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Saturday, February 02, 1980
Magha 13, 1901(Saka)

LOK SABHA DEBATES

First Session
(Seventh Lok Sabha)



(Vol. I Contains No. 1 to 10)

LOK SABHA SECRETARIAT
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LOK SABHA DEBATES

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LOK SABHA

Saturday, February 2, 1980/Magha 13,
1901 (Saka).

The Lok Sabha met at Eleven of the
Clock

[MR. SPEAKER in the Chair]

MEMBER SURN

Shri Rama Chandra Rath (Aska)

QUESTIONS OF PRIVILEGE

(i) ALLEGED DEROGATIRY REMARKS BY
SHRI J. R. D. TATA IN RESPECT OF
MEMBERS OF PARLIAMENT.

MR. SPEAKER: Shri Jyotirmoy Bosu, M. P., had given notice of question of privilege against Shri J. R. D. Tata, former Chairman of Air India, regarding alleged "derogatory remarks with regard to Members of Parliament, members of the Public Undertakings Committee (Sixth Lok Sabha) and its Chairman", made by him in a Press statement issued by him on 28 May, 1979.

This notice had come up during the last Lok Sabha and the then Speaker had given his consent under Rule 222 and the matter was referred thereafter on a motion in the House to the Committee of Privileges. Before however the Committee of Privileges could give their Report, the Lok Sabha was dissolved. Since Shri Jyotirmoy Bosu, who had moved the matter in 1979, is pressing it again. I give my consent under rule 222.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Thank you, Sir, I am

most grateful to you. About Mr. Peter Mahata, Regional Director, Air India, for U. S. and Canada, also I have written to you and I have got the original document....

MR. SPEAKER: He has given an apology.

SHRI JYOTIRMOY BOSU: I move:

"That the motion of breach of privilege against Mr. J. R. D. Tata be sent to the Privileges Committee."

MR. SPEAKER: The question is:

"That the motion of breach of privilege against Mr. J. R. D. Tata be sent to the Privileges Committee."

The motion was adopted.

SHRI N.G. RANGA (Guntur): Sir, whether it is Mr. J. R. D. Tata or any body, on that point, we must have some say before you give your consent because this is a very serious matter. Similar things had happened in the last Parliament. (Interruptions).

MR. SPEAKER: Under what rule are you referring to?

SHRI N. G. RANGA: You have given your consent to this motion...

MR. SPEAKER: Let me know under what rule you are referring to this matter.

SHRI N. G. RANGA: It is not a question of rule. It is a matter that is now before the House.

MR. SPEAKER: I have given my consent.

(ii) ALLEGED MISLEADING INFORMATION GIVEN BY MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF HOME AFFAIRS re. REPORTED ARREST OF SHRI N. K. SINGH, DIG, CBI.

MR. SPEAKER: As mentioned by me in the House earlier, the notices of question of privilege given by some Members against the Minister of Law, Justice and Company Affairs and the Minister of Home Affairs for giving alleged misleading information to the House on 29 January, 1980, regarding the reported arrest of Shri N. K. Singh, DIG CBI were referred by me to the Ministers concerned for furnishing factual notes for my consideration. A notice of question of privilege given by Shri Madhu Dandavate against the Chief Minister of Haryana on the same matter was also referred by me to the Minister of Home Affairs.

I have since received factual notes from the Ministry of Law, Justice and Company Affairs and the Minister of Home Affairs.

The Ministry of Law, Justice and Company Affairs in their factual note has stated, *inter alia* as follows:—

“....attention is invited to the following extract from the uncorrected report of the proceedings of the House made by the Minister which alone would appear to be relevant in so far as the alleged arrest of Shri N. K. Singh is concerned.

“May I say this much that on the information of my colleague, the Hon’ble Home Minister, this gentleman has not been arrested at all.”

As is clear from the statement attributed to the Minister, it was made by him in the House on the basis of information supplied at that very moment by a Cabinet colleague.

It is thus clear that all that had been done by the Minister was to pass on information received by him from a colleague.”

The Minister of Home Affairs in his factual note has stated, *inter alia*, as follows:—

“Information Communicated by me to the Law Minister was based on information which was ob-

tained on telephone from the Government of Haryana. On 29th January I received a demi-official letter from the Chief Minister of Haryana, who was Camping at New Delhi on that day....Subsequently a wireless message was received late in the evening of the 31st January from the Home Secretary of Haryana Government..it would be seen that the information furnished by the Government of Haryana has consistently been that Shri N. K. Singh has not been arrested. The information given by me was thus based on information furnished by the Government of Haryana.”

As my distinguished predecessor, Dr. G. S. Dhillon, ruled in the House in a similar case on 2nd December, 1974:—

“In order to constitute a breach of privilege or contempt of the House, it has to be proved that the statement was not only wrong or misleading but it was made deliberately to mislead the House. In this connection, I may refer to a ruling given on 18th April, 1966 by the then Speaker, Sardar Hukam Singh.

The ruling was as follows:

“If there is any discrepancy or a statement is not correct, there is no question of any privilege motion unless it is proved that a wrong statement has been made deliberately, knowing the true position.”

In view of the factual position stated by the Ministry of Law, Justice and Company Affairs and the Minister of Home Affairs, I think that no misleading information was deliberately given to the House by the Minister of Law, Justice and Company Affairs and the Minister of Home Affairs.

As regards the notice of question of privilege by Shri Madhu Dandavate against the Chief Minister of

Haryana, I have received a letter from the Chief Minister of Haryana in which he has stated *inter alia* as follows:—

"It is true that I held a Press Conference at my residence on the 31st January, 1980. Nearly dozen and a half Press-Correspondents including the representative of the *Indian Express* were present. It is true that I was asked some questions about the matter concerning the N. K. Singh incident and several newspapers other than the *Indian Express* and including the.....

SHRI JYOTIRMOY BOSU: Parliament will lose credibility.

MR. SPEAKER: Please: This is not proper.

"Hindustan Times, the Statesman, Patriot and the Tribune have reported that gist of my replies. I had merely stated in answer to a correspondent's question that according to me it was not necessary for the concerned police authorities to wait for the Parliament to adjourn before any action on the complaint against Shri N. K. Singh was initiated. There was no explicit or implied disrespect to the Parliament in my reply.... In the end, I would like to assure you and through you the Hon'ble Members of the Parliament that I have the highest regard for the Parliament and hold this supreme law maker of our land in the highest esteem."

I do not, therefore, give my consent to the matter being raised as a question of privilege under Rule 222.

SHRI JYOTIRMOY BOSU: Sir, I am on a point of order.

MR. SPEAKER: No point of order. (Interruptions). It is my job. Mr. Singh why are you trying to assume the responsibility all the time?

I gave my ruling. After this ruling there can be no question of point or order.

SHRI JYOTIRMOY BOSU: Did you ask me on what subject the point of order is?

MR. SPEAKER: Well, let me see on what it is.

SHRI JYOTIRMOY BOSU: You have made an observation about J.R.D. Tata's case that you are going to send it to the Privileges Committee.

AN HON. MEMBER: Under what Rule is he speaking?

SHRI JYOTIRMOY BOSU: Under Rule 223.

Mr. Peter Mahata Regional Director, Air India, U.S.A. and Chanda has written a long letter apologising, but he has not given any unconditional apology. He has given a long letter which has been handed over to you about two months ago, and you have made the observation that the privilege motion is still lying before you. You may kindly....

SHRI BHAGWAT JHA AZAD (Bhagalpur): It is not before the House. You have referred it to the Privileges Committee; it is not before the House. He cannot raise this now. (Interruptions).

MR. SPEAKER: If you have to write anything, you can write to me. Mr. Bosu, you are unnecessarily taking the time of the House.

SHRI JYOTIRMOY BOSU: Sir, you are a super Speaker....

(Interruptions)

MR. SPEAKER: I have given it due consideration. It is your privilege motion, not mine. You are again trying to... (Interruptions)

SHRI BHAGWAT JHA AZAD: Sir, he is casting aspersions on the Chair. He must withdraw it.

(*Interruptions*)

MR. SPEAKER: I have given my ruling. It cannot be questioned.

SHRI SANJAY GANDHI (Amathi): He cannot bulldoze the House this way.

(*Interruptions*)

SHRI C. P. N. SINGH (Padrauna): The House cannot be bullied like this.

(*Interruptions*)

MR. SPEAKER: I will send you the reply.

SHRI JYOTIRMOY BOSU: I will see the reply. In the reply he has apologised conditionally and he is trying to say that he has done his duty.

MR. SPEAKER: Papers laid.

Shri Shankaranand.

11.12 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORT AND REVIEWS, AUDITED ACCOUNTS WITH STATEMENTS FOR DELAY ETC. IN RESPECT OF VARIOUS EDUCATIONAL AND TRAINING INSTITUTIONS

THE MINISTER OF EDUCATION AND HEALTH AND SOCIAL WELFARE (SHRI B. SHANKARANAND): I beg to lay on the Table:

(1) (i) A copy of the Annual Accounts of the Regional Engineering College, Calicut, for the year 1977-78 together with the Audit Report thereon.

(ii) A statement (Hindi and English versions) showing reasons for delay and for not laying simultaneously the Hindi version of the documents at (i) above. [Placed in Library. See No. LT-245/80].

(2) (i) A copy of the Annual Accounts (Hindi and English ver-

sions) of the Regional Engineering College, Srinagar for the year 1977-78 together with the Audit Report.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the documents mentioned at (i) above. [Placed in Library. See No. LT-246/80].

(3) (i) A copy of the Annual Report (Hindi* version) of the Sardar Vallabhbhai Regional College of Engineering and Technology, Surat, for the year 1977-78 along with the Accounts and the Audit Report thereon.

(ii) A statement (Hindi version) showing reasons for delay in laying the documents mentioned at (i) above. [Placed in Library. See No. LT-247/80].

(4) (i) A copy of the Annual Report (Hindi and English versions) of the Rashtriya Sanskrit Sansthan Delhi, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the Sansthan, for the year 1978-79.

(iii) A statement (Hindi and English versions) showing reasons for delay and also not laying the Accounts of the Sansthan. [Placed in Library. See No. LT-248/80].

(5) (i) A copy of the Annual Report (Hindi and English versions) of the National Book Trust, India, New Delhi, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the Trust. [Placed in Library. See No. LT-249/80].

(iii) A copy of the Audited Accounts (Hindi and English versions) of the National Book Trust, India, New Delhi, for the year 1977-78.

*English version of the Report was laid on the Table on the 18th May, 1979.

(iv) A statement (Hindi and English versions) showing reasons (i) for delay in laying the Audited Accounts for the year 1977-78 and (ii) for not laying the Audited Accounts for the year 1978-79. [Placed in Library. See No. LT-250/80].

(6) (i) A copy of the Annual Accounts (Hindi and English versions) of the Visvesvaraya Regional College of Engineering, Nagpur, for the year 1977-78.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the documents mentioned at (i) above. [Placed in Library. See No. LT-251/80].

(7) (i) A copy of the Annual Report of the Regional Engineering College, Durgapur, for the year 1977-78.

(ii) A copy of the Review (Hindi and English versions) on the working of the College, for the year 1977-78.

(iii) A statement (Hindi and English versions) showing reasons for delay in laying the Annual Report and for not laying the Hindi version of the Report simultaneously. [Placed in Library. See No. LT-252/80].

(8) (i) A copy of the Annual Report (Hindi and English versions) of the Central Institute of Higher Tibetan Studies, Sarnath, for the year 1978-79.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the Annual Accounts of the Institute. [Placed in Library. See No. LT-253/80].

(9) (i) A copy of the Annual Report (Hindi and English versions) of the Central Institute of English and Foreign Languages, Hyderabad, for the year 1978-79.

(ii) A statement (Hindi and English versions) regarding Review on the working of the Institute

(10) A copy of the Certified Accounts of the Central Institute of English and Foreign Languages, Hyderabad, for the year 1978-79.

(11) A statement (Hindi and English versions) explaining reasons for not laying Hindi version of the Accounts simultaneously. [Placed in Library. See No. LT-254/80].

(12) (i) A copy of the Annual Report (Hindi and English versions) of the National Council of Educational Research and Training, New Delhi, for the year 1978-79.

(ii) A statement (Hindi and English versions) regarding Review on the working of the National Council of Educational Research and Training, New Delhi, for the year 1978-79. [Placed in Library. See No. LT-255/80].

(13) A copy of the Annual Report (Hindi and English versions) of Maulana Azad College of Technology, Bhopal, for the year 1977-78 along with Audit Report. [Placed in Library. See No. LT-256/80].

(14) A copy of the Audit Report (Hindi and English versions) on the Accounts of Delhi Library Board for the year 1978-79. [Placed in Library. See No. LT-257/80].

(15) (i) A copy of the Annual Report (Hindi and English versions) on the working of Nehru Memorial Museum and Library, New Delhi, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the Nehru Memorial Museum and Library, New Delhi, for the year 1978-79. [Placed in Library. See No. LT-258/80].

(16) (i) A copy of the Annual Report (Hindi and English versions) of the Delhi Public Library, Delhi for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the Library. [Placed in Library. See No. LT-259/80].

(17) (i) A copy of the Annual Report (Hindi and English versions) of Rampur Raza Library, Rampur, for the year 1977-78.

(ii) A copy of the Review (Hindi and English versions) on the working of the Library.

(iii) A statement (Hindi and English version) showing reasons for delay in laying the document mentioned at (i) above. [Placed in Library. See No. LT-260/80].

(18) (i) A copy of the Annual Report (Hindi and English versions) of the Technical Teachers' Training Institute (Northern Region), Chandigarh, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the Institute. [Placed in Library. See No. LT-261/80].

(19) A copy of the Audited Statement of Accounts of the Indian Institute of Management, Calcutta, for the year 1977-78 [Placed in Library. See No. LT-262/80].

(20) (i) A copy of the Annual Report (Hindi* version) of the Regional Engineering College, Silchar for the year 1977-78, together with Audit Report.

(ii) A statement (Hindi and English versions) explaining reasons for not laying the Hindi version along with English version. [Placed in Library. See No. LT-263/80].

(21) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Technology, Kharagpur, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the Institute. [Placed in Library. See No. LT-264/80].

(22) (i) A copy of the Annual Report (Hindi and English versions)

of the Indian Institute of Technology, Delhi, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the Institute. [Placed in Library. See No. LT-265/80].

(23) (i) A copy of the Annual Report (Hindi and English versions) of Lalit Kala Akademi, New Delhi, for the year 1978-79.

(ii) A review (Hindi and English versions) on the working of the Akademi [Placed in Library. See No. LT-266/80].

(24) (i) A copy of the Annual Accounts (Hindi and English versions) of the School of Planning and Architecture, New Delhi, for the year 1977-78.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the Accounts. [Placed in Library. See No. LT-267/80].

(25) (i) A copy of the Annual Accounts (Hindi and English versions) of Sangeet Natak Akademi, for the year 1977-78 along with Audit Report.

(ii) A copy of the Review on the accounts of the Akademi.

(iii) A statement (Hindi and English versions) showing reasons for delay in laying the Accounts. [Placed in Library. See No. LT-268/80].

(26) (i) A copy of the Annual Report of the Raja Rammohun Roy Library Foundation, Calcutta, for the year 1978-79 along with Statement of Accounts.

(ii) A copy of the Review on the working of the Raja Remmohun Roy Library Foundation for the year 1978-79. [Placed in Library. See No. LT-269/80].

(27) (i) A copy of the Annual Report (Hindi and English versions) of the Society for the National Institutes of Physical Education and Sports, Patiala, for the year 1978-79.

(ii) A statement (Hindi and English versions) regarding Review on the working of the Institutes. [Placed in Library. See No. LT-270/80].

(28) (i) A copy of the Audit Report on the accounts of the Indian Institute of Technology, Madras, for the year 1978-79, under sub-section (4) of section 23 of the Indian Institutes of Technology Act, 1961.

(ii) A statement (Hindi and English versions) Showing reasons for delay and for not laying the Hindi version of the Accounts simultaneously. [Placed in Library. See No. LT-271/80].

(29) A statement (Hindi and English versions) explaining reasons for not laying the Annual Accounts of the Indian Institute of Technology Kharagpur, for the year 1978-79 within the stipulated period of nine months after the close of the Accounting Year. [Placed in Library. See No. LT-272/80].

(30) A statement (Hindi and English versions) explaining reasons for not laying the Annual Report and Accounts of the School of Budhist Philosophy, Leh for the year 1978-79 within the stipulated period of nine months after the close of the Accounting Year. [Placed in Library. See No. LT-273/80].

