

LOK SABHA DEBATES

(English Version)

Sixth Session
(Tenth Lok Sabha)



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LOK SABHA DEBATES

LOK SABHA

*Tuesday, May 11 1993/Vaisakha 21, 1915
(Saka)*

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

White Tigers

[Translation]

* 941. SHRI RATILAL VARMA : Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) the number of lions, tigers, rhinos leopards, elephants and other major species of wild-life as per the latest census in each of the National Parks;

(b) the number of white tigers and the regions where they are found;

(c) whether the number of white tigers in the country is decreasing and likely to become an endangered species; and

(d) if so, the details of the steps taken by the Government to save them from extinction?

[English]

THE MINISTER OF STATE OF THE MIN-

ISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) : (a) Stastewise figures of the population of only lions, tigers, rhinos, leopards and elephants are monitored by the Central Govt. The population figures with respect to these species are given in a Statement which is laid on the Table of the House.

Different species are predominant in different protected areas and centralized compilation of the population figures of all the major species protected areawise will be extremely voluminous, time consuming and costly exercise.

(b) White Tiger is not a different species of tiger but a colour mutant of the normal one. At present there is no report of occurrence of white tiger in any forest in India. These are breeding only in zoos and their total number in various zoos of India as per 1990 is 39 as compared to 19 in 1981 and 26 in 1985.

(c) The number of white tigers is not decreasing in the country.

(d) Does not arise.

STATEMENT

The population figures of animals referred to in part (a) of the answer are set out in the appendices as noted below:

Statement -I	Lion
Statement -II	Rhinoceros
Statement -III	Elephants
	Tigers
	Leopards

STATEMENT-I

	Year	Number	Remarks
1. Lion Gujarat	1990	284	Lion does not exist in any other State.
2. Rhinoceros (Estimated) Assam	1992	1422	
West Bengal	1992	44	
Uttar Pradesh	1993	10	

STATEMENT-II

Estimates of Elephant Population (1985)

<i>Region</i>		<i>Population</i>	
		<i>Min.</i>	<i>Max.</i>
1.	Southern India		
a.	North Kanara	40	40
b.	Crestline of Karnataka Western Ghat	60	60
c.	Malnad Plateau-Bhadra	100	150
d.	Nagerhole-Kakankote-North Wynad	1000	1500
e.	Bandipur-Muduamalai-South Wynad-North-East Nilgiri	1800	2500
f.	Eastern Ghat (south) including Chittoor district, Andhra Pradesh	1800	2000
g.	Nilambur-West & South	300	500
h.	Nelliampathis Annamalai Palani hills.	800	1000
i.	Periyar-Elamalai-Varushanad Hills	700	900
j.	Agasthyamalai-Ashambu Hills	150	200

Region	Population	
	Min.	Max.
2. Central India		
a. Orissa	1300	2000
b. Bihar	355	335
3. North Eastern India		
a. West Bengal	155	155
b. Assam and Nagaland	3500	3500
c. Arunachal Pradesh	2000	4300
d. Meghalaya	2750	3825
e. Tripura	120	150
4. North West India	725	975

Note: Elephants do not confine themselves to particular National parks but wander out over large areas, in neighbouring regions. Census is therefore conducted accordingly.

STATEMENT-III

Population of Tigers and Leopards in the Country

Name of the State	Tigers 1989	Leopards 1989
Tamil Nadu	95	119
Maharashtra	417	580
Kerala	45	27
West Bengal	353	108
Orissa	243	279
Karnataka	257	283
Bihar	157	134
Assam	376*	123*
Rajasthan	99	461
Madhya Pradesh	985	2036
Uttar Pradesh	735	1095
Andhra Pradesh	235	301

Name of the State	Tigers 1989	Leopards 1989
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Himachal Pradesh	-	199
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Meghalaya	34	-
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Pondicherry	-	-
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Manipur	31	-
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Tripura	-	37
---------	---	----

Dadra & Nagar Haveli	-	10
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Mizoram	18	38
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Nagaland	104*	72*
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Arunachal Pradesh	135	121
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Sikkim	4	1
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Gujarat	9	702
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Delhi	-	-
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Haryana	-	19
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Punjab	-	-
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Name of the State	Tigers 1989	Leopards 1989
Lakshadweep	-	-
Goa Daman & Diu	2	18
Andaman & Nicobar Island	-	-
Chandigarh U.T.	-	-
Jammu & Kashmir	-	4*
Total	4334	6763

* Census could not be undertaken during 1989, due to various reasons hence 1984 figures have been taken.

[Translation]

SHRI RATILAL VERMA : Mr. Speaker, Sir, the hon. Minister has stated that white tiger is not a different species of tiger. But it is not true. Through you, I would like to submit that it was reported in newspapers also that a consent was given to sell three white tigers on Nandan Kanan Orissa for Rs. 3 lakh each. There are 26 white tigers in this park. As per his statement white tiger is a colour mutant of normal tiger. I would like to say that it was agreed upon to hand over white tigers to the National Zoological Park, Delhi, Jawaharala Nehru Park, Bokaro and Tata Steel Company Zoological Institution. Tigers do not get proper atmosphere in Parks as result of which their number declines. The Government is stating that there is no report of occurrence of white tiger. The hon. Minister has replied that in order to protect white tigers National Parks provide white tigers to different institutions for their sale. Is the hon. Minister ready to check this practice?

SHRI KAMAL NATH : Mr. Speaker, Sir, I have said that there is no report of occurrence of white tigers in any forest. They are breeding only in zoo. I have not said that white tigers are not there. For the sake of our knowledge it would be better if the hon. Member supplies more information in this regard. It will be beneficial to us. As per the definition of white tiger, it is breeding only in zoo. The hon. Member has said that white tigers occur here and there. Two white tigers are there in Assam State Zoological Park. The Chanrajendra Zoological park, Mysore has one and two white tigers are there in Delhi Zoo. The hon. Member has referred to Nandan Kanan, there are 23 tigers are there. There is one in Hyderabad and there are two each in Nehru Zoological Park, Vanvihar Bhopal and Alipur Calcutta Zoological Garden. There are three in Patna there is one in M. C. Zoological Park, Punjab and there are two in Zoological Garden, Jaipur. So far as hunting and selling of white tiger is concerned, it is illegal as per the policy of the Government.

SHRISRIKANTAJENA : How many white elephants are there. (Interruptions)

SHRI RATILAL VERMA : Mr. Speaker, Sir, the hon. Minister has said that there is a ban on hunting of white tigers. I think his statement is correct. But the population of white tigers has been decreasing day by day. The pramod Committee constituted by the Central Government and the State Government found that the number of tigers was decreasing and the Government has failed to apprehend the guilty persons and prove them guilty. Special directives of the Supreme Court of India are not being followed. The majority of Members of these Committee desire that a CBI inquiry should be ordered to go into the incidents of pricking of tigers in Ranathambhore. In some cases of serious nature criminals are released after imposing penalty and in cases of petty crimes the criminals are challaned and let off.

MR. SPEAKER : Don't ask questions in this manner. Ask precisely. Don't make it lengthy.

SHRI RATILAL VERMA : I am not making it lengthy. Does the Government propose to take stern action against those officials who challan the culprits and let them go scot free and do not ask them to appear before the court? My second question is regarding the sale of bones and hide of tigers going on in Delhi. Is the hon. Minister aware of it? Will he take any action against buyers? Has he taken any action in this regard so far?

SHRI KAMAL NATH : I also share the concern of the hon. Members. So far as the incident of poaching in Ranathambhore is concerned, an Inquiry Committee was set up. The State Government had also set up a parallel committee. Several allegations have been made and complaints have been lodged. I admit that efforts are been made to suppress this incident.

SHRI NITISH KUMAR : Get the drawing rooms of big people searched

SHRI KAMAL NATH : If the hon. Member may mention their names, I will get them searched. If the hon. Members wishes to have a C.B.I. inquiry, then I will have no objection and the Government will welcome it.

[English]

MR. SPEAKER : This is an assurance.

[Translation]

SHRI NITISH KUMAR : The C.B.I. is an agency of the Government of India. The hon. Minister may get this matter inquired and apprise us of the findings.

SHRI KAMAL NATH : I am welcoming your demand. (*Interruptions*)

[English]

MR. SPEAKER : This is not allowed.

(*Interruptions*)

DR. KARTIKESWAR PATRA : Mr. Speaker, Sir, the hon. Minister has categorically stated that there is no decrease in the population of tiger and rhinos and other wild species but day by day they are unprotected. The Government should be aware of the fact that some tribal people are killing the wild species and they are selling the skin of the species. But day by day, it is being unprotected. In the Simlipal Abahranya jungles, you can find tribal people killing the animals and their skins are being sold in the open market in Bhubaneswar, Cuttack and other places. What steps are being taken by the Government to avoid, protect or to take action against these persons, tribal persons who are killing the wild species and selling the skins in open market?

SHRI KAMAL NATH : There has been some incidence of increased poaching. One of the reasons of this has been that this trade is becoming more lucrative because of the de-

mand for tiger bones in some products which are made in some of the South East Asian countries. This has been taken up with these countries for some kind of a prohibition. There has been some spurt undoubtedly.

With regard to harmonising of the people living around the villages of our parks and sanctuaries, eco-development schemes have been made. By the process of these eco-development schemes- eco-development stands both for ecological development and economic development - it is intended to bring the people around the national parks and sanctuaries more into harmony with the conservation effort and also to make them more alive and aware of the need for it.

People of India Project

*943 SHRI SYED SHAHABUDDIN : Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state :

(a) whether the anthropological Survey of India (ASI) has completed the people of India Project;

(b) if so, whether the project reports are ready for publication and the progress made in this regard;

(c) the major conclusions of the project including the number of communities or socially identifiable groups identified in the country as whole and Statewise;

(d) whether the identification was made on the basis of a random selection of villages or by studying social composition of every village in the country;

(e) if made on a random survey, the method of selection of the villages and the number of villages actually surveyed;

(f) the percentage of the surveyed villages from out of the total number of villages and the

percentage of their population vis-a-vis the total population of the country?

THE DEPUTY MINISTER IS THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (KUMARI SELJA) : (a) and (b) . No, Sir. Forty-three volumes have been handed over to the publishers. However, the analysis of the Quantitative data generated at the National and State level by the project has not been completed. Two volumes, one *People of India: An Introduction* (1992) and the other volume of *Lakshadweep* (1993) have been published.

(c) A statement is laid on the table of the House.

(d) No, Sir.

(e) Does not arise.

(f) As the focus was on the ethnographic study of the communities and not on the survey of communities in all villages of India, the population of such surveyed villages were not noted nor was the percentage of such villages to total number of villages in the country considered.

STATEMENT

The main occlusions are as follows:-

India is the homeland of a very large number of communities who are noted in the resource endowments of various eco-systems,

and been interacting with one another in development and management of resources.

Secondly, there is an enormous range of diversities of all type, biological, linguistic and cultural. Most of the communities and "generic" categories are interogenous in their formations. In terms of morphological and genetical traits there is more of diversity within a community than between communities. The project has for the first time identified 325 language / dialects and 25 scripts in use for intergroup and intra-group communication. Information has been generated about 776 traits, mostly cultural.

Thirdly, there are strong regional identities, Communities within a region sharp a large number of traits.

Fourthly, there is an extra-ordinary range a interaction among the people of India. There is an interpenetration of traits across regions and communities. There is sharing of space, traits and ethos which explain the composite culture of our people, who live and struggle together.

Fifthly, People's perceptions continually change. There is a great deal of fluidity and dynamism on the ground.

Lastly, there is an almost all pervasive impact of social change, market, technology and the development process.

The total major of communities identified by the project are 4635. The statewide distribution is enclosed. (*Statement- I*)

STATEMENT-I

STATE WISE NUMBER OF COMMUNITIES

SL. NO.	STATE / UT	ALL
1.	Andhra Pradesh	336
2.	Assam	115

21	Oral Answers	VAISAKHA 21, 1915 (SAKA)	Oral Answers	22
	SL. NO.	STATE / UT	ALL	
	3.	Bihar	261	
	4.	Gujarat	289	
	5.	Haryana	82	
	6.	Himachal Pradesh	116	
	7.	Jammu & Kashmir	111	
	8.	karnataka	300	
	9.	Kerala	225	
	10.	Madhya Pradesh	342	
	11.	Maharashtra	305	
	12.	Manipur	29	
	13.	Meghalaya	27	
	14.	Nagaland	25	
	15.	Orissa	279	
	16.	Punjab	95	
	17.	Rajasthan	228	
	18.	Sikkim	25	
	19.	Tamil Nadu	364	
	20.	Tripura	78	
	21.	Uttar Pradesh	307	
	22.	West Bengal	203	
	23.	Andaman & Nicobar Islands	20	
	24.	Arunachal Pradesh	66	
	25.	Chandigarh	42	

SL. NO.	STATE / UT	ALL
26.	Dadra & Nagar Waveli	14
27.	Delhi	147
28.	Goe	36
29	Lakshadweep	7
30.	Mizoram	17
31	Pondicherry	67
32.	Daman & Diu	28
Total		4635

SHRI SYED SHAHABUDDIN : Mr Speaker, Sir, the people of India Project undertaken by the Anthropological Survey of India is indeed a monumental study and I would like to compliment the Survey for undertaking this great task. However, I would like to know from the hon. Minister about the overlap among the number of communities in different States. You will notice, Mr. Speaker, in part (c) of my question, I had deliberately asked about the number of communities or socially identifiable groups identified in the country as a whole and state-wise. The reason was the presumption that a number of communities might extend beyond the frontiers of the border of a single state and may cover more than one State. However, the statement made by the hon. Minister claims that the total number of communities identified by the project in the country is 4635. The hon. Minister has also given the state-wise break-up, if I feel that it is rather unscientific to tot up the number of communities identified in each State and then to present the total as the total number of communities in India. Therefore, I would like to know from the hon. Minister of actual number of distinct communities as defined by the Survey in the country as a whole eliminating those communities which are found in more than one State.

KUMARISELJA : These are actual number of communities. There is no overlapping as such. These are the actual number of communities found in the States.

SHRI SYED SHAHABUDDIN : How is it possible? The presumption is that each community is to be found only in one particular State and nowhere else in the country which goes against your own statement, in the details given here. She has herself said here that "There is an extra-ordinary range of interaction among the people of India. There is an interpenetration of traits across regions and communities. There is sharing of space, etc." That is to say, the scientific conclusion is that many of these communities, operate in or inhabitances spread over more than one State or more than one district maybe. Therefore, I feel that it is unscientific to add up the total of each State and to come up with a national total. The national total definitely must be less than the total of the States.

KUMARISELJA : Sir, in fact the that we had collected about the different communities all over the country was much larger and it is only after the survey that we have come down to this number of 4635.

SHRI SYED SHAHABUDDIN : Mr. Speaker, Sir that unfortunately confuses the issue further, because in that case, what is the reason for associating a particular community with a particular State?

MR. SPEAKER : Let us understand it first. Let us not confuse the issue. Supposing there is one State and if in that State a particular community is in a majority and in a small number it is in the other State, they would say that it is in that State.

SHRI SYED SHAHABUDDIN : Is it the basis for the clarification?

MR. SPEAKER : That is for the Survey of India to say.

SHRI SYED SHAHABUDDIN : But, that of course, is not the full answer.

My second question is this. In what has been stated here, of course, the word 'community' has not been defined. I presume That the scientific definition or the anthropological definition of a community is not the same, as the politicians normally use. It has been defined in relation to a number of Variant. It says here, in this report, that they have taken 776 traits. Information has been generated about 776 traits, mostly cultural. Apart from the usual parameters like genetic traits, this is ethnic, linguistic and cultural, which I presume includes religion and so on. Therefore, there is a very wide variety and it cannot be said that the term 'community' has been defined only in relation to a caste group. This is very clear. But, at the same time, this project is said to represent or make a survey of the entire people of India. Mr. Speaker, the reply here says that they have not obviously taken into consideration the whole horizon. It is not universal survey. It is not a survey of all the villages of India. All right, you have selected certain number of villages; those villages had a given population. So, in order to have some scientific basis, in order to understand the scientific basis and examine the scientific accu-

racy of the study, one must know, what is the area surveyed, what is the horizon surveyed? And, therefore, I wanted to know, what is the proportion of villages surveyed in relation to the total villages of India and the population surveyed in relation to the total population of India.

I am sorry to say here that / the hon. Minister has given a negative reply or does not wish to the correct information, - I would like to know whether the information is available and I am sure that it must be available- she can perhaps supply it later.

KUMARI SELJA : We are very clear on that. In fact, the survey was done all over India. There is no doubt about that. In fact, in some States where such a survey has never been done earlier, States like Rajasthan and Arunachal Pradesh, it was done there for the first time and this was spread over very evenly all over the country. But, this was not done on the basis of proportion of population or area. These villages were taken up...

SHRI SYED SHAHABUDDIN : I am sorry. My question was not understood. I was not asking why it was done. I am saying whatever you did, tell us the total number of villages.

MR. SPEAKER : Let complete please.

KUMARI SELJA : Sir, there are about six lakhs villages but the intention was not to cover all the villages.

MR. SPEAKER : Is it possible for you to give the information of the area which is surveyed and the villages which are surveyed?

KUMARI SELJA : Yes, Sir, certainly I can give that information. We surveyed.....

MR. SPEAKER : If you do not have that information, you can send it to him later.

KUMARI SELJA : The number of villages surveyed was 3581 and the towns and cities

surveyed was 1011. These are taken on the basis of community distribution, concentration, accessibility and information supplied by the local authorities and people. This is not done on any other basis of population or area. As far as the area is concerned, the whole country is covered.

MR. SPEAKER: She has given the number of villages surveyed and was now what is the number of total villages in the country.

SHRI SYED SHAHABUDDIN: What is the population of these because of that must be representative survey.

KUMARI SELJA: About 25000 people were surveyed in these villages.

SHRI SYED SHAHABUDDIN: That is precisely my point. How can then a survey based on a thousand villages out of more than six lakh villages and a population of 25000 out of a hundred million be considered to be representative and scientific?

KUMARI SELJA: This is not a survey like census. We are collecting information about the ethnographic composition of the country and we surveyed about 25000 informants who would tell us about the communities of that villages. In each village we have a certain number of informants and they will tell us about the different communities in that village. The intention is not to survey each and every person living in that village. This is not a census.

MR. SPEAKER: She is doing very well. Do not help her this way.

KUMARI SELJA: May I point out that there is a difference between this survey and the census? I may also say that this is the largest survey of its kind in the world.

[Translation]

SHRI VIRENDRA SINGH: Mr. Speaker,

Sir, when the culture and languages of a country Vanish, the existence of that particular country comes to an end.

MR. SPEAKER: It seems to be an unusual question. First you should be clear in your concept then ask the question.

SHRI VIRENDRA SINGH: This has been the expectation of the House that a wrestler would always ask questions relating to sports and wrestling. (Interruptions)

MR. SPEAKER: Your intellectual power is also very good. But this is an unusual question.

SHRI VIRENDRA SINGH: I would like to make a humble submission that a sound mind is always there in a sound body.

MR. SPEAKER: This has been proved in your case. I am not referring to you. But I am saying so as it is an unusual question.

SHRI VIRENDRA SINGH: My question basically relates to villages. There should not be any apprehension about it. The people of India Project is being implemented in villages. There are some communities in villages whose traditional culture and language both are Vanishing. Have any effort been made to protect and preserve that culture and language of villages through this project?

MR. SPEAKER: This does not arise out of the main question.

SHRIMATI MALINI BHATTACHARYA: The People of India is indeed a monumental project which has been taken up by the Government. I would like to know from the Minister about the method of survey that is used. The accredited method of survey that is used by anthropologists is that there is a group of researchers or surveyors who go to the village and who stay there among the communities maybe for three or four months or more than that and there they pick up all the details, all the date

available about these people. I would like to know whether this accredited method of survey has been followed by the People of India Project. In how many villages out of those mentioned by the Minister this particular method of survey has been conducted and whether the Minister is aware that there is an opinion among some anthropologists that this method has not been carried out by the People of India Project and therefore it is a faulty project? I would like to know whether the Minister is aware of this.

KUMARI SELJA : Sir, a group of five scholars went into each of the villages. This method is time tested method, followed by our anthropologists also, which is followed all over the World. So, this is strictly followed.

Foodgrain Production

*944. SHRINAWAL KISHORE RAI :
DR. CHINTA MOHAN :

Will the Minister of AGRICULTURE be pleased to state :

(a) the target fixed for the foodgrain production during 1993-94; and

(b) the steps proposed to be taken by the Government to achieve the target keeping in view the reasons for the short fall in production during 1992-93?

THE MINISTER OF AGRICULTURE (DR. BALRAM JAKHAR) : (a) and (b). A Statement is laid on the Table of the Sabha.

STATEMENT

The Planning Commission has proposed the target of foodgrain production during 1993-94 at 188 million tonnes.

Steps proposed to be taken to achieve the production targets for foodgrains include (i) Expansion of area under location specific high yielding varieties, (ii) thrust for increasing pro-

ductivity levels of foodgrains crops in low productivity areas and in potential areas and, (iii) timely and adequate supply of inputs to farmers. Special crop-oriented programmes such as Special Foodgrains Production Programme for Wheat and Maize and Millets, Integrated Programme for Rice Development, National Pulses Development Project, etc. would be continued to supplement the efforts of the State Government in popularising cultivation of high yielding varieties and propagating the adoption of improved Production technology. A National Watershed Development Programme has been taken up for development of rainfed areas.

[Translation]

SHRINAWAL KISHORE RAI : Mr. Speaker, Sir, through you I want to submit that the Government had made allocation for development of agriculture last year for the benefit of small farmers and marginal farmers and infrastructure for the same was developed and the work was also in progress. But this facility has been withdrawn in the Budget of the current year and no allocation has been made. It is likely to affect cultivation adversely as result of which there may be shortfall in Production whereas the target of the production of foodgrains was fixed at 188 metric ton. Through you I would like to know from the Hon. Minister whether the Government propose to make alternative arrangement or to take other measures to develop infrastructure for small and marginal farmers as the allocation for the same has been withdrawn in the Budget of the current year?

SHRI ARVIND NETAM : Mr. Speaker, Sir, it is right that the funds allocated for developing infrastructure last year has not been allocated this year. But efforts are been made for the expansion of several programmes of the Government of India, particularly the Watershed Development and development of quality seeds, so that small and marginal farmers may benefit from it. The scheme the hon. Member has referred to is not proposed for this year.

SHRI NAWAL KISHORE RAI: Mr. Speaker,

Sir, the hon. Minister has not given categorical reply to my question. I would like to know from the hon. Minister as to how much allocation was made last year for infrastructure development for small and marginal farmers and what is the justification of withdrawing the same this year. My second supplementary question is that it has been stated in the statement that emphasis is being laid on achieving production in some areas but nothing has been said clearly regarding North-Eastern States, especially Bihar, Assam, West Bengal, Orissa, Sikkim and Meghalaya whereas these States give out sufficient production. But in the absence of infrastructure for irrigation, the production is low there. If this facility is provided, the production can become two-fold. (Interruptions)

MR. SPEAKER: Your question is becoming too lengthy.

SHRI NAWAL KISHORE RAI: Has the Government made or contemplates to make any special arrangement for infrastructure development in North-Eastern States?

SHRI ARVIND NETAM: Mr. Speaker, Sir, almost all of the programmes of the Government of India are meant for all the States. This is true that there are special programmes for North-Eastern States, especially for Kharif, Rabi and paddy crops. Be it the Government of Bihar or Orissa, all these Governments should derive benefits as much as possible from these schemes.

[English]

SHRI SOBHANADREESWARA RAO VADDE: Mr. Speaker, Sir, through you, I would like to know from the hon. Minister, is it not a fact that in spite of our claim of self-sufficiency, the minimum nutritional requirement is 181 kg. per person per year. But the actual availability at present is 176 kg. In view of that, the dire necessity is to increase the productivity, as you have said. So, I would like to know from the hon.

Minister as to what concrete measures they are taking at the moment to increase the productivity, for the enhancement of funds for providing irrigational facilities.

MR. SPEAKER: You have asked a very good question, leave it there; and you will get a good reply. Please sit down. Mr. Minister, what are you going to do to increase the productivity and not production.

Now do not confuse it. It is a question of productivity.

(Interruptions)

[Translation]

MR. SPEAKER: What the Government is doing to achieve more production in one acre of land?

[English]

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ARVIND NETAM):

[Translation]

Mr. Speaker, Sir, for that there are many programmes of Government of India such as.

[English]

Expansion of area under location specific high-yielding varieties, increase through quality seeds, increase through fertilizers, then through efficient irrigation, maximum expansion of area under irrigation, and adoption of integrated management approach. These are the schemes.

SHRI K. P. REDDAIAH YADAV: Sir, I want a categorical answer from the hon. Minister. The anticipated production during 1993-94 is 188 MT whereas last year, it was 173 MT. Though there is a supporting price, the Government has failed to make the agencies to purchase at the support-

ing price. Therefore, the farmer is not having money.

The other thing is that allocation for the NABARD, etc., for giving loans to the cooperative societies has been reduced.

How are you implementing these thing to achieve the production of 188 MT? The farmer is in a very bad shape because his produce is not being purchased.

MR. SPEAKER: The question is not relevant. I will disallow it.

SHRI K.P. REDDAIAH YADAV: It is relevant, Sir. To achieve the production of 188 MT in the coming year, how are you making the farmer better than in the last year?

MR. SPEAKER: Disallowed.

[*Translation*]

SHRI RAJENDRA KUMAR SHARMA: Mr. Speaker, Sir, through you I would like to submit to the hon. Minister that the procurement prices has been fixed up to June this year by Government. (*Interruptions*)

MR. SPEAKER: This is meant for productivity and production and not for price.

(*Interruptions*)

MR. SPEAKER: Please go through the question first.

DR. LAXMINARAYAN PANDEYA: Mr. Speaker, Sir the hon Minister has stated in his statement that inputs will be made available to farmers at appropriate time. But neither the benefit of quality seeds nor that of the technology reaches in time—would he like to ensure that the farmers get full benefits in time. Does the Government have any such agency to monitor it.

[*English*]

MR. SPEAKER: This is for the State Government to decide.

[*Translation*]

SHRISATYADEOSINGH: Mr. Speaker, Sir, the hon. Minister has mentioned two or three things in his reply. Through you I want to submit to the hon. Minister that the prices of fertilizers have been raised all of a sudden which has adversely affected the input which was claimed to be made available to farmers freely. I, therefore, want to know from the hon. Minister whether the Government will bring down the prices of fertilizers to some extent and grant subsidy on fertilizers or does the Government contemplate to raise the procurement prices in proportion to the increase in fertilizer prices?

SHRI ARVIND NETAM: Mr. Speaker, Sir, so far as fertilizers are concerned, it has been said here yesterday that the facilities or concessions provided to farmers, particularly to small and marginal farmers last year would continue this year also. (*Interruptions*)

SHRISATYADEOSINGH: Mr. Speaker, Sir, the support price, the remunerative price and the minimum wage price have been fixed by agriculture Price Commission and the price the farmers are getting at Government purchase centres is higher than the price they get in market today. This situation has arisen for the first time. It means that the production has increased. May I know whether Governments will increase the support price and ensure that purchase centres procure farmer's produce? (*Interruptions*)

SHRI ARVIND NETAM: Mr. Speaker, Sir, you will find that the support price raised during last season is much higher than the support price obtaining in previous years. The farmers of the country have benefited from it.

[English]

SHRI JAGMIT SINGH BRAR : The States of Punjab and Haryana are contributing a lot to increase the production of foodgrains. In this connection, I would like to know from the hon. Minister whether there is any proposal sent by the State Government to give royalty on wheat, so that they can cope up the losses that they are incurring to give subsidies on power tariffs to the agricultural sector.

SHRI ARVIND NETAM : We have not received any such proposal.

SHRI RAMESH CHENNITHALA : The minister has mentioned in his answer that a National Watershed Development Programme has been taken up for the development of rainfed areas. This programme could not be carried out properly because of shortage of funds. I would like to know from the hon. Minister whether enough funds would be earmarked for effective functioning of the programme.

SHRI ARVIND NETAM : In the Seventh Plan, it was Rs. 50 crore. But in the Eighth Plan, it is increased to Rs. 1100 crore. I think it will help.

SHRI NIRMAL KANTI CHATTERJEE : Let me clarify one thing first. Self-sufficiency in terms of foodgrains is really related to the poverty of the people. They cannot but, and therefore, we are self-sufficient and we don't have to import. Now, my question relates to this aspect. Is it true that productivity in the ownership holdings of smaller size, both of land and men, is more than the bigger ones? Secondly, is it also true that productivity is lower in the Eastern Zone of the country, compared to the Western Zone? If so, the scope of increasing production and productivity is more in the Eastern Zone than in the Western Zone. What special measures are been adopted in the Eastern Zone to improve production? Thirdly, fertilizer is an important input for raising productivity. So,

would you consider enhancing subsidy of fertilizers?

SHRI ARVIND NETAM : It is true that the marginal and small farmers are more in number than the bigger farmers... (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE : I am referring to productivity in smaller holdings of West Bengal...

MR. SPEAKER : You have put a very good question. Please let him answer.

SHRI NIRMAL KANTI CHATTERJEE : But he has to understand my question!

MR. SPEAKER : Please don't disturb him. Let him answer first.

SHRI ARVIND NETAM : It is true that productivity in smaller holdings is less. But Government is giving incentives to small farmers by way of fertilizers, etc. It is Rs. 10,000 per tonne. This will help small and marginal farmers. High yielding seeds are also distributed among small farmers in these areas and particularly in the Eastern Zone. Transport subsidy is also given to the North Eastern States to increase their productivity.

SHRI NIRMAL KANTI CHATTERJEE : My question is lost!

[Translation]

SHRI BHERULAL MEENA : Mr. Speaker, Sir, South-Western and South-Eastern Rajasthan is hilly desert. The people of Rajasthan have to meet the 90 per cent of their requirement of foodgrains from outside and the ten per cent of their requirement...

MR. SPEAKER : The question is about the entire country.

SHRI BHERULAL MEENA : I am talking about production. Since there is no production,

irrigation facilities should be provided so that production may go up. I want to ask the hon. Minister whether the irrigation facilities will be provided and production increased?

[English]

MR. SPEAKER : The question is disallowed. Mr. Jena Please.

SHRISRIKANTAJENA : For the enhancement of production and productivity, there is an international campaign for the use of organic fertilizers. In the entire world, now the emphasis is on the use of organic fertilizers instead of chemical fertilizers. In view of this, Is the Government of India proposing to encourage the use of organic fertilizers to increase productivity? Apart from that, there is another...

MR. SPEAKER : You have put a good question. if you go on adding, the good question gets confused. leave it at that.

SHRISRIKANTAJENA : I would like to add a small part which is very important. In China...

MR. SPEAKER : No, it is not necessary. Yes, Mr. Minister. The question is, "Are you going to use organic fertilizers?"

SHRI ARVIND NETAM : It is the policy of the Government to encourage farmers to use organic fertilizers.

MR. SPEAKER : Are concrete steps being taken?

SHRI ARVIND NETAM : It is the policy of the Government.

[Translation]

PROF. PREM DHUMAL : Mr. Speaker, Sir, farmers get technology from Agricultural science Centres for increasing production. A number of proposals complete in all respects pertaining to setting up of the Agricultural Sci-

ence Centres are lying pending with the Centre for clearance. I want to know by when these proposals will be cleared.

MR. SPEAKER : This is a question of productivity, hence it is disallowed.

(Interruptions)

SHRI RAM PUJAN PATEL : Water is the most important ingredient in increasing the production of foodgrains. Fertilizers, insecticides and seeds of good quality cannot boost production without water. The farmers buy tubewells through Government agencies and pay Rs. 2 to 3 thousand as commission to them. Will the Government make arrangements to provide cash to farmers so as to check corruption.

SHRI VIRENDRA SINGH : This is also disallowed. ?

MR. SPEAKER : I am allowing it as it is not in the fitness of things to disallow such matters.

(Interruptions)

SHRI ARVIND NETAM : Mr. Speaker, Sir, it comes under the jurisdiction of the State Government, hence, the State Government can deal with this subject.

PROF. RASA SINGH RAWAT : Mr. Speaker, Sir, I want to know the amount sanctioned to achieve the targets of increased agricultural production under Rashtriya Pan Dhara Vikas 'programme', and whether any schemes will be undertaken in States to increase the production. What is the criterion, under which schemes are prepared under National Watershed Development Programmes?

MR. SPEAKER : It has been answered just two minutes before.

(Interruptions)

SHRI SANDIPAN BHAGWAN THORAT :

Mr. Speaker. Sir, irrigation facilities play a vital role in increasing the agricultural production. The farmers belonging to SC and ST rarely come in the benefited Zone of big dams as after acquiring their lands they are allotted lands out of the benefited zones. Likewise few farmers get benefit from I.R.D.P. programme. Will the Government consider to provide 100 per cent subsidy for pumps and bore-wells to the farmers belonging to SC & ST.

SHRI ARVIND NETAM : Mr. Speaker, Sir, we provide 50 per cent subsidy at present.

SHRI TARA SINGH : Mr. Speaker, Sir, as it has been stated that water management has an important place in increasing the agricultural production. The areas where deep tubewells, are being used to carry water to other areas whether it is good for those areas or not from the point of view of increasing the production? If such points are brought to the notice of the Government, will the Government take action in this regard?

MR. SPEAKER : Disallowed.

Van Gujjars

*945 MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state :

(a) whether the Government propose to evacuate Van Gujjars living for generation in the forest cover of Rajaji National Park, Dehradun;

(b) if so, the details thereof and the reasons therefor;

(c) whether these Van Gujjars have requested the Government to hand-over the management of Rajaji Park instead of shifting them;

(d) if so, the extent to which Government has conceded their demand; and

(e) if not, the steps taken by the Government to rehabilitate them properly?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) : (a) to (e) : A statement is laid on the Table of the House.

STATEMENT

The Gujjars are not permanent settlers of Rajaji National Park. They are nomadic people who have been seasonally migrating between high altitudes of Himalayan pastures and the foothill forests annually for generations.

The degradation of the ecosystem due to excessive lopping of trees for Gujjars' cattle trampling of grass and other rare and threatened plants by the cattle, and similar other impacts of increased human and cattle production in Rajaji National Park, has adversely affected the areas around gujjars camps and has resulted in problems like heavy soil erosion, silting up of water channels resulting in flash floods in rainy season and acute water scarcity in other seasons, loss of natural fodder for animals leading to crop raiding by elephants, and increased conflict between wildlife and human-being thus affecting other communities living around. The bio-diversity of there has been seriously affected.

In order to protect the forests and wildlife in the Rajaji National Park and at the same time to improve the quality of life of Gujjars and to bring them in the main stream of social life, and prevent their exploitation by milk vendors in urban areas, a scheme of rehabilitation of the Gujjars was formulated by U.P. Government with the approval of the Gujjars. There have been reports in the Press about some people inciting the Gujjars not to move from the Park. However, the Government of India have not received any request from the Gujjars to hand-over to them the management of the Rajaji National Park.

It may be mentioned that the Rio De Janerio Conference has recognised the fact that loss of bio-diversity has continued to occur from habitat destruction, over-harvesting and introduction of cattle in the habitat and that urgent and decisive action is needed to conserve and maintain gene pool, species and ecosystem. In order to rehabilitate the Gujjars properly, an area of 80 ha. of Pathari forest has been earmarked for rehabilitating the Gujjars populations from Rajaji National Park. 512 houses with cattle and fodder sheds have been built where they will be provided with amenities like water and electricity, land for growing fodder, school facilities community hall etc. The Gujjars are being persuaded to move to the Pathari Colony.

[Translation]

MAJOR GEN. (RETD) BHUWAN CHANDRA KHANDURI: Mr. Speaker, Sir, the problem of Gujjars in Rajaji National Park is aggravating and it has taken a serious turn. The reply given by the hon. Minister shows that this problem is not being tackled in serious manner. Often reports appear in newspapers in this regard. He has stated in his reply that an effort is being made to remove them from there. Under the policy of Government, the people, who are displaced are not consulted. Today buildings worth Rs. 3 crore have been built in Pathari along but Gujjars are not ready to shift there. I want to know whether the Government is framing any policy in this regard. Whenever the government wants to shift people from the forests, it must consult them so as to avoid any agitation and the Government do not suffer any loss on this accounts as I have told you that there is a loss of Rs. 3 crore. Secondly, have the Gujjars told the hon. Minister that they would like to remain in hilly areas instead of Pathari Colony in Dehradun?

[English]

SHRI KAMAL NATH: Sir, National Park is an area of higher status of protection that can be provided under the Wild Life Protection Act. The

right to graze can exist in a Wild Life Sanctuary while no such right can be allowed to exist in a National Park.

[Translation]

Hon. Member has asked a question whether any discussion is held prior to setting up of a National Park. Previously when such Sanctuaries and National Parks were set up situation was quite different but now due to the population as well as the development pressure whenever there is a proposal of setting up of a National Park or a Sanctuary the concerned State Government and the local people are also consulted. This is true that when a sanctuary is declared as a National Park, it may create some difficulties to the local people. So far as the question of Rajaji Park is concerned, the U.P. Government had prepared a scheme in consultation with the Gujjars living there and for making alternative arrangements for the local residents, an amount of Rs. 3 crore was spent for their rehabilitation. Some people even objected to it. Now a dialogue is going on with them so that they may accept the previous agreement and shift to the houses constructed for them and their cattle.

MAJ. GEN (RETD) BHUWAN CHANDRA KHANDURI: Mr. Speaker, Sir, the hon. Minister in reply to my question has stated that he has not received any proposal of community management of forest from the Gujjars. I want to submit that during the Earth Summit in Rio de Janerio in which the hon. Minister had played a good role, a discussion on community management forest was held and accepted. As you know that like this area, there is a problem of fuel, fodder and grazing in hilly areas also. If good concepts like this emerge it will facilitate the people there. What is happening today. Illegal deforestation creates problems for the people. I want to know whether you have discussed the concept of community management of forest at the national level. Are you going to adopt such policy at national level, if so, give the details in this regard.

SHRI KAMAL NATH: Mr. Speaker, Sir,

Community Management of Forest and Community Management of National Parks are two different things. The hon. Member has rightly said that during the Rio de Janeiro summit it was mentioned that involvement and participation of community is must for our forests. Merely rules or officers or law for that matter are inadequate to protect the forests. The subject of the management of National Park is technical and the main issue in this regard is concerning Rajaji National Park. There is a problem of overgrazing, which poses a problem for the Gujjars living there and production of bio-mass goes down. A policy of community participation has been prepared and a circular in this regard has been sent to all State Governments. There is no scheme regarding Joint Management of National Parks.

SHRI ANADI CHARAN DAS : I have seen that along with Gujjars, tribals are also living in the National Park. Every Indian has a fundamental right to live, so when you displace them from the park why do you rehabilitate them compulsory and provide employment to them... (Interruptions)

MR SPEAKER: Mr. Das, this question only relates to Rajaji Park.

SHRI ANADI CHARAN DAS : I am also referring to the same. Why do not you provide employment opportunities to the people living there, so that they may lead their life in a better way. These people, whether they are in a park or rehabilitated by the forest administration, are thrown to such a place where life becomes difficult for them. Now what does the Government intend to do for them? The Government says that it intends to rehabilitate them, would you give details in this regard?

SHRI KAMAL NATH : There is a difference between a sanctuary and a National Park. So far as the question of sanctuary is concerned, there is no restriction on the people living there or on the outskirts of it until there is a settlement

in this regard, there is no restriction on their existing rights. So far as question of National Park is concerned, it is not like as the se are protected areas. I have said in the beginning... (Interruptions) we have received some complaints regarding some sanctuaries declared as National Parks but it will be our efforts in the future that only after consulting the affected parties we will make declarations.

DR. G.L. KANAUIA : Mr. Speaker, Sir, than you for providing me an opportunity for the first time. The Dudhwa National Park falls in an Assembly segment of the Parliamentary Constituency...

MR. SPEAKER : This question is about Rjaji Park. You may read it.

DR.G.L. KANAUIA : Sir, the hon. Minister has said about the problems of Gujjars. Dharus and elephants and I also would like to ask question relating to it. The hon. Minister has said that Gujjars is migrating community, it is true but they have been living there for centuries and now they are being evacuated from there, so I would like to know about the scheme of the Government to habilitate them. Secondly, the hon. Ministers has mentioned in his reply about the problems of elephants so in this regard I would like to say that last year about 100-150 elephants came to Dudhwa National Park and destroyed the entire crops, so I would like to know the steps being taken by the Government in this regard? It is an adjoining area to Nepal.

SHRI KAMAL NATH : I will tell the hon. Member about the Dudhwa National Park also but first of all I would like to say about Rajaji Park that as per the record, there were 512 Gujjars families in that area. They do not have their permanent houses and they migrate from one place to another along with their cattle. A site was selected and houses with a cost of Rs. three crore were constructed there with their consent to that they may live there permanently. Besides, some nearby area were also identified for

grazing their cattle but due to one reason or the other, they have rejected the scheme. The Supreme Court has stated in its judgement that Gujjars have to accept this agreement. Efforts are being made to habilitate them with their consent. So far as the question of Dudhwa is concerned, we have received so many complaints about the crops being raided by elephants. Such complaints have also been received from Assam. If the hon. Member has any more information about it, he may tell us.

Railway Sleepers

946 SHRI RAM PRASAD SINGH: Will the Minister of RAILWAYS be pleased to state:

(a) the priority proposed to be given for the selection of different types of sleepers for railway tracks;

(b) the norms followed in the purchase of railway sleepers;

(c) the value of the railway sleepers purchased during each of the last three years;

(d) whether wooden sleepers of superior quality were purchased from the neighboring countries in the past; and

(e) the steps taken to ensure that track renewal work undertaken on planned basis is as per norms laid down?

[English]

THE MINISTER OF STATE IS THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA): (a) to (e). A statement is laid on the Table of the Sabha.

STATEMENT

(a) Railways select the sleepers on the basis of traffic density carried by the particular

section and speed. For sections carrying traffic of 10 GMT per annum and more, Prestressed concrete sleepers are normally used whereas in sections having lower traffic density, Steel/Cast Iron sleepers are preferred because of problems of machine maintenance.

In all other cases of lighter traffic density and slower speeds, Cast Iron sleepers are being used. Use of new wooden sleepers has completely been stopped.

(b) Based on the detailed planning, the annual requirement of different types of sleepers is assessed. Procurement norms are as follows:

i) Steel Trough Sleepers are purchased from Durgapur Steel Plant, a Govt. of India Undertaking at mutually agreed rates.

ii) Cast Iron sleepers are procured from established manufacturers, more than 70 in number at present, by tender system.

iii) Prestressed concrete sleepers are purchased from Plants already established. For requirement in areas where established plants are not available, new plants are established in private sector generally through open tenders and sometimes through limited tenders as per the established procedure.

iv) Wooden Specials are being procured only from the Govt. Corporations Agencies at the rates fixed by the Ministry of Environment & Forest. Allotment to various agencies corporations is also made by the Ministry of R&F.

Fresh intake of wooden track sleepers has already been stopped w.e.f. 1.11.91 and intake of wooden specials for turnouts and bridge is also being reduced progressively.

(c) Approximate value of purchase for different types is as follows:-

	(Rs. in crores)		
	90-91	91-92	92-93
Cast Iron	32	38	85
Steel	30	25	32
Prestressed concrete	210	275	390
Wooden	70	55	50

(d) Indian Railways are not importing any wooden sleepers/ specials at present. In the past, a small quantity of wooden specials was imported from Malaysia to cope up with the shortage. The specie imported was 'Balau' which is not considered superior to Indian 'SAL'. Indian 'SAL' species which has been in use on Indian Railways over several decades, has been found excellent.

(e) The detailed Estimates of the works are sanctioned as per norms laid down to ensure execution accordingly.

[Translation]

SHRI RAMPRASAD SINGH : Mr. Speaker, Sir, the hon. Minister has not given clear reply which was sought by me in the question. Sir through you, I would like to know from the Railway Minister the names of companies from whom the tenders for the supply of iron sleepers were invited in areas where well-established plants are not available and due for how many crores of rupees quotations were given by them during 1990-91, 1991-92 and 1992-93?

[English]

SHRI K.C. LENKA : Sir, I have already explained in the statement that so far as the steel sleepers are concerned, we are purchasing them from Durgapur Steel Plant, which is a Government of India Undertaking, at mightily agreed rates.

So far as the cast iron sleepers are con-

cerned, there are about 70 manufacturers in the country and we purchase from them on tender basis.

So far as concrete sleepers are concerned, there are private manufacturers in the country and we invite them generally through open tenders, through that we decide and purchase from them.

So far as the amount is concerned, in 1991-92 the cost was Rs. 38 crores; in 1992-93 it was Rs. 85 crores, for cast iron. Steel sleepers - in 1991-92 the cost was Rs. 25 crores; in 1992-93 the cost was Rs. 32 crores. Concrete sleepers - in 1991-92 the cost was Rs. 275 crores; in 1992-93 the cost was Rs. 390 crores. Wooden sleepers - in 1991-92 the cost was Rs. 55 crores; in 1992-93 the cost was Rs. 50 crores.

[Translation]

SHRI RAMPRASAD SINGH : I would like to know about the private companies. I have asked the names of companies from whom tenders were invited and for how many crores of rupees quotations were given by them. I would like to know the names of those companies from whom tenders were invited for supply of sleepers.

[English]

SHRI K.C. LENKA : Sir, at the moment, I have no information about the companies from whom we purchase. I will supply the information to the hon. Member as soon as it is available.

SHRI DWARAKA NATH DAS : It is seen from the statement of the hon. Railway Minister that the use of wooden sleepers has completely been stopped. But in Assam, particularly in Branch line wooden sleepers are still used in spite of the fact that wooden sleepers do not last long because of rain and sun and it also causes deforestation.

My question to the hon. Minister is what steps have been taken by the Railway authorities to replace the wooden sleepers by cast iron or concrete sleepers, particularly in Assam Branch line as well as in other States.

SHRI K. C. LENKA : We had, in principle, decided not to use the wooden sleepers any more. The phasing out of the wooden sleepers had started from 1-11-1991 and the intake of wooden sleepers for turn-outs and bridges is also being reduced progressively. We are using some wooden sleepers in the turn-outs and bridges.

So far as the renewal of tracks is concerned, we have decided in principle that we would not use wooden sleepers in order to help the conservation of forests. All the track renewals are being done by replacement of wooden sleepers by the concrete sleepers. If necessary we are also replacing them by cast iron sleepers. (*Interruptions*)

MR SPEAKER : Question Hour is over. But there is a Short Notice Question.

Dr. Lal Bahadur Rawal.

New Channels of Doordarshan

SN.Q1. DR. LAL BAHADUR RAWAL : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether the Government have decided to start three more channels of Doordarshan to check the 'Cultural Invasion' by several foreign satellite TV channels;

(b) whether the programmes on these channels can be seen only through dish antenna; and

(c) if so, the reasons therefor particularly in view of the fact that the programmes proposed to be telecast on these channels are already being telecast on cable TV?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K. P. SINGH DEO) : (a) and (b). Yes, Sir, including the metro channel.

(c) Resources are not available to enable the terrestrial transmission of these channels all over the country.

[*Translation*]

DR. LAL BAHADUR RAWAL : Mr. Speaker, Sir, it is a matter of great concern that the cable TV. is invading Indian family, social and cultural life through it Western programmes. The programmes which are being telecast or will be telecast on the new channels by Government, have already been shown through cable T.V. Therefore, I would like to know from the hon. Minister as to what efforts are being made to show fresh programmes on these channels so that the growing craze of Indian Public for Western programmes could be checked.

I would like to know from the hon. Minister whether some yardsticks are being fixed for the programmes so that the viewers could be attracted towards Indian programmes. The second part of my question is whether it is a fact that due to the programmes shown on cable T.V. for a longer time, the crime rate has increased in the country. I also would like to know whether the hon. Minister is aware of the fact that through cable T.V., Pakistan is easily showing its programmes in India, including in propaganda and presenting a wrong picture about India before the Indian viewers?

[English]

SHRI K.P. SINGH DEO : These channels will come into effect from the 15th of August. The channels have not yet come into being. When the Indian satellite gets into the geo-stationary orbit, therefore only these channels will come in one transponder and it may be collected through one dish.

As far as the Indian way of life is concerned, it is being depicted in the normal channel, the terrestrial channel, which is existing one.

As far as / the other four channels are concerned, time slots will be sold to various parties and there will be all the five channels. But it is the viewership and sponsors which will dictate what type of programmes will be there.

Thirdly, about the crime rate, we have no information. We will consult the other Ministries and try to find out the information.

[Translation]

DR. LAL BAHADUR RAWAL : Mr. Speaker, Sir, my question was about the programmes which are being shown or proposed to be shown on new channels, have already been shown on cable T.V. and what appears to me from the reply is that resources are not available for the local transmission these channels all over the country but it is not the reply to my question. If that is the reply I would like to know as to when resources will be made available for local transmission on these channels throughout the country so that the people may benefit from useful programmes. I also would like to know the expenditure incurred so far by Government on introducing these new channels and the estimated expenditure for the year 1993-94?

[English]

SHRI K.P. SINGH DEO : The world over, satellite channels are being used and we are

also trying to do exactly the same. A terrestrial channel will cost anything more than Rs. 2500 crore. The Planning Commission, when the subject was being discussed, said that we would have to find the money but the budgetary support has now come down from 80 per cent to 20 per cent. Therefore, all these five channels will be through satellite and this is what is happening all over the world. Anyone with a dish, if he has the proper type of dish and it is aimed at that particular satellite, can receive all these programmes anywhere in India.

[Translation]

SHRI HARI KISHORE SINGH : Mr. Speaker, Sir, the Government has failed in combating the attack being made daily by foreign television on our culture. Our Government has failed in combating attack on our culture by foreign T.V., particularly by Hong Kong, which has invaded our sky. I am happy that the hon. Minister, whom I hold in high esteem, and who has keen interest in sports and who has evinced the same interest in the field of sports should also evince such interest in this department. I am talking especially of Doordarshan. How facts are being distorted by Doordarshan. When I was listening Parliament News of Television....."

[English]

MR. SPEAKER : This is not allowed. This is not forming part of the record.

(Interruptions)

[Translation]

MR. SPEAKER : What are you saying Hari Kishore Singh Ji.....

SHRI HARI KISHORE SINGH : So long as the Doordarshan continues to adopt such attitude, the Government will not be able to control it.

[English]

MR. SPEAKER: If you wish, you can reply. Otherwise, you need not.

SHRI K.P. SINGH DEO: What is this question, Sir?

SHRI RAMKAPSE: Mr. Speaker, Sir, the Minister while replying to a query has said that the Planning Commission has cut down the expenditure of Doordarshan from 80 per cent to 20 per cent. I would like to know from the hon. Minister, in the given circumstances and in the interest of Indian culture, how the Ministry would decide about spending enough money at all the channels. Ultimately in the interest of Indian culture, we will have to do something. So, I want to know how the Ministry is preparing itself in that direction.

SHRI K.P. SINGH DEO: Sir, in the *suo motu* statement, which I had made in March, it is mentioned that out of the five channels there will be one for enrichment, which will have culture, human resource development, women's development, children's development, youth and sports. And these channels will be selling out times. And the times will be taken by various producers, who will get sponsors. The viewers will be the acid test about the success, the quality and the content of the programme. So, it is actually going to be quality programmes, which will be sponsored by various advertisers. And, therefore, it is the viewer who will dictate and the channels will also be on Indian culture. Also there is going to be a business news. There is also going to be current affairs on various subjects, which I had said in March.

SHRI PRITHVIRAJ D. CHAVAN: Sir, in view of the fact that most of the / new channels are going to be satellite based and the cost of the hardware is still beyond the reach of many Indians, I want to know whether the R&D wing of Doordarshan either by themselves or in collabo-

ration with Satellite Application Centre of ISRO would carry out R&D work to reduce the cost of the receivers and to reduce the size of the antenna so that it becomes low-cost and affordable by the poor.

SHRI K.P. SINGH DEO: Sir, it is a very useful suggestion by the hon. Member. We are already in touch with the Department of Space.

SHRI P.S. CHETAN CHAUHAN: Just now the Minister has replied that five channels will be started from 15th of August. I want to know whether there will be one channel exclusively for sports out of these five channels.

SHRI K.P. SINGH DEO: Yes, Sir.

[Translation]

SHRI MOHAN SINGH (Deoria): Mr. Speaker, Sir, advertisements are the major source of raising revenue Doordarshan. But even since the foreign T.V.s have started beam-ing programmes in the country, the Indian companies are diverting their advertisements to them as a result of which the Doordarshan is likely to suffer heavy loss and its source of revenue is likely to come to an end. Is Doordarshan and its department taking any step to ensure that the Indian companies give their advertisements to Doordarshan only?

[English]

SHRI K.P. SINGH DEO: Sir, I would like to state that the prophets of doom have not succeeded so far. Doordarshan, in spite of foreign TV, has been increasing its revenue from advertisements. There are no rules as such because the Reserve Bank of India had given permission to foreign exporters in the interest of exporting to the foreign TVs. Now, the Finance Ministry has already written to the Reserve Bank that only genuine exporters will be allowed and rest of them will not be allowed.

WRITTEN ANSWERS TO QUESTIONS

Kanha National Park

942. KUMARI PUSHPA DEVI SINGH Will the MINISTER OF ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the Government have received any report about degradation of environment in the Kanha National Park in Madhya Pradesh;

(b) if so, the steps taken to preserve the ecosystem of that national park; and

(c) the amount sanctioned for the development of the Kanha national park in the Eighth Plan?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) (a) No, Sir.

(b) Does not arise.

(c) The central assistance for development of Kanha national Park is released annually on the basis of the proposals received from the State Government.

Fake Universities

947. SHRI RAM NAIK:
SHRI N. DENNIS:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to the reply given to Unstarred Question No. 1144 on March 2, 1993 and state:

(a) the details of machinery available with the Government to detect fake universities;

(b) the action taken against the promoters office bearers of the 27 such self-styled universities;

(c) whether some of these universities had been granted financial assistance before detecting them as fake; and

(d) if so, the steps taken to recover the grants so sanctioned?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH) (a) to (d): A Statement is laid on the Table of the Sabha.

(a) and (b): The University Grants Commission, the Association of Indian Universities and the MRTP keep a watch on the existence of fake universities functioning in violation of the UGC Act, 1956. As soon as information about existence of fake university is furnished by members of public, students or their parents or any other agency, the relevant provisions of UGC Act are brought to the notice of the Promoters/office-bearers of such self-styled/fake universities. They are advised to dis-associate the use of expression "University" and also stop awarding degrees/diplomas. The concerned State Governments are also requested to conduct inquiries regarding the functioning of such fake universities. If any case of bogus institution issuing fake degrees to students is brought to the attention of MRTP Commission, either so or through any other, the Commission initiates necessary action under the MRTP Act, 1969. In addition the UGC gives wide publicity to the list of fake universities every year to caution the students and parents about such institutions.

(c): According to the information furnished by the University Grants Commission, the Commission has not granted financial assistance to any such fake university.

(d): Does not arise.

[Translation]

Forest Policy

948. DR. RAMESH CHAND TOMAR:
SHRI DEVI BUX SINGH:

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the Government propose to formulate a new Forest Policy to change people's attitude and approach towards forests from mere exploitation to conservation and sustainable utilisation

(b) if so, the details thereof;

(c) whether the Government have sought suggestions of the State Governments and environmentalists regarding this policy; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) (a) The current national Forest policy, 1988 itself envisages that a massive people's movement would be created for achieving the objectives of maintaining environmental stability, restoration of ecological balance, preservation of national forests and increasing productivity of forests to meet essential national needs. No revision of the Policy is, therefore, called for the promote conservation and sustainable utilisation.

(b) to (d) Do not arise.

[English]

Pollution in Cities

949. DR. VASANT PAWAR:
SHRI RAM LAKHAN SINGH
YADAV:

Will the Minister of environment and forests be pleased to state:

(a) the names of the first ten most polluted cities in the country;

(b) the permissible level and the actual level of pollution in those cities; and

(c) the steps being taken by the Government to check the pollution in those cities?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): (a) Vehicular and industrial emissions are the main causes of pollution in cities. National Environmental Engineering Research Institute (NELRI), Nagpur has carried out ambient air quality monitoring in ten major cities of India viz. Ahmedabad, Bombay, Calcutta, Delhi, Hyderabad, Jaipur, Kanpur, Cochin, Madras & Nagor in collaboration with Central Pollution Control Board. According to the air quality survey the levels sulphur dioxide & Nitrogen oxides in these major cities are well within the prescribed limits, while the levels of suspended particulate matter in these cities are on the higher side, which is due to the natural dusty conditions and increasing density of vehicular traffic.

(b) The standards for ambient air quality are as follows:

(Concentration of micro-gramme per-cubic metre)

Category	Suspended particulate	Sulphur dioxide	Carbon monoxide	Oxides of nitrogen
Industrial & Mixed use	500	120	5000	120
Residential & Rural use	200	80	2000	80
Sensitive use	100	30	1000	30

Out of these ten cities the level of sulfur dioxide has either decreased or remained unchanged in nine cities at the selected locations. These cities are Bombay, Calcutta, Madras, Kanpur, Ahmedabad, Hyderabad, Jaipur, Nagpur and Cochin. The level of Nitrogen dioxide has decreased in the city of Ahmedabad and remained unchanged in Calcutta, Madras, Cochin, Kanpur, Nagpur, Hyderabad and Jaipur and the level of suspended particulate matter has remained unchanged at most of the locations in all the ten cities. However, Nitrogen dioxide concentration has shown an increasing trend in both Delhi and Bombay.

(c) The steps taken to check the pollution in these cities include the following:

(i) Effluent and emission standards have been prescribed under the Environment (Protection) Act, 1986.

(ii) Environmental guidelines have been evolved for siting and operation of industries.

(iii) Industries have been asked to comply with consent requirements of the State Pollution Control Boards.

(iv) Industries have been directed to install necessary pollution control equipment on a time bound basis and legal action is taken against the defaulting units.

(v) 17 categories of heavily polluting industries have been identified and these industries have been asked by the state Government to comply with the effluents/emission standards on a time-bound basis.

(vi) Financial incentives are provided for installation of pollution control equipment and shifting of polluting industries from congested areas as also for utilisation of solid waste such as fly ash and phospho-gypsum.

(viii) Gross and mass emission standards for all types of vehicles have been notified under

the Motor Vehicles Rules, 1989.

(viii) A draft notification notifying the mass emission standards for 1995 and indicative standards for 2000 for all vehicles has been issued under the Central Motor Vehicles Rules, 1989.

(ix) Steps have been initiated to introduce compressed natural gas (CNG) as an alternative fuel in Delhi and Bombay; this will arrest the increasing trend of nitrogen dioxide in these cities.

Import of Cows and Bulls

950. SHRI N.K. BALIYAN: Will the Minister of AGRICULTURE be pleased to state:

(a) whether the Government import cows and bulls for augmenting better breed in the livestock development programme;

(b) if so, the details thereof;

(c) the number of such animals imported during the last three years; and

(d) the procedure adopted by the Government for the supply of imported cows and bulls to States?

THE MINISTER OF AGRICULTURE (SHRI BALRAM JAKHAR) (a): Central Government do not import cows and bulls.

(b): Does not arise.

(c): No cow or bull was imported by Central Government.

(d): Does not arise.

'Afforestation'

951. SHRIMATI SHAVNA CHIKHALIA: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the targets fixed for afforestation programs during 1992-93 have been achieved;

(b) if so, the details thereof, State-wise;

(c) if not, the reasons therefor;

(d) whether the grants released to states have been fully utilised;

(e) if so, the details thereof;

(f) if not, the reasons therefor; and

(g) the target fixed for afforestation and amount allocated for 1993-94, State-wise?

MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) (a) to (c) Afforestation and tree planting are continuing activities undertaken in the States on an annual basis, keeping in view the availability of funds under the various Central and State plans. The state-wise details of targets and achievements of the afforestation/

tree planting activities, under the 20 Point programme for the year 1992-93, are given in the statement attached. Annexure-I. This shows that whereas 10 States and 5 Union Territories have not reported the achievements upto the end of march, 1993, the overall progress under the 20 Point Programme indicates that the country-wide targets would be realised.

(d) to (f) The State-wise allocation of funds for afforestation/tree planting activities under the 20 point Programme for the year 1992-93 is given in Statement-II. Keeping in view the progress made in achieving the targets and though the reconciliation of accounts is yet to be completed, it is expected that the allocations will fully utilized.

(g) The State-wise targets proposed for afforestation/tree planting activities and the State-wise allocation of funds for the forestry sector for the year 1993-94 are given in statement-III. Under the Central plan, the outlays for afforestation/tree planting activities for the year 1993-94 are as given below:

(Rs. in lakhs)

1.	National Afforestation and Eco-Development Board, Ministry of Environment and Forests	9800
2.	National Wetlands Development Board, Department of Wetlands Development, Ministry of Rural Development	5000
3.	Ministry of Rural Development (under Jawahar Rojgar Yojana, Drought prone Areas Programme, Desert Development Programme, etc.)	18050
4.	Ministry of Agriculture (under Soil Conservation in the Catchments of River valley projects Integrated watershed Management in the Catchments of Flood Prone Rivers, etc.)	3500

STATEMENT-I

Statewise Targets and achievements of the afforestation/tree planting activities under the 20-Point Programme during 1992-93

Area in hectare
Seedlings in lakhs

Sl No.	Name of State/UTs	TARGETS		ACHIEVEMENTS	
		Seedlings Distribution (For planting on pvt. lands)	Area (Public lands including forest lands)	Seedlings Distribution (For planting on pvt. lands)	Area (Public lands including forest lands)
1	2	3	4	5	6
1.	Andhra Pradesh	1850.00	63450.00	1095.47	42770.00 *
2.	Arunachal Pradesh	5.00	7200.00	5.00	7200.00 *
3.	Assam	25.00	25000.00	11.80	22486.60
4.	Bihar	600.00	48000.00	180.60	20357.00 *
5.	Goa	25.00	1500.00	26.31	1594.00 *
6.	Gujarat	2500.00	7000.00	1945.12	68144.00
7.	Haryana	300.00	37050.00	300.00	34826.00
8.	Himachal Pradesh	90.00	32500.00	88.59	31280.00

Sl No.	Name of State/UTs	Seedlings Distribution (For planting on pvt. lands)	Area (Public lands including forest lands)	Seedlings Distribution (For planting on pvt. lands)	Area (Public lands including forest lands)
1	2	3	4	5	6
9.	Jammu and Kashmir	50.00	20000.00	20.00	6696.49
10.	Karnataka	555.00	38500.00	374.38	36479.97
11.	Kerala	160.00	25000.00	159.38	17787.48
12.	Madhya Pradesh	600.00	113000.00	600.12	121394.19
13.	Maharashtra	1150.00	163000.00	824.97	156589.88
14.	Manipur	25.00	30000.00	19.56	6695.00
15.	Meghalaya	125.00	18000.00	26.58	5148.00
16.	Mizoram	10.00	12000.00	2.40	12000.00
17.	Nagaland	110.00	5850.00	NR	NR
18.	Orissa	500.00	60000.00	425.18	73616.58
19.	Punjab	70.00	17000.00	85.90	19360.00

Sl No.	Name of State/UTs	Seedlings Distribution (For planting on pvt. lands)	Area (Public lands including forest lands)	Seedlings Distribution (For plantin on pvt. lands)	Area (Public lands including forest lands)
1	2	3	4	5	6
20.	Rajasthan	350.00	65000.00	389.90	60223.00
21.	Sikkim	15.00	8000.00	9.50	8665.38
22.	Tamil Nadu	875.00	65000.00	912.48	104169.00
23.	Tripura	50.00	16000.00	37.05	15253.00
24.	Uttar Pradesh	3390.00	90000.00	3326.66	88391.21
25.	West Bengal	1000.00	50000.00	802.00	50000.00
26.	A & N Islands	5.00	3200.00	5.35	3200.00
27.	Chandigarh	0.00	400.00	0.12	413.30
28.	D & N Haveli	10.00	1000.00	7.90	518.00
29.	Daman & Diu		100.00	1.14	83.34
30.	Delhi	50.00	2000.00	38.74	1408.70

Sl No.	Name of State/UTs	Seedlings Distribution (For planting on pvt. lands)	Area (Public lands including forest lands)	Seedlings Distribution (For plantin on pvt. lands)	Area (Public lands including forest lands)
1	2	3	4	5	6
31.	Lakshadweep	3.00	50.00	3.36	50.00
32.	Pondicherry	1.00	200.00	5.04	0.00
	Total	14500.00	1064000.00	11730.60	1018800.12 *

* Tentative. State marked with the asterisk sign have not yet reported the achievements upto end of March 1993. The other States have reported the achievements ending March 1993.

NR- Not reported.

STATEMENT-II

Statewise allocation of funds for afforestation/tree planting activities under the 20-Point Programme during 1992-93

Sl No	State/U. T.'s	Allocation * (Rs. in lakhs)
1.	2	3
1.	Andhra Pradesh	2510.52
2.	Arunachal Pradesh	434.55
3.	Assam	1520.00
4.	Bihar	NR
5.	Goa	156.95
6.	Gujarat	6713.93
7.	Haryana	4576.57
8.	Himachal Pradesh	4746.10
9.	Jammu and Kashmir	1795.95
10.	Karnataka	6157.87
11.	Kerala	1215.00

Sl.No.	State U.T.'s	Allocation * (Rs. in lakhs)
1.	2	3
12.	Madhya Pradesh	5512.96
13.	Maharashtra	7624.11
14.	Manipur	573.65
15.	Meghalaya	1164.07
16.	Mizoram	870.00
17.	Nagaland	122.38
18.	Orissa	4208.00
19.	Punjab	1159.50
20.	Rajasthan	9904.92
21.	Sikkim	383.87
22.	Tamil Nadu	4640.70
23.	Tripura	1158.04
24.	Uttar Pradesh	6790.16

Sl.No	State/U.T.'s	Allocation * (Rs. in lakhs)
1.	2	3
25.	West Bengal	NR
26.	A & N Island	116.25
27.	Chandigarh	30.00
28.	D & N Haveli	97.20
29.	Daman and Diu	13.00
30.	Delhi	281.00
31.	Lakshadweep	16.00
32.	Pondicherry	91.33

* The utilisation of funds by the States during the year 1992-93 is reconciled after the financial year ends in March 1993. This process takes several months. For this reason, the actual figures of utilisation of funds during the year 1992-93 cannot be given at this stage.

NR- not Reported

STATEMENT-III

Statewise State Plan Outlays* for the Forestry Sector and the proposed State-wise targets for afforestation/tree planting activities under the 20 Point Programme for 1993-94.

Sl.No.	Name of State/UTs	State Plan Outlay*	Seedlings Distribution (For Planting on Private Lands)	Rs. in Lakhs Seedlings in Lakhs Area in Hectares Proposed Targets	
				Area	(Public Lands including Forest lands)
1	2	3	4	5	
1	Andhra Pradesh	750.00	1950.00		70000.00
2	Arunachal Pradesh	1100.00	5.00		7500.00
3	Assam	3584.00	30.00		27500.00
4	Bihar	3264.00	750.00		50000.00
5	Goa	217.00	30.00		1000.00
6	Gujarat	5300.00	2750.00		80000.00
7	Haryana	3449.00	350.00		40000.00

Sl.No.	Name of State/UTs	State Plan Outlay*	Seedlings Distribution (For Planting on Private Lands)	Area (Public Lands including Forest lands)
1	2	3	4	5
8.	Himachal Pradesh	4550.00	100.00	36000.00
9.	Jammu and Kashmir	1919.00	80.00	20000.00
10.	Karnataka	5420.00	600.00	42500.00
11.	Kerala	1750.00	180.00	25000.00
12.	Madhya Pradesh	5039.00	700.00	130000.00
13.	Maharashtra	7714.00	1200.00	170000.00
14.	Manipur	560.00	30.00	9500.00
15.	Meghalaya	1200.00	125.00	19000.00
16.	Mizoram	650.00	15.00	14000.00
17.	Nagaland	500.00	120.00	7500.00
18.	Orissa	4338.00	550.00	75000.00
19.	Punjab	812.00	80.00	10000.00

Sl.No.	Name of State/UTs	State Plan Outlay*	Seedlings Distribution (For Planting on Private Lands)	Area (Public Lands including Forest lands)
1	2	3	4	5
20.	Rajasthan	3500.00	400.00	72000.00
21.	Sikkim	350.00	18.00	8500.00
22.	Tamil Nadu	4340.00	1000.00	36000.00
23.	Tripura	610.00	50.00	17700.00
24.	Uttar Pradesh	4920.00	3700.00	100000.00
25.	West Bengal	1575.00	1100.00	55000.00
26.	A & N Islands	449.05	6.00	3500.00
27.	Chandigarh	225.00	0.00	500.00
28.	D & N haveli	200.00	12.00	1100.00
29.	Daman and Diu	20.00	1.00	150.00
30.	Delhi	278.00	60.00	2000.00
31.	Lakshdweep	16.50	4.00	50.00

Sl.No.	Name of State/UTs	State Plan Outlay*	Seedlings Distribution (For Planting on Private Lands)	Area (Public Lands including Forest lands)
1	2	3	4	5
32.	Pondicherry	73.00	4.00	200.00
	Total	67672.55	16000.00	1190000.00 ●

* Figures available as per State Plan discussions in the Planning Commission.

"Development of Wetland"

952. DR. KRUPASINDHU BHOI: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the Government have received reports in regard to the large scale destruction and deterioration of wetland environment in the country;

(b) if so, the details thereof and the reasons for such destruction; and

(c) the steps taken to develop the wetland and save it from deterioration?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) (a) and (b) Over the years, there has been deterioration in the status of wetlands in the country. The major reasons are salutation, entrophication, weed infestation, run off from agricultural fields, encroachments, urban expansion, etc.

(c) a statement is attached.

The main steps taken for conserving and improving the status of wetlands include the following:

(i) A network of protected areas, consisting of national Parks, Sanctuaries and Biosphere Reserves and including wetlands within their boundaries, has been set up.

(ii) Under the Convention on Wetlands of International importance especially as Waterfowl Habitats (Ramsar Convention) of which India is a signatory, 6 wetlands have been declared as Ramsar sites. These are: Chilka Lake (Orissa), Keoladeo Ghana National Park (Rajasthan), Wular Lake (Kashmir), Hanke Lake (Punjab), Loktak Lake (Manipur and Sambhar Lake (Rajasthan).

(iii) A National Committee on Wetlands,

Maangrovces and Coral Reefs has been constituted to advise the Government on policy guidelines, identification of wetlands for intensive conservation, monitoring, preparation of Management Action Plans and for research activities.

(iv) A Plan scheme for the conservation of wetlands has been launched to provide catalytic support to the State Governments for conservation and improvement of selected wetlands. So far, 16 wetlands have been included in the national programme and an amount of Rs. 4.7 crores has been sanctioned to the State Governments for supplementing the activities relating to survey and mapping, afforestation in the catchment areas, silatation control, weed control and creation of environmental awareness.

(v) Research studies have been commissioned through the university system and research institutions for conducting scientific studies and investigations on various aspects of wetlands ecosystems.

(vi) The Botanical Survey of India, Zoological Survey of India, Wildlife Institute of India and the Salim Ali Centre for Ornithology and Natural History have undertaken surveys and scientific studies on wetlands in different parts of the country.

(vii) A National Like Conservation plan has been formulated to give particular attention to the urban water bodies which are threatened by pollution and such other human activities. The State Governments have been requested to suggest the leas that could be included in the Plan.

(viii) Throughout the State statutes and Central laws, such as Wildlife (Protection) Act, Forest (Conservation) Act, Water (Prevention and Control of Pollution) Act etc., legal measures have been taken to regulate activities that have a bearing on the wetlands ecosystems.

(ix) Criteria for selection of wetlands of

national importance and guidelines for preparation of management action plan for conservation of wetlands have been issued to the State Governments.

(x) Under the programmes on environmental education and awareness, conservation of biological diversity in wetlands has been given priority; and

(xi) The Non-Government Organisations such as the World Wide Fund for Nature (WWF) - India and Bombay Natural History Society (BNHS) have also taken up programmes for the conservation of wetlands.

Financial Liabilities of Railways

953. SHRI GURDAS KAMAT:
SHRI SANAT KUMAR MANDAL:

Will the Minister of RAILWAYS be pleased to state:

(a) whether the Railways have failed to discharge financial liabilities worth Rs. 1,000 crores in 1992-93;

(b) if so, the reasons therefor; and

(c) the steps proposed to be taken to counteract the situation and ensure that the Railways' developmental programmes do not get a set-back as a result of their poor financial performance

THE MINISTER OF RAILWAYS (SHRI C.K. JAFFER SHARIEF) (a) No, sir.

(b) and (c) Do not arise.

Incentive Scheme for Sugar Factories

954. SHRI BOLLA BULLI RAMAIAH:
DR. D. VENKATESWARA RAO;

Will the Minister of FOOD be pleased to state:

(a) the details of the revised Incentive Scheme formulated for new sugar factories and expansion projects;

(b) whether the Government have rationalised the period of the earlier incentive schemes; and

(c) the other steps taken to promote the growth of the sugar industry?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD (SHRI KALP NATH RAI):

(a):- The new Incentive Scheme, issued on 10.3.93, is applicable to projects licensed to be licensed during the period 7.9.90 to 31.3.1994. Under this Scheme, new sugar factories would be entitled to 100% free sale quota for 8 years in "High Recovery Area" and to 100% for 9 years and 66% for the 10th year in "Other Recovery Area". As regards expansion projects, they would be entitled to 100% free sale quotas for 5 years in "High Recovery Area" and to 100% for 6 years in "Other Recovery Area" on the excess production during the season over the average production of the previous three seasons.

It has also been provided that projects which have been licensed during the period 1.10.85 to 6.9.90, but which go into production on or after 7.9.91 and fulfill the conditions of this new Scheme, have the option to avail of the incentives under this scheme or the earlier 7th loan Incentive Scheme.

(b):- Yes, Sir.

(c):- Apart from the formulation of the new Incentive Scheme mentioned at (a) above, some of the other steps taken to promote the growth of the sugar industry are as follows:-

(i) The Statutory Minimum Price (SMP) of sugarcane for the current 1992-93 sugar season has been increased to Rs. 31 per quintal, linked to a basic recovery of 8.5% as against Rs. 26 per quintal prevailing during the last sugar season.

(ii) advance announcement of Statutory Minimum Price of sugarcane at Rs.32.50 per quintal, linked to a basic recovery of 8.5%, for the next 1993-94 sugar season.

(iii) revision of the ex-factory price and retail issue price of levy sugar to take into account the increase in SMP, conversion cost, distribution cost, etc.

(iv) the ratio of levy-free sale sugar has been revised to 40:60 for the current season as against 45:55 prevailing earlier.

(v) the additional production of sugar factories during the period 1.1.93 to 30.4.93 over the production during the corresponding period last season, would be entitled to 80% free sale quota, as against the normal 60%.

(vi) the production of sugar factories which undertake curing during the late period i.e. 1.5.93 to 31.7.93, would be entitled to 72% free sale quota, as against the normal 60%.

(vii) Creation of buffer stock of 5 lakh tonnes of sugar with effect from 1.4.93 for which sugar factories will be reimbursed storage interest

and insurance charges from the sugar Development Fund.

(viii) loans at a concessional rate of interest are being provided to sugar undertakings from the Sugar Development Fund for modernisation/rehabilitation of their plant and machinery and also for cane development schemes.

Soil Conservation

955. PROF. PREM DHUMAL: Will the Minister of Agriculture be pleased to state:

(a) the allocation made in the Eighth Five Year Plan for various programmes of soil conservation;

(b) the achievements made under those programmes during the last one year;

(c) whether the Government propose to introduce some new schemes for the conservation of soil during 1993-94; and

(d) if so, the details thereof?

THE MINISTER OF AGRICULTURE (SHRI BALRAM JAKHAR) (a) to (d) A Statement is laid on the Table of the Sabha.

STATEMENT

* A tentative allocation of Rs. 800.00 crores has been made for various Central Sector/Centrally Sponsored Soil and Water Conservation Schemes during the Eighth Plan. Details of Eighth Plan allocation and achievements made under various Soil & Water Conservation Schemes, implemented during the year 1991-92 are given below:-

S.No.	Name of the Scheme	Proposed Eighth plan outlay	Rs. in crores Area in lakh ha. Expenditure 1991-92	Physical achievements 1991-92
1.	Soil Conservation in the Catchments of River Valley Project (RVP)	400.00	46.69	1.42
2.	Integrated Watershed Management in Catchments of Flood Prone Rivers (FPR)	120.00	21.93	0.66
3.	Reclamation of Alkali (USAR) Soils	150.00	6.21	0.29
4.	Control of Shifting Cultivation	Transferred to State Sector	1.00	-
5.	Reclamation & Stabilization of Ravinous Areas		7.00	-
6.	All India Soil & Land Use Survey (AIS & LUS)	15.00	2.03	-
7.	Strengthening of State Soil Survey Organisation	1.00	0.18	-
8.	National Land Use & Conservation Board	16.50	0.30	-
9.	Strengthening of Soil Conservation Training Centre, Chatra (Nepal)	1.00	0.00	-

S.No.	Name of the Scheme	Rs. in crores Area in lakh ha. Proposed Eighth plan outlay	Expenditure 1991-92	Physical achievements 1991-92
10.	Soil Conservation Training Centre, Hazaribagh (Bihar)	0.50	0.80	-
11.	Strengthening of State Land Use Boards (SLUBs)	23.00	1.23	-
12.	Application of Remote Sensing Technology for Soil Survey and Land Use Planning	3.00	-	-
13.	Alkali land Reclamation and Development Programme with EEC Assistance	70.00	-	-
Total		800.00	86.65	2.37

Apart from the above in the Eighth Plan, there is an outlay of Rs. 1100 crores for the implementation of the Centrally Sponsored Scheme on National Watershed Development Project in Rainfed Areas (NWDPA). A sum of Rs. 159.00 crores has been spent during 1991-92 in implementation of the scheme.

A new scheme on Application of Remote Sensing technology for Soil Survey and Land Use Planning is to be implemented during the year 1993-94.

In addition an EEC assisted project for reclamation of Alkali land in Bihar and Uttar Pradesh is proposed to begin in 1993-94.

Study Centres of IGNOU

[Translation]

956 SMT. KRISHNENDRA KAUR (DEEPA): Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) the amount of financial assistance provided by the Government to each of the Study Centres of Indira Gandhi National Open University during 1990-91 and 1991-92;

(b) whether the Government have taken a final decision to establish new Study Centres of Indira Gandhi National Open University;

(c) if so, the details thereof; and

(d) the time by which these study centres are likely to be established?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH): (a) The Government does not provide financial assistance directly to any study Center of Indira Gandhi National Open University (IGNOU). The Government, however, provides financial assistance to the University who in turn provides assistance to its study Centers which are presently 220 in number. According to the information furnished by IGNOU, the University spent Rs. 1,42,96,000/- on 170 Study Centers during 1990-91 and Rs. 1,87,09,000/- on 201 Study Centres during 1991-92.

(b) to (d): the Eighth plan proposals of IGNOU envisage the establishment of about 125-150 new Study Centers in different parts of the country.

During the year 1992-93, the IGNOU had set a target of 20 new Study Centres. Of these 19 study Centres have been set up.

The University has set a target of 25 more study Centres during 1993-94.

Financial Crisis in IITs

957. SHRI VILAS MUTTEMWAR:
SHRI RAMCHANDRA
VEERAPPA:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the IITs have been facing serious economic crisis;

(b) if so, the details thereof and the reasons therefor;

(c) whether the government have received requests to increase the amount of grants to overcome the financial crisis;

(d) if so, the details thereof; and

(e) the action taken by the Government thereon?

MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH): (a) and (b): The budget proposals of the Indian Institutes of Technology are scrutinized by their respective Finance Committees in the first instance. The Non-Plan allocations are based on the recommendations of the Finance Committees and the plan allocations depend upon the annual plan outlay approved by the Planning Commission. It is not correct to say that the IITs have been facing serious economic crisis.

(c) to (e): The IITs, like many other Institutions of higher learning, have been making requests at various stages of formulation of Budget Estimates and Revised Estimates for additional funds, which are accommodated by the Government subject to availability of funds.

*[English]***"Vehicular Pollution"**

958. SHRI V. SOBHANADREES-
WARA RAO VADDE:
SHRI G. DEVARAYA NAIK:

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) the methods and technology being adopted to prevent Somme emission from vehicular traffic;

(b) whether environmental depression is caused with the increasing emission of smoke from public vehicles on roads;

(c) if so, the details thereof; and

(d) the steps taken proposed to be taken in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): (a) Gross emission standards for all types of on-the-road vehicle have been noticed under the Motor Vehicles Rules '89 and these have come into force from March 1, 1990. The Ministry of Surface Transport have advised the various state transport Directorates to enforce the gross emission standards. Every manufacturer of motor vehicles is required to submit the prototype of the vehicles manufactured for test by an agency specified by the government and give a conformity of production certificate on the compliance of the provisions of the rules including emission standards. This provision has come into effect from April 1, 1991.

