, which have already been laid on the Table of the House from time to time. However, a High Powered Expert Committee has been constituted recently by the Government to review the provisions of the MRTP Act, including the working of the MRTP Commission, to consider whether, any, and if so, what changes are necessary.

(d) and (e). There have been some reports in the Newspapers that the MRTP Commission is 'Moribund'. The Government does not agree with these reports. Government is of the view that the Commission has a useful part to play in fulfilling the objects of the Monopolies and Restrictive Trade Practices Act, as mentioned above.

#### **Construction of Salaya/Mathura Pipeline**

**4634. SHRI VINODBHAI B. SHETH:** Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) when the construction of Salaya/Mathura pipeline will be completed;

(b) is it true that the officials have forcefully and without appropriate prior notice acquired land for the pipeline and destroyed the standing crop of farmers;

(c) has any complaint been received in respect of construction of buildings at Salaya which is not according to specification; and

(d) what steps Government is taking in this matter?

**THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):** (a) The construction of Salaya-Virangam-Koyali section of the pipeline is expected to be completed by April 1978.

The section of pipeline from Viramgam to Mathura is expected to be completed by January, 1980.

(b) The right-of-way for Salaya-Viramgam-Koyali Pipeline has been acquired by IOC as per the provisions of Petroleum Pipelines Act, 1962, now known as Petroleum & Minerals Pipelines Act, 1962. The possession of the right-of-way for the construction activities was taken over as per the provision of the Act and the rules framed thereunder after appropriate Gazette Notifications and notices to the individuals. At the time of laying of the pipeline if the standing crop is required to be cleared, the loss sustained by the farmer for the standing crop is paid to him after the same is worked out as per rules by the Competent Authority appointed by the Government.

As regards Viramgam-Mathura section of the pipeline, the right-of-way is being acquired by IOC as per the provisions of the above Act.

(c) No, Sir.

(d) Does not arise.

#### Loss to Railways due to Accidents

4635. SHRI M. RAM GOPAL REDDY: Will the Minister of RAILWAYS be pleased to state the total amount of loss to the Railways from April to November, 1977 on account of accidents during the period?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): The cost of damage to railway property involved in the train accidents viz. collisions, derailments, level crossing accident and fires in trains, has been estimated at approximately Rs. 2,58,90,588/-.

3087 LS—5

#### Proposal to increase Second Class capacity of certain Trains

4636. SHRI C. K. JAFFER SHARIEF: Will the Minister of RAILWAYS be pleased to state:

(a) whether there is any proposal under Government's consideration to increase the Second Class carrying capacity of major trains starting from New Delhi, Bombay, Madras and Calcutta by reducing the capacity in A.C. Seat coaches and I class in those trains to ameliorate the difficulties of the ordinary travelling public;

(b) if so, what are the details thereof; and

(c) if not, what are the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c). Manufacture of a longer prototype second class sleeper coach with more second class accommodation is under consideration. Besides a close watch on patronisation of various classes of accommodation is kept and action taken to replace the poorly patronised coaches.

#### मथुरा में उर्वरक संयंत्र

4637. श्री रामजी लाल सुमन : क्या पेट्रोलिएम तथा रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उन्होंने मथुरा में लगाये जाने वाले उर्वरक संयंत्र के स्थान में परिवर्तन किया है ;

(ख) यदि हाँ तो उसके क्या कारण हैं ; और

(ग) उसके कारण क्या हैं जबकि उसके लिए अपेक्षित कच्चा माल मथुरा तेल शोधक कारखाने से उपलब्ध होना था ?

**पेट्रोलियम तथा रसायन और उर्वरक मंत्रालय में राज्य मंत्री (श्री जनेश्वरमिश्र)**  
(क) से (ग). मथुरा में एक बड़े आकार वाला उर्वरक संयंत्र पांचवीं योजना अवधि के दौरान स्थापित किये जाने वाले पांच उर्वरक संयंत्रों में से एक है। कच्चे माल के रूप में नैफ्था पर आधारित इस परियोजना की स्थापना के लिए सम्भाव्य रिपोर्ट भी सरकार को प्रस्तुत की गई थी। तथापि, संसाधनों पर कड़े प्रतिबन्धों के कारण इस परियोजना को कार्यान्वित नहीं किया जा सका। बम्बई हाई तथा नैसिन संरचनाओं और असम से उल्लेख सम्बन्ध/क्री गैस के संदर्भ में गैस पर आधारित अतिरिक्त उर्वरक क्षमता की स्थापना के लिए अब प्राथमिकता दी जा रहा है।

### Wagons lying Idle

4638. SHRI MANORANJAN BHAKTA: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that 6000 wagons of North-Eastern Railways are lying idle for want of customers, if so, facts thereof and reasons therefor;

(b) the loss suffered by the Railways as a result thereof per year; and

(c) the steps being taken for their proper utilisation by offering them at lower rates?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c). During August to October 1977, 5790 wagons (Metre Gauge) on an average had been stabled daily on the North-

Eastern Railway, being surplus to requirements. The drop in wagon demand during July to October is an annual feature on account of less offer of general merchandise and monsoon conditions etc. The stabling came down to 3830 wagons per day in November, 1977. A major portion of the wagons rendered surplus in November consisted of special type of wagons meant for movement of sugarcane, the season for which started late this year. In November, 1976, the average number of wagons stabled daily on the North-Eastern Railway was 4732. There has been no loss as the wagon fleet caters to fluctuations in traffic.

### भूतपूर्व सैनिकों को कुकिंग गैस की एजेंसियों का आवंटन

4639. श्री हरि गोविन्द वर्मा : क्या पेट्रोलियम तथा रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार कुकिंग गैस की एजेंसियों का आवंटन करते समय भूतपूर्व सैनिकों और उनके आश्रितों को प्राथमिकता देती है ;

(ख) यदि हां तो भूतपूर्व सैनिकों को अब तक कितनी एजेंसियां दी गई हैं ;

(ग) क्या किसी व्यक्ति को एजेंसी का आवंटन करने से इन्कार किया गया था ;

(घ) यदि हां तो उसके क्या कारण हैं ?

**पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवती नन्दन बहुगुणा) :** (क) वर्ष 1971 की युद्ध स्थिति के बाद इंडियन आर्यल

कास्पोरेखन ने अपनी गैस एजेंसियों/फुटकर बिजली केन्द्रों आदि को रक्षा मंत्रालय के पुनर्वासि महा निदेशक की सिफारिश पर अपंग रक्षा। कामिक युद्ध में मारे गये सैनिकों की विधवाओं भूतपूर्व सैनिकों आदि को प्रदान करने की नीति को अपनाया था। इस नीति को दिसम्बर 1971 में शुरू-शुरू में एक वर्ष के लिए लागू किया गया था और तब वर्षनुवर्ष इस अवधि को बढ़ाया जाता रहा। इस नीति को 1-2-1975 से समाप्त कर दिया था क्योंकि परियोजना के अन्तर्गत पुनर्वास के लिए निर्धारित लक्ष्य अधिक हो गया था।

(ख) अबतक 1977 के अन्त की यथा स्थिति के अनुसार आई०ओ० सी० द्वारा उपर्युक्त नीति के अन्तर्गत डी०जी०आर० के द्वारा मनोनीत व्यक्तियों को 176 कुकिंग गैस डिस्ट्रीब्यूटरशिप का आवंटन किया गया था।

(ग) और (घ) : क्योंकि एजेंसियाँ डी० जी० आर० की सिफारिशों के अनुसार प्रदान की जाती थीं इसलिए आई०ओ०सी० द्वारा एजेंसी के आवंटन के लिए इन्कार करने का प्रश्न नहीं उठता।

### Privilege Passes

4640. SHRI SIVAJI PATNAIK: Will the Minister of RAILWAYS be pleased to state why the serving Class I and Class II Railway Officers are being allowed six sets of privilege passes every year instead of three sets as recommended in 67th Report of Estimates Committee of Fourth Lok Sabha and also in the Report of Third Central Pay Commission?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): The facility of privilege pass of free travel is in the nature of fringe benefit available to railwaymen all over the world. The quantum of such passes granted to officers on Indian Railways has already

undergone curtailments and the present scale allowed to them is much lower than that in other countries.

The matter, however, is under further consideration.

### Terminal Facilities at Burdwan and Asansol Stations

4641. SHRI KRISHNA CHANDRA HALDER: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Government have decided for development of terminal facilities at Burdwan and Asansol Stations; and

(b) tentative period of commencement and target dates of completion of phased-programmes of stations?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) BURDWAN: Work is in hand now and is likely to be completed by end of March 1981.

ASANSOL: While some coaching and stabling facilities have already been provided, some other facilities like extension of the existing coaching siding etc. are proposed in the 1978-79 Budget.

### Committee to recommend on the Growth of Alcohol based Industries

4642. SHRI PRASANNBHAI MEHTA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether in view of the declared policy of introducing prohibition in the next few years, it would be necessary to divert more alcohol from drinking purposes to industrial use;

(b) if so, whether it is a fact that alcohol is an alternative to petroleum feed stocks;

(c) if so, whether Centre has set up a committee to look into the growth of alcohol based industries and make recommendations;

(d) if so, whether the Committee has given its findings; and

(e) to what extent the alcohol will be utilised for petroleum products?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) to (e). Consequent upon the implementation of total prohibition approximately 150 million litres of alcohol will additionally become available for industrial purposes. Alcohol is an important raw material for many industries in the field of chemicals and provides a substitute to petroleum feed-stock. Government had set up a Committee to make recommendations about the future planning and growth of the alcohol based industries. The Committee has recently submitted its Report. The use of alcohol for industrial purposes will largely depend upon the potential demand and the growth of alcohol-based industries.

**इज्जतनगर डिब्रीजन में मुख्य लिपिक के रिक्त पड़े हुए पदों की संख्या**

4643. श्री रामधारी शास्त्री : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) पूर्वोत्तर रेलवे के इज्जतनगर डिब्रीजन मैकेनिकल ब्रांच में रिक्त पड़े हुए मुख्य लिपिक के कुल कितने पद हैं और उसमें अनुसूचित जातियों तथा अनुसूचित जनजातियों के लिए आरक्षित पदों की संख्या कितनी है ;

(ख) अभी तक इन पदों के न भरे जाने और कार्यक्षमता को जानबूझकर कम करनेका प्रयास करने के पीछे षडयंत्र की जांच न करने के क्या कारण हैं ; और

(ग) इसके लिए जिम्मेदार अधिकारियों को अभी तक दंडित न किये जाने के क्या कारण हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) कोई नहीं ।

(ख) और (ग) प्रश्न नहीं उठता ।

**राजा-का-साहसपुर रेलवे स्टेशन पर स्थित डिस्टिलरी पर बकाया राशि**

4644. श्री बूजराज सिंह : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उत्तर रेलवे के मुरादाबाद डिब्रीजन में राजा-का-साहसपुर रेलवे स्टेशन पर स्थित एक डिस्टिलरी के मालिक पर रेलवे को देय एक लाख रुपए से अधिक की राशि बकाया थी ;

(ख) क्या डिब्रीजनल सुपरिटेण्डेंट; उत्तर रेलवे मुरादाबाद के कार्यालय में इस बकाया राशि में सम्बन्धित सभी दस्तावेज उपलब्ध होने के बावजूद यह राशि वसूल नहीं की गई है ; और

(ग) रेलवे को देय इस राशि को वसूल न करने के लिए जिम्मेदार स्टेशन मास्टर के विरुद्ध क्या कार्यवाही की गई है और यह राशि कब तक वसूल की जाएगी ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) से (ग) सूचना इकट्ठी की जा रही है और सभापटल पर रख दी जाएगी ।

### Disparity in House Rent Allowance of Employees in F.C.I., Delhi

4645. SHRI R. V. SWAMINATHAN: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether there is disparity in the house rent allowance of the employees in the Central Office at Delhi of the Fertilizer Corporation of India; and

(b) if so, the time by which this disparity will be removed?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI JANESHWAR MISHRA): (a) Yes, Sir.

(b) The matter is under consideration. While it is difficult to indicate a time-limit, a decision will be taken as soon as possible.

### तीसरी श्रेणी के पद

4646. श्री दौलतराम सारण : क्या रेल मंत्री यह बताने की कृपा करेंगे कि गत पांच वर्षों के दौरान उत्तर रेलवे सेवा आयोग इलाहाबाद ने बीकानेर और जोधपुर डिवीजन के कितने व्यक्तियों को तीसरी श्रेणी के पदों पर नियुक्त किया है और कितने व्यक्तियों ने इन पदों के लिए आवेदन-पत्र दिये थे।

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : प्रत्येक विज्ञापन के उत्तर में रेल सेवा आयोग, इलाहाबाद को बहुत बड़े संख्या में, प्रायः लाखों की संख्या में आवेदन पत्र प्राप्त होते हैं। आयोग के लिए आवेदन करने वाले उम्मीदवारों के स्थानों के आंकड़े रखना व्यावहारिक नहीं है।

### 'Statutory Function of Railway Board vis-a-vis Railway Ministry

4647. SHRI MRITYUNJAY PRASAD: Will the Minister of RAILWAYS be pleased to state:

(a) what are the statutory functions of the Railway Board vis-a-vis the Railway Ministry and the management of the various Railways and how has the Board or its individual members been discharging the same; and

(b) to what extent does the Board add to the efficiency of the Railways and expedite early decisions and actions?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). The Indian Railways Act 1890 is the primary law relating to railways in India. Under this Act, the Central Government is expected to discharge quite a large number of functions and exercise the necessary powers in relation to the same. The Railway Board was constituted by Resolution No.256-G dated the 18th February, 1905 of the Government of India Public Works Department as a body with full authority to manage the railways in India. The orders, which the Railways Board issued, were accepted as the orders of the Government of India. The Indian Railways Act 1905 (Act IV of 1905) came into force on the 22nd March, 1905. The Preamble of the Act reads as follows:—

"Whereas a Railway Board has been constituted for controlling the administration of railways in India, and it is expedient to provide for investing such Board with certain powers or functions under the Indian Railways Act 1890 (IX of 1890), it is hereby enacted as follows".

Under section 2 of the Act, the Central Government may, by notification in the official gazette, invest the Railway Board either absolutely or subject to conditions, with all or any of the powers or functions of the Central Gov-

ernment under the Indian Railways Act 1890 (IX of 1890) with respect to all or any railways. In exercise of this power vested in the Central Government under the Indian Railways Act 1890 have been delegated to the Railway Board.

Apart from these statutory functions/powers, delegated to the Railway Board, there is the business of the Government of India entrusted to the Ministry of Railways under the Government of India (Allocation of Business) Rules framed under clause 3 of Article 77 of the Constitution of India. The business allocated to the Ministry of Railways (Railway Board) is as follows:—

“1. *Government Railways*—All matters, including those relating to Railway revenues and expenditure but excluding Railway Inspectorate and Railway Audit.

2. *Non-Government Railways*—Matters in so far as provision for control by the Ministry of Railways, the Indian Railways Act, or in the contracts between the Government and these Railways, or in any other statutory enactments, namely, regulations in respect of safety, maximum and minimum rates and fares, etc.”

This again involves the discharge of so many functions and the exercise of so many powers pertaining to the day-to-day functioning of the railways spread all over the country. Under Rule 3 of the Government of India (Transaction of Business) Rules framed under clause 3 of Article 77 of the Constitution of India, the business allocated to the Ministry of Railways shall be disposed of by or under the general or special directions of the Minister-in-charge. The Minister of Railways in the discharge of business allocated to the Ministry, is assisted by the Railway Board and by the various technical Directorates directly functioning under the supervisory control of the Railway Board.

As at present constituted, the Railway Board consists of a Chairman, Financial Commissioner, and three other Members. The Chairman is the *ex-officio* Principal Secretary to the Government of India in the Ministry of Railways and the Financial Commissioners and the three Members have the status of *ex-officio* Secretary to the Government of India. The Chairman and the three Members are separately in-charge of matters relating to staff, Civil Engineering, Transportation and Mechanical Engineering. The Financial Commissioner is in charge of the financial matters pertaining to the railways.

The railways are the largest public sector undertaking in the country. It is, therefore, fundamentally important that their administrative machinery should be so oriented as sub-serve the broad national objectives in keeping with the speedy growth in economy and planned development in various sectors. The Railway Board has been established with the primary objective of installing a body of practical administrators with wide and varied experience in the realm of the railway operations, who could be entrusted with full authority to manage the Indian Railways. This body functions directly under the control of the Minister of Railways carrying out the policies of the Government, co-ordinating with other Ministries, maintaining liaison with the Planning Commission, Union Public Service Commission, Central Vigilance Commission, etc. The Railway Board submits its expert advice to the Minister of Railways in the formulation of the policies and plans for the development and working of the railways. The Members of the Board, in their capacity as Secretaries to the Government, appear and give evidence before important Committees of Parliament like the Public Accounts Committee, the Estimates Committee, the Railway Convention Committee, etc. The Railway Board is responsible for the implementation of the railway plans as approved by the Minister of Railways

and is also responsible for the preparation of the Budget and other estimates of railway receipts and expenditure. It lays down standards, uniform conditions of service for the staff and deals with labour federations at the Ministry level.

To sum up, the place of the Railway Board in the effective running of the vast railway system as the top technical organisation, is fully established. If there is no central body like the Railway Board, prompt decision and follow up actions on technical matters would not be possible. The Railway Board has added to the efficiency of the railways as the Members advising the Minister of Railways on the various matters are experts in their respective fields. Decisions and actions are also expedited, as otherwise, the Minister of Railways, with his other responsibilities would himself have to attend to those functions which are today performed by the Railway Board.

**Casual Labourers Employed under D.S.T.E./W/Tambaram Southern Railway**

4648. SHRI K. T. KOSALRAM: Will the Minister of RAILWAYS be pleased to state:

(a) the number of casual labourers employed under D.S.T.E./W/Tambaram in the Southern Railway who have been working for more than three years;

(b) the number of these labourers who have been served with notice of termination of their service;

(c) the reasons for their not being absorbed in any other project of the Southern Railway;

(d) whether in view of the length of service of these workers, there is any proposal to ensure that their experience is made use of in projects in Railways; and

(e) in this connection whether the Minister received any representation from Tambaram Railway Mazdoor Association; if so, what action has been taken on it?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) About 230.

(b) 20 casual labourers who were declared medically unfit were served with notice of termination. However, 19 of them obtained stay order from the High Court. Only one of them has, therefore, been discharged from service.

(c) and (d). Seniority of casual labour is confined to their unit of working. Since there is an overall surplus of casual workers, it is difficult to transfer their services and to continue them elsewhere.

(e) Yes. The points raised in the representation are under examination.

**Introduction of a Rajdhani Express Type Train between Bongaigaon and Delhi**

4649. SHRI AMAR ROY PRADHAN: Will the Minister of RAILWAYS be pleased to state whether there is any proposal to introduce a Rajdhani Express Type Speedy Train in between Bongaigaon and Delhi for the facilities of Assam, Meghalaya and North Bengal passengers?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): No.

**Platen Machine in Kurseong Railway Press**

4650. SHRI K. B. CHETTRI: Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 1806 on 29th November, 1977 re: Platen machine in Kurseong Railway Press and state:

(a) the name of the official who is enquiring;

(b) the reasons of delay in submitting the report; and



(c) by when the report is likely to be submitted?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) The Enquiry Committee members were S/Sh. N. B. Mallick, Senior Mechanical Inspector (Diesel), N. F. Railway, Silliguri Junction, S. P. Malhotra, Shop Supdt. (Train Lighting), N. F. Railway, New Bongai-gaon and Z. Alam, Foreman, N. F. Railway Printing Press, Kurseong.

(b) As this was a joint enquiry into an accident involving injury to the Machine-man, it has taken some time.

(c) The report has already been submitted by the Committee on 6-12-77.

#### **Confirmation of Officers in Railway's with Long Service**

4651. SHRI HARI VISHNU KAMATH: Will the Minister of RAILWAYS be pleased to refer to his answer to USQ 4919 on 26th July, 1977 re: confirmation of officers in Railways with long service and state:

(a) whether it is a fact that considering the figures given in the answer, 317 officers awaiting confirmation and the annual quota only 47, all the temporary officers will not be permanently appointed in Class I for almost a decade to come; and

(b) if so, whether Government propose to increase the yearly quota so as to expedite the process of confirmation?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b): Some more Temporary Assistant Officers have since been confirmed, and only 303 of them are left to be confirmed in Class I/Junior Scale. The Government have recently increased the annual quota of confirmation in Class I/Junior Scale of temporary Assistant Officers in the Civil Engineering Department from 29 to 33. The annual quota for absorption in respect of all Departments now stands at 51 per annum. In addi-

tion, it is also proposed to absorb permanently some of these Officers in the Indian Railway Personnel Service.

#### **Post of Executive Chairman of Indian Law Institute**

4652. SHRI JAGANNATH PRASAD SWATANTRA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the post of the Executive Chairman of Indian Law Institute has been lying vacant for the last 2 years;

(b) whether it is also a fact that the Governing Council of the Indian Law Institute unanimously recommended to fill up the post; and

(c) if so, the reasons for keeping the post in abeyance?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NARSINGH YADAV): (a) to (c). According to information furnished by the Indian Law Institute, its Governing Council at its meeting held on 21st April, 1976, decided to create the office of the Executive Chairman. In pursuance thereof, applications were invited by open advertisement in the Press for the post carrying the pay-scale of Rs. 2500-50-2550-100-2750.

At the next meeting held on 23rd April, 1977, the Governing Council did not however confirm the minutes of the previous meeting but instead empowered the President of the Institute to constitute a Committee of five persons to consider the amendments to the existing Rules, Regulations and By-laws of the Institute including the desirability or otherwise of creating the office of the Executive Chairman. A Committee has accordingly been constituted consisting of the following persons:—

1. Shri Justice P.M. Bhagwati, Judge, Supreme Court.

2. Shri Justice V. S. Deshpande, Judge, Delhi High Court.

3. Dr. Anand Prakash, Senior Advocate, Supreme Court.

4. Professor Upendra Baxi, Dean, Faculty of Law, University of Delhi.

5. Dr. S. N. Jain, Director of the Institute.

In view of the position stated above, it will be observed that the office of the Executive Chairman of the Institute does not exist at present and therefore, the question of keeping it vacant does not arise.

### कालना स्टेशन में रेलगाड़ियों का रुकना

4653. श्री बेगाराम चौहान : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या कालना स्टेशन पर केवल दो रेलगाड़ियां रुकती हैं और क्या कालना स्टेशन के निकट बहुत से गांव स्थित हैं ;

(ख) क्या कालना स्टेशन के निकट कालना नामक एक गांव है जो एक कस्बे से भी बड़ा है और वहां पर सभी रेलगाड़ियां क्यों नहीं रुकती हैं ;

(ग) क्या वहां रेलवे टिकटों की भारी बिक्री होती है फिर भी रेलगाड़ियां वहां नहीं रुकती हैं और इसके क्या कारण हैं ; और

(घ) क्या वे वहां रेलगाड़ियों को रोकने के लिए आदेश जारी करेंगे यदि हां, तो कब तक और क्या इस आदेश की एक प्रति सभा पटल पर रखी जाएगी ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) से (घ) दो जोड़ी सवारी गाड़ियां नामतः 1 एस एच/2 एस एच और

3 एस एच/4 एस एच गाड़ियां, कालना रेलवे स्टेशन पर रुकती हैं और यह व्यवस्था पर्याप्त समझी जाती है। कालना स्टेशन पर और अधिक गाड़ियां ठहराने का औचित्य नहीं है।

### Expansion of I.D.P.L. Unit Hyderabad

4654. SHRI G. S. REDDI: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the I.D.P.L., Hyderabad Unit will be further expanded;

(b) if so, whether there is a proposal for further diversification and production of more synthetic drugs in that unit; and

(c) if so, details thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) The project for the expansion of the S. D. P., Hyderabad Unit of IDPL, raising its capacity from 1988.5 to 3386.5 tonnes/annum is under implementation. This is scheduled to be commissioned by 1979-80.

(b) and (c). This unit has potential for further expansion too. Detailed proposals, sustained by feasibility studies, will be considered on merits.

### Notaries and Oath Commissioners in U.P. State

4655. SHRI R. L. KUREEL: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) what is total number of Notaries and Oath Commissioners in U.P. State;

(b) total number of Notaries and Oath Commissioners belonging to S.C./S.T. in U.P. State and whether the quota reserved for them is complete; and

(c) if not, why and who is responsible for not filling up the quota reserved and what measures government proposes to fill up the quota for SC/ST?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) to (c). According to the information furnished by the Government of Uttar Pradesh there are 256 Notaries and 3219 Oath Commissioners in the State of Uttar Pradesh. Of these, 2 Notaries and 116 Oath Commissioners belong to Scheduled Caste/Scheduled Tribe.

The Notaries' Act 1952, and the Notaries Rules, 1956 do not provide for reservation for Scheduled Caste/Schedule Tribe. In Uttar Pradesh Oath Commissioners in High Courts are appointed by the Chief Justice and in District Courts by District Judges from amongst Practising lawyers. There is no reservation for the Scheduled Castes/Scheduled Tribes in the case of Oath Commissioners, either. The Government, however, propose to write to the State Authorities and the High Courts to draw their attention to the inadequacy in this regard so that such steps as may be necessary may be taken in the matter.

**बिहपुर-महादेव घाट रेल लाइन का पुनः खोला जाना**

4656. श्री ज्ञानेश्वर प्रसाद यादव : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पूर्वोत्तर रेलवे की बिहपुर-महादेव घाट रेल लाइन को जो गत बाढ़ के कारण बन्द कर दी गई थी, अब पुनः चालू करने की योजना है ; और

(ख) यदि हां तो उक्त रेल सेवा कब तक चालू की जाएगी और उसे चालू करने में कितनी राशि खर्च होगी ?

**रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) :** (क) फिलहाल ऐसी कोई योजनाएं नहीं हैं, फिर भी यात्रियों के उपयोग के लिए नारायणपुर और बरारीघाट के बीच एक अधिक किफायती नौका सेवा आरम्भ की गयी है, जिसके परिणामस्वरूप थाना बिहपुर और महादेवपुर घाट के बीच फेयर वैदर शाखा लाइन को पुनः चालू करने और महादेवपुर और बरारीघाट के बीच उससे मेल लेने वाली नौका सेवा की कोई आवश्यकता नहीं है।

(ख) प्रश्न नहीं उठता।

### Performance of Railways

4657. SHRI S. R. DAMANI: Will the Minister of RAILWAYS be pleased to state:

(a) the details of performance of the Railways during the first six months of the current year and how they compare with similar period of last year;

(b) whether an expert body has been or is likely to be appointed to review the fares and freight structure; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) The details of performance of the Railways during the first six months of the current year as compared with the corresponding period of last year are as under:—

	April to September 1976-77		Variation 1977-78
(i) Number of Passengers originating (In Millions) . . . . .	1,617.9	1,738.00	†120.1
(ii) Passenger Earnings (Rs. in crores) . . . . .	278.54	312.04	†33.50
(iii) Revenue earning tonnes originating (In millions) . . . . .	99.30	103.39	†4.09
(iv) Goods Earnings (Rs. in crores) . . . . .	630.21	666.41	†36.20

(b) and (c). A Rail Tariff Enquiry Committee with Dr. H. K. Paranjape as Chairman and S/Shri K. T. Mirchandani and V. K. Sthanunathan as Members, has been constituted to make a comprehensive examination of the structure of fares, rates and other charges for public traffic as also for Postal services, Military traffic and other ancillary and incidental matters and to make recommendations for their modification.

### रेलवे पास

4658. श्री बृज भूषण तिवारी : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या जुलाई से नवम्बर, 1977 तक की अवधि में रेल यात्रा के लिए कितने नये रेलवे पास जारी किये गये हैं ;

(ख) यदि हां, तो उन व्यक्तियों के नाम क्या हैं जिनको ये पास दिये गये हैं ; और

(ग) ऐसे व्यक्तियों को रेलवे पास किस आधार पर जारी किये गये हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी हां ।

(ख) एक विवरण संलग्न है ।

(ग) मानार्थ पास जारी करने के बारे में सरकार ने निम्नलिखित मुख्य मार्गदर्शक सिद्धांत निर्धारित किये हुए हैं :—

(1) सामाजिक, सांस्कृतिक, वैज्ञानिक, साहित्यिक, खेलकूद और शैक्षणिक क्रिया-कलापों से सम्बद्ध संस्थाएं तथा संगठन जिनका कार्यक्षेत्र अखिल भारतीय स्तर का है ।

(2) अनुसूचित जातियों, अनुसूचित जन जातियों, पिछड़े और उपेक्षित समुदायों, महिलाओं, नेत्रहीनों और अपंग व्यक्तियों आदि के कल्याण से सम्बद्ध संगठन ।

(3) राष्ट्रीय महत्व के काम में लगे वे प्रतिष्ठित व्यक्ति जिन्हें अपने काम के संबंध में यदा-कदा यात्राएं करनी पड़ती हैं ।

### विवरण

उन व्यक्तियों/संगठनों के नामों का विवरण जिन्हें 1-7-1977 से 30-11-1977 तक की अवधि में नये रेलवे पास जारी किये गये हैं :

### पहला दर्जा

1. अध्यक्ष, डा० अम्बेडकर [मेमोरियल सोसायटी ।

2. नेशनल सोसायटी फार इक्वल अपोरचुनि-  
टीज फार दी हैन्डीकैण्ड का एक पदा-  
धिकारी ।
3. स्वामी रामतीर्थ मिशन का एक पदा-  
धिकारी ।
4. ट्राइनेल आफ वर्ल्ड आर्ट, ललित कला अकेडेमी आफ आर्ट का एक आयुक्त { केवल 31 जनवरी 1978 की सीमित अवधि के लिए एक सदस्य ।
5. ट्राइनेल आफ वर्ल्ड आर्ट, ललित कला अकेडेमी आफ आर्ट का एक आयुक्त {
6. ट्राइनेल आफ वर्ल्ड आर्ट ललित कला अकेडेमी आफ आर्ट का एक सदस्य । {
7. ईश्वर शरण आश्रम का एक पदाधिकारी

### दूसरा वर्ग

1. भारतीय कुष्ठ निवारक संघ का एक कार्यकर्ता ।
2. नेशनल लेप्रोसी आर्गनाइजेशन का एक पदाधिकारी ।

### Violation of Provisions of Companies Act by Swadesh Polytex Ltd.

4659. SHRI SUKHDEO PRASAD VERMA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the Government have received serious complaints in regard to over-reaching and misuse of the provisions of the Companies Act by the Swadesh Polytex Limited, Ghaziabad;

(b) if so, the details of charges made in the complaints; and

(c) the action being proposed to be taken in the matter?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) and (b). Complaints have been received alleging generally that the managing director and his son were—(1) mis-managing the affairs of the company; (2) spending fabulously while the accounts for 1974-75 showed huge losses due to their manipulations; (3) making 'huge moneys' by unfair means detrimental to the interests of the shareholders; (4) black marketing; (5) making purchase of silver utensils at company's expenses for their personal use; (6) resorting to evasion of tax; (7) maintaining six costly cars; and (8) diverting of funds in the guise of sales promotional expenditure.

(c) Inspection of the books of account and other records of the company under section 209A of the Companies Act, 1956 has been ordered. The application of section 408 of the Companies Act is under consideration.

### Railway Officers Rewarded by Shri Kamlapati Tripathi

4660. SHRI PHOOL CHAND VERMA: Will the Minister of RAILWAYS be pleased to state:

(a) the names of Railway Officers who were rewarded and got appreciation letters from the then Railway Minister Shri Kamlapati Tripathi;

(b) whether the Officers, who were picked up for rewards, were also allowed to supersede their senior colleagues and if so, the details thereof;

(c) whether certain Commercial Officers, who were honoured and got awards/rewards from the then Railway Minister for their best performance over Allahabad Division were not considered suitable for award and/or appreciation by the General Manager, Northern Railway;

(d) whether it is a fact that Officers were picked up by the then Minister

who were loyal and faithful to him and rewarded to make out a case for their out of turn promotion; and

(e) the names of officers who got promotion out of turn and what steps are being taken to remedy the situation?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) The names of Railway Officers who were given Railway Minister's award during the tenure of Shri Kamapati Tripathi, as Railway Minister in 1975 and 1976 are given in the statement attached.

(b) Since these awards are given to the selected Railwaymen for their meritorious services, the seniority as criterion does not figure, as basis for selection, and therefore, the question of supersession does not arise.

(c) Though the recommendations of the General Managers are kept in view for the purpose of these awards, the Ministry of Railways can also select officers in exceptional cases for the grant of these awards. In one case the General Manager made no recommendation for granting an award to an officer but the then Railway Minister decided that an award should be given to the Officer.

(d) Normally, the names of award winners are approved by the Ministry of Railways on the basis of the recommendations made by the General Managers concerned. However, technically, there is no rule barring the Minister using his discretion in this matter, though such discretion is rarely exercised. What is important is whether an officer selected fulfils the primary criteria fixed for selection for Railway Minister's award.

(e) Nil.

#### Statement

1975

1. Shri C. R. Srinivasan,  
Asstt. Commercial Officer (Catering),  
Central Railway, Bombay.

2. Shri Jasbir Pal Singh,  
Divl. Mechanical Engineer (Diesel),  
Northern Railway.
3. Shri S. R. Shah,  
Secretary to General Manager,  
Northern Railway.

Shri Ravindra Sharma,  
Works Manager,  
Northeast Frontier Railway.

5. Shri D. Anandamurthy,  
Asstt. Security Officer,  
Southern Railway.
6. Shri D. G. Gangolli,  
Sr. Engineer (Designs),  
Railway Electrification,  
South Central Railway.
7. Dr. (Mrs.) Manju Kumar,  
Asstt. Medical Officer,  
South Eastern Railway.
8. Shri N. A. Gajjar,  
Asstt. Engineer,  
Western Railway.
9. Shri J. N. Srivastava,  
Asstt. Works Manager,  
Diesel Locomotive Works,  
Varanasi.
10. Shri Shanti Narain,  
Dy. Director, Traffic Transportation (C),  
Railway Board.
11. Shri P. L. Popli,  
Section Office,  
Railway Board.

1976

1. Shri Kewal Krishan Manrai,  
Asstt. Engineer (Relaying),  
Central Railway.
2. Dr. S. C. Kundu,  
Medical Superintendent,  
B. R. Singh Hospital,  
Eastern Railway.
3. Shri S. P. Biswas,  
Divisional Operating Supdt. (T),  
Eastern Railway.
4. Shri V. K. Kaul,  
Asstt. Engineer,  
Northern Railway.

5. Shri O. N. Kacker,  
Station Superintendent,  
Northern Railway.

6. Shri D. C. Misra,  
Sr. Divisional Commercial Superintendent,  
Northern Railway.
7. Shri S. L. Kaw,  
Dy. Chief Operating Superintendent,  
Northern Railway.
8. Shri Hirak Das,  
Asstt. Bridge Engineer,  
N.F. Railway.
9. Shri Raju Naidu Purushothaman,  
Asstt. Production Engineer,  
SET Workshops,  
Southern Railway.
10. Shri Lakshminarayan Malawall Narasimiah,  
PA/Chief Engineer (S&C),  
Western Railway.
11. Shri S. R. Gupta,  
Dy. Chief Mechanical Engineer,  
Diesel Locomotive Works, Varanasi.
12. Shri K. S. Dasthagir,  
Offg. Executive Engineer,  
I.C.F., Perambur.
13. Shri R. N. Saxena,  
Jt. Director Traffic Commercial,  
Railway Board.
14. Shri B. B. Singh,  
Section Officer, Railway Board.
15. Shri M. L. Uppal,  
Section Officer, Railway Board.

**Corruption perpetuated by I.O.W.(C),  
E. Rly.**

4661. SHRI A. K. ROY: Will the Minister of RAILWAYS be pleased to state:

(a) whether the representation dated 1-5-1977 by the Divisional Secretary, Divisional Railway Employees' Co-ordination Committee, E. Rly., Dhanbad, regarding rampant corruption perpetuated by Shri K. K. Sharma I.O.W. (C), E. Rly., Dhanbad causing colossal loss to National Exchequer, was received; and

(b) if so, the action taken by the Government on this serious charge?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) Matter is under investigation.

**Representation from Fertilizer Corporation Kamgar Union, Sindri**

4662. SHRI A. K. ROY: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the representation of Assistant Secretary, Fertilizer Corporation, Kamgar Union, Sindri on various irregularities and violation of General Direction and conditions of contract for civil works or mechanical works in the modernisation plants at Sindri has been received; and

(b) if so, what steps have been taken on each of the issues raised?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI JANESHWAR MISHRA): (a) and (b). The information is being collected and will be laid on the table of the House.

**Remittances abroad by Foreign Drug Companies**

4663. DR. LAXMINARAYAN PANDEYA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the remittances abroad by the foreign drug manufacturing companies during the last three years;

(b) how do Government propose to restrict the remittance of profits abroad by these companies; and

(c) the assets build up by these companies in India after remittances of profits abroad, during this period year-wise

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (c). The requisite information has already been furnished in reply to Lok Sabha Unstarred Question No. 3738 answered on 13-12-1977.

(b) The requisite information has already been furnished in reply to part (c) of Lok Sabha Unstarred Question No. 2787 answered on 6-12-1977.

#### Valuation of Increase in Prices of Drugs

4664. DR. LAXMINARAYAN PANDEYA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government have made any valuation of increase in prices of drugs in the last two years;

(b) whether the variation in prices is greater for life saving drugs/important common medicines; and

(c) if so, the steps to be taken to bring down prices in order to help the consumers, specially for drugs manufactured by foreign companies under brand names?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). While no valuation of increase in prices of drugs during the last two years has been made, the wholesale Price Index of drugs and medicines vis-a-vis other commodities (with 1970-71=100 as the base) has regis-

tered a gradual rise as compared to the steep rise in the index for other commodities:—

Year	Other Commodities	Drugs & Medicines
1974-75 .	174.9	108.2
1975-76 . .	173	118.7
1976-77 . . .	176.6	133.9

Details regarding increases in prices of drug formulations allowed to drug manufacturers between 1-10-1976 to 31-3-1977 were furnished in reply to Lok Sabha Unstarred Question No. 295 answered on 14th June, 1977.

From the analysis of revisions allowed during this period it would be seen that there have been price increases in respect of 97 packs of various formulations containing bulk drugs which are mainly listed in Schedule I of the Drugs (Prices Control) Order, 1970, namely, Essential Bulk Drugs. These increases range from 0.04 per cent to 62.88 per cent. There has also been price reduction of 160 packs in this category during the same period and the decreases in prices range from 0.29 per cent to 116.81 per cent.

There have been increases in prices in respect of 158 packs of formulations containing bulk drugs other than essential bulk drugs mentioned in Schedule I of the Drugs (Prices Control) Order, 1970 and the increases range from 0.02 per cent to 71 per cent. There has also been price reduction of 94 packs where the decreases in prices ranged from 0.22 per cent to 55.37 per cent.

(c) There is no excise duty on sera, vaccine, anaesthetics, medicinal grade Oxygen etc.

All formulations marketed under the generic names are subject to a concessional rate of excise duty of only 1 per cent.



Up to 10th of May, 1977 Patent or Proprietary medicines of 16 bulk drugs were eligible for concessional rate of excise duty of 2½ per cent as against the normal rate of excise duty of 12.5 per cent. With effect from 10th May, 1977, Government have reduced the excise duty on Patent or Proprietary medicines containing following bulk drugs also from 12½ per cent to 2½ per cent:—

- (1) Chloroquin Phosphate
- (2) Amodiaquin
- (3) Tolbutamide
- (4) Metronidazole
- (5) Piperazine and its salts
- (6) Rifampicin
- (7) Tetracycline Hydrochloride
- (8) Diethylcarbamazine citrate
- (9) Clofazimine

Consequential reduction in the prices due to reduction of excise duty have already been given effect to and the prices of branded products of foreign companies have also been reduced.

75 life saving drug formulations are totally exempted from customs duty whether imported by actual users. As a result of these measures the prices of some drug formulations already stand reduced.

The Ministry of Finance have also constituted an Indirect Taxation Enquiry Committee which is looking into indirect taxes on all commodities including medicines. Any reduction in indirect taxes based on the recommendations of the Committee would have the effect of reducing the prices of drugs.

The Hathi Committee on Drugs and Pharmaceuticals Industry have also recommended rationalisation of prices of drugs. The Committee's recommendations, *inter alia*, include aboli-

tion of brand names on the formulations of 16 bulk drugs. The recommendations of the Committee are in the final stages of consideration.

### **Eradication of Corruption and Malpractices in Catering and Vending Establishments .**

4665. SHRI SHIV SAMPATI RAM: Will the Minister of RAILWAYS be pleased to state:

(a) whether several Committees were appointed by Government to suggest measures for eradicating corruption and malpractices in Catering and Vending Establishments and also for improving the standard of service;

(b) if so, what specific recommendations were made by the various Committees and how far they have been implemented;

(c) whether Committees made any such recommendation that the Managers/Inspectors working at any particular station for over three years should be transferred;

(d) if so, the details of Inspectors/Managers who are working at Allahabad, Kanpur and Tundla stations for more than five years and whenever they were transferred, managed to get their transfer orders cancelled; and

(e) what steps Government propose to take to remedy the situation?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) For improvement in the standard of Catering Services two Committees viz. Committee on Catering (1954) and the Railway Catering and Passenger Amenities Committee, 1967 were appointed. The terms of reference of these Committees were confined to improvement of catering services on the Railways.

The Railway Corruption Enquiry Committee (1953—55) *inter-alia* made

8 recommendations in regard to catering services.

(b) A statement showing the eight recommendations on catering made by the Railway Corruption Enquiry Committee and action taken on these recommendations is laid on the Table of the House. [Placed Library. See No. LF/440/77].

(c) to (e). Though the Railway Corruption Enquiry Committee had recommended transfer of Railway staff dealing with travelling public periodically, this was superseded by the recommendations made by The Administrative Reforms Commission. At present, staff are not transferred unless there are specific complaints against them.

#### **Cycle stand at Kanpur**

4666. SHRI SHIV SAMPATI RAM: Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 5787 on 2nd August, 1977 regarding delay in inviting fresh tenders for cycle stand at Kanpur during 1975 and state:

(a) whether tenderers were required to quote their rates on the basis of stipulations made in the Draft Agreement and Instructions to Tenderers;

(b) whether there was any specific stipulation in the Tender document for completion of certain engineering works and if not, why the Earnest Money of the successful tenderer M/s. Dinesh & Co. was not forfeited, when 3087 LS-6

they did not turn up with effect from 15th May, 1977;

(c) whether the Divisional Officers deliberately did not take immediate action during the month of May, 1975 to forfeit the Earnest Money with a view to give pecuniary advantage to the then existing contractor who was allowed to continue on a substantially lower valuation sacrificing the financial interest of the Railways; and

(d) what action is contemplated against the officers who acted against the interest of Railways?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) There was no specific stipulation in the tender document for completion of certain engineering works. However, this became necessary when it was pointed out by M/s. Dinesh & Company, after award of the contract, that the space available for the cycle-stand at site was less than the space indicated in the tender documents. When this was got verified, it was found that the covered area was in accordance with the area indicated in the tender document but the open area was less than the area indicated in the document. Accordingly, it became necessary to carry out certain engineering works so that the area of cycle-stand would conform to the area indicated in the tender document. After completion of the necessary engineering work, the contractor was asked to start work. However, he

declined to do so and his earnest money was forfeited.

(c) No.

(d) Does not arise.

### Departmental Working at Naini Goods Shed

4667. SHRI SHIV SAMPATI RAM: Will the Minister of RAILWAYS be pleased to state:

(a) whether departmental working has been introduced at Naini Goods Shed for performing Goods handling operations with effect from 1-7-77 and if so, the number of casual labourers sanctioned together with payments made to them during the period July to October, 1977 monthwise separately;

(b) whether casual labourers are not employed on days when there is no work to be performed;

(c) whether Commercial Officers are showing extra-ordinary promptness in allotment of this contract to a new Cooperative Society having no experience of railway working in preference to other Societies having matured experience in this particular type of job; and

(d) the amount billed and paid to the Society during the period June, 1976 to June, 1977 monthwise separately?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Departmental working for performing goods handling work at Naini Goods Shed has been

introduced with effect from 13-7-1977. Six casual labourers on daily wage rates have been sanctioned. Month-wise payments made are as under:

Month:	Amount paid
	Rs.
July	741'00
August	1000'00
September	1157'00
October	1202'50

(b) Yes.

(c) No.

(d) Monthwise amount billed and paid is as under :

Month	Amount billed	Amount paid
	Rs.	Rs.
June, 1976	1,444'00	1,062'00
July, 1976	2,148'00	1,251'00
August, 1976	1,696'00	1,486'00
September, 1976	2,008'00	1,730'00
October, 1976	1,980'00	1,594'00
November, 1976	1,998'00	1,576'00
December, 1976	1,253'00	999'00
January, 1977	833'00	644'00
February, 1977	1,597'00	1,305'00
March, 1977	2,015'00	1,671'00
April, 1977	1,132'00	1,029'00
May, 1977	1,212'00	1,192'00
June, 1977	1,148'00	1,049'00

**Goods Handling Work at Moghalsarai**

4668. SHRI SHIV SAMPATI RAM:  
Will the Minister of RAILWAYS be  
pleased to state:

(a) the rates fixed for individual items of schedule or Goods handling work at Moghalsarai awarded in favour of Railway Station Porters Co-operative Labour Contract Society Ltd., Allahabad;

(b) the basis on which these rates were fixed together with justification thereof;

(c) the average number of labourers employed by the Society month-wise during the last one year; and

(d) at what rates these labourers are being paid by the Society?

THE MINISTER OF STATE IN THE  
MINISTRY OF RAILWAYS (SHRI

SHEO NARAIN): (a) A statement is attached.

(b) The rates for individual items of operations including lumpsum amount for miscellaneous duties were determined taking into account the total number of labourers required for performing the work, the time required for completion and the local casual labour rate of the area. An addition of 10 per cent for over head charges and 4 per cent for bonus is made in the rates so arrived at.

(c) The Society held the contract for 11 months from 1-11-1976 to 30-9-77 and on an average 110 men per day were employed based on quantum of traffic.

(d) Rs. 4 per man per day.

**Statement**

*Accepted Schedule of operations and rates for Goods handling contract at Moghalsarai*

Sl. No.	Schedule of operation	Accepted rates
1	Loading of Goods from sheds to Wagons including the operations detailed in clause 2(i) of the agreement.	Rs. 10.00 per 100 Qtls.
2	Unloading of Goods from wagons to shed including the operations detailed in clause 2(i) of the agreement.	Rs. 5.00 per 100 Qtls.
6	Repacking of road vans comprising unloading, reloading including sorting, resorting, stackings, restacking, checking, re-checking, storing at places or in vans (detained) as directed by the Rly. Official and also such other operations as may be necessary before final despatch irrespective of lead, lift and time.	Rs. 15.00 per 100 Qtls.
11	Transshipment of Goods from damaged wagon.	Rs. 40.00 per B.G. Wagon.
12	Transshipment of coal, minerals, Goods in bulk and other heavy packages from damaged wagon.	Rs. 50.00 per B.G. wagon.
22	Lumpsum rate for works detailed in clause 2(ii) of the agreement.	Rs. 3,000.00 per month.
24	Sorting the contents of seal defective wagons for checking purpose and partial unloading and loading of the same, if necessary.	Rs. 5.00 per B.G. wagon.

Sl. No.	Schedule of operation	Accepted rates
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25	Unloading the contents of unconnected or misdespatched wagons including such operations necessary for the effective performance of the work.	Rs. 24.00 per B.G. wagon.
26	Loading the contents of unconnected or misdespatched wagons including such operations necessary for the effective performance of the work.	Rs. 30.00 per B.G. wagon.
31	Transshipment of Goods from Box wagons	Rs. 11.00 per 100 Qtls.
32	Transshipment of Coal, minerals and other bulky goods from Box wagons,	Rs. 9.00 per 100 Qtls.

**'Cease and Desist' orders passed against companies by M.R.T.P. Commission**

4669. SHRI G. Y. KRISHNAN: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state the names of the companies in respect of which the Monopolies and Restrictive Trade Practices Commission has passed 'Cease and Desist' orders since June, 1975?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): A statement giving the names of the companies is laid on the Table of the House. [Placed in Library. See No. LT-1441/77].

**Expenditure on Coal based fertilizers**

4670. SHRI SUKHENDRA SINGH: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) how much money has so far been spent on each coal-based fertilizer plants; and

(b) what is the amount proposed to be spent on each of these plants during the years 1976-77 and 1977-78?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM, CHEMICALS AND FERTILISERS (SHRI JANESHWAR MISHRA): (a) and (b). Expenditure on the three coal based fertilizer projects is as under:—

Sl. No.	Name of the coal based fertilizer project	Expenditure incurred upto Oct., 1977	Expenditure incurred in 1976-77	Expenditure proposed during 1977-78
		(Rs. in lakhs)	(Rs. in lakhs)	(Rs. in lakhs)
1	Ramagundam	13770	1834	1700
2	Talcher	13036	1104	2009
3	Korba	1913	543	300

### Inter-linked Directorship in Foreign Companies

4671. SHRI GOVINDA MUNDA: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether it is a fact that inter-linked directorship is a common feature in foreign drug manufacturing companies;

(b) whether Government propose to treat the foreign firms with inter-linked directorship jointly in the matter of equity, sales etc. or put them under MRTP for curbing cartels and monopolistic attitudes; if not, reasons therefor;

(c) details of directors of foreign drug companies with over 26 per cent equity, specifying cases of interlinked Directorship?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (c). No special study has been made in this regard.

2. However, the Department of Company Affairs who maintain information only in respect of such companies

which are subsidiaries of foreign companies i.e. companies in which more than 50 per cent capital is held by a single body corporate, have furnished the names of the Directors of 17 companies only, as indicated in the attached statement. It is seen that the following Directors are in more than one company:—

1. Shri N. S. Phatarphekar;
2. Shri A. H. Tobaccowala;
3. Shri R. A. Shah.

(b) Inter-connected undertaking has been defined in clause (g) of Section 2 of the MRTP Act, 1969. The definition *inter-alia* takes into account linked directorship with a view to determining whether the undertakings are inter-connected. If the company is otherwise covered under the provisions of the MRTP Act, they are required to obtain approvals under the MRTP Act, including prior approval for effecting substantial expansions.

The future policy on foreign firms is being considered in the context of the Hathi Committee recommendations and a decision thereon is likely to be taken soon.

### Statement

Sl. No.	Name of the Company	Name of Directors
1	2	3
1	The Boots Company (I) Limited	Shri N. S. Phatarphekar, Chairman Shri H. R. Malhotra, Managing Director Shri L. A. Coomba, Director Shri J. N. Guzder, Director Shri E. C. Bosworth Director Shri B. M. Ponappa Director Shri S. Rangarajan Director

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|---|--------------------------------------|--|
| 2 | Glaxo Laboratories (I) Limited . . . | Shri S. Boothalingam, Chairman<br>Shri G.J. Medley, Managing Director<br>Shri F.A. Axe, Director<br>Shri H.B. Dhondy, Director<br>Shri D.J.R. Farrant, Director<br>Shri J.S. Khambata, Director<br>Shri S.C. Khanna, Director<br>Dr. D.T. Modi, Director<br>Shri G.I. Pereira, Director<br>Shri Shanti Prakash, Director<br>Dr. W.G.E. Underwood, Director<br>Shri N.M. Wagle, Director  |
| 3 | C.E. Fulford (I) Pvt. Limited . . .  | Shri A.R. Wadia, Director<br>Shri N.J. Pavri, Director   |
| 4 | Merck Sharp Dohme of India Limited . | Shri Huske Ekireb, Chairman<br>Shri S.P. Dadachanji, Managing Director<br>Shri G.J. Moalpine, Director<br>Shri M.H. Mody, Director<br>Shri A.R. Motafarm, Director<br>Shri N.S. Pataraphekar, Director<br>Shri A.N. Tobaccowala, Director  |
| 5 | Cyanamid (I) Limited. . .            | Shri William Albert Liffers, Chairman<br>Shri Sisir Kumar Mitra, Managing Director<br>Shri Harry Ferdinand Bliss, Junior Director<br>Shri Siddharth Kasturbhai Lalbhai, Director<br>Shri George Pillsburg Bywater, Director<br>Shri Raghavayya Setlur (Alternate Director<br>for Mr. H.F. Bliss Jr.)<br>Shri Narayan Mahabeshwar Palekar (Al-<br>ternate Director for Mr. W.A. Liffers.) |
| 6 | Ciba Geigy of India Limited . . .    | Shri G. Sehgal, Managing Director<br>Shri M.N. Karani, Director<br>Shri M.V. Mhatre, Director<br>Shri S. Venkateswaran, Director   |
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## 7 Abbott Laboratories (I) Pvt. Limited

Shri D. G. Smillie, Director

Shri David Wenorortleeb (in place of G.W. Young)

Shri G. Kirk Raab (in place of C.S. Brewer)

Shri Rusy Nambabhoy Langrana, Managing Director

Shri Rambhai Naranbhai Patel, Director.  
(Appointed as alternative Director to G.H. Kirk Raab)

## 8 Richardson Hindustan Ltd.

Shri S.C. Banta, Chairman

Shri R.N. Kapur, General Manager and Director

Shri K.C. Chatterjee, Director

Shri T.M. Megvire, (Alternative B.F. Mehra)

Shri T.M. Plowden (Alternative Junior Steirger)

Shri R.A. Shah, Director

Prof. M.S. Thacker (Padma Bhushan, Director)

## 9 Sandoz (I) Limited

Shri S. Ranganathan, Chairman

Dr. R.A. Boissonner, Director

Shri J.P. Hayoz, Director

Dr. Y. Danant, Director

Shri A.W.B. Hayward, Director

Shri M. Mediger, Director

Dr. M. Moreat (Since March, 1976)

Shri D.S. Patel, Director

Dr. A. Zocca, Director

Dr. J.N. Banerjee, Managing Director

Dr. S.K. Bhattacharya, Director

## 10 Pfizer Limited

Shri S.V. Pillai, Chairman and Managing Director

Shri R.A. Shah, Vice-Chairman

Shri R. Neimeth, Director

Dr. M.C. Sen Gupta, Director



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11 Roche Products Ltd. . . . .

Shri S.P. Pillai, Director

Dr. K.K. Datey, Director

Shri I. Kurian (Alternative Mr. R. Neimeth)

Shri C.C. Shah, (Administrative Director and Secretary).

12 M/s. Burroughs Wellcome &amp; Co. (I) Pvt. Limited

Shri R.W. Leybourne, Callaghan, Managing Director.

Shri R. Setluar, Director

Shri A.H. Tobaccowala, Director

Shri Saradindu Datta, Managing Director

Shri Narendra M. Javeri (Director and Secretary)

Shri Rustom D. Choksi, Director

Dr. Vishnu Atmaram Podval, Director

Shri Gajanam M. Randave, Director

iKeith Gay, Director.

13 Wyeth Laboratories Limited. . . . .

Shri Amar Singh, Managing Director

Shri K.G. Maheshwari, Director

Shri M.G. Maheshwari, Director

Shri R.A. Shah, Director

Shri T.L. Kirpalani, Director

Shri A.G. Bhavani, Director

14 Indian Schering Limited . . . . .

Shri Jehangir Pestonji Patel, Director

Shri Rajendra Ambalal Shah, Director

Shri Anantha Sivand, Managing Director

Shri David Mordaunt May, Director

Shri Michael David Baker, Director

15 Griffon Laboratories Pvt. Limited . . . . .

Shri M. Postel, Managing Director

Shri T.K.R. Menon, Managing Director

16 Anglo French Drug Co. (Eastern) Ltd. . . . .

Shri T.K.R. Menon, Managing Director

Dr. Adolf Walter Jann, Director

Shri S.F. Karaka

Shri Robert Wilfred, Chairman

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- 17 Parke Davis (I) Ltd. . . . . Shri C.M. Hatangadi, Managing Director  
 Shri B.R. Carmichael, Director  
 Shri C.R. Pardiwala, Director  
 Shri H.C. Ashar, Director  
 Shri Charles, Y.C.TSE, Director

### Licences obtained by Foreign Drug Firms

4672. SHRI GOVINDA MUNDA:  
 Will the Minister of PETROLEUM  
 AND CHEMICALS AND FERTILI-  
 ZERS be pleased to state:

(a) how many foreign majority drug manufacturing concerns have obtained licences in last three years and how many are importing raw materials under small scale units or established importers categories;

(b) the items produced by them, the capacities and import licences given to them with items and capacities during the last three years; and

(c) why no action was taken against these concerns and how do Government propose to deal with them for marketing production as small scale units without valid licences?

THE MINISTER OF PETROLEUM  
 AND CHEMICALS AND FERTILIZERS  
 (SHRI H. N. BAHUGUNA): (a) and  
 (b). Eight foreign majority drug manufacturing companies have been granted Industrial Licences during the last 3 years. There are six foreign majority drug manufacturing companies and launches operating in the non-organised sector of Drug Industry on the plea that they are not covered under I(D&R) Act or notifications issued thereunder.

Details of import licences such as, name and address of importers, value of import licences, description of the goods etc. issued to these companies are regularly published in the "Weekly Bulletin of Industrial Licences, import licences and Export Licences", copies of which are regularly supplied to Parliament Library.

The remaining information asked for i.e. number of companies in importing raw materials in the category of Small-Scale or established importers and items produced by them and capacity thereof is being collected and will be laid on the Table of the House.

(c) The activities of the six foreign Drug manufacturing units in the non-organised sector fall outside the purview of the Industries (Development and Regulation) Act.

In one of its recommendations, Hathi Committee on Drugs and Pharmaceuticals Industry has said that the small scale sector should be a prohibited area for foreign companies. This recommendation is under active consideration of the Government.

### Cases of Chain Pulling

4673. SHRI D. B. CHANDRE GOWDA:  
 Will the Minister of RAILWAYS be pleased to state:

(a) the average number of cases of chain pulling in a month during the last six months; and

(b) the number of cases in which the chain pulling was found in order?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). The average number of cases of alarm chain pulling in a month during the six months i.e. from May, 1977 to October 1977 is 7782 out of which 266 cases on an average per month were justified.

Surprise raids have been intensified to check the menace and help of the State Police has been sought to apprehend the culprits in identified bad sections.

### जोनल रेलवे में लागू की गई फ्रेटफारवर्ड योजना

4674. श्री फूल चन्द वर्मा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) किस किस रेलवे में, किस किस स्थान से किस-किस स्थान तक भाड़े की किन-किन दरों पर किस-किस तारीख से फ्रेटफारवर्ड योजना लागू की गई तथा इस योजना के उद्देश्य क्या थे ;

(ख) क्या इस योजना के लागू होने के बाद रेलवे द्वारा जो खुदरा माल अधिक भाड़े की दरों से ढोया जाता था उसमें काफी कमी हुई है ; और

(ग) क्या इस योजना के फलस्वरूप फ्रेटफारवर्डर्स को काफी मुनाफा हुआ है और रेलवे को खुदरा माल में कमी होने के कारण भारी हानि हुई है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) :

(क) एक विवरण सभा पटल पर रखा है। [ग्रन्थालय में रखा गया। देखिए संख्या -1442/77]।

(ख) जी नहीं।

(ग) प्रश्न नहीं उठता।

### Charging less Freight Rates

4675. SHRI PHOOL CHAND VERMA: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have received information in regard to the cases of corruption and connivance of the high officers of the South Eastern Railway with the freight forwarders to give undue benefit to them by charging less freight rates from them and the action taken by Government thereon; and

(b) the details of those officers against whom enquiry has been ordered and the time by which it is likely to be completed?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Two cases have come to notice. In one case investigations were conducted by the Central Bureau of Investigation. In consultation with the Central Vigilance Commission, the officer was held responsible for a procedural lapse, which has been brought to his notice for future guidance. There were no malafides. In the second case, against the same officer, the investigations are in progress.

(b) In both cases, the then Marketing and Sales Superintendent of South Eastern Railway has figured. In the second case investigations are expected to be completed shortly.

### Memorandum from Purba Railway Engineering Kamgarh Union

4676. SHRI A. K. ROY: Will the Minister of RAILWAYS be pleased to state:

(a) whether any action has been taken on the memorandum from Purba Railway Engineering Kamgarh

Union regarding absorption of Casual Labourers and Gangmen, pursuant to his letter No. MR/2292A/77 dated 2nd July, 1977;

(b) if so, the total number of Casual Gangmen working since 1964 to May, 1974 and the total number of casual Gangmen working at present in Dhanbad Division particularly in Grand Chord Section;

(c) the number of Gangmen reduced due to mechanisation by introducing Matisa Plaza and PQRS Machines in Eastern Railway particularly in Dhanbad Division; and

(d) policy of the Government regarding decasualisation of casual gangmen vis-a-vis the introduction of mechanisation in face of thousands of retrenched casual gangmen and acute unemployment problem?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHLO NARAIN): (a) The demands made in the Memorandum forwarded by two honourable Members of this House are common demands generally voiced by the casual labour/gangmen. The same are constantly under review in the Ministry of Railways. Recently the Miabhoy Tribunal went into the demands of casual labour and the following recommendations made by the Tribunal are being implemented:—

(i) Casual labour on the open line are given temporary status after a continuous service of four months on the same type of work. This entitles them to almost all the privileges enjoyed by the temporary staff such as, leave, passes, medical facilities, etc.

(ii) Casual labour on the projects on completion of six months service on the same type of work, though not given temporary status, are remunerated at scale rate of pay (plus D.A.).

(b) Information is being collected and will be laid on the Table of the Sabha.

(c) As a result of introduction of Plassmatic Tie-tamping machine and PQRS equipment for relaying concrete sleepers in Dhanbad Division there has been no direct reduction in the number of gangmen. However, some of the vacancies arising out of normal attrition in permanent gangs are not being filled.

(d) As for decasualisation, casual gangmen are screened for absorption as regular gangmen. The question of filling regular posts of gangmen in the context of mechanisation etc. was discussed with organised labour and it has been agreed to fill 87½ per cent to 90 per cent of the vacancies.

#### **Repatriation of Payment by M/s Sandoz**

4677. SHRI R. L. P. VERMA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the grounds on which Government stopped repatriation of royalty, dividend, technical know-how fee and other payments by Sandoz and what are reasons for allowing the repatriation on these accounts to this firm again; and

(b) whether it is a fact that M/s. Sandoz sought permission for the manufacture of Senna and certain other chemicals under provisions of Diversification but the officers of his Ministry added the items to licences granted to this company earlier for the manufacture of active principles of anti-Cancer drugs?

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

(a) In February, 1974, M/s. Sandoz (I) Limited was asked to intimate whether they had commenced production of Glycoside fraction and Aglycone fraction approved through an industrial licence issued in their favour in 1963, and whether they had taken up the production of Isolates

based on these fractions. Pending scrutiny of this, the Ministry of Finance (Deptt. of Economic Affairs) were requested to withhold remittances of technical fee relating to this project. The Ministry of Finance instructed the Reserve Bank of India accordingly.

M/s. Sandoz (India) Limited intimated that they had received from their principals technical know-how for the manufacture of active principles of podophyllum and had established a number of farms for systematic cultivation of medicinal plants and also undertaken pilot plant production of active principles of Podophyllum. However, following new findings in clinical research laboratories and the diminished market potentiality of the products, they found that it was commercially inexpedient to manufacture the extracts.