(31) A statement (Hindi and English versions) explaining reasons for not laying the Annual Report and the Accounts of the Technical Teachers Training Institute, Bhopal, for the year 1978-79 within the stipulated period of nine months after the close of the Accounting

Year. [Placed in Library. See No. LT-274/80].

(32) (i) A copy of the Annual Report of the Malaviya Regional Engineering College, Jaipur, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the College for the year 1978-79.

(iii) A statement (Hindi and English versions) explaining reasons for not laying simultaneously the report of the College in Hindi. [Placed in Library. See No. LT-275/80].

(33) (i) A copy of the Annual Report of the National Staff College for Educational Planners and Administration, New Delhi, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the College. [Placed in Library. See No. LT-276/80].

(34) A statement (Hindi and English versions) explaining reasons for not laying the Annual Report and Audited Accounts of the Regional Engineering Colleges Tiruchirapalli, Calicut and Jaipur for the year 1978-79 within the stipulated period of nine months after the close of the Accounting Year. [Placed in Library. See No. LT-277/80].

(35) (i) A copy of the Annual Report of the Regional Engineering College, Calicut, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the College.

(iii) A statement (Hindi and English versions) explaining reasons for not laying simultaneously the Hindi version of the Report. [Placed in Library. See No. LT-278/80].

(36) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Foundry and Forge Technology, Ranchi, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the Institute.

(iii) A statement (Hindi and English versions) explaining reasons for not laying the Accounts of the Institute. [Placed in Library. See No. LT-279/80].

(37) (i) A copy of the Annual Report of the Regional Engineering College, Tiruchirapalli, for the year 1978-79 along with the Audited Accounts and the Audit Report.

(ii) A copy of the Review (Hindi and English versions) on the working of the College.

(iii) A statement (Hindi and English versions) explaining reasons for not laying simultaneously Hindi version of the Annual Report and the Accounts of the Regional Engineering College, Tiruchirapalli. [Placed in Library. See No. LT-280/80].

(38) (i) A copy of the Annual Report (Hindi and English versions) of Bal Bhavan Society, India, New Delhi, for the year 1978-79 along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) on the working of the Society. [Placed in Library. See No. LT-281/80].

(39) (i) A copy of the Audited Accounts (Hindi and English versions) of Lalit Kala Akademi, New Delhi, for the year 1977-78.

(ii) A copy of the Review (Hindi and English versions) on the working of the Akademi.

(iii) A statement (Hindi and English versions) showing reasons for delay in laying the Audited Accounts. [Placed in Library. See No. LT-282/80].

(40) (i) A copy of the Annual Report (Hindi and English versions) of the Central Tibetan Schools Administration for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the Central Tibetan Schools Administration for the year 1978-79.

(iii) A statement (Hindi and English versions) explaining reasons for delay in laying the Annual Report and for not laying the Audited Accounts. [Placed in Library. See No. LT-283/80].

(41) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute for Training in Industrial Engineering, Bombay, for the year 1978-79 along with the Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) on the working of the Institute. [Placed in Library. See No. LT-284/80].

(42) A statement (Hindi and English versions) explaining reasons for not laying the Audited Accounts of the Indian Institute of Management, Calcutta, for the year 1977-78 in Hindi. [Placed in Library. See No. LT-285/80].

(43) A statement (Hindi and English versions) explaining reasons for not laying the Annual Report and the Audited Accounts of the Indian Institute of Management, Calcutta, for the year 1978-79 within the stipulated period of nine months after the close of the Accounting Year. [Placed in Library. See No. LT-285A/80].

(44) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Management, Ahmedabad, for the year 1978-79 along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) on the working of the Institute. [Placed in Library. See No. LT-286/80].

(45) (i) A copy of the Annual Report (Hindi and English versions) of the Technical Teachers' Training Institute, Calcutta, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the Institute.

(iii) A statement (Hindi and English versions) explaining reasons for not laying the Audited Accounts of the Institute for the year 1978-79. [Placed in Library. See No. LT-287/80].

(46) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Management Bangalore, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the Institute. [Placed in Library. See No. LT-288/80].

(47) (i) A copy of the Annual Report of the Technical Teachers' Training Institute, Adyar, Madras, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) on the working of the Institute.

(iii) A statement (Hindi and English versions) explaining reasons for not laying simultaneously the Hindi version of the Report. [Placed in Library. See No. LT-289/80].

(48) (i) A copy of the Annual Accounts (Hindi and English versions) of the North-Eastern Hill University, Shillong for the year 1976-77 along with Audit Report thereon.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Accounts. [Placed in Library. See No. LT-290/80].

(49) A statement (Hindi and English versions) showing reasons

for delay in laying the Annual Reports and Audited Accounts of University Grants Commission, Aligarh Muslim University, Banaras Hindu University, Delhi University, Jawaharlal Nehru University, North-Eastern Hill University, Vishva Bharati and University of Hyderabad, for the years mentioned against each in the statement. [Placed in Library. See No. LT-291/80].

(50) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(i) Review by the Government on the working of the Artificial Limbs Manufacturing Corporation of India, Kanpur, for the year 1978-79.

(ii) Annual Report of the Artificial Limbs Manufacturing Corporation of India, Kanpur, for the year 1978-79 along with the Audited Accounts and Comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-292/80].

(51) A statement (Hindi and English versions) explaining reasons for not laying the Annual Accounts and the Audit Report of the Indian Institute of Technology, Delhi, for the year 1978-79 within the stipulated period of nine months after the close of the Accounting year. [Placed in Library. See No. LT-293/80].

(52) A statement (Hindi and English versions) explaining reasons for not laying the Annual Accounts and the Audit Report of the Indian Institute of Technology, Kanpur, for the year 1978-79 within the stipulated period of nine months after the close of the Accounting Year. [Placed in Library. See No. LT-294/80].

(53) (i) A copy of the Annual Report of the Visva Bharti, for the year 1978-79.

(ii) A copy of the Review on the working of Visva Bharti, for the year 1978-79.

(iii) A statement (Hindi and English versions) explaining reasons for not laying the Hindi version of the Report. [Placed in Library. See No. LT-295/80].

(54) A statement (Hindi and English Versions) explaining reasons for not laying the Annual Report and the Audited accounts of the Indian Institute of Advanced study, Simla for the year 1977-78 and 1978-79 within the stipulated period of nine months after the close of the Accounting year. [Placed in Library. See No. LT-296/80].

(55) A statement (Hindi and English Versions) explaining reasons for not laying the Audit Report on the accounts of National Council of Educational Research and Training, New Delhi, for the year 1978-79 within the stipulated period of nine months after the close of the Accounting year. [Placed in Library. See No. LT-297/80].

(Interruptions.)

MR. SPEAKER: Order please. Gentlemen, please resume your seat. Mr. Bosu, you please take your seat. We have had enough of it. You can discuss it with me in the Chamber.

Shri A. P. Sharma.

(Interruptions.)

CERTIFIED ACCOUNTS AND REVIEW FOR 1976-77 OF DELHI TRANSPORT CORPORATION WITH STATEMENT FOR DELAY AND REVIEW AND ANNUAL REPORT OF CENTRAL INLAND WATER TRANSPORT CORPORATION LTD, CALCUTTA FOR 1978-79.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI BHISHMA NARAIN SINGH): On behalf of Shri A. P. Sharma, I beg to lay on the Table—

(1) (i) A copy of the Certified Accounts Hindi and English versions)

of the Delhi Transport Corporation for the year 1976-77 together with the Audit Report thereon, under sub-section (4) of section 33 of the Road Transport Corporations Act, 1950.

(ii) A copy of the Review (Hindi and English versions) on the accounts of the Delhi Transport Corporation for the year 1976-77.

(iii) A statement (Hindi and English versions) showing reasons for delay in laying the accounts. [Placed in Library. See No. LT-298/80.]

(2) A copy each of the following papers (Hindi and English versions) under sub-section (1) of sections 619A of the Companies Act, 1956:—

(i) Review by the Government on the working of the Central Inland Water Transport Corporation Limited, Calcutta for the year 1978-79.

(ii) Annual Report of the Central Inland Water Transport Corporation Limited, Calcutta, for the year 1978-79 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-299/80.]

SHRI RAM JETHMALANI (Bombay North West) What happened to my notice?

MR. SPEAKER: No please, I have disposed all of them.

(Interruptions)

SHRI RAM JETHMALANI: I have written to you on the 30th January. What happened to that?

SOME HON. MEMBERS: No, no.

MR. SPEAKER: Order please. I will listen to you also.

Mr. Gandhi, I will ask you to refer to the point which you want to make. First let me listen to him.

SHRI SANJAY GANDHI (Amethi): I have a point of order regarding his speaking....

(Interruptions)

MR. SPEAKER: If all of you are speaking at a time, I cannot listen. I cannot hear as you are speaking all at the same time.

(Interruptions)

SHRI SANJAY GANDHI: Please see Rule 350, Sir. It is on a point of order. 'When a Member rises to speak, his name shall be called by the Speaker.' So, you as Speaker, called the hon. Minister to speak. Then, "If more than one member rises at the same time, the member whose name is so called, shall be entitled to speak." Only the Minister's name was called and he can alone speak and Mr. Jethmalani is not entitled to speak.

(Interruptions)

SHRI RAM JETHMALANI: Three times, Mr. Speaker, you told me that you wanted to hear me....

(Interruptions)

MR. SPEAKER: I have to decide it. I will give my ruling. Please take your seat. Look here. When any Member has to make any point, he has to refer to a certain rule. If the rule is correct to which he refers, I will ask him to explain further. If I overrule that, then he won't. That is the procedure.

I will give every Member his due opportunity to refer to a certain rule and explain the things further.

DR. VASANT KUMAR PANDIT (Rajgarh): What is this Rule?

MR. SPEAKER: This is not proper. This is wrong. If you are an hon. Member doing like this....(Interruptions) Now, let me say this. I will ask

one by one and I will rule according to this Book so that we can proceed properly.

Now, Mr. Jethmalani. What have you to say?

SHRI RAM JETHMALANI: Mr. Speaker, Sir, I only want to enquire as to what has happened to the notice which I have given on the 30th January, 1980 in writing.

MR. SPEAKER: This is covered in my ruling.

SHRI RAM JETHMALANI: You will kindly say that this is also referred to. (Interruptions).

MR. SPEAKER: Please sit down. Mr. Jethmalani, what is the rule you are referring?

SHRI RAM JETHMALANI: I am referring to Rule 225, the Proviso Provided that where the Speaker has refused his consent under rule 222.... I presume that you have refused your consent under Rule 222.

MR. SPEAKER: Yes.

SHRI RAM JETHMALANI: The Proviso says:

'Provided that where the Speaker has refused his consent under rule 222 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of question of privilege....

and say that it is not in order. I am requesting you to exercise your power under the proviso to read the notice.

MR. SPEAKER: I overrule it.

SHRI RAM JETHMALANI: You overrule it. I have a right to tell you first to make a request to you....

MR. SPEAKER: Not necessary.

SHRI RAM JETHMALANI: This is a parliamentary procedure.

MR. SPEAKER: No need for a debate now.

SHRI RAM JETHMALANI: But you tell those gentlemen who don't know the rules. (Interruptions)

SHRI RAM CHANDRA RATH (Aska): Sir, I rise on a point of order. If the hon. Member casts aspersion on the Speaker, it is an insult of the House. He should apologise to you and to the House. (Interruptions) Mr. Speaker, I rise on a point of order. If the hon. Member casts aspersion on the Chair, this is an insult to the House and you must warn him and pull him up. This minimum etiquette the hon. Member must have.

SHRI C. P. N. SINGH (Padrauna): Mr. Speaker, Sir, . . . (Interruptions)

MR. SPEAKER: I will hear one by one. What rule are you referring?

SHRI C. P. N. SINGH: He cannot talk like this. This must be expunged. He said that the other members are not. . . . (Interruptions)

MR. SPEAKER: I will go through the proceedings.

SHRI C. P. N. SINGH: You must pull him up.

SHRI RAM CHANDRA RATH: With due respect to the Chair, I beg to submit to you. . . .

MR. SPEAKER: You have not got the permission. Nothing should be on record which is not without my permission.

* * * *

MR. SPEAKER: I would like to say that I will go through the proceedings. If I find anything is derogatory to the Chair, then we will consider.

Now, Papers Laid on the Table.
Mr. A. P. Sharma.

STATEMENTS SHOWING ACTION TAKEN BY GOVERNMENT OF ASSURANCES, PROMISES ETC. GIVEN DURING VARIOUS SESSIONS OF LOK SABHA

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI BHISHMA NARAIN SINGH): Sir I beg to lay on the Table the following Statements (Hindi and English versions) showing the action taken by the Government on various assurances, promises and undertakings given by the Ministers during the various sessions of Lok Sabha:—

- (1) Statement No. XXIII—
Ninth Session, 1973. Fifth Lok Sabha
- (2) Statement No. XVII—
Second Session, 1977.
- (3) Statement No. XVIII—
Second Session, 1977.
- (4) Statement No. XII—
Third Session, 1977.
- (5) Statement No. XIII—
Third Session, 1977.
- (6) Statement No. XV—
Fourth Session, 1978.
- (7) Statement No. XVI—
Fourth Session, 1978.
- (8) Statement No. IX—
Fifth Session, 1978.
- (9) Statement No. X—
Fifth Session, 1978.
- (10) Statement No. VI—
Sixth Session, 1978.
- (11) Statement No. VII—
Sixth Session, 1978.
- (12) Statement No. VIII—
Sixth Session, 1978.
- (13) Statement No. IV—
Seventh Session, 1979.

Sixth
Lok
Sabha

- (14) Statement No. V—
Seventh Session, 1979.
- (15) Statement No. VI—
Seventh Session, 1979.
- (16) Statement No. VII—
Seventh Session, 1979.
- (17) Statement No. VIII—
Seventh Session, 1979.
- (18) Statement No. IX—
Seventh Session, 1979.
- (19) Statement No. X—
Seventh Session, 1979.
- (20) Statement No. XI—
Seventh Session, 1979.
- (21) Statement No. I—
Eighth Session, 1979.
- (22) Statement No. II—
Eighth Session, 1979.

Sixth
Lok
Sabha

(Placed in Library. See No.
LT-300/80).

REVIEW AND ANNUAL REPORT OF STATE
FARMS CORPORATION OF INDIA LTD.,
NEW DELHI FOR 1977-78

THE MINISTER OF FINANCE AND
INDUSTRY (SHRI R. VENKATARAMAN): On behalf of Shri Birendra Singh Rao, I beg to lay on the Table a copy of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

- (1) Review by the Government on the working of the State Farms Corporation of India Limited, New Delhi, for the year 1977-78.
- (2) Annual Report of the State Farms Corporation of India Limited, New Delhi, for the year 1977-78 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-301/80]

REVIEWS AND ANNUAL REPORTS OF
HINDUSTAN PHOTO FILMS, INDUNAGAR (TAMIL NADU), HINDUSTAN CABLES LTD., NATURAL NEWSPRINT AND PAPER MILLS LTD., NEPANAGAR AND HINDUSTAN PAPER CORPORATION LTD., NEW DELHI FOR 1978-79 TWO STATEMENTS FOR DELAY, ANNUAL REPORT OF COIR BOARD, 1978-79 WITH REVIEW THEREON AND NOTIFICATIONS UNDER INDUSTRIES (DEVELOPMENT AND REGULATION) ACT, 1951, AND ANNUAL REPORT OF CENTRAL TOOL ROOM AND TRAINING CENTRE, CALCUTTA FOR 1978-79.

SHRI R. VENKATARAMAN: I beg to lay on the Table—

- (1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—
 - (a) (i) Review by the Government on the working of the Hindustan Photo Films, Indunagar (Tamil Nadu) for the year 1978-79.
 - (ii) Annual Report of the Hindustan Photo Films, Indunagar (Tamil Nadu) for the year 1978-79 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-302/80]
 - (b) (i) Review by the Government on the working of the Hindustan Cables Limited, for the year 1978-79.
 - (ii) Annual Report of Hindustan Cables Limited, for the year 1978-79 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-303/80]

(c) (i) Review by the Government on the working of the National Newsprint and Paper Mills Limited, Napanagar, for the year 1978-79.

(ii) Annual Report of National Newsprint and Paper Mills Limited, Napanagar, for the year 1978-79 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-304-80].

(d) (i) Review by the Government on the working of the Hindustan Paper Corporation Limited, New Delhi, for the year 1978-79.

(ii) Annual Report of the Hindustan Paper Corporation Limited, New Delhi, for the year 1978-79 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-305/80].

(2) Two statements (Hindi and English versions) showing reasons for delay in laying the documents mentioned at (a) and (b) of item (1) above. [Placed in Library. See No. LT-306/80].