The mass emission standards for vehicles have been notified under the Motor Vehicles Rules 1989. The standards for petrol driven vehicles have come into force from April 1, 1991 and the standards for diesel driven vehicles have come into force from April 1, 1992. A draft

notification notifying the emission standards for the year 1995 has been issued under the Central motor Vehicles Rules 1989.

Steps have been initiated to introduce Compressed Natural Gas (CNG) as an alternative fuel in Delhi and Bombay. The other methods of checking vehicular pollution include decongestion of traffic, provision of pollution checking facilities, legal action for not meeting the standards and public awareness campaigns.

The steps taken at the manufacturing stage to increase combustion efficiency and prevent generation of emissions includes adoption of technologies to reduce crankcase, exhaust and evaporative emissions from vehicles.

(b) to (d) Yes, Sir. The pollutants from vehicular exhaust have adverse effects on the health of human beings and animals. They also cause damage to vegetation materials and buildings studies on effects of Environmental Pollutants on health in identified critically polluted areas have been intuted.

Yoga Education

959. SHRI CHANDRESH PATEL: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether there is a great demand in regard to establishment of a Yoga university and inclusion of Yoga as a subject at school/college level;

(b) if so, the details thereof;

(c) whether the Government propose to introduce Yoga education at school and college levels;

(d) whether the Government also propose to establish a separate University for Yoga;

(e) if so, the details thereof;

(f) the time by which the Yoga University is likely to be established; and

(g) if not, the reasons therefor?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH): (a) to (c): The UGC has not received any proposal for establishment of a yoga University. Educationally, knowledge and practice of Yoga is beneficial at all levels of education. Therefore the Government and the UGC have been endeavoring to promote Yoga in educational institutions.

(d) No Sir.

(e) & (f). Do not arise.

(g) Keeping in view the national Policy on Education and constraint on resources the Government does not favor setting up of a separate Yoga University.

Science Education

960 SHRI SHIVRAJ SINGH CHAUHAN:
SHRI N.J. RATHVA:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the Government have introduced/proposed to introduce any special programme under the scheme Improvement of Science Education in different States and Union Territories;

(b) if so, the details thereof; and

(c) the target fixed and the achievements

made during each of the last three years under this Scheme?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH) (a) to (c): A statement is attached.

The Centrally-Sponsored Scheme, 'Improvement of Science Education in Schools' does not envisage introduction of special programmes in States/Union/Territories. Under the Scheme, States/Union Territories are provided financial assistance for the following approved purposes as and when suitable proposals formulated in accordance with the norms of the scheme are received from them:

- Provision of science kits to upper primary schools;
- upgradation and strengthening of science laboratories in secondary /senior secondary schools;
- Supply of books on science related subjects for upgradation of libraries in secondary/senior secondary schools;
- setting up of District/Resource Centres of Science Education; and
- training of science and mathematics teachers.

As such, no Statewise targets are fixed. However, all States/Union Territories have availed of assistance under the scheme.

During the last three years, the States/ Union Territories were provided assistance for creation of the following physical facilities:-

<i>the following physical facilities.</i>	1990-91	1991-92	1992-93
Science kits to upper primary schools	5,791	7,880	11,678
Upgradation and strengthening of science laboratories in secondary/senior secondary schools	3,981	3,783	5,849
Supply of library books to secondary/senior secondary schools	3,843	3,671	5,575
Setting up of District Resources Centres of Science Education	60	34	-

Absorption of Catering Staff

8136. SHRI KODIKUNNILSURESH: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Union Government have received any representation demurring 1992-93 from the Railway Catering staff regarding absorption of regulate catering employees.

(b) if so, the details thereof and the action proposed to be taken thereon; and

(c) the policy and criteria adopted in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA): (a) to (c) While there are no issues relating to absorption of regular employees of the departmental catering units on the Indian Railways, however, some representations have been received regarding absorption of commission bearers/vendors in such units. A view has since been taken to absorb them as regular employees as and when vacancies occur in future.

Social Auditing of Railways

8137. SHRI MOHAN RAWALE: Will the Minister of RAILWAYS be pleased to state:

(a) whether there is any proposal to have social auditing of the Railways;

(b) if so, the details in this regard; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LANKA): (a) to (c): Since Railways take into account various socioeconomic factors in planning transport strategy, there is no proposal at present to have system of separate social auditing.

Technical Education

8138. SHRI SANAT KUMAR MANDAL: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether according to some education experts, technical education in the country has remained stagnant and totally outmoded;

(b) if so, the details thereof;

(c) the number of polytechnics which are extremely illequipped, poorly staffed and run in makeshift sheds; and

(d) the action the Government propose to take in this regard to set matters right?

THE DEPUTY MINISTER FOR EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (KUMARI SELJA): (a) to (d) Technical Education System in the country has made significant contributions in terms of overall quality improvement and standards. The national policy on Education, 1986 lays adequate emphasis on the Development of Technical Education in the country by way of implementing Industry Institute Interaction, Continuing Education, Quality Improvement Programmes and Research and Development Schemes. The Government have launched a project with the assistance of World Bank amounting to approximately US\$ 517 million to modernise and upgrade over 500 polytechnics in 16 States and 2 Union Territories in terms of Capacity expansion and improvement of quality and efficiency of the system.

Seminar on "Affordable Housing planning and prospective"

8139. SHRI RAM KAPSE: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether a Seminar on "Affordable Housing-Planning and perspectives" has been organised in collaboration with the Tata Institute of Social Sciences and Swedish Institute Stockholm;

(b) If so, the details of recommendations made or decisions arrived at in the seminar; and

(c) The steps taken/proposed to be taken to implement the decisions taken therein?

THE DEPUTY MINISTER FOR EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (KUMARISELJA): (a) Yes, Sir. This Seminar was organised by the Tata Institute on 2-5 February 1993 for the Government of India as one of the events of the Manifestation of Sweden in India.

(b) The recommendations of the seminar were as follows:-

- 1) reconceptualisation of the term 'affordability' from a wider perspective;
- 2) development and management of land keeping in view local needs and conditions;
- 3) taxation of vacant land and making land available at cheap prices for house building for weaker sections;
- 4) use of local materials which are environmentally and economically viable;
- 5) decentralised planning with proper devolution of authority, equity between participating actors, between communities and regions;
- 6) greater role of NGOs, cooperative societies, dealing with the vested

interests, conscientisation of governmental agencies and institutions;

- 7) identification of specific needs of women and formulation of housing policy in response to these needs;
- 8) recognition of specific environmental conditions and perceptions of local people in development plans related to house;
- 9) management and control of common property resources by public agencies; and
- 10) specific research studies on locally available materials and needs of potential beneficiaries.

(c) No decision has been taken by the Government on the above mentioned recommendations.

Display of ingredients of Products

8140. SHRI MAHENDRA KUMAR SINGH THAKUR: Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state:

(a) whether the Government propose to make it mandatory for manufactures to specify the details of the ingredients of products in the interest of consumers;

(b) if so, the details thereof; and

(c) the steps being contemplated to enforce quality control in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS & PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED): (a) and (b):- No, Sir. However, under various

quality of food products and medicines, marking of ingredients on the package is mandatory, e.g., the prevention of Food Adulteration Act, 1954 for food items and the Drugs & Cosmetics Act, 1940 for pharmaceuticals.

(c) The Food and Health Authorities in the States/UTs are working to ensure strict compliance to the provisions of these Acts and Rules made thereunder. Besides, there are other Schemes for quality Control which are voluntary in nature, such as, product Certification Scheme of the Bureau of Indian Standards and Agemark scheme of the Directorate of marketing and Inspection, Ministry of Rural Development. The Government, on Grounds of Health, safety and consumer protection, has made the Standards mark of BIS compulsory for some items under various Acts/Quality Control; orders/Notifications.

[Translation]

U.P. Board Examinations

8141 DR. RAMESH CHAND TOMAR
SHRIMATI BHAVNA CHIKHALIA

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether gropes of culprits have become acetic in Uttar Pradesh in copying business on contract basis in the U.P. Board examinations;

(b) if so, the details thereof; and

(c) the steps taken by the Government to check mass copying in U.P. Board examinations and action taken to arrest the culprits?

THE DEPUTY MINISTER FOR EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (KUMARI SELJA): (a) to (c): School Education is primarily the concern of the respective State Governments/Union

Territory Administrations. The matter of conducting school examinations lies within the purview of the respective State Boards of Examinations. Every Board conducting examinations, including the Uttar Pradesh Board of Examinations, does take all possible measures to prevent mass copying and use of unfair means in the examinations.

[English]

Commercialisation of Fishing Projects

8142. SHRI ANAND RATNA MAURYA:
Will the Minister of AGRICULTURE be pleased to state:

(a) the details of the fishing projects selected for commercial purposes;

(b) the steps taken by the Government to boost the commercialisation of fishing projects during the last three years; and

(c) the achievements made in this regard during the above period?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE THE MINISTER OF STATE IS THE MINISTRY OF NON-CONVENTIONAL EVERY SOURCES (SHRI S. KRISHNA KUMAR): (a): A World Bank aided Project namely 'Shrimp and Fish Culture Project' has been launched in May 1992 at an estimated cost of Rs. 283.63 crores equivalent to US Dollar 95 Million. The project envisages to develop water area of 3810 Ha. for shrimp culture in Andhra Pradesh, Orissa and West Bengal, 5380 Ha. of water area of Ox-bow lakes in Bihar, Uttar Pradesh and West Bengal and 45830 Ha. Water area of reservoirs in Andhra Pradesh, orissa and Uttar Pradesh for fish culture.

After development of the water area it will be given on long term lease by the State Government to selected beneficiaries. The project will benefit about 14,200 house-holds.

(b) & (c): The Government have no proposal at present to commercialise any of its fishery projects. However, Government have been encouraging setting up of 100% Export Oriented Unit, joint venture etc. in aquaculture and other areas of fisheries. All such proposals except for a few which have been found technically unsound have been recommended by the Department of Agriculture and Corporation from technical angle for approval to the Department of Industrial Development.

Sale of old Stock of Rice at Super Bazar Etc.

8143. SHRI RAM KAPSE: Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state:

(a) whether the Government have issued instructions to the Super Bazars and Kendriya Bhandars regarding the sale of old stock of Sugar and Basmati rice at old rate;

(b) if so, the details thereof; and

(c) if not, the reasons therefore?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION AND MINISTER OF STATE THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED):
(a): No, Sir.

(b) & (c): Do not arise.

Remunerative Price to Farmers in Orissa

8144. SHRI RABI RAY: Will the Minister of FOOD be pleased to state:

(a) whether attention of the Government has been drawn to a report in Orissa Daily "Samaj", dated April 16, 1993 alleging that the F. C. I. Unit of Bhawanipatna in Orissa has re-

fused to accept rice from the mills;

(b) if so, the details thereof; and

(c) the steps taken by the government to 'guarantee' remunerative price to the small and marginal farmers of the area?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD (SHRI KALP NATH RAI): (a) to (c): Information is being collected and will be laid on the Table of the House.

[Translation]

Railway Workshops in Rajasthan

8145. PROF RASA SINGH RAWAT: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Government had conducted any survey to set up railway workshops for the broad gauge lines in Rajasthan;

(b) if so, the outcome thereof and the names of the places approved for this purpose;

(c) the names of places where the railway workshops for the metre gauge lines are situated in Rajasthan at present along with capacity thereof and the details of work being carried out there; and

(d) the details of the plan regarding the future of these metre gauge workshops and the employees working there keeping in view the large scale gauge-conversion of metre-gauge lines?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA): (a) No, Sir.

(b) Does not arise.

(c) Such workshops are located in Jodhpur, Bikaner and Ajmer. Monthly outturn of the major activities in these workshops is as under:-

	<i>JODHPUR</i>	<i>BIKANER</i>	<i>AJMER</i>
MG Coach POH	70 FWUs	50 FWUs	230 FWUs
MG Wagon POH	172 FEWs	50 FWUs	300 FWUs
MG Steam Loco IOH	2	2	6
MG Steam Loco POH	-	2	5.5
MG Diesel Loco POH	-	-	5

POH: Periodical Overhaul, IOH: Intermediate Overhaul, FWUs: Four Wheeler Units.

(d) Johpur workshop is proposed to be concerted to undertake POH of BG coaching stock. Ajmer workshop is proposed to be converted to cater to POH of B.G rolling stock as well. Bikaner workshop will, however, contiguous to cater to M.G. rolling stock for the M.G sections of the contiguous regions. The existing employees will be utilised to be maximum possible extent in the same workshops to tackle the changing workload.

[English]

Population of Dolphins

8146. SHRI MULLAPPALLY RAMACHANDRAN: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether any study has been conducted by the Government regarding dwindling populations of dolphins in west coast of India;

(b) if so, the outcome thereof;

(c) the reasons therefor; and

(d) the steps taken/proposed to be taken to preserve and protect this species?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS

SHRI KAMAL NATH: (a) No reports indicating decline of dolphins in Western Coast of India has been reported by the Chief Wildlife Wardens of the concerned States.

(b) to (d): do not arise.

[Translation]

Imparting of Education By lectures

8147. SHRI SANTOSH KUMAR GANGWAR: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) the prescribed by the U.G.C. for taking classes by the Lectures/Readers/Professors of Central Universities;

(b) whether the lectures/Readers/Professors of all the Central Universities including Babar Hindu University and Aligarh Muslim University are imparting education according to the Prescribed norms;

(c) if not, the reasons therefor;

(d) whether any review has been made in this regard; and

(e) if so, the outcome thereof?

THE DEPUTY MINISTER FOR EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DE-

PARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (KUMARI SELJA): (a) to (e) The information being collected and will be laid on the Table of the Sabha.

Forced recovery of money from labourers at Mazaffarpur.

8148 SHRI BHOGEN DRA JHA: Will the Minister of RAILWAYS be pleased to state:

(a) the number of cases of forced recovery of money from laborers going to Punjab detected at Muzaffarpur Railway Station on January 15, 1993;

(b) whether culprits have been identified by North Eastern Railway Authorities;

(c) if so, the details thereof; and

(d) the action taken against the erring officials and the steps taken to check this practice?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K.C. LENKA): (a) No such complaint has been received from laborers going to Punjab. However, one complaint has been received from a passenger coming from Mazaffarpur to Hapur.

(b) One Ticket Collector of Mazaffarpur has been identified.

(c) A written complaint from Shri Ram Chandra Panjiar District, Madhubani, Bihar was received in January 1993 alleging extortion of Rs 150/- by the railway staff at Mazaffarpur on 15.1.1993 on account of an un-booked sewing machine.

(d) DAR action has been initiated against the identified staff. To prevent such cases, checks by the local supervisors and Commercial and Vigilance Departments have been intensified.

[English]

Return Journey Tickets

8149. SHRI RAJNATH SONKAR SHASTRI: Will the Minister of RAILWAYS be pleased to state:

(a) whether return journey tickets are issued only to the extent of the quotas earmarked at the railway station;

(b) if so, the reasons therefor;

(c) the steps taken to book return journey tickets beyond the quotas earmarked for a railway station for the convenience of passengers in view of the computer booking facility;

(d) whether return journey tickets are not booked from the same counter from which onward journey ticket is booked thereby causing hardship and inconvenience to the public;

(e) if so the reassignment thereof and the steps taken to book return journey tickets from the same counter;

(f) whether inordinate time is being taken in issuing of telegrams for the return journey reservation; and

(g) if so, the steps taken to check such delays?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K.C. LENKA): (a) No, Sir.

(b) Does not arise.

(c) to (e): There is no restriction on issue of return journey tickets for unreserved journeys. Computerised reservation system already offers the facility of reservation for such journeys to the extent of availability of accommodation and keeping distance restriction, etc.

in view. For trains based on the same computer system and for stations for which message can be sent through the computer system, return journey reservation requests are dealt with at the same counter. Other requests have to be dealt with at nominated counters either having computer link with other computer systems or dealing with reservation messages to other stations.

(f): No, sir.

(g): Does not arise.

"Women Role in Environment Protection"

8150. SHRI JAGAT VIR SINGH DRONA:

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the women have a significant role in environmental protection;

(b) if so, the details of the specific policies/schemes drawn up in this regard; and

(c) the outcome thereof?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) (a) to (c) Yes, sir. The national forest policy, 1988, envisages involvement of women in achieving its various objectives. In response to the guidelines issued by the Government of India in June, 1990, on people's involvement in the development and protection of forests, several State Governments have issued resolutions enlisting among other things, active participation of women on planning decision making and implementation of the above programmes. The national Conservation Strategy and Policy Statement on Environment and Development of my Ministry envisages active involvement of women at the grass root level in our conservation programmes.

Financial assistance have been provided to several women organisations in the national Environmental Awareness Campaign conducted by this Ministry every year. A tribal Research Center has been provided financial assistance by the National Afforestation and Eco-development Board of the Ministry for conducting workshops in the north-eastern areas focusing among other things, on training of women. Financial assistance has been provided to a number of organisations which are women oriented for afforestation scheme.

National Nutrition Policy

8151 SHRI GOPINATH GAJAPATHI: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the Government have approved the national Nutrition Policy;

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

(c) the time by which it is likely to be implemented?

THE MINISTER OF STATE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT) (SHRIMATI BASAVA RAJESWARI): (a): Yes, Sir.

(b) and (c) The National Nutrition Policy envisages a set of direct nutrition interventions such as fortification of essential foods popularisation of low cost nutritious food and control of micro-nutrient deficiencies and indirect policy instruments including food security, Public distribution system, land reforms, health and basic nutrition knowledge, nutritional surveillance, prevention of food adulteration and community participation.

The national Nutrition policy will be placed in the parliament during its Monsoon Session.

Supply of Wagons to Alleppy Station

8152. SHRI THAYIL JOHN ANJALOSE:
Will the Minister of RAILWAYS be pleased to state:

(a) the details of requirement of wagons for transportation of goods at Alleppy Railway Station (Kerala) during 1992-93 along with the month wise supply of wagons till March, 1993;

(b) the reasons for short supply of wagons; and

(c) the steps proposed to be taken to increase the supply of wagons to those station?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K.C. LENKA): (a) Monthwise number of wagons indented and supplied at Alleppey Railway Station during 1992-93 are as under:-

<i>Month</i>	<i>No. of Wagons indented during the month</i>	<i>No. of wagons supplied</i>
April, 92	80	80
May, 92	39	31
June, 92	20	27
July, 92	20	13
August, 92	50	58
September, 92	48	48
October, 92	40	40
November, 92	32	32
December, 92	40	40
January, 93	24	24
February, 93	35	35
march, 93	106	106
Total	534	534

(b) During May to July, 92 the marginal short supply of wagons was due to restrictions imposed on piecemeal loading. The demands were cleared in the following months.

(c) Does not arise.

[Translation]

Forest Research and Training Centre

8153. SHRI GOVINDA CHANDRA MUNDA:

SHRI N.J. RATHVA:

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) the details and the objectives of the Forest Research and Training Centers functioning in the Country, State-wise;

(b) the amount spent of the setting up of these centers in each State and the assistance provided by the Government during the last two years to each center; and

(c) the various functions performed by each center during the above period?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): (a) Government of India in the Ministry of Environment and Forests have quite a few research and training Centers in different States of the country. Such Centres under the administrative control of this Ministry are as follows:-

FORESTRY RESEARCH

Forestry Research is being overseen by Indian Council of Forestry Research and Education, an autonomous umbrella organisation for Forestry Research and Education in the country, under this Ministry. The council has six institutes and three advance research centers under it. The names of the institutes statewise and objectives are given below

1. Objectives of the Council with Headquarters at Dehradun, U.P.:-

(a) to undertake, aid promoter and coordinate forestry research, forestry education and forestry extension programmes in the country.

(b) to act as a clearing house for forestry research activities and general information pertinent to forestry and allied disciplines

(c) to develop and maintain a national

Information Center for forestry and allied sciences.

(d) to develop forestry extension programmes and propagate the same through mass media.

(e) to provide consultancy services in the field of forestry education, research, and allied sciences.

2. The six institutes and three advanced centers of the Council along with their objectives are given below:-

Uttar Pradesh

i) Forest Research Institute, Dehradun.

- in addition to catering to the research needs of the Indo Gangetic Plains of Uttar Pradesh, Punjab and Haryana, FRI is finding solutions to forestry problems of this ecologically fragile region.

- Its mandate includes research in ecology, regeneration, tending and management of forest, utilisation of forest products including MEP and at the national level research on forest inventory, forestry operations, development of forestry tools, forest mycology and pathology, entomology, forest soils and application of bio-technology in forestry.

ii) Center for Ecology and Environment, Allahabad

- Created during 1992-93, the Centre conducts research on ecological rehabilitation of the Indo-Gangetic plains of Uttar Pradesh, Bihar and the dry Vindhya plateau

Madhya Pradesh

iii) Tropical Forestry Research Institute, Jabalpur.

- in addition to catering to needs of states of Maharashtra, Madhya Pradesh, Orisa and Goa, the Institute conducts research on MFPs, silviculture and management of Teak, Sal, Bamboos and other important species of tropical deciduous forests, forest fires, grazing, forest conservation and tribal development.

Rajasthan

iv) Arid Forestry Research Institute, Jodhpur.

- In addition to the general forestry research requirements of states of Rajasthan, Gujarat and parts of Haryana and Punjab, the Institute conducts research at national level on greening the arid and semi-arid areas of the country and within the region on eco-restoration of the Aravalli Hills, development of agro-silvi-pastoral packages for the arid tracts and research on natural regeneration in the high forests.

Tamil Nadu

(v) Institute of Forest Genetics and Tree Breeding, Coimbatore.

- in addition to catering to the general forestry research needs of the states of Tamil Nadu, Kerala, Andhra Pradesh and Karnataka, the Institute conducts research in eco-restoration of Western Ghats, Mangrove Forests of the West and the East coasts, bio-diversity of tropi-

cal ever-green forests of Western Ghats and genetic improvement of forest tree species.

Assam

vi) Institute of Rain and Moist Deciduous Forests, Jorhat.

- to carry research on ecology, regeneration, tending and management of forest in the north-eastern states, west Bengal, Sikkim and Andaman and Nicobar Islands, conservation methods to preserve the unique heritage of flora/fauna found in the region, containment of shifting cultivation and multi-faceted use of mangroves in harmony with their ecological character, research in rain and moist deciduous and mangrove forest ecosystems at national level and research on forest hydrology and shifting cultivation.

Bihar

vii) Advanced Centre for Forest Productivity Ranchi:

- to carry out research on all aspects of forestry in the states of Bihar and West Bengal.

Himachal Pradesh

viii) Conifers Research Centre, Shimla:

- research in forestry related problems of the cold deserts and conservation of natural forest cover in the Himalayas.

Karnataka

ix) Institute of Wood Science and Technology, Bangalore.

- to conduct research at national level in wood science and technology substitutes for wood enhancing durability of lesser known timbers, improve and develop new technologies for wood based industries.

3. Indian Plywood Industries Research and Training Institute, Bangalore.

Indian Plywood Industries Research and Training Institute, Bangalore is an autonomous organisation under the Ministry of Environment and Forests. The objectives of the institute are given below:

Objectives:

- (a) research to enlarge service life of wood and products, economise wood volume in end and reduce wastage in conservation as well as application; the focus of research efforts being reduction of pressure on natural forests.
- (b) training to improve skills, upgrade product quality and optimize production cost.
- (c) advice on standardization of products and policy issues relating to mechanical wood industries development.

Forestry Training

Forestry training is imparted at 5 levels of officers viz. Officers of

- Indian Forest Service,
- State Forest Service,
- Forest Rangers,

- Foresters and
- Forest Guards.
- The initial in-service training of IFS Officers and SFS Officers is being looked after by the Central Government.
- The rules and the syllabi for the training of Forest Rangers are framed by the Central Govt. but the training colleges (except Eastern Forest Rangers College, Kureong which is presently under the administrative control of Government of India) are administered by the respective state Govts.
- The training for the other field staff is the responsibility of the State Governments. The names of training institutes under Government of India, statewise, are given below:

UTTAR PRADESH

- (i) Indira Gandhi National Forest Academy, Dehradun.
- Initial in-service training of Indian Forest Service Officers.
- (ii) State Forest Service College, Dehradun.
- Initial in-service training of State Forest Service Officers

TAMILNADU

- (iii) State Forest Service College, Coimbatore
- Initial in-service training of State Forest Service Officers.

ASSAM

(iv) State Forest Service College, Burnihat.

- Initial in-service training of State Forest Service Officers.

WEST BENGAL

(v) Eastern Forest Rangers 'College, Kurseong.

- training of Range Officers.

MADHYA PRADESH

(VI) INDIAN INSTITUTE OF FOREST MANAGEMENT, BHOPAL

Indian Institute of Forest Management, Bhopal; is an autonomous organisation under this Ministry established during 1981. The objectives of the institute are given below:

Objectives

- (a) Provide training in management and related subjects for personnel from the Indian Forest Service, Forest Departments, forest Development Corporations and Forest based industries with a view to equipping them to practice the art and profession of management of forestry development.
- (b) To inculcate an appreciation that conservation is of overriding importance in the management of natural resources and the primary role of forests is the vital ecological and environmental purpose they serve.

- (c) Select and prepare talented persons for leading to management responsibility in forestry and the forest related system.

- (d) To provide up-date information on forestry management through research, consulting and publication.

- (e) To assist, institute and carry out research in matters concern in the use of management and allied techniques and methods conducive to the development of forestry in the country.

- (b) Forest Research Institute was established in 1906 and since then it has been expanded from time to time. The forestry Research, Education and Training in the country was reorganised in December, 1986, de linking forestry training from the forestry research and education. The Forestry Research and Education was reorganised under the Indian Council of Forestry Research and Education, the umbrells organisation for forestry research and Education, the umbrellas organisation for forestry research in the country. Since these research/ training centers have either been established long ago or came into existence after conversion of old establishments, and since there has been expansion from time to time, it will not be possible to five the amount spent on setting up of these centres. However, the expenditure incurred on running the institutes/ centers for the last two years is as under:-

CENTRE		EXPENDITURE UNDER PLAN AND NON-PLAN (IN LAKH RS.)	
(i)	Indian Council of Forestry* Research and Education.	2544.00	2792.00
(ii)	Indian Plywood Industries Research and Training Institute.	86.57	86.57
(iii)	Indian Institute of Forest Management, Bhopal.	160.00	225.00
(iv)	Indira Gandhi National Forest Academy, Dehradun.	215.50	254.00
(v)	Directorate of Forest Education.**	103.22	103.00

* The expenditure given above includes total expenditure for forestry research institutes and centers.

** Includes expenditure for forestry training colleges (under the administrative control of Government of India) and Directorate of Forest Education.

(c) During the last two years, the ICFRE Institutes and centers carried out research in various forestry disciplines and trained professionals in various forestry research disciplines. Annual Report of the Council for 1991-92 has been placed on the Table of Lok Sabha and Rajya Sabha on 30.3.1993 and 31.3.1993 respectively.

During the last two years Indian Plywood Industries and Research Institute, Bangalore carried out research on various aspects of Plywood research and development and conducted certificate diploma course in Mechanical Wood Technology and eight short duration courses in Critical Areas of Saw doctoring, Sawmilling, Plywood manufacture, resin manufacture and testing, etc. Annual Report of the Institute for 1991-92 has been placed on the Tables of Lok Sabha and Rajya Sabha on 23.3.1993 and 24.2.1993 respectively.

Under Forestry Training, the training institutes under Government of India continued imparting in-service training to officers of Indian Forest Service, State Forest Service and to Forest Range Officers (at Eastern Forest Rangers College, Kurseong).

During the last two years, following batched of SFS officers were undergoing two year diploma course in SFS Colleges:

BATCH	No. OF TRAINEES
1990-92	37
1991-93	13

In IGNFA, Dehra Dun, the following batches of IFS Officers were undergoing in-service training:-

BATCH	NO. OF TRAINEES
1989-91	47
1990-92	65
1991-93	63

During the last two years the Forest Academy held 4 in-service/refresher courses for IFS Officers and others.

During this period, Indian Institute of Forest management, Bhopal Conducted post-graduate diploma in forest Management, preparing candidates for holding management posts in various forest based industries. the IIFM, Bhopal also conducted mangement development programmes for officers of Indian Forest Service, Forest Development Corporations and officers of various State Governments.

Monitoring Committees on Working of FPS

8154. SHRI RAJESH KUMAR:
SHRIMATI SHEELA GAUTAM:

Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state:

(a) whether the Union Government propose to formulate monitoring committees comprising of ration card holders, consumer organisations and women organisations under the new food preservation policy for keeping a watch on the requirements of the consumers and for reviewing the working of the fair price shops;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS & PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED)

(a) to (c): The operational responsibility for implementing the Public Distribution system (PDS) rests with the State Governments/UT Administrations. Central Government have advised the state Governments to constitute Vigilance/Advisory Committees at the State, District, Block, Village/fair price shop levels for

keeping a watch on the functioning of the Public Distribution System. It has also been suggested that such Committees should consist of representatives of ration card holders, consumers, women, prominent citizens, social workers and consumer organisations. Under the scheme for revamping the Public Distribution system, special emphasis was laid on constituting such Vigilance Committees at the Village/fair price shop levels in the areas covered under the Revamped PDS. As per reports received from the State Governments such Committees have been constituted in most of the case or are in the process of being constituted.

[English]

Fair Price Shops

8155. SHRI C.P. MUDALAGIRIYAPPA:
Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state:

(a) whether at present it takes about a month and some times even more for a card holder (Ration Card) to change from one fair price shop to the other;

(b) if so, the reasons therefor;

(c) whether the Government have any plan to simplify the present cumbersome procedure to enable the card holders to change to fair price shop/s shops easily; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS & PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED)
(a) to (d): The operational responsibility for implementing the public Distribution systems (PDS), including the procedure for changing the fair price shop of a ration card holder, rests with

the State Government/UT Administration. The time taken for effecting change of fair price shops may vary from state to State. Details in this regard are not maintained by the Central Government.

Indian Council of Child Welfare:

8156. SHRI MANJAY LAL: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) the details of the grants given to Indian Council of Child Welfare each of the last three years;

(b) the number of projects undertaken by the organisation during the above period;

(c) whether any complaint has been re-

ceived regarding misutilisation of funds by the organisation; and

(d) if so, the details thereof and action taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI BASAVA RAJESWARI) (a) and (b): Details of grants given for the different projects/schemes being implemented through the Indian Council for Child Welfare, New Delhi for the last three years are given in the statement attached.

(c): No, Sir.

(d): Does not arise.

STATEMENT

Grants-in-aid released to Indian Council for Child Welfare by Government of India under various Schemes/Programmes during the last three years.

Sl.No.	Name of the Scheme/Programme	Amount of Grant-in-aid given to ICCW (Rs. in lakh)		
		1990-91	1991-92	1992-93
1.	Bal Sevika Training Programme	43.65	29.81	34.69
2.	Anganwadi Training Programme	322.77	297.59	308.09
3.	balwadi-cum-Nutrition Programme	60.70	55.68	61.45
4.	Grant for Destitute Children in Assam	2.25	1.95	1.80
5.	Grant for Early Childhood Education	27.82	36.31	43.77
6.	Grant for Creche Workers Training Programme	—	2.25	1.86
7.	Grant for Creche Programme	195.19	167.85	190.71
8.	Grant for Child labour Project Ferozabad	6.60	10.42	12.83
9.	Grant for Child Labour Bidi project in M.P.	1.53	1.52	0.78
10.	Grant for Child Labour Project -Aligarh	3.50	13.92	11.52

Sl.No.	Name of the Scheme/Programme	Amount of Grant-in-aid given to ICCR (Rs. in lakh)		
		1990-91	1991-92	1992-93
11.	Grant for Child Labour Project Moradabad	4.66	—	5.02
12.	Street Children project in Delhi	0.58	0.61	0.94
13.	Grants for conference of Adoption	—	—	0.75

Transportation of Foodgrains to New Coochbehar

8157. SHRI AMAR ROYPRADHAN Will the Minister of RAILWAYS be pleased to state:

(a) whether the Railways had been transporting foodgrains of Food Corporation of India to New Coochbehar Railway Station; .

(b) if so, whether the practice has since been discontinued;

(c) if so, since when and the reasons therefor;

(d) the estimated loss of revenue suffered by the Railways as a result thereof;

(e) whether the Railways propose to resume transportation of foodgrains to this station; and

(f) if so, the details there and if not, the reasons therefore?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA) (a) to (c) Railways supply wagons for movement of foodgrains to as per demand by Food Corporation of India. Food Corporation of India. Food Corporation of India has stopped movement by rail to New Coochbehar station since 1988.

(d) This has not resulted in any loss of revenue as the wagons and locomotives are utilised for other movement.

(e) Wagons will be supplied by the railways for and

(f) Movement to New Coochbehar as and when tenders are placed by Food Corporation of India.

Foodgrains in J & K

8158. DR. LAXMINARAYAN PANDEYA:

Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state:

(a) whether there has been a short fall in the availability of foodgrains in Jammu and Kashmir particularly in the Jammu region; and

(b) if so, the steps taken to strengthen the Public Distribution System in the State?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS & PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED) (a) and (b): During January to March, 1993 Jammu & Kashmir was allotted 60,000 tonnes of wheat and 1,08,540 tonnes of rice. Against this allocation, the State lifted 22,100 tonnes of wheat and 35,900 tonnes of rice respectively. There has been no specific report of shortfall on the availability of foodgrains in the Jammu region during this period. A total number of 34 blocks in the state of Jammu & Kashmir have been identified for implementation of the Revamped PDS. Rice and wheat meant for distribution in the revamped PDS blocks are issued at specially subsidised Central Issue Prices which are lower than the Central Issue Prices for normal PDS blocks by Rs. 50 per quintal.

[Translation]

Allocation of Kerosene Depots and F.P.S. in Madhya Pradesh

8159. SHRI MAHENDRA KUMAR SINGH THAKUR: Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state:

(a) whether several cases relating to allocation of Kerosene Depots and Fair Price Shops are pending with Government of Madhya Pradesh;

(b) if so, the number of such cases at present; and

(c) the time by which these cases are likely to be disposed of?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS & PUBLIC DISTRIBUTION MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED): (a) to (c): The information is being obtained from the Government of Madhya Pradesh and will be laid on the Table of the House.

[English]

Import of Edible Oil

8:50. SHRI PARAS RAM BHARDWAJ: Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state:

(a) the total quantity of edible oil imported during the last three years and expected to be imported during the current years;

(b) the details of the contracts covering the above imports;

(c) the names of the parties through whom and the countries from where these imports were or are being made;

(d) the price difference between the landed cost incurred and the selling price charged from the purchasers; and

(e) the quantity of such oil which was sold through the public Distribution System and the margin of profit or loss therein?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER

AFFAIRS & PUBLIC DISTRIBUTION AND MINISTER OF STATE UNION THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED): (a) The quantity of edible oils imported during the last 3 years is as under:-

<i>Financial Year</i>	<i>Quantity (Lakh MTS)</i>
1990-91	5.38
1991-92	1.62
1992-93	0.30

A quantity of about 47,000 MTs of Crude Soybean Oil was also received as gift from USAID under Title III - PI 480 Programme in 1992-93.

The Government at present has not proposal to import any quantity of edible oils during the current year.

(b) and (c): The details of the contracts for the import of edible oils made by STC during the last three years are given in the annexed statement.

(d) and (e): The quantity of edible oil imported on Government account by STC was allocated to States for PDS and NDDB for Market Intervention Operations in edible oils and not allocated to any other purchasers for any other use. The edible oil imported directly by the States during 1991-92 was exclusively meant for PDS requirement of the respective States.

The average unit (per M.T.) cost and sales realisations in respect of the edible oils imported by STC has been as under:-

<i>Financial Year</i>	<i>Total PMT Cost</i>	<i>PMT sale realisation</i>
1990-91	Rs. 14,528.05	Rs. 14,101.73
1991-92	Rs. 28,537.81	Rs. 19,199.84
1992-93	Accounts still to be finalised.	

SATATEMENT

Details of contracts for import of edible oils by STC, year-wise during 1990-91 to 1992-93.

Sl.No.	Contract No. & Date	Quantity (+2%) (MT)	1990-91			Origin of Oil
			Contract price	CIF	Kandla Supplier	
1	2	3	4	5	6	
1.	STC/EO 4569/89-90 dated 20.2.90	6,000	US\$ 295.83	M/s Kuok Singapore	Malaysia	
2.	STC/EO/4571/89-90 dated 9.3.90	6,000	US\$ 310.69	M/s Kupak Kualalumpur	Malaysia	
3.	STC/EO/4572/89-90 dated 9.3.90	6,000	US\$ 309.69	M/s Kupak Kualalumpur	Malaysia	
4.	STC/EO/4573/89-90 dated 22.3.90	6,000	US\$ 305.49	M/s Kupak Kualalumpur	Malaysia	
5.	STC/EO/4574/89-90 dated 29.3.90	6,000	US\$ 305.49	M/s Mitsui Japan	Malaysia	
6.	STC/EO/4575/89-90 dated 29.3.90	6,000	US\$ 305.49	Mitsui Japan	Malaysia	
7	STC/EO/4575/89-90 dated 29.3.90	6,000	US\$ 305.49	M/s Pan Century Malaysia	Malaysia Indonesia	

Sl.No.	Contract No. & Date	Quantity (+2%) (MT)	1990-91		Supplier	Origin of Oil
			Contract price CIF Kandla			
1	2	3	4	5	6	
8.	STC/EO/4577/890-90 dated 30.3.90	6,000	US\$ 303.48	M/s keck Seng Malaysia	Malaysia	
9.	STC/EO/4578/89-90 dated 30.3.90	6,000	US\$ 303.48	M/s Felma Kualalumpur	Malaysia	
10.	STC/EO/4579/90-91 dated 4.4.90	6000 MTS	US\$ 299.38	M/s Nalin Kualalumpur	Malaysia	
11.	STC/EO/4580/90-91 dated 5.4.90	6000 MTS	US\$ 297.89	M/s PUPAK Kualalumpur	Malaysia	
12.	STC/EO/4581/90-91 dated 12.4.90	6000 MTS	US\$ 300.85	M/s FEDELOUR singapore	Malaysia	
13.	STC/EO/4582/90-91 dated 20.4.90	6000 MTS	US\$ 301.48	M/s KECKSENG Malaysia	Malaysia	
14.	STC/EO/4583/90-91 dated 24.4.90	6000 MTS	US\$ 301.41	M/s NALIN Kualalumpur	Malaysia	
15.	STC/EO/4584/90-91 dated 24.4.90	6000 MTS	US\$ 301.89	M/s MITSUI Japan	Malaysia	

Sl.No.	Contract No. & Date	Quantity (+2%) (MT)	1990-91			Supplier	Origin of Oil
			Contract price	CIF	Kandla		
1	2	3	4	5	6		
16.	STC/EO/4585/90-91 dated 3.5.90	6000 MTS	US\$ 310.69	M/s WOODHOUSE DRAKE, LONDON	Malaysia		
17.	STC/EO/4588/90-91 dated 11.5.90	6000 MTS	US\$ 319.45	M/s LOUIS DREY-FUS, USA	Malaysia		
18.	STC/EO/4587/90-91 dated 11.5.90	6000 MTs	US\$ 319.45	M/s KUOK OILS Grains, Singapore	Malaysia		
19.	STC/EO/4588/90-91 dated 15.5.90	6000 MTs	US\$ 310.00	M/s Keck Seng Malaysia	-do-		
20.	STC/EO/4589/90-91 dated 15.5.90	6000 MTs	US\$ 317.50	M/s Kupak Kualalumpur	-do-		
21.	STC/EO/4590/90-91 dated 16.5.90	6000 MTs	US\$ 311.42	M/s Woodhouse Drake London	-do-		
22.	STC/EO/4591/90-91 dated 18.5.90	6000 MTs	US\$ 310.00	M/s -do-	-do-		
23.	STC/EO/4592/90-91 dated 21.5.90	6000 MTs	US\$ 307.00	M/s Kuok Oils Grains, Singapore	-do-		

Sl.No.	Contract No. & Date	Quantity (+2%) (MT)	1990-91			Supplier	Origin of Oil
			Contract price	CIF	Kandla		
1	2	3	4	5	6		
24.	STC/EO/4593/90-91 dated 21.5.90	12000	US\$ 307.85	M/s Louis Drey FUS	-do-		
25.	STC/EO/4594/90-91 dated 22.5.90	6000	US\$ 307.49	M/s Kupak Kualalumpur	-do-		
26.	STC/EO/4595/90-91 dated 22.5.90	6000 MTs	US\$ 307.49	M/s Felma Kualalumpur	-do-		
27.	STC/EO/4596/90-91 dated 29.5.90	6000 MTs	US\$ 309.80	M/s Louis Drey FUS, U.S.A.	-do-		
28.	STC/EO/4597/90-91 dated 5.6.90	6000 MTs	US\$ 309.40	M/s Pan Century Malaysia	-do-		
29.	STC/EO/4598/90-91 dated 5.6.90	6000 MTs	US\$ 309.40	M/s Felma Kualalumpur	-do-		
30.	STC/EO/4599/90-91 dated 7.6.90	6000 MTs	US\$ 309.30	M/s Mitsui Japan	-do-		
31.	STC/EO/4600/90-91 dated 7.6.90	6000 MTs	US\$ 309.30	M/s Nalin Kualalumpur	-do-		

Sl.No.	Contract No. & Date	1990-91		Quantity (+2%) (MT)	Contract price CIF Kandla	Supplier	Origin of Oil
		2	3				
1					4	5	6
32.	STC/EO/4601/90-91 dated 12.6.90	6000	MTs	US\$ 306.88	M/s Pasternak Baum, Kualalumpur	-do-	
33.	STC/EO/4602/90-91 dated 13.6.90	6000	MTs	US\$ 306.65	M/s Kuok Oils and Grains, Singapore	-do-	
34.	STC/EO/4603/90-91 dated 15.6.90	12000	MTs	US\$ 301.64	M/s Louis Dreyfus, U.S.A.	-do-	
35.	STC/EO/4604/90-91 dated 15.6.90	6000	MTs	US\$ 302.14	M/s Kuok Oils and Grains, Singapore	-do-	
36.	STC/EO/4605/90-91 dated 15.6.90	6000	MTs	US\$ 301.64	M/s Kupak Kualalumpur	-do-	
37.	STC/EO/4606/90-91 dated 19.6.90	6000	MTs	US\$ 303.70	M/s Wood House London	-do-	
38.	STC/EO/4607/90-91 dated 19.6.90	6000	MTs	US\$ 303.70	M/s Pasternak Baum, Kualalumpur	-do-	
39.	STC/EO/4608/90-91 dated 20.6.90	6000	MTs	US\$ 304.49	M/s Felma Kualalumpur	-do-	

Sl.No.	Contract No. & Date	Quantity (+2%) (MT)	1990-94		Supplier	Origin of Oil
			Contract price C/I F Kandla			
1	2	3	4	5	6	
40.	STC /EO 4609/90-91 dated 26.6.90	6000 MTs	US\$ 308.88	M/s KECK SENG Malaysia	Malaysia	
41.	STC/EO/4610/90-91 dated 5.7.90	6000 MTs	US\$ 315.00	M/s Kupak Kualalumpur	-do-	
42.	STC/EO/4611/90-91 dated 10.7.90	6000 MTs	US\$ 314.50	M/s Nalin Kualalumpur	-do-	
43.	STC/EO/4612/90-91 dated 10.7.90	6000 MTs	US\$ 314.50	M/s Pan Century Malaysia	-do-	
44.	STC/EO 4613/90-91 dated 10.7.90	6000 MTs	US\$ 314.50	M/s Pasternak Baum,Kualalumpur	-do-	
45.	STC/EO/4614/90-91 dated 11.7.90	6000 MTs	US\$ 315.00	M/s -do-	-do-	
46.	STC/EO/4615/90-91 dated 11.7.90	6000 MTs	US\$ 315.00	M/s -do-	-do-	
47.	STC/EO/4616/90-91 dated 12.7.90	6000 MTs	US\$ 314.10	M/s Transgrains Rotterdam	-do-	

Sl.No.	Contract No. & Date	Quantity (+2%) (MT)	1990-91		Supplier	Origin of Oil
			Contract price C/I F Kandla	Contract price C/I F Kandla		
1	2	3	4	5	6	
48.	STC/EO/4617/90-91	6000 MTs	US\$ 314.10	M/s -do-	-do-	
49.	STC/EO/4618/90-91 dated 17.7.90	6000 MTs	US\$ 313.90	M/s Felma Kualalumpur	-do-	
50.	STC/EO/4619/90-91 dated 17.7.90	6000 MTs	US\$ 313.90	M/s Woodhouse London	-do-	
51.	STC/EO/4620/90-91 dated 18.7.90	12000 MTs	US\$ 309.90	M/s Felma Kualalumpur	-do-	
52.	STC/EO/4621/90-91 dated 24.7.90	6000 MTs	US\$ 307.50	M/sWoodhouse London	Indonesia	
53.	STC/EO/4622/90-91 dated 26.7.90.	6000 MTs	US\$ 309.88	M/s Mitsui Japan	Malaysia	
54.	STC/EO/4623/90-91 dated 31.7.90	6000 MTs	US\$ 314.88	M/s Paba Kualalumpur	Indonesia	
55.	STC/EO/4624/90-91 dated 7.8.90	6000 MTs	US\$ 320.72	M/s Paba Kualalumpur	Malaysia	
56.	STC/EO/4625/90-91 dated 17.8.90	6000 MTs	US\$ 324.33	M/s Mindo Hong Kong	Indonesia	

Sl.No.	Contract No. & Date	Quantity (+2%) (MT)	1990-91		Supplier	Origin of Oil
			Contract price CIF Kandla			
1	2	3	4	5	6	
57.	STC/EO/4626/90-91 dated 17.8.90	6000 MTs	US\$ 324.33	M/s Mindo Hong Kong	-do-	
58.	STC/EO/4627/90-91 dated 17.8.90	6000 MTs	US\$ 324.33	M/s Woodhouse London	-do-	
59.	STC/EO/4628/90-91 dated 20.8.90	6000 MTs	US\$ 325.88	M/s Gardner Smith, Australia	Malaysia	
60.	STC/EO/4629/90-91 dated 20.8.90	6000 MTs	US\$ 325.88	M/s Keck Seng Malaysia	-do-	
61.	STC/EO/4630/90-91 dated 21.8.90	6000 MTs	US\$ 326.90	M/s Keck Seng Malaysia	-do-	
62.	STC/EO/4631/90-91 dated 22.8.90	6000 MTs	US\$ 329.88	M/s Paba Kualalumpur	Indonesia	
63.	STC/EO/4632/90-91 dated 22.8.90	6000 MTs	US\$ 329.88	M/s Paba Kualalumpur	Malaysia	
64.	STC/EO/4633 /90-91 dated 22.8.90	6000 MTs	US\$ 329.88	M/s Kuok Singapore	-do-	
55.	STC/EO/4634 /90-91 dated 22.8.90	6000 MTs	US\$ 329.88	M/s Pasternak Baum Kualalumpur	-do-	

Sl.No.	Contract No. & Date	Quantity (+2%) (MT)	1991		Supplier	Origin of Oil
			Contract price CIF Kandla	Supplier		
1	2	3	4	5	6	
66.	STC/EO/4635/90-91 dated 24.8.90	6000 MTs	US\$ 331.65	M/s Kuok Singapore	Indonesia	
67.	STC/EO/4636/90-91 dated 27.8.90	6000 MTs	US\$ 330.00	M/s Felma Kualalumpur	Malaysia	
68.	STC/EO/4637/90-91 dated 27.8.90	6000 MTs	US\$ 330.00	M/s Felma Kualalumpur	Malaysia	
69.	STC/EO/4638/90-91 dated 27.8.90	6000 MTs	US\$ 330.00	M/s Felma Kualalumpur	-do	
70.	STC/EO/4639/90-91 dated 27.8.90	6000 MTs	US\$ 330.00	M/s -do-	-do	
71.	STC/EO/4640/90-91 dated 28.8.90	6000 MTs	US\$ 334.00	M/s Pan Centre Malaysia	-do-	
72.	STC/EO/4641 /90-91 dated 28.8.90	6000 MTs	US\$ 332.00	M/s Nalin Kualalumpur	-do-	
73.	STC/EO/4642/90-91 dated 28.8.90	6000 MTs	US\$ 334.00	M/s Kuok Singapore	Indonesia	
74.	STC/EO/4643/90-91 dated 28.8.90	6000 MTs	US\$ 332.00	M/s WDC? London (Woodhouse Drake)	Malaysia	

Sl.No	Contract No. & Date	Quantity (+2%) (MT)	1990-91		Supplier	Origin of Oil
			Contract price C/F Kandla			
1	2	3	4	5	6	
75.	STC/EO/4644/90-91 dated 28.8.90	6000 MTs	US\$ 329.30	M/s Mindo Hong Kong	Indonesia	
76.	STC/EO/4645/90-91 dated 28.8.90	6000 MTs	US\$ 329.30	M/s -do-	-do-	
77.	STC/EO/4646/90-91 dated 4.1.91	6000 MTs	US\$ 404.88	M/s Nalin Kualalumpur	Malaysia	
78.	STC/EO/4647/90-91 dated 4.1.91	6000 MTs	US\$ 404.88	M/s Felma Kualalumpur	-do-	
79.	STC/EO/4648/90-91 dated 4.1.91	6000 MTs	US\$ 411.00	M/s Pan Century Malaysia	-do-	
80.	STC/EO/4649/90-91 dated 4.1.91	6000 MTs	US\$ 404.88	M/s Kuok singapore	Indonesia	
81.	STC/EO/4650/90-91 dated 4.1.91	6000 MTs	US\$ 405.50	M/s Kuok Singapore	Indonesia	
82.	STC/EO/4651/90-91 dated 8.1.91	6000 MTs	US\$ 408.48	M/s Kuok Singapore	-do-	
83.	STC/EO/4652/90-91 dated 17.1.91	6000 MTs	US\$ 405.48	M/s Kuok Singapore	Indonesia	

Sl.No.	Contract No. & Date	Quantity (+2%) (MT)	1990-91		Supplier	Origin of Oil
			Contract price	CIF Kanda		
1	2	3	4	5	6	
84.	STC/EO/4653/90-91 dated 21.1.91	6000 MTs	US\$ 402.90	M/s Continental Grain, New York	-do-	
85.	STC/EO/4654/90-91 dated 4.2.91	6000 MTs	US\$ 389.29	M/s Kuok Singapore	Indonesia	
86.	STC/EO/4655/90-91 dated 4.2.91	6000 MTs	US\$ 389.29	M/s Pan Century Malaysia	Malaysia	
87.	STC/EO/4656/90-91 dated 26.2.91	6000 MTs	US\$ 388.71	M/s Felma Kualalumpur	-do-	
Total		5,40,000 MTs				

Sl. No.	Contract No. and Date	Quantity (MT) + 2%	1991-92		Origin of Oil
			Contract price in US\$ (CIF KANDLA)	Supplier	
1.	STC/EO/4657/91-92 dated 02.10.91	6000	370.00	M/s Century Malaysia	Malaysia
2.	STC/EO/4658/91-92 dated 02.10.91	6000	370.00	M/s Kuok Singapore	Malaysia
3.	STC/EO/4659/91-92 dated 02.10.91	6000	370.00	M/s Kuok Singapore	Malaysia
4.	STC/EO/4660/91-92 dated 02.10.91	6000	374.00	M/s Nalin Kualalumpur	Malaysia
5.	STC/EO/4661/91-92 dated 10.10.91	6000	370.00	M/s Pan Century Malaysia	Malaysia
6.	STC/EO/4662/91-92 dated 10.10.91	6000	370.00	M/s Pan Century Malaysia	Malaysia
7.	STC/EO/4663/91-92 dated 10.10.91	6000	370.00	M/s Kuok Singapore	Malaysia
8.	STC/EO/4664/91-92 dated 10.10.91	6000	370.00	M/s Kuok Singapore	Malaysia
9.	STC/EO/466/91-92 dated 11.10.91	6000	372.50	M/s Keck Seng Malaysia	Malaysia

Sl. No.	Contract No. and Date	Quantity (MT)+ 2%)	Contract price in US\$ (CIF KANDLA)	Supplier	Origin of Oil
10.	STC/EO/4666/91-92 dated 15.10.91	6000	368.49	M/s Kuok Singapore	Malaysia
11.	STC/EO/4667/91-92 dated 24.10.91	6000	372.88	M/s Twenty first century Kualalumpur	Malaysia
12.	STC/EO/4668/91-92 dated 05.12.91	6000	376.00	M/s Felma Kualalumpur	Malaysia
13.	STC/EO/4669/91-92 dated 05.12.91	6000	377.00	M/s Keck Seng Malaysia	Malaysia
14.	STC/EO/4670/91-92 dated 05.12.91	6000	378.00	M/s Kuok Singapore	Malaysia
15.	STC/EO/4671/91-92 dated 05.12.91	6000	378.000	M/s Kuok Singapore	Malaysia
16.	STC/EO/4672/91-92 dated 06.01.92	6000	393.50	M/s Felda Mktg. Kualalumpur	Malaysia
17.	STC/EO/4673/91-92 dated 06.01.92	6000	393.50	M/s Felda Mktg. Kualalumpur	Malaysia
Total		108000			

NB. Details of 47,000 MTs of Crude Soyabean Oil gifted by US AID not available with STC for obvious reasons as the same delivered at Indian ports of entry by the US agency...

1992-93					
Sl.No.	Contract No.	Quantity	Contract Price in US\$ (CIF Kandla)	Supplier	Original of oil
1.	STC/EO/4674/91-92 dated 11.09.92	6000	436.00	M/s Keck Seng Malaysia	Malaysia
2.	STC/EO/4675/91-92 dated 11.09.92	6000	436.00	M/s Kuok Oils Singapore	Malaysia
3.	STC/EO/4676/91-92 dated 11.09.92	6000	436.00	M/s Felda Mktg. Kualalumpur	Malaysia
4.	STC/EO/4677/92-93 dated 23.09.92	6000	460.00	M/s Kuok Singapore	Malaysia
5.	STC/EO/4678/92-93 dated 25.09.92	6000	460.00	M/s Pan Century Malaysia	Malaysia
Total		30000			

[Translation]

Import of Soyabean and Groundnut oil

8161 SHRIKHELAN RAMJANGDE:
SHRI KASHIRAM RANA:

Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state:

(a) the quantity of soybean and groundnut oil imported during each of the last two years and the value thereof;

(b) the quantity proposed to be imported during the current year;

(c) whether the Government had duly taken into account the production of soybean in the country; and

(d) if so, the reasons for resorting to import of soyabean oil?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED):
(a) Neither Soyabean oil nor Groundnut oil was imported in the last two years. However, a quantity of about 47,000 MTs of Crude soyabean oil was received as grant assistance under Title III PL 480 programme during financial year 1992-93.

(b) There is no proposal to import any edible oil, for the present.

(c) Yes, Sir.

(d) Does not arise.

National Grid on Fruits and Vegetables

8162. SHRI NITISH KUMAR:
SHRI NAWAL KISHORE RAI:

Will the Minister of AGRICULTURE be pleased to state:

(a) whether the National Dairy Development Board propose to launch National Grid on fruits and vegetables on the pattern of national Milk Grid;.

(b) if so, the details thereof; and

(c) the benefits likely to be accrued to fruits and vegetables growers from the said Grid?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ARVIND NETAM): (a): No, Sir.

(b) and (c): Question does not arise.

Sacred Brick

8163. SHRI MRUTYUNJAYA NAYAK:
SARI MOHAN SINGH
(FEROZEPUR);

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the Government are contemplating to display the 2300 Years old sacred brick presented by the Srilankan President during the SAARC Summit held in Dhaka in April, 1993 in any of the national Museums of the Country; and

(b) if so, the details thereof and if not, the reasons therefor?

THE DEPUTY MINISTER FOR EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT CULTURE) (KUMARI SELJA): (a) and (b) Yes, Sir. The National Museum, New Delhi is making arrangements for the proper display of the sacred brick in this Buddhist Gallery. It will be properly documented and scientifically analysed before its display.

[English]

Non-supply of Ration

8164. DR. P. R. GANGWAR: Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state:

(a) the number of complaints about non-distribution of ration from Fair Price Shops received in Delhi during 1992;

(b) the action taken on those Complaints; and

(c) the steps proposed for supply of ration regularly without any shortage?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS & PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED): (a) and (b): Delhi Administration has reported that 748 complaints on non-distribution of rationed articles by the Fair price Shops (FPS) were received during the year 1992. After checking, FIRs were lodged in 4 cases and 12 FPSs were suspended. Departmental proceedings were initiated against 214 fair price shop holders.

(c): Monitoring of supply and distribution of essential commodities is regularly done by the Delhi Administration through regular inspections etc. Action is initiated against those found guilty of malpractice's.

FCI Godowns

8165. SHRI JEEWAN SHARMA: Will the Minister of FOOD be pleased to state:

(a) whether audits are carried out regularly in the godowns of the Food Corporation of India;

(b) if so, the number of time these were

carried out during the last three years, godown-wise;

(c) the drawbacks pointed out on the audit reports and the remedial action taken thereon;

(d) the extent of loss suffered by the Food Corporation of India during each of the last three years; and

(e) the reasons therefor and the steps taken to minimise the loss?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD (SHRI KALP NATH RAI) (a) Food Corporation of India have reported that the audits of depots are, by and large, carried out by Internal Audit Division of the Corporation as per the cycle prescribed by the Internal Audit manual.

(b): A statement containing the number of times the depots were audited during the years 1991, 1992 and 1993, is attached as

(c) The drawbacks pointed out in the reports generally fall under the categories indicated in annexure-II

The audit reports are sent to the District magnifiers etc. for taking remedial/corrective action. The remedial action that are generally taken are of the following nature:-

(i) In case of wrong payment/excess payments, recoveries are effected by the unit office concerned;

ii) serious observations are followed up by the vigilance Division to fix up the responsibilities on the delinquent officials/officers and disciplinary action taken wherever necessary;

iii) steps are taken suitable remedial measures in case of procedural lapses.

(d) The extent of storage losses suffered by the Food Corporation of India during the last three years are as under:-

<i>S.No.</i>	<i>Year</i>	<i>Amount of Loss</i>
1.	1988-89	34.15 crores.
2.	1989-90	20.28 crores.
3.	1990-91	45.71 crores.

(e) The storage losses occur mainly due to the following reasons:-

- i) loss in moisture during storage;
- ii) rodents and birds a trouble in storage;
- iii) high metabolic rate during storage;
- iv) long period of storage;
- v) use of iron hooks by handling labourers resulting in difficulty for retrieving spillage's;
- vi) multiple handling of bage;
- vii) CAP storage under adverse climatic conditions.

A number of steps are being taken to

minimise the losses, the eminent being:-

- i) installation of weighbridges in godowns;
- ii) reducing CAP storage;
- iii) regular physical verification of stocks;
- iv) ensuring up-to-date maintenance of depot records;
- v) vigorous squad checkings of foodgrains at depots;
- vi) immediate follow up action on squad reports;
- vii) imposition of penalties on the erring staff; and
- viii) development of CISF in vulnerable depots.

STATEMENT

Name of Zone: South

Tamil Nadu Region

Sl. No.	Name of Distt.	Name of Depots	No. of times visited by Internal Audit of FCI during last 3 years
1.	— Madras	1. Egmore	3
		2. Arakonam	3
		3. Seuur	2
		4. Ava-di I, II, III	0
2	Thanjore	5. SEP Sembanakoil	3
		6. Hanger godown & good shed Triuchy	3
		7. M.R.M. Mannamgudi	3
		8. M.R.M. Thanjuvr	3
		9. M.R.M. Sembanakoil	2
3.	Cuddalore	10. M.R.M. Chidambaram	3

Sl. No.	Name of Dist.	Name of Depots	No. of times visited by Internal Audit of FCI during last 3 years
4.	Coimbatore	11. FSD Pondichery	2
		12. Karailal	2
		13. T.V. Kohi	3
		14. Nagapattilman Good shed	1
5.	Tuticorin	15. B.S.C. Pellnadu	2
		16. FSD Coimbatore	2
		17. Diocore godown	1
		18. H.G. Complex	3
6.	JM (PC) Madras	19. Milavithan shed	2
		20. A.C. and warehouse	1
			52

Name of the Zone : South Zone

Name of the Region : Karnataka

S. No.	Name of District	Name of Depots	No. of times visited by Internal Audit of FCI during 3 years
1.	DO Bangalore	1) K.R. Puram	3
		2) White Field	3
		3) K.G.F. Coromandal	2
2.	DO Mangalore	4) Gadikoppa Shimoga	3
		5) Bhadravathy	2
		6) VRMG Gdn. Shimoga (H)	1
		7) Cattlefed Godown, Kulur	1
3.	DO Mysore	8) Nanjangod	1
		9) Maddur	2
		10) Mysore Depot	3
		11) K.R. Nagar	3
		12) Prasannakumar (ARDC)	2
4.	DO Hubli	13) Hubli	3
		14) Bullia Angadi, Godag	2

5. No.	Name of District	Name of Depots	No. of times visited by Internal Audit of FCI during 3 years
5.	DO Raichur		
	15)	Manorana Bai gdn Raichur	1
	16)	Rapams, Raichur (H)	1
	17)	TAPCMS, Gangavathy (H)	1
	18)	Bellary	1
	19)	Sunitha Gdn. Raichur	1
	20)	Raichur	1
	21)	Gulburga	1
		Good Sheds	
	22)	SBC Goodshed Bangalore	1
	23)	K.R. Puram, Sinding	1
	24)	Yeshwanthpur	1
	25)	Shimaga good shed	1
	26)	Bhadravathy	1
	27)	Nanjangod	1

S. No.	Name of District	Name of Depots	No. of times visited by Internal Audit of FCI during 3 years
28)		K.R. Nagar	1
29)		Maddur	1
30)		Tunkur	1
31)		Hubli	1
32)		Godag	1
33)		Raichur	1
34)		Bellary	1
35)		K.G.F.	1
36)		Mangalore	1
37)		Mangalore (Port)	1
38)		Kanwar (Port) Hubli	1
			55

Name of the Zone : South Zone Name of the Region : A.P. Region		Name of District			Name of Depots		No. of times visited by Internal Audit of FCI during 3 years	
S. No.		1	2	3	4	5	6	7
1.	Mahaboobnagar	1)	Cherlapally	3				
		2)	Jedechella	2				
2.	Warrangal	3)	Kzipet	3				
		4)	Jammukunta	3				
		5)	Peddapally	3				
		6)	Mahaboobad	3				
3.	Khammon	7)	Main Depot Khamman	3				
		8)	Buffer Khamman & Goodshed	3				
4.	Nalgonda	9)	Miryoguda	3				
		10)	Nalgonda	3				
		11)	M.R.M. Miryolgonda					
		12)	Kodod (Hired)	2				
		13)	Huzur Nagar	2				

S. No.	Name of District	Name of Depots	No. of times visited by Internal Audit of FCI during 3 years
1	2	3	4
5.	Nizamabad	14) M.R.M. Saroong Pill 15) Aler (Hired) 16) A.R.D.C. Nizamabad 17) Mancherla 18) Kamerreddy 19) Timmocherla 20) Zamgalappaddy 21) ARDC Thula 22) ARDC YBS 23) Sattampally 24) Dogparthy 25) Ongole 26) MRM Sathpally	1 1 1 3 2 3 2 2 2 3 3 3 1
6.	Kurnool		
7.	Guntur		

S. No.	Name of District	Name of Depots	No. of times visited by Internal Audit of FCI during 3 years
1	2	3	4
8.	Nellore	27) MRM Nellore	2
		28) ARDC YU	2
		29) ARDC NDR	3
		30) ARDC Rajupalam	2
		31) ARDC Pengunita	2
		32) Chittoor	3
9.	Vijayawada	33) K.C. Depot	3
		34) Hanuman Junction	3
		35) Gudivada	3
		36) Krishna Canal	1
10.	Tadepalliguda	37) Main Depot Tadepalliguda & Goodshed	4
		38) Eluru	3
		39) Bhinavaram	3

S. No.	Name of District	Name of Depots	No. of times visited by Internal Audit of FCI during 3 years
1	2	3	4
11.	Kakinada	40) Pennada	3
		41) Palakore	3
		42) Aktividu	3
		43) Nidadavale	3
		44) Main Depot Kakinada	3
12.	Vizag	45) Samalkot	2
		46) Dowekwaram	3
		47) Biccavole	3
		48) Gopal puram	1
		49) Main Depot Vizag	3
13.	Srikakulam	50) Bobbili	3
		51) ARDC Vizianagaram	3
		52) Sompola (Hired)	3

S. No.	Name of District	Name of Depots	No. of times visited by Internal Audit of FCI during 3 years
1	2	3	4
14.	JM (PO) Vizag	53) Amadalavalasa	3
		54) NG Vizag	3
		55) ANG Vizag	3
		56) Vizag Engg./Gunny Stores	3
15.	San-Thnagar	57) Main Depot Santhanagar	3
		58) Rachguda	1
			146

Name of Zone Name of Region SI No.	South Kerala	Name of Region/ District	Name of Godown	No. of times visited by FCI Internal Audit during 3 years
(i)		Distt. Trivandrum	1. Main depot & mini sheds Trivandrum	3
			2. Govt. Trivandrum	2
			3. Kazhakuttan	3
			4. Chalai Sub. Depot	2
(ii)		Distt. Quilon	5. Main Depot Quilon	3
			6. FSD Kilochollur	2
			7. FSD Karunagappally	3
			8. FSD Avaneswara	2
			9. Dr. Paigodcwn	2
			10. Kundora Depot	2
			11. Paraur	2
(iii)		Distt. Alleppey	12. FSD Alleppy	3
			13. FSD Mavebikkora	3
			14. 3/7 Spare Godown	2
			15. Emipre Godown	2

Sl. No.	Name of Region/ District	Name of Godown	No. of times visited by FCI Internal Audit during 3 years
(iv)	Chinagavanan	16. Main Depot Chinagovaram	3
		17. Kuttihaman	
		18. S. Depot Pampadys	2
		19. Athiranguzha	2
		20. Khottamin	2
(v)	Cochin	21. FSD & Mini shed Cochin	3
		22. Nhasonary Godown & New Mini Godown	3
		23. FSD Angamally	3
		24. S. Depot Kallugodown	2
		25. Kakavanthara	2
		26. Tripunithura	2
(vi)	D.O. Mulanuunnathuaku Trichur	27. Main Depot Mulankunathan	3
		28. FSD Chalakudy	3

S. No.	Name of Region/ District	Name of Godown	No. of times visited by FCI Internal Audit during 3 years
(vii)	D.O. Palghat	29. Main Depot & buffer Palghat godown	6
		30. FSD Angadipuram	3
(viii)	D.O. Calicut	31. FSD Calicut & hired depot	3
		32. FSD Kutipuram	2
		33. FSD Thaikkodi	3
(ix)	D.O. Muzbagipangad/ Cannare	34. FSD Muzhapilangal	3
		35. FSD Neeleswar	3
			89
Zonal Consolidation			
Tamilnadu	52		
Karnataka	55		
A.P.	146		
Kerala	89		
Zonal Total	342		

Name of Zone : East

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
A.	JM (PO) Calcutta		
(i)	Port Depot		
		1. Brooklyn 'A'	2
		2. Brooklyn 'B'	2
		3. Brooklyn 'C'	2
		4. JJP 'A'	2
		5. JJP 'B'	2
		6. JJP 'C'	2
		7. JJP 'D'	2
		8. JJP 'E'	2
		9. JJP 'F'	2
		10. JJP 'G'	2
		11. JJP 'H'	2

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
(ii)	NPD	12. OJM 'A'	2
		13. OJM 'B'	2
		14. OJM 'C'	2
		15. OJM 'D'	2
		16. Kalyani 'A'	2
		17. Kalyani 'B'	2
		18. Kalyani 'C'	2
		19. Kalyani 'D'	2
(iii)	Durgapur	20. Durgapur	2
		21. Gopalpur 'A'	2
		22. Gopalpur 'B'	2
(iv)	Siliguri	23. Debgam 'A'	2
		24. Debgam 'B'	2

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
B. West Bengal			
(i)	Birbhum	25. Jorhang	2
		26. Gangtok	2
		27. Mollarpur	2
		28. Bolpur	2
		29. Rampurhat (SG)	2
(ii)	Midnapur	30. Rampurhat (PP)	2
		31. Midnapur	2
		32. Belda (SG)	2
		33. Belda (PP)	2
		34. Tamruk	1
		35. Ghatal	1
		36. Ballichak (SG)	1

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
		37. Ballichak	1
(iii)	Calcutta (N)	38. Cossipure 'A'	3
		39. Cossipure 'B'	2
		40. Cossipure 'C'	2
(iv)	Murshidabad	41. Behrampur	2
		42. Audi	1
		43. Bagamgunj	1
(v)	24-Parganas	44. Habra	2
		45. Barasat	2
		46. Ibgrashat	2
		47. Santoshpur	1
		48. Hasanabad	2
		49. Diamond Harbour	2

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
(vi)		50. Kakdwip	2
		51. Nalhati	1
		52. Basirhat	2
		53. Arambagh-I	2
		54. Arambagh-II	2
		55. Tara-Keshwar-I	2
		56. Tara-Kashwar-II	1
		57. Bhadreshwar-I	2
		58. Bhadreshwar-II	2
		59. Mogra	1
		60. Chanditala	1
		61. Chinsurah	1

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
(vii)	Calcutta (W)	62. Shalimar	2
		63. B.J.M.	2
		64. Howrah-I	2
		65. Howrah-II	2
		66. Rishra	2
(viii)	Bankura	67. Bankura	2
		68. Bishanpur	1
		69. Adra	1
(ix)	West Binajpur	70. Buniadpur-I	2
		71. Buniadpur-II	2
		72. Dalkhola	1
		73. Islampur	2
(x)	Nadia	74. Kalirhat	1

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
(xi)	Jalpaiguri	75. Hatjunga	2
		76. New Jalpaiguri	2
		77. Alipurduar	1
		78. Haldibari	1
		79. Barubari	1
		80. Moinaguri	1
		81. Kamakhayapuri	1
		82. Darjeeling	2
		83. Ghoom	2
		84. Sukhiapukuri	2
		85. Kurseong	1
		86. Palakota	1
		87. Malbazar	1

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
		88. Kottabari	1
		89. Birpara	1
		90. Kalimpong	2
		91. Allgrah	2
		92. Sourim	1
		93. N.J.P.	1
(xii)	Calcutta (Sub)	94. Kalvin Jute Mill	2
		95. Kharda Jute Mill	2
		96. Barrackpur	2
(xiii)	Burdwan	97. Kalna	2
		98. Katawa	2
		99. Gushkura	2
		100. Mamari	2

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
(xiv)		101. Sharabazar	2
		102. Galsi	2
		103. Alamgunj	2
		104. Sitarampur	2
	Calcutta (S)	105. Behala	2
		106. Lake	2
(xv)	Cooch-Bihar	107. Dinhat	1
		108. Babuthata	1
		109. Khagrabari	2
		110. Basirhat	1
		111. Changrabanda	1
		112. Mathabangha	1
(xvi)	Purulia	113. Chharan	2

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
		114. Balarampur	1
		115. Jhaldah	1
(xvii)	Malda	116. Mongalbari	1
(xviii)	Hawrah	117. Anantpur	1
C. Bihar			
(1)	Muzzaffarpur	118. Chhapra	1
		119. Gopalganj	1
		120. Muzzaffarpur	1
		121. Sita-marhi	2
		122. Hazipur	1
		123. Chakra	1
(ii)	Purnea	124. Narayanpur Anant	1
		125. Katihar	2

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
(iii)	Bhagalpur	126. Forbesgunj	1
		127. Kursheella	1
		128. Gulab Bagh	2
		129. Kosi Colony	2
		130. Purnea	1
		131. Banka	2
		132. Sahabgunj	1
		133. Jamui	1
		134. Jasidih	2
		135. Bhagalpur	1
(iv)	Darbhanga	136. Monghyr	1
		137. Samastipur	1
		138. Jainagar	2

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
		139. Begusaria Road	1
		140. Megra	1
		141. Darbhanga	1
		142. Shahpurpatori	1
		143. Landual	2
		144. Tilarath	2
(v)	Ranchi	145. Hathia	2
		146. Jamshedpur	1
		147. Ranchi	1
		148. Tatisilwai	1
		149. Daltongunj	1
		150. Chakradarpur	1
(vi)	Hazaribagh	151. Koderma	2

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
		152. Dhanbad	1
(vii)	Gaya	153. Chandauti	2
		154. Gaya	2
(viii)	Patna	155. Mokamah	2
		156. Barh	1
		157. Bihta	2
		158. Buxer	1
		159. Digaghat	1
		160. Phulwari Sharf	1
D. Orissa			
(i)	Balasore	161. Jaleswar	1
		162. Ranital	2
		163. Barbil	1

Sl. No.	Name of the Region/ District	Name of the Godown	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
(ii)	Bhubneshwar	164. Rupsa	2
		165. Khurda Road	1
		166. Chaudwar	1
		167. Hirakud	1
		168. Angul	1
(iv)	Sambalpur	169. Dhencanal	1
		170. Rourkela	1
		171. Sambalpur	2
		172. Attabira	2
		173. Jharsugadah	1
(v)	Titilagarh	174. Keshinga	2
		175. Dungripali	1
		176. Phulbani	2
(vi)	Behrampur		

Sl. No.	Name of the Region/ District	Name of the Government	No. of times visited by FCI Internal Audit during 3 years
1	2	3	4
(vii)		177. Jagannathpur	1
	Jeypore	178. Rayagada	1
		179. Bargarah	1
		180. Nowrangpur	2
		181. Umeri	2
Total East Zone			286

Name of Zone: North Eastern Zone			
Sl. No.	Name of Region/ District	Name of Godown	No. of times audited by Internal FCI during last 3 years
(A)	Assam Region		
1.	Distt. Office Gauhati	1. City Godown Gauhati	2
		2. Tihu	2
		3. Melbari	1
		4. Bindurkuri	1
		5. Tangla	1
2.	D.O., Silchar	6. Haflong	1
		7. Dharmanagar	1
		8. Ramnagar	1
		9. Karimganj	1
3.	D.O., Jorhat	10. Cinnamara	1
		11. Sibsagar	1
		12. Dorgaon	2

Sl. No.	Name of Region/ District	Name of Godown	No. of times audited by Internal Audit of FCI during last 3 years
		13. Golaghat	1
		14. Rajbari	1
4.	D.O., Nowgaon	15. Diphu	2
		16. Itachali	1
		17. Hojai	1
5.	D.O., Kokrajhar	18. Goripur	1
		19. Dhubri	1
6.	D.O., Bongaigaon	20. Bongaigaon	2
		21. Jogighopa	2
		22. Goalpara	2
7.	D.O., North Lakhimpur	23. Narayanpur	1
		24. Pasighat	1
8.	D.O., Dibrugarh	25. Laipuli	1
		26. Dikon	1

Sl. No.	Name of Region/ District	Name of Godown	No. of times audited by Internal Audit of FCI during last 3 years
		27. Tinsukia	2
		28. Chaulkhowa	1
		29. Gosala	1
		30. Mancatta	1
(B) NEF Region			
1.	Arunachal Pradesh (Bhanderdewa)	31. Bhanderdewa	2
		32. Bhalukpong	1
2.	Meghalaya (Shillong)	33. Tura	1
		34. Jawaharnagar	2
		35. Ojha	1
		36. Jawai	1
3.	Manipur (Imphal)	37. Sangaipuram	1
		38. Agartala	1
4.	Tripura (Agartala)	39. Badarghat	1
			49

Name of Zone	West Zone		
Sl. No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
(A) Region : Maharashtra			
1.	Manmad	1. Manmad	3
		2. Jalgaon	3
		3. Shirampur	3
		4. Aurangabad	1
2.	Nagpur	5. Wardha	3
		6. Ajni	2
		7. Amrawati	3
		8. Gondia	3
		9. Akola	3
		10. Nagpur	1
		11. Mul	1
		12. Amrawati CWC	1

Sl No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
3	Poona	13. Ahmednagar	3
		14. Sholapur	3
		15. Pune	3
4	Goa	16. Kolhapur CWC	1
		17. Miraj	1
		18. Parli Vajinath	1
		19. Cartalim	2
		20. Ponda	2
		21. Sangvilin	2
		22. Seda	3
		23. Janverdam	2
		24. Goa	1
		25. Panvel	3
5	D.O., Godown Bombay	26. Sewree	3

Sl. No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
		27. Wadala	3
		28. RIG	3
6.	D.O., General Motors Bombay	29. G.M. Depot	3
7.	Borivili	30. Borivilli	3
		31. Bhiwandi	3
			72
<hr/>			
Name of Zone : West Zone			
(B) Region	: Gujarat		
1.	Baroda		
	1.	Bhomaya	3
	2.	Godhra	3
	3.	Palama	2
	4.	Baroda	2
	5.	CAP Mehmabad	1

Sl. No.	Name of District	Name of Godown	No. of times audited by Internal Audit during 3 years
6.		Bharach/CWC Surat	2
7.		Nadiad	1
8.		Marida	1
9.		Vadod	1
10.		R.H. Nadiad	1
11.		R.H. Baroda	1
12.		R.H. Surat	1
13.		R.H. Balsod	1
14.		SWC Sokhda	1
15.		CWC Chamni	1
16.		Dasrath CWC	1
17.		R.H. Godhra	1
18.	Rajkot	New Godown Bhawanagar	3
19.		Dered	3

Sl. No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
20.		Raji Port Godown	3
21.		FSD Wankaner	3
22.		FSD Veraval	3
23.		Thangagh	3
24.		FSD Rajkot	3
25.		FSD Navilakhi	1
26.		FSD Wadhawan	3
27.		FSD Jamnagar	2
28.		FSD Khajadia	2
29.		FSD Javendra Nagar	1
30.		FSD Ratan Pur	1
31.		CWC Rajkot	1
32.	Saharnati	RH AHV/KKF	1
33.		FSD Adlaj	3

S. No.	Name of Region/ District	Name of Godown	No. of times listed by Internal Audit of FCI during 3 years
		34. FSD Viramgan	3
		35. FSD Tragad	3
		36. Sabarmati	2
		37. FSD Mehsaha	2
		38. FSD Palanpur	2
4.	JMPO, Gandhidham	39. Mandvi Port Godown	1
		40. SPG Gandhidham	3
		41. FSD Gandhidham	2
		42. Kandla Port Godown	1
			79

Name of Zone	: West
(C) Region	: Madhya Pradesh
1.	Raipur
	1. Durg-I
	Durg
	2. Durg-II
	3

Sl. No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
3.		Kapa	3
4.		Basna	3
5.		Mandirhasud	3
6.		Mandirhasud (SWC)	3
7.		Raipur	3
8.		Jagdapur	3
9.		Saraipalli	3
10.		Bagbalara (owned)	3
11.		Bagbalara (hired)	3
12.		Nema CAP	1
13.		Dhantari	3
14.		Bhatapara	3
15.		Bhatapara (hired)	1
16.		Kankar	3

Sl. No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
17.		Kondagown	3
18.		Balod	3
19.		Baloda bazar	3
20.		Neora	3
21.		Abhanpur	3
22.		Narainpur	2
23.		Sukma	2
24.		Bizapur	2
25.		Bametra	2
26.		Kurad	2
27.		Arang	2
28.		Bhimkhuj	2
29.		Bhanupratapur	2
30.		Rajnandgaon	3

S. No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
31.		Mahasamund	3
32.		Rajim	3
33.		Dhantari SWC	1
34.		Raipur CWC	1
35.		Basna SWC	1
36.		Bhatapara CWC	1
37.		Neora SWC	1
38.		Mahasamund SWC	1
39.		Dongagarh	1
40.		Kondagaon SWC	1
41.		Rajanandgaon SWC	1
42.		Champa Depot	3
43.		Champa SWC	2
44.		Neila	3
2.	Bilaspur		

Sl. No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
45.		bhishampur	3
46.		Bardwan	1
47.		Sakti	3
48.		Shahdol	3
49.		Ramanaj Ganj	3
50.		Kargi Road	3
51.		Bilaspur	3
52.		Bilaspur CWC	1
53.		Akaltara	3
54.		Akaltara CWC	3
55.		Kharasia	3
56.		Sarangarh	3
57.		Behla	3
58.		Janakpur	2
59.		Katghora	2

Sl. No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
3.	Jabalpur	60. Joshpur Nagar	3
		61. Raigarh	3
		62. Raigarh CWC	1
		63. Seoni	3
		64. Wara Seoni	3
		65. Jabalpur	3
		66. Jabalpur (Mandi godown)	3
		67. Gondia	1
		68. Katni	3
		69. Katni CWC	1
		70. Mandla	2
		71. Mandla CWC	2
		72. Chhindwara	2
		73. Dinhor	2

Sl. No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
4.	Bhopal	74. Lamta	2
		75. B. Bangar	2
		76. Sihora Road	1
		77. Balghat (Kosni)	3
		78. Balaghat (Navgaon)	3
		79. Katangi	3
		80. Waraseoni SWC	1
		81. Bamsi SWC	1
		82. FSD Itarsi	3
		83. BC Itarsi	3
5.	Ujjain	84. Chhola	3
		85. Betol	3
		86. Mahidpur Road	1
		87. Dewas	3