The various aspects of this case have since been examined in consultation with the Ministry of Law, Deptt. of Science and Technology, C.S.I.R. and D.G.T.D. During the period of five years upto 1975, the company exported products to the extent of Rs. 4.36 crores. This was in excess of what they were required to export under various export obligations. The Government took an overall view of the performance of the Company in the context of their exports and advised the concerned authorities to permit remittance which were held in abeyance.

(b) In January, 1967, the company informed the Government that they would like to modify the plant design to enable them to manufacture a few more items in addition to Podophyllum extracts and that Sandoz, Basle had, without any conditions other than those already approved by Government in 1963, made available to them the know-how, technical assistance and lay out for the manufacture of additional items, namely (i) active principles of Senna (ii) active

principles of Belladonna (iii) Synthesis of O-nitrophenol and p-nitrophenol (iv) Synthesis of O-Amino-phenol (v) Synthesis of 8-hydroxy-quinoline and (vi) Synthesis of a-hydroxyquinoline.

With the approval of the Licensing Committee, the above request of the party was granted in 1967.

#### **Industrial Licences to M/s Sandoz and Glaxo**

4678. SHRI R. L. P. VERMA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the details of industrial licences, approvals etc. granted to M/s. Sandoz and Glaxo during the last three years;

(b) whether any terms of collaborations were involved in any of these licences/approvals;

(c) if so, what are the broad features of collaboration agreement details of item for which they are approved and whether agreements with collaborators have been amended recently, if so, the nature and reasons for allowing it; and

(d) what was the foreign exchange expenditure on each of the items covered by these licences etc. and what was their production during the last three years?

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

(a) and (d). A Statement showing the details of Industrial approvals granted to M/s. Sandoz and M/s. Glaxo for the manufacture of Drugs and Pharmaceuticals during three years 1975, 1976 and 1977 is attached.

(b) No, Sir.

(c) Does not arise.

## Statement

Sl. No.	Name of Company	Industrial Licence No. and date	Item of manufacture	Annual Capacity	Production during			Total Foreign Exchange Expenditure (cf) for 3 years. (in Rs. lakhs.)
					1974	1975	1976	
1	2	3	4	5	6	7	8	9
1.	M/s. Sandoz (I) Limited	• • C: IL: 210 (75) dt. 24-6-75	1. Brinerdin Tabs	50 lakh Nos	..	..	..	20.21 (From January '75 to September '77)
			2. Intestopan Formulations.	20 kgs.	..	..	..	
			3. Phenipan Tabs.	150 lakhs. Nos	..	..	..	
			4. Sandocycline Pediatric Suspension.	50,000 litres	..	..	..	
2.	M/s. Glaxo Labs.	• • • C: IL: No. 299 (75) dt. 12-8-75	Substantial Expansion of Calcium Gluconate	From 2 tonnes to 5 tonnes	5.41 (in Tonnes)	2.65*	..	
3.	M/s. Glaxo Labs.	• • C: IL: 74 (77) dt. 24-2-77	Meclozine Hydrochloride	400 kgs.	Yet to commence the production.			

\* Information is being collected and will be laid on the Table of the House.

### इलाहाबाद के सभी स्लीपर कारखाना

4679. श्री शिव नारायण सरसुनिया :  
क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या इलाहाबाद नगर के पास स्थित सूबेदार गांव में स्लीपर कारखाने में अब तक डाली गई ईंटें, बने हुए भवन वहां पहुंचाई गई रेलवे लाइन आदि पर सरकार का लाखों रुपया खर्च नहीं हो गया है ;

(ख) क्या इस कारखाने में हो रहे निर्माण कार्य को इसलिए रोक दिया गया है कि गैर-सरकारी क्षेत्र को जो अभी तक रेलवे की पटरियां सप्लाई करके मनमाना घन लेता रहा है घाटा हो रहा है ; और

(ग) क्या जिन अधिकारियों ने गैर-सरकारी क्षेत्र से मिलकर उक्त निर्माण-कार्य को रूकवा दिया है उन्हें राजनीतिक संरक्षण मिल रहा है ?

रेल मंत्रालय में राज्य मंत्री  
(श्री शिव नारायण) : (क) अभी तक इस परियोजना पर अनुमानतः कुल 18.38 लाख रुपए खर्च किये गये हैं।

(ख) और (ग) जी नहीं।

### Declaration from Judges on Observance of Prohibition

4680. SHRI OM PRAKASH TYAGI:

DR. V. A. SEYID  
MUHAMMED:

SHRI ANNASAHEB P.  
SHINDE:

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

(a) whether the President of the All India Prohibition Council has obtained an assurance from the Law Minister that he would take a declaration from judges to be appointed henceforth that they would not touch liquor;

(b) what action will be taken if the declaration is violated;

(c) whether this provision will be incorporated in the High Court Judges (Conditions of Service) Act, 1954, if not the reasons thereof; and

(d) the circumstances which impelled the President of the Prohibition Council to obtain the assurance from the Law Minister?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) No Sir. However, the Chief Justice of India is being consulted in regard to a proposal that in the case of fresh appointments to the Higher Judiciary, a declaration or undertaking should be obtained from the person proposed to be appointed that he does not take intoxicating drinks or will not take them during his tenure as a Judge (as the case may be). No final decision has been taken in the matter.

(b) to (d). Question does not arise.

### इलाहाबाद डिबीजन में दुर्घटनाएं

4681. श्री रीतलाल प्रसाद वर्मा :  
क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सितम्बर और नवम्बर 1977 के बीच उत्तर रेलवे के इलाहाबाद डिबीजन में ग्यारह गम्भीर दुर्घटनाएं हुईं ;

(ख) क्या यह भी सच है कि ये सभी दुर्घटनाएं अधिकारियों के कुप्रबन्ध अनुभव-हीनता और गैर-जिम्मेदारी के कारण हुईं ; और

(ग) यदि हां, तो क्या सरकार का विचार दोषी अधिकारियों तथा कर्मचारियों का उन्हें सचक सिखाने के लिए दक्षिण भारत में स्थानान्तरण करने का है और प्रबन्ध में सुधार करने का है यदि हां तो कब और यदि नहीं तो इसके क्या कारण हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क)जी नहीं। इलाहाबाद मंडल में चालू वर्ष में अर्थात् अप्रैल से नवम्बर 1977 के दौरान गाड़ी दुर्घटनाओं की संख्या 4 थी जबकि 1976 की तदनुपूर्व अवधि में 6 दुर्घटनाएँ हुई थीं।

(ख) और (ग). जी नहीं। फिर भी प्रशासन तंत्र को सुप्रवाही बनाने के लिए हाल ही में विभिन्न मंडलों में अधिकारियों की अदला-बदली की गयी है।

**Losses suffered by Hindustan Antibiotics Ltd. Pimpri, Pune (Maharashtra)**

4682. SHRI R. K. MHALGI: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Hindustan Antibiotics Ltd., Pimpri, Pune (Maharashtra) has suffered during a period of last four years heavy losses to the tune of Rs. 10 crores and turned to Government for loans;

(b) whether Government have appointed a new permanent Managing Director for the undertaking who can devote his whole time for the said undertaking only; if not, the reasons thereof and when he shall be appointed;

(c) is it a fact that the present Managing Director is only an *ad hoc* arrangement and since when; and

(d) is it a fact the present Managing Director has to look after Hindustan Antibiotics Ltd. (Pimpri) in addition to his duties as Chairman and Managing Director of Hindustan Organic Chemicals, Panvel (Maharashtra)?

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

(a) The net losses during the years 1973-74 to 1976-77 are indicated below:

(Rs. Lakhs.)	
	Net Loss
1973-74 .	140.21
1974-75 .	327.96
1975-76 .	291.65
1976-77 .	67.74

Loans were granted by Government to meet the shortfall in cash resources.

(b) to (d). Government have appointed Shri A. Swaminathan as the Chairman and Managing Director of Hindustan Antibiotics Limited with effect from 17th October, 1977 in place of Shri C. N. Chari—Managing Director who proceeded on leave/assignment with UNIDO. Shri Swaminathan is also part time Chairman of Hindustan Organic Chemicals Limited, but he continues as full time Managing Director of Hindustan Antibiotics Limited. This is not an *ad hoc* arrangement but a regular one.



### अमृतसर रेलवे अस्पताल

4683. श्री लालजी भाई : क्या रेल मंत्रो यह बताने को कृपा करेंगे कि डो० एम० आ०/ए० एस० आर० रेलवे अस्पताल को 18 अप्रैल 1977 को दिए गए ज्ञापन पर सरकार ने अब तक क्या कार्यवाही की है अथवा कर रही है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : उत्तर रेल प्रशासन को अमृतसर रेलवे अस्पताल में कार्यरत उत्तर रेलवे के एक्सरे तकनीशियन श्री बी० एस० गोस्वामी से तारीख 18-4-77 को एक ज्ञापन मिला था। ज्ञापन में उल्लिखित मुख्य मुद्दा उनका अमृतसर से बीकानेर स्थानान्तरण करने के संबंध में है। श्री गोस्वामी को प्रशासनिक कारणों से अमृतसर से लालगढ़ स्थानान्तरित करना पड़ा। बीकानेर में एक्सरे तकनीशियन का पद उच्चतर ग्रेड का है जबकि अमृतसर में यह पद निचले ग्रेड का है। अतः पदधारी को पद सहित अमृतसर से बीकानेर और बीकानेर से अमृतसर स्थानान्तरित किया गया था।

ज्ञापन में कुछ अन्य मुद्दे भी हैं जो उनको पदोन्नति न मिलने, वेतन से दण्डस्थ किराया काटने तथा माल डिब्बे का पास न दिये जाने के संबंध में हैं। वे सब प्रशासनिक बातें हैं और उन पर उत्तर रेल प्रशासन ने विचार कर लिया है।

### Contract to Brown and Roots firm for Pipelaying Project at Bombay

4684. SHRI K. RAMAMURTHY: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether an American firm Brown and Roots was given contract for the 75 Million Dollar pipelaying project at Bombay High;

(b) whether the other tendering companies have protested to the World Bank against the unfair manner in which the tender has been approved in favour of the American Company; and

(c) whether the remaining 150 million dollar project of linking the main land with Platform 'A' and Platform 'F' of Bombay High via Bassein is taken up for execution, whether the American Company or any other Indian Company or Public Sector Company will do it?

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

(a) Yes, Sir. The contract is for U.S. Dollars 68.44 million.

(b) Government are not aware of any protest to the World Bank by the tenders. The World Bank however has communicated to ONGC that the Bank has no objection to awarding the contract to the lowest evaluated bidder, Brown and Root.

(c) A number of other contracts are involved in this phase of the work such as coating and wrapping of pipes, laying of pipes between Uran and Trombay, purchase of line pipes etc. These contracts have been awarded to various other foreign companies and Engineers India Ltd.

### Management of F.C.I.

4685. DR. LAXMINARAYAN PANDEYA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state whether any action was not taken against the present Management for the poor management of the Fertilizer Corporation of India Limited; if not why not?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI JANESHWAR MISHRA): Government has not taken a

view that there has been poor management of the Fertilizer Corporation of India, necessitating action against the management. Government is, however, alive to the need of continual improvement in operational efficiency of the Corporation.

#### Prices of Anti-Malarial Drugs

4686. SHRIMATI PARVATHI KRISHNAN: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government has allowed the drug firms to raise the prices of all quinine-based anti-malarial drugs; and

(b) if so, to what extent and the reasons therefor?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). Quinine salts are manufactured by the Departmental Factories of Tamil Nadu and West Bengal Governments who have their own Cinchona Plantations. These Governments had been complaining that the indigenous prices fixed in May, 1975 were not remunerative vis-a-vis the prices they were fetching on exports in the world markets and that they did not adequately cover even their cost of production. To ensure maximum availability of Quinine salts within the country to meet the increased requirements of the National Malaria Eradication Programme, it was decided on 28th September 1977 to fix the maximum selling prices in the country at 75 per cent of the lowest export price realised by both the departments during the past three years for each of these salts, pending a detailed cost-cum-technical examination.

2. Details of selling prices prevailing earlier and now fixed are given 3087 LS-7

below:—

Sl. No.	Name of the Drug	Selling price prior to 28-9-77 Rs./kg.	Selling price as now fixed Rs./kg.
1.	Quinine Sulphate.	420	788
2.	Quinine Hcl.	479	1088
3.	Quinine Dihydrochloride	518	974

3. Prices of formulations based on Quinine salts will be refixed on the basis of revised prices now permitted.

4. Quinine salts are used for treatment of resistant cases of malaria and a major position of the indigenous production is consumed for the anti-malaria drive under the N.M.E.P.

5. Chloroquin Phosphate which is drug of choice is used for presumptive treatment of malaria. In respect of this drug, as against the actual price for State Chemicals and Pharmaceuticals Corporation Ltd. of Rs. 475/kg. on the basis of CCI&E's formula, distribution is made at a pooled price of Rs. 428/kg. in order to ensure that the consumers get this drug of basic importance at cheap price.

#### शाहजहांपुर से पंलानी तक रेल लाइन

4687. श्री सुरेन्द्र विक्रम : क्या रेल मंत्री यह बताने की कृपा करेंगे कि क्या उन्हें मालूम है कि शाहजहांपुर से पंलानी तक एक रेल लाइन थी जिसे विश्वयुद्ध के दौरान तोड़ दिया गया था और सहारा भेज दिया गया था, और क्या तत्कालीन सरकार ने यह आश्वासन दिया था कि युद्ध के पश्चात यह लाइन पुनः बिछा दी जाएगी ; यदि हां, तो उसे अब तक न बिछाने के क्या कारण हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : फर्रुखाबाद से गोलागोकर्ण नाथ और शाहजहांपुर तक एक नई रेलवे लाइन के निर्माण के लिए एक सर्वेक्षण किया गया है। इस सर्वेक्षण के एक भाग के रूप में शाहजहांपुर और गोलागोकर्ण नाथ के बीच एक नयी रेल लाइन बिछाने के विकल्प के रूप में शाहजहांपुर के निकट शाहवाज नगर तथा पैलानी के बीच स्थित अब परित्यक्त भाप की ड्राम मार्ग को पुनः चालू करने के लिए एक टोह एवं यातायात सर्वेक्षण भी किया गया है। सर्वेक्षण रिपोर्टें अभी हाल ही में मिली हैं। सर्वेक्षण रिपोर्ट के अनुसार प्रस्तावित लाइन पर 33.03 करोड़ रुपये लागत आने का अनुमान है। इस परियोजना पर आगे विचार तब किया जायेगा जब सर्वेक्षण रिपोर्टों की सभी कोणों से जांच कर ली जायेगी और उसके लिए अपेक्षित संसाधन उपलब्ध होंगे। सरकार को इस बात की कोई जानकारी नहीं है कि इस लाइन को पुनः चालू करने के विषय में तत्कालीन सरकार ने कोई आश्वासन दिया था।

#### Report of Pipeline Commission

4688. SHRI ANANT DAVE: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether any decision has been taken by the Government on the report of Pipeline Commission to take action against the persons who are responsible; and

(b) if so, what actions are proposed to be taken?

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

(a) and (b). Government have yet to take a final view on the findings

contained in the Report of the Pipelines Inquiry Commission, which is in an advanced stage of examination at present.

#### माणानंदर स्टेशन पर गोदाम का निर्माण

4689. श्री धर्मसिंह भाई पटेल : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गुजरात में जूनागढ़ जिले में माणावदर चेम्बर आफ कामर्स माणावदर ने अगस्त, 1977 में माणावदर रेलवे स्टेशन के सामने एक और गोदाम के निर्माण की मांग की थी और यदि हां, तो उनकी मांग का ब्यौरा/स्वर्ूप क्या है -

(ख) उक्त गोदाम का वहां कब निर्माण होगा और स बारे में अब तक क्या कार्यवाही की गई है अथवा करने का विचार है ; और

(ग) क्या सरकार माणावदर रेलवे स्टेशन पर एक और गोदाम की आवश्यकता अनुभव करती है और यदि हां, तो इस बारे में क्या कार्यवाही करने का विचार है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी हां। वह मांग वर्तमान माल गोदाम की मरम्मत और उपयुक्त प्लेटफार्म के साथ एक नये माल गोदाम की व्यवस्था के लिए थी।

(ख) और (ग). इस समय होने वाले माल-यातायात को ध्यान में रखते हुए अतिरिक्त माल गोदाम और प्लेटफार्म की व्यवस्था का औचित्य नहीं है। फिर भी, वर्तमान माल के गोदाम की मरम्मत के लिए आवश्यक कार्रवाई की जा रही है।

**रेल गाड़ियों में अतिरिक्त शायिकाओं की व्यवस्था**

4690. श्री धर्मसिंह भाई पटेल : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) वीरमगाम-लम्बाई 335-6 अप में तीन अतिरिक्त 35/23 अप सोमनाथ में चार, अहमदाबाद-लम्बाई गुजरात एक्सप्रेस में छः शायिकाएं, बाया अहमदाबाद-दिल्ली डिब्ब में दो शायिकाएं और दो स्थान, 337/29 बरावल-भावनगर में दो शायिकाएं और गुजरात राज्य में राजकोट जिले में उपलेता सिटी के लोगों के लिये रिवमगाम हावड़ा में उपलेता स्टेशन से चार शायिकाओं की व्यवस्था किये जाने के बारे में अब तक क्या कार्यवाही की गई है ; और

(ख) इन मांगों को कब तक पूरा किया जायेगा ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) और (ख). 1-1-78 से उपलेता से चढ़ने वाले यात्रियों के लिए 6 अप सौराष्ट्र मेल में दूसरे दर्जे के शयनयान का कोटा 2 शायिका से बढ़ाकर 3 शायिका करने, सप्ताह में दो बार चलने वाली 133 अप अहमदाबाद हावड़ा एक्सप्रेस में एक शायिका तथा एक सीट को बढ़ाकर एक शायिका और दो सीट करने तथा 337/30 सवारी गाड़ियों में बरावल-भावनगर यात्री डिब्बे में दूसरे दर्जे की एक शायिका तथा दूसरे दर्जे की 4 सीटों का कोटा देने का प्रस्ताव है । अन्य गाड़ी सेवाओं में कोटे का आवंटन करने या वर्तमान कोटे में वृद्धि करना इस समय औचित्यपूर्ण तथा व्यावहारिक नहीं पाया गया है ।

**सलाया-मथुरा पाइप लाइन परियोजना पर होने वाला व्यय**

4691. श्री धर्मसिंह भाई पटेल : क्या पेट्रोलियम तथा रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) सलाया पाचीतार (जामनगर) से कोयली-मथुरा फूड आयल पाइप लाइन और उसकी परियोजना पर कुल कितना खर्च होगा ;

(ख) सलाया से वीरमगाम तक और वीरमगाम से कोयली और वीरमगाम से मथुरा तक डाली जाने वाली प्रस्तावित पाइप लाइन की मिलीमीटरों में कितनी लम्बाई होगी, अब तक कितनी लम्बी पाइप लाइन डाली गई है और [उससे किन-किन स्थानों को मिलाया गया है तथा अभी कितना काम बाकी है और यह कब तक पूरा हो जायेगा ; और

(ग) इस परियोजना पर अब तक कितनी और किस प्रकार की धनराशि खर्च हो गई है ?

पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवती नन्धन बहुगुणा) : (क) अगस्त 1973 में सम्भाव्यता स्तर पर 119.9 करोड़ रुपये की कुल प्रायोजना लागत मंजूर की गई थी । इसके संशोधित लागत प्राक्कलन इंडियन आयल कारपोरेशन लिमि० द्वारा तैयार किये जा रहे हैं ।

(ख) सलाया से वीरमगाम तक इस पाइप लाइन की लम्बाई लगभग 275 किलो मी० वीरमगाम से कोयली तक लगभग 141 किलो मीटर तथा वीरमगाम से मथुरा तक लगभग 803 किलो मीटर है ।

एक नदी पर बिछाये जाने वाले भाग क छोड़कर वोरमगाम—कोयाली खंड के लिये पूरी लम्बाई की पाइप लाइन पहले से बिछा दी गई है तथा उसका परीक्षण किया जा रहा है। सलाया—कोयाली खंड की 275 किलो मीटर लम्बी पाइप लाइन में से लगभग 250 किलो मीटर लम्बी पाइप लाइन बिछाई जा चुकी है। आशा है कि सलाया वोरमगाम तथा वोरमगाम—कोयाली खंड का कार्य अप्रैल 1978 तक पूरा हो जायेगा।

वोरमगाम-मथुरा खंड के कार्य को मार्च-अप्रैल 1978 तक आरम्भ किये जाने को सम्भावना है तथा इस खंड के जनवरी 1980 तक पूरा हो जाने की आशा है।

(ग) एस० एम० पी० एल० परियोजना के सलाया-वोरमगाम-कोयाली खंड पर नवम्बर 1977 तक 59.96 करोड़ रुपये की धन राशि खर्च की जा चुकी है जिसमें भूमि पर बिछाई गई पाइप लाइन पर 45.97 करोड़ रुपये टैंक व्यवस्था पर 5.39 करोड़ रुपये और अतदीय टर्मिनल पर 8.60 करोड़ रुपये का व्यय शामिल है। पाइप लाइन परियोजना के वोरमगाम-मथुरा खंड पर आई ओ सी ने नवम्बर 1977 तक भूमि पर पाइप लाइन बिछाने के लिये मुख्यतः पाइपों की खरीद पर 13.45 करोड़ रुपये की धन राशि खर्च की है।

### Oil Prices Committee

4692. SHRI DHARMASINHBHAI PATEL: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the Oil Prices Committee constituted in 1974 was directed to determine the commission payable for petrol, H.S.D., Kerosene and other

petroleum products for dealers of the oil companies and whether any recommendations were made in June, 1976 in this regard; and

(b) whether the recommendations made in June, 1976 were found to be totally unworkable and whether the Oil Prices Committee was directed by his Ministry to reconsider the matter in the light of representations made by the Federation of All India Petroleum Traders?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) The determination of the rates of commission to dealers of petrol, High speed diesel oil, kerosene and light diesel oil was one of the terms of reference to the Oil Prices Committee set up in March, 1974. This Committee made interim recommendations on the subject in December, 1975.

(b) The recommendations of the Committee were implemented in Government Resolution dated 22-6-76. The Committee was requested to review the matter in view of the representations.

### Unit of Hindustan Organic Chemicals in West Bengal

4693. SHRI CHITTA BASU:

SHRI R. P. DAS:

Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the Government of West Bengal approached the Government for the establishment of the proposed second unit of the Hindustan Organic Chemicals in West Bengal; and

(b) if so, the steps taken by the Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI JANESHWAR MISH-

RA): (a) and (b). The Government of West Bengal had proposed to the Ministry of Chemicals and Fertilizers in October, 1976 for setting up of a basic chemicals unit by Hindustan Organic Chemicals Limited in West Bengal.

The proposal was discussed by a Team of Hindustan Organic Chemicals officers with the West Bengal Government in December, 1976 and it was felt that there were some projects which could be considered by Hindustan Organic Chemicals for investment in West Bengal during the sixth plan period.

While considering the proposals of H.O.C. for the next five years, the proposal of the West Bengal Government will be taken into consideration

#### **Construction of Pipelines for Bombay High Gas**

4694. **PROF. P. G. MAVALANKAR:** Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the construction of pipelines, etc. for Bombay High Gas has now begun;

(b) if so, full facts thereof including estimated total cost, broad details of construction of pipe line routes, and the time expected for completion;

(c) whether the Government have made any minor or major changes in planning the routes and constructing the lines in this regard; and

(d) if so, broad details thereof?

**THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):** (a) and (b). After very careful consideration, taking all techno-economic etc. aspects into account, the decision arrived at has been that the most cost effective and suitable alignment for

the pipelines for transportation of Bombay High and North Bassein crude oil and associated gas is *via* Bassein and Uran to Trombay and detailed cost estimates were worked out for this alignment only. As for latest estimates, the cost of the pipelines upto Trombay is expected to be of the order of Rs. 184 crores exclusive of customs duties, engineering and construction supervision. About 50 per cent of this cost is apportionable to the gas pipeline. The construction of pipeline from Bombay High to Uran has started in November 1977 and is expected to be completed by May, 1978.

(c) and (d). The original proposal as approved by Government for the pipeline between Uran and Trombay involved the laying of land lines from Uran to a point near Ghavan village and from there by subsea and land lines *via* Nhava Island to Trombay. This was reviewed and three other alternate routes were examined and finally the route chosen for the pipelines from Uran to Mora and thence, skirting the eastern side of Nhava and Sheva Island and submarine lines from there to Trombay.

#### **Engine Drivers of Trains Running between Ahmedabad and Bombay**

4695. **PROF. P. G. MAVALANKAR:** Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that the express and passenger trains as also goods trains running between Ahmedabad and Bombay in the Western Railway Zone are having Engine Drivers from more than one division;

(b) if so, full facts thereof;

(c) whether the engine drivers from the Bombay Zone are enabled to run the trains beyond Surat and even Baroda, whereas the engine drivers from Ahmedabad and Baroda Division are not so permitted to go beyond their stipulated limit-stations, upto Bombay;

(d) if so, reasons for such discrimination; and

(e) whether the said drivers get extra allowances for additional trains and if so, details thereof?

**THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN):** (a) to (e). The information is being collected and will be placed on the Table of the House.

#### **Facilities for residents of Railway Colony at Sabarmati**

**4696. PROF. P. G. MAVALANKAR:** Will the Minister of RAILWAYS be pleased to state:

(a) whether the Railway employees living in the Railway Colony at Sabarmati, Ahmedabad are given adequate essential facilities like drinking water, primary and high school provision for children, fair-price shops for food-grains and sugar and edible oil, provision of a community hall, recreation centre, etc.;

(b) if so, broad details thereto; and

(c) if not, the steps being taken to give such facilities, and the time by which these facilities are expected to be made available?

**THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN):** (a) Yes, except a High School.

(b) Adequate drinking water supply exists at both the places. The other facilities provided are briefly indicated below:

	Sabarmati Ahmedabad	
1. Primary Schools .	6	5
2. Consumer Co-operative Stores/ Society .	2	1
3. Welfare Centre .	1	1
4. Institute . .	1	1
5. Community Hall .	1	

(c) Though there are no High Schools within these colonies this facility is already available in the cities of Sabarmati and Ahmedabad which also cater to educational needs of the children of Railway employees.

#### **Grievances of Station Masters**

**4697. SHRI A. K. ROY:** Will the Minister of RAILWAYS be pleased to state:

(a) whether a Deputation from All India Station Masters' Association met him on 15th September, 1977 and submitted Memorandum on (i) withdrawal of victimisation (ii) channel of Communication (iii) stoppage of interpolation in SMs' category (iv) Grade-wise LR & RG SMs, ASMs, (v) supply of better fit uniform (vi) implementation of Miabhoy Tribunal Award, 1969 and (vii) uniform policy of transfer; and

(b) if so, the specific action taken by the Government to redress the above longstanding and just grievances?

**THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN):** (a) and (b). No such deputation met the Railway Minister on 15.9.77.

#### **New Lines in Bhadoi, Jaunpur and Mirzapur Area**

**4698. SHRI YADVENDRA DUTT:** Will the Minister of RAILWAYS be pleased to state when the survey and construction work is proposed to be started on new lines in Bhadoi, Jaunpur and Mirzapur area, which is the centre of carpet weaving and export with a view to increase the production and export of carpets and to lead to the development of the area?

**THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN):** In view of the limitation of resources and heavy

commitments already made it may not be possible to take up surveys or construction of the proposed new lines at present.

#### **Industrial Licences to IDPL.**

4699. SHRI NATWARLAL B. PARAMAR: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the industrial licences granted to IDPL during last three years;

(b) how many of them have been implemented and which are on their way to implementation; the items, capacities approved and the capacities achieved in each case;

(c) how many items are being produced by IDPL during last three years, item-wise, capacity-wise and what steps IDPL is taking to achieve full capacities; and

(d) the items still imported by IDPL, the quantity and CIF prices as also the pooled prices for them?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). The requisite information has already been furnished in reply to Lok Sabha Unstarred Question No. 2802 answered on 6-12-1977.

(c) Statement I furnishing the requisite information is attached. [Placed in Library. See No. LT-1443/77].

(d) Only ten drugs included in the Canalised list and which are in the production range of IDPL are being imported by CPC and distributed by IDPL along with their own indigenous production. Statement II attached contains information on these 10 items about imports planned and CIF and pooled prices during the current financial year. [Placed in Library. See No. LT-1443/77].

#### **Production by M/s. CIBA Geigy (I) Limited**

4700. SHRI NATWARLAL B. PARAMAR: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the production of various products manufactured by M/s. Ciba Geigy (I) Limited during last three years items, licence/approval number and sales value;

(b) what is the basis of agreement or change made in agreement and subsequent approval from Government on which production is based and money is paid of M/s. Ciba Geigy in Switzerland, the mode of payment and reasons for allowing them to do so;

(c) names of Directors, their salaries and perquisites; and

(d) whether this company has flouted the original agreement and marketed new articles without valid licence, if so, the names of products and what action Government propose to take in the matter?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) Statement I furnishing the requisite information for the years 1974, 1975 and 1976 is laid on the Table of the House. [Placed in Library. See No. LT-1444/77].

(b) M/s. Ciba Geigy of India entered into the following two agreements involving payments to the principals, with M/s. Ciba Geigy Limited, Switzerland, where there is stipulation of payment for services rendered:—

(i) Technical Collaboration Agreement for manufacture of pesticides (Phosphamidon, DDVP, Zinc Di-



methyl Dithio Carbamate). This has been approved *vide* this Ministry's letter No. A&I-32(7)/64 pt. dt. 7-4-1973.

(ii) Agreement to appoint CIBA-GEIGY Limited, Switzerland, as export agents outside India for securing orders of Drugs, Chemical Intermediates, Packaging Materials Dyestuffs and Textile Auxiliary products, Agrochemicals, Synthetic Resins, Hardeners and Ancillaries. This has Reserve Bank's approval *vide* their letter No. BC.BYX.COM. C2/G(i) 3281.74 dated 1-1-1974.

No change has so far been effected in the above agreements. In accordance with the terms of agreement (i) above M/s. Ciba Geigy (I) are to pay in Switzerland to Ciba Geigy SFR 850,000 to provide know-how, technical advice, technical training to their employees and necessary machinery and equipment for manufacture of Phosphamidon and intermediates.

According to agreement (ii) above M/s. Ciba Geigy (I) Limited are to pay a commission of 2 per cent of the FOB value of any order for the products procured through Ciba Geigy.

(c) Information is being collected and will be laid on the Table of the House.

(d) No such instance so far has come to the notice of Government, but necessary enquiry shall be made if any specific point is raised in this connection.

#### **Appointment of Chairman of Licensing Committee as Chairman of M/s. Sandoz (I) Limited**

4701. SHRI NATWARLAL B. PARMAR: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether former Chairman of Licensing Committee is employed as Chairman of Sandoz (I) Limited;

(b) what are terms of his appointment as Chairman, Sandoz, salary and perquisites; and

(c) what action Government propose to take for violation of provisions of I (D&R) Act in this case?

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

(b) Based on information collected to answer a Lok Sabha Question in June, 1975, it is learnt that the incumbent Shri S. Ranganathan is getting no salary from M/s. Sandoz but only a fee of Rs. 250 for every meeting of the Board or Committee attended by him. Other perquisites such as rent, water, electricity and telephone charges are also available to him. Information about the exact nature and extent of perquisites is being verified.

(c) Not applicable.

#### **Requirement of Kerosene Oil in Gujarat**

4702. SHRI AHMED M. PATEL: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government of Gujarat has sent any requirement of kerosene oil for the State for the year 1977-78;

(b) the quantity demanded by the State for the year month-wise; and

(c) the quantity supplied during the month from April to October, month-wise?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) to (c). From time to time, the Government of Gujarat have been intimating the quantity of kerosene re-

quired by them on monthly basis. The monthly allocation of kerosene for each State is decided after taking into account various factors including the past consumption, seasonal requirements, if any, and other relevant factors. Besides, the oil companies are

asked to meet the requirement of kerosene of the State in full and no complaint regarding shortage of kerosene has been received during this year from Gujarat State. The details of allocations, etc. are given below:—

(Figs. in Metric Tonnes)

Month	Allocations of kerosene made to Gujarat State	Quantity of kerosene asked for by the State Government	Actual Sales of kerosene in Gujarat
April, 77 .	23743	28500	22484
May, 77 .	23081	28000	23245
June, 77 .	26083	..	24533
July, 77	23575	26084	23669
Aug., 77 . .	26452	26452	26703
Sept., 77 .	26436	24900	27426
Oct., 77 .	25810	24900	25658 (Provisional)

#### Harassment of Class III Employees in Danapur Division

4703. DR. MAHADEEPAK SINGH SHAKYA: Will the Minister of RAILWAYS be pleased to state:

(a) whether many class III employees in Danapur division on the Eastern Railway are being harassed by the high officers there;

(b) whether they have been removed from service without any charge sheet; and

(c) if so, the steps being taken by Government to safeguard the interests of the class III employees there?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). No.

(c) Does not arise.

#### आगरा-फर्रुखाबाद मीटर गेज लाइन

4704. डा० महादीपक सिंह शाक्य : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार का विचार उत्तर-पूर्व रेलवे की आगरा-फर्रुखाबाद मीटर गेज लाइन को ब्राड गेज लाइन में बदलने का है ; और

(ख) यदि हां तो तत्संबंधी व्यौरा क्या है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) और (ख) . आगरा-फर्रुखाबाद मीटर लाइन को बड़ी लाइन में बदलने का इस समय कोई प्रस्ताव विचाराधीन नहीं है ।

**अपात स्थिति के दौरान सेवाओं का समाप्त  
किया जाना और स्थानान्तरण**

4705. डा० महावीर सिंह शास्त्री :  
क्या रेल मंत्री यह बताने की कृपा करेंगे  
कि :

(क) क्या उन्हें अनेक रेलवे कर्म-  
चारियों से अभ्यावेदन प्राप्त हुए हैं जिनमें  
अपात स्थिति के दौरान सेवाओं को  
समाप्त किये जाने और स्थानान्तरण के  
विरुद्ध शिकायतों की गई हैं ; और

(ख) यदि हां, तो उनकी संख्या  
कितनी है और उनके सम्बन्ध में क्या  
कार्यवाही की गई है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव  
नारायण) : (क) और (ख). सूचना  
इकट्ठी की जा रही है और सभा  
पटल पर रख दी जायेगी ?

**Arrest of Saboteurs in connection  
with Accidents near Rewari and Akola**

4706. SHRI D. B. CHANDRE  
GOWDA:

SHRI S. S. SOMANI:

SHRI K. MALLANNA:

SHRI C. K. JAFFER  
SHARIEF:

SHRI RAJKESHAR SINGH:

SHRI M. RAM GOPAL  
REDDY:

Will the Minister of RAILWAYS be  
pleased to state:

(a) whether Government have ar-  
rested some saboteurs in regard to  
the tragedy at Rewari and Akola train  
mishaps; and

(b) whether any inquiry has also  
been conducted by the Government  
and if so, the details thereof?

THE MINISTER OF STATE IN  
THE MINISTRY OF RAILWAYS  
(SHRI SHEO NARAIN): (a)  
and (b). None has been arrested so  
far in the case of railway accident  
near Rewari. However, a case on FIR  
No. 206 was registered under Section  
126 Indian Railways Act by Govern-  
ment Railway Police Rewari (Harya-  
na) and the Police investigations are  
still continuing.

In regard to the accident near  
Akola, five persons have since been  
arrested by the Civil Police, Mana  
(District Akola), Maharashtra on 22-  
11-1977. Further Police investigations  
continue.

**Guideline for Posting of Railway  
Officers as Chairman of Railway  
Service Commission**

4707. SHRI S. K. SARDA: Will the  
Minister of RAILWAYS be pleased to  
state:

(a) what is the guideline for post-  
ing of Railway Officers as Chairman  
of the Railway Service Commissions;

(b) whether posting of Shri  
D. C. Misra, Senior Divisional Com-  
mercial Superintendent, Northern  
Railway, Allahabad, as Chairman Rail-  
way Service Commission, Allahabad,  
during the days of Emergency was  
strictly in accordance with the rules  
and guidelines;

(c) whether Government are aware  
that posting of Senior Divisional  
Commercial Superintendent, Allaha-  
bad as Chairman was done by the  
then Minister of Railways to regula-  
rise the ad hoc appointments made  
by his Special Assistant and when  
protests were made Shri Misra had to  
be reverted to his post of Sr. D.C.S.  
Allahabad; and

(d) what action Government pro-  
pose to take in the matter to avoid  
recurrence?

THE MINISTER OF STATE IN  
THE MINISTRY OF RAILWAYS

(SHRI SHEO NARAIN): (a) Recruitment Rules have been framed for filling the post of Chairman, Railway Service Commission, in consultation with the Union Public Service Commission and the Ministry of Law. According to the Rules, the post is to be filled from a panel of names prepared by the Ministry of Railways and sent to Union Public Service Commission who finally select and recommend a name out of it. The field of choice for framing the panel is as under:—

- (i) Serving or Retired Railway/Government Officers;
- (ii) ex-M.Ps.; and
- (iii) Men of repute e.g. educationists, eminent lawyers etc.

Whenever the post of a Chairman, Railway Service Commission, falls vacant, a Railway Officer is appointed on temporary basis to look after the work of the Railway Service Commission, pending regular selection through the Union Public Service Commission.

(b) Shri D. C. Misra, Senior Divisional Commercial Superintendent, Northern Railway, was appointed as Chairman, Railway Service Commission, Allahabad, purely on *ad-hoc* basis from 17.5.1976 to 16.8.1976 pending selection of a regular Chairman who took over on 16-8-1976 A.N.).

(c) and (d). Appointment of Railway Officers as Chairman, Railway Service Commission is ordinarily done when the posts fall vacant and pending the selection of suitable persons, in consultation with the Union Public Service Commission. For instance, in the Railway Service Commission, Madras, when the post of Chairman fell vacant, another Railway Officer was appointed from 7.1.1977 to 7.10.1977. Likewise, a Railway Officer has been appointed Chairman, Railway Service Commission, Calcutta, w.e.f. 5.8.1977 onwards on temporary basis pending regular se-

lection of the incumbent. As per the available records, no protests were received when Shri D. G. Misra was appointed.

वर्ष 1974 की हड़ताल में भाग लेने के कारण सेवा से निकाले गये उत्तर रेलवे के कर्मचारी

4708. श्री हुकम चन्द कछवाय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) उत्तर रेलवे में वर्ष 1974 में रेलवे हड़ताल में भाग लेने के कारण सेवा से निकाले गये कितने कर्मचारियों को अब तक बहाल किया गया है ;

(ख) कितने कर्मचारियों को अभी बहाल किया जाना बाकी है ; और

(ग) उनको बहाल न किये जाने के क्या कारण हैं और उन्हें कब तक बहाल किया जायेगा ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) 1388

(ख) 1

(ग) यद्यपि उस व्यक्ति को ड्यूटी पर वापस लेने का आदेश भेज दिया गया था फिर भी वह ड्यूटी पर वापस नहीं आया ।

1974 की हड़ताल के दौरान सेवा से निकाले गये पूर्व रेलवे के कर्मचारी

4709. श्री हुकम चन्द कछवाय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) 1974 की हड़ताल में भाग लेने के कारण पूर्व रेलवे में सेवा से निकाले गये कर्मचारियों में से इस बीच कितने कर्मचारियों को सेवा में बहाल कर दिया गया है ;

(ख) अभी कितने कर्मचारियों को सेवा में बहाल किया जाना है; और

(ग) उन्हें सेवा में बहाल न किये जाने के क्या कारण हैं तथा उन्हें सेवा में कब तक वापस ले लिया जायेगा ?

**रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) :** (क) 2 848 ।

(ख) कोई नहीं ।

(ग) प्रश्न नहीं उठता ।

**वर्ष 1974 की हड़ताल में भाग लेने के कारण सेवा से निकाले गये पश्चिम रेलवे के कर्मचारी**

4710. श्री हुकम चन्द कछवाय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) पश्चिम रेलवे में वर्ष 1974 की हड़ताल में भाग लेने के कारण सेवा से निकाले गये कितने कर्मचारियों को अब तक बहाल किया गया है ;

(ख) कितने कर्मचारियों को अभी बहाल किया जाना बाकी है; और

(ग) उनका बहाल न किये जाने के क्या कारण हैं और उन्हें कब तक बहाल किया जायेगा ?

**रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) :** (क) 2 507 ।

(ख) कोई नहीं ।

(ग) प्रश्न नहीं उठता ।

**आपात स्थिति के दौरान सेवा से निकाले गये पश्चिम रेलवे के कर्मचारी**

4711. श्री हुकम चन्द कछवाय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) आपात स्थिति के दौरान पश्चिम रेलवे में कितने कर्मचारियों को सेवा से निकाला गया ;

(ख) उनमें से कितने कर्मचारियों को बहाल कर दिया गया और कितने कर्मचारियों को बहाल किया जाना बाकी है ; और

(ग) सरकार का भविष्य में उक्त कर्मचारियों की बहाली के लिए क्या कार्यवाही करने का विचार है ?

**रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) :** (क) आपातस्थिति के दौरान 118 कर्मचारियों को जहां जांच करनी व्यावहारिक नहीं थी रेल प्रशासन की विशेष शक्तियों के अन्तर्गत सेवा-मुक्त/बर्खास्त किया गया था । 463 अन्य कर्मचारियों को जांच के बाद सिद्ध विशिष्ट अपराधों के लिए अनुशासन एवं अपील नियम 1968 की समान्यतः प्रक्रिया के अन्तर्गत सेवा-मुक्त/बर्खास्त किया गया था ।

(ख) विशेष शक्तियों के अन्तर्गत सेवामुक्त/बर्खास्त 118 कर्मचारियों में से 92 को बहाल कर दिया गया है और 26 को अभी बहाल नहीं किया गया है । अन्य 463 मामलों के विषय में अपील/पुनरीक्षण याचिका प्राप्त होने पर सक्षम प्राधिकारियों ने 127

कर्मचारियों को बहाल कर दिया है और ऐसे 336 कर्मचारियों को अभी बहाल नहीं किया गया है।

(ग) विशेष शक्तियों के अधीन सेवा मुक्ति बर्खास्तगी के शेष मामलों की पुनरीक्षा करने के लिए रेलों को कहा गया है। ऐसे मामलों में जहां नियमों की सामान्य प्रक्रिया के अन्तर्गत सेवा-मुक्ति/बर्खास्तगी की गई है पुनरीक्षण का कोई प्रस्ताव नहीं है परन्तु सामान्य नियमों के अनुसार प्रभावित कर्मचारियों से प्राप्त अपील/पुनरीक्षण याचिका पर सक्षम प्राधिकारी द्वारा विचार किया जाएगा।

#### **Investment of Foreign Drug Companies in India**

4712. SHRI NARENDRA P. NATH-WANI: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) what is the total investment of foreign drug companies in India,

1. Imports . . . . .	1974	Rs. 1565.09 lakhs
(Imported/Canalised raw materials) . . . . .	1975	Rs. 1826.00 lakhs
	1976	N.A.
2. Exports . . . . .	1974	Rs. 983.00 lakhs
	1975	Rs. 850.60 lakhs
	1976	N.A.

(b) and (c). During the last one year 38 applications for grant of Industrial approvals for the manufacture of drug items have been received from the existing foreign drug manufacturing companies which would show that the foreign drug companies are possibly still interested in making further investments in the field of Drugs & Pharmaceuticals in the country.

total imports of raw materials and capital goods by these companies and total exports and remittances abroad during the last three years;

(b) whether it is a fact that these companies are not interested in making investments in this country and are diversifying production to non-scheduled industries and other profit-oriented items; and

(c) if so, the details of other activities in which these companies are engaged?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) Information relating to investment and remittances made by foreign drug companies operating in the organised sector of Drugs & Pharmaceuticals during the last 3 years has already been furnished in reply to Lok Sabha Unstarred Question No. 3738 answered on 13.12.1977. The remaining information asked for, to the extent available with Government is as below:—

#### **M/s Hoechst and FATCO**

4713. SHRI NARENDRA P. NATH-WANI: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether some of the companies have been found involved in

import licence scandal for drugs and vital chemicals and one such link was between M/s. Hoechst and FATCO;

(b) on what grounds FATCO were asked to wind up their business from this country whereas the other company is allowed to continue its operations; and

(c) details of entitlement and the actual imports allowed to this company during the last three years and basis thereof?

**THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):** (a) to (c). Information is being collected and will be laid on the table of the House.

#### **Issue of Permission Letters to Drug Firms**

**4714. SHRI NARENDRA P. NATH-WANI:** Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) how many permission letters were issued to drug firms, items covered by them, production in last three years and utilisation of foreign exchange for such production;

(b) under what provisions of (D&R) Act these permission letters were granted and whether these letters are responsible for almost half of sales turnover of drugs by foreign companies in India;

(c) whether any study to work out impact of these permission letters on foreign exchange position of the country has been made; and

(d) if so, the result thereof and what action Government propose to take in this regard?

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

(a) Details of Permission Letters issued and items covered are furnished in Appendix II of Chapter V of the Hathi Committee Report, a copy of which has already been laid on the Table of the House on 8.5.1975.

Other information asked for is not available with the Government. However, the value of production of bulk drugs covered under Permission Letters during 1976 was of the order of Rs. 18.64 lakhs.

(b) and (d). The Permission Letters were clarificatory in nature as to the meaning of "new article" as defined in IDR Act. With reference to the authorisations available to the parties *vide* their Registration Certificates and Licences these letters explained to them that they were authorised to manufacture the additional items provided certain conditions were fulfilled.

(c) No separate study is available on the turnover covered under Permission Letters as well as the impact of such activity on foreign exchange. In the circumstances, it is not possible to say whether or not this activity has resulted in heavy accumulations of profits etc., with the concerned foreign companies.

While keeping in mind the recommendations No. 13 and 14 of Chapter V of Hathi Committee Report in this regard, Government propose to make a full enquiry and prepare a consolidated account of the position, for such action as may be called for.

#### **Level Crossing at Balasore Railway Station**

**4715. SHRI L. L. KAPOOR:** Will the Minister of RAILWAYS be pleased to state:

(a) whether any further steps have been taken to construct a level crossing at Balasore Railway station over the O.T. Road and at Cuttack Railway station connecting Cuttack-Bhubaneswar Road;

(b) if so, please give details;

(c) whether at Balasore Railway station (S.E. Railway) alternative scheme to have an underbridge constructed near the present level crossing and to widen the existing underbridge and connect both with a road has been examined;

(d) if so, the details of such schemes; and

(e) whether Government will examine the above proposal cost of which will be much less than the present proposal to construct a flying bridge?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) There are at present level crossings at Balasore and Cuttack Stations. No proposals have been received from the State Government/local authority for the construction of additional level crossings at these two stations.

(b) Does not arise.

(c) and (d). There is no proposal for the construction or widening of road under-bridge, but there was a proposal for the construction of a road over-bridge in replacement of the existing level crossing at Remuna Road, Balasore. The estimate for this work was sent to the State Government for acceptance in June, 1976 but in the absence of a response from them so far, the proposal is being dropped from the Railway's Works Programme.

(e) Yes.

#### **Conversion of Rupsa-Bangiriposhi Narrow Gauge into Broad Gauge Line**

4716. SHRI L. L. KAPOOR: Will the Minister of RAILWAYS be pleased to state:

(a) whether any further steps have been taken to broad gauge Rupsa-Bangiriposhi narrow gauge

Railway line and extend it so as to connect to a point at Gorumatisani-Tata or Tata-Kharagpur Railway line of the S.E. Railway;

(b) whether Orissa Government have represented for the extension and to make broad-gauge the afore-said railway line; and

(c) if so, the progress of the proposal made on this matter?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c). A survey for the gauge conversion of Rupsa-Talband narrow gauge line to broad gauge was carried out in 1972-73 but the project was not found to be viable. South Eastern Railway administration requested the Government of Orissa in the beginning of this year to furnish details of the industries proposed to be set up by them and other development schemes for exploitation of forest and mineral resources in the area served by the line. In May, 1977 the State Government furnished the details of traffic likely to be generated in the area and the matter is still under consideration.

#### **Availability of Drugs to Consumers at Fixed Prices**

4717. SHRI OM PRAKASH TYAGI: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) what steps are proposed to make available drugs to consumers at fixed prices so as to eliminate profiteering and hoarding at different levels; and

(b) whether Government would explore the possibility to attract fresh investment for manufacture of bulk drugs by introducing a system of different prices for the same bulk drugs produced by old and new units as well as small scale units by buying,



them through some Central agency and selling them to the formulation manufacturers at a uniform pooled price?

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

(a) and (b). Prices of drugs are statutorily controlled under the Drugs (Prices Control) Order, 1970. Prior approval of the Government is necessary for revision in prices once fixed/approved by Government as also for fixation of price of new packs/new formulations.

To ensure that drugs are sold at fixed prices; provisions like Display of Price List at the place of business and price at which split quantities should be sold have been incorporated in the Order. Further, Para 15 of the Order was amended with effect from 1st May, 1975 to provide that no retailer shall sell any formulations to a customer at a price exceeding the retail price of that formulation in the price list approved by the Government or the price displayed on the label of the container of the formulation, whichever is less, plus the local taxes, if any, payable.

To ensure that drugs are not hoarded, Para 19 of the Order provides that subject to the provisions of Drugs & Cosmetics Act, 1940, no dealer shall withhold from sale or refuse to sell any drug available with him to a customer waiting to purchase such drug.

The commission to which the retailers/wholesalers shall be entitled has also been fixed under the provisions of the said Order.

In addition manufacturing units are required to declare the prices of new bulk drugs manufactured by them within 14 days of commencement of such production under the provisions of the Drugs (Prices Control) Order, 1970.

There are at present 45 bulk drugs which are canalised for import through the State Chemicals and Pharmaceuticals Corporation of India Ltd. 17 bulk drugs are distributed by IDPL and the remaining 28 by the State Chemicals and Pharmaceuticals Corporation of India Limited. In respect of bulk drugs where indigenous production is also there in addition to imports pooled prices have been fixed. Presently pooled prices are in operation in respect of the following bulk drugs:—

1. Amidopyrin
2. Analgin
3. Metronidazole
4. Phthalyl Sulphathiazole
5. Phenobarbitone
6. Streptomycin Sulphate
7. Riboflavin
8. Vitamin B-1
9. Chloramphenicol Powder
10. Chloroquin Phosphate
11. Fursemide

The entire gamut of drug pricing is being reviewed in the context of the recommendations of the Hathi Committee on Drugs and Pharmaceuticals Industry. Government are likely to take a final decision on the recommendations shortly.

**M/s Ciba (I) Ltd. and Ciba,  
Switzerland**

4718. **SHRI OM PRAKASH TYAGI:**  
Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the initial equity participation of M/s Ciba (I) Ltd., by Ciba Switzerland and broad features of the agreement entered into between the two firms;

(b) what are the items of manufacture envisaged initially by Ciba (I) Ltd. and what are the changes made afterwards;

(c) whether their agreement was approved by the Foreign Investment Board or any other agency; and

(d) if not reasons thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) to (d). The initial equity participation in Ciba (I) Ltd. (Now Ciba Geigy of India Ltd.) by Ciba Switzerland had been Rs. 3 lakhs.

M/s. Ciba Geigy of India entered into the following two agreements with M/s. Ciba Geigy Ltd., Switzerland.

(i) Technical Collaboration Agreement for manufacture of pesticides (Phosphamidon, DDVP, Zinc Dimethyl Dithic Carbamate). This was approved vide this Ministry's letter No. A&I-32(7)/64-Pt dated 7-4-73.

(ii) Agreement to appoint CIBA-GEIGY Limited, Switzerland, as export agents outside India for securing orders of Drugs, Chemical Intermediates, Packaging Materials, Dyestuffs and Textile Auxiliary products, Agrochemicals, Synthetic Resins, Hardeners and Ancillaries.

This has Reserve Bank's approval vide their letter No. EC. BYX. COM C./G(i) 3281.74 dated 1-1-1974.

No change has so far been effected in the above agreements.

In accordance with the terms of Agreement (i) above, M/s. Ciba-Geigy (I) Ltd. are to pay in Switzerland to Ciba-Geigy SFr. 850,000 to provide know-how and technical advice, technical training to their employees and necessary machinery and equipment for manufacture of Phosphamidon and intermediates.

According to Agreement (ii) above, M/s. Ciba-Geigy (I) Ltd. are to pay a commission of 2 per cent of the FOB value of any order for the products procured through CIBA-GEIGY.

3087 LS-8.

## Number of Working Days of High Courts

4719. SHRI OM PRAKASH TYAGI: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the High Courts in the country have only about 220 working days in a year; and

(b) are the number of working days proposed to be increased as the work load in each High Court is in huge arrears?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) It has been left to each High Court to fix the periods of vacation in such a manner as to ensure that the number of working days does not fall below 210 days in a year.

(b) A proposal to increase the number of working days in the High Courts, by reducing the annual vacation from 6 weeks to 4 weeks, for the purpose of expediting the decision of cases which are in arrears is being examined.

दिल्ली-बम्बई राजधानी एक्सप्रेस का कोटा में रोकना

4720. श्री लालजी भाई : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली बम्बई राजधानी एक्सप्रेस कोटा जंक्शन पर नहीं रुकती है । यद्यपि कोटा देश का प्रसिद्ध औद्योगिक केन्द्र है और अनेक यात्री अपने व्यापार के सिलसिले में यहां से उक्त रेलगाड़ी में चढ़ना चाहते हैं ; और

(ख) यदिहां तो क्या सरकार राजधानी एक्सप्रेस को कोटा जंक्शन पर रोकने के प्रश्न पर विचार करेगी ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी हां।

(ख) 151/152 बम्बई सेंट्रल-नई दिल्ली राजधानी एक्सप्रेस गाड़ी की तेज रफ्तार की विशेषता का ध्यान रखते हुए इस गाड़ी को कोटा पर ठहराने का कोई प्रस्ताव नहीं है।

दिल्ली-अहमदाबाद लाइन को बड़ी लाइन में बदलना

4721. श्री लालजी भाई : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या दिल्ली अहमदाबाद लाइन को बड़ी रेल लाइन में बदलने का कार्य शुरु कर दिया गया है ;

(ख) यदि हां तो इसको पूरा करने में कितने वर्ष लगेंगे ; और

(ग) इस लाइन को बड़ी लाइन में बदलने में अनुमानतः कितना खर्च आयेगा ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) से (ग). दिल्ली-अहमदाबाद मोटर लाइन के बड़ी लाइन में आमान-परिवर्तन की परियोजना की लागत का अनुमान लगभग 108 करोड़ रुपए हैं और इसे चालू वर्ष के बजट में टोकन व्यवस्था करके शामिल किया जा चुका है। संसाधनों की बहुत सीमित उपलब्धता के कारण फिलहाल इस परियोजना को पूरा करने की कोई निर्धारित तिथि निश्चित नहीं की गई है।

चेतक एक्सप्रेस का देर से चलना

4722. श्री लालजी भाई :

श्री भानू कुमार शास्त्री :

क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पिछले 6 महीनों से "चेतक एक्सप्रेस" दिल्ली स्टेशन पर हमेशा देर से पहुंचती है ;

(ख) पिछले 6 महीनों में यह गाड़ी कितनी बार देर से पहुंची और इसके क्या कारण हैं ; और

(ग) क्या सरकार इस सम्बन्ध में कोई उपचारात्मक कार्यवाही कर रही है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी नहीं।

(क) और (ग). जून से नवम्बर 1977 तक की अवधि के दौरान 216 डाऊन चेतक एक्सप्रेस 35 बार दिल्ली में विलम्ब से पहुंची थी। इस गाड़ी के विलम्ब से पहुंचने का कारण मुख्यतः इंजन की खराबी जंजीर खींचने आदि था। इस गाड़ी के चालन पर कड़ी निगाह रखी जाती है और इसके समय-पालन को सुनिश्चित करने के लिए सभी संभव उपाय किये जा रहे हैं।

#### Over Production of items by Foreign Drug Firms

4723. SHRI SURENDRA BIKRAM: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether some foreign drug companies have been over-producing items of their liking and were allowed imports of raw materials, although they had shown specific capacities of these items in their applications for industrial licences;

(b) if so, the reasons for not restricting their over-production;

(c) the names of firms, licensed capacities, over-production, import of raw materials—quantity and CIF price, during the last three years; and

(d) whether they had produced formulations over-produced by them during this period and if so, the broad outlines thereof?

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

(a) and (c). The requisite information, except for the quantity and CIF value of imported raw materials consumed by the foreign drug companies for the manufacture of bulk drugs where they have exceeded their licensed capacities, has already been furnished in reply to Lok Sabha unstarred Question No. 3667 answered on 13-12-77. The remaining information is being collected and will be laid on the Table of the House.

(b) The policy on action to be taken on excess production is under active consideration of Government, having regard to the relevant recommendations of the Hathi Committee.

(d) Though certain cases of excess production of drug formulations by foreign companies have come to the notice of Government, no special study has yet been made in this regard. Since the Industrial Licences for the manufacture of drug formulations are generally granted indicating the capacities category-wise such as tablets, liquids, capsules etc., it is not possible to work out as to which are the particular drug formulations being produced by drug companies in excess of their licensed capacities.

#### **Shortfall of Production in Hindustan Antibiotics Ltd.**

4724. **SHRI SURENDRA BIKRAM:**  
Will the Minister of PETROLEUM

**AND CHEMICALS AND FERTILIZERS** be pleased to state:

(a) whether it is a fact that there has been a shortfall of production during the past one year in Hindustan Antibiotics Limited;

(b) whether indiscipline and malpractices among the staff in Hindustan Antibiotics Limited, Pimpri are on increase, as compared to last five years;

(c) whether the shortfall in production and increasing indiscipline could be attributed to sending the Managing Director on forced leave; and

(d) if so, how would Government rectify the position; if not, what are the other reasons and the solutions thereto?

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

(a) The production of bulk drugs by Hindustan Antibiotics Limited during 1975-76 and 1976-77 is indicated below:—

	1975-76	1976-77
Penicillin (mmu) .	64.78	74.00
Streptomycin (kgs). .	61789	85948
Vitamin C (kgs.) .	3943	1291
Ampicillin (kgs.) .	439.00	760

(b) and (c). No, Sir.

(d) Does not arise. The production of Vitamin C was low as the plant is being rehabilitated with the assistance of M/s. Roche Products Limited. All necessary steps to tone up discipline, ameliorate industrial relations and increase productivity are being initiated.

### Issue of Licences to LD.P.L. and H.A.L.

4725. SHRI SURENDRA BIKRAM: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the details of industrial licences, import licences given to IDPL and Hindustan Antibiotics Limited, during the last three years period; the capacities and targets achieved in regard to them;

(b) the present production of HAL, item-wise, capacity-wise and how would Government like them to achieve the approved targets in the interest of consumers; and

(c) what is the present production of Vitamin C, Penicillin and its strain obtained from Japan, the detail

of the agreement, production in last one year and reasons for losses, if any?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) The details of Industrial Licences granted to IDPL and the extent of implementation thereof have already been indicated in reply to Lok Sabha Unstarred Question No. 2802 answered on 6-12-1977. No Industrial Licence was granted to M/s. HAL during the last three years.

The details of import licences granted to them are being collected and will be placed on the Table of the House.

(b) and (c). The production of bulk drugs by HAL during the years 1974-75, 1975-76, 1976-77 is indicated below:—

Production

Item.	Unit.	1974-75	1975-76	1976-77
Penicillin . . . . .	MMU	62.83	64.78	74.00
Streptomycin . . . . .	Kgs.	66370	61789	85948
Vitamin C . . . . .	Kgs.	618.0	3933	1291
Ampicillin . . . . .	Kgs.	195	439	760

In order to improve the efficiencies and to achieve the approved capacities of HAL, Government have allowed the introduction of better strains and technologies for this production of Penicillin and Streptomycin. Government have also agreed to the utilization of assistance offered by M/s. Roche Products Limited for the rehabilitation of HAL's Vitamin C Plant.

The terms of collaboration of HAL with M/s. Toyo Jozo of Japan for Penicillin Strains and technology are as follows:

(i) Payment of US \$ 200,000 subject to taxes for supply of strains

and technology and documents connected therein.

(ii) Payment of US \$ 210,527 subject to taxes for the technical services to be rendered by the foreign firm in HAL's Plant at Pimpri.

HAL's net loss during 1976-77 was Rs. 67.74 lakhs as against Rs. 291.65 lakhs during 1975-76. The reduction in loss was due to higher capacity utilisation in respect of bulk Streptomycin, Vials, formulations, tablets, and capsules and successful introduction of the first phase of the new high yielding Penicillin strain and

technology during the latter half of the year 1976-77. Production of Penicillin from April-November, 1977 is of the order of 47.7 MMU as against 40.7 MMU from April-November, 1976. The Vitamin C plant is under rehabilitation.

As per the latest available report from HAL, the current position in regard to Penicillin from Toyo Jozo technology is as follows:

(i) In pilot plant, Penicillin V average is 31,000 u/ml for the last ten batches at an average age of 197.9 hours. Average of last four batches is 33,663 u/ml at an average age of 209.25 hours.

(ii) in pilot plant, Penicillin G average is 25,465 u/ml for last ten batches at an average age of 175.2 hours. Following complete Toyo recommendations, average of last four batches is 30,138 u/ml at an average age of 179.3 hours.

(iii) One fermentor has already been modified in main plant to Toyo requirements. HAL has obtained Penicillin G 30,800 u/ml at 191.5 hours age.

(iv) For Penicillin V in main plant, HAL have already obtained over 30,000 u/ml in more than nine batches so far.

#### Recommendations of Marathe Committee

4726, SHRI G. Y. KRISHNAN: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether it is a fact that Government has accepted the Marathe Committee's recommendation to fix retention prices for various fertiliser factories allowing each one of them a net post-tax return to certain limit capacity utilisation; and

(b) if so, the details regarding the other recommendations as well as

the question of phosphatic fertiliser prices?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI JANESHWAR MISHRA): (a) and (b). The Committee on Fertilizer Prices, headed by Shri S. S. Marathe had, in Part I of its Report, recommended a system of retention prices for the nitrogenous fertilizer units based on a capacity utilisation of 80 per cent and a combination of norms and actuals in regard to the consumption of raw materials, utilities and other inputs, maintenance and other costs, and a provision for a post-tax return of 12 per cent on net worth. The Committee had also recommended creation of a Fertilizer Industry Coordination Committee to administer the system of retention prices and certain fiscal and other measures to bring down the cost of future fertilizer plants. Decisions of the Government on the recommendations of the Committee are contained in a Resolution published in the Gazette of India on the 1st November 1977, a copy of which has already been laid on the Table of the House in reply to Unstarred Question No. 382 on 15-11-1977.

Part II of the Report of the Committee dealing with phosphatic fertilizers is awaited.