(3) (i) A copy of the Annual Report (Hindi and English versions) for the year 1978-79 on the activities of the Coir Board and the working of the Coir Industry Act, 1953, under sub-section (1) of section 19 of the Coir Industry Act, 1953.

(ii) A statement (Hindi and English versions) regarding Review on the working of the Coir Board. [Placed in Library. See No. LT-307/80].

(4) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 18 of the Industries (Development and Regulation) Act, 1951:—

(i) S.O. 512(E) published in Gazette of India dated the 4th September, 1979 regarding extension of the period of takeover of the management of Messrs India Belting and Cotton Mills Limited, Serampore.

(ii) S.O. 520(E) published in Gazette of India dated the 7th September, 1979 regarding extension of the period of takeover of the management of Messrs Indian Rubber Manufacturers Limited, Calcutta. [Placed in Library. See No. LT-38/80].

(5) A copy of the Annual Report (Hindi* version) of the Central Tool Room and Training Centre, Calcutta, for the year 1978-79. [Placed in Library. See No. LT-309/80].

CENTRAL EXCISE (1ST AUDIT) RULES, 1980, REVIEW AND ANNUAL REPORT OF NEW INDIA ASSURANCE COMPANY LTD., BOMBAY, FOR 1978, ANNUAL REPORT OF NATIONAL INSURANCE CO. LTD., CALCUTTA, FOR 1978 AND NOTIFICATION UNDER RESERVE BANK OF INDIA ACT, 1934.

SHRI R. VENKATARAMAN: On behalf of Shri Jagannath Pahadiā: I beg to lay on the Table:—

(1) A copy of the Central Excise (First Amendment) Rules, 1980 (Hindi and English versions) published in Notificaton No. G.S.R. 110 Gazette of India dated the 26th January, 1980, under section 38 of the Central Excises and Salt Act, 1944. [Placed in Library. See No. LT-310/80].

*English version of the report was laid on the Table on 30th January 1980.

(2) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section (1) of section 619A of the Companies Act, 1956:—

(a) (i) Review by the Government on the working of the New India Assurance Company Limited, Bombay, for the year ended 31st December, 1978.

(ii) Annual Report of the New India Assurance Company Limited, Bombay, for the year ended 31st December, 1978 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-311/80].

(b) (i) Review by the Government on the working of the National Insurance Company Limited, Calcutta, for the year ended 31st December, 1978.

(ii) Annual Report of the National Insurance Company Limited, Calcutta, for the year ended 31st December, 1978 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-312/80].

(3) A statement (Hindi and English versions) showing reasons for delay in laying the Annual Report of the Oriental Fire and General Insurance Company Limited, New Delhi, for the year ended 31st December, 1978. [Placed in Library. See No. LT-313/80].

(4) A copy of Notification (Hindi and English versions) containing amendments to Regulation 24 (i) and 24 (ii) of the Reserve Bank of India General Regulations, 1949 regarding remuneration of Directors and Members of Local Boards, under sub-section (4) of section 58 of the Reserve Bank of India Act, 1934. [Placed in Library. See No. LT-314/80].

REPORT OF THE COMMISSION OF INQUIRY ON MARUTI AFFAIRS AND TWO STATEMENTS THEREON.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): I beg to lay on the Table—

(1) A copy of the Report of the Commission of Inquiry on Maruti Affairs, together with Appendices, under sub-section (4) of section 3 of the Commissions of Inquiry Act, 1952.

(2) A statement (Hindi and English versions) giving reasons for not laying the Memorandum of Action taken along with the report of the Commission of Inquiry on Maruti Affairs.

(3) A statement (Hindi and English versions) explaining reasons for not laying the Hindi version of the report simultaneously. [Placed in Library. See No. LT-315/80].

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, if you come to item No. 2 sub-item No. 13, you will find the Annual Report relates to the year 1977-78. We would like to know from the hon'ble Minister why this unusual delay. Then, if you come to item No. 2 sub-item 1 and 2 on page 107 you will find....

MR. SPEAKER: As I said earlier you have to refer to the Committee on Papers laid.

SHRI JYOTIRMOY BOSU: Sir, there are incomplete submissions. If you come to item No. 5 on page 108 you will find this is a review for the year 1977-78.

MR. SPEAKER: This has to be referred to the Committee on Papers Laid. Under Rule 305C, a member wishing to raise any of the matters referred to in sub-rule (1) of rule 305B shall refer it to the Committee and not raise it in the House.

SHRI JYOTIRMOY BOSU: If you allow the House to be denigrated like this then how can we function. (Interruptions).

(Interruptions) **

MR. SPEAKER: Nothing is to be recorded without my permission.

11.23 hrs.

PERSONAL EXPLANATION BY MEMBER

SHRI GEORGE FERNANDES (Muzaffarpur): Sir, on 29th January, 1980, while speaking on the motion of thanks on the President's Address, an hon'ble Member, Mr. K. K. Tiwari, has chosen to make several allegations against my person. I wish to state that the allegations made by him are not only false and malicious, but are a direct insult to the people of Muzaffarpur who voted for me, and to all those workers belonging to the Lok Congress (U), CPI(M), CPI, SUCI or belonging to no party who toiled so hard and against such heavy odds for my election.

(Interruptions) **

MR. SPEAKER: Nothing is to be recorded without my permission. Mr. Tiwari, you are not allowed.

11.24 hrs.

MATTERS UNDER RULE 377

(i) **DROUGHT CONDITIONS IN ANDAMAN AND NICOBAR ISLANDS**

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands): Sir, this year due to short fall in rain complete drought condition prevails through out the Andaman and Nicobar Islands. The government has declared it as drought affected area. Drinking water problem has already been acute. The villagers are not getting drinking

water in many villages in South, North and Middle Andamans. The food for work has to be intensified and the present beginning of the work through P.W.D. etc., is not adequate and satisfactory. People from North, Middle and South Andamans, men, women are badly requiring job under food for work immediately.

I appeal to the Home Minister to immediately create Rural Development Department in Andamans alongwith staff to take the food for work programme vigorously to save the people of that far flung Union Territory from starvation.

(ii) **EFFECT OF CUT IN ELECTRICITY IMPOSED BY RAJASTHAN GOVERNMENT**

श्री विरधी बन्द जैन (बाडमेर) : राजस्थान सरकार द्वारा भाखरा, व्यास, भट्टिया आदि स्थानों द्वारा बहुत कम विजली मिलने से और अनु विजली घर कोटा के बन्द होने से 10 परसेन्ट से 75 परसेन्ट की विजली के कटौती के कारण शौधोर्गिक कारखानों, रोक फॉस्केट संयंत्र, नागरिक हवाई अड्डे, अस्पताल, डाक तार, दवा आदि संस्थाओं भें बूरा प्रभाव पड़ा है और कृषि उत्पादन भयकर रूप से प्रभावित हुआ है और रेगिस्टानी क्षेत्रों से नारीय एवं ग्रामीण जल प्रदाय योजनाओं के ठप्प पड़ने से पानी नहीं मिलने से हाहाकार फैला हुआ है। ऊर्जा विभाग पुढ़ स्तर पर ठोस कार्यवाही कर के उपरोक्त वर्णित समस्या को हल करने में सहयोग दे।

(iii) **REPORTED PROPOSAL FOR REDUCTION IN CENTRAL GOVERNMENT STAFF**

SHRI INDRAJIT GUPTA (Basirhat): Sir, the Minister of State for Finance has made a statement asking various Ministries and Department to consider reduction in staff by at least 12 per cent of the existing strength in order to "cut non-development expenditure." Not only is this statement based on the unjustified assumption that the Central Services are overstaffed, but it has given rise to serious apprehensions of arbitrary retrenchment of staff and a possible ban on new recruitments. Further, the impact of the proposed staff reduction on non-development expenditure would be minimal in the absence of other more basic economic measures. Government should hold consultations with the

Central Government employees' organisations before taking any step affecting their employment.

(iv) FALL IN PRICE OF COCOA BEANS CAUSING GRAVE CONCERN TO FARMERS OF KERALA.

SHRI P. J. KURIEN (Mavelikara): Sir, the alarming fall in price of Cocoa beans is causing grave concern and distress to more than five lakhs of farmers cultivating cocoa especially in Kerala.

The Cocoa cultivation has picked up very well during the past decade due to the hectic efforts and the encouragement from Government of India especially the campaign of Government of Kerala. Cocoa used to be imported from foreign countries incurring vast expenditure in foreign exchange. But of late, due to the hard work of the farmers in Kerala and Karnataka this inter crop was flourishing well and used to be remunerative and attractive. During the past one decade more than 5 lakhs of farmers have gone in for this hard task of Cocoa cultivation. But when their efforts are bearing fruits the sudden fall in prices have put down their untold difficulties. The Government of India and the Ministry of Agriculture has to come in a big way to save the situation. The prevailing price is not only unremunerative to force the farmers to distress sale, but also in the long run to leave this cultivation. The country will be forced to import Cocoa incurring loss to the national exchequer and depletion of foreign exchange resources. May I request the Agriculture minister to make a statement in this House about the steps that he is urgently taking to redeem the situation and help more than five lakhs farmers in Kerala and Karnataka and all over the country.

(v) REPORTED PHOTOGRAPHING BY INTELLIGENCE BUREAU STAFF OF VISITORS WHO CAME TO THE RESIDENCE OF SHRI SAMAR MUKHERJEE IN DELHI.

SHRI SOMNATH CHATTERJEE (Jadavpur): Sir, on 31st January, 1980

about 1 p.m. three (3) persons were taking photographs of those going and coming at 4, Ashok Road, the residence of Shri Samar Mukherjee, Leader of CPI(M) group in Parliament, and also the office of the Central Committee of the Communist Party of India (Marxist). When they photographed two of visitors, who came to 4, Ashok Road, the visitors tried to catch hold of these three persons to hand over to police. But two men ran away with camera and the third man who photographed was caught hold by the visitors and the passersby and handed over to police. Mr. A. J. S. Sahi, police official of the control room took that person to Parliament Street Police Station. But it seems no case has been recorded in the police station against the man who was caught red-handed and attempts are going on to hush up the whole matter. This is a very serious matter which causes grave concern to the functioning of Members of Parliament as well as Opposition parties and hence I would like to request the Minister for Home Affairs to make a statement thereon.

SHRI INDRAJIT GUPTA: It is a serious matter.

SHRI GEORGE FERNANDES (Muzaffarpur): It is far too serious a matter to be brought under Rule 377.

MR. SPEAKER: It will be brought to the notice of the Minister.

11.30 hrs.

APPROPRIATION (RAILWAYS)
BILL, 1980

THE MINISTER OF RAILWAYS (SHRI KAMLAPATI TRIPATHI): Sir, I beg to move

"That the Bill to authorise payment and appropriation to certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1979-80

for the purposes of Railways, be taken into consideration."

MR. SPEAKER: The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1979-80, for the purposes of Railways, be taken into consideration."

The motion was adopted.

MR. SPEAKER: We now take up Clause-by-clause consideration.

Now the question is:

"That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

The Schedule, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI KAMLAPATI TRIPATHI: I beg to move:

"That the Bill be passed."

MR. SPEAKER: Motion moved:

"That the Bill be passed."

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I speak on the Appropriation Bill. The liquid-fuel position in the world and in this country in particular is very very acute. If the hon. Minister would take some little pains to go the Bangalore Institute of Transport, he will find that for movement by rail the requirement of the prime moving energy is very little compared to the road transport. It is certainly the lowest in the world. But it is a neglected area. Only when the position comes to a grinding halt then and then only this Government will wake up, not otherwise. Today what is happening? 30,000 trucks are lying idle in one State alone for lack of diesel. Diesel oil is being sold at Rs. 8 a litre. (An hon. Member: Who is res-

ponsible?) The Central Government is responsible. (Interruption) I have been telling the hon. Minister time and again on the floor of the house about this. It has also been properly reflected in the Public Accounts Committee reports which said that the Railways must expand as much as possible, but, I am very sorry to say this, Sir. In the Railway Board there is a cell which deals with new railway lines. There have been very powerful and vigorous and active people working for the road transport lobby and as a result, the growth of railways in this country is perhaps next to nothing. This is the position, Sir, I now come to my second point and it is this. I had a long discussion with the RDS Lucknow. The most important this is to reduce the gap between pay-load and tare ratio. The railway economy is going to rack and ruin. The tare-pay load ratio is an important thing. I would like to tell the hon. Minister that no serious research has been done in this regard. We have been told that double decker coaches are coming all over the country. But what is it that is actually happening? Excepting a few specimens nothing more have come out. There is deep involvement of the road transport lobby who want to sell components, oil and so on. They don't want railways to expand. You cannot rise up and tell them: You go back to your homes. Regarding double-decker coaches, the tare-pay load ratio and so many things are there. We have been recommending the aluminium coaches. They are the only answer to reduce consumption of the prime moving fuel. You have suddenly switched over at a cost of Rs. 500 crores from coal to diesel. What is the benefit? If you see the cost, the increase is hardly two per cent in respect of tonne-kilometer movement achieved. This is the position. Mr. Minister, you are not there just as a decorative piece. We would expect that you function and try to understand all these things, and consult people irrespective of party affiliations who can do good to the railways and to the country. I come to my next point. The Budge Budge-

Namkhana railway line was surveyed before the emergency. It was thought to be a viable line. During our detention an over-energetic General Manager of the Eastern Railway scotched the whole project. As a result of it, the Great Sunderbans where 22 lakhs of people live in dire poverty are made to suffer. This railway line has suddenly become 'non-viable' from 'viable'. Sir, in 1977 Prof. Madhu Dandavate was the Railway Minister. He understood the seriousness of this thing and the prospects of that railway line and that in 1977-78 budget, they had allotted an amount of Rs. 3.85 lakhs for a final location of the site. I addressed the hon. Minister to take up this matter and this matter should not be viewed on party consideration but for the sake of the country's economic growth because railway transport account a lot in the country's economic growth and G.N.P. increase.

श्री कमलापति विपाठी: अध्यक्ष महोदय, यह जो एप्रोत्रीएशन बिल है यह स्प्लीमटरी डिमान्डस का है। माननीय सदस्य ने बहुत सी बातें बैसे ही उठा दीं। जब रेल बजट पेश होगा उस बजन यह बातें कही जायें तो उसका उत्तर दिया जायगा। मरी प्रार्थना है कि एप्रोत्रीएशन बिल को सदन पा करे ताकि स्प्लीमेंटरी डिमान्ड जो है उसके अनुसार कार्यवाही की जाये।

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

11.36 hrs.

STATUTORY RESOLUTION AND PREVENTION OF BLACK-MARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES BILL—contd.

MR. SPEAKER: Now, we take up the discussion on Items 11 and 12 of the List of Business. They were taken together. Now, we are only left with an hour or so. Mr. Maganbhai Barot to continue.

SHRI MAGANBHAI BAROT (Ahmedabad): Sir, yesterday, while discussing the point about the competence of this House, a question was raised that the Supreme Court in Menaka's case had laid down a law that "you cannot take away the freedom of any citizen of India". I think it is better to refer to the Supreme Court's judgement in Menaka's case. The Chief Justice while delivering his judgement was pleased to observe the following points. This House will be happy to know about the competence of this House. I will read out the relevant portion from the Supreme Court's Report of August 1978 (page 624):

"The tests of reason and justice cannot be abstract. They cannot be divorced from the needs of the nation. The tests have to be pragmatic otherwise they would cease to be reasonable. The discretion left to the authority to impound a passport in public interest cannot invalidate the law itself. We cannot, out of fear, that such power will be misused, refuse to permit Parliament to entrust even such power to executive authorities as may be absolutely necessary to carry out the purposes of validly exercisable power. In matters such as grant, suspension, impounding or cancellation of passports, the possible dealing of an individual with nationals and authorities of other States have to be considered....."

PROF. MADHU DANDAVATE (Rajapur): Sir, you have already given a ruling.

SHRI MAGANBHAI BAROT: I am reading from the judgement of the Supreme Court for those who say that we cannot pass such a law. Further, it reads:

"There may be questions of national safety and welfare which transcend the importance of the individual's inherent right to go where he or she pleases to go."

The Supreme Court has said that this House is competent to pass such a law.

Then, I want to remind the hon. Members what no less an hon. Member than Shri Ram Jethmalani while participating in the debate in this House on 19th July, 1978 on the MISA (Repeal) Bill, said.

MR. SPEAKER: Please be precise; you have got only 4-5 minutes.

SHRI MAGANBHAI BAROT: Sir. I only want to say, let not an hon. Member say one thing at one time and another thing at another time.

Shri Ram Jethmalani said this in this House on 19th July, 1978 and I quote:

"But, so long as there is in organised political party in this country which does not believe in constitutional proprieties, which does not believe in political decencies, and which still continues to draw inspiration from the greatest criminal which this country has produced, there shall be no rule of law, and you will compel the Government of the day to continue preventive detention at least as a possible measure to be used when you get out of control."