Sl. No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
6.	Satna	88. Ratlam	2
		89. Ujjain	3
		90. Newari	3
		91. Sidhi	2
		92. Satna Depot	2
		93. Satna (Hired)	3
		94. Tikemgarh	3
		95. Harphalpur	3
		96. Ashoknagar	3
		97. Morena	3
7.	Gwalior	98. Gohad	3
		99. Dabra	3
		100. Datia	3
		101. Datia (Hired) ARDC	1

Sl. No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
		102. Gwalior	3
		103. Sheoparkalan	3
		104. Guna	2
		105. Ashoknagar SWC	1
		106. Gwalior SWC	1
		107. Datia SWC	1
8.	Indore	108. Abrajpur	3
		109. Khandwa	3
		110. Meghnagar	3
		111. Meghnagar SWC	1
		112. Indore LRT	3
		113. Indore LNG	3
		114. Berhanpur	2
		115. Khargone	3

Sl. No.	Name of District	Name of Godown	No. of times audited by Internal Audit of FCI during 3 years
9.	Sagar	116. Dhamnod	3
		117. Narhanghpur	3
		118. Godanwara	3
		119. Godanwarā SWC	1
		120. Sagar	3
		121. Bina	3
		122. Vidisha	3
		123. Ujjain (SWC)	2
			294
Zonal Consolidation			
Maharashtra	72		
Gujarat	79		
Madhya Pradesh	294		
			445

ZONE - NORTH ZONE

S No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years.
(i)	(ii)	(iii)	(iv)
1. A.	Rajasthan Region		
1.	Distt. Office Bikaner	1. Cap. Deshnok	2
		2. Cap Loon Karansar	1
		3. Bikaner	3
		4. Churu	3
		5. Cap. Churu	2
		6. Jhunjhunu	3
		7. Sujangarh	2
		8. Sadulpur	3
		9. Cap. Udasar	2
		10. HG Nokha I & II	2
		11. Bagri Cerial	1

S. No.	Name of Region/Dist.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
2.	D.O. Jodhpur	12. Cap. Nokha	1
		13. Cap. Ratangarh	1
		14. HG Khem Kakua	2
		15. Cap. Daizer	1
		16. Jodhpur	3
		17. Jellore	3
		18. Pokeram	3
		19. Barmer	3
		20. Bhinmal	1
		21. Cap. Balotra	2
3.	D.O. Kota	22. Jaisalmer	1
		23. Kerharai Pattn	2
		24. Baran	3

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
25.		Shivpura Kota	3
26.		Sawai Madhpur	3
27.		Bundi	3
28.		Bhawani Mandi	3
29.		FSD, Sawai Madhpur	3
30.		Kota I	1
31.		Kota II	1
32.		Gangapur	1
33.		ARDC Sawaimadpur	2
34.	D O. Sriganganagar	Hanumangarh Town	3
35.		Srivijay Nagar	3
36.		Hg Hanumangarh I	1
37.		HG, Anupgarh	1

S. No.	Name of Region/Dist.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
5.	D.O. Udaipur	38. HG Suratgarh	1
		39. HG Sriganga Nagar	1
		40. HG Hanumangarh II	1
		41. FSD Sriganga Nagar	1
		42. Cap. Hanumangarh	1
		43. HG Dungarpur	2
		44. Chanderia	3
		45. Banswara	3
		46. Udaipur	3
		47. Bhilwara	3
		48. HG Abu Road	1
		49. RSWC Dungarpur	1
		50. Sirchi Road	3

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
6.	D.O. Ajmer	51. Cap. Merta Road	1
		52. Pali	3
		53. Kishangarh	3
		54. Ajmer	3
		55. Marwar Jn.	1
		56. Cap. Deedwana	1
		57. Sujat Road	1
7.	D.O. Alwar	58. Bewar	2
		59. Dhopur	3
		60. Alwar	3
		61. Nagaur	3
		62. Bharatpur	3
		63. Kherli	3

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
8.	D.O. Jaipur	64. Sikar	3
		65. Newai	3
		66. Gandhinagar	3
		67. Bandi Kui	3
			146
B. Haryana Region			
1.	Distt. Office Karnal	1. HG Naraingarh	2
		2. HG Bilaspur	2
		3. BG Panipat	3
		4. HG Ambala City	1
		5. MRM Depot Karnal	2
		6. HG Barara	2
		7. Radaur	3

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
8.		Assandh	3
9.		HG Nissing	3
10.		Ambala Cantt.	3
11.		TSG Karnal	3
12.		Tarori	2
13.		HG Pingli Rd. Karnal	2
14.		HG Jagadhri A	3
15.		Dhulkot	2
16.		B.G. Haraunda	2
17.		B.G. Hemda	2
18.		ARDC Jagadhri 'B'	2
19.		ARDC Madlanda	1
20.		FSD, Jagadhri	1

S. No.	Name of Region/Dist.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
2.	D.O. Hissar	21. HG Sadaura	1
		22. HG Samalkha	1
		23. FSD, Karnal	1
		24. Tohana	3
		25. Barwala	3
		26. Bhiwani	3
		27. Dabwali	3
		28. Kalanwali	3
		29. Ratia	3
		30. HG Bhawanikhera	3
		31. Fatehabad	3
		32. Bhattoo	3
		33. Sirsa	3

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
3.	D.O. Rohtak	34. BG. Sirsa	3
		35. BG. Ellanabad	3
		36. Hissar	3
		37. Bahadurgarh	1.
		38. Sonipat	3
		39. HG Sonipat	2
		40. Rohtak	3
		41. Safridan	3
		42. Jind	3
		43. Narwana	3
		44. BG Narwana	1
		45. Gohana	3
		46. Bandepur	1

S. No.	Name of Region/Dist.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
4.	D.O. Gurgaon	47. HG Ganaur	1
		48. Palwal	3
		49. HG Hodel	1
		50. Faridabad	3
5.	D.O. Kurukshetra	51. H.G. Mohan Nagar	3
		52. Cap. Pipli	2
		53. Kaithal	3
		54. Ladwa	3
		55. Cheeka	3
		56. Kurukshetra	3
		57. BG Dhand	3
		58. HG Pundri	3
		59. HG Shahbad	3

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
		60. FSD Pehowa	3
		61. HG Kaithal	1
		62. HG Pedhawa	1
		63. BG Kurukshehra	1
6. Himachal Pradesh Region			
	D.O. Mandi	64. HG Mandi	2
		65. HG Kulu	2
		66. HG Bilaspur	2
	D.O. Dhamsala	67. HG Hamirpur	2
		68. HG Nagrota	2
		69. HG Kangra	2
		70. Ranital	1
		71. Chamba	1

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
8.	D.O. Simla	72. HG. Tachh	1
		73. HG. Parwaroo	3
		74. HG. Nahan	1
		75. HG. Unna	1
		76. Solan	1
		77. Tapri	1
		78. Dhalli	1
9.	Jammu & Kashmir Region		
	D.O. Jammu	79. Chatha	2
		80. Kathua	1
		81. Nagrota	2
		82. Khilani	1
		83. New godown Jammu	3

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
10.	D.O. Srinagar	84 HG Srinagar	1
			<u>182</u>
C. Uttar Pradesh Region			
1.	Agra	1. Khair.	1
		2. Atrauli	1
		3. Mathura	2
		4. Kosi Kalan	2
		5. Harduaganj	3
		6. Hathras	3
		7. Etah	1
		8. Kasganj	1
		9. Shikohabad	2
		10. Agra Cantt.	2

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
1.		11. Mainpuri	1
2.	Kanpur	12. Etawah	3
		13. Fatehpur	2
		14. Farukhabad	2
		15. Bindiki Road	1
		16. Chandari	4
3.	Allahabad	17. Naini	3
4.	Faizabad	18. Siltanpur	1
		19. Faizabad	2
		20. Barabanki	3
		21. Pratapgarh	1
		22. Mahimpura	1
		23. Gonda	1

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
5.	Bullandshahr	24. Imalia	2
		25. Shyamnagar	2
		26. Debai	1
		27. Khurja	3
		28. Siyana	1
		29. Chandpur	1
		30. Aligarh	2
6.	Hapur	31. Partapur	3
		32. Baraut	1
		33. Mawana	1
		34. Hapur	3
7.	Ghaziabad	35. Ghaziabad KS Unit	1
		36. Moradnagar	1

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
8.	Gorakhpur	37. Purandarpur	1
		38. Padribazar	1
		39. Deoria	1
		40. Gorakhpur	3
		41. Basti	1
9.	Bareilly	42. Shahjahanpur	2
		43. Khutter	1
		44. Parsakhera	3
		45. Bisalpur	2
		46. Bareilly	2
		47. Pilibhit	1
		48. Guttaiya	1
10.	Moradabad	49. Amroha	2

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
11.	Lucknow	50. Chandausi	2
		51. Bilari	2
		52. Bisauli	1
		53. Badaun	3
		54. Bijnore	2
		55. Moradabad	2
		56. Ujhani	2
		57. Nagina	1
		58. Bhaira	1
		59. L. Kheri	2
		60. Hardoi	2
		61. Talkatora	3
		62. Daroga Khera	1

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
12.	Haldwani	63. GSP Talkatora Silo	2
		64. FSD Mauseganj	1
		65. Rai Bareilly	1
		66. Kichha	2
		67. Rampur	3
		68. Nanakmata	1
		69. Rudrapur	3
		70. Bazpur	1
		71. Bilaspur	1
		72. Ramnagar	1
		73. Sitarganj	1
		74. Haldwani	2
		75. Tanakpur	1

S No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
13.	Srinagar	76. Kotdwar	1
		77. Rurkee	1
14.	Sitapur	78. Sandila	2
		79. Sitapur	2
		80. Gola	1
		81. Palia	1
15.	Dehradun	82. Dehradun	1
		83. Rishikesh	1
16.	Saharanpur	84. Sarsawa	1
		85. Khatauli	1
		86. Jalalabad	1
		87. Mansurpur	1
		88. Muzaffarpur	1

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
17.	Jhansi	89. Attara	2
		90. Banda	1
		91. Jhansi	1
		92. Orai	2
		93. Mahoba	1
18.	Varanasi	94. Jaunpur	1
		95. Vyasnagar	1
		96. Maruadih	1
19.	Azamgarh	97. Azamgarh	2
		Total U.P. Depots	157
D.	ZONE - NORTH		
D. Punjab Region			
1.	Patiala	1. HG. Nabha - I	3

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
2.		FSD Chinathal	3
3.		HG. Sirhind - I	3
4.		FSD Banur	3
5.		FSD Patiala	3
6.		FSD Dudhan	3
7.		FSD Bassi Pathana	3
8.		FSD Nabha	3
9.		FSD Samana	2
10.		FSD Patron	3
11.		H.G. Sirhind - II	3
12.		BC Patiala	2
13.		ARDG Gobindgarh	3
14.		H.G. Patiala-IV	3

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
15.		GSP Gobindgarh	3
16.		GSD Amloh	3
17.		H.G. Patiala-I	3
18.		H.G. Patiala-II	3
19.		FSD Rajpura New	2
20.		H.G. Patiala-III	3
21.		Rajpura Old	2
22.		FSD Sirhind	2
23.		FSD Nabha-II	2
24.		FSD Ghanaur	2
25.	Jalandhar	H.G. Doaba College Jalandhar	3
26.		FSD Phillaur	3
27.		FSD Bhogpur	2

S. No.	Name of Region/Dist.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
28.		FSD Jalandhar	1
29.		FSD Goraya	1
30.		FSD Nurmahal	3
31.		ARDC Shahkot	3
32.		NGM Jalandhar	3
33.		FSD Nawanshahr	3
34.		FSD Nakodar	3
35.		FSD Apra	3
36.		FSD Kartarpur	3
37.		FSD Banga	2
38.		FSD Adampur	2
39.		FSD Phagwara	2
40.		FSD Suranassi	2

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
3.	Chandigarh	41. FSD Lohiakhwas	2
		42. FSD Reru	1
		43. FSD Ch. Sahib	2
		44. FSD Ropar	2
		45. H.G. Chandigarh	2
4.	Amritsar	46. FSD Morinda	3
		47. FSD Kurali	3
		48. H.G. Butari-I	3
		49. H.G. Bhutari-II	3
		50. H.G. Tangra	2
		51. FSD Jandiala Guru	3
		52. FSD Bharariwal	3
		53. H.G. Beas	3

S. No.	Name of Region/Dist.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
54.		FSD Rayya	3
55.		FSD Taran Taran	2
56.		FSD N. Panuwan	2
57.		FSD Patti	2
58.		FSD Mehta	
59.		FSD Sangrana Sahib	
60.		FSD Bhagtanwala	
61.		FSD Bhikwind	1
62.		FSD Majitha	2
63.		FSD Chabhal-I	2
64.		FSD Chabhal-II	2
65.		FSD Valkah	3
66.	Bhatinda	H.G. Meur	3

S. No.	Name of Region/Disst	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
		67. FSD Talwandi Saboo	2
		68. FSD Bareta	2
		69. FSD Bhatinda	3
		70. FSD Bhuchu	2
		71. FSD Rampuraphool	3
		72. FSD Gurlana	1
		73. FSD Budhlada	3
		74. FSD Mansa	2
		75. FSD Sardulgarh	1
		76. FSD Bhiki	3
		77. FSD Bhadaur	3
6.	Sangrur	78. H.G. Manook	3
		79. FSD Bhiwanigarh	3

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
		80. FSD Khanauri	3
		81. FSD Malerkotla	3
		82. FSD Ahmedgarh	3
		83. FSD Deharagaja	3
		84. B.C. Dhuri	3
		85. FSD Sunam	3
		86. FSD Dhanaula	1
		87. FSD Dhuri	3
		88. FSD Barnala	2
		89. FSD Sangrur	2
		90. FSD Tapa	1
7.	Kapurthala	91. FSD Kapurthala New	3
		92. FSD Kapurthala Old	3

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
8.	Gurdaspur	93. FSD Sultanpur Lodhi	3
		94. FSS Dhaliwal Donna	3
		95. FSD New Talwandi	3
		96. FSD Old Talwandi	3
		97. FSD Haolath	
		98. FSD Jagjit Godown Kapurthala	3
		99. FSD Gurdaspur-I	3
		100. FSD K Batala-I	3
		101. FSD Batala-II	3
		102. FSD Gurdaspur-II	2
		103. FSD Dinanagar	1
		104. FSD Pathankot	2
		105. FSD Dhariwal	2

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
9.	Ludhiana	106. FSD Batala-III	2
		107. FSD Sanghol	3
		108. FSD Hathur	3
		109. FSD G.R. Ludhiana	2
		110. FSD Raikot	3
		111. FSD Mullanpur	3
		112. Chawapal	3
		113. Sahnewal	3
		114. FSD Kilaraipur	3
		115. FSD G.T. Khanna	3
		116. FSD Jagraon	3
		117. FSD Khanna	3
		118. FSD Dortha	2

S. No.	Name of Region/Dist.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
10.	Hoshiarpur	119. FSD Achiwara	3
		120. FSD Khamano	3
		121. ARDC Jagraon	1
		122. FSD Jamalpur	3
		123. RSD Khanna	1
		124. FSD Maloud	2
		125. FSD Kharar	2
		126. FSD Mukerian	3
		127. FSD Garh Shankar	2
		128. FSD Mahakalan	3
		129. FSD Balachaur	3
		130. FSD Hoshiarpur	2

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
11.	Ferozpur	131. FSD Tanda Old	3
		132. HG/TSD Mukerian	1
		133. FSD Nasrula	1
		134. FSD Tanda-II	1
		135. FSD Dasuya	2
		136. FSD Luduka	3
		137. FSD Dharamkot	3
		138. H.G. Guruharsahai-I	3
		139. H.G. Guruharsahai-II	3
		140. FSD Talwandi Bhai	3
		141. FSD Ferozepur-II	3
		142. FSD Jalalabad	3
		143. FSD Zira	2

S. No.	Name of Region/Dist.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
12.	Faridkot	144. FSD Ferozepur-I	3
		145. FSD Abohar	2
		146. FSD Fazilka-I & II	3
		147. FSD Makhu	2
		148. FSD Roranwali	1
		149. FSD Malcut	3
		150. FSD Moga	3
		151. FSD Ajitwal	3
		152. FSD Baghapurana	3
		153. FSD Kotkapura	3
		154. H.G. Moga	3
		155. FSD N.S. Wala	1
		156. Fsd Gidderbha	2

S. No.	Name of Region/Distt.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
157.		FSD Sadiq	2
158.		FSD Faridkot	2
159.		H.G. Jaitu	2
160.		FSD Lakhenwali	2
161.		B.G. Kotkapura	2
162.		H.G. Muktsar	2
163.		FSD Bariwala	2
164.		FSD Doda	2
		Total	407
E. Delhi Region			
1.	D.O. Mayapuri	1. Naraina	2
		2. Okhla	1
		3. CTO	1

S. No.	Name of Region/Dist.	Name of Godown	No. of Times Audited in last 3 years
(i)	(ii)	(iii)	(iv)
2.	D.O. Shaktinagar	4. Gheva	2
		5. Narela	1
		6. Shaktinagar	1
		Total	8
Zonal Consolidation			
Rajasthan	146		
J&K, H.P. & Haryana	182		
U.P.	157		
Punjab	407		
Delhi	8		
Zonal Total	900		

**BROAD CATEGORIES OF I.A.
OBSERVATIONS PERTAINING TO
GODOWNS.**

- | | |
|---|--|
| <p>1 Suspected misappropriation of cash.</p> <p>2 Suspected misappropriation of foodgrains/fertilisers/sugar and other stores.</p> <p>3 Thefts/pilferages of stores.</p> <p>4 Excess payments to:</p> <p style="padding-left: 20px;">a) Contractors/private parties</p> <p style="padding-left: 20px;">b) Railways (on account of freight, etc.)</p> <p style="padding-left: 20px;">c) Govt. department/agencies.</p> <p style="padding-left: 20px;">d) Corporation employees.</p> <p>5 Recoveries due from defaulting contractors on account of:</p> <p style="padding-left: 20px;">a) Work executed at their risk and cost.</p> <p style="padding-left: 20px;">b) For other reasons/defaults.</p> <p>6 Abnormal losses in:</p> <p style="padding-left: 20px;">a) Storage.</p> <p style="padding-left: 20px;">b) Transit.</p> <p>7 Irregularities in awarding contracts.</p> <p style="padding-left: 20px;">a) Handling and Transport contracts.</p> <p>8 Irregularities in obtaining and processing securities e.g.;</p> <p style="padding-left: 20px;">a) Securities not obtained or deducted from payments.</p> | <p>b) Non-execution of FCI policy Renewal.</p> <p>9 Irregular, unauthorised and avoidable expenditure.</p> <p>10. Infractuous expenditure on account of:</p> <p style="padding-left: 20px;">a) Non-utilisation of godowns/ weigh-bridges.</p> <p>11. Avoidable payments, demurrage/ wharfrage charges to railways.</p> <p>12. Grains damaged due to careless handling and storage.</p> <p>13. Delay in raising bills.</p> <p>14. late deposit of cheques/DDs/ Deposit at Call Receipts in banks and their late credit by the banks to the Corporation.</p> <p>15. Surplus gunnies not received back in time from State Agencies/ storing Agents/Corporation employees.</p> <p>16. Excessive inventory.</p> <p>17. Obsolete surplus and unserviceable stocks awaiting disposal.</p> <p>18. Non-utilisation under-utilisation of storage capacity.</p> <p>19. Procedural irregularities not involving any recovery.</p> <p>20. Delay in recovery of FCI's due from Railways.</p> <p>21. Delay in recovery of FCI's due from Govt./Private parties.</p> |
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[Translation]

Fair Price Shops in U.P.

8166. SHRI ANAND RATNA MAURYA:
Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be please to state:

(a) the number of new Fair Price Shops opened in each district of Uttar Pradesh under the Revamped Public Distribution System;

(b) whether the Government have achieved the targets fixed therefor during 1992-93;

(c) if not, the reasons therefore; and

(d) the steps being taken by the Government to provide the facility of Public Distribution System to the maximum people living in rural areas in Uttar Pradesh?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED):

(a) to (d). The Government of Uttar Pradesh has reported that all the fair price shops against the proposed target 1,141 have been opened in the Revamped PDS areas of the State upto 31.3.1993. District-wise number of fair price shops opened in any State are not maintained by the Central Government. The Central Government is providing additional allocation of 7,830 MTs each of rice and wheat per month to Uttar Pradesh, of augmenting supplies to the Revamped PDS areas in the State. Food grains meant for distribution in the Revamped PDS areas are issued at a specially subsidised prices which are lower by Rs. 50/- per quintal than the Central Issue Prices for normal PDS. Uttar Pradesh Government have also reported that about 80,000 families in the Revamped PDS areas who were not issued ration cards earlier have now issued been ration cards. They have also reported that 48 godwons have been hired in

the Revamped PDS areas for improving the distribution of PDS commodities. It has also been reported that FPS level Vigilance Committee have been constituted in the Revamped PDS areas.

[English]

Adult Education Center

8167. SHRIMATI MAHENDRA KUMARI:
Will the Minister of HUMAN RESOURCE DEVELOPMENT be please to state:

(a) the number of Adult Education Center functioning at present in Rajasthan to eradicate literacy;

(b) the extent of Dental assistance being providing to these Adult Education Centres; and

(c) the amount of assistance provided to these Centres during 1991-92 and 1992-93?

THE MINISTER FOR EDUCATION & CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION OF DEPARTMENT OF CULTURE): (a) The Center-based approach for adult literacy has given way to Total Literacy Campaigns in the country. 900 Adult Education Centres are functioning however, under the Border Area Development Programme. Till date four Districts of Durgapur, Bharatpur, Sikar and Pail have taken up total Literacy Campaigns.

(b) The Border Area Development Programme is fully funded by Central Government, while Total Literacy Campaigns are funded by Central Government, while Total Literacy Campaigns are funded by Central and State Governments in the ratio of 2:1.

(c) Under Border Area Development Programme the State Government received Rs. 79.16 lakhs during 1991-92 and Rs. 76.49 lakhs during 1992-93 for Adult Education

Programme. Under Total Literacy Campaigns Rs. 2.89 Crores and Rs. 2.00 Crores were released during 1991-92 and 1992-93 respectively.

Track Machines

8168. SHRI RAM KAPSE: Will the Minister of RAILWAYS be please to state:

(a) average annual expenditure incurred on procurement of track machines;

(b) the total number of heavy and small track machines procured during the last three years and the proposals to procure such machines during the current year;

(c) the names of Indian companies supplying these machines;

(d) whether any such machines have also been imported, if so the details thereof;

(e) whether preference is given to Indian firm in such purchases by way of placing developmental orders or otherwise; and

(f) whether the Government propose to introduce automatic semi-automatic track laying machines in new lines constructions and in conversion of metre gauge railway line into broad gauge?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA):

(a) Rupee seventy four crores including Taxes and Duties.

(b) 82 heavy and small track machines have been procured during the last three years and 15 are planned to be procured in the current year.

(c) The following Indian Companies are supplying these machines;

(i) M/s. Pleasure (India) P.Ltd., Faridabad.

(ii) M/s. BEML, Bangalore.

(iii) M/s. Simplex, Bhilai.

(iv) M/s. Speed Crft, Patna.

(v) M/s. Equipment India Faridabad.

(vi) M/s. CTR Industries, Pune.

(d) Details are given below:

(i) 2 Track Relaying Train.

(ii) 7. Ballast Regulators.

(iii) 3 Ballast Cleaning machine

(iv) 2. Ballast Cleaner for turnouts

(v) 4. Points & Crossing changing machine.

(e) Cost of these machines are being procured under World Bank loan by following World Bank guidelines under which 15% price preference is available to indigenous offers. Small machines are procured through local advertised tenders and orders are finalised based on best technical and commercial offers.

(f) The available Automatic/ semi automatic Track Laying machines are already being used for new line constructions and gauge conversion works.

[Translation]

Technical Advisory Cell for Pollution Control

8169. SHRI PRABHU DAYAL KATHERIA: Will the Minister of ENVIRONMENT AND FORESTS be please to state:

(a) whether Government of Uttar Pradesh have constituted a Technical Advisory Cell for providing pollution control consultations to the

enterpresence of the State in regard to various industries;

(b) if so, the details thereof;

(c) whether some more schemes have also been formulated to control pollution created by various industries in the State; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): (a) to (d). The Government of Uttar Pradesh have constituted a technical Advisory Cell for providing consultancy on pollution control to entrepreneur. So far consultancy has been provided to distiller, sugar, pulp, paper, tannery, fertilizer, cement and thermal power plants. There is a scheme to control pollution from cluster of small scale industries through setting up of Common Effluent Treatment Plants (CETPs.) Assistance is provided by the Central Government at the rate of 25% or Rs. 50 lakhs which ever less on the capital costs for the construction of CETPs provided the State Government contributes a matching share. The balance of 50% is to met out of promoters own funds and/or loans.

[English]

Representations from Members of Parliament

8170. SHRI LAL BABU RAI: Will the Minister of FOOD be please to state:

(a) the number of letters/representations/memoranda received by his Ministry during the last six months from the Members of Parliament;

(b) the number of cases in which a final reply has not been sent so far;

(c) the reasons for not sending any ac-

knowledge or final reply within three months; and

(d) the steps taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF FOOD (SHRI KALP NATH RAI): (a) and (b). During the past six months (Nov. 1992 to April, 93) 251 letters from the Members of Parliament were received by this Ministry, out of which 114 reference are pending for final reply as on 30.4.93.

(c) References received from the Members of Parliament are generally acknowledged on receipt and efforts are made to dispose of them within the stipulated time-frame. Pendency in the disposal of reference received from the Members of Parliament is due to the fact that in a majority of cases the information asked for relates to personal and operational matters of the public Sector Undertakings under the administrative Control of the Ministry and information in respect of such matters has to be collected from the field formations of these undertakings.

(d) Disposal of pending reference from the Members of Parliament is monitored regularly through monthly reviews. A Special drive has also been launched recently to reduce the pendency. In order to effectively monitor the disposal of references received from Members of Parliament, the data relating to references from Members of Parliament has also been Computerised.

Development of Integrated Fisheries Projects

8171. PROF. KV. THOMAS: Will the Minister of AGRICULTURE be please to state:

(a) the steps taken/proposed to be taken for the development of Integrated Fisheries Project (IFP) in Cochin;

(b) the financial assistance provided to the

project during each of the last three years; and

(c) the details of the works undertaken under the project during the above period?

THE MINISTER OF STATE IN THE MINISTRY OF NON-CONVENTIONAL ENERGY SOURCE AND MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI S. KRISHNA KUMAR): (a) Following steps have been taken for the development of Integrated Fisheries Product (IFP), Cochin:

(i) Construction of 2 stern trawlers indigenously and acquisition of 2 combination trawlers under Japanese Grant-in-aid Programme.

(ii) Decommissioning of 3 years old fishing vessels and allowing repairs of 2 vessels.

(iii) Renovation of ice of plant and canning plant at Cochin.

(iv) Purchase of raw material (fish) from open market to augment supply of fish to processing plant and sale of ice to public.

(v) Construction of office-cum-processing plant building at Visakhapatnam unit.

(b) Financial assistance (Plan and Non-Plan) provided during 1990-91, 1991-92 and 1992-93 was Rs. 198.10 lakhs, Rs. 432.45 lakhs and Rs. 300.48 lakhs respectively.

(c) Details of work undertaken by the Project during the last three years are:

Experimental Fishing	1990-91	1990-92	1992-93
Quantity of fish landed during experimental fishing (tons)	64.9	27.8	46.1
(ii) Processing and Test Marketing of Fish Products			
- Quantity of fish processed (tons)	224	100	235
- quantity of fish marketed (tons)	190	81	109
(iii) Slipway Utilisation			
- No. of fishing vessels slipped	18	8	17

National Centre for Children's Literature

8172 SHRI SATYA DEO SINGH:
SHRI BALARAJ PASSI:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the National Centre for Children's Literature has since been set up; and

(b) if so, the details thereof along with the

status and mobilisation of finance for the Centre?

THE DEPUTY MINISTER FOR EDUCATION & CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (SHRIMATI SELJA): (a) and (b). For consolidating and further strengthening the on-going activities of the National Book Trust in the area of promotion of Children's Literature, a Centre for children's Literature is being set up within the Trust. The expenditure

will be met out of the annual grants to NBT allocated by Government. The Trust has intimated that in the current year Rs. 15 lakhs has been earmarked for the purpose.

Per Capita Public Distribution System

8173. SHRI RABI RAY: Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state:

(a) whether there has been a co-reaction between the per capita income and per capita public distribution system supplies in the country;

(b) if so, the details thereof;

(c) whether the richer States have accounted for larger share in Public Distribution System; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMAL UDDIN AHMED): (a) to (d). Levy sugar is allocated general on the basis of a norm of 425 gm per capita per month for the projected population of the State/UT as on 1.10.1986. Kerosene is allocated on a historical basis. Foodgrains are allocated on a month to month basis depending upon the availability of stocks in the Central Pool, inter-se requirements of different State/UTs, open market availability, seasonal factors etc., PDS commodities are, thus not allotted to States/UTs on the basis of their per capita income as such.

Externally Aided Forestry Project in Orissa

8174. SHRI K. PRADHAN: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) the details of externally aided forestry projects being launched in Orissa at present;

(b) the amount of aid and assistance made available in each case; and

(c) the outcome of the evaluation made if any, on the implementation of these projects/

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): (a) and (b). Social Forestry project has been in operation in Orissa since 1988-89 with the assistance of Swedish International Development Authority (SIDA). The total cost of the project as per Approved project Document is Rs. 78.35 crores over a period of 5 years and covering all the districts of Orissa. The SIDA aid component is 263 Million SEK (Swedish Kroners). The project has been extended upto March 1994.

The main objectives of the project are plantation of village woodlots on govt. wastelands, community lands, degraded/barren hills, strip lands, reforestation, rehabilitation on depleted/degraded forest department land and institutional plantations and raising plantation of farm forestry on private or institutional land, forest farming for rural poor with special emphasis on tribal intensive areas. The project is also aimed to help the poor in marketing of forestry goods and formation of marketing cooperatives.

Under the project, an area of 1.26 lac hectares has been conferred with an expenditure of Rs. 74.86 crores upto December 1992, of which SIDA has provided 70% by way of grant assistance.

(c) The evaluation of the project made by the SIDA has focused on issues like relevance of the project, fulfilment of the project objectives, cost effectiveness, sustainability, replicability, etc. The evaluation report has recommended continued SIDA support to Orissa for a new project, which is currently under preparation.

[Translation]

Cultural Training

8175. SHRIBALRAJ PASSI: Will the Minister of HUMAN RESOURCE DEVELOPMENT be please to state:

(a) whether any scheme has been formulated by the Department of Culture to impart training to the persons of outstanding talent in cultural field; and

(b) if so, the details thereof?

THE DEPUTY MINISTER FOR EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE): (a) Yes, Sir.

(b) A statement is enclosed.

STATEMENT

The Centre for Culture Resource & Training, New Delhi, an autonomous body full funded by the Government of India, is operating the Cultural Talent Search Scholarship Scheme. Under this Scheme, 300 children in the age group of '10-14 years are selected for award of scholarships every year for specialised training in the fields of music, dance, drama, painting, craft, etc. Scholarship once awarded is renewable from year to year basis till the completion of first university degree stage of education or till the completion of 20 years, whichever is earlier, subject to the ward maintaining satisfactory progress. The value of the scholarship is Rs. 1200/- per year for the child receiving training at the place where he is pursuing his academic studies, and Rs. 2400/- where the child requires to shift to a new station for specialised training. In addition, the tuition fee being paid, to be paid to the Guru is also reimbursed subject to the student's parental income. Applications are invited every year.

Further, the Department of Culture is implementing the Scheme for the Award of Scholarships to Young Workers in Different Cultural Fields. Its objective is to give financial assistance to young artists of outstanding promise for advanced training in the fields of music, dance, drama, painting sculpture, illustration designs woodcrafts, etc. The duration of the scholarship is two years and the value of each scholarship is Rs. 1000/- per month. The number of scholarships is 200 per year.

[English]

New Railway Lines in Assam

8176. SHRI PROBINDER DEKA: Will the Minister of RAILWAYS be please to state:

(a) whether the Government propose to conduct surveys for new railway lines from Rangiya to Mangaldoi Via Kamalpur, Charilal and Chyipajhar and from Rangiya to North Guwahat via Haya and Sual Kuchi in Assam during the eighth Five Year Plan;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K.C. LENKA): (a) No, Sir.

(b) Does not arise.

(c) Constraint resources.

Assistance to Fishermen's cooperative Societies

8177. SHRI SUDHIR SAWANT: Will the Minister of AGRICULTURE be please to state:

(a) the scheme launched by the Government to help Fishermen's Cooperative Societies

ies, particularly in Maharashtra during the last three years;

(b) the type of assistance provided to those societies and the procedure for obtaining the same; and

(c) the details of assistance provided by the Government for mechanisation as well as construction of boats in the last three years, State-wise?

THE MINISTER OF STATE IN THE MINISTRY OF NON-CONVENTIONAL ENERGY SOURCES AND MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI S. KRISHNA KUMAR): (a) and (b). The National Cooperative Development Corporation (NCDC) is implementing schemes to help Fishermen's Cooperative Societies in Maharashtra by providing financial assistance for the following purposes:-

(i) Purchase of operational inputs such

as fishing boats, nets and engines

(ii) Creation of infrastructural facilities for marketing.

(iii) Establishment of processing units including ice plants, cold storage, etc. and

(iv) Development of inland fisheries, seed forms, hatcheries, etc.

NCDC provides financial assistance in the form of loan, subsidy and share capital at varying levels to these fisheries cooperatives for undertaking developmental programmes.

Based on techno-economic feasibility studies on the proposal, NCDC provides assistance to the beneficiary fisheries cooperatives through the State Governments.

(c) NCDC had provided the following assistance for machination and construction of boats during the last 3 years:

(Rs. in lakhs)

State	1990-91	1991-92	1992-93
Gujarat	152.76	39.37	120.06
Maharashtra	278.26	158.65	161.03
Kerala	286.76	217.42	2.20
Tamil Nadu	4.00	16.43	NIL
Andhra Pradesh	2.40	137.96	148.78
Orissa	8.90	25.12	9.33
West Bengal	132.01	241.42	266.65
UT of daman & Diu	2.59	7.76	NIL

[Translation]

Crop Insurance for Horticultural Products

8178. DR. RAMAKRISHNA
KUSMARIA:
SHRI RAJENDRA AGNIHOTRI:

Will the Minister of AGRICULTURE be
please to state:

(a) whether insurance of horticultural prod-
ucts has also been included in the Comprehen-
sive Crop Insurance Scheme; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MIN-
ISTRY OF AGRICULTURE (SHRI ARVIND
NETAM): (a) No, Sir.

(b) Does not arise.

[English]

River Pollution

8179. SHRI MAHESH KANODIA: Will the
Minister of ENVIRONMENT AND FORESTS
be please to state:

(a) whether pollution of river caused by
pesticides and other such hazardous chemicals
released from the factories and farms is being
constantly monitored under the national Water
Quality Monitoring Network;

(b) if so, the outcome thereof; and

(c) the action taken by the Government to
check such pollution?

THE MINISTER OF STATE IN THE MIN-
ISTRY OF ENVIRONMENT AND FORESTS
(SHRI KAMAL NATH): (a) and (b). Under the
Ganga Action Plan, river water has been moni-
tored to determine the pesticide levels at 27
locations in river Ganga and its tributaries during
1986 to 1992. The annual range of pesticides
residues at various locations in the States of
Uttar Pradesh, Bihar and West Bengal is given
in the statement enclosed.

(c) The Government has undertaken the
following action to check pollution due to pes-
ticides:

(i) Effluent standards have been prescribed
for pesticide manufacturing and formulation units
under the Environment (Protection) Act, 1986.

(ii) An expert committee reviewed a total of
20 pesticides commonly used in the country.
Out of this, eleven pesticides have been either
banned or restarted.

(iii) The production of DDT and BHC has
also been curtailed. The use of DDT has been
totally banned in agriculture.

(iv) The Registration Committee consti-
tuted under the Insecticides Act, 1968 regularly
evaluates environmental risks of pesticides
before recommending them for registration for
manufacture and use.

STATEMENT

Period	Pesticide	Location	Annual Range (in Microgramme per litre)
Jul 86- June 87	Y-BHC	Kannauj	0.002-0.216
	Tot-DDT	Allahabad	ND-0.352
	Endosulfan	Patna	ND-0.083
	Malathion	Kannauj	ND-0.900
	Methyl	Varanasi	ND-0.546
	Parathion		
	Dimethoate	Allahabad	ND-1.500
Jul 87 - June 88	Ethion		ND-ND
	Y-BHC	Baharampur	ND-0.306
	Tot-DDT	Trighat	ND-0.886
	Endosulfan	Allahabad	ND-0.672
	Malathion	Haridwar	ND-4.611
	Methyl	Rishikesh	NO-0.170
	Parathion		
Jul 88-June 89	Dimethoate	Kannauj	ND-8.772
	Ethion	Varanasi	ND-0.069
	Y-BHC	Buxur	ND-0.061
	Tot-DDT	Kannauj	ND-5.808
	Endosulfan	Patna	ND-0.245
	Malathion	Kannauj	ND-0.315
	Methyl-	Haridwar	ND-0.279
	Parathion		
	Dimethoate	Haridwar	ND-1.937
	Ethion	Rajmahal	ND-1.995

Period	Pesticide	Location	Annual Range (in Microgramme per litre)
Jul 89-June 90	Y-BHC	Allahabad	ND-0.213
	Tot-DDT	Allahabad	ND-340
	Endosulfan	Allahabad	ND-2.890
	Malathion	Patna	ND-0.96
	Methyl-Parathion	Allahabad	ND-0.070
	Dimethoate	Buxur	ND-0.220
	Ethion	-	ND-ND
Jul 90 - June 91	Y-BHC	Patla	ND-0.769
	Tot-DDT	Kanpur	ND-0.338
	Endosulfan	Kanpur	ND-0.025
	Malathion	Kannauj	ND-0.536
	Methyl-Parathion	Kanpur	ND-0.036
	Dimethoate	Ghagra	ND-0.357
	Ethion	-	ND-ND
July 91-June 92	Y-BHC	Patla	ND-0.261
	Tot-DDT	Behrampur	ND-2.145
	Endosulfan	Behrampur	ND-0.008
	Malathion	-	ND-ND
	Methyl-Parathion	-	ND-ND
	Dimethoate	Patna	ND-1.922
	Ethion	-	ND-ND

Railway Line from Sajjanwa to Balrampur

8180. SHRI RAMPAL SINGH: Will the Minister of RAILWAYS be please to state:

(a) whether a survey was conducted in 1989 to lay a new railway line between Sajjanwa and Balrampur via Bansi Dumarya in Uttar Pradesh;

(b) if so, the details thereof;

(c) whether the Government propose to construct this railways line expeditiously after making survey afresh; and

(d) if so, the details thereof.

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENAK): (a) and (b). A survey was conducted in 1979 for a new B. G. line to link Khalilabad and Balrampur via Menhdawal and Bansi. The details were as under:

Length	145.23KMs
Cost	Rs. 16.17 crores
Rate of return	4.05%

Due to constraint of resources and unremunerative nature of the project, the proposed line could not be taken up for construction

(c) No, Sir.

(d) Does not arise.

Historical Moments

8181. SHRI VILASRAO NAGNATRAO GUNDEWAR: Will the Minister of human Resource development be please to state:

(a) the funds allocated for maintenance conservation and preservation of historical monuments and temples during the current year in each state; and

(b) the steps being taken to provide various facilities at these places to develop them as attractive tourist centres?

THE DEPUTY MINISTER FOR EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (KUMARI SELJA): (a) The tentative allocation of funds for the maintenance, conservation and preservation of the centrally proceed monuments, State/Union Territory wise for the year 1993-94 is as per Statement 'A'

(b) The requisite infrastructure, like approach roads, public transit, camping facilities, electric, water supply etc. near the monuments to develop the places as trusts centres are normally provided by the State Government/ Department of Tourism. However at some of the important centrally protected monuments, the Archaeological Survey of India has provision of public conveniences including drinking water facility.

STATEMENT

State/Union Territory	Allocation 1993-94 (Rs. in Lakhs)
Andhra Pradesh	45.47
Assam	15.00
Arunachal Pradesh	6.35
Bihar	30.52
Delhi	142.82
Daman and Diu	7.70
Goa	17.00
Gujarat	30.20
Haryana	30.70
Himachal Pradesh	20.25
Jammu and Kashmir	42.50
Karnataka	80.50
Kerala	9.30

State/Union Territory	Allocation 1993-94 (Rs. in Lakhs)
Madhya Pradesh	78.37
Maharashtra	80.65
Manipur	1.10
Meghalaya	0.20
Nagaland	1.85
Orissa	96.50
Pondicherry	1.55
Punjab	10.27
Rajasthan	65.60
Sikkim	1.00
Tamil Nadu	66.50
Tripura	2.30
Uttar Pradesh	147.00
West Bengal	48.80

[English]

Elephant Population

8182 SHRI UDHAB BARAMAN:"
SHRI MULLAPALLY
RAMCHANDRAN:

Will the Minister of ENVIRONMENT AND FORESTS be please to state:

(a) whether any study/census has been made on the elephant population in various State:

(b) if so, the details and the outcome thereof, State-wise;

(c) the number of elephants living in different States at present and number of elephants as per the previous census study. State-wise; and

(d) the action being taken to protect and preserve the elephants?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): (a) to (c). While there have been no systematic census of elephants in all the States upto now, a study in 1985 attempted broad range-wise estimates of elephant population. The estimates as revealed by the Study are set put below:-

Region	Population	
	Main.	Max.
1. Southern India		
(a) North Kanara	40	40
(b) Crestline of Karnataka Western Ghat	60	60
(c) Malnad Plateau- Bhadra	100	150
(d) Nagerhole-Kakanakote-North Wynad	1000	1500
(e) Bandipur-Mudumalai-south Wynad-North-East Nilgiri	1800	2500
(f) Eastern Ghat (south) including Chittoor district, Andhra Pradesh	1800	2000
(g) Nilambur-West & South Nukkgri-Attapadi hills	300	500
(h) Neliampathis Annamalai Palani hills	800	1000
(i) Periyar-Elamalai-Varushanad Hills	700	900
(j) Agasthyamalai-Ashambu Hills	150	200

Region	Population	
2. <i>Central India</i>		
(a) Orissa	1300	2000
(b) Bihar	335	335
3. <i>North Eastern India</i>		
(a) West Bengal	155	155
(b) Assam and Nagaland	3500	3500
(c) Arunachal Pradesh	2000	4300
(d) Meghalaya	2750	3825
(e) Tripura	120	150
4. <i>North West India</i>	725	975

Firm figures of elephant population can be expected only in the course of the implementation of Project Elephant in which Census is an approved activity.

(d) The elephant has been placed in Schedule I of the Wild Life (Protection) Act, 1972 under which it has been provided with the maximum possible protection by law. The trade in ivory has been totally banned to discourage poaching of the elephants for this tusks. Government of India has launched Project Elephant in 1991 to provide impetus to the conservation of wild elephants in India. Assistance is also being given to the States to strengthen their protection and communication infrastructure.

Assistance for Construction of Godowns

8183. SHRI SURAJABHANU SOLANKI:
Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be please to state:

(a) whether the Union Government provide financial assistance to States Civil Supplies Corporations for the construction of Godowns;

(b) if so, the amount of financial assistance given to each State during the last three years, year-wise; and

(c) the funds allocated therefor during 1992-93?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS & PUBLIC DISTRIBUTION MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED): (a) Yes, Sir.

(b) and (c). Details of financial assistance given to each State from 1989-90 to 1992-93 year wise is given in the Statement

STATEMENT

Financial Assistance to States/UTs for construction of godowns

Sl. No.	Name of State/UT	(Rs. in Lakhs)				
		1989-90	* 1990-91	1991-92	1992-93	Total
1.	Andaman & Nicobar	Nil	Nil	31.00	10.00	41.00
2.	Arunachal Pradesh	Nil	Nil	Nil	4.000	4.00
3.	Assam	Nil	20.00	Nil	Nil	20.00
4.	Bihar	Nil	Nil	Nil	48.00	48.00
5.	Karnataka	Nil	Nil	Nil	132.00	132.00
6.	Lakshadweep	Nil	Nil	7.50	0.00	7.50
7.	Madhya Pradesh	Nil	Nil	Nil	98.04	98.04
8.	Maharashtra	Nil	Nil	Nil	77.50	77.50
9.	Mizoram	Nil	Nil	Nil	61.35	61.35
10.	Nagaland	2.46	Nil	Nil	25.00	27.46
11.	Orissa	Nil	Nil	Nil	208.00	208.00

(Rs. in Lakhs)						
Sl. No.	Name of State/UT	1989-90	1990-91	1991-92	1992-93	Total
12.	Sikkim	Nil	Nil	Nil	6.00	6.00
13.	Tripura	Nil	Nil	Nil	30.00	30.00
14.	West Bengal	Nil	Nil	Nil	96.46	96.46

[Translation]

Representations from M.Ps

8184. SHRI CHHEDI PASWAN:
SHRI KHELAN RAM HANGDE:

Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be please to state:

(a) the number of letters/representations/Memoranda from the Members of Parliament received by his Ministry during the last 6 months;

(b) the number of cases in which acknowledgement or final reply has not been sent so far;

(c) the reasons of cases in which acknowledgement of final reply has not been sent so far;

(d) the steps taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED):

(a) A total number of 122 references have been received from Members of Parliament in the Ministry during the last 6 months,

(b) and (c). Acknowledgements are sent in almost all cases immediately. Out of 122 references received, 101 have already been replied to. The reply in the remaining cases could not be sent due to non receipt of information from concerned Ministries/Depts/Organisations/State Govts/U.Ts.

(d) The references received from Members of Parliament are monitored on a month to month basis and appropriate actions are taken to dispose of such references expeditiously.

Lottery System for Admission in Schools

8185. SHRIMATI GIRIJA DEVI: Will the Minister of HUMAN RESOURCE DEVELOPMENT be please to state:

(a) the number of schools in Delhi where lottery system for admission has been adopted;

(b) whether meritorious students are being derived as a result thereof;

(c) whether the Government propose to adopt test system for admission in schools in Delhi from the next academic session;

(d) if so, the details thereof; and

(e) if not, the reasons therefor?

THE DEPUTY MINISTER FOR EDUCATION & CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (KUMARI SELJA): (a) and (b). Delhi Administration has informed that in 250 Government Composite Schools, lottery system for admission to Kindergarten and Class I has been adopted. Formal admission tests/interviews of the children at the first entry level are discouraged and as such the question of assessing their merit at the stage does not arise.

(c) No, Sir.

(d) Does not arise

(e) Discouraging entrance tests for admission to pre-primary schools and classes is envisaged in the programme of Action (POA) 1992 on the National Policy on Education.

[English]

Monuments in Uttar Pradesh

8186. SHRI RAM NIHOR RAI: Will the Minister of HUMAN RESOURCE DEVELOPMENT be please to state:

(a) the names of Forts in Uttar Pradesh under archeological Survey of India;

(b) whether the Government of Uttar Pradesh has sought permission to provide various facilities at the forts and other Monuments and temples to promote tourism; and

(c) if, so, the details thereof and the decision taken thereon?

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION

AND DEPARTMENT OF CULTURE) (KUMARI SELJA): (a) A list giving names of forts in Uttar Pradesh under the Archaeological Survey of India as attached statement

(b) Yes, Sir.

(c) the facilities include construction of path ways approach road, floodlighting, Tourist Bungalow etc. Necessary permission has been granted so far as construction of Trust Bunglon at Valingir Fort and flood lighting of mounments at Fatehpur Sikri are concerned. The other proposals are under process.

STATEMENT

Agra District

Agra Fort

1. Agra

Aligarh District

Old Garhi or mud fort

2. Sahegarh
Khara

Allahabad District

Allahabad Fort

1. Allahabad

Ruines fort of Samudra-Gupta
and Harsagupta

2. Jhusi

Fort attributed to Jaychandra

3. Karra

Ancient fortrees (representing the ancient Kausambi)

4. Kosam

Garhwa Fort

5. Sheorajpur

Banda District

Fort of Kalinjar

1. Kalingar

Fort with the fortification walls

2. Marpha

Remains of an old fort

3. Rasim

Bareilly District

Fort

1. Ramnagar

Bijnor District

Fort

1. Chandpur

Old Pathan Fort

2. Nagina

Pathargarh Fort

3. Najibabad

Bulandshahr

Balai Kot or Upper Fort

1. Bulandshahr

Etah District

Fort

1. Sakit

Etawah

Remains of an old fort

1. Asai Khera

Ancient fortress and site

2. Chakranagar

Farrukhabad

Mound known as old fort

1. Kannauj

Fatehpur

1. Kutila Ruines of a fort built by Jay Chandra
2. Nahar Khor Old Fort
3. Paina Kalan Old Fort
4. Paina Extensive ruins of an ancient fortified town said to be a strong-hold of Chandella.

Chamoli

1. Chandpur Fort

Ghazipur

1. Bhitari Ruined Fort

Jaunpur

1. Jaunpur Fort
2. Zairabad Waus of the old Kanpur Fort of Jaya Chandra

Jhansi

1. Jhansi Jhansi Fort
2. Talbehah Fort

Mirzapur

1. Ahraura Ruined stone fort of Lalitpur

2. Bijaigarh Pakka masonry fort

3. Vindhyachal Kantit Fort

Moradabad

1. Firozpur Old Rohila Fort

Varanasi

1. Chandrauti (Chandravati) Remains of a fine massive brick fort

2. Hatimpur Old ruined Kot (fortress)

Snake Park in Kerala

8187 SHRIMATI SUSEELA GOPALAN: Will the Minister of ENVIRONMENT AND FORESTS be please to state:

(a) whether the Regional Deputy Director, Wild Life Preservation, Sothorn Region, Madras has submitted a report to the Government about the illegal procurement of wild animals by Snake Park, rashinbadve in Kerala and extraction of venom from snakes and its Clandestime sea it foreigners;

(b) if so, the details of the report and the recommendations/suggestions made therein; and

(c) the steps taken by the Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): (a) and (b). A communications has been received from Deputy Director, Wildlife Preservation, Southern Region, which details the information gathered by the Wildlife Inspector thorough a visit to the Snake park at Pappinnesseri, Kannaur Distt, Kerala. The communications, inter also, indicates that the wildlife Inspector did not get any clear indications regarding the source of procurement of various specimens by the Snake Park. However, the procurement of animals by the snake park Authorities appears to have been in order as the Chief Wildlife Widen, Kerala, who is the principal enforcing authority in State under the Wild Life (Protection) Act 1972, has issued a certificate of ownership to the Park on 2.2.93 on the basis of a report from DF e.lichery. The Deputy Director, Wildlife Preservation, has in conclusion, recommended that the Park is a Zoo and it is recognised by the Central Zoo Authority.

(c) although the Zoo has submitted an informal request for recognition by the Central Zoo Authority, no application on the prescribed form nor the prescribed fee has been submitted

by the organisation for recognition of the Zoo. The Central Zoo authority can take cognizance of request for recognition of a Zoo only when the request is made in accordance with the prescribed norms and rules made under the Wild Life (Proection) Act, 1972. The Snake Park authorities have been advised accordingly.

Minum Levels of Learning

8188. DR. K. V. R. CHQWDHARY: Will the Minister of HUMAN RESOURCE DEVELOPMENT be please to state:

(a) the steps taken by the Government to ensure the achievement of Minimum Levels of Learning in schools;

(b) the number of projects sanctioned for implementation of MLL programme State-wise;

(c) the number of schools covered so far, State-wise;

(d) the strength of students and teachers in these schools; and

(e) the amount of financial assistance sanctioned/released during 1991-92 and 1992-93 for the implementation of MLL programme?

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATIONAL DEPARTMENT OF CULTURE (KUMARI SELJA): (a) The Government set up a Committee in 1990 under the Chairmanship of Prof. R.H. Dave, Formerly Director UNESCO Institute of Education, Hamburg, Germany to study afresh learning outcome defined in the exiting Curriculum and to lay down Minimum Levels of Learning that all achiedren, who pass the primary stage education, must achieve. The Report of the Committee became available in February, 1991 and it was printed and circulated by National Council of Educational Research & Training (NCERT) to all State Government, SCERTs, District Institutes of Education & Training, University Departments of Education

tion etc. The Report puts emphasis on reduction of curriculum and its relevance, Functionality and achievability terms of learning outcomes excepted of a primary school child. It covers three major curricular areas; namely Language, Mathematics and Environmental Studies. The Report makes following recommendations for achievement of Minimum Levels of Learning:

- set Minimum Levels of Learning as performance goals for the formal and non-formal systems;
- introduce continuous and comprehensive evaluation in the classrooms in order to give teachers a tool to measure students' achievements;
- provide systematic teachers training and learning evaluation techniques; and

- relate the provisions of inputs and facilities to differentiate levels of achievements obtained are lower, these curriculum reforms can spearhead a larger programme for reduction of disparities.

In the year 1991-92, 18 agencies were encouraged to take up implementation of the report at field level and financial assistance was provide to these projects. These projects have continued during 1992-93 also. The progress of these procures is being monitored regularly and it indicates that learning achievements of project schools have gone up. Encouraged by this response, 45 District Institutes of Education & Training have been identified to take up this programme during 1993-94.

(b) to (e). Details are given in Annex

STATEMENT

Name of State	Name of agency sanctioned project.	Number of schools covered	Number of teachers covered	strength of students	Financial sanctioned/ 1991-92	assistance released 1992-93
1.	2.	3.	4.	5.	6.	7.
Gujarat						
1.	Gujarat Vidyapeeth Ahmedabad	311	1050	20,313	Rs. 13,88,000	Rs. 7,18,000/ Rs. 3,59,000
2. -do-	Gram Vikas Trust Rupapur Chansama, Distt. Maharashtra, Gujarat.	149	562	21,892	Rs. 2,95,500	Rs. 3,12,500/ 1,56,250
3. -do-	Shri Palpur Shishushala Balmandir and Education Trust Palanpur Banaskantha. Distt. Gujarat.	86	346	12,993	Rs. 1,65,000	Rs. 1,42,000/ Rs. 71,000
4. -do-	Gujarat State Crime Prevention Trust Ahmedabad (N.E.F. Centres)	50	26	1,250	Rs. 1,91,000	Rs. 2,44,200/ Rs. 2,41,995
5. -do-	Municipal School Board Municipal 230 Corporation, Ahmedabad.	230	2267	1,10,893	Rs. 17,17,000	Rs. 11,24,870/ Rs. 5,62,435
Maharashtra						
6.	Indian Institute of Education Pune, Pune.	19	19	442	Rs. 75,000	Rs. 1,57,234/ Rs. 78,617

Name of State	Name of agency sanctioned project.	Number of schools covered	Number of teachers covered	strength of students	Financial sanctioned/ 1991-92 sanctioned and sanctioned/ released	assistance released 1992-93
1	2	3	4	5	6	7
7	-do- Municipal Corporation of Greater Bombay, Bombay	188	1257	50,955	Rs. 14,25,000	Rs. 4,58,700/ 4,58,700
8	-do- Centre for Learning Resource, Pune.	10	17	886	Rs. 67,850	Rs. 61,152/ Rs. 30,576
<i>Madhya Pradesh</i>						
9	Sanskar Shiksha Samiti, Bhopal (Two Project)	120	513	20,579	Rs. 4,48,600	Rs. 4,07,254/ Rs. 2,03,627
10	-do- Asian Academy of Education and Culture, Bhopal	50	50 (N.F.E. Centre)	1,250	Rs.-	Rs.1,31,700/ Rs.60,850
<i>Karnataka</i>						
11	Institute for Social and Economic Change, Bangalore.	184	485	21,477	Rs.3,06,000	Rs.2,60,260/ Rs. 2,60,260
12	-do- University of Mysore, Mysore.	40	52	2,410	Rs. 4,03,880	Rs.5,08,2000/ Rs.2,54,100
<i>Punjab</i>						
13	Department of Education Punjab University, Chandigarh.	69	439	3,236	Rs. 2,47,300	Rs.-

Name of State	Name of agency sanctioned project.	Number of schools covered	Number of teachers covered	strength of students	Financial sanctioned/ 1991-92	assistance released 1992-93
1.	2.	3.	4.	5.	6.	7.
<i>Rajasthan</i>						
14.	S.I.E.R.T. Udaipur, (Rajasthan)	179	462	16,3981	Rs.1,99,700	Rs.-
<i>Delhi</i>						
15.	Lady Irwin College, Sikandara Road, New Delhi.	60	60	1,319	Rs.6,88,600	Rs.-
<i>Bihar</i>						
16.	Department of Psychology Ranchi University, Ranchi.	N.A.	20	400	Rs.1,88,267	Rs.-
<i>Andhra Pradesh</i>						
17.	S.C.E.R.T. Andhra Pradesh, Hyderabad.	293	669	34,280	Rs.5,00,600	Rs.-

* In addition, NCERT has kept up 4 blocks, one each in the states of Uttar Pradesh, Madhya Pradesh, Rajasthan and Bihar. The Number of Schools covered in these blocks are 330, with a student population of 20,840 and teachers strength of 528. No funds have been sanctioned to NCERT and it is meeting the expenditure from its own budget.

Complaint Against Principal at G.B.S.S. Schools, Zaffarabad

8189. SHRI S.L. SHARMA PREM: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether complaints have been received by the Government/Director of Education, Delhi Administration against the principal of Government Bolys Senior Secondary Schools, Zaffarabad, Zone-7, East Delhi regarding non-teaching of Hindi & Sanskrit languages and enchanting compulsory Islamic Prayers;

(b) if so, the details thereof; and

(c) the action taken by the Government thereon for protecting the secular ideas in the schools?

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (SHRIMATI SELJA): (a) to (c). Yes, Sir. According to information furnished by Delhi Administration, the complaints against the principal are mainly about his alleged partisan behavior and he has been suitably instructed in this regard. However, Delhi Adman. has also intimated that he allegation of compulsory chanting of Islamic prayers and non-teaching of Hindi/Sanskrit is not factually correct.

National Policy on Culture

8190. SHRI BIRSINGHMAHATO:
SHRI CHITTA BASU:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the Government have since drawn by the National Policy on Culture;

(c) if so, the details thereof;

(c) if not, three reasons therefor; and

(d) the specific steps taken to expeditiously finalise the policy?

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (SHRIMATI SELJA): (a) No, Sir.

(b) Does not arise

(c) and (d). The Approach Paper on the National Policy on Culture has been circulated to all the members of both Houses of Parliament. Copies were also laid on the Table of both the House. The Presiding Officers of both the Houses have also been requested to allot a date for scussion to enable the Department to ascertain the views of the Hon. Members.

Sugar Mills with new Technology in U.P.

8191. SHRI ABHAYPRATAP: Will the Minister of FOOD be pleased to state:

(a) the number of sugar mills which have been provided with latest technology;

(b) whether the latest technology is also made available to small scale sugar units in Uttar Pradesh; and

(c) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD (SHRI KALP NATH RAI): (a) Government of India had formulated and announced in 1987, standard specifications for a plant of 2500 TCD incorporating latest technological development in the sugar industry. All the new sugar mills licensed and installed with an initial capacity of 2500 TCD have been provided with latest technology as per these stan-

dard specifications. all the sugar factories having capacity below 2500 TCS and undergoing expansion/modernisation to 2500 TCDS would also be incorporating the latest technology in accordance with the aforesaid specifications.

(b) and (c). The small-sized sugar mills in Uttar Pradesh which have already expanded to 2500 TCD after 1987 or are in the process of expansion would also incorporate the latest technology as per the standard specifications mentioned above

Famine Candling in Jammu & Kashmir

8192. SHRI RAM VILAS PASWAN:
SHRICHANDRAJEET YADAV:

Will the Minister of AGRICULTURE be pleased to state:

(a) whether the Government have received any report in regard to the famine conditions prevailing at present in some districts of Jammu & Kashmir, particularly in Jammu;

(b) if so, the details thereof;

(c) the financial assistance and the quantity of foodgrains provided to the State to meet the condition; and

(d) the other steps taken by the Government to provide relief to the affected people?

THE MINISTER OF STATE OF THE MINISTRY OF AGRICULTURE (SHRI ARVIND NETAM): (a) to (d). Information is being collected and will be laid on the Table of the Sabha.

Lucknow College of Arts and Crafts

8193. SHRI SRIKANTA JENA:
SHRI MOHAN SINGH
(DEORIA):

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether complaints have been received against the deplorable condition of the Lucknow College of Arts and Crafts;

(b) whether the Government have made any inquiry into the conditions prevailing in the Lucknow College of Arts and Crafts and the causes for the distress of the students;

(c) if so, the details thereof; and

(d) the remedial steps taken by the Government in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (SHRIMATI SELJA): (a) to (d). No, Sir. However, a news-item captioned 'Luckless Arts College Museum lies in ruins' appearing in the 'Pioneer' dated the 6th April, 1993 mentions about alleged deficiency by in the upkeep of the artifacts and insusmuseological techniques, need for urgent restoration work, allegation about surreptitious removal of objects and non-payment of grants for the upkeep of Museum.

The management of Universities and colleges is a decentralised arrangement in which the State Governments, Universities and the Colleges concerned are responsible for the management of the College. The Central Government or the UGC has no role to play in such management matters. Further, the College is not recognised for Central assistance under the UGC Act and, therefore, does not receive any assistance for development from the UGC.

MR. University Rohtak

8194. SHRI DEVIBUX SINGH: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the Government are providing financial assistance to M.D. University, Rohtak;

(b) if so, the amount of assistance provided the last three years;

(c) whether the University has not declared the result of supplementary examinations for B.Ed. Correspondence Course for the year 1990-91 held in October, 1992;

(d) if so, the reasons therefor; and

(g) the time by which result is likely to be declared?

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (SHRIMATI SELJA): (a) and (b). According to the information furnished by UGC, the Commission provides financial assistance to all the eligible universities, in accordance with the prescribed norms, not on year to year basis but for a 5 year Plan period. M.D University, Rohtak, has been allocated an amount of Rs. 143.00 Lakhs in the 8th Five Year Plan period. Out of this, an amount of Rs., 24. 00 Lakhs has since been released to the university for various development purposes. The release of grants depends on submission of certain prescribed documents by the concerned university as well as on completion of creations procedural formalities.

(c) to (e). According to the information furnished by M.D. University, Rohtak, to the UGC, the result of B.Ed. Correspondence supplementary examination held in October, 1992, has not been declared mainly due to non-completion of practical examinations on time.

Acquisition of Land for Konkan Railway

8195. SRI MOHAN RAWALE: Will the Minister of RAILWAYS be pleased to state:

(a) whether there is any proposals to give alternate plots land and employment in Railways to the person whose land has been acquired for the construction of Konkan Railway;

(b) if so, the details thereof; and

(c) if not, the reasons thereof?

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI K.C. LENKA): (a) and (b). As per extant policy, no alternative plot of land is given to those whose land has been acquired for the purpose of construction of Konkan Railway. Only payment of compensation as decided by the State Government under Land Acquisition Act is arranged by Konkan Railway Corporation. As regards employment, those who lost their sole means of livelihood on account of acquisition of their land may be offered appointment to one of their eligible wards.

(c) Does not arise.

[Translation]

Committee to Look Into Grievances of SC/ST Teachers

8196. SHRIN.J. RATHER: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether any Committee has been constituted to look into the grievances of Scheduled Castes and Scheduled Tribes teachers engaged in the University of Delhi;

(b) if so, the terms and conditions of the Committee; and

(c) the time by which the report of the Committee is likely to be submitted?

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (KUMARI SELJA): (a) No, Sir. However a Committee consisting of Chairman, UGC, Secretary, Ministry of Welfare and Vice-Chancellor, University of Delhi as been constituted to formulate action plan and suggest a time-frame to achieve

requests representation of SC/ST candidates in the recruitment and admissions of Delhi University. This Committee would also suggest mechanism to ensure implementation of the reservation policy in other Central Universities. This Committee is yet to submit its recommendations to the Government.

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

Exclusion of Basmati from Essential Commodities Act

8197. SHRI RAM PRASAD SINGH: Will the Minister of CIVIL SUPPLIES, CONSUMERS AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state:

(a) whether representations have been received to exclude Basmati rice from the purview of the Essential Commodities Act in the interest of earning more foreign exchange; and

(b) if so, the steps taken by the Government in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED):
(a) Yes, Sir.

(b) State Government have been advised to exempt Basmati rice meant for exports from stock limit restrictions. It is neither feasible nor necessary to exclude Basmati rice from the list of essential commodities, as such.

[English]

Farm Forestry

8198. KUMARI PUSHPA DEVI SINGH: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether Government have a proposal to expand farm Forestry in a big way; and

(b) if so, the schemes drawn up and the amount earmarked there for during the Eighth Plan; State-wise?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): (a) and (b). The information is being collected and will be laid on the Table of the House.

Navyug Schools

8199. MAJ. GEN. (RETD.) BHUWAN CHANDRA KANDURI: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) the parameters laid down for opening of Navyug schools;

(b) the number of primary and secondary navyug schools functioning in Delhi, locations-wise;

(c) the strength of students and staff in those schools, category-wise;

(d) the criteria fixed for admission in these schools;

(e) the details of educational and sports facilities being provided to students in these schools particularly in Navyug schools, Peshwa Road, New Delhi;

(f) whether games and educational standards or primary classes in these schools have deteriorated;

(g) if so, the reasons therefor; and

(h) the steps taken by the concerned authority to improve the games and educational standards of primary classes in these schools?

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (SHRIMATI SELJA): (a) NDMC has intimated that the existing 5 Navy Schools were opened in NDMC area

only, with the objective of imparting quality education primarily to children of parents belonging to lower income groups. NDMC has no proposal to open any new Navy School this year.

(b) & (c). The information is as below:-

<i>Sl. No.</i>	<i>Location</i>	<i>level</i>	<i>No. of students</i>	<i>No. of staff</i>
1.	Sarojini Nagar	Sr. Sec.	840	40
2.	Peshawar Road	Sr. Sec.	1000	39
3.	Moti Bagh	Middle	675	27
4.	Lodhi Road	"	670	27
5.	Laxmibai Nagar	"	670	29

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

(b) and (c). The details of the proposals are as under:

(f) No, Sir.

Construction of Road overbridge in replacement of

(g) and (h). Do not arise.

(i) Level Crossing No. 177 at Km. 660/4-5 between Feroke and Kallayi Stations.

(ii) Level Crossing No. 168 at Km. 608/7-8 between Pallipuram and Kuttipuram.

(iii) Level Crossing No. 229 at Km. 732/9-10 near Tellicherry.

(iv) Level Crossing No. 215 at Km. 713/10-11 at Cherode near Badagara station

Works at items (i), (iii) are at various stages of progress.

Work at item (iv) was included in Railway's Works Programme 1990-91. The State Government has neither approved the General Arrangement Plan sent to them in 1990 nor responded. The work was dropped in 1992-93 after waiting for two years.

Overbids on Shoranur and Tahalapadi Section

8200. SHRI MULLAPPALLY RAMACHANDRAN: Will the Minister of RAILWAYS be pleased to state:

(a) the number and names of manned and unmanned railway gates between Shoranur and Tahalapadi (Manhieshwar) in Kerala;

(b) whether any representation has been received from the Government of Kerala to constrict overbridges at any of those places; and

(c) if so, the details thereof and the action proposed to be taken thereon?

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI K.C. LENKA):
(a) A statement is attached

STATEMENT

(a) There are 128 Nos. of level crossing between Shoranur and Thalapadi (Manjeswar). Out of these 113 are manned and 15 are unname. The details are as under:-

Level Crossings No.	M = Manned/ U = Unmanned	Location
166	M	Shoranur Junction-Karakad.
166A	U	Pattambi-Perumudiyur
167	M	PWD Pattambi-Murthihala
167A	M	PWD Pallipuram Mutulthmia
168	M	Calicut-Trichur (MAQ-IVC)
169	M	Kuitipuram-Chimbikkal
170	M	Pirunavaya-Athavanad
170A	M	Tirunmaya-Tiptur
171	M	Tirur-Tanur
172	M	Tiru-Tanur
172A	M	Tanur-Tanalur-Thayyala

Level Crossings No.	M = Manned/ U = Unmanned		Location
	M	U	
172B	M		Tanur-Vallyamparambu
173	M		Parappanangadi-Cuccmad
174A	M		Parappanangadi-Cheemas
174B	M		Calicut-Vallikunnu
174C	M		Parappanangadi-Calicut
174D	M		Chlaliyam-Calicut
174E	M		Calicut-Mannoor
176	M		Peroke-Karavanthurthy
177.	M		Calicut-Beypore
178.	M		Cadicut-Begpore
180.	M		Calicut-Pattdmpoyti
183.	M		Calicut City
185.	M		Calicut City

Level Crossings No.	M = Manned/ U = Unmanned	Location
186		Calicut City
187.	M	Calicut City
188.	M	WH Beach
189.	M	Temple Road
190.	M	WH Beach
191.	M	WH Beach
192.	M	Calicut-Cannanore
194.	M	Goods-Shed
195	U	WH ferry
196	M	Calicut-Cannanore
196A	M	Tiruvananthapuram-Kappad beach
197	M	Rokad—Bappad beach
198	U	CMS-Pulirkavu beach
199	M	QLD-Kanayankad

Level Crossings No.	M = Manned/ U = Unmanned	Location
		OLD-Arikkod
202	M	
204	M	QLD-Neliadiikkadavu
205	M	QLD-Mujukkunnu
206	M	CLT-CAN
207	M	NH-Light House
209	M	NH-Tikhodi Beach
210	M	NH-Tikkodi Beach
210A	M	Medady-Beach
211	M	Payyoli-Kottakal Beach
211A	M	Moorad-Kottakal Beach
211B	M	Kolakkadavu-Dottakal Beach
212	M	Goods Shed Road Bus Stand
213	M	BDJ Beach
214	M	BDJ-Kuriyadi

Level Crossings No.	M = Manned/ U = Unmanned	Location
215	M	BDJ-MHE
216	M	Kaonatti-Kuttiadi
216A	M	Kannookara-Orkatteri
216B	U	Mukkali-Orakatteri
217	M	Kunripalli-Orakatteri & Panur
218	M	Azhiyur-Nothalkadavu
219	M	Azhiyur-Mare
220	M	Station approach Goods
223	M	NH. 17-Chokali
224	M	NH. 17-Kurunchiyh
225	M	NH. 17-Parayil
226	M	NH. 17-Paringathur
227	M	NH. 17-Kozhikkall
228	M	Talicherry Manhodi

Level Crossings No.	M = Manned/ U = Unmanned		Location
	M	U	
229	M		Talicherry-Kuthuparambu
229A	M		Talicherry-Koraseri
230	M		NH. 17-Mambaram
231	U		NH-Brunnan College
232	M		Calicut-Cannanore
233	M		NH-Sea Shored
234	M		NH Way-Sea Shore
236	M		NH Way-Fly. Station
237	U		NH-Sea Shore
238	M		Calicut-Cannanore
239	M		Calicut-Cannanore
240	M		NH-Cannanore City
241	M		NH-Cannanore City
244	M		Othayankunnu Chalad

Level Crossings No.	M = Manned/ U = Unmanned		Location
	M	U	
245	M		Tarana Road-Valapattnam
248	U		Valapattanam-Azhikkal
251	M		Cannanore-Pashayangadh
252	M		Kannapuram-Thaliparamba
253	M		Kanapuram-Rizhhara
254	M		Othayamedam-Padiyal
255	M		Karrappuram-Kavinmumbh
256	U		Payangadi-Thavam
257	M		Cannanore-Pazhayangadi
258	M		Station approach-Goods Shed
258A	M		Pazhayangadi-Muttum
259	M		NH. 17 BLM-Beach
259A	U		Korakkadavu-Pay
260	M		Rly. Road

Level Crossings No.	M = Manned/ U = Unmanned	Location
261	M	Pay-Bttikulam
262	U	Ullithukadavu-Olavaram
263	U	Ealampachi-Thallankadu
264	U	Ealampachi-Taikarpur
265	M	TKQ-Pay
266	M	TKQ-Vallappa
267	M	Eadchakal-Naoakkavu
268	M	Padanna NLE
269	M	NH-17
270	M	Chittarickal-Pallickara
271	M	Chitrackal Kattipuram
272	M	NH.17
273	M	KZE-Beach
274	M	KZE-Beach

Level Crossings No.	M = Manned/ U = Unmanned		Location
	M	U	
274A	M		KZE-Beach
275	M		Station Approach
276	M		KZE-Nelakaramba
277	M		Bekal-Pertya
278	U		Bekal-Kurichikulam
280	M		Melapambu-KGQ
281	M		Uduma-Periyar
282	M		KGQ-Beach
283	M		KGQ-Beach
283A	U		CPCRI/Office
284	M		Goods Shed Road-Kumbla Town
285	M		Kumbla-Arikady Old Rd-NH.17
286	M		Arikady Road NH.17
287	M		Shiriy Road-NH.17

Level Crossings No.	M = Manned/ U = Unmanned		Location
	M	U	
288	M		Musodi Road-NH.17
289	M		Hossangadi-Bangara MOS NH.17
291	M		MOS-Udayar Road-NH.17
292	U		Kanyatheertha Road NH-17

**Travel of facilities for Commuters at
Railway Stations in Delhi**

8201. SHRI RAJNATH SONKAR SHASTRI:
Will the Minister of RAILWAYS be pleased to state:

(a) whether attention of the Government has been drawn to the news item captioned "where touts fleece poor passengers" appearing in the 'Hindustan Times' dated April 23, 1993;

(b) if so, the whether his Ministry propose to improve the chaotic conditions prevailing on the railway stations in Delhi particularly black marketing of tickets;

(c) whether telephone facility for getting information about transit is not satisfactory;

(d) if so, the steps proposed to be taken in this regard;

(e) whether computers installed for reservation of tickets do not accept the age below six years consequent to which rail tickets in respect of children below six years are not issued but these children are treated as ticket less when checked; and

(f) if so, the action proposed to be taken by the Government in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI K.C. LENKA):

(a) Yes, Sir.

(b) Though there are complaint of sale of tickets on premium by touts in fake names in Delhi area, conditions are not chaotic. Presently over 50, 000 reserved passengers are being booked daily in Delhi area from over 200 Computer Terminals where access is free to

every passenger. To prevent the activities of touts, surprise checks are being conducted by Commercial and vigilance Departments in association with Police at Reservation Centres and Transfer tickets are being checked in trains to discourage their purchase. Publicity is also being given to the passengers for not buying such tickets from touts.

(c) Adequate telephone facility is available.

(d) Does not arise

(e) and (f).

This problem has been resolved with suitable changes incorporated in the system w.e.f. 30th April, 1993.

Nutrition Programme

8203. DR. VASANT MIWARUTH PAWAR:
Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the Government propose to introduce nutrition programme by supplying nutritious food to all school children upto certain age; and

(b) if so, the funds allocated therefor, State-wise?

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (SHRIMATI SELJA): (a) No, Sir.

(b) Certain State Governments are implementing a Mid-day Meal Programme from out of their own resources. A statement showing outlay for Mid-day Meal Programme for the year 1991-92 is enclosed.

STATEMENT

Sl. No.	Name of the State	Outlay for 1991-92 (Rs. in lakhs)
1.	Goa	50.00
2.	Gujarat	5100.00
3.	Karnataka	950.00
4.	Kerala	175.00
5.	Madhya Pradesh	1293.00
6.	Maharashtra	518.00
7.	Meghalaya	161.00
8.	Mizoram	15.00
9.	Nagaland	173.00
10.	Orissa	344.00
11.	Sikkim	110.00
12.	Tamil Nadu	7010.00

Sl. No.	Name of the State	Outlay for 1991-92 (Rs. in lakhs)
13.	Tripura	638.00
14.	Uttar Pradesh	754.00
15.	West Bengal	2440.00

Water Shed Management Projects

8204. DR. KRUPASINDHU BHOI: Will the Minister of AGRICULTURE be pleased to state

(a) whether some model watershed management projects have been implemented in some States;

(b) if, so, the details thereof, State—wise and location—wise; and

(c) the steps proposed to be taken by the Government to implement such watershed management projects in other states especially in Orissa?

THE MINISTER OF STATE IN THE MIN-

ISTRY OF NON—CONVENTIONAL ENERGY SOURCES AND THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI S. KRISHNA KUMAR): (a) and (b) Yes, Sir. In each of 2525 Community Development Blocks with less than 30% of their cultivated area served with assured means of irrigation, one watershed has been taken up for developing as models under National Watershed Development Project for Rainfed Areas the (EWDPA) State—wise number of watershed are at Annexure give statement all ached.

(c): The Government has already taken up the implementation of this Scheme which is in progress in all the States and two Union Territories In the State of Orissa, the Project is being implemented in 13 districts covering 258 watersheds.

STATEMENT

Sl.No.	Name of State/Union Territory	No. of Watersheds
1.	Andhara Pradesh	94
2.	Arunachal Pradesh	12
3.	Assam	110
4.	Bihar	209
5.	Goa	4
6.	Gujarat	168
7.	Haryana	5
8.	Himachal Pradesh	58
9.	Jammu & Kashmir	31
10.	Karnataka	86
11.	Kerala	114
12.	Madhya Pradesh	385
13.	Maharashtra	266

Sl.No.	Name of State/Union Territory	No. of Watersheds
14.	Manipur	5
15.	Meghalaya	8
16.	Mizoram	20
17.	Nagaland	7
18.	Orissa	258
19.	Punjab	13
20.	Rajasthan	203
21.	Sikkim	8
22.	Tamil Nadu	84
23.	Tripura	17
24.	Uttar Pradesh	186
25.	West Bengal	169
26.	Dadra and Nagar Haveli	3
27.	Daman and Diu	2
Total		2525

Express Train Between Bangalore and Madurai

8205. SHRI C. P. MUDALAGIRIYAPPA : Will the Minister of RAILWAYS be pleased to state:

(a) whether a new express train between Bangalore and Madurai has been introduced recently; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA) :

(a) : Yes, Sir.

(b) : New link express train viz. 6531A 6532A has been introduced between Bangalore and Madurai w.e.f. 14.4.93.

[Translation]

Soyabean

8206. SHRI RATILAL KALIDAS VARMA :
SHRI SATYA DEO SINGH:

Will the Minister of AGRICULTURE be pleased to state:

(a) whether a new variety of Soyabean has been developed recently by agricultural scientists;

(b) if so, the details thereof;

(c) whether Government propose to encourage farmers to grow this variety; and

(d) if so, the details thereof indicating the names of States where this variety of soyabean is likely to be cultivated on large scale?

THE MINISTER OF STATE IN THE MINISTRY OF NON CONVENTIONAL ENERGY SOURCES AND THE MINISTER OF STATE

IN THE MINISTRY OF AGRICULTURE (SHRI S. KRISHNA KUMAR) : (a) Yes, Sir.

(b) Recently a new Soyabean variety, JS 335 has been developed. It is resistant to number of diseases and tolerant to the pest, 'steamily'. It has about 18% oil and 36% protein with yield potential of 25 to 35 quintals per hectare.

(c) This can be done only after its releases and notification by the Central Variety Release Committee.

(d) The variety is suitable for cultivation in the Madhya Pradesh, Rajasthan, Bundelkhand region of Uttar Pradesh, Northern and Western Maharashtra and Northern and Western Orissa.

[English]

Surplus Railway Land

8207. DR. P. K. GANGWAR : Will the Minister of RAILWAYS be pleased to state:

(a) the income earned by Western Railway from the license fee charged on the railway land leased during 1992-93; and

(b) the steps the Government propose to take to increase its income by leasing the remaining unused surplus railway land?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA) :
(a) About Rs. 2.32 crores.

(b) Railways do not have surplus land. The land lying unused will be required for Railway's future developmental works. Moreover, as per extant policy, leasing or licensing of railway land for purposes other than connected with Railway working is not being done and only licences granted prior to 1984 are being renewed from time to time till the land is required for Railway's own developmental work. In view of this, the question of increasing income by leasing of

surplus railway landaus not arise.

[Translation]

Encouragement to Sports

8208. SHRIMATI BHAVNA CHIKHALIA : Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the Federation of Indian Industries has formulated any scheme to find out resources which may encourage and improve the standard of sports in the country; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK)

(a) & (b) : No, Sir. However, a meeting has been held with Confederation of Indian Industry so as to enlist support of industry in the promotion of sports.

[English]

Primary Education

8209. SHRI BOLIA BULLI RAMAIAH : DR. D. VENKATESWARA RAO :

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether UNISEX has made any suggestions stressing the need of primary education to every child;

(b) if so, the details thereof; and

(c) the reaction of the Government thereto?

THE DEPUTY MINISTER IN THE MINIS-

TRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPT OF CULTURE (KUMARI SEIJA) : (a) and (b) : Particularly after the World Conference on Education for All held in Jomtien in March, 1990, the UNICEF has been playing an active advocacy role in regard to Universalisation—station Elementary Education (UEE).

(c) : Right from independence, India has been striving to achieve UEE. Provision of free and compulsory education to all children upto the age of 14 years is a directive principle of the Indian Constitution. The National Policy on Education, 1986 (NPE) gives the highest priority to UEE and adult literacy. The NPE, as revised in 1992, resolves that free and compulsory education satisfactory quality is to be provided to all children upto 14 years of age before we enter the 21st Century. This Policy perspective is reflected in Eighth Plan allocation and the 1993—94 budgetary allocation for education.

Indian Veterinary research Institute

8210. SHRI SANTOSH KUMAR GANGWAR : Will the Minister of AGRICULTURE be pleased to state:

(a) the number of cases of alleged thefts of various items in the Indian Veterinary Research Institute (IVRI), Izzatnagar, Bareilly, reported during the last two years;

(B) the details of the items involved therein; and

(c) the action taken so far against the persons found responsible therefor?

THE MINISTER OF STATE IN THE MINISTRY OF NON-CONFESSIONAL ENERGY SOURCES AND MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI S. KRISHNA MUMAR) (a) Sir, thirty two cases have been reported.

(b) Machinery items of Ford tractor, Diesel,

Cycles, Fire Extinguishers, Aluminum Framers, Iron Angles, Centrifugal Type Pumping Set, Compressor, Stabilizer, Generator, Room Heater, Padlock, Patela of Harrow, Iron Rods, Radiator, Jack Wrench, Pattia, etc.

(c) F. I. Rs have been lodged with the local police and in some cases, departmental action is in progress.

Modernisation of Sugar Factories

8211. SHRI RAM KAPSE : Will the Minister of FOOD be pleased to state :

(a) whether the Government are considering modernisation and rehabilitation of those sugar factories which are not economically viable during 1993—94; and

(b) if so, the details thereof, State—wise :

THE MINISTER OF STATE OF THE MINISTRY OF FOOD (SHRI KALP NATH RAI) (a) and (b) : Modernisation / rehabilitation schemes have to be prepared by the sugar factories themselves. However, the Central Government is providing loans from the Sugar Development Fund on soft terms to Sugar Undertakings for modernisation / rehabilitation of their plant and machinery. Any Sugar Undertaking which is approved by a financial institution for assistance under its relevant scheme for modernisation

and rehabilitation is eligible fulfilling the other conditions laid down.

No State—wise targets are fixed for disbursement of loans from the Sugar Development Fund and it depends on the applications received from the sugar factories.

Subsidy on Wheat and Rice

8212. SHRI V. SOBHANADREESWARA RAO VADDE :
SHRI PRAKASH V. PATIL :

Will the Minister of FOOD be pleased to state :

(a) whether the Government had been providing subsidy on wheat and rice on increased rates upto December, 1992;

(b) if so, the details in this regard; and

(c) the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD (SHRI KALP NATH RAI) :

(a) and (b) : The consumer subsidy and the carrying cost of buffer stocks was paid to Food Corporation of India during 1991—92 and 1992—93 (upto December, 1992) at the following rates :—

<i>Consumer Subsidy</i>	<i>1991—92 (Rs./Qtl.)</i>	<i>1992—93 (Rs./Qtl.) (Upto Dec., 92)</i>
Wheat	139.11	156.68
Rice	131.46	78.95
Carrying Cost of Buffer Stock	77.50	87.50

The rates for 1992—93 are provisional and the final rates will be known only after accounts of the Corporation are finalized and audited.

(c) : The rates of subsidy payable to the Food Corporation of India vary primarily on account of revision in the Minimum Support Prices and the Central Issue Prices.

Central Fisheries University

8213. PROF. K. V. THOMAS : Will the Minister of AGRICULTURE be pleased to state:

(a) whether there is any proposal to start a Central Fisheries University;

(b) if so, the details and the location thereof;

(c) the time by which it is likely to be started?

THE MINISTER OF STATE IN THE MINISTRY OF NON CONVENTIONAL ENERGY SOURCE AND MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI S. KRISHNA KUMAR) : (a) to (c) : Sir, There is no proposal to start a Central Fisheries University. A deemed university viz. Central Institute of Fishers Education is already functioning in Bombay.

Bhavnagar—Tarapur Railway Line

8214. SHRI CHANDRESH PATEL : Will the Minister of RAILWAYS be pleased to state

(a) whether the Government have decided to construct Bhavnagar—Tarapur Railway line on Western Railway;

(b) if so, the details thereof;

(c) whether surveys have been conducted in the past to study the feasibility of this project;

(d) if so, the details of the findings of the survey reports;

(e) the reaction of the Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA) : (a) No, Sir.

(b) Does not arise.

(c) Yes, Sir. In 1976—77.

(d) and (e) Results of the survey were as under :

Length : 149.82 km's

Cost of Construction : Rs. 33.65 crores

Rate of return : Negative

The line could not be taken up for construction due to unremunerative nature of the project and constraint of resources.

Railway Projects in Assam

8215. SHRI PROBIN DEKA : Will the Minister of RAILWAYS be pleased to state:

(a) whether some railway projects in North-east Frontier Railway in Assam are yet to be completed;

(b) if so, the details thereof;

(c) the steps being taken by the Government to complete the projects as per Schedule; and

(d) the new projects proposed to be taken up during the Eighth Five Year Plan in the state along with the estimated cost of construction, project—wise?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA) (a) Yes, Sir.

(b) to (d) A statement is attached

STATEMENT

(B) The details of such projects are given below:-

	Kms	Cost
(i) Construction of New Line from Jogighopa to Guwahati including Rail-cum-Road bridge across river Brahmaputra	145	Rs. 427.55 crores
(ii) Dudhnoi-Depa New Line	15.5	Rs. 20.17 crores
(iii) Migrendisa-Ditokcherma New Line	24	Rs. 132.50 crores
(iv) Guwahati-Lumding Gauge Conversion	181	Rs. 139.00 crores
(v) Lumding-Dibrugarh Gauge Conversion	769	Rs. 300.00 crores
(c) Work is being progressed on these projects as per schedule.		
(d) The following new projects have been taken up in the first two years of the 8th Plan period:-		
(i) Dudhnoi-Depa New Line (92-93)	15.5	Rs. 20.17 crores
(ii) Migrendisa-Ditokcherma New Line (92-93)	24	Rs. 132.50 crores
(iii) Guwahati-Lumding Gauge Conversion (92-93)	181	Rs. 139.00 crores
(iv) Lumding-Dibrugarh Gauge Conversion (93-94)	769	Rs. 300.00 crores

Projects for the future years are yet to be identified.

Committees on Fisheries

8216. SHRI SUDHIR SAWANT : Will the Minister of AGRICULTURE be pleased to state:

(a) the Committees functioning for development of fisheries;

(b) the objectives and the terms and references thereof;

(c) whether members from fishermen community also represent these committees;

(d) if so, the details thereof; and

(e) if not, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF NON CONVENTIONAL ENERGY SOURCES AND THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI S. KRISHNA KUMAR) :

(a) : The Government of India had constituted 2 Boards to oversee the development of fisheries in the country, viz., the Central Board of Fisheries and the National Fisheries Advisory Board.

(b) : The functions of the Central Board of Fisheries are to deliberate on national level problems on fisheries developmental recommend measures for effective coordination of fishery activities between the Center and the States and suggest ways & means for implementation of fishery development programmes having overall effect on other programmes of development or policy. The National Fisheries Advisory Board was set up in 1989 after transferring the work relating to fishing & fisheries beyond the territorial waters to the newly created Ministry of Food Processing Industries in order to ensure integrated and coordinated development of fisheries and orderly development the fishing industry.

(c) to (e) : The Central Board of Fisheries

and the National Fisheries Advisory Board have 2 members each representing fishermen. The non—official members of the Board including fishermen members are nominated by the Agriculture Minister generally on the basis of nominations received from the State / Union Territories.

[Translation]

Irregularities at wheat Procurement Centres

8217. SHRI MAHESH KANODIA : Will the Minister of FOOD be pleased to state:

(a) whether the Government have received several complaints about cheating the farmers at various wheat procurement centres ;

(b) if so, the action taken thereon by the Government; and

(c) the action taken by the Government against the persons responsible for the same?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD (SHRI KALP NATH RAI) : (a) to (c) : Control Rooms have been set up in the Ministry of Food, Krishi Bhavan, New Delhi and in FCI Head Quarters, New Delhi, to monitor implementation of the price support scheme for Rabi foodgrains, under which Food Corporation of India and the associated State procuring agencies are meant to procure foodgrains conforming to Fair Average Quality (FAQ) at the stipulated support price / procurement price as the case may be. The complaints of alleged sale of rabi foodgrains below the minimum support price (MSP) are received in this Control Room and the concerned State Government / procuring agencies are advised to take immediate remedial action.

Most of the complaints received in the Control Room so far relate to the alleged sale of

foodgrains below the minimum support price. In one case only, a press report dated 13.4.93 appeared in Navbhart Times reported cheating of farmers at procurement centres of wheat in U.P. The matter was taken up with the Government of Uttar Pradesh who have intimated that the allegation has been found to be baseless.

[English]

Food Economy Measures

8218. SHRI KHELAN RAM JANGDE : Will the Minister of FOOD be pleased to state :

(a) whether the Government have adopted any measures for the proper management of food economy with a view to maintain adequate buffer stock of foodgrains and to check the unprecedented rise in the prices thereof;

(b) if so, the details in this regard; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD (SHRI KALP NATH RAI) : (a) and (b) : Yes, Sir.

To maintain adequate buffer stock of foodgrains and to contain the price rises, the Government undertakes procurement operations through the Food Corporation of India and State Governments and their agencies on behalf of Food Corporation of India. A network with nearly 10,000 Purchases Centres is set up throughout the country and is expanded as required from time to time. The procurement arrangements are made in advance of the commencement of each Marketing Season. Wheat is procured by the Government under price support operations. There is no levy on wheat anywhere in the country at present. Paddy is purchased by the F.I.C. and other public agencies in the market at support prices. Rice is however, collected by way of statutory levy on

rice millers. For the Central Pool, as on 4—5—93, rice to the extent of 109.11 lakh tonnes was procured as against 86.08 lakh tonnes procured on the same day last year and 57.22 lakh tonnes of wheat was procured on the same day as against 35.36 lakh tonnes last year. Higher procurement of both rice and wheat during this year will substantially replenish and augment the Central stocks and enable the Government to maintain supplies to States/U. Ts for PDC etc. at the desired levels.

(c) : Does not arise.

[Translation]

Expansion of Sugar Mills in Maharashtra

8219. SHRI VILASRAO NAGNATHRAO GUNDEWAR : Will the Minister of FOOD be pleased to state :

(a) the number of sugar mills in Maharashtra, district—wise in respect of which permission has been granted to increase their capacity during 1992—93;

(b) the number of mills out of them which has increased their capacity; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD (SHRI KALP NATH RAI) :

(a) No Letter of Intent has been granted to any sugar mill in the State of Maharashtra to increase their capacity during 1992—93 sugar season (Oct. —Sept.)

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

Industrial Status to Poultry Farming

8220. SHRIMATI GIRJA DEVI : Will the

Minister of AGRICULTURE be pleased to state: [English]

(a) whether the Government propose to give the status of industry to the poultry farming

(b) if so, the details thereof; and

(c) the steps proposed to be taken by the Government for the development of Poultry in Bihar?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ARVIND NETAM): (a): No, Sir.

(b): Does not arise.

(c): It is proposed to set up a National Poultry Development Board which would assist in overall planing and development of poultry sector in the country including the State of Bihar. Some of the major function of this Board will be to create the required infrastructure, assist the farmers in getting good quality breeding stock and feed, processing, storage and marketing of Poultry Products, training and education of farmers.

Mass Transit System

8221. SHRI G. DEVERAYA NAIK:
SHRI V. SREENIVASA
PRASAD:

Will the Minister of RAILWAYS be pleased to state.

(a) the no—going Rail Mass Transit System taken up by his Ministry in different cities of the country;

(b) the funds allocated during 1992—93 and 1993—94 for each such project, expenditure incurred thereon and the progress made so far, project—wise; and

(c) the steps being taken for completion of these projects as per schedule?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAY (SRHI K. C. LENKA): (a) to (c): A Statement is attached.

STATEMENT

(a) Bombay

1. Mankhurd - Belapur Railway Line Project

2. Additional pair of lines between Bandra and Andheri.

Calcutta

Metro Railway from Dum Junction to Tollygani

Madras

(b)

Percentage of progress
achieved upto 31.3.93Expenditure
upto 31.3.93
(Rs. in crores)Funds allocated
(Rs. in crores)
1992-93 1993-94

Mankhurd - Rly.

18.00

12.00

79.67

96

Belapur CIDO

25.00

36.00

147.70

Railway Line

43.00

48.00

227.37

Additional pair of lines
between Bandra and Andheri

14.00

14.00

40.94

48

Metro Railway
Calcutta

131.02

125.00

1071.40

91

RTS Madras

19.00

19.00

88.53

60

(c) *Mankhurd - Belapur Railway Line Project.*

1. State Government of Maharashtra has been requested to have the remaining encroachments removed from the project alignment.
2. City & Industrial Development Corporation (CIDCO) who are constructing Station Buildings have been requested to complete the same early.

Additional pair of lines between Bandra and Andheri

This project is progressing commensurate with the allotment of funds.

Metro Railway Calcutta

1. Allotment of funds to the Project has been suitably enhanced.
2. State Government of West Bengal is being pursued Vigorously to hand over the remaining plots of land required for the project.

RTS Madras

1. State Government of Tamil Nadu has been requested to hand over the remaining land for the project.
2. Allocation of funds to the project has been increased over the years.

Indian Forest Sector Review

8222. DR. K. V. R. CHOWDARY : Will the Minister of ENVIRONMENT AND FORESTS be pleased to state :

(a) whether World Bank have prepared a paper titled Indian forest Sector Review ;

(b) if so, the details of the issues contained in the paper ;

(c) the recommendations to tackle those issues make therein ; and

(d) the follow up action taken by the government in this regard ?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) : (a) Yes, Sir.

(b) & (c) The World Bank Forest Sector Review is intended to analyse the efforts made in the past, including through projects assisted by the world Bank, to develop the forest resources in India and to analyse the factors that can contribute to better management of the country's forest resources in the future. The Review brings out that for the better management of the forests of the country, the main issues that require to be addressed include : (i) improving incentives for local participation and private efforts; (ii) improving the technological means to enhance productivity; (iii) increasing the effectiveness of the Forest Departments in the States; (iv) prioritising the areas that need to be protected and developed; and (v) identifying the issues requiring further analysis and resolution.

(d) The Review is intended to provide an overview of the key issues in forest management in India and also assist the World Bank in considering new forestry projects for provision of financial assistance. The Government organised two consultations in Bangalore and Delhi in the last week of April 1993, for discuss-

ing the Review with the forest officials, non-official experts, voluntary agencies, etc.

Incentive to Sugar Factories

8223. SHRI RAM NIHORE RAI : Will the Minister of FOOD be pleased to state :

(a) whether during January to April, 1993, production cost of sugar remains less due to higher recovery during the peak season of sugar cane crushing;

(b) whether incentives for free sale sugar is allowed in the early and late crushing season to cover the loss in cost of production ;

(c) if so, the reasons for granting mid term crushing incentive to the factories during 1992—93 ;

(d) the benefits that will be accruing to farmers out of this incentive scheme ; and

(e) if not, the reasons therefor ?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD (SHRI KALP NATH RAI) : (a) : Yes, Sir.

(b) : Yes, Sir.

(c) to (e) : The sugar production during the current season has been showing declining trend. The production during the current session upto 31. 12.92 was 28.25 lakh tonnes, as against 32.62 lakh tonnes on the corresponding date during the last season, thus showing a decline of 4.37 lakh tonnes. In order to improve the production level during the normal crushing period, it was decided to grant incentives for the excess production to be achieved during 1. 1.93 to 30.4.93 over the production during the corresponding period last season. This was intended to encourage the sugar factories to crush larger quantities of cane thereby increasing the quantum of cane price payment to the farmers.

Bungling in the Question Paper of Delhi University

8224. SHRI RAM VILAS PASWAN :
SHRI CHANDRAJEET YADAV :

Will the Minister Of HUMAN RESOURCE DEVELOPMENT be pleased to state :

(a) whether attention of the Government has been drawn to the news report regarding bungling in the question papers of Delhi University Annual examinations B. Com. (Hons.) 1st year appearing in the 'Indian Express' dated April 29, 1993 ;

(b) if so, the facts thereof; and

(c) the action being taken by the Government in this regard ?

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT EDUCATION OF DEPTT. OF CULTURE (KUMARI SELJA): (a) Yes, Sir.

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

Local Trains in Bombay

8225. SHRI MOHAN RAWALE : Will the Minister of Railways be pleased to state :

(a) whether a number of local trains in Bombay are stopped for clearing mail trains to pass thereby causing inconvenience to local passengers ;

(b) if so, the details thereof ; and

(c) the remedial measures taken in this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA): (a) No, Sir, except during accidents or other unusual incidents.

(b) and (c) Do not arise.

Environment Tax

8226. SHRI SANAT KUMAR MANDAL :
Will the Minister of ENVIRONMENT AND FORESTS be pleased to state :

(a) whether Government contemplate to introduce an environment tax as part of its overall environmental policy towards the Industry ;

(b) if so, whether the modalities of this 'Green' tax have been worked out ;

(c) if so the broad features thereof ; and

(d) if not, the stage at which the matter stands at present ?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): (a) No, Sir.

(b) to (d) Does not arise.

Over bridge at Chorode in Kerala

8227. SHRI MULLAPPALLY RAMACHANDRAN : Will the Minister of RAILWAYS be pleased to state :

(a) whether there is any proposal to construct an over bridge at Chorode, between Badagara and Mahe in Kerala ;

(b) if so, the details thereof ;

(c) whether the Government of Kerala has made any representations in this connection and if so, whether any priority has been given by the Government of Kerala for the construction of this bridge ; and

(d) if so, the details thereof and reaction of the Government thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA):

(a) to (d) Construction of road overbridge in lieu of level crossing No. 215 at Km. 713/7—8 at Cherodewas included in Railway's Works Programme in 1990—91.

Since the State government neither approved the General Arrangement Plan sent to them in July, 1990 nor responded, the work was dropped in 1992—93 after waiting for two years.

Seminar on Development of Culture

8228. SHRI JAGAT VIR SINGH DRONA: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state :

(a) whether UNESCO has emphasised the need of a greater role of cultural development in a nation's progress;

(b) if no, the details thereof ;

(c) whether a seminar on interface and development of culture has been organised by Indira Gandhi National Centre Arts recently;

(d) the main recommendations made therein; and

(e) the reaction of the Government thereto ?

THE DEPUTY MINISTRY IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT CULTURE (KUMARI SEJA)

: (a) Yes, Sir.

(b) The General Assembly of the United Nation adopted, at its 41st Session in 1986, the Resolution that proclaims the period 1988—1997 the world Decade for Culture Development. The Decade which is being observed under auspices of the United Nations and Unesco has the following main objectives :

—acknowledging the cultural dimensions of development;

—affirming and enriching cultural identities;

—broadening participation in culture ; and

—promoting international cultural cooperation.

The Resolution also invited all States, inter—governmental and international non—governmental organisations and interested individuals to take an active part in the fulfilment of the objectives of the Decade.

(c) A seminar of Interface and Development Culture was held recently from 19th to 23rd April, 1993.

(d) Statement is enclosed.

(e) Government have taken on record these recommendations.

STATEMENT

Main recommendations of the Seminar are

1. That development entails transformation of the material base—social structure, value systems and symbolic representation of any or society which can and does bring out the creative potential of the society at an individual or collective level ;

2. That as such, it amounts to the re—creation of society that both draws on tradition and re—orders it even as it creates while assimilating and adapting any new technology on its own terms;

3. That a society is alive and vibrant only if it has the capacity to be rooted in its own metrix and yet responsive to other cultures ;

4. That development, therefore, in the fullest sense is the development of the human potential in multiple situations and multiple socio—economic and socio—cultural milieus and levels.

5. Called upon all Research Institutions to initiate and further develop multi—desdisciplinary studies of the objectives, practices, and strategies of development programmes, specially in cononlation with the representatives of the concerned commodities. These studies should underpin the significance of outline asncecessary aspect of development straggles, especially when there is an external intervention of finance or technology.

6. Called upon the national Governments to take cognizance of the culture dimension of development in their perspective planning at national, regional and village level.

7. Called upon the development agencies of the U.N. to take the initiative in incorporating cultural parameters in development strategies and to insist on involvement and participation of target group and communities in the implementation of development programme.

Rehabilitation Work in Earthquake Hit—Region of Uttarkashi

8229. MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government are aware of concept of adopted villages in earthquake hit region of Uttarakashi ;

(b) if so, the name of Central as well as private including voluntary agencies engaged in rehabilitation work at village level ;

(c) the sort of assistance Central Government have provided to these villages where

rehabilitation work is being done by Non—Governmental agencies ;

(d) whether any Central team has visited Uttarkashi recently to study the rehabilitation work ; and

(e) if so, the outcome thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ARVIND NETAM) :

(a) to (e) : The information is being collected and will be laid on the Table of the Sabha

Construction of Stadium at Bhopal

8230. KUMARI PUSHPA DEVI SINGH : Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state :

(a) whether the construction work of stadium at Bhopal with Central assistance has now been stopped;

(b) if so, the reasons therefor;

(c) whether the Government propose to extend grant of completion of that stadium; and

(d) of so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMUKUL WASNIK) :

(a) and (b) : Central Government has sanctioned an assistance of Rs. 200 lakhs for construction of a State Level Sports Complex at Bhopal. The project includes construction of an Outdoor Stadium also. First Installment of Rs. 100 lakhs has been released to the State Government in February, 1991.

Central Government has not issued any direction for stoppage of work on this Sports Complex.

(c) and (d) : Central Government has already sanctioned maximum admissible assistance in respect of the above project. There is no proposal to extend any additional grant for completion of the aforesaid project. However, the second installment of Rs. 100 lakhs is to be claimed by the State Government after incurring expenditure upto 50% of the project cost.

Sambalpur Division

8231. DR. KRUPASINDHU BHOL : Will the Minister of RAILWAYS pleased to state :

(a) the amount sanctioned during 1992—93 and 1993—94 for the Sambalpur Division in Orissa;

(b) whether the third phase of Sambalpur Division from Titalagrah to Rayagada is likely to be completed with this amount of allocation; and

(c) if not, the steps taken to provide additional allocation for Sambalpur Division.?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA) : (a) to (c) : The information is being collected and will be laid on the table of the Sabha.

Oil from Orange Peel

8233. SHRI RAM KAPSE : Will the Minister of AGRICULTURE be pleased to state :

(a) whether the attention of the Government has been drawn to the news item captioned 'The Fetching exterior' appearing in the 'Indian Express' dated April 1, 1993;

(b) if so, whether a new technique has been developed to extract larger quantity of oil from orange peel for use in cosmetics and tea industry;

(c) if so, the details thereof; and

(d) the steps proposed to be taken by the Government to apply the said technology in the production of orange peel oil indigenously to save the foreign exchange ?

THE MINISTER OF STATE IN THE MINISTRY OF NON—CONVENTIONAL ENERGY SOURCES AND MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRIS. KRISHNA KUMAR) : (a) Yes, Sir.

(b) & (c) Yes, Sir. Central Food Technological Research Institute, Mysore has expertise to offer technology for cold pressed orange peel oil.

(d) Maharashtra Agro Industries Corporation, Nagpur (NOGA FACTORY) is commercially producing cold pressed orange peel oil.

"Effect of Effluent of Oil Wells"

8234. SHRI PROBIN DEKA : Will the Minister of ENVIRONMENT AND FORESTS be pleased to state :

(a) whether the Central Pollution Control Board has made any study regarding the effect of effluent of oil wells on human body and agricultural fields in Assam ;

(b) if so, the outcome thereof ; and

(c) the corrective steps taken / proposed to be taken by the Government in this regard ?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) (a) : No, Sir.

(b) & (c) Do not arise.

Construction of Boats

8235. SHRI SUDHIR SAWANT : Will the minister agriculture be pleased to state :

(a) whether problem being faced by fishermen in construction of boats due to lack of wood;

(b) if so, the alternative steps taken by the Government to meet this problem; and

(c) the financial assistance if any, provided by the Government there for?

THE MINISTER OF STATE IN THE MINISTRY OF NON—CONFESSIONAL ENERGY SOURCES AND THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI S. KRISHNA KUMAR) : (a) : Yes, Sir. There appears to be some scarcity for specified quality of timber for fishing boat building. The price of wood also is high.

(b) : Government are encouraging use of steel for large fishing vessels, Fiberglass Reinforced Plastic (REP) and Ferro—cement for mechanised boats, and marine plywood and FRP for small fishing boat construction.

(c) : The financial assistance provided by the Government therefor include :

i) A subsidy of 33% of the cost of construction for steel fishing vessels of above 20 metre size ;

ii) A subsidy of 50% of the cost subject to a maximum of Rs. 75,000/— per craft for construction of FRP Beach landing Craft (during the 7th plan period) ;

iii) A maximum subsidy of Rs. 30,000/— per craft for introduction of plywood craft on a pilot scale ; and

iv) A maximum subsidy of Rs. 1.6 lakhs for introduction of intermediate, non—trawl type off—shore pelagic craft made of alternate material for wood such as FRP/ Ferro—cement

Mysore — Bangalore Railway Line

8236. SHRIC. P. MUDALAGIRIYAPPA : Will the Minister of Railways be pleased to state :

a) whether railway line between Mysore and Bangalore has been completed very recently.

(b) if so, the details thereof ; and

(c) the details regarding introduction of train services on this railway route ?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA) : (a) Yes, Sir.

(b) The broad gauge line was opened to traffic on 16. 4. 93. The work has completed at an estimated cost of Rs. 121. 73 crores.

(c) Board gauge train services have already started and at present 16 trains (including express trains) are running on the converted Mysore — Bangalore section.

[Translation]

Allotment of Ration Depots to SCs/ STs.

8237. SHRI KHELAN RAM

JANGDE :

SHRI MAHESH KANODIA :

Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state :

(a) the criteria being adopted for allotment of fair price shops to the applicants ;

(b) whether the applicants belonging to Scheduled Castes/ Scheduled Tribes are given any special consideration in this matter ; and

(c) if so, the number of fair price shop holders belonging to SCs/STs. State—wise?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS & PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED)

(a) to (c) : Decisions regarding allotment of fair price shops including the criteria for selecting applicants are taken by the State Governments / UT Administration. The Central Government has requested State Governments / UT Administrations to reserve/ allot on priority a percentage of the fair price shops to women and persons belonging to Scheduled Castes and Scheduled Tribes including cooperatives and organisations of women and SCs/STs. Details regarding the State—number of fair price shop holders belonging to SCs/STs are not maintained by the Central Government.

Pollution Threat Due to Dumping of Nuclear Waste in Tibet

8238. SHRIMATI GIRIJA DEVI : Will the Minister of ENVIRONMENT & FORESTS be pleased to state :

(a) Whether the attention of the Government has been drawn to the news item captioned "Lhasa Ke Aas Pas Uranium Ka Sabse Bara Jakhira" appearing in the 'Jansatta' dated April 20, 1993 ;

(b) whether the Government are aware of the dumping of hazardous nuclear waste by China in Tibet ;

(c) whether the Brahmaputra and other rivers of the country originating in Tibet are likely to be polluted and the population of the country are likely to be affected by radioactivity ;

(d) if so, the details thereof ;

(e) the details of the study conducted / proposed to be conducted by the Government in

this regard ; and

(f) the measures taken / proposed to be taken by the Government in this regard ?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) (a) Yes, Sir.

(b) Government have taken note of a semi—official Chinese newspaper report in 1992, which claims that Chinese officials have denied that there is any nuclear waste buried in Tibet.

(c) Government is not aware of any studies that might have been undertaken regarding adverse effects due to radioactivity levels in the rivers originating in Tibet.

(d) Does not arise.

(e) and (f) No such study is proposed at present.

[English]

Diversion of Mustard Oil to Vanaspati Market

8239. SHRI SANAT KUMAR MANDAL : Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION be pleased to state :

(a) whether attention of the Government has been drawn to the news item captioned "Mustard Oil diverted to vanaspati market" appearing in the 'Financial Express' New Delhi dated April 15, 1993 ;

(b) if so, the facts thereof ; and

(c) the steps being taken to fix the percentage of mustard oil for use in the manufacture of vanaspati and to stop diversion of oil to vanaspati market to ensure adequate supply of this oil in deficient States like West Bengal ?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED): (a) : Yes, Sir.

(b) and (c) : In order to arrest the prices of mustard oil, which is a traditional oil of large segments of people in North, East and North—East India and to ensure adequate availability in the States particularly West Bengal, Government did not allow vanaspati industry to use expelled mustard oil in the manufacture of vanaspati. However, Government is monitoring the prices of edible oils including expelled mustard constantly.

Tellicherry Railway Station

8240. SHRI MULLAPPALLY RAMACHANDRAN: Will the Minister of RAILWAYS be pleased to state :

(a) whether there is any proposal to construct overbridge and second platform at Tellicherry Railway Station in Kerala;

(b) if so, the details thereof;

(c) whether the Government propose to remodel/renovate the Tellicherry Station; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA):

(a) Two platforms have already been provided at Tellicherry Station. There is no proposal to construct a foot over—bridge and additional platform.

(b) Does not arise.

(c) No, Sir.

(d) Does not arise.

Agenda 21 of Earth Summit

8241. SHRI JAGAT VIR SINGH DRONA: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state :

(a) the salient features of the Agenda 21 declaration which have been adopted in the Earth Summit at Rio;

(b) the steps taken by the Government to implement it; and

(c) the progress made so far in this regard?

THE MINISTER OF STATE OF MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): (a) Agenda 21 adopted by the United Nations Conference on environment and Development (popularly known as the Earth Summit), held in Rio de Janeiro (Brazil) in June 1992, reflects a global consensus and political commitment at the highest level on international cooperation in regard to environment and development related issues. The programme areas of Agenda 21 relate to the social and economic dimensions of sustainable development, conservation and management of resources, strengthening the role of major groups, the means of implementation, etc.

Copies of the 'Agenda 21' document have been placed in the Library of Parliament.

(b) & (c) Agenda 21 has been circulated to the concerned Ministries and Departments at the centre, the state governments and Administration of Union territories for necessary action. The trust is on reviewing the on—going programmes and the preparation of proposals which could be covered under the financial mechanisms in the light of the recommendations of Agenda 21 and the Earth Summit

At the international level, a Commission on Sustainable Development has been established under the aegis of the United Nations General Assembly to monitor the implementation of

Agenda 21. India has been elected as a member of the Commission on Sustainable Development for a period of one year. The first substantive session of the Commission on sustainable Development will be held in June 1993 in New York, India, with the help of like minded countries, is taking action to see that necessary financial and other means are provided by the international community for the implementation of Agenda 21.

Effect of Aquaculture

8242. DR. KRUPASINDHU BHOI : Will the Minister of AGRICULTURE be pleased to state

(a) whether Government have assessed the impact of the expansion of prawn and aquaculture on people living in coastal areas ;

(b) if so, the details thereof ; and

(c) the steps taken to safeguard the interest of the people likely to be affected by increasing prawn and aquaculture ?

THE MINISTER OF STATE IN THE MINISTRY OF NON—CONVENTIONAL ENERGY SOURCES AND MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI S. KRISHNA KUMAR) :

(a) to (c) : No assessment / study has yet been conclusively made by any organisation on the impact of growth of aquaculture sector on the people including fish farmers living in the area. Generally in view of the preponderance of extensive and semi—intensive technology for aquaculture including prawn culture being followed in India, no major adverse impacts have yet been conclusively felt.

As per report available with the Government, there is a welcome impact of the growth in aquaculture sector in the form of additional prawn / fish production.

Hike in Sugar Price

8243. DR. D. VENKATESWARA RAO : SHRI BOLLABULLI RAMESH :

Will the Minister of AGRICULTURE be pleased to state :

(a) whether the Food and Agriculture Organisation has indicated in its report that there may be a steep hike in the prices of sugar in the country during the current year ;

(b) if so, the details thereof ; and

(c) the steps proposed to be taken by the Government to control and stabilise the price of sugar ?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ARVIND NETAM) : (a) to (c) : The information is being collected and will be laid on the Table of the Sabha.

Catering Services

8244. SHRI SANAT KUMAR MANDAL : Will the Minister of RAILWAYS be pleased to state :

(a) whether attention of the Government has been drawn to the news item captioned "Railways may tie with Nirulas" appearing in 'The Economic Times', dated April 21, 1993 ;

(b) if so, the facts and details thereof ; and

(c) the terms and conditions for induction of private caterers and the expected rise in the tariff for various items to be catered to the traveling public and the improvement in the quality of food under the new set up ?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA) : (a) Yes, Sir.

(b) & (c) with a view to improve the catering services, as a pilot project, feasibility of supply of cooked food from known and professional caterers viz. M/s Nirula Corner House, Ltd., New Delhi on Adjust Kranti Express ex Hazrat Nizamuddin is under examination.

Performance of different Railway Zones

8245. DR. DRUPASINDHU BHOI: Will the Minister of RAILWAYS be pleased to state:

(a) whether the performance of South Eastern Railway in handling goods traffic and thereby generating revenue has improved considerably as compared to other zones;

(b) if so, the reasons for not performing well in handling goods, traffic by other zones;

(c) whether the Union Government propose to develop rail network and other facilities in South Eastern Railway in view of its economic performance; and

(d) if so, the steps taken in that regard?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. C. LENKA):
(a) Yes, Sir.

(b) All the Railways have lifted goods traffic as per offer from different sectors of economy. Goods loading on South Eastern Railway has been maximum due to heavy demand from the core sectors concentrated on this Railway.

(c) & (d) A number of transport capacity augmentation and development projects involving an investment of more than Rs. 1600 crores are in progress on South Eastern Railway.

Total literacy campaign

8246. SHRI BOLLA BULLI RAMAIAH:
DR. D. VENKATESHARA RAO:

Will the Minister of HUMAN RESOURCE

DEVELOPMENT be pleased to state:

(a) whether the Government propose to reorient the Total Literacy Campaign in the country in proportion to the number of children attending literacy centres;

(b) if so the board features thereof; and

(c) the time by which reoriented Total Literacy Campaign is likely to be implemented?

THE DEPUTY MINISTER THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPTT. OF EDUCATION AND DEPTH CULTURE) (KUMARI SELJA) (a) to (c) The given objective of the (NLM) National Literacy Mission is to ensure literacy for 15—35 age-group which is considered crucial for the country's development. However, the majority of the (TLC) Total Literacy Campaign projects approved so far have had to include also the children in the 9—14 age-group which had been identified for the NFE (Non—Formal Education) Programme.

The NFE age-group has necessarily to be taken care of under the TLC since the NFE is not operational in all the districts and, where operational, has only a limited coverage as contrasted with the TLC coverage.

The 'orientation' of the TLC Still remains to impart functional literacy to the persons in the identified age-group, in a time-bound manner, through the campaign mode, based on voluntarism, generally with the district as the primary unit of coverage.

The TLC strategy, however, provides for adequate extent of flexibility as may be called for by the given circumstances in a district. Accordingly, some of the sub-strategies or procedures of TLC may be innovated upon, but there is no proposal to re-orient the TLC strategy as such.

Prime Minister's visit to Drought affected districts

8247. SHRI RABIRAY:

KUMARI PUSHPA DEVI SINGH:
SHRI GEORGE FERNANDES:
SHRI VIJAY KUMAR YADAV:
SHRI LOKANATH CHOUDHURY:
SHRI K. PRADHANI
SHRI SHRAVAN KUMAR PATEL:
SHRI SRIBALLAV PANIGRAHI:
SHRI RAMASHRAY PRASAD SINGH:

Will the Minister of AGRICULTURE be pleased to state:

(a) whether the Prime Minister visited the drought affected districts of Madhya Pradesh, Bihar and Orissa in April;

(b) if so, the details thereof; and

(c) the concrete steps taken by the Government to mitigate the sufferings of the people in these State?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ARVIND NETAM)

(a) and (b) Prime Minister visited the drought affected districts of Madhya Pradesh Orissa and Bihar on 17th 22nd and 24th April, 1993, respectively to review the on-going drought relief operations.

(c) Under the existing scheme for financing relief expenditure, the execution of relief operations in the wake of natural calamities is primarily the responsibility of the State Government concerned. For this purpose, a Calamity Relief Fund (CRF) has been constituted for each State with an allocated amount — 75% of has been is contributed by the Central Government and remaining 25% by the State Government concerned. A State Level Committee headed by the Chief Secretary is fully empowered to initiate relief operations in the wake of natural calamities and also to decide on the mode of assistance. During the years 1992—93 and 1993—94, the following amounts of Central share of CRF have been released to the States of Madhya Pradesh, Orissa and Bihar:—

State	1992—93	1993—94 (Rs. in Crore)
Madhya Pradesh	27.75	20.85
Orissa	29.78	14.89
Bihar	39.375	*13.125

*Representing the Central share of the first and second quarterly instalment for the year 1993—94 released in advance during 1992—93.

The Prime Minister during his visit to drought affected districts of the States of Madhya Pradesh, Orissa and Bihar announced additional assistance of Rs. 100 crores, Rs. 80 crores and Rs. 180 crores respectively for stepping up of employment programme, drinking water supply

and nutrition programme in the drought affected areas.

While Paper on Drought in Orissa

8248. SHRI SARAT CHANDRA
• PATTANAYAK
SHRI VIJAY KUMAR YADAV
SHRI LOKANATH
CHOUDHURY:

Will the Minister of AGRICULTURE be pleased to state :

(a) whether the State Government of Orissa has submitted a white Paper on drought condition in Orissa to Union Government;

(b) if so, the details thereof ;

(c) whether financial assistance has been sought to evolve long term measures to fight drought in the Orissa;

(d) if so, the details thereof; and

(e) the reaction of the Government thereon ?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ARVIND NETAM) (a) and (b) : The White Paper prepared by the State Government Orissa on drought situation in the State, 1992—93 refers to the series of natural calamities experienced by the State during 1992—92, details of damage, relief measures undertaken by the state, amounts allocated to different Districts for undertaking relief works including employment generation, repairs of road, Government has earmarked a corpus of Rs. 70 crores out of the State's normal plan programme for execution of drought mitigation works in the affected districts.

(c) and (d) The Government of Orissa in December, 1992 requested the Central Government for assistance of Rs. 85 crores to undertake labour intensive works, programme for irrigation and improvement of drinking water supply in the drought affected areas. Subsequently, the Government of Orissa, in March, 1993 requested for assistance of Rs. 270 crores to undertake employment generation programmes and Rs. 10 crores for feeding programmes for old, infirm and disadvantage persons.

(e) The Central Government has released an amount of Rs. 29.78 crores as Central share

of Calamity Relief Fund (CRF) during 1992—93. An amount of Rs. 14.89 crores as Central share of two quarterly installments for the year 1993—94 has also been released to the Government of Orissa on 1st April, 1993. The Prime Minister visited the drought affected areas of the State in April, 1993 and announced an additional assistance of Rs. 80 crores)Rs. 75 crores under Jawahar Rojgar Yojana and Rs. 5 crores for Waste Land Development Programmes) to meet the drought situation.

STATEMENT CORRECTING REPLY
TO UNSTARRED QUESTION NO. 5088
DATED 6TH APRIL, 1993 RE APPOINT-
MENT OF URDU TEACHERS

THE DEPUTY MINISTER IS THE MINIS-
TRY OF HUMAN RESOURCE DEVELOP-
MENT (DEPARTMENT OF EDUCATION AND
DEPARTMENT OF CULTURE (KUMARI
SELAJA) :

I invite attention to the English and Hindi versions of to reply, given to Unstarred Question No. 5088 regarding appointment of Urdu teachers which was as follows :

(a) The Government proposes to introduce a Contrary Sponsored Schemes for Appointment of Urdu Teachers from 1993—94 for the remaining part of the 8th Five Year Plan.

(b) No funds were allocated for this Scheme during 1991—92 and 1992—93. However, a sum of Rs. 80,00 lakhs has been proposed for the 8th Five Year Plan.

(c) and (d) Information is being collected and will be laid on the Table on the House.

The revised answer to part (b) of the Question may kindly be read as follows :

"No funds were allocated for this scheme during 1991—92 and 1992—93. However, a sum of Rs. 8000 lakhs has been proposed of this scheme for the year 1993—94"

The error in the reply was noticed only later on. As such the correcting statement could not be table earlier.

Inconvenience caused to regretted.

12.00 hrs.

SPECIAL MENTIONS

[Translation]

SHRI VIRENDRAN SINGH (Mirzapur): Mr. Speaker, Sir, whenever there is a discussion on sports in the House, all the Members express their concern as also the Nation. All the traditional games of the country have been recognised in the Olympics. India traditional games were given recognition at Seoul Olympics. I am not aware as to how the organisers are preparing for that next Olympics. I had once expressed my concern about the fact that only such persons are associated with sports organisations who are not directly related to games. It is unfortunate.

A Wrestling championship was recently organised in Mangolia. The wrestling team of India was scheduled to participate in the championship at Mangolia. The team, however, could not reach Mangolia and it returned from Hong Kong. The question is not whether our team could participate in the world championship or not but the main question is to what extent the organisers of the games are nationalist. This is not only the question of participating in the games. When a particular sportsman wins a match for his country, it clearly reflects as to how much nationalistic are the people of the country.

Once I had said that the sportsman with rural background must be characterful, stout and resolute so they could prove more successful. But I am worry to say that nobody in the country has ever thought of on these lines. These sportsmen do not get adequate reward for devoting their valuable time of prime youth and for putting hard labour in sports activities which actually become the part of their daily routine. Even the factory workers, on the other hand, who contribute to the development of nation get

remuneration for their work and even for future they are confident that they would get Provident funds and pension after retirement. But when the persons associated with games retire from active life they find themselves in a very miserable condition. It is unfortunate.

Subsequently, when young sportsmen particularly with rural background do not take interest in sports, there is a concern in the country over the falling standard of sports. It is also a national task. It is unfortunate that the Government or the person in charge of sports organisations never think about the matters related to sports and games. When the question of games come before them, make remarks about sportsmen and say that a particular sportsman is a wrestler, he possesses a dull mind and therefore he will raise insignificant questions. I would, therefore, humbly like to submit that there must be a concern in the country for games and sports. This is a question of nationalism and not merely of games. Through you, I would like to submit to the Government that some thought should be given to improve the standard of living of sportsmen. The hon. Minister in charge of sports is present in the House at the moment. Games and sports are being neglected. Nothing is being thought to improve the standard of sportsmen. There should be some motivation to encourage games and sports and efforts should be made to create interest in sports. The traditional games chiefly played in villages by particular communities should be promoted. Community of fishermen may be trained in swimming. (Interruptions) Similarly, training of archery may be given to the youngmen of that community of which it is a part of tradition. You should impress upon the Government to make some arrangement in this regard. (Interruptions)

MR. SPEAKER: You had your chance to express your views. Now you should finish your speech and try to listen others.

SHRI VIRENDRAN SINGH: The Government should pay full attention in this regard. With these words I conclude.

12.16 hrs.

RE: INTERIM RELIEF TO VICTIMS OF
BHOPAL GAS TRAGEDY

[English]

SHRI HANNAN MOLLAH (Uluberia): Sir, I would like to draw the attention of the Finance Minister, through you he is present here about the need for immediate interim relief to Bhopal gas victims. As you know, Sir, the tragedy of Bhopal gas victims has been raised in the House time and again and as you also know, five lakh people of thirty-six Wards of Bhopal were the direct victims of the gas leak. You also know, Sir, that there are arrangements for payment of interim relief of Rs.200 per head per month for three years and the condition is that before the interim relief is over, the finalisation of the compensation cases will be settled. But out of six lakh cases five lakhs and one lakh added later on only 1800 or 1900 cases have been settled. You will be surprised to know that from 31st March, 1993, that interim relief has been stopped. During the debate on Madhya Pradesh Budget, we had raised it here in the House and the Minister present here repeatedly said that there is a budgetary provision for continuances of that relief of those five lakh people.

12.17 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

We objected because we had already raised the matter. The Bhopal Gas Peerit Sangarsh Samiti and other organisations also raised it again and again. We met Mr. Falero and Mr. Arjun Singh and repeatedly discussed the matter. We knew that there was no budgetary provision but the Minister insisted that there was budgetary provision. When I raised it again and again, the Speaker was kind enough to say that since the Minister was saying that the money was there in the budget, therefore, I should sit down. So, I was forced to sit down. But, Sir, you will be surprised to know that from the 31st March, that money has

been stopped and they are not paying the interim relief. So, on that issue, the Minister has deliberately misled the House. That also I raised. I gave a privilege motion against the Minister for misleading the House and the whole country, because it generated hopes among the five lakh victims that they were going to continue to get the benefit. But from the last 31st March, they are not getting a single pie. Many people will die because they were living on that paltry sum which has been stopped. Now their treatment will stop. This is a very inhuman, a very wrong decision on the part of the government. They have told that they will go to the Supreme Court to utilise the money we had got from the Union Carbide. But the Supreme Court has rejected that plea by saying that that money will be utilised only for the final relief, not for the interim relief. The Government has not kept the money in the budget. This is the situation. So, Sir, either you should accept the privilege motion or the Minister, who is present here, must explain why he deliberately misled the House.

We repeatedly raised this matter in the House. The hon. Minister is misleading the House. There is no money in the Budget. But in spite of that the Minister is misleading the House. Five lakh people are running from pillar to post. They are not getting money. They will die out of starvation. This is a serious matter. We want the hon. Minister to respond to it.
(Interruptions)

SHRI BASUDEB ACHARIA (Bankura): Sir, this is a serious matter, people are starving. Government must respond. (Interruptions)

SHRI NIRMAL KANTI CHATTERJEE (Dum Dum): We want the Minister to respond. (Interruptions) We want him to be truthful.

MR. CHAIRMAN: Please resume your seat. Shri Rabi Ray may speak.

[Translation]

SHRI RABI RAY (Kendrapada): Mr.

Chariman, Sir, this is a very important issue. I hope that the Member of ruling party will also support it for it is not a matter of party politics. You are aware that we have been raising this issue concerning five lakhs of people for several years in the House. Now due to the inaction on the part of the Government 5 lakh people are on the verge of starvation. This is nothing, but an attempt to kill the people in an other way. I mean to say that five lakh people were affected by gas tragedy in union carbide and a large number of people were wounded and killed in the tragedy but they are not getting interim relief. Shri Hannan Mollah has also drawn attention towards it. The present session of Parliament will be over on 14th of this month and after that we will be left to read in newspapers that persons are dying there. The Minister of State in the Ministry of Finance Shri Murti is present in the House at the moment. I would like to submit to him that he could make a statement in this regard on behalf of the Government. This is because the present session will come to an end after two days and cause of those helpless people will be relegated into background. *(Interruptions)*

[English]

SHRI RUPCHAND PAL (Hooghly): Sir, this House cannot be a silent spectator to this. *(Interruptions)*

[Translation]

DR. LAXMINARAYAN PANDEYA (Mandsaur): I have also to make a submission in this regard. The issue of persons affected by Bhopal Gas Tragedy is of such a nature that the tragic situation still prevails in these areas. The persistent demands regarding inclusion of 36 wards for providing relief has not been accepted by the Government. Moreover, interim relief which was hitherto being provided is now proposed to be suspended. This is likely to make the situation all the more horrible and the affected families are likely to face further crisis. I would, therefore, like to submit to the Government that keeping in view the miseries of the affected

people, it should restore the relief and the remaining 36 wards should also be included in the list of areas that are to be provided interim relief.

[English]

SHRI BASUDEB ACHARIA: Sir, this is a very serious matter. We have raised this matter on the floor of the House a number of times, in this budget session also. The monetary relief which was continuing, has been stopped. Now the gas-affected people of Bhopal are dying out of starvation. Unless immediate steps are taken by the Central Government to revive the monetary relief, which has been stopped, they will not get the money which has been sanctioned for their compensation. Unless the relief which was continuing is revived and restored again, the gas-affected people of Bhopal will die of starvation. The hon. Minister of State for Revenue is here. He should respond and he should assure the House because this is not the demand of one section of the House but it is the demand of the entire section of the House.

For the last more than six years, lakhs of people of Bhopal gas tragedy are suffering. They are not getting their compensation. Not a single paise has been paid to them as compensation. The monetary relief has also been stopped. This is the demand of the entire House that the Government should respond and that the relief which has been stopped, should be restored forthwith. The hon. Minister of State is here. You, Sir, please direct him to respond and assure the House that the relief will be restored forthwith. *(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE: Sir, let me add one or two words. *(Interruptions)*

SHRI BASUDEB ACHARIA: You take a humanitarian view. *(Interruptions)*

SHRI ANIL BASU (Arambagh): Sir, the Minister is here. He should respond. *(Interruptions)* MR. CHAIRMAN: Nirmalji, you have all raised this issue in the House. At the

moment he does not want to respond to it.

[Translation]

(Interruptions)

SHRI BASUDEB ACHARIA: The Government is inhuman. The Government is not responding. The Government cannot assure the House. (Interruptions). The people of Bhopal are dying of starvation. Has the Central Government no responsibility? (Interruptions)

MR. CHAIRMAN: Kindly listen now without interruption,

(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI M.V. CHANDRASHEKHARAMURTHY): I will come to that point.

Sir, I have noted the concern of the hon. Members. The appropriate decision will be taken at the appropriate time. (Interruptions)

[Translation]

DR. LAXMINARAYAN PANDEYA: Sir, when the interim relief, which has been suspended, will be resumed? If it is not done the affected families will die of starvation. (Interruptions)

[English]

SHRI BASUDEB ACHARIA: Then people will die. When people die, the Government will take appropriate action. (Interruptions)

SHRI M.V. CHANDRASHEKHARA MURTHY: Regarding the allegation by the hon. Member, Mr. Hannan Mollah that I have misled this House while discussing the Madhya Pradesh State Budget, it is not true. For that notice, I have given my reply to the hon. Speaker. SHRI BASUDEB ACHARIA: This is not proper. People are dying of starvation.

DR. LAXMINARAYAN PANDEYA: Mr. Chariman, Sir, it is an important issue. The hon. Minister has not given a satisfactory reply. He should state whether the Government will resume giving the interim relief or not. The condition of the people is miserable. The gas affected families are in crisis. Perhaps you lack humane approach otherwise you would have thought about starting it again. (Interruptions)

[English]

SHRI BASUDEB ACHARIA: People will die of starvation and the Government is not finding any solution. What is your appropriate time, please tell us. (Interruptions)

MR. CHAIRMAN: The hon. Minister has to speak. Please allow him to speak.

SHRI SRIKANTA JENA (Cuttack): No, no, Sir. The way the Minister is responding, it creates unnecessary irritation in the minds of the hon. Members. Let him state categorically what he is proposing to do. (Interruptions) MR. CHAIRMAN: Unless you allow him to speak, how are you going to know what he is going to say? Let him react.

(Interruptions)

SHRI E. AHAMED (Manjeri): What is the appropriate time? (Interruptions)

MR. CHAIRMAN: Mr. Ahmed, please sit down now.

SHRI M.V. CHANDRASHEKHARA MURTHY: Sir, even the Government is very serious about this problem. We have taken note of this problem and it is before the Government. We will come again before this House, Sir. SHRI BASUDEB ACHARIA: When? (Interruptions)

[Translation]

DR. LAXMINARAYAN PANDEYA: Sir, the interim relief has been suspended. It should be resumed and please direct the Government to come with a positive reply to it. (Interruptions)

[English]

SHRISAIFUDDIN CHOUDHURY (Katwa): There has to be a categorical reply, Sir.

SHRIBASUDEBACHARIA: The response is not at all satisfactory. (Interruptions) MR. CHAIRMAN: Kindly sit down.

SHRILALK. ADVANI (Gandhi Nagar): Mr. Chairman, Sir, this is not at all a partisan issue. As you would notice, every person in fact, if some Members on this side have risen, I am sure the entire House is concerned about this tragedy and therefore, what was expected from the Government is a reply that reassures the House. The reply till now is that 'at the appropriate time appropriate action will be taken'.

Sir, the second answer given is, 'We will come to you at the appropriate time'. Sir, both these answers convey to us nothing. After all, a specific question has been put 'whether interim relief that was being given to the victims has been stopped and if so, when will it be resumed and what further action do you propose to take?' And unless a reassuring answer is forthcoming, how can this House be satisfied?

SHRI M. V. CHANDRASHEKHARA MURTHY: Sir, I wish to add to the points raised by the hon. Leader of the Opposition that the Members of Parliament from Madhya Pradesh have met the Prime Minister and submitted a memorandum. The Prime Minister is seized of the matter and he will take a decision.?

SHRI NIRMAL KANTI CHATTERJEE: When will he take the decision?

SHRI M. V. CHANDRASHEKHARA

MURTHY: I cannot say that; it is for the Prime Minister to take the decision. (Interruptions)

SHRILALK. ADVANI: Sir, I would request for an assurance from the Government that before this House adjourns on the 14th the Government would come forward with a full statement on what it proposes to do on this matter. (Interruptions)

[Translation]

SHRICHANDRASHEKHAR (Ballia): Mr. Chariman, Sir, it is very sad that the hon. Members are asking questions from the hon. Minister of State for Finance. He is not directly responsible for the budget of the State nor has he any information about it. This matter is with the hon. Prime Minister and he does not utter anything on any problem. He will not speak till 14th and after that if the people die then all of us will express concern over the news, which we would come to know through newspapers.

Mr. Chairman, Sir, only you can do something on this issue and whatever the hon. Minister of State has said is not going to serve any purpose. The hon. Prime Minister like a philosopher believes that death is inevitable to mortals. He should come here and make a statement on the Bhopal gas victims. (Interruptions) If some people die, it makes no difference to him. Therefore, please try to bring him down to earth. (Interruptions) It seems he has directly descended from heaven and all the time he thinks of high idealism and philosophy. I am not saying this to make you laugh. The Government always maintains silence on the issues of death and starvation whether it is in Kalahandi or Bihar. (Interruptions)

Mr. Chariman, Sir, I shout sometimes, but I may tell you that shouting by these people there is not giving to make any difference. (Interruptions) The starvation issue is not at all important for the hon. Prime Minister. Therefore, the House should compel the hon. Prime Minister to come here and make a statement on

this issue. There is no use in arguing with the hon. Minister of State. (*Interruptions*)

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK): Mr. Chariman, Sir, rightly the Members are concerned about the situation regarding the Bhopal gas victims. But it is totally unfair for a senior Member, who is a respected Member of this House, Shri Chandra Shekharji to say that dying does not make any difference to the Prime Minister. It is very unfair to make a statement like this. The Minister of State Shri Chandrashekhar Murthy has said that the Prime Minister is seized of the matter and a decision will be taken in this regard. As far as Kalahan di and the situation in Bihar is concerned, the Members are aware that the Prime Minister has taken it very seriously; he called the Members of the respective States, he held discussions there also and measures have been initiated. So, to say a thing like this about the Prime Minister is absolutely unfair and it is uncalled for (*Interruptions*)

SHRI BASUDEB ACHARIA: The Prime Minister should tell the House before the Lok Sabha adjourns as to what he proposes to do on this matter. (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE: Sir, after discussing the matter with him, a month and a half has passed since now. It is not yesterday that this has happened. He says he is serious about this matter. Please tell him that so much of time has passed and therefore, he must come with a response by tomorrow. (*Interruptions*)

MR. CHAIRMAN: I think, in view of the strong sentiments expressed by large sections of this House and in view of the importance of the

subject, I would wish that the Government should make a statement on this before the end of the Session.

SHRI MRUTYUNJAYA NAYAK (Phulbani): Sir, the whole world is greatly concerned with the ecological balance and environment. India is a great patron in this direction. But to our surprise and regret, in my constituency, Phulbani which is a tribal and hill station altogether regular smuggling of forest timber is taking place. It is found that very recently there has been massive tree cutting and tree felling—sal trees and piasal trees which has been brought to the notice of the State Government. Yet no action has been taken and nobody has been apprehended so far. The matter concerns with the Central Government also and it comes within the purview of the Central Government.

I strongly appeal to the Government to look into the matter and take strong action to prevent forest timber smuggling in my area of Baligud a sub-division of Phulbani district. (*Interruptions*)

SHRI LOKANATH CHOUDHURY (Jagatsinghpur): It is a very important issue. MR. CHAIRMAN: Shri Ramesh Chennithala. I will allow you later.

SHRI RAMESH CHENNITHALA (Kottayam): Sir, the leakage of question papers and other serious irregularities in the examinations conducted by various Boards and Universities, particularly by the Delhi University have reached scandalous proportions. During the month of March this year and thereafter, the newspapers have reported a large number of cases of leakage of question papers of various examinations. Only the other day, the Controller of Examinations of the Delhi University was asked to proceed on leave after serious irregularities were noticed in the conduct of various examinations.

Last year, there were reports about the leakage of question papers of the Civil Services

(Preliminary) examination of the UPSC at Allahabad. The Times of India of Sunday, the 9th May carried a news item that the Delhi University cancelled the B. Com. (Pass) first year examination following the paper leak. In Delhi, the Directorate of Education has decided to conduct the examination of classes VIII, IX AND XI for the Schools in entire Delhi. But much to the delight of some students and their parents, question papers of various subjects were freely available in most of the shops for a price of Rs. 200 per question paper. In order to meet the problem a leakage of question papers, the CBSE introduced the multiple sets of questions in the examinations. But this has created another problem for the students. The syllabus is covered disproportionately in these sets resulting in easy questions in some sets and extremely difficult questions in some other sets.

This year another complaint heard from the students and teachers was that the question papers of Classes X AND XII contained questions which were out of course, particularly in Mathematics, Political Science etc.

From all this, it is clear that there is something basically wrong with the management of examinations in our schools and universities. If question papers are freely available in the market 48 hours before the examinations, what is the sanctity of our examinations? If this is allowed to continue, students who have the smartness and resources to contact the right persons or tap the right sources will score highest marks.

I would therefore request the hon. Minister for Human Resources to review the entire system and try to solve this problem. This has created a bad trend in our educational system. Especially in Delhi University, the students are very much disappointed by the regular leakage of question papers. (*Interruptions*)

[*Translation*]

SHRI RAM NAGINA MISHRA (Padrauna).

Mr. Chariman, Sir, thank you for giving me an opportunity to speak. The very existence of sugarcane growers of Uttar Pradesh is at stake. Shri Kalpnath Rai, who belongs to Uttar Pradesh is present here and he has recently toured the State. More than Rs. 3 billion is outstanding against the mills. In my constituency there are 14 sugar mills out of which 3 mills are under the Central Government. These mills have been running for seven months now. When we went there, we came to know that the payment is being made for the sugarcane received upto 12th January and the payment of five months is still pending. The farmers have postponed marriages and other important family functions. The Mahajans are not ready to pawn the payment slips issued by mills even for half rates. The people are facing lot of trouble. The mill owners were paid at the rate of Rs. 140 per quintal for sugar and more than Rs. 3 billion was paid by the State. The subsidy on molasses also runs in millions of rupees. I would like to urge upon the Government that the farmers of Uttar Pradesh have been ruined as the payment of sugarcane is outstanding (*Interruptions*) I would like to know what steps does Shri Kalpnath Rai propose to take to alleviate their sufferings. Three sugar mills have been declared sick. What would be their fate in future? (*Interruptions*)

THE MINISTER OF STATE OF THE MINISTRY OF FOOD (SHRI KALPNATH RAI): Mr. Chariman, Sir, regarding the question raised by Shri Ram Nagina Mishra and our other colleagues, I would like to assure you that the payment will be made by 30th May. (*Interruptions*)

SHRI RAM NAGINA MISHRA: I would like to request hon Chandrashekari to speak a few words about the sugarcane growers. (*Interruptions*)*

[*English*]

MR. CHAIRMAN: Don't record anything please. (*Interruptions*)*

MR. CHAIRMAN: Nothing is being recorded.

(Interruptions)

MR. CHAIRMAN: You are going too much. Please sit down.

(Interruptions)*

MR. CHAIRMAN: Don't record anything.

[Translation]

SHRINAWAL KISHORE RAI (Sitamarhi): Mr. Chariman, Sir, I come from Sitamarhi in Bihar. Sitamarhi, Muzaffarpur, Vaisali Western part of Madhubani and eastern part of Motihari area have a population of around one crore, who is waging agitation since long for the development of Bajjika language but nothing has been done so far in this direction. The hon. Minister of Home Affairs is also present here, I would like to submit that I had also raised this issue at the time of presenting Demand for Grants of Ministry of Home and the Bajjika language, which is spoken by one crore people of Bihar should be included in the Eighth Schedule of the Constitution, which may pave way for the development of Bajjika Language. The Minister of Internal Security has said in Bihar that Maithili and Bhojpuri language will be cosidered from the point of view of thier inclusion in Eighth Schedule, we welcome it. I request that Bajjika Language spoken by 1 crore people should be included in the Eighth Schedule. I had raised this issue at the time of presentation of demand for grants but no response was given in this regard. The Government should be instructed to include Bajjika Language in Eighth Schedule. Like wise I also request the Ministry of Information and Broadcasting that in Bihar a programme named Chaupal is brodacast and telecast, it should also be telecast and broadcast in Bajjika language

SHRI ANAND AHIRWAR (Sagar): Mr.

Chariman, Sir, recently in my Constituency Sagar, the result of Central School has been declared. Most of the students have been placed under compartment Ninety percent of such students belong to s/c and S/T. Such result is due to a malice toward them. They have played with thier future. The present principal has been there for the last 15 years. I have already apprised Minister of his abominable activities but no action could be initiated against him. These students are compelled to sit on the back benches in the class. They are ill-treated on account of untouchability and even teachers in Central School are given such treatment. On many occasions, they were ill-treated and they made a complaint to me in this regard and I sent their complaints alongwith my letter the Minister. I want to submit that an inquiry should be made into it and the Principles should be removed and with that copies of the supplementary exams should be re-evaluated. Ofcourse, there is a provision of re-totalling but it will not solve the purpose. A strict action should be taken agaisnt those examiners. The hon. Deputy Minister of Education is present in the House, she should come forward with a statement in this regard.

[English]

MR. CHAIRMAN: As you all know, we have to take up the impeachment matter at two of the Clock exactly. Therefore, I would not allow now anything else. We will now take up Papers to be Laid on the Table. Please excuse me. You can raise it tomorrow.

(Interruptions)

[English]

12.50 hrs.

PAPERS TO BE LAID ON THE TABLE

Report of the C & AG of India Union
Government No.12 of/1992 Commercial
Indian Telephone Industries Limited

THE DEPUTY MINISTER IN THE

MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (KUMARI SELJA): On behalf of Shri Sukh Ram, I beg to lay on the table a copy of the Report (Hindi and English versions) of the Comptroller and Auditor General of India-Union Government (No. 12 of 1992)- (Commercial)- Indian Telephone Industries Limited, under article 151(1) of the Constitution.

[Placed the Library See No LT-4035/93]

Annual Report and review on the working of Veterinary Council of India, New Delhi for the year 1991-92 etc.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ARVIND NETAM): I beg to lay on the Table:

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Veterinary Council of India, New Delhi, for the year 1991-92, along with Audited Accounts, under sub-section (4) of section 62 of the India Veterinary Council Act, 1984.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Veterinary Council of India, New Delhi, for the year 1991-92.

- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in the Library, See No LT-4036/93]

Annual Report and review on the National Institute of Public Corporation and Child

development, New Delhi for the year 1991-92 etc.

* THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMUKUL WASNIK): on behalf of Shrimati Basava Rajeshwari, I beg to lay on the table:-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Public Corporation and Child Development, New Delhi, for the year 1991-92, along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Institute of Public Corporation and Child Development, New Delhi, for the year 1991-92. (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in the Library See No LT-4037/93]

Report of C & AG of India- Union Government (No. 9 of- 1993) for the year ended the 31st March, 1992- Defence Services Air Force and Navy)

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI M.V. CHANDRASHEKHARAMURTHY): I beg to lay on the table a copy of the Report (Hindi and English versions) of the Comptroller and Auditor General of India-Union Government (No. 9 of 1993) for the year ended the 31st March, 1992-

(Defence Services-Air Force and Navy), under article 151(1) of the Constitution.

[Placed in the Library, See No LT-4038/93]

Annual report on the working of Raja Rammohan Rai Library foundation, Calcutta for year 1991-92 and Kendriya Vidyalaya Sangathan, New Delhi for 1990-91, Bal Bhavan Society India New Delhi for 1991-92 etc.

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (KUMARI SELJA): I beg to lay on the table:-

(1) (i) A copy of the Annual Report (Hindi and English versions) of the Raja Rammohan Roy Library Foundation, Calcutta, for the year 1991-92, along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Raja Rammohan Roy Library Foundation, Calcutta, for the year 1991-92. (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in the Library, See No. LT-4039/93]

(3) A copy of the Annual Report (Hindi and English versions) of the Kendriya Vidyalaya Sangathan, New Delhi, for the year 1990-91.

[Placed in the Library, See No. LT-4040-93]

(4) (i) A copy of the Annual Report (Hindi and English versions) of the Kendriya Vidyalaya

Sangathan, New Delhi, for the year 1990-91.

(ii) A copy of the Review (Hindi and English versions) of the Kendriya Vidyalaya Sangathan, New Delhi, for the year 1990-91, together with Audit Report thereon. (iii) Statement (Hindi and English versions) regarding Review by the Government on the working of the Kendriya Vidyalaya Sangathan, New Delhi, for the year 1990-91.

(5) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (4) above.

[Placed in the Library, See No. LT-4041/93]

(6) (i) A copy of the Annual Report (Hindi and English versions) of the Bal Bhavan Society, India, New Delhi, for the year 1991-92.

(ii) A copy of the Annual Accounts (Hindi and English versions) of the Bal Bhavan Society, India, New Delhi, for the year 1991-92, together with Audit Report thereon.

(iii) Statement (Hindi and English versions) regarding review by the Government on the working of the Bal Bhavan Society, India, New Delhi, for the year 1991-92.

(7) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (6) above.

[Placed in the Library, See No. LT-4042/93]

- (8) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Management, Bangalore, for the year 1990-91, along with Audited Accounts.

delay in laying the papers mentioned at (10) above.

[Placed in the Library, See No. LT-4044/93]

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Indian Institute of Management, Bangalore, for the year 1990-91.

- (12) A copy of the Annual Report (Hindi and English versions) of the Board of Apprenticeship Training (Southern Region) Madras, for the year 1991-92, along with Audited Accounts.

- (9) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (8) above.

- (ii) A copy of the Review (Hindi and English versions) of the Government on the working of the Board of Apprenticeship Training (Southern Region), Madras, for the year 1991-92.

[Placed in the Library, See No. LT-4043/93]

- (10) (i) A copy of the Annual Report (Hindi and English versions) of the Kendriya Hindi Shikshan Mandal, (Central Institute of Hindi) Agra, for the year 1991-92.

- (13) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (12) above.

[Placed in the Library, See No. LT-4045/93]

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Kendriya Hindi Shikshan Mandal, (Central Institute of Hindi) Agra, for the year 1991-92, together with Audit Report thereon.

- (14) (i) A copy of the Annual Report (Hindi and English versions) of the Board of Apprenticeship Training (Western Region) Bombay, for the year 1991-92, along with Audited Accounts.

- (iii) A copy of the Review (Hindi and English versions) by the Government on the working of the Kendriya Hindi Shikshan Mandal (Central Institute of Hindi) Agra, for the year 1991-92.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Board of Apprenticeship Training (Western Region) Bombay, for the year 1991-92.
- (15)

- (11) Statement (Hindi and English versions) showing reason for

Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (14) above.

[Placed in the Library, See No LT-4046/93]

recommendations and to State that at this House has no recommendation to make to the Lok Sabha in regard to the said Bill."

- (16) A copy of the Annual Report Accounts (Hindi and English versions) of the Aligarh Muslim University, Aligarh, for the year 1991-92, together with Audit Report thereon.

12.521/2 hrs.

[English]

- (17) Statement (Hindi and English versions) showing reasons for delay in the laying the papers mentioned at (16) above.

TRANSPLANTATION OF HUMAN ORGANS BILL

Secretary-General As passed by Rajya Sabha

[Placed in the Library, See No LT-4047/93]

Sir, I lay on the Table the Transplantation of Human Organism Bill, 1993, as passed by Rajya Sabha on the 5th May, 1993.

12.52 hrs.

[English]

COMMITTEE ON GOVERNMENT ASSURANCES

MESSAGE FROM RAJYA SABHA

Twelfth Report

12.53 hrs.

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

[Translation]

- (1) "In accordance with the provisions of rule 111 of the rules of procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Transplantation of Human Organs Bill, 1993 which has been passed by the Rajya Sabha at its sitting held on the 5th May, 1993."

DR. LAXMI NARAYAN PANDEYA (Mandsaur): Sir, I beg to present the twelfth report (Hindi and English versions) of the Committee on Government Assurances.

[English]

MR. CHAIRMAN: Now we shall take up item number 10.

(Interruptions)

- (ii) "In accordance with the provisions of sub-rule (6) of rule 18 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Finance Bill, 1993 which was passed by the Lok Sabha at its sitting held on the 5th May, 1993 and transmitted to the Rajya Sabha for its

SHRI RAM NAIK (Bombay North): We have given notice for opposing this. (Interruptions)

SHRI MADAN LAL KHURANA (South Delhi): We are opposing this.

MR. CHAIRMAN: Let him put the Motion first. Let there be a Motion for withdrawal, then you oppose it.

DELHI MUNICIPAL CORPORATION
(AMENDMENT) BILL

12.531/2 hrs.

THE MINISTER OF HOME AFFAIRS
(SHRI S.B. CHAVAN): Sir, I beg to move for leave to withdraw a Bill further to amend the Delhi Municipal Corporation Act, 1957.

[Translation]

SHRI MADAN LAL KHURANA: (South Delhi): Mr. Chairman, Sir, just now the reasons given for the withdrawal state that when this Bill was moved, the Panchayat Raj Bill was passed through 73rd and 74th amendments to the Constitution, which has increased the scope of Municipal Corporation and which requires to introduce or new Bill. Mr. Chairman, Sir, 73rd and 74th amendment Bills were passed by Lok Sabha on 22nd December and by Rajya Sabha these were passed on 23rd December. First in the Speaker's room and thereafter in this House, this assurance was given by you that it would be brought in the next sessio, i.e. it will be brought and passed in the first week of the budget sessio, which is mon, and election will be held in May, 1993.

Mr. Chairman, Sir, I would like to submit that this assurance was given after passing the Amendment Bill and if they wanted to withdraw this Bill they could have done it that very moment but did they not know this thing at that time? I want to submit that Delhi is being deccited as for the last ten and half year, they have not held the elections. for the last five and half years, I have been witnessing that committee are being formed and they introduced it on the last day of the session and now they are giving false assurances. I want to submit that be it 9th Lok Sabha or 10th Lok Sabha, they are not introducing the Bill regarding Delhi, intentionelly so that elections are not held in Delhi. Due to not holding elections, there is no elected and responsible administrative body in Delhi. There is no past example in the history of India of not holding elections

continuously for a period of ~~ten~~ years. Last election in Delhi was held on 5~~th~~ February, 1983 and now it is May, 1993. A period of ten and year half year has since been passed and nobody knows when the same will be held? Therefore, I want that at least a new Bill should be presented.

Mr. Chairman, Sir, what is happening to whom should we approach for the redressal of our problems regarding water and electricity. There is uproar in whole Delhi. I am grateful to you for calling a meeting, but I want to tell you a startling fact that 30 per cent electricity is being pilfered in Delhi and in some areas it is to the extent of 43 percent. These are official data and nobody is responsible for it.

Mr. Chairman, Sir, the basic problem of Delhi that it does not have any elected body which is causing all sort of mismanagement. Therefore, through you. I want to request the Government to withdraw this Bill, I do not have any objection, but before that you should give an assurance that a new Bill, which was promised in the meeting held at Prime Minister's residence will be presented and when you are going to fulfil this assurance? When it will be prepared and presented I need assurance in this regard.

Mr. Chariman, Sir, if you are not holding elections in Delhi. An Act has been passed delimitation has been done, as per Election Commission, electoral rolls are ready and an order from Ministry of Home Affairs in this regard is awaited. Therefore, if there is delay in holding corporation election then you should go for Assembly polls so that the people of Delhi may feel satisfied in repect of their democratic rights. With this assurance, if you want to withdraw the Bill you can but before that I need that assurance. (Interruptions)

SHRI TARA CHAND KHANDELWAL (Chandni Chowk): Mr. Chairman, Sir, there has been no elections in Delhi for the last ten years and it was assured that a new Corporation Bill would be brought, but the new Bill has not been brought forward. I cannot express in words the

prevailing corruption and redtapism in Delhi and the problems faced by the Members of Parliament from Delhi in the absence of elected local Government.

Mr. Chairman, Sir it was assured in the meeting held with the Prime Minister that a new Bill would be brought but the same has not been brought and the old one is being withdrawn. I think now only two days are there in the current session of the House and as also pointed out by Shri Madan lalkhurana, this Bill was introduced in the House on the last day of the previous session and the same thing is being repeated to day also. There seems to be a conspiracy in it. Now the current session is going to end after two days and the Bill is being withdrawn without bringing a new Bill, so how there can be a discussion on it. It means the matter is being again deferred for another six months. Therefore, I would like to request that before withdrawing this Bill, a new Bill should be brought, a discussion should be held and then it should be passed and an assurance should be given by the Government for holding elections in Delhi.

[English]

SHRI RAM NAIK (Bombay North): Sir, I am opposing the Motion basically because the statement which has been circulated to us says that it is being circulated under Direction No. 36 of the Directions of the Speaker. Direction No. 36 reads like this:

When a Bill pending in Lok Sabha is sought to be withdrawn by Government, a statement containing the reasons for which the Bill is being withdrawn shall be circulated to Members by the Ministry concerned sufficiently in advance of the date on which the motion for withdrawal is sought to be made."

Sir, we have received this Motion only today, in the morning. Naturally, when we received it today morning, we did not get sufficient time and we want to oppose it basically under this Direction. Sir, why the bill is being withdrawn has not been

stated clearly. If the Bill is to be withdrawn and if it is to be withdrawn because of the Seventy-Third and Seventy-fourth Constitutional Amendment Bills which were passed in December, then what was the Government doing for the last four months? why are they coming so late, why are they depriving the citizens of Delhi of their right to have their own self-government?

Sir, from that point of view, there is not specific assurance from the Minister that a new Bill is coming.

13.00 hrs.

If the new Bill is not coming, why should we allow him to withdraw the old Bill, particularly when there is no sufficient notice? so you have to decide whether there is sufficient notice or not. If there is no sufficient notice it cannot be that it just informs us today morning and it can be treated as sufficient notice. On these two technical points, that sufficient notice has not been given and the statement does not say as to when the new bill will be brought before the House. I oppose it and request the Minister to come with specific reasons, with a new bill and then seek the permission of the House to withdraw it.

SHRI S. B. CHAVAN: It is a very strange phenomenon that the hon. Members who had participated in a discussion with me on 10th March have raised this issue. Delhi MPs were called specially by me in order to find out their reaction because the Government was thinking in terms of excluding all the rural areas and thereafter for the rest of Delhi we can think of having a corporation. But all the hon. Members who had assembled there said that they were interested in retaining rural areas and they would not like this to be excluded. Thereafter we were thinking whether in the present Bill this can be incorporated. Everybody came to the conclusion that it will require drastic changes and unless the whole Bill is redrafted it will not be possible for us to do it. Thereafter a meeting was called at the Prime Minister's level wherein all the hon. Members also participated. They are aware of

[Sh. S.B. Chavan]

Corporation Act, 1957."

the fact that we will have to withdraw this Bill.

This evening we have the meeting of the Cabinet where the decision about the new Bill will be taken. If the hon. speaker were to waive certain rules, I can assure the hon. Members that either on 13th or on 14th we will be able to introduce the Bill.

[Translation]

SHRI MADAN LAL KHURANA: Please tell us when the elections will be held in Delhi.

SHRI S.B. CHAVAN: It does not relate to elections.

SHRI MADAN LAL KHURANA: The Bill has been passed and the Voter's list has been prepared. The Chief Election Commissioner has said that he will hold elections as and when the orders are issued by the Home Ministry. You should at least hold elections in Delhi.
(Interruptions)

[English]

SHRI RAM NAIK: I have raised a point of order Sir.

MR. CHAIRMAN: You did not say it is a point of order. You said that the Minister should reply. If it is a point of order, I rule it out because the word sufficient has not been defined anywhere in the said direction. The statement about withdrawal is not such a serious thing that more than this notice is required. Under the circumstances giving notice given in the morning is sufficient. Now I put the motion to the vote of the House.

The question is:

"That leave be granted to withdraw a Bill further to amend the Delhi Municipal

The Motions was Adopted

SHRI S.B. CHAVAN: I withdraw the Bill.

MR. CHAIRMAN: The House shall now take up Matters under Rule 377. Shri Vasant Pawar.

13.04 hrs.

MATTERS UNDER RULE 377

- (i) **Need for widening of Bombay Nasik Pimpalgad Baswant portion of National Highway No.9**

[English]

DR. VASANT NIWRUTTIPAWAR (Nasik): Nasik, a pilgrimage centre of Kumbhmela is growing in the field of industry and agriculture. The holy place of Shirdi Saibaba is about 90 kms. away from here. Hence there is tremendous traffic by road and rail. I request the Central Government to undertake widening of National Highway No.4, from Bombay-Nasik-Pimpalgach Baswant. The construction of four lane of the National Highway is necessary. The Government of Maharashtra has also requested the Central Government in this regard.

I, therefore, request the Central Government to undertake the work for widening of Bombay-Nasik Pimpalgaon Baswant National Highway No.4.

- (ii) **Need to sanction more funds for early commissioning of Thermal Power Plant at Suratgarh Tehsil of Sriganganagar district, Rajasthan.**

[Translation]

SHRI MANPHOOL SINGH (Bikaner): Mr.

Chairman, Sir, a thermal power plant has been sanctioned by the Government of India for Suratgarh tehsil of Sriganganagar district in Rajasthan. In view of the power shortage in that region a thermal power plant is being set up under the guidance of RSEB but due to the shortage of funds available with the State Government, the work is going on at a very slow pace. With a view to step up the construction work of this thermal power plant, more funds should be allocated to the State Government of Rajasthan. Due to the shortage of power, this area is industrially backward and unemployment problem is increasing there day by day. Similarly tubewells are successful for irrigation purpose in that area but due to the power shortage farmers are unable to make use of them.

Therefore, I would request the Central Government to allocate more funds and necessary instructions should be provided to the State Government for early commissioning of thermal power plant at Suratgarh.

(iii) Need to enforce prohibition in the country

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh): Liquor is admittedly the enemy of humanity. But its consumption in different sections of the population including youth is on rapid increase day by day. Apparently, this is also responsible for ever increasing crime and corruption in the society, besides bringing ruination to its addicts. People below poverty line having drinking habits are the worst victims. The laudable purpose underlying the Government's various poverty alleviation programmes including JRY is somewhat defeated with a sizeable portion of the earnings of the poor labourers finding its way to the liquor vendors.

What is, therefore urgently called for is a

review of our policy and strict enforcement of prohibition in the country.

(iv) Need to provide dues of royalty on hydel power to Himachal Pradesh

[Translation]

PROF. PREM DHUMAL (Hamirpur): Mr. Chairman, Sir, the power is being generated in several hydel power projects in Himachal Pradesh and that is being supplied to different parts of the country. Whereas the royalty is being received by the other states for their natural resources like coal, oil, gas etc. but no royalty is being paid to Himachal Pradesh on hydel power and water. Though the Government has accepted in writing for giving 12 per cent royalty on the hydel power projects commissioned after September, 1990 but no royalty is being paid on the hydel power projects commissioned before September, 1990 in spite of the fact that the Government and the Planning Commission have agreed to pay the royalty in principle. Thousands of Panchayat's representatives, ex-MLAs and MPs from Himachal Pradesh have held a public meeting and staged dharnas in Delhi for the demand of royalty.

Therefore, I would like to request the Central Government that the royalty on the hydel power projects commissioned before September, 1990 should immediately be paid to the Himachal Pradesh Government which comes about Rs.200 crore per year so that the state could overcome its financial crisis.

(v) Need to give priority to the work of four laning of road between Vedodara and Maharashtra Border

[English]

SHRI KASHIRAM RANA (Surat): National Highway No.8 is in extremely high density traffic

corridor carrying traffic of about 10,000 CVD and 30,000 PUC. As per the norms prescribed, four laning is necessary for roads carrying traffic more than 15,000 per unit corridor. In the approximately 1275 kms. stretch between Vadodara and Maharashtra border, work of four laning in various stages is about 100 kms. length, while 175 kms will still remain to be four laned. At present, approval for about 10 kms. for four laning is obtained yearly. At this rate, it would take an extremely long time to complete four laning in this stretch. Yearly traffic increase on this stretch is about 15 per cent and therefore, if four laning is not completed quickly, the traffic is likely to come to a stand still. The Government of Gujarat, various institutions of Gujarat and MPs of Gujarat have also represented this case to the Union Government to take up this matter very seriously and sympathetically because of increasing incidents of fatal accident. But, citing the reasons of paucity of funds no substantial progress has been achieved.

In these circumstances, I urge the Central Government to give priority to the work of four laning between Vadodara and Maharashtra.

(vi) Need to formulate new Child Labour Policy

[Translation]

SHRI RAM BADAN (Lalganj): Mr. Chairman, Sir, the number of Child labourer in our country are about five crore and most of them belong to Backward Class, harijan and adivasi communities. Many schemes have been formulated for the welfare of Child labours but could not be implemented effectively. The future of these Child labours is dark. The child labours consist of 23 per cent of the total national labour power and they are working in organised and unorganised sectors in rural areas.

Therefore, I would request the Central Government to formulate a new child labour policy covering different aspects of their welfare like education, living conditions employment

problem, checking of exploitation etc. and that policy should be implemented effectively.

(vii) Need to Sanction road from North Guwahati-Kurukooa-Panera to Bhairalekunda and provide funds for it

[English]

SHRI PROBIN DEKA (Mangaldoi): Sir, the North-East Council have recommended a scheme for the construction of road from North Guwahati-Kurukooa-Panera to Bhairalekunda for inclusion in the Eighth Five Year Plan. The Government of Assam also have given top priority for inclusion of this scheme in the Eighth Plan.

Therefore, I urge upon the Union Government to approve the scheme and provide adequate funds for this purpose.

(viii) Need to provide financial assistance to West Bengal Government for renovation of Sick Industries in the State

SHRI SANAT KUMAR MANDAL (Joynagar): Sir, Calcutta was once the hub of almost all the core industries of the country engineering, jute, textiles, coal, steel, tea and host of others. There are lay-offs, closures of industries and their shifting outside the State of West Bengal with the result that it has not only resulted in the flight of capital from the State but also rendered several lakhs of people some very highly skilled in various trades and professions unemployed. No new project has been set up in the State in the recent past. The State's prestigious projects, like Haldia Petrochemicals Complex, Backreswar and some others are also languishing for want of Central assistance.

As things stand at present, not only the city of Calcutta but the entire State is in the throes of worst financial crisis. It is high time that the

Central Government draws up some phased plan to revive the dying industries, particularly jute, which is the potential foreign exchange earner. The jute mills need modernisation and diversification. I would urge the Central Government to offer financial assistance to the entire gamut of sick industries and thus ensure more employment to the people of West Bengal.

13.14 hrs.

The Lok Sabha then adjourned for Lunch till Fifteen Minutes past Fourteen of the Clock

14.18 hrs.

The Lok Sabha re-assembled after Lunch at Eighteen Minutes past Fourteen of the Clock.

[MR. SPEAKER in the Chair]

MOTION FOR PRESENTING AN ADDRESS TO THE PRESIDENT UNDER CLAUSE (4) OF ARTICLE 124 OF THE CONSTITUTION FOR REMOVAL FROM OFFICE OF JUSTICE V. RAMASWAMI, OF THE SUPREME COURT OF INDIA FOR ACTS OF MISBEHAVIOR AND

MOTION FOR CONSIDERING THE REPORT OF THE INQUIRY COMMITTEE CONSTITUTED TO INVESTIGATE INTO THE GROUNDS ON WHICH REMOVAL OF SHRI V. RAMASWAMI, JUDGE, SUPREME COURT OF INDIA, WAS PRAYED FOR.

CONTD

[English]

MR. SPEAKER: How do we go about today? I think one side of the case is put before the House. And the other side was also put before the House. But then, the mover of the Motion should reply in detail and time should be made available to him. We have other Members also who would like to speak. The mover of the Motion can reply to the submissions for any number of hours,

depending on time factor. But then, should we have the speeches also from both the sides without limit? It is a legal matter, but it is not purely, simply legal. But then, it is better if one understands the complications..

SHRI MANI SHANKAR AIYAR (Mayiladuturai): I would like to submit that in case there are Members of the House who would like to speak, they may be afforded an opportunity of doing so. I, for my part, would greatly appreciate if the House and in particular you yourself, Mr. Speaker, Sir, were to afford such an opportunity to me. Perhaps there would be other Members too. But I am willing to submit myself to the will of the House in this matter. I though I should just express my own desire of being afforded the opportunity of being having heard.

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Speaker, Sir, I have given the notice in writing.

MR. SPEAKER: That is why I am asking.

(Interruptions)

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, after listening to him, probably we may also be interested in putting forth our view points. (Interruptions)

MR. SPEAKER: He has very carefully stated that

[English]

I am submitting to the will of the House.

[Translation]

Shri George Fernandes, would you like to speak?

SHRI GEORGE FERNANDES: Yes, Sir.

[English]

SHRI INDERJIT (Darjeeling): As requested already, in case you are allowing Members to speak, I would also like to have the privilege of joining the discussion.

SHRI E. AHMED (Manjeri): Only those Members whose names have been given should be given the opportunity to speak.

MR. SPEAKER: We have 545 Members in the House. If I give opportunity to one Member and then if every other Member wants to speak then it becomes very difficult. We would also like to conclude this matter today itself. That has also to be borne in mind. The best thing to do in this matter is to allow the mover of the Motion to speak and cover all the points which have been made. But, I am leaving it to you.

SHRI E. AHMED: In that case clarifications may be allowed.

MR. SPEAKER: From whom the clarifications can be sought?

SHRI NIRMAL KANTI CHATTERJEE (Dum Dum): Some of us withdraw our right to speak.

[Translation]

SHRI NITISH KUMAR: Mr. Speaker, Sir, it would be better if one Member from each party is allowed to speak.

MR. SPEAKER: In that case there are 21 parties in the House.

SHRI LALK. ADVANI (Gandhi Nagar): Sir, if we can fix the time say 4.00 or 4.30 hrs for the reply then you can accommodate as many Members as you can prior to that time,

MR. SPEAKER: Somnathji, how much time do you need?

SHRI SOMNATH CHATTERJEE (Bolpur): I need about two and a half hours.

MR. SPEAKER: I would like to ask Mr. Fernandes, how much time he will take.

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, this aspect was discussed yesterday itself. I would like to submit that the counter arguments have more importance than the time factor. So I am not referring to time constraint. Many facts presented here, have only misled the House. Yesterday itself when the Counsel for Justice Ramaswami was speaking here you made it repeatedly clear, that whatever the Counsel has to say, he is allowed to say and there won't be any time constraint. I am not asking for unlimited time to speak in the House. However, whatever is relevant and necessary, I would definitely like to say in the House. I think it absolutely necessary to highlight the findings of the Committee appointed by the former Speaker. I just want to highlight those very things and seek time for all this. (Interruptions)

MR. SPEAKER: No-no. It is not like that.

(Interruptions)

SHRI GEORGE FERNANDES: I think one hour will be required for all this. (Interruptions)

MR. SPEAKER: Others are also to be allowed.

SHRI GEORGE FERNANDES: I will try to conclude as early as possible.

[English]

SHRI JASWANT SINGH (Chittorgarh): Sir, I had really a very brief submission to make but I find after listening to the learned Counsel for Justice Ramaswami, that it has become necessary for me to rebut some of the assertions made by him.

If they are addressed to by others I shall omit them. But, I have re-worked what I have to say and I find that I will not be able to do justice to what I have to do unless I take a minimum of about 40 minutes to 45 minutes.

SHRI MANI SHANKAR AIYAR (Mayiladuturai): I hope I will be able to complete my submission in about 15 minutes to 20 minutes and I will certainly not exceed 25 minutes.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Mr. Speaker, Sir, we will give less time to the Congress (I).

SHRI K. P. UNNIKRISHNAN (Badagara): I will also like to make a speech. (*Interruptions*)

MR. SPEAKER: Mr. Ahamad, Mr. V. S. Rao and Mr. Reddiah, please depend on your colleagues. This is a very complicated matter and we know that you would be able to enlighten us. But, there will not be anything which you will gain by saying the same things over and over again. I will allow Members to speak but not allow to cover the same points. Let us be very clear on that point.

SHRI SOMNATH CHATTERJEE: Except me.

MR. SPEAKER: Because as far as the Mover of the Motion is concerned, he will get time. But it is not necessary that each and every one of us in the House should speak. It is not necessary that the same points should be made by the Members again and again. Now, if there is any new point, most welcome, any new aspect, most welcome. But then the rules do not provide. But, they specifically prohibit repeating the points made by the Members. Let it be understood. It is not necessary that each one of us should speak. I think, let us decide that Mr. Somnath Chatterjee, as a Mover, will reply to the debate at 4.30 p.m. Please bear this in mind also. So, within the time available to us, will do it.

SHRI JASWANT SINGH: Mr. Speaker, Sir, I will cut short all the preliminaries. But it is necessary for me to emphasise the momentousness of the occasion and I for one am awed by the majesty and the import of it, as it is the first exercise by us as Legislators, in this our judicial role. I consider it necessary to point out and to underline that. Because, the occasion is path-breaking and precedent-setting, it is imbued with deep historicity. What we do or fail to do today will become archival material to be referred to by successive and succeeding generations of Legislators. It is also necessary for me to very briefly re-assert that this is not an exercise of the judicial role of Parliament, it is not a partisan political activity, it is not routine law-making and it is not at all the usual administrative function along party lines. It is, of course, Sir, not a regional issue of South, North, East or West. It indeed really far transcends such damaging distractions. It is also not an occasion to impute motives, to cast aspersions, to denigrate the moral authority of this sovereign legislative body or in fact more importantly any of the designated instruments of this body or in the constituent of it body. For example, a Committee which had been formed by this Parliament under the orders of the Chair and designated with the responsibility of assisting the Parliament.

Sir, it is also, of course not an occasion for us to engage in a universal commentary or a blanket condemnation of the entire judiciary.

I do also find it necessary to very briefly assert that the fate of this Motion is directly linked with the moral health of the nation. Misbehaviour in the executive, indeed even in the legislature, we have known earlier we have dealt with it variously and I am sadly led to believe that we will also have to continue to deal with that kind of misbehaviour and corruption. But the manner in which we address ourselves to the misbehaviour of the judiciary will, to my belief, assist us in correcting the wrongs of the legislature and the executive also.

[Sh. Jaswant Singh]

I believe this is how I shall endeavour to address myself to my responsibility that in this first ever demand placed upon us as a legislature about the misbehaviour of judiciary, we must be deeply conscious of the gravity of the enormous responsibility that is being placed upon us. That is also why that of course while we cannot condone any misbehaviour, we cannot equally condemn lightly either.

The judgement of the legislature is not arbitrarily arrived at. It is certainly not flippantly discussed and it must not be delivered lightly. That is why I come to what I have to submit. I consider it my duty to caution all my colleagues that we, as legislators, on this occasion, for the first time, are being tested not in our legislature role that in our judicial role. If we found wanting or being any less than justly, but unequivocally against misbehaviour, then, we, would, of course, be injuring ourselves, but, in the process, we would certainly be causing grave injury to the nation.

The learned counsel for Justice Ramaswami very broadly made observations which I will very briefly refer to. He referred to the inadmissibility of the original Motion because of certain figures. He also referred to the Speaker not having engaged in the setting up of the Committee proper with proper consultation, and he suggested that Parliament is not bound by the Committee report. And then he addressed himself to the specific charges against Justice Ramaswami very broadly not exhaustively. His submission being that the charges were trivial, that evidence was either not led or that the evidence was perverse or it was misrepresentative. Hence, it was wrongly interpreted. He admitted that Justice Ramaswami chose not to appear before the Committee being apprehensive of prejudice. In consequence, he suggested the inquiry was vitiated and charges not proven. He led certain new evidence and he referred to certain legal aspects about investigation, etc.

I think it is necessary for me to submit to you what I think we are seized with I am very simply putting it the question; and I put this in the context of the submission made by the learned counsel for Justice Ramaswami. We are seized with the question of removal from office of a judge of the Supreme Court; we are seized of that question on ground, which can only be two; the Constitution speaks of only two grounds for removal and they are proven misbehaviour or incapacity. I am not going to read out Article 124 (4) or Article 124 (5) because I am sure it has already been done so by very eminent colleague, who is much more able in this field than I am. Mr. Somnath Chatterjee will cover this much more adequately.

There are, I submit, only two grounds on which this legislature, this body in its judicial role can apply itself to the question of removal and those two grounds are either incapacity or misbehaviour.

Article 124(4) and 124(5), also the Judges Inquiry Act of 1968 and the Judges Inquiry Rules of 1969 are our guide-posts in that regard. This is a consequence of our adoption of the Constitution. We have set up certain procedural barriers so that, as I submitted, the deliberations of the legislature are not flippant, are not lightly taken. These barriers that we have adopted for ourselves have been pointed out by my good friend hon. Shri Somnath Chatterjee when he made his first submission. But it is necessary to say that before the adoption of the Constitution, what existed before it was the Government of India Act of 1935 and there is the only one earlier known case of the removal of a justice and that too by a Federal Court because then what was needed was simply investigation by the Federal Court.

The Federal Court submitted a report to the Government and in this case, in 1949 Justice Sinha was removed. It is necessary for us to recollect that the Federal Court inquired in 1949 into 5 charges against Justice Sinha and out of these 5 charges brought against the Judge, as was pointed out, 4 were not established. Only

one charge was established out of 5. An order dated 22 April 1949 passed by the then Governor General of India accepting the report of the Federal Court and removing Justice Shiv Prasad Sinha from the office of the Judge of the High Court of Judicature at Allahabad said:

"After giving the most anxious consideration to the matter, in view of this being the first case of its kind in the history of the Indian High Courts, I, Chakravarty Rajagopalachari, Governor General of India, accept the above report of the Federal Court, etc.."

That was in the April of 1949. I am struck by the importance of our deliberations from April 1949 and now in May 1993 when for the first time we are having to undertake, to discharge that responsibility, but after the adoption of the Constitution and all the various successive barriers of scrutiny and checking and rechecking, I would not go into all those. I shall also not go into the observations made by late lamented Justice Savyasachi Mukharji, which are quoted in the Committee's report and which were quoted by my friend Shri Somnath Chatterjee.

I need only draw your attention to what late Justice Savyasachi Mukherji observed. He advised Justice Ramaswami to desist from discharging judicial functions etc. So that investigation could be proceeded with and to please be on leave. Why did he do so? Because he felt that the Supreme Court must uphold the rule of law. It is therefore, necessary that those who uphold the rule of law must live by law and Judges must therefore, be obliged to live according to law. The law of procedure and the norms applicable in this case enjoin that the expenses incurred by the courts for the Judges must be according to the rules, norms and practices and so on.

He explained why he was persuaded to advise a brother Judge to not appearing on the Benches other to take the action that he suggested to take.

I will not go into the aspect of certain very prominent jurists of the country and the Press of the country being seized of it, the jurists expressing their views. I shall also not go into the aspect of a certain number of Members of Parliament being seized of the matter, addressing a Motion to the Speaker, the Speaker finding the Motion in order and all the subsequent chain of action that was then set in motion including the setting up of the Committee.

It is, however, necessary to point out that the Committee as was then constituted comprised and I find it necessary to mention it of Hon'ble Justice P. B. Sawant, a sitting Judge of the Supreme Court of India, it comprised Hon'ble Justice P. D. Desai, a chief Justice of the High Court Bombay and it comprised Hon'ble Justice O. Chinnappa Reddy, who was a former Judge of the Supreme Court and was included in the Committee as a renowned jurist, so that other than purely members of the judiciary, a jurist also be there. That is why I have found it necessary to read out those names.

What are we engaged in and what are we not as a legislature? I submit, Sir, that this legislature in its judicial role is not an appellate body. The findings of the Committee should somebody be aggrieved with the findings of the Committee cannot appeal to in this legislature when this legislature engage itself in the judicial role.

Secondly, of course, this legislature when it is engaged in the judicial role must examine the findings of the Committee, but it cannot and it must not go behind the findings of the Committee, or behind the records of the Committee. It cannot begin examining, taking fresh evidence or it cannot begin to unravel the entire arrangement or methodology adopted by the Committee or the evidence taken by the Committee.

Thirdly, we are in our judicial role not judging incapacity.

Fourthly and this is our task this legislature in its function and responsibility and role which

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is judicial, is to look at misbehaviour and misbehaviour only. We are to look at misbehaviour, we are to look whether that misbehaviour is proven and we are to look whether that misbehaviour is such as to warrant removal. This is the task, that is the responsibility that is before this legislature.

I will, therefore, devote some time to submitting to you, what I think is misbehaviour and that I think the principle preoccupation of this Parliament ought to be today when addressing itself to examining the question or the Motion for the removal is you must examine, only against the litmus paper test of misbehaviour.

I will not quote Article 124(4) or Article 124 (5). I shall also not quote the Judges (Inquiry) Act, because they have been quoted.

I do, however, find it necessary to point out that in the entire submission made by the learned counsel for Justice Ramaswami, not at one point has he addressed himself to at least to the best of my recollection, and I sat here through most of his representation to the Parliament it is possible that when I went out he might have said so but to the best of my recollection nowhere in his six-hour long submission did he address himself to rebutting to answering whether the conduct of Justice Ramaswami falls within the purview of misbehaviour or does it not fall within that purview.

Therefore, I looked at Justice Ramaswami's own submission made to you, as a Speaker of the House. And only at two places I could find that. It comes somewhere in between the sentences of page 17, Volume III second paragraph. He says:

"Can this ever be 'misbehaviour' as contemplated under article 124(4) of the Constitution? Can a sitting judge of the superior judiciary be sought to be removed on grounds of

'misbehaviour' on a finding that I should have, as Chief justice purchased silver plated maces instead of silver maces? And if such a finding is recorded, can it ever be said that the members of the Committee were dealing with me fairly and justly.."

Then, he goes on to refer to misbehaviour. Again the only other time that he does refers to is on page 21, second paragraph. Here it is proved misbehaviour. That is the critical requirement. Proved misbehaviour is not the requirement, for example, in case of a civil servant. Here proved misbehaviour is what required. Here Justice Ramaswami is attempting to answer the first requirement and he says:

"to frame the definite charges, I say so because article 124(5) of the Constitution uses the words 'investigation and proof of misbehaviour'. The act of 1968, according to my belief, provides methodology of how misbehaviour has to be proved, but does not stipulate the procedure for investigation."

This was the point made by the Counsel also, but briefly, yesterday about procedure for investigation.

Sir, I will make just one more reference to Justice Ramaswami's submission. That is on page 22. It is on the top of the second paragraph. When he makes the submission, he says:

"proof required for these proceedings for his removal is proved beyond reasonable doubt."

I think, these are important aspects to be addressed to because this is critical; this is central to our entire concern and indeed our responsibilities. Therefore, I will dwell little longer on this aspect of misbehaviour. Firstly, what is 'misbehaviour'? Therefore, we have to be clear in our mind about the meaning and interpretation of 'misbehaviour'. I searched all over and I must candidly admit that the Committee has addressed this question very adequately. I quote page 42, paragraph 72:

"The word *misbehaviour*' is not defined in the Constitution and rightly so because it was obviously thought undesirable to confine it to a strait-jacket formula. It is an expression which has to respond to the "felt necessities" of the situation."

Sir, I am covering every aspect of this 'misbehaviour'. The second is about the definition, what is *misbehaviour*'. Again I am referring to paragraph 72, which says:

"Misbehaviour by a Government servant would certainly mean a lapse by him from the proper standard of conduct in the discharge of his functions as a Government servant.."

It reflects again on this very same paragraph. It says:

"Every dishonest act of a Government servant including acts by which he uses his position for enriching himself or others would clearly amount to *misbehaviour*."

Then, there is an answer here to some of the points raised by Justice Ramaswami and his counsel.

"The attack on the validity of the Inquis Act on the ground that the word '*misbehaviour*' is vague must therefore fail".

"The word '*misbehaviour*' when employed in respect of holders of high offices has a well-understood and well-defined meaning according to the tradition and standards maintained by the members of a particular service or office."

This is the meaning. I have covered only very briefly the aspect of the meaning and interpretation of what is '*misbehaviour*'. But, it

has to be proved *misbehaviour* because that is the Constitutional requirement.

May I draw your attention to para 76, page 44:

"The expression proved *misbehaviour* in our Constitution has perhaps been borrowed from the Australian Constitution."

This the Committee further examines. Please see page 45.

"Misbehaviour is limited in meaning in section 72 of the Constitution to matters pertaining to-

- (1) judicial office, including non-attendance, neglect of or refusal to perform duties; and
- (2) the commission of an offence against the general law of such a quality as to indicate that the incumbent is unfit to exercise the office.

Misbehaviour is defined as breach of condition to hold office during good behaviour. It is not limited to conviction in a court of law."

I leave the thought with you. The word '*misbehaviour*' was used not to suggest the proof of an offence. Now, I come to para 78:

"To determine whether or not an act or a course of conduct is sufficient in law to support an impeachment, resort must be had to the eternal principles of right, applied to public propriety and civil morality. The offence must be prejudicial to the public interest and it must flow from a wilful intent or a reckless disregard of duty to justify the invocation of the remedy. It must act directly or by reflected influence react upon the welfare of the State. It may constitute an international

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violation of positive law, or it may be an official dereliction of commission or omission, a serious breach of moral obligation, or other gross impropriety of personal conduct which, in its natural consequences, tends to being an office into contempt and disrepute."

"Furthermore, an act which is not intrinsically wrong may constitute an impeachable offence solely because it is committed by a public officer. The official station of the offender may also, to some extent, affect the impeachability of his offence. For example, a judge must be held to a more strict accountability for his conduct than should be required of a marshal of his court, and this discrimination in official responsibility permeates through all the gradations of official rank and authority."

Very briefly, 'misbehaviour' is the antithesis of good behaviour. Therefore, when the judge exercises the power and appropriates the emolument of an office, he has thus vitiated, he defies the supreme law of the land.

I will just take a little more time. It is necessary for us to be clear that in the motion of removal motion of impeachment, the motion itself is remedial. But, it is never vindictive. It is a safeguard of the State. The safeguard of the State is indeed its principle objective.

It is disciplinary in its intent rather than being a penal measure.

The third aspect about proved misbehaviour relates to what standard of proof or degree of proof ought to be applied because the learned counsel for Justice Ramaswami spent a lot of time yesterday examining only the charges, the evidence, etc. and to submit that

non of those was proved. What standard of proof is, therefore, ought to be applied?

May I take you to page 50, para 81? :

"On the question of the standard of proof, the Commission made some interesting observations:

The degree of proof required to discipline a Judge is analogous to that required in disciplining an attorney. This degree of proof must be 'clear and convincing'. There must be more than a 'preponderance of the evidence', but the proof need not be beyond and to the exclusion of a reasonable doubt'."

Let me, because the Committee addressed itself to this aspect a great deal, then take you to page 59.

MR. SPEAKER: But there appears to be no difference of opinion in what was submitted by the lawyer and what was held to be the degree of proof required in this case by the Committee also. They are of the same view.

SHRI JASWANT SINGH: I am submitting because the impression that was conveyed by the learned counsel for Justice Ramaswami was. (Interruptions)

MR. SPEAKER: That is exactly what the Committee also has held.

SHRI JASWANT SINGH: He has conveyed through the Legislature, through us yesterday, that the evidence tendered to the Committee is vitiated, etc. and that the evidence does not prove.

MR. SPEAKER: That is different. But then the Committee has come to the conclusion that it has to be beyond a shadow of doubt and the lawyer also has said the same thing. The yardstick applied by the Committee is the same. They have come to the same conclusion.

SHRI JASWANT SINGH: The yardstick applied, I submit, is the same but the conclusions drawn are different.

MR. SPEAKER: Yes, that is different.

SHRI JASWANT SINGH: The Committee has drawn a certain conclusion but the learned counsel in his responsibility, of course and I understand has drawn altogether a different conclusion.

MR. SPEAKER: Regarding standard of proof required, there is no difference of opinion.

SHRI JASWANT SINGH: I will then go on, Sir, because there was a point made by the counsel which was about misbehaviour and monetary recompense. It was a submission made by the counsel that if moneys had been wrongly spent and if he recompensated the moneys subsequently, then it is not misbehaviour.

May I draw your attention to page 51?

"Judge Law Motte's case establishes that monetary recompense does not necessarily cure unlawful financial gain and is not sufficient to obliterate misbehaviour!!"

Then I would like to take you to page 59. Here, on page 59, may I draw your attention particularly to a paragraph 96 which is really spilling over from page 58?

One of the questions mooted was and this indeed the counsel also mooted that misbehaviour is set right by monetary recompense. I draw your attention to page 59:

"Mere monetary recompense is not enough if the person intentionally committed serious and grievous wrongs of a clearly unredeeming nature and offered recompense only when discovered."

Second is:

"The illustration to Section 403, Indian Penal Code, makes it clear that temporary misappropriation is also criminal misappropriation."

15.00 hrs.

So, the suggestion by the learned counsel for Justice Ramaswami that when Justice Ramaswami discovered some uncovered bills etc. He immediately repaid, the point is not dealt there. The monetary recompense by itself is not an absolutions of misbehaviour.

I take you and which I consider to be an important point to the ground of non-appearance by Justice Ramaswami or his counsel before the Committee and I would draw your attention to page 55 and the observations there. The learned counsel for Justice Ramaswami spent a lot of time in asserting why he considers the Committee to be vitiated ab initio, he considers that the Committee would be prejudiced, that the Committee would not grant him justice etc. This has been examined in other lines also. But this particular observation on page 53 because the Fifth amendment in the Courts of U. S. A. is an amendment about self-incrimination which is similar if a somewhat more protective device for non-appearance is important. The device adopted or the reason cited by the learned counsel for Justice Ramaswami indeed Justice Ramaswami himself were lack of faith in the capacity of the Committee to grant him justice.

Let me point out.

"The spectacle of a judge invoking the Fifth Amendment is not a pretty one, for a judge owes an obligation to cooperate in promoting enforcement of the law. Unwillingness to fulfil that duty, as shown by reluctance to aid in a grand jury investigation of suspected criminal activity, may properly be

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considered to be evidence of a disregard for this obligation".

Which obligation Sir? A Judge's obligation to cooperate in promoting the enforcement of the law. A judge against whom an enquiry is made is under an obligation to cooperate, and not to raise pettifogging objections to obstruct the enquiry.

I submit that despite no matter what kind of apprehensions the counsel for justice Ramaswami or indeed justice Ramaswami himself might have had about appearing before the Committee, an obligation of a judge is not similar to a commonly charged criminal. An obligation of a judge is in direct relationship or in correspondence equally weight equally with the high office he holds.

There was a point made by the counsel for Justice Ramaswami about the Supreme Court and the High Court and that justice Ramaswami is now in the Supreme Court and what is alleged to have happened actually happened in the High Court etc. Therefore, these do not really apply.

May I draw you to page 57? The end of the first paragraph is:

"The word 'misbehaviour' is not limited to misbehaviour in the office presently held but may in appropriate case extend to misbehaviour in earlier judicial office".

It is very categorical. Therefore, the point made by the counsel about the charges related to his function as Justice of the High Court and now in his capacity of Supreme Court Judge do not apply etc., do not hold water.

I do not want to go into the charges specific, because I am really considering the totality. There were 14 charges. Of the 14, 10 had been proven; two are partially proven; two not proven.

In the case of Justice Sinha as we have seen out of five, only one was proven. It is not the number of charges that are proven. It is also not the quantum of money which is involved, that is of critical importance. It is the misbehaviour attendant upon misuse of office that is important.

Here I would like with your permission to quote just the conclusion of the Committee on page 130, para 242, because that really answers all the questions, all the observations that had been raised by the counsel about the charges proper.

In para 242, page 130, it was stated:

"Justice Ramaswami's conduct, that is, his several acts of omission and commission, reflected in our findings on charges No. 1, 2, 3, 7, 9, 11, 12 and 14 taken together, and in our findings on charges No. 1, 2 and 3 severally, discloses wilful and gross misuse of office, purposeful and persistent negligence in the discharge of duties, intentional and habitual extravagance at the cost of the public exchequer, moral turpitude by using public funds for private purposes in diverse ways and reckless disregard of statutory rules and brings disrepute to the high judicial office and dishonour to the institution of judiciary and undermines the faith and confidence which the public reposes in the administration of justice. The acts are of such a nature that his continuance in office will be prejudicial to the administration of justice and to the public interest. The acts, therefore, constitute "misbehaviour" within the meaning of Article 124(4) of the Constitution of India.

Sir, there are just three simple questions I had addressed to myself, one is, is this, on the findings of the Committee, sufficiently convincing for me to come to the conclusion that Justice

Ramaswami is guilty of misbehaviour? My answer is. 'yes' he is.'

The second question that I asked myself is: Is it proved misbehaviour? The answer, Sir, is, 'Yes' it is proved misbehaviour'.

And the third question, Sir, that I asked is. Is it that the misbehaviour of such nature has to warrant removal? And the answer that I came to, Sir, is: 'Yes, it does warrant his removal.'

I have very little else to add, and I conclude, Sir, but before concluding, I will make just one submission and it will not take me more than a minute.

Sir, the first submission that I wish to make is that the right and responsibility of removal of a Judge in the form of a motion of impeachment. Sir, is in essence a measure of ensuring judicial independence. I submit, Sir, that the impeachment prescribed by our Constitution weighs well the evil to be redressed and adjusts the ordained relief to the occasion. It is the expression of the sober will rather than the restive whim of the people. It restrains judicial tyranny without overwing the authority of the courts. It regulates the conduct of the judges without disturbing the poise and balance of their judgements. It strikes directly at the judicial fault without destroying the judicial independence that is essential to the preservation of our constitutional jurisprudence. This great body of fundamental law must be maintained intact. It absorbs the changing needs of changing times, yet does not change. Upon it the stability and the integrity of our institutions rest. Upon it our civil liberties depend. And without it our republic government could not long endure.

That is why, Sir, in concluding I hereby appeal to the House and to my colleagues in the House that if you agree with me, then it is your bounden duty to support the motion because its rejection would be a dereliction of our responsibility and our duty towards the judicial

role of the Legislature. It would amount to condoning misbehaviour in judiciary; it would, I submit in all humility, taint and enfeeble the nation.

Sir, I support this Motion. In supporting this Motion, I urge all my colleagues to even now recognise the gravity of the situation and to unanimously and unitedly adopt this Motion with one voice.

DR. DEBI PROSAD PAL (Calcutta North West): Mr. Speaker, Sir, today, this hon. House is facing a great and momentous time. The hon. Members of this House should bear in mind that never in the history of this Parliament since our independence a situation had arisen where this hon. House had to consider the conduct of a judge of the highest judiciary.

Sir, sitting as a judge in my life, serving the cause of justice throughout my life I yield to none in this House and outside in maintaining the integrity and independence of the judicial institution. Judiciary, in our constitutional framework, is a very important safeguard against the inroads which the other different organs under the Constitutions might make. Therefore, it is for the safeguard of the constitutional democracy in this country that the judiciary should be given the greatest independence so that they can dispense with justice without any fear or favour, without any illwill or affection. It is therefore, the tenure of the judges, under the Indian Constitution, has been a fixed and a judge cannot be removed either in the High Court or in the Supreme Court unless the procedure as provided for under Article 124(4) of the Constitution of India is followed. This removal of a judge may be necessary, because there are many occasions when a judge might, by his conduct or by his action, not be deserving the position which he occupies. It is because of this reason that our Constitution has provided the very important safeguards against the removal of a judge. And what is that safeguard? Under Article 124 of the Constitution, the notice of Motion which has to be move, has to be admitted

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by the hon. Speaker after consulting such persons as he may desire think to be fit. It is therefore necessary that if a Motion is to be admitted, it requires a very serious consideration. This Motion was introduced by the hon. Speaker of the earlier Ninth Lok Sabha. It is common knowledge that at the fag end of the Session this Motion was admitted. I do not know whether the statutory requirements have been complied with and the persons who are thought to be fit by the hon. Speaker at that time were all consulted.

Be that as it may, once the Motion has been admitted and enquiry committee has been constituted that enquiry committee undoubtedly is a high-powered committee constituted of eminent judges either sitting or retired. But I do not agree with Shri Jaswant Singh that when the report of the enquiry committee is submitted before the House, we have got to accept it, and it is sacrosanct. This is not the law. Under section 6 of the Judges Enquiry Act, the report is to come before the hon. House for consideration. "Consideration" here has been judicially interpreted as a judicial consideration. The report of the Committee is nothing but a report of the committee consisting of a group of persons, however, highly placed they may be in order to investigate into the charges, investigate into the allegations which have been made. The Supreme Court itself in the case of *Saegthi Ramaswamy* Judgement in 1992, in *Mrs. Ramaswamy* case has made it clear that this Committee is only an inquiry committee. It is a statutory committee, not a tribunal or a court whose verdict is binding upon everybody. Like a fact finding enquiry in a disciplinary proceedings, the fact finding authority gives its report. The disciplinary authority might accept that report or might modify it or may reject it. This Committee's report stands on no better position or on a better footing than this and is only a recommendation.

Therefore, when the Committee has submitted the report undoubtedly, it is entitled to

higher respect as it is constituted of very high persons in the judicial office. But this House, as the Supreme Court itself has pointed out, in considering this report is not exercising the legislative power. It is exercising the judicial power and the Members of the House each one of us have to remember that solemn constitutional obligation which has been cast upon the Members of the House. It is not to indulge in passions of prejudices not to be swayed by external considerations but we have got to determine the question with a judicial mind in the exercise of our judicial power, we are all judges in the proceedings today. We have got to decide judicially whether the charges of the allegations which have been made against the hon. Judge of the Supreme Court can be said to have been established. The report of the Committee undoubtedly will be entitled to very high respect but that cannot be sacrosanct, that cannot be binding. It is not a court or tribunal but more fact finding authority.

I may not holding any brief for Justice Ramaswami. I am sitting here. I am now addressing the House as one of the Judges of this court deciding this case and I shall be failing in my constitutional obligation if I do not apply my judicial mind to the facts of this particular case. Therefore, I would beseech the hon. Members not to forget the solemn constitutional duty and obligations which have been cast upon each one of us.

Now the question arises, why Justice Ramaswami did not attend this Inquiry Committee. I am only placing the facts before this hon. House. It is for the Members of the House as judges of this House to take the decision. I am not holding any brief for Justice Ramaswami. But the facts have got to be taken into account.

For any inquiry committee which starts investigation, as the Judges Inquiry Act has provided that they are to set up the committee is to lay down the procedure for holding the inquiry. The procedure has to be evolved and then only

the inquiry may start. I find from the representations made by from Justice Ramaswami that he wanted the procedure to be established first by the inquiry Committee so that if in later times there is any deviation, there is any breach of that procedure, it may be he may seek for redress or justice.

I do not whether Ramaswamiji was informed of any find that there is no procedure established by the Inquiry Committee. It is a well-established rule of law for any fact finding authority that before any charge or allegation is made, we have got first of all to make a preliminary investigation. Any legal practitioner practising in any court is aware of this elementary proposition of law. If somebody makes any allegation that cannot be the charge on which a person can be indicted. The fact finding authority must have to make some preliminary investigation and on this preliminary investigation, if the fact finding authority is satisfied, that certain charges do stand prime facie then only the charges can be levelled. Now, I do not know. At least from the Inquiry Committee's report, I do not find them.

I find from the representation made by Justice Ramaswami that he wanted certain documents to be placed before him. He wanted certain material evidence to be considered by him. I do not find from the Inquiry Report whether that was made available to him.

I am only placing the facts before the House. Shri Somnath Chatterjee you have not yet read it. Dr. Debi Prosad Pal: I have read it. Mr. Somnath Chatterjee, more than what you have done

SHRI SOMNATH CHATTERJEE: Let us see.

DR. DEBI PROSAD PAL: What conclusion the House will draw, that will be your solemn obligation. I am not defending Justice Ramaswami. But these are the facts

which you must take into account. You are exercising the function of a judge. Can any judge in determining the question the rights, ignore this thing? You have got to consider it. I am only placing these facts before this House which is now playing the role of a judge.

If this is as and if he has not participated in the Inquiry, I do not hold any brief for him but the report of the Inquiry Committee is subject to scrutiny by this House. You cannot accept it as a biblical truth. You, as a judge, has got to consider how far it is acceptable or not.

Now the first thing that you have to consider is, in removing a judge on the ground of proved misbehaviour or incapacity, what are the factors you have got to take into account? The word 'misbehaviour' has not been defined by the Constitution. Shri Jaswant Singhji has rightly said that there is no definition of misbehaviour under the Indian Constitution. The Judges Inquiry Act has also not defined what is misbehaviour. If a particular persons is to be charged with misbehaviour, then the question does arise, what is the standard of indicting him. Misbehaviour has not been defined. It has got to be given a meaning. Under the American law, there is the provision for indicting a judge of the Supreme Court. The allegation is either high crime or misdemeanour. Now if misbehaviour means mere infraction of the law, then suppose a judge is driving a car with the licence which had expired, there is an infraction of the law, would this House consider it to be a ground for removing a judge?

AN HON. MEMBER: Why not?

DR. DEBI PROSAD PAL: When I appeal to your sense of judgement, if somebody says 'why not', then certainly, it will be your judicial conscience; if it is satisfied, then, certainly, you can. But I appeal to this House whether this will mean that this is an infraction of the law. That does not mean that there is a proved

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misbehaviour for the purpose of removal of a Judge from the high office. We must remember that judicial independence also requires that a Judge can be removed only on certain grounds in public interest for the administration of justice. Misbehaviour, as Shri Jaswant Singh has rightly pointed out, means that there must be some unjust enrichment by the Judge by the action or conduct. In other words, there may be a misappropriation of funds; there may be a theft; there may be, for example, the favouring of somebody by the exercise of his office. These are illustrations of misbehaviour. Apart from this, in the exercise of the judicial function of a Judge, his conduct with the litigants, his conduct with the professional people, his conduct with the brother Judges may be such that it may amount to misbehaviour in the exercise of judicial functions; in the exercise of his judicial conduct. But if there is no allegation regarding his misbehaviour in a judicial proceeding or in his judicial conduct, then he cannot be indicted. There may be cases also, undoubtedly, where even outside the sphere of judicial activity, a Judge can also be indicted. But that will amount to a misbehaviour like misappropriation, theft, giving certain favours by under exercise of his office. These are some of the illustrations which amount to a moral turpitude. Unless the misbehaviour is such which amounts to moral turpitude, I would request the Members of this House to consider whether any kind of a misbehaviour will be entitling the House to approve the motion of removal.

Now, what has happened here? I would request the hon. Members of the House to read the Inquiry Committee Report. There is no allegation as far as I find excepting in the concluding portion which is not the finding but it is an opinion. There is no finding by the Inquiry Committee against justice Ramaswami for any criminal misappropriation. There is no finding against him for any improper misappropriation

by misuse of his office. What has happened? The main charge against him was that there has been an expenditure of an amount which is far in excess of what he is entitled to spend. Undoubtedly, But what has happened? The explanation of Ramaswami and that has not been negatived is that a major part of the expenditure of Rs. 1,97,000 and odd has been spent for using a portion of his premises as office. Now, the Inquiry Committee did not reject that contention. The Inquiry Committee did not reject any of the contentions like purchase of curtains etc. There was no allegation of misappropriating it. You must remember one thing. I would like to remind the hon Members of this House about their solemn obligation to be performed. If any of the finding was there, if there was any misappropriation either of the funds or of the property, then certainly it would amount to a misbehaviour for which the hon. Judge can be removed by a motion of this House. But that has not been the finding of the Inquiry Committee. The Inquiry Committee, for example, talked to issue of car which was sent from Chandigarh to Madras. If the conduct rules provide that if you spend certain amount of money in excess of what you are entitled to, that excess amount can be recovered from the person concerned.

Now I appeal to you that you as a judge have to decide today if there is a rule that if an excess expenditure is incurred, the excess can be recovered from the person and the person is agreeable to pay the amount, does it amount to a misbehaviour amounting to moral turpitude? If this amounts to a misbehaviour amounting to moral turpitude, let us search our hearts in that event how. How many Members of this House, how many Ministers in this House, whether sitting or past be occurred of misbehaviour amounting to moral turpitude or not. The rule itself provides for it. The law is, if the rule provides that the amounts can be recovered from the person, then it does not amount to misbehaviour, as. The rule provides for a remedy. If the infraction of the rule provides for a remedy

and if the remedy can be availed of, it does not amount necessarily to misbehaviour amounting to moral turpitude. These are the things which this hon. House has to consider. I was told by the Mover of I should have expected from the Mover of the Motion that he would draw the attention of the House to the specific charges proved. But instead of doing that, he only relied upon whatever the Committee has said. (*Interruptions*)

MR. SPEAKER: Dr. Pal, no comments on what the Mover of the Motion has said.

DR. DEBI PROSAD PAL: All right, Sir. In Sarojini Ramaswami's case the Supreme Court made the legal position very clear. Today, for example, if we without considering whether Inquiry Committee's Report is acceptable or not, we approve of the Motion, there is remedy also. The aggrieved judges can even move the Supreme Court. Kindly consider this important position. If today without examining whether this Inquiry Committee Report is acceptable or not, by the sheer majority we approve of this Motion and if the whole matter goes to the Supreme Court, the Supreme Court finds that there is no finding of the Inquiry Committee, no charges are against him regarding proved misbehaviour then this decision of the august body which is the Supreme body in this country, will be liable to be quashed, liable to be set aside. Shall we by our conduct or by our action indulge in such a situation where without consideration of how much of the Report is acceptable, as a judge of this court we are now assuming the role of a judge if we do approve of this Motion without even considering and merely dittoing what the Inquiry Committee has said, we shall be failing in the discharge of our constitutional obligations. And if the matter comes before the Supreme Court challenging our decision of the Supreme Court by a process of judicial review finds that there is no finding of the charges, then what will happen to the decision of the august body? The people have reposed their highest confidence in us. Then are we shall be failing in our duty?

The Judges Inquiry Act under Section 6, Sub-section (2) requires the consideration of the Inquiry Committee's Report. The consideration is a judicial consideration. It has been held by the Supreme Court itself. A judicial consideration postulates and requires the consideration from all its aspects. Whatever the Committee has said. Therefore, I will beseech you I will implore this august house that we must not fail in the discharge of our constitutional obligations by not applying our judicial mind and by proceeding blindly on the basis of report of the enquiry Committee. The Judges cannot speak before the people and they are undoubtedly under a disadvantage. When an allegation is made against the judges, they have no right to speak to the Press or in any other mode except in a proceeding like this. He can defend himself through his counsel or himself. Therefore, whatever defence he has made, I am not saying that you accept it in toto. I am not saying that you reject it in toto, I may say one that this august House shall apply its judicial mind. Please be not be sweeved by political considerations, please not be swayed by passions and prejudices. We are now standing at a very critical point. If constitutional democracy is to be safeguard, if the independence of the judiciary, is to be maintained we are also to see that the judges are not likely liable to be dealt by any extraneous considerations. You must remember that whatever you do today, we shall be answerable for that to the future generations. If we do not discharge our constitutional obligation in the manner in which the framers of the Constitution wanted it, then, there will be a serious lapse on our part.

And, therefore, I beseech this House kindly to bear this in mind. If you find on your own judicial application of your mind that there has been any proof of any misconduct by Justice Ramaswami, you can take a decision undoubtedly. But the proved misbehaviour does not mean that whatever the Inquiry Committee

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has said, that has become the proved misbehaviour. Under the Constitution, the Enquiry Committee makes a report and Parliament considers it. When you consider it after applying your judicial mind and when this motion is adopted, then only this misbehaviour becomes a proved one. Prior thereto, there is no scope for the misbehaviour to have been proved.

I would, therefore, Sir, request this hon. House that when it exercises its judicial mind, it should exercise it with restraint, with circumspection, also keeping in mind that the dignity of this House lies not in the wanton exercise of a highest power vested in this House but in the restrained way in which it exercises that power because the people of this country, the people around the world are watching with great interest, how we discharge our constitutional obligation.

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Speaker, Sir, although I usually speak in Hindi in the House but on this issue please excuse me I will speak in English as all the documents pertaining to the issue are in English.

[English]

MR. SPEAKER: Your speech in English will also be translated in toto.

SHRIGEORGE FERNANDES: Thank you, Sir.

Sir, I believe that it is necessary for us to remember that the Motion or the Notice of Motion that was given on the 27th of February, 1991, did not originate on that day. The subject that is being debated by us, namely, the conduct of the judge of the Supreme Court which has been

investigated by a Committee of three judges, was first discussed in the national media in May 1990.

Thereafter it figured in the Supreme Court. On the 20th July 1990 the then Chief Justice of the Supreme Court made a statement in the open court where he referred to the controversy that was raging in the Press on which when the distinguished members of the Bar, including the president of the Bar Council had approached him, had waited upon him in a delegation, in a deputation and went on to suggest that some action was called for, he made a comment which I think this House should bear in Mind. He said "this was an unprecedented and an embarrassing situation. It called for caution and establishment of a salutary convention. I have obtained from the Chief Justice of the Punjab and Haryana High Court the necessary papers." Thereafter the Chief Justice went on to appoint a Committee of three judges of the Supreme Court- Justice Ray, Justice Shetty and Justice Venkatachaliah. They were asked to investigate into those charges that were being made, some of the papers that had become available and give a report. In the meanwhile the Chief Justice had requested Justice Ramaswami to desist from attending to his work. This Committee was appointed on the 29th of August 1990 and the Committee gave its report on the 6th of November 1990.

As I said earlier, the notice of motion for impeachment surfaced in this House on the 27th of February 1991. Yesterday the Counsel for the Judge, Justice Ramaswami, spoke about 108 Members; anyone going to them and asking them to sign it..

MR. SPEAKER: I have removed it from the records.

SHRIGEORGE FERNANDES: I am glad that you have done it. I will make a reference to the limited point that an effort was made to malign the Members of Parliament. This has

nothing to do with the side of the House that we sit. The message that was given was that Members of Parliament can be persuaded to sign on any piece of paper on the basis of which one can even proceed to impeach a Judge of the Supreme Court. It was not just a piece of paper. It was not someone going around and asking Members of Parliament to sign it. There were documents and those who signed this particular motion were aware of the existence of those documents and many of them had gone through those documents. What were those documents? They were not statements published in some papers. Very often we stand up in the House and say that Papers have said this and someone from some other side of the House or from the same side of the House disputing what the Papers have said.

Here, one was not dealing with the newspapers have published, photocopies of something that had appeared in some newspaper or the other. The report were with the Members when this notice of motion was given; and the reports that were submitted to the Speaker of the House to whom the motion was addressed included (1) the statement of the Chief Justice in the Supreme Court; (2) the report of the three Judges of the Supreme Court — Justice Ray, Justice Shetty and Justice Venkatachaliah. It is a long report running into some twenty plus pages; (3) the findings of a Committee of District Judges (Vigilance) that had been appointed by the High Court of Punjab and Haryana; and the audit observations of the Accountant-General of Haryana, which had made a number of charges responded to the replies of the Judge to those charges; and then gone on to make further comments. Now the Accountant-General of a State works under the Jurisdiction of the Comptroller and Auditor General of this country. And these reports were with the Speaker. I am making this point for a variety of reasons because the decision of the Speaker was challenged not only by the Counsel, but it has been challenged by Justice Ramamurthy. (*Interruptions*) I am

sorry, Justice Ramaswamy. I do not know, I am constantly taking the name of Ramamurthy.

He challenged this. He challenged this in a language that is most offensive, through a letter running into 18 pages addressed to Justice Sawant who was the Presiding Officer of the Committee that was appointed by the Speaker. He says this, Sir, I told you that I need a little time because these points need to be brought to the notice of the House.

He goes on to say:

"The factum that 108 Members of the Lok Sabha signed the motion is not per se a ground for its admission. Section 3(1) requires the hon. Speaker to make a preliminary enquiry and apply his mind to the material on record before admitting the same."

And the Speaker had all this material; and I am unable to believe that Justice Ramaswamy was not aware of this fact. And I again repeat Sir, that I am unable to believe that Justice Ramaswamy was not aware of this fact that the Speaker had this material before him, that he had gone through that material. He must have gone through that material, if not has gone through it; but he must have gone through it. And thereafter, he acted on the basis of the law that was enacted by this House. I was amazed to hear what Mr. Pal had to say. He has been a Judge, apart from having a Doctorate in Law. He has been a Judge of the High Court and I was amazed to hear, and I was amazed with what the Counsel for Justice Ramaswamy had to say yesterday. I was also amazed with what Justice Ramaswamy repeatedly has told the Committee through letters or his lawyers because he has been invariably acting through proxies. What they had to tell the Inquiry Committee? The Speaker should have made enquiries, the Speaker should have consulted various people, the Speaker should have approached the Supreme Court Chief Justice, the High Court Chief Justice.

[Sh. George Fernandes]

Sir, the law is very clear. We enacted this law.

The law says:

"If a notice is given of a motion for presenting an Address to the President, praying for the removal of the Judge signed, in the case of a notice given in the House of the People, by not less than 100 Members of that House,...."

"then, the Speaker or,....may after consulting such persons, if any, as he thinks fit..."

It is in the hands of the Speaker whether he needs to consult anybody, whether there are people who he believes he should consult.

"...and after considering such materials, if any..."

Again, in other words, it is even envisaged in this law that when you make a motion, this law at least takes it that you may not even have given any supporting documents. He may just be making a statement.

Therefore, it says:

"...such materials, if any, as may be available to him, either admit the motion or refuse to admit the same."

It is the Speaker's absolute power. No one will be in a position to question that power. Nobody will be in a position to question that power. How he uses his power, it is for the Speaker to decide. The person who sits in the chair of the Speaker is the custodian not only of the rights of the Members of this House but he is also the custodian of the Constitution, of the

laws. Once the office of the speaker takes a decision on this, that is the decision.

Supporting the Speaker had said 'no'. On the basis of the materials before me, on the basis of the discussions I have had with persons, if any, that I thought I should consult, I will not admit it. What would have happened? Could the 108 Members stand up and say here that we insist on you on you to admit our motion. Speaker's is absolute and final decision.

Again Justice Pal I call him Justice Pal because he has been a Judge and all Judges are addressed as Justices went on to say. I again repeat, the counsel yesterday kept hammering that Justice Ramaswami should have been given an opportunity before charges were framed against him. He, in this very lengthy epistle, makes that point repeatedly that he should have been given the documents, that the Inquiry Committee has now shown certain minimum decency of showing him the documents. Counsels write letters in which they make allegations in which they make every kind of insinuations and insist on getting documents.

What does the law say? Section 3, sub-section (3) says:

"The Committee shall frame definite charges..."

It does not say 'may frame', or the Committee will first telephone certain people, consult certain others, take directions, take orders from any other authority, from the Chief Justice of the Supreme Court or the High Court as the case may be. It does not say any of those things.

"The Committee shall frame definite charges against the Judge on the basis of which the investigation is proposed to be held."

Then sub-section (4) says:

"Such charges together with a statement of the grounds on which each such charge is based shall be communicated..."

It means, the Committee is expected to apply its mind before framing the charges. The Committee looks at the grounds which it has secured in any way. In this case, Mr. Speaker admitted the motion, consulted or considered certain documents which have been sent to this Committee. So, the Members of the Committee consulted those documents. They studied those documents. They come to certain conclusions. section 3(4) says:

"Such charges together with a statement of the grounds on which each such charge is based shall be communicated to the Judge and he shall be given a reasonable opportunity of presenting a written statement of defence within such time as may be specified in this behalf by the Committee."

Now Sir, this is the law. And what happens once this chargesheet has been sent and the grounds have been sent? The next thing that happens is this letter of January 21. And this becomes a public document! I was amazed when the Counsel for Justice Ramaswami kept saying here yesterday how the media has been trying the Judge, how unjust the media has been, how he has been facing trial, what kind of ignominy he has been subjected to in the media and so on. but this letter went to the media. This letter went to the press. And it went to the press from the office of the Judge who wrote this letter! In this letter itself he says. The last sentence of this letter is:

"I have no objection if you make this communication public."

In other words, he intends to make it public. And he made it public. It has appeared in the newspapers. How does he start? His opening shot is one of blackmailing his colleague judges. not just his colleague judges, but this opening shot is blackmailing the entire Supreme Court. It is an incredible situation. The man says:

"I never wanted matters to reach a stage where I am left with no recourse."

MR. SPEAKER: That which has not come on the record should not go on the record while pleading the case against the accused.

SHRI GEORGE FERNANDES: I am so delighted that you made that point! I am so delighted because Sir, none of this came on record, Volume III, parts 1 to 3 and those relevant papers, volume 3, part 4, etc... This is where the whole House was taken for a ride yesterday. This is the Motion. This is the Report of the Committee. This is what we received of the Investigation Committee. You Sir, as Speaker, received these documents on the 20th of July 1992. Here Mr. Speaker, this is from Shri P. B. Sawant, Presiding Officer, Committee appointed under the Judges Inquiry Act, 1968, July 20, 1992: 'Secret'. Mr. Speaker, Sir, as you are aware of the notice of motion etc., I will not read it. This is addressed to you Sir, Hon. Shri Shivraj Patil, Speaker, Lok Sabha, on the 20th of July. This is all you received along with, I am sure, volumes of papers which contained the evidence. You did not receive this Sir. do you know Sir, When it has surfaced?

SHRI A. CHARLES: Sir, I am on a point of order. (Interruptions)

AN HON. MEMBER: What is this? What point of order? (Interruptions)

MR. SPEAKER: Why are you saying that? Should you not be allowed to raise a point of order? Yes, Mr. Charles, what is it?

SHRI A. CHARLES: From the Publications Counter, we received these volumes.

SHRI GEORGE FERNANDES: Sir, he does not know what I am going to say. Should you allow him?

MR. SPEAKER: Let him have his say.

SHRI A. CHARLES: We received Volumes 1, 2, 3 and 4. I want your ruling whether all these form part of the whole Inquiry Report or..

MR. SPEAKER: I will reply to your point of order after I hear Shri George Fernandes.

SHRI GEORGE FERNANDES: This is today's Order Paper, viz. 11 May. I am citing only the order paper because I want to be very specific.

MR. SPEAKER: Do you mean to say that you have not received these papers?

SHRI GEORGE FERNANDES: No sir, I am not saying that. You said that I should not bring in anything as part of evidence if that is..

MR. SPEAKER: I will tell you. The report was received by this Office and then that report was sought by the Judge before it was given to the Parliament. The Supreme Court decided that that report has to be presented to the House first and then if the Judge wants to reply to the report, he may receive the report from the Officer and send a reply to it.

16.00 hrs.

Because of that kind of judgement, we sent this report, which was received by us to the Judge to make his submissions and to give his defence. In reply to our letter and the report which was given to him, he has submitted his defence. That defence was also printed because it was voluminous. You know that these are two big

volumes; one is the report and the other is reply. We got it printed and circulated to you.

SHRI GEORGE FERNANDES: I have no quarrel on this. I am making only a limited point.

MR. SPEAKER: Before you proceed, I shall have no objection to anything. I know certain allegations have been made against certain of the persons who were holding the inquiry. So far we have seen that those things do not form part of the record. But while speaking if you wish to bring them on record, and if the House thinks that it should go on record, then I have no objection. So far, whatever has been said we have scrupulously avoided allowing it to go on record.

SHRI GEORGE FERNANDES: Sir, I will be abiding by your decision. May I make a submission before you come to any decision?

MR. SPEAKER: I am not coming to any decision. My intention is not to obstruct you. Supposing somebody is holding an inquiry and something is said against him, why it is necessary that it should become part of the record?

SHRI GEORGE FERNANDES: I would like you to bear with me.

MR. SPEAKER: So far we have not allowed anything to be said against any Judge on the floor of the House, unless he is subjected to the inquiry on the floor of the House. Supposing the Judges are sitting there as the Members of the Committee and supposing somebody has said something against them, would you like that to become the part of the record?

SHRI GEORGE FERNANDES: I need to make several points.

MR. SPEAKER: You have said that some insinuations are heard against them. It is more than enough.

SHRI GEORGE FERNANDES: It is not enough. I think we have been discussing about the momentous nature of work that we are doing. Personally I do not subscribe to the idea that there is anything momentous. We are doing our duty. We are not sitting here, as somebody said, as judges because I am one of those who went to court.

MR. SPEAKER: On this point my ruling is that we are performing semi-judicial function.

SHRI GEORGE FERNANDES: I bow to your decision. We should know about the person who has come before this House with this voluminous paper which has been quoted here yesterday. The entire presentation which has been quoted yesterday was nothing but a recital of what is contained within the two covers of this paper. There was nothing else. One should know what the person is who has presented this paper, who has come to the House and has said- I will read the very first sentence of Justice Ramaswami's letter to the House:

"For years I have been deciding fate of others. Today it is your turn...."

MR. SPEAKER: Let us once for all decide this issue and I will leave it to you. I am not objecting to your saying anything against Justice Ramaswami, against whom or in favour of whom or in whose case, we are sitting here to take a decision. I have no objection. But supposing some other person or Justice Ramaswami also said something against the Judges who were sitting in the Committee and during your speech it comes on record. I would rather not like to have that thing on record through you also.

SHRISOMNATH CHATTERJEE: At least Shri Sibal spared us on that. he did not refer to it.

SHRILAL K. ADVANI: In the report of the Committee itself there are allegations made by

a Judge against the judges and it is on record. The Judicial Committee is fair enough even to incorporate the objection made by Justice Ramaswami that Prof. Madhu Dandavate, the principal signatory to this nation had attend the marriage of Desai's daughter or son. All these allegations are there on record. Yesterday, what we heard from the Counsel of Judge. All that he said against the Judge is on record here. Yesterday, we heard from him a peroration which amounted to the fact that the entire judicial inquiry, investigation conducted was a farce. He described it as a farce. Sir, he used the word 'farce'. That is the sum and substance of it. It is, therefore, I think that what is being cited by Mr. George Fernandes is very relevant under this. *(interruptions)*

MR. SPEAKER: Is it the wish of the House that the matters of this nature should go on record?

SEVERAL HON. MEMBERS: Yes.

MR. SPEAKER: Okay. You go ahead. Pleas. Now, if something is coming on Justice Sawant or Justice Desai or Justice Chinnappa Reddy..

(Interruptions)

SHRILAL K. ADVANI: Sir, today, we are discussing the conduct of Justice Ramaswami.

MR. SPEAKER: This is exactly what I have said. You can say anything against Justice Ramaswami but not against those people who were sitting there in the Committee to decide.

SHRISOMNATH CHATTERJEE (Bolpur): Mr. Speaker, sir, it is a fact that there is some reference in the Report of the Committee. But the fact is that when Mr. Justice Ramaswami appeared here, through his Counsel, his Counsel did not raise or take that plea at all. Therefore, obviously, he has given up that objection about

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the composition of the Committee. Therefore, the earlier objection taken by him is no longer persisting with that objection. Therefore, now, according to the present stand of the Counsel, there is no real objection to the composition of the Committee. So, there is no reason for not appearing before it. (*Interruptions*)

SHRI GEORGE FERNANDES: Sir, I will not bring any name here. I will not read the entire letter. If you suggest that I should not make this entire letter a part of the record, Sir, I bow to your decision.

MR. SPEAKER: I am not shielding. I am not speaking in favour of Justice Ramaswami. Justice Ramaswami's conduct is being discussed here on the floor of the House. Whatever you want to say, you can say. But if you want to say against Justice P.B. Sawant, Justice Desai and Justice Chinnappa Reddy or whatever others have said, and you want to quote them here, should that go on record?

SHRI GEORGE FERNANDES: No.

MR. SPEAKER: I am again putting it to you. If there is anything said by Justice Ramaswami, against Justice P.B. Sawant, Justice Desai and Justice Chinnappa Reddy, should that go on record?

SHRI GEORGE FERNANDES: I will not say anything. (*Interruptions*)

MR. SPEAKER: I am leaving it to the judgement of this House. I am not taking it on my own.

SHRI GEORGE FERNANDES: Sir, even if there are matters which touch on the character of certain persons and so on, I will not deal with them. I will not bring them on record. I will only point out how the Judge has reacted to this whole

Inquiry. This letter is in response to the communication that he received from the Inquiry Committee. What does he say?

In the very opening lines of the opening para, he says:

"I never wanted matters to reach a stage, where I am left with no recourse to question the credibility of some of those who man this great institution, that is, the Supreme Court, by demonstrating lack of rectitude and integrity. I never wanted to wash dirty linen in public. Even in this age, I will not indicate all that I am aware of, as to me, the institution is more important than the men who serve it. I am pained, however, to note that what has transpired ever since my persecution, has left me beleaguered and that men and event, during this period have treated me unfairly."

MR. SPEAKER: This is perfectly all right. This can go on record. Mr. Advani, you have not probably followed what I had said. I was saying something different. Please continue.

(*Interruptions*)

SHRI GEORGE FERNANDES: I will show this document to you later.

MR. SPEAKER: This is perfectly all right. You go ahead. There are certain other things which Mr. Somnath Chatterjee has followed.

SHRI GEORGE FERNANDES: Sir, I will give this document later.

MR. SPEAKER: I don't need it. Let it go on record.

SHRI GEORGE FERNANDES: There is a material in this which I will not use.

MR. SPEAKER: That is exactly the point.

(Interruptions)

And you will find that have said that I am not using it.

MR. SPEAKER: Now you have the sanction of the House. Let it go on record.

SHRI GEORGE FERNANDES: Thank you.

SHRI RAM NAIK (Bombay North): As judges, we must know what is there?

MR. SPEAKER: If that is your pleasure, you can have it.

SHRI GEORGE FERNANDES: I may point out this particular observation which contains in this letter which was published, which is a matter of contempt of court case that is pending in the Supreme Court. Then he goes on to say how this whole Committee that was set up was not right. He writes to the Presiding Officer and says as follows:

"I would have thought that for the choice of the judge of the Supreme Court and of the Chief Justice of one of the High Courts, the normal convention of referring the matter to the President of India and thereafter with the concurrence of the hon. Justice of India appointing two members as referred to ought to have been followed."

The Speaker's decision is questioned; but it does not remain there. He further goes on to say as follows:

"The reason which necessitates the requirement of meticulously following this procedure is to ensure that the

choice of the person concerned is not left to the hon. Speaker himself so that no allegation could ever be made that concurrence of a particular person is required for embarking upon an inquiry. It is a constitutionally acceptable principle that the hon. Speaker should have no direct access in the matter of appointment of this nature to pick and choose members of such committee by name and of his choice. The choice of the two members of the committee therefore is vitiated on account of non-conformity with the above mentioned practice and convention."

He displayed ignorance of the law under which this particular appointment was made. Then he goes on to ask the Presiding Officer as follows:

"Tell me the manner in which your appointment was sought. How you were taken into confidence and the manner in which you conveyed your concurrence to the hon. Speaker."

He has given his charges. This is his response. *(Interruptions)* This is very important. The matter does not rest there. Then he goes beyond that and challenges the very virus of the Act. The very law under which the Committee was appointed was challenged. He says as follows:

"I wish to inform you also at this stage that no Chief Justice of a High Court is entitled to be a member of such an Inquiry Committee and conducts proceedings against the sitting judge of the Supreme Court. Section 3(2) of the Act, 1968, to the extent it allows, is unconstitutional and violates the basic structures of the Constitution. The constitution of this Committee in this regard also is per se illegal."

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So, he rejects the Committee. He rejects the Members of Parliament's wisdom. He rejects the Speaker's judgement.

Now, I come to a very important point which has been repeatedly mentioned here yesterday; and I was surprised again Dr. Debi Prosad Pal referred to it just a while ago that documents were not made available; and we are trying a man who has been knocking at every door wanting documents.

Now here is the cliching evidence if any one needs any evidence. He says in this letter on page 14 as follows:

"Since I am discharging my constitutional functions as a Supreme Court Judge, I have hardly had any time to meticulously go through the material that has been forwarded to me."

And yesterday we heard here so much of eloquence which impressed so many people, that nothing was given, not a piece of paper. He had to go to the court. He was called on Saturday. The lawyer went and he was not given anything and there he writes:

"I have hardly had any time to meticulously go through the voluminous material that has been forwarded to me. Indeed the Committee with the assistance of eminent counsel and able advocates and record has taken several months to frame the charges."

Even now he concedes,

"the charges, after lot of sifting of the material, study of the voluminous documents to read, which he does not have the time, the charges have been framed. I am little surprised that the

Committee chose to ask me to produce my evidence by February 10, 1992 so that the proceedings may commence, giving me hardly 25 days to prepare my case. This is, of course, consistent to the attitude of bias of the Committee against me."

If he were only to stop there, then one could have understood the pain, the anguish, the concern, the worry and all other feelings that must have gone in his mind.

But subsequently, he says:

"The framing of charges by the Committee itself suggest a complete non application of mind."

Now he says there is no application of mind at all. He said you had all the assistance and so much of time then he says non application of mind.

"You have reproduced the allegations forwarded to the Speaker on the basis of which the notice of motion was admitted..."

and then

"On a general scrutiny of the charges framed against me as well as on the basis of that the charges are framed, I will be able to demonstrate that each of the charges that have been framed is entirely baseless and that you have in fact, not even considered the documents in your possession before framing the charges which further reflect upon the complete non application of mind.."

The he gives a remarkable proposition which I will refer to later but he goes on to pronounce:

"In these circumstances, the very constitution of the Committee is illegal and on various grounds as enumerated by me, you are obliged to resign from the Committee and or withdraw the notice communicated to me on January 14, 1992."

He has pronounced this judgement on the Committee and lastly, in the last paragraph he says:

"The present communication by me to you as Presiding Officer should not be construed as my having submitted to your jurisdiction. Indeed it is unthinkable that I would in the context of what I have stated over, consider myself emanable to your jurisdiction."

This letter is of January 21, 1992. Therefore, when you refer to this particular document that he has now produced here, I have very strong views on this.

The views are that yesterday when this document was the only thing that was cited in this House, what was sought to be done, something that is not done, that he yesterday reading the evidence first said "I will not accept this Committee", he rejected the Committee, he refused to acknowledge that it was even legal, that it was legitimate. He refused to acknowledge that it was even legal, that it was legitimate. He refused to acknowledge the vires of the law itself. He challenged the very constitutionality of the law and having done all that, having boycotted the Committee in every sense of the charge, then he finally when the report reaches him, pointed out that it went to Justice Ramaswami through the Secretariat of the Parliament. When the report goes to him and when it becomes obvious that this report will now be debated here, this reply from Justice Ramaswami comes to us on January 31, 1992.

This document, this report, was tabled in this House on the 15th of December, 1992 and then six weeks later we get this voluminous reply, in which the evidence that is now submitted to us has nothing to do with what was submitted before that Committee. I could have understood Justice Ramaswami going to that Committee and submitting all that rests between these two covers, of this document, everything that he wanted to say in his defence. But he chose not to do it. But if I read this letter, it is only to make the point that from the word 'go', Justice Ramaswami was very clear that he would non-cooperate with this Committee.

Yesterday, a lot was mentioned about the various courts in the world, how the Americans treat their Judges and how they treat their respected Judges. I draw your attention to page 53 of the Report of the Inquiry Committee.

On page 53, in paragraph 85 a particular case is cited.

"The spectacle of a Judge invoking the Fifth Amendment is not a pretty one..."

and we know what the Fifth Amendment is about, that is, refusing to testify! So, the spectacle of a Judge invoking the Fifth Amendment is not a pretty one. Paraphrased, it could be read in the context of this case that the spectacle of a Judge refusing to appear before a Committee is not a pretty one.

For to continue the quotation,

"...for a Judge owes an obligation to cooperate in promoting enforcement of the law."

And if you look at the Constitution, all of us take an oath when we come here, some of us have to take more than one oath before coming here. That is, we go before the Returning Officer

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and also take an oath and each one of our respective oaths have different words, and different connotations.

In the case of a Judge, the oath or affirmation to be made by the Judges of the Supreme Court and the Comptroller and Auditor-General of India it is in the Third Schedule says:

"That I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or illwill and that I will uphold the Constitution and the laws."

It says "and the laws"! We are expected to do our duty to the best of our ability. We also owe allegiance to our Constitution in our oath. He is expected to do his duty by the Constitution and by the laws. And here is a Judge who refused to go before a Committee, duly constituted by the law. And then says this does not stop here, this particular citation does not stop here on page 73, it says:

"See In Re. Sarishn."....various reference of the American court are given,

"...holding that a Judge's refusal to answer question by a removal proceedings constitutes cause for removal."

So, even if all that was said yesterday here were true, which it was not, if all that we heard for almost six hours were the Gospel truth, it was not, the mere fact that Justice Rajagawari failed to appear before a Committee constituted by you, Sir, by the Speaker, is, under the law of the land, if one has to fall back on case law, on an universally accepted case law, because this

applies to a worker if an employee of a company or any factory or a worker, refuses to accept a charge-sheet, or having accepted it because he has no option, refuses to go before an inquiry committee, then his services will be terminated or are being terminated and the Supreme Court itself has held that if a man finds it proper not to defend himself, when he had an opportunity, then he has no business to come and waste our time here.

And if we are sitting in whatever capacity, then he had no business to come and take our time yesterday. He had absolutely no right to take our times yesterday.

Sir, I will now like to deal with some aspects of the charges and counter charges. Before I refer to the report, I would like to refer to the findings, on the basis of which some of the Members of this House chose to give this notice of motion. I have here with me the letter form the Accountant General, audit, Haryana, Chandigarh dated 6.9.90, which is a part of the record, addressed to the Registrar of the Punjab and Haryana Highcourt, Chandigarh. Some of the charges were figured here. I will not deal with telephone problem because yesterday everything was sought to be very trivial. Mr. Sibal has said:

"You are treating a Supreme Court judge as some Lower Division Clerk." I do not know why the law should be different for the two. I do not subscribe to this. Let me make my point very clear. I refuse to accept that there should be one law for judges, one for the Members of Parliament, one for the wealthy and mighty in this country, one for the ordinary poor workers and the ordinary people. I do not subscribe to this. But it appears now that there are people holding very high positions, some people of very great eloquence, who believe that the law should be

class-oriented or class-based or status related; that the rich can get away with the murder but the poor cannot even thrive to feed a hungry stomach.

Sir, I will not deal with the issues that have been touched. But there is a very interesting observation here about his residential telephones at Chandigarh. This was available with the Speaker; this was available with all of us when we filed the Motion. It says:

"An amount of Rs. 9.10 lakhs was paid as telephone charges on account of two residential telephones maintained at Chandigarh residence of the former Chief Justice during his tenure of two years approximately."

The former Chief Justice has commented it is very significant that he used to discharge himself all his official duties in respect of administration work from his residence in view of the fact that Chandigarh was a sensitive and terrorist affected area and therefore the expenditure be considered as normal. Now I will refer to the comment of the Accountant General. It says:

"While there is no ceiling for the residential telephone calls, the trend of expenditure on this account during his tenure was high."

This must be one of those understatements which I have seldom experienced because thereafter he says:

"During the similar period from 1985 to 1987, the expenditure on account of the residential telephone of the then Chief Justice was about Rs.38,000."

So, Rs.30,000 for two years and against that, it was Rs.9.10 lakhs. This is not disputed by anybody. This is only an explanation why it is so

much..(Interruptions) The Chief Justice had a long vacation when the court did not sit. The courts in our country have more vacations than anything else. You know it..(Interruptions)

AN HON. MEMBER: This should not go on record. (Interruptions)

SHRI GEORGE FERNANDES: Sir, it is quite legitimate. (Interruptions)

MR. SPEAKER: Does the Law Minister object to it?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ): Sir, I have no objection..(Interruptions)

Because the judges have to go to their residences during long vacations. (Interruptions)

SHRI NITISH KUMAR (Barh): Yesterday, he was convinced by Shri Sibal and today he is convinced by Shri George Fernandes.

SHRI H.R. BHARDWAJ: If his speech is silver then silence is gold.

SHRI GEORGE FERNANDES: I am sure he has a judicious mind, not just an open mind but a very judicious mind.

MR. SPEAKER: It is better than not getting convinced by both of them.

SHRI GEORGE FERNANDES: Shri Somnath Chatterjee said that it was Rs. 1300, if it were taken as the total number of days the amount of money divided by the total number of days. But what about the vacations; what about the Saturdays and Sundays. If you take all that into account, it comes to Rs.2000 a day. (Interruptions) Yesterday the Counsel for Justice Ramaswami repeatedly tried to impress on us

[Sh. George Fernandes]

[Translation]

that he was living alone; simple man; simple living; his entire family is in America. That is important because that can be linked with this. (Interruptions)

SHRI R. PRABHU (Nilgiris): Sir, I am on a point of order.

SHRI GEORGE FERNANDES: I am not yielding. (Interruptions)

AN HON. MEMBER: He is living below the poverty line. (Interruptions)

SHRI R. PRABHU: Sir, he is deliberately misleading the House. They have relied so much on this report of the Committee. According to what Shri George Fernandes is saying the telephone charges are about Rs. 9 lakhs and odd. This is in charge number 10. The Committee has held that charge number 10 is not proved.

SHRI GEORGE FERNANDES: I will come to that point. It is a very important point that he made and I will deal with that. (Interruptions)

SHRI GEORGE FERNANDES: They would be well-advised not to interrupt me. (Interruptions)

SHRI SOMNATH CHATTERJEE (Dumdum): There is no evidence of personal gain.

SHRI GEORGE FERNANDES: The fact is that the State has paid the telephone bill of Rs. 9,10,000. That is not disputed. This is the most significant thing and I am very grateful to the hon. Member, Shri Prabhu for making this point.

I will come to some aspects of this Committee's work and its findings. You will have to give me a little time to make my point.

SHIR RAM NAIK: The speech of Shri George Fernandes is becoming lengthy like the tail of Hanuman.

[English]

MR. SPEAKER: When you said that you need one hour I had thought that you would need more than that. So you can continue.

(Interruptions)

SHRI GEORGE FERNANDES: I will just make one or two more points.

SHRI NITISH KUMAR: The House is enlightened.

SHRI GEORGE FERNANDES: For instance, yesterday, the whole idea of the maces was dismissed as some kind of a joke. What is this about the buying of silver maces, the dignity, the majesty of the court which the judge manifested? "We have them in Madras, so we should have them in Haryana." The whole thing was treated as some kind of a joke. But, this Accountant General's Report brings out a point that the total cost of the maces was Rs. 360790. But in Madras from where this culture was sought to be transplanted in the Punjab and Haryana High Court the same maces were purchased for Rs. 2000 each.

Whereas in Haryana, each one of these twenty-four maces cost Rs. 13,500 and one mace for the Chief Justice, because it had the head of the lion cost Rs. 14,500. Now, why was this difference? There was nothing hanky-panky. That is not in charge. There was nothing hanky-panky only in terms of the price because the quotation was that if you want a mace with the wooden shaft and certain other metal and just silver plating, then it will cost you less, but if you want a solid silver, then this is the price. And Justice

Ramamurthy..(Interruptions). I am sorry, Justice Ramaswami I do not know which Ramamurthy is in my head, Sir argues with his brother Judges as to why this should be done and how significant it is to have this. The Judges had their own reservations. They refused to sign the minutes and lot of things happen. Then he places an order on his own. The order is placed orally. It is not even in writing, it is an oral order. And then he does not choose to have the cheapest available which the Judges in Madras chose to have. But in his case, he goes to order the solid silver material and the court is put to a loss of Rs. three lakhs, or if one does not want to call it a loss, then at least an unnecessary expenditure, for ostentation. That is not really ostentation in the real sense of the term but perhaps satisfies the ego of some people or, Sir, may be there are other reasons. I am not saying anything. There may be some other reasons, I do not know. We would like to know. And this is what has been brought out by the Accountant General and these papers were with us, these papers were with the Speaker and that is how this matter came up in the first instance.

I said that I will deal with some of the specifics of the case that has been made out by the Committee. And this is where I said that I am grateful to my colleague, Mr. Prabhu, for raising this issue because what has the Committee done? What was the basis or what was the standard it set for itself while sifting the evidence, while evaluating it, while going through all the documents, while calling people, listening to them and then coming to their own conclusions. Now, here was a statement of Rs. 3,60,000. The committee could have perhaps asked a lot of questions, very embarrassing, very uncomfortable question. It did not do that and it is perfectly right in saying that the Committee has not gone on to prove that as some kind of an act of malfeasance on the part of the Judge, this point is brought out on page 61 of Volume-II where the Judges say how to go about with this inquiry. The very first line on page 61 is: "We are

convinced that reason and prudence require that we adopt the higher standard of proof, that is, proof beyond reasonable doubt, in a proceeding for the removal of a Judge of the Supreme court or a Judge of a High Court.

I did not participate in that discussion though as usual I had some interruptions on some other subject. But I was in the House when this law was discussed. The late Mr. Yashwantrao Chavan was the Home Minister who piloted this Bill. I will not go into the history of this Bill. But there are people in this House who were there at that time. Atalji intervened in that discussion. He may or may not remember it. As a member of the Fourth Lok Sabha he intervened in the discussion on the particular Judges Inquiry Act. There were Member in this House who said that the supremacy, the sovereignty of Parliament is being surrendered: it is Parliament which should sit in judgement, it is our right to know if somebody in the judiciary commits an act which required his impeachment and then it should be we who should sit in judgement. Atalji, Member said that in the United States of America the matter first goes to the House of Representatives where it is debated pro and con and at the end of it, if they come to the conclusion that it needs the investigation, it is referred to be investigated by a Committee of the Senate and then the Senate Committee holds its theory and then takes a decision on impeachment.

But the then Home Minister, later Mr. Yashwantrao Chavan, pleaded the matter because this issue has gone to a joint Select Committee earlier and said why it is necessary that the names of the judges should not be dragged into controversies, into unnecessary situations. I think there was wisdom in making judges themselves enquiry into the conduct of a brother judge so that no prejudice is brought into any kind of investigation. Politicians have their own angularities; their own prejudices no matter how objective they want to be. They are under pulls and pressures. I will not go into various

[Sh. George Fernandes]

aspects of it as we are not discussing personal experiences or common experiences. I am only making a point that Parliament, in its wisdom, decided that the judges themselves should probe into the conduct of a brother judge because they would have much greater understanding of the person, of the man, of the system, of the judiciary and just about everything that concerns these matters.

When two sitting judges, illustrious men in their own right one a judge of the Supreme Court, one a Chief Justice of the High Court and one as was pointed out yesterday by Shri Somnath Chatterjee a man of such erudition, a man of such distinction outside when he was on the bench and no when he is outside the Bench one of the most outstanding judges we have ever had in this country justice O. Chinnappa Reddy when these three persons sit and summon you and say: "Brother judge, please come; here are some charges against you and we would like to hear you on these matters", you know the response.

I would take you to some of these specific charges only to again make the point as to how the enquiry committee has gone backwards to give the benefit of the doubt, not to drive home the charge, where the charge could have been driven home but they have chosen not to, in keeping with that standard set by themselves and in keeping with their own understanding of how the system operates.

I refer you to page 122, para 224:

"Justice Ramaswami, it may be recalled, assumed office as a Judge of the Supreme Court on 6.10.1989. Therefore, 5.10.1989 was virtually the last day of his office as

Chief Justice of the high Court of Punjab and Haryana. Three days earlier, that is, on 2.10.1989, which was a holiday being Mahatama Gandhi's birthday, the Registry put an office not.."

It was on a holiday. It is an exhibit. It must be with you.

"...proposing the creation of five temporary posts of Deputy Registrars. The note pointed out that out six existing posts of Deputy Registrars two were vacant. It also gave justification for the creation of five temporary posts in that cadre. It is in evidence that though 2.10.1989 was a holiday and the Registry was closed, the aforesaid proposal for the creation of five temporary posts of Deputy Registrars was initiated and it went through the successive stages of the Registry and was also approved by the Chief Justice. all on the day, that is, 2.10.1989. Next day, proposals for promotion were initiated by a note and the whole process was gone through and the Chief Justice passed orders on 4.10.1989 on the said note promoting Bajwa, Khanna, and Phandair, and three others. These three persons, Bajwa, Khanna and Bhandair, were not eligible to be promoted as they had not worked as Assistant Registrars for the minimum period of one year to make them eligible to be considered for promotion as Deputy Registrars under the amended Rule which itself had just then been amended reducing the period of eligibility from three years to one year as Assistant Registrar. But they were not eligible even under the amended rule as they fell short of the one year period by a few days. so, the rule was relaxed by the Chief

Justice. They were also given a deemed date of promotion as Assistant Registrar by a separate order."

Now, Sir, I take you to para 227 on the next page which says:

"It appears, however, that there was a practice in the High Court of Punjab and Haryana for the outgoing Chief Justice to create additional posts and also to give promotions. The practice has to be deprecated. However, in view of its existence and in the circumstances mentioned by us earlier, we are not in a position to say that the charge of out-of-turn and unlawful promotions to a favoured group of Officers by way of reward in wilful phuse of power is established beyond reasonable doubt."

"Beyond reasonable doubt" the Judges said 'No', the Inquiry Committee said 'No'. sir. Subsequent to the appointment of Justice Ramaswami as a Judge of the Supreme Court, sir, the new Chief Justice of the Punjab and Haryana High Court cancelled each of these appointments. And the Audit put up a report that consequent upon these appointments, the stage was, an infoructuous expenditure of Rs. 1.49 lakhs was incurred by the High Court and yet, look at the consideration which this three-men Committee gave to Justice Ramaswami. It says, 'It was wrong, but we will not feel that this has been proved doubt'. (interruptions). I am grateful to Mr. Prabhu for bringing this.

Then, sir, I take you to paragraph 229 on page 124 Sir, there have been so many items on which lakhs of rupees have been squandered and they were part of the charge. para 229 says:

"Taking B.S. Bhandari's trips first, we find, from the evidence of Mohan Dutt Sharma, Bhandair and the TADA bills

submitted by him, that Bhandair made one trip to to Madras and back by air in February 1988 and a second trip to Madras by staff car in May 1989, the return journey being performed by air. He made nine trips to Mussprice, and back by staff car and one trip to Dehradun and back by staff car. All the trips were mentioned by Bhandair in the statements of claim for TADA as official and all the trips except one trip to Mussonie were approved and the TADA bills were sanctioned by Justice Ramaswami personally under his signature. The said one trip to Mussonie in March 1988 alone was confirmed by the Secretary (Administration) to the Chief Justice.

SHRI SOMNATH CHATTERJEE (Bolpur):
 This is complete liberalisation!

SHRI GEORGE FERNANDES: How, Sir, I read para 231 on page 125. It says:

"Although it would have been proper and expected of Justice Ramaswami to have reimbursed the High Court of the expenses incurred on the journey performed by Bhandair for his private purposes, in view of the evidence as regards what appears to be the practice prevalent in the Punjab and Haryana High Court, we do not think that very much out of the way could be said to have been done on a fee occasions on which his services were employed as well as the use of the car was made for the private purposes of Justice Ramaswami."

So, again benefit of doubt was given to him.

Sir, I draw your attention to paragraph 234:

"B.N. Vohra made eight trips to Madras by air, six trips to Mussonie by staff car, two trips to Dehradun by staff car, one trip to Shimla, one trip to

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Haridwar and one trip each to Mathura and Agra. In one of the trips to Madras, he went to Tirupati and during two trips to Madras, he also went to Coimbatore. All the trips were claimed by Vohra as official and all of them were approved by Justice Ramaswami and the TA/DA bills were also sanctioned by him."

Paragraph 235 says:

"B.N. Vohra, Witness No. 10, stated that all the trips were made under the direction of Justice Ramaswami. In almost all the trips, he accompanied and attended on Justice Ramaswami at the various places to which he went either holidaying, on leave, or on vacation. On one occasion, he was instructed by Justice Ramaswami to go to Mussorie alone, but he did not remember in what connection he had gone. On another occasion, he was asked to go to Mussorie to make arrangements of accommodation for Justice Ramaswami who wanted to go holidaying there. On yet another occasion, he had gone to Mussorie to make arrangements for the stay of the family members of Justice Ramaswami."

Paragraph 236 says:

"On those occasions when Vohra did not accompany Justice Ramaswami or did not make the trip to attend on him or to do any official work, there was no justification for Justice Ramaswami to send him to attend to his private work at Mussorie and to sanction him TA/DA from the High Court funds. However, these occasions being rare, we may not take serious notice of the same."

Sir, if these things were done by a Lower Division Clerk in your Secretariat, I do not know what you would do. I do not want you to answer

it because there would be occasions in the Government where the employees misuse the TA/DA and such other facilities and I know what happens to them. They lose their jobs. They are even prosecuted and are jailed. But they certainly lose their jobs. We have the vigilance report. I am sure the Law Minister reads the report of the Central Vigilance Commission and the State Vigilance Commissions.

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND
COMPANY AFFAIRS (SHRI H.R.
BHARDWAJ): As Ministers we use aircrafts.
What are we teaching here?

SHRI GEORGE FERNANDES: We are
not discussing that.

SHRI H.R. BHARDWAJ: You must have
also used. I saw you on private aircrafts. Let us
not discuss it. Let us be honest. We take our
Private Secretaries and we take our cars to
holidays. so, please do not say all these things.
(Interruptions)

[Translation]

SHRI MADAN LAL KHURAN: How many
times did you go. Please let us know.
(Interruptions)

[English]

SHRI H.R. BHARDWAJ: I always use staff
car. I am under a code of conduct to use staff car
and not any other car. I cannot stay in any other
accommodation except the State
accommodation. I cannot travel in any other
vehicle.

SHRI GEORGE FERNANDES: I have not
charged him, Sir. I am only reading what the
Committee has found out and if he wants to justify
all these things, the privilege is his. (Interruptions)

SHRI NITISH KUMAR (Barh): Sir, here is
 a Law Minister who is proud of breaking the laws.
(Interruptions)

SHRI H.R. BHARDWAJ: I am the only
 Minister who go by my rules. Otherwise you will
 not see me here. But these are very trivial
 matters. *(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE: He
 says, he is the only Minister who goes by the
 rules. He relegates everybody else including the
 Prime Minister.

SHRI H.R. BHARDWAJ: I follow
 meticulously the code of conduct rules.

[Translation]

SHRI BASUBEBACHARIA: Does it mean,
 others do not follow?

SHRI HARI KISHAN SINGH: As far as I
 know personally. Our Finance Minister Shri
 Manmohan Singh neither misuses the official
 car and nor allows his private Secretary to
 misuse the car. *(Interruptions)*

[English]

SHRI GEORGE FERNANDES: Yesterday,
 the Counsel for Justice Ramaswamy started with
 a very eloquent statement saying some people
 compare him to Mark Antony. He started by
 saying if justice Ramaswami is guilty of moral
 turpitude, is guilty of bogus quotations, then he
 should go. These were the words of the Counsel
 for Justice Ramaswami.

I would now like you to page 73, para 124:

"Even a cursory glance at the items
 found in different rooms, as shown in
 the list Ex. 15, reveals that there were
 air-conditioners (with stabilizers),
 sofa sets, six sofa chairs, six

dressings tables, four study tables, four
 double beds, one single bed, five
 Godraj almirah, six geysers, one
 dining table with eight chairs, and
 eight extra chairs, nine other chairs,
 bed-side tables, wall clocks, a
 refrigerator, a colour T.V. a T.V.-
 V.C.R. cabinet, pedestal fans, suit/
 attache cases, brief case, kitchen
 articles including crockery and cutlery,
 articles of bed linen such as blankets,
 bedsheets, pillow covers, pillows and
 quilts, towels, carpets, curtains and
 various sundry articles found in the
 residential portion of the Chief
 Justice's official residence. In the
 office portion, there were six sofa sets,
 three air-conditioners with stabilizers,
 tables of different sizes, sofa chairs,
 ordinary chairs and several other
 sundry items. It will be necessary for
 us to refer in detail to the various
 purchase notes, sanction orders,
 vouchers and bills and stock
 registers."

Then, Sir, I will not take your time by
 reading the next para. I will take you to para 128
 at page 75:

"Innumerable quilts, mattresses, bed
 sheets, bed covers, pillows, pillow
 covers and blankets were purchased
 for the residence of the Chief Justice.
 Some of the purchase notes and bills
 are Exs. So and so. On 17-2-1990,
 when charge was handed over, fourteen
 blankets, thirty bed sheets, eleven
 mattresses, nine bed covers, twenty
 four pillows, nineteen pillow covers,
 and ten quilts were found in the different
 bed rooms. The total cost of the bed
 line purchased for the residence of
 Chief Justice during the tenure of
 Justice Ramaswami come to
 Rs. 28,785. The total cost of 96 towels

[Sh. George Fernandes]

and several dozen napkins purchased for the residence of the Chief Justice during the tenure of Justice Ramaswami was about Rs. 11,000."

The cost of bed linen was Rs. 28,785 and that of towels and napkins was Rs. 11,000.

17.00 hrs.

Yesterday so much was said here about simplicity. Yesterday so much was said here about one man living there in one room. In fact, in one of his communications, he mentions how he used only one room.

Only two linen, bed linen Rs. 28,000/-
Towels and napkins alone Rs. 11,000.

"Thus the total cost of the bed, bath and table linen purchased during the tenure of Justice Ramaswami comes to Rs. 39,785. The cost of these items alone exceeds by a few hundred rupees the permissible ceiling under the High Court Judges Rules read with Ministers Residence Rules."

Yesterday what eloquence was in evidence here in ridicule of the whole charge of misuse of public money!

Now I take you to para 134p 79, the 7th sentence on the top.

"Altogether thirteen new loose carpets were purchased under these four purchase notes on 15-3-1989. We may consider the carpets purchased under the purchase note Ex. 56 as carpets purchased for the office portion (extension wing) in view of the sizes of the carpets. The remaining loose

carpets which were found in the residential portion on 17-2-1990 are of the value of Rs. 96,000/-. We may also notice here that the purchase notes mention only one 6' x 9' carpet as purchased for the office of the Chief Justice at the residence. All the other loose carpets are mentioned as purchased for the High Court. This statement is untrue since they were found in the residential portion of the official residence. The reason for showing them as having been purchased for the High Court or for use in the High Court is not far to seek. By the time these carpets were purchased, wall to wall carpets had already been fixed in the entire office portion at the official residence. It was, therefore, not possible to show that they were purchased for use in the office portion at the residence. The whole exercise was in the nature of a facade in that although the carpets were meant for being used in the residential portion, they were shown as having been purchased for use elsewhere i.e., High Court."

We heard the counsel yesterday. Hang, him. He is an honourable man. Produce evidence, produce proof. I say, I give the proof now.

I would not take much time. Even despite what Shri Ram Naik may feel about it, I would not take much time.

I want to give evidence to this House that there has not been malfeasance but there has been an attempt. Here in this case it is proved and my hon. colleague Shri Jaswant Singh has read last portion of what the final findings of the Committee are. I want to give evidence in support of the last paragraph he quoted so appropriately in the course of his speech.

(aptations)

I take you to para 136 to the last but sixty line at p.80:-

"The value of the wall to wall carpets and the loose carpets and curtains found in the residential portion of the official residence of the Chief Justice on 17-2-1990 was Rs. 1,52,465 plus Rs. 96,003.91 plus Rs. 19,043.50 as found in paras 133, 134 and 135 above. The total value thus adds upto Rs.2,67,512.41, which is about 7 times the total value permissible under the rules."

I will not read out all of para 137. I will take you to the last sentence of the para.

"Thus purchases were made wilfully, in breach of law with a view to gain a personal advantage by way of use of the said excess articles, without ever intending to pay for such use..."

Now, I quote para 138 which says:

"There is no evidence to show that the excess expenditure incurred no purchasing these items was sanctioned or authorised by the concerned Government. Those articles were also not supplied by Government as a special case out of their funds. Those cases may stand on a different footing. On the other hand, as will be shown hereafter, they were all purchased by Justice Ramaswami himself or under his direction and sanctioned by him out of the public funds at his disposal without special or general sanction of the competent authority."

From here, I'll take you to para 150. It says:

"In Ex. 57 (collectively) there are 5

purchases notes for the purchase of furniture, all in the identical language. We may extract one of these notes and it is as follows:-

Sir, You have five notes exactly as this particular note that I am now going to read. It says:

"This case relates to the purchase of sofa set, sofa chairs, centre table and corner tables for office at the residence of Hon'ble the Chief Justice."

It is submitted that a high-level meeting was held which was attended by the Chief Engineer and Chief Architect. The Chief Architect gave designs of furniture to be provided in the extension wing of the residence of Hon'ble the Chief Justice. Hon'ble the Chief Justice along with the Registrar visited many shops of furniture for placing the orders and quotations were also obtained. His Lordship selected the furniture manufactured by M/s. Salwan and Co., Sector 18, Chandigarh. Accordingly, as desired by His Lordship an order was placed with the said firm for supply of sofa set 3-seater (1 set), sofa chairs (6), centre table (1) and corner table (1). The dealer has sent an advance Bill No. 548, dated 6-2-1989 amounting to Rs. 59,430 for payment. It is within the competency of the Hon'ble Chief Justice to accord sanction

The case is, therefore, submitted for according sanction to the payment of Rs. 59,430 to M/s. Salwan and Co., Sector 26, Chandigarh."

There are five notes identical

[Translation]

SHRI HARCHAND SINGH (Roper): Mr. Speaker, Sir, I am on a point of order. I would like to know whether all this money was spent by pay at cost. (Interruptions)

[English]

SHRI GEORGE FERNANDES: Please see the last sentence of the para.

This is significant in the context of what the Counsel for Mr. Ramaswami said repeatedly yesterday about the Justice: Mr. Justice Ramaswami could not be expected to know what is being bought, who is buying it and where it is coming from.

The last sentence says:

"Each of the purchase notes and the signatures following it, including the signature of the Chief Justice, are on one page only. Here again the recitals could not possibly have escaped the attention of the Chief Justice."

Yesterday, we were told that if he is guilty, then, throw him out; hang him. (*Interruptions*)

I now take you to para 154. I am coming to the end of my submission.

"Some of the purchase notes contain the further recital that the Chief Justice had personally visited the shops and selected the articles to be purchased. In some of the purchase notes, the Registrar also is said to have accompanied the Chief Justice. An attempt has been made to show that the Chief Justice did not visit the shops though the Registrar might have visited the shops. The proprietors of the two major suppliers, namely, M/s. Salwan and Co., and M/s. Krishna Carpet Co., stated that the Chief Justice had never visited the shops but the Registrar did. These witnesses were obviously under the impression that they were shielding the Chief Justice by saying so, though we see nothing wrong in the Chief

Justice visiting the shops and choosing the furniture and the carpets, particularly when such heavy amounts were being spent on them. We do not think that any false recitals about the visit of the Chief Justice and the Registrar to the shops would have been made in the purchase notes, as there was at that stage, no need to make any such false statement, particularly when the purchase notes were to be placed before both the Registrar and the Chief Justice for their approval. The said recitals were in fact approved by them. We find that the Chief Justice and the Registrar did visit the shops as mentioned in the contemporaneous documents."

Now para 156 on page 92. I will take you to the last sentence. These are clinching paras which the Counsel for Justice Ramaswami chose not even to read perhaps. And if he had read, he did not remember and if he had read and remembered, then suppressed it from this House. It says:

"From the evidence, it is readily seen that no genuine attempt was made to obtain quotations from different dealers, whether it was furniture or carpets that were being purchased. There were a large number of dealers of both furniture and carpet in Chandigarh. Yet, all quotations were obtained from the same set of dealers. The obtaining of quotations was reduced to a farce despite the fact that the amounts involved in the purchases were large. That the quotations were being obtained from the same set of dealers, could not have possibly escaped the attention of the Chief Justice, since the purchase notes mentioned the names of the persons from whom quotations had been

obtained. Several purchases were effected on the basis of quotations obtained on the very day of purchase from the same set of dealers on some occasions. Further, all the purchases were made at the instance of Justice Ramaswami or under his direction and in some cases he had also visited the shops to choose the articles. In some cases, purchases were effected even before quotations were obtained. All these circumstances taken together lead to a legitimate inference that he was aware of the fact that the quotations were not genuine. This shows that there was wilful disregard of the procedure required to be followed under the relevant rules before effecting purchases on such a large scale and this was with his connivance."

Now para 158. It says:

"We, therefore, find that Justice Ramaswami, in wilful abuse of his powers and authority as Chief Justice of the High Court of Punjab and Haryana, got purchased in violation of the rules, items of furniture, furnishings and electrical appliances, far in excess of and wholly disproportionate to the requirements of and far beyond the limits prescribed for the residential portion. The principles of financial discipline regulating expenditure by Heads of Departments were totally ignored. The rule prescribing a limit of Rs. 38,500 towards the cost of furniture, furnishings and appliances to be made available to a Chief Justice in the residential portion of his official residence was knowingly and wilfully ignored. No separate or special sanction was obtained from competent governmental authorities for such

excess purchases. Furniture, etc. of the value of more than Rs. 6 lakhs, that is, at least, sixteen times the limit, was unauthorisedly purchased by him out of the public funds, namely, contingent grant of the High Court at his disposal. This was to the personal advantage of Justice Ramaswami who had the benefit of its use without paying or ever intending to pay for such user. The far too extravagant and wasteful expenditure on furniture, furnishings and electrical appliances at his official residence and the manner in which the purchases of furniture and carpets were effected from the same favoured dealers without obtaining genuine quotations and, therefore, without ascertaining whether the price paid was fair and reasonable, sometimes against advance bills and against cash payments in large sums, and in disregard of the Financial rules were such as to bring dishonour and disrepute to the judiciary so as to shake the faith and confidence which the public repose in the institution. In regard to the office portion also, the excessive expenditure could possibly have been avoided by observing economy and financial discipline."

Sir, what more evidence is needed? I am not reading this whole book, as this Book was read yesterday by the Counsel. I would only make a few final submissions. I want to make just one point about these cars, since so much has been submitted by me, let me make one or two submissions.

Sir, I take you to page 112, para 197. I quote:

"In an explanation furnished by Justice Ramaswami to the Accountant General he stated that he had necessarily to requisition car CHE-3

[Sh. George Fernandes]

for his use in Madras as the Tamil Nadu Government would not provide him with a car for more than two or three days and he did not want to subject himself to the embarrassment of borrowing a car etc."

Then, Sir, I take you to the next para wherein Shri Vohra says and I quote:

"His Lordship has desired that two staff cars bearing Nos. CHF-3 and CHK-5959 may be placed at the disposal of His Lordship and the office is directed to make arrangements for sending the above said cars along with two Drivers. The cars along with the Drivers would report on 25.5.1989 at Madras at the residence of his Lordship.

On 31-5-1989 there was a further office note which recited as follows:

This case relates to the reimbursement of petrol charges and repair charges in respect of official Car No. CHK-5959 and CHE-3 allotted to the Hon'ble Chief Justice. These cars were taken to Madras on an official visit. This shows that the cars were not taken to Madras for the use of Private Secretary but only for the use of Justice Ramaswami."

Earlier the point made is that one of the cars was meant for the use by the private secretary. The fact that has been brought out in the course of the evidence is that it was not meant for the private secretary because the private secretary went there, delivered the cars and came back and the cars were meant for the use of Justice Ramaswami and his family because here on the next page you have the evidence of Baljit Singh, Driver of CHK-5959 who was examined as witness No.33. He stated and I quote:

"In Madras I used to carry the family members of Chief Justice Ramaswami. No officer of the Punjab and Haryana High Court travelled in the car in Madras city. I had not taken the car outside Madras except for coming to Madras. The said car was taken out of Madras by another driver. I had however not taken the said car out of Madras and I do not know the name of the said driver. He was the private driver of Justice Ramaswami at Madras. I do not know to which places the said driver had taken the car in question out of Madras. When the Car CHK-5959 was taken to Madras, I was asked to drive private cars in Madras.

This direct evidence about the use of the car belies the claim that the car was taken to Madras for the use of the Private Secretary."

And Sir, on page 114, apart from the coincidence of dates, B.S. Bhandair had stated before the Enquiry Officer in the disciplinary proceedings against him as follows:

"It is correct to that on 21.5.1989 I and Shri Khanna had gone to Madras in staff cars which we left there for the use of Justice Ramaswami who had to celebrate the marriage of his son.

He admitted before us that this was a correct statement and tried to explain it by saying that he had left the cars for the use of the Chief Justice who might have used the cars for the celebration of his son's marriage. The Chief Justice was himself in Madras from 4.6.1989 to 15.7.1989 only. The cars had gone there earlier on 21.5.1989 from Chandigarh and returned to Chandigarh on 5.8.1989. All these circumstances lead to the inevitable inference that the cars had been taken to Madras for his private use and more particularly for the marriage of his son."

I hope the Law Minister does not say that all Ministers do that.

SHRI H.R. BHARDWAJ: Minister do attend marriages/- not their own, but of others in staff cars!

SHRI GEROGE FERNANDES: The point that was made yesterday by the Counsel for Justice Ramaswami was that this point has been argued in many places outside this house, particularly in representations made to various person in high authority, whose names I am not expected to mention here; all this is not malfeasance in the course of his responsibilities of the Judge, in other words when he was occupying the Bench; these are all incidental matters, administrative matters and so on and so forth, and therefore there is no reason for taking such a grave notice of these matters. Yesterday the Counsel also went on to say that in any other country and he referred again and again to America on such matters it would have merely dealt it with contempt.

I refer to Para 81 in Page 49 of Vol.II.

"In the case of Judge Stewart F. La Motte, Jr., shortly after assuming the Bench, the Judge received an air travel credit card which he used to incur an expenditure of approximately 2,000 dollars..."

In America 2,000 dollars is just like Rs 2,000 in India. I hope this will not be disputed.

"In personal charges for various trips to different places. In that way, the Judge used for his own personal purpose the credit card meant for official purposes. The charge was that

the Judge knew or must be presumed to have known that the charges on his air travel card would not be deducted from his salary. The explanation of the Judge was that he thought that the charges would be deducted from his salary. He made restitution when he was discovered, and reimbursement was demanded. At the hearing, several Circuit Judges testified and were ready to testify that the Judge had a reputation for truthfulness and honesty. The Judicial Administration Commission who enquired into the matter did not accept the explanation of the Judge and found that there was clear and convincing proof that the Judge knew or must be presumed to have known that the charges on his air travel card would not be deducted from his salary. The Commission recommended the removal of the Judge from office, for conduct unbecoming of a member of the judiciary."

This is for two thousand dollars in America.

Here we are discussing not just money; here we are discussing misuse of public fund; not just that but malfeasance of a nature which has made this Committee to finally say I won't repeat all that because my colleague Shri Jaswant Singh has it in Paragraph 242 of Vol.II, which is its final conclusion that:

SHRI MRUTYUNJAYA NAYAK:
*(Intermissions)**

MR. SPEAKER: That is not going on record. Shri Fernandes is quite relevant.

SHRI MRUTYUNJAYA NAYAK: I have one question; you may reply.

SHRI GEORGE FERNANDES: I am not yielding to him. The conclusion is:

"Justice Ramaswami's conduct, that is, his several acts of commission and omission, reflected in our findings on charges No. 1, 2, 3, 7, 9, 11, 12 and 14 taken together, and in our findings on charges No. 1, 2, and 3 severally, discloses wilful and gross misuse of office, purposeful and persistent negligence in the discharge of duties, intentional and habitual extravagance at the cost of the public exchequer, moral turpitude by using public funds for private purposes in diverse ways and reckless disregard of statutory rules and dishonour to the institution of judiciary and undermines the faith and confidence which the public reposes in the administration of justice...

"... The acts are of such a nature that his continuance in Office will be prejudicial to the administration of justice and to the public interest. The acts therefore constitute misbehaviour within the meaning of Article 124(4) of the Constitution of India."

Sir, I will not take any more time; I have only one more sentence to say, one last point, I would say. There is so much to say; but I can appreciate, Sir, if...

MR. SPEAKER: I would have given you the entire time, if there is no other Member.

SHRI GEORGE FERNANDES: I apologise, I am sorry, Sir.

MR. SPEAKER: You have made all relevant points. You have nothing irrelevant. But the only constraint is that there are others who want to speak.

SHRI GEORGE FERNANDES: I am concluding with just one reference, Sir. These are the proceedings of this House of 1991, July. This is a matter which did not concern Judges, but it did concern a Member of this very House, Mr. Mudgal. The Prime Minister and the Leader of the House, Pandit Jawaharlal Nehru moved a motion on June 6, 1951 on the issue of Mr. Mudgal. I will not go into the whole affair of Mr. Mudgal. But, while moving that Resolution, Panditji said and I quote:

"The dignity of the House and the proper behaviour of every hon. Member is dear to the House and I felt that any action taken by a Member which might not be in consonance with propriety and good behaviour and what is expected of him should be inquired into; that would be fair both to the House and to the Member concerned."

A Committee was appointed to find out in what circumstances he accepted Rs. 2,000 from the Bullion Merchants of Bombay to lobby for them as a Member of Parliament. The Committee held him guilty and the last sentence, the concluding sentence of the committee's report is:

"The finding of the Committee is that Shri Mudgal's conduct is derogatory to the dignity of the House and in consistent with the standards which Parliament is entitled to expect from its Members".

Sir, all that I want to say is that this is the conclusion which the Committee of two sitting Judges and one former Judge have also come to. It is the dignity of the Court, of the judiciary, of the institutions, the faith of the people in those institutions. In a similar case, it was Panditji who moved the Resolution; he appointed a committee.

Fortunately, the House did not have to expel the Member because the Member resigned. But, when the House passed the Resolution, the House said that the Member would have been expelled, if he had not resigned. In other words, the House stood up to uphold its own dignity and the standards which is expected from its Members.

I do hope, today, the House will once again assert the dignity of the institution without our democracy will fail.

SHRI R. PRABHU (Nilgri): Mr. Speaker, Sir, today we are discussing a historic motion. An impeachment motion has been moved by an hon. Member against an hon. Justice of the Supreme Court who has had a distinguished judicial career for more than 20 years.

Yesterday, before the motion was moved, I raised a point of order. Sir, I also did not articulate my point of order very much and I was happy that you did not allow my point of order, because if you had allowed my point of order, then, this discussion would not have taken place. Then, the facts against the Judge, the facts in favour of the Judge would not have come to the notice of this hon. House.

Sir, I would like to just take you to the sequence of events from the date on which Shri Dandavate gave this impeachment motion till we took it, that is yesterday, very quickly. A notice by Mr. Madhu Dandavate and 100 others was given on 27th February, 1991 to the speaker under article 124(4), section (iii). The Lok Sabha was dissolved on 12th March, 1991.

I have the greatest respect for the former Speaker. I am only making this point because Mr. George Fernandes, my hon. colleague, has made points about the Justice not respecting this House or not respecting the Chair. That is why I have to make this point. I remember very graphically that near about six p.m. may be two

or three minutes before six the Speaker was mumbling something. And we were running into the well of the House and asking what he was saying. Before we could understand what he said, he vanished into his chamber. This was on 12th March, 1991. Later on, we came to know from the news that the impeachment motion had been admitted.

You have been hon. speaker of this House. You have been hon. Speaker in Maharashtra. You have been in Parliament for so many years. When we move any motion, be it a call-attention motion or any short-notice question or anything, what does the Speaker normally do? I have to go into this because he was saying all this. Speaker refers it to somebody may be the Ministry or somebody, asks for some facts, tries to understand.

MR. SPEAKER: Please, please. There are certain things which we can avoid. It is not necessary to make those points.

SHRI R. PRABHU: My point is only this that prima facie the Speaker had to be satisfied that there was a case.

MR. SPEAKER: Okay, you can make that point. But you do not have to go into all those details.

SHRI R. PRABHU: All right. I am sorry. Because he made this point, I am having to reply to this point.

MR. SPEAKER: You can say that the prima facie case has to be established.

SHRI R. PRABHU: Yes, Sir. Prima facie case has to be established.

MR. SPEAKER: We are the House at the apex. If we do not follow the rules, if we do not follow the laws which we make, the same criticism can be levelled again us also.

SHRI R. PRABHU: I remember even in this session, I gave a call-attention motion about three weeks back. It has still not been admitted. It might never be admitted. This happens every session.

But it is such a very important motion. We are trying to impeach a Supreme Court Judge. The Speaker admits it without according to us calling for any facts in this case.

SHRI RAM NAIK (Bombay North): I have a point of order. This issue was raised yesterday. You have given a ruling that all formalities have been completed properly. So, it would amount to repetition of the views.

(Interruptions)

DR. KARTIKESWAR PATRA (Batasore): Any allegation against the Speaker should not be accepted.

SHRI R. PRABHU: I am not making any allegation. Mr. George Fernandes said that the Speaker was not respected by the Judge. That is the reason. (Interruptions)

DR. KARTIKESWAR PATRA: No Member should be allowed to bring in any allegation against Speaker. (Interruptions) This should not be entertained.

MR. SPEAKER: Mr. Prabhu, one of the most important things in this case is that the notice was admitted. Then, it was sent to the Judges. And Judges have come to certain conclusions which are not different from the Speaker's admission also. That fact has to be borne in mind. Please leave that. You come to the substance.

SHRI R. PRABHU: I am not trying to repeat or go into the charges. I am not going into the charges. Because I am not a lawyer myself, I would not be able to do justice to it. (Interruptions)

The Speaker appointed a Committee on 15th March, 1991. He appointed a Committee and did not constitute a Committee. I am leaving it there. The Committee did not function after it was appointed. Why? Because the Lok Sabha was dissolved. Then what happened? The Tenth Lok Sabha was elected. It was constituted. Then, the Attorney-General of India gave an opinion that the motion had lapsed. The motion was not alive. Then, what happened? The sub-Committee on judicial accountability something that had nothing to do with this Parliament filed a writ petition in the Supreme Court and told the Supreme Court, look, the motion that was moved by 108 MPs was still pending in the Lok Sabha.

So, the Supreme Court in its wisdom gave a 4:1 judgement and the motion was kept pending. I may not be challenging that. But Sir, about Supreme Court and Parliament, as you know, there has been a lot of controversy. The Supreme Court has told that the motion be kept pending.

Now, this motion has never been put to the House before. It was admitted by the Speaker, but the first time it came to the House was only yesterday. As you rightly observed yesterday, there are no rules of procedure for impeachment motions. So, we have to make our own rules. Shri George Fernandes mentioned some Section of the Judges Inquiry Act and said that that was the rule, and that the Speaker's decision was final. I have nothing to say about that. But we are a Parliament of 500 and odd Members and when such an important motion is being admitted, after all, should not the Judges Inquiry Act be read with the rules of the House? I am not casting any aspersions on anybody. But for example, if you have to remove Deputy Speaker or Speaker, under Rule 200, what is normally done? It is put to the House. Why is the Judges Inquiry Act not read with the rules of the House and why is it not brought to the House for admission? I am not saying it is right or wrong. But, for the first time, it was brought to the House only yesterday and this House could say something on it, only

yesterday. Till then, the House was not aware of it

MR. SPEAKER: Mr. Prabhu, I am sorry that I am interrupting you. The scheme under the law is that after a notice is given to the Speaker by more than one hundred Members, it is not brought before the House. Why? Because, unless there is some substance in the charges and that substance has to be proved by the Judges sitting in the Committee, it is not brought before the House and the Members are not given any opportunity to discuss it. When the notice was given to the Speaker, the Speaker referred it to the Committee. The Committee went into it and after the Committee came to the conclusion that there was some substance, it was brought before the House. If the Committee were to come to the conclusion that there has been no substance, it would not have been brought before the House.

SHRI R. PRABHU: I accept that. The point here is that the Attorney General gave an opinion that it had lapsed. Nobody in Parliament objected to it. The Speaker did not give any decision. Then, soem Sub-Committee on Judicial Accountability goes to the Supreme Court and says that they are not happy with the Members of Parliament and asks the Court to give a decision to the effect that the motion be kept pending. That is all that I am saying. I am not saying whether you have the right or you do not have the right.

MR. SPEAKER: It is not the individual. It is the Speaker.

SHRI R. PRABHU: I am not saying anything about it. What I am trying to say is only this. Yesterday, I made a point that out of the 108 Members who signed, 58 Members are not elected to this House. Now, this motion was brought before the House for the first time only yesterday. According to the Judges Inquiry act, Section (6), the wording is very clear. Subsection 1(a) of Section (3) of the Judges Inquiry Act says

that there have to be 100 signatures from 100 Members to support the resolution. I am not quoting the rule because everybody knows it. You have over-ruled my point of order. It does not matter. But the point here is that we have opened a Pandora's Box by saying that this motion can be kept pending. Does this not mean that all the motions that have been kept pending in the Ninth Lok Sabha can be brought here again?

ONE HON. MEMBER: No, no.

SHRI R. PRABHU: I had moved privilege motions in the Ninth Lok Sabha and in the Eighth Lok Sabha. I can agitate it now here saying that I can bring those motions here. When this motion can be kept pending, why not other motions?

MR. SPEAKER: The reason is, for this motion, the Judges Inquiry Act and the rules made there under apply. And to your privilege motion, rules of this House apply. That is the difference.

SHRI R. PRABHU: Anyway Sir, my other contention here is that we have not satisfied 124(4) Section 3(1) (a), which says that 100 Members of the House have to be a party to this motion. Yesterday also, I mentioned that you have affected my rights and privileges as a Member of this House, viz. the Tenth Lok Sabha, by allowing the Members of the Ninth Lok Sabha to be a party to this Resolution today.

I have made my point. It is up to you now.

I go further. This Lok Sabha is two year's old. According to on there is a lacuna, may be right or wrong, to the effect that Opposition has the same strength as that of the ruling party. They could have very well brought another Impeachment Motion. Why did not they bring another Impeachment Motion? That is because nothing had happened. Only a Committee was appointed but until the Supreme Court's decision came, that Committee did not start any work.

[Sh. R. Prabhu]

Shri Jaswant Singh and Shri George Fernandes have vexed eloquence about this being a Committee of three Judges. I have the greatest respect for those three Judges, and whatever they said we should not question. Of course, one of the Members, Shri Pal has answered that point by quoting the Supreme Court's decision in the case of Sarojini Ramaswami Vs Union of India. The Supreme Court said that we as Members of Parliament have to apply our judicial mind and each of us is a judge in this particular case of impeachment. Some of the persons on the other side are not willing to accept it. When we accept the Supreme Court's contention that motion can be kept pending, why should we not accept this contention of the Supreme Court?

Even the Indian Express and Shri Jethmalini, against whom I have moved a Privilege Motion yesterday, have said that we are a judicial body and we should apply our mind. So they conform to the Supreme Court's decision.

The Committee basically found no case of misappropriation; no case where the furniture is missing or no case of pilferage. I came from my Constituency on Sunday I was waiting in Bangalore Airport for 6 hours to catch the flight to Delhi. There I had the privilege of meeting one of the retired Supreme Court Judges, who is respected very much in this country. I was reading this book just to understand what was happening. He started talking to me. I am not saying anything that should not go on record.

MR. SPEAKER: You have not taken the name, so I am not stopping you. The moment you give the name, I will stop you.

SHRI R. PRABHU: Sir, what he said is very important. He said that this Judge should be impeached because he is guilty of pilferage; guilty of removing furniture and replacing the

carpets. I told him that I am going through this book, reading charge by charge but there is no charge like that. He said that I have mistaken. People have told him so. I told him that I will send him a copy of this. He promised to tell me that if he will find that there is no charge substantiated and that this Impeachment Motion does not stand then he will agree with me that it should be voted out.

A lot has been said that we must uphold the dignity of judiciary; Justice Ramaswami should have resigned and he should not have out the Indian Parliament to this sort of trouble. Much has been said by Shri Somnath Chatterjee that as soon as the Committee was appointed Justice Ramaswami did not appear before the Committee. He wrote charge against them saying that the Judge is junior to him and he should not hear his case. All this was said yesterday. I am not going into what Justice Ramaswami has said or what the Committee judges have said and whether these judges were living in bigger houses and were spending more money than Justice Ramaswami. What I would like to say Sir, is Justice Ramaswami is a Supreme Court Judge and these judges are also of equal rank. I am not a lawyer but my advocate friends have told me suppose I go to court and I have some problem with the Judge, I can make an application to transfer my case to another court.

Now, here, they say that Justice Ramaswami should have resigned. Why didn't these Judges say, that Justice had said this sort of thing against us, we do not hear this case, you appoint another Committee? Why should they say that these allegations are trivial? They judge themselves. The first part of the Report says that the allegations are frivolous; we are living in the houses built by the State Government and we have not spent the money, the State Government had spent the money. "That is there in the Report, I can quote, if you want.

MR. SPEAKER: This is exactly what I was

** Expunged as ordered by the Chair.

trying to avoid from the record when Shri George Fernandes was speaking.

SHRI R. PRABHU: I withdraw it.

MR. SPEAKER: That will go off the record.

SHRI R. PRABHU: But, Sir, the point that "the houses were built" will be on record. "Drinking" will go off the record. The word "houses" will be on record; that the houses of the Judges were built by the State Government. I think, there is nothing wrong in it.

MR. SPEAKER: Now, let us understand that we are not judging the judges who were sitting there as Judges. We are judging the judges who are before us.

SHRI R. PRABHU: Mr. Somnathji made this point. He said, he made allegations against these Judges.

MR. SPEAKER: That is all. Nothing more than that.

SHRI R. PRABHU: So, I was pooh-poohing the allegations against them.

MR. SPEAKER: If you agree, please don't do that.

SHRI R. PRABHU: I am not going to say that. I am not commenting. They pooh-poohed the allegations which are of similar nature against Justice Ramaswami. But against Justice Ramaswami, they held it as misbehaviour. I am not going into the facts.

MR. SPEAKER: I will go through the record and I will allow only that can go on record.

SHRI R. PRABHU: It is your privilege, Sir,

we should understand this. Under what circumstances, Justice Ramaswami was made the Chief Justice of Punjab and Haryana High Court? He is the seniormost Judge in Tamil Nadu. He had been a Judge in Tamil Nadu for more than 17 years. He had a distinguished career there. No other Judge, Sir, at that time, was willing to go as Chief Justice of Punjab and Haryana High Court. Why at that time, after Justice Ramaswami, left and was elevated to the Supreme Court, another Judge was posted from Karnataka as the Chief Justice of Punjab and Haryana High Court and he resigned within two months? (*Interruptions*) I do not have to bring evidence on that. This is a fact.

Sir, I asked some of my Advocate friends, what is all this. Why do Advocates fight among themselves? Why do Judges fight among themselves? What is all this? Then, they said, that all these things came about because certain systems were brought into the Punjab and Haryana High Court. Now, Mr. George Fernandes very eloquently said about maces, about solid silver maces and about hollow silver maces, silver plating and all that. I do not understand the procedures of court very well. But what I understand, I am repeating Sir, maybe I am wrong, you can correct me Sir is that, before he went there, that case was not posted according to any pattern, before any Judge.

MR. SPEAKER: It is not going on record. It is not part of the record. This is based on hearsay. This is not the kind of matter which can go on record. Please avoid it. If it is necessary, it could have been put in the Committee then, they would have decided it. It is not there.

SHRI R. PRABHU: Which Committee?

MR. SPEAKER: The Judges Committee. That aspect you don't have it.

SHRI R. PRABHU: That is what I am trying to say. All right, I will not go into that aspect.

About silver maces, he said, he brought silver maces. So, that is wrong. He tried to make this Court like a chartered High Courts of Madras or Calcutta or Bombay, by introducing all the

proceedures, systematising the whole thing. This is like having a good doctor and finally, you allow him or you ask him, cajole him, console him and send him to a rural area by saying, you go and work there for two years and improve the sytems there. As soon as he goes there, all these small rural doctors start making allegations against this doctor. This a similar situation. There is nothing. (*Interruptions*)

MR. SPEAKER: Please a void these things.

SHRI R. PRABHU: I am not saying Punjab is a rural area. Punjab is the most forward area.

SHRI R. PRABHU: I am not saying that Punjab is a rural area; it is the most forward area.

SHRI CHANDRASHEKHAR (Ballia): The impression it will create in Punjab and Haryana as if there was no other Chief Justice except Mr. Ramaswami.

SHRI R. PRABHU: Then there is no outsider Chief Justice in Punjab.

MR. SPEAKER: That is why I am not allowing it to go on record.

(*Interruptions*)

SHRI R. PRABHU: When everybody has not taken up this point, why should I? I meant no disrespect to anybody.

MR. SPEAKER: I know. But this is a

SHRI R. PRABHU: I am not a lawyer. I do not know the legal matter. So, I am not able to put it properly.

These are difficult times. You know how people are living in rural areas, how people are living in the whole country. there is scarcity of water; there is a scarcity of food. People do not know what they are going do tomorrow. All they have is a faith in God; and next comes their faith in the judiciary. When people have this sort of a faith in the judiciary, we should not shaken this faith in the judiciary by bringing frivolous charges like carpets were rolled up and were lying at his residence. Furniture was pushed here and there and that also was there at his residence. Silver maces should not have been bought. So, that is a misbehaviour. All this is so trivial that does not call for an impeachment motion against a judge. There is no charge of a judicial misconduct. Even though the Committee has gone into it and given all sorts of findings, they have not said that there is any judicial misconduct; they have not said that justice was sold; they have only said that there have been some administrative losses; therefore, it is a misconduct.

So, I request the hon. House to go through all the evidence and apply their mind, look at their conscience and defeat this Motion of Impeachment.

MR. SPEAKER: Shri Sobhanadreeswara Rao Vadde.

(*Interruptions*)

Shri Bhogendra Jha, you have not given me your name. as usual, you are asking me for time. I will give you.

[*Translation*]

SHRILAKSHMINARAINMANITRIPATHI (Kaiserganj): Sir, I also want two minutes to speak, I have given a notice.

MR. SPEAKER: I am ready to sit here throughout the night, you may speak as long as you want but don't regret afterwards that it has become very lengthy.

SHRI LAKSHMI NARAIN MANI TRIPATHI: Sir, I would not speak for more than two minutes. Therefore, please give me an opportunity to express my views.

17.54 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

[*English*]

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Mr. Chairman, for the first time in the history of Parliament of our country, we are expected to discharge a noble task. The very fact that, this Motion seeking removal of one of the sitting judges of the Supreme Court of India, has been moved, it shows our deep commitment to democracy and the rule of law. The basic question before us is whether we should clearly prove that nobody is above law in howsoever high position he may be placed.

Yesterday, we had heard Shri Somnath Chatterjee, our learned friend, the move of this Motion and subsequently Mr. Kapil Sibal, the able lawyer for Justice Ramaswami.

Mr. Chairman Sir, we have also gone through the literature, the documents that have been supplied to us by the Lok Sabha Secretariat. We felt Mr. Sibal, the lawyer, of course, has done his job in a meticulous manner to plead on behalf of Justice Ramaswami. We are well aware in our judicial process. Even now a person who has actually committed a murder, his lawyer will try to defend to the best of his ability to find out certain small loopholes and deficiencies in the prosecution charges. That is what Mr. Sibal has done yesterday, the whole exercise.

But I really wonder, why Mr. Sibal has not thought it proper to appear before the Committee which was entrusted this responsibility to inquire into the charges that have been forwarded to the Committee by the hon. Speaker of Lok Sabha.

Anyway, I feel very sorry for the simple reason that Justice Ramaswami, the sitting Judge of the highest judicial institution of this country, who himself is the protector, who himself is the person who is supposed to protect the law and interpret the law, flatly refused to appear in person or deploy a counsel on his behalf to answer the charges that have been placed on him.

Just now Shri R. Prabhu, my friend has said one or two things which I say, may be not knowing the full details that is why he has said so. In fact yesterday, Shri Sibal also said the same. Before the hon. Speaker has admitted the motion and made an announcement on the floor of this House regarding the admission and constitution of the Committee, he was in his possession the vital documents that were there to show prima-facie. Justice Ramaswami has transgressed his limit stand that is why he has come to that decision.

Subsequently there was some delay between the constitution of the Committee and actual proceedings initiation. That was because of some cases that were filed before the Supreme Court. The court on 29.10.1991 has given a decision in regard to those cases before that:

"A common judgement was pronounced by the Constitution Bench of the Supreme Court on 20.10.1991. The Supreme Court, by majority of 4:1 held inter-alia that the motion for presenting the address for the removal of Judge did not lapse with the dissolution of Ninth Lok Sabha and that the action of the Speaker in admitting the motion and constituting

the Committee was within his competence. The court also upheld the vires of the Judges Inquiry Act 1968."

It is after the judgement of the Supreme Court, the Committee has started functioning and the Committee, with all due respects to the sitting Judge of the Supreme Court, Justice Ramaswami, has given ample opportunity to Justice Ramaswami to prove that the allegations or the charges made were false. But he did not utilise the opportunity and almost at every point of time, himself, through his letters and his lawyers, was always making it very clear that he would not submit to the jurisdiction of the Committee.

18.00 hrs.

This is a most objectionable matter. Really that shows the disrespect of the sitting Supreme Court Judge to the law of the country. In fact, I will not again repeat what my friends have said regarding the constitutional provision of sub-section 4 of Article 124 of the Constitution which has given the scope to see that the Judges who misbehave are removed. Knowing pretty well all those provisions he has flatly refused. So, this is most unfortunate.

The lengthy arguments of Shri Sibal for almost six hours yesterday, have not convinced us. One point is clearly established that Justice Ramaswami has transgressed his limits and it was not the job of the Committee to come to a conclusion that Justice Ramaswami had misappropriated funds or whether he has faulted by giving his judgements for some other consideration. It was not the task of the Committee to look into that aspect. The Committee was particularly charged with certain allegations by 108 Members of this august House and it was the

duty of the Committee to examine those issues only.

When they have examined them, ten of the 14 charges were established. The degree of difference may be different. For example, in the first charge though the initial allegation was that he had spent Rs. 50 lakh, it was proved beyond any doubt, that he had spent Rs. 6 lakh. It is 13 times more than the limit, which is Rs. 38,000 which he was expected to spend.

I will not narrate what my friends stated at length. I only wish to mention one thing which he has not mentioned. It is really very strange for the Hon'ble Justice to have spent public funds for the purchase of 12 suitcases and briefcases in a matter of six months from April 1989 to October 1989. If he had purchased from his own pocket nobody will care. But spending public funds like that in a matter of six months to buy 12 suitcases spending several thousands of rupees is really ridiculous and we cannot appreciate the action of the Hon'ble Justice.

So, we have come to the opinion that apart from the offences he has committed by spending unauthorisedly the public funds details of which are also given in the report, his offence is compounded by his refusal to appear before the Committee and explain his viewpoint. If he really was of the strong opinion that he had not committed any mistake he should have appeared before the Committee or his counsel should have established it before the Committee.

So, we feel that a person of the stature of a sitting Judge of the Supreme Court does not deserve to continue in that high post, in the background that is given and in view of the report that has been presented before this august House.

So, we are supporting the Motion for the removal of Justice Ramaswami. Especially, I do not say that either the executive or the parliamentarians or the number of legislators,

are all perfect or that we are not committing any mistakes or that we are not going against the law, or any such thing. But, if something goes wrong in the judiciary, that will be the worst day for the entire nation. So, in the present circumstances we have to see that the dwindling standards in that sector are to be restored.

Especially the removal of Justice Ramaswami will go to some extent in that direction. So, with that end in view, we support the Motion for removal of Justice Ramaswami moved by Shri Somnath Chatterjee.

Sir, I thank you for giving me this opportunity.

SHRI MANI SHANKAR AIYAR (Mayiladuturai): Mr. Chariman, Sir, before I begin my speech, may I seek a clarification from you? Earlier when Mr. Speaker was sitting in the Chair, there was a discussion about the amount of time that would be required by different speakers. When Mr. George Fernandes suggested that he needed about an hour, I had suggested, I needed about 25 minutes. Mr. George Fernandes was eventually given the latitude of exceeding according to my calculation, the time given to him by 63 minutes: May I have an assurance from you, Sir, that if I were to cross the limit of 25 minutes, some element of latitude would be shown to me also?

MR. CHAIRMAN: Okay.

SHRI MANI SHANKAR AIYAR: Thank you very much.

Mr. Chairman, Sir, I am deeply conscious of the solemnity of this occasion. It is because I am so conscious of it that I have chosen to obey very strictly the rules of this House, which state that a Member of this House should speak from the seat allotted to him. Also, I will attempt to curb my natural exuberance. I will attempt to use words of restraint that do not come naturally to me and I only hope that if my vocabulary is not

of the kind that I usually resort to, it will not be taken to mean that the fire in my breast is not burning.

Mr. Chariman, Sir, the reason why unlike Mr. George Fernandes who says, "this is not a momentous event in the history of this Parliament, merely an ordinary regular everybody event" that I regard it as momentous is that never before has the proceedings reached the points against a judge where a motion of impeachment has actually been moved in this House and is under consideration.

Yesterday during one of those interruptions for which he is so renowned that he drew attention to it himself today. Mr. George Fernandes pointed out to us that where precedent does not exist, after what his Government, of which he was the Minister for Industry, did to the Constitution; and we are required to go by the British precedent. And it is for that reason, rather than any great love for colonial legacies like silver maces, that I draw attention to the British precedent on the question of impeachment.

Sir, in the British Parliament it is stated in Basu's commentary on the Indian Constitution. 5th Edition, Volume III, Page 85 that the present procedure for impeachment dates back to the act of settlement of 1701. From 1701 till today is approximately 292 years. Close on three centuries have passed since the modern system of bringing about impeachment of judges was introduced in the British Parliament. In these three centuries, Sir, I am informed by Mr. Basu in the Fifth Edition of his commentary on the Indian Constitution, Volume III, Page 86, that only one motion of impeachment has been carried against a judge and that judge was Sir John Barrington. I am grateful to my hon. friend, Mr. George Fernandes, for having drawn my attention and the attention of this House to the importance of the British precedent where there is no Indian precedent.

[Sh. Mani Shankar Aiyar]

I think it is a measure of the gravity of the charges that is required to be brought to Parliament, that through the rumbustious 18th Century when any student of British political history will tell you that the degree of corruption in that society was far, far greater than even what is alleged about ourselves and that through the 19th Century and the turbulence of the 20th Century in all this time, it has only been considered once that charges brought against a British judge were sufficiently grievous to warrant impeachment. Therefore, since I am not a lawyer and have never been in a court of law, I listened with the utmost attention to the statements made, the very long and detailed statement made by the learned counsel for the defence, Shri Kapil Sibal yesterday. I was impressed by his forensic brilliance. I was perhaps even overwhelmed by that forensic brilliance. But, I did also have the opportunity of listening with equal care and equal attention to what I might describe as the counsel for the offence, Shri Somnath Chatterjee. I listened to both of them. I have been impressed with what I have heard from both of them. I have attempted to obey Shri Somnath Chatterjee's injunction that we should maintain an open mind in this regard and I have allowed my mind to remain sufficiently open to have listened to absorbed what Shri Somnath Chatterjee, said as counsel for the prosecution, as also what I heard from Mr. Kapil Sibal, in his capacity as the counsel for the defence. I am not willing to dismiss what I have heard from Shri Sibal for a period of close on six hours in this House. I am not willing to say that I will not take it into consideration merely because what he said is already contained, according to Shri George Fernandes, within the covers of one of the volumes presented to us. I do not believe that Shri Kapil Sibal's statement should be denigrated as being merely a reading of what was between two covers. He did not read what was between two covers. He based himself upon what was between two covers. What we had from Shri George

Fernandes, which took him him 63 minutes more than he said he would need, was simply a reading between the two covers of a volume that has been with us. (Interruptions) Mr. Chairman, Sir, if any Member of the Opposition wishes to make me yield, I am prepared to yield. But, I would request you that since they are not Shri Basu, there is no need for them to give a running commentary on what I have to say. But, if they want to ask me a question, I will be more than happy to yield. (Interruptions)

Sir, the reason why having listened to both, the counsel for the prosecution and the learned counsel for the defence, I find myself unable to support this motion for the impeachment of a judge of our Supreme Court, is three fold.

Firstly, I am not persuaded that what has brought us to this pass this pass in which we find ourselves today is motivated exclusively by concern for judicial rectitude. I find animus, I find extraneous considerations and I find myself unable to not weigh them in the scales of justice.

Secondly, I do not believe, as a result of what I have heard that we have reached the proper stage where recourse to a motion of impeachment in this session itself is warranted. The third is I wish to place before the House my concern about the parochial considerations which appear to have resulted in the presentation of this Motion of Impeachment. I seek your indulgence. (Interruptions) Mr. Chairman, Sir, I offered right at the beginning that I would yield to anyone who attempt to interrupt me and I sought that there should be no running commentary. If Shri Nitish Kumar, whose witticisms are so greatly appreciated by the press Gallery because he looks at them every time he makes them wishes to get himself a box item in tomorrow's newspapers, I am willing to yield to him.

SHRI NITISH KUMAR: I am looking at you.

MR. CHAIRMAN: Do not have question

and answer session. Please go on in your own way.

SHRIMANI SHANKAR AIYAR: Yes, Sir. But I seek your protection to be prevented from being subjected to a runing commentary.

I come first to what I described as myself not being persuaded that we have come to this present passe merely out of concern and exclusively out of concern for judicial rectitude. We are her because of a committee of two judges and one jurist. The jurist happens to be a judge. So, I shall call it losely a committee of three judges. We have come to this passe because a committees of judges has presented us with the report. This committee, however, would not have come into existence if there had not been a Moation of Impeachment presented to the Ninth Lok Sabha and there would have been no Motion of Impeachment in the Ninth Lok sabha had there not been autecedents to that Motion. It is therefore, essential and necessary for us to look into those antedecents.

I am aware that I am stating on extremely then ice here I am required and I intend to obey that injunction of my own conscience not to say anything that could be construed of said to imply any form of criticism of the judges who have looked into this issue. I am also aware that I am required to be extremely circumspect about the decisions that were taken by the Chair even if they were taken by the Chair in the previous Lok Sabha. Nevertheless, I seek your indulgence, while being as careful as I can and being as circumspect as I can, to draw attention to some of the entecedents to this Motion which have been brought to the knowledge of this House, not merely by the valumes that were presented before us but by the statement that we heard from the learned counsel for the defence yesterday.

The first and foremost of these, which causes me some concern, is that within a few days of the new Chief Justice of the Punjab and

Haryana High Court taking over from Justice Ramaswami, he ordered an internal audit, over and above the external audit that had already taken place. As was pointed out to us by the learned counsel, that internal audit was completed in what must be record time. If my memory for date is correct I am unable to verify this once again because we do not have, despite Shri A. Charles request, the text of Shri Kapil Sibal's statement here he told us that the internal audit was ordered on the 24th of October, 1989 and within a period of less than sixteen days, the internal audit completed an examination which, according to that internal audit, revealed close ot half a crore rupees worth of various kinds of misdemeanour and presented this report on the 9th of November to the Chief Justice of the Punjab and Haryana High Court.

The sheer dispatch with which this work was done, the way in which subsequently now that we have the report of the Committee of three judges we are aware of the numerous mistakes made in that internal audit, makes me ask what else could be the significance of the dates 24th October, 1989 and the 9th November, 1989.

The fact is that, Sir, on the 17th October, 1989, a week before the internal audit was ordered, the Eighth Lok Sabha was dissolved and we went in for an election and by the 9th November, 1989 it was widely predicted in the press, among Opposition parties as well as in sections of the Congress party that the defeat of the Congress party in that election was likely and it did take place.

Unfortunately I think it is extremely unfortunate that this should have happened Mr. Justice Ramaswami did not hand over his residence on the day that he left the Punjab and Haryana High Court, to be elevated to the Supreme Court. He left Chandigarh as his place of residence on the 6th October, 1989, but as the learned counsel for the defence emphasised to us he did not hand over his residence to his

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successor till the 17th of February, 1990. During that period of close on four months in fact a little more than four months Mr. Justice Ramaswami was not in control of his residence. And a very large number of the charges that have been laid against him, whether it is in the memorandum, the motion presented by the 108 M.P.s. or as Shri Ram Naik tells us 115 M.P.s.; let me stick to the figure of 108 since that seems to be the conventional wisdom and then a number of the other statements that have been made in the report of the Committee of judges are based upon what was found in the residence of Justice Ramaswami as on the 17th of February, 1990 when he had actually left the place on the 6th October, 1989.

18.23 hrs.

[MR. SPEAKER *in the Chair*]

Then we were confronted with the situation in which there is a report floating around, an internal audit which should have been kept in the normal course internal to the Punjab and Haryana High Court, leaked to the press either accidentally or more probably deliberately.

SHRI BHOGEN DRA JHA (Madhubani): Will you enlighten us as to what was the hurdle or obstruction in his not handing over the charge immediately and what was the reason for delay of four months?

SHRI INDRAJIT GUPTA (Midnapore): How can he give this information?

SHRI MANI SHANKAR AIYER: I am afraid I do not have the answer to that question. I am going on the basis of the evidence that was given to us that from the 8th October, 1989 till the 17th of February, 1990, Mr. Justice Ramaswami was not residing in Chandigarh, he was residing here in Delhi and he was asked to hand over

charge of his residence at Chandigarh only on the 17th February, 1990 and it is garments to not that a very large number of charges that were made against him derive from the positioning of furniture and furnishing as on the 17th of February, 1990. (Interruptions) Mr. Speaker, Sir, when you were not occupying the Chair, I had made an offer that if anybody wishes to ask me a question, I was prepared to yield immediately. I asked that in exchange for that a running commentary by not conducted. Now I have yielded to Shri Bhogendra Jha the minute he rose and I am giving an honest reply that I do not know the reason for which Mr. Justice Ramaswami handed over his house on the 17th February, 1990 since those reasons were not adduced before us during the deposition of Shri Kapil Sibal. But I am pointing out to the fact that there was this big gap. And why is it that this gap was going on? There was a change of Government, there was change in the political scenario of this country of great importance, and in that atmosphere, an internal Audit Report, which has subsequently been found to be erroneous on a large number of points of fact, was leaked to the press and a controversy was started against the interests of Mr. Justice Ramaswami. And when this controversy was started against Mr. Justice Ramaswami, no less a person than the then Chief Justice of the Supreme Court of India, Mr. Justice Sabyasachi Mukherjee asked Mr. Justice Ramaswami to proceed on leave until such time as the controversy died down. And in response to and in rebuttal of numerous charges that have been made in this House from the opposite side that Mr. Justice Ramaswami had no respect whatsoever for his fellow Judges, I wish to emphasise that when the Chief Justice of the Supreme Court asked him to proceed on leave, Mr. Justice Ramaswami immediately complied. And having complied for a period of several months, the Chief Justice and his colleagues there are three of them sitting in a Committee were looking at the documents that had been adduced, that had been prepared, that had been submitted. They were looking into this.

and to the best of my knowledge Mr. Justice Ramaswami while reserving his right to defend himself, while insisting that he should be assumed to be innocent until proved guilty, did nothing to flout the dignity of the Court, and the dignity of the Chief Justice. Unfortunately, the Chief Justice of India died, **

However, subsequent to that there were two other Chief Justices.. (*Interruptions*)

MR. SPEAKER: That is not going no record.

SHRIMANI SHANKAR AIYAR: There was a total of three Chief Justices in succession, who were looking..

[*Translation*]

SHRI KAMLA MISHRA MADHUKAR (Motihari): Mr. Speaker. Sir, he has quoted. Please try to understand what he has said. You know what he means.

[*English*]

SHRI MANI SHANKAR AIYAR: Sir, my expression has not been understood by him clearly, and, if you, permit forgive me, might I just repeat it in Hindi.

MR. SPEAKER: Please don't repeat it now.

SHRI MANI SHANKAR AIYAR: No, Sir. Thank you. I ignore that question.

Three Chief Justices and their colleagues were looking into the charges (*Interruptions*). I plead with you that if Mr. Nitish Kumar wants a box in tomorrow's papers, I will sit down, and he can cut his joke. But this way of constantly conducting a running commentary I don't approve of.

[*Translation*]

SHRISHARAD YADAV (Madhepura): Mr. Speaker, Sir, he is not saying anything which would hurt anybody. He often speaks in this manner to many hon. Members. There is nothing to be displeased. It is only to make the discussion lively.

MR. SPEAKER: I would like to advise every hon. Member to restrain..

SHRI SAHRAD YADAV: However, I would request him not to take it otherwise.

[*English*]

SHRI MANI SHANKAR AIYAR: Mr. Speaker, Sir, I was referring to three Chief Justice and their colleagues being seized of this issue. Now, it has been suggested that it is Mr. Justice Ramaswami who has great contempt for his fellow Judges. I wish, however, to refer you to the Synopsis of Debate of the Lok Sabha for Yesterday Monday, the 10th of May which contains a synopsis of Shri Somnath Chatterjee's speech at pages 882 to 887.

I wish to draw your attention specifically to page 884. In this Mr. Somnath Chatterjee is cited. I do not say 'quoted' because I know this is a summary and this is not the totality of his words. But he is cited here as saying that:

"A while the Chief Justice had advised Justice Ramaswami to desist from discharging a judicial functions so long as the investigations continued and until his name was cleared on this aspect and Justice Ramaswami applied for six weeks leave, but no action was taken for months together."

Sir, yesterday I was sitting in this House and I heard Mr. Somnath Chatterjee using these

[Sh. Sharadyadav]

words. But no action was taken for months together. No action was taken by whom? By the three Chief Justices and three of their colleagues. Who is holding our judicial system in contempt? If the Chief Justice of India believes that he requires time to look into the charges that are being levelled against Justice Ramaswami in a political situation that is fraught with tension and where certain members of the Bar, who are also active member of political parties, are threatening such action as going on 'dharma' which include a gentleman who once used to be the Law Minister of India, even in this charged atmosphere where charges are being levelled against Mr. Justice Ramaswami, who established his reputation as an absolutely brilliant lawyer in Madurai ..(Interruptions)

Sir, when I made this sound yesterday, you ruled it out as unparliamentary. I want to know whether when I say that Mr. Justice Ramaswami established his reputation as a brilliant lawyer in Madurai, these people, who know nothing about Tamil Nadu, are right in contemptuously saying 'hai hai' (Interruptions) I am a Tamilian who has lived all my life in North India.

[Translation]

SHRISHARAD YADAV: Mr. Speaker, Sir, he has not said anything to this effect. (Interruptions)

SHRINITHISH KUMAR: Mr. Speaker, Sir, there is some reason behind his action. Therefore, it should not be expunged. How can you expunge a gesture ..(Interruptions)

[English]

MR. SPEAKER: This is also unparliamentary.

(Interruptions)

SHRIMANISHANKAR AIYAR: Sir, I was saying that after establishing his reputation as a brilliant lawyer in Madurai, Mr. Justice Ramaswami rose through the different echelons of one of the oldest courts of our country, the Chartered High Court of what used to be the Madras Presidency and is now the State of Tamil Nadu, to a position where he became no less than the Chief Justice of a High Court of which I, first as an Indian, but also as a Tamil, am proud.

Sir, he was found fit to go to Punjab and handle the High Court of Punjab and Haryana at an exceptionally sensitive moment in the history of Punjab state, and therefore in the history of Haryana because what was happening in Punjab was having a spillover effect on Haryana. He reached there, as we were told by the learned counsel yesterday, on the 6th of November, 1987. In other words, a few months after 'Operation Black Thunder II' and it was in that period as this House was informed in the Ninth Lok Sabha, from 1987 to 1989 during and in the aftermath of 'Operation Black Thunder II' that the Prime Minister at that time was able to report with some pride and considerable belief to this House that more than half the police stations in Punjab had not reported more than one incident of terrorism in the previous two years. At that extremely sensitive time every judge was subjected to an overall and generalised threat. Some of them were subjected to a specific personal threat. We know that the proxy was against India that was being conducted through terrorists in Punjab, was being funded, aided, abetted and supported from across our borders where not only Pakistan but several other agencies were involved. You will not permit me to name them. I do not need to because everybody here knows that enemies of India with crores and crores in their hands, not crores of rupees but dollars, were willing to subvert our judiciary which is part and parcel of the totality of the system. Then that proxy war was being conducted against India, this Tamilian of whom I am extremely proud who

proved himself to be an Indian first, by conducting himself and conducting the affairs of the Punjab and Haryana High Court in such a manner from November, 1987 through October, 1989 that even in the sur-charged political atmosphere of 1990 and 1991, nobody has suggested that there was an element of impropriety of corruption, of treachery about his actions as a judge. I do not think that a model of rectitude in a court, without a single stain upon his character when he steps into the official portion of the residence, suddenly becomes a monster, a demon and rakshasha when he goes into his private bed room. How many table napkins? Ah! Yes there were 96.

I want to ask in this atmosphere when the Chief Justice and three of his colleagues were carefully examining the charges that were brought against Justice Ramaswami, was it necessary for 108 Members to suddenly precipitate the matter? The motion of impeachment that was brought, that was drafted on the 7th February, 1991 and brought to the attention of the Speaker on 28th of February, 1991 was an act designed to precipitate events. It was not the desire of the Chief Justice that we proceed with an impeachment motion. It was not desire of the three judges who were looking into those documents that we should proceed with the impeachment motion. This was the unilateral desire of 108 Members of Parliament that instead of allowing the Chief Justice of India and his highly respected colleagues to come to a considered and logical conclusion about the veracity or otherwise of the charges that were begin made against Justice Ramaswami in an internal audit report, we should try and involve Parliament.

Again I come to politics of it. As of the 28th February, 1991. We had lost the Government. Earlier the Government that had been formed after the elections of 1989, based on an unprincipled alliance had fallen. We were about to lose the next Government, the Government of Shri Chandrashekhar. We had reached a point of

crisis where the strain between the dog that was wagging the tail, was so great that Shri Chandrashekhar, on the 28th February, 1991, who only one week away from getting so fed up with those who were supporting him that he was about to throw in the towel and seek the dissolution of the Ninth Lok Sabha.

Around the 28th February, 1991, when it was most likely that the Ninth Lok Sabha would get dissolved, certain political parties know how they would have to go into the election field with an issue, these 108 Members of Parliament snatched what was the jurisdiction of the Supreme Court away from the Supreme Court by producing a motion for impeachment.

I think it is extremely important that when we look at who those 108 Members were, we take into consideration one factor. They did not represent a cross-section of this House. Yet they did represent the minimum required to present a motion of impeachment. But they were all drawn from parties that numerically did not constitute a majority of the House. That is perfectly legal thing to do. It is a perfectly moral thing to do. But I believe that it is a consideration which we today in the 10th Lok Sabha must bear in mind that at a time when the Government was tottering, at a time when it was very in public knowledge, when even my eleven year old daughter was knowing what would happen, that this Ninth Lok Sabha was going to come to an end and parties would be required to take an issue into the field and it had been definitively proved that the Bofors issue on which they had made so much hay in 1989 was no longer going to be valid in 1991, that they would pick on what was their favourite theme that they were all illywhite and we were all a load of corruption.

This is politics. This is not a matter of the judiciary. In this atmosphere, a motion of impeachment was introduced and when this motion of impeachment was introduced, the Congress party, which constituted the largest

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single party of that House, and it is also the largest single party of this House, made it quite clear to the Chair, to the Hon. Speaker at that time and, I do not wish to cast any kind of aspersion on upon him honour as the a Speaker at that time or to call into question the authority of the Chair upon which you sit, at that time, there were messages that were conveyed to him about how the largest party in the House wished to be consulted in regard to the motion of impeachment which, if it was to be passed, would require the support of that largest party of the Ninth Lok Sabha.

You had made it completely clear that I cannot call into question the action taken by the Hon. Speaker at that time and I am not, because I know you are going to restrain me. I am not going to do that. What I want to do is to bring to your attention a fact. I was not a Member of the Ninth Lok Sabha. I, therefore, did not have the privilege of sitting here on the 12th March, 1991. But I do have the privilege, in the 10th Lok Sabha, of coming into this House every day either by that door or by this door because this is my seat. As I walk into this House, there is a photograph which never fails to catch my attention. It is a photograph which was taken of the Ninth Lok Sabha. It is dated. The date is printed on it. That date is the 12th March, 1990, when the Hon. Speaker was so deeply convinced that the Ninth Lok Sabha probably did not have even 24 hours to live.

SHRI NITISH KUMAR : 91 March.

SHRI MANI SHANKAR AIYAR : 91, 12th March when the Hon. Speaker knew that this House did not have even 24 hours to live, he made arrangements for all Members of that Lok Sabha to be called together for a photograph to be taken and it is that photograph which is there and it was only after that photograph was taken, that the Hon. Speaker entered the House and

when he entered this House, there was a large amount of business to be conducted including as I see from the record, trying to keep one lady Member Mrs. Mayawati under control, the Hon. Speaker used to have considerable difficulty in this regard. Than what happened on that day? (*Interruptions*) What is the last act, the very last act of the Hon. Speaker of the Ninth Lok Sabha? It is to make the announcement. So it says in the Lok Sabha Debates, 9 series, Vol. 14 No. 7 cols. 115-118.

The very last act of the Hon. Speaker at that time was to say that he adjourned the House sine die. That was at 19.47 hours. At 19.46 hours, less than 60 seconds before he was pronouncing it, what happened? Sir, you will forgive me. I have to teach my six hon. friend Shri George Fernandes who was in the Fourth Lok Sabha. I am a new boy who has only come into the Tenth Lok Sabha a little bit of constitutional law that when the House is adjourned sine die, it is not prorogued. What he quoted yesterday to Shri Kapil Sibal was about what will obtain in the event of a prerogation and not in the event of a dissolution. That is by way of a remark made in parenthesis.

I now come back to the fact that at 1947 hours on the 12th March 1991 this House is adjourned sine die and at 1946 hours the hon. speaker has said that he has found the motion in order and therefore admitted it and is appointing a Committee of three Judges. He used the expression constitute which is what the language of the laws says. He says "I constitute a Committee of these three Judges." But, Sir, I think it is necessary for Members of this House to take into account the argument we heard from the Bar of the House from the learned Defence Counsel yesterday that there is a difference between "constitution" and "appointment". If it had been the intention of the Judges Inquiry Act that three Judges being appointed by the hon. Speaker, it would have said so. It used the expression "will constitute a Committee of three Judges". And

the expression "constitute" was explained to us by an extremely learned Counsel yesterday. Now, I completely agree that Members of this House are free to accept whatever interpretation they wish. We are sitting here in a quasi judicial capacity. If hon. Members of this House or some of them believe that there is no material distinction between the "appointing a Committee of three" and "constituting a Committee of three" they are welcome to their interpretation. But, as far as I am concerned, and as far as other people with an open mind are concerned, we give significance to the word "constitute". It does not mean "appointment". And, to constitute a Committee would have required a far greater degree of consultation in the plain meaning of the term than apparently it would have appeared to place. From what we know on the record, one thing is clear. I am not questioning the behaviour of the Hon. Speaker. I am merely drawing attention to the fact that telephone calls were made to two Judges and one Jurist who happened to be named as a Judge at the sole discretion of the Hon. Speaker of that time whereafter there was a process of obtaining the concurrence from the Chief Justice, a process of concurrence which involved the dissolution of the Committee of three sitting Judges that the Chief Justice had himself appointed at that time. Is this the way justice is conducted in this country? The answer is "Yes". Yes, this is the way in which an attempt is made to do justice.

Of the 108 Members who voted for that motion and submitted themselves almost immediately thereafter to the will of the people, the people of India rejected for want of another term nearly half of those Members. Something in the region of 45 per cent of the Members who signed the motion of impeachment were rejected by the people of India within two months of their signing that motion of impeachment.
(*Interruptions*)

SHRI HARI KISHORE SINGH: Sir, I was

one of the signatories to that motion. I got elected by defeating the Congress candidate who forfeited her security deposit.

SHRI MANI SHANKAR AIYER: I congratulate him. I congratulate him on being one of the 58 who came back to this House. I am very glad because of the noble contribution he makes to our deliberations in this House that
(*Interruptions*)

(*Interruptions*)

MR. SPEAKER: That is not going on record.

(*Interruptions*)

[*Translation*]

MR. SPEAKER: It has been expunged.

(*Interruptions*)

[*English*]

SHRI MANI SHANKAR AIYER: Mr. Speaker, Sir, I seek your protection. I think, Members of this House would find it of more than passing historical and constitutional interest that Article 124 of the Constitution was debated in the Constituent Assembly on the 24th of May, 1949. At that time this Article was numbered 103. I have only this morning looked through the Constituent Assembly debate for that day and I find that there was a Member of the Constituent Assembly Shri Tajamul Hussain who had proposed an amendment at that time to what is today called Article 124(4) that after a Motion for Impeachment is admitted, it should be examined by a committee of all the judges of the Supreme Court. Now that amendment was negatived. I sometimes wonder now whether our founding fathers would not have been better advised to have asked that instead of a committee of three judges against whom the charge could be brought

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I am not bringing the charge **the two words that have so frequently been used against Justice Ramaswami, could have been avoided. We would have had a committee of all the judges of the Supreme Court. However,, that may be, I have to live with the reality. And it was in these circumstances that the committee came into existence.

I have been through the antecedents that led to the Motion, I have been through the Motion which led to the constitution of the committee of judges. We have been subjected during the course of even the few interventions that have taken place in this debate to repeated homilies, firstly, from Shri Somnath Chatterjee and subsequently from that master of homilies Shri Jaswant Singh to keep our minds open. Now I would say that is important... (Interruptions)

[Translation]

SHRI SURYA NARAYAN YADAV (Sahasra): Mr. Speaker, Sir, the hon. Member has stated that the three man committee was constituted under rules. I would like to know from you, whether Justice Ramaswami is innocent and the report submitted by the three judges is to be blamed for (Interruptions).

[English]

SHRI MANI SHANKAR AIYAR: I sometimes feel that it is a grave mistake in speaking in this House to use the English language. It is because he has been unable to understand my English or possibly the translation is defective that he is making such a statement.

[Translation]

SHRI SURYA NARAYAN YADAV: Sir,

the hon. Member of considers himself to be a scholar of English language. (Interruptions)

[English]

SHRI TARIT BARAN TOPDAR (Barrackpore): It is highly derogatory. (Interruptions)

SHRI MANI SHANKAR AIYAR: I was on the point of our having been assured. (Interruptions)

SHRI TARIT BARAN TOPDAR: There is no such rule that only English knowing people will be here. (Interruptions)

SHRI SOBHAMADREESWARA RAO VADDE (Vijayawada): I am on a point of order. He is casting aspersions. (Interruptions)

I accept that injunction. I believe that if we are going to conduct a semi-judicial or a quasi-judicial proceedings in this Parliament, it is essential that our minds be kept open but we cannot have an a symmetrical situation where the mind is kept open on this side and the mind is kept closed on that side. We want the mind to be open everywhere.

Then, Sir, we have a very distinguished and senior member of the opposition, Shri Jaswant Singh, being quoted in the newspapers the favourite newspaper of the opposition as saying with respect to all of us sitting on the Congress Benches in this House that the Congress has no conscience. (Interruptions)

AN HON. MEMBER: What is wrong in it? (Interruptions)

SHRI A. CHARLES: (Trivandrum): Sir, this is very unfair. I take strong objection to this. (Interruptions)

SHRI MANI SHANKAR AIYAR: Mr. speaker, Sir, when I read the charge against all my fellow Congressmen and me that we have no conscience, I could only say to myself "Ha, Ha, funny, funny!" because I do not have on my conscience the breaking of a 450 years old Masjid that is sacred to so many millions of our fellow countrymen (*Interruptions*)

SHRI HANNAN MOLLAH (Uluberia): It is a circus or what? (*Interruptions*)

SHRI MANI SHANKAR AIYAR: I do not have on my conscience the withdrawal of the special Protection Group that brought about the assassination of Shri Rajiv Gandhi. And I do not have upon my conscience having joined the troika of communalists and casteists in the name of communism to bring into existence the Government of 1989-90 which is now happily been being consigned to the dustbin of history.

I have a conscience but the difference between Shri Jaswant Singh and myself is not that he has a monopoly of conscience or that he is the only one who can conduct this patti parade in Parliament, but the difference is, I believe, in the rule of law. And Shri Jaswant Singh has informed us in this House nearly a year ago that he believes in the doctrine of reverse jurisprudence. The rules of law says that I have to assume a man to be innocent until he is proved guilty. The rule of law says that no judge of India is above the law of the land but it equally says no judge of India is below the law of the land. The rule of law says that charges may be brought, to arguments may be conducted, proof may be adduced verdict charges may be pronouncing and a sentence may be passed. But... (*Interruptions*)

SHRI ANIL BASU (Arambagh): What do you mean by "below the law"? Let him clarify that first. (*Interruptions*)

SHRI MANI SHANKAR AIYAR: But, Sir,

the doctrine of reverse Jurisprudence placed before this House by Shri Jaswant Singh, nearly a year ago which has gone uncontradicted by any of his masters on the front benches and has not been challenged by any of his backbenchers and which, I therefore, take to be the fascist doctrine of the B.J.P. stipulates that Shri Jaswant Singh or any of his cohorts can make any large against any public person and if he is a Congressman then he must be held guilty. And in the case of Justice Ramaswami, what we have been witnessing is that, I am talking about what has been happening in the Press and much more importantly, what we have witnessed in this House since yesterday — we are having a kind of Star Chamber proceedings.

19.00 hrs.

The assumption is made by one side that the man is guilty and all that remains is for us to pass the verdict of impeachment. On this side I know that yesterday talking to my colleagues in the lobby, there were a large number of people who were in favour of impeachment, who have since heard Shri Kapil Sibal and feel that impeachment is not justified. There is a small minority of people also I am talking now about my colleagues on the Congress benches and I am looking at one of them just now who said to me that they were against impeachment earlier, but now having listened to the proceedings, they are in favour of impeachment. There is an open mind on the Congress benches. There are some of us who believe that the man should be impeached. There are others who believe that the man should not be impeached. There is probably a very large number of us who believe that we have not been given an opportunity in this House to come to a valid and judicial conclusion. But on the other side? I do not know what the outcome of their voting will be. Although I am an Aiyar, I am not an astrologer. Therefore I am incapable of saying what exactly they would do. But I am willing to take a small bet here, and Sir, Since you do not allow gambling in the House,

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I believe it at just one cup of coffee in the Central Hall. The small bet that I take is, not one single Member of the BJP, not one single Member of the Janata Dal, and not one single Member of the CPI (M) and all its little adherins and not one single Member of the CPI is going to do anything but vote for this motion. They made up their minds before they came here, long before the proceedings started in this House. They had recorse to the Press to say in a column not only that they were going to vote in favour of impeachment before they had the opportunity of listening to the learned Counsel for the Judge, but also to provoke their friends in the Press to keep threatening Members of Parliament that they will publish the names if they vote against it. (*Interruptions*)

[*Translation*]

SHRISHARAD YADAV (Madhepura): Mr. speaker, Sir, with regard to what Shri Mani Shankar has said we feel very honestly that there are many members in the Congress Party who have not made up their mind. We have never thought that they have already made up their mind nor we say such things outside the House. At the same time, there are many members among us who make up their mind after listening to the debate

SHRI MANI SHANKAR AIYAR: I express my gratitude for his clarification. Now I request you to please allow me to speak. (*Interruptions*) Now I am waiting for a red light to stop them, so that we can proceed.

[*English*]

SHRI MANI SHANKAR AIYAR: We were told by Shri Jaswant Singh that the function of this House in an impeachment proceedings is that we can examine the conclusions of the Committee of Judges; but we cannot examine

what went into the conclusions that these Judges came to. This is the appalling consequence of this Doctrine of Reverse Jurisprudence where on that basis he stood in this House and with reference to the death in a car accident of a Police Officer close to 22 years ago had attempted to pretend that he has the proof that my party's former Prime Minister and a martyr to this country, Shrimati Indira Gandhi, was an accessory after the fact of murder. I cannot accept it. Either we have the rule of law in a democracy or we have the doctrine of Reverse Jurisprudence in a Fascistic Society. Happily we are still a democracy because they are in the opposition. (*Interruptions*)

[*Translation*]

SHRI JASWANT SINGH: Mr. Speaker, sir, I am speaking in Hindi, as was requested by some of my friends. I had said in this House about the doctrine of reverse jurisprudence. (*Interruptions*) The Bofors issue was also raised in the House. I had said this in connection with Solanki episode. I had then said and will say it now also that reverse jurisprudence applies to Governments only and not to the people. If allegations are made against any Government, it will be considered guilty, until it proves that it is not guilty. Whereas, if allegations are made against any persons, he will be considered innocent, until he is proved to be guilty.

[*English*]

MR SPEAKER: Can you give any authority to support your doctrine?

[*Translation*]

SHRI JASWANT SINGH: No, this is my own view.

SHRI MANI SHANKAR AIYAR: Mr. Speaker, Sir, I am thankful to Shri Jaswant Singh for giving this clarification after one year

[English]

MR. SPEAKER: Jurisprudence is the one which applies to all.

[Translation]

SHRI JASWANT SINGH: I had expressed my views that reverse jurisprudence applies when allegations are made against Governments.

MR. SPEAKER: I have not read any such thing till now.

SHRI JASWANT SINGH: This is my own opinion. The hon. Member has full right to expresse his views clearly.

MR. SPEAKER: All right. Leave it.

SHRI JASWANT SINGH: Mr. Speaker, sir, incidently, I remember a line of stanza of Rahim's poem. I will not quote the first line, but I will quote the second line which reads:

"Pyade sepharzi bhayo, tedho-tedho jaye".

(Interruptions)

[English]

SHRI MANI SHANKAR AIYAR: I am very glad. I am very grateful for this clarification. (Interruptions) Sir, I wish to proceed now. (Interruptions) During the course of Mr. Kapil Sibal's presentation here in the House yesterday, there was one point made. In keeping with the National Front's usual habit of interruptions while keeping sitting, a short from the other side said, "This is not a court of first instance". And the gentleman from the Opposition who said that, met me outside to remark that this is not a Munsif's court. I think, therefore, it is important

to know whether it was necessary for Shri Kapil Sibal six hours of forensic brilliance, through every single charge that has been made against Mr. Justice Ramaswmai. (Interruptions) At that time, it was explained to us by Mr. Kapil Sibal that the reason why he had to present all his arguments for the first time here in this House was because he had chosen not to accept the jurisdiction of the Committee of Judges. A man is innocent until proved guilty. He has every right to defend himself and he has every right to determine the procedure by which he will defend himself.

I recall, Sir, it is not a case that is immediately on all counts relevant, but it is relevant that when I was posted as the first Consulate-General of India in Karachi, the trial of Zulfiker Ali Bhutto was going on; and he close to defend himself only in the Supreme Court, not having defended himself elsewhere. When it was stated by the Supreme Court Judges there, that he should have introduced many of his arguments at an earlier stage, it did not help him from being saved from the sentence of death. I do not know what the legal position with regard to Justice Ramaswamy not having presented himself physically, in person to that Committee is. But, he has submitted a large number of documents and I am sure, those documents will be taken into consideration in the event of this House passing the impeachment motion and then Mr. Justice Ramaswamy going in appeal to the Supreme Court. We are told here by Mr. Kapil Sibal that Mr. Justice Ramaswamy had sought to place himself under the jurisdiction of the Supreme Court, because he said that as far as he was concerned, he had full faith in the judicial process; and then, he was willing to subject himself to the judicial process. That was not accepted, he was subjected to an impeachment process and in that impeachment process, he preferred to come here and put his arguments. I think, it is incumbent upon us, not to say as Shri George Fernandes attempted to say that he had no right to come here

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and take us, line by line, comma by comma, sentence by sentence, through all the charges that have been made against him for the last three years. I think, he had every right to decide what he will do in his own defence. When he came here, he gave us the highest respect. He said that whatever his reservations might be about that specific Committee"

I do not agree with him, of course. How can I go against the hon. Speaker?

MR. SPEAKER: It will not go on record.

SHRI MANI SHANKAR AIYER: He said, he was willing to submit himself to the jurisdiction of our judiciary as well as to the jurisdiction of Parliament. And his argument consisted of taking up every single charge. He first took the charges that had been incorporated in the motion for impeachment and admitted at that stage provisionally that one of those charges have been partially proved, he told us on the basis not of his finding but the findings of the Committee of Judges that something like 90 per cent of the words contained in the motion for impeachment which is under consideration of the House today were false, mischievous and kasken.

Then, he had to take us through the findings of the Committee of Judges. As he was doing that because there was a constraint of time, because you insisted that he must conclude his arguments yesterday itself and he must do so in the shortest possible time the charges that the Committee of Judges had held to be not proved, the learned Counsel did not go into the details of those charges. And what did Shri George Fernandes do? Shri George Fernandes picked up three or four of the charges it is a fact that the Committee of Judges held to be not proved and the arguments regarding which Shri Kapil Sibal had not gone into details when he was speaking before us and read out at what I regard but obviously you did not

~~.. Expunged as ordered by the chair.~~

regard it at an inordinate length the original charges themselves and with a sneer in his voice, he would then read the conclusions of the findings of that Committee of Judges. Who is disrespectful to those three Judges? The man who reads those findings with a sneer in his voice or the man who comes before us and says, "I submit myself to the jurisdiction of the judiciary, I submit myself to the jurisdiction of the Parliament." I know he says through his Counsel that "if I am found guilty of any misbehaviour, I deserve to be impeached. That is the man whom we are sitting here to judge today.

Mr. Sibal could still be right. I am just asking you to consider that if he has converted his presentation here into the presentation before a munsif's court if he has said before us the sort of things, that perhaps he would have been better advised to say before the Committee of Judges what happens tomorrow if this House passes the motion of impeachment without taking into account what Shri Kapil Sibal told us and then Mr. Justice Ramaswami goes in appeal against that impeachment to the Supreme Court and he Supreme Court takes into account everything that Shri Kapil Sibal has said and then it throws out the impeachment. Nothing will undermine that delicate balance which we, our Judiciary, our Executive, and Parliament have got, more than to find Parliament in all sobriety passing historically and for the first time ever a motion of impeachment only to have the Supreme Court say that Parliament did not know what it was doing when it passed that motion of impeachment. Please think about it very carefully.

I think, Mr. Sibal was absolutely right when he said, that whether we pass this motion or we reject this motion, we are doing great damage to our nation. It is the responsibility of those who in the dying days of the Ninth Lok Sabha, knowing that that Lok Sabha was coming to its desolate end, that they brought this motion in consequence

of which the Tenth Lok Sabha has to pay for the actions of the Ninth Lok Sabha.

I would plead with you even at this last moment, that it is not a question of the honour of Shri Somnath Chatterjee that he has moved a motion for impeachment in this session and, therefore, if he does not get it passed in this session, the thing will lapse. It is stated in the Encyclopaedia Britannica, 1965, volume 12, page 1, that an impeachment trial in the United States of America requires the entire Senate to sit from 16 days to 6 weeks. That is how an impeachment trial is conducted. We are not being given 16 days, we are not even being given 16 hours to consider this matter! I plead with you, Sir, that what we were asked by Shri Kapil Sibal to do not to press this motion to the vote, would be the most sensible way of setting the issue.

MR. SPEAKER: Mr. Ayer, I do not want a wrong impression to be created. In the United States, the matter goes to the House of Representatives and then to the Senate Committee. Then it is passed. Here it comes to the Speaker, then goes to the Committee and then comes here.

SHRI MANI SHANKAR AIYER: I stand corrected. But the point of substance remains.

MR. SPEAKER: Nobody should go with the impression that this matter was not given the time it deserved.

SHRI MANI SHANKAR AIYER: Mr. Speaker, Sir, I still maintain that even though I do not want anyone to go away with the impression that enough time has not been given, I still maintain that the most rational course, the course designed to save our Constitution, to save our nation, to save the balance that has been built into our Constitution between the executive, the judiciary and this Parliament, the most sensible and sensible course, would be not to press this

motion. If this motion is going to be pressed for a vote, if I am compelled to cast my vote, then it could go against my conscience to send an innocent man to the gallows. His guilt has not been established beyond reasonable doubt. Establishing the guilt of someone beyond reasonable doubt is the second requirement of the rule of law, the first requirement being that you assume that he is innocent until he is proved guilty. I, therefore, cannot, in all conscience, to the conscience of every open mind in this House, whether it is on this side of the House or on that side of the House. Whether that process of keeping the mind open would lead a conclusion that the impeachment is justified or not justified, but remember that this moment in history demands that each of us goes to our grave or to our funeral pyre, with a clear conscience that we have not sought political advantage by holding an innocent man to be guilty. Nor should we be frightened by the prospect of political disadvantage, having to cost a vote which is different to that which our conscience dictates.

I would, if I am permitted to, vote against this motion. But I am also a disciplined party man and I shall vote as a disciplined party man should the matter be presented to the vote. Thank you very much.

SHRI CHANDRA SHEKHAR: When the hon. Member was speaking, he made certain reference "Committee You, very rightly, asked the reporters not to record it. But it is not taken by the media. I did not want to disturb him at that time. He said at the time. "You rightly said that it should not go on record. But that is not known to the media. So, it may be published tomorrow and it will not be a good reflection on those Members. What you said to the reporters should be made known to the media also.

MR. SPEAKER: They are expected to go through the record and correct it. If my voice is not audible, I cannot raise it to make it audible. They have to go through the record.

SHRIMANI SHANKARAIYER: Sir, if Shri Chandra Shekhar's remarks are permitted to go on record, will you allow..

MR. SPEAKER: I think Shri Chandra Shekhar's observation also should go off the record.

SHRICHANDRA SHEKHAR: No matter!

SHRI MANI SHANKAR AIYER: If that goes off the record, I have nothing further to add.

[Translation]

SHRI BHOGENDRA JHA (Madhubani): Mr. Speaker, Sir, the Parliament has taken very important decisions several times, which have changed the course of our country and this is the first occasion in the Parliament's history since the inception of Parliament and adoption of Constitution that we are sitting here to decide on the Impeachment issue against a Judge.

Sir, some Members have mentioned about the Ninth Lok Sabha. During that period, some Members had approached me for taking my signature, but I had asked them to give me some time, so that I can become aware of the issue and then sign it. I did not sign it, as I could not get any information at my personal level. As some of the Members are saying that the Members have blindly signed the representation, it is not so. Neither any party whip was issued nor anyone was forced to sign it. I think the Members, who are saying these things, will understand it properly.

Mr. Speaker, Sir, I would like to submit another point. Shri George Fernandes was saying that we are the accusers. This is not true that we are not to act as court. He has given his consent and opinion on this issue that we are the accusers. According to the facts and the process before us, we are sitting here to decide on it as

a court. Sir, I had read a story in a book in my childhood that....

MR. SPEAKER: Please come on the law point.... there is shortage of time....

SHRI BHOGENDRA JHA: Mr. Speaker, Sir, I will conclude within your allotted time. Once upon a time, there was a shepherd who used to give decisions on people's disputes. The people were surprised to see his quality. When that place was dug up, where he used to stand and give decisions, the throne of King Vikramaditya was found there. So, that throne used to direct him about the decisions. When he was not standing at that place, he behaved like a normal man. We are also sitting here for doing such justice.

Mr. Speaker, Sir, I am happy that the counsel of Mr. Justice Ramaswami had presented his case in Parliament yesterday. It would have been better, if he himself had come. It would have helped in understanding the case. He would have been in a better position, if he had presented himself before the three Member Committee. Sir, how unjustified the allegations are which have been made by Mr. Justice Ramaswami and some of the Members. The Committee comprising of the Chief Justice of High court, and a retired judge, was set up under the law of the land and under the Constitution to investigate the cases of judges but a misconception about such a Committee strikes at such laws enacted during the Fourth Lok Sabha when I was a Member of the House. The procedure under that law that the Supreme Court should first examine the case and then the Parliament should examine it. This procedure was discussed, but it was not found appropriate that the Supreme Court should pass a judgement, and then the Lok Sabha should sit to decide the case making that judgement a ground for investigation. That is why, a proposal for setting up a committee of three Members was presented. On behalf of Mr. Justice Ramaswami, his

Counsel told yesterday that even that three member Committee did not find many of the allegations true. It proves that this Committee has worked honestly and without any prejudice.

This fact proves what our colleague has said and what the learned Counsel had said yesterday.

A few moments ago, during the discussion, the Law Minister has said that there is no Minister who does not waste money. (*Interruptions*) He has not uttered the word dishonesty, but he had meant it. I think if this is true about the Minister himself, he should resign today. He may be wrong about others, but he must be having knowledge about himself. (*Interruptions*)

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ): I may be allowed to explain on what he has said. I was just reminding my very senior colleague Shri George Fernandes that he used to travel by a special aircraft and all Ministers used staff cars. There is nothing in using staff cars. How is it amount to a misconduct or breach of conduct? You let me know, I will resign. The House should not be misled by senior Members.

[*Translation*]

SHRI BHOGENDRA JHA: Mr. Speaker, Sir, it is a matter of pleasure... (*Interruptions*)

SHRI SHARAD YADAV (Madhepura): I accept that he has not mentioned it completely, but you have said a lot more than this. (*Interruptions*)

[*English*]

SHRI H.R. BHARDWAJ: I have already

told you that we all use staff cars.

SHRI DEVENDRA PRASAD YADAV (Jhanjharpur): You said that you also indulged in malpractices. (*Interruptions*)

[*English*]

SHRI H.R. BHARDWAJ: I have four cars of my own.

[*Translation*]

SHRI BHOGENDRA JHA: You still have a chance to change your stance. We do not have any objection. (*Interruptions*)

[*English*]

SHRI H.R. BHARDWAJ: I am not an accused.

[*Translation*]

SHRI BHOGENDRA JHA: Now the problem is whom should we take lightly and whom seriously. If the words of an hon. Minister of Law and Justice are also to be taken lightly then I fail to decide as to whose words should be taken seriously. We may be law makers but we too are bound by law. One may be a Minister or an M.P. we should get opportunity to improve. So even from that point of view, it is important. Mr. Speaker, Sir, one of our Colleagues Shri Mani Shankar Aiyer said just now that why was Justice Ramaswami allowed to retain the official residence at Chandigarh for 4 months when he had already shifted here. None of us including Mr. Aiyer is, however, aware as to how the said residence at Chandigarh was still in his possession while he had already assumed his office in the Supreme Court. I, however, do not intend to level any fresh charge against Justice Ramaswami, nevertheless, keeping the bungalow at Chandigarh under his possession for 4 months is a matter of enquiry. I do not know why Shri

[Sh. Bhogendra Jha]

Mani Shankar ji pointed at this fact.

Mr. Speaker, Sir, everybody has said that there is no charge against Justice Ramaswami's performance as an able judge and that he discharged his duty very well. What has been proved is that he can no more continue to occupy the position of a judge though we may have highest regard for him and he may be highly capable. Sir, I would therefore, like to make it clear that this motion of impeachment is not to level a charge on his ability. It is not a charge on the judiciary. This impeachment against him has been brought for the violation of rules committed by him in the capacity of Judge. I would therefore appeal to those who have spoken about a liberal attitude, that they should be unanimous in voting in favour of this impeachment motion so that the judiciary, democracy and parliamentary system could be safeguarded. We are also ready to accept any other decision by the Supreme Court later on. With these words I conclude.

[English]

SHRI K.P. UNNIKRISHNAN (Badagara): Mr. Speaker, Sir, I am grateful to you for your kind indulgence. This, I would say, is indeed a historic occasion, and a momentous one and here I beg to differ from my esteemed friend and colleague, Shri George Fernandes. Therefore, this is neither an occasion for an ordinary debate if the treasury benches versus the opposition nor is it an occasion for flippancy. This call for serious consideration of all issues in an objective manner. We are exercising a constitutional function, our extraordinary power given to us under the Constitution for a impeachment and removal of one who holds a high Constitutional office of, a judge of the highest court of the land, and therefore, this context itself merits serious consideration. If there is one, I do not have the long inventory or the information which my friend Mr. George Fernandes has presented

before the House nor am I acquainted with Justice Ramaswami, and has personal knowledge which my friend, Shri Mani Shankar Aiyar has displayed.

SHRI MANI SHANKAR AIYER (Mayilduturai): I have never in my life met or spoken to Justice Ramaswami. On one occasion, a fellow passenger told me that Justice Ramaswami was one of the occupying this high seat. I have absolutely no personal relationship with Justice Ramaswami.

SHRI K.P. UNNIKRISHNAN: I stand corrected. Yesterday, when I had an occasion to intervene, I requested you Sir, the arguments of distinguished that the defence counsel who appeared on behalf of Justice Ramaswami in this House, his long intervention should be made available to us to make the debate meaningful as also the speech of our esteemed colleague, Shri Somnath Chatterjee. Moving the motion But, unfortunately, it has not been done. And therefore, we are still in the dark; it will be an impossible task for us to remember all that Mr. Kapil Sibal had to say with forensic skill and in his very lengthy defence. Therefore, we have to confine ourselves to mostly the facts and premises on whatever has come in the hon. Judges reports.

At this, time, I do not want to repeat all that has been said. Therefore, I would not go into the facts I would only like to pose before this House through you certain broader and more important question, involved in this case. If there is one institution which commanded respect and confidence of the people and justifiably so at least for the last 300 years in this country since the advent of the British Imperialism, it was the judiciary. The colonial judiciary was looked upon with a tremendous amount of confidence and respect; and that I consider was the foundation-stone for the rule of law in this country out of which we can say and legitimately say that we have learnt a great deal. That experience has enabled us to have a legal frame work and a

democratic constitution and it make us out from the rest of the third world. Therefore, judiciary, right from the British rule, had a particular position in the mind of the people, and we cannot allow this to be endangered or orded we cannot allow this to become suspect in the mind of the people; but unfortunately we are on the slippery path already.

For the last three centuries, the independence of the judiciary was guaranteed. In England, as you know, as a result of Act of Settlement, when it was made clear that the judges would hold office not at the pleasure of the King but during their good behaviour, but my friend, Shri Mani Shankar Aiyar has pointed out that it is very seldom that an impeachment is resorted to. (*Interruptions*) There have been several occasions in undeveloped and I can quote chapter and verse when the judges have been found drunk; when judges have been found wanting for various other reasons even for their personal or social behaviour in the court, but an impeachment was not resorted to. But our context is entirely different. After the Constitution, came into being this process got strengthened in this country through the very provisions of our Constitution, under which Parliament was entrusted with the responsibility of impeachment of judges of High Court along with some high Constitutional offices.

In the words of the first Chief Justice of India, the eminent jurist, Sir Kenia:

"The Court shall administer the law for the time being in forces" and has the goodwill and sympathy for all but is allied to none."

That is the cradle envisioned of judicial independence, and independence of judiciary by the founding fathers that we ought to cherish. The Constitution brought in various changes and gave a Charter of Fundamental Rights and process of judicial review. This, along with powers to issue writs became the cornerstone

of our democratic order and democratic rights. the structure of our democratic rights. Equally important is the role of the judiciary in preserving the federal character of our country. of our State and this makes the position of the judiciary absolutely pivotal and crucial. Therefore, the conditions of appointment and service and removal of members of the judiciary at higher levels has been specified and a Judge enjoys absolute immunity for anything said or done in his judicial capacity. We are dedicated to prserve this.

It is goog that this House some time ago looked into the question of enhancing the emoluments of the Judges of the high court and Supreme Court in recent years so that it could attract the best talent. I want to mention this because of certain developments that had taken placed in recent years But I would like to say, that considering the scale of fees of eminent lawyers charge now, still a lot remains to be done.

As Lord Denning has pointed out, there is question no the threat of financial anxiety which prevents the best and men of integrity and men at the topmost levels of the profession from joining the Bench. But in spite of everything, except during the Emergency, the independence and high lands of judiciary has been fairly maintained. But the element of policy of compulsory transfer of Judges did alter the situation. As even in this case, we know, there was not a single charge as far as I have heard and as Shri Mani Shankar Aiyar told us, during the 15 long years that Justice Ramaswami was in Madras. Then what happened after his transfer.

A transfer of this kind does alter the situation. A transfer of this kind also entails personal and domestic hardship and financial hardship as well. I know I do not want to mention any name a good friend of mine who was transferred from South to the High Court of Jammu and Kashmir. I remember this telling me, that he had to keep his grand-daughter with him because he lost his

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daughter and every time he had to send her to Kerala he had to spend great deal of money, by way of airfare and by way of maintenance. There was also the problem of schools and education of children. There were numerous other problems they had to face, in the event of a transfer. Every trunk call he had to pay for was a burden and a judge had to sell his property and this personally I can verify and vouchsafe that this has happened. Therefore, the question of phone calls, the question of use of certain vehicles and so on, this has to be looked into afresh and new rules brought in I am not justifying any kind of violation that has gone in already. But what I am trying to say is that the conditions of service have to be looked into afresh in public interest.

The case for transfer was advanced in this House by the former Law Minister in public interest. But even at that time some of us did point out that this was a threat to the independence of judiciary. And, the independence of judiciary itself is may I say emphatically the highest form of public interest. This is not to say that protection must be given to corrupt or malicious Judges or those who fail by the yardstick of fair judicial behaviour.

Sir, judicial power like any other power can be abused. Any kind of power has to be used with great circumspection wisdom and restraint. But it is also difficult to compare what kind of abuse would do immeasurable damage, legislative excesses abuse of executive power or judicial misuse of judicial power.

Sir, I would like to quote Hamilton, who said:

"The judiciary has neither the power of the purse nor the power of the sword neither money nor patronage on the one hand nor the physical force to enforce decisions on the other. It must

rely entirely on the support of the people and positive responses of the people".

That is to say it calls for with certain amount of moral authority. If the Constitution is to guarantee independence of judiciary, it has to be respected in every sense, in letter and spirit. It cannot be done as was suggested little earlier by a code of conduct. Sir, judges are also human beings. Social beings are also influenced by the existing social milieu and environment. And in this country, which is a federation of fraternity of caste, there is a new element of influence through the caste and strength through caste. Caste, community and religion are also factors in the complex social situation that is obtained here.

Sir, a judge who launched in securing appointment through lobbying begins his career, may I say with 'misbehaviour'. The judicial appointees have to be made immune from the strong political and social pressures of the day. And, therefore, judges have to be judged in the overall context of existing social milieu values and the pressure it generates and the Parliament, which has been given the great power of impeachment, has also to be greatly circumspect and cautious in dealing with the reports that we as Members may get about judges.

Impeachment, I beg to say, cannot be an everyday affair. That is why I said that this is a momentous occasion. A new precedent is going to be laid today, this is not like any other motion. It cannot be an everyday affair. Nor can we be called upon to perform the duty of a drainage inspector in this House?

There are examples even in this House when certain attempts were made to pillory the judges and some of them had failed as in the case of late Justice Shah. It was ironical that the people who tried to put him in the dock thought it fit to make him the omnipotent tribunal and commission to look into the emergency

excesses. What happened then to the charges that were levelled against him? I would not for a minute suspect the motives of those who did it or those who raised these charges. Were they take or frivolous? I do not know. I am only underlying the point that these proceedings ought to be initiated and pursued so that no damage is done either to the judiciary or the Parliament, which is constitutionally endowed with these extra-ordinary powers.

Sir, this motion is based on a notice of impeachment motion moved in the 9th Lok Sabha. It does raise some disturbing questions. I would only want to refer to certain lacunae in the procedure itself as I pointed out yesterday in dealing with this very process.

Sir, general procedure and conduct of business in this House is bound by the provision of the Constitution and the rules of procedure specifically made under article 118 of the Constitution. Therefore, we derive the power itself from the Constitution. Unfortunately, the rules of procedure it does not provide rules which are provided for in many other countries, in United States, in Australia, in France. But, it is regulated through another law. But can there be a conflict between the two and if so what shall prevail? If dissolution of the House takes place and which terminates the rights of the Members who constituted the dissolved House and which terminates the work of the Parliamentary Committees, can there be an exception and when motion lapse, can one motion and procedures initiated under it remain alive more so when the Constitution is insistent under Article 124(4) that the motion for impeachment shall be presented in the same session? Why is it so? it is because a motion for impeachment should not be allowed to left dangling. That means that the founding fathers were keen that such motions should not be and cannot be kept dangling for long. If that is so, can a motion or action initiated under that motion be kept pending after the House is dissolved? How can the motion, like

this motion alone jump the barrier and wall of dissolution?

I have not understood it. This is a question which I would like to pose. I am aware that the Supreme Court has given an interpretation and I respect it. But, it is possible that this cardinal fact was overlooked, or it was not posed before the Court. Similarly, the court has permitted Justice Ramaswami to seek a review before the honourable court in case the Parliament presents an Address to the President for his removal. This is extraordinary and I must say dangerous.

Is there any such provision in the Constitution? Then what happens to the Parliament endowed with the powers of impeachment and so far understood to be the final arbiter in the matter of removal of Constitutional dignitaries like the judges.

The present case also raises another basic question whether the Chief Justice of the High Court or even the Supreme Court should be loaded with administrative responsibilities like authorisation of purchase of furnitures and stationery, maintenance of building or probably it is best left to an Administrative Officer. Judges are called upon only to judge and to give judicial verdicts, not to administer offices, Guest Houses and fill in forms, what is generally brought in by PAs and various other retainers. Therefore, the judge should concern himself with judicial work and maybe certain promotions and appointments in the court.

In United Kingdom, there has been a great deal of discussion in recent years about a Judicial Performance Commission to look into complaints of litigations. I think, in this vast country with a well-established judiciary from the sub-division levels to the Highest Supreme Court, it does call for a mechanism, apart from impeachment where there is a constant review of judicial performance. That is not to say that it should threaten judicial independence. There

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should be a constant review of a body with limited jurisdiction and only serious cases involving bribery, corruption and gross misuses of office should be taken up by Parliament for consideration of impeachment proceedings. Judicial accountability, I would say, can be best ensured by such a two-level review. It is very difficult for Members of parliament to chase or follow the habitual offenders and their devious ways, nor should it be said that we are indulged in witchhunting. But what are the parameters of the concept of misbehaviour. We have no guide to go by. If it is only judicial misbehaviour, one can understand, but there have been cases when people have been indicted, as like the bickering case where it was felt late that the decisions were wrong. It is extremely unfortunate that the present case has been shrouded in a controversy. On the one hand, is the question of evidence which the hon. Counsel for the judge has invited the attention of the House to. But I am unable to understand how the learned judge decided that he can carry on in spite of clear expression of lack of confidence by his brother judges and his refusal to appear before a committee constituted by the hon. Speaker of Lok Sabha. He was bound to appear before the committee. At least as a holder of the office of a Judge and a Constitutional office holder, he should have respected the Parliament, and the Lok Sabha and the Speaker, even if all the evidence that has been adduced were to be wrong. It is unimaginable that he thought he should function as a solitary repository of justice and wisdom, supremely unconcerned about what is happening around on the contrary, if he had sacrificed himself at the altar of justice, he would have upheld the concept of justice itself and provided a warning for all around. The learned counsel for the judge who put forward skilful plea, told us that it would have been a miscarriage of justice if the judge did not have an opportunity to rebut the charges. With due respect. I beg to differ and at least having done so through his counsel he could have left the

scene even at this later stage. But, unfortunately, that has not happened. I do not know whether the Bar or the litigants would have the requisite confidence now to appear before him and seek justice. Thus, the case and the strange behaviour of this judge have presented us with a crucial dilemma. In this context, I can only urge that we cannot vote this on the basis of the spirit of a party but look into the facts and look into our own conscience. This cannot be an issue and this need not be an issue between the Government and the Opposition parties, not it is a north-south issue. It would be dangerous to look at it that way. It would have far-reaching consequences if we attempt to do so. May I also say that nor need it be elevated into an issue of moral worth? How many of us can say that we can sit in judgement on a moral issue?

The House would forgive me if I refer to our own election expenditure. How many of us can say that our declarations of on entering this House have been truthful or correct? I do not think there are many people who can say that ... (*Interruptions*). What is important is that judiciary should remain independent and the bulwork of our cherished Fundamental Rights and Parliament should remain, what it ought to be, a mirror of hopes and aspirations of the people Parliament's powers. I would again repeat, cannot be abridged by courts. The Supreme Court cannot become a third Chamber.

Sir, that alone can strengthen the Constitution which is already under stress of a different kind, into which I do not want to go now.

Let us not contribute to yet another convulsion. Already the country is slowly drifting to a path where the country itself is becoming ungovernable. Let us not further contribute of it. Again I would repeat and say that what is at stake is not morality and we cannot judge it as such.

If that had been so, even on a priority basis,

I would have said I wish we had presented the address to the President and addressed ourselves in exercising this power taken to task certain constitutional authorities for fiddling around with people's right of franchise, fiddling around with electoral system and trying to destroy the very cornerstone of this election system.

That is where it was been a fit case. Let us not make it into a morality issue.

After all, as the sagas said:

"Dharmasya Tatwan Nihatam
 Guhayaam"

20.00 hrs.

*SHRI C.K. KUPPUSWAMY (Coimbatore): Honourable Speaker Sir, At the outset, I would like to thank you very much for having given me an opportunity to speak on this momentous occasion.

We have taken up in this House a motion based on charges against a Honourable Judge who was appointed by the President of India under Article 124 of the Constitution. The accusations are quite frivolous in nature as they accuse him of to have purchased certain furniture, Carpets and using of Cars and telephones.

I would like to ask the fellow members of this august House a pertinent question. How many of them would say that they have not spent any more than what the Election Commission has prescribed to spend on election expenses while contesting an election. If they say that the limit prescribed by the Election Commission is sufficient to run the Campaign for an election, I am prepared to give up my seat from this august House. Is it not a mistake? Instead you are finding fault with a Judge who had purchased furniture for his official residence. It was not his own residence. On his being transferred there, he went in for furnishing the same. The furnishings

are now only in the use of the Judge who, occupied the seat following his transfer from that place. They are now adding to the comfortable use of household furnishings in the official residence of the Judge who is now there. (Interruptions) I am being interrupted now. I hail from the great warrior family of Dheeran Chinnamalai. While I am speaking please do not interrupt. I come from the great tradition of Veerapandia Kattabomman. I will not run away and will not yield to your interruptions. Please do not think you alone can speak. Tamil race is an ancient one. It has lived through stone age and beyond. Tamils spread the message of universal brotherhood. We belong to rich cultural heritage and a great warrior's tradition.

On seeing what is going on today, I feel very sorry. It pains my heart. I am ashamed and am in great anguish. This House which has a great tradition is passing through a painful experience now. These frivolous accusations and the proceedings that follow now have only made us a laughing stock in the eyes of others. We may not be able to hold our head high before the world and before the future generations to come. We have come to such a Passe now. I would like to cite an instance. Great Pandiya King was ruling over the Pandiya Kingdom. This incident is from the Tamil Epic Silappathikaram. When Kovalan went to sell his wife's Chilampu (the anklet) he gave it to a goldsmith to dispose it off. At the same time king had ordered a search for the lost anklet of his queen. By mistaken identity Kovalan was brought to the court of the King and was pronounced a thief and finally sentenced to death. No sooner than the King realised that he committed a grave mistake by way of putting an end to the life of an innocent citizen, he gave away his life. When he found out that the anklet found with Kovalan belonged to his wife Kannagi and was not of his Queen's he punished himself. We tamils hail from such a great tradition.

An Hon'ble Member: Narrate the story of Manu Neethi Cholan too:

C.K. KUPPUSWAMY: I would like to say one thing to my fellow members. Think of what you are doing now. Is it not wrong? I would like to cite another instance, *“(Interruptions)”*

HON'BLE SPEAKER: This is not going on record.

C.K. KUPPUSWAMY: What did Justice Ramaswamy do? He had purchased certain things which was used by him in his official residence and later on continued to be used by his brother judge who came there after his transfer. These sort of frivolous charges should not have been made against an Honourable Judge of the highest court of the country. As regards to purchase of Carpets, one of the dailies, I think it is Indian Express, which has referred to him as Carpet Ramaswamy. It is a shameful act. *(Interruptions)* please sit down. Shri Jaswant Singh was referring to North-South and East-West. I would like to assure him one thing. We from the

South are prepared to co-operate with those hailing from other parts of the country. I would welcome it. I think Shri George Fernandes has gone out. He is not here now. I would like to refer to the conduct of an Honourable Member of this House. During emergency he was at large. What did he do? He was living with the Sandalwood Smugglers. That member was in the hiding for about 15 days in Veerapandi near Trippur. Can he deny that? Such a member is claiming that he stands for sincerity, honesty and integrity. Such people are accusing Justice Ramaswamy, that causes me great concern giving rise to worry. I do not deny the fact that there are sincere and honest members in this august House. There are good people and good friends with integrity. We would appreciate and admire such good people such parliamentarians. Many such people were there earlier too! But what is happening now? During the last days of the previous parliament... *(Interruptions)* If I am not

allowed to continue, I will not yield. The House will not go on. Be careful. *(Interruptions)* I would like to address the friendly members of this House. Congress party do not seek to protect the offenders of law. That is not our policy. So I request the Honourable Members of this House not to support this motion. As far as I am concerned I would oppose the motion and vote against it. With this I conclude.

Thank you.

MR. SPEAKER: Mr. Inderjit may speak now.

(Interruptions)

MR. SPEAKER: Dr. Kartikeswar, I am not giving a chance. No, no.

DR. KARTIKESWAR PATRA (Balasore): I want only two minutes, Sir.

MR. SPEAKER: I will allow you.

(Interruptions)

SHRI INDERJIT (Darjeeling): Mr. Speaker, Sir, I am grateful to you for giving me an opportunity to speak even briefly on this historic occasion.

It is indeed a momentous Resolution I feel certain basics need to be clarified. A certain amount of confusion has crept into our discussion because of certain distortions. For instance, the Counsel for Justice Ramaswami yesterday declared

“that the charges against Justice Ramaswami were trivial in nature and did not warrant the indignity of an impeachment motions.”

A problem has arisen because of

Semantics. We are using the expression 'impeachment' which conjures up in our minds the impression of the impeachment of Warren Hastings, the great drama and what have you. The fact of the matter is that in the Constitution neither Clause 124(4) nor clause 124(5) of the constitution (5) mentions the word 'impeachment'. We must remember that the word used is 'removal' not 'impeachment'. If we understand this correctly, then a certain balance will come into our discussion.

Secondly, Sir, a lot of confusion has been created because we have been talking in terms of corruption. The question is not one of corruption, the question is one of misbehaviour. A lot has been said that the word 'misbehaviour' has not been defined. If we look at the report of the three eminent judges, we are clear that 'misbehaviour' has been described and defined at great length.

Sir, before I proceed further, I would like to point out that certain half truths have also have been put across. Mr. Kapil Sibal is a very eminent advocate, spoke brilliantly and seemed to sway the whole lot of us. But then yesterday for instance, on the question of impeachment he spoke about quoted what had happened in some countries abroad gave us the impression that there was only one impeachment in the United States. Of course, there was only one in so far as its Supreme Court is concerned. I would like to quote none other than the eminent commentator of Shri Durga Das Basu, to put the record straight. He points out on page 229.

"That there was only one impeachment of a Supreme Court Judge and that was of Mr. Samuel Chazay in 1804."

But that case resulted in acquittal. Mr. Kapil Sibal is right in so far as that there was an acquittal. But why did the acquittal take place? It was because the whole exercise at that time was designed to arraign and impeach this judge

on political grounds, because Shri Durga Das Basu goes on to add that:

"it is broadly acknowledged that this acquittal has established that a judge cannot be impeached merely on political grounds."

More importantly, Sir, this authoritative book goes on to say:

"On the other hand, the successful impeachment of several federal judges in the 20th Century has established that want of good behaviour for the purposes of impeachment need not necessarily be an indictable offence, though it must be to some misconduct."

So, this is just one basic fact we ought to be very clear about, that impeachments have taken place successfully against a number of judges in the United States.

Sir, then I go on to point out one other fact. We have, unfortunately, adopted a system in which we have given a fixed tenure to our Supreme Court judges. Originally, all bureaucrats hold office during the pleasure of the President or the King as in the case of Britain. But, as pointed out by my good friend Mr. Unnikrishnan, the judges hold office during good behaviour. We decided to give a fixed tenure of 65 years to the supreme Court judges. Therefore, it was very important that a provision was made in the Constitution to ensure that if a judge was incapacitated or most importantly, if he misbehaved then he could be removed. This is something which we ought to bear in mind.

Sir, the question of 'misbehaviour' has been fully defined and I think this particular definition needs to be read. It has been quoted by others, but I may be allowed to indulge in reading it again. It says:

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The word 'misbehaviour' as applicable to the judges of the Supreme Court and the High Courts in the context of Articles 124(4) and (5) and other relevant provisions of the Constitution means conduct or a course of conduct on the part of a judge which brings dishonour or disrepute to the judiciary as to shake the faith and confidence which the public reposes in the judiciary."....

"It is not confined to criminal acts or to acts prohibited by law; it is not confined to acts which are contrary to law; it is not confined to acts connected to the judicial office. It extends to all activities of a judge—public or private."

In other words, the concept of misbehaviour is very clear. Certain things are not done and that is something which we need to introduce in our own body politic and in the ethos of our country, certain things must not be done.

For example, I was a little surprised when my good friends, Shri Bhardwaj said today, "We all break the rules".

SHRI H.R. BHARDWAJ: I am sorry. When did I say, "We all break the rules" I am sorry. You tell me from the Chair.

MR. SPEAKER: I have not heard Mr. Bhardwaj saying that we all break the rules.

SHRI H.R. BHARDWAJ: I never said.

SHRI Inderjit: The hon. Law Minister has reason to be angry but what he said was All of us use official cars, All of us carry our Private Secretary in our trip. Other friends have also said.

SHRI H.R. BHARDWAJ: He is doing great injury to me. I must correct him strongly.

MR. SPEAKER: The rules applicable to the Ministers are different.

SHRI H.R. BHARDWAJ: You can go through the record.

SHRI BASUDEB ACHARIA (Bankura): I think, what he said was: Except him, others do not follow the rules. (*Interruptions.*)

SHRI Inderjit: I had no intention of hurting him I gladly withdraw the remark I made. I am perfectly willing to go by what my hon. friend said earlier on record. I will not quarrel about it. He is a good friend.

MR. SPEAKER: This is not a debate. We are not arguing to each other's statement. We are on a specific point.

SHRI H.R. BHARDWAJ: I can say more about you. He has been my client. (*Interruptions*)

SHRI Inderjit: I have honourably withdrawn what I have said. In fact, I had no intention of hurting him. But he says he has a lot to tell about me. I have not the slightest hesitation in inviting him to tell all on the floor of the House. I have nothing to hide. The point simply is this. This is not the occasion to quarrel. I am only making a general point. The general point for example, my friend, Mr. Unnikrishnan said, "We are all breaking the electoral law". I was only making one point. My point that I make is, the time has come that we must stand up and say, "No more breaking of the rule, no more violations of law". We must remember there is increasing violence in the country today. Why has the violence increased? Basically because we are doing a lot of violence to basic norms, basic values and so on and so forth.

SHRI MANI SHANKAR AIYAR: I want to ask Mr. Inderjit whether he agrees that we must establish these norms by asking the ex-Ministers

to leave the houses in which they are living long after they have been ejected from office?

SHRI INDERJIT: I have great pleasure in responding to this particular query. Two years after I have been re-elected to this Lok Sabha, I am still without a Government bungalow. The Government bungalow allotted to me is under illegal and unauthorised occupation of an ex-Member. I am, therefore, all with him.

Sir, this is a serious matter. I will now come to another very important matter. I know everybody is waiting to listen to my good friend, Shri Somnath Chatterjee. The important point I would like to make is, on this question we have all been told that Lok Sabha is now sitting as a quasi-judicial body. According to some, we are sitting as a Privy Council. It seems to me extraordinary and absurd and, in fact, horrendous that it is now suggested that after we have made our decision, suppose we were to hold Justice Ramaswami guilty, that he can go in appeal to the Supreme Court. This is totally contrary to the original scheme of things. The original scheme of things was absolutely correct namely, that this Parliament would sit as a Privy Council and, therefore, there should be no question of an appeal whatsoever to the Supreme Court once Parliament has sat and given its judgment in this matter. In this particular respect, the Speaker was once described by Pandit Jawaharlal Nehru as one who embodies the dignity and the prestige of this House. So, I think the time has come when this particular issue must be taken up by the Speaker, by the Government and by all leaders of the Opposition together. We cannot have a situation where the dignity of Parliament as envisaged by the Constitution makers is compromised and I do not think it should ever be compromised. (Interruptions) Unfortunately, I am a layman. I am not a lawyer. Otherwise, I sure I would probably come up. But maybe, you might seriously think in terms of what could be done. Two other things I would like to make very briefly. For example, everybody today is saying

perhaps for good reasons that we should not be using impeachment for a case of misbehaviour. This is too small a matter. As someone whom I greatly respect told me a little ago, it does not look right that we should be using a Brahmsra for a small lapse. Perhaps the time has, therefore come to take a good, fresh look at what can be done in cases involving. There grave judicial impropriety. There is misbehaviour. If we are giving the judges a fixed tenure up to the age of 65 and a man goes wrong, how do you punish him? Something will have to be done. Maybe, we should have a Committee to go into this questions. I would like to leave this matter in the hands of the Speaker.

But my good friend, Mani Shankar referred to the discussions in the Constituent Assembly. It was my privilege as a young journalist to be present in the press gallery on that occasion. It was May 24, 1949. On that particular day, Mani mentioned what Shri Tajamul Hussain had said. Shri Tajamul Hussain was greatly worried and what was his worry? I would like to quote him and share with this House. What he said. He said:

"If the majority party in Parliament is not in favour of a particular judge, then removal will become very easy and the judge should always be above politics."

You would say that politics would come in and the Government of the day would become vindictive and take action against a judge because all you want is 100 Members plus what you do for amending the Constitution.

So, Shri Tajamul Hussain went to suggest and as follows and I quote:-

"A judge of the Supreme Court shall not be removed from office except by an order of the President passed after a Committee consisting of all the judges of the Supreme Court had

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investigated the charge and reported on it to the President."

This could be one thing which we all you could possibly consider. However, then this particular debate had a certain disappointing aspect. Dr. Ambedkar did not speak on that occasion or on this particular aspect of the Constitution, he unfortunately kept quiet. The important thing is he totally opposed it. This amendment by Tajamul Huassain was negated. At any rates the Scheme which we now have adopted is a much better scheme in which the Supreme Court judges are involved initially and then the whole matter comes before Parliament and once Parliament has adjudged, there should be no question of any higher court of appeal.

One last point and I will have done. As I have said before, it is my great pride and privilege to belong to the media and I am therefore very unhappy and very greatly distressed that the counsel for the judge Ramaswami went out of his way to attack the Press.

The Press has conducted itself with great dignity and great in this particular case. How can you blame it? My friend Mani Shankar is a good friend. He is fully entitled to sneer but let me put the facts right. What was the Press expected to do when it had the report of the Auditor stating that all these wrongs had been done. It was Sunday for the Press to report it and I am glad that the Press has reported it. Subsequently, the matter came up before the Supreme Court and the then Chief Justice did certain things. These two were adequately reported. Subsequently when 108 Members decided to charge sheet the judge and go to the Speaker, what was the Press supposed to do? Keep quiet, because some of smart lacking or somebody had chosen to put pressure on that? No. The press reported on it. The Press has all along honourably reported the findings of

the Auditor, the findings of the Supreme Court, the findings of this Committee and finally of the charge-sheet. How can you blame the Press. Then, Shri Kapil Sibal, the hon. Counsel, turned around and said that the Press was maligning these people. I strongly protest. I think he has been gravely and grossly unfair to the Press. This sort of a thing should not be accepted. I think it should not only not be accepted by me I have had the privilege of being in the Press gallery for 40 years. But it should be something which should be denounced by the entire House here including my friend Shri Mani Shankar Aiyar. (Interruptions) Sir, I will not take more time. I will just make one last point. Very brief point. I see, on occasions, there is a certain selective approach that gets to be adopted in regard to crime. I hope we are not going to create a new tribe of Samurais in this country, who would be above law, totally above law. We must not be selective enough where our own friends are concerned or those with whom we mix and sup we should not have one view about them and quite another view about the ordinary mortals. So, therefore, I hope that today's debate will start what I hope would be a cleansing process, the beginning of a cleansing process in which we must uphold the rule of law, uphold the basic norms and values especially if we really want to combat the growing violence and corruption in this country.

Sir, I know we have a certain difficulty. I wish we had more time to debate this matter. I also wish we had more time to have a fresh look at all that Shri Kapil Sibal had to say; to have a fresh look and a detailed, leisurely look at what Shri George Fernandes has said. In certain ways, it becomes a little unfair that we listen to the debate, listen to the various speeches and then we are expected to Press and push the button straightaway.

So, finally all I say is we, on this side of the House, have approached this particular debate with an open mind. I can say that with all humility

that we have approached this debate with an open mind. We are all going to vote on the basis of our conscience. I hope it will be for us to decide, for each individual Member to decide, how we are going to vote for, against or otherwise. *(Interruptions)* abstain I will not take more time of the House. I will only say once again this. My appeal once again to all my fellow Members is that the time has come when we must stand up for certain values and norms.

My one last point is about my great regret. I do honestly wish that Justice Ramaswami had chosen to tender his resignation. Yesterday, his Counsel advocated very strongly that this House should not vote on this particular motion. His plea was: 'Please do not vote on this motion.' I subsequently talked to him. I have no hesitation in taking the House into confidence that after the debate was over, I walked over to him and I said: "You made an excellent suggestion. Why do you not take it one step further and persuade your client to resign."

With these words, I thank you for giving me a chance. I earnestly hope that this could debate will mark be the beginning of a new chapter.

MR. SPEAKER: Shri Somnath Chatterjee, before you start, I will give two minutes to Shrimati Chandra Prabha Urs. Is there anything very novel which you want to say?

(Interruptions)

SHRI EBRAHIM SULAIMAN SAIT (Ponnani): Sir, how long are we sitting today?

MR. SPEAKER: After Shri Somnath Chatterjee speaks, we have the voting and then we will leave.

SHRIMATI CHANDRA PRABHA URS (Mysore): As we are discussing this motion moved by Shri Somnath Chatterjee, the House has been acting as a Court in this historic case.

As you have already told, it is acting as a semi-judicial body. We are acting as Judges.

Sir, after hearing both the sides, Members should judge and exercise their franchise either for or against this motion. But here I would like to point out, one thing. Shri George Fernandes has rightly put it, that he is one of the complainants and the Judge being the accused party. I would like to know whether the complainant Member who is one of the signatories to this motion would vote freely when the voting takes place. That is the basic question. I want to be clarified in this regard. If so, they are the complainants. And the other party being accused, I do not think that should participate in the voting if at all the voting takes place.

When this motion could be carried over from Ninth Lok Sabha to Tenth Lok Sabha you have already made it clear that it could be carried over could this also be carried over from Tenth Lok Sabha to the next Lok Sabha? This is another questions to which I want a specific answer.

Then, of course, we have got an open mind to do anything with the Committee's report or with hon. Justice Mr. Ramaswami. We have kept an open mind. If you allow us to vote, we will vote and exercise our franchise in a frank and fair manner. But before that, I would make an appeal to you to give a ruling in this regard. Can the complainants or the first party be involved in voting?

MR. SPEAKER: My ruling will be very clear that they can. On the second point, this motion will be voted in this House today itself.

(Interruptions)

DR. KARTIKESWAR PATRA (Balasore): Mr. Speaker, Sir, only two minutes.

(Interruptions)

MR. SPEAKER: You make a very good speech. But today, I would like to hear Mr. Chatterjee. *(Interruptions)*

MR. SPEAKER: Some other day *(Interruptions)*

MR. SPEAKER: I have disallowed other Members also. Please sit down now.

(Interruptions)

MR. SPEAKER: I have not allowed others.

(Interruptions)

MR. SPEAKER: That will be a sort of discrimination again them. *(Interruptions)* Please cooperate. Please take your seat.

SHRI SOMNATH CHATTERJEE: Mr. Speaker, Sir, I shall have to crave the indulgence of the hon. Members because at this late hour, I am able to begin my submissions in reply. And I am afraid, I have to take a little time. I am sure, I will be shown the consideration as all of us have received from the hon. Members of this House particularly because of this very solemn matter with which we are now dealing.

As I had said in my opening submissions, this motion has not been brought with any sense of elation nor with any sense of frivolity. Although some sort of snide suggestions might have been made, but nobody has really suggested why anyone of the sponsors of notice of motion would do that particularly against Justice Ramaswami. What is that we have against him per se. There are so many Judges in the whole of India. Are we against Judges appointed by a particular Government? Or are we against those who have been Judges of a particular High Court or of the Supreme Court? What is that we have against him personally? Nobody has suggested that.

Further, what is the politics in it? Some sort

of veiled suggestions and insinuations are being made. We are told about the change in the political administration in this country after the 1990 election.

Why should we select him for the purpose of these proceedings? As I said earlier, nobody has disputed that. Certain things came out audit objections to which replies had not been forthcoming. We found that even the learned Judge had refused to submit himself before the brother Judges of the Supreme Court itself.

Shri Mani Shankar Aiyar was not right. He was swayed by some emotion. He himself said as to what has happened. When the former Chief Justice, Shri Mukherjee requested three of these senior most Judges of the Supreme Court in August 1990, seeking their advice on the question, whether the involvement of hon. Shri V. Ramaswami in certain proceedings in relation to certain administrative decision and certain other administrative actions or omissions as Chief Justice of Punjab and Haryana High Court would render it embarrassing for him to function as a Judge of the Supreme Court of India, Justice Ramaswami wrote to the Chief Justice that he did not recognize any such jurisdiction, that is, the jurisdiction to consider the question of embarrassment to anybody or authority. He, however, offered to give such cooperation as he thought it was necessary to ascertain the facts and he submitted certain statement without prejudice to his stand that he was not legally liable to render any such account or expenditure. And Sir, for sometime, he had taken leave. *(Interruptions)*

SHRI MANI SHANKAR AIYAR: I would like to clarify Mr. Speaker, Sir, that when I referred to Mr. Justice Ramaswami being willing to place himself under the jurisdiction of the judiciary including the Supreme Court, I did not say, at any stage, that he was willing to submit to the jurisdiction of this Committee of three Judges, established by the Hon. Speaker.

SHRI SOMNATH CHATTERJEE: Sir, I am sorry, he is not paying attention to what I am saying and also he has not read the report it seems because it is only at page 2. He has not even crossed page 2.

SHRI MANI SHANKAR AIYAR: I am not referring to that Shri Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE: This is the Committee of three Supreme Court Judges.

SHRI MANI SHANKAR AIYER: I wish to clarify what I have stated. Has Shri Somnath Chatterjee had made that statement without reference to me, I would not have got up? But I wish to clarify that I never said that Mr. Justice Ramaswami agreed to submit himself to the jurisdiction of this Committee. What he said was that he was willing to submit himself to the jurisdiction of the judiciary as a whole, including the Supreme Court and there is a difference between the two. And it is not I who has not read the report and it is he who has not understood what I have said.

SHRI SOMNATH CHATTERJEE: Let him understand what he means.

SHRI MANI SHANKAR AIYAR: No, a false statement was made.

SHRI SOMNATH CHATTERJEE: I do not envy your teachers.

Therefore, these questions as well have been posed not even directly but nobody has given any answer. And Sir, I do not have anything personal against him. I had occasions to appear before him also. But certain allegations have come.

Sir, this proceeding which is under Article 124(4) of the Constitution is not our creation. The founding fathers of our Constitution felt that there must be some provision in the Constitution of

India. The Judges of the High Court and the Supreme Court are eminent persons. They should not be touched or dealt with in a manner which is not consonant with their position. But can anybody contend in the whole world, anywhere, at any point of time, that no human being can ever make mistakes and that no human being because he occupies a particular position can indulge in something which is not desirable or wrong or improper. If any such things happen, as the Judge himself has said, the judiciary is no longer is what it was; there are pressures on the judges and I will read out what he has stated. I quote:

"There is a serious fall in the standard of the judiciary. There are pressures including political pressures on the Judges."

And, Sir, if some Judge succumbs to the political pressures and if some Judge behaves in a manner which makes him unsuitable to continue in that position, what is to be done? And I have not evolved this procedure. The procedure has been evolved by the great leaders of this country, the founding fathers of the Constitution. And according to that procedure, a Notice of Motion was filed. And, Sir, the Speaker of this House was to decide: Will the merit of the matter like this, of this procedure depend on who for the time being is incumbent speaker? Will it depend on taking recourse to Article 124(4) is good or bad, if Shri Rabi Ray is the Speaker or not or Shri Shivraj Patil is Speaker or not? Let us not create this situation in this House. This is too serious a matter. Therefore we said that we have followed the procedure which has been evolved by the Constitution of India. The hon. Speaker, rightly or wrongly, had admitted it. At the moment we cannot go into that question; I shall come to what the Supreme Court has said. The procedure as laid down by the statutory law was followed. A Committee of Judges was appointed. Although initially there had been some challenges to their suitability to be members of this Committee, yet

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Mr. Kapil Sibal had consciously I take it not raised that question. Therefore we can proceed on the basis that the Judge, through his counsel, has given up that point. Otherwise he has taken all the points for six hours; he did not take that point any longer. Therefore when he has come before the Supreme Court of Parliament, he realised.....

SHRI A. CHARLES: If you go through Para 45 in Page 22, it goes against your statement now.

MR. SPEAKER: That is a submission made by the Judge and the submission made by his lawyer is referred to here by Shri Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE: We say in a court of law that if a particular point is not argued, although germane- suppose so many points have been taken up in the Trial Court, in the Appeal Court you do not argue all those points, you argue the best points you think you have- shows that the other points are not being pressed further. That is what I am saying. Well, you have to kindly apply your mind!

That Committee has given a decision. The Supreme Court has constructed the legal provision and the constitutional provision. I personally might have felt that the decision of the Parliament would be immune from any further attack or further judicial review. But the Supreme Court in its wisdom has held in a recent judgment relating to this very matter, Justice Ramaswami's matter, that there will be another opportunity of judicial review, not appeal, to go to the Supreme Court of India. Therefore, as I indicated in the beginning, if this Parliament commits something wrong, not right, then there is another opportunity for him before his brother Judges. Why should he think that his brother judges would not do justice to him? He does not

accept anybody's jurisdiction over him. That is the trouble.

Instead of going on the basis of objective assessment of the report, we have gone on, with all respect and humility I submit, sometimes a little beyond the objectivity of the report and we have entered into an arena which might have been avoided.

The position is that after hearing the lengthy peroration of the learned counsel for the Judge who, I got the impression, was speaking with contrived bravado and the speeches of other hon. Members, particularly Shri Mani Shankar Aiyar and Shri Debi Prosad Pal he has forgotten what he told me three days back I am more than convinced that the Indian judiciary as well as this Parliament would be subjected to public scorn and ridicule if this learned Judge continues for a day more from tomorrow. Because of all the irregularities, improprieties and offences he has committed, he has forfeited his right to continue in the exalted position of a Judge of the Supreme Court of India. I got the impression when I was hearing Shri Kapil Sibal's speech, a good friend of ours, that his client, the learned Judge, has neither any sense of shame, nor any use of contriteness, nor any regard or respect for truth and far less for the Parliament. And through his learned lawyer, he indulged in a rhetoric of confusion and deliberate distortion of facts, if not public deception; and in the process, truth and reasons have been sacrificed. (*Interruptions*) Sir, I hope to establish that the House yesterday has been told untruths and some half-truths; and the Members of this House have been taken for a ride in the name of referring to the so called injustice caused to his client; of course, no doubt, encouraged by the indicative applauses from time to time that he received from some sections of the House which made him the subjective and at the same time aggressive.

If this motion is defeated today, the Members of this House who will vote against this motion

will go down in the history as wreckers of the great institution and as the destroyers of judicial honesty and integrity, and along with which judicial independence honesty and integrity, and along with which judicial independence will also be seriously affected. I would humbly endeavour to show that deliberate attempts have been made yesterday by the learned Judge through his learned Counsel to mislead this House to pass off contentions as evidence of facts. (*Interruptions*)

MR. SPEAKER: This is not allowed please. Let us maintain a standard. No personal remarks please.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: Sir, sobriety and decency have been treated as weaken of the case against the Judge. But, if the House and the people want, let all this sordid details be placed. Sir, I cannot help now, but to fully expose the conduct, the dishonourable conduct of the sitting Judge of the Supreme Court and of his misbehaviour. He has joined issue on facts; and I shall endeavour to deal with the same.

But, before that, I crave your indulgence to deal with certain points which have been emphasised to be the procedural irregularities committed by the then hon. Speaker and this Committee of three learned Judges.

The Speaker has been criticised again through his Counsel and I find that this learned Judge has the habit of abusing others if somebody goes against him. And I do not know, Sir, what will be your fate also, if you give a ruling against him. It has been contended again, before this hon. House through his Counsel that the Speaker should not have admitted the motion without preliminary enquiry and without taking the House into confidence and no committee should have been constituted. This was the submission again

made yesterday and also suggested by the hon. Members.

Sir, I say that it is very unfortunate, to say the least, that this baseless charge was repeated in spite of the clearest decision of the Supreme Court of India in a writ petition that was filed before the Supreme Court in which Mr. Sibal himself appeared for one who is a name-lender of the learned Judge himself; and I cannot but refer to that.

This is the judgement relating to this very matter. This is the judgement of the Supreme Court's five learned Judges, reported in 1991, Volume IV, Supreme Court Cases 699. At page 754, paragraph 105, it says and I read, Sir:

It says:

The position is that at the stage of the provisions when the Speaker admits the motion under Section 3 of the Judges Inquiry Act, a judge is not, as matter right, entitled to such notice. The scheme of the statute and the rules made thereunder by necessary implication exclude such a right. But that may not prevent the Speaker, if the facts and circumstances placed before him indicate that hearing the judge himself might not be inappropriate, he might do so. But a decision to admit the motion and constitute a committee for investigation without affording such an opportunity does not by itself and for that reason alone vitiate the decision. Contention is disposed of accordingly."

The other passage at page 759, paragraph 115 which was contended by Mr. Sibal, client for whom he appeared, said that the Speaker was guilty of mala fide. It starts from paragraph 113. It says:

This relates to the mala fides alleged against the Speaker. The averments in this behalf are identical in both Raj Birbal's and Shyam Ratan Khandelwal's petitions. We may notice the relevant averments:

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It is, therefore, disconcerting to not that the Speaker acted contrary to constitutional practice. It is assumed that this high constitutional functionary would have known of the well settled and established constitutional practice in regard to the fact that the motions lapse with the dissolution of the House. Action of the Speaker, therefore, in admitting the motion in the manner that he did smacks of mala fides and, therefore, deserves to be struck down.

The action of the Speaker is mala fide on yet another count. The Speaker has not resigned from the primary membership of the Janata Dal. The petitioners verily believe first signatory to the motion is the erstwhile Prime Minister of India Shri V. P. Singh who happens also to be the leader of the Janata Dal. The signatories to the said motion the petitioners verily believe belong mostly to the Janata Dal though the details of this fact are not precisely known to the petitioners. The Speaker as has been indicated earlier ought to have allowed Parliament to look into the matter and discussed as to whether motion ought to be admitted. The Speaker ought to have at least tabled the motion in the House to ascertain the views of the Members of the Parliament belonging to various Houses. The Speaker, to say the least, ought to have transmitted all materials to Justice Ramaswami and sought a response from him before attempting to admit the motion."

Other submissions are also made. How the Supreme Court dealt with them. Paragraphs 114 and 115 say:

"The averments as mala fides are inter-mixed with and inseparable from touching the merits on certain issues. Indeed mala fides are sought to be impunged to the Speaker on the ground that he did not hear the judge did not have the motion discussed in the House

etc. We have held these were not necessary. But point was made that the Speaker not having denied the appearance on oath must be deemed to have admitted them. It appears to us that even on the allegations made in the petition and plea of mala fides are required to be established on strong grounds. No such case is made out." With Janata Dal membership and so on and so forth.

"The case of mala fides cannot be made out merely on the ground of political affiliation of the Speaker either. That may not be a sufficient ground in the present context. At all events as the only statutory authority to deal with the matter of doctrine of statutory exceptions or necessity might be invoked. Contention cannot, therefore, be accepted."

In spite of these decisions of which Shri Sibal is aware, his client is aware. It has been solemnly repeated here as if it is res integra. That there is no decision in this country. And again and again, hon. Speaker of this House is being maligned by a person who is occupying the position of a judge in the Supreme Court of India. The minimum courtesy and respect to the presiding officer of the Parliament, Lok Sabha is not being shown. And this is how he is submitting himself to the jurisdiction of the Supreme Court of Parliament.

Sir, therefore, I say deliberately I am sorry to use this expression against my friend Shri Kapil Sibal this House was misled in spite of the clearest decision of the Supreme Court or for that matter the identical issue had been decided.

Sir, I can only say such a contention should be treated with all the contempt that it deserves.

Now, Sir, with regard to the procedural

irregularities, it was said that it was an adversarial jurisdiction. There are prosecutors. Here is the Judge. Therefore, nobody, on behalf of this Sub-Committee of the Judicial Accountability or any of these signatories to the Motion should have been allowed to appear. Neither the Members of this House who have signed the Motion, are the prosecutors nor is the Committee. This is not the concept of prosecution which has been involved in the Constitutional provision.

SHRI BUTA SINGH (Jalore): Shri George Fernandes said it.

SHRI SOMNATH CHATTERJEE: He might have said it. If you accept his statement, you accept it. I am entitled to make my submission.

There is no question of prosecution here. This is the procedure which is open to the country. There is no other procedure. This cannot be initiated. What happened in Justice Sinha's case? The Central Assembly itself had voted against him. There may be facts where you cannot think of Tamil Judge. We have heard that expression on the floor of this House. Yesterday, I made that appeal. The question of who was the appointing authority should not be important, judge it on facts, judge it on merits. Are you going to decide a Motion like this as to which caste he belongs, to which community he belongs to which State he belongs or to which college he belongs? That will be a sad day for this country. I hope that will be the last day when I shall be participating in such a proceeding, when we shall consider about the fate of a judge of this country on the basis of those considerations.

Therefore, there is no question of any prosecution. This is a procedure as to how you find whether a person is guilty or not guilty. Here I cannot think of any proceeding in this country, under any law, where so much of protection is being given to a person against whom inquiry is being made, where inquiring authorities are of such eminence.

The Judges Inquiry Act was passed in the year 1968 by this hon. House. No other inquiry. I know of, where sitting judges of the Supreme Court, a Chief Justice of a High Court and a Justice are necessarily to be members, not even the retired Judges. As was correctly pointed out, the reason is very obvious. If a judge has been arraigned, he should be tried by his peers. Therefore, nobody can say that the inquiring agency has something against a particular judge or the judiciary as a whole. Therefore, when that is the procedure which has been laid down, I do not know how the concept of prosecution; how the concept of accused is coming in. This is a case where the statutory procedure is, as evolved under the overall parameters of the Constitutional provision that is being followed. What else can we do? Nobody even if all of us want, if unanimously we decide, can evolve a new procedure which will be binding on any judge. Therefore what is the good of saying, form a Committee, form a House Committee, let it go into all this. These are all irrelevant. Supposing the House Committee comes to a unanimous conclusion that a judge is guilty of certain offences, then what will happen?

Will he be bound by that? He will not be bound by that. He said, it can only be proceeded by a proper report, proper inquiry, according to the Judge Inquiry Act. Therefore, in my submission, there is no question of anybody looking into this either the Committee or the Members of Parliament who had submitted their motions taking up a role of a prosecutor and trying to victimise a judge.

DR. DEBI PROSAD PAL: Under what the statutory powers, can a sub-committee of judicial accountability being a third party participate in the proceeding of the enquiry?

SHRI SOMNATH CHATTERJEE: Will you wait? I shall meet that point. Whether you like it or not, I shall try to meet that point. Any honest, any objective reading of the report of the Inquiry Committee will show that everything was

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determined, looked, went through by them without any pre-determined bias, although some charges had been framed where ultimately evidence did not come up and those charges have not been proved. One may say, when certain serious allegations have been made, even then the judges said, in our conscience, we are not very clear; evidence does not seem to us to be such that we shall come to a finding against the judge.

I think we might feel that sufficient material was there before that Committee. Let us not forget in what difficult circumstances the Committee was functioning. The judge who had his own version to make had not made his version. They were trying just to collect the material from their records unimpeachable document, they have not secured evidence outside the official record. Whoever was examined as a witness was connected with the High Court or with the Accountant General Office. These are all Government employees. What can this Committee do? This Committee had been made a target of attack; and all sorts of motives had been imputed to it; all sort of criticism had been made of this Committee.

Yesterday, I shuddered to think. If the Committee report is rejected, the way it has been contended by some of the hon. Members here, whether any self-respecting judge will ever accept in future any assignment to be on any committee. Nobody will accept such a position. I think they much have responded in the discharge of their duty to the nation. Justice Sawant and Chief Justice Desai did not even agree to act on the Committee until the Government permitted, although they were not obliged to seek that. They say, Rashtrapatiiji the President of India should allow us to function. Otherwise, we are sitting judges; we should not go away from our seat of work; and we should not devote our time to this inquiry; and only when Rashtrapatiiji, the President of India, permitted them to act in this Committee:

they acted. There was no zeal on their part, no interest on their part that they must serve in this Committee, come what may.

I shall have to trouble the hon. Members and you, Sir, to try show how meticulous care they have taken for the purpose of framing charges, for the purpose of giving full opportunities to the judge concerned and how and in what way the judge responded to that. You see Page 10, paragraph 21, towards the end.

21.00 hrs.

How have they framed the charges? The law requires it. They are obliged to do it. You may kindly see the Act, the Judges (Inquiry) Act. Section 3, sub-section (3) says:

"The Committee shall frame" shall frame definite charges against the Judge on the basis of which the investigation is proposed to be held".

It was their obligation to do that. And, what did they do? They did not copy the charges from the Notice of Motion. That would have been easier. There were 11 charges which the Members of Parliament, numbering 108 or 115, I do not know submitted. We got them. It was a very easy job done. No; they did not do that.

I read paragraph 22, at page 11:

"It is necessary to state here that although the Committee, while formulating the charge, took notice of the charges as mentioned in the Notice of Motion, the Committee did not adopt or adapt all the said charges. The charges were framed by the Committee on a security of all the relevant material available to it at the relevant time. For example, the Notice of Motion refers to purchase of items worth Rs. 50 lakhs for the High Court and for that purpose it relies upon the

Report of the District Judge (Vigilance). The said Report, however, did not deal at all with the purchases for the High Court but dealt only with the purchases made for the official residence of the Chief Justice. The charges formulated by the present Committee in regard to purchases are confined to the purchases for the official residence of Chief Justice. Again in the grounds in support of charge No. 5 of the Motion, it has been stated that Shari S.S. Viridi, Chief Engineer of the P.W.D., was responsible for purchasing air-conditioners and electrical equipment worth Rs. 1,13,000 and providing them at the residence of the Chief Justice as the Chief Justice had favoured him in a case in the High Court to which the said Viridi was a party. The present Committee did not formulate any charge on the basis of the said allegation for want of material. It is not necessary to elaborate this matter any further."

Therefore, they said that they did not blindly accept whatever was mentioned in the Notice of Motion. The Notice of Motion was prepared on the basis of information available to the members of parliament. As you know, we all try to get information. You have rightly, if I may say so, said on many occasions that we just cannot rely on newspaper reports, and then try to raise something. But sometimes it happens that we have no other course. We admire many times the ingenuity and capacity of the media to bring out the facts which are otherwise not known even to us, the Members of Parliament. I may not be as alert and articulate to find out from the corridors of powers what are there in the dark hooks and corners of the North Block and the South Block. But if somebody is able to get informations, then I would say, "Very well, let us try to find out, what is the truth of it."

That was precisely what was done. You will see what they did.

Let us see the paragraph at the bottom of page 10 which mentions what was done after the charges have been framed.

"In the statement of grounds on which the charges were based, the names of witnesses proposed to be examined and documents proposed to be tendered in respect of the charges were indicated at the end of the grounds in support of each charge. It was also mentioned there that, if felt necessary, other documents and witnesses would be called in evidence."

So, the fullest opportunity was given. Whatever he wanted he could have it. He was told, "These are the materials, these are the witnesses, who will be required to come to give evidence in this matter."

It was even said, and it was argued solemnly that the Committee did not hold any preliminary investigation.

Kindly come to page 31, paragraph 53.

Mr. Sibal has said that no preliminary investigation was undertaken and an impression was given to the House as if the Committee did not hold any preliminary investigation. Sir, obviously many of the Members of Parliament might have been influenced by that and started thinking how this Committee has framed the charges without even preliminary investigation. Sir, kindly refer paragraph 53 of page 31. This point was taken before him. them. It says:

"As regards the second objection, it is incorrect to say that no preliminary investigation had been undertaken by the Committee. In fact, a detailed preliminary investigation had been

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undertaken by the Committee and a gist of the same has been duly recorded in the Minutes of the meetings of the Committee dated 29-11-91, 30-11-91, 7.12.91, 8.12.91, 9.12.91, 4.1.92, 5.1.92, 6.1.92, 7.1.92, 8.1.92 and 9.1.92..."

So, on 11 different dates, they had 11 meetings and they were also assisted by no less a lawyer in this country, who is one of the eminent lawyers of this country, than Mr. F.S. Nariman. Sir, the minutes had been annexed in para II of volume II from page 76 onwards. Elaborate minutes have been kept; what are the issues that were discussed have been mentioned. The minutes have been annexed to this report so that everybody, who has any inclination to find out what had happened before the Committee, can easily find out. You will find that on many of these occasions, Mr. F.S. Nariman, Senior Advocate was present....(Interruptions)

DR. DEBI PROSAD PAL: Mr. Nariman he was the Chairman of the Sub-Committee of Judicial Accountability...(Interruptions)

SHRISOMNATH CHATTERJEE: Sir, after having become an ex-judge, he has become wiser...(Interruptions) I did not disturb him. I had to listen to the fulminations and ngmarole.

Sir, one of the minutes is very clear. Kindly see page 81 of the Second part, Volume II. This is the minutes of the meeting of the Committee held on 9th January 1992. It says:

"Having considered the motion of 108 Members of Parliament along with its explanatory note and all relevant materials, the Committee has finalised the definite charges against the Hon'ble Judge including a statement of the grounds on which each such charge is based on which basis the

investigation is proposed to held. The list of documents and witnesses is also mentioned in the statement of grounds in respect of each charge.

It was decided to serve the charges along with the grounds and also copies to documents of the Hon'ble Judge both by registered post A/D as well as by hand delivery.

The Committee also fixed the date for presenting the written statement of defence as 4th February...

The Committee further resolved that the proceedings of the investigation will be held in camera. So, the learned judge may not feel any embarrassment. However, the Committee decided that the signatories to the Notice of Motion and or their advocates will be permitted to remain present and watch the proceedings on the condition that no part of the proceedings will either be divulged or published in any manner. The Committee also further decided to permit, subject to similar conditions, those who apply in writing for permission to remain present to watch the proceedings. However, such permission may be granted at the discretion of the Committee."

Then, Sir, there are other portions also. I need not trouble you at this stage. On this 9th meeting, after preliminary investigation, they framed the charge-sheet.

Sir, there it has been said that at this stage, the Committee should have given the judge an opportunity to appear and to take part in the proceedings. There is no such provision. If you go through the Act or the rules you will notice opportunities to be given after the charges are framed. This was precisely the Supreme Court has also held.

Sir, kindly see the Act, subsection (3) of Section 3 page 8. It says.

"The Committee shall frame definite charges against the Judge on the basis of which the investigation is proposed to be held."

"Such charges together with a statement of the grounds on which each such charge is based shall be communicated to the Judge and he shall be given a reasonable opportunity of presenting a written statement of defence within such time as may be specified in this behalf by the Committee."

SHRICHIRANJILAL SHARMA (Karnal): Sir, my point of order is that the hon. Member, who moved the Resolution, has a right to reply, to repel the arguments which were advanced by the defence counsel and not to advance *denovo* presentation. He started the argument arguing as if he is arguing the case afresh. He has only to repel the argument advanced by the defence counsel.

SHRI SOMNATH CHATTERJEE: Therefore, the point that was taken that there was no preliminary investigation; no opportunity is given to me at this stage. I am showing that this is the provision in the Act.

Kindly see page 14 of the same booklet, the rule (5) deals with the Service on the Judge of the charges framed against him. Then Rule 6,

"When the Judge appears, he may object in writing to the sufficiency of the charges framed against him and if the objection is sustained by the Inquiry Committee may amend the charges and give the Judge a reasonable opportunity of presenting a fresh written statement of defence."

Then, he would have had one opportunity if he said that these were charges that arose. Then,

he said to the Members of the Committee: why have you framed these charges. The rule permits the amendment of the charges. He never took that point except abusing the judges, members of the Committee.

DR. KARTIKESWAR PATRA (Balasore): Sir, the Committee on appointed could not hear the guilty person. So, without having heard the guilty person, the Committee has submitted its report. I would like to know whether it is mandatory on the part of the august House to consider the report of that Committee. The august House should freshly hear the guilty person and consider it freshly. But, I am afraid, whether we can do wrong or some sort of justice at this stage. I will cite one example when impeachment was brought against Warren Hastings. After seven years of its judgement, his career and his fate was totally ruined, though he was honourably acquitted. For this case also, we should do some sort of consideration whether we will support the impeachment motion or we will do no other consideration. (Interruptions)

SHRI SOMNATH CHATTERJEE: Mr. Speaker, Sir, I was referring to Rule 6 of the Judges Inquiry Rules, 1969. I drew your kind attention to the provisions there in saying that an opportunity is available to the concerned judge to make out a case for amendment of the charges.

Then rule (7) says that if the Judge admits that he is guilty, then the Committee shall record such admission. It has not happened.

Rule 7(2) says that if the Judge denies that he is guilty of the misbehaviour, then the inquiry shall proceed.

Then rule (8) says: that if the Judge does not appear, on proof of service on him of the notice referred to in rule 5, or, upon publication of such notice, the Inquiry Committee may proceed with the inquiry in the absence of the Judge. What can we do? He has said: I would not appear before

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you. And I will show you what has been his stand. Kindly come to page 7 of the Second Volume, which is the Report of the Committee. Please see paragraph 16. It says that after the Supreme Court pronounced its judgement regarding the fact that the notice of motion had not elapsed by the dissolution of the House. Paragraph 16 says:

"This Ministry of Law and Justice communicated on 20-11-1991 to the Secretary General of Lok Sabha the request of the President to Justice P.B. Sawant and Chief Justice P.D. Desai to function as Members of the Committee.

This is as I was telling you. Now, what is the reaction of Judge? Even before charges are framed, even before he is asked to appear, even before the preliminary investigation has been started by the Committee within six days, what he does?

Paragraph 17 says:

"Within a few days thereafter on 26-11-1991, Shri Atul Vig, Advocate of Justice Ramaswami, addressed a letter to the Presiding Officer of the Committee demanding that the entire material on the basis of which the Hon'ble Speaker and constituted the Committee, be forwarded to him. He chose to add that in the event of his request not being granted, within a reasonable period of time, he would be left with no choice but to seek appropriate remedies. He further added that the request was without prejudice to his right to question both the constitution of the Committee and any proceeding undertaken by the Committee thereafter. He sought to make it expressly clear by writing the letter that his client should not be

deemed to have submitted to the jurisdiction of the Committee. A similar letter was again written by Shri Atul Vig on 6-12-1991 reiterating that if he did not receive the material before the weekend, he would be left with no choice but to move the court of appropriate jurisdiction for a mandamus in that regard."

Paragraph 18 says:

"At the meeting held on 7-12-1991, the Committee considered the letters of Advocate Shri Vig and although there was no obligation to furnish any documents to Justice Ramaswami until the framing of the charges, if any, the Committee decided to furnish to him copies of all documents received from the office of the Hon'ble Speaker of the Lok Sabha."

This is an attitude of the Committee which is against him, which is taking recourse to improper procedure.

Paragraph 18 further says:

"The Secretary of the Committee forwarded the said copies of documents to Shri Atul Vig on 7-12-1991.

Then, Sir, kindly see paragraph 19. It says:

"The next letter on behalf of Justice Ramaswami was by Shri Ranjit Kumar, Advocate on 11-12-1991. Shri Ranjit Kumar requested inspection of the original documents, copies of which had been supplied on 7-12-1991. He also wanted two sets of copies of documents to be supplied, one for the use of his Senior Counsel Shri Kapil Sibal and another for Justice Ramaswami."

Nothing has happened till then except the constitution of the Committee. Paragraph 19 further says:

"Shri Ranjit Kumar was informed on the same day that the originals of the documents had been called for"- because they were not with Lok Sabha "and that he could take inspection on their receipt. On 24-12-1991. Shri Ranjit Kumar was informed that originals of documents were received and that he should inspect the documents from 26-12-1991 onwards. Inspection was accordingly taken."

Then, Sir, kindly see paragraph 20:

"The Committee met on various days from 29-11-1991 onwards and started the security of various documents already received. The Committee asked for and obtained further documents from the High Court of Punjab and Haryana, the Chandigarh Administration, the Office of the Accountant General, the Supreme Court of India, etc. On a careful scrutiny and consideration of the documents received from various sources and all other material aspects, the committee framed 14 definite charges against Justice Ramaswami alleging variously conduct amounting to wilful and gross misuse of office, wilful and persistent failure or negligence in discharge of duties, habitual extravagance at the cost of public exchequer, moral turpitude, using public funds for private purpose in diverse ways and bringing the high judicial office into disrepute.

"The acts and omissions alleged on the charges collectively were stated to amount to misbehaviour within the

meaning of Article 124 (4) of the Constitution of India. A copy of the charges was annexed."

Therefore, even before the charges are framed, without any obligation, the inspection of whatever documents were available with the Committee was given to him. Really they went out of their way to do that. Then.....

DR. DEBI PROSAD PAL (Calcutta North West): Sir, there is one matter which I wanted to raise. (*Interruptions*)

SHRISOMNATH CHATTERJEE: I cannot be dictated like this. (*Interruptions*)

DR. DEBI PROSAD PAL: This enquiry committee was meticulously going into the framing of the charges and the enquiry committee was assisted by Mr. Nariman in the preparation and framing of charges. Under what rule of procedure Mr. Nariman, who was the Chairman of the Sub-Committee of judicial Accountability, being a non-official body could assist the enquiry committee to frame the charges? Under what rules? (*Interruptions*)

SHRISOMNATH CHATTERJEE: I do not know he was the Chairman of the Judicial Committee. I do not take notice of it. (*Interruptions*)

SHRI SOMNATH CHATTERJEE: Sir, I shall note that point. I have noted that point.

What is the reason for so much of anxiety for Dr. Pal? Why do you not hold patience for a while? If you are hungry, go away. Do not disturb us. (*Interruptions*) Sir, as it is, it is 9.25 p.m. I am waiting from 2 o'clock for my opportunity and he has taken my time and obstructing me.

(*Interruptions*)

Sir, Please see para 25 on Page 11. This is the Committee which has been formed; the

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Committee has given its report. We had nothing to do with that and this Committee's findings are being attached in a manner while I can only say that it leaves a very bad taste in the mouth, to put it very very mildly.

Sir, kindly see para 23 where the service of the charges has been mentioned. It was said— even Dr. Pal said— that procedure has not been indicated. Whatever the procedure, the rules and the Act that have been applied, has not been said by anybody. Even then it is elaborated here as to what the procedure they are going to follow. It is dealt with in para 23 on page 11.

I quote:

"He was informed, a copy of the notice was annexed. He was requested to file his defence. He was requested to produce the witnesses. He was requested to produce the documents he wanted to rely on. He was informed that the proceedings would be held in camera but the Committee would like to know whether he desired the proceedings to be conducted in public. He was further informed that the signatories to the Notice of Motion and or their advocates would be permitted to remain present and watch the proceedings on the condition that no part of the proceedings would be divulged or published in any manner. It was made clear that anyone who applied in writing for permission to be present to watch the proceedings would, in the discretion of the Committee, be granted such permission, subject to similar conditions. Copies of all documents of which copies could be made were sent along with the charges. In the case of the remaining documents,

where it was not possible to give copies because of their volume, he was offered inspection of such documents, with due notice. All the statements made in the notice communicated to Justice Ramaswami were made in pursuance of decisions taken by the Committee at its various meetings before finalising the charges and communicating them to Justice Ramaswami."

Therefore, he knew the procedure. Even the offer was made to hold it in camera. He was told— please file your statement, whatever witness you want to produce, please produce. It was not done, as we all know. What is the ground that has been given?

After these charges are submitted, it was given on the 14th of January, 1992 and I requested you to kindly see it. This is something unique. I am glad the Prime Minister is also here.

Please see page 13, paras 24 and 25. Within a week, he sends a missile which Shri George Fernandes has read out earlier in the day.

Please see paragraph 24 and 25 on page 13. Paragraph 24 says:

"Justice Ramaswami chose not to file a written statement of defence." That was his own decision. "Instead, on 21-12-1992 he addressed a letter to the Presiding Officer of the Committee in which he, inter alia, questioned the constitution of the Committee and the authority of the Speaker to constitute the Committee."

How can this Committee answer that? This is the response of a supposedly responsible person occupying the office of the Judge of the Supreme Court and in the meantime, the Supreme Court has held that the notice of motion has not

lapsed that a Committee should be constituted, the Committee should go into the matter. But he does not even accept any decision of the Supreme Court of India, again challenging the authority of the Committee and the Constitutional authority of the Speaker as well to constitute the Committee. And, Sir, he said:

"He levelled various allegations against the individual Members of the Committee and finally stated:

"The present communication by me to you as Presiding Officer should not be construed as having my submitted to your jurisdiction. Indeed it is unthinkable that I would in the context of what I have stated ever consider myself amenable to your jurisdiction."

Paragraph 25 says:

"This letter was followed by another letter dated 24.1.1992, the opening paragraph of which was as follows.

"As I have indicated in my letter on 21-1-1992 I have no intent on the submit to the jurisdiction of the Committee in the light of the circumstances already communicated to you."

Sir, it was said with very great bravado. 'Well, I have no faith in the Committee'. Why not? This is very uneasy. The lawyer does not persist with the compliant about the composition of the Committee, obviously he has given up. Then why does not he have confidence in the Committee. Sir, it is very easy to say, 'I don't have any confidence in the committee, I have confidence in the House' because he has to come here. If I say tomorrow, Sir, 'I have confidence in the Deputy-Speaker and no confidence in you', will you slip away from the

Chair? It is an easy attitude. Does it depend on his subjective satisfaction? Can any body take up an attitude that the statutory procedure is being followed and say 'although I am a Judge of the Supreme Court, I am bound by the rules of law, I am bound by the Constitution, I have an obligation to accept the procedure that has been adopted, to the decision of the Speaker and the decision of the Supreme Court in the meantime'? And he said, 'I have no confidence in you'. Why not? some explanation has to be given as to why he has no confidence in him. Supposing I say, 'Prime Minister, I have no confidence in you, I have confidence in Kalpanath Rai', then what will happen? (*Interruptions*). Nothing will happen, right. Precisely, Sir, I am obliged of the honourable Prime Minister, nothing will happen. Nobody will take note of such. **

MR. SPEAKER: That word will not go on record.

SHRI SOMNATH CHATTERJEE: Now, Sir, there is something more. Sir, in the facts of this case something unique in the world has happened, I believe.

Sir, this Judge solemnly asked for an opportunity and demanded the right that 'I shall cross-examine you the Presiding Officer, Justice Sawant. Have you ever heard like this, Sir? I have not heard. I have spent almost 40 years in the profession, I have never heard anybody saying that 'I may be allowed to cross-examine a Judge'. What he has said, Sir? Please see paragraph 25 I think, Sir, this should be the last clinching point. Sir, paragraph 25 says:

"After raising certain other issues, towards the end of the letter of 24th January, 1992, he categorically stated. "I do not intend to submit to your jurisdiction". He questioned the procedure adopted by the Committee

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in framing charges and suggested that the Committee should have first held an inquiry, collected the documentary evidence, recorded statements of witnesses and communicated the same to him before framing charges. He also told the Committee that if the Committee were to conduct the inquiry in the manner indicated by him in his letter he would, then, be in a position to consider whether or not he should submit to the jurisdiction of the Committee."

Then Sir, there is the next sentence—it should go to which book I do not know, probably the book of jokes. It says:

"He also added that in the even he chose to participate in the proceedings he would first cross-examine the Presiding Officer."

This is the attitude of a Supreme Court judge. He wants to cross-examine the Presiding Officer. For what purpose? Then, letter after letter have been sent. I would quote from paragraph 27 on page 14. It says:

"The Committee was not obliged to take notice of the letters and to answer the queries raised by Justice Ramaswami. Yes, the Committee by its letter dated 27.1.1992 in reply to his letters of 21st and 24th January, 1992, inter alia, informed him that it was inappropriate for him to enter into correspondence with the Tribunal constituted to investigate his conduct. He was also informed that he may raise all the objections as he may have in his written statement of defence because all objection can only be (and will be) judicially considered by the

Committee and dealt with in accordance with law. Even though he has not done so, the Committee proposes except to the extent that some of the issues have already been answered by the judgement of the Supreme Court in Writ Petition No.491.91 and by Committee's replies to his letters."

Sir, if I may read the later portion of paragraph 28, it says:

"It was the duty which he owed to the oath which he had taken, to the Court in which he was serving, to the institution of judiciary and to the public who had reposed such great faith and confidence in the Judges, and, therefore, provided them various safeguards. Instead, he chose to abstain from participating in the proceedings and to address letters to the Committee asserting that it was unthinkable for him to submit to the jurisdiction of the Committee and raising technical questions of procedure as well as making wild allegations and unwarranted insinuations against the Members of the Committee."

Sir, regularly, the Committee has gone on replying to his letters without any obligation to do so. Now, I quote paragraph 33. It says:

"Justice Ramaswami's Counsel also addressed several letters to the Committee in connection with the supply of copies of documents and inspection of documents, while all the time repeating that his letters should not be construed as submission to the jurisdiction of the Committee. That was the constant refrain of his letters. The question of supply of copies of documents and inspection of other

documents has been fully dealt with by the Committee in the Order pronounced by the Committee in its open sitting on 24.2.1992 before commencing the recording of evidence."

DR. KARTIKESWAR PATRA: Mr. Speaker, Sir, when the Act was formulated....

MR. SPEAKER: It is not going on record.

*(Interruptions)**

SHRI ANBARASU ERA (Madras Central): Mr. Speaker, Sir, he is going on quoting page after page. Is this the correct way for meeting the points raised by Mr. Kapil Sibal?

MR. SPEAKER: I think this is the correct way.

SHRISOMNATH CHATTERJEE: Sir, Mr. Fernandes has already drawn the attention of the hon. Members of the House to the judgement of the American Court. They are very fond of that country. It has been said that the judge's refusal to answer the questions on the removal proceedings constitute a cause for removal. I am only reiterating that point to save time. A question has been raised by Mr. Sibal ver solemnly that documents were not allowed.

inspection of. It was being solemnly argued from the bar by Mr. Sibal that inspection of the documents was not allowed. This is a fact which has not even been attempted to be dealt with.

"As regards inspection of documents, the position is as follows:

In response to the letter dated 11th December, 1991 of the learned advocate for Justice V. Ramaswami, inspection was offered by the Committee by its letter dated 24th

December, 1991 and inspection was conducted by the learned advocate and his colleague on 26th December, 1991. In the course of the said inspection, the learned advocate had sought the originals of certain documents which were not available at that time and he was intimated that next date for inspection would be fixed later under intimation to him on hearing would be fixed later under intimation to him on hearing from the Punjab and Haryana High Court. Thereafter, on 14th January, 1992 the definite charges and the grounds in support thereof along with the copies of the documents, the list of documents and list of witnesses in respect of each charge were served on Justice V. Ramaswami. The list of documents in support of each charge themselves indicated the copies to the documents which were available for inspection. Those documents included the originals of documents of which inspection could not be given on the 26th December, 1991. Footnote No. 4 to the statutory notice issued to Justice V. Ramaswami along with the charges indicated that it was not possible to send copies of some of the documents which were voluminous and that inspection may be taken of the same with advance notice of two days. Since inspection was being offered by the said notice, of all the documents in support of the charges, it was not necessary to separately intimate the learned advocate about continuing of the inspection which had remained incomplete on 26th December, 1991. However, the learned advocate for Justice V. Ramaswami by his letter dated 22nd January, 1992 addressed to the Secretary of the Committee stated that neither Justice V. Ramaswami nor his advocates were in a position to sit the whole day during office court hours and inspect the documents and that copies of all documents which had been shown as "for inspection" in the list of documents should be supplied, "no matter how voluminous they may be, as without these documents, the complexity of the matter cannot be appreciated."

He would not file a written statement. He

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would not accept their jurisdiction. He said, "They have no right to proceed against me". Yet, every document has to be supplied to him, even copies and that was done.

"The stand taken by the learned Advocate that he or his colleagues were not in a position to inspect the documents the whole way was unreasonable. Once an Advocate accepts a brief, it is his duty to give full time to the same. By its letter dated 23rd January, 1992, the Committee pointed out to the learned advocate that since some of the documents of which inspection was being offered were public documents and others were voluminous, it was not possible to give copies of the same. The Committee further indicated to the learned advocate that if any particular document or page from out of the said documents was needed by him after he inspected the same, the request for supplying the copy of the same could be considered.

This shows with what fairness and anxiety, the Committee has tried to proceed. It shows whatever requests have been made for documents, for inspection, how this committee has gone out of its way to help him.

"Though as stated above an advocate in a case cannot refuse to inspect documents during office hours and though Saturday is a holiday in the Lok Sabha Secretariat the learned advocate was by the said letter dated 23rd January, 1992 given sufficient accommodation by being permitted to inspect the documents between 4 and 6 p.m. on working days and between 10.30 a.m. and 5 p.m. on Saturdays."

As you are aware, the Lok Sabha staff do not come on Saturdays. Although Lok Sabha Secretariat is closed on Saturday, from 10.30 a.m. to 5 p.m., he was allowed to come, as special favour and to open the offices on Saturday only to enable him to have inspection of the documents.

"After further correspondence with the learned advocate with regard to photocopying of documents to which it is not necessary to make reference in detail, the Committee by its letter dated 4th February, 1992 forwarded to the learned advocate an abstract of the relevant pages, bills etc., in order to facilitate inspection. The learned advocate was requested to take inspection of the relevant registers and files and to point out the specific pages, bills etc., from the registers and files and was informed that photocopies of the same would be given to him provided photocopying could be done without detaching them from the registers/files as concerned as the detachment would amount to tampering with the files and documents received from the High Court."

If a page is an integral part of the document, for photocopying it just cannot be torn off. That would be tampering with the document. Even that was made fun of. Mr. Sibal has said, just for the sake of making copies for document, they say: It cannot be detached, therefore no copies can be given.

"By letter dated 7th February, 1992 the learned advocate intimated the Secretary to the Committee that he accompanied by two other persons would come for inspection on Saturday the 8th February, 1992 at 11.30 a.m. The said letter which was addressed though prejudice to the right of the

Committee" further stated that "I may also were photocopies of documents after inspection". Inspection was taken by the learned advocate along with Shri Jagdish Singh Khehar, Advocate and Ms. Rashmi Kathpalia, Advocate on 8th February, 1992. The request of Shri Anjit Kumar for continuing the inspection on Sunday, the 9th February, 1992 could not be acceded to as the said date was reserved for going through the documents by the Counsel appointed to lead evidence before the Committee which was to start recording evidence on the 10th February, 1992. Since the hearings of the Committee were scheduled to commence on the 10th February, 1992 and the documents were required at the hearings of the committee, the learned advocate was intimated by the Committee's letter dated 8th February, 1992 that he could take inspection of the documents on all working days after the Committee's work was over upto 6 p.m. and on Saturdays between 10.30 a.m. and 5 p.m. Thereafter, since the proceedings stood adjourned on account of the unfortunate demise of Justice V. Ramaswami's mother, the learned advocate was intimated by letter dated 9th February, 1992 that inspection might be taken from 10.30 a.m. to 5 p.m. everyday from 13th February, 1992 onwards until and including 22nd February, 1992 (except Sunday). After giving intimation on 14th February, 1992 the learned advocate, Shri Ranjit Kumar took inspection along with Shri Jagdish Singh Khehar and Ms. Rashmi Kathpalia, Advocate on 14th February, 1992. On Saturday, the 15th February, 1992 inspection was taken on behalf of Shri Ranjit Kumar by Shri Jagdish Singh Khehar and Ms. Rashmi

Kathpalia, Advocates. Thereafter, no inspection was taken up to and including 22nd February, 1992. In one of the four letters to the same date viz., 17th February, 1992 the learned advocate stated that "I have with me the list of the documents which are already photocopied and are in your possession, which, I was told, would be forwarded to me if I give details of each of those documents. I am in a separate letter forwarding the list in details of these documents." No such letter or list has been received by the Committee so far."

SHRI SOMNATH CHATTERJEE: And a grievance is being made solemnly by the counsel that "Well, I was not given even photocopy which I wanted to take at my own cost. Photocopies were ready. They did not even indicate which are the documents which they wanted although in writing he said "I will indicate to you. I will send you the list."

Page 66 is also relevant. I have to read in the middle of P. 66. I am skipping some to the relevant portion page 66:-

"It has further to be noted that the neither Justice V. Ramaswami nor his advocate on his behalf ever asked for extensions of time to file the Written Statement of Defence and or to put in appearance before the Committee. This was probably consistent with Justice Ramaswami's stand that he would never think of submitting to the jurisdiction of the Committee. However, the Committee had on its own by its letter dated 27th January, 1992 written to Justice V. Ramaswami in reply to his letter dated 21st January, 1992 and had offered to give reasonable extension of time to file the written statement of defence and to put in appearance if he felt that the time was insufficient to enable him to do so and a request was made in that behalf and the further

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time required was indicated. There was no response to this offer of the Committee.

As regards the other questions raised in the correspondence addressed by Justice V. Ramaswami including those relating to the competence of the Committee to proceed with the inquiry, since no written statement has been filed raising the said questions, it is not proposed to deal with them at this stage. They will be dealt with at the appropriate time.

Then the Committee decided to proceed with the inquiry as there was no response.

"Before proceeding to record the evidence, the Presiding Officer made it clear that the Committee's duty to investigate the truth or otherwise to the charges levelled against the learned Judge. In taking the evidence, the Committee will follow the broad principles of Evidence Act and the principle of natural justice and the counsel appointed to lead evidence before the Committee will take notice of the said procedure."

Kindly see two documents Mr. Kapil Sibal referred to from the other book which is a reply. Although I make my submission presently that this cannot be really looked into but even then without subject to that contention, kindly come to p. 82 and p. 83.

A lot of comment was made. Well, there was no reply to these letters. Kindly see it. It is amazing. I refer to page 82, the middle portion. Those are the two letters he has referred to.

"In his letter dated February 3, 1992 counsel for Justice V. Ramaswami asked the following:-"

"I would like to be informed with reference to each of the charges that have been framed in respect of the investigation to be conducted by the Committee, as to which part of the document supplied to me and referred to and sought to be relied up for proving the said charge. Could you please also inform me as to the specific document which will be required..."

Then, he is asking for a lot of information. Which Judge which Inquiry Officer can be asked to give him information like this? He will indicate: 'Give me information on this.' I can only say it is impertinence. Then, kindly see page 83.

"Again in another letter dated February 3, 1992, counsel for Justice V. Ramaswami asked as under:..."

Sir, this is coming from a person who has deliberately refrained from appearing before the Committee in spite of the decision of the Supreme Court saying that the Inquiry is still alive. Kindly see it. It is very important. This is being written to the Committee.

"I would greatly appreciate if you could collect and collate data in respect of the expenditure incurred by every transferred Chief Justice in all the High Courts country since 1980 in respect of the following:

Sir, just see the amazing audacity can the Counsel, the lawyer just because his client is a judge write in this manner to a sitting Supreme Court Judge? One is the Chief Justice of a High Court. Another is a very eminent Jurist. The counsel is writing him saying: "You please collect and collate the date and supply to me. on such and such things.

It has been stated:

"In respect of each of the queries raised above, please supply the relevant data applicable to Supreme Court of India."

These two letters were solemnly referred to by Shri Kapil Sibal. *(Interruptions)*

SHRI MANI SHANKAR AIYAR: I asked him his permission. Now I put the question. Can you please also comment, while doing this, on the two letters that were specifically referred to by the Defence Counsel which are dated the 17th January and the 24th January? Without going into that, without reference to those letters, he is talking about the two letters of February. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: The, Dr. Debi Prosad Pal is reminding me so many times about the outsiders taking part. Kindly come to page 17 of the report of the Committee. I quote paragraph 37, page 17:

"For participating in the Committee's proceedings some persons and bodies had sought permission of the Committee. The Sub-Committee on Judicial Accountability was, on their request, allowed to be represented by their Counsel Shri Prasanna Bhusan and Kum. Kamini Jaiswal. The sub-committee was not allowed to participate directly but their Counsel was allowed to suggest questions that might be asked of the witnesses by the Committee's Counsel. It was also made clear to the Sub-Committee that the permission was granted to them on the condition that they will not divulge or publish any part of the documents or the proceedings. Shri George Fernandes and Jaswant Singh M.P.s., signatories to the Notice of Motion, sought and obtained similar permission to be represented by their Counsel and on the same terms. Shri Jaswant Singh

was represented by his counsel Shri Arvind Nigam.." *(Interruptions)*

DR. DEBI PROSAD PAL: I want some clarification now. The Committee framing the charges. At the time of framing of the charges how Mr. Nariman, who was the Chairman of the Sub-Committee Judicial Accountability, a completely third party, could come into the picture? That was not the stage when they could participate in the proceedings. At the time of framing of charges, how Mr. Nariman could come into the picture?

SHRI SOMNATH CHATTERJEE: I have no evidence. There is no evidence nor am I yielding. I hope, Justice Ramaswami will come to you if the motion is adopted you go before the Supreme Court for him. Shri Krishnaswamy, M.P. has been openly pleading for Justice Ramaswami and he has been espousing his cause even here.

"Shri M. Krishnaswamy, M.P., claimed that he wanted to help the Committee to investigate the alleged charges and demonstrate that there was no case against Justice Ramaswami. He sought the permission of the Committee to participate in the proceedings. Permission was given to him to assist the Committee in the same manner in which the sub-committee on Judicial Accountability and the two MPs had been granted permission."

No objection is taken when Mr. M. Krishnaswami is appearing before the Committee.

"A body called the Forum For The Rule of Law based in Tamil Nadu also sought and obtained similar permission. Shri Krishnaswamy was represented by his Counsel Shri J.S.

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Kehar and Shri Yashank Adhyaru, while the Forum For the Rule of Law was represented by their Counsel Shri Rupert Barnabas. The Counsel for Shri Krishnaswamy and the Forum For The Rule Of Law”.

Both of whom appeared for Justice ramaswami.

“gave written questions to the Counsel for the Committee to be asked of the witnesses. The questions were numerous and exhaustive. They were in the nature of searching cross-examination. The questions which are in writing form part of the record.

As many as 47 witnesses were examined by the Committee and 244 Exhibits were marked. The number of documents is in fact much more than 244 because some of the Exhibits consists of several documents all of whom have been marked collectively as a single Exhibit.

Although Justice Ramaswami had not chosen to appear before the Committee, the Committee by its letter dated 7.2.1992 had intimated him that nonetheless the Committee would send to him copies of every day's proceedings before the Committee. Accordingly, copies of every day's proceedings, whenever they were ready, were being sent to him including the documents exhibited of which photocopies could conveniently be made.”

Your experience is there; my humble experience is there. Not only they have tried to proceed according to the rules and the Act. They have gone out of their way to help the learned Judge so that he does not feel any inconvenience or any grouse.

Para 40 says:

“It may be mentioned here that during the course of the proceedings Counsel for Krishnaswamy, MP, Shri Adhyaru, and Counsel for the Forum For The Rule Of Law, Shri Rupert Barnabas, kept on intermittently writing letters, sometimes in irrelevant language, to the Committee making untrue allegations in regard to the conduct of the proceedings. The Committee had, therefore, passed an Order in the open proceedings making it clear that objections, if any, ought to be raised by them on the spot.”

In truth, they would go back, think something, advised to do something, instructed to do something and write letters and take points which were not taken seriously as appeared from this. It further says:

“Shri Adhyaru, Counsel for Shri Krishnaswamy, was similarly informed by a letter that the Committee was strictly following the procedure prescribed by the Judges (Inquiry) Act and the Rules made thereunder that they were being given full opportunity to put all question suggested by them through the Counsel for the Committee and that they were availing themselves of the opportunity so afforded. It was also conveyed to him that the record of the proceedings was being faithfully maintained and, therefore, his allegations and insinuations were false and misleading. It was obvious that all such objections were being raised with the end in view of using them in some other proceedings. For the purpose of keeping the record straight, it may be stated that whenever the Committee's attention was drawn to any matter connected with the recording of the evidence, the matter

was considered and, wherever found necessary, appropriate action was taken.

•After considerable progress had been made in the inquiry, the Secretary of the Committee received a notice from the Supreme Court of India."

Shri Krishnaswamy, MP had gone to the court and filed a writ petition challenging it for its continuance. (*Interruptions*)

DR. DEBI PROSAD PAL (Calcutta North West): There is no answer to the queries of his charge. Proceedings start only after the charges are framed. (*Interruptions*)

SHRI SOMNATH CHATTERJEE: I am not yielding. There is a limit to this. Too much of loyalty is shown. (*Interruptions*)

DR. DEBI PROSAD PAL: Out of the time of framing of charge, the Inquiry Committee it has to prepare, frame and establish the charge. How was the Chairman of a Sub Committee on Judicial Accountability Shri Nariman was not a party? He was a third party. (*Interruptions*)

SHRI SOMNATH CHATTERJEE: Sir, he is abusing his right as a Member of Parliament. I have not yielded to him. He is saying something for which there is nothing on record. He cannot go on like this. There is a limit to all this. (*Interruptions*)

MR. SPEAKER: Shri Charles, it is not necessary to raise it again and again. You have raised it once. That is all right.

SHRI SOMNATH CHATTERJEE: Mr. Speaker, Sir, Shri Sibel, on this aspect....(*Interruptions*)

SHRI A. CHARLES (Trivandrum): Sir, we cannot accept that.

MR. SPEAKER: You may not accept it but you have to hear him.

(*Interruptions*)

MR. SPEAKER: I would like to say that yesterday we allowed Shri Kapil Sibel to argue the case for more than five to six hours.

(*Interruptions*)

AN HON. MEMBER: But it is not our fault.

SHRI ANBARASU ERA (Madras Central): He is reading line by line. In stead of that, he can better lay it on the Table of the House.

MR. SPEAKER: That is your own view.

(*Interruptions*)

MR. SPEAKER: By making these intermittent statements, you are just prolonging the discussions. Please cooperate yourself.

SHRI SOMNATH CHATTERJEE: Mr. Speaker, Sir, in my own imperfect way, I am trying to deal with the points raised. It may not be liked by my hon. friends but I cannot help it.

Now Sir, I have to refer to a very important aspect of this case which Shri George Fernandes has indicated. What is discribed as a reply in this Volume III is something which has been compiled and has been produced for the first time in this House. None of this so-called material was before the Committee. Nobody has checked the veracity of it. Nobody has an opportunity to find out the correctness of it. So many things have been said as if, Sir, that it is Bhagvad Gita and whatever is written here must be true. And Sir, this Judge, who does not have the courage or the fairness or his commitment to judicial procedure or the laws of the land and the Constitution, who refuses to go before the Committee, who refused to submit to the jurisdiction of the Committee,

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does not make out a case, although through his alter egos he goes on participating in the Committee proceedings by putting questions, searching, cross-examination. He does not make out any case before the Committee. But here, this is now supposed to be his case. Sir, are we entitled to, at this stage, after the Committee's Report has come, to take into consideration, to take into account any material which was not before the Committee. Again, this is like reopening the entire thing, as he did not do it directly, according to the law and procedure. He is trying to do it indirectly now.

Sir, Shri Kapil Sibal elaborately read out from this. At that time, there was no objection. He says, "Well, this is the case." He says at page 48 of this compilation in Volume III and I quote:

"The proceedings of the Committee stand vitiated, inter-alia, on the following counts and should be declared to be null and void:-

There is evidence on record to show that the counsel for Sub-Committee on Judicial Accountability as well as its members had complete access to the records available with the Committee and that counsel for Sub-Committee on Judicial Accountability was consistently advising counsel for the Committee both prior to and during the course of the proceedings and the conclusion thereof."

How does he know? How does this Judge know? He was not there. He says that without any authority, without any responsibility and this is supposed to be correct as against what has been stated in the Committee's Report. He says something now. After the case is decided in the appeal, additional evidence, if it has to be taken, the Judge has to give his permission.

MR. SPEAKER: Shri Chatterjee, let us understand that this is not in the form of evidence,

this is in the form of argument.

SHRI SOMNATH CHATTERJEE: I am obliged to you, Sir.

MR. SPEAKER: This is in reply to the report which is to be considered by this House.

22.00 hrs.

SHRI SOMNATH CHATTERJEE: I am obliged to you. If it is argument, argument must be based on records.

MR. SPEAKER: Well, you can accept it or reject it.

SHRI SOMNATH CHATTERJEE: I submit that it should not be accepted. The point is that the entire reply has been prepared after the report was submitted.

MR. SPEAKER: I explain. The Judge wanted the report to the Committee before it was given to the House. In the judgement it was stated that the report will be given to the Judge and if he wants, he would be allowed to reply to the House in writing or orally, through the lawyer also it can be done; we will see what is to be done. That is why the report was sent to him. In reply to the report, he has sent his written argument.

SHRI SOMNATH CHATTERJEE: Let him send his comments and his arguments. But in the shape of comments on the record of the proceedings can he say something as if it is evidence which is being given, which is not on record? That is the point I am on. The entire thing is this. Because he had not made anything before the Committee.

SHRI LAL K. ADVANI: In Vol. IV there are no arguments. It is just producing new evidence which was not before the Committee at all. Therefore Mr. Chatterjee says that this House need not take it into account, apart from the

arguments given by him.

SHRI SOMNATH CHATTERJEE: I respectfully submit, one can make inference, one can make comments that these are the flaws in the arguments, in the reasons given by the Committee, this is the procedure which was wrongly followed by them, this is what has happened, on the basis which must have some relation to the facts that had transpired before the committee. That is what I am saying.

MR. SPEAKER: You are right.

SHRI SOMNATH CHATTERJEE: He can make every comment that this decision of the Judge is wrong for these reasons. He cannot say the Judge is wrong because I say this did not happen. Now he is giving evidence in the form of this whole compilation. That is my respectful submission before this House and before you.

MR. SPEAKER: The deciding authority may or may not accept it. We may not accept it also.

SHRI SOMNATH CHATTERJEE: We may not accept it; but the question is I have to spend time on this to show why it should be rejected. At least let me make the submission. No new material, contentions or documents which were not before the Committee could be made. At least documents cannot be brought which were not before the Committee; that is an attempt to give new evidence. Contentions which were never made cannot be made now. He cannot say that this is what had happened; that somebody was seen whispering to the Counsel. Things which were not before the Committee cannot be looked into for our purposes and that is precisely what has been done. He has obviously quoted from Vol. III which in my submission is entirely extraneous and should not be looked into for the purpose of deciding this matter.

The committee had no occasion to decide

on his version. The Committee had no occasion to consider any version of the Judge on the facts of the case, any version of the Judge as to the procedure that was followed, any version of the Judge as to what might have happened or might not have happened. And now to say that the report is wrong because the Judge now says something else, something which he had not condescended to say before the Committee.

SHRI CHANDRA SHEKHAR: Mr. Speaker, under what law this report was sent to Justice Ramaswami for his comment?

MR. SPEAKER: Are you questioning my authority?

SHRI CHANDRA SHEKHAR: I am not questioning your authority. I want to get this information. I do not understand why you take every question in that spirit. Do I say anything offensive?

MR. SPEAKER: I respect you very much and I hate to contradict your statement.

SHRI CHANDRA SHEKHAR: I wanted to know under what rule this was sent to Justice Ramaswami for his comments, because there is nothing in the Judges' Enquiry Act.

MR. SPEAKER: May I explain? Firstly because the Supreme Court itself in the judgement had said that the Judge will have an opportunity to make his submission either in writing or orally to the House; and if it is not done, there would be an opportunity for him to come to the Supreme Court and make his submission. That was one thing. Secondly, the principles of natural justice require that if an opportunity has to be given to anybody against whom we are going to decide or in favour of whom we may decide, it is better to hear him before deciding. These are the principles on which it was done.

SHRI CHANDRA SHEKHAR: If you hear him, we can understand, either in writing or orally. But, once the Committee's report is there and another report is submitted by the Judge, they cannot be treated on par.

MR. SPEAKER: Shri Chandra Shekhar, let us understand that; what really happened is the Committee gave the report. Now, what is given by the Judge is not the report, it is not the evidence, it is not the judgement; it is his response, his defence to the report which is given by the Committee. And the expectation is that this body which is sitting here to decide this matter should have an opportunity of hearing what the Judge wants to say. Supposing he has said that, "I do not want to come before you; I have sent the written submission", then we would consider it. This is the logic and we did it. We did it because the Supreme Court wanted it. Why should a doubt arise in your mind about our sending it to him?.

By allowing him to make a submission, we are not giving the judgment. Judgment has to be given by this House and not the Presiding Officer or the Officers who are sitting here.

SHRI SOMNATH CHATTERJEE: I have never said that he had no right to submit it.

MR. SPEAKER: I am not saying that.

SHRI SOMNATH CHATTERJEE: I have only submitted that what has transpired before the Committee and the Materials available to the Committee, he can challenge the reasons given by the Committee or to say whether there was any violation of natural justice.

MR. SPEAKER: I can understand. Suppose there is something which cannot be accepted, we will not accept it; the House will not accept it.

MR. SPEAKER: I can understand. Suppose there is something which cannot be accepted,

we will not accept it; the House will not accept it.

SHRI SOMNATH CHATTERJEE: Therefore my humble submission before you and the hon. Members is that we are quite late the whole submission of Mr. Sibal has been, with reference to his replies saying as the case is this as contained in the reply all contrary findings must be wrong, which case, according to me, was not placed before the Committee. A new case for the first time on facts is being made and on the basis of that to say, "Well, these findings are all wrong", is not fair.

Let me come straightway to the charges because these are the points about the procedure, about the inspection, about the violation of natural justice. These are the points that had been taken. So far as Charge No. 1 is concerned, it is substantially covered by Shri Fernandes. I can only request the hon. Members because there is hardly any time now available... (*Interruptions*) I would earnestly request my hon. friend, I do not think I have disturbed anybody. Please give me this little courtesy.

(*Interruptions*)

MR. SPEAKER: If you interrupt, you will be required to sit for more time.

SHRI SOMNATH CHATTERJEE: It was not my fault. I was told, I will get time at 2.30 pm; and instead of that, I have got it at 9 o'clock.

MR. SPEAKER: It is not your fault. You are cooperating.

SHRI SOMNATH CHATTERJEE: We are talking of momentous occasion, a historic occasion, we are talking of reminding ourselves of that; and we have been treated, as if by interruptions and shouting this matter can be decided.

(*Interruptions*)

The main charge has been Charge No. 1, relating to the purchase of materials, etc., which Shri George Fernandes has substantially covered; and I am not going into that, although they are very relevant. I adopt what he has submitted, to save the time. But, how are they dealt with? This is very important. *(Interruptions)* May I have little time please?

(Interruptions)

AN HON. MEMBER: It is not from this side.

MR. SPEAKER: Wherever it is, let there be order.

(Interruptions)

SHRI SOMNATH CHATTERJEE: With great sort of a, if I may say so, simulated emphasis, it was suggested, well, ultimately it will appear that materials were there less than 30,000 and everybody enjoyed very much. What is this? He said, well, for a few yards of carpets, few towels, few suitcases, you are throwing away a Judge of the Supreme Court. But what has happened? How did he deal with this? He admits that 13 lakhs were involved.

(Interruptions)

Then, I shall exercise my right to give a reply and it has to be till 4 o'clock in the morning. Then, do not blame me.

MR. SPEAKER: You can rest assured that I am not going to stop you.

SHRI SOMNATH CHATTERJEE: I know, you will not stop me. But unnecessarily it is being taken. *(Interruptions)* I did not even read. I should read. To do justice to the matter, I should read as to how things were done, how things were purchased or how purchase bills were prepared and learned Judge was involved in it absolutely. *(Interruptions)* If I had not this little consideration

from my hon. friends here, then, I will have to make myself heard. I will have to assert my right. In his reply, he copiously read and mentioned. The learned Committee has referred to three lists, including the list prepared on 17th of November, 1990 when the Judge went all the way from Delhi to Chandigarh although he had ceased to be a Chief Justice on 6th of October. After nearly 4½ months, he went from Delhi to Chandigarh to make over the possession. Just imagine. Obviously, there was some reason. Why should he take the trouble after 4½ months to go and make over the possession himself? He could have sent his Secretary, his PA, even his driver - anybody - for that matter. If the key was lying with him, he could have sent the key there. But he went all the way. Kindly see page 8:

"The hon. Members of this House may also note that of the total amount of the items mentioned in the three lists valuing Rs. 13,41,554 how does he deal with it? How these 13 lakhs become less than Rs. 30,000 which amused some of my friends here very much yesterday?

He said:

"No original records like vouchers, purchase notes and bills have been produced with respect of items valuing Rs. 4,14,106."

This is absolutely incorrect. Therefore, this is the objection I am taking. He says now in his reply that there are no documents and Mr. Sibal says these Rs. 14,14,000 has to be deducted because there are no records produced. Who says no records are produced? The most interested party says, no records are there although very elaborately it has been dealt with. We very entry in that list of Rs. 13,41,000 is supported by the list. And he said original records were not produced. Repairs for an amount of Rs. 19,400 are also not supported by any such

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documentation. He says that. Therefore, what should happen? You deduct the amount as if article which have purchased with these amounts have vanished!

They say, you deduct this amount. Therefore, it suggests that the items mentioned in Lists D-1 and D-2 may not have been purchased for the residence of Justice Ramaswami at all.

"Having stated the above and after excluding from the total sum of Rs. 13,41,554.40, the sum of Rs. 4,23,506.00, the balance figure comes to Rs. 9,18,038.40.

It is very interesting arithmetic. A sum of Rs. 13,41,554.40 is supposedly in excess. I say there is no evidence of Rs. 4,14,106. You deduct it. I myself deduct it. He said: "No". Then, I have to explain about only Rs. 9,18,038.40 as deduction. From that, what is being deducted now?

"Now, Sir, of this amount let us exclude the amount admittedly spent on purchase of items used for the new office wing. The two major items in this context are sofa-sets, carpets and foam laid underneath the carpets. The value of nine sofa-sets purchased for the value of carpets and foam comes to Rs. 1,61,913.00. The total of these two items is Rs. 4,55,379.00.

This is also incorrect. It is very difficult. That is why I am saying, any body with responsibility can look into this. Because, in the Committee's Report, they have mentioned it Exhibit number, purchase note number, voucher numbers, entries in the books. Everything they have said. He says, according to him, this is for the Office. You deduct that. Therefore that Rs. 13,41,554.40 becomes Rs. 9,18,038.40. Now,

you deduct Rs. 5,00,000.00.

"In other words, Sir, of Rs. 13,00,000.00, items to the value of approximately Rs. 4,00,000.00 are said to have been in the residential portion of the house occupied by me. Of Rs. 4,00,000.00, Sir, Rs. 1,22,000.00 is the value of the seven air-conditioners which, to the best of my recollection, were already installed at the time I occupied the residence.

Sir, these are unimpeachable evidence. Everything has been given. He is deducting Rs. 1,22,000.00 because according to his recollection, this was already there. This is the Judge whose cause is being propounded by some of my friends here. Eight air-conditioners were purchased for Rs. 1,39,432.00 on 30th March, 1988 when he was very much there in Chandigarh. My friend here rightly said, all these money came from the budget of Punjab and Haryana! Eight air-conditioners are mentioned in the list Exhibit 12-B. It is prepared by Shri S.S. Dogra, of the items purchased and provided at the residence of Justice Ramaswami during his tenure of Office. He does not deal with this. He says, according to his recollection, it was already there. As mentioned earlier, at the bottom of the list, there is a certificate of Shri Dogra's verified as per record 'mentioned', in C.O. Section. The entry list relating to eight air-conditioners, there the price is mentioned as Rs. 1,39,432.00. Shri M.D. Sharma has also deposed to the fact of the purchase of eight air-conditioners. Of the eight air-conditioners, seven air-conditioners were in the residential portion of the Chief Justice's official residence on 17th February, 1990 when he was present. And in his presence, the possession was given. One in each of four bed rooms, one in the dining room, two in the drawing room were there. The value of the seven air-conditioners found in the residential portion alone is Rs. 1,22,000.00 which is more than three times the permissible ceiling. Now, what he says? He says, to the best of his recollection, they were already there, installed at the time he

occupied. the residence. Seven air-conditioners were installed in the visitor's room before the construction of the new office which is relevant and so on.

Then, later on he says: "To the best of my recollection, the air-conditioners were already installed at the residence that I occupied. If we exclude the sum of Rs. 1,22,000.00 from Rs. 4,00,000.00, we are left with items allegedly of the value of Rs. 2,78,000.00 which are to be explained." The documents are there. The vouchers are there. It was purchased during his time. He says they were already there. Therefore, from Rs. 9,18,038.40, you deduct Rs. 4,14,106. You deduct another Rs.5 lakh. Because, according to him they were not used by him.

Then deduct another Rs. 1.22 lakh, because, according to his collection, they were already there, although the evidence is to the contrary. Then he had to explain about Rs.2.78 lakh. What does he do? Of the Rs.2.78 lakh, a sum of Rs. 1.52 lakh is attributable to carpets which are laid in the visitor's room, Secretary's office and in one office room, etc. It reads as follows:

"Was upon the construction, required to dismantle the carpets and not to put them to any further use? As you are aware, all wall carpets are always fixed to the floor with the binding agents."

It is not understood how with the construction of the new wing, carpet of the value of Rs. 1.52 lakh are sought to be used for residential purpose, although evidence is clear, finding is there for the residential purpose. Therefore, what should happen to Rs.2.78 lakh? You deduct the price of Rs. 1.52 lakh because, according to him, they were no longer necessary; they had been used. Therefore, they are not within his house. Any reasonable person would exclude it from a sum of Rs.2.78 lakh, the figure then left is to be explained. Wonderful jugglery of figures. I cannot

explain this. Therefore deduct it. If I may say so, I do not use any other expression, it is an incorrect allegation as to the date of purchase, etc. Even then Rs. 1.26 lakh has to be explained. What does he do? Rs.96,000 is the value of the loose carpets found lying at his residence. No witness before the Committee, had stated that these were purchased but never delivered and put to use at his residence during his tenure.

Mr. George Fernandes has read it. I do not have the time also to read it. The findings is to the contrary. Then he said, so far as these rolled carpets are, concerned, the price has to be deducted from Rs. 1.26 lakh. Therefore, from Rs. 13 lakh, by his jugglery, only goods worth Rs.33,000 were there. Therefore, it is not less than Rs.30,000. What crime have I committed? This is an amazing arithmetic and on that basis, it is being solemnly argued to the great amusement of all that what a frivolous charge has been made for carpets for utensils, for towels, for suit-case and all that. The judge is being thrown out.

From Rs. 13 lakh, you deduct this amount, according to him, from which there was no document, and it came to Rs.9 lakh. He says, Rs.5 lakh you have to deduct again because goods worth Rs.5 lakh were placed somewhere else. Then it comes to Rs.9 lakh and odd, then from that, you have to again deduct Rs. 1.22 lakh, because his recollection is something else. Then from Rs. 1.20 lakh, he said, the value of the carpets is Rs.96,000. Well, he said, I had nothing to do with that. Therefore, deduct it from that amount. It is only Rs.30,000. Therefore, he should claim give me Rs.8000 worth of more furniture and fittings, etc. Therefore, he is aggrieved that he has been given much less quantity of furniture, fittings than his entitlement. Let us all make an effort to give all this to him if he remains a judge tomorrow. This is the position of the entire charge no.1 on which specific findings have been made, have been dealt with in this fashion.

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Now paragraph 104 says:

Charge No.2. I am sorry, I am not really doing justice to this matter. So far as charge 2 is concerned it has been read out, some portion by Mr. George Fernandes; there is a specific finding with regard to favoured dealers. This is a very important. What is his answer? Mr. Kapil Sibal said, these are the concerns which have been supplying in the past. No evidence. Wo said that? That was not before the Committee. Nobody made that case; nobody proved it. Now, he says, in this so-called reply, that, according to him, they were already purchased from them.

Sir, all the rules have been given. The financial rules are there. I would like to know whether it is the view of anybody in this House that the rules which are framed under the appropriate laws, under the Constitutional provisions can be flouted by a Judge of the Supreme Court or High Court or not. I would like to know that. Is it being contended that the rules shall not apply?

Shri Kapil Sibal solemnly argued that the financial rules do not apply, because they apply to subordinate courts. That is absolutely wrong. I will show to you that this has been specifically stated. There is a communication from the Government of India. I am sure that Shri Manmohan Singh would not like it; otherwise the Chief Justices will go on spending and all the Government's liberalised money will go.

(Interruptions)

We are on excellent terms. Only thing is that he does not give me money.

Sir, I am really hurrying through.

Let us see page 63. The hon. Prime Minister and the Finance Minister, Shri Manmohan Singh may please see that their orders are not all violated.

"While considering the charges, it is useful and necessary to bear in mind certain financial regulations. Ex. 122 is a letter dated 7-3-1968 from the Deputy Financial Advisor to the Government of India, to the Chief Commissioner, Chandigarh, which shows that the Punjab Financial Rules and Regulations applicable in the State of Punjab are applicable to the High Court of Punjab and Haryana. This is also the evidence of the Accountant General."

At the bottom of page 63, it is said:

"The Chief Justice of Punjab and Haryana Court is designated as one of the Heads of the Department under the major sub-major head "Administration of Justice."

Then the rules are quoted. It says,

"Every Government employee incurring or sanctioning expenditure from the revenues of the State should be guided by high standards of financial propriety".

I have got no time to read all. Then it is given how stores are purchased and about the tender system to be followed.

At page 69, it is said:

"Some of these principle expressly laid down in so many terms in the Punjab Financial Rules are readily seen to be sound general principles which have to be observed by every one in whatever authority entrusted with the power to expend public funds, irrespective of any rule of regulations to that effect. Observance of these

principles is necessary for the occasional deviation from principles. if demanded by the urgency of the situation and the public interest, may be pardonable but a persistent and determined deviation from principles, intended to gain personal advantage, leading to the legitimate inference of a wilful conduct, cannot be overlooked."

He tried to brush aside that these rules do not apply. Supposing these rules do not apply, according to him there are no rules. But then, prudence will apply, propriety will apply, that there should be no wastefulness. There should be no lavish spending. After all, if somebody is spending money not for his own, then he has an obligation to see that the money is not wasted. It is public money. How can anybody for that matter a Judge of the Supreme court say that the financial rules do not apply to him, although they do apply, and say, "I can do whatever I like".

It was solemnly argued before us by Shri Sibal that if at all the rules under Article 229 will apply, and that under Article 229 the Government cannot interfere with the powers and rules of the Justice.

I will only cite one case. I have got many with me but I will cite only one. Even under Article 229 I am very sorry that a man of his ability has said so it is said that with regard to appointments, promotions, etc., transfer, the Chief Justice is the highest authority.

But so far as emoluments are concerned, so far as salary, allowance, etc. of an employee is concerned, no expenses can be incurred without the Government's approval. The Supreme Court has categorically said this when this was questioned. Now I would quote AIR 1976 Supreme Court page 123:

"If the rules made under

Clause 2 of article 229 relate to salaries, allowances or pensions, then since in them is involved the question of finance, the framing of the rules requires the approval of the Governor."

That means the State Government. Then, it is said: that the question of finance is involved. In regard to finance, Government's approval is required. That is why, everybody has to go and placate the Finance Minister.

I would like to read AIR 1975 Supreme Court page 889... (Interruptions)

PROF. P.J. KURIEN (Mavelikara): Sir, kindly tell us the approximate time so that we can go out and come back... (Interruptions)

MR. SPEAKER: May I make a declaration that today the Parliamentary Affairs Minister has not kept the Bill ready. And if you interrupt, you will be required to sit for more time.

(Interruptions)

MR. SPEAKER: It is a constitutional point. You hear him.

(Interruptions)

SHRI ANIL BASU (Arambagh): Sir, at the beginning itself, he has said that he requires more than two and a half hours... (Interruptions)

PROF. P.J. KURIEN: Sir, yesterday we were knowing as to how much time Mr. Kapil Sibal would take. Kindly tell us as to how much more time Shri Somnath Chatterjee will take... (Interruptions)

SHRI SOMNATH CHATTERJEE: I would like to finish early. I am also hungry. What are you talking?... (Interruptions)

PRO. P.J. KURIEN: Shri Somnath Chatterjee, you can take any amount of time. I only want to know how much more time you will take. So that we can go and have food and come back... (*Interruptions*)

MR. SPEAKER: Let me find out from him.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: I am sorry. I am encroaching upon the great patience of the Members. Already great courtesy has been shown to me. I am obliged to all the hon. Members here. I am deeply touched by their kind consideration towards me. It is not my personal case. I may be, in an imperfect way, trying to do it. Sir, unfortunately you had picked my name. I would have been happier if somebody else has done this... (*Interruptions*)

MR. SPEAKER: We have taken an hon. Member who can enlighten us.

SHRI SOMNATH CHATTERJEE: Sir, I am trying in a humble way.

MR. SPEAKER: Shri Somnath Chatterjee, can you give kindly some indication as to how much more time you would take so that the Members can go out for a cup of coffee and come back.

SHRI SOMNATH CHATTERJEE: Now it is 10.35 p.m. I shall try to finish it by 11 p.m... (*interruptions*) You may go out now. Sir, kindly give me five minutes more because they are taking time to go out. (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): Sir, today the Finance Minister must be happy because it is an austerity budget on which the Parliament is functioning. (*Interruptions*)

SHRI SOMNATH CHATTERJEE (Belpur):

I am giving some importance to it and I earnestly request my hon. friends here, on both sides, to kindly give me little opportunity to place it. Why I am pressing it because the point is being taken on behalf of a Supreme Court Judge that he is not bound by the financial rules. Therefore, this is totally unregulated expenditure by the Chief Justice. According to him it is totally unregulated by the rules of procedure which was binding on him. Therefore, these rules should not be applied and the Committee was wrong in applying these rules.

I am submitting, Sir, as quickly I could. I have placed only one relevant passage. There are other passages which would show that the rules were applicable. Then Shri Sibal argued that it is Article 229, if I do not deal with, it will be said tomorrow and papers have also given their views about our respective performances. I have no grievance on that. They are entitled to assess. Therefore, it will be said that this point was not even answered. The question of a Constitutional point is taken, been namely, Article 229 postulates that the Government cannot interfere in the matter of the High Court expenditure. I am only showing that our Supreme Court has said repeatedly, not once, with regard to appointment, with regard to promotion, with regard to transfer of the employees or even subordinate judiciary. Certain High court orders or decisions cannot be interfered with. With regard to money, with regard to expenditure, the Government must give its approval because financial implications are there and that is what the Supreme Court has said at page 889 in 1975 judgement, where the Chief Justice had given a special salary to an officer. It says:

"If the Chief Justice of the High Court wanted to appoint the Registrar at the initial salary of Rs. 1500/- with a special salary of Rs. 250/- per month, special approval of the Governor should have been taken in view of the fact that the rules did not permit such salary and

the higher salary involved greater financial burden on the Government."

Therefore, the Government can interfere. The Government voice has to prevail. It cannot be said, 'Article 229 means any Chief Justice or any judge of any High Court in India can spend any amount he likes on any thing. This type of argument was being made solemnly, appearing for the judge of the Supreme Court of India saying, 'no I can spend any money I like, who is the Government to interfere with me! How can the Government frame rules? I am saying this is totally contrary to the law laid down by the Supreme Court of India.

Now, I will quote from the 1971 Supreme Court judgement, which make it absolutely clear. It says:

"The Governor's approval must be sought to the extent the rules relate to salaries, leave or pension. This exception, it is abundantly clear, had to be made because the finances have to be provided by the Government and to the extent there is any involvement of expense the Government has to approve of it."

Now, it is being solemnly argued, well he is not governed by any rules any regulations and Article 229 of the Constitution means that he is not governed and the Government cannot give anything with regard to that. No financial rule will apply. Therefore, if financial rules apply and if certain procedure has been there regarding purchase of documents, regarding expenditure to be incurred, the method of expenditure to be incurred; how things can be purchased, whether there is a necessity for it, he solemnly argued that that does not apply to him. Therefore, he was in open field. He could do anything in life. Therefore, even if any extra expenditure according to the complaint has been incurred, well, it was not covered by any rules. Therefore,

what is the mistake he has done.

Sir, the result is I am respectfully submitting consciously, deliberately and knowing the provisions with regard to this rules, he has gone spending and, therefore, whether something is in his office room or something is in his bed room or in his visitors room it is immaterial. He tries to explain it. He does not appear before the Committee: does not give his versions; does not allow the Committee to find out the Committee would have very well found out, as it has done suo motu without the judge's cooperation, without the judge's help in 3-4 charges. When the Committee could not be satisfied, on their own they have said the charges have not been proved. Does this show a Committee with pre-determined mind? Does it show that the Committee has a bias against this judge?

They have themselves, on their own, without any appearance ex-parte sitting, they have taken a decision that 'No, for these 4 matters, although the charges are framed, there is no evidence; we say it has not been proved. If it is so, my submission is that it clearly indicates that most fair treatment was given to the learned judge and he cannot have any reasonable grievance.

Sir, I will hurriedly indicate only the charges. Please see the charge 2. It is in para 160.

On purchase of wall-to-wall carpet, I am not reading it. The rest of the charge is regarding excess purchase can excess price which is not proved. The Committee holds that one portion is proved and another portion is not proved. The Committee comes to that findings.

What is the answer in the reply against this? In the reply you will see on which reliance is placed as if it is the answer to this it is total concoction. This is a very serious matter. With all humility I submit before this hon. House that the reply is given on the basis of concocted material, without any supporting document.

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supporting evidence, without placing them before a duly constituted Committee to verify the correctness or otherwise of that.

And now he is saying before this House that this is all wrong because according to him this did not happen. According to me it did not happen; therefore, it is wrong!

This cannot be the basis on which charges can be controverted.

Please see charge 3 with regard to woolen carpets. It has been held:

"Quotation from the said firm was not genuine as found under charge 1, in view of our finding under charge 1, there was a practice of splitting the bills etc."

They say the charge is proved to the extent that 12 loos carpets, which were found to be shown as having been kept for use in the High Court, were found in the residential portion on 17.2.1990 when possession was handed over by Justice Ramaswami and they were meant for being used in the said portion. Here is a finding of that portion. Rest of the charge has not been proved.

Charge 4 is with regard to items of furniture which are purchased from Salvo & Company for Rs. 58,908 again from a hand picked dealer from one person. And advance payment is made. I do not know whether the Government permits it in normal manner. Advance payment is made to the supplies shop keeper. There is no security for this advance payment. No contract is entered into. Somebody goes there and places an order for supplying some furniture. He asks for advance payment. The judge visits the shop; items selection; advance payment is made under his sanction the Chief Justice's sanction for

excessive purchases, so far as the official residence is concerned, which could possibly have been avoided.

Then nine sofa sets—I hope it is not giving ideas to anybody here. Nine sofa sets were purchased under the above mentioned five different vouchers. However, only five sofa sets were found etc. The remaining sofa sets were not used in the office. Therefore, I find that Charge No. 4 is also proved to that extent.

Then about Charge No. 5 regarding some items missing, the Committee says, it has not been proved except as regards five suitcases.

Then charge No. 6 for all of them the answer is that this version is right—this version which never saw the light of the day until it was calculated by you to us, nobody knew all these things, the Committee never knew all this. Because of what he has stated here, therefore all the charges are wrong!

There is Charge No. 6 six sofa sets etc. The Committee has not proved, therefore, we are troubling ourselves.

Then, Sir, this is very interesting, kindly permit me to take three or four minutes on Charge No. 7. It was a matter of great decision, it was laughed away a Judge is being sought to be removed for suitcases. I do not know which Judge could afford to have 18 suitcases. Charge No. 7 relates to purchase of suit attache brief cases and the disappearance of five of them and the replacement of the remaining. Sir, it goes on. It says.

"The purchase notes show that Justice Ramaswami has desired that the purchase be made immediately and one of the purchase notes mentioned that the three suit cases described here were to be provided to Justice Ramaswami for office use and the two

others mentioned in Ex. 71 and 72. These three suit cases described to be provided to him, by the time of the preparation of the purchase note, the suitcases had already been purchased. What is significant here is that Justice Ramaswami assumed charge of the Judge of the Supreme Court."

kindly listen, whoever has the patience.

SHRI CHANDRA SHEKHAR (Ballia): I have got patience, but it is totally irrelevant. What the Committee says and what Justice Ramaswami says before the House are on par because that Report has already been circulated to the Members and the Committee Report has also been submitted. I do not know under what provision, if I say this, the Speaker will say that I am doubting his integrity. So, I shall not say it, but the whole thing is that I do not know under what circumstances Mr. Chatterjee is entitled to say that what Justice Ramaswami says is a total concoction. I say he is right. If the Committee Report and that Report have been circulated to the Members without any authentication, what report should take priority over the other, how can you say that he is wrong? And under what rule, I have not known yet that that report has been circulated because nothing in the Inquiry rules of procedure indicates that he is entitled to submit his report to this House. Whatever he had to say, he could have said before the Committee. He was not entitled to say anything before the House. According to the law, the Speaker is all powerful, that I know, and he can do anything, that I know.

MR. SPEAKER: Chandra Shekherji, you are probably...

SHRI CHANDRA SHEKHAR: I am sorry, Mr. Speaker, whenever I raise a point, you just say, 'Are you doubting my intentions?' Here is the Inquiry Committee Report. I know from you...

MR. SPEAKER: I am explaining it, Chandra Shekharji.

(Interruptions)

SHRI CHANDRA SHEKHAR: I honestly want to know under what provisions you allow Justice Ramaswami to bring all these facts which are unsubstantiated. Where the Speaker has been attacked, the attack of Justice Ramaswami against the Speaker has been circulated by the Members by the courtesy shown to Justice Ramaswami.

MR. SPEAKER: Chandra Shekherji, I will explain to you. Don't put the Speaker at least in the dock at the same time.

SHRI CHANDRA SHEKHAR: Again I say, I am not putting you in the dock, but you should not doubt the intention of the Members.

MR. SPEAKER: I will explain to you. I thank you very much for giving the opportunity.

SHRI SOMNATH CHATTERJEE: Sir, from my time it is going.

MR. SPEAKER: Of course, it will be deducted.

When this Report was received by us, one of the things which was to be considered by us was how to get this Report to the Members.

This was a secret report. This was to be translated into Hindi. We kept it secret for sometime until this was translated and then we called a meeting in which the Attorney General, the Law Secretary, the Secretary of the Parliament Affairs Ministry, the hon. Members of this Committee have all participated. I think the Law Minister was also there and we discussed as to how this is to be done. It was brought to our notice that when the matter was taken to the Supreme Court, the Supreme Court

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had said: 'you appear before the Committee and if you think that you are not satisfied with what the Committee says, then you have the opportunity to appear before the Parliament. If you are not satisfied with that, then you have the opportunity to come to us also. That was the judgment given by the Supreme Court. That is why, this matter was discussed in the Committee. It was attended by the Attorney General, it was attended by the Law Secretary and it was attended by some others also. It was decided what to do and then the Australian precedent was quoted. They had quoted in the Supreme Court judgment that the provisions in our Constitution and laws are identical to the provisions in the Australian Constitution. In the Australian precedent they had allowed the judge to appear before the Committee and we hope that the Parliament will allow this kind of courtesy to the judge also. They had said this in their judgment in writing and that is why, we tried to carefully follow what was written in the judgment. We applied our minds, we consulted each other and we gave it.

Now, what we are doing here is, we are giving an opportunity to a person against whom some allegations are levelled. If he has brought anything before us and if it is not, according to the law, acceptable or admissible, we can reject it. We can throw it out. But by allowing him to come before you, we are not giving a judgment. The judgment is in your hands and it depends on your vote, it depends on your understanding of facts, it depends on your understanding of the report and it depends on your understanding or acceptance of the submission. It is entirely in your hands. But what kind of objection can be taken to the facility given to a person who is accused of certain things to make his submission either orally or in writing to facilitate you to understand the other side of it? What we have actually done is, yesterday we have allowed one side to come as well as the other side; today we have allowed one side to come as well as the

other side to come and ultimately, the judgment is yours.

SHRI CHANDRASHEKHAR (Ballia): Mr. Speaker, Sir, I am not questioning you. Please bear with me for a minute. The procedure is that when the report is submitted you will consider the report in a particular manner and that manner has been specifically mentioned in this Judges Inquiry Committee report under the heading 'Consideration of Report and Procedure for presentation of Address for removal of Judge'. I quote from the last paragraph on page 9. It says:

"If the report of the Committee contains a finding that the judge is not guilty of any misbehaviour or does not suffer from any incapacity, then no further step shall be taken in either House of Parliament in relation to the report and the motion pending in the Houses of Parliament shall not be proceeded with. If the report of the Committee contains a finding that the judge is guilty of any misbehaviour or suffer from any incapacity, then the motion referred to in sub-section (1) of section (3) shall, together with the report to the Committee, be taken up for consideration by the House or the Houses of Parliament in which it is pending."

Only the report of the Committee will be considered by the House. This is specifically mentioned. I do not know how the Supreme Court has given this judgement. I have great respect for the Supreme Court judgment, but the Supreme Court judgment does not override this provision which is specifically mentioned in the Act of Parliament and whoever was giving you advice, whether the Attorney General or the Law Secretary, I have great respect for them. But under what rule, under what procedure this Act was passed? My objection is not that we cannot take this decision.

When my hon. friend, Mr. George Fernandes was trying to quote something, you said in this

house: Do not bring in matters which are derogatory in nature, because you do not want that to come into the proceedings of the House.

But you have put the whole report, whole arguments of Justice Ramaswami as part of the proceedings of this House. If it is not a part of the proceedings, I do not know how this report has come, whether it has been laid on the Table of the House or not. If it is a fresh document, how this was circulated to the Members of the House. I know also the rules and procedure. If it is laid on the Table of the House, your observation yesterday about the intention of Mr. George Fernandes quoting certain portions, does not hold good because the whole report is a part of the proceedings. All the abuses that were hurled upon the former Speaker, upon the Committee members are a part of the proceedings.

My objection is, Mr. Speaker, if you do not take cognizance of it..

MR. SPEAKER: I hope that Chandrashekhar Ji who has been a very senior Member of this House does not present this case in this manner. It is very far from anybody in the House to say anything against the former Speaker or anybody in the House to say that somebody has contrived it to bring it on the report, well, I do not know what is the meaning of it.

SHRICHANDRA SHEKHAR: This is the fact. This is not the intention. It is the result which is accounted in Parliamentary politics.

MR. SPEAKER: Let it not be an argument between you and me.

SHRICHANDRASHEKHAR: Mr. Speaker, you have started it and I am ready for it because I have no prejudice, no bias nor am I afraid of anything. I did not want this situation to be created. But you, Mr. Speaker, created it by your

observation and I have no other option but to reply to you.

MR. SPEAKER: May I tell you, what has been stated by Justice Ramaswami against the hon. former Speaker, against the hon. Judges has been dealt with in the report given by the Committee. They have been dealt with in the report given by the Committee. The allegation has been there, how it has been brushed aside has been given.

What I have been telling Mr. Fernandes was, supposing some allegation is levelled against Justice Sawant or Justice Desai or Justice Chinnappa Reddy, it would not be necessary for us to repeat those things here and bring it here. That was my intention. If there is something in the report given by the Committee itself and if there is something given in the submissions given also. It may not be necessary for us to bring it again on the report. I was trying to be very correct. I do not know why this kind of impression has been given to the hon. Members. Here is a case in which we are trying to be as correct as possible.

Let us not doubt each other's intention. I may very humbly say that because these kinds of matters are raised on the floor of the House, sometimes misunderstanding develops. We are all sitting here. I would like to know from the hon. former Speaker also, did he get any impression that we are trying to do anything of this kind? In the interest of the present sitting Speaker and in the interest of the fairness of the House, I would like to say, if that is the impression, then my apology to you. Is that your impression?

SHRI SOMNATH CHATTERJEE: I am sure, everybody in this House will agree with me that, no person who has been accused of something, of something wrong has got better opportunity either before the Committee or before this House than Justice Ramswami. Nobody has got almost unlimited opportunity. Unlimited

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Committee shall-

opportunity has been given and he cannot have any grievance.

MR. SPEAKER: I am on a completely different point. It would not be fair to this case, it would not be fair to this House, it would not be fair to the Chair, if the doubts are created and if we have the opportunity, we are not clearing the doubt.

23.00 hrs.

SHRI CHANDRA SHEKHAR (Ballia): Nobody has doubt.

MR. SPEAKER: Then why this is this being raised? You may not have doubt. If the former Speaker has, let me hear from him. Have you any doubt about this.

THE MINISTER OF AGRICULTURE (SHRI BALRAM JAKHAR): I have absolutely no doubt.

MR. SPEAKER: He has absolutely no doubt. We are dealing with a case of a different person. Why should we bring in other persons unnecessarily?

SHRI SOMNATH CHATTERJEE (Bolpur): I am trying to conclude. I am sorry I exceeded by ten minutes.

MR. SPEAKER: This is how when we try to judge others, they say judge not and you be not judged. I'm not trying to judge anybody here. Please do not judge me also.

SHRI A CHARLES (Trivandrum): I am on a point of order. This is a very valid point. I would like to draw your attention to Rule 9 on p. 14. I am reading from p. 14 last paragraph:-

"The Presiding Officer of the Inquiry

(a) cause its report to be prepared in duplicate,

(b) authenticate each copy of the report by putting his signature thereon, and

(c) forward, within a period of three months from the date on which a copy of the charges framed under sub-section (3) of Section 3 is served upon the Judge."

Under this rule, it is incumbent on the Speaker to forward a copy of the inquiry report to the Judge concerned. Kindly look into that. I want your ruling on this.

SHRI SOMNATH CHATTERJEE: Let me finish.

SHRI A. CHARLES: What about this? As a matter of procedure a very serious allegation has been made. This is the rule.

SHRI SOMNATH CHATTERJEE: I quote from p. 98:-

"By the time of preparation of purchase notes, the suit cases had already been purchased. What is significant here is that Justice Ramaswami assumed charge as a Judge of the Supreme Court on 6-10-1989 and there could be no possible urgency to purchase the six suit cases for any official purpose on 3-10-1989 when they were purchased. If any suit cases were necessary to carry papers, already a large number of suit cases and trunk had been purchased. There were as many as seven trunks in the residence of the Chief Justice when he handed over charge on 17-2-1990 and twelve suit attache briefcases had already been newly purchased during his

tenure. This great hurry in purchasing the suit cases on the cery eve of his departure from Chandigarh, to assume charge of his new office at Delhi assumes significance.

I am trying to save time. What I am respectfully submitting is, just because the items are suit cases or furniture or towels and so on and so forth, therefore, that cannot meant that they cannot be subject matters of valid and proper inquiry. Taken together, it is a colossal amount and there cannot be a greater evidence of wasteful and lavish expenditure by a person, out of public funds. This person is occupying a high position. Rectitude is required from him and it is essential. I am not reading the other charges because of lack of time. But I am adopting them. (Interruptions) May I proceed for my final submission? (Interruptions) You are not doing justice to anybody.

Sir, I am submitting that there is no proper answer or even acceptable answer. What has been stated in the so-called reply is nothing but an after thought; nothing but concocted materials contrary to the evidence on records; contrary to the specific findings and the person who kept himself away from the inquiry should not be allowed now to present the case of facts, so-called facts to make a case on the basis of new materials which were not there. It completely gives a new dimension to the situation.

My respectful submission before this House is, as I said earlier, that this is a matter of great importance. The very fact is that the Constitution which came into force in 1951 and today we are in 1993, for 43 years, no such occasion has happened. That shows that this is not being used, this jurisdiction of the power is not being used with any casualness; not with any regularity. It is not that this action is taken against any and every Judge who gives any decision contrary to our perceptions or to our liking. How many

impeachment proceedings have been initiated? I do not know any except this one, against a Judge before the Lok Sabha, before the Parliament of India. That shows the utmost circumspection is being applied by the Parliament, by the Members whoever they are in subjecting the notice of motion under article 124(4) read with the Judges Inquiry Act. It is not a matter which is taken as a routine matter; it not a matter which is taken, as I said earlier, in such a casual manner. Because of the circumstances which remained, that raised a query not only before the legal fraternity, before the Judiciary which disturbed the Chief Justice of India which made him pass an order requesting the Judge concerned not to sit in the matter, not to discharge the judicial function, but before everybody. In such a matter, what we did as signatories to the motion of Inquiry is that we invited an investigation. We were not passing a judgement. We did not know who would be appointed. Can it be said that the 108 Members of Parliament or anybody for that matter were controlling these three Judges? No responsible person can say that. Some insinuations is there. But, as far as the Members of the Committee are concerned, nobody has said they have been influenced. Whatever objection was taken, that was given a go-by there. Then, what was the objection in submitting to the jurisdiction? One must be humble. As I said, anybody occupying a public office should invite an investigation and inquiry when charges are made against him. If charges are made, everybody would expect an inquiry. If you are all right, pure, if there is nothing wrong, why do you not submit to an inquiry? What is the harm? It would have been held in camera. He could have said these are the matters. From the beginning, this gentleman has challenged everybody's authority. Nobody has been spared. Members of Parliament have been abused; the Speaker has been abused; the Supreme Court Judges have been abused; the Committee members have been abused. Everybody's bona fides have been questioned. We have not brought this motion with any sense of vendetta and

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vindictiveness. But the question is when such a situation has arisen, when such damning materials have come, how have they proceeded? This Committee has been constituted according to the rules, according to the Act of Parliament. The way they proceeded, I cannot but appeal to the hon. Members to support the motion. The judiciary is under strain.

All of us know that judiciary is under strain. The Judge himself has not hidden that. He said: Judiciary is facing great problems. Pressures are there. If we find that there is a judge who runs away from the proper inquiry that there is a judge who has indulged in open violation of the rules of the land, who has indulged in a wasteful expenditure, who does not face an inquiry, who takes up an attitude of complete non-cooperation and then makes out a case which has no relation to the facts of the case, what will happen? Mr. Kapil Sibal, it is very easy for him it suits his purpose and suited his client's purpose to say, "don't vote for it either way." He said: Even if this motion is defeated, why will it affect the judiciary? Why? If it is defeated, why will it affect the judiciary? It is because that he already knows that his client's conduct is such that nobody can have any faith in him in future. What will be the Supreme Court from tomorrow if after this, he continues there and sits tomorrow in the Supreme Court? Who will give him any sense of respect when everything has come up? It is merely a number game. If today some hon. friends here feel that no, they would vote against the motion, I can only appeal to my friends here. (Interruptions)

SHRI SOMNATH CHATTERJEE: Sir, it is not a question Mr. Kapil Sibal. He also said it. I appreciated his remarks. He said: I am not appearing for the judge, I am appearing for the institution of the judiciary. I am asking every you of my hon. friends on all sides of the House, "please ask that question, will you enhance the reputation of the judiciary as a whole my defeating

this Motion?" If you allow a judge who has been condemned and has been found guilty to go scot-free, you are not only doing injustice to this Parliament, you are doing injustice to the judiciary as a whole. As I said, we shall lose faith of the people. The Supreme court will lose faith of the people. This is not question of any personal vendetta. I have nothing against him. I am sure, most of the hon. Members here do not know him personally. But let the consideration of the South India, Tamils and these things not be brought. (Interruptions)

SHRI MANI SHANKAR AIYAR (Mayiladuturai): It has not been said here. Nobody said it. (Interruptions)

SHRI SOMNATH CHATTERJEE: It was said here. We shall come and go, but the institution has to be maintained. Nobody is permanent fixture in this House. But this Parliament should remain and judiciary should remain, the Supreme Court should remain unsullied, unpolluted and undenigrated. Therefore, once we have found these facts on which there is really no answer on merit, I submit, Sir, the only course open to the hon. Members of this House is to vote for this Motion.

MR. SPEAKER: As the Motion - Item No. 12 - for presenting an Address to the President and the Address to the president - Item No. 14 - are required to be adopted by a majority of the total Membership of the House and by a majority of not less than two-thirds of the Members present and voting, the voting has to be by a Division.

✓ Let the lobbies be cleared.

✓ Now the lobbies are cleared.

✓ The question is:

This House resolves that an address be presented to the president for the removal from

office of justice V. Ramaswami of the Supreme Court of India for his following acts of misbehaviour.

(1) That during his tenure as Chief Justice, Punjab and Haryana between November 1987 and October 1989, Justice V. Ramaswami personally got purchased carpets and furniture for his residence and for the High Court costing about Rs. 50 lakhs from public funds from handpicked dealers at highly inflated prices. This was done without inviting public tenders and by privately obtaining a few quotations, most of which were forged or bogus.

(2) That he also got payments made to handpicked dealers for furniture and carpets ostensibly purchased for his residence which were never delivered.

(3) That he misappropriated some of the furniture, carpets and other items purchased from Court funds for his official residence costing more than Rs. 1,50,000 and did not account for the same at all.

(4) That he replaced several items of furniture, carpets and suitcases etc. of a value of more than Rs. 30,000 which had been purchased by him for his official residence from public funds, by old and inferior quality items, with the object of deriving undue benefit for himself.

(5) That he purchased from public funds more than Rs. 13 lakhs worth of furniture and other associated items for his official residence at Chandigarh even though he was entitled to furniture worth Rs. 38,500/- only. That in process, he wilfully evaded several rules, and sanctioned money for such purchased by splitting up bills.

(6) That he got purchased 25 silver maces for the High Court at a cost of Rs. 3,60,000/- from a firm at his home town in Madras at highly inflated prices without inviting competitive

quotations. This was done even after the other judges of the High Court had opposed the purchase of these maces on the ground that they were wholly unnecessary and appeared to be relic of the colonial past.

(7) That he misused public funds to the extent of Rs. 9.10 lakhs by making the court pay for non-official calls made on his residential telephones at Chandigarh during his 22½ months in office as Chief Justice of Punjab and Haryana High Court.

(8) That he abused his authority as Chief Justice to make the Punjab and Haryana High Court pay Rs. 76,150 for even his residential telephones at Madras.

(9) That he misused his staff cars provided to him by taking them from Chandigarh to hill stations for vacations and to Madras for his son's wedding and spent more than Rs. one lakh of public money for paying for the petrol of these staff cars. He even got himself paid for false petrol bills and other false bills relating to car repairs, etc.

(10) That he sanctioned as official the pleasure trips or the trips made for his own personal work by his subordinate staff to places like Madras, Mussourie, Manali, etc., even though there was no official work to be done in those places.

(11) That he gave four unjustified promotions each within 18 months to several members of the subordinate staff of the High Court whom he misused for aiding and abetting his above acts done for his personal gain."

ADDRESS TO THE PRESIDENT UNDER CLAUSE (4) OF ARTICLE 124 OF THE CONSTITUTION

(1) Where as a notice was given of a motion for presenting an address to the President praying for the removal of Shri V.

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Ramaswami from his office as a Judge of the Supreme Court of India by not less than one hundred members of the House of the People (as specified in the Annexure 'A'). @

And whereas the said motion was admitted by the Speaker of the House of People;

And whereas an Inquiry Committee consisting of -

(a) Shri P.B. Sawant, a Judge of the Supreme Court of India,

(b) Shri P.D. Desai, Chief Justice of the High Court at Bombay, and

(c) Shri O. Chinnappa Reddy, a distinguished Jurist, was appointed by the Speaker of the House of the People for the purpose of making an investigation into the grounds on which the removal of the said Shri V. Ramaswami from his office as a Judge of the Supreme Court of India has been prayed for;

And whereas the said Inquiry Committee has, after an examination made by it, submitted a report containing a finding to the effect that Shri V. Ramaswami is guilty of the misbehaviour specified in such report (a copy of which is enclosed and marked as Annexure 'B');

And whereas the motion afore-mentioned, having been adopted by the house of the People in accordance with the provisions of clause (4) of article 124) of the Constitution of India, the misbehavior of the said Shri V. Ramaswami is deemed, under sub-section (3) of section 6 of the Judges (Inquiry) Act, 1968, to have been proved;

Now, therefore, the house of the people requests the President to pass an order for the

removal of the said Shri V. Ramaswami from his office as a judge of the Supreme Court of India."

The Lok Sabha divided

Division No. 13

AYES

23.20 hrs

Abedya Nath, Mahant (Gorakhpur)

Acharia, Shri Basudeb (Bankura)

Advani, Shri Lal K. (Gandhi Nagar)

Agnihotri, Shri Rajendra (Jhansi)

Ajit Singh, Shri (Baghpat)

Anjalose, Shri Thayil John (Alleppey)

Baitha, Shri Mahendra (Bagaha)

Bala, Dr. Asim (Nabadwip)

Baliyan, Shri N.K. (Muzaffarnagar)

Bandaru, Shri Dattatraya
(Secunderabad)

Barman, Shri Palas (Balurghat)

Barman, Shri Uddhab (Barpeta)

Basu, Shri Anil (Arambagh)

Basu, Shri Chitta (Barasat)

Berwa, Shri ram Narain (Tonk)

Bhargava, Shri Girdhari Lal (Jaipur)

@ Please see motion on pp. 660 to 662 marked

@ @ laid on the Table of the House on 17 December, 1992.

Bhattacharaya, Shrimati Malini
 (Jadavpur)

Brahmo Chaudhury, Shri Satyendra Nath
 (Kokrajhar)

Chakraborty, Prof. Susanta (Howrah)

Chandrasekhar, Shrimati margatham
 (Sriperumbudur)

Chatterjee, Shri Nirmal Kanti (Dumdum)

Chatterjee, Shri Somnath (Bolpur)

Chaudhary, Shri Rudarsen (Bahraich)

Chauhan, Shri Chetan P.S. (Amroha)

Chavda, Shri Harisinh (Banaskantha)

Chhotey Lal, Shri (Mohanlalganj)

Chikhliia, Shrimati Bhavna (Junagarh)

Choudhary, Shri Ram Tahal (Ranchi)

Choudhury, Shri Lokanath
 (Jagatsinghpur)

Choudhary, Shri Saifuddin, (Katwa)

Chowdhary, Shri Pankaj (Maharajganj)

Das, Shri Dwaraka Nath (Karimganj)

Das, Shri Jitendra Nath (Jalpaiguri)

Datta, Shri Amal (Diamond Harbour)

Deshmukh, Shri Ashok Anandrao
 (Parbhani)

Devi, Shrimati Bibhu Kumari (Tripura
 East)

Dhumal, Prof. Prem (Hamirpur)

Dikshit, Shri Shreesh Chandra
 (Varanasi)

Dome, Dr. Ram Chandra (Birbhum)

Drona, Shri Jagat Vir Singh (Kanpur)

Dubey, Shrimati Saroj (Allahabad)

Fernandes, Shri George (Muzaffarpur)

Fundkar, Shri Pandurang Pundlik
 (Akola)

Gangwar, Dr. P.R. (Pilibhit)

Gangwar, Shri Santhosh Kumar
 (Bareilly)

Gautam, Shrimati Sheela (Aligarh)

Ghangare, Shri Ramchandra Marotrao
 (Wardha)

Giri, Shri Sudhir (Contai)

Girija Devi, Shrimati (Maharaj Ganj)

Gopalan, Shrimati Suseela (Chirayinkil)

Gowda, Prof. K. Venkatagiri (Bangalore
 South)

Gupta, Shri Indrajit (Midnapore)

Hossain, Shri Syed Masudal
 (Murshidabad)

Jai Prakash, Shri (Hardoi)

Jaswant Singh, Shri (Chittorgarh)

Jatiya, Shri Satynarayan (Ujjain)

Jena, Shri Srikanta (Cuttack)	Madhukar, Shri Kamla Mishra (Motihari)
Jha, Shri Bhogendra (Madhubani)	Mahajan, Shrimati Sumitra (Indore)
Joshi, Shri Anna (Pune)	Mahato, Shri Bir Singh (Purulia)
Joshi, Shri Dau Dayal (Kota)	Mahendra Kumari, (Shrimati) (Alwar)
Kalka Das, Shri (Karolbagh)	Malik, Shri Dharmpal Singh (Sonapat)
Kamal, Shri Shyam Lal (Basti)	Malik, Shri Purna Chandra (Durgapur)
Kanaujia, Dr. G.L. (Khari)	Mandal, Shri Sanat Kumar (Joynagar)
Kapse, Shri Ram (Thane)	Mandal, Shri Suraj (Godda)
Kashwan, Shri Ram Singh (Churu)	Manjay Lal, Shri (Samastipur)
Katheria, Shri Prabhu Dayal (Firozabad)	Masood, Shri Rasheed (Saharanpur)
Katiyar, Shri Vinay (Faizabad)	Maurya, Shri Anand Ratna (Chandauli)
Khandelwal, Shri Tara Chand (Chandni Chowk)	Mishra, Shri Ram Nagina (Padrauna)
Khanduri, Maj. Gen. (Retd) Bhuwan Chandra (Garhwal)	Misra, Shri Janardan (Sitapur)
Khanoria, Major D.D. (Kangra)	Misra, Shri Satyagopal (Tamluk)
Khurana, Shri Madan Lal (South Delhi)	Misra, Shri Shyam Bihari (Bilhaur)
Koli, Shri Ganga Ram (Bayana)	Mollah, Shri Hannan (Uluberia)
Kori, Shri Gaya Prasad (Jalaun)	Mukherjee, Shri Subrata (Raiganj)
Krishnendra Kaur (Deepa), Shrimati (Bharatpur)	Mukhopadhyay, Shri Ajoy (Krishnagar)
Kumar Shri Nitish (Barh)	Munda, Shri Kariya (Khunti)
Kumar, Shri V. Dhananjaya (Mangalore)	Murmu, Shri Rup Chand (Jhargram)
Kunjee Lal, Shri (Sawai Madhopur)	Naik, Shri Ram (Bombay North)
Laljan Basha, Shri S.M. (Guntur)	Narayanan, Shri K.R. (Ottapalam)
	Odeyar, Shri Channaiah (Davangere)

Oraon, Shri Lalit (Lohardaga)	Raj Narain, Shri (Basgaon)
Pal, Shri Rupchand (Hooghly)	Rajaravivarma, Shri B. (Pollachi)
Pandeya, Dr. Laxminarayan (Mandsaur)	Ram, Shri Prem Chand (Nawada)
Panwar, Shri Harpal (Kairana)	Ram Badan, Shri (Lalganj)
Passi, Shri Balraj (Nainital)	Ram Singh, Shri (Haridwar)
Paswan, Shri Chhedi (Sasaram)	Ramdew Ram, Shri (Palamau)
Paswan, Shri Ram Vilas (Rosera)	Rana, Shri Kashiram (Surat)
Paswan, Shri Sukdeo (Araria)	Rao, Shri D. Venkateswara (Bapatla)
Patel, Dr. Amrit Lal Kalidas (Mehsana)	Rawai, Dr. Lal Bahadur (Hathras)
Patel, Shri Haribhai (Porbandar)	Rawat, Shri Bhagwan Shankar (Agra)
Pathak, Shri Surendra Pal (Shahabad)	Rawat, Prof. Rasa Singh (Ajmer)
Patidar, Shri Rameshwar (Khargone)	Ray, Shri Rabi (Kendrapada)
Patnaik, Shri Sivaji (Bhubaneswar)	Ray, Dr. Sudhir (Burdwan)
Prakash, Shri Shashi (Chail)	Raychaudhuri, Shri Sudarsan (Serampore)
Pramanik, Shri Radhika Ranjan (Mathurapur)	Roshan Lal, Shri (Khurja)
Prasad, Shri Hari kewal (Salempur)	Roy, Shri Haradhan (Asansol)
Prem, Shri B.L. Sharma (East Delhi)	Roypradhan, Shri Amar (Cooch Behar)
Purkayastha, Shri Kabindra (Silchar)	Sakshi, Dr. (Mathura)
Rai, Shri M. Ramannna (Kasaragod)	Sanghani, Shri Dileep Bhai (Amreli)
Rai, Shri Nawal Kishore (Sitamarhi)	Sarode, Dr. Gurnant Rambhau (Jalgaon)
Rai, Shri Ram Nihaor (Robertsganj)	Scindia, Shri Madhavrao (Gwalior)
	Shakya, Dr. Mahadeepak Singh (Etah)

Address to the President under

Sharma, Shri Rajendra Kumar
(Rampur)

Sharma, Shri V.N. (Hamirpur)

Shastri, Acharya Vishwanath Ds
(Sultanpur)

Shastri, Shri Rajnath Sonkar
(Saidpur)

Shastri, Shri Vishwanath (Gazipur)

Shukla, Shri Astbhuja Prasad
(Khalilabad)

Singh, Dr. Chattrapal (Bulandshahr)

Singh, Shri Devi Bux (Unnao)

Singh, Shri Hari Kishore (Shohar)

Singh, Shri Mohan (Deoria)

Singh, Shri Pratap (Banka)

Singh, Shri Rajveer (Aonla)

Singh, Shri Ram Prasad (Bikramganj)

Singh, Shri Ramashray Prasad
(Jahanabad)

Singh, Shri Satya Deo (Balrampur)

Singh, Shri Uday Pratap (Mainpuri)

Singh, Shri Vishwanath Pratap
(Fatehpur)

Sinha, Shri Shiva Sharan (Vaishali)

Soren, Shri Shibu (Dumka)

Sukhbans Kaur, Shrimati (Gurdaspur)

Swami, Shri Chinmayanand (Badaun)

Swami, Shri sureshanand (Jalesar)

Syed Shahabuddin, shri (Kishanganj)

Tandel, Shri D.J. (Daman & Diu)

Thakore, Shri Gobhaji Mangaji
(Kapadwanj)

Thangkabalu, Shri K.V. (Dharmapuri)

Thomas, Shri P.C. (Muvattupusha)

Tirkey, Shri Pius (Alipurduars)

Tomar, Dr. ramesh Chand (Hapur)

Topdar, Shri Tanit Baran
(Barrackpore)

Tripathi, Shri Lakshmi Narain Mani
(Kaisarganj)

Tripathy, Shri Braja Kishore (Puri)

Uma Bharti, Kumari (Khajuraho)

Unnikrishnan, Shri K.P. (Badagara)

Vajpayee, Shri Atal Bihari (Lucknow)

Varma, Shri Ratilal (Dhanduka)

Veerappa, Shri Ramchandra (Bidar)

Vekaria, Shri Shivilal Nagjibhai
(Rajkot)

Verma, Shri Phool Chand (Shajapur)

Verma, Prof. Rita (Dhanbad)

Verma, Shri Sushil Chandra (Bhopal)

Virendra Singh, Shri (Mirzapur)

Yadav, Shri Chandra Jeet (Azamgarh)

Yadav, Shri Chun Chun Prasad
(Bhagalpur)

Yadav, Shri Ram Saran (Khagaria)

Yadav, Dr. S.P. (Sambhal)

Yadav, Shri Sharad (Madhepura)

Yadav, Shri Surya Narayan
(Saharasa)

Yumnam, Shri Yaima Singh (Inner
Manipur)

Zainal Abedin, Shri (Jangipur)

✓ MR. SPEAKER: Subject to correction, the
result* of the division is :

✓ Ayes: 196

✓ Noes: Nil

The motion at item No. 12 and the Address
at item No. 14 in the list of business are not
carried by the requisite majority required under
clause (4) of article 124 of the Constitution.

✓ *The motion was negatived.*

SHRI SOMNATH CHATTERJEE: No hon.
Member of this House is against this motion.
Therefore, the Judge should understand that
there is only one view.

MR. SPEAKER: The House stands
adjourned to meet again tomorrow 12th May
1993 at 11 a.m.

23.24 hrs.

*The Lok Sabha then adjourned till
Eleven of the Clock on Wednesday, May 12,
1993/Vaisakha 22, 1915 (Saka)*

* The following members also recorded their votes.

AYES: Shri Munshi Ram Saika and Shri Ram Pal Singh.