राधिकापुर-मनिहारीघाट गाड़ी में  
लगे डिब्बे

4727. श्री युवराज : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पूर्वोत्तर सीमा रेलवे पर कटिहार और मनिहारीघाट के बीच चलने वाली राधिकापुर मनिहारीघाट गाड़ी में जो दोपहर बाद कटिहार से चलती है, यात्रियों की

भीड़ की तुलना में बहुत कम डिब्बे लगते हैं जिससे यात्रियों को बड़ा कष्ट होता है ; और

(ख) यदि हां तो डिब्बे कब तक बढ़ाये जायेंगे यदि ऐसा करने का विचार नहीं है तो इसके क्या कारण हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी नहीं ।

(ख) 123/124 राघिकापुर-मनिहारी-घाट सवारी गाड़ी में 12-12-1977 से दूसरे दर्जे के दो सवारी डिब्बे बढ़ा दिये गये हैं ।

तिनसुकिया मेल में डिब्बे लगाना

4728. श्री युवराज : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या फारबिसगंज, जोगबनी, पूर्णिया, कटिहार वालों को दिल्ली जाने के लिए प्रथम और द्वितीय श्रेणी का एक डिब्बा कटिहार-मालदह या कटिहार-भारसोई की ओर जाने वाली गाड़ियों में लगाकर कुमेदपुर तक ले जाने की व्यवस्था नहीं है जहाँ तिनसुकिया मेल रेलगाड़ी 5हरती है ; और

(ख) यदि हां तो इसकी व्यवस्था कब तक होगी और यदि नहीं तो इसके क्या कारण हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी हां ।

(ख) नई दिल्ली और कुमेदपुर/कटिहार के बीच 155-156 तिनसुकिया डाक गाड़ी के साथ थ्रू/खण्डीय सवारी डिब्बे चलाना गुंजाईश न होने के कारण परिचालन की दृष्टि से व्यावहारिक नहीं है । कटिहार और जोगबनी क्षेत्र से चलने वाले यात्री लखनऊ के रास्ते

जो सबसे छोटा रास्ता है, मेल लेने वाली तेज गाड़ियों तथा बरौनी के रास्ते मीटर लाइन और बड़ी लाइन की मेल लेने वाली आसाम मेल गाड़ियों से भी यात्रा कर सकते हैं ।

अगस्त से अब तक रेल दुर्घटनाएं

4729. श्री नवाब सिंह चौहान : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) अगस्त से अब तक कुल कितनी रेल दुर्घटनाएं हुई हैं और उनके परिणाम स्वरूप कितनी हानि हुई ;

(ख) उनमें कितने व्यक्तियों की मृत्यु हुई और सरकार ने इस बारे में क्षतिपूर्ति के रूप में कितनी राशि की अदायगी की ;

(ग) क्या सरकार का मंत्रालय के कार्यक्रम को सुधारने के लिए एक अतिरिक्त राज्य मंत्री अथवा उप मंत्री नियुक्त करने का है ;

(घ) यदि नहीं, तो रेल प्रशासन पर काबू पाने के लिए सरकार ने क्या कदम उठाए हैं ; और

(ङ) यदि हां, तो नियुक्तियां कब तक की जाने की संभावना है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) अगस्त से नवम्बर, 1977 की अवधि के दौरान, भारत की सरकारी रेलों पर टक्कर, गाड़ी के पटरी से उतरने, समपार पर हुई दुर्घटनाओं और गाड़ियों में आग लगने की कोटियों की 294 गाड़ी दुर्घटनाएं हुई । इन दुर्घटनाओं में लगभग 1,74,07,384 रुपये के मूल्य की रेल सम्पत्ति के क्षतिग्रस्त होने का अनुमान है ।

(ख) इन दुर्घटनाओं में 106 व्यक्ति मारे गये थे । इन गाड़ी दुर्घटनाओं में हताहत

व्यक्तियों या उनके कानूनी वारिसों को भारतीय रेल अधिनियम, 1890, के अन्तर्गत अभी तक, कोई मुआवजा अदा नहीं किया गया है, क्योंकि मुआवजे के जो दावे मिले हैं, वे तदर्थ दावा आयुक्तों/देन दावा आयुक्तों के पास अनिर्णित पड़े हैं। रेल प्रशासन द्वारा न्यायालय के फैसले के आधार पर भुगतान किया जाएगा।

ड्यूटी करते समय नौ रेल कर्मचारी इन दुर्घटनाओं में मारे गये और उनमें से एक कर्मचारी के मामले में कर्मकार प्रतिकर अधिनियम, 1923 के अन्तर्गत देय 27,000 रुपए की रकम कामगार मुआवजा आयुक्त के पास जमा करा दी गई है। शेष मामलों पर रेल प्रशासन द्वारा सक्रिय रूप से विचार किया जा रहा है।

(ग) से (ङ). मंत्रियों की नियुक्ति प्रधान मंत्री के स्वविवेक पर की जाती है। चूंकि रेल कर्मचारियों की गलती ही एक मात्र ऐसा कारण है जिसके फलस्वरूप सर्वाधिक दुर्घटनाएं हुईं, इसलिए गाड़ियों के चालन से सम्बद्ध कर्मचारियों के बीच संरक्षा के प्रति अधिक चेतना करने और यह सुनिश्चित करने के लिए एक राष्ट्रव्यापी अभियान चलाया गया है कि कर्मचारी नियमों का उल्लंघन न करें तथा लाघव विधियां न अपनाएं। कर्मचारियों पर निर्भरता को कम करने के लिए, पहियों, धुरों और पटरियों के लिए अस्टासनिक फ्ला डिटेक्टर्स, रेलपथ परिपथन, स्वतः चेतावनी प्रणाली, आदि अनेक परिष्कृत सहायक विधियों को उत्तरोत्तर व्यवहार में लाया जा रहा है। हाल ही में यह विनिश्चय भी किया गया है कि 1981 तक सभी मुख्य मार्गों पर रन-थू लाइन का रेल पथ परिपथन कर दिया जाये और आगामी दो वर्षों के भीतर 100 भेद्य स्टेशनों पर फार्जलिंग मार्ग से एडवांस्ड स्टार्टर तक के रेलपथ का परिपथन कर दिया जाये।

### Allotment of Berths/Seats to I and II Class Passengers on Waiting List

4730. SHRI PUNDALIK HARI DANWE: Will the Minister of RAILWAYS be pleased to state:

(a) what are the rules for allotment of berths/seats to I and II class passengers kept on the waiting list;

(b) the names of the passengers who were on the waiting list for allotment of berths in three-tier Sleeper Coach ex. Allahabad by 39 UP Janata Express on 22-10-77;

(c) whether waiting list passengers were allotted vacant berths serially at Allahabad and if so, how many berths were received vacant at Allahabad and how many wait-listed and other passengers were given allotment;

(d) whether it is a fact that corrupt practices are being indulged in allotment of berths; and

(e) if so, whether Government will depute officers on orderly duty to check important trains so that there is no harassment to bonafide passengers?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Passengers on the waiting list are allotted accommodation strictly in order of priority at the time of preparation of charts. Accommodation becoming available against last minute cancellations or on arrival of the train in case of intermediate stations is allotted to such of the passengers on the waiting list as are present strictly in order of their position on the waiting list. If accommodation is still available after disposing of the waiting list, the same is allotted to other passengers present.

(b) The following passengers were on the waiting list:—

1. Smt. Bhagat Singh
2. Shri N. V. Rai



3. Smt. N. V. Rai
4. Shri Harish Chand
5. Smt. Jugnu Sinha
6. Shri L. R. Gautam
7. Shri S. V. Upadhiya
8. Shri Najmal Hussain
9. Shri Amir Anvi

(c) Twelve berths were available for allotment when the train reached Allahabad. Five passengers out of 9 on the waiting list contacted the staff on reservation duty at the assistance booth who were duly allotted accommodation. The remaining 7 berths were allotted to other passengers present.

(d) and (e). Frequent surprise checks by Officers and supervisory staff are conducted at important stations to keep a strict watch on proper allotment of berths/seats and to avoid any inconvenience or harassment to the bonafide passengers. During rush periods, these checks are intensified. Immediate corrective action is taken in the event of any irregularity coming to the notice during the checks.

#### Change in Public Dealing Seats

4731. SHRI PUNDALIK HARI DANWE: Will the Minister of RAILWAYS be pleased to state:

(a) whether in the revised office order issued in supersession of all previous orders, the Assistant Commercial Superintendent, Allahabad, did not recommend any change on public dealing seats, which were under occupation by clerks for more than five years or so;

(b) the idea behind this scheme of changing the seats of the clerks/head clerks in the Commercial Branch of the Divisional Superintendents Office of Allahabad Division;

(c) whether the clerks working on public dealing seats i.e. demurrage, wharfage etc. regularly pay share to

the Commercial Officers out of the illegal money earned by them and for this reason alone they are allowed to work continuously and in some cases they are working for more than five years; and

(d) if so, the steps proposed to be taken in the matter to remedy the situation?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS: (SHRI SHEO NARAIN): (a) and (b). With a view to improve efficiency, 'Head Clerks system' whereby Head Clerks were made responsible direct to the Commercial Officer, was introduced in the Commercial Branch of the Divisional Superintendent's office, Allahabad with effect from 27-7-1977. Some changes which were necessitated as a result of some retirements in the Commercial Branch were also made for certain seats. Though as a result of acceptance of the recommendations of the Administrative Reforms Commission, scheme of periodical transfers on public dealing seats has been abandoned, there is only one dealer working on a public dealing seat for more than five years. He is not working on demurrage/wharfage seat and his working was considered satisfactory, there being no complaint against him.

(c) This is not correct.

(d) Does not arise.

#### Collection of Wharfage/Demurrage

4732. SHRI PUNDALIK HARI DANWE: Will the Minister of RAILWAYS be pleased to state:

(a) whether in the Office Order recently issued by the Assistant Commercial Superintendent with the approval of the Senior Divisional Commercial Superintendent, Northern Railway, Allahabad, revised working system of Commercial Branch has been introduced;

(b) whether Assistant Superintendent (Commercial) has been made responsible for general working and supervision of Commercial Branch and to attend to important work;

(c) whether the said Superintendent has been prohibited from collecting wharfage/demurrage cases and files are passed on to dealing clerk by the Office Superintendent, who is lower in rank than the Superintendent;

(d) whether this new procedure has created indiscipline amongst the subordinate staff functioning under the Assistant Superintendent resulting in encouragement of corrupt practices in dealing with demurrage/wharfage cases; and

(e) if so, what steps are being taken to remedy the situation?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c). In the interest of expeditious disposal and with a view to avoiding the entry of outsiders in the Commercial Branch, a revised procedure has been introduced whereby applications for waiver of wharfage/demurrage are collected by the Office Superintendent, and handed over to the Head-Clerk concerned in the Commercial Branch who puts them up to the competent authority for decision. The Assistant Superintendent (Commer-

cial) is incharge of other important functions in the branch.

(d) No.

(e) Does not arise.

#### Agreement entered between Drug Firms

4733. DR. LAXIMINARAYAN PANDEYA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) what was the initial equity participation in M/s Laderlay Labs., Boots, B.D.G. Dumex Pvt. Ltd., Pfizer and Cyanamide by their principals;

(b) the main features of agreements entered into between the principals of the above firms with them for operations in India;

(c) what were the original items of production and what are the subsequent changes; and

(d) whether the agreements were approved by Foreign Investment Committee/Board, if not, the reasons thereof?

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

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(a) (i) M/s. Lederle Lab (I) Ltd. now Cyanamide (I) Ltd.	Rs. 1.50 lakhs.
(ii) M/s. Boots Co. (I) Ltd.	Rs. 10.00 lakhs.
(iii) B. D. H. [now Glaxo Lab. (I) Limited].	Rs. 1.50 lakhs.
(iv) Dumex Pvt. Ltd. (now Pfizer Ltd.)	Rs. 2.00 lakhs.

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(b) to (d). A Statement furnishing the requisite information is laid on the Table of the House. [Placed in Library. See No. LT-1445/77].

### Complaints regarding Catering of Food in Mail Trains

4734. SHRI SAMAR GUHA: Will the Minister of RAILWAYS be pleased to state:

(a) whether complaints have been received regarding catering of food in long-distance Mail trains;

(b) whether qualities and distribution of food in such trains have deteriorated;

(c) if so, facts thereabout;

(d) facts about the names of the trains in which dining cars are still provided;

(e) the extent of expenditure found curtailed after withdrawing of dining cars from various mail trains;

(f) the agencies now supplying food to the mail trains; and

(g) the method of examining and controlling qualities and distribution of food by these agencies?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Occasional complaints are received in regard to Catering of food on long-distance Mail and Express trains.

(b) No.

(c) Does not arise.

(d) A statement is attached.

(e) The information is being collected and will be laid on the floor of the Sabha.

(f) The catering requirements of the passengers are met from the static catering establishments enroute.

(g) The quality of food and the standard of service in the static catering establishments is kept under constant watch by frequent inspections.

### Statement

(d) Dining/Pantry/Buffer/Kitchen Cars are running on the following Mail and Express Trains:—

1. 3Dn/4Up Frontier Mail
2. 25Dn/26Up A. C. Express/Paschim Express
3. 151Dn/152Up Delhi-Bombay Rajdhani Express
4. 21Dn/22Up Flying Raneer
5. 1Up/2Dn Ahmedabad-Delhi Mail
6. 31Up/32Dn Jayanti Janta Express (Ahmedabad-Ajmer)
7. 171Dn/172Up Bombay-Jammu Tawi Super Express
8. 501Up/502Dn Pink City Express
9. 1Up/2Dn Bombay Howrah Mails
10. 13Up/14Dn Howrah-Tata Steel Express
11. 11Up/12Dn Howrah-Rourkela Ispat Express
12. 21Up/22Dn Dakshin Express
13. 1Up/2Dn Golconda Express
14. 5Up/6Dn Krishna Express
15. 123Dn/124Up Andhra Express
16. 16Up/15Dn G. T. Express
17. 39Up/40Dn Brindavan Express
18. 153Up/154Dn Cholan and Mysore Express
19. 131Up/132Dn Delhi-Mangalore Jayanti Janta Express
20. 122Up/121Dn Tamil Nadu Express

21. 140Up/139Dn Ganga-Kaveri Express
22. 142Dn/141Up Coromondal Express
23. 13Dn/14Up Bombay-Madras Janata Express
24. 153Up/154Dn Delhi-Muzzaffarpur Jayanti Janta Express
25. 119Up/120Dn Gomti Express
26. 81Up/82Dn Howrah Deluxe Express
27. 103Up/104Dn Howrah Deluxe Express
28. 101Up/102Dn Delhi-Howrah Rajdhani Express
29. 305Up/306Dn Howrah-Asansol Express
30. 307Up/308Dn Black Diamond Express
31. 309Up/310Dn Coalfield Express
32. 155Up/156Dn Tinsukia Mail
33. 167Up/168Dn Vikramshila Express
34. 5Dn/6Up Bombay-Punjab Mail
35. 301Dn/302Up Deccan Queen
36. 79Dn/80Up Taj Express
37. 305Dn/306Up Deccan Express
38. 309Dn/310Up Janata Express
39. 201Dn/202Up Panchavati Express
40. 1Up/2Dn Kalka-Howrah Mail
41. 57Up/58Dn Bombay-Amritsar Express
42. 91Up/92Dn Bikaner Mail
43. 93Up/94Dn Jodhpur Mail
44. 89Up/90Dn Bikaner Express
45. 9Up/10Dn Kanpur Express
46. 3Up/4Dn Assam Mail (MG)
47. 15Dn/16Up Gauhati Lucknow Express

48. 59Up/60Dn Kamrup Express (BG)
49. 5Up/6Dn Kamrup Express (MG)
50. 15Dn/16Up Saurashtra Express
51. 11Dn/12Up Gujarat Express
52. 37Up/38Dn Viramgam Mail
53. 33Up/34Dn Janata Express Fast Passenger (MG)
54. 23Up/24Dn Bombay-Delhi Janata Express
55. 59Up/60Dn Geetanjali Express

#### Committee of Legal Experts for Simplification of Legal Procedures

4735. SHRI SAMAR GUHA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government have decided to set up a new Law Commission or a Committee of Legal Experts for simplification of legal procedures for evolving a system of rendering speedy justice to the people; and

(b) if so, facts thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NARSINGH YADAV): (a) and (b). The Eighth Law Commission has been re-constituted for a period of three years from 1st September, 1977 to 31st August, 1980, with the following terms of reference:—

(1) To keep under review the system of judicial administration to ensure that it is responsive to the reasonable demands of the times, and in particular, to secure—

(a) elimination of delays, speedy clearance of arrears and reduction in costs so as to secure quick and economical disposal of cases without affecting the cardinal principle that decisions should be just and fair;

(b) simplification of procedure to reduce and eliminate technicalities and devices for delay so that it operates not as an end in itself but as a means of achieving justice; and

(c) improvement of standards of all concerned with the administration of justice.

(2) To examine the existing laws in the light of Directive Principles of State Policy and to suggest ways of improvement and reform and also to suggest such legislation as might be necessary to implement the Directive Principles and to attain the objectives set out in the Preamble to the Constitution.

(3) To revise the Central Acts of general importance so as to simplify them and to remove anomalies, ambiguities and inequities.

(4) To consider and to convey to the Government its views on any other subject relating to law and judicial administration that may be referred to it.

2. It will be observed from the terms of reference, mentioned at (1) and (4) above, that the Law Commission is to consider simplification of legal procedures for evolving a system of rendering speedy justice to the people.

3. The Commission will consist of four members including the Chairman and the Member-Secretary. The Chairman and Members may be either a serving judge or retired judge of either the Supreme Court or a High Court or a Legal Expert, a Jurist or a Professor of Law in a University in India. The Member-Secretary would be a person belonging to Grade I of the Central Legal Service. Shri Hans Raj Khanna, a former Judge of the Supreme Court, has been appointed as Honorary Chairman and Shri P. M. Bakshi, a member of Grade of the Central Legal Service, has been appointed as the Member-Secretary of the Commission, the other two Members

of the Commission will be appointed as early as possible.

4. In view of the position stated above there is no proposal to set up a Committee of Legal Experts for the purpose.

### Maintenance of Railway Coaches

4736. SHRI ISHWAR CHAUDHRY: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government are aware that the maintenance of railway coaches, particularly of metre gauge trains, is in a most deplorable condition;

(b) whether it is also a fact that even in 1st Class Compartments, fans and lights are usually missing; and

(c) whether it is also a fact that compartments and carriages have been running in this condition for the last about two years and no action has been taken to repair and renovate them?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) The general standard of maintenance of Railway coaches, including Metre Gauge coaches, is satisfactory.

(b) Deficiencies of fans and lights in 1st class coaches may occur at times, due to acts of pilferage by anti social elements. However, every effort is made to replace these fittings promptly to the extent possible.

(c) Apart from day to day maintenance when defects are rectified and deficiencies made good, all coaches are periodically overhauled, repaired and renovated. No coach is normally allowed to run in a poor condition continuously.

### Import of Rigs

4737. SHRI ISHWAR CHAUDHRY: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether it is a fact that Government propose to import rigs to step up its programme of oil exploration in the country; and

(b) if so, what are the details in this regard?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). There is no proposal to import any further rigs other than those which have already been ordered, for stepping up oil exploration on land in the country.

Regarding offshore rigs, however, O. N. G. C. has not yet taken a view finally whether to purchase more rigs or not.

### Committee to review the Prices of Drugs produced by Public Sector Undertakings

4738. SHRI K. A. RAJAN: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government has a proposal under consideration to set up a Committee to review the prices of intermediate drugs produced by the public sector undertakings; and

(b) if so, the details thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). The entire gamut of pricing policy for drugs in the context of the Hathi Committee's recommendations is being reviewed by the Government. In order to contain the prices of drugs, the cost of various inputs,

including the prices of intermediates produced by public sector undertakings and others as well as of imported intermediates would have to be reviewed by the Government. A decision on the mechanics thereof would be taken shortly.

### Fertilizer Projects at Rewas and Nova Sheva

4739. SHRI D. D. DESAI: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Investment Approval Board has been by-passed while proceeding with preparations for the giant fertilizer projects at Rewas;

(b) is it a fact that even final feasibility reports for the projects is not yet ready;

(c) whether some high officials of the Oil and Natural Gas Commission and of his Ministry who have apparently developed vested interest in the Bombay-Uran submarine pipeline project, are hurrying up with the Rewas fertilizer projects to thrust the pipeline project as a *faite accompli* on the nation; and

(d) is it a fact that earlier the Maharashtra Government and National Environment Engineering Research Institute had taken a firm stand against the proposal for a fertilizer project at Nova Sheva on the ground that it may cause serious pollution problems for Bombay, if so, whether Government has taken particularly the opinion of NEERI on the effects of these projects or has preferred to by-pass it?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI JANESHWAR MISHRA): (a) No, Sir.

(b) No, Sir. The feasibility report on the project is ready and is being

processed for necessary investment approvals.

(c) No, Sir. Phase III of the Bombay High programme, which includes the laying of a submarine pipeline from Bombay High to Uran for the transportation of gas, has been approved by Government.

(d) The earlier proposal was to set up a plant for the manufacture of phosphatic fertilizers at Nova Sheva, while the present proposal is to set up a plant for the manufacture of nitrogenous fertilizers at Rewas. A nitrogenous fertilizer plant has much less pollution problems than a plant for the manufacture of phosphatic fertilizers.

According to studies carried out, the quantum of effluents from the proposed fertilizers plant at Rewas would be within permissible limits and would not cause any pollution problems in Bombay city. Government will look into all aspects, including pollution, carefully before according the necessary investment approval.

#### **Commercial Production of Oil in Bombay High**

4740. SHRI D. D. DESAI: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether in view of the Bombay High oilfields starting commercial production of oil, this production will not be sufficient to provide the surplus for further exploration of this field;

(b) if not, to what extent is further exploration budgeted out of borrowed funds; and

(c) to what extent is the consumer benefiting due to increased indigenous output of oil?

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

and (b). Budgetary support is provided by Government to the Oil & Natural Gas Commission as a whole from year to year depending on the level of ONGC's total Programme, both onshore and offshore and the extent of its internal resources. Budgetary support from the Government is partly in the form of grant (equity) and partly in the form of loans. ONGC also obtains loans from the Oil Industry Development Board. Specifically for the development of Bombay High, ONGC has entered into agreements with the World Bank for a loan of \$150 million and also with a Consortium of Banks for a Euro Dollar loan of \$50 Million.

(c) The prices of petroleum products are now based on a weighted average of the price of indigenous crude and the price of the imported crude. To the extent indigenous production of crude oil, including offshore oil, would go up, it would offset the effect of the increasing prices of imported oil and thereby help maintain the price line for the consumer to the maximum extent possible.

#### **Recommendations of Oil Pricing Committee**

4741. SHRI D. D. DESAI: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether any of the recommendations of the Oil Pricing Committee have not so far been implemented;

(b) if so, the reasons thereof;

(c) when will these recommendations be fully implemented; and

(d) the loss, if any, the consumers of oil products may suffer due to the non-implementation of these recommendations for long period?

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

and (b). The Oil Prices Committee had submitted an Interim Report which was implemented by Government with modifications w.e.f. 14-7-1975. Government Resolution dated 16-12-1977 containing decisions on the important recommendations in the final report of the Committee have been laid on the Table of the House on 16-12-1977.

(c) and (d). Decisions on other recommendations would be taken in due course. These recommendations have no direct bearing on consumer prices. Therefore, there is no question of losses to consumers.

#### **Conversion of Bhadra-Nadiad Section into Broad-Gauge**

4742. SHRI D. D. DESAI: Will the Minister of RAILWAYS be pleased to state:

(a) whether and when will the Bhadra-Nadiad section be converted into broad gauge;

(b) whether similar conversion to broad gauge in regard to the Sabarmati-Viramgam-Okha section has also been decided upon; and

(c) if so, details of all these conversion works?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) There is no proposal at present under consideration for converting the Bhadra-Nadiad narrow gauge section into broad gauge.

(b) and (c). Yes Sabarmati is already connected with Viramgam by a broad gauge line. Conversion of Viramgam-Okha/Porbander metre gauge line into broad gauge which is now estimated to cost Rs. 60 crores and is an approved work. The upto-date progress on the project is 42.9 per cent and the outlay provided in the current year's Budget is Rs. 5.50 crores.

#### **Objectives and obligations of IDPL**

4743. SHRI MOTIBHAI R. CHAUDHARY: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the statement of objectives and obligations of the IDPL;

(b) whether Government have brought out a white paper on certain projects; and

(c) if so, will Government lay copy of the white paper on Table of the House?

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

(a) IDPL had prepared a statement of objectives/obligations which will be finalized in consultation with the Bureau of Public Enterprises.

(b) and (c). Information is being collected and will be placed on the table of the House.

#### **Shortage of working capital of M/s. Smith Stanistreet Limited, Calcutta**

4744. SHRI MOTIBHAI R. CHAUDHARY: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether it is a fact that for shortage of working capital, it has not been possible for M/s. Smith Stanistreet Ltd., Calcutta to attain full production;

(b) whether any additional capital investment was made after the management was taken over by IDPL; and

(c) if so, the details thereof and the proposals for its future expansion?

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

(a) Government have been providing



working capital requirements of M/s. Smith Stanistreet and Co. Ltd., Calcutta for attaining full production. During 1977-78, a working capital of Rs. 30.70 lakhs has been made available. Production which was of the order of Rs. 341.6 lakhs in 1975-76 rose to Rs. 423.6 lakhs in 1976-77.

(b) During the 'takeover of management' period, no capital investment for creation of fresh assets or replacement of old assets was made for the reason that such investment decisions could rightly be taken only when the future of the undertaking, at the end of the IDR Act, 'take over' period, is decided.

(c) The undertaking has very recently submitted a Feasibility Report for expansion of formulation capacity. This report is under scrutiny by the Government and a quick decision on related investment proposals would be taken.

#### **Rehabilitation of M/s. Smith Stanistreet**

4745. SHRI MOTIBHAI R. CHAUDHARY: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government had sought advice from the Industrial Reconstruction Corporation of India for rehabilitation of M/s. Smith Stanistreet, Calcutta; and

(b) if so, the major points of advice received and the steps taken to implement them?

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

(b) Industrial Reconstruction Corporation of India had appointed a Consultant to advise on the scope of rehabilitation of M/s. Smith Stanistreet and Co. Ltd., Calcutta. Based on that Report, IRCI felt that, in view

of the inherent non-viability of the unit without going in for substantial expansion/diversification the question of their extending financial assistance did not arise. Any scheme of expansion/diversification would involve substantial investment which was not possible without reconstruction of capital and seizable investment on the part of Government.

This company has since been nationalised on the 1st October, 1977.

#### **Annual Production of Drug Formulation**

4746. SHRI MOTIBHAI R. CHAUDHARY: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the annual production, and names of drug formulations by firms with more than 26 per cent foreign equity during last three years, along with licensed capacity and present production, firm-wise;

(b) the details of agreements arrived at from time to time with the firms with more than 26 per cent foreign equity; how many of them have been implemented and how many of them have not been implemented;

(c) whether Government have taken or propose to take steps to revoke such agreements/industrial licences; and

(d) the consumption of established imported raw materials and the expenditure of foreign exchange during last 3 years, separately for all these firms?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):  
(a) to (d). No system exists at present for monitoring the detailed information asked for. The time and

labour involved in compiling such information is not considered commensurate with the results likely to be achieved.

### **Monopolistic hold of multinational firms in drug industry**

4747. SHRI K. MALLANNA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) what steps Government propose to take or taken to end the monopolistic hold of multi-national corporations in drug industry; and

(b) whether Government have a proposal for encouraging co-operative units in drug industry?

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

(a) The following measures to encourage the expansion of the public/Indian Sector (which later *inter-alia*, may include cooperative units) and to regulate the expansion of the foreign sector are being taken:—

(i) As indicative categorization of drugs has been drawn up whereby certain drugs shall be reserved for exclusive manufacture by the Public/Indian Sectors alone;

(ii) *Inter se* preference for these sectors in approval of manufacturing schemes in the open list also.

(iii) Manufacture of increasing number of essential bulk drugs through public sector undertakings;

(iv) Industrial Licences are usually not issued to foreign firms for producing formulations unless linked with the production of bulk drugs, whereas Indian firms are allowed additional formulation capacity, unconnected with manufacture of Bulk Drugs, within certain parameters;

(v) Foreign firms are asked to take up production of bulk drugs from more basic stages and to make available a suitable portion of their bulk drugs production to non-associated formulators in the country as a condition for permitting expansion in capacity or taking up new activity; appropriate export obligations are also imposed where considered necessary.

(vi) Policy decision on the whole gamut of the drugs industry, including the role and control of the foreign drug companies, are likely to be taken soon, keeping in view the recommendations of the Hathi Committee.

(b) While there is no specific proposal under consideration of this Ministry at present to encourage drug manufacturing activity in the cooperative sector, the question of policy in regard thereto will largely depend on the general industrial policy of the Government and the role they envisage for that sector.

### **Railway development programme**

4748. SHRI K. MALLANNA: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that Working Group of Railways to draw up a detailed railway development programme for the next five years from 1978-79 to 1982-83 has been constituted on the advice of the Planning Commission; and

(b) if so, the details regarding its plan and the composition and functions of this group?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) A statement is attached.

## Statement

The names of the Members of the Working Groups are as under:—

Sl. No.	Name & Designation	Representing
1.	Shri K. S. Rajan, Chairman, Railway Board .	Ministry of Railways—Chairman
2.	Shri M. G. Nair, Director, Railway Planning .	Ministry of Railways—Member & Convenor
3.	Shri S. Chattopadhyaya, O. S. D. . . . .	Ministry of Energy (Department of Coal)—Member
4.	Shri B. Sinha, Joint Secretary . . . . .	} Ministry of Energy (Department of Power) Members
5.	Shri G. B. Singh, Director, Central Elec. Authority.	
6.	Shri R. K. Dang, Jt. Secretary . . . . .	Ministry of Steel & Mines . Members
7.	Shri S. M. Chakravarty, Director . . . . .	Ministry of Industry . . . Members
8.	Shri K. P. Singh, Joint Commissioner (Movement)	Ministry of Agriculture and Irrigation (Department of Food) Members
9.	Shri N. P. Verma, Joint Commissioner (Fertilizers)	Ministry of Agriculture and Irrigation (Department of Agriculture) . . . . . Members
10.	Shri S. M. Kelkar, Joint Secretary . . . . .	} Ministry of Petroleum & Chemicals (Department of Chemicals & Fertilizers) . . . . . Members
11.	Shrimati Lata Singh, Director . . . . .	
12.	Shri S. Ketharaman, Executive Director, Co-ordination Committee	Oil Ministry of Petroleum & Chemicals (Department of Petroleum) Member
13.	Shri S. R. Shah, Director . . . . .	Ministry of Commerce . . . Member
14.	Shri T.V. Sundararajan, Director, Transport Research . . . . .	} Ministry of Shipping & Transport . . . . . Members
15.	Shri N.A.A. Narayanan, Deputy Secretary (Transport) . . . . .	
16.	Shri S. C. Misra, Chief (Transport)	
17.	Dr. M. Q. Dalvi, UNDP Adviser . . . . .	
18.	Dr. Y. K. Alagh, Adviser, Perspective Planning Division.	Planning Commission . . . . . Members
19.	Shri R. C. Sharma, Joint Director (Transport)	

2. The terms of reference of the Working Group on Railways are under:—

(i) To review the carrying capacity of the Railways and its utilisation by the end of 1977-78 bringing out the extent of slack capacity as

well as sectional and terminal bottlenecks in the movement in special terms.

(ii) To make a realistic assessment of transport requirements for freight traffic in each year of the next five year plan 1978-83 in res-

pect of major commodities carried by railways, such as coal, finished steel and raw materials to steel plants, iron ore for export, cement, fertilisers, foodgrains, POL; railway materials and other general goods, the assessment of transport requirements may be worked out both in terms of originating tonnage as well as tonne kilometreage taking into account the expected pattern and lead of freight traffic.

(iii) To assess the requirements of passengers traffic in each year of the next Five Year Plan period 1978—

83 for (a) suburban traffic and (b) non-suburban traffic. In regard to non-suburban traffic, the need to reduce overcrowding in trains and the requirements of long distance passenger traffic may be kept in view.

(iv) To suggest policy framework for allocation of freight and passenger traffic based on consumer preferences, cost of services etc., to rail, road transport and coastal shipping.

(v) To recommend programmes for production of rolling stock in the production units of the Railways and in the public sector undertakings during the Five Year Plan 1978—83 to match the requirements of rolling stock for meeting the passenger and freight traffic as assessed.

(vi) To formulate the Railway's development programme and the outlays required for each year of the Five Year Plan period 1978—83 under the various Plan heads, such as rolling stock, line capacity works etc., after taking into account the capacity expected to be available by the end of 1977-78 and the projected requirement of traffic. In view of the long gestation period of railway projects, the Working Group may keep in view the perspective of ten years.

(vii) To indicate the direct employment in man days expected to be generated during the Plan period for the various categories of staff during the execution of the recommended projects/programmes and after their completion.

(viii) To indicate the requirement of all materials and equipment and the extent to which these could be available from indigenous sources, separately from the large scale sector and small scale sector and by imports for each year of the Five Year Plan.

(ix) To recommend policy in regard to investment in railway lines of a developmental character.

**चेतक एक्सप्रेस को सुपर एक्सप्रेस में  
बदला जाना**

4749. श्री भानु कुमार शास्त्री : कः  
रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उदयपुर (राजस्थान) का ऐतिहासिक, धार्मिक और पर्यटन की दृष्टि से महत्व देखते हुए सरकार का विचार 'चेतक एक्सप्रेस' को सुपर एक्सप्रेस में परिवर्तन करने का है ;

(ख) यदि हाँ, तो इस बारे में सरकार क्या कार्यवाही कर रही है ; और

(ग) यदि नहीं तो वर्तमान चेतक एक्सप्रेस के समय को कम करने के लिए सरकार क्या कार्यवाही कर रही है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क)जी नहीं ।

(ख) प्रश्न नहीं उठता ।

(ग) रेल पथ और कर्षण की मौजूदा हालत देखते हुए 15/16 चेतक एक्सप्रेस की गति बढ़ाना परिचालनिक दृष्टि से व्यवहार्य नहीं है।

**एक्सप्रेस तकनीशियनों की गोपनीय रिपोर्ट**

**खराब करना**

4750. श्री सुभाष आहुजा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उत्तर रेलवे में उन एक्सप्रेस तकनीशियनों की गोपनीय रिपोर्ट खराब कर दी जाती है जिनका बार-बार स्थानान्तरण होता रहता है ;

(ख) यदि हाँ, तो इसके क्या कारण हैं ; और

(ग) यदि नहीं, तो फिरोजपुर डिवीजन के कम वेतन भोगी एक्सप्रेस तकनीशियनों के साथ ऐसा अन्याय किये जाने के क्या कारण हैं ?

**रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) :** (क) जी नहीं

(ख) और (ग). प्रश्न नहीं उठता।

**Bonus to Railway Station Porters Cooperative Labour Contract Society Limited, Allahabad**

4751. SHRI SUBHASH AHUJA: Will the Minister of RAILWAYS be pleased to state:

(a) whether 4 per cent Bonus was allowed to Railway Station Porters Cooperative Labour Contract Society Ltd., Allahabad, while awarding them Parcel handling contract at Moghal-sarai;

(b) whether it is a fact that no bonus has been paid to the workers by the Society for the financial year 1976-77 so far;

(c) whether Government are aware that this so-called Society is simply a one man show and was/is being run for the benefit of the Secretary who has acquired wealth disproportionate to his known sources of income; and

(d) what action Government propose to take in the matter to remedy the situation and to allow benefits to the down-trodden class?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). On the Eastern Railway, while awarding a parcel handling contract to a labour cooperative society by negotiation, rates for individual items of operations are worked out having regard to the total number of labourers required for performing the work and the local casual labour rate in the area. This bare rate is increased by 10 per cent on account of overhead/supervision charges and 4 per cent bonus, which, in fact, represents the slight profit margin for the Society to be utilised as considered fit by the Society.

(c) No.

(d) Does not arise.

**जंक्शन के अलावा अन्य स्टेशनों पर रनिंग रूमों की व्यवस्था**

4752. श्री सुभाष आहुजा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि जंक्शनों के अलावा अन्य स्टेशनों पर रनिंग रूमों की व्यवस्था करने का प्रयोजन रनिंग स्टाफ के लिए ओवर टाइम में कमी करना है; और

(ख) क्या यह भी सच है कि रनिंग स्टाफ न बदले जाने के कारण इन रनिंग रूमों का उपयोग नहीं किया जा रहा है।

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी नहीं। स्टेशनों पर रनिंग रूम की व्यवस्था परिचालनिक कर्मचारियों की दृष्टि पूरी होने के बाद उनके आराम की सुविधा के लिए की जाती है।

(ख) अधिकांश रनिंग रूम का उपयोग कर्मचारियों द्वारा किया जाता है।

बीकानेर रेलवे अस्पताल में एक्सरे तकनीशियन का पद

4753. श्री सुभाष आहूजा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बीकानेर रेलवे अस्पताल में 330-560 रुपये के वेतनमान में एक्सरे तकनीशियन का एक पद है परन्तु रोगियों को अपना एक्सरे कराने के लिए नियमित रूप से बीकानेर रेलवे अस्पताल से बाहर भेजा जा रहा है; और

(ख) गत तीन वर्षों में रेलवे चिकित्सा विभाग ने उन्हें कितने निःशुल्क पास जारी किये और अब तक कुल कितने पास जारी किये गये हैं तथा रेलवे विभाग को इससे कितनी वित्तीय हानि हुई है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी हां। बीकानेर रेलवे अस्पताल में 330-560 रु० के वेतनमान का एक्सरे तकनीशियन का एक पद था। रोगियों को बीकानेर के बाहर अपना एक्सरे कराने के लिए नियमित रूप से नहीं भेजा जाता है। परन्तु, जब कभी अस्पताल की एक्सरे मशीन खराब हो जाती है, तब, रोगियों को अपना एक्सरे कराने हेतु अन्य अस्पतालों को भेजा जाता है।

(ख) रोगियों को कोई पास जारी नहीं किये गये थे और न ही इससे कोई वित्तीय हानि हुई है।

मदन महल रेलवे क्रासिंग पर उपरिपुल

4754. श्री शरद यादव : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या जबलपुर में मदन महल रेलवे क्रासिंग पर उपरिपुल बनाने का प्रस्ताव है ;

(ख) इस उपरिपुल के निर्माण में क्या बाधाएं हैं; और

(ग) इस उपरिपुल का निर्माण कब किये जाने की संभावना है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी नहीं।

(ख) ऊपरी पुलों के प्रस्ताव राज्य सरकार/सड़क प्राधिकरण द्वारा प्रयोजित किये जाने होते हैं और वर्तमान नियमों के अनुसार इसके साथ-साथ उन्हें लागत का एक भाग वहन करने का वचन देना होता है। मदन महल में एक ऊपरी सड़क पुल के निर्माण के सम्बन्ध में अभी तक उनसे कोई प्रस्ताव प्राप्त नहीं हुआ है।

(ग) प्रश्न नहीं उठता।

बम्बई से ईटारसी, जबलपुर, इलाहाबाद होकर दिल्ली तक रेलगाड़ी का खलया जाना

4755. श्री शरद यादव : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बम्बई से इटारसी-जबलपुर-इलाहाबाद होकर दिल्ली तक रेलगाड़ी चलाने का प्रस्ताव है;

(ख) यदि नहीं, तो इसके क्या कारण हैं; और

(ग) क्या आगामी कुछ वर्षों में इस रेल लाइन पर एक नई रेलगाड़ी का चलाया जा सकना सम्भव होगा?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी नहीं।

(ख) और (ग) : इस प्रकार की गाड़ी चलाना फिलहाल मार्गवर्ती लाइन क्षमता के अभाव और टर्मिनलों पर पर्यन्त सुविधाओं के अपर्याप्त होने के कारण परिचालन की दृष्टि से सम्भव नहीं है।

जबलपुर में भेडाघाट और सिहोरा के बीच स्थानीय रेलगाड़ी चलाने का प्रस्ताव

4756. श्री शरद यादव : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या जबलपुर में भेडाघाट और सिहोरा के बीच लोकल ट्रेन चलाने का प्रस्ताव सरकार के विचाराधीन है; और

(ख) इस बारे में कब तक निर्णय लिये जाने की सम्भावना है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) जी नहीं।

(ख) प्रश्न नहीं उठता।

#### Railway line in M.P.

4757. SHRI SURYA NARAIN SINGH: Will the Minister of RAILWAYS be pleased to state:

(a) whether he is aware that Geological Survey of India which is surveying District Sidhi of Madhya Pradesh for exploring the possibility of more minerals in the area is being handicapped in the absence of any railway line;

(b) if so, what is his reaction in the matter keeping in view the absence of railway line;

(c) whether his Ministry is considering to survey the area for construction of new lines; and

(d) if not, the reasons thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). No and neither has any request for the construction of such a railway line in Sidhi District been received by the Ministry of Railways from the Geological Survey of India.

(c) and (d). There is no proposal under consideration at present for construction of new line in the area in view of the severe constraint of resources.

#### Alcohol based Industry

4758. SHRI SURYA NARAIN SINGH: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether his Ministry is considering for setting up of alcohol based industry in the country during the next few years; and

(b) if so, details thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). Government of India had appointed a Committee in February, 1977 to make recommendations for the development of industries based on alcohol. This Committee has recently submitted its Report, indi-

cating scope for the setting up of alcohol based industries in the next few years for the utilisation of additional quantities of alcohol which are expected to become available. The Industrial Licence applications for alcohol based chemicals will be decided in the light of the scope envisaged in the Report.

The Government have approved the establishment of a new plant for the manufacture of Nicotinamide and certain other chemicals based on alcohol by Indian Drugs and Pharmaceuticals Limited at Muzaffarpur, Bihar involving an investment of Rs. 898 lakhs. The items proposed for manufacture are:—

Item	Proposed capacity/ annum (in tonnes)
Nicotinamide . . . . .	300
Nicotinic acid. . . . .	500
Acetaldehyde . . . . .	7500
Methyl Ethyl Pyridine . . . . .	1200
Acetic Acid . . . . .	4500

### Import of Bulk Drugs

4759. SHRI GOVINDA MUNDA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the names of bulk drugs and quantities imported during the last three years;

(b) the names of bulk drugs manufactured in the country, their production for this period, importation of raw materials used in the manufacture of these bulk drugs, item-wise with quantity;

(c) whether it is a fact that in the name of self-sufficiency and shortage of foreign exchange high officials of

his Ministry want to favour multi-nationals in our country, by regularising their wrongly overproduced capacities; and

(d) what action Government propose to take against the officials responsible for giving liberal treatment to foreign firms?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) The commodity-wise imports indicating the quantity and value thereof are published by the Director General of Commercial Intelligence and Statistics, Calcutta in their publication "Monthly Statistics of the Foreign trade of India Vol. II-Imports."

(b) Relevant data regarding production of the bulk drugs manufactured in the country at present is available in copies of the annual Reports of Ministry of Chemicals and Fertilizers and DGTD which are available in the Parliament Library. No system of monitoring bulk drug-wise import of raw materials exists at present. The number of imported chemical raw materials used in the manufacture of these bulk drugs would run into hundreds and the time and labour involved in collecting item-wise details of raw materials consumed in the manufacture of such bulk drugs is not considered to be commensurate with the results likely to be achieved.

(c) and (d). The Report of the Hathi Committee on Drugs and Pharmaceuticals Industry, a copy of which was laid on the table of the Lok Sabha on 8th May 1975, contains recommendations on how to deal with cases of excess production of drugs, both by foreign companies and Indian Companies. The consideration of these recommendations is in a very advanced stage and Government are likely to announce this decision thereon shortly.



### Increase in prices of quinine-based drugs

4760. DR. MURLI MANOHAR OSHI: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether it is a fact that Government have permitted a 100 per cent increase in the price of quinine-based drugs; if so, the names of the drugs in which increase in prices has been permitted and the reasons therefor; and

(b) whether Government are aware that with the reappearance of Malaria in the country this decision will adversely affect the poor people?

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

(a) and (b). Quinine salts are manufactured by the Departmental Factories of Tamil Nadu and West Bengal Governments who have their own

Cinchona plantations. These Governments had been complaining that the indigenous prices fixed in May, 1975 were not remunerative *vis-a-vis* the prices they were fetching on exports in the world markets and that they did not adequately cover even their cost of production. To ensure maximum availability of Quinine salts within the country to meet the increased requirements of the National Malaria Eradication Programme, it was decided on 28th September 1977 to fix the maximum selling prices in the country at 75 per cent of the lowest export price realised by both the departments during the past three years for each of these salts pending a detailed cost-cum-technical examination.

2. Details of selling prices prevailing earlier and now fixed are given below:—

Sl.No.	Name of the Drug	Selling Price prior to 28-9-77 Rs./kg.	Selling Price as now fixed Rs./kg.
1.	Quinine Sulphate	420	788
2.	Quinine Hcl.	479	1088
3.	Quinine Dihydrochloride	518	574

3. Prices of formulations based on Quinine salts will be refixed on the basis of revised prices now permitted.

4. Quinine salts are used for treatment of resistant cases of malaria and a major portion of the indigenous production is consumed for the anti malaria drive under the N.M.E.P.

5. Chloroquin Phosphate which is a drug of choice is used for presumptive treatment of malaria. In respect of this drug, as against the actual price for State Chemicals and Pharmaceuticals Corporation of India

Limited of Rs. 475/kg on the basis of CCI&E's formula, distribution is made at a pooled price of Rs. 428/kg. in order to ensure that the consumers get this drug of basic importance at cheap price.

6. The total internal consumption in 1976-77 of Quinine and its Salts was approximately 8 tonnes as against 367 tonnes of Chloroquine consumption. Thus, no adverse effects are apprehended.

### Re-employment of Supreme Court and High Court Judges

4761. DR. V. A. SEYID MUHAMMAD: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the names of retired judges of the Supreme Court and High Courts who have got re-employment with Government or in private sector during the last three years; and

(b) the posts and names of the companies where they are re-employed?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) and (b). Information about the retired judges of the Supreme Court and High Courts who have got employment with Government is being collected and will be laid on the Table of the House. As regards retired Judges employed in the private sector, the records relating to about 46,000 companies registered in India are not maintained in the Government in such a way that this information can be collected. The time and labour involved in collecting this information from about 46,000 companies will not be commensurate with the result likely to be achieved.

### Railwaymen Dead and Injured During last four Months

4762. SHRI K. LAKKAPPA: Will the Minister of RAILWAYS be pleased to state:

(a) whether many railwaymen were injured and died during the last four months when these employees were focussing the attention of Government on the railwaymen's demands for bonus merger of Dearness Allowance, etc.;

(b) if so how many such demonstrations were held by them in all parts of the country;

(c) the total loss suffered by the Railways due to their demonstrations;

(d) whether it is also a fact that the railway employees have asked Government to consider the same charter of demands which they had placed before Government in 1974 under the leadership of the present Industry Minister; and

(e) whether Government are considering the same?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) No one died. However 21 persons received minor injuries during a clash between two sections of railwaymen in Delhi on September 22, 1977.

(b) The information is being collected and will be laid on the Table of the House.

(c) Nil.

(d) Yes.

(e) A statement giving Government's reaction to the various demands is attached.

### Statement

The position regarding the outstanding issues of the Six Points Charter of Demands

(i) Bonus.—The question regarding payment of bonus to the employees of the Govt. departmental undertakings will be considered by the Govt. after receipt of the report of the Study Group recently appointed by Govt. to evolve a national policy on wages, incomes and prices in all sectors, after a comprehensive study.

(ii) *Dearness Allowance*.—This is a general issue which cannot be considered by the Ministry of Railways alone since it is a wider issue on which the Government has to take a decision, covering all Central Government employees. On 16-11-77 the Government has already announced another instalment of Dearness Allowance payable from 1-9-1977.

(iii) *Parity in wages with other Central Govt. undertakings*.—This is intimately linked with the question of wages, incomes and prices policy which is being studied in depth by the Bhoothalingam Study Group, recently appointed by Govt.

(iv) *Decasualisation*.—While it is not possible to achieve the ideal stage of complete decasualisation immediately, steps have been and are being taken to redress grievances of casual labour in the matter of their absorption etc.

(v) *Supply of subsidised foodgrains*.—The issues raised cannot be considered by the Ministry of Railways alone since Govt. has to take a decision covering all Central Government employees.

(vi) *Railwaymen as Industrial workers*.—Already, Railway employees are governed by the provisions of the Industrial Disputes Act. However, in respect of the terms and conditions of service, they are traditionally treated as Government servants as basically Railways are in the nature of a public service and are run directly by Government because of their social and strategic importance.

#### **Alleged Removal of Official Documents by Railway Employees**

4763. SHRI PUNDALIK HARI DANWE: Will the Minister of RAILWAYS be pleased to state:

(a) Whether any complaint dated 14th October, 1977 has been received from a Member of Parliament, regarding removal of official document by

Railway Employees and by the Secretary of a Cooperative Society holding parcels handling contract at Allahabad Railway Station;

(b) whether photostat copies of hand written letters by the Secretary of the Society are also enclosed alongwith the complaint, which proves close association with officials resulting in leakage of official secrets;

(c) whether it is proposed to order a thorough probe through Vigilance and/or Central Bureau of Investigation to fix up definite responsibility; and

(d) whether the Government are again going to stay/cancel decasualisation of porters at Allahabad on the same lines as indicated in the photostat copies of the letters in favour of Secretary, who has become very resourceful and influential owing to the past links?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (d) The information is being collected and will be laid on the table of the Lok Sabha.

#### **चाय के स्टालों के लिए ठेके दिये जाना**

4764. श्री नवाब सिंह चौहान : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) अगस्त से अब तक किन-किन व्यक्तियों को तथा किन-किन स्टेशनों पर चाय के स्टालों के तथा अन्य वस्तुएं बेचने के ठेके दिये गये हैं ;

(ख) रेलवे स्टेशनों पर तथा रेल-गाड़ियों में वस्तुएं बेचने हेतु ठेके देने के लिए किस प्रक्रिया का अनुसरण किया जाता है ;

(ग) क्या इस सम्बन्ध में अब भी वही नीति अपनाई जा रही है जो कांग्रेस

शासन के समय थी अथवा उसमें कोई परिवर्तन किये गये हैं ;

(घ) क्या कुछ मामलों में आदेश सीधे रेलवे बोर्ड द्वारा भी दिये गये हैं; और

(ङ) यदि हां, तो ऐसे मामलों का व्यौरा क्या है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) सूचना इकट्ठी की जा रही है और सभा-पटल पर रख दी जायेगी।

(ख) समाचार-पत्र अधिसूचनाओं द्वारा और रेलवे स्टेशनों पर विशिष्ट स्थानों पर नोटिस लगा कर आवेदन पत्र मांगे जाते हैं। तब, आवेदन पत्रों की छान-बीन एक छान-बीन समिति द्वारा की जाती है जिसके सदस्य दो या अधिक अधिकारी होते हैं। ऐसा करते समय उम्मीदवारों की योग्यता, अनुभव, वित्तीय स्थिति, आदि को ध्यान में रखा जाता है। छान-बीन समिति योग्य उम्मीदवारों के नामों की गुण-दोष के आधार पर, सक्षम प्राधिकारी के पास सिफारिश करती है, जो छान-बीन समिति की सिफारिशों को ध्यान में रखते हुए, सबसे योग्य व्यक्ति को टेका दे देते हैं।

(ग) प्रश्न के भाग (ख) के उत्तर में जो नीति स्पष्ट की गई है, उसमें कोई परिवर्तन नहीं किया गया है।

(घ) और (ङ). खान-पान/बैंडिंग ठेके रेलवे बोर्ड द्वारा आर्बिट्रट नहीं किये जाते।

शिकायतें प्राप्त होने अथवा कोई अनियमितताएं ध्यान में आने पर बोर्ड द्वारा उपयुक्त कार्रवाई की जाती है। ऐसा करते समय रेल प्रशासन के फैसले को बदला भी जा सकता है। सामान्य प्रक्रिया

को अपनाये बिना, बोर्ड द्वारा सीधे टेका देने का कोई मामला देखने में नहीं आया।

### Training at Railway Staff College Baroda

4765. SHRI SAMAR MUKHERJEE: Will the Minister of RAILWAYS be pleased to state:

(a) who are the Officers imparted training at public/Government cost at Railway Staff College, Baroda and or elsewhere within the last four years;

(b) is there any officer who had been sent for training after the age restriction;

(c) if so, why this violation;

(d) whether disciplinary action was taken against the officers who flouted the rule; and

(e) if not, the reasons thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (e). Information is being collected and will be laid on the Table of the Sabha.

रेलवे स्टेशनों पर वस्तुओं की बिक्री

4766. श्री नबाब सिंह चौहान : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भूतपूर्व रेल मंत्री स्वर्गीय श्री ललित नारायण मिश्र के मंत्रित्वकाल में रेलवे स्टेशनों पर वस्तुओं की बिक्री के बारे में निर्धारित नीति को बदल दिया गया था ;

(ख) नीति में किये गये परिवर्तनों का व्यौरा क्या है तथा क्या उन परिवर्तनों

ले भूतपूर्व रेल मंत्री श्री कमलापति त्रिपाठी द्वारा अनुमोदित नहीं किया गया था ;

(ग) ऐसे ठेके देने के बारे में इस समय किस नीति का अनुसरण किया जाता है तथा ऐसे व्यक्तियों के मामलों में क्या निर्णय किया गया है जिन्हें भूतपूर्व मंत्री द्वारा सोध अपने आदेशों के अन्तर्गत ठेके दिये गये थे ; और

(घ) क्या सरकार का विचार ऐसी नीति बनाने का है जिसके अन्तर्गत ठेके देने में विद्यमान भ्रष्टाचार और घूसखोरी समाप्त हो जाएं ?

**रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) :** (क) जी हाँ, खान-पान और वेंडिंग के ठेकों के कार्यकाल में एक परिवर्तन किया गया था ।

(ख) 1973 से पहले भोजनायलों और वेंडिंग ठेकों के मामले में खान-पान और वेंडिंग के ठेके तीन वर्ष की अवधि के लिए तथा रेस्तरां और भोजन/पेंट्री/बुफे कारों के मामले में 5 वर्ष की अवधि के लिए दिये जाते थे । यदि ठेकेदारों का काम संतोषजनक होता था तो इन ठेकों का समय-समय पर नवीकरण कर दिया जाता था ।

वर्ष 1973 में जब स्वर्गीय श्री ललित नारायण मिश्र रेल मंत्री थे यह निश्चय किया गया था कि किसी ठेकेदार द्वारा दो कार्यकाल अर्थात् वेंडिंग ठेकों तथा भोजनालयों के मामले में 6 वर्ष और रेस्तरां तथा भोजन/पेंट्री/बुफे कारों के मामले में 10 वर्ष पूरे हो चुकने के बाद, ठेकों का स्वतः नवीकरण नहीं किया जाना चाहिए बल्कि ठेकेदारों के काम की ओर ध्यान दिये बिना नये आवेदन-पत्र आमंत्रित किये जाने चाहिए और ठेका देने के लिए

सामान्य प्रक्रिया अपनायी जानी चाहिए । इसके लिए मौजूदा ठेकेदार भी आवेदन कर सकते थे । वर्ष 1975 में समग्र नीति पर पुनर्विचार किया गया और तत्कालीन रेल मंत्री श्री कमलापति त्रिपाठी के अनुमोदन से 1973 से पहले की प्रक्रिया को पुनः लागू कर दिया गया ।

(ग) खान-पान/वेंडिंग ठेके देने के लिए, समाचार-पत्र अधिसूचनाओं द्वारा और रेलवे स्टेशनों पर विशिष्ट स्थानों पर नोटिस लगा कर आवेदन-पत्र मांगे जाते हैं । तब, आवेदन-पत्रों की छान-बीन एक छान-बीन समिति द्वारा की जाती है, जिसके सदस्य दो या अधिक अधिकारी होते हैं । ऐसा करते समय उम्मीदवारों की योग्यता, अनुभव, वित्तीय स्थिति आदि को ध्यान में रखा जाता है । छान-बीन समिति योग्य उम्मीदवारों के नामों की गुण-दोष के आधार पर सक्षम प्राधिकारी के पास सिफारिश करती है, जो छान-बीन समिति की सिफारिशों को ध्यान में रखते हुए सबसे योग्य व्यक्ति को ठेका दे देते हैं ।

बम्बई क्षेत्र के विभिन्न स्टेशनों पर दिये गये खान-पान ठेकों जिनमें वें ठेके भी हैं जो सीधे भूतपूर्व रेल मंत्री के आदेशों पर ही आवंटित किये गये थे, की अभी भी रेल मंत्रालय के सतर्कता निदेशालय द्वारा विस्तृत जांच की जा रही है । यह निश्चय किया गया है कि जब तक जांच पूरी न हो जाये, तब तक 'यथापूर्व स्थिति' बनाये रखी जाये ।

(घ) खान-पान/वेंडिंग के ठेके देने के सम्बन्ध में, वर्तमान प्रक्रिया में कोई परिवर्तन करने का विचार नहीं है क्योंकि यह व्यवस्था संतोषजनक ढंग से चल रही है ।

12 hrs.

## INTRODUCTION OF MINISTER

THE PRIME MINISTER (SHRI MORARJI DESAI): Sir, I beg to introduce Shri Dhanna Singh Gulshan, the Minister of State in the Ministry of Education, Social Welfare and Culture.

12.01 hrs.

RE. QUESTION OF PRIVILEGE  
AGAINST HOME MINISTER

SHRI VAYALAR RAVI (Chirayinkil): Before we go on to the next item, I have to say that I have given a notice according to rules. I am raising only one basic question. There is a privilege motion against the Home Minister; and, Sir, you are referring it to him. My doubt is simple. This report has come from the Janata MPs. It says that the telephones are being tapped and surveillance is being done by the Vigilance Bureau, even about the members of the ruling party. In such a matter, you Sir, in your wisdom can decide whether there is a privilege or not. If the Speaker asks for comments from Mr. Charan Singh, naturally the latter is not going to admit that it is being done. Sir, you have to decide on the merits of the case; it is not from our side, but from that of the Janata Party. No less a person than the Defence Minister has said it. So instead of referring it to the Home Minister, Sir, you should please take a decision in this matter.

MR. SPEAKER: There is a direction of the previous Speaker, that in matters where a Member is concerned, Speaker must ask for his comments.

SHRI VASANT SATHE (Akola): What are you expecting from the Home Minister?

MR. SPEAKER: I will consider it

after I see the Home Minister's comments.

SHRI VASANT SATHE: Do you expect him to say that he is tapping the phones etc.? (*Interruptions*).

THE PRIME MINISTER (SHRI MORARJI DESAI): May I say something in this matter? These things which are being said and who ever has said them are all wrong. I have gone through this matter personally and I am satisfied that it is all wrong. There is some defect in the telephone system and it is not uncommon that there should be some disturbances. There is no question of tapping.

SHRI SAMAR MUKHERJEE (Howrah): The question of tampering and shadowing against our party was continuously going on, and repeatedly it was intimidated to the Prime Minister and the Home Minister also, in the past. The Prime Minister is flatly denying it and say that due to technical defects, something is going on. I think the Prime Minister has not taken it seriously. I request him to take it seriously.

SHRI MORARJI DESAI: I consider the statement made by the hon. Member, that I am not taking it seriously, is a very serious matter. Within a week after I took charge I instructed the officers concerned, that if any telephones were being tapped, I should be shown the list; and if anybody is to be added to the list, my permission should be taken first. I have seen the list; and there is no reason to suspect that this thing is happening. (*Interruptions*). Government is bound to get information about people who use violence and about anti-social elements. The right of the Government is there to do it. It is with my knowledge that whatever is being done, is done. There is no question of any political activity being watched like this.

MR. SPEAKER: We shall take it up at an appropriate stage; not to-day.

SHRI A. BALA PAJANOR (Pondicherry): The Prime Minister has come out with a statement. (*Interrup-*

[Shri A. Bala Pajanor]

ions). I welcome it. But on the contrary is it a fact that in many States, the State governments say that they are shadowing say about 16 persons, may be for violent activities, but that very often they are tapping conversations only between political parties and conversations of people who cannot toe the line of the State Ministers or of the Cabinet concerned? We don't have the machinery to find it out. Will the Prime Minister—and of course the Home Minister who is not available here now—look into all the factors to ensure that the freedom which this Government has granted after the March elections is really made available?

**SHRI MORARJI DESAI:** If any tapping is being done by any people, it is not done to restrict freedom; it is done to ensure the freedom of all peace-loving people, law-abiding people. That is why it is being done.

**SHRI MOHD. SHAFI QURESHI (Anantnag):** Sir, on a point of order. You have stated that you have sent the privilege motion to the Home Minister to know the views of the Government. Now the hon. Prime Minister has said that this information is wrong, instead of waiting for the reply of the Home Minister, you can give your decision on the adjournment motion.

**MR. SPEAKER:** It is not a point of order.

12.05 hrs.

#### CONSTITUTION (FORTY-FOURTH AMENDMENT) BILL—Contd.

**MR. SPEAKER:** I have to inform the House that in view of discussion and voting on the Constitution (Forty-fourth Amendment) Bill, 1977, I have directed certain changes in the order in which various items are to be taken up in the House today. Members are already aware that the Calling Attention will be taken up at the end of the day before Half-an-

Hour Discussion. I have decided to permit a few Members to raise matters under rule 377. These matters will be taken up at 5 P.M. Thereafter the Calling Attention will be taken up and at the end the Half an Hour Discussion will be taken up. In case Members raising matters under rule 377 and those asking clarificatory questions on Calling Attention statement are brief, I hope that it will be possible for the House to complete the business by 6 P.M. as scheduled.

**SHRI DINEN BHATTACHARYYA (Serampore):** How will we know as to who are all permitted to raise matters under rule 377?

**MR. SPEAKER:** The Secretariat will inform the Members. He need not have any worry on that score.

**THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA):** So far as voting on the Constitution Amendment Bill is concerned, it was suggested by some members that they would like to have their lunch at 2 O'clock and so the voting may be done at 4 O'clock, even though the debate may be concluded earlier. There are precedents in the past when voting has been taken at another hour. Since some of the members would not be present here at the lunch time, it has been suggested that the voting may take place at 4.30 p.m.

**MR. SPEAKER:** That is what I suggested to you yesterday. We will have voting at 4 O'clock. This debate will go on till 1.30 p.m.

**SHRI VAYALAR RAVI (Chirayinkil):** Sir, on a point of order. I am not questioning your ruling or decision; your directions are very clear. You have made a major change not only for the Constitution Amendment Bill, but also for two other legislative business, which have also been given priority, though those Bills are not necessary to that extent as the Constitution Amendment Bill. Therefore,

while appreciating and supporting your decision to give precedence to the discussion of the Constitution Amendment Bill, we would suggest that after that discussion is over, the Calling Attention should be taken up and then only the other Bills.

MR. SPEAKER: We will consider that.

SHRI VASANT SATHE (Akola): Sir, yesterday you saw that the automatic vote recording machine is not functioning properly. Many of the hon. Members, particularly of the Janata Party, do not know how to press the buttons. Not only that, even the Prime Minister failed to vote properly....

AN. HON. MEMBER: The machine failed.

SHRI VASANT SATHE: Therefore, I would suggest that today's division should be by lobbies and not by machines. What is the use of having a machine which is not working?

MR. SPEAKER: We will see that later.