This is what he said about the political parties. It was the contention of the hon. Member, the propagator of the MISA (Repeal) Bill that even for political parties there should be MISA, there should be preventive detention law. I say, Mr. Jethmalani was wrong in assessing the opinion of the people of India whom he considered to be the greatest criminals. If he meant thereby the party led by our leader, he has been proved wrong. It has been proved now that she is the greatest leader not only of India, but that mankind has ever produced and that is Shrimati Indira Gandhi. (Interruptions) What is the remedy? An hon. member said, "let us amend the Criminal Procedure Code". There are a number of hon. Members sitting here who are practising criminal law. Section 151 says that a police officer can arrest a man without warrants for a cognizable offence, but he is required to be produced before a magistrate within 24 hours. Can you amend Section 151, of Criminal

Procedure Code and say that while a murderer, a person arrested on a charge of murder, should be produced within 24 hours before a magistrate, an offender accused of an economic offence should not be produced for six months. Are you going to lay down that in the Criminal Procedure Code? Impossible. That is why, I say that we should realise that 1980 elections have given a clear verdict against the deteriorating law and order situation and the price rise. You came to this House in 1977 with absolute majority. You said that people had given you a mandate to remove MISA and you did that. Now, we say, we have come with a mandate of the people to curb the hoarders, to curb the black-marketeers and curb the suckers of the blood of the people. And we shall do that. The Constitution shall be amended, if necessary, but we shall see that the poor are not exploited. This is the reason why this law should be supported. That's all I have to submit.

श्री चन्द्रजीत यादव (श्रीजगदा) : अध्यक्ष महोदय, जिस अध्यादेश को कानून की शक्ति देने के लिए यह विशेष सदन में पेश किया गया है, मैं समझता हूँ कि जिस समय यह अध्यादेश लाया गया था, उस समय देश में एक विशेष परिस्थिति थी। इस देश में 72 साल के बाद सब से भयंकर सूखा पड़ा हुआ था और देश का सारा उत्तरी भाग उस भयंकर सूख से पीड़ित था। देश में डीजल, कैरोसीन और दूसरी चीजों का बहुत बड़ा अभाव हो गया था। वह अभाव इसलिए नहीं था कि उन चीजों की कमी थी बल्कि चूंकि पानी नहीं बरसा, बिजली नहीं पैदा हो सकी, इसलिए डीजल की आवश्यकता पहले से करीब-करीब दुगुनी हो गई थी, और सामान्य स्थिति में 1जतना डीजल होता है, उससे काम नहीं चल सकता था। चीजों की कीमत बढ़ी और बड़े प्रमाणे घर चोर-बाजारी शुरू हुई। डर इस बात का था कि चोर-सरकार प्रभावी ढंग से दखल नहीं देगी, तो देश की आम जनता, खास तौर से किसान और गरीब आदमी परेशान होंगे।

दूसरी विशेष स्थिति यह थी कि चुनाव के पहले का बक्त था। इस देश में अनुभव यह है कि चुनाव से पहले व्यापारियों में एक ऐसा तबका होता है—सभी व्यापारी नहीं, बल्कि उनका एक छोटा तबका होता है—, जो उस विशेष स्थिति का लाभ उठा कर सामान का दाम बढ़ा देता है, जो जिन्दगी के लिए आवश्यक होता है। चोर-बाजारी और जालीरावाजी होती है और इससे आम जनता की परेशानी बढ़ती है।

उस विशेष स्विति का सङ्काबला करने के लिए अस्थायी रूप से एक अध्यादेश लाया गया था। लेकिन जिस वक्त यह अध्यादेश लाया गया, उस वक्त आज जो शासक दल है और जो प्रधान मंत्री जी हैं, उन्होंने सारे देश में घम-घम कर कहा कि यह अध्यादेश मेरे बिलाफ़, मुझ को गिरफ्तार करने के लिए लाया गया है, मेरे समर्थकों को गिरफ्तार करने के लिए और उनको परेशान करने के लिए लाया गया है। इसलिए उन्होंने इस अध्यादेश की मुद्रालिफ्त की थी। उस वक्त उन्होंने इस अध्यादेश को गलत समझा था और जनता को कहा था कि इसकी जरूरत नहीं है और यह राजनीतिक विद्विष के कारण लाया गया है। बाद में यह साबित हो गया कि यह बात सही नहीं थी, क्योंकि उन्होंने या उनके समर्थकों को गिरफ्तार नहीं किया गया, बल्कि उन्होंने जो चातावरण बनाया, उसके कारण बहुत सी राज्य सरकारों ने इसे मजबूती के साथ लागू नहीं किया।

यह ताज्जुब की बात है कि जिस प्रधान मंत्री ने इस अध्यादेश का जोरों से विरोध किया, बराबर कहा कि इसकी जरूरत नहीं है, यह राजनीतिक रूप से इस्तेमाल करने के लिए लाया गया है, जब देश की जरूरत ने उन्हें इतना बड़ा बहुमत दे दिया और वह सत्ता में आई, तो उन्हें इस बात का आत्म-विश्वास होना चाहिए था कि वह इस देश के सामान्य कानून के मुताबिक सरकार चलाने की कोशिश करें, मगर अब वह इस अध्यादेश को कानून का रूप देना चाहती है। राजनीतिक ईमानदारी की बात थी कि अब वह इस अध्यादेश को गलत समझती थीं, तो सत्ता में आने के बाद वह इसको खत्म कर देती। बड़े ताज्जुब की बात है कि उस अध्यादेश को स्थायी रूप दिया जा रहा है, उसको कानून बनाया जा रहा है और उसका स्तेमाल किया जा रहा है।

प्रधान मंत्री जी ने सार्वजनिक रूप से यह पोजी-शब्द ली थी कि हम बदले की भावना से काम नहीं करेंगे, लेकिन मुझे अफसोस है कि इस सरकार ने पिछले एक महीने में जिस तरह काम किया है, उससे वह बात साबित नहीं हो रही है। इसलिए मैं मंत्री महोदय के प्रस्ताव का विरोध कर रहा हूँ। जिस तरह से यह सरकार काम कर रही है, उससे सारे देश के कर्मचारियों में, केन्द्रीय सरकार के कर्मचारियों और अधिकारियों में गम्भीर चिन्ता है कि यह सरकार बदले की भावना से काम कर रही है। (व्यवधान) प्रजातंत्र में हमें इस बात को मान कर चलना चाहिए कि इस देश में सरकारें बदलती रहती हैं। (व्यवधान)

श्रीमन्, इस देश में जो हमारे सरकारी कर्मचारी हैं और जो हमारा ऐडिपिनिस्ट्रेटिव सिस्टम है उन के साथ हमें बदले की भावना से या कौन कर्मचारी किस के साथ या इस को ध्यान में रख कर हस्तक्षेप नहीं करना चाहिये। मैं कहना चाहता हूँ कि दुर्भाग्य इस देश का था कि जनता पार्टी जब शासन में आई थी उस वक्त भी यह हुआ था, देश में उस

वक्त भी यह बातावरण, यह माहौल बना कि कुछ सरकारी कर्मचारी राजनीतिक कारणों से हटाये जा रहे हैं। यह बात देश के लिए अच्छी नहीं थी। लेकिन अगर वह बात गलत थी तो गलत बात को फिर से दोहराना और उसी गलती को फिर से करना यह कोई अच्छी बात नहीं है और मैं समझता हूँ कि इस का निराकरण होना चाहिए। यह हमारे और आप के दलों के हित में नहीं और देश के हित में भी नहीं है। इस देश में सामान्य आदमी, सामान्य कर्मचारी काम करता है, अधिकारी काम करता है, समदीय व्यवस्था में जो मन्त्रि-मण्डल है, सरकार है, वह कोई काम करती है। लेकिन अगर जो काम करता है उसके मन में यह भावना पैदा हो जाय कि मैं ईमानदारी से अपने कर्तव्य का पालन कर रहा हूँ लेकिन अगर सरकार बदलेगी तो मैं उस के लिए दोषी ठहराया जाऊंगा और बदले की भावना से मैं उस के लिए शिकार बनूंगा तो इस देश में अस्थायित्व का बातावरण बना रहेगा जो कोई अच्छी बात नहीं है। मैं कहना नहीं चाहता, आज एन०क० सिंह के मामले को ले कर यह भावना पैदा हुई कि क्योंकि उन्होंने कुछ केसेज की जांच पड़ा ताकि वह बदले की भावना से यह सब हो रहा है, अगर यह भावना देश के अन्दर पैदा होती है और लोगों के मन में डर पैदा होता है तो यह कोई अच्छी बात नहीं है। इसीलिए मैं यह कह रहा हूँ और मैंने पहले भी कहा था कि आज आवश्यकता इस तरह के कानून की नहीं है। सरकार ने

यह नहीं कहा कि ब्लैक मार्किटिंग हो रही है, यह कारण है कभी का या कीमतें बढ़ने का। उस का सब से बड़ा कारण है मुद्रा-स्कीटि, इन्स्टेशन। सरकार उस के लिए क्या कदम उठा रही है? आज जरूरत थी कि उस के लिए कदम उठाए जाते। सरकार ने कहा कि उत्पादन घट गया। उत्पादन घट गया तो उत्पादन कैसे बढ़ाया जाय जरूरी सामानों का उस के लिए सरकार कोशिश करती। सरकार ने यह कहा कि जनता पार्टी के राज में यहां जो वितरण व्यवस्था थी उस ने ठीक से काम नहीं किया। अगर उस ने काम नहीं किया तो आज पहले इस सरकार को चाहिए था ** (व्यवधान)

अध्यक्ष महोदय : आनंदेवल मेस्वर जो कह रहे हैं वह बिल्कुल रेकार्ड न किया जाय। He is interrupting the proceedings of the House time and again.

श्री चन्द्रजीत यादव : सरकार ने यह कहा कि पिछले ढाई तीन बारों में वितरण व्यवस्था इस देश में ठीक नहीं चल रही थी। अगर नहीं चल रही थी तो सरकार इस सदन के सामने आती और यह कहती कि ढाई सालों में वितरण व्यवस्था ठीक से नहीं चली, अब उस वितरण व्यवस्था को ज्यादा प्रभाव-कारी बनाने के लिए और आम जनता को उसकी

जिन्दगी का आम सामान ठीक कीमत पर देने के लिए हम यह व्यवस्था कर रहे हैं, उसमें सदन उस का सहयोग करता। भगव बजाय इसके कि उत्पादन बढ़ाने के लिए काम किया जाय, बजाय इसके कि मुद्रास्फीति को रोकने के लिए प्रभावकारी कदम उठाए जायें, बजाय इसके कि वितरण व्यवस्था को ज्यादा व्यापक और ज्यादा प्रभावकारी बनाया जाय जिससे कि शहरों और देहातों के गरीब और मध्यम वर्ग के लोगों को ठीक दाम पर सामान मिले, उसके बजाय इस प्रकार के अध्यादेश को कानून की शक्ति देने का प्रयास किया जा रहा है। हम समझते हैं कि अगर इस सरकार के हाथ में इस प्रकार की ताकत दे दी गई तो इसका राजनीतिक दुरुपयोग किया जायेगा और एक विदेष की भावना से इसका इस्तेमाल होगा। मैं समझता हूँ कि यह सरकार इस कानून नहीं है कि इसे इतना अधिकार दे कर आम जनता और आम नागरिकों की जिन्दगी को खतरा पैदा किया जाये। इसलिए मैं समझता हूँ कि इसका विरोध किया जाय।

SHRI FRANK ANTHONY (Nominated Anglo-Indians): Mr. Speaker, Sir, this Bill, as we all know, is to replace an Ordinance which was promulgated at the instance of the care-taker government. May I say this with all respect but say without qualification—my friend Shri Chandrajeet Yadav had spoken against the Bill just now—that was a measure not only of opportunism but cynicism. I think he was a member of the party that formed the caretaker government. Yet they walked out and repudiated their own handiwork.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Do you support it or not?

SHRI FRANK ANTHONY: You will hear about it. Why are you in a hurry. Mr. Speaker, my friends including Mr. Jyotirmoy Bosu, probably shed a lot of crocodile's tears about this preventive detention. I have been an uncompromising opponent, long before he came to this House, of preventive detention in times of peace. I even criticised article 22. I was one of the makers of the Constitution—we thought it was necessary because of the special circumstances in the sub continent to sanctify preventive detention and we have sanctified preventive detention. Atal Bihari talked of some resolution of some international conference. It has no relevance. As long as you have article 22 you are sanctifying preventive detention not only in times of war

but in times of peace. May I say this? My friends all forget that they belonged to the old Janata Party. I am never able to say which part is what part of the Janata Party. But apparently the person who was the supreme leader—I always regard him as a sort of incarnation of sanctimonious humbuggism—tried to weave preventive detention permanently into the Criminal Procedure Code. Nobody had ever attempted to do that. The Janata Governments had the dubious distinction of having mini-MISAs in Bihar and M.P. They did not object to that.

SHRI JYOTIRMOY BOSU: Why do you say I shed crocodile tears?

SHRI FRANK ANTHONY: My friend was not likely to become a hoarder except of liquor and I do not think he will be arrested on that account.

SHRI SOMNATH CHATTERJEE (Jadavpur): Who will be the supplier?

SHRI JYOTIRMOY BOSU: Frank Anthony.

SHRI FRANK ANTHONY: What I am saying is (*Interruptions*)...I am here not because of any charity of my friends... (*Interruptions*) My friend has this incorrigible habit of interrupting but he does not like it when he is interrupted. I am trying to teach my friend something; he is apparently beyond learning. Will you protect me, Mr. Speaker, against this kind of running commentary? What I am saying is: the choice is not an ordinary one. The country was left in a state of the utterest chaos by the Janata, so-called Government and it was compounded by the caretaker Government. The country today is faced with a crisis, as grave as any war. And the last budget—I do not know what my friend Chandrajeet Yadav will say to this—was almost a deliberate hostage to inflation. We had all kinds of moronic statements and assurances from all kinds of alleged leaders. One person said: this budget cannot precipitate more than one per cent inflation. We know to our cost and to the country's cost what happened. A befuddled

Prime Minister, befuddled by urinary toxins, when he was asked by a lot of ladies who went to him: what do you do about this runaway inflation? Came the moronic reply: what runaway inflation? After a few days, when he was told that runaway inflation was continuing to run away, he said: in ten months I will control it. We know what kind of control was exercised. Today this runaway inflation has been compounded by this terrible evil of runaway hoarding, runaway profiteering and runaway blackmarketing.

I have always regarded my friend Atal Bihari with not only respect but also affection. I could not help feeling that he was indulging in a lot of palpable special pleading for certain people who are chronic black-marketeers. They are the constituents of the Janata Party. There are certain people, I will not name them; a particular caste, I will not name it; a particular community, whose stock in trade is black market, profiteering and hoarding. These are the people who stoke the fires of inflation beyond control to-day. What happened? My wife complained to me that the prices of all the commodities have gone up. My wife went to a shop keeper. She said, "Yesterday you charged Rs. 3 for a kilo, but to-day you are charging Rs. 4 for a kilo." He said, "This is my Government. To-day, I am charging Rs. 4. If you talk too much, to-morrow I will charge Rs. 5." This happened to my wife. Just imagine, what happened to the ordinary people? This was what happened—runaway inflation by the constituents of the Janata and the Jan Sangh. They had a Roman holiday. This sort of people cannot be controlled by the ordinary law.

12 hrs.

As a lawyer, probably, I am against drastic punishment. When these people are concerned, I would want some induction of an aspect of the Shariat Law, namely, whipping—in the Essential Commodities Act, whipping. I am not talking of cutting off their hands. I was told by a client of mine from

Saudi Arabia that there were no thieves. Money, Gold could be left in the open, no one would touch it. I told him if Shariat Law or the punishment of cutting off hands could be introduced in India, a lot of people in India would go about without hands.

Then my friend Atal Bihari argued, I do not know from where he got the analogy, he said, "You used MISA against everybody." I was a strong champion or supporter of the Emergency. Morarji Desai in his usual impertinently arrogant way asked me, "Why did you support the Emergency?" I said, "Why do you not ask your deputy—Babuji? He supported it much more strongly than I did. He made a thundering speech in the House proposing the Resolution. I supported it as a lawyer. I argued before the Shah Commission on behalf of Mrs. Gandhi, that for the first year the Emergency was the only answer to the chaos that was being created, to the violence deliberately precipitated by the opposition." That was the only answer.

(Interruptions)

MR. SPEAKER: Order, order. What is this? Order please.

AN HON. MEMBER: Your nomination....

(Interruptions)

SHRI FRANK ANTHONY: My nomination has nothing to do with it. My friend does not know that I have been nominated not on anybody's charity.

Inspite of Shri Morarji's best efforts, he could not erode my position, not one iota, as the accredited leader of my community. Not one iota. If my friends were a little less ignorant, they would know me.

(Interruptions)

MR. SPEAKER: Hon. Members are sitting and talking. What is this?

SHRI FRANK ANTHONY: Atal Bihari is not a lawyer. He tried to distinguish between COFEPOSA and this Act. In the first place this is not

a general law. MISA was a general law. MISA could be applied to anybody who was deemed to undermine public order, security, etc. This is a specific law directed against a specific monstrously growing evil—hoarders, profiteers and blackmarketeers. It is on a parity with COFEPOSA. What is the difference between a hoarder, a black marketeer or profiteer and a smuggler. Did my friends object to COFEPOSA? Of course, they could not. I may have defended some of them but offended them legally. But to-day there is a special pleading for hoarders, black marketeers and profiteers—special pleading by my friends on this side. I will say this. I congratulate the Government on this that the maximum safeguards that can be provided in Preventive Detention Laws have been provided. I would say this to my friends who were shedding crocodile tears: What did they do about COFEPOSA? I wrote to Shanti Bhushan the then Law Minister. I said, COFEPOSA is all right, but even smugglers must be given certain minimum safeguards. Why do you have section 5A? Section 5A was a perversion even of the law of preventive detention. I had argued more cases of preventive detention, let me tell my friends, under MISA and under COFEPOSA than most lawyers. I won every case because the law was what it has always been, one bad ground, vague and non-existent and our judges struck down the detention. But what about the law which these people continued? I asked Shanti Bhushan to do away with section 5A. He did nothing of the sort because secretly they were all in favour of preventive detention in its most draconian form. Under section 5A you gave an alleged smuggler 10 grounds. 9 grounds were bad. Still, because you had section 5A, one ground was all right and his detention continued. You perverted the whole law. Fortunately, we have got some proper law now. My friends are afraid of this. If they come within the category of hoarders and if they come to me, let me assure them that if one ground is bad, I shall ensure that their detention is struck down.

I regard preventive detention as an evil, but it is a necessary evil. We have this much greater evil that has been encouraged by the Janata and Jan Sangh and we have to strike a balance between these two evils. This is a much greater evil and we have to have preventive detention as a necessary evil to attempt to cope with it.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, they are talking about the evil of blackmarketing. But one of the major evils happens to be the black money. The Wanchoo Committee which was set up had recommended strongly in its interim report in November, 1970 demonetisation. At that time, they estimated that there was black wealth to the tune of Rs. 7000 crores circulating in the country, displacing white money.

MR. SPEAKER: Your name and Mr. Somnath Chatterjee's name are clubbed together from your party.

SHRI SOMNATH CHATTERJEE (Jadavpur): I was a party to the resolution and I would get a chance on my own.

MR. SPEAKER: I have to give you time according to the time available.

SHRI JYOTIRMOY BOSU: I shall take only 4 minutes.

The Wanchoo Committee in its interim report, which Mrs. Gandhi sought to destroy, strongly recommended demonetisation and perhaps that would have taken us a long way. Let us take one by one how serious is the ruling party to curb blackmarketeers, hoarders and smugglers. Let us take the case of hoarding of wheat by the Modi Flour Mills in Delhi. If I remember correctly, they found 9000 quintals of wheat hoarded under this flour mill and above. The then Home Minister, if you permit me to mention the name, Mr. Dikshit, gagged the whole case and suppressed it. The man was allowed to go away and he could not be touched. Let us come to another case—Asian Cables owned by the Duncan Brothers. R. P. Goenka one of the

biggest financiers of the ruling party, who paid Rs. 14 lakhs for publication of posters. This Asian Cables were caught blackmarketing imported polythene raw materials and they made a profit of Rs. 1½ crores. That firm, that man and that company went scotfree. Nothing happened to them. Let us take another case—Bharat Hari Sinhania caught under-invoicing in a case of exporting carpet packing materials and jute products. It involved nearly Rs. 49.5 lakhs. The Public Undertakings Committee, in its Economic Offences Report has elaborately mentioned how the then Director of Enforcement had connived at it and the committee had recommended prosecution for Singhania, Jain and so many others. But nothing has happened. There was a circular during the emergency to the enforcement directorates in all the Collectorates of Customs which stated that the big firms caught in invoice manipulation, where we lose more than a thousand crores a year, should not be touched. They should be allowed to carry on with the business. In one case—as the Chairman of the Public Accounts Committee, I cannot forget this case—Mrs. Gandhi had granted exemption of Rs. 232 crores customs duty to ICI and Kilachand. These are the people who are wanting to suppress black money and blackmarketing! How will they survive? How will you run your Party and your elections? You cannot do it. Capitalist system cannot go on. They are only trying to hoodwink and they will use it against their political opponents to subserve their own interests.

SHRI MANORANJAN BHAKTA
(Andaman and Nicobar Islands): Mr. Speaker, Sir, the cat is out of the bag. The originators of this Bill have backed out. Why have they backed out? Because it is clear that this has been exposed to the people of this country that they had some ulterior motive behind it while they promulgated this Ordinance.

Sir, we must consider what was the condition of the country when the Congress regime lost and the Janata

Party entered this House and took over the charge of the country. At that time the prices of essential commodities, the prices of pulses, the prices of edible oil and all other essential commodities were half of the present prices and after that, with the bufferstock which the Congress Government left, the Janata Party started functioning in this country. With the every massive mandate given to them they could not do anything and instead of that the prices have gone up and you know, the present prices the prices of pulses, the prices of edible oil, the prices of cement and all other prices are double all round. You know, in those days the cement was decontrolled during the Congress regime. Later on cement was controlled. Not only that. Import of cement from outside the country also started. What was the coal production? What was the situation of the essential commodities in our country? That we all know. When this Bill is before us and when the Government is going to take certain measures to curb the prices, then from the other side people who are very much vocal for the poor people are now trying to rescind the Bill and they are now shamelessly advocating for the blackmarketeers and hoarders in this country.

Sir, one point that has to be remembered here is that the people of this country gave a massive mandate to our Party to curb the rise of prices, to curb blackmarketeers and hoarders in this country and if we cannot do that effectively, the countrymen will not wait for long and they have not waited for the Janata Party delivering the goods for 10 years eradicating poverty in this country. In the same way, they will not leave us also and they want to see that some concrete steps are taken for the betterment of the poor people in this country. That is why I support this Bill, and I congratulate our hon. Minister who has piloted this Bill and at the same time I want to remind him that the success of this Bill lies in the cooperation of the State Government

and one has to understand that throughout the country there are State Governments of Janata rule, Lok Dal rule, CPI(M) rule or the rule of other parties and if they are not sincere to implement this, the Central Government has to think seriously as to what effective steps are to be taken to fulfil the aspirations of the people of this country because one point has to be kept in mind that among the prices in the State ruled by CPI(M), the onions are sold at Rs. 5/- per kilo. What effective steps they have taken? I am not talking about the Janata-ruled States, but I would like to ask what effective steps have been taken to counter blackmarketing, to check the price rise, by the C.P.M.-ruled State. Mr. Jyotirmoy Bosu is right now saying that they are not going to use this law to check the price rise or curb the blackmarketeers and hoarders, but without implementing this law also they could not check the price rise. So, what is the remedy for the people who are suffering?

SHRI A. K. ROY (Dhanbad): It is a strange position that one has to demand that blackmarketeers and profiteers should be hanged by the nearest lamp post. Pandit Nehru said it, and we criticised him for not carrying it out, but now we are opposing this seemingly innocent and harmless Bill because we have discovered from our experience that the law never corrupts people, the law corrupts power, and that is why we are opposing this Bill. Our experience has shown that everything depends on the character, the class, the type of power at the Centre, and that is why apprehension has been expressed here forcefully that this Bill will be misused.

I am not of the opinion, nor do I expect, that this system can run without any type of preventive detention law. In the last Parliament I myself moved an amendment to delete completely article 22 of the Indian Constitution which empowers the ruling party to frame this type of law. I remember that at that time the people who were in the Treasury

BENCHES had to stand up and say that it was necessary evil and that we had to carry on with it. Now the same people are crying against it. But I think it is a necessary condition if this class rule continues. It is a natural thing which cannot go, and we should not expect the present system to give us that democracy which can run without preventive detention. I am not criticising anybody. I know preventive detention would be there whether this gentleman goes to that side or that gentleman comes to this side, and the opposition will always cry continuously against the curtailment of democracy.

I say that any preventive detention Bill is a political Bill while profiteering and blackmarketing are social evils. The question is whether any political Bill should be used to curb social evils. I say no, because a political Bill keeps something hidden, while social evils need publicity, exposure. So, I say there should be more publicised trial, more publicity given to them, and there should not be anything hidden. The Special Courts Bill which was passed by the last Parliament was meant for curbing corruption in high places. They can use that legislation or amend it enlarging its scope so that this type of evil, these crimes can be effectively dealt with quickly also and punishment etc. given publicly, so that the people who commit these types of offences and crimes are socially isolated and effectively punished.

श्री विजय कुमार यादव (नालदा) : अध्यक्ष महोदय, मैं इस बिल का विरोध करता हूँ। जहाँ तक इस बिल के विरोध करने का सवाल है ब्लैक-मार्केटिंग, प्रोफिटिंग और होर्डिंग करने वाले लोगों को रियायत देने का सवाल नहीं है। हमारी पार्टी बराबर इस बात के लिए लड़ती रही है कि ऐसे लोगों के साथ किसी तरह की कोई लीनिंगेसी नहीं बरती जाय। लेकिन आज सदन के सामने जो सवाल पेश है कि बढ़ते हुए दामों को रोकने के लिए उस उद्देश्य से ब्लैक मार्केटिंग, होर्डिंग और प्रोफिटिंग के सिलसिले में जो पी० डी० एक्ट बनाने की बात की जा रही है, क्या इसका एक मात्र यही उपाय है? हमारी पार्टी यह महसूस करती है कि हिन्दूस्तान में आज से नहीं बहुत पहले से प्रीवेटिव डिटेंशन एक्ट चलता रहा है। लेकिन

इन कानूनों के रहने द्वारा भी जो तजुर्बा आज देश के सामने है वह यह है कि यह जो आंधीक इविल्स हैं इन पर रोक नहीं लगाई जा सकी। बहुत सारे कदम उठाये गये इस सिलसिले में और जब कभी पी० डी० एक्ट लाग करने की बात उठी और विरोधी पाटियों की ओर से, खास तौर से वामपक्षियों की ओर से, जब इसका विरोध किया जाता रहा तो सरकार पक्ष की ओर से यह आश्वासन दिया गया कि कभी भी इसका दुरुपयोग नहीं होगा। लेकिन हमारा तजुर्बा है कि कोई भी पूंजीवादी सरकार बगैर पी० डी० एक्ट के नहीं चल सकती। अपने कलास रूल को कायम रखने के लिए, विरोधी पाटियों को दबाने के लिए यह आवश्यक है कि वह इस तरह का कानून बनाये और उसका इस्तेमाल अपने विरोधी पार्टी वालों के लिए करे।

हिन्दुस्तान में केवल एक ही मौका आया 1970 में जब कांग्रेस का स्पिलिट हुआ था और श्रीमती इन्दिरा गांधी उस समय माझनारिटी में थीं। उस भौंके पर हमारी पार्टी ने जो रुख लिया और उस दबाव में आ कर केवल पी० डी० एक्ट को उस समय खत्म किया गया। और उसकी अवधि लगभग 16 महीने की रही जब कि हिन्दुस्तान में प्रीवेंटिव डिटेंशन एक्ट नहीं था। लेकिन उस समय का भी यह तजुर्बा है कि बाबूजूद इस बात के कि देश के अन्दर प्रीवेंटिव डिटेंशन एक्ट नहीं रहा लेकिन जहां तक ब्लैक मारकेटिंग प्रौफिटियरिंग और होंडिंग का सवाल है उस के आंकड़े यह बतायेंगे, कि इस मामले में कोई बढ़ती नहीं हुई। और बढ़ती उस समय हुई जब देश में इमरजेंसी आयी, एम० आई० एस० ए० लगा, और सरकार की ओर से एम० आई० एस० ए० को और ज्यादा खतरनाक बनाया गया। उस समय की रिपोर्ट से जाहिर होता है कि ब्लैक मारकेटिंग आदि में बढ़ोत्तरी हुई। जब पंडित जवाहरलाल जी प्रधान मंत्री थे उस समय भी उन्होंने यह आश्वासन दिया था कि इस का गलत इस्तेमाल नहीं होगा। श्रीमती इन्दिरा गांधी ने भी आश्वासन दिया था और दूसरी सरकारों ने भी आश्वासन दिया, लेकिन व्यवहार में लगातार इसका गलत इस्तेमाल होता रहा। हमारी आशंका है कि जिस तरह के कानून बनाये जा रहे हैं उनके जरिए हिन्दुस्तान में मजदूरों के जो कानूनी आनंदोलन होंगे उनको भी आवश्यक वस्तुओं की सप्लाई को मेन्टेन करने के नाम पर गलत इस्तेमाल करके मजदूरों के आनंदोलनों को दबाया जायगा।

केवल एक बात और इस सिलसिले में कहना चाहता हूं कि कई तरह के संशोधन आये हैं उनमें खास तौर पर जो माननीय सदस्य श्री इन्द्रजीत गुप्ता का अमेंडमेंट आया है जिसमें इस बात की चर्चा की गई है कि किन-किन स्थितियों में इसकी अपराध नहीं माना जायगा, वह मैं आपकी अनुसन्धि से पढ़ देना चाहता हूं:

“परन्तु इस उपधारा के अधीन व्यवसाय संघ की किसी भी विधि सम्मत गतिविधि को जिसके अन्तर्गत हड्डताल या नियमान्सार करना आनंदोलन भी आता है, अपराध नहीं समझा जायेगा।” अगर सरकार यह आश्वासन देती है कि वह इसका गलत इस्तेमाल नहीं करेगी, तो वैसी हालत में इस संशोधन को मानना चाहिए। इन्हीं शब्दों के साथ मैं इस बिल का विरोध करता हूं।

श्री हरीश राष्ट्रत (अल्मोड़ा) : माननीय अध्यक्ष महोदय, मैं आपका इस बात के लिए शक्तिगुजार हूं कि आपने मुझे ऐसे महत्वपूर्ण बिल के विषय में अपने विचार प्रकट करने का मौका दिया है जिसका सम्बन्ध आज हमारे देश के करोड़ों गरीब इन्सानों से है। इस लोक सभा से आज इस देश के करोड़ों गरीब लोग इस बात की अपेक्षा कर रहे हैं कि वह कुछ ऐसे कदमों को उठायेगी जिससे इस देश में मुनाफाखोरी की व्यवस्था का अन्त हो सके, जमाखोरी का अन्त हो सके। हमारी सरकार द्वारा प्राथमिकता के आधार पर इस बिल को यहां पर लाया गया है, जो इस बात को परिलक्षित करता है, ध्वनित करता है कि वर्तमान सरकार, इन्दिरा जी की सरकार जनता की आकांक्षाओं और इच्छाओं को समझती है। इसके लिए मैं अपने मंत्री जी को और माननीय प्रधान मंत्री जी को बधाई देता हूं।

मैं ही नहीं, जो कोई अपनी मां का लाडला बेटा है, युवा आकांक्षाओं का प्रतीक है, उसको संजय होने में गर्व होना चाहिए।

एक माननीय सदस्य : ओ हो। (व्यवधान)।

श्री हरीश राष्ट्रत : मेरे भाइयों, इस तीके से हल्ला कर आप किसी नये सदस्य का, जो पहली बार इस संसद में युवा आकांक्षाओं को व्यक्त कर रहा हो, टोकाटाकी कर युवा-शक्ति का अपमान कर रहे हैं, देश के नौजवान लोगों का अपमान कर रहे हैं। यह इस बात को परिलक्षित करता है, बताता है कि आप किस तरह से सोचने के आदी हैं।

कल इस सदन के माननीय सदस्य, नई दिल्ली द्वारा इस बिल को डिस्प्रूव करने के लिए एक प्रस्ताव रखा गया है, मुझे इस बात का बड़ा खेद हुआ कि जिस बिल का सम्बन्ध पेट की समस्या से है, जिस का सम्बन्ध गरीबों की आकांक्षाओं से है, उसका यहां पर इस तरीके से विरोध किया जाये। यह इस बात को प्रमाणित करता है कि माननीय सदस्य गरीबों का प्रतिनिधित्व नहीं करते हैं, ब्लैक ऐसे लोगों का प्रतिनिधित्व करते हैं जो भाइयों करते हैं। यह बात इस बात से भी प्रमाणित हो जाती है कि कल इस सदन की दर्शक दीर्घी में दो बड़े व्यक्ति जो कानपुर और बम्बई के सम्बल पर थे, यहां पर माजूद थे, जिस समय माननीय सदस्य नई दिल्ली बोल रहे थे। मैं इस बात की पुरजोर मांग करता हूं और जानता चाहता हूं कि किस सदस्य के प्रमाण-पत्र के द्वारा वह लोग इस सदन की दीर्घी में आये थे?

आज सारे उत्तर प्रदेश और बिहार में सरकारें जातीयता के आधार पर, साम्राज्यिकता के आधार पर कार्य कर रही हैं वहां की सरकारें जातीयता के आधार पर संरक्षण प्रदान कर रही हैं और साम्राज्यिकता के आधार पर वहां की प्रान्तीय सरकारें काम चला रही हैं। मैं तो सरकार से इस बात की भी मांग करता हूँ कि यह जातीयता और साम्राज्यिकता का विषधर सांप देश की एकता व मानवता को इसे, इससे बचने के लिए प्रिवेंटिव डिटेंशन एवं एकट के जरिये ऐसी बातों को बढ़ावा देने वालों को कुचलने की व्यवस्था होनी चाहिए। (व्यवधान) यह दोनों आज देश की प्राथमिक समस्याएँ हैं। यह चुनाव में एक प्राथमिक मुद्दा या हमारा और जनता ने हमें चुना है। (व्यवधान)

मैं जानता हूँ कि इस सदन के मन्दर आज दो वर्ग ऐसे हैं, एक वर्ग जो माननीय सदस्य बागपत के नेतृत्व में जातीयता का प्रतिनिधित्व करता है और दूसरा वर्ग माननीय सदस्य नई दिल्ली के रूप में साम्राज्यिकता का प्रतिनिधित्व करता है। निश्चित रूप में उनको मेरी बात बुरी लगी होगी, लेकिन मुझे आश्चर्य हुआ कि आज मुनाफाखारों और ब्लैकमार्केटियर्स का ये दोनों वर्ग मिल कर प्रतिनिधित्व कर रहे हैं।

मैं इन शब्दों के साथ मंची जी को और उनकी सरकार को इस बिल को यहां पर लाने के लिए बधाई देता हूँ और इस सदन से आग्रह करता हूँ कि इस बिल का समर्थन करें।

SHRI SOMNATH CHATTERJEE (Jadavpur): Sir, although this Bill has a very imposing and populist title... (Interruptions).

MR. SPEAKER: What are you doing? Is this the way?

SHRI SOMNATH CHATTERJEE: I oppose this Bill because of what it contains and because we know it would be used for political blackmail. To give power to this Government of a nature as is being proposed in this Bill is to give them an instrument to curb political freedom and civil rights in this country. Our past experience has shown that civil liberties and the concept of civil liberties are an anathema to the present ruling Party.

I need not (in the very little time you have given me, I cannot) recount all that has happened even in a short compass. But I cannot help remembering that in 1971 when Mrs. Gandhi came back to the House—with a massive mandate, we are reminded every day—with the slogan of removal of poverty, one of the first legislations this House had to tackle

was the conversion of the MISA Ordinance into an Act. At that time, Mr. K. C. Pant, the then Home Minister and the latest 'Gaya Ram' gave a solemn assurance on the Floor of the House on behalf of the Government of India that it would never be used as a weapon against any political opponent. Even Mr. Brahmananda Reddy, the *de jure* Home Minister, had given that assurance during the MISA Amendment Bill. But I need hardly tell anybody in this House or the people outside how the MISA was used not for any purpose other than for torture or as a weapon of persecution against political opponents. That has been established.

We have seen, over the years, the Preventive Detention law, in the hands of the present ruling Party, has become synonymous with torture repression and persecution of those who did not defy an individual and who did not toe the line of an individual who had usurped political power against all constitutional and political norms. Therefore we feel this is an instrument which is being sought to be given or taken into the hands of the ruling Party to carry on its object of prosecuting political opponents and curbing civil liberties.

Since the House sat and since the Government was constituted, we have been told on numerous and umpteen occasions that they have inherited a very serious and bad legacy. But the only bequest which is welcome to them is this ordinance to curb civil liberties. Not one word is being said as to why they are lapping up—if I may use that expression—the proposal of a legislative measure which, on the face of it, is much less effective to control black-marketing and hoarding than the proper implementation of the Essential Commodities Act which provides for seven years rigorous imprisonment and which prevents them from carrying on similar business in future and which requires publication of their names in newspapers etc.—publicity being given to them. Why must they have this type of legislation, to put behind

bars without the modicum of a judicial trial for six months? And how can you possibly expect to control prices? MISA had provisions for controlling prices, but was it used?

I would like to ask the Hon. Minister to please tell the House and the country, did you use the MISA for that purpose? Did you succeed in controlling the prices when the MISA was there, providing for similar provisions or making similar provisions. Because we think this object is not . . . (Interruptions).

We think it is a mockery even to assume that a Party whose policies, over decades, have generated black-marketing and black-money which is ruining the economy, have either the political or the administrative will to control black-marketing hoarding and profiteering. We feel the persons who are safest under the law are those very persons who are holding the country to ransom by economic offences because they know their friends are in power today and they also know the real victims would be the workers, the peasants, the teachers and the toiling masses.

The Hon. Minister, while introducing the Bill, gave a hint or a threat to the State Government that this Government knows how to make the State Governments toe the line of the Central Government. I want to tell the hon. Minister not in a spirit of confrontation that if you have any prestige or respect for the Constitution of this country and if you believe in the federal structure of the governance of this country, then don't hold out any threats. You may try to throw us into the Bay of Bengal but the people of this country may throw you into the Indian Ocean.

I want to tell only one thing to my hon. friends opposite. When the MISA amendments came, I remember I had told my friends that please do not bloat over such laws because you may be victims one day and that is what has happened. Important Con-

gress Members of Mrs. Indira Gandhi's party were hauled up under MISA without trial and without any opportunity and any of my friends who do not toe the line in future will be dubbed as blackmarketeers and profiteers and will be the victims of this law. Please don't forget this is not the end of the day. You are giving powers to persons whose hunger for power is insatiable. Therefore, I will request the government, the ruling Party and my hon. friends for whom I have great respect, please don't give this power to the bureaucrats.

*SHRI N. B. E. SELVARAJU (Tiruchirappalli): Mr. Speaker, Sir, I would like to begin my maiden speech on the floor of this august House by expressing my gratitude to the people of my constituency who have sent me as their representative to this highest representative forum of the nation and also to my beloved leader Dr. Kalaignar Karunanidhi. I am beholden to the leader of my party, Dravida Munnetra Kazhagam, Dr. Kalaignar Karunanidhi for having reposed his faith in me.

The Bill under discussion seeks to substitute the Presidential Ordinance issued in 1979 for controlling the anti-social elements indulging in anti-national activities like black-marketing, hoarding etc., which in consequence leads to scarcity of essential commodities and steep rise in their prices. I welcome this Bill on behalf of Dravida Munnetra Kazhagam. The people of our country are undergoing untold miseries on account of the activities of blackmarketeers and hoarders whose only motive is to become affluent at any cost. In the villages, the essential commodities are not at all available. Even in places where they are available for example, kerosene is being sold at Rs. 4 or Rs. 5 per litre. The farmers spend a whole day to get 10 litres of diesel for their pumpsets. They stand in long queue before petrol bunks. It

[Shri N. B. E. Selvaraj]

is a common sight that on the road-sides long lines of lorries are waiting for 10, 20 litres of diesel. Naturally there is inordinate delay in the transportation of essential commodities, which lead to the twin evil of scarcity and price rise. This Bill, I am sure, will put fear in the minds of those who exploit every available opportunity for personal aggrandisement. The rich people buy in huge quantities of diesel for running their giant machineries. They have resources enough to invest in the purchase of diesel at any cost. Consequently, the poor farmers are not getting diesel for their pumpsets. During the General Elections, the Tamil Nadu Chief Minister accepted substantial donations from sugar magnates and they in turn created artificial scarcity of sugar. Sugar was selling at Rs. 5 to 8 per kilo in many parts of Tamil Nadu. Before I conclude, I demand that the Central Government should take action against the Chief Minister of Tamil Nadu, Shri M. G. Ramachandran, who was responsible for hoarding and blackmarketing of sugar during the recent months.

With these words, I conclude my speech expressing my gratitude to you for giving me this opportunity.

श्रीमती प्रभिला दंडवते (बम्बई उत्तरकेन्द्रीय) : अध्यक्ष महोदय, ब्लैक-मार्केटिंग और होडिंग के खिलाफ इस देश की आम जनता होगी और हम भी इस देश की जनता में हैं। मैं एक गहरी होने के नाते बोलती हूं कि हम इस के खिलाफ हैं। जनता पार्टी की सदस्य के नाते से मैं कह सकती हूं कि जनता पार्टी ने भी जब प्रिवेटिव डिटेंशन लाने की कोशिश की थी तो उस समय 'जनता पार्टी' के सदस्यों ने उसका विरोध किया था और उसको वापिस लेने के लिए उस समय सरकार को मजबूर किया था और वह वापिस भी लिया गया था। इस लिए हमारा यह सवाल है कि जो प्रिवेटिव डिटेंशन ब्लैक-मार्केटिंग और होडिंग को रोकने के लिए किया जा रहा है वह सच है क्या? वह सफल बनेगा क्या? हम ने बचपन में बहुत सी बातें सुनी थीं, हमारे पुराने नेता पंडित जी और वल्लभ भाई पटेल, वर्गरह कहते थे, वे चाहते थे कि ब्लैक-मार्केटिंग को लैम्प पोस्ट पर फोसी दें, लेकिन कांग्रेस को पिछले तीस सालों में कभी एक भी लैम्प-पोस्ट नहीं मिला और इसी लिए किसी ब्लैक-मार्केटिंग की कोई सजा नहीं हुई। हम ने देखा है कि जब कांग्रेस राज में सजा देने का कोई काम हुआ तो सजा किस को दी? पटरी

पर बैठने वाली हरी-मिर्च और धनिया बेचने वाली को पकड़ कर ले जाते थे, लेकिन ब्लैक-मार्केटिंग और होडिंग को कभी कोई सजा नहीं दी गई। अब इस प्रिवेटिव डिटेंशन को ला कर विरोधी दल के इन्होंसेण्ट लोगों को पकड़ कर जैल में डालने वाले हैं।

मैं 1974 की बात आप के सामने रखना चाहती हूं। उस समय दाम बढ़ रहे थे, महंगाई हो रही थी और हमें राशन में कचरा-कूड़ा दिया जा रहा था, उस समय मैंने गरीब और मध्यम दर्जे की कई बहनों के साथ लाल किले के सामने प्रदर्शन किया था और कहा था कि हमें भाषण नहीं चाहिए, राशन चाहिए। तब हमारी प्रधान मंत्री जी ने मंच से चिल्ला-चिल्ला कर कहा था कि "ये बहनें ऐसे परिवार से आई हैं जिन्होंने ब्लैक-मार्केट और होडिंग की है" और बाद में आपातकाल में हमारे जैसी बहनों और बहुत सारे कार्यकर्ताओं को हजारों की तादाद में जैल में डाल दिया गया। अब आप चल कर फिर यही होने वाला है—ऐसा हमें लगता है। इस देश में अगर सच्चे मायनों में हमें ब्लैक-मार्केटिंग और होडिंग को खत्म करना है तो हमें सोचना चाहिए कि हमें लोकतन्त्र पर विश्वास है या शासन-यन्त्रणा पर। राज-शक्ति किसी के हाथ में आ सकती है और जा सकती है, ऐसा अपना अनुभव है, अगर लोक-शक्ति पर हम विश्वास करते हैं तो कन्यूमर आर्गेनिजेशन्ज को हमें मजबूत बनाना चाहिए और उस के हाथ में अधिकार देना चाहिए। मोहल्ला कमेटीज बना कर विजिलेंस का अधिकार उन को देना चाहिए। मैं अपना पूरा अनुभव आप के सामने रखती हूं—ब्लैक मार्केटिंग की वजह से ही दाम बढ़ते हैं ऐसी बात नहीं है, सरकार की नीतियों की वजह से भी दाम बढ़ते हैं। इस सम्बन्ध में मैं दो-तीन बातें आप को बताना चाहती हूं। 1977 में जब जनता पार्टी की सरकार आई तो उस समय चाय की कीमत जो एमजॉर्सी में पहले 16 रुपये किलो थी, वह बढ़ कर 20-30 रुपये किलो हो गई थी। कन्यूमर आर्गेनिजेशन्ज के प्रतिनिधि के नाते, हम लोग मंत्री जी से मिलने गये, तो उन्होंने कहा कि हम इस को कम करने को कोशिश कर रहे हैं। लेकिन बाद में पता चला, चाय गाड़नंजे के मालिकों ने बताया कि हम ने करोड़ों रुपया कांग्रेस पार्टी को चुनाव के लिए दिये हैं... (व्यबधान)

इसी तरह से मैं दूसरी मिसाल देना चाहती हूं। 1974 की बात है। जब उत्तर प्रदेश में मध्यावधि चुनाव होने जा रहे थे, उस समय की बात बताती हूं। टैक्सटाइल मिल के कपड़ों पर स्टैपिंग करने का जो तरीका था, उसको श्रीमती इंदिरा जी की सरकार ने अकाथक बदल दिया। 1974 तक एक्स फैक्टरी प्राईस पर 21 प्रतिशत मार्जिन आफ श्राफिट काफी समझा जाता था। कपड़ों पर एक्स फैक्टरी प्राईस, मार्जिन आफ श्राफिट और रिटेल प्राईस स्टैप किया जाता था। लेकिन स्टैपिंग सिस्टम में बदल करके, सरकार के हुक्म से हो उस समय से तिरंगे मैट्सीम प्राईस स्टैप होने लगी। इसी प्रकार के

मिल मालिक और व्यापारियों को 65 से 300 प्रतिशत मार्जिन आफ प्राप्ति करने दिया। जब पूछा गया तो जवाब मिला चुनाव में पैसा दिया है, अब क्या करें।

(व्यवधान)

इस लिए मेरा कहना है कि अगर आप ब्लैक-मार्केटिंग और होडिंग रोकना चाहते हैं तो उसके लिए पोलीटिकल विल चाहिए। अगर इसके पीछे पोलीटिकल विल होगी तभी आप एसेंशियल कमोडिटीज एक्ट को मजबूत बना सकेंगे। मैं कहती हूँ आप ही—मानेटाइंजेशन करें और काले पैसे को बाहर निकालें तो ब्लैकमार्केटिंग बैसे होगी? इसके लिए आप एलेक्ट्रोस्ल रिफार्म कीजिए। जब एलेक्शन में यह पैसा इस्तेमाल नहीं होगा तभी आप कुछ कर सकेंगे। इस प्रकार की व्यवस्था आप को करनी चाहिए। प्रिवेटिव डिटैशन एक्ट को ला कर आप विरोधी दल के कार्यकर्ताओं को ही नहीं बल्कि हमारी गरीब बहनों को भी जेल में डालने का काम करेंगे।

MR. SPEAKER: Mr. C. P. N. Singh,
Only five minutes please.

SHRI C. P. N. S'NGH (Padrauna) Mr. Speaker, Sir, the previous speakers before me, like Mrs. Dandavate and the hon. Member, Shri Yadav said that they opposed this Bill.

Sir, I would like to state that this great country and the people of India have voted Mrs. Gandhi back to power for the simple reason that she leads a party and she has the political will to implement what she says. I would request the hon'ble minister, Sir, that the arms of the Preventive Detention Bill be extended further. Unfortunately, at this juncture in States like Uttar Pradesh where the Janata party is in power, Eastern U.P. is completely deprived of essential commodities. The poor are living in complete darkness and the arms of law of the Janata government, do not reach out to all these black-marketeers, hoarders and profiteers, who are creating shortages and scarcities in our State. The political will of the Janata party and the Lok Dal has created a situation in the country—like that mentioned yesterday—which I have been trying to raise for a long time but, Sir, unfortunately due to the rules and regulations of

this Parliament or maybe on account of my misfortune I did not get my name in the ballot system which is like a lottery and hence failed each time.

Sir, the village Narainpur in my constituency was terrorised. The women of that village were raped and the Chief Minister, Mr. Banarsi Das has the audacity to say that nothing happened. I am in total praise of my hon'ble Prime Minister because when I wrote to her about this incident and I told her I could not raise it in the House she immediately contacted the Chief Minister, and Mr. Sanjay Gandhi is the only person who went to this place and visited the grief stricken mothers and daughters of the poor people of that area.

Sir, I would like to remind this very Opposition that we may be young and we may be new but we will not be suffocated by their bulldozing methods. (Interruptions) we represent the people of India who have thrown them out.

Sir, may I remind the hon'ble Member of the Opposition Shri George Fernandes that when he was a minister, in his speeches in 1977, 1978 and 1979 he very beautifully and eloquently talked of the dynamic decade and progress but if you read the Economic Review of 1977-78 you will find that the industrial production was greatly cut down because of industrial unrest and his dynamic decade. He talked of going to the villages, of taking industry to the villages. But what did he do? He expanded huge multi-nationals like Siemens, Phillips, and the Lily Biscuit Company—Mr. Jyotirmoy Bosu—of Calcutta also knows! There is lot of talk but, fortunately, Sir, the political will of this country is with the Congress (I), in the strong hands of Shrimati Indira Gandhi and I am sure the poor and the down-trodden will have an easier time free from Uttar Pradesh's chaos, misrule and confusion.

THE MINISTER OF COMMERCE AND STEEL AND MINES AND CIVIL SUPPLIES (SHRI PRANAB MUKHERJEE): Mr. Speaker, Sir, I have listened carefully to the observations made by the hon. Members who have taken part in the discussion.

Sir, the Mover of the Statutory Resolution Shri Vajpayee opposed the Bill. He went to the extent of saying that he would extend support of his party if we could replace the Bill by certain other legal provisions, say, amendment of the Essential Commodities Act. Therefore he expressed his desire to oppose this new. I can understand Mr. Vajpayee or the representative of the Marxist party who, in fairness to them, at least opposed the provisions of the Bill when it was introduced as ordinance. But I am really shocked at the attitude of the leader of the Lok Dal. He comes forward and tries to justify this piece of legislation at a point of time, saying that it was necessary. (An hon. Member: Political situation) No. political situation. He says it was necessary at a particular point of time because at that time it was thought that the hoarders, blackmarketeers and profiteers would utilise scarcity and take the opportunity and so it was thought necessary. Therefore, to take care of them this particular piece of legislation was necessary, say, from 15th of October till the date of the poll or till the formation of a new Government. Well, I have never heard such a funny argument. If he says there were shortages in essential commodities in October they are still continuing. If hoarders and blackmarketeers took the opportunity of shortage in economy at that particular point of time, they are still using that opportunity. Even today they are using that opportunity. Therefore how can he say, it was necessary at that point of time, but it is not necessary now? I don't understand what the rationale behind this type of argument is.

Sir, the question has been put, why we are supporting this piece of legislation. In their exuberance the hon.

Members have forgotten not only this ordinance but all the ordinances. We have to support because of certain compulsion. We have certain reservations. I am coming to this piece of legislation later for instance when you raised the contingency fund limit we were opposed to it but what could we do? You have raised it and you have spent the money; it has got to be regularised.

SHRI CHANDRAJIT YADAV: Why did your leader oppose the ordinance at that time?

SHRI PRANAB MUKHERJEE: We had to oppose it and we are opposing it.

SHRI CHANDRAJIT YADAV: Now you are saying this.

SHRI PRANAB MUKHERJEE: I am talking of the ordinance. We had to oppose it on two counts. And you have very conveniently forgotten one count. We had to oppose this ordinance because of this very reason. A Care-Taker Government which did not face the Parliament for a single day was bringing very fundamental changes in the form of the ordinance.

SHRI JYOTIRMOY BOSU: With your support.

SHRI PRANAB MUKHERJEE: With your support also.

SHRI JYOTIRMOY BOSU: Never.

SHRI PRANAB MUKHERJEE: Why do you talk as though you did not support Lok Dal, why do you talk as if your Jyoti Bosu did not fly from London and refused to lend his support to Morarji Desai? What type of thing are you talking?

So, as I said, we had to support the ordinance. We had to support it because you took some action; we had to justify it. So far as this piece of legislation is concerned, why are we supporting it? We are supporting it mainly for this reason. We have found this piece of legislation at a particular

[Shri Pranab Mukherjee]

hour and we said, when you have brought it, let us utilise it to the extent possible.

SHRI JYOTIRMOY BOSU: Have you arrested anybody?

SHRI PRANAB MUKHERJEE: Mr. Bosu, you will get your time. Don't interrupt me. Sir, Mr. Vajpayee and Mr. Somnath Chatterjee suggested that I wanted to threaten the State Government. Mr. Vajpayee went to the extent of quoting me and he exactly used the word but he did not elaborate that. And here I would like to draw his attention to what I said. I said, yes, if the State Government wants to say in a blanket way, that we are not going to utilise this opportunity, we are not going to utilise the provisions of the Act, we know our area of competence we know what is our area of competence. In Section 3 it is provided that detention orders can be issued even by the Central Government. It is there.

SHRI JYOTIRMOY BOSU: It is a new addition.

SHRI PRANAB MUKHERJEE: Not a new addition. It was in the ordinance. That is our area of competence. And if a State Government says that even if the Central Government issues ordinance, we are not going to implement it, surely, as Government of India, we cannot stand that situation. And therefore my contention was what I made very clear. That is why I used the word 'In the area of our competence' And Sir, it is a very funny position. A Parliament passes a law. And the State Government goes on saying, 'we are not going to implement it'. They have their area of jurisdiction. If Parliament encroaches the area of jurisdiction of the State Government which Constitutionally you cannot do it; constitutional remedy is there. But where Parliament has its jurisdiction, where Government of India has its jurisdiction, they will make legislation.

Well, if a Chief Minister comes forward and says: 'Well, we are not going to implement it' the Government of India will have to remain a mute spectator', I fail to understand that situation; such a position cannot be tolerated any more. Therefore, Sir, in a situation like this it is not the question that I wanted to go beyond the area of where we are to move. Nothing like that.

Regarding the Essential Commodities Act much has been talked about. Mr. Somnath Chatterjee has also said, why we cannot utilise the Essential Commodities Act? I am giving example of his Government,—a very progressive Government,—running in West Bengal. More than 17400 cases under the Essential Commodities Act are pending in the various courts of West Bengal. I am giving the example of his own State. We wrote letter to the Government of West Bengal whether you can have some sort of courts earmarked for trying these cases. Even a letter is not being replied to.

SHRI JYOTIRMOY BOSU: When did you write? (Interruption) When did you write, I ask.

SHRI PRANAB MUKHERJEE: There are 17400 cases pending and they are for violations of the provisions of the Essential Commodities Act. (Interruptions)**

MR. SPEAKER: No interruptions. Nothing is to be recorded without my permission.

SHRI PRANAB MUKHERJEE: When suggestion is being given to the State Government that courts be earmarked (Interruption)

MR. SPEAKER: No interruption Let the hon. Member take his seat.

SHRI PRANAB MUKHERJEE: So, when we say, you earmark certain courts, no action is being taken. Do you expect that they are going to im-

**Not recorded.

plement the Essential Commodities Act? Figures are with me. I can show you how many cases you have prosecuted, in how many cases people were actually brought in. It is your Government; it is not my Government. I am not running the State Administration. It is your police who prosecute them. When these people are prosecuted and brought before the court, because of the physical constraint, the court cannot take action. When it was suggested to them to take certain measures in a particular direction you do not do it and you are coming to parliament and saying we are not going to implement it.

Much has been said about the philosophy of Preventive Detention.

SHRI JYOTIRMOY BOSU: On a point of order.

MR. SPEAKER: Under which rule?

SHRI JYOTIRMOY BOSU: He is maligning the State Government.

MR. SPEAKER: I have over-ruled. No, Mr. Bosu, no.

SHRI PRANAB MUKHERJEE: You have not permitted. He cannot stand on this issue. Let him please take his seat. I am not yielding.

MR. SPEAKER: No please, Mr. Bosu.

SHRI JYOTIRMOY BOSU: He cannot deal with a matter which is in the hands of the State Government.

MR. SPEAKER: He is not dealing.

SHRI JYOTIRMOY BOSU: In 241 you find matters relating to State Government.

SHRI PRANAB MUKHERJEE: Much has been said about Preventive Detention.

SHRI JYOTIRMOY BOSU: When did you write the letter? This morning? You wrote the letter this morning.

SHRI PRANAB MUKHERJEE: I am not here to show you the Government

correspondence Mr. Jyotirmoy Bosu you want I will give you the date.

Sir, much has been said about Preventive Detention. (Interruptions).

MR. SPEAKER: Please sit down, Mr. Bosu.

SHRI JYOTIRMOY BOSU: Let him explain it. Let him say when he wrote the letter.

MR. SPEAKER: He will.....

SHRI JYOTIRMOY BOSU: He will not because he might have written the letter only this morning.

SHRI PRANAB MUKHERJEE: He is in the habit of providing wrong information to the House.**

(Interruptions).

MR. SPEAKER: That should be expunged.

(Interruptions).

SHRI PRANAB MUKHERJEE: If the Members are agitated, I withdraw it. (Interruptions).

MR. SPEAKER: He has withdrawn it. Order, order, Please take your seat. He has already withdrawn it.

SHRI JYOTIRMOY BOSU: Let him withdraw the words.

MR. SPEAKER: That he has withdrawn. Please take your seat.

SHRI PRANAB MUKHERJEE: Sir, I am sorry for that. I have already withdrawn those words. Now, coming to the aspect of the philosophy of Prevention Detention.....

SHRI CHANDRAJIT YADAV: Calling a Member blackmailer is unparliamentary. He should withdraw it.

SHRI PRANAB MUKHERJEE: I have already withdrawn it. Therefore, Sir, while piloting the Bill for introduction, it is the same Janata Government which retained the Preventive Detention. (Interruptions).

**Expunged as ordered by the Chair.

SHRI PRANAB MUKHERJEE: Preventive Detention was retained in the Constitution. When they brought an amendment to the Constitution, they did not change the Preventive Detention provision. It is they who retained it. (Interruptions).

MR. SPEAKER: It is not the proper way, neither for you nor for others. I have taken care of that. Please take your seat now.

(Interruptions).

SHRI PRANAB MUKHERJEE: Now, they are opposed to Preventive Detention. The Janata Member tried to point out. (Interruptions)....If your philosophy is opposed to Preventive Detention, why did you retain it in the amendment to the Constitution which you brought during Janata Rule. Why did not they scrap the COFEPOSA? Why did you retain it in the provisions of the Constitution. Why did you try to bring certain measures in the Criminal Procedure Code? It is worse than anything else. Therefore, it would be most unfair on their part to say that they are philosophically opposed to Preventive Detention. Preventive Detention was there since the Constitution came into force in 1952. Preventive Detention was not there for a very short period. One gentleman has said this and he has given credit to the Janata Government that in 1978 only there was no Preventive Detention. For the information of the hon. Members I can point out that from 1970-71, there was no Preventive Detention. In 1971, it was again reintroduced. Between 1970 and 1971, it was not there. So far as various provisions of this particular Bill are concerned, all the safeguards are incorporated in it. It is not that a detenu-won't have any redress. The Advisory Board is there. The Advisory Board is to be presided by a sitting judge of a High Court. All the members may be sitting judges or at least the President of the Board would be a sitting judge. No person could be detained beyond 15 days merely by the detaining authorities without the prior approval of the higher authority. The higher authority would be the

State Government or the Central Government. The highest authority would be the State Government or the Central Government. No person can be detained beyond two months without the sanction and order of the advisory board. Therefore, whatever protection was provided, remedies were provided in the Constitution, though the Janata Government did not find time to implement it and enforce it, but in the Ordinance itself and in the Bill itself, all those constitutional remedies and safeguards are provided.

With these words, I commend this Bill for the acceptance of the House.

श्री अटल बिहारी वाजपेयी (नई दिल्ली) : अध्यक्ष महोदय, इस अध्यावेश को अस्वीकृत करने की मांग करते हुए मैंने जो तर्क उपस्थित किये थे और बाद में जिन तर्कों को मेरे बाद बोलने वाले विपक्ष के सदस्यों ने पुष्ट किया था उनका कोई समावान कारक उत्तर हमारे वाणिज्य मंत्री नहीं दे सके। उन्होंने छींटाकशी लोक दल के सदस्यों पर की। उनका आरोप है कि लोक दल ने अपना रखेया बदल लिया है। अध्यक्ष महोदय, लोक दल ने इसलिए अपना रखेया बदल लिया है क्योंकि सरकार बदल गई है।.... (व्यवधान)

एक माननीय सदस्य : लोक दल या दलदल?

श्री अटल बिहारी वाजपेयी : सरकार किसी कानून का दुरुपयोग करेंगी या नहीं करेंगी यह कसीटी है जिस पर इस तरह के कानूनों को कस कर देखना होगा। किसी सरकार के आचरण के बारे में फैसला देने से पहले या अधिक्षम के बारे में फैसला देने से पहले उस सरकार के भूतकाल को देखना होगा।.... (व्यवधान) अतः यह कहने की आवश्यकता नहीं है कि जो महानुभाव हमारे लायने बैठ हुए हैं उनका भूतकाल बड़ा भयानक है। (व्यवधान)

आश्वासन देने के बाद एम० आई० एम० ए० का दुरुपयोग हुआ.... (व्यवधान)

एक माननीय सदस्य : जमाली करने वाले सब यही कहते हैं कि बड़ा भयानक भूतकाल है।

श्री अटल बिहारी वाजपेयी : यह कानून सरकारी अफसरों को व्यापक अधिकार देता है। कल भी मैंने इसका उल्लेख किया था और मंत्री महोदय यह कह कर नहीं बच सकते कि नजरबद्दी कितने दिन की है, सिर्फ 12 दिन की है। फिर ऐडवाइजरी बोर्ड में जायेगा।

मैंने दिल्ली का एक उदाहरण दिया था 8 गिरफ्तारियां की गई। 7 तो ऐडवाइजरी ने छोड़ दिये और आठवां मामला ऐडवाइजरी बोर्ड

के सामने गया। उसने छोड़ दिया। मगर जो लोग 10 दिन, 12 दिन या 20 दिन जेल में रहे अध्यक्ष महोदय, उनकी प्रतिष्ठा, उनकी स्वाधीनता का अपहरण समाज में निन्दा का पात्र बनने का उनके लिए जो कलंक लगा उसके लिये कौन दोषी है?

अब यह अधिकार दिया जा रहा है डिस्ट्रिक्ट मैजिस्ट्रेट को या पुलिस कमिश्नर को? मैं पूछना चाहता हूँ कि पुलिस कमिश्नर किसकी रिपोर्ट पर कार्यवाही करेगा? वह स्वयं तो हर मामले को नहीं देख सकता। किसी थाने का सब इंसेक्टर मामला लायेगा, किसी तहसील का अधिकारी मामला लायेगा और डिस्ट्रिक्ट मैजिस्ट्रेट और पुलिस कमिश्नर उसके आधार पर नजरबन्दी का आदेश देंगे। वह आदेश भले ही बाद में रद्द हो जाय। मगर व्यक्ति की स्वाधीनता चली जायगी।... (व्यबधान)

अध्यक्ष महोदय : यह सोचने की बात है। आप सब लोग माननीय सदन के सदस्य हैं, और सदन में इस तरह से बैठे बैठे बात करते हैं, एक दूसरे से वितंडाबाद करते हैं यह हमें शोभा नहीं देगा। आप बात सुनिये।

श्री अटल बिहारी बाजपेयी : अध्यक्ष महोदय, मैं आप से सहमत हूँ। यह बिल्कुल ठीक नहीं है। कम से कम मैं जब बोल रहा हूँ तब ऐसा नहीं होना चाहिए। (हँसी)

अध्यक्ष महोदय : नहीं वह अपने लिए ही नहीं हम रहे हैं, यह सब के लिए है।

श्री अटल बिहारी बाजपेयी : मंत्री महोदय ने कहा ऐसेनियल कमोडीटीज ऐक्ट के अन्तर्गत जो मामले आते हैं उनको निपटाने में देर लगती है। उन्होंने पश्चिम बंगाल का उदाहरण दिया, राज्य, सरकार पर दोषारोपण भी किया, मैं पूछना चाहता हूँ कि आखिर यह प्रिवेटिव डिटैशन का कानून भी किस के द्वारा इस्तेमाल में लाया जायेगा? डिस्ट्रिक्ट मैजिस्ट्रेट प्रदेश सरकार का होगा या केन्द्र सरकार का होगा? पुलिस कमिश्नर प्रादेशिक सरकार के अन्तर्गत आयेगा या केन्द्रीय सरकार उसको सीधा निर्देश देगी?

13.10 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

SHRI PRANAB MUKHERJEE: Section 3 is there.

श्री अटल बिहारी बाजपेयी : उपाध्यक्ष महोदय, इसलिए प्रादेशिक सरकारों पर आपको विश्वास कर के चलना पड़ेगा, प्रादेशिक सरकारों का आपको सहयोग लेना पड़ेगा। सहयोग लेने के लिए उचित बोतावरण बनाना पड़ेगा। मंत्री महोदय ने सफाई दी है कि उन्होंने कोई धमकी नहीं दी। कहते हैं कि "विद इन दी एरिया आफ कम्पीटेंस" से

होगा। मैं पूछना चाहता हूँ कि यह प्रिवेटिव डिटैशन का मामला है, इसमें राज्य सरकार को इस कानून पर अमल करने के लिए वह किस तरह से विद इन दी एरिया आफ कम्पीटेंस में मजबूर कर सकते हैं? आप और थेवों में बदल की कार्यवाही करें, वह अलग बात है।

मैंने इस बात का भी कल उल्लेख किया था और मंत्री महोदय ने कोई उत्तर नहीं दिया कि चोरबाजारी, जमाखोरी और मुनाफाखोरी करने वालों के बिरुद्ध कड़ी कार्यवाही हो, इसमें दो राय नहीं, मगर इस विधेयक को केवल व्यापारियों तक सीमित नहीं रखा गया है देढ़ यूनियन अधिकारों पर भी हमला करने की कोशिश की जा रही है। मजबूर अगर उचित बात के लिए भी हड़ताल करेंगी तो यह कह कर कि वह उत्पादन में बाधा डाल रहे हैं, उन्हें जेल की हड्डा खानी पड़ेगी। क्या यह आवध्यक है?

एक माननीय सदस्य : आप इसे द्विस्त कर रहे हैं।

श्री अटल बिहारी बाजपेयी : अगर मैं द्विस्त कर रहा हूँ, तोड़ मरोड़ रहा हूँ तो श्री इन्द्रजीत गुप्त ने इस संबंध में एक संशोधन दिया है, मंत्री महोदय उसको स्वीकार कर सकत है। जो हमारे मन में आशंका है, वह निराधार नहीं है। यह केवल इसलिए नहीं है कि सरकार आपके हाथ में आ गई है। आप इस विधेयक को सलेक्ट कमेटी में भेज सकते थे, ऐसेनियल कमोडीटीज एक्ट में क्या संशोधन किया जाये, इसके बारे में सरकारी पक्ष और प्रति पक्ष बैठकर विचार-विनिमय कर सकते हैं। किमिनल प्रोसीजर कोड में अगर संशोधन करना आवश्यक है तो उसके बारे में भी सोचा जा सकता है, लेकिन ऐसा लगता है कि बड़ी हुई कीमतों को रोकने के लिए आपके पास नजरबन्द करने के अलावा और कोई कारण उपाय नहीं है। मेरा निवेदन है और वाणिज्य मंत्री इसको स्वीकार करेंगे कि अगर किसी वस्तु का उत्पादन कम होता है और अभाव होता है तो कीमतें बढ़ती हैं, चोरबाजारी को भी प्रश्न गिलता है, जमाखोरी करने की प्रवति बल पकड़ती है। (व्यबधान)

एक माननीय सदस्य : यही तो आपकी फिलासफी थी।

श्री अटल बिहारी बाजपेयी : यह फिलासफी की बात नहीं है, शुद्ध अर्थ-शास्त्र की बात है, मगर उनको समझ में नहीं आयेगी। (व्यबधान)

मेरा निवेदन है कि बंहगाई को रोकने के लिये कुछ दूरगामी और तात्कालिक उपाय अपनाने पड़ें। अगर तात्कालिक उपायों में

केवल आपके पास नजरबन्दी कानून ही शस्त्रांगार में है तो मूँझे भय है, उससे यह उद्देश्य पूरा नहीं होगा।

जमाखोरी हो रही है या नहीं हो रही है, यह तय करने के लिये आपको पहले व्यापारी कितना माल अपने पास रख सकता है, इसकी सीमा तय करनी पड़ेगी। मुनाफाखोरी हो रही है या नहीं हो रही है, इसके लिये चीजों के दाम भी तय करने पड़ेंगे। चीजों के दाम तय करते समय यह ध्यान रखना होगा कि अगर खुले बाजार में वह चीजें उपलब्ध नहीं होंगी तो आपको नागरिकों को वह चीजें, जो दाम निर्धारित किये हैं, उस पर मुहैया करानी होंगी। अगर आप मुहैया नहीं करतेंगे और दाम निर्धारित कर देंगे तो चीजें चोरबाजारी में चली जायेंगी और जो थोड़ी बहुत मिलती हैं, वह भी नहीं मिलेंगी। यह सारी आधिक प्रक्रिया बड़ी जटिल है। यह मरल नहीं है (व्यवधान)

श्री हरीश रावत : हम अपना काम जानते हैं।

श्री अटल बिहारी वाजपेयी : आप अभी आये हैं। आप कुछ नहीं जानते हैं।

श्री हरीश रावत : आप जो कूछ जानते हैं, वह पिछले ढाई सालों में प्रमाणित हो चुका है।

श्री सौ. पी. एन. सिंह : माननीय सदस्य दुनिया भर में धूमते-धूमते हिन्दुस्तान को भूल गये हैं।

श्री अटल बिहारी वाजपेयी : मैं हिन्दुस्तान को भले ही भूल जाऊँ, हिन्दुस्तान मैंने नहीं भला है, और आपका सिर खाने के लिए नैंयहाँ मौजूद हैं। (व्यवधान) मेरा निवेदन है कि अभी भी समय है। संति महोदय इस मासले पर शान्ति से विचार करें। मैं किर कहना चाहता हूँ कि दुनियादी सवाल पर कोई मतभेद नहीं है। जो सामाजिक अपराधी है, उनके विरुद्ध कहीं कार्यवाही होनी चाहिए। मगर कार्यवाही की प्रक्रिया क्या हो? क्या अधिकारियों को असीमित अधिकार दिये जायें? क्या व्यक्तिगत स्वाधीनता का अपहरण करने का हक दिया जायें? क्या उसका दुरुपयोग संभव नहीं है? क्या अतीत में वह नहीं हो चुका है? क्या पंद्रह दिनों के आपके आचरण में हमारी आशंकायें और नहीं बढ़ती हैं?

आप आपोजीशन के इस आफर को क्यों नहीं मान लेते हैं कि एसेंशल कामोडीज एंटर्प्राइज और क्रिमिनल प्रोसीजर कोड में आवश्यक संशोधन किये जायें और एक ऐसा सर्वसम्मत हल निकाला जाये, जिसे सदन के सभी भागों का समर्थन प्राप्त हो? (व्यवधान) पुलिस रिपोर्ट जुडिशल मजिस्ट्रेट के सामने जायेगी। अगर जुडिशल मजिस्ट्रेट कहे कि अभियुक्त को कस्टडी में रखा जाये, तो कोई आपत्ति नहीं होगी। हमने इस आशय का संशोधन रखा है। हत्या के मामले में भी जुडिशल कस्टडी का अदेश जुडिशल मजिस्ट्रेट देता है, पुलिस कमिशनर नहीं, डिस्ट्रिक्ट मजिस्ट्रेट नहीं। हमारे इस संशोधन को आप स्वीकार कर सकते हैं और ऐसा रास्ता निकाल सकते हैं, जिस पर हम मिल कर चल सकते हैं, नहीं तो हमें रास्ता रोककर खड़ा होना पड़ेगा।

SHRI ANAND GOPAL MUKHOPADHYAYA (Asansol): During 35 months of your regime has anybody been arrested? You name even a single person, Mr. Jyotirmoy Bosu, who has been arrested.

MR. DEPUTY-SPEAKER: Now I shall put the resolution to the vote of the House.

SHRI ANAND GOPAL MUKHOPADHYAYA: They are supporting blackmarketing and hoarding.

MR. DEPUTY-SPEAKER: I shall now put the statutory resolution moved by Shri Atal Bihari Vajpayee to the vote of the House.

The question is:

"That this House disapproves of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Ordinance, 1979 (Ordinance No. 10 of 1979) promulgated by the President on the 5th October, 1979."

The Lok Sabha divided:

Division No. 6]

[13.24 hrs.

AYES

Ansari, Shri Z. R.

Anthony, Shri Frank

Anwar Ahmed, Shri

Balanandan, Shri

Banatwalla, Shri G. M.	Mukherjee, Shri Samar
Barman, Shri Palas	Nihal Singh, Shri
Basu, Shri Chitta	Pal, Shri Rup Chand
Bhattacharya, Shri Sushil Kumar	Pandit, Dr. Vasant Kumar
Biswas, Shri Ajoy	Parulekar, Shri Bapusaheb
Bosu, Shri Jyotirmoy	Paswan, Shri Ram Vilas
Chakraborty, Shri Satyasadhan	Pathak, Shri Anand
Chandra Pal Singh, Shri	Pradhan, Shri Amar Roy
Chandra Shekhar, Shri	Rajda, Shri Ratansinh
Chandra Shekhar Singh, Shri	Ram Kinkar, Shri
Chatterjee, Shri Somnath	Riyan, Shri Baju Ban
Chaturbhuj, Shri	Roy, Shri A. K.
Chaudhary, Shri R. Motibhai	Roy, Dr. Saradish
Chowdhary, Shri Saifuddin	Saha, Shri A. K.
Dalbir Singh, Shri	Saha, Shri Gadadhar
Dandavate, Prof. Madhu	Saini, Shri Manohar Lal
Das, Shri R. P.	Sankhwar, Shri Ash Karan
Digambar Singh, Shri	Saran, Shri Daulaf Ram
Ghosh, Shri Niren	Sarangi, Shri R. P.
Giri, Shri Sudhir Kumar	Shamanna, Shri T. R.
Goel, Shri K. K.	Shastri, Shri Rajnath Sonkar
Goswami, Shrimati Bibha Ghosh	Shastri, Shri Ramavatar
Gupta, Shri Indrajit	Shejvalkar, Shri N. K.
Halder, Shri Krishna Chandra	Singh, Dr. B. N.
Hannan Mollah, Shri	Suraj Bhan, Shri
Hasda, Shri Motilal	Syed, Shri Masudal Hossain
Horo, Shri N. E.	Tirkey, Shri Pius
Indervesh, Shri Swami	Vajpayee, Shri Atal Bihari
Jagjivan Ram, Shri	Verma, Shri Ravindra
Jagpal Singh, Shri	Verma, Shri Chandradeo Prasad
Jethmalani, Shri Ram	Verma, Shri R. L. P.
Jharkhande Ral, Shri	Verma, Shri Raghunath Singh
Khan, Shri Ghayoor Ali	Verma, Shri Sheo Sharan
Madhukar, Shri Kamla Mishra	Yadav, Shri Chandrajit
Maitra, Shri Sunil	Yadav, Shri Chhotey Singh
Mandal, Shri Dhanik Lal	Yadav, Shri Vijay Kumar
Mandal, Shri Mukunda	Yadava, Shri D. P.
Mandal, Shri Sanat Kumar	Zainal Abedin, Shri
Mehta, Shri Ajit Kumar	NOES
Mhalgi, Shri R. K.	Abbasi, Shri Kazi Jalil
Misra, Shri Satyagopal	Ahmed, Shri Mohd. Asrar
Modak, Shri Bijoy	Ajit Pratap Singh, Shri
Mohammed Ismail, Shri	Anand Singh, Shri
Mukherjee, Shrimati Geeta	Anbarasu, Shri Era

Anthony, Shri Frank	Ekka, Shri Christopher
Appalanaidu, Shri S.R.A.S.	Era Mohan, Shri
Arakal, Shri Xavier	Faleiro, Shri Eduardo
Arunachalam, Shri M.	Fernandes, Shri Oscar
Ashfaq Hussain, Shri	Gadhavi, Shri Bheravadan K.
Athare, Shri Chandrabhan Balaji	Gaekwad, Shri R. P.
Azad, Shri Bhagwat Jha	Gaikwad, Shri Udaysingrao
Aziz Imam, Shri	Gamit, Shri Chhitubhai
Baitha, Shri D. L.	Gandhi, Shrimati Indira
Bajpai, Dr. Rajendra Kumari	Gangawar, Shri Harish Kumar
Baleshwar Ram, Shri	Gehlot, Shri Ashok
Banwari Lal Bairwa, Shri	Ghorpade, Shri R. Y.
Barot, Shri Maganbhai	Gohil, Shri G. B.
Barve, Shri J. C.	Gomango, Shri Giridhar
Bhagat, Shri H. K. L.	Gouzagin, Shri
Bhagwan Dev, Shri	Gulsher Ahmed, Shri
Bhakta, Shri Manoranjan	Gurbinder Kaur, Shrimati
Bhikhabhai, Shri	Gurcharan Singh, Shri
Bhole, Shri R. R.	Hakam Singh, Shri
Bhoye Reshma Motiram, Shri	Jai Narayan, Shri
Bhuria, Shri Dileep Singh	Jain, Shri Bhiku Ram
Bijendra Pal Singh, Shri	Jain, Shri Virdhi Chand
Buta Singh, Shri	Jamilur Rahman, Shri
Chandra Shekhar Singh, Shri	Jaydeep Singh, Shri
Chandrakar, Shri Chandulal	Jena, Shri Chintamani
Charanjit Singh, Shri	Jitendra Prasad, Shri
Chavhan, Shri Shankarrao Bhaura	Kahandole, Shri Z. M.
Chavda, Shri Ishwarbhai Khodabhai	Kalpnath, Shri
Chawdhury, Shri A.B.A. Ghani	Kamakshaiah, Shri D.
Chennupati, Shrimati Vidya	Kamla Kumari, Shrimati
Chingwang Konyak, Shri	Karma, Shri Laxman
Chiranjit Lal, Shri	Kashirsagar, Shrimati Kesharbai
Chitturi, Shri Subba Rao Chowdhary	Kaul, Shrimati Sheila
Choudhari, Shrimati Usha Prakash	Kaushal, Shri Jagannath
Chouhan, Shri Fatebhanu Singh	Khan, Shri Arif Mohammad
Dabhi, Shri Ajitsinh	Khan, Shri Malik M. M. A.
Damor, Shri Somjibhai	Khan, Shri Zulfiqar Ali
Das, Shri A. C.	Kidwai, Shrimati Mohsina
Desai, Shri B. V.	Kochack, Shri Ghulam Rasool
Dhandapani, Shri C. T.	Krishan Datt, Shri
Dorai Sebastian, Shri S. A.	Krishan Pratap Singh, Shri
Dubey, Shri Bindeshwari	Krishnan, Shri G. Y.
Dubey, Shri Ram Nath	Kuchan, Shri Gangadhar S.

Kunwar Ram, Shri	Poojary, Shri Janardhana
Lakkappa, Shri K.	Prabhu, Shri R.
Maharbir Prasad, Shri	Pradhani, Shri K.
Makwana, Shri Narsinh	Pullaiah, Shri Darur
Mallick, Shri Lakshman	Quadri, Shri S. T.
Mallikarjun, Shri	Raghavan, Shri V. S. Vijaya
Mallu, Shri A. R.	Rahim, Shri A. A.
Mane, Shri R. S.	Rai, Shrimati Sahodarabai
Mani, Shri K. B. S.	Raju, Shri P. V. G.
Manphool Singh, Shri	Rakesh, Shri R. N.
Maya Thevar, Shri K.	Ramamurthy, Shri K.
Mirdha, Shri Nathu Ram	Ramdhan, Shri Prabhunarayan
Mohite, Shri Yashawantrao	Ranabir Singh, Shri
More, Shri Ram Krishna	Ranjit Singh, Shri
Mubarak Shah Shri Khwaja	Rao, Shri Ankineedu Prasada
Mukhopadhyaya, Shri Anand Gopal	Rao, Shri M. Satyanarayana
Murthy, Shri M. Rajashekara	Rao, Shri S. B. P. Pattabhi Rama
Murugian, Shri S.	Rathawa, Shri Amar Sinh
Muttemwar, Shri Vilas	Rathod, Shri Uttam
Muzaffer Hussain, Shri Maulana	Raut, Shri Bhola
Saiyad	Ravani, Shri Navin
Naik, Shri Surupsingh H.	Rawat, Shri Harish
Nanje Gowda, Shri H. N.	Reddi, Shri G. S.
Narayana, Shri K. S.	Reddy, Shri K. Brahmapuram
Nayak, Shri Mrutyanjaya	Reddy, Shri K. Vijaya Bhaskara
Negi, Shri T. S.	Reddy, Shri M. Ram Gopal
Netam, Shