

**COMMITTEE
ON
GOVERNMENT ASSURANCES**

(1969-70)

SIXTH REPORT

(FOURTH LOK SABHA)

(Presented on the 30th August, 1969)



**LOK SABHA SECRETARIAT
NEW DELHI**

2R

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Corrigenda

to the

Sixth Report of the Committee on
Government Assurances (Fourth Lok Sabha)

Contents page, against Appendix I under col. 'page'
insert '62'

Page 2, para 5, line 12: for 'asksed' read 'asked'

Page 8, lines 12-13 from bottom: insert 'of' after 'question'

Page 11, para 2, line 7: for 'called' read 'culled'

Page 15, under 'Secretariat' for 'Shri P.C. Ghawla' read
Shri P.C. Chawla'

Page 16, para 3, line 2: for 'Miniser of Sate' read
'Minister of State'

Page 18, line 15: for 'Memnebr' read 'Member'

Page 21, para 17, line 5: for 'If' read 'It'

Page 22, para 19, line 4: for 'reviwe' read 'review'

Page 23, para 21 _____

(i) line 2: after 'Assam' insert 'was'

(ii) line 13: for 'deided' read 'decided'

Page 24, line 4: after 'presumably' delete 'to'

Page 33, Sl. No. 2, col. 5 _____

(i) line 1: for 'reconsider' read 'reconsidered'

(ii) line 1 from bottom: for 'reasonables' read
'reasonable'

Page 35 _____ I. S.No. 3, col. 5 _____

(i) line 3: for 'month' read 'months'

(ii) line 6 _____

(a) delete 'posed'

(b) for 'delte' read 'delete'

II. S.No. 4, col. 5, line 15: for 'acts' read 'facts'

Page 36, S.No. 4, col. 3: delete '(d) if so, the reasons thereof'

Page 37, S.No. 5, col. 5 _____

- (i) line 7: delete 'regarding'
- (ii) line 4 from bottom: for 'dropped' read 'drop'

Page 46, S.No. 13, col. 4 _____

- (i) line 9: for 'which' read 'to'
- (ii) line 10: delete 'to'

Page 47, S.No. 14, col. 5, line 4 from bottom: after 'list' insert 'of'

Page 50, S.No. 1, col. 5, line 12: for 'Aslo' read 'Also'

Page 52, S.No. 3, col. 5 _____

- (i) line 6: for 'if' read 'of'
- (ii) line 15: after 'as' insert 'an'

Page 59, para 4, line 2: for 'viwes' read 'views'

Page 63, Heading of col. 2: for 'called' read 'cullled'

Page 64 _____

- (i) para 1, line 7: for 'flnown' read 'known'
- (ii) line 6 from bottom: for 'embebr' read 'ember'

Page 65, line 8: for 'or' read 'of'

Page 66, Item 8, line 1: for 'met' read 'meet'

Page 71, Annexure III, Para 1, line 2: insert 'Shri' before 'S.R. Venkataraman'

Page 72, Annexure IV, _____

- (i) line 1: for 'extracts' read 'extract'
- (ii) item 4, line 1: for 'Instigation' read 'Instigating'

Page 79, Annexure III, line 1: for 'Lok abha' read 'Lok Sabha'

Page 83, Annexure, S.No. 3, col. 3, for '1196' read '1195'

New Delhi:

The 30th September, 1969.

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(i)

REPORT

I. Introduction

1. The Chairman of the Committee on Government Assurances, having been authorised by the Committee to present the Report on their behalf, hereby present this Sixth Report of the Committee.

2. The Committee was nominated by the Speaker with effect from the 1st May, 1969.

II. Sitzings of the Committee

3. After the presentation of the Fifth Report (Fourth Lok Sabha) on the 30th April, 1969, the Committee held six sittings on the 9th May, 1st and 2nd July and 7th, 25th and 29th August, 1969. At these sittings, the Committee examined the nature and extent of implementation of a number of assurances, considered the requests from Government for the dropping of 15 assurances and also examined the reasons advanced by Government in 4 cases for not treating the replies given by the Ministers as assurances. The Committee also considered the following two cases regarding non-implementation of assurances, which were referred by the Speaker, Lok Sabha, to the Committee on Government Assurances (1968-69) for examination and report:—

- (i) Letter dated the 15th April, 1969 from Shri S. M. Banerjee, M.P., addressed to the Speaker, Lok Sabha re: non-implementation of assurances given by the Minister of State for Home Affairs in regard to reinstatement of temporary Central Government employees who participated in the strike on the 19th September, 1968.
- (ii) Letter dated the 28th April, 1969 from Shri Dhireswar Kalita, M.P., addressed to the Speaker, Lok Sabha re: non-implementation of certain assurances given by the then Minister of State for Petroleum and Chemicals in reply to his half-an-hour discussion held on the 24th April, 1968 regarding pricing of oil.

Both these cases were examined by the Committee on Government Assurances (1968-69) at their sitting held on the 29th April, 1969 and that Committee decided that these matters should be placed before the next

Committee for consideration and report. In connection with Shri Kalita's complaint, the Committee examined Shri Dhireswar Kalita, M.P., and the representatives of the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) at their sitting held on the 1st July, 1969.

4. The conclusions arrived at by the Committee on the above matters are contained in the Minutes of the sitting of the Committee which are appended to this Report and form part of it.

III. Outstanding Assurances pertaining to the Third Lok Sabha and First to Seventh Sessions of the Fourth Lok Sabha

5. At the sitting held on the 25th August, 1969, the Committee perused the table (Appendix I) indicating the number of assurances outstanding after the scrutiny of various statements showing the action taken in implementation of the assurances as laid on the Table by the Minister of Parliamentary Affairs, Shipping and Transport on the 25th July, 1969. The Committee are distressed to note that in spite of repeated recommendations made by them and by their predecessor Committee, Ministries/Departments of the Government of India have failed so far to liquidate the remaining 8 assurances pertaining to the Third Lok Sabha and 2321 outstanding assurances relating to First to Seventh Sessions of Fourth Lok Sabha. The Committee desire that the Department of Parliamentary Affairs should be asked to impress upon the concerned Ministries/Departments of the Government of India once again to clear the back-log of the outstanding assurances without any further delay.

IV. Letter dated the 28th April, 1969 from Shri Dhireswar Kalita, M.P., addressed to the Speaker, Lok Sabha, re: non-implementation of certain assurances given by the then Minister of State for Petroleum and Chemicals in reply to his half-an-hour discussion held on the 24th April, 1968 regarding pricing of oil

6. In his letter dated the 28th April, 1969 (Appendix II), addressed to the Speaker, Lok Sabha, Shri Dhireswar Kalita, M.P., complained that the Committee set up by the Government under the chairmanship of Shri Shantilal Shah did not have in its terms of reference the question of pricing of crude oil and by omitting the particular aspect from the terms of reference of the Committee, the Government had gone back on their assurances given by the then Minister of State for Petroleum and Chemicals in reply to half-an-hour discussion raised by him on the 24th April, 1968. A copy of the said letter was sent to the Ministry of Petro-

leum and Chemicals and Mines and Metals (Department of Petroleum) for their comments. The Committee, at their sitting held on the 9th May, 1969, decided to examine Shri Dhireswar Kalita, M.P., and the representatives of the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) in regard to the said complaint.

7. While furnishing their comments, the Ministry of Petroleum and Chemicals and Mines and metals (Department of Petroleum) in their Office Memorandum No. 5/21/69-PPD, dated the 13th May, 1969 (Appendix III) stated that although during the discussion held on the 24th April, 1968, Shri Dhireswar Kalita made a reference to the pricing of crude oil as well as of products, in his reply the Minister of State for Petroleum and Chemicals had dealt with the pricing of petroleum products only since the Member had raised a discussion on prices of Motor Spirit, Kerosene and Furnace Oil etc. prevailing in Assam. It was in that context that the Minister referred to the Government's proposal to set up a committee to go into the pricing policy to be followed in respect of petroleum products. In the circumstances, it was obvious that no assurance was given by the Minister regarding the appointment of a committee to go into the question of pricing of crude oil.

8. During his evidence, Shri Dhireswar Kalita maintained that his half-an-hour discussion arose from his Starred Question No. 818 answered on the 25th March, 1968 which dealt with the pricing of both crude oil and the finished products. He contended that the price of crude oil was first fixed at Abadan, a port in Persian Gulf, and on its delivery in India, its price was fixed in terms of para 9(A)(i) of the Second Supplemental Agreement of 1961 which was entered into between the Government of India, the Burmah Oil Company Ltd., Oil India Ltd., and the Assam Oil Company Ltd. Under a separate agreement entered into by the Government of India with the British and American companies, the pricing of crude was done on the basis of import parity. Shri Dhireswar Kalita maintained that under the Persian Gulf Parity theory, with the price of crude oil having been fixed first at Abadan and from there with the landed cost at Bombay, then from Bombay to Calcutta and from Calcutta to Gauhati and from Gauhati to Digboi, the price of crude oil came to be the highest in Assam when the fact was that Assam itself was producing crude oil at a cheaper cost.

Shri Dhireswar Kalita further maintained that during his reply to the half-an-hour discussion, the then Minister of State for Petroleum and Chemicals accepted all these anomalies and informed the House that Government were very seriously considering the question of appointing a Committee to go into that very question, whether the pricing policy

should be based on import parity or on the production cost or on any other fair and equitable basis, of course, keeping in mind the various commitments which the Government had made and that an announcement regarding the said Committee would be made very soon.

According to Shri Dhireswar Kalita, by excluding the question of review of price policy of crude oil from the purview of the promised committee, viz. the Shantilal Shah Committee, the Government had gone back on its assurance to the House in this regard.

9. In this evidence before the Committee the representative of the Ministry of Petroleum and Chemicals and Mines and Metals stated that the Minister of State, in reply to the aforesaid half-an-hour discussion, had been speaking all along of the product pricing and at the end he promised the appointment of a certain Committee to go into the question, 'whether the pricing policy should be based on import parity or on the production cost or on any other fair and equitable basis, of course, keeping in mind the various commitments we have made' and with the appointment of the Shantilal Shah Committee, the assurance in question had been fulfilled.

10. When the Committee invited the attention of the representative of the Ministry of Petroleum and Chemicals and Mines and Metals to the recommendation made by the Estimate Committee (1967-68) in their Fiftieth Report that "a Committee consisting of experts in petroleum technology, costing and financial matters to review the whole basis of pricing of crude and petroleum products be appointed", the representative of the Ministry stated that the Shantilal Shah Committee had been specifically requested to examine whether the prices of products could be fixed on other than import parity basis. If the recommendation of that Committee was in the negative, it would broadly follow that crude oil prices must conform to the same pattern. If, however, a departure from import parity price was found feasible for petroleum products, then the question of appointing a Committee for the pricing of indigenous crude would be examined on receipt of the report of the Shantilal Shah Committee.

11. After considering the comments furnished by the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) and also the evidence given by Shri Dhireswar Kalita, M.P., and the representatives of the said Ministry, the Committee feel that the limited question before them is (a) whether any assurance had been given by the then Minister of State for Petroleum and Chemicals in reply to the said discussion that the Committee proposed to be set up by Government would go into the question of pricing policy of crude oil, and (b) if

so, whether the same had been satisfactorily implemented. From the proceedings of the half-an-hour discussion raised on the 24th April, 1968, it is quite evident that no categorical assurance as such was given by the Minister of State for Petroleum and Chemicals to refer the question of pricing policy of crude oil to the Shantilal Shah Committee. Thus, there is no force in the contention of Shri Dhireswar Kalita that Government had gone back on the assurances given by the Minister in the House by not including in the terms of reference of the Shantilal Shah Committee the question of pricing of crude oil. The Committee are, however, of the view that Government, in their own wisdom, should have referred the review aspect of the pricing policy in respect of crude oil also to the Shantilal Shah Committee, particularly in view of the very clear recommendation of the Estimates Committee to that effect and also in deference to the persistent demand made on the floor of the House instead of dilly-dallying the matter till the Report of the Shantilal Shah Committee was made available to Government.

V. Letter dated the 15th April, 1969 from Shri S. M. Banerjee, M.P., addressed to the Speaker, Lok Sabha re: non-implementation of assurances given by the Minister of State for Home Affairs in regard to re-instatement of temporary Central Government employees who participated in the strike on the 19th September, 1968

12. In his letter dated the 15th April, 1969, (Appendix IV), addressed to the Speaker, Lok Sabha, Shri S. M. Banerjee, M.P., complained that the assurances given by the Minister of State for Home Affairs on the 13th and 14th March, 1969 regarding the reinstatement of temporary Government employees, who had participated in the Central Government Employees' strike of the 19th September, 1968, were not being implemented.

13. A copy of the Shri S. M. Banerjee's letter was sent to the Ministry of Home Affairs for comments in the first instance. While furnishing their comments, the Ministry of Home Affairs in their Office Memorandum No. 9/56/69-JCA, dated the 24th April, 1969 (Appendix V), stated that the statements made by the Minister of State for Home Affairs on the 13th, 14th and 28th March, 1969, in so far as they related to temporary Central Government employees, did not constitute assurances as he merely reiterated the earlier relaxations announced in January, 1969 and assured the full and expeditious implementation thereof. In this connection, they further informed that the Home Minister had assured Shri S. M. Banerjee, M.P., and others who had met him on the 15th April, 1969, that he (the Minister) would look into the matter and

accordingly the representations made by the Members of Parliament to the Home Minister in respect of the temporary employees were under examination of that Ministry.

14. While clarifying the position regarding temporary Central Government employees, the Minister of State for Home Affairs, in his subsequent statement made in the Lok Sabha on the 30th April, 1969, stated as follows:

"In my statement made in the House on March 13, 1969, I had indicated that steps would be taken to ensure that the relaxations in regard to temporary employees are implemented fully and expeditiously so that the orders of termination would remain only in cases in which there were stronger grounds for action. Doubts have been raised about the exact significance of 'stronger grounds' on the basis of which the orders of termination of such employees could not be revoked. It has, therefore, become necessary to clarify that in regard to discharged temporary employees also, irrespective of whether their services were terminated by giving a month's notice or forthwith by payment of pay and allowances in lieu of notice, the grounds on which the orders of termination may not be revoked would be the same as those indicated in my statement of March 13, in respect of employees under suspension. In other words, except in those cases in which there is a complaint of violence, intimidation or active instigation, the discharged temporary employees would be permitted to rejoin duty after strict verification in each case in the light of these criteria. The employees so reinstated would continue to be liable to appropriate disciplinary action under the Service Rules where such action is justified on charges other than for only unauthorised absence from duty or where there is a conviction for an offence other than one under Section 4 of the Essential Services Maintenance Ordinance/Act, 1968, viz. for mere absence from duty.

It is hoped that the employees thus reinstated would justify by their responsible attitude and sense of discipline the consideration shown to them by the Government."