चौधरी बलशोर सिंह (शेखारपुर): अध्यक्ष महोदय, कांग्रेस वाले जो कल बोलते रहे उसके बारे में एक शायर ने कहा है:

“की उसने मेरे कल के बाद जफ़र से तोबा,  
हाय इस जूद पशेमां का पशेमा होना।

इन्होंने लगातार जिस ढंग से काम किया और हमारे कुछ जनता पार्टी के जो मेम्बर हैं उन्होंने भी कुछ बात कही है कि इसमें कुछ अच्छी बात है। मेरा इसमें एक बुनियादी इख़्तलाफ़ है जब यह बिल पास किया गया तो वह एस्सटैंडेड टर्म में पास किया गया जो कि एक नाजायज़ टर्म थी। इसलिए यह जितना कुछ भी उस समय पास किया गया है अगर वह किसी कोर्ट आफ़ ला में जाता है,

उस कानून को पास करने में कोई अगर बुनियादी गलती हुई है तो वहाँ वह सारे का सारा कानून रद्द हो जाता है।

इन्होंने इसके नाम में सोशलिस्ट सैकुलर शामिल कर दिया है। अब आप ही बताइए कि अगर बिरला साहब का नाम गरीबदास रख दिया जाये या किसी गरीब का नाम किरोड़ी मल रख दिया जाये तो इस तरह से नाम रखने से क्या विधान की शक्ति ठीक हो जायेगी? दुनिया में ऐसे मुन्क हैं जिन्होंने अपने नाम के साथ डेमोक्रेटिक रिपब्लिक लगा रखा है और उन देशों से भी लोग भाग कर दूसरी तरफ़ जाना चाहते हैं। वह देश अपने को जम्हूरियत का अलम्बरदार कहते हैं। तो इसे तरह से विधान का नाम बदल देने से कोई लाभ नहीं हो सकता है।

हमारे विधान में दर्ज है कि शिक्षा अनिवार्य होगी लेकिन 30 साल में एक नई नस्ल पैदा हो कर आ गई है लेकिन इस देश में अनपढ़ लोगों की तादाद आगे बढ़ी है। हमारे विधान में दर्ज है कि नशाबन्दी होगी लेकिन नशा करने वालों की तादाद बढ़ी है। हमारे संविधान में यह भी है कि गौ-रक्षा होगी, गौ का स्लाटर बन्द हो जायेगा, लेकिन आज 30 साल के बाद भी वह चल रहा है। तो सिर्फ़ विधान में नाम बदल देने से कोई बात होने वाली नहीं है।

मेरा कहना यह है कि वह जा इलक्शन पीछे हुए हैं, यह कोई आर्डिनरी इलक्शन नहीं थे। लाखों आदमी जेलों में गये थे। इन्दिरा गांधी ने नारा दिया था कि हिन्दुस्तान के लोगों को वोट की ज़रूरत नहीं है, इन्हें तो रोटी की ज़रूरत है। जनता पार्टी का यह कहना कि लोगों को वोट और



[चौधरी बलबीर सिंह]

आजादी दोनों चाहिए। लोगों को आजादी की भी जरूरत है। अगर अब हम वह कहें कि आजादी दे दी गई है, अब हमारा काम खत्म हो गया है तो यह बात नहीं है। जनता को वोट की, आजादी की और रोटी की सभी चीजों की जरूरत है। विधान में रोटी का सवाल आना चाहिए। अगर विधान को ठीक ढंग से चलाना है, तो उस विधान में जब तक हम आदमी के काम करने का अधिकार दर्ज नहीं करते तब तक रोटी का सवाल हल होने वाला नहीं है। मैं एक शेर कहना चाहता हूँ—

ऐ जाने जहां पाजेब तेरी,

बे रक्त से नग्ने गाती है।

गर रंग रहा यही मर्हफल का,

अंजाम न जाने क्या होगा ?

पिछले 20 साल की बात छोड़िए, यह जो 20 महीने एमर्जेंसी के रहे, आज हमारे साठे साहब यहां जमहूरियत की बातें करते हैं, लेकिन उस समय यह बिल्कुल चुप रहे, उस समय ये बे-जमीर हो चुके थे। टी० ए० पाई साहब ने कहा है कि उस समय लोगों के जमीर मर चुके थे।

श्री वसन्त साठे : पाई साहब ने कहा होगा, हमने नहीं कहा।

चौधरी बलबीर सिंह : यह बड़ी खुशी की बात है कि अभी साठे साहब का जमीर जिन्दा है। लेकिन उस 20 महीने के दौरान जितना कुछ हुआ है, उसके खिलाफ उन्होंने इस पार्लियामेंट में कभी कुछ नहीं कहा।

श्री वसन्त साठे : यह आप कह रहे हैं।

चौधरी बलबीर सिंह : आपके कैबिनेट मिनिस्टर कह रहे हैं, आप तो किस खेत की

मूली हैं। मुझे पता नहीं है कि इन लोगों को शर्म आती है या नहीं, मगर जब वे लोग बोलते हैं, तो मुझे शर्म आती है कि इन लोगों की जमीर उस वक्त कहां थी, जब हजारों बेकसूर लोगों को जेलों में ठंस दिया गया था।

पंजाब और हरियाणा हाई कोर्ट की बार एसोसियेशन के प्रेजिडेंट, श्री लखनपाल, की लाश को जब उस की बीबी ले कर घर, गई, तो उस लाश ने पूछा था कि बताइये मेरा क्या कुसूर था, मैंने क्या जुर्म किया था। और उस लाश को कोई जवाब नहीं मिला था।

इस देश में इतने बेगुनाह लोगों को कत्ल किया गया, उस की कहानी अलग है। मकान गिराये गये, समाधियां मरमार की गईं और मन्दिर तोड़े गये—सिर्फ इस लिए कि उस वक्त के डिफेंस मिनिस्टर के बेटे और बेटियों को मकान-जायदाद बनाने के लिए जगह मिल सके।

जब किसानों की जमीन की हद मुकर्रर की गई—किसी जगह 17 1/2 एकड़ और किसी जगह 15 एकड़—, तो उस वक्त संविधान या सुप्रीम कोर्ट कोई रुकावट नहीं थी। किस ने इन लोगों को सरमायादारों की शहरी जायदाद की हदबंदी करने से रोका था? इस के लिए कानून बनाना चाहिए था। इन्होंने संविधान में तरमीम कर के कुछ गाइडलाइन्स मुकर्रर कर दीं। (ब्यवधान) सरमायादारों की जो अरबों रुपयों की जायदादें हैं, उनके लिए हद मुकर्रर करने से किस ने इन्हें रोका था।

मैं अर्ज करना चाहत हूँ कि 1977 का इलैक्शन कोई आम इलैक्शन नहीं था। वह एक रिफ्रेंडम था, जिस में सारे मुल्क ने, सारी जनता ने, यह फ्रंसला दिया कि श्रीमती इन्दिरा गांधी ने संविधान में एमेंडमेंट कर के

उसके साथ जो बलात्कार किया था, हम उसके खिलाफ हैं, और इसलिए उस सारे के सारे हिस्से को निकाल दिया जाना चाहिए।

MR. SPEAKER: You have exceeded your time very much. You cannot go on like that. Please wind up.

चौधरी बलबीर सिंह : हमने यह इलैक्शन इसी बात पर लड़ा था, और हमने हर एक जल्से में यह कहा था कि हम देश को आज़ादी देंगे, और जिस संविधान को एमेंडमेंट के जरिए डिस्टार्ट किया गया है, हम उसको ठीक करेंगे। श्रीमती इन्दिरा गांधी और उसकी पार्टी के आदमियों ने भी इसी सवाल पर इलैक्शन लड़ा था और जल्सों में अपनी बात कही थी। देश की जनता ने दो-तिहाई मत से हमारे हक में फैसला दिया है, और पंजाब, हरियाणा, हिमाचल प्रदेश, यू० पी०, राजस्थान, बिहार और मध्य प्रदेश में इन लोगों का सफ़ाया हो गया है। जनता ने इन लोगों की पालिसी को ठुकरा दिया है। ये लोग सेकुलरिज्म का ढिंढोरा पीटते थे, लेकिन जनता इनके झांसे में नहीं आई और उसने इन लोगों को आउटराइट रिजेक्ट कर दिया।

MR. SPEAKER: Please don't record now.

चौधरी बलबीर सिंह : \*\*

SHRI O. V. ALAGESAN (Arkonam): Mr. Speaker, Sir, in the Third Reading stage, a Member can speak here in support of the Bill or rejection of the Bill. I propose to speak, in support of the Bill.

It has been the fundamental right of this House that a Member of the Opposition is called upon to open the debate after the Government spokesman has placed his point of view before

the House. Yesterday it was given a go-bye. It was a very bad thing that had happened. I hope, it will not become a precedent and hereafter you will make it a point to see that only a Member from the Opposition is called upon to speak first.

AN HON. MEMBER: Some of the Opposition Members had left the House.

SHRI O. V. ALAGESAN: That is a different matter.

There has been criticism that this measure has been placed in a piecemeal manner before the House, and the criticism has come, strangely enough, from the Members on the other side, from the ruling Party itself. I do not see any objection or anything wrong in placing this very important measure in one or two instalments. The hon. Minister has promised that he will come with a comprehensive measure covering all the other aspects of the Forty-Second Amendment, later, and we are agreeable to that course. To say that everything should be brought in one instalment is taking too simplistic a view of the whole thing. The Prime Minister has already gone on record saying that there is nothing wrong in placing this before the House in one or two instalments.

Yesterday the House witnessed a very significant phenomenon. The House witnessed a cent per cent co-operation from the Opposition in approving the objects of this Bill. Now what do we get for this cooperation, for this consent to a government measure? Insults are heaped on us; we are called names. One hon. Member went to the extent of saying that we did not have genuine regard for principles, while voting for it, and that we were doing it purely out of expediency. Is this the way that a responsible Opposition is to be treated by the ruling Party? We had pondered much over this measure and

\*\*Not recorded.

[Shri O. V. Alagesan]

we had arrived at a decision to support this measure. It has been said even by the hon. Mover—I am sorry, he was a bit unfair to us in saying that—, rather he made it imply, that he had to bring it in instalments because he had to carry on consultation with the Opposition. Perhaps he was too much pressed by arguments from his own side and, therefore, he had to say this. But in the process, he seemed to imply that it was our fault. I would like to take the House into confidence and say that, on our own, we started examining the Forty-Second Amendment because we realised that a sea-change had occurred in public opinion in this country as a result of the General Elections. As our Leader has said: "We bow to the verdict of the people". We know that it means and hence, we took an examination of the various provisions of the Forty-Second Amendment Act on our own. In fact, we completed the examination even before the Government proposals were placed in our hands. Afterwards only, the Government proposals came to our hands. Out of 43 proposals which were considered, three have been left over for further discussion; on 14 proposals, we were not able to agree, but even among those 14, we will be agreeing partly with two. And, to the balance of 28 proposals, we are going to agree. We said: We shall agree. Of these, two will be partly not agreed to and two will be conditionally agreed to. This is the exercise that has been done by the Congress Party. But the way in which the ruling party treated us yesterday, I am sorry to say is a very sad experience and I take it that it is due to their inexperience that they did like that. I hope, they will behave better in the future.

Even on the question of Emergency, it has been reported in the press that the hon. mover said that when he brings the Bill next time, he will see to it that the emergency provision is entirely removed.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): I did not say that. What I said was that the country may not have to witness the kind of emergency which we witnessed during the two years.

SHRI O. V. ALAGESAN: That means, he will have a sort of qualified emergency, I do not think that I shall be letting out a secret when I say that our leader said: What do these people know about the emergency? They were very happily settled in the Jails; it is we, who suffered in the emergency. I am telling for the information of the Government that we have taken the view that we will not have any sort of internal emergency. The Government proposal is that if there is an armed rebellion in any part of India, they will bring internal emergency. That is the tentative proposal. I do not say, they have finalised the proposal. Even there, we are not agreeing to it. We feel that the provision because of which it was possible for the previous Government to bring emergency and which has produced so many undesirable results should not be on the Statute Book. This is the extent to which we are going and this is as a result of being responsive to public opinion.

Now, what have you done? Let us examine the situation. The Janata Party is bound by its pledge to the electorate to see that the Forty-second Amendment is removed from the Statute Book. They are doing their duty. What is our position? perspective? We promised even in the very beginning that we will be responsible opposition, that we will offer constructive cooperation to Government and you saw a demonstration of it, a wonderful demonstration of it yesterday when we voted solidly for this amendment. For this we deserve praise as a constructive opposition. On the other hand, abuses were heaped on us.

The Prime Minister has started a practice and the practice is to consult

the main opposition and other parties on crucial matters like the constitutional amendment. It may be said, and it was said actually, that the Prime Minister has started this consultation process because the Congress Party enjoys a majority in the Rajya Sabha. That means, your own people have told you that you are making a virtue of necessity. In my view, I do not think, it is the Prime Minister's policy or the policy of the Janata Government that they are consulting us out of expediency as we were accused of it. I would not like to believe that they are consulting us out of making a virtue of necessity. I take it that they want to lay down healthy traditions and healthy conventions of running democracy in this country.

In fact, it is not the written Constitution that is important, but the way in which it is worked. I seek the indulgence of the House to quote what Dr. Ambedkar said in this connection:

"However bad a Constitution may be, it may turn out to be good, if those who are called to work it happen to be a good lot. The working of a Constitution does not depend wholly upon the nature of the Constitution."

If those who work the Constitution is a bad lot, then it can produce bad results. That is what he said. I would like to tell you that we have been responsible for the governance of this country for the past quarter of a century and we have worked this constitution. I do not claim that we are a good lot nor anybody can say that we are a bad lot; the utmost that can be said is that we are a mixed lot. I appeal to you and to the government that at least you be a mixed lot and not turn out to be a bad lot... (interruptions).

The question of emergency was discussed yesterday and many things were gone into which need not have been gone into, in my opinion. Now, I would like to tell you the genesis of

emergency. What was the reason behind the whole process that culminated in this Forty-second Amendment Act. Again, I would like to quote Dr. Ambedkar. I would like to say that it was the habit of *Bhakti* and introducing the quality of *Bhakti* in the politics that led to the emergency that culminated in the Forty-second Amendment Act. Hear what he says:

"For in India, *Bhakti* or what may be called the path of devotion or hero worship, plays in its politics unequalled in magnitude by the part it plays in the politics of any other country in the world. *Bhakti* in religion may be a road to the salvation of the soul. But in politics, *Bhakti* or hero worship is a sure road to degradation and eventual dictatorship."

These were almost prophetic words and it was due to that and because we followed *Bhakti* in politics that we witnessed the culmination of emergency in this country...

SHRI A. BALA PAJANOR (Pondicherry): India is Indira and Indira is India. That was the slogan.

SHRI O. V. ALAGESAN: Now, I would like to take up the provision which deals with the Supreme Court.

MR. SPEAKER: We are in the Third Reading.

SHRI O. V. ALAGESAN: I am not going into the details. Yesterday, it was said that the previous government denigrated the judiciary and that the independence of the judiciary was vitiated by the previous government.

AN HON. MEMBER: No doubt about it.

SHRI O. V. ALAGESAN: I shall tell you that it is not somebody else which makes the reputation of the judiciary. It is the judiciary itself that should build the reputation of the judiciary. You know the Madras High Court, what high standards it enjoyed

[Shri O. V. Alagesan]  
and what worldwide reputation it enjoyed. It was a model High Court in the country. Now, what has happened?...

MR. SPEAKER: That is a pending case. Please do not go into it.

SHRI O. V. ALAGESAN: No, Sir, I was only going to refer to a reply given in this House. If you do not want me to refer to it, I will not refer to it.

I am saying only this to point out that the reputation of the judiciary and the independence of the judiciary is more in its own hands...

MR. SPEAKER: That is true of everybody including Parliament as also the Judiciary.

SHRI O. V. ALAGESAN: It is for the Members of the Judiciary and especially the members of the higher judiciary to see that they maintain high professional standards, that they maintain their reputation unsullied and no Parliament, howsoever powerful it may be, can spoil the reputation of such a judiciary.

Again, Art. 31D has been held up as the villain of the piece. I would like to tell you the background as to why some of us think that 31D or what it implied is necessary, because even now, 30 years after our freedom, there are secessionist tendencies working in this country and we know, as a matter of fact, in Tamil Nadu such a secessionist movement has been nurtured and it has grown and only because of the expediency of getting into power some ten years ago, the party gave up the slogan. The Party gave up that ideal. So, we have to be ever vigilant. I am told that the Prevention of Unlawful Activities Act will be a sufficient instrument to deal with these activities. I wish it is so. Why some of us are insistent on this is because we see demands for State autonomy and State autonomy, I want to warn you, can easily deteriorate into secession.

Now, we have got a long pamphlet placed in our hands by the West Bengal Government which seeks to make drastic changes in the Constitution. It seeks to alter...

MR. SPEAKER: You may please confine yourself to the amendment before the House. Why do you think of future amendments?

SHRI O. V. ALAGESAN: IT seeks to alter the Centre-States relations very drastically and very basically. What I say is this. This House should be armed with some sufficiently sharp instrument to see that secessionist activities do not flourish in the country. That is the background and the rationale behind Art. 31D. If the hon. Law Minister gives an assurance that the Prevention of Unlawful Activities Act would be sufficient to deal with secessionist activities, I shall be satisfied.

With these words I support the Bill.

श्री दुर्गा चन्द (कांगड़ा) : अध्यक्ष जी, इमर्जेंसी के दिनों में जो हमारी डेमोक्रेसी के सेट-अप पर प्रहार हुआ था... (श्रवणान)...

SHRI JYOTIRMOY BOSU (Diamond Harbour): That is how the Lok Sabha lives.

MR. SPEAKER: I can understand in the gallery, but not in the House.

श्री दुर्गा चंद : अध्यक्ष जी, मैं यह कह रहा था कि इमर्जेंसी के दिनों में जो हमारी डेमोक्रेसी पर प्रहार हुआ था और उस समय जो 42वां एमेंडमेंट बिल इस सदन में लाया गया था, उस वक्त हमारी भूतपूर्व प्रधान मंत्री श्रीमती इन्दिरा गांधी ने यह कहा था कि इस देश में जो डेमोक्रेसी है, लोकतंत्र है, वह डीरेल हो गया है, वह पटरी से उतर गया है और उसको पटरी पर लाने के लिए

यह इमर्जेंसी लाई गई है और यह जो संविधान में 42 वीं तरमीम लाई गई है, यह उस की पुष्टि करने के लिए आई है। यह दलील उस समय दी गई थी।

अध्यक्ष महोदय, इस में कोई शक नहीं है कि वाकई लोकतंत्र उस समय पटरी से उतर गया था और उस को पटरी पर लाने के लिए बाद में जो चुनाव हुए और उनमें जनता पार्टी को लोगों का जो मेनडेट मिला, जनता पार्टी को और जनत पार्टी की गवर्नमेंट को वाकई में यह साबित करना पड़ा है कि किस तरह से जो लोकतंत्र डीरेल हो गया था, उस को लाइन पर ला रहे हैं, डेमोक्रेसी को लाइन पर ला रहे हैं। तो अध्यक्ष जी, मैं यह कहना चाहता हूँ कि 42वीं तरमीम जो संविधान में की गई थी, उस में ऐसे प्रोविजन्स हैं जिन की वजह से लोकतंत्र को आघात पहुंचा है और इस के लिए जनता पार्टी को 42वीं संविधान की तरमीम के प्रोविजन्स को ही खत्म नहीं करना पड़ेगा बल्कि ऐसे कदम उठाने पड़ेंगे, जिससे लोकतंत्र हमेशा के लिए इस देश में जीवित रहे।

इस में कोई शक नहीं है कि गोलकनाथ का जो फैसला हुआ था, उस में सुप्रीम कोर्ट ने यह फैसला दिया था कि फण्डामेंटल राइट्स जो लोगों को दिये हुए हैं, उन को तरमीम करने का पार्लियामेंट को हक नहीं है। मैं समझता हूँ कि प्रापर्टी राइट को उसमें बहाल कर दिया जाए।

जहां तक फण्डामेंटल राइट्स को तरमीम करने की बात है, केशवानन्द भारती केस में यह बात फिर सुप्रीम कोर्ट के सामने आई थी और सुप्रीम कोर्ट के जजिज ने यह फैसला किया था कि फण्डामेंटल राइट्स की तरमीम हो सकती है लेकिन संविधान के बेसिक स्ट्रक्चर को तरमीम नहीं किया जा सकता है। अब बेसिक स्ट्रक्चर

का इस्य उठाया गया, यह पहले भी उठाया गया था। मैं समझता हूँ कि कांस्टीट्यूशन के बेसिक स्ट्रक्चर में फण्डामेंटल राइट्स भी आते हैं। फण्डामेंटल राइट्स हमारे कांस्टीट्यूशन का जो बेसिक स्ट्रक्चर है उसका हिस्सा हैं। इसलिए मैं चाहता हूँ कि इन्हें फिर से बहाल किया जाना चाहिए और इस अमेण्डमेंट के द्वारा हम इसे नहीं कर रहे हैं। आगे जो भी अमेण्डमेंट्स हम लायें उनमें ये बहाल किये जावे चाहिए। क्योंकि हमारे संविधान के आर्टिकल 368 में यह था कि हम दो-तिहाई मेजोरिटी से इन फण्डामेंटल राइट्स को तरमीम नहीं कर सकते हैं। उसके बाद गोलकनाथ केस में सुप्रीम कोर्ट ने यह फैसला किया कि फण्डामेंटल राइट्स को अमेण्ड नहीं किया जा सकता है। इसलिए मैं चाहता हूँ कि हमारे फण्डामेंटल राइट्स को फिर से बहाल किया जाए। जब तक एक्जीक्यूटिव के हाथ में आज जैसी पावर्स रहेंगी तब तक हमारे लोकतंत्र को खतरा बना रहेगा।

अध्यक्ष महोदय, यह जो अमेण्डमेंट बिल हमारे ला मिनिस्टर साहब जाये हैं, इसमें दो चीजें हैं। एक तो यह है कि पिछले अमेण्डमेंट में जो एण्टी नेशनल एक्टीविटीज के बारे में संविधान में जो प्रोविजन किया गया था वह इस अमेण्डमेंट के द्वारा खत्म किया जा रहा है। इसके लिए हमारे कांस्टीट्यूशन में एक नई क्लाज 31 डी जोड़ी गई थी जो कि इस अमेण्डमेंट के द्वारा हटायी जा रही है। जहां तक क्लाज 31 ए, बी, सी का सम्बन्ध है वह तो प्रापर्टी से सम्बन्धित है। यह एक महत्वपूर्ण आर्टिकल है। उसमें यह क्लाज एण्टी नेशनल एक्टीविटीज के सम्बन्ध में जोड़ दी गई। अब हम इसें खत्म कर रहे हैं। यह एक स्वागत योग्य कदम है।

इस अमेण्डमेंट के द्वारा हम दूसरी बात यह करने जा रहे हैं कि हाई कोर्ट और सुप्रीम

[श्री दुर्गा चंद]

कोर्ट की जुरिसडिक्शन को पिछले अमेण्डमेंट ने जो कटौत कर दिया था, जुडीशरी की इण्डीपेंडेंस को जो खत्म कर दिया गया था उसे हम फिर से बहाल करने जा रहे हैं। यह एक अच्छा प्रोविजन है। मैं समझता हूँ कि हमारी जुडीशरी की इंडीपेंडेंस के बारे में एक काम्प्रीहेंसिव बिल आता तो अच्छा होता। लेकिन हमारी सरकार ने इसके बारे में या ला मिनिस्टर में इसके सम्बन्ध में जो फैसला किया है वह ठीक ही प्रतीत होता है कि पहले जो खराब प्रोविजन कांस्टीट्यूशन में कर दिये गये हैं उनको खत्म कर दिया जाए, उसके बाद कोई और प्रोविजन किया जाए। मैं समझता हूँ कि यह एक सही कदम है। पहले हमें उन प्रोविजंस को निकालना चाहिए जिन्होंने इस देश में लोकतंत्र को खत्म किया है।

मैं अपने मंत्री महोदय से कहूंगा कि अगली दफ्ता जो वे अमेण्डमेंट बिल लायें वह एक काम्प्रीहेंसिव बिल लायें। मुझे इसमें कोई एतराज नहीं है कि उसके बारे में पहले अपोजिशन से बात कर ली जाए। क्योंकि हम अपोजिशन को पूरी इज्जत देना चाहते हैं। आपने इस बिल के बारे में जो अपोजिशन से विचार-विमर्श किया, यह एक अच्छा कदम है और आजादी के बाद से पिछले तीस सालों में पहली बार अपोजिशन को ऐसी इज्जत बख्शी गई है। अगर हमें डेमोक्रेसी को जिन्दा रखना है तो अपोजिशन को हमें इज्जत देनी होगी और उसकी कद्र करनी होगी क्योंकि वह भी डेमोक्रेसी का एक हिस्सा है। लेकिन मैं अपोजिशन से भी अपील करूंगा कि वह बेकार की नुक्ताचीनी करना छोड़ दें। हमारे साठे साहब हर बात पर नुक्ताचीनी करने के लिए खड़े हो जाते हैं। ऐसा नहीं होना चाहिए। बल्कि सरकार को अपोजिशन को मजबूत करने के लिए मुनाब देना चाहिए। उसका हम स्वागत करते हैं। हमारे प्रधान मंत्री

जब सदन में बोलने के लिए खड़े होते हैं तो मालूम होता है कि कोई प्रधान मंत्री इन्सान की शक्ल में नहीं बल्कि फरिश्ते की शक्ल में बोल रहे हैं। हमेशा सच बोलते हैं और अपोजीशन की हमेशा कद्र करते हैं। इससे ज्यादा अपोजीशन की कद्र और कोई पार्टी इस देश में नहीं कर सकेगी। फण्डामेंटल राइट्स का जो चेंप्टर है उसमें आर्टिकल 13, 14, 15, 16, 19, 21, 22, 25 और 32 जिनमें हमारी आजादी और डेमोक्रेसी का मँटर छुपा हुआ है इन आर्टिकल्स को 368 से इम्म्यून कर देना चाहिए ताकि उसमें कोई अमेण्डमेंट न की जा सके।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ और अपोजीशन के लोगों से कहूंगा कि आगे भी इस बारे में प्रोवीजन आने वाले हैं, कांस्टीट्यूशनल अमेण्डमेंट आयेगा, आपसे मश्वरा किया जायगा और हम आशा रखते हैं कि आप इसी तरह कोआपरेट करेंगे ताकि इस देश में लोकतंत्र फले फूले। पार्टियां आयेंगी और जायेंगी, लेकिन यह देश हमेशा रहेगा और लोकतंत्र इस देश में हमेशा जिन्दा रहना चाहिए।

श्री निर्मल चन्द्र जैन (सिवनी) : अध्यक्ष महोदय, मैं विधि मंत्री महोदय को एक छोटा सा संशोधन लाने के लिए सिर्फ छोटी सी बधाई देना चाहता हूँ, पूरी बधाई नहीं देना चाहता। लेकिन जो कांग्रेस के संसद सदस्य हैं यहां पर मैं उन्हें पूरी बधाई देना चाहता हूँ। उनकी जो भर्त्सना की गई यहां पर किन्हीं किन्हीं सदस्यों के द्वारा, जो फ्रिटिसाइज किया गया उन्हें, मैं उससे अपने आपको असम्बद्ध करता हूँ। बात इतनी स्पष्ट है इस समय कि उनसे बिना पूछताछ किये हुए भी जब यह बिल लाया गया तो उन्होंने वह स्वीकार किया, विशेषतः डा० सैयद मोहम्मद और माननीय पाई ने कि पिछले बार उन्होंने गलती की

थी और इस बार गलती का परिमार्जन वह करना चाहते हैं। उन्होंने स्वीकार किया कि वह भय के वातावरण में रह रहे थे। अध्यक्ष महोदय, भय और खासतौर से ऐसे प्रतिनिधि का भय जो 7 लाख व्यक्तियों का प्रतिनिधित्व यहां पर करता हो इस देश को रसातल में ले जा सकता है। यदि उन्होंने आज यह स्वीकार कर लिया तो हम उनकी सराहना करते हैं। लेकिन एक बात जनता पार्टी के घोषणापत्र से पढ़ कर सुनाना चाहता हूं। उसमें यह कल्पना निश्चित की गई थी दोनों सदनों में दो तिहाई बहुमत न होने से हम 42 वां संशोधन पूरी तरह से रद्द कर सकें, और यह कहा गया हम प्रयत्न करेंगे कि हम यह रद्द करें।

"As a party wedded to the ideals of freedom and democracy it believes that fearlessness is of the essence. It will, therefore, take immediately steps to free the people from the bondage of fear and restore them the fundamental freedom and to the judiciary its rightful role.

"To generate fearlessness and to revive democracy the Janata Government will seek to rescind the 42nd amendment."

मेरा भी यह निवेदन है कि जब हम यह कहते हैं कि हम जनता के प्रतिनिधि हैं, तो हम ने जो यह आश्वासन दिया था कि हम यह प्रयत्न करेंगे कि 42वें संशोधन को हम पूरी तरह रद्द करें, तो हमें इसे पूरी तरह से रद्द करने वाला बिल यहां पर लाना चाहिये था। जैसे 3, 4 बातों में कांग्रेस वालों ने समर्थन किया, मुझे विश्वास है कि उस समय भी वह करते। अगर समर्थन नहीं करते तो वह जो क्लोजेज शायद हटाई जा सकती थीं, वह हट सकती थीं इस कारण कि वह रद्द हो गई। हम कहते कि हमने प्रयत्न किया, लेकिन सफल नहीं हो पाये।

अगर हम 31-डी को छोड़ दें, तो अभी हमारे विधि-मंत्री ने सिर्फ एक ही काम किया है कि जो केसेज अभी बन्द हो गये थे हाईकोर्ट में 5 न्यायाधिपतियों के न मिलने के कारण, जो सुप्रीम कोर्ट में स्थगन हो गया, केसेज रुक गये थे, उन्होंने सिर्फ ब्रेक हटाने की चेष्टा की है। शायद इससे कुछ गति आ जायगी, लेकिन जब गति आती है तो हमारी गाड़ी गलत दिशा में न चल जाये, यह भी प्रयत्न करना पड़ता है।

अध्यक्ष महोदय, जरा कल्पना कीजिये, धारा 226 अभी है, यदि निर्णय होने चालू हो जायेंगे तो वर्तमान धारा 226 के आधार पर ही होंगे, उस में से ये तीन शब्द निकाल दिये गये हैं "फार एनी परपज" इन शब्दों के निकाल देने से तो रिस्ट्रिक्टेड अधिकार हो गया है। खासतौर पर हाईकोर्ट को 226 में

"It can exercise jurisdiction in cases where there is contravention of statutory provision causing substantial injury to the petitioner and (b) cases where there is illegality resulting in substantial failure of justice. In every case the petitioner has to satisfy the court that he has no other remedy."

इस तरह से 226 को संकुचित कर दिया गया है, सिकुड़ दिया गया है। अब इस सिकुड़न की अवस्था में उन के फैसले हो रहे हैं। जो पेटिशनर है, याचिकाकर्ता है, उस पर बोझ लाद दिया गया है कि क्या-क्या साबित करना है—

"For no other purpose the High Court will not interfere."

यह लिमिटेड शब्द हटनी चाहिये थीं। कांग्रेस के लोग भी शायद इसके लिये तैयार रहते



[श्री निर्मल चन्द्र जैन]

और यह हमारा आश्वासन जनता को था। सिर्फ कैबिनेट के द्वारा एक लिमिटेड-बे में कुछ थोड़ा सा संशोधन लाकर, जनता को दिए हुए आश्वासन की पूर्ति नहीं हो सकती। हम यह भी नहीं कह सकते कि दूसरे पक्ष के लोग बिल्कुल तैयार हो जायें। इसमें हमारा कोई पोलिटिकल मोटिव नहीं है, लेकिन यदि इसमें कोई पोलिटिक्स खेलना चाहता है तो जनता को मालूम होना चाहिये कि किस ने पोलिटिक्स खेलकर यहां पर उस संशोधन को पूरी तरह से अथवा आंशिक रूप में रद्द करवाया है। इसलिये हमें शीघ्रातिशीघ्र पूरा संशोधन करने के लिये जो वचन दिया है, उसे पूरा करना चाहिये।

पहले किसी को अपना व्यक्तित्व बनाना था, वह दूसरों को बीना समझती थीं। उन्होंने अपने व्यक्तित्व को बहुत बढ़ाना चाहा, इतना बढ़ाया कि फुगों के समान फैलाया, इस सदन की पूरी सीमा में वह संकुचित नहीं रह सके। इसीलिये वह निकालकर बाहर कर दी गई। लेकिन इस व्यक्तित्व के कारण आज जो नुक्सान हुआ है, उसमें एक प्रश्न जरूर उठता है कि 42वें संशोधन के लिये जो प्रक्रिया अपनाई गई थी, हम उस प्रक्रिया की भी भर्त्सना करते हैं। इसलिये हम चाहते हैं कि 42वें संशोधन को पूरी तरह रद्द किया जाये।

Justice should not only be done; it should appear to be done.

अभी हम सिर्फ कहें कि कुछ चीजें बड़ी अच्छी हैं इसलिए रख ली गई, लेकिन कुछ चीजें अच्छी लाने के लिये जो गलत प्रक्रिया अपनाई गई थी, वह तो अपने आप में गलत है। हम सब महात्मा गांधी की समाधि पर शपथ लेने के लिये गये थे, उस समय यह शपथ नहीं ली थी कि हमारी राजनीतिक रोटी जिस पर सिक सकें सिर्फ वही काम करेंगे

और दूसरे काम नहीं करेंगे। हम ने यह भी शपथ नहीं ली थी कि जब सारे लोग स्वीकार करेंगे, हमारी बात तभी आगे बढ़ेगी। महात्मा गांधी जी ने कहा था कि यदि आप को अकेले ही चलना पड़े, तो पवित्र साध्य के लिए पवित्र साधन अपनाते हुए अकेले ही चलिये। जो गलत साधन अपनाये गये हैं, उन की भर्त्सना पूर्ण रूप से हो सके, इसलिए इस बात की जरूरत है कि मंत्री महोदय 42वें संशोधन को पूर्ण रूप से रद्द करने का विधेयक शीघ्रातिशीघ्र लायें।

MR. SPEAKER: Shri Sushil Kumar Dhara

SHRI C. M. STEPHEN (Idukki): Sir, I withdraw my request for speaking. There is an opposition here. 2 hours have been allotted and we are 150 members. The time must be adjusted in such a manner that the opposition gets its due time. You are going to call me during lunch hour when the House will be empty. I do not want to speak. You can carry on with the Government members alone, keeping the opposition completely out.

MR. SPEAKER: Mr. Alagesan has taken 20 minutes. I will call you.

SHRI C. M. STEPHEN: I do not want to speak. The opposition is not going to speak. The entire government can speak.

SHRI A. BALA PAJANOR: We suffered under the Congress and we do not want to suffer under the Janata rule. The Congress may be punished, but not my party. It is a matter of our right to speak.

MR. SPEAKER: You will be given a chance, but you cannot insist on it here and now.

PROF. P. G. MAVALANKAR (Gandhinagar): At the end we will get only one or two minutes.

MR. SPEAKER: Shri Sushil Kumar Dhara.

SHRI SUSHIL KUMAR DHARA (Tamiluk): Sir, while I give my support to this Constitution Amendment Bill, I would like to draw your attention to the fact that a Full Bench was constituted in the Supreme Court. It is well known to you that the Bench was dissolved by the then Chief Justice of India, Shri A. N. Ray. The Bench is dissolved. The Constitution Bench would hear the matter; when we do not know, observed the Chief Justice. It happened on 12th November, 1975, when emergency was there. Only in March '77 was lifted. Even during that period, no such Constitution Bench functioned; and I think, there was no doubt in the minds of the then rulers that this Constitution cannot be amended. And so, this Bench was formed only to decide whether Parliament's power to amend the Constitution was limited by the theory of basic structure promulgated by the court in its 1973 judgements in the Keshavananda Bharti case. That is why the Chief Justice ordered the dissolution of the special Bench and the Special Bench did not function. That is why that Constitution amendment was wrong and it could not function. Article 31-D of the Constitution is to be amended. That Article deals with the prevention or prohibition of anti-national activities and of anti-national associations. If people coming in a majority have any other design or objectives, they can declare any person as anti-national. They can declare any association as an anti-national association of persons. So, that Article should be deleted and Article 31-D has no *locus standi* in the Constitution.

13 hrs.

In regard to amending the Constitution, a national seminar was held in this capital, when we were in jail. In that seminar, many eminent persons delivered their speeches. I, particularly remember that Acharya J. B. Kripalani told the seminar that, that

particular amendment was 'neither mending nor amending the Constitution', but it was only ending the Constitution. Really, the Congress regime at that time brought an end to the Constitution by passing the 42nd Constitution Amendment Bill. So, it should go. Our Law Minister has rightly brought this bill and I convey my thanks to him for it. I also convey my thanks to the Members of the Opposition and its leaders for giving their all-out support for this amendment. Thereby, they have set an example and shown their belief that democracy should take roots in this country.

SHRI RAGHALU MOHANARANGAM (Changalpattu): Mr. Speaker, I am really very grateful to you for having given me an opportunity to express my views on this Constitution Amendment Bill. Before dealing with the various amendments of this Bill, I would like to point out that we support this Bill.

It is our view point that these amendments are necessary while speaking on these amendments, I am reminded of the debate that took place in the Constituent Assembly on the question whether amendments to the Constitution should be allowed or not. I remember the speech of Shri Jawaharlal Nehru in the Constituent Assembly where he said that what is applicable today may not be applicable tomorrow and so the amendments are necessary.

Here I would like to say that during the parliamentary elections the Janata Party in Tamil Nadu promised the electorate that they would scrap the Fortysecond Amendment Bill if they come to power. Out of the 40 seats from Tamil Nadu, only three have gone to the Janata. Yesterday while the discussion on this

[Shri Raghalu Mohanaragam]  
Bill was going on, I did not find even a single Janata member from Tamil Nadu, except one Member who happens to be the Minister. This is the position of the Tamil Nadu members of the Janata Party. And yet they talked of scrapping the Fortysecond Amendment Bill during the election time.

While speaking on the necessity for having provision to amend the Constitution, Shri Jawaharlal Nehru said:

"The first task of this Assembly is to free India through a new Constitution, to feed the starving people, to clothe the naked masses and to give every Indian the fullest opportunity to develop himself according to his capacity."

The Constitution is not only a legal document, but it is a social and political document, which should reflect the wishes and aspirations of the people. It must be an instrument for carrying out the social and economic changes.

We are not the masters of the future generation. We have to adjust ourselves according to the present circumstances. We are not the only people to judge and decide for the future generations.

During the emergency we have faced so many problems. I am not going to the details of the difficulties that we have faced during that time.

Coming to the various clauses of the Bill, I will not go into all the clauses. But I want to point out article 31D, which deals with anti-national activities, has been scrapped. This particular provision was passed during the emergency. Under this provision, action can be taken against individuals even for legitimate trade union or political activities. Even non-violent demonstrations and legitimate demands of trade unions will come within the mischief of this article and in the past members

and leaders of the political parties were arrested even without disclosing the reasons. Further, existing laws are enough to arrest and curb the activities of persons who indulge in anti-national activities. Therefore, this article should be deleted.

Then, under article 32A, the Supreme Court cannot consider the constitutional validity of any State law. When a State violates the fundamental rights of any individual, he cannot go to the Supreme Court. Now that provision has been changed, restoring the power of the Supreme Court to consider the constitutional validity of a law.

Then, article 131A gave exclusive jurisdiction to the Supreme Court in regard to the validity of Central laws. It took away the power of the High Courts to go into the validity of Central laws. This amendment was passed during the emergency. I am glad the Law Minister is doing away with that provision. On behalf of the AIADMK, we support this amendment.

Finally, I would like to say that all the amendments that were passed during the period of the emergency in the name of the Fortysecond Amendment Bill should be deleted at the earliest possible time. As justice delayed is justice denied, all cases pending in the courts should be disposed of expeditiously. There are thousands of cases pending in the Supreme Court. Therefore, more Judges should be appointed to the Supreme Court to dispose of these cases quickly.

श्री गंगा सिंह : (मंडी) अध्यक्ष महोदय, किसी देश का संविधान वहाँ का सर्वाधिक महत्वपूर्ण दस्तावेज होता है। जब हमारा संविधान बना था, उसमें दो साल से अधिक का असा लगाया गया था और यह बात उचित भी है, क्योंकि सारा देश संविधान से गवर्न होता है, उस को बनाने के लिये पार्षद समय देना

चाहिये और अच्छी तरह से उस के ऊपर सोच-विचार होना चाहिये। लेकिन, अध्यक्ष महोदय, जो 42वां संशोधन इस संविधान में किया गया वह ऐसे समय में किया गया, जब कि उस पार्लियामेंट की आयु समाप्त हो चुकी थी। उस लोक सभा का चुनाव पांच साल के लिये किया गया था, लेकिन उस के कार्यकाल को 6 साल तक बढ़ाया गया उस के बाद फिर सात साल तक बढ़ाया गया और उस अवधि में वह संविधान संशोधन पास किया गया।

हमारे यहां कहा जाता है कि जब किसी की आयु समाप्त हो जाती है तो उस के बाद वह प्रेत गति को प्राप्त होता है। यह 42वां संशोधन भी उसी समय किया गया था जिस समय लोक सभा प्रेत गति को प्राप्त हो चुकी थी और प्रेत मनुष्य काम को नहीं करते हैं, वे प्रेतों के कार्य करते हैं, उसी का नतीजा यही है कि यह 42वां संशोधन एक प्रेत-कार्य के रूप में आज हमारे सामने उपस्थित है। उस समय हमारे जितने नेता थे, जो इस पार्लियामेंट में भाग ले सकते थे, सब के सब जेलों में थे, उन्होंने इस संशोधन की बहस में भाग नहीं लिया, हमारे जितने अखबार थे, उन के ऊपर सरकार का पूरा अधिकार था। वे अपने पत्रों में इस प्रकार की कोई बात नहीं लिख सकते थे कि किस प्रकार का संविधान संशोधन होना चाहिये। हमारे देश के लायर्स भी उस समय इस संविधान संशोधन पर अपने विचार प्रकट नहीं कर सकते थे। ऐसी परिस्थिति में यह 42वां संविधान संशोधन पास किया गया।

42वें संशोधन के बाद, अध्यक्ष महोदय, हिन्दुस्तान में लोक सभा के लिये चुनाव हुए, इन चुनावों में सब से पहला ईश्वर यह रखा गया कि 42 वें संशोधन को हम पूरी

तरह से हटा देंगे और पार्लियामेंट में इस प्रकार का बिल लायेंगे जिस से ये सारे संशोधन समाप्त हो जायें। हमारी जनता पार्टी के घोषणापत्र में इस का स्पष्ट उल्लेख है। उसके बाद राष्ट्रपति महोदय ने जो अभिभाषण इस माननीय सदन के सामने दिया, उस में भी यही कहा गया था, हमारे अन्य नेताओं के वक्तव्यों में भी इसी बात का उल्लेख था।

लेकिन इस काम को करने के लिये एक प्रक्रिया होती है। हमारे देश की पार्लियामेंट हमारे देश का पोलिटिकल-मिरर होनी चाहिये। देश में जो पोलिटिकल भावनायें हैं, विचार हैं, वे हमारी लोक सभा और राज्य सभा दोनों में प्रतिबिम्बित होने चाहिये। लेकिन, अध्यक्ष महोदय, आज स्थिति क्या है? हमारी लोक सभा तो राष्ट्र की राजनैतिक भावनाओं को प्रतिबिम्बित करती है, लेकिन राज्य सभा जो कि एक कांटीन्यूइंग हाउस है, उस की सदस्यता 6 वर्ष के लिये होती है, हर दो साल के बाद उस के एक-तिहाई मेम्बर रिटायर होते हैं, मैं समझता हूँ कि हमारी राज्य सभा का जिस प्रकार से कांस्टीचूशन होता है, देश की राजनीति को ठीक प्रकार से प्रतिबिम्बित नहीं करता है। मैं इस संबंध में एक सुझाव देना चाहता हूँ— देश की राजनीतिक भावना पर हर पांच साल के बाद लोक सभा में ठीक प्रकार से प्रतिबिम्बित हो जाती है, क्योंकि हर पांच साल के बाद पूरी लोक सभा के चुनाव हो जाते हैं, लेकिन राज्य सभा में स्थिति नहीं बदल पाती, 1971 में जो लहर देश में चल रही थी, वही इंदिरा गांधी की लहर आज भी राज्य सभा में चल रही है। मैं चाहता हूँ कि जिस समय लोक सभा के चुनाव हों, उसी समय राज्य सभा के कम

[श्री गंगा सिंह]

से कम 50 प्रतिशत सदस्य रिटायर हो जायें और इन पचास प्रतिशत राज्य सभा के सदस्यों का चुनाव लोक सभा के चुनाव के तुरन्त बाद होना चाहिये ताकि लोक सभा जो राष्ट्र के राजनीतिक विचारों को प्रतिबिम्बित करती है, उसी प्रकार से राज्य सभा में भी कम से कम पचास प्रतिशत इस प्रकार के लोक आ जायें जो उस समय के राष्ट्रीय राजनीतिक विचारों को प्रतिबिम्बित करें।

अध्यक्ष महोदय, यह जो 42वां संशोधन किया गया था, उसमें एक बहुत बड़े महत्व की बात यह थी कि असहमति और राजनीतिक विरोध को राष्ट्र-विरोधी गतिविधि का नाम दे कर, राष्ट्र विरोधी संस्था का नाम देकर लोगों के अधिकारों को सीमित करने और लोगों को दबाने के लिए यह संविधानिक प्रावधान किया गया था। यह 31 (डो) का अनुच्छेद उस वक्त संविधान में जोड़ा गया था, राष्ट्र विरोधी गतिविधियों का नाम देकर किसी भी संस्था को इसके द्वारा खत्म कर सकते थे और किसी भी आदमी को जेल के अन्दर भेज सकते थे। इसके अन्तर्गत इस प्रकार के कानून सरकार बना सकती थी। मैं अपनी सरकार को बधाई देना चाहता हूँ कि इस अनुच्छेद को समाप्त करने के लिए वह यह विधेयक लाई है।

अध्यक्ष महोदय 42वां संशोधन और इमर्जेंसी लगाने के बाद जितने भी कानून बनाए गए थे वे सभी तत्कालीन सरकार ने समस्त सत्ता अपने हाथ में सीमित करने के उद्देश्य से बनाए थे। इस सब का संशा यह था कि राज्य की सम्पूर्ण सत्ता प्राइम मिनिस्टर के हाथ में आ जायें।

इसके अलावा सरकार जूडिशियल रिव्यू का जो प्रावधान हमारे कांस्टीट्यूशन के अन्दर था, उस जूडिशियल रिव्यू की परिपाटी को भी समाप्त करने का षडयन्त्र इस 42 वें संशोधन द्वारा किया गया था। आर्टिकल 368 का जो संशोधन किया गया था, उसके अनुसार सुप्रीम कोर्ट को संविधान में एमेंडमेंट की वेलिडिटी देखने के अधिकार की भी समाप्त कर दिया है। उस एमेंडमेंट को अंतिम करने के लिए इस बिल में कोई प्रावधान नहीं है। मैं यह समझता हूँ कि संविधान संशोधन के जूडिशियल रिव्यू का अधिकार सुप्रीम कोर्ट को पुनः दिया जाए और संविधान में संशोधन किया जाए कि संविधान संशोधन संविधान के बेसिक स्ट्रक्चर के मुताबिक है या नहीं? इस को देखने का अधिकार सुप्रीम कोर्ट को फिर से मिलना चाहिए। मैं समझता हूँ कि हमारी सरकार अगले सेशन में इस बारे में भी संशोधन लाएगी।

MR. SPEAKER: This has been said by other Members also.

श्री गंगा सिंह : 42 वें संशोधन के अनुसार जो सेंट्रल एक्ट्स हैं, उन की वेलिडिटी को देखने का अधिकार केवल सुप्रीम कोर्ट को है और हाई कोर्ट को नहीं है। इस बारे में बहुत सी बातें कही जा चुकी हैं और मैं अब ज्यादा इसके बारे में नहीं कहना चाहता क्योंकि समय कम है।

इन शब्दों के साथ मैं इस संशोधन बिल का स्वागत करता हूँ और मैं यह समझता हूँ कि सरकार आने वाले सत्र में जो बाकी विधित्तियां 42वें संशोधन बिल में रह गई हैं और जिनको दूर करने का

जनता पार्टी ने बायदा किया है, उसके लिए एक काम्प्रीहेंसिव बिल लाएंगे।

**SHRI C. M. STEPHEN (Idukki):** Mr. Speaker, Sir, I am very sorry to make a few remarks. There has been a long-standing convention in this House, even when there was not a recognised Opposition and there were only Opposition groups, that they would have a certain measure of treatment.

The major convention is that when a debate starts, the Opposition will be called to initiate the debate at every stage, at the consideration stage and at the third reading stage of the Bill. On a very important Bill, like this, it so happened that under your Presidentship, this convention was violated and the ruling party was called to initiate the debate. I thought that the convention will be followed when we come to the third reading stage. At this stage, you over-stepped the claim of the Opposition and you called upon the ruling party to initiate the debate. Then, again, I thought that you would give us an adequate opportunity to spell out our point of view. It is necessary in the interest of this Parliament that the different Parties spell out their viewpoints with respect to a measure which is before the House....

**MR. SPEAKER:** If I may intervene for a minute, out of the first one hour, your Party has taken 20 minutes. Normally you are not entitled to more than 15 minutes out of that one hour.

**SHRI O. V. ALAGESAN:** I have seen Mr. Indrajit Gupta speaking for one hour when we were on the other side. We are not being treated properly.... (Interruptions).

**PROF. P. G. MAVALANKAR:** Although you are right, Sir, in saying that 20 minutes were given to Mr. Alagesan....

**SHRI O. V. ALAGESAN:** It was not 20 minutes.

**PROF. P. G. MAVALANKAR:** Let us assume that it was 20 minutes. The established practice in this House over a period of 25 years has been that, even if it means disproportionately a larger time being given to the Opposition, that is given because the Chairs have always ruled that, in the Minister's speech, the ruling party Members' point of view is expressed; different points of view must be reflected and, therefore, the ruling party Members may speak less. Therefore, Sir, kindly do not give a ration like 45 minutes for the ruling Party, 50 minutes for the Opposition, and so on. More time, even disproportionately, is given always to the Opposition, because, the Minister speaks on behalf of the entire ruling party. If some of the ruling party Members cannot speak, I am sorry for them, but they have the satisfaction that the Minister has spoken..

**MR. SPEAKER:** That means, Independents get chance every time.

**PROF. P. G. MAVALANKAR:** I am not saying that. I had opposed this particular Bill at the time of introduction last week. Now, if you call me at the end....

**MR. SPEAKER:** Somebody must speak at the end.

**PROF. P. G. MAVALANKAR:** I am not saying that I should be called immediately. I am only talking about more time being given to the Opposition.

**SHRI C. M. STEPHEN:** To the main question that I had raised, there has been no reply. You have said, Sir, that my Party has taken more than what is due to it. I do not want to take anything more than what is due to me. I do not want to speak at concession either at your hands or at the hands of the ruling party. The Janata Party can have the whole time and have the discussion. We will come here at 4.00 p.m. and vote for it. I do not want to speak anything more.

**SHRI VAYALAR RAVI** (Chirayinkil): For the first time, in the House, there is a recognised Opposition; and we are sitting here as a recognised Opposition. If you go through the records, you will find that certain precedents and conventions have been followed in this House. You are absolutely within your right when you say that the limit of the time has to be struck to. We are not questioning that at all. But there is a convention which has been followed all these years with mutual understanding, Opposition is given more time. I have witnessed such occasions persons like me could not get an opportunity to speak. Generally, one Member from that side and then one from this side—not necessarily Congress, but from the Opposition side—are called. It is better to follow the convention. Why should you take the blame on you unnecessarily? We only want you to follow the convention and make this House happy, allow Members to put their points of view.

**MR. SPEAKER:** It would be convenient if the Members stick to their time. Even after the bell is rung, the Member goes on for another ten minutes. (*Interruptions*)

**SHRI C. M. STEPHEN:** Now that you have spelled out what our position in this House is, now that you have spelled out how you are going to treat us—we are just one among the many—we will have to consider how far... (*Interruptions*) It is clear we are not getting just and even treatment. Let me go on record with that statement.

**SHRI O. V. ALAGESAN:** I want to make one submission. The hon. Minister for Information and Broadcast-time has been divided equally.... (*Interruptions*)

**MR. SPEAKER:** Mr. Alagesan, you have spoken enough.

**SHRI V. ARUNACHALAM** (Tirunelveli): It has been alleged that the convention has been violated by the Chair. I want your ruling on that.

**MR. SPEAKER:** I do not think, any convention has been broken. To the extent I am aware, it was not the practice that you call members from each of the opposition parties and then the ruling party. In that case, the ruling party will not have any opportunity at all. We have to take into consideration everything.

**SHRI C. K. CHANDRAPPAN** (Cannanore): The question is that when there were groups in the opposition, there was a convention in this House that the major debates had always been initiated by the opposition.

**MR. SPEAKER:** That is true; there was a mistake on my part.

**SHRI C. K. CHANDRAPPAN:** Secondly, whatever be the strength of the various parties here, it was always the intention of the Chair and the House to hear various points of view. If you see what happened in the last Parliament, you will find that Shri Madhu Limaye who represented a few members, two or three, got enough opportunity to put their point of view....

**MR. SPEAKER:** Here, everybody wants to speak as an individual, because everybody is supporting the Bill. Therefore, they have as much right to represent their views as anybody else.

**THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA):** Mr. Speaker, Sir, it is rather unfortunate that for one reason, or another, my hon. friend, Shri Stephen, and some others should have got the feeling that the opposition is not getting adequate time to present their point of view. As far as the Government is concerned, they are keen to give the utmost respect and opportunity to the oppo-

sition. We, on our side, will not stand in the way of full opportunities being given to them. Sir, as you pointed out, there are difficulties, when the time at our disposal is not adequate to allow everybody to give full expression to his views. However, we hope that in your wisdom, you will judiciously see that the opposition gets no such feeling.

MR. SPEAKER: That is very difficult. I cannot get into somebody else's feeling. I must give adequate time, I agree.

SHRI RAVINDRA VARMA: A reference was made to the conventions. Sir, I would like to say that we honour all those conventions, and we do not want anything to be done to break those conventions. In fact, we want to strengthen those conventions, and we have recognised the role of the opposition. I hope, these words would allay any apprehension or feeling on the other side, and they would take full part in the debate.

डा० बलदेव प्रकाश : (अमृतसर)  
अध्यक्ष महोदय, 42 वें संविधान संशोधन के कुछ भाग को समाप्त करने के लिए जो बिल पेश हुआ है उसके लिए मैं सरकार को बधाई देता हूँ। 42वां संशोधन भारत के लोकतंत्र के इतिहास पर एक कलंक का टीका था। और सरकार को इस कलंक के टीके को एक दफा में साफ कर देना चाहिए था। लेकिन सरकार ने अभी थोड़ा सा हिस्सा अभी साफ करने की कोशिश की है। यह 42वां संशोधन क्यों लगाया गया थोड़ा-सा इसके इतिहास में जाना पड़ेगा। व्यक्तिगत स्वतन्त्रता को समाप्त करने के लिए, न्यायपालिका के अधिकारों को समाप्त करने के लिए उनके जूरिस्डिक्शन में से बहुत से महत्वपूर्ण विषयों को बाहर निकालने के लिए और हिन्दुस्तान के अन्दर एक व्यक्ति की राजनीतिक सत्ता कायम

रह सके, उसके लिए दमन चक्र चलाने के लिए यह एक निन्दनीय और घृणित प्रयास 42वें संशोधन के रूप में सरकार यहाँ लायी थी। अध्यक्ष महोदय, हमारी अदालतें अपने न्याय के लिए हिन्दुस्तान के अन्दर प्रसिद्ध हैं। अभी तक का इतिहास हम देखें कि जितने भी संविधान संशोधन हुए विधान के अन्दर जिसमें सामाजिक और आर्थिक दृष्टि से न्यायालयों के पास मसले गए उन सभी में हमारे देश की सुप्रीम कोर्ट और हाई कोर्ट्स ने उन सभी सोशियों ईकॉनामिक इशूज पर डाउन ट्रोडन की सहायता की। कभी भी हमारे न्यायालयों ने सरकार की गलत नीतियों का समर्थन नहीं किया। 42वां संशोधन लाने का मतलब ही यह था कि जो स्वतन्त्र न्यायालय काम कर रहे हैं उनकी स्वतन्त्रता को समाप्त किया जाए क्योंकि और कोई तरीका ही नहीं था श्रीमती इन्दिरा गांधी को प्रधान मंत्री के रूप में रखने का। सरकार के पास और कोई तरीका नहीं था। सरकार को यह पता था कि अगर यह बात न्यायालय में जायेगी तो हमारे न्यायालय के जो न्यायाधीश हैं, वह इस प्रधान मंत्री को कभी भी कुर्सी पर बैठे रहने की इजाजत नहीं देंगे। इसलिए एक ही तरीका बचता था कि संविधान में संशोधन किया जाए। पहले 39वां संशोधन किया गया था। वह क्या था? आमतौर पर वह भी संविधान में संशोधन था कि साधारण सदस्य की जो इलैक्शन पैटीशन होती है, प्रधान मंत्री और राष्ट्रपति की इलैक्शन पैटीशन उससे अलग होगी, उसका अधिकार केवल पार्लियामेंट को होगा। उनकी इलैक्शन पैटीशन साधारण कानून की



### [डा वलदेव प्रकाश]

तरह से नहीं हो सकती। यह डिस्ट्रिक्मिनेशन क्यों की गई? प्रधान मंत्री को एक आम सदस्य से ऊंचा दर्जा क्यों दिया गया? क्या कानून सब के लिए बराबर नहीं है? क्या देश में कानून में इस तरह से भेदभाव होना चाहिए? केवल एक ही कारण था कि साधारण कानून के मुताबिक प्रधान मंत्री उस समय प्रधान मंत्री नहीं रह सकती थीं। इसलिए यह सोचा गया कि प्रधान मंत्री इन्दिरा गांधी को बनाये रखने के लिए कानून की हत्या की जाए, देश के विधान की हत्या की जाए और वह हत्या की गई।

यह नहीं, यह भी किया गया कि अगर कोई सदस्य निर्वाचन के लिए डिस्क्वालीफाई हो जाए तो उसकी डिस्क्वालीफिकेशन को दूर करने का अधिकार भी इलैक्शन कमीशन से वापस ले लिया गया, वह अधिकार राष्ट्रपति को दिया गया कि राष्ट्रपति अगर चाहे तो उस सदस्य की डिस्क्वालीफिकेशन को दूर कर दें। यह तरीके में क्यों की गई हमें सोचना पड़ेगा कि उन तरीके में के पीछे क्या दृष्टिकोण था? केवल एक ही दृष्टिकोण था कि एक व्यक्ति की सत्ता को किस तरीके से इस देश में कायम रखा जा सकता है।

यहां पर अदालतों के अधिकारों को ही समाप्त नहीं किया गया, बल्कि अदालतों को धमकियां भी दी गई इसी हाउस में। हमारे पहले कानून मंत्री श्री गोखले ने थ्रॉट्स दी सुप्रीम कोर्ट और हाई कोर्ट्स के जजों को कि जनता के सोचने के मुताबिक और उसकी इच्छाओं के मुताबिक उन्हें अपने फैसले देने पड़ेंगे, नहीं तो सुप्रीम कोर्ट और हाई कोर्ट के जजों को विचार करना

होगा कि उनका स्थान इस देश में है या नहीं है। मुझे आज आश्चर्य होता है कि इस लोक सभा में बैठे हुए लोग उस समय इस प्रकार की श्री गोखले की भाषण को, उस समय के मंत्री की भाषा को किस तरह से बर्दाश्त कर रहे होंगे। मैं समझता हूं कि इन सदस्यों को इस बात के लिए कोई क्रेडिट नहीं जाता जो आज इस बिल का समर्थन कर रहे हैं, उन्होंने ही उस समय इस बिल को पास किया था। यदि उस समय श्रीमती इन्दिरा गांधी चाहती कि इस देश में जब तक मेरी आयु है, तब तक मैं प्रधान मंत्री रहूं। और मेरी आयु के बाद श्री संजय गांधी प्रधान मंत्री बनें, अगर यह भी अमैंडमेंट उस समय पेश किया गया होता तो इन सदस्यों ने उस अमैंडमेंट को भी समर्थन दिया होता। यह हालत उस समय थी। हम लोग उस समय जेल में थे, हम सोचते थे कि क्या हो गया है इस देश की लोक सभा को, किस तरह से यहां के सदस्य कार्य कर रहे हैं। (व्यवधान)

लेकिन मैं उन सदस्यों को जिन्होंने उस समय भी लोकतंत्र की आवाज उठाई, जिसमें हमारे श्री मावलंकर भी हैं, मैं उनको बधाई देता हूं कि उन्होंने उस समय भी जनतंत्र की आवाज यहां उठाई थी।

एक बात जो हमें विचार करनी चाहिए वह यह है कि क्या लोकतंत्र के अन्दर सरकार की सत्ता असंमित सत्ता है? लोकतंत्र में संसद् और न्यायपालिका के संतुलन की सीमाएं क्या हैं? यह कुछ ऐसी समस्याएँ हैं जिन पर इस हाउस को गंभीरता से विचार करना चाहिए। क्या कोई भी लोकसभा या कोई भी संसद्, हमारा जो बेसिक

स्ट्रक्चर है, उसको डैस्ट्राय कर सकती है ? अगर कर सकती है तो आज या कल इस देश का भविष्य अंधकारमय हो सकता है। इस लिए मेरा कानून मंत्री से निवेदन है कि जब वह अगला बिल लायें तो उसमें इन सब बातों का अच्छी तरह से स्पष्टीकरण और उल्लेख होना चाहिए कि संसद्, लोक-सभा कौन सी तरफ़ीमें कर सकती है और कौन सी नहीं कर सकती है। क्या इस देश में इस प्रकार से मोनार्की आ सकती है, क्या राजा महाराजाओं का शासन फिर स्थापित हो सकता है ?

जब हम जेल में थे तो यहां किसी मेम्बर ने कहा था कि इलैक्शन की अवधि 6 साल की बजाय 10 साल के लिए पोस्टपोन कर देनी चाहिए। श्री बंसी-लाल ने कहा था कि क्या इलैक्शन करना गीता में लिखा है। गीता बहुत से लोगों के लिए एक पवित्र और धार्मिक पुस्तक हो सकती है, लेकिन देश की राजनीति के लिए अगर कोई सबसे पवित्र चीज है तो वह देश का संविधान है।

मैं यह कहना चाहता हूं कि दमन-चक्र चलाने के लिए वह 39 डी की धारा लाए। मैं जानना चाहता हूं कि क्या देश में कानून नहीं थे, क्या देश में कानूनों की कमी थी किसी को पकड़ने के लिए ? इन्होंने सारे देश को पहले ही जेलों में डाला हुआ था।

इस संशोधन के द्वारा सरकार ने एन्टी-नैशनल एक्टिविटीज के आधार पर किसी के भी विरुद्ध कार्यवाही करने का अधिकार प्राप्त कर लिया। उस वक्त इस प्रावधान की कोई आवश्यकता नहीं थी। लेकिन तत्कालीन सरकार देश के लोगों में दमनचक्र और रिप्रेशन के

जरिए, एक डर, टेरर और आतंक पैदा करना चाहती थी, ताकि उसके कारण उसका राज्य चलता रहे।

मैं मानता हूं कि सत्ता सीमित है—वह सापेक्ष है, निरपेक्ष नहीं है; वह एबसोल्यूट नहीं है, रैलेटिव है। एबसोल्यूट पावर केवल इस देश की जनता को है। बाकी सब सत्ताओं - संसद् सरकार और न्यायपालिका - की एबसोल्यूट पावर नहीं है, केवल रैलेटिव पावर है। जनता ने, जिस की एबसोल्यूट पावर है, अपना वडिक्ट दे दिया है कि 42वां संशोधन समाप्त होना चाहिए। इस लिए मैं यह निवेदन करूंगा कि मंत्री महोदय इस सदन के अगले सत्र में जो बिल लायें वह कारिप्रहेंसिव हो, और उस के द्वारा 42वें संशोधन के क्लंक को देश की राजनीति और संविधान में से निकाल कर फेंक दिया जाए।

PROF. P. G. MAVALANKAR (Gandhinagar)? Mr. Speaker, Sir, having opposed the introduction of this Bill last Friday, I now stand to support this Bill. I do so because it is a significant though a small step in the right direction.

Sir, I see no contradiction in the stand that I had opposed and I am still opposed to the manner and the modality of bringing this kind of piecemeal legislation. That is my point.

I must thank the hon. Law Minister my esteemed colleague, because I have somewhat succeeded and I am satisfied in getting—I am not using the word extracting but—a firm assurance on two grounds. One is, he said that a comprehensive Bill is coming fairly soon in the early part of the Budget session next year. Secondly he said that the majority of the opposition congress party in the Rajya Sabha will not be the consideration for brin-

[Prof. P. G. Mavalankar]

ing such other measures which, after consultation with the congress party the Janata Government feel ought to be brought, even if the opposition congress party may oppose them or not. It is a good thing.

Sir, the Forty-Second Amendment Act was the clumsiest child of the cavalier emergency style of governing. Not only that. It was a most crucked and highly perverted product of arbitrary rule.

Sir, an eminent jurist, who is now the Ambassador of our country in the United States of America, Mr. N. A. Palkhivala, significantly, even before the emergency began, had written articles which later on were published in a book form. And he had described how deliberately the Government of Mrs. Indira Gandhi went on distorting the Constitution. The title of the Book was:

"Constitution: Defaced and Defiled."

You, Mr. Speaker, must have seen this book. He said,

We could not recognise the Constitution how it was; we could not recognise the face of it, we could not recognise the personality of it,—even before emergency began. Now, after the emergency, the entire spirit of the Constitution was killed. The body remained, but the spirit of the Constitution was killed. The Forty-Second Amendment Act did not just mend the Constitution, but it ended the Constitution. The Indira Government in the Fifth Lok Sabha, put a full-stop to all forms and substances of normal Constitutional Government.

Sir, I do not like individual names to be mentioned, and I did not want any praise from my Janata friends, but I want to keep the record straight by saying that although the Fifth Lok Sabha, during emergency, was more or less a docile and dead body,

some of us who were there, went on opposing every single unjust and unconstitutional measure. I was one of those who went on persuading my colleagues, those who were outside the jail, saying: Let us all resign *en block* on the 18th March, 1976, when the five-year term of the Fifth Lok Sabha was over. But I could not succeed in persuading my esteemed colleagues of the various parties who now form the Janata Party. They were not prepared to resign *en block*. They asked me 'Don't do it alone even if the Lok Sabha is dissolved'. Because they were in Jails, they were free. My difficulty was I was out—I was not in prison. I was prepared to go out of Parliament, out of Fifth Lok Sabha. But, having continued the membership and having come to the Central Hall and drawing Rs. 51 every day, how can I say that I cannot come to the House? I came to the House and I opposed it even though we were four, two on one side and two on other side, one week later, we became four. After one week's debate, I can get only 20 more, that is from 346 to 366 whereas I succeeded in doubling our strength—from two, we became four. And at the third reading, at the Division, we succeeded hundred per cent, we became four from two.

Therefore, I say that it was a ghost Parliament: it had no business to pass this Bill that being a Ghost Parliament. There was no freedom whatsoever. Therefore the Law Minister should take out the whole, massive Forty-Second Constitutional Amendment from the Statute Book. We ask you to see that the whole act must go totally.

I will not take more time by going into the details of it except by reading out what the Committee of hundred had done. This Committee had gone into the question and it had

listed as many as six reasons and said that this Forty-Second Constitutional Amendment Bill must go totally. I will refer to the Election Manifesto of the Janata Party which I have got with me. They are for total rescinding of the Forty-Second Amendment Act. I am glad to find in today's order paper giving a resolution of Prof. Samar Guha who is coming with this before the House day after tomorrow, Friday, saying the same thing which I am just saying that this Act must go lock, stock and barrel. I would ask the hon. Law Minister in all fairness and with humility—let him not misunderstand me for asking this question—as to why, by this Forty-Third Amendment the President is made a puppet and the judiciary a hand maid of Executive and the people subservient to the Parliament. Do you want this to continue in the Constitution? If you do not want this to continue then for Heaven's sake, for God's sake, remove that provision of making the President a puppet and the judiciary, a handmaid of the Executive and the people to be subservient of Parliament. If that is so, then of course, naturally he must take the responsibility of getting rid of this obnoxious thing from the Constitution.

Now I come to this point. The Law Minister and the Janata Party Members are saying 'don't let the good things go' because there is something good in the Constitutional Amendment Act. But, Mrs. Gandhi was clever enough to deliberately put a certain sugarcoat in order to make it very attractive. Why should we have that? If it is a sugarcoat remove it but if it is sugar, go back upon that. That is my point. It is strange to say that let us not let the good things go. All of us, belonging to Janata Party, had taken a solemn pledge at that time at Raj Ghat of Mahatma Gandhi. He asked us to follow one thing. Even if means are bad and ends are good, please do not justify the ends as good. Both means and ends must go hand in glove. Because that Act was passed in an ugly

way, we must immediately do away with that. That is the logic.

In conclusion, I want to say two things quickly. My friend from the Congress Party, particularly, Shri Alagesan mentioned something which seemed to be strange and inexplicable. Their attitude and support to-day seems to be still not frank and open. Yesterday my friends from the Congress Party were going in some details. I was waiting to hear why and how my friends from the Congress Party remained so dumb and helpless witnesses and unwilling supporters to the many devilish, and dirty tricks and clauses brought forth by the 59—clause Constitution Amendment Bill last year. The Law Minister, Shri Shanti Bhushan's stand, the Government's stand, may be legally correct and technically sound. But it is morally untenable and politically very unwise. Therefore, if you look at the present Bill, the statement of objectives and reasons given therein, it makes no mention whatsoever. Why don't you put at least one paragraph to begin with saying that the Forty-Second Amendment Act was wrong for the following reasons and that Government will not come forward with piece-meal laws. His statement is totally silent on this.

Therefore, to conclude, judiciary has its role to play but its status and independence were completely distorted, damaged and finally destroyed. We all know that the role of judiciary is pivotal, if not prominent. And that role was sought to be nullified and made it a non-sense and the emergency regime had succeeded in doing so.

I am happy now that the judiciary's honour and role are restored to normalcy and decency but this too is done piecemeal. I wish Art. 226 is taken care of as early as possible. The provision of majority of judges decision was funny and fantastic. In the eyes of the people, the whole of the administration is unequal. If you

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have more judges, some of their opinions are made unequal. This is what happens.

Lastly, I want to congratulate the Minister for having got rid of 31(D)—anti-national activities clause. It was totally obnoxious and objectionable. Then, Sir, dissent and dissenters non-conformism and dogged eccentric independent individuals, how they were systematically being haunted and hooted out by the Indira regime. I hope and pray the Janata Government and the new climate will not harp on the same strings. As a matter of fact, let Janata Government proclaim their faith in and implement the tasks and challenges of an open, free, democratic society with all its risks, benefits and fruits involved.

**SHRI RAM JETHMALANI** (Bombay North-West): Mr. Speaker, Sir, first of all I do wish to record my very respectful protest against both the attitude of my government and that of others. We are debating an amendment of the Indian Constitution and not an amendment of the Cattle Trespass Act or Dogs Act. That on a vital debate like this time should be rationed so badly and that people should be allowed to speak only for five minutes or even less sometimes, I think, is to show lack of reverence for the Indian Constitution. Every part of Indian Constitution is sacrosanct and whether it is a minor amendment or a major amendment, I believe, that everybody must be allowed his full say. It is impossible in a space of four to five minutes to indulge in a constitutional debate. It is going to be a parody of a debate, a mockery of a debate. If I do not speak and if somebody else can speak for ten minutes to make more intelligible I am willing to give up my right but I do not wish to confine myself to four or five minutes. Even the last speaker has been given exactly ten minutes.

Sir, I do wish to record my protest against something else too. That those who disturb the proceedings of this

House, those who get up and submerge its proprieties, those who create disorder in the House seem to get the better of those who refrain from doing all these things. Sir, we, who are steeped in the orderly atmosphere of the courts and do not believe in disturbing the proceedings of the House, always get a rough deal, for some reason that I do not know. I have waited here for two days. When debates arise on subjects on which I do not feel qualified to speak I have the humility to feel that there are better qualified people to speak and for days together I do not participate in the debates of this House because I feel better persons are speaking but when questions like the Constitution come about which I perhaps slightly better understand than others then at least I expect my voice would be heard and, particularly, when I believe in this important matter even the Government is committing unwittingly a breach of its undertaking to the people of India—a breach which has to be justified by cogent reasons.

Sir, I get up in this instance to accord my most reluctant support to the Bill which has been brought before the House. I must confess that I am surrendering my own individual judgement to the superior judgment of my party, my government and particularly my persuasive Law Minister. But I do wish to share with this House—those who are on this side and those who are on the other side—my reasons for my extreme reluctance to support this measure because, I believe, what I have to say is of great relevance to the future.

Sir, I have a feeling—a feeling which dismays me in no small measure—that the Janata Government is now beginning to see some hidden virtues in the Forty-Second amendment which we did not see throughout the election campaign. I am one of those who believe that the 42nd amendment was an unmixed evil, it has no good element at all. If good means innocuous, if good means redundant, if good means impotent, if good means a plethora of

pious words and platitudes which only lend themselves to propaganda designed to throw dust in the eyes of poor people of this country, then the 42nd amendment has some good elements about it. But if good means good, there is no good in it at all. My complaint against the 42nd amendment is that its effective provisions are uniformly wicked and the seemingly good ones are designed merely as a smoke-screen and camouflage to hide the wicked ones. Take legal aid of which the Congressmen have been very proud and I believe even my Law Minister was impressed by that. Do we or do we not know that for 75 years in this country we have debated the question of legal aid to the poor people. Commission after commission had studied it, plans after plans have been created for giving legal aid to the poor and ultimately in 1961 we thought that the Parliament of this country had finally resolved the problem of legal aid by entrusting the work of legal aid and organisation of legal aid to the bar councils of this country. In 1970 when we started serious work in the bar councils and created plans for legal aid throughout the country, I went to Monte Carlo to address a meeting of the International Bar Association where I was specially invited to read a paper on the Indian legal aid scene. Will you believe that after I had finished reading my paper, my friend parry Mezger of the International Legal Aid Centre walked up to me and said: Ram, do you know that all that you have told us today is being scrapped in India. I asked him: who told you so? He said: Mr. Justice Krishna Ayyar met me and told me that everything was being scrapped. When I asked him how Mr. Justice Krishna Ayyar came to know about it, he said that Mr. Gokhale and Mr. Justice Krishna Ayyar had decided that there should be a new Commission to go into this question of legal aid. Do we or do we not know that throughout the pre-1973 years and during the emergency also legal aid was used as a method by which Judges—some Judges—got free travel expenses throughout the country and the

platform for legal aid was used for the purpose of denigrating lawyers who were opposed to Mrs. Gandhi? The legal aid platform was used only for buttressing the political fortunes of the ruling party. We know all that. Today why are those gentlemen not talking about legal aid? Legal aid seems to have vanished as soon as freedom was restored in this country. Legal aid served their interests no more.

Nobody is misguided by adding a directive principle in the Constitution about legal aid. Thereby you are not going to solve the problem of legal aid for the poor people. The truth is that it was a somokescreen, it was designed to camouflage the real nature of the 42nd amendment. That is why I say that today when we are going to the Congress to gain their support for this limited measures, we are compromising with evil; and compromising with evil is something which Gandhiji taught us not ever to resort to, whatever be the ends which we might seek to achieve.

It appears to be that my government itself does not trust the people of this country. We can go to the people. Let us put the Bill for repeal of the whole of the 42nd amendment before the House. Let the Congressmen defeat it in full or any portions of it. We can still go and explain to the people of this country that we have not been able to fulfil our pledges to them because the Congressmen are still obstructing, because Congressmen are still in power. Every time we negotiate with them we make them look more respectable than they are and we give them encomiums which they do not deserve. I deeply regret that my Law Minister had to publicly thank them and appreciate the kind of attitude which they have adopted in this matter. They had no option because they have to create a show. They have also to go to the people and say that they are trying to give us half-hearted support. Because they

[Shri Ram Jethmalani]

know that the people are going to deal with them soon, all over again. That is a risk which they are not prepared to take. We, in our political naivette, in our political simplicity, are giving them the means of misleading the people of India again.

I do, however, believe that the provisions of this Bill as far as they go are good. They are designed in public interest and they do certainly reduce the problem of arrears in our courts. But what I am protesting against is the high price which we are paying on this occasion for securing the support of our friends on the other side. We are flattering them and publicly complimenting them. It was much better to expose them to the people of this country and leave them to the harsh judgment of history. That is the course which we should have adopted. I can understand even with my limited intelligence that this Bill is a compromise, a compromise between those who are anxious to get along with the job of governing the country and those who would for their partisan ends obstruct the government at every step and blackmail us and extort a price. Yet, I want to ask, why is it that we are submitting to this blackmail? What enables them to practise blackmail on us? That brings me to a very important and vital matter which I hope at least those Congressmen who are anxious now to understand the Constitution will pay heed to. They are able to do this because they have a majority in the Rajya Sabha which we are not able to contend against. Did not the founding fathers of the Constitution envisage a noble role for the Upper House? They thought, the members of the Upper House by reason of their superior experience, superior education, comparative freedom from power politics and pulls and the detached atmosphere in which they function will improve the drafting quality of our laws. More than that, the founding fathers thought that sometimes even the Lok

Sabha will act wrongly in judging the mandate of the people, and when honestly the Upper House is convinced that Low Sabha has misjudged the mandate of the people they can honestly intervene and bring the Lok Sabha back on an even keel by postponing the legislation and not by frustrating it. Are not the Congressmen today destroying the very golden role which the Rajya Sabha was intended to play in our Constitution? By catering to their whim, are we not bribing them into destroying that august institution? The more we make them bold, the more they will destroy the Constitution and more they will denigrate the role of the Upper House? Can anybody doubt, except Mr. Chavan and his Congressmen, that during the last elections we went to the electorate squarely on the issue that the 42nd Amendment will be scrapped? The people have sanctioned it and given us the mandate. The mandate is free from any doubt, it is clear and unequivocal. But the Congressmen do not understand the mandate of the people and are misusing the Upper House, which is designed to play a noble role, by misusing their majority there. Therefore, my appeal to the Law Minister is, in future we do not cater to them any more. We must trust the people who have trusted us and by that alone we shall preserve the constitution and its essence.

SHRI A. BALA PAJANOR: Sir, it has been the practice that we are not supposed to bring in any steel rod or sticks into this House. Pandit Jawaharlal Nehru used to keep his sandalwood outside. Even Mr. Krishna Menon used to leave his walking stick outside. But it has become normal practice for the Health Minister, Shri Raj Narain, to bring in a steel rod as walking stick into this House. I want to bring in a sandalwood to have a grip when I make a speech. It is a serious matter. I want your ruling.

MR. SPEAKER: We will take it up some other time. I will look into the matter.



14 hrs.

SHRI A. BALA PAJANOR: I just wanted to know whether you are giving a ruling. If you reserve your ruling, it is all right.

MR. SPEAKER: I will look into the matter.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Mr. Speaker, Sir: I am very grateful to the hon. Members from all sections of the House for their whole-hearted support to this Bill, which has been brought before this House. It is my regret that on account of some misunderstanding, we were not able to hear the eloquent Mr. Stephen. I was looking forward to his speech on this bill also, as I have looked forward to his speech on earlier occasions. It would remain my regret.

I have listened to the eloquence of hon. Member Shri Mavalankar, as well as to Shri Jethmalani who made a passionate plea for the repeal of the 42nd Amendment Act, lock, stock and barrel, on the ground that it is an unmixed evil, and that if at all there was something good in it, it was not something good in reality. It is merely sugar-coating and, therefore, even that sugar-coating—because they did not find any way to separate the sugar-coating from the poison which is inside the sugar-coating—should be thrown away, since it was a sugar-coated poisonous pill. In fact, I was thinking of an occasion when somebody had given an example. One newly-born baby was found in very dirty bathwater; and the bathwater was so bad to look at, that the entire bath-water had to be thrown out. Then a controversy arose whether the baby should also be thrown out along with the bath-water. (*Interruption*)....

SHRI A. BALA PAJANOR: We don't think so.

SHRI SHANTI BHUSHAN: Please listen to me. Somebody said: "But

look at the baby. It is an emasculated baby; it is a very ugly-looking baby. It is not a useful baby." Quite right. Maybe it may be sugar-coated, wherein there is a little packet of sugar with a huge bag of poison. Let us take it to be so. But so long as there is a way to separate even that little lump of sugar from the bag of poison, the whole question is whether this august House will admit to its incapacity in separating even that small lump of sugar from the bagful of poison and so on. It may not be very useful, or it may be very useful. There may be incapacity, even if it is innocuous. But why should—let us take it that it is not something very useful—this unnecessary discussion go out in the country viz. this controversy, and why should we fall into the trap? Why should all kinds of things be said? Let us take it that these Directive Principles—all right, as any Directive Principles—cannot achieve their objective straight-away. Let us start from the assumption as to what were the objectives with which these Directive Principles were brought in. No hon. Member, not a single Member has spoken against any of those Directive Principles which have been added. Let us assume that they are nothing very useful, but at least they are innocuous. If they are innocuous and if it is open to this House to separate the innocuous from the rest—if it had not been open, then the whole thing might have gone—i.e. to separate the innocuous from the dangerous, and if this House proceeds to do that exercise, how can possibly any misunderstanding arise in any quarter, from that point of view? I plead for the consideration of the House that all that is being done; and after I had made it quite clear in my opening speech; all kinds of imaginations have been allowed to run riot, i.e., as if the reason as to why the Opposition is being consulted is that we are afraid of their majority in the Rajya Sabha.

It is not correct to say that we want to bring only those amendments



[Shri Shanti Bhushan]

which would be accepted by the opposition parties in this House, because we are afraid of their majority in the Rajya Sabha. I have made it quite clear that is not the reason. The reason is that so many hon. Members have appreciated the spirit with which this dialogue, this discussion has been going on. We do want to repeal the wrong things which might have been done by the other parties but, at the same time, we want to lay down good traditions. I am very happy that a large number of hon. Members of this House have appreciated the spirit of laying down new traditions which will do honour to the whole country.

It is this Government which, for the first time, gave the Leaders of the Opposition in both the Houses a new status, and gave them the rank and facilities of Cabinet Ministers. This is the spirit in which this Government functions. It is from that point of view that we are having discussions with the opposition parties.

In the past there was a lot of criticism about the manner in which the Constitution was being amended without any discussion, without trying to achieve a consensus. We do not want to continue those wrong methods. This is the reason for this effort to discuss the issues with the leaders of the opposition in both the Houses so that there will be no misunderstanding about it, and the spirit with which these talks have gone on would be appreciated universally and unanimously by every hon. Member of this House.

But, at the same time, I have made it quite clear that, so far as the Janata Party is concerned, it sticks to its principles. If even after persuasion we could not convince the opposition leaders, and the opposition leaders also could not convince us of their claim—after all, we do not

claim to be infallible; we are willing and prepared to be convinced—then we will stick to our principles and commitment and will bring forward a Bill. While bringing forward such a Bill, in view of the fact that these differences of opinion may still persist in respect of some provisions, we would not like other useful measures in the Bill to flounder, on the basis of those differences. That is why we want to bring two Bills. One Bill may contain those provisions on which there is agreement, there is consensus, so that no difficulty may be envisaged in getting it passed. Because, it is not merely a question of redeeming the pledges which is no doubt important, but, at the same time, practically amending the Constitution and doing away with the objectionable provisions is very important.

**SHRI SHYAMNANDAN MISHRA** (Begusarai): Shall I seek a clarification? How does the hon. Minister think that if there is a comprehensive Bill, which contains clauses on which there are differences of opinion, that will not work? It would be open to the opposition to oppose those particular clauses, on which there is no agreement. Why should there be two Bills? It has been made absolutely clear that we are committed now that the next Bill would be a comprehensive Bill, that there would be no two Bills of the kind that the hon. Minister seems to be suggesting.

**SHRI VAYALAR RAVI:** The hon. Law Minister seems to think that we are....

स्वास्थ्य और परिवार कल्याण  
मंत्री (श्री राज नारायण) : अध्यक्ष  
महोदय, हम यह जानना चाहते हैं कि  
यह सदन किस के अधिकार में है ?  
ला-मिनिस्टर अभी बैठे नहीं हैं, यह भी  
खड़े हैं और माननीय सदस्य भी खड़े  
हैं ।

**MR. SPEAKER:** I would request the Law Minister to resume his seat.

**SHRI VAYALAR RAVI:** We want to make it emphatically clear to the hon. Minister and the hon. Members on that side of the House that whatever discussions we had with the Government was not on the basis of our strength in this House or the other House; it is on the basis of the convictions that we have and the policies that we follow. Do not think that we have some majority there and, therefore, we are taking a particular stand. We want to make it very clear.

**MR. SPEAKER:** He did not say that.

**SHRI SHANTI BHUSHAN:** That is precisely what I am saying. The question of majority in one House or the other House does not arise in these matters. That is not the basis on which our discussions are going on. The basis is the democratic spirit that every matter should be discussed and in discussion persuasion plays a very important part.

That is why this process has gone on. Therefore, I would like to refute this imagination that there is something like a blackmail, and this Bill which has been brought is the result of any kind of blackmail. Nothing can be farther from the truth than any such statement.

It was also said by Prof. Mavalankar, whom I hold in very high respect, that the Forty-second Amendment had made the President a puppet and possible there is some hesitation on that account. He is a constitutional expert and he knows what the position of the President was even before the Forty-second Amendment. He knows and the whole House knows that a controversy had arisen in the time of Pandit Nehru when Dr. Rajendra Prasad was the President. This question had been raised at that time also what the position of the President was under the Indian Constitution. Happily we had two very great constitutional experts at that time—the first Attorney-General, Shri

Setalvad, and Shri Alladi Krishnaswami Aiyar who was a Member of the Constituent Assembly. The matter was referred to both these constitutional experts for their opinions. Both came to the conclusion that the position of the President under the Constitution was not that of the Governor in a State, that there was a difference between the constitutional position of the President and that of a Governor. The President was merely a constitutional head who had to act according to the advice of the Council of Ministers in all matters. Maybe, later on certain doubts were thrown in certain circles on the correctness of this view, but even before the Forty-second Amendment, the matter had gone before a seven-Judge Bench of the Supreme Court which unanimously came to the conclusion that the President of India was merely a constitutional head and that he was bound to act in accordance with the advice of the Council of Ministers. That is not to say that after the Government has lost its majority in the House, then also it is open to that Government to advise the President because in article 75 he has been given the power to appoint the Prime Minister.

**MR. SPEAKER:** Should we go to that question now?

**SHRI SHANTI BHUSHAN:** It is only because that question was raised.

**MR. SPEAKER:** The Supreme Court has merely said that the position is as it obtains in England.

**SHRI SHANTI BHUSHAN:** So the Forty-second Amendment has not altered the constitutional position of the President.

Mr. Alagesan said two things. He felt as if I had blamed the Congress or the opposition parties for the delay in the conclusion of the negotiations. If he understood me like that, I would like to clear that that was not what I meant. We had taken time to discuss it in various forums in our

[Shri Shanti Bhushan]

own party also. Everybody was busy, the opposition leaders were busy, so it took time. Therefore, it was not possible to bring a comprehensive measure in this very session. That is the only thing I said. i

So far as the emergency provisions are concerned, I was rather intrigued to hear Mr. Alagesan saying that the Janata people who were in jail were very happy, it was the Congress leaders who were outside who had really suffered. In that case, I sympathise with them in their suffering.

SHRI O. V. ALAGESAN: I am sorry he has not understood the spirit in which I had said it.

SHRI A. BALA PAJANOR: Similarly, yesterday he misunderstood what I said about the machinery that advises him.

SHRI SHANTI BHUSHAN: So, I once again thank all the Members of the House, all the sections of the House, for the universal support which they have given to the Bill, and I hope that it would be passed.

MR. SPEAKER: The voting will take place at 4 p.m.

14.15 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

#### PAPERS LAID ON THE TABLE

REVIEW AND ANNUAL REPORT OF URANIUM CORPORATION OF INDIA LTD., SINGHBHUM, BIHAR FOR 1976-77

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Sir, on behalf of Shri Morarji Desai, 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 Uranium Corporation of India Limited, Singhbhum Bihar, for the year 1976-77.

(2) Annual Report of the Uranium Corporation of India Limited, Singhbhum, Bihar, for the year 1976-77 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-1407/77.]

MR. DEPUTY-SPEAKER: Shri H. N. Bahuguna.

THE MINISTER OF ENERGY (SHRI P. RAMACHANDRAN): Sir, on behalf of Shri H. N. Bahuguna...

AN HON. MEMBER: Where is the Minister concerned?

MR. DEPUTY-SPEAKER: Let me confirm if there is any intimation from Shri H. N. Bahuguna. I find Shri Bahuguna has not informed us. So, the Paper will not be laid now.

NOTIFICATIONS UNDER NATIONALISED BANKS (MANAGEMENT AND MISCELLANEOUS PROVISIONS) SCHEME, 1970 AND ANNUAL REPORT OF NEW INDIA ASSURANCE CO. LTD., BOMBAY FOR THE YEAR ENDED 31-12-1976 WITH STATEMENT

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

(1) A copy each of the following Notifications (Hindi and English versions) issued under clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, in pursuance of the assurance given by the Minister of Finance on the 5th December, 1977 during discussion on the Banking Service Commission (Repeal) Bill, 1977:—

(i) Notification No. F. 9/33/77-BO-I dated the 6th December, 1977 regarding the appointment of the Directors of the Bank of Maharashtra.

(ii) Notification No. F9/26/77-BO-I dated the 8th December, 1977 regarding the appointment of the Director of the Canara Bank.

(iii) Notification No. F. 9/29/77-BO-I dated the 9th December, 1977 regarding the appointment of the Directors of Syndicate Bank.

(iv) Notification No. F. 9/30/77-BO-I dated the 12th December 1977 regarding the appointment of the Directors of Union Bank of India. [Placed in Library. See No. LT-1410/77.]

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

(i) Annual Report of the New India Assurance Company Limited, Bombay, for the year ended 31st December, 1976 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(ii) A statement explaining that Government are in agreement with the above Report and therefore no separate Review on the working of the Company is being laid. [Placed in Library. See No. LT-1411/77.]

MR. DEPUTY-SPEAKER: Shri Janeshwar Mishra. He is also not here. I think, let Shri Janeshwar Mishra write to the Speaker.

RECRUITMENT AND PROMOTION OF S.C. AND S.T. EMPLOYEES IN RAILWAY AGAINST RESERVED VACANCIES UPTO 31-3-77

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): I beg to lay on the Table a copy of the Report (Hindi and English versions) on the progress made in the intake of Scheduled Castes and Scheduled Tribes against vacancies reserved for them in recruitment and promotion cate-

gories on the Railways for half year ending 31st March, 1977. [Placed in Library. See No. LT-1416/77.]

DELIMITATION OF COUNCIL CONSTITUENCIES (U.P.) THIRD AMENDMENT ORDER, 1977 AND NOTIFICATIONS UNDER REPRESENTATION, OF THE PEOPLE ACT, 1950

विधि, न्याय और कम्पनी कार्य मंत्रालय में राज्य मंत्री (श्री नरसिंह यादव) :  
उपाध्यक्ष महोदय, मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ :—

(1) लोक प्रतिनिधित्व अधिनियम 1950 की धारा 13 की उपधारा (3) के अन्तर्गत परिषद निर्वाचन क्षेत्रों का परिसीमन (उत्तर प्रदेश) तीसरा संशोधन आदेश 1977 (हिन्दी तथा अंग्रेजी संस्करण) की एक प्रति, जो दिनांक 8 दिसम्बर, 1977 के भारत के राजपत्र में अधिसूचना संख्या सा० सां० नि० 735 (ड.) में प्रकाशित हुआ था।

[Placed in Library. See No. LT-1417/77.]

(2) लोक प्रतिनिधित्व अधिनियम, 1950 की धारा 9 की उपधारा (2) के अन्तर्गत निम्नलिखित अधिसूचनाओं (हिन्दी तथा अंग्रेजी संस्करण) की एक प्रति :—

(एक) सां० आ० 789 (ड.) जो दिनांक 28 नवम्बर, 1977 के भारत के राजपत्र में प्रकाशित हुई थी और जिसके द्वारा संसदीय तथा विधान सभाई निर्वाचन क्षेत्र परिसीमन आदेश, 1976 की अनुसूची 28 में कतिपय शुद्धियां की गयी है।

(दो) सां० आ० 791 (ड.) जो दिनांक 29 नवम्बर, 1977 के भारत के राजपत्र में प्रकाशित हुई थी और जिसके द्वारा संसदीय तथा विधान सभाई निर्वाचन क्षेत्र परिसीमन आदेश, 1976 की

अनुसूची 21 में निर्वाचन क्षेत्रों के वर्णन में कतिपय संशोधन किए गए हैं।

[Placed in Library. See No. LT-1418/77.]

14.17 hrs.

**PUBLIC ACCOUNTS COMMITTEE**  
37TH, 39TH, 57TH, 59TH 60TH AND 61ST  
REPORTS

**SHRI GAURI SHANKAR RAI** (Ghaziपुर): I beg to present the following Reports of the Public Accounts Committee:—

(1) Thirty-seventh Report on Action Taken by Government on the recommendations contained in the Hundred and Ninety-sixth Report of the Committee (Fifth Lok Sabha) on Farakka Barrage Project.

(2) Thirty-ninth Report on Action Taken by Government on the recommendations contained in the Two Hundred and eighth Report of the Committee (Fifth Lok Sabha) on New Port at Tuticorin.

(3) Fifty-seventh Report on Action Taken by Government on the recommendations contained in the Two Hundred and Twenty-fourth Report of the Committee (Fifth Lok Sabha) on Railway Operations and Expenditure.

(4) Fifty-ninth Report on Action Taken by Government on the recommendations contained in the Two Hundred and Thirty-second Report of the Committee (Fifth Lok Sabha) on Defence Services.

(5) Sixtieth Report on Action Taken by Government on the recommendations contained in the Two Hundred and Twenty-fifth Report of the Committee (Fifth Lok Sabha) on Diesel Locomotive Works.

(6) Sixty-first Report on Action Taken by Government on the recommendations contained in the Hundred and Eighty-sixth Report of the Committee (Fifth Lok Sabha) on Corporation Tax and Income Tax—A Review.

14.18 hrs.

**ELECTRICITY (SUPPLY) AMENDMENT BILL\***

**THE MINISTER OF ENERGY (SHRI P. RAMACHANDRAN):** I beg to move for leave to introduce a Bill further to amend the Electricity (Supply) Act, 1948.

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

"That leave be granted to introduce a Bill further to amend the Electricity (Supply) Act, 1948."

*The motion was adopted.*

**SHRI P. RAMACHANDRAN:** I introduce the Bill.

**CUSTOMS TARIFF (AMENDMENT) BILL\***

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SATISH AGRAWAL):** I beg to move for leave to introduce a Bill further to amend the Customs Tariff Act, 1975.

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

"That leave be granted to introduce a Bill further to amend the Customs Tariff Act, 1975."

*The motion was adopted.*

**SHRI SATISH AGRAWAL:** I introduce the Bill.

\*Published in Gazette of India Extraordinary, Part II, section 2, dated 20-12-77.

†Introduced with the recommendation of the President.

14.19 hrs.

**SUPREME COURT (NUMBER OF  
JUDGES) AMENDMENT BILL—  
Contd.**

**MR. DEPUTY-SPEAKER:** We now take up further consideration of the Supreme Court (Number of Judges) Amendment Bill. Shri Alagesan to continue his speech.

**SHRI O. V. ALAGESAN** (Arkonam): Mr. Deputy-Speaker, Sir, the other day I was quoting Mr. Chagla...

**MR. DEPUTY-SPEAKER:** You have already taken 12 minutes.

**SHRI O. V. ALAGESAN:** These minutes always confront us.

**MR. DEPUTY-SPEAKER:** Unless the minutes confront you, you will not be confronted with the problem of time. Mr. Alagesan, I must make it very clear that there is some time-limit. You cannot continue endlessly. I am only reminding you.

**SHRI O. V. ALAGESAN:** All that we are aware of but you should give us a reasonable time.

The other day, I was quoting Mr. Chagla and the Law Minister was pleased to say that he made a statement and Mr. Chagla did not say anything thereafter. I am sorry, as misfortune would have it on the very day he was claiming that Mr. Chagla did not anything thereafter. Mr. Chagla again condemned the appointment of this particular Judge to the Supreme Court. This is what has appeared in the *National Herald*—I am sorry it has ceased the publication now—dated 17th. I do not want to go further into that.

Then, the Supreme Court Bar Association has passed a resolution under the Presidentship of Mr. V. M. Tar-kunde.

He is one of the legal luminaries on the side of the Janata Party. That Resolution says:

"...strongly disapproves of the appointment of Mr. Justice D.A. Desai as a judge of the Supreme Court disregarding the superior merits of more senior High Court judges, including the present Chief Justice of the Gujarat High Court."

"The Association, therefore, resolves not to attend the swearing-in ceremony of Mr. Justice D. A. Desai."

"It further said: 'the Association wishes to put on record its complete satisfaction at the appointment of Mr. Justice V. D. Tulzapurkar to the Supreme Court'."

This is the strange situation that emerges out of this. Whereas two appointments were made, one appointment has been absolutely non-controversial; it is only the other appointment that has been objected to.

I would like to know whether this is a fact that, if the Chief Justice had been appointed, then it was possible that the man next to him who was also a very eminent judge and who, I think, has resigned subsequently, would have to be elevated to the position of Chief Justice and, it is said, that was not liked by some people; if the Chief Justice had been taken over to the Supreme Court, then there was a possibility of the number two there becoming the Chief Justice, and that was not relished by some people, therefore, this appointment had to be made. If that is so, then it reveals a very sorry state of affairs. The Law Commission's observation in this respect, I very humbly submit, is being borne out, if those were the circumstances under which this appointment was made. The observation of the Law Commis-

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sion runs as follows:—

"It is undoubtedly true that the best talent among the judges of the High Courts has not found its way to the Supreme Court."

The reason given why they want to increase the number of judges is that the workload in the courts has increased. This has been the time-worn argument given whenever Government came before this House for appointment of more judges. I shall quote some figures with regard to the position of the number of cases instituted, disposed of, etc., which will give you an idea. It is said—I think, it is the Law Commission which has said this—that, when a criminal appeal goes to the Supreme Court, it should not normally take more than six months and for a civil suit, it should not normally take more than two years. This was the norm laid down by a distinguished body like the Law Commission. Now, look at the present position against this background of the Law Commission's norms.

During the year 1976, a total of 8,254 cases were filed in and 7,734 cases were disposed of by the Supreme Court. At the end of 1976, the total number of pending cases was 14,109.

Now I would like to give figures relating to cases, civil and criminal, which have been pending over certain periods. Cases pending for less than one year: civil 3,895 and criminal 570. Cases pending for more than one year but less than two years: civil 1,858 and criminal 305; all these criminal cases have been pending for more than one year whereas the norm is only six months. Cases pending for more than two years but less than three years: civil 1,335 and criminal 282. Then, cases pending for more than three years: civil 552 and criminal: 491. This is a very serious situation.

There does not seem to be any explanation why there should be such a backlog of work. Reasons have been given, but they should be convincing also. In this connection, I would like to say that when it was mooted earlier, Shri Shyamnandan Mishra, who is just walking out, was the person who stood in his seat and said that there should be no code for judges. In the context of what we are going to do, we are asking the Parliament to increase the number of judges, i.e. more expenditure from the Consolidated Fund of India, is it not relevant to ask, for how many hours these judges work? It has been said that they should work for four and a half hours, and the vacation should not be so long and that it should be reduced. These are very relevant questions that should be answered when you come before Parliament for the increase in the number of judges. Nobody can hide under the fact or under the supposition that the judges are a cloistered group of people and nothing should be said against them. A stand was taken by my side the other day with which I do not agree, that scientists are some sort of a sacred people against whom nothing can be said. The Prime Minister said: I am spending three hundred crores on them and I want adequate return from them. Similarly, when we appoint judges, we expect something out of them. They, being the cream of the society, more than anybody else, should give their best. I do not say that some of the judges do not give their best; they do, but as a whole, what is the result? We have got every right to ask that the judges work a certain number of hours, because we know of cases where they do not come to courts in time. The Parliament sits exactly at 11.00 O'clock, but they do not sit so punctually. The poor lawyers are found loitering in the corridors of the courts; they do not know when the hon. Judge will come and take his seat. And he sits for some time and then goes away. The practising lawyers would know that. Who

is the authority? Should the Parliament tell them? If the Parliament tells them, that is taken objection to; they say; you are trying to interfere with the independence of the judiciary. It was suggested perhaps by no less a person than the Chief Justice of the Supreme Court that there should be a self-imposed code. The judges themselves can make this code and they should fall in line with that code. What is wrong in it? Whether they should drink in open or not, that does not matter. But as far as their work is concerned, it should be in measurable terms. Somebody should be able to measure it and see whether we have got adequate return from them.

There is another thing. The High Courts are the recruiting ground for the Supreme Court. It is a matter of concern for this House and for the entire country that the calibre and character of the High Court Judges leaves much to be desired. Just a few hours ago, I talked about the respect for the judiciary. We have sufficient regard and respect for the judiciary, but it is something which they should earn themselves and it is not something which others are going to give to them.

Further, I would like to say that many practices in the High Courts are not very healthy. Scant regard is shown to the bar; nepotism and favouritism are indulged in freely, and there are cases where judges have been appointed very young. They will sit on the same bench for twenty years or more. I can understand if they are there for six, seven or ten years, but you appoint these people in their forties and they will be there for twenty years or more, and then no transfers should be effected. I ask the Law Minister, who has been a very experienced lawyer, whether it is a healthy practice to make the same man sit on the same bench for decades together. I do not myself consider that it is a healthy practice. So,

these are the things that contribute in a cumulative manner to the position that we have been reduced to where the government has to come every now and then for an increase in the number of Judges.

Regarding the reduction of work or seeing that there is not much work accumulating in the Supreme Court, this question has been gone into. When the first proposal was made before this House in 1956 for increasing the Judges from 7 to 10, it was said that the Labour Tribunals, were abolished and their work had to be done by the Courts which increased their work. Again, when a Bill to increase the number of Judges from 10 to 13 was brought in 1960 it was said that the Labour Tribunals would be revived in order to lessen the work of Courts but they were not. So, the idea of Labour Tribunals, because just now we are talking about the Forty-second Amendment, is a pre-Forty-second Amendment idea. The Labour Tribunals were suggested for reduction of work in the Supreme Court and the High Courts. It is not just an evil idea that has been somehow put into the Forty-second Amendment Act. So, one of the methods seems to be that if you set up such Tribunals, you will be able to reduce the work of the Supreme Court. Further, the Law Commission itself has made two recommendations which, I would respectfully place before the Law Minister. They are:

"It was urged before the Law Commission that Art 136 should either be removed or some restriction put on Supreme Court to act under Art 136. The Law Commission made the following recommendations:

"Although the exercise of jurisdiction under Art 136 of the Constitution by the Supreme Court in criminal matters *sometimes* serves to prevent injustice, yet the court might be more chary of granting



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special leave in such matters as the practice of granting special leave freely has a tendency to affect the prestige of the High Courts."

One more recommendation....

MR. DEPUTY-SPEAKER: You have taken 12 minutes the previous day and another 12 minutes today. So all told you have taken 24 minutes and the total time allotted for the Third Reading is only one hour....

SHRI O. V. ALAGESAN: I am concluding in a minute.

Then, regarding the writ jurisdiction of the Supreme Court kindly hear me, Mr. Law Minister, under Art. 32, the Law Commission had the following recommendations to make:—perhaps he has read all these things.

"The Court may consider the desirability of instituting a system of preliminary hearing in Art 32 petitions and of enlarging the powers of a single Judge or of a Division Bench to deal with contested interlocutory and miscellaneous matters."

These and various other suggestions which have been made by bodies which went into the question of simplifying the procedures and reducing the load of work in the Supreme Court, I think, the Law Minister will do very well to consider and put them into effect as early as possible.

With these few words, I support the Bill.

SHRI NARENDRA P. NATHWANI (Junagadh): I rise to support the Bill. While doing so, I wish to make a few observations.

Arrears are mounting and no doubt one of the measures can be an increase in the number of Judges. It is, however, a common place and a trite observation to make that arrears of cases cannot be compared with a

heap of scrap debris or garbage which can be wiped out by hiring more hands. To what extent the arrears can be reduced will depend upon a number of circumstances and it is not a mere question of number but the calibre of the incumbents of that office also. It may also depend upon the nature and quantum of the work to be done. It may be further depend upon the practice and procedure to be followed by the courts.

There are no two opinions about the necessity of attracting the best talent for the Supreme Court. For one reason or the other, this has not taken place. There are various reasons why we have failed to attract the best talent for the Supreme Court. The main reason, according to me, is this. I know the working of the mind of the judges, having lived with them and having worked with them, though not at the highest level, but in one of the premier high courts of this country. The main thing is the lack of proper, adequate pecuniary consideration. I know it may be jarring on the ears of some members here. It is fashionable to decry those who maintain that unless you provide sufficient pecuniary benefits and emoluments you will fail to attract the best talents for the Supreme Court and the various high courts in the country. I am conscious that recently in 1976 the Supreme Court Judges (Amendment) Act was passed giving certain increased benefits by way of pension, gratuity and other emoluments to the judges. It has made the position a bit attractive, though not to the sufficient extent by way of changing the emoluments and other terms and conditions to attract adequate number of competent men of the highest integrity and merit to the Supreme Court and also to high courts.

The next best thing to do in the present circumstances is to devise some regulations even within the existing framework by which the arrears in the supreme court can be wiped out. But, before I draw the attention of

the hon. Minister to this aspect of the matter, I may refer to one thing. My friend Mr. Alagesan, referred to the appointment of two judges to the Supreme Court. I think it is not necessary to revive that old controversy. I am not going into the merits at all, but I tried to interrupt him on the last occasion—perhaps he did not understand the nature of my question namely, whether he had tried to ascertain from the members of the bar their reaction to the performance of that judge against whom he tried to point out that there was a lot of resentment. Because, whatever might have been the reaction amongst the members of the Bar, I can say this from my information. Two critics had approached me. I asked both of them this question: "Now there is this learned Judge, who is sitting on the Bench and working for last several months; what is your impression?" Both these critics had criticised severely the appointment. I do not want to disclose their names. They told me that his knowledge of law and his demeanour—his performance was excellent or quite satisfactory. I agree that the experience of four months is not enough, yet a critic should bear in mind this aspect also and even temper his criticism. So I digressed to point out this thing as Shri Alagesan had referred to his appointment.

I shall now refer to the practice and procedure. There are heavy arrears in the Supreme Court. The Supreme Court has framed rules according to which are constituted Division Benches. I know that the discretion mainly rests with the Supreme Court; they frame rules. But, even this Parliament has the power to change them, if necessary. Rules for constituting division benches and apportioning and distribution of work can be regulated by rules and regulations to be framed by the Supreme Court. But, in Art. 144(2) also empowers Parliament to frame rules by enacting a law. May I invite the attention of the House to Art. 3087 LS—12.

145(1). It begins:

"Subject to the provisions of any law made by Parliament, the Supreme Court may from time to time, with the approval of the President, make rules for regulating generally the practice and procedure of the Court."

So, the Supreme Court has power to frame rules and regulations but subject to the provisions of any law that may be made by Parliament.

SHRI R. VENKATARAMAN (Madras South): Subject to the provisions contained in Civil Procedure or Criminal Procedure Code.

SHRI NARENDRA P. NATHWANI: No, please. If you look to the Supreme Court rules, you will find that there is a book which refers to the powers conferred by the Supreme Court in exercise of the powers vested in the Supreme Court under Art. 145(1). It is true that the Chief Justice of Supreme Court constitutes a Division Bench but the power to appoint a Division Bench is derived by the Supreme Court under Art. 145(1) of our Constitution. What I am trying to point out is this. These rules are framed with the approval of the President and therefore with the approval of the Government. Therefore, there is sufficient power both in the Parliament and in Government to make suitable suggestions at this stage even. There are arrears now and, in order to wipe out the arrears, I am of the opinion that the best course would be to appoint special benches namely, courts to hear labour industrial disputes, service matters to be presided over by experienced judges who have specialised in that branch of knowledge.

At present, it is customary to some extent and actually it so happens. However, there is rotation. By rotation every judge gets an opportunity to hear petitions and cases in industrial and other different matters. But the sheer necessity at present requires that some method has to be devised

[Shri Narendra P. Nathwani]

both in the Supreme Court and High Courts. If specific benches are constituted which will continue to be presided over by experienced judges familiar with the subject, it would result in two distinct advantages. There would be quick disposals. Once they become familiar with the subject, there would be quick disposal of cases. I say this from my personal experience. I know that every judge is supposed to be and is capable,—I believe that he is capable; he is experienced as he has got good training and by industry, he can come up and satisfactorily dispose of any matter. But naturally, this process will occupy more time. You can entrust any kind of work and he would certainly be not found wanting in that. But you know that there are a number of laws. I think there are several hundred laws. From my personal experience as a judge of the Bombay High Court I say this. What happens is that the judges who have never dealt with say company matters are called upon to decide such questions I think that is the position sometimes even in the Supreme Court. The other day we passed a Bill—Companies Amendment Bill. A decision of Supreme Court reported in AIR 1961 was reversed about ten years later by another Bench of the Supreme Court. I had appeared in the first case and I may tell you from my experience that two of the learned judges seemed to have little experience of dealing with company law, and it was rather a pathetic sight. But they were very fair and they said they had not much to do with the company law and asked the counsel on both sides to labour hard and assist the court. So, Sir, some kind of specialisation will help to speed up the work. The second advantage would be that there will be uniformity in decisions.

Lastly, I want to say a word about code of conduct. There is a great need to save the time in arguments and citing authorities, but in order to evolve such a kind of conduct it is

best that judges and also members of the Bar should meet and evolve an agreed formula—best not to legislate on this matter. For this purpose I would request the hon'ble Minister to make a suggestion to the authorities concerned. I know efforts were made in the past to call a meeting of the judges of various High Courts wherein they can take up such questions. And then later on the Chief Justice can take up the matter with the respective State Bar Associations and evolve some agreed rules of conduct.

With these words I support the Bill.

SHRI V. ARUNACHALAM (Tirunelveli): Mr. Deputy-Speaker, in support of my amendment I would like to say a few words. I welcome this Bill which seeks to amend the Supreme Court Act of 1956 so as to provide that the maximum number of judges shall be 17. In the beginning under article 124 of our constitution there were seven judges including the Chief Justice. Then the strength of the Supreme Court judges was increased to 10 in 1956. Again there was an addition of three judges in 1960. After 1960 in spite of the mounting work of litigation in the Supreme Court and repeated demands from the bar associations and public bodies and a scathing attack by the Press, the previous government was reluctant to meet the needs of the time. In 1960 the number of institutions were 3240; it had swelled to 8254 in 1976. The figures of pending cases in Supreme Court are no doubt enormous. The average number of institutions per judge for a year was 265 in 1960. This load of work is not going to be reduced even after the passing of this Bill. It is surprising that the average number of institutions per judge per year will be nearly 480 after passing this Bill. Therefore, it is practically impossible for any judge to dispose of such a large number of cases. We must either increase the number of judges or find out an alternative so as to attenuate the number of cases without infringing the rights of the people.

Increasing the number of judges is quite essential for speedy work of the judiciary. At the same time we must remember that there are some vacancies caused due to retirement, transfer, demise or promotions which are not filled up by the authorities. I do not know whether State Governments are responsible or the Centre is responsible but there is abnormal delay in filling up such vacancies. This is a criminal waste of money on the part of administration of judiciary. In appointing the judges as well as promoting them the practice followed by the previous government was always in the fire of controversy. The party which was haranguing against the attitude of the Congress government is said to have brazenly retrograded the policy of the previous government. Proclivity towards advocates who were helpful at the time of elections and patronage to members of the Janata Party in the bar have become the character of this government. The recent selection of judges is not helpful in removing vestiges of doubts in the minds of the people. The strength of the judges of the Supreme Court is sought to be increased neither for jostling of any person nor for honouring any legal luminary but to carry out justice without delay. I am quite sure that this House would agree with me that the judiciary will play the role of the sentinel on *Qui-vive*. Adequate number of judges at all levels is indispensable for accomplishing this task. The slow motion justice, long distance litigation, tardiness in disposals and allowing speeches with superfluous and cursory views and hearing the arguments of pejorative and gibberish will certainly weaken and wreck our legal system. No doubt our judicial system is well-founded on empirical accuracy and logical cogency. At the same time there are some judges who have no faith in our law and courts. Those who have no faith in our law and courts exploit every occasion by saying that our legal system is schizophrenic and expensive. They are advocating committed judiciary. They try to perfidy the people against our system.

At the same time we cannot fail to get rid of the defects and difficulties in our system. Still the lock of our courts is unlocked only by the golden key. The sophisticated methodology of dispensing justice must be economical frugal and within the ambit of the common man. Increase in the number of judges is not a panacea for all these grievances but at least it will be helpful to expedite the clearance of arrears of cases. The judges are super engineers of the legal system. Their eminence, their excellency and their efficiency is more important. They must be paragons of our legal system. It is often reported in the Press and platforms that due to unattractive emoluments and poor facilities, the bench is unable to attract eminent people in the bar.

With the permission of the chair, I would like to refer to an authentic information.

"No good lawyer with any fair practice at the Bar cares today to come to the Bench. This has seriously and adversely affected the quality and the standard of judges in India. The Bench no longer attracts the first class legal brains in the country. It is doubtful even if it attracts the second class brain."

If these are the words of a lay man we can mock at them. Or, if these are from your political opponent, even then you can ignore the same without sharing any responsibility. But these are the words of Mr. Justice P. B. Mukerji, the retired Judge of the West Bengal High Court. The same view has been expressed by our Additional Solicitor-General, Mr. Soli J. Sorabjee, in an article published in the Illustrated Weekly last week. He has stated:

"On account of the thoroughly unattractive conditions of service of the judiciary, able and leading mem-

[Shri V. Arunachalam]

bers of the Bar are just not attracted to the Bench. The disastrous consequence has been that the quality and calibre of judges has declined."

Since this is the state of affairs, merely increasing the number of judges will not meet the requirements of judiciary. Therefore, steps must be taken to absorb the towering doyens of the Bar. Otherwise, the independence of judiciary and eminence of its rule will be only in letter and not in spirit.

श्री बृज भूषण तिवारी (खलीलाबाद) : माननीय उपाध्यक्ष महोदय, मैं इस विधेयक का स्वागत करता हूँ। यह प्रसन्नता की बात है कि सदन के दोनों तरफ से इस विधेयक का स्वागत हुआ है सभी मित्रों ने इसका स्वागत किया है, कांग्रेस के मित्रों ने भी इसका स्वागत किया है। इस विधेयक की आवश्यकता क्यों पड़ी इसके बारे में भी कुछ ज्यादा बताने की आवश्यकता नहीं है। यह सभी को मालूम है कि 1 जुलाई 1977 तक उच्च न्यायालयों में कुल 67 जगहें रिक्त थीं। केवल इलाहाबाद हाईकोर्ट में 1 लाख 4 हजार मुकदमे पुराने पड़े हैं। इसके साथ ही साथ सुप्रीम कोर्ट में आर्टिकल 32 के अन्तर्गत 10427 पेटिशन अनिर्णीत हैं जो अभी तक तय नहीं हुई हैं। यह स्थिति है क्योंकि पिछली जो सरकार थी, मेरे साथी बुरा न मानें, उन्होंने केवल यह नहीं किया कि नए जज बढ़ाये, नए जज तो सुप्रीम कोर्ट के बढ़ाए गए दो बार यहां पर इस प्रकार का विधेयक संशोधित करके पेश किया गया परन्तु जितने बढ़ाए गए और जो जगहें थीं, जिनको रिक्त किया जाना चाहिए था उन्हें भी रिक्त नहीं किया गया। इसका क्या कारण है, स्वयं कर्नेटक हाईकोर्ट के चीफ जस्टिस भट्टे साहब ने इस बारे में इल्जाम लगाया है और उन्होंने कहा है :

"His recommendations for filling half the number of posts vacant for the last four years had been turned down by the then Law Minister."

इस स्थिति का आप स्वयं देखें कि हाईकोर्ट के चीफ जस्टिस के द्वारा बार बार सरकार से कहा जाए उसके अनुसार भी, उनकी संस्तुतियों को ध्यान में रखकर जजों की नियुक्ति न की जाए तो उसका कारण क्या था? इस बात की तलाश होती थी कि कौन उनके मन के मुताबिक है, कौन उनके राजनीतिक दर्शन को मानता है और कौन उस वक्त की सरकार के लोगों के प्रति अपनी लायल्टी प्रदर्शित करता है। स्वयं भट्टे साहब ने ही कहा है कि मेरिट नहीं काउन्ट होती थी, पालिटिक्स काउन्ट की जाती थी, जजों की नियुक्ति में। तो जहां न्यायालयों के मुख्य न्यायाधिरूपियों की यह राय हो, इतना ही नहीं, सुप्रीम कोर्ट के बार एसोसिएशन की जो इक्वायरी कमेटी बनी थी उसने जहां और बहुत से आरोप तत्कालीन लामिनिस्टर पर लगाए वहां पर यह भी है जो मैं कोट कर रहा हूँ।

"I charge him with being the foremost in supporting and promoting the policy of Mrs. Gandhi and members of groups close to her, to acquire complete and dictatorial powers for herself over every agency and institution of public life."

इसके नीचे लिखा है—

"He gave several instances to substantiate the charge that Mr. Gokhale acted to destroy the independence of the judiciary for demoralizing it."

15.00 hrs.

तो, मान्यवर, यह स्थिति थी—उस जमाने की न्यायपालिका की। मेरे

साथियों ने कहा है कि जजों की संख्या बढ़ाने से काम नहीं चलेगा—मैं भी उनकी राय को मानता हूँ। अज हम संविधान संशोधन पर वोट करने जा रहे हैं, क्योंकि जो तर्क पिछली सरकार द्वारा दिया गया था, वह यही था कि हम हाई कोर्ट और सुप्रीम कोर्ट के बोझ को हल्का करना चाहते हैं, परन्तु उसके पीछे जो उनका उद्देश्य था, जो नीति थी, जो मंशा थी, उसकी चर्चा इस सदन में काफी हो चुकी है, मैं फिर उसकी चर्चा करके सदन के समय को बर्बाद नहीं करना चाहूँगा। हमने उस को खत्म करने का व्रत लिया था और आज यह सदन अपने वोट द्वारा उस व्रत को पूरा करने जा रहा है, उन पुराने संशोधनों को अस्वीकार करने जा रहा है। लेकिन इसके साथ-साथ हमारी तरफ से प्रस्ताव है कि हम सिविल प्रोसिजर कोड में भी तरमीम करें, कुछ नए रूलज बनाएं, ताकि इतनी बड़ी तादाद में जो मामले अनिर्णीत पड़े रहते हैं, वे शीघ्र निपटायें जा सकें। इतनी बड़ी तादाद में मामलों के अनिर्णीत पड़े रहने से जो उसका मकसद है, जो न्याय आम आदमियों को मिलना चाहिए, वह न्याय लोगों को नहीं मिल पायेगा।

अभी हमारे एक नुजुर्ग साथी—नाथानी साहब ने कहा कि मुझे सूचना मिली है कि कोड आफ इथिक्स जारी किया गया है। उसकी शर्तस्ना या आलोचना हमारे वर्ग की तरफ से हुई है, सदन में भी इसके विरुद्ध भावना पाई गई है, तमाम जजेज और बार एसोसियेशन्ज ने भी इसको डिसएप्रूव किया है और मैं भी आपसे यह निवेदन करूँगा कि आप यदि कोई ऐसी मान्यता तय करें, कोई ऐसे नियम बनायें, तो वे नियम आपसी बातचीत या सलाह मशविरे

से होने चाहिए, क्योंकि मुझे जानकारी है कि एमर्जेंसी के दौरान जिस प्रकार से और हमले न्यायपालिका पर किए गए, उसी प्रकार से यह कोड आफ इथिक्स का हमला भी किया गया था। इसको कानून की शक्ल देने की साजिश थी, सरकारी मसविदा तैयार हो चुका था और जो लोग उस जमाने में सक्रिय थे, आज उस राज के खत्म होने के बाद भी उसी तरह से सक्रिय हैं। वह सभी जानते हैं कि उस संकटकाल की स्थिति में जहां नागरिकों की आजादी की रक्षा करने की बात थी, हमारे मौलिक अधिकारों को सुरक्षित करने की बात थी, उसमें हाई कोर्ट के न्यायाधिपतियों, जजों की तरफ से काफी बहादुरी दिखाई गई, उन्होंने काफी हिम्मत से काम लिया। सुप्रीम कोर्ट में केवल खन्ना साहब को छोड़ कर और कोई मिसाल हमको देखने को नहीं मिलती है। मैं इस समय कोई तुलना कर के अपमान या अवमानना प्रकट नहीं करना चाहता हूँ। लेकिन मैं इस असलियत से भी सदन को अवगत करा देना चाहता हूँ कि आज भी बहुत से ऐसे लोग हैं जो अपनी लायल्टी चेन्ज करने में, शासन के लोगों को खुश करते में बड़े माहिर हैं और यही उनकी तरक्की का राज रहा है। हमारी वर्तमान सरकार को इनसे सचेत रहना चाहिए और देश में जो वातावरण बना है, उसको और ज्यादा बढ़ाना चाहिए। मैं यह मानता हूँ कि जनता सरकार ने वचन दिया था कि न्यायपालिका की जो खोई हुई प्रतिष्ठा हम उसको वापस तो लायेंगे ही, लाये भी हैं, लेकिन इतना ही काफी नहीं है, हमें उस प्रतिष्ठा को और आगे बढ़ाना है, उसके प्रति जनता में विश्वास पैदा करना है। क्योंकि पिछली सरकार का जो सबसे बड़ा अवगुण, दोष या पाप रहा है, जहां

## [श्री बृज भूषण तिवारी]

उसने एक तरफ लोगों के मन में जनतन्त्र के प्रति आस्था खन्म की दी, वहीं उसने न्यायपालिका के प्रति भी जनता की आस्था समाप्त कर दी थी—हमें उस आस्था को फिर से वापस लाना है। न्यायपालिका को स्वतन्त्र रखने के लिए जितने भी कारगर कदम उठाए जा सकते हैं, वे उठाए जायें और साथ ही साथ स्वतन्त्र न्याय की भी व्यवस्था करनी पड़ेगी, क्योंकि आज जो न्यायपालिकायें हैं, इनका न्याय बड़ा महंगा हो गया है। बड़ा हल्ला मचता है कि गरीबों को फिर लीगल एड दी जाएगी। ये ही तर्क देकर हमारे तमाम मौलिक अधिकार छीन लिए गए थे। आज भी मेरे साथी जो 42वें संशोधन की पूरी समाप्ति की बात नहीं करते हैं, वही तर्क देते हैं।

मैं यह भी कहना चाहता हूँ कि आज कोर्ट फीस इतनी बढ़ गई है कि अगर कोई अपने को पापर डेक्लेयर करवाना चाहे तो कोर्ट फीस देने में और दूसरे खर्चों में उसकी आल उतर जाएगी और फिर वह वकील की कहां से पैसे देगा। इसलिए अगर कोई गरीब आदमी मुकदमा लड़ता है, तो उसके लिए केवल मुफ्त में वकील कर दिया, इससे काम नहीं चलेगा। मेरा कहना यह है कि आप कोर्ट फीस कम करें और मुकदमे में जो अनावश्यक खर्च हो जाते हैं उनको भी घटाना पड़ेगा।

इसके साथ ही साथ मैं यह भी कहना चाहता हूँ कि न्यायपालिका का दृष्टिकोण सम्पत्ति के मामले में तो बड़ा उदार रहा है लेकिन नागरिक आजादी के मामले में उसे जितना उदार होना चाहिए था, उतना उदार वह नहीं रही है। आज

जो देश में एक माहौल बना है और एक परिवर्तन आया है, उसमें सम्पत्ति के मुकाबले में नागरिक अधिकारों और मौलिक अधिकारों के लिए भी उदार दृष्टिकोण की आवश्यकता है

इन शब्दों के साथ मैं इस बिल का तहे दिल से समर्थन करता हूँ और उम्मीद करता हूँ कि यह बिल सर्वसम्मति से पारित किया जाएगा।

SHRI JAGANNATH RAO (Berhampur): Mr. Deputy-Speaker, I rise to support this one-clause Bill, which seeks to increase the number of Judges to the Supreme Court. The main reason for bringing forward this Bill appears to be the huge arrears of cases pending in the Supreme Court. It looks as if an increase in the number of Judges would diminish the large accumulation of arrears. That is not so. We are not going to divide the number of arrears by the number of Judges and say that the problem would be solved. This solution will solve only a fringe of the problem.

We have to go into the question as to what gives rise to the large accumulation of arrears. The working of the whole judicial administration and judicial system should be reviewed and revised so that the number of cases pending in the different High Courts and the Supreme Court could be reduced.

While increasing the number of Judges, we should see what are the reasons for the large accumulation. According to me, one reason is that the disposal is not keeping pace with the institution. People have become politically conscious. They are aware of the writ jurisdiction of the High Court and the Supreme Court. So, they approach these courts for the remedial measures, for their grievances. Of course, it is a good sign that people have become politically conscious.

Another reason for the heavy arrears is that every judge would be giving his own judgment. To quote one instance, in the Kesavananda Bharati case, 13 Judges sat on that Bench and each of them wrote a separate judgment. Each judgment contains not less than 100 pages. One judge comes to some conclusion, the other judge comes to the same conclusion for different reasons. They do not agree with the reasons given by the other judges. The result is that we do not know what are the valid reasons to come to that conclusion. Confusion is created in the minds of the lawyers who would like to look into this judgment as to which are the valid reasons in respect of a particular conclusion. Therefore, why could we not follow the practice of the Privy Council, there used to be only one judgment being delivered. The other judges need not even sign. If there is a minority or dissenting judgment, let the leading judge there give his opinion. So, at the most, there should be only two judgments, the majority view and the minority view. The rules of the Supreme Court will have to be revised, if necessary.

Then I would say that specialists in certain lines have to be chosen to the Bench. Take, for instance, income-tax law. It is not as if every judge knows the income-tax law. Some of the judges do not know even how to file their own tax returns, because it has become so complicated, and it is difficult even to understand the income-tax law. It is difficult to understand income-tax law. You should have Judges also who are trained in labour laws and company law. You should see how many income-tax, company law and labour matters are pending. If experts are available, you should appoint them and direct that these cases should go to them.

When this Bill becomes law, why not appoint retired Judges of the Supreme Court as *ad hoc* Judges, as they

have vast experience of the functioning of the Supreme Court, so that the arrears are wiped out? Meanwhile you can devise ways and means of improving the judicial administration for the future.

While you are now increasing the quantity, that is the number of Judges, what about the quality? I do not mean any disrespect to the Judges of the Supreme Court or the High Courts, but it is common knowledge that the quality has gone down from the days of the Federal Court. One reason may be that eminent persons in the legal profession are not attracted by the terms and conditions of service of the Judges. If that be a reason, you should look into that aspect also. Another reason may be that the retirement benefits, the age of retirement etc., are not adequate. After all, everybody is a human being and would like to have the best. As a lawyer, he is able to mint money but once he becomes a Judge, he is completely cut off. These are matters which cannot be looked into in isolation. So, you should have an integrated and over-all look so that the judicial system functions and delays in the administration of justice are eliminated because now even a writ petition takes so much time for disposal.

The present mode of recruitment is perhaps one of the reasons why you are not getting the best talent. According to article 124(2), the President may consult some Judges of the Supreme Court and High Court. Naturally there may be cases where the Chief Justice of a High Court would himself like to go to the Supreme Court. If you ask him his opinion about the other Judges, naturally you will not get his objective opinion.

Then, the supersession of Judges is also not a good thing. You must have correct principle both for the appointment of Judges and their promotion. You have to maintain the independence of the judiciary. Do not think of having committed Judges or for-



[Shri Jagannath Rao]

ward-looking Judges. Every Judge, before entering on his office, has to take an oath of allegiance to the Constitution, that he will uphold the Constitution and the laws. He must agree with the philosophy of the Constitution and not import his own philosophy into his judgments. Nowadays the judgments may be very good, may be masterpieces of English diction. If you go through some of the judgments, we can compare them with nineteenth century English prose. They can serve as good textbooks for literature students in colleges and universities, but with due respect to the Judges I would prefer to look at the judgments delivered ten or twenty years ago. They are more cogent, more simple and brief, and we can call out the principle on which the decision is based. Now we find every Judge speaks of his own philosophy of *dharma*, *karma* and so on. This is the trouble which we are faced with. The frequent reversal of its own judgments by the Supreme Court is so often that now-a-days it is not possible to know what the correct law is.

Having said that, I would request the Government to see that the independence of judiciary is not eroded. I would also request the Government not to appoint retired judges to the commissions or to some other alternative jobs. I know of a Supreme Court judge who after retirement more than 10 or 12 years ago is still serving on some commissions. How can you have independence of judiciary if they have got a hope of getting some post or some job after retirement? You cannot uphold the independence of judiciary.

These are matters which the Government have to look into carefully so that they can review the functioning and the working of the entire judicial system in our country.

There may be another reason as to why the best talent is not forthcoming because where a judge gives a judgment against the Government, he

is being victimised, he is being transferred to another place. In all cases, the Government cannot hope to win. The client may win. But if the Government takes into head to victimise a judge by transferring him from the present High Court to another High Court, to a far off place, because he has delivered a judgment against the Government, this will not go well in favour of the judicial system that we have.

The law Minister said the other day in reply to a question that with regard to the procedure of appointment of judges, the Law Commission has been requested to go into the mode of appointment of judges and to suggest a suitable procedure and methodology. The present practice of consulting the sitting judges of the Supreme Court and the High Courts according to article 124(2) may not be the correct procedure. The qualified persons who deserve to be on the Bench of the Supreme Court may not find a place because they will not get the required recommendation from the concerned Chief Justice. Who may himself be an aspirernt.

These are the matters which should be looked into by the Government in an integrated way to see that we get the best talent who can give justice. When I say, "give justice", when I say that, I mean, justice on whichever side it lies, not necessarily with the Government. Now, 90 per cent of litigation is between the citizen and the State. We have given certain freedoms to the people, the fundamental rights to the people. But the freedoms of the citizen are being curtailed. Therefore, necessarily, the citizen has to go to the court for justice. Who protects the freedom of the citizen, if not the courts? The entire judicial system has to be so geared up that justice is imparted impartially and also quickly. It should be less expensive too.

With these words, I support the Bill.

**श्री कंबर लाल गुप्त :** (दिल्ली सदर)  
उपाध्यक्ष जी, सदन वे: सामने जो विधेयक है,  
मैं उसका समर्थन करने के लिये खड़ा हुआ  
हूँ। यह बात ठीक है कि जजेज की संख्या  
बढ़ाने से जितनी पैंडेंसी है वह कम होगी,  
परन्तु आप कितने भी जजेज की संख्या बढ़ा लें,  
मुकदमों की पैंडेंसी की जो संख्या है वह  
कम होती नजर नहीं आती जब  
तक कि कानून सरल न बनाये जायें ताकि  
लिटिगेशन कम हो, दूसरे जनता में  
इस बात की भावना न पैदा की जाये  
कि हम अपने झगड़े नीचे ही अपने गांव में,  
शहरों में, मोहल्लों में निबटा लें।  
उस के लिये जब तक कोई मशीनरी सरकार  
की तरफ से या गैर-सरकारी न हो तब  
तक यह पैंडेंसी बढ़ती जायेगी, केवल  
जजों की संख्या बढ़ाने से समस्या हल नहीं  
होगी। लेकिन फिर भी आखिर जितने  
जजेज चाहियें आप बढ़ा रहे हैं, मैं उसका  
स्वागत करता हूँ।

आज के जुडिशल सिस्टम पर भी एक  
बार फिर निगाह डालने की जरूरत है,  
उस में कुछ बदल करने की जरूरत है।  
अगर लोगों को सस्ता और जल्दी न्याय  
मिले, तभी तो वास्तव में न्याय होगा।  
इस वक्त सुप्रीम कोर्ट के एक लाइयर की-  
मंत्री महोदय मुझे क्षमा करें — एक  
दिन की वकालत की फीस 1650 रुपये  
होती है। जब मैं ने अपना पेटिशन  
किया, तो पहली बार मुझे ऐसे लोगों के  
साथ वास्ता पड़ा। जब मैं ने उन्हें अपनी  
पेटिशन दिखाई, तो उन्होंने कहा कि  
8,000 रुपये तो इसे पढ़ने के लगेंगे और  
जितने दिन वह केस चलेगा, 1650  
रुपये रोज के हिसाब से लगेगा।

**विधि, न्याय और कम्पनी कार्य मंत्री**  
(श्री शान्ति भूषण) : सस्ते छूट  
गये।

**श्री कंबर लाल गुप्त :** इस पर भी कुछ  
सीलिंग होनी चाहिए, और अच्छा हो कि  
वह सीलिंग श्री शान्ति भूषण लायें।  
अगर मुझे पहले मालूम होता कि इतना पैसा  
खर्च होता है, तो मैं आपको विश्वास  
दिलाता हूँ कि मैं कभी पेटिशन न  
करता। हालांकि सै जीत गया लेकिन  
मैं कहना चाहता हूँ कि केसिज में  
जितना ज्यादा पैसा खर्च होता है, उसे  
देना मध्यम वर्ग के एक साधारण आदमी के  
लिए बहुत मुश्किल हो जाता है।  
और फिर केसिज के डिस्पोजल में कितनी  
देर लगती है इस के बारे में मंत्री महोदय  
काफ़ी एक्सपीरियेंस हैं। उन्हें सोचना  
चाहिए कि केसिज का निपटारा कैसे जल्दी  
हो। उन्हें इस देश को यह विश्वास दिलाना  
चाहिए कि सरकार एक ऐसा जुडिशल सिस्टम  
लायेगी, जिस के अन्तर्गत लोगों को सस्ता  
और जल्दी न्याय मिलेगा।

इस बारे में एक दूसरा एसपेक्ट भी है  
जो सदन के सामने कम आया है।  
हमारे न्यायालयों का उद्देश्य क्या है ?  
जुडिशरी हमारे प्रजातंत्र का पिल्लर है  
और इस लिए उसका काम ठीक ढंग से  
होना चाहिए। इमर्जेंसी के दिनों में जैसे  
समाचारपत्रों और लेजिस्लेचर का टैस्ट  
हुआ, उसी तरह जुडिशरी का भी टैस्ट  
हुआ। मुझे यह कहने में हिचकिचाहट  
नहीं है कि कुछ जजिज ने, विशेषतः हाई  
कोर्ट के कुछ जजिज ने अपना मैटल दिखाया  
वे अटल खड़े रहे इमर्जेंसी के दिनों में भी,  
जो वे समझते थे कि देश समाज और  
जनता के हित में है, उस के अनुसार  
उन्होंने कानून की इंटरप्रेटेशन की।  
मगर ऐसे भी लोग थे, जो केवल पैसमैन नहीं  
रहे, जिन्होंने केवल वो ही नहीं किया,  
जिन्होंने क़ाल ही नहीं किया जो लेट गये।  
मुझे उस का दुख है। मैं किसी का  
अपमान नहीं करना चाहता हूँ,

[श्री कंवर लाज गुप्त]

लेकिन मैं मंत्री महादय के सामने एक जजेंट पढ़ना चाहता हूँ। मैं बताना चाहता हूँ कि एक आर्डिनरी आदमी क्या फ़ील करता है। मैं नाम नहीं लेना चाहता हूँ। इमर्जेंसी के दिनों में एक मशहूर केस में सुप्रीम कोर्ट ने एक जज साहब ने लिखा :

"Attempts were made by some learned Counsel to paint very gloomy pictures of possible consequences if this Court held that no relief was open to petitioners against deprivation of their personal freedoms by executive officers in an emergency of indefinite duration, when a number of cases of serious misuse of their powers by the detaining officers were said to be in evidence. I do not think that it is either responsible advocacy or the performance of any patriotic or public duty to suggest that powers of preventive detention are being misused in the current emergency when our attention could not be drawn to the allegations in a single case even by way of illustration of the alleged misuse instead of drawing upon one's own imagination to conjure up phantoms. In fact, I asked some learned counsel to indicate the alleged facts of any particular case before us to enable us to appreciate how the power of preventive detention had been misused....."

"It seems to me that courts can safely act on the presumption that powers of preventive detention are not being abused. The theory that preventive detention serves a psychotherapeutic purpose may not be correct. But, the Constitutional duty of every Government faced with threats of widespread disorder and chaos to meet it with appropriate steps cannot be denied. And, if one can refer to a matter of common knowledge, appearing from newspaper reports, a number of

detenus arrested last year have already been released. This shows that the whole situation is periodically reviewed. Furthermore, we understand that the care and concern bestowed by the State authorities upon the welfare of detenus who are well housed, well fed and well treated, is almost maternal. Even parents have to take appropriate preventive action against those children who may threaten to burn down the house they live in." who is this Judge? I do not want to name him.

एक और जज साहब हैं सुप्रीम कोर्ट के, वह कहते हैं :

".... I am sure that the current Emergency, justified not only by the rapid improvements due to it in the seriously dislocated national economy and discipline but also by the grave dangers of tomorrow, apparent to those who have the eyes to see them, averted by it, could not possibly provide the occasion for the discharge of such obligations towards the nation or the exercise of such powers, if any, in the courts set up by the Constitution".

मेरे पास बहुत सारा मैटीरियल है मैं ज्यादा समय नहीं लेना चाहता। लेकिन मैं पूछना चाहता हूँ कि क्या ये कोर्ट्स बिल्कुल टच भी नाट हैं? क्या ये कोर्ट्स आइवरी टावर में बैठ कर काम करेंगी? जनता किधर जा रही है देश किधर जा रहा है, समाज किधर जा रहा है, उस की भावनाओं को ये व्यक्त नहीं करेंगी? क्या ये अदालतें जनता के लिए रेस्पांसिबल नहीं हैं, यह मेरा सवाल है। हम उन की इज्जत करते हैं, उनका आदर, उन का सत्कार करते हैं। जो वह वर्डिक्ट देंगी उस के सामने सिर झुकाएंगे लेकिन क्या

वे जनता की भावनाओं की कद्र नहीं करेंगी ? मेरा कहना यह है कि इंदिरा जी ने ताना-शाही लायी, लेकिन उस तानाशाही को मजबूत बनाने का काम कुछ मात्रा में सुप्रीम कोर्ट ने जजों ने भी किया है। इस बात से इन्कार नहीं किया जा सकता क्योंकि उन्होंने ऐसे फैसले दिए हैं। मैं पेशा और पेश हुआ। मेरा एक लाइवर फ़ैसले मेरे लिए पेश हुआ, शाम को उसके लिए मिसा का वारंट हो गया। वह तो पेश गया। अब और कोई पेश होने वाला नहीं। मैं ने केवल कंडीशन आफ डिटेंशन का ऊपर रिट की थी तो कहने लगे कि यह रिट लाइ नहीं करती, आप को कोई अधिकार ही नहीं है। तो मैं ने कहा—

I am supposed to be in jail under MISA. Suppose they put me in a room in the jail where there are four cobras in the four corners and I appear before your lordship, will you intervene in it or not?

He says: No, we do not intervene.

फिर मैं ने उन से कहा कि अगर मुझे एक आउंस खाने के लिये दिया जाय और कुछ भी न दिया जाय और मैं आप के पास जाता हूँ कि मुझे पेट भरने के लिए तो दिलवाइए तो आप क्या करेंगे ? कहने लगे कि नहीं आप को कोई अधिकार नहीं है। कंडीशन आफ डिटेंशन, रांगफुल आइ-डेंटिटी, मैलाफाइडी डिटेंशन, इन के लिए भी एमर्जेंसी में कोई जगह नहीं थी। कोई इस पर रिट पेटिशन या ट्रेबियम कार्पस कुछ नहीं हो सकता। ऐसे भी केसेज आए हैं एमर्जेंसी के दिनों में, मेरे साथ स्वयं यह बीता है, मैं ने ट्रेबियस कार्पस पेटिशन और रिट पेटिशन जिस दिन जेल में थारटिज को दी उस के तीन महीने के बाद फिर वह हाई कोर्ट में लगी और मैंने कई बार लिखा, लेकिन कोई सुनने वाला नहीं था। जब हाई कोर्ट के सामने मैं ने शिकायत की कि तीन महीने लगे हैं रिट पेटिशन आप

के पास आने में जब कि रिट पेटिशन तो पांच दिन आ जानो चाहिए तो जजेज हंस रहे, कुछ बोले नहीं। क्या यह मजबूरी है ? मैं चाहता हूँ कि जजेज ऐसे होने चाहिए जो तूफान के सामने भी अडिग रहें क्योंकि रूलर्स हमेशा ताकत को हेंटेड करना चाहते हैं, ताकत को मिसयूज करना चाहते हैं वह चाहे ऊपर के हों या नीचे हों या मैं हूँ, लेकिन इन जजेज पे इन अपेक्षा करते हैं कि वे रूलिंग क्लास के आगे हाथ जोड़ कर न खड़े हों कि आगे जाकर रिटायरमेंट के बाद उन्हें कमिशन मिल जायगा। मेहरबानी करके यह कमिशन अगर हो सके तो रिटायर्ड जजों को मत दीजिए। इस से बहुत करप्शन है। मैं चाहता हूँ कि वे खड़े रहें तूफान के सामने और मैं समझता हूँ कि यह एक प्रोफेशनल मिस कांडिक्ट होगा किसी भी जज के लिए। जैसे अगर मैं वकालत करता हूँ और मैं किसी दूसरे के साथ मिल जाता हूँ तो य प्रोफेशनल मिस-कांडिक्ट है। जजेज के लिए भी प्रोफेशनल मिस-कांडिक्ट होगा अगर वे समय की पुकार, जनता की आवाज और प्रजातन्त्र के हित की रक्षा नहीं करते हैं और केवल अपना स्वार्थ चाहते हैं। हमारे साथी ने कोड आफ कांडिक्ट के बारे में कुछ कहा। मैं नहीं कहता कि कोड आफ कांडिक्ट जबर्दस्ती लाद दिया जाए सरकार लादे या सुप्रीम कोर्ट लादे, म्यूचुअली होना चाहिए लेकिन कोड आफ कांडिक्ट होना जरूर चाहिए। आखिर मिनिस्टर्स के लिए कोड आफ कांडिक्ट है और दूसरों के लिए है। मेरा थोड़ा सा एम्प्लोरियन्स हुआ है और मैंने देखा है कि एमर्जेंसी के दिनों में कुछ जजेज बहुत बुरे उतरे हैं, कुछ को हालत इतनी खराब थी कि मैं कह नहीं सकता, उनकी हालत इतनी खराब थी कि वे हाथ बांधे खड़े थे कि किसो तरह से हमें चौक जस्टिस

[श्री कंवर लाल गुप्त]

बना दो और किसी की अगर गर्दन कटवानी हो तो कटवा लो। इस तरह के जो जजेज हैं उनको मैं बताना चाहता हूँ कि हवा के साथ रहना ठीक नहीं है क्योंकि आप सोसायटी के लिए रेस्पॉसिबल हैं। सबसे बड़ी कोर्ट तो सुप्रीम कोर्ट है लेकिन जनता की कोर्ट उससे भी बड़ी है जिसके प्रति आप भी, मैं भी और जजेज भी जिम्मेवार हैं।

अन्त में मैं इस विधेयक का समर्थन करते हुए सांग करता हूँ कि ऐसे लोगों को एम्पाटमेंट मिलनी चाहिए जोकि जुड़ी-शियल व्यू लेकर चलें न कि हवा के रुख के साथ चलें। मैं भी रूलिंग पार्टी का सदस्य हूँ लेकिन मैं चाहता हूँ कि जजेज देश के निर्माण के लिए, देश के प्रजातन्त्र के लिए ऐसी परम्परायें डालें, इस प्रकार से अपने इन्टरप्रिटेशन दें जिससे जमहूरियत और प्रजातन्त्र और ज्यादा गहराई में जाएं उन कि उस पर कुटाराघात हो। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

15.32 hrs.

# PAPERS LAID ON THE TABLE— Contd.

MR. DEPUTY-SPEAKER: Mr. Bahuguna wants to intervene.

THE MINISTER FOR PETROLEUM AND CHEMICALS AND FERTILISERS (SHRI H. N. BAHUGUNA): I must express my sincere regrets for not being here when I was called to lay the papers. I was under the impression that the papers would be laid after the Bill was processed. Meanwhile some changes took place. Therefore, I must beg your pardon for not being present here when my name was called.

SHRI SOMNATH CHATTERJEE (Jadavpur): You are excused.

OIL INDUSTRY (DEVELOPMENT) AMENDMENT RULES, 1977, ANNUAL REPORT AND REVIEW OF OIL INDUSTRY DEVELOPMENT BOARD, NEW DELHI WITH AUDITED ACCOUNTS FOR 1976-77.

SHRI H. N. BAHUGUNA: I beg to lay on the Table—

(1) A copy of the Oil Industry (Development) Amendment Rules, 1977 (Hindi and English versions) published in Notification No. G.S.R. 742(E) in Gazette of India dated the 13th December, 1977, under sub-section (3) of section 31 of the Oil Industry (Development) Act, 1974. [Placed in Library. See No. LT-1408/77].

(2) (i) A copy of the Annual Report together with the Audited Accounts (Hindi and English versions) of the Oil Industry Development Board, New Delhi, for the Year 1976-77, under sub-section (4) of section 20 of the Oil Industry Development Act, 1974 read with rule 29 (2) (e) of the Oil Industry Development Rules, 1975.

(ii) A copy of the Review (Hindi and English versions) by the Government on the above Report. [Placed in Library. See No. LT-1409/77].

Annual Report and Review of Oil and Natural Gas Commission for 1976-77, Reviews and Annual Reports of Hindustan Organic Chemicals Ltd., Rasayani, Indian Oil Corporation Ltd. Bombay, and Engineers India Ltd., New Delhi for 1976-77 with Audit Reports.

SHRI H. N. BAHUGUNA: On behalf of Shri Janeshwar Mishra, I beg to lay on the Table:

(1) (i) A copy of the Annual Report together with the Audited Accounts (Hindi and English versions) of the Oil and Natural Gas Commission for the year 1976-77 and of its subsidiary company Hydrocarbons India Limited, New Delhi for the year 1976, under sub-

section (3) of Section 23 read with sub-section (4) of section 22 of the Oil and Natural Gas Commission Act, 1959.

(ii) Review (Hindi and English versions) by the Government on the above Reports. [Placed in Library. See No. LT-1412/77].

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

(a) (i) Review by the Government on the working of the Hindustan Organic Chemicals Limited, Rasayani, for the year 1976-77.

(ii) Annual Report of the Hindustan Organic Chemicals Limited, Rasayani, for the year 1976-77 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-1413/77].

(b) (i) Review by the Government on the working of the Indian Oil Corporation Limited, Bombay, for the year 1976-77.

(ii) Annual Report of the Indian Oil Corporation Limited, Bombay, for the Year 1976-77 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-1414/77].

(c) (i) Review by the Government on the working of the Engineers India Limited, New Delhi, for the year 1976-77.

(ii) Annual Report of the Engineers India Limited, New Delhi, for the year 1976-77 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-1415/77].

15.34 hrs.

SUPREME COURT (NUMBER OF JUDGES) AMENDMENT BILL—  
*Contd.*

SHRI SHYAMNANDAN MISHRA (Begusarai): I support this Bill. One does not require to adduce any additional reasons to establish the justification for this Bill. Considering the huge arrears before the Supreme Court one can say that the Bill has not come a day too soon. In fact, it has been inordinately delayed, but the delay cannot be faulted on the present Government. The responsibility for it has to be borne by the previous government.

I must say right in the beginning that I did not have any intention of intervening in this debate earlier but, my hon'ble friend, Mr. Alagesan is reported to have referred to my views on the proposed code of ethics for the High Court Judges and I have to reply to him. It sounds to me somewhat strange that the proposed code of ethics should relate only to the High Court Judges and that it should not relate to the Supreme Court Judges as well. Whatever information I have in my possession gives me the impression that the code of ethics was intended only for the High Court Judges. But even if it were universal, I would not reconcile myself to the view that the Judges require any Code of Ethics for them to repeat, even if it were meant for the Supreme Court Judges also.

15.36 hrs.

[DR. SUSHILA NAYAR in the Chair]

I can very well understand my friends anxiety to contradict my views on the subject. He is bound to reflect the spirit of Emergency. To this I cannot reconcile in any case and this does reflect the spirit of the emergency when you seek to prescribe a code of ethics for the various sections of the community.

[Shri Shyamnandan Mishra]

What are the reasons behind my opposition to the code of ethics? One of the reasons that made me to make a statement on the subject earlier is that the Government seems to be creating an impression that they had absolutely nothing to do with the proposed code of ethics. What the communication from the Chief Justice of India said was that the Government was too keen to strengthen their hands in this matter and even a legislation on the subject was contemplated. So I want the Government to be given an opportunity to contradict this view. The Government must at the earliest opportunity come forward and say, that whatever the Chief Justice had said was not correct. It was for that reason that I had come before the House earlier to make a fuller statement on the subject.

I was telling you the reasons behind my opposition. The basic reason plainly is that I do not want that the judge should function in an atmosphere of surveillance, that they should be looking over their shoulders and that they have to get certificates of good conduct periodically even if they be from their fellow judges.

After all, these Judges are appointed by the President of India on the criteria of highest ability and distinction. Further, they subscribe to the oath prescribed by the Constitution. This oath, with a remarkable brevity, wants the judges to behave most scrupulously and conscientiously. And one would expect that judges would certainly adhere to their oath as consciously as we members of Parliament adhere to oath of allegiance to the Constitution. It would be a reflection on the choice of the President if a code of ethics in the form of another criterion is sought to be added to whatever criteria are laid down in the constitution. The President certainly exercises his function in the best of manner. Also, there is a particular procedure for removing

the judges. That procedure is prescribed in the constitution.

With all these safeguards I do not think there is any necessity at all for proceeding with the formulation of a code of ethics. To my mind it borders on the ridiculous when the judges are asked to give an undertaking not to drink either in the public or in the private except on medical grounds. Let it be quite clear that I am a very ardent supporter of the policy of prohibition. If there is a policy of prohibition adopted by the country, the judges, who are there to enforce laws, would be the first to abide by such a policy.

So, this I find to be somewhat strange, that such a proposition should have been mooted in this country and prescribed particularly for the judges of the High Courts. I say this it may not sound well but I do so in all humility that if you apply this, it must be equally applied to the judges of the Supreme Court. Moreover, it is the judges of the High Court who have stood the test during the period of emergency. Excepting for one judge of the Supreme Court who delivered a dissenting judgment in the *habeas corpus* case in 1975-76 and who ultimately, was suspended it was the judges of the High Court who bore the brunt of the Emergency. Therefore, I submit that it is their example which should be emulated by others. That should not be in the manner in which the communication from the Chief Justice of India has been sought to do. So, these were the reasons, because of which, I had expressed myself very strongly against formulating any proposal for taking an undertaking from the judges of the High Court.

I am also amused to learn that even before the idea was finalised on this subject, judges are being required to give an undertaking. I would like the hon. Law Minister to throw some light on this whether he had already agreed to the proposition that the new

appointees should give an undertaking in the manner in which the Code of Ethics proposed by the Chief Justice of India seeks to do. I was told that the newly appointed judges in the High Court of Bombay, were required to subscribe to such a code of ethics and to give an undertaking.

**SHRI SOMNATH CHATTERJEE** (Jadavpur): Whether the hon. Member will recommend applying the same to a judge of the High Court or the Supreme Court only to the future judges or to the existing ones also?

**SHRI SHYAMNANDAN MISHRA**: Why should you ask this question? I now come to my third point. Now that, the number of judges in the Supreme Court is going to be increased—I agree with the proposal to increase the number—I would like Government to set up some norms for the appointment of judges so that there is no scope for any doubts or misgivings in the matter. The Government must understand that there has been some criticism about a certain appointment made recently. The Government may be satisfied with reasons for making the appointment—I have nothing to say on this point and I have no particular instance in view at the present moment. What I am trying to say is that the Government must lay down certain norms for the appointment of the judges.

Government may say that there can be no hard and fast rules so far as the appointment of the judges is concerned. But I would not agree with the Government if it takes a view like this. There is already a constitutional provision so far as the appointment of the judges to the Supreme Court is concerned and that particular provision is contained in Art. 124. In my humble opinion, that Article must be strictly and scrupulously adhered to. What are the requirements of Art. 124? The first requirement is

that there must be consultation in the matter.

I will come to this later—consultation with whom? First we have to be clear that there must be consultation in the matter between the President of India and some judges as indicated in Article 124. Now, whether such a consultation is actually held or not; that will have to be established. I do not think that a mere communication from the Chief Justice of India to the President of India constitutes a consultation? 'Consultation' must have certain attributes. There must be a full consultation, and exchange of views and the Government must be in a position to establish that there has in fact been such consultations and exchange of views. Are you able to do that? Then the advice of the Chief Justice of India should not be considered to be binding on the President. Dr. Ambedkar had made it absolutely clear in the Constitutional Assembly that there could be no question of the advice of the Chief Justice of India being made binding on the President. And that is for a perfectly understandable reasons. But there must be consultation. I have still to know from the government whether in fact the government is holding consultations in terms of article 124.

Article 124 also requires that consultations would be with the Chief Justice of India and with the Judges of the Supreme Court and the judges in the states as the President deems fit. There must be consultations with these three. Whereas consultation with the Chief justice is clearly obligatory, it is maintained by the government that consultation with others is not so. My humble submission is that consultation is obligatory; acceptance of the advice may not be obligatory. However in terms of article 124, government can take the view that it is only consultation with the Chief Justice of India which is



[Shri Shyamnandan Mishra]

obligatory. I mean in terms of the wording of the Article. But I like my government—I have passionate loyalty to this government—to tell me, whether they would not like to adhere to article 124 in holding consultations with the judges in the High Courts also. What is the difficulty in the way of the government adhering to the letter and spirit of article 124? Article 124 enjoining in a way—it may not be obligatory as Government holds,—but it requires consultation with the judges in the States. Would it not make for better choice if there is consultation with judges of the High Courts also? If there is such a provision in article 124, there must be some rationale behind it. Otherwise the founding fathers would not have included it in the Constitution. To my mind, there should be consultations with the Judges in the High Courts also.

So far as consultation with the judges in the Supreme Court is concerned, I found that in the case which was referred to by my hon. friend Alagesan, there was consultation with the same Judges who were consulted by the Chief Justice of India. I think such a consultation was clearly redundant. If the Chief Justice of India had consulted two judges and the same two judges were also consulted by the government, then in my humble opinion the spirit of article 124 was not adhered to. There must be wider consultations and then alone the President can be enabled to make a choice in the best manner possible. Here also I would enter a caveat that when consultations take place with the judges, details of the consultation must not be revealed to the wide world. In the case of the appointment of a judge recently I was surprised to find that the details of consultation with the Supreme Court were made public. May be there were some pressures on the government to reveal the contents of consultation. But whatever the pressures, the government my submission is that the government should

not make public the details of consultation. Otherwise, nobody would ever give free and frank advice to the government in regard to these matters.

The third condition also must be made very clear. You would recall that often it is said by the government—it was said in the past also—that seniority cannot be the sole criterion in this matter. I wholly agree with this proposition; nobody in his senses would suggest that seniority should be the sole basis for appointment. But my submission is that seniority does constitute a plus point; everything being equal the seniormost must be selected. This must be made absolutely clear by the government, that if we have got a number of able judges, the seniormost among them would be selected. Therefore, let there not be a sweeping statement from the government. That seniority cannot be the criterion, we would all agree, but we would also like to see that seniority is given due weight.

Then, how to proceed about this in a proper way? To my mind, Government must have a list of judges from the various High Courts who are considered to be suitable for appointment to the Bench. It cannot be the government's contention that—there is only one suitable person out of 370. But if there are a number of judges who come in the category of able judges, then the seniormost of them should be selected.

I have tried to lay down a few elements of the norms that can be set up for the appointment of judges. Since the Supreme Court is being expanded, I have no doubt that the government would bear in mind this point. The government may like to consult the Law Commission also in the matter, and then come before the House with some norms. These norms alone will ensure that there is no scope for any doubts or misgivings in the future.

MR. CHAIRMAN: There are 6 or 7 minutes left to 4 o'clock, when there will be voting. After the voting, the Law Minister will reply.

SHRI VASANT SATHE (Akola): Please give me five minutes.

PROF. P. G. MAVALANKAR (Gandhinagar): I have given my name last week and this week also. Kindly give me 5 minutes.

15.53 hrs.

[MR. SPEAKER in the Chair.]

SHRI VASANT SATHE: Sir, when you want to extend the number of judges in the Supreme Court, it is a welcome measure. Frankly, I feel increasing the number by three will not be enough, because with the increasing commissions, you will be needing more and more judges for working as commissions and again we will be where we are, with the arrears in the Supreme Court continuing to pile up. The other day a labour matter which has been going on for 17 years came up in the Supreme Court after it was given priority after 7 years! If this is what happens to a matter which is given priority, you can imagine what must be happening to matters coming up in the normal course. Therefore, you must have even more judges. In this matter, you must not be miserly.

So much was said about committed judiciary, judicial independence being curbed, and so on. But the first thing that this government has done after coming into power was to promote a man to the Supreme Court overthrowing all norms. It may be supersession. When Mr. Desai was promoted, the Supreme Court Bar Association boycotted his oath-taking. The High Court Bar Association boycotted. Not only that: all the courts observed a black day in Gujarat and have passed a resolution saying that hereafter in Gujarat, if either this

Judge or another judge from the Supreme Court or the Minister of Law came to that State, they would not only boycott any reception given to him, but that they will not also give him any reception. (*Interruptions*) I do not mean anything personal against him. What I am saying is that by superseding other judges, reflection will be cast and has been cast on other judges. The only main reason for elevating this hon. Judge is stated to be the fact that he happens to be the nephew of the Prime Minister. (*Interruptions*) Let this be contradicted. Let Morarjibhai say that it is not so. He has stated in his autobiography that his father happens to be his 'Mama'. Eight or ten years back, this gentleman was promoted to the High Court by making out a special cadre for judges; and there also he superseded 2 or 3 people. This has been the story of this particular Judge. Does not this smack of nepotism or favouritism and curbing of the independence of the Judiciary? My charge is that all this is being done so as to make a berth available for one of the judges of the Supreme Court, superseding the senior-most judge Mr. Chandrachud, who is due to become the Chief Justice. Therefore, if this fear is true, then it will be the most dangerous thing. Kindly, therefore, see to it that at least you don't have a practice of bringing in judges who will not enjoy or inspire confidence in the Bar and in the country as a whole. This is the warning. They already have brought\*\*\*\*

MR. SPEAKER: Please don't record.

SHRI VASANT SATHE: That is what I have to say.

\*\*\*\*Not recorded.

16 hrs.

**CONSTITUTION (FORTY-FOURTH AMENDMENT) BILL—Contd.**

**MR. SPEAKER:** Before I put the motion that the Bill, as amended, be passed to the vote of the House, I have to say that this being a Constitution Amendment Bill, voting has to be by division. Let the lobbies be cleared.

The lobbies have been cleared. Attention of Members has been invited to the following extract from the Handbook of Members regarding automatic voting in Parliament.

**AN HON. MEMBER:** Sir, we all know that.

**MR. SPEAKER:** All right. The question is:

"That the Bill further to amend the Constitution of India, as amended, be passed"

*The Lok Sabha divided:*

**Division No. 13 AYES 16.06 hrs.**

Agrawal, Shri Satish  
Ahmed Hussain, Shri  
Ahuja, Shri Subash  
Alagesan, Shri O. V.  
Alhaj, Shri M. A. Hannan  
Alluri, Shri Subhash Chandra Bose  
Amat, Shri D.  
Ananthan, Shri Kumari  
Arif Beg, Shri  
Arunachalam, Shri V.  
Bahuguna, Shri H. N.  
Bahuguna, Shrimati Kamala  
Balak Ram, Shri  
Balakrishniah, Shri T.  
Balbir Singh, Chowdhry  
Baldev Prakash, Dr.  
Banatwalla, Shri G. M.

Barakataki, Shrimati Renuka Devi  
Barnala, Shri Surjit Singh  
Barua, Shri Bedabrata  
Basu, Shri Chitta  
Bateshwar Hemram, Shri  
Berwa, Shri Ram Kanwar  
Bhagat Ram, Shri  
Bhanwar, Shri Bhagirath  
Bharat Bhushan, Shri  
Bhattacharya, Shri Dinen  
Bhattacharyya, Shri Shyamaprasanna  
Birendra Prasad, Shri  
Boddepalli, Shri Rajagopala Rao  
Borole, Shri Yashwant  
Bosu, Shri Jyotirmoy  
Brahm Perakash, Chaudhury  
Burande, Shri Gangadhar Appa  
Chakravarty, Prof. Dilip  
Chand Ram, Shri  
Chandan Singh, Shri  
Chandra Shekhar, Shri  
Chandra Shekhar Singh, Shri  
Chandra Pal Singh, Shri  
Chandrappan, Shri C. K.  
Chandravati, Shrimati  
Charan Singh, Shri  
Chatterjee, Shri Somnath  
Chaturbhuj, Shri  
Chaturvedi, Shri Shambhu Nath  
Chaudhary, Shri Motibhai R.  
Chaudhry, Shri Ishwar  
Chaudhuri, Shri Tridib  
Chaudhury, Shri Rudra Sen  
Chauhan, Shri Bega Ram  
Chauhan, Shri Nawab Singh  
Chavan, Shri Yeshwantrao  
Chavda, Shri K. S.  
Chhetri, Shri Chhatra Bahadur  
Chikkalingiah, Shri K.  
Choudhury, Shrimati Rashida Haque  
Chowhan, Shri Bharat Singh  
Chunder, Dr. Pratap Chandra  
Dandavate, Prof. Madhu

Danwe, Shri Pundalik Hari  
 Das, Shri S. S.  
 Dasgupta, Shri K. N.  
 Dave, Shri Anant  
 Dawan, Shri Raj Krishna  
 Deo, Shri V. Kishore Chandra S.  
 Desai, Shri Hitendra  
 Desai, Shri Morarji  
 Deshmukh, Shri Nanaji  
 Deshmukh, Shri Ram Prasad  
 Deshmukh, Shri Sheshrao  
 Dhandayuthapani, Shri V.  
 Dhara, Shri Sushil Kumar  
 Dharia, Shri Mohan  
 Dhillon, Shri Iqbal Singh  
 Dhondge, Shri Keshavrao  
 Dhurve, Shri Shyamlal  
 Digvijoy Narain Singh. Shri  
 Durga Chand, Shri  
 Dutt, Shri Asoke Krishna  
 Engti, Shri Biren  
 Fazlur Rehman, Shri  
 Fernandes, Shri George  
 Gamit, Shri Chhitubhai  
 Ganga Bhakt Singh, Shri  
 Ganga Singh, Shri  
 Gattani, Shri R. D.  
 Girjanandan Singh, Shri  
 Godara, Ch. Hari Ram Makkasar  
 Gomango, Shri Giridhar  
 Gopal, Shri K.  
 Gore, Shrimati Mrinal  
 Gotkhinde, Shri Annasaheb  
 Govindjiwala, Shri Parmanand  
 Gowda, Shri S. Nanjesha  
 Goyal, Shri Krishna Kumar  
 Gupta, Shri Kanwar Lal  
 Hande, Shri V. G.  
 Haren, Bhumij, Shri  
 Harikesh Bahadur, Shri  
 Heera Bhai, Shri  
 Inder Singh, Shri  
 Jagjivan Ram, Shri

Jain, Shri Kalyan  
 Jain, Shri Nirmal Chandra  
 Jaiswal, Shri Anant Ram  
 Jethmalani, Shri Ram  
 Jeyalakshmi, Shrimati V.  
 Joshi, Dr. Murli Manohar  
 Kachwai, Shri Hukam Chand  
 Kailash Prakash, Shri  
 Kakade, Shri Sambhajirao  
 Kamakshaiah, Shri D.  
 Kamble, Shri B. C.  
 Kapoor, Shri L. L.  
 Kar, Shri Sarat  
 Karan Singh, Dr.  
 Kasar, Shri Amrut  
 Kaushik, Shri Purushottam  
 Kesharwani, Shri N. P.  
 Khan, Shri Ghulam Mohammad  
 Khan, Shri Ismail Hossain  
 Khan, Shri Kunwar Mahmud Ali  
 Khan, Shri Mahmood Hasan  
 Khan, Shri Mohd. Shamsul Hasan  
 Kolanthaivelu, Shri R.  
 Kosalram, Shri K. T.  
 Krishan Kant, Shri  
 Krishnappa, Shri M. V.  
 Kureel, Shri R. L.  
 Lal, Shri S. S.  
 Lalu Prasad, Shri  
 Laskar, Shri Nihar  
 Limaye, Shri Madhu  
 Mahala, Shri K. L.  
 Mahale, Shri Hari Shankar  
 Mahata, Shri C. R.  
 Mahi Lal, Shri  
 Malhotra, Shri Vijay Kumar  
 Malik, Shri Mukhtiar Singh  
 Mallick, Shri Rama Chandra  
 Mandal, Shri Dhanik Lal  
 Mandal, Shri Mukunda  
 Mangal Deo, Shri  
 Mathur, Shri Jagdish Prasad  
 Mavalankar, Prof. P. G.

Mayathevar, Shri K.  
 Meduri Shri Nageswara Rao.  
 Mehta, Shri Prasannbhai  
 Mhalgi, Shri R. K.  
 Mirdha, Shri Nathu Ram  
 Miri, Shri Govind Ram  
 Mishra, Shri Shyamnandan  
 Modak, Shri Bijoy  
 Mohanarangam, Shri Ragavalu  
 Mohd. Hayaṭ Ali, Shri  
 Mukherjee, Shri Samar  
 Munda, Shri Karia  
 Murahari, Shri Godey  
 Murmu, Father Anthony  
 Murthy, Shri Kusuma Krishna  
 Murugaiyan, Shri S. G.  
 Nihar, Shri Bijoy Singh  
 Nabata, Shri Amrit  
 Nair, Shri M. N. Govindan  
 Narendra Singh, Shri  
 Nathuni Ram, Shri  
 Nathwani, Shri Narendra P.  
 Nayak, Shri Laxmi Narain  
 Nayar, Dr. Sushila  
 Pajanor, Shri A. Bala  
 Pandey, Shri Ambika Prasad  
 Pandeya, Dr. Laxminarayan  
 Paraste, Shri Dalpat Singh  
 Parmai Lal, Shri  
 Parmar, Shri Natwarlal B.  
 Patel, Shri Ahmed M.  
 Patel, Shri Dharmasinhbhai  
 Patel, Shri H. M.  
 Patel, Km. Maniben Valahbhai  
 Patel, Shri Nanubhai N.  
 Patidar, Shri Rameshwar  
 Patil, Shri Chandrakant  
 Patil, Shri S. D.  
 Patnaik, Shri Biju  
 Patwary, Shri H. L.  
 Phirangi Prasad, Shri  
 Pipil, Shri Mohan Lal  
 Pradhan, Shri Amar Roy

Pradhan, Shri Gananath  
 Pradhan, Shri Pabitra Mohan  
 Pradhani, Shri K.  
 Qureshi, Shri Mohd. Shafi  
 Raghavendra Singh, Shri  
 Raghavji, Shri  
 Raghu Ramaiah, Shri K.  
 Rahi, Shri Ram Lal  
 Rai, Shri Gauri Shankar  
 Rai, Shri Narmada Prasad  
 Raj Keshar Singh, Shri  
 Raj Narain, Shri  
 Rakesh, Shri R. N.  
 Ram, Shri R. D.  
 Ram Charan, Shri  
 Ram Gopal Singh, Chaudhury  
 Ram Kinkar, Shri  
 Ram Kishan, Shri  
 Ram Murti, Shri  
 Ram Sagar, Shri  
 Ramachandran, Shri P.  
 Ramdas Singh, Shri  
 Ramapati Singh, Shri  
 Ramji Singh, Dr.  
 Rangnekar, Shrimati Ahilya P.  
 Ranjit Singh, Shri  
 Rao, Shrimati B. Radhabai Ananda  
 Rao, Shri J. Rameshwar  
 Rao, Shri Jagannath  
 Rao, Shri M. S. Sanjeevi  
 Rathor, Dr. Bhagwan Dass  
 Ravi, Shri Vayalar  
 Ravindra Pratap Singh, Shri  
 Reddi, Shri G. S.  
 Reddy, Shri K. Vijaya Bhaskara  
 Rodrigues, Shri Rudolph  
 Roy, Shri A. K.  
 Roy, Dr. Saradish  
 Roy, Shri Saugata  
 Saeed Murtaza, Shri  
 Saha, Shri A. K.  
 Saha, Shri Gadadhar  
 Sahoo, Shri Ainthu

Sai, Shri Larang

Sai, Shri Narhari Prasad Sukhdeo  
Samantasinhera, Shri Padmacharan

Saran, Shri Daulat Ram

Sarkar, Shri S. K.

Satpathy, Shri Devendra

Sathe, Shri Vasant

Satya Deo Singh, Shri

Sayian Wala, Shri Mohinder Singh

Sen, Shri Prafulla Chandra

Seyid Muhammad, Dr. V. A.

Shah, Shri D. P.

Shah, Shri Surath Bahadur

, Shaiza, Shrimati Rano M.

Shakya, Shri Daya Ram

Shakya, Dr. Mahadeepak Singh

Shanti Devi, Shrimati

Sharma, Shri Jagannath

Sharma, Shri Rajendra Kumar

Shastri, Shri Bhanu Kumar

Shastri, Shri Ram Dhari

Shastri, Shri Y. P.

Shejwalkar, Shri N. K.

Sheo Narain, Shri

Sher Singh, Prof.

Sheth, Shri Vinodbhai B.

Shinde, Shri Annasaheb P.

Shiv Sampati Ram, Shri

Shrangare, Shri T. S.

Shrikrishna Singh, Shri

Shukla, Shri Madan Lal

Sikander Bakht, Shri

Singh, Dr. B. N.

Sinha, Shri C. M.

Sinha, Shri H. L. P.

Sinha, Shri Purna

Sinha, Shri Satyendra Narayan

Somani, Shri Roop Lal

Somani, Shri S. S.

Somasundaram, Shri S. D.

Stephen, Shri C. M.

Subramaniam, Shri C.

Sukhendra Singh, Shri

Suman, Shri Ramji Lal

Suman, Shri Surendra Jha

Sunna Sahib, Shri A.

Suraj Bhan, Shri

Surendra Bikram, Shri

Suryanarayana, Shri K.

Swamy, Shri Sidrameshwara

Swamy, Dr. Subramaniam

Swatantra, Shri Jagannath Prasad

Talwandi, Shri Jagdev Singh

Tek Pratap Singh, Shri

Thorat, Shri Bhausaheb

Tirkey, Shri Pius

Tiwari, Shri Brij Bhushan

Tiwary, Shri D. N.

Tiwary, Shri Madan

Tiwary, Shri Ramanand

Tripathi, Shri Ram Prakash

Tur, Shri Mohan Singh

Tyagi, Shri Om Prakash

Ugrasen, Shri

Vaghela, Shri Shankersinhji

Vajpayee, Shri Atal Bihari

Varma, Shri Ravindra

Vasisht, Shri Dharma Vir

Venkataraman, Shri R.

Verma, Shri Brijlal

Verma, Shri Chandradeo Prasad

Verma, Shri Hargovind

Verma, Shri Mritunjay Prasad

Verma, Shri Phool Chand

Verma, Shri R. L. P.

Verma, Shri Sukhdeo Prasad

Yadav, Shri Gyaneshwar Prasad

Yadav, Shri Jagdambi Prasad

Yadav, Shri Narsingh

Yadav, Shri Ramji Lal

Yadav, Shri Sharad

Yadav, Shri Vinayak Prasad

Yadava, Shri Roop Nath Singh

Yadvendra Dutt, Shri

Yuvraj, Shri

## NOES

Ramamurthy, Shri K.

MR. SPEAKER: Subject to any minor correction that may be made, the result\* of the division is: Ayes: 318; Noes: 1.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. The Bill, as amended, is passed by the requisite majority in accordance with the provisions of article 368 of the Constitution.

*The motion was adopted.*

16.10 hrs.

SUPREME COURT (NUMBER OF  
JUDGES AMENDMENT) BILL—  
contd.

MR. SPEAKER: We now take up further consideration of the Supreme Court (Number of Judges) Amendment Bill. The hon. Minister.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Mr. Speaker, Sir, I am again very grateful to all the hon. Members of this House for the second time who have given me whole-hearted support on the provisions of this Bill.

A few points have been raised in the debate by the hon. Members which I would like to deal with in my reply. First of all, the hon. Member, Shri Somnath Chatterjee, raised a point as to why the Supreme Court should not sit in separate Benches. He raised a question that justice is very expensive in this country, the distances are long and the question of the Supreme Court Benches sitting in different parts of the country needs examination. So far as the question of the Supreme Court sitting in Benches is concerned deeply appreciate

the sentiments behind the suggestion because in this country which is a poor country and which is also a country of long distances, whenever person has a case in the Supreme Court, maybe sometimes he has to travel long distances which also makes justice even more expensive than what otherwise would have been. But another hon. Member, Shri Kanwar Lal Gupta, gave his tales of woe, when he happened to go to the Supreme Court in connection with his election petition which he had the good fortune of winning, as to what expenses he was put to in connection with the election petition, he told the House that even for reading the papers, the members of the Bar or rather the member of the Bar whom he happened to engage wanted Rs. 8000. He must have been as distinguished a member of the Bar as Shri Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE: Perhaps, I would not have charged him so much.

SHRI SHANTI BHUSHAN: This may be a special friendship for Mr. Kanwar Lal Gupta. Of course, everyone cannot claim to have the privilege of being friendly with Shri Somnath Chatterjee. But that is a separate thing.

The problem of the high fees charged by the members of the Bar is not fairly easy of the solution. I know, from my personal experience, it is not merely that the members of the Bar want really earn that much, that they have to charge such high fees. I am saying from my personal experience that even in those years when the income-tax which was payable beyond a certain figure, namely, Rs. 2 lakhs, was 97.75 per cent, even those members of the Bar who

\*The figures of the division announced were on the basis of figures shown on the machine and votes recorded through Tellers. Subsequently, on usual check with the photograph it was found that the vote of Shri R. D. Gattani who voted for 'AYES' through Tellers had already been recorded for 'AYES' by the machine. Therefore, the correct figures of the division are: Ayes 317; Noes 1.

were paying full income-tax on their entire income, even though they had to per force keep on increasing the fees on account of the hard realities that they were so much in demand that it was not possible for them to keep up with the work which was given to them and the only way left to them was to keep on gradually increasing their fees in order to discourage the people coming to them. Of course, there are companies and there are people to whom the payment of fee is not a matter of importance at all. Therefore, the only way in which expenses can be kept within a reasonable limit is to keep on increasing the fees and decreasing the area of clientele. Even I had to do it. That problem is there. It is not that this problem does not require solution and justice should not be made cheap. But at the same time I would say that, so far as this suggestion is concerned, namely, the Supreme Court may sit in Circuits or Benches in different places in the country, perhaps, this would create more problems than it would solve. So far as the Supreme Court is concerned, being the apex judicial body in the country, necessarily it cannot become an unduly large court. It has got to remain a court within reasonable dimensions because it must be a court which can function as a single court, which would reflect the homogeneity of the court also and which, at the same time, would represent the very cream of judicial talent in the entire country. If the Supreme Court is made too large, then the distinction between the stature of the Supreme Court and the stature of the High Court—even High Courts are, of course, of very high stature—would, perhaps, diminish and in that case the Supreme Court would cease to serve the purpose for which it was constituted by the Constitution itself....

**SHRI SOMNATH CHATTERJEE:** What has happened to the High Court in your State, the Lucknow High Court? (*Interruptions*)

**MR. SPEAKER:** Your High Court is not far behind.

**SHRI SOMNATH CHATTERJEE:** That is true. Because of too many litigations, we want a Circuit Bench in North Bengal. But they are not giving. Do not go by theories only. Theories have to be tested.

**SHRI SHANTI BHUSHAN:** If the Supreme Court is made very large, as I was saying, then, perhaps, it will cease to perform the function for which it is meant. Therefore, to conceive of having several Branches of it in various parts of the country will not be a practical proposition. That is easy to see....

**SHRI SOMNATH CHATTERJEE:** Has it been rejected out of hand just now or will you consider it?

**SHRI SHANTI BHUSHAN:** I am not rejecting it. I am only saying that these are the difficulties which should be taken into account in considering the suggestion. That is all I am saying. I am not rejecting anything. I am not standing here to reject any important suggestions made by hon. Members.

**SHRI VASANT SATHE:** Why don't you make a beginning by having a Bench, say, in Bangalore and try it out and see if the dignity and functioning would be affected.

**SHRI SHANTI BHUSHAN:** These are very valued suggestions coming from persons with ripe experience. For the first time when I heard Mr. Sathe speaking, I thought that Mr. Sathe represented the rich experience of 60 years, but when I looked at him, I was surprised to find him to be so young. I have been told that it is a name adopted by him and that it has nothing to do with 60 or anything like that.

Hon. Member, 'Mr. Allegation'—since he repeated an allegation, I happened to say so—, Mr. Alagesan.,

**SHRI VASANT SATHE:** Do not make an allegation against him.



**SHRI SHANTI BHUSHAN:** Mr. Alagesan referred to an appointment which has recently been made in the Supreme Court. As all the hon. Members are aware, two appointments have been recently made in the Supreme Court. One of those appointments raised some controversy, and it seems to me that this controversy arose on account of some misunderstanding unless it was a deliberate work of some interested persons; I would like to put a more charitable interpretation on the kind of controversy which was raised, namely, that it had arisen on account of some kind of a misunderstanding. But I am happy to say, and I have had the occasion to say the same thing earlier also—and I am grateful to Mr. Somnath Chatterjee also because he has said that—that he is one of the most brilliant judges ever appointed to the Supreme Court, so far as the case in point is concerned. I am also very happy to say that a close friend of Mr. Sathe, an important Member of his own Party—I am referring to hon. Member Shri D. P. Singh of the other House—openly congratulated me in the other House: he said that he would like to congratulate the Law Minister or one of the most brilliant judges having been appointed to the Supreme Court, namely, Mr. Justice Desai....

**SHRI VASANT SATHE:** Let me say this. He may be one of the most brilliant judges. I am not controverting this. I am only asking as to why he should have superseded the other most brilliant judges.

**SHRI SHANTI BHUSHAN:** I will come to that. Now my response to Shri D. P. Singh was: Do not thank me, thank the Supreme Court; you congratulate the Supreme Court, do not congratulate me. This was because the selection had been made by the Supreme Court and we are com-

mitted to the independence of the judiciary. But, as the hon. Member, Shri Shyamanandan Mishra has rightly said, consultation does not mean dictation. When the high authority like the Supreme Court, or the Chief Justice of India or the Chief Justice of any High Court etc., are required to be consulted, that does not mean that whatever advice they give, becomes totally binding on the Government and the Government is bound down hand and foot. But that advice from those constitutional quarters requires very careful consideration and is not to be lightly disregarded unless there are weighty reasons on the basis of which such advice must be disregarded and the attention of those authorities drawn to any other facts which they have failed to take into consideration. Until then, it would not be right, in the absence of any such weighty considerations for the Government, the executive, which is a political body, to substitute or reject the advice of such constitutional authorities, and to say that this is for us to decide whether 'A' is abler or 'B' is abler and so on.

Then, a reference was made to the attitude having been adopted by the Gujarat Bar Association.

**MR. SPEAKER:** Why don't you come to the Bill instead of going to these individual cases?

**SHRI SHANTI BHUSHAN:** Sir, it would be my duty to reply to these things because these have been referred to here.

**SHRI SAUGATA ROY** (Barrackpore): Sir, it is good that the hon. Minister is taking pains to explain these things.

**SHRI SHANTI BHUSHAN:** Mr. Speaker, Sir, I would bow down to your directions and if you feel....

**SHRI VINODBHAI B. SHETH** (Jamnagar): I have got personal knowledge that Justice Desai was reluctant to take the oath of Office in

Supreme Court just to save the embarrassment caused to the Government through the press.

**SHRI VASANT SATHE:** The Minister has not explained if Justice Desai is a close relative of the Prime Minister.

**SHRI SHANTI BHUSHAN:** Even if the closest relative of Shri Sathe was to be considered for appointment, I shall not take into consideration his relation, with Shri Sathe while considering the question as to whether he should be appointed or not. The relationship is a matter of absolute non-concern in these matters. It is the merit of a person that would be the criterion for making appointments to these high offices.

**SHRI VASANT SATHE:** But it may disqualify other eminent judges.

**SHRI SHANTI BHUSHAN:** Now, I would deal with some other points that have been raised particularly by the hon. Member, Shri Shyamnandan Mishra in regard to the consultation under Article 124 and so on. He has raised the point, namely, whether the Chief Justice alone can be consulted or other judges of the Supreme Court also must be consulted, such of them, as the Government might like to consult, or even some of the High Court judges must also be consulted. I would like to say that perhaps it was for the first time when the Government decided to consult judges other than the Chief Justice of India in this connection. Specific letters to those other judges were written inviting their attention to Article 124 and saying that the Government would like to have their views. It is only thereafter that the Chief Justice and those judges got together, discussed and arrived at unanimous conclusions and they sent those unanimous conclusions of those three judges who were sought to be consulted by the Government and on the basis of these unanimous views of those judges, ap-

pointments were made to the Supreme Court.

**SHRI SHYAMNANDAN MISHRA:** I would like to have one clarification, and that is where Article 124 requires consultation with other judges of the Supreme Court, should it be an assembly of the other judges with the Chief Justice that would yield the desired result or should they not be consulted separately in order to arrive at the best choice? The hon. Law Minister said that they had asked two other Judges to give their opinion in this matter and these two Judges got together with the Chief Justice and all the three of them sent their views in this matter. Now, what Art. 124 requires is that the Chief Justice would be consulted as also the other Judges. Probably, the intention of the Article is that there should be an advice from the other Judge independent of the advice of the Chief Justice. That is my interpretation. Now, in this case, Mr. Speaker, what seemed to have happened is that the Government also consulted the same Judges whom the Chief Justice had the pleasure to consult. That does not seem to me the spirit of Art. 124.

**MR SPEAKER:** I am not going into the question of law. I had some experience here. Uptill the last occasion, on not a single occasion, had any Government consulted anybody other than the Chief Justice, and times other Judges did not know whom the Chief Justice had recommended.

**SHRI SHYAMNANDAN MISHRA:** This is an improvement on that. But would he not go a step further and seek the independent advice of the Judges?

**SHRI SHANTI BHUSHAN:** Perhaps the hon. Member does not know the full facts. So far, as the government is concerned, it independently consulted the Judges but how can Government prevent them, after it seeks the independent advice of the 3 Judges, from their coming together and

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discussing and then arriving at a unanimous decision. It cannot tell them, 'Don't discuss with each other. You give your advice but don't meet each other' and so on. The Government cannot do that.

**SHRI SHYMANANDAN MISHRA:** Then why did the government consult the self-same Judges as the Chief Justice had consulted?

**SHRI SHANTI BHUSHAN:** The hon. Member has not heard me. The Chief Justice had talked to them after the letters had been sent to two other senior Judges, namely, that the Government would like to consult them and it is only thereafter that the three got together and they conferred and came to a unanimous solution. It is not that the Chief Justice had earlier independently consulted them and the Government wanted to consult the self-same Judges.

So far as the High Court Judges are concerned, even Pandit Nehru had applied his mind to this question and he had come to the conclusion that since the field of choice included all the Chief Justices and the Judges of the High Courts, normally, as a rule, it would not be proper and desirable to consult the High Court Judges because naturally if they are themselves in the field of eligibility and choice and consideration in the matter of elevation to the Supreme Court, then perhaps it would not be very useful normally....

**SHRI SHYAMNANDAN MISHRA:** Then why has it been laid down in the Constitution?

**SHRI SHANTI BHUSHAN:** That does not mean that in some rare cases when you can get some useful consultation from the High Courts, You should not consult, but that cannot be made the rule. It may be that in some exceptional situation where the situation is like, 'All right, some useful material may be forthcoming from the High Courts also. So we may consult them'....

**SHRI KANWAR LAL GUPTA:** What about the attitude of the Judges during the emergency.... (Interruptions)

**SHRI SHANTI BHUSHAN:** I would not like to make any comment on the views of the Judges or on the decision of the Judges. So, it would not be right for me to enter into that kind of controversy.

**MR. SPEAKER:** Let us not drag them in here.

**SHRI SHANTI BHUSHAN:** I am very grateful to hon. Shri Shyamnandanji Mishra because he always has been very kind to me and gives me an opportunity to clear up many things which remain in the realm of doubt. Here also he has been kind enough to make a mention in regard to the code of judicial ethics in order to, as he himself said, give me an opportunity to clearly tell us as to what the position is. I am very grateful to him for that, because on earlier occasions also I have said in this House as well as in the other House that so far as the Government is concerned, government does not think that it is for the government to evolve or lay down or enforce any code of conduct so far as the Judges of the High Court and the Supreme Court are concerned, the reason being that they are such high functionaries that except for those matters which are laid down in the constitution itself, namely, proved misbehaviour or incapacity and so far as the constitution is concerned, if there is any misbehaviour on the part of a Judge or incapacity on the part of a Judge, then certainly this House and the Parliament shall be concerned and the matter would require being gone into. But, apart from those matters of proved incapacity or misbehaviour, the question of the government a sort of enforcing any kind of a code of conduct against the Judges, either of the High Court or of the Supreme Court, does not arise.

**SHRI SHYAMNANDAN MISHRA:** I would like to ask the hon. Law Minister about the communication which was sent by the Chief Justice.

**SHRI SHANTI BHUSHAN:** Let me finish my reply. Government has never proposed to the supreme court or to the Chief Justice of India that a code of judicial ethics should be evolved or should be suggested nor has it been even consulted in the matter of judicial ethics for the judges. I want to make it absolutely clear when I say that. I hope the hon. Members would appreciate that. A high functionary has certain duties; he wants to consult his judicial colleagues; how can the Government come in the way? It would not be right for the Government to say, tell this either to the Chief Justice or Chief Justice of the High Court as to what consultation you should have with the judicial colleagues. Government cannot come in the way. If, however, at any stage the high functionary makes a suggestion after discussion then, only will be that the Government will be duty-bound to go into it. It does not mean that it will accept it. But, whatever suggestions come from the judiciary will be considered by the government and it shall be the duty of the government to apply its mind to whatever suggestions are made. So, that is the position here. Government has neither been consulted nor the Government has ever proposed any code of judicial ethics or constitution of a committee of Chief Justices to go into certain matters to have any kind of check on the work of high court judges etc. I want to make that very clear. I am grateful that the hon. Member has given an opportunity to me to make this clear.

He also referred to the fact that there is a suggestion requiring judges of the high court to give an undertaking or take an oath that they shall not drink in public or private except on medical grounds and so on. I want to make it clear that Government has never proposed nor has government been consulted in regard to the taking of such an undertaking

from judges of the high court or the supreme court. Also I wish to make another thing clear. The question of taking an undertaking from a judge is entirely different from the case when a person is appointed as a judge; he is a member of the Bar; all the factors should apply to him and are taken into consideration before an appointment is made. There is a difference here. Giving undertaking after the appointment stands on an entirely different footing. I will give you one example. Certain occasions have arisen in which persons who were appointed as additional judges were involved. When the question came of their being appointed as permanent judges they were not willing to be appointed because they wanted to take advantage of their right of practice in the same high court which they could not if they are appointed permanent judges. So what they did was this. They accepted the offer of additional Judgeship. When the question came of their becoming permanent judges, they refused the offer. So, this procedure was evolved. Before a person gives an offer for additional Judgeship an undertaking will be taken from him that in future if he is given an offer of permanent judgeship, he will not decline it. That undertaking is taken before he is appointed as Additional Judge. That is not interference with the judiciary.

The directive principle about prohibition is wellknown to the House. (*Interruptions*) Government has made a proposal that before a person is appointed as judge, it should be ensured that either he does not drink or on being appointed as judge, he would not be drinking and to restrict the appointments only to those persons who either do not drink or who are prepared not to drink after being appointed as judge. This is the proposal which is under the consideration of the Government.

On this proposal, it was decided that first, the judiciary should be consulted. Therefore, the Chief Justice of India was consulted in regard to this proposal. Such a consultation is not yet complete because the Chief

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Justice of India has not yet given his final opinion. A decision in regard to this matter, would be taken only after the well considered opinion of the Chief Justice of India is received. It can be available only after he has also consulted the high courts. In the meantime, in regard to names which had been recommended by the various Chief Justices, an enquiry was made from them in regard to this matter so that the necessary information may be available to Government.

DR. SUSHILA NAYAR (Jhansi): What about the drinking by judges of the High Courts? How will you ensure stopping that?

SHRI SHANTI BHUSHAN: I have no intention to enlarge this debate into a debate on the merits or demerits of prohibition etc.

SHRI VASANT SATHE: Will this test apply in the appointment of Chief Justice of the Supreme Court? Was it done in February?

SHRI SHANTI BHUSHAN: No, Sir. So far as this is concerned, it has been made clear by the Government that this criterion would be applied only before the appointment of a person to the highest judiciary. This is applied for the first time before a person is appointed as a judge in the High Court. It would not apply to the person who is elevated as a Chief Justice of the High Court or who is elevated as a judge of the Supreme Court.

SHRI HITENDRA DESAI (Gadhra): What about the Minister's drinking habits?

SHRI SHANTI BHUSHAN: If he has received some information about drinking, I would like him to correct it.

SHRI SHYAMNANDAN MISHRA: May I seek one clarification from the Minister?

MR. SPEAKER: Kindly ask clarification for one point only.

SHRI SHYAMNANDAN MISHRA: The explanation which he offered over this matter has served to worsen the situation. What he has suggested is this. That is those who occupy the benches would be protected and those who would be occupying the Benches will have to give an undertaking. That seems to be the plain position

Is it not a discrimination of the grossest type? We ask him; can there not be a rule applicable to everybody? How can you say that the present incumbent is protected from that kind of undertaking. (*Interruptions*). If the Government wants to enforce the policy of prohibition strictly, that should be applied to all judges and Minister and all Members of Parliament. So, where is the question of making a discrimination? I must say that it is a height of audacity to apply it only to the judges. The Hon'ble Member has tried to make a distinction between taking an undertaking after the appointment is made and taking an undertaking before the appointment is made. I should like to find out the difference between the two. At 4.40 I am not a judge at 4.41 I would be a judge. After 4.41 the hon. Law Minister says that I would not be required to give an undertaking. At 4.40 I would be required to give an undertaking. Is that a convincing decision? It does seem to me that the hon. Chief Justice of India was not saying so in his letter and that the hon. Law Minister is not so innocent as he has been trying to make out in respect of proposal for the formulation of the code of ethics. The hon. Chief Justice has said:

"I am glad to be able to inform you that the present government is very willing to strengthen our hands and to help us move in the right direction by any legislation which may be necessary for this purpose."

**SHRI SHANTI BHUSHAN:** If the hon. Member wants to cross-examine me, I have no objection; I would be happy to be cross-examined by such an eminent person as Shyam Babu.

**SHRI SHYAMNANDAN MISHRA:** In the letter of the hon. Chief Justice no such distinction has been sought to be made as the hon. Law Minister has made.... (*Interruptions*)

**DR. SUSHILA NAYAR:** Drinking by judges is very bad. It must be stopped at all levels.

**SHRI SOMNATH CHATTERJEE:** In future will it be the criterion in deciding the competence of a person to become judge? That is the point.

**PROF. P. G. MAVALANKAR:** Will you go into the competence of drinking and non-drinking?

**SHRI SHANTI BHUSHAN:** May I suggest with great respect of the hon. Members....

**SHRI VASANT SATHE:** We have a very difficult choice. What are we to do? Chodo Sharabi; Pio....What?

**SHRI SHANTI BHUSHAN:** With great respect to hon. Dr. Sushila Nayar and Shri Shyamnandan Babu, may I suggest that they settle the differences outside the House, if possible.

**SHRI SHYAMNANDAN MISHRA:** She does not want to make a distinction between an incumbent already there and the one who would be taking office.... (*Interruptions*).

**MR. SPEAKER:** No clarifications now.

**SHRI SHANTI BHUSHAN:** If the hon. Members would do me the courtesy of permitting me to speak at least for two minutes at a time, may I say this. I am happy that Shyam Babu referred to another matter. He has read out some sentences; at one stage he has suggested that what the Chief Justice of India says, etc., should not be made public. Evidently in some matters, he wants to make

a departure. It does not matter. I should like to make it clear that the reference is to the matter of delays in the administration of justice and the disposal of arrears in courts. So far as that matter is concerned, certainly the government is concerned and the government had been giving much thought to this problem, what changes can be made in the judicial system, in the legal system, in the various Acts and rules and procedures and what methods can be evolved in tackling successfully this very important problem of delays in the administration and arrears in courts. It is in this connection certain suggestions which had been received by the government from various persons were sent to the judiciary, because even in these matters we want to consult the judiciary so that we may have the benefit of their views also before taking a final view of those suggestions. Those suggestions were sent to the Chief Justice of India in order to solicit their views, so that they can consider and give their advice on those suggestions. It was in that regard that we had said that, so far as this problem of arrears and delays in the administration of justice is concerned, by suitable legislation and proper procedures, in consultation with the judiciary, namely, with the Chief Justice of the Supreme Court, it could be worked out. So that, it was in this connection that the Chief Justice of India addressed a letter to the Chief Justices of the High Courts. That letter dealt with this problem of arrears and various suggestions in regard to delays in the administration of justice. He also said various other matters though the Government was not concerned with that. Therefore, so far as we are concerned, when he wrote this, this refers only to the problem of arrears and the delays in the administration of justice. So that, I have made that position very clear, the Government has made the position very clear so many times, and Government have said it before this House, that the Government is second to no Government in the world, so far

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as the independence of the judiciary is concerned, and the respect for the judiciary is concerned. That is why we have demonstrated that by our action that we want to attach the highest importance to the views of the judiciary in all these matters and we want that they should have a very important place in the Constitution and the constitutional framework of this country, because they have a very important role to play.

Then I come to what Shri Alagesan has said. When there is a proposal before the House for an increase in the number of Judges, he wanted to know as to whether this proposal is justified, whether the Judges work enough or not and whether there is also any need to see that our Judges are doing or performing their duties properly, whether that has been taken into consideration at the time when there is a proposal to increase the number of Judges. I quite appreciate what he has said. But let me tell him and tell the hon. House that, so far as the Supreme Court is concerned, and the Supreme Court Judges are concerned, we are a witness to the fact that the Supreme Court Judge is the most hard-working person in the world. That we may not be able to say about each individual High Court Judge but, so far as the Judges of the Supreme Court are concerned, that is the tradition, the practice and the system of procedure which they have upheld. They have to burn midnight oil almost every day.

**SHRI O. V. ALAGESAN:** I spoke about the High Court, which is the recruiting ground for Supreme Court.

**SHRI SHANTI BHUSHAN:** So far as the Supreme Court Judges are concerned, there is no doubt in my mind that they are very hard-working people, and beyond that it is not possible for any person to work. So far as the High Court Judges are concerned, as the hon. Member himself has said, there are Judges and Judges. There are High Court Judges who work very

hard, who burn midnight oil and some others who may not work that much. The sentiments of the House, the sentiments of the people of India, about delays in the administration of justice are known to the Judges, and we can expect that the Judges who would be appointed to tackle this problem would come out with their best in the discharge of this very important function, namely, the administration of justice to the people of India. I have no reason to suspect that the Judges of this country, each one of them, would not be performing their duty or not giving their best in this direction. I am sure they would devote their time and thought to this problem of arrears and delays in the administration of justice, as to how this problem can be tackled.

In that connection, a reference was also made to article 136 and something which was said by the Law Commission, that perhaps the scope and power of interference under article 136 is so wide, and that may be the reason why the Supreme Court has not been able to go into this work. This is a matter which requires thought.

So far as the Supreme Court of the United States is concerned, it has a role to play, the most important role, to set the direction to the development of law and so on, so that it can do justice to it and it does not lag behind, and it continues to perform that important function. The Supreme Court, as the apex body in the judiciary hierarchy, is there for a particular purpose, the very important purpose of development of law for the whole country uniformly, so that one High Court is not going in one line and another High Court in another line and so on, to resolve the differences between the various High Courts and also to set the tone and direction in which the development of law must take place, the broad principles on which the development of law must take place, then evidently it is for the Supreme Court to evolve; and I have no reason to think that they will also not ponder; I believe



they are already pondering over it; and there are suggestions forthcoming from them as to how this problem can be tackled. May be, it is not possible for the Supreme Court to do justice in every case—that is the function of the High Courts and the other courts—and the Supreme Court's main function is to set the direction of the development of law so that adequate attention would be paid to that also.

Mr. Nathwani made a reference to a specialist Bench and so on. The importance of that is also being increasingly realized. But that again is a matter for the Chief Justices of the High Courts and for the Chief Justice of India. And there is no reason to think as to whether the Chief Justices will also not realize the importance of this specialization in Benches and so on, and would not take necessary steps to remedy the situation.

Lastly, coming to the irrepressible Mr. Sathe, he has given us an instance of a 17-year-old labour matter coming up for hearing before the Supreme Court after being expedited. That only highlights the magnitude of the problem, viz., that even labour matters have to wait, and even then not in their own turn they have to be expedited after 17 years in order to provide a sort of a decision or a solution to the problem. This only highlights as how we have had the administration of justice in this country. And this requires a thoughtful approach on the part of all the sections of the House and of all hon. Members of this House so that in future we may be able to evolve ways and means to successfully tackle the situation because the rule of law—which is the foundation of democracy—requires not merely giving a theoretical right to a person to go to the court of law for redressal of his legal grievances, but also an assurance that his legal

grievances would be redressed within a reasonable time. And the concept of reasonable time cannot be in years or decades. It has to be in months, at the most in a year or so.

SHRI VASANT SATHE: At least during his life time.

SHRI SHANTI BHUSHAN: Life-time itself will be a variable factor.

These are the various important points made by the hon. Members. I am grateful to them and I thank them once again for their universal and unanimous support.

MR. SPEAKER: The question is:

"That the Bill further to amend the Supreme Court (Number of Judges) Act, 1956, be taken into consideration."

*The motion was adopted.*

MR. SPEAKER: We now take up clause-by-clause consideration. Amendments to Clause 2.

Clause 2—(Amendment of Section 2)

श्री लक्ष्मी नारायण नायक (खजुराहो) : मैं प्रस्ताव करता हूँ :

Page 1, line 6,—

for "seventeen" substitute "fifteen" (1)

MR. SPEAKER: Mr. V. Arunachalam, are you moving?

SHRI V. ARUNACHALAM: I am not moving, Sir.

MR. SPEAKER: Mr. Anant Dave is not present. Now Mr. R. N. S. Yadav.

श्री रूपनाथ सिंह यादव (प्रतापगढ़) :  
मैं प्रस्ताव करता हूँ :

Page 1,—

after line 6, insert—

'(ii) to section 2 of the principal Act the following proviso shall be added, namely:—

"Provided that twenty-five per cent of the number of Judges in



श्री रूपनाथ सिंह यादव]

the Supreme Court shall be reserved for the suitable and qualified persons available among the Scheduled Castes and other socially backward classes." (4)

MR. SPEAKER: Now Mr. O. P. Tyagi:

SHRI OM PRAKASH TYAGI (Bah-  
raich): I beg to move:

Page 1,—

after line 6. insert—

'(ii) to section 2 of the principal Act the following proviso shall be added, namely:—

"Provided that no person shall be appointed as Judge who is more than sixty years of age at the time of appointment." (5)

श्री श्रीमूलाल (बिजनौर) : मैं एमैंड-  
मेंट पेश नहीं कर रहा हूँ लेकिन चेयर से  
यह दरखास्त करना चाहता हूँ कि  
भविष्य में जिन लोगों के संशोधन हों,  
उनको बोलने के लिए बरीयता मिलनी  
चाहिए। मुझे खेद है कि शासन से इस  
तरह की व्यवस्था नहीं की जाती।

16.51 hrs.

[DR. SUSHILA NAYAR in the Chair]

SHRI VINAYAK PRASAD YADAV  
(Saharsa): I beg to move:

Page 1,—

for clause 2, substitute—

"2. In section 2 of the Supreme Court (Number of Judges) Act, 1956, for the word "thirteen". the words "seventeen, out of which ten shall be reserved for persons who

are Adivasis, Harijans or belong to backward classes" shall be substituted.' (8)

SHRI VAYALAR RAVI: Sir, the Calling Attention should be taken up at 5 O' Clock, as decided earlier. This Bill can be taken up tomorrow.

श्री श्रीम प्रकाश त्यागी : सभापति  
महोदया, मेरी प्रार्थना है कि मंत्री महोदय  
जो भी संशोधन आये हैं, उन पर अपनी  
सम्मति प्रकट कर दें।

सभापति महोदय : जिन्होंने अमेंडमेंट  
मूव किए हैं, वे अगर एक-दो मिनट  
बोलने के लिए लेना चाहते हैं तो ले  
सकते हैं।

श्री लक्ष्मी नारायण नायक :  
माननीय सभापति महोदया, विधि मंत्री जी  
ने "उच्चतम न्यायालय (न्यायाधीश संख्या)  
अधिनियम, 1956 का और संशोधन करने"  
का जो विधेयक रखा है मैंने उस पर  
अपना संशोधन दिया है कि 17 जजों के  
बजाय 15 और जज रखना उपयुक्त होगा।

हमने अभी 44वां संविधान संशोधन  
पास किया है। उसके द्वारा हमने पूर्व  
संविधान संशोधन की उस व्यवस्था को रद्द  
कर दिया है जिसमें यह था कि किसी  
भी सांविधिक मामले की सुनवाई के लिए  
सात जजिज की बैच का होना आवश्यक  
है। इसलिए सुप्रीम कोर्ट को अब संशोधन  
पास होने से सुविधा मिल गई है और  
उसमें अब ज्यादा जजिज की आवश्यकता  
नहीं होगी।

मैं यह भी निवेदन करना चाहता  
हूँ कि केवल जजिज की संख्या बढ़ाने से  
फैसले जल्दी नहीं होंगे शासन को यह  
भी देखना होगा कि ये मुकदमें कहां से  
आते हैं, किस तरह से आते हैं। अगर

हमारा शासन ससम है, प्रशासन ठीक ढंग से चल रहा है, न्यायिक ढंग से चल रहा है तो मुकद्दमेबाजी कम होगी और न्यायालय में मुकद्दमें भी कम जायेंगे। जैसा कि कांग्रेसी शासन में था, हम लोगों ने भी उसी चीज को दोहराया है कि कार्यपालिका और न्यायपालिका को अलग अलग नहीं किया। ये दोनों अलग अलग होनी चाहिए। आज कल क्या होता है कि एक अधिकारी शासन भी करता है और वही व्यक्ति न्याय भी करता है मैं समझता हूँ कि जब न्याय करने वाला और शासन करने वाला व्यक्ति अलग अलग होगा तभी मुकद्दमेबाजी कम होगी।

एक मेरा यह निवेदन भी है कि जज लोग लम्बे लम्बे फैसले न दें। हम चाहते हैं कि फैसले छोटे हों और छोटे होने के साथ वे ठीक भी लिखें। इसलिए मैं चाहता हूँ कि 17 जजेज करने के बजाय 15 जजिज ही करने चाहिए। जिस तरह हम मजदूरों को कहते हैं कि वे अधिक समय दें, उसी तरह से हमें जजों से भी यह अपेक्षा करनी चाहिए कि वे अधिक समय काम करें। वे आजकल गमियों में छुट्टियाँ मनाते हैं इन छुट्टियों में भी उन्हें काम करना चाहिए। इस तरह से इतने जजों से काम चल जाएगा।

**सभापति महोदय :** अभी चूँकि स्पीकर साहब ने कहा था कि पांच बजे काल अटेंशन लिया जाएगा, अब पांच बज गए हैं इसलिए मैं सुझाती हूँ कि इस विधेयक को पांच दस मिनट में समाप्त कर दिया जाए। (व्यवधान)।

विधि, न्याय और कम्पनी कार्य मंत्री (श्री शांति सूषण) : मेडम, यह बिल धना समिल है, इसमें और देर नहीं

लगनी चाहिए। आप इस पर वोटिंग करा लीजिए। इसके बाद इसे राज्य सभा में भी पास कराना है।

17 hrs.

**SHRI HITENDRA DESAI:** The Calling Attention must be taken up at 5 O' Clock.

**MR. CHAIRMAN:** This is a simple Bill. The hon. Minister can reply in five to seven minutes. This has to go to the Rajya Sabha also.

**SHRI VAYALAR RAVI:** No.

**MR. CHAIRMAN:** Will you then agree that after the Calling Attention and Half-an-Hour discussion we take this up and finish it?

**SHRI VAYALAR RAVI:** We agree.

**PROF. P. G. MAVALANKAR (Gandhinagar):** On a point of order. You are right in saying that the Calling Attention must be taken up at 5 O' Clock, but at 5.30 there is a half-hour discussion. Then there are statements to be made under rule 377. So, after all these are over, the Bill can be resumed.

**MR. CHAIRMAN:** According to the Order Paper left with me by the Speaker, first there are statements under rule 377, then there is Calling Attention and then there is the half-hour discussion. You can finish all that, but please stay to finish the Bill after that. That is all. Do you agree?

**HON. MEMBERS:** Yes.

17.02 hrs.

(i) RELAY FAST BY EMPLOYEES OF  
WILLINGDON HOSPITAL, NEW DELHI. . .

श्री उष सेन (देवरिया) : मैं आपको आज्ञा से विलिंगडन अस्पताल नई दिल्ली के कर्मचारियों की कुछ मांगों की तरफ आपका ध्यान दिलाना चाहता हूँ जिन को लेकर उन्होंने 24 घण्टे का क्रमिक अनशन चालू कर रखा है। उन्होंने अपने विभाग के अधिकारियों को अपनी प्रमुख मांगें लिख कर भी दी हैं लेकिन कोई सुनवाई नहीं हुई है। स्वास्थ्य मंत्रालय को भी उन्होंने 27 नवम्बर, 1977 को लिख कर दिया था। उनकी यूनियन का नाम है विलिंगडन अस्पताल वर्कर्स यूनियन। स्वास्थ्य मंत्रालय ने उनकी कुछ मांगों को मान भी लिया था और जो आदेश जारी किए थे, विलिंगडन अस्पताल के अधिकारीगण उन्हें भी मानने के लिए तैयार नहीं हैं। अब वे कर्मचारी बेचारे धरना दे रहे हैं। क्रमिक अनशन कर रहे हैं। शाम को फाटक पर सभायें करते हैं, प्रदर्शन करते हैं। इससे वहां पर मरीजों को तथा डाक्टरों को भी बहुत असुविधायें हो रही हैं। जनता को भी इससे बड़ी असुविधा हो रही है। उनकी जो प्रमुख मांगें हैं उन में से पहली मांग यह है कि उन्हें रहने के लिए आवास दिया जाए। क्लास 1 और क्लास 2 के जो बड़े बड़े डाक्टर हैं उनके लिए तो आवास का प्रबन्ध आपने कर ही दिया है लेकिन क्लास 3 और क्लास 4 के जो कर्मचारी हैं उनके पास आवास का अभाव है और वे आवासीय सुविधा चाहते हैं। यह बहुत ही जायज़ मांग है जिस की पूर्ति कर दी जाती है तो कोई आपत्ति की बात नहीं है। दूसरी उनकी मांग यह है कि उनकी भरती के कोई कायदे कानून नहीं हैं। जिस तरह से दूसरे प्रतिष्ठानों के लिए कानून आदि बनाए गए हैं भरती के सम्बन्ध में उसी तरह से उनके लिए भी कानून और नियम बनाए

जाएं। उनकी तीसरी मांग यह है कि उनके लिए भी सिलैक्शन ग्रेड हो ताकि उनकी तरक्कियां कायदे से हो सकें। चौथी उनकी मांग यह है कि उनके और अधिकारियों के बीच में, जो बड़े डाक्टर हैं, सुपरिटेण्डेंट हैं, प्रशासनिक सेवा के लोग हैं, बातचीत का कोई माध्यम नहीं है, कोई ऐसी सम्पर्क समिति नहीं है जिसके माध्यम से उनके और अधिकारियों के बीच में आपस में मिल बैठ कर बातचीत हो सके और कठिनाइयों को दूर किया जा सके। इस प्रकार की सम्पर्क समिति या लायज़न ऑफिसर नियम और कानून बना करके उनके अन्तर्गत बनाई जानी चाहिए ताकि उसके माध्यम से कर्मचारियों और अधिकारियों के बीच में बातचीत हो सके।

वे भी इंसान हैं, वे मानवता की सेवा करते हैं, लोगों के दुख दर्द को दूर करने में सहायक होते हैं। आप तो सभानेत्री महोदया स्वयं डाक्टर हैं। आप देखें कि यह कितनी बिडम्बना की बात है कि जो लोग दुनिया का दुखदर्द दूर करते हैं, वे स्वयं दुखी हैं। जब वे स्वयं दुखी हैं तो वे किस तरह से लोगों का दुख दर्द दूर कर सकते हैं। इन शब्दों के साथ मैं चाहता हूँ कि माननीय स्वास्थ्य मंत्री जी का और सरकार का ध्यान इधर जाए और इन कर्मचारियों ने जिन्होंने क्रमिक अनशन कर रखा है, जिन्होंने अपनी पटीशन भी दी हुई है और जिन की मांगें बहुत देर से चली आ रही हैं उन पर सहानुभूतिपूर्वक विचार किया जाए। 1973 से उनकी मांगें लटकती चली आ रही हैं। वे कई बार प्रदर्शन कर चुके हैं। उनके एक प्रतिनिधि मान साहब को निकाल भी दिया गया था। वे कई बार हड़ताल कर चुके हैं। पांच सात बरस से उनकी मांगों पर कोई विचार नहीं हुआ है। मैं उनकी मांगों की और आपका

ध्यान आकर्षित करना चाहता हूँ और प्रार्थना करता हूँ कि उनकी मांगों पर सहानुभूतिपूर्वक विचार किया जाए ।

17.05 hrs.

(ii) WORKERS' STRIKE IN ASSAM TEA GARDENS FOR NON-PROVISION OF LABOUR QUARTERS.

**SHRI PURNA SINHA (Tezpur):** Madam Chairman, during the last floods in Assam, a lot of habitable houses were damaged. In Assam, it is again a necessity, a legal obligation, for the tea plantation Managers to construct habitable houses for tea plantation workers. They promised to do so more than 15 years ago but they could not complete the construction of the houses because either the money was short or the building materials were not available, such as, bricks and cement. It is a violation of the provisions of the Plantation Labour Act. It is still continuing.

The production of bricks was insufficient due to non-availability of coal. Now, coal has been found but cement stands in the way of removing the backlog in the construction of habitable houses for the tea garden labour population. It is understood that the cement which was allotted to the tea industry from the factories, such as, the Associated Cement Company's factory at Jamul and the Century Cement Factory at Tidla has not been released by the Regional Cement Controller's office at Calcutta as a result of which the important construction work during the winter season and the repairs to the houses which were damaged by the floods has been held up. So, a number of tea plantations have lost considerable man-days due to worker's strike for non-provision of labour quarters and others are facing serious situation due to labour unrest. The Commerce Ministry should be asked to see that cement allotted for the reconstruction of flood-damaged houses and also for the construction of quarters for the tea plantation workers is released by

the Regional Cement Controller's office in Calcutta from the factories that I have mentioned, so that cement is easily made available to the backward State of Assam for the completion of works which are left out for want of cement before the winter runs out.

17.08 hrs.

(iii) GRIEVANCES OF GOA FISHERMEN

**SHRI EDUARDO FALEIRO (Mormugao):** Madam Chairman, under rule 377, I wish to draw the attention of the Government to a very serious situation which has arisen in the union territory of Goa as a result of violent clashes between two sections of the fishermen community which count about 80,000 people there. The responsibility for the clashes is to be squarely laid on the shoulders both of the local Government and the Central Government.

There is a law under which the trawler-owners cannot trespass in to the waters which are allotted to the country craft upto 5 fathoms. In spite of this law, the country craft are not allowed to fish within the area. The trawler-owners are coming there and, as a result of that, the clashes are taking place.

I had drawn the attention of the Government to this matter during the last session and at that time, I was assured that steps will be taken and that a committee will be appointed by the Government consisting of representatives of both sections of the fishing community and the Government to look into this matter and settle their grievances. But uptill now nothing has been done. For the last many days, these traditional fishermen are on a chain of hunger-strike. Because they are poor, because they are backward and because they have no political pull, the people are not being listened to and the situation has not changed. Neither the local Government nor the Central Government have taken any steps to

[Shri Eduardo Faleiro]

redress their very just and genuine grievances. On the 16th, a big clash had already taken place. A procession of traditional fishermen was disturbed and about 50 persons were seriously injured. The news has appeared in all national dailies. It has been appearing in all the newspapers for the last three days and yet no steps are being taken. An assurance was given to me and to this House during the last session that steps will be taken and that a committee would be appointed.

The only demand of the people of that territory—at least 10 per cent of the people of the union territory constitute the fishermen community—is that, at least now before the situations turns worse and reaches the point of no-return, the Central Government must intervene in that Territory and must take immediate steps. I have been noting with great regret that the Union Territories are being neglected. That may be because their representatives here, neither in terms of number nor in terms of power are able to pressurize and put their points forcefully. That may be the reason. The Union Territories must be taken more seriously. This matter specifically has to be taken more seriously. I would request the Government, I would request through you, sir, the Minister of Home Affairs and the Minister of Agriculture, to look into this matter immediately and take immediate and forthright steps to redress the genuine and just grievances of this poor and backward community of traditional fishermen.

17.11 hrs.

(iv) SHORT SUPPLY OF SALT IN BIHAR AND RISE IN PRICE THEREOF.

श्री बिनायक प्रसाद यादव (सहरसा) :  
सभापति महोदय, मैं सदन और सरकार का ध्यान बिहार में नमक की बराबर कमी और उस की अथक महंगाई की ओर दिलाना

चाहता हूँ। आज से पंद्रह, बीस दिन पहले बिहार के बाजारों से नमक यकायक गायब हो गया, और कई दिन तक गायब रहा। आप को सुन कर आश्चर्य होगा कि दो तीन रोज पहले वहां कहीं कहीं नमक का दाम दो रुपये किलो तक हो गया था। अभी कुछ नमक बाजार में आ गया है, लेकिन वह रुपये, डेढ़ रुपये किलो के हिसाब से मिल रहा है।

नमक की कमी को लेकर बिहार में भयंकर स्थिति उत्पन्न हो गई है। आप जानते हैं कि हम और आप सब लोग नमक खाते हैं, लेकिन हमसे और आप से ज्यादा नमक की जरूरत आबादी के उस 55,60 फीसदी हिस्से को होती है, जो गरीबी की रेखा के नीचे रहता है। हमें और आप को तो दाल या सब्जी मिल जाती है, लेकिन आबादी के एक बहुत बड़े हिस्से को ना दाल मिलती है और न सब्जी मिलती है, बल्कि वे लोग सिर्फ रोटी या भात-चावल पर नमक डाल कर खाते हैं। इसलिए नमक की महंगाई और कमी के कारण बिहार में भयंकर हाहाकार मचा हुआ है। रेपसीड आयल और कड़वे तेल की भी कमी थी, मगर उन के बगैर लोग गुजारा कर सकते हैं, जब कि नमक के बिना लोगों का एक रोज भी काम चलना मुश्किल है।

मैं आग्रह करना चाहता हूँ कि व्यापार मंत्री अविलम्ब बिहार की नमक की स्थिति को देखें, और उस की महंगाई तथा कमी को दूर करें। अभी पंद्रह बीस दिन पहले नमक 30, 35 पैसे किलो के हिसाब से मिलता था, जब कि आज वह रुपये, डेढ़ रुपये किलो के हिसाब से मिल रहा है। इस के कारण बिहार में हाहाकार मचा हुआ है और लोग बहुत परेशानी में हैं।

17.13 hrs.

**CALLING ATTENTION TO MATTER  
OF URGENT PUBLIC IMPORTANCE**

REPORTED EXPLOSION IN THE THERMAL  
POWER PLANT AT UKAI IN GUJARAT

**SHRI VAYALAR RAVI** (Chirayin-  
kil). Sir, I call the attention of the  
Minister of Energy to the following  
matter of urgent public importance  
and I request that he may make a  
statement thereon:

"Reported explosion in the ther-  
mal power plant at Ukai in Gujarat  
and the damage caused by it."

**THE MINISTER OF ENERGY**  
(**SHRI P. RAMACHANDRAN**): The  
Ukai Thermal Power Plant is under  
the control of the Gujarat Electricity  
Board. This Board operates under  
the administrative control of the  
Government of Gujarat.

There are two units each of 120  
MW under operation at Ukai. Each  
turbine is fed with steam from its  
own unit boiler. The first unit was  
commissioned in March 1976 and the  
second in June 1976. Another unit  
of 210 MW is under erection.

As per information received from  
Gujarat Electricity Board, there was  
an explosion at about 2.40 P.M. on  
15th December, 1977 in an over-head  
coal bunker on the top of boiler No.  
1 at Ukai Thermal Power Station.  
There was, however, no damage to  
the plant but two employees received  
minor injuries. The plant is working  
normally. The matter is being in-  
vestigated by the State Police.

**SHRI VAYALAR RAVI**: This  
kind of explosions and accidents have  
become a routine affair, have become  
the order of the day, now a days.  
This is not an isolated incident. In  
the last two months, this Parliament,  
on many occasions, has discussed such  
happenings, such kinds of explosions,  
in different parts of the country.  
There is a suspicion that these may  
be due to sabotage by certain ele-  
ments—I can call them 'anti-national  
elements'.

What is happening then? What is  
the Government doing? The Govern-  
ment have been taking these matters  
very lightly. They have made some  
statements on the Floor of this House,  
or the Home Minister has gone over  
the All India Radio and said that  
these happenings would put a reverse  
gear to the democratic process in  
this country. That is what is happen-  
ing, nothing more. This a very seri-  
ous matter concerning the whole na-  
tion and the people of the country.  
The safety of the people travelling by  
trains and people working in all In-  
dia Radio and these Plants is threat-  
ened today. The Home Minister stated  
yesterday that they have not been  
able to find any clue to these hap-  
penings or locate who is after these  
happenings.

A few days ago, I had the oppor-  
tunity to raise a calling attention mo-  
tion regarding the explosion which  
took place at the heavy water plant  
in Baroda. The Prime Minister, as  
usual, had assured the House that  
he was looking into the matter. With  
your permission, Madam, I would like  
to quote from the Hindu, a very res-  
ponsible newspaper. It has revealed  
certain startling facts. It say:

"It puzzles even experts because  
of the various things that happened  
immediately after the explosion.  
Fire broke out early in the night  
and there was immediately a failure  
in the telephone exchange. Many  
extension lines snapped making it  
difficult to get outside assistance.  
When the Atomic Energy Commis-  
sion in Bombay was informed, it is  
stated, a security man gave the first  
information that there was a fire in  
the plant".

The report further states:

"Apart from the startling failure  
of the telephone exchange, which  
works round the clock, the fire was  
noticed by one of the technicians

[Shri Vayalar Ravi]

who went to check an equipment. Normally, a round-the-clock check is maintained by two persons to see that the various equipment in the plant function properly. On this occasion, however, these two persons were reported to be not seen at their posts."

This is the report of a very responsible newspapers and the hon. Prime Minister made a statement that he was looking into it. In this case, even the telephone exchange lines were cut; the persons required to be at their duty were not in their post. The entire incident suggests that there are certain elements which are bent to put a reverse gear and push-back to the normal functioning of such plants. It would take many years now to be able to get results from this plant.

I feel that this Government is not taking this House into confidence and they are making an impression to the country and to the people that everything is all right, but the fact is that they are taking these very serious matters very lightly.

Now, with regard to the blast at thermal plant in Ukai, the Minister made a statement, but he had not the courtesy to say what the Collector has stated in this connection. According to the newspaper report, the Collector did not rule out the possibility of sabotage behind the blast.

Such explosions have become the order of the day, in railways, power plants and other places.

SHRI JYOTIRMOY BOSU (Diamond Harbour): I am only saying, let him better confine his observations to the Energy Ministry because there is none to reply if he touches other Ministries.

SHRI VAYALAR RAVI: It looks that he is so responsible nowadays. He is unnecessarily taking up the brief of the Janata Party all the time.

MR. CHAIRMAN: We are already short of time.

SHRI VAYALAR RAVI: I would like to ask a question to the hon. Minister.

What are the concrete steps you are taking to protect the different power stations in the country in order to prevent recurrence of such things?

Further, how is that the CID is enquiring into it. There is a report and you also said that. Will you take this up yourself—this is a very serious matter and also a technical matter—instead of leaving it to the local CID and entrust this matter to the Central Bureau of Investigation?

These two point—will you please clarify?

SHRI P. RAMACHANDRAN: The hon. Member made a number of suggestions. With regard to the lost part of his question, the State Government has taken every step to inquire into the matter not only through their CID but also they have taken assistance of forensic experts and other people required because the detonators which were found probably should have caused the explosion. That is the information that we received. But before the investigation is completed and a report is received, we cannot categorically say whether it was due to sabotage or any other reason....

SHRI VAYALAR RAVI: Why cannot you entrust it to CBI?

SHRI P. RAMACHANDRAN: After all the State Government is also taking steps to get it investigated in the best possible manner. It is only when the State Government comes with a report and if necessary, the Central Government also will stop in.

SHRI VAYALAR RAVI: What is the protection to our plants?

SHRI P. RAMACHANDRAN: After the various incidents that have taken place in various parts of the country, the Home Ministry has drawn the attention of the various Ministries who

are handling these power stations and other things and the Power Ministry has given a sort of instructions or guidelines to the various State Electricity Boards to observe certain norms for taking security steps and those guidelines are being put into practice in the various Electricity Boards.

MR. CHAIRMAN: Mr. Vasant Sathe. Please try to be brief.

SHRI VASANT SATHE (Akola): Absolutely brief.

In view of the fact that there is a serious damage to the whole country's vital links and installations, a situation of total break-down of law and order and vital installations may be created because if you see the chain of events, you will find that it is not a coincidence but such explosions are taking place in railways, in vital installations like atomic plants and in power plants. It is not taking place in any other ordinary factory or private buildings—mind you—

But they are happening in government installations. Kindly see the most surprising part. Why I say that the government of India appears to be taking these things lightly is that you will yourself be surprised if you see the newspaper report which says:

"*Prima facie* one live detonator and a dozen dead detonators and some wires were recovered from the conveyor belt".

You have mislead in your statement itself. You do not know. You say that the explosion was in the coal bunker. It is not in the bunker. It is in the conveyor belt. It further says:

"...recovered from the conveyor belt by the security staff at the plant".

Further the detonator exploded after it had reached, because the theory appears to be that this detonator was in the bunker. So, the damage was not done to the plant. It could have exploded there. The fact is:

"Had the detonator exploded after it had reached the boiler, it would have been a major disaster".

and the report says:

"The detonator appears to have been planted on the belt along with the coal only after it emerged from the crusher...."

because otherwise the detonator itself might have been crushed causing a bigger blast. So, it is obvious that it was not with the coal when it came out of the crusher. It did not reach the boiler. Fortunately it got detected on the conveyor belt where it was planted. Please see the seriousness. Therefore my question is this. Are you at the Government of India level, along with the Home Ministry, taking cognisance of the magnitude of the seriousness of this sabotage? It is *prima facie* a case of sabotage and it cannot be anything else. You say that the State Government is investigating. You say that the Police will find out and then let us know. Can you tell me a single case till today where the authorities have been able to detect even one single case of sabotage, to find the links etc? Therefore, I would urge upon the Energy Minister not to dismiss what we say by statements like these. I would like to know from him as to what are the measures which are being taken by him in consultation with the Home Ministry and his own staff to ensure that the power plants of the country are protected. This is what I want to know.

SHRI P. RAMACHANDRAN: As I explained earlier, all steps are being taken after these incidents have taken place. In fact, now the security measures have been tightened in various power plants in the country. These power plants are segregated from the other parts of the power stations and nobody can enter the power stations without properly being checked. That is one of the steps which we have taken. Another is with regard to the investigation. The hon. Minister was explaining about the detonator which was found there. He must be knowing that the coal comes in wagons and they are put in the conveyor belt. First, it is being crushed. Then it goes to the bunker. Then it



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goes to the boiler to generate steam. Regarding the first detonator, if it had exploded, it would have been something else. Unless these are properly investigated and some truth is found, there is no point in our saying that there was sabotage.

**SHRI VASANT SATHE:** Do you know the method? From the crusher via the conveyor belt, it goes to the boiler and not first to the conveyor belt. It could not have been in the crusher. Otherwise it would have exploded there. How would it come automatically on the conveyor belt?

**SHRI P. RAMACHANDRAN:** First it has to go to the crusher and then it goes to the bunker where it is pulverised. All these processes are there. This detonator was found there. Anyway, unless the police gives a correct report we will not be able to come to any kind of conclusion and it would be uncharitable for us to come to any sort of conclusion unless we have got detailed report about it.

**SHRI JYOTIRMOY BOSU:** I is a very important power project. This is basically a hydro electric project. But, because the water level does not remain a constant factor, they had to put up this thermal power project. Ukai Stage I project, I am told, was completed with 110 M.W. Capacity. In the meantime, advantage was taken by the foreign firm, the Associated Electricals. They are extracting money as fast as they can in taking advantage of our technical backwardness for which, of course, Mr. Sathe's party owe an explanation to this House.

**SHRI VASANT SATHE:** Madam, why should a Congress Party be attacked in the House

**SHRI JYOTIRMOY BOSU:** Madam, let me ask you what is a detonator? A detonator is a narrower and smaller thing in diameter and if you open up the grenade and release the lever, release the spring and take out the detonator,—it is a small thing—it begins to blast. A live, and dead deto-

nator is found. We are very happy to hear that the workers took the initiative and they had found out some of the detonators. If anybody put the blame on any worker, his mouth can be shut out on the argument because only if the live one is carried in a conveyor and if it enter the crater of the boiler, then it becomes disastrous. The boiler would have been considerably damaged and 110 mw power house would have been out of commission for some time. That means adding fuel to the fire—power crisis. We are trying to understand that the coal passes through the crusher and if the detonator had passed through the crusher, then the detonator would have exploded instantly. You require only a ten pound precious strike—not more than that. The crusher's pressure can be a few thousand pounds. Therefore, if the detonator has passed through the crusher, that would have exploded and the crusher would have been damaged beyond repair that is taking place. Therefore, this detonator has been put after the coal which got crushed came out of it and was put on the conveyor belt.

Madam, you might remember, that some time ago, we lost an hon. Member of the other House in the Railway accident. I have been told this is subject to confirmation or denial or correction—that a very important person who had been very close to Mrs. Indira Gandhi, one Mr. Kapur—I am told had a hand in this matter. Let the Home Minister deny if it is not true.

**SHRI VAYALAR RAVI:** Madam, I rise on a point of order.

**MR. CHAIRMAN:** What is your point of order?

**SHRI VAYALAR RAVI:** My point of order is this. The hon. Member made an accusation against Shrimati Gandhi. He is making an allegation that somebody had his hand.

He has made a very serious allegation against the person who is not present and who cannot defend himself against this allegation. He cannot

make such an allegation. Madam, it is very unfair.

MR. CHAIRMAN: Have you finished with your point order?

SHRI VAYALAR RAVI: Can anybody make such an allegation without any evidence or proper record? Is he ready to take up the responsibility to prove it? That is my point of order.

MR. CHAIRMAN: Now my opinion is that it is not right to make allegations of a serious nature on the floor of the House unless and until one has in his absolute possession foolproof evidence that the charge is correct. If one has only a suspicion and some vague evidence, then that should be passed on to the Minister outside this House. I request the hon. Member, Shri Bosu not to refer to any person by name or make any such serious allegation because the tradition of this House has been that the people who cannot answer the charges are not to be mentioned and charges of serious nature are not to be made against them on the floor of this House.

SHRI JYOTIRMOY BOSU: Madam, I suppose, if I may say so, you do not quite apply your mind the way you usually do.

MR. CHAIRMAN: Will you please drop this point and then proceed with the rest of what you have got to say?

SHRI JYOTIRMOY BOSU: Madam, it is a very serious matter.

MR. CHAIRMAN: Then you pass it on to the Minister outside.

SHRI JYOTIRMOY BOSU: I have not said anything incorrectly. Let the Home Minister contradict that or confirm it.

SHRI VAYALAR RAVI: You can go and tell that outside this House—not here. Madam, this gentleman goes on making such wild allegations like this.

SHRI R. VENKATARAMAN (Madras South): Rule 353 of the Rules of Procedure makes it clear that no allegations of a defamatory or incriminatory nature shall be made by a Mem-

ber 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 reply, provided that the Speaker may at any time prohibit any Member from making any such allegation if he is of the opinion that such allegation is derogatory to the dignity of the House and no public interest is served.

SHRI KANWAR LAL GUPTA (Delhi Sadar): You have been making allegations like anything.

SHRI R. VENKATARAMAN: You should have then, taken recourse to this rule. Under rule 353 you cannot make any allegations of this character against any person unless he has given intimation to the Speaker, if it is a matter in which the Minister is involved, he should inform the Minister so that he may reply. Making wild charges of this kind against any person is contrary to the rules of procedure and it is clearly out of order.

श्री कंवर लाल गुप्त : सभापति महोदय मेरा आपसे यह निवेदन है कि आपने जैसा कहा कि किसी के खिलाफ वाइल्ड एलोगेशन नहीं लगाये जाने चाहिए, तो इन्होंने वाइल्ड एलोगेशन नहीं लगाये हैं। आपको पता ही है कि देश में सेबोटेज के केसिज हो जा रहे हैं इसलिए इन्होंने मांग की है कि इसके बारे में होम मिनिस्टर इन्क्वायरी करें। यह किसी के खिलाफ एलोगेशन नहीं है। अगर यह किसी के खिलाफ एलोगेशन है तो यहां आनन्द मागियों का नाम भी नहीं लिया जा सकता है क्योंकि उनका कोई प्रतिनिधि यहां नहीं हैं जो कि डिफेंड कर सके। मान लीजिए यहां पर जनता पार्टी और कांग्रेस पार्टी के बारे में किसी को शुबहा है तो उसका नाम लेने में क्या एतराज है? अगर बासु जी को शुबहा है और उन्हें मालूम है कि इस तरह की बड़बड़ होने वाली है और श्रीमती इंदिरा गांधी के कुछ कार्यकर्त्ताओं

[श्री कंवर लाल गुप्त]

की ओर से उन्हें शुद्ध है और वे इन्वायरी की मांग कर रहे हैं तो इसमें कोई वाइल्ड एलीगेशन नहीं है।

**सभापति महोदय :** आपने जो कहा, वह मैंने बड़े ध्यान से सुना है। आप कांग्रेस पार्टी के खिलाफ, आनन्दमार्गियों के खिलाफ कुछ कहना चाहें तो कह सकते हैं लेकिन इसका मतलब यह नहीं है कि आप किसी व्यक्ति विशेष का नाम ले कर यह सब कहें। मेरी रुचि यह है कि आप किसी ए० बी० सी० व्यक्ति के खिलाफ अगर यह कहते हैं कि वह इस प्रकार के एक्सप्लोजन में इन्वाल्ड है तो यह सीरियस क्रिमिनल एलीगेशन है और इस तरह के एलीगेशन लगाने का हल्स में प्राविजन नहीं है। इसलिए आप ऐसे चार्जिज किसी व्यक्ति के खिलाफ यहां नहीं लगा सकते हैं जो कि यहां अपने को डिफेंड करने को उपस्थित न हों।

Therefore, I request Shri Bosu to proceed with the rest of his points and say whatever he has to say and ask his questions.

**SHRI JYOTIRMOY BOSU:** All that I said was that there were numerous cases of sabotage and the intention as we see it is primarily to discredit the Janata Party at the Centre and other Congress-opposed governments in the States.....

**SHRI VAYALAR RAVI:** He cannot go on like this. He is the tail of the Janata Party and he is repeating, he is making allegations against the Congress Party....

**MR. CHAIRMAN:** Please sit down. He has not named any person.

**SHRI VAYALAR RAVI:** He cannot make allegations like this.

**MR. CHAIRMAN:** Please sit down. He is within his rights to make such statements as he thinks are correct and if that goes against the Congress Government or any other government, it cannot be helped. He should not make statements against individuals.

**SHRI JYOTIRMOY BOSU:** I am very sorry to see here that my hon. friends on my right have called the members of the Janata Party as quadrupeds and they have called me as tail. Which variety of creature's tail? This is also very unparliamentary.

**SHRI HITENDRA DESAI (Godhra):** Let the discussion be relevant.

**SHRI JYOTIRMOY BOSU:** I repeat that the derailments and other cases of sabotage that we come to know of, that we hear and that we are experiencing are being engineered by a particular set of political people who are out to discredit the Janata Party at the Centre and certain State Governments. There is no question about it. The other day an important "leaderess".....

**MR. CHAIRMAN:** Please be brief and put your question.

**SHRI JYOTIRMOY BOSU:** There was a talk about fishplates. I know the person who said that the fishplates are found to be broken has never seen what a fishplate looks like. I can assure you that. Now the talk of Anand Marg is coming. Anand Marg has been made a scapegoat. I am saying it on my own responsibility that Anand Marg had been continuously financed by Mrs. Indira Gandhi and her party. I have got documentary evidence to prove it. Therefore, it is no use making a scapegoat of it. Mr. Ramachandran is a sober, cool person. He is representing the government as far as replying to the calling attention motion is concerned. I would earnestly request you to give up this 'forget and forgive' attitude and this Jain muni attitude. If you do not strike at the root of it, it will be too late. Strike at the root of it and all these things will be over. Thank you, no question.

**MR. CHAIRMAN:** No reply is called for.

**SHRI HITENDRA DESAI:** I am really sorry certain extraneous matters have been brought into this very important matter. Ukai project is a major multipurpose project in Gujarat, next only to Narmada. It provides

irrigation facilities and gives power also. Therefore, anything wrong in that plant or even any suspicion of sabotage should be considered as very serious so far as Gujarat is concerned. From the Ahmedabad edition of the Times of India, I have got certain information which we do not find in the Delhi papers. It has been said there:

"Two days ago the district authorities issued an order prohibiting the assembly of more than four people within a radius of 100 metres around the Ukai power project on December 26th. The order had been issued because of the apprehension of staging of violent demonstration by 700 workers of an engineering company who were engaged in constructing a new thermal power station in the project."

The workers were demanding the reinstatement of 123 of their fellow workers who were retrenched by the employers.

The paper goes on to add that Shri T. M. Patel, Home Inspector said that the police suspected the hand of some of the retrenched labourers, behind the explosion.

I am not suggesting that workers had a hand; but this is the story of the people who are conducting the investigation in Gujarat. I am sorry to find that almost without any basis, allegations are being made against the Congress Party. There were, in November, 4 rail accidents, of which 2 have been proved to be cases of sabotage, 2 of suspected sabotage. And there was an accident in the gas turbine plant on 20-11-1977 in U.P. Then came the fire in Akashvani on 25-11-1977, and then the explosion in the heavy water plant on 3-12-1977; and now we have this Ukai explosion. Ukai explosion occurs in a State known for its law-abiding nature and for its law and order situation. It was alleged that behind this sabotage, some men of the ex-Prime Minister were there. It makes us very sad. That allegation is without any foundation whatsoever. In fact, this question was raised in the Consultative

Committee only yesterday; and I am glad to say that the Home Minister emphatically denied that any person or groups of persons have been responsible for this. The Home Minister categorically stated in clear terms that Government has absolutely no evidence, whatsoever to come to any conclusions, even with regard to any groups of persons or groups engaged in violence. If, in spite of that, some allegations are made here, it is very unfortunate. So far as the Congress Party is concerned, all know that we are wedded to democracy; and any person who has some amount of patriotism in his heart will denounce any such sabotage very clearly. As far as our party is concerned, if Government comes forth with any suggestion, we are prepared to cooperate with them. The Minister should say what he has to say about these allegations of sabotage against some persons, or parties, and whether there is any evidence for it, and whether he has taken precautions to see that the vital installations, including the one at Ukai are properly guarded.

**SHRI P. RAMACHANDRAN:** All precautions are taken in various power plants, for their protection. With regard to the question of sabotage or otherwise, I have explained already that unless the police investigation is over and the report is received, I will not be able to give a categorical reply, saying that there is either sabotage, or that it is not there, i.e. unless we are in possession of all details. (Interruptions) In fact in Ukai, they have taken all precautions already. The power plant is now very safe; and there is no cause for anxiety. I can assure the hon. Members that all precautions are being taken.

**SHRI HITENDRA DESAI:** Have you got the slightest suspicion against any group of persons in the matter of violence?

**SHRI P. RAMACHANDRAN:** It is likely, because of the way the detonator was found. I would not say that it is from the workers; but there is some

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labour unrest in that area, as the hon. Member knows. But I would not blame any group of people or the workers. I am not interested in finding fault with workers. Sabotage might have been from other people also; not only from workers. Unless the police investigation is over, I will not be able to say anything.

17.50 hrs.

### CONTEMPT OF THE HOUSE

MR. CHAIRMAN: As the House is aware, one person, who has given his name as Shri Bhagwan Bux Singh, who is a Lecturer in Modern Vocational Inter College, Lucknow, shouted some slogans from the Visitors' Gallery at about 12.40 P.M. today. He was immediately removed from the Gallery by the Watch and Ward Staff and interrogated.

In a written statement, he has expressed his regret for his behaviour and for shouting slogans from the Visitors' Gallery and requested that he might be excused for his action.

If the House agrees, his regret may be accepted and he may be let off with a warning.

HON. MEMBERS: Yes.

MR. CHAIRMAN: So, the House has accepted it.

17.52 hrs.

### HALF-AN-HOUR DISCUSSION

SEIZURE OF ORNAMENTS FROM PRESIDENT AND CHAIRMAN OF J.K. SYNTHETICS LTD.

श्री कंबर लाल गुप्त (दिल्ली सदर) :  
सभापति महोदया, जो आधे घण्टे की बहस में उठा रहा हूँ . . . .

श्री ब्रजमूषण तिवारी (खलीलाबाद) :  
सभापति महोदया, इस हाउस का समय बढ़ा दिया जाये, और हमें भी प्रश्न का मौका दिया जाये।

सभापति महोदय : समय बढ़ चुका है, हाउस ने पहले ही स्वीकार कर लिया है कि आधे घण्टे की चर्चा के बाद श्री शांति भूषण का बिल पास करने तक सदन बैठेगा, यह स्वीकृति हो चुकी है।

श्री कंबर लाल गुप्त : सभापति महोदया, यह जो बहस मैं उठा रहा हूँ, एमजेंसी के जो बहुत बड़े-बड़े स्कैंडल हुए हैं, उनमें से यह भी एक स्कैंडल है। जैसा कि प्रश्न से आपको ज्ञात होगा कि सीताराम सिधानिया काकस के बहुत नजदीकी लोग हैं, जिनका सम्बन्ध भूतपूर्व प्रधान मंत्री इंदिरा गांधी और संजय गांधी से है। मेरे पास इस बात का सबूत है कि "गीतों भरी शाम", जो 11-4-76 को दिल्ली में की गई, जिसमें 22 लाख रुपये आमदनी का आया, वह विद्युत् संघ, जिसके सिधानिया साहब कैशियर हैं और संजय गांधी अध्यक्ष हैं, उनकी तरफ से किया गया था। ये लोग 8-10-76 को एयर इंडिया के हवाई जहाज से मारीशस गये। उसी दिन, प्रधान मंत्री इन्दिरा गांधी, बंसीलाल और उनके काकस के लोग भी मारीशस गये। ये लोग एयर इंडिया के प्लेन से गये और वे एयर-फोर्स के प्लेन से गये। वहां जाने के बाद इनके दो बक्से जिनमें डायमण्ड, ज्वेलरी और सोना भरा हुआ था, वहां टैग देने के बाद दोनों बक्से इन्होंने अपने हाथ में ले लिए। उसके बाद जब ये कस्टम में आये तो कस्टम वालों ने इन्हें पकड़ लिया। इनमें ज्वेलरी वगैरा करीब 20 लाख रुपये का माल निकला। इनका बयान लिया गया। इस के बाद अफसरों ने इनकी रिपोर्ट की और, एफ० आई० आर० दर्ज की गई। इन पर केस चलाया गया। जब इन्दिरा गांधी वहां पहुंच गई, तब उन्होंने मारीशस सरकार पर दबाव डालकर यह कहलवाया कि यह बक्से हमारे नहीं हैं।

लेकिन वह बक्से कौन से हैं, कब इन्होंने बयान दिया यह सवाल है ?

इन्होंने कई दिन के बाद यह कहा कि यह बक्से हमारे नहीं हैं। वास्तव में वह बक्से इनके ही थे। जो डायमण्ड और ज्वैलरी गई, उसके कट्स और मेक हिन्दुस्तान के हैं। वास्तव में यह स्मगलिंग हुई। यहां से डायमंड और ज्वैलरी ले जा कर बाहर बेची जाती है और इस तरह से काकस रुपया इकट्ठा करता जाता है। कुछ कैपिटलिस्ट्स की कनाइव्स के साथ डायमंड बाहर जाते हैं और वहां बेच कर फारेन एकाउण्ट खोले जाते हैं। यह भी ऐसे ही हुमा है।

आश्चर्य की बात यह है कि जब भूतपूर्व प्रधान मंत्री वहां गई और उन्होंने दबाव डाला तो मारीशस कस्टम के सारे आफिसर्स होस्टाइल हो गये और 3 महीने के बाद यह केस खारिज कर दिया गया शुबहा के बिनाह पर। यानी सरकारी गवाह वहां के होस्टाइल हो जायें, यह बहुत आश्चर्य की बात है। तो यह पहले प्रधान मंत्री, वंसीलाल और इन सरमायदारों की कनाइव्स है कि पहले यहां से माल ले जाएं, वहां बेचें और उस पैसे से फारेन एकाउण्ट खोलें।

मैं मंत्री महोदय से यह पूछना चाहता हूं कि सिहानिया साहब की विजिट का परपज क्या था और उन्होंने मारीशस के कस्टम्ज एगारिटीज के सामने जो स्टेटमेंट दिया, उस के कनेटन्स क्या हैं। मंत्री महोदय यह भी बतायें कि उन्होंने कब यह कहा कि वह बक्सा उन का नहीं है। कहते हैं कि वह बक्सा पंद्रह, बीस दिन के बाद किसी और जहाज से दोबारा आया। मैं यह जानना चाहता हूं कि उस बक्से में से क्या निकला। यह भी सवाल है कि वह

पंद्रह, बीस दिन के बाद क्यों आया। अगर उन्होंने मना किया था, तो वह दो तीन दिन बाद आता।

क्या सरकार ने इस बात की भी एनक्वायरी कराई है कि जब ज्युलरी के बक्से बम्बई से एयर इंडिया के हवाई जहाज से गये, तो उस वक्त कस्टम्ज वाले क्या कर रहे थे, उन्होंने चैक क्यों नहीं किया? वह बक्सा किसी का भी हो, कस्टम्ज का यह फ़र्ज था कि वे चैक करते।

मैं मंत्री महोदय से पार्यटिड क्वेश्चन्ज पूछ रहा हूं कि क्या यह सही है कि आर० के० ध्वन की ओरल इस्ट्रक्शन्ज थी कि इस तरह का माल आये या जाये, उसे चैक नहीं करना है। क्या कस्टम्ज के अधिकारियों का यह आदेश था कि जिस माल के बारे में आर० के० ध्वन टेलीफोन करें, उस माल को आने या जाने दिया जाये, उसे चैक न किया जाये? पांचजन्य में यह ख़बर छपी है कि चालीस लाख रुपये का माल आया। मेरा कहना है कि बीस लाख रुपये का माल गया—और भी गया होगा।

यह एक बहुत बड़ा इन्सिडेंट है। क्या मारिशस में हमारे एम्बेसेडर ने सरकार को इस बारे में कुछ लिखा है; अगर हां, तो क्या लिखा है? सीताराम सिहानिया ने जो पहला बयान दिया था, वह क्या था? मारिशस के कस्टम्ज आफिशल्ज ने जो एफ० आई० आर० दर्ज किया, और जो स्टेटमेंट दिया, मैं चाहता हूं कि उन की कापीज को इस हाउस के टेबल पर रखा जाये; और अगर सम्भव हो, तो मंत्री महोदय बतायें कि उन के कनेटन्स क्या हैं।

[श्री कंवर लाल गुप्त]

मैं यह भी जानना चाहता हूँ कि सरकार ने उन का पासपोर्ट इम्पाउंड क्यों नहीं किया। यह इतना सस्पेंडिस मामला है कि यह एक बहुत बड़ा स्कैंडल बन गया है। अगर इस मामले की सी० बी० आई० के द्वारा कड़े तौर पर जांच कराई जाये, तो कई रहस्योद्घाटन होंगे। मैं मांग करता हूँ कि मंत्री महोदय इस सारे घोटाले की सी० बी० आई० से जांच करायें, सारे रिकार्ड मंगावें और हाउस को बतावें कि क्या कोई ओरल इंस्ट्रक्शन दी गई थी, किन-किन जगहों पर माल गया और कौन कौन अफसर इसमें शामिल थे। (व्यवधान)

MR. CHAIRMAN: The hon. Members whom I have not called, if they speak, their remarks shall not be taken note of by the reporters.

18 hrs.

श्री यादबेन्द्र दत्त (जीनपुर) : सभापति महोदय यह प्रश्न मैंने पहले उठाया था और अनस्टाई कर दिया गया 18 नवम्बर को। इस में जो उत्तर दिया गया था मेरे प्रश्नों का यह यह था :

“(a) According to information, only Shri Sitaram Singhania was tried by a Mauritius Court for smuggling jewellery worth over Mauritius Rs. 11 lakhs when he had gone to Mauritius by Air India flight No. 711 from Bombay on 8-10-1976; the case resulted in his acquittal on 11-2-1977 and the goods which were disclaimed were confiscated by the Mauritius Customs.

(b) No raids were conducted on the houses of S/Shri Sita Ram Singhania and Gopal Krishna Singhania although independently of the case cited above the house of their respective fathers had been searched in November 1976.”

गुनाह बेटा करे और घर सच किया जाय बाप का। इस में मैंने तीन प्रश्न फिर पूछे हैं कि जब कोई यात्री हवाई जहाज से जाता है तो उस का जो लगेज होता है वह उसके टिकट पर चढ़ाया जाता है? उत्तर मुझे मिला कि उन के एयर टिकट में ये दो बक्स एण्टर्ड थे। जब पकड़े गए तो उन्होंने कहा कि यह मेरे बक्से नहीं हैं। प्रश्न यह है कि अगर ये बक्से उन के नहीं हैं तो एयर टिकट में कैसे एण्टर हुए और हवाई जहाज में कैसे लदे गए, क्या इस की जानकारी सरकार को है?

दूसरा प्रश्न यह है कि स्मग्लिंग कैसे चला, उन्होंने सच कहा, गलत कहा इस पर मैं नहीं जा रहा हूँ। उन्होंने यह कह दिया कि ये दोनों बक्से मेरे नहीं हैं, छूट गए। हिन्दुस्तान लौट कर आए तो क्या सरकार ने उन का इंटरोगेशन किया या नहीं किया और क्या सरकार ने यह जानकारी करने की कोशिश की कि वे बक्से हवाई जहाज में क्यों लदे, कैसे लदे जब किसी के नाम में हीं थे और इन के टिकट में एण्टर हुए तो क्यों एंटर हुए?

तीसरा प्रश्न पूछना चाहूंगा कि भूतपूर्व प्रधान मंत्री श्रीमती इंदिरा गांधी जब स्टेट विजिट पर वहां गईं तो उन के प्लेन के लैण्ड करने के 15 मिनट के अन्दर ही इन को भी एयर इंडिया फ्लाइट ने लैण्ड किया है, क्या इन सारी चीजों की जानकारी की गई या नहीं की गई? नहीं की गई तो मैं मांग करूंगा कि इस की खोद-बिनोद की जाय, जानकारी की जाय और स्पष्ट सी० बी० आई० की एन्वारी हो कि इस प्रकार के स्मग्लिंग के घन्घे में कौन लोग इन्वाल्ड हैं? क्या हवाई जहाज के लोग इन्वाल्ड हैं या किन्हीं अधिकारियों के टेलीफोन के या घमकी के या सुझाव के आधार पर सारे अफसर झुक गए?

उत्तर में यह भी आया है कि चूँकि ये दोनों बक्से उन के हैंड लगेज थे इसलिए कस्टम के अधिकारियों ने इन को नहीं देखा ? मैं भी दुर्भाग्य से वा सौभाग्य से हवाई जहाज से बहुत जाता आता रहता हूँ । इंटरनेशनल फ्लाइट में और इंटरनल फ्लाइट में भी आप जो हैंड लगेज जाते हैं सेक्योरिटी चेक में उसे खोला जाता है, हर चीज देखी जाती है तो सेक्योरिटी चेक के द्वारा क्यों नहीं ये दोनों बक्से देखे गये ? और नहीं देखे गए तो क्या यह सेक्योरिटी फेल्योर है या ऊपर से आदेश था कि ये बक्से न देखे जायें ? और इसके बाद जैसा कि हमारे मित्र ने कहा, तीसरा बक्सा भी 15 दिन के बाद पहुँचा । वह कैसे पहुँचा ? किस यात्री के नाम पर गया ? किसके एअर टिकट में एण्डर्ड था ? मैं आशा करूँगा इन सारे प्रश्नों के डिटेल्ड उत्तर माननीय मंत्री जी देंगे ।

**श्री बृज भूषण तिवारी :** सभापति महोदया, वह बहुत ही महत्वपूर्ण मामला आज सदन में चर्चा के लिए उठा है । इसकी छान-बीन सरकार की तरफ से होनी चाहिए और जो तथ्य हों वह सदन के समक्ष और देश के समक्ष प्रस्तुत किये जाने चाहिए । श्री यादबेन्द्र दत्त दुबे द्वारा किये गये प्रश्न का जो लिखित उत्तर सरकार ने दिया उसको मैंने देखा है, उसमें माफ कहा है कि केस चला था । अब उस मुकदमे का फसला हुआ तो उस फैसले की क्या फाईडिंग है—मैं चाहूँगा सरकार उसको सदन में रखे ।

उसके साथ ही साथ जिस तीसरे बक्से के बारे में बात कही जाती है वह तीसरा बक्सा कहाँ मिला, कब मिला और तीसरे बक्से में जो सामान रखे गये थे उसके बारे में उसके ओनर जो हैं मि० सिहानिया साहब, क्या उन्होंने कोई दरखास्त या कोई रपट दर्ज कराई थी कि मेरे बक्से में फलाना फलाना सामान था या नहीं और अगर रिपोर्ट कराई तो कब कराई ?

तीसरी बात जो मैं जानना चाहता हूँ वह यह है कि जो कहा जाता है कि बक्सा था जिसमें ज्वैलरी मिली उस ज्वैलरी के बक्से पर टैग कहाँ का था — इसकी भी जानकारी होनी चाहिए । अगर यह सारे मामले हुए तो क्या मारिशस की सरकार ने भारत की सरकार को इसके सम्बन्ध में कोई जानकारी दी या मारिशस की सरकार ने, जो वहाँ पर मुकदमा हुआ उसकी कोई अपील की ? यही प्रश्न मैं पूछना चाहता हूँ ।

**श्री हुकमचन्द कठाय** (उज्जैन) : सभापति महोदया, आधे घण्टे की चर्चा में बहुत सी बातें सामने आई हैं । मैं इस बात को कहने में जरा भी नहीं हिचकिचाता कि भूतपूर्व प्रधान मंत्री, श्रीमती इन्दिरा गांधी द्वारा सारे काम कराये जाते थे । मि० सिहानिया उनके खास व्यक्तियों में से थे और वह कार्य वे स्वयं करते थे । उनकी छत्रछाया में यह सारा काम होता था, इस बात से कोई इनकार नहीं करेगा । मारिशस में भूतपूर्व प्रधान मंत्री का गुप्त बैंक खाता है और उनके द्वारा बहुत से जेवर जेवरात भेजे हुए हैं जो कि आज भी मिल सकते हैं, यदि सरकार इस बात की छान-बीन करे\*\*



[श्री हुकमचन्द कछवाय]

यह समाचार-पत्रों में भी आया है जिससे कोई इनकार नहीं कर सकता। मैं जानना चाहता हूँ कि 15 दिन बाद बक्सा पहुँचा, क्या यह बात सही है कि उसमें पापड़ और बड़ी थी और क्या सिद्धानिया साहब पापड़ बड़ी खाने के लिए ले गये थे ?

श्री श्रीम प्रकाश त्यागी (बहराइच) :  
प्वाइंट ऑफ़ आर्डर \*\*

सभापति महोदय : मैंने पहले रुलिंग दी है कि वह यहां पर भी लापू होतों है। अगर आपको कोई चार्ज लगाना है तो पहले से उसकी नोटिस दीजिए लेकिन आपने नोटिस नहीं दी है। इसलिए अगर जनरल रूप से कुछ कहना है तो कहिये लेकिन किसी व्यक्ति विशेष को पिन-प्वाइंट करके और नाम लेकर न कहिए।

SHRI YADVENDRA DUTT: May I suggest that, in the interest of good international relations, we should not charge a foreign nation's Prime Minister or Minister? May I request you, Sir, to be good enough to see that\*\* is expunged from the proceedings?

सभापति महोदय : आपने जो कहा है, हमने नोट कर लिया है और उसको देख लिया जायेगा और अगर वैसा है तो वह जरूर निकाल दिया जायेगा।

श्री हुकम चन्द कछवाय : माननीय सभापति महोदय, मैंने जो बात कही है, इस बात से कोई इन्कार नहीं कर सकता कि मारिशस से हमारे देश के सम्बन्ध बहुत मधुर हैं, बहुत अच्छे हैं, परन्तु इस केस को जब पकड़ा गया, उस समय जो हेरा-फेरो हुई—भारत के उस समय के प्रधान मंत्री\*\*

सभापति महोदय : यह ठीक नहीं है।

आप किसी प्रधान मंत्री को नहीं लायेंगे, जनरल जो कहना है, वह कहिए।

श्री हुकम चन्द कछवाय : आप को इस पर आपत्ति है, तो मुझे कुछ नहीं कहना है, लेकिन सिद्धानिया के जो बयान उस समय हुए और बाद में जो बयान पलटे गये—इन दोनों बयानों को सदन के सामने रख दीजिए, उस से पता लग जायेगा कि वहां की सरकार का कितना सहयोग इस केस के रफ़ा-दफ़ा करने में रहा है। जब कोई केस किसी देश के अन्दर होता है, पहली बार जो बयान आया और बाद में उस को पलटा गया—उस से सारी बात साफ़ जाहिर होती हैं। मैं, आप की आज्ञा से, चाहूंगा कि माननीय मंत्री जो दोनों स्टेटमेन्ट्स सदन के सामने रख दें ताकि सदन देख सके कि वास्तव में कितनी हेरा-फेरी हुई है।

आप इस सम्बन्ध में विभागीय जांच करवायें। आप ने कुछ जांच करवाई भी है, इस से मैं इन्कार नहीं करता, परन्तु इस में सी० बी० आई० का सहयोग ले कर और जो भी तथ्य है—पहले बयान के, बाद के बयान के और वहां जो फैसला हुआ, वे सारी डिटेल्स सदन के सामने रखें, सदन से कोई बात न छिपायें। इस बात का आश्वासन माननीय मंत्री जो देंगे—ऐसा मैं चाहता हूँ।

मैंने जो बात कही है और दूसरे लोगों ने भी पूछा है कि जो दूसरा बैग 15 दिन बाद आया—क्या उम में पापड़-बड़ी थे और यदि थे तो यह बैग कहां से आया ? जो व्यक्ति पहले पहुंच जाये, क्या उस का बैग 15 दिन बाद आ सकता है ? मेरा निवेदन है कि जो जेवर, हीरे-जवाहरात के अलावा, पकड़े गये, वे कौ-कौन से जेवर थे, इस बात का खुलासा भी यहां पर हो।

यह बात साफ है कि ये सारे काम भूतपूर्व प्रधान मंत्री के जरिये उनके समय में होते थे और मॉरिशस के बैंक में भूतपूर्व प्रधान मंत्री का खाता है, इस बात का भी खुलासा करें ?

**श्री अम्बिका प्रसाद पांडे ( बांदा ) :** माननीय सभापति महोदय, माननीय गुप्ता जी ने आधे घंटे की चर्चा में जो प्रश्न उठाया है, वह बहुत महम मसला है । लेकिन जैसा कि मेरे कुछ बंधुओं ने विदेशों के मंत्रियों के खिलाफ, \*\* में नहीं चाहता कि हमारे तत्कालीन प्रधान मंत्री द्वारा किये गये कुछ बुरे कामों के कारण हमारे जो मधुर सम्बन्ध विदेशों से \*\* हैं, उन को इस समय किसी रूप में बिगाड़ा जाये । इसलिये मैं अपने सभी बन्धुओं से निवेदन करूंगा कि हमें अपने मधुर संबंधों को कायम रखना है, उन्हें दृढ़तर करना है, बा कि उन्हें बिगाड़ना है । इसलिए अपने मंत्रियों द्वारा किये गये कार्यों या वहां के लोगों द्वारा किए गये कार्यों को और अधिक न उछाला जाये ।

मैं मंत्री महोदय से जाबजबा चाहता हूं—जिस समय वहां से श्री सीताराम सिधानिया भवे, क्या उसी दिन बम्बई से श्रीमती इन्दिरा गांधी भी गई थीं या इन्दिरा बांधी बाद में गई और वह पहले गये या वह पहले गये और इन्दिरागांधी बाद में गई—इसके जो भी तथ्य हैं, वे सामने आने चाहिये ।

इसके अलावा मैं यह जानना चाहूंगा—जिस को श्री यादवेन्द्र दत्त दूबे जी भी सामने लाये हैं—जो दूसरा सूट-केस 15 दिन बाद आया, क्या उस सूट-केस और जो सूट-केस उन के साथ गया—दोनों में कोई साम्य था तथा दोनों के कन्टेन्ट्स क्या थे, पहले में क्या निकला और बाद के सूट-केस में क्या निकला ? जो पहला सूट-केस

था—उसको सिधानिया जी स्वयं अपने हाथ में पकड़े हुए थे, स्वयं लिये हुए थे या वह लगेज में था—यह देखना भी बहुत आवश्यक है ? सिधानिया जी के साथ जो सूट-केस था, उसके कन्टेन्ट्स के सम्बन्ध में उन्होंने क्या बयान दिया था और जिस समय वे मॉरिशस में उतरे उस समय उस सूट-केस पर उनका ही टैग होना चाहिये, वह टैग था या नहीं था ? यदि था, तो उस टैग का नम्बर, और उन के टिकट का नम्बर दोनों में साम्य था या नहीं—ये दोनों चीजें देखने लायक हैं ।

इसके अलावा सब से बड़ी जो चीज देखने की है वह यह है कि जो यह कहा जात है कि नाईरोबी से वह सूट-केस उनका भ्रमा और दोनों में बहुत ही साम्य था, तो क्या उसी दिन नाईरोबी के लिए हवाई जहाज छुटा जिससे वे अपने आप को जाना बताते हैं ? अगर यह सत्य है तो जो मुकदमा चल, उस की क्या फाइंडिंग्स रहीं और उन फाइंडिंग्स के आधार पर जिन लोगों ने मुकदमे की सफाई की थी, उन के खिलाफ कोर्ट ने क्या स्ट्रिकर्स पास किये । यह जो घुषित काम हुआ है, उस के जो तथ्य हैं, वे सब के सामने आती थी और रखने चाहिये ।

**विजय मंगलसह से राज्य सचिव (श्री सीताराम सिधानिया) :** सम्मान्य सभापति महोदय, इसके पूर्व कि मैं इस सम्बन्ध में माननीय सदस्यों द्वारा उठाए गये प्रश्नों का उत्तर दूं मैं विनम्रता के साथ सदन में यह विचार व्यक्त करना चाहता हूं कि इस सारे प्रकरण में और इस सारे कांड में जो भी सामग्री और जानकारी हमारे पास उपलब्ध है, उस के आधार पर मैं निश्चित रूप से कह सकता हूं \*\*

सम्मानित सदस्यों ने जो आधे घंटे की चर्चा उठाई है, उस में मुख्यतया पांच प्रश्न लिख कर दिये थे । अनेक बिन्दुओं

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के ऊपर जबाब देने से पूर्व मैं उन प्रश्नों का उत्तर सदन के सायेने पढ़ देता हूँ। दूसरे जो मामले रह जायेंगे, उन के सम्बन्ध में कुछ और जानकारी मैं सदन के सामने रखने का प्रयास करूंगा। जो बिन्दु उठाए गये हैं वे इस तरह से हैं :—

1. How was the jewellery smuggled from India to Mauritius?

2. How the official witnesses of Mauritius turned hostile?

3. Why the case was not referred to CBI for further investigation?

4. Why follow up action was not taken by the Government over it?

5. Whether any foreign goods or foreign accounts were seized by the Government after the raid?

इन पाँचों प्रश्नों के सम्बन्ध में मैं आपकी अनुमति से उत्तर पढ़ना चाहता हूँ और उस में बहुत सारे बिन्दु जो हैं, उनका जबाब मिल जाएगा जैसे अभी अम्बिकी बाबू ने भी सवाल उठाया था ?

It appears that the jewellery in question was smuggled from India to Mauritius. However, since the particular suit case in which this jewellery was contained was disowned by Shri Sitaram Singhania and Mauritius Court had acquitted him of the charge of smuggling, the matter needs further investigation into the circumstances in which the jewellery was smuggled into Mauritius.

According to the judgment of the Mauritius Court:

"A striking feature of this case is the systematic way in which the principle prosecution witnesses retracted or qualified important parts of their statements to the Police and/or their evidence in court. And the resulting confusion in the case for the prosecution was left to persist throughout the trial."

In the judgment the court has discussed the way in which the Mauritius Customs Officers concerned, namely, S/Shri Venkataswamy, Lionnet and Daurat had resiled from their original testimony before the Police.

In the concluding part of the judgment the court has observed that:

"We must place on record our concern at prosecution witnesses, especially Senior Government Officers, recasting and qualifying important previous statements made by them and being allowed to do so with impunity. Such a state of affairs, if not remedied, will eventually impair the proper administration of justice in Mauritius."

How the official witnesses of Mauritius turned hostile is, therefore, a matter for investigation by the Mauritius Government in the light of the aforesaid judgment of the Mauritius Court. Any investigation by us in the matter would tantamount to interference with the sovereign rights of the other country.

The CBI officers knew the facts of the case and they were also approached by DRI on 23rd October, 1976, 27th July, 1977, 10th October, 1977 and 1st November, 1977 for obtaining information about this case from the Mauritius authorities through the Interpol. It is now reported by the CBI that they have not conducted any investigation or enquiry in this case. However, at the instance of the Department of Personnel and A.R. and D.R.I., information was collected by CBI from the National Crime Bureau Interpol. Mauritius, in regard to the action taken locally for the prosecution of Singhania and also for the confiscation of the jewellery and other articles seized by the Customs authorities.

It is not a fact that no follow-up action was taken. In fact, Interpol has already been addressed for further information regarding this case after

the receipt of the Mauritius Court Judgment. The Director CBI who acts as the NCB Chief for Interpol in India has been addressed for further detailed information relevant to this case. Meanwhile, the Air India had also been investigating the circumstances of the alleged mix up of the baggage which constituted the defence plea of Shri Sitaram Singhanian. The Collector of Customs (Preventive) Bombay has also been asked by the DRI to ascertain the position regarding the alleged mix-up of the suitcases from M/s. Air India and the entire matter is now under vigorous investigation.

So far as the foreign goods or foreign accounts seizure is concerned there is absolutely no information with the government so far as Mr. Sitaram Singhanian is concerned as already pointed out by Mr. Dave.

माननीय गुप्ता जी और अन्य माननीय सदस्यों ने जो पांच प्रश्न लिख कर भेजे थे उन के सम्बन्ध में मैंने यह उत्तर दिया । अब जो इसके पहले और इसके बाद की घटनाओं का सम्बन्ध है और अदालतों में गवाहियों का सम्बन्ध है, और उनके बारे में जो स्ट्रिकचर दिये गये हैं और चिन्ता व्यक्त की गयी है, उस के बारे में भारत सरकार को कोई कार्यवाही नहीं करनी है । इस सम्बन्ध में हमें जो कार्यवाही करनी है और जो मिस्टरी बनी हुई है वह यह है कि श्री सीताराम सिंघानिया 8-10-76 को एयर इंडिया की फ्लाइट से मारीशस गये । यह भी बात सही है कि उसी दिन भूतपूर्व प्रधान मंत्री श्रीमती गांधी भी एक चार्टर्ड फ्लाइट से मारीशस गयीं । वे पहले मारीशस पहुंची और श्री सिंघानिया का हवाई जहाज बाद में मारीशस पहुंचा ।

हमारे पास जो जांच रिपोर्ट आयी है उसके अनुसार जब श्री सीताराम सिंघानिया बम्बई से गये तो वे दो सूटकेस

अपने साथ ले गये । उन सूटकेस की बम्बई में किसी प्रकार की जांच नहीं की गयी वे दोनों सूटकेस मारीशस पहुंचे और उन दोनों सूट केसिज पर जो टेग लगे हुए थे वे उन के टिकट नम्बर के आधार पर लगे हुए थे । इन सूट केसिज के बारे में बम्बई में किसी प्रकार की जांच नहीं की गयी, क्यों नहीं की गयी यह मामला जांच का है । लेकिन वे दोनों सूटकेस मारीशस पहुंचे और उन्हें टेगों के आधार पर छुड़ाया गया । इन सूट केसिज को छुड़ाने के बाद कस्टम अधिकारियों का पुलिस के सामने प्रारंभिक बयान था कि इन बक्सों पर लगे टेगों और उनके पास जो टिकट था, उसके एक ही नम्बर थे । दोनों सूटकेसिज पर जो टेग लगे हुए थे, उन दोनों का भी एक ही नम्बर था, जिससे साफ जाहिर होता था कि दोनों बक्से एक ही आदमी के थे । प्रारंभिक बयान में मारीशस के कस्टम अधिकारियों ने इस बात को स्वीकार किया है लेकिन बाद में अदालत में बयान बदल दिये गये । जब वह बक्सा खोला गया तो उस में ज्वेलरी निकली जो मारीशस की मुद्रा के हिसाब से 1.1 लाख रुपये की थी और भारतीय मुद्रा के हिसाब से 15 लाख रुपये की आंकी गयी । जब यह बक्सा खोला गया, उस समय श्री सिंघानिया ने कह कि यह बक्सा तो मेरा नहीं है । पहले तो उन्होंने उसे अपना बताया ।

सभापति महोदय, मैं यहां पर स्पष्ट कर दूँ कि सरकार को किसी चीज को छिपाने का इरादा नहीं है । जो मैं बता रहा हूँ कि कोर्ट के जजमेंट में यह है । उन्होंने पहले तो वहां यह कहा कि आप इन बक्सों को रख लीजिए और कल तक कंसर्ड अथॉरिटीज से आपको इस सम्बन्ध में आदेश प्राप्त हो जाएंगे । और जबानी कहा ऐसी उनके बयान में चीज आई । प्रारंभिक बयानों

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में आई। जब अदालत में गवाही हुई तो अदालत में यह सब बदल गए और उन्होंने यह कहा कि मैंने ऐसा सुना नहीं, शायद कहा या नहीं कहा, मेरा उस समय ध्यान दूसरी जगह था। कोटे के बारे में मैं कोई किसी प्रकार की टिप्पणी करना नहीं चाहता हूँ। जो भी प्रारम्भिक बयान कस्टम अधिकारियों के सामने दिया गया है उसमें उन्होंने अपना होना माना। उसके बाद उन्होंने कहा आप उनको रखिये, रखने के बाद जैसा होगा कल तक आदेश हो जाएगा। ये तो प्रेजेंट्स बगैरह के लिए है, ऐसा ऐसा कुछ उन्होंने कहा। यह सब जबानी है। राइटिंग में चीज नहीं है। राइटिंग में स्टेटमेंट नहीं है। कोर्ट में जाने के बाद वह बदल गए। कोर्ट ने एक्चिट कर दिया, अपना जजमेंट उसने दे दिया। अब कोर्ट की जजमेंट पर मैं कोई एसपोज़ क्रास्ट करना नहीं चाहता हूँ।

श्री कंवर लाल गुप्त : प्रेजेंट्स प्रधान मंत्री के लिए थे ऐसा उन्होंने कुछ कहा ?

श्री सतीश अग्रवाल : यह जो कन्फिस्केट किया गया यह घटना आठ तारीख की है जब उन्होंने यह कह दिया था कि यह मेरा सूटकेस नहीं है। उसके बाद बारह या तेरह अक्टूबर की लगभग चार पांच दिन के बाद उन्होंने एयर इंडिया को रिप्रिजेंट किया और कम्प्लेंट फाइल की कि मेरा बक्सा बदल गया है, मेरा सूटकेस मुझे नहीं मिला है। उसके बाद 21 या 22 तारीख को लगभग बारह तेरह दिन के बाद नैरोबी से एक सूटकेस आया और उन्होंने कहा कि यह मेरा है और उनको दे दिया गया। उस सूटकेस में माननीय सदस्य ने पूछा कि क्या मिला ? जैसा उन्होंने कहा है कि उस में शायद पापड़ मंगौड़ी, कपड़े मिले।

अब सवाल इस बात का है कि वह जो ज्यूबलरी मिली, ब्रास बेयजे मिले वे तो सब इंडियन ओरिजन के थे। प्रश्न यह है कि जब बम्बई से नैरोबी की फ्लाइट गई वह तो दस बजे गई और मारिशस की ग्यारह बजे गई। नैरोबी प्लेन पहले चला गया और मारिशस वाला बाद में गया। फ्लाइट एक ही दिन गई। यह तो निश्चित बात है कि यह जो बक्सा गया, गया तो यह बम्बई से ही। बम्बई से गया तो उसको सीताराम सिंघानिया ले गए या कोई दूसरा ले कर गया यह मामला जांच का है।

Who is the man who actually smuggled that suit case from Bombay to Mauritius or from Nairobi? Who is the owner of this? It remains unclaimed. So far, it was confiscated by the Mauritius Customs Authority and nobody has come so far to claim that particular package.

दूसरी बात यह है कि इस सारे मामले में नैरोबी में जो बक्सा गया और जब नम्बोरिंग हो गया था तो फिर एक बक्सा कहीं न कहीं बढ़ना चाहिये था। यह बक्सा वहां चला गया है। नैरोबी का बदल कर मारिशस आ गया तो नैरोबी में किसी ने क्लेम किया क्या ? कैसे बदल गया, कैसे उसे क्लेम किया यह मामला भी है। अब दोनों टैग एयर इंडिया से जारी किए गए थे। दोनों टैग उनको दे दिए गए थे। फिर इन पर कौन सा टैग लगा, दोनों टैग मिल कैसे गए इस सम्बन्ध में एयर इंडिया जांच कर रहा है।

माननीय सदस्य ने सी बी आई की जांच के बारे में कहा है। मैं इस पर कोई आपत्ति करना नहीं चाहता हूँ। माननीय सदस्य चाहते हैं तो मुझे कोई आपत्ति नहीं है और मैं अभी इसकी घोषणा करने के लिए तैयार हूँ। बी

आर आई से लेकर सी बी आई तक सब को मैं इनवैस्टीगेशन का काम सौंपने के लिए तैयार हूँ। लेकिन मैं निवेदन करना चाहता हूँ कि सारे मामले में सी बी आई को समय समय पर हम लिखते रहे हैं, जानकारी देते रहे हैं। जैसा आपको मालूम ही होगा विदेशों में जो भी तस्करी की इस प्रकार की घटनाएँ होती हैं उनके सम्बन्ध में इंटर-पोल जो एजेंसी है उसकी मदद के बिना कुछ नहीं हो सकता है। इंटरपोल की जो एजेंसी हैं उन्होंने हर देश में अपनी अपनी एजेंसी मुक़र्रर कर रखी है। मारिशस में एक नैशनल क्राइम व्यूरो करके एजेंसी उन्होंने कस्टम वालों को दे रखी है। उसी तरह से इंटरपोल वालों ने सी बी आई के जो चीफ हैं डाइरेक्टर सी बी आई उनको दे रखी है। उनके साथ हम कारेसर्गेंडेंस में हैं, जानकारी उन से ले रहे हैं, उन से भी इनवैस्टी-गेशन कुछ हो रहा है। मैं आश्वासन दे सकता हूँ कि इस सारे मामले में, इनवैस्टीगेशन के बारे में आप मुझ से ज्यादा न कहलवाएँ क्योंकि इसमें बड़े डेलीकेट मामले इनवाल्व्ड हैं और एडवांस में मैं कुछ अधिक नहीं कह सकता हूँ। मैं आश्वासन देना चाहता हूँ कि यह सारा प्रकरण जो अभी तक मिस्टरी बना हुआ है उस पर से पर्दा हटाने के लिए डाइरेक्टर रेबेन्यू इंटेलीजेंस को विमोर्स सचं और थारो प्रोब करने के आदेश जारी कर दिये गए हैं और जैसे ही उसके सम्बन्ध में रिपोर्ट आयेगी मैं सदन को सूचना दे दूंगा।

श्री कंवर लाल गुप्त : एक प्रश्न रह गया है। क्या धवन साहब ने टेलीफोन पर औरले इंस्पेक्शन दे रखी थी कि जो माल इस तरह का जाए या आए उसको रोकना न जाए ? क्या यह भी एक तथ्य है।

श्री सतीश अग्रवाल : धवन साहब तो दिल्ली में रहते थे। आपने पूछा है कि उन्होंने इस प्रकार के कोई आदेश कस्टम के अधिकारियों को दे रखे थे कि इन बड़े बड़े बी आई पीजे के या श्रीमती इंदिरा गांधी के जो साथी हैं उनके बक्से न खोले जाएँ, उनके बक्सों की जाँच न की जाए।

उसमें 5 जने हैं। वह 5 जने वाले मामले का जिक्र जो आपने किया है उसका अगर आप विस्तार से अलग से प्रश्न पूछेंगे तो अलग से सूचना दे दूंगा। इन प्रश्नों में आपने उस बारे में जानकारी माँगी नहीं थी।

सभापति महोदय : इस वक़्त उनके पास जानकारी नहीं है।

श्री कंवर लाल गुप्त : कहिये साहब कि जानकारी नहीं है।

सभापति महोदय : उन्होंने कह दिया है कि अलग से आप पूछेंगे तो वे उत्तर देंगे।

श्री सतीश अग्रवाल : मैं जानकारी प्राप्त कर लूंगा और सदन को सूचित कर दूंगा।

18.31 hrs.

SUPREME COURT (NUMBER OF JUDGES) AMENDMENT BILL—  
*contd.*

MR. CHAIRMAN: Now we take up the Supreme Court (Number of Judges) Amendment Bill.

डॉ० रामजी सिंह (भागलपुर) : सभापति महोदय, अभी इस पर काफी बहस हो चुकी है....

**सभापति महोदय :** आप केवल अपने संशोधन पर ही बोलें ।

**डा० रामजी सिंह :** इस पर बहस नहीं हो सकी है कि 13 से बढ़ाकर 17 जजेब क्यों किये जायें । इससे ज्यादा क्यों न किये जायें जजों की तादाद ।...

**सभापति महोदय :** आपका तो अमेंडमेंट ही मूव नहीं हुआ । जब कल हुआ तो आप यहां नहीं थे । इसलिये आप अभी नहीं बोल सकते । अगर बोलना है तो थर्ड रीडिंग पर 2, 3 मिनट बोल लीजियेगा ।

We take up amendments to clause 2.

मंत्री जी इन अमेंडमेंट्स के बारे में कुछ जवाब देना चाहते हैं जो 6 अमेंडमेंट्स आये हैं ?

**श्री रूपनाथ सिंह यादव :** (प्रतापगढ़) : सभापति महोदय, हमारा भी क्रम संख्या 4 पर संशोधन है । मुझे भी बोलने का मौका दें ।

**सभापति महोदय :** जी हां, आप पहले बोलें आपका नाम पहले है ।

**श्री रूपनाथ सिंह यादव :** सभापति महोदय, मैं आप की आज्ञा से यह प्रस्ताव करता हूँ कि मूल अधिनियम की धारा 2 में निम्नलिखित परन्तुक जोड़ा जाये, अर्थात् :

“परन्तु यह कि उच्चतम न्यायालय में न्यायाधीशों के 25 प्रतिशत पद अनुसूचित जातियों और सामाजिक रूप से पिछड़े अन्य वर्गों में से उपलब्ध उपयुक्त और अर्ह व्यक्तियों के लिये आरक्षित किये जायेंगे ।”

सभापति महोदय, यह 17-12-73 का पिछली सरकार का एक उत्तर है जिससे साफ जाहिर है कि सुप्रीम कोर्ट में कोई जज शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब का नहीं है । इसी तरह से दूसरे प्रश्न के उत्तर में सरकार ने यह बताया कि हाई कोर्ट्स में शैड्यूल्ड कास्ट के तीन जज हैं । आन्ध्र प्रदेश में 1, मध्य प्रदेश में 1 और पटना में 1 । बैकवर्ड क्लासेज के बम्बई में 5, केरल हाई कोर्ट में 9 और मद्रास हाई कोर्ट में 6 । इस तरह से यह परसेंटेज है, जब कि देश के तमाम हाई कोर्ट्स में जजों की संख्या 351 के करीब होती है, और 67 के करीब जगहें खाली पड़ी हैं । उसमें से यह संख्या है इन वर्गों की जो कि समाज के दबे हुए लोग हैं । लेकिन इनमें भी योग्य आदमी यहां बिराजमान हैं । पर अभी तक उनके लिए कोई कानून नहीं बनाया गया है । मैं मंत्री जी का ध्यान खींच रहा हूँ उस प्रस्ताव की तरफ जो नीति सम्बन्धी है । अगर आप चाहते हैं कि समाज में से विषमता हटे और जो 99 फीसदी आबादी के लोग उपेक्षित रहे हैं और आप चाहते हैं कि वह ऊपर आयें और अगर उनमें पढ़े लिखे लोग मौजूद हैं तो उनको संरक्षण देने के लिये नीति सम्बन्धी हमारा संशोधन है और इसको मानने में कोई आपत्ति नहीं होगी । यह संविधान के मुताबिक है । आर्टिकल 340(1) के अधीन राष्ट्रपति जी ने बैकवर्ड क्लासेज कमीशन के नाम से काका कालेलकर की अध्यक्षता में आयोग बैठाया था जिसे कहा है कि कौन कौन लोग पिछड़े वर्गों में आते हैं । इसी तरह से शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब की लिस्ट मौजूद है ।

सभापति महोदय, एक बात और कहना चाहता हूँ और वह यह कि आज तक 30 सालों में क्लास 1 और क्लास

2 के अधिकारियों की जो संख्या है उसमें शैड्यूल्ड कास्ट के केवल 4 फीसदी और अन्य पिछड़े वर्गों के लोग 1 या डेढ़ फीसदी आते हैं। इस तरह से समाज की 99 फीसदी जो आबादी है, वह पिछड़ी है, सर्वहारा है। पिछले 30 बरस में उसको हर जगह ठुकराया गया है। आज जमाना बदला है, उसी जनता के कारण आज हम लोग यहां लोक-सभा में जनता पार्टी की सरकार के रूप में बैठे हुए हैं। जनता पार्टी ने बादा भी किया है, चुनाव घोषणा-पत्र में स्पष्ट लिखा है कि 25 फीसदी क्लास-1 अफसरों में भी काका कालेलकर आयोग की रिपोर्ट के अनुसार संरक्षण दिया जायेगा। पिछले 9 महीने में मैं सरकार का ध्यान कई बार इस ओर आकर्षित कर चुका हूं। सामाजिक विषमता मिटाने के बारे में नान-आफिशियल बिल भी मैंने पेश किया है। मैं माननीय मंत्री से चाहूंगा कि वह योग्य हैं, विद्वान हैं, हाई कोर्ट और सुप्रीम कोर्ट में रहे हैं, इससे उनका कोई विवाद भी नहीं है, जब अच्छे लोग हाई कोर्ट में हैं तो इस रिप्रेजेंटेशन को मानने में कोई आपत्ति उन्हें नहीं होनी चाहिये।

इसलिये मैं चाहूंगा कि वह इस संशोधन को स्वीकार कर लें ताकि जनता का डमेज और बढ़े और समाज की विषमता दूर हो, भेदभाव खत्म हो, सोशल और इकनामिक डिस्पैरिटी खत्म हो। यह एक नई बात जनता पार्टी

की सरकार के लिये होगी कि जो समाज का आज का ठुकराया हुआ वर्ग है, उसको सुप्रीम कोर्ट में स्थान देने के लिये जनता पार्टी ने एक कानून बनाया है।

श्री ओम प्रकाश त्यागी : सभापति महोदया, ला कमीशन ने जजेज के एप्वाइन्ट-मेंट के बारे में कुछ अपनी राय बनाई थी—

“The question of appointment of persons as judges of High Courts and Supreme Court was considered by the Law Commission in their 14th report. Regarding Supreme Court appointment, the Commission recommended that a judge of the Supreme Court should have a tenure of at least 10 years. The Government in 1960 accepted the recommendation subject to the change that save in exceptional cases, the minimum should be ordinarily five years.”

यह गवर्नमेंट स्वीकार कर चुकी है। ला-कमीशन की रिपोर्ट के अनुसार ही धारा 2 में मैंने यह संशोधन रखा है कि उसके साथ वह जोड़ दिया जाये—

“परन्तु यह कि ऐसे किसी व्यक्ति को, जिसकी आयु नियुक्ति के समय साठ वर्ष से अधिक हो, न्यायाधीश के रूप में नियुक्त नहीं किया जायेगा।”

चूंकि सुप्रीम कोर्ट में 65 वर्ष की आयु में जज रिटायर होता है, तो कम-से-कम 60 वर्ष की आयु उसकी होनी चाहिये



[श्री ग्रोम प्रकाश त्यागी]

ताकि यहां आकर वह 5 वर्ष तक सेवा कर सके। गवर्नमेंट इस सिद्धान्त को स्वीकार कर चुकी है 1960 में कि 10 साल नहीं कम-से-कम 5 साल। क्योंकि हाईकोर्ट के जजों को रिटायरमेंट की आयु 60 वर्ष है। सुप्रीम कोर्ट में ऐसे अवसरों को लया जाये जो कम से कम 5 साल तक सेवा लगातार कर सकें। अगर कोई व्यक्ति 62, 63 वर्ष का आ गया तो वह 2, 3 साल सेवा करने के बाद फिर रिटायर हो जायेगा; यहाँ पर थोड़ी काम की जानकारी होगी और वह चला जायेगा। इसलिये मैं समझता हूँ कि इस अमेंडमेंट को स्वीकार करने में कोई आपत्ति नहीं होनी चाहिये।

सभापति महोदय : श्री विनायक प्रसाद यादव।

श्री रामजी लाल सुमन (फिरोजाबाद) : सभापति महोदय, एक मिनट हमें भी बोलना है।

सभापति महोदय : आप बीच में नहीं बोल सकते हैं, जिनके अमंडमेंट हैं, मैं उन्हीं को बुला रही हूँ।

श्री रामजी लाल सुमन : मुझे इसमें यह निवेदन करना है...

सभापति महोदय : निवेदन इस वक्त नहीं हो सकता है। आपका कोई प्वाइन्ट

आफ आर्डर है क्या? निवेदन ऐसे नहीं हो सकता है।

श्री विनायक प्रसाद यादव यहां नहीं हैं, इसलिये मिनिस्टर इसका रिप्लाय करें।

श्री शांति भूषण : सभापति महोदय, जो 3 तरह के संशोधन पेश किये गये हैं, कुछ में तो 17 की संख्या को बढ़ाने को कहा गया है या कम करने को कहा गया है, किसी ने 25 कहा है किसी ने 30 कहा है किसी ने 15 के लिये कहा है।

जहां तक संशोधन का सम्बन्ध है मैं इतना ही कहना चाहूंगा कि बहुत अधिक संख्या हम इसलिये नहीं रखना चाहते हैं कि जब जैसे जरूरत हो, हम पार्लियामेंट, संसद के सामने आकर उसकी स्वीकृति लें। लेकिन फिर भी 17 हमने इसलिये माना है कि रोज-रोज हम संसद में आकर 1, 1, 2, 2 या 6, 6 महीने बाद इस प्रश्न पर इसका समय लें तो यह उपयोगी नहीं होगा। इसीलिये हमने बीच का रास्ता लिया है कि 17 इस समय करें, 4 की बहुतेतरी पहले करें, चाहे 2 अब करें और 2 बाद में करें लेकिन उसके बाद 17 से आगे की आवश्यकता हो तो संसद का समय दोबारा लें।

माननीय सदस्य, श्री रूपनाथ सिंह यादव, अपने संशोधन के द्वारा सुप्रीम कोर्ट के जजों में शेड्यूल्ड कास्ट्स और बैकवर्ड क्लासिज के लिए 25 फ्रीसदी आरक्षण चाहते हैं। मैं उनसे निवेदन करना चाहता हूँ कि संविधान के अनुसार इस कानून में इस तरह की बात

वा ही नहीं सकती हैं। संविधान के अनुच्छेद 124 में लिखा था कि सुप्रीम कोर्ट में चीफ जस्टिस के अलावा 7 जजिज होंगे, जब तक कि संसद् किसी कानून के द्वारा ज्यादा संख्या का निर्धारण न करे। इस अनुच्छेद के अनुसार पहले भी कानून लाये जा चुके हैं। उसी के अनुसार अब यह बिल लाया गया है जिस के अन्तर्गत मुख्य न्यायाधीश के अतिरिक्त 17 जजों का प्रावधान किया गया है।

संविधान में इस बात का प्रावधान किया गया है कि किस को जज बनाया जा सकता है, किस को नहीं बनाया जा सकता है, उस के लिए क्या प्रक्रिया होगी, किस की रीकमेंडेशन होगी और किस के साथ कन्सल्टेशन किया जायेगा। जब संविधान के इस अनुच्छेद में इस बात की कोई चर्चा नहीं की गई है कि सुप्रीम कोर्ट के जज जैसे महत्वपूर्ण पद के लिए जात-बिरादरी के आधार पर, या शिड्यूल्ड कास्ट्स तथा बैकवर्ड क्लासिज के लिए, कोई आरक्षण किया जाये,—सत्कारी नौकरी में क्लास वन आदि पदों के लिए आरक्षण करना एक भिन्न बात है—, तो फिर किसी कानून के द्वारा ऐसा नहीं किया जा सकता है। वह असंवैधानिक होगा। इस लिए मैं इस प्रकार के संशोधन को मगाने से मजबूर हूँ।

माननीय सक्स्थ, श्री भोम प्रकाश त्यागी, ने भी एक संशोधन रखा है। जहां तक उन की भावना का सम्बन्ध है, मैं उस का आदर करता हूँ। उन्होंने देखा होगा कि जब भी सुप्रीम कोर्ट में नियुक्तियां होती हैं, तो इस

बात का विचार रखा जाता है कि वह न्यायाधीश कम से कम पांच साल तक सर्वोच्च न्यायालय में कार्य कर सके, क्योंकि अगर वह सर्वोच्च न्यायालय में थोड़े समय के लिए रहता है, तो उस की उपयोगिता उतनी नहीं रहती है, जितनी कि उस स्थिति में होती है, जबकि वह कई वर्ष तक वहां पर कार्य कर सके।

श्री रूपनाथ सिंह यशबब : हाई कोर्ट्स में 23 जज मौजूद हैं, जो शिड्यूल्ड कास्ट्स और बैकवर्ड क्लासिज के हैं।

श्री शान्ति भूषण : यह कोई नहीं कह रहा है कि उन को नियुक्त करने के बारे में विचार नहीं हो सकता है, या अगर मुख्य न्यायाधीश उन की संस्तुति करें, तो उन के बारे में विचार नहीं हो सकता है। लेकिन कानून में इस प्रकार का कोई आरक्षण कर देना संविधान के विपरीत होगा कि उन्हें इस पद पर नियुक्ति के लिए उपयुक्त माना जाये, या अगर उन से ज्यादा उपयुक्त दूसरे जज हों, तो भी उन्हें सिर्फ इस आधार पर नियुक्त कर दिया जाये कि वे शिड्यूल्ड कास्ट्स या बैकवर्ड क्लासिज के हैं। अगर संविधान में ऐसा आरक्षण होता, तो दूसरी बात थी।

[श्री शान्ति भूषण]

श्री ओम प्रकाश त्यागी ने कहा है कि इस कानून में वह संशोधन कर दिया जाये कि 60 साल से ऊपर के व्यक्ति की इस पद पर नियुक्ति नहीं हो सकती है। जब संविधान इस प्रकार का प्रतिबन्ध नहीं लगाता है कि 60 साल से ऊपर के व्यक्ति को नियुक्ति नहीं हो सकती है, तो मैं समझता हूँ कि कानून में ऐसा प्रतिबन्ध लगाना संविधान के विपरीत होगा। यह दूसरी बात है कि नियुक्ति करते समय इस बात को ध्यान में रखा जाये, ला कमीशन ने जो कहा है, उसे भी सामने रखा जाये।

श्री श्रीन प्रकाश त्यागी : सरकार ने इसे स्वीकार किया है।

श्री शान्ति भूषण : इसी लिए तो जब भी नियुक्तियां होती हैं, तो इस बात का ध्यान रखा जाता है। माननीय सदस्य ने देखा होगा कि हाल ही में जो दो नियुक्तियां हुई हैं, वे ऐसे लोग हैं, जो पांच साल से ज्यादा समय तक सुप्रीम कोर्ट में रहेंगे। लेकिन इस प्रकार का कोई कानूनी प्रतिबन्ध लगा देना, जब कि संविधान में ऐसा कोई प्रतिबन्ध न हो, संविधान के अनुकूल नहीं होगा। इसलिए मैं इस संशोधन को मानने में अपने को असमर्थ पाता हूँ।

MR. CHAIRMAN: Mr. Laxmi Narain Nayak, do you press your amendment?

SHRI LAXMI NARAYAN NAYAK: I withdraw it, Madam.

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

HON. MEMBERS: Yes.

Amendment No. 1 was, by leave, withdrawn.

सभापति महोदय : माननीय सदस्य, श्री रूपनाथ सिंह, क्या आप अपने एमेंडमेंट को प्रेस करना चाहते हैं ?

श्री रूपनाथ सिंह यादव : मेरा सब-मिशन है कि जब मंत्री महोदय आईदा संविधान संशोधन बिल लायें, तो वह एक काम्प्रि-हेंसिव बिल लायें, जिसमें यह व्यवस्था भी कर दी जाये।

MR. CHAIRMAN: Please tell me whether you want to withdraw your amendment or not?

श्री रूपनाथ सिंह यादव : मैं प्रेस करता हूँ।

MR. CHAIRMAN: All right. I will put amendment No. 4 to the vote of the House.

Amendment No. 4 was put and negatived.

MR. CHAIRMAN: Does Shri Tyagi want to press his amendment No. 5?

श्री ओम प्रकाश त्यागी : मैं वापस लेता हूँ।

MR. CHAIRMAN: Has the hon. Member the leave of the House to withdraw his amendment.

SOME HON. MEMBERS: Yes.

Amendment No. 5 was, by leave, withdrawn.

MR. CHAIRMAN: I will now put amendment No. 8 by Shri Vinayak Prasad Yadav to the vote of the House.

Amendment No. 8 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 2 stand part of the Bill"

The motion was adopted.

Clause 2 was 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: Motion moved:

"That the Bill be passed"

डा० रामजी सिंह (भागलपुर) : मैं केवल इतना ही आप के माध्यम से विधि मंत्री से पूछना चाहूंगा कि किस डर से वे अभी अधिक संख्या उपस्थित नहीं कर रहे हैं? वह देखें 1950 में संख्या 7-8 थी, 1956 में 10 हुई, 1960 में 13 हुई, तो हर पांच दस वर्ष के बाद यह लाते जायें, ठीक है, संविधान की धारा 124 के अन्तर्गत यह आप को अधिकार है, आप लायेंगे लेकिन आप यह भी देखें कि एक तो आवादी बढ़ रही है, दूसरा कारण आपने बताया कि नये केसेज की पेशियां ज्यादा हो रही हैं, तीसरी बात आप ने कही कि बहुत सी पड़ोसी है तो ये तीनों कारण तो आप के हैं और फिर आप कहते हैं कि "जस्टिस डिलेड इज जस्टिस डिनाइड" और यह भी आपने ही कहा है कि "जस्टिस हरीड इज जस्टिस बरीड", तो इन दोनों दृष्टिकोणों से अगर आप सोचते हैं कि न्याय जल्दी दें तो संख्या ज्यादा होनी चाहिए। यदि आप चाहते हैं कि न्याय देने में जल्दबाजी न हो तो भी संख्या आपको ज्यादा देनी चाहिए। तीसरा कारण भी है कि आप देखते हैं कि न्यायाधीशों के लिए कोई इस प्रकार की आचार संहिता भी बनाने में बड़ा संकोच हो रहा है तो फिर जित्त कायदे से चला रहा है उसी कायदे से चलेगा अभी समाप्त महोदया चाहें तो तीन मिनट में मुझे आपका समाप्त करना होगा लेकिन न्यायाधीशों को आप मजबूर नहीं कर सकते हैं कि तीन महीने या छः महीने में फैसला दे दें। इसलिए भी आपको अधिक संख्या रखने में लाभ होगा और मुकदमों के फैसले जल्दी होंगे।

संविधान की धारा 133 के अन्दर हम देखते हैं कि एक बहुत परेशानी सिविल केसेज में होती है। उसके (ए) और (बी) कि अनुसार सुप्रीम कोर्ट सबस्टैंशियल मामलों में जो केसेज लेते हैं, यानी अमीरों के ही केसेज सुप्रीम कोर्ट देखती है, गरीबों के लिए सर्वोच्च न्यायालय नहीं है। उसी तरह धारा 134 के अन्तर्गत क्रिमिनल जूरिस्टिक्शन या दण्डिक अधिकार जो सर्वोच्च न्यायालय को है उसमें भी आप देखें बहुत सी बाधाएँ हैं। यानी उसमें भी हम सामान्य रूप से सर्वोच्च न्यायालय के पास नहीं जा सकते हैं। यही कारण होता है कि सर्वोच्च न्यायालय केवल अमीरों के लिए बन जाता है, गरीबों की पहुँच न तो सिविल केसेज में हो सकती है न क्रिमिनल केसेज में हो सकती है।

तीसरी बात है कि संविधान की धारा 136 के अनुसार हमारे विधि मंत्री जानते हैं कि 80 प्रतिशत स्पेशल लीव के केसेज जो होते हैं वे कच्ची पेशी में ही खत्म हो जाते हैं। इसके स्टैटिस्टिक्स हैं कि 300 केसेज में 30 एडमिट होते हैं। इसी तरह से हम देखते हैं कि तीनों कारणों के अनुसार सर्वोच्च न्यायालय जो न्याय नागरिकों को दे सकती है वह न्याय नहीं दे पाती है। संविधान की धारा 142 के अनुसार लिखा हुआ है कि कम्प्लीट जस्टिस चाहिए लेकिन कम्प्लीट पावर्स भी कोर्ट्स को नहीं देते हैं।

"The Supreme Court, in the exercise of its jurisdiction, may pass such decree or make such order as is necessary for doing complete justice in any case or matter pending before it."

तो इस प्रकार के सम्पूर्ण न्याय भी करने का अवसर सर्वोच्च न्यायालय को नहीं होता है। सर्वोच्च न्यायालय में भी ह्यूमन मिस्टेक्स होती हैं जिसको अनसेटिसफैक्टरी जजमेंट कहते हैं। इसलिए हम समझते हैं बढ़ती हुई

[डा० रामजी सिंह]

आबादी और केसेज को जो पेंडेंसी है, ज्यादा पेशियां और 133 के अन्तर्गत 134 के अन्तर्गत 136 के अन्तर्गत और 142 के अन्तर्गत जो सुप्रीम कोर्ट के अधिकार सीमित हो जाते हैं उन अधिकारों को बढ़ाना चाहिए नहीं तो मार्क्स की बात सही होगी।  
justice in the interests of the stronger.

इसलिए मैंने विधि मंत्री जो से निवेदन किया था कि संख्या 21 बढ़ाई जाए ताकि आपने जो संकल्प लिया है कि तीन वर्षों में सारे पुराने मुकदमों समाप्त कर देंगे वह ग्राम कर सकें नहीं तो हम बैठे रहेंगे और पांच वर्षों के बाद फिर आपके संकल्प गलत हो जायेंगे। इसलिए आप उदारता दिखायें ताकि आप अपने संकल्प को पूरा कर सकें।

PROF. P. G. MAVALANKAR (Gandhinagar): I support this Bill and I welcome its provisions.

It is being argued that the number of Judges could have been slightly increased, but as the hon. Law Minister just now said—I agree with him—it is only an enabling provision. I do not think he wants that all these extra Judges be appointed straight-away. If the number of Judges becomes too large, then the Bench will be somewhat unwieldy. I think it is in the interests of justice also that the Supreme Court has a certain sense of compactness. Its working becomes possible only if the number is not too large or too small.

I feel that the amenities and facilities to the Judges at the Supreme Court, High Court and even district level, should be looked into and they must be given more amenities. After all, the independence of the judiciary is partly and significantly dependent on the kind of facilities, amenities and comforts that the Judges are entitled to have.

Please remember that the number is to be added on the basis of quality. I am glad that the hon. Minister at the

second reading gave us this assurance that he will see to it that the Judges are appointed not on the basis of caste, language or religion but on sheer competence. I am with him when he says—the whole House wants it that way—that more and more scheduled castes, scheduled tribes and backward classes persons through education, training and equipment should become Judges. None will be happier than ourselves.

We do not want it to be the privilege of the so-called higher castes, but these appointments should not be made on the basis of caste or class but only on the basis of competence.

The hon. Minister himself says that the number of institutions has been galloping. In 1960 it was 3,241 and in 1976 it became 8,254. Pendency has gone up from 2,319 in 1960 to 14,109 in 1976. He himself is saying that the arrears are increasing constantly.

I want to stress at this stage the citizen's angle. We talk in terms of the Judges and the advocates, but who is there to talk about the citizen's point of view? Only the citizens' representatives in this august House can talk about the interests of the litigants. They have no spokesman because they cannot go to the court, but at least they can come to this House through their chosen representatives. That is why I am taking this opportunity to emphasize this point that the citizens are feeling continuously more and more harassed and helpless. Ultimately, if the administration of justice means, it is for the benefit of the people, then this aspect of the matter has to be emphasized that the lawyers and judges will function in such a way that the administration of justice is promoted.

Here, I would like to make two points. The hon. judges—I would not like to speak about individual judges—universally all of them are working very hard. But we are carrying a feeling that the hon. judges parti-

cularly in the High Court, some of them, and also in the lower courts, with exceptions of course, if I may say so, have also to change their moods and habits and decide judiciously and also fairly quickly. May I point out in this regard one thing? There is need for home work and hard work for the judges. The home work and the hard work on the part of judges is as important and as essential as it is for Member of Parliament, Ministers, Government servants, professors, teachers and anybody else. We carry a feeling, the people at large carry a feeling, that the judges particularly in the High Courts and the lower courts do not give ample time and attention to home work and hard work for the kind of justice which they have to give after hearing the cases. The Supreme Court Judges burn their midnight oil. I would like the hon. Minister to contradict if he can, whether it is true of High Court judges. It is not true. Therefore, my point is that hard work and home work are important and essential for them. That also must be looked into.

A word or two about the amenities provided particularly at the district and the lower level. There are areas in Gujarat, in Saurashtra, in Orissa, in Tamil Nadu and in Kerala, where judges do not have even ordinary facilities like, toilet, and there are cases where magistrates go home to answer the call of nature and come back to work. This kind of a thing is not very satisfactory. The hon. Minister must go into this aspect also. I am taking this opportunity to point out that magistrates and lower level judges are undergoing some of these difficulties.

Lastly, as I was saying in the beginning, the litigants' interest, the litigants' point of view and their anxiety for speedy and inexpensive justice must be looked into. The hon. Prime Minister, Shri Morarji Desai, and the Law Minister have of late been talking about speedy justice and less expensive justice. I want to go on record to say that the appointment

of judges must be made in a manner which may lead to less corruption. Therefore, any provision that you may make to see that judges are appointed in a way that will bring in an atmosphere of cleanliness, efficiency and incorruptibility, I am all for it and by all means, you do it. But the overall consideration should be that the administration of justice is the responsibility of the Minister of Law. He is not merely the Minister of Law. He is also the Minister of Justice. He is accountable to us in Parliament to tell us whether the people of India are getting justice or not. Therefore, he must also take an account from the judiciary. He cannot take an account from the judiciary being in the Government. He can take an account from the judiciary by telling them politely that he has to give a report to Parliament about what they are doing. The Chief Justice of the High Court can tell his colleagues to work hard. He can tell them, "Don't come at 12 O' Clock. Come at 11 O' Clock. Don't go early; don't give constant adjournments, adjournment after adjournment of the cases." The advocates want adjournments. They appear for five minutes and ask for an adjournment of the case. They charge a fee for that. The people go on paying fees. It goes on for years. No solution to the problem.

I want to emphasize that the independence of judiciary does not mean that judiciary should be irresponsible and unaccountable. The judiciary is responsible and accountable to Parliament and, in this way, it is accountable to the community at large. As I said, the Minister of Law is also the Minister of Justice. Justice must be properly carried out. We want our judges not to be touched unless, of course, there is a gross misconduct on their part. The Parliament has got the power under the Constitution to remove a judge. We hope, that will not happen. But because they are not to be touched, that does not mean that they have no account to give to Parliament and to the people. That must not take place. That is all I have to say.

**श्री रामजी लाख सुमन (फिरोजाबाद) :** माननीय सभापति महोदया, उच्चतम न्यायालय के जजों को संख्या में वृद्धि के बारे में जो बिल रखा गया है और उसमें श्री रूपनाथ सिंह यादव ने जो संशोधन रखा है उसका मैं समर्थन करने के लिए खड़ा हुआ हूँ।

मुझे यह कहने में कोई संकोच नहीं है कि सरकार ने जो वायदे जनता के सामने किये हैं उन वायदों को अविलम्ब पूरा किया जाना चाहिए। आवश्यकता इस बात की है कि हम कयनी और करनी में एकरूपता स्थापित करें। श्री रूपनाथ सिंह यादव ने जो संशोधन दिया है वह संविधान में जो शेड्यूल्ड कास्ट्स के बारे में आरक्षण की व्यवस्था है और जो संविधान के निर्माताओं की भावना रही है उसकी पूरा करता है। जहाँ तक बुद्धि का सवाल है डा० अम्बेडकर ने संविधान बना कर इस बात को साबित कर दिया है कि बुद्धि में हिन्दुस्तान का शोषित और पीड़ित समाज दूसरे लोगों से कम नहीं है। इसलिए जब शोषित स्थानों पर इन जातियों के लोगों को नहीं बिठाया जाता है तो इस देश के इन लोगों का विश्वास सरकार पर से टूटने लगता है और वह विश्वास इस सरकार से टूटना शुरू हो गया है। जब तक शोषित पदों पर हिन्दुस्तान के शोषित और पीड़ित लोगों को आसन नहीं कर देते तब तक निश्चित रूप से इस देश में न्याय मिलने वाला नहीं है।

जहाँ तक न्याय का सवाल है मैं बड़ी विनम्रता के साथ कहना चाहता हूँ कि हिन्दुस्तान में जो मान्यता है जो परम्परा चल रही है उसमें न्याय उन लोगों को नसीब नहीं हो पाया है जिनको वह मिलना चाहिए था। उनके लिए न्याय भी महंगा हो गया है। आज आवश्यकता इस बात की है कि संविधान में जो आरक्षण है हर कदम पर हमें उसका स्वागत करना चाहिए और खुले दिल से उस भावना को लेकर काम करना चाहिए जो संविधान के अन्दर निहित है।

मैं एक बात नम्रतापूर्वक कहना चाहता हूँ और वह यह है कि जब हम आरक्षण की बात करते हैं और जब हम आई० ए० एस० और पी० सी० एस० को देखते हैं तो वहाँ पर यह पाते हैं कि आई० ए० एस० में उनका रेप्रजेंटेशन सिर्फ एक परसेंट या डेढ़ परसेंट ही है। यह क्या हमारी मान्यता है नीयत क्या है? सब से महत्वपूर्ण बात इस चीज को देखने की है। आज विधि मंत्री जी कानून के दायरे में हमें बसीट सकते हैं हमें समझा सकते हैं लेकिन व्यवहारिक पक्ष क्या है। मैं इस पर जोर देना चाहता हूँ और दोहराना चाहता हूँ कि आवश्यकता इस बात की है कि हाई कोर्ट और सुप्रीम कोर्ट में और हिन्दुस्तान के दूसरे शीर्षस्थ पदों पर पुलिस में न्यायालयों में हिन्दुस्तान के शोषित और पीड़ित लोगों को रखें। जब ऐसा होगा तभी डा० लोहिया और डा० अम्बेडकर के सपनों का भारत बन जाएगा इसलिए मैं माननीय मंत्री जी से निवेदन करूँगा कि श्री रूपनाथ सिंह यादव का जो क्रांतिकारी संशोधन है उसको वे स्वीकार करें।

**SHRI SHANTI BHUSHAN:** Hon. Member, Dr. Ramji Singh, has drawn attention to the need for having many more judges. I would like to say this for the consideration of the hon. Members: should it be that the High Courts are not in a position to do justice in individual cases and that every case must go to the Supreme Court and only then justice would be done? If one has that impression, then I would like to say with the utmost humility that that impression would be wrong because even the High Courts are very high courts, very high in the hierarchy of courts. It is the High Court which is supposed to dispose of matters in individual cases, which is supposed to render justice in individual cases. That is not the function of the Supreme Court. If we expect the Supreme Court to do justice in individual cases, then we will really be

converting the Supreme Court into all the High Courts put together because each case, after going to the High Court, would have to go to the Supreme Court also in order to be decided, whether the judgment was right or should have been different. In that case, the Supreme Court would have to be as large as all the High Courts put together; its level would come down to the same level as that of High Courts, with the result that we will have to choose whether the High Courts should be there or the Supreme Court should be there. There would be hardly any point in having two courts of equal size with the same calibre in judges. If there is to be a court, then evidently the position should be that that Court must deal with a restricted category of cases. That is how it will be enabled to maintain its higher capacity, status, and so on. That is why; this hierarchy has been so formulated: the cases which can be disposed of simply are disposed of at the lower level; cases which involve more complicated questions go up to a higher level; cases which involve giving a direction to the development of law or which require unifying the law in the country, namely, resolving any difference of opinion which may be there in the High Courts of different States, have to go to the Supreme Court. In fact, that is a matter which is now engaging the attention of the Supreme Court as to whether the policy which has been adopted by the Supreme Court in the past in granting leave under article 136 very liberally, in trying to have the role of doing justice in every individual case, has really served the purpose for which the Supreme Court has been created. Or, is it not that the present situation which is there, namely, that the Supreme Court is locked up with so many pending cases and cases cannot be disposed of even in five or six years, can be attributed to a very liberal approach in granting leave under Article 136, because sometimes a person in trying to do good for a large number of people incapacitates himself

from doing good to anybody? For example take the case of the United State Supreme Court. There, even increasing the number of Judges would not do any good, because all the judges have to sit in one bench. The number of judges there is eleven; even if you make it thirty-one, they would be hearing the same number of cases, because they have all to sit together, not in different benches. And, therefore, if they had also been thinking of liberally correcting every kind of error in the decisions of every court, then they would have also failed in serving the purpose for which they have been created. Now, a thinking is gaining ground and I am happy to say that the Supreme Court is applying its mind to these problems and taking stock of these problems to see as to what should be the role of the Supreme Court, so that it can continuously perform that role with some kind of a self-imposed limitation. I do not say that it is for anybody else to do, it is for them to consider as to what should be its policy and where it should limit its own jurisdiction. I am very happy that these matters are being increasingly thought by the people who should think about them.

Prof. Mavalankar has drawn the attention of the Hon. Members of the House to very important questions. He mentioned about the amenities for the judges. I would like to state for the information of the hon. Members that last year, a lot has been done in regard to the amenities; for instance, apart from salary Rs. 3500/- for the High Court Judge and Rs. 4000/- for the Chief Justice, a provision was made for a free-furnished residence for them; a conveyance allowance of Rs. 300/- was given and an increase to the extent of 40 per cent was provided for in their pension. These things have been done, but nobody can say that even now the conditions are as one would like them to be.

All said and done, India is after all a poor country. Those who accept judgeship do so on account of a pas-



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sion to do national service, to do their duty. We have very eminent judges; if they had decided to continue in the bar, they would have been minting money like anything, but it is their passion that made them to accept the judgeship. After all, one must realise and I am happy to say that people with intellectual pursuit, know the limitations of money, they know that money is not a very attractive thing. They know the limitation of what they can do with the money. As I had once the occasion to say, the judges in our country live in the hearts of our people, because the people have respect for them; they live in the minds of men, because our people have admiration for their intellectual pursuits. These are the incentives for these judges. A little increase in the amenities etc. is not the real thing for them. Even if you increase the amenities, salaries etc. if they are really money-minded, they would not be tempted to these offices and accept the judgeship. Anybody who comes to the judiciary really comes for a life of sacrifice, a life of service. It is these noble ambitions which make these people to accept the judgeship. We are very happy that there are a large number of people in this country who with this noble ambition accept the judgeship and keep on discharging their duties in a very appreciable manner.

The hon. Member has also drawn attention to the fact, and has said very correctly that so far as the Supreme Court judges are concerned, there has been a long standing uniform tradition of hard work, burning mid-night oil and doing hard work in a very big way. Not a single person can say that any Supreme Court judge lives a life of peace. They live a very hard life, uniformly each and every one of them. Prof Mavalankar said and with great humility I would like to agree with him that the same cannot perhaps be said uniformly about each and every Judge at the lower level including the High Court level. We are

very happy and I am very happy to say that even in the High Courts, there is a considerable number of Judges who are very hard working and who burn midnight oil and they do as hard work as any Judge of the Supreme Court. But, at the same time, there are other Judges also—after all the number of Judges in India is more than 300—and the same thing cannot be uniformly said about all the Judges. I hope that in this new atmosphere which is being created in the country, in this new regard and new respect for the independence of the judiciary, in the new regard which the people of India have acquired for the judiciary, the judiciary would also be responsive as Prof Mavalankar has said and each and every Judge would consider that he owes it to the people of India who hold them in such high regard that they must do their very best so far as discharge of their duties towards the people of India is concerned. I hope not a single Judge in the country would be found wanting in giving his utmost, in making it a life of dedication, in doing his utmost to the cause of justice which is the most sacred duty that one can think of and which is much more beyond that any person can really give to a people.

Then Prof Mavalankar said that if the judiciary is to be independent and if the administration of justice has to be independent as in a democracy it must be, namely that each individual Judge must only consult his own conscience and the laws of the land in order to decide an individual case and he should not brook any kind of interference, direct or indirect and from any quarter or direction so far as the decision of the individual case is concerned. That goes so far as the independence of the judiciary is concerned to which this country is now so fully committed that this principle of independence of judiciary can never be destroyed. At the same time, I would like to say that Prof Mavalankar has very rightly pointed out that while the judiciary is in-

dependent, it does not mean that it is not responsible. Obviously, every institution which has been created by the people for the people for doing service to the people, cannot be really regarded constitutionally as an irresponsible institution. It is really accountable to the people in the ultimate analysis. The manner in which administration of justice is carried on, namely, as to whether it has really served the purpose for which the institution has been created, whether the laws of procedure, other laws and practices which are enforced in the courts of law are adequate and sufficient and proper to provide that there shall be quick justice and at the same, undiluted justice and that justice would neither be diluted nor hurried—a synthesis has to be found between both these requirements in that sense for administration of justice also—in regard to all these matters there is the ultimate accountability to the people and as he has very rightly said that that is why there is a functionary in the government who is known not merely as the Minister of Law but he is also known as Minister of Justice. In fact, recently in the Commonwealth Law Ministers' Conference, this aspect was highlighted and in the final communique which was adopted in the conference, one paragraph said—because sometimes some people tend to think that even if normally a government becomes accountable to the Parliament and through the Parliament to the people of India even in regard to the administration of justice, as if this is violative of the concept of the independence of the judiciary, it was made clear by a special paragraph in that communique that it is not so because even in the administration of justice in a general way and not in regard to any individual case, ultimately, the government cannot forfeit, cannot abdicate its responsibility to the Parliament and through the Parliament to the people of India....

PROF P. G. MAVALANKAR: That is right.

SHRI SHANTI BHUSHAN: With the result how administration of justice is carried on, whether the manner in which administration of justice is carried on is giving the fullest satisfaction to the people of India is a matter on which the government is accountable to the Parliament and through the Parliament to the people of India and that is why in a sense the judiciary of the country is also responsible to the people of India. They have to have due regard as to what are the requirements of justice, how they have to function, how they have to work and so on, so that the purpose for which this Institution has been created would really serve the purpose for which it was meant.

PROF P. G. MAVALANKAR: I would like the hon. Minister to say something about the inadequacy of certain basic amenities, at the lower level, no toilets etc.

SHRI SHANTI BHUSHAN: So far as lower level is concerned and basic amenities are concerned, we know that our lower judiciary, even lower than the High courts, namely, Magistrates, Munsiffs and so on, have to work under very arduous conditions. Increasingly now the importance of this matter is being felt. A lot is being done in various States. In the Planning Commission and other bodies, increasingly, the importance of administration of justice is coming to be realised. Because, it is only the proper administration of justice which affects every other field of governmental activity. In other words, no field of governmental activity is untouched by the administration of justice.

Proper, quick, speedy and fair administration of justice can facilitate the enforcement of so many other sections apart from giving general satisfaction to the people of India, apart from strengthening the rule of law which is necessary in democracy. All these are now being increasingly realised. And of course, within the financial constraints, which a poor

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country like India would have, increasing attention must be paid and emphasis must be laid towards ameliorating conditions etc. I have no doubt that in the present climate which has been created, all this will be done to the extent possible.

One last point about the reservation for Scheduled Caste people.

I would like to make the position clear that we would be happy—nobody would be happier than me—if we find more and more members of the Scheduled Castes and the Backward Classes not only in the highest judiciary of our country, but in every highest position in the country. In fact that day would be a very happy day indeed because for centuries and centuries these sections have been entirely neglected. The time has come when that neglect should not be there. But, at the same time, while it is said that there should be no neglect, each one of us must feel happy that they occupy more and more of the high places.

At the same time, so far as Reservation as such is concerned, the Constitution does not contemplate a Reservation and therefore a provision for Reservation in an Act of this kind cannot be provided.

I agree with Prof. Mavalankar when he says that it is not caste considerations which can be the predominant considerations in these matters. But, at the same time, there should be no prejudice against caste also. He has himself said it. There should be no prejudic whatsoever. If, however,

on account of any prejudice, people belonging to the so-called scheduled castes and backward classes are neglected, certainly, it would be a very wrong think. These communities have produced some of the most brilliant people whom we have. Dr. Ambadkar is one such example. It is difficult to say that he was not one of the most brilliant lawyers produced by this country. But, at the same time, we are happy that, while in the earlier years there were no scheduled caste Judges in the High Courts, now we are finding that scheduled caste Judges are there in many High Courts and even more are going to be appointed. I think I am not letting out a secret when I say that even more of the Judges belonging to the Scheduled Castes are likely to be appointed in the near future.

I hope that the attitude of the Government would be appreciated by the Hon. Members and that they would not have any cause for any grievance against the procedure which is being evolved and what is being done by the Government.

With these words, I express my grateful thanks to all the hon. Members of the House for lending their support to the provisions of the Bill.

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

19-20 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, December 22, 1977/Pausa 1, 1899 (Saka).*