

LOK SABHA DEBATES

(English Version)

Sixth Session
(Tenth Lok Sabha)



(Vol. XXII contains Nos. 41 to 45)

LOK SABHA SECRETARIAT
NEW DELHI

Price : Rs. 6.00

[ORIGINAL ENGLISH PROCEEDINGS INCLUDED IN ENGLISH VERSION AND ORIGIN PROCEEDINGS INCLUDED IN HINDI VERSION WILL BE TREATED AS AUTHORITATIVE, NOT THE TRANSLATION THEREOF.]

CONTENTS

[Tenth Series, Vol XXII, Sixth Session, 1993/1915 (Saka))
No 41, Monday, May 10, 1993/Vaisakha 20, 1915 (Saka)

Welcome to the Botswana Parliamentary Delegation		1-2
Oral Answers to Questions		2-32
*Starred Question Nos	922 and 924 to 927	
.	.	
Written Answers to Questions		32-447
Starred Question Nos	921 923 and 928 to 940	32-86
Unstarred Question Nos	7994 to 8061 and 8063 to 8135-A	87-445
Re Supreme Court Judgement on Reservation for SC/ST in Promotions		447-462
Re Cancellation of by- Elections to Certain Lok Sabha & Assembly Seats		462-475
Personal Explanation by Minister		475-478
In Response to Certain Remarks made about him		
Re the release of some arrested terrorists in Doda in the State of Jammu and Kashmir		
Shri Ghulam Nabi Azad		475-477
apers Laid on the Table		478-480
Message from Rajya Sabha		480
Standing Committee on Commerce First Report - Laid		481

The Sign + marked above the name of a Member indicates that the question was actually asked on the floor of the House by that Member

	(ii)	Column
Matters Under Rule 377		481-485
(i) Need to ensure that industries set up with the subsidy in Himachal Pradesh are not shifted out of the State		481
	Shri Krishna Dutta Sultanpur	
(ii) Need to ensure the landless people get possession of land allotted to them particularly in Bahraich district of Uttar Pradesh		481-482
	Shri Lakshmi Narain Mani Tripathi	
(iii) Need to connect Sambhal town in Uttar Pradesh with Gajraula by broad gauge rail line		482
	Dr. S. P. Yadav	
(iv) Need to restore Odibari Railway Station, West Bengal		482-483
	Shri Jitendra Nath Das	
(v) Need to waive loans of farmers accruing due to construction of pakka-Water-Course in Indira Gandhi Canal Project Phase I, in Rajasthan		483
	Shri Birbal	
(vi) Need to set up an aerodrome at Jabalpur, Madhya Pradesh		483-484
	Shri Shravan Kumar Patel	
(vii) Need to pay Dearness Allowance in cash to the Central Government employees drawing basic pay more than Rs. 3500/-p.m.		484-485
	Shri Ram Naik	
Observation By Speaker		485-495
Procedures for Considering the Motions (i) for presenting an address to the President under clause (4) of article 124 of the constitution and (ii) 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		
[Shri Kapil Sibal, the counsel of Shri V. Ramaswami, Judge, Supreme Court of India was brought to the Bar of the House]		

(iv)

CAJUNN

**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 his Acts
of Misbehaviour**

496-656

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**

Shri Somnath Chatterjee 496-522

Shri Kapil Sibal 525-525
599-655

[Counsel on behalf of Shri V. Ramaswami, Judge, Supreme
Court of India]

LOKSABHA DEBATES

LOKSABHA

Monday, May 10, 1993/Vaishakha 20, 1915
(Saka)

The Lok Sabha Met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

WELCOME TO THE BOTSWANA PARLIAMENTARY DELEGATION

MR. SPEAKER: Hon'ble Members, at the outset, I have to make an announcement.

On my own behalf and on behalf on the Hon'ble members of the House, I have great pleasure in welcoming His Excellency Mr. M. P. K. Nwako, Speaker of the National Assembly of Botswana and the Hon'ble Members of the Botswana Parliamentary Delegation who are on a visit to India as our honored guests.

The other Hon'ble Members of the Delegation are:—

1. Mrs. Esther Mosinyi, MP

2. Mr. Pelokgale K. Seloma, MP

3. Kgosi Seepapitso IV Chairman of the House of Chiefs

The Delegation arrived Delhi yesterday morning. They are now seated in the special box. We wish them a happy and fruitful stay in our country. Through them we convey our greetings and best wishes to His Excellency, the Presi-

dent, Parliament, Government and the friendly people of Botswana.

11.02 hrs.

ORAL ANSWERS TO QUESTIONS

[English]

Purchase of Aircraft By Air India

922. SHRI RABI RAY: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether attention of the Government has been drawn the news—item captioned "Captioned "Calcutta High Court censures AI" appearing in the Hindustan Times" dated April 15, 1993;

(b) if so, the facts thereof; and

(c) the action taken by the Government in the matter?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) to (c) A statement is laid on the Table of the House.

(a) : Yes Sir.

(b) and (c) In April, 1990, M/s R.M. Investments and Trading Co Pvt Ltd. Calcutta filed a suit in the Calcutta High Court against Boeing Company claiming commission in respect of the sale of two Boeing 747—300 (Combi) aircraft to Air India. Air India was not displeased in the suit nor was any grievance or allegation made therein against Air India.

Boeing Company, filed an application under Section 3 of the Foreign Awards (Recognition and Enforcement) Act, 1961 praying that the suit be stayed in view of an arbitration clause in their contract with the R.M. Investments. Air India as Not pleased in these proceedings.

In September, 1992, Air India was served with a notice of motion by the R. M. Investments, praying for an order that an affidavit be filed by Air India stating the circumstances which caused issue of letter dated 30th April, 1987 from the then Chairman, Air India to the Boeing Company, conveying Air India's policy that no contingent fees or commission be paid to any representative in India or abroad in connection with the sale of the said aircraft. The notice of motion also prayed for production of relevant documents relating to the said policy. In response, Air India filed an affidavit stating that the suit related to the dispute between the R.M. Investments and the Boeing Company with which Air India was in no way concerned. The counsel of Air India also clarified to the Court that he was objecting to the production of documents or otherwise go into the merits of the case at that stage, when the only question for consideration was whether or not suit should be stayed and that once the stay application had been decided one way or the other, and Air India was called upon by the appropriate forum to produce any documents etc., it would willingly comply.

The judgment of the High Court on the application of the Boeing Company was given on 5th April, 1993 in which it was held that provisions of Section 3 of the Foreign Awards (Recognition and Enforcement) Act are not attracted in the case of the transaction between Boeing Company and M/s R. M. Investments. The judgment also contains certain remarks relating to Air India. Primarily—facies the remarks in question amount to casting doubt on the action and conduct of Air India in regard to production of certain documents but the judgment also contains the observation that all aspects will have to be examined in greater detail later. The judgment also made it clear that no subpoena was

issued directing Air India for production of documents.

An appeal has been filed by the Boeing Company against the judgment. Air India has filed an affidavit objecting to the said remarks concerning Air India in the judgment, and praying that the remarks be expunged from the record. The matter is subjudice.

[Translation:]

SHRI RABI RAY: Mr. Speaker, Sir, at the end of his reply the hon. Minister has stated one sentence that—

[English]

The matter is sub—judice

[Translation:]

My question was regarding the ^{73/1} petition pending before the Calcutta High Court for final judgment. However, the hon. Minister has stated that the matter sub—judice. I do not intend to raise the matter which is sub—judice. But my question is regarding the final judgment delivered after disposing of the writ petition. This question is not regarding the subjudice matter. I would like to know whether the hon. Minister's attention has been drawn towards the Calcutta High Court's judgment delivered in the Boeing Company case?

The Calcutta High Court has stated that—

[English]

"It appears to me that the whole matter and various issues require investigation and inquiry in a proper trial.

There exists sufficient smoke of doubt with regard to existence of the policy regard to in Mr Ratan Tata's letter of 30th April, 1987."

[Translation :]

I would like to know only the reaction of the hon. Minister on the Calcutta High Court's judgment and its remarks on the letter of Mr. Rattan Tata dated 30th April.

SHRIGULAM NABI AZAD : Mr. Speaker, Sir, the hon. Members is a very senior Member and only because of his seniority such a comprehensive reply has been given. Otherwise there was no need for it since the matter is subjudice and if the matter is discussed then it is it becomes meaningless.

Mr. Speaker, Sir, this is a funny case. On 7th August, 1987 a contract with this company was signed by Air India and Boeing Company. After tow years and nine months this very company filed a case against Boeing company for non clearance of dues. After two and a half years of filling the case against the Boeing Company i.e., after more than five and a half years of signing the contract in 1987, in 1992 a case was filed against the Air India too. There was no case in the count against Air India and whatever the case was that was against the so called middle man and the Boeing Company and Air India was not at all dragged. The Hon. High Court decided that the case does not come in their jurisdiction because it is an international transaction so the matter could be resolved through arbitration. It was upto the court to admit or dismiss the petition. At that time Air India was not involved. The lawyer representing Air India informed just that the Hon. Judge had suggested that Air India should have preserved the papers. However, the lawyer advised us that right now the issue is whether the petition in Boeing Company case is admitted or not. If the court once gives its judgment then we are prepared to submit any document.

In response to Hon Member's query about the judgment I would like to inform him that the High Court judgment is available with me. As per the judgment the High Court has not given any

final verdict. On page 42 the hon. court says—

[English]

"No sub poena was allowed to be issued to Air India for production of documents.."

[Translation :]

The hon. Court has itself ruled that no directions for preserving the documents were issued. In addition the hon. Judge also says that—

"Air India's letter of August, 1987 and Government of India's classification on policy.

It appears to me that the whole matter and various issues require investigation and inquiry in a trial."

[Translation :]

Therefore, it is quite clear that the hon. Judge has not given any final judgment. Immediately after the judgment was delivered in April, Boeing Company filed a review petition before the division bench of Calcutta High Court. Hearing has been fixed for 13th May. Air India has also appealed to the court to expunge the remarks passed against it. Hearing of the Boeing Company case has been fixed to 13th May and we have also filed an affidavit. That's why I stated that the matter is subjudice. I request the hon Member not to prolong the discussion further.

SHRI RABI RAY : Mr. Speaker, Sir, this is not the reply to my first question. I simply asked about the judgement against which an appeal has been filed... (Interruptions)

[English]

MR. SPEAKER : If the Appeal is filed against the judgement given by a lower court, the matter is treated as sub—judice.

[*Translation*]

SHRI RABI RAY We can discuss about Air India because newspapers have widely published reports about Air India case

[*English*]

MR SPEAKER If the matter was before a Court, if a judgement was given by a Court and against that judgement if the Appeal is filed in a higher Court if that Appeal is pending with the higher Court that matter is not finally decided

(*Interruptions*)

SHRI GHULAM NABI AZAD The judgement has been given by a single judge. Now this is before the division Bench. So it is *subjudice*

[*Translation*]

SHRI RABI RAY The hon Minister has stated that the hearing has been fixed for 13th May for the judgement. Therefore, unless the discussion for some other day because asking questions right now will not serve the purpose. (*Interruptions*)

[*English*]

MR SPEAKER If the matter is *subjudice* we do not sit in judgement or ask a question. When they finally decide it we ask a question

(*Interruptions*)

MR SPEAKER Next Question—Q 923
Shrimati Vasundhara Raja—not present Question 924

SHRI GUMAN MALLODHA Mr Speaker Sir I have made a request under Rule 48. It is a matter regarding the supply of water to Rajasthan. I have made a request. You may kindly permit me

MR SPEAKER We will discuss it. I am

sorry

Now, we take up next Question—Q 924

Violence and Sex in Films

Q 924 SHRI JEEWAN SHARMA Will the Minister INFORMATION AND BROADCASTING be pleased to state

(a) whether the scenes of crimes and sex are on the increase in the Indian films and the same are telling upon adversely on the character of the youths and

(b) if so the steps the Government propose to take to ban the release of such films?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K. P. SINGH DEO) (a) An increase in the scenes of crimes has been noticed in the Indian films. No analysis is however available on the effect of such scenes upon the character of the youths

(b) All films are shown after clearance of the Censor Board

[*Translation*]

SHRI JEEVAN SHARMA Mr Speaker Sir the hon Minister has admitted in part (a) of his reply that an increase in the scenes of crime and sex has been noticed in the Indian Films. There is a much difference between the present day films and the films made 20—25 years ago. Scenes showing A K 47—Cabarets or bomb blasts find the maximum place in modern films. If we watch trailer scenes of firing, bomb—blasts or cabarets are shown maximum. This tendency has increased after the introduction of Cable T V and it has the telling effect on the youth. For this purpose such a code of conduct should be formulated that there are no crime scenes for more than specified so that they may not affect the youth in the coming time. (*Interruptions*) Now—a—days children

between 7—8 years are also watching change it (Interruptions)

MR SPEAKER You have asked your question

SHRI JEEVAN SHARMA Scenes of crime and sex should not be there in films for more than a specified times (Interruptions)

[English]

SHRIK P SINGH DEO Sir, what is the question?

MR SPEAKER The question is Are you going to have any model, any rule to control sex and violence in the films?

SHRIK P SINGH DEO As I answered all films which are shown are cleared by a Censor Board. Here you want to know what are the functions of the Central Board. If I give the answer it will be clear. I would like to know whether you want me to act after this. You have set up the Central Board of Film Certification. After that do you want the Government to interfere and create problems or you do not wish it?

That is why I was trying to give the answer. Otherwise I will very easily say It will be examined or suggestion of the hon Member can be examined about its practicality'

MR SPEAKER You answer it in your own fashion

SHRIK P SINGH DEO The objectives of the Film Certification are

(a) The medium of film remains responsible and sensitive to the values and standards of society

(b) Artistic expressions of creative freedom are not duly curbed

(c) Certification is responsive to social

(d) The medium of film provides clean and healthy entertainment

(e) As far as possible the film is of aesthetic value and cinematically of good standard

After that if you still want the Government to interfere—because the Central Government is empowered to only give guidelines and it has issued guidelines and it was revived in December 1991 as a result of various suggestions of hon MPs of newspapers and also of the Consultative Committee of Parliament — we are willing to examine it

MR SPEAKER It is not for anybody in the House to give a direction to the Government. Now the Government can come to a certain conclusion and can put that conclusion before the House for the consideration of the House. The Member is asking There is sex and violence in the films. What do you propose to do to control it?

SHRIK P SINGH DEO The Board of Film Certification have been empowered

MR SPEAKER He has answered it in his own fashion. You can put your second supplementary

(Interruptions)

MR SPEAKER I am neither giving a direction to you nor to the Minister. It is not for me. It is between you

(Interruptions)

SHRI SATYA DEO SINGH He has put a question let him answer it

MR SPEAKER You do not interrupt

(Interruptions)

[Translation]

SHRI JEEVAN SHARMA : The hon. Minister has quoted from the objectives of the Film Certification that the censor Board remains responsible and sensitive to the values and standards of the society. But in my opinion no society will like to have crime and sex in films. I had asked what action does the Government propose to take to contain the scenes of crime and sex in the films because this may increase that incidence of crime in the society as it is telling upon adversely on the character of the youths and small children who watch such types of films. Therefore, whether any time-bound programme has been checked out with a view to check such tendency. I could not get any reply to it. (Interruptions)

MR. SPEAKER : You please let him reply to your question.

[English]

SHRI K. P. SINGH DEO : In continuation to what I have said earlier, the guidelines on this very subject were issued on 6.12.91 by the Central Government as a result of Section 5(b) of the Cinematography Act, 1952. The guidelines were specific guidelines for curbing excessive sex and violence in the films. If you permit me, there are five or six points on which the Board of Film Certification have been addressed as guidelines from the Central Government. Would you like to give me the time?

MR. SPEAKER : Mr. Minister, the question is that in spite of your guidelines, in spite of your Censor Board, there is sex and violence. Are you intervening to do something more to see that there is no sex and violence? If you are satisfied with the guidelines and if the guidelines are producing results it is very good. But if they are not producing the results, you shall have to do something.

SHRI K. P. SINGH DEO : We are not satisfied. Sir There is a Bill pending in the Rajya

Sabha for giving more teeth to the Central Board of Film Certification. Secondly, it is the State Government which issues guidelines and it is the State Government which enforces the implementation of the guidelines.

So, a legislation is pending in Rajya Sabha and after that is passed there, we will bring it to Lok Sabha.

SHRI JEEWAN SHARMA : Sir, it is not a question of giving tooth to the Central Censor Board of India.

SHRI SRIKANTA JENA : Mr. Speaker, Sir, the hon. Minister has stated that guidelines have been given to the Censor Board, to give more teeth to the Censor Board and that they have proposed a legislation which is pending with Rajya Sabha. When that is about the constitution of the Board. Those persons who are there on the Board, their conduct is totally against the values. So, are you considering the conduct of those members while putting them on the Board and that they follow the values, according to the guidelines issued? Unless there are right kind of persons on the Board, whatever guidelines or whatever rules are there, they will not be followed.

MR. SPEAKER : You have asked a good question. Now you can take your seat.

SHRI SRIKANTA JENA : Will you consider dissolving the present Censor Board and reconstitute such a board having right kind of persons so that they can really enforce whatever guidelines are there sincerely?

SHRI K. P. SINGH DEO : This is a suggestion for taking action. We shall definitely consider it.

[Translation]

SHRI RAM NAIK : Mr. Speaker, Sir, the Bombay bomb blast have revealed so many things this incident has also revealed the nexus

between smugglers and film producers. Answer of demonstrations held in Bombay in protest against it. Some members of Film Makers Combine, namely Sarvashri J. Om. Prakash, Sippi, Jimmi Narula, Yash Jojar, Surendra Kapoor, Ram Vohara, Kiran Shantaram held a discussion with the representatives of the B.J.P

[English]

Sir, I am coming to the Question. I am asking the question.

[Translation]

They arrived at consensus on nine demands. One of the agreements was....

[English]

MR. SPEAKER: It has nothing to do with the B. J. P.

[Translation]

SHRI RAM NAIK: Mr. Speaker, Sir I am giving the details of the discussions. The members of Film Makers Combing also emphasised that scenes of crimes and sex should they not find and were of much place in the During the discussion Miss Puja Bhatt and Aditya Pancholi...

[English]

MR. SPEAKER: This is a sort of propaganda and nothing else.

[Translation]

SHRI RAM NAIK: The Government should call the people of Film Industry at all India level and arrive at consensus on containing the sex and crime scenes the films as has been done in Bombay city as consumers and putting up a restriction to it. Is the Government ready to do so? *(Interruptions)*

[English]

This is a question pertaining to the consumers protection. We are raising it as a consumers' protection issue.

MR. SPEAKER: You cannot use this floor for party purposes.

SHRI RAM NAIK: This is the consumers' work which we are taking up.

SHRI K. P. SINGH DEO: We will have to examine the Member's suggestion.

SHRI RAM NAIK: Sir, what did the Minister say?

MR. SPEAKER: What did you say, Mr. Minister?

SHRI K. P. SINGH DEO: Sir, I said that we will have to examine the hon. Member's suggestion.

[Translation]

SHRI HARI KISHORE SINGH: Mr. Speaker, Sir let the Members as on of 60 years age be aloud to ask as not this...

[English]

MR. SPEAKER: I do not want to give an impression that this question is also very attractive.

[Translation]

SHRI NITISH KUMAR: Mr. Speaker, Sir, the Government has already admitted in its reply that scenes of violence and sex are on the increase in films. The survey regarding its impact on teenagers and youths has not been done. Mr. Speaker, Sir, it is very necessary to have the knowledge of sex in life and it is also not bad if films are made on this subject. Sex is as essential as taking food but as overrating causes

indigestion similarly indiscriminate show of sex creates abnormality and misguide that entire society. In such circumstances I would like to know from the Government as to what extent it is affecting the teenagers? I would also like to know whether the Government propose to conduct a survey in this regard or not?

[English]

SHRIK P SINGH DEO The hon Member is right in this aspect. We are concerned about the impact on the youth and the ministry of I&B has taken steps to get the analysis as to what is the effect on the minds of the youth which are our future generation. Fifty per cent of our population are women and what effect does it have on them. We are engaged in that exercise.

Only one thing that I would like to say is that in the beginning the hon Members said that in the course of my answer I said that no study has been conducted before. I did not say this. I said that no analysis is available with the Government. The Indian Institute of Mass Communications has undertaken an analysis and we are also going to set up an analysis for the youth and the women. It is a very good suggestion and we would like to act on this.

SHRI LAETA UMBREY This question is about the banning of increasing crime and sex in the Indian films. I would like to draw the attention of the hon Minister and the House through you that in the late night pictures shown in the TVs there is an increase of foreign films where nude scenes are shown. I do not know whether the hon Minister has seen it and whether it is an expression of art. But it embarrasses the viewers when they see it with children and with family members.

I would like to know from the hon Minister whether these foreign films which are shown at late nights are cleared by the Censor Board. If it is so why these nude scenes are shown in the late night picture. If it is not cleared by the Censor Board what is the stand of the Government?

SHRI K P SINGH DEO The original question was on Indian films. If the hon Member is meaning the tele-films and if he can give me specific details I will check up and let him know.

This question does not arise from the main question.

(Translation)

SHRI KAMALA MISHRA MADHUKAR

Mr Speaker Sir Shri Nitishji has just now said that sex is as essential as food. Through you I would like to submit that for balanced diet you have fixed the quality of protein, Carbo-hydrates and fats booths the Government decided to fix such criteria for the films also?

MR SPEAKER This question is related to the screening of films not to food. Therefore I would not ask him to reply to it.

SHRI GABHAJI MANGAJI THAKORE

Mr Speaker Sir through you I would like to know from the hon Minister as to whether the films these days are released only after clearance by the Censor Board. No one can watch a movie sitting together with his young children. I would like to know from the hon Minister as to could it of the members of film Censor boards ever been considered? Their conduct should also be considered? You cannot see the value of Indian culture in those films. I would like to know whether the hon Minister will again lay down the criteria for appointing the members of censor Board?

[English]

SHRI K P SINGH DEO There are some very eminent persons 26 in number—in the Board of film Certification. To pass sweeping remarks on them—we did not hear them—I do not think it is a very fair thing. But if there is a specific instance where they have failed we can review it. But apart from giving guidelines and directions to the Central Board of Film Certification we do not interfere with the selection of

films I do not know whether the hon Member was referring again to the tele-films or to the ones which have been certified by the Central Board of Film Certification, that is, Indian films. There is a difference between the two.

[Translation]

Indo—Thai Trade

*925 +
SHRI RAJENDRA AGNIHOTRI
SHRIN K BALIYAN

Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) whether the Prime Minister during his recent visit to Thailand invited Thai businessmen to invest in and promote trade with India,

(b) if so their response thereto and

(c) the details of areas in which offer of investment has been received by the Government?

[English]

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SALMAN KRUSHEED) (a) Yes Sir

(b) and (c), While no specific project—proposals were made the areas identified co-operation were fisheries food—processing, agriculture and science and technology

[Translation]

SHRI RAJENDRA AGNIHOTRI Mr Speaker Sir, when the hon Prime Minister returned from his visit to Thailand, he informed the countrymen that his visit to Thailand had been very useful and meaningful dialogue held with the Thai leaders and entrepreneurs. He further added that the efforts to promote the trade between two countries will continue and there will be more active cooperation in the field of

agriculture, fishery, food processing and science and technology. In this context, I would like to know from the hon Minister as to whether any time bound programme has been chalked out for starting joint ventures with that country? If so the comments on its implementation and if not the reasons for its non implementation.

[English]

SHRI SALMAN KRUSHEED There are already 16 joint ventures in Thailand between Thailand and India and almost 300 other ventures of Indian origin in Thailand?

[Translation]

Regarding the time schedule as asked by the hon Member I would like to tell him that there will be joint ventures in private sectors. In the joint commission of the private sectors the industrialists of our country and Thailand will sit together and discuss all the aspects and then decide as to where and which industries should be set up there. On the Government side I can state only this much that we can encourage them and make them sit together and held dialogue. In this connection the delegation of two or three industry—Boards has gone to Thailand and we hope that we will send one more delegation there very shortly which will hold dialogue there regarding fisheries' proposals.

SHRI RAJENDRA AGNIHOTRI Mr hon Minister Sir, in this connection I would like to inform that the hon Prime Minister has himself agreed that a time—bound programme will be chalked out and it will be reviewed from time to time and whatever review report we will get within a year will be presented.

MR SPEAKER To whom will be the report presented?

SHRI RAJENDRA AGNIHOTRI The hon Prime Minister himself has stated it in the Press conference. I want to know only this much whether any achievement has been made as a

result of your efforts on the basis which you may claim in the near future that such and such specific work will be done in consultation with Thailand in the field of Trade and Commerce

SHRI SALMAN KHURSHEED There is very big group of Thailand which is called C P Group which runs big industry in the field of Aqua Marine culture. The dialogue with them in this field is in a very advance stage. We hope that very shortly i.e. within one year we would be able to set up the Joint venture in India. We had been facing a lot of difficulties so far, as we have a large sea area and we have not been able to exploit the marine culture completely there. Thailand has technology and trawlers which we can use in the joint venture. But as the hon. Member has said and we hope that we will make a significant progress in this field. Within a period of one year

[English]

SHRI A. CHARLES Sir a number of delegations are visiting different countries. It is a fact that there is a lot of scope for agro—based and marine projects which can be started in this country. The basic problem is that after the delegations go there there is nobody to follow up whatever is happening during the time of the discussions because a number of Ministries are involved—in certain cases the Commerce Ministry and in other cases the Industry Ministry and the External Affairs Ministry and the Finance Ministry

I personally gave a representation to the hon. Prime Minister

There should be somebody or board under the Government. At least one officer from each of these Ministries should be there so the whatever is happening at the time of the visit of the delegation, can be followed up

May I know from the hon. Minister whether the External Affairs Ministry would be co-ordinating with the other Ministries and see that a

proper follow-up is made so that agro-based and marine projects could be implemented? It will give a lot of employment opportunities to the rural poor people of this country

SHRI SALMAN KHURSHEED Sir, the hon. Member's question is a very pertinent one. We had ourselves felt that proper coordination was somewhat lacking. The Economic Division and the Economic Coordination Unit of the Ministry of External Affairs had taken this matter up as a high priority. When I returned from my trip to Thailand and Vietnam, I called a meeting of ten different departments, including Ministry of External Affairs, for a follow-up in these areas. We will do the follow-up on a regular basis.

We are also now hoping that the Cabinet Secretariat will be receiving reports of all the delegations. They will also be able to do a follow-up from their end. We have very close collaboration working in closer collaboration with the Ministry of Commerce. We are putting each other on the computer network so that information can flow more easily, swiftly and effectively.

[Translation]

SHRI HARI KISHORE SINGH Mr Speaker, Sir, following the hon. Prime Minister's Thailand visit the co-operation and goodwill between the two countries has certainly increased and it is apparent that a lot of co-operation will be there in the field of Tourism and many hotels are being set up to promote the tourism as an industry and I hope that all those facilities will be provided in these hotels which are provided to the tourists in Thailand.

[English]

SHRI SALMAN KHURSHEED Sir, While it is our attempt to protect India as an economic destination, I would not be able to answer this question. It falls within the purview of the Minister of Tourism. So, the Minister of Tourism will have an appropriate reply.

Power Generation

*926. SHRI NAVAL KISHORE RAI
DR. CHINTAMOHAN:

Will the Minister of POWER be pleased to state.

(a) the amount earmarked for increasing power generation capacity in 1992—93;

(b) whether the target fixed for power generation has not been achieved;

(c) if so, the likely gap between demand and supply during 1993—94;

(d) whether the Government have also decided to curtail the supplies of power to various sectors during the next year; and

(e) if so, the details in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P. V. RANGAYYA NAIDU):

STATEMENT

(a) to (e). A Statement is laid on the table of the House

(a) The total plan allocation for capacity addition programmes in the power sector during 1992—93 was Rs. 15029.24 crores, comprising Rs. 6411.00 crores in the central sector and Rs. 8618.24 crores in the State Sector.

(b) The target fixed for power generation during 1992—93 was 302700 MU, against which actual generation was 301016 MU, the shortfall being only 0.5 percent.

(c) The requirement of energy for 1993—94 is estimated to be 327290 MU against the estimated availability of 294620 MU (the difference between the two working out to 9.98%).

(d) and (e), Supply of power to the ultimate consumers in different sectors in the States in

managed by the SEBs concerned taking into account the overall demand and availability of power. In order to contain the demand within the availability of power, the State Electricity Boards resort to power cuts restrictions on the various sector of consumers, as is expedient.

[Translation]

SHRI NAVAL KISHORE RAI Mr. Speaker.

Sir, it has been said in the part 'b' of the reply to my question that the shortage is only 0.5 per cent where as the requirement of power in the agricultural sector is the highest but the power cut is maximum there. Through you, I would like to know whether the Government will make such arrangements or take such steps which may ensure the cent—percent availability of power to the agricultural sector.

[English]

SHRI P. V. RANGAYYA NAIDU Mr.

Speaker, Sir, the actual management of the generated power is done by the Electricity Boards. The shortages differ from State to state. What has been given is the overall shortage in the whole country and not with particular reference to any State

MR. SPEAKER. No, no. The question is if there is any shortage experienced by the farmers, are you going to have any policy which will help them?

SHRI P. V. RANGAYYA NAIDU: That is what I have submitted.

There is shortage. If the State government can divert some power to the farmers' sector, they can do so, if they feel it necessary. They can do whatever management they can, within the available resources of power.

MR. SPEAKER: You will no formulate any policy.

SHRI P. V. RANGAYYA NAIDU: Sir, We

will not formulate any policy on that issue
(*Interruptions*)

MR SPEAKER Salveji do you want to add something?

THE MINISTER OF POWER (SHRI N K P SALVE) If the thrust of his question is whether we are going to augment the capacity then all that I want to state is this

MR SPEAKER Augmentation is one thing Available electricity should be made available to the farmers also For that purpose a policy has to be formulated

SHRI N K P SALVE What happens is this Availability will increase only when the generating capacity increases If that is the thrust of this question my answer is just this In the Eighth Plan period we want to augment the capacity by nearly 30 000 megawatts

[Translation]

SHRI NAWALKISHORERAI Mr Speaker Sir I would like to know whether the Central Government proposes to frame guidelines to meet the full requirements of power of the agricultural sector? Reply is not at all satisfactory However tidal power could be easily generated because Deccan plateau is surrounded by sea on three sides I would like to know whether state of the severe shortage of power on large scale power would be generated from tidal waves at low cost?

[English]

SHRI P V RANGAYYA NAIDU The question of generating power through tidal waves relates to the Ministry of Non-Conventional Sources of Energy and not to the Ministry of Power

MR SPEAKER We are doing it I can be said that the Government as a whole are doing it

SHRI P V RANGAYYA NAIDU Yes Sir The Government is doing it

[Translation]

SHRI DAU DAYAL JOSHI The Government is aware of the severe power shortage being faced by Rajasthan which is the most backward State and Rajasthan has also got large deposits of lignite Even then the Government has not cleared Palana power project in Rajasthan Chambal river water also flows into river Yamuna which is a loss to Rajasthan Dhaulpur scheme of Rajasthan is pending for clearance with the Ministry of power I would like to know from the hon Minister whether all the pending projects of Rajasthan will be cleared to make the State self-reliant in the field of power generation? If not the reasons therefor?

[English]

SHRI N K P SALVE All the questions relate to generation of power in the country as a whole The question of different States does not arise at all

MR SPEAKER You can give the information in writing

SHRI N K P SALVE Most certainly! We will be very happy to give the information if he wants it

MR SPEAKER If you have the information with you you can give it to him now Or you may send it in writing

SHRI N K P SALVE Yes sir I will send the information (*Interruptions*)

[Translation]

MR SPEAKER You have not gone through the question The question pertains to All India Information regarding Rajasthan could be furnished in writing to answer the query of the hon

SHRI SANDIPAN BHAGWAN THORAT
 Mr Speaker Sir the cost of power generation in private sector is low in comparison to cost of power generation by state Electricity Boards. Secondly whether the Government has framed any policy to provide power at cheaper rates for installing pumps?

SHRIN K P SALVE This is the issue of costing and does not pertain to the main question. You can go through the question if the hon Member is curious to know details then he should give the question in writing. Now here the issue of costing has been raised. (Interruptions)

I am fully prepared to answer all the questions. May questions pertaining to power could be raised. I am prepared to answer questions regarding the States too. (Interruptions)

MR SPEAKER The question is what we are going to do to meet the power requirement by augmenting the power generation in the country. Reply States that in view of the resources crunch sufficient power could not be generated. The hon Member wants to know whether by reducing the cost of power generation the total power generation will be increased?

(English)

I think it is a relevant question.

(Translation)

Boards decide the tariff to be charged from the farmers. This tariff differs from place to place. If the hon Member wants to know the tariff structure charged in a particular State then he should ask it in writing.

(English)

SHRIN K P SALVE Sir the thrust of hon Member's question is that the cost of power

generation in the private sector is less than what it is in the public sector.

MR SPEAKER Would you adopt the managerial practices in the Board? Would you do something to see that the cost is reduced?

SHRIN K P SALVE Sir we are doing our best to augment the production of power and also to optimise and maximise the power generation.

(Translation)

SHRI RAJENDRA KUMAR SHARMA Mr Speaker Sir through you I would like to know whether for the want of proportionate funds to be spent by the State Governments the funds provided by the World Bank for various power projects all over the country are lying unutilised? Is the Centre and Ministry of power pondering over this aspect? If so how are the funds proposed to be utilised?

(English)

SHRIN K P SALVE I think the question of hon Member is that why we have not spent the committed loans. I would beg of you to consider which part of the question is to be answered.

MR SPEAKER In my opinion it is a relevant question. If you are not ready with the information you can send him in writing.

SHRI KRUPASINDHUBHAI In his reply the Minister has mentioned the amount earmarked for capacity addition programme in the power sector. I would like to know after liberalisation and amendment of the Coal Nationalisation Act what is the actual requirement of Central Government sector and whether the Ministry has made any survey to see how much money the Ministry is getting from NRIs and what will be the installed capacity generation from private sector and public sector units.

SHRI P V RANGAYYA NAIDU Sir I have already mentioned in the reply that he

requirement of energy for 1993-94 is estimated to be 327290 MW unit. I have also said that in the 8th Five Year which includes 2800 MW in Private Sector.

SHRI CHANDRA JEET YADAV: Sir, energy is the most vital factor which affects our industry, agriculture and various other aspects of life but this is the most mis—managed sector. I am sorry to say that the Minister is taking a very technical view and even the money which has been used because of the delay in projects. Most of the electricity boards are producing less than 40 percent of their capacity. In spite of all efforts the utilisation capacity is very poor.

I would like to know from the Minister, keeping in view that we are planning for rapid development of our country, whether there will be a 20 years' plan to see as to what will be the requirement of our country; whether a proper study will be made in regard to this and whether the States and the Private Sector will also be taken into full consideration.

I want to know whether the Government will take an overall view— those who had been invited to continue production of energy—and give priority to this sector. Otherwise, the country will never progress. The most important weakness is lack of availability of power.

SHRI N. K. P. SALVE: Undoubtedly, sir, this is extremely an important sector for the development and growth of economy. Power is generated in three sectors viz. the Central Sector, the State Sector and the Private Sector. I want to submit, Sir, for the consideration of the hon. Member, through you, that, so far as the Central Sector is concerned, is doing very well. The Plant Load Factor is in the vicinity of 70 percent.

So far as the State Sector is concerned, some of the States are exceedingly poor and others are reasonably good. Their aggregate PLE is round about 55 percent.

So far as the private sector is concerned, we are now, inviting them in a fairly big way and we do expect that a substantial part of the augmentation of the energy programme which we have in the Eighth Five Year Plan will be fulfilled by the private sector.

I agree with the hon. Member that unless, we augment our PLE and also at the same time reduce our T&D (Transmission and Distribution losses), we will not be able to harness the full potential that we have for the power generation. We are making best efforts. Recently, there was a Meeting of the State Ministers of Power where certain decisions were taken to optimise the productivity both of generation and to ensure that T & D losses are minimised.

MR. SPEAKER: The hon. Member wants to know whether you would like to have long-term plan viz. 20 year—plan.

SHRI N. K. P. SALVE: Sir, we have made some perspective planning not for 20 years but for 15 years and the requirement is likely to be 1,42,000 M. W. At the 1991-92 price level, that is likely to cost Rs. 5 lakh crore. The figure, simply, Sir, is mindboggling. We are working on the same. It is a very difficult venture. At the moment, Sir, apart from the inefficiency of certain sectors, the biggest impediment is the liquidity crunch.

Airports in Karnataka

¶ 927. **SHRI G. DEVARAYA NAIK:**
SHRI V. SREENIVASA PRASAD:

Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether there is any proposal to provide navigational aids for the expansion and modernisation of Bangalore and other airports in Karnataka; and

(b) if so, the details of expenditure likely to be incurred on airports in Karnataka during the

Eight Plan period?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI CHULAM NABI AZAD): (a) and (b)—A statement is laid on the table of the Sabha.

STATEMENT

(a) and (b). In Karnataka, three airports namely, Bangalore, Mangalore and Belgaum. Having operation of Commercial air services are equipped with adequate navigational facilities. Upgradation and modernisation of airports is a continuing process and is taken up in a phased manner depending upon projected requirements and resources available. The National Airports Authority has plans to upgrade and modernise these three airports at an estimated cost of Rs. 12.00 crores during the VIII Five Year Plan.

SHRI G. DEVARAYA NAIK: Sir, the Government had not taken any steps to give sanction for modernisation of Airports in the State. I would like to know from the hon. Minister about the question of providing international status to the Bangalore Airport. It is pending since long. I want to know when the Government is going to provide international status to the Bangalore Airport.

SHRI GHULAM NABI AZAD: Sir, I am very happy to announce that in this very Plan, we are going to upgrade the Bangalore Airport to the international standard. The airbridges, an additional floor, the Customs, the Immigration, facukutuhs etc. to cater both domestic and international traffic will be undertaken. For that, we will be spending amount of Rs. 8 crore to Rs. 10 crore. In addition to this, there is already a proposal for modification of Terminal Building, construction of additional floor at Technical Block, Aeronautical communication service and ground safety service.

Sir, the whole thing is in process and it might take us another two to three months to complete the plans and after that I will take at least 18 months to complete the whole project.

SHRI G. DEVARAYA NAIK: Sir, Belgaum Airport is an old Airport in the State. It is also a commercial Airport. But after many years, even today, the required development has not taken place.

Even Boeing is not landing on the particular airport. There is a heavy rush and a demand from the public for developing it. Is the Minister going to develop the airport to enable the Boeing to land immediately?

SHRI GHULAM NABI AZAD: The hon. Member has said that the Belgaum Airport is being neglected and not much attention is being paid to it. I would like to inform the hon. Member that in this very plan, we will be spending Rs. 10 lakh for the construction of operational hall, another Rs. 15 lakh for the development of airport, another Rs. 2 lakh for recarpetting of runway which will just start within a few months, another Rs. 119 for aeronautical communication services, Rs. 87 lakh for ground and safety services and Rs. 80 lakh for simple approach lighting system. In this plan, we will be spending a total of Rs. 482 lakh.

As far as Boeing is concerned, the length of the runway is not big enough to take the load of the Boeing. But, at the same time, we have an Avro which is taking care of the present capacity of the passengers. I might even say that we have the service at the moment between Belgaum and Bombay connecting some other parts of Maharashtra. The load is not more than 50 per cent; so, we do not have that much of load, but yet in future maybe in the Ninth Plan, we will take up 737.

SHRI V DHANANGAYA KUMAR: The Mangalore Airport in Karnataka is one of the airports which is catering to the needs of the people of the coastal region as well as northern part of Kerala. The sector between Mangalore and Bombay is the busiest sector because many of the people in this region are either employed in Bombay or in the Middle East. So, there has been a proposal to upgrade the

Mangalore Airport as an International Airport so that flights could be operated between Mangalore and many of the stations in the middle East countries. What steps have been taken in this regard?

As it is today between Bangalore and Bombay, the private airliners are also in operation and at the Mangalore Airport, there is absolutely no space available for the traffic and the passengers find it very difficult, they cannot even get into the airport and sit there. Is there a proposal, as it is, to expand the Mangalore Airport to facilitate the passengers?

SHRIGULAM NABI AZAD As far as the Mangalore Airport is concerned, in order to remove load constraint, the National Airport Authority is planning to construct a new runway of dimension of 9000 ft. The land was identified and the proceedings for acquisition of land measuring 300 acres were initiated, and an amount of Rs 50 lakh was deposited with the State government for issuing of a Notification for the land acquisition. The land is yet to be acquired. And also due to financial constraints, the project has been deferred to the Ninth Plan. At the same time in the Eighth Plan we have already kept Rs 1400 lakh for the development of an Aerodrome. Rs 60 lakh for augmentation of power supply, Rs 30 lakh for aeronautical communication services, Rs 26 lakh for ground and safety services, Rs 66 lakh for instrument landing system and Rs 200 lakh for simple approach lighting system. This is for coming three years.

SHRID K NAIKAR Whether the Minister is aware that Hubli—Dharwad is the second biggest place in the Karnataka State and the Central Government has already approved the operation of Vayudoot service? The Airport is ready for operation and the present position of the airport is that Avro can be operated any time in between Bombay, Hubli and Bangalore.

Whether the Minister is willing to operate Avro at least from Bombay to Hubli and Hubli

to Bangalore or any other place? I want to know from the hon. Minister.

SHRIGULAM NABI AZAD Sir, I must agree with the hon. Member and I have my full sympathies with him. I have toured that area very extensively. That is one of the neglected areas which needs to be taken into consideration.

MR SPEAKER Your sympathy is dry or wet!

SHRIGULAM NABI AZAD In the beginning, we had some problem with that area. There was high tension power line and that obstacle has been removed. By that time we could have launched the Vayudoot Service but unfortunately at the moment we are short of Vayudoot aircraft and the whole Vayudoot service is under consideration as to how to formulate a new policy. Thing after we are through that, we will definitely do something.

WRITTEN ANSWERS TO QUESTIONS

[Translation]

Power Projects in Gujarat

921 **SHRIN J RATHVA** Will the Minister of POWER be pleased to state

(a) the details of power projects being constructed in Gujarat

(b) the time by which these projects are likely to be completed and the estimated cost thereof, and

(c) the details of projects included in the Eighth Five Year Plan?

THE MINISTER OF POWER (SHRI N K P SALVE) (a) and (b) Projects under implementation in Gujarat, alongwith the latest estimated cost and scheduled date of commis-

Project	Capacity (in MW)	Implementing Agency	Cost (Rs Cr)	Commissioning Schedule
STATE SECTOR				
1 Kutch Lignite Extn	1x70	GEB	300 00	3/96
2 Utran St.-I	1x45	GEB	227 04	6/93
3. Kadana HEP Units 3 & 4	2x60	GEB	113 00	9/93&3
	235		640 04	
CENTRAL SECTOR				
4 GandharCCGT	648 6MW	NTPC	2165 0	Gt Unit-1 in 3/94 subsequent two units at intervals of 2 months there after and ST Unit in Sept 1995
INTER-STATE PROJECT				
5 Sardar Sarovar HEP 6x200 (Gujarat's share = 16%)	Sardar 5x50 =1450	1950 94 Sarovar Narmada Nigam Ltd	1995-97	

*includes cost for Unit-3 (33 MW)

(c) The following projects are expected to yield benefits in the State of Gujarat in the VIII plan -

S No	Name of the project	Capacity(in MW)
1	Kadana HEP (Units 3 & 4)	120 0
2	Kutch Lignite Unit-3	70 0
3	Sikka Unit-2	120 0
4	Utran Gas based TPP(Units 3 & 4)	78 0
		388 0
CENTRAL SECTOR		
1	Kawas CCGT	538 0

S.No.	Name of the project	Capacity(in MW)
2.	Kakrapara Nuclear	440.0
3.	GandharCCGT	648.0
		1626.0
INTER-STATE PROJECT		
1.	Sardar Sarovar HEP (Gujarat's share=16%)	232.0
	GRAND TOTAL	2246.0

out of the above, Kawas CCGT (538 MW), one Unit of Kakrapara Nuclear Project (220 MW) and sikka Unit-2 (120 MW) have been commissioned during 1992-93. UtranGasBased Unit-3 (33 MW) has been rolled on 31.3.1993.

Besides the above the following two projects are also likely to be taken up in Private/Joint sector in Gujarat in the VIII plan:-

(i) Gandhar CCGT 615.0 MW The project is proposed to be set up in the private Sector by M/s GPCL. CEA's in principle' clearance was, conveyed on 30.3.1993. A revised feasibility report is yet to be submitted for clearance.

(ii) Pipavav CCGT 615.0 MW CEA's clearance has been transferred to M/s GPCL on 14.3.1993. Gas Linkage has not been given.

[English]

Ganga Flood Water

*923 .SHRIMATI VASUNDHARA RAJE: Will the Minister of WATER RESOURCES be pleased to state:

(a) whether the Central Water Commission has carried out a detailed study a the sharing of Ganga flood water by Rajasthan and other con-

cerned states;

(b) if so, the details thereof; and

(c) the quantum of flood water of Ganga proposed to be allotted and diverted to Rajasthan and other States?

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA) (a) to (c) According to the studies carried out by Central water Commission, so far sufficient water is not available in Ganga at Raiwala ands narora for more than 20-30 days in a year for diversion to Rajasthan at economically acceptable costs.

National Water Development Agency, under the National Perspective of Water Resources Development, has taken up a more broadbased study of the Himalayan Rivers Development Component which inter-alia envisages diversion of surplus water from river Ganga and its eastern tributaries to the water short areas of Rajasthan also. Their report is expected to be available by the end of the 8th Plan.

[Translation]

Hijak of IA Planes

* 928. SHRI SANAT KUMAR MANDAL:

SHRI PRABHU DAYAL
KATHERIA:

Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) the details of the Indian Airlines planes hijacked during the last six months;

(b) the loss of life and property suffered as a result thereof;

(c) the number of persons arrested in this

regard and the action taken against them;

(d) the demands raised by the hijackers and the details of the action taken by the Government to meet their demands; and

(e) the steps taken/proposed to be taken to check the recurrence of such incidents in future?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) Indian Airlines planes hijacked during the last six months are as under:-

(i)	AVRO aircraft operating flight (Patna-Lucknow-Delhi) on 22.1.93.	IC-810
ii)	Airbus A-300 operating flight No. (Delhi-Hyderabad-Madras) on 27.3.93	IC-439
iii)	B-737 operating flight No (Lucknow-Delhi) on 10.4.93	IC-436
iv)	B-737 operating flight No.24.4.93	IC-427 (Delhi - Srinagar) on

(b) There was no loss of life of any passengers or crew member.

of the country by persons in pursuit of narrow self-interest.

(c) On a 6 hijackers have been arrested and criminal cases registered against them under the relevant laws. One hijacker was killed in rescue operation.

The students who hijacked flight No. IC-436 on 10.4.93 had demanded postponement of examination, grant of more funds to their college investigation of corruption charge against the Principle of the college and introduction of post-graduate course.

(d) In the hijacking which took place on 22.1.93, the hijacker had demanded release of Kar Sevaks arrested in connection with Ayodhya incident lifting of ban on RSS VHP and Bajrang Dal and early construction of temple at Ayodhya.

The hijacker of Indian Airlines flight No. IC-427 of 24.4.93 had demanded that the aircraft should be taken to Kabul.

The hijacker of Indian Airlines flight IC-439 of 27.3.93 had demanded that the flight should be taken to Islamabad or Lahore. He conveyed a message that he wanted to invite attention to his Memorandum dated 28.1.93 addressed to the High Commissioner of Pakistan in Delhi and also to the damage caused to the secular image

None of the demands of the hijacker in any of these incidents was conceded.

(e) The agencies concerned with security of civil aviation operations have been alerted to ensure stricter enforcement of anti-terrorist sabotage and anti-hijacking and access control measures.

[English]

Exclusive Economic Zone

* 929 SHRI SOBHNADREESWARA RAO VADDE Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state

(a) the area of Exclusive Economic Zone falling along the coasts of Gujarat and maharashtra separately

(b) the steps taken by the Union Government for the exploitation of this zone in these states

(c) whether the Union Government have received any proposals from these States for the exploitation of marine resources in the zone during each of the last three years and

(d) if so the action taken by the Government on these proposals?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI) (a) The area of Exclusive Economic Zone falling along the coasts of Maharashtra and Gujarat are 1 31 680 and 2 14 060 sq Kms respectively

(b) A number of Centrally sponsored schemes for development and exploitation of fishery resources from the Exclusive Economic Zone viz reimbursement of Central Excise Duty on HSD motorisation of traditional craft construction of fishery harbors are major and minor ports etc are now being implemented Such schemes are in respect of all the Maritime states including Maharashtra and Gujarat In the deep sea fishing sector a number of chartered foreign fishing vessels and deep sea

fishing vessels under Joint Ventures/Test Fishing are operated by fishing companies for exploitation of deep sea fishery resources

(c) No Sir The Government has not received any proposal from these states for exploitation of marine fishery resources

(d) Does not arise

Brain Drain from C-DOT

* 930 SHRI MOHAN SINGH Will the Minister of COMMUNICATIONS be pleased to state

(a) the existing facilities and incentives provided to check the brain drain from C-Dot

(b) the number of officials who left C-Dot in 1992 as compared to 1991

(c) whether any critical review of the existing incentives/terms and conditions of service has been made to check the brain drain and

(d) if so the details thereof?

MINISTER OF STATE IN THE MINISTRY OF POWER COMMUNICATIONS (SHRI P V RANGAYYA Naidu) (a) to (d) C-DOT is an autonomous organisation for design and development of Telecommunication equipment The staff of the C-DOT have facilities such as leased accommodation leave encashment reimbursement of medical expenses conveyance allowance reimbursement of subscription for membership of professional bodies subsidised canteen facilities etc

The number of officials who have left C-DOT in 1991 and 1992 are given below

Category	left in 1991	left in 1992
Engineers	100	100
Executives	04	05
Non Executives	15	24

C_DOT is periodically reviewing compensation package for the staff. Some benefits to the staff within the existing guidelines are also under consideration of the Government

[*Translation*]

Talks with Pak Prime Minister

*931 SHRI CHETAN
P S CHAUHAN
SHRIBOLLABULLIRAMAIAH

Will the Minister of EXRTERNAL AFFAIRS be pleased to state

(a) whether the Prime Minister held any talks with the Pakistan prime Minister during his recent visit to Bangladesh in connection with the SAARC Summit

(b) if so the broad outcome of the talks

(c) whether the prime Minister took up the issue of deportation of Memon family during the talks and

(d) if so the response of the Pakistan Prime Minister thereto?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SALMAN KHURSHEED) (a) Prime Minister met the prime Minister of Pakistan on 11 April 1993 during the SAARC Summit at Dhaka

(b) and (c) Prime Minister told the prime Minister of Pakistan that statements and assurances notwithstanding noting had been done by Pakistan to locate and to return to India the members of the Memon family the main suspects in the Bombay bomb blasts who were in Pakistan and unless this issue is resolved and Pakistan ceases its support to terrorism and subversion directed against India a conducive

climate for meaningful discussions on bilateral issues will be lacking

(d) Pakistan Prime Minister stated that a task force had been set up in Pakistan to look into the case and assured that full investigations would be conducted in the case. However unfortunately there has been no progress in the matter

Food processing industries

*932 DR D VENKATESWARA RAO Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state

(a) whether the Government have decided to set up a committee to monitor the implementation of the draft proposals relating to food processing industries

(b) if so the number of draft proposals received during each of the last two years State wise

(c) the number out of them implemented during the above period State wise

(d) the reasons for not implementing the remaining proposals and

(e) the time by which these are likely to be implemented?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI) (a) to (e) This Ministry has not received any draft proposal relating to food processing industries. However 2042 Industrial Entrepreneurs Memoranda relating to investment proposals in processed Food Industries have been filed by the entrepreneurs till March 93 the year wise and State wise details of which are given in the attached statement. The entrepreneurs are also required to file a separate memorandum at the commencement of the

commercial production 25 memoranda relating to commencement of commercial production have been filed. The time taken for implementation of a project depends upon various factors such as available infrastructure, nature

of the product etc. but it generally averages about 2 years. Action for setting up a departmental Standing Committee/Cell for monitoring the implementation of these projects under a Senior Officer of the Ministry has been initiated.

STATEMENT

Statewise summary of IEMs (From 13.8.91 to 31.3.1993)

Name of the State	No of IEMs filed	1991-92	1992-93
Andhra Pradesh	67	56	
Assam	1	0	
Bihar	3	3	
Gujarat	83	54	
Haryana	182	98	
Himachal Pradesh	10	13	
Jammu & Kashmir	2	2	
Karnataka	19	23	
Kerala	2	5	
Madhya Pradesh	104	68	

State	No. of IEMs filed		
	1991-92	1992-93	1992-93
Maharashtra	111	127	
Manipur	0	0	
Meghalaya	1	0	
Nagaland	1	0	
Orissa	6	5	
Punjab	107	77	
Rajasthan	165	68	
Tamil Nadu	27	29	
Tripura	0	0	
Uttar Pradesh	295	159	
West Bengal	13	17	
Sikkim	1	0	

State	No of E/Ms filed	
	1991-92	1992-93
Andaman Nikobar	1	3
Arunachal Pradesh	0	0
Chandigarh	0	0
Dadar & Nagar Haveli	0	2
Delhi	24	8
Daman & Diu	0	2
L M & A Islands	0	0
Mizoram	0	0
Pondicherry	0	2
Goa	1	0
Total	1221	821

World Cup Telecast Rights

[English]

4933 SHRI MOHAN RAWALE Will the Minister of INFORMATION AND BROADCASTING be pleased to state

(a) whether the Doordarshan has failed to be the prestigious world telecast right for the forthcoming World Cup Cricket series to be played in India, Pakistan and Sri Lanka,

(b) if so, the reasons thereof,

(c) whether two members of the telecast Committee which is empowered to award the world telecast rights, have expressed the opinion that the quality of coverage rendered by Doordarshan earlier was not satisfactory.

(d) if so, the reaction of the Government thereto

(e) whether Doordarshan had sent some of its representatives to attend the meeting of the Telecast Rights Committee held in Labour to plead its case, and

(f) if not, the reasons and the reaction of Government thereto?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K P SINGH DEO) (a) and (b) - Information available with Government indicates that the world telecast rights of the said tournament have not yet been awarded

(c) and (d) - No formal communication to this effect has been received by Doordarshan.

(e) No Sir

(f) This was not considered necessary

Processed Fish Production

4934 SHRI SUDHIR SAWANT Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state

(a) the number of export-oriented fish processing units set up in the country during each of the last three financial years, State-wise,

(b) the quantity and value of processed fish produced in the country during the above period, State-wise,

(c) the assistance provided in term of loans and subsidy for establishing such units

(d) whether any special assistance is provided to fishermen cooperative societies, and

(e) if so the details of such assistance provided during 1992-93?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI) (a) The information is furnished in the attached statement-I

(b) The information for 1990-91 & 1991-92 is furnished in the attached statement-II

The information for 1992-93 is not ready

(c) The information is furnished in the attached statement-III

(d) No, Sir

(e) Does not arise

STATEMENT - 1

Number of Export-oriented fish processing units set up in the country during the last three financial years in maritime States

	1990-91	1991-92	1992-93
	April - March	April - March	April - March
Orissa	2	2	3
Bombay	3	4	-
Gujarat	3	1	5
Karnataka	-	1	2
Tamil Nadu	1	5	3
Kerala	3	3	10
Goa	-	1	1
Calcutta	1	-	1
A.P.	5	-	6
Total		18	15, 31

STATEMENT - II

Port-wise quantity and value of processed Fish exported from India during the year 1990-91 and 1991-92

Name of the Port	Year	Quantity (in tonnes)	Value (Rs lakhs)
Bombay	1990-91	16781	8804 67
	1991-92	26454	16502 52
Calcutta	1990-91	6001	8662 06
	1991-92	7921	13071 96
Cochin	1990-91	50997	31379 13
	1991-92	58743	44446 73
Madras	1990-91	22679	13446 87
	1991-92	17928	17502 21
Visakhapatnam	1990-91	8562	12595 32
	1991-92	10349	20218 76
Porbunder	1990-91	11541	3652 97
	1991-92	19386	7831 40
JNP (Bombay)	1990-91	3784	1931 26

<i>Name of the Port</i>	<i>Years</i>	<i>Quantity</i> (in tonnes)	<i>Value</i> (Rs lakhs)
Haldia (Calcutta)	1991-92	19386	7831.40
	1990-91 1991-92	511 88	554.44 97.35
New Delhi	1990-91	6	4.88
	1991-92	1966 4236	337.25 915.81
Goa	1990-91	10927	4052.62
	1991-92	11704	5546.56
Kandla	1990-91	163	285.95
	1991-92	438	681.20
Paradeep	1990-91	4641	3141.41
	1991-92	7060	5550.68
Tuticorin	1990-91	846	593.03
	1991-92	1474	1499.34
Mangalore	1990-91	139394	89482.97
	1991-92	171778	137689.12
Total			

STATEMENT - III

Details of export oriented new units set up with subsidy assistance from MPEDA

No.	Amt	Kerala	Tamil Nadu	Andhra Pradesh	Maharashtra	Gujarat	No	Amt	(Rs in lakh)		Goa
									No.	Amt	
1990-91	8	52.55	3	19.22	3	24.23	5	14.51	2	5.87	Nil
1991-92	7	45.50	1	14.74	Nil		1	4.91	1	4.31	1
1992-93	7	83.55	2	17.49	1	15.00	Nil	1	15.00	Nil	

Rate of Subsidy Assistance under the scheme - 25% of the cost of the Machinery and Equipment subject to the maximum limit of the maximum limit of Rs 15 lakhs per processing unit

Indira Vikas Patras

X 935 SHRI UPENDRA NATH VERMA
Will the Minister of COMMUNICATIONS be pleased to state

(a) whether any cases regarding sale of fake India Vikas Patras have come to the notice of the Government during the last three years

(b) if so the details thereof and

(c) the action taken or proposed to be taken by the Government in this regard?

MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU)

(a) A case of printing and sale of fake Indira Vikas Patras has been reported by the Chief Postmaster General Delhi Circle in March 1993. No other incident of this nature has been reported by any other Head of Postal Circle so far.

(b) The Delhi police have busted a gang and seized 376 fake IVPs out of 1000 printed by the miscreants. 250 are reported to have been destroyed by the miscreants and remaining 374 of face value of Rs 18.70 lakhs are suspected to be in circulation. The police have arrested 7 persons and also sealed the Press. These persons have been bailed out and the Press has also been released under orders of the Court. The seals and stamps impressed on these certificates were not found to be genuine.

(c) (i) A case under sections 420/468/471/34 of IPC has been registered at Paschim Vihar Police Station

(ii) All the Heads of the Postal Circles and postmasters General in charge of Regions have been instructed to guard against enactment of

the fake IVPs through the Post offices under their control

(iii) No involvement on the part of Departmental employees has come to light so far

(iv) At the instance of Department Ministry of Finance has also directed Government of India press Nasik to improve the quality of printing paper ink and also to provide threads in currency notes in Indira Vikas Patras so as to make it difficult to print fake IVPs in future

(v) Ministry of Finance has also been requested by the Department to advise the public to be vigilant while purchasing IVPs through sources other than post Offices as part of the national savings Campaign conducted by national savings organisation

[English]

Air Services in North-Eastern States

X 936 SHRI LAETA UMBREY Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state

(a) the number of services operated in various airports of the North-Eastern States during each of the last three years

(b) whether there is any proposal to resume the flights to Dibrugarh from New Delhi

(c) if so details thereof

(d) if not the reasons therefor and

(e) the time by which the Itanagar airport is likely to become operative?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD) (a) A statement is attached

(b) to (d) Due to constraint of operating crew and aircraft, it is not possible for India Airlines to restore service between Delhi and Dibrugarh at present

(e) Lilabari airport is operational Vayudoot who have suspended their service to Lilabari owing to constraint of aircraft capacity have no plans at present to resume the operation

STATEMENT

Number of Stations to which services were operated from the Airports mentioned in Col 1 during 1990 1991 1992

Airport	1990	1991	1992
(1)	(2)	(3)	(4)
Agartala	8	6	5
Aizwal	4	3	3
Cooch Behar	1	1	1
Daparzo	Nil	3	Nil
Dibrugarh	8	7	8
Dimapur	6	7	7
Guwahati	14	14	13
Imphal	7	7	7
Jorhat	7	6	6
Kamalapur	3	Nil	Nil

Airport	1990 (1)	1991 (2)	1992 (3)	1992 (4)
Kailashnagar	3	2	Nil	
Lilabari	6	5	4	
Silchar	7	4	6	
Shillong	4	2	2	
Tezpur	5	Nil	1	
Zero	3	4	4	
	Nil	3	4	

Gas-Based Power Plants in Gujarat

#937. SHRI CHHITUBHAI GAMIT
SHRI KASHIRAM RANA

Will the Minister of POWER be pleased to state

(a) whether some gas-based power plants have been set up in Gujarat,

(b) if so, the details thereof, location-wise,

(c) whether is any proposal to set up some more such plants during the next three years,

(d) if so the details thereof, and

(e) if not, the reasons therefor?

THE MINISTER OF POWER (SHRIN K P SALVE) (a) and (b) . The details of the gas-based power plants set up in Gujarat are as follows -

S No	Name of the Project/District	Capacity (MW)
1	Dhuvaran Gas Turbine Station, Distt. Kheda	2x27 = 54
2.	Utran Combined Cycle Gas Turbine Station, Distt. Surat	3x15=45
3	Vatwa Combined cycle Gas Turbine Project Distt. Ahmedabad	2x33 GT + = 99 1x33 ST
4	Vadodra Combined cycle Gas Turbine Station Distt. Vadodra	3x33 GT + = 144 1x45 ST
5	Kawas Combined cycle Power Project, NTPC, Distt. Surat	4x106 GT + = 644 2x110 ST

(c) to (e) The following gas-based power plants are planned to be set up during the next three financial years in Gujarat

S No	Name of the Project/District	Capacity (MW)	Expected Comm. Estimated Cost (Rs Crores)
------	------------------------------	---------------	---

STATE SECTOR

1	Utran Combined cycle Gas Turbine Station, Distt. Surat	144	GT ST GT U-1 Commissioned GT U-2 Commissioned GT U-3 1992-93 (Rolled in March, 1993) ST U-1 1993-94	227.04
---	--	-----	--	--------

S No	name of the project/ District	Capacity (MW)	Expected Comm	Estimated Cost (Rs Crores)
CENTRAL SECTOR				
2	Gandhar Combined cycle power Project, NTPC, Distt Bharuch 648	CT+ ST		2165.00
		GT U-1	1993-94	
		GT U-2	1994-95	
		ST U-1	1996-96	

Besides the above, the following two project are also likely to be taken up in private Joint sector in Gujarat in the VIII plan -

(i) Gandhar CCGT 615 MW	The project is proposed to be set up in the private sector by M/s GPCL. CEA's in principle clearance as conveyed on 30.3.1993. A revised feasibility report is yet to be submitted for clearance.
(ii) Pipavav CCGT 615 0 MW	CEA's clearance has been transferred to M/s GPCL on 14.3.1993. Gas Linkage has not been given.

[English]

Cultural Wings in Embassies
Ans. Shri Shrawan Kumar Patel
Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) whether the Government propose to add cultural dimension to the functions of India missions abroad so as to promote cultural relations with different countries

(b) if so, the details in this regard

(c) whether the Government propose to set up cultural wings in different missions abroad, and

(d) if so, the details thereof?

MINISTRY OF EXTERNAL AFFAIRS SHRI SAIMAN KHURSHEED (a) and (b) This dimension already exists inasmuch as one of the main functions of the Indian Missions abroad is to promote and strengthen cultural relations between Indian and different countries. India and cultural agreements with 65 countries. Activities under these agreements include exchange of cultural troupes, academicians, intellectuals, artists, besides holding of exhibitions on painting, sculpture etc - all facilitated by the officers concerned in the Missions in various countries

(c) and (d) Most of our Missions abroad have information wings, who look after the cultural work also. Eight of the Indian Missions have Indian Cultural Centers attached to them. These are

(i) Georgetown (Guyana)

(ii) Paramaribo (Surinam)

THE MINISTER OF STATE IN THE MIN-

(iii) Port Louis (Mauritius)

(iv) Jakarta (Indonesia)

(v) Moscow (Russia)

(vi) Berlin (Germany)

(vii) Cairo (A R E)

(viii) London (U K)

In Missions, where there is no Cultural Centre or information wing, the Head of Mission himself look after the cultural work

T.V. Transmitters in Orissa

¶ 939 SHRIGOPINATH GAJAPATHI
SHRIK PRADHANI

Will the Minister of INFORMATION AND BROADCASTING be pleased to state

(a) whether the Government have finalised the places for the setting up of high and low power TV transmitters in Orissa during 1993-94,

(b) if so the details thereof,

(c) whether the Government the propose to set up on H P T in every district headquarters of the State including the new districts, and

(d) if so the steps taken in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K P SINGH DEO) (a) to (d) It is envisaged to set up TV transmitters at the following places in Orissa under Doordarshan's Annual Plan 1993-94, subject to availability of resources and inters priorities

<i>S No</i>	<i>Place</i>	<i>Transmitter</i>
1	Dhenkanal	LPT

<i>S No</i>	<i>Place</i>	<i>Transmitter</i>
2	Bhuban	-do-
3	Kamakhyanagar	-do-
4	Talcher	-do-
5	Sonepur	-do-
6	Lutherpark	-do-
7	Nayagarh	-do-
8	Rairangpur	-do-
9	Nuapura	-do-
10	Bouda	-do-
11	Redhakhol	-do-
12	Bonai	-do-
13	Athamalik	-do-
14	Paradip	-do-

There is no proposal, at present to set a high power TV transmitter in every district head-quarter of the State

LPT-Low Power Transmitter

VLPT-Very Low Power Transmitter

National Thermal Power Corporation

¶ 940 SHRI K V R CHOWDARY Will the Minister of POWER be pleased to state

(a) whether the national Thermal corporation sought any external finance assistance from assistance from different international agencies

(b) if so the details thereof

(c) whether the NTPC consultancy wing achieved any foreign contract

(d) if so, the details thereof;

(e) whether the NTPC has mobilised any domestic resources, and

(f) if so, the details thereof.

THE MINISTER OF POWER (SHRI N K P SALVE) (a) and (b) yes Sir The details of the external assistance tied up for various projects of national Thermal Power Corporation (NTPC) are indicated in the attached statement -I NTPC has also sought external assistance from the world Bank for a number of project under "time slice" arrangements In addition external assistance has been sought for the Fandeabad /Gas Based power Project (400

MW), Kayamkulam thermal Power project (420 MW) and the Rhine II supper thermal Power Project (1000 MW) from the Overseas Economic Cooperation a Fund (OECF), for the Fendabad Gas Based Power Project (400MW) once again as an alternative source funding and the Anta Stage-II (400 MW) from the Kerdinalstift fur wediearubau, Germany (KFW) and for the Fberoz Gandhi Unchahar thermal Power Project (Stage-II) from the Asian Development Bank (ADB)

(c) and (d) Yes, Sir the details are indicated in the attached statement-II

(e) and (f) Yes, Sir the total domestic resources mobilised by NTPC upto 31st march 1993 were about Rs 3178 37 were about Rs 3178 37 crores comprising Rs 2878 37 crores of bonds and Rs 300 crores mobilised from Unit Trust of India/Life Insurance Corporation

STATEMENT

Details of External Assistance tied up for NTPC Projects

Sl No	Name of Project	Donor	Amount	
			(In Million-Donor Currency)	
1	Singrauli STPP I	World bank	US\$ 150.00	
2	Singrauli Stage-II	a) World Bank b) KFW	US\$ 300.00 DM 171.20	
3	Korba STPP I	a) World Bank b) OPEC	US\$ 200.00 US\$ 20.00	
4	Korba STPP II	a) World Bank b) KFW	SDR 316.40 DM 173.80	
5	Ramagundam STPP I	a) World Bank b) OPEC	US\$ 250.00 US\$ 20.00	
6	Ramagundam STPP II	a) World Bank b) OPEC c) EXIM Bank, Japan	US\$ 280.00 US\$ 30.00 Yen 23504.00	

(In Million Donor Currency)

Sl No	Name of Project	Donor	Amount
8	Farakka STPP I	d) Saudi Fund	SAR 1172 00
		World Bank	US\$ 250 00
		a) World bank	US\$ 278 80
		b) KFW	DM 70 00
		c) Bankers Trust Co	DM 169 10
		d) EXIM Bank	Yen 15676 00
9	Central Transmission Lines I	e) Italian	DM 159 93
		a) World bank	US\$ 200 70
		b) SEB	US\$ 45 40
10	Rihand Transmission Lines	a) World Bank	US\$ 202 00
		b) Norway	NDK 18 00
		c) SEB	CHF 232 87
		d) EXIM Bank	Yen 14189 00
11	Gas Projects Aria CCGPP	a) World Bank	US\$ 485 00
		b) French Buyers	FRF 1641 656

(in Million Donor Currency)

Sl No	Name of Project	Donor Credit	Amount
	Auniya CCGPP		
12	Kewas CCGPP	c) Belgium	BF 1410 96
	Talcher STPP	a) World Bank b) French Bilateral c) Bank Paribas	US\$ 375 00 FRF 596 34 FRF 56 00
13	National Capital Thermal Power Project	World Bank	US\$ 425 00
14	Dadri Gas	KFW	DM 484 90
15	Gandhar Gas	OECF	Yen 68068
16	Vindhyaachal STPP I	Soviet	Rouble 303 66
17	Vindhyaachal Stage I Transmission Lines	Soviet	Rouble 56 55
.. 18	Vindhyaachal STPP II	Soviet	Rouble 400 00
.. 19	Vindhyaachal II Transmission	Soviet	Rouble 220 00
20	Kahalgaon STPP	Soviet	Rouble 219 16
.. 21	Kaymikulam STPP	Soviet	Rouble 220 00
.. 22	Mangalore STPP	Soviet	Rouble 220 00

Sl No	Name of Project	Donor		Amount (In Million-Donor Currency)
		a)	b)	
23	Rihand STPP I	a) U K SCMB	b)	Pound 117 00 Pound 344 00

OPEC - Organisation of Petroleum Exporting Countries

KFW - Kreditanstalt für Wiederaufbau Germany

SCMB - Standard Chartered Merchant Bank

SEB - Skandinaviska Eoskulda Banken, Sweden

These loans stand transferred to POWER GRID CORPORATION OF INDIA LTD

.. With the dissolution of USSR these loans have become uncertain

STATEMENT - II*Details of Foreign Contracts Secured by NTPC's Consultancy Wing**(Position As on 31.3.1993)*

Sl. No	Project/Client	Scope	Value	Year
1	ABB Sweden	Engineering services for HVDO project in USA and Canada	US\$ 44,000	1987
2	ADB Manila	Operational efficiency improvement of TNEB	US\$ 570,000	1992
3	EPDCI Japan	Kathalgum Gas Project of NEEPCO - Civil Engineering of complete project and other miscellaneous " is subsequently increased to include Engg for intake well, etc	JP 50 million	1993
4	Hydroelectric Commission Tasmania Australia	Inspection of 220 KV CT/CTVs at WS Industries Bangalore	US\$ 12,500	1992
5	Dubai Electricity and Water Authority Dubai	Turnkey execution of 400 KV and 132 KV transmission lines in Dubai	US\$ 17,765 ml	1991
6	DGET Ministry of Labour	Assistance for procurement of machine tools against a World Bank funded vocational training project through ICB Subsequently increased to include additional machine tool procurement	Rs 80 lacs (as consultancy fee payable to NTPC-funded by World Bank)	1990 1992

**Purchase of Spares for west land
helicopters**

7994. DR. AMRIT LALKALIDAS PATEL: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

- (a) whether under the purchase contract of west land Helicopters pawan has to continue buying spares from West land;
- (b) if so, the details thereof; and
- (c) the amount of loss pawan has has incurred on this account?

THE MINISTER OF CIVIL AVIATION AND TOURISM SHRI GULAM NABI AZAD: (a) and (b) The purchase contract of M/s Westland helicopters provided for product support for 15 years including spares and repairs with warranty provisions. Spares are Procured as and when required.

(c) The total expenditure on repairs and purchase of spares from Westland/Rolls Royce is estimated as Rs. 20.26 crores. It is not possible to quantify losses which can be directly attributed to purchase of spares.

Indian Ocean as a Zone of Peace

7995. SHRI SYED SHAHABUDDIN: Will the Minister of EXTERNAL AFFAIRS be pleased to state the status of the proposal for declaration of the Indian Clean as a more of peace and for holding an international conference on the subject?

THE MINISTER OF STATE IN THE MINISTER OF EXTERNAL AFFAIRS SHRI R.L.BHATIA: The proposal is still under consideration by the UN Ad-hoc Committee on the Indian Ocean. The prospects of holding an international conference on the subject are not bright since the major powers have not yet agreed to participate in the conference.

Modernisation of K.C. Chanal, A.P.

7696. SHRI DHARMA BHIKSHAM: Will the Minister of WATER RESOURCES be pleased to state:

- (a) whether the proposal for modernisation of project received from the Government of Andhra Pradesh been techno-economically appraised and found acceptable;
- (b) if so, the details thereof;
- (c) the estimated cost thereof and length of the canal proposed to be modernised; and
- (d) the sources through which the amount is likely to be mobilised?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER STATE IN THE MINISTRY OF WATER RESOURCES (SHRI P.K.THUNGON): (a) to (d): The proposal for modernisation of Kumool Cuddapp Canal envisaging modernisation of main canal in a length of 306 km at an estimated cost of Rs. 50 crores was received in the Central Water Commission in November, 1992. The State Government is required to submit modified proposal after working out crop water requirements scientifically and assessing the water us in terms of Krishna water Disputes Tribunal Award. The Planning Commission has approved an outlay of Rs. 60 crores during the VIII plan for modernisation Schemes in Andhra Pradesh.

Environmental Study on Indravati project

7997. SHRI SRIBALLAV PANIGRAHI: Will the Minister of POWER be pleased to state:

- (a) whether any environmental study has been conducted on the effect of taming of Indravati river and its three tributaries for the Indravati hydro-electric project on the down stream regions of Nawarangpur in Orissa;

(b) if so, the outcome thereof and the steps taken by the Government thereto, and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) to (c) The Upper Indravati Hydro-electric project was accorded environmental clearance in January, 1979. However, the Government of India is not aware whether any environmental study has been conducted on the effect of taming of Indravati river and its three tributaries for the Indravati hydro-electric project on the downstream regions of Nawrangpur in Orissa

[Translation]

Indira Sager (Gosi Khurd)

7998 SHRI VILAS MUTTEMWAR Will the Minister of WATER RESOURCES be pleased to state

(a) whether the foundation stone of India Sagar (Gosi Khurd) irrigation project in Vidarbha region was laid in 1988

(b) the total expenditure involved thereon so far and the time by which the construction was scheduled to be completed

(c) the total amount spent so far thereon and

(d) the steps being taken by the Government to avoid the further cost escalation of the project?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI P K THUNGON) (a) Yes Sir

(b) and (c) The latest estimated cost of the

project at 1991-92 price level is about Rs 700 crores. An amount of about Rs 35.31 crores has been spent till March, 1993. The Planning Commission has approved an outlay of Rs 100 crores for the project for VIII plan. The project is likely to spill over beyond VIII plan

(d) While cost escalation due to normal price rise and unforeseen technical factors is unavoidable, the State Government is required to ensure appropriate yearly allocations to avoid time overrun

[English]

Conversion of Air India

7999 SHRI HANNAN MOLLAH Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state

(a) the amount spent by the Government for registering the company entitled Air-India Limited

(b) the objectives of this company,

(c) whether the Government have constituted a board of Directors for the above company

(d) if some the details thereof and

(e) the number of staff after its registration?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD) (a) and (b) Government did not incur any expenditure on registering the Company entitled Air India Ltd. The main objective of the Company is to take over the functions of Air India after repeal of the Air Corporations Act 1953 which is awaiting Parliament's consideration. Other objectives are listed in the Memorandum and Articles of Association of the Company

(c) and (d) yes, Sir. Seven official Directors were appointed in April, 1992

(e) No staff has been recruited so far.

recommendations? and

Tariff Structure of Telephone Services

(c) the steps taken proposed to implement the recommendations?

8000: SHRI RAM NAIK. Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Bureau of Industrial Cost and Prices has submitted its report on the tariff structure of telephone service;

THE MINISTER OF STATE IN THE MINISTRY OF POWER SHRI P.V. RANGAYYA NAIDU): (a) Yes, Sir.

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

(b) and (c) Information is furnished in the attached Statement.

**SALENT FEATURES AND RECOMMENDATIONS OF BICP
RECOMMENDATIONS.**

I. RENTAL

(a) Classification of Direct Exchange Lines into Business and Non-business

(b) Differential rental for STD users (bi-monthly)

	Without STD		With STD	
	Non-business	Business	Non Business	Business
(a) Less than 100 Lines	100	150	250	300
(b) 100-1000 lines	110	250	260	400
(c) 1000-30000 lines	165	335	315	485
(d) 30000-1lakh lines	245	455	390	605
(e) 1 lakh lines and above	325	575	475	725
(c) Doubling the rental for PABX junction lines.				
Rental (bi-monthly)				
PABX Junction	582	582		
II. Call Charges:				
(a) Uniform rate of 65 paise per call and reduction in number of free calls from 150 to 100 bi-monthly				

STATEMENT
STEPS TAKEN/PROPOSED TO IMPLEMENT THE RECOMMENDATIONS.

(a) Modalities are being worked out.

MAY 10, 1993

REVISED W E F 28 4 93

Rs 15 000

Rs 10 000

Rs 8 000

Rs 3 000

Rs 2 000

Time metering with a duration of 5 minutes of every call in respect of Electronic Exchanges with an equipped capacity of 30 000 lines or more has been introduced w e f 15 6 92.

Orders have been issued withdrawing the facility from Service Connections working for Officers of the Junoir Administrative Grade and below

It is under examination

Accepted Details to be worked out

To be examined

Accepted Details to be worked out

Operation of Ground Vehicles by IA and AI

-Tractor; Towing

8001. SHRI SUKHEBDU KHAN: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

-Mobile Ground Power Unit

(a) the different types of ground vehicles operated by the Indian Airlines and the Air India at various airports;

-Mobile Ground Air Starter

(b) whether all such vehicle are register with the regional transport authorities;

-Mobile Air Conditioning Unit

(c) if so whether operator of all these vehicles are licensed Category;

-Container Pallet Loaders

(d) whether there is any aviation of the Motor Vehicles Act by the Air India and the India Airlines; and

-Toilet Cart

(e) if so, the action taken thereon?

-Water Cart

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) A statement attached'

-Passenger Coaches

(b): No, Sir these around vehicles which are required leave the airport area and ply over public roads are registered with regional Transport Authorities

-Motorised Hi-Lifts

(c) Yes, Sir.

AIR INDIA

(d) and (e) Action is taken by enforcement

-Ground Power Unit

The different types of ground vehicles operated by Indian Airlines at various airports within India are as under:-

Airconditioning Unit

INDIAN AIRLINES

-Air Start Unit

-Motorised passenger Steps

-Aircraft Tractor

-Motorised BFL (Bulk freight Loaders)

-Main Deck Loader

-Tractor: Baggage

-Cargo Loader

-Cargo Transporter

-Baggage Conveyor

-Food hilift

-Toilet Cart

-Water Cart

-Passenger Coach

-Passenger Step-Ladder

-Forklift

- Diesel Tractor

- Chair Lift Truck

- Roller Bed Truck

IIDC/HCI Hotels in Uttar Pradesh

8002. MAJ. GEN (RETD) BHUWAN CHANDRA KHANDURI: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) the names of IIDC and HCI hotels separately in Uttar pradesh;

(b) whether these hotels are suffering huge losses;

(c) if so, the remedial steps taken /Proposed to be taken in this regard; and

(d) the amount earned by IIDC and HCI during each of the last three years along with the losses suffered during the above period?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABU AZAD): (a) Presently ITDC is operating 2 hotels in Uttar Pradesh (1) Hotel variance Ashok, Varansai and (2) Hotels agreea Ashok Agra. HCI does no to operate hotel in Uttar Pradesh.

(b) Requisite information is give in the attached statement.

(c) The measures taken/being taken to improve profitability of these hotels include:

- Training of manpower;
- Product improvement;
- Effective sales promotion;
- Advertising and
- Floating special packages

(d): The details given in the attached statement.

STATEMENT

Statement showing total Revenue, operating Profit/Loss & Net Profit/Loss for the Years 1990-91, 1991-92 & 1992-93 (Provisional)

Particulars	1990-91	1991-92	1992-93	(Rs. in lakhs)
A. Agra Ashok. Agra				
1. Total Revenue (Turnover)	136.39	158.45	169.22	
2. Operating Profit/Loss	34.87	47.05	39.69	
3. Net Profit/Loss	(+) 3.96	3.60	(-) 6.87	
B. Varanasi Ashok. Varanasi				
1. Total Revenue (Turnover)	149.59	190.13	194.21	
2. Operating Profit/Loss	14.11	34.60	26.59	
3. Net Profit/Loss	(-) 9.70	3.56	(-) 8.92	

Chartered Flights on Bombay-Goa Sector

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

8003. SHRI HARISHNARAYAN PRABHU ZANTYE: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) the names of airlines which have operated chartered flights on Bombay-Goa sector in April 1993;

(b) the names of the companies which paid for these chartered flights on Bombay-Goa Sector, with total expenditure incurred on each of the flight; and

(c) the reasons for granting permission by IAAI/Naval authorities to chartered flights when several regular flights are operating on this sector?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) Three Air Taxi Operators i.e. M/s East West Airlines, Continental Aviation Pvt. Ltd. and Damania Airways Ltd. have operated passenger chartered flights on Bombay-Goa Sector in April, 1993.

(b) The Air Taxi Operators flights on non-scheduled/charter basis and are not required to intimate the name of the chartered and expenditure incurred on such charters.

(c) Air Taxi Operators are free to operate to any of the 93 aerodromes listed in Aeronautical Information Circular 24 of 1990.

Telecommunication Projects Under U.N.D.P.

8004. DR. KRUPASINDHU BHOI: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether the Government propose to take up some telecommunication projects under United Nations Development Programmes (UNDP); and

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P. V. RANGAYYA NAIDU): (a) Yes, Sir

(b) The UNDP Telecommunication Projects are inter-country and country projects and are not for a particular State or Region.

UNDP Project on Developing Quality Assurance in Telecom Equipment & Components has recently been approved.

Another Project entitled 'HRD in Telecom and Development of Expertise in New & Emerging Telecom Technologies' is in the process of approval by UNDP.

[Translation]

Relief to Telephone Subscribers Arrah Region of Bihar

8005. SHRI RAM LAKHAN SINGH YADAV: Will the Minister of COMMUNICATIONS be pleased to state:

(a) the number of complaints received during the last three years regarding inflated telephone bills in Arrah region of Bihar;

(b) the number of complaints out of them, found genuine and relief compensation given to the subscribers; and

(c) the criteria adopted in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P. V. RANGAYYA NAIDU): (a) The number of complaints received during the last three years regarding inflated telephone bills in Arrah region of Bihar is 41.

(b) 14 cases have been found genuine out of 41 complaints and due relief has been given to the subscribers. The total amount of rebate allowed is Rs. 10599/-.

(c) The rebate has been allowed on the basis of the calling pattern of the subscribers. The fault reports have also been kept in view.

[English]

Restoration of Flights on Madras-Bangalore-Calicut Route

8006. SHRI MULLAPPALLY RAMACHANDRAN: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether the Indian Airlines has stopped their daily flights operating on Madras-Bangalore-Calicut Sector and back;

(b) if so, the reasons therefor;

(c) whether there is any proposal to restore the daily flights on this sector; and

(d) if so, by when it is likely to be done?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) and (b). Indian Airlines could provide only 25% of its normal services during the period of strike by pilots and Madras-Bangalore-Calicut service was one of the services which were discontinued. Due to poor load on the sector in the period April to November, 1992 there is no proposal at present to reintroduce this service.

(c) No, Sir

(d) Does not anse.

Utilisation of Water Potential of River Sonkosh

8007. SHRI UDDHAB BARMAN: Will the Minister of WATER RESOURCES be pleased to state:

(a) whether a memorandum of understanding with the Government of Bhutan has been finalised for utilisation of the water potential of

the river Sonkosh;

(b) if so, the main specific features thereof; and

(c) the time frame for completion of the water reservoir?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI P.K. THUNGON): (a) to (c). A memorandum of Understanding has been signed in January, 1993, between India and Bhutan for preparation of a detailed project report for the Sankosh Multi-purpose Project. Irrigation to about 8.6 lakh hectares and hydro-power generation over 1525 MW are envisaged. The time frame for completion of the water reservoir are to be worked out during the preparation of detailed project report.

Air Stations in Karnataka

8008. SHRI C.P. MUDALAGIRIYAPPA: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) the number of Air Stations in Karnataka;

(b) whether there is demand to set up new Air Stations in the State, and

(c) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K.P. SINGH DEO): (a) There are 9 Air Stations working at present in the State of Karnataka and 4 more stations are envisaged to be commissioned in the State.

(b) No, Sir.

(c) Does not anse

Construction of Phase III at Bombay Airport

8009. SHRI ANNA JOSHI: Will the Minis-

ter of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether there is any proposal to construct phase III at Bombay airport; and

(b) if so, the details thereof, including the area, passenger handling capacity, outlay and the implementation period?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) and (b). Government have approved a proposal to construct third module (Phase III) of the International terminal building at Bombay airport, at an estimated cost of Rs. 84.12 crores. It will have a passenger handling capacity of 25 lakhs per annum. The module will have a total plinth area of 55,000 sq. mtrs. and expected completion period is 36 months from the date of award of the work.

Tool Down Strike by AI Technicians

8010. PROF. SUSANTA CHAKRABORTY: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) where the Air India Engineering Engine Overhaul Department employees were on tool down work stoppage on September 3, 1991;

(b) if so, the details of their demands; and

(c) the number of employees who participated in the work stoppage;

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) No, Sir.

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

Selling of Power Station by Bihar

8011. SHRI MANORANJAN BHAKTA: Will the Minister of POWER be pleased to state:

(a) whether the Government of Bihar has proposed to sell a power station to the National Thermal Power Corporation for adjusting its outstanding dues; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P.V. RANGAYYA NAIDU): (a) No such proposal has been received by the National Thermal Power Corporation.

(b) Does not arise.

Air/Doordarshan Kendras in M.P.

8012. KUMARI PUSHPA DEVI SINGH: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether the Government have identified the Air stations and Doordarshan Kendras in Madhya Pradesh for upgradation during 1993-94; and

(b) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K.P. SINGH DEO): (a) and (b). Yes, Sir. Upgradation of the power of the following Air/TV Transmitters is expected to be completed during 1993-94:-

All India Radio:

(i) 1 KW MW Transmitter to 10 KW MW Transmitter at Bhopal

(ii) 10 KW SW Transmitter to 50 KW SW Transmitter at Bhopal

Doordarshan:

High Power Transmitter - 1 KW to 10 KW at Jabalpur

Outstanding amount against Industries in U.P.

8013. SHRI RAM NIHORI RAI: Will the Minister of POWER be pleased to state:

(a) the total amount of Uttar Pradesh State Electricity Board outstanding against the different industries of the State upto 1992-93; and

(b) the steps being taken by the Government to realize this outstanding amount?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P. V. RANGAYYA NAIDU): (a) The amount of UPSEB outstanding against industries of Uttar Pradesh upto January, 1993 was Rs. 301.89 crores.

(b) The following steps have been taken to realize outstanding.

- (i) A legal cell has been created to monitor/supervise the legal aspects of the cases being fought in the court of law.
- (ii) Notices issued for recovery of arrears amounting to Rs. 131.00 Crores.
- (iii) Monitoring at Board's level of consumers having arrears above Rs. 1.0 lac.
- (iv) Service Camps are organised at different places to redress consumers grievances and facilitate depositing these bills.
- (v) Personal approach at officers level with large industrial consumers to make payment.
- (vi) Disconnection drives launched with the help of administration to disconnect defaulting consumers.

Telephone Exchanges in Kerala

8014. SHRI THAYIL JOHN ANJALOSE: Will the Minister of COMMUNICATIONS be

pleased to state:

(a) the number of telephone exchanges functioning in Kerala, district-wise;

(b) the capacity of each of these exchanges;

(c) whether the Government propose to increase their capacity; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P. V. RANGAYYA NAIDU): (a) to (d). Information is being collected and will be laid on the Table of the House.

Re-Installation of Telephone Connections

8015. SHRI PIUS TIRKEY: Will the Minister of COMMUNICATIONS be pleased to refer to the reply given to Unstarred Question No. 6693 on April, 26, 1993 and state:

(a) the details of norms/guidelines issued for the re-installation of the telephone connections kept in the safe custody of the Mahanagar Telephone Nigam Limited by the subscribers while going abroad;

(b) the area-wise number of such applications for re-installation pending for the last more than 3 months with the Mahanagar Telephone Nigam Limited in New Delhi; and

(c) the time by which such telephone connections are likely to be re-installed?

Re-Installation for Telephone Connections

8015. SHRI PIUS TIRKEY: Will the Minister of COMMUNICATIONS be pleased to refer to the reply given to Unstarred Question No. 6693 on April, 26, 1993 and state:

(a) the details of norms/guidelines issued for the re-installation of the telephone connections kept in the safe custody of the Mahanagar

Telephone Nigam Limited by the subscribers while going abroad;

(b) the area-wise number of such applications for re-installation pending for the last more than 3 months with the Mahanagar Telephone Nigam Limited in New Delhi; and

(c) the time by which such telephone connections are likely to be re-installed?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P. V. RANGAYYA NAIDU): (a) Sir, No separate instructions are issued for re-installation of the telephone connections of subscribers while going abroad.

(b) and (c). No separate record is being maintained of pending cases of reinstallation of telephone of subscribers going abroad.

Filling up of Reserved Posts in IAAI

8016. SHRI N. DENNIS: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether attention of the Government has been drawn to the news-items appeared in the 'Rashtriya Sahara' dated February 13, '92 and 'Patriot' dated March 25, 1992 regarding irregularities in filling up of reserved vacancies for the Scheduled Castes and the Scheduled Tribes; and

(b) if so, the facts and the action taken thereon?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) and (b). The two news items refer to filling up of various vacancies reserved for Scheduled Castes and Scheduled Tribes in the International Airports Authority of India (IAAI) in response to advertisements issued in June 1990 and December 1990. The news items also refer to filling up of the post of Deputy General manager (Public Relations) reserved for Scheduled

Castes.

12 out of 28 reserved vacancies advertised in June 1990 were filled up. No vacancy could be filled up in response to the advertisement of December 1990 for want of suitable candidates.

None of the candidates who appeared for interview for the post of Deputy General Manager (Public Relations) in response to advertisements of June 1990 and December, 1990, was found suitable. The post was again advertised in September, 1992. Interview for selection was held on 11.3.1993. Selection of a suitable Scheduled Caste candidate is under finalisation.

Anti-India Tirade in U.K.

.8017. SHRI RAM KAPSE: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the Government are aware of the recent reports regarding anti-India tirade by the pro-Pakistan lobby in UK in the wake of Ayodhya incident; and

(b) if so, the steps taken by the Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R. L. BHATIA): (a) Yes, Sir.

(b) Government have taken all necessary steps to counter this anti-India propaganda by projecting the correct facts regarding the Ayodhya incident and its aftermath and reaffirming our firm and abiding commitment to the principles of secularism and the protection of the rights of the minorities. Our principled stand in this regard was conveyed by PM to the British Prime Minister during the later's visit in January, 1993. In this context, the Indian High Commission in London has also remained in regular contact with the British Government, Parliamentarians, opinion makers, media and all concerned segments of society.

India's Troop Commitment to Somalia

8018. SHRI GURUDAS KAMAT: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government propose to scale down their troop commitment under UN bagle to Somalia;

(b) if so, the reasons therefor;

(c) whether an advance Indian team has submitted its recommendation; and

(d) if so, the salient features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R.L. BHATIA): (a) to (d). The Government of India have received a request from the United Nations for contributing troops to the United Nations Operation in Somalia (UNOSOM-II). No decision about India's participation has been taken so far. The recommendations submitted by the team sent to Somalia are under consideration of the Government. Earlier, India has contributed two naval ships to join international effort for establishing a environment for humanitarian relief operations in Somalia in pursuance of SCR 794.

Touts at Airports

8019. SHRI VIJAY KUMAR YADAV:
SHRI LOKANATH CHOWDHURY:
SHRI SUKHENDU KHAN:
SHRI SUDARSAN RAYCHAUDHURI:
DR. AMRIT LAL KALIDAS:

Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether the attention of the Government has been drawn to the activities of touts at major airports;

(b) the number of complaints received in this regard during the last one year; and

(c) the action taken by the Government in this regard?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) Yes, Sir.

(b) The information is being collected.

(c) It is the constant endeavour of the concerned authorities to prevent touts from harassing passengers. At each international airports, Committee under the Deputy Commissioner/Superintendent of Police has been set up to curb this menace. Incidents reported to the police are investigated and follow-up action taken.

[Translation]

Alleged Malpractices in I.T.D.C.

8020. SHRI ANAND RAINA MAURYA: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether any enquiry pertaining to keeping a large amount of foreign exchange, large scale bungling in accounts, assigning contract and selling imported items in unlawful manner is pending for a long time against seven senior officers of the India Tourism Development Corporation;

(b) if so, the reasons for the delay in the matter;

(c) whether the Government propose to dispose of this case expeditiously;

(d) if so, by when; and

(e) if not, the reasons therefor?

THE MINISTER OF CIVIL AVIATION AND

TOURISM (SHRI GHULAM NABI AZAD): (a) No such enquiry is pending with ITDC Management against seven senior officers.

(b) to (e). Do not ansr.

[*English*]

Compensation to Immigrant Workers

8021. SHRI B. DEVARAJAN: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the number of immigrant workers who met with accidents while on duty abroad and paid compensation during each of the last three years, country-wise;

(b) the number of cases that are pending with Government during this period, country-wise; and

(c) the steps being taken by the Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R.L. BHATIA): (a) and (b). The information is being collected and will be placed on the Table of the House.

(c) Indian Missions have standing instructions to liaise with host governments to assist Indian nationals in having their compensation claims settled without delay in case of any difficulty. All such cases are not however reported to the Indian Mission concerned. Whenever Mission is asked for assistance in case of delay or denial of compensation to an Indian national, the Mission takes the matter up with the concerned authorities of the host government or the employer for resolution of the problem.

Paucity of Spares in Air India

8022. SHRI SHANKERSINH VAGHELA:

SHRI ATAL BIHARI VAJPAYEE:

Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether the Air India management had set up a Committee to probe into the acute paucity of spares and other rotable aircraft maintenance items and was assigned the task to carry out physical inventory of spares for their availability and movement for the past eight years;

(b) if so, its findings and action taken thereon;

(c) whether the Committee found that spares worth rupees 11 crores were untraceable and that spares and maintenance items worth over rupees 20 crores had not been used for over two years;

(d) if so, the facts and action taken in this regard; and

(e) the new norms fixed in this regard and the action taken against those found guilty?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) Yes, Sir.

(b) to (e). The final report of the Committee is awaited.

Spares of Air India and Indian Airlines

8023. SHRI RAJNATH SONKAR SHASTRI: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) the amount of spare parts found missing from the Air India and the Indian Airlines during the last twelve months;

(b) the details thereof;

(c) whether any investigations were made into the missing items;

(d) if so, the outcome thereof, and
 (e) the preventive measures taken or proposed to be taken in this regard?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD) (a) to
 (e) The information is being collected and will be laid on the Table of the House

International Terrorism at UN

8024 SHRI GEORGE FERNANDES Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) whether the Government have taken any initiative at the UN regarding international terrorism and

(b) if so the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R L BHATIA) (a) and (b) India has been actively participating in the deliberations in various international forums on ways and means to combat international terrorism ever since the inscription of this item on the Agenda of the UN General Assembly in 1972. The Government of India took the initiative in the United Nations to sponsor the UNGA resolution 46/51 entitled "Measures to eliminate international terrorism". The resolution, which was adopted by consensus inter alia condemned terrorism and called upon all states to refrain from organizing, instigating, assisting or participating in terrorist acts in other states, or acquiescing in or encouraging activities within their territory directed towards the commission of such acts

Propagation of Official Language Hindi in C.W.C.

8025 SHRIMATI GIRIJA DEVI Will the Minister of WATER RESOURCES be pleased to state

(a) the system evolved for propagation of official language Hindi in his Ministry and the Central Water Commission

(b) the number of meetings of the official language implementation committee and the Hindi Editorial Board were held during the previous year and the decisions taken therein

(c) whether the decision has been implemented and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI P K THUNGON) (a) No separate system has been evolved in the Ministry of Water Resources and Central Water Commission for the propagation of Official Language Hindi. This Ministry and the Central Water Commission comply with the provisions of the Official Languages Act and Rules and the various Orders and instructions issued by the Department of Official Language in this regard from time to time

(b) to (d) Four meetings of the Official Language Implementation Committee of the Ministry of Water Resources were held during the previous year on 29 4 1992, 28 10 1992, 18 12 1992 and 29 3 1993 respectively. Similarly four meetings of the Official Language Implementation Committee of the Central Water Commission were held on 2 4 1992, 29 6 1992, 29 9 1992 and 11 12 1992 respectively. The two meetings of the Hindi Editorial Board of quarterly magazine Bhagirath published by Central Water Commission were held on 11 6 1992 and 25 9 1992 during the previous year. The details of the decisions taken in the meetings of the Official Language Implementation Committee and Editorial Board and actions taken thereon are given in the enclosed Statement

STATEMENT*Meeting of the Official Language Implementation Committee or Ministry of Water Resources held on 29.4.1992*

Decisions taken	Action taken
1 An early action should be taken on the matter regarding creation of Hindi posts in the Office of Controller of Accounts of the Ministry and a programme be chalked out to inspect various Organisations/Offices and the Inspection should be done accordingly	In regard to creation of Hindi posts in the Office of Comptroller of Accounts due to financial constraints Hindi Section of the Ministry has been asked to do their Hindi work Five Offices were during the Quarter ending Sept 92
2 Full compliance of Section 3 (3) of Official Languages Act 1963 in the Office of the Controller of Accounts Central Ground Water Board and National Institute of Hydrology may be ensured	Appropriate instructions have been issued on 4.6.92 to these Offices for full compliance of Section 3 (3) of Official Languages Act 1963
3 Letters received in Hindi must be replied to in Hindi in Central Ground Water Board	Appropriate instructions have been issued in this regard
4 Efforts should be made in the Ministry to complete the Hindi training of Hindi Stenography Typing during next three Sessions More employees should be given training in Hindi Stenography Typing in Central Water Commission and National Project Construction Corporation	In the Session commenced from August 92 18 and 7 employees have been nominated for training in Hindi Stenography and Hindi typing respectively
5 The meetings of Official Language Implementation Committee should be convened regularly in all the Organisations of the Ministry and Hindi Workshops should also be conducted regularly	Almost all the Organisations have informed that they are Organising Official Language Implementation Committee meetings regularly and Organising Hindi Workshops also

Decisions taken	Action taken
6 All the Offices/Organisations of the Ministry have been asked to send the compliance report on the last Annual Programme to the Department of Official Language	Action report has been received from all the Office and sent to Department of Official Language after compilation

<i>Decisions taken</i>	<i>Action taken</i>
2 As per the request made in the meeting held on 23 11 92 under the Chairmanship of Secretary (WR) the offices whose correspondence in Hindi is less than 50° should try to achieve upto 50° at least and the offices whose correspondence in Hindi is upto 50° or more than 50° should make efforts to increase it further	It has been brought to the notice of all the offices under the Ministry and compliance report has also been received from them
3 It may be ensured to send the telegrams in Hindi in Region A and B in accordance with the Annual Programme	It has been brought to the notice of all the Divisions/Sections/ Desks Units of the Ministry and they have been asked to ensure its compliance
4 The decisions taken in the said meeting held on 23 11 92 regarding the training of Hindi Stenography typing be compiled with	Generally all the offices have informed that they are making efforts in this regard
5 Atleast one Hindi Workshop must be conducted in every quarter	It has been informed by all the offices that efforts are being made by them to conduct one Hindi workshop in every quarter
6 Orders of the Official Language Department regarding the provisions of the typewriters and other mechanical aids should be complied with	All the offices have informed that they are complying with the instructions of the Department of Official Language in this regard

Meeting of the Official Language Implementation Committee Held on 29 3 1993

1 The letters should be sent to Behwa River Board and Farrakka Barrage Project for full compliance of Section 3(3) of Official Languages Act 1963

Letters have already been sent to both the offices on 20 4 93 on behalf of the Ministry

Decisions taken	Action taken
2 The Betwa River Board and Farrakka barrage Project may be asked to state the reasons about the replies sent in English to the letters received in Hindi	Letters have already been sent to both the offices on 20.4.93 on behalf of the Ministry
3 The offices, whose correspondence in Hindi is less than 50% may achieve it to at least 50% and whose correspondence is about 50% may try to increase it further	Appropriate instructions have been issued to all the offices
4 The target fixed by the Department of Official Language regarding Hindi Telegrams must be achieved	All the Organisations have been informed about the decision
5 For training in Hindi/Hindi Stenography/Hindi typirg and conducting Hindi Workshop a time bound programme should be chalked out and the training may be completed early	In the Ministry as well as most of the Organisations have chalked out their one year time bound programme
6 Further action may be taken regarding the creation of the Hindi posts in the Office of the Controller of Accounts	In view of the financial constraints the Hindi Section of the Ministry has been asked to do their work for the time being
7 Each copy of the Journals and Annual Reports printed by the Organisations under the Ministry should be sent regularly to the members of the Hindi Sahakar Samit	All the Organisations have been informed about the decisions

Decisions taken	Action taken
8. In the meeting of the Official Language Implementation Committee, the members do not attend the meeting themselves rather send their representatives. Members should themselves attend the meeting.	All the Organisations have been informed about the decision:
<p><i>Meeting of the Official Language Implementation Committee of Central Water Commission Held on 2.4.1992</i></p> <ol style="list-style-type: none"> <li data-bbox="484 1037 604 1520">1. In each wing of Central Water Commission, all the Coordination Directors should hold a meeting with all the branch officers to meet the progress in Hindi in their Wing. <li data-bbox="632 1037 703 1520">2. Devanagari typewriters should be made available according to the requirements. 	<p>Appropriation instructions have been issued to all the concerned officers.</p> <p>The Sections, who send their requisition, are provided with Devanagari typewriters.</p>
<p><i>Meeting of the Official Language Implementation Committee of Central Water Commission Held on 29.6.92</i></p> <ol style="list-style-type: none"> <li data-bbox="780 1037 846 1520">1. To review the Hindi progress, internal meetings should be convened by all the wings <li data-bbox="874 1037 934 1520">2. Proper arrangements should be made to provide Devanagari Typewriters. 	<p>In this regard necessary instructions have been issued to the concerned officers.</p> <p>20 Devanagari typewriters have been purchased and all Directors(Coord) have been requested to get them according to their requirements.</p>

Decisions taken	Action taken
<p>3. Arrangements be made to impart training to the employees under Hindi Teachign Scheme</p> <p>4. For celebrating Hindi Week on large scale, Organisation Committee be constituted under the Chairmanshhip of Chief Engineer (Admin., Coord. and Training)</p>	<p>Officials have been nominated for Prabodh, Praveen and Pragya classes to get them trained. Similarly employees have been nominated for Hindi typing and Hindi Stenography.</p> <p>Organisation Committee has been constituted</p>
<p><i>Meeting of the Official Language Implementation Committee of Central Water Commission held On 29.9.92</i></p> <ol style="list-style-type: none"> 1. Percentage of the Telegrams to be sent in Hindi should be increased. 2. All the wings have been asked to send the names of their representatives and suitable dates for Hindi Workshops 3. It is written in the documents issued under Section 3 (3) that its Hindi version will follow. Information regarding its Hindi version should be given to Hindi Section. 4. Some phrases should be printed in the inner side of the file covers so as to help the officials for doing noting and drafting in Hindi. 	<p>Necessary instructions have been issued to all concerned offices in this regard.</p> <p>A Workshop has been conducted from 23-30 Nov., 1992 after getting the names.</p> <p>All the Sections and Directorates have been informed in this regard.</p> <p>The concerned officers have been asked to keep in view while printing the file covers.</p>

	<i>Decisions taken</i>	<i>Action taken</i>
<i>Meeting of the Official Language Implementation Committee of Central Water Commission Held On 11 12 92</i>		
1	Internal meetings should be convened by various wings of the Commission	Instructions in this regard have again been issued to all the wings
2	Suitable arrangements may be made to provide Devanagari typewriters	Action is being taken to purchase five more typewriters
3	Percentage of telegrams to be sent in Hindi should be increased	Appropriate instructions have been issued in this regard
4	<u>Regular Hindi Workshops should be conducted</u>	<u>Regular Hindi Workshops are being conducted</u>
<i>Meeting of the Editorial Board of Bhagirath (Hindi) Held on 11 6 92</i>		
1	Editors of the both the periodicals have been advised to comply with the decisions taken in the meeting of the senior officers of the Ministry of Water Resources held on 4 3 1992	The decision is being fully complied with
2	All Organisations under the Ministry should be kept under the mailing list of Bhagirath (Hindi) and Bhagirath (English) and their copies be circulated to other Ministries also alongwith	Copies of Bhagirath (Hindi) and Bhagirath (English) are circulated to all the Organisations of the Ministry of Water Resources as well as the all Ministries of Govt

Decisions taken	Action taken
Ministry of Foreign Affairs Planning Commission etc if it is not being done already	of India
3 Specific efforts would be made by the Chairman Official Language Implementation Committee C W C (Member IRM) and Chairman Voluntary Hindi Propagation Committee C W C for obtaining articles in Hindi for 'Bhagirath Similarly Supdtg Engineers and Executive Engineers Working in the fields may be requested to obtain the articles in Hindi in their respective sphere for printing them in 'Bhagirath'	Action has been taken vide letters dated 8th September and 28th October 1992. Consequently many articles in Hindi have been received
4 Manuscript of Bhagirath (Hindi) for April - June 1992 has been approved as per Annexure-I	The issue for April June 1992 of Bhagirath (Hindi) has been published on 16th October 1992
5 The items in respect of main news related to the development of water resources which are published in English Newspapers but not printed in Hindi Newspapers but not printed in Hindi Newspapers be translated into Hindi and be printed in Bhagirath (Hindi)	No difficulty in this regard has been felt so far. Most of the news related to the development of water resources are regularly published in Hindi and English Newspapers. An article on 'Save Water under the Head 10 Commandments was published in the issue of June-March 1992 of Bhagirath (English). Its Hindi version was also published in the issue of July-Sept 1992 of the Bhagirath (Hindi)

Decisions taken	Action taken
6 In accordance with the advice of the Secretary, Ministry of Water Resource, editors of the other periodicals like Ladohu Uddyog be invited in the meetings of Editorial Board of Bhagirath so as to improve the discussion on journalism	Next meeting of the Editorial Board is likely to be held during June 1993 in which action would be taken in this regard
	<p><i>Meeting of Editorial Board of Bhagirath (Hindi) Held on 25.9.92</i></p> <p>Three essays which were awarded prizes during the celebration of Hindi Week were published in Bhagirath (Hindi) in September-October, 1992 issue</p>
1 Hindi essays related to the development of water resources written during the celebration of Hindi Week and which were awarded prizes can be considered to be printed in Bhagirath	Interesting articles received from River Management Wing have been published in the issue for January-March 1993
2 Articles in connection with the competition organised by River Management Wing should be obtained and considered for publication in Bhagirath (Hindi)	Three articles out of these read in workshops on technical matters in Hindi were selected and published in the issue for October-December, 1992
3 Articles related with the workshops on the technical matters received in Hindi be considered for publication	Sh. Parashar reviewed some articles in Hindi and sent for publication in Bhagirath (Hindi)
4 Shri Ramakant Parashar Director (River Data) promised to send two articles immediately for publication in Bhagirath (Hindi)	

Decisions taken	Action taken
5 Three articles, which were published in the issue for July, 1992 of <i>Maharashtra Sinchana Vikas</i> were selected by member (Design & Research) These may be translated into Hindi from Marathi and published immediately	One such article has been translated and published in the issue for January-March, 1993. Second article is being published in the issue for April-June, 1993 and the third would be published in the next issue after getting it translated into Hindi
6 The issue for July-Sept 1992 and for October-December, 1992 should be published jointly to reduce the delay and the same should be printed in the printing press of Central Water Commission	The joint issue was published on 20th January, 1993 and printing work was done in the printing press in Central Water Commission
7 Acting Editor, Bhagirath (Hindi) would get the manuscript of the said issue approved by the members of the Editorial Board immediately through circulation	The said joint issue was approved by the members of Editorial Board on 26th October 1992

**Tapes of Film Makers Sold by
Doordarshan**

8026 SHRIMATI CHANDRAPRABHA
URS Will the Minister of INFORMATION AND
BROADCASTING be pleased to state

(a) whether important tapes including those of film makers, Satyajit Ray's interview with American Star Marlon Brando and Japanese film maker Akira Kurosawa had been sold off by unscrupulous persons in Doordarshan to outsiders, and

(b) if so, the facts thereof?

THE MINISTER OF STATE OF THE
MINISTRY OF INFORMATION AND BROADCASTING (SHRI K P SINGH DEO) (a) and
(b) The information is being collected and will be laid on the Table of the House

[Translation]

Loss to UPSEB

8027 DR RAMESH CHAND TOMAR
Will the Minister of POWER be pleased to state

(a) whether the Government are aware of the huge loss suffered by the Uttar Pradesh Electricity Board due to malpractices of officers working at Ghaziabad and Noida

(b) if so, the details thereof, and

(c) the action taken or proposed to be taken by the Government against the officers found guilty?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) The Uttar Pradesh State Electricity Board has reported that no specific instances of malpractices of officers working at Ghaziabad and Noida have come to their notice

(b) and (c) Do not arise in view of above

Telecom Equipments in Punjab

8028 SHRI MOHAN SINGH
(FEROZEPUR) Will the Minister of COMMUNICATIONS be pleased to state

(a) whether the Government have noticed shortage of telephone equipments and other items in the various godowns of telecommunications department in Punjab.

(b) if so, the details thereof

(c) whether the Government have conducted any inquiry in this regard, and

(d) if so the details thereof and the action taken against the persons found guilty?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) Shortage had been detected in one case in 1983-84 in Barnala Sub Divisional Store Godown

(b) Shortage of following items was detected in Barnala Sub Divisional store Godown

(1) G I Wire of Sorts

75 lbs	-	287 Kg
100 lbs	-	2993 Kg
300 lbs		18036 Kg
600 lbs		2774 Kg

(2) Socket A - 6 Nos
Socket C - 21 Nos

(3) Bitumen - 293 Kg

(c) Yes Sir

(d) A police case was registered against the concerned Store Lineman of Barnala Sub Divisional Store Godown vide FIR No 33 under section 409 IPC at Barnala Police Station and is pending decision in the Court of Law. Major penalty charge sheet for departmental action

against the concerned official has also been issued and would be decided based on the outcome of the Court's decision

[*English*]

Narmada Sagar Project

8029 SHRI CHANDRESH PATEL Will the Minister of WATER RESOURCES be pleased to state

(a) the percentage of water proposed to be given for areas of Saurashtra and Kutch region of Gujarat for irrigation with the completion of Narmada Sagar Project,

(b) the area of land likely to be covered for irrigation

(c) whether after completion of the project the irrigation facility will be nearly 100% in South Gujarat while it will be less in the Saurashtra region of Gujarat particularly in the districts of Jamnagar Bhavnagar Junagadh and Amreli, and

(d) if so the action plan and programmes proposed to increase the irrigation facilities in the Saurashtra region of Gujarat ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI P K THUNGON) (a) and (b) Out of the total irrigation of 17.92 lakh hectares envisaged through Sardar Sarovar Project, 3.86 lakh hectares is in the Saurashtra region and 0.573 lakh hectares in Kutch region which constitutes 21.5% and 3.2% of envisaged irrigation respectively

(c) and (d) Provision of irrigation ability from a project depends, among others, on the topographical features of the region, availability of water, capacity of canals and land irrigability. In order to provide additional sources of irrigation a perspective prepared includes measures

like inter-basin transfer by Par-Tapi Link from South Gujarat and Kalp Sarovar Project in Gulf of Khambat

[*Translation*]

Deep Sea Fishing with Foreign Collaboration

8030 SHRIMATISHEELA GAUTAM Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state

(a) whether the Government propose to make any amendments in the Charter policy relating to deep sea fishing with foreign collaboration, and

(b) if so, the details of the terms of the amended policy and the technology required for this purpose?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI) (a) No Sir

(b) Does not arise

[*English*]

Deep Fishing Operation in Kerala

8031 PROF K V THOMAS Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state

(a) whether the Union Government are aware of a recent verdict given by the Kerala High Court regarding powers of the Union and State Governments in regard to the control of deep sea fishing operation

(b) if so the details thereof

(c) whether the fishermen in Kerala are agitating for several years to prevent fishing outside the territorial waters from June to August every year, and

(d) if so, the details thereof and the steps taken by the Union Government in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI) (a) to (d) Information is being collected and will be laid on the Table of the House

Economic Block of Developing Countries

8032 SHRI B L SHARMA PREM Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) whether the Government propose to take any initiative for the formation of an economic block of developing countries to face I.M.E./World Bank/GATT for protecting commercial and economic interests of developing countries

(b) if so, the details thereof

(c) whether the Government are aware of the formation of the economic group of US, Canada and Mexico called as NAFTA and

(d) if so, the reaction of the government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R L BHATIA) (a) The viewpoint of developing countries on global economic issues is already being articulated on fora such as the Non Aligned Movement (NAM) the Summit level group on South-South consultation and cooperation (G 15) the G-77 etc. Hence no new initiative has been contemplated

(b) Not applicable

(c) Yes Sir

(d) The Government is hopeful that the new trade creating opportunities arising out of the proposed free trade Area will outweigh any

negative trade diversionary impact

P.M. Visit to Indian Enclaves in Bangladesh

8033 SHRI AMAR ROYPRADHAN Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) whether any Prime Minister made any visit to the Indian enclaves in Bangladesh,

(b) if so, the details thereof, and

(c) the steps taken/proposed to be taken by the Government for the redressal of grievances of Indian citizens residing in these enclaves?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R L BHATIA) (a) No Sir

(b) Does not arise

(c) According to the information available with Government there are 119 exchangeable and 11 non-exchangeable Indian enclaves in Bangladesh. India has no access to or control over these enclaves in Bangladesh. Therefore the question of redressal of grievances of Indian citizens residing in these enclaves does not arise

According to the provisions of the Indo-Bangladesh Land Boundary Agreement 1974 the Indian enclaves in Bangladesh and the Bangladeshi enclaves in India are to be exchanged. The de jure exchange of enclaves has not taken place due to the non-ratification of the Indo-Bangladesh Land Boundary Agreement 1974

Snack Foods Export Project

8034 PROF ASHOK ANANDRAO DESHMUKH Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state

(a) whether the Government affiliates of Coca-Cola have permitted Indian to invest in the snack foods export project, and

(b) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI) (a) and (b) Government have approved a joint venture proposal of M/s Britco Foods Co Pvt Limited (formerly M/s JMRPCO Limited) on 21.1.1992. In this joint venture company, M/s JMRPCO Limited, M/s Britannia Industries Limited and Maharashtra State Government Agency will hold 66% 24% and 10% of the equity respectively. M/s Britco Foods Co Pvt Limited proposed to have Processed Snack Foods and Beverage Blending Divisions

Newspapers/Magazines Published from Assam

8035 SHRI PROBIN DEKA Will the Minister of INFORMATION AND BROADCASTING be pleased to state

(a) the names of registered daily, fortnightly, weekly and monthly Newspapers and

Magazines being published from Assam and the extent of their circulation,

(b) the names of newspapers and magazines whose publications have been stopped after registration during the last three years and

(c) the action taken/being taken against those newspapers/magazines for violating the rules?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K P SINGH DEO) (a) The details of periodicals published from various States and Union Territories including Assam as on 31.12.90, is available in the Parliament House Library. These details have been updated by the office of Registrar of Newspapers for India (RNI) upto 31.12.91. During the period from 1.1.91 to 31.12.91, 19 periodicals from Assam have been registered with RNI. Their details are given in the attached statement

(b) As per information available with RNI there was no cessation of publication of any newspaper or magazine during the last three years

(c) Does not arise

STATEMENT*List of Newspapers from Assam Registered with RNJ during the period 11/91 to 31/12/91*

Sl No	Name of the newspaper etc	Circulation figure
1	Frontier Sun English daily Silchar	24767
2	News Front. English daily Guwahati	
3	Sandhya Bator, Assamese daily Guwahati	14907
4	Action News magazine, English weekly, Guwahati	25593
5	Diphu Times English weekly, Diphu	
6	Phylon, English weekly Guwahati	21700
7	Saptasetu, Hindi weekly, Guwahati	
8	Agnigarh Assamese weekly, Tezpur	
9	Natun Din, Assamese weekly Guwahati	
10	Retana Peth barta, Assamese weekly, Goalpara	
11	Saptahik Swadhin Asom, Assamese weekly, Guwahati	

Sl No	Name of the newspaper etc	Circulation figure
12	Militar Dak Bengali weekly Karimganj	.
13	Badosa Bodo weekly Kokraher	.
14	Construction Tribune English fortnightly Jorhat	.
15	Ajr Chitra Jyoti English fortnightly Guwahati	.
16	Silchar Times Bengali fortnightly Silchar	.
17	Aamee Assamese monthly Dispur	.
18	Bikalpa Assamese monthly Guwahati	.
19	Kushore Assamese monthly Guwahati	.

• Figure not supplied by the publisher

8036 SHRIMATI VASUNDHARA RAJE
Will the Minister of WATER RESOURCES be pleased to state

(a) the approximate amount required for the completion of Indira Gandhi Nagar Project

(b) the amount proposed to be released by the Union Government for that project in 1993-94 and

(c) the amount earmarked during the Eighth Plan period?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI P K THUNGON) (a) Indira Gandhi Nahar Project Stage-I is almost complete. As regards Indira Gandhi Nahar Project, Stage-II WAPCOS in their Feasibility Report has worked out a total cost as Rs 3512.40 crores. However an expenditure of Rs 594 crores on canal works and Rs 231 crores on area development works of Stage-II has been incurred upto March 1992

(b) During 1992-93 Rs 52 crores as Central Assistance under Border Area Development Programme was released for the canal works. Besides an additional assistance of Rs 10 crores was also released to the State Government. For Area Development Works under Centrally Sponsored Schemes an amount of Rs 21.80 crores was released to the State Government in 1992-93. During 1993-94 Central Assistance for Indira Gandhi Nahar Project would continue subject to availability of resources and allotment of funds out of State Plan for this project

(c) The State Government has projected the requirement of Rs 430 crores for Indira Gandhi Nahar Project Stage-II under State Sector during Eighth Plan

Registration of Magazines from M.P.

8037 SHRISHIVRAJ SINGH CHAUHAN
Will the Minister of INFORMATION AND BROADCASTING be pleased to state

(a) the number of applications for registration of magazines received from Madhya Pradesh during the last three years

(b) the number of magazines registered during the above period

(c) the number of applications rejected during the same period and

(d) the number of magazines the registration of which has been canceled due to their non-publications during that period?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K P SINGH DEO) (a) As per information available in the office of Registrar of Newspapers for India (RNI) 1029 applications for registration of magazines were received from Madhya Pradesh during the last three years

(b) As per records maintained in the office of RNI 407 magazines from Madhya Pradesh were registered during this period

(c) No applications have been rejected during the last three years. However discrepancies in respect of 622 applications were noticed and the concerned publishers were requested to rectify them

(d) None, Sir

Air Services by Foreign Air Lines

8038 SHRIMATI SAROJ DUBEY Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state

(a) the number of foreign airlines providing air services in the country at present; and

(b) the names of cities in the country which have been linked with their Services?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) and (b). No foreign airline has been permitted to provide air services on the domestic sectors in the country.

AT & T Telephone Service

8039. **SHRI SATYA DEO SINGH:**
DR. RAMKRISHNA
KUSMARIA:

Will the Minister of COMMUNICATIONS be pleased to state: -

(a) whether AT & T has introduced a new service for India through which the relatives and friends living in America could be contacted easily;

(b) if so, the details thereof; and

(c) the estimated expenditure likely to be incurred on every one minute call under the service?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P. V. RANGAYYA NAIDU) (a) Yes, Sir. A service called "NAMASKAR" has been introduced w.e.f. 22.2.1993 by mutual agreement between Department of Telecommunications, Videsh Sanchar Nigam Limited and AT&T, USA.

(b) The "NAMASKAR" service provides direct dialing facility for a person calling from India to the special telephone operator in USA, who can converse with the caller in Hindi and connect the call to the desired party. These calls are treated as incoming calls from USA and are paid by the called party as a collect call or by the

call party if he has a Credit Card facility with AT&T.

A similar service in English called "Home Country Direct Service" is already available between India and USA since 1st November 1991.

(c) The person making use of this facility in India has to pay charges for only one local call. Since the call is treated as an incoming call, the called party has to pay to the AT&T as per their imprescribed rates in USA.

[English]

Purchase of West Land Helicopter

8040. **DR. LAXMINARAYAN PANDEY:**
DR. AMRIT LAL KALIDAS PATEL:

Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether objections had been raised regarding the purchase of West land helicopter;

(b) if so, the details thereof; and

(c) the factors which went into the making of this purchase?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) to (c). Certain reservations were initially expressed regarding "zero risk on take off", "pay load penalty" and higher operating cost of the helicopter. The helicopters were subsequently acquired after having been found suitable by two expert technical teams. As regards higher operating cost, a one-time lump-sum operating subsidy of Pound 10 million was given by Ms. West land Helicopters Limited, UK to off-set the higher operational cost.

[Translation]

Development of Patna Airport

8041. SHRI CHHEDI PASWAN: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

- (a) whether there is any proposal for modernisation and expansion of Patna Airport;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefor?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABIA AZAD): (a) to (c). Patna airport is being developed as one of the Model airports, by expanding and modifying the Terminal Building with modern passenger amenities, at an estimated cost of Rs. 5.81 crores.

Quality Control and Modern Technology in Food Processing Industries

8042. SHRI MOHAMMAD ALI ASHRAF FATMI: Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state:

(a) whether the Union Government are aware of the need for modernisation including use of new technology in food processing industries and to maintain quality control in order to make it competitive at international level; and

(b) if so, the steps taken or proposed to be taken by the Government in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI): (a) and (b). Modernisation, adoption of new technology and quality control for the purposes of producing processed food products acceptable and competitive in the international market will help in increase of exports. Government have liberalised Industrial Policy allowing automatic approval for technology agreements, automatic

approval for foreign collaboration upto 51% equity for manufacture of wide ranging food products; have provided fiscal incentives such as reduction in customs/excise duties on food processing machineries and components. Government is also implementing various plan schemes for research and development, quality control and for development of suitable machineries.

Investment in Food Processing Industries

8043. SHRI ARJUN SINGH YADAV: SHRI RAM LAKHAN SINGH YADAV:

Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state:

(a) whether a number of proposals for the food processing Sector have been received after the Government Special announcement emphasis on the export of agro-based food products; and

(b) if so, the details thereof and the action taken thereon?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI): (a) and (b). Since the liberalisation of Industrial Policy in July, 1991, 150 proposals for establishment of 100% export oriented units in different sectors of food processing industries have been approved.

Clearance of Pending Power Projects

8044. SHRI HARIKEWAL PRASAD: SHRI KASHIRAM RANA:

Will the Minister of POWER be pleased to state:

(a) the power projects which have been included in Eighth Five Year Plan for clearance; and

(b) the projects out of them cleared so far?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P. V. RANGAYYA NAIDU): (a) and (b). Details of the power projects included in the eighth Five Year Plan are given

in the attached statement. All these projects are techno-economically cleared by the Central Electricity Authority.

S. No.	Project	Thermal	Hydro	Nuclear	Gas
STATEMENT					
NORTHERN REGION					
	State : Uttar Pradesh				
	State Sector				
2.	Sohia	0.00	6.00	0.00	0.00
2.	Maneri - II	0.00	304.00	0.00	0.00
3	Bijnagar	0.00	165.00	0.00	0.00
4	Rajghat	0.00	22.50	0.00	0.00
5.	Arpara 'B'	1000.00	0.00	0.00	0.00
6	Tanda Unit - 4	110.00	0.00	0.00	0.00
	Sector Total	1110.00	0.00	0.00	0.00
CENTRAL SECTOR					
7.	NCTPP Dadri Unit-2	630.00	0.00	0.00	0.00
8	GT Dadri	0.00	0.00	0.00	555.00

S No.	Project	Thermal	Hydro	Nuclear	Gas
9.	Tehri Stage-I	0.00	1000.00	0.00	0.00
10.	Ranund Extension	500.00	0.00	0.00	0.00
11.	Unchahar Extension	210.00	0.00	0.00	0.00
	Sector Total	1340.00	1000.00	0.00	555.00
	State Total	2450.00	1497.50	0.00	555.00
State : Rajasthan					
State Sector					
12.	Ramgarh	0.00	0.00	0.00	3.00
13.	Kota Unit - 5	210.00	0.00	0.00	0.00
	Sector Total	210.00	0.00	0.00	3.00
Central Sector					
14.	Banswara Lignite	240.00	0.00	0.00	0.00
15.	RAPP Extension-I	0.00	0.00	220.00	0.00
	Sector Total	240.00	0.00	220.00	0.00
	State Total	450.00	0.00	220.00	3.00
State : Punjab					
State Sector					
16.	Thien Dam	0.00	300.00	0.00	0.00
17.	Ropar-III	210.00	0.00	0.00	0.00
18.	Bhatinda	420.00	0.00	0.00	0.00
	Sector Total	630.00	300.00	0.00	0.00
	State Total	630.00	300.00	0.00	0.00

S No	State Sector	Project	Thermal	Hydro	Nuclear	Gas
	State Sector	Jammu & Kashmir				
19	Pahalgam		0.00	3.00	0.00	0.00
20	Kargil		0.00	3.80	0.00	0.00
21	Upper Sind		0.00	70.00	0.00	0.00
22	Upper Sind ^{II}		0.00	35.00	0.00	0.00
23	Pampore		0.00	0.00	0.00	100.00
	Sector Total		0.00	111.80	0.00	100.00
	Central Sector					
24	Dulhasti		0.00	390.00	0.00	0.00
25	Salai ^{II}		0.00	345.00	0.00	0.00
26	Uri		0.00	480.00	0.00	0.00
	Sector Total		0.00	1215.00	0.00	0.00
	State Total		0.00	1326.80	0.00	100.00
	State Sector	Himachal Pradesh				
27	Thirot		0.00	4.50	0.00	0.00
28	Baner		0.00	12.00	0.00	0.00
29	Gai		0.00	10.50	0.00	0.00
	Sector Total		0.00	27.00	0.00	0.00
	Central Sector					
30	Chamera-I		0.00	540.00	0.00	0.00

S. No.	Project	Thermal	Hydro	Nuclear	Gas
	Sector Total	0.00	540.00	0.00	0.00
	State Total	0.00	567.00	0.00	0.00
State : Haryana State Sector					
31.	Dadupur	0.00	6.00	0.00	0.00
32	Panipat Unit-6	210.00	0.00	0.00	0.00
33	NYC Stage-II	0.00	16.00	0.00	0.00
	Sector Total	210.00	22.00	0.00	0.00
Central Sector					
34.	Yamuna Nagar TPP	210.00	0.00	0.00	0.00
35.	Fandabab CCGT	0.00	0.00	0.00	546.00
	Sector Total	210.00	0.00	0.00	546.00
	State Total	420.00	22.00	0.00	546.00
State : Delhi State Sector					
36.	DESU WH	0.00	0.00	0.00	102.00
37.	Bawana OCGT	0.00	0.00	0.00	660.00
	Sector Total	0.00	0.00	0.00	762.00
	State Total	0.00	0.00	0.00	762.00
	Northern Region Total	3950.00	3713.30	220.00	1966.00
Western Region					
State : Gujarat State Sector					

S No	Project	Thermal	Hydro	Nuclear	Gas
State Jammu and Kashmir States Sector					
19	Pahalgam	0 00	3 00	0 00	0 00
20	Kargil	0 00	3 80	0 00	0 00
21	Upper Sindh	0 00	70 00	0 00	0 00
22	Upper Sindh-II	0 00	35 00	0 00	0 00
23	Pahpure	0 00	0 00	0 00	100 00
		Sector Total	0 00	111 80	0 00
Central Sector					
24	Dulhast	0 00	390 00	0 00	0 00
25	Salai-II	0 00	345 00	0 00	0 00
26	URI	0 00	480 00	0 00	0 00
		Sectoral Total	0 00	4 50	0 00
		State Total	0 00	1326 80	0 00
					100 00

S.No.	Project	Thermal	Hydro	Nuclear	Gas
State: Himachal Pradesh					
State Sector					
27.	Thirot	0.00	4.50	0.00	0.00
28.	Baner	0.00	12.00	0.00	0.00
29.	Gaj	0.00	10.50	0.00	0.00
	Sector Total	0.00	27.00	0.00	0.00
Central Sector					
30.	Chamera-I	0.00	27.00	0.00	0.00
	Sectoral Total	0.00	540.00	0.00	0.00
	State Total	0.00	567.00	0.00	0.00
State: Haryana					
State Sector					
31.	Dadupur	0.00	6.00	0.00	0.00
32.	Panipat Unit-6	210.00	0.00	0.00	0.00
33.	HYC Stage-II	0.00	16.00	0.00	0.00
	Sector Total	210.00	22.00	0.00	0.00

S No	Project	Thermal	Hydro	Nuclear	Gas
34	Central Sector	Yamuna Nagar TPP	210 00	0 00	0 00
35	Fardabab Cost	0 00	0 00	0 00	546 00
	Sectoral Total	210 00	0 01	0 00	546 01
	State Total	420 00	22 01	0 00	546 01
36	State Delhi State Sector	DESU WH	0 00	0 00	102 00
37		Bawana Cost	0 00	0 00	660 00
		Sector Total	0 00	0 00	762 00
		State Total	0 00	0 00	762 00
		Total	3950 00	3713 301	220 00
					19861
38	Northern Region Western Region State Gujarat State Sector	Kadana Unit 3 4	120 00	0 00	0 00

S No	Project	Thermal	Hydro	Nuclear	Gas
39	Kutch Lisanite U-3	70 00	0 00	0 00	0 00
40	Sikkha Unit-2	120 00	0 00	0 00	78 00
41	Utran Gas Based TP	0 00	0 00	0 00	78 00
Central Sector		Sector Total	190 00	120 00	0 00
42	Kawas CCGT	0 00	0 00	0 00	538 00
43	Kakrapara	0 00	0 00	0 00	615 00
44	Gandhar CCGT	0 00	0 00	0 00	615 00
Sector Total		0 00	0 00	0 00	1153 00
State Total		190 00	120 00	440 00	1231 00
State Madhya Pradesh State Sector					
45	Tawa	0 00	12 00	0 00	0 00
46	Hasdred bango	0 00	120 00	0 00	0 00
47	Bansagar Tons	0 00	90 00	0 00	0 00
48	Raighat	0 00	22 50	0 00	0 00

S.No.	Project	Thermal	Hydro	Nuclear	Gas
49.	Sanjay Gandhi U-1&	420.00	0.00	0.00	0.00
50.	Sanjay Gandhi U-3&	420.00	0.00	0.00	0.00
51.	Pench	420.00	0.00	0.00	0.00
52.	Bansagar Tons-IV	0.00	20.00	0.00	0.00
	Sector Total	1260.00	264.50	0.00	0.00
	State Total	1260.00	264.50	0.00	0.00
State: Maharashtra					
State Sector					
53.	Manikdoh	0.00	6.00	0.00	0.00
54.	Ujjaini	0.00	12.00	0.00	0.00
55.	Warna	0.00	16.00	0.00	0.00
56.	Surya	0.00	6.00	0.00	0.00
57.	Bhindarara-II	0.00	34.00	0.00	0.00
58.	Dudhganga	0.00	24.00	0.00	0.00
59.	Dimbhe	0.00	5.00	0.00	0.00
60.	Bhira PSS	0.00	150.00	0.00	0.00

S.No	Project	Thermal	Hydro	Nuclear	Gas
61	Koyna Stage IV	0.00	500.00	0.00	0.00
62	Chandrapur Unit-7	500.00	0.00	0.00	0.00
63.	Uran KHP	0.00	0.00	0.00	360.00
64	Kheperkheda Ext	420.00	0.00	0.00	0.00
65.	Trombay	0.00	0.00	0.00	180.00
66.	BBES (Dahanu)	500.00	0.00	0.00	0.00
Sectoral Total		1420.00	753.00	0.00	540.00
Joint Sector					
67.	Sardar Sarovar	0.00	1450.00	2203.00	540.00
	Sector Total	0.00	1450.00	0.00	0.00
	State Total	1420.00	2203.00	0.00	540.00
	Western Region Total	2870.00	2587.50	440.00	1771.00
Southern Region					
State: Andhra Pradesh State Sector					
68.	Panka Ahobilam	0.00	20.00	0.00	0.00

S No	Project	Thermal	Hydro	Nuclear	Gas
69	Upper Sileru	0 00	120 00	0 00	0 00
70	Guntur Canal	0 00	8 60	0 00	0 00
71	Srisailam Labph	0 00	300 00	0 00	0 00
72	Muddanur	420 00	0 00	0 00	0 00
73	Vijayanada-III	420 00	0 00	0 00	0 00
74	Singur	0 00	15 00	0 00	0 00
	Sector Total	840 00	463 60	0 00	0 00
	State Total	840	463	0 00	0 00
State Karnataka State Sector					
75	Varahi (Mani Dam)	0 00	9 00	0 00	0 00
76	Ghatprabha	0 00	16 00	0 00	0 00
77	Mallapur	0 00	9 00	0 00	0 00
78	Sharavati Tailrace	0 00	240 00	0 00	0 00
79	Kalindi-II	0 00	270 00	0 00	0 00

S.No	Project	Thermal	Hydro	Nuclear	Gas
80	Brindawan	0.00	12.00	0.00	0.00
81	Bhadra	0.00	6.00	0.00	0.00
82	Shivpuri	0.00	18.00	0.00	0.00
83	Raichur Unit 4	210.00	0.00	0.00	0.00
84	Diesel Sets	0.00	0.00	0.00	78.00
85	D.G. Sets Bangalore	0.00	0.00	0.00	128.00
Sector Total		210.00	580.00	0.00	206.00
Central Sector					
	Kaiga	0.00	0.00	440.00	0.00
	Sector Total	0.00	0.00	440.00	0.00
	State Total	210.00	580.00	440.00	206.00
State Kerala					
State Sector					
87	Kallada	0.00	15.00	0.00	0.00
88	Muvattupuzha	0.00	7.00	0.00	0.00
89.	Lower Periyar	0.00	180.00	0.00	0.00

S No	Project	Thermal	Hydro	Nuclear	Gas
90	Kakkad	0.00	50.00	0.00	0.00
91	Peppara	0.00	3.00	0.00	0.00
93	Poringalkuthy	0.00	16.00	0.00	0.00
	Sector Total	0.00	271.00	0.00	0.00
	State Total	0.00	271.00	0.00	0.00
State Pondicherry State Sector					
93	Karakal GT	0.00	0.00	0.00	22.50
	Sector Total	0.00	0.00	0.00	22.50
	State Total	0.00	0.00	0.00	22.50
State Tamil Nadu State Sector					
94	Lower Bhavani RBC	0.00	8.00	0.00	0.00
95	Sathanur Dam	0.00	7.50	0.00	0.00
96	North Madras	630.00	0.00	0.00	0.00

S.No.	Project	Thermal	Hydro	Nuclear	Gas
97.	Basin Bridge GT	0.00	0.00	0.00	120.00
	Sector Total	630.00	15.50	0.00	120.00
	Central Sector				
98.	Neyveli-II Extn.	420.00	0.00	0.00	0.00
99.	Neyveli Zero Unit	210.00	0.00	0.00	0.00
	Sector Total	630.00	0.00	0.00	0.00
	State Total	1260.00	15.00	0.00	120.00
	Southern Region Total	2310.00	1330.00	44.00	348.50
	Eastern Region				
	State: Bihar				
	State Sector				
100.	Eastern Gandak Can	0.00	15.00	0.00	0.00
101.	Sone WLC	0.00	6.00	0.00	0.00
102.	North ELC	0.00	3.30	0.00	0.00
103.	North Koel	0.00	24.00	0.00	0.00

S No	Project	Thermal	Hydro	Nuclear	Gas
104	Chandil	0 00	8 00	0 00	0 00
105	Tenughat Unit 1 & 2	420 00	0 00	0 00	0 00
106	Chandil	500 00	0 00	0 00	0 00
	Sector Total	920 00	56 90	0 00	0 00
	Central Sector				
107	Bokaro B	210 00	0 00	0 00	0 00
108	Kahalbaon	630 00	0 00	0 00	0 00
	Sector Total	840 00	0 00	0 00	0 00
	State Total	1760	56 90	0 00	0 00
	State Orissa State Sector				
109	Bengal Extention	0 00	50 00	0 00	0 00
110	Upper Indrapuri	0 00	600 00	0 00	0 00
111	Upper Kolaiu	0 00	80 00	0 00	0 00
112	Poteru	0 00	6 00	0 00	0 00

S.No.	Project	Thermal	Hydro	Nuclear	Gas
113.	IB. TPS	840.00	0.00	0.00	0.00
	Sector Total	840.00	736.00	0.00	0.00
	Central Sector				
114	Tatcher-I	1000.00	0.00	0.00	0.00
	Sector Total	1000.00	0.00	0.00	0.00
	State Total	1840.00	736.00	0.00	0.00
	State Sikkim				
	State Sector				
115	Mayangchu	0.00	4.00	0.00	0.00
116	Upper Pongchur	0.00	8.00	0.00	0.00
	Sector Total	0.00	12.00	0.00	0.00
	Central Sector				
117	Rangit	0.00	60.00	0.00	0.00
	Sector Total	0.00	60.00	0.00	0.00
	State Total	0.00	72.00	0.00	0.00

S.No.	State: West Bengal	Project	Thermal	Hydro	Nuclear	Gas
State Sector						
118.	Ramman State-II	0.00	50.00	0.00	0.00	
119.	Teesta Canal	50	67.50	0.00	0.00	
120.	Kolaghat	420.00	0.00	0.00	0.00	
121.	Budge-Budge	500.00	0.00	0.00	0.00	
	Sector Total	920.00	117.50	0.00	0.00	
Central Sector						
122.	Mejia	630.00	0.00	0.00	0.00	
123.	Farratka-II	1000.00	0.00	0.00	0.00	
	Sector Total	1630.00	0.00	0.00	0.00	
	State Total	2550.00	117.00	0.00	0.00	
	Eastern Region Total	6150.00	982.00	0.00	0.00	
North Eastern Region						
State: Arunachal Pradesh						
State Sector						
124.	Small Hydels	0.00	4.30	0.00	0.00	
125.	Nuranaro	0.00	6.00	0.00	0.00	
	Sector Total	0.00	10.30	0.00		
Central Sector						
126.	Rangnadi	0.00	270.00	0.00	0.00	

S.No.	Project	Thermal	Hydro	Nuclear	Gas
	Sector Total	0.00	270.00	0.00	0.00
	State Total	0.00	280.00	0.00	0.00
State: Assam State Sector					
127.	Dhansiri	0.00	20.00	0.00	0.00
128.	Karbi Langpi	0.00	100.00	0.00	0.00
129.	Dailamna	0.00	6.00	0.00	3.00
130.	Lakwa GT Phase-II	0.00	0.00	0.00	60.00
131.	Anguri	0.00	0.00	0.00	360.00
	Sector Total	0.00	126.00	0.00	420.00
Central Sector					
132.	Kathalguni GT	0.00	0.00	0.00	270.00
133.	Kopili Extension	0.00	100.00	0.00	0.00
	Sector Total	0.00	100.00	0.00	270.00
	State Total	0.00	226.00	0.00	690.00
State Nagaland State Sector					
134.	Likimo	0.00	24.00	0.00	0.00
	Sector Total	0.00	24.00	0.00	0.00
Central Sector					
135.	Doyang	0.00	75.00	0.00	0.00
	Sector Total	0.00	75.00	0.00	0.00
	State Total	0.00	99.00	0.00	0.00

S No	Project	Thermal	Hydro	Nuclear	Gas
136	State Tripura State Sector				
	Rokhia GT Extension	0.00	0.00	0.00	16.00
	Sector Total	0.00	0.00	0.00	16.00
137	Central Sector				
	Agartala GT	0.00	0.00	0.00	84.00
	Sector Total	0.00	0.00	0.00	84.00
	State Total	0.00	0.00	0.00	100.00
138	State Meghalaya State Sector				
	Umai,-Umriu	0.00	60.00	0.00	0.00
	Sector Total	0.00	60.00	0.00	0.00
	State Total	0.00	60.00	0.00	0.00
139	State Mizoram State Sector				
	Small Hydel	0.00	3.60	0.00	0.00
	Sector Total	0.00	3.60	0.00	0.00
	State Total	0.00	3.60	0.00	0.00
	North East Region Total	0.00	668.90	0.00	790.00
	State Sector Total	9390.00	6022.20	0.00	2267.50
	Central Sector Total	5090.00	3260.00	1100.00	2608.00
	All India Total	15280.00	9282.20	1100.00	4875.50
	Total capacity Addition	30537.70			

Gas Based Power Project in Rajasthan

8045 SHRI GIRDHARILAL BHARGAVA
Will the Minister of POWER be pleased to state

(a) whether the Government of Rajasthan has submitted proposal to the Union Government to set up gas based power project,

(b) if so, the details thereof, and

(c) the time by which proposed project is likely to be cleared?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) to (c) Rajasthan State Electricity Board has submitted the following proposals for installation of gas based power projects in Rajasthan -

<i>Name of Project</i>	<i>Capacity</i>	<i>Estimated Cost</i>
(i) Ramgarh Gas Turbine Station (dist Jaisalmer)	3MW	(Rs in crores)
(ii) Ramgarh Combined Cycle Gas Turbine (CCGT) Project	160MW	565.57

Ramgarh Gas Turbine Station (3MW) is under construction and is planned to be commissioned during 1993-94. Ramgarh Combined Cycle Gas Turbine Project (160MW) is planned to be set up by the Rajasthan State Electricity Board (RSEB) in three phases. Phase one envisaging installation of a 35.5 MW gas turbine station has been techno-economically cleared by the Central Electricity Authority (CEA) at an estimated cost of Rs 120.83 crore subject to tying-up of associated transmission arrangements and provision of fuel storage and firing facilities and installation of a waste heat recovery unit in phase two. The construction work could commence after the project has received the requisite schedule of this project is further dependent on placement of orders for the main plant and equipment by the RSEB.

Loans to M.P. State Electricity Board

8046 SHRI SURAJBHANU SOLANKI Will the Minister of POWER be pleased to state

(a) whether the Madhya Pradesh State

Electricity Board has urged the Union Government to provide loan for financing some of the power projects of the State

(b) if so, the details thereof and

(c) the action taken by the Union Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) to (c) Yes Sir Madhya Pradesh Electricity Board (MPEB) has submitted 92 loan applications to Power Finance Corporation (PFC) for an amount of Rs 922.62 crores upto the end of February 1993. Out of these PFC has sanctioned 75 loans amounting to Rs 362.06 crores. 16 applications for a total loan amount of Rs 353.45 crores have been identified for funding under the 'Power Utilities Efficiency Improvement Project' funded by World Bank while the remaining loan request for an amount of Rs 8.61 crores has been made under the direct assistance programme of PFC.

(d) if not, the time by which the electricity connections are likely to be given?

Peace Keeping Operations of UN

8047. SHRI ATAL BIHARI VAJPAYEE:
DR. AMRIT LAL KALIDAS PATEL:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the Government have suggested to the UN for ending peacekeeping operations which have either become obsolete or ineffective; and

(b) the response to this suggestion?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R.L.BHATIA): (a) Yes, Sir. The statement was made in the Special Committee on peacekeeping operations of the General Assembly on April, 21st, 1993.

(b) Mexico, England (on behalf of NOR-DICS), Austria and Nepal shared our view.

Electricity Connections in Rural Areas of Delhi

8048. DR. LAL BAHADUR RAWAL: Will the Minister of POWER be pleased to state:

(a) the time by which the DESU is providing electricity connections to the consumers of Lal Dora of Delhi villages after receipt of requisite deposits;

(b) the number of applications received by the DESU under Nazafgarh Zone, during the month of March, 1993 particularly in Mundka village, Delhi-41;

(c) whether the applicants have been provided electricity connections so far; and

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P.V. RANGAYYA NAIDU): (a) to (d). Normally the electricity connection in the Lal Dora Villages of Delhi are granted within a month after completion of the requisite commercial formalities by the applicant. Nine applications were received for new connections in Mundka Village (District Noida) in March, 1993. The connection could not be energised within the normal time as most of the premises were found locked due to threshing seasons. The connections are likely to be given by the end of May, 1993.

Alcohol from Potato

8049. SHRI ABHAY PRATAP SINGH: Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state.

(a) whether alcohol can be manufactured from Potato;

(b) whether the Union Government have given permission to manufacture alcohol from potato

(c) if so, the number of such companies which prepare alcohol from Potatoes in Uttar Pradesh; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI): (a) Yes, Sir.

(b) Recently the Government has issued a few Letters of Intent for manufacture of potable alcohol based on non-molasses raw materials which may include potato also.

(c) and (d). Since May, 1989 the Government have issued 9 (Nine) Letters of Intent for manufacture of potable alcohol based on non-

molasses raw-materials for the State of Uttar Pradesh. However, none of the units have so far reported commercial production.

Bomb Explosion in DVC Transmission System

8050. SHRI SANAT KUMAR MANDAL: Will the Minister of POWER be pleased to state:

(a) whether the transmission system of the Damodar Valley Corporation (DVC) on the Chandrapura-Purulia - Jamshedpur line was disturbed seriously by a bomb explosion on the night of April 7, 1993;

(b) if so, the details thereof;

(c) whether persons/agencies responsible for it have been identified; and

(d) if so, the details thereof; and

(e) the steps taken/proposed to be taken to safeguard the DVC transmission system?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P. V. RANGAYYA NAIDU): (a) and (b). Tower No.84 at Chandrapura Thermal Power Station Purulia line of Damodar Valley Corporation (DVC) near Mahuda Police Station, Pindra Jour, District Bokaro was damaged by an explosion on 7th April, 1993. This was reported to the police authorities as well as the District Administration.

(c) and (d). The source of bomb blast has not been found.

(e) To safeguard the DVC transmission system and prevention of such incidents security related issues are taken up with the State Governments from time to time.

Postal and Telephone Services in Pauri Garhwal and Chamoli U.P.

8051. MAJ. GEN. (RETD.) BHUWAN CHANDRA KHARNDURI: Will the Minister of

COMMUNICATIONS be pleased to state:

(a) whether the Government are aware of the poor postal facilities in Uttar Pradesh particularly in rural and remote hill area, if so, the reasons therefor;

(b) the number of post offices/sub-post offices at present in districts Chamoli and Pauri Garhwal;

(c) whether the average population or area covered by a postman is far more in these districts while the number of post-offices is quite less; if so, reasons therefor;

(d) the number of gram pacharyats in the above districts where telephone facilities have been provided and those yet to be provided;

(e) whether Government have any time bound plan for improvement of postal and telephone facilities in the said districts; and

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

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P. V. RANGAYYA NAIDU): (a) The Postal facilities in Uttar Pradesh cannot be said to be poor. Uttar Pradesh has got the largest number of post offices compared to any other State. A post office in Uttar Pradesh serves postal coverage to 15.20 sq. kms. while all India coverage is 21.9 sq. kms. gives postal coverage to 15.20 sq. kms. while all India coverage is 21.9 sq. kms.

Out of total number of 19,366 post offices in Uttar Pradesh 17,262 are in rural & remote hilly areas.

(b) The details are given in the attached Statement-I

(c) The average population served by a post office in Chamoli district is 1303 and the area served by a post office is 27.00 sq. Kms.

The same for Pauri district is 1775 and 12 67 sq Kms respectively whereas the all India average are 5827 and 21 9 sq Kms respectively

(d) The details are given in the attached statement-II

(e) and (f) Post Office During the last three years the number of branch post offices opened in the districts of Chamoli and Pauri are 13 and

9 respectively The post offices are established based on demand, need and full observance of the norms for opening the same, and subject to funds being made available

Telephone Yes Sir All the Panchayat villages in the above two districts have been planned to be covered with telephone facility progressively by 31.3.1995 subject to availability of resources

STATEMENT-I*Details of Post Offices in the Districts of Chamoli and Paun Garhwal of Uttar Pradesh as on 31 3 1993*

Sl No	Name of the District	Head Post Office	Sub Post Office	Extra Departmental sub-post office	Extra Departmental branch post office
1	Chamoli	1	45	10	287=
			Total		343
2	Paun Garhwal	2	51	11	367=
			Total		431

STATEMENT-II

<i>District</i>	<i>Total Gram panchayats</i>	<i>Gram panchayats with telephone facility as on 31.3.91</i>	<i>Gram panchayats without telephone facility as on 31.3.93</i>
Chamoli	632	122	510
Paun	1214	89	1125

Case of widow Pensioners in West Bengal and Karnataka

8052. SHRI V. SREENIVASA PRASAD: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether some cases of widow pensioners lying pending for disposal with the Chief Post Master General, West Bengal and Karnataka;

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

(c) the steps being taken to expedite the settlement of these cases?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI P.V. RAJGAYYA NAIDU): (a) to (c). The requisite information is being collected and will be laid on the Table of the House

[Translation]

Telecom Facilities in Industrial Area of Gujarat

8053. SHRI N.J. RATHVA: Will the Minis-

ter of COMMUNICATIONS be pleased to state:

(a) whether telecommunications facilities have been provided to the industrial areas in Gujarat, especially in Vadodara, Bharuch and Panchmahal districts;

(b) if so, the details thereof;

(c) the details of those industrial area in which Government propose to provide these facilities and the time by which these facilities are likely to be provided; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI P.V. RAJGAYYA NAIDU): (a) Yes, Sir. The telecommunications facilities has been provided to all Industrial Growth Centres in Gujarat.

(b): and (c). The details of Telecom facilities and Future plans of Vadodara, Bharuch and Panchmahal districts are given in the attached statement

(d) Question does not arise.

STATEMENT

Details of Telecome Facilities available and future plans in respect of Bharuch, Panchmahals and Vadodara:

Sl. No	Name of District	Name of Exch	Capacity Lines	Future plans (93-95) Lines
1.	Bharuch	Bharuch Panoli Ankleshwar Jambusar Vagra	6000 400 6500 1000 88	Expn. (6K-7K) Expn. (400-500) 6K RLU Unit II 256 C-DOT (Rep. 128P C-DOT) 256 C-DOT (Rep. ESAX)
	Dediapada		192	
	Valia		384	
	K. Colony		384	Expn. 512 ILT
	Palej		464	(Expn. 512 ILT (Rep. 128P C-DOT)
2.	Panchmahalas	Halol	1088	2K C-DOT (Rep. 2x128 C-DOT) 1000+128P C-DOT)
	Limkhera		160	256P C-DOT (Rep. 2x128 C-DOT)
	Iunavada		600	1000 SBM (Rep. 600 CBM)
3.	Vadodara	Waghodia Nandessan Tilakwada Jambugam (Ravi-Jejpur) Jambughoda Sankheda	500 500 85 500 56 176 160	Expn. (500-700) 1K RKU (Rep. 500 MAX-II). ESAX (Rep.; 160 L) 160 lines

[English]

**Doordarshan Kendra and T.V. Studio
Centre at Bhubaneshwar**

8054. SHRI GOPI NATH GAJAPATHI: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether the Government have set up a high power committee to look into the working of Bhubaneswar Doordarshan Kendra and T.V. Studio Centre;

(b) if so, by when the high power committee is expected to submit its report; and

(c) the specific steps proposed to be taken to improve the functioning of Cuttack and Bhubaneswar Doordarshan Kendras?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K.P. SINGH DEO): (a) Whereas no such committee has been set up, senior Officers of Directorate General, Doordarshan were, however, sent to look into the complaints received in respect of Doordarshan Kendra, Bhubaneswar.

(b) Does not arise.

(c) As a result of the visit of the Officers, steps have already been taken to improve the functioning of Doordarshan Kendra at Cuttack and Bhubaneswar.

Foreign/W.B. Loan for Power Sector

8055. SHRI HARISHNARAYAN PRABHU ZANTYE: Will the Minister of POWER be pleased to state:

(a) the total loan committee made by the World Bank and other foreign agencies agency-wise as on March 31, 1993 for Power Sector, project-wise during the Eighth Plan;

(b) the likely impact of this investment on power generation and distribution network in frasthrctue during the Eighth Plan;

(c) the details of utilised foreign funds project-wise as on March 31, 1993;

(d) whether the percentage of unutilised funds have been on the increase during the last three years;

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

(f) the specific measures taken/proposed to ensure optimum utilisation of funds allocated for these projects?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI P.V. RAMGAYYA NAIDU): (a) to (f). The position regarding amount of foreign aid made available by various external funding agencies as on 31.03.93 for the power sector development, alongwith utilised amounts, in their respective donor currencies, is given below:

Sl.No.	Funding Agency/Country	Donor Currency	Amount of Aid	Balance
01.	World Bank	US\$	566,373	3161,116
02.	ADB	US\$	990.0	720,469
03.	Canada	C\$	194,077	135,284
04.	France	YEN	335518,500	219302,840
05.	Japan	K. DINAR	7.0	5,616
06.	Kuwait Fund	K. DINAR	7.0	5,616
07.	Saudi Fund	Saudi Riyal	172.0	110,492
08.	Sweden	SEK	1480.0	110,492
09.	U.K.	P. Strg.	154,278	6,425
10.	Erstwhile USSR	Rouble	3648.0	2700,791
11.	Germany	DM	1674,902	384,316

external funding as indicated above will help considerably in capacity addition programme envisaged in the VIII Plan and beyond. Utilisation of external assistance is inter alia dependent on obtaining statutory and other clearances from different approval authorities, supply of equipments and execution of civil and other works, provision of counter-part funds by project authorities and time consumed in evaluation of bid-documents etc. With a view to speed up the utilisation of available external assistance, identified bottleneck areas are given greater attention and periodic reviews are held to remove the bottlenecks and to ensure taking of corrective measures in this regard.

Development of Calicut Airport

8056. SHRI MULLAPALLY RAMACHANDRAN: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether there is any offer from any organisation or representatives of the NRIs, residents of Malabar in Kerala private companies etc. to collect funds for the expansion of the runway and other development works at the Calicut airport; and

(b) if so, the response of the Government thereon?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GULAM NABI AZAD): (a) and (b). No specific offer of funds has been received by the Government.

Water Potential of Manas and Benkrivers

8057 SHRI UDDHAB BARMAN: Will the Minister of WATER RESOURCES be pleased to state:

(a) whether any survey has been conducted for water potentials of rivers Manas and Beki;

(b) if so, the details thereof;

(c) whether there is any project of signing a memorandum of understanding with the Government of Bhutan for construction of water reservoir; and

(d) if so, the steps taken so far?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI P.K. THUNGON): (a) and (b). Yes, Sir. The total water potential of the Manas and Beki river system has been estimated to be 1550 Mega. Watt.

(c) and (d). Pre feasibility report for construction of water reservoir prepared by Government of India during 1983 had been given to the Royal Government of Bhutan. An agreement for this work has not been signed between India and Bhutan.

Purchases of Tu-204 Aircraft

8058. SHRI ANNA JOSHI: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether there is any proposal to purchase the 214 seater TU-204 aircraft; and

(b) if so, the details thereof?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GULAM NABI AZAD): (a) No, Sir.

(b) Does not ans.

International Action Against Pakistan

8059. SHRI SYED SHAHABUDDIN: Will the Minister of EXTERNAL AFFAIRS be pleased to state whether the Government pro-

pose to approach the competent authorities of the UN system for international action against Pakistan for alleged involvement in sponsoring terrorism in India?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R L BHATIA) Government have and will continue to apprise the international community of the support being extended by Pakistan to subversion and terrorism directed against India and the dangers inherent in support to such cross-border terrorism. There is growing international concern at the support terrorists receive from Pakistan

Power Project in M.P.

8060 KUMARI PUSHPA DEVI SINGH
Will the Minister of POWER be pleased to state

(a) the names and the number of ongoing power project in Madhya Pradesh alongwith their estimated capacity

(b) the target date fixed for the completion of those projects,

(c) the progress made in the completion of these projects, and

(d) the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI P V RANGAYYA NAIDU) (a) to (d) The following are the ongoing projects in the Eighth Five Year Plan in the State Sector in Madhya Pradesh -

SL.No.	Name of the Project	Capacity (MW)	Commissioning Schedule	Status
1.	Sanjay Gandhi TPP Units 1 &2)	2x210 =420	3/93 12/93	Unit-1 Synchronised on 26.3.93. For Unit-2, erection of main TG in progress.
2.	Sanjay Gandhi Extn. (Units 3&4) TPP	2x210 420	3/96 3/97	Work at site stopped due to paucity of funds. The State Govt. has proposed to implement the project in private sector.
3.	Pench TPP (Units 3 \$4)	2x210 =420	3/97 3/96	The scheme is proposed by State Govt. to be executed in private sector by M/s Century Textiles and Industries Ltd (CTIL).
4.	Kobra West Extn. TPI (Units 5&6)	2x210 =420	8/96 2/97	The scheme is being negotiated with M/s Mukund Ltd. Thane, for being implemented in the private Sector.
B HYDRO				
5	Bansagar Tons HEP (Units 5&6)	2x210 =420	8/96 2/97	Construction of Bansagar Dam is at standards still due to problems in rehabilitation of oustees of Bansagar Dam.
6.	Hasdeo Banga HEP	3x40+ 2x15+ 3x20+ 2x10 =425	3/97q	Construction of Dam is nearly completed. Excavation of Power House is completed and Tail Race Canal is in progress.

SL No	Name of the Project	Capacity (MW)	Commissioning Schedule	Status
7	Tawa LBC HEP	2x6 =12	4/95 4/95	Project has been posed for private sector
8	Raighat HEP	3x15 =45 12/95	6/95 10/95	Construction awarded to M/s NTCC 95% of masonry works completed Electrical works entrusted to MPEB Orders for TG sets placed on BHEL

Indian Nomination to top Post of In
Chemical Weapons Convention

[Translation]

8061. SHRIGURUDAS KAMATI:
SHRIMATI BIBHU KUMARI
DEVI:
SHRISURENDRA PAL PATHAK:

Will the Minister of EXTERNAL AFFAIRS
be pleased to state:

(a) whether the Government have made
any attempts to secure the post of Deputy Ex-
ecutive Secretary in the newly created UN chemi-
cal weapons convention;

(b) if so, the details thereof;

(c) whether the Government have suc-
ceeded in their efforts; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MIN-
ISTRY OF EXTERNAL AFFAIRS (SHRI R.L.
BHATIA): (a) and (b). Yes Sir.

Government had nominated a former First
Secretary (Disarmament) in the Permanent
Mission of India to the UN Offices in Geneva and
presently Counsellor, Embassy of India, Beijing,
China, for the post of Deputy Executive Secre-
tary of the Preparatory Commission for the
Organisation for the Prohibition of Chemical
Weapons.

(c) Government has withdrawn the Indian
candidature in favour of the candidate from the
People's Republic of China because the Chi-
nese Candidate had overwhelming support in
the selection process.

(d) Government reviewed its decision after
taking all factors into consideration and decided
not to persist with the elections.

Amount Outstanding Against Agencies
for Telecast/Broadcast of Advertisements

8063. SHRI RAM KAPSE: Will the Min-
ister of INFORMATION AND BROADCASTING
be pleased to state:

(a) the amount outstanding against various
agencies for broadcast and telecast of their
advertisements as on June 30, 1992;

(b) the reasons for not recovering the same
so far; and

(c) the steps taken/proposed to be taken to
recover the outstanding dues?

THE MINISTER OF STATE OF THE MIN-
ISTRY OF INFORMATION AND BROAD-
CASTING (SHRI K.P. SINGH DEO) (a) The
amount outstanding against various advertise-
ment agencies for broadcast/telecast of their
advertisements as on 30th June, 1992, is as
under:-

All India Radio ..Rs. 2.25 crores

Doordarshan ..Rs 15.88 crores

(b) Arrears are inherent in the system of
accreditation of advertising agencies and at-
tending credit facility. The accredited agencies
are entitled to a credit period of 45 days.

(c) All India Radio and Doordarshan are
taking recourse to all the contractual provisions
to ensure timely payment of dues, including
encashment of bank guarantee de-accreditation
of errant agencies, arbitration and legal action.

[English]

Energy pricing Policy

8064. SHRI MANORANJAN BHAKTA:

Will the Minister of POWER be pleased to state:

(a) whether there is need for a proper energy pricing policy based on real economic cost for saving scarce funds;

(b) if so, the steps taken by the Government in this regard; and

(c) if not the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P.V. RANGAYYA NAIDU): (.a) While it is necessary to adopt a rationalised tariff structure in respect of different forms of energy so as to optimise the use of energy for alternative productive purposes, factors such as production cost, growth in demand and other socio-economic factors also come into play in the fixation of tariff.

(b) and (c). The Power Ministers' Conference held in January, 1993 have adopted an Action Plan to bring about rationalisation of power tariff by fixation of minimum agricultural tariff, metered supply of power and periodical revision of tariff. It is also proposed to set up Power Tariff Boards for recommending rationalised tariff structure.

Use of Official language in NHPC

8065. **SHRIMATI GIRIJA DEVI:** Will the Minister of POWER be pleased to state:

(a) the system evolved for propagation of official language Hindi in the National Hydro Electric Power Corporation;

(b) the number of meetings of the Official Language Implementation Committee and the Hindi Editorial Board held during the previous year and the decisions taken therein;

(c) whether the decision was implemented; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P.V. RANGAYYA NAIDU): (a) National Hydro-Electric Power Corporation (NHPC) has a Hindi cell equipped with adequate qualified staff for implementation of Official Language Policy of the Union.

As per guidelines issued by the Department of Official Language, an Official Language Implementation Committee has also been set up in the Corporation to review the progress and give directions in respect of progressive use of Hindi.

(b) Five meetings of the Official language Implementation Committee were held during the year 1992. The major decision taken at these meetings relate to proper implementation of provisions of Official Language Act 1963, increased use of Hindi in correspondence holding of Hindi Workshops, training of employees in Hindi typing/shorthand, introduction of Hindi software in computers, implementation of various incentive schemes etc. There is no Hindi Editorial Board as such set up in the Corporation. However, a Departmental Board as such has been set up to decide the material to be included in the N.H.P.C. Magazine which is issued in bi-lingual form.

(c) and (d). As a result of the implementation of the above decisions, the following actions were taken:

(1) Issue of all general orders/ advertisements, notifications etc. in bilingual form.

(2) Organisation of 8 Hindi Workshops and training of 21 Executives and 91 employees therein.

(3) Training of 11 Stenographers and 18 Assistants in Hindi typing shorthand.

(4) Provisions of Hindi software in 7 computers.

(5) Celebration of Hindi Day and Hindi

Week by organising various competitions.

(6) Periodic inspection of different divisions to review progress regarding progressive use of Hindi.

(7) The incentive schemes provided by the Government are implemented by the Corporation. 35 employees were given awards under these schemes. In addition, a "Shield Ward Scheme" among the divisions for doing maximum official work in Hindi has also been introduced.

[*Translation*]

Modern foods Industries Limited

8066. SHRI CHHITUBHAI GAMIT Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state:

(a) whether the Government are aware of the alleged irregularities and corruption in Modern Food Industries Limited; and

(b) if so, the details thereof and the action taken by the Government in the matter?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI): (a) and (b). Government deals with personnel at the Board Level only in respect of Modern Food Industries India Limited which is under its administrative control. No substantiated reports of corruption and alleged irregularities have been received in respect of Board Level officers in the last three years. Hence, no action has been taken against any such officers.

[*English*]

Disinvestment by ITDC

8067. SHRI SHANKERASINGH VAGHEDA:
SHRI ATAL BIHARI VAJPAYEE:

Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether the Government have taken a policy decision in regard to disinvestment of India tourism Development Corporation hotels;

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

(c) whether it is a fact that some foreign banks have been involved in evaluation of its properties;

(d) whether these banks have under evaluated the properties; and

(e) if so, the follow up action taken in this regard and reasons for not involving the Indian Banks?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHJU AM NABI AZAD): (a) and (b) The Government have formulated a scheme whereby small group of ITDC hotels be formed for the purpose of developing them as joint ventures with leading foreign hotel chains. Under this scheme ITDC has invited bids for participation in the equity of the joint venture companies from foreign international hotel chains though no final decisions has been taken so far. However, there is no proposal to disinvest equity of ITDC.

(c) ITDC had assigned four foreign banks to assess the value of its 20 hotel properties

(d) and (e) Revaluation of ITDC properties has been undertaken by the Government, which is yet to be completed.

[*Translation*]

Progress or Irrigation Projects Started in First Plan

8068. SHRI NAWAL KISOHRE RAI:

DR. MAHADEPAK SINGH
SHAKYA:

Will the Minister of WATER RESOURCES
be pleased to state:

(a) whether there are some projects which
were starting during the First Five Year Plan and
yet to be completed;

(b) if so, the total amount spent on each of
these projects so far;

(c) the targets fixed to cover more land for
irrigation under these projects;

(d) the annual average amount spent for the
construction of these projects during the last
three years;

(e) the amount Government have to spent
annually to make the administrative arrange-
ments for these projects; and

(f) the time by which these are likely to be
completed?

THE MINISTER OF STATE OF THE MIN-
ISTRY OF URBAN DEVELOPMENT AND
MINISTER OF STATE IN THE MINISTRY OF
WATER RESOURCES (SHRI P. K.
THUNGON): (a) to (f) Statement is attached

STATEMENT

Details of Irrigation Projects of First Plan spilling over to VIII Plan.

S.No.	Name of Project	State	Latest cost	Expenditure upto 3/93 (Provisional)	Annual average expenditure last 3 years	Ultimate potential	Potential created upto for completion end of 91-92	(Rs. Crores/ Thousand hectares)		
								2	3	4
MAJOR PROJECTS										
1.	Bhadra	Karnataka	120.75	92.40	8.70	105.57	105.57			VIII Plan
2.	Tungabhadra Dam & LBC	"	145.89	127.05	11.44	244.38	242.21			"
3.	Harishchandra Sagar	Rajasthan	21.97	10.14	1.32	17.98	15.50			"
4.	Barrage & Irrigation System-DYC	West Bengal	60.00	46.30	2.01	515.33	478.00			"
MEDIUM PROJECTS										
5.	Bhimsegar	Rajasthan	21.54	19.85	1.23	9.99	9.99			"

Note:-

1. Projects at serial No. 1-2 and 5 are almost completed.
2. The details of the amount spent on administrative arrangements for the completion of irrigation projects in the States are not maintained at the Centre.

Rajaghat and Indraprastha Power Stations

8069. SHRI PIUS TIRKEY: Will the Minister of POWER be pleased to refer to the reply given to Unstated Question No. 3618 on March 22, 1993 and state;

(a) whether the present level of air particulate emitted from Rajaghat and Indraprastha Power Stations are normalised;

(b) if not, the reasons therefor and the time by which it is likely to be normalised;

(c) whether the Rajaghat power station is based on American design which can handle coal with just 5 per cent ash content whereas Indian coal has 42 percent ash content; and

(d) the remedial steps being taken by the Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P.V. RANGAYYA NAIDU): (a) to (d). The present level of air particulate emission at Rajaghat is more than the prescribed limit. Unit No. 1 has already been shut down and repairs to the Electrostatic precipitator at these Unit are proposed to be completed by middle of May, 1993. Similar repairs to Unit No. 2 are proposed to be undertaken after rehabilitation of the first unit and complete by the end of June, 93. The present level of emission at Indraprastha Station is within the prescribed limits, except Unit No. 5 where the emission is slightly more sometimes under abnormal conditions. It is proposed to install additional electrostatic Precipitator at this Unit to improve the position. Rajaghat Power Station Boilers are based on American design. However, they are designed to burn Indian Coal with ash content upto 43.4%

P.M. Talks with Leaders of SAARC Countries

8070. SHRI CHANDRESH PATEL: Will the Minister of EXTERNAL AFFAIRS be pleased

to state:

(a) whether the Prime Minister held talks with the King of Bhutan, President of Sri Lanka and Maldives and the Prime Minister of Nepal during his recent visit to Bangladesh in connection with the SAARC Summit; and

(b) if so, the broad outcome of the talks held with each of them?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R.L. BHATIA): (a) Yes Sir.

(b) During the talks of the Prime Minister with King of Bhutan, the two leaders expressed satisfaction at the strengthening of relations between the two countries and the progress in implementation of precuts under the Indian assistance for Bhutan's 7th Five Year Plan.

Prime Minister and the President of Maldives exchanged views on bilateral cooperation between the two countries including the Indira Gandhi Memorial Hospital currently under construction in Male in the Maldives as an aid project of the Government of India.

Prime Minister and the King of Nepal reveal bilateral relations and agreed to initiate measure for their further strengthening

Trade Orientation to NAM

8071. SRI B.L. SHARMA PREM: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether there is any proposal to give NAM a trade orientation to serve as economic and trading block on the lines of European Monetary Union; and

(b) if so, the details thereof and the response of India thereto?

THE MINISTER OF STATE IN THE MINIS-

RY OF EXTERNAL AFFAIRS (SHRI R.L. BHATIA): (a) No, Sir.

public sector units have been reduced substantially during the above mentioned period;

(b) Does not arise.

(c) if so, the reasons therefor;

Budgetary Support to NTPC and NHPC

8072. SHRI C.P. MUDALA GIRIYAPPA:

SHRI K.H. MUNIYAPPA:

Will the Minister of POWER be pleased to state:

(a) the budgetary support given to the National Thermal Power Corporation Limited (NTPC), the National Hydroelectric Power Cooperation Limited (NHPC) and Rural Electrification Corporation during each of the last three years;

(b) whether the budgetary support to these

(d) whether the Government propose to increase the financial allocations to the above public sector undertakings; and

(e) if not, the way the public sector is likely to be effected?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P.V. RANGAYYA NAIDU): (a) to (c). The details of budgetary support provide to National Thermal Power Corporation (NTC), National Hydroelectric Power Corporation (NHTC) and Rural Electrification Corporation (REC) during each of the last three years are as under:-

(Rs. in crores)

1990-91		1991-92		1992-93	
Approved	Actuals	Approved	Actuals	Approved	Actuals
NTPC 1137.75	1137.75	800.00	1003.00	1015.00	1015.00
NHTC 494.65	508.65	304.00	304.00	329.95	329.95
REC 260.00	248.50	260.00	260.00	260.00	260.00

(d) and (e). Based on the requirements projects by these ISUs and taking into account the overall resources position of Govt., the Budgetary Support for 1993-94 has been allocated as under:-

Alleged Plunderage of Drafts in Kerala Circle

8073. PROF. K.V. THOMAS: Will the Minister of COMMUNICATIONS be pleased to state:

PSU Budgetary Support

(a) whether the Government have received complaints from Kerala that incoming draft thorough post offices, specially R.M.S. are stolen with the connivance of the postal employees;

NTPC Rs.900 crores

(b) if so, the number of complaints received by Postmaster General, Kerala; and

NHPC Rs. 325 crores

REC Rs. 286 crores

(c) the action taken on the complaints so far?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) Yes, Sir

(b) During 1992-93 Kerala Circle had received 55 such complaints

(c) In forty cases, enquiries could not continue for want of clue/evidence. In three cases involvement of two extra-departmental delivery agents (EDDAs) and one postman has been established. One EDDA has been removed from service and the other out of duty while disciplinary proceedings have been initiated against the postman. In the remaining 12 cases investigations are not yet completed.

Postal Advisory Committee

8074. SHRI PROBIN DEKA
SHRI POLLABULLIRAMAIHA.

Will the Minister of COMMUNICATIONS be pleased to state

(a) whether the Postal Advisory Committee have since been constituted in Assam and Andhra Pradesh,

(b) if so, the details of their composition in each State and the criteria adopted in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) No, Sir

(b) Does not answer

[Translation]

Food Processing Training Centres

8075. DR CHINTAMOHAN

SHRI NITISH KUMAR

Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state

(a) the number of Food Processing Training Centres set up and proposed to be set up in the rural areas during each year of the Eighth Plan Period State-wise, and

(b) the criteria laid down for selection of locations for this purpose?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI) (a) and (b) Government have formulated a scheme for assisting setting up of Food Processing and Training Centres (FPTCs) in rural areas during the Eighth Plan period. 50 Food Processing and Training Centres in rural areas each year during the Eighth Plan period are proposed to be assisted. During the 1991-93, the first year of the Eighth Plan, assistance has been provided for setting up of 8 FPTCs, in West Bengal 2 in Haryana, 1 in Himachal Pradesh, 6 in Mizoram 18 in Uttar Pradesh and 3 FPTCs in Bihar. No criteria has been laid down by this Ministry for selection of locations for setting up of FPTCs since this has been left to the State Government concerned.

[English]

Food Processing Sector

8076. SHRI SOBHNADRESSWARA RAO VADDE Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state the total investment cleared by the Union Government in food processing sector during each of the last three years, State-wise?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI) Information is being segregated and will be laid on the Table of the House

Coca Cola Projects

8077. PROF. ASHOK ANADRAO DESHMUKH: Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state:

(a) whether the Union Government have received any proposal from M/s. Coca Cola for the waiver of the export-import ratio of 3.1;

(b) if so, the action taken by the Government in this regard;

(c) whether any associate company of M/s. Coca Cola has been permitted to set up snack food facilities in the country;

(d) if so, the details thereof including export and import obligations of the company;

(e) whether the Government have laid down equal export, import obligations both for the beverage project and snack food project of M/s. Coca Cola; and

(f) if so, the details thereof; and

(g) if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI): (a) to (g). Government have approved a joint venture proposal of M/s. Britco Foods Company Private Limited (formerly M/s. JMRPCO Ltd.) on 1st January 1992 for the manufacture of Processed Snack foods and beverage essence/beverage base. M/s. JMRPCO Ltd. is a company incorporated in Hong Kong, having NRI equity share holding of 60%, and 40% share holding of M/s. Coca Cola South Asia Holdings, a wholly owned subsidiary of the Coca Cola Company of United States of America. M/s. Britco Foods Company Private Limited will have two Divisions vis. (a) Processed snack foods division; and (b) Beverage blending division. The company will have 66% equity amounting to Rs. 17.72 crores of M/s. JMRPCO Limited, 24% of equity amounting to

Rs. 6.44 crore of M/s. Birtannia Inserts Limited and 10% of equity amounting to Rs. 2.68 crores of Maharashtra State Government agency/institution. The company is committed to the export-import ratio of the project in the case of import of soft drink concentrate at 3.1. The company had been given permission to import essential flavoring essences as raw material.

The company had requested in November 1992 that since they will not be importing soft drinking concentrate, they would no longer be committed to the export-import ratio of 3.1 in its respect. However, the company later reiterated in March 1993 that they will fulfil all the aims and objectives of the joint ventures as set out during the course of obtaining government approval.

Dropping Lehar from Pepsi

8078 DR.D.VENKATESWARA RAO:
SHRI BOLLA BULLI RAMAIAH:
SHRI MOHAN RAWALE:

Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state:

(a) whether the Government have received any request from Pepsi Food Limited for dropping of 'Lehar' from its brand name for soft drinks products;

(b) if so, the details thereof;

(c) whether the Government have taken any policy decision in this regard; and

(d) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI): (a) to (d): No, Sir. However, after the issue of Press Note No. 6 dated 14th May, 1992, regarding removal of prohibition on use of foreign brand names/trade marks for domestic sales, M/s. Pepsi Food limited made a request for removal of this

prohibition as per this policy. Their request has been accepted by the Government.

Film Processing by Private Labs

8079: SHRI MOHANSINGH (Deoria): Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether the Government have been getting films processed through Private labs. since 1950;

(b) if so, the reasons for not having its own colour project (Lab.) so far;

(c) the total expenditure incurred so far for diverting the work to Private Lab. stating (i) processing charges paid to outside lab. colour/ B&W (ii) wastage allowances paid to inside lab. colour/B&W (iii) had colour project been there the total estimated revenue loss on account of disposal of waste Hypo;

(d) whether the Government propose to have its own colour project (lab.); and

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

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K.P. SINGH DEO): (a) The Films Division has been getting its films processed through Government-owned laboratories as well as private laboratories.

(b) Government have not found it economically viable to set up a colour processing laboratory.

(c) (i) During 1992-93 the Films Division has paid Rs. 65.79 lakhs to private laboratories and Rs. 11.99 lakhs to State Government laboratories for processing both colour and black and white prints.

(ii) Wastage allowance at the rate of 21/2% of the total printed length inclusive of threading

allowance is allowed to laboratories in the case of 35 mm and 16 mm black and white prints. in the case of colour prints, the wastage allowance allowed is as under:-

(A) Colour corrected rush and first copy of answer print	20%
(B) Other copy work	5%
(C) First reduction copy of 16 mm colour Print from 35 mm negative work	10%

(iii) Question does not arise as the Films division does not own a colour processing laboratory.

(d) No, Sir.

(e) Question does not arise.

Cost Effect of Laterite Soil on Dams

8080. SHRI SUDHIR SAWANT: Will the Minister of WATER RESOURCES be pleased to state:

(a) the cost for construction of dams of laterite soil as compared to normal soil;

(b) whether technology available for construction of dams on laterite soil is cost, effective;

(c) if so, the norms being followed for approving construction of dams for irrigation, both major and medium;

(d) the details of cost benefit ratio in this regard; and

(e) the progress made on the projects in Sindhuduring and Ratnagri District in Maharashtra, so far?

THE MINISTER OF STATE IN THE MIN-

ISTRY OF URBAN DEVELOPMENT AND
MINISTER OF STATE IN THE MINISTRY OF
WATER RESOURCES (SHRI P K THUNGON)

(a) to (d) Construction of dams on latente soil
differs from the dams on normal soil in so far as
foundation treatment for seepage is concerned
Cost appraisal of major and medium irrigation

projects is based on the guidelines issued by the
Planning Commission. In cost benefit analysis
overall cost of the project comprising various
components is considered against all tangible
benefits accruable from the project

(e) a Statement is attached

STATEMENT*Details of Ongoing Projects of Sindhudurga and Ratnagiri Districts in Maharashtra*

<i>(Rs in Crores/Thousand hectares)</i>							
<i>Name of Project</i>	<i>Latest estimated cost</i>	<i>Anticipated Expenditure to the end of 3/92</i>	<i>VIII Plan outlay</i>	<i>Anticipated Expenditure 1992-93</i>	<i>Recommended outlay for 1993-94</i>	<i>Ultimate Irrigation on potential</i>	<i>Potential created to end of 3/92</i>
1	2	3	4	5	6	7	8
SINDHUDURGA DISTRICT							
A MAJOR							
1)	TILLARI	53.89	20.97	20.00	4.50	5.00	7.01
B MEDIUM							
————NIL————							
RATNAGIRI DISTRICT							
A MAJOR							
1)	TAJAMBA	106.71	6.80	8.00	0.20	-	16.15
B MEDIUM							
1)	NATUWADI	27.34	26.06	1.18	0.50	0.50	3.523.52

(Rs. in Crores/ Thousand hectares)

Name of Project	Latest estimated cost	Anticipated Expenditure to the end of 3/92.	VIII Plan outlay	Anticipated Expenditure 1992-93	Recommended outlay for 1993-94	Ultimated Irrigation on potential	Potential created to end of 3/92.
1.	2.	3.	4.	5.	6.	7.	8.
ii) DEOGAD	27.77	4.17	20.00	0.66	4.00	8.35	-
iii) RETWANE	60.69	28.99	31.60	5.60	8.00	12.83	-
iv) GADNADI	16.37	1.05	10.00	0.50	-	2.58	-

T.V. Coverage in Kanyakumari, Tamil Nadu

8081. SHRI N. DENNIS: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether the low laying areas in Kanyakumari District, Tamil Nadu are covered by T.V. network; and

(b) if not, the steps taken by the Government to cover the entire district by T.V. network?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K.P. SINGHDEO): (a) and (b): Major part of low lying area of Kanyakumari district is getting coverage from a low power TV transmitter functioning at Nagercoil and a high power TV transmitter functioning at Kodaikanal. Provision of TV coverage to the remaining uncovered parts of the Kanyakumari district will depend upon future availability of resources for the purpose.

[Translation]

Use of Imported Machines by D.V.C.

8082. SHRI UPENDRA NATH VERMA: Will the Minister of POWER be pleased to state:

(a) whether any machine meant for recycling plant for the hydel power generation imported by the DVC long back is lying unused;

(b) if so, the details thereof; and

(c) the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P.V. RANGAYYA NAIDU): (a) : No, Sir.

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

[English]

Power Consumption

8083. SHRI CHHEDI PASWAN:

SHRI KHELAN RAM JANGDE:

Will the Minister of POWER be pleased to state:

(a) whether differences of electricity supply exists between the Urban and rural areas;

(b) if so, the reasons therefor;

(c) the differences in percentage; and

(d) the steps taken/proposed to be taken to make more power available in the rural areas?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P.V. RANGAYYA NAIDU): (a) to (c) Distribution of power in a State/Region is being undertaken and regulated by the respective State Electricity Board. It depends on the demand and availability of power and infrastructural facilities created by the State Electricity Boards. Power is fed into the State Grid from, various generating stations and gets distributed. In order to bridge the gap between demand and availability, power cuts/restrictions are imposed in the various State/Systems. The details of power cuts/restrictions in various States/systems during march 1993 are given in attached statement-I. The details of power supply to agriculture sector in the various States/systems during March 1993 are given at statement-II. It may be seen therefrom that no prioritisation is made in terms of Urban and rural areas while imposing power cuts. The same are imposed on various categories of consumers depending on their essentially and susceptibility for interruption as judged by the concerned State Governments, whose prerogative it is to impose power cuts. Generally, while imposing power cuts/restrictions care is taken to meet the full requirements of irrigation, core sector industries, electric traction and essential services like hospitals water works etc.

(d) in order to make more power available in rural areas which is predominantly agriculture sector, instructions have been issued from

time to time to give minimum eight hours per day supply to agricultural consumers. Various other measures being taken to improve the availability of power in the country include expediting commissioning of new generating capacity, implementation of short gestation projects, im-

proving the performance of existing power station, reduction of transmission and distribution losses, implementation of demand management and energy conservation measures and arranging transfer of energy from surplus to deficit areas.

STATEMENT-4*Power Cuts on Industries in March, 93*

<i>Northern Region</i>	<i>Energy Cut</i>	<i>Demand Cut</i>
Chandigarh	Nil	Peak period restrictions
Delhi	Nil	Peak period restrictions
Haryana	Nil	Peak period restrictions
Himachal Pradesh	Nil	Peak period restrictions
Jammu & Kashmir: Jammu	Jammu: 3 hrs/day cut on all non-essential loads.	
Kashmir	(i) : 30-50 MW/cut during night hours. (ii) : 70-120 MW cut during rest of the period.	
Punjab	Nil	Peak period restrictions for all industries.
Rajasthan	Nil	Peak period restrictions on general industries
Uttar Pradesh	(i) 12.5 hrs per day supply to rolling, rerolling mills and arc/induction furnaces (ii) One day off/week and peak period restrictions on non-continuous process industries.	
WESTERN REGION		
Gujarat	Nil	Nil
Madhya Pradesh	Nil	Nil

<i>Northern Region</i>	<i>Energy Cut</i>	<i>Demand Cut</i>
Maharashtra	Nil	10-15% on H.T. Industries
Goa	Nil	Nil
SOUTHERN REGION		
Andhra Pradesh	3—40%	25-35%
Karnataka	Nil	Nil
Tamil Nadu	Nil	Nil
EASTERN REGION		
Bihar	There is no statutory power cut in the State and the shortages are met by resorting to load shedding/restrictions depending on day-to-day availability.	
D.V.C	Supply is made to the various consumers according to schedule of allocation at different level of availability.	
Orissa	20—75%	Peak period restrictions.
West Bengal	Nil	Peak period restrictions.
NORTH-EASTERN REGION:		
Load shedding depending on day-to-day availability.		

STATEMENT-4*Power Supply to Agricultural Sector during March, 85*

Sl.No.	State	Hours of Supply (Average/day)
1.	Haryana	17
2.	Punjab	19
3.	Rajasthan	8
4.	Uttar Pradesh	14
5.	Jammu and Kashmir	Jammu: Kashmir: 3 hrs per day cut. 30-50 MW cut during night hours & 70-120 MW cut on other loads including agriculture.
6.	Himachal Pradesh	No restriction
7.	Gujarat	21
8.	Madhya Pradesh	17 hrs on 1.3.93&2.3.93 24 hrs thereafter.
9.	Maharashtra	No restriction
10.	Andhra Pradesh	13 (in groups.)
11.	Kerala	20
12.	Karnataka	18 (in groups)

Sl No	State	Hours of Supply (Average/day)
13	Tamil Nadu	14 (in group)
14	Bihar	13-13 5
15	Orissa	20 22
16	West Bengal	No restriction

[Translation]

Telephone Exchanges in Jaunpur, U.P.

8084. SHRI ARJUN SINGH YADAV: Will the Minister of COMMUNICATIONS be pleased to state:

(a) the number of telephone exchanges functioning in Jaunpur region in Uttar Pradesh at present and the location thereof; and

(b) the capacity of each of these telephone exchanges?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P. V. RANGAYYA NAIDU) (a) and (b) The number of telephone exchanges functioning in Jaunpur district in UP at present is 25. The location and capacity of these exchanges is given in the attached statement.

THE LOCATION AND CAPACITY OF TELEPHONE EXCHANGE IN JAUNPUR DISTRICT U.P.

Sl. No.	Location	Capacity no. of lines.
1.	Badlapur	88
2.	Bibigen	25
3.	Debhi	56
4.	Gaura Badshapur	88
5.	Jalapur	50
6.	Jaunpur	1288
7.	Kerakat	56
8.	Ketasarai	176
9.	Khutahan	25
10.	Machhli Shahar	56
11.	Mathani	50
12.	Manahun	88
13.	Multiganj	25
14.	Mugra Badshahpur	88
15.	Nauperwa	88

Sl. No.	Location	Capacity no. of Units.
16.	Patti Narendpur	25
17.	Rajabazar	25
18.	Rampur	50
19.	Satharia	56
20.	Shahganj	400
21.	Sigara Mau	56
22.	Suintha Kalan	75
23.	Sujangani	50
24.	Thanagandhi	25
25	Trilochan Mahadeo	25

[English]

NRI proposal for Power Plants

8085. SHRI SHRAVAN KUMAR PATEL: Will the Minister of POWER be pleased to state:

(a) whether any fresh NRI proposals have been received for setting up power projects particularly in the western region during the last three months;

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

(c) the estimated cost thereof and the capacity to be installed; and

(d) the terms and conditions of the collaboration?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P. V. RANGAYYA NAIDU): (a) to (d) The Gujarat Power Corpora-

tion Ltd. has received two offers from NRIs for implementation of the following lignite based projects at the cost of Rs. 1000 crores each:-

i) Mangrol TPS (250 MW)

ii) Ghogha TPS (250 MW)

iii) Akrimoto TPS (250 MW)

The Projects are contemplated to be set up in association with Gujarat Power Corporation Ltd. The details of the collaboration arrangements are yet to be firmed up.

[Translation]

Representations received from MPs

8086. SHRI HARIKEWAL PRASAD: Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state:

(a) the number of letter/representations/memoranda received by his Ministry from Members of Parliament during the last six months,

(b) the number of cases in which acknowledgments were sent within fifteen days and the number of cases in which a final reply has not been sent so far

(c) the reasons for delay in sending final reply, and

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

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI) (a) 27

(b) 10 and 15 respectively

(c) The information has to be collected from various field agencies/Ministries/Offices which are scattered through India and this process takes time. Some of the letters were originally addressed to other Ministries and subsequently transferred to the Ministry of Food processing Industries. Therefore these were not acknowl-

edged and replied to in the time mentioned

(d) All the officers in this Ministry have been instructed to give top priority to letters from MPs and strictly comply with the instructions issued on the subject in the Manual of Office Procedure

[English]

Assistance for Food Processing Industries in Orissa, M.P. and Andhra Pradesh

8087 SHRI K PRADHANI Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state the details of financial assistance provided to Orissa, Madhya Pradesh and Andhra Pradesh for the setting up of food processing industries during each of the last three financial years?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI) The details of financial assistance provided in respect of proposals received from Orissa, Madhya Pradesh and Andhra Pradesh are given in the attached statement

STATEMENT

Details of financial assistance provided in respect of proposals received from Orissa, Madhya Pradesh and Andhra Pradesh

	(Rs in lakhs)		
	1990-91	1991-92	1992-93
ORISSA			
Fruits and Vegetable Processing Sector.	24.02	44.35	6.00
Grain Processing Sector	30.00	-	-
Fisheries Sector	-	-	10.50
MADHYA PRADESH			
Fruits and vegetables Processing Sector	45.00	-	2.585
Meat and Meat Products Sector	-	87.5	0.75
Grain Processing Sector.	-	-	35.00
ANDHRA PRADESH			
Fruits and Vegetable Processing Sector	-	34.30	146.86
Meat and Meat Products Sector	117.75	3.37	4.70
Fisheries Sector	-	-	39.50

**Replacement of Manual Exchanges in
Orissa**

8088 DR.KRUPASINDHU BHOI Will the Minister of COMMUNICATIONS be pleased to state

(a) whether some manual exchanges are functioning in Orissa,

(b) if so, the details with location thereof;

(c) whether Government propose to replace those manual exchanges with auto manual exchanges, and

(d) if so, the steps taken or proposed to be taken by the Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF POWER SHRI P V RANGAYYA NAIDU) (a) No, Sir

(b) to (d) Does not ans

Gas based Power Projects

8089 SHRI K.V R CHOWDARY Will the

Minister of POWER be pleased to state

(a) the present status of proposed gas based power projects,

(b) the expenditure incurred thereon so far;

(c) whether the National Thermal Power Corporation has prepared corporate plan for the year 1990 to 2005, and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU), (a) and (b) The details are given in the attached statement.

(c) and (d) In 1982, the National Thermal Power Corporation has prepared its Corporate plan for the period 1985-2000 A.D. In 1990-91 a revision of the Corporate plan had been initiated covering the period 1990-2005 A.D. however keeping in view the changes in the Eighth Plan period and Government's policy initiatives, the Corporate plan needs further revision and is now envisaged to cover the period 1992-2007 A.D

STATEMENT

Status of Proposed Gas Based Power Projects					
Sl. No.	Name of the project & State	Capacity (MW)	Implementing Agency	Present Status	Expenditure incurred upto 31.3.93.
(1)	(2)	(3)	(4)	(5)	(6)
A Details of the projects cleared/apprised by the Central Electricity Authority (CEA)					
1.	Faridabad CCGT *800 Haryana	NTPC	In view of the gas linkage of only 2 MCWD available against the requirement of 3 MCMD, feasibility Report needs revision for a reduced capacity of 400 MW initially.		
2.	Anta CCGT II Rajasthan	NTCP	The gas linkage available is only 0.25 MCMD against the requirement of 1.5 MCMD. The scheme can be processed further after full gas linkage is available and funds tie-up is finalised.		
3.	Pipavav CCGT 615 Gujarat	GIPCL	The scheme can be processed further after gas linkage and other inputs are available.		
4.	Pillaiperumalnallur300 CCGT, Tamil Nadu	TNEZ	The scheme can be processed further after gas linkage and other inputs are available. The scheme is now proposed to be taken up in private equipment.		
5.	Agartala GT 84 Tripura	NEEPQO	Bids have been invited for the main plant and equipment		
6.	Rokhia GT Ph. II 16 Tripura	Govt. of	The scheme was cleared by the CEA subject to certain conditions. The State Govt. is competent to sanction the project under its own powers.		

Sl. No.	Name of the project & State	Capacity (MW)	Implementing Agency	Present Status	Expenditure incurred upto 31.3.93.
(1)	(2)	(3)	(4)	(5)	(6)
B. Details of the schemes received in the Central Electricity Authority but not accorded technico-economic clearance to the project under its own powers.					
7.	Rokhia GT. Ph.III Tripura	16	-do-	The State Govt. has since accorded investment approval to the project under its own powers.	
B. Details of the schemes received in the Central Electricity Authority but not accorded technico-economic clearance					
1.	Ranaghat CCGT Rajasthan	160	RSEB	Phase I of the project comprising 35.5 MW has been technico-economically cleared by the CEA subject to tying up of associated transmission arrangements and provision of fuel storage and firing facilities and institution of a Waste Heat Recovery Unit in Ph. II.	
2.	Bawana CCGT 600/650 Delhi		DESU	The scheme is now proposed to be taken up with private sector participation.	
3.	Pillaiyarpattinam 300 CCGT State-II Tamil Nadu		TNEB	The scheme can be processed for technico-economic clearance after gas linkage is available.	
4.	Addl. GT set at 60 Namrup, Assam	60	ASEB	The scheme can be processed for technico-economic clearance after gas linkage, environment and forests clearance availability of water etc. are confirmed.	
5.	Jegurupadu Gas Based Power Project, Andhra Pradesh	172	Private Sector	'In principle' clearance issued by the CEA	

Sl.No.	Name of the project & State	Capacity (MW)	Implementing Agency	Present Status	Expenditure incurred upto 31.3.93.
(1)	(2)	(3)	(4)	(5)	(6)
6.	Godavari Gas	200	Joint	The project initially envisaged to be set up by the National Thermal Power Corporation (NTPC) will now be implemented as a joint venture company has been incorporated between spectrum Power Generation Limited/CMS generation and National Thermal Power Corporation. Clearance has been received from foreign investment angle.	Advance action expenditure of Rs. 6 crores has been incurred by the NTPC for initial structure development and land acquisition. This amount will be transferred to the joint venture company on our-right scale basis.
7.	Gandhar Has Based Power Project Gujarat	615	Joint Sector	'In principle clearance has been accorded by CEA	
8.	Dabhol CCGT (LNG) Maharashtra.	1920	Private Sector	Clearance has been issued from foreign investment angle.	
9.	Dankuni Gas Based Power Project, West Bengal	20	Private Sector	Feasibility Report has not been received	

Shortage of Coal in Power Houses in Delhi

8090 SHRI JEEWAN SHARMA Will the Minister of POWER be pleased to state

(a) whether Delhi is on the threshold of power crisis due to acute shortage,

(b) if so, the reasons for the coal shortage and the steps taken by the Government to meet the full requirement,

(c) the category of coal required for generation of electricity with power station and Badarpur Thermal Power Station per day, separately,

(d) how much quantity of coal is available with them as on date, and

(e) how much of it was consumed by them in the last two years?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) and (b) Despite inadequate coal supplies to Badarpur, Raghunath and Indraprastha Power Stations due to insistence by Coal India/ Railways for clearance of their dues, every effort is being made to make available adequate power to Delhi to meet its requirements. Delhi Administration/DESU have been asked to find ways & means for making payments to Badarpur/TPS so that payments could be made to Coal India/ Railways for ensuring uninterrupted Coal supplies

(c) to (e) The requisite details are as follows -

(c) to (e): The requisite details are as follows:-

Particulars	BTPS	I.P. Station	Rajghat
1. Category of coal required	'E' Grade	'B' & 'C' Grade for Unit-1, 'B' to 'E' for Unit 2,3,4&5.	'E' Grade
2. Consumption per day	11,000 M.T.	2,500 M.T.	2000 M.T.
3. Quantity of coal available	63,530 M.T. (As on 4.5.93)	70539 M.T. (as on 3.5.93)	8,000 M.T. (3.5.93)
4. Consumption during the last during the last two years (1991-93)	71,68,889 MT	21,98,859 MT	7,27,600 MT

Press Accreditation to printers and Publishers

8091. SHRI VIJAY KUMAR YADAV: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether some of the editors of big newspapers, general managers of news agencies, printer and publishers, business executives of newspapers and Government employees have been granted accreditation as correspondent by the /Central Press Accreditation Committee by violating the CPAC Rules, 1985;

(b) if so, the names of the correspondents and the newspaper to which they represents and have given accreditation as on December, 1992?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K.P.SINGH DEO) (a) According to the information furnished by P.I.O., the reply is No, Sir.

(b) Does not arise.

Foreign Investment in Food Processing Sector.

8092. SHRI GEORGE FERNANDES: Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state:

(a) whether the Government have approved foreign investment proposal as well as projects for 100 percent export Oriented Units in the food processing Sector; and

(b) if so, the broad features thereof and the estimated foreign investment in this sector during the Eighth Plan?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI): (a) Yes, Sir.

(b) Government have approved various

foreign investment proposals as well as those for 100 percent export oriented units in the different sectors of the food processing industries such as deep-sea fishing, fish processing, meat and poultry processing, fruit & vegetable processing etc. While, no target has been fixed for foreign investment in the food processing sector in the 8th plan period, from the trend of foreign investment-proposals already approved, it is estimated that during the 8th plan, food processing industries may attract foreign investment of over Rs.2,000 crores.

Shortage of Machines Equipment for Power project in U.P.

8093. MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: Will the Minister of POWER be pleased to state:

(a) whether the Union Government are aware of the shortage of machines/equipment's for different power projects in Uttar pradesh;

(b) if so, the number of power projects affected due to such shortage particularly in district Chamoli and Paun Garwhal;

(c) the steps taken or proposed to be taken by the Government in this regard; and

(d) the total amount spent on such projects so far?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P.V.RANGAYYA NAIDU): (a) to (d) Yes, Sir. The details of power projects affected due to shortage of machines/equipment in Uttar Pradesh are as under:

(i) Anpara B- There is some delay in releasing imported equipment's from various ports because of non-payment of customs duty. This is basically due to funds shortage with the project authorities. Expenditure incurred till December, 1992 is Rs. 2798.32 crores. The Ministry of Finance has been approached for release of funds for payment of customs duty

which will release imported equipment's

(a) Tanda (Unit IV-110 MW) Works on Unit IV are affected due to shortage of machines/ equipments whoosh are to be resupplied by BHEL. Expenditure incurred till December 1992 is Rs. 401.77 crores. A number of equipment has been cannibalized from other projects/units to meet the shortage of machines/equipments. The Ministry is regularly monitoring supplies from BHEL as well as funds availability for this project.

No power project in District Chamoli and Paun Garwal has been affected due to shortage of machines/equipment

Committee Report on Coal Sample

8094 SHRI SANAT KUMAR MANDAL Will the Minister of POWER be pleased to state

(a) whether the Government have since got report of the Committee set up by the Planning Commission to determine the location for testing of the samples of coal supplied to the various state electricity boards and power houses by the Coal (India) Ltd (CIL), and

(b) if so, the main recommendation thereof and Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) No Sir

(b) Does not arise in view of answer to part (a)

[Translation]

Assistance for Electrification in Gujarat

8095 SHRI N J RATHVA Will the Minister of POWER be pleased to state

(a) whether the Government provide spe-

cial grants for electrification in tribal areas of Gujarat,

(b) if so, the details thereof

(c) the amount provided during each of the last three years, and

(d) the percentage of electrification in each of the tribal dominated districts of Gujarat?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) and (b) No special grants for electrification in tribal areas of Gujarat has been provided

(c) Does not arise

(d) Gujarat Electricity Board has reported 100% electrification in the state including the tribal-dominated districts of Gujarat

[English]

Agreement Between Domestic Airlines and Courier Service

8096 SHRI MULLAPPALLY RAMACHANDRAN Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state

(a) whether there is any arrangement between the domestic airlines and the courier services regarding the despatch of letters/Parcels by the latter and

(b) if so the details thereof?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD) (a) and (b) At present neither Indian Airlines nor Vayudoot has any agreement with any Courier Service agencies. Both the Airlines however accept cargo/parcels on their scheduled services from customers including courier agencies

Compensation by Private Air Taxi Operator in Air Accidents

8097. SHRI UDDHAB BARMAN: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether the air passengers traveling by the private air taxi operators are entitled to accident compensation in case of partial/permanent disability/ loss of life as result of air

accidents; and

(b) If so, the details of compensation payable to such victims of air accidents by the private air taxi operators.

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) and (b) The air passengers traveling by the services operated by private air taxi operators are entitled to accident compensation as follows:-

<i>Age of Passenger</i>	<i>Death or bodily injury or wound which results in permanent disablement</i>	<i>Bodily injury which results in a temporary disablement</i>
12 years or more	Rs. 5,06,000/-	Rs. 500 per day for every day during which he continued to be so disabled or a sum of Rs. 1,00,000 whichever is less.
Below 12 years	Rs. 2,50,000/-	

India Perspective Journal

8098. SHRI SYED SHAHABUDDIN: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the print order of the monthly India perspective brought out by the Ministry, language-wise, for the year 1992-93;

(b) the number of copies distributed, mission-wise and directly during above year; and

(c) the annual expenditure on production and distribution of journal including the services of full time staff and professional consultants?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SALMAN KHURSHEED): (a) Print Order (language-wise) of India Perspective for the year 1992-93 is given in the attached statement-I

(b) Number of copies distributed Mission-wise and directly during the year 1992-93 are given in the attached statement II and III placed below.

(c) The expenditure incurred on production and distribution of the journal including the services of full time staff and professional consultants during the year was Rs. 1,72,83,383.00.

STATEMENT-4*Monthly Print Order of India Perspectives*

	<i>From April, 1992</i>	<i>1992 to October, 1992</i>	<i>From November, 1992</i>	<i>1992 to March, 1993</i>	
English	25940		English		17900
French	4000		French		2625
Spanish	2280		Spanish		1400
Arabic	2200		Arabic		1815
Urdu	2800		Urdu		2000
Hindi	4300		Hindi		2000
Russian	5500		Russian		4000
Portuguese	3700		Portuguese		1600
Bhasa Indonesia	650		German		3000
			Bhasa Indonesia		650
Total	51350		Total		36990

STATEMENT-II

Mission-wise Distribution list w.e.f 14/92

MISSION	ENGL	FREN	SPAN	ARAB	URDU	HIND	RUSS	PORT	BAHA
45 Geneva	0	100	0	0	0	0	0	0	0
46 Georgetown	750	0	0	0	0	0	0	0	0
47 Hamburg	50	0	0	0	0	0	0	0	0
48 Hanoi	25	25	0	0	0	0	0	0	0
49 Harare	200	0	0	0	0	0	0	0	0
50 Havana	50	0	300	0	0	0	0	0	0
51 Helsinki	200	0	0	0	0	0	0	0	0
52 Hochi Minh City	60	40	0	0	0	0	0	0	0
53 Hong Kong	150	0	0	0	0	0	0	50	0
54 Islamabad	250	0	0	0	500	0	0	0	0
55 Jakarta	500	0	0	0	0	0	0	0	250
56 Jeddah	100	0	0	100	50	0	0	0	0
57 Kabul	120	0	0	0	100	0	0	0	0
58 Kampala	75	50	0	0	0	0	0	0	0
60 Karach	50	0	0	0	500	0	0	0	0

MISSION	ENGL	FREN	SPAN	ARAB	URDU	HIND	RUSS	PORT	BAHA
61 Kathmandu	300	0	0	0	0	3800	0	0	0
62 Khartoum	50	0	0	100	0	0	0	0	0
63 Kingston	150	0	0	0	0	0	0	0	0
64 Kote	50	0	0	0	0	0	0	0	0
65 Kualalumpur	750	0	0	0	10	0	0	0	400
66 Kuwait	55	0	0	100	50	0	0	0	0
67 Lagos	800	100	0	50	5	0	0	0	0
68 Lilongwe	300	0	0	0	0	0	0	0	0
69 Lima	15	0	250	0	0	0	0	0	0
70 Lisbon	125	0	0	0	0	0	0	0	500
71 London	800	0	0	0	0	25	0	0	0
72 Luanda	10	15	0	0	0	0	0	40	0
73 Lusaka	600	0	0	0	0	0	0	0	0
74 Madrid	15	0	25	0	0	0	0	0	0
75 Mahe	50	25	0	0	0	0	0	0	0

MISSION	ENGL	FREN	SPAN	ARAB	URDU	HIND	RUSS	PORT	BAHA
121 Toronto	150	10	0	0	0	0	0	0	0
122 Tripoli	200	30	0	30	0	0	0	0	0
123 Tunis	60	220	0	50	0	0	0	0	0
124 Ulan Bator	40	0	0	0	0	0	0	0	0
125 Vancouver	150	0	0	0	0	0	0	0	0
126 Vienna	150	0	0	0	0	0	0	0	0
127 Vientiane	30	30	0	0	0	0	0	0	0
128 Warsaw	200	0	0	0	0	0	0	0	0
127 Washington	1000	0	0	0	0	0	0	0	0
130 Wellington	325	0	0	0	0	0	0	0	0
131 Windhoek	500	0	0	0	0	0	0	0	0
132 Yangon	50	0	0	0	0	0	0	0	0
133 Zahidan	10	0	0	0	0	0	0	0	0
134 Zanzibar	150	0	0	0	0	0	0	0	0
135 Central News Agency	0	0	0	0	750	0	0	0	0

MISSION	ENGLE	FREN	SPAN	ARAB	URDU	HIND	RUSS	PORT	BAHA
136 Direct distribution to authors, photographers, contributors, important dignitaries, media heads, newspaper editor, libraries and for record 480	25	60	25	269	65	10	10	10	10
Total	25940	4000	2260	2200	2800	4300	5500	3700	650

STATEMENT-III

Mission-wise Distribution list w e.1 1 11.92

MISSION	ENGL	EPEN	SPAN	ARAB	URDU	HIND	RUSS	PORT	BAHA	GERM
15 Beijing	650	0	0	0	40	0	0	0	0	0
16 Beirut	15	0	0	75	0	0	0	0	0	0
17 Be grade	50	0	0	0	1	0	0	0	0	0
18 Berlin	150	0	0	0	0	0	0	0	0	0
19 Berne	50	150	0	0	0	0	0	0	0	500
20 Birmingham	100	0	0	0	0	0	0	0	0	0
21 Bogota	10	0	150	0	0	0	0	0	0	0
22 Bonn	150	0	0	0	0	0	0	0	0	0
23 Brasilia	50	0	0	0	0	0	0	896	0	0
24 Brussels	275	400	0	0	0	0	0	0	0	0
25 Bucharest	50	0	0	0	0	0	0	0	0	0
26 Budapest	60	0	0	0	0	0	0	0	0	0
27 Buenos Aires	25	0	250	0	0	0	0	0	0	0
28 Cairo	75	0	0	250	0	0	0	0	0	0

MISSION	ENGL	EPEN	SPAN	ARAB	URDU	HIND	RUSS	PORT	BAHA	GERM
60. Karachi	150	0	0	0	500	0	0	0	0	0
61. Kathmandu	200	0	0	0	1400	0	0	0	0	0
62. Khartoum	30	0	-	0	75	0	0	0	0	0
63. Kingston	150	0	0	0	0	0	0	0	0	0
64. Kobe	50	0	0	0	0	0	0	0	0	0
65. Kuala Lumpur	450	0	0	0	10	0	0	0	392	0
66. Kuwait	55	0	0	0	75	25	0	0	0	0
67. Lagos	350	50	0	0	0	0	0	0	0	0
68. Lilongwe	150	0	0	0	0	0	0	0	0	0
69. Lima	15	0	150	0	0	0	0	0	0	0
70. Lisbon	100	0	0	0	0	0	0	490	0	0
71. London	550	0	0	0	0	0	25	0	0	0
72. Luanda	15	15	0	0	0	0	0	50	0	0
73. Lusaka	400	0	0	0	0	0	0	0	0	0
74. Madrid	15	0	25	0	0	0	0	0	0	0

MISSION	ENGL	EPEN	SPAN	ARAB	URDU	HIND	RUSS	PORT	BAHA	GERM
135 Central News Agency	0	0	0	0	400	0	0	0	0	0
136 Direct distribution to authors, photographers contributors, important dignitaries, media heads newspaper editors libraries and for record 486	23	53	26	58	130	10	22	20	30	
Total	17900	2625	1400	1815	2000	20000	4000	1600	650	3000

Inconvenience to Passengers

8099 * SHRI V SREENIVASA PRASAD
SHRIG DEVERAYA NAIK
SHRI RABI RAY

Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state

(a) whether attention of the Government has been drawn to the news-item captioned "All passengers stranded in hotel lobby" appearing in the 'Indian Express' dated February 18, 1993,

(b) so, the facts thereof,

(c) whether the authorities failed to make any arrangements for their stay; and

(d) if so, the reasons therefor?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD) (a) Yes, Sir

(b) to (d) Due to a technical snag, An India flight AI-302 of 16 2 93 did not take off from Delhi at the scheduled time of departure are 7 10 P M Time for snag rectification was initially estimated as forty five minutes. However when the rectification work continued beyond this period the passengers were served dinner on board the aircraft. After 10 P M, when it became clear that the snag could not be rectified, 295 passengers and seven infants disembarked. Due to shortage of hotel rooms only twenty passengers could be accommodated in hotels. fifty one passengers opted to go to their residence and the remaining passengers were accommodated at Centaur Hotel Lobby with special arrangements.

Telecommunication Commission

8100 SHRI RAM KAPSE Will the Minister of COMMUNICATIONS be pleased to state

(a) whether the regulatory policy making

and operating functions of the telecommunication are concentrated in the Telecom Commission at present

(b) whether the recommendation made at the seminar of economic and telecom experts held at Delhi in January 1993, to separate their function and be handled by three different bodies have been studied by the Government, and

(c) if so, the action taken on these recommendations?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) Yes Sir

(b) Officially no specific recommendations have been received so far by the Department of Telecommunications from the organizers of the Seminar

(c) Question does not arise

Indians in Erstwhile Yugoslavia

8101 SHRI B L SHARMA PREM Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) the number of Indians in the newly independent states of the erstwhile Yugoslavia State-wise,

(b) whether the Government have taken any steps for their safety and

(c) if so the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF ETERNAL AFFAIRS (SHRI R L BHATIA) (a) The number of Indians in the newly independent State of the erstwhile Yugoslavia State-wise is as below

Slovenia 40

Federal Republic of Yugoslavia (Serbia & Montenegro) 19

333 Written Answers

VAISAKHA 20, 1915 (SAKA)

(excluding India based staff of the Indian Embassy in Belgrade)

Croatia 5

Bosnia-Herzegovina nil

Macedonia nil

(b) and (c) Indians in these republics are reportedly safe Accredited Indian missions maintain contact with them

Telephone Exchange in Saurashtra

8102 SHRI CHANDRESH PATEL Will the Minister of COMMUNICATIONS be pleased to state

(a) the details of telephone exchanges from

Written Answers 334

500 to 50,000 lines opened during the last three years in the Saurashtra region of Gujarat and the expenditure incurred thereon

(b) whether the Government propose to open more such exchanges during 1993 and 1995, and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF POWER SHRI P V RANGAYYA NAIDU (a) Details are given in the attached Statement-I

(b) Yes, Sir

(c) Details are given in the attached statement-II

STATEMENT-I**STATEMENT TO BE LAID ON THE TABLE OF LOK SABHA VIDE PARTS 'A' & 'C' OF UNSTARRED QUESTION NO 8102 FOR 10.5.93***Details of Telephones Exchanges opened during last three years in Saurashtra Region*

Sl No	Name of Exch	Type/capacity	Expenditure (in Rs.)
1	Rajkot (Rajkot)	E 10B/5000 Lines	9,65,49,000
2	Jasdan "	SBM-C DOT/1000 lines	1,03,92,000
3	Upseta "	C-DOT MAX-I/200 lines	346,22,000
4	Dhoraji "	C-DOT MAX-I/3000 Lines	4,91,46,000
5	Limbdi (Surerda Nagar	C-DOT/1000 Lines	1 03,07,378
6	Una (Junagadh)	C-DOT/1400 Lines	1 21 64 002
7	Man grol "	C-DOT, 1400 Lines	1 03 72,000
8	Talaja (Bhavnagar)	C-DOT/1000 Lines	1 35 30,762
9	Sinor "	C-DOT/1000 Lines	93,04 607

STATEMENT-II*Details of Exchanges Planned for 1993-95*

Sl No	Name of Exchange	Type/ capacity
1	Amreli	C DOT/300 Lines
2	Jamnagar	E 10B/5000 Lines
3	Junagadh	RLU/1500 Lines
4	Manavadar	C DOT/1000 Lines
5	Porbandar	C DOT/1400 Lines
6	Keshod	C DOR/2000 Lines
7	Bhaktinagar	RLU/3000 Lines
8	Aji	RLU/1000 Lines
9	Morvi	ICP/4000 Lines
10	Wankaner	C DOT/1400 Lines
11	Gondal	ICP/4000 Lines
12	Jepur	C DOT/5000 Lines

<i>S.I.No.</i>	<i>Name of Exchange</i>	<i>Type/capacity</i>
13.	Surendranagar	RLU/2000 Lines
14.	Thangadh	C-DOT/1000 Lines
15.	Bhavnagar	RLU/5000 Lines
16.	Mahurva	C-DOT/2000 Lines

Setting up of Restaurants by MNCs

8103 SHRI SOBHNADREESWARA RAO VADDE Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state

(a) whether the Union Government have accord permission to multinational fast food giants to start chain of restaurants all over the country;

(b) if so the details thereof and

(c) the foreign exchange likely to be earned and the other benefits to be accrued on starting these restaurants?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI TARUN GOGOI) (a) to (c) The Government have recently approved a proposal of M/s. McDonald's Corporation USA to set up a wholly owned subsidiary in India for setting up Mc Donald Restaurants. The restaurants will be developed and operated primarily through (i) directly by the subsidiary or a limited number of restaurants, (ii) joint venture between the subsidiary and Indian partners and (iii) Indian licensees. The total investment for these projects will be 40 million US Dollars during the initial 7 years. The foreign equity investment will initially be 1 lakh US dollars to be increased to 20 millions US Dollars over initial 7 years. The approval is subject to the condition that no dividend will be repatriated during the first 7 years of operation though the proposal does not envisage direct export but the Mc Donald have proposed that the improved quality and economics of scale generated by Mc Donald will create the potential for export to other parts of the system as well as to rest of the world. The proposal also envisages assistance to the Indian suppliers of products whose technology would be upgraded to meet the Mc Donald's standards and tie ups with Mc Donald international suppliers for eventual exports to Mc Donald

outlets elsewhere in the world. The Project is likely to generate employment for over 3400 people in 20 restaurants, bring in better management systems for distribution and transportation as well as serves Indian tourism industry

Motels and Yatri Niwas in A.P.

8104 DR D VENKATISWARARAO SHRI BOLLA BULLI RAMALAH

Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state

(a) the details of motels and yatri niwas constructed in Andhra Pradesh with the Central Assistance during 91-92 and

(b) the amount of assistance provided during 92-93 to the State for this purpose?

THE MINISTER FOR CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD) (a) and (b) No proposals have been received from the State Government for construction of motels and Yatri niwas in Andhra Pradesh during 1991-92 and 1992-93

Funds for Famine stricken African Countries

8105 SHRI C P MUDALAGIRIYAPPA Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) whether the Government propose to raise any funds to assist the famine stricken African countries, and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SALMAN KHURSHEED) (a) No, Sir

(b) Does not arise

[Translation]

India's Initiative for supply of Drugs to Iraq

8106 SHRI CHHEDI PASWAN Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) whether the Government have made any initiative/propose to make any initiative at the UN for the supply of essential and life saving drugs to Iraq

(b) if so the details thereof and

(c) if not the reasons therefor

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R L BHATTA) (a) to (c) As relevant UN Resolutions do not bar supply of food and medicines to Iraq the question of Government of India making an initiative or proposal in this regard does not arise

[English]

Role of India in Security Council

8107 SHRI MANORANJAN BHAKTA Will the Minister of EXTERNAL AFFAIRS be pleased to state the role played and achievements made by India during the just concluded two-year term as member in the UN Security Council?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R L BHATIA) The membership of the UN Security Council (1991-92) at a crucial time in history enabled India to make a contribution to international peace and security. India's participation and vote in the Security Council on various issues demonstrated our principled position of support to national sovereignty, peaceful settlement of disputes, justice and equity & commitment to the principles & objectives of the UN

Absorption of Technology by NTPC

8108 SHRI K V R CHOWDARY Will the Minister of POWER be pleased to state

(a) whether the National Thermal Power Corporation has absorbed the latest technologies available globally in the field of design construction and operation of power plants

(b) if so the details thereof and

(c) if not the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) to (c) National Thermal Power Corporation has absorbed such of those latest technologies in the field of design construction and operation of thermal power plants which can be adopted to Indian conditions consistent with the requirement for achieving reliable and efficient operation. Some of the technologies introduced and adopted are as under

(i) Once Thorough Tower type boilers at Talcher Super Thermal Power project

(ii) Variable Frequency Drives for energy conservation

(iii) Low Nox Burners and higher efficiency Electrostatic Precipitators for meeting the stringent environment standards

(iv) High unit rating and steam parameters for reducing cost of generation

(v) Seamless steel tubes for condenser and feedwater heaters

(vi) New high chrome material for high pressure and temperature piping for achieving substantial saving in cost and increased reliability

(vii) Slip form method of construction of reinforced concrete chimneys

(viii) Steel as liner material for multi-flue chimneys

(ix) Multi lagoon system of ash disposal for improving the quality of effluent

(x) Deep bed type full capacity condensate polishing units for 500 MW units

(xi) Computerised detection system for fire alarm system

(xii) Latest microprocessor based Distributed Digital Control Monitoring and Information Systems

Badarpur Power Plant

8109 SHRIK PRADHANI Will the Minister of POWER be pleased to state

(a) whether three units of Badarpur power plant have been shutdown,

(b) if so since when and the reasons thereof, and

(c) the steps taken or proposed to be taken to enhance the supply of coal to the plant?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) to (c) Three units of 100 MW at Badarpur Thermal Power Station (BTPS) has to be closed down for a few days in April 1993 due to inadequate coal supplies. All the five units of BTPS are functioning as on 7/5/1993. Delhi Administration/DESU have been asked to find way and means for clearance of BTPS dues so that payments could be made to Coal India/ Railways for ensuring uninterrupted coal supplies

Aircraft for Agricultural Aviation

8110 PROF ASHOK ANANDRAO DESHMUKH Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state

(a) the number of aircraft available for agricultural aviation,

(b) the percentage utilisation of their total potential,

(c) whether there is any proposal for the induction of more aircrafts, and

(d) if so, the details thereof?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD) (a) and (b) There are 42 fixed wing aircraft and 25 helicopters registered with the Director General of Civil Aviation for agricultural aviation purposes 12% i.e. 8 out of these 67 aircraft are at present operating

(c) and (d) No other request is pending with Director General of Civil Aviation for issue of permit for agricultural aviation purposes

Bakreswar Project in West Bengal

8111 SHRI SANAT KUMAR MANDAL Will the Minister of POWER be pleased to state

(a) whether consequent on the delay in the project appraisal the process of finalising Japanese aid from the Overseas Economic Cooperation Fund (OECF) for Bakreswar project in West Bengal has been pushed back and

(b) if so the assistance financial and other, the Union Government is propose to give to ensure the continuity of this project during the current year?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) No Sir

(b) The Overseas Economic Co-operation Fund (OECF)' Mission has recently apprised the project. The Central Government is keen that O E C F assistance is tied up for this project. Since this project is planned to be set up in the

State Sector, the state authorities have to provide adequate funds for this project in their State Plan

[*Translation*]

Flood Affected Areas

8112 SHRI N J RATHVA Will the Minister of WATER RESOURCES be pleased to state

(a) the total area in Gujarat particularly in vododara, Panchmahals and Bharuch districts declared as flood affected area and the annual average thereof in lakhs of hectare,

(b) the details of schemes formulated by the Union Government for the Adivasi areas of Gujarat to control the flood in future,

(c) the total amount spent on these schemes during the last three years, and

(d) the estimated amount to be incurred on these schemes at present with details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI P K THUNGON)

(a) The total area in Gujarat including Vododara, Panchmahals and Bharuch prone to flooding is 13.9 lakh hectares. The average area 3.31 lakh hectares are affected annually

(b) to (d) No major scheme of flood management formulated by Union Government is under execution for protection of the Adivasi areas

[*English*]

Gulf Countries Indians in Jails

8113 SHRI MULLAPPALLY RAMACHANDRAN Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) the number of Indians languishing in the jails in Gulf Countries, country-wise,

(b) whether the Government secured the release of any of these persons during 1991-92 and 1992-93,

(c) if so, the details thereof, and

(d) the steps taken by the Government for the early release of remaining persons?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R L BHATIA) (a) to (c) The information is being collected and will be placed on the Table of the House

(d) As soon as an Indian Mission/Post comes to know about the arrest of an Indian national abroad, request is made for seeking consular access to the Indian national under arrest. The Consular Officer from the Indian Mission/Post concerned visits the detainee and tries to ascertain grounds and circumstances leading to his arrest. Where necessary the Mission takes up the matter at higher level with the host Government for speedy and fair trial. Indian Missions/Posts also take care to see that Indian detainees are treated fairly within jails

Indian Staff in UN Secretariat

8114 SHRI SYED SHAHABUDDIN Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) The number of Indians working in the UN Secretariat as on January 1, 1993,

(b) the percentage of Indian out of the total staff strength of the Secretariat on that date and

(c) names of Indians elected to various offices and permanent bodies and organisations of the United Nations as on January 1, 1993?

THE MINISTER OF STATE IN THE MIN

ISTRY OF EXTERNAL AFFAIRS: (SHRI R.L. BHATIA): (a) There are 348 Indians working in the UN Secretariat as on January 1, 1993.

(b) It is 2.10 percent.

(c) UN Administrative Tribunal-Shri S. Sen. Committee on the Elimination of Racial Discrimination Smt. Shanti Sadiq Ali. International Narcotics Control Board-Shri M.V.N. Rao. Programme Committee of FAO-Shir V. Bhagwan. International Law Commission: Dr. P.S. Rao.

UN Board of Auditors: Shri C.G. Somiah, Comptroller Auditor General of India. Reporter on UN Committee on Apartheid: Shri Suresh Goel. UN Advisory Committee on Administrative & Budgetary Questions (ACABQ): Shri Ranjit Rae.

Chairman of the UN committee on Programme & Coordination: Shri T.P. Sreenivasan.

Fire in Agra Exchange

8115. MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether a part of trunk exchange at Agra was gutted in April, 1993;

(b) if so, the details thereof, including the cause and extent of damage;

(c) whether fire had also taken place in Agra exchange on September 1992;

(d) if so, the reasons therefore and the action taken by the Government in this regard; and

(e) the time by which the services are expected to be normalised of this exchange?

THE MINISTER OF STATE IN THE MIN-

ISTRY OF POWER (SHRI P.V. RANGAYYA NAIDU): (a) and (b) . On 14.4.93 due to high voltage on overhead truck line at a distance of about 10 kms. from agnra, sparking was observed in Trunk Main Distribution Frame and the same was extinguished by Departmental officials on duty using fire fighting equipments available in the building. There was no damage whatsoever either to any equipment or personnel in the trunk exchange at Agra.

(c) Yes, Sir.

(d) Immediately after the fire incidence in September, 1992 services were restored through TAX Exchanges of Ghaziabad, Lucknow and. Kanpur. The investigation of cause office was entrusted to Chief General Manager, Technical and Development Circle, Jabalpur which is statutory authority for such investigations in Telecome. Department As per report of Chief General Manager T&D Circle Jabalpur the fire in Agra Telephone Exchange was caused due to short circuit in the power cable.

(e) The equipment was fully restored by the end of January, 1993. The services which were earlier diverted to other stations have been commissioned through Agra TAX Exchange

Telephone to Gram Panchayats in A.P.

8116. DR. D VENKATESWARA RAO: Will the Minister of COMMUNICATIONS be pleased to state:

(a) the district-wise number of gram panchayats with telephone facilities in Andhra Pradesh;

(b) the number of gram panchayats without this facility, district-wise;

(c) whether any concrete proposal has been formulated for providing this facility to all the panchayats; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) and (b) The details as on 31.3.1993 are given in the attached statement

(c) and (d) Yes, Sir All the Panchayat Villages have been planned to be provided with telephone facility progressively by 31st March 1995 subject to availability of resources

STATEMENT**Distinct-wise Details of panchayat Villages of Andhra Pradesh as on 31.03.1993.**

Sl.No.	Name of the District	Total No. of Panchayat Villages	Panchayat Villages with telephone facility	Panchayat Villages without telephone facility
1.	2.	3.	4.	5.
1.	Adilabad	726	176	550
2	Ananthapur	865	654	211
3.	Chittoor	1292	620	672
4.	Cuddapah	741	335	408
5.	East Godavari	936	832	104
6	Guntur	958	858	101
7.	Karimnagar	1051	548	503
8.	Khammam	608	478	130
9.	Krishna	933	807	126
10.	Kurnool	821	730	91
11.	Mahaboobnagar	1104	561	343
12.	Medak	809	440	369

Sl No	Name of the District	Total No. of Panchayat Villages	Panchayat Villages with telephone facility	Panchayat Villages without telephone facility
13	Nalgonda	1011	493	518
14	Nellore	942	482	460
15	Nizamabad	621	320	301
16	Prakasam	955	497	458
17	Rangareddy	583	433	150
18	Srikakulam	1064	427	637
19	Visakhapatnam	929	443	486
20	Vizianagaram	889	344	545
21	Warangal	884	390	494
22	West Godavari	810	797	013
Total -		19533	11663	7870

Vacant Posts in Brahmaputra Board

8117 SHRI UDDHAB BARMAN
SHRI BALIN KULI

Will the Minister of WATER RESOURCES be pleased to state

(a) since when the Brahmaputra Board is functioning without the Chairman Vice-Chairman and Secretary

(b) the steps taken being taken by the Government to fill in these three posts,

(c) whether it is a fact that performance of the board has not been noteworthy since its inception and

(d) if so the corrective steps being taken by the Government?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTRY OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI P K THUNGON) (a) and (b) The post of Chairman is vacant from 1st January 1993. The work of Vice Chairman is being looked after by Member

(River Management), Central Water Commission. The General Manager is looking after the work of Secretary. The selection process for manning the posts has started and is likely to be finalised early

(c) and (d) No, Sir. The Brahmaputra Board has prepared Master Plans for main Brahmaputra and Barak rivers and also for more than half of their tributaries

Opening of Post Offices

8118 SHRIK PRADHANI Will the Minister of COMMUNICATIONS be pleased to state

(a) the number of post offices opened during the last three years, and

(b) the number out of them in rural areas, State-wise and yearwise?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P V RANGAYYA NAIDU) (a) 4413 post offices were opened during the last three years

(b) The details are given in the attached statement

STATEMENT

Details of Number of Post Offices Opened in Rural Areas-State-wise and Year-wise

Sl No	Name of State	1990-91	1991-92	1992-93	Total
1	Andhra Pradesh	40	4	7	51
2	Arunachal pradesh	14	11	nil	25
3	Assam	76	69	45	190
4	Bihar	148	268	71	487
5	Delhi	1	nil	nil	1
6	Goa	2	3	nil	5
7	Gujarat	48	109	71	228
8	Haryana	37	26	10	73
9	Himachal Pradesh	37	31	25	93
10	Jammu and Kashmir	25	24	5	54
11	Karnataka	14	55	14	83
12	Kerala	50	42	21	113
13	Madhya Pradesh	53	185	110	348
14	Maharashtra	152	121	53	326

Sl No.	Name of State	1990-91	1991-92	1992-93	Total
15.	Manipur	18	24	13	55
16.	Meghalaya	5	8	1	14
17.	Mizoram	11	19	11	41
18.	Nagaland	10	13	3	26
19.	Orissa	91	144	80	315
20.	Punjab	35	20	28	83
21.	Rajasthan	54	185	62	301
22.	Sikkim	13	15	nil	28
23.	Tamil Nadu	5	80	28	113
24.	Tripura	12	11	8	31
25.	Uttar Pradesh	423	489	105	1017
26.	West Bengal	36	67	50	153
	Total	1410	2023	821	4254

P.C. Os. at Public Places in Gujarat

8119. SHRI N.J. RATHVA: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether the Government propose to install more P.C.Os. at railway stations, airports, hospitals and tourist places and other public places in Gujarat in 1993-94;

(b) if so, the details thereof with location;

(c) the amount likely to be allocated for this purpose; and

(d) the time by which these are likely to be installed?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P.V. RANGAYYA NAIDU): (a) Yes, Sir.

(b) Public Telephones are located at common places like :-

Commercial Housing Societies.

Resettlement colonies.

Government colonies.

Family quarters of Defence Personnel.

Student Hostels.

Bus Stand

Tourist Centres.

Airports.

Pilgrim Centres.

Railway stations.

Hospitals.

Educations Institutions.

Libraries etc.

(c) Public Call Offices are opened on a franchise basis and as such there is no separate allocation for this purpose.

(d) The installation of PCOs is a continuous process depending upon the availability of exchange capacity and time taken by applicants for fulfilling department formalities.

Private Airlines

8120. SHRI SANAT KUMAR MANDAL: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state:

(a) whether the country is incurring huge loss in foreign exchanges as private airline operators go abroad for almost all their aircraft maintenance requirements;

(b) if so, the details thereof; and

(c) the reasons therefor?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): (a) to (c). Private air taxi operators have their own facilities for carrying out routine maintenance of their aircraft. Some maintenance work for them is done by private organisations also. The air taxi operators do not have facilities for major maintenance and may require such facilities abroad. However none of some has sent aircraft abroad for maintenance so far.

Tax on Cable T.V. Operators

8121. SHRI RAJNATH SONKAR SHASTRI: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether some of the State Governments have imposed any tax on the Cable TV Operators;

(b) if so the details thereof, and
 (c) whether there is any proposal to impose entertainment tax in Delhi on Cable TV operators, and
 (d) if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K P SINGH DEO) (a) to (d) Such information is not maintained by Government

Doordarshan News Division to Indian Information Service

8122 SHRI GEORGE FERNANDES
 SHRI MANORANJAN BHAKTA

Will the Minister of INFORMATION AND BROADCASTING be pleased to state

(a) whether the Government propose to handover Doordarshan news division of Indian Information Service,

(b) if so, the reasons therefor,

(c) whether the proposal is being given a final shape, and

(d) if so, the salient features thereof?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K P SINGH DEO) (a) No, Sir

(b) to (d) Do not anse

CA Director's Statement on Indo-Pak Nuclear Capability

8123 SHRI RABI RAY Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) whether attention of the Government

has been drawn to a report as appearing in the Hindustan Times dated February 26, 1993 that CIA director Mr Jim Woolsey has said that both India and Pakistan have Nuclear arms capability,

(b) if so the details thereof

(c) whether it is also a fact that he has described India's nuclear programmes older and larger than Pakistan's and

(d) if so, the reaction of the Government thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R L BHATIA) (a) Yes, Sir

Government has been the news report

(b) Mr James Woolsey who was testifying before the US Senate Government Affairs Committee on "The proliferation threats of the 1990's" referred to nuclear proliferation concerns perceived by the United States and in this context mentioned different countries nuclear programmes

(c) Yes Sir,

(d) India's nuclear programme is extensive and exclusively geared towards peaceful purposes, while there is no doubt about the weapons orientation and clandestine nature of Pakistan's nuclear programmes

Pak T.V. Propaganda

8124 SHRI RAJENDRA AGNIHOTRI
 DR RAMESH CHAND TOMAR
 SHRI GURUDAS KAMAT
 SHRI C P MUDALAGIRIYAPPA

Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) whether attention of the Government

'has been invited to the news item appeared in the "Hindu" dated the February 16, 1993 regarding anti-India propaganda by Pakistan during Cricket match;

(b) if so, the facts of the matter reported therein; and

(c) the steps taken/proposed to be taken to counter this propaganda?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SALMAN KHURSHEED) : (a) Yes, Sir.

(b) It is true that Pakistan TV showed anti-Indian footage during coverage of a cricket match.

(c) Anti-Indian propaganda by Pakistan is an on going campaign by that country which is regularly and effectively countered through statements and briefings at official and Ministerial levels. Information on the factual position and our point of view is constantly disseminated to the media and to the government of other countries, here as well as through our missions abroad. This also includes information on Pakistan's role in aiding and abetting terrorism in India.

Indian Software Professionals in U.S.

8125. SHRI BOLLA BULLIRAMAIAH: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the Government are aware of the problems being faced by Indian software professionals in the U.S.;

(b) the steps taken by the Government in this regard; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R.L. BHATIA) : (a) Under new regulations formulated

by the US Immigration authorities it will become relatively difficult for foreign software professionals to travel to the US on B-1 or Business visa for 'on-site' development of software. They will be required to obtain H-1B visas governing the employment of foreign nationals in the US. This visa costs more, involves cumbersome, time-consuming formalities and has tax implications in the US.

(b) and (c). Government are seized of this matter and have conveyed our concern to the US authorities since the new US regulations will affect Indian software professional also.

Film and T.V. Institute of India

8126. MAJ. GEN (RETD.) BHUWAN CHANDRA KHANDURI: Will the minister of INFORMATION, AND BROADCASTING be pleased to state:

(a) the criteria for appointment of Director of Film and Television Institute of India along with the names of directors and their tenures during the last three years;

(b) whether the number of students enrolled in FILI is declining;

(c) if so, the reasons therefor and the remedial steps taken in this regard; and

(d) the steps taken by the Government on the recommendations of Khosla Committee and Satish Chandra Committee with a view to re-structure the working of the Institute?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K.P. SINGH DEO) : (a) The Film and T.V. Institute of India Rules provide that the Director shall be appointed by the Governing Council of the Institute with the prior approval of the Central Govt. on such terms and conditions as may be approved by the Central Government. The names and tenures of Directors during the last three years are as under:-

	Name	Tenure
1.	SHRI K.G. Verma	26.11.86 to 30.6.91
2.	Shri V.B..Chandra (Additional charge)	1.7.91 to 31.1.93
3.	Shri T.C. Johan Shankaramangalam (Acting Director)	1.2.93 to date

(b) and (c). The Film Wing of the Institute has an admission capacity of 40 seats-32 for Indian students and 8 for Afro-Asian students. In some Years, due to shortfall in the in-take of foreign students. the number of students enrolled was less than the admission capacity. However, at present, efforts are made to fill up the vacancies by domestic students.

(d) It is not considered necessary to re-structure the Institute at this stage.

[Translation]

Foreign Technicians Working in Hindi Films

8127. PROF. PREM DHUMAL: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether the Union Government have issued any directions of foreign artists and technicians working in Hindi films to deposit their passports with the F.M.C.; and

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

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K.P. SINGH DEO) : (a) No, Sir.

(b) Does not arise.

[English]

Wastage of Water in the Country

8128. SHRI K. PRADHANI: Will the Minister of WATER RESOURCES be pleased to state:

(a) whether the Government have assessed the quantum of wastage of water in the country at present;

(b) whether this issue was discussed at the conference of State Irrigation Minister held recently;

(c) if so, the details thereof;

(d) the other issue discussed in the conference and decisions arrived at; and

(e) the action taken/proposed to be taken on the recommendations?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI K.P. THUNGON): (a) No, Sir.

(b) to (d). The points discussed in the conference include Funding of Irrigation Projects; provision of Water Supply for Irrigation Projects; Environmental preparation for water Resources Projects; Rehabilitation measures for Water

Resources projects, Command Area Development Programmes, Rehabilitation of Minor Irrigation Tanks, Watershed Programmes, Ground Water Recharge Programmes, Flood Management and Irrigation Management Policy. The recommendations made in the Conference are given in attached Statement

(e) The recommendations have been sent on 2nd November, 1992 to the State Governments/Union Territories and concerned Union Ministries/Departments for appropriate action

STATEMENT

Recommendations made in the Tenth
National

Conference of Water Resources and
Irrigation

Ministers of States and Union Territories
Held on 21st September, 1992

Item No 1. Funding of Irrigation Projects

i) In view of resource crunch, it is imperative that thin spreading of funds is avoided and projects in advanced stage of construction allocated full requirement of funds to ensure their completion in the Eighth Plan period

ii) State Governments shall formulate and vigorously pursue comprehensive action plans for completion of identified projects yearwise during Eighth Plan and allocate required funds for each

iii) State Governments shall closely monitor progress of these projects, carry out comprehensive quarterly reviews and keep CWC, MOWR and Planning Commission informed

iv) State Governments may consider increasing Plan allocation to irrigation sector in order to take up extremely needed new projects to correct regional imbalance. To augment resources they may consider charging beneficiaries of established irrigated areas

Item No 2. Provision of Water Supply from Irrigation Projects

i) In conformity with the National Water Policy, irrigation and multipurpose projects ought to include drinking water component to meet the needs of human beings and animals

ii) For such purposeful project formulation State Government shall set up a multi-disciplinary unit comprising experts from Urban and Rural water Supply Departments. State Governments shall also ensure proper coordination in respect of planning, funding and execution so that works connected with drinking water component of projects proceed pari-pasu with other components

Item No 3. Environmental Preparation for Water Resources Projects

Every State shall set up

i) an environmental multi-disciplinary unit comprising experts from disciplines like water resources engineering, agronomy, Forestry, fishery, sociology, archaeology, health, welfare etc., under the charge of the concerned Secretary to assist project authorities in formulation and implementation of water resources projects incorporating environmental concerns,

ii) a State Environmental Data Bank Cell for collection, storage and retrieval of environmental data, and

iii) a State level environmental monitoring mechanism to oversee implementation of environmental safeguards laid down by Ministry of Environmental and Forests

Item No 4. Rehabilitation Measures for Water Resource Projects

i) Draft National Policy on resettlement and rehabilitation shall be recast after considering comments from States and placed before the National Water Resources Council for approval

ii) Keeping in view the principles enunciated in the Draft National Policy, each State shall draw up its own detailed policy on resettlement and rehabilitation

iii) In respect of inter-State projects where submergence is limited to only one State, Resettlement and Rehabilitation Policy of that State shall normally become applicable. Where submergence is in more than one State, a uniform agreed policy specific to that project shall be evolved by party States

Item No 5 Command Area Development Programmes

i) The Command Area Development Programme shall be recognised as Command Area Management Programmes (CAMP) to make it multi-disciplinary and to realise effective implementation

ii) The control of entire irrigation network and implementation of Command Area Management Programme (CAMP) shall be placed under a single agency at the project level to ensure reliability of irrigation water supply

iii) The distribution of irrigation water beyond the Minor through farmers organisation shall be encouraged to improve water utilisation and maintenance of infrastructure at micro level

Item No 6 Rehabilitation of Minor Irrigation Tanks

i) Concerned States shall give priority to rehabilitation/modernisation of existing tanks if cost effective, on the basis of likelihood of quick restoration of already developed irrigation potential

ii) They shall prepare consolidated project reports for such works and pose them for external assistance where necessary

iii) The Government of India shall consider

funding of such works from JRY provisions

Item No 7 Water Shed Programmes

The ongoing centrally sponsored scheme of soil Conservation and integrated Watershed Management in river valley catchments shall continue. Cost of catchment area treatment need not be charged to the river valley projects because such treatments are needed primarily to prevent land degradation and sustain its productive capacity. The States shall take up similar schemes in catchments of selected minor irrigation tanks where catchments may be vulnerable

Item No 8 Ground Water Recharge programmes

i) As ground water development in some areas of the country has caused decline of ground water levels concerned States shall take steps to augment ground water recharge

ii) The State Governments shall consider recharge schemes in specific hydrogeological situations for which recharge technologies have been evolved. Central Government shall through a centrally sponsored scheme assist the States to initiate such works during the VIII Plan

iii) Central Ground Water Board may expedite exploratory and operational projects to evolve and test economics of appropriate technologies in such hydrogeologic situations where technologies are yet to be evolved

Item No 9 Flood Management

i) In view of increasing pressure of population and developmental activities on flood plains top priority shall be given to measures for flood proofing of civic amenities so that the adverse effect of floods on daily life of inhabitants is minimised

ii) Habituation and developmental works in flood plains without regulatory mechanism leads

to increase in flood damages Pending enactment of legislation on flood plain zoning, the State Governments shall take up suitable administrative measures for regulation of such works in flood plains

iii) There is need to extend flood forecasting network to all flood-prone basins while modernising existing network

iv) Preparation of flood risk maps shall be taken up on priority basis for creating public awareness and to ensure public participation in flood management

Item No 10 *Irrigation Management Policy*

i) The Conference broadly agrees with the thrust of the policy on proper management of irrigation systems for the optimal use of water and the guidelines regarding operations and maintenance conjunctive use drainage farmers' participation maintenance grants, water rates training, etc because it will help saving water while increasing productivity Application of proven technologies like sprinkler drip etc which also carry substantial incentives are recommended for acceptance

ii) The Conference recommends that the policy be finalised at an early date under the auspices of the National Water Resources Council

Under Utilisation of Black and White Labs

8129 SHRI MOHAN SINGH (DEORIA) Will the Minister of INFORMATION AND BROADCASTING be pleased to state

(a) whether the Black and white Lab for processing films is under utilised for the last many years though bulk of processing work is diverted to private laboratories,

(b) whether there is any proposal for modernisation and development of B&W plant, and

(c) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K P SINGH DEO) (a) No Sir

(b) No, Sir

(c) Question does not arise

Hijack of Planes

8130 SHRI MADAN LALKHURANA Will the Minister of CIVIL AVIATION AND TOURISM be pleased to state

(a) the details of planes hijacked during each of the last two years and

(b) the action taken against the hijackers?

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD) (a) The details of planes hijacked during the last two years (from 15 91 to 30 4 93) are as follows

i) Indian Airline Avro aircraft operating flight IC-810 (Patna Lucknow-Delhi) on 22 1 93

ii) Indian Airlines A-300 aircraft operating flight IC-439 (Delhi -Hyderabad -Madras) on 27 3 93

iii) Indian Airlines B-737 aircraft operating flight IC-436 (Lucknow Delhi) on 10 4 93

iv) Indian Airlines B-737 aircraft operating flight IC-427 (Delhi -Dinagar) on 24 4 93

(b) Six hijackers have been arrested by the Police and criminal cases registered against them under the relevant laws One hijacker was killed in the course of rescue operation

Complaints Against Indian Companies

8131 SHRI V SREENIVASA PRASAD

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) whether Indian Mission in Germany and France have received any complaints against Indian companies during the last two years;
- (b) if so, the details thereof, year-wise; and
- (c) the action taken/proposed to be taken by the Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SALMAN KH 'URSHEED) : (a) Yes, Sir.

(b) France 1991 - 40 complaints

1992 - 22 complaints

Germany 1991 - 18 complaints

1992 - 29 complaints

The complaints were mainly related to cancellation of orders, non-payment of invoices, quality, damaged goods and late deliveries.

(c) Our Missions regularly take-up and facilitate resolution of such complaints, through Ministry of Commerce, Export Promotion Councils, Commodity Boards and the concerned companies.

Supply of Softwater for Metro Channel

8132. SHRI JEEWAN SHARMA: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether attention of the Government has been drawn to the newsitem caption "NFDC: Favoured firms fatten at Doordarshan's expenses" appearing in the Economic Times dated April 24, 1993;

(b) if so, the facts thereof;

(c) whether there is any proposal to enquire into the matter; and

(d) if not, the reasons thereof?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K.P. SINGH DEO) : (a) Yes, Sir.

(b) The inferences made/ conclusions drawn in the news item are not corroborated by the facts of the case.

(c) No, Sir.

(d) Does not arise.

[Translation]

Air Station at Gopeshwar, U.P.

8133. DR.D. VENKATESWARA RAO: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether the Government propose to set an AIR station at Gopeshwar in Chamoli district (Uttar Pradesh); and

(b) if so, the time by which it is likely to start functioning?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K.P. SINGH DEO) : (a) and (b). Yes, Sir. A new radio station at Chamoli is under implementation and is expected to be technically ready in 1993-94.

[English]

Facilities in Indian Enclosures of Bangladesh

8134. SHRI AMAR ROYPRADHAN: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the number of Indian Enclaves in Bangladesh territory;

(b) whether the facilities such as Courts etc, have been provided to the residents of such Indian Enclaves;

(c) if so, the names of the enclaves where such facilities are available;

(d) if not, the reasons therefor, and

(e) the time by which these facilities are likely to be provided there?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R L BHATIA) (a) to (e) There are 119 exchangeable and 11 non-exchangeable Indian enclaves in Bangladesh territory. India has no control over or access to these enclaves in Bangladesh. Therefore, the question of providing facilities such as Courts to residents of such Indian enclaves does not arise.

As stipulated under the Indo-Bangladesh Land Boundary Agreement, 1974, the Indian enclaves in Bangladesh and the Bangladeshi enclaves in India are to be exchanged. The de jure exchange of enclaves between India and Bangladesh has been held up due to the non-ratification of the Indo-Bangladesh Land Boundary Agreement of 1974.

Foreign Students

8135 SHRI VIJAYNAVAL PATIL Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) the number of foreign students studying in various institutions with their distribution, State-wise as on March 31, 1993,

(b) the facilities provided by the Indian Government to those students,

(c) the details of co-ordination with local authorities in resolving various problems faced by foreign students, and

(d) the future plans for exchange of students with various countries during the Eighth Plan?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SALMAN KHURSHEED) The information as regards foreign students in India under various official scholarship schemes, administered by the Indian Council for Cultural Relations, is as follows

(a) The number of foreign students receiving scholarships under various schemes and their State-wise distribution in India are given in the attached Statement-I.

(b) The facilities provided to the students by the Indian Council for Cultural Relations are given in the attached Statement-II.

(c) The Regional Offices of the Indian Council for Cultural Relations coordinate with the foreign Students Advisors in the concerned educational institutions in their respective regions and with the local authorities to help resolve problems faced by foreign students and also help them to acclimate to local conditions. The Regional Offices of the Indian Council for Cultural Relations and Foreign Students Advisors in the various regions are as per Annexure-III.

(d) Future plans for exchange of students with various countries will be decided in consultation with the Ministry of Human Resource Development.

STATEMENT-I

Statement showing number of Foreign Students studying in India on Scholarship Administration by ICCR-State wise

S No	Name of the State/Union Territory	Number of Students
1	Andhra Pradesh	48
2	Assam	12
3	Bihar	95
4	Delhi	384
5	Goa	4
6	Gujarat	62
7	Haryana	7
8	Himachal Pradesh	6
9	Jammu and Kashmir	1
10	Karnataka	49
11	Kerala	51
12	Madhya Pradesh	9
13	Maharashtra	149
14	Onissa	9

S No	Name of the State/Union Territory	Number of Students
15	Punjab	109
16	Rajasthan	36
17	Tamil Nadu	51
18	Uttar Pradesh	305
19	West Bengal	145
20	Pondicherry	6
Total		1537

Statement Showing number of Foreign Students In various Institutions

S.No.	Name of the State/Union Territory	Name of the Institute/University	No. of Students
1.	Andhra Pradesh	1. A.P University	1
		2. Andhra Medical College	2
		3. R.E.C. Warangal	28
		4. Rangaraya Medical College, Kakinura	1
		5. Kakalaya Medical College, Warangal	1
		6. Siddhartha Medical College	1
		7. Nagarjuna University	6
		8. University of Hyderabad	4
		9. R.E.C. Tipathi	2
		10. Central Institute of Foreign Language	2
		Total	48
2.	Assam	1. Regional Engineering College, Silchar	12
		Total	12
3.	Bihar	1. Birsa Institute of Technology, Ranchi	52

S No	Name of the State/Union Territory	Name of the Institute/University	No of Students
2		Megadh University	3
3		Patna Medical College Patna	1
4		Pataliputra Medical College Dhanbad	1
5		Medical College Baleri	6
6		Dharmdhanya Medical College Patna	3
7		Nalanda Medical College Patna	2
8		BRD Medical College of Engineering	1
9		Regional Institute of Technology Jahshedpur	24
10		Bihar College of Engineering	1
11		Nav Nalanda University	1
12		Indian School of Mine Dhanbad	3
		Total	95
4	Delhi	Delhi University	213
2		Jawaharlal Nehru University	24
3		Jama Millia Islamia	4

<i>S No</i>	<i>Name of the State Union Territory</i>	<i>Name of the Institute University</i>	<i>No of Students</i>
4	ITI Delhi		24
5	Sri Ram Bhartiya Kala Kendra		17
6	Gandharv Maha Vidyalya		15
7	College of Arts	1	
8	National School of Drama	1	
9	Kathak Kendra	13	
10	All India Institute of Medical Sciences		22
11	Lady Hardinge Medical College		25
12	Delhi School of Planning and Architecture		12
13	Maulana Azad Medical College	4	
14	Indian Council of Agricultural Research Institute Pusa	4	
15	Indian Social Institute	2	
16	IIPA Delhi	2	
17	Delhi College of Engineering	1	
	Total		384

S.No.	Name of the State/Union Territory	Name of the Institute/University	No. of Students
5.	Goa	1. Goa Medical College	4
		Total	4
6.	Gujarat	1. M S University, Baroda	28
		2. Gujarat Ayurvedic University, Jamnagar	1
		3. Motiilal College of Pharmacy	2
		4. M P Shah Medical College, Jamnagar	65
		5. Govt. Medical College, Surat	2
		6. S.B. Regional Engineering College, Surat	17
		7. S A I Gandhi Nagar	2
		8. Gujarat Agricultural University	2
		9. National Institute of Design, Ahmedabad	1
		10. Weaver Service Centre	1
		11. ISRO	1
		Total	62

S.No.	Name of the State/Union Territory	Name of the Institute/University	No. of Students
7.	Haryana	1. Haryana Agricultural University, Hisar 2. Medical College, Rohtak 3. National Dairy Institute	5 1 1
		Total	7
8.	Himachal Pradesh	1. Y S Parmar University Solan 2. Indira Medical College, Shimla	2 4
		Total	6
9.	Jammu and Kashmir	1. Govt. Medical College, Srinagar	1
		Total	1
10.	Karnataka	1. Bangalore University 2. Mysore University, Mysore 3. Dance Village, Bangalore 4. J S S College of Pharmacy, Mysore 5. Saint John's Medical College, Bangalore 6. M S P Medical College, Bangalore	10 3 1 1 2 1

S No	Name of the State/Union Territory	Name of the Institute/University	No of Students
7		B R Ambedkar Medical College	1
8		King George Medical College Manipal	1
9		Regional Engineering College Suratkal	13
10		Mangalore University	4
11		University of Agriculture	1
12		National School of Law Bangalore	2
13		NIMHANS	1
14		Indian Institute of Science Bangalore	8
		Total	49
11	Kerala	Cochin University	3
		Kerala Kalamandalam	4
		Kerala Agricultural University	1
4		Medical College Cottai	4
5		Medical College Trivandrum	1
6		Calicut Medical College	2

S No	Name of the State/Union Territory	Name of the Institute/University	No of Students
7	University of Kerala	21	
8	Calicut University	3	
9	Trivandrum Institute of Medical Sciences	1	
10	Regional Engineering College Calicut	10	
	Total	51	
12	Madhya Pradesh		
	1	Indra Kala Sangeet Vishwva Vidyalaya Kheragarh	1
	2	G R Medical College, Gwalior	2
	3	Govt of Medical College Jabalpur	2
	4	MLB Medical College Jhansi	2
	5	Devi Ahilya Vishwva Vidyalaya Indore	2
	Total	9	
13	Maharashtra		
	1	Pune University Pune	47
	2	Nagpur University Nagpur	34
	3	Bombay University Bombay	13
	4	Marathwada University Aurangabad	4

S.No.	Name of the State/Union Territory	Name of the Institute/University	No. of Students
5.	IIT, Bombay		32
6.	Gandharva Maha Vidyalaya, Bombay		2
7.	University of Agriculture and Science, Dhanbad		1
8.	Govt. of College of Pharmacy, Khurad		1
9.	Sir J J College of Architecture, Bombay		2
10.	Visva Vish Versya College of Engineering		3
11.	Film and Television Institute, Pune		2
12.	V.R.E.C, Nagpur		8
	Total		149
14.	Orissa	1. Orissa University, Bhubaneshwar 2. Regional Engineering College, Rourkela	1 8
		Total	9
15.	Punjab	1. Punjab University, Chandigarh 2. National Institute of Sports, Patiala 3. P G I, Chandigarh 4. Punjab Engineering College, Chandigarh	47 8 8 46
		Total	109

S.No.	Name of the State/Union Territory	Name of the Institute/University	No. of Students
16.	Rajasthan	1. University of Rajasthan 2. Medical College Kota 3. S P Medical College, Bikaner 4. Jawahar Medical College, Ajmer 5. Malviya Regional Engineering College, Jaipur 6. M S Medical College, Jaipur 7. Regional Engineering College, Jaipur 8. Rajasthan Agricultural University 9. M L Sukhadia University 10. University of Jodhpur	10 2 4 1 13 13 1 1 1 1
		Total	35
15.	Tamil Nadu	1. Madras University, Madras 2. IIT, Madras 3. REC, Tiruchirappalli	8 7 11

S No	Name of the State/Union Territory	Name of the Institute/University	No of Students
4		Jawahar Science College Mavai	1
5		Tamil Nadu Agricultural University	2
6		Madras Veterinary College	2
7		Madras Medical College Madra	2
8		St Joseph Medical College Tamil Nadu	2
9		T D Medical College Alipiri	2
10		Kurnool Medical College Kurnool	4
11		Stentey Medical College	2
12		Christian Medical college Vellore	1
13		Anna malai University	2
14		Adyar Library and Research Centre Adyar	1
15		Natyamangiri	1
16		Abhiraya Sudha	1
17		Music Academy	1
18		Thanjavur University	1
		Total	51

S.No	Name of the State/Union Territory	Name of the Institute/University	No of Students
18.	Uttar Pradesh	1. Aligarh Muslim University, Aligarh 2. Allahabad University, Allahabad 3 Banaras Hindu University, Varanasi 4. Lucknow University, Lucknow 5. Gurukul Kangri University, Haridwar 6 IIT Kanpur 7. K G Medical College, Lucknow 8. G B Pant Agricultural University, Nainital 9. Institute of Medical Science, Varanasi 10. Motilal Nehru Engg. College, Allahabad 11. Rourkee University, Rourkee 12. Institute of Technology, Varanasi 13. Zakir Hussain College of Engineering Aligarh 14 Indian Veterinary Research Institute Itanagar	34 19 49 8 3 13 7 11 15 53 69 1 32 1
Total			305

S No	Name of the State/Union Territory	Name of the Institute/University	No of Students
19	West Bengal	1 Vishva Bharati University, Calcutta	17
		2 Regional Engineering College, Durgapur	19
		3 Ravindra Bharati, Shantiniketan	30
		4 IIT, Khargpur	22
		5 Calcutta University	24
		6 Kalyani University	2
		7 Jadavpur University	22
		8 N R S Medical College, Calcutta	1
		9 Krishi Vishwa Vidyalaya	2
		10 North Bengal University, Calcutta	3
		11 Siliguri College, Darjeeling	1
		12 I A C S, Calcutta	1
		13 Burdwan University, Burdwan	1
20	Pondicherry	Total	145
		JIPMER, Pondicherry	6

STATEMENT - II

Facilities being Provided to Foreign Students Studying Under Scholarship Schemes Administered by the Council

Scheme	Details of Scheme	Monthly Stipend/Contingency Grant	Hrs	Duration of course	Eligibility	No. of Seats
Cultural Exchange programme	Under the Bilateral Agreement signed between India and other countries	Rs. 1,500 (under graduate&post graduate)	800/- p.m.	Depending on course applied for	As per the basic qualifications laid down by Universities.	240
Common Wealth Fellowship	Instituted in 1959 to give practical expression to the declared intention of Common Wealth Countries, to contribute to the provision of high level education and training by sharing their resources and facilities	Rs. 2,00/- Ph.D/M.D/M.E Rs. 5,000 p.a. (Romantics) Rs. 7,500 p.a. (Science Stream) Rs. 2,500/- Post Doctoral Rs. 5,000 p.a. Rs. 7,500 p.a.	same as above	Same as Above	same as Above	75

Scheme	Details of Scheme	Monthly Stipend	Contingency Grant	Hra	Duration of course	Eligibility	No of Seats
Common wealth Co-operation Plan	Cased on the decision taken at the 2nd Common Wealth Education Conference at Delhi in 1962 for training Craft Instructors in India	Rs 1,500 p m	Rs 3 00 p a	Same as Above	Same as Above	Same as Above	10
Anneurn Bevin Fellowship	Government of India has instituted one scholarship in 1954 to be granted annually in the name of the (late) Mr Anneurn Beven tenable in the field of humanities, Science, Medicine and Nursing. This is offered only to a national of the U.K for a period of three months	Rs 900/- per day for a maximum period of 90 days (900/- =Rs 600/- is scholarship per day Rs 300/- local Transport and incidentals)		Air passage for the sector- s London-Delhi-London		2	
Africa Day Scholarship	This is offered to mark "Africa Day" in memory of (Late) Dr Amikar Cabral. The candidate nominated should have been associated with the Liberation Movement in Africa or with the struggle against Facism			Same as that which is offered under CEP		1	

Scheme	Details of Scheme	Monthly Stipend	Contingency Grant	Hra	Duration of course	Eligibility	No of Seats
Reciprocal Scholarship	These are offered to students coming from Latin American Countries every alternate year	Rs 1,500 p m		Rs 3.00 p m	p & 800/-		25
Dadoo Naickar Scholarship	This is instituted in the name of Yusuf Dadoo and Monty Naickar of the South African Indian Congress. It is awarded to a South African student of Indian origin for Post Graduate studies		Same as CEP			1	
Technical co-operation Scheme of the Collo-Plan	Under the plan Scholarship are awarded to candidates of developing countries viz Nepal Bhutan Bangladesh Indonesia Philippines Laos, Malaysia Sri Lanka, Afghanistan Maldives Thailand and South Korea There are two categories			Vances according to the recommendations of the MEA & Min of Finance	105		

Cat 1 - Students coming for short or medium term course (of duration of one year or less or upto 2 years)

Cat I upto 2yrs

HRA payable in hoste facilities

Scheme	Monthly Stipend	Contingency	HRA (P.M.)	Duration of course	Eligibility	No. Of Seats
Scheme of scholarships for nationals of Mauritius	Same as Above	Same as above	Same as above	Same as above	Same as above	30
ICCR Scholarship Scheme	Same as above	same as above	Same as above	Same as above	35 (at any given time)	
Special Scholarship Scheme for the nationals of Sri Lanka	Same as above	Same as above	Same as above	Same as above	250 (The scheme has been discontinued from 1992 -1993)	
One time Scholarship scheme for Angals	Same as above	Same as above	Same as above	Same as above	40 (since dis-continued)	
SAARC Chair ("") Fellowship	Rs.7,500/- p.m. Rs.60,000/- p.a.	Furnished 1 year Rs. 10,000/-p.a.-do-	Same as above	-do-	-do-	1 (by rotating) 6 (1 each for member countries)
Scholarships	Rs.1,800/- (Post graduate courses)	Rs. 3,00/-p.a	Rs.800	Depending	As per the on course basic qualifi- cations laid down by universities	12 (2 each for member coun- tries)

Scheme	Monthly Stipend	Contingency	HRA (P.M.)	Duration of course	Eligibility	No. Of Seats
	Rs. 2,000/- (Ph.D. including M.Phil. doctoral research)		Rs. 5,000/- p.a			
	scholarship for post MA/M.Sc. research	(Humanities)				
	Rs. 2,500/- (Post doctoral)		Rs. 5.00 /p.a.			
			Rs. 7,500/- p.a			

- * Under scheme economy class both ways air passages is provided to the students from South Africa, Fiji & Tonga & Maldives.
- ** Under these scheme to and fro economy class air fare is also provided
- *** The incumbent is also provided air fare (upto 4 family members) and other facilities like stenoographic assistances, book allowances and medical.

STATEMENT -III*Regional Offices of Indian Council For Cultural Relations***Zargham Haider**

Regional Director

1 Hemprabha

68 N S Marg

Bombay

11 - 85205 (T1 x)

022 - 255302 / 299997 / 2061964 (Off)

022 - 318639 (RDS Res)

022 - 4074715 (PCS Res)

K S Mathur

Regional Director

B - 989 Sector A

Mahanaaga

LUCKNOW 226006

0535 - 2425

0522 - 382357 / 382358 /

382364

M J Das

Regional Director

No 1, 1st Floor

12th Main Vasant Nagar

Bangalore

845 - 8087 (T 1x)

080 - 266711 - 261485 (Dff)

080 - 268352 (RDS Res)

080 - 301388 (POS Res)

V Vasudevan

Regional Officer

TC - 4 / 2279 '1

Kuravankonam

In Kowdiar

Tnandrum

435 - 446 (Tlx)

0471 - 433489 (Off)

0471 - 432102 (Res)

K Vasudevan

Regional Director

44 Eldams Road

M J Das

Regional Director

Lala Bhavan 1st Floor

Madras 600018	044 - 23338 (Tx)	044 - 451630 / 451539	(Off)	(RD'S Res)
		044 - 453038		(PO'S Res)
		044 - 4823700		
Seefabad	Hyderabad	0842 - 236398	(Off)	

A K Bhattacharjee
Regional Director
25, Camac Street
Flat 1 B, 1 st Floor
Camac Court
Calcutta
21 - 2761 (Tlx)
033 - 2471207 / 40266
033 - 717325
033 - 2479028

Balbir Singh
Regional Director
Flat No. 139
Sector 35 A
Chandigarh
395 -402
0172 - 531762
(Tlx)

Saitabad 0842 - 236398 (Off)
Hyderabad 044 - 435403 (Off)
Chennai 044 - 433363 (Off)
Delhi 011 - 432 - 446 (Off)
Mumbai 022 - 24420000 (Off)
Kolkata 033 - 24110000 (Off)
Chennai 044 - 435403 (Off)

List of Foreign Students Advisors

BOMBAY

1. Prof A R Shah
Foreign Students Adviser
Gujarat University
School of Social Sciences
Navrangpura
Ahmedabad - 9

2. Dr S S Pawar
Prof And Head
Dept. Of History
Ancient Indian Culture and
Archaeology, Foreign Students
Advisor, Marathwada University
Aurangabad 4

3. Prof Nirjan M Pandaya
Dept. of Economics
Faculty of Arts
Foreign Students Advisor
M S University of Baroda
Baroda 2

4. Dr G S Dubey
Dean
Students Welfare
Foreign Students Advisor
Barkatullah University
1 Bhopal

BOMBAY

5. Dr E Mathew
Foreign Students Advisor
Goa University, Bambolim
Goa 5

6. Prof P K Hiradhar
Foreign Students Advisor
South Gujarat University
Surat 393007

7. Dr. Sudhaker Pandey
Dept. Of English
Foreign Students Advisor
University of Pune
Pune

8. Shri R S Mane
Director of Students Welfare
Shivaji University
Vidyanagar
Kolhapur 416004

9. Dr C G Pande
Foreign Students Advisor
D Laximaranayam Bungalow
Law college Campus
Amravati Road
Nagpur 440001

BOMBAY

10 Shri H A Ramkrishna
Associate prof of English
Foreign students Advisor
University of Agriculture
Science
G K V R Campus
Banglore 65

BANGLORE

11 Dr. Venkat Rao
Dean, Students Affairs
Osmania University
Hyderabad

12 Shri R V Swamy
Foreign Students Advisor
Gannana Bharati
Banglore University
Banglore

13 Dr S B Shrotri
Foreign Students Advisor
Dept. of Foreign Languages
karnataka University
Dharwad 3

14 Shri A K Munnappa
Director of Students Welfare
University of Mysore
Maharaja college
Centenary Building
Mysore 5

BANGLORE

15 Dr K Ramnarayan
 Foreign Students Advisor
 prof of Pathology
 Kasturba Medical college
 Manipal 576119

16 Prof B T Rijaguna
 Principal
 Foreign students Advisor
 Karnataka Regional Engg.
 College
 SrinivasaNagar 7 (karnataka)

17 Dr H Sharataram
 Foreign Students Advisor
 The Accountant of General Edu.
 Manipal 576119

18 Dr E V S Meban
 Foreign Students Advisor
 Kasturba Medical College
 Mangalore 1

19 Smt Leena Priya
 Associate Prof. Obst & Gynae
 Foreign Students Advisor
 Patliputra Medical College
 Dhanbad 27

CALCUTTA

CALCUTTA

20 Cdr D P Joshi
Dean, Student Welfare
Foreign Students Advisor
Orissa University of
Agriculture and Technology
Bhubaneshwar 3

21 Dr S C Banerjee
Foreign Students Advisor
University college of Arts and Commerce
Calcutta University
Calcutta

22 Ms Saumya Priya Basu
of Pharmaceutical Chemistry
Birla Inst. of Technology
Masta, Ranchi 835215

23 Dr P P Ray
Registrar
Foreign Students Advisor
Visva Bharati
Shanti Niketan
West Bengal

24 Prof B N Avasthi
Foreign Students Advisor
Dept. of Mechanical
Indian Institute. of Technology
Kharagpur 2

CALCUTTA

25 Dr D K Chowdhary
FSA
Jadavpur University
Jadavpur
Calcutta

26 Prof S M Lall
Principal
KEC
M G Avenue
Durgapur 713205

CHANDIGARH

27 Dr Anirodh Joshi
Dean of Foreign Students
Panjab University
Chandigarh

28 Dr Ramesh K Srivastava
Prof and Head Dep't. of English
Foreign Students Advisor
Guru Nanak Dev University
Amritsar 5

29 Prof N S Rosha
Foreign Students Advisor
Punjab Agriculture University
Room No. 209, Soils Bldg
Ludhiana 4

CHANDIGARAH

30 Prof Sarabjit Singh
Foreign Students Advisor
Punjab University
Patiala

31 Dr Dalel Singh
Haryana Agriculture University
Hisar (Haryana)

32 Shri P N Dhir
Govt. college for Boys
Chandigarah

DELHI

33 Prof A S Narang
Foreign Students Advisor
Faculty of Management
Studies
University of Delhi
Delhi

34 Dr Mohd. Zahid
Head. Deptt. of Commerce
Foreign Students Advisor
Jamia Millia Islamia
Jamia Nagar
New Delhi 25

MATERIALS & METHODS

DELHI

35 Shri Ashok Mishra
 Foreign Students Advisor
 Indian Instt. of Technology
 Deptt. of Humanities and
 Social Socience
 Hauz Khas
 New Delhi

36 Prof R Borges
 Associate Prof
 Centre of French Studies
 Foreign Students Advisor
 JNB, New Mehrauli Road
 New Delhi

LUCKNOW

37 DR D P S Bhatti
 Prof and Head
 Dep't. of Zology
 Instt. of Basic Sciences
 Foreign Students Advisor
 Agra University
 Bhandari Campus, Agra

38 Dr. Rajiv Sharma
 Foreign Students Advisor
 Aligarh Muslim University
 Aligarh

39 Dr. M C Bijawat
 Prof Deptt. of Law Foreign Students Advisor
 Banaras Hindu University
 Varanasi 5

40 Dr G P Srivastava
 Foreign Students Advisor
 BITE, Phulani 31

LUCKNOW

41 Shri J G Massey
 Foreign students Services
 Deptt. of English
 Sukhdev University
 Mission Bunglow, Saroop Nagar.
 Udaipur

42 Prof D P Saxena
 Foreign Students Advisor
 University of Gorakhpur
 Gorakhpur

43 Shri P D Sharma
 Dean, Students Welfare
 University of Rajasthan
 Jaipur 4

44 Shri Mohan Jain
 Prof and Head Deptt. of Political Sciences
 Foreign Students Advisor
 Allahabad University
 Allahabad 2

45 Shri B P Gaur
 Secretary, Students Services
 Board
 University of Jodhpur 1

46 Prof Awaasthy A K
 Association Dean of students
 Foreign Students Advisor
 University of Roorkee
 Roorkee 67

47 Dr. R. K. Dube
 Foreign Students Advisor
 DEvi Ahilya Vishwavidyalaya
 R. N. Tagore Marg
 Indore 1

MADRAS

48. Prof. (Ms) Abha Awasthi
Foreign Students Advisor
Rani Durgawati
Vishwavidhyalaya,
Jabalpur

MADRAS

50. Smt S Mariappan
Foreign Students Advisor
University Building
University of Madras
Madras 5

51. Dr. S Ramakrishnan
Prof of Biochemistry
Foreign Students Advisor
Raja Muthiah Inst. of Health
Science
Annamalai University
Annamalai Nagar 22

52. Dr C Arumainayagani
Prof of Medicine
Foreign Students Advisor
Raja Muthiah Medical College
Annamalai University
Annamalai Nagar
Tamil Nadu

TRIVANDRUM

53. Prof V M Aniyan
Deprt. of Students Welfare
Foreign Students Advisor
University of Calicut
Calicut

54. Prof M Salihu
Director of students Services
Kerala University
Trivandrum 34

Postal Services as Social Service

MR. SPEAKER: Yes.

3135-A. SHRI SOBHANADREESWARA RAO VADDE: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether the social audit panel of the communications Ministry has urged the Government to treat the postal services as social service and treat the excess expenditure over revenue as 'Subsidy' instead of loss account;

(b) if so, the details thereof;

(c) whether the Government have agreed to the proposal; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI P.V. RANGYYA NAIDU): (a) and (b). The actual recommendation is that expenditure on services such as postcards and registered newspapers which the Postal Department is required to provide to provide at rates below the cost should be considered as 'subsidy' instead of 'deficit'.

(c) and (d). The issue has been duly considered. Under the present system, the deficit incurred by the Postal Department is fully covered by the Central exchequer by means of budgetary support. In effect therefore, postal services which have a high social content are duly subsidized by the Government.

12.00 hrs.

[English]

SHRICHETAN P.S. CHAUHAN: (Amroha) Mr. Speaker Sir, through you...

MR. SPEAKER: On which subject you are going to speak?

SHRI CHETAN P.S. CHAUHAN: About Narora, Sir.

SHRI CHETAN P.S. CHAUHAN: Mr. Speaker Sir, through you I bring to the notice of this House, the Minister and the Government the hazard of Narora Atomic Power Plant.

On 31st march 1993, there was a major fire at Narora Atomic Power Plant. The problem was that the sophisticated fire warning system, which was installed there, failed miserably. The leakage of radio activity will affect about 4 crore people in the vicinity of the plant and it is going to affect some of the big towns like Moradabad, Bulandshehar, Ghaziabad...

MR. SPEAKER: Shri Chauhan, I have allowed to ask the question to get the information. Are you sure that the information you are giving is correct?

SHRICHETAN P.S. CHAUHAN: Yes, Sir.

MR. SPEAKER: Otherwise unnecessarily scare is created in the society. If you are not sure about it, ask for the information. I am going to ask the Government to make statement on it. If you are saying that so many people are going to be affected then there will be unnecessary scare.

SHRICHETAN P.S. CHAUHAN: Its effect will be upto about 100kms.

MR. SPEAKER: That is why, do not say that this is going to affect so many people. Ask about the information.

SHRI RAM NAIK (Bombay North): Sir, the Government should make a statement on this. In addition to that the Tarapore Atomic Energy Plant also should be included.

MR. SPEAKER: No, I am asking him.

SHRICHETAN P.S. CHAUHAN: Sir, the fear is already there in the minds of the people.

MR. SPEAKER: Shir Chauhan, I allowed you to ask this question because I thought it was a very important matter. But standing here in the House, if you are making some statement, that statement should be based on some facts. If it is not based in that area. You ask for the information, I will ask the Government to give the information.

SHRICHETAN P.S. CHAUHAN: This has been reported in all the major newspapers...

MR. SPEAKER: I am not going to allow. If it is your information I will allow you. I am not going to allow you to make a statement on the basis of a report.

SHRICHETAN P.S. CHAUHAN: It is true that there is fear amongst the people..

MR. SPEAKER: No, please understand the complications involved in it.

SHRICHETAN P.S. CHAUHAN: At least I would want that the fire fighting...

MR. SPEAKER: I will ask the Government to make a statement. I want the Government to make a statement on the fire accident at Narora Atomic Power Plant.

12.04 hrs.

**RE: SUPREME COURT JUDGEMENT
ON RESERVATION FOR SC/ST IN PRO-
MOTIONS**

[Translation]

SHRI RAM VILAS PASWAN (Rosera): Mr. Speaker, Sir, I want to seek your protection. All the parties have said that as recommended by reservations the Mandal Commission should not affect SCs/STs. The hon. Minister has also submitted that the promotions of SCs/STs would not be affected by the judgement of the Supreme Court on Mandal Commission. I had also met

you in this connection. 1600 posts have been advertised by the Syndicate Bank. In scale I there are 1050 posts, in scale-III 475 posts, in scale IV, 114 posts, scale-V 16, in scale VI-5 and in scale VII one post. This has been published by the Syndicate Bank vide order dated 23.4.93. It has been mentioned in that order that reservations have been cancelled in the promotions. I quote:-

[English]

"In pursuance of the hon. Supreme Court judgement the bank provided reservation for SC/ST officers in promotion, communicate vide mo so and so dated 19.4.93" ..

[Translation]

The judgement of the Supreme Court of 1991 favours the reservation in promotions. Accordingly, promotions have been given and now the Government States:

[English]

"The Government of India has since examined the matter and have clarified that the Syndicate Bank is not required to provide reservation for SC/ST, in promotions...."

[Translation]

My submission is that nothing can be greater untrue statement than this Government. This demand is being raised time and again in the House and moreover we have quoted at least ten examples and the first one is of Punjab Government. The hon. Minister has been reiterating again and again that the interests of the SC/ST would not be allowed to get affected. 1600 posts have been advertised and the provision for reservations in promotions have been abolished for these posts. Who is responsible for that? If some officer is found responsible, he should be suspended; if the Minister is responsible, he should resign and if the Government is responsible, it should also resign. We urge

upon the Government that Shri Kesri should throw some light on the issue....(Interruptions)

MR. SPEAKER : He was stated but the others do not get time to express their views.

THE MINISTER OF WELFARE (SHRI SITARAM KESRI) : Mr. Speaker, Sir, after the judgement of supreme Court, I have made a statement in the very House on 20.12.92 that it does not disturb the present system for promotion or reservation in services....(Interruptions) I have already stated that regarding the judgement of Supreme Court on Mandal Commission report....(Interruptions) We reiterate our commitment to SC/ST....(Interruptions) Please keep quiet....(Interruptions)

MR. SPEAKER : Speaking only is not enough, you must learn the art of listening.

SHRI SHARAD YADAV (Madhepura) : What is his response in this regard. He never comes prepared...(Interruptions)

MR. SPEAKER : First sit down. This is an important issue. Please listen to the views of the Government. You are not listening to what he is going to say. If you interrupt, he will sit down...

(Interruptions)

SHRI SITARAM KESRI : How can be afford to listen? It amounts to his exposure. I had submitted in this House itself on 20th December...(Interruptions)

SHRI NITISH KUMAR (Barh) : You are being exposed...(Interruptions)

SHRI SITARAM KESRI : We had reiterated our commitment to protecting the interests of SC/ST. I repeat my statement that if the Supreme Court judgement...(Interruptions)

SHRI ATAL BIHARI VAJPAYEE (LUCKNOW) : Mr. Chairman, Sir, what does it

mean by 'if' Has the hon. Minister not read the judgement? Has the Government not formed its opinion in this regard? 'If' the judgement states...(Interruptions) The hon. Ministers should not say this. There cannot be two opinions in respect of the judgement. The Government may form a different opinion of its own it may try to implement the same, but if the government says that "if" the judgement of the Supreme Court states this, than the government adopts such and such stand" (Interruptions)

SHRI SITARAM KESRI : I had stated that whatever statement I had made on December 22, 1992, I was repeating the same; moreover I am not saying anything at the present. You are a learned person and even then you are talking like this. I am coming to the present circumstance; you are making speech even before that. Whatever you have stated that we would amend the Constitution, if necessary. We would also pay attention to the views expressed by you.

SHRI HARI KISHORE SINGH (Sheohar) : Please respond to the question regarding Tenth Schedule...(Interruptions)

[English]

MR. SPEAKER : This is not correct. Let the Minister complete.

[Translation]

SHRI SITARAM KESRI : As regards the question of 1621 posts in Central Bank Syndicate Bank or any other Bank, there is no provision of reservation as per the judgement of the Supreme Court. But I would like to state that would justify it too in view of this problems.

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, I beg your pardon and I beg pardon of the House also that I should have not interrupted Shri Kesri while he was speaking. You yourself would admit that the situation is not still

** Expunged as ordered by the chair

clear. What is the reaction of the Government regarding the Supreme Court orders. What did Shri Kesi Ji say on December 22 is clear but the judgement of the Supreme Court should be laid on the Table of the House in a right perspective in view of the present circumstances and what is the response of the Government on it, it should also be made clear. I do agree that the Mandal Commission was set up to safeguard the interests of the backward classes and the interests of SC/ST should not be affected by it. But the situation has not become clear as to what is the Supreme Court judgement and what is the opinion of the Government in this regard. Just now Shri Kesi has submitted that the amendment would be made in the Constitution at an appropriate time if necessary. I would like to ask when this need would arise. If there is any need to make an amendment in the Constitution, then the matter should be discussed with all. But the situation is uncertain. The matter is being delayed. I am very sorry that is why I had to interrupt you.

SHRISITARAM KESRI: As he has stated, the judgement should be laid on the Table of the House and it should be discussed. We have no objection to it... (Interruptions)

MR. SPEAKER: Only speaking will not solve the problem. The question is this whether the provision of the judgement are applicable to the candidates of the SC/ST or not whether it is applicable to the bank employees or not, if it is so, the reasons why these orders have been issued by the Syndicate Bank. If it is not applicable, what is the Government going to do for that.

SHRI SITARAM KESRI : After the Supreme Court judgement, I had made a statement on December 22 and as per that statement... (Interruptions)

[Translation]

SHRI HARI KISHORE SINGH: Again he is mentioning December 22.

MR. SPEAKER: Interruptions will not solve the purpose. If you don't want reply, let him set down and you may continue to speak. If you want reply let him speak.

SHRISITARAM KESRI: I said that

[English]

"At present it will not be disturbed."

[Translation]

Therefore, I will take immediate action on the views expressed by them (Interruptions)

SHRI SHARAD YADAV: What action will you take? Will you cancel that or issue orders. What will you do? (Interruptions) Mr. Speaker, Sir, what will he do, either he will cancel it or issue orders? (Interruptions)

MR. SPEAKER: What are you doing? There are other subjects to be taken up; take them up. You got the reply. He said that the action is being taken, after that your problem should have been solved..

[English]

Hari Kishore Ji, You come on helicopter crash please.

[Translation]

SHRI KALKA DAS: Mr. Speaker, Sir, this is not confined to Syndicate Bank only such situations arising everywhere and in each department. (Interruptions)

MR. SPEAKER: Please see. Your point was important one, so I allowed you to raise it..

SHRI RAM VILAS PASWAN: Sir, it is going on everyday.

MR SPEAKER: Though this matter was not in the list, yet I allowed you to raise it. Not

only this I also asked the Government to make a statement thereon and the Government did so. Even then, if you want to continue it, then the business of the House can't be taken up. Yes Mr. Hari Kishore Singh...

SHRI HARI KISHORE SINGH: Mr. Speaker, Sir with your permission, I would like to draw the attention of the House to a serious incident.

General commanding officer of Eastern Command, his wife and several senior officers of Indian Army died in a helicopter crash. Mr. Speaker, Sir, it is very sad and such accidents are taking place time and again. I would like to ask the Government about the steps being taken to stop such accidents. Which company manufactured the said helicopter and when and how many helicopter have been manufactured by this company? These helicopters are still utilized by various wings of our Army. Shri Rajesh Pilot is present here... How many such helicopters are being utilised by army? In which year this helicopter was purchased? I would like to know all this because such accidents are taking place time and again. This helicopter was purchased 5-7 years ago from Westland company...

MR. SPEAKER: This helicopter belonged to the Ministry of Defence and officials of Defence were travelling by it. Home Ministry is not concerned with this subject.....

SHRI HARI KISHORE SINGH: Mr. Speaker, Sir, which company manufactured this helicopter and how many such helicopters are being utilised by army.

[English]

MR. SPEAKER: I will ask the Government to make a statement on the helicopter crash please.

[Translation]

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, two newspapers of the Times of India publication group, viz., The Times of India and Navbharat Times are published from Patna but their publication has been discontinued from the 24th of the last month. Journalists and non-journalists staff of these newspapers demanded implementation of recommendations of the Bachawat Wages Commission. The Times of India should have been put in category 'A' but it is being put in category -7. The employees of the Times of India Group at Patna are much agitated with the actions of the Management. False charges were levelled against one employee as a result of this he had committed suicide and the Management wanted to implement scheme of modernisation forcibly from 24th April....

[English]

MR. SPEAKER: This is a private matter, I will not allow it. As far as the application of the Bachawat Report is concerned, you are on point, but on other points you are not.

[Translation]

SHRI CHHEDI PASWAN (Sasaram): Mr. Speaker, Sir, 400 employees are on the verge of starvation there...

MR. SPEAKER: That is a private industry. The Government has no control over it.

(Interruptions)*

SHRI NITISH KUMAR: Mr. Speaker, Sir, the basic problem is about the implementation of recommendations of the Bachawat Commission and now the employees and journalists working there are pressing for the implementation of the said recommendations. The attitude of making delay has created other problems. We have discussed it here. A most unfortunate

incident has happened there A charge has been levelled that an employee committed suicide which I have discussed here on humanitarian grounds Recommendations of Bachawat Wage Board should be implemented The recommendation of this Wage Commission are applicable to the Times of India Group but most unfortunately it has not been implemented to the Staff working for Patna Edition As a result the publication of the newspaper has been discontinued and the readers is not getting the issues of these newspapers Negotiations were going on in this regard between the Management and employees the Labour Department of the State Government had interfered in it but suddenly the Management left the negotiation and then there has been undeclared lock out The employees staged Dhahran but the Management adopted undeclared lock out It is a strange situation It is an attack on the freedom of the press and the Management want to reject their demands Therefore I thought it proper to raise this issue through you and I would thorough you like to demand from the Government to interfere in this matter so that the publication may be restarted

[English]

SHRI CHITTA BASU (Barasat) Sir through you I want to draw the attention of the Government regarding the pension scheme for the employees of our country

I have got with me an advertisement which has been published by the Control Provident Fund Commissioner giving the details of the scheme which the Government propose to introduce And there is to be a legislation on that subject

There has been no agreement among the Control trade unions regarding the legislation and also about the scheme itself It was decided that there should be a meeting of the Central trade unions and if the scheme is accepted by the then the House may take it up and pass it as early as possible But this advertisement is from the Central Provident Fund Commissioner

giving details of the benefits which these employees are entitled to get This has cased confusion among the million of the employees because there has been no scheme so far accepted and prepared so far by the Government

I would therefore request the Government to see that the millions of the employees of our country are not confused and the schemes is to be evolved after due consultation with the Central trade unions and a legislation has to be passed as early as possible

[Translations]

SHRI DAU DAYAL JOSHI (Kota) Mr Speaker Sir I would like to draw the attention of the House to great problem being faced by the country Life saving drugs have not been available for the last three months It appears that there is some calculated conspiracy between manufacturers and traders It is unfortunate that even after frequent assurances given by the Government it has not so far been able to announced a drug policy for the country Here we see the fourth Minister of Health of this Government He has also not been able to announce a drug policy consequently this encourages the drug manufacturers to hoard drugs in time of need depending on the will drug of manufactures At present vitamin C is out of market Sukee tablets that are required to be taken after operation for healing are also not available in market This is because the drug manufacturers sell such drugs to the manufacturer of Gold Spot in which it is used This is why a drug like Vitamin C is not available in market for patients And if at all it is available in the market it is so only after the manufacturers of such drugs huge clandestinely take huge excess amount from the drug dealers Through you I would like submit that the Drug Control Department which is already in existence is not discharging its duty and is not enforcing the rules of the Government and consequently the prices of drugs are increasing day by day The prices of life saving drugs have already increased by

five per cent. I would like to submit to you that the provisions of Drug Control Act should be implemented. We have long been discussing the likely dire consequences of Dunkel Proposals on agriculture, nevertheless the acceptance of Dunkel Proposals are also likely to have a very adverse impact on medicine. Through you I would like to warn the Government that acceptance of the provisions of Dunkel Proposals concerning medicine will lead to a situation when medicine will not be easily available in the market for patients. I would further appeal the medicine should not be included in the list of Dunkel proposals. India should not, at any cost, agree to the proposals otherwise it will be very unfortunate for our country. I say the patients of the country will not get drugs at all. I appeal to you to get the thing clear from the Government whether medicines will be made available for patients of the country or not. The people of the country are not getting medicines at present. I would submit that the Government may please make a statement in the House.

[English]

SHRI KABINDRA PURKAYASTHA (Silchar): Mr. Speaker, Sir, first of all, because of the incessant rains for the last few days, a vast area of Bark Valley of Assam, particularly the districts of Karimganj, Hailakandi and Cachar, have been badly affected. At least two persons were killed and property worth many lakhs of rupees was damaged. In the mean time, due to a whirlwind that blew over the district of Cachar, particularly over the constituencies of Sonai and Dholai, many dwelling houses and institutions have been destroyed and that caused heavy loss of property. Whenever local public representatives approached the Government of Assam, the reply from the Administration was that there is no fund for giving any relief to the people. I, therefore, urge upon the Government of India, considering the situation and helplessness of the Government of Assam, to come forward of sanction befitting fund for giving relief to the affected people of the valley.

MR. SPEAKER: "Leakage of UPSC question papers"—Shri Sharad Yadav.

[Translation]

SHRI SHARAD YADAV (Madhe pura): Mr. Speaker, Sir, thanking you for providing me an opportunity to express my views, I would like to raise an issue concerning examinations. Incidents of leaking out of question papers at various universities examinations have alarmingly increased, the recent incident of leaking out of question paper at the examination conducted by Delhi University occurred on the day before yesterday only. The situation has worsened so much that the examinations conducted by the reputed institutions like UPSC have also been affected. The C.B.I. inquiry was instituted to investigate into the incident of leaking out of question papers of the UPSC examinations held at Allahabad centre in 1992. The Controller of Examinations was found responsible for the incident as was revealed by the investigation. The candidates, later on, formed an inter-university students union and staged dharna here several times. Nearly one and a half lakhs candidates had taken the said examination. The C.B.I. concluded after investigation that the incident of leaking out of question paper did occur there. A writ-petition in this regard was also filed in the Supreme court. After the preliminary hearing and after considering the report of C.B.I. etc., the supreme court pronounced in its judgment that irregularities were committed at the examinations.

Mr., Speaker, Sir, there are several such candidates among the one and a half lakhs candidates who are on the verge of becoming overage. They were availing the last chance of examination. I would like to submit that the Government should provide one more opportunity to all those one and a half lakh candidates to take the examination so that they may build up their career. Those candidates are innocent. The incident of leaking out of question papers and the subsequent cancellation of the examinations were due to irregularities committed by

other persons and yet those candidates have not been given a chance to reappear at the examination, the youth throughout the country are agitated and they are staging dharna

The future of all those one and half lakh youths is bleak. Moreover occurrence of such incidents raises a question mark on the very credibility of such examinations. Examinations held at particular centres are canceled while at some other centres are not canceled following the incidents of leaking out of question papers. This matter, therefore, assumes great significance.

The students who took the examination of UPSC in 1992 had also given several suggestions to the Supreme Court on the 30th January, 1993. The court noted their points for consideration to improve the examination system. The judgement of the Lucknow now bench of the Uttar Pradesh High Court in the case filed by one and a half lakh youths is, however, due to be pronounced. But the fact remains that irregularities were committed in those examinations and the controller of Examinations was dismissed for his said involvement in the irregularities. But the Government has so far done nothing for those one and half lakhs candidates, many of whom are overage now. They took the examination availing their last chance. I would like to the hon. Minister to make a statement in the House explaining the stand of the Government in this regard. (Interruptions)

SHRI NITISH KUMAR: Mr Speaker, Sir how the Government must make some statement in this regard as this matter is being raised in the House for so many days.

[English]

MAJ GEN (RETD) BHUWANCHANDRA KHANDURI (Garhwal): Sir, I have just come back from visit to terrorist-torn district of Doda. Three more MPs had gone along with me, namely Mr Chetan Chauhan and Mr A R Maurya from Lok Sabha and Mr Vishnu Kant

Shastri from Rajya Sabha. We spent three days in the district i.e. 6th, 7th & 8th May. I would like to convey our impression to the Government and also to the Members of the House. The situation in Doda district has become quite bad and it is fast moving towards the same situation as in Kashmir valley. It is therefore, necessary for the Government to take immediate tough and hard action. Otherwise we will come back to the same situation as we have in the Valley today where solutions are becoming more and more difficult. The terrorists are having a free run in the District. The district administration has become virtually helpless, it has been totally paralysed and the terrorists and the militants are striking at will.

We had met the district administration people also but unfortunately whatever they have been saying is not as per the ground realities. Therefore, I request the Government to look into this. The terrorists are trying to change the ethnic composition of the District and trying to make it a communal situation which should be avoided at all costs.

I would like to give you a few examples about the type of activities that are taking place there. On 15th August, it was decided to have "Yomeh Syah" (Black Day). So, on that day the black flags were hoisted all over

Apart from other activities, 200 people collected at Kishtwar and caught hold of a donkey and put a placard around its neck and wrote 'P V Narasimha Rao' and paraded it in the market but the local administration did not do anything. It was very disheartening and disgraceful.

MR SPEAKER: Why are you making all this mention here and making it ugly?

MAJ GEN (RETD) BHUWANCHANDRA KHANDURI: The people are very much concerned and they are hurt.

Another example is Border Roads post

was looted on the 8th of September. They took away explosives with 3000 detonators. Border Roads vehicle was taken over and the driver was taken along with the vehicle. The explosive materials were loaded in the same Border Roads vehicle and the driver had to take the vehicle up to the place where the terrorists wanted them to unload at the appointed place. (*Interruptions*) There are many things to be said.

Sir, I will give suggestions. The district Doda must be declared "disturbed area" and the Army be asked to flush out the terrorists. There are 10,000 ex-servicemen in the District who are willing to work voluntarily as the "village voluntary force". They only have weapons. I request the Government that they may be given sophisticated weapons and organize the ex-servicemen like the Punjab village voluntary force. They will be capable of handling the terrorist activities.

There are four mountain passes. The terrorists come through four passes from the Valley side to Doda district. The Army should take over these passes and seal the passes so that the terrorists from the Valley side do not come to Doda district.

There was a day light murder of one local leader on the 19th December 1992. On the 11th December, he had written a letter to the DC saying that either he would be kidnapped or murdered. But yet nothing was done by the administration. His name is Mr. Santosh Thakur. I request the Government to institute CBI enquiry as to why the District administration did not take any action on this.

There are some BSF people deployed in the area. I suggest that CRPF should also be deployed because the way the BSF have behaved there have lost faith of the people. So, the CRPF should be deployed.

[Translation]

SHRI GIIRDHARI LAL BHARGAVA (Jaipur): Mr. Speaker, Sir, the Union Government has fixed the support price of wheat and

barley at Rs. 330 and Rs. 280 per quintal respectively. Rajasthan has got a bumper crop this time. There is large scale arrivals of barley and wheat. The Food Corporation of India is not purchasing the food grains. Foodgrains are being supplied to the wholesale markets in Kota, Ganganagar, Sawai Madhopur and Bharatpur. But the Food Corporation is refusing to purchase foodgrains as they do not have sacks. If the Food Corporation does not purchase foodgrains even at the support price fixed by the Centre, the foodgrains will get spoiled.

The farmers, from whom the foodgrains have been purchased by Food Corporation, are not being paid price for as many as 15 days. Due to the irresponsible attitude of the Food Corporation, wheat is not being purchased at support price.

The electricity charges and prices of fertilizers have also gone up. The farmers of Rajasthan are in much distress as they are not even getting the support price. In Punjab and Haryana the wheat is being sold at Rs. 555 per quintals. The price of cotton has also decreased. I, therefore, request the Union Government to direct the Food Corporation to purchase wheat and barley, so the farmer can get the support price.

RE: CANCELLATION OF BY-ELECTIONS TO CERTAIN LOK SABHA AND ASSEMBLY SEATS.

[English]

MR. SPEAKER: Now there are one or two issues before me.

SHRI P. G. NARAYANAN (Gobichettipalayam): I have given notice.

MR. SPEAKER: I am just speaking about the same thing. Before I allow you to speak on this point, I would like to make it very clear that as far as the cancellation of the Lok Sabha and the Assembly elections are concerned, I will

allow you to have your say on the floor of the House. But as per the Constitution, as per the law, if you are speaking anything against the Constitutional authority, that will not go on record.

SHRI P.G. NARAYANAN: Mr. Speaker, Palani bye-election in Tamil Nadu has been postponed on flimsy grounds. The presence of drought is known to all, including the Election Commission at the time of announcing election notification itself.

It is strange to note the election has been postponed on the ground of drought when polling was about to take place in another ten days.

I admit that there is scarcity of water. The Government of Tamil Nadu has been solving this problem on war-footing. But it is very unfit to postpone the election on this ground. Earlier, Ranipet Assembly election has been postponed on flimsy grounds. One of the reasons attributed is that of naming one of the bifurcated districts of South Arcot after Shri S. S. Ramaswami Pàdayachiar, but it has nothing to do with the Ranipet Assembly constituency. Ranipet Assembly seat is situated in Ambedkar district which is altogether different from South Arcot district. So, it has nothing to do with Ranipet.

The decision on election is arbitrary and unjustified. All the people of Tamil Nadu know who is behind this decision. The Congress is resorting to undemocratic method to avoid defeat. Had the election come through, our AIADMK party would have proved that AIADMK under the leadership of Shri Puratchi Thalaivi is strong enough to stand alone and win the election. The Congress is unable to stand alone without any strong alliance partner. (*Interruptions*)*

MR. SPEAKER: Only the statement of Shri P. G. Narayanan will go on record.

(*Interruptions*)

MR. SPEAKER: That will not go on record.

SHRI P.G. NARAYANAN: Let me complete.

MR. SPEAKER: That is not going on record.

(*Interruptions*)

SHRI P.G. NARAYANAN: It has nothing to do with it. It is a different district. (*Interruptions*) Let me complete it. (*Interruptions*)

MR. SPEAKER: Please take your seat. I have not allowed you. It is not going on record. Shri P.G. Narayanan, Please continue.

SHRI P.G. NARAYANAN: The people of Tamil Nadu will not accept the Congress culture which is anti-people and cunning. The Congress Party knows that it will lose the deposit. (*Interruptions*)

MR. SPEAKER: I will look into it.

SHRI P.G. NARAYANAN: It is unfair, childish. It is a baseless allegation. I deny this allegation. (*Interruptions*)

The Congress Party has not started its election campaign till now knowing fully well that the election will be postponed. So, it is very unfair. The Congress is resorting to undemocratic methods to avoid defeat. Let me complete. (*Interruptions*)

MR. SPEAKER: Now, you have made your statement.

SHRI PG. NARAYANAN:**

MR. SPEAKER: This is not going on record.

(*Interruptions*)

SHRI INDER JIT (Daarjeeling): This is beyond your guidelines set by you.

MR. SPEAKER: Shri P.G. Narayanan you were doing very well. I thank you very much for

* Not recorded.

** Expunged as ordered by the chair.

presenting your case in a proper manner. You please stick to it. You did very well. You made your point very forcefully.

SHRI P.G. NARAYANAN: I have no grudge against the Election Commission. I have to say something on the reason attributed to the postponement.

MR. SPEAKER: That cannot go on record as per the Constitution. You made your point very well.

SHRI P.G. NARAYANAN: It is very unfair to postpone the elections.

MR. SPEAKER: I wanted to thank you for sticking to the rules as well as making your point very forcefully.

(*Interruptions*)

SHRI P.G. NARAYANAN: It is summer season. It is quite natural that there is a scarcity of water. The Government of Tamil Nadu has been solving this problem on a war footing. It is very unfair to postpone the election on the ground of drought.**

MR. SPEAKER: Thank you, Shri P.G. Narayanan. Now, I call Shrimati Suseela Gopalan to speak. Madam, the same thing applies to you also which applied to Shri P.G. Narayanan. He did very well. I hope you will also do in the same fashion.

SHRI NIRMAL KANTI CHATTERJEE (Dumdu): Sir, I am neither from Kerala nor from Tamil Nadu.

MR. SPEAKER: You will not be allowed.

SHRI NIRMAL KANTI CHATTERJEE: I have raised it already. If you do not permit me.. I have to get into it! (*Interruptions*)

SHRIMATI SUSEELA GOPALAN (Chairayinkil): Sir, there is no justification for

postponing the election in Ottapalam constituency. After the declaration of election, there was not a single incident in that constituency; there is no trouble at all. The previous day, the Collector had a meeting with all the political parties and he said that the law and order situation is very well and there is no trouble at all. But, all of a sudden it seems that the Home Secretary or the DIG or somebody has sent some report from the state Government and that is why this has been postponed. But the Chief Minister says that he does not know anything. The point is either the DIG or others sent a report without the knowledge of the Chief Minister. He declared there and told the people that he has not said anything. But it is being postponed. There is no communal tension at all even before that. Even after December 6, in that constituency, there was no tension at all. Actually, the tension is in the minds of the Congress people. There is no tension in the state. We can very peacefully conduct the elections. (*Interruptions*)

There is a conspiracy behind this. The local BJP people had demanded postponement of elections. There is a conspiracy between the Congress and the BJP to get somehow elected. They are helping the Congress to get elected. This is being done.**

He just believed the report of the ruling party. I do not know how the Central Government..... (*Interruptions*)

SHRI MRUTYUNJAYA NAYAK (Phulbani): Madam, the Chief Minister of Tamil Nadu had sought the protection by the Central Government to provide more helicopters. What is the reason for it when she is not in danger? How do you say that there is peace in the state? (*Interruptions*)

SHRIMATI SUSEELA GOPALAN: These arguments are not at all valid. Both in Tamil Nadu and in Kerala, there is not ample reason for the postponement of the elections. (*Interruptions*)

** Expunged as ordered by the Chair.

MR. SPEAKER: Please understand that this afternoon we are going to have some important business. We have to adjourn 1 o'clock and assemble at 2 o'clock

(Interruptions)

SHRIMATI SUSEELA GOPALAN I fail to understand how the Central Government sends its report that the law and order situation is very bad in the constituency. Actually, action should be taken against the state Government. If they are unable to control the situation, if the situation is bad, the Chief Minister should be removed. How did the central Government send the report to the Election Commission that the situation was bad. (Interruptions)

MR. SPEAKER Very good. In the finest manner you have put forth your views

(Interruptions)

MR. SPEAKER Are we not satisfied unless we all of us stand up together and speak at least for five minutes everyday? We are doing it in a proper manner. Why are you giving up?

(Interruptions)

SHRIMATI SUSEELA GOPALAN I demand that immediately there should be elections. There is no difficulty for peaceful elections (Interruptions)

MR. SPEAKER Mr. Anbarasu, very briefly please I warn you at the beginning itself that both these Members who spoke, they did it according to the rules. You are expected to do the same thing

(Interruptions)

SHRI ANBARASU ERA MADRAS CENTRAL I will do it according to rules. The very fact that the Chief Minister's life is in danger, she asked for the protection from the Centre, will go to prove that the law and order situation in Tamil

Nadu is very bad. (Interruptions)

KUMARI MAMATA BANERJEE (Calcutta South) Let him speak. (Interruptions)

SHRI ANBARASU ERA Recently, three accused were escorted from Madras to Madammambakkam. On the way, the three accused who were involved in the Padmanabha murder case, were freed by the LTTE by firing and one sub-inspector and two constables died on the spot. That definitely goes to prove that law and order problem is not good in Tamil Nadu.

Another thing is, about Rs 450 crores worth of Government schemes were announced after the declaration of elections. That is definitely influencing the voters

Another point is recently the Vanniyar Christians who were considered as a forward class people, they are declared backward class people. They constitute one lakh population in Palani. Therefore, it is nothing but influencing the voters. What the Election Commission did is correct and it is justifiable. It is democratic. They all entered into undemocratic methods. The AIADMK has lost the credibility of the people. They have lost the influence of the people

MR. SPEAKER, I will call you later

SHRI NIRMAL KANTI CHATTERJEE (Dundum) Why?

MR. SPEAKER I do not know

SHRI NIRMAL KANTI CHATTERJEE I should precede him

MR. SPEAKER Now you do not dictate to me all the time as to how I should do it

SHRI LALK ADVANI (Gandhi Nagar) Mr Speaker, Sir, even if you had not cautioned the House, I would have felt restrained speaking on this subject because it is a decision which has been taken by a constitutional authority. But I

must say that we were taken totally by surprise. Why? How? It is because I do not recall elections having been cancelled just ten days before the day of poll on the ground such as 'drought'. After all, Sir, drought is a continuing situation. If it had been law and order, as it is said in case of Kerala, one could have had it postponed. And what the lady member just now said was that one day before that, it was officially said that the law and order situation there is perfectly under control.

Sir, why I am raising it here is because, I think, that all these decisions whether in respect of Palani, whether in respect of Kerala seat vacated by the Vice-President or whether it is the case of even Kalka - there should be a statement by the Government - till now all that we have read is in the newspapers and we cannot confront the Chief Election Commissioner except by a Motion in the House. There is no other way.

So, the Government owes it to the House. Here is same situation in which two elections have been canceled - one in Kerala and one in Tamil Nadu. One election was canceled by the Election Commission, once again declared the it is done by the High Court, once again canceled by the Supreme Court and once again canceled/upturned by the High Court; now it will go to the Supreme Court. We are not concerned with what the courts do. But, we are very much concerned that everything that has been happening in the last one fortnight sets the precedent for the future. And what is the precedent? I would like to know, for instance, did the Tamil Nadu state Government make any recommendation that the situation in Tamil Nadu is of drought and, therefore, elections cannot be held? Did the Kerala Chief Minister make any recommendation to cancel the elections? According to Shrimati Sushila Gopalan, the Kerala Chief Minister said that he has nothing to do with it. Is it true?

SHRI K.P. UNNIKRISHNAN (Badagara):
Yes.

SHRI LAL K. ADVANI: I would like to know

from the Government, I would like to know from the Home Minister, what are the facts in this regard, on the basis of which the Election Commission has come to certain conclusion because whatever conclusions have been arrived at, whatever decisions have been taken, have relevance even to the future. And, therefore, before we comment on them, let us get the full facts from the Government. This is my submission.

And, Sir, I wish the B.J.P.'s name had not been dragged in but, I totally overlook it because some parties are in obsession with it.

SHRI NIRMAL KANTI CHATTERJEE: I would have also been happy had the B.J.P.'s name has been avoided. But, unfortunately, it is a fact. Therefore, it could not be avoided. But, I am on a different point altogether. It is not a matter for Kerala state; it is not a matter for Tamil Nadu.

MR. SPEAKER: Do you mean to say that this kind of a matter should be discussed in the Zero Hour without giving notice to anybody?

SHRI NIRMAL KANTI CHATTERJEE: Zero Hour sometimes disposes of matters which are.....

MR. SPEAKER: Let us not take price in what we do in Zero Hour.

SHRI NIRMAL KANTI CHATTERJEE: It is tremendously important. All these activities were unlisted in the business.

Therefore, during the unlisted Hour, we have to raise it. It is not a matter for West Bengal either. It is not a matter for the Council of Ministers either because there is a situation which had arisen when one of the Council of Ministers has to resign from the Council of Ministers for his failure to get elected from West Bengal Legislative Assembly into the Rajya Sabha. It is for the Parliament to decide: Is there something wrong in our law that such thing could

happen? It was continuing nicely for all these years. But suddenly a situation has arisen wherein all kinds of obstacles are appearing in all parts of the country and everywhere before an election can be held. And the law is made by Parliament. Therefore Sir I am anxious that it is not merely a question of an individual. Maybe it is matter of individual I do not know. If it is a matter of individual there is a **

If it is not a matter of then we have to have a look

MR SPEAKER Reference to the will go off the record

SHRI NIRMAL KANTI CHATTERJEE As the law stands today that has to take place. Therefore apart from having a statement from the Government we want a statement from the Law Minister or the Minister for Parliamentary Affairs whether we ourselves have gone wrong. That is why I would like to draw your attention. Only last week the entire House Shri Chandra Shekharji was there stood up to say that we must discover a way out either through the Parliament or through

MR SPEAKER Reference to the is not on record

SHRI CHANDRA SHEKHAR (Ballia) I shall like to know under what rule you say that the word should not go on record?

MR SPEAKER I will tell you I am very sorry that every now and then I am confronted with these questions

SHRI CHANDRA SHEKHAR Under what rule the word should not go on record?

MR SPEAKER With all respect for you I do not want to contradict everything you are saying. But if you are not correct on the law point I have no option but to show it to you. I will tell you this notice is not before the House. Please

understand It is not before the House. It is with the Speaker. Please understand that it is with the Speaker

SHRI CHANDRA SHEKHAR I do not speak without understanding. You are very much under wrong impression that I speak without understanding

MR SPEAKER Please understand that these matters come before the House when it goes to the Committee and the Committee gives the report. It is still with the Speaker and the Speaker has to take a decision

(Interruptions)

MR SPEAKER I have asked the Members to come before me and establish the case not once but four or five times or even more than that

SHRI CHANDRA SHEKHAR I have no objection on these points. My only point is

MR SPEAKER Mr CHANDRA Shekhar I have full respect for you. I hate to contradict what you say. But every now and then if you are rising on the point of order I have no option but to tell you that you are wrong on this point

SHRI CHANDRA SHEKHAR All right you may say I am wrong and I can say **

MR SPEAKER If you say again you are wrong

SHRI CHANDRA SHEKHAR No I am not wrong. You have the patience to hear me. I also know the Parliamentary rules. If an hon. Member gives a notice to you on a certain matter the Member has every right to mention it in the House

MR SPEAKER Not in the House in the Chamber. You understand it. If I discuss all the notices in the House I will have to discuss one

** Expunged as ordered by the Chair

sion. I never said that I do not agree with what you say. I say that if I am not intelligible to you, it is my fault. But I only say that he should not mention words written in the notice.

13.00 hrs

But, just to say that I have given a notice of..... there is nothing wrong; it is not against the rules.

MR. SPEAKER: Unless it becomes a matter of record, it comes to the floor of the House, it is not allowed. Unless the matter is before the House, it is not allowed. I have not disallowed these kinds of matters, if they are not constitutional matters.

(Interruptions)

[Translations]

SHRI SHARAD YADAV: Mr. Speaker, Sir, the entire country is so much worried. It may be your problem but what should we do....*(Interruptions)*

MR. SPEAKER: You should come and establish it.

SHRI SHARAD YADAV: We have been given complaint. What would we do? *(Interruptions)*

MR. SPEAKER: Yadavji, you do not know the facts. I have requested the Members to come, more than often, before me and do it; they have not come. If you do not know the facts, please do not bring this on the floor of the House.

(Interruptions)

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Speaker, Sir, the cancellation of the by-elections has been received with much concern and regret by the entire country because they are based on rather flimsy grounds, as reported in the Press. Therefore, they serve

SHRICANDRASHEKHAR: Mr. Speaker, I am sorry that you are creating a wrong impres-

as a warning and as a point of caution for all of us. It seems to us that the working of this constitutional authority, the Election Commission of India, and the laws that are administered by it, need to be reviewed; as stated by the hon. Leader of the Opposition; and the lacunae should be identified. Otherwise, the entire democratic institution is receiving a bad name and is losing its prestige in the eyes of the people. I would say that it will not be good for the future of the democracy in this country, that the Election Commissioner instead of holding elections should start canceling the elections. He may come to a point when perhaps it may be difficult to constitute the House - that general election is announced and for a majority of the seats the elections cannot be held; and that will be the logical end point of this process.

Therefore, before we reach that point, Mr. Speaker, I pray that the Government should give us all the facts, and should also apply its mind and find out what needs to be done in order to set a regular procedure which must be followed by the Election Commissioner before he comes to a decision on this point that whether the election can be held or cannot be held or cannot be held and must be canceled.

It appears that the decisions are being taken without the grounds being generally acceptable or being strong enough to carry the conviction of the people.**

13.03 hrs.

PERSONAL EXPLANATION BY
MINISTER IN RESPONSE TO CERTAIN
REMARKS MADE ABOUT HIM IN THE: THE
RELEASE OF SOME ARRESTED TER-
RORISTS IN DODA IN THE STATE OF
JAM MU AND KASHMIR

[Translation]

THE MINISTER OF CIVIL AVIATION AND
TOURISM (SHRI GHULAM NABI AZAD): Mr.

Speaker, I rise to give a personal explanation... (Interruptions)

[English]

MR. SPEAKER: At 2 O'clock, we have to assemble here again for some important business.

(Interruptions)

[Translation]

SHRI GHULAM NABI AZAD: During zero-hour on Friday Rajmata ji had mentioned about the women in Jammu-Kashmir, particularly the women of Doda district. I wanted to raise this issue in her presence. May be she is not here... (Interruptions) She is here. Rajmata ji had said that she was agreeing with whatever shrimati Mahajan had said. (Interruptions) What Rajmata ji said had gone on record, as such, I would like to repeat it that the terrorists, who were caught in the murder case in district Doda, were not convicted but they were behind bars and were released after a telephone call from Shri Ghulam Nabi Azad was given. I am very sorry to say that such things were said, which we can never imagine. I think Rajmata ji will also regret this and she is also aware of the incidents happening to our women folk and relatives in Jammu-Kashmir. You may remember that two years ago, my brother-in-law was abducted by terrorists. I had then said in this House and in the Press Conference that even if they kill him, no request will be made by the Government or by myself for release of any abducted person... (Interruptions) I stuck to my words for five months, after which the terrorists understood that there would be no use in keeping that person abducted. You may recall the second case also. Just four months ago, an additional collector, who is real cousin of my wife, was shot at. He was discharged after four months from the hospital the day before yesterday. Rajmata ji may be well aware of such cases but what do the terrorist do to us is felt by us daily. Since this matter has come in record in

**Expunged as ordered by the Chair.

which it has been stated that I have got the terrorists released, I would request the hon. Speaker, that the Government should not carry out any investigation in this regard. Rather, I would request Shri Advani, Shri Atal, Shri Jaswant, Shri Khurana and Shri Pramod Mahajan to find out who was the man, who was behind bars and to whom I have made the phone call to get him released. I do not want to include other parties in this. Only the B.J.P President and the party officials should conduct this inquiry. I will provide them all facilities such as airplane etc. They should tell the House as to who was the man, whom I have got released and who was the official whom I have made the phone call. I would like to request that until this report comes, it should be expunged from the record.

SHRIMATI VIJAYARAJE SCINDIA
(Guna): What I had mentioned that ~~it~~ was based on the things said by the people who came to meet me. May be it is not true. An inquiry should be conducted to find out whether it is true or not. I had only mentioned the information given by them. If it is not true, I apologise.....

SHRI GHULAM NABI AZAD: It is all right.

[English]

MR. SPEAKER: It is more than enough.

[Translation]

SHRIMATI VIJAYARAJE SCINDIA: In fact, we have been demanding an inquiry into the incident of atrocities on women which took place on 5th February. But no inquiry is being conducted in this regard. What Shri Azad has said, I am really happy at his attitude but had he adopted the same attitude towards that issue, we would have had some trust. Mr. Speaker, Sir, this issue was left to you but no action has been taken on that.

MR. SPEAKER: I will look into it after the session is over because you are also aware that

there is a lot of work now

SHRIMATI VIJAYARAJE SCINDIA:
This issue will become very old by then.

[English]

MR. SPEAKER: I will inquire into it. I am saying it on the floor of the House.

[Translation]

SHRIMATI VIJAYARAJE SCINDIA: I regret, I had added that it may not be true, but I never said that it is true. If it is not true, I apologise.

13.00 hrs

PAPERS LAID ON THE TABLE

Annual Report and Review on the Working of the Indian Airline's 1991-92 and reasons for delay in laying these papers.

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD): I beg to lay on the Table-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Airlines of the year 1991-92, along with Audited Accounts, under sub-section (2) of section 37 and sub-section (4) of section 15 of the Air Corporation Act, 1953.
- (ii) Statement (Hindi and English versions) regarding Review by the Government on the working of the Indian Airlines for the Year 1991-92.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

Himachal Pradesh Electricity (Duty) Amendment Act, 1993 and Indian Electricity (Amendment - I) Rules, 1992.

THE MINISTER OF POWER (SHRIN K. P. SALVE) I beg to lay on the Table-

(1) A copy of the Himachal Pradesh Electricity (Duty) Amendment Act, 1993 (President Act No 6 of 1993) (Hindi and English versions) published in Gazette of India dated the 3rd April, 1993, under sub-section Legislature (Delegation of powers) Act, 1993

[Placed in Library See No LT 4029/93]

(2) A copy of the Indian Electricity (Amendment- I) Rules, 1992 (Hindi and English versions) published in Notification No G S R 45 in Gazette of India dated the 2nd January 1993 under sub-section (3) of section 38 of the Indian Electricity Act 1910

[Placed in Library See No LT 4030/93]

Annual Reports of the Institute of Hotel Management, Catering Technology and Applied Nutrition, Calcutta for 1990-91 and 1991-92 along with Audited Accounts and reasons for delay in laying these papers etc

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL AVIATION AND TOURISM (DEPARTMENT OF TOURISM) (SHRIMATI SUKHBUNIKA KAUR) I beg to lay on the Table-

(1) (a) (i) A copy of the Annual Report (Hindi and English versions) of the Institute of Hotel Management, Catering Technology and Applied Nutrition, Calcutta, for the year 1990-91, along with Audited Accounts.

[Placed in Library See No LT-4031/93]

(ii) A copy of the Annual Report (Hindi and

English versions) of the Institute of Hotel Management Catering Technology and Applied Nutrition, Calcutta, for the year 1991-92, along with Audited Accounts

[Placed in Library See No LT 4032/93]

(iii) A copy of the Annual Report (Hindi and English versions) of the Food Craft Institute, Darjeeling, for the year 1991-92, along with Audited Accounts

[Placed in Library See No LT 4033/93]

(b) A copy of the Review (Hindi and English versions) by the Government on the working of the Institute of Hotel Management, Catering Technology and Applied Nutrition, Calcutta, for the years 1990-91 and 1991-92 and the Food Craft Institute Darjeeling, 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 Library See No LT 4034/93]

13.08 1/2 hrs

MESSAGE FROM RAJYA SABHA

SECRETARY GENERAL Sir, I have to report the following message received from the secretary-general of Rajya Sabha -

"In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (No.2) Bill, 1993, which was passed by the Lok Sabha at its sitting held on the 4th May, 1993 and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make the Lok Sabha in regard to the said Bill "

13.06 3/4 hrs

STANDING COMMITTEE ON COMMERCE
FIRST REPORT.

SHRI K.P. UNNIKRISHNAN (Badagara):

Sir, I beg to lay on the Table a copy of the First Report of the Department Related Parliamentary Standing Committee on Commerce.

MATTERS UNDER RULE 377

13.09 hrs.

(i) **Need to Ensure that Industries set up with subsidy in Himachal Pradesh are not shifted out of the State**

[Translation]

SHRI KRISHAN DUTT SULTANPURI (SHIMLA): A lot of industries were set up in Himachal Pradesh after independence. Atime came, when the Centre as well as the state Government provided subsidies of lakhs of rupees in the form of machinery and building construction material for encouraging the people there to set up their own industries. Lakhs of rupees were also spent on the industries set up by the Government. But now those industries are in a critical condition. Several industrialists have shifted the industries after getting the subsidy out of the state and the workers working in those industries have become jobless. Not only this, some of the industries set up in public sector have been given on lease and some have been sold out. This has increased the problem of unemployment and the workers there are in much distress today.

I, therefore, request the Central Government to ensure that the industries set up with subsidy in Himachal Pradesh are not shifted out of the state.

(ii) **Need to Ensure the Landless People get Possession of Land allotted to them Particularly District of Uttar Pradesh**

[Translation]

SHRI LAKSHMI NARAYAN MANI TRIPATHI (Kaiserganj): Mr. Speaker, Sir, in

different states of the country, especially in various districts of Uttar Pradesh, the landless labourers including Scheduled Tribes and people from backward classes and the poor are facing starvation as they have not been given possession of the land allotted to them on lease as per the policy of the Government. On the other hand, their landlords are forcibly ploughing and sowing hundreds of acres of land for the last so many years.

The poor labourers of Manjakhuri of Manpara tehsil thesis and Godhias Tapesiwa, Hata Nasirganj etc. of Kaiserganj tehsil under district Behraich have till date not been given possession of the land, allotted to them twenty years ago on lease.

Therefore, it is my demand that the Central Government should ensure implementation of this national policy in the public interest by 30th June, 1993 and lessees should be given possession of their land after properly demarcating it.

(iii) **Need to connect sambhal town in Uttar Pradesh with Gajraula by Broadgauge Rail Line**

DR. S.P. YADAV (Sambhal): Mr. Speaker, Sir, Sambhal is an ancient historical town of Uttar Pradesh. Sambhal is situated near Delhi but even then it has not got proper rail facility. This city earns sufficient foreign exchange of the country by exporting precious and beautiful ornaments made of horns and bones.

I request the hon. Minister of Railways to immediately connect Sambhal town with Gajraula by broadgauge rail line. It will open a new route between Delhi and Lucknow, if connected with Gajraula. This route from Delhi via Gajraula - Sambhal-Bilaria-Chandausi, Aonla-Chaneti till to Lucknow will be economically and socially beneficial for a vast rural area.

(iv) **Need to restore Odlabari Railway Station, West Bengal.**

SHRI JITENDRA NATH DAS (Jalpaiguri): I wish to draw the attention of the Government to the fact that by a recent order, the Ministry of Railways have closed down the Railway station, Odlabari, West Bengal. It is one of the oldest station which has been existing since 1952. It

[Sh. Jitendra Nath Das]

has got an infrastructure value amounting to lakhs of rupees. In this modern age of technology, the railway is playing an important role in the field of communications. It is very essential for an under-development semi-town like Odisha surrounded by many tea gardens. The people of the area are aggrieved and agitated over this uncalled for decision of the Government.

I, therefore, urge upon the Central Government to take necessary steps so that the order mentioned may be revoked and thus enable the people of the area to enjoy the existing facilities of the Railway station.

(v) Need to Waive Loans of Farmers Accruing due to Construction of Pakka-water-courses in Indira Gandhi Canal project Phase I in Rajasthan

[Translation]

SHRI BIRBAL (Ganganagar) Mr Speaker, Sir, Pakka water-courses have been constructed in Indira Gandhi Canal Project area. A dual policy has been adopted in constructing Pakka water-courses under this project. In the Phase-I the expenditure incurred in constructing Pakka water-courses will have to be borne by farmers in the form of loans whereas under Phase-II it has been met by the Government. A dual policy has been implemented in the same project area which is neither practical nor justified.

Pakka water-courses, constructed during Phase-I have been damaged due to water logging and the amount of loan outstanding against farmers has gone up five fold. The neighboring state Governments have constructed such watercourses for farmers without asking them to bear expenditure.

Therefore, in view of the above mentioned facts it is my submission that the said loans outstanding against farmers be waived off.

(vi) Need to set up an aerodrome at Jabalpur, Madhya Pradesh

SHRI SHRAVAN KUMAR PATEL (Jabalpur) I wish to draw the attention of Gov-

overnment to the dire and pressing need for linking Jabalpur with different parts of the country by Air. Jabalpur, an important town, with varied tourist attractions like the Marble Blocks, number of Ordnance Factories, universities, seat of High Court and headquarter of state Electricity Board is still unconnected by air. An air-link is the crying need of the region.

Government have announced a scheme to develop the existing air-strip into an airport capable of handling aircraft upto Boeing standard. The National Airport Authority had made a request to Government of Madhya Pradesh to acquire and make available over 33 acres of land near the existing airstrip for the purpose. Government of Madhya Pradesh have already done their job and handed over the land to the Airport of India free of cost.

Meanwhile, Provision had been made in the budget for 1992-93. I would therefore urge upon Central Government to implement the scheme according highest priority. The work should be taken in hand without delay, since it may be too late to start the work in the last quarter of the year 1993-94, so as to ensure that Airport becomes operational at the earliest.

(vii) Need to pay Dearness Allowance in cash to the Central Government employees drawing basic pay more than Rs. 3,500/- p.m.

SHRI RAM NAIK (Bombay North) Sir, a grave injustice in respect of Incomes Tax is being caused to the basic salaried class having their basic salary more than Rs. 3,500/- p.m. While employees get Dearness Allowance increased whenever cost of living index increases the entire increase in dearness allowance however is not being given to them in cash but deposited in their Provident Fund Account. The amount of increase in dearness allowance so deposited, is more than Rs. 2,000/- per month for such employees.

What is harsh and unjust is that the income tax is deducted on this Dearness Allowance increase, which the employees do not get in their hand in cash. On one hand the employees are not getting Dearness Allowance in hand to offset

he price increase but on the other hand their income is eroded by deducting income tax on an income which is on paper only.

Trends of continuously increasing inflation and eroding value of Rupee result in reduced money value of the above deposits whenever the employee gets back the amount after his retirement.

In view of this situation, I urge upon the Central Government to exempt these Dearness Allowance increase deposited in Provident Fund Account from the purview of Income Tax. Else, the Dearness Allowance increase be paid in cash to the employees ends.

MR. SPEAKER : The House stands adjourned to reasonable at 14.15 hours.

13.18 hrs

The Lok Sabha then adjourned for Lunch till fifteen minutes past Fourteen of the Clock.

The Lok Sabha re—assembled after Lunch at fifteen minutes past Fourteen of the Clock.

[MR. SPEAKER *in the Chair*)

THE MOTIONS OBSERVATION BY SPEAKER PROCEDURE FOR CONSIDERING FOR PRESENTING AN ADDRESS TO THE PRESIDENT UNDER CLAUSE (4) OF ARTICLE 124 OF THE CONSTITUTION,
AND

(ii) 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

SHRI C. K. KUPPUSWAMY (Coimbatore) : Mr. Speaker, Sir, *vanakkam*.

I want to know whether this plan is the residence of the Chief Justice. I know this is a very serious matter. He has built this house. It is mentioned here—Residence of Chief Justice,

Ground Floor Plan. He lives in Madras. In this Plan, the place is not mentioned.

14.17 hrs.

At this stage, Shri C. K. Kuppuswamy came and stood near the Table.

(Interruptions)

MR. SPEAKER : I will explain to you.

14.18 hrs.

At this stage, Shri C. K. Kuppuswamy went back to his seat.

SHRI BUTA SINGH (Jalore) : How has this document come to the House?

MR. SPEAKER : I said, I would explain.

What we are going to take up in the House now is a matter which involves a Judge of the Supreme Court and is of a very great importance. Therefore, the discussion may be carried on with all sincerity, solemnity and understanding at our command.

There are no rules provided in the Books of Rules of the Lok Sabha specifically to regulate these proceedings.

The procedure to be followed has to be decided by us. This matter was discussed more than once in the Business Advisory Committee and in the meeting with the Leaders of all parties and Groups in Lok Sabha during the last week.

The matter may be dealt with in a very careful and sound manner to be very precise, correct and just and not to repeat the points, not to bring in extraneous points and not complicate the issue and to arrive at correct conclusions very neatly. Only a few Members may speak. The Report given by the Judges Committee and the defense of the Judge have been made available to the Members well in time. The debate on the Motions may be concluded today itself, if need be, it may continue even beyond 6.00 p.m. About this, I leave the judgment to the House.

The Mover of the Motion may move the Motions and then speak. The Judge or the Lawyer of the Judge may be allowed to make submission to the House in these matter and then withdraw. The Mover of the Motion may reply to the debate, then the Motion and the Address to be presented to the President of India may be put to vote. The Motion and the Address to be passed need the support of majority of the total membership of the House and also the majority of not less than two-third Members of the House present and voting.

We hope the House agrees to this procedure and the arrangements. We request all the hon. Members to cooperate.

About the document, I have received a letter from the judge that this document may be given to the Members. He has given his submission in writing and the map which was given in submission was not probably clear. So, he wanted this document should be given to the Members also, that is why the document is given to every Member, with the submission of the Judge made to is part and parcel of us in writing on which there will be submissions by the lawyer also.

14.2 hrs.

May I now ask Marshal to bring the lawyer of the judge to the Bar please.

(SHRI KAPIL SIBAL WAS THEN BROUGHT IN AND HE STOOD AT THE BAR OF THE HOUSE)

SHRI ANBARASU ERA (Madras Central) Members may be permitted to seek classifications from the counsel of the judge.

MR SPEAKER You know this matter was discussed and it was the opinion of all the Leaders and the Members of the Business Advisory Committee that we are allowing the lawyer to appear before the House and to make his submission, to give him an opportunity. But he does not happen to be a Member of this

House

If we are asking the questions, the questions can be asked on facts. Even questions can be asked on law also sometimes, but not always. So, the lawyer is expected to argue the case on the basis of the papers which are with him. So, there would not be any point in allowing the question to be put, we are allowing the lawyer to make his submission and allow Mr. Somanath Chatterjee to make his submission, and then leaving the matter to the House.

May I now ask Mr. Somanath Chatterjee to move the Motion and to make his submission.

SHRI R PRABHU (Nilgiris) Sir, I am on a point of order. My point of order is in two parts (1) the Motion for the removal of the learned judge does not comply with Article 124 of the Constitution read with Section 3 of Judge Inquiry Act.

MR SPEAKER Let me be very careful on this. Which part of Article 124 are you referring to?

SHRI R PRABHU I am quoting only from this book which has been given to us.

MR SPEAKER Which part of Article 124 are you referring to?

SHRI PRABHU Article 124 (4) and 124 (5) Under rules, The Judges (Inquiry) Act, 1968 has been drawn up. If I can explain here just a little bit, the Speaker on 27.2.1991 and after that the Speaker admitted this motion on 12.3.1991. As we all know, the Ninth Lok Sabha was dissolved on 12.3.1991 but the Supreme Court had held that this motion can be kept pending. And subsequently the Speaker appointed a Committee on 15.3.1991. Now I am talking to you to this Judges Inquiry Act, 1968. Section 3 reads as follows.

"If notice is given of a motion for presenting

Observation by Speaker VAISAKHA 20, 1915 (SAKA) *Observation by Speaker* 490
an address to the President praying for the removal of a Judge signed, —

MR SPEAKER On which page?

SHRI R PRABHU It is on page 7 Today, the motion is and we have to read section 6 which reads as follows

"Consideration of report and procedure for presentation of an address for removal of Judge "

Just now you were kind enough to say that we have not prescribed procedure and that we have to find out the procedure for ourselves

So I am trying to understand what procedure we are trying to adopt here On page 10, if you kindly see page 10 of this, same Section 6 (2), now we are on this stage of the proceedings

'If the report of the Committee contains a finding that the Judge is guilty of any misbehaviors or suffers from any incapacity, then the motion referred to in sub—section (1) of section 3 shall, together with the report of the Committee be taken up for consideration by the House or the House of Parliament in which it is pending."

Here I have two points to make One, that the Ninth Lok Sabha has been dissolved Now this motion has been kept pending, it is not up to me to question the judgment of the Supreme Court But then everything else has lapsed, how can this motion be kept pending

I have been a Member of 7th, 8th 9th and 10th Lok Sabha When the Lok Sabha was dissolved, I got a notice to vacate my house, my telephone connection in Madras was cut and the whole thing lapsed, but this motion is kept pending the point I am trying to make here is that Prof Madhu Dandavate is not a Member of this House 108 Members has signed the petition and gave it to the Ninth Lok Sabha 58 Members of those are not the Members of the Tenth Lok

Sabha If we treat the people of Ninth Lok Sabha on equivalent basis, then my rights and privileges as a Member of this Lok Sabha are affected

So my contention is, this notice is not valid under Section 124(4), read with Section 3 With all respects to Shri Somanath Chatterjee, he has no right to move this motion

My second part of this point of order is, the Supreme Court has been kind enough to say and observed in one of the judgments recently that Parliament is sitting as a judicial body for this impeachment motion So, each one of us sitting here is a judge to judge the actions of a Judge Now about what has been appearing in the newspapers in the last few days, especially this morning, I have given a privilege notice Notice of privilege against the Indian Express and Shri Ram Jethmalani They are trying to influence our decision today They are the keepers of our conscience If you want me to extract those portions, I can read them out But I have given this motion

MR SPEAKER You may not refer to that motion because I have not given the consent to raise it We do not raise it

SHRI R PRABHU So I will not refer to it I am mentioning that they have been trying to influence our judgment today and by this, it is a matter of privilege My privilege is affected, privilege of all other Members of this House is affected

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur) Mr Speaker, Sir, I would like to draw your attention to Article 105 (3) of the Constitution

[English]

MR SPEAKER In fact I can decide it

[Translation]

SHRI GEORGE FERNANDES There is no question of deciding it, it should be made clear because it is being discussed outside also. Even if our colleagues have any doubt in this regard, particularly when one Member of this House is saying himself that he has been a Member of this House for four terms, they should know that the Article 105 (3) reads .

[English]

This is about the powers and privileges of this House. The Chapter heading is 'Powers, Privileges and Immunities of Parliament and its Members'

"In other respects, the powers, privileges and immunities of each House of Parliament and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of that House and of its members and committees immediately before the coming into force of section 15 of the Constitution (Forty-fourth Amendment) Act, 1978 "

[Translation]

Before this Amendment Act this Article read:

[English]

"In other respects, the powers, privileges and immunities of each House of Parliament and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of that the House of Commons of the Parliament of the United Kingdom and of its members and committees at the commencement of this Constitution "

[Translation]

When 44th Amendment was made in the

Constitution in 1978, this word was substituted and while substituting this word, the Parliament decided that the Article, which was in force before the 44th Amendment was made in 1978, will continue, the House defines by law the privileges and responsibilities of the House

[English]

I am quoting from Erskine May's *Parliamentary Practice*, (21st edition) page 66

"Effect of prorogation The effect of a prorogation is at once to terminate all the current business of Parliament. Not only the sittings of Parliament that are held but all proceedings pending at the time are quashed, except impeachment by the Commons and Appeals before the House of Lords "

[Translation]

I would like to draw your attention to page No 222 *(Interruptions)*

[English]

SHRI R PRABHU It is not a question of prorogation, it is a question of dissolution. He is misleading the House

(Interruptions)

MR SPEAKER May I request hon Members not to interrupt from their seats?

(Interruptions)

[Translation]

SHRI GEORGE FERNANDES The matter is quite clear. Our powers are the same today which were there before the amendment made in the Constitution in 1978. Those powers are quite clear

[English]

"House of Commons of the United King-

dom and of its Members and Committees and at the commencement of the Constitution".

[Translation]

Our powers are the same which we were enjoying earlier and the House of commons is also very clear about it that the dissolution of the House does not obstruct the powers of impeachment in any way

[English]

SHRI R PRABHU I would like to make one point clear He has said about the prorogation of Parliament But here, the Ninth Lok Sabha has been constituted The Members of the Ninth Lok Sabha are not here Probably the Supreme Court Judges in their wisdom at that time — when they decided this case—thought that those members would get elected again but unfortunately they did not get elected *(Interruptions)* Also not only that now a rule is a rule for everybody

MR SPEAKER I will give the ruling just now

SHRI R PRABHU This Resolution is two years old They could have moved another resolution and got another Committee appointed What prevented them to do so? Why do they try to hide under this sort of thing?

SHRI C K KUPPUSWAMY (Coimbatore) Sir, under Article 124 of the Constitution president of India appoints a Judge It is not Parliament, but the President who is empowered to appoint a Justice It is not Lok Sabha It is not Parliament *(Interruptions)*

Sir, it is only the President of India under Article 124 who nominates a Judge to any Higher Court in this country Parliament has nothing to do in this If you have brought the issue in this

House of the Parliament, then you may have to bring the occupant of the Highest office of this country to the Parliament I feel that Parliament might be led to show disrespect to the President of India I would like to add that an instance of this kind has never happened in this Indian sub— continent ever before I would like to raise a question at this juncture I would like to ask the Members of Parliament as to how many of them claim Traveling Allowance (T A) in a right way I find quite a number of them making false claims How can we accept that? I am just giving an instance Do we find true claims of T A by Members in all the cases? Even without going to their places they claim Traveling Allowances sitting right here But, without going in for self—propriety, they drag a person who was in the same place for about twenty years and has only furnished his official residence Blowing this beyond proportion would only set a bad precedence in this country That is why I feel it is my bounded duty to bring it to the notice of this august House

MR SPEAKER My ruling on this point is that notice which was given in the Ninth Lok Sabha, the rules framed under the Judges (Inquiry) Act and the Constitution apply more than the rules which we are following in the House

And that is why, it is decided in the judgment given by the Supreme Court that under the rules given under the Judges (Inquiry) Act, the notice will survive The notice survived, the Committee was constituted, the Committee did go into the charges leveled against the judge The Committee has given the report and the report has been presented to the House We are in the process Because of this situation the notice survives and we are entitled to go ahead with it

SHRI R PRABHU Sir, what you have said is entirely right But you have to read this together with what I have pointed out We are making a procedure according to the Judge

*Translation of the speech originally delivered in Tamil

[Sh R Prabhu]

14.38 hrs.

(Inquiry) Act and Section 6 of that Act says

'Consideration of report and procedure for presentation of Address for removal of a judge'

Now kindly take page 10 Sir I am not questioning your ruling I am just pointing it out to you

MR SPEAKER I allowed you and I respect the manner in which you are presenting the case

SHRI R. PRABHU Kindly turn to page 10 sub—sectanar(2) These words are very important It says

The motion referred to in sub—section (1) of Section 3 shall together with the report of the Committee be taken up for consideration by the Houses of Parliament in which it is pending "

This is the first time that this motion is coming to this House So it has to comply with section 3 of the Judges (Injury) /act So one hundred Members of Parliament of this House will have to serve this motion Otherwise it is not valid it is Infructuour

MR SPEAKER I have given my ruling already As this notice was given to the hon former Speaker it was referred to the Committee the Committee has gone into it, the Committee has given the report and the report is here Now we are allowing this motion to be moved in the House because until it is moved in the House, it is not before the House To give the notice to the Speaker more than one hundred Members are required To bring it here I do not find anything of that kind is required

Now Shri Somnath Chatterjee will move his Motion

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 HIS ACTS OF MISBEHAVIOR

AND

MOTION FOR CONSIDERING THE REPORT OF THE INQUIRY COMMITTEE TO INVESTIGATE INTO THE GROUNDS ON WHICH REMOVAL OF SHRI V RAMASWAMI JUDGE SUPREME COURT OF INDIA WAS PRAYED FOR

SHRI SOMANATH CHATTERJEE (Bolpur) Mr Speaker Sir with deep anguish in response to the call of duty to the nation I rise to move the following —

"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 misbehavior —

(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 hand-picked 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 hand-picked 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 the process, he wilfully evaded several rules, and sanctioned money for such purchases 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 a 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 22 1/2 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 rapairs, 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 eighteen months to several members of the subordinate staff of the High Court whom he misused for aiding an abetting his above acts done for his personal gain".

Now the next motion. Sir I beg to move:

"That this House do consider the report of the Inquiry Committee in regard to investigation and proof of the misbehavior alleged against Shri V. Ramaswami, Judge, Supreme Court of India, which was laid on the Table of the House on 17 December, 1992.

Mr. Speaker, Sir. I am quite aware of the solemnity of the occasion and, at the outset, I wish to make it categorically clear that this is not a motion against the judiciary as a whole but against one judge who has been found to have indulged in conduct which is nothing but misbehaviour within the meaning of the Constitution of India and which makes him unseemly to continue to occupy the exalted office of a judge and for that matter, a judge of the Supreme Court of India which is our apex court.

[Sh. Somanath Chatterjee]

Very rightly in our Constitution, Judiciary occupies a very important position and it will be a very sad day if people loses faith in the Judiciary due to the acts or conduct of any individual member or some members of the Judiciary. We hold the Judiciary in high esteem not only because it is one of the most important organs of our State and it dispenses justice to the people but because judges are assumed to be men of honesty and integrity and they discharge their duties and functions with a sense of fairness and independence without fear or favour.

A Judge remains a judge twenty-four hours a day and every minute of his tenure. He is not a judge only when he sits in court. He has to set standards of highest forms of morality and rectitude of honesty and integrity in all his action and behaviour. Any remissness on the part of a judge, whether in court or outside, will not only reflect on him with the court but at the Judiciary as a whole and the Judiciary itself will be denigrated by the conduct of one or two of its members.

We are participating today in this process not with any sense of elation or frivolity not with any sense of retribution or vindictiveness. There is no precedence in our country but our Constitution makers have consciously provided for a method of removal of a judge of a High court or Supreme Court, although, at the same time our Constitution itself provides for the security of the tenure of a judge of the superior courts which is essential for judicial independence.

Sir, provisions have not only been made but for that matter most stringent provisions have been made for the removal of a judge from the office and only in the case of proved misbehaviour of any incumbent.

I take it that such strict provisions have been and in our Constitution for the sake of maintaining the purity and independence of our judicial system as a whole.

Therefore, what we are seized today in this House is not something unconstitutional or improper but what the Constitution permits in a given case because of the circumstances that may prevail or the events that may have happened.

As I said, a motion like this to remove a judge and for that matter the decision to remove a judge cannot be taken frivolously and without strictest scrutiny and our Constitution and our law have provided for the enquiry and investigation with all opportunities to be given and heard by the concerned judge in the matter.

I wish to place before the hon. House what are the safeguards which are provided so that there may not be any feeling that there is a vendetta or vindictiveness against any particular member of the judiciary. The safeguards are:

Firstly, at least 100 members of Parliament must sign a motion for removal of each House, and not both together;

Secondly, the hon. Speaker will apply his mind before admitting the motion;

Thirdly, investigation will be held by a high level Judges' Committee set up under the Judges Inquiry Act which is a law made by this Parliament and the concerned judge will have full opportunity of defence or for making his case before the committee;

Fourthly, if the Committee does not find the judge guilty, the matter ends there with no scope of any parliamentary review or judicial review. However, if the committee finds the judge guilty of onerous more charges, then only the matter will come before parliament;

Fifthly, even parliament cannot decide the matter by a simple majority. A special majority, namely two-thirds, has been provided. The hon. Supreme Court has clearly indicated that the judge concerned will have an opportunity to make his defence before Parliament as well and

that is why you have permitted the learned counsel for the judge to be person here and make his submissions at the appropriate time.

Another very important safeguard which has been provided by reasons of judicial decision is that even after his removal by the Rashtrapati, after the decision is taken by the House, in Sarojini Ramaswami's case, the hon. still opportunity to seek redress from the Supreme court by way of judicial review.

Thus, Sir, there cannot be any genuine or unfounded apprehensions in the mind of the judge that justice has not been or will not be done and in this context it is expected that the judge should have fully cooperated in the matter of ascertaining the truth and not take shelter of more technically and, Sir, as what has happened in this case, abuse as well.

I believe every one will agree that it is expected and it is the duty of all persons occupying positions in public life which will include the members of the judiciary to conduct himself or herself in a manner which will not only give rise to no possibility even of making any complaint or comment about his or her behavior and one would expect that if any charges or allegations are made against a person occupying a high position, it would be in the fitness of things of such authority would itself invite an inquiry and investigation into the allegations and charges so that his reiteration is not affected and maintained.

Sir, the hon. Supreme Court in Krishnabha Sahab case observed:

"It cannot be stated sufficiently strongly that the public life of persons in authority must never admit of such charges being framed against them. If they can be made, then an inquiry whether to establish them or to clear the name of the person charged is called for."

Sir, so far as the present case is concerned,

the hon. Members may recall that some time in the beginning of 1987 some reports came out in the national newspapers about the huge expenditure said to have been incurred by Justice Ramaswami, who was then the Chief Justice of the High Court of Punjab and Haryana. I request the hon. Member to keep in mind that these reports are based on objections made by the Auditor concerned, who had audited the Accounts; this was not something which fell from the sky. The Audit objections were taken with regard to the expenditure that had been incurred and on the basis of that report, it came out and Sir, it is not that a Member of Parliament or a member of the press who had tried to make some inquiry or investigation himself or had gone out of his way to find fault with the conduct of a Judge; it was the result of an audit which was made under a statutory obligation, under the Constitutional provision and on the basis of an Audit that was done lawfully, certain things came out on which adverse remarks were made and that came to the notice of the press and the press highlighted it. That gave publicity to it. And, Sir, it naturally created some consternation in the sense that after all, by that time Justice Rameswami had come to the Supreme Court of India, which is our apex court.