15. In their subsequent Office Memorandum No. 9/56/69-JCA, dated the 28th June, 1969, (Appendix VI), the Ministry of Home Affairs informed the Committee that instructions had been issued to all the Ministries/Departments on the lines of the statement made by the Minister of State for Home Affairs in the Lok Sabha on the 30th April, 1969, for

taking further action in the matter of reinstatement of the discharged temporary employees who participated in the strike of 19th September, 1968.

16. The Committee considered this matter in detail at their sitting held on the 2nd July, 1969 and with a view to make a correct appraisal of the situation, the Committee desired that the information on the following points might be obtained from the Ministry of Home Affairs:—

- (a) the number of temporary Central Government employees discharged from service for participation in the September, 1968 strike, Ministry-wise and Department-wise;
- (b) the number of temporary Central Government employees (Ministry-wise and Department-wise) out of them who have since been reinstated in service in terms of the Minister's statement made on the 30th April, 1969; and
- (c) the number of temporary Government employees, Ministry-wise and Department-wise, who could not be reinstated so far and the reasons therefor.

17. The Ministry of Home Affairs in their Office Memorandum No. 9/85/69-JCA, dated the 6th August, 1969 (Appendix VII) stated that out of the 3528 temporary Government employees discharged from service, 2607 temporary Government employees had since been reinstated as on the 25th July, 1969. As regards the remaining 921 employees not reinstated so far, the Ministry of Home Affairs had explained that these employees had not fulfilled the pre-conditions for their reinstatement as laid down in the statement made by the Minister of State for Home Affairs in Lok Sabha on the 30th April, 1969.

18. In this connection, the Committee also noted that Shri S. M. Banerjee, M.P., had raised a discussion in Lok Sabha on the subject under Rule 193 on the 26th August, 1969 and in reply thereto the Minister of State for Home Affairs had stated *inter alia* as follows:—

"I am not saying that whatever we have done so far has removed the grievances of the Government employees completely. We should like to consider this matter further and see that all those difficulties which had been brought about are removed. Very soon we shall call a meeting of the Ministers concerned, the Ministry of Communications, Railways and Defence and consider the matter afresh and review the situation to see what further we can do in this matter. We shall do it soon."

Sir, as the hon. Members know, out of the employees who were affected by this illegal strike, very few of them now remain.

.....What I am saying is, we do not want even these people to remain under suspension or to undergo any suffering. We will try to see what we can do about this matter. As I said earlier, we will review the entire cases.

..... I can assure you that nobody would be punished for approaching Members of Parliament to come to us. There is no question of anybody being punished to approach the Government through Members of Parliament in so far as this particular matter is concerned.....

Mr. Chairman, as far as the question of withdrawal of cases is concerned, that is one of the things that will be reviewed when the Ministers meet.

Shri Kundu asked for some information about one clarification (re: the terms "violence" and "active instigation"). The withdrawal of that clarification would not help the situation at all. That clarification is not to be applied without thinking about it; neither is it obligatory on their part to follow that clarification. Also, if there has been any misapplication of that clarification, we would definitely go into it and remove the grievance, because it is not binding on them to follow it." It is only an illustrative clarification that has been given; no government officer is bound to follow what has been given in it. So, the withdrawal or non-withdrawal of that clarification would not alter the matter at all. It is a question dealing with the matter with sympathy and goodwill and not with any intention of settling old scores and things like that. Whenever we come across any grievance we do try to see that the cases are decided on merits."

19. In view of the expressed conciliatory attitude to be shown by Government towards the discharged Central Government employees and the assurance held out by the Minister of State for Home Affairs during the above discussion that Government did not want even the remaining employees, who had not so far been reinstated in service, to remain under suspension or to undergo any suffering and that they would try to see what they could do further in the matter and also in view of the confidence and expectations created in the minds of the affected Government

employees as a result thereof, the Committee earnestly hope that Government would expeditiously implement the above assurance by reinstating soon all the temporary Central Government employees, who were discharged/suspended for their participation in September, 1968 strike.

NEW DELHI:
August 29, 1969.

Bhadra 7, 1891 (Saka).

K. ANBAZHAGAN,
Chairman,

Committee on Government Assurances.

MINUTES

I. Thirty-fifth Sitting

The Committee met on Friday, the 9th May, 1969 from 16.10 to 16.45 hours.

PRESENT

Shri K. Anbazhagan—*Chairman*

MEMBERS

2. Shri Narendra Ramchandraji Deoghare
3. Shri Santar Guha
4. Shri G. Y. Krishnan
5. Shri Bhola Nath Master

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. At the outset, the Chairman welcomed the members and gave a brief account of the origin, functions and working of the Committee on Government Assurances (Annexure). In this connection, he referred to the number of assurances pertaining to the Third Lok Sabha still outstanding and the number of assurances pertaining to the First to Seventh Session (upto the 31st March, 1969) of the Fourth Lok Sabha, which had been called out and also those implemented so far.

3. The Committee then considered their future programme. After some discussion, they decided to sit at 10.00 hours daily on Tuesday and Wednesday, the 1st and 2nd July, 1969, respectively. On the 1st July, 1969, the Committee decided to examine Shri Dhireswar Kalita, M.P., in connection with his complaint to the Speaker about the non-implementation of certain assurances given by the then Minister of State for Petroleum and Chemicals in the course of the half-an-hour discussion held on the 24th April, 1968 regarding pricing of oil and thereafter, the representatives of the Indian Oil Corporation and Ministry of Petroleum and Chemicals and Mines and Metals. On the 2nd July, 1969, they decided to take up Shri S. M. Banerjee's complaint regarding non-implementation of assurances given by the Minister of State for Home Affairs in regard to the re-instatement of temporary Central Government employees who participated in the strike on the 19th September, 1968 and other pending items.

The Committee then adjourned.

ANNEXURE

Address delivered by the Chairman, Committee on Government Assurances at the First Sitting of the newly constituted Committee on Government Assurances (1969-70) held on the 9th May, 1969.

I am very happy to welcome you to this first sitting of the Committee on Government Assurances.

2. As you are aware, while replying to the questions or supplementaries thereon or during discussions on Bills, resolutions, motions, etc. Ministers at times give assurances, undertakings or promises either to consider a matter, take action or furnish the House with the relevant information later. In order to watch the implementation of such assurances on behalf of Lok Sabha, a Committee known as Committee on Government Assurances was first constituted by the Speaker on the 1st December, 1953. Rule 323 was subsequently incorporated in the Rules of Procedure and Conduct of Business in Lok Sabha. This provides for the constitution of this Committee and also defines their functions.

3. I would now broadly explain the functions of this Committee. The functions of this Committee are to scrutinise the assurances, promises, undertakings etc., given by Ministers from time to time on the floor of the House and to report on:—

- (a) the extent to which such assurances, promises, undertakings etc., have been implemented; and
- (b) where implemented whether such implementation has taken place within the minimum time necessary for the purpose.

4. In April 1954, the Committee considered the various forms in which assurances, promises, undertakings, etc., are given on the floor of the House and approved a standard list of forms which are to be treated as assurances, undertakings, etc., given by Ministers. These forms, though not exhaustive are meant for the purpose of guidance of the Committee. Any addition to or deletion from these forms, is done only with the approval of the Committee.

In accordance with these forms, the Department of Parliamentary Affairs culls out the assurances from the daily Debates and furnishes them to the Lok Sabha Secretariat. The assurances thus culled out by

the Department of Parliamentary Affairs are compared with Assurances which are culled out independently by the Lok Sabha Secretariat in accordance with the standard forms laid down by the Committee. In the event of any controversy between the assurances compiled by the Department of Parliamentary Affairs and by the Lok Sabha Secretariat, the matter is placed before the Chairman, Committee on Government Assurances for his decision.

5. The Minister of Parliamentary Affairs lays on the Table from time to time statements showing the action taken by Government in implementation of the assurances. Such statements are examined by our Secretariat with a view to seeing whether the implementation of the assurances contained therein is satisfactory. The result of such an examination is circulated to members of the Committee in the form of a tabular statement.

6. Since the purpose and the value of an assurance is lost, unless it is fulfilled within a reasonable time, the Committee made the following recommendation in para 15 of their First Report (First Lok Sabha—May, 1954) :

“The Committee would like that in future, the assurances are implemented within a maximum period of two months and where it is not possible to comply with this requirement, a report giving reasons for the delay should be made to the Committee in order to enable them to judge how far it was beyond the power of the Ministry to implement the assurances within the stipulated period and what were the reasons responsible for the delay or inadequate implementation of the assurances.”

7. During the First Session, 1967, to Seventh Session, 1969 of the Fourth Lok Sabha, (up to the 31st March, 1969), 5669 assurances were culled out. Out of these 3805 assurances have since been implemented, leaving a balance of 1864 assurances still to be implemented. With regard to the assurances relating to the Third Lok Sabha, out of 93 assurances referred to the First Committee of Fourth Lok Sabha, only 9 are now pending. I may also mention for the information of members that in February, 1968, the Department of Parliamentary Affairs requested that the maximum time limit for the implementation of assurances fixed by the Committee at two months should be raised to six months as it was not only inadequate but was necessitated by the present steep rise in the incidence of assurances. After discussing the pros and cons of this suggestion at some length, the Committee agreed that the maximum time-limit might be raised from two to three months instead of six months on an experimental basis. The Committee also observed that they would like to watch

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its working for some time before a final decision was taken by the next Committee in the light of the experience thus gained. The present Committee will take up this matter and give their final decision on it.

8. Before I conclude, I would urge you to take an active interest in the working of this Committee, which acts as an important functional limb between the Executive and the Legislature in the matter of implementation of assurances given on the floor of the House. I am sure by our labours, this Committee would become more effective and we shall continue to maintain the happy and well-established tradition of working in a non-partisan spirit in the Committee and arriving at unanimous decisions as far as possible, on all issues coming up before the Committee. I would also welcome any suggestions which you might like to offer for effecting an improvement in working of the Committee.

II. Thirty-sixth sitting

The Committee met on Tuesday, the 1st July, 1969 from 10.00 to 12.20 hours.

PRESENT

Shri K. Anbazhagan—*Chairman*

MEMBERS

2. Shri Maharaj Singh Bharati
3. Shri Abdul Ghani Dar
4. Shri Narendra Ramchandrajji Deoghare
5. Shri Samar Guha
6. Kumari Kamla Kumari
7. Shri G. Y. Krishnan
8. Shri Bhola Nath Master
9. Shri A. S. Saigal
10. Shri A. T. Sarma

SECRETARIAT

Shri M. C. Ghawla—*Deputy Secretary.*

WITNESSES

Shri Dhireswar Kalita, M.P.

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

1. Shri M. V. Rajwade—*Joint Secretary.*
2. Shri K. G. Paranjpe—*Deputy Secretary.*
3. Shri B. S. S. Rao—*Under Secretary.*

2. The Committee took up further consideration of the complaint made by Shri Kalita in his letter dated the 28th April, 1969 addressed to the Speaker regarding the non-implementation of certain assurances given by the then Minister of State for Petroleum and Chemicals in reply to half-an-hour discussion regarding the pricing of oil.

(Shri Dhireswar Kalita, M.P., was called in and he took his seat)

3. At the outset, the Chairman informed Shri Kalita that the limited question before the Committee was whether the Minister of State for Petroleum and Chemicals, in reply to the half-an-hour discussion on pricing of oil raised by the witness on the 24th April, 1968, had given any assurance with regard to the review of pricing of crude oil and, if so, whether it had been satisfactorily implemented by the Government. He further pointed out that the Committee, after perusal of the relevant proceedings of the half-an-hour discussion, found that though he had made references in his speech to both crude oil and petroleum products, the Minister, in his reply to the half-an-hour discussion, had referred to the Government's proposal to set up a Committee to go into the pricing policy in respect of petroleum products only. The Chairman, therefore, asked Shri Kalita to enlighten the Committee with regard to the purport and exact wording of the assurance, which according to him, tended to constitute an assurance having been given by the Minister in reply to the aforesaid discussion to refer the question of pricing of crude oil also to the proposed Government Committee.

4. Shri Kalita then requested that he might be supplied with a copy of the comments furnished by the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) in connection with his complaint regarding the non-implementation of the assurance given by the Minister in reply to his half-an-hour discussion. The Committee acceded to his request and a copy of the comments received from the Ministry of Petroleum and Chemicals and Mines and Metals was made available to the witness.

5. After perusing the comments of the Ministry, Shri Kalita gave the background of the whole issue and stated that to his Starred Question No. 818 dated the 25th March, 1968 as to whether the pricing of oil in India—both crude oil and finished products—was determined on the Persian Gulf parity basis, the Minister of Petroleum and Chemicals replied in the affirmative. He further explained that the pricing of oil in India was done on the basis of Persian Gulf parity as laid down in the Second Supplemental Agreement of 1961 entered into between the Government of India and the Burmah Oil Company Ltd., Oil India Ltd. and the Assam Oil Company Ltd. There was another agreement which the Government of India had entered into with the British and

American companies under which the pricing of crude was done on the basis of import parity. The witness contended that though India produced crude oil yet the price of crude oil either of Ankleshwar or of Assam could not be determined by the Indian Government or by an individual company. Under the Agreement, the price of the crude oil was first fixed at Abadan, a port in Persian Gulf, on the following basis:

“ ‘Posted F.O.B. Middle East price of equivalent quality crude oil’ means the price quoted in Petroleum Press Service quotation to Arabian crude oil ex Ras Tanura for a gravity of 34–34.9 A.P.I. adjusted to 33.67 A.P.I. which at the date of these presents is Rs. 63.37 per ton.”

On its delivery in India, the price of such crude oil was fixed in terms of para 9(A) (i) of the said Agreement which was as follows:

“Subject to the provisions of sub-clause (C) of this Clause and on the basis (a) that the paid up capital of Oil India does not exceed Rs. 28,00,00,000 and (b) that the posted F.O.B. Middle East price of equivalent quality crude oil is in the range of—Rs. 57—Rs. 63 per ton the price per ton at which crude oil from Area A and Oil India’s existing areas will be sold and delivered to Indian Refineries Limited’s Barauni and Nunmati Refineries and Assam Oil Company’s Digboi Refinery will be the posted F.O.B. Middle East Price of equivalent quality crude oil plus ocean freight [as per average Freight Rate Assessment (AFRA) award for a general tanker] insurance (comprehensive insurance covering all risks against which shipments of crude oil are generally insured) and ocean loss (at average rate) from Ras Tanura to Calcutta less such a discount on posted F.O.B. Middle East price of equivalent quality crude oil as will secure a return to the shareholders of Oil India of 10.8 per cent on paid up capital after payment of all taxes (including taxes payable on dividends) calculated in accordance with the Formula set out in sub-clause (B) of this Clause.”

