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Thursday, August 3, 1978  
Sravana 12, 1900 (Saka)

# **Lok Sabha Debates**

(Fifth Session)



*(Vol. XVI, contains Nos. 11-20)*

**LOK SABHA SECRETARIAT**

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*No. 10. Thursday, August 3, 1978/Sravana 12, 1900 (Saka)*

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## LOK SABHA

Thursday, August 3 1978/Sravana 12,  
1900 (Saka)

The Lok Sabha met at Eleven of  
the Clock.

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

#### Preventing cataract in Diabetic patients

\*263. SHRI DHARMAVIR VASISHT:  
Will the Minister of HEALTH AND  
FAMILY WELFARE be pleased to  
state:

(a) whether Government had noted  
a report published in the 'Science  
Digest', New York and Hindustan  
Times, dated 5th July, 1978, that an  
Indian Scientist Shri Shambhu Varma  
had found a process to prevent catar-  
acts in diabetic patients; and

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

स्वास्थ्य और परिवार कल्याण मंत्रालय  
में राज्य मंत्री (श्री जगदम्बी प्रसाद यादव) :  
(क) जी हाँ।

(ख) इस वैज्ञानिक ने यह दावा किया  
है कि वह ग्लूकोस यूटिलिजेशन साइकिल में  
परिवर्तन कर मोतिथादिन्दु को बनने से रोक  
सकता है। इसमें पूर्व कि इसका चिकित्सा में  
उपयोग किया जाय इस वैज्ञानिक अनुसंधान में  
अभी काफी काम किये जाने और उसका मूल्यां-  
कन करने की जरूरत होगी।

श्री धर्मवीर वशिष्ठ : अध्यक्ष महोदय,  
अमेरिका में रिजमर्च करते हुए एक भारतीय  
डाक्टर ने एक ऐसी चिकित्सा आँखों के लिए  
2167 LS—1.

निकाली है जिससे जो डाइबिटिक रोग के  
रोगी हैं, उनको फायदा हो सके। ग्राम  
डाक्टरों का यह मत है कि डाइबिटिक रोग  
बड़ी उम्र के लोगों में ग्राहिस्ता ग्राहिस्ता  
बढ़ता है और यूएस में बड़ी तेजी से यह चलता है  
और भारतवर्ष में उसकी निशानी कैटेरेक्ट  
या जाला, फूला है, जोकि यह भारत में लाखों  
लोगों को है और हमारे देश में 80 लाख से  
ज्यादा लोग ग्रंथे हैं। इस बात को पेजेंजर  
रखते हुए भारत के डाक्टर ने अमेरिका में  
जो यह काम किया है कि बड़ की छाल से  
अलग किया हुआ एक कम्पाउण्ड यह कर  
सकता है कि आँखों में जो ग्लूकोस का एक्से-  
सिव प्लो होता है और जिससे आँख की लेंस  
खराब हो जाती है, उसको बड़ की छाल का  
कोई कम्पाउंड रोक सकता है। जब ऐसा  
आसान इलाज है और उस पर काफी काम  
हो चुका है, तो क्या आप यह बताने की कृपा  
करेंगे कि भारतवर्ष में जहाँ जहाँ आँखों के  
इलाज की रिमर्च हो रही है, वह इस बात को  
देखने की और अपनाने की कोई योजना आपकी  
है या नहीं ?

श्री जगदम्बी प्रसाद यादव : श्रीमन्, अभी  
जो यह आँखों के इलाज के बारे में निकला है,  
यह एक्मपेरोमेन्टल स्टेज में है और अभी तक  
इसका प्रयोग चूँहों पर हुआ है। जब प्रयोग  
पर्याप्त सफल हो जाएगा, तब जरूर इसका  
उपयोग करेंगे और हम ऐसे डाक्टर की, जो  
भारतीय डाक्टर इस पर अनुसंधान कर रहे  
हैं, सचमुच में प्रशंसा करना चाहते हैं और  
यह भी चाहते हैं कि यह प्रयोग सफल हो जिससे  
अपने देश में और दुनिया की मानवता को,  
जो कैटेरेक्ट से और खास तौर पर ग्लूकर

डाइबिटीज के कारण जो कटेरेक्ट होता है उससे पीड़ित हो, इससे लाभ हो।

**श्री धर्मवीर वशिष्ठ :** इस बात को पेश-नजर रखते हुएकि नौजवानों में जो यह जाले का, कटेरेक्ट का रोग है, वह बहुत ज्यादा है और यह मानते हुए कि जो यह रिसर्च हुई है और जिसके लिए उस हिन्दुस्तानी डाक्टर की ५० एस० ए० की गवर्नमेंट ने २ लाख रुपये दिया है ताकि वह अपना काम कर सकें क्या इस किस्म की रिसर्च के लिए हमारे यहां भी सरकार कुछ सहायता दे सकती या आफर कर सकती है ताकि यह आंखों का रोग जो बचपन में बच्चों को बहुत अधिक होता है, वह मिट सके ?

**श्री जगबन्धी प्रसाद यादव :** श्रीमन्, भारत में भी मोतिया बिन्दु पर अनेक अनुसंधान हो रहे हैं। यदि कोई और डाक्टर इस पर काम करना चाहे तो भारत सरकार को उसमें मदद करने में खुशी होगी।

**SHRI VINODHAI B. SHETH:** There are many social institutions, like, Lions, Rotaries, Giants, JCs and others. They are arranging camps to remove cataract. For example, in Gujarat, we have detected 1 lakh patients. The Government of India should take up after-care measures and help such institutions. Not only diagnosis facilities but after-care treatment also must be provided by the Government of India so that the patients get proper treatment.

**MR. SPEAKER:** It does not arise.

**श्री राम नरेश कशवाह :** क्या माननीय मंत्री महोदय यह बताने की कृपा करेंगे कि जैसा हम सभी जानते हैं कि बरगद के पेड़ का दूध परम्परागत से अनेक रोगों में प्रयोग में लाया जाता है, क्या इसके सम्बन्ध में भी कोई अनुसंधान चल रहा है कि विन विन रोगों में यह उपयोगी है ? यदि नहीं तो क्या इसके सम्बन्ध में कोई अनुसंधान करेंगे ?

**श्री जगबन्धी प्रसाद यादव :** श्रीमन् भारतवर्ष में डायबिटीज पर अनुसंधान नहीं है। लेकिन मोतियाबिन्द पर जो अनुसंधान हो रहे हैं वह अनेक जगहों पर हो रहे हैं। अगर कोई डाक्टर अनुसंधान करना चाहे तो उनको हम सहयोग देने के लिए तैयार हैं।

**श्री रघुवीर सिंह :** मैं माननीय मंत्री जी से पूछना चाहता हूँ कि अमेरिका में कटेरेक्ट पर जो अनुसंधान हो रहा है, उसमें मदद देने के लिए क्या कुछ और आदमियों को यहाँ से नहीं भेजा जा सकता ?

**श्री जगबन्धी प्रसाद यादव :** अभी ऐसा कोई प्रस्ताव नहीं आया है इसलिए अभी इस पर कुछ नहीं कहा जा सकता है।

**आदिवासी क्षेत्रों में टेलीफोन लाइनें**

\*264. **श्री श्याम लाल धुर्वे :** क्या संचार मंत्री यह बताने की कृपा करेंगे कि :  
(क) क्या आदिवासी क्षेत्रों में प्राथमिकता के आधार पर टेलीफोन लाइनें दिखाने के बारे में सरकार ने कोई निर्णय लिया है ; और

(ख) यदि हाँ, तो माण्डला जिले (मध्य प्रदेश) के विभिन्न इलाकों को टेलीफोन द्वारा परस्पर जोड़ने की योजना को क्रियान्वित करने में विलम्ब होने के क्या कारण हैं ?

**संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद मुखर्जी साह) :** (क) डाक-तार विभाग ने पहाड़ी और पिछड़े इलाकों में घाटा उठाकर भी दूरसंचार सेवाओं जैसे सार्वजनिक टेलीफोन घरों और तारघरों की व्यवस्था करने का निर्णय लिया है। आदिवासी जनसंख्या मुख्य रूप से पहाड़ी और पिछड़े इलाकों में फैली हुई है। इन इलाकों में 2500 या इससे और अधिक जनसंख्या वाले स्थानों में प्राथमिकता के आधार पर सार्वजनिक टेलीफोन घर खोलने का प्रस्ताव है।

(ख) मांडला जिल के मवाई, घुघरी, मेहदवानी और मोर गांव को छोड़कर सभी खण्ड मुख्यालयों में टेलीफोन सुविधा दे दी गई है। इन स्थानों के लिए सार्वजनिक टेलीफोन घरों को मंजूरी दे दी गई है लेकिन साज-सामान को कुछ महत्वपूर्ण मदों के उपलब्ध न होने के कारण इनकी स्थापना का काम रुका पड़ा है।

श्री श्याम लाल धुबे : अध्यक्ष महोदय, मैं यह कहना चाहता हूं कि मंत्री महोदय ने अपने उत्तर में चार विकास खण्डों का उल्लेख किया है जबकि पांच विकास खण्ड ऐसे हैं जिनकी इतने सालों से उपेक्षा की गयी है। ये विकास खण्ड मुख्य: सड़क से दस मील की दूरी पर हैं। इस वर्ष 30 मार्च तक, मेरे जिले मांडला में लगभग 80 लाख रुपये लेप्स कर दिये गये। एक तो वहां पर आवागमन के साधन उपलब्ध नहीं हैं। फिर वहां पर छोट छोट नालों पर पुलों की व्यवस्था नहीं की गयी दूसरे वह पर टेलीफोन की व्यवस्था भी अभी तक नहीं की गयी है। मवाई विकास खण्ड के बी० डी० ओ० वहां से 70 मील दूर जिला मुख्यालय में रह कर काम कर रहे हैं। ऐसी हालत में ऐसे स्थानों की प्रगति कैसे हो सकती है? इसलिए मैं आपके माध्यम से मंत्री जी से कहना चाहता हूं कि देश के इन पिछड़े इलाकों को शीघ्र से शीघ्र प्राथमिकता के आधार पर टेलीफोन लाइनों से जोड़ दें ताकि इस सुविधा का लाभ उठा कर व इलाके अपनी आवश्यकताओं की चीजें वहां सुलभ करा सकें जिससे कि पैसा लैप्स होने से बच सके। क्या मंत्री महोदय इस तरह का कोई आश्वासन देंगे कि इन इलाकों में टेलीफोन की लाइनों को शीघ्र से शीघ्र दे दिया जाएगा?

श्री नरहरि प्रसाद सुखदेव साय : अध्यक्ष महोदय, मवाई, घुघरी, मेहदवानी और मोरगांव में जो टेलीफोन की सुविधा नहीं है, उस सुविधा को इस सत्र में दे दिया जाएगा।

श्री श्याम लाल धुबे : अध्यक्ष महोदय, मैं मंत्री महोदय से यह जानना चाहता हूं कि देश के जितने भी पिछड़े इलाके हैं, जिन विकास खण्डों को टेलीफोन लाइनों से नहीं जोड़ा गया है, उनमें कितने वर्षों के अन्दर टेलीफोन लाइन आप दे देंगे? इस सम्बन्ध में कोई आश्वासन क्या मंत्री जी देंगे?

श्री नरहरि प्रसाद सुखदेव साय : इस सम्बन्ध में सूचना चाहिये लेकिन मैं इतना कह सकता हूं कि छठे प्लान में हम लोगों ने पंद्रह हजार टेलीफोन देने का निश्चय किया है जिस में से तीन हजार ट्राइबल एरियाज में भी हम लोग देंगे।

SHRI PURNANARAYAN SINHA: It is well known that there is some unrest in the north-eastern sector due to infiltration of people from outside. Has the Government a plan to link all the post-offices in the north-eastern tribal areas with public call offices so that the information necessary for security and maintenance of law and order, and communication will be made available in that area?

श्री नरहरि प्रसाद सुखदेव साय : इसके लिए सूचना चाहिये।

श्री राम कंदर बरबा : मंत्री महोदय ने कहा है कि ढाई हजार आबादी वाले गांवों को टेलीफोन से जोड़ दिया जाएगा। मैं आपके माध्यम से यह कहना चाहता हूं कि आदिवासी लोगों की ढाई हजार की आबादी वाले गांव आपको कोई नहीं मिल सकते हैं। इसका कारण यह है कि आदिवासी लगे जंगलों में भ्रमल भ्रमल रहते हैं। इस वास्ते इस तरह के लोग एक साथ एक गांव में रहते हों, आपको नहीं मिलेंगे। मैं जानना चाहता हूं कि हर एक प्रान्त में कौन कौन से क्षेत्रों को आपने आदिवासी क्षेत्र घोषित किया है और कहाँ कहाँ पर आपका देने का विचार है? मैं चाहता हूं कि इस चीज को आप स्पष्ट बताएं।

श्री नरहरि प्रसाद सुखदेव साय : पूरे भारत में 2500 से ऊपर वाले और पांच हजार से कम वाले ऐसे करीब 16,614 गांव हैं जिनमें से आठ हजार में टेलीफोन की सुविधा दे दी गई है और बाकी में नहीं दी गई है। इसके लिए हम लोग प्रयत्न कर रहे हैं। जैसा मैंने कहा है छोटे प्लान में जो हम लोग पंद्रह हजार पी सी ओ देंगे उसमें यह आता है।

MR. SPEAKER: Qn. 265 can be linked with Qn. 267. Mr. Mallanna, you can put your question No. 267 also.

SHRI SAUGATA ROY: Mr. Mallanna's question is with regard to jute mills only.

MR. SPEAKER: All right; they can be put separately. Now, Qn. No. 265.

#### Arrears of provident fund

\*265. SHRI SAMAR MUKHERJEE:

SHRI URGASEN:

Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) the total amount of provident fund arrears to be collected from employers till 30th June, 1978;

(b) the amount of arrears recovered during the last six months;

(c) the amount held up (i) due to court cases; (ii) to be recovered from establishments lying closed or gone into liquidation (iii) to be recovered from establishments under the control of the National Textile Corporation; and

(d) the steps proposed for speedy recovery of arrears from the defaulting establishments?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KIRPAL SINHA): (a) to (d). A Statement is laid on the Table of the Sabha.

#### Statement

The Employees' Provident Fund Authorities have intimated as follows:

(a) Provident Fund arrears amounting to Rs. 20.77 crores were to be recovered from the defaulting unexempted establishments as on 30-6-1978.

(b) An amount of Rs. 2.65 crores was recovered from the defaulting unexempted establishments during the last six months.

(c) The amount held up was:—

(i) Rs. 3.01 crores in respect of Court cases;

(ii) Rs. 2.63 crores in respect of establishments lying closed or under liquidation; and

(iii) Rs. 8.51 crores in respect of establishments under the National Textile Corporation.

(d) Action has been taken by the Provident Fund Authorities against the employers of defaulting establishments under Section 8 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 for recovery of Provident Fund dues as arrears of land revenue. Cases are filed under Sections 14, 14A, 14AA of the Act wherever necessary. Besides, complaints under Section 406/409 Indian Penal Code (breach of trust and criminal misappropriation) are initiated by them in certain chronic cases of default, where the employers deduct the employees' share of provident fund contributions from their wages but do not remit the same to the Provident Fund Authorities. The Courts are also approached under Section 110 of the Criminal Procedure Code for binding the defaulting employers for good behaviour.

SHRI SAMAR MUKHERJEE: From the statement it appears that Provident Fund arrears amounting to Rs. 20.77 crores—this is a very huge amount—is lying unrealised for a long time. This is the workers' earned money, the employees' earned money.

The reply is that only Rs. 2.65 crores was recovered from the defaulting un-exempted establishments during the last six months. This process of recovery is so slow that the workers do not get a remedy through this process.

Further, the statement says, in reply to my last question regarding the steps proposed for speedy recovery of arrears from the defaulting establishments, that 'action' has been taken by the Provident Fund authorities. Such 'action' was being taken for years together, so the defaulting employers know that this action means they are getting more time and protection not to repay the workers' money. From the reply it is quite clear that this Government is not at all serious about the recovery of the money of the workers, which is lying as arrears in the provident fund. According to the statement, the money outstanding with the National Textile Corporation is Rs. 8.51 crores. Why are you not forcing the NTC to release the whole amount? Will the Government take it seriously and re-constitute the provident fund authority so that early recovery is guaranteed and assured? Will they bring about changes in the laws whereby these authorities can be armed to take prompt action against the defaulters....

SHRI SOMNATH CHATTERJEE: Marauders.

SHRI SAMAR MUKHERJEE: marauders.

MR. SPEAKER: Prompting is not permissible.

SHRI SAMAR MUKHERJEE: Will appropriate steps be taken immediately to realise the arrears from the NTC?

DR. RAM KIRPAL SINHA: As far as the arrears are concerned, these arrears of Rs. 20.77 crores were not accumulated within one year. In several cases, the arrears are of longer duration. Government and the provident fund authorities have taken prompt action. That is why within the

last six months Rs. 2.65 crores have been realised. This shows that prompt action has been taken. Regarding the allegation that we protect the management, there is no truth in it. We take immediate legal action to recover all the arrears. Government is very serious about it. As far as reconstituting the authority is concerned, I do not think any reconstitution of the authority can expedite the recovery of the arrears. If the hon. Member has any suggestion, he is welcome to give it.

MR. SPEAKER: What about the change of the law?

DR. RAM KIRPAL SINHA: As far as change of the law is concerned, from time to time changes are made, when felt necessary. As far as the NTC is concerned, the mills were taken over from time to time under certain Acts. In those Acts, the provident fund arrear falls in the third category. We are taking up the matter with the Assistant Claims Commissioner and we are trying our utmost under the law to recover the arrears.

SHRI SAMAR MUKHERJEE: The reply of the Minister is not at all satisfactory. While considering the question of strengthening the provident fund authorities, the question of workers' representatives must be taken into account, so that this Authority can act with the co-operation and advice of the workers. The Minister has stated in his reply that this money is outstanding for several years. That is why the necessity has arisen for the present Government to recover the money, because it is pending for so many years. The workers are suffering. That is why, I ask whether Government will take on a time-bound programme that, within the next six months, at least 75 per cent of the outstanding arrears will be realised by taking all appropriate steps.

DR. RAM KIRPAL SINHA: As far as the workers' participation is concerned, provident fund is run by trusts

and these trusts, at least the Central Provident Fund Trust, have representatives of trade unions as well, and at other levels also we consult the trade union leaders. So, as far as this thing is concerned, the trade union is represented on the Board.

As far as time-bound programme is concerned, we are doing everything possible. You have been a judge, Sir, and you know this. We move the court, and we cannot force the court to expedite the judgment. How can we do that? We are doing everything possible under the law, we are doing our utmost to collect the arrears. (Interruptions) Many of these units having arrears have been put under liquidation. So, there are arrears. We are taking all legal steps, and we hope to recover a larger amount as soon as possible.

MR. SPEAKER: Mr. Chitta Basu.

SHRI K. MALLANNA: Sir, Questions 265 and 267 are almost the same, the principles involved are the same....

MR. SPEAKER: You will get your chance. Mr. Chitta Basu.

SHRI CHITTA BASU: The state of affairs is very very unsatisfactory and shocking because of the fact that the total arrears come to about Rs. 20 crores out of which only Rs. 2.6 crores have, so far, been recovered. The amount held up is something like Rs. 14 crores out of which the NTC accounts for Rs. 8.51 crores. May I know from the hon. Minister whether Government proposes to suitably amend the Act, particularly sections 8, 13, 14A and 14AA for speedy recovery and also for quick disposal of the cases? According to the figures given by the Labour Ministry, it is found that the number of recovery cases instituted was 81,663; settled 64,132. May I know the manner in which these cases have been settled?

MR. SPEAKER: You cannot ask such a detailed question—how these 64,000 cases have been disposed of.

SHRI CHITTA BASU: I want to know the general nature of the disposal. Prosecution was launched in about 80,000 cases; disposed of 57,000 cases. May I know the nature of the penal punishment given to the defaulting companies because unless there is a harsh measure, recovery cannot be effective. Therefore, may I know from the hon. Minister whether Government proposes to amend the Act suitably in order to provide more teeth in the matter of realising arrears?

DR. RAM KIRPAL SINHA: It is wrong to say that we are not taking measures. In the last one year, as on 30-6-1978, 2,820 cases were filed in criminal courts. (Interruptions) Complaints under sections 406 and 409 of the IPC have also been filed.

MR. SPEAKER: Punishment under section 409 can be imprisonment for life.

DR. RAM KIRPAL SINHA: Recovery procedure under section 8 of the Act has also been instituted; the number of cases filed was 3,016, we are taking all measures. But what happens in this. As long as we have the courts, and I believe in courts and I must respect the courts, 1500 petitions are pending in the High Courts.....

(Interruptions)

The hon. Member is not listening to my answer. As far as his suggestion regarding making amendments to sections referred to by him, I do not know. But, if the hon. Member has some suggestions to put teeth into the sections, he may kindly forward the same to government... (Interruptions)

SHRI CHITTA BASU: I asked how the cases were disposed of. ... (Interruptions).

MR. SPEAKER: It is simply not possible for any Minister to reply.

Mr. Hukum Dev Narain Yadav.

श्री हुकम देव नारायण यादव : मंत्री महोदय ने अपने उत्तर में बताया है कि सरकार की ऐसी मंशा नहीं है कि भविष्य निधि का बकाया ज्यादा दिन तक बाकी रहे। 20 करोड़ रुपये के बकाया में से केवल 2 करोड़ रुपये की वसूली हुई है, और अगर इसी रफ्तार से बकाया की वसूली होगी, तो पूरी रकम की वसूली में दस बरस लगेंगे, और इन दस बरसों में और भी बकाया हो जायेगा। इस प्रकार भविष्य निधि बकाया निरन्तर बढ़ता चला जायेगा। मैं बताना चाहता हूँ कि अगर किसान पर सौ, दो सौ, तीन सौ, चार सौ या पांच सौ रुपया बकाया हो, तो उसका बैल खोल लिया जाता है, उस का लोटा-थाली ले जाते हैं, उसकी सम्पत्ति कुर्क कर ली जाती है और उसको कमर में रस्सा बांध कर घुमाया जाता है। अगर बड़े-बड़े पूंजीपतियों पर मजदूरों की भविष्य निधि का करोड़ों रुपया बकाया है, क्या सख्ती से उस की वसूली के लिए उनकी सम्पत्ति को जप्त करने के बारे में सरकार ने कुछ सोचा है? अगर सरकार का यह विचार है कि इस बारे में अदालत में मुकदमे चलाये जायें, तो फिर अदालत में मुकदमे चलते रहेंगे और मजदूर मरते रहेंगे। इस से इस समस्या का समाधान नहीं होगा। इस लिए क्या सरकार इस बात पर विचार करेगी कि मालिकों से भविष्य निधि का बकाया जल्दी से जल्दी वसूल किया जाये, मजदूरों को भुगतान किया जाये और बड़े-बड़े पूंजीपतियों पर भी वही कानून लागू किये जायें, जो किसानों पर लागू किये जाते हैं? तभी इस समस्या का समाधान होगा।

डा० राम कृपाल सिंह : माननीय सदस्य की जो भावना है, मैं उससे शत-प्रतिशत सहमत हूँ। माननीय सदस्य ने कहा है कि बकाया न देने पर दंडित नहीं किया जाता है। मैं उनके सूचनार्थ बताना चाहता हूँ कि इस बारे में तीन से छः महीने तक के कारावास का भी प्रावधान है। (व्यवधान)

श्री वसन्त साठे : क्या एक को भी दंड दिया गया है? (व्यवधान)

डा० राम कृपाल सिंह : दंड दिया गया है।

we have gone to higher courts in appeals in many cases....

SHRI SOMNATH CHATTERJEE:  
The senior Minister is prompting him.

डा० राम कृपाल सिंह : हम रीकवरी में ढीले हैं, ऐसी बात नहीं है। (व्यवधान)

श्री वसन्त साठे : बिल्कुल ढीले हैं। (व्यवधान)

डा० राम कृपाल सिंह : कई ट्रेड यूनियन के लीडर आते हैं और कहते हैं कि हमारे वर्कर्स भूखे मर जायेंगे, फ़ैक्टरी बन्द हो जायेगी, इसलिए थोड़ा लीनियेंट व्यू रखिये। (व्यवधान)

MR. SPEAKER: Question No. 266.

SOME HON. MEMBERS: rose.

MR. SPEAKER: We have yet another question. Q. No. 267 on the subject.

श्री उग्रसेन : अध्यक्ष महोदय, ....

MR. SPEAKER: Mr. Ugrasen, you were not there when I called your name. (Interruptions).

MR. SPEAKER: Mr. Ugrasen, please hear me first.

(Interruptions)\*\*

MR. SPEAKER: Don't record. You were not present. If you do not hear me, I cannot help it. Please hear me. I shall allow you a supplementary on Q. No. 267. That is the same question practically. On this question I cannot allow.

(Interruptions)\*\*

\*\*Not recorded.



MR. SPEAKER: Q. No. 266 Mrs. Parvathi Krishnan.

SHRIMATI PARVATHI KRISHNAN: I want to put a supplementary on 265.

MR. SPEAKER: No supplementary.

SHRIMATI PARVATHI KRISHNAN: I thought that you were calling me to put my supplementary.

MR. SPEAKER: No supplementary on this Q. No. 266.

#### Power plants for steel plants

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\*266. SHRIMATI PARVATHI KRISHNAN:

SHRI S. G. MURUGAIYAN:

Will the Minister of STEEL AND MINES be pleased to state:

(a) whether the Steel Authority of India has decided to float global tenders for power plants for its steel plants;

(b) if so, whether the Bharat Heavy Electricals Limited are capable of supplying these kinds of plants; and

(c) if so, what are the details and reasons for going in for imported plants?

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): (a) to (c). A statement is laid on the Table of the House.

#### Statement

(a) A proposal for installation of  $3 \times 60$  MW coal-based thermal generating units for Bokaro Steel Plant and  $2 \times 60$  MW coal-based thermal generating units at Durgapur for Durgapur Steel Plant and Alloy Steels Plant is under consideration of Government. After an investment decision is taken, SAIL will place orders for the equipment on the basis of global tenders.

(b) Yes, Sir.

(c) Global tenders will be invited in accordance with the Import and Ex-

port Procedures, 1978-79 (Relevant extracts are reproduced in the Appendix). The indigenous and overseas offers on the basis of landed cost will be carefully evaluated by an Empowered Committee in the Department of Heavy Industry, taking into account all relevant factors such as price, quality, delivery, etc. before taking a decision about the import or otherwise of the capital goods to be procured.

#### APPENDIX

EXTRACTS FROM THE HANDBOOK OF IMPORT-EXPORT PROCEDURES, 1978-79, PARAGRAPHS 162—165 AT PAGE 18.

#### SPECIAL PROCEDURE FOR IMPORT OF CAPITAL GOODS IN RESPECT OF CERTAIN INDUSTRIES

162. The need for reducing the overall cost of investment in industries of national priority, consistent with the requirements of offering protection to the indigenous capital goods industry has been recognised and the following list of such projects/industries identified for the purpose:—

1. Fertilizers.
2. Newsprint and paper.
3. Basic drugs.
4. Basic technical material for pesticides and weedicides.
5. Power generation, transmission and distribution.
6. Mineral exploration, mining and beneficiation.
7. Petroleum exploration and production.
8. Petrochemicals upto the stage of polymers.
9. Manufacture of professional grade electronic components.
10. Waste disposal recycling and effluent treatment projects and ecological engineering.

11. Material handling projects at ports.

12. Sugar.

13. Cement and Cement products (including asbestos).

14. 100 per cent export-oriented industries.

163. Persons undertakings projects for substantial expansion in any of the above fields may invite global tenders for all the capital goods intended to be procured, irrespective of the fact whether they are manufactured indigenously or not. In order to afford an opportunity to the indigenous manufacturers to supply the goods, the applicant should also advertise as per the procedures laid down in Para 153\* above, but should give a minimum period of sixty days for responding to the advertisement. The advertisement should indicate the items of Capital goods conforming to I.S.I. Specifications, wherever applicable. Deviations will, however, be permitted in the interest of upgrading of technology directed to reducing production cost and optimisation of resources. However, the advertised specifications should not be tailored to suit only particular source(s) of supply.

164. After receipt of the orders, if any, in response to the advertisement made as above, the project authorities may submit their proposals, as to the Capital Goods desired to be procured (either imported or indigenous or imported/indigenous) along with statement of comparison between the indigenous and the overseas offers on the basis of landed cost i.e. c.i.f. plus duty leviable in respect of the latter. In the case of fertilisers and news-

print projects also, such evaluation/ comparison will be made on the basis of 40 per cent import duty though the current duty rate is 30 per cent on such Capital Goods. The proposals will be considered and decided by the Empowered Committee in the Deptt. of Heavy Industry, under the Chairmanship of Secretary, Heavy Industry, consisting of representatives of other concerned Ministries. Within eight weeks of their receipt in the normal course, it will give requisite clearance, together with source of foreign exchange as appropriate in its judgement. Approvals of import so accorded by the Empowered Committee will be communicated to the Chief Controller of Imports & Exports for the issue of connected import licences. The Empowered Committee would be able to provide assistance needed by any project authority at the pre-tendering stage as well.

165. Indigenous suppliers of equipment securing orders from Indian project authorities under the above scheme will be permitted to import raw materials, components, consumables and spares, required for the manufacture of such Capital Goods without any restriction from the angle of indigenous availability. Such clearances will also be accorded by the Empowered Committee. The rate of import duty on such supporting import would not exceed that applicable to the concerned Capital Goods. The above facilities would be additional to and not in lieu of the automatic and the supplementary licences to which such indigenous suppliers may be eligible as Actual Users (Industrial) under the general policy.

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\*153. The advertisement should be published either in the (i) Indian Trade Journal or (ii) Indian Export Service Bulletin. All correspondence in respect of the former (as a display advertisement) shall be addressed to the Manager of Publications, Civil Lines, Delhi-6 or the Depot Incharge, Government of India Book Dept No. 8, K. S. Roy Road, Calcutta-1. In the case of the latter, the Director (Commercial Publicity), Ministry of Commerce Civil Supplies and Co-operation (Department of Commerce), New Delhi, should be addressed.

SHRIMATI PARVATHI KRISHNAN: I have not even put my question. But he has answered. I am putting now. Let him answer.

SHRI BIJU PATNAIK: I have already answered the question which she has put.

SHRIMATI PARVATHI KRISHNAN: This Minister always interferes.

MR. SPEAKER: It is not only one side but both sides.

SHRIMATI PARVATHI KRISHNAN: It is both sides of the House, I agree.

Anyway, I had gone through this statement very carefully and I would like to know from the hon. Minister why is it that when we have got the Bharat Heavy Electricals Ltd. in the Public Sector in this country, he should go in for the global tenders? Have they discussed with the Bharat Heavy Electricals? Has he discussed with the bosom pal and colleague, Shri George Fernandes whether it is possible for the BHEL to take up this very important assignment which, after all, means further generation of employment within this country? Otherwise, we would have been deprived of being self-reliant in this matter. From this point of view in the statement, there is nothing to indicate whether any such discussions have taken place and if so, why is it that the Government has now decided that they have to go in for the global tenders?

SHRI BIJU PATNAIK: I do not know how I could make my answer clearer for the hon. Member's understanding which is, normally, quite sharp. I made it clear. (*Interruptions*)

SHRIMATI PARVATHI KRISHNAN: I thank him for the compliment.

MR. SPEAKER: He is complimenting you. You well deserve it.

SHRI BIJU PATNAIK: She does not want to hear my compliment. This is what I said. This question is very

clear; we called for the global tenders and I have given also an elaborate extract from the Handbook of Import-Export Procedures, 1978-79 just for refreshing the memory of the hon. Member. If she had not got the time to go through, it has just given in an elaborate fashion as to why global tenders were called, so that we can assess the value. As far as BHEL is concerned which is quite capable of manufacturing these units and there is heavy protection of 40 per cent import duty, the hon'ble Members need not think that BHEL may not win the tenders. It is quite possible that they will win. But in the procedure if we just say because it is our plan and we do not know what the global prices are it does not allow competitiveness in our industry when we want to export and build plants in other countries. That is why normal procedure has been followed. I have given extracts in this connection in the attached statement so that hon'ble Members may go through it.

SHRIMATI PARVATHI KRISHNAN: Sir, the Minister has stated that the question was very clear and so was the statement. Part (b) of my question says whether BHEL are capable of supplying these types of plants? There is no reference about it in the statement that the Minister has laid on the Table of the House.

SHRI BIJU PATNAIK: Sir, answer to part (b) of the question is: Yes, Sir I cannot be more categorical.

(*Interruptions*)

SHRIMATI PARVATHI KRISHNAN: I wanted to know whether they had discussed with the BHEL that they would be able to fulfil the contracts? That he has not answered. (*Interruptions*)

I would like to know from the Minister when they are proposing to instal coal-based thermal generating units, whether they have gone into the question of availability of coal and supply of coal also after all we have had so many questions here as to the shortage

of coal even for our existing requirements. I would like to know whether that is being processed or is he going to come later with a proposal for importing coal? I would also like to know why is it that in the press interview with regard to this particular global tender the Secretary of the Ministry stated that:

"Steel is one of the 14 industries allowed free imports under the new liberalised import policy. Why should we not go in for the best?"

This is what prompted me to ask this and the previous question. I thought the Minister was well-aware about it. Sir, I would like to say that BHEL is one of the best public sector units and there is more than meets the eye in decision to go in for the global tenders. I would like the Minister to clarify whether he considers BHEL as one of the best units and they will try to ensure that BHEL is given this contract?

SHRI BIJU PATNAIK: I am grateful to the hon'ble Member's suggestions as to how the Ministry should operate. I would certainly take note of her views in the matter.

श्री लखनलाल कपूर : माननीय अध्यक्ष महोदय, जहाँ तक भेल का प्रश्न है, भेल के अफसरों से बातचीत हुई तो उन्होंने शिकायत की कि जिन चीजों को हम बना सकते हैं भारत सरकार उन चीजों को बाहर से मंगाने की कोशिश करती है। मल्टीनेशनल सीमेन से बातचीत हो रही है। मैं मंत्री महोदय से जानना चाहता हूँ कि भेल जब मुजफ्फरपुर में थर्मल पावर स्टेशन बना सकता है, कन्दौज में बना सकता है तो फिर देश की जरूरत को पूरा करने में उसको क्या दिक्कत है? क्या आपने भल से बातचीत की है और उन्होंने अपनी असफलता प्रकट की है?

MR. SPEAKER: He has already answered it. That is the main question also.

श्री गोविन्द राममिरी : अध्यक्ष महोदय, उद्योग मंत्री जब भोपाल गये थे, वहाँ एच० इ० एल० के एक बरिष्ठ अधिकारी ने उन से कहा था कि मध्य प्रदेश में जो विद्युत की आपूर्ति में कमी आई है, वह बी० एच० इ० एल० से निर्मित जो उपकरण हैं, उन में खराबी है, इस कारण से विद्युत की आपूर्ति कम हुई है। क्या इस बात की जानकारी मंत्री महोदय को है? यदि है, तो उस पर उन्होंने क्या कार्यवाही की है?

MR. SPEAKER: This question does not arise from the main question.

#### P.F. Arrears against Jute Mills

\*267. SHRI K. MALLANNA: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) the nature of irregularities and the amount of arrears of provident fund dues from various jute mills; and

(b) the steps taken by Government to realise the arrears from the mills and the results thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KIRPAL SINHA): (a) and (b). The nature of irregularity is (i) non-transfer of Provident Fund Contributions to the Board of Trustees in the case of nineteen exempted establishments for purposes of investment and (ii) non-payment of Provident Fund contributions to the Provident Fund Authorities in the case seven unexempted establishments. A statement showing the particulars of defaulting establishments and the action taken to recover the amount in default is laid on the Table of the Sabha. [Placed in Library. See No. LT-2557/78].

SHRI K. MALLANNA: Sir, Part (a) of my question has not been answered.

I asked about the nature of the irregularities. It has not been answered in the statement.

There are various cases of irregularities and arrears are pending since 1972-73 onwards.

Sir, all these things show that either the Provident Fund Organisation is not up to the mark, it is defective or inefficient; or that the Provident Fund Act is defective.

But, Sir, going through the Statement, one finds that in almost all these 19 cases where prosecutions have been launched, they are unable to collect the arrears because in almost all these cases the employers had gone to the civil courts or the high courts and obtained stay orders. Therefore, in this context, may I know from the hon. Minister as to what measures they have taken to gear up this whole organisation? May I know whether they have taken any action on the proposal to amend the P.F. Act so that the employers should not approach the civil courts?

DR. RAM KIRPAL SINHA: Sir, the hon. Member said that the nature of the irregularities has not been given. Actually this information has been given. There are two things which are given. The first is about non-transfer of P.F. contributions to the Board of Trustees in the cases of the nineteen exempted establishments. The second case is regarding non-payment of P.F. contributions to the P.F. authorities in the case of seven unexempted establishments. So, this is the nature of the irregularity. I am sure the hon. Member would have gone through the Paper laid on the Table of the House.

Sir, this gives an elaborate description in each and every case. It says as to what action has been taken. This shows that the organisation is prompt and it is taking all necessary legal action to set right the irregularity.

As far as the measures to gear up the organisation are concerned, in the interest of the workers, we are trying to decentralised the Regional Offices and some new offices are being opened. We are tightening the machinery. As far as the Act is concerned, as is known to the House, from time to time necessary changes are being made.

Now, Sir, if the Hon. Member has any particular suggestions to gear up the Organisation, I request him to write to me.

SHRI K. MALLANNA: So far as the P.F. Act is concerned, may I know from the hon. Minister whether he has got any proposal to see that these employers do not approach the civil courts or the high courts?

MR. SPEAKER: It is not possible under the Constitution. Article 226 provides for it.

SHRI K. MALLANNA: In the first category there are 19 cases of non-transfer of Provident Fund contributions to the Board of Trustees. Crores of rupees have been accumulated as arrears of provident fund. The monies deducted from the wages of the employees are not deposited by the employers. It amounts to misappropriation or breach of trust under Indian Penal Code. May I know from the hon. Minister whether it is possible or not to charge these employers under the Indian Penal Code? How many cases are involved in this, how many employers are involved and how much money is involved?

SHRI RAM KIRPAL SINHA: In each case, it has been elaborately given in the statement. For instance, in respect of Alexandra Jute Company and other companies particulars have been given in the statement. Now, as far as the general matter is concerned in these cases and in other cases, under Section 406 and Section 409 I.P.C., the total number of complaints filed are 881 in unexempted cases and 17 in exempted cases. Similarly, 160

cases have been disposed of and the remaining 721 cases are still pending in the court.

**श्री उग्रसेन :** आप मेरी बात सुन लीजिए । मैं जल्दी जल्दी हिन्दी बोलता हूँ, इसलिए शायद आप की समझ में नहीं आता है । मेरा पहला प्रश्न भविष्य निधि के बारे में है और माननीय मंत्री जी ने भी मजदूरों में काम किया है और हम लोग भी करते हैं । मैं यह बताना चाहता हूँ कि भविष्य निधि का पैसा मजदूरों की तन्त्राओं में से काट लिया जाता है और इस तरह से 20 करोड़ रुपये मजदूरों का काट लिया गया है लेकिन मालिकान जो हैं वे अपने हिस्से का पैसा नहीं देते हैं । अब सवाल यह है कि क्यों नहीं देते हैं ? मंत्री जी ने अपने उत्तर में कहा कि इतने मुकदमें हमने चलाए हैं । अभी एक सदस्य ने कहा कि उस का पैर कट गया, उस का हाथ कट गया और किसी ने यह कहा कि सिर नहीं कटा । सिर तो था ही नहीं जो कटता । मेरा पहला प्रश्न यह है कि जे० के० मिल्स के बारे में, स्वदेशी मिल, नफ़्त लाल ग्रुप, मेहिन्द्रा एण्ड मेहिन्द्र के बारे में, आप ने क्या किया । इस के अलावा इन्द्र ग्रुप जो एन० टी०सी० का है, उस पर भविष्य निधि का पैसा पुराने मालिकान का बाकी है और उन्होंने आज तक उस को जमा नहीं किया और आज तक कोई मुकदमा उन पर नहीं चला । मैं माननीय मंत्री जी से दो सवाल स्पष्ट रूप से करना चाहता हूँ

मेरा पहला सवाल तो यह है कि आप साफ़ साफ़ बताइए कि टाटा, विरला, सूरजमल नागरमल, विधानिया, बजाज, मजीठिया, रंगटा चुंगटा में से आज तक कोई एक भी गिरफ्तार हुआ है ? यह आप साफ़ साफ़ बताइए । हम लोग 20 साल से उनके डंडे खा रहे हैं पर बड़ा आदमी एक दिन भी गिरफ्तार नहीं रहा । हमारे प्राइम मिनिस्टर ने मुकदमा चलाया और दूसरे दिन

जमानत पर वे छूट गये । पहला प्रश्न तो मेरा यह है ।

मेरा दूसरा प्रश्न यह है कि जो यह भेड़िया, भेड़िया, आप रोजाना चिल्लाते हो कि मजदूरों के लिए कानून बनेगा, तो क्या इसके लिए कोई कानून आप ने ठीक से बनाया ? मालिकान, शोषकों और आयोजकों को ठीक से पकड़ने के लिए जो कानून में धारा प्रोज की गई है, उस को आप पढ़ दीजिए । अगर यह बात आप नहीं करेंगे तो मैं कह देता हूँ कि जो लोग मिलों में काम करते हैं, वे बलवा करेंगे । हर मिल के फाटक पर बलवा होंगे और फिर आप देखेंगे कि आप चल नहीं सकेंगे ।

**डा० राम कृपाल सिंह :** अध्यक्ष महोदय, माननीय सदस्य की जो यह धारणा हो गई है कि 20 करोड़ रुपये की जो रकम है, वह सब की सब केवल मजदूरों की है, वह सही नहीं है । मजदूरों का ही वह कटा हुआ हिस्सा नहीं है, इस में और भी हिस्सा है; जो एम्प्लायर्स का कन्ट्रीब्यूशन जमा नहीं हुआ है...

**श्री उग्रसेन :** आप मेरे सवाल को नहीं समझे । मेरा कहना यह है कि मजदूरों का पैसा काट लिया जाता है लेकिन मालिकान अपना हिस्सा जमा नहीं कराते हैं और बाद में वह कम्पनी किसी दूसरे को ट्रान्सफर हो जाती है (व्यवधान)...

**MR. SPEAKER:** Mr. Ugra Sen, you have already put the question.

**डा० राम कृपाल सिंह :** अध्यक्ष महोदय, जो मालिकान मजदूरों के हिस्से से कन्ट्रीब्यूशन काट कर जमा नहीं कराते हैं उनके खिलाफ मिसएप्रोप्रिएशन की धारा के अन्तर्गत मुकदमा चलाया जाता है क्योंकि यह एक क्रिमिनल एक्शन है । (व्यवधान)

**श्री उग्रसेन :** किसी को पकड़ा गया, किसी को सजा दी गयी ?

**डा० राम कृपाल सिंह :** इसका जवाब मैंने पहले दे दिया था कि कितने लोगों को सजा दी गयी है और कितनों पर मुकदमा चलाया गया ।

MR. SPEAKER: One of the questions put was whether you have proceeded against any of the bigger industrialists mentioned by him?

DR. RAM KIRPAL SINHA: We do not exempt anybody from the actions, we file cases against the defaulting management, big or small, and it is for the courts to convict. Sometimes, they also go in appeal... (Interruptions)

**श्री नाथू सिंह :** अध्यक्ष महोदय मैं मंत्री महोदय से पूछना चाहता हूँ कि पिछले एक साल में क्या आपको प्रोविडेंट फंड संगठन के अधिकारियों के खिलाफ कोई शिकायतें मिली हैं ? क्या उन शिकायतों में इस तरह की शिकायतें भी मिली हैं कि कई संस्थाओं से पैसा जानबूझ कर नहीं लिया गया और कई संस्थानों ने दिया ही नहीं ? जिन संस्थानों ने पैसा नहीं दिया या जिनसे जानबूझकर नहीं लिया गया, उनमें से कई संस्थानों पर संगठन ने केसिज चलाये और कई पर संगठन ने जानबूझ कर केसिज नहीं चलाये । न केवल उन पर केसिज ही चलाये बल्कि उनसे कुछ कहा भी नहीं गया ? क्या इस तरह के मामले आपके सामने आये हैं ?

दूसरा मेरा सवाल यह है कि बाकी जो संस्थान हैं जिन पर कि केस चल रहे हैं, उन केसिज से सम्बन्धित जो प्रोविडेंट फंड संगठन के अधिकारी हैं, उनमें से कितने अधिकारियों के खिलाफ आपको शिकायतें मिली हैं ? क्या इस संगठन में कुछ ऐसे अधिकारी नहीं हैं जिनको नियम और कानून तोड़ कर आपात्काल के दौरान बड़ा लगाया गया था ? क्या इन अधिकारियों के कारण पूरे संगठन में, पूरे विभाग

में बहुत सारी घाघलियां नहीं हुई हैं ? क्या आपको इस तरह के कर्मचारियों और छोटे कर्मचारियों के खिलाफ भी शिकायतें मिली हैं ? यदि मिली हैं तो आपने उन पर क्या कार्यवाही की ? क्या उन शिकायतों के बारे में कोई जांच हुई ? यदि नहीं हुई तो यह कब तक करने जा रहे हैं ?

**डा० राम कृपाल सिंह :** जहां तक डिस्ट्रिक्मिनेशन का सवाल है कि किसी पर चार्ज लगाया, किसी पर नहीं लगाया, यदि ऐसा कोई केस माननीय सदस्य मुझे दें तो मैं उसकी जांच कराऊंगा ।

जहां तक कर्मचारियों का सवाल है, पदाधिकारियों का सवाल है, उनके बारे में यदि कोई कम्प्लेंट आती है तो यह तो नेचर आफ कम्प्लेंट पर निर्भर करता है कि उस पर डिपार्टमेंटल प्रोसीडिंग्स चले या उस पर किसी हायर अधिकारी से जांच करायी जाए । जो प्रोसीजर है, उसी के अनुसार सख्ती से काम लिया जाता है । यदि किसी कम्प्लेंट के बारे में कोई स्पेसिफिक बात हमारे ध्यान में लायी जाएगी तो उस पर मैं उचित कार्यवाही करूंगा ।

**श्री नाथू सिंह :** क्या आपको 'कोई' शिकायत मिली, इसको तो गोल ही कर दिया ?

MR. SPEAKER: What he said was that if you, bring any specific cases to his notice, he would look into them.

SHRI SAUGATA ROY: I would like to know from the hon. Minister whether in view of the fact that 19 of the jute mills which are provident fund defaulters fall within the exempted category, the Government is considering a proposal to take out all the jute mills from the exempted category and bring them under the Provident Fund organization and secondly, in view of the fact that a large number of prosecutions under Section 406 and 409 IPC and 110 Cr. P. C. are being held up

due to the defaulters obtaining injunctions from the High Courts, whether the Government is contemplating any change in the statute or the Constitution to take out provident fund defaulters from the purview of the writ petitions in High Courts.

DR. RAM KIRPAL SINHA: As far as the matter of cancelling the exemptions is concerned, the jute mills provide higher rate of interest for the provident fund, that is, eight per cent. And in some cases, their facilities are better. So, it becomes difficult if we exempt, and if we enforce the statutory provident fund the workers may lose. That is one difficulty. Even, then, if they violate the provisions of the scheme, their exemption may be removed or cancelled.

As far as keeping it away from the purview of the law courts is concerned, I think Mr. Saugata Roy is still carrying the Emergency days in his mind, when many schemes for the welfare of the people were sought to be exempted from the purview of the law-courts. (Interruptions)

SHRI SAUGATA ROY: What is he talking about? Why is he talking about the Emergency days when they are going to the High Court and Supreme Court? (Interruptions)

SHRI VAYALAR RAVI rose  
(Interruptions)

SHRI SAUGATA ROY: Sir, you ask the Minister. Please pull up the Minister, Sir. He cannot say that. (Interruptions) Let him correct his statement first. He has made a wrong statement. He is making an absolutely wrong statement.

MR. SPEAKER: No, no. Now Mr. Bagri.

(Interruptions)

SHRI VAYALAR RAVI: Why don't you pull him up? He has made a very irrelevant statement.

MR. SPEAKER: Mr. Ravi, in parliamentary practice, sharp questions and sharp answers are there. (Interruptions).

MR. SPEAKER: No, no. Mr. Bagri.  
(Interruptions)

SHRI SAUGATA ROY: It is a foolish answer.

श्री मनो राम बागड़ी : क्या सरकार इस नीति पर विचार कर रही है जो महा मानव स्वर्गीय डा० राम मनोहर लोहिया ने प्रतिपादित की थी कि सरकार और व्यापार, बाप सरकार में, बेटा व्यापार में, मंत्री सरकार में, पत्नी व्यापार में, यह नहीं होनी चाहिये ? अगर ऐसा किया गया तो देश से व्यापार और उद्योग में जो भ्रष्टाचार चलता है उस पर प्रकुश रखा जा सकेगा और मजदूरों के साथ जो अन्याय होता है वह मिट पाएगा । जैसे इंदिरा जी तो सरकार में और उनका पुत्र व्यापार में, कारखानेदार में, यह नहीं होना चाहिये था ? क्या जनता सरकार इस बारे में विचार करने तथा स्पष्ट नीति निर्धारित करने के लिए तैयार है और क्या ऐसा प्रतिबन्ध लगाने के लिए तैयार है कि सरकार का और व्यापार का इस तरह का रिश्ता नहीं होना चाहिये ताकि भ्रष्टाचार मिट सके और मजदूरों के साथ जो नाबराबरी का व्यापार होता है वह न हो सके ?

MR. SPEAKER: Mr. Minister, he has made a suggestion. You can consider it. Now Mr. Ram Gopal Reddy.

SHRI SAUGATA ROY: I seek your protection, Sir, under the rules. Ministers are supposed during the Question Hour, to give information and not make allegations against Members. (Interruptions) I put a specific question. He has made an allegation against me. (Interruptions).

MR. SPEAKER: No.

SHRI SAUGATA ROY: I seek your protection, Sir. He has made an allegation

SHRI V. M. SUDHEERAN rose

MR. SPEAKER: Mr. Saugata Roy, he has not made any allegation against



you. He merely said that you are remembering the days of Emergency.

(Interruptions)

SHRI SAUGATA ROY: They are going to the High Court and getting injunctions, and the Minister says this. (Interruptions) He is thinking that he is very intelligent. (Interruptions)

MR. SPEAKER: The Question Hour is over now. (Interruptions)

### SHORT NOTICE QUESTION

**Tetanus Disease in Safdarjung Hospital, New Delhi ..**

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S. No. Q. 2. SHRI G. M. BANAT-WALLA:

SHRI MUKHTIAR SINGH MALIK:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Tetanus disease has broken out in Safdarjung Hospital, New Delhi recently;

(b) if so, the number of persons died as a result thereof; and

(c) what preventive steps have been taken by Government in this regard?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगदम्बी प्रसाद यादव) :  
(क) और (ख). जी नहीं। कम्पाउण्ड फेक्चर तथा गहरे जखमों वाले जिन चार रोगियों को जुलाई, 1978 में सफदरजंग अस्पताल में भर्ती किया गया था, उनकी टैटनस के कारण मृत्यु हो गयी।

(ग) इन रोगियों का इलाज करने के लिए जिस आपरेशन थियेटर/वार्ड का उपयोग किया गया उसे तथा अन्य सभी संबंधित आपरेशन थियेटरों/वार्डों को भी बन्द कर दिया गया था ताकि उनमें अच्छी तरह संक्रमण-रोगी उपाय किए जा सकें। इन्हें फिर से तभी खोला गया है जब कल्चर

परीक्षणों से इस बात की पुष्टि हो गई थी कि वहां पर किसी प्रकार का संक्रमण नहीं है। जिन वार्डों में मोतें हो गई थीं उन वार्डों के रोगियों का रोग निरोधी इलाज कर दिया गया था।

श्री जी० एम० बनातवाला : सफदरजंग अस्पताल में चार, चार मोतें हुई और इसके बावजूद भी कहा जा रहा है कि ऐसा कोई टैटनस डिजिज वहां पर नहीं है। तां मैं यह जानना चाहता कि इन मरुओं का आपरेशन कब हुआ, चार-चार हैं, अलग अलग डेट्स क्या हैं उनके आपरेशन का और इनकी मोतें कब हुई, और आपरेशन थियेटर को एंटी इन्फेक्शन बंद बना दिया गया ?

[ شری جی - ایم - ہلات والا ]

سفدر جنگ ہسپتال میں چار چار موتیں ہوئی اور اس کے باوجود بھی کہا جا رہا ہے کہ ایسی کوئی ٹیٹنس ڈیسیز وہاں پر نہیں ہے - تو میں یہ جانتا چاہوں گا کہ ان مریضوں کا آپریشن کب ہوا - چار - چار ہیں - ایک الگ ٹیٹنس کیا ہیں ان کے آپریشن کی اور ان کی موتیں کب ہوئیں - اور آپریشن تھیٹر کو اینٹی انفیکشن کب بند دیا گیا - ]

श्री जगदम्बी प्रसाद यादव : श्रीमन्, चार जो टैटनस के कारण मोतें हुई उसमें दो बाहर से इलाज के लिये आये थे और टैटनस के साथ आये थे। दो का वहाँ पर अस्पताल में आउटडोर में इलाज हुआ था और घर पर गये थे, टैटनस होने के बाद वहाँ पर आये। यह दोनों-एक निहाल। 1-7-78 को भर्ती हुई थी और 7-7-78 को मोत हुई, राम कली 4-7-78 को भर्ती हुई और 11-7-78 को मोत हुई। मीजी 12-7-78 को भर्ती हुए और 16-7-78 को मोत हुई और मोहम्मद असलम 18-7-78 को भर्ती हुए और 22-7-78 को इनकी मोत हुई।

जहां तक उस ओपरेशन थ्येटर के रोग निरोधी बनाने का प्रश्न है तो उसका हर सप्ताह परीक्षण होता है और उसके परीक्षण के बाद ही उसमें काम होता है। मैं माननीय सदस्य को एक उदाहरण के द्वारा बताना चाहता हूं कि जहां तक टेटनस की बात है बाहर से एक्सीडेंट में घायल होने के बाद जो फ्रेक्चर होता है और जो ओपिन रह जाता है वहां पर टेटनस के कोड़े घुसने के कारण टेटनस होता है। और दूसरी बात यह है कि टेटनस का कोई निश्चित इलाज नहीं है। और टेटनस अगर अस्पताल के ओपरेशन में होता तब जरूर डाक्टर उसके जिम्मेदार होते और ओपरेशन थ्येटर भी उसके लिये जिम्मेदार होता। मैं उदाहरण के लिये बताना चाहता हूं कि अस्पताल में उस दरम्यान में 250 आपरेशन हुए और उनमें से एक को भी टेटनस नहीं हुआ।

**श्री जी० एम० बनतवाला :** टेटनस से 4 मौतें अलग-अलग डेट्स में हुई हैं। मंत्री महोदय ने यह नहीं बताया कि एंटी-इन्फेक्शन के काम के लिये यह थियेटर कब बन्द किया गया, आया 4 मौतों का इन्तजार करने के बाद या पहली मौत होने के बाद ही इसे एंटी-इन्फेक्शन के लिये बन्द किया गया ?

इसके अलावा यह भी कह दिया गया है कि यह टेटनस डिसीज बाहर से आई, यह जवाब रखा-रखा के अन्दर दे दिया गया, लेकिन चूंकि यह मामला बहुत ही गंभीर है इसलिये क्या हमारा वजीर साहब यह बतायेंगे कि 4-4 मौतें होने पर किसी किस्म की कोई इन्क्वायरी हुई है या नहीं कि यह टेटनस किसी किस्म की लापरवाही से तो अस्पताल में नहीं हुआ।

[ श्री जी - अिम - बलात वाला ]

थेबलिस की चार मृत्युओं अलग  
थेबलिस में हुई मृत्यु - मृत्यु मृत्यु  
ने ये नहीं बताया कि अिल्ली अिल्लिक  
2167 एल० एस०-2

के काम के लिये ये तेहर कब बन्द  
किया - आया चार मृत्युओं का  
के बाद या पहली मृत्यु होने के बाद  
ही अिल्ली अिल्लिक के लिये बन्द  
किया गया -

اس کے علاوہ یہ بھی کہہ دیا گیا  
ہے کہ یہ تھیلس ڈیسسز باہر سے آئی -  
یہ جواب درازی کے اندر دے دیا گیا  
ہے - لیکن چونکہ یہ معاملہ بہت  
ہی گہبیر ہے - اس لئے کہا ہمارے  
وزیر صاحب یہ بتائیں کہ چار - چار  
موتیں ہونے پر کسی قسم کی کوئی  
انکوائری ہوئی یا نہیں کہ یہ تھیلس  
کسی قسم کی لاہردہی سے تو ہسپتال  
میں نہیں ہوا - ]

**श्री जगदम्बी प्रसाद यादव :** जैस ही इस बात की जानकारी हुई, अपर महानिदेशक तुरन्त स्पार्ट पर जाकर इसकी जांच की और पाया कि डाक्टरों की नैग्लिजेंस के कारण मौतें नहीं हुई हैं।

मैं माननीय सदस्य की जानकारी के लिये बताना चाहता हूं कि जो आपरेशन थियेटर में आपरेशन होत हैं और उसके कारण वहां पर मौतें हुई हों तब तो मैं समझ सकता हूं कि वह टेटनस के जिम्मेदार होत हैं, लेकिन जो टेटनस बाहर से लेकर आता है, उसके इलाज के सतत प्रयास किये जाते हैं। आपको शायद पता हो टेटनस के कितने ही मरीज आते हैं और कई ठीक नहीं हो पाते हैं। सफदरजंग हस्पताल में 1976 में टेटनस डिसीज के 689 कैंसेज आये और उसमें से 305 मर गये ; 1977 में इसी रोग के 709 व्यक्ति आये और 311 मर गये। उसी तरह से 1978 में 115 आये और 79 मर गये। इसलिये टेटनस के रोगी जो इन्फेक्ट होकर आत हैं, उनमें से अगर 50 परसेंट भी बच जायें तो

भगवान का शुक्र है। दूसरे अस्पतालों के आंकड़ें भी मेरे पास हैं। लोकनायक जय-प्रकाश हस्पताल में 1976 में टैटनस के 481 कैसज आये और 301 मौतें हुई। 1977 में 591 आये और 339 मौतें हुई।

MR. SPEAKER: Should we go into all the details in the country?

**श्री जगदम्बी प्रसाद यादव :** एक बात मैं और कहना चाहता हूँ, अभी हमारे पालियामेंट के सदस्य एक्सीडेंट के शिकार हुई हैं, हमने सोचा है कि इस प्रकार का कोई हमारा सदस्य टैटनस का शिकार न हो, इसलिये हस्पताल को कहा है कि हमारे सदस्य जो हैं, उनको एंटी-टैटनस के इन्जेक्शन लगा दें जिससे अगर यह खतरा हो भी तो टल जाये।

**श्री मुल्लियार सिंह मसिक :** स्पीकर साहब, यह जो मौतें हुई इनके बारे में वजीर साहब ने बड़ा लाइटली बताया है। हमारे काबिल दोस्त ने मुझ से पहले जो सवाल किया उसमें उन्होंने पूछा कि यह कब दखिल हुए और इनकी मौतें अलग-अलग दिन में क्यों हुई, एक ही दिन क्यों नहीं हुई? खैर, मैं उसमें तो जाना नहीं चाहता, लेकिन आपकी मारफ्त मंत्री महोदय का ध्यान आकर्षित करना चाहता हूँ कि यह जो दवाई टैटनस की आती है, यह बहुत कीमती होती है। उन मरीजों पर जो दवाई इस्तेमाल की गई उसकी बाबत भी आया कोई किसी किस्म की इन्क्वायरी हुई या नहीं? जिन सिरिन्जों से इन्जेक्शन लगाये गये, वह ठीक थीं या नहीं, दवाई ठीक फीसी या नहीं? यह ठीक है कि टैटनस बाहर से होकर आया और उन्होंने बड़े भाराम से कह दिया कि बस, खुदा का शुक्र करो, कोई बच जाय तो बच जायें, नहीं तो नहीं। इससे वह अपनी जिम्मेदारी से सुबक दोष नहीं हो सकते। यह कोई हंसी की बात नहीं खुदा का शुक्र ही करते रहो तो घर में बैठ जाओ। हस्पताल में आने के बाद उनके लिये कोई खास

इतजाम है या नहीं, या वहाँ पर दवाई तो डिफिक्ट नहीं थी? मैं यह साधारण बात पूछना चाहता हूँ।

**श्री जगदम्बी प्रसाद यादव :** जो रोगी घायल होकर आते हैं उनको ए० टी० एस० टी० टी० और दीघकालीन पेंसिलिन देकर भर्ती किया जाता है। जहाँ तक हमारे अपर महानिदेश ने जांच कर देखा है यह दवाई उन को लगाई गई थी जो कि लगानी चाहिए थी।

**डा० कर्ण सिंह :** इस दुखद काण्ड के अलावा, दिल्ली में जो अस्पताल हैं, उन में दुर्भाग्य से फ़ास इनफ़ेक्शन रेट बहुत ऊँचा रहा है। मझे स्मरण है कि दो वर्ष पहले हमने विशेषज्ञों की एक समिति बनाई थी यह देखने के लिए कि हमारी राजधानी में हमारे अस्पतालों में इतना फ़ास इनफ़ेक्शन क्यों होता है, जबकि बम्बई जैसे शहरों में इससे बहुत कम होता है। मैं मन्त्री महोदय से यह जानना चाहता हूँ कि विशेषज्ञों की जो समिति बनी थी, उसकी रिपोर्ट पर उन्होंने क्या कार्यवाही की है। आज भी लग रहा है कि दिल्ली के अस्पतालों में फ़ास इनफ़ेक्शन रेट बढ़ता चला जा रहा है। आल इण्डिया इंस्टीट्यूट जैसे शिखर संस्थान में भी, जैसा कि अखबारों में निकलता है हैपाटाइटिस का काण्ड इस समय चल रहा है। क्या मन्त्री महोदय वृषा वर के बतायेंगे कि इसकी रोक-थाम के लिए विशेषज्ञों ने जो राय दी थी, उस पर उन्होंने क्या कार्यवाही की है?

**श्री जगदम्बी प्रसाद यादव :** माननीय सदस्य ने जिस रिपोर्ट का उल्लेख किया है, इस समय वह मेरे सामने नहीं है।

**डा० कर्ण सिंह :** वह रिपोर्ट मंगवा लीजिए।

**श्री जगदम्बी प्रसाद यादव :** मैं वह रिपोर्ट मंगवा कर देख लूँगा। लेकिन रुक्मिण्य अस्पताल में जो स्थिति है, वह मैं माननीय

सदस्यों के सामने रखना आवश्यक समझता हूँ। वहाँ पर ओवर-क्राउडिंग इतना अधिक है, जिसका कोई ठिकाना नहीं है। वहाँ 13 लाख रोगियों का इलाज साल में होता है और रोज पांच हज़ार रोगी वहाँ आते हैं। वहाँ इमर्जेंसी के बेंड सिर्फ 30 हैं, जबकि 80 से 100 इमर्जेंसी के रोगी रोज वहाँ आते हैं। इस स्थिति में क़स इन्फ़ेक्शन को रोकना आसान नहीं है। हमने वहाँ पर एक वरिष्ठ जेनेरल ड्यूटी चिकित्सक लगाया है। डाक्टरों और पैरा-मेडिकल स्टाफ़ की जितनी कमी है, उसे पूरा करने के लिए भी व्यवस्था की है। साथ ही विकलांग वार्ड के लिए, जिसमें कमी थी, दस लाख रुपये दिया गया है, ताकि तत्काल उसकी मरम्मत करके उसको ठीक किया जाये।

**डा० बलदेव प्रकाश :** मन्त्री महोदय ने जो जवाब दिया है, और जो स्टेटमेंट है उनमें थोड़ा सा फर्क है। उन्होंने कहा है कि जो मरीज दाख़िल हुए, वे टेटेनस बाहर से लेकर आये थे—

They were infected with Tetanus when they were admitted to the hospital.

लेकिन स्टेटमेंट में कहा गया है :

"Four patients admitted to the Safdarjang hospital in July, 1978, with compound fractures and heavily soiled wounds, died as a result of Tetanus."

इसमें कहीं नहीं है कि They were admitted as patients of Tetanus. इसका

मतलब यह है कि हास्पिटल में दाख़िल हो जाने के बाद जब उन का सर्जिकल ट्रीटमेंट हुआ आपरेशन थिएटर वगैरह में वहाँ उन्होंने टेटेनस कन्टैक्ट किया, और इस लिए आपरेशन थिएटर और वार्ड वगैरह को साफ़ करने का सवाल पैदा होता है। क्या इस बारे में कोई एनक्वायरी कन्डक्ट की गई है और यह जानने की कोशिश की गई है कि ये पेशन्ट्स

बाहर से कान्टैमिनेटिड थे या हास्पिटल की इन्फ़ेक्शन से उनको टेटेनस हुआ ?

**श्री जग बन्धी प्रसाद यादव :** माननीय सदस्य स्वयं डाक्टर हैं, इसलिए उन्हें मालूम होगा कि टेटेनस का लक्षण आठ रोज, पन्द्रह रोज के बाद प्रकट होता है। इसी लिए मैंने एक दूसरे उत्तर में कहा है कि जो आपरेशन वहाँ हुए हैं, उन 250 में से एक को भी टेटेनस नहीं हुआ है। इसलिए किसी ओजार में, किसी दवा में या आपरेशन थिएटर में टिटनस की कोई शिकायत नहीं मिली। इसकी और जांच भी हमने अपर निदेशक से करवाई। सब चीज वहाँ ठीक पायी गई। दवा ठीक पायी गई। दवा में या इलाज में कोई डिफ़ेक्ट नहीं था। यह पाया गया कि कहीं कोई चीज डिफ़ेक्टिव नहीं थी।

## WRITTEN ANSWERS TO QUESTIONS

### Scheme to Compensate Engineering Industries or Recent Price Hike in Steel

\*268. SHRI ROBIN SEN: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Government have evolved a scheme to compensate the export oriented engineering industries for the recent hike in steel prices; and

(b) if so, the details thereof?

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): (a) and (b). All export contracts/tenders (in the event that such tenders subsequently result in contracts) for engineering goods and steel bars and rods re-rolled from billets/re-rollables, subsisting on the 4th/5th June, 1978 and against which steel is to be delivered partly or wholly, would be protected from the steel price increase to the extent that the price increase is beyond 10 per cent of the pre-increase price, provided the contracts/tenders

do not provide for adequate escalation clause. For eligibility for protection, contracts/tenders should have been registered with appropriate authorities as already provided for in the regulations.

### Demand and Supply of Steel from Gauhati Stockyard

\*269. SHRI SACHINDRALAL SINGHA: Will the Minister of STEEL AND MINES be pleased to state:

(a) the details of the area served by Gauhati Stock-yard of Steel and the demand and the supply of steel in this area during the last three years, (year-wise);

(b) whether it is a fact that demand for Tripura was rejected a number of times from this Stock-yard;

(c) if so, the detailed reason thereof; and

(d) the action taken up-to-date to meet the demand of Tripura?

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK):

(a). The Gauhati Stockyard of SAIL caters to the requirements of Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. A precise assessment of the demand from the North Eastern Region for the last three years is not available. The supply of iron and steel from all the integrated steel plants to the Region during the last three years is as follows:—

1975-76	120,438 tonnes
1976-77	91,379 tonnes
1977-78	79,509 tonnes

(b) and (c). Government and priority demands of the States catered to by the Gauhati Stockyard are met first. It is likely that demands of some consumers from these States, including those from Tripura, might not have been met at times due to temporary non-availability of materials.

(d) Efforts are being made to rush materials to Gauhati Stockyard not only through rail but also by road.

### बड़ा डाकघर साबुआ

\* 270. डा० लक्ष्मी नारायण पाण्डेय :

क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मध्य प्रदेश में साबुआ में बड़े डाकघर का भवन बहुत पुराना हो गया है और वह डाकघर के कार्य के लिए पर्याप्त नहीं है।

(ख) क्या कर्मचारियों के बैठने अथवा आराम करने के लिये कोई स्थान उपलब्ध नहीं है जिसके परिणामस्वरूप काम पर भी प्रभाव पड़ता है; और

(ग) यदि हाँ, तो सरकार ने इस प्रयोजन के लिए क्या कार्रवाई की है ?

संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद सुखदेव साय) : (क) जी हाँ।

(ख) इस डाकघर के लिए जितनी जगह की जरूरत है, मौजूदा इमारत में उससे 1711 वर्गफुट जगह कम है।

(ग) यह इमारत भूतपूर्व रियासत की है और यह मध्यप्रदेश राज्य सरकार के अधिकार में है। जब यह इमारत निकट भविष्य में डाक तार विभाग को हस्तान्तरित कर दी जाएगी, तब इसके पुर्ननिर्माण का काम शुरू किया जाएगा।

### जाली ट्रेवलिंग एजेंसियाँ

\* 271. श्री श्रीम प्रकाश त्यागी  
क्या विदेश मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को पता है कि दिल्ली तथा अन्य बड़े शहरों में कुछ जाली ट्रेवलिंग एजेंसियाँ काम कर रही हैं जो बेरोजगार व्यक्तियों को नौकरियाँ दिलाने के झूठे प्रलोभन देकर उनसे बड़ी-बड़ी घन-राशियाँ वसूल करती हैं और उन्हें मध्य एशिया के देशों में भेज देती हैं जहाँ वे भुसीबत में फँस जाते हैं और उन देशों की सरकारें उनको जबरदस्ती वापस भेज देती हैं; और

(ख) यदि हाँ, तो सरकार इन ट्रेवलिंग एजेंसियों के विरुद्ध क्या कार्यवाही कर रही है और क्या इन ट्रेवलिंग एजेंसियों के इन कदाचारों को रोकने के लिये कोई कानून बनाया जायेगा ?

विदेश मंत्री (श्री अटल बिहारी वाजपेयी):

(क) जी, हाँ। सरकार को इस बात की जानकारी है कि दिल्ली और आसपास के बड़े बड़े शहरों में कुछ नकली भर्ती/यात्रा एजेंसियाँ काम कर रही हैं जो भावी उत्प्रवासियों से मोटी मोटी रकमें लेती हैं और उन्हें विदेशों में नौकरी दिलवाने के वादे करती हैं जोकि अक्सर पूरे नहीं हो पाते। विदेशों में पहुँच कर ऐसे उत्प्रवासी अक्सर वहाँ फँस जाते हैं और सरकार को उन्हें शुरू में सरकारी खर्च पर ही भारत प्रत्यावर्तित करना पड़ता है।

(ख) अनधिकृत एजेंटों द्वारा बेईमानी के मामलों की जब कभी सरकार को खबर दी जाती है तो सम्बद्ध राज्य के प्राधिकारियों का तत्काल इनकी ओर ध्यान आकर्षित किया जाता है ताकि वे समुचित कार्यवाही कर सकें। भारतीय दंड संहिता तथा उत्प्रवास

अधिनियम, 1922 में इन कदाचारी एजेंटों के खिलाफ कानूनी कार्यवाही करने के लिए आवश्यक प्रावधान पहले ही से मौजूद हैं और राज्य प्राधिकारियों का ध्यान उत्प्रवास अधिनियम के इन प्रावधानों की ओर आकर्षित किया गया है।

### Population Growth

\* 272. SHRI MUKHTIAR SINGH MALIK:

SHRI G. M. BANATWALLA:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government have seen the press report in the *Times of India* dated the 8th July, 1978 under the caption 'India Rising by 130 lakhs a year';

(b) whether it has also been stated that India's population is estimated to be 672 million in 1981 showing an increase of 124 million over the decade; and

(c) whether Government propose to chalk out any new policy to check the population growth of the country?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) Yes, Sir.

(b) Yes, Sir.

(c) The press report refers in fact to a population projection made by an Expert Committee set-up by the Planning Commission. The projected increase in the population from 1971 to 1981 is of the order of 22.6 per cent as against the observed increase of 24.8 per cent from 1961-71. The trend is thus declining. The birth rate has come down from 41.1 per 1000 of population during the period 1961-71 to 34.4 in 1976 and should have further declined to about 33 since then. The draft five year plan 1978-83 has adopted as its demographic goal reduction of

the birth rate to about 30 by 1982-83 and an operational programme designed to achieve that goal has been worked out. Intensive efforts are being made to check the population growth through a comprehensive educational and motivational programme. The governmental machinery available for the implementation of the programme in the States is being geared up and efforts are being made to involve voluntary organisations, labour organisations, employees organisations, co-operatives etc. in a co-ordinated programme.

Prime Minister has also written to Chief Ministers and they have assured to gear up the F.W. Programme. There is no need for new policy, the present policies and programmes being adequate for the purpose.

#### Revamping the Working of Employment Exchanges

\*273. SHRI K. MAYATHEVAR:

SHRI P. S. RAMALINGAM:

Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) the present position of action taken to revamp the working of Employment Exchanges; and

(b) the earliest date by which concerted measures are proposed to be formulated and implemented?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): (a) and (b). A Committee under the Chairmanship of Shri P. C. Mathew, former Labour Secretary is examining the working of the Employment Exchanges with a view to recommend measures for improvement of the facilities and for more effective use of the Exchanges. The recommendations of the Committee are expected shortly and the action for revamping the working of the Employment Exchanges will be

taken in the light of the recommendations of the Committee.

#### Bauxite Deposits in Orissa

\*274. SHRI GANANATH PRADHAN: Will the Minister of STEEL AND MINES be pleased to state:

(a) the total quantity of bauxite deposits in the Western belt of Orissa;

(b) how these deposits are proposed to be utilised for industrial growth;

(c) whether there is any proposal to set up an aluminium plant in Orissa; and

(d) if so, the details thereof?

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): (a) Of the order of 1,000 million tonnes (all categories).

(b) and (c). A feasibility study for setting up an export-oriented alumina/aluminium plant based on Orissa bauxite deposits has been commissioned.

(d) Details regarding location of the plant, schedule of implementation, etc. would be known only after the feasibility study is completed towards the middle of 1979.

#### Joint working group for steel industry

\*275. SHRI G. Y. KRISHNAN: Will the Minister of STEEL AND MINES be pleased to refer to reply given to Starred Question No. 47 on 23rd February, 1978 and state the action Government have taken or propose to take on the report of the Joint Working Group for steel industry?

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): A number of meetings have been held with the group of leaders of the Central Trade Union Organisations to enable Government to take appropriate

decisions on the various recommendations contained in the Reports and their implementation. However, in the last meeting held on 5th May, 1978, the Union leaders decided to discuss among themselves the various issues involved in deciding on elections in steel plants for determining the bargaining agent. No decisions have been reached by them so far.

### **Target of Sterilisation**

\*276. DR. BAPU KALDATE: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether any voluntary efforts were made by the organisations, community development centres, in fixing the targets for sterilisation in the different States;

(b) the details thereof; and

(c) whether these targets were completed?      } 2. 1

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) No information is available with the Central Government regarding voluntary efforts made by the organisations and community development centres in fixing targets for sterilisation. However, such voluntary organisations as receive assistance under the family Welfare Programme for maintenance of sterilisation beds, are required to achieve a minimum level of performance to qualify for full grant for maintenance of beds.

(b) and (c). Under the Family Welfare Programme, sterilisation beds have been sanctioned at institutions run by the State Governments and also voluntary organisations. These institutions are entitled to receive

maintenance grant on the basis of sanctioned beds every year provided the institution performs a minimum of 35 tubectomy operations per sanctioned bed per annum. Those institutions which are covered under the All India Hospital Post-Partum Scheme are also entitled to receive the maintenance grant for every sanctioned sterilisation bed on the same terms and conditions. Wherever, capital assistance for construction of ward/purchase of equipment has been provided, the maintenance grant for sterilisation beds is not released if the performance is below an average of 35 tubectomy operations per sanctioned bed. However, where construction grant has not been given, a proportionate release of maintenance grant is made on the basis of reported performance. In the country as a whole there are 848 sterilisation beds functioning under voluntary organisations and according to reports received so far the minimum prescribed performance level of 35 tubectomies per bed has been achieved during 1977-78 in respect of 373 sterilisation beds. Similarly of the 17 voluntary organisations/institutions covered under the All India Hospital Post-Partum Programme, during 1977-78, seven institutions have been able to achieve the minimum performance level of 35 tubectomies per bed.

### **Treatment of medical and sales representatives as workmen**

\*277. DR. VASANT KUMAR PANDIT: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether Government have received several representations from Maharashtra Sales and Medical Representatives Association enlisting their grievances and if so, what are their demands;

(b) whether the Association requested the Central Government to treat the Sales and Medical Representatives Staff as Workmen under



the Industrial Disputes Act, 1947 and Industrial Relations Act; and

(c) if so, what action Government contemplate to remove the hardships of Sales and Medical Representatives at the hands of drug manufacturing companies?

**THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA):** (a) and (b). Representations have been received from a number of units of the Association. Their main demands are;

(i) to waive the salary limit of Rs. 750 in the Sales Promotion Employees (Conditions of Service) Act, 1976 by an Ordinance; and

(ii) to include categorically the medical and sales representatives as "workman" in the Industrial Disputes Act, 1947 as well as in the Industrial Relations Bill.

(c) The whole question is under examination in the overall context of the Industrial Relations Bill, individual cases of hardship reported to Government have been referred to the State Government concerned for necessary action.

#### Postal orders fraud case

**\*278. DR. BALDEV PRAKASH:** Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether a fraud case of more than a lac of rupees involving British and Indian Postal Orders was detected in G.P.O., Amritsar in 1973;

(b) whether an enquiry was made into the case and responsibility fixed on the officials; and

(c) if so, the names of the officials held responsible and action taken against them?

**THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI):** (a) A fraud involving a sum of Rs. 9059.49 was detected.

(b) and (c). Yes, Sir. Shri G. D. Sethi, Clerk, Amritsar H.O., was held responsible for the fraud and stands dismissed from service as a result of departmental action. A complaint against him is also registered with the Police. Further action for non-observance of rules by Assistant Postmaster is pending the outcome of Police investigations.

**विदेशों द्वारा भारतीय मेडिकल डिग्रियों की मान्यता समाप्त किया जाना**

**\*279. श्री मय्युंजय प्रसाद :** क्या स्वास्थ्य और परिवार कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या ब्रिटेन की जनरल मेडिकल काउंसिल द्वारा भारतीय मेडिकल डिग्रियों की मान्यता समाप्त किए जाने से पूर्व मेडिकल काउंसिल ने बहुत से भारतीय मेडिकल कालेजों में मेडिकल शिक्षा और उपकरणों के घटिया स्तर का प्रश्न उठाया था;

(ख) क्या किसी अन्य देश के मेडिकल काउंसिल ने भी भारतीय मेडिकल डिग्रियों की मान्यता समाप्त की है और यदि हाँ, तो उनके नाम क्या हैं और क्या उन देशों की मेडिकल डिग्रियों को भारत में मान्यता दी जाती है;

(ग) क्या अमरीका में भी भारतीय मेडिकल डिग्रियों को मान्यता नहीं दी जाती है और क्या अमरीका में मान्यता पाने के लिए भारतीय डाक्टर को अनिवार्य रूप से ई० सी० एक० एम० जी० परीक्षा पास करनी होती है और यदि हाँ, तो अमरीका की मेडिकल डिग्री को भारत में किन कारणों से मान्यता दी जाती है; और

(घ) क्या आज भी सरकारी नियुक्तियों के मामले में ब्रिटेन की एम० आर० सी० पी० एफ० आर० सी० पी०, एफ० आर० सी० एस० आर० सी० पी० और एम० डी० और एम० एस० डिग्नियों की तुलना में तरजीह दी जाती है और यदि हाँ, तो भारत में ब्रिटेन की मेडिकल डिग्नियों की मान्यता समाप्त करने का क्या लाभ है ?

**स्वास्थ्य तथा परिवार कल्याण मंत्रालय**  
**मैराथ्य मंत्री : (श्री जगन्मो प्रसाद यादव) :**

(क) भारतीय आयुर्विज्ञान परिषद से मालूम किया है कि ब्रिटेन की जनरल मेडिकल काउंसिल ने कभी भी भारत में चिकित्सा शिक्षा तथा मेडिकल कालेजों में उपकरणों के निम्न स्तर का प्रश्न नहीं उठाया।

(ख) चिकित्सा ग्रहंताओं को पारस्परिक आधार पर मान्यता देने की एक योजना केवल भारत और ब्रिटेन में चल रही थी और इसलिये किसी अन्य देश द्वारा भारतीय चिकित्सा डिग्रियों की मान्यता समाप्त करने का प्रश्न ही नहीं उठता।

(ग) भारत तथा संयुक्त राज्य अमरीका में दी जाने वाली चिकित्सा उपाधियों की मान्यता देने के मामले में कोई पारस्परिकता नहीं है। संयुक्त राज्य अमरीका सरकार द्वारा अपनाई जा रही क्रियाविधि के अनुसार विदेशी डाक्टरों की, जिनमें भारतीय डाक्टर भी शामिल हैं, अमरीका के अस्पतालों में काम करने की अनुमति देने से पहले अमरीका मेडिकल एसोसिएशन द्वारा आयोजित ई० ई० एफ० एम० जी० सी० (विदेशी चिकित्सा स्नातकों के लिये प्रवेश परीक्षा) पास करनी होती है। तथापि, अमरीका की कुछ चिकित्सा ग्रहंतायें जब भारतीयों के पास होती हैं तो उन्हें भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 की धारा 13(4) के अन्तर्गत मान्यता दी जाती है।

(घ) यह कहना सही नहीं है कि एम० आर० सी० पी०, एफ० आर० सी० पी०, एफ० आर० सी० एस० आर० सी० पी० आदि जैसी डिग्रियाँ रखने वालों को सरकारी नियुक्तियों में विशेष तरजीह दी जाती है। तथापि, 11 नवम्बर, 1978 से पहले भारतीय नागरिकों द्वारा ली गई यू० के० की ये स्नातकोत्तर डिग्रियाँ मान्यता प्राप्त चिकित्सा ग्रहंतायें मानी जाती रहेंगी।

**Withholding payment of P.F. Loan to workers by Management**

\*280. SHRI DINEN BHATTACHARYA: Will the Minister of LABOUR AND PARLIAMENTARY AFFAIRS be pleased to state:

(a) whether Government are aware that in several cases the management of companies withheld payment of Provident Fund loan to workers taking advantage of the present provisions in the Provident Fund Act;

(b) if so, whether Government are proposing to amend the Provident Fund Act to ensure that the managements did not have the decisive choice in granting provident fund loans; and

(c) whether Government will issue instructions to the Provident Fund Commissioners to use their discretion in such matters till suitable amendments are made in the Provident Fund Act?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KIRPAL SINHA): (a) to (c). In the case of unexempted establishments, grant of advances is regulated by the provisions of the Employees Provident Funds Scheme, 1952 and is decided by the Employees Provident Fund Authorities and not by the employer. In the case of exempted establishments, loans are granted by the concerned Boards of Trustees of

the exempted Funds in accordance with the Provident Fund Schemes of the establishments. A complaint has been received regarding withholding of provident fund loans to workers of M/s. Bombay Metal and Manufacturing Companies by the Trustees of the Provident Fund. The matter has been referred to Central Provident Fund Commissioner for investigation.

**Complaints regarding Working of Telephones in Delhi, Madras, Calcutta and Bombay**

\*281. SHRI KANWAR LAL GUPTA: Will the Minister of COMMUNICATIONS be pleased to state:

(a) is it a fact that the telephone services in the cities of Delhi, Madras Calcutta and Bombay have been deteriorating fast;

(b) what specific steps have been taken by Government to improve the services in the last three months;

(c) how many complaints in writing have been received in each city in the last three months; and

(d) the nature of complaints and the action taken thereon?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) No, Sir.

(b) Improvement measures taken on hand in a phased manner are:

(i) Intensification of maintenance and inspection, overhaul and rehabilitation of exchange system (both internal and external plants).

(ii) Pressurisation of junction and primary underground telephone cables.

(iii) Use of jelly-filled distribution cables to prevent seepage of water in case of minor damage to cables.

(iv) Setting up of suitably staffed Fault Control Centres with tools, testing instruments etc. to expedite restoration of faulty underground cables.

(c) During the last three months (April to June 1978) the average written complaints per month regarding service have been 2316, 3200, 2626 and 309 for Bombay, Calcutta, Delhi and Madras respectively.

(d) The written complaints pertain to telephone service. They are promptly investigated and faults attended to.

**Price policy for small scale sector**

\*282. SHRIMATI AHILYA P. RANGNEKAR: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether the Council of Small Industries Corporations has requested the Central Government to stay its new price policy with regard to the supply of steel to the Small Scale Industrial Development Corporations and to discuss actual operational costs with the Council to arrive at a "fair and reasonable price for the small sector"; and

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

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): (a) Yes, Sir,

(b) A Committee has been appointed to study the operational costs of a few Small Scale Industries Corporations and to recommend the concession in price to be allowed to them for steel supplies to cover the actual cost of operation in distributing the same to SSI units at a price lower than the stockyard prices. The Committee has been asked to submit its report by the end of August 1978 and the decision on the recommendations

of this Committee will have retrospective effect from 5-6-78.

### अधिक शराब पीने से प्रभावित मस्तिष्क का इलाज

2569. श्री युवराज : क्या स्वास्थ्य और परिवार कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या अन्तराष्ट्रीय अनुसंधान-कर्ताओं ने यह सिद्ध किया है कि बहुत शराब पीने से मस्तिष्क का जो क्षय होता है वह शराब छोड़ देने से ठीक हो सकता है;

(ख) क्या पहली बार यह प्रमाणित हुआ है कि व्यस्क व्यक्तियों के मस्तिष्क के क्षतिग्रस्त सेल स्वस्थ हो सकते हैं; और

(ग) यदि हां तो व्यक्तियों को शराब और मस्तिष्क के असाध्य रोगों से बचाने के लिए क्या कार्यवाही की जाएगी और यदि नहीं तो इसका क्या कारण है ?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगदम्बी प्रसाद धावब) :

(क) और (ख). एल्कोहालिज्म से मस्तिष्क की क्रिया में जो ह्रास आ जाता है वह हो सकता है स्वयं एल्कोहाल का ही सीधा प्रभाव हो अथवा सम्बद्ध पावन सम्बन्धी कमियों के कारण हो। प्राथमिक अवस्थाओं में ही शराब पीना छोड़ देने और काफी मात्रा में उपयुक्त पोषिक पदार्थों का सेवन करने से बहुत कुछ सुधार हो सकता है। तथापि ऐसा कोई प्रमाण नहीं है जिससे यह पता चलता हो कि क्रियाशील मस्तिष्क के उन महत्वपूर्ण सेलों को जो एक बार नष्ट हो गये हैं क्रियाशील किया जा सकता है।

(ग) संविधान के अनुच्छेद 47 में निहित राज्य के नीति के निर्देशक सिद्धान्तों को ध्यान में रखते हुए सरकार ने मद्य निषेध की एक नीति तैयार की है। इस नीति में चार वर्ष की अवधि के भीतर मद्य निषेध लागू करने पर

जोर दिया गया है। इस नीति को लागू करने की जिम्मेदारी राज्य सरकारों की है क्योंकि संविधान की 7वीं अनुसूची की प्रविष्टि 8 के अन्तर्गत एल्कोहल का विषय उन्हींको आवंटित किया गया है।

तथापि राज्य इस नीति को सुविधापूर्वक कार्यान्वित कर सके इसके लिए मार्गदर्शक सिद्धान्त तैयार कर लिए गये हैं और वे उन्हें सूचित कर दिये गये हैं। इन मार्गदर्शक सिद्धान्तों की एक प्रति संलग्न है।

### विवरण

नशाबंदी लागू करने के लिए मार्गदर्शक सिद्धान्त

### 1. तत्कालिक उपाय

(1) नशाबंदी दिवस (ड्राई डेज) शुरू करना :

(क) शुरू शुरू में 1978 के दौरान सप्ताह में दो दिन, 1979 में चार दिन, 1980 में छः दिन और 1981 में सप्ताह में सभी दिन शराब की दुकानें बन्द रखी जाएं।

(ख) नशाबंदी दिनों के बारे में घोषणा पड़ोसी राज्यों के साथ परामर्श कर की जानी चाहिए ताकि इस कार्य को पूरी तरह से सफलता मिल सके।

(ग) वेंतन का प्रत्येक दिन नशाबंदी दिवस घोषित किया जाना चाहिए।

(घ) शहीदी दिवस तथा गांधी जयन्ती और सभी महत्वपूर्ण त्यौहारों का दिन नशाबंदी दिन घोषित किया जाना चाहिए।

- (2) छात्रावासों, होटलों, रेस्तरां (जलपान गृहों) क्लबों और स्वागत समारोहों जैसे सार्वजनिक स्थानों पर शराब पीना तत्काल बन्द कर दिया जाए ।
- (3) शराब सम्बन्धी विज्ञापन बन्द कर दिए जाएं ।
- (4) डिस्टिलरीज, ब्रेवरीज, शराब की खुदरा दुकानों के लिए नए लाइसेंस नहीं दिए जाएं ।
- (5) जिन लाइसेंसों की अवधि भ्रगले एक वर्ष में समाप्त होने वाली है उनका नवीकरण न किया जाए—इसी समय नोटिस दिए जाने चाहिए ।
- (6) इन दुकानों के लाइसेंस भ्रगले 12 महीनों के अन्दर-अन्दर वापिस ले लिए जाएं जो—
  - (क) औद्योगिक क्षेत्र के निकट, सिचाई और अन्य परियोजनाओं वाले स्थानों
  - (ख) विदेशी रेजीडेंट
  - (घ) पर्यटक
  - (ज) वे अनुसूचित जनजातीय क्षेत्र जहाँ पर उत्सवों में शराब का उपयोग करना वहाँ की संस्कृति का एक अंग है ।
  - (झ) धान और महुआ के फूलों से शराब निकालना तथा अन्य देशी शराब; परमिट कम से कम दिए जाएं ।
- (2) डीएडिक्शन केन्द्रों के लिए धन, स्टाफ तथा डॉंचे की व्यवस्था करना तथा व्यसनियों के परिवारों का कल्याण करना ।
- (3) नीरा जैसे उपयुक्त वैकल्पों की व्यवस्था करना और एलकोहलिक

पेयों में एलकोहल की मात्रा को अधिकाधिक कम करना ।

- (4) पेय योग्य प्रयोजनों के लिए एलकोहल के नियतन में कमी करना और इण्डस्ट्रीज के लिए अधिक एलकोहल उपलब्ध करना अर्थात् 1978-79 में पेय प्रयोजनों के लिए एलकोहल मात्रा में 25 प्रतिशत कमी करने की कोशिश की जाए तथा भ्रगले वर्ष में 50 प्रतिशत कमी की जाए और अन्ततः 1980 तक बिल्कुल बन्द कर दी जाए । एलकोहल का का निर्यात करने के बारे में कोशिश की जाए ।
- (5) नशाबंदी के कार्यान्वयन के कारण उत्पन्न बेरोजगारी को कम से कम करने के बारे में प्रयत्न करना तथा रोजगार के वैकल्पिक अवसर निकालना ।
- (6) शैक्षिक संस्थाओं की पाठ्य पुस्तकों में नशाबंदी सम्बन्धी पाठ शामिल कर शराब पीने के फैशन को रोका जाए और प्रारम्भिक शैशव काल से ही इस बारे में उचित ढंग से समझाया जाए । शिक्षिक प्रचार कार्य के लिए स्वैच्छिक संगठनों को धन दिया जाए ।
- (7) जिन औषधियों और अन्य उत्पादों, में यू०डी० क्लोन तथा टायलर प्रीप्रेशन चिन्नर टिक्चर इत्यादि शामिल हैं और जिनसे अवैध शराब बनती है, उनकी उपलब्धता का उपयोग करना और इनके स्रोतों को बन्द करने के लिए जल्दी उपाय करना तथा ऐसी दवाइयों आदि के वितरण पर नियंत्रण करना ।

- (8) नशाबन्दी के कारण होने वाले वास्तविक घाटे का पता लगाना और उसे किस प्रकार पूरा किया जाए। नशाबन्दी के कारण लोगों द्वारा की गयी बचत, एलकोहल को औद्योगिक प्रयोजनों में इस्तेमाल करने तथा एलकोहल के निर्यात आदि से राज्य द्वारा अर्जित राजस्व के रूप में प्राप्त किए गए धन को ध्यान में रखते हुए विस्तृत ब्यौरे तैयार करना होगा।
- (9) नशाबन्दी तथा औषधि को लागू करने के लिए कानून बनाना होगा।
- (10) नशाबन्दी को लागू करने वाले तन्त्र जिसमें पुलिस, उत्पाद शुल्क, प्रशासनिक ढांचा इत्यादि शामिल हैं, तथा उनको प्रशिक्षण देने के लिए अतिरिक्त धन की व्यवस्था करनी होगी।

प्रेस कर्मचारी संघ, फरीदाबाद द्वारा वार्षिक विवरणी प्रस्तुत न किया जाना

2570. श्री हुकम चन्द कछवाय : क्या संसदीय कार्य तथा श्रम मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत सरकार प्रेस, फरीदाबाद में वर्ष 1957 में बने प्रेस कर्मचारी संघ ने, जिसकी पंजीकरण संख्या 9 है, गत कई वर्षों से वार्षिक विवरणियां प्रस्तुत नहीं की हैं और यदि हां, तो कितने वर्षों से विवरणियां नहीं भरी गई हैं और मजदूर संघ अधिनियम के अन्तर्गत इस बारे में क्या कार्यवाही की गई है और यदि प्रस्तुत की गई हैं तो क्या उनकी एक प्रति सभा पटल पर रखी जायेगी ;

(ख) क्या प्रेस कर्मचारी संघ के निर्वाचन कई वर्षों से नहीं हुए हैं और यदि हुए हैं तो

कब और क्या इस बारे में पूरा और वेने वाला विवरण सभा पटल पर रखा जायेगा ; और

(ग) क्या प्रेस कर्मचारी संघ, फरीदाबाद के कागजातों की श्रम विभाग, चंडीगढ़ ने फरवरी, मार्च, 1978 में जांच की थी और यदि हां, तो क्या उसकी एक प्रति सभा पटल पर रखी जायेगी ?

संसदीय कार्य तथा श्रम मंत्री (श्री रबीन्द्र वर्मा) : (क) से (ग) यह मामला राज्य सरकार के क्षेत्राधिकार में आता है। हरियाणा सरकार से इस संबंध में सूचना मांगी गई है और प्राप्त होने पर लोक सभा की मेज पर रख दी जायेगी।

#### Amendment to Payment of Gratuity Act

2571. SHRI R. K. MHALGI: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether Government have received representations in the current year regarding the amendment to Payment of Gratuity Act suggesting to give benefit of gratuity to employees who are known as 'Administrative Personnel' but get monthly salary below Rs. 1000/-; and

(b) if so, what action Government have taken or propose to take in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KIRPAL SINHA): (a) Yes, Sir.

(b) The matter is under consideration.

**बालकधरो, सरकारी खजाने में भविष्य निधि की राशि जमा किया जाना**

2572. डा० रामजी सिंह : क्या संसदीय कार्य तथा श्रम मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को ज्ञात है कि श्रमिकों की भविष्य निधि की राशि जमा करने में भारी कठिनाई का सामना करना पड़ता है ;

(ख) क्या सरकार का विचार एक ऐसा कानून बनाने का है जिसके अन्तर्गत प्रत्येक श्रमिक की (सरकारी अथवा गैर सरकारी क्षेत्र में) भविष्य निधि राशि नियमित रूप से प्रत्येक महीने डाक घर अथवा सरकारी खजाने में जमा कर दी जाये ;

(ग) यदि हां, तो कब तक और यदि नहीं, तो इसके क्या कारण हैं ; और

(घ) समूचे देश में भविष्य निधि की बकाया राशि का भुगतान करने के कितने मामले दर्ज किये गये हैं ?

**श्रम तथा संसदीय कार्य मंत्रालय में राज्य मंत्री ( डा० राम कृपाल सिंह ) :**

(क) भविष्य निधि प्राधिकारियों ने सूचित किया है कि हाल ही में कुछ शिकायतें प्राप्त हुई थीं कि कलकत्ता में स्टेट बैंक आफ इंडिया की कुछ शाखाओं में स्टाफ की कमी के कारण भविष्य निधि की राशियों को स्वीकार करने से इन्कार कर दिया। यह मामला बैंक प्राधिकारियों के साथ उठाया गया है।

(ख) और (ग) इस समय ऐसा कोई प्रस्ताव विचाराधीन नहीं है। स्टेट बैंक आफ इंडिया या इसके सहायक बैंकों में कर्मचारी भविष्य निधि से संबंधित समस्त धन-राशियों को जमा करने की वर्तमान व्यवस्था को संतोषजनक समझा गया है।

(घ) 31 मार्च, 1978 को कुल 78,788 प्रतिष्ठानों में से, 922 प्रतिष्ठान कर्मचारी भविष्य निधि योजना के अन्तर्गत

दोषी प्रतिष्ठान थे। कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 के उपबन्धों के अनुसार आवश्यक कानूनी कार्रवाई की गई है।

# **Abolition of Telephone Advisory Committees whose Terms have Expired**

2573. SHRI F. P. GAEKWAD: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Telephone Advisory Committees whose terms have expired are not to be reconstituted;

(b) whether Government have taken a policy decision to abolish these Committees; and

(c) if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) and (b). No, Sir.

(c) Does not arise.

# **Area served by HSL Stockyard, Calcutta**

2574. DR. BIJOY MONDAL: Will the Minister of STEEL AND MINES be pleased to state:

(a) the details of the area served by the H.S.L. Stock-yard, Calcutta;

(b) the total quantum of steel received by this stock-yard during the last three years and supplied during the period with the names of the firms; and

(c) the details of the outstanding amount to be realised up-to-date unit-wise?

**THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA):** (a) The Calcutta stockyard of SAIL normally supplies steel to consumers in West Bengal and Sikkim.

(b) and (c). Following quantities of steel were received and delivered by the stockyard during the last three years:—

Year	Receipts Deliveries	
	Tonnes	Tonnes
1975-76	380,000	3,27,971
1976-77	4,37,000	3,66,193
1977-78	3,24,000	3,46,493

It will not be in the commercial interest of SAIL to disclose either the party-wise break-up of sales or of outstandings of individual units.

#### Revision of Prices of Steel and use of extra profits

2575. **SHRI MOHINDER SINGH SAYAJIANWALA:** Will the Minister of STEEL AND MINES be pleased to state;

(a) whether there are plans to invest the extra profits earned due to revision of the prices of steel and its products for the benefits of the industry itself; and

(b) if so, in what way?

**THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA):** (a) and (b). In the case of the public sector steel plants, the surpluses after meeting the cost escalations and the losses likely to be suffered by IISCO, will be made use of for capital expenditure programme for which they

have been heavily dependent upon budgetary resources. A ceiling of 12 per cent has been imposed on the dividends to be declared by TISCO so that the maximum possible amount of surplus is put into reserves for financing their plant modernisation programmes.

**मटीयारी, जूनागढ़ जिले में एक टेलीफोन एक्सचेंज खोला जाना**

2576. **श्री धर्म सिंह भाई पटेल :** क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) गुजरात के सोराष्ट्र क्षेत्र के जूनागढ़ जिले के कुतियाणा तालुक के मटीयारी गांव में टेलीफोन एक्सचेंज खोलने के लिए किन-किन व्यक्तियों, कंपनियों और संस्थाओं ने कब और कितनी-कितनी रकम कहा जमा की है ;

(ख) मटीयारी गांव में टेलीफोन एक्सचेंज कब खोला जायेगा और इन जमाकर्ताओं को कब तक टेलीफोन कनेक्शन दिये जायेंगे,

(ग) मटीयारी गांव में स्वतंत्र टेलीफोन एक्सचेंज चालू करने के लिए मटीयारी और उसके ग्रास-पास के कितने गांवों में कम से कम कितने व्यक्ति टेलीफोन लेने वाले होने चाहिएं ; और

(घ) मटीयारी के ग्रास-पास के कडेगी, तरखाई, जमदा, भोगसर, छत्रावा और ग्रन्थ गांवों में से किन-किन लोगों ने मटीयारी टेलीफोन एक्सचेंज से टेलीफोन कनेक्शन लेने की मांग की है और कब से की है और इन गांवों में सभी व्यक्तियों को टेलीफोन कनेक्शन कब दिये जायेंगे ?

संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद सुब्बाबे साय): (क) और (ख) मटीयारी गांव में टेलीफोन एक्सचेंज खोलने



के लिए किसी भी व्यक्ति ने रकम जमा नहीं कराई है।

(ग) मटीयारी में टेलीफोन एक्सचेंज खोलने के लिए अनुमोदन तब दिया जा सकता है जब टेलीफोन कनेक्शनों के लिए लगभग 15 आवेदक अपना नाम रजिस्टर करा लें।

(घ) न गांवों और मटीयारी के आसपास के दूसरे गांवों के किसी भी व्यक्ति ने मटीयारी टेलीफोन एक्सचेंज से टेलीफोन कनेक्शनों के लिए आवेदन नहीं किया है। फिर भी, तरखाई गांव के दो व्यक्तियों अर्थात् सर्वश्री आभाभाई अर्जुनभाई और चन्नाभाई अर्जुनभाई ने जून, 1978 में मटीयारी सार्वजनिक टेलीफोन घर से एक्सटेंशन लेने के लिए आवेदन पत्र दिये हैं। सामान प्राप्त होते ही ये एक्सटेंशन दे दिये जाएंगे।

#### Augmenting Postal Services in Zanskar

2577. SHRIMATI PARVATI DEVI: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Government propose to augment postal services for Zanskar; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) and (b). A proposal for opening an Extra-Departmental Branch Post Office at Padam-Zanskar is under examination.

#### Items for Rural use made from Iron and Steel ..

2578. SHRI SARAT KAR: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether it is a fact that a Group of Experts of Steel Authority of India (SAIL) have identified some items of rural use which can be made from iron and steel; and

(b) if so, the details thereof and the reaction of Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) Yes, Sir.

(b) A Study Team of SAIL has identified about 50 items made of iron and steel that can be used in the rural areas. Initially SAIL proposes to organise manufacture of some of these items through local entrepreneurs in four pilot workshops, one each in the States of Andhra Pradesh, Gujarat, Orissa and Uttar Pradesh. Further plans on the subject will be decided on receipt of the results of the pilot workshops.

#### Arrears of P.F. in Maharashtra

2579. SHRI VASANT SATHE: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether a huge amount of arrears of provident fund has accumulated against a number of defaulting units in Maharashtra State during the last one year;

(b) if so, the total amount of arrears and the number of defaulting units;

(c) the names of the top ten defaulters and the amount of arrears against each of them; and

(d) details of action taken/proposed in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KIRPAL SINHA): The Provident Fund Authorities have reported as under:—

(a) During the financial year 1977-78, the arrears have increased by Rs. 73.58 lakhs.

(b) the total amount of arrears is Rs. 663.91 lakhs in respect of 511 establishments.

(c) and (d). A statement showing the names of ten top defaulters and action taken against them is laid on the Table of the Sabha.

**Statement**

S. No.	Name of the establishment	Amount of Provident Fund contribution in default (Rs. in lakhs)	Details of the action taken/proposed to be taken
1	2	3	4
1	India United Group of Mills, Bombay. (N.T.C. unit).	178.10	The Mills were under the private management when the default occurred for the period 8/65 to 11/65 amounting to Rs. 7 lakhs. All legal actions were stayed by the State Govt. Action to prosecute the previous management were initiated but the summons could not be served as the party could not be traced on the available address. However efforts are being made to find out the new addresses.  From 12/65 to 3/72 the Mills were under the control of the Authorised controller. From April, 1974 the management of the Textile Mills was taken over by the Government of India and entrusted to the National Textile Corporation. The claim for the arrears of provident fund is filed with the Claims Commissioner.
2	Bradbury Mills Limited	47.68	Recovery proceedings under section 8 of the Act were initiated upto February, 1978 and legal proceedings under section 14 of the Act have been initiated upto September, 1977. First information Report under section 406/409 I.P.C. has been registered with the Police Authorities.
3	Jam Manufacturing Company Limited, Bombay-12.	32.52	Recovery proceedings under section 8 and legal proceedings under section 14 have been initiated upto February, 1978.
4	Apolo Mill Limited (N.T.C. unit)	32.24	The mills are now taken over by N.T.C. Mills were closed from 7-9-71 to 1-11-72. Action for recovery of provident fund dues as arrears of land revenue could not materialised as the Collector expressed inability in view of the takeover of the Mills. A complaint has been registered under section 406/409 I.P.C. with Police Authorities. Two of the Directors were

1	2	3	4
			arrested but were released on bail. Action to prosecute the responsible person was also initiated. The claim for the provident fund arrears is filed with the Claim Commissioner.
5	Sholapur Mill Limited (in liquidation)	31.84	Revenue Recovery certificates were issued to the Collector. Prosecutions filed against the management were not pursued by the State Government. F.I.R. was filed for action under section 406/409 Indian Penal Code with the Police authorities. The claims has been filed with the official liquidator.
6	W.G. Forge & Allied Industries Limited, Thana.	27.20	Recovery proceedings under section 8 initiated upto February, 78 and legal proceedings under section 14 initiated upto November, 1977 and for subsequent period legal proceeding being initiated.
7	Nanded Textile Mill, Nanded. (The Osmanshahi Mill Limited, run by N.T.C.).	20.87	Revenue Recovery Certificates were issued to the Collector periodically. Mills were closed from 7-5-71 to 30-4-72. Prosecution cases filed in the court for entire period of default ended, in conviction of the accused. Fresh prosecution cases were filed in the Court against the accused who were not served with summons. The Police have filed cases in the Court under section 406/409 of Indian Penal Code for non-payment of Employees' share. The establishment has been taken over by Government and is regular in the payment of current Provident Fund dues from May, 1972. claims for the arrears filed with the claims Commissioner.
8	New Kiser-I-Hind Spinning Company Limited, Bombay.	16.15	The claim of provident fund dues was filed with official liquidator. Prosecution filed under section 14 were withdrawn by the State Government. Claims for provident fund dues have been filed with the Claims Commissioner.
9	Ogale Glass Works Limited, Karad District, Satara.	15.00	Recovery proceedings were started and legal proceedings have been initiated upto-date. Complaints under section 406/409 of Indian Penal Code are also lodged with the Police Authorities.
10	Bharat Textile Mills. (A Unit of N.T.C.)	14.94	Revenue Recovery proceedings were taken. Prosecutions launched against previous management were withdrawn by the State Government. Claims have been filed with the Claims Commissioner.

NOTE :—In respect of establishments at S. No. 4, 7, 8 and 10 the dues pertain to pre-take-over period.

**Number of Employees in I.T.I.  
Palghat**

2580. SHRI VAYALAR RAVI: Will the Minister of COMMUNICATIONS be pleased to state:

(a) the total number of employees in I.T.I., Palghat and the number of S.C./S.T. among them;

(b) whether the number of S.C./S.T. workers is not enough to the percentage directed by Government; and

(c) if so, the reasons for the number of SC/ST posts not fulfilled?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) Total number of employees—107. Number of Scheduled Castes—8. Number of Scheduled Tribes—Nil

(b) Yes.

(c) Adequate number of S.C./S.T. candidates having requisite technical qualifications are not forthcoming.

**सूरत में टेलीफोन कारखाने की स्थापना**

2581. श्री छोटभाई गमित : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या गुजरात के सूरत जिले में टेलीफोन उपकरण तथा अन्य साज सामान बनाने वाला कोई कारखाना स्थापित किया जा रहा है ;

(ख) यदि हां, तो तत्संबंधी व्यौरा क्या है और इस कारखाने पर कब तक कार्य आरम्भ होगा और कब पूरा हो जायेगा ; और

(ग) इस कारखाने पर कितना व्यय होगा और वहां कितने लोगों को रोजगार प्राप्त हो जायेगा ?

संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद मुखर्जी) : (क) जी नहीं ।

(ख) और (ग). सवाल पैदा नहीं होता ।

**Visit of Vice President of Iraq**

2582. SHRI D. AMAT: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether it is a fact that Vice President of Iraq visited India in the 1st week of July, 1978; and

(b) if so, the nature of discussions held with him and the outcome?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) Yes, Sir,

(b) The Vice President of Iraq had detailed discussions on various matters of bilateral interest as well as on issues of regional and international significance with Prime Minister Morarji Desai. The talks between the two leaders reflected the traditional close ties between the two countries and the earnest desire of both sides to reaffirm and further consolidate their friendship and to expand the areas of mutually beneficial co-operation in all fields. The Iraqi Vice President expressed satisfaction over the growing cooperation between the two countries and commended in particular the role of the Indo-Iraq Joint Commission. He also noted the cooperation extended by India to Iraq for the implementation of her developmental programmes. He suggested more frequent exchanges of visits between the two countries at various levels.

**भारत जनसंख्या परियोजना**

2583. श्री सुरेन्द्र झा सुमन : क्या स्वास्थ्य और परिवार कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सरकार द्वारा प्रायोजित भारत जनसंख्या परियोजना की मुख्य बातें क्या हैं ;

(ख) बिहार राज्य के किन-किन जिलों में इस परियोजना को चालित किए जाने के लिए बिहार सरकार ने अनुरोध किया है ; और

(ग) इस पर केन्द्रीय सरकार की क्या प्रतिक्रिया है ?

**स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगदम्बी प्रसाद यादव) :**

(क) से (ग) . यह सम्पूर्ण मामला अभी तक विचाराधीन है ।

#### **Inflated Telephone Bills in Bombay, Calcutta, Madras and Bangalore**

2584. SHRI C. K. JAFFER SHARIEF: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Government have received a number of complaints regarding inflated telephone bills to subscribers, particularly in the cities of Bombay, Calcutta, Madras and Bangalore; and

(b) if so, what steps Government have taken to remedy the situation?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) Yes, Sir.

(b) Following are some of the important steps taken to remedy the situation:—

(i) Exhaustive periodical tests of meters and circuits of subscribers' telephones;

(ii) Detailed investigation of excess billing complaints;

(iii) Observation of subscribers meter and equipment in case of abnormality;

(iv) Allowing suitable rebate in genuine cases.

(v) Creation of P. R. Os. in Junior Administration grade at Calcutta and Bombay.

#### **STD Facilities from Bareilly to Important Towns of U.P. and other States**

2585. SHRI SURENDRA BIKRAM: Will the Minister of COMMUNICATIONS be pleased to state:

(a) how long Government will take to extend STD facilities from Bareilly to important towns of U.P. and other states; and

(b) whether Government have made any plan to give more telephones and STD facilities to Bareilly which is an industrial town?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) Bareilly is expected to be provided with STD facilities to Lucknow, Kanpur, Allahabad and Varanasi during 1979-80. This facility will be extended to other important towns of U.P. and other States progressively during the period 1980-83.

(b) Yes, Sir. A Trunk Automatic Exchange is under installation at Bareilly for providing STD facility. The work is expected to be completed by 1980. Expansion of local exchange has been planned to provide more telephones. Additional capacity is expected by 1982.

#### **Additional Zone in Agra-2**

2586. SHRI SHAMBU NATH CHATURVEDI: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether it is proposed to carve out an additional Zone out of Agra-2 which has become too large for three timely distribution of dak; and

(b) if so, when is this likely to come into force?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) Yes, Sir.

(b) The building for the new delivery office is being arranged and as soon as the same is available, a new office will be opened.

#### Selection Grades for Instructional Staff in ITIs, Delhi

2587. SHRI KISHORE LAL: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether selection grades had been sanctioned by the Ministry for the Instructional staff of Delhi ITIs on 21st August, 1974 and 10th October, 1974 in the pre-revised scale on the parity of Delhi School teachers;

(b) if so, whether these have been implemented;

(c) if not, what are the reasons for delay;

(d) whether selection grades revised under C.C.S. (R.P.) Rules 1973 have been sanctioned for all the categories of staff of Delhi ITIs;

(e) if not, what are the categories for which selection grades have not been sanctioned; and

(f) whether Government have not announced the percentage of the selection grades (i) Pre-revised and (ii) Revised by the Third Pay Commission?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): (a) Yes, Sir.

(b) No, Sir.

(c) The matter regarding the fixation of percentage of posts to be brought under Selection Grade and the date of implementation was under consideration of the Government. The Delhi Administration have since

issued the necessary sanction. The finalisation of individual cases is pending for scrutiny of service records of individual employees by Delhi Administration.

(d) No, Sir.

(e) Supervisor Instructors/Foreman Instructors/Senior Technical Assistants/Surveyors and Librarians.

(f) The percentage of selection grades has been announced.

#### महाकौशल जेम्बर ग्राफ कामर्स द्वारा लिखे गये पत्र

2588. श्री हरद यादव : क्या इस्पात और खान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या महाकौशल जेम्बर ग्राफ कामर्स, जबलपुर, ने उन्हें 17-4-78, 9-6-78, 29-6-78 तथा 7-7-78 को पत्र लिखे थे ;

(ख) यदि हाँ, तो उनका व्योरा क्या है ; और

(ग) उन पर क्या कार्यवाही की गई है ?

इस्पात और खान मंत्रालय में राज्य मंत्री (श्री रुझिया मुन्हा) : (क) जी, हाँ ।

(ख) जेम्बर ने प्रार्थना की थी कि सेल का एक स्टाकयार्ड जबलपुर में खोला जाए ।

(ग) जेम्बर के अध्यक्ष को सूचित किया गया था कि इस समय इस्पात सामग्री की उपलब्धि की स्थिति तथा वर्तमान स्टाकयार्डों को सामग्री पहुँचाने में आ रही कठिनाइयों को देखते हुए सेल जबलपुर में नया स्टाकयार्ड खोलने की स्थिति में नहीं है, लेकिन जबलपुर में स्टाकयार्ड खोलने के बारे में उनके अनुरोध पर उचित समय पर विचार किया जाएगा ।

### Homoeopathic Medicines

2589. SHRI RAJE VISHVESHWAR RAO: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Homoeopathic Medicine proved by Dr. Hahnemann wonderfully act if given in their prescribed way even in their highest potencies, but most of the Homoeopaths and most of the drug manufacturers propagate for the use of low potencies and M.T. (mother-tinctures) of many medicines from outside, such as 'ECHINACEA' which is almost allopathic use of the medicine with at the most temporarily relief otherwise harmful;

(b) whether it is also a fact that Government propose to ban the use of such medicines purely poisoning patients; and

(c) whether Government propose to stop the import, sale and storage of these objectionable medicines but all the M.T. (mother tinctures) from the Homoeopathic Practitioners who use them in poisonous doses?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) Yes, it is a fact that the Homoeopathic Medicines proven according to the principle of Homoeopathy as laid down by Dr. Hahnemann, act effectively if given in their prescribed way even in their highest potencies. However, it is not correct to say that the use of mother tinctures and low potencies such as 'ECHINACEA' is similar to the allopathic use of medicines. Dr. Hahnemann himself had recommended, in certain cases, the use of mother tinctures as may be seen from his notes on 'Cannabis sativa', 'Camphor', 'Ipecac', 'Menyanthes', 'Sarsaparilla' and 'Taraxacum' etc., in 'Materia Medica Pura'. The medical kit of Dr. Hahnemann

did contain the medicines of 6th potency also. Moreover, the mother tinctures are diluted to the extent of 1/10 of the original raw drug material for the sake of evolving the subtle power of the drug and thereby its use is different from that of allopathy. So far as 'ECHINACEA' is concerned, this medicine has been introduced in the Homoeopathy Materia Medica by the Eclectic School like so many other medicines added by the different stalwarts of Homoeopathy after proving them according to the methods prescribed by Dr. Hahnemann. These scientists who have enlarged the Homoeopathic Materia Medica by addition of many medicines, have also indicated in the note of each medicine, the potency and the quantity to be prescribed.

(b) and (c). Government do not consider it necessary to take steps to ban the use of mother tinctures and medicines in low potencies as well as to stop the import, sale and storage of such medicines since these medicines are not being prescribed in poisonous doses but are used homoeopathically according to the instructions given along with each medicine in the authentic books of Homoeopathic Materia Medica.

### Campa Cola

2590. SHRI S. S. SOMANI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether CAMPA COLA (soft drink) contains Caffeine which is injurious to health;

(b) whether it is also a fact that some courts of Law in foreign countries Norway and Sweden have declared it to be harmful for human consumptions; and

(c) if so, what steps Government propose to take to minimise Caffeine in human daily consumption being a health hazard in the interest of the nation?

**THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV):** (a) Campa Cola contains caffeine to the extent of 100 parts per million, as reported by the Public Analyst, Delhi. The amount of caffeine permitted in Sweetened waters under the provisions of the Prevention of Food Adulteration Rules is 200 parts per million, which has not been found injurious to human health.

(b) Government are not aware whether some law courts in Norway and Sweden have declared caffeine harmful for human consumption. Information on this point is being collected.

(c) Further action will be contemplated on receipt of information from foreign countries, specially Norway and Sweden.

#### **Chinese Offer of Nuclear Re-Processing Plant to Pakistan**

2591. **SHRI G. M. BANATWALLA:**

**SHRI YADVENDRA DUTT;  
DR. RAMJI SINGH:**

Will the Minister of **EXTERNAL AFFAIRS** be pleased to state:

(a) whether Government have seen the press reports in the 'Times of India' dated 22nd July, 1978 wherein it has been stated that Chinese Vice-Premier during his recent Pakistan visit had offered Pakistan to help in building nuclear re-processing plant; and

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

**THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU):** (a) Yes, Sir.

(b) While there have been reports of some degree of cooperation bet-

ween Pakistan and China in the exchange of information on nuclear energy, Government have not received authentic information on the subject so far.

#### **Late Delivery of Mail in Jodhpur**

2592. **SHRI R. D. GATTANI:** Will the Minister of **COMMUNICATIONS** be pleased to state:

(a) whether the postal mail in Jodhpur City is delivered one or two days late;

(b) can this delay be not avoided if sorting of mail for Jodhpur City is done in the train itself; and

(c) what steps Government propose to take for ensuring quick delivery of mail in Jodhpur City?

**THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI):** (a) The existing arrangements are satisfactory and there is no such delay.

(b) and (c) Do not arise.

#### **गुजरात में राधनपुर को हारीज से मिलाना**

2593. **श्री मोतीभाई आर० चौधरी :** क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) गुजरात में राधनपुर को हारीज के साथ टेलीफोन द्वारा जोड़ने के प्रस्ताव का कब अनुमोदन किया गया था ;

(ख) इस कार्य में अब तक कितनी प्रगति हुई है और इसके कब तक पूरा होने की संभावना है ; और

(ग) इतना अधिक विलम्ब होने के क्या कारण हैं ?



संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद सुखदेव राय) : (क) और (ख) गुजरात में राधनपुर को हारीज के साथ जोड़ने के प्रस्ताव को सिद्धान्तरूप में वर्ष 1974-75 में स्वीकृति दे दी गई थी। विभागीय औपचारिकताएं जैसे प्राक्कलन आदि को तैयार करने का काम पूरा हो चुका है। आशा है कि आवश्यक साज-सामान के प्राप्त होने के बाद यह काम वर्ष 1979-80 में प्रारम्भ किया जा सकेगा।

(ग) विस्तृत निर्माण-कार्य के कारण कुछ विलम्ब हुआ है।

#### Steel Stockyards in the Country

2594. SHRI SUDHIR GHOSAL: Will the Minister of STEEL AND MINES be pleased to state:

(a) the details of the location of Stockyard of steel in the country, State wise;

(b) the details of the areas supplied by these stockyards, yard-wise with the quantum of demand and supply during the last three years, year-wise;

(c) the details of the imported steel distributed through these yards, yard-wise; and

(d) the names of the firms who were supplied steel by the Hindustan Steel Limited, Calcutta Stockyard, during the last three years with the quantum of steel sanctioned to each of them and the amount recovered up-to-date from each of the firm for the supplies made?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) and (b) In view of the part (d)

of the Question, it is presumed that the information required is in respect of erstwhile HSL stockyards. A statement giving information except for the quantum of demand is laid on the Table of the House. [Placed in Library. See No. LT-2558/78]. Since the sales from stockyards take place on "cash and carry basis", the demands are not registered. Hence, the details of firm-wise demands are not available.

(c) Details of imported steel distributed through these yards, yard-wise is not readily available. However, the details of distribution year-wise for the last three years are as follows:—

Year	Quantity (in tonnes)
1975-76	1,65,000
1976-77	1,52,900
1977-78	12,200

(d) It will not be in the commercial interest of Steel Authority of India Limited to disclose either the party-wise break-up of sales or of outstandings of individual units.

#### P.F. (Outstanding against Monopoly Houses)

2595. SHRI K. A. RAJAN: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) the names of the top 20 monopoly houses who are defaulters in depositing workers provident fund and the amount defaulted by each of them; and

(b) what is the total amount defaulted and percentage of the defaults by the above 20 monopoly houses to the total?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KRIPAL SINHA): The Provident Fund authorities have reported as under:—

(a) to (b). Only one establishment belonging to one of the twenty monopoly houses namely M/s. India Hard Metals Limited, Calcutta, an exempted establishment (Shri Ram Group) is in default of Rs. 2.52 lakhs. This comes to 0.08 per cent of the total amount of Rs. 3130 lakhs in default.

**Delay in giving connection in Hauz Khas Exchange under O.Y.T. Scheme**

2596. SHRI NATVER LAL B. PARMAR: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Government have set any time limit to instal telephones after the subscribers have paid the installation charges;

(b) if so, the particulars thereof;

(c) whether that huge arrears have accumulated in the Hauz Khas Exchange, Delhi; and if so, the number of such cases where connections under the O.Y.T. Scheme have not been provided although installation charges were paid more than a month ago i.e. upto 25th June, 1978 and with their registration numbers under the O.Y.T. Scheme; and

(d) if so, the reasons therefor, and by what time these connections will be provided?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) Yes, Sir.

(b) Two weeks have been prescribed for giving the telephone after the receipt of payment.

(c) There are 170 cases under OYT Scheme which have been released

upto 25 June, 1978 where the connections could not be provided as yet. The registration numbers are being collected.

(d) Telephones could not be installed due to the fact that certain areas falling in the jurisdiction of Hauz Khas Exchange are technically non-feasible due to want of cable pairs. Necessary steps are being taken to make these areas feasible by laying additional cables. The bulk of the pending cases is expected to be cleared in about a month's time.

**Mutual Understanding among Afghanistan, Pakistan, Iran and India**

2597. SHRI CHITTA BASU: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government proposes to take fresh initiative to bring about mutual understanding among Afghanistan, Pakistan, Iran and India; and

(b) if so, steps taken in this direction?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) and (b). Government have been striving to create a climate of trust and confidence among countries of the region in keeping with its policy of promoting regional cooperation in an atmosphere of peace and stability. Every opportunity is taken during bilateral contacts to promote this objective. This is a continuing process.

**Independence of African Countries**

2598. SHRI C. K. CHANDRAPPA: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) how far it is true that the Government of India agrees with the British Government's attitude towards the national independence

movement in the African countries; and

(b) has Government of India changed its policy towards Africa; and if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) and (b). The Government of India fully supports the movement for national independence in those African territories which are still under colonial rule. Irrespective of the British attitude, the Government of India continues to adhere to its independent policy of extending full political, moral and material support to the struggle for liberation from colonial rule.

#### Withdrawal of G. Rs. issued to encourage Family Planning

2599. SHRI BALASAHEB VIKHE PATIL: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) is it a fact that Government have withdrawn G. Rs./Circulars issued to the various Government Departments/Institutions to encourage family planning;

(b) if so, what has been the effect of withdrawal of such G. Rs./Circulars; and

(c) what has been the performance of the Family Planning Programme during the year 1977-78 as compared to the year 1975-76 and 1976-77?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) No, Sir.

(b) Does not arise.

(c) A statement indicating the performance of the Family Planning programme during the year 1977-78 as compared to the years 1975-76 and 1976-77, is attached.

#### Statement

##### *Performance of Family Welfare Programme from 1975-76 to 1977-78*

F.P. Method	1975-76	1976-77†	1977-78†
(1) Sterilisations . . . . .	2,668,754	8,259,023	926,497*
(a) Vasectomies . . . . .	1,438,337	6,197,727	190,247*
(b) Tubectomies . . . . .	1,230,417	2,061,296	736,250
(2) IUD Insertions . . . . .	606,638	580,359	316,640
(3) EQ C.C. Users . . . . .	3,527,499@	3,689,153@	3,249,577@

@ Includes oral pill users also.

† Figures are provisional.

\* Voluntary since April, 1977.

#### MCH Beneficiaries

(1) Immunisations			
(a) TT for Expectant mothers . . . . .	1,435,232	2,134,647	3,029,537
(b) DPT for pre school children . . . . .	2,399,471	3,989,739	6,630,721
(c) DT for School Children . . . . .	1,295,775	2,708,741	5,610,879
	3,695,246	6,698,487	2,241,600
(2) Prophylaxis against nutritional anaemia among			
(a) Mothers . . . . .	3,790,615	3,263,781	4,848,268
(b) Children . . . . .	3,533,471	3,014,253	5,979,992
	7,324,086	6,278,034	10,828,260
(3) Prophylaxis against blindness due to Vit. A deficiency . . . . .	4,445,315	6,809,343	11,719,183

# Doctors in ESI Dispensaries found absent

2600. SHRI HARGOVIND VERMA: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether doctors and other staff on duty in ESI dispensaries in Delhi were found absent in June, 1978; and

(b) if so, the action being taken by Government against them?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS. (DR. RAM KIRPAL SINHA): (a) Yes, Sir. There was an occasion when some of them were found absent.

(b) The Employees' State Insurance Corporation have reported that the staff who were absent from duty without intimation or permission have been suitably warned.

हाथ से खींचे जाने वाले रिक्शों पर प्रतिबंध

2602. श्री रामानंद तिवारी : क्या संसदीय कार्य तथा भ्रम मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने हाथ से खींचे जाने वाले रिक्शों पर प्रतिबन्ध लगाने तथा उससे प्रभावित होने वाले व्यक्तियों को अन्य रोजगार देने के लिये राज्य सरकारों से अनुरोध किया है ;

(ख) यदि हां, तो उस पर राज्य सरकारों की क्या प्रतिक्रिया है; और

(ग) इस सम्बन्ध में केन्द्रीय सरकार का क्या कार्यवाही करने का विचार है ?

भ्रम और संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री सारंग साय) : (क) से (ग) राज्य सरकारों और संघ-राज्य क्षेत्रों को समय-समय पर परामर्श दिया गया है

कि, जहां कहीं संभव हो, हाथ से खींचे जाने वाले और साइकिल रिक्शों के स्थान पर प्राटो रिक्शों के प्रयोग पर विचार करें । राज्य सरकारों ने, जहां अब तक हाथ से खींचे जाने वाले और साइकिल रिक्शे चल रहे हैं, उक्त प्रस्ताव का सामान्यतः स्वागत किया है ।

कुछ राज्यों ने रिक्शा खींचने वालों को नये लाइसेंस देना बन्द कर दिया है और कुछ अन्य राज्य सरकारें, अन्य बातों के साथ साथ, रिक्शा खींचने वालों के लिए जीविका के वैकल्पिक उपायों को बढ़ाने की समस्या को ध्यान में रखते हुए हाथ से खींचे जाने वाले साइकिल रिक्शों को क्रमिक ढंग से समाप्त करने का विचार रखती हैं ।

कुछ लोगों को उपचार के लिये वित्तीय सहायता

2603. श्री भारत सिंह चौहान : क्या स्वास्थ्य और परिवार कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या गत वर्ष (जून 1978 तक) कुछ लोगों को अपने उपचार या अपने प्राश्रितों के उपचार के लिए वित्तीय सहायता मंजूर की गई थी ;

(ख) यदि हां, तो उनके नाम क्या हैं और क्या ऐसी सहायता देने के लिए कोई मानदण्ड निर्धारित किया गया था ;

(ग) यदि नहीं, तो क्या ऐसे मामलों में कोई जांच की गई है ; और

(घ) यदि हां, तो इस बारे में जांच करने के तरीके क्या हैं ?

स्वास्थ्य और परिवार कल्याण मंत्रालय  
में राज्य मंत्री (श्री जगदम्बी प्रसाद यादव)  
(क) जी हां ।

(ख) जिन व्यक्तियों को सहायता दी गई थी, उनकी एक सूची सभा पटल पर रख दी गयी है । [ग्रन्थालय में रखी गई / देखिये संख्या एल टी 2559/78] । सहायता देने समय संबंधित व्यक्ति की सामाजिक हैसियत और उसकी क्लिनिकल दशा तथा मेडिकल स्टेटस पर विचार किया जाता है

(ग) यह प्रश्न नहीं उठता ।

(घ) यह प्रश्न नहीं उठता ।

**Export Quality Steel distributed by  
HSL Stockyard, Calcutta**

2604. SHRI SAKTI KUMAR SARKAR: Will the Minister of STEEL AND MINES be pleased to state:

(a) the quantum of export qualities of steel distributed by the H.S.L. Stockyard, Calcutta during the last three years, year-wise and the names of the firms benefited from this stockyard;

(b) whether it is a fact that the demand for steel of a number of firms of Calcutta was not met during this period; and

(c) if so, the names of the firms who applied for steel and reasons for rejecting the demand, unit-wise?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA):

(a) to (c). The information is being

collected and the same will be laid on the Table of the House as soon as it is available.

**Ancillary Industries Promoted by  
Steel Units in Backward Areas**

2605. SHRI P. KANNAN: Will the Minister of STEEL AND MINES be pleased to state:

(a) the part played by public sector steel units in promoting ancillary industries especially in backward areas; and

(b) the number of such industries, the nature of output and the value thereof?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA):

(a) The managements of Steel Plants provide encouragement to ancillary/small scale industries in a variety of ways such as by placing orders on them for items which can be manufactured by them providing technical know-how and guidance, arranging or helping in procurement of raw materials, providing testing and laboratory facilities, carrying out a regular review and earmarking items which can be off-loaded to the ancillary units, and so on. To help the growth and development of such industries, senior officers have been appointed in each plant to coordinate the work.

(b) The number of small scale industries around each of the public

sector Steel plants, the nature of their output and the value of orders placed/

purchases made by Steel plants in 1977-78 are indicated below:—

Plant	No. of Small Scale Industries around Steel Plant	Nature of Output	Value of Orders/Purchases in 1977-78 (Rs. in lakhs)
1. Rourkela Steel Plant	145	Mainly spare parts and other items of consumable nature.	520.0
2. Bokaro Steel Plant	112	Do.	314.0
3. Bhilai Steel Plant	54	Do.	211.0
4. Durgapur Steel Plant	60	Do.	45.9
5. Indian Iron and Steel Co.	45	Do.	22.0

**इस्पात संयंत्रों में रुके पड़े माल डिब्बों की औसत संख्या**

2606. श्री निर्मल रुद्र जैन : क्या इस्पात और खान मंत्री यह बताने की कृपा करेंगे कि

(क) वर्ष 1976-77 के दौरान दैनिक औसत संख्या की तुलना में बड़े इस्पात संयंत्रों में रोके गये माल डिब्बों की दैनिक औसत संख्या क्या थी (जिन्हें माल के लदान के लिये सप्लाई किया गया था लेकिन माल का लदान उस दिन नहीं हो सका और वे खाली पड़े रहते थे);

(ख) क्या वर्ष 1977-78 के दौरान इन माल डिब्बों की संख्या में पर्याप्त वृद्धि हुई है और यदि हां, तो दैनिक औसत वृद्धि कितनी है ; और

(ग) इसके क्या कारण हैं और इस बारे में क्या उपचारात्मक उपाय किये गये हैं ?

इस्पात और खान मंत्रालय में राज्य मंत्री (श्री कर्पूया मुण्डा): (क) से (ग) जानकारी प्राप्त की जा रही है और सभा पटल पर रख दी जायेगी ।

**Losses due to effect of Steel Price Equalization in Eastern Region**

2608. SHRI JYOTIRMOY BOSU: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether it has been brought to his notice that the Eastern Region has been losing heavily due to steel price equalisations;

(b) whether a demand has been raised that this steel price equalisation should go; and

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

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): (a) and (b). Yes, Sir

(c) At present freight equalisation schemes are in operation not only in respect of steel but also for some other products like cement, petroleum products nitrogenous fertilisers. The question of withdrawal of freight equalisation scheme for steel, cannot, therefore, be considered in isolation and an overall view would have to be taken. Iron and steel items are in the nature of basic raw materials for industrial development and several investment decisions have

already been taken on the basis that such freight equalisation schemes would continue. Sudden abolition of freight equalisation schemes may lead to substantial increase in price in areas away from Steel Plants also. Heavy investments have also been made in the public sector on the setting up of steel plants and the benefits therefrom should accrue to all parts of the country and not only to the regions around the steel plants. Any move for withdrawal of freight equalisation would also seriously affect the present efforts for stimulating consumption of steel, particularly, in the backward and rural areas throughout the country.

सिगरेट के पैकेटों पर हिन्दी में "धूम्रपान स्वास्थ्य के लिये हानिकारक" छापना

2609. श्री लाल जो भाई: क्या स्वास्थ्य और परिवार कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सिगरेट के पैकेटों पर अंग्रेजी में यह चेतावनी लिखी होती है कि "सिगरेट स्मोकिंग इज इन्जूरियस टु हेल्थ" (सिगरेट पीना स्वास्थ्य के लिये हानिकारक है) ; और

(ख) यदि हां, तो इस चेतावनी को हिन्दी अथवा अन्य मुख्य भारतीय भाषाओं में न छापने के क्या कारण हैं ?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगदम्बो प्रसाद यादव) :  
(क) सिगरेट (उत्पादन, प्रदाय और वितरण का विनियमन), अधिनियम, 1975 में यह व्यवस्था है कि जहाँ सिगरेट युक्त पैकेज या उसके लेबल में या ऐसे पैकेज से सम्बन्धित किसी विज्ञापन में प्रयुक्त भाषा—

(1) अंग्रेजी है, वहाँ विनिर्दिष्ट चेतावनी अंग्रेजी भाषा में अभिव्यक्त की जाएगी ;

(2) कोई भारतीय भाषा या भाषाएं

हैं, वहाँ विनिर्दिष्ट चेतावनी उसी भाषा या भाषाओं में अभिव्यक्त की जाएगी;

(3) अंग्रेजी और एक या एक से अधिक भारतीय भाषाएं हैं, वहाँ विनिर्दिष्ट चेतावनी अंग्रेजी में और साथ ही साथ उसी भारतीय भाषा या भाषाओं में अभिव्यक्त की जाएगी;

(4) भागत: अंग्रेजी और भागत: कोई भारतीय भाषा या भाषाएं हैं, वहाँ विनिर्दिष्ट चेतावनी अंग्रेजी में और साथ ही उसी भारतीय भाषा या भाषाओं में अभिव्यक्त की जाएगी;

(5) कोई विदेशी भाषा है, वहाँ विनिर्दिष्ट चेतावनी अंग्रेजी भाषा में अभिव्यक्त की जाएगी;

(6) भागत: कोई विदेशी भाषा और भागत: अंग्रेजी या कोई भारतीय भाषा या भाषाएं हैं, वहाँ विनिर्दिष्ट चेतावनी अंग्रेजी भाषा में और साथ ही उसी भारतीय भाषा या भाषाओं में अभिव्यक्त की जाएगी ।

(ख) यह चेतावनी हिन्दी या अन्य भारतीय भाषाओं में अनिवार्य रूप से छापने की सम्भावना के बारे में विचार किया जा रहा है ।

#### Workers sent to Gulf Countries

2610. SHRI JANARDHAN

POOJARY:

✓ SHRI M. RAM GOPAL  
REDDY:

Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether more than 72,000 skilled and unskilled workers have been sent to work in the Gulf countries during the last fifteen months; and

(b) if so, the details thereof?

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND LABOUR  
(SHRI RAVINDRA VARMA): (a)  
and (b). A statement containing the

information relating to the period 1st  
April, 1977 to 30th June, 1978 is en-  
closed.

**Statement**

Country-wise distribution of workers permitted for deployment to the various Gulf Countries through registered recruiting agencies and Indian Firms engaged in consultancy/execution of projects abroad on contract/sub-contract basis during the period from 1-4-1977 to 30-6-1978.

Sl. No.	Name of the Country	Number of workers per- mitted for deployment through	
		Registered recruiting agencies	Indian firms enga- ged in Consultancy, etc.
1	2	3	4
1	Abu Dhabi (U.A.E.)	2,079	393
2	Bahrain	3,248	570
3	Dubai (U.A.E.)	7,375	646
4	Iran	2,340	2,028
5	Iraq	1,314	3,012
6	Kuwait	1,849	7210
7	Oman	759	377
8	Qatar	4,421	805
9	Saudi Arabia	13,690	2,298
10	Umm-Al-Quwain (U.A.E.)	74	51
11	Sharjah (U.A.E.)	1,218	63
TOTAL		38,367	17,444
GRAND TOTAL		55,811	

**Telephones out of order in Bombay  
and Ahmedabad**

2611. PROF. P. G. MAVALANKAR:  
Will the Minister of COMMUNICA-  
TIONS be pleased to state;

(a) whether it is a fact that with  
the onset of the Monsoon Season,  
several thousands of telephone con-  
nections in Bombay, Ahmedabad and  
other major cities of the country go  
dead and remain out of order for days  
and sometimes weeks;

(b) if so, broad details thereof;

(c) steps taken by Government to  
promptly remedy and improve the  
situations;

(d) whether Government charge  
phone rentals to subscribers even for  
the above-mentioned periods of tele-  
phones being totally dead and out of  
order and if so, why and under what  
rules;

(e) whether there is a Depart-  
mental rule that a phone which is



out of order should be set right within two days; and

(f) if so, whether it is illegal for Government to claim charge and rentals for the period when the phone is out of order?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) No, Sir. But there is slight increase in daily faults during Monsoon due to cable breakdowns

(b) In Bombay there were 354 cases of cable breakdowns in June, 1978 affecting nearly 24,000 subscribers. In Ahmedabad, there were a couple of breakdowns affecting nearly 1500 subscribers at a time.

(c) (i) Restoration work in all cases is started immediately. Control Centres equipped with adequate resources are set up to work round the clock for expeditious restoration of all faults.

(ii) As a long term measure gas pressurisation of underground cables is undertaken in a phased manner, and also use of jelly filled cables.

(d) Rentals are charged according to the departmental rules.

(e) There is no such rule. However all efforts are made to promptly rectify the faults.

(f) Does not arise.

### Improving Phone Trunk Service

2612. SHRI RAJENDRA KUMAR SHARMA: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Government are taking steps to improve phone trunk service;

(b) if so, the details thereof;

(c) is it true that certain trunk bearers have been exclusively earmarked for disposal of transit traffic; and

(d) the results thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) and (b). Yes, Sir. Action is taken on a continuous basis to further improve the trunk service. These steps are:

(i) Addition of trunk boards, trunk circuits, junctions and operators to meet additional trunk traffic.

(ii) Better maintenance of the trunk equipment and tighter supervision of trunk traffic disposal.

(iii) Diversity of circuits on different medias;

(iv) Earmarking of certain positions exclusively for transit traffic.

(v) Training of operative staff in behavioural aspects.

(c) and (d). Yes, Sir. A few trunk positions have recently been earmarked for handling transit traffic in a few trunk exchanges. The initial observation indicate that there has been improvement in disposal of transit trunk traffic. The full impact of such segregation will be known only after some time.

बोकारो इस्पात संयंत्र में लोह-स्क्रेप

2613. श्री रीतलाल प्रसाद वर्मा : क्या इस्पात और खान मंत्री यह बताने की कृपा करेंगे कि :

(क) बोकारो इस्पात संयंत्र की स्क्रेप की वार्षिक मात्रा क्या है;

(ख) स्कैप के वितरण और बिक्री संबंधी प्रक्रिया का ब्यौरा क्या है और यह कितन-कितने व्यक्तियों अथवा संस्थाओं को दिया जाता है;

(ग) बिहार के लघु उद्योगों को विकासार्थ स्कैप की कुल मात्रा में से कितने प्रतिशत आबंटित किया गया है; और

(घ) बोकारो के प्रतिरिक्त अन्य इस्पात संयंत्रों में स्कैप के वितरण की प्रक्रिया क्या है ?

इस्पात और खान मंत्रालय में राज्य मंत्री (श्री कड़िया मुष्ठा) : (क) बोकारो इस्पात कारखाने से स्टील-स्कैप और प्रायरन-स्कैप दो प्रकार का स्कैप निकलता है। इस्पात से उत्पन्न होने वाला समस्त स्टील स्कैप को खपत कारखाने में ही हो जाती है और बिक्री के लिए कुछ भी नहीं बचता है। प्रति वर्ष लगभग 30,000 टन लौह-स्कैप निकलता है।

(ख) बोकारो इस्पात कारखाना लौह-स्कैप के सामान्यतया उच्चतम निविदाकर्ताओं को बेचता है। कारखाने द्वारा समय-समय पर इसकी बिक्री एक निश्चित मूल्य पर "जो पहले आता है उसे पहले माल दिया जाता है" के आधार पर भी की जाती है।

(ग) अब तक बिहार के लघु उद्योगों से कोई मांग नहीं आई है।

(घ) बोकारो के अलावा इस्पात कारखानों में स्कैप के वितरण के लिए अपनाई जा रही प्रक्रिया नीचे दी गई है :—

#### मिलाई इस्पात कारखाना

अधिकांश स्कैप कारखाने में ही इस्तेमाल हो जाता है। यदि स्कैप फालतू बच जाता है तो उसे स्कैप की किस्म के अनुसार या तो व्यापारियों अथवा उपभोक्ताओं को या अन्य इस्पात कारखानों जैसे दुर्गापुर के मिश्र-इस्पात कारखाने को बेच दिया जाता है।

बिक्री या तो सार्वजनिक नीलाम द्वारा या सुविधाजनक मात्रा में निविदा विज्ञापनों द्वारा की जाती है। जब इसकी मात्रा बहुत थोड़ी होती है तो इसकी बिक्री स्थानीय पार्टियों को "पहले आने वाले को पहले माल दिया जायेगा" के आधार पर की जाती है।

#### राउरकेला इस्पात कारखाना

अधिकांश स्कैप कारखाने में ही इस्तेमाल हो जाता है और यदि स्कैप फालतू बच जाता है तो इसे या तो दुर्गापुर के मिश्र इस्पात कारखाने को सप्लाई कर दिया जाता है या प्रायरन मेल्टिंग स्कैप की कुछ उपलब्धि का 1/3 भाग उड़ीसा के उद्योगों के लिए सुरक्षित रख कर फालतू स्कैप को मेटल स्कैप ट्रेड कारपोरेशन की मार्फत बेच दिया जाता है। स्कैप की कुछ मात्रा पुनर्वेलकों के दो प्रतिनिधि निकायों नामतः स्टील रि-रोलिंग मिल्स एसोसिएशन और सम्बन्धित आल इंडिया स्टील रि-रोलर्स एसोसिएशन और सम्बन्धित राज्यों के उद्योग निदेशकों की सिफारिशों पर पंजीकृत व्यापारियों के लिए और कुछ मात्रा वास्तविक उपभोक्ताओं के लिए भी अलग रख दी जाती है।

#### दुर्गापुर इस्पात कारखाना

बिक्री के लिए स्कैप की समस्त मदों के लिए निविदाएं आमंत्रित की जाती हैं। निविदाओं की पूरी तरह जांच करने के पश्चात् वैध पाई गई निविदाओं में दिया गया उच्चतम मूल्य सामान्यतः माल की बिक्री के लिए विक्रय मूल्य निश्चित किया जाता है। प्रथम प्राथमिकता में सभी वास्तविक उपभोक्ताओं की स्वीकृति के लिए यह मूल्य बताया जाता है। व्यापारियों को माल तभी बेचा जाता है जब माल वास्तविक उपभोक्ताओं की आवश्यकताओं से अधिक होता है अथवा जब वास्तविक उपभोक्ता उनको दिए गए माल को उठाने में असमर्थ होते हैं।

यदि सरकारी क्षेत्र वा कोई उपक्रम/सरकारी विभाग (रक्षा विभाग भी शामिल है) स्कैप सामग्री की मांग करता है तो वह उसे दे दिया जाता है भले ही उन्होंने निविदाएं न दी हों ।

**इंडियन आयरन एण्ड स्टील कम्पनी लि०**

इसको मेल्टिंग स्कैप बेचती है । इस स्कैप में मुख्य रूप से (1) स्टील स्क्राल और आयरन स्क्राल (2) पुनर्वेलन योग्य स्कैप और (3) औद्योगिक स्कैप होता है । स्टील स्क्राल और आयरन स्क्राल मेटल स्कैप ट्रेड कारपोरेशन की मार्फत बेचा जाता है । इसका कारपोरेशन को विक्री एजेंट के रूप में नियुक्त किया गया है । स्टील स्क्राल केवल लघु इस्पात कारखानों को और आयरन स्क्राल दलाई कारखानों को बेचा जाता है ।

पुनर्वेलकों/वास्तविक उपभोक्ताओं को पुनर्वेलन योग्य स्कैप और औद्योगिक स्कैप तभी बेचा जाता है जब पुनर्वेलकों/वास्तविक उपभोक्ताओं से पर्याप्त आर्डर नहीं मिलते हैं और इस मान को तत्काल बेचना आवश्यक होता है, व्यापारियों को माल देने पर भी विचार किया जाता है ।

**टाटा आयरन एण्ड स्टील कम्पनी लि०**

सामान्यतः फालतू स्कैप नीलामी द्वारा बेचा जाता है । कुछ प्रकार की चादरों की कतरने जो बाल्टियां बनाने के काम में आती हैं बकेट मेन्यूफैक्चरर्स एसोसिएशन, बलकत्ता और एसोसिएशन आफ इंडियन इंजीनियरिंग इन्स्टीट्यूट, दिल्ली की निगरानियों पर कारखानों से सीधे प्रेषित कर दी जाती है ।

#### **Opening of telephone exchanges and Post Offices in Tribal areas**

2614. SHRI S. R. REDDY: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Government have formulated a scheme for opening telephone exchange and post offices in

the Tribal areas especially in Tribal Development Blocks in the country during the current year; and

(b) if so, what are the details in this regard, State-wise?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) Post Offices: Yes, Sir.

(b) Post Offices

It is proposed to open 1,500 post offices in the tribal and hilly areas of the country during the current financial year. Approximately 50 per cent of the above are proposed to be opened in tribal areas which would include Tribal Blocks. Target fixed for the Circles and the States/Union Territories under their jurisdiction both for tribal and hilly areas are given in the attached Statement.

(a) and (b). Telephone exchanges:

Telephone exchanges are opened on the basis of financial stability and there is no special scheme for tribal areas. However, there is a policy to open Public Call Offices on concessional basis in hilly and backward areas, which cover a large part of the tribal areas.

A separate target has not been set for opening PCOs in the backward and hilly areas, but the total state-wise targets for the 1978-79 for opening PCOs are as given below:—

1. Andhra Pradesh	380
2. Bihar	320
3. Gujarat including Daman Diu Dadra & Nagar Haveli	80
4. J & K	20
5. Karnataka	100
6. Kerala incl. Lakshadweep and	

7. Madhya Pradesh	100	12. Rajasthan	50
8. Maharashtra incl. Goa	170	13. Tamil Nadu incl. Pondicherry	200
9. Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland & Tripura	40	14. Uttar Pradesh	320
10. Punjab, Himachal Pradesh, and Haryana	100	15. West Bengal including Andaman & Nicobar Island and Sikkim	40
11. Orissa	30	<b>TOTAL</b>	<b>2,000</b>

**Statement**

*Post Offices proposed to be opened in Tribal/Hilly Areas during 1978-79.*

S. No.	Circle	States/Union Territories covered	P. Os. proposed to be opened in Tribal/Hilly areas
1	2	3	4
1	Andhra	Andhra	30
2		Bihar	75
3	Delhi	Delhi	..
4	Gujarat	Gujarat Diu Daman Dadra Nagar Haveli	40
5	J&K	J&K	20
6	Kerala	Kerala Laksha Dweep	55
7	Karnataka	Karnataka	15
8	M.P.	M.P.	300
9	Maharashtra	Maharashtra	100
10	N.E.	Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Tripura	200
11	N.W.	Punjab, Haryana Himachal Pradesh, Chandigarh	100
12	Orissa	Orissa	130
13	Rajasthan	Rajasthan	70
14	Tamilnadu	Tamilnadu, Pondicherry	50
15	U.P.	U.P.	170
16	West Bengal	West Bengal, Sikkim, Andaman Nicobar Islands	145
		<b>TOTAL</b>	<b>1,500</b>

**शाहदरा, दिल्ली में डाकघर**

2615. श्री रामदेव सिंह : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) जमना पार क्षेत्र शाहदरा, दिल्ली में स्थायी और अस्थायी डाकघरों की प्रलग प्रलग कुल संख्या कितनी है ; और

(ख) क्या यद्यपि गौतमपुरी, ब्रह्मापुरी चौहान बाजार घनी आबादी वाले क्षेत्र हैं फिर भी इनमें कोई डाकघर नहीं है ?

संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद मुखर्जी) : (क)

	डाकघरों की संख्या	
	स्थायी अस्थायी	
शाहदरा, दिल्ली	13	4
दिल्ली के दूसरे जमनापार इलाके	24	9
योग	37	13

(ख) ब्रह्मापुरी में एक डाकघर, है। गौतमपुरी और चौहान बाजार में कोई डाकघर नहीं है।

**Note of criticism of Multinational Corporations**

2616. SHRI VIJAY KUMAR MALHOTRA: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether his Ministry had circulated a note on criticism of multinational Corporations regarding their attitude to social and labour issues and the details of such a note;

(b) whether a meeting of MNC's employers, labour and Government

representatives scheduled during last week of June, 1978 was abandoned and if so, the reasons therefor; and

(c) whether MNC's have replied to criticism against them through a note by employers and if so, the contents of such a note and Government's reaction to it?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): (a) and (b). A note giving the social and labour aspects of the activities of multinational enterprises was sent to the representatives of employers' and workers' organisations and some Central Ministries and State Governments who were invited to participate in the Tripartite meeting on Multinational Corporations which was to be held on the 28th June, 1978. The meeting was, however, postponed at the request of some of the invitees.

(c) Does not arise since a copy of the note was not sent to the MNCs.

**Birth Rate**

2617. SHRI P. RAJAGOPAL NAIDU: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Planning Commission has revised the target of the birth rate by 1982-83;

(b) if so, the target; and

(c) the methods to be adopted to achieve the target?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) and (b). Owing to the serious set back suffered by the programme due to the happenings during the period of emergency and also the low performance during the initial years of the Fifth Five Year Plan, the original target of

bringing down the birth rate to 30 per thousand population by 1979 has been found to be unattainable and it has now been decided, in consultation with Planning Commission, to revise the target date for achievement of this level of birth rate i.e., 30 per thousand population to 1982-83.

(c) In order to achieve the objective by the revised date an operational programme of 25 million voluntary sterilisations, 5 million IUD insertions and enrolment of an annual average of 5 million conventional contraceptive users has been worked out for the next five years. Performance level of 3,965,000 voluntary sterilisations, 6,00,000 IUD insertions and involvement of 4,00,000 users of conventional contraceptive and O.P. has been communicated to the States/Union Territories etc., for achievement during 1978-79. This performance level is sought to be achieved by a vigorous drive for education and motivation and by involving voluntary organisations and institutions in the organised labour sector in the implementation of the programme. It is the policy of the Government that any kind of compulsion or coercion will not be allowed to vitiate the programme.

#### Modification in Vizag Steel Plant

2618. SHRI G. S. REDDI: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether any modification is contemplated in the steel plant proposed to be set up at Visakhapatnam;

(b) if so, details thereof;

(c) whether the plant cost will go up due to this modification; and

(d) whether steel costs will go down?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) to (d). Details are still being worked

out for taking an investment decision on the establishment of the steel plant, in phases, at Visakhapatnam. While working out the details all relevant factors like investment, product mix, resource availability, cost of production etc., will be kept in view.

#### डाक सामग्री की कमी

2619. श्री सुखेन्द्र सिंह : क्या संचार मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मध्य प्रदेश में आषाढ़ के महीने में प्रायः सभी डाकघरों में लिफाफों, अन्तर्देशीय पत्रों, टिकटों तथा अन्य डाक सामग्री का अभाव था और जिससे विशेष कर उज्जैन में बड़ी असुविधा हुई थी;

(ख) यदि हाँ, तो इसके क्या कारण हैं; और

(ग) सरकार का इस बारे में क्या कार्यवाही करने का विचार है ?

संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद सुखदेव साय) : (क) और (ख). जी नहीं। भलबत्ता, भारत सुरक्षा प्रेस, नासिक रोड से सप्लाई के विलम्ब से पहुंचने के कारण कुछ डाकघरों में जिसमें उज्जैन भी शामिल है, कुछ छुट-पुट कमी रही थी। इन मदों की पूर्ति दूसरे डाकघरों से मंगा कर और रक्षा प्रेस से सप्लाई प्राप्त करके कर दी गई थी।

(ग) डाक तार विभाग ने यह निर्णय किया है कि डाक टिकटों के मांग पत्र भेजने, उनका भण्डार रखने और वितरण करने के लिए मध्य प्रदेश सकल में एक विभागीय डाक टिकट डिपो खोल दिया जाए। आशा है कि यह डिपो शीघ्र ही काम करना शुरू कर देगा। एक बार डिपो के खुल जाने के बाद डाक टिकटों और लेखन सामग्री की कमी समाप्त हो जाएगी क्योंकि उनका स्टॉक रखने और सप्लाई करने का काम स्थानीय तौर पर किया जाएगा।

### अन्तर्राष्ट्रीय श्रम संगठन सम्मेलन के लिये प्रतिनिधि

2620. श्री यमुना प्रसाद शास्त्री : क्या संसदीय कार्य और श्रम मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या उनका मन्त्रालय इण्डियन नेशनल ट्रेड यूनियन कांग्रेस के सदस्यों को अन्तर्राष्ट्रीय श्रम संगठन के सम्मेलन में प्रतिनिधि के रूप में तथा हिन्द मजदूर सभा और भारतीय मजदूर संघ के सदस्यों को सलाहकार के रूप में भेज रहा है; यदि हाँ, तो "ईटक" को देश के श्रमिकों की एकमात्र प्रतिनिधि संस्था मानने की कसौटी क्या है; और

(ख) क्या देश के अन्य श्रमिक संगठनों ने "ईटक" के सलाहकार की क्षमता में अन्तर्राष्ट्रीय श्रम संगठन सम्मेलन में जाने से इन्कार कर दिया है ?

संसदीय कार्य तथा श्रम मंत्री (श्री रबोन्द्र वर्मा) : (क) और (ख). अन्तर्राष्ट्रीय श्रम सम्मेलन के वार्षिक अधिवेशन में प्रतिनिधि-मंडल में कर्मकार ग्रुप की संरचना (कम्पोजिशन) अन्तर्राष्ट्रीय श्रम संगठन के संविधान में संगत उपबन्ध के आधार पर प्रतिवर्ष निर्धारित की जाती है जो यह निर्धारित करता है कि गैर-सरकारी प्रतिनिधियों और सलाहकारों को औद्योगिक संगठनों, यदि ऐसे संगठन हैं, की सहमति से चुना जाना है। ये औद्योगिक संगठन सम्बन्धित देशों में नियोजकों या श्रमिकों, जैसी स्थिति हो, के अधिकांश प्रतिनिधि होते हैं। सम्मेलन के 64 वें अधिवेशन में, जो जून, 1978 में हुआ था, प्रतिनिधि मण्डल में कर्मकार ग्रुप को केन्द्रीय ट्रेड यूनियन संगठनों के साथ परामर्श करके अन्तिम रूप दिया गया और इसमें इंडियन नेशनल ट्रेड यूनियन कांग्रेस के एक सदस्य को प्रतिनिधि के रूप में और हिन्द मजदूर सभा, भारतीय मजदूर संघ, हिन्द मजदूर पंचायत और सेंटर आफ इण्डियन ट्रेड यूनियन्स के

एक एक सदस्य को सलाहकार के रूप में शामिल किया गया।

### Production of Steel since April, 1977

2621. SHRI D. N. TIWARY: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether the production of saleable steel has considerably gone down since April, 1977;

(b) the percentage of low production; and

(c) the reasons for the same and steps taken to increase the production?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) and (b). The total production of saleable steel at the integrated steel plants in 1977-78 was lower than the production in 1976-77 by only 0.4 per cent.

(c) The production was adversely affected mainly on account of shortage and frequent restrictions fluctuations in the supply of power, certain problems relating to the supplies of coking coal, both in terms of quantity and quality, and indifferent industrial relations in some of the Steel Plants. Close and constant liaison is being maintained with the Ministry of Energy, D.V.C. authorities, other Electricity Boards, coal supplying agencies and the Railways so as to secure maximum supplies of power and good quality coal.

### राजधानी में इंजैक्शनों के कारण हुई मौतें

2622. श्री बया राम शास्त्री : क्या स्वास्थ्य और परिवार कल्याण मन्त्री यह बताने की कृपा करेंगे कि :

(क) गत दो वर्षों के दौरान राजधानी के केन्द्रीय अस्पतालों और केन्द्रीय स्वास्थ्य सेवा औपधातयों में इंजैक्शन लगने से कितने

व्यक्तियों की मृत्यु हुई है और उनके परिवारों को कितनी राशि की वित्तीय सहायता दी गई है;

(ख) क्या सरकार पेंसिलिन के इंजेक्शन की जांच करने और उसके परिणामस्वरूप हुई मौतों को रोकने के बारे में कोई उपाय ढूंढ रही है और यदि हां, तो तत्सम्बन्धी व्यौरा क्या है; और

(ग) क्या यह सच है कि कुछ प्राइवेट डाक्टर पेंसिलिन के इंजेक्शन की आंखों में जांच करते हैं जिससे रोगों की मृत्यु और उसकी आंखों के खराब होने का कोई खतरा नहीं है और यदि हां, तो क्या सरकार ने भी इस तरीके को अपनाने के लिए किसी प्रस्ताव पर विचार किया है ?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगदीश प्रसाद मायूर) :  
(क) पिछले दो वर्षों के दौरान दिल्ली के किसी अस्पताल/औषधालय में इंजेक्शन लगाने से जितने व्यक्तियों की मृत्यु हुई उनकी संख्या इस प्रकार है :—

(1) डा० राम मनोहर लोहिया अस्पताल	शून्य
(2) मरुदरंग अस्पताल	शून्य
(3) श्रीमती मुवेता कानूनी अस्पताल	शून्य
(4) दिल्ली प्रशासन के अन्तर्गत चल रहे अस्पताल	शून्य
(5) दिल्ली नगर निगम के अधीन चल रहे अस्पताल/औषधालय	2
(6) केन्द्रीय सरकार स्वास्थ्य योजना औषधालय	1

किसी भी मामले में मृत व्यक्ति के परिवारों को कोई वित्तीय सहायता नहीं दी गई थी।

(ख) पेंसिलिन इंजेक्शन लगाने से पहले सुग्राहिता की जांच करने के सम्बन्ध में पहले से ही हिदायतें दी हुई हैं। इन हिदायतों को समय समय पर दुहरा दिया जाता है।

(ग) आंखों में पेंसिलिन की सुग्राहिता जांचने का तरीका (क) अविश्वसनीय समझा जाता है, (ख) इससे गम्भीर जटिलताएं उत्पन्न होने की सम्भावना रहती है। इसलिए जांच के इस तरीके को अपनाने का प्रश्न नहीं उठता और किसी भी सरकारी अस्पताल में इसे इस्तेमाल में नहीं लाया जा रहा है।

राजस्थान से प्राप्त पासपोर्ट आवेदन-पत्रों की संख्या

2623. श्री जगदीश प्रसाद मायूर :  
क्या विदेश मन्त्री यह बताने की कृपा करेंगे कि :

(क) वर्ष 1977-78 के दौरान पासपोर्ट जारी किये जाने के लिये राजस्थान से प्राप्त आवेदन-पत्रों की संख्या का जिला-वार व्यौरा क्या है ;

(ख) इन प्राइवेट पत्रों में से अब तक कितने पासपोर्ट जारी किये गये हैं; और

(ग) राजस्थान में पासपोर्ट कार्यालय खोलने के बारे में कब तक निर्णय लिया जायेगा और तत्सम्बन्धी प्रस्तावित स्थान का व्यौरा क्या है ?

विदेश मंत्रालय में राज्य मंत्री (श्री समरेन्द्र कुण्डू) : (क) एक जनवरी 1977 से 30 जून, 1978 के बीच क्षेत्रीय पासपोर्ट कार्यालय, नई दिल्ली को राजस्थान से कुल मिलाकर 96,989 पासपोर्ट आवेदन प्राप्त हुए थे। क्षेत्रीय पासपोर्ट कार्यालय, नई दिल्ली में प्राप्त आवेदनों के जिलेवार आंकड़े नहीं रखे जाते।

(ख) 1 जनवरी, 1977 से 30 जून, 1978 के बीच राजस्थान के आवेदकों को



कुल मिला कर 85,242 पारपत्र जारी किये गये। इस संख्या में 1 जनवरी, 1977 से पहले प्राप्त आवेदनों के आधार पर जारी किये गये पासपोर्टों की संख्या भी शामिल है।

(ग) राजस्थान सरकार की सलाह से इस महीने के अन्त में अथवा सितम्बर, 1978 में जयपुर में क्षेत्रीय पासपोर्ट कार्यालय खोलने का निश्चय किया गया है :

**Turkey's Request to attend meeting of Non-Aligned**

2624. SHRI D. D. DESAI: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the Government of Turkey has requested him to sponsor its application as a guest at the Belgrade meeting of Non-Aligned Nations;

(b) if so, whether he has agreed to this request; and

(c) whether Turkey can qualify for this in view of its alliance with certain Powers in the NATO and CENTO?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) No, Sir.

(b) and (c). here are certain well established criteria for participation in the non-aligned movement. One of the criteria is that the country concerned should not be a member of a multilateral military alliance concluded in the context of Great Power conflicts. However, at the Colombo Summit of Non-aligned countries in 1976, some countries members of multilateral military alliances were permitted to participate as guests. This fact would have been taken into account of Turkey had made a formal request for participation as a guest in the Belgrade meeting of the Foreign Ministers of Non-aligned countries.

**Reproduction of Stamps Issued Earlier in Honour of Netaji Subhash .. Chandra Bose**

2625. SHRI SAMAR GUHA: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Government agreed to consider the question of reproduction of stamps published earlier in honour of Netaji Subhash Chandra Bose; and

(b) if so, facts about the decision taken?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) No, Sir.

(b) Does not arise.

**ग्रामीण क्षेत्रों के लिए चलते-फिरते औषधालय**

2626. श्री गंगा भक्त सिंह : क्या स्वास्थ्य और परिवार कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार दिल्ली के ग्रामीण क्षेत्रों के लिए, जहाँ चिकित्सा सुविधाएं उपलब्ध नहीं हैं, चलते फिरते औषधालय की व्यवस्था करने पर विचार कर रही है ;

(ख) यदि हाँ, तो क्या सरकार मलेरिया की रोकथाम के लिये पर्याप्त मात्रा में दवायें उपलब्ध कराने की व्यवस्था कर रही है ; और

(ग) इस सेवा से कितने लोगों के लाभान्वित होने की आशा है ?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगबन्धु प्रसाद यादव) :

(क) दिल्ली के जिन ग्रामीण क्षेत्रों में चिकित्सा सुविधाएं उपलब्ध नहीं हैं उनमें चिकित्सा सुविधाएं सुलभ करने के लिए पांच गरीबी औषधालय पहले से ही कार्य कर रहे हैं।

(ख) जी हां। दिल्ली नगर निगम के जरिये मलेरिया-रोधी पर्याप्त दवाइयां दे दी गई हैं।

(ग) मलेरिया-रोधी कार्यक्रमों से संघ शासित क्षेत्र दिल्ली के लगभग 52,60,000 लोग लाभान्वित होये।

### ‘एक व्यक्ति एक रोजगार’

2627. श्री राम बिलास पासवान : क्या संसदीय कार्य तथा भ्रम मंत्री यह बताने की कृपा करेंगे कि क्या प्राथिक विषमता को कम करने और अधिक व्यक्तियों को रोजगार देने के उद्देश्य से सरकार ‘एक व्यक्ति एक रोजगार’ के सिद्धान्त को कानून बना कर लागू करेगी ?

संसदीय कार्य तथा भ्रम मंत्री (श्री रवीन्द्र वर्मा) : ऐसा कोई प्रस्ताव विचाराधीन नहीं है। 1978-83 को पंचवर्षीय योजना के कार्यान्वयन के कारण उत्पन्न होने वाले अत्यधिक रोजगार अवसरों से बेरोजगारी घटने तथा प्राथिक विषमताओं के कम होने की संभावना है।

### तालाबन्धों और हड़तालें

2628. श्री अनन्त राम जायसवाल :

श्री ए० आर० बड़ोनारायण :

श्री समर गुह :

क्या संसदीय कार्य तथा भ्रम मंत्री यह बताने की कृपा करेंगे कि :

(क) जनवरी से जून 1978 की अवधि में सरकारी तथा गैर सरकारी क्षेत्रों में पृथक पृथक कितनी तालाबन्धियां और हड़तालें हुईं तथा 1977 की इसी अवधि के दौरान उनकी संख्या कितनी थी ;

(ख) इन तालाबन्धियों और हड़तालों के कारण कितने मूल्य के औद्योगिक उत्पादन को हानि हुई ; और

(ग) इसके क्या कारण हैं तथा क्या उन को दूर करने के लिये सरकार किसी प्रस्ताव पर विचार कर रही है ;

संसदीय कार्य तथा भ्रम मंत्री (श्री रवीन्द्र वर्मा) : (क) 1977 और 1978 के वर्षों में जनवरी से मई की अवधि के दौरान उपलब्ध सूचना के आधार पर तैयार किया गया विवरण सभा-पटल पर रख दिया गया है। [घन्यास्य में रखा गया। देखिए संख्या LT-2560/78] है, जिसमें सरकारी क्षेत्र तथा निजी क्षेत्र में हड़तालों एवं तालाबन्धियों की संख्या दर्शाई गई है।

(ख) नष्ट हुए उत्पादन के बारे में सम्पूर्ण आकड़े अभी उपलब्ध नहीं हैं।।

(ग) 1977 और 1978 के वर्षों में जनवरी से मई की अवधि के संबंध में उपलब्ध सूचना के आधार पर तैयार किया गया विवरण-2 सभा पटल पर रख दिया गया है। [घन्यास्य में रखा गया। देखिए संख्या LT 2560/78]। जो सरकारी तथा निजी क्षेत्रों में तालाबन्धियों एवं हड़तालों के कारण दर्शाता है।

सरकार स्थिति पर लगातार नजर रखे हुए हैं और केन्द्र तथा राज्यों में स्थापित औद्योगिक संबंध तंत्र की सहायता से देश में औद्योगिक वातावरण में सुधार करने के सभी प्रयास कर रही है। जहां आवश्यक होता है, वहां समझौता कराने के लिए सरकार विवादों में मध्यस्थता कर रही है।

### Vacancies in Indian Embassies

2629. SHRI R. MOHANARANGAM: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the number of vacancies now available in various cadres in Foreign Countries in the Indian Embassies;

(b) the details thereof, country-wise;

(c) the steps taken to fill them up; and

(d) whether the candidates from the open market irrespective of age

are posted to these vacancies on special grounds?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDEA KUNDU): (a) 27 vacancies are presently available in our missions abroad.

(b) A statement giving the required information is placed on the Table of the House.

(c) Action is in hand to fill these vacancies.

(d) Each vacancy is to be filled in accordance with the provisions of the Recruitment Rules which have been laid down for each category of posts.

### Statement

*Statement showing number of vacancies available in various cadres in foreign countries in the Indian Embassies*

#### HEADS OF MISSIONS

Embassy of India, Bahrain	1
Embassy of India, Athens	1
Embassy of India, Maputo	1
Embassy of India, Dakar	1
Embassy of India, Berne	1
Embassy of India, Kinshasa	1
High Commission of India, Dar-e-Salam	1
	<hr/> 7 <hr/>

#### SENIOR SCALE OF IFS (FIRST SECRETARY/SECOND SECRETARY)

High Commission of India, Colombo	1
High Commission of India, Port Spain	1
High Commission of India, Suva	1
Embassy of India, Rabat	1

**JUNIOR SCALE OF IFS (SECOND SECRETARY/THIRD SECRETARY)**

Embassy of India, Cairo	2
Embassy of India, Washigton	1
Embassy of India, Khartoum	1
Embassy of India, Stockholm	1
High Commission of India, Dacca	1
Embassy of India, Dakar	1
	<hr/> 7 <hr/>

**HINDI OFFICER**

High Commission of India, Suva	1
	<hr/> 1 <hr/>

**STENOGRAPHER SUB-CADRE GR. I (SENIOR P.A.)**

High Commissioner of India, Kuala Lumpur	1
Embassy of India, Warsaw	1
	<hr/> 2 <hr/>

**STENOGRAPHER SUB-CADRE (GR. II P.A.)**

Embassy of India, Tunis.	1
Embassy of India, Brasilia	1
Embassy of India, Bangkok	1
	<hr/> 3 <hr/>

**PEONS**

Embassy of India, Islalbad	2
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**SECURITY GUARDS**

Office of the Representative of India in Bhutan, Thimpu	1
	<hr/> 1 <hr/>

**Report of Team sent to Gulf Countries**

2630. **SHRI YAGYA DATT SHARMA:**

**SHRI MOHINDER SINGH SAYIANWALA:**

Will the Minister of **PARLIAMEN-TARY AFFAIRS AND LABOUR** be pleased to refer to the reply given to Unstarred Question No. 10122 on the 15th May, 1978 regarding report of team sent to Gulf countries and state:

(a) whether Government have received the report of this committee;

(b) if so, the main recommenda-tions/points of the report; and

(c) if not, the time by which this report is likely to be received?

**THE MINISTER OF PARLIAMEN-TARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA):** (a) to (c). No, Sir. The report is expected to be received shortly.

### Provident Fund Linked Insurance Scheme

2631. SHRI K. RAMAMURTHY: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) how many claims have been settled under the Provident Fund Linked Insurance Scheme so far, the break-up of figures region-wise with regard to total claims, settled claims and unsettled claims;

(b) if the unsettled claims are more than the settled claims, what is the reason; and

(c) whether the accumulation of claims are due to impracticable rules and procedures?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KIRPAL SINHA): (a) A statement, as furnished by the Provident Fund Authorities, is laid on the Table of the Sabha.

(b) Delay in the settlement of claims is caused due to receipt of incomplete applications, or non-submission of requisite documents such as death certificates, estate duty clearance certificates, indemnity bonds and affidavits.

(c) No, Sir.

### Statement

Statement showing the position of claims under the Employees Deposit Linked Insurance Scheme, 1976 as on the 31st March 1978.

Region	Claims received	Claims settled	Claims returned	Balance
1. Andhra Pradesh	135	24	68	43
2. Assam	20	4	3	13
3. Bihar	15	..	12	3
4. Delhi	201	41	115	45
5. Gujarat	1,510	224	1,094	192
6. Karnataka	606	296	282	28
7. Kerala	349	119	150	80
8. Madhya Pradesh	301	18	165	118
9. Maharashtra	1,726	551	520	655
10. Orissa	68	..	53	15
11. Punjab	134	28	84	22
12. Rajasthan	31	7	16	8
13. Tamil Nadu	1,155	202	721	232
14. Uttar Pradesh	123	10	44	69
15. West Bengal	450	17	388	45
TOTAL	6,824	1,541	3,715	1,568

# **Blast Furnace Complex at Vishakhapatnam**

2632. SHRI P. K. KODIYAN: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Government have a proposal to set up a blast furnace complex at Vishakhapatnam;

(b) if so, the details thereof;

(c) whether Government propose to import the entire equipments needed for the proposed complex from USSR; and

(d) if so, the details of the agreements made, if any, in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) to (d) Government intends establishing a new steel plant, in phases, with Soviet assistance at Visakhapatnam. While preliminary discussions have been held with USSR on the type of assistance to be provided by them for establishing the plant, no final decision has yet been taken. Meanwhile, details are being worked out for taking the investment decision on the project. All this will be finalised after the scrutiny of the Detailed Project Report has been completed by Steel Authority of India Limited.

## **पोलिया**

2633. श्री राम लाल राही : क्या स्वास्थ्य और परिवार कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उन्हें पता है कि देश के विभिन्न भागों में पोलिया का प्रकोप बढ़ रहा है, और

(ख) यदि हाँ, तो उसे रोकने के लिए क्या उपाय किए जा रहे हैं ?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगदम्बी प्रसाद यादव) :

(क) वर्ष 1975 से 1977 तक के पोलिया (संक्रामक यकृत शोथ) के रोगियों की संख्या के बारे में राज्य सरकारों/संघ शासित क्षेत्रों द्वारा भेजी गई सूचना विवरण में यह देखा गया है कि केरल, मध्य प्रदेश, महाराष्ट्र, तमिल नाडु, हिमाचल प्रदेश राज्यों और गोवा, दमन तथा दीव के संघ शासित क्षेत्र को छोड़कर देश के अन्य भागों में पोलिया के रोगियों की संख्या में काफी कमी हुई है।

(ख) पोलिया के प्रकोप को रोकने के लिए निम्नलिखित उपाय किए जाने हैं :

1. इस रोग की घटनाओं के बार में स्थानीय स्वास्थ्य प्राधिकारियों को सूचित करना।
2. रोगी को पृथक रख कर इलाज करना।
3. रोगी के मल का विसंक्रमण करना।
4. लोगों को इम्यून ग्लोबलिन का टीका लगाना।
5. भ्रूण और जल मल से खराब न हों, इसके लिए जल पूर्ति और मल के निपटान में सुधार करना।
6. बेहतर सफाई और व्यक्तिगत स्वास्थ्य विज्ञान के बारे में लोगों को स्वास्थ्य संबंधी शिक्षा देना।

## विवरण

विभिन्न राज्यों/संघ शासित क्षेत्रों में 1975 से 1977 के दौरान संक्रामक यकृत शोथ से पीड़ित हुए रोगियों और मरने वालों की संख्या का विवरण ।

राज्य / संघ शासित क्षेत्र का नाम	1975		1976		1977	
	रोगी	मौतें	रोगी	मौतें	रोगी	मौतें
1. आन्ध्र प्रदेश	15032	211	9186	194	7005	152
2. गुजरात	1890	41	4382	28	1718	1
3. हरियाणा	6936	59	2772	13	2945	15
4. केरल	17460	20	29721	60	20611	34
5. मध्य प्रदेश	16319	157	22541	207	16945	136
6. महाराष्ट्र	3435	440	6811	453	3983	398
7. कर्नाटक	18090	85	12522	134	†	†
8. उड़ीसा	13384	73	7019	49	3167	43
9. पंजाब	8050	77	885	6	1629	136
10. राजस्थान	5066	70	5108	59	4037	44
11. तमिलनाडु	4019	37	5436	51	7801	83
12. त्रिपुरा	1257	4	613	9	260	3
13. चण्डीगढ़	2442	5	411	3	421	2
14. दिल्ली *	5893	55	3361	69	2370	87
15. लक्कादीव, मिनिकाय और अमोनदीवी द्वीप समूह	605	—	125	—	91	—
16. गोवा, दमन और दीव	22	—	87	—	1780	—
17. पांडिचेरी	2414	—	2737	—	1781	—
18. अंडमान व निकोबार द्वीप समूह	110	—	†	†	†	†
19. अरुणाचल प्रदेश	333	—	†	†	†	†
20. हिमाचल प्रदेश	1186	9	†	†	1374	5
कुल	123943	1343	113757	1335	77918	1016

टिप्पणी :

\*—अनुपलब्ध

†—इन आंकड़ों में दिल्ली नगर निगम, दिल्ली प्रशासन, सफदरजंग, अखिल भारतीय आयुर्विज्ञान अनुसंधान संस्थान और कलावती सरण शिशु अस्पताल की सूचना भी शामिल है ।

(ये आंकड़े अन्तिम हैं और केवल चिकित्सा संस्थाओं में इलाज किए गये रोगियों से संबंधित हैं ।

ब्रिटिश अधिकारियों द्वारा श्री फिजो को  
दिया गया पारपत्र

2634. श्री नवाब सिंह चौहान क्या  
विदेश मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उनका ध्यान 11 जुलाई, के  
"हिन्दुस्तान टाइम्स" में प्रकाशित विद्रोही मिजों  
नेता श्री फिजो के बारे में प्रकाशित समाचार  
की ओर दिलाया गया है जिसके अन्तिम  
पैरागफ में बताया गया है कि ब्रिटेन के पारपत्र  
अधिकारियों ने नागालैंड को एक पृथक देश  
मानकर श्री फिजो को पारपत्र दिया है; और

(ख) यदि हां, तो उस पर सरकार की  
क्या प्रतिक्रिया है ?

विदेश मंत्रालय में राज्य मंत्री (श्री  
समरेश कुण्डू) : (क) जी हां।

(ख) इस बात का निश्चित पता लगा लिया  
गया है कि श्री फिजो 1960 में युनाइटेड किंग-  
डम गये थे और वहाँ उन्हें पासपोर्ट के बिना  
उनके इस दावे के आधार पर प्रवेश मिला था  
कि वे एक भूतपूर्व ब्रिटिश नागरिक हैं।  
1961 में उन्होंने ब्रिटेन की नागरिकता के लिए  
इस आधार पर आवेदन किया कि उनका जन्म  
एक ऐसी जगह हुआ था जो कि पहले ब्रिटिश  
कालोन भारत में है और बाद में भारत गणराज्य  
का हिस्सा बन गया है जिसकी उन्हें अन्ततः  
स्वीकृति मिल गयी थी। अबबार की खबर  
में व्यक्त, यह मत कि ब्रिटेन ने नागालैंड को  
एक अलग देश के रूप में माना है, ठीक नहीं है।

#### Shortage of Iron Sheets of Smaller Gauge

2635. SHRIMATI MRINAL GORE:  
Will the Minister of STEEL AND  
MINES be pleased to state:

(a) whether it is a fact that there  
is shortage/scarcity of iron sheets of  
smaller gauge in the market;

(b) if so, the reasons thereof;

(c) is it true that small-scale indus-  
tries are on the verge of closure due  
to non-availability of steel-sheets  
plates; and

(d) if so, the steps taken by Gov-  
ernment to meet the situation?

THE MINISTER OF STATE IN  
THE MINISTRY OF STEEL AND  
MINES (SHRI KARIA MUNDA): (a)  
and (b) Presumably the question  
refers to thinner gauges of cold  
rolled sheets. Due to increase in  
demand and production not keeping  
up to the target fully, there is a mar-  
ginal shortage in the availability of  
these categories of steel.

(c) and (d) Government is aware  
of the problems of small scale units  
in getting steel items, especially those  
in short supply. Despatches of all  
steel items, including sheets and  
plates, to State Small Industries Cor-  
porations, who cater to the needs of  
small scale units, have been consider-  
ably stepped up as compared to the  
previous years. Imports are also al-  
lowed to small scale units whenever  
they approach for the same.

#### Export of Steel and its value

2636. SHRI S. R. DAMANI: Will  
the Minister of STEEL AND MINES  
be pleased to state:

(a) the total exports of steel and  
the value realised during 1977-78, with  
figures for the previous two years;

(b) how does the average price per  
tonne of export compare with average  
CIF price of imported steel; and

(c) the details of export commit-  
ments in the current year and the  
quantities shipped and value realised  
so far?

THE MINISTER OF STATE IN  
THE MINISTRY OF STEEL AND  
MINES (SHRI KARIA MUNDA): (a)  
Quantity and value of steel exports  
during the last three years are as  
under:—

Year	Quantity exported (tonnes)	Value (Rs. crores)
1975-76	506,141	86.91
1976-77	1,409,252	260.52
1977-78	1,100,811	186.21



(b) The categories of steel which have been imported are different from those which have been exported and hence, the prices would not be comparable.

(c) Upto 1-7-78, total steel export commitment for the current year stood at 6,35,900 tonnes (provisional) of which 1,26,600 tonnes (provisional) valued at Rs. 21.75 crores (provisional) have been shipped during April-June, 78 and 5,09,300 tonnes were outstanding for shipment valued at Rs. 99.15 crores (approx.).

#### Medical Institute at Simla

2637. SHRI DURGA CHAND: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether there is any proposal to set up at Simla a Medical Institute on the lines of All India Institute of Medical Sciences or Post-Graduate Medical Institute at Chandigarh in view of the overall importance of Simla in Northern India;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) No.

(b) Does not arise.

(c) It does not come under National priority.

#### Losses due to Power Shortage in Sikkim Mining Corporation

2638. SHRI K. B. CHHETRI: Will the Minister of STEEL AND MINES be pleased to state:

(a) is it a fact that the Sikkim Mining Corporation is incurring losses due to power shortage;

(b) if so, what is total amount of losses incurred during the last three years; and

(c) what steps Government is taking to make good these losses in the coming years?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) Yes, Sir.

(b) The loss incurred during the last three years is of the order of Rs. 10 lakhs.

(c) The unsatisfactory power supply position has been brought to the notice of State Government of Sikkim and the Sikkim Power Department has been requested to make available some power which can enable the company to run at least one shift of the Mill in a day. However, the power supply position to Sikkim Mining Corporation is expected to improve and become normal only after the commissioning of the Lower Lagyap Hydel Project at Ranipur, Sikkim, which according to present indications is likely to be completed by middle of 1979.

बिहार में ब्लॉक को जिला मुख्यालय से और शाखा डाकघर को मुख्य डाकघर से जोड़ना

2639. श्री हकूम देव नारायण यादव: क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) बिहार में कितने ब्लॉक मुख्यालयों को जिला मुख्यालय से और कितने शाखा डाकघरों को मुख्य डाकघर से टेलीफोन द्वारा जोड़ा गया है ; और

(ख) उनमें से शेष को कब तक इस प्रकार जोड़ा जाएगा ?

संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद मुखर्जी साय) : (क). डाक

(क) डाक

बिहार में अब तक 60 शाखा डाकघरों की मुख्य डाकघरों के सीधे लेखे के अधीन रखा गया गया है।

दूर-संचार

बिहार सर्किल में ऐसे खंड मुख्यालयों की संख्या 182 है जो कि टेलीफोन के जरिए जिला मुख्यालयों से सीधे जुड़े हुए हैं। जिन खंड मुख्यालयों में टेलीफोन की सुविधा उपलब्ध है, उनकी संख्या 531 है। सभी शाखा डाकघरों को मुख्य डाकघरों से जोड़ने की कोई योजना नहीं है।

(ख) डाक

डाक का लेखा रखने और वित्त संबंधी व्यवस्था करने के लिए शाखा डाकघरों को मुख्य डाकघरों या उप डाकघरों के लेखे के अधीन रखा जाता है। किसी शाखा डाकघर को एक उपडाकघर के लेखे के अधीन रखने की बजाय किसी मुख्य डाकघर के लेखे के अधीन रखने में कोई विशेष लाभ नहीं है। इसलिए शेष शाखा डाकघरों को मुख्य डाकघरों के लेखे में रखने की कोई योजना नहीं है।

दूर-संचार

खंड मुख्यालयों को सीधे जिला मुख्यालयों से जोड़ने की कोई रीति नहीं है, किन्तु ऐसा प्रस्ताव है कि बिहार सर्किल के शेष सभी खंड मुख्यालयों में चालू वित्तीय वर्ष के अंत तक टेलीफोन सुविधाएं दे दी जाएं।

#### Death due to Encephalitis

2640. SHRI DHIRENDRA NATH BASU: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that 70 persons died since 15th May, 1978 due to encephalitis disease in Burdwan District of West Bengal; and

(b) if so, the steps taken to find out the causes of recurrence of the disease and its remedy?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) Government of West Bengal has reported that from the 7th May, 1978 to 24th July, 1978, there have been 80 deaths in Burdwan district due to Japanese encephalitis.

(b) The Directorate of Health Services, West Bengal have submitted a proposal to the Government of West Bengal for the constitution of an Expert Committee to take up an in-depth study of this epidemic in West Bengal, and also to consider the manufacture of animal and human vaccine to protect against Japanese Encephalitis. In addition paired sera, mosquitoes and animal blood are being collected for Biological, serological and entomological studies by the School of Tropical Medicine, Calcutta.

25000 CC of human Japanese encephalitis vaccine, the only vaccine known for treatment of this disease has been imported from Japan and immunisation by giving two doses to those people who live under the same roof with cattle and pigs has been started. The cases of encephalitis are being transferred as quickly as possible to the Burdwan Medical College Hospital so that all the cases are under the proper medical treatment under the proper care of specialist physicians.

#### Enactment of Law abolishing Contract Labour

2641. SHRI DRONAM RAJU SATYANARAYANA: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether Government propose to enact a law to abolish contract system in the country; and

(b) if so, by what time and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (SHRI LARANG SAI): (a) and (b). There is already a law—the Contract Labour (Regulation and Abolition) Act, 1970—which provides for the abolition of contract labour system wherever possible, and seeks to regulate the employment of contract labour in establishment/employments where its abolition is not considered feasible for the time being.

बैलाडिला में लौह अयस्क का उपयोग

2642. श्री छविाराम अर्गल :

श्री कचरुलाल हेमराज जैन :

क्या इस्पात और खान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बस्तर जिले में बैलाडिला के लौह अयस्क भण्डार का निर्यात करने के अलावा उसका किसी अन्य रूप में उपयोग करने का सरकार का विचार है ; और

(ख) यदि हां, तो इसका क्या ब्यौरा है ?

इस्पात और खान मंत्रालय में राज्य मंत्री (श्री करिया मुंडा) : (क) जी, हां

(ख) विनाशपातनम में प्रस्तावित इस्पात कारखाने में बैलाडिला से निकलने वाले लौह अयस्क के इस्तेमाल और/या बैलाडिला में लौह अयस्क के चुरे पर आधारित प्लेट बनाने का एक कारखाना लगाने की संभावनाओं पर विचार किया जा रहा है।

Filling of SC/ST Quota in Inspector RMS in U.P. Circle

2643. SHRI R. L. KUREEL: Will the Minister of COMMUNICATIONS be pleased to state:

(a) the total strength of IRM in U.P. Circle out of which total number of IRM belonging to SC/ST;

(b) whether the reserved quota has been filled up; and

(c) if not, who is responsible for not filling up the reserved quota and what action will be taken against the authorities who are responsible for not filling up the reserved quota?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) 35, out of which total number of Inspectors of Railway Mail Service belonging to SC/ST is 4 at present.

(b) No, Sir.

(c) This has happened due to non-availability of qualified officials belonging to SC/ST community.

**Non-Inclusion of Doctors of Indian system of Medicine and Homoeopathy in Central Government Health Scheme**

2644. SHRI MAHI LAL: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to refer to the reply given to Unstarred Question No. 1338 on the 2nd March, 1973 regarding disparity in Pay Scales of Allopathic Doctors and Doctors in Indigenous Systems and Homoeopathy and state the reasons for non-inclusion of the doctors of Indian system of medicine and Homoeopathy in Central Government Health Scheme?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) The Central Health Service as constituted includes medical and public health posts under the Government of India, as specified. The basic requirement for these posts is possession of a recognised medical qualification of the modern system of medicine. As such, physicians of ISM and Homoeopathy, working under the Central Government Health Scheme, are not eligible for appointment to the Central Health Service.

**बीड़ी मजदूर कल्याण उपकर अधिनियम तथा  
बीड़ी मजदूर कल्याण निधि अधिनियम का  
प्रशासन तथा प्रवर्तन**

2645. श्री कचरू साव हेमराज जैन :  
क्या संसदीय कार्य तथा भ्रम मंत्री बीड़ी मजदूर  
कल्याण उपकर अधिनियम तथा बीड़ी मजदूर  
कल्याण निधि अधिनियम का प्रशासन तथा  
प्रवर्तन के बारे में 16 मार्च, 1978 के  
अतारंकित प्रश्न संख्या 3152 के उत्तर के  
संबंध में यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्रीय सरकार ने इन दोनों  
अधिनियमों का कार्यान्वयन राज्य सरकारों को  
सौंपने के प्रश्न की जांच की है ; और

(ख) यदि हां, तो इस मामले में क्या  
निर्णय किया गया है ?

भ्रम तथा संसदीय कार्य मंत्रालय में  
राज्य मंत्री (श्री लारंग साय) : (क)  
जी हां ।

(ख) केन्द्रीय सरकार के लिए यह  
अपेक्षित है कि वह संसद द्वारा पारित अधि-  
नियमों को लागू करें । बीड़ी प्रतिष्ठानों में  
काम कर रहे व्यक्तियों के लिए निर्धारित  
मानक के कल्याण उपायों और सुविधाओं की  
बढ़ावा देने के लिए राज्य सरकारों को सहायता  
अनुदान देने की व्यवस्था भी है । इस प्रकार  
निर्णय यह है कि यद्यपि इन अधिनियमों का  
समग्र प्रशासन केन्द्रीय सरकार का होगा, तो  
भी इन अधिनियमों में बताए गए उद्देश्यों की  
पूर्ति के लिए संबंधित राज्य सरकारों को भी  
सक्रिय रूप से शामिल किया जाएगा ।

#### **Investigations into Scandal in Fabrica- tion Work at Kudremukh Iron Ore Project**

2646. SHRI K. LAKKAPPA: Will  
the Minister of STEEL AND MINES  
be pleased to state:

(a) whether investigations into the  
"scandal" in which intermediaries and  
middlemen are alleged to have siphon-

ed off a lot of money during certain  
fabrication work at the Kudremukh  
Iron Ore Project in Karnataka, have  
been ordered by him;

(b) if so, the names of persons in-  
volved; and

(c) the name of the investigating  
agency, the present stage of investi-  
gations and by what time it is likely  
to be completed?

THE MINISTER OF STEEL AND  
MINES (SHRI BIJU PATNAIK): (a)  
to (c). The allegations were brought  
to the notice of Government. Since  
Government is satisfied that the al-  
legations have no basis in fact, no  
further investigation is contemplated.

#### **Protest by Nepal**

2647. SHRI HARI VISHNU KA-  
MATH: Will the Minister of EXTER-  
NAL AFFAIRS be pleased to state:

(a) whether it is a fact that the  
Government of Nepal has lodged a  
protest with the Indian Ambassador  
there regarding the refusal or failure  
on the part of Indian engineers to  
open the sluice gates on the Ring Dam  
inside Indian territory, thereby caus-  
ing damage and devastation by flood  
on the Nepal side;

(b) the reaction of Government to  
the aforesaid protest;

(c) whether there was a bilateral  
understanding between India and Ne-  
pal that the sluice gates on the Ring  
Dam should be opened without delay  
in such a contingency; and

(d) if so, what steps are being taken  
against those responsible for violation  
of the aforesaid bilateral understand-  
ing?

THE MINISTER OF STATE IN  
THE MINISTRY OF EXTERNAL AF-  
FAIRS (SHRI SAMARENDRA  
KUNDU): (a) His Majesty's Govern-  
ment of Nepal have raised this mat-  
ter with the Indian Ambassador in

Kathmandu as well as with the Ministry of External Affairs in New Delhi during the last few weeks.

(b) and (c). As a result of discussions held in Kathmandu between the officials of the two countries in Feb. 1977 the following bilateral understanding was arrived at to help the drainage of the low-lying Gaur Bazar area on the Nepalese side, which is prone to floods from the Bagmati and Lal Bakaiya rivers:—

(i) India would provide sluices of 200 cusecs capacity in the Ring Embankment situated around the town of Bargania in Bihar before the rainy season in 1977;

(ii) His Majesty's Government would undertake investigation and formulation of proposals for preventing spillage from Bagmati and Lal Bakaiya rivers within Nepalese territory;

(iii) Both sides would meet and discuss proposals as referred to above for a long-term solution.

While four sluices with a capacity to discharge 200 cusecs were constructed by the Government of Bihar before the monsoon of 1977 as agreed to, and later jointly inspected by the engineers of the two countries, H.M.G. have not yet conveyed to the Government of India, proposals to prevent the spillage from Bagmati and Lal Bakaiya rivers as required under part (ii) of the understanding with the result that further work as envisaged in part (iii) above have not yet taken place.

As would be seen from the above, the sluices were designed to pass 200 cusecs for draining the rain waters in the 16-sq. mile catchment area north of Bargania embankment. The recent inundation was caused by the spillage of flood waters of the river Bagmati and Lal Bakaiya which experienced an unprecedented flood this year and the sluices were not designed to meet such a situation.

(d) Question does not arise.

### उड़ीसा में प्रति व्यक्ति चिकित्सा

व्यय

2648. श्री हुकम चन्द कछवाय :  
क्या स्वास्थ्य और परिवार कल्याण मंत्री प्रति व्यक्ति चिकित्सा व्यय के बारे में 6 अप्रैल, 1978 के तारांकित प्रश्न संख्या 626 के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्रीय सरकार और राज्य सरकार ने वर्ष 1974-75 के दौरान उड़ीसा में 6 रुपये 93 पैसे प्रति व्यक्ति चिकित्सा व्यय किया था ; यदि हां, तो वर्ष 1976-77 और 1977-78 में इसे बढ़ाने का विचार था और यदि हां, तो कितना ;

(ख) क्या सरकार राज्य में वर्तमान प्रति व्यक्ति चिकित्सा व्यय से सतुष्ट है ;

(ग) यदि नहीं तो क्या अन्य देशों से सहायता लेने का विचार है ; और

(घ) यदि हां, तो इस सम्बन्ध में इस समय किन देशों से बातचीत हो रही है ?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगदम्बी प्रसाद यादव) :

(क) प्रति व्यक्ति व्यय 6.93 रुपये था जो कि राज्य और केन्द्र, दोनों सरकारों द्वारा किए गए प्लान और नान-प्लान खर्च पर अधारित है। 1975-76 में उड़ीसा में स्वास्थ्य संबंधी प्रति व्यक्ति खर्च जो 9.13 रुपये हुआ था वह 1976-77 में घटकर 8.95 रुपये हो गया। वर्ष 1977-78 के खर्च के आंकड़े अभी संकलित किए जाने हैं।

(ख) से (घ) केन्द्र और राज्य सरकार उड़ीसा में स्वास्थ्य सेवाओं को मुलभ करने की स्थिति में सुधार लाने के लिए भरपूर प्रयास कर रही है और राज्य सरकार को राज्य और केन्द्र प्रयोजित विभिन्न योजनाओं को कार्यान्वित

करने के लिए योजना आयोग द्वारा स्वीकृत परिव्यय के अनुसार सहायता दी जा रही है।

1976-77 में उड़ीसा में स्वास्थ्य कार्यक्रमों पर जो योजना खर्च 222.41 लाख रुपये हुआ था, वह 1977-78 में बढ़कर 308.60 लाख रुपये हो गया।

सरकार किसी भी राज्य विशेष के लिए विदेशी सहायता नहीं मांग रही है। वैसे, विदेशों में मलेरिया नियंत्रण, प्रश्रुता निवारण, चिकित्सा शिक्षा को नया रूप देने आदि जैसी हमारी कुछेक राष्ट्रीय योजनाओं के लिए सहायता दी है। किसी राज्य विशेष के स्वास्थ्य क्षेत्र के कार्यक्रम के लिए निश्चित किए गए समग्र योजना परिव्यय में सारे देशगत और विदेशी साज-सामान दोनों की अंक मिलती है।

**नागालैंड में प्रति व्यक्ति चिकित्सा व्यय**

2649. श्री हुकम चन्द कछवाय : क्या स्वास्थ्य और परिवार कल्याण मंत्री नागालैंड में प्रति व्यक्ति चिकित्सा व्यय के बारे में 6 अप्रैल, 1978 के तारांकित प्रश्न संख्या 626 के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्र और राज्य सरकार द्वारा वर्ष 1974-75 में नागालैंड में प्रति व्यक्ति चिकित्सा पर किया गया व्यय 80.34 रुपये था ; यदि हां, तो क्या वर्ष 1976-77 और 1977-78 में इसमें वृद्धि करने का प्रस्ताव है और यदि हां, तो कितनी ;

(ख) क्या सरकार प्रति व्यक्ति वर्तमान चिकित्सा व्यय से सन्तुष्ट है ;

(ग) यदि नहीं, तो क्या अन्य देशों से इस बारे में सहायता मांगने का प्रस्ताव है ; और

(घ) यदि हां, तो इस बारे में इस समय किन-किन देशों से बातचीत चल रही है ?

**स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जनकेश्वरी प्रसाद यादव) :**

(क) प्रति व्यक्ति व्यय 80.84 रुपये था जो कि राज्य और केन्द्र, दोनों सरकारों द्वारा किए गये प्लान और नान-प्लान खर्च पर आधारित है। 1975-76 में नागालैंड में स्वास्थ्य संबंधी प्रति व्यक्ति खर्च जो 75.84 रुपये हुआ था, वह 1976-77 में बढ़कर 76.89 रुपये हो गया। वर्ष 1977-78 के खर्च के आंकड़े अभी संकलित किए जाने हैं।

(ख) से (घ) केन्द्र और राज्य सरकार नागालैंड में स्वास्थ्य सेवाओं को सुलभ करने की स्थिति में सुधार लाने के लिए भरपूर प्रयास कर रही है और राज्य सरकार को राज्य और केन्द्र प्रयोजित विभिन्न योजनाओं को कार्यान्वित करने के लिए योजना आयोग द्वारा स्वीकृत परिव्यय के अनुसार सहायता दी जा रही है।

1976-77 में नागालैंड में स्वास्थ्य कार्यक्रमों पर जो योजना खर्च 39.95 लाख रुपये हुआ था, वह 1977-78 में बढ़कर 56.66 लाख रुपये हो गया।

सरकार किसी भी राज्य विशेष के लिए विदेशी सहायता नहीं मांग रही है। वैसे, विदेशों में मलेरिया नियंत्रण, प्रश्रुता निवारण, चिकित्सा शिक्षा को नया रूप देने आदि जैसी हमारी कुछेक राष्ट्रीय योजनाओं के लिए सहायता दी है। किसी राज्य विशेष के स्वास्थ्य क्षेत्र के कार्यक्रम के लिए निश्चित किए गये समग्र योजना परिव्यय में सारे देशगत और विदेशी साज-सामान, दोनों की अंक मिलती है।

**मेघालय में प्रति व्यक्ति चिकित्सा व्यय**

2650. श्री हुकम चन्द कछवाय : क्या स्वास्थ्य और परिवार कल्याण मंत्री प्रति व्यक्ति चिकित्सा व्यय के बारे में 6 अप्रैल, 1978 के

तारकित प्रश्न संख्या 626 के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्र तथा राज्य सरकार द्वारा वर्ष 1974-75 में मेघालय में प्रति व्यक्ति चिकित्सा पर किया गया व्यय 18.52 रुपये था ; यदि हाँ, तो क्या वर्ष 1976-77 और 1977-78 में इसमें वृद्धि करने का प्रस्ताव है ; यदि हाँ, तो कितनी ;

(ख) क्या सरकार राज्य में, प्रति व्यक्ति वर्तमान चिकित्सा व्यय से सन्तुष्ट है ;

(ग) यदि नहीं, तो क्या अन्य देशों से इस बारे में सहायता मांगने का प्रस्ताव है ; और

(घ) यदि हाँ, तो इस बारे में इस समय किन-किन देशों से बातचीत चल रही है ?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगन्नाथ प्रसाद दास) :

(क) प्रति व्यक्ति व्यय 18.52 रुपये था जो कि राज्य और केन्द्र, दोनों सरकारों द्वारा किए गये प्लान और नान-प्लान खर्च पर आधारित है। 1975-76 में मेघालय में स्वास्थ्य संबंधी प्रति व्यक्ति खर्च जो 24.81 रुपये हुआ था वह 1976-77 में घटकर 22.89 रुपये हो गया। वर्ष 1977-78 के खर्च के आंकड़े अभी संकलित किए जाने हैं।

(ख) से (घ) : केन्द्र और राज्य सरकार मेघालय में स्वास्थ्य सेवाओं को सुलभ करने की स्थिति में सुधार लाने के लिए भरपूर प्रयास कर रही है और राज्य सरकार को राज्य और केन्द्र प्रायोजित विभिन्न योजनाओं को कार्यान्वित करने के लिए योजना आयोग द्वारा स्वीकृत परिव्यय के अनुसार सहायता दी जा रही है।

1976-77 में मेघालय में स्वास्थ्य कार्यक्रमों पर जो योजना खर्च 23.32 लाख रुपये हुआ था, वह 1977-78 में बढ़कर 54.00 लाख रुपये हो गया।

सरकार किसी भी राज्य विशेष के लिए विदेशी सहायता नहीं मांग रही है। वैसे, विदेशों ने मलेरिया नियंत्रण, ग्रंथता निवारण, चिकित्सा शिक्षा को नया रूप देने आदि जैसी हमारी कुछ राष्ट्रीय योजनाओं के लिए सहायता दी है। किसी राज्य विशेष के स्वास्थ्य क्षेत्र के कार्यक्रम के लिए निश्चित किए गये समय योजना परिव्यय में सारे देशगत और विदेशी साज-सामान दोनों की गलत मिलती है।

मणिपुर में प्रति व्यक्ति चिकित्सा व्यय

2651. श्री हुकम चन्द कछवाय :

क्या स्वास्थ्य और परिवार कल्याण मंत्री प्रति व्यक्ति चिकित्सा व्यय के बारे में 8 अप्रैल, 1978 के तारकित प्रश्न संख्या 626 के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्र और राज्य सरकार द्वारा वर्ष 1974-75 में मणिपुर में प्रति व्यक्ति चिकित्सा पर किया गया व्यय 16.20 रुपये था ; यदि हाँ, तो वर्ष 1976-77 और 1977-78 में इसमें वृद्धि करने का प्रस्ताव है और यदि हाँ, तो कितनी ;

(ख) क्या सरकार राज्य में प्रति व्यक्ति वर्तमान चिकित्सा व्यय से सन्तुष्ट है ;

(ग) यदि नहीं, तो क्या अन्य देशों से इस बारे में सहायता मांगने का प्रस्ताव है ; और

(घ) यदि हाँ, तो इस बारे में इस समय किन-किन देशों से बातचीत चल रही है ?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगदम्बी प्रसाद यादव) :

(क) प्रति व्यक्ति व्यय 16.20 रुपये था जो कि राज्य और केन्द्र, दोनों सरकारों द्वारा किए गये प्लान और नान-प्लान खर्च पर प्राधारित है। 1975-76 में मणिपुर में स्वास्थ्य संबंधी प्रति व्यक्ति खर्च जो 16.98 रुपये हुआ था वह 1976-77 में घटकर 13.14 रुपये हो गया। वर्ष 1977-78 के खर्च के प्रांकिने अभी [संकलित किए जाने हैं।

(ख) से (घ) केन्द्र और राज्य सरकार मणिपुर में स्वास्थ्य सेवाओं को सुलभ करने की स्थिति में सुधार लाने के लिए भरपूर प्रयास कर रही हैं और राज्य सरकार को राज्य और केन्द्र प्रयोजित विभिन्न योजनाओं को कार्यान्वित करने के लिए योजना प्रायोग द्वारा स्वीकृत परिष्य के अनुसार सहायता दी जा रही है।

1976-77 में मणिपुर में स्वास्थ्य कार्यक्रमों पर जो योजना खर्च 54.49 लाख रुपये हुआ था, वह 1977-78 में बढ़कर 73.50 लाख रुपये हो गया।

सरकार किसी भी राज्य विशेष के लिए विदेशी सहायता नहीं मांग रही है। वैसे, विदेशों ने मलेरिया नियंत्रण, घंघता निवारण, चिकित्सा शिक्षा को नया रूप देने आदि जैसी हमारी कुछ राष्ट्रीय योजनाओं के लिए सहायता दी है। किसी राज्य विशेष के स्वास्थ्य क्षेत्र के कार्यक्रम के लिए निश्चित किए गये समग्र योजना परिष्य में सारे देशगत और विदेशी साज-सामान दोनों की क्षलक मिलती है।

#### Connecting Baroda with Bombay by STD and improving Service

2652. SHRI F. P. GAEKWARD: Will the Minister of COMMUNICATIONS be pleased to state:

(a) when Baroda is likely to be connected with Bombay by STD;

(b) whether telephone service at Baroda is required to be greatly improved as there is a lot of complaints about unsatisfactory working of telephone system mainly hold-ups and faults on the lines;

(c) if so, steps taken or proposed to be taken; and

(d) what is the expansion programme planned to meet demand of the people on the waiting list for new telephone connections?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) By October 1978.

(b) and (c) No, Sir. However, a number of steps have been taken to improve the service on a continuing basis.

(d) 1200 lines are scheduled to be added to the system capacity during 1978-79.

#### Misuse of Licences by Chemists and Druggists

2653. SHRI OM PRAKASH TYAGI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) what steps are being taken by the Directorate of the Health Services of the Union and the States to check the misuse of the licences issued in the names of persons for running the shops of chemists and druggists;

(b) is it a fact that sometimes licences continue in the names of persons who are dead or had left the place of business; and

(c) what steps are being taken to stop persons from using such licences without authority?



THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) to (c) The information is being collected and will be laid on the Table of the Sabha.

#### Indian Ocean as Zone of Peace

2654. SHRI OM PRAKASH TYAGI: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) what steps have been taken at the international level to keep the Indian Ocean as a zone of peace; and

(b) the extent to which the efforts have been successful?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) and (b) Since the declaration by the United Nations in 1971, of the Indian Ocean as a Zone of Peace, the United Nations ad-hoc Committee on Indian Ocean has been holding consultations to implement the UN Resolution. In December 1977, the General Assembly decided to convene a meeting of the littoral and the hinterland States of the Indian Ocean as a preparatory step towards convening of the conference which would include the participation of the Great Powers and major maritime users. India has been actively participating in the discussions in the General Assembly of the U.N. and in particular in the ad-hoc Committee. The Government is in favour of urgently

convening such a conference in which the Great Powers and other major maritime users of the Indian Ocean would participate.

In addition, USA and USSR have also held several round of talks on Indian Ocean arms limitations Agreement about which the ad-hoc Committee has been kept informed.

The Government hopes that these efforts will continue and result in the eventual removal of Great Powers military presence in the Indian Ocean.

#### Medicine purchased from HIMCO Laboratories, Sonapat

2655. SHRI OM PRAKASH TYAGI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether medicine were purchased from M/s HIMCO Laboratories, Sonapat, for Government hospitals, CGHS dispensaries and Employees State Insurance dispensaries during February 1976 to 30th June, 1978; and

(b) if so, the names of the medicines, the price paid for them and the names of the hospital or dispensary which made the purchase?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) and (b). A statement giving the requisite information is attached.

## Statement

S. No.	Name of the Organisation	Supply Order No.	Name of medicine	Quantity ordered accepted	Amount paid	Details of supply		
						I.V.No.	Quantity issued	Name of Indentor
1	2	3	4	5	6	7	8	9
1	Dr. R.M.L. Hospital	—	—	—	—	—	—	—
2	Safdarjung Hospital	—	—	—	—	—	—	—
3	Smt. Sucheta Kriplani Hospital	—	—	—	—	—	—	—
4	Delhi Admn. Hospitals	—	—	—	—	—	—	—
5	C.G.H.S. Organisation	—	—	—	—	—	—	—
6	E.S.I. Delhi	—	—	—	—	—	—	—
7	Medical Store Depots Organisation of D.G.H.S.	(i) 1438-A/77-781 53996-54000 dt. 13-3-78 (ii) 1478-A/ EM/77-78/ 5050-55 dt. 29-3-78.	01208-Tablet Acetylsalicylic Acid. 300 mg. 01222-Tablet Paracetamol. 01468-Calcium Gluconate Tablet.	Nos. 6,00,000 Nos. 2,50,000 Nos. 4,00,000	Nil 9620.00 9692.80	The representative sample of the item failed in test and as such the supply made by the firm was rejected. Not issued yet (received in June, 78—RV No. 78 for 6/78). 21/6/78 25/6/78 25/6/78 28/6/78 28/6/78 30/6/78	Nos. 3,00,000 5,000 1,000 1,000 2,000 5,000 10,000	Genl. Hospital, Chandigarh. BSF HQs, RK Puram, New Delhi. Cmndt. J&K SSB Dn. Cmndt. 21 Bn. CRPF K. Camp, Delhi. Cmndt. 36 UP SSB Bn. Cmndt. 18 Bn. BSF, Bikaner. PTC Phillaur

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
		306/6/78					2,000	1st Bn ITBP Saraswa (Saharanpur) Commdt. II
		307/6/78					3,000	HP SSB DN. Dharampur, HP.
		300/6/78					24,000	Sewa Samiti Free Hospi- tal, Karnal.
		106/6/78					5,000	BSH Project, Surangani, HP.
		73/6/78					5,000	Rural Dis- pensary, Sha- mbhu Kalan (Pb.)
		340/6/78					1,000	Dy. Dir. Fron- tier Academy, Gwaldam.
		118/6/78					5,000	Commdt. V. Ba- ITBP, Uttar- Kashi, UP.
		[298/6/78					2,000	Commdt. 35 UP SSB Bn. Almora, UP.
		14/7/78					10,000	Commdt. Group Centre, CRPF, Rampur.
		24-7/78					6,900	Delhi Admn. Dipty., Luxmi Nagar, Delhi.
		20/7/78					12,000	Lady Reading Health School, Bara Hindu Rao, Delhi.

### Buffer Stock of Steel

2656. SHRI MOHINDER SINGH SAYIANWALA: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether a decision has taken to form a buffer stock of steel in the country to contain rising prices and effect regular supply;

(b) whether steel is to be imported for the purpose;

(c) if so, of what value and quantity thereof; and

(d) whether proper storage arrangements have been made for the same?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA):

(a) Yes, Sir.

(b) Yes, Sir.

(c) The details are being worked out.

(d) SAIL is making necessary storage arrangements.

राजकोट डिसे के कोलीयड में टेलीफोन एक्सचेंज खोलना

2657. श्री धर्मसिंह भाई पटेल : क्या संचार मंत्री गडिक्त तालुका राजकोट (गुजरात) के लोगों को टेलीफोन कनेक्शन देने के बारे में दिनांक 21 जुलाई, 1977 के प्रतारंकित प्रश्न संख्या 4370 के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) क्या कोलीयड गांव में टेलीफोन एक्सचेंज परियोजना के प्राक्कलन महा-प्रबंधक दूर संचार अहमदाबाद के विचाराधीन थे; यदि हां. तो इन प्राक्कलनों को कब तक मंजूर किया जायेगा और कोलीयड में कब तक टेलीफोन एक्सचेंज खोला जायेगा ;

(ख) कोलीयड तथा अन्य ग्रामों के गांवों के लोगों को, जिन्होंने टेलीफोन कनेक्शनों के लिए राशि भी जमा कर दी है, कब तक टेलीफोन कनेक्शन दिये जायेंगे; और

(ग) कोलीयड में टेलीफोन एक्सचेंज का कार्य पूरा न करने तथा धनराशि जमा करने वाले 13 व्यक्तियों को टेलीफोन कनेक्शन देने के क्या कारण हैं ?

संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद सुखदेव साय) :

(क) कोलीयड ग्राम में टेलीफोन एक्सचेंज खोलने की परियोजना के प्राक्कलन को स्वीकृति दे दी गई है। प्रस्ता है कि यह एक्सचेंज चालू वित्तीय वर्ष के दौरान खोल दिया जाएगा।

(ख) ऐसी बाधा की जाती है कि चालू वित्तीय वर्ष के दौरान इस टेलीफोन एक्सचेंज के खुल जाने पर सिवाय एक सैंबी दूरी वाले कनेक्शन के अन्य अन्य सभी मौजूदा धाबेदारों को टेलीफोन कनेक्शन दे दिया जाएगा। सैंबी दूरी वाले उपभोक्ता को टेलीफोन कनेक्शन देने में कुछ समय लगेगा, क्योंकि धाबेदार साल-सामान की पर्याप्त मात्रा में व्यवस्था की जानी है।

(ग) उपस्कर की सामान्य कमी होने के कारण टेलीफोन एक्सचेंज अब तक नहीं खोला जा सका है।

जूनागढ़ में टेलीफोन केन्द्र तथा टेलीफोन कनेक्शन

2658. श्री धर्मसिंह भाई पटेल : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) गुजरात के जूनागढ़ डिवीजनल टेलीफोन (टेलीग्राफ्स) में कुल कितने टेलीफोन केन्द्र हैं और इन सभी टेलीफोन

केन्द्रों की कितने टेलीफोनो की क्षमता है और अब तक उनमें से कितने टेलीफोन कनेक्शन दिये गये हैं;

(ख) क्या जूनागढ़ टेलीफोन डिबिजन को दो हिस्सों में बांटने और जूनागढ़ या अमरेली को अलग-अलग टेलीफोन डिबिजन बनाने का कोई प्रस्ताव है और यदि हां, तो तत्संबंधी व्योरा क्या है और दो-अलग-अलग डिबिजन कब बनाये जायेंगे;

(ग) इन दो अलग-अलग डिबिजनों को बनाने के पश्चात् इस समय जो टेलीफोन केन्द्र जूनागढ़ टेलीफोन डिबिजन में सम्मिलित हैं उनमें से क्रमशः जूनागढ़ डिबिजन तथा अमरेली डिबिजन में कौन-कौन से टेलीफोन केन्द्र सम्मिलित किये जायेंगे; और

(घ) जूनागढ़ टेलीफोन डिबिजन को 1976-77 और 1977-78 में कितनी आय हुई?

संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद मुखर्जी साय) :

(क) जूनागढ़ तार इंजीनियरी डिबिजन में एक्सचेंजों की कुल संख्या 60 है। एक्सचेंज की कुल सुसज्जित क्षमता 11320 लाइनों की है और काम कर रहे कुल कनेक्शनों की संख्या 9487 है।

(ख) ऐसा निर्णय किया गया है कि जूनागढ़ तार इंजीनियरी डिबिजन को दो भागों में विभक्त कर दिया जाए और जूनागढ़ के लिए एक दूसरा तार इंजीनियरी डिबिजन बढ़ा दिया जाए। नये तार इंजीनियरी डिबिजन का नाम जूनागढ़ दक्षिण रखा जाएगा। और शेष बचे तार इंजीनियरी डिबिजन का नाम जूनागढ़ उत्तर रखा जाएगा। इनके आदेश हाल ही में जारी किये जाने वाले हैं। दोनों इंजीनियरी डिबिजनों की रचना इस प्रकार होगी :—

(1) जूनागढ़ दक्षिण (नया डिबिजन) :

(क) अमरेली टेलीग्राफ सब-डिबिजन।

(ख) बेरावल टेलीग्राफ सब-डिबिजन।

(ग) बेरावल फोन्स सब-डिबिजन।

(2) जूनागढ़ (उत्तर) क्षेत्र

(क) जूनागढ़ टेलीग्राफ सब-डिबिजन

(ख) जूनागढ़ फोन्स सब-डिबिजन।

(ग) पोरबन्दर फोन्स सब-डिबिजन।

पहले यह प्रस्ताव था कि अमरेली में एक नया टेलीग्राफ इंजीनियरी डिबिजन बनाया जाय, किन्तु बहुत से पहलुओं पर विचार करने के बाद यह फैसला किया गया है कि जूनागढ़ में ही एक नया इंजीनियरी डिबिजन बना दिया जाय।

(ग) टेलीफोन एक्सचेंजों के नाम

(1) जूनागढ़ दक्षिण टेलीग्राफ इंजीनियरी डिबिजन (नया)

(क) अमरेली

(ख) एस० कुंडला

(ग) दामनगर

(घ) बासा

(ङ) बागासारा

(च) कुकारा

(छ) बबारा

(ज) चीतल

(झ) लाधी

(ञ) गाड़ियाधार

(ट) ललियामोट।

(ठ) बीजापदी

(ड) वांदा

(ढ) गढ़ाकदा

(ण) मोटा भंकाडिया

(त) मोतियाराला

(थ) बीखा

(द) तलाला

(घ) उना

(न) कोडीनार

(प) विसावदर

(फ) घारी

(ब) राजुला

(भ) दिव

(म) गीरगढादा

(क) सानाकाडा

(ख) डोकावदा

(ग) मोनपारी मोती

(घ) सरसाई

(ङ) नागसरी

(च) जाफराबाद

(छ) डूंगर

(ज) खंभा

(झ) मोटा सांघियाला

(ञ) चलाला

(ट) अकोल वाडी

(ठ) शेर बाग

(ड) बेरावल

(2) जूनागढ़ उत्तर टेलीग्राफ इंजीनियरी  
विचोषण (बाकी)

(क) बादल

(ख) मैदराडा

(ग) लुशाला

(घ) सरदारगढ़

(ङ) राणाबाव

(च) भेसुघान

(छ) आदित्याना

(ज) जाम रावल

(झ) माणावदर]

(ञ) मालिया हाटिन

(ट) माधव पार

(ठ) शिल

(ड) अजब

(च) केशोद

(त) शाहपुर

(थ) बांत बाली

(द) बांटवा

(घ) कूटियना

(न) मोगराल

(प) जूनागढ़

(फ) पोरबन्दर

(घ) 1976-77 और 1977-78 के दौरान अर्जित विद्या गयी राजस्व इस प्रकार है :-

1976-77

(क) टेलीफोन राजस्व

1,55,67,637,00 रु०

(ख) टेलीग्राफ राजस्व

88,681,00 रु०

1977-78

(क) टेलीफोन राजस्व

1,88,34,635,00 रु०

(ख) टेलीग्राफ राजस्व

11,4332,00 रु०

### Medical Facilities in Ladakh

2659. SHRIMATI PARVATI DEVI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) what steps Government propose to take to increase modern medical facilities in Ladakh;

(b) increase the capacity of beds in the hospitals;

(c) open more allopathic dispensaries;

(d) set up large number of health units or first-aid centres;

(e) make available training facilities for compounders, mid-wives and nurses; and

(f) provide financial encouragement to indigenous medical practitioners?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) to (f). The information is being collected and will be placed on the Table of the House.

### Number of Applications received in R.P.O., Bombay for Immigration

2660. SHRI VAYALAR RAVI: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the total number of applications received for immigration clearance to go to different Gulf Countries in R. P. Office at Bombay in one year;

(b) how many have been cleared; and

(c) the steps taken to clear more applications within 24 hours?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) The Regional Passport Office, Bombay, had received in

the past one year ending June 30, 1978, a total number of 29, 508 applications for emigration clearance to go to different Gulf countries; these applications were made by recruiting agents in respect of group recruitment and by individual emigrants.

(b) All applications have been cleared.

(c) The applications received from the individual emigrant who have obtained jobs through their own efforts are cleared within 24 hours, while those received from the recruiting agents are cleared within 48-72 hours as these applications are given in bulk and need some processing time.

### राजकोट में डाक और तार विभाग का डिबोजनल आफिस

2661. श्री धर्मसिंह भाई पटेल : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या डाक और तार विभाग के राजकोट (सीराष्ट्र) डिबोजनल में सामग्री रखरखाव के लिए 1971-72 में राजकोट में एक डिबोजनल आफिस की मंजूरी दी गई थी;

(ख) यदि हाँ, तो क्या अब इस कार्यालय को राजकोट के वजाय अहमदाबाद में रखने का निर्णय किया गया है ;

(ग) यदि हाँ, तो इसके क्या कारण हैं;

(घ) अब यह कार्यालय राजकोट में कब से चालू हो जायेगा ; और

(ङ) इस कार्यालय को राजकोट में रखने के लिए गत 6-7 वर्षों में क्या किया गया है ?

संसार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद मुखर्जी साय) : (क) जी हाँ। वास्तव में यह राजकोट में डाक भंडार डिपो के संबंध में है जिसकी मंजूरी के आदेश दिनांक 22-12-72 को जारी किये गए थे।

(ख) से (ङ). राजकोट में उपयुक्त इमारत के अभाव में नया डाक भंडार डिपो अहमदाबाद में खोला गया था। बहुत अधिक प्रयास करने के बावजूद राजकोट में उपयुक्त स्थान उपलब्ध न होने के कारण यह डिपो अब भी अहमदाबाद में ही काम कर रहा है। इसके लिए प्रयास जारी है और ज्योंही उचित किराये पर उपयुक्त स्थान उपलब्ध हो जाएगा, यह डिपो राजकोट में स्थानान्तरित कर दिया जाएगा।

#### Pending Applications in R.P.O., Cochin

2662. SHRI VAYALAR RAVI: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the total number of passport applications pending with Regional Passport Office, Cochin;

(b) the reasons for such large accumulation of applications; and

(c) the steps taken to clear these passports?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) The net effective arrear position of pending passport applications in the Regional Passport Office, Cochin (Ernakulam) as on 25th July, 1978 was 71,037 (after excluding the inflow of fresh applications of 6,414 received from the 1st July to the 25th July, 1978, which are being processed). Out of them, 10,600 applications were pending due to want of additional information about date of birth, financial guarantee, etc. from the applicants or for

reasons, such as insufficient number of photographs. The applicants have been addressed again by the Regional Passport Office to supply the required information/documentation so that issue of their passports is not held up.

The net effective arrear position in the Sub-Regional Passport Office, Kozhikode, which was opened on 17th June, 1978, was 1,217 as on 25th July, 1978.

(b) The present arrears of 72,254 applications pending as on 25th July, 1978 for the Ernakulam and Kozhikode offices shows a sharp reduction from the arrear position of 2,13,297 as on 31st January, 1978. The reason for a sudden increase in the arrear position to 2,13,297 (as on 31st January, 1978) from that of 1,33,953 (as on 31st October, 1977) was that a large number of passport applications had been received in bulk from the District Collectorates in the State during November 1977, December 1977 and January 1978, totalling nearly one lakh of applications. These applications had been submitted to the Collectorates for police verification before they were sent on to the RPO, Ernakulam.

(c) To deal with the arrear situation, the Government sanctioned additional officers and staff for the RPO, Ernakulam. As against 6 Passport Issuing Authorities (namely, Regional Passport Officer, Assistant Passport Officers and Public Relations Officers) as on 1st March, 1978, the combined strength of Passport Issuing Authorities for Ernakulam and Kozhikode was increased to 11. In addition, the services of three officers have been borrowed from the Kerala Government, two for passport issue work and one for emigration functions. The strength of staff for passport issue work has been increased from 129 in March, 1978 to 195 at present. It is as a result of these measures, that the arrear position of the Ernakulam and Kozhikode Passport Offices has been brought down to 72,254 as on 25th July, 1978.



### Items Produced at I.T.I., Palghat

2663. SHRI VAYALAR RAVI: Will the Minister of COMMUNICATIONS be pleased to state:

(a) what are the items which are proposed to be produced at I.T.I., Palghat under the first project report and what are the items being produced at present;

(b) whether any machinery has been shifted from I.T.I. Palghat; and

(c) if so, the reasons for the same?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) The items to be produced as per Project Report were Electronic Private Automatic Branch Exchanges (PABXs). The items being produced at present are:—

1. Electronic PAX 10.1 Lines
2. Electronic PAX 10.2 Lines
3. Electronic PAX 25/50 Lines
4. Electronic PABX 50 Lines
5. Small capacity exchanges for Defence Services.

(b) No, Sir.

(c) Does not arise.

### Memorandum from Daily-wages Workers working in LIC Pune

2664. SHRI R. K. MHALGI: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether the Minister of State of Labour has received memorandum and representation dated 9th April, 1978 from and on behalf of the daily wages workers working in Pune (Maharashtra) Divisional Office of Life Insurance Corporation of India; and

(b) if so, what action Government have taken so far, or propose to take soon in regard to the said memorandum and representation received?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): (a) Yes, Sir.

(b) The whole system of engaging Casual Workers on daily-rated basis (Badli appointments) and the question of absorption of such workers against the regular vacancies based on certain criteria is under consideration of the Life Insurance Corporation of India.

### Use of Needle and Syringe in Homoeopathy

2665. SHRI SARAT KAR: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the use of Homoeopathic medicines per needle and syringe is not permitted by the 'Organon of Medicine' (6th edition); and

(b) if so, what action Government propose to stop this wrong and un-Homoeopathic practice?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) Dr. Hahnemann in his book 'Organon of Medicine' (6th edition) has not expressed any opinion or views regarding the use of Homoeopathic medicines per needle and syringe.

(b) The question does not arise.

### Allopathic Injectables alongwith Homoeopathic Treatment

2666. SHRI SARAT KAR:

SHRI S. S. SOMANI:

Will the Minister of HEALTH AND FAMILY PLANNING be pleased to state:

(a) whether Government have accepted the use of some Allopathic injectables along with the Homoeopathic treatment which is against the

'Newton's Third Law' (law of reaction) of nature retarding cures, as well as against the 'Organon of Medicine'; and

(b) if so, the authority who recommended its use and on what grounds?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) No. the Government of India do not recognise the use of the allopathic injectables along with Homoeopathic treatment, whereas it recommend the practice of Homoeopathy according to principles laid down by Dr. Hahnemann.

(b) The question does not arise.

#### Branch of Telephone Industries in Assam

2667. SHRI AHMED HUSSAIN: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Government contemplate to set up a branch of the telephone and teleprinters industries in Assam and other parts of the N.E. Region in the near future; and

(b) if so, the details and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) and (b) In the draft Five Year Plan 1978-83 provision has been included for setting up of two new units of Indian Telephone Industries Ltd., namely one Switching Factory and one Transmission Factory. The question regarding the location of these two new units is under consideration. At present there is no proposal to set up any branch of Hindustan Teleprinters Ltd.

#### कलोल (गुजरात) टेलीफोन प्रयोक्ता संगठन से शिकायत

2668. श्री मोतोभाई धार० चौधरी : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को कलोल (गुजरात) टेलीफोन प्रयोक्ता संगठन से हाल में कोई अभ्यावेदन प्राप्त हुआ है ;

(ख) क्या उसने सारे नगर में टेलीफोनों के बार-बार खराब होने की शिकायत की है और यदि हां, तो सरकार द्वारा उस पर क्या कार्रवाई की जानी है ; और

(ग) क्या सरकार शिकायतों को स्थायी रूप से हल करने के लिए कोई ठोस कदम उठायेगी और कब तथा किस प्रकार से ?

संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद सुखदेव साय) : (क) जी हां ।

(ख) जी हां । एक्सचेंज उपस्कर का पूरा ओवरहाल करने का काम हाथ में ले लिया गया है । यह काम चल रहा है ।

(ग) एक नए डाक-तार भवन का निर्माण किया जा चुका है । आशा है कि नए उपस्कर की स्थापना का काम यथासमय शुरू कर दिया जाएगा ।

#### Demands of E.P.F. Staff Association, Trivandrum

2669. SHRI VAYALAR RAVI: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether the E.P.F. Staff Association, Trivandrum submitted any demands;

(b) if so, the feature of the demands; and

(c) the steps taken to meet their demands?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KIRPAL SINHA): (a) Yes, Sir.

(b) The demands relate to sanction of adequate staff, filling of vacancies of Provident Fund Inspectors, regularisation of ad-hoc appointments of Upper Division Clerks, confirmation of staff, etc.

(c) Action on some of the demands, namely, staff sanction, filling of vacancies, confirmation of staff against available permanent vacancies and regularisation of ad-hoc appointments has been taken. The remaining items are being looked into.

**‘हिडालको’ को सरकारी अधिकार में लिया जाना**

2670. श्री युवराज : क्या इस्पात और खान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उत्तर प्रदेश की सरकार ने केन्द्र सरकार से अनुरोध किया है कि वह राज्य की अर्थव्यवस्था के हित में हिन्दुस्तान स्टील लिमिटेड कापॉरेशन (हिडालको) को अपने अधिकार में ले ले; और

(ख) यदि हां, तो मजदूरों और राज्य के हित में इसको अपने अधिकार में कब तक लिया जायेगा और यदि नहीं तो इसके क्या कारण हैं ?

इस्पात और खान मंत्री (श्री बीजू पटनायक) : (क) और (ख) हाल में ही इस संबंध में, उत्तर प्रदेश सरकार के ऊर्जा मंत्री से एक पत्र प्राप्त हुआ है तथा इस पर विचार किया जा रहा है ।

### Alumina Project, Kutch

2671. SHRI F. P. GAEKWAD: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether it is a fact that the Government of India have approved establishment of a Rs. 30 crores Alumina project in Kutch as a major joint Indo-Hungarian venture;

(b) whether feasibility and techno-economic studies have been made and reports prepared;

(c) whether the proposed project is an export-oriented plant;

(d) whether the project is financed by Hungary;

(e) if so, the nature of Hungarian economic and technical co-operation in the project;

(f) the capacity of the plant based on the vast bauxite deposits available in Kutch District; and

(g) the details about location of plant, number of persons likely to get employment and the production schedule?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) No, Sir.

(b) and (c) The Gujarat Minerals Development Corporation Limited (GMDC) have recently concluded an agreement with M/s. Chemokomplex of Hungary for preparing a feasibility study for setting up an export-oriented alumina plant of 3,00,000 tonnes per annum capacity in Gujarat State.

(d) and (g) The details will be known only after the feasibility study is completed by the Hungarian Agency.

### Electronic Medical Instruments

2672. SHRI DHARMA VIR VASISHT: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the kind of electronic medical instruments provided in Central Hos-

pitals particularly to treat disease of heart, blood, lungs, kidney and brain together with the names of Centres/Hospitals; and

(b) whether a Rs. two lakh artificial Heart Bank had been opened in Madras and if so, the details of the same?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) and (b). The required information is being collected and will be laid on the Table of the Sabha.

विदेश मंत्री द्वारा विदेशों की यात्रा

2673. श्री उग्रसेन : क्या विदेश मंत्री यह बताने की कृपा करेंगे कि :

(क) उन्होंने 1 जनवरी, 1978 से 30 जून, 1978 तक की अवधि के दौरान किन-किन देशों की यात्रा की और भारत की विदेश नीति की किन-किन मुख्य बातों पर उन्होंने विचार विमर्श किया

(ख) उनकी ईरान, ईराक तथा मध्य-पूर्व के अन्य देशों की यात्रा के परिणामस्वरूप उन्हें क्या सफलता मिली; और

(ग) क्या उन्होंने जिन देशों की यात्रा की, उनमें स्थित भारतीय दूतावासों का निरीक्षण भी किया था और उनकी कमियों की ओर भारत सरकार का ध्यान दिलाया था ?

विदेश मंत्रालय में राज्य मंत्री (श्री समरेन्द्र कुण्डू): (क) 1 जनवरी, 1978 से 30 जून, 1978 की अवधि के बीच विदेश मंत्री ने पाकिस्तान, आस्ट्रेलिया, मारीशस, आस्ट्रिया, ईरान, यूनाइटेड किंगडम और संयुक्त राज्य अमेरिका की यात्रा की। इन सभी देशों के नेताओं के साथ विदेश मंत्री

ने द्विपक्षीय हित तथा अंतर्राष्ट्रीय महत्व के विभिन्न मामलों पर व्यापक विचार विमर्श किया।

(ख) ईरान की यात्रा अपने पड़ोसियों के साथ निरंतर सलाह मशविरा करते रहने की प्रक्रिया का ही एक अंग था और यह दोनों देशों के बीच विद्यमान आपसी मित्रता के सम्बन्धों को और अधिक सुदृढ़ करने में सहायक सिद्ध हुई।

इस क्षेत्र के किसी अन्य देश का दौरा विदेश मंत्री ने इस अवधि में नहीं किया।

(ग) इस प्रकार की यात्राओं से संवध देशों में स्थित भारतीय मिशनों के समग्र संचालन के विभिन्न महत्वपूर्ण पक्षों की भी जांच की जाती है जिससे कि उनमें समग्र रूप से सुधार किया जा सके।

Request for intervention by P.M. for reinstatement of HSCL Workers at Bokaro

2674. SHRI ROBIN SEN: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether the Government of Bihar has sought the intervention of the Prime Minister for reinstatement of nearly 2000 workers retrenched by the Hindustan Steel Works Construction Limited (HSCL) at Bokaro;

(b) whether the Prime Minister has advised the Steel Ministry to settle the matter expeditiously; and

(c) if so, whether Government are taking necessary action in the matter?

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): (a) to (c). Consequent on the construction work at Bokaro Steel Plant nearing completion, HSCL is now faced with the problem of large surplus labour at Bokaro. Efforts are being made by HSCL to get some of the

surplus personnel absorbed in other projects undertaken by HSCL at Bhilai, Kudremukh, etc.

2. The problem of surplus personnel numbering about 6500 at Bokaro has also been discussed recently in a meeting between the Prime Minister, Minister of Steel and Mines and Chief Ministers of Madhya Pradesh and Bihar when it was agreed that some of the surplus workers from Bokaro can be sent to Bhilai, in batches in a phased manner while at the same time local persons would continue to get employment at Bhilai. Action is being taken by CSCL to implement this scheme in consultation with the local authorities of the State Government at Bhilai.

3. No retrenchment has so far taken place at Bokaro of HSCL workers. Of the initial surplus of 6500 workers Bokaro has so far been able to deploy 1800 in other units of HSCL leaving a balance of 4700 surplus workers at Bokaro. HSCL is also trying to secure works abroad so that some of the surplus staff could be utilised in those projects.

4. Efforts are also being made by HSCL to get the surplus employees absorbed in other public sector construction organisations.

#### **Demand of G. P. and G. C. Sheets in West Bengal and Tripura**

2675. SHRI SACHINDRA LAL SINGHA: Will the Minister of STEEL AND MINES be pleased to state:

(a) the details of annual demand of G.P. and G.C. Sheets in West Bengal and Tripura;

(b) the details of the supply of these sheets in this area;

(c) whether it is a fact that H.S.L. Calcutta Stock-yard failed to supply to the Calcutta Firms;

(d) if so, the details of the demand made by the Calcutta Firms during the last three years, firm-wise; and

(e) the action taken up-to-date in meeting the demand of the Calcutta Firms?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) According to the assessment of SAIL, the effective annual demand for GP and GC sheets in West Bengal and Tripura is 20,000 tonnes and 1,500 tonnes respectively.

(b) Details of approximate supplies of GP and GC sheets to West Bengal and Tripura by SAIL are given below:—

	(In tonnes)	
	West Bengal	Tripura
	tonnes	tonnes
1977-78	10,400	500
April-June '78	2,000	150

In addition to the above supplies made by SAIL, supplies have also been made by IISCO and TISCO.

(c) and (d). By and large the demands received by SAIL stock-yard at Calcutta are being depending on the availability. Since the sales from stock-yards take place on 'cash and carry' basis, the demands are not registered. Hence the details of firm-wise demand are not available.

(e) SAIL is rushing supplies of galvanised sheets to areas where shortages are reported.

#### **Committee to go into Alleged Corruption and Misuse in Steel Sector**

2676. SHRI SACHINDRA LAL SINGHA: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether there is a proposal for setting up a Committee to go into alleged mal-practices, corruption and misuse in the Steel Sector;

(b) if so, the details of the proposal with the complaints received up-to-date; and

(c) the action taken on the basis of this proposal?

THE MINISTER OF STATE IN THE MINISTRY OF SEEL AND MINES (SHRI KARIA MUNDA): (a) No, Sir.

(b) and (c) Do not arise.

# **Steel Policy for development of Rural and Backward Areas**

2677. SHRI CHINDRALAL SINGHA: Will the Minister of STEEL AND MINES be pleased to state:

(a) the details of the Steel Policy for the development of Rural and Backward Areas;

(b) the action taken up-to-date for the fulfilment of the said policy;

(c) whether it is a fact that while the demand for the Rural and Backward Areas was denied, huge quantity of Steel was available in the open market; and

(d) if so, the detailed reason thereof?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) Government has asked the main producers to take necessary steps to promote consumption of steel in the rural sector of the economy.

(b) A Study Team of SAIL has identified about 50 items made of iron and steel that can be used in the rural areas. Initially SAIL proposes to organise manufacture of some of these items through local entrepreneurs in four pilot workshops one each in the States of Andhra Pradesh, Gujarat, Orissa and Uttar Pradesh. Further plans on the subject will be decided on receipt of the results of the pilot workshops. In addition, SAIL

with the help of professional Institutes, is conducting surveys in the rural areas to identify avenues for promoting consumption of steel. SAIL is also engaged in the development of improved models of bullock-carts.

(c) The needs of the rural and backward areas have not been overlooked.

(d) Does not arise.

# **Joint Plant Committee**

2678. SHRI SACHINDRALAL SINGHA: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Joint Plant Committee set-up in 1975 has been abandoned;

(b) if so, the reasons thereof; and

(c) the details of action taken up-to-date replacing the Joint Plant Committee and the result achieved?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) No, Sir. However, the Joint Plant Committee was set up in 1964 and not in 1975.

(b) and (c) Do not arise.

# **Dead Telephones in Delhi**

2679. SHRI MUKHTIAR SINGH MALIK:

SHRI SHYAM SUNDER GUPTA:

SHRI G. M. BANATWALLA:

Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Government have seen the press reports in THE TIMES OF INDIA dated the 30th May, 1978 wherein it has been stated that several

hundred telephones remained dead throughout Delhi city;

(b) whether the telephone service in Delhi has been deteriorating day by day; and

(c) what measures have been taken by Government to improve the telephone service in Delhi?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) The press report appeared in *Times of India* dated 30th May, 1978 has been seen.

(b) No, Sir.

(c) Improvement measures taken in hand are:—

(i) Repair and replacement of the airconditioning plants.

(ii) Rehabilitation of all exchanges—internal and external plants, where necessary on a phased programme.

(iii) Continuous checking of the performance of all exchanges by an Efficiency Team every month and attending to the shortcomings noticed.

(iv) Pressurisation of all junction and primary cables on a phased programme basis.

(v) Use of jelly-filled distribution cables on an extensive scale to prevent seepage of water in case of minor damage to cables.

(vi) Setting up of 5 Monsoon Fault Control Centres to monitor the break down of cables and to repair them immediately by working round the clock, the fault Centre being provided with men, material and vehicles for the same.

(vii) Rigorous testing of all call queueing equipment for special services, monitoring the answering time of operators, and increasing the number of assistance service positions (199) from 36 to 60.

### Passport Racket

2680. SHRI MUKHTIAR SINGH MALIK:  
SHRI SHYAM SUNDER GUPTA:

SHRI G. M. BANATWALLA:  
Will the Minister of EXTERNAL AFFAIRS be pleased to state;

(a) whether a passport racket has been unearthed at the Bombay Airport by Government and it has been alleged that the prospective emigrants are being mulcted by as much as Rs. 100 to Rs. 300 per candidate;

(b) if so, whether some Foreign Ministry's officials are also taking bribes for issuing of passports; and

(c) what action Government have taken and if so, with what result?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) Yes, Sir; The CBI arrested a travel agent at Bombay airport for demanding and accepting money unauthorisedly from a prospective emigrant. The CBI officials also raided the agent's residence and seized a number of passports and some incriminating documents. They have also arrested two associates of the agent.

(b) The case is still under investigation. Therefore, it is not possible to say now whether any officials of the Ministry of External Affairs are also involved.

(c) CBI has registered a case against the agent and investigations are proceeding.

### Idle Mini Steel Plants

2681. DR BAPU KALDATE: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether it is a fact that a number of mini steel plants in the country have been lying idle;

(b) if so, since when these are lying idle; and

(c) what steps have been taken to provide sufficient raw material to these plants?

**THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK):** (a) and (b) Some mini steel plants were, earlier lying closed due to recession in steel demand, power shortage and other constraints. Due to various steps taken by the Government, most of the operating mini steel plants have since been brought back in production.

(c) The following steps have been taken to augment the supply of raw material to the mini steel plants:

(i) Direct import of a total of 2 lakh tonnes of ferrous melting scrap has been allowed to the electric arc furnace units.

(ii) Import duty on melting scrap has been abolished.

(iii) Excise duty on certain categories of heavy melting scrap procured from the integrated steel plants has been abolished.

Import of graphite electrodes has also been allowed to meet its shortage in supply from indigenous sources.

**Memorandum from Graduate Engineers, Telecom Association, Maharashtra**

2682. DR. VASANT KUMAR PANDIT: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Government have received a memorandum from the Graduate Engineers, Telecom Association (India) Maharashtra State Branch complaining against lack of promotional opportunities for engineering graduates recruited as Jr. Engineers in Post & Telegraph Department;

(b) if so, what are their demands regarding pay scales recruitment, cadre, promotion and percentage reservation, for promotion to group 'A';

(c) whether a lot of frustration, discontent, and ill-feeling has grown in the mind of graduate engineers about job prospects and promotion in the P. & T. Department; and

(d) if so, what steps have been taken to remedy the situation and give the graduate engineer a proper evaluation in the P. & T. Department?

**THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI):** (a) Yes, Sir.

(b) Their demands are as follows:

(1) Higher pay scale of Rs. 500/900 instead of Rs. 425/700.

(2) Better promotional avenues by grant of promotion to Group 'B' cadre after 3 years of service.

(3) Only Graduates Engineers should be recruited as Jr. Engineers.

(4) Reservation of 50 per cent outside vacancies in Group 'A' services for engineering graduates existing in the P & T Department.

(c) and (d) The Graduate Engineers Telecom. Association, India is not a recognised Association. No action is required to be taken on representations received from unrecognised associations.

**Pakistan's desire to attend non-Alligned Meet**

2683. SHRI KANWAR LAL GUPTA: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Pakistan has sought India's support for membership of the non-aligned group of nations;

(b) is it also a fact that the representative of Pakistan had a talk with the Minister recently over this issue;

(c) if so, the details thereof and the steps taken by Government over the request of Pakistan's representative;



(d) whether Pakistan is being invited as a guest at Belgrade on the request of India; and

(e) the reaction of Pakistan over the steps taken by Government over their request?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) Pakistan had sought India's support for participation in an appropriate capacity in the Belgrade meeting of the Foreign Ministers of non-aligned countries.

(b) Yes, Sir.

(c) There are certain well-established criteria for participation in the non-aligned movement. One of the criteria is that the country concerned should not be a member of a multi-lateral military alliance concluded in the context of Great Power conflicts. However, at the Colombo Summit of the non-aligned countries in 1976, some countries, similarly placed as Pakistan, were permitted to participate as guests. As there was consensus in favour of Pakistan participating as guest in the Belgrade meeting, Government supported such consensus and Pakistan participated in the Belgrade meeting as guest.

(d) No, Sir.

(e) The Government of Pakistan have appreciated Government of India's stand on this question.

### इस्पात में आत्म निर्भरता

2684. श्री कंवर लाल गुप्त : क्या इस्पात और खान मंत्री यह बताने की कृपा करेंगे कि :

(क) गत एक वर्ष में विदेशों से कितनी मात्रा में इस्पात का आयात किया गया ; और

(ख) देश में इस्पात उत्पादन में आत्म-निर्भर बनने के लिए सरकार क्या कार्य-वाही कर रही है ?

इस्पात और खान मंत्रालय में राज्य मंत्री (श्री कड़िया मुण्ड) : (क) वर्ष 1977-78 में सेल इन्टरनेशनल लिमिटेड ने माध्यम अभिकरण के रूप में 3,48,313 टन इस्पात का आयात किया था ।

(ख) देशीय उत्पादन द्वारा आत्म-निर्भरता प्राप्त करना व्यावहारिक नहीं है क्योंकि ऐसी कुछ श्रेणियों का उत्पादन करना, जिनकी मांग कम है, मितव्ययी न होगा । फिर भी, उत्पादन में अधिकाधिक वृद्धि करने के प्रयत्न किए जा रहे हैं और केवल ऐसी श्रेणियों का ही आयात किया जाता है जिनका या तो देश में उत्पादन नहीं होता है या उत्पादन पर्याप्त मात्रा में नहीं होता ।

### Jobs to Unemployed Youth

2685. SHRIMATI AHILYA P. RANGNEKAR: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether the attention of Government has been drawn to the analysis collected by a team of the World Employment programme (WEP) of the International Labour Organisation (ILO) that law and order problems will multiply if society does not take appropriate measures for fuller integration of youngmen in the work processes by giving them responsibilities and recognition?

(b) if so, the reaction of Government thereto; and

(c) the steps being taken to create more and more job opportunities to the unemployed youths?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): (a) No, Sir.

(b) Does not arise.

(c) The Plan for the years 1978 to 1983 will be so formulated as to have a high employment content where opportunities will be provided both in the rural and urban areas for substantial employment. Accordingly, as and when the Plan unfolds itself and gets implemented, more and more opportunities will be created for employment.

#### Employability of ITI Trainees

2686. SHRI A. BALA PAJANOR: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) the annual expenditure on Industrial Training Institutes;

(b) the number of persons trained and the trades in which trained; and

(c) the assessment of the employability of the trainees on completion of training indicating number absorbed in various occupations?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): (a) The Industrial Training Institutes are running under full financial and administrative control of the State Governments and Union Territories. The information asked for is not available.

(b) A statement is attached which indicates the total number of persons trained and the trades in which they have been trained.

(c) On completion of training an assesment of the skills acquired by the trainees is carried out by conducting All-India Trade Tests under the auspices of the National Council for Training in Vocational Trades. No assessment of employability of the trainees is carried out as the employment of the trainees depends on the availability of job opportunities in the industry.

It may be stated that as against 10.19 lakhs trainees trained so far, 2.18 lakhs were on the Live Register of the Employment Exchanges as on June, 1977.

#### Statement

*The number of trainees who have successfully completed training up to 1977 and the number of trades is given below. The number of Industrial Training Institutes is 356.*

S. No.	Category of Trades	No. of trades	No. of persons trained
1.	Engineering	32	9,07,092
2.	Non-Engineering	21	1,12,049
	TOTAL	53	10,19,141

*List of Trades :*

## ENGINEERING

1. Blacksmith.
2. Welder (Gas & Electric).
3. Sheet Metal Worker.
4. Moulder.
5. Carpenter.
6. Mechanic (Motor Vehicle)
7. Mechanic (Tractor).
8. Mechanic (Diesel).
9. Upholstry.
10. Plumber.
11. Painter.
12. Farm Mechanic.
13. Wireman.
14. Building Constructor.
15. Pattern Maker.
16. Fitter.
17. Turner.
18. Machinist.
19. Machinist (Grinder).
20. Electroplater.
21. Electrician.
22. Instrument Mechanic.
23. Refrigeration Mechanic.
24. Millwright Maintenance.
25. Tool & Die Maker.
26. Watch & Clock Maker.
27. Draughtsman (Mechanical).
28. Wireless Operator.
29. Surveyor.
30. Draughtsman (Civil).
31. Mechanic (Radio & TV).
32. Electronics.

## NON-ENGINEERING

1. Bleaching, Dying & Calico Printing.
2. Book-Binding.
3. Cane, Willow and Bamboo Work
4. Cutting & Tailoring.
5. Embroidery & Needle Work.
6. Hand Composition and Proof Reading.
7. Weaving of Fancy Furnishing Fabrics.
8. Hand Weaving of Nawar, Tape, Durries and Carpet.
9. Weaving of Woollen Fabrics.
10. Manufacture of Foot Wear.
11. Knitting with Machine.
12. Manufacture of Household Utensils.
13. Manufacture of Sports Goods (Leather).
14. Manufacture of Sports Goods (Misc.)
15. Manufacture of Sports Goods (Wood).
16. Manufacture of Suit-cases and other Leather Goods.
17. Preservation of Fruits and Vegetables.
18. Printing Machine Operator.
19. Stenography (English).
20. Stenography (Hindi).
21. Weaving of Silk & Woollen Fabrics.

**Report of Committee on Consumers' Price Index Numbers**

2687. SHRI JYOTIRMOY BOSU:  
Will the Minister of PARLIAMEN-  
TARY AFFAIRS AND LABOUR be  
pleased to state:

(a) whether the Committee on Con-  
sumer Price Index numbers submitted  
its report to Government in February,  
1978;

(b) if so, the reasons why the said  
report has not been laid on the Table  
of the House;

(c) whether any member or mem-  
bers of the Committee attached notes  
of dissent to the report; and

(d) if not, the salient features of  
those notes?

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND LABOUR  
(SHRI RAVINDRA VARMA): (a)  
to (d) Yes, Sir, the Report including  
three separate Minutes of Dissent by  
five members representing the interest  
of employers and workers is under  
study. The Hindi version of the Re-  
port is under preparation and will be  
ready shortly. The Report will soon  
be laid on the table of the House.

**Definition of Casual Workers as  
Workmen**

2688. SHRI K. A. RAJAN:

SHRI M. N. GOVINDAN  
NAIR:

Will the Minister of PARLIAMEN-  
TARY AFFAIRS AND LABOUR be  
pleased to state:

(a) whether the Madras High  
Court has made a judgement that the  
workers employed on a casual or  
ad hoc basis are "workmen" within  
the meaning of the term defined in  
the Workmen's Compensation Act;

(b) if so, the details thereof;

(c) whether Government have a  
proposal under consideration to ex-  
tend this statutory recognition to  
other labour legislations also; and

(d) if so, the details?

THE MINISTER OF STATE IN  
THE MINISTRY OF LABOUR AND  
PARLIAMENTARY AFFAIRS (DR.  
RAM KIRPAL SINGH): (a) and (b)  
The Madras High Court is reported to  
have held that a casual labourer,  
*Per se*, cannot be denied the rank of  
a workman contemplated under the  
Workmen's Compensation Act. Casual  
or non-regular employment has not  
been excluded from the ambit of the  
statute.

(c) and (d). Casual Labour emp-  
loyed in connection with employer's  
trade and business are already covered  
under the Workmen's Compensation  
Act, 1923, subject to the conditions of  
wage limit etc., being satisfied. The  
judgment of the Madras High Court  
confirms this legal position. The In-  
dustrial Disputes Act, 1947, Minimum  
Wages Act, 1950 and the Factories  
Act, 1948 etc., are already applicable  
to casual workers who fulfil the con-  
ditions laid down in the respective  
Acts.

**Appointment of D. D. General (Tech).  
ICMR**

2689. SHRI BHAGAT RAM: Will  
the Minister of HEALTH AND FAMI-  
LY WELFARE be pleased to state:

(a) whether it is a fact that a  
retired medical scientist from some-  
where else, has been appointed  
as one of the Deputy Director Gene-  
rals (Technical) of the ICMR;

(b) if so, the reaction of the Gov-  
ernment thereto; and

(c) whether Government is consi-  
dering to take necessary steps to  
amend the bye-laws of the ICMR  
suitably and bring the superannuation  
age of the medical scientists in the  
ICMR at par with the counterparts in

the Government of India when there is a large-scale unemployment of medical scientists in the country and their large scale exodus to foreign countries in search of employment?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) The post of Dy. Director General (Technical) of the ICMR was filled on the basis of obtaining the services of an officer from the Government of Maharashtra on deputation basis after the officer originally selected for the post expressed a desire that he would like to work in the laboratory rather than in the Headquarters office. This officer joined the ICMR Headquarters in June 1976 and continued on deputation basis till his retirement from his cadre on 31st October, 1976. Subsequently, the officer was employed on the normal re-employment terms for a period of 2 years.

(b) The appointment was recommended by a duly appointed Selection Committee of the ICMR. The recommendation of the Selection Committee was also approved by the then President and Vice-President of the Governing Body.

(c) No, Sir.

#### Foreign Minister's Visit to Austria

2696. PROF. P. G. MAVALANKAR: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether any specific agreements were reached as a result of his visit to Austria and discussion with leaders and officials of the Austrian Government; and

(b) if so, full details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) No, Sir.

(b) Does not arise.

#### Dissolution/Reconstitution of Telephone Advisory Committees

2691. PROF. P. G. MAVALANKAR: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether he has dissolved and/or reconstituted one or more local Telephone Advisory Committees in various major cities and towns of the country since he assumed charge of this Ministry;

(b) if so, full facts thereof, giving names and designations and qualifications of all personnel on all such committees and their term of office;

(c) the terms of reference or work of the said Committees; and

(d) criteria for selection of members for the said Committees?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) There has been no case of dissolution of Telephone Advisory Committees. The Telephone Advisory Committees are reconstituted on expiry of the term of two years. The list of Telephone Advisory Committees at various places is placed on the table of the House as at List I [Placed in Library. See No. LT-2561/78].

(b) The details will be laid on the table of the House.

(c) A statement giving the functions of Telephone Advisory Committees is placed on the table of the House as at List II. [Placed in Library. See No. LT-2561/78].

(d) Copy of the rules is placed on the table of the House as at List III. [Placed in Library. See No. LT-2561/78].

**Foreign Distinguished Guests'  
Visit to India**

2692. **PROF. P. G. MAVALANKAR:**  
Will the Minister of **EXTERNAL AFFAIRS** be pleased to state:

(a) whether one or more foreign distinguished guests visited India on official invitation between January 1 and July 15, 1978;

(b) if so, full facts thereof;

(c) the broad nature of subjects and topics discussed at the various said visits and meetings of the foreign dignitaries;

(d) whether any accord/agreement was reached in one or more cases as a result of the said visits and discussions; and

(e) if so, broad details thereto?

**THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU):** (a) to (e). Yes, Sir, many foreign distinguished guests visited India during January 1 and July 15, 1978. A statement containing the available information is laid on the Table of the House. [*Placed in Library. See No. LT-2562/78*]. Remaining information in respect of visits handled by other Ministries is being collected and will be laid on the Table of the House.

**Payment of overtime to persons holding Confidential Positions**

2693. **SHRI SURENDRA BIKRAM:**  
Will the Minister of **PARLIAMENTARY AFFAIRS AND LABOUR** be pleased to state:

(a) is it the intention of section 80 of the Factories Act, 1948 that those who are declared to hold confidential positions would not be entitled for overtime in case they have to work beyond the normal working hours;

(b) if not, have the Central Government taken steps to ensure that the persons holding these confidential position do get their overtime dues; and

(c) whether Government have come across any company which is not giving overtime payments to such employees holding confidential position under this section?

**THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA):** (a) and (b). Under Section 64 of the Factories Act, 1948, as amended, a person holding a position of supervision or management or employed in a confidential position in a factory, who is so defined or declared under the Act, shall be entitled to extra wages in respect of overtime work under Section 59 of the Act, provided the ordinary rate of wages of such person does not exceed Rs. 750/- per month. The Act is administered by the State Governments.

(c) No instances of infringement have been brought to our notice.

**Dispensary in Factories**

2694. **SHRI SURENDRA BIKRAM:**  
Will the Minister of **PARLIAMENTARY AFFAIRS AND LABOUR** be pleased to state:

(a) how many factories in the country having workers' strength over 500 do not have full fledged dispensary and an ambulance van with a qualified doctor; and

(b) what action has been taken by Government against such companies which are ignoring this statutory need?

**THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA):** (a) and (b). The information is not readily available and is being collected from the State Governments.

**Mineral Deposits in Rajasthan**

2695. SHRI S. S. SOMANI: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether it is a fact that a preliminary survey by the Geological Survey of India has revealed that Rajasthan has mineral deposits;

(b) whether a comprehensive plan has been drawn out for beneficial exploration of this mineral wealth in the State;

(c) if so, the cost and the details thereof; and

(d) how far it is proposed to be implemented in the Sixth Five Year Plan?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) Yes Sir.

(b) to (d). Mineral exploration is a continuing process and the programme for exploration has to be constantly reviewed and revised in the light of results obtained. Therefore, the G.S.I.'s programme of exploration is drawn up on a year to year basis within the overall framework of the Five Year Plans.

During the next field season programme (October, 1978 to September, 1979) which constitutes the first year of the Sixth Five Year Plan, the GSI proposes to carry out investigations for copper, lead, zinc, limestone, barytes, soapstone, clay, fullers earth, bentonine, mica, polash, phosphorite, emerald, wolframite and fluorite in Rajasthan.

In the Budget of GSI for 1978-79 an amount of Rs. 228.95 lakhs has been allotted for the Western Region of GSI which cover Rajasthan and Gujarat.

**Rock Phosphate in Jhamekotra (Udaipur)**

2696. SHRI S. S. SOMANI: Will the Minister of STEEL AND MINES be pleased to state;

(a) whether the Indian Bureau of Mines, Nagpur has submitted its studies and stated that the low grade rock phosphate ore at Jhamekotra in Udaipur District can be concentrated to make it usable in the fertiliser manufacture;

(b) if so, whether the State Government of Rajasthan has approached the Central Government to seek assistance in this regard; and

(c) if so, the reaction of Central Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) Yes, Sir.

(b) No, Sir.

(c) Does not arise.

**Calcutta Phone problems a legacy of past**

2697. SHRI CHITTA BASU: Will the Minister of COMMUNICATIONS be pleased to state:

(a) to what extent, it is correct to say "Calcutta phone problems a legacy of the past" as reported in the Calcutta edition of the 'Statesman' dated the 9th June, 1978; and

(b) what specific steps Government propose to take to liquidate the legacy of the past?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHEDEO SAI): (a) It is correct to some extent.

(b) Improvement measures taken in hand:—

1. Rehabilitation of all exchange Internal and External Plants, where necessary, on a phased programme.
2. Microwave Junctions between all outlying Exchanges and main Exchanges are being planned.
3. Construction of RCC Cable Ducts with PVC pipes for main cable routes in a phased manner.
4. Pressurisation of all Junction and Primary Cables in a time bound programme.
5. Provision of Moisture Barriers for protection of subscribers' Distribution cables.
6. Use of Jelly Filled Distribution Cables on an extensive scale to prevent seepage of water in case of minor damage to cables.
7. Provision of more Cable Distribution Cabinets and Pillars for quick restoration of faults and flexibility of giving new connections.
8. Provision of Stand-by Engine Alterations in Exchanges in case of Mains power failure.
9. Upgradation of Crossbar Exchanges of ITI Make on a phased programme.

#### **Waiting List for Telephone Connections in Calcutta**

2698. SHRI CHITTA BASU: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether there is a big waiting list of the applicants for new telephones in Calcutta;

(b) if so, the number of the waiting applicants; and

(c) by when the waiting list might be wiped out?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATION (SHRI NARHARI PRASAD SUKHDEO SAI): (a) Yes, Sir.

(b) Number of waiting applicants under different categories is as follows:

OYT	2,056
Special	1,378
General	22,646
TOTAL	<u>26,080</u>

(c) Waiting list is expected to be wiped out by March, 1980.

#### **Installation of Micro-wave Links in Calcutta**

2699. SHRI CHITTA BASU: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Government propose to instal micro-wave links in Calcutta; and

(b) if so, the steps taken in this direction?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) Yes, Sir. We have already installed an experimental digital Micro-wave system between Telephone Bhavan and Cossipore at Calcutta. In addition, we have proposed a scheme for inter-linking 5 Telephone Exchanges in Central and Northern Calcutta by Microwave links.

(b) This scheme is being examined from technoeconomic considerations. If found justified, these links are likely to be provided in about two years' time after issue of sanction.



### Improving Efficiency of Telephone Exchanges to Delhi

2700. SHRI VIJAY KUMAR MALHOTRA: Will the Minister of COMMUNICATIONS be pleased to state:

(a) has the shortage of spare parts, inadequate maintenance and overloading led some of the older telephone exchanges in Delhi to work far below the required standards of efficiency;

(b) if so, the steps being taken to improve the situation; and

(c) what arrangements have been made to meet the monsoons when thousands of telephones go dead as water seeps into the underground cables?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) Inadequacy of some spare parts, failure of a few air-conditioning plants in summer months and overloading had a somewhat adverse effect on the maintenance of some of the exchanges.

(b) The following steps have been taken:

(i) Necessary spares have been collected from the factory by sending a special representative.

(ii) Expansions of existing exchanges, and installation of new ones are being expedited to provide relief to overloaded exchanges.

(iii) The faulty Air-conditioning plants have been attended to.

(c) (i) Special Fault information and Repair Control Centres equipped with repair equipment, tools, instruments, transport and personnel have been set up to expedite repair action.

(ii) As a long term preventive measure, gas pressurisation of underground junction and primary cables is being stepped to cover the maximum possible length.

### Opening of Technical and Cultural Centre in Indian by Neutral Countries

2701. SHRI P. RAJAGOPAL NAIDU: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether a technical and cultural centre is going to be opened in India on behalf of neutral countries; and

(b) if so, when?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) and (b): There is a proposal to establish a Centre for Science and Technology of the Non-aligned and developing countries in India. The Conference of the Ministers for Foreign Affairs of the Non-aligned countries held in Belgrade from 25—29 July, 1978, accepted the offer of India to open the Centre and recommended that a plenipotentiary conference to adopt the Statutes for the Centre be convened as soon as possible.

There is no proposal to open a cultural centre in India on behalf of the non-aligned countries.

### Shortage of Steel Plates

2702. SHRI G. S. REDDI: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether there is a shortage of steel plates in the country;

(b) if so, whether there is any premium on its sale; and

(c) if so, how Government propose to meet this situation?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) and (b). There is a shortage in certain categories of steel plates on which there is a premium in the open market.

(c) Efforts are being made to increase the indigenous production and also major customers have been advised to import part of their requirements. SAIL also proposes to import during the current year some quantities of plates as buffer stock.

**Additional E. D. Agents in P&T Department**

**2703. SHRI SUKHENDRA SINGH:**  
Will the Minister of Communications be pleased to state:

(a) whether it is a fact that the P&T Department proposes to employ a number of additional extra departmental agents during the current financial year to strengthen and rationalise the delivery and clearance letters in the rural areas; and

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

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) Yes, Sir.

(b) 10,000 additional Extra Departmental Agents are proposed to be appointed in the rural areas of the country during the current financial year. Circlewise details of the proposed number to be appointed in each Postal Circle is given in the attached Statement.

**Statement**

Circle-wise targets regarding appointment of Extra Departmental Agents in rural areas during 1978-79.

S. No.	Circle	No. of IDA's proposed to be appointed during 1978-79
1.	Andhra . . .	850
2.	Bihar . . .	820
3.	Delli . . .	30
4.	Gujarat	600

2167 LS—7.

1	2	3
5.	J&K . . .	200
6.	Kerala . . .	200
7.	Karnataka . . .	500
8.	M.P. . . . .	1,100
9.	Maharashtra . . .	800
10.	N.E. . . . .	500
11.	N.W. . . . .	400
12.	Orissa . . . . .	500
13.	Rajasthan . . . . .	800
14.	Tamilnadu . . . . .	700
15.	U.P. . . . .	1,200
16.	West Bengal . . . . .	800
		10,000

**यमुना पार की बस्तियों में बचत बैंक की सुविधा**

2704. श्री गोविन्द मुन्डा : क्या संसार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि यमुना पार क्षेत्र की गौतमपुरी, ब्रह्मपुरी, असमानपुर, चौहान बाजार तथा शाहदरा के अन्य क्षेत्रों में बचत डाकघर नहीं है जिसके परिणामस्वरूप इस क्षेत्र के लोगों को कठिनाई का सामना करना पड़ता है ;

(ख) क्या इस क्षेत्र के लोगों की सुविधा के लिए यहाँ एक नया डाकघर शीघ्र खोलने के लिए उनके मंत्रालय ने कोई कार्यवाही की है; और

(ग) गौतमपुरी में जो केन्द्र स्थान है, एक नया डाकघर कब तक खोलने का प्रस्ताव है और यदि ऐसा कोई प्रस्ताव नहीं है, तो इसके क्या मुख्य कारण हैं ?

संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद मुखर्जी) : (क) ब्रह्मपुरी का डाकघर बचत बैंक का काम कर रहा है। गीतापुरी, असमानपुर और चौहान बाजार में कोई डाकघर नहीं है। तथापि, शाहदरा और दिल्ली के जमुना पार के इलाके में काम करने वाले सभी 4 डाकघर बचत बैंक का काम कर रहे हैं।

(ख) मौजूदा विभागीय मानदण्डों के अनुसार इन इलाकों में नए डाकघर खोलने का कोई औचित्य सिद्ध नहीं होता।

(ग) विभागीय मानदण्डों के अनुसार गीतापुरी में डाकघर खोलने का कोई औचित्य सिद्ध नहीं होता।

#### Lock-outs and Mandays lost

2705. SHRI C. K. CHANDRAPPA:

SHRI RAM KISHAN:

Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be please to state:

(a) how many mandays were lost due to strike during last six months of 1978;

(b) how many lock-outs of units are continuing in States, sector-wise; and

(c) how many fresh lock-outs took place in last six months and details sector-wise thereof?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): (a) According to the provisional information received by the Labour Bureau upto 18-7-78, the total number of Mandays lost due to strikes during the period January to May, 1978 was 4.76 million.

(b) A statement (No. I) giving the information available in respect of lockouts which were reported continuing in the returns for the months of January to May, 1978, is laid on the

Table of the House. [Placed in Library. See No. LT-2563/78].

(c) A statement (No. II) giving the information available in respect of lockouts which originated during the months of January to May, 1978, is laid on the Table of the House. [Placed in Library. See No. LT-2563/78].

#### Islamic Meet

2706. SHRI MOHINDER SINGH SAYIANWALA:

SHRI RAM PRAKASH TRIPATHI:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether it is a fact that some Indian nationals attended the Islamic meet recently held in Pakistan and opened by the Chief Martial Law Administrator of Pakistan;

(b) if so, in what capacity they represented India there;

(c) whether the selection of the delegates was made by an official agency; and

(d) the role they played in the Conference and the report if any, submitted by them?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) Yes, Sir.

(b) and (c). They participated in their personal capacity in response to invitations received from the Organizers of the Conference.

(d). According to our information, the participants from India made an effort to block any discussions on Kashmir in the Committee of the Conference which was dealing with the problems of Muslim Minorities, on the ground that the meeting was concerned with social, economic and cultural matters and political items like Kashmir should not find a place

in its deliberations. Having failed in their effort, they submitted a note of dissent.

In the final document of the Conference, the paragraph on Kashmir states that the "India delegation" expressed its reservation on this subject.

Government have received communications from some of the participants.

#### **Programme for supply of Steel at block level**

2707. SHRI R. K. MHALGI: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Government have under consideration a scheme or the programme for the supply of steel at the block-level throughout the country;

(b) if so, when Government would be in a position to initiate the said programme; and

(c) what stage the said scheme stands today?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) to (c). The main producers have been advised to step up supplies to State Small Industries Corporation to service the requirements of the small scale units at the Block level. In addition, SAIL is also examining the possibility of opening retail outlets in the Blocks. The details are being worked out.

#### **Mini Steel Plants in Maharashtra Lying Idle**

2708. SHRI R. K. MHALGI: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether a number of mini steel plants in Maharashtra are lying idle; and

(b) if so, the reasons thereof?

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): (a) Out of the 27 mini steel plants licensed in Maharashtra, only 23 have been commissioned. Of these 23 units, 9 were lying closed in May, 1978.

(b) Precise reasons for closure of each unit are not known. Generally their difficulties have been:—

(i) Inadequate power supply;

(ii) Lack of demand for their products; and

(iii) Managerial and financial difficulties.

#### **Panel to suggest improvement in training imparted by I.T.I.**

2709. SHRI JANARDHANA POOJARY: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether Government have set up a panel to recommend ways and means for the improvement of the quality of training imparted by ITI;

(b) if so, the composition of the panel and whether any recommendations have been made by the panel; and

(c) if so, the details thereof?!

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): (a) Yes, Sir;

(b) and (c). The composition of the panel is given in the enclosed statement. The panel have not yet submitted their report.

#### **Statement**

The composition of the panel is given below.

#### **Chairman**

Shri S. A. Qadir, Ex-Director General of Employment and Training and ILO Expert (Retired).

**Members:**

1. Shri B. G. Varshney, Chief Training and Manpower Adviser, Fertilizer Corporation of India, New Delhi

2. Shri M. S. S. Varadan, General O. D. Manager, Hindustan Machine Tools Ltd., Bangalore.

3. A representative of the Association of Indian Engineering Industry, 172 Jor Bagh, New Delhi. (Shri U. P. Pandit, Managing Director, Accumax Ltd., Rajkot).

4. Prof. G. S. Kadu, Director Technical Education, Maharashtra, Bombay.

5. Shri S. N. Goel, Director of Technical Education, Rajasthan, Jodhpur.

6. A representative of the Ministry of Education and Social Welfare (Dept. Education) (Prof. R. J. Deshmukh—Director)

7. A representative of the Development Commissioner Small Scale Industries, New Delhi (Shri B. N. Bhattasali—Director),

8. A representative of Khadi and Village Industries Commission (Shri Vipin Saxena—Director).

9. A representative of the Ministry of Agriculture and Irrigation (Department of Rural Development) (Shri Maharaj Krishan Kaw-Jt. Commissioner-Training).

**Member-Secretary:**

Shri P. S. Prem, Addl. Director of Training, Ministry of Labour (D.G.E. & T.)

**Appointment of Labour Trustees**

2710. SHRI K. LAKKAPPA: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether Government have received letters from certain Members

of Parliament belonging to opposition urging for immediate appointment of Labour Trustees; and

(b) if so, the action so far taken thereon?

**THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA):** (a) A letter dated the 17th May, 1978 addressed jointly by 18 Members of Parliament has urged the appointment of trustees representing labour interests on the Paradip Port Trust Board.

(b) Government is looking into the matter and expects to be able to take a decision shortly.

**उत्तर प्रदेश में डाक टिकट उपलब्ध न होना**

2711. श्री गंगा भक्त सिंह : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को इस तथ्य की जानकारी है कि देश के अधिकांश भागों, विशेष कर ग्रामीण क्षेत्रों में डाक टिकट उपलब्ध नहीं होने हैं ;

(ख) यदि हां, तो उक्त कठिनाई को दूर करने के लिए क्या कार्रवाई की गई है ; और

(ग) उत्तर प्रदेश के देहात के डाकघरों में डाक सामग्री उपलब्ध करने के लिए क्या कार्रवाई की जा रही है ?

**संचार मंत्रालय में राज्य मंत्री (श्री नरहरि प्रसाद मुखर्जी साह) :** (क) से (ग), डाक-टिकट और लेखन सामग्री की सप्लाई की स्थिति संतोषजनक है । कुछ डाक टिकटों और लेखन सामग्री को कतिपय छुटपुट कमियां जानकारी में आई हैं । नजदीक के डाकघरों से यह सामग्री भेजकर और भारत सुरक्षा प्रेस, नामिक से तुरन्त सप्लाई भेज कर इन कमियों को पूर्ति की गई थी ।

### Complaint against Chandrapur Telephone exchange Maharashtra

2712. SHRI RAJE VISHVESHWAR RAO: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether there are many complaints from the people of Chandrapur in Maharashtra against the working of telephone exchange;

(b) what are the complaints;

(c) is it a fact that some machine has been burnt down;

(d) whether there is no dust proof room which is required for it at Chandrapur;

(e) whether telephone machine is too small for the load of telephones that Chandrapur has today; and

(f) will Government see that new machine is put up and dust proof room constructed for it immediately looking to the number of new factories coming up in Chandrapur District?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) and (b). No, Sir.

(c) No, Sir.

(d) Every effort is made to prevent ingress of dust.

(e) and (f). The existing capacity is adequate for the present working lines. To meet additional requirements, 100 additional lines are being added. Further expansion by 100 lines is also planned. A suitable departmental building is also proposed to be constructed.

### बिहार में मलेरिया, चेचक और काला आजार

2713. श्री युवराज : क्या स्वास्थ्य और परिवार कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बिहार में हजारों लोग मलेरिया, चेचक और काला आजार के शिकार हो रहे हैं ;

(ख) क्या पूर्वी चम्पारन में हाल में सैकड़ों बच्चों की मृत्यु हो गई है ; और

(ग) क्या राज्य के अस्पतालों के शिशु विभाग में बीमार बच्चों को रखने के लिए स्थान नहीं रहा ?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगबन्दी प्रसाद यादव) :

(क) बिहार सरकार द्वारा भेजी गई सूचना के अनुसार, जहां मई, 1975 के बाद चेचक की कोई घटना नहीं हुई वहां पर 1978 के दौरान 22 जुलाई, 78 तक काला आजार के कारण 21,751 रोगी और 22 मौतें हुई तथा अप्रैल 78 तक मलेरिया से 7404 व्यक्ति पीड़ित हुए ।

(ख) चालू वर्ष के दौरान बिहार के पूर्वी चम्पारन जिलों से मलेरिया, चेचक अथवा काला आजार के कारण किसी भी मौत की सूचना नहीं मिली है ।

(ग) अपेक्षित सूचना राज्य सरकार से मांगी गई है और प्राप्त होते ही इसे सभा पटल पर रख दिया जाएगा ।

### STD Racket in Delhi

2714. SHRI P. K. KODYAN: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Delhi Police has recently unearthed a STD racket involving traders and Delhi Telephone employees; and

(b) if so, the details and action taken against the culprit?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARHARI PRASAD SUKHDEO SAI): (a) and (b). The Police recovered fifteen handsets from the Coronation Hotel, Delhi on 18th May, 1978. These did not have any dialling facility.

### No. of persons prevented from going to Middle East

2715. SHRI G. M. BANATWALLA: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) past six months ending 30th June, 1978, were off-loaded or detained at docks and airports from proceeding to Middle East countries despite their possessing valid passports, visas and passage tickets;

(b) the main reasons for the same; and

(c) what steps, if any, do Government intend to take in order to avoid hardship and harassment to persons intending to go abroad for employment?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) Between January 1 and June 30, 1978, 4653 prospective emigrants were not permitted to depart by the Emigration authorities at the embarkation points, viz, sea/air ports of Bombay, Ernakulam, Delhi and Amritsar.

(b) These emigrant workers were not permitted to depart as they had not fulfilled the prescribed emigration formalities under the Emigration Act, 1922, which regulates emigration of workers from India. In addition to valid passports, visas and passage tickets, all prospective emigrants are required to obtain emigration clearance from the Protector of Emigrants before their departure.

(c) Government have already prescribed clear procedure for obtaining emigration clearance under the Emigration Act; whoever emigrants in accordance with this procedure is permitted to depart without any difficulty. Government are also taking steps to further streamline these procedures so that no hardships are caused to such emigrants.

### Increase in Price of Steel

2716. SHRI F. P. GAEKWAD: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether the recent increase in the prices of different categories of steel is not considered too steep;

(b) the overall percentage increase in the prices of steel; and

(c) the reasons for the said increase;

(d) whether it is not likely to adversely effect the cost of construction of houses and small scale industries; and

(e) in view of (d) whether any relief is proposed to be given?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) No, Sir.

(b) About 8.3 per cent of the average selling price.

(c) Prices have been revised mainly to (i) cover cost escalations in the production of iron and steel (ii) ensure

fair return to producers (iii) meet the increased incidence of freight burden on account of increased in the lead distance over a period of time and (iv) to find adequate resources for modernisation, rehabilitation and development of steel industry and to lessen its dependence on budgetary support.

(d) and (e). Not likely. Small scale units are, however, being supplied steel through Small Scale Industries Corporations at a price which is Rs. 40 per tonne less than the stock-yard prices.

नैमिषारण्य अथवा सीतापुर में आयुर्वेदिक महाविद्यालय

2717. श्री रामलाल राही : क्या स्वास्थ्य और परिवार कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उत्तरप्रदेश के सीतापुर के ऐतिहासिक स्थान नैमिषारण्य अथवा सीतापुर में एक आयुर्वेदिक महाविद्यालय स्थापित किये जाने की मांग की गई है; और

(ख) यदि हां, तो उस पर सरकार की क्या प्रतिक्रिया है ?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगदम्बी प्रसाद यादव) :  
(क) जी हां ।

(ख) इस मांग पर उत्तर प्रदेश सरकार के संबंधित प्राधिकारियों के विचार प्राप्त किए गये थे । ऐसे कालेज की स्थापना करने के लिए उन्होंने अपनी असमर्थता प्रकट की है ।

श्रमिकों के लिये रोजगार बीमा

2718. श्री रामानन्द तिवारी : क्या संसदीय कार्य तथा श्रम मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या श्रमिकों की छंटनी होने की स्थिति में उन्हें रोजगार दिये जाने के लिए बेरोजगारी बीमा प्रस्ताव पर विचार किया किया गया है ; और

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

संसदीय कार्य तथा श्रम मंत्री (श्री रवीन्द्र वर्मा) : (क) और (ख) . ऐसा कोई प्रस्ताव नहीं है ।

Meeting of non-aligned countries

2720. SHRI C. K. JAFFER SHA-RIEF: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the efforts made by the Government of India to keep non-aligned countries together;

(b) whether India will participate in the coming non-aligned Foreign Minister's meeting in Belgrade; and

(c) if so, the special points sought to be raised by India in the said Conference?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) India has consistently made efforts to ensure the unity and solidarity of the non-aligned movement to ensure that the movement retains its identity as an independent global force with the goal of creating a just international economic and political order and the maintenance of international peace and harmony.

(b) India participated in the recently concluded Belgrade Conference of the Non-aligned Foreign Ministers.



(c) At this Conference, India sought to ensure that the non-aligned Movement does not deviate from its basic principles which provide for both flexibility and unity of purpose in the midst of diversity. India stressed the unity and solidarity of the non-aligned countries in order to ensure that the Movement continued to play a key role in reordering international economic and political relations. India also emphasised that bilateral disputes between non-aligned countries should not be allowed to threaten the unity of the movement and permit interference in the internal affairs of non-aligned countries with the objective of splitting the movement and reducing its effectiveness. Along with other non-aligned countries, India called for a speedy and just resolution of long standing international issues like Southern Africa, the Middle East, Palestine and Cyprus that threaten international peace and security. On the economic side, the Indian delegation stressed the need for rapid implementation of the Action Programme for Economic Cooperation adopted at the Colombo Summit of Heads of State/Government in August 1976. The Indian delegation also sought to ensure that the non-aligned movement retained the initiative on crucial issues of international development co-operation such as the establishment of the New International Economic order, the formulation of an international development strategy for the Third Development Decade and speedy conclusion of negotiations relating to international economic issues of vital importance to developing countries.

#### **Progress of Steel Plants in Visakhapatnam and Vijayanagar**

2721. SHRI S. R. DAMANI: Will the Minister of STEEL AND MINES be pleased to refer to the reply given to Unstarred Question No. 2271 on the 9th March, 1978 and state:

(a) whether scrutiny of the detailed project reports on Vijayanagar and

Visakhapatnam Steel Plants have since been completed;

(b) if so, whether the Ministry has formulated its own proposals in that regard; and

(c) in case of major changes proposed by the Ministry; the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) No, Sir.

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

#### **Foreign experts invited for Khetri Copper Smelter**

2722. SHRI S. R. DAMANI: Will the Minister of STEEL AND MINES be pleased to state:

(a) how many foreign expert teams have so far been invited to investigate and report on technological and operational problems faced by Khetri Copper Smelter since its commissioning and the full details thereof including the time taken by each team, the fees paid, etc;

(b) whether M/s. Furukawa of Japan have since submitted their recommendations;

(c) the major differences in the opinions expressed and recommendations made in the reports of these teams;

(d) whether apart from the above, our own expert teams have ever been asked to make independent evaluation and if so, the details thereof; and

(e) how is it that in spite of all such studies the Unit's performance continues to be very unsatisfactory?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA): (a) Only one team of foreign experts from Furukawa Co. Ltd., Japan was invited for investigation into the technological and operational problems which

were being faced at the Khetri Smelter, since its commissioning. The team which consisted of 3 members had visited Khetri Copper Complex from 27th April to 3rd May, 1977, for preliminary investigations. The fees paid to M/s. Furukawa for the visit of their team and preliminary investigation report amounted to US Dollars 8209.50. Based on the preliminary investigation report, an agreement was entered into with M/s. Furukawa Co. Ltd., Japan, on 2nd September, 1977, under which M/s. Furukawa were to provide the services of their Specialists for technical assistance for Khetri Smelter initially for a period of 1 year. From September, 1977, onwards a team of Japanese Specialists varying in number from 3 to 6 has been regularly stationed at the project to assist in tackling technological and operational problems. The total payments made to M/s. Furukawa Co. Ltd., so far for providing the services of their Specialists from September, 1977 onwards, amount to US Dollars 1,89,670.

(b) After the preliminary investigation report which was submitted by M/s. Furukawa in June, 1977 the Specialists team of Furukawa stationed at Khetri has been making recommendations from time to time for overcoming both short-term and long-term technical problems faced by the Khetri Smelter.

(c) Does not arise as only one team of Specialists namely that from Furukawa Co. Ltd., Japan, was invited from abroad.

(d) The technological and operational problems which were being faced at the Smelter were receiving constant attention of Hindustan Copper Limited's own technical officers. To overcome some of the technical problems notably that relating to excess generation of reverts, certain remedial measures like enrichment of converter blast were implemented in January, 1977. These steps resulted in some improvements and were also

subsequently approved by the Japanese Specialists. However, the improvement achieved by the efforts of Hindustan Copper Ltd. was only marginal and having regard to the nature of the technological problems facing the plant, it was necessary to take technical assistance from a well-known firm of consultants with production experience.

(e) There has been a steady improvement in the operation of the Smelter Plant after the induction of Japanese Specialists in September, 1977. The problem of excess generation of reverts has been largely tackled. Hindustan Copper Limited are implementing the long-term modifications suggested by M/s. Furukawa. With the implementation of these modifications the operation of the plant is expected to improve further.

#### **New Hospitals in Delhi**

2723. SHRI DURGA CHAND: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the details of hospitals proposed to be set up in various areas of Delhi;

(b) by when the work of the hospitals will start; and

(c) by when they will be opened to public?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) to (c). It is proposed to construct a 500 bedded hospital in Hari Nagar, necessary sanction for which has been issued. The question of setting up a Medical College and Hospital Complex in Shahdara (East Delhi) is also under consideration. Besides these two big hospitals, proposals for establishing seven 100 bedded hospitals in the rural areas/resettlement colonies of Delhi are under consideration of Delhi Administration.

**Dental Department of Dr. Ram Manohar Lohia Hospital, New Delhi**

2724. SHRI DURGA CHAND: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact there is a great rush of patients in the Dental Department of Dr. Ram Manohar Lohia Hospital in New Delhi;

(b) whether it is a fact there is no separate arrangements for C.G.H.S. beneficiaries in the Dental Department of the Hospital; and

(c) if so, what are the reasons therefor and what arrangements are being made for the C.G.H.S. beneficiaries in the Dental Department of the Hospital?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): (a) Yes.

(b) and (c). No separate arrangements exist in the Dental Department of Dr. Ram Manohar Lohia Hospital exclusively for CGHS beneficiaries. This is in keeping with the general pattern of working, also followed in other Departments of Dr. Ram Manohar Lohia Hospital like Eye, ENT, Skin, Psychiatry etc. However, one Staff Surgeon (Dental) and one Dental Surgeon from CGHS have been posted in the Dental Department of Dr. Ram Manohar Lohia Hospital, for attending to the CGHS beneficiaries. Apart from the facilities available in the Dental Department of the Hospital, facilities for dental treatment are also provided to CGHS beneficiaries at the CGHS Poly-Clinic at Pusa Road, New Delhi.

**Trade Transit facilities via Pakistan**

2725. SHRI DURGA CHAND: Will the Minister of EXTERNAL AFFAIRS be pleased to refer to the reply to Unstarred Question No. 7629 on 20th April, 1978 and state:

(a) the progress so far made on the question of grant of reciprocal transit

facilities between India and Pakistan; and

(b) by when, our trade relations with Afghanistan via Pakistan are likely to start?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) and (b). This question has been under discussion with the Government of Pakistan from time to time. No agreement has been reached so far.

**Verification of Passports**

2726. SHRI SHAMBHU NATH CHATURVEDI: Will the Minister of EXTERNAL AFFAIRS be pleased to refer to the reply given to Unstarred Question No. 2121 on the 9th March, 1978 regarding verification on passports and state:

(a) whether Government have issued instructions to its Regional Offices regarding acceptance of an affidavit by the applicant in lieu of verification;

(b) if so, will a copy of the same be laid on the Table of the House; and

(c) will Government also issue a press note for the information of the public in accordance therewith?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) Yes, Sir.

(b) All the Regional Passport Offices had been instructed by a circular letter issued on March 27, 1978, that they "had a special responsibility in informing and educating the public about the facilities (Sworn Affidavit System) available."

(c) Steps have already been taken by the Regional Passport Offices to popularise through the media the Sworn Affidavit facility. A continuing effort would be made to further popularise this facility.

**रुक्षेरिया रोग को फैलने से रोकने के लिए  
कर्मचारियों की भर्ती**

2727. श्री सरत कार : क्या स्वास्थ्य और परिवार कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मंत्रालय की एक समिति ने मलरिया को फैलने से रोकने के कार्य के लिए दिल्ली में कर्मचारियों की भर्ती करने की सिफारिश की है ;

(ख) क्या जो लोग मलरिया उन्मूलन अभियान में वर्ष 1977-78 के दौरान निगरानी कर्मचारियों के रूप में कार्य कर रहे थे उन्हें प्रशिक्षण के लिए लखनऊ भेजने का मार्च, 1978 में कोई निर्णय किया गया था ; और

(ग) यदि हाँ, तो क्या उन्हें अभी तक प्रशिक्षण के लिए नहीं भेजा गया है और यदि हाँ, तो इसके क्या कारण हैं और अब उन्हें प्रशिक्षण के लिए कब भेजा जाएगा और यदि उन्हें भेजने का विचार नहीं है, तो इसके क्या कारण हैं ?

**स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगदम्बी प्रसाद यादव) :**

(क) जी नहीं ।

(ख) जी हाँ, मार्च-अप्रैल 1978 में दिल्ली नगर निगम के 40 निगरानी कार्यकर्ताओं को मलेरिया निरोधक प्रशिक्षण के लिए लखनऊ भेजा गया था ।

(ग) यह प्रश्न नहीं उठता ।

**Accidents in Industries in Private and Public Sectors**

2728. SHRI DRONAM RAJU SATYANARAYANA: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) the number of accidents in various industries both private and public sectors in the country from October, 1977 to June, 1978;

(b) the number of persons died, seriously injured and those sustained minor injuries; and

(c) the amount of compensation paid and other relief given to the victims' family?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): (a) According to information available the number of accidents was 1,00,900.

(b) Out of the injured persons 231 died. The break up of figures between serious and minor injuries is not available.

(c) The information is not available.

**Law Providing secret Ballot for electing and recognising unions**

2729. SHRI DRONAM RAJU SATYANARAYANA: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) whether Government propose to enact a law to make a provision of secret ballot for the purpose of electing the office-bearers of trade unions and also for the recognition of a particular union where the unions are more than one;

(b) if so by what time, and if not, the reasons therefor;

(c) whether any Central Trade Union is/are against the provision of secret ballot; and

(d) if so, what are their number and names?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): (a) and (b) These questions are being considered in the overall context of the Industrial Relations Bill, which would be introduced in Parliament soon.

(c) and (d). The Report on Comprehensive Industrial Relations Law adopted on 21 September 1977 by the Committee on Comprehensive Industrial Relations Law and Composition of Indian Labour Conference, copies of which are available in the Parliament Library, contains, *inter alia*, the views of the representatives of the Central Trade Union Organisations.

**होम्योपैथिक और आयुर्वेदिक डाक्टरों को प्रैक्टिस बंदी भत्ता**

2730. श्री मही लाल : क्या स्वास्थ्य और परिवार कल्याण मंत्री होम्योपैथिक और आयुर्वेदिक डाक्टरों को प्रैक्टिस बंदी भत्ते का भुगतान करने के बारे में 30 मार्च, 1978 के अंतरांकित प्रश्न संख्या 4882 के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या इस बीच अन्तिम निर्णय कर लिया गया है ; और

(ख) यदि हां, तो इस बारे में क्या बकाया है और यदि नहीं, तो अमधारण विलम्ब के क्या

कारण हैं और स्वदेशी चिकित्सा पद्धतियों के डाक्टरों के प्रति भेदभाव की नीति अपनाने के क्या कारण हैं ? .

**स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (श्री जगदम्बी प्रसाद यादव) :**  
(क) और (ख) स्वदेशी चिकित्सा पद्धतियों तथा होम्योपैथी के अधिकारियों को संलग्न विवरण में अंकित प्रत्येक पद के सामने दी गई तारीखों से प्रैक्टिस बंदी भत्ता देने का निर्णय किया गया है जो वेतन के 25 प्रतिशत से अधिक नहीं होगा ।

इसके अतिरिक्त आयुर्विज्ञान संस्थान, बनारस हिन्दु विश्वविद्यालय वाराणसी के स्नातकोत्तर विभागों (भारतीय चिकित्सा पद्धति) के अध्यापकों को भी विश्वविद्यालय अनुदान आयोग द्वारा निर्धारित किये गये स्केलों के अनुसार, पहली जनवरी 1973 से प्रैक्टिस बंदी भत्ता मंजूर किया गया है जो इस प्रकार हैं :—

1. प्राफेसर : 400/- रु० से 500/- रु० तक
2. रीडर : 250/- रु० से 500/- रु० तक
3. व्याख्याता (लेक्चरर) : 150/- रु० से 450/- रुपये तक

इससे भारतीय चिकित्सा पद्धतियों तथा होम्योपैथी के स्टाफ की यह मांग काफी हद तक पूरी हो जाती है कि उन्हें एलोपैथी के स्टाफ के बराबर समझा जाए ।

**विवरण**

क्रम सं०	पदनाम	वेतनमान	वेतनमान के विभिन्न स्तरों पर प्रैक्टिस-बंदी भत्ते की दरें	प्रैक्टिस-बंदी भत्ता देय की तारीख	
			स्तर प्रैक्टिस-बंदी (प्रति मास )		
1	2	3	4	5	6
1.	सलाहकार (भारतीय चिकित्सा पद्धति), स्वास्थ्य और प० क० मंत्रालय	1800-2250	1 और 2 3 और उसमें ऊपर	450/- 500/-	29-6-1978
2.	उप-सलाहकार (आयुर्वेद) स्वास्थ्य और परिवार कल्याण मंत्रालय	1300-1700	1 और 2 3 से 6 7 से 9	300/- 350/- 400/-	„
3.	उप-सलाहकार (यूनानी) स्वास्थ्य और परिवार कल्याण मंत्रालय	1300-1700	1 और 2 3 से 6 7 से 9	300/- 350/- 400/-	„
4.	सहायक सलाहकार (आयुर्वेद), स्वास्थ्य और परिवार कल्याण मंत्रालय	1100-1600	1 से 3 4 से 6 7 से 9 10 से 11	250/- 300/- 350/- 400/-	
5.	सहायक सलाहकार (होम्योपैथी), स्वास्थ्य और परिवार कल्याण मंत्रालय	1100-1600	1 से 3 4 से 6 7 से 9 10 से 11	250/- 300/- 350/- 400/-	„
6.	वरिष्ठ चिकित्सक (आयुर्वेद), केन्द्रीय सरकार स्वास्थ्य योजना	1100-1600	1 से 3 4 से 6 7 से 9 10 से 11	250/- 300/- 350/- 400/-	पद भरा जाना है।

1	2	3	4	5	6
7. चिकित्सा (आयुर्वेद, यूनानी तथा होम्योपैथी), केन्द्रीय सरकार स्वास्थ्य योजना	}	650-1200	1 से 8	150/-	1-1-1973
8. वैद्य अधीक्षक (कोयलाखान श्रमिक कल्याण निधि)			9 से 13	200/-	
			12 से 16	250/-	
9. वरिष्ठ आयुर्वेदिक वैद्य (कोयला खान श्रमिक कल्याण निधि)		550-900	1 से 5 शेष	100/- 125/-	
10. आयुर्वेदिक वैद्य (कोयला खान श्रमिक कल्याण निधि)		425-640	1 से 7 8 से 9	75/- 100/-	

#### Telephone connections in Burdwan District, West Bengal

2731. SHRI DHIRENDRA NATH BASU: Will the Minister of COMMUNICATIONS be pleased to state:

(a) the progress of telephone communication in West Bengal during the last six months;

(b) whether applications for new telephone connections have been kept pending for several years for want of cables and instruments etc.;

(c) whether no new telephone connections have been given in small towns of Burdwan such as Katwa, Kalana and Manteswar etc; and

(d) whether temporary connections for six months even on medical grounds have not been granted in Katwa Constituency?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI NARAHARI PRASAD SUKHDEO SAI): (a) During the last months period January to June, 1978 6513 telephone connections have

been provided in Calcutta and 1215 in rest of West Bengal.

(b) Telephone connections have generally been provided regularly in smaller exchanges of West Bengal. There have been some delays from time to time because of shortage in small sized cables and line materials.

(c) No, Sir. During 3 months April to June, 1978 30 connections have been added at Katwa and 2 each at Kalana and Manteswar.

(d) No, Sir. Telephone connections are being provided unless requiring very long lines calling for larger amount of line stores.

#### Non-Alignment

2732. SHRI G. S. REDDI: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the idea of non-alignment is strengthening in other countries; and

(b) if so, how many countries are expected to join the non-aligned nations group?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) Yes, Sir.

(b) At the recently concluded Conference of Ministers of Foreign Affairs of Non-Aligned countries held in Belgrade from 25—29 July, 1978, Djibouti acceded to the Movement as a member and Pakistan and San Marino were invited to participate as guests.

#### Wages paid to workers in Mines

2733. SHRI DURGA CHAND: Will the Minister of PARLIAMENTARY AFFAIRS AND LABOUR be pleased to state:

(a) what are the wages per day paid to a worker in each mine;

(b) what facilities in respect of housing, medical are given to those workers;

(c) whether there is any proposal to enhance their wages in view of the risk involved therein; and

(d) if so, what are the details thereof?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): (a) A statement showing the wages payable to lowest category of workers (unskilled) in certain classes of mines is attached.

(b) Housing schemes have been introduced in coal, iron ore, mica, limestone and dolomite mines. Medical facilities are also available under the Welfare Fund schemes for the workers in these mines.

(c) and (d). The Minimum Wages Act provides for review of minimum wages at intervals not exceeding 5 years, and the procedure laid down in the Act is being followed.

#### Statement

S. No.	Category of mines	Date of fixation/ revision	Wages for Unskilled (lowest category) workers (Rs. per day)
<b>A. Notified under Minimum Wages Act.</b>			
1.	Gypsum Mines	12-6-1976	5.80
2.	Barytes mines	12-6-1976	5.80
3.	Bauxite mines	19-6-1976	5.80
4.	Manganese mines	12-6-1976	
	(i) Below ground		6.96
	(ii) Above ground		5.80
5.	China clay mines	12-6-1976	5.80
6.	Kyanite mines	9-10-1976	5.80
7.	Copper mines	12-6-1976	5.80
8.	Clay mines	12-6-1976	5.80



S. No.	Category of mines	Date of fixation/ revision	Wages for Unskilled (lowest category) workmen (Rs. per day)
9.	Stone mines	9-10-1976	5.80
10.	White clay mines	12-6-1976	5.80
11.	Fire clay mines	9-10-1976	5.80
12.	Ochre mines . . . . .	9-10-1976	5.80
13.	Steatite (including Soap stone and tale mines)	9-10-1976	5.80
14.	Asbestos mines	9-10-1976	5.80
15.	Chromite mines	19-6-1976	5.80
16.	Quartzitemines	19-2-1977	5.80
17.	Quartz mines	19-2-1977	5.80
18.	Silica mines	19-2-1977	5.80
19.	Mica Mines	19-6-1976	
	(i) Below ground		6.96
	(ii) Above ground		5.80
<b>B. Bipartite Settlement (As in June 1978)</b>			
1.	Coal Mines		
	(i) Below ground		17.70
	(ii) Above ground		16.70
<b>C. Under Wage Board recommendations (From 1-6-1978)</b>			
1.	Iron Ore		10.72 to 11.72
2.	Limestone and Dolomite Mines		10.72 to 11.72

**Names of private individuals who accompanied P.M. on foreign tour**

2734. SHRI K. MALLANNA: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the names of private individuals who accompanied the Prime Minister during his visit to Belgium, United Kingdom and United States;

(b) who paid their air fare and other expenses; and

(c) the basis on which these private individuals were selected?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) to (c). Dr. P. C. Dhanda accompanied as the Prime Minister's Personal Phy-

sician, Smt. Padmaben Desai, acting as the Prime Minister's Official Hostess and Shri Kantibhai Desai as the Prime Minister's son to assist him in his personal needs. Both Smt. Padmaben Desai and Shri Kantibhai Desai made their own travel arrangements and Government did not incur any expenditure on that account. Government of India paid for the passage of Dr. Dhanda. In her capacity as the Prime Minister's Official Hostess Smt. Desai was entitled to incur expenditure on entertainment from Entertainment Grants sanctioned for the Prime Minister's foreign visit. She was also entitled on Government account to accommodation/cash allowance. However, she did not incur any expenditure on these accounts. Dr. Dhanda was also entitled to accommodation/cash allowance on Government account.

#### **Closure of India news in London :**

2735. **SHRI MUKHTIAR SINGH MALIK:**  
**SHRI SHYAM SUNDER GUPTA:**

Will the Minister of **EXTERNAL AFFAIRS** be pleased to state:

(a) whether Weekly Journal 'India News' was stopped sometime back by the Indian High Commission in London;

(b) if so, the reasons thereof;

(c) whether Government propose to resume this publication; and

(d) if so, by when?

**THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU):** (a) The Weekly Journal 'India News' published by the High Commission of India, London had stopped publication on February 23, 1974.

(b) The Journal was discontinued as an economy measure.

(c) and (d). The High Commission's Weekly Journal 'India News' recommended publication on June 1, 1978 and is being published regularly since then.

#### **Demand and production of iron and steel and allied metals**

2736. **SHRI A. R. BADRI NARAYAN:** Will the Minister of **STEEL AND MINES** be pleased to state:

(a) the total requirements of iron, steel and other allied metals in the country;

(b) the total overall production in several factories—public and private; and

(c) how is shortfall if any, proposed to be made up?

**THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI KARIA MUNDA):** (a) The term "allied metals" is not clear. In the absence of names of the specific metals, it is not possible to give the requisite information in respect of "allied metals".

During the current financial year, domestic demand of saleable steel as projected by the Working Group on Iron and Steel is estimated at 7.61 million tonnes and for pig iron at 0.945 million tonnes.

(b) According to the production plan drawn up by SAIL, 1.541 million tonnes of pig iron will be available from the integrated steel plants. As regards saleable steel, production from the integrated steel plants and the mini-steel plants is expected to be about 9 million tonnes during the current financial year.

(c) Though over-all availability of steel is expected to be in excess of the demand, there might be shortfalls in certain categories which would be made up through imports.

**Shri N. C. Gorey's letter to Lord Mountbatten**

2737. **SHRI SAMAR GUHA:** Will the Minister of **EXTERNAL AFFAIRS** be pleased to state:

(a) whether it is a fact that the Indian High Commissioner to U.K., **Shri N. G. Gorey**, wrote a letter to Lord Mountbatten seeking information from him about what happened to **Netaji Subhas Chandra Bose** on the basis of reports that appeared in the classified British documents which have been published in the year 1966;

(b) if so, the text of the letter;

(c) whether Lord Mountbatten replied to the letter written by **Shri N. G. Gorey** to him; and

(d) if so, the text of Lord Mountbatten's reply to **Shri N. G. Gorey**?

**THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU):** (a) to (d). **Shri N. G. Gorey**, High Commissioner for India to the U.K., wrote a personal letter to Lord Mountbatten in February 1978 requesting him to shed some light on the resumed death of **Netaji Subhash Chandra Bose** at the instance of the Hon'ble Member who has raised this question. Lord Mountbatten, in his personal reply to **Shri Gorey**, dated 10th March 1978, stated as follows:

"My archives have been searched and there is no official record of his death and I know that this doubt was shared by **Wavel** himself but in a book, "The End of the War in Asia" by **Louis Allen**, who served as a Japanese language officer in India and Burma during and at the end of the war, he described in detail the air crash on the 18th August, 1945 in which **Subhash Chandra Bose** died.

In this book he also stated that in 1956 a mission was sent to Japan

to enquire into the crash and although **Suresh Bose** still stuck to the belief that his brother was alive in the Soviet Union, other members of the mission were convinced by the evidence of the 67 witnesses who were called, that he had died in the crash. The fact that he has never surfaced anywhere to my knowledge makes it appear more than ever clear he was in fact killed in the crash."

It may be recalled that two questions in the Lok Sabha and Rajya Sabha, No. 5874 on 6-4-78 and No. 134 on 21-7-78, respectively, have been answered in regard to this correspondence. **Shri Gorey** has stated that the two letters in question, being personal correspondence, may be treated as such, while furnishing extracts given above. In the circumstances, the Ministry wish to respect **Shri Gorey's** request regarding the full text of the two letters.

#### **Alleged Exodus of minorities from Bangladesh**

2738. **SHRI MUKHTIAR SINGH MALIK:**

**DR. VASANT KUMAR PANDIT:**

**SHRI SAMAR GUHA:**

**SHRI SHYAM SUNDER GUPTA:**

**SHRI RAM LAL RAH:**

**SHRI C. K. JAFFER SHAHRIEF:**

Will the Minister of **EXTERNAL AFFAIRS** be pleased to state:

(a) whether exodus of minorities from Bangladesh is still going on which is against **Nehru-Liaquat Ali Pact**;

(b) whether Government have taken any action for the safety and security of minorities there; and

(c) if so, what are the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SAMARENDRA KUNDU): (a) Eversince partition, there has been illegal migration of the erstwhile Pakistan and later Bangladeshi nationals, including migration of persons belonging to the minority communities, into the neighbouring States of India. The migration has continued in recent months also.

(b) and (c). It is basically the responsibility of the Government of Bangladesh to prevent migration of Bangladeshi nationals into India and to protect the minorities in Bangladesh. The Government of India, however, has on a number of occasions and at different levels including during the visit of President Ziaur Rehman to India expressed its concern to the Bangladesh Government for the fate of the minorities in Bangladesh and sought to impress upon them that it is their duty to create conditions for their safety and security so as to prevent the flow of migrants into India.

12.16 hrs.

# RE. ADJOURNMENT MOTION

## ALLEGED HANDCUFFING OF ROHTAK MEDICAL COLLEGE STUDENTS

MR. SPEAKER: Papers to be laid on the Table. Shri Ravindra Varma.

SHRI VASANT SATHE (Akola): I rise on a point of order under Rule 56 read with Rule 376. I have given notice of an adjournment motion under rule 57 on the subject of the most atrocious behaviour in Rohtak against medical college students in handcuffing them in hospital beds. In today's Times of India.... (Interruptions).

MR. SPEAKER: The matter is under my consideration. I have already requested you to satisfy me that the Centre is responsible.

SHRI VASANT SATHE: I shall show you...

MR. SPEAKER: You can meet me later. Not here.

SHRI VASANT SATHE: You will agree that this matter is atrocious, particularly medical college students being handcuffed in hospital beds. (Interruptions) You will agree that it is very serious. (Interruptions).

MR. SPEAKER: It is not a point of order.

SHRI VASANT SATHE: I shall show you...

MR. SPEAKER: You have to do it in my chamber. (Interruptions).

SHRI VASANT SATHE: You were kind enough to say that this is a matter concerning the State.

MR. SPEAKER: I did not say anything at all. I merely asked you to show that it is a central subject. You have to do it in my chamber.

SHRI VASANT SATHE: It is in the concurrent list; it is not in the State list. (Interruptions).

MR. SPEAKER: Please see Direction No. 14, page 32, item 4: "Once a member is informed..." (Interruptions).

SHRI VAYALAR RAVI (Chirayinkil): I met you in your chamber last week and showed you these photographs. I sent you three notices of calling attention and also under rule 377. This is a most shameful act on the part of Mr. Devi Lal, who is the biggest terror in Haryana (Interruptions). Look at these photographs. These are medical students and you are handcuffing them. Look at these photographs. Is this the way to treat them? (Interruptions). I want to place them on the Table of the House. (Interruptions).

PROF. P. G. MAVALANKAR (Gandhinagar): On a point of order, Sir.

MR. SPEAKER: Let me hear Mr. Mavalankar's point of order. (*Interruptions*). Don't record anything.

(*Interruptions*)\*\*

MR. SPEAKER: I have called you. What I have done, I have done. (*Interruptions*) A competition between lung power. I do not allow anybody. (*Interruptions*) Not even one or two. I have called Mr. Mavalankar for a point of order first.

PROF. P. G. MAVALANKAR: We may have differences with Mr. Sathe on various matters and we may also differ from him as to whether he has a right to raise this particular point in the House or not. That apart, my point of order arises from what you have told him. You quoted one direction and one rule from the Rule Book and told him that this matter pertains to the State.

MR. SPEAKER: You are taking words out of my mouth. What I said when the adjournment motion was brought to me was that the hon. Member may kindly satisfy me how the Centre is responsible for this. I am merely at that stage. I have not given any decision. (*Interruptions*) If anybody wants to satisfy me, he can come to my chamber, not here. (*Interruptions*)

PROF. P. G. MAVALANKAR: You say that you want him to tell you how it comes under the Centre. According to you, perhaps, it is a State matter.

MR. SPEAKER: Let there be no debate here. I asked the hon. Member who gave the notice, to satisfy me in my chamber, not here. I am not allowing a debate on that.

PROF. P. G. MAVALANKAR: I am on a point of order. Let me complete my full sentence. I have completed just half the sentence. My next half sentence is like this. The point is that this particular incident

may have happened anywhere in the country...

MR. SPEAKER: Again, you are going into the merits of the matter. In the guise of a point of order you want to make a speech. Which is the rule which has been broken? (*Interruptions*)

PROF. P. G. MAVALANKAR: Kindly bear with me for a minute.

MR. SPEAKER: I am prepared to bear with you for hours. But tell me which is the rule which has been broken. (*Interruptions*) I have not asked you. (*Interruptions*) I have not placed it before the House. It is only when I place it before the House...

PROF. P. G. MAVALANKAR: Not only several rules but something which is above all the rules, has been violated. That violation is the violation of the Constitution of this country. We have, as Members of Parliament, taken oath that we shall abide by the Constitution. And the Constitution in its preamble says that dignity of every individual should be protected. And in this case, it is not protected. Therefore, it is very much part of the Constitution, of this Parliament and, therefore, I demand that you must not put this point or that point, this rule or that rule. The whole point is the violation of the Constitution.

MR. SPEAKER: I have said, for you no rule. It is not a point of order.

PROF. P. G. MAVALANKAR: Nobody can be handcuffed, particularly when he is a youngman and is in the hospital. To preserve the dignity of the individual, I have taken oath in this House.

MR. SPEAKER: Your oath is to shout, is it?

\*\*Not recorded.

PROF. P. G. MAVALANKAR: My oath is to state what I feel, and feel intensely.

MR. SPEAKER: Only according to the rules. This is no point of order at all.

PROF. P. G. MAVALANKAR: When human dignity is violated, I must point it out. (*Interruptions*)

SHRI KRISHAN KANT (Chandigarh): On this point of order raised by Prof. Mavalankar, I must say that there are certain issues arising in the country which have to be given precedence, whether raised by Mr. Sathe or Krishan Kant. A situation is arising where the whole medical profession in the country is going to revolt against this state of affairs. I know that what was done in the emergency is shameful.

MR. SPEAKER: What is the point of order?

SHRI KRISHAN KANT: Some method has to be found out so that...

MR. SPEAKER: This is not a point of order.

SHRI KRISHAN KANT: My point of order is this. I am requesting you to find out some method so that this can be discussed in the House whether by way of an adjournment motion or a calling attention.

MR. SPEAKER: This is no point of order.

SHRI KRISHAN KANT: I would request you to do something.

SHRI K. LAKKAPPA (Tumkur): My point of order is very simple. We should consider the procedure now adopted in regard to urgent matters of public importance. In a serious matter of this nature where civil liberties and rights...

MR. SPEAKER: Is it a point of order? What is the rule that is broken?

SHRI K. LAKKAPPA: The rule has been broken in not admitting my calling attention on this subject.

MR. SPEAKER: No, this is not a point of order at all.

SHRI K. LAKKAPPA: After listening only you must give a ruling. We are treated as chandalas.

MR. SPEAKER: I do not know about it, you must know better.

SHRI K. LAKKAPPA: Then you allow my calling attention.

MR. SPEAKER: No, no.

SHRI MALLIKARJUN (Medak): You are an embodiment of law and justice and....\*\*

MR. SPEAKER: Don't record anything.

श्री कंबर लाल गुप्त (दिल्ली सदर):  
अध्यक्ष महोदय मेरा प्लाइट ग्राफ आर्डर यह है कि रोहतक के डाक्टरों की सिम्पैथी में दिल्ली के डाक्टरों ने भी हड़ताल करने का नोटिस दिया है । दिल्ली के डाक्टर जो सैन्ट्रल गवर्नमेन्ट के अण्डर आते हैं इस के खिलाफ उन्होंने हड़ताल का नोटिस दिया है । वहां पर जो कुछ हुआ है वह बारबैरिज्म है, किसी भी सिविलाइज्ड कन्ट्री में इस तरह की बात नहीं हो सकती है । जब मैंने उस तस्वीर को देखा, तो मुझे अपना ह्याल आया, एमर्जेन्सी के दिनों में मेरे साथ भी यही हुआ था । आज जब दिल्ली के डाक्टर हड़ताल कर रहे हैं, तो यह कोई पार्टी का सवाल नहीं है, इस में सारी इन्सानियत को चुनौती है, यह जो हुआ है, इन्सानियत के खिलाफ है । यह बहुत सीरियस मामला है ।

\*\*Not recorded.

MR. SPEAKER: I have heard enough, I am not going to hear any more. (*Interruptions*)\*\*

MR. SPEAKER: Don't record anything. Papers to be laid on the Table.

12.28 hrs.

#### PAPERS LAID ON THE TABLE

ANNUAL REPORT OF NATIONAL LABOUR INSTITUTE FOR 1976-77 AND A STATEMENT RE. DELAY IN LAYING REPORT

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

(1) A copy of the Annual Report (Hindi and English versions) of the National Labour Institute, New Delhi, for the year 1976-77 along with the Audited Accounts.

(2) A statement (Hindi and English versions) showing reasons for (i) delay in laying the above document and (ii) non-inclusion of a review thereon. [*Placed in Library. See No. LT-2543/78.*]

CONTRACT LABOUR (REGULATION AND ABOLITION) CENTRAL (AMENDMENT) RULES, 1978

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (SHRI LARAN(† SAI): I beg to lay on the Table a copy of the Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 1978 (Hindi and English versions) published in Notification No. G.S.R. 948 in Gazette of India dated the 22nd July, 1978, under sub-section (3) of section 35 of the Contract Labour (Regulation and Abolition) Act, 1970. [*Placed in Library. See No. LT-2544/78.*]

EMPLOYEES' DEPOSIT-LINKED INSURANCE (SECOND AMENDMENT) SCHEME, 1978

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): I beg to lay on the Table a copy of the Employees' Deposit-linked Insurance (Second Amendment) Scheme, 1978 (Hindi and English versions) published in Notification No. G.S.R. 969 in Gazette of India dated the 29th July, 1978, under sub-section (2) of section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. [*Placed in Library. See No. LT-2545/78.*]

12.28½ hrs.

#### MESSAGE FROM RAJYA SABHA

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

"In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Taxation Laws (Amendment) Bill, 1978, which was passed by the Lok Sabha at its sitting held on the 25th July, 1978, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

12.29 hrs.

#### BUSINESS ADVISORY COMMITTEE TWENTY-FIRST REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): I beg to present the Twenty-first Report of the Business Advisory Committee.

\*\*Not recorded.

12.30 hrs.

RE. ADJOURNMENT MOTION—  
Contd.ALLEGED HANDCUFFING OF ROHTAK  
MEDICAL COLLEGE STUDENTS

SOME HON. MEMBER rose—

MR. SPEAKER: You can raise them at the time when the matter comes up. You cannot do it *now*. (Interruptions).

Now, Statement by the Minister. He is making a very important statement.

SHRI VASANT SATHE (Akola): Sir, I am on a point of order.

MR. SPEAKER: The matter is under my consideration. You gave me only this morning.

(Interruptions)

SHRI VASANT SATHE: I gave notice of an adjournment motion. You say 'Yes' or 'No'. The adjournment motion must be decided on the same day.

(Interruptions)

MR. SPEAKER: I have already said the matter is under my consideration.

SHRI C. M. STEPHEN (Idukki): There is an elementary thing that I want to raise.

SHRI VASANT SATHE: You have to give the consent or say 'No'. You cannot take time like this.

MR. SPEAKER: I have said that I got it about 10.30 a.m. The matter is under my consideration. (Interruptions). I have before me the Call Attention notice, I have before me the adjournment motion and I have before me the matter under Rule 377. That is all under my consideration.

(Interruptions)

SHRI A. BALA PAJANOR (Pondicherry): I am on a point of order. Please see Rule 56 which says:

"Subject to the provisions of these rules, a motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker."

Only your consent has to be given. What is your time limit?

Please see the next rule, Rule 57, which says:

Notice of an adjournment motion shall be given before the commencement of the sitting on the day on which the motion is proposed to be made."

The notice for the motion has been given prior to the sitting of the day. (Interruptions). I am well within the rules. You have only one option—to give your consent or say, 'No', for which if you require time, then Mr. Ravi has given notice four days before about this matter with photographs and the entire House is with one voice and you say you require time. I am not prepared to.... (Interruptions). It is an important and serious matter. You have no other option to say anything. (Interruptions). When the Call Attention notice is given by Mr. Vayalar Ravi you can say this. But when the notice of an adjournment motion is given on the same subject, you can't say this. This is a very very serious matter. (Interruptions). Mr. Mavalankar has correctly expressed our feelings. Now you have got limitations under Rules 56 and 57. Please explain to this House how you have postponed it. Because this matter was brought by Mr. Vayalar Ravi...

MR. SPEAKER: You seem to be putting me in the dock.

SHRI A. BALA PAJANOR: No, no.

MR. SPEAKER: You see the rule.

SHRI A. BALA PAJANOR: You wanted a clarification from Mr. Sathe as to how the Central Government is



[Shri A. Bala Pajanor]

responsible. That is the technical ground you wanted to take in regard to this adjournment motion. Mr. Ravi has given the Call Attention notice 4 days back. The technicality of that is being taken up. You can't brush aside such a matter. It is a very serious matter touching the youth of the country, the cream of the country. What is the important matter that we are discussing? The student unrest. (Interruptions) If you are not going to cooperate with us in this matter, I don't think you can save this country. So you have to cooperate with us. You have to preside over this House in a very honourable fashion, not like this.

MR. SPEAKER: I heard all of you now.

SHRI A. BALA PAJANOR: No, Sir. It is a matter touching the youth of this country. We are to discuss the student unrest in the medical college. We have to discuss here the student unrest. Is it only for discussion that we are discussing?

SHRI C. M. STEPHEN: I want to make a submission with regard to procedure. When adjournment motions are given, you will kindly appreciate that adjournment is an extraordinary measure for the adjournment of the business of the House. We give the motion saying that the business of the House on such and such date be adjourned for discussion of a particular matter. There is no meaning in your saying that this matter will be considered and a decision would be given in due course. Three courses are open to you under rule 60—you can reject it and inform the Member concerned, or you can give the consent and ask the Member to ask for the leave of the House or, thirdly, under the proviso to rule 60, if you are in doubt, about the facts, circumstances and all that, you can read the motion here, ask the Member concerned to

make a statement here and ask the Minister concerned to give a reply and then reserve your ruling. This you can do. But to say "I am reserving it for consideration" is a provision which is not contemplated in the Rules of Procedure, as far as adjournment motion is concerned. I may also submit that this matter, whether in the form of Calling Attention, or under rule 377, by a large number of Members has been pending before you for the last three or four days. Now it has come in the form of an adjournment motion. So, the decision has to be given on the same day. You can either reject it, or allow it, or hear both sides and keep pending for decision by you; you cannot have a discussion in the chamber and all that. There is no other course available to you except these three courses. Otherwise, an adjournment motion has no meaning at all. An adjournment motion is given notice of, because of the urgency of the matter. This is what I want to submit for your consideration.

SHRI VASANT SATHE: Under rule 58....

MR. SPEAKER: You do not allow me to reply to the point raised by the Leader of the Opposition.

SHRI VASANT SATHE: I will only add this. If you want to reject the adjournment motion, you have to follow rule 58, which says:

"The right to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:—"

Then seven conditions have been given (i) to (vii). That means, you have to restrict it only to these, and not to anything outside. As long as it falls within these rules you, in your wisdom, will allow the adjournment motion provided it is a matter of urgent public importance.

**SHRI KRISHAN KANT** (Chandigarh): Sir, I want to raise point of order.

**MR. SPEAKER:** Everybody raises it twice or thrice. I have heard you. There is no point.

**SHRI NATHU SINGH** (Dausa): I want to raise a point of order.

**MR. SPEAKER:** I have heard you. What is it that Shri Balbir Singh wants to say.

**चौधरी बलबीर सिंह** (होशियारपुर) :  
अध्यक्ष महोदय, मेरा सवाल यह है कि यह मैटर अग्रेजेंट है और इसमें कुछ हुआ है, बड़ी बुरी बात है। क्या वे लोग जिनके हाथ खून से रंगे हैं जिन्होंने एमजेंसी में कत्ल किये हैं... (व्यवधान)

**MR. SPEAKER:** That is not a point of order. Do not record anything.

(Interruptions)\*\*\*

**SHRI NATHU SINGH:** Sir, I rise on a point of order?

**MR. SPEAKER:** What is your point of order?

**श्री नाथू सिंह :** अध्यक्ष महोदय, कोई भी पब्लिक इम्पार्टेंस का मामला जब आता है, तो उसके दो-तीन रूप होते हैं जिस में हम उसको रख सकते हैं। जहाँ तक इस प्रश्न का सवाल है, इसमें राज्य सरकार भी एक भाग है, उसकी भी जिम्मेदारी है। इसलिए इस मामले में, जब यह मामला आये तो या तो कोई एडजोर्नमेंट मोशन स्वीकार कीजिए, या कालिंग अटेंशन स्वीकार कीजिए। इस मामले में आप शार्ट नोटिस क्वेश्चन भी स्वीकार कर सकते हैं। यह मामला चूंकि राज्य सरकार से सम्बन्धित है, इसलिए इसमें एडजोर्नमेंट मोशन नहीं आ सकता क्योंकि इसका डिस्मिशन आपको आज ही

देना पड़ेगा। वह तो उचित नहीं है। कालिंग अटेंशन का सवाल भी इसमें नहीं आता क्योंकि राज्य सरकार भी इसमें एक भाग है। इसलिए इसके उपर एक शार्ट डिस्मिशन होना चाहिए। इसका आप अवसर दें।

**MR. SPEAKER:** It has been contended that there are only three courses open to the Speaker in the matter of an adjournment motion. Generally speaking, this is the correct position in law. But it has been held by my predecessors—and I agree with that conclusion—that there are occasions when the Speaker may urgently require some more information before dealing with the adjournment motion. This is a well established practice of this House and it is on that basis that I have called for certain information. The matter will be immediately looked into. But I do not accept the contention that the Speaker has no jurisdiction at all to take some time for considering the matter.

Now we go to the statement by the Minister of External Affairs.

**श्री मनी राम बागड़ी** (मथुरा) :

197 के अन्तर्गत मेरा एक व्यवस्था का प्रश्न है। मुत्वातिर एक सप्ताह से मैं ध्यानाकर्षण का नोटिस आपको देता आ रहा हूँ। दस खानाबदोश लोगों के बच्चे नीलाम किए गए हैं। यह चीख बिहार में जयशेदपुर के पास हुई है। यह मामूली बात नहीं है। दस बच्चे बिकते हैं, इसको आप मामूली बात न समझें। डा० लोहिया का कहना था कि शूद्रों और हरिजनों पर जुल्म होते हैं तो आवाज नहीं उठती है, दो पैस की चोरी वे करते हैं तो उनका पकड़ लिया जाता है लेकिन जो जोरावर लोग हैं वे चोरी और डकैती भी करते हैं तो उनका कुछ नहीं होता है...

**अध्यक्ष महोदय :** यह प्वाइंट आफ आर्डर नहीं है । आपका कॉलिंग अटेंशन लैप्स हो गया है । आपने दूसरा नोटिस नहीं दिया है ।

**श्री मनी राम बागड़ी :** कल दिया था । आप पूछ लें ।

**अध्यक्ष महोदय :** उसको कंसिडर करेंगे । यह प्वाइंट आफ आर्डर नहीं है ।

**श्री मनी राम बागड़ी :** बड़े लोगों के सवाल, सफेदपोशों के सवाल तो यहां उठने हैं लेकिन जो खादाबदोश लोग हैं, वे विक जाएं, उनके बच्चे विक जाएं, सदन में उसकी चर्चा तक न हो यह ठीक नहीं है ।

**अध्यक्ष महोदय :** यह प्वाइंट आफ आर्डर नहीं है ।

**श्री राम जी लाल सुमन (फिरोजाबाद) :** मेरा एक व्यवस्था का प्रश्न है । विगत सत्र में यह आश्वासन दिया गया था कि चालू सत्र के प्रथम सप्ताह में लोकपाल विधेयक इस सभा में आ जाएगा ।

MR. SPEAKER: It has already been introduced. It is coming up.

**श्री रामजी लाल सुमन :** मैं आपको सूचना दे रहा हूँ...\*

MR. SPEAKER: Don't record.

12.45 hrs.

# STATEMENT RE. RECENT CONFERENCE OF FOREIGN MINISTERS OF NON-ALIGNED COUNTRIES HELD AT BELGRADE

THE MINISTER OF EXTERNAL AFFAIRS (SHRI ATAL BIHARI VAJ-PAYEE): Mr. Speaker, Sir, as Honourable Members are aware, the Conference of Foreign Ministers of Non-aligned Countries was held in Belgrade from 25—29 July, 1978. Though the 25-Member Coordinating Bureau of the Non-Aligned Countries had met twice at Foreign Ministers' level first in New Delhi in April 1977 and in Havana in May 1978, this was the first meeting of the Foreign Ministers of all the Non-aligned countries since the Fifth Summit Conference held in Colombo in 1976. An important highlight of the Conference was the inaugural address delivered by His Excellency Joseph Broz Tito, the President of the Socialist Federal Republic of Yugoslavia.

86-member countries of the Movement, 10 countries and 12 organisations with observer status as well as 9 countries with guest status attended the Conference. Djibouti was admitted as a new member and Pakistan and San Marino as guests. Welcoming Pakistan as a guest, we expressed the hope that it will go on to detach itself from the military alliance system. In my statement at the Conference, I also stated in general that while welcoming nations who seek association with the Movement, we expected them to move on rapidly to repudiate totally their dependence on military blocs and multilateral military alliances.

India was unanimously elected as a Chairman of the Political Committee. India also presided over the Drafting Committee set up by the Political Committee to finalise the Political Declaration. I also utilised the opportunity for talks on bilateral as well as

international questions with many Foreign Ministers. On the eve of the Conference, India organised a special cultural performance of Indian artists which was widely appreciated.

The Conference adopted unanimously a Declaration at the end of its deliberations consisting of a political and an economic section and an Action Programme for Economic Cooperation. The general debate in the Plenary provided the forum for a review of the international political and economic situation, and the role which the Non-aligned Movement has played and should continue to play in strengthening peace and promoting cooperation on the basis of justice and equality. The common theme in the general debate was the need to preserve the unity and solilarity of the Movement and to re-affirm the fundamental principles of non-alignment which were proclaimed at the First Summit Conference of Non-aligned Countries held in Belgrade in 1961. Our stress that no attempt, either from inside or outside, can weaken or deflect the Movement if we remain genuinely non-aligned found wide support.

The Conference was held in the midst of a great deal of speculation regarding the ability of the Movement to maintain its unity and cohesion in view of the emergence of sharp differences and even conflicts between some of the Non-aligned Countries and of foreign military presence in some of these countries having potentiality of involving them in the vortex of cold war politics.

The Conference faced these problems squarely and addressed a special appeal to the Non-aligned countries involved in mutual disputes to make every effort themselves to reach peaceful settlements primarily by bilateral means. In addition, it recognised that Non-aligned Countries could render assistance to the parties concerned by bilateral means and through various forms of good offices for reconciling and resolving disputes peacefully. The possibility of establishing informal ad

hoc groups for providing good offices to parties to the disputes, should they so desire, was also examined and recommended to the parties directly concerned.

The Summit Conference of the Organisation of African Unity held in Khartoum just before the Conference of Foreign Ministers of Non-aligned Countries greatly facilitated the task of the latter Conference and constituted an important contribution towards its success. The Conference admired the courageous stand of the African States in Khartoum in their decision to be exclusively responsible for Africa's defence and security by considering the possibility of establishing an inter-African force within the framework of the OAU. It also noted that the OAU Summit had totally rejected all attempts aimed at involving Africa in the cold war politics and its condemnation of any foreign interference in the internal affairs of African States.

The Conference recommended that in order to avoid the emergence of such conflicts, the relations between the Non-aligned Countries must be guided by the basic principles of Non-alignment, the Charter of the United Nations, strict mutual respect for independence, sovereignty and territorial integrity of each Non-aligned State and the inviolability of legally established international frontiers. It was also recognised that the interest of unity and cohesion of the Movement can be best served if narrow national, regional and ideological issues are kept outside the forum of the Movement as far as possible and Non-aligned Countries devoted their attention and energies principally to what unites them in the task of restructuring the world economic and political order and promoting mutual cooperation based on collective self-reliance.

Of particular significance was the concern expressed by the Conference at the setback which the process of detente has suffered recently and at the recent disconcerting tendencies

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towards a revival of certain cold war manifestations. The Conference called upon the world community to redouble its efforts to avert the aggravation of tensions and for a deepening and broadening of the process of détente in order to encompass all the spheres of international relations in all regions.

The political part of the Declaration reflects the views of the Non-aligned Countries on the major international issues as well as issues facing the Non-aligned Movement itself. The Declaration and the Programme of Action together constitute a comprehensive platform and a concrete programme of joint action by Non-aligned Countries in international affairs. The Declaration contains the united stand of Non-aligned Countries on such major international issues as Southern Africa, West Asia and the Palestine Questions, Indian Ocean as a Zone of Peace, Disarmament, etc.

The House is aware of the position of Non-aligned Countries on these issues and that, by and large, they coincide with those of the Government of India, which I have had the honour to state on the Floor of the House a number of times in the past. I would, however, highlight the decisions taken at the Conference on some of the major issues.

Reiterating the known stand on the West Asia and the Palestinian questions, the Conference called for preparatory work during the forthcoming Thirty-third Session of the U.N. General Assembly to convene a Special Session to be devoted exclusively to the consideration of the Palestinian question.

In regard to the situation in Southern Africa, the Conference endorsed the recommendation of the Ministerial meeting of the Coordinating Bureau held in New Delhi in April, 1977, to send a Non-aligned solidarity Mission to the front line States and the Liberation movements of Southern Africa.

The Foreign Ministers also endorsed the decision of the Ministerial Bureau meeting in Havana held in May 1978 to convene a Special Ministerial Meeting of the Coordinating Bureau in Maputo (Mozambique) to review the situation in Southern Africa.

In regard to Namibia, the Conference, while welcoming the decision of the Security Council at its recent meeting, observed that while taking practical measures to bring about the independence of Namibia, it was necessary to exercise absolute vigilance in the new phase of efforts for bringing genuine independence to the people of Namibia.

On Zimbabwe, the Foreign Ministers rejected and totally condemned the so-called "internal settlement" in Southern Rhodesia and characterised it as a sham attempt to consolidate the racist minority regime in Zimbabwe.

On disarmament, the Conference expressed regret at the negative attitude of some nuclear-weapons States on two major aspects of the problem on which India, together with other non-aligned countries, had taken initiative at the Special Session of the U.N. General Assembly devoted to Disarmament. These were: adoption of measures necessary to prohibit the use of nuclear weapons, and a moratorium on their testing pending conclusion of a Comprehensive Test Ban Treaty.

The Declaration contains a new section reaffirming the commitment of the non-aligned countries to the furtherance of human rights and stressing the need for the world community to adopt an integral and comprehensive approach to human rights which would include not only civil and political rights but also social and economic. The Conference stressed that human rights and the fundamental freedoms of the individual and of the people are inalienable. The emphasis in this section, on the rights of the individual and on ensuring the full dignity of the human person as one of the principal objectives of human rights, was incorporated at the initiative of India.

The economic section of the Declaration reviews the recent trends in the world economy and the position and prospects of the developing countries in it, sets out the positions and recommendations of the non-aligned countries on the major issues in international economic cooperation and development, enunciates the role of the non-aligned countries in this field and reviews the implementation of the Programme of Action for Economic Cooperation among the non-aligned countries and other developing countries. The general conclusion of the Foreign Ministers on the implementation of the Action Programme is that while economic cooperation among the non-aligned countries has grown steadily during the recent years, the available opportunities for such cooperation have by no means been yet utilised. Among the recent major developments covered in the Action Programme, mention has been made of the adoption of the Statute for establishing a Council of Associations of Developing Countries' Producers—Exporters of Raw Materials the formation of Trade Information Service in Georgetown, and the acceptance of the offer of India to open a Centre for Science and Technology for Non-aligned and Developing Countries in India.

As regards the role of non-aligned countries in the field of international development cooperation, the Conference recommended that the movement should continue to play a central and catalytic role in the Group of 77. It was recalled in this connection that it was mainly at the initiative of non-aligned countries that a number of issues such as the establishment of a New International Economic Order, have been made the principal concern of the international community as a whole.

The brief review and assessment of the Conference which I have just given, will indicate that the Conference has eminently served the purpose for which it was called. At this Conference, the non-aligned movement has

once again exercised its undoubtedly great influence on the side of world peace and stability. The Conference is yet another milestone in the long journey undertaken by the non-aligned countries to reorder the world economic and political relations, to establish a New International Economic Order and to achieve collective self-reliance as an important means towards this end. The prophets of gloom who predicted that the Conference would end in disorder and bitter controversy, were once again proved wrong. The non-aligned countries at this Conference did not make any effort to avoid the problems besetting them, but went ahead and faced them squarely and sincerely and assiduously tried to find means of solving them and made appropriate recommendations to this end. They reaffirmed the need for unceasing vigilance to preserve intact the essential character of the movement and for maintaining its unswerving fidelity to its basic principles and policies. They also attached paramount importance to the exercise by the non-aligned countries of the independence of action and judgment as one of the fundamental principles of the movement.

The Conference proved that no single country or group can deflect the movement in a narrow sectarian direction, so long as the members adhered scrupulously to the fundamental principles of the movement. Though the public platform provided by the Conference was used more than before, for airing bilateral differences, the Declaration representing the final outcome of the Conference amply reflects the essential unity of purpose of the non-aligned movement in the midst of its rich diversity of socio-economic systems, political philosophies and cultural ethos of the individual member countries and sets out the key role which the movement has to play in meeting the challenges and the problems of this growing interdependent world.

Before concluding, I would like to take this opportunity to express my sincere appreciation for the meticulous

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preparations and excellent arrangements made for the Conference by the Government of Yugoslavia, which contributed a great deal to its success.

SHRI HARI VISHNU KAMATH (Hoshangabad): Mr. Speaker, Sir...

SHRI MALLIKARJUN (Medak): Sir, one question I would like to ask....

MR. SPEAKER: No questions. It cannot be done. We shall try to have a debate on foreign affairs.

SHRI HARI VISHNU KAMATH: No debate, Sir. I would like to ask whether all the countries represented at the Conference were genuinely non-aligned....

MR. SPEAKER: That is not relevant.

SHRI MALLIKARJUN: I want to ask....

MR. SPEAKER: This is not a debate. I have not allowed his question also.

Now we come to the Legislative Business.

# CONSTITUTION (FORTY-SIXTH AMENDMENT) BILL\*

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL): Sir I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER: The question is:

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

*The motion was adopted.*

SHRI DHANIK LAL MANDAL: Sir, I introduce the Bill.

12.57 hrs.

## DELHI POLICE BILL\*

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL): I beg to move for leave to introduce a Bill to amend and consolidate the law relating to the regulation of the police in the Union Territory of Delhi.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill to amend and consolidate the law relating to the regulation of the police in the Union Territory of Delhi."

Mrs. Parvathi Krishnan. You wanted to oppose.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Sir, I rise to oppose introduction of this Bill because I consider it to be totally premature. The question of a full-fledged elected Assembly for Delhi, which has been accepted in principle, is at the moment under active consideration and discussion. In the absence of a democratically elected full-fledged Assembly, creation of a Police Commissioner as envisaged in this Bill will only add to the multiplicity of authorities, and the experience of the Emergency period—the misuse of authority during that period and the Emergency excesses—has shown how very important it is that we should have a proper democratic set-up even in relation to the police and the bureaucracy. This Bill is going to introduce a police set-up which will be outside the democratic set-up that is envisaged for Delhi. Therefore, I consider it to be totally premature. It will lead to the creation of a dual authority, the civil on

\*Published in Gazette of India Extraordinary, Part II, Section 2, dated 3-8-78.

the one hand and the Police on the other. Therefore, there will be no democratic control of elected representatives of Delhi over the Police as it should exist under a State Assembly. Therefore, apart from the functions that are there in this Bill, certain functions at present vested with the Delhi Municipal Corporation, even those functions are sought to be taken away, which means instead even into the existing democratic structure. That is why I vehemently oppose the introduction of this Bill because instead of increasing the democratic control it is going to decrease democratic control....

13.00 hrs.

SHRI KANWAR LAL GUPTA (Delhi Sadar): I want to raise a point of order.

MR. SPEAKER: Where is a point of order in these things?

SHRI KANWAR LAL GUPTA: You kindly give me a minute....

SHRIMATI PARVATHI KRISHNAN: After I finish.

Sir, to-day the law and order situation in Delhi no doubt is a matter of grave concern and we are all very much exercised over it, but this is no solution to it. What I would beg of the Minister is: let him not introduce this Bill, but with all speed, let him bring in a comprehensive Bill to give Delhi full statehood within which the Police set up will function.

SHRI KANWAR LAL GUPTA: There is what is called the Delhi Administration Act according to which all Bills relating to Delhi must go through the Metropolitan Council.... (Interruptions) Even this Bill was also referred to the Metropolitan Council and the Metropolitan Council set up a Select Committee....

MR. SPEAKER: What is your point of order? Under the garb of a point

of order, you want to make a speech. There is no point of order.

SHRI KANWAR LAL GUPTA: My submission is that the report of the Select Committee of the Delhi Metropolitan Council is with the Government and this Bill is different from what has been suggested there by the Delhi Administration.

MR. SPEAKER: It is not a point of order. How a thing should be done one way or the other is not a point of order.

SHRI KANWAR LAL GUPTA: My submission is, the report of the Delhi Administration....

MR. SPEAKER: Please, it is not a point of order.

Now, the question is:

"That leave be granted to introduce a Bill to amend and consolidate the law relating to the regulation of the police in the Union Territory of Delhi."

The motion was adopted.

SHRI DHANIK LAL MANDAL: I introduce the Bill.

श्री उपसैन (दरभय) : इस समय बीच का अवकाश होता है, 1 बज गया है ।

MR. SPEAKER: Now, shall we sit for five minutes more and finish these things so that the afternoon is completely left for the discussion of the Shah Commission reports?

SEVERAL HON. MEMBERS: Yes.

MR. SPEAKER: Now, Mr. Dhanik Lal Mandal—Item 11.

PROF. P. G. MAVALANKAR: Sir, he is supposed to do a hat-trick to-day.



13.03 hrs.

**STATEMENT RE. DELHI POLICE  
ORDINANCE, 1978**

**THE MINISTER OF STATE IN  
THE MINISTRY OF HOME AFFAIRS  
(SHRI DHANIK LAL MANDAL):** Sir,  
I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Delhi Police Ordinance, 1978.

**MR. SPEAKER:** Now, there are five Rule 377 statements. Is it the pleasure of the House to take them up now or do we take them up after lunch? If we take them up after lunch, it will cut into the time for the discussion of the Shah Commission report.

**SEVERAL HON. MEMBERS:** After lunch.

**PROF. P. G. MAVALANKAR:** If we finish them now itself, it will be better.

**MR. SPEAKER:** But the House is not in a mood. So we adjourn now and meet at 2 p.m.

13.04 hrs.

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

*The Lok Sabha re-assembled after Lunch at Five Minutes past Fourteen of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

**MATTERS UNDER RULE 377**

- (i) REPORTED ATTEMPT FOR REMITTANCES ABROAD BY CENTRAL PROVINCES MANGANESE ORE, COMPANY LTD., NAGPUR.

**SHRI C. K. CHANDRAPPAN (Cennanore):** Sir, under Rule 377, I wish to raise the following:

The case in question is one which reveals how a powerful foreign company can influence people in high places and with their connivance commit a fraud on the country and get away with millions of rupees.

Central Provinces Manganese Ore Company Ltd., Nagpur, is incorporated in U.K. and held 49 per cent share in Manganese Ore India Ltd, a public sector undertakings. The company refused to dilute its holdings in accordance with FERA and this led to its take-over by the Government of India in 1977. With this the activities of the company came to an end and the company which hardly had any assets worth the name, started the process of its winding up.

But now they are making an attempt to take away from India Rs. 80 lakhs in a fraudulent manner, in the name of remittances abroad of its past profits. This fraud was exposed by the Reserve Bank of India and Income Tax officials and permission was withheld since 1975. But now people connected with highest authority in the country came to the rescue of this foreign company....

*\*\* (Interruptions)*

**MR. DEPUTY SPEAKER:** Nothing except what Mr. Chandrappan reads out will go on record. He is also not permitted to say anything beyond what is already given here.

**SHRI C. K. CHANDRAPPAN:** .... pressurised the officials of the RBI and IT and obtained permission to the company to remit its past profits abroad. It is now in the final stage with the Exchange Control Department of RBI in Bombay for processing the release of remittance abroad. If everything goes well as planned, within a few days, India will lose about Rs. 80 lakhs in this shady transaction.

In 1975, without taking permission of the RBI, the company in violation of the FERA advanced a loan of Rs. 1 crores to Ritz (P) Ltd., Bombay. The company had taken sufficient documents from Ritz (P) Ltd. to ensure the repayment of loan. The Enforcement Directorate took action against the company and directed the RBI not to permit further remittances abroad by this company.

The company's application for remittances abroad has thus been pending with RBI since 1975. In 1977 the company again applied to RBI for fresh remittances abroad and of the capital sales proceeds. The RBI withheld permission for want of Income Tax clearance certificate.

The company approached Shri P. Sadagopan, the then Commissioner of Income Tax, Nagpur & Vidarbha, for Tax clearance certificate. He refused to issue the certificate unless the Company guaranteed the payment of tax and penalty that may become due and payable on final assessment of its income. The Income Tax Department reopened the assessment of the Company on 20-3-1970. The Department received secret information from the Central Board of Revenue that the company has on a large scale suppressed their F.O.B. value of the manganese ore exported during that year. The company supplied manganese ore to foreign supplier (a) United States Steel Corporation (b) E. J. LAVINO & Co. (c) British Iron Steel Co. (P) Ltd. On all the exports made to these foreign buyers, there has been a suppression of about Dollars 10 to Dollars 15 per tonne depending on the manganese content.

The Central Excise and Customs Authorities at Madras notice that the Company deliberately suppressed the value to avoid payment of export duty of 15 per cent on the correct value.

On these secret reports, action was taken against the company by the  
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Customs Authorities and additional duty of a sizeable nature was levied.

The Company substantially accepted the levy of additional duty and paid it, thinking that the Government will not take any further action.

However, the Income-tax Department raised its claim against the Company, by reopening the assessment on 20-3-1970. The Department was fully satisfied as to the necessity of reopening the assessment. The estimated suppression in the value of goods as discovered in the records now available is about Rs. 80 lakhs.

In view of the large tax commitments, the Commissioner insisted on the Company to give adequate security by way of cash or substantial guarantee to safeguard the interests of the Government.

He was very keen to have this requirement complied with as the Government will have no means to recover the tax dues, as the company has lost all its assets and also stopped its trading activities. The Company brought forward the guarantee of Ritz (P) Ltd. The Commissioner made enquiries with the Commissioner of Income-tax, Bombay City about the creditworthiness of the Ritz (P) Ltd.

Ultimately, he found, on analysis of the Balance-sheet of Ritz (P) Ltd. that there are huge losses incurred and the only asset belonging to it was mortgaged to the Company.

He did not accept the guarantee offered through Ritz (P) Ltd. He informed the Company that the Company should deposit the Title Deeds of the Ritz Building with the Government, by way of a First Charge on the property. All this happened during March, 1978.

The Company slept over the issue till the end of May, 1978, when the successor Commissioner, Shri Anant-

[Shri C. K. Chandrapan]

arama Iyer, was approached. He too did not issue the certificates. Shri V. Chidambara, at present holding the charge, initially refused to issue the certificate.

In this context, Sir, I request the Government first, to take urgent steps to ensure that the Company is not given permission by the Exchange Control Department at Bombay, for remittance abroad. Secondly, an Enquiry may be ordered into the whole affair. Thirdly, a comprehensive statement may be made in the House. Thank you.

MR. DEPUTY-SPEAKER: Shri Balwant Singh Ramoowalia—not here.

Now, Shri Yuvraj.

(ii) REPORTED DANGER TO NATIONAL HIGHWAY NO. 31 AND SUBMERGING OF RAILWAY LINES NEAR NARAYANPUR RAILWAY STATION IN BIHAR BY FLOOD WATERS.

श्री युवराज (कटिहार) : उपाध्यक्ष महोदय, पूर्वोत्तर भारत को सम्पूर्ण देश से जोड़ने वाली पूर्वोत्तर रेलवे लाइन, नारायणपुर स्टेशन के निकट मात्र एक सौ फीट की दूरी पर गंगा नदी बह रही है और सतत कटाव जारी है। इस रेलवे लाइन के कटावग्रस्त हो जाने पर राष्ट्रीय उच्च मार्ग 31 भी कट जायेगा क्योंकि यह मार्ग भी 500-600 फीट की दूरी पर अवस्थित है। देश के सम्पूर्ण भाग का सम्बन्ध आसाम प्रदेश एवं पूर्वी क्षेत्रों से है। आसाम मेल, अवध तिरहुत मेल, वैशाली एक्सप्रेस, प्रयाग एक्सप्रेस आदि अनेकों एक्सप्रेस, पैसेंजर और माल डोने वाली गाड़ियाँ नित्य प्रति इसी रेल मार्ग से गुजरती हैं। नेफा आदि सीमाओं पर प्रतिरक्षा की स्थिति सुदृढ़ बनाये रखने के लिए फौजी गाड़ियाँ और प्रतिरक्षा के सैनिकों के सारे सामान की दुलाई इसी मार्ग से होती रहती है। जनसाधारण के आवागमन का भी यह महत्वपूर्ण मार्ग है।

किसी क्षण पूर्वोत्तर रेलवे स्टेशन नारायणपुर के निकट यह लाइन कट जाने पर आवागमन अवरुद्ध हो जायेगा। गत दो वर्ष पूर्व मानसी भी इस प्रकार खतरे से घिर गया था परन्तु केन्द्रीय सरकार की सतर्कता और विशाल साधन के बल पर मानसी के कटाव को रोका जा सका। प्रतिरक्षा की दृष्टि से भी और बड़े पैमाने पर नित्य प्रति यात्रियों के आवागमन, माल दुलाई आदि की दृष्टि से पूर्वोत्तर रेलवे लाइन नारायणपुर की सुरक्षा का बड़ा महत्व है। देश के इस लाइन लाइन के कटावग्रस्त हो जाने से रेल एवं राष्ट्रीय मार्ग द्वारा आवागमन जो सम्पूर्ण देश को उत्तर-पूर्वीय भारत से मिलाता है अवरुद्ध हो जायेगा और इस से देश को बड़ा नुकसान पहुँचेगा। अतः कटाव के विशेषज्ञ और तकनीकी ज्ञान प्राप्त टीम को अविलम्ब भेज कर पूर्वोत्तर रेलवे लाइन की सुरक्षा नारायणपुर रेलवे स्टेशन के निकट की जाय और अतंकपूर्ण स्थिति जो इस इलाके में व्याप्त है उसका समाधान यद्द स्तर पर दृढ़ कर कटाव से सुरक्षा की व्यवस्था अविलम्ब की जाय।

(iii) REPORTED SUPPLY OF CONTAMINATED WATER IN SOUTH DELHI.

DR. MURLI MANOHAR JOSHI (Almora): Sir, I wish to raise the following matter under Rule 377.

Recent chemical analysis of the water supplied in some of the South Delhi areas has revealed that contaminated and impure water was flowing through the pipes, posing a grave danger to the health of the residents. Samples of piped water collected from different areas show that in all the areas, the content of residual chlorine was either non-existent or was much less than the minimum specified limit of two parts per million. Chlorine is the main water-disinfectant which removes harmful bacteria. The tests also reveal that the water had traces of ammonia (Urine), the iron content was 0.6 ppm against a permissible limit of 0.3 ppm

and the hardness was 322 ppm as against the permissible limit of 200 ppm. Besides, the water also contained suspended impurities like clay and sand.

According to Dr. Nilay Chaudhuri, Chairman of the Central Board for the Prevention and Control of Water Pollution, the strength of river Yamuna, flowing through Delhi (from Wazirabad to Okhla) has got the worst quality level, the main cause of the pollution of the river being the ineffective sewerage system. About 10 lakh people living in South Delhi Colonies were being supplied polluted water from the Yamuna, according to Dr. Chaudhuri. It is reported that facilities for conducting bacteriological and other tests at the Okhla Water Works are totally inadequate. The sparse one-and-a-half room laboratory boasts of two shelves of chemical reagent bottles and four beakers. There is no microscope for carrying out bacteriological tests. A two-men team of analysts does all the checking there from the time water is tapped from the Yamuna spur, is cleaned by fixing the traditional alum, filtered through sand and mixed with chlorine gas. The water-filtration plant is reportedly 25-years old.

Thus in spite of the repeated assurances given by the authorities that the water supplied to the residents of Delhi was absolutely safe and potable, doubts and fears persist in the public mind that the water is often contaminated and impure. There is no doubt, as the recent tests have shown, that there is a large-scale contamination of water being supplied in some of the areas in Delhi, carrying with it the risk of water-borne diseases like jaundice and dysentery. This is a serious health hazard and immediate steps should be taken to ensure the supply of clean and healthy water to the residents of Delhi. I have collected and sealed in a bottle on the 30th July last, the water from the taps in my residence 39, Meena Bagh, which comes under the jurisdiction of N.D.M.C. The water is so turbid

and full of foreign matter that it does not need any chemical examination to show the pollution. However, I am sending it to the Minister concerned for analysis to establish the extent of its contamination. If the results show that the water is really polluted, the concerned officials should be taken to task and steps should be taken to ensure that the water supplied by N.D.M.C. is free from impurities in future. The Chairman of Standing Committee of the D.M.C. has also requested the Hon'ble Prime Minister to hold a probe in the matter. I would request the Government to make a comprehensive statement, regarding this matter.

(iv) REPORTED DIFFICULTIES FACED BY FISHMEN IN WESTERN COAST AND COASTAL AREAS OF ANDHRA PRADESH AND TAMIL NADU

SHRI EDUARDO FALEIRO (Mormugao): Sir, under Rule 377, I wish to raise the following matter.

Fishermen operating country-crafts are in great distress all over the Western Coast and also in the coastal areas of Andhra Pradesh and Tamil Nadu and there have also been constant clashes between this class of fishermen and these operating trawlers. The cause for this situation is the fact that though fishermen manning country boats can only operate within a distance of about 5 kms. from the coast and the mechanised boats have the whole sea for themselves the latter do fish within the 5 km. range and in the process not only deprive the traditional fishermen of any catch but also destroy the fish breeding grounds.

The Government of India had appointed an Expert Committee to study the matter and the Committee has apparently recommended that three fishing zones be demarcated—the first upto 5 km. from the coast for exclusive operation by country crafts, the second from the demarcation line of 5 km. and upto 20 kms. for fishing by mechanised crafts and small traw-

[Shri Eduardo Faleiro]

lers and the further area to be utilised by the large trawlers. In spite of these recommendations and in spite of the tragedy that the present situation has created for the traditional fishermen and their families who are for the last about one year literally deprived of their means of livelihood, Government has so far not taken the necessary steps to amend the Fisheries Act or to demarcate the fishing zones. I had raised this matter some months ago under Rule 377, but Government did not care to come forth with any statement. I hope that at least now, hon. Minister for Agriculture would make a statement on this matter.

— — —

14.21 hrs.

# MOTION RE: INTERIM REPORTS OF THE SHAH COMMISSION OF INQUIRY

MR. DEPUTY-SPEAKER: The House will now take up discussion on the motion by Shri Shyamnandan Mishra. Shri Shyamnandan Mishra.

SHRI K. LAKKAPPA (Tumkur): Sir, I rise on a point of order on the motion being moved by Shri Mishra under Rule 184 regarding motions. Rule 188 says:

"No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry..... shall ordinarily be permitted to be moved".

The subject matter of this motion today is the Shah Commission Report. The discussion on the Shah Commission Report would give a scope for discussing certain subject matter which is pending in a court. In the basis of the Shah Commission Report, six cases have been pending in the court and summons are being issued

already. Therefore, the process of law has already taken place and the law set in motion. In view of these things, I would like to quote the relevant portion from the May's Parliamentary Practice, which says:

"By a resolution of the House, matters awaiting or under adjudication in a criminal court or a court martial, and matters set down for trial or otherwise brought before a civil court may not be referred to in any debate or question...."

I would like to further consolidate my position by submitting to you, Sir, that there are certain rulings also in this regard. I have got an exhaustive note on the subject which says that discussion on sub-judice matters should not be allowed. It is the absolute privilege of the legislatures and members thereof to discuss and deliberate upon all matters pertaining to the governance of the country and its people. Freedom of speech, of course, should not be restricted so far as the parliament is concerned, but there are certain reasonable restrictions imposed by framing of the rules, and the rule whether a motion which relates to a matter which is under adjudication by a court of law should be admitted or discussed in the House has to be interpreted strictly, when this matter has to be considered.

As I said, Sir, six cases now pending before the court for trial and in which summons are being issued, are based on the report of the Shah Commission. Legal process has, therefore, already started. Such a discussion in this House would not only prejudice the adjudication by the court, but at the same time, it would violate Rule 184 and the subsequent rules on the subject in our Rules of Procedure, which take away such a right.

There is another point which I would also like to bring to your kind notice, and that is, that the presiding

officers should also have certain guidelines in matters where the rule of sub-judice should apply in regard to the proceedings pending before a civil or criminal court in any part. These six cases are pending.

MR. DEPUTY SPEAKER: What are the cases which are there?

SHRI K. LAKKAPPA: Six cases, on the basis of the Shah Commission's report, have been launched against Shrimati Indira Gandhi and some other persons.

MR. DEPUTY SPEAKER: At what stage are they?

SHRI K. LAKKAPPA: Summonses are being issued. They are in the Magistrate's court. It is in the trial court. On that also, I would like to quote these things:

"The rule of sub-judice has application only during the period when the matter is under active consideration of a court of law, or courts martial."

This would mean that this is a settled practice, and a citation.

"In criminal cases—from the time the charge-sheet is filed, till the judgement is delivered."

Then it is sub-judice. The charge-sheet has been filed. Summonses are issued. Not FIRs. This is not a First Information Report. The cases have been filed and summonses are being issued to the accused. You can collect the facts. Let the matter be shelved. You collect all the facts. I would like to raise the issue. In civil suits it is from the time the issues are framed till judgement is delivered. In writ petitions—from the time they are admitted till orders are passed. In the case of injunction petitions, from the time they are admitted, till orders are passed. In the case appeals, from the time the appeal is admitted till judgement is delivered.

The Shah Commission was appointed because of political prejudices.

(Interruptions)

MR. DEPUTY SPEAKER: Mr. Lakkappa, I have heard your point of order. Let us not go into the merits of what has been found in the Shah Commission's report. (Interruptions)

SHRI K. LAKKAPPA: In the circumstances, I would suggest to the hon. Deputy Speaker; let the facts be collected and let us know in what stage the cases are pending, and whether it would not only prejudice the cases which are pending, but also vitiate the proceedings. Let them apply the rule of law—if Government... believes in the rule of law and democratic norms.

MR. DEPUTY SPEAKER: I would like to hear the Law Minister on this.

SHRI K. LAKKAPPA: The proceedings and discussions may be shelved. I request the hon. Deputy Speaker to see that they are shelved.

MR. DEPUTY-SPEAKER: Mr. Lakkappa, you have made your point clear. Now let me hear the Law Minister.

SHRI K. LAKKAPPA: The Deputy Speaker should not take any decision so far as this matter is concerned, till then.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): The hon. Member has quoted a relevant rule, and has enunciated a proper principle. But he is not applying it to the proper facts. He himself quoted—and read out—that when a charge-sheet is filed in a court and a case becomes pending in that court, then ordinarily that matter should not be discussed in this House. That is entirely true. But in the case of all these cases which are arising from the Report of the Shah Commission,

[Shri Shanti Bhushan]

so far only the First Information Reports have been registered. At that stage a case does not become pending. A case is only being investigated by the police. After the investigation is completed, there are two courses open to the police: either to register a charge sheet or to file a final report. In case a final report is filed.... (Interruptions)

SHRI K. LAKKAPPA: Summonses are being issued in several cases.

SHRI VASANT SATHE (Akola): Either they file a charge-sheet or withdraw the cases—is it done after investigation?

SHRI SHANTI BHUSHAN: It is quite clear. In fact the hon. Member himself read out that after a charge-sheet is filed.... (Interruptions).... Perhaps there is a misconception on the part of some hon. Members..... i. e. at the stage when a charge-sheet is filed, a case is not pending judicially before the court at all. At the stage when the First Information Report is filed, a case is not pending before the court. It is only when, subsequently, a charge-sheet is filed after investigation is completed, only then.... (Interruptions)

SHRI VASANT SATHE: In pursuance of the FIR, have the summonses been issued to the so-called accused?

SHRI SHANTI BHUSHAN: No, no. Perhaps the hon. Member is mixing up some other cases which do not arise—because there may be other cases which have nothing to do with the Shah Commission's report.

So far as those cases are concerned, may be that charge-sheets have been filed and summonses have been issued. But, so far as these matters which arise from the Shah Commission are concerned, at this stage, only the First Information Reports have been registered. The cases are under investigation. No charge-sheets have

been filed. Therefore, this rule has no application.

MR. DEPUTY-SPEAKER: As far as I am concerned, I think the matter becomes sub judice only after the charge-sheet is filed, after the FIR stage is gone through because in several cases we had discussed in this House the cases which were just at the stage of FIR. Therefore, I don't think Mr. Lakkappa's point of order holds good here. Therefore, I would permit Mr. Mishra to move the motion. But, at the same time, I would say that if there is any case where the stage is, I mean at the stage of the court, if the court is seized of the matter, then they shall not discuss it; other things will be discussed.

SHRI HARI VISHNU KAMATH (Hoshangabad): Mr. Deputy-Speaker, Sir, considering the constitutional and political importance of the subject—Shah Commission's Report and the Government's action taken thereon—may I request—I hope the House will agree—that this matter, this subject, the motion should be discussed at least for eight hours in this House. I am sure that this is at least as important as the language issue which we discussed the other day. And considering that the constitution Amendment Bill, the 45th Amendment Bill is not likely to come up in this Session and the Lokpal Bill also, we have got ample time for discussion. I suggest that we should devote eight hours at least for this discussion.

MR. DEPUTY-SPEAKER: We have already allotted six hours and we shall see, when we are at the stage of completing six hours what the position is. There may not be any speaker even after five hours. Mr. Mishra.

SHRI SHYAMNANDAN MISHRA (Begusarai): I beg to move:

"That this House do consider the Interim Reports I and II of the

Shah Commission of Inquiry and the 'Memorandum of Action taken thereon', laid on the Table of the House on the 15th May, 1978".

Sir, while moving this motion I must say that this day is bound to be reckoned as one of the most important days in the history of Parliament. While discussing these documents, the hon. House will recall that it has got an opportunity to wash off the dark stain that this great institution had contracted on its face some three years back when it approved the proclamation of Emergency issued by the President.

Sir, it was a captive Parliament which acted almost like a rubber stamp of an irresponsible executive when many of the Members of this House were under indefinite detention. And probably this did not stir the conscience of their brother Members here. When most of them were languishing behind the prison bars for indefinite period, this Parliament, Mr. Deputy-Speaker, was also functioning with its proceedings under strict censorship. And that again, did not go against the grain of self-respect of the Members of Parliament of those days! Could any hon. Members of Parliament with any amount of self-respect .... (Interruptions).

Not all of them. Quite right, of course.

Mr. Deputy-Speaker, Sir, what is worse is that Parliament at that time was not only acting as a rubber stamp of an irresponsible executive but also of a centre of extra-constitutional authority; and I ask them to look at their faces in the mirror whether.. (Interruptions)

SHRI G. M. BANATWALLA (Ponnani): I am on a point of order. I have nothing to say about the merits and demerits of what he is submitting, but the hon. Member has tried to cast reflection and aspersion on this House itself. (Interruptions). It would be a bad precedent for the House collectively to be held to ridicule.

I have nothing to say whatsoever about the merits of what he is saying but no reflection should be cast upon the House and no attempt should be made to lower the dignity of this House. Therefore, those words uttered by the hon. Member should be expunged from the proceedings of the House.... (Interruptions)

SHRI VASANT SATHE: What is your ruling? You should expunge it.. (Interruptions)

MR. DEPUTY-SPEAKER: Members may please resume their seats.

SHRI G. M. BANATWALLA: Even at that time there were hon. Members who protested against such things.

PROF. P. G. MAVALANKAR (Gandhinagar): In fact I corrected him.

MR. DEPUTY-SPEAKER: He subsequently corrected himself on that point. I should request Mr. Mishra not to dilate on Parliament.

SHRI KRISHAN KANT (Chandigarh): History has already given a verdict on that. What he is saying is the whole truth and nothing but the truth.

SHRI VASANT SATHE: I say: do not ridicule the institution of Parliament as such.... (Interruptions). You were part and parcel of that Parliament; do not ridicule yourself.

MR. DEPUTY-SPEAKER: You cannot be talking to each other, please address the Chair.... (Interruptions) Please resume your seats. You do not make a point by just shouting.

SHRI SHYAMNANDAN MISHRA: I am not surprised that when I was referring to the extra-constitutional authority that developed in the country, the hon. Members sitting at my back left somewhat hurt. In fact, that shows how much influence the extra-constitutional authority still wields in this country.



[Shri Shyamnandan Mishra]

Now I must say that when this great institution can criticise others; it can also criticise itself in certain moments. Such is, in fact, the proud dignity of this great House.

We were legitimately expecting that such a motion would be moved by the Government itself. In fact, I would go to the length of saying that there should have been a special session of Parliament before this session to consider this important report. That would have indicated that the government wanted to pay urgent attention to it and it wanted to respond to the political and moral challenges thrown by the commission report with determination and élan. But that has not happened. However, if it has fallen on me now to move this motion, I must say that it has been happy quirk of fate, and without loss of humility I can also say that it was peculiarly appropriate. I do not say so because I happened to be one of the honoured guests of Her Majesty's government, but it is also because of the fact that sometime back, only 7 months before the proclamation of the emergency I had moved a motion in this House, in the Fifth Lok Sabha. I should like to remind this House of it in the Fifth Lok Sabha I had moved a motion which read: "that this House is of opinion that the government is creating conditions for the growth of fascism in the country and therefore resolves that a parliamentary committee be constituted to make recommendations to counteract this dangerous trend."

This motion was moved in the month of—December to be precise on 6th of December, 1974 and to and behold! The proclamation of emergency came only seven months later. So I can say with a certain amount of pride that I had a sense of premonition and also certain amount of understanding of the forces that were at work at that time.

Why did I stress the fact that the Government should have indicated

that it was more determined and wanted to pay urgent attention to it? It is amply demonstrated in the newspapers to-day? Foreign countries seem to be taking more serious notice of this report than we in this country. Mr. Bernard Levin a articles appeared in the London Times only yesterday and this great columnist has asked his countrymen to be on guard against this kind of phenomenon emerging in the country like the United Kingdom too.

So, I think that even now our Government would be serious about giving serious thought to implementing the recommendations of the Shah Commission, the findings of the Shah Commission.

The appointment of the Shah Commission was in a sense one of the principal mandates with which the country had sent the Janata Party to power, voted the Janata Party to power. It was the demand of the whole people who had lost their freedoms and suffered immeasurably. It was a decree of democracy which had suffered eclipse and which did not want to be a victim to that phenomenon again at the hands of an unscrupulous one who acted with the help of the obsequious. I must say that the whole lot which had acquiesced in this kind of phenomenon was as much a party to this as was as much as responsible for this as the one single individual on whom the national attention seems to be focussed.

Now, this was also such a probe the like of which had never been undertaken in any other country. I have tried to make a research and yet I have not come across a single probe of this kind; why was it so? It does appear to me that it has been so because in many countries of the world, where the sun of democracy had set it had never risen again. But it is the vitality of the Indian people that when the sun of democracy had again risen here with the result that the Shah Commission was appointed.

Now this also clearly demonstrates that the Janata Party which has come to power wants to learn the lessons from the findings of this great Commission and it wants the people to be alert not only against the future dictatorships but also against itself. Therefore, the House will find that the Janata Party has stripped itself of the powers that the dictatorship of the previous regime had clothed itself with. We are not wielding those powers, we are not coercing our opponents or torturing our opponents in the way in which the previous regime had done. People would also eventually recall....

(Interruptions)

MR. DEPUTY-SPEAKER\*\*: Not one word of what you people are saying would go on record. It is an exercise in futility.

SHRI SHYAMNANDAN MISHRA: People would also recall that there was a wave around 1970 when the phenomena of Mr. Bhutto, Mr. Mujib, Mrs. Bandarnaike and Mrs. Indira Gandhi arose on what they call a wave. They also find that like a wave they came and like a wave they have disappeared! So, it is with some satisfaction that the people of this country can view the developments that have taken place after the Janata Party come

(Interruptions)

Now, Mr. Deputy-Speaker, in all conscience the responsibility committed to the care of this great Commission was indeed colossal. These reports clearly establish that no one was better suited to undertake this task than the hon. Mr. Justice J. C. Shah. The House will recall that when even a saint like Acharya Vinobha Bhave had called the Acharya's Conference during the period of emergency, Mr. Justice J. C. Shah was one of the hand-picked invitees to that conference. (Interruptions). At least you have some respect for Acharya Vinobha Bhave. If a saint like Vinobha Bhave could admire his objectivity and

could think that he could give valuable assistance then I think this Government was quite justified in making a choice of Mr. J. C. Shah. No tribute in words can be sufficient to acknowledge the debt of gratitude to this great man who has performed his duties with unerring objectivity and an unflinching sense of devotion to duty.

This Commission has performed its work with the quickest speed and completed it in record time. Probably even the Warren Commission could not complete its work in such a record time. So, we have to be grateful to this great Commission. This House will also recall that in spite of the greatest provocations that had been given to Mr. Justice Shah, he kept his cool and judicial objectivity. His effigies were being burnt and there were riotous scenes not only around Patiala House which happens to be the headquarters of the Commission but also inside the Commission. There were scenes of rowdiness and there were also some angry demonstrations in Parliament against this Commission. And yet, Mr. Justice Shah did not lose his temper. There is hardly any instance of this kind that a judge in the midst of such grave provocations maintained his judicial temper and continued his work. This reminds me of Kalidas:

निवात निःकम्पमिव प्रदीपम्

"He was like a steady flame in an airless place!"

(Interruptions). I quite realise that the threshold of irritation of our friends is rather low!

SHRI VASANT SATHE: I am amused that you are wasting so much time!

SHRI SHYAMNANDAN MISHRA: In one of her fevered outbursts, Mrs. Gandhi had said that this Commission was a forum of character assassination. But what the findings have

[Shri Shyamnandan Mishra].

shown is that there was not much character to assassinate.

Mrs. Gandhi had been given ample opportunity to state her case and justify her stand. She had, in fact, agreed to appear before the Commission and the Commission had taken all the trouble to call 140 witnesses who had been characterised by Mrs. Gandhi as having given prejudicial evidence. So much expenditure was incurred on them and yet, Mrs. Gandhi did not think it fit later to appear before the Commission.

So, this Commission cannot be accused of any unfairness. And yet Mrs. Gandhi's followers have been going round and threatening hell and worse. It is rather strange that some of the Chief Ministers belonging to her party have been threatening bloodshed in the event of the arrest of Mrs. Gandhi. *(Interruptions)*

We all know that women many a time love to have a session with the mirror but many a time, they do not have the courage to do so when they find wrinkles over their faces. This was probably one of the moments in which Mrs. Gandhi did not like to have a session with this national mirror called the Shah Commission. Why did she not go before it. *(Interruptions)*

This was not a Commission appointed by any executive fiat of the Government; this was a Commission set up under the law. This Commission functioned within the full public view. There was no hush hush or secrecy about it. Even the Government counsel was pulled by up the Commission on several occasions. What more proof of its objectivity do the hon. Members require?

I find that this Commission has done a work the record of which the probably would be hardly equalled. But I do realise that the terms of reference of the Commission were not adequate. They did not make

any specific mention of the roles of certain important bodies. It would have been quite in order to ask the Commission to go into the role that the judiciary performed in those days. We are not very proud of the role of the judiciary during that time. The Commission has made some incidental remarks but it has not gone into depth so far as the role of the judiciary is concerned. It has also not gone into the role of the Cabinet. I do not know whether it would have been proper to commit to the care of a commission like this the role of the Cabinet itself. But no one can fail to notice that the Cabinet had signally failed on this occasion. If Mrs. Gandhi did not think it fit to consult this pack called Cabinet and instead she thought it fit to consult only Mr. Dhawan or Yash Pal Kapoor and all the rest of them, then it was the demand of self-respect that this Cabinet should have resigned wholesale the next morning. But this Commission was not asked to go into the role of the Cabinet. If this Commission was also not asked to go into the role of Parliament, I would not find any fault with the Government, because it is for the Parliament to set up a Committee to find out why this great institution signally failed on that occasion, how this great institution came to be defrauded by Mrs. Gandhi, who happened to be the Prime Minister at that time. Therefore, in my amendment, I have asked for the setting up of a committee of the House to go into the role of Parliament.

Now, Mr. Deputy-Speaker, the findings of the Commission are bound to be considered with the greatest amount of respect because they are based on the evidence tendered by the highest Government functionaries before the Commission on oath, and on material called from the official records. So, Justice Shah had also said that the evidence adduced before him would be the determining factor. He did not assume that any person, body or group of persons had been guilty of any excess. The findings

of the Shah Commission documents indicate—they are in fact bound to be considered not—anatomy of an authoritarian rule, as well as the horoscope of this great democracy. In them you will find areas of darkness and light, of strengths and weaknesses in our national life.

Also these reports are in more senses than one an indication of the gradual and steady decline in the moral fibre of the nation. After all, this phenomenon of dictatorship or authoritarian rule did not come like a thief during one dark night. It came as a result of the consistent decline of the nation that was taking place under the leadership of Mrs. Gandhi, when she had been in power. Therefore this is one of the sternest warnings of the Commission, which we have to heed, that there was almost a near-collapse of the moral fibre of the nation.

These reports, when read by people all over the world, are bound to prove stunning to them. They are bound to ask whether it is believable, whether it could happen in a country like India which was considered to be one of the strongest bastions of democracy in the under-developed world, and perhaps the last bastion of democracy in the under-developed world. The people are bound to ask: could it happen in the land of Mahatma Gandhi, Nehru, Azad, Rajendra Prasad and Patel? But the greatest tragedy of it all is that freedom was liquidated by the daughter of the great architect of freedom, Pandit Nehru. And may I say that Nehru not only happened to be one of the architects of our freedom, but was also the principal architect of our democracy and the progress and development of our country.

These documents are indeed a formidable and terrifying catalogue of the excesses committed by the previous regime. I would not like to weary the House with all the details of

these excesses because they have appeared in the newspapers from time to time. And yet it should bear repetition that the disclosures show that there was wholesale and wilful perversion of the entire Constitution. Even the grave step of the proclamation of the emergency has been pronounced as *mala fide* and illegal. That means that all that was done in the wake of the emergency was inevitably illegal. The Government has not gone into the full implications of a *mala fide* and illegal proclamation of emergency; this should have been done more urgently. If anybody takes it to the court that many of these things were illegal and certain consequences followed, the Government will have to provide a convincing answer.

It has also been found that there was illegal false and malicious arrest of thousands, many of them under the directions of the Prime Minister herself. One of the respected leaders of the country is no more—Mr. Bhimsen Sachar. He along with his Sarvodaya colleagues had been arrested at the behest of Mrs. Gandhi herself. His death, however, does not mean that the criminal culpability does not follow.

15.00 hrs.

I am also haunted many a times by the figure of the brother of Mr. George Fernandes. He happened to be with me in the same jail. He had come to the jail as a half-dead person. Even now, Mr. Laurence Fernandes is a limping person, he had not recovered fully.

SOME HON. MEMBERS: Shame, shame.

SHRI SHYAMNANDAN MISHRA: And he went to the Shah Commission in that limping condition. I still remember the well that separated me from that actress Snehalata Reddy in the Bangalore Central Jail: She ultimately succumbed to the treatment that had been meted out to her.

[Shri Shyamnandan Mishra]

There was also gross and dishonest manipulation of the media, the kind of which had not probably occurred even during the British regime. Every one would bear me out that the press during the British regime did not have to work under such throttling conditions as it did during the period of Emergency. And how much brain-washing was sought to be done by them is demonstrated by the fact that "why Emergency" and the "20-point programme" were printed in as large a number of copies as probably there are families in this country. That brings me to the remissness on the part of the present Government. The Shah Commission Report has not been printed in adequate number in order to be available to the citizens of the country.

AN HON. MEMBER: In all languages.

SHRI SHYAMNANDAN MISHRA: In all languages. The hon. Prime Minister said the other day that the Shah Commission Report would be available at a cheap price of Rs. 2.50 p. and then the next day came a report in the newspapers that it was available at a price of only Rs. 28. If that is the price of this important document, you can realise how the citizens would be able to get hold of it. I think that the first duty of this Government was and even now is, to get as many copies of the Shah Commission Report printed and distributed as may be required by the entire literate population.

SOME HON. MEMBERS: In all languages.

SHRI SHYAMNANDAN MISHRA: And in all languages.

Then, Mr. Deputy-Speaker, the Commission has also highlighted the demoniacal demolitions of the houses of the poor people. When the previous government were speaking of the 20-point programme and the uplift of

the downtrodden people, they found below their nose in this very city that the houses of the poor people were being razed to the ground. At whose instance was it done? The Commission has squarely fixed the responsibility for the demolition of the houses at the doors of the extra-constitutional authority. This extra-constitutional authority, the Commission has said, was the greatest single excess of the Emergency. And the credit for being the greatest single excess of the Emergency goes to the son of the former Prime Minister—Mr. Sanjay Gandhi. This was done at his instance.

Mrs. Gandhi had been found to be involved in three kinds of responsibilities. The first and the most important responsibility is of a moral nature. It has been found that she had 'misrepresented' if I can use a milder word,—Probably it would hurt the friends on the other side if I said that she had lied to the President—regarding the basis and method of Proclamation of Emergency. She was also responsible for the arrests of a large number of persons herself. This was done at her orders. As it happens in any country of the world, if any Prime Minister is found guilty of getting any person arrested on a malicious charge—I say of even a single person—that Prime Minister would have no place in the political life of that country, and he or she will have to retire from public life altogether. Probably, in this country, our sensitivity to moral value is not as keen and, therefore, the moral values of the Prime Minister also, when persons of not the right type of moral stature come to occupy that high position, do not seem to be high. As against, this, let us consider what happened in the United States when Mr. Nixon was arraigned and found guilty of a relatively much smaller charge? Mr. Nixon had not only to quit his great post, but he had also to announce that he was retiring from the public life altogether.

But here almost the entire flock of that party, at any rate many of them, still seem to be lining behind those who were found guilty of so many kinds of evil deeds perpetrated during the Emergency.

She had also perverted the Constitution and mutilated the laws in order to perpetuate her personal rule. The Commission has gone on record to say that the Proclamation of Emergency was done entirely for the purpose of perpetuating her personal or dynastic rule in this country what is worse, she had misused the entire State apparatus for her personal ends.

Please look at the steps that she had taken, not only to subvert the Constitution but also to subvert the economy of this country. One of the friends who happened to appear before the Commission is here. He had to answer certain questions about the appointments to some important posts in the nationalised banks. The Report makes it clear how the important posts in the important economic institutions, like the nationalised banks, came to be filled at the instance of the Prime Minister and her son. Was this the purpose for which the banks were nationalised? The nation is bound to ask: Was it for this purpose the nationalised banks should siphon off most of their resources to the Maruti Limited—that the banks were nationalised? Now it comes to be revealed that during the period of the Emergency a major slice of the resources of some of these banks was siphoned off to the Maruti Limited.

Such was the moral responsibility of the Prime Minister herself, but the matter does not end there. She was involved in the second kind of responsibility for which the Commission imposes on her direct criminal liability. She got people arrested on non-existent grounds and had false and malicious cases instituted against them.

In the case of the textile inspectors, she is liable for prosecution under the Prevention of Corruption Act. The Supreme Court has ruled that defrauding the public exchequer is tantamount to corruption. That is precisely the issue which is involved in the arrest of the textile inspectors.

The third kind of responsibility is suggested by Justice Shah's remark that the emergence of the phenomenon of Mr. Sanjay Gandhi was directly relatable—I infer it from his remarks to Mrs. Gandhi. It was Mrs. Gandhi, and Mrs. Gandhi alone, who was responsible for setting up Mr. Sanjay Gandhi as the *de facto* Prime Minister. My hon. friend, Mr. Subramaniam, happened to be a member, not of the Cabinet of Mrs. Gandhi but of the Cabinet of the *de facto* Prime Minister, Mr. Sanjay Gandhi. It was her hope, and definitely endeavour to, that Mr. Sanjay Gandhi should become the *de jure* Prime Minister as well. It was with this end in view that he was set up as a candidate during the last General Elections.

Then what happens about this overlord of Delhi and the *de facto* Prime Minister? What has the Commission said about this hon. Gentleman? He interfered with the appointments in the nationalised Banks. He harassed business firms out of personal vendetta. Would you imagine, Mr. Deputy Speaker, any person outside the authority. Constitutional authority, giving orders which would be faithfully carried out by the officialdom?

This is precisely what happened. The Intelligence Officers, either the Director of the CBI or the Director of the Intelligence Bureau and most of the important functionaries, all of them were tied to the door-mats of No. 1, Safdarjung Road. This was the state of administration during those days and it was mainly because of the fact that Mr. Sanjay Gandhi came to wield all the powers that the Government had. The Commission has accused him of having actually

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aided and abetted the demolitions, as I have told you earlier.

**SHRI SOMNATH CHATTERJEE** (Jadavpur): And also the firing incident.

**SHRI SHYAMNANDAN MISHRA:** Yes. When we come to the torture and arrests of the people, the record of the Emergency shames even the record of Lord Linlithgow. The arrests during this period went upto nearly two lakhs and out of them, the MISA detenus were 36,039. In 1942, during the Quit India Movement, Lord Linlithgow's regime, the British régime had arrested only 60,832 persons. Here, I am reminded of what the great leader, Shri C. Rajagopalachari had said when he became the Governor-General of India. He said that he was shaking hands across the Centuries with Warren Hastings. Now, Mrs. Gandhi was shaking hands across the years with Lord Linlithgow, and if the nation does not get alert sufficiently, any Prime Minister could come and shake hands with Nadir Shah himself. That is the danger which lurks.

Sir, it was a period during which all our important institutions had ceased to function. Many of them had become even disfunctional. What happened in the United States when Mr. Nixon was on trial before the nation? All the great institutions were functioning vigorously and Mr. Nixon was being simultaneously prosecuted before three forums, he was, in a sense, being prosecuted by the people and the press, he was being prosecuted by the judiciary and he was being prosecuted by the Congress, by all the three forums. When I rose to move the motion, my hon. friend, Mr. Lakkappa, stood up to say that the matter was *sub judice* and therefore, no discussion should be allowed. But, let the House remember that Mr. Nixon was simultaneously being prosecuted in three forums and therefore, when these institutions were functioning that vigorously, you

found that Mr. Nixon was adequately, punished. But what happened in this country was that there was almost a near decimation of all the great institutions. It was a period—let us remind ourselves—when this great institution, Parliament had become the hand-maid of the Executive and when the judiciary had also become impotent and paralysed.

Would not the hon. House remember what the present Chief Justice had to say recently while defending the controversial judgment on the Habeas Corpus case? I think, the hon. Chief Justice was not making a full-throated defence of this. But even so, he had to defend it because he happened to be one of the four judges Constituting the majority. What did the present Chief Justice have to say of those appalling days? He said:

"I wish I had the courage to say that if this was the law, I will lay down my office."

He did not have the courage to lay down the office. But I must say that the Chief Justice of India was very candid in admitting that there was lack of courage on his part.

The verdict of the Shah Commission is that the entire ruling constellation, the ruling clique, the Cabinet and all the rest of them lacked courage and honour in the hour of need. I repeat all of them lacked courage and honour. Otherwise, this would not have happened to this great nation.

Here, I would ask the hon. House to pay attention to some of the remarks that have been made by that veteran jurist, Mr. Seervai in his recent book. What had happened to the judiciary during that period is clear from his remarks. Mr. Seervai, in his book, "The Emergency, Future Safeguards and the Habeas Corpus Case: A criticism" says:

"At the darkest period in the history of Independent India, it made the darkness complete."

That is the comment which Mr. Seervai has made on the judiciary of those days.

Mr. Seervai also says:

"Ordinary men and women would understand Satan saying, 'Evil be thou my good', but they were bewildered and perplexed to be told by four learned judges of the Supreme Court that in substance the founding fathers had written into the Emergency provisions of our Constitution, 'Lawlessness be thou our law'".

That is what Mr. Seervai has said of the judiciary. This is the state to which Mrs. Indira Gandhi and her followers had reduced the great institution of judiciary.

MR. DEPUTY SPEAKER: The hon. Member may try to conclude now.

SHRI SHYAMNANDAN MISHRA: I have to bring out some more aspects. Please give me a little more time.

It does not require to be said that the press was muzzled in such a way that you could not even get the voice of this Parliament to the nation. In every way it was the darkest hour in the brief period of our Independence. What Justice Shah has demonstrated and the main conclusion that can be drawn from the Shah Commission Report is that the whole constitution is a heap of ashes if truth departs from the highest seat of power.

15.19 hrs.

[MR. SPEAKER in the Chair]

Sir, you have been a great judge of the Supreme Court.

SHRI HARI VISHNU KAMATH: You are just in time, Sir.

SHRI SHYAMNANDAN MISHRA: If outside the House I have to discuss with you to find out if there is any remedy to the untruth uttered by a

person in the highest authority, probably, I will draw a blank from you. That is also the main conclusion of the Shah Commission's findings. There is no remedy, constitutional or legal to the untruth uttered by the highest functionaries of the State except the power of the people.

But, can we have any safeguards in future after having gone through all this? I think there is one safeguard which the Constitution can provide and that is that some of the rights of the people, particularly the basic freedoms the basic human rights must be made entrenched rights. They must be made inviolate, that is, they should not be violated or taken away in any circumstances.

SHRI HARI VISHNU KAMATH: Is the Bill coming up in this session?

SHRI SHYAMNANDAN MISHRA: It may or may not be coming.

This is the only safeguard that can be provided in the Constitution.

The Shah Commission has also shattered our belief that we had built up a stable policy for our democracy, after 28 years of our independence and after five General Elections. The haunting question, therefore, before the House and before the country is—and that is also a challenge—whether all this will happen again? Therefore, we have to address ourselves to the future also.

Now, Mr. Speaker, many a time it has been said that there is no political remedy to a political crime. I do not accept the helplessness of the political system in this matter. Now, if there have been political crimes of the most heinous type, a political remedy can be provided by the Parliament. I do not subscribe to the view that Parliament cannot take to task wrong-doers who perpetrate such crimes against the people. Parliament cannot throw up its hands. The House remembers that Charles I was impeached by the British Parliament. Not



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only he was impeached by the British Parliament, there were impeachment proceedings against Warren Hastings and Clive too. Where did this power flow from? Now, some of my Hon. friends will say that while there is provision in the Constitution for the impeachment of the President and the Judges of the Supreme Court there is no such provision for persons like Mrs. Gandhi. That is because of the fact that they happen to be in office. For these out of office too, there can be impeachment proceedings, but there cannot be impeachment proceedings against Members of the Cabinet or of the Government because they are answerable to the House. However, there is no barring the impeachment proceedings, as there had been such proceedings in the British Parliament against persons like Mrs. Gandhi. She can be called to the bar of the House and impeached. (*Interruptions*). The charge against Charles I was that he had waged a war against the people. That is also the charge against Mrs. Gandhi. Charles I was impeached as "the capital and grand author of our troubles"; Mrs. Gandhi can be accused of no less a crime than this. Therefore, I would say that Parliament also can play a role in this matter.

Now, Mr. Speaker, finally I would like to come to the Memorandum of Action that has been submitted to the House and to the people. I must confess my great disappointment at this document. This Memorandum of Action probably consists of 43 paragraphs. Out of them, 42 paragraphs are only a rehash or the summary of the Shah Commission's findings, and there is only one paragraph which condescendingly refers to certain actions that have been taken or are proposed to be taken. And what kind of actions do they refer to? The Memorandum says:

"The Government has accepted the findings of the Shah Commission and follow-up action will be taken after a study of each in-

dividual case through legal and administrative processes'.

Before anything comes out of these studies and procedures, the guilty, Mr. Speaker, would probably have passed into eternity. If that is the pace at which the Government wants to move, I think that the people are bound to feel not only restive but angry.

And what have the newspapers this morning to report? I have here in my hand the *Statesman* of today which reports:

#### "ANDHRA POST FOR FORMER P.I.O.

"Dr. A. R. Baji, former Principal Information officer, has been appointed Director-General of Information, Public Relations, Exhibitions and Cultural Relations by the Andhra Government, reports P.T.I.

"He retired from the Central service on July 31, relinquishing charge as Director of Field Publicity."

The person who had been most responsible for muzzling the press has now been appointed as an important officer by a State Government which is under the control of Mrs. Gandhi. So, would not the Government of India, in such a matter, pull up the State Government? (*Interruptions*)

Therefore, Mr. Speaker, my submission is that the Government has to show more evidence that it is serious about accepting the moral and political challenges thrown by the Commission. Unless the Government is able to demonstrate that, it is bound to be accused of being extremely soft in this matter. Sometime back, there was a controversy going on inside the Government on this very issue when the Government was accused of such attitude not by the former Home Minister—the former Home Minister had only conveyed to the Government the feeling of the people—about the action to be taken against Mrs. Gandhi.

The principal question to my mind is not whether Mrs. Gandhi would be punished, or what would happen to the fate of an individual; the principal question before me and before the nation is what will happen to democracy and this great nation if the findings of the Shah Commission are not made operational. And it is in that sense that I beseech my Government which has come on the principle mandate that the evil deeds of the Emergency must be exposed and remedy provided against the repetition of such a national tragedy in the future.

With these words, I commend the motion to the House.

MR. SPEAKER: Motion moved:

"That this House do consider the interim Reports I and II of the Shah Commission of Inquiry and the 'Memorandum of Action taken thereon', laid on the Table of the House on the 15th May, 1978."

There are seven substitute motions that have been given notice of. I will call upon the Members only to move their substitute motions. No speeches will be made at this stage. They will be called upon to speak at a later stage..

श्री राज नारायण (रायवरेली): अध्यक्ष महोदय, मैं प्रस्ताव करता हूँ :

'कि मूल प्रस्ताव के स्थान पर निम्न-लिखित प्रतिस्थापित किया जाए, अर्थात् :—

"यह सभा शाह जांच आयोग के अन्तरिम प्रतिवेदन भाग 1 और 2 तथा 'उस पर की गई कार्यवाही का जापन' पर, जो 15 मई, 1978 को सभा पटल पर रखे गये थे, विचार करने के बाद निश्चय करती है कि लोक प्रतिनिधित्व अधिनियम, 1951 में ऐसा संशो-

धन किया जाय जिस से निराधार आन्तरिक सुरक्षा के नाम पर आपतकालीन स्थिति की घोषणा के कारण राष्ट्र, संसद और संविधान का अवमान करने और शाह आयोग के समक्ष शपथपूर्वक गवाही देने से मुकरने के कारण श्रीमती इंदिरा गांधी अगले 10 वर्षों तक किसी भी चुनाव लड़ने के लिए अयोग्य घोषित की जाय ।" (1)

डा० रामजी० सिंह (भागलपुर): अध्यक्ष महोदय, मैं प्रस्ताव करता हूँ :

'कि मूल प्रस्ताव के स्थान पर निम्न-लिखित प्रतिस्थापित किया जाय, अर्थात् :—

"यह सभा शाह जांच आयोग के अन्तरिम प्रतिवेदन भाग 1 और 2 तथा 'उस पर की गई कार्यवाही का जापन' पर, जो 15 मई, 1978 को सभा पटल पर रखे गये थे, विचार करने के बाद सरकार को निदेश देती है कि जांच आयोग का कार्य तथा उस पर अनुगामी कार्यवाही 1978 के अन्त तक पूरी की जाय ।" (2)

श्री विनायक प्रसाद यादव (सहारसा): अध्यक्ष महोदय, मैं प्रस्ताव करता हूँ :

'कि मूल प्रस्ताव के स्थान पर निम्न-लिखित प्रतिस्थापित किया जाय, अर्थात् :—

"यह सभा शाह जांच आयोग के अन्तरिम प्रतिवेदन भाग 1 और 2 तथा 'उस पर की गई कार्यवाही का जापन' पर, जो 15 मई, 1978 को सभा पटल पर रखे गए थे, विचार करने के बाद सरकार

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को निदेश देती है कि संविधान को तोड़ने से सम्बन्धित व्यक्तियों को कड़ा से कड़ा दण्ड देने के लिए अदिलम्ब कार्यवाही की जाय और आपात स्थिति में जिन अधिकारियों ने लोगों को आर्थिक, शारीरिक और मानसिक यातनाएं दी उन पर तुरन्त मुकदमा चलाया जाय ।" ' (3)

SHRI SHYAMNANDAN MISHRA:  
I beg to move:

That for the original motion, the following be substituted, namely:—

"This House, having considered the Interim Reports I and II of the Shah Commission of Inquiry and the 'Memorandum of Action taken thereon', laid on the Table of the House in the 15th May, 1978, resolves that a Committee of the House be appointed to find out how it became possible to subvert the Constitution, to defraud Parliament, to deprive the people of their democratic rights and turn the country into a vast prison house with its key held by one person and to recommend steps to prevent the recurrence of such a grave national tragedy in future." (4).

श्री गोरी शंकर राय (गाजीपुर) :  
अध्यक्ष महोदय, मैं प्रस्ताव करता हूँ :

कि मूल प्रस्ताव के स्थान पर निम्न-लिखित प्रतिस्थापित किया जाय, अर्थात् :—

"शाह जांच आयोग के अन्तरिम प्रति-वेदन भाग 1 और 2 तथा उस पर की गई कार्यवाही का

जापन' पर, जो 15 मई, 1978 को सभा पटल पर रखे गये थे, विचार करने के बाद इस सभा की राय है कि सत्ता का दुरुपयोग करने और गम्भीर अपराध करने के लिए जिम्मेदार पाये गये व्यक्तियों के विरुद्ध तुरन्त कार्य-वाही की जाय ।" ' (5)

श्री कंधर लाल गुप्त (दिल्ली सदर) :  
अध्यक्ष महोदय, मैं प्रस्ताव करता हूँ :

कि मूल प्रस्ताव के स्थान पर निम्न-लिखित प्रतिस्थापित किया जाय, अर्थात् :—

"शाह जांच आयोग के अन्तरिम प्रति-वेदन भाग 1 और 2 तथा 'उस पर की गई कार्यवाही का जापन' पर, जो 15 मई, 1978 को सभा पटल पर रखे गए थे, विचार करने के बाद इस सभा की राय है कि सरकार निम्नलिखित पग उठाए :—

(क) मुकदमे चलाने के लिए विशेष न्यायालयों की स्थापना, जैसा कि शाह आयोग द्वारा संकेत किया गया है ;

(ख) संविधान में आदेशक परिवर्तन करना ताकि कोई व्यक्ति भविष्य में लोकतंत्र, वैयक्तिक स्वतंत्र्य प्रेस और न्यायपालिका स्वातंत्र्य का हनन न कर सके; और

(ग) संविधान के मूल सिद्धांतों के विरुद्ध कार्य करने वाले तथा अपनी सत्ता अथवा शक्ति का दुरुपयोग करने वाले व्यक्तियों को भताधिकार से बर्चित करना" ' (6)

**SHRI PABITRA MOHAN PRADHAN** (Deogarh): Sir, I beg to move:

That for the original motion, the following be substituted, namely:—

"This House, having considered the Interim Reports I and II of the Shah Commission of Inquiry and the 'Memorandum of Action taken thereon', laid on the Table of the House on the 15th May, 1978, urges upon the Government to immediately take up the follow up action in instituting both criminal and civil cases." (7)

**MR. SPEAKER:** Now I call upon the Leader of the Opposition.

**SHRI C. M. STEPHEN** (Idukki): At the end of the last session, when these reports were laid on the Table of the House, I made a submission expressing a desire for an immediate discussion and I went to the extent of pleading that the House might sit for 3-4 days together to discuss the reports. I remind the House of this submission of mine only to emphasize that we, on this side of the House, have been very keen all along for a discussion of the Shah Commission, its procedure, its findings its reports and the whole lot of it. But, to-day, I feel before you came, Mr. Lakkappa raised a point of order to the effect that the discussion would hit the principle of *sub judice*. The Deputy Speaker, in his wisdom, ruled that it would not. I do not want to make any comment about it because it has come to this when an attack on Congress(I) or Mrs. Gandhi is concerned, no rule is a bar. There is a rule that when a matter is pending before a commission, no questions shall be asked. But questions were being asked. That when a matter is before a commission, no discussion shall take place is a definite rule, but that is what is being done on the floor of the House. That a defamatory statement against anybody without notice to the

speaker shall not be made on the floor of the House is the rule. That is being enforced but when Mrs. Gandhi and persons connected with her are concerned, this is not a bar at all.

Therefore, here, even if the rule of *sub judice* is attracted if, a refraction of that rule will not surprise me and I do not take it seriously. In spite of that, the discussion can go on. But this position is rather dangerous. Irrespective of persons, and whatever be our attitude to the persons are concerned, the rules of the House must be applied to everybody. If it is to Mrs. Gandhi to-day, it may be to somebody else tomorrow. This is all what I have to say preliminarily.

Now, Sir, there was a time when a discussion on the Shah Commission would have evoked a considerable amount of interest. But, to-day, I feel this report has become practically irrelevant. You are now lifting it up from the limbo or from the waste paper basket and having a look at it. Nobody is bothered about the Shah Commission and its findings.... (Interruptions) It would be that.

The history of the Shah Commission, the 14 months that have been covered since its appointment has been a history of a steady decline. With all fanfare of the appointment of the Shah Commission was announced in the House in May 1977 and that was a major news. Subsequently, the way the Shah Commission conducted itself, the procedure it followed, the violation of the basic rules of natural justice that was indulged in the proceedings before the Shah Commission and the facilities that were injected into the court room of the Shah Commission—all that had the cumulative effect of creating a feeling that here is a tribunal which had its judgment already written up but only trying to collect the evidence to back it up.

I am reminded here of a cartoon which appeared in the *Times* of

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India somewhere about October 1977. There the cartoon was of a foreign tourist coming to this country and Mr. Morarji Bhaj was taking him to the different areas. He took him to a cottage and said. 'We have now returned to the village. Therefore, here is your guest-house', and a small cottage was shown to him. Then he was taken to another place where the Congress split and there he was shown. 'Here is the area where the old monuments of the country have been split up. And finally he took him to the Shah Commission—a light entertainment, as the Shah Commission Report would show. This was expressive, absolutely expressive, of the feelings about the suspense about the Shah Commission, that has come to.

Well, Sir, there is a parallel from the British History which I feel is on all-fours similar to the Shah Commission. That was the Commission on Inquiry against Walpole. This is the story. I quote:

"Walpole had held the centre of the stage for so many years....

"The first step in the attack upon the fallen Minister was therefore the presentation of public petitions to Parliament, demanding an inquiry into the harmful consequences of this mismanagement.....

"Lord Limerick proposed on March 9th that a Committee of Inquiry should be set up to investigate the conduct of affairs by the Walpole Ministry over the previous twenty years. This was rejected by a majority of only two votes, and on March 23rd Lord Limerick returned to the attack by proposing an investigation into the conduct of Walpole as Prime Minister, to extend over the past ten years only. This was carried by a majority of seven, most of the leading members of the new Ministry in the House of Commons speaking in favour of the proposal, the partisan

character of which was emphasised by the appointment of Lord Limerick, a bitter opponent of Walpole, as its Chairman,....

"The proceedings were, and were understood to be, bitter personal attack upon Walpole himself, and they were conducted with such virulence that Sir John Barnard, who had been a consistent and stubborn opponent of Walpole, declared that he would take no part in them.

".....the Committee of Inquiry pressed forward in its labours, and it presented its report on June 30th. It was received with intense disappointment, for it revealed very little. It recorded an allegation that during an election at Weymouth, a place had been promised to the Major, if he would use his influence in obtaining the nomination of a returning officer of the right party. There was a further allegation that on the same occasion the Mayor's brother-in-law, a parson, had been promised a living, with the same object. There were further charges that some revenue officers who had refused to vote for Walpole's nominees had been dismissed; that a fraudulent contract had been given..... for supplying money in Jamaica...

These were small allegations. I again quote:

"These, however, were no more than details.....Still the Committee of Inquiry refused to accept defeat, and stimulated by the sense of frustration which was widespread, it began the task of discovering further evidence.....

"Shortly afterwards, indeed, the new Ministry were at loggerheads, and became the object of public execration. Possibly some of its members reflected unhappily that if they pushed matters to extremes in Walpole's case, they might eventually find themselves in an even worse plight."

This is the story of Walpole's inquiry

stage by stage. I find similarity here. In a political situation a judge is appointed, former Chief Justice of the Supreme Court, Mr. Shah about whom I need not say much here. This House itself is a witness to a mass petition presented against him. And many of the Members on the other side had been the signatories seeking an impeachment of the judge for the show of personality when he disposed of a particular case—totally, a partiality—and many of the Members on the other side were signatories to the document against Justice Shah's past. Justice Shah, after he retired, had been the retainer of many important monopoly firms in this country. I know the Income-tax Department will bear this out. There are numbers of legal opinions given by him.

**SHRI GAURI SHANKAR RAI** (Ghazipur): Sir, I rise on a point of order. The point of order is: are we discussing the Shah Commission Report or the character of Shah and his background? (*Interruptions*) This is not the way. He should be stopped.

**SHRI HARIKESH BAHADUR** (Gorakhpur): Then why not the character and background of Shri Stephen be discussed?

**SHRI NARENDRA P. NATHWANI** (Junagadh): I want to reinforce the point of order. Shri Stephen has referred to partiality of Mr. Justice Shah. That allegation was made on a notice which was intended to serve as an impeachment notice. Certain allegations were made against him and even it was stated that a pamphlet was circulated against Mr. Justice Shah and a reference was made to that. Two things have emerged. Firstly the impeachment notice was not permitted by the Speaker. (*Interruptions*) Secondly, for making that allegation and having circulated that allegation outside Parliament, Shri Gupta was hauled up for contempt. And there is a decision of the Supreme Court and Mr. Gupta was punished for having committed the contempt of

the court. The Charge was that he was partial in deciding that matter. Mr. Stephen was referring to that when he said that he was partial. That very point arose before the Supreme Court and it was held that it (to say that he was partial) amounted to contempt of the court. I do not want to go into details of that matter. The question is whether Mr. Stephen is right in making an allegation against Mr. Justice Shah being partial because that is based on certain proceedings that took place in this House; but, Sir, you know—but many Members do not know—about the whole matter....

**MR. SPEAKER:** You have made your point. I would like to observe. Mr. Stephen's statement is rather one-sided. The Speaker in that particular case had gone into the allegations made and come to the conclusion that they were all unfounded allegations and the Speaker withheld the permission for the impeachment in that case and Mr. Nathwani has correctly said that the petitioner was held guilty of contempt of court.

**SHRI C. M. STEPHEN:** Now, when Mr. Shyamnandan Mishra moved the motion, most part of his time was consumed in commending Justice Shah, emphasising that he was an impartial judge and that he performed his duties creditably. Sir, when the Shah Commission report comes before the House then the entire gamut is before the House—the Commission before the House; his conduct is before the House, the procedure is before the House and the way he discharges his responsibility properly is before the House. The whole matter is before the House. Therefore, there is no question of treating Justice Shah as absolutely sacrosanct.

Now, from the very moment Justice Shah's appointment was made, there were declarations and announcements from different parts giving expression to the misgivings that he was a committed person—committed against Emergency, committed against exces-

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ses and all that. He had gone on record publicly and in public meetings that he addressed condemning the whole thing. May be he is right? As a citizen certainly. But when excesses of Emergency are the matters to be gone into whether a person who has expressed himself definitely on this matter, whether appointment of that person will carry with him the objectivity which is absolutely necessary if the Commission is to command the confidence of the people. This is most important.

Sir, in this respect I would like to invite your attention to what happened with respect to Maruti Commission. For Maruti Commission, Justice Mathur was appointed. Subsequently, Justice Mathur was requested to relinquish his office and here is what Mr. Charan Singh wrote to Justice Shah asking for information about Justice Mathur:

"It is obvious that there must be complete confidence in persons holding such enquiry and there should be no misgivings of any kind regarding objectivity and impartiality of such enquiry."

Charan Singh enforced this with respect of Justice Mathur. With respect to Justice Shah, although expressions were given doubting the objectivity and impartiality of the judge—public expressions were given. Expressions were given in this House—although it was repeatedly done, Justice Shah was continued in the office. I am only submitting Justice Shah has his own connections which would make impossible for him to give an objective judgment because he had his own confirmed views about this matter.

Sir, after he retired from Chief Justiceship, he has been consultant of a large number of firms on income-tax matters. It is known even in the matter of advertisement case he gave his opinion saying that the advertisement of Congress bulletin would not

violate the provisions of the company law. That was his legal knowledge. Subsequently it has come to be, that that legal knowledge is not correct knowledge. He gave that because that advice served the purpose of the companies to which he was giving his advice. That is the background. There are income-tax matters. If there is a dispute, then, a reference is made to Justice Shah. The query and the reply is coming to suit the convenience; and the concerns, the Birlas mostly, present the Income-tax Board with this weighty opinion of the Retired Chief Justice of India.

So, it was a person of this background who was appointed. That was most unfortunate. That is what I am saying. In a case like this, which has got serious implications, a person with absolute objectivity could have been found and could have been appointed.

When Mrs. Gandhi was arrested, Justice Shah declared that he was adjourning and that he was giving up and then he went to Bombay. Subsequently there were reports in the Press that the Home Secretary met him, the Home Minister met him, that he had a discussion with the Prime Minister on this matter and that he was persuaded to continue the Commission work. Well, Sir, the conflict here was between the Government and the previous Government. The matter under inquiry was a matter having considerable political overtones. Under the circumstances, he should not have continued as a Commission and he should have declared it. He can be considered on his own, but the moment the Home Secretary intervenes, the moment the Home Minister intervenes, the moment these ministerial authorities intervene and discuss with him, what would be the reaction of a judge? Sir, you have been in the Supreme Court. What would be the reaction?

**SHRI KANWAR LAL GUPTA:** Sir. I rise on a point of order. My hon. friend Mr. Stephen is discussing the

conduct of Mr. Justice Shah. Can he, under the rules, discuss the conduct of Justice Shah? He can certainly discuss the Report but not the conduct and the way of working of Mr. Justice Shah. He cannot cast aspersion on him. So, you kindly look into this, Mr. Speaker, that no aspersion is cast on the conduct of Mr. Justice Shah. That is my respectful submission.

SHRI C. M. STEPHEN: You need not give a ruling because that part of my speech is practically over. Now, I am speaking about his conduct as a Commission.

SHRI KANWAR LAL GUPTA: I want your ruling, Sir.

MR. SPEAKER: He has raised a point. Mr. Law Minister, would you like to say anything in the matter?

श्री नथू सिंह (दीसा) : अध्यक्ष महोदय,  
मेरा प्वाइंट ऑफ़ ऑर्डर है ।

MR. SPEAKER: Mr. Nathu Singh, at that time also you rose. Every time you raise a point of order which is totally without merit. Please resume your seat. The Law Minister.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Mr. Speaker, Sir, when a report made by a Commission of Inquiry is being discussed by the House, I would submit the conduct of the person who has submitted the report should not be made the subject matter of an adverse criticism.

MR. SPEAKER: But was his conduct commended at that time because I was not present?

SHRI SHANTI BHUSHAN: An objection could have been taken. His conduct should not be the subject matter of a discussion on one side or the other side because it is the Report which is under discussion. Therefore, only the report should be discussed.

MR. SPEAKER: Normally, bringing in the conduct of a judge, either commending him or criticising him, is not proper during the course of a debate. But if the conduct has been praised, then, the other side gets a right to criticise it. (Interruptions) The other side gets a right of criticising it.

SHRI SHYAMNANDAN MISHRA: His work has been praised.

MR. SPEAKER: Work is different. One thing I found; of course, nobody raised an objection. Mr. Stephen is not right in saying that he was giving convenient opinion. This is rather unfortunate. You have no occasion to examine his opinion, nor can this forum be utilised for saying that the professional opinion given by him was perverted. This is also not proper. That thing should not have been used. Please go on.

SHRI C. M. STEPHEN: In order to avoid wastage of time I do not want to comment about your ruling. Anyway, I have got my own views. What I am commenting is his conduct as a Commission. As a Commission, it declared, that it was adjourning in protest. It was reported in the papers that the Home Secretary met him and the Home Minister met him. He had a meeting with the hon. Prime Minister. After that, it was announced that the Commission would resume the sitting. It is elementary that if an interested party interferes or tries to influence what that judge will do is to lay it down and say "I will have nothing to do with this." For any kind of trying or influencing the Judge, the Judge will immediately hand it over to somebody else and would say "I would never again sit on those judgements".

He submitted himself to this, making himself susceptible, giving an impression that he is susceptible to the influence by the Government, by the Prime Minister and the Home Minister and even the Home Secretary. This is his conduct. This is what he did and



[Shri C. M. Stephen]

taking this conduct the objectivity of Justice Shah comes under question. That is why I am saying that the sanctity of the Commission of Enquiry, Sir, is the objectivity. The Commission comments that there is no more sanction for a report of the Commission which does not have the legal validity, which does not end in punishment, nothing at all. It gives a judgement which judgement if accepted by the people as a proper judgement by a proper evaluation, it will have the political value and that is the sanction behind it; and if the person handing down the judgement behaves in a manner which gives an impression that his is an opinion prejudiced and pre-made, then that judgement will have no value at all. The tragedy of the situation is that the judgment of the report of the Shah Commission is vitiated by this aspect. Let us not run away from that factor. This is what I am saying Sir. Now, in both the matters are: who held enquiry, subject matter of the enquiry and what is the procedure? These are the important matters. This attitude of Justice Shah was reflected, stage by stage, in every state of enquiry. That is what I am submitting. For example, what was the reference to him? Reference to him was on five matters. There were five matters referred to him—subversion of lawful, process and well-established conventions, administrative procedures and practices, abuse of authority, misuse of powers, excesses and malpractices committed during the period when the proclamation of Emergency was declared on 25th June, 1975, under Article 352 of the Constitution in force or in days immediately preceding the proclamation of the Emergency, the excesses committed during the Emergency, excesses committed during the days preceding the emergency. He was never asked to evaluate the emergency, the correctness or the validity of the declaration of the emergency. That has stood in the way of Government which can make a matter for reference during the emergency, during the days

preceding the emergency; he was never asked to comment about the emergency as such. Justice Shah went out of the way. He trampled the jurisdiction to comment about the Emergency. I would say that the Government declined to make this reference because of a position which has already been taken in Indian Law. I have got a reference that Khanna Commission in Orissa Enquiry where Justice Khanna found Mr. Biju Patnaik guilty on four matters which were referred to him. There, Sir, certain matters were not borne in mind by the Judge in making his observations.

"As regards general financial policy by the State Government and the budget figures, it is not disputed that the same were approved by the Legislature. These were also policy matters and, in my opinion, the Commission cannot and should not sit in judgement over the wisdom of the policies approved by the Legislature."

"It is not necessary to go into other details; suffice it to say that a principle was established that in so far as policy is concerned, a minister, who has enjoyed the support of the House for what he has done, cannot be punished subsequently by any other penalty than loss of office."

This is the principle which has now become part of the Constitutional Law of England. This is a principle which was accepted by Justice Khanna in handing down this judgement. Now, he was appointed to head the Commission of Enquiry. Therefore, in the matter of Emergency, it was approved by the House that no reference was made to him that you must go into it. But he did go into it and he went into it in spite of the objections from Shrimati Gandhi. In her statement before the Commission, she said:

"No authority in this country, not excluding any commission appointed under the Commission of Inquiry Act, can sit in judgement over such an Act of Parliament. For any political decision, the Government under our

Constitution is answerable only to Parliament. If this hon. Commission arrogates to itself the power to determine that the declaration of Emergency was an excess, this hon. Commission will not only be stultifying the constitutional scheme, but also establishing a precedent which will make serious inroad into parliamentary supremacy with disastrous consequences to parliamentary freedom."

She said further:

"Apart from this, I should like to bring to the notice of the hon. Commission that while making its pronouncement on my submission that the terms of reference were one-sided and politically motivated and that it was equally imperative that this hon. Commission should go into the circumstances which led to the declaration of emergency, this hon. Commission observed as follows ..."

She made the pleas, one, you have no jurisdiction, the terms of reference do not cover it, two, even the basic law accepted in this country does not permit re-examination of a matter which was accepted by the Parliament, no Commission of Enquiry can go into it and three, if you are disposed to overrule it and go into it, you must cover the entire area of incidents which led to the proclamation of emergency and that she must be given an opportunity to lead evidence on all that happened which necessitated the declaration of emergency. Justice Shah after quoting these pleas makes no comments on these observations, he has quoted, but he has no comments to make. If he rejected it, he must give some reasons. He just keeps completely silent about it. Is this the way, a judge is to behave with respect to a matter which is before him? Basically, what I am saying is that although no reference was made to him, although the law accepted in this country prohibits an examination of a particular matter, although the party specifically pointed out to him the irregularity about this matter, Justice Shah without caring to reply.

to the objections raised grabbed at the jurisdiction because he wanted to come out saying something. This shows the partial way in which Justice Shah behaved in disposing of this matter. I am only saying that about emergency he has come to one finding without any jurisdiction at all. Commenting upon a matter which is not referred to him is doing something without any jurisdiction. Now, this is what George W Keeton in his authoritative book, *Trial by Tribunal* says:

"The fall of Walpole is, indeed, the decisive moment in the development of the English constitution, when the transition is made from extraordinary punishment for a Minister who has lost the confidence of Parliament to the present consequence of loss of office only. After Walpole's resignation there is no longer any expectation that when a Prime Minister leaves office, it will be possible to impose penalties upon him for the execution of policy, however mistaken. This immunity is, in fact, the outstanding characteristic of Parliamentary Government, by means of a Ministry whose members are also members of one of the Houses of Parliament. By maintaining the Ministry in office, Parliamentary in escapably shares with the Government responsibility for policy."

This is the part of the constitutional law. In spite of that, he went into it. I will come to that after a few minutes.

Now, I am on the question of procedure, whether a proper procedure was followed. A very strange procedure has been followed by Justice Shah. Here, I would just invite your attention to a statement by the Law Commission of India about the importance of the procedure.

16.00 hrs.

On the Commission of Inquiry Act, the Law Commission gave a report. They said:

"In order that the special procedure envisaged in the Commissions

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of Inquiry Act, 1952 does not work any hardship on citizens, there should be some safeguards. The great American judge Mr. Justice Frankfurter has observed:

"The history of liberty has largely been the history of procedural safeguards."

And, therefore, in 1971, certain amendments were made in the Act, to spell out what the procedure must be. Of course, residual powers were given to the tribunal to have its own procedure—but subject to these basic things. Those procedures were absolutely clear. The reference itself says this. It is not as if he can do anything. Clause 3 of the reference order says:

"The inquiry by the Commission shall be in regard to

(i) complaints or allegations aforesaid that may be made before the Commission by any individual or association in such form and accompanied by such affidavits as may be prescribed by the Commission,

(ii) and such instances relatable to paragraph 2(a)(i) as may be brought to its notice by the Central Government or a State Government..."

These were the matters on which the Commission was asked to go ahead. After they were collected, there were 3 stages stipulated by the Act. He has disregarded all of them, with the result that the principles of natural justice were completely violated. Section 5A (2) of the Commissions of Inquiry Act says:

"For the purpose of investigating into any matter pertaining to the inquiry..."

There are two things contemplated: one is an investigation, and the other is an enquiry. The connotation of

these terms are well known in jurisprudence. Section 5A. (2) says:

"... for the purpose of conducting any investigation pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the Commission ...."

have such-and-such powers. Section 5A(4) (5) say:

(4) "The officers or agency, whose services are utilised under sub-section (1) shall investigate into any matter pertaining to the inquiry and submit a report thereon (hereafter in this section referred to as the investigation report) to the Commission within such period as may be specified by the Commission in this behalf.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusions, if any, arrived at in the investigation report submitted to it under sub-section (4), and for this purpose the commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it thinks fit."

Now, the Commission issued a notification and got certain complaints 42,000 complaints were received by it. Certain complaints among them had been selected and the decision is given. On that, he says he availed of the services of the investigating agency. He must have received the investigation report. There is no mention in this, about the investigation report at all. Then the only stage contemplated in the Act is: sitting and considering whether the investigation reports and conclusions are correct. For that, there is a procedure. That procedure can be an inquiry. At that stage, a large number of persons were put on. Their evidence was collected. The question in dispute is whether, at that stage, it was an investigation which was taking place,

or whether it was an inquiry which was taking place. Was it an inquiry on the basis of the investigation report, or was it a screening, to decide whether that investigation report was correct or not? That itself was part of the investigation process. That is the main question. Here, Justice Shah has said this, in paragraph 3.11:

"For that purpose, it was considered necessary to have investigation made by the investigating staff of the Commission. In the very nature of things, such investigation could not be complete. It was, therefore, thought necessary to ask persons cognisant of the transactions to appear before the Commission to assist the Commission in making the inquiry. It was then made clear that there was no compulsion upon anyone to come before the Commission. It was only a request to assist the Commission in the due performance of its duties."

It says: "It was also necessary in order to maintain some regulation." "After holding this inquiry and perusing the statements made before the investigating staff, it was thought necessary, when it appeared that the Commission could form an opinion that certain persons should be given an opportunity of being heard in the inquiry, and notices under rule 5(2) (a) were given."

Now he has dealt with it as a part of an investigation. The question I am raising is: if it is a part of an investigation, is investigation done in the open? Is it done in the open court or that all the persons were kept away; the persons who were really involved were at that stage kept away? The whole thing was done for the sake of publicity, television and radio. Everything was put into service. If this was part of the investigation process, this has got to be done in secret, in camera. If it is an inquiry, it must be done in open and there if consideration of natural justice has got to be observed, persons

—affected would have been allowed to come in. Therefore, the persons affected were not allowed to come in: they were barred out. If there was a trial by press, so to say complete character assassination, this was the process that was going on by a procedure which was not warranted by law at all. The entire provision was disregarded. This was what was done. Now why this? Justice Shah has—I am repeating—mentally made his own commitment and formed his own opinion; and he wanted to carry on a sort of....

(Interruptions)

SHRI GAURI SHANKAR RAI (Ghazipur): I question that statement.

(Interruptions)

SHRI C. M. STEPHEN: This is my main argument. If I am not allowed to put forward my argument, I do not want to put forward my argument. This is my main argument. This is my attack on the Shah Commission.

(Interruptions)

MR. SPEAKER: Even in a court, he can say that.

SHRI C. M. STEPHEN: Now, therefore, what happened was that their inquiry was done ex-party, completely ex-party. After the entire damage was done, Mrs. Gandhi or somebody else was called in to give evidence. Why should they come in? The entire damage was done. I would repeat that what ultimately you find is subsequently irrelevant, because this ultimately is to be decided by the people. What is your finding? That finding can be taken to the people, explained to the people. What happens is whether by your procedure you have damnified me or not? You completely damnify me by floating your procedure which has no warrant in the law at all.

After the whole thing was done, the formality of inviting Mrs. Gandhi to come and give evidence was done. She said: "I am under oath of secrecy."

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She also said: "You have done the whole mischief against me. There is no question of my coming now. I need not come at all." Then she asked for permission to cross-examine persons who were put in the box; permission to cross-examine the investigating agencies. And Justice Shah ruled out the permission to cross-examine investigating agencies; he refused it. The provision says that their evidence can be collected; they can be cross-examined. But Justice Shah refused, rejected the permission. That was the basic document on which everything proceeded. The gravamen of my argument is that by completely forgetting the procedure, deliberate denial of natural justice, ex-parte collection of evidence, collecting evidence more for the purpose of public consumption, more for the purpose of publication, radio and television, there was persecution in public done in complete disregard of the fundamentals of natural law and natural justice. This is what the Shah Commission has done. After that, he has given the finding and the result we have seen is that you have put everything on the radio, on the television and all the papers have published it. The calculation was that if this trial goes on, if the gravity of the offences are portrayed, the people will revolt against her and she will be politically finished. With this we went to the polls; we went to the people in the South, in Karnataka and Andhra Pradesh, we went to the people in Azamgarh and in different constituencies we have seen what has happened, how people have reacted. They have seen through the entire game: here is vindictive persecution, vindictive persecution was taken in that spirit by the people and they gave their verdict on the conduct of the Shah Commission activity. This is what has happened..

(Interruptions)

SHRI VASANT SATHE: You got zero Madurai.

SHRI C. M. STEPHEN: I am only comparing this with what I quoted:

a parallel commission was appointed as in Walpole case; it had been carried on as in Walpole case, as happened in Walpole case the entire target was Mrs. Indira Gandhi. Finally you have come out with the report. May I ask: what is there in the report? Justice Shah has made a pronouncement about emergency. The charges are threefold. One is: emergency was declared without permission or consultation of the Cabinet.

SHRI KANWARLAL GUPTA: Yes.

SHRI C. M. STEPHEN: The point I want to emphasise is: it was not as if Mrs. Gandhi kept it a secret. In the letter written to the President it was mentioned that the Cabinet was not consulted; it was specifically stated: "I would have liked to have taken this to the Cabinet; I shall mention this matter to the Cabinet first thing tomorrow." That this should not be done, Mr. Balachandran advised the President; that is the evidence which had been given here. The President was told that the Cabinet had not been consulted; the political secretary to the President advises the President that the Cabinet should be consulted. The President considered this matter and after considering that matter signs the proclamation. It is not a case of anything being kept away. Everything is told before the President signs the proclamation. The Cabinet was told. Finally the matter came to Parliament. Parliament accepted it. What I am saying is: let there be no impression that things were done clandestinely.

SHRI SOMNATH CHATTERJEE: Did the Home Minister know?

**SHRI C. M. STEPHEN:** The Home Minister knew.

**SHRI KANWAR LAL GUPTA:** Mr. Pai and Mr. Subramaniam are here; ask them.

**SHRI C. M. STEPHEN:** This is what the Commission report says. The Home Minister was called and told that there was a proposal.

**SHRI KANWAR LAL GUPTA:** No.

**SHRI C. M. STEPHEN:** The Home Minister was told and he knew. The point therefore is: it is not as if things were taken away hidden from the Home Minister, whoever was in the picture. The matter came before Parliament; Parliament accepted it; the proclamation came into effect. It was a legal document. Justice Shah had no business to go into it. It was a shock treatment. Shri Siddhartha Shankar Ray has said in his evidence that she was speaking about it long before the Allahabad judgement.

It is not as if it was implemented for the purpose of remaining in power in spite of Allahabad judgement. Things were going from bad to worse. Anarchic conditions were prevailing. But according to Mr. Justice Shah there was no law and order situation.

Well, there another Commission will go into the same matter. Justice Mathew Commission will go into the matter about things that were happening.

This was what he said:

"Be that as it may, there can be no gainsaying the fact that violence threatened the democratic set up in Bihar. Violence was very much in the air at all levels—individual, social and political.

It is axiomatic that civilized life becomes impossible if political violence were to take the place of legal, parliamentary and constitutional processes. Even to suggest that any kind of extra-constitutional action is justified to undo a

wrong will undermine the structure of orderly life with results which cannot be foreseen but can be startlingly unsettling. No democratic system can accept the use of physical violence as an instrument of politics.

The incidents of violence in Bihar including the incidents of explosion at Samastipur were a grave warning to the nation and all people had to give very serious thought as to what action should be taken at the national and political levels to put an end to violence to safeguard democracy and ensure national security. If democracy has to be saved from violence and hatred, everyone must exercise restraint in speech and action."

Therefore, here are two reports. The point I am emphasising is the people are now speaking about what was done by the declaration of emergency. May I put the question back? What happened before that? What happened in Gujarat? What happened in Bihar? Was not violence raging there? This is the sort of things that happened there. (*Interruptions*) Democratic process was attacked by you people, and not by other people. You attacked the democratic institutions. You made an onslaught in Gujarat. You made an onslaught in Bihar. You started exploiting things in different areas. These attacks were made there. Therefore, as a consequence, it came in.

Now, finally, there were other findings. What are those great findings? The great findings are—somebody was appointed as a Governor of the Reserve Bank. 'A' should have been appointed. 'B' should have been appointed. Somebody else was appointed as the Chairman of the State Bank of India. 'C' should have been appointed, not 'D' should have been appointed. These are the great findings that you are finding here. (*Interruptions*) and this is because somebody recommended some other

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name. Mrs. Gandhi felt that somebody else should have been mentioned. That was going out of the way. If that is the standard, may I ask you, how many appointments today can stand scrutiny? Today the Chairman of the Taxation Board was appointed. A non-member of the Board had been appointed. The name of a person was recommended. The Appointment Committee recommended that. The name went upto the highest. That name was not taken. Somebody outside was recruited in and when they were told—a non-Member of the Board cannot become a Chairman, then he was announced as a Member and along with that he was announced as a Chairman also. Which procedure has been followed, I am asking?

The Managing Director, B.H.E.L. was sent away. Trade Unions are protesting. Everybody is protesting. This is wiped away and somebody has been appointed. By what procedure have you done, may I ask you?

Chairman, Shipping Corporation has been appointed. What procedure has been adopted?

There is the Directorate of the Settlement of Income Tax. What happened to the Chairman? Somebody was there. He had some more time to retire. But somebody else was put in. He was asked to resign or take leave. Letter was taken him—three months and sixteen days earlier. Somebody else has been put in. That man is there. Now by the time he came, the rules are changed. Two more years are given. By the time Shastri Commission Report will come. He will get two more years. That person was rubbed into that. No procedure is followed. These are great violations that you have now here.

42,000 complaints were received and examined by the Shah Commission in the case of abuse of power and all that. 'A' was appointed to the Reserve Bank. 'B' was ap-

pointed to the State Bank. Somebody else was recommended. Time was not given and in the Indian Airlines Board, when it was constituted, the names which were given, out of that one name was deleted. That is a great thing. Against that Air Marshal Lal protested and resigned. This is the violation, abuse of power. These are the findings here. What else are the findings, I am asking? Of course, certain arrests have taken place. Condemnation has taken place. I can understand that these things are there. But in an emergency it takes place. Wrong things happened as far as that is concerned. But for a Commission to say that in the matter of appointments to the Reserve Bank and State Bank and in constituting the Board for Air India and Indian Airlines basic things are violated because the recommendations given by the respective people were not dittoed by the Prime Minister—I cannot understand it.

After all this, what has it come to? Mr. Charan Singh has made a statement recently saying that going by the law, it is not possible to convict Mrs. Gandhi and therefore, extraordinary measures may be taken. One political party issued a statement saying, everybody knows that under the law of the land, it will not be possible to bring her to conviction; therefore, Nuremberg-type trials may be resorted to. Knowing that under the law conviction is not possible, now they are thinking of a special court, for a command performance, to appoint another judge who will write as the Government wants. The normal process is going to be bypassed. If under the normal law punishment is not possible, we will put somebody there who will write as we want and bring her to conviction. This is the witch-hunt that is now starting. With all the fanfare the Shah Commission started. It assumed an impression of being a partial tribunal. It went through a procedure which is absolutely unwarranted. It collected evidence *ex parte* and has come out with something which looks

like the mountain giving birth to a mouse and not being able to end up in conviction.

Before I wind up, I want to make one submission. Now there is a Government there and there is an opposition here. Against Mrs. Gandhi, you may proceed as best as you can. All the things that are said here have been said umpteen times that there was no normalcy, etc. You can carry on saying that and revel in it. But ultimately, Political sanction is what matters. The witch-hunt atmosphere you are creating, the vindictiveness you are injecting into this, the lack of objectivity that you are creating in the whole situation—all these things are there. This is what is today happening. The special court you are creating will also be having the same position. The whole thing has got a history. I am not going into the entire history. But there is a struggle going on. The struggle will go on. You have won for the time being. You think you can finish us off. You have won for the time being. You have won a battle and you think that is the end of it. You think you can finish us off. You can go ahead trying to finish us off. But we will stick to our position and carry on our mission as best as we can. This is all I have got to say. This vindictive campaign will not take you anywhere. Here is a report which is disowned by the people. Here is a report which is disregarded by the political intelligentsia and treated with complete lightness. This Commission remains as a standing monument for political vindictiveness, misuse of the legal process to carry vindictiveness to the extent of political annihilations which will be met and our people will defeat your entire conspiracy. The Shah Commission report deserves a place. That place is in the waste paper basket. To that it will be thrown.

Looking at the whole thing, I would like to say that the conduct of the Shah Commission itself is a matter which demands an enquiry and a

commission of enquiry will sit in proper time to go into the conduct of the Shah Commission in the matter of violation of legal procedures.

With these words, I conclude.

SHRI SAUGATA ROY (Barrackpore): Mr. Speaker. Sir, today before the House we have a report or two interim reports which have engaged the attention of the nation for the past one year. And it is one of the reports which has raised a lot of political controversy in the country.

Sir, as has been seen clearly that on this Shah Commission Report two extreme positions have already been taken. One is by Mr. Charan Singh, to whom Mr. Shyamnandan Mishra, the hon. Member who put the motion, is so closely attached. Mr. Charan Singh in a statement just before his resignation from the Cabinet, had said that after the Shah Commission Report it became clear that Mrs. Gandhi might not be punishable by ordinary laws of the land. People of the country would celebrate Diwali if she was arrested under MISA. There is also the another extreme point of view which has been put forward by Mr. Stephen, which has been spoken about by Mrs. Gandhi and Mr. Pranab Kumar Mukherjee before the Shah Commission. It speaks for total rejection of the Commission, total rejection of its procedure, total rejection of its findings.

Sir, as I have said earlier in the House, we demarcate ourselves from both these points of view because in our point of view both these represent authoritarian trends in the country. The Congress Party on whose behalf I am here to speak, want to say clearly that with regard to the Shah Commission, we have three principal premises on the basis of which this whole issue should be judged. First, while we condemn the excesses of emergency and feel that the guilty found for excesses during the emergency should be punished, we also



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feel that the existing laws of the land should only be used for punishing anybody who is found guilty according to the due process of law. We also want to add that let not the Shah Commission have an element of political victimisation, political vendetta of let not witch-hunting be started in this country. It is in order to maintain democracy that I put forward this point of view.

As far as the Shah Commission is concerned, it is not the first commission of inquiry to be set up by any Government ever since the Commission of Inquiry Act was enacted in 1952. We celebrated its silver jubilee in 1977. 16 inquiry commissions have been set up under the Commission of Inquiry Act. There have been commissions of inquiry against Shri Biju Patnaik, there have been commissions of inquiry against Shri Prakash Singh Badal and there have been commissions of inquiry instituted by Mr. Gandhi against the DMK Government and Mr. Karunanidhi. So, commissions of inquiry are nothing, on the one hand, very sacrosanct and on the other hand, they are nothing that should be rejected outright. They form a part of both the political and the legal life of the nation. But at the same time, I do not think, it is my personal opinion firmly, that political crimes can be judged by Commissions of inquiry. Today, while we are discussing the Shah Commission's report in the House, a young man, a brilliant student is languishing in a jail in Madras, waiting to be hanged. His appeal for pardon has been rejected by the President. His name is Kishan Chetli. He wanted to remove poverty and for that he is being hanged. On the other hand, Mr. Sanjay Gandhi who was responsible for the demolitions and the findings in Turkman Gate area, is scot free. So, I do not think on political grounds this thing can be judged. A commission of inquiry can only find out certain facts. The Shah

Commission has in its own way tried to find out certain facts and those facts are nothing to be disputed. (Interruptions).

SHRI KANWAR LAL GUPTA (Delhi Sadar): How to deal with Sanjay Gandhi? Tell us.

MR. SPEAKER: I don't think you are seeking his legal advice!

SHRI GAUGATA ROY: That is the state of the Janata Party today. What to do?

What I say is that while the Shah Commission in its own report does bring out certain facts, it cannot also bring out all that happened during the emergency, because while the Shah Commission's report does probe into certain things, it does not go far enough. To me, the Shah Commission has dealt mainly with problems of people who were in high office, who were enjoying important positions in the Government. Does the Shah Commission speak about the many jute workers who lost their jobs during the emergency? This was a by-product of the emergency. Does the Shah Commission speak about the many poor people who suffered during the emergency? It does not. Does the Shah Commission say anything about the men of big business, those who were powerful during the emergency? It is silent about them. Does it speak anything about K. K. Birla who was the high priest of the emergency? Does it say one word of indictment against him? No. The Shah Commission only dealt with certain aspects, and to those certain aspects the Shah Commission is limited.

As I said earlier, I do not think there is anything sacrosanct about the Shah Commission because, to my mind, the Shah Commission has dealt with important matters as well as trivial matters. It has dealt with arrest and detention of a large number of persons, while it has dealt with appointments of certain persons. Such appointments take place even today. Here, in this House, I have had oc-

casion to raise questions on irregular appointments, being made in the Government even today with the connivance of certain people in the Prime Minister's Secretariat. So, I do not think this should have formed part of the excesses of emergency, but where the Shah Commission is more graphic is in its indictment of the system, the system which built up the emergency, I will just read a few extracts from the Shah Commission's Report General observations:

"The Commission has by now a fairly comprehensive view of the excesses committed in Delhi during the period covered by the terms of reference, especially in relation to the circumstances in which the imposition of the emergency was recommended, the manner in which certain key appointments were made for collateral purposes, the callousness with which arrests were ordered on false allegations to serve personal and party objectives and with a view to smoother protest, the manner in which the statutory provisions governing detentions, confirmation of detentions and review of detention orders were honoured in their breach, the total indifference displayed in considering even reasonable requests for parole and for revocation of detention orders and the ease with which established administrative procedures and conventions were perverted for the benefit of individuals...."

Then, it again says:

"Tyrants sprouted at all levels overnight—tyrants whose claim to authority was largely based on their proximity to seats of power. The attitude of the general run of the public functionaries was largely characterised by a paralysis of will to do the right and proper thing. Ethical considerations inherent in public behaviour became generally dim and in many cases beyond the grasp of many of the public functionaries."

It is here that the Shah Commission really indicts the system, and if I may say so, the emergency has gone, the former regime has also gone but the system still continues. The Shah Commission is not only an indictment of certain individuals as some people may try to make it out to be, it is an indictment of the system in which the whole thing was made possible. The same officers with a few exceptions are still ruling the roost in the Government. Against them no legal procedures are necessary, only administrative measures were necessary. How many administrative actions have been taken against people who were guilty of this?

Then again, we have seen how this over-zealous officialdom had to foster the new Sanjay Gandhi phenomenon, how officials in the Information and Broadcasting Ministry projected Sanjay Gandhi, how censorship was applied even to parliamentary proceedings. This same officialdom remains today, and the Government has not taken any decision, any positive step, to do away with this.

Not only that, the Shah Commission points out to another dangerous aspect of the situation that the public financial institutions which control funds of the public are also perverted and used for the gains of certain particular individuals. The same system today remains. Not only that. Today here in this Parliament we are to think that the Intelligence system, which is supposed to be the eyes and ears of the Government, too was used to please certain individuals in Government. Whether it was the Intelligence Branch, whether it was the CBI, whether it was the RAW, it was the same. In Delhi the whole administration collapsed altogether. A few names sprouted up like Tamta, Navin Chowla, Kishan Chand, Bhinder and somebody else. But these people kept the whole administration in peril. What does it point out to? There is something lacking in our

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democratic polity that out of this system a system can be built up which will tend to authoritarianism. It is at this point that the country has to consider what steps it has to take to prevent such things from happening again, to prevent the rise of such authoritarian trends in the country. As I said earlier, the judicial processes will continue, but people will take their decisions. Political scores will be settled politically. But we in this country have to find out a way in which a more stable system will be found.

May I say so with great humility why we in the Congress Party are accused or asked why we kept quiet during the Emergency? Is it not a fact that Mr. Biju Patnaik, who is the Minister in the present Government came out with the statement supporting the Emergency? Is it not a fact that none of the top leaders of the CPI (M) which is a close ally of the Janata Party, went to jail protesting against the Emergency? It was a paralysis of the whole system. (Interruptions). Apart from Mr. Jyotirmoy Bosu.

It was the paralysis of the whole system. Neither Mr. Jyoti Basu nor Nambudiripad nor Samar Babu went to the jail. Why that has happened? Why not accuse the whole system?

**SHRI SAMAR MUKHERJEE:** Mr. A. K. Gopalan, Mr. E. M. S. Namboodiripad, M. Basahpunniya, Mohan Punamia and others—all of them went to jail. That is because the Congress Government wanted to project that by using Emergency they were fighting fascism. In order to keep that posture did not arrest all CPI (M) top leaders. But they exposed themselves by their authoritarian actions.

(Interruptions)

**SHRI SAUGATA ROY:** I just wanted to mention this in the context of the happenings in Bangladesh where after Mujibur Rahman was dethroned, the High Court judge refused to swear in the new Martial Law Administrator. That was the position. But that did not happen in this country. We have to remember that Bangladesh Ambassadors resigned. Even in Pakistan, when people were agitating against Bhutto, the Ambassadors of Pakistan had resigned. They had that feeling. This did not happen in this country. It was the unfortunate state of affairs, let us admit it. After the Emergency we can all say that we are all heroes. But we are not heroes. The nation as a whole did not stand up to the Emergency in a way that it should have happened. So, what I am saying is that what is necessary is to bring into our Constitution safeguards so that the same thing cannot happen in the country again. That is why the Congress Party has proposed the deletion of Article 352 from the Constitution, a proposal which has not been accepted by the Government who wanted to keep the word 'rebellion' and for that 'rebellion' they wanted the right to impose internal Emergency. I agree with Shyam Babu when he said that a Committee of Parliament should probe into the functioning of the Cabinet government and of the Parliament and the restrictions and constraints on the parliamentary and the Cabinet system during the Emergency. Only then, out of the Shah Commission Report something can come out. Otherwise it is mere political propaganda. Taking advantage of the Shah Commission in the party's internal matters and factional warfare will not serve the purpose, nor will it strengthen the basis of democracy for which we are all pleading ourselves.

श्री गौरी शंकर राय (गजौपुर) : सर्व-

प्रथम मैं नेता विरोधी दल को धन्यवाद देना

चाहता हूँ, बघाई देना चाहता हूँ, साधुवाद देना चाहता हूँ कि उन्होंने बड़ी मर्यादा के साथ शाह कमीशन की रिपोर्ट के नैतिक पक्ष का विरोध नहीं किया बल्कि चुप हो कर उसका समर्थन किया है और अपने सारे एक घंटे से अधिक के समय को प्रोसीजरल मामलों में ही बिता दिया है। मैं इसके लिए उनका आभारी हूँ। इस ऐतिहासिक अवसर पर उन्होंने इस बात की परवाह नहीं की है कि उनकी मैडम इससे नाराज होंगी तो उनका क्या होगा। इसके लिए मैं उनको बार बार धन्यवाद देना चाहता हूँ। वह धन्यवाद के पात्र हैं क्योंकि उन्होंने एक शब्द भी नहीं कहा अपने भाषण शाह कमीशन की फाईंडिंग के बारे में और नैतिक पक्ष के विरोध में भी एक शब्द नहीं कहा और उन्होंने पार्लियामेंटरी डेमोक्रेसी की मर्यादा को रखा। एक बात लेकिन जरूर कहना चाहता हूँ कि उन्होंने कहा कि इमरजेंसी के पहले की चीजों की जांच हुई। उन्होंने शायद पढ़ा नहीं टम्स आफ रेफरेंस क्या था। उसमें था तुरन्त इमरजेंसी के पहले की जो बातें थी उनके बारे में जांच होगी। उन्होंने बड़े हाथ हिलाये और तरह तरह की मुद्दाओं और भावों का प्रदर्शन किया ताकि मालूम हो कि कोई बड़ी गम्भीर बात कहना चाहते हैं। लेकिन उन्होंने कोई गम्भीर बात नहीं कही। कभी कभी नेचुरल जस्टिस की बात कही क्योंकि वह वकील आदमी हैं इसलिये अच्छी वकालत करने की कोशिश की और असली पॉइंट को छूने का प्रयास नहीं किया। हमारा काम कठिन हो जाता है। जब इसका कहीं विरोध न हो और हमारे श्याम बाबू ने जो बातें रखीं उसका प्रतिरोध उस पक्ष से नहीं आया, इसके लिये हम उनके आभारी हैं।

यह बात सही है, आज विषय जो बहस का है उससे कुछ थोड़ा सा अलग मैं ले जाना चाहता हूँ क्योंकि स्टीफन साहब ने वालपोल का कम्पेरिजन किया। मैं दुनिया के इतिहास

का थोड़ा सा कम्पेरिजन उनके समक्ष रखना चाहता हूँ। यह बात सही है कि दुनिया के इतिहास में वैधानिक तथा निश्चित परम्पराओं और प्रचलित शासन प्रक्रियाओं के विरुद्ध काम करने का, इमरजेंसी में अन्याय और अत्याचार करने, मीसा बंदियों के विरुद्ध बंदीकरण के अधिकारों का अनधिकार प्रयोग कर के सारे मामले, घर ढाने के सारे मामले हमारे सामने हैं। लेकिन इन सब मामलों पर बात नहीं करूंगा क्योंकि समय कम है, मैं अपने मित्र की उस तुलना की तरफ सदन का ध्यान ले जाना चाहता हूँ जिसमें उन्होंने वालपोल का जिक्र किया। मैं उनसे कहना चाहता हूँ कि कभी कभी ऐसी सिमिली आपने दे दी जिसका कोई सम्बन्ध नहीं था, उसका मैं अभी जिक्र करूंगा। मैं कहना चाहता हूँ कि मुख्य बात जो इस इमरजेंसी की बहस में है वह अधिकार के दुरुपयोग की है। शाह कमीशन की रिपोर्ट एक ऐतिहासिक डॉक्यूमेंट है। इन्होंने कहा और ऐसी रिपोर्ट हुई थी जो हम नहीं जानते हैं। वह गलत जानते हैं, दुनिया में ऐसे समय कम आये हैं। लेकिन मैं उन्हें बताना चाहता हूँ कि ऐसा समय आया है कि हिटलर ने जब संविधान का नाश किया था इमरजेंसी का नाम ले कर नागरिक आजादी ले ली थी। उसमें तो कम्पेरिजन कर सकते हैं आप। लेकिन बाल्मपोल ने नागरिक आजादी की हत्या नहीं की थी अदालतों को पंगू नहीं बनाया था, प्रेस पर सेंसर नहीं बैठाया था। हमारे मित्र स्टीफन ने थोड़े से करप्शन और मारुती की बात की। बछड़े को सिर्फ छोटे मोटे मामले ही याद पड़ने हैं, बड़े मामले नहीं। मत करिये अन्याय इस प्रकार वालपोल के साथ तुलना कर के। नागरिक आजादी के ऊपर मला हुआ और सिर्फ शाह कमीशन की रिपोर्ट के बारे में नहीं, बल्कि दुनिया के सबसे बड़े प्रजातांत्रिक फोरम से मैं कहना चाहता हूँ कि आज दुनिया भर को इस बात पर विचार करना चाहिये, सिर्फ सरकारी को ही नहीं

[श्री गौरी शंकर राय]

बल्कि गैर सरकारी एजेंसियों को भी विचार करना चाहिये कि जब इस तरह का नागरिकों पर हमला होगा तो उसका उपाय क्या होगा, उसका शोध क्या होगा ? जैसा श्याम बाबू ने कहा कि फदर रेकॉर्स न हो, इसको सोचना होगा सारी विश्व मानवता को ।

दुनिया के सामने यह सवाल आया था 18 वीं शताब्दी में, 17 वीं शताब्दी के अन्त से ले कर और 20 वीं शताब्दी के प्रारम्भ काल तक जब सारा संसार विश्व युद्ध में झुलस रहा था तो दुनिया के लोग बैठे और उन्होंने विचार किया, एक इंटर-नेशनल कोर्ट बना कर 1907 में हेग में बैठे और 1917 में शायद जिनेवा में बैठे और उन्होंने एक इंटरनेशनल ला बनाया, उन्होंने उसके चार्टर्स बनाये और सारी दुनिया के लोगों ने तय किया कि इस प्रकार का सघ कोई देश पर लादेगा तो उसका क्या इलाज होगा । आज इस बात को मोचने की जरूरत है कि नागरिक अजादी पर जब हमले होते हों तो क्या करना चाहिये ।

एक बात और कहना चाहता हूं कि आज कोई प्रधान मंत्री या कोई शासक अगर डंडा ले कर खड़ा हो जाय और अकेले डंडा घुमाये तो सारी प्रजातांत्रिक प्रक्रिया को समाप्त कर देगा, उसकी हत्या कर देगा, कोई उपाय नहीं है क्योंकि टेक्नोलाजिकल डेवलपमेंट हुआ है । टेक्नोलाजिकल डेवलपमेंट होने के बाद चीन की क्रान्ति का यह नतीजा हुआ होता क्योंकि टेक्नोलाजिकल डेवलपमेंट के बाद सारी दुनिया में एक परिवर्तन हुआ । हिटलर की क्यों इतनी अधिक चर्चा है ? उसकी चर्चा इसलिए है कि औद्योगिक क्रान्ति के बाद पहला तानाशाह था जिसके पास टेक्नोलाजी थी । मान्यवर, मैं पढ़ रहा था, हिटलर का एक मिनिस्टर था, अभी शायद जिन्दा है, एल्बर्ट स्पीयर । उसने जेल से निकलने के बाद

एक पुस्तक लिखी । न्यूरम्बर्ग की जेल के सामने उन्होंने अपना बयान दिया कि हम गुनाहगार हैं, हमें सजा दे दो, लेकिन सारी दुनिया के लोगों इस बात के लिये तैयार हो जाओ नागरिक अजादी के लिये दुनिया को सजग होना है कानशियस होना है, नहीं बनोगे तो एक ऐसी टैक्निकल एज आने वाली है, मैं स्पीयर साहब को पढ़ना चाहता था, लेकिन एक लम्बा स्टेटमेंट है, अदालत में उन्होंने कहा कि थोड़ा सा सजग होने की जरूरत है ।

अन्तर्राष्ट्रीय माध्यम यू० एन० ओ० है, यू० एन० ओ० में ऐसे लोग हैं, दुनिया में ऐसे देश हैं जिनका सेंसरशिप में यकीन है । मेरे मित्र क्षमा करेंगे, मैं किसी को आलोचना की दृष्टि से नहीं कहना चाहता, लेकिन बहुत सारे देश यू० एन० ओ० में हैं जो प्रेस की सेंसरशिप में विश्वस रखते हैं, जो प्रेस को और जो सरकारी साधन हैं उनका प्रचार का साधन बनाना चाहता हैं । परन्तु हमारे संसार के बड़े आदरणीय पुरुषों में लेनिन साहब हुए हैं, उन्होंने कहा है कि जो प्रेस मीडिया है वह प्रोपेगंडा की और आर्गो-नाइज करने की मशीन है और इसलिये इसका प्रयोग होना चाहिये । इसलिये ऐसे लोग हैं जो उसको मानते हैं, लेकिन यू० एन० ओ० के माध्यम से तो नहीं लेकिन गैर-सरकारी माध्यम से आज हिन्दुस्तान को दुनिया की सबसे बड़ी डेमोक्रेसी होने के नाते इस बात की इनिशियेटिव लेनी चाहिये कि सारी दुनिया में इसका उपाय हो कि इस प्रकार के रैकॉर्डिंग न हों ।

हमारे मित्र कम्प्यूटर कर रहे थे वालपोल से । मैं उनके कम्प्यूटीजन को बता दूँ । जिस तरह की एमर्जेंसी हमारे यहां लगाई गई थी, ऐसी ही बात हिटलर ने की थी । 26 जून, 1975 और 28 दिसम्बर, 1933 दुनिया की दो काली तारीखें हैं । 27 दिसम्बर, 1933 को हिटलर ने राईक स्टाक बिल्डिंग में आग लगा दी । गोरिंग के घर से सुरंग निकलवाई, और यह कहा कि डच

कम्युनिस्टों ने हमला किया। यह भी कहा कि डच कम्युनिस्ट बड़े खतरनाक लोग हैं, उनसे हमको निपटना है और एक दिन में ही 28 दिसम्बर, 1933 को उस आदमी ने एमर्जेन्सी लगा दी। 28 तारीख की प्रातः जर्मनी के बड़े राष्ट्रपति से अपनी डिक्ली पर दस्तखत करवा लिये। जिस तरह से मिसेज़गांधी ने यहां के कायर और डरपोक मंत्रिमंडल उसकी एप्रूवल ले ली उसी तरह उसने भी ले लिया।

मैं हिटलर की बात करता हूं। ठीक मैं इतना ही पढ़ना चाहता हूं जो डिक्ली हिटलर ने ली थी वह यह थी—

"Thus restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press; on the rights of assembly and association; violation of the privacy of postal, telegraphic and telephonic communications; warrants for house searches; orders for confiscation as well as restrictions on property, are permissible beyond the legal limits otherwise prescribed."

यह निश्चित रूप से वहां थी। सभी हमारे काम में इसका अटिकन बनना चाहते हैं। मैं इसकी पूरी कहानी नहीं पढ़ना चाहता लेकिन इतना जरूर सदन की जानकारी के लिये पढ़ना चाहता हूं। जब आग लगी थी, उसके बारे में एक अंश यह है—

"They never appeared, but the search for the counter-revolution was intensified, and on the night of 27 February the Reichstag building mysteriously went up in flames."

Although there are unsolved riddles in the history of that night—notably how the Nazis got hold of the strange figure of the Dutch Communist, van der Lubbe—the main facts of the story are clear enough. Goering and Goebbels were looking for some pretext to smash the Communist Party. After rejecting various plans—such as an at-

tack on Hitler—they hit on the notion of setting fire to the Reichstag building. An underground passage linked Goering's Palace of the President of the Reichstag with the main building across the street. Through this a small group of S.A. men under the command of Karl Ernst, the leader of the Berlin S.A. entered the deserted building on the evening of the 27th and scattered a chemical preparation with a delayed-action effect over carpets, curtains and chairs. After doing this, they made their way back to safety by the underground tunnel."

उधर आग लगा दिया और तुरन्त आकर डिक्ली दे दिया, ठीक उसी प्रकार एमर्जेन्सी हिन्दुस्तान में भी लगाई गई। पहले कहीं सी० आई० डी० की रिपोर्ट नहीं हैं। हमारे श्री ब्रह्मानन्द रेड़ी यहां नहीं हैं, उस समय के होम मिनिस्टर ने कहीं नहीं कहा कि देश में ला एंड आर्डर की सिचुएशन खराब है, किसी के पास कोई रिपोर्ट नहीं है।

एक दिन 24 तारीख को मुश्रीम कोर्ट, का फैसला आया, मुकदमे के खिलाफ चला गया तो अपनी अदालत के फैसले के बावजूद उन्होंने 2 दिन में इंतजाम किया और उनके मंत्रिमंडल को सजाने वाले जो हमारे मित्र यहां थे, चले गये हैं, उनको पता भी नहीं था। और देश का इतिहास बदल गया, और सारे देश की नागरिक आजादी छीन ली गई। हमारे मित्र, श्री स्टीफन, अगर कोई कम्पेरिजन करना चाहते हैं, तो वह 26 जून, 1975 की दुर्भाग्यपूर्ण घटना को 28 दिसम्बर, 1933 की हिटलर की डिक्ली से कम्पेरिजन करें, क्योंकि दुनिया के इतिहास में इस के अतिरिक्त और कोई घटना नहीं है, जिसके साथ इस का कम्पेरिजन किया जा सकता है। जहां तक बालशेव का सम्बन्ध है, वह एक प्रजातांत्रिक देश की बात है। अगर हमारे मित्र उस देश को गाली न दें, तो अच्छा है। उसने सिविल लिबर्टीज पर कोई हमला नहीं किया था

[श्री गोरी शंकर राय]

सिमिली, कम्पेरिज्जन या तुलना में कोई तुक हुआ करती है। बग़ैर किसी तुक के कम्पेरिज्जन या तुलना नहीं की जा सकती है। हमारे मित्र ने बग़ैर तुक के तुलना करके हमारे पक्ष का समर्थन किया है, जिस के लिए मैं उनका धन्यवाद करता हूँ।

आज दुनिया के समक्ष कई सवाल आ रहे हैं। जैसे, वार क्रिमिनल्ल के विरुद्ध कार्यवाही करने के लिए चार्टर का प्रश्न है। न्यूरेमबर्ग ट्रायल के लिए एक चार्टर बनाया गया था, जिस की रचना चार मुल्कों के जूरिस्ट्स ने की थी। अगर मुझे ठीक याद है, तो उस चार्टर की क्लाज़ 6(बी) में युद्ध अपराधियों का प्रासीक्यूशन किया गया था। हमारी बहुत सी क्लाज़िज़ उसमें आ जाती हैं। इस सम्बन्ध में एक अन्तर्राष्ट्रीय कानून बनाने की ज़रूरत है।

हमारे मित्र को इस बात पर प्रसन्नता है कि वह ला आफ़ दि लैंड के अन्तर्गत नहीं आती हैं। जिन लोगों ने इस बात की तरफ़ इशारा किया है, मैं उन्हें बताना चाहता हूँ कि किसी असाधारण अपराधी के विरुद्ध कार्यवाही करने के लिए कोई असाधारण कानून बनाने की आवश्यकता होती है। अगर कोई आदमी किसी दूसरे आदमी की हत्या करता है, तो ला में उसको सज़ा देने के लिए प्राविज़न है। लेकिन जो व्यक्ति संविधान और सब नागरिक आज़ादियों की हत्या करता है, नैतिक मूल्यों की हत्या करता है, जिसने चरित्र की हत्या कर दी, देश और देश के भविष्य की हत्या कर दी, उसको सज़ा देने के लिए कोई ला नहीं है। इस लिए आज यह सोचना चाहिए विरोध पक्ष को भी सोचना चाहिए, क्योंकि यह किसी एक व्यक्ति की बात नहीं है—कि ऐसे लोगों के विरुद्ध क्या कार्यवाही की जाये, उनको क्या सज़ा दी जाये, जिन्होंने राष्ट्र के प्रति अपराध किया है।

इस दुनिया में हयादार लोग भी हुए हैं। हमारे मित्र हमारी कठिनाई को नहीं समझते हैं। बेंगलराब हयादार आदमी हैं; उन्होंने जुडिशल वडिक्ट के बाद इस्तीफ़ा दे दिया। हिटलर भी हयादार था; उसने आत्महत्या कर ली। लेकिन कुछ लोगों का हत्या से कोई ताल्लुक नहीं है। उनके लिए भी कोई कानून होना चाहिए। दुनिया के तानाशाहों में एक मसोलिनी थी, जिस की हत्या की गई। उसके मरने के बाद क्या हुआ, इसके बारे में इतिहास में जो लिखा गया है, वह इस सदन में कहने में भी शर्म लगती है। बड़े बड़े राइटर्ज़ ने लिखा है जब हत्या के बाद उसका लाश खी हुई थी, तो In the most ancient cultural centre of the world—Rome—the ladies pulled up their skirts and urinated in his mouth.

दुनिया के इतिहास में इस तरह से बेहया लोग भी हुए हैं।

श्री मोरारजी देसाई और अन्य कई लोगों ने कहा है कि सब को भयमुक्त होना चाहिए। लेकिन कुछ लोग तल्लामुक्त भी होते हैं। मसोलिनी की तरह कुछ लज्जामुक्त तानाशाह भी होते हैं। मैं इस बुनियादी बात की तरफ़ इशारा करना चाहता था।

सी० बी० आई० और दूसरी इन्टेलिजेंस एजेंसीज़ हिटलर की गेस्टापो की तरह काम कर रही थीं। इमर्जेंसी काल में वे इन्स्ट्रुमेंट आफ़ टिर्नी बना दी गई थीं। उसको डिसमैंटल करने का और प्रयास होना चाहिए। इस तरह की परम्परा डालनी होगी कि आज के बाद दुनिया भर में कोई भी इन्टेलिजेंस एजेंसी या खुफ़िया पुलिस नागरिकों के जीवन को तबाह न कर सके। इस तरह की व्यवस्था सारी दुनिया से हटनी चाहिए और इस बारे में संसार भर में एक अंडरस्टैंडिंग होनी चाहिए। जिस तरह पहले जेनेवा और हेग में वार क्रिमिनल्ल के विरुद्ध कार्यवाही करने के प्रयास हुए हैं, उसी तरह आज भी सारे

संसार के स्वतंत्रता-प्रेमियों को इकट्ठे हो कर यह प्रयास करना चाहिए—श्री स्टीफन इस में इनिशिएटिव लें—कि नागरिक स्वतंत्रता की हत्या करने वाले अपराधियों के विरुद्ध दंड की व्यवस्था की जाये ।

जस्टिस शाह के कैरेक्टर और उन के कमिशन को रिडिकुल करने से समस्या का समाधान नहीं होगा । ऐसे कमिशन की रिपोर्ट इस देश में नहीं, बहुत सारे देशों के इतिहास में नहीं आई है । लेकिन मैं कहना चाहता हूँ कि सिर्फ रिपोर्ट में दी हुई सजा की बात नहीं है, बल्कि कल क्या होने वाला है मानवता का, विश्व का और अपने देश का इस दृष्टि से इस पर विचार करना चाहिए ।

इस ट्रायल के चार पक्ष हैं—1. बाइ ला, 2. बाइ जस्टिस और 3. बाइ हिस्ट्री । जो हिस्ट्री एस्पेक्ट है इस ट्रायल का उस पर सोचना चाहिए और सारे सदन को एकमत हो कर सोचना चाहिए । यही हम से राष्ट्र अपेक्षा करता है और मैं समझता हूँ कि विरोधी दल के जो हमारे मित्र हैं जिन्होंने अब तक नैतिक समर्थन हमें दिया है, वह इसमें भी हमें पूरा समर्थन देंगे ।

SHRI HARI VISHNU KAMATH (Hoshangabad): Mr. Deputy Speaker. Sir, I do not wish to repeat any of the points made earlier by my colleagues in the House. I will concentrate only on certain vital issues that have arisen out of the report of the Shah Commission.

Right from the mid-summer mid-night madness, from June 25, 11.30 p.m., down to the mid-winter miscalculation of January 1977... (Interruptions) the Shah Commission has told the people, told the Parliament, told the nation, that the tyrants' devil dance took place from June 25 to January 1977, i.e. from mid-summer to mid-winter, that the Delhi Mafia and their hounds were in full-cry during these 20 months, that no words, no reports can be adequate to describe

the misdemeanours and the crimes perpetrated against the people.

I do not wish to go into the catalogue of crimes perpetrated during this darkest period of free India's history, but I shall deal with some of the paragraphs of the last chapter of the Interim Report II. They bear repetition, I will quote only a few extracts and not the entire paragraphs.

On page 141 of the Shah Commission's Interim Report II, there is this shocking revelation that at the time the Report of the Commission was signed between 11.00 and 11.30 p.m.:

"There is no evidence of any break-down of law and order in any part of the country—nor of any apprehension in that behalf, the economic condition was well under control and had in no way deteriorated. There is not even a report of an apprehension of any serious break-down of the law and order situation or deterioration of the economic condition from any public functionary. The public records of the times, Secret, Confidential or Public and publications in newspapers, speak with unanimity that there was no unusual event or even a tendency in that direction to justify the imposition of emergency. There was no threat to the well-being of the nation from sources external or internal. The conclusion appears in the absence of any evidence given by Smt. Indira Gandhi or any one else, that the one and the only motivating force for tendering the extraordinary advice..." ('Illegal' is my word) "to the President to declare an 'internal emergency' was the intense political activity generated in the ruling party, and the opposition, by the decision of the Allahabad High Court declaring the election of the Prime Minister of the day invalid on the ground of corrupt election practices".

"... Smt. Indira Gandhi in her anxiety to continue in power..."



(Shri Hari Vishnu Kamath)

17.00 hrs.

"....brought about instead a situation which directly contributed to her continuance in power and also generated forces which sacrificed the interests of many to serve the ambitions of a few. Thousands were detained and a series of totally illegal and unwarranted actions followed involving untold human misery and suffering. In the absence of any explanation, the inference is inevitable that a political decision was taken by an interested Prime Minister....."

It is a euphemism or understatement to say so. I would say, 'power-demented Prime Minister'.

"....in a desperate to endeavour to say so. I would say, 'power-dement-compulsion of a judicial verdict against her.'"

Then the Report goes on to say:

"The nation owes it...."

Parliament must note these words:

"The nation owes it to the present and the succeeding generations to ensure that the administrative set-up is not subverted in future in the manner it was done, to serve the personal ends of any one individual or a group of individuals in or near the Government."

A very telling paragraph! I need not waste the time of the House by quoting more, except the very last paragraph. But, before I go to that, I would only mention that, by an act of God, the then President, Shri Fakhruddin Ali Ahmed, has joined the vast majority who have left this world. Otherwise, probably, he would have been impeached for having signed an unconstitutional Proclamation which was submitted to him without the advice of the Council of Ministers. I will not dwell on that point because he is no longer with us. I would only read out the very last two sentences

of the Commission's Second Interim Report:

"If the Commission's observations should generate a public debate on some of the vital issues focussed by the Commission with the object of devising corrective machinery and remedial action, the Commission's labours will be amply rewarded, especially if the Administration is able to act on the various ameliorative and reformative suggestions of the Commission with expedition."

The Government, I am sorry to say has not seriously looked into the matter. I hope, it will do with expedition in the future. Much time was lost by the Committee of Secretaries who processed the Report. It should have gone to a Cabinet Sub-Committee straightaway, not to the Secretaries' Committee.

"On the case and speed with which this is done...."

This is the last sentence of the Interim Report II.

"....will depend on the vitality and resilience of our democratic processes and institutions".

Now, Sir, during that blackest period of the Emergency in free India, as has already been said by my hon. friend and colleague, Shri Shyamnandan Mishra, the Constitution was subverted. Parliament denigrated, values extinguished, rights and liberties and freedom trampled upon, the press throttled and the judiciary emasculated. All these were sought to be done, but the people, in a mighty resurgence of spirit, in January-February-March 1977, taught a lesson to the tyrant which, I hope, will not be easily forgotten, will not be quickly forgotten and it will be a lesson for would be tyrants also, for these with tyrannical ambitions in muture.

But, Sir, this tyrant, this dictator does not seem to have been chastened by her experience, Shrimati Indira Gandhi. Even her latest statements to

the Press—I will read them out—seem to carry conviction that as a tyrant often believes, she was in the right and she says, 'What mistakes and excesses I have committed—I do not know.' and this is even after the Shah Commission's findings that she was in the know of things that happened during those dark days. Even in her recent statements which have been publicised—I am sure my hon. friend, Mr. Stephen has read them—she says something which even perhaps Hitler and Mussolini would not have dared to say. Even they did not think it decent enough to say so.

The caption is!

"Mrs. Gandhi says she's chosen to rule India."

Chosen by God or the Devil? We do not know. That is what she has mentioned. 'chosen to rule India'....

CHOWDHRY BALBIR SINGH.  
Hypocrite.

SHRI HARI VISHNU KAMATH: 'I think, Sir, you have also read it but it bears repetition:

"Former Prime Minister....

I am quoting from an interview that she gave to Barbara Bourne and this was carried in a Norwegian newspaper Arbeiderbladet and it was published in the Hindustan Times Weekly of 16th July.

CHOWDHRY BALBIR SINGH:  
'Save India' campaign is going on.

SHRI HARI VISHNU KAMATH: It is not 'Save India', it is 'Save Indira'. I am quoting:

"Former Prime Minister Indira Gandhi thinks she is chosen to rule India, that the present Government is only a temporary delusion....

The Ministers are sitting there. She says that the present government is only a 'delusion'. 'Delusion', not illusion. The Government itself is a delusion to her.

SHRI A. BALA PAJANOR: *Aprenoi deluge*—after me the deluge.

SHRI HARI VISHNU KAMATH: 'Delution' not 'deluge.' They are not synonymous.

"and that her election defeat is only a.... What can you believe it? a nightmare that will soon be over.' How soon—I do not know.

"Barbara Bourne asked Mrs. Gandhi why she did not withdraw after the crushing defeat she suffered during the election last year. Mrs. Gandhi told her that she could not in the end sit passively and watch all the 'suffering'."

Who is suffering? We do not know. The interviewer put her this question. 'My people' she says. Wonderful!

"Then the correspondent goes on to write, Mrs. Gandhi continued her well-known story of chaos, unrest, inflation—and diminishing respect for women....

SHRI SHYAMNANDAN MISHRA:  
Diminishing respect for women?

SHRI HARI VISHNU KAMATH: It goes on:

"She quoted Mrs. Gandhi as saying that she ought to speak with the people and find out for herself."

She asked Mrs. Gandhi:

"If her first false step had not been when she did not resign temporarily in June, 1975, after the Allahabad High Court had found her guilty of election irregularities. Should she not have done while the case was taken up in the Supreme Court? 'This would have disarmed your worst enemies and you would have been asked to take over again...."

Mrs. Gandhi interrupted her "impatiently" and said:

"What is most important, India or Indira? Whether I am PM or not is

[Shri Hari Vishnu Kamath]

of no consequence. What I did was done to save India. I risked my post as PM (in March 1977) and lost it. Is that not proof enough?"

"Asked about excesses, Mrs. Gandhi replied:

"I did not know about these errors".

She was an innocent abroad and an innocent at home. But the correspondent was shrewd enough to ask her how this was possible. How she did not know anything about the excesses. The Correspondent says:

"Mrs. Gandhi seems to know, exactly what goes on now, for instance, how many are in prison, while she insists that she did not know as PM how many were locked up."

My hon. friend, Shri Mishra has said that over 200,000 were locked up during the emergency and about 30,000 or 40,000 were detained under MISA. She did not know as PM how many were locked up. She got no answer from Mrs. Gandhi. Mrs. Barbara Bourne asked Mrs. Gandhi "if she, who on every occasion said India had now a disastrous Government, did not feel responsible for having brought this Government upon this country."

The interviewer asked Mrs. Gandhi... (Interruptions),

SHRI H. L. PATWARY: Now, the country has got a male Prime Minister.

SHRI HARI VISHNU KAMATH: I am quoting. It is not my statement. This is Indira Gandhi's statement. What is the answer? Having brought this upon this country, she found scapegoats. She said:

"It is the Press who is responsible".

They are all somewhere here. They are responsible and nobody else.

Then she exclaimed:

"What animosity, what prejudice have I not been exposed to—India

and I were never treated fairly in the West. India was in danger. I had to impose strict measures etc."

Then the Correspondent says:

"Mrs. Gandhi trotted out her 'favourite ideas' and held forth as often before about the CIA and undermining forces, and said there were ever more conspiracies to murder her."

Murder most foul, is n't it?

MR. DEPUTY SPEAKER: Please conclude now.

SHRI HARI VISHNU KAMATH: I am concluding, Sir. I will take another two minutes. This is the last paragraph:

"Only a few days ago, she said, a man had approached her car with a gun. They had arrested him but she doubted whether the Government would bother to question him and inform the public because the Press was biased against her. The surveillance and the persecution were terrible...."

As if her crimes were final

....she said. People were beaten up and held in custody only for having paid her a visit. Her telephone was bugged, her post opened."

This is the statement that she has made as late as two months ago.

श्री रघवीर सिंह : उपध्यक्ष महोदय,

इस मौके पर मुझे एक शेर याद आ गया—

पैदा हुआ बकल तो शैतान ने यों कहा

खालिक ने मुझे साहिबों से लाद कर दिया ।

SHRI HARI VISHNU KAMATH: That is why, Sir, I said earlier that she has not been chastened by experience. I do not know how she can be chastised—whether God or the government or others will chastise her.

MR. DEPUTY SPEAKER: Please conclude.

SHRI HARI VISHNU KAMATH: Sir, it was more than three months ago that I suggested in this House speaking on the Home Ministry's Demands that a special court should be set-up to try all the persons indicated by the Shah Commission and now the Government has made a reference. I am not wholly happy but anyway the government has found a *via media* or a *modus vivendi*. The Steel Minister told us that the Government had decided—it was a case of semantics—Government decided to set-up a special court and then again decided to move the Supreme Court. However, since the matter is in the Supreme Court, I am not going to dilate upon this further. I hope the Supreme Court will permit the Government to appoint special courts to expedite the trial of all these persons indicted by the Shah Commission.

Lastly, Sir, I am happy to learn that the Forty-fifth Constitution amendment Bill will be taken up in this Session. It is high time, from a constitutional point of view, that we rectified the distortions created by the Forty-second Amendment Act because that was an Act neither to amend, nor to mend but to end the Constitution. It is high time that we scrapped most of it.

MR. DEPUTY SPEAKER: Please conclude.

SHRI HARI VISHNU KAMATH: Lastly, Sir, after what I narrated to the House, I am afraid, she is a psychological case, a pathological case and, I think, there is a blend of paranoia and megalomania. She is a paranoid magalomaniac. That is my diagnosis of her malaise. I think that some psychoanalyst should take care of her, prescribe some treatment and recipes for her, and cure her before she is let loose again on the Indian nation.

MR. DEPUTY SPEAKER: You will have to conclude now.

SHRI HARI VISHNU KAMATH: There are only one or two matters. Mr. Stephen is smiling; whether it is tacit agreement or not, I do not know.

I have listened to the speech of the Leader of the Opposition. I have read the Shah Commission's Reports and noted Shrimati Indira Gandhi's attitude in this matter. They remind me of an old nursery rhyme. (*Interruptions*). Of course, Mr. Stephen, it concerns you also, with a slight variation

"Humpty Dumpty sat on a throne  
Down by the people she was thrown  
All her Stephens and all her Sathes  
can't put Humpty Dumpty on the throne again."

SHRI SOMNATH CHATTERJEE (Jadavpur): Mr. Deputy Speaker, Sir, the Shah Commission Report, I feel, should be read and re-read by the people of this country as it is a testament of the people's resolve to root out all forms of authoritarianism and dictatorship from our body politic for all times to come.

Sir, it unfolds a saga of untold human suffering and miseries, of inhuman barbarism, of lust and an insatiable hunger for power, of ruthless repression, of destruction of all democratic rights and norms of political behaviour, of total loss of civil liberties and extinction of the right to life and liberty, of creating what is known as extra-constitutional sources of power, of the illegal take-over of the administrative machinery by hoodlums and stormtroopers, of pathetic subjugation of the administrative machinery in this country, of the deprivation and emasculation of the judicial process, and, Sir, even reducing this august House to the level of a captive organisation, and last but not the least, the rape of the Constitution that was done during the 19 months of emergency. And, Sir, everything was done just to perpetuate the hegemony of one single individual over the people of this country.

Sir, the country was engulfed by darkness. The people lost their sense

[Shri Somnath Chatterjee]

of prestige and honour. They became deaf and dumb under a haunting fear psychosis. Even the present Chief Justice of India expressed his view that he delivered a particular judgment because he lacked courage. The former Attorney General of India said that he had to present a particular line of argument before the Supreme Court because he was afraid of his own life and liberty.

The people have now freed themselves and let us now all resolve that she will never come back again, in this country, to power.

Sir, the appointment of this Commission of Inquiry was a mandate of the people of this country which was given to the Janata Government. It was in deference to the people's own wishes that this Commission was set up. The Janata party had given a pledge to the people that had to be redeemed.

Sir, I am speaking in respect of the choice of the person who headed the Commission. I think there could not have been a better choice than Justice Shah to head the Commission. A learned and upright Judge, we should congratulate him for discharging so conscientiously his onerous duties and he has rendered a signal service to the nation.

Sir, fullest opportunities were given to all persons and parties. But those people who have neither any legal nor moral nor political case to make, kept away from the Commission on spacious pleas. Sir, if those persons who enjoyed the monopoly of power and misused them for their own purpose had any respect for the people of this country who had given their mandate during the last General Elections of the Lok Sabha, then those persons should have co-operated with the discharge of the duties of the Commission. They have lost all sense of honesty in their political life and accountability. Today they stand because of the attitude they had dis-

played before the Commission, self-condemned and I believe that the intensity of their crime today has necessarily been accentuated. What is more important is that the Shah Commission has gone into the genesis of the Emergency. The genesis of the Emergency has not been the interest of the country or the people but that of a single individual and her cadaverous and despotic progeny. Sir, there were slogans of 'India is Indira and Indira is India'. Such slogans polluted the air of this country during the days preceding emergency and after the Emergency the slogan of 'one leader, one party and one country', in that order, warned the people that fascism and dictatorship were round the corner and ultimately were ushered in.

Sir, our leader Comrade A. K. Gopalan, as early as in 1972, had said in this House that she was nothing but a dictator and she would bring in dictatorship of the worst order in the country and his words have come true.

SHRI SAMAR MUKHERJEE (Howrah): Mr. Gopalan said in 1972 that she was a woman fascist.

SHRI SOMNATH CHATTERJEE: Sir, the Indian National Congress came under the tutelage of the supreme leader; of demoniacal attitude surrounded by stooges, sycophants and henchmen who had lost their conscience and bartered away their sense of prestige and honour for a few crumbs of office. Dr. Ambedkar, during the time when the Constitution was being enacted in the Constituent Assembly said:

"In India, Bhakti or what may be called the path of devotion or hero-worship plays a part in its politics unequalled in the 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."

Sir, that is why we find here even after those horrowing experience that the people had to go through because of the personal position and the lust for power of one individual they have lost all sense of proportion, dignity and sense of shame that they are even today speaking in support of the Emergency. It has almost become a petti-coat party. Nothing more. Sir, it is good that some of her colleagues have now realised how they were used as pawns in her ruthless pursuits to arrogate to herself despotic powers and now it is the duty of every democratic person of this country to ensure her political annihilation. Otherwise, the future of this country will never be safe from dictatorship and tyranny that we have experienced. There would have been no emergency in this country if 12th June, 1975 had been an ordinary day in the life of Shrimati Indira Gandhi, but that was the day she lost the case before Allahabad High Court. But because one learned Judge in this country discharged his duties according to law, an unholy crusade was started and was launched against law and the Constitution itself on false pretexts and make-believe situations. Shrimati Indira Gandhi accepted the verdict of the courts in election cases when her colleagues were concerned. Dr. Chenna Reddy had to go, but she put herself above law. She thought and was made to think by her henchmen and those sycophants that she was indispensable for this country and out of that feeling of indispensability, she came to think that she was the country only and after her, the deluge. Therefore the biggest onslaught was started and it was the result of conspiracy at the highest quarter. Even she did not take into confidence her colleagues in the Cabinet and the targets of her attack became the people and the Constitution because she realised that so long as the constitutional rights remained, and the doors of courts were kept open, there would be challenges to her dictatorial actions

and tendencies. Therefore, a calculated attempt was made to stifle the peoples' rights and movement and to take away the peoples' democratic rights so that her discredited leadership and corrupt regime could be bolstered up by means of her unthinkable forms of repression, tyranny and negation of constitutional provisions and of law. That was the experience.

The Commission's Report has shown several types of crimes that were committed. One was the crime against the democracy, the other was crime against the Constitution and the third one was the crime against the people. What was most disturbing and it has now been clearly established, how the constitutional provisions were trampled upon for securing the signature of the President to a particular document called the proclamation of emergency. It has now come out that the letter which is now available in the President's file was sent after the proclamation of emergency had been signed and the original letter has been secreted away. The Cabinet was not aware of it. She bypassed the Cabinet. The ordinary normal process of a civilised administration in this country was not followed.

When this country was attacked by Pakistan in 1971 during Shrimati Indira Gandhi's prime ministership, there could be an emergency cabinet meeting before the emergency was declared. It must be remembered that this House stood as one and supported the proclamation of emergency in 1971 in that late night session and the then Speaker said, that he was proud to be the Speaker of a House, the Members of which have stood by the Government in the hours of peril of the country. But here, she acted in the sly, and misled the President and without calling a Cabinet meeting, emergency was declared, arrests were made. It was the biggest conspiracy that was made for the purpose of denigrating the Constitution of this country and taking away the peoples' rights.

My friends here are still talking as if Shrimati Indira Gandhi is a

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messiah. What will happen to this party when she is not there?

Apart from obtaining the signatures of President on misrepresentation, by-passing the Cabinet, recourse was taken to Article 352 of the Constitution on a false plea of internal disturbances or likelihood of internal disturbances. That was the greatest fraud perpetrated on the Constitution and the people of India. Article 352 could have no manner of application. That was followed by notifications under Articles 358 and 359 to stop people from seeking redress in courts.

The scheme was well thought out. From 12th June, 1975 that conspiracy was started and the scheme was given a final shape when Justice Krishna Rao did not give her a clean chit. No unconditional stay was given, then the onslaught started; arrests and everything followed. The mass media and the newspapers came under her complete grip. People were fed with deliberate untruths, and truth became one of the biggest victims of Emergency, during that time. About the misuse of MISA we all know. I have spoken on so many occasions as to how it was used indiscriminately and comprehensively, against everybody—even against her own party-men. Even Mr. Sahe will not be spared if she comes back to power. I hope that it will never happen. It was what we said in 1971. We had given that warning: "Don't go on thumping the table. One day you will also be in difficulty." Whenever there was a voice of dissent, and whenever there were even personal interests to be served—personal interests of Mrs. Indira Gandhi and her son—that nefarious law was taken recourse to. It was nothing but a sordid misdemeanour and crime committed by the former Prime Minister. But to-day, we are in a situation where we have to ask ourselves: what has been done and what should be done so far as the perpetrators of this crime are concerned?

People have had a traumatic experience; and they are entitled to know what you are going to do, to these perpetrators of crimes, these criminals and their aiders and abettors. 16 precious months have passed. These are valuable, precious months in the life of this country. Not only have these criminals remained unpunished. They are now re-grouping themselves, thanks to the performance of the Government and the ruling party. You are considerably helping her to stage a come-back, in spite of all the crimes that she has committed. We are to-day being warned by this party which should have no place in the political life of this country. Her henchmen or chamchas—we would be insulting the chamchas by calling them chamchas—are to-day saying and threatening that there will be a massive agitation, there will be a civil war and there will be blood-shed. And somebody said on the sands of Chowpatty the other day—I read it—that blood will flow in this country if she were touched. I would like to tell the Government that any attitude of compassion or dilatoriness to criminals would be nothing but an act of betrayal to the people of this country. People have given a mandate to the Government. My request to the Prime Minister and all my friends is this: "You have a duty to the people of this country who have put you to power. By your non-performance, your ineptitude and internecine quarrels, don't give credibility to her."

This question, therefore, necessarily comes up, viz. after the Commission has done its duty to the nation, what action are you going to take? You have to satisfy the people of this country. Our party has been demanding a trial on the lines of the Nuremberg trial. It is not doing it for the sake of political propaganda, but because we feel that there was no parallel or equal to that set up earlier in this country, except that of Nadir Shah—or something like that. It has happened in the garb of a democratic set up. When they made the Indian Penal Code in

the 19th century, even the British could not have thought of this. These are worse than War crimes. A deliberate crime it was, against humanity and against the people of this country who have been kept below the poverty line, for years and years. They have been facing unemployment. They are even unable to have two square meals a day. These people's minimum rights as human beings were denied.

They were not given two square meals a day. At least they could say that they have their fundamental rights they have their basic rights but those were taken away during the Emergency. Mass media was controlled. MISA was utilized against all leaders of democratic movement—government employees, trade unions, everywhere, it was being utilized.

I do not have to remind the hon. Members of the great misdeeds that were committed under MISA. Who was responsible for all this? Let us hope, after a good deal of procrastination and thanks to the initiative of Mr. Jethmalani our esteemed friend, that the Government has thought it fit to refer the matter to the Supreme Court. I do not know why are you showing such an over-zealous respect for the rule of law. If you had set up a special court, she could have gone to the Supreme Court; Supreme Court would have been open for her; she could have gone there and tested it. For whom are you showing over-zealous respect? If you are acting against the rule of law, there are courts of laws. Courts are not closed to her; the doors of courts are open for her; she could have gone there. Why are you dragging your feet so long?

Since you have made that reference, I can only hope that the Supreme Court accedes to it. If the Supreme Court does not do it, then you cannot pass on the responsibility to the Supreme Court having struck it down. What are you going to do then?

(Interruptions)

You have to explain that.

(Interruptions)

MR. DEPUTY-SPEAKER: You must now conclude.

SHRI SOMNATH CHATTERJEE: It is the responsibility of the people and this country to see about it and the Government has to take steps that no one in future shall be able to impose dictatorship under the garb of constitutional provisions as was done in this country. That brings to us a question of proper amendment of Article 352 of the Constitution and although the Constitution Amendment is coming, we have some reservations still. But I do hope that the Government will consider it once more before even that minimal opportunity...

(Interruptions)

MR. DEPUTY-SPEAKER: You must conclude. I will have to call the next speaker.

SHRI SOMNATH CHATTERJEE: The other thing is that the time has come—whatever may be the personal feelings of the Prime Minister; whether she should be allowed the benefit of the Representation of People's Act in this country—for disenfranchising her. (Interruptions) Otherwise, what Justice Shah has said, you can never achieve. I am quoting from pages 140 and 141 of the Report. He said on page 140 as follows:

"Yet, if the nation is to preserve the fundamental values of a democratic society, every person whether a public functionary or private citizen must display a degree of vigilance and willingness to sacrifice. Without the awareness of what is right and a desire to act according to what is right there may be no realisation of what is wrong."



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Then he said on page 141 as follows:

"The nation owes it to the present and the succeeding generations to ensure that the administrative set-up is not subverted in future in the manner it was done, to serve the personal ends of any one individual or a group of individuals in or near the Government."

SHRI RAM JETHMALANI (Bombay North-West): Mr. Deputy-Speaker, Sir, the Shah Commission's Report has been under attack for quite some time by Mrs. Gandhi and her henchmen. The attack has extended itself to the institution of Commissions of Inquiry itself. This attack has to be met; it has to be analysed. It is suggested that the Janata Party has made gross misuse of Commission of Inquiry. That suggestion is being spread around to misguide those who do not know the relevant fact that the Janata Party has not created Commissions of Inquiry for the first time. Let us declare for the benefit of those, who are interested in knowing the truth that the Commission of Inquiry was created for the first time by the great leader Pandit Jawahar Lal Nehru, the father of Mrs. Gandhi. I am surprised to find that the daughter is so critical of her father's creation. If you analyse the commissions of enquiry, throughout the Nehru era, fraud after fraud was discovered through the instrument of the commission of enquiry. Let us recall only one glaring fact that the late husband of Mrs. Gandhi,—may his soul rest in peace; he is of revered memory so far as I am concerned—exposed one of the greatest frauds of his time, the Mundhra fraud through the instrument of the commission of enquiry....

AN HON. MEMBER: What about H. M. Patel?

SHRI RAM JETHMALANI: H. M. Patel was exonerated by everybody; do not misquote facts; read the report

again. The person who was not exonerated was Mr. Nehru's Minister who was only temporarily put out of office and so great was his love of the corrupt that he brought him back again. The late Feroze Gandhi was grateful to the instrument of the commission of enquiry and I am surprised that our last Prime Minister shows no such gratitude for an instrument which was praised by her husband.

When after the last elections Commissions were instituted by the Janata government. I recall the speech of a very distinguished member of the Opposition, Dr. Karan Singh; the best among them, he got up and told us that the Congress Party at that time was as much interested in the discovery of truth as anybody else. He said on the floor of the House that his party was waiting for the commissions of enquiry to declare the truth because truth must be known. I believe Dr. Karan Singh's word and I believe he was genuine. But where Dr. Karan Singh went wrong is in believing that his party also accepted what he believed. He realised a little too late that his party was not interested in the discovery of truth or at least there were a large number of people in his party who were afraid of truth being disclosed and were therefore afraid of commission of enquiry. Ultimately their party was divided into two. Persons who remained on one side were led by Mr. Chavan who told us the day this Parliament opened that the emergency was not part of the ethos of this country; emergency was not part of the constitutional tradition of this country; the then distinguished leader of the opposition at least showed some remorse, some repentance and he was at least prepared to say that emergency would not be repeated again. But when their party divided, it divided between those who believed that the emergency was good who continue to be proud of the emergency and on the other side those who showed remorse and repentance and a certain degree of shame about the emergency. Today

Mrs. Gandhi continues to be the head of that party which has through its leader in this House proclaimed that that party was proud of the emergency, remains proud of the emergency and will be proud of the emergency if they once against come to power and have to reimpose it.... (Interruptions)

It is worth recalling that it was Mrs. Indira Gandhi herself who revoked the emergency when she fell from power, the significance of this must be understood. If she was a believer in the good of emergency, if the present distinguished leader of the opposition is proud of the emergency, why did he not advise Mrs. Gandhi to continue the emergency even after she fell from power. They knew that the dark deeds which she had perpetrated under the cover of the emergency might conceivably be perpetrated by somebody else. Of course we had no intension of doing so. But she was afraid of her own sins. You and she knew the emergency was a cover for fraud and political corruption, and worse still the dynastic corruption of the ex-Prime Minister. whom you still continue to acknowledge as the leader of your party.

After the Shah Commission of Inquiry has given its verdict, criticism has erupted on three or four lines. First of all says Mrs. Gandhi and say others of her way of thinking that this Commission acted very unfairly. How did it act unfairly? It acted unfairly because according to Mrs. Gandhi's long eighteen page letter which she wrote to the Shah Commission, witnesses who appeared before the Commission were jeered at. People were hissing at them. People were showing ridicule and contempt. Now confessions of the most distasteful crimes of the most corrupt acts, of the most inhuman kind of misconduct were being deposited to by witnesses on oath. Witness after witness came before the Shah Commission and swore that he did indulge in corruption of which he

was ashamed of. These confessions were being uttered in presence of the people. You can't expect spectators to act, like automatons. They must react like normal sensitive beings to the sordid disclosures. This is the kind of hissing and contempt of which Mrs. Gandhi was afraid of. She knew that the people will show contempt for her. She knew that the people will taunt her. She should have shown the requisite courage. Instead she went round creating contempt against the Commission and committing one of the most heinous crimes which can be committed in democracy, viz., to create contempt of the judicial process and of those who are conducting the judicial process. It has been the policy of your party and it has been the policy of your leader always to frustrate judiciary and legal actions by political corruption and by political hulla-ball which you raise every time because you are afraid that the judicial decision will go against you or has actually gone against you. You have not learnt the basic fact that in democracy you have to accept adverse decisions with good grace. That at least Mr. Sathe should have known because he belongs to my profession. Our profession is characterised by one thing—that whatsoever the decision may be, we bow down gracefully to it. But Mrs. Gandhi and her henchmen have never learnt to accept the judicial process and its conclusions.

Another criticism which she has made is that we have a judge sitting in that Commission who has already expressed himself with his public utterances against the emergency. I want this House to analyse the argument for itself. It is like a rapist who is being tried in a court saying, I cannot be tried by this judge because this judge does not like rape. A robber will say that I cannot be tried by a judge who does not like robbery. What kind of judge did Mrs. Gandhi want? What kind of

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judge did you sitting opposite want to preside over the Commission? Did you want us to select a judge who had disgraced the robes of his office or did you want a judge who had fallen prostrate at the feet of Mrs. Gandhi? Did you expect us to give you some corrupt judge who had sung the song of emergency to sit in judgment over the misdeeds of emergency? These are the things which you must learn to take in your stride if you are to function as a political party in a civilized democratic country. But if you want and if you are determined to take back the country to where it was before March, 1977, then continue in your own ways. The Government will deal with you. The rule of law will deal with you and more than that people of this country will deal with you.

Another criticism of the Shah Commission's Report which again requires to be analysed and understood by this House is that the Shah Commission has no justification or authority to question and sit in judgment over actions which were approved by the Parliament, which existed then. This argument is a joke when you analyse it a little seriously. After all, do we not have the testimony of her own Attorney General who was her favourite, that Attorney General who never recovered from the disease called emergencies. He died recently. But he went on public record to declare that throughout the time of Mrs. Gandhi's emergency the Attorney General of this country lived in a mortal fear. Have you forgotten that you created a situation in which the ablest judges of this country had turned sycophants, the ablest journalists had turned base propagandists and even the Members of Parliament with a few distinguished exceptions which can be counted on one's fingers, had allowed themselves to lie prostrate and be trampled upon by this lady. Is it that Parliament whose ratification you are talking about?

The English people would have obliterated this portion of history, just as they obliterated the Cromwell period from their history. But we have treated the revolution of March 77 as involving no break in constitutional continuity. We have treated it as a peaceful changeover according to the democratic process. We were entitled to treat the March 77 elections as a revolution and if we had treated it as a revolution we would have been justified in accepting the suggestion of my friend Somnath Chatterjee who said that Mrs. Gandhi should have been tried according to the Nuremberg principles of trial. Surely enough a woman, a lady, a politician, who flourished in her political life in retrospective legislation, could never claim, morally at least, to protest against retrospective legislation. But we who are wedded to the rule of law, eschewed that temptation. We got over that provocation and said, "No; we shall not allow her to stew even in her own juice. Let us go by the rule of law," and that shall be the greatest tribute to the philosophy of the Janata Party. We said, we shall not try her by retrospective laws but we shall try her by the ordinary laws of the land and such laws as the constitution permits.

Every criticism of the Shah Commission is unjustified. Now we receive lot of gratuitous advice. It is like what happened in that little anecdote which we used to read as small children. A pious Brahmin, Ramji once upon a time carried a goat on his shoulder and three cheats met him at one after the other. Each was telling him, "Ramji, why are you carrying a dog?" Ultimately, the poor Brahmin in his ignorance was compelled to drop the poor goat and the cheats took it away. Exactly like that, we are being told today by our so-called friends, "Forget the commissions of inquiry. Let us get down to some serious business. Why these commissions of inquiry?" The lesson of this commission of inquiry is that we need more commissions of inquiry.

We need more effective commissions of inquiry. We shall not allow commissions of inquiry to be made non-sense of.

SHRI C. M. STEPHEN: That is what Mr. Charan Singh is demanding and you are refusing: He is demanding the appointment of a commission of inquiry.

SHRI RAM JETHMALANI: There is another brand of cheats who go round telling us and reminding the Prime Minister of our Gandhian philosophy, of our philosophy which is based on love and affection and eschewing of hatred. We are being told, "How can you, Gandhians, entertain this anger and prosecute her? Why not drop the whole matter?" Mr. Deputy-Speaker we shall not succumb to this kind of tomfoolery. The law shall take its own course. It is the constitutional, moral and legal obligation of the Government of the day to bring offenders to book. We are not dealing with ordinary offenders. We are dealing with offenders who will hold a candle to the worst offenders of the worst countries in the world and they are not going to advise us that we should give up our attitude of hatred. No. It is not really contempt and hatred aimed at persons but contempt and hatred of the actions of which they have been found guilty and those actions shall be punished, however Gandhian we are.

What has the Shah Commission after all said? It has *prima facie* found her guilty of two kinds of offences in which there have been two mixed motives for the commission of those offences—firstly, to suppress and destroy political opposition and political dissent and secondly, to prevent the exposure of her dynastic corruption, corruption which was being run by her as a joint Hindu family business from 1971 upto 1977. So, these are the two kinds of offences which the Shah Commission... (Interruptions) Outside the precincts of

this House, I might have even physically afraid of the distinguished Member of the opposition who has just got up. I am sorry, I did not catch his name, but inside this House ... (Interruptions)

18 hrs.

SHRI A. BALA PAJANOR: He is a very soft man inside. (Interruptions)

SHRI RAM JETHMALANI: Let me say for his benefit that there is one historical fact which we have all forgotten that Mrs. Gandhi during the Emergency with her troubled conscience, such of it as was left, bothering her all the time and knowing that some day the strong arm of the law would overtake her and nemesis might befall her despite the strength in which she found herself at that time, brought before the other House a constitutional amendment to confer immunity on her against crimes committed by her both before and during her tenure of office. Those of you who sit and smile at her actions and those of you who do not show sufficient remorse at what happened will recall the disgraceful fact that the constitutional amendment went through the Upper House while you had lost your moral spine and were quietly watching the rape of democracy and the Indian Constitution. (Interruptions) As a lawyer, I draw inferences from circumstantial evidence. If she had not committed crimes why did she seek immunity. The inference is inescapable...

(Interruptions)

SHRI MALLIKARJUN: 'Rape' is a defamatory word and this should be expunged. He is a lawyer, he should use some other word. (Interruptions)

MR. DEPUTY-SPEAKER: We will take care of all the defamatory words; do not worry.

SHRI RAM JETHMALANI: I wish to tell my Government that even in

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our Government, we are compelled to work with the very bureaucrats who once upon a time, followed her will and were parties to her evil actions. I hear from the press and this has never been denied, that the Committee of Secretaries appointed by the Cabinet, went into the question of crimes of Mrs. Gandhi and rendered to the Cabinet an advice which is unworthy of any Secretary who is drawing his salary from the exchequer, that Mrs. Gandhi ought not and cannot be prosecuted.

THE PRIME MINISTER (SHRI MORARJI DESAI): Who said that?

SHRI RAM JETHMALANI: All papers have published this and there is no denial. I have heard the Prime Minister says, no and he must be right. I accept his word.

But let this fact be publicly declared because this fact is going round today and it is being used against us that your own Secretaries have said that Mrs. Gandhi should not be subjected to any criminal prosecution. Deny this fact with the vigour that you are capable of, and give it the publicity which it deserves, because let it not be said that we have embarked upon a venture of vendetta when our own Secretaries have advised us to the contrary. Clear this misunderstanding. It must be done at the earliest possible opportunity. But should you find that there are in our Government or, amongst our bureaucracy, people whose will to enforce the law has been paralysed by previous corruption or current inducement, it shall be your duty to remove them; it shall be your duty to weed them out and see that they do not spread their paralysis to others.

The greatest lesson of the last six months after Mr. Justice Shah filed his prosecution in a magistrate's court is that Mrs. Gandhi as an accused, and other accused in the same posi-

tion as Mrs. Gandhi, are in a position to frustrate the speedy disposal of cases. They are able, by their legal gimmicks and other devices, to postpone the evil day, to postpone the nemesis, to postpone the arm of law overtaking them. The great lesson, therefore, is that we must promptly, vigorously and effectively devise a method of bringing the culprits to speedy justice, because justice delayed, Mrs. Gandhi told us during the emergency, is justice denied, and exactly now she must stew in her own juice. We will give her speedy justice of which she talked during the emergency, and of which she made a great propaganda point. We shall not succumb to the temptation of disenfranchising her, but we shall certainly disenfranchise her for future misconduct, because she continues her misconduct from day to day, continues to throw dirt and dust at our judicial officers, at the commissions of inquiry, she continues to snap her thumbs, she continues to hold them to public ridicule and contempt. It is for these future crimes that we must strengthen the hands of our Commissions. The Commissions must be empowered to punish those recalcitrant and obstinate witnesses who do not have the courage to speak the truth, and answer questions about their public actions.

Mrs. Gandhi after the Allahabad High Court judgment is afraid of lawyers as a camel is afraid of water or perhaps a dog is afraid of Diwali crackers. She is mighty afraid; she will not face lawyers. But those public men or women aspire to political power, but who do not have the moral spine to get up in public and answer questions about the way they conducted their affairs, they have no right to continue to aspire for public offices, and let us at least for the future create the requisite amendment in the law that such people do not again find themselves in positions of power or foist themselves upon the people's heads and destroy their liberties, the Constitution and the decencies of political life.'

**SHRI A. BALA PAJANOR** (Pondicherry): I rise to speak after hon. Member Shri Jethmalani has created some sort of interest in this discussion. I am not saying anything against the other Members, but when we took up this matter of the Shah Commission discussion, they wanted more time, and they also said that many Members might like to express their feelings on the subject.

As far as the appointment of the Commission is concerned, there cannot be any two opinions. I do not agree with Mr. Stephen on this point. I think Mr. Stephen also agreed that it is good to go into the matters. I know how the Law Minister argued before the Sarkaria Commission in favour of its appointment. Why do I mention this? Because sometimes according to convenience we change our arguments. I went through the arguments of the hon. Law Minister, Shri Shanti Bhushan, at every stage before that Commission, how he wanted to prolong the corruption charges made against the ex-Chief Minister of Tamil Nadu, Shri Karunanidhi. But now I have read certain reports, and some of the hon. Members of the Janata Party are also agitated about it, but they must try to analyse the position after the Shah Commission's reports. It is because of the division created in the Janata Party.

I need not cite Gupta's Commentary on the Commissions of Inquiry as contemplated under the Act of 1952. Because some Members within the Cabinet expressed the feeling that Mrs. Gandhi had the punishment by the verdict of the people. Some started saying that she must be punished severely according to law. According to some, she should be punished through a special court, according to some through special law and according to some like the trial of Nuremberg. But if you take the Commission's report, it says that as the people of the country desired that there must be a Commission of Inquiry, it

has been appointed. As my friend, Mr. Saugata Roy said, the number of Commissions have increased. I went through the Reports of the Commissions of Inquiry and I found that there were 202 Commissions from 1952 onwards. Out of those 202 Commissions, 49 are very important Commissions appointed prior to the Shah Commission.

They have appointed 21 Commissions so soon afterwards. That is the reason why some people say that this is a government of Commissions and government of omissions. If I say 'omissions' it is because of the differences that you yourself create and ventilate openly without any discipline both inside and outside Parliament. I say, the mistake is within. I find the discussion on the Shah Commission Report has become more academic. If you ask me to argue like Mr. Shanti Bhushan, I can also do so pointing out the good points and also the mistakes in every page, how Mr. Shah has erred in particular places etc. Fortunately, Mr. Shah has not come out with the findings in a categorical statement because he knows the law very well. It is a fact-finding Commission as per the Commission of Inquiry Act, 1952, under which the reference has been made. This reference to inquiry is a peculiar one because it said that the people demanded inquiry into all the excesses committed during the Emergency. And Mr. Jethmalani was very eloquent in saying that even excesses prior to the Emergency must be inquired into. Some of the speakers said that there must be a trial like the Nuremberg trials. But I wonder how in a democracy it can be done. Our eloquent speakers must read the great Tagore who said in his *Gitanjali*:

"Where the head is held high  
And the mind is without fear  
Unto that Kingdom, Father, Let my  
country awake."

I know why we are eloquent. Some of them are enjoying eloquence

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knowingly or unknowingly. There lies the crux of the problem. When I say some people in the Government of India—I do not blame them—act according to circumstances and convenience, I am not comparing why Mr. Stephen is supporting Emergency or why he opposed it some time back and how we all acted immediately after elections. But we have to analyse why these things have taken place. Please do not get agitated. It is a *fait accompli* in this country that Emergency was a rude shock and some praise it not because they have less respect for liberty and democratic values, but because they have no food, shelter and clothing in the new programme. So, I appeal to you to please take up this matter as a matter that must go under the due process of law. You appointed a Commission of Inquiry as per the Act of 1952, and it is a public inquiry. I do not dispute how Mr. Shah had to conduct the entire inquiry. We wanted to honour the public opinion. That is the reason why it was an open inquiry and people had a right to know what has happened. At the same time it should not be a matter of vulgarity also. I am using a strong word because the purpose for which you have appointed the Commission may not be served.

As you have noted, many Members are very vociferous about Emergency excesses. We also supported it for some time, but we realised it later on. In the last Lok Sabha many of us including Prof. Mavalankar had discussed in this house about how to outwit it. I know how clever many of the Members used to be. But everybody has his own method of outwitting certain unwanted elements. Let us not claim that we alone are the heroes in those days. When I see Babuji, I understand his method. Perhaps he waited till the elections were announced. I remember what Mr. Mohan Dharia said. When he was to resign, I asked him: "Were

you with coloured glasses when you were a Minister?" He said: "There is time for everything." I agree with him. Similarly, I am not sorry for it because circumstances are different at different times.

So, let us not boast of these things and say that we have done this or we have done that. What really the people want at this hour is the question. Are you prepared to analyse it? People are not happy and they do not want to bring Mrs. Gandhi back because of her autocratic rule of 19 months, which has been revealed to us later on. People are not prepared to have the same old method of suppressing the press and allowing the press to go to the dogs. The people are worried, because we are not giving to them what they wanted. People are not happy with eloquence or rhetoric remarks of Justice Shah, who is presiding over the Commission of Inquiry. I have some experience of the Sakaria Commission, where I had an opportunity to function, along with my friend, Shri Shanti Bhusshan. I know how he defended the accused in that case; I vividly remember how he protracted the proceedings, how he delayed the hearings. Of course, that is the right of the lawyers and the right of the accused also. In that case, I appeared for the complainants, for the Memorialists.

It took two years for Mrs. Gandhi to appoint that Commission. She went on delaying it and then finally she took the decision. You people are talking of the use of MISA during the Emergency. After the Emergency was declared, for seven months Shri Karunanidhi ruled over Tamil Nadu. Do you know what he said? For seven months he used the MISA and many of our party members were put behind the bars. You have suffered a lot and similarly we have also suffered.

Now you are talking of democracy, liberty and so on in this House. Is it not a shame on our part to talk of such things? Here I would rather like

to quote Lord Acton who said "power corrupts and absolute power corrupts absolutely." It is not a fact that this malady started only 19 months ago. Other people were in power then and now you are in power. I remember Shri Madhu Limaye, who was sitting on this side; I also remember Shri Vajpayee speaking from these benches. We have seen such people. It all started 11 years back. Because you wanted to shield certain things, take certain benefits from certain corners, so you are not bold enough to say when you see something that is bad. You do not in fact have that right.

All this discussion is a waste of time. Let us take up those questions which are important. I know it is very easy to say, in fact I want to throw a challenge to you when you say that you are doing something because the people of the country want it. Take the appointment of the Grover Commission. You appointed that Commission to enquire into charges against Mr. Devraj Urs. Now that he is in power, what are you going to do with the findings of that Commission? Suppose Mrs. Gandhi is re-elected tomorrow. Will you say that she has a right to rule because the people of this country have given a verdict in favour of her ruling the country? It can never be so. Then what is your reason?

I appeal to many of you who are below 40 or 45 years of age not to talk about general principles for ever. This House is not prepared, this country is not prepared, to listen to preachings or lessons on liberty, freedom and democracy, as Shri Jethmalani was doing. I can also talk for hours together on liberty, quoting Russel, Burke and others, from Tagore to the lowest man in this country. But that will not serve the purpose. What is required is to understand the hopes and aspirations of the youth of this country, to try to solve the problems of the poor men of this country, to try to help them and show them the methods by which they can solve their problems.

There is no point in this House discussing the question or the Report of the Shah Commission again and again. I do not want to waste the precious time of this august House by doing that. That time can be well spent for discussing about the steps to be taken for the progress and welfare of the people of this country, because that is the most democratic thing. But you seem to forget it.

About 45 minutes were spent on considering whether the Shah Commission Report should be discussed. As I said earlier, if you want, I can also argue technically about this Report, find fault with it page-wise. I can do it. Similarly, I can also take up the complimentary parts of that Report and show how Justice Shah has done it well. But that is not the purpose. I have seen from the Mover of the Resolution in the very beginning to Shri Jethmalani, the last speaker, all of them wanted to bring home to the conscience of the people of this country what called for the appointment of the Shah Commission, the declaration of Emergency, when we had to lose our freedom and liberty of the people of this country during those 19 terrific months according to many of us, but there was also discipline during those days; that you cannot forget..... (Interruptions) You cannot forget it. If you say it was not so, then you are going to enter into a dangerous argument. I am not justifying it, please take it from me. I am not justifying it or saying that the Emergency was a necessary thing. But, at the same time, you cannot forget that there was discipline and we could safely live in Delhi.

Now there is division in your ranks ... (Interruptions). Are you disciplined, I am posing this question. Are you all prepared to obey the Prime Minister of this country? I am prepared to obey the Prime Minister of this country. Are you prepared? I am asking a very straight forward question. I say that you people are not disciplined. You want to give vent to your own feelings



[Shri A. Bala Pajanor]

and you are not prepared to obey the Prime Minister. Please talk in one voice.

Let not Mr. Raj Narain come out with a statement, let not Mr. Charan Singh come out with another statement and let not the other people come out with different statements. That is the reason. You are not talking in one voice. I have no fascination for Mrs. Gandhi. But when she was the Prime Minister of this country, I said that there must be some honour and respect for the seat. I have no fascination for Mr. Morarji Desai. But I have a great respect for him personally. That is a different matter. But so long as he occupies the chair of the Prime Minister, every citizen of this country and especially every Member of Parliament, must have respect for him. Then only this country will be respected. If you do not talk in the same tone, I am not challenging. I am not arguing, but I warn you that you will have to face many challenges. I express my feeling, the feeling of the youth. I used to talk to Mr. Sharad Yadav, Mr. Subramaniam Swamy, Mr. Nathu Ram, Mr. Ram Vilas Paswan, irrespective of their party affiliations. We speak for the youth of this country. If you are not going to take the word of the youth of this country, you people are above sixty and seventy, old in your thinking, words and aspirations, old in your progressive methods, it will only destroy this country. We may not welcome Mrs. Gandhi and her evil actions. Personally, we do not have anything. That is a different matter. You can laugh at it. But that is the call that is coming out of this country everywhere. If you are not going to respect the youth of this country, the youth is going to take over.

Just now my friend, Mr. Saugata Roy, referred to a person been hanged in Madras. He is not bothered about it. But somebody is going scot free. We can also talk like that. But do not get agitated. Mr. Malikarjun may challenge

and say "let us have elections" and you may be defeated. Will you say that Mrs. Gandhi won the election? What is happening everywhere? Are you winning the elections? What happened in Madurai? Mrs. Gandhi attracted the crowds. Where is Mr. Ramachandran? Where is the Janata Party? It is cypher now. Can I say that Janata Party is completely erased out of Tamil Nadu? That cannot be said. Let us not unnecessarily waste our time on this question. We have given this work to a Judge.

AN HON. MEMBER: Please do not waste time.

SHRI A. BALA PAJANOR: That is my right. My party has the right, I can take time. It is not your right. I have the right to put forward my views and if you are not prepared to take it, woe unto you. (Interruptions). If I say things palatable to them, I have found, they will give cheers. But I am not moved by that. If I say something which is true, which pricks them, they will not support me. I do not want that. The same thing is the case with this side also. But truth should be placed as the Prime Minister has said.

SHRI DHARMA VIR VASISHT (Faridabad): On a point of order.

MR. DEPUTY SPEAKER: What is the point of order? On what rule?

SHRI DHARMA VIR VASISHT: What relevancy has it got here?

MR. DEPUTY SPEAKER: No, that is not a point of order.

SHRI A. BALA PAJANOR: I went through the entire report of the Shah Commission. He has taken a lot of panics. Sixteen months have passed and we are told that he will give the last report before the end of September. The Prime Minister has been saying, both inside and outside the House, categorically that due process of law will take its own course. It has been said by many members when they

were provoked here, that they are trying to set up a special Court. If it is legally permissible, you can do it. But we are going to discuss that here because it is outside the scope of the present discussion. If it is a question of going by due process of law, if you are going to try Mrs. Gandhi and her gang, —if they are found guilty, the law will take its own course—how many times should we repeatedly go on talking about it? Will it give food to the people of this country? I am very happy that you have taken a stand to condemn the illegal things done during the Emergency. But what about things that happened prior to Emergency?

AN HON. MEMBER: Don't preach.

SHRI A. BALA PAJANOR: I am not preaching. I am not that old to preach. But I am posing a small question. You ask your Law Minister what he was saying before the Sarkaria Commission, I can also argue like that. But I do not want to do that. Many of you are eloquent and I am also eloquent. But touch your heart and tell. He said: "Janata Party is on the vain". Why? I want to ask this on the discussion on the report of the Shah Commission, I had great hopes on you and I still have. Why? You must come out with plans. There is no point in simply talking about Indira Gandhi daily. You are making Indira Gandhi the biggest element or the biggest demon, as he said. Why?

The people of this country have given a verdict and she had accepted that in good spirit. I remember what she said immediately after the Elections. She said: "I respect the verdict of the people." At times, she said, "I am sorry for it." Now I am bold enough to say that some of you even provoked her. She admitted her guilt. What else do you expect? I want to put this question to many of you, both on this side and that side, who cooperated with her, who enjoyed the benefits then. Now they have become the biggest champions of it. Why? That is the reason why I say so. Let us not also repeat the same mistake. I can

also condemn Mrs. Indira Gandhi; I can find fault with every section of them. There was the Tulmohan affair and I can point out various other instances. I can say, Mrs. Indira Gandhi is a devil. But what is the purpose it will serve? That is what the people ask. When the Prime Minister and the Law Minister say that the law will take its own course, that she will be punished according to law, you have a difference of opinion and it is your difference of opinion which is the cause for all this. I repeat that you better get a disciplined set so that this country can be disciplined. Otherwise, it is going to be a dangerous thing for us.

With this request, I say that the Shah Commission which was started in good spirit and which has given the report is not being followed it up with the same spirit.

SHRI M. N. GOVINDAN NAIR (Trivandrum): Mr. Deputy-Speaker, Sir, with due respect to the youth of this country, I feel that it would have been more appropriate that this motion was moved from the Government side rather than by a very leading member of this House. I also feel that this motion should have been moved during the first week of the session. I do not want to cover the field already covered by the Shah Commission. Nor do I want to question whether there was any procedural irregularity or not.

Now, the Shah Commission has come to certain conclusions. The Commission has found Shrimati Indira Gandhi and some of her other colleagues guilty of certain offences. What are we going to do about it? This question has to be viewed from three angles. Firstly, what are we to do with the findings of the Commission with regard to crimes committed by Shrimati Indira Gandhi and her other colleagues? Secondly, what is the guarantee that such things will not be repeated in future? What steps has this House to take to see that whoever be the Prime Minister, he or she may not have a chance to repeat the Emergency

(Shri M. N. Govindan Nair.)

again. Thirdly, in your over enthusiasm to save democracy, you do not stab democracy.

Before I come to the first question, as you know, a few months ago, there was a news item in the press that Princess Anne of the British Royal family was fined for a traffic offence. Neither the constable who charge-sheeted her nor the magistrate who punished her did feel that something extra-ordinary had been done. It was in the normal course of the functioning of law. However high a position of the person be, before law everyone is equal and, therefore, law should operate in that manner. Nor did Princess Anne mobilise her royal guards to fight against the constabulary and bring down the Government. But what is happening in our country?

12.30 hrs.

[SHRIMATI PARVATHI KRISHNAN in the Chair]

The Shah Commission has come forward with certain charges levelled against Shrimati Indira Gandhi. How can my friend, Mr. Stephen, whose talents and eloquence, I do not think, anybody in this House will question, shut his eyes to the fact that all our democratic rights were completely grabbed during that period, that the press was muffled? When the Shah Commission says that the former Prime Minister committed a crime against the Constitution or that her declaration of the Emergency was mala fide, why should he waste his talents to establish that it is outside the purview and all that? That is why, I say that these lawyers are the most confusing people....

(Interruptions)

If there is a law by which lawyers are not permitted to contest elections, I think, we would be in a much better position. That apart, my point is....

SHRI SOMNATH CHATTERJEE:  
So that you can commit all sorts of illegalities!

SHRI M. N. GOVINDAN NAIR: If all of you join, then I will be in a minority, I cannot argue against you.

That apart, I do not agree with the attitude that the Congress-I is taking on this issue. If there is a charge, you should find out who is the best lawyer to argue your case. All the arguments which my friend, Mr. Stephen, has put forward, even questioning the legality of the Shah Commission, can be put forward there. But don't try to organize an army; if any legal action is taken against her, then this country will be put in a turmoil. (Interruptions)

All of us speak about democracy. By profession we are democrats. But by habits and thinking, we are fossils. (Interruptions) Don't try to argue with me now. I will tell you how these personalities come up. That is why I quoted the example of Princess Anne or the daughter of Churchill. How many times was she put in jail? Was there any commotion in Britain? Because there the rule of law is accepted, equality of law is accepted, equality before law is accepted. But we have not accepted that.

Now, what has happened? On this question instead of leaving the whole matter to Mr. Shanti Bushan who, according to me, is an excellent lawyer—I do not know whether he has forgotten law after becoming the Law Minister; it should have been left to him to decide what course of action should be taken,—the matter has been referred to the Supreme Court as to what type of court should try her. But I warn one thing. In democracy, just as there is rule of law, the independence of the judiciary has also to be maintained. So, taking all that into consideration, leave it to the concerned Minister, the Prime Minister and the Home Minister. But what is happening here?

AN HON. MEMBER: Mr. Jethmalani.

SHRI M. N. GOVINDAN NAIR: Yes, Mr. Jethmalani brings in a Bill. Sir, I have great respect for his legal ability. That is not the point.

SHRI RAGAVALLU MOHANARANGAM (Chengalapatlu): Kissa Kursi Ka.

SHRI M. N. GOVINDAN NAIR: What is happening? What is your job, Mr. Shanti Bhushan? I ask you. If you want something to be brought in, this or the Special Court or whatever it is, why cannot you take the initiative? Why do you want that—what Malani?

AN HON. MEMBER: Jethmalani.

SHRI M. N. GOVINDAN NAIR: Why do you want that? Mr. S. N. Mishra brings in a motion. What else? What has this Shah Commission done? It has created the biggest havoc for the ruling Party and it has been a great boon to the great lady in the dock because in place and out of place you were giving the biggest publicity to that one. And I tell you that all your discussion whether it should be a Nuremberg trial or something else—Nuremberg trial for Indira Gandhi?....

SOME HON. MEMBERS: No, no.

SHRI M. N. GOVINDAN NAIR: That is why I said—what was the quarrel? How is it that our friends who normally should sit there—where are they?

Mr. Raj Narain is here. He has taken out his green turban. Other hon. Members are not to be seen here. What is it? It is all because what should be done with regard to Shah Commission report—on that there was a controversy.....(Interruptions). That is why I said the Shah Commission has created a problem for you and

Indira Gandhi is getting publicity every day in the Press. Now we are discussing her for 3 hours....

AN HON. MEMBER: Six hours.

SHRI M. N. GOVINDAN NAIR: Yes, six hours. Whatever it is, tomorrow all over the country and outside the country she gets all the publicity. Then he quoted a foreign journalist. I read that write-up. He is almost convinced that by the time you take some action, people will forget all the crimes that had been mentioned in the report and she will be a heroine again. That is also the fear. Why this fear?

Therefore, if you want to be above board, you allow the law to take its own course. Don't circumvent the constitution, nor should you take law into your hand.

MR. CHAIRMAN: The hon. Member's time is up.

SHRI M. N. GOVINDAN NAIR: Only five minutes.

MR. CHAIRMAN: No, no. Two minutes. ....(Interruptions).

SHRI M. N. GOVINDAN NAIR: This is a deliberate attempt to curtail my speech. If the Deputy Speaker were there, he would have allowed me at least ten minutes. You have come, and I have to obey you.

MR. CHAIRMAN: I hope you will.

SHRI M. N. GOVINDAN NAIR:\*\*  
(Interruptions)

SHRI M. N. GOVINDAN NAIR: As I was telling, my point is that in your over-enthusiasm you should not move beyond that. That is all. Go by the existing law and take whatever action that is called for. And what you are trying to do is all wrong. That also should not be done.

\*\*Expunged as ordered by the Chair.

SHRI C. M. STEPHEN: What are we trying to do?

SHRI M. N. GOVINDAN NAIR: Now members think 'If Indira is touched, the whole country will be on fire.'

All these things are coming.

SHRI C. M. STEPHEN: We have never said it.

SHRI M. N. GOVINDAN NAIR: You never said it here.

SHRI C. M. STEPHEN: We have never said it. Any proceedings according to law will take its own course. Nobody is going to do anything like that. .... (Interruptions).

SHRI M. N. GOVINDAN NAIR: That is the most important point (Interruptions). What are the steps to be taken to see that whoever becomes the Prime Minister, he cannot abuse such extraordinary powers. Therefore, we were hoping that a Constitutional amendment will come up before this House. I think it may come. It must provide that particular provision whereby the internal emergency cannot be proclaimed. The clause providing for the internal emergency must be taken away from here. Then only: no Prime Minister will be able to introduce that again. Otherwise if we were going to qualify it on the way or the other, then these prominent lawyers may say that when Mr. Raj Narain and other friends of him go with the walking sticks, immediately, their case can be argued that they are going on an armed rebellion and then this emergency might be imposed.

So, that clause should be taken away.

MR. CHAIRMAN: Mr. Nair, your two minutes are over: You must conclude now.

SHRI M. N. GOVINDAN NAIR: Another thing is this. If you want any constitutional provision by which

impeachment is to be included, then do it. Whatever precautions you want to take, take them so that such things may not be repeated.

Necessary constitutional changes should be brought in. These are the things. I am afraid of the Chairman. I therefore conclude.

MR. CHAIRMAN: All references to the sex of the Chair will be expunged.

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): Law is an ass.

MR. CHAIRMAN: Will the hon. Minister kindly resume his seat? I have called Shri Mrityunjay Prasad. Please carry on.

श्री मृत्युंजय प्रसाद (सीवान) : सभानेवी जी, जिस बात से मैं खत्म करना चाहता था, सभा का रुख देख कर उसी से शुरू करता हूँ। कहीं कल मैंने पढ़ा था :

"There was a young lady from Riga. It will be recalled who smiled as she rode on a tiger. They returned from a ride with the lady inside. And a smile on the face of the tiger.

इसको आप चाहे विनोद में ले लें या चाहे दूसरी तरह से लें, देवी जी श्रीमती इन्दिरा गांधी ने बाघ की सवारी की लेकिन उस पर कब्जा करने का साहस उनमें नहीं था। अन्ततः वह बाघ उनको खा गया और उनको ही नहीं खा गया बल्कि उसके रास्ते में जो हम सब थे, सबको खा गया।

अब एक चीज की परफ में आपका ध्यान दिलाना चाहूंगा और उसके लिए मैं स्टीफन साहब को बहुत धन्यवाद देता हूँ कि जो बात मैं कहना चाहता था, उसका प्रमाण उन्होंने बार बार पढ़कर सुना दिया और वह यह है कि संविधान का हनन श्रीमती इन्दिरा गांधी ने जान बूझ कर किसी योजनाबद्ध रीति से

किया। राष्ट्रपति के नाम इन्दिरा जी के पत्र को पढ़कर उन्होंने बार बार याद दिलाया था। इससे स्पष्ट है कि राष्ट्रपति कुछ भी करे, उससे पहले उसके पास मंत्री मंडल की मंत्रणा पहुंचनी चाहिए थी लेकिन मंत्री मंडल की मंत्रणा उसके पास नहीं पहुंची और सिर्फ एक मंत्री की मंत्रणा पहुंची वह प्रधान मंत्री थी। इस के साथ ही साथ इन्दिरा जी ने सोलह आने झूठ बात लिखी है अपने भाषण में कि

Unfortunately, I wanted to take this matter to the Cabinet but that is not possible to night.

यह कहना सोलह आने गलत है क्योंकि यह बात प्रमाणों में सिद्ध हो गई है कि वे कई दिन पहले से यह निश्चय कर चुकी थी कि हमें एमरजेंसी लगानी है। वे यह भी तय कर चुकी थी कि हमें केबिनेट में नहीं पूछना है। फिर इसके लिए केबिनेट की मीटिंग बुलाने का सवाल कहाँ उठता था? उन्होंने सिद्धार्थ राय से यह पूछा था कि

Can I do it on my own without consulting the Cabinet?

इसके मायने क्या हैं? इसके मायने तो साफ़ है कि वे पहले से यह तय कर चुकी थीं कि उन्हें केबिनेट की राय नहीं लेनी है और अपने आप ही यह काम करना है। इसके साथ साथ यह भी जहिर होता है कि उन्होंने मंत्रि मंडल से नहीं, बल्कि कुछ औरों से सलाह ली। उनके इर्द-गिर्द एक चण्डाल चौकड़ी बन गई थी। उन्होंने उस की सलाह ली। यही नहीं, उसके बाद उन्होंने बाहर से मुख्य मंत्रियों को बुलाया और उनको कहा कि एमरजेंसी आ रही है, तुम जाओ और अपने यहां पूरी तैयारी करो, लोगों को पकड़ना धकड़ना होगा, उसके लिए पूरी तैयारी करो। उनसे यह भी कहा कि रास्ते में दूसरे मुख्य मंत्रियों से भी कहते जाओ। श्री बेंगलराव ने यह बात कबूल की है कि वे आई०ए०एफ० के प्लेन से बेंगलूर गए। वहां कर्नाटक के मुख्य

मंत्री को संदेश सुनाकर हैदराबाद गये। संवैधानिक रूप से उस प्लेन पर जाने का उनको कोई अधिकार नहीं था। ऐसे ही श्री प्रकाश सेठी भी गए और रास्ते में वे राजस्थान के मुख्य मंत्री श्री हरिदेव जोशी को संदेश देते गए। इस तरह से सेना के प्लेन पर जाने का इन किसी को अधिकार नहीं था। फिर भी गए। यह सब गलत हुआ। यह सब इसलिए हुआ कि इन्दिरा जी ने यह तय कर लिया था कि उन्हें जिन पर विश्वास है, पहले वे उनसे ही बातें करेंगी। जबकि देश के नियमों के अनुसार एमरजेंसी से सम्बन्धित जितनी बातें थी वे सब गृह मंत्रालय की मारफत की जानी चाहिए थी क्योंकि देश के सभी भागों से रिपोर्टें वगैरह सब गृह मंत्रालय के पास आती है। गृह मंत्रालय को इस प्रकार की कोई रिपोर्ट नहीं मिली। कितनी अफसोस की बात है।

18.47 hrs.

[MR. SPEAKER in the Chair]

जब तत्कालीन गृह मंत्री से इस सम्बन्ध में उन्हें कोई राय नहीं मिली तो उनके सहायक मंत्री श्री ओम मेहता को बुलाया गया। फिर साढ़े दस बजे श्री ब्रह्मानन्द रेड्डी को बुलाया गया और उनसे पूछा गया कि क्या आपकी राय है कि यह एमरजेंसी लगाई जाए तो उन्होंने इन्कार किया और कहा कि आपके पास तो एक एमरजेंसी चालू पहले से ही है, फिर इसकी क्या दरकार है। वे चले गए और फिर वे वापस बुलाए गए और उनसे कहा गया कि आपके मुझाव पर विचार किया गया है किन्तु उस पुरानी एमरजेंसी से काम चलने वाला नहीं है। गृह मंत्री ने कहा कि अब आपकी जो समस्या में आए वह कीजिए। फिर सब कुछ तय करके एक सादे कागज पर होम मिनिस्टर ने पत्र लिख दिया। ऐसे होम मिनिस्टर थे।

अब यह प्रश्न उठता है कि आपने जब मंत्रियों से पूछा नहीं है तो फिर ऐसा करने की भूल के बचाव में आप उस चीज की आड़ कैसे लेती हैं? आप कहती हैं कि ट्रांज़िशन आफ बिजनस रूल्स में जी कुछ है उनके मुताबिक

[श्री मृत्युंजय प्रसाद]

ही काम होना चाहिए था। क्या कोई भी रूल संविधान के ऊपर जा सकता है? अगर संविधान के ऊपर नहीं जा सकता है तो संविधान तो साफ कहता है—

There shall be a Council of Ministers with the Prime Minister as its head to aid and advise the President in the exercise of his functions.

संविधान में यह साफ है कि प्रधान मंत्री मंत्रिमंडल का प्रधान होगा और उसको शामिल करके पूरी काउंसिल आफ मिनिस्टर्स राष्ट्रपति को एड एण्ड एडवाइज करेगी। जो संवैधानिक स्थिति है उसमें तो यह बात है कि एक आदमी नहीं बल्कि सारे मंत्रिमंडल की एडवाइज पर एमरजेंसी लागू होनी चाहिए थी। लेकिन किसी से कुछ पूछा नहीं। उस एमरजेंसी को किसी भी रूल से सिद्ध नहीं किया जा सकता।

इसके अलावा एक और चीज आ जाती है, मंत्रियों की ज्वान्ट रिस्पॉन्सिबिलिटी। किसी से भी पूछिए, क्या आपने ज्वान्ट रिस्पॉन्सिबिलिटी को तोड़ा या नहीं? अगर ऐसा किया तो आपने संविधान का हनन किया। मैं नहीं जानता कि संविधान में प्रधान मंत्री को दण्डित करने का कोई रास्ता है या नहीं। यह तो हमारे संविधान के जो विज्ञ लोग हैं वे सोचें। मैं तो यह कहता हूँ कि सोलह आने गलत काम किया गया है, संविधान का हनन किया गया है और उतावलेपन में काम किया गया है। उतावली इस बात की थी क्योंकि चारों तरफ खबर भेज दी गई थी। बिहार के चीफ मिनिस्टर को रातोंरात खबर गई। वह रातों-रात दरभंगा से दौड़े हुए पटना आए। भोर में दो बजे चीफ सेक्रेटरी को फोन करके बुलाया। खबर चली गई थी कि लोगों को पकड़ना है। तब वही स्थिति में आपात काल की घोषणा न हो तो क्या होगा। फिर क्या हालत हो जाती इसको आप समझ सकते हैं। ये सभी मुख्य मंत्री समझें कि प्रधान मंत्री की गद्दी डोल गई।

यह डर था। इस वास्ते वे चाहती थीं कि आपात घोषणा हम जल्दी से जल्दी उसी रात में करा लें। किसी कीमत पर वे मंत्रिमंडल की बैठक नहीं बुला सकती थीं। उसमें खतरा था। मैं एक बार पहले अर्ज कर चुका हूँ कि मंत्रिमंडल की बैठक बुलाने में सबसे बड़ा खतरा यह था कि कभी भी यह चीज, आपात का प्रस्ताव उसमें पास न होता इसलिए कि उसमें मंत्री लोग पूछें कि आखिर किस आधार पर आप इसके लिए कह रही हैं। आपने पत्र भी लिखा प्रेजीडेंट साहब को। उस पत्र में भी आप क्या लिखती है? आप खिलती है:

"As already explained a little while ago, information has reached us, which indicates that there is an imminent danger."

इसके माने हैं कि अभी हाल में खबर मिली है। यह पहले की कहानी नहीं है। तब क्या शाह साहब की इप्टी नहीं थी कि वह पहले की बात को भी देखते? पहले की कौन सी घटना है। पहले अगर कोई बात हुई होती तो क्या आपके पास छः महीने का समय नहीं था लोगों ने, मन्त्रिमण्डल से चर्चा करने का? समय की आपके पास नहीं कमी थी। तब जरूर तुरन्त कोई बात हुई थी। तुरन्त की घटना एक ही है कि उस दिन शाम, चौबीस तारीख को सुप्रीम कोर्ट का फैसला हुआ और साथ साथ पच्चीस तारीख को यहां दिल्ली में जयप्रकाश का भाषण। यह दो चीजें नहीं हुईं। और दूसरी क्या बात हुई? इसका मुझे पता नहीं चल सका है। 21 से 23 जुलाई 1975 को लोक सभा में आपात के समर्थन में जितने भी भाषण हुए हैं उनको मैंने पढ़ा है, संसद की कार्रवाई को पढ़ लिया है, लोगों ने उन भाषणों में आपातकाल के समर्थन में बहुत कुछ कहा है लेकिन किसी ने भी यह नहीं बताया कि आखिर क्या बिगड़ा हुआ था। जिसके लिए आपात घोषणा कराना जरूरी हो गया था गोलमोल बातें सभी कर सकते हैं, देश में अशान्ति है, बहुत बड़ा खतरा है, इस तरह से साधारण तौर पर कह देने से तो काम नहीं चलेगा।

आपको बताना होगा कि कौनसा खतरा था, किसने क्या किया ? मैं बताता हूँ कि दो घटनाएँ हुई। उन दोनों में सरकार की क्या हालत है ? एक घटना 1974 की तीन दिसम्बर की है। एक कांस्टेबल मारा गया मोरवा में हमारे घर के नजदीक। आज तक आप किसी को ठंग से पकड़ नहीं सके। आज तक कोई मुकदमा पूरा नहीं हो सका। पता ही नहीं चल सका कि किस ने मारा। दूसरे कहा जाता है कि श्री ललित नारायण मिश्र पर बम मार दिया गया था। उनको किस ने मारा कैसे मारा यह आप आज तक नहीं बता सके। आज तक किसी को पक्के तौर पर पकड़ नहीं सके हैं। हम मार्च 77 में आए हैं। यह घटना जनवरी, 1975 की है। तब से जब तक इन्दिरा राज रहा सवा दो बरस में किसी को पकड़ कर क्या आप मुकदमा खत्म करा सके हैं ? किसी मुकदमे का फैसला आप नहीं करा सके हैं।

अब इसको लेकर कहना कि यह पालिटिसियन्ड का काम है, ऐसा किया वैसा किया, यह सरासर झूठ बोलने के सिवा और कुछ नहीं है। और कोई चीज आपके पास नहीं है। यह कहना कि घेराव होते हैं तो मैं पूछना चाहता हूँ कि इतने बड़े देश में कब कहीं कुछ नहीं हो रहा है। एक एक छोटी घटना को लेकर आप चलेंगे तब तो कभी भी आप आपात काल से बच नहीं सकते हैं। इस वास्ते मैं कहना चाहता हूँ कि सोलह अग्नि गड़बड़ का काम किया गया है। शाह कमिशन ने इसका जाहिर किया है और जाहिर इसलिए किया है कि सरकारी झूठ सामने लानी थी। शाह कमिशन के निष्कर्षों की बात मैं नहीं करता हूँ। जो गवाह उसके सामने आए, उन्हीं की बातों पर मैं जाऊंगा, उससे अधिक नहीं कहूंगा। गवाहियां कितनी विश्वसनीय हैं इसका भी आप देखें। उसमें एक बात आ जाती है कि आपके मन्त्री जो गवाहियां देने गए थे और उन्होंने वहां जाकर जो गवाहियां दीं, क्या मैं उनको झूठा कहूँ ? जिन्होंने कबूल किया कि

मुझ से उस समय गलती हुई, उनको मैं झूठा नहीं कह सकता हूँ। यह तो नहीं कह सकता। फिर साथ ही साथ एक आदमी ने तो अपनी जान देकर साबित किया कि सच्ची बात कह रहा था। मेरा मतलब दिल्ली के भूतपूर्व उप-राज्यपाल, श्री किशन चन्द से है जिन्होंने आत्म हत्या की कि इस जिल्लत से जीना अच्छा नहीं, बल्कि इससे तो मरना अच्छा है। अब या तो उन्होंने स्वयं आत्म हत्या की, या किसी ने उनको मारा। और मारा शायद इसलिए होगा कि उसने भेद खोला। तो दोनों परिस्थितियों में से कोई भी बात सही हो, वह पुराने शासन के खिलाफ जाती है।

इसका क्या जवाब है कि 11 बजे रात में इमरजेंसी डिक्लेयर करने के लिये प्रधान मंत्री का पत्र आता है और राष्ट्रपति के सचिव श्री बालचन्द्रन् ने उन्हें मना किया कि मन्त्रिमण्डल की मन्त्रणा पाये बिना ऐसा करने का आपको अधिकार नहीं है। तो भी प्रेसीडेंट साहब ने दस्तखत कर दिये। अब वह तो रहे नहीं जो उनसे पूछा जाये। किन्तु जो हैं उनसे तो पूछ सकते हैं। और इस पर भी इसलिये जोर दिया कि आपात विष बूझ है और उसके जो पत्ते, फल निकले उनकी क्या अनन्त है। एक हुई इन्दिरा गांधी जिन्होंने देश को बरबाद किया, लोगों से बदला लिया। यह कहानी युग युग तक चलेगी, जल्दी खत्म नहीं होगी। जिन माताओं की गोदें सूनी हो गईं, जिन अंधों की लाठी टूट गई, उनके बेटे मारे गये, जिन महिलाओं की मांग सूनी हो गई क्या उनका रोना आपके कहने से खत्म हो जायेगा कि हमने खेद प्रकट कर दिया, गलती को प्रकट किया ? आपको कहा गया लोगों के साथ अत्याचार हो रहा है। पहले तो आपने किसी की बात सूनी नहीं और अगर कोई कहने भी गया तो उनको जेल में ठूस दिया गया। जब किसी ने निष्कायत की तो उसको जेल भेज दिया, यहां तक कि भीमसेन सच्चर जी ने भी तो केवल एक पत्र लिख कर ही उनका ध्यान आकषित किया था लेकिन उनको भी जेल में डाल दिया गया।



[श्री मृत्युञ्जय प्रसाद]

जिनके बेटे एक महीने के लिये ही सही वह सजा पाकर जेल नहीं गये, केवल प्रिवेंटिव डिटेंशन में उनका इसलिये रखा कि कहीं वह गवाहों को भड़का न सकें उनको देखने तो इन्दिरा जी दो घंटे के भीतर ही जेल पहुंच गई। न जाती तो मैं उन्हें मां नहीं समझता। किन्तु जब आपने दावा किया कि देश की मां थी, और उस समय लोग मर रहे थे गोलियां खा रहे थे उनके घर गिराये जा रहे थे जेलों में जितनी जगह थी उसके तिगुना चौगुना लोग जेलों में ठूस दिखे गये थे, उस समय आपने उनके बारे में क्यों नहीं सोचा और क्यों एक को भी देखने नहीं गई? किसी अस्पताल, किसी जेल का मुआयना नहीं किया। पटना में आदरणीय जयप्रकाश नारायण की अन्तर्दृष्टि किया की सारी व्यवस्था कर दी गई थी, उसके लिये लकड़ी और कंकन तक खरीद लिया गया था। सब इन्तजाम पूरा करके रखा गया था। यह तो हमारा सीमांत है कि वह बच गये और आज हमारे बीच में हैं, मगर आपने अपनी ओर से क्या उठा रखा? सभी जालिम सोचते हैं कि उनका राज सदा बना रहेगा, कोई सग उठा नहीं सकेगा। यही भूल इन्दिरा जी ने की।

अन्त में मैं कहूंगा :

करीब है बार रोजे महशूर,

छिपेगा कुशों का खून कब तक।

जो चुप रहेगी जबानें खंजर,

लहू पुकारेगा आस्ती का।

श्री राज नारायण (राय बरेली) : श्रीमन्, मैं आपकी व्यवस्था जानना चाहता हूँ कि यहाँ बोलने का क्या तरीका है। 7 घंटे से हम यहाँ बैठे हुए हैं। सारा केस हमारे केस से ही शुरू हुआ, हमारी इलेक्शन पेटीशन पर यह इमर-जेंसी लगी, आप उसी को बोलने नहीं दे रहे हैं।

MR. SPEAKER: We shall consider that.

SHRI K. P. UNNIKRISHNAN (Badagara): I think some of the parties' time is over. Sir Independent Members are called only after the Members belonging to the various parties are called.

श्री राज नारायण : यह बहुत से लोग जो गुल गुल कर रहे हैं यह नहीं चलेगा। हमने माननीय रवीन्द्र वर्मा को तीन दिन पहले लिख कर दिया था कि हम भाषा के ऊपर और इस शाह कमीशन पर बोलेंगे, और हमारा संगोपन भी है। क्या कारण है कि हमको बोलने का मौका नहीं दिया जा रहा है?

I know Parliamentary practice and I have been in Parliament for more than 25 years, Sir, if it is necessary we can continue this discussion tomorrow.

SHRI SHYAMNANDAN MISHRA: Many Members want to speak. We can continue this discussion tomorrow.

MR. SPEAKER: The pleasure of the House can be taken later. We can consider that later.

श्री राज नारायण : अगर ऐसा करेंगे यह लोग जो स्लिप बने हुए हैं, जबकि हमने परसों ही अपना नाम दे दिया था, अगर हमारे नाम के साथ जाल बट्टा करेंगे तो सभी की मिट्टी पलीत हो जायेगी।

एक मननीय सबस्य : इसको कल तक चलायें।

SHRI SHYAMNANDAN MISHRA: Let there be a fuller discussion.

MR. SPEAKER: I am willing to sit the whole night.

Shri Mavalankar.

PROF. P. G. MAVALANKAR (Gandhinagar): Mr. Speaker, Sir, this important discussion on Shri Shyamnandan Mishra's motion, as I can see sitting all along, has gone all along on expected and anticipated

lines, but I wonder whether the whole point is clinched or perhaps it is mis-sed altogether.

The Shah Commission enquiry was held, reasons for which I need not go into—the whole House knows them, the terms of reference were clear—to find as to why it was necessary for this unfortunate country of ours to go through the nineteen months of emergency, and to know what precisely happened in those nineteen dark and ugly months. It is only through the reports of the Shah Commission, based entirely as they were on judicial understanding and on evidence and on a proper and careful scrutiny of the evidence, and the facts available, that the country could know what ugly and terrible things happened. Even after the emergency was over, there were some people unfortunately in our country, who would not believe that such ugly and terrible things had happened. But the Shah Commission has brought out these things, and the vital truths have been revealed and re-asserted.

I ask: have we, or have we not, learnt any lesson from all what happened during the nineteen months of emergency? Those ugly and utterly immoral events of emergency abound in warnings and lessons, and unless we take warnings and lessons from those ugly and immoral events we will be disloyal to ourselves and to posterity. This Parliament, if I may put it that way, the last Parliament, the Fifth Parliament, barring a few honourable exceptions, was made to conform, in a very ugly manner, in a very arbitrary manner, to the dictates of one individual. I am glad that some of those who were supporting her at that time have at least been honest in saying that they were wrong. I respect them for their learning the lesson. But my point is that this Parliament, by and large, was made captive, press was punished and politicians and political opponents and dissenters were shut down and silen-

ced under MISA. Lakhs of people were arrested under MISA or DIR and the Shah Commission report says that preventive detention was converted into punitive detention. Nowhere in the democratic world preventive detention is considered punitive detention, but the Shah Commission report points out that it was done in this country. I ask this, in all humility whether we have learnt a lesson. Has each one of us endeavoured to see and improve? I do concede, no one can be taught, especially hon. Members of Parliament and politicians, but surely each one of us can learn and my question is: are we learning and are doing these things? This is what the Shah Commission in its reports, findings, observations and recommendations expect of us, all Indians, whether we belong to this party or that party, or inside the House or outside the House.

What do we want? I am asking this question to ourselves. The Shah Commission asks us in a way. The choices are clear, but they are very difficult; very difficult, because this requires a lot of alertness, tremendous vigilance and the whole sense of integrity and value judgment on our part. What are those choices? I would like to put them briefly. The choices are clear, but very difficult. Do we want democracy, or do we want the dangers of authoritarianism to come back? Do we want rule of law to be restored, preserved and strengthened, or do we want arbitrary actions done in a most high-minded and cavalier fashion?

Thirdly, Mr. Speaker, do we want the independence of judiciary, or the subverting and smothering of the entire judicial process? Do we want a free Press or an enslaved Press? Do we want an informed and alert citizenry, or an ignorant and apathetic one? Do we want an upright and impartial Administration, or a servile, obedient, self-interest-finding and self-preservation-seeking Administration?

[Prof. P. G. MAVALANKAR]

Do we want a continuous and critical participation by the people of this great democratic country or an occasional involvement by the people when an election or a by-election comes but an otherwise conformist population? Do we want an enlightened, vigilant and vibrant public opinion or an oversleepy and silent public yes-manship? These are the choices. These are very difficult choices. They are clearly enunciated perhaps, in the Shah Commission's report, but they are very difficult choices.

It is the responsibility not only of the Government—they should no doubt perform—but also of this new Parliament and of all those who love democracy and freedom. We must find out how we can learn from these ugly 19 months of Emergency.

Now, a word or two about the Shah Commission's report. Copies of this report were burnt in many cities, and in my own state, viz., Gujarat. I was ashamed of it. The Congress (I) people did it. I told them: "If you have a better and a more clear alternative, why don't you put it before the people?" It is only in Hitler's Germany that books were burnt, and only in British democracy that books were read. As long as books are burnt, democracy will get destroyed, and when books are read, democracy will prosper.

SHRI C. M. STEPHEN: There are books and books.

PROF. P. G. MAVALANKAR: I want the Leader of the opposition to remember that burning of reports and books smacks of a fascist, dictatorial tendency. I can understand, you may not like a part, or the whole of the Shah Commission's report. But instead of burning it, the better thing will be for you to bring out your own.

What does the report of the Shah Commission say? I want to mention 2 or 3 things quickly. It says very clearly:

"Tyrants sprouted at all levels overnight—tyrants whose claim to authority was largely based on their proximity to the seats of power".

These tyrants, ever hungry for power, were no longer there for some time. For some time, they seemed to have gone underground. They are now raising their head in the horizon. You must be careful about this.

I told Mrs. Gandhi in this very House on 22nd July 1975, which was a Tuesday, that it was not an act of a courageous Prime Minister, but that the act of promulgating Emergency was an act of a weak and cowardly Prime Minister. I said that she wanted to live on borrowed strength. This report clearly says:

"In the absence of any explanation, the inference is inevitable that a political decision was taken by an interested Prime Minister in a desperate endeavour to save herself from the legitimate compulsion of a judicial verdict against her."

And finally, at another place, the Shah Commission's report says this very succinctly and nicely:

"The Government has a special responsibility...."

It is talking about the new Janata Party Government. It says:

"The Government has a special responsibility to ensure that extra constitutional centres of power are not allowed to grow, and if and when located, to snuff them out ruthlessly."

This is what is expected now, of this Government, of this Parliament and of all of us.

Therefore, to conclude: where do we go from here now? Mrs. Gandhi

and her caucus and her political supporters have committed several types of offences. Their criminal offences are being now investigated and perhaps in a few weeks, they will go to a court of law. Her political affronts on freedom and democracy had been well punished in March 1977 elections when the people of India gave their clear verdict. But what about her constitutional crimes? That is the question, and it is perhaps the most perplexing question. How do we deal with them, punish them? We seem to be not very sure. What can this Parliament do? What can this Government do? That is a vital question and I beg of the Government to think and act courageously and convincingly on this point before time runs up, because time is of essence in this kind of thing; because we are racing against time.

And finally about her ethical misconduct—how do you deal with ethical misconduct of one individual or one party or one group? May I say with all humility, the only answer is that whenever there is misconduct at the highest place, the real answer is that only a proud spirit of vigilant and free people can deal with this kind of a situation. Therefore, when we are discussing the Shah Commission's two Reports, I consider particularly these two aspects: what laws can do and what we can do? Laws can do something; I do concede that laws must therefore do something. But laws have their own limitations; laws have their own limits. Mr. Speaker, you very well know those limitations of laws, because however good one may try, however honest one's intentions are, laws have their own limitations. But my faith is pinned down not merely in laws—although I want laws, I want them to be just; I want them to be expeditious but just and honourable and not with a sense of political vindictiveness—but, at the same time, I would say that apart from laws, what we want is the freedom loving people who can and must do everything to defend

democracy and to strive for and advance towards a just and an egalitarian society, to strengthen the rule of law, to preserve values of truth, freedom and justice, and thereby protect and enhance and expand the quality of life and the fabric of democracy in our ancient and dear Motherland.

MR. SPEAKER: Mr. Raj Narain. You claim to be responsible for emergency.

श्री राज नारायण (रायबरेली) : श्रीमन्, अब इतनी देर में आपने मुझे पुकारा है कि मेरा दिमाग इधर से उधर चला गया।

हमारे मित्र श्री स्टीफेन साहब ने एक तर्क दिया था कि "ट्रिप्लिसिटी इयूनिंग एमर्जेंसी" इसकी जांच के लिए शाह कमीशन बना, उसके पहले के लिए नहीं। मैं उनसे निहायत अदब के साथ अपील करूंगा कि वह टर्म आफ रेफरेंस देखें—

The terms of references of the Commission shall be as follows:

"To enquire into the facts and circumstances relating to the specific instances."

आगे चल कर उन्होंने यह लिखा है कि एमर्जेंसी के बाद श्री प्री-एमर्जेंसी के पीरियड का जो कुछ होगा वह भी यह कमीशन देखेगा। तो प्री-एमर्जेंसी में यह एमर्जेंसी कैसे लागू हुई यह सब भी आ जाता है। इसलिए मैं स्टीफेन साहब से कहूंगा कि वह वकील हैं, हम न वकालत पढ़ी हैं लेकिन कचहरी में की नहीं है, जनता की वकालत की है...

MR. SPEAKER: It is not correct to say that you have not appeared in a court; you have appeared in the court.

श्री राज नारायण: हां, मैं अपने केस में गया हूँ।

अब, श्रीमन्, मैं बड़ा आश्चर्यचकित हूँ कि आखिर हम लोग यहां क्यों बैठे हैं? क्या सही मैं हम जनता का प्रतिनिधित्व कर रहे हैं? क्या सही मैं हमारे सामने जनता की

[श्री राज नारायण]

बलाई है ? हमारे मित्र अभी जो बोले हैं मावलंकर साहब, मैं इनकी बात से पूर्णतः सहमत हूँ कि हमें चुनना है कि हमें क्या करना है। मुझे शर्म आती है इसको देखकर कि आज भी हमारे सदन में ऐसे तत्व विद्यमान हैं जो कहते हैं कि एम.जैसे ठीक थी और एक सज्जन तो यहां पूछने लगे। मैं उनको बड़ा प्यार करता हूँ, रईस पांडिचेरी, वह पूछने लगे कि क्या आप प्रधान मंत्री की हां में हां मिलाने के लिए तैयार हैं ? यह डिक्टेटर की बोली है या डेमोक्रेट की बोली है ? य तो यह चाहते हैं कि वह दिन आ जाय भारतवर्ष में कि प्रधान मंत्री डिक्टेटर बन जाए और जो वह कहे उसके दल के सब सदस्य उसी की हां में हां, हां में हां मिलाएं।

न तू कह हमार

न हम कही तोहार।

यह तो बिल्कुल डिक्टेटर की आवाज है। इनको डेमोक्रेसी से क्या लव है, क्या प्यार है, क्या मोहब्बत है ?

SHRI RAGAVALU MOHANARAN-Sir, he has not said anything about Sir, he has not said anything about toadies or yesmen: he has said something about obedience. (Interruptions) He never asked about the toadies or the yesmen of the Prime Minister; he has asked about the obedience.

SHRI A. BALA PAJANOR: I am not worried; the translation is not correlated; let him say anything; I am not bothered.

श्री राज नारायण : अब मैं आपके द्वारा सम्मानित सदस्यों की खिदमत में पेश करना चाहता हूँ कि यह इमजेंसी आई क्यों ? शाह कमीशन ने शुरू में लिखा है कि 12 जून को इलाहाबाद हाईकोर्ट का श्रीमती इन्दिरा गांधी बनाम राज नारायण, राज नारायण

बनाम श्रीमती इन्दिरा गांधी फैसला हुआ। मैं जजमेंट के सारे रेलिवेन्ट पोशंस पढ़ दूंगा :

"All that I would say is that the statement made by the respondent No. 1 (meaning, Shrimati Indira Nehru Gandhi) fails to satisfactorily explain the inconsistency."

यह पूरा पैरा संबंधित है जो इन्दिरा जी ने अपना बयान दिया है, यानी हमारी पेटीशन है, पहले उसका रिटर्न रेप्लाई दिया "समर्थित-एल्स", एडिशनल रिप्लाई दिया "समर्थित-एल्स", एंटेरोगेटरी रेप्लाई दिया "समर्थित-एल्स" और जब विटनेस बाक्स में आई तो :

"When the respondent No. 1, however, entered the witness box she took a different stand and said that so as she knew no decision about her candidature was taken by the All India Congress Committee."

विटनेस बाक्स में आकर बदल गई। हमारे सम्मानित सदस्य क्या इस तरह के व्यक्ति को समर्थन देंगे जिसकी बात का कोई यकीन न हो और जो कभी सत्य बोलना जानता ही न हो ? इन्दिरा जी ने केवल एक कला सीखी है अपने जीवन में— कभी न सत्य बोलना। कभी भी सत्य न बोलने वाले का साथी एक कलुषी होगा— कलुषी के माने पापी। (व्यवधान) हमारे यहां सूत्रों में कहा गया है कि विद्यान निमात्री परिपक्व में जाओ तो सत्य पक्ष को धारण करो। सत्य को असत्य से विद्या मत देखो। जो मनुष्य या जो प्रतिनिधि सत्य को असत्य से विद्या जाते देखेगा वह कलुषी होगा, यानी पापी होगा। इसलिए मैं कहना चाहता हूँ कि पापी मत बनो। दुनिया में एक दिन मरना है। न कोई लेकर आया है, न कोई लेकर जायेगा। खाली हाथ आये हो, खाली हाथ जाओगे। इसलिए यह सलाह तो रहे कि सत्य बोलें

में जजमेंट को पढ़ता हूँ :

"The plea of the respondent No.1 that she held herself out as a candidate for the first time on the 1st February, 1971, is not established to be true."

यानी श्रीमती इन्दिरा नेहरू गांधी ने जो कुछ अपनी बात कही, वह कभी सत्य नहीं रही—यह जजमेंट से सिद्ध होता है। यह जजमेंट लम्बा है, इसको आप पढ़ लें। जो आर्डर है वह मैं मुनाये देता हूँ :

"In view of my findings on Issue No. 3 (first set), Issue No. 1 (first set) read with Additional Issue No. 1, Additional issue No. 2 and Additional Issue No. 3, this petition is allowed and the election of Smt. Indira Nehru Gandhi respondent No. 1, to the Lotk Sabha is declared void."

आगे देखिए :

"The respondent No. 1 has been found guilty of having committed a corrupt practice under Section 123 (7) of the Representation of the people Act by having obtained the assistance of the Gazetted Officers of the State Government of U.P. viz., the District Magistrate, Rae Bareilly, the Superintendent of police, Rae Bareilly, the Executive Engineer, P. W. D., Rae Bareilly, Engineer, Hydel Department, Rae Bareilly, in furtherance of her election prospects in the manner indicated in my finding on Issue No. 2. she has further been found guilty of having committed another corrupt practice under Section 123(7) of the Representation of the people Act by having obtained the assistance of Shri Yashpal Kapur a Gazetted Officer in the Government of India holding the post of Officer on Special Duty in the Prime Minister's Secretariat for furtherance of her election prospects in the manner indicated in my finding on Issue No. 1. .... The respondent No. 1 accordingly

stands disqualified for a period of six years."

आगे आने वाले 6 सालों के लिये, इस फैसले के दिन से, श्रीमती इन्दिरा नेहरू गांधी को किसी भी चुनाव के लिए वंचित कर दिया गया, वह गांव सभा की पंचायत का चुनाव तक नहीं लड़ सकती थीं। यह इलाहाबाद हाईकोर्ट का जजमेंट था। इस तरह से वह 6 साल के लिए डिसक्वालिफाई हो गई, लेकिन अब इनका डिसक्वालिफिकेशन कैसे हटता है। वह हटता है एमजेंसी में। यदि एमजेंसी न लगी होती तो उन का डिसक्वालिफिकेशन कभी भी नहीं हटता। क्योंकि जब वह मुम्बई कोर्ट में पेटिशन में आई, अपील की—मैं सम्मानित सदस्यों को यह जरूर बतला सकता हूँ—जो जज साहब आज हमारे आदरणीय स्पीकर बन कर बैठे हुए हैं, इनका भी इस केस में बहुत बड़ा श्रेय है—क्योंकि जो हमारे इन्टेरोगेटरीज थे, जिनको इलाहाबाद हाईकोर्ट में एक बार जज ने पलाऊ किया, लेकिन दूसरी बार काट दिया, जब श्रीमती इन्दिरा नेहरू गांधी लन्दन गई थीं—इसके बड़े बड़े किस्से हैं, मैं बाद में बतलाऊंगा।

कौन कौन गुण वरणी जवरी तौर,

जियने खियौली बाराभूली,

महले खिअइवी झोर।

मैं कांग्रेस पार्टी के नेताओं से कहना चाहता हूँ—अब वह आपको झोर खिनाना चाहती है। झोर मत खाड़ोगे, स्टीफन साहब, साठे साहब, वर्ना देश बरबाद हो जायगा . . . (व्यवधान)

इन्टरप्रेटर लोग जरा ठीक से ट्रान्सलेशन करें, ताकि हमारे इधर के साथी समझ सकें, आप ध्वराइये मत, यदि स्पीकर साहब समय देंगे तो मैं ग्रंथेजी भी बोल दंगा।

MR. SPEAKER: There is something wrong.

SHRI RAGAVALU MOHANARAN-GAM: He should be given more time.

MR. SPEAKER: No, no. He has got five minutes more.

श्री राज नारायण: मैं निवेदन कर रहा था, 6 साल के लिए श्रीमती इन्दिरा नेहरू गांधी डिस्क्वालिफाई कर दी गई। इलाहाबाद हाई कोर्ट का यह फैसला सुप्रीम कोर्ट में कभी भी नहीं बदलता, जब वह अपील में आई, तो मेरी जानकारी है, मैं एफिडेविट दे कर कहने को तैयार हूँ—जहाँ जहाँ इनके लोग जाकर बात करते थे, वहाँ की खबरें शाम को तिहाड़ जेल में मेरे पास पहुँची जाती थीं। जजों ने कह दिया था—इलाहाबाद हाई कोर्ट के जस्टिस सिन्हा का जजमेंट आल्टर नहीं हो सकता। तब उन्होंने कहा कि पोलिटिकल तरीका अपनाइए, कानून को ही पालियामेंट से बदलवा दीजिए और तब पालियामेंट के जरिए उस कानून को बदला गया। जिन जिन मुद्दों पर श्रीमती इन्दिरा गांधी हारी थीं, वे सभी पालियामेंट के जरिए बदल दिए गए। यह पालियामेंट का डिस-रिप्यूट है या नहीं? पालियामेंट को इससे बड़ कर बदनामी क्या मिलेगी वह सब रिट्रास्पेक्टिव हो गया, मानों इलाहाबाद के जज ने 12 जून को कोई फैसला ही नहीं दिया था।

इलाहाबाद हाई कोर्ट बैठा ही नहीं, मुकुद्मा मुना ही नहीं गया। सैकड़ों गवाह गुजर गए, करीब पाँच साल तक मुकुद्मा चले तो गवाह ढूँढ़ों, कागज जुटाओं और लोग परेशान हो गए। यहाँ पर जैसे पालियामेंट हो ही नहीं, हम लोग जेल में थे, और पालियामेंट में श्रीमती इन्दिरा नेहरू गांधी की हाँ में हाँ मिलाने वाले लोग थे, बन्दर बन्दर भालू, भालू। मैं बहुत शर्म के साथ कहता हूँ कि नरककुण्ड के गन्दे कीड़ों ने सदस्यों के दिमागों को चाट कर छतनी कर दिया था क्योंकि सत्य बात वे देखते ही नहीं थे, वरना इस तरह का गन्दा कानून हरगिज हरगिज न बनता। मैं पूछना चाहता हूँ साठे साहब से, स्टीफन साहब से,

उन्नीकृष्णन साहब से और जितने भाई बैठे हैं उनसे मैं नम्रतापूर्वक निवेदन करना चाहता हूँ, छाती पर हाथ रख कर कहना चाहता हूँ कि क्या वे चाहते हैं कि ऐसे व्यक्ति के हाथ में फिर मत्ता जाए, जो व्यक्ति कभी सत्य बोलना नहीं सीखा। खुदा के लिए, भगवान के लिए, हे भाई साठे जी, हे भाई स्टीफन साहब, अपने दिमाग को आप परिवर्तित करो और अब इन्दिरा नेहरू गांधी के जाल बट्टे में न फँसों। एक प्रार्थना तो यह है दूसरी प्रार्थना मैं अपने कानून मंत्री श्री शान्ति भूषण जी से करना चाहता हूँ:

सीता कै अति विपत्ति विशाला।

बिनहि कहे भल दीनदयाला॥

हनुमान जी जब लंका में गए और वहाँ से लौट कर जब आए, तो राम ने उनसे पूछा कि सीता कैसी है। तो उन्होंने कहा कि सीता के बारे में कुछ न कहना ही अच्छा है:

सीता कै अति विपत्ति विशाला।

बिनहि कहे भल दीनदयाला॥

ऐ दीन दयाल, उनके दुःख के बारे में कुछ न कहना ही अच्छा है। भारत की जनता के बारे में बोलते हो? जनता कपड़ा चाहती है, खाना चाहती है, मकान चाहती है, पढ़ाई चाहती है। दवाई चाहती है ये तो बोल गए लेकिन यह बात मैं समझता हूँ ठीक है:

“मांग रहा हिन्दुस्तान

रोटी, कपड़ा और मकान।”

कांग्रेस से निकलकर यह नारा हम दे रहे हैं सन् 1946 से। मैं यह चाहता हूँ कि जब शाह कमीशन ने इमरजेंसी की एट्रोसिटीज के बारे में सारी बातें लिखी हैं, तो वहाँ यह भी लिख देना चाहिए था कि प्रगर इमरजेंसी न रही होती और आर्टिकल 14 लागू होती, तो हरगिज इस तरह का कानून संसद् में न बनता। जिन्होंने इमरजेंसी को लगाया, उन्होंने अपनी छः साल की डिस्क्वालिफिकेशन को ठीक करा

लिया। शान्ति भूषण जी, आप उसके लिए क्या करने जा रहे हैं? यह भी जनता पूछ रही है। जनता हम से यह भी पूछ रही है कि इमरजेंसी के कारण ही जो छः साल डिस्वालिफिकेशन खत्म हुई, उसको तुम्हारी सरकार ठीक करेगी या नहीं करेगी इसीलिए आप देखेंगे कि हम ने जो एमंडमेंट दिया है उसमें यह है कि पिपुल्स रिप्रेजेंटेशन एक्ट में ऐसा संशोधन कर दिया जाए कि 10 साल के लिए इन्दिरा जी चुनाव लड़ने के कार्य से वंचित हो जायें। यह दस साल के लिए हमारा एमंडमेंट है।

श्री कंवर लाल गुप्त : आपने दस साल ही क्यों कहा है ?

श्री मल्लिकार्जुन : आप तो उनके खिलाफ चुनाव लड़ने वाले हैं। राजा नारायण जी आप दस साल ही क्यों बोल रहे हैं (व्यवधान)

श्री राजा नारायण : हमको शान्ति से सुनिए तो हम आपको सुनायें। इतनी देर से हम बैठ कर आपकी बात सुनते रहे हैं। किसी के बीच में नहीं बोले हैं।

मेरा निवेदन है कि हमने श्री श्यामनन्दन जी के मूल प्रस्ताव पर एक संशोधन रखा है। उस संशोधन को यह सदन माने। वरना कोई ताली बजाने से कोई काम चलने वाला नहीं है। मैं माननीय सदस्यों से निवेदन करता हूँ कि इस सदन से अपनी राय जाहिर करवाओ ताकि सरकार यह अच्छी तरह से समझे कि यह इस सदन की राय है हमारे दल के सदस्यों की राय। आप जनता के प्रतिनिधि हैं। जनता की राय यहां प्रकट होनी चाहिए। जब यह होगा तब तो समझो कि यह संसद है वरना यह अपने महत्व को छोड़ देगी ?

एक तर्क हमारे मित्रों ने जो दिया है उस तर्क को मैं इस सदन के अन्दर खंडित करना चाहता हूँ। वह तर्क है कि रूल 12 में प्राइम मिनिस्टर को अधिकार है कि वह ऐसा कर सकता है। शाह कमिशन की रिपोर्ट में यह स्पष्ट कहा गया है कि रूल 12 में प्राइम मिनिस्टर को अधिकार नहीं है। रूल 12

के तीन भाग हैं—ए०, बी० और सी०। ए० में तो उनको अधिकार है मगर बी० में नहीं है।

“(da) - Cases relating to a proclamation of emergency under Articles 352 to 360 of the Constitution and other matters related thereto.”

“In the light of the foregoing rule, it not understood how this provision could have been circumvented by the application of Rule 12 of the same transaction of Business Rules.”

यह तो शाह कमिशन ने स्पष्ट लिखा है; मैं यह समझ नहीं पा रहा हूँ कि रूल 12 का अधिकार प्रधान मंत्री को कैसे चला जाता है। “इस रूल के अन्तर्गत अधिकार लेकर राष्ट्रपति को सलाह दी गई है इसमें आगे चल कर मैं और पढ़ देता हूँ। यह इस रिपोर्ट का पांचवां खण्ड है, उसमें लिखा है :—

“This was more in the nature of a shock treatment....”

यानी जो इमरजेंसी लागू की गई, वह श्रीमती इन्दिरा नेहरू गांधी का संघट्टीट्रिमेंट था।

“...than a legally permissible Emergency, which could be declared according to the law then in force.”

यह लीगल एमरजेंसी नहीं थी, यह तो सोफ्ट ट्रीटमेंट था जो कि देश को दिया गया। हम नहीं समझते कि प्रधान मंत्री को यह अधिकार कैसे पहुंचता है। कंस्टीट्यूशन के प्रविजन में तो यह है ही नहीं। कंस्टीट्यूशन में लिखा है कि प्रधान मंत्री काउंसिल आफ मिनिस्टर्स की राय मानेगा। Prime Minister is not Council of Ministers. Council of Ministers is something different. Prime Minister with all the Ministers is the Council of Ministers.



[श्री राज नारायण]

इसलिए इसके सम्बन्ध में किसी के दिमाग में मुगलता नहीं रहना चाहिए। जो एमरजेंसी लागू की गई वह बिल्कुल ला के खिलाफ लागू की गई। यह कांस्टीट्यूशन की हत्या थी। मैं शांति भूषण जी से कहना चाहता हूँ कि जो इतना जबरदस्त अपराध देश की जनता के साथ किया गया उसके बारे में कुछ करें।

श्रीमन् मैं एक बात और कहना चाहता हूँ जिसकी मुझे बड़ी प्रसन्नता है। आज हम यहां आ रहे थे तो हमको श्री मनी राम बागड़ी ने यह पत्र दिया।

An open letter to the Members of Parliament by Acharya J. B. Kripalani.

एक माननीय सदस्य : कब की बात है ?

श्री राज नारायण : यह नौ जुलाई की है।

"What the Government has decided in this matter coincides with the assurance the Prime Minister is said to have given to Mrs. Gandhi when he met her for the first time after assuming his high office, that he will save her, but he could not save her son. This decision to prolong the cases against her falls in line also with the answer he gave to a press correspondent who asked him why his Government was not expediting the cases against Mrs. Gandhi. To this he replied, 'Has she not suffered enough?'"

यह जवाब है कि क्या श्रीमती इंदिरा नेहरू गांधी काफी मुसीबत नहीं उठा चुकी हैं ?

Copy of the letter, dated 27th June, 1978, from Acharya J. B. Kropalani (Camp: Raj Bhavan, Madras)

एक दूसरे में उन्होंने यह लिखा है :

Mr. J. B. Kirpalani has said that he did not understand the Prime Minister Mr. Morarji Desai's view that there

could be no interference by any outside authority.

मैं इसी पर आ रहा हूँ। आगे आप देखिये :

"I am sorry to read in the same paper that the Law Minister advocated even a 'more softer line' and thinks that 'she has been punished by the people when they threw her out in the Lok Sabha Poll'."

शान्ति भूषण जी की राय को मैंने पढ़ा है। यह दादा झगलानी का ओपन लेटर था आल मैम्बर ऑफ पार्लियामेंट को।

THE PRIME MINISTER (SHRI MORARJI DESAI): It was pointed out to him that he was quite wrong in what he said. Then he said that it was a rumour and that if it was wrong, he was sorry.

श्री राज नारायण : प्रधान मंत्री जी ने माफ कर दिया बहुत अच्छी बात है। कितनी अच्छी बात हमने कर दी है बहुत से मेम्बरों के मन में इसके बारे में शंका थी और वे इसके बारे में पूछा करते थे। यह पत्र हम को दिया गया। उनकी डिम्पन नहीं थी प्राइम मिनिस्टर को इसके बारे में कहें। वे यैस में यैस और नो में नो मिलाते हैं। श्री बागड़ी ने हम को इसे लाकर दिया और हमने इनको यहां आपके नाम से रख दिया। बहुत अच्छा हुआ कि इसकी सफाई हो गई। मैं प्राइम मिनिस्टर का अनुगृहीत हूँ कि उन्होंने सफाई कर दी है और वह यहां उपस्थित थे। मैं आपका और भी ज्यादा अनुगृहीत हूँ कि आपने मुझे ऐसे मोर्के पर बताया जब प्रधान मंत्री यहां उपस्थित थे।

ला मिनिस्टर यहां बैठे हुए हैं। मैं उनसे लाजिक की एक बात कहना चाहता हूँ और उनसे उसके बारे में पूछना चाहता हूँ। श्री मोगरजी देसाई अनेम्बली सीट हार गए थे तो उनको जनता ने यह पनिशमेंट क्यों दी ? शान्ति भूषण जी कहते हैं कि इंदिरा जी को मनिशमेंट मिल चुकी है।

मैं उनसे अब पूछना चाहता हूँ कि श्री चन्द्र  
भानु गुप्त . . . . .

SHRI RAGAVALLU MOHANARAN-  
GAM (Chengalpattu): Has it anything  
to do with the Shah Commission's  
report?

SHRI RAJ NARAIN: It has got  
everything to do with the Shah Com-  
mission's report. You understand it.

MR. SPEAKER: You have already  
taken half an hour.

SHRI SHANTI BHUSHAN: May I  
intervene for half a minute with your  
permission? Normally, of course, the  
whole world knows what the rela-  
tionship between Raj Narainji and  
Shanti Bhushan is. I only say what he  
tells me to say.

He has put a query and I would  
like to reply to him. Perhaps there  
has been some misunderstanding  
which I have tried to clear on an ear-  
lier occasion also. Mr. Raj Narain is  
a voracious reader of newspapers and  
other journals. So he must have  
come across it also. I have  
said that so far as the commission of  
a crime against any existing law is  
concerned, losing an election is entire-  
ly irrelevant. Law has to take its  
course, law does not recognise any  
distinction between high and low, as  
to what position was held by a parti-  
cular person and what position was  
not held by a person. Therefore, for  
any contravention of law by any  
person, the law has to run its  
course and every one is liable  
to be prosecuted for that offence. But  
so far as any so-called political  
crimes, namely, political misdeeds not  
amounting to offence under the exist-  
ing law are concerned, law only re-  
gards that political punishment to be  
rendered by the people, namely, loss  
of an election is the punishment  
which the people give and the kind  
of defeat in an election by which it  
is ensured that a person will never  
be able to win an election again in  
his or her life-time is the maximum  
punishment that the people can give  
for such political deeds.

Our Constitution ensures, and we  
are those who believe in that Consti-  
tution, that a person can be prosecu-  
ted only for an act which was an of-  
fence at the time of the commission  
of that act and no retrospective effect  
can be created within the framework  
of the law. Of course, some people  
might be of the view....

श्री राज नारायण : That will do.  
श्रीमान् यह सदन की साधु परम्परा है कि सदन  
का सम्मानित सदस्य और विशेष कर के एक  
मंत्री कुछ कहे उसको उसी रूप में मान लेना  
चाहिये। तो हमारे माननीय शांति भूषण  
जी जो कह रहे हैं मैं उसको मान रहा हूँ।  
अब मैं कहना चाहता हूँ कि ठीक है जनता  
ने उनको सजा दे दी। तो क्या कोर्ट उनको  
सजा नहीं देगा? मैं विधि मंत्री की क्षमता  
को जानता हूँ, मैं उनसे जानना चाहता हूँ  
कि शाह कमिशन ने कहा है कि अधिकांश  
जितने आर्डर दिये गये, टेलीफोन कट,  
बिजली लाइन कट, वसों को लाओ, यह सारे  
के सारे ओरल आर्डर्स हैं। कहिये तो पढ़  
दु। इन ओरल आर्डर्स के लिये कहां से कोर्ट  
में सजा दिलायेंगे। इसलिये हमारा कहना है  
कि स्पेशल कोर्ट बनना चाहिये। बिना स्पेशल  
कोर्ट के यह ओरल आर्डर किसी प्राडिनरी  
कोर्ट में जा नहीं सकता, वहां इस पर कोई  
कार्यवाही नहीं हो सकती। हमारे विधि  
मंत्री जी बुद्धिमान हैं वह इस चीज को समझते  
होंगे, हम यह कह रहे हैं कि जिस तरह से  
शाह कमिशन में गवाहियां आयी हैं . . . .

MR. SPEAKER: I have been un-  
derstanding this. But the only thing  
is, time is very precious.

श्री राज नारायण : मौखिक रूप से  
कहा गया और उस आदेश का पालन किया  
तो मौखिक आदेश पर कोर्ट में कोई मुकदमे  
की कार्यवाही होगी या नहीं होगी यह मैं  
उनसे जानना चाहता हूँ। आगे चलने के बाद  
इसमें और बहुत सी चीजें आयेंगी जिसमें

[श्री राज नारायण]

यह पता चलेगा कि किस किस तरीके से किन-किन लोगों को मुसीबत में रखा गया। माननीय ज्योतिर्मय बसु हिसार जेल में थे। यह कहें कि अब हिसार जेल में जाने का नाम नहीं लूंगा।

MR. SPEAKER: Mr. Raj Narain, you must finish. You have taken more than 45 minutes.

SHRI K. GOPAL: Sir, you give whatever time he wants, but I hope our time will not be cut.

श्री राज नारायण : पांच मिनट मुझे और दे दीजिये। मैं आपको एक घटना बता रहा हूँ कि जब मैं सुप्रीम कोर्ट के मुकदमे के सम्बन्ध में तिहाड़ जेल में आया हुआ था। हमारे दो वकील थे, एक श्री प्रणव कुमार चटर्जी और दूसरे श्री जे० पी० गोयल। इनकी हमने कहा कि जे० पी० के बारे में बड़ी खबर उड़ रही है, जरा जाकर जेल में देख आओ। ये लोग चण्डीगढ़ गये और देखकर आये। आकर हमको कहते हैं— नेताजी, उनका पांव सूज गया है, मुंह सूज गया है, अब ऐसा लगता है कि शायद वंचे नहीं।

दूसरे दिन हमने चिट्ठी लिखी एक गृह-मंत्री को और एक डा० कर्ण सिंह, स्वास्थ्य मंत्री को और यह लिखा कि आप इंडियन इंस्टीट्यूट ऑफ मैडिकल साइन्सज के डा० बी० एन० टंडन को भेज दो, वह श्री जय प्रकाश जी के स्वास्थ्य की अच्छी तरह से परीक्षा करके सब जगह बता ताकि जेल में कोई अतंक पैदा न हो। हमने यह भी कहा कि अगर आप ऐसा न कर सकें तो पुलिस की हिरासत में जैसे हम लोगों को अदालत में ले जाया जाता है, पुलिस की हिरासत में हमको वहां ले चलिए, हम चण्डीगढ़ जेल में जे० पी० को देखकर लोगों को बता देंगे। यह चिट्ठी लिखी, 10, 11 बजे रात हो गई।

एकदम फौरन तुगलकी फरमान हमारे पास आ गया कि तिहाड़ जेल में राज नारायण का रुका रहना खतरे से खाली नहीं है, इनका ट्रांसफर फौरन हिसार जेल में कर दिया जाये क्योंकि हरियाणा की सरकार ने इनको अपने यहां रखना मान लिया है।

रात में ही सुपरिन्टेंडेंट साहब आये और बोले साहब यह ट्रांसफर आर्डर आ गया है। हमने कहा देखिये, रकिये, हम चलेंगे। इस समय ले चलेंगे तो जबर्दस्ती कर के ले जाओ, अपने से नहीं जायेंगे : सबेरे मैं चला जाऊंगा। तो सुपरिन्टेंडेंट ने कहा कि सबेरे हम तैयार हैं।

मैं यह बताना चाहता हूँ कि इन्दिरा नेहरू गांधी ने एमरजेंसी के बीच में कितनी नापाक साजिशें की हैं, जय प्रकाश जी को मारने की पूरी साजिशें थीं। (अवधान) श्री मोरारजी देसाई समय के कालचक्र के मृताधिक प्रधान मंत्री के पद पर बैठे हैं, उनको याद होगा जय प्रकाश जी के घर जब पुलिस गई रात को एक बजे के करीब तो रात्राण ने हमको टेनीफोन किया कि नेताजी पुलिस आ गयी है। हमने कहा कि हम आते हैं, मांगरजी देसाई को फोन कर दिया कि जय प्रकाश जी को गिरफ्तार करने पुलिस चली गई है। उन्होंने कहा कि ठीक है, जाते दो। इसके बाद हम टैक्सी लेने निकले तो चारों तरफ से हमारा गैट पुलिस ने घेर रखा था। कोई निकल ही नहीं सकता था। फोन से टैक्सी नहीं आई तो हमने फाटक खोला कि साइकिल से टैक्सी लाओ। देखा, एकदम सरुड़ों पुलिस हमारे घर के चारों तरफ थी। यह हम लोगों की हालत थी।

MR. SPEAKER: I have given the maximum time.

श्री राज नारायण : अध्यक्ष महोदय, एक मिनट।

MR. SPEAKER: You cannot go on asking for time. Your one minute has gone.

श्री राज नारायण : मैं हिसार जेल में था, हिसार रेलवे स्टेशन पर जहाँ गाड़ी रुकी, पुलिस ही पुलिस पहुँच जाती थी। चाहे कोई मुसाफिर उतरने वाला हो या नहीं, फौरन गट्टा पकड़ कर खींच लिया और ले जाकर कैम्प में डाल दिया और जबर्दस्ती नसबन्दी हो गई। इस प्रकार का भ्रमानवीय कुकर्म एमजेंसी के दौरान इंदिरा नेहरू गांधी की सरकार ने किया है। मैं आज इस सदन में यहाँ की दीवारों को और रेजि-रेशन को पुकार कर कह रहा हूँ हमारी बात को सारे देश की जनता में फैलाये कि श्रीमती इन्दिरा नेहरू गांधी के हाथ में कभी भी जनता भ्राना ईमान न दे, उनके हाथ में कभी सत्ता जने न दे। अबकि सत्ता जायेगी तो जहाँ कुछ बच-बुचाह वह भी सत्यान(श) हो जाएगा।

अन्त में मैं फिर मांग करता हूँ कि हमारे इस संशोधन को ये लोग स्वीकार करें, स्पेशल कोर्ट बँटाई जाये और मुप्रीम कोर्ट की राय जेन को क्या बात है? इतने विद्वान वकील बैठे हैं, अगर मुप्रीमकोर्ट की राय आवश्यक थी, तो पहले क्यों नहीं लिखी आई 11 मार्च को शाह कमीशन की रपट आई है, मार्च, अप्रैल, मई, जून, जुलाई, अगस्त कितने महीने बीत गये हैं, 5 महीने के बाद क्यों लिखा? इसका मतलब, जो कि कृपालानी जी ने लिखा है कि यह उदास है, सौपटर लाइन रखना चाहते हैं। सौपटर लाइन छोड़िये, नहीं तो सौपटर लाइन पर जनता श्री शांति भूषण जी के साथ हम लोगों को फाफटर कर देगी, बचेंगे नहीं।

AN. HON. MEMBER: When are we adjourning?

MR. SPEAKER: Any way we will have to sit till 8.30 p.m., because we have started half an hour late.

SHRI KANWAR LAL GUPTA: We have to extend the time.

MR. SPEAKER: Let us see. Mr. Unnikrishnan (Interruptions)

श्री राज नारायण : अध्यक्ष महोदय, अगर इस चर्चा के समय को बढ़ाया जाना है, तो मुझे कुछ और समय दे दिया जाये, ताकि मैं उन चिट्ठियों के बारे में कुछ बता सकूँ, जो मैं ने जेल से लिखी थीं। कुछ चिट्ठियाँ इस किताब में छप गई हैं। (व्यवधान)

SHRI K. RAMAMURTHY (Dharma-puri). What about the time allotted to our party?

MR. SPEAKER: No, No. Your leaders has taken much of the allotted time.

SHRI KANWAR LAL GUPTA: I move a motion that the time for the discussion on the Reports be extended from 6 to 8 p.m. tomorrow. (Interruptions)

MR. SPEAKER: Let us see. It is for the House...

AN HON. MEMBER: We can decide about it now. It is only seven minutes to eight.

MR. SPEAKER: We are going to sit till 8.30 p.m. because we started half an hour late. (Interruptions) I will put it to the House. Is it the pleasure of the House to sit till 8.30 p.m.?

SEVERAL HON. MEMBERS: No. We can take it up tomorrow.

MR. SPEAKER: I would like to hear the Minister for Parliamentary Affairs.

SHRI K. P. UNNIKRIISHNAN: Tomorrow is Friday and we will have the private Members' Bills. (Interruptions)

SHRI SAUGATA RAY: Tomorrow it is not possible. (Interruptions)

MR. SPEAKER: Mr. Minister, can we fix it for some other day?

**THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA):** We do not mind if it is postponed to some other day. But no exact date can be fixed. It depends....*(Interruptions)*

**MR. SPEAKER:** Am I to take it that the House is not willing to sit beyond 8 p.m. today? *(Interruptions)* Tomorrow, it is not possible because we will have Private Members' Bills. We shall consider on what day we can have this discussion.

**SHRI KANWAR LAL GUPTA:** We can have it tomorrow from six to eight.

**MR. SPEAKER:** That is not possible. *(Interruptions)*

**SHRI RAGAVALU MOHANARANGAM:** The motion regarding the resolution passed at the Chief Ministers' Conference is already there.

**SHRI K. GOPAL:** Please allow our party members to utilise the time allotted to our party and let him speak till eight.

**MR. SPEAKER:** Yes, Mr. Unnikrishnan. *(Interruptions)*

**SHRI KANWAR LAL GUPTA:** Can we continue the discussion on Monday?

**MR. SPEAKER:** We will consider that. Mr. Unnikrishnan.

**SHRI K. P. UNNIKRISHNAN (Badagara):** Mr. Speaker, Sir, we have had the benefit of a wide spectrum ranging, from serious to comic on this very serious question, on the two reports of the Shah Commission. I do not want to touch on the comic aspects which the House has seen. I was really astonished at the performance of the Leader of the Opposition. I have great respect for him. But I do not know how he can draw a parallel with the Walpole Inquiry. To students of British Constitutional History, it is well known, as you

know, that Walpole's regime was known to be the most corrupt and it was as a reaction to Walpole's regime that they have set standards of behaviour for British Parliamentary Democracy. So, when the Leader of the Opposition drew a parallel between the Inquiry against Mrs. Gandhi, as he called it, and the Inquiry against Walpole, I was not only surprised but also shocked. Because he was known as the "percentage" Minister. There have been not one but many studies on how one single episode of Walpole Inquiry changed the course of British history. So, Sir, I do not know whether he wanted to give us any idea of his own as to how things were. But, in any case, I am sure, that was not his intention.

Even as far as this country is concerned, the Shah Commission's wide terms of reference as well as its performance has been unique in the history of the Commission of Inquiry Act. In the last 26 years, there have been inquiries and enquiries. There are people there and, possibly, here also who have been subjected to inquiries, both on the Treasury Benches as well as on the Opposition Benches. But they were basically different. As far as we have understood it and we had reiterated in the resolution of the AICC in last May that whatever happened during Emergency, we consider as an aberration. We deplore it and we accept the fact, if it is legally and constitutionally done, that it must be inquired into and that those who are responsible must be booked.

I also recall the words of my, the then, leader, Mr. C. M. Stephen, who said in this very House, in this very seat, "Hang her, if you can if you want." Well, I do not say, she should be hanged. I do not say that there should be a Nuremberg trial. I am totally opposed to it. Let me reiterate and say that we are totally opposed to any kind of proceedings which would take away the spirit of the rule of law which we want to reassert in this country. As I said on

the question of Walpole, we have to set standards in this country. That has been the major pre-occupation. I understand, the intention of the Shah Commission was very different from other commissions of inquiry, both different in texture and dimensions. So, the course that the Shah Commission has taken up is of crucial and vital significance to the future of Indian parliamentary democracy.

The revelations and reports are a grim reminder to this country, not only what happened during Emergency but also the freedoms that we may lose and a warning to us, more than to outside world, to the members of this House as to how we are going to adhere to the norms of parliamentary democracy. The lesson is that it should not be allowed to be repeated with impunity, by anyone, whether it be by Mrs. Indira Gandhi or Mr. Morarji Desai or anyone else.

SHRIMATI PARVATHI KRISHNAN  
(Coimbatore): Or Mr. Raj Narain.

SHRI K. P. UNNIKRIISHNAN: It has been an unfortunate exercise but

a very necessary exercise also in public education in this country because people seem to have a short memory and it is the duty of those who believe in parliamentary democracy to correct the distortions and the directions.

Above all, I would say that there are serious political and moral questions involved in it. That is why, I said that the Indian National Congress took a firm decision—at that time, Mrs. Indira Gandhi was a member and, I presume, a party to it and so also other friends who are with us here—that the Congress shall not stand in the way of these inquiries provided they are done legally, constitutionally and by established procedures.

MR. SPEAKER: You will continue.

The House stands adjourned till 11 A.M. tomorrow.

20.00 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Friday, August 4, 1978/Sharana 13, 1900 (Saka).*