Sir, as there was no response to these charges or to the reports that were coming out, we know that the leading members of the Supreme Court bar, the then Attorney General of India, Mr. Sorabjee, the then President of the Supreme Court Bar Association, Dr. Chitale the names I have mentioned, about whose integrity and whose adherence to the rule of law, the prestige of the Supreme Court nobody can raise any doubt, they had taken up the matter with the honourable Chief Justice of India. This was, Sir, in April-May 1990, and the then honourable Chief Justice, the late lamented Justice Sabyasachi Mukherjee, made an announcement in the Supreme Court openly that he had advised Justice Ramaswami to desist from discharging judicial functions so long as the investigations continued and until his name was cleared on this aspect, and Justice Ramaswami applied for six

[Sh. Somanath Chatterjee]

weeks' leave with effect from 20th July 1990. Sir, this investigation was not by the through administrative inquiry or Audit inquiry was to be made. But, Sir, as no action was taken for months together, it was only on the 27th February 1991, nearly one year later, that 108 Members of Parliament submitted a notice of motion as contemplated by Article 124 (4) of the Constitution, which contained a list of 11 charges which I have read out today as part of the motion. This was not done in a hurry. Reports had been circulated, the Judge of the Supreme Court had been asked by the Chief Justice not to discharge judicial functions. He had gone on leave, but this matter remained outstanding, nobody was coming to a decision, nobody was giving his verdict on it, the Judge had not responded to it and in such a situation I feel, Sir, which all humility that Members of Parliament had a duty to discharge and 108 Members of Parliament did submit a motion as late as on 27th of February 1991, nearly one year afterwards. If I may say so, at that time, there was hardly any politics in it, because a judge is not supposed to be a man belonging to any political party. It is not that we knew of any political party to which he belonged. Being a signatory to this Motion, I can say, without any fear of contradiction because my conscience is clear am sure he conscience of all the signatories of the Motion is clear. We did not only to ascertain whether there was an such thing as has been alleged and if so, let it be found out by the manner as prescribed as indicated in the Judge Enquiry Act. If he is found to be guilty, the consequences will follow. Then again, Parliament, will have its opportunity to give its verdict. Therefore, Sir, some whisper there and there, some loaded comments here and there are being made something politics was behind it and probably somebody was singled out for being proceeded against. We know that all the judges of the Supreme court except probably one or two or three, have been appointed by the Congress Party. Have we expressed our lack of faith in the judges because they have been appointed but the Congress Party? (Interrup-

The questions, was it to the credit of the Supreme Court of India and to the Indian judiciary as a whole that serious charges were being based on audit reports which have raised very serious doubts and discomfort in the minds of if I may say so Eight thinking member of the society. As their representatives, we felt, we had a duty to perform. That is we have submitted that Motion which was annexed with copies of several documents including the advice of the Committee of Supreme Court judges because the hon. Supreme Court Chief Justice appointed a committee of three learned judges to go into the question to advise, probably to make recommendations as to what should be done. Justice B.C. Ray, Justice Shetty and Justice Venkatachaliah, the present learned Chief Justice were the members of this committee. There are also the reports of the committee of district judges, Vigilance commission of Punjab and Haryana in regard to alleged purchase and removal of furniture and misuse of motorcars and also audit observations of the Accountant General and some other supporting documents. Therefore, there were some documentary, preliminary records, evidence because I was not sitting on judgment when I signed it. I was inviting a decision by the appropriate authority according to the law.

On the 12th of March, 1991, the then hon Speaker admitted the notice of motion and constituted a committee under section (2) of the Judges Enquiry Act and as well all know, the committee has to be composed of three eminent judges one judge of the supreme Court of India, one Chief Justice of a premier High Court and one jurist. Justice Sawant, a sitting Judge of the Supreme court was made the Chairman. Chief Justice Desai of the Bombay High Court was made a member and the third member was Justice Chinnappa Ready a retired judge of the Supreme Court in the category of jurist. The committee of three judges even then could not

function immediately because the President's assent to the functioning of the sitting judges in the Committee was not forthcoming. And then, Sir, an organisation called Sub-committee on Judicial Accountability filed a Writ Petition before the Supreme Court of India

15.00 hrs

and Supreme Court of India held specifically that the motion did not lapse on the dissolution of the Ninth Lok Sabha. It was held specifically that the notice of motion was alive and could be taken up there.

The Committee has been properly constituted by the then Hon. Speaker, and there was no illegality in it. That decision was made in the case of 1991 Supreme Court. Then, after that, Rashtrapati's consent to the functioning of Justice Sawant and Justice Desai came and then only the Committee could start functioning. Even that has taken quite some time. The very fact the notice of motion was filed in 1991 February and today we are in 1993 towards the end of May shows that more than two years have elapsed. I shall place the facts before you way this time has elapsed.

In October, 1991 was the Supreme Court decision in that matter. Then the communication came and they started functioning.

I hope that one would obviously admit that this is a very important Committee with members belonging to the highest judiciary in this country. The Supreme Court had said that there was no blemish and there was nothing wrong in the composition itself. But what one would have expected? When the Supreme Court said that the motion subsisted and did not lapse, the Committee was duly constituted. What one would have expected at that time? Once this sort of cobwebs are cleared, if they were genuine cobwebs at all, but when they were cleared, what one would expect? The learned Judge, to clear his renotation, would fully cooperate with this committee. No reasons have been given they

these three eminent Judges of this country should be against Justice Ramaswamy.

It is very very unfortunate that Justice Ramaswamy, instead of cooperating with this Committee - one would invite and say please come and see, let me go there, I will prove to you that I had not done anything wrong - instead of doing that, he said "Justice Sawant is my junior in the Supreme Court. Therefore, I do not accept it." Justiced. Desai has got some furnishing made in his house at Bombay and, therefore, he is not competent. We are proud that Supreme court has Judges like Justice Chinnappa Ready. But he is no a jurist because he has not many publications to his credit. But I think some of his judgments are much more important and much more lasting than any book that might have been published. As a humble lawyer, I can say that I am proud that our country has produced judges like justice Chinnappa Ready. He is no longer a sitting Judge. Therefore, I do not get any benefit.

These were the allegations made against the Judges. There is no cooperation. All sorts of technical objections were being raised. Give me this and that, he said although the Committee said that every minute will be sent to you. If I have to do that, I should humbly reserve my right to do it in the last.

Letters after letters were sent. Different lawyers were writing to him. One hon. Member, of Parliament was writing to him. When he was told if you do not appear, you can send lawyers, he said @ I would like to send lawyers. ". Yes, lawyers can come. The Committee allowed the lawyers to come. He said "No, no. I would not accept your jurisdiction. Therefore, I would not put questions. They will suggest questions for others to be put "They have suggested questions to be put. There was no defence given on merit. Even then, I am sure you taken the trouble in spite of the multifarious pressures on your time because of your multifarious other functions.

I do not expect the hon. Prime Minister to go through it. He can go through at least the

[Sh. Somanath Chatterjee]

relevant portions to find out how there has been a systematic attempt to frustrate the functioning, at least delay the functioning of this Committee

One after another point was taken into account and ultimately an hon. Member of the Bar, on behalf of the learned Judge went even to the Supreme Court Challenging it and filed a Writ Petition saying that all these sorts of illegalities were being committed by this Committee. Ultimately, the Supreme court rejected that Writ Petition saying he had no locus standi in the matter. But the item was lapsing, long time was going on lapsing. Then the Committee started its work. Elaborate reasons have been given what procedure has been followed, what is the position in law, how fairly they have tried to deal with it.

Sir as you know, the Judges Equity Act requires that the specific charges will have to be framed by this Committee. Although the notice of the Motion indicated 11 charges some may not be very specific, some may be a little discursive yet the Committee, after going through all the papers, documents that were available, produced, called for, invited, they framed specific charges. I believe they framed 14 charges. They have framed 14 charges. I can say with condition and with all sincerity that they have tried to do their best. What we have got here is the report. At least one would expect some approach from the Judge occupying such an eminent position. They have tried to do their best. They have given full reasons, full opportunity - not only full opportunity but full reasons.

One fact very clearly appears from their finding. Where they have found even a slightest doubt there may be a slightest doubt that the Judge may not have something to do with it - they have exonerated him. About one charge, he said that it has not been proved, about charge number six, said it has not been proved charge number 10 not proved, charge number 12 partly proved and then charge number 5 not proved. This has

been mentioned. Although they have framed the charges, after fully going into the matter, going through the evidence, getting the records, they have decided. The point is the charges were framed before the oral evidence or documentary evidence and all, in full, was appended. After hearing the entire evidence, this Committee has come to a finding that on certain charges, on 10 charges, he is guilty. The charges have been proved. With regard to the other charges, they have not been proved. Can this report be ignored just because the Judge concerned does not like the persons who have given this report? Will it depend on subjective determination? If it was a Supreme Court Judgement could anybody have said that he is not accepting this Judgement, he is not bound by the Judgement or even for the High Court subject to the Supreme Court's determination? Just because there is an opportunity that the matter would come before the Parliament. Therefore he is making all sorts of comments on this. With great sorrow I shall say that from the language that this Judge has used about this Committee, about the Judges, about the Speaker, about the Supreme Court, about the MPs, it seems that apart from himself nobody is good, he is the only angel prevailing. I am very sorry to say that I will beseech you Sir and then the hon. Members to give me a little time so that I can indicate how he has misused the position. Instead of defending himself on metros, he thought that character assassination would be his defence. One of them is his colleague on the Bench.

One of them is a sitting Chief Justice of one of the premier High courts of this country. Mr Speaker, Sir, I cannot help commenting on this behavior which Justice R. V. Ramaswami took before this Committee trying to frustrate the functioning of the Committee during the discharge only displays his fear that if the facts were disclosed and found out it will go against him. Those try to hide facts who have some facts to hide. Otherwise, if any disclosure does not go against me I will not prevent a disclosure. It does not go against me I will not prevent a disclosure. All the time, an attempt has been made that

nothing should come out, nothing should come up after the write petition of the hon. Member of Parliament failed, then the Committee proceeded without any cooperation from the judge concerned. And when the report had become ready, was going to become ready, then another write petition was filed before the Supreme Court by Mrs. Sarojini Ramaswami, wife of the concerned judge saying, "give me a copy of the report before the report is submitted to Parliament." He says, "it is a stage where I want to take up the point that the report is not valid." Before parliament comes to see it, before it is published, she wanted a copy, his wife filed a writ petition on which the full hearing has been given by the five-judge bench of the Supreme Court. The Supreme Court has come to a finding that no report is to be given at this stage as per page 421

THE MINISTER OF STATE IN THE MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS (SHRI H R BHARDWAJ) The Supreme Court has said later on he will be having an opportunity. You also mention that

SHRI SOMNATH CHATTERJEE I am glad and naturally we have a very alert law Minister. I am thankful to him. It has been held, I have a copy of the judgement with me, that at that stage Justice Raswami was not entitled to a copy for the simple reasons that he would have a full opportunity to defend himself. A copy would be given when the Parliament takes up the matter. Even thereafter, as I said earlier, there is a scope for judicial review even after his removal. So, we humble ordinary mortals will not be there. They will be exalted judges of the Supreme Court, his own peers, they will be deciding that. Therefore, if he has any grievance that the House may not act properly, there is the Supreme court of India. Of course, he does not believe in that, if the judgement goes against him. That is the difficulty with this judge. Therefore, what we find is that there was a conscious attempt to delay the disposal of the matter.

I want to only read a few lines of the reply

given by Justice Ramaswami to show his attitude towards everybody else in the world apart from himself. On page, 1, he says very categorically trying to humour the Parliament and the hon Speaker, "I had no confidence in them" that is Committee "I have confidence in you," that is, Mr Speaker, Sir, the hon. Members of the Lok Sabha. "He addressed to us saying that he has faith in us including those 108 members or those who have come back.

SHRI RAM NAIK (Bombay North) There are 115 Members. Everybody is saying 108

SHRI SOMNATH CHATTERJEE How many are back now out of them? He has a faith in me. I am a signatory. I have come. Rightly or wrongly, I am back. And he has expressed his confidence in me and Members like us who have come back from the Ninth Lok Sabha.

Therefore, he has grievance against us. But, he had no confidence in the Committee of these three judges. Then, he says, "All the allegations in the Notice of Motion are false." That is the next thing. He says very categorically that, "we know today that these allegations were false." According to him, he was condemned unheard. The Committee decides to proceed in the matter and gives him full opportunity but he says he was condemned unheard.

Now Sir, the real thing came out. He said that, "Why did I not object earlier? It is because I followed that principle meticulously in the hope that the public calumny culminating in a Motion before this bon-usable House would die its natural death." At page three of reply, there is a very significant sentence. It says that "I had implicit faith that upon the constitution of the Tenth Lok Sabha, the hon. Members of this house would look into this matter and after due application of mind would ensure that the good name of the judiciary is not damaged."

Sir, his expectation was belief. Tenth Lok Sabha was to his liking. It is still continuing its pursuit. He said that this was the reason why the

[Sh Somanath Chatterjee]

hed kept quiet Depending on his forecast of the election result, he kept quiet accordingly If the election result goes differently, not according to his liking he takes up another attitude

Again, Sir, at page 4, he said I find that he has a pathological opposition to this Committee and I quote,

No justice from the Committee the Committee was doing injustice to the judiciary'

What he further says at page 4 is very interesting and I quote

"The Committee was not only doing injustice to him but to the institutions of the judiciary as well. Such allegations were flaunted, were publicised, become the subject matter or speeches and diatribes became the basis of submissions in courts the result was that I could not defend myself I did not have a forum to go to. Some who tried to defend me were told that they were defending a corrupt judge because the High-Powered Committee could not frame such charges had not there been an element of truth in them. The stand of the hon Members of this House was vindictive because the charges were framed in accord with false allegations made

This Committee of Judges framed these charges on the basis of these false allegations and thereby we were vindictive vindicated. Just now, he expressed his confidence in his opening remarks and then he says that we had a diabolical credential, motives

Then, what is the fate of the Supreme Court in his hands? Please see page 6 and I quote

"That the latest pronouncement of the

Supreme Court in the case of Sargini Ramaswami as Union of India and others has granted me the right to move the Supreme Court in the event, this Motion is carried resulting in my removal from office I think such a beats and a negative remedy apart from being misconceived is inappropriate and inadequate This is my personal opinion'

He says that the Five Member Constitution Bench's decision is inappropriate, inadequate and misconceived Anything he does not like, he uses choicest words Then Sir, what is the fate of the former Speaker? .

Now his path is restored I am trying to find out the relevant quotation therein he says that the Speaker without application of mind had decided etc

In Page 21 he says

"Having said this I would like to touch upon an issue which is slightly more sensitive and which relative to the delicate task the hon Speaker of this House must perform "

Unsolicited advice!

" when dealing with a motion of this nature It is my belief that when a motion is placed before the hon Speaker it must be treated naturally with the utmost solemnity since it has emanated from hon Members of this House, but the hon Speaker treating such a motion without the solemnity that it deserves must also, consistent with the high constitutional office that a judge holds, ensure that before the motion is admitted, a preliminary enquiry of an informal nature which is not inconsistent with the provisions of the Act of 1968, is conducted for the hon Speaker to be *prima facie* satisfied in respect of the veracity of the allegations. This will in future ensure that no motion is admitted without there being a strong *prima facie* case The hon Speaker in doing so has the freedoms to consult legal experts of his choice and also informally seek a response from the judge concerned This will ensure that only such part

513 *Motion for Presenting Address to President under Article 124* VAISAKHA 20 1915 (SAKA) & *Motion for Considering the Report of IC Investigating the ground for removal of V Ramaswami Judge SC of India* 514

the allegation are investigated for which there is a *prima facie* evidence "

He wants elaborate investigation, enquiry at every stage, although the law says that it is not the function of the Speaker. He has to only look into a *prima facie* case

This advice has been given to the Speaker. When obviously he has not agreed to it, kindly see that language he uses

"I have dealt with in Page 22 in Vol II with the procedural aspect of this case, including the manner and method in which the Committee conducted the proceedings which reduced it to a farce "

It is a very strong word to be used by a sitting judge against his brother judges members of the judiciary. He is very expressive in his language, I find. In Page 10 what a compliment he has paid to his brother judges. He says

"In report that has been submitted acute ness when presenting figures in a balance sheet fudged them to reflect a certain point of view. Some such exercise has been done by the Members of the Committee "

I leave it to the hon Members to react

Kindly see Page 12 He says

"Am I to believe that if the Government installs air conditioners at the residence of the Chief Justice that is in accord with the requirements of the office of the Chief Justice but if these are installed from out of other funds of the High Court it would not be in accord with such requirements? If that is that law, then I say that the law is an ass "

Mr Prime Minister, you can have any number of things in your house through the CPWD. But nothing can be decided on your own! This is not a slip of the pen. At Page 12 bottom he says

"I am then told that I purchased mattresses lines dressage tables and if value of these things are added up, it would cross the prescribed limit of Rs 38 500. On facts I have already demonstrated that this finding is erroneous. Assuming it to be correct, am I to accept that the Chief Justice should not have purchased table line, mattresses? If that is the law, I again say that the law is an ass"

He says what sort of law is this what sort of rule is this. The Chief Justice cannot purchase linen, mattresses, tables. If the Chief Justice cannot purchase who else can? If there is any law then such a law must be an ass. This is the way he has dealt with this matter. At least he has not shown respect to the Parliament. In the reapply he has used such expressions as funding of accounts, false allegations an now ass

Sir, one would have expected that once a report comes from a Committee like the one which was there in this case one with all humanity accepts that report. Sir any responsible person acting bona fide would accept that report because of its composition and also because of the painstaking elaborate manner in which the Committee has discharged its functions and given its report. But they have received only the fulmination s and nothing else

So far as the charges are concerned I do not wish to go elaborately into them but certainly I would receive my right I have made it very clear that out verify very humble endeavour is to see that our judiciary is not under a cloud that a person occupying the highest position in our judicial system is not treated in the matter as we are seeing in the Supreme court because the Members of the Bar do not go before him

Sir he has himself said one sentence which is very important, in is reply It is in page 1 of his reply "The judiciary is going through very difficult times. He has given the reasons as to why it is so. I quote

[Sh. Somanath Chatterjee]

"A lot of soul-searching is necessary. The confidence of the public in the institution has admitted over the years. The Judiciary, and here I must be candid before the hon. Members of this House has not acquitted itself very honourably, and I, being a part of this institution, must partake in some share of the blame. With the general malaise of failing standards, the judiciary has not remained untouched. The legal fraternity has not also lived up to our expectations."

I should have thought vice versa Sir, I am reading from a sitting Judge's comment

"With the failing judicial standards, the societal, institutional, individual and political pressures burden and to some extent jeopardises the independent functioning of Courts"

This is his observation. He is an interested party, but, may I quote, with all humility an observation of former Chief Justice Shri Sabyasachi Mukherjee at page 1 of the Committee's report? I quote and I believe that it should be read and re-read,

"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, procedure and the norms applicable in its case enjoin him that the expenses incurred by the Courts for the Judges must be according to rules. The Judges either of the Supreme Court or the High Court and the Chief Justice are subjects to the rule of law like any other citizen of this country and must abide by the norms and regulations prescribed in as much as these and to the extent are applicable to them. I always thought this was clear and need no reiteration. We must therefore, ensure that there is no conduct of the Judges which affects the faith of the people that Judges do not live according to law."

"Judges cannot afford to be involved in disputes which have to determine the question whether the Judges while functioning as Judges or Chief Justice have attempted to subvert the law either designedly or in utter negligence or recklessness."

There is another passage if I may quote from the Report of the Committee of Three Judges which the learned Chief

Justice had composed. It is on page 3

"While it is true that the Chief Justice of a High Court is not expected professionally to account for the items of furniture furnishings, etc., provided at his residence, it would perhaps in a matter of such magnitude, be too ethical to say that the incumbent in the office can be wholly unconcerned with the happenings. Proprieties of conduct in daily life may not approve of such a technical stand. While the situation may not involve any moral turpitude, it is an altogether different thing to say that the Judge is entitled to ignore and be incentive to the loss occasioned."

Then, on page 4 of the report of this Committee of Three Judges it is said,

"The standards of ethical and intellectual rectitude expected of Judges are directly proportional to the exalted Constitutional position that they deserve to enjoy. The country is entitled to be most exacting in its prescription and expectation of the standards of rectitude in judicial conduct. What might be pardonable in an ordinary citizen or officer, might in the case of Judge look indeed unpardonable. His morals are not the standards of the market place but is the Punishment of a higher code."

I think, it is so well put. I can hardly add anything usefully to this.

MR. CHATTERJEE, will you yield for a moment (Interruptions)

What happened when Mr Justice Sabyasachi Mukherjee died unattended in a London hospital and could get no treatment because of the rules? Have you any answer to that? (Interruptions)

SHRI HARI KISHORE SINGH (Sheohar) Mr Law Minister you must understand, Let the Prime Minister explain the whole thing (Interruptions)

SHRI SOMNATH CHATTERJEE That will a great tragedy that had befoiled the country. Therefore, I am sure the Law Minister, who is so concerned about the health of the Judges as well, should see that proper rules are framed for their treatment

SHRI INDRAJIT GUPTA (Midnapore) What had happened to the inquiry into that?

SHRI H R BHARDWAJ Nothing happened

SHRI INDRAJIT GUPTA Why? (Interruptions)

SHRI H R BHARDWAJ, Nothing heard after that

SHRI INDRAJIT GUPTA Nothing heard after that

SHRI INDRAJIT GUPTA Who stopped (Interruptions)

SHRI SOMNATH CHATTERJEE Sir, in his reply at page 14, Justice Ram swami had said

forced logic led the Members of the Committee hold that which they had predetermined to do'

That means that they did not have an penmined and they were determined to do it. There is another significant sentence. With

your kind permission, I wish to read the last two sentences on page 14, Vol III (parts I to III).

"The force of of circumstances and the belief that they could not be subjected to the discipline of a higher judicial forum led the Members of the Committee to believe that if they found against me, the findings would be untouched, since the Hon'ble Members of this House will neither have the time nor the patience to meticulously analyse the materials against me

See what reflection is made on the Members of parliament. He says that the Committee did not really apply its mind and came to all sorts of findings because they knew who will bother amongst the Members of Parliament who will have the time and inclination to meticulously analyses the materials against me. Therefore, Members of Parliament can be easily misled. And they will accept without question the report of the Committee. Therefore the Committee may do whatever it likes. That is precisely according to the Judge. This Committee of Judges has given an irresponsible finding because all of us here are dumb specters, mute specters we do not apply our mind

We have no mind of our own we have no understanding of our own, we do not bother to read papers and we do not try to discharge our functions with any sense of responsibility and therefore, we will be taken for a ride by the Committee and that is why, the Committee chose to give any sort of report that they liked to. Sir, I resent these insinuations and innuendoes made against the Members of Parliament. And I believe that it was not worthy of a judge of the Supreme Court to make such observations about the Members of Parliament

In one of his main points he says that the Chief Justice of a High Court is entitled to furniture, etc upto a limit of Rs 38, 500/- He should not have more than that. What is the response of the Judge? He says, "No, no, it does not relate to purchase. The rule only says that it

[Sh Somanath Chatterjee]

should not be used. There is no prescription of any law inhibiting the Chief Justice to purchase it relates only to their use. You can purchase without using. That restriction is only for use. You can go on purchasing. Therefore there is no bar in law from purchasing. This looks like that logic in *Alice in the Wonderland* I am reading from page 15.

The rule does not relate to the purchase of items but relates to their use. The Committee says that the purchases made by me beyond the limit of Rs 38,500/- are an infraction of the rule. I say Sir that the purchases are not controlled by the rule.

This is his observation. This is not may saying. I am only quoting. There is another observation.

There is no prescription by any law inhibiting the Chief Justice to purchase rufinither and furnishings. The rule relates only to their use.

If this is the law, the Prime Minister may kindly apply his mind and come to a decision. Today if this Motion fails through then every Chief Justice can go on purchasing. They may go to Cottage Industries Emporium or I don't know where!

Sir I do not wish to take the item eighth House. I cannot act the way the Judge has done. He feels that the hon. Members my hon. colleagues have not read anything and that they will not be able to understand even if they have read. I only say that these matters are there for anyone to read. The full report has been given. The reasons have been given. The documents have been mentioned. Entries have been given. Figures have been given. In the absence of any evidence of deliberate mala fide attitude there is no question of their report being biased and erroneous.

see another example. Two cars had gone from Chandigarh to Madras. Somebody takes them and comes back by air! These things or there! I do not know that so much public money is available the Judiciary and to the Chief Justices!

Then there is the question of purchase of maces. 25 paces were purchased. The report has been given. The reasons have been given. These purchases were found to be not proper.

Then Sir take the learned Judge's observation that the Judiciary is going through a difficult time. If that is so I believe the Parliament has role to play in this regard. When these observations come from the highest judiciary of this country and when one of the judges of the Apex court of this country says that we are going through difficult times and that there is societal pressure, cultural pressure, political pressure and so and so forth on the judiciary a lot of soul searching is necessary. He has mentioned all these things. The confidence of the people has diminished. He says

with the fall in judicial standards, social institutions, individual and political pressures, burden and to some extent jeopardise the independent functioning of courts.

If this is his experience of the Courts the sooner he dissociates himself from the Court the better it is for the country.

Sir with a very heavy heart as I said in the beginning with deep anguish I have moved this motion. We sincerely feel that after the findings that have been given by very eminent judges nineteen Members of the Committee there is only one response to that which is possible. Judiciary will remain polluted and denigrated if Justice Ramaswamy still continues to occupy his seat on the Bench. Today if he has to say that he has been found guilty by his peers he has been given a opportunity. Because of the geographical areas from which he comes or because of

politece today if he is exonerated then I can one shoddier to thing of the future of the judiciary in this country. This will give the worst possible message. When the judge himself says that there are too many pressures on the judges then he must have felt that pressures. And he says that because of the pressure the standard has fallen he as that because of the pressures the depended of the judiciary is no longer the same as before. It has also been compromised. What is to be done in these circumstances?

I submit with all sincerity at my command with all humility that the trial is also of the Parliament today. What are the standards that we shall apply? Shall we ignore the report of a Committee of eminent people just because we do not like their names or like their facades? Shall we do that because the person charged against do not like them for reasons which nobody can accept? I will be probably taxing too much the patience of hon. Members. I could have shown you have behaved he did not even answer on the nearest of the purchase and I get bold to say that. Therefore to the fellow Members here I appeal do not treat it on any said as a political issue or as an issue of a particular individual person. It is the question of judiciary of this country. It is a question whether we want a pure judiciary we want a judiciary which will be independent and we want a judiciary in which people have faith and we want that nobody occupying such a high position will be subjected to any pressure or any inducement or any laxity of exacting standards which are required. As the Supreme Court judges have said what would have been maybe excusable in the case of an ordinary individual is not excusable when it is done by a persons of that eminence by a persons occupying such an ambient position.

Therefore Sir this is a clear case where the requirement of Article 124 (4) of the Constitution of India is fulfilled. It is case of provided disbehaviour. And the Supreme Court has said once the affirmative misbehavior. And the Supreme Court has said once the affirmative virtue is given by the House to the misbehavior which

has been found by the Committee of judges it will provide approved misbehaviour. I submit that it is the clearest case of misbehaviour of a nature which is unpardonable. Therefore I appeal to all the Members here please eschew politics eschew chauvinism eschew parochial considerations and please do not bring to your consideration who appointed whom or during which period he was appointed because it does not matter. Once he is appointed he becomes a Judge of India. He becomes as much of my judge as he becomes nobody also a judge. If I feel that I shall have to go to a person who is capable of indulging in such activities of which he has been found to be guilty but because of the game of mummies in the Lok Sabha and Rajya Sabha if he gets Scot free I think it will be a very very sad day for this country.

Therefore Sir with all humility I request the hon. Members to see that this Motion is carried. Already more than three years have elapsed since the disclosure was made. First disclosure was in April May 1990. A Committee was formed in 1991. Today we are in 1993. Three years have elapsed. He has been sitting on the Bench although he has been forced to take leave because even the Members of the Bar don't appear before him always. If that situation should not be allowed to continue the Supreme Court should not be allowed to function under a stigma under a cloud under some doubt and so on.

I appeal Sir that would be a very sad day of India. On the bastions of our democracy will be the Supreme Court and judiciary. Please don't tinker with that. Please do not allow it to be polluted. Enough is enough. Let him go. I still appeal to him let him resign. We shall all appreciate his gracious gesture.

✓ MR SPEAKER Motions moved

(i) 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 tenures as Chief Justice Punjab and Haryana between November 1987 and October 1989 Justice V Ramaswami personally got purchased carpets and purchased carpets and furniture for this 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 hand-picked 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 is the poaches he wilfully evaded several rules and sanctioned money for such purchases 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 hometown 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 a 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 22 1/2 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 telephone 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, Mussoorie, 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 "

(ii) "This House do consider the Report of the Inquiry Committee in regard to investigation and proof of the misbehaviour alleged against Shri V. Ramaswami, Judge, Supreme Court of India, which was laid on the Table of the House on 17 December, 1992."

Shri Kapil Sibal, The Lawyer for the Judge may please make a submissions on behalf of the Judge

SHRI KAPIL SIBAL Mr Speaker, Sir let me at the outset, on behalf of hon Mr Justice V Ramaswami, myself and my colleagues convey my deep appreciation for affording us the opportunity for being before you and address you on the various complex issues that arise for your consideration. This is in consonance with the heights traditions of Parliamentary democracy I was indeed deeply gratified at the manner in which my brother at the bar indicted to you that this is not a partisan issue. We are sitting here as Members of a Judicial Tribunal and we are today going to assess whether Justice Ramaswami and I make it clear whether Justice Ramaswami is a corrupt Judge or not. If he is, it is your Constitutional obligation to vote for the Motion, if he is not, it is your Constitutional obligation to defeat him. I will not, in the cases of this Address make any mention of any sitting Judge of the Judiciary and I will not wash dirty linen in public

I will confine myself to the findings of the Committee and I will demonstrate to you Sir, point-by-point, fact-by-fact, how wrong they are. Sir you might remember, my learned friend said that 108 Members of the 9th Lok Sabha singed a notice of Motion. I trust and I believe that they singed it with a solemn belief that the judge *prima facie* committed a wrong and if he did, he must be investigated and indeed he was. I will read the Notice of Motion, Sir, to you and indicate to you how unfortunate these allegations are especially, in the light of the facts found against him even by the Committee. I invite the attention of hon Members of this House to Volume I of what has been distributed to you. "This was done without inviting, public tenders and by privately

obtaining a few quotations, most of which were forged or begus."

That is neither a charges nor is it proved. If further reads as follows

"(2) That he also got payments made to hand-picked dealers for furniture and carpets ostensibly purchased for his residence which were never delivered."

There is no charge not is it proved even today. No that the are on these points. I want to point out two facts to your Lordship. These allegations talk of hand-picked dealers. Why does it talk of hand-picked dealers? I think the hon Members of this House must be informed of this

During the tenure of Chief Justice Ramaswami, as Chief Justice of the Punjab and Haryana Court, while his residence was being renovated two dealers were supplying furniture and furnishings to him. I name them M/s Krishna Carpet and M/s Slawan Furniture. When the allegations were made, it was assumed that these two dealers are hand-picked by Justice V Ramaswami and that no other dealers, no tender was invited, no other dealers are granted any order. Justice V Ramaswami when charge was framed, wrote on January 21 to hon Members of the Committee and said - I will come to it later but I will tell you the substance of what he said - please find out that since the inception of the high Court whether any other dealers had supplied furniture to the High Court - any other dealer

Now the fact is that the documents have proved and there is statement of the High Court that since the inception of the High Court nobody has ever supplied furniture and furnishings to the High Court - no other dealer and I have shown the documents.

If you look at the quotation of the High Court in 1984- M/s Slawan Furniture - if you look at the quotation given by these dealers in 1986- M/s Krishna Carpet and even today the High court continues to buy furniture and furnishings only

[Sh. Kapil Sibal]

from those dealers. Now I ask myself this question. When this charge was framed against Justice V Ramaswami and for the last three years, we have been talking about it, did my Member of the Committee or did the hon. Members who moved the Motion find out from themselves whether there was any element of truth in this? Because the High Court has always bought furniture from these two dealers. When does Justice Ramaswami alleviated to the Chief Justice of Punjab and Haryana High court? On November 12, 1987. And when was he alleviated to the Supreme court? October 6, 1989. He knew nobody in Punjab. He was picked from Madras, he had never been to Punjab before. What would he know about the dealers in Chandigarh? He had no associations in Punjab and Haryana. He went to go there. He took the bold step of going there when Punjab was a disturbed area and discharged his functions honorably. Throughout his tenure nobody made any allegation.

I will tell you the reasons, why the allegations were made. I will come to that later but the point I am making is, how could 108 Members of Parliament make an allegation of this nature, without ascertaining for themselves the quantum involved; Rs. 50 lakhs, had picked dealers, inflated prices, no quotations: Facts which I will demonstrate have been proved to be wrong. I come to point 3.

"That he misappropriated some of the furniture.."

No proof till date that a single item of furniture was ever taken by the Chief Justice Ramaswami. But that was a charge.

"That he misappropriated some of the furniture, carpets and other items from Court funds for his official residence.."

Sir, I will give you the reasons for this charge.

I am sure the hon. Members of this House have been circulated this little map. It represents the residence of the Chief Justice and its ground floor plan of his house. I am trying to explain to you the reasons for the allegation 'that he misappropriated some of the furniture, carports and other items purchased'

If you notice from this floor plan the blue line is a large curved room, which we may refer to as a Drawing and Dinning Room. There is no well in between, it is a large room.

As you know when a carpet manufacturer manufactures carpets, he does it only in a square formation. Nobody manufactures it in a curricular formation. When the orders were placed for this area with Krishna Carpets, what was ultimately installed was less because when you manufacture a carpet in a square shape and you try to install it in circular shape, you have to cut-off the sides.

What is installed is less than what is ordered for. And the argument is Justice Ramaswami misappropriated and substituted items of carpet. We were making allegations against a Chief Justice. My learned friend is right. These were hon. Members of the House. Therefore, I am sure these allegations were made and I assume that with some element of circumspection. What do we find? That this is one of the charges which is not proved.

Now come to point 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 this official residence from public funds, by old and inferior quality items, with the object of deriving undue benefit for himself.."

-Not proved. Even on the findings of the Committee, I beseech the Members of this House, I say, if there is any moral turpitude involved in the findings of the Committee, please

remove him.

16.00hrs.

No judge, who has a sign attached to his character, no judge who has vacillated the law, no judge who has committed a criminal misdemeanor deserves to be a member of the judiciary. But if he has not, then please, undo the harm that you have done to this Judge.

My learned friend rightly said, just a little while ago, that you have other time and the inclination of going into the details of this matter and I will, therefore, request you to please bear with me, because I will take you through the details.

My learned friend says that I have not replied on merits. I will show you, line after line, fact after fact, instance after instance, when everything on merits has been stated. This only shows that my learned friend probably did not have time to read it, Point N. (5). "that he purchased from public funds more than Rs. 13 lakhs worth of furniture and other associated items for this official residence at Chandigarh even though he was entitled to furniture worth Rs. 38,500/- only. That in the process, he wilfully evaded several rules, and sanctioned money for such purchases by splitting up bills."

This charge stands partly proved and I will tell you how. The finding of the Committee today, is that as we look at his residence, he has purchased items of furniture to the extent of Rs. 6 lakh, not Rs. 13 lakh, that is the charge. I am not telling you now what the proof is. Rs. 6 lakhs is the figure. The limit was Rs. 38,500/- He purchased items with Rs. 6 lakhs. This is misbehaviour.

I will first say because I want to satisfy the conscience of the Members of this House - I am not going into technicalities and my learned friend may rest as murder that I will not make a single technical arguments. Unless I can evoke from you and form your hearts empathy for the

Judge who has been treated wrongly, I cannot succeed before you.

I will go into the facts, so, please remember that this is not the proof against the Judge. The limit was Rs. 38,500 and what was found was Rs. 6 lakhs, I will tell you later how it is wrong and how even this conclusion is incorrect. I will come to that later. First I want to go through these allegations.

Point No. (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 all the highly inflated prices without inviting competitive quotations."

I will pause here. The allegation is, firstly that he bought them from his home town in Madras; secondly that these maces were purchased at highly inflated prices that mesa he made some money out of it - and thirdly that this was done without inviting competitive quotations, thereby implying that he benefited materially.

Now, what is the fact? The fact is that there is only one company in India, called 'P.R. and Sons' which is located in Madras which manufactures maces. There is no other company in India. This is the finding of the Committee. I am not saying anything out of my own mind. This is the finding of the Committee.

Silver maces, when you go to a court, if you go to the Presidency Court either at Madras or Clautta or Bombay, the learned Judge came from a Presidency Court from Madras it is found that when a Judge walks there is a person walking behind him holding a silver mace. What does this symbolise? The dignity of the office, nothing more than that. The Judge was not buying for his personal benefit, he was not taking the silver out of them and selling it. He bought them in consonance with traditions in which he had been bred. There is nothing wrong in with

531 Motion for Presenting
Address to President under Article 124

[Sh Kapil Sibal]

that.

The point I am making is P R and Sons is the only company The maces for Lahore High Court are supplied by this particular company

Sir the Committee went into the matter and found no inflated produces found no other dealers So what did the Committee do? prices found no other dealer So what did the Committee do? The Committee still held him guilty Why? It says "you should have bought wooden maces "This is serious matter Now kindly see the mind of the Committee I am not going to make any allegation against anybody That is not the purpose of this exercise But I have to go into facts Three Committee finds "Why did you not buy wooden maces or why did you not buy silver plated maces and why silver maces " I asked Justice Ramaswami that question He said "We bought silver plated maces from Madras But unfortunately we have to send them back every 4 months for polishing I could not have done that from Punjab and Haryana So I opted for the silver maces "That was his sense of judgment no corrupt noted behind it

I am told in this august body I have the highest esteem for it and especially for learned friend "why would he have done any of these things? He was the Chief Justice He should live like an ordinary mortal "Of course he is an ordinary mortal The Chief Justices of all over the High Courts have bought silver maces Nothing wrong with that Punjab itself had six silver maces and every judge used them when they were bought

Now let us come to the next charge Charge (7) says that he misused public funds to the extent of Rs 9 10 lakhs by making the court pay this is important for non-official calls charge not provide made on his residential telephones at Chandigarh during his 22 1/2 months in office is Chief Justice of Punjab and Haryana High Court This charge has not been proved But the

MAY 10 1983 & Motion for Considering the 532

Report of IC Investigating the ground for removal of V Ramaswami Judge SC of India

allegation was made Why? Allegation was made because 108 Members of Parliament thought "Well, we look into this it does not matter who makes the allegation " Can a member of the judiciary be treated like this? I join my learned friend in the request that we must uphold the traditions of this great institution and not make wild allegations against Judges

Charge (8) says 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 Sir I want to give you a background on this I will respect it a little later There are documents and records But I will mention it orally first Every IAS officer transferred from out of the State to a disturbed area which was Punjab is entitled to a resident telephone facility from the place from which he comes not only he is entitled to telephone facility but also even the residence So if a man comes from Assam he comes to Punjab as Mr K P S Gill has done he was entitled to his residence in Assam as well as the telephone facility there As I told you the judge came to Punjab and Haryana High Court in November 1987 The audit for the year was conducted and ended in August 1988 And in that audit nobody took any project this The Audit Department never took any objection on the telephone expenses of Justice Ramaswami from Madras So when nobody took the objection he continued to take those expenses for the following year by which time many other things had happened and ultimately an audit objection was taken and ultimately he has given Rs 76 000 He has paid this amount subject of course to his right But the Committee holds "No this is misbehaviour because he paid late This is misbehaviour under the Constitution "This is the triviality with which you deal with the judge of the superior judiciary Now Sir let me tell you another thing The personae Chief Justice of the Jammu and Kashmir High Court has a residence in Chandigarh and he enjoys the telephone facility there There is no audit objection against him as there should not be But why against Justice Ramaswami? Now it is not as if justice

Ramaswami ran away with Rs 76 000/- 'No' He wrote to the Government saying that there is a circular which applies to transferred offices and if that circular applies to transferred IAS offices why should it not apply to the Chief Justice of the Punjab and Haryana High Court. Nothing wrong with that and the matter till date is not finalised But the Committee says that this is misbehaviour I do not want to go into the motives because I am not occurred with it I wil go into facts

Now I come to point number 9 That he misused this staff cars provided to him by proved taking them from Chandigarh to hill stations for vactions not proved - an spent more than Rs one lakhs of public money for paying for the petrol of these staff cars for his own car not proved The Committee says you too two cars One you were entitled to take the other you could not have taken He has paid for it He has paid all the bill for it But the Committee says you paid late This is misappropriation This is misdemeanour This is misbehaviour I can say that a Lower Division Clerk is treated better than a superior judge of the court

Now I come to point number 10 That he sanctioned as official the pleasure trips made for his own personal work by his subordinate staff to places like Madras Mussourie Manali etc Mussone and Manali not proved Madras proved for the purposes of leaving the car Now what he did? He took the car Now he could not have sent the car along with the driver because of he had sent it with the driver and the driver has pushed off some where he would have been responsible for it So what did he do He sent a responsible officer alongwith the driver and he told him you go with the car the day you land there you come back So the officer went He day he landed that very evening he came back He did not stay there even for two hours and the Committee said No the officer should not have gone He want for his personal work The man never said back and that is the finding

Now I come to point number 11 and that is the conclusion That he gave four unjustified

534 promotions each within 18 months to several members of he subordinate staff of the High Court whom he missed for adding and abetting his above acts done for his personal gain Not proved Promotions were found justified

Now Sir kindly look at Section 3 of the Judges I equity Act I am giving you just a background so that you have a feel of the man so that the three years of pruejce medhow I am tempting got try and defective from your mind if your tell a lie and that is what trebles did and if your keeo on doing it become the truth as is evident Hindustan Times three days ago said Rs 50 lakhs Kindly look at Section 3 of the If Your Honor has page 7 of volume -1 I may read I am giving these expaknt in for the first item that a hide cannot go to the press is not our Constitutional Scheme A hdgesm if an allegation is made cannot sit up cotct a newspapers man and start taking to him because then there wil never be an end This institution wil them finish And what did the judge do? He followed the path of silence which was the only Constitutional path and he is sepaiking today through me I wish and I hope and I party that the members of the Press who have been carrying on a compaign of calumy against the man remis and do something about it after what I have revealed today

Now Sir sanction 3 years

If notice is given of a motion for presenting an address to the President praying for the removal of a Judge singed in the case of he Lok Sabha by not less than 100 Members and in the case of the Council of Ministers by not less than 50 Members then the Speaker or as the cases may be the chanman may after consulting such persons if any as he thinks fit and after considering such materials if any as may be available to him either admit the motion or refuse to admit the same

This is very important This means the goon Speaker must apply his mind to the fact because he has the right either to admit it or to reject it How does he do that? He must consoled

{Sh Kapil Sibal}

somebody He must consult a legal luminary He must speak and informal response of a judge And that is what the Judge said in his reapply so that this motion does not get admitted by the court so that the good name of the judiciary is not tarnished for nothing That is the exercise that the Speaker has to make I am stating this as a matter of law with the greatest respect I mean no disrespect to anybody I am stating it as a matter is that no such exercise was conducted with the documents that are in our possession The result was these allegations were demand to be admitted which I have already read to you which were substantially false So the point that the Judge makes is that look when you are admitting a motion the Speaker per force must apply his mind to the facts and he must gather the facts from somewhere either from the Judge or from somewhere else and after applying his mind and giving some kind of an informal opportunity to the Judge if he finds prime facie that there is material against him he must admit the motion Now there could not have been any material against him on the unaware that I have already given to you on the notice of motion because of he asked the Judge Look where did you got these maces from? People say that these are highly inflated prices You could have invited tenders then he would have said that there is only one company which manufactures maces Then this charge would never have been framed Therefore not meaning any disrespect to anybody the judge says that the hon Speaker ought to have applied his mind And what did the hon Speaker do? That is a matter of law We are not on any malafide of anybody The hon Speaker verified the names and found the motion in order That is all The result was the injustice to the Judge He has been crying harses for three years that somebody please make a amend somebody please do something to my good name and nobody listens to him Everybody says the Committee has found so there must be an element of truth in it and why should we go into neither thing The Judge therefore requested the parliament and he has

requested this House to please take time It does not mean that you are not going to apply your mind That was not the spirit in which that was within My learned friend is of course one of the most permanent lawyers in the country and he has the felicity of language the persuasive quality to be able to you know what I mean Now the fact is that nobody applied his mind to this notice of motion And I will read there admission of the notice of the motion to you It starts on page 53 of volume I kindly he a look at it is the order of the hon Speaker of Ninth Lok Sabha dated 12th March 1991 admitting the notice of motion and foreign and Inquiry Committee It repeats the allegations already made which I have already read to you so I will not read it to you again And then at page 32 it says

Having found the motion in order I have admitted the same

What was in order Sir? I remember the newspaper reports the members went into the well of the House on that day Incidentally I do not know the judge from adam The first time I met him was in the Supreme Court when this case was frost on him I do not him at all since he never came to Chandigarh or this side of the country and I never went to Madras by that time I never met him

Now the fact is having found the motion in order I have admitted the same meas what? It only means that there was no preliminary enquiry or investigation conducted which ought to be done Why? Because you are admitting a motion which has such give consequences on the further of the Judiciary in this country because you immediately tell the public at large

Here is a man who *prima facie* has committed this criminal misdemeanour Can you do that without applying your mind? And if you have done it should you not make a amend? Should you not stand up and say I have committed a mistake? Judges do that everybody They say My previous Judgement was an error Therefore I review it I had not noticed this I should have done this I have not done it I am sorry Now

that we know the faces, let us drop this. Let us blur the dark spot on the name of the judiciary and not our country of this tremendous datable that has taken place for nothing. What is this debate for the judge who has spent Rs 6 lakhs instead of Rs 38 5000 which have not been proved as facts? He has not taken anything from anywhere. You go to his house. He lives much simpler than any of us. (Interruptions)

Now let us say that "All right, the motion stands admitted" My learned friend says and rightly. Look, if the motion stands admitted you must prove an offence. I agree I am going to prove it

Once the motion stood admitted then what is the procedure that is to be followed? Let us try and understand that in law. What is the Speaker to do? Let us look at it

Section 3 on page 8 of the same volume provides an answer. On page 8 section 3 sub-section 2 states the following

If the motion referred to in sub-section 1 is admitted

And now we know how it was admitted. I continue to quote

The Speaker or as the case may be the Chairman shall keep the motion pending and —

Now the next word is important. I quote

And constitute as soon as may be for the purpose of making an investigation into the grounds on which the removal of the judge is prayed for a Committee consisting of three Members of whom

I will not go into that because you know who they are. The words constitute this committee? How does the Speaker do it? I am making an argument of law not on facts. I assume that he takes the House into confidence. And he said

these

"Loom, here are serious charges, I have gone through the exercise under Sub-section (1) of Section (3)"

I find there is a *prima facie* case against the Judge. Now let us all get together the leaders of various political parties of this House and then constitute a Committee. 'No, this was not done. A telephone call to the Judge saying, 'I want to appoint that is admitted Sir. That is not the way to appoint a Committee. What confidence will it give to the Judge who is being proceeded against? And why should the House not be taken into confidence? What is so surreptitious about this? It is some matter which affects the dignity of the House. It is a matter which ultimately affects the dignity of Parliament. Anyway let us now assume that exercise was also done. The House was not consulted. The Speaker did it on his own. I am told Sir when I regard the rules relating to the procedure of Parliament—and I have had occasion to go through them on several occasions—that whenever a Committee is constituted some consultation takes place. Otherwise it is not done unless all the Members leaders of the parties go to the Speaker and say we give you the authority to appoint whosoever you like. Anyway Sir let us go beyond that stage that the Committee stands appointed and the Committee is to investigate into the matter. How Sir a very important question arises. How does that Committee go about that charge? Here comes Article 124 (5) of the Constitution which says and I will read and this is also in Vol I page 2

Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the misbehavior or incapacity of a Judge

It is very important Sir. What has Parliament to do? It may by law regulate the procedure for the presentation of an address. Presentation of an address Sir relates to the procedure that will follow. In the event you vote for the motion

[Sh. Kapil Sibal]

and holds the Judge guilty and the matter goes to the Rajya Sabha. So, the law must (i) deal with that procedure of presentation of an address and (ii) it does with what? With 'investigation and proof of misbehavior'. No such law was framed and such a law is that Judges Inquiry Act, 1968. The fact is that the article under the Constitution says, 'Parliament may frame it, such a law, you may not, if you have framed it, you may scrap it'. And even if the law is there, you may have another Committee because you are supreme, you are too generous, you are all powerful, you represent the will of the nation, the conscience of the nation, you will do what ultimately you think should be done in the face of facts notwithstanding a Committee, and I am going to appeal to you Sir when I finished with this. You please form a Committee of the House, you please examine this with a meticulous (*Interruptions*). That of course is a later issue. But anyway, Sir, this law was formulated, and under this law the Committee was constituted. Now, Sir, this Committee started proceedings. If I am not wrong, on 14th of January 1992 it issued some charges against the Judge.

Now, Sir, without wasting any more time of this House, I will straightway go to the charge framed by the Committee, and I will tell you what the finding is, and I will tell you the evidence on it.

Now, Sir, I may preface that by saying what you as a judicial tribunal you think as members of the House, must look at the findings of the Committee and for that, I want the indulgence of the House to allow me to read certain sections of a judgment of the Supreme Court rendered in the case of Sarojini Ramaswami, and it is reported in 1992, Volume IV of "Supreme Court Cases", page 506.

With your indulgence, I wish to read straight-way page 548.

"These express provisions in the law en-

acted under article 124 (4) leave no doubt that a full consideration on merits including correctness of the findings of "guilty" made by the Inquiry Committee on the basis of materials placed before the parliamentary part of process of removal of the Judge. Notwithstanding the findings of "guilty" made by the Inquiry Committee in its report, Parliament may on a full consideration of the matter on the materials before it, choose not to adopt the motion for removal of the judge which would terminate the process of removal."

You are not bound by any finding of any Committee that is the law. We must respect whatever the Committee has held. We must give greatest respect. Why? It is because it comes from an authority conferred by a statute. It consists of high functionaries. We will not say Please discard the findings of the Committee. No Give them weight but you are not bound by them.

I read to you at page 557 para 62 what is the nature of the finding.

"In this context, it would be relevant to recall the scheme indicated earlier. The determination by the Committee that the Judge is "not guilty" of misbehavior is alone final as it terminates the proceedings. However, in that there is no scope for judicial review of the findings "not guilty" made by the Committee as already indicated."

This aspect negates the character of tribunal for this reason alone. In the other reason—that is the situation which applies to us—when the Committee's determination is that the Judge is "guilty" of misbehavior, that finding is inchoate—it is not complete which may or may not be acted upon by the Parliament."

You need not act upon it. Thus the finding of the "guilty" made by the Committee is in the

nature of recommendation of Parliament, to commerce its process and by itself is not self—effectuating. It is the findings recorded by the Committee where it finds the judge guilty of any misbehavior being subject to acceptance by 'Parliament' is not final and is therefore, not conclusive. It is your findings which will be conclusive. It is the will of the House given effect to by a vote in this House which will be conclusive. You do not have to give reasons for it. But it is your will which must prevail not the will of the three members of the Committee who may have one wrong, or who may be right also.

What is important here is, you will ask me why was this Petition filed in the Supreme Court. The reason was simple. Before the Committee report is placed in Parliament, is placed before you, the process is outside Parliament as the Supreme Court has held. So, it is amenable to the jurisdiction of the Court. Once the Committee report is placed on the Table of the House, the Parliamentary process starts. Now when the parliamentary process starts, both cannot inhibit that process. The Judge cannot go to the Court on that. But before it starts, the Judge can go to the Court. So, the Judge said, "want to save Parliament, this agony. Please give me the report, I will challenge it in a court of law". If the report has been challenged in a court of law and the judgment has been given against him, he would have been bound by it. So, he was not shying away, he was not running away, he was not delaying. He never got a stay order from any court. He never went to the court personally. When the Committee's proceedings were going on, he never asked for stay. My learned friend said He delayed it. No. He wanted the report of the Committee so that you could be saved this agony.

I, He would have been bound by the judgment of the Supreme court. But the Supreme Court said 'No'. We would not give you that report. Because the report is ready, you go to Parliament." Then the Judge said "If I go to Parliament, the Committee's finding is in Parliament and the Parliament votes on it and supposing

Parliament votes in favour of the report, what happens to me?" The Court said "You will be heard." That is how I am here before you. I am here before you to be heard and that is all that I want from you. I want to be heard. This Judge has not been heard for three years.

The Press wrote whatever it wanted against the Judge.

This then is the task that is before you. In other words, the Committee's findings or recommendation are inchoate. It is incomplete. It is tentative. You must go into the matter. Now let us go into the matter.

Charge 1 Volume 2 Part 2

I must admit it is very difficult here because in a court of law we get some respite when others ask questions.

MR SPEAKER Do not invite them here!

SHRI KAPIL SIBAL But I am afraid I have no respite here. I must go on.

MR SPEAKER Well I can understand that!

SHRI KAPIL SIBAL Let us read the charge if you will permit me. This is at page 1 Volume 2 Part 2. I will read it slowly. It is after 135 pages because this volume itself is divided into several parts. Part 2 p. 1 after 132 pages.

"It is alleged that in willful abuse of your powers and authority as Chief Justice of the High Court of Punjab and Haryana you Justice B Ramaswami yourself unauthorisedly

Important

"got purchased far in excess of and wholly disproportionate to the requirements of the official residence and the office wing thereof and beyond the limits prescribed by the

[Sh Kapil Sibal]

relevant rules for the residential portion of the official residence the items of furniture furnishings and other articles, set out in Annexure A annexed here to The value of the furniture the furnishing and the articles so unauthorisedly purchased exceeded Rs 13 lakhs

That was you remember Charge 5 of the allegation Rs 13 lakhs This now has proved Rs 6 lakhs

These purchases were in addition to furniture furnishings and articles which were already available at the official residence These purchases were unauthorisedly made from out of the contingent grant at the disposal of the High court In most of the cases the sanctions issued indicated that the purchases were made for the office use in the High Court whereas articles were got purchased by you and delivered to and used at your official residence The modus operandi of the purchases was in cases where quotations were obtained

Now this is important This is very serious because if the Judge is guilty of this he must go

The modus operandi of the purchases was in cases where quotation were obtained to get quotations from three dealers in furniture carpets on the same day and to purchase the said item from the favoured dealers the same favoured dealers in furniture experts from amongst them Some of the quotations were bogus "

If quotations are bogus, he must go If he has bought from favoured dealers and made money out of it he must go

Now let us first understand what the chart is I will request the Members of this House to remember four dates which are very important date number one November 12 1987 Justice

V> Ramaswami becomes the Chief Justice of, Punjab and Haryana High Court, two, October 6, 1989—he is elevated as a judge of the supreme Court, three, March 1989—the date in-between, a new wing which is called the office wing in the residential portion of his premises is constructed⁴ So, between March 1989 and October 1989, when he gets elevated to the Supreme Court, he has the use of that office wing I may straightway tell you that in summer vacations, he used to go to Madras For two months, he used to go there Then in October he is elevated to the Supreme Court So he hardly used that new office wing for three—four months Is it all right Sir? That is the third date And the fourth date is 17th February 1990 He was elevated to the Supreme Court as a Judge on October 6 1989 But on 17th February 1990 while he was here, he was asked to handover charge So he went to Chandigarh and handed over charge on February 17 1990 These are the four dates which I would like you to remember in the context of this charge because this is the most substantive charge against the Judge

Now kindly come back to the chart the plan that I have handed over When Justice Ramaswami was going to furnish his accommodation in the new office, he set up a Committee He did not do it himself He was not going there to buy things He set up a committee consisting of the Registrar of the High Court, the Chief Architect of Chandigarh Administration—who is not his personal friends and the Chief Engineer So a Committee of three was set up to find out the requirements of the official residence It is at the instance of this Committee that the purchases were made and not by Justice Ramaswami

What happened? If you look at the red portion of this plan, a new wing was constructed That is very important This was constructed, therefore in March 1989 He was elevated in October 1989 So, before March 1989, the red portion was not there The red portion has what? It has a Conference Hall which you have noted That Conference Hall has got about 28 chairs

There were 28 Judges of Punjab and Haryana High Court then. If the Judges wanted to have a Conference, they had to come to this Hall. Then, on the left side there is the office, that is the office of the judge. Then, there is a PA's room which is next to it and then a toilet. When this new office wing was not there, what did he do? He was entertaining—for his official purposes—persons and holding meetings of Judges and for other official purposes the drawing and dining room were used which is the blue portion. This is one large hall in the semi-circular shape. There were four air-conditioners already installed there when Chief Justice Ramaswami came to Chandigarh. So, what does the Committee say? That is very important because it has established a charge worth Rs. six lakhs against the Judge. The Committee said In March 1989, you got new office wing. So, the office room and the dining room which was originally the office is used as your residence. All the valuable items in that areas are for your personal use. Therefore, you have misappropriated it. It is beyond Rs. 38,500/- limit. If may say it again, this drawing room and the dining room will always be used for official purposes because the new wing was not constructed, namely, from November 1987 to March 1989. There were carpets fixed there, there were curtains there, there were sofas there, and all kinds of furniture was there.

Now the expense of that could not be debited to his personal account because it is not his residence, it is for official use. So the Committee says, 'maybe before March 1989 it may be for official use. But after March 1989 this is a residential one.' So several lakhs of this Rs. 6 lakhs are comprised of it. Are we to deal with our judges in this fashion, Sir? I appeal to your conscience, is this how we are going to arraign at a judge of a superior court? What did the judge do? I will tell you. He wrote a letter in January and told the Committee, "I make a request to you, I beseech you to get the facts and figures from various chief justices of all the High Courts in India in respect of the value of furnishings provided for them all over India. And if I have exceeded the norm, please ask me. " The Com-

mittee said, "no, no we are not interested in that. We want you here. You first come here then we will deal with you." So the judge said, "why should I trust the Parliament? I have confidence in you." He was right. And the first letter he wrote in that regard—charges were framed on the 14th January—was on 17th January. I will read that letter to you because it explains why he did not appear. Kindly look at page 45, volume-III. My learned friend will give it to me. I will read from page 45, in the meantime. He asked the following questions to the Committee on January 24. On January 14, charges were framed. He said,

Please indicate the applicable rules under which the Chief Justice of High Courts including the Chief Justice of Punjab and Haryana High Court was entitled to purchase items of furniture and furnishing for use in the residential and official portions of residence of the hon. Chief Justice. If there are any rules in that regard and if it is a specific rule which relates to a ceiling on such fund.

(2) Have the committee compared the entitlement of Chief Justices of various High Courts in respect of the maximum allowable expenditure in regard to purchase of items of furniture and furnishing in respect of each High Court.

(3) On a cooperative assessment had it been found *prima facie* whether the expenditure allegedly incurred in this regard by me was in excess of and disproportionate to the requirements of official residence and office wing of the official residence occupied by me as the Chief Justice of the Punjab and Haryana High Court.

(4) Did the Committee apply its mind to the requirement of the Chief Justice and what data was collected by it to ascertain this requirement? Non. No data was over collected by the Committee with respect to any other Chief Justice of the High Court.

(5) In collecting the above data, if it was done, was the statement of witness recorded or enquiries made in respect of requirements of

[Sh Kapil Sibal]

similarly placed Chief Justices of various High Courts in India? Was the Judge doing anything wrong?

Was the judge being tricky or was the judge trying to stall the enquiry? The Judge was saying

Please get the data and give it to me so that I can respond to you. The committee does not reply to that letter. It says, 'you appear before us and then taken whatever objections you want to take. We do not want to go into this.

Ultimately he did not, because the committee has not compared any comparative data. It has no comparative data. I give you small example. There is nothing in it. I have no quarrel with him. But the Chief Justice Ramaswami had four air-conditioners in this blue portion—drawing and dining rooms — here he had officers visiting and judges visiting him and the Committee says these four air-conditioners are worth Rs 1.22 lakh which is far in excess of Rs 38,500. So, it is misbehaving.

I do not know, what are we coming to? This is the solemnity of the occasion that we are talking about. Are we solemnly trying to damn a judge on this? And the judge says in his reply on merit — this is all on merit which has been replied by the judge — that "Look as far as I remember when I came to this High Court, these four air-conditioners are already installed (in this area — four in upstairs and four here were installed). But the Committee says "No, you cannot use them"."

Sir, it is in this context that I am beseeching you to consider the material

MR SPEAKER I will look into the records and what cannot go on record, will not go on record.

SHRI KAPIL SIBAL I am sorry Sir

MR SPEAKER Let us not make any reference to the judge as such in any other High Court

SHRI KAPIL SIBAL I do not mean that. It is only for the purpose

MR SPEAKER It is O.K.

SHRI KAPIL SIBAL This is not the intention. Thank you

The reason why we have had to say this^[124] because the value of these air-conditioners is taken to be Rs 1.22 lakh which is therefore part of that Rs. 6 lakh that I was talking about which has been found against the judge

I will tell you an extremely shocking thing which is part of the record

In 1992 when the enquiry was proceeding against the judge there was another Chief Justice in Punjab and Haryana High Court then—I will not name any body—but that Chief Justice was using the same accommodation the same air-conditioners and he has said that even after the construction of the new wing this blue portion is still the official wing of the building and that has been accepted. So, what is good for a subsequent Chief Justice is not good for justice Ramaswami. And I will read out the document now to you. I am not talking in the air. Please see page 6 in volume four.

MR SPEAKER You are referring to what?

SHRI KAPIL SIBAL This is the original document I quote

"Reference query by CPO This is important. What is the order?

Hon'ble Chief Justice is only using two rooms as official residence. So, in this entire great

big building, the Chief Justice in 1992 was using only two rooms and that is on the first floor. The rest was all official. But not for Justice Ramaswami. And this is after he was elevated to the Supreme Court and when the charges were pending."

And this is the original document. Now the fact is Sir, that we must have the highest standard in the judiciary itself. The Judiciary must evolve its standards. But that must be within the internal framework of the judiciary itself, just as you have yourself imposed restrictions, so must the judiciary. They have to get together, they have to think this out, they have to decide what are the requirements and they should have norms. We have, till date, not established any norms and we are damning a judge before the establishment of those norms. I could have understood if there was a rule, if there was a norm already established.

Sir, Let us now bifurcate the charge 1 which I have already read.

This charge, according to me, can be bifurcated into seven separate points. Point one is, the Committee says that his furniture and furnishings were wholly disproportionate to the requirements and far beyond the limits prescribed. That is charge one. In thousands of pages of evidence there is one sentence by one witness with respect to the alleged disproportionate requirement. One sentence from one witness; from nobody else. Every official of the High Court was examined; not a single official said anything against Justice Ramaswami. There is one sentence and that is what PW 5 in the enquiry said and I will read it from page 121 of volume III. The original statement was made by one PW 5 Mr. Batra. Mr. Batra's statement was that there was a disproportion to the requirements beyond the prescribed limits. Mr. Batra is from the Accountant General's office. Then the Accountant General himself was examined and Mr. Batra's statement was placed before the Accountant General. This is what the Accountant General had to say:

"My attention is drawn to the deposition of Shri Batra before the Committee which in question and answer form is as follows :

Question : On what basis have you stated that the carpets and sofa sets were disproportionate to the accommodation and covered area of the residence?

Answer: The inventory supplied to me of the items at the residence of the Chief Justice indicated that some carpets were lying rolled at the said residence. It was also mentioned that some sofa—sets were lying at places such as doors opposite to toilets and bathrooms where sofas are not required to be put".

The reason is in the dates that I gave you. Justice Ramaswami was elevated on 6th October to the Supreme Court. On 17th February 1990 he handed over charge. Four months elapsed in between. The residence was not under his custody. So some items of furniture must have been moved of, here to there. Some carpets were rolled some sofa—sets were found in front of the toilets and because of the position of those sofas, on 17th February the witness said this was disproportionate; how can there be a sofa set in front of a toilet. This is true; there cannot be. But then the whole place was not in use. It was lying vacant for four months. Somebody may have just set the furniture aside. Many people have houses at hill stations; they have to houses. So when they go out for a few months to one house, at the other house the furniture is alleschewed. They put in order later. But the fact that it is eschewed does not mean that it is disproportionate to the requirement. See what the Accountant General says on this. He says:

"Question : Do you agree that the carpets and sofa—sets were disproportionate as stated by Shri Batra ?

Answer : The methodology adopted by my junior officer Shri Batra is defective. Con-

[Sh Kapil Sibal]

sequently an objective conclusion cannot be drawn and if drawn is subject to revision by a competent higher authority."

There is no other evidence in these three thousand pages which says that the furniture and furnishings were disproportionate to the requirement. This is the only sentence. You see what the Accountant General himself says. That takes care of Disproportionate requirements far beyond the limits prescribed.

In this context I would like to read to you the statement of a judge made in Volume III at pages 15, 16 and 17.

17 00 hrs

This is the statement to this hon. House I am reading from page 16 of Volume 3.

One other aspect needs the attention of this honorable House in respect of the issue of excessive purchases of items of furniture and furnishings and the placement of these items in various parts of the building where I was residing. Sir, when the issue of the construction of a new office wing came up for consideration, I constituted a committee comprising of a Chief Engineer, Chief Architect (both of Chandigarh Administration), the Registrar of the High Court and myself. The Chief Engineer and Chief Architect after holding consultations with the Registrar planned in details the requirements of the new office wing in respect of the size of rooms as well as the nature and the design of the furniture and furnishings required therein. I left it to the said experts to do the planning and design.

Naturally the Chief Justice do not have enough time to do all this.

Their advice was accepted. Besides it is no part of the functions of the Chief Justice

to keep a tract of the location of the items of furniture and the use to which they are put.

I have got evidence on record here to show that some items of so far which were bought for the Chief Justice's house were found in fact in other judge's house. Is he to keep tract of those items? and if he does not is it misbehavior under Article 124(4) of the Constitution? The then Registrar of the High Court and now a sitting judge of that Court said, "This was entirely in proportion, it was not disproportion."

I will read the statement at page 171, volume 3. On top of the page the statement of the Registrar of the High Court was

I am aware that there was a high-powered committee consisting of Chief Engineer and Chief Architect of the Union Territory for the purpose of deciding the nature and extent of the furniture to be placed in the newly constructed office wing.

He further went to state, "Having regard to the office accommodation which I have seen, supply of nine sofa sets is justified."

The Registrar of the High Court says that it is justified. But you say, "No. This is all disproportion because the carpets are rolled up. How does the Chief Justice know whether the carpets are rolled up or not?"

I will give you a very interesting thing, very very interesting aspect of the matter which will bring some hilarity to the solemn occasion. Four pedestal fans were found in the toilet and the committee says, "This is for residential use because toilet is part of the residence. Now what could the Chief Justice do with four pedestal fans in the toilet? I fail to understand."

So I beg of you not to proceed further with this. All that is happening here is denigrating the institution. Please do not proceed with this. I beg of you, let there be no voting. I am going to

554 to pay for it That is all that it means

besiege you Sir Let there be no voting on this People have taken postures Either way it will harm the institution If the votes succeed it will harm if the votes fail even then it will harm Let there be a quietus to this affair I appeal to your conscience Let us not do this

The whole world is watching us I have collected for you and I will place it at the end I have collected for you all the impeachments that have taken place anywhere in the world I want to state it straightway—the impeachments that have taken place in the world There is not a single instance of any Judge ever being impeached on such charges I have collected the charges I have given you the findings and I will invite your attention that not a single impeachment on such grounds — disproportionate Please lay down the standards for the Judiciary if that is what you want to do and judge the judiciary on those standards But please do not start judging the judiciary on evidence of this sort

The other thing that is stated is that there is a rule The rule says Rs 38 500 Let us first understand as a matter of law what is this rule that we are talking about Now the Ministers Residence Rule of 1962 apply to Chief Justices of the various High Courts as well as the judges The Ministers Residence Rules say the following—page 117 vol III

Rent—free furnishing to the limit of Rs 38 500 for the residential portion of the residence no limit for the official portion of the residence

You must therefore find out what is the residential portion and what is the official portion The Committee says We cannot find that out It is very difficult

But be that as it may what do the rules relating to rent—free furnishing mean? It means if you have furniture in your house in the residential parts of the building which is more than Rs 38 500 it would not be free you will have

Let us say a Member of Parliament is found that he has Rs 50 000 worth Now there is no misdemeanour here—the difference between 38 500 and 50 000 He will have to pay rent for it That is all that will happen and the rule prescribes it Now I will read the rules—page 117 volume III

2(b) Scale free furnishing The value of furnishings including electrical appliances provided free of rent in an official residence allotted under section 22 of the Act shall not exceed in the case of an official residence allotted to the Chief Justice of a High Court other than the Delhi High Court and the Punjab and Haryana High Court Rs 5 000 more than the scale provided to a Cabinet Minister of the State Government in which the principal seat of the High Court is situated

Now (b) Sir

The Chief Justice of the Delhi High Court of Punjab and Haryana Court on the same scales as provided for the Union Cabinet Ministers which is Rs 38 500

The rules further say It is rent—free That is all that it says You would not be charged rent for Rs 38 500 So what does the Judge say? The Judge says assuming now you find—which the Government has not found till date—that there is some excess please charge me rent for it I will pay rent Sir But do not impeach me This is not a ground on which you should impeach me

Now where is the limit — as my learned friend pointed out—of purchase? My learned friend made fun of it and said look the judge is saying no limit for purchase

He is right The rule prescribes his rent—free accommodation to a limit If you pass that limit you pay rent It does not mean that any Judge should flagrantly in willful disregard

[Sh. Kapil Sibal]

dishonestly with a corrupt motive do all this. But that is not found against this Judge.

Now, what are the rules — Ministers' residence Rules — which apply to him:

"The value of furniture and electrical appliances provided free of rent in a residence allotted under section (iv) shall not exceed in the case of a residence allotted to a Minister other than a Deputy Minister: Rs. 38,500.

That is the limit applied to the Chief Justice.

Then, there is explanation:

"The value of furniture and electrical appliances supplied for use in the portion of the residence set apart for office purposes shall not be taken into account for the purposes of the limits specified in sub—rule 2."

So, for the official part of the building, there is no limit. The Judge says that prior to March 1989, the drawing room, the dining room and the whole area was all official. Then, how can you apply that limit to him? That is all that the Judge says.

In 1992, the subsequent Chief Justice said that he only used two rooms for official residence, which are upstairs and not on the ground floor. In 1992, for a subsequent Chief Justice, there is no limit. Now, that is the interpretation of the rule I come to Explanation 2.

What is the consequence of an infraction of the rule is given in the rule itself. The consequence is not impeachment. The consequence is that for every article of furniture or electrical appliance provided in such a residence in excess of the limit specified in Sub—Rule (1), the Minister shall be liable to pay rent at the same

rates as are applicable to government servants together with departmental charges. So, the infraction of the rule gives the consequence in the rule itself. If there is an audit objection against the judge, what you could have done against the Judge is this. You could have said that there is an excess of this amount. Your limit was Rs. 38,500/. You have spent two lakhs or three lakhs or four lakhs. So, pay rent.

Many a time — and I have personal experience in this — in foreign missions, items of furniture are ordered. And they are ordered first and the sanction is sought later because it takes a long time for Governmental machinery to move. Sometimes, the audit says, "How did you purchase this? This is all wrong." That does not mean that the officer is dismissed from service. All that happens is that there is an audit objection and he pays. That is not misconduct under Service Law. But why should it be misbehavior when it comes to a Judge? Where is the rule which says that he cannot purchase beyond Rs. 38,500/—.

That takes care of the first element of the seven points that I am raising, relating to the first charge.

Now comes element 2, regarding violations of financial discipline. Here, what is the financial discipline? The judge says that it was his official residence and that whatever items like sofa set, etc. are found there, they are part of the official residence. So, he says, "Please do not apply the limit of Rs. 38,500/—. If you want to charge me anything, you charge." He is not taking them away to his home. He has not personally purchased those items. It was done under the instructions of a committee which was set up. So, what is the violation of financial discipline. The Judges' Committee says, "A Judge of the Court is not expected to purchase items like this because there are certain standards, which according to the Committee, disentitle him to do so." If those standards, which the Committee prescribes by themselves are violated, then the Judge has committed

financial in discipline !.

removal of V. Ramaswami Judge SC of India

should the Committee hold against it.

In any case, financial in discipline is not corruption. I said in my initial statement that if he is a corrupt judge, he has no business to be there. There is no finding of moral turpitude against this judges. The three judges of the Supreme Court went into this matter and said categorically :

"Whilst we suggest that this aspect may not involve any moral turpitude embarrassing Justice Ramaswami to function as a Judge, we leave it to the Chief Justice of India to consider whether, after all, any voluntary reimbursement of the loss might not accord with the highest standards of judicial rectitude."

The three Judges of Supreme Court went into it and they did not find any moral turpitude. They said, "Look, you pay for it in the event it is found. "Till date, no demand has been made from the Judge. Even when I am standing here today Sir, till date, there is no demand against the Judge saying, "Look, this is the infraction. Pay the money."

It could not be for the simple reason that nobody could distinguish what is the residential portion and what is the office portion because office portion is free but the residence portion is limited. They are having a tough task and so they want you to decide. What the Audit should be doing, Sir, you are asked to do an Impeachment proceeding. At page 120, the Committee itself says: "You do not know what is the residence portion and what is the office portion." I will quote the Inquiry Committee Report Volume 3 Page 120:

"Before the construction of the extension wing, the Chief Justice was using a part of the residential portion as Office but it does not appear clear from the evidence as to which rooms were precisely used for office purposes."

The Committee itself cannot find it then why

Now, Sir, having taken care of the financial list indiscipline let us go to the next thing. The Committee says that the limit of Rs. 38,500 was knowingly and willfully ignored because the purchases by the Chief Justice were sixteen times more than the limit prescribed. If you multiply Rs. 38,500 with 16 you come to Rs. 6 lakhs. So, instead of saying Rs 6 lakhs it says sixteen times. That is the forensic ability. It did not say Rs. 50 lakhs, as was the allegation in Charge 1; it did not say Rs. 13 lakhs, as was the allegation in Charge 5 but the Committee talks about Rs. 6 lakhs. I will tell you a very interesting story about one particular charge. You will find it amusing.

There was a charge against this Judge that he has taken away the carpets. Sir, look at the charge; the carpets of various sizes 2/4, 6/8 and 9/12 have been done away with by him. The original allegation was that four carpets have been substituted by him. The present value of seven missing sofa—sets which are said to be substituted is Rs. 1,79,381. The charge was that he has taken away on March 29, 1990 these 7 sofa—sets. Then on the same day there is an Audit Memo in the office of the Accountant General which says that the sofa—sets worth Rs. 1,47,271 have been found missing. On September 17, 1990 they found none was missing, but they still made a charge against the Judge. Kindly imagine, Sir, they themselves found nothing was missing but still they made a charge against the Judge. And, in each charge the size of carpets and sofas was different. An FIR is filed for the missing things and the details in the FIR are different from the details given in the Charge. What are we coming to? How are we treating our Judges? May be because somebody likes to damn the good reputation of a man, he must submit to you. I will read the last sentence of the speech of the Judge where he says to you: "Please remove me. "I will read the last paragraph of his statement to you. that is Volume 3, page 122.

[Sh. Kapil Sibal]

"The greater the responsibility foisted on a person the higher is the burden required for its discharge. Men of power exercise the maximum restraint not as a matter of choice but as a matter of discipline. It is only such conduct that ensures the dignity of the Office and its respect in the eyes of the nation. What you will perform today is not a legislative function. You are invested with the judicial power of the State to decide my fate today. This is not a vote on a Bill. You are not to decide the direction the country must take by adopting a particular legislative enactment. You are to decide the fate of member of the judiciary whose removal will have vast impact on the fortunes of the institution. You have not personally investigated into this matter which you as Members of this Honorable House do when moving a Bill. You have not had the advantage of a report of Committee of the House, which you sometimes constitute, to look into complex matters and inform you of its repercussions. You are looking at evidence adverted to by an outside agency of which you had no control. You have never had the occasion to apply your mind to the facts. You sit in judgment over my conduct. You have the strength, the power and indeed, if I am guilty, the responsibility to remove me. I believe that you will do justice. Only then will Truth triumph."

Inspire of what I have told you, Sir, on merits, it has been said the Judge has not given any reply on merits., Volume—III of this compilation is only on merits charge—by charge. What is this Rs. 6 lakh that has been talked about against the Judge? He give it in a statement. Now, Sir, it is very interesting. You kindly look at the statement. Let us now take Rs. 6 lakh as the figure. He explains it in his reply as well as in Volume—III. You see the later part. He has proceeded in a different way. He has taken the charge of Rs. 13 lakh. He says, of the charges of Rs. 13 lakh; Rs. 4,14,106 is in respect of item

for which there are no records, no vouchers, no purchase notes and no bills that have been produced before the Committee. So, without the vouchers, without the purchase notes, without the bills, the Committee finds that this Rs. 4 lakh is attributed to him. The Judge says: 'Please show me where is that voucher.' He says, take away from Rs. 13 lakh; Rs. 4,14,106.

Now, you see page 8 of Volume III. It is a part of his reply on merits. He is not shying away anything. He is replying it in black and white. This is how you come to this conclusion. He says: "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. 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, the carpets, the value of nine sofa—sets purchased for the new office wing is Rs. 2,93,466.00 and 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." Even according to the Committee, it is admitted.

"After including certain minor items like side tables and writing tables this figure may be rounded to Rs. 5 lakh. In other words, Sir, of Rs. 13 lakh, item of the value of Rs. 4 lakh goes. Because, there are no vouchers, and another Rs. 5 lakh goes because, these are all official expenditure. It is part of the new Wing. So, we are left with Rs. 4 lakh. Now, how does he account for the expenditure of Rs. 4 lakh? My learned friend says that he has not replied on merits. What is then this Rs. 4 lakh? He says, of this Rs. 4 lakh; Rs. 1,22,000 is the value of the seven air conditioners which to the best of his recollection were already installed at the time he occupied the residence.

So, of these seven air-conditioners, three were installed in the visitors' room before the construction of the new office wing. It is relevant to note here that I took over as Chief Justice of Punjab and Haryana High Court — it is an

interesting reading here — on November 12, 1987 and was elevated to the Supreme Court on October 6, 1989.

(Shri Nitish Kumar in the Chair)

The new office wing was fully constructed and occupied in the end of March 1989. Therefore, I had used the new office from April 1989 to October 6, 1989. After excluding the summer vacation from June 2 to July 1989 and the period for which I was not in Chandigarh, I, before my elevation, used the new office wing for approximately four months. The charge is that you are doing wasteful expenditure as if he was doing all this for himself. The man did not even use it for four months. He was elevated to the Supreme Court. What was he doing for personal gain? Apart from the three air-conditioners installed in the visitors' room, before the construction of the new office wing, four other air-conditioners were installed one in each room on the first floor of the building. This is very important.

Reference to item 68 of list two suggests that eight air-conditioners were provided at my residence between April 1, 1989 and October 6, 1989. This is very important. So, he says, your own document says — and he has given the number — that these air-conditioners were provided to me between April 1989 and October 1989, not before March, 1989. He was Chief Justice from November 1987 to October 1989. So between November 1987 and March 1989, no air-conditioners were provided, but they were provided between April 1989 and October 1989.

Now, he says, for two months, I am away. In September, weather starts getting cooler. So, I would unauthorisedly with the dishonest motive, purchase air-conditioners in 1987, installed them in 1989 and for the money that I am away to Madras why would I do that?

Now you therefore, must exclude from Rs 4 lakh the figure that I gave you. Rs. 1.22 lakh of the air-conditioners; then you will come to the

figure of Rs 2.87 lakh. Now, the judge must explain about this figure of Rs 2.87 lakh. Let us come to that. He says, of Rs 2.77 lakh a sum of Rs 1.52 lakh is attributable to carpets which were laid in the visitors' room, Secretary's room and one office room on the first floor of the building. Admittedly, the new office wing was not constructed till March 1989. Was I, upon its construction, required to dismantle carpets and not put them to further use? As you are aware, wall-to-wall carpets are always fixed to the floor with the binding agents. It is not understood how with the construction of the new wing carpets of the value of Rs 1.52 lakh are said to be used for residential purposes. Any reasonable person would exclude it from the sum of Rs 2.78 lakh. The figure then left is Rs 1.26 lakh. So, we come down to the figure of Rs 1.26 lakh.

Now, He says, of Rs 1.26 lakh, Rs 96 000 is the value of the loose carpets found in the residence. Now these rolled up carpets were found in the residence. No witness has ever said why he had used them. No witness has ever said why he had bought them, because they were found on 17th February, 1990 — I know why they were found there. It is clear because they were found there, the Committee said, the fact that they were found there, you must have used them. So if you exclude from Rs 1.26 lakh the figure of Rs 96 000, what figure do you come to? It is less than Rs 38,500.

That is why the judge said, this Committee's proceedings are a farce rightly said. What are you trying to do? Indict a man. For what? Not to uphold the highest standard of the judiciary. I can say that.

This is one, we have explained. But he has explained it in other way. He said, you take any permutations, combinations the figure will come to less than Rs 38,500. Now I give another permutation, that is in the form of a charge. Sir which you will find at page 140 of Volume III.

That is why when my learned friend says the Judge should resign. The Judge says why

rupt, that he is corrupt and may be because the press represent it ad nauseam he is corrupt, that he is corrupt.

[Sh. Kapil Sibal]

should I resign? I would rather go down in history, if I have done something wrong. If I am a corrupt Judge, I would rather go down in the history as a corrupt Judge, but if I resign the whole world will say the man was corrupt, that is why he resigned."

I read the charge at page 140.

"It may be seen from the above discussion that Rs. 6 lakhs worth of furniture and furnishings alleged to have been purchased for the residence, the following items have not been proved to have been purchased during Justice Ramaswami's period or not proved to have been purchased for residential portion:

Item 1 :

Seven air-conditioners mentioned in para 126 and 127 of the report — no purchase notes, no bill, no receipt; when purchased — not known. Reply at page 32—33."

My learned friend says, "I have not found the reply on merit."

"Value Rs. 1,22,000.

Item 2:

Two carpets, wall to wall laid in the office."

Now, could this Judge have gone to the public and gone to the press and said this is my explanation? He could not have. Who would have listened to him? Only you would listen to him because you know that there is a delicate balance to be maintained between this great institution and the judiciary and you will not shake that balance. I am convinced of it, you will never shake it because you will shake the foundations of the parliamentary democracy.

Mainly because the press says he is cor-

rupt, that he is corrupt and may be because the press represent it ad nauseam he is corrupt, that he is corrupt.

SHRI RAM KAPSE (Thane) : Unnecessarily the press is being... (Interruptions)

SHRI KAPIL SIBAL : I am speaking on behalf of the Judge, otherwise I could have said a lot about the press. I will not because I restrain myself because I am representing a constitutional functionary. I know how the press said it also.

Now Item 2:

"Carpet, wall to wall laid in the office portion of the residence. Some of the purchased notes specifically says so. S.S. Dogra, Court Officer Witness No. 43 says so. Bahri, Witness No. 45, the then Registrar, now a Judge does not say 'any related to residential portion."

No witness says it is for residence. No desire of the Chief Justice mentioned, yet the Committee says it is for his residence; value Rs. 1,52,000.

"Item 3 :

Three sofa—sets in visitors room were old."

That were there in H. N. Seth's period. If some previous Justice has bought sofa—sets and they are there, how can the value of that be counted towards Rs. 38,500; yet it is counted—Rs. 62,970. So you exclude that.

Then loose carpets purchased for the High Court. No witness says of residence, no witness has said that it was purchased for residence. Only found at the time of taking delivery, i.e. 17.2.1990, the fourth date I mentioned to you. Only found at the time of taking delivery, rolled, tied and kept at the residence. No witness says for residence; value Rs. 96,300.

Item 5: pedestal fans; those were found in the toilets; value Rs. 4,500. Old linen; I must tell you one interesting thing, Sir.

All the relatives of the Judge live abroad. He has one hundred acres of land, of coconut plantation. He is a rich man. He would not pilfer the linen of the High Court.

Now, let me tell the facts about his linen. In any High Court There is an administration like you have yours. That administration is dealt with by what is the called the Court Officers' Section. The Court Officers' Section is in charge of the administration. He knows, because there are several judges, there are several judges of High Court, somebody needs towels, somebody needs something else. There are people who come from outside into Chandigarh, some judges who are from Delhi or from other High Courts come to stay overnight at Chandigarh. Somebody has to provide them linen.

17.36 hrs.

(MR. SPEAKER *in the Chair*)

Suppose a Judge of the Supreme Court comes, he wants to stay there. What does the Chief Justice do? He provides them linen. If that is kept in the residential portion of the premises, it does not mean that it is for residential use. That does not mean that you now allocate that linen to his personal account and say that he has exceeded the limit of Rs. 38,500:

Now, most of the linen, the Judge says at page 44 or 141, most of them were left by Mr. Justice H. N. Seth, the previous Chief Justice.

"No purchase note, no bills, no evidence when it is purchased".

Then the seventh item: Three old Godrej almirahs.

"No purchase note, no bills... Rs. 9,616."

Then, a dressing table. Let us see to what level the Committee went! Dressing Tables! Towels! What is this? Is the Judge corrupt because he has in his possession some towels? He did not run away with the towels!

Now, about dressing table: "Purchase note not produced." Purchase note may show that it was within limits, of Rs. 15,092/-.

Cotton: The Judge says that the conclusion is wrong and the assumptions are all wrong and he also says why.. The old one might have been replaced, also at the residential portion, Rs. 19,000. Then he says,

"No evidence relating to the following." The whole figure comes to Rs. 1.988/-.

This is very very interesting. He was elevated to the Supreme Court as a Judge of the Supreme Court on October 6, 1989. In September 1989, just ten days prior to his elevation, the Chief Justice of India and some brother Judges had to visit Chandigarh. The dining table that was there in the house was very old and there was one broken leg of that dining table. The Chief Justice thought that it was not fair that the Chief Justice of India was coming and he should have dinner at a dining table with one broken leg. So, he placed an order for a dining table which cost Rs. 45,000; it was not for his personal use. This was ordered in September 1989 and he was elevated to the Supreme Court on October 6, 1989 within ten days and the Committee says that Rs. 45,000 was spent for his personal use! Therefore, he is now debited Rs. 45,000.

Then come, some study table and study chairs which cost Rs. 11,000 and the total of all these items that I have read out comes to Rs. 5,70,496: the Committee finds it is Rs. 6 lakhs. The difference is Rs. 40,000/-.. So, it is less than Rs. 38,500:

Either way, by any permutation, or any combination, it is less. In fact on facts it is less than Rs. 38,500.

[Sh. Kapil Sibal]

My learned friend made a very interesting point. He said that there were audit reports and an independent audit was conducted. Why should an independent audit be against the Judge? Now Sir the judge—this is important from the general standpoint because you will then realise and appreciate what was going on in the court—gets elevated to the Supreme Court on 6th October 1989. On October 24, 1989, after he was elevated within about eighteen days, the then Chief Justice of the Court ordered an audit himself no outside audit. He ordered an internal audit. On 10th November 1989—kindly see the speed at which this department works and the Audit Reports Department in the Accountant General's branch take months(-) within a few days they published the first audit report. The High Court itself leaked it to the press. On 6th December 1989 another note was prepared against the judge. On 12th December 1989 a note was prepared on the missing furniture by the same internal audit—not by the Accountant General's Office. These were all done by one man Mr. M. D. Sharma PW (2) who was given promotion after the impeachment proceeding was started and who was censured by the Justice Ramaswami. This one man in a course of one month produced five reports which were leaked to the press. And the whole High Court was audited within that one month. This is the independent audit that my learned friend is talking about. If the conscience of the Members of this house convinces them that this kind of a thing can go on against a judge and these kind of audit reports can be relied upon I can say to you that no judge in this court will be safe. Do not depose the judiciary to these attacks. My learned friend started by saying that it is not a case relating to the judiciary but it is a case relating to one member of the judiciary and he ended by saying that the Justice Ramaswami most reprehensible part of the judiciary. He cannot have it both ways. We are proud of our judiciary. We are proud of our judges and we must be consistent with the sense of pride that

we had and do not allow ourselves to make such allegations. That is an element of restraint, which is required if the delicate balance between the Parliament and the judiciary is to be maintained.

You do this to a judge today and throw him out. Every other judge who is rendering judicial pronouncement would be subject to these kind of threats and then what happens to their judgement. If they know that such motion can succeed and requires

How can my learned friend explains the allegation of Rs 50 lakhs? How can my learned friend explains the allegation of those silver maces, saying that they were purchased at inflated prices?**

So this is the manner in which those independent reports were prepared. (Interruptions)

SHRI RAM NAIK (Bombay North) Sir I am on a point of order is it not an allegation? He said that

Is it not an allegation against the Members? (Interruptions)

SHRI RAM KAPSE (Thane) He has said that there is a threat not a vocal threat but a threat. He has used that word. That should be expunged. (Interruptions)

SHRI CHANDRA SJEKHAR (Ballia) Mr Speaker Sir the honorable learned Attorney has every right to say whatever he wants to say in defence of his judge. But he has not got the liberty to make accusations against the Members of Parliament.

He cannot say that Getting the signatures of 108 MPs is not a small affair. If on any issue 108 MPs sign that is a serious matter which concerns the nation. Anybody cannot take the signatures of 108 Members of the Lok Sabha. I

**Expunged as ordered by the Chair

do not say what will be the opinion of the House afterwards. Charges of corruption does not mean that if a judge is impeached on that basis, that will have an adverse effect on the judiciary, that they will not be able to take independent judgments because the parliamentarians will force them to such an action. These sorts of remarks are totally uncalled for. We have got every respect for the liberty which he did enjoy in this House. But, he should not make frivolous statements in this House.

“Expunged as ordered by the Chair.

SHRI BUTA SINGH (Jalore) : Sir. to an extent, I agree with the hon. Member, Shri Chandra Shekharji that the lawyer should not attribute motives to the hon. Members. But, based on facts and law, the position that he explained about the alleged Rs. 50 lakhs must go into the heart of the hon. Members who could not go into the charges which were presented to them at the time of signatures. (Interruptions)

SHRI KAPIL SIBAL : I want to make a statement. I apologise. It was not meant in that spirit at all. I am really very sorry. When I conveyed this sentiment, it was not men to denigrate any Member of the House and if I have by mistake done that, I apologise. That was not the intention. (Interruptions)

MR. SPEAKER : Please proceed.

SHRI KAPIL SIBAL : The third aspect that the Committee finds is that certain financial rules have been violated. Why does the Committee finds that? This is another very important aspect of the matter. The Committee says that when purchases were effected, he should not have invited quotation. If he had not invited quotation, M. D. Sharma, the star witness says that, in fact, he had been telling the High Court to invite quotation. But the Committee holds, because he did not invite quotation, this was a violation of the financial rules. I just want to point out one fact to the hon. Member of this House and I will straightway turn to page 157 of Volume III.

After justice, Ramaswami was elevated to the Supreme Court, M. D. Sharma was a member of a Purchase Committee for the Purchase of a PBX system which ran into Rs. 7 lakhs, 25 Kelvinator Refrigerators and Godrej almirahs has were purchased. This is what he has said, and he has asked a question as to whether any quotations were invited. This is after justice Ramaswami comes to the Supreme Court. The answer is: ‘I cannot say whether there have been any occasions when the High Court invited tenders for purchases. So, if the High Court has never done it and that is the established practice, then if justice Ramaswami has done it, how could it be misbehavior. I cannot say whether there will be any occasion where the High Court invited tenders for purchases. I am aware that recently — this is after justice Ramaswami ‘impeachment motion was moved — PBX system has been installed in the High Court at the cost of about Rs. 7 lakhs. I do not know whether any tenders were invited for the said installation.

I do not know whether tenders were invited for the purchase of twenty — five Kelvinator refrigerators. After the departure of Justice Ramaswami, I was a member of the purchase Committee for a few months during the tenure of Justice Gupta. The purchase Committee, for which I was a member, did not invite any tender. The said Purchase Committee also did not issue advertisement inviting quotations. So, if the Purchase Committee did not issue advertisements and if no tender was ever invited, if this has happened since the establishment of the High Court and the High Court has never invited tenders, then why is it that for Justice Ramaswami this becomes misbehavior and a violation of Financial Rules ? This is hard evidence, Sir. “I can go on record that never have tenders been ever invited by the High Court establishment since its inception and the practice continues even today.

Then, Mr. M. D. Sharma, the star witness further says. When it was put to him that the limit is Rs. 38,000, he says that all Judges have exceeded purchase limits. I shall read that

[Sh. Kapil Sibal]

sentence from Volume—III, page 136. I quote the statement of the witness:

"There was already a report of the Accountant General's Office in 1988 in respect of the excess purchase of petrol, furniture and also in respect of excess telephone bill for the other Judges of the High Court."

You single out Justice V. Ramaswami and impeach him. So, this is the atmosphere in which all these charges were framed against him and all after he was elevated to the Supreme Court.

Having said that, I go back to page 136:

"There is no report in respect of TA/DA or LTC, excess claim by the other Judges. I do not know whether the recoveries have been made in respect of excesses from the other Judges. The Accountant General had already made an audit upto August, 1988 in respect of telephone charges at Madras maces or petrol charges and excess furniture. So far as I know, there was no objection taken by the Accountant General's office in respect of any of those items".

The Auditor himself never objected but the Internal Audit objected, the staff of the High Court objected. And they objected after he was elevated to Supreme Court.

So, I have now covered disproportionate requirement far beyond the limits prescribed violation of financial discipline and limit of Rs. 38,500. These three items I have covered. There are seven items in charge (1).

Item (4) is personal advantage and benefit to the Chief for his use without having to pay for it. What is the personal advantage, Sir?

Item No. (5) is charge of favourable dealers. I would like you to look at only one chart in

this volume which Your Honour will find at page 158. This chart relates to all purchases made prior to the appointment of Justice Ramaswami as Chief Justice of Punjab and Haryana High Court. Kindly note who are the persons who supplied the furnishings:

Justice H. N Seth, Chief Justice, on 8.12. 1986, prior to Justice Ramaswami becoming Chief Justice, purchased four bed sheets, six door mats and one double bed cover, and quotations were obtained from Krishna Carpet. Furnishings were purchased from Krishna Carpet and remarks on quotation are 'undated'.

On 13.12.1986 six foam pillows were purchased from Krishna Carpets. On 15.12.1986 one table mat was purchased from Krishna Carpets. On 2.2.1987 one double bed cover was purchased from Krishna Carpets. On 10.2.1987 two different bed covers were purchased from Krishna Carpets.

Then about Justice C. S. Tiwana:

On 5. 11. 1992 — prior to Justice Ramaswami — one carpet was purchased from Krishna Carpets.

So, for these judges these are not favoured dealers. For an outsider he becomes a favoured dealer?

Please come further.

For Justice K. S. Bhalla on 12.2.1987 one wall-to-wall carpet was purchased from Krishna Carpets. For Justice J.M. Tandon one garden umbrella was purchased from Krishna Carpets. For Justice K. S. Bhalla curtain clothes were purchased from Krishna Carpets. For Justice H.M. Seth, on 7.9.1986, one double bed and side tables were purchased from Salwan Furniture.

Those are the two favoured dealers, which I told you about.

[Sh. Kapil Sibal]

Five coir mattresses were purchased from Salwan Furniture. One dressing table was from Salwan Furniture. For Justice K.S. Bhalla, on 16.2.1987, prior to Justice Ramaswami, Modi floor carpets were from Krishna Carpets. For Justice D. V. Sehgal 25 metres of curtain cloth was from Krishna Carpets. For Justice D.V. Shell again, on 23.11.1985, curtains are from Krishna Carpets. For Justice Pritpal Singh one garden umbrella was from Krishna Carpets.

The fact is that the High Court has never purchased the items from any other dealer except Krishna Carpets and Salwan Furniture.

And then the finding is these were his favoured dealers. Nobody said that the prices were excess. That is not even the finding of the Committee—only that they were his favoured dealers.

That is the fourth element in that charge.

The fifth is: No genuine quotation without ascertaining that the price paid was fair or reasonable.

The reason why there were no genuine quotations is because the Committee finds that these quotations were undated.

Please come back to the same charge that I regard on page 158 of Volume 3.

Most of the quotations here are all undated. See the first one of 1988 which is undated. The quotations for the purchase notes of 13.12.1986, 15.12.1986, 2.2.1987, 10.2.1987 and 5.11.1982 were undated.

There were undated quotations prior to justice Ramaswami going there. So if Justice Ramaswami went there and the Quotations continued to be undated, for him it is misbehavior, although these were received by the officials. He never went and got the quotations.

574
Justice Ramaswami did not go to the market and say: Give a quotation which is undated. It is all done by the Registry of the Court.

The Chief Justice cannot function unless he relies on his staff. (Interruptions)

So, kindly look at this. All were prior to his taking office as Chief Justice of the Court. All quotations are undated. Even afterwards the quotations are undated. But, for him it is misbehaviour.

I have got original documents themselves to show as to how the quotations were undated.

You kindly look at volume 4 which has been filed before you and at page 112.

If you look at it, you will see the serial number, the name of the dealer etc. /The names are handloom Emporium, Cottage Emporium and Krishna Carpets. Just look at Krishna Carpets. The value is Rs. is Rs. 585..

It is the purchase note. I hope your honour have it.

MR. SPEAKER: Yes, I have it.

SHRI KAPIL SIBAL: The item no. 3 is for Rs. 585. That is the purchase note. And in the bottom you will find the date of sanction as 27.1.1984 which was much before Chief Justice Ramaswami came to the High Court as Chief Justice. It was much before that. You see the quotation on next page, that is on page 113, regarding Krishna Carpets.

See the amount of Rs 585 there, Sir, and on the top there is no date. Is it right, Sir?

Now, Just come to the next page. You see the sum of Rs. 590 over there. That relates to item 1—Handloom Emporium: Rs. 590 at page 112, again undated. This whole volume is full of undated quotations when Chief justice Ramaswami had not gone to Chandigarh. That

[Sh. Kapil Sibal]

was the prestige of that Department because nobody really bothered about the date. Nobody, there—more, bothered about the date. A clerk goes to the market, he gets a quotation, he does not get the date put on it. How is the Chief Justice responsible? And if this has been happening prior to his going there as Chief Justice, then why should he be impeached? And this whole book is a compilation of undated quotations. Now, the Committee has never looked at any of these. Justice Ramaswami wrote to the Committee saying, "Look at the practice of the High Court prior to my going there, look at the practice after my going there. If something had been done by me not in accordance with the practice, please ask me for an explanation. But you do not want to carry out that inquiry, you do not want to collect the papers, you do not want to collect data. Then why should I come to you? I would rather come here. At least you hear me, Sir. So, that takes care of undated quotations. Then the conclusion of the Committee is, Sir—and that is the last item. The Committee says on Charge I:

"Because you have indulged in disproportionate expenditure, because you have violated financial discipline, because you have exceeded the limit of Rs. 38,500/- by sixteen times, because you have derived personal advantage, because you dealt with favored dealer, because you did not get genuine quotations, you have brought dishonour and disrepute to the judiciary."

The conclusion cannot be right if the facts are not relevant. And that is why I said, the Judge has explained on facts, not that the Judge has not replied on facts.

This is Charge I. This is the major charge of Rs. Six lakhs that I had explained to you. Now, let us go to Charge II. Sir, I would like to read quite one very important passage. (Interruptions)

SHRI A. CHARLES (Trivandrum): Sir, I want to have a clarification on a matter of proce-

dure. Sir, I make a small observation with great anguish, in all seriousness. We are now laying down a Court. Even in respect of the Chief Justice of India, there has not been a single instance where a Judgment has been delivered on the spot immediately after hearing the arguments. Sir, here the procedure started at 2.15. It is now Six O'Clock. I have been listening with great attention to the arguments of hon. Shri Somanath Chatterjee and now the Defense Counsel. I am afraid I cannot exercise my judicial function as Member of Parliament unless I am given the full text of the speech of Mr. Somanath Chatterjee and the Defence Counsel.

Quite unfortunately, four volumes of the Report were given to me only two days back.

MR. SPEAKER: I will correct you on that. Fifteen days back they were made available.

SHRI A. CHARLES: Excuse me, Sir. I want the full text of the speech. (Interruptions). Let me be heard. I want the full text of the speeches of honorable Somanath Chatterjee and the Defence Counsel and I may be given time to make a judicious decision. So, as a matter of procedure I request that even if the time of this sitting is extended, voting on this motion may not take place today. This is a very serious matter. I am raising this with all seriousness. (Interruptions).

SHRI MRUTYUNJAYA NAYAK (Phulbari): It is such an important Motion that it will set a new precedent. The Members should be allowed to participate and express their views whether to support or oppose this Motion.

SHRI E. AHAMED (Manjeri): The facts are now brought just now. After having heard all these things, the House may decide to have either discussion among ourselves or to take a decision on this matter on some other day.

DR. DEBI PROSAD PAL (Calcutta North West): It is a matter of great Constitutional importance. I would request you to allow me to

make my submissions after the speech and the submissions of Shri Kapil Sibal are over. At least, I should be given an opportunity to express as also other members who want to express.

I request the Speaker to give us some time and the voting may not take place today.

[Translation]

SHRI RAM PUJAN PATEL: Mr. Speaker, Sir, the learned counsel has expressed his views at length in the House. He is repeating the same thing. He must be brief as the time of the House is precious. Repetition does not serve any purpose. Many hon. member are eager to put forth their views. Sir, kindly give a ruling as to which points are to be mentioned and which not. He is speaking just to pass time. It is not justified to comment on the hon. Members. I request you to give a direction in this regard.

(Interruptions)

MR. SPEAKER: Please sit down. (Interruptions)

MR. SPEAKER: Proceedings of the house is going no smoothly. And I would like to thank all of you for the same. All that has been stated in the House till now, as per the records, is permissible under rules. I do not see any wrong in all this. If you see any wrong, then it is a different matter. Thirdly, we have decided that the issue should be pondered over and debated upon with all seriousness in the House. The hon. Members may put forth their views by making speech in the House. Repeating anything does not serve any purpose. If any hon. Member insists on speaking, then we can only try to persuade him. Opportunity cannot be denied to any hon. Member. For the first time conduct of a Judge is being debated upon in the House. I am not in favour of the hon. Members repeating same points and on the other hand all those wishing to make new points should be allowed to speak. The house must look into the views of both the sides.

[English]

Leave it to me, I will conduct it.

SHRI A.C.CHARLES: I did not get the clarification's, whether the voting is today or not.

MR. SPEAKER: I am not going to give clarification's to you. You please sit down now.

I can realise, Mr. Kapil Sibal, you must be feeling fatigued.

SHRI KAPIL SIBAL: On charge No. 1, I am now concluding.

On charge one I am now concluding only with reference to a statement in a case Dove Y Vs. John Cory (1901 AC 477) which is quoted at p. 150 of Vol.3 where Earl of Halsbury Lord Chancellor in the said case said the following which is relevant for our purpose. I quote:-

" The business of life could not go on if people could not trust those who are put into a position of trust for the express purpose of attending to details of management."

The business of life cannot go on otherwise. If a Chief Justice wanted to do something, he ultimately has to trust somebody. He has to rely on his officers. Otherwise, the business of management cannot go on. This happens in all walks of life. That is what the Chief Justice did. There is a machinery for it. He relies on that machinery and that machinery was in place for many many years and it would continue to function in the manner in which it was functioning in the past and it continues to function even today in the same manner. As he came from outside, he had no personal knowledge of that. He had to rely on what already existed and he allowed whatever was existing to go on. That is all that happened. Anyway, with that, I conclude charge one.

Now let us come to charge two Vol.2.

In fact, I also personally think that there are

[Sh Kapil Sibal]

about 14 charges I have finished only charge one

MR SPEAKER Well, how much time do you need Mr Sibal?

SHRI KAPIL SIBAL It will take a lot of time I do not think I may be able to finish today

SHRI LALK ADVANI (Gandhi Nager) Mr Speaker Sir we have had a series of meetings trying to come to a consensus in respect of the procedure the House should adopt while dealing with this kind of motion because we never had the experience even before with the motion of this kind Business Advisory Committee also was consulted by you Representatives of various parties also had a series of discussions with you when it was indicated that the Judge would be represented by his counsel I had pointed out that the counsels are used to a certain sort of discussion and debate which is all right in a court of law where proceedings go on for days together But it may not be appropriate for Parliament where even the most momentous decisions are taken after discussion of four hours in which 15 or 20 members participate It was taken into account We came to the conclusion that we should confine the whole dissuasion to a prescribed period We decided on the lot that we shall dispose of the motion on the 10th itself and to come to a conclusion finally I would like to point out that the Judges Inquiry Act imposes a restraint on us When a point of order was raised in the morning about those 108 Members or 155 members not being Members of this House I said there is no restraint on that But there is restraint which is provided in Section 6 which says in Volume 1 that

'If the motion is adopted by each House of Parliament in accordance with the provisions of Clause 4 of Article 124 or the case may be in accordance with that Clause read with Article 218 of the Constitution,

then the misbehavior or in Capacity etc shall be presented in the prescribed manner to the President by each House of parliament in the same Session in which the motion has been adopted "

So this is the constraint and the other House also has to consider the same motion Before the house adjourns, if this House fails to adopt or if the other house fails to adopt the motion in the same Session, then the motion comes to an end Therefore it is that we allotted this particular day Therefore, it is that though every in the House would like to express an opinion on this very important matter, yet we agreed to the proposal in which we all were a party I do not want to mention who was keen about it But we all were a party But it is only the mover of the motion who moves it The Counsel for the Judge makes his submission and the mover replies We put the matter to the vote finally We left it to you that if any unforeseen incident arises you will deal with it as the case arises (*Interruptions*)

My submission is that in this case the Business Advisory Committee has set apart today for consideration of the motion and for its disposal (*Interruptions*)

MR SPEAKER Please do it in a proper manner It is not good

SHRI LALK ADVANI I have not yielded You have also pointed out that you had an occasion to discuss with the Counsel, He had said that he would not take more than three hours-may be anyway between two and three hours On that basis the whole schedule was drawn up This was an important consideration

But, at the same time, I would plead with you that keeping in view this requirement of the Act, keeping in view the decisions taken by the Business Advisory Committee, the discussions you have held with various parties, we should try to see that the matter is disposed of

in a proper manner Of course, whatever is necessary to meet the requirement of justice is always in your hands (*Interruptions*)

[Translation]

SHRIBUTA SINGH (Jalore) Mr Speaker, sir, the leader of the opposition has raised a very important issue which, in all probability, must have been discussed with you. However, the House right now is not functioning in the normal fashion but it is functioning as a court. If an impression is created outside that the parliament hushed up the whole matter or framed up anything, it will be quite wrong (*Interruptions*)

Therefore, justice should not only be done but it should appear to be done. This is a golden principle. Mr Speaker, Sir, if the arguments of the Judge's Counsel are cut short because of the rural and time constraint, then people all over the world will comment that justice has certainly been done but it does not appear to be done because the House is right now functioning as a court. Therefore, I am also in favour that the arguments and the counter arguments being advanced by the Counsel and by Shri Somnath Chatterjee should be under the charges leveled and the decision of the Inquiry Committee. I have also some facts with me. I had got a chance to look into the functioning of the judge as Home Minister when he was the Chief Justice of Punjab. I have some information available with me which will be definitely of use (*Interruptions*). It is also a fact that Chief Justice Ramaswami (*Interruptions*). I would like to submit only this much that we must be given ample opportunity. Even if the House has to sit throughout the night, we should discuss this case thoroughly. Is the house not punishing Justice Ramaswami because he introduced reservation for the first time in the Punjab and Haryana High Court? He started hearing cases under Terrorists Act as a Judge whereas no other judge was ready to hear such cases.

(*Interruptions*)

I do not want to dwell on these things right now. I would like to submit that the House must allot enough time so that the House can function as a proper court to hear all the facts before taking decision.

[English]

SHRIK P UNNIKRISHNAN (Badagara)

Sir, While normally our procedures are regulated according to the Rules of Procedure and Directions of the Speaker, unfortunately there is a serious lacunae in our rules itself. While it provides for various other types of business, it does not provide for regulating a motion of this kind which is very important constitutional responsibility assigned to both House of Parliament. While I have great respect for the hon Leader of the Opposition, I beg to differ from him. Well, it is true that various motions including financial business like the Defense Budget is disposed of in four to five hours or six hours of thousands of crores of rupees but here we are sitting up a precedent, through this motion, which is a first of its kind where we are actually groping in the dark. We have no precedent of this kind. We have absolutely no precedent to go by, nor any rules to go by. Therefore, it is very important that we should not in a bit of absent-mindedness stumble into something. Nobody should our posterity should not blame us for that. Therefore, it is very important that there should be a discussion. Whatever may have happened, I have great respect for the members of the Business Advisory Committee. But they cannot take away rights of the Members of this House functioning as Members. No Business Advisory Committee, I humbly submit, can take away rights of its members. We have great respect and confidence in our leaders as far as those who hold the offices are concerned. You may see that hon. Counsel has been giving his point of view of his client or his judge to whom he represents for the last two hours. It is possible that he may have more points to cover. But it is impossible, humanly impossible to remember all that he has said or the various points that have been raised. Therefore, if we have to consider

583 *Motion for Presenting Address to President under Article 124*

[Sh. K.P. Unnikrishnan]

this properly, I would beg of you to make his submission available in written form and circulate it to the members and then we can consider it and take a decision on this.

SHRI LAL K. ADVANI : I do not dispute anything that Shri Unnikrishnan has said or that has been said from the others side. But in the course of the discussion, that possibility came up repeatedly that after all it is a very important motion and every member may have certain views about it. How do we deal with it? It is in that context, that even ultimately we came to the conclusion the procedure that you laid down at the outset, we gave you the authority to deal with the situation as they arise. All that I want to say at the moment, is that the constraint is not merely the Judges Inquiry Act, but even in the Constitution itself, under Article 124(4) which governs the removal of a judge, it says that it must be presented to the President in the same session for such removal on the ground of proved misbehavior or incapacity. (Interruptions)

MR. SPEAKER : You hear him. He is making a submission.

(Interruptions)

SHRI LALK. ADVANI: Taking into account that particular constraint, taking into account the discussions we have held till now, I would request you to deal with the situation at the earliest.

[Translation]

SHRI HARI KISHORS SINGH: Mr. Speaker, Sir, I am on a point of order. Debate on such a serious issue should be held but you have to decide how the debate is to be regulated. I do not want to submit anything in this regard.

Mr. Speaker, sir, my point of order is that can a former Home Minister use the information he was having when he was Home Minister

MAY 10, 1993 584 *& Motion for Considering the Report of IC Investigating the ground for removal of V. Ramaswami Judge SC of India*

because he was saying about it just now? I want to urge upon the leader of the House through you to say something in this regard.

[English]

MR. SPEAKER : What is your point of order?

[Translation]

SHRI HARI KISHORE SINGH: The former Home Minister has said that in the capacity of Home Minister he had access to some information about Judges and some proofs too especially regarding the judges of Punjab and Haryana High Court and that he was prepared to give that information to the House. (Interruptions)

MR. SPEAKER : Do you want a ruling in this regard?

SHRI HARI KISHORE SINGH: I seek your ruling in this regard but before that the leader of the House must say something in this regard (Interruptions) .

[English]

SHRI CHIRANJI LALSHARMA (karnal): Mr. Speaker, Sir, I am on a point of order. (Interruptions) We too have a right to speak (Interruptions)

[Translation]

MR. SPEAKER : Please sit down. First of all I would like to dwell on the point of order raised by Shri Hari Kishore Singh. A decision will be taken only after Shri Buta Singh is allowed to speak and completes his speech. If he comes out with something new, he won't be disallowed and all that not to be allowed to be raised will not definitely be allowed. (Interruptions)

SHRI RAJNATH SONKAR SHASTRI (Saidpur): Shri Buta Singh made a very serious point. (Interruptions)

[English]

MR. SPEAKER: I have given my ruling.
(Interruptions)

[Translation]

MR. SPEAKER: When I am speaking you must sit down. You must have heard earlier that I give my ruling only after an issue is raised in the House. If you have seriously heard my views, then all your questions are automatically replied to. I am grateful to the hon. members of both the sides and their leaders for fully agreeing with me and nobody has said that there is any need to argue on this point. If something is to be brought to the notice, then that is not to be disallowed. He has simply stated that during the current session itself the matter must be put up to the President. And all that needs to be done in this regard must be done. All that is appropriate must be done. Afterwards there won't be need to raise issues. (Interruptions)

[English]

SHRI CHIRANJI LAL SHARMA: Mr. Speaker, Sir, the hon. Leader of the Opposition.... (Interruptions). I am on my legs, why are you interrupting? (Interruptions)

MR. SPEAKER: Shri smooth Chatterjee:

SHRI SOMNATH CHATTERJEE: Sir, I am sorry to interrupt. (Interruptions)

SHRI CHIRANJI LAL SHARMA: Mr. Speaker, Sir, I am on a point of order.

MR. SPEAKER: I should hear his point of order first. Which rule under the Constitution has been violated, which convention has been violated? You have to tell me that first.

SHRI CHIRANJI LAL SHARMA: I can have my submission like all others have it

MR. SPEAKER: You can have your sub-

mission but you cannot have a point of order without telling me under what rule.

SHRI CHIRANJI LAL SHARMA: The hon. Leader of the opposition, Shri L.K. Advani, had raised a point.

MR. SPEAKER: What is that point?

SHRI CHIRANJI LAL SHARMA: This is a case of historic importance, first of its kind in the history of our nation since independent India. And as was put by the learned counsel appearing for Justice Ramaswami, there has been no case of impeachment all over the world or may be. But the question is that Justice Ramaswami is in the dark.

MR. SPEAKER: Is it necessary for you to say all these things even after hearing what I have said. Have you heard what I did say?

SHRI CHIRANJI LAL SHARMA: Let me make by submission. Justice Ramaswami is being represented by a counsel. The counsel has put the case in his own manner and he has substantiated his arguments by quoting the evidence, by referring to the evidence that has been made available to all the Members of the House in the form of a booklet.

Now, sir, the hon. Leader of the Opposition says that there should be an restraint of time. We are all sitting.....

MR. SPEAKER: In my opinion, the hon. Leader of the Opposition has said nothing which is not acceptable. he has said that if time has to be given, time should be given. But at the same it should be remembered that this address has to be presented in this session and I do not find any thing wrong in this. Please sit down.

SHRI MRUTYUNJAYA NAYAK: Unless the motion is carried, how can his point be valid?

SHRI SOMNATH CHATTERJEE: Shri Buta Singh has rightly said that we are now sitting as judges. When we behave as judges.....

SHRI BUTA SINGH Yes as a jury I have a right to put questions even to you

SHRI SOMNATH CHATTERJEE Very well, from judge he has become a jury on his self admission Shall he be allowed to give his own personal views? Personal facts? This is the point Can he give evidence on his own as to what he came to know as the then Home Minister? *(Interruptions)* We thought that the matter would be decided on merits not on party lines It seems that in the presence of the Leader of the House and Prime Minister it is being decided on the Party lines

MR SPEAKER Please avoid that

SHRI SOMNATH CHATTERJEE If not so we can continue Otherwise let us finish this

[Translation]

SHRI CHANDRA SHEKHAR (Ballia) I Would not have intervened in the matter had Shri Buta Singh not raised a serious point He has submitted that as the Home Minister he had access to some information which if divulged will definitely have a bearing on the decision Firstly he as the former Home Minister should have supplied all the information to the Committee If that was not done and if he is prepared to divulge it today in the capacity of the former Home Minister then he must obtain prior permission from the hon Prime Minister Because if former Prime Minister and former Home Ministers start divulging information then it will be difficult to run the affairs of the country and the House If we are submitting anything in the House seriously then norms should not be violated I think if the hon prime Minister agrees then we can take decision after listening to the former Home Minister

I also agree with the Leader of the Opposition that all the hon members from both the sides including Shri Unnikrishnan wishing to speak must be allotted enough time to speak Leader of the Opposition is in agreement with the views

of the Business Advisory Committee and instead of making speeches we must be guided by it The hon Members must be allowed to put forth their viewpoints and after that we must try to kindle a new light in the country

MR SPEAKER Firstly I will decide who is to be allowed to speak in the House Secondly if any hon Member feels urgency to speak then will be definitely allowed The House must have attentively heard my views in this regard It is correct that during the current session itself this case is to be put to the president and before that the other House has also to discuss the matter Maintaining a balance I will try what should be done I hope the House will continue to cooperate with me

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY (DEPARTMENT OF ELECTRONICS AND DEPARTMENT OF OCEAN DEVELOPMENT) AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

[English]

SHRI RANGARAJAN KUMARA MANGALAM I am sure all of us have said that full opportunity must be given to the Counsel representing the hon Judge But at the same time the leader of the Opposition with due respects to him I may submit as referred to both the Judges Inquiry Act and the Constitution and said that there is a restraint that we have to adopt the motion in this session

If I may submit I emphasise both in the Judges (Inquiry) Act as well as in the Constitution is on the adoption of the motion being in the same Session in both the Houses and it being presented to the President during the same Session But it is not on consideration We are not limiting ourselves At the moment we are in the process of considering the motion and it is only when we adopt the motion does this constraint come on ourselves And this I want to make clear more as a legal

position. (*Interruptions*)

MR. SPEAKER: Well, there can be differences of opinion on interpretation of the provisions of the Constitution and the law. It is not necessary for us to enter into that kind of argument here, on the floor of the House, without carefully applying our mind to each and every word, comma and full stop; and I am not giving my opinion on that point. I am just leaving it aside. But the fact is that when we fixed the date as 10th May for the consideration of this, we did have this in mind that the Address has to be presented in the same Session. That is why, we thought, if it is discussed here for one day or two days, the other House will be able to discuss it for one day or two days; and there will be time for presentation also, that is what, we have decided and that is why, 10th May has been very carefully chosen for this purpose. At the same time, each and every member in the House realises that it is for the first time that we are discussing a matter of this kind; and nobody should be shut out, if he has something to give to us which can enlighten us on this point. Then, we would not like it to be shut out. Here, please do not get exact words from me, then, next moment you may tell me that you had said this thing, why not you do that. You give me some discretion and leeway, allow me; and we will do that.

Mr. Sibal, now I would like to know how much time you would need. I would not like to curtail your submission also. But at the same time, I would like to bring to your notice that I had an occasion of discussing with you and trying to find out as to how much time you may need. You had indicated some time. But, I do realise that if there are points and if you want to make your submission, some slight adjustment can certainly be done; but it should not go too off the mark.

SHRI KAPIL SIBAL: I appreciate that. If I may answer that.....

MR. SPEAKER: Please, I would like to

know how much time you will need. I realise that the first charge was an very important charge and probably you needed that much time. I have read the other charges and I have gone through the evidence also. I do think that you may not need that much time.

ANHON. MEMBER: Let him not repeat the points.

MR. SPEAKER: He is not repeating.

SHRI KAPIL SIBAL: I wish only to state that I will take as little time as possible (*Interruptions*)

MR. SPEAKER: Mr. Sibal, you may give me some indication please

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: Sir, let him have his time. We do not want to stop him. It is for him to decide, as to how brief he can be, not on our insistence, but on his own judgment. (*Interruptions*)

MR. SPEAKER: If you have cross-talks, my job becomes very difficult. Mr. Sibal, I would not like to curtail the time you need. But, at the same time, since there are some engagements—the Prime Minister is required to attend the dinner and there are so many other things—it would be necessary for us to decide. If the Tanzanian President is here, in honour of him, I think, something has to be done. So, please give some slight indication so that I can plan as to how I should go about.

(*Interruptions*)

SHRI KAPIL SIBAL: The maximum time that I will take is about three, three-and-a-half hours. (*Interruptions*)

MR. SPEAKER: I cannot shout.

(*Interruptions*)

591 Motion for Presenting Address to President under Article 124

MAY 10 1993

& Motion for Considering the 592 Report of IC Investigating the ground for removal of V Ramaswami Judge SC of India

MR SPEAKER Mr Sibal you had told me that you may not need more time than three hours. Probably I will give you some time but not as much as you need. If you want to make your submissions on these points, probably you will need little more time. If the House agrees, we can continue with this tomorrow.

wants to get this time limit increased if they want to defeat the very purpose of the debate by prolonging it then the members of the Congress party may please make it clear as to what do they want? (Interruptions)

[English]

HON MEMBERS Yes

(Interruptions)

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow) Mr Speaker, Sir, I am not aware as to what procedure did the ruling party decide with the consent of the leaders of other parties. However, it appears at least to me that the proceedings of the House are not taking place accordingly, and I do not find any reason that our leader gave us incorrect information.

MR SPEAKER Your leader has furnished correct information to you, he conveyed nothing wrong.

SHRI ATAL BIHARI VAJPAYEE I have not said that he has given me advice.

MR SPEAKER I may tell you, You please sit down.

SHRI ATAL BIHARI VAJPAYEE Mr Speaker, Sir, please let me conclude, don't interrupt me.

[English]

MR SPEAKER Sorry

[Translation]

SHRI ATAL BIHARI VAJPAYEE Mr Speaker, Sir, some sort of consensus did take place, I also came to know that a time limit was fixed for the counsel likely to plead the case of the judge, and there can be no objection if he

SHRI RANGARAJAN KUMARA-MANGALAM He must withdraw his statement (Interruptions) He must withdraw those words (Interruptions)

SHRI MRUTYUNJAYANAYAK His statement is motivated (Interruptions)

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA) Sir, it is an unfortunate remark which hon Shri Vajpayee has made. No motives can be attributed to the hon Council who is appearing here. No motives can be attributed to our party. We are all interested in a fair and proper hearing of this. Nobody is interested in anything else. Therefore, I strongly repudiate the remarks made by hon Shri Vajpayee (Interruptions) He must withdraw those remarks (Interruptions)

[Translation]

SHRI ATAL BIHARI VAJPAYEE I had put my question to you. There was some consensus. Is that consensus being honoured or not? (Interruptions)

SHRI RAM VILAS PASWAN (Rosera) You may please ask them what consensus did take place. (Interruptions)

MR. SPEAKER I am on my legs, you please sit down.

(Interruptions)

SHRI GEORGE FERNANDES (Mazaffarpur) Mr. Speaker, Sir, I do not know what consensus took place, however I would like to raise a fundamental issue before you. Is

it not wrong the way in which the discussion is taking place here and the manner in which the members are saying that they would have to go through the entire proceedings and that they won't be able to remember every point. For that purpose some are taking notes, others are getting the proceedings taped while some are preparing film. After some time the matter will be reviewed and a decision taken. Mr. Speaker, Sir, we are not judges. We do not want to keep ourselves under this wrong impression. I am one of those who have made the allegations and if I am told that I am a judge, I won't be ready to befool myself. We have made the allegation and we would like to have decision.

MR. SPEAKER: I would decide it just now.

SHRI GEORGE FERNANDES: The decision is necessary because the House is concerned only with the inquiry report given by those three persons who were appointed by the Speaker to investigate the matter. That report is fundamental and the rest is non fundamental. One of those persons who have given that report is a judge of the Supreme Court.....(Interruptions)..... I beg your pardon, if these people prevent me from speaking, then something unbecoming would happen in the House. All this cannot go on.....(Interruptions)

[English]

THE MINISTER OF STATE OF THE MINISTRY OF THE MINISTRY OF COAL (Shri Ajit Panja): Why are you shouting here? This is not your union room.

(Interruptions)

[Translation]

SHRI GEORGE FERNANDES: So much noise when I speak; Such attitude may lead to something unbecoming.....(Interruptions)

Mr. Speaker, Sir, several points have

already been raised and several more points are yet to be raised about the judges of the supreme Court and the judiciary of the country because such things are national in the course of a debate. I am talking about the report submitted by Inquiry Committee. One of the members who prepared the report is at present a judge in the Supreme Court—he is Justice P.D. Sawant, the other person is the Chief Justice of Bombay High Court—Justice Gosain and the third person is a retired judge of High Court.....(Interruptions) Please listen to me, don't interrupt me.

MR. SPEAKER: I will listen to you and give you time when you rise to speak regularly.

SHRI GEORGE FERNANDES: I am not going to deliver a speech. I just want to tell as to what should be the procedure for which a decision was taken here. I will not speak more than that.

MR. SPEAKER: There is no need to deliver a long speech on it. I will give you time for your speech.

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, we have a report here. We have received these documents 15 days ago and they have been prepared after conducting the inquiry as ordered by you. These documents were prepared under rules framed by the House, under Article 124(5) of the Constitution and under these rules an inquiry committee was set up. That inquiry is a sort of judicial inquiry. Now we have the report of that Inquiry Committee before us. We have to consider it, but if we start discussing it like a Court, then Mr. Speaker Sir, we will not be able to do justice to the agenda before the House. I have only this much to say.

SHRI EBRAHIM SULAIMAN SAIT (Ponnani): Mr. Speaker, Sir, I want to raise a basic issue. I do not speak often, but this is a historic occasion. We have an impeachment issue before us. If it is said that a particular committee was constituted and it had submitted its report, and we have to abide by its recom-

mendations then what is the need for this dissuasion. When a discussion has been held here, we will go through all its aspects and then vote, whether it is in favour or against. If one has to work according to the Committee's decision, there is no need for this discussion. I think when the discussion has already started, we should listen and consider all the points and then decide.

[English]

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH): It has been said somewhere and rightly so that speech is silver, silence is gold. I do not know whether silence is an appropriate contribute in the present circumstances. I have read a very great Roaerm thinker who said that the best contribute of absolute power is to restrain. Today this House is exercising a power which it does not do normally. A power is given to this sovereign parliament to decide on the guilt or innocence of a very high Constitutional dignitary of this country. Therefore, I would only plead with the hon. Members that this right to judge can only be exercised if we hear something. Secondly, the parliament cannot pass judgment without deliberations. If a Parliament passes judgment without deliberation, I think it will be negating the Constitutional authority vested in the Parliament in such a matter.

SHRI SYED SHAHABUDDIN (Kishanganj): Are we going to have a de-novo inquiry? (Interruptions)

[Translation]

MR. SPEAKER : I would like to say a few things on the issue raised here by Shri Vaipayee. For holding a debate on this issue, the Business Advisory Committee had suggested that the mover of the motion should speak first, then some other Members should express their views and then the Counsel of the judge should speak. The discussion should be held after that. But there was a point on which we had differences of

opinion, so we could not arrive at a conclusion on this. The second question was that a lot of legal interpretations and complications were involved in this case. So, it was suggested that one side should present the case in an appropriate way and then the other side should give the replies. The discussion can be held for 4 to 5 hours and then voting can be done on it. This suggesting was also good.

But afterwards a question came up that if so short time is allotted for discussion on such a big issue, it may give an impression that all the points were not covered and simultaneously it is also not good to present any Member from express in his views on such an important occasion which we are holding for the first time.

I had repeatedly said that I was agreed to your suggestions that such an issue should be presented neatly, the members should speak on legal points and charges and this issue should be discussed in such a way as all sections may express their views and I was also having the same opinion. But I was also saying that if some member in the House asks permission to speak, I will not be able to prevent him nor should I prevent him. Then I had suggested in the Committee that if you wanted that I should have the power to prevent any one from speaking, you please give me such powers. But it was said in the committee that the Speaker is already empowered. Then why I was trying to take such powers from them. Then I tried to take them into confidence and keeping in mind all these things, we are trying to proceed in this regard. It is not so that no one will be allowed to speak here. It is not so that Shri Pal or Shri Fernandes will not be allowed to speak. When Shri Fernandes rose to speak, I did not disallow him. I had called Shri Sibal also and he said that he would not take more than 2-3 hours. I had already a doubt in my mind that he might not be able to cover all the 18 charges within 2-3 hours and he would ask for more time. But as he said, I also allowed him. I can understand his problems. I am in favour of preventing him, but at the same time I want that the des not take long time. There should be a

balance from both the sides and this should also be kept in mind that this report has to go to the President during this session itself.

If necessary, this report will go to the other House also. We will take up this discussion while keeping all these things in mind. All of you may please understand its importance. We have to do a tight rope-walking, but it is necessary for everyone.

[English]

SHRI SOMNATH CHATTERJEE: Sir, I concede that in spite of the Report of the Enquiry Committee, Mr. Sibal is entitled to argue on behalf of this client that his client is not quiet because supreme court has said that there is still an opportunity to impress upon the House that the Report should not be accepted. I will concede that right. Sir, the only thing is that, we shall not restrain him. Let try to complete as soon as he can in the best of his judgment. My appeal to him is to make it an effective exercise. Let there not be closed mind. Therefore, let all the formalities be over. Let it be completed. If they have already decided that it should be on some particular basis or line, than why all these agonies for two days? If you have an open mind, discuss it. Let us have an opportunity. (Interruptions)

[Translation]

All right there is no need to shout speak slowly.....(Interruptions)

[English]

All right. I am comforted but this clear and vocal and vocal announcement that they have an open mind. But, let us have a useful discussion. (Interruptions) we can have a meaningful termination of this. Otherwise, it will be prolongation of the agony. (Interruptions)

SHRI BUTA SINGH (Jaiore): Sir, just a small thing.

[Translation]

As Shri Somnath, Shri shukla all other Members have said that we would take a decision on this issue by rising above party lines and purely from the angle of parliamentary functioning and for that we would use the sovereignty of the Parliament. This is a right thing. But I remember a couplet of Dr. Iqbal on this occasion. He had said that we ask for more time so that the issue can be seen in its proper perspective,

I quote--

"Jamhuriyat ik tar we hukumt hai, Japan bandon ko gina jata hai, tola nahin jata."

It is a different thing if you want to allow only a member of Members, but if want to see the importance of the issue, you will have to give more time.....(Interruptions)

MR. SPEAKER : It is good that you have provided a little rest to the hon. Counsel, who was speaking on this issue. I have listened to everything you have said. We have also listened to the suggestions given by the Business Advisory Committee. We have taken the consent of the House also. Now, you can leave this to the discretion of the Speaker. By using this power, I will try to do it in a good manner. If you want you can leave it to the discretion of the Speaker, so that voting to reach a decision on this matter can be avoided... ... (Interruptions)

19.00 hrs

[English]

MR. SPEAKER : I would like to make it clear to the House that I am giving time to Mr. Kapil Sibal and he has concluded it today.

SHRI MANI SHANKAR AIYAR (Mayiladurai): All the members who have given this Motion are not present now in the House. It is very important that they should listen to what Mr. Kapil Sibal says

MR. SPEAKER : Not necessarily. The submission is made in writing. Please sit down.

SHRI KAPIL SIBAL: I will straight way come to charge 2. Now the charge 2 will be found in Volume II on page 2. The charge 2 reads as follows:

"It is alleged that in 1989 you got purchased for Conference room and extended office 1637 sq.ft. of Modi Superior quality wall-to-wall carpet and foam from a favoured and hand-picked dealer, M/s Krishna Carpet Co., Chandigarh without obtaining genuine quotations from any other dealer. The quotations allegedly obtained from M/s. Cottage Emporium and M/s Handloom Emporium were false to your knowledge."

Now I want to save the time of the House and would not read this particular charge. I will just come to the final allegation on page 3. It reads as follows:

"All these things have happened at your instance or with your active connivance and under your instructions. You are thus alleged to be responsible for the fraudulent purchase of carpets and foam from a favoured dealer, by procuring false quotations, by splitting the bills to circumvent the rules, the purchase itself being at higher rates than market rates, and the quantity far in excess of requirements. Fraudulent purchase-not proved; false; false quotations-not proved. The Committee says that splitting of the bills was the practice in the Punjab and Haryana High Court.

So, itself says, there was no circumvention of rules. The purchase itself being at a higher rate than the market rate-not proved. The only part of the charge which stands proved is in respect of hand-picked dealers, genuine quotations, visited various shops and splitting of bills.

Now, I have already dealt with hand-picked dealers and genuine quotations in charge 1. So, I need not repeat it here.

So I need not repeat it here. The same argument is placed here, so two of those objections are taken out. Now the third objection, viz. splitting of bills is held by the Committee in my favour so the only one left is I visited various shops.

I want to point out one fact that not a single witness in this entire evidence has said that I ever visited a shop. In fact they came and said-mind Sir, kindly remember one thing, in this committee my learned friend rightly said, 'I did not participate', so all the witnesses were the witnesses of the Committee and I produced no evidence because I never participated-- I never visited any shop and yet the finding is that I did visit shops. It is on the ground that there was a note prepared by the Registrar was called to the Witness Box he said, 'that never happened.'

Assuming that I did visit shops, what happened, what is the misbehavior about it. Even the Committee says that visiting a shop is not a misbehavior. But when the Committee collates visiting of a shop with hand-picked dealers, genuine quotations, then the Committee finds that this charge is proved. But this I have already addressed to you on the aspect of hand-picked dealers, genuine quotations, is out of the way, that takes care of the Charge 2 because most of the other charges are fall out of this basic charge, the one which I have already dealt with.

Kindly come to charge 3. My learned colleague says, that I should point out to this hon. House some of the statements which say I never visited shops. All the statements say so. I just give a couple of examples. Page 145 of Vol. III.

"The next witness examined on the aforesaid issue from the Court Officer Section was Shri Jagir Singh, Witness No. 8. He, made the following statement:

I do not have personal knowledge whether the Chief Justice Shri Rameswami and visited the shops for the purchases for the High Court. I do not know personally who went to purchase

601 Motion for Presenting Address to President under Article 124 VAISAKHA 20, 1915 (SAKA) & Motion for Considering the Report of IC Investigating the ground for removal of V. Ramaswami Judge SC of India 602

the items or procured quotations for the said purchases."

Witnesses after witnesses say the same-
thing.

Shri P.D. Ram Pal, in this context says:

"I have no personal knowledge about contents of the note out up to me as they were initiated by the Court Officer Section. I signed them and marked them to the register."

"My attention is drawn to the contents of the note which states that the Chief Justice and the Registrar had visited various shops. I am not aware of the correctness of the said contents."

But anyway, it really does not matter whether he did or did not, even if the Committee's finding is taken to be correct.

At a page 144 the Committee says, there is nothing wrong for the Chief Justice to have visited the shops.

Now come to Charge 3 and your honour will find it again in Vol. II and this relates to carpet.

The first part of the Charge is that you were involved in the replacement of carpets' - Charge no proved by the Committee. Then the Committee says that you purchased 13 carpets for the High Court but used them at the residence'. That I have already explained to you, the basis of this is the rolled carpets found on the 17th of February 1990 in the High Court, after the Chief Justice was already alleviated to the Supreme Court.

Next false quotations- I have already explained about that. Nothing false found in any quotation. Only undated quotation which is a practice in that Court.

Splitting of bills -- already held in my favour. Those are the four elements of the Charge 3. That is all that I have to say on this.

Kindly just look at the Charge now. In that I have already explained to you. Kindly look at it, Vol. II, Part II, Page 3.

"It is alleged that on 15.3.1989 you got purchased in all 13 woolen carpets from Krishna Carpet Co. Out of the said 13 carpets, 5 carpets purchased under such and bill, dated 15.3.1989 and were of the following description:

2 ozrpets -- 4 'x6'; 1 carpet -- 3 'x6'; 2 carpets -- 3x5!

"However, out of these carpets, four carpets admeasuring 3 x 5 and two admeasuring 4x6, were found to have been replaced by inferior quality carpets."

Not found. the Committee does not find this against the Judge.

" it is further alleged that all the 13 carpets were purchased for use in the High Court. However, all of them including four rolled carpets were found at your official evidence".

(c) It is further alleged that false quotations, to your knowledge were called from the Cottage Emporium, Which had closed down earlier than the date of quotations".

It was found in favour of the Judge, not against him. No false quotations were found, and the Cottage Emporium had not closed down. That is the evidence in this regard.

"That it is further alleged that you got purchased the aforesaid, all the 13 woolen carpets on 15.3.89 by indulging in the device of splitting of the purchase of carpets into four vouchers."

The splitting aspect has already been decided in favour of the Judge.

[Sh. Kapil Sibal]

So, the finding of this Committee in this regard, in Volume II, page 96, is as under:

"Thus, as discussed in paragraph 134 above, this charge is proved only to the extent".....

to what extent -- " of only 12 loos carpets which were falsely shown as having been purchased for use in the High Court were found in the residential portion on 17.2.90"

But, the judge was not there on 17-2-90; He was a Judge of the Supreme Court. he was elevated in October 1989. so, because 12 loose carpets were found in the residence on 17.2.1990 the charge is proved against the Judge; The rest of the charge, the Committee itself says, that it was not proved.

So, this is the manner in which the proceedings were being conducted and the findings being rendered against the Judge;

Now, kindly come to charge No. 4. I think, before I do that, let me just read the reply of the Judge in respect of Charge No. 3. which is at pages 167 to 168 of Volume II. I read the reply of the learned judge. He says at Page 167, volume III.

"In their conclusion relating to the allegations leveled in charge 3, the Inquiry Committee substantially found as under:

"The allegation that the quotations for dated 7.2.89 for purchase of carpets was bogus and the said firm has been closed down, earlier than that of the quotations was also not proved. The splitting of the bills for the purchase, for circumventing the rules was held to be not substantiated. The only allegation considered to have been proved in this charge is that although 12 carpets

were shown as having been purchased for the purpose of the High Court, they were found in the residential portion of the Chief Justice on 17.2.90. when the possession was handed over by Justice Ramaswami, these were meant for being used in the residence. The conclusion is on the face of it is, that it is wholly unsubstantiated.

Firstly, there was a total of four rooms, in the first floor of which one was used as office earlier and official residence as per the details mentioned, in reply to Charge 1. the evidence also shows that the Visitors' Room was also house in the office portion of the residence. Consequently, only two rooms comprised of the residential portion.

Paragraph 38 of this reply to the allegation by the Committee in paragraph 134 of the report in the Charge I answers this charge as well. It may also be mentioned that judge's residence is an extended office in law and as conceded by the Accountant General and Shri batra, if some articles of the High Court are found in the residence of the there is nothing wrong in it.

It is evident that the investigation made by the Inquiry committee was cursory or extraneous so as to return a finding of guilt even though the findings are totally illogical. it is also necessary to observe that the Account General, Shri Raghbir Singh who appeared as witness no. 21, in his statement made the following observation:

"If an item was purchased for the High Court and supplied for use in the office portion of the residence of the Chief Justice. It is in order. In view of the aforesaid statement, the mere location of loose carpets could not lead to any adverse inference. The learned judge says that the chief Justice is not expected to keep track of the movement of the articles of the High Court. Now withers has spoken to the same as having been purchased

for the personal use of the Chief Justice."

Sir, the carpets are there. That takes care of Charge 3.

Now let us go to Charge 4, which is given in part II-Vol.II

Pages 3 and 4. Let me read the charge. it says:

"It is alleged that you got purchased between 2.2.89 and 6.2.89 - that is within four days - of several sofa sets, sofa chairs, center tables, corner tables from M/s Saiwan & Co, a favoured and hand-picked dealer - again the same thing - under five different vouchers for Rs.59,000; Rs. 58,000; Rs. 58,000; and Rs. 58,000. For these purchases you visited many shops and selected the furniture from Saiwan & Co. without obtaining quotations from any desaler - again no quotation. Advance payment was made for the said purchase under your sanction.

It is further alleged that you had got the purchases made of these items of furniture, which were disproportionate to the requirement of the new office wing of your official residence. Items mentioned in the list schedule to this charge were not used for the said new office wing of your official residence but were found elsewhere."

I might mention to the hon. Members of this House that Justice Ramaswami was living alone in Chandigarh. All his children are settled abroad; except for one son, who is here and he lives in Madras. His wife, in the course of a year, for 8 or 9 months, was abroad. So, he was occupying this residence as a single persons. He did not need all these. If there was a dining table, it

cannot be said that it is attributed to his personal use. Every day he was entertaining high dignitaries-Governor, other judges of the High Court, officials who visited him, members of the administration. You might remember that there are two administrations, Punjab and Haryana. He has to deal with them. And for security reasons, it was thought that it would be better if he had an office in his house because he was dealing with a disturbed area rather than he rushed to the High Court every time he wanted to have a meeting. These are the exigencies of the situation. Therefore, do you expect that the judge would use four or six rooms for his personal benefit? He would hardly be in the house. Most of the day he will be walking in the High Court and in the evening if he came back with work, he will be working in one room. What was the basis of a charge that all these were done for this personal benefit and from hand-picked dealer? Now, in this context, I would like to mention to you the finding of the committee, which is very important. It is giving at page 76 of Volume II. It says:

'Thus in all 12 sofa sets were purchased. Three sofa sets were found in the drawing room; five in the conference room and one in the office room of the Chief Justice. There have been accounted for elsewhere, outside the official residence of the Chief Justice."

What the Committee means is that the residence must be divided into official residential and these were found within the residence but outside the official residence, what the Committee considers to be the official residence. And therefore, they have attributed these sofa sets to his personal use. The fact is that the sofa sets were found in the residence of the other judge.

I might just show you that statement. That is the fact that has come one record and that is the only extent to which the Charge has been proved that 3 sofa sets were found for your personal use and the value of those sofa sets has

[Sh. Kapil Sibal]

been included in the limit of Rs.38,000/- Now in this context just read the reply of justice Ramaswami and that reply you will from pages 168 to 171 of Volume III. This is what the learned judge says:

"On the issue of favored dealers a detailed reply has already been given in reply to Charge 1."

So, I will not repeat that. Then, the learned judge says:

"The only issue that remains and has been determined under charge four is that the purchases were excessive. Shri Mohan Dutt Sharma in his statement as witness No. 2 before the Inquiry Committee submitted, "It is correct to say that there is no limit prescribed in the Rules for purchase of furniture and furnishings in the office portion of the official residence of any Judge including the Chief Justice."

This is the witness of the Committee is saucing that there is no limit. This is not my evidence and yet the Committee finds otherwise

Question: On what basis have you stated that the carpets and sofa-sets were disproportionate to the accommodation and covered area at the residence?

Answer: The inventory supplied to me of the items at the residence of the Chief Justice indicated that some carpets were lying rolled up at the said residence. It was also mentioned that some sofa-sets were lying at places such as door opposite to toilets and bathrooms where sofas are not required to be."

This is the 17th February, 1990 situation when he was in Delhi.

"The Committee seems to have accepted the basis on which Assistance Audit Officer has indicated that the sofa-sets were excessive and disproportionate to the requirement of the office portion in the official residence. I would, however, be pertinent to mention that the basis for concluding that the sofa-sets were excessive and disproportionate to the requirement of the office portion as indicated by Shri Des Raj, Batra was considered as preposterous by the Accountant General'

which evidence I have already used. Now, I come to page 171:

"It is storage that the Committee which had no occasion to visit the office portion of the Chief Justice's official residence at Chandigarh should have expressed any opinion different from the opinion of the High powered Committee as well as the opinion expressed by Shri R.K. Nehru and Shri Baghuvir Singh in respect of the reasonableness of the purchase of sofa-sets in relation to the accommodation in the office of the Chief Justice's residence. It is also not expected of a Chief Justice to keep track of the movements of the furniture. If three sofa-sets, chairs purchased for the office portion in the residence were found elsewhere in the High Court, the Court Officer Section and the Registrar should have been asked about the same."

Why the Chief Justice? This is not the responsibility of the Chief Justice. Kindly look at page 131, volume III:

"It is suspicious and may be an attempt to make it appear that the Chief Justice desired the two sofa-sets to be purchased he visited the

shops and obtained quotations. In this connection the evidence of Bajwa the then court Officer may be referred to. He states with reference to this purchase note as follows:

"I know only one fact that our Register Shri Nehru and Mr. Anand wanted one sofa set in their offices at their residences. Then it was decided by by Shri Nehru that we will provide two new sofa sets to the Chief Justice and take the old ones from his residence for their purpose. This was discussed on the presence of Shri Mahajan and Myself. Shri Nehru told both of us that he would discuss with the Chief Justice and then inform. Thereafter I received this note from Shri Mahajan which was marked to me by the Court Officer Shri S.S. Dogra and just submitted it to the Registrar. I do not know whether the Registrar had talked to the Chief Justice or not."

Now, was it a purchase for the Chief Justice or was it a purchase for them?

It was found at other places and yet the purchase is attributed to me. Kindly see the bottom of page 142. It is the statement of Shri Mewa Singh, who is the District Judge. What does he find on this item? He says:

"Annexure E contained in the list of articles supplied at the residence of Chief Justice Ramaswami where received from the house of other judges".

Now the furniture is bought for him; it is found in other judges' house and it is attributed to the chief Justice.

And that is the infraction of law.

That, Sir, is in relation to Charge 4.

Charge 5 is not proved. So I need not go into it.

Charge 6 is not proved. I need not go into it

Charge 7 is the charge which is partly proved.

The charge is in Volume-2; Part-2 and on page 5.

It relates to suit cases. the Chief justice of a high Court is concerned with suit cases!

Kindly have a look at charge 7 on page 5 of volume-2 It says:

"It is alleged that 18 attache cases, suit cases were purchased for you and supplied at your official residence during your tenure as Chief Justice of which six suit cases and one brief case were purchased around the time of your son's marriage; and (ii) six suit cases were purchased a few days before your appointment as Judge of the Supreme Court of India. Out of these eighteen attache/Suit cases, only thirteen in number were found at the residence when you handed over charge, and none of them appeared to be newly purchased. In other words, five suit cases purchased during your tenure have been removed and the remaining were substituted by old suit cases and this was done at your instance and for your benefit".

Now the so-called substitution is not proved. The Committee itself says no evidence of substitution, no old suit cases for new suit cases. But the Committee finds that five suit cases, out of 18, were not found on 17.2.1990 at the time when he handed over charge. Therefore, they were missing and it must be attributed to him. No finding that I am have taken anything.

Now, is the Chief Justice of a High Court to look after and find out how many suit cases are to be where? He gets elevated to the Supreme Court. He comes to Delhi. He takes over the

charge He goes back on 17.2.1990 The Committee counts the suit cases there and says only 13 are found

How does he know what has happened to the others? You must understand what these suit cases are for When a judge goes to Court he has to carry very important files, sometimes which are secret files, and especially the Chief Justice So he takes them to the Court and he brings them back Every evening he brings them back and then he works and next day he goes to court He is not carrying his luggage anywhere in those suit cases He was carrying the files After he carries the files, some suit cases might have been left in the High Court itself

Inspector General of Police, Chandigarh. The same is on record of the Inquiry Proceedings as Ex 20 Paragraph 14 of the FIR states: "That 18 attach cases/suit cases were shown to have been purchased and provided at the residence of Hon'ble the Chief Justice and out of them 6 were purchased only 2 or 3 days before relinquishing charge by the Ex-Chief Justice Mr V Ramaswami, but only 13 old attach cases/suit cases were found there and none of them was found so recently purchased. Thus, either 5 attach cases/uit cases have been embezzled, or payment has been made against bogus bills whereas the other 13 suit cases have been replaced by old ones"

All this is not proved

How does the judge know? The judge does not carry the suit cases with him He does not go to the High Court carrying the suit cases His staff must know where the suit cases is And if it is not found there, it is not found there If it is missing, it is missing, unless somebody says 'No, we carried a search of your premises and that suit case is here and you have misappropriated' I can understand that kind of evidence But that is not available

What are we looking at here? When the staff says that we will count from the stores of the High Court and show you, that exercise is never done They do not permit that exercise

On page 175 of volume 3 you will see that a request was made 'We will in fact go and try and see as to where those suit cases are' That exercise is not promoted by the High Court It is in para 100 on page 175 of volume 3

Sir, kindly have a look The last two lines of page 175, paragraph 100, Vol. III says

"One another fact also may be noticed Shri S.K. Jain, former Registrar of the Punjab and Haryana High Court while holding the post of Registrar vide letter dated October 8, 1990 lodged a formal First Information Report with the

It is further said

"On further perusal of the F I R at page 11 thereof it is alleged that the responsibility in respect of the allegations contained in the First Information Report were jointly of S/Shri Bajwa, S S Dogra, Raminder Khanna, B.N. Vohra and B S Bandair severally and collectively The aforementioned officials/officers of the High Court contested the factual position contained in the First Information Report and therefore, made requests to the investigating officers of the Police Department as also to the Registrar of the Punjab and Haryana High Court to the effect that nothing whatsoever was missing and that everything was available in the stocks of the High Court This request of the aforesaid accused in the First Information Report was declined. The inevitable conclusion is that the authorities were not willing to permit the accused to establish their innocence or in other words to establish that the stock alleged to be missing were in fact available in the premises of the High Court. In this respect, the statement of Shri S.S. Bajwa before the Inquiry Committee assumes relevance and is, therefore, extracted hereunder -

" missing and replaced items, did you make a request either to the High Court or to the Police Authorities that you wished to have the

stocks counted in order to show that nothing was missing? Ans The charge-sheet was given almost on the same day that the First Information was registered. Immediately I wrote a request later to the Registrar, High Court, in which I requested that I should be allowed physical verification of the items as all the items are very much available in the office of the High Court or in the residence of Hon'ble Chief Justice

This request was declined by the Chief Justice (witness produced copies of letter Both are taken on record and marked Ex 182 collectively"

So, there is a scientific refusal. So, somebody from the Court wants to say 'they are there'. There is a refusal the Committee then finds five are missing and attributes this to Chief Justice Ramaswami

Basically since the time is short, I do not want to unduly prolong these proceedings. I am just giving you the essence. This is then the evidence on this particular charge, that is, Charge 7. In fact Sir, on this point I want to just tell you that the evidence shows that 13 Exhibits produced and 13 were found. There were 13 Exhibits produced before the Committee and 13 were found and for the five new suit cases the sanction was granted by the succeeding Chief Justice. That is the evidence on record and that para Q5 page 173 III says

Again another important factor is that none of these exhibits which relate to purchase of suitcases had ever come to the notice of Chief Justice himself. The files stopped with the Registrar and there is no evidence to show that the files had ever come to the notice of the Chief Justice any amount was paid by the High Court and whether they were sent to the Chief Justice at all

It is because the entire power was still with the Registrar. That, Sir, is Charge 7

Now I will come to charge 8

Charge 8 is purchase of silver maces on which I have already made my commitment. I will show you the finding at page 99-102 in Volume II. I will straight away take to page 102, top of the page

'We are of the view that the purchase of maces with full silver content at the rates in question was wholly novel, irregular and wasteful expenditure, against the Financial Rules prescribing economy of expenditure by Heads of Departments. Assuming that Justice Ramaswamy was justified in going in for the purchase of the said maces in spite of the opposition from the other Judges, we are not satisfied that the expenditure on this scale was at all necessary and in conformity with the financial discipline. As far as the splitting of the bills for the purchase of the maces is concerned we have already held that the splitting was done as a matter of practice and therefore no particular fault could be found with splitting of the bills for the purchase of maces'

We however, find no substance in the allegation that the quotation was called for only from M/s P Orr & Sons from Madras. It has come in evidence that there was no other firm either in Chandigarh or elsewhere which was manufacturing such maces."

That is the finding of the Committee

There is also no evidence to show that the price charged by the said firm was excessive and was not justified by the silver contents of the maces"

In fact I am told, when the silver maces issue came the High Court committee got the contents of the silver maces examined as to whether the value of the silver in the silver maces fell in line with the value shown in the voucher. Of course, nothing was found against the Judge. But this is the price was not exces-

[Sh. Kapil Sibal]

sive, having found that there was no favoured buyer here, having found that there was no other manufacture-misbehavior! The, all silver maces should be withdrawn from all courts from this country. The Bombay High Court discontinued silver maces. If the Calcutta High Court uses it, is it the misbehavior against all judges of the Calcutta High Court? Is it the greatest respect? That is no way of dealing with a Judge of the superior judiciary. This is charge No.8.

Charge No. 9. is the famous charge relating to telephone expenses at Madras, Rs. 76,000, on which I have already committed in the earlier parts of my address. What is found by the Committee against the Judge? Rs. 76,000 unauthorised reimbursement, you should not have reimbursed yourself to Rs. 76,000 because you were not entitled to telephone expenses at Madras. Everybody else in the administration is entitled to, you are not! August, 1988 Audit found, he was entitled to it. No objection was taken. No separation of private and official calls. In Madras, he used to say only for a couple of months during the summer vacation, then he used to come back. He was functioning of court is such that even during vacation, the registry continues to function. There are petitions filed, writ petitions filed, appeals filed. Vacation Judges function. Those matters have to be listed. How are those matters to be listed unless instructions come from the Chief Justice in Madras? So, the court offices have said in their evidence, "The Chief Justice used to talk to us every day from Madras to give us instructions as to what is to be done about the filing of cases and to which Bench are to go before or any other problem that may arise. The Chief Justice is not only concerned with the filing of cases. He is concerned with all kinds of administrative problems-district judges problem, transfer problems, somebody comes up with some problem. The entire subordinate judiciary is under his control. Because he is in Madras and using the telephone, he should have bifurcated his personal call from his official call and this is misbehavior! Now what is most

important is, he made his foreign calls from there also, that is calls abroad but he paid for that. Before any charge was leveled, he paid for that. So, there is no charge against him and he never got that part of it reimbursed. Then the Committee said "You got reimbursement of rental charges for the period in first half. Apart from the payment on the calls, you could not have reimbursed for the rentals".

If I am entitled to an extra telephone, I am entitled to the expenses in Madras, I am entitled to the rental as well. This is the proof of Rs. 76,000/- against the learned judge on telephone calls. The fact is I paid thereafter judge on telephone calls. The fact is I paid therefore. Even this, Supreme Court said that you should reimburse. I reimbursed. Now the Committee says that does not matter. You may have reimbursed but you took one year to reimburse. Therefore, there is a delay. Therefore, there is willful temporary use of funds. Therefore, you have misbehaved. Therefore, you must be impeached.

Now the fact is that my claim is still pending with the Government and the has been no decision till date by the authorities on it and I also entitled as much as an IAS Officer is and I am entitled even as a Judge to go to court and say that if you grant this entitlement to the IAS Officer and the Government does not grant it to me, I can get a court order. But you cannot find me guilty of misbehaviour before all this happened. This is the procedure, with greatest respect, unknown to law. I have never heard of this in any jurisdiction in the world. This relates to telephone expenses.

Charge 10 not proved. That related to Rs. 9.10 lakhs on official telephone expenses. Not proved.

Charge No. 11 the staff car. That you took your staff car to Madras, two of them. One you are entitled to take, the other you could not and you took your Private/secretary. His expenses were debited as official expenses. That we do not accept, that these were private expenses. When

he was doing official work in Madras, they said, these are private expenses and, therefore, again there is misbehavior. In this context, read the reply of the Judge Vol. 3 p. 210. This is what the learned Judge says:-

"The expenditure incurred on car CHF3 allotted to Chief Justice for petrol in excess of 150 liters per month was willful excess of public funds for private purposes and the subsequent reimbursement of the sum in respect of excess petrol does not negate the charge".

This is the finding of the Committee.

"The taking of the staff car CHF says Madras was unauthorised and against the High Court Staff Car Rules and the expenditure incurred for taking the car to Madras and back and for local use in Madras was willful misuse of public funds for private purpose since no payment at the prescribed rates was made when the expenditure was incurred and the subsequent reimbursement of Rs. 11,000/- for use of staff car does not negate the charge".

Money was paid back but the Committee says noting doing.

What is the reply of the Judge? He says:-

"Under the High Court Judges (Conditions of Service Act) every Judge including a Chief Justice is entitled to the use of the chauffeur driven car 150 liters of petrol per month. The car bearing No. CGF 3 was the car allotted to the Chief Justice for his use. The Committee had not found that taking of this car to Madras for the personal use of the Chief Justice was in any way irregular or unauthorised".

I am may inform you that this entitlement is available to every Judge of the High Court. It is available to every Judge of the Supreme Court.

All that is required of the law is that if it is beyond 150 liters, the Judge must pay whether it is private or official.

"However, it finds that since the Chief Justice was entitled to only 150 liters of petrol per month free of cost, he is liable to pay for the petrol in excess of 150 liters per month on the expenses incurred by the High Court same was willful misuse of public funds for private purposes."

As has been found by the Committee itself the car was there in Madras for use of the Chief Justice from May 25, 1989 till it was brought back to Chandigarh on 5th of August, 1989. Normally for the Chief Justice, for that matter for every Judge of the High Court, the petrol expenditure is incurred by the High Court in the first instance. If on taking account the Chief Justice or the Judge is found to have used excess of petrol over 150 liters then the High Court sends a bill bad on receipt of such Bill the amount is paid. There was no occasion for the Chief Justice at any time before during his tenure as Chief Justice to exceed 150 liters of petrol because the residence is less than 1 k.m. away from the High Court..."

What he is trying to say is that the distance between the High Court and this residence in Chandigarh is less than one k.m. and so he never had any occasion to use 150 liters of petrol. He never used it.

"After the car came from Madras on 5th August neither the office nor the accounts section informed the Chief Justice that there was any excess use of petrol in respect of CHF-3. Also within about 7 weeks thereafter the Chief Justice was elevated to the Supreme Court on the 6th of October, 1989. Till then nobody informed the Chief Justice that there was any excess use of petrol in respect for CHF-3. There was an internal audit done in November and December 1989 after the Chief Justice had left Chandigarh on his elevation..."

If he comes to the Supreme Court, in the

[Sh Kapil Sibal]

mean time there is no note saying that he has to pay then how is he supposed to know. He is not to check the log book. A Chief Justice of the High Court is to check the log book of his car to find out how many liters of petrol has been consumed so that he has to pay the money. It is for the administration to put up the note to him. If he does not pay then somebody can take an and if he does not pay it should be deducted from his salary. But that never reached because the Chief Justice came to the Supreme Court. There was no note to put to him to that effect. What really happened was that after he came to the Supreme Court the internal audit through the High Court itself has started all this and started releasing things to the Press. If there was anything said against Justice Ramaswami I think they would all be here now.

There was also a thorough checking by the international audit of the use of the cars by the staff subsequent to the elevation of Chief Justice. However the internal audit did not point out that any excess petrol was used for CHF-3 or that the Chief Justice was liable to pay any money in respect of the same. There was a special audit done by the Accountant General's office in April 1990. The Audit Officer in his audit note No. 32 dated 4.4.1990 did not specifically state that there was any excess use of petrol in respect of car CHF 3 over and above the limit of 150 liters.

Even the audit raised no objection at that stage.

There was a general statement that 'the use of staff cars at Madras and resultant payment to drivers Principal Secretary and Assistant Registrar lead to avoidable expenditure of Rs 55,574/- as detailed'. In the details given thereafter it was stated under the heading "Petrol and repairs" Rs 26,587/- The staff cars referred to in this report were CHF-3 and

CHK 5959. In the details however it was not stated as to whether there was any excess consumption of petrol in respect of car CHF-3 or what was the amount payable in respect of the same. It appears that this audit note was forwarded by the Accountant General to the High Court in turn forwarded the same through the Registrar of the Supreme Court requesting for the comments of Justice Ramaswami. His remarks to the general note of the audit was forwarded to the High Court through the Registry of the Supreme Court which in turn was forwarded to the Accountant General. The Accountant General for the first time in his letter

He is elevated in October 1989. For the first time on 6.9.1990 one year later a copy was forwarded.

I quote

"That Accountant General for the first time in his letter to the Registrar of the Punjab & Haryana High Court dated 6.9.1990 copy of which was forwarded to Justice Ramaswami through the Registry of the Supreme Court stated that the consumption of petrol in respect of CHF-3 was within limit in June 1989 but for the rest of the period there was an excess use of petrol and such petrol expenditure over and above the permissible quota for CGF-3 was Rs 5121/- This was received by Justice Ramaswami sometime in second week of September 1990 and as found by the Committee on 21.9.1990 the said sum of Rs 5121/- was remitted.

So, for the first time he received it in September 1990 and he remitted it in 21st September 1990 that month itself the amount being Rs 5121/-

Then my learned friend says that there is

no reply based on merits. The Judge has meticulously, has carefully taken pains to reply on merit.

"In the circumstances how the Committee could conclude that Justice Ramaswami has willfully and intentionally withheld the payment until the last stage.."

That was the Committee's findings.

As if he should have checked up the book; When the objection came to him in September, 1990, he paid in September 1990. The conclusion only reflects the eagerness with which the Committee wishes to condemn the Justice Ramaswami without reference to the correct factual position. That part of the charge is wholly unsustainable.

Now under the Staff Car Rules, a staff car may be used by the Chief Justice, judges and officers not below the rank of an Assistant Registrar for purposes of an official duty without payment of charges. In fact, any officer of the High Court also could be permitted to use the staff car even for certain private purposes with the sanction of the Chief Justice. Officer is also entitled to take car and use it for official purposes outside the headquarters with the permission of the Chief Justice. Officer is also entitled to take car and use it for official purposes outside the headquarters with the permission of the Chief Justice. The Chief Justice is entitled to use staff car for private purposes subject to payment of prescribed mileage charges. The Committee also noted this position under paragraph 201 of the report. However, the Committee came to the conclusion that car number CHK 5959 was not taken for official purposes but for his private use and more particularly for the marriage of his son. I want to point this out. The son was married 500 miles away. He was married in Coimbatore. We are talking of Madras. And the Committee never found that any car was taken to coimbatore. The finding is, it was never taken to Coimbatore. But the charge is, he took it for his son's marriage. I am only saying that this is the nature of the

charge. Of course, it can be disputed. The point I am making to you and appealing to your conscience is the manner in which you level charges against a judge of a superior judiciary. The point I am making, without verifying anything, without assessing the material, without collecting the material, without finding out whether there is any element of truth in it, without satisfying yourself *prima facie*, how do you level such a charge? How does the press print it? I hope, tomorrow the press gives a version of the Judge for the first time.

Justice Ramaswami says that the marriage of Justice Ramaswami's son was held at Coimbatore 500 kilometers away from Madras on 5th July, 1989. He goes to madras in May 1989 and the Marriage is in July 1989. How could he be taking the car for his son's marriage on the 25th May? Cars were taken to Madras on the 25th may and remain at Madras till it was brought back to Chandigarh.

Now about the Private Secretary. Private Secretary holds the position of the Assistant Registrar. When the Chief Justice goes, his entourage goes with him. His entourage is only an officer of the level of an Assistant Registrar. That is all happened. Therefore, if you want to have some standard, you must find out from those as to what is being done in other parts of the country in other High Courts. Once you have investigated it, you find out what the practice is, and then you find out what the practice is, then you apply your mind and say whether or not Justice Ramaswami has in fact, deviated from the practice. But you cannot conclude first, without making an inquiry and say that this is all misbehavior.

Justice Ramaswami and his Private Secretary went by train for the marriage at Coimbatore on 3.7.89 and returned by train on 5.7.89. There is an evidence in the discussion under charge 12. Merely because he was married, his son was married in Coimbatore on 5th July, no inference can be drawn that the cars were taken for the purpose of marriage..

[Sh. Kapil Sibal]

Now one witness says, it is correct, on point 213, that on 21.5.89, I and Shri Khanna had gone to Madras in Staff Car which we left there for the Justice Ramaswami who had to celebrate the marriage of his son. Too much cannot be read into the statement. What he referred to was, cars left Madras for use of Justice Ramaswami. Admittedly, cars were not taken to Coimbatore and no witness spoke contra. That, Sir, is the charge relating to the Private Secretary going to Madras.

Para 140 says, three reasons were given by the Committee for holding the car CHK 5959 was taken for his private use Para 197 provides Exhibit 94 dated 10.5.1989 and a note dated 31.5.1989, exhibit 95 which are quoted there do not in any way say that car was taken for the use by the Private Secretary.

"But show that they were taken only for the use by Justice Ramaswami for the discharge of his official duties by private secretaries as P.S. to the Chief Justice. The P.S. accompanying the Chief Justice has also noted in the said noting. Anyway, it is the language used by the P.S. and no adverse inference can be drawn nor could be construed like a statute. It is in the evidence of the Driver of CHF-3 that Justice Ramaswami used to travel only in CHF-3 and he never travelled in CHK-5959 after CHF-3 had been allotted to him."

So, this really is the essence of the charge against the learned Judge in respect of charge 11.

Now, Sir, charge 12. Charge 12 is related to charge 11. Charge 11 relates to the cars, charge 12 relates to the two officers who went along. So, the same logic applies. And the Judge feels that yes, he is entitled to take an officer along with him. What is the wrong in it? He is the

Chief Justice of an High Court. Can he not take an officer along with him? And if you kindly see, there is an element of security involved of the cars as well. Kindly have a look at this charge. The charge is that two officers took the car to Madras and when they took the car to Madras, they flew back. At the time when the car was to be brought back, an officer flew there and brought back the car. So, the charge is, how did he do that, how did he send an officer? But, then, how would the car come back only with the driver? What, if there is an accident enroute? Who takes the responsibility? What, if the driver gets drunk and the car is smashed? Who gained by this? Justice Ramaswami did not gain by this, the man who flew did not gain because he did not stay in Madras even for a day. He went there and on that very day, he came back. So, what is the personal benefit that Justice Ramaswami got out of this? All right, you may say, "If I were in his position, I would not take that decision." Very well. And total expenditure involved here is Rs. 7,000. So, you may have done it another way, somebody else does it another way. Is that a misbehavior? It is a question of perception. There is no moral turpitude involved. And it is not that he took a stranger with him, or he took a friend with him. He took his P.S.

Charge 13 is not proved. And charge 14 is the final charge which is about the violation of Punjab Financial Rules. That is very important and there is a constitutional aspect of it that I would like to place before the hon. Speaker.

Now, Sir, the Committee finds that the Punjab Financial Rules apply to the expenditure incurred by the Chief Justice and, therefore, his expenditure was controlled by those rules. And the reason why the rules apply to the Chief Justice in respect of his expenditure is based on a letter of the Central Government which is appended at page 109 of Volume III. I would like you to kindly have a look at that letter.

"Subject is : Delegation of financial powers to the hon. Chief Justice of Punjab and Haryana High Court."

Now, Sir, this letter, as I said, is the only basis of the finding of the Committee that these rules apply, that is, the Punjab Financial Rules. The letter reads as follows:

"With reference to your letter number such and such, dated 25th October, 1967, on the subject mentioned above, I am to state that the President is pleased to delegate to the hon. Chief Justice of Punjab and Haryana High Court, the same financial powers as were delegated to him by the erstwhile Government of Punjab under the Punjab Financial Rules and Punjab Civil Service Rules, subject to the condition that:

20.00 hrs

- (i) wherever financial powers are subject to the restrictions given in the Punjab Financial Rules, the corresponding Central Government rules would apply; and
- (ii) The powers exercised are in accordance with the general or special orders and may be issued by the Government of India from time to time.

"It is not considered necessary at this stage to introduce changes in the Financial Powers of the Chief Justice on the basis of the Central Government rules"

I might pause here for a moment and explain that Chief Justice has two kinds of expenditure that he incurs. One expenditure relates to the High Court. The other part of the expenditure relates to the subordinate judiciary. There is a difference of principle in respect of these two kinds of expenditure. As far as the subordinate judiciary is concerned, the budget is allocated by the Punjab Government. It is not a part of the Consolidated Fund. When the budget is allocated by the Punjab Government, the Punjab

Financial Rules will apply to that part of the expenditure which relates to expenditure on the subordinate judiciary. But when you come to the expenditure incurred by the Chief Justice in respect of the High Court itself, that is not governed by the Punjab Financial Rules and indeed it cannot be; otherwise it would strike at the independence of the judiciary because the judiciary is entitled to financial independence as far as the superior judiciary is concerned. That is part of article 229 (3) of the Constitution. Not a line in this letter which I read out to you suggests that these Punjab Financial Rules apply to the expenditure incurred by the chief Justice in respect of the High Court.

The Chief Justice was of the firm belief that these rules do not apply. The Committee says the rules apply. Let us take it the Committee is right. But can't the Chief Justice have a different opinion? If he does, is it misbehavior? That is the point in issue.

What is more important is that subsequently, the subsequent Chief Justice has passed an order, after Justice Ramaswami came to the Supreme Court, that quay expenditure of the High Court, Punjab Financial Rules do not apply. So, if it is good for the subsequent Chief Justice, is it not good for the Chief Justice Ramaswami? I will straightaway take you to that order of the subsequent Chief Justice and that is dated march 12, 1992. That is a note at Page 114 of Vol. III. The original has also been filed, but let us read the printed copy. The original is also on record and it is part of Vol. IV. Kindly have a look at Page 114. This is the Office Note and a decision of the Chief Justice.

MR. SPEAKER: Somnathji, would you like to reply tomorrow?

SHRI SOMNATH CHATTERJEE: Yes, Sir.

MR. SPEAKER: So that you can be coherent and you would like to scan through the speech. So I think the voting will have to take

place tomorrow

SHRI BASUDEB ACHARIA (Bankura)
How long shall we have to sit now

MR SPEAKER Till Shri Sibal finishes

SHRI KAPIL SIBAL I am sorry if I am
prolonging

MR SPEAKER No You are doing your
duty, we appreciate it You may continue

SHRI KAPIL SIBAL I hope I am not repeating
because my purpose is not to prolong these
proceedings at all As you might have noticed,
I am trying to hurry up

MR SPEAKER If people have some formal
dinners and all those things, they have to go
If we are not voting today, then they might go for
formal dinners That is why I said that

SHRI KAPIL SIBAL I was referring your
honour to Vol III at Page 114 bottom, the note of
12 3 1992, much after Justice Ramaswami came
to the Supreme Court This is the view of the
Chief Justice subsequently

"According to Rule 2(b) of the High
Court Judges' Rule as amended from
time to time, an hon Judge is entitled
to furniture at his residence of Rs
22,500 and in case of hon Chief Justice
it is Rs 38,500 "

This rule has been amended and
limit has been enhanced to Rs one
lakh for Chief Justice and in the case
of other Judges, it shall be Rs 70,000
As a result of the purchases made by
some of the Judges relating to the
furnishing items, the Audit Branch
has objected that the procedure laid
down under Rule 18 Appendix 8 of the
Punjab Financial Rules, Volume II
has not been followed "

So, the question arises that the procedure
under Rule 18 Appendix 8 of Punjab Financial
Rules has not been followed So, the issue was
do the rules apply or not It is the same as in our
case

"According to this Rule, at least quotations
have to be invited from six
firms These rules apparently relate to
the purchase of store items which are
required for various departments of
the Government "

The question of inviting quotations
was also raised

"It is stated that every Government
employee incurring or sanctioning
expenditure from the revenues of the
Government should be guided by the
high standard of financial propriety
Each Head of the Department is re-
sponsible for enforcing financial order
of strict economy at every step He is
responsible for the observance of all
financial rules and regulations both by
his own office and by subordinate
offices Every Government employee
is expected to exercise the same vigi-
lance in respect of the expenditure
incurred from public money as a per-
son of ordinary prudence would exer-
cise in all respects of the expenditure
of his own money As regards, the
various purchases which are made by
this court quotations invariably in-
vited as required under rules"

This is now the decision of the Chief
Justice which I am reading

"In this connection, it is stated that the
judges are constitutional functionar-
ies and are not Government employ-
ees The rules regulating conditions of
service of hon Judge are altogether
independent and different to those
applicable to the Government ser-

vants. The benefit of furnishing items is a facility extending to them under their own set of rules. It is, thus, to be taken that in case the rules are followed a right of an hon. Judge for effecting purchase would be taken away. The purchase is to be made according to the choice and necessity of the hon. Judge.

This is at a later point in time, Sir. The impeachment proceedings on this issue are going on against the Chief Justice Ramaswamy, but the subsequent Chief Justice says that these rules do not apply to us. But, for Chief Justice Ramaswamy, he has committed an infraction of the rules and therefore, he must be impeached. Now, what is the order?

"The purchase is to be made according to the choice and necessity of the hon. Judge. There is no bar in the High Court Judges and Conditions of Service Act as well as rules which prohibits an hon. Judge to make any purchase in deviation of the financial rules."

So, the Chief Justice is saying that you can deviate from the financial rules, because you are a high constitutional functionary. Why? it is because, according to the High court Judges Conditions of Service Act, we are constitutional functionaries. So, the Punjab Financial Rules would not apply to us.

"The expenditure involved is also not met out of the contingent grant which may involve the application for financial rules.

It is, thus, concluded that the objection raised by the Audit Branch is not maintainable so far the furnishing items are concerned as contemplated under rule 2(b) of the High Court Judges Rules.

This is dated 12.3.92, by Chief Justice B.C. Varma. The Committee does not investigate into this matter. Yet the Committee finds that, "No, since there is an infraction of the Punjab Rules, this is misbehavior and financial indiscipline. The Judge is not saying anything in his defence on the basis of some oral argument. These are all documents. This is not the Judge's *ipse dixit*.

Now, I assume the Chief Justice Varma's order of 12th March 1992 was not there, I go to that extent, the Chief Justice Ramaswamy, bona fide, genuinely though that the Punjab Financial Rules do not apply to him; that was the feeling of the registry throughout. Prior to Chief Justice Ramaswamy, this was the feeling of the registry. That has come on record. Now, you genuinely believe and the Committee comes to a different conclusion, the Committee is entitled to, but that does not make the action of Justice Ramaswamy, as a ground for impeachment.

The Committee may say, there is a genuine difference of opinion. I am referring you to page 110-the statement of the Registrar made before the Committee in paragraph. This is the subsequent Registrar, Shri Surendra Swaroop, Registrar of the Punjab and Haryana High Court at Chandigarh made the following statement as witness No. 1 in the proceedings before the Inquiry Committee:

"I am unable to say whether paragraph 14.9 of the Punjab Budget manual applies to the High Court establishment or the CJ"

On page 11 at the bottom, there is Shri R.L. Anand's statement, another Registrar of the Court. This was at the time of Justice Ramaswami.

"Question: Is it true to your knowledge that the Punjab Financial rules do not apply to the funds released for the High Court Registry and that they apply only to the funds released by the Punjab government concerning the Subordi-

[Sh Kapil Sibal]

yet to come to the legal issue Article 229(3) of the Constitution says

nate Judiciary?

Answer I have no knowledge about this matter However, the Chief Justice Ramaswamy entertained the view that since the funds for the High Court Registry flowed from the Central Government via the Union Territory (Admn), the Punjab Financial Rules would not apply to the utilisation of such funds

Now, this was the belief that he had I have another doubt of Rs 19 lakh that were given to him through the budget Rs 54 lakh were left behind which were expanded pretty fast thereafter

Now, I come to next page 112 - question to Shri Ravi Kumar Nehru, who is presently Judge

"Question I put it to you that the Punjab Financial Rules applied only to the funds which are placed at the disposal of the High Court by the Punjab and Haryana in respect of the subordinate courts and they do not govern the funds given by the Central Government for the purposes of the High Court

Answer I am not sure

So, some Registrars are sure that they do not apply One is not sure A subsequent Chief Justice says that they do not apply but the Committee says, no, they apply And if he has not followed them, there is a ground for impeachment

This is why the Judge said this was a force and right This was the last finding, that is charge 14, against the learned Judge

Now, I will close by reading article 229 of the Constitution. This is only a factual aspect I have

"The administrative expenses of a High court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the Court, shall be charged upon the Consolidated Fund of the State, and any fees or other moneys taken by the court shall form part of that Fund "

The Punjab Financial Rules are not framed under article 229(3) They are framed by the Punjab Government Consequently, the rules have no application The reason is, if the State were to control the purses of the High Court it would have an indirect impact on the independence of the judiciary because every time the judiciary has to go to the Government for getting clearance of expenditure on these matters and the Government keeps a close control over that what would be the result? For every item of expenditure the Judge would have to reach to the Government That would completely affect the balance That is very sensitively brought out by the various provisions of the Constitution on financial independence of the High Court The Members may have a different view I am not saying 'no' to that All I am saying is this cannot be a ground for impeachment Supposing this matter were an issue and the matter went to the Supreme Court and ultimately Chief Justice Ramaswami were to succeed and the Supreme Court were to say that Punjab Financial Rules in another context will not be applied and in the meantime, the man is to be impeached, what justice would you be doing to him?

In an Inquiry Committee accepted by the High Court, it is found that these do not apply Anyway I do not want to carry the point further These, therefore, in essence, are the material allegations against the Judge in respect of each of the charges The reason why I went into the facts before I went into the law is that I cannot convince you and I cannot convince your conscience unless I convince you on the facts If I

were to make a technical argument, you would say, "You are hiding behind technicalities, you are hiding behind the rules and you are hiding behind the law. Tell us facts." Now that I have established the facts Sir, I can with the greatest respect, say that even if the facts were to be proved, the way in which Justice Ramaswami has been dealt with in these proceedings is unheard of. In this context therefore, I straightway take you to some of the legal issues that require consideration.

How long am I required to go on Sir?

MR. SPEAKER: I think you are at the fag end now!

SHRI KAPIL SIBAL: If I can get ten minutes tomorrow, that will be good.

MR. SPEAKER: No, no. You please conclude today.

(Interruptions)

SHRI KAPIL SIBAL: No problem. I was only seeking your indulgence. I am finishing.

Now Sir, let us look at the legal aspects of the problem. That relates to the issue of procedural irregularities in the conduct of these proceedings before the Committee. In this context, kindly notice one fact that once articles are framed against a learned judge and he has to appear before the Committee, then the proceedings are between the Judge and the Committee. This is very important. A Committee goes into facts, frames articles of charge, asks the accused, viz. the Judge to file his written statement, the evidence is to proceed. In this procedure, where do third parties come in? This is very important. My learned friend mentioned earlier during the day that the Sub-Committee on Judicial Accountability filed certain proceedings in the Supreme Court. That is a self-styled Sub-Committee of some prominent lawyers, say, a few of them. My learned friend said that the lawyers refused to appear before the Judge.

I can only give you the names of five lawyers who have refused to appear before the Judge.

SHRI SOMNATH CHATTERJEE: Please do not give evidence.

SHRI KAPIL SIBAL: No, no. Pardon my saying so. I am only saying that.....

SHRI SOMNATH CHATTERJEE: One should not give evidence from the Bar. That is the most reprehensible thing. Shall I give another set of names who did not appear? Is this the way to carry on here?

SHRI KAPIL SIBAL: Non-appearance of a lawyer is no charge. Yet my learned friend mentioned it. I am only saying that there are only five advocates in the Supreme Court who have refused to appear in the entire Supreme court.

SHRI JASWANT SINGH (Chittorgarh): I am on a point of order. The Learned Counsel for Justice Ramaswami is appearing to put across the point of view of the accused who has not appeared in person. He is not to rebut an intervention made by an hon. Member of the House. He has to make a submission. He is also not to give evidence. That is a different matter altogether. But, if we will permit the proceedings to descend to this level and the Learned Counsel is beginning to rebut an hon. Member of the House, I don't know if that would be the proper procedure to follow in this particular case.

Sir, this kind of intervention, that has just now taken place, in which the learned Counsel has indulged in exchanges with the hon. Member and if this is the manner in which we have to reduce this discussion, I do not know if that was the original intention of the entire arrangement that has been worked out.

SHRI SOMNATH CHATTERJEE: Shall I tell the House my experience of appearing before him? Do you want to know that, Sir? Why then he is mentioning all these things?

SHRI H.R. BHARDWAJ: May I submit one point, Sir? He is an eminent counsel and he may be knowing that as professionals the lawyers are called upon to perform very delicate duties. They are not speaking as the Members of Parliament. Having heard this whole discussion, I feel that you, Mr. Speaker, has a right to ask Shri Sibal to either expedite or to curtail his views. But, if you are going to put fetters on the submissions of the Counsel that will be very unfortunate for the Parliament. You should not put fetters. That is not good.

SHRI SOMNATH CHATTERJEE: I have myself said, let him take his own time. I only said he should not give evidence from the bar.

MR. SPEAKER: Let us take the legal points and factual points. Let us not make references to things which are not there. And, I do think that you have done well.

SHRI INDRAJIT GUPTA: Sir, are you allowing fresh evidence to be adduced? either by Shri Sibal or by Shri Buta Singh or by anybody else?

MR. SPEAKER: That is what I have ruled out.

SHRI INDRAJIT GUPTA: Fresh evidence should not be adduced now.

MR. SPEAKER: That is what I have done.

SHRI KAPIL SIBAL: So, the point that I was making was - going back to the legal issues, that this is a proceeding between a Judge and a Committee and the third party has no role to play. The sub-Committee on Judicial Accountability also intervened in this proceeding before this Committee. And they were allowed to participate by this Committee. How could this Committee allow a third party, who was accusing the judge outside the court, which has nothing to do with it, to participate in the proceeding? I hope I have made my point. A Committee set up by the Parliament under the Act which has to deal with

a Judge, what role does a lawyer, who appeared before the Sub-Committee outside in the Supreme court, have to play in this proceeding? The learned Judge wrote to the Committee saying, "Please do not allow the third party to intervene". The Committee said, "Nothing doing."

The result was these lawyers appearing before the Sub-Committee were in fact prosecuting the Judge. This is a very serious matter. These lawyers were instructing the Committee; they were leading the evidence against the Judge and they were the outsiders. I will demonstrate that with reference to documents. This is not my position. This is the admitted position. In this context kindly look at Volume 3, Page 48. The learned Judge says:

"The proceedings of the Committee stand vitiated on the following counts and should be declared null and void. There is evidence on record to show that the Counsel for the Sub-Committee on Judicial Accountability as well as its members had complete access to the records available with the Committee and that the Counsel for Sub-Committee on Judicial Accountability was consistently advising Counsel for the Committee, both prior to and during the course of proceeding the conclusions thereof. Instances in that regard are:

(b) On Sunday, February 9, 1992, the Counsel for Justice Ramaswami was not allowing inspection on the ground that it was a Sunday."

He was not allowed inspection of the record. This is on Sunday. However, on the day, that is on that very day, the Counsel for the Committee and Counsel for the Sub-Committee on Judicial Accountability was allowed access to the Witnesses; a day prior to the date of the commencement of the proceedings before the Committee. So, they deny us access to docu-

ments but they are granted access to Witnesses; not the Committee's Counsels but Sub-Committee's Counsels. This was put on record by the Judge; a written letter to the Committee. In reply to the said letter, it was stated on behalf of the Committee vide letter dated 11.2.92, that the Counsel for the sub-Committee had a meeting with the Counsel for the Committee and that the Counsel for the Committee who was going through the documents and interviewed witnesses on that date, that is Sunday, which was a known procedure, for which the learned Judge ought to be aware. So, the Committee admits that Counsel for Committee on Judicial Accountability had a meeting with the Counsel for the Committee. What role does that Counsel have to play in these proceedings?

SHRI GEORGE FERNANDES: Whose statement is this?

SHRI KAPIL SIBAL: This letter is on record.

SHRI GEORGE FERNANDES: Is this a statement on which some evidence had been there somewhere or is this a statement made by a person who is today facing impeachment? When did he first make? What is the date on which he made that statement?

MR. SPEAKER: It can be argued in reply.

SHRI SOMNATH CHATTERJEE: He made the canvass very wide.

MR. SPEAKER: You will have full time to argue.

SHRI KAPIL SIBAL: Sir, the point I am making is this. Let us forget about all the details. The fact is that this cannot be denied that third party's Counsel for the Sub-Committee were allowed to participate in those proceedings. My point in law is this. Under what law can third parties participate in those proceedings? I won't talk of any letters, those letters are on record. But I do not want to take the time of the House. Now,

let us look at the law and see whether the third parties are entitled to participate and which are those third parties? That is significant. The Counsel for the Sub-Committee had been dealing with the judge outside the court and he was allowed to participate. I show you straightway the Act. The document, incidentally, my learned friend was asking is this. A letter dated 10 February, 1992 was written to Shri S.C. Gupta, Secretary of the Committee, by Shri Ranjit Kumar, who is appearing before you today. This is on behalf of the judge. Since this document was asked for, I am just saying one thing. The reply to that is this. I am reading the reply dated 11 February.

"The Committee's Counsel has every right to interview the Witness, whom they are going to examine."

Under which procedure of law can any Committee interview witnesses before they are examined?

"How can you interview?

SHRI SOMNATH CHATTERJEE: What is going on?

SHRI KAPIL SIBAL: How can you interview before they are examined?

MR. SPEAKER: That is unparliamentary.

(Interruptions)

SHRI KAPIL SIBAL: As you are very well aware, in a prosecution, the witness comes on the date of the examination. It is another matter that the prosecutor meets him somewhere just before the trial. He is not supposed to. But in these circumstances, the Judge is being impeached, the Counsel for the Sub-Committee is allowed to interview and the Committee says: "The Committee's Counsel has every right to interview witnesses whom they are going to examine". For what? To tell them what to say?

**Expunged as ordered by the Chair.

[Sh. Kapil Sibal]

Therefore, Sir, you asked me, why did the judge not appear? This is why the judge did not appear. How could the judge appear? If he had appeared and the Report would have been against him, it would have been said, you appeared, you got an opportunity, now, the Report is against you, you cannot say anything now.

You had your say. That is why he did not appear. So, the first point therefore is no third party in this process, that has to be the law, and in this context, I may invite your attention to the Act itself - section 3 on page 8, Vol 1. It reads as follows:

"The Committee shall frame definite charges against the judge on the basis of which the investigation is proposed to be held."

So, the charge has to be by the Committee. It further reads as follows:

"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."

So, the proceedings are between the judge and the Committee, that is clear from the scheme of the Act. Then section 4 - Report of Committee. It reads as follows:

Subject to any rules that may be made in this behalf, the Committee shall have power to regulate its own procedure in making the investigation and shall give a reasonable opportunity to the judge of cross-examining witnesses, adducing evidence and of being heard in his defence.

That is all that the Act says. The Act does not allow a third party intervention especially a third party which is inimical to the judge. And the Committee knew because the lawyer was the same, the lawyer for the Committee on judicial accountability was the same as the lawyer who had appeared before the Committee, this high Powered Committee, and they were the ones who were, in fact, making statements at the Bar that we will have *dhama* outside the court if the judge does not resign. These were the lawyers who were allowed to intervene. I say, under what Act. The point ultimately is that you cannot even look at this report, forgetting the facts. This is not the manner in which a judge of the Supreme Court is to be treated, and this before the whole thing started before the evidence started and this was all being done.

Then in those circumstances, could you expect the judge to appear? It would have been suicidal. Everybody would have said he has already got a chance before the Committee. What avenue would he had of justice? That is why he is here before you, that he knows, that is why he said, I did not have confidence in them. I have confidence in you.

MR SPEAKER That is not going on record.

* SHRI KAPIL SIBAL No, Sir, that is a Committee, this is not attributing any motive to anybody, this is the first irregularity.

Now, coming to the second one - examination of witnesses, as you know, the judge did not appear before the Committee. So, all the witnesses were the witnesses of the Committee, not witnesses of the judge. But the Committee was cross-examining its own witnesses. If they did not give the right answer, they were being cross-examined by the Committee. What procedure in law is that?

Page 52, Volume III. I have given a list of questions of cross-examination. Witness 13, witness 31, witness 32, 41, 42 and 4. So, the Committee was cross-examining its own wit-

nesses. What procedure in law is that? The three leading questions to the witnesses. As you know, in a court of law, what happens? Witnesses come and give evidence. The complainant does not put leading questions. Here the Committee is putting leading questions to its own witnesses - witness no. 12, witness no. 12 - it is on page 53 - I would not read it because I do not want to do that.

I am just going to make a point - witness no. 13, witness no. 16, witness no. 28 and witness no. 43. Have you ever heard of this? Under the Evidence Act, a witness can be confronted only by his own previous statement.

That is the only occasion when a witness can be confronted with a statement. If it is his own previous statement, he can be confronted with the statement. Supposing he is telling a lie today or he is telling the truth today, whichever the case may be and he had told a lie in the past, then the counsel can say look, on such day you made a statement, today you are making this statement, what do you have to say. Perfectly good procedure. But there what was happening? Statement made by other witnesses and some other witnesses were being confronted with them.

In other words, if PW 10 has made a statement in favour of Justice Ramaswami and PW 12 has made a statement against him then the statement of PW 10 was put to PW 12 and said what do you have to say. PW 12 would say that this is wrong. The Committee would say, PW 12 says that PW 10 is wrong, so we do not accept it. What is that procedure in law? Under which this can be done? That a witness' statement is put in front of another witness to test the veracity. You can only test the veracity of a witness under the Evidence Act by impeaching his integrity at cross examination or by confronting him by a previous statement. But you cannot test the integrity of a witness by putting the statement to a third witness. Examples — page 55, Witness 16, Witness 21, Witness 41, Witness 45, Witness 46, Witness 4.

I will give an example. I quote it.

"Next irregularity - non supply of documents to Justice Ramaswami."

Just look at this. As I said, in the domestic inquiry of a Lower Division Clerk if this was done, it would be quashed in five minutes. I have given the details of documents, from page 59 to page 79, i.e. 20 pages of documents, that were never supplied to the Judge. When he asked for them, do you know what the Committee said. They are voluminous, that is too much. You come and inspect. What does the Committee wants? The Judge should come to the Committee Room to inspect the documents.

The Judge said, "please photocopy them and give them to me." The Committee said, "we cannot do that, they are too voluminous." The Judge said, "all right, if they are too voluminous, I will have them photocopied under your supervision and pay for that." They said, "We will not do it." No question. Then the Judge said, "why?". The Committee said, "the reason is, these documents belong to the original document file, if we have to photocopy them, we have to separate each page, and if we separate each page from the original file and photocopy it would amount to tampering of evidence. How can we tamper the evidence? So you will not get the documents."

The result was, he never got the documents. I have listed in 20 pages, the documents that he did not get.

How was the Committee concerned with expenses? How was the Committee concerned with tampering of evidence? These documents were part of the Committee record. How could he prepare his defence if he did not have the documents? That is the next procedure of irregularity.

Then page 80 - other queries raised by the Judge and page 82. This is at the first instance. He raised many queries, I am just reading to you the relevant queries in the context of what I have

[Sh Kapil Sibal]

already submitted before this august House
Page 82, query 15

"The Committee investigates as to where from furniture and furnishings were purchased prior to my becoming the Chief Justice of Punjab & Haryana High Court and subsequent thereto, can the Committee inform me of the person who procured the alleged quotation. The Committee ascertained for itself as to the identity of the person who has stated that those quotations are bogus. Kindly forward the name and the statement, if any, of such person."

This letter, you might notice, was written on 21 January 1992. The charges are framed against the Judge on 14 January 1992. Within 8 days of the framing of charges, the learned Judge said, "please enquire as to what method of purchase of furniture and furnishings, prior to my becoming Chief Justice and afterwards and then please give me the details."

Now did he not therefore raise at the earliest this query?

And, what does the Committee do? It does not answer it. It says, "You appear before us first. Then we will deal with you."

Now see page 83. There is a letter of February 3, 1992. What does the Judge say? He says

"I would greatly appreciate if you could collect and collate expenditure incurred by every transferred Chief Justice in the High Courts of the Country since 1980 in respect of the following

(a) Expenses in respect of the residential accommodation occupied by each of such Chief Justices."

In other words, if somebody else had spent Rs 40 lakh, why should he be impeached for Rs 6 lakh?

- (b) Expenses incurred by each Chief Justice in respect of either the High Court building or the office portion, if any, if it is a part of the residential premises
- (c) Expenditure incurred in respect of telephone calls made by any such Chief Justice from his residence or office,
- (d) Expenses incurred on account of use of official cars,
- (e) Expenditure incurred on furnishing etc. Does the Chief Justice ask for quotations in other High Courts? In those circumstances kindly supply the information on the mode of expenditure and its various sources
- (f) Is there a contingent fund in every High Court? If so, could you please collect the data on the extent of expenditure drawn from the contingent fund on an yearly basis?
- (g) Is there any instance in any High Court wherein the Chief Justice or any Judge given a free telephone facility, is required to pay any amount, despite such facility on any ground?
- (h) In the purchase of furniture and furnishings have the Registrars of the various High Courts been changing the dealers or purchasing from the same dealers over a period of time?

These are the very questions ultimately that have come true now, namely, that he has demonstrated that from the beginning of the High Court the same dealer was supplying. But he was asking for this information. He was asking the Committee to collect this date. The Commit-

tee never supplied this data. Nor did the Committee ever collect this data. And yet, it found him guilty!

I am sorry to say, that this is not how a Judge should be dealt with. Sir, these are the procedural matters.

Then, the other is at page 83, the last irregularity, which relates to production of evidence during the course of the proceedings and inadmissibility of the evidence. I have given some data with respect to that.

What has happened is, in this case during the course of the proceedings itself, documents have been produced.

There are two kinds of procedures known to law. The first is a criminal proceeding. In a criminal proceeding, what happens is, the prosecution investigates. The Police Officer of a Police Station investigates. He is the head of the Police Station. Somebody says that a murder has been committed. He investigates. After a thorough investigation is done, he files a final report under Section 173 of the Criminal Procedure Code.

When he files the final report, what happens? The investigation is complete. The final report is appended with the list of documents and the statement of witnesses that the prosecution is to rely upon for the purposes of convicting the man. This has to be conveyed in the first instance to the accused under the Criminal Procedure.

Now, this Committee says in its rules of procedure, that at any stage of the proceedings, "We find that we need some document to be introduced, we will do it; and they did if I have given instances of it.

Then, when the Judge asks, "Please tell me which is the statement that is being relied upon against me and give me a copy of the statement", they say "Nothing doing. We have

given you all the documents". When asked, "Which part of the document do you rely upon for the purposes of proceeding against me?", they say, "We will not tell you. You come before us first."

That is the procedure under the Criminal Procedure Code. What is the procedure under the Civil Procedure Code?

Under the Civil Procedure Code, there is a plaint filed. There is a written statement. After the plaint and the written statement are filed, the plaintiff gives a list of documents that he wishes to rely upon.

Before the evidence starts — because there — after the issues are struck — the defendant knows not only the plaintiff's case, but knows all the documents that are to be relied upon by the plaintiff. And if any document is to be introduced, special permission of a judge is to be taken on the ground as to why the plaintiff could not have introduced it earlier. Unless a specific order is passed to that effect, that additional evidence can never be introduced.

Sir, in this proceeding, what happened? Neither the procedure under the Code of Criminal Procedure nor the procedure under the Code of Civil Procedure was followed. This was *sui generis* Committee. This was a peculiar procedure. And the result is what we see.

Sir, I have one submission to make in law, which is very important because this has tremendous bearing on the legal aspect of the matter. Kindly see Article 124(5) of the Constitution. What does it say? It says:

"Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the misbehavior or incapacity of a judge under Clause (4)."

In other words, Sir the law that is to be laid down by Parliament related to the presentation

[Sh Kapil Sibal]

of an address and investigation and proof Let us leave presentation of an address apart because that is something which has already been set out What do you mean by "investigation" and "proof"? As I understand it, as an ordinary person, investigation is the stage prior to the complete collection of evidence Any stage reached when the evidence is complete prior to that is investigation Now, when you want to prove (*Interruptions*)

SHRI GEORGE FERNANDES Sir, I am on a point of order Sir, the investigation is as per the Act, that was passed by this Parliament and the rules framed there under by Joint Committee of the two Houses. Therefore, now to question the very basis of this Act the rules we framed, how the investigating team will function, how will it produce its report and submit its report, and/or, at the end of the day after five and a half hour's arguing, to make this point does not make any sense Only the Indian Constitution has not been challenged in this House (*Interruptions*)

MR SPEAKER Shri Somnath Chatterjee will have a full right to reply

SHRI GEORGE FERNANDES Sir, I appreciate your patience We have also displayed tremendous patience for reasons that I do not have to explain Now, my point is that, are we going to hear how the rules that this House had framed, that the Joint Committee of the two Houses had framed? (*Interruptions*)

MR SPEAKER Let me hear him and then I will give the ruling on that I have not completed the hearing

(*Interruptions*)

SHRI A CHARLES Sir, this is not correct. (*Interruptions*)

MR SPEAKER Please for Gods sake, do

not interfere now Your intervention does not help me Your intervention creates confusion

SHRI KAPIL SIBAL I am making purely a legal point I am not challenging anything

MR SPEAKER Now, you are not challenging the rules made

SHRI KAPIL SIBAL No Sir, How can I challenge the rules? I am only trying to state as to what the word "investigation" means (*Interruptions*)

SHRI GEORGE FERNANDES Sir, it is there (*Interruptions*)

MR SPEAKER He is giving the interpretation of the word 'investigation' There are many interpretations-investigation by police, investigation by a Committee investigation by JPC, investigation by others

SHRI KAPIL SIBAL Let me place the point a little different The Committee framed its charges on January 14, 1992 All that happened after the framing of charges relate to the word "proof" under Article 124 (5), mode of proof, of the Constitution I hope I made myself clear

MR SPEAKER Where from are you referring to?

SHRI KAPIL SIBAL I am referring to Article 124 (5), It says

"Parliament may by law regulate the procedure for the investigation and proof of misbehavior"

There are two words "investigation" and "proof" The point I am making is when the Committee frames the charges all that happens thereafter even in the area of proof because it has to prove the charges, the Committee has to prove the charges The manner in which it will prove them, the manner in which the evidence will be placed, the manner in which the evidence

would be cross-examined, is all a matter of proof. But, how is the Committee to investigate is not set out in the Act. That is the point. Now that I have made the initial statement, the point is before the charges were framed by the Committee, the Committee has to conduct the preliminary investigation. But what the Committee did was, it took the allegation and framed the charges without investigating into the matter. I hope I have made myself clear. (Interruptions)

SHRI GEORGE FERNANADES : He should be asked to first give the rules. The rules are very clear on this.

SHRI KAPIL SIBAL : I will read the rule. Let us come to the Judges Inquiry Rule. (Interruptions)

SHRI H.R. BHARDWAJ : Why do you disturb him? Let him have his say.

SHRI GEORGE FERNANADES : I do not think that the Law Minister should intervene. He can keep quiet. He should not interfere. (Interruptions)

SHRI H.R. BHARDWAJ : I am only saying allow him to finish. Your interpretation is not very healthy.

MR. SPEAKER : I think, we are coming to the end.

(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur) : After soliciting !

MR. SPEAKER : I will give you seven hours and if you need more, I will give you. I am not going to cut short your argument.

(Interruptions)

SHRI KAPIL SIBAL : The point that I am making is and I will repeat it.

MR. SPEAKER : There are no rules for

investigation.

SHRI KAPIL SIBAL : Yes, there are no rules for investigation.

MR. SPEAKER : Mr. Chatterjee, please note it and may reply to it.

SHRI KAPIL SIBAL : There are no rules for investigation. So, the judge wrote to the Committee that before you frame the charges, Please have a preliminary investigation and in that context, he wrote those letters of January 21, February 2, January 22, get this data get this material. Once you have conducted that investigation and you got the data with you then if you feel that I have done something wrong, frame the charges. The Committee said, 'No' and straight away framed the charges. Then, the Judge said: 'why should I appear before this Committee.'

MR. SPEAKER : There is a scope for interpretation, and reply can be given.

SHRI KAPIL SIBAL : The Committee has framed the charges without conducting an investigation. This is the procedure unknown to law and contrary to statute because the statute only stipulates the mode of proof. It does not stipulate the mode of investigation.

SHRI GEORGE FERNANADES : I must defend the statute because the statute was passed by this House. The statute is very clear. (Interruptions) When the statute is being challenged, it is my duty to defend the statute. The statute is very clear. I will read only one sentence. (Interruptions)

MR. SPEAKER : I am allowing him.

(Interruptions)

SHRI GEORGE FERNANADES : The Section III of the Judges Inquiry Act, 1968 investigation into misbehaviour or incapacity of Judge by Committee, sub-section three says :

[Shri George Fernandes]

"The Committee shall frame definite charges against the Judge on the basis of which the investigation is proposed to be held." (Interruptions)

SHRIMANISHANKARAIYAR: Why is he speaking now. (Interruptions)

SHRI GEORGE FERNANDES: "And on the basis of those documents, which were sent by this House, the Committee....." (Interruptions)

MR. SPEAKER: Very good. Please resume your seat.

We have the Constitution, we have rules, we have rules any yet the provisions in the Constitution, rules and laws are interpreted by the judges and that is why we have volumes of case law. I will allow full opportunity to Shri Chatterjee to rebut it. If he has that interpretation, let him put that interpretation.

SHRI SOMNATH CHATTERJEE: I have not obstructed him (Interruptions)

MR SPEAKER: Please, this part of the law, according to him is interpreted in the manner in which he has presented to the House. Let him continue.

(Interruptions)

SHRI RAM KAPSE (Thane): Sir, there is another interpretation also.

MR. SPEAKER: You can give it. You do not have to rebut it now. Shri Kapil Sibal may continue.

SHRI KAPIL SIBAL: Of course, there are always two interpretations to anything. The only point that I have been saying to you in the course of this proceedings is that if somebody has interpreted it differently, please do not impeach him.

MR. SPEAKER: According to you there are rules for certain things but there are no rules for certain other things.

SHRI KAPIL SIBAL: Correct. There is no rule. I cannot enter into a debate with the hon. Members. I can only make a statement of fact.

MR. SPEAKER: That is right.

SHRI KAPIL SIBAL: But the fact is if you go into this Act and these rules, there is not a single provision which tells you the mode of investigation; gives you the mode of proof.

MR. SPEAKER: Right.

SHRI KAPIL SIBAL: Therefore, it is in that context that Justice Ramaswami has said: You please tell us how you are going to investigate; have a preliminary investigation and then certainly I will be more than happy to participate'. There are letters after letters going to 5-10-15 pages in which he clearly specified what his point of view is. The only answer is: 'You please appear before us; Submit to the jurisdiction and then we will deal with it'. This is all that has happened.

This takes care of the procedural aspect of the matter. I wanted to come to the procedural aspect after I came to the acts because if I had come to the procedural aspect first, I would have been told: 'You are hiding behind technicalities'. Therefore, I decided to deal with the acts first.

In the context of all this, should the nation go through the agony of having to make a choice? That is the issue that poses itself before the hon. Members of this House. My learned friend rightly said that nobody of this House is vindictive against anybody. That is the only approach. All that I am trying to show you is that the judge has a case. And I say that the judge has a very strong case. You may agree; you may not agree. But this is not an issue on which leaders have to make a choice; the Members of this House have to make a choice. Let's see. Please

let it rest. One way or the other, any vote, any direction will only have one fall-out and that is the adverse effect that it will have on the institution of the judiciary. Any vote, one way or the other, and we have seen the newspapers in the past will be attributable to a particular....

SHRI RAM KAPSE : Sir , there are two things. He is again and a-gain repeating the same proposition. (Interruptions) He is saying this way or that way the fall-out will be there. Another thing is he is mentioning about the newspapers. Repetition is not allowed in Parliament. Parliamentary rules provide that there should not be any repetition. (Interruptions)

SHRI KAPIL SIBAL : I am concluding. I am not going to take more than five minutes now.

MR. SPEAKER : Yes.

SHRI RAM KAPSE : The repetition and quoting newspapers... (Interruptions)

MR. SPEAKER : He is repeating to emphasise. He is at the fag end. Shri sibal may continue.

SHRI RAM NAIK : He is repeating to say that he is concluding within five minutes and that is most welcome.

MR SPEAKER : Good. Shri sibal may continue.

(Interruptions)

SHRI KAPIL SIBAL : All that I want to say is this House is full of statesmen. There are two former Prime Ministers who are part of this House.

21.00 hrs.

There are people whose wisdom is to be admired, and all that I can say is, given the facts and given the statement of the law, given the nature of the evidence, given the nature of the

charges, given the findings of the Committee, why should this House have to make a choice? And the reason why I am saying this is not because the Judge is guilty or innocent, it is not my concern at all, and I can say so with the utmost sincerity. I appeared today certainly for the Judge, but more for the institution. The Judge may be removed or may not be removed, is not my concern. I will certainly defend him. (Interruptions). I am concerned with the fall out of the vote. (Interruptions)

MR. SPEAKER: I think for you for me, the House should cooperate.

SHRI KAPIL SIBAL : Having said that, Sir, I want, and I would request the hon. Members of this House to look at page 24 of Vol. III where I have given a list of 33 cases of impeachment—actual list of 33 cases of impeachment with charges and findings, and you will find if you meticulously go through these, that in these 33 cases, only one Judge of the Supreme Court of the United States was ever proceeded against and the motion was defeated. In America, impeachment has never succeeded, never, never, never. In the High Court of Australia....(interruptions)

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada) : In America the President had to step down because of Watergate, but in India, is it the same trend? (Interruptions)

SHRI KAPIL SIBAL : Now, you will notice from this list, Sir, that 90 per cent of the impeachment failed. In cases where impeachment succeeded, they related only to the judicial conduct of the Judge or misappropriation or criminal conviction, never on charges like this; no impeachment ever moved on charges like this, of excessive expenditure contrary to financial rules; no impeachment has ever been moved, and I have given all the examples. I could have read the entire list to you, but since nobody... (Interruptions) I am sure the hon. Members of this House will go through that. And in the light of the fact that the three-Judges

[Sh. Kapil Sibal]

MR. SPEAKER : It depends on their preference whether to take here or at home.

Committee has said that there is no moral turpitude involved, I request the hon. Members of this House to re-think on this issue and not even vote on the motion; don't deal with it any more. It is not a motion that should be dealt with considering the facts that you have now before you.

That is all I wish to say. I want to express my deep appreciation at this great opportunity that you, Sir, have given me and the hon. Members of this House. It has, indeed been a pleasure to be before you and if I have, in the course of my statement, said something that I should not have said, I beg of you to forgive me. Thank you very much.

MR. SPEAKER: Thank you.

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCES DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK) : As the House has decided to continue the discussion and it was decided quite late in the evening, we have made some arrangements for food in the Central Hall for the hon. Members. Some food has been arranged. Exactly we could not arrange dinner because the time with us was very short. But we have made some arrangements. I request the hon. Members to join us at the Central Hall.

SHRI SOMNATH CHARRERJEE : M. Sibal and his juniors should be invited.

SHRI MUKUL WASNIK : He and his assistances are definitely invited. The staff and officers are also invited.

SHRI LALK. ADVANI : Mr. Speaker, Sir we had issued whips to our Members to be present today. Perhaps all political parties recognising the importance of the occasion, asked all their Members to be present in the House. Now the discussion has spilled over tomorrow. Obviously we will have to issue fresh whips to them to be present tomorrow also. But it would be in the interest of the house and the Members if we are told approximately what time, the mover of the Motion would reply so that everything concludes before that.

MR. SPEAKER : I think, it would be immediately after the Lunch. It may be about 2.00 p.m. We will decide it. Approximately at 2.00 p.m. he is expected to do it. We will decide about it.

21.07 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, May 11, 1993 / Vaisakha 21, 1915 (Saka).