Shri Kalita maintained that under the Persian Gulf parity theory, with the price of crude oil having been fixed first at Abadan and from there with the landed cost at Bombay, then from Bombay to Calcutta and from Calcutta to Gauhati and from Gauhati to Digboi, the price of the crude oil came to be the highest in Assam when the fact was that Assam itself was producing crude oil. All these anomalies were due to the operation of the Persian Gulf parity under the said Agreement. It was with that background that the issue was raised by him in Par-

liament first through a Starred Question and later by way of half-an-hour discussion. Shri Kalita contended that the Minister of State for Petroleum and Chemicals had accepted these anomalies while replying to his half-an-hour discussion held on the 24th April, 1968. He then read out the following passages from the Minister's reply to the aforesaid discussion which, in his view, constituted an assurance:

".....I would like to assure them (the members) that Government are equally anxious that the anomalies in the existing policies should be thoroughly examined.

Government are seized of the problem. We are anxious to solve it. Consistent with our obligations, we will remove the anomalies. We will be the first persons to remove them. If you hear to the end, you will be satisfied with what the Government proposes to do in the matter.

As the hon. Memmebr knows, in the case of motor spirit and kerosene, we recently introduced a policy of uniform freight from ex-Digboi and this has slightly reduced the price. It has not solved the problem; I agree; the anomaly is there. If you take ex-Bombay, it is cheaper than ex-Calcutta because from Persian Gulf to Calcutta the freight is more. In places for which the delivery points are based on ex-Bombay, the same stuff is cheaper than in places for which the delivery points are based at ex-Calcutta.

Therefore the anomalies are there and the Government are seriously looking into this matter...Government are very seriously considering the question of appointing a committee to go into this very question, whether the pricing policy should be based on import parity or on the production cost or on any other fair and equitable basis, of course keeping in mind the various commitments we have made, and I hope that very soon an announcement will be made to that effect."

6. Continuing further, Shri Kalita maintained that the question raised by him was how the pricing of crude oil and finished products in India should be done. Unless the pricing policy to be followed in respect of crude oil was reviewed and decided, it was not possible to fix the prices of refined products. By excluding the question of review of price policy of crude oil from the terms of reference of the Shantilal Shah Committee, the Government could not claim that they had implemented the assurance given by them to the House in the matter.

7. Elaborating the anomalies in the prices of Petroleum products, Shri Kalita cited the example of furnace oil. According to him, it was Rs. 220 per Metric tonne on Gauhati, Rs. 202 per Metric tonne in Calcutta and Rs. 180 per Metric tonne in Bombay. Referring to the price of petrol, he stated that the people in Assam had to pay Rs. 1.05 per litre whereas it was 95 paise in Calcutta and 90 paise in Delhi. Shri Kalita contended that when the crude was produced in Assam and it was also refined there, then how could the prices of the finished products be the highest there.

8. In reply to a question whether he had drawn the attention of the Government to the fact that the whole basis of his discussion in Parliament was mainly on the price of crude oil but in the terms of reference of the Shantilal Shah Committee Government had avoided the main point and had concentrated only on the ex-refinery prices of the petroleum products, Shri Kalita stated that that was why he had appeared before the Committee on Government Assurances. There was no other way out for him. According to him, the anomalies in prices of oil/finished petroleum products were mainly due to the crude oil pricing system. The Minister had given an assurance to appoint a committee to go into the whole matter. By excluding the question of review of price policy of crude oil from the purview of the Shantilal Shah Committee, Government had gone back on its assurance to the House. It was on that account that he had made a complaint to the Speaker in the matter.

9. When asked to state whether Government had excluded the question of crude oil price review being discussed in the Shantilal Shah Committee, Shri Kalita stated that he had tendered evidence before that Committee and it was pointed out to him that that Committee could not go into the question of crude oil prices.

10. When asked whether his case would not be covered by one of the following terms of reference of the Shantilal Shah Committee:

“the determination of the ex-refinery prices of refined petroleum products, including bitumens, produced by the refineries, whether on the basis of import parity as hitherto or by the adoption of the cost of production as the basis, or in any other appropriate manner, with due regard to the Government assurances having a bearing on the subject.”

Shri Kalita stated that in view of the Ministry's comments on his representation, the terms of reference of the said Committee did not cover the question of review of crude oil prices.

11. When it was pointed out to Shri Kalita that according to Government's stand, they had not given any assurance with regard to the review of price policy of crude oil and that their undertaking was in respect of prices of petroleum products only, he stated that the whole discussion that he had raised in Parliament was about the parity prices of crude. Crude was the mother of all the oil products. Without reviewing the price of crude oil, the prices of the finished products could not be fixed and brought down. He further contended that according to his view, the Minister's reply related to the review of pricing policy of all kinds of oil. It was not restricted to the petroleum products. Moreover, in reply to his half-an-hour discussion, the Minister had nowhere stated that he would by-pass the question of review of the pricing policy of crude oil.

12. Referring to the Minister's reply with regard to the appointment of a committee to go into the question of pricing policy—whether it should be on import parity or on the production cost or on any other fair and equitable basis—Shri Kalita was asked to explain whether the words 'import parity' referred to by the Minister above, would include 'crude oil prices', the witness replied in the affirmative.

(The witness then withdrew)

[The representatives of the Ministry of Petroleum and Chemicals and Mines and Metals were then called in and they took their seats.]

13. At the outset, the Chairman pointed out to the representatives of the Ministry that during the half-an-hour discussion held on the 24th April, 1968, Shri Dhireswar Kalita, M.P., specifically raised the issue of pricing of crude oil as well as those of other products. Government had now stated that the assurance contained in the statement of the Minister in reply to that discussion related only to the question of pricing of petroleum products and not to that of pricing of crude oil. The Committee would like to have a clarification on that point.

14. The representatives of the Ministry stated that as far as they understood, the Minister had been speaking all along of the product pricing and at the end he promised the appointment of a certain Committee which was so appointed. He also mentioned that if there were anything else there, which was in the shape of assurance, the Department of Parliamentary Affairs would have brought it to their notice and since that Department had not pointed out, it gave them reason to believe that the assurance given by the Minister was fulfilled with the appointment of the present Committee. He further stated that the Minister's statement had no reference to crude pricing and the whole statement referred to

the product pricing which was currently based on import parity. He further contended that it would be noticed from the terms of reference of the Shantilal Shah Committee that whatever promise was given by the Minister in his statement, it had been fulfilled and included in the terms of reference of the Committee.

15. When asked to explain how, in the light of the fact that Shri Dhireswar Kalita had raised in his Starred Question No. 818 answered on the 25th March, 1969 the question of pricing of crude oil as well as finished products and again during his half-an-hour discussion the main issue all along having been pricing of crude oil/finished products, it could be stated that the Minister's statement referred only to petroleum products, the witness replied that so far as the assurance was concerned it arose from the proceedings of the half-an-hour discussion held on the 24th April, 1968 and as he could find, the question of crude oil was not discussed by the Minister. The Minister's statement referred only to the petroleum products. He added further that by appointing a Committee in that regard, the assurance in question had been fulfilled.

16. Explaining the import parity principle, the representative of the Ministry stated that that principle was adopted both in regard to crude and the products. The price of all products that were imported from outside was based on the principle called import parity which only meant that the price of products produced in the country would be at par with the price of the products which were imported from outside so that the prices remained at par. He stated further that the principle was applied to the price of the product first and then the price of the crude was derived backwards in one case in eastern region. The import parity principle was applied so far as crude production in the western region was concerned and that there was another special formula for crude that was produced by one company in the eastern region.

17. Referring to the pricing of crude oil, the representative of the Ministry stated that for the western region the price was calculated on the basis of Abadan price f.o.b. Bombay plus the quality of crude. In Assam, the price was determined in a different way and it was based on a certain formula included in the Second Supplemental Agreement. It included all costs spread over the quantity that was produced by the company. If the quantity produced was less, the cost was higher. If the quantity produced was more, the cost became less. It was for some time above the import parity price and at present below the import parity price.

18. Referring to the observations made by the Minister in his reply to the half-an-hour discussion on the 24th April, 1968, the Chairman asked the representative of the Ministry to explain why, when the Minister had stated that anomalies in the existing policies would be thoroughly examined, Government did not refer the question of pricing of crude oil to the Committee set up by them. In reply, the representative of the Ministry stated that the anomalies referred to there were peculiar in nature and arose out of the import parity policy. As an instance, he pointed out that in Bombay, Cochin, Madras, Vishakapatnam and Calcutta, the f.o.b. price was the same, but the insurance, cost and freight varied and therefore, the same crude cost different in Bombay, differently in Cochin and so on.

19. When confronted with the specific recommendation made by the Estimates Committee (1967-68) in their Fiftieth Report that "a committee consisting of experts in petroleum technology, costing and financial matters to revieve the whole basis of pricing of crude and petroleum products be appointed. "The representative of the Ministry stated that the Government had sent the following reply to the above recommendation of the Estimates Committee:—

"A Committee under the Chairmanship of Shri Shanti Lal Shah, M.P., has been set up recently to examine the pricing of petroleum products. That Committee has been specifically requested to examine whether the prices of products can be fixed on other than import parity basis. If the recommendation of the Committee is in the negative, it would broadly follow that crude oil prices must conform to the same pattern. If, however, a departure from import parity price is found feasible for petroleum products, then the question of appointing a Committee for the pricing of indigenous crude will be examined on receipt of the report of the Committee referred to above."

He further stated that the Government would appoint *suo motu* another Committee to go into the pricing of crude oil if it arose out of the report of the Shantilal Shah Committee. When asked why the Shantilal Shah Committee itself was not asked to go into the question of pricing of crude oil, the representative of the Ministry explained that the crude oil pricing would also have to be of the same pattern as product pricing. If in fixing product pricing a departure from import parity principle was found feasible, then the question of crude pricing would also have to be re-opened.

20. In reply to a question regarding pricing policy before Independence and now, the representative of the Ministry stated that the product pricing started after Independence. Before that the petrol company—Burmah Shell—charged whatever they thought proper. Government appointed a Committee in 1960 with Shri Damle as Chairman and another with Shri Talukdar. The ceiling prices were suggested by those Committees. This time a Committee under the Chairmanship of Shri Shantilal Shah was going into this question.

21. When asked whether, because of the import parity, the crude oil available in Assam cheaper and whether it was possible that if that basis of calculation of cost for crude oil was taken out, the price of crude oil would remain unaffected, the representative of the Ministry stated that even if a different policy was adopted, the anomalies would persist. When it was further asked whether the major portion of the cost of refining petroleum products would be in crude oil, the representative of the Ministry stated that it was so. He explained further that there was some misapprehension regarding fixing of price of petroleum products. Under the import parity concept, the FOB price of petroleum products at an appropriate port in the Gulf was taken as the base and to that were added such incidences as insurance, freight, ocean loss. This decided the c.i.f. price at a given Indian port. This price did not take into account the price of crude at all. Product pricing, therefore, would appear to be independent of crude prices.

22. To further questions, the representative of the Ministry stated that under the present system of import parity concept obtaining in India, it was possible to lower the product price without taking into account the crude price. The crude oil price was similarly fixed on import parity principle. He further added that prices of petroleum products were not based on cost of production which would include crude cost plus other incidences like processing cost, depreciation, standing charges etc. He also stated that without taking into account the price of crude oil the product price could be lowered, to the extent of marketing price. Even if the price of the product was reduced, the price of crude oil would remain as it was. He further stated that the previous two Committees had actually done that without going into the cost of crude oil.

23. The Chairman then referred to item 3(iv) of the terms of reference of the Shantilal Shah Committee and asked whether the expression "...regard, in this connection, being had to the basis of pricing

of indigenous crude" appearing there did not indicate whether the pricing of crude was also to be considered by the Committee. In reply the representative of the Ministry stated that where the Refinery was to be made the pricing point, the Committee would presumably to take that into consideration.

(The witnesses then withdrew.)

The Committee then adjourned.

III. Thirty-seventh Sitting

The Committee met on Wednesday, the 2nd July, 1969 from 10.30 to 12.00 hours.

PRESENT

Shri K. Anbazhagan—*Chairman*

MEMBERS

2. Shri Maharaj Singh Bharati
3. Shri Abdul Ghani Dar
4. Shri Narendra Ramchandraj Deoghare
5. Shri Samar Guha
6. Kumari Kamla Kumari
7. Shri G. Y. Krishnan
8. Shri Bhola Nath Master
9. Shri A. S. Saigal
10. Shri A. T. Sarma.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

MEMORANDUM NO. 54

Implementation of assurances given by the Minister of State for Home Affairs in regard to reinstatement of temporary Central Government employees who participated in the strike on the 19th September, 1968

2. The Committee took up further consideration of the letter dated the 15th April, 1969 from Shri S. M. Banerjee, M.P., addressed to the Speaker, wherein he had complained that certain assurances given by the Minister of State for Home Affairs (Shri Vidya Charan Shukla) in the course of his statements made in the House on the 13th, 14th and 28th March, 1969 regarding reinstatement of temporary Central Government employees who had been discharged from service for participation in the Central Government employees strike on the 19th September, 1968, were not being implemented by Government.

3. The Chairman, at the outset, informed the members of the Committee that the Ministry of Home Affairs in their O.M. No. 9/56/69-JCA

dated the 28th June, 1969 had intimated that instructions had been issued to all Ministries|Departments on the lines of the statement made by the Minister of State for Home Affairs on the 30th April, 1969 for taking further action in the matter of reinstatement of discharged temporary employees who participated in the strike of 19th September, 1968. After some discussion, the Committee decided to postpone further consideration of this matter to their next sitting. With a view to make a correct appraisal of the situation, the Committee desired that information on the following points might be obtained from the Ministry of Home Affairs:—

- (a) the number of temporary Central Government employees discharged from service for participation in the September, 1968 strike. Ministry-wise and Department-wise;
- (b) the number of temporary Central Government employees (Ministry-wise and Department-wise) out of them who have since been reinstated in service in terms of the Minister's statement made on the 30th April, 1969; and
- (c) the number of temporary Government employees, Ministry-wise and Department-wise, who could not be reinstated so far and the reasons therefor.

MEMORANDUM NO. 55

Implementation of certain assurances given by the Minister of State for Petroleum and Chemicals in reply to half-an-hour discussion held on the 24th April, 1968 regarding pricing of oil

4. The Committee generally discussed the issues arising out of the evidence given by Shri Dhireswar Kalita, M.P. and the representatives of the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) on the 1st July, 1969 in connection with the complaint of Shri Dhireswar Kalita against non-implementation of the assurances given by the Minister of State for Petroleum and Chemicals in reply to half-an-hour discussion held on the 24th April, 1968 regarding pricing of oil. They decided to defer further consideration of the matter to their next sitting. Meanwhile the Committee directed that a copy of the Ministry of Petroleum and Chemicals (Department of Petroleum) Resolution No. 101 (22) /68-PPD, dated the 14th June, 1968, as amended from time to time, regarding constitution etc. of the Oil Prices Committee, might be circulated to the members of the Committee.

MEMORANDUM NO. 56

Request from the Department of Parliamentary Affairs for dropping of assurances

5. The Committee then took up for consideration of the requests made by the Department of Parliamentary Affairs for dropping of the following 15 assurances (Annexure I):—

- (i) *Assurance given in reply to Unstarred Question No. 3890 dated the 13th August, 1968 by Shri R. K. Amin regarding textile mills in Gujarat.*

The Committee were not convinced with the reasons advanced by the Department of Parliamentary Affairs for dropping the assurance in question and directed that Government should implement it expeditiously.

- (ii) *Assurance given in reply to Unstarred Question No. 2062 dated the 1st August, 1968 by Shri Jagannath Rao Joshi and others regarding supply of foodgrains to Jammu and Kashmir.*

The Committee were surprised to note that the Central Government did not keep any record as to the manner and rates at which the foodgrains supplied by them to the Government of Jammu and Kashmir were distributed by the latter. They, however, appreciated the difficulties of the Government in collecting information, year-wise, for the last 21 years, at this stage. The Committee were of the view that it should not be difficult for the Government to collect information in this regard for the years 1965-66 to 1967-68 and it might be laid on the Table of the House at an early date.

- (iii) *Assurance given in reply to Unstarred Question No. 2649 dated the 5th August, 1968 by Shri Himatsingka regarding construction of Haldia Refinery.*

The Committee, after perusing the reasons advanced by the Department of Parliamentary Affairs for dropping the above assurance, decided to drop the same.

- (iv) *Assurance given in reply to Unstarred Question No. 2598 dated the 5th August, 1968 by Shri C. K. Chakrapani and others regarding expansion of refinery by Burmah Shell.*

The Committee were not convinced with the contention that it would take a long time for the Government to come to a decision regarding the expansion of private oil refineries and decided to keep the assurance pending for implementation by Government.

- (v) *Assurance given in reply to Unstarred Question No. 5845 dated the 26th August, 1968 by Shri Vasudevan Nair regarding memorandum from Staff Association of Central Social Welfare Board.*

The Committee were not satisfied with the grounds advanced by the Department of Parliamentary Affairs for dropping the assurance in question and directed that Government might state whether, in view of the fact that the Central Social Welfare Board had already been registered as a company, the steps, promised by Government to safeguard the legitimate interests of the staff of the Board, had since been taken by them.

- (vi) *Assurance given in reply to Unstarred Question No. 4875 dated the 17th December, 1968 by Shri Vasudevan Nair regarding Committee on Small Scale Rubber Cultivators.*

The Committee were not convinced with the reasons advanced by the Department of Parliamentary Affairs for dropping the assurance in question and directed that Government should state the outcome of the examination of the recommendations made by the Abdulla Committee on Small Scale Rubber Cultivators.

- (vii) *Assurance given in reply to Unstarred Question No. 4284 dated the 12th December, 1968 by Shri Shri Gopal Saboo regarding import of edible oil under PL 480.*

The Committee, after considering the reasons given by the Department of Parliamentary Affairs for dropping the above assurance, decided to drop the same.

- (viii) *Assurance given in reply to Unstarred Question No. 1841 dated the 22nd November, 1968 by Shri D. N. Patodia regarding kidnapping of girls in Delhi.*

The Committee, appreciating the fact that the assurance in question was not amenable of early implementation as the issue involved amendment of the Indian Penal Code in consultation with the State Governments, decided to drop the assurance.

- (ix) *Assurance given in reply to Unstarred Question No. 1986 dated the 25th November, 1968 by Shri Ram Avtar Sharma regarding appointment of Food Inspectors to check inter-State food adulteration.*

The Committee noted that the proposal for setting up of a Central Organisation for the prevention of Food Adulteration was under con-

sideration of the Government for long time and directed that they might be informed whether the said proposal which included *inter alia* for setting up of check-posts for checking of inter-State Food adulteration had been included in the Fourth Plan.

- (x) *Assurance given in reply to Unstarred Question No. 2980 dated the 3rd December, 1968 by Shri C. Janardhanan regarding rural industrial projects in Kerala.*

The Committee did not agree with the view that it would take a long time to decide the future of Rural Industrial Projects programme and decided to keep the assurance pending for early implementation by the Government.

- (xi) *Assurance given in reply to Unstarred Question No. 4777 dated the 17th December, 1968 by Shri Maharaj Singh Bharati regarding Heavy Engineering Corporation Ltd., Ranchi.*

The Committee were not convinced with the reasons advanced by the Department of Parliamentary Affairs for dropping the assurance in question and decided to keep it pending. They desired to be informed of the outcome of the negotiations undergoing regarding the prices for the machinery manufactured by the Heavy Engineering Corporation, Ranchi for the Bokaro Steel Plant.

- (xii) *Assurance given in reply to Unstarred Question No. 3250 dated the 4th December, 1968 by Shri Himatsingka and Shri S. K. Tapuriah regarding impact of plan programmes on villages.*

The Committee were not satisfied with the reasons advanced by Government for dropping the above assurance and decided to keep it pending. They directed further that they might be informed of the decision taken for providing fillip to rural economy and uplift in each State under the Fourth Five Year Plan.

- (xiii) *Assurance given in reply to Unstarred Question No. 4927 dated the 17th December, 1968 by Shri Nihal Singh regarding accident near Bhojpura Level Crossing.*

The Committee considered the reasons advanced by Government for dropping this assurance and decided not to drop the assurance. The Committee directed that they might be informed whether the Railway Administration had paid any compensation to the victims of the accident near Bhojpura Level Crossing.

(xiv) Assurance given in reply to Unstarred Question No. 1424 dated the 27th February, 1969 by Shri Bhogendra Jha regarding Bihar engineers.

The Committee noted that the investigations were being conducted by the Central Bureau of Investigation into certain financial irregularities allegedly committed by some engineers of Bihar Government at the instance of the State Government of Bihar and that the report of the Central Bureau of Investigation would be submitted to the Bihar Government. In the circumstances, the Committee decided to drop the assurances.

(xv) Assurance given in reply to supplementary Question by Shri G. G. Swell on Starred Question No. 32 dated the 19th February, 1969 regarding Indo-Iranian Industrial Collaboration.

The Committee considered the reasons advanced by the Department of Parliamentary Affairs for dropping the above assurance and decided to drop the same.

MEMORANDUM NO. 57

Treatment of certain replies of Ministers as assurances

6. The Committee then took up for consideration the reasons advanced by the Department of Parliamentary Affairs for not treating the replies (Annexure II) given to the following questions as assurances:—

- (i) Supplementary Question by Shri Ganesh Ghosh on Starred Question No. 510 answered on the 8th February, 1968 regarding modification in Factories Act.
- (ii) Unstarred Question No. 5289 dated the 25th July, 1968 by Shri J. Mohamed Imam and others regarding Tagore Theatres.
- (iii) Unstarred Question No. 888 dated the 25th July, 1968 by Shri Bhogendra Jha regarding demands of F.C.I. Employees.
- (iv) Unstarred Question No. 1801 dated the 30th July, 1968 by Shri C. K. Bhattacharyya regarding violation of provisions of Industrial Licensing Act.

The Committee were of the view that the replies given by Government to questions at Sl. Nos. (ii), (iii) and (iv) above did constitute assurances and directed that the Department of Parliamentary Affairs

might be asked to forward the relevant statements of assurances relating thereto to the Lok Sabha Secretariat at an early date. As regards the reply given to a supplementary on the question at Sl. No. (i) above the Committee decided not to treat it as an assurance.

7. The Committee then perused a table showing the upto-date position of outstanding assurances as on the 16th May, 1969 and desired that Government should take more vigorous steps to liquidate the 9 outstanding assurances relating to the Third Lok Sabha and 2726 pending assurances pertaining to the First to Seventh Sessions of the Fourth Lok Sabha without further delay.

The Committee then adjourned.

ANNEXURE I

(Vide para 5 of Minutes dated the 2nd July, 1969)

Statement showing the assurances proposed to be dropped by the Department of Parliamentary Affairs with the reasons therefor

Sl. No	Date and reference	Subject	Promise made	Reasons advanced by the D.P.A. for dropping the assurance
1	2	3	4	5

FIFTH SESSION, 1968

(MINISTRY OF COMMERCE)
Textile Mills in Gujarat:

1 U.S.Q. No. 3890 dated 13.8.68 by Shri R. K. Amin.

(a) whether the Central Govt. have received any proposal from the Govt. of Gujarat to solve the problem of sick textile mills in that State ;

(b) if so, the details thereof; and

(c) whether Govt. propose to extend the proposed policy for Gujarat State to all the sick textile mills in India.

(c) The suggestions are under consideration.

On a representation from the Ministry of Commerce the matter has been re-considered and it is felt that the assurance, in its very nature, involves a policy decision. Considerable time shall, thus, be taken to arrive at some decision, and that no information is possible in the near future. In such cases it is open for the members to seek further information by putting new questions. The assurance is, therefore, proposed to be dropped subject to

the approval of the Committee
on Government Assurances.

(MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND
COOPERATION)

Supply of Foodgrains to J. & K.

2 U.S.Q. No. 2062 (a) the quantity of and the
dated 1-8-1968 by rates at which foodgrains
Shri Jagannath Rao were supplied by the Centre
Joishi and others. to Jammu and Kashmir
each year during the last
21 years; and

(b) the number and the rates at
which foodgrains were
distributed in the State
each year.

(b) The requisite information is
not available with the Cen-
tral Govt. The Jammu and
Kashmir Government has
been asked to supply the
information and it will be
placed on the Table of the
Sabha when received.

The matter has been reconsidered
on the request of the Ministry
of Food, Agriculture, Com-
munity Development and Co-
operation. The Ministry has
stated that they have tried
their best to collect the in-
formation from the Jammu and
Kashmir Government regard-
ing the manner and the rates at
which the foodgrains were
distributed in the State but it
has not been possible for them
to get the requisite information
from the State Government
inspite of many demi-official
reminders. As the informa-
tion relates to the collection of
data yearwise for the last 21
years it is unlikely that the
Information shall be received
from the State Government in
a reasonable time.

In view of the position stated above it is proposed to delete the assurance from our record subject to the approval of Committee on Government Assurances.

(MINISTRY OF PETROLEUM AND CHEMICALS)

Construction of Haldia Refinery

3 U.S.Q. No. 2640
dated 5-8-1968 by
Shri Himatsingka.

(a) the steps taken so far to minimise the use of indigenous material and equipment in the construction of Haldia Refinery; and

(b) the estimated extent of (a) The detail will be available only after the process design work for the refinery is completed, i.e., by end of September, 1968.

The matter was reconsidered at the instance of the Ministry of Petroleum and Chemicals. It is felt that the reply given by the Minister in the House, to part (b) of the said question "that the details of imported material and equipment will be available only after the process design work for the Haldia Refinery is completed, i.e., by the end of September, 1968", was a statement of fact and not intended to be an assurance or any commitment to give any further information to the

House. Moreover, the information is not expected to be known for some more month to come.

In the circumstances, it is proposed to delete this item of assurances subject to the approval of the Committee on Government Assurances.

Expansion of Refinery by Burmah Shell.

4 U.S.Q. No. 2598 dated 5-8-68 by Shri C.K. Chakrapani and others.

(a) whether Government have received any proposal from Burmah Shell for the expansion of its Refinery ;

(b) if so, the details thereof ;

(c) whether Government propose to relax the conditions

(d) if so, the reasons thereof;

(c) and (d)
The question is under examination.

The matter has been reconsidered at the instance of the Ministry of Petroleum & Chemicals. It is felt that the reply given by the Minister in the House was a statement of facts and not intended to be an assurance for giving any further information to the House, particularly when the issue relating to the expansion of private oil refineries may take a long time to come

to a stage of decision. The item of assurance may, therefore be dropped subject to approval of the Committee on Government Assurances.

(d) if so, the reasons thereof.

(DEPARTMENT OF SOCIAL WELFARE)

Memorandum from Staff Association of Central Social Welfare Board

5 U.S.Q. No. 5845 received any memorandum dated 26 8-1968 by or representation from the Shri Vasudevan Staff Association of the Central Social Welfare Board ;

(b) if so, what are their grievances ; and

(c) the action taken thereon ; (c) Necessary steps would be taken to safeguard the legitimate interests of the staff.

The matter has been reconsidered on the request of the Ministry They have stated that when the reply was given the Department was contemplating taking certain steps to give a legal status to the Central Social Welfare Board. The staff of the Board feared that in the proposed set up of the Board their conditions of service would be adversely affected. In this context a reply was given that necessary step would be taken to safeguard the legitimate interest of the staff.

It may in this connection, be pointed out that though a decision has been taken to register the Central Social Welfare Board as a company, all the preliminaries regarding registration are yet to be completed and it may take quite some time to register the Board as a company. Only after the Board becomes a company, the question of laying down rules and regulations regarding the conditions of service of the staff will arise. Thus the reply only expressed the intention of the Government to safeguard the legitimate interest of the staff and no promise was made to do something definite.

In view of the position explained above it is proposed to dropped the assurance subject to the approval of the Committee on Government Assurances

SIXTH SESSION, 1968

(MINISTRY OF COMMERCE)

Committee on Small Scale Rubber Cultivators

6 U.S.Q. No. 4875 dated 17-12-1968 by Shri Vanudevan Nair.

(a) whether Government have taken any decision on the Abdullah Committee Report on Small Scale Rubber Cultivators ;

(b) if so, the decision taken thereon ; and

(c) if not, the reason for the delay.

(a) to (c) The recommendations made by the Committee are being examined in the light of the Rubber Board's comments which have since been received.

The matter was reconsidered at the instance of the Ministry of Commerce. It is felt that the reply given by the Minister in the House was a statement of fact and not intended to be an assurance to give any further information to the House.

In the circumstances, it is proposed to delete this item of assurance from the list of assurances subject to the approval of the Committee on Government assurances.

(MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION)

Import of Edible Oil under P.L. 480

7 U.S.Q. No. 4284 dated 12-12-68 by

(a) whether Government propose to conclude a fresh import of Edible Oil under P.L. 480 of obtaining some soybean

The matter has been reconsidered at the instance of the Ministry

Shri Shri Gopal
Saboo

agreement with U. S. A.
for the import of edible oil
under PL 480; and
(b) if so, the quantity of edible
oil to be imported and the
cost thereof.

oil from the U S A under
PL-480 during 1969 is being
explored; details are still
being worked out.

of Food, Agriculture, Com-
munity Development and Co-
operation. It is felt that the
reply given by the Minister in
the House was a statement of
fact and not intended to be an
assurance for giving any further
information to the House.

Moreover, the factual position
in this regard continues to
remain the same as stated in
the reply and no agreement
with the U S Government has
yet been concluded on the
subject.

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In the circumstances it is proposed
to delete the above said assur-
ance subject to the approval
of the Committee on Govern-
ment Assurances.

(MINISTRY OF HOME AFFAIRS)

Kidnapping of Girls in Delhi

8 U.S.Q. No 1841 (a) whether it is a fact that the
dated 22-11-1968 cases of kidnapping of girls
by Shri D.N. Parodia have increased alarmingly in

The matter has been reconsidered
in the light of a representation
from the Ministry of Home

Delhi and it has become very unsafe for woman to move about alone ;

(b) if so, the reasons for the rise in incidence; and

(c) whether Government have considered the desirability of amending the law to make punishment more deterring than at present in such cases.

(c) The matter is under consideration.

Affairs who have pointed out that the Indian Penal Code comes in the list of "Concurrent Subjects" under the Constitution. For amendment to Indian Penal Code the draft amending the law has to be finalised with the concurrence of State Government, etc. and as such it will not be possible to amend Indian Penal Code in a short period. It is, therefore proposed to drop the assurance subject to the approval of the Committee on Government Assurances.

(MINISTRY OF HEALTH, FAMILY PLANNING AND URBAN DEVELOPMENT)

Appointment of Food-Inspectors to check Inter-State Food Adulteration

9 U.S.Q. No. 1986 dated 25.11.1968 by Shri Ram Avtar Sharma.

(a) whether it is a fact that Government have drawn up a scheme to appoint Food Inspectors to check inter-State Food adulteration ;

(a), (b) and (c) A proposal to formulate a scheme to check inter-State Food adulteration is under consideration.

The matter has been re-examined in the light of the views expressed by the Ministry of Health, Family Planning and Urban Development. The proposal for setting up of a

(b) if so, the details thereof and the names of foodstuffs whose adulteration these inspectors would check; and

(c) the time by which these inspectors would be appointed and the scheme enforced.

Central Organisation for the prevention of Food Adulteration is under consideration of the Government for a long time but for various reasons, it has not been possible to implement the proposal. It may be stated that the functions of the proposed Organisation. *inter alia* include checking of inter-state Food Adulteration. The proposal is to be included in the Fourth Plan; and the Plan outlay which will be made available is not yet known. It is also not known as to when and in what form the proposal will be actually approved for implementation.

In the circumstances stated above, it cannot be said, when the assurance would be implemented. In such cases the Member can give notice of fresh questions. It is, therefore, proposed to delete this assurance subject to approval of the Committee on Government Assurances.

(MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS)

Rural Industrial Projects in Kerala

10 USQ No. 2980 (a) whether the Government of Kerala have requested the Centre to sanction four more rural industrial projects for the State; and
 dated 3-12-1968
 by Shri C. Janardhanan

(b) if so, the decision taken on the request.

(b) The matter is under consideration.

The entire future of the Rural Industries Projects Programme is at present under consideration. Therefore, the request of the Kerala Government for new Rural Industries Projects can be considered only when the future of the Rural Industries Project Programme has been settled and it may be quite some time before the decision on the subject is reached.

In the circumstances, this Department feels that this item of assurance may kindly be

deleted subject to the approval of the Committee on Government Assurances.

Heavy Engineering Corporation Ltd. Ranchi

11 USQ No. 4777
dated 17-12-1968
by Shri Maharaj
Singh Bharati

(a) whether the prices of the machinery being manufactured by the Heavy Engineering Corporation, Ranchi, for the Bokaro Steel Plant have been fixed; and

(b) if so, the details thereof.

The matter has been reconsidered on a representation received from the Ministry of Industrial Development, Internal Trade and Company Affairs. It is felt that in reply to parts (a) and (b) of the question, the Minister had given the factual information prevalent at the time of answering the question and no promise was made to supply any information to the House at a later date. In view of this, it is proposed to delete the item from the list of outstanding assurances subject to approval of the Committee on Government Assurances.

(PLANNING COMMISSION)

Impact of Plan Programmes on Villages

12 USQ No. 3250
dated 4-12-1968
by Shri Himat

It has been recognised that for stepping up the development activity in the country, the

(b) whether it is also a fact that in this accident some passengers sitting in the bus were injured and some of them have claimed compensation from the Railway Administration;

(c) the amount of compensation Railway Administration have decided to pay to them; and

(d) if not, the reasons therefor.

(c) and (d)

The question whether the Railway Administration is liable to pay compensation in this case will be decided and the claims disposed of on receipt of the final Police report which is awaited. Efforts are being made which obtain the Police report as early as possible.

1968 *vis.* "the question whether the Railways Administration was liable to pay compensation will be decided on receipt of final police report" indicated that no amount of compensation had been paid to the injured passengers at that time (time of question). The reply of the Minister did not contain any assurance to the House to report any further information. In view of this position, it is proposed to delete the above noted assurance subject to the approval of the Committee of Government Assurances.

SEVENTH SESSION, 1969

(MINISTRY OF HOME AFFAIRS)

Bihar Engineers

Referring to the reply given to Unstarred Question No. 825 on the 15th November, 1968 regarding Bihar Engineers and asking :

The matter has been re-examined at the instance of the Ministry of Home Affairs. It is felt that the reply given by the Minister in the House *vis.* the

(a) whether audit reports of the Ranchi and Bhagalpur Electric Works Divisions have since been received, and

(b) what is the total result of all parts of the audit reports received so far and what action the Central Bureau of Investigation has taken or propose to take against the defaulting officers of the various Electric Works circles.

cases are under investigation does not seem to constitute any assurance to furnish any further information to the House, but merely implies that the Central Bureau of Investigation, are continuing their enquiries in the matter. Moreover, the case regarding the Bihar Engineers is the concern of the Government of Bihar. The C.B.I. is a Centralised Agency of investigation whose services are available not only to the Ministries of the Central Government but are also placed at the disposal of State Government in certain cases. The case against Bihar Engineers is being investigated by the C.B.I. at the request of the Government of Bihar and the former's report will also be submitted to the state Government for follow-up action.

In the circumstances, it is proposed that this item of assurance may be deleted from the list of assurances subject to the approval of the Committee on Government Assurances.

15. SQ. No. 32 dated 19-2-1969—Supplementary Question by Shri G. G. Swell.

Indo-Iranian Industrial Collaboration

Whether the Shah of Iran approached to the Government of India:—idea of opening up of new transport communication route from the Persian Gulf through the Iranian land-mass through the Soviet Union, by utilising the waters and lakes of that country, on to western Europe and, if so, whether the Government of India has given any commitment in that regard.

(MINISTRY OF EXTERNAL AFFAIRS)

The Minister said "During the discussions, it was brought to our notice that Iran had developed certain port facilities, certain transport facilities which could be utilised for sending our goods to the Soviet Union and to Europe. This matter will be considered by us in details."

The matter has been re-examined in consultation with the Ministry of External Affairs and it is felt that the statement made by the Minister on Shri Swell's supplementary question may not be construed as an assurance since important matters of policy are constantly being kept under consideration before arriving at a final decision thereon and such matters as involve foreign countries are often highly confidential in nature and it would not be in public interest to state their position as it exists from time to time to the public. In view of this position, it is proposed to delete this item from the list of outstanding assurances subject to approval of the committee on Government Assurances.

ANNEXURE II

(Vide para 6 of Minutes dated the 2nd July, 1969)

Statement showing the replies proposed not to be treated by the Department of Parliamentary Affairs as Assurances with the reasons therefor.

S. No.	Reference	Question	Answer	Reasons advanced by the D.P.A. for not treating the reply as Assurance
1	2	3	4	5

FOURTH SESSION, 1968 (MINISTRY OF EDUCATION)

Modification in Factories Act

1. SQ. No. 510 dated February 8th 1968— Supplementary by Shri Ganesh Ghosh.

Perhaps the Central Government know that Government both at the centre and in the States execute works also through the employment of contractors. It is also known to the Government that many factories in our country do not employ engineers for jobs which require the services of expert engineers. In view of the great unemployment position of the engineers in our

These two view points were discussed by the Planning Commission. It has been suggested that (1) all contractors must appoint qualified engineers and (2) any work up to Rs. 25 lakhs must be entrusted to engineers. Secondly, about employing engineers in small factories, this also we have studied. It requires a little more modification in

The assurance relating to SQ. No. 510 dated the 8th February, 1968 is also of the same nature. The matter was reconsidered at the instance of the Ministry of Education and Youth Services. The position is that the Ministry of Labour, Employment and Rehabilitation has already initiated necessary steps to amend the Factories Act. It is not possible to say by which time the proposed

country, is the Minister prepared to ask the Government for extension of construction projects departmentally and also make it compulsory for all factories to employ qualified engineers.

the Factories Act. We will do it, because we have accepted this.

amendment will be carried out as a variety of procedural formalities have to be gone through before any amendments are made to the existing Factories Act. They intend to request various concerned Ministries to amend the existing legislation or bring about new ones on the subject after examining the legal and constitutional aspects. Also, some of the amendments have been kept in abeyance pending the receipt of the report of the National Commission on Labour. This, it will be appreciated, is going to be a time consuming process and it may not be possible for quite some time to give any definite answer and the implementation of the proposed amendments.

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FIFTH SESSION, 1968

Tagore Theatres

2. USQ. No. 5289 by (a) whether it is an act that (a) and (b).

The matter has been reconsidered

Shri J. Mohamed
Imam and others
answered on the
23rd August, 1968.

according to the findings of a
team appointed by the Sar-
geet Natak Akademi, most
of the Tagore Theatres in
India have been constructed
on faulty lines and they are
not fit for theatrical perfor-
mances; and

(b) if so, whether steps have
been taken to rectify the
faults.

Only minor architectural flaws
have been found in some of
the Theatres which can be
rectified to a very great
extent even at this stage.
As the management of the
Theatres vests in the State
Governments the findings of
the team will be brought to
their notice.

at the instance of the Ministry
of Education & Youth Services.

It is felt that the information
given by the Minister in the
House that as the management
of the Theatres vests in the
State Governments, the findings
of the team will be brought
to the notice of the State
Governments concerned; was
a statement of fact and not in-
tended to be an assurance for
furnishing any further in-
formation to the House. More-
over, the findings of the team
have not yet been finalised.
After finalisation, the findings
will be put up for the
consideration of the spe-
cial Committee and thereafter
for the consideration of the
approval of the Executive Board
of the Sangeet Natak Akademi.
After the Executive Board have
accorded approval, the findings
of the team will be brought to
the notice of the State Govern-
ments concerned.

(MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION)

Demands of P.C.I. Employees

3. USQ. No. 888 by Shri Bhogendra Jha answered on the 25th July, 1968.

(a) whether the consideration of the demands of the employees of the Food Corporation of India has since been completed;

(b) if so, the result thereof; (b) Does not arise. and

(c) if not, the reasons for the delay. (c) For consideration of the demands of the employees consultation with various Ministries and the Food Corporation of India is necessary. This is being done. A decision in the matter is likely to be taken shortly.

It will be observed that part (c) of the Question only asked for the reasons of delay in considering the demands of the employees of the Food Corporation of India which were duly furnished in the main reply itself. The reply of the Minister was a statement of facts and does not constitute an assurance, requiring submission of a further report to the House. This Department is, therefore, of the opinion that the item need not be treated as assurance.

(MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS)

Violations of Provisions of Industrial Licensing Act

4. USQ. No. 1801 by Shri C.K. Bhattacharya (a) whether provisions of the Industrial Licensing Act (a) and (b). Some instances of un-authorised

The matter was reconsidered at the instance of the Ministry of

charyya answered on the 30th July, 1968.

have been violated by a large number of Industrial units in the country;

(b) whether this has happened mostly in the light engineering industries;

(c) the *modus operandi* adopted; and

(d) the steps taken or proposed to be taken to stop such violation.

rised expansion in capacity by certain industrial undertakings in apparent violation of Section 13(1) (d) of the Industries (Development and Regulation) Act, 1951 have come to the notice of the Government. These cases relate to light engineering as well as other industries.

(c) and (d).

The matter is being examined and the steps to be taken will be decided upon after the review is complete.

Industrial Development, Internal Trade and Company Affairs. It is felt that the reply given by the Minister in the House *viz.* "that the matter was being examined and the steps to be taken would be decided upon after the review was complete" was a statement of fact and not intended to be an assurance for furnishing any further information to the House.

IV. Thirty-eighth Sitting

The Committee met on Thursday, the 7th August, 1969 from 16.00 hours to 17.00 hours.

PRESENT

Shri K. Anbazhagan—*Chairman*

MEMBERS

2. Shri Maharaj Singh Bharati
3. Shri Abdul Ghani Dar
4. Shri Narendra Ramachandraji Deoghare
5. Shri Samar Guha
6. Shri Kanwar Lal Gupta
7. Kumari Kamla Kumari
8. Shri G. Y. Krishnan
9. Shri Bhola Nath Master
10. Shri C. Muthusami
11. Shri A. S. Saigal
12. Maulana Ishaq Sambhali
13. Shrimati Savitri Shyam.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. At the outset, the Committee, at the instance of Shri Kanwar Lal Gupta, considered the question of the extent of implementation of the "Gadgil Assurances" and felt that there were still cases which needed relief under the "Gadgil Assurances". The Chairman then referred to the reports presented by the previous Committees on the subject and made a particular mention to the following recommendation contained in the Second Report of the Committee (1967-68) presented to the House on the 26th April, 1968:—

"In view of the above and what has been stated in paras 26, 27 and 47 *ibid*, the Committee have come to the conclusion that there are even now a large number of eligible displaced persons who are still to be rehabilitated under the Gadgil Assurances. In order to liquidate this long outstanding problem, the Committee recommend that the Ministry of Rehabilitation

should coordinate the work of rehabilitation of the remaining displaced persons with other Ministries/Departments of Government/Delhi Administration."

[2 R (CGA-4LS) para 60, p. 19].

3. After some discussion, the Committee desired that a detailed report stating the action taken by the Government on the various recommendations dealing with cases covered by "Gadgil Assurances" as contained in the Second, Third and Fourth Reports of the Committee on Government Assurances presented to the House during the Fourth Lok Sabha so far should be called for from the Government to enable them to have a correct appraisal of the extent of implementation of the "Gadgil Assurances".

MEMORANDA NOS. 55 AND 58

Implementation of certain assurances given by the Minister of State for Petroleum and Chemicals in reply to half-an-hour discussion held on the 24th April, 1968 regarding pricing of oil.

4. The Committee then discussed at some length the issues arising out of the evidence given by Shri Dhireswar Kalita, M.P., and the representatives of the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) on the 1st July, 1969 in connection with the complaint made by Shri Dhireswar Kalita against non-implementation of certain assurances given by the Minister of State for Petroleum and Chemicals in reply to half-an-hour discussion held on the 24th April, 1968 regarding pricing of oil. The Committee also perused the replies given by the Minister of Petroleum and Chemicals and Mines and Metals to Short Notice Question No. 3 and the supplementaries raised thereon and also to Unstarred Question No. 2049 on the 4th August, 1969 regarding reduction in prices of imported crude oil. They deferred further consideration of the matter to their next sitting.

5. The Committee then authorised the Chairman to fix the date of the next sitting some time after the 16th August, 1969.

The Committee then adjourned.

V. Thirty-ninth Sitting

The Committee met on Monday, the 25th August, 1969 from 16.00 to 17.05 hours.

PRESENT

Shri K. Anbazhagan—*Chairman*

MEMBERS

2. Shri Maharaj Singh Bharati
3. Shri Abdul Ghani Dar
4. Shri Narendra Ramachandraji Deoghare
5. Shri G. Y. Krishnan
6. Shri Bhola Nath Master
7. Maulana Ishaq Sambhali
8. Shrimati Savitri Shyam.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary*.

2. At the outset, the Committee discussed their future programme for sitting during the next inter-session. After some discussion, they decided to sit on the 17th and 18th September, 1969 at 14.00 hours daily.

MEMORANDA NOS. 55 AND 58

Implementation of certain assurances given by the Minister of State for Petroleum and Chemicals in reply to half-an-hour discussion held on the 24th April, 1968 regarding pricing of oil.

3. The Chairman, summing up the issues arising out of the evidence given by Shri Dhireswar Kalita, M.P., and the representatives of the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) on the 1st July, 1969 in connection with the complaint regarding the non-implementation of the assurances given by the Minister of State for Petroleum and Chemicals in reply to half-an-hour discussion held on the 24th April, 1968 regarding pricing of oil, stated as follows:—

“Shri Dhireswar Kalita, M.P., during his half-an-hour discussion on the 24th April, 1968, arising out of the reply given to

S.Q. No. 818 on the 25th March, 1968 regarding pricing of oil, had referred to higher prices of oil and products obtaining in Assam as a result of the operation of the formula under the Second Supplemental Agreement. According to him it was an anomalous position considering the fact that Assam produced crude oil and refined it in the refineries located there. Shri Kalita, therefore, called for a complete and immediate revision of pricing policy and also the Second Supplemental Agreement of 1961 through the appointment of a Committee and till such time the Committee completed its enquiry, he desired that some *ad hoc* arrangements should be made so that 'oil producing States got at least major benefit in that direction'.

In reply to the said discussion the Minister of State for Petroleum and Chemicals assured the House that Government were equally anxious that anomalies in the existing policies should be thoroughly examined. Referring to the prices of kerosene and motor spirit, the Minister admitted that anomalies did exist in their pricing and assured that, consistent with their obligations, Government would remove them and that they were seriously considering the question of appointing a committee to 'go into this very question, whether pricing policy would be based on import parity or on the production cost or any other fair and equitable basis, of course keeping in mind the various commitments we have made.'

Shri Kalita in his letter dated the 28th April, 1969, addressed to the Speaker, Lok Sabha, complained that the Committee set up by the Government under the chairmanship of Shri Shantilal Shah, did not have in its terms of reference the question of pricing of crude oil and thereby, the Government had gone back on their assurances given by the Minister in the House on the 28th April, 1968.

During his evidence before the Committee on the 1st July, 1969, Shri Kalita reiterated that the question asked by him on the 25th March, 1968 related to pricing of both crude oil and the finished products and the discussion raised by him on the 24th April, 1968 also related to both the aspects. He, therefore, maintained that by not referring the question of review of pricing policy of crude oil to the Shantilal Shah Committee the Government had gone back from their assurances to the House in this regard.

The representative of the Ministry of Petroleum and Chemicals (Shri M. V. Rajwade), during the course of his evidence before the Committee, had stated that the then Minister of State for Petroleum and Chemicals in his reply to the half-an-hour discussion on the 24th April, 1968 had referred only to product pricing and that his assurance for appointment of a Committee to go into the question stood implemented with the appointment of the Shantilal Shah Committee. He also contended that the question of pricing of crude oil was not discussed by the Minister during the said discussion. When confronted with the specific recommendation made by the Estimates Committee (1967-68) in their Fiftieth Report that 'a Committee consisting of experts in petroleum technology, costing and financial matters to review the whole basis of pricing of crude and petroleum products be appointed' the representative of the Ministry had stated that the following reply had been sent by Government to the above recommendation of the Estimates Committee:—

'A Committee under the Chairmanship of Shri Shantilal Shah, M.P., has been set up recently to examine the pricing of petroleum products. That Committee has been specifically requested to examine whether the prices of products can be fixed on other than import parity basis. If the recommendation of the Committee is in the negative, it would broadly follow that crude oil prices must conform to the same pattern. If, however, a departure from import parity price is found feasible for petroleum products, then the question of appointing a Committee for the pricing of indigenous crude will be examined on receipt of the report of the Committee referred to above.'

In view of the above, the Chairman pointed out that the limited question before the Committee was (a) whether any assurance had been given by the then Minister of State for Petroleum and Chemicals in reply to the said discussion that the Committee proposed to be set up by Government would go into the question of pricing policy of crude oil, and (b) if so, whether the same had been satisfactorily implemented. From the proceedings of the half-an-hour discussion raised on the 24th April, 1968, it was quite evident that no categorical assurance as such was given by the Minister of State for Petroleum and Chemicals to refer the question of pricing policy of crude oil to the Shantilal Shah Committee. Thus, there was no force in the contention of Shri Kalita that Government had gone back on the assurances given by the Minister in the House by not including in the terms of reference of the Shantilal Shah Committee the question of pricing of crude oil.

Moreover, the Estimates Committee (1967-68), which had also made a specific recommendation in their Fiftieth Report calling upon the Government to appoint a Committee to review the whole basis of the pricing of crude as well as of products, were still seized of the matter and they had yet to present their 'Action Taken Report' to the House on the aforesaid report.

4. The Committee then discussed at some length the summing up given by the Chairman and agreed with the views expressed by the Chairman in this behalf. They, however, felt that Government, in their own wisdom, should have referred the review aspect of the pricing policy in respect of crude oil also to the Shantilal Shah Committee, particularly in view of the very clear recommendation of the Estimates Committee to that effect and also in deference to the persistent demand made on the floor of the House instead of dilly-dallying the matter till the Report of the Shantilal Shah Committee was made available to Government.

MEMORANDA NOS. 54 AND 59

Implementation of assurances given by the Ministry of State for Home Affairs in regard to the reinstatement of temporary Central Government employees who participated in the strike on the 19th September, 1968.

5. The Committee then took up further consideration of the letter dated the 15th April, 1969 from Shri S. M. Banerjee, M.P., addressed to the Speaker, wherein he had complained that certain assurances given by the Minister of State for Home Affairs in the course of his statements made in the House on the 13th, 14th and 28th March, 1969 regarding reinstatement of temporary Central Government employees who had been discharged from service for participation in the Central Government employees strike on the 19th September, 1968, were not being implemented by Government. The Committee perused the statement furnished by the Ministry of Home Affairs in pursuance of the observations made by the Committee at their sitting held on the 2nd July, 1969 and noted that out of the 3528 temporary employees discharged from service 2607 temporary Government employees had since been reinstated, as on the 25th July, 1969. They also noted the following reasons advanced by the Ministry of Home Affairs for not reinstating the remaining 921 employees:—

“...the temporary employees not so far reinstated in service have not fulfilled the pre-conditions for their reinstatement as laid down in the statement made by the Minister in the Ministry of Home Affairs in the Lok Sabha on the 30th April, 1969.”

6. The Committee were glad to note that a large number of temporary Government employees had been reinstated and it was only in those cases where the complaints were of violence, intimidation or active instigation that the employees were not eligible for reinstatement in service.

7. The Committee then perused the Table showing the position of pending assurances as on the 25th July, 1969 after taking into account the statements laid in implementation of the assurances on the Table of the House on that day. The Committee were distressed to note that in spite of repeated recommendations made by them and their predecessor Committees, Ministries/Departments of the Government of India had failed so far to liquidate the remaining 8 assurances pertaining to the Third Lok Sabha and 2321 outstanding assurances relating to First to Seventh Session of Fourth Lok Sabha. The Committee desired that the Department of Parliamentary Affairs might be asked to impress upon the concerned Ministries/Departments of the Government of India once again to clear the back log of the outstanding assurances without any further delay.

The Committee then decided to sit at 16.00 hours on Friday, the 29th August, 1969 to consider and adopt their draft Sixth Report.

The Committee then adjourned.

VI. Fortieth Sitting

The Committee met on Friday, the 29th August, 1969 from 15.30 to 16.00 hours.

PRESENT

Shri K. Anbazhagan—*Chairman*.

MEMBERS

2. Shri Abdul Ghani Dar
3. Shri Samar Guha
4. Shri Kanwar Lal Gupta
5. Shri Bhola Nath Master
6. Shri C. Muthusami
7. Shri A. S. Saigal
8. Shrimati Savitri Shyam.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary*.

2. The Committee took up consideration of their draft Sixth Report. After some discussion, the Committee adopted it and decided to present it to the House on Saturday, the 30th August, 1969.

3. The Committee also decided that the verbatim proceedings of their sitting held on the 1st July, 1969 when Shri Dhireswar Kalita, M.P., and official witnesses were examined in connection with the letter dated the 28th April, 1969 from Shri Dhireswar Kalita, M.P., addressed to the Speaker, Lok Sabha re: the non-implementation of certain assurances given by the then Minister of State for Petroleum and Chemicals in reply to the half-an-hour discussion held on the 24th April, 1968 regarding the pricing of oil, should be printed and laid on the Table of the House along with their Sixth Report.

4. The Committee authorised the Chairman, and, in his absence, Shri A. S. Saigal to lay the Evidence and also to present the Sixth Report to the House on Saturday, the 30th August, 1969.

5. The Committee then considered their future programme of work and decided to sit daily at 15.00 hours on the 10th and 11th September, 1969 instead of on the 17th and 18th September, 1969, as earlier fixed.

The Committee then adjourned.

(1

APPENDIX I

(Vide para 5 of report)

Statement showing the position of assurances as on 25-8-1969

(i) *Assurances pertaining to the Third Lok Sabha*

Session	No. of assurances referred to Committee of Fourth Lok Sabha	No. of assurances implemen- ted	No. of assurances outstanding
1	2	3	4
1st Session, 1962	..	..	..
2nd Session, 1962	..	..
3rd Session, 1962-63			..
4th Session, 1963	..	..
5th Session, 1963			..
6th Session, 1963	..	..	..
7th Session, 1964	4	3	1
8th Session, 1964	1	1	
9th Session, 1964	1	1	..
10th Session, 1964	1	1	
11th Session, 1965	4	4	..
12th Session, 1965	2	1	1
13th Session, 1965	4	3	1
14th Session, 1966	25	23	2
15th Session, 1966	20	19	1
16th Session, 1966	30	28	2
TOTAL	92	84	8

(ii) *Assurances pertaining to the Fourth Lok Sabha*

Session	No. of assurances called out	No. of assurances implemented/dropped	No. of assurances out-standing
I	2	3	4
1st Session, 1967	125	118	7
2nd Session, 1967	934	876	58
3rd Session, 1967	581	516	65
4th Session, 1968	1469	1228	241
5th Session, 1968	1136	826	310
6th Session, 1968	687	474	213
7th Session, 1969	1804*	377	1427
TOTAL	6736	4415	2321

*Provisional.

APPENDIX II

(Vide para 6 of Report)

DHIRESWAR KALITA
MEMBER OF PARLIAMENT
(Lok Sabha)

10, Windsor Place,
NEW DELHI
April 28, 1969.

The Speaker,
Lok Sabha,
New Delhi.

Dear Mr. Speaker, Sir,

On 24th April, 1968 I raised an half-an-hour discussion on the basis of a question on 25th March, 1968. My question was: whether pricing of oil in India is determined on Persian Gulf parity basis? The Government answered that it was determined on that basis. My half-an-hour discussion was raised to change this policy as it hit our economy and the crude oil producing States were incurring heavy loss. This is being done in pursuance of an agreement known as the Second Supplement Agreement of 1961. In the discussion the Government of India spokesman, Shri Raghuramiah, the then Minister of State in the Ministry of Petroleum and Chemicals conceded in the following words to set up a committee to go into this very question, whether the pricing policy should be based on import parity or on the production cost or on any other fair and equitable basis:

“At the end, if you still have any doubt, I shall be happy to clear them. Government are seized of the problem. We are anxious to solve it. Consistent with our obligations, we will remove the anomalies. We will be the first persons to remove them. If you hear to the end, you will be satisfied with what the Government proposes to do in the matter. I am only trying to explain the historical background. It is not because of the whim of Shri Asoka Mehta or myself that we are following this policy. It has become inevitable in the course of certain commitments made in the past and this matter has been thoroughly gone into by the various committees.

“As the hon. Member knows, in the case of motor spirit and kerosene, we recently introduced a policy of uniform freight from ex-Digboi and this has slightly reduced the price. It has not solved the problem; I agree; the anomaly is there. If you take ex-Bombay it is cheaper than ex-Calcutta because from Persian Gulf to Calcutta the freight is more. In places for which the

delivery points are based on ex-Bombay the same stuff is cheaper than in places for which the delivery points are based at ex-Calcutta. Therefore the anomalies are there and the Government are seriously looking into this matter. As a matter of fact, I do not know whether I should congratulate the hon. mover of this debate for having anticipated the determination of the Government. Government are very seriously considering the question of appointing a committee to go into this very question, whether the pricing policy should be based on import parity or on the production cost or on any other fair and equitable basis, of course keeping in mind the various commitments we have made, and I hope that very soon an announcement will be made to that effect."

But in spite of the above announcement made on the floor of the House, it is utterly suprising and disappointing to note that the Ministry of Petroleum and Chemicals should have come out with the following notification dated the 14th June, 1968:

"No. 101 (22) /68-PPD. The Government of India Resolution No. 101 (26) /65-PPD dated the 1st February, 1966, sets out the pricing arrangement for petroleum products which is in force up to 31st December, 1968, and, may be extended for such further period as may be decided upon by the Government.

"2. The Government of India has now decided to set up a Committee to determine the ceiling selling prices ex-companies storage points of various petroleum products in India, to be applied from the date of termination of the existing arrangements.

"3. The Committee will examine and report upon:—

- (i) the determination of the ex-refinery prices of refined petroleum products, including bitumens, produced by the refineries, whether on the basis of import parity as hitherto or by the adoption of the cost of production as the basis, or in any other appropriate manner, with due regard to the Government assurances having a bearing on the subject;
- (ii) with reference to (i) the feasibility of introducing uniform prices on all-India or on a regional basis;
- (iii) the feasibility of making all refineries (including the inland refineries) as the pricing points and the measure to be adopted to ensure that interests of the inland refineries are not adversely affected in consequence of the adoption of such a principle, regard in this connection, being had to the basis of pricing indigenous crude;

- (iv) the determination of the ceiling selling prices in respect of lubricating oils, greases and specialities;
- (v) the determination of marking and distribution charges and profit on the marketing operations and their allocation to the products mentioned in (i) and (ii) above due account being taken also of the experience of the IOC in this behalf;
- (vi) the determination of landed prices in respect of similar products which may be imported;
- (vii) the determination of the rates of dealers' commission in respect of Motor Spirit and High Speed Diesel Oil with due regard to the representation of the Federation of the All India Petroleum Traders.

"4. The Committee will ascertain and take into consideration the views of the State Governments and other interests concerned as may be found desirable.

"5. The composition of the Committee will be as follows:

- (i) Shri Shantilal H. Shah
- (ii) Shri B. N. Adarkar
- (iii) Dr. B. Natarajan
- (iv) Shri N. Krishnan, Chief Cost Accounts Officer, Ministry of Finance (Department of Expenditure) New Delhi-1.

"6.....

"7.....

"8. The Committee will meet as often as may be considered necessary by the Chairman and shall submit its report to Government by the 31st December, 1968, or as soon as possible thereafter."

You will notice that the above notification nowhere covers the crude oil pricing, which is also at present based on import parity principle. Obviously the Government has gone back on its assurance, in this connection, given on the floor of the House.

I request you therefore that I may be permitted to raise this issue on the floor of the House on any day to be suggested by you. It is my intention that the Government should stick to its assurance and issue a fresh notification covering the determination by the Committee of pricing policy of crude oil also along with other finished products of petroleum.

I hope you will look into this and allot me a day to raise this matter.

Thanking you.

Yours faithfully,
Sd/- DHIRESWAR KALITA,
Div. No. 398.

APPENDIX III

(Vide para 7 of Report)

GOVERNMENT OF INDIA

MINISTRY OF PETROLEUM & CHEMICALS AND MINES &
METALS

(DEPARTMENT OF PETROLEUM)

No. 5/21/69-PPD

New Delhi, the 13th May, 1969.

OFFICE MEMORANDUM

SUBJECT: *Implementation of assurances given by the Minister of State in the Ministry of Petroleum & Chemicals in reply to a Half-an-Hour discussion held on 24-4-68 regarding pricing of oil.*

The undersigned is directed to refer to the Lok Sabha Sectt. O.M. No. 12/5/4/69-Q dated the 30th April, 1969 on the above subject and to say that although in the half-an-hour discussion on 24-4-68, Shri D. Kalita made a reference to the pricing of crude oil as well as of products, in his reply the Minister of State in the late Ministry of Petroleum & Chemicals had dealt with the pricing of petroleum products only since the Hon'ble Member had raised a discussion on prices of Motor Spirit, Kerosene and Furnace Oil etc. prevailing in Assam. It was in this context that the Hon'ble Minister had referred to the Government's proposal to set up a Committee to go into the pricing policy to be followed in respect of petroleum products, which is clear even from the extract from the Minister's speech reproduced in Shri Kalita's letter dated 28th April, 1969. In the circumstances, it is obvious that no assurance was given by the Hon'ble Minister regarding the appointment of a Committee to go into the question of pricing of crude oil.

This position may kindly be brought to the notice of the Committee on Government Assurances.

Sd/- (K. G. Paranjpe)

Deputy Secretary to the Govt. of India.

TO

Shri M. C. Chawla, Dy. Secy.,
Lok Sabha Secretariat,
Parliament House,
NEW DELHI.

APPENDIX IV

(Vide para 12 of Report)

S. M. BANERJEE,
MEMBER OF PARLIAMENT
(Lok Sabha)

113, North Avenue,
NEW DELHI-1

April 15, 1969.

The Speaker,
Lok Sabha.
Sir,

You are aware that two assurances were given by Shri V. C. Shukla, Minister in the Ministry of Home Affairs, on March 14 and March 28, 1969, on the Floor of the House regarding implementation of Government's lenient policy towards the employees, both temporary and permanent who lost their job or who are suspended on account of 19th September, 1968 strike.

I am attaching herewith a copy of the Lok Sabha Debate embodying these assurances. I am also sending herewith a copy of the circular issued by the Railway Board on the basis of these assurances stating that these orders will not cover the temporary employees. I am further enclosing a copy of the Home Ministry's letter dated the 15th March, 1969, which was issued after the statement of Shri V. C. Shukla on the 13th March, 1969 and his assurances on 14th March, 1969 regarding temporary employees. You will note that there is no mention of temporary employees except those who were prosecuted under Section 4. I, therefore, feel that the whole matter should be referred to the Assurances Committee because such assurances without implementation created confusion in the minds of the employees in particular and public in general. I would, therefore, request you either to permit me to make a statement under your Direction 115 or refer this matter to the Assurances Committee. Incidentally it is pointed out that I could have referred it as a privilege issue because by such assurances without implementation, the Hon. Minister has consciously or unconsciously misled the House.

I would request you to kindly give an early decision.

Thanking you,

Yours faithfully,

Sd/- S. M. BANERJEE,
Divn. No. 366.

ANNEXURE I

EXTRACTS FROM LOK SABHA DEBATE DATED 11-4-69

SHRI S. M. BANERJEE (Kanpur): About item No. 7, Sir, I have sought your permission to raise a point. Many such assurances given by the Ministers have not been fulfilled.

On 14th March, 1969, Shri Vidya Charan Shukla gave a solemn assurance in this House regarding the Government's lenient policy to be implemented in the case of employees who lost their jobs or suspended, etc. He said:

"Even temporary employees. It will be applicable to them. Although we do not have reliable figures—we are working it out—we expect that except a few dozen employees, almost all of them who were suspended or discharged in pursuance of the action taken after the illegal strike on 19th September will be taken back in service after this policy is implemented."

We hailed this statement and we sent telegrams to all concerned. We got dozens of telegrams welcoming it. Myself and Mr. Joshi who had decided to go on a hunger strike on 24th March abandoned it and we waited patiently. But when we got a copy of the so-called confidential letter dated 15th March, 1969 we realised that the temporary employees are not covered by this letter. We immediately brought it to his notice and he was kind enough to state on 28th March as follows:

"What are those aggravating factors? We have already said that those aggravating factors would mean violence, active instigation etc. Here our expectation is that barring a few dozen employees, all of them, whether temporary or semi-permanent or permanent would be included and would be re-instated."

We thought after this, instructions will be issued to include temporary employees also. It has not been done. Under Mr. Chavan's instructions, Mr. Shukla made the statement in good faith to help the employees. But unfortunately this was taken seriously by the employees, by this House and by the country, but not by the officials of the Home Ministry. They did not do anything. After this tragic incident in Cossipore where the meeting was held only to demand the reinstatement of temporary employees, this assurance should be implemented forthwith. Otherwise, there will be *dharna* here and outside. I would request the Home Min-

ister through you to say that this particular letter includes temporary employees.

MR. SPEAKER: If an assurance is not implemented, there is the Assurances Committee to look into it.

SHRI GEORGE FERNANDES: This is not only a matter of assurance. This is a matter of implementation of Government policy. Hon'ble Minister gives a statement and officers break it, then what should we do.

MR. SPEAKER: Order, order. There must be a limit to the discussion about this. I have been allowing questions, Calling Attention Notices and so many things about Central Government employees. It is not as though I can issue orders (*Interruption*).

SHRI GEORGE FERNANDES: You should tell them that they should say something in this matter.

SHRI HUKAM CHAND KACHWAI: Whatever assurances have been given, what are they going to do about them.

SHRI S. M. BANERJEE: Shri Vidya Charan Shukla and Shri Chavan are here. Let them make a statement.

MR. SPEAKER: Does he mean to say that because Shri Chavan or Shri Vidya Charan Shukla is here he can ask them anything and they will reply? I will not allow that.

ANNEXURE II

Copy of C.P.O's Confidential D.O. letter No. E-412/65-II dated 31st March, 1969 addressed to Shri G. R. Venkataraman, Dy. Director, Establishment, Railway Board, New Delhi.

SUB:—Token strike on 19/20-9-1968—action against Railway employees.

REF:—Railway Board's letter No. E(L) 68STI-76 dated 17-3-1969.

While para 2 (a) of Railway Board's letter cited above covers the cases of permanent staff who are under suspension, para 5 only reiterates previous instructions in respect of temporary staff whose part on the strike was limited only to absence from duty. It is, therefore, presumed that Board's letter cited above does not envisage any action in respect of temporary employees, whose services were terminated for activities other than mere absence from duty on 19-9-1968. This may kindly be confirmed.

2. A number of subordinate offices on this Railway have sought implications of the term "active instigation" used in para 2(a) of the Board's letter. With a view to having uniformity of action it would be desirable if the implications of this term are elaborated by the Board for guidance of all concerned. In this connection, I would invite a reference

to Director Establishment's D.O. letter No. E. (L) 61-ST-5 dated 2-2-1961 in which a clarification was *inter alia* given about the term "gross misbehaviour" in connection with disposal of cases of staff who took part in 1960 strike. The Board may like to issue similar instructions clarifying the term "active instigation".

3. Another question which has arisen is the procedure that has to be adopted in revoking the suspension of employees in terms of para 2 (a) of Board's letter. The point for consideration is whether in cases of arrests/prosecutions the departmental officers will obtain a certificate from the Civil Authorities that there was no complaint against the employees of violence and intimidation etc. and revoke suspension on the authority thereof or they shall obtain a copy of F.I.R. or Challan and also weigh evidence themselves before taking a decision. The Board may also like to issue instructions on this point.

ANNEXURE III

Copy of confidential D.O. letter No. E(L) 68STI-76 dt. 3-4-69 from Sh. P. S. Mahadevan, Addl. Director Establishment, Railway Board, New Delhi, addressed to Sh. A. B. Lal, CPO/N. Rly., New Delhi.

SUB: Token strike on 19-9-68—Action against Railway Employees.

Please refer to your letter No. E. 412/65-II dated the 31st March, 1969 to G. R. Venkataraman on the above subject.

The points raised in your letter are clarified parawise below:

Para 1. The position stated by you is confirmed.

Para 2. In regard to the term "active instigation" and "intimidation", no categorical definition is possible. However, broadly the activities which were defined as 'gross misbehaviour' in the context of the July, 1960 strike may serve as a guide in dealing with cases and offences like picketing and instigation of a coercive type or using of abusive slogan, or issue of leaflets with highly objectionable matter etc. may constitute 'active instigation'.

Para 3. It is considered that if, on enquiring from the police, they are unable to supply any evidence of violence, intimidation or active instigation the Railway could use their discretion to put such employees back to duty.

The largest number of cases pertain to Northern Railway and in view of Minister's statements in both Houses of Parliament, the reviews should be conducted rapidly. The latest position of employees still under suspension or still remain discharged should be furnished by 15th April, 1969.

ANNEXURE IV

An extracts from D.E's D.O. letter No. E(L) 61ST1-4 dt., 2-2-1961.

"The various charges mentioned in the statements have been gone into by the Board. In this connection the following clarification is given:--

1. *Absence from duty without authority during the strike period.*

For this charge, no departmental action is intended to be taken.

2. *Organising and leading a procession.*

This need not be interpreted as falling within the purview of 'gross misbehaviour'.

3. *Addressing a meeting.*

This will not come within the purview of "gross misbehaviour" in the present context.

4. *Instigation staff to join strike.*

In cases where the picketing and instigation have not been of a coercive type, disciplinary action need not be taken.

5. *Using of slogans.*

Only abusive slogans need be taken notice of for the purpose of taking disciplinary action.

6. *Issue and circulation of leaflets.*

This need not be a charge for taking disciplinary action unless the leaflets contained highly objectionable matter.

ANNEXURE V

Copy of Ministry of Home Affairs O.M. No. 13/9(S)/68-Ests(B), dt. 15-3-69 re: strike of Central Government employees on September 19-20, 1968—follow up action regarding.

The undersigned is directed to refer to the Ministry of Home Affairs O.M. No. 13/9(S)/68-Ests(B) dated the 19th October, 1968 as amplified by the OM of even number dated the 29th October, 1968 in which

the Government's decisions for certain relaxations in the original orders in regard to the action against the employees who took part in the strike of September, 1968, were communicated. Certain further relaxations were intimated in this Ministry's of even number dated the 4th January, 1969. The question of further liberalisation in this matter has been considered again and the decisions taken by Government on it are indicated in the following paragraphs:—

2. (a) Except in those cases in which there is a complaint of violence, intimidation of public servants, local workers of their families or of active instigation, the orders of suspension against Government employees on account of arrest or prosecution in connection with the strike may be revoked and such Government employees may be reinstated in service.
- (b) With regard to the period during which employees were under suspension, their claim to pay and allowances should be regulated under FR 54 (3) and they should be paid pay and allowances equal to the subsistence allowance admissible under the rules. The period of suspension may not be treated as period spent on duty for any purpose under FR 54 (5).
3. If any employee happens to be convicted in Court for an offence other than one under Section 4 of the ESMO, 1968 Act, namely for mere absence from duty, disciplinary action should be taken against him and one of the appropriate penalties mentioned in Rule 11 of the CCS (CCA) Rules 1965 may be imposed. The penalty of dismissal or removal from service would, however, be warranted only in those cases in which the accused has been guilty of violence, intimidation or active instigation.
4. It has also been decided that a careful scrutiny should be made of the pending prosecution cases and in cases in which there is not sufficient evidence, steps should be taken with a view to termination of the legal proceedings according to law. State Governments|Union Territories, Administration have been advised accordingly. A copy of the Wireless Message dated the 15th March, 1969, sent to them in this connection is enclosed.
5. Under para 4 of the Ministry of Home Affairs O.M. No. 13/9(S)/68-Ests(B) dt. the 4th January, 1969, those temporary employees whose part in the strike was limited only to absence from duty but who were discharged because of arrest/prosecution for an offence solely under Section 4 of the ESMO

were to be reinstated in service after strict verification in each individual case irrespective of whether they happened to have been convicted or acquitted by Court for the said offence. Steps should be taken to ensure that those relaxations are implemented fully and expeditiously. The order of termination of services would remain operative only in cases in which there were stronger grounds for action.

6. It has further been decided that cases of employees who have been placed under suspension under rule 10(1) (a) of the CCAS (CCA) Rules, in connection with the strike, should be dealt with on the lines indicated in para 2 above. Where such proceedings have been initiated on charges other than for only unauthorised, absence from duty, the disciplinary proceedings may continue on the lines indicated in para 3 above.

7. Employees who are reinstated in pursuance of para 2, 5 and 6 of this OM would also be subject to the consequences mentioned in the first three sub paras of para 1, and para 2 of this Ministry's O.M. No. 13/9(S)/68-Ests(B) dated 10-10-68 read with OMS of even No. dated 29-10-68 and 15-3-69, namely:—

- (i) such employees' unauthorised absence from duty shall result in a break in service.
- (ii) their work and conduct will be under observation for a period of three years by the competent authority; and
- (iii) an entry will be made in the CR of the employees stating that they showed gross indiscipline and sense of utter irresponsibility in taking part in an illegal strike.

APPENDIX V

(Vide para 13 of Report)

No. 9/56/69-JCA

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

NEW DELHI, dated the 24th April, 1969.

OFFICE MEMORANDUM

SUBJECT:—*Implementation of assurances given by the Minister of State for Home Affairs on reinstatement of temporary employees who participated in the strike on the 19th September, 1968.*

The undersigned is directed to refer to Lok Sabha Secretariat Office Memorandum No. 12/5/69-Q, dated the 16th April, 1969, on the above subject and to say as in the following paragraphs.

2. A copy of the announcement made in Parliament by Shri Vidya Charan Shukla, Minister in the Ministry of Home Affairs, on 13th March, 1969, and extract copies of the relevant statements made by him in Lok Sabha on 14th March, 1969, and 28th March, 1969, are enclosed herewith as Annexures I, II and III respectively. Shri Banerjee has alleged that the assurances given by Minister in the Ministry of Home Affairs on 14th March, 1969, and 28th March, 1969, in regard to the reinstatement of temporary employees have not been given effect to.

3. The position in this connection is that on 13th March, 1969, Government announced certain relaxations as in Annexure I in the matter of the action against the Central Government employees who participated in the strike on 19th September, 1968. Paragraph 3 of this statement pertains to temporary employees. It was made clear therein that certain relaxations were announced in the beginning of January, 1969, in respect of temporary employees, whose part in the strike was limited to absence from duty on September 19, 1968, and whose services had been terminated consequent to their arrest or prosecution for an offence only under Section 4 of the Essential Services

Maintenance Ordinance. It was further stated that steps would be taken to ensure that these relaxations announced in January, 1969, would be implemented fully and expeditiously. It will thus be seen that the announcement made on 13th March, 1969, in so far as it related to temporary employees, reiterated the earlier relaxations and assured the full and expeditious implementation thereof. The subsequent statement made on 14th March, 1969, will have to be viewed in this context.

4. On 14th March, 1969, in reply to certain queries made by Members in the Lok Sabha, Minister in the Ministry of Home Affairs stated as in Annexure-II. It will be seen from this statement that, in the first half of his statement, Minister in the Ministry of Home Affairs only stated that the new policy announced by him would be applicable to almost all the suspended and discharged employees *as clarified in the statement* (of 13th March, 1969). It will be clear from this that he did not add anything on 14th March, 1969, to the statement made by him on 13th March, 1969. The latter portion of his statement dated 14th March, 1969, is in continuation of the former. Minister in the Ministry of Home Affairs has also expressed therein his expectation that, except a few dozen employees, almost all of them who were suspended or discharged would be taken back after implementation of this policy. However, he prefixed these remarks with the statement that Government did not have reliable figures in their possession, and that these were being worked out. It will thus be seen that there was neither an announcement of a new policy, nor the grant of any assurance on 14th March, 1969.

5. The operative portion of Minister in the Ministry of Home Affairs's statement on 28th March, 1969, (Annexure III) is reproduced below:—

“Our intention is to see that all those Government employees who were discharged because of participation in the 19th September strike are reinstated *unless there* are aggravating factors to prevent that kind of reinstatement..... We have already said that those aggravating factors would mean violence, active instigation, etc.”

It will be seen from the above that it was made abundantly clear that the discharged Government employees were to be reinstated only in the absence of aggravating factors. Although some of the aggravating factors were mentioned by the Minister, he did not attempt any exhaustive enumeration of such factors as is evidenced by the word “etc.”. This statement was neither in the nature of an assurance, nor by way of announcement of a new policy.

6. From what is stated above, it would be seen that there is nothing in the aforesaid statement, which is in the nature of any assurance. Nor is there any failure to implement any so-called assurance. In the circumstances, there appears to be nothing warranting any reference to the Assurances Committee.

7. It may, however, be stated that Shri Banerjee and a few other Members of Parliament had met the Home Minister on 15th April, 1969, in connection with the above subject. After hearing them, Home Minister had assured them that he would look into the matter. Accordingly, the representations made by the Members of Parliament to the Home Minister in respect of the temporary employees are under examination in this Ministry.

8. For the reasons mentioned above, Home Minister is of the opinion that it is not a proper matter to be referred to the Assurances Committee.

Sd/- P. V. NAYAK,

Deputy Secretary to the Govt. of India.

To

The Lok Sabha Secretariat,

(Shri M. C. Chawla, Deputy Secretary),

New Delhi.

ANNEUXRE I

Statement made by M.M.H.A. on 13th March, 1969 in connection with the decisions taken by Government in regard to Central Government Employees who participated in the strike of September 19, 1968.

On October 18, 1968, Government had decided upon certain relaxations in the original orders in regard to the action against the employees who had participated in the strike of September 19, 1968. Some more relaxations were announced on January 7, 1969. Government have considered the question of further liberalisation, and have now decided that except where there is a complaint of violence, intimidations or active instigation, the employees still under suspension would be permitted to rejoin duty. Liability to appropriate disciplinary action under the Service Rules would continue in cases in which there is conviction for an offence other than one under section 4 of the Essential Services Maintenance Ordinance, 1968/Act, namely, for mere absence from duty.

A careful scrutiny will be made of the pending prosecution cases and in cases in which there is not sufficient evidence steps would be taken with a view to termination of the legal proceedings according to law.

A number of temporary employees had been discharged on giving them a month's pay in lieu of notice. The relaxations announced at the beginning of January had provided that such of these employees whose part in the strike was limited to absence from duty on September 19, 1968 and whose services had been terminated consequent to their arrest or prosecution for an offence only under section 4 of the Ordinance would be reinstated after factual verification. Steps would be taken to ensure that these relaxations are implemented fully and expeditiously so that the order of termination would remain only in cases in which there were stronger grounds for action.

The cases of employees who have been placed under suspension in connection only with disciplinary proceedings would be dealt with on the same liberalised principles as employees who have been prosecuted, and re-instatement ordered accordingly.

Government trust that the liberal spirit in which they have taken these decisions would be reciprocated by the employees through devoted and disciplined service.

ANNEXURE II

Extract of Proceedings of Lok Sabha dated the 14th March, 1969, containing M.M.H.A.'S clarificatory statement

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): In the statement we had clarified that the new policy we have announced will be applicable to almost all the suspended and discharged Government employees.....

SHRI S. M. BANERJEE: What about temporary employees?

SHRI VIDYA CHARAN SHUKLA: Even temporary employees. It will be applicable to them. Although we do not have reliable figures—we are working it out—we expect that except a few dozen employees, almost all of them who were suspended or discharged in pursuance of the action taken after the illegal strike on 19th September will be taken back in service after this policy is implemented.

ANNEXURE III

Extract from the Debate in the Lok Sabha on 28th March, 1969

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Another question on which some hon. Members spoke, particularly my hon. friend Shri Ebrahim Sulaiman Sait and Shri Mandal, was regarding the Government employees. I have had the honour of making a statement here the other day which gave out the policy of Government regarding these employees who were involved in the illegal strike of 19th September. There has been a little confusion about the temporary employees. I wish to clarify this point. I shall not be able to say exactly when and how and which category would be included, but I would again emphasise our intentions here. Our intention is to see that all those Government employees who were discharged because of participation in the 19th September strike are reinstated unless there are aggravating factors to prevent that kind of reinstatement. What are those aggravating factors? We have already said that those aggravating factors would mean violence, active instigation etc. Here, our expectation is that barring a few dozen employees, all of them, whether temporary or semi-permanent or permanent would be included and would be reinstated.

SHRI ATAL BIHARI VAJPAYEE: When?

SHRI VIDYA CHARAN SHUKLA: We have already issued instructions.

SHRI ATAL BIHARI VAJPAYEE: Is the hon. Minister aware that not a single temporary employee has been taken back on duty so far?

SHRI S. M. BANERJEE: May I make one submission? I appreciate the statement and the clarification on the 13th and 14th of this month; after the statement and clarification, the Government orders were issued on the 15th March. Unfortunately, those orders do not cover temporary employees. We are very happy at what the hon. Minister has stated....

SHRI S. M. JOSHI: Amended instructions should be issued.

SHRI S. M. BANERJEE: We were very happy to hear from the hon. Minister that barring a few dozen employees, all the others would be taken back. We hail that decision throughout the country. But I may point out that after the orders of the 15th March, were issued, of which I have a copy and I am sure the other Members also have got copies, we find that those orders do not cover temporary employees. Various authorities are using these orders to say that only permanent employees who participated in the strike could be taken back. I would request the hon.

Minister to see that the same orders which were made applicable to the permanent employees who were suspended should be made applicable to these temporary employees also. That is our earnest demand.

SHRI S. M. JOSHI:

SHRI VIDYA CHARAN SHUKLA: We have indicated our basic policy and we shall take all these things into account. Our basic policy is one of sympathy; our basic policy is one of being liberal towards the Government employees and we wish that the least number of Government employees should be out of their jobs. We do not want that those who suffered on account of the illegal strike should suffer continuously and for ever. That is why we have embarked upon this policy of liberalisation. Here, there are many points which have to be considered and settled, and we are trying to do that. The temporary employees who were discharged have to be reinstated; the question would come about what would happen to the period when they were out of job.....

SHRI S. M. BANERJEE: Already it has been decided to treat it as extraordinary leave with or without pay.

SHRI VIDYA CHARAN SHUKLA: We have to settle all these things in consultation with the various authorities, and we are trying to do that.

SHRI ATAL BIHARI VAJPAYEE: Let him take a policy decision.

SHRI VIDYA CHARAN SHUKLA: I do not know whether any temporary employees has been so far taken back or not.....

SHRI ATAL BIHARI VAJPAYEE: Not a single one has been taken.

SHRI VIDYA CHARAN SHUKLA: But it will be done; there may be some delays here and there, but delay does not mean that it will not be done.

SHRI S. M. BANERJEE: Not even permanent employees have been taken back. In the Delhi Administration, not a single one out of nearly 2,000 permanent employees who were suspended has been taken back as yet.

SHRI VIDYA CHARAN SHUKLA: As far as this particular matter is concerned, I would request hon. Members to be a little patient. Our basic policy is known to them, and I am sure they are in agreement with our basic policy. It is only a matter of execution, and I am quite sure that after the execution of this policy is over, they will all be happy about the execution.

APPENDIX VI

(vide para 15 of Report)

MOST IMMEDIATE

No. 9/56/69-JCA

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

NEW DELHI-1, dated 28th June, 1969

OFFICE MEMORANDUM

SUBJECT:—*Implementation of assurances given by the Minister in the Ministry of Home Affairs in regard to reinstatement of temporary employees who participated in the strike on 19th September, 1968.*

With reference to the Lok Sabha Secretariat O.M. No. 12/5/3/69-Q, dated the 23rd June 1969, on the above subject, the undersigned is directed to say that instructions have been issued to all the Ministries/ Departments on the lines of the statement made by the Minister in the Ministry of Home Affairs in the Lok Sabha on 30th April, 1969, for taking further action in the matter of reinstatement of the discharged temporary employees who participated in the strike of 19th September, 1968.

Sd/- B. V. DIGHE,

Under Secretary to the Govt. of India.

To

The Lok Sabha Secretariat,
(Shri M. C. Chawla, Deputy Secretary),
New Delhi.

APPENDIX VII

(*vide* para 17 of Report)

No. 9/85/69-JCA

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

NEW DELHI-1, dated 6th August, 1969.

OFFICE MEMORANDUM

SUBJECT:—Implementation of assurances given by Minister in the Ministry of Home Affairs in regard to reinstatement of temporary Central Government employees who participated in the Strike on the 19th September, 1968.

The undersigned is directed to refer to the Lok Sabha Secretariat O.M. No. 12/5/3/69-Q, dated the 11th July, 1969, on the above subject, and to forward herewith 20 copies of a statement (Annexure) giving the information asked for therein. It may be added that the temporary employees not so far reinstated in service have not fulfilled the pre-conditions for their reinstatement as laid down in the statement made by the Minister in the Ministry of Home Affairs in the Lok Sabha on 30th April, 1969.

Sd/- B. V. DIGHE,

Under Secretary to the Govt. of India.

To

The Lok Sabha Secretariat,
(Shri M. C. Chawla, Deputy Secretary),
New Delhi.

ANNEXURE

*Statement showing the number of temporary employees discharged and the number reinstated and the number not so far reinstated
(as on 25-7-69).*

S. No.	Name of Ministry/Department	No. of temporary employees discharged from service.	No. out of Col (3) reinstated	No. not so far reinstated
1	2	3	4	5
1.	Ministry of Defence	503	61	442
2.	Min. of Food, Agr., C. D. and Co-op.	..	..	..
3.	Deptt. of Posts & Telegraphs . .	1196	878	317
4.	Planning Commission . . . .	..	..	..
5.	Deptt. of Company Affairs . . . .	..	..	..
6.	Min. of Petroleum & Chemicals . .	..	..	..
7.	Deptt. of Parliamentary Affairs . .	..	..	..
8.	Ministry of Law . . . .	..	..	..
9.	Deptt. of Social Welfare . . . .	..	..	..
10.	Min. of Irrigation & Power . . . .	..	..	..
11.	Min. of Information and Broadcasting . .	..	..	..
12.	Min. of Health, F.P. & U. D. . . .	..	..	..
13.	Ministry of Home Affairs . . . .	..	..	..
14.	Ministry of External Affairs . . . .	..	..	..
15.	Min. of Edu. & Youth Services . . .	..	..	..
16.	Deptt. of Cabinet Affairs . . . .	..	..	..
17.	Deptt. of Communications . . . .	..	..	..
18.	Min. of works, Housing and Supply .	9	9	..
19.	Indian Audit & Accounts Deptt. . .	87	75	12
20.	Ministry of Railways	1713	1564	149
21.	Union Public Service Commission . .	..	..	..
22.	Min. of Tourism & Civil Aviation . .	..	..	..
23.	Min. of Transport & Shipping . . .	..	..	..
24.	Ministry of Iron & Steel . . . .	..	..	..
25.	Ministry of Finance	4	3	1
26.	Deptt. of Mines & Metals . . . .	..	..	..
27.	Deptt. of Rehabilitation	16	16	..
28.	Deptt. of Labour & Employment . .	1	1	..
29.	Deptt. of Industrial Development
30.	Ministry of Commerce
		3528	2607	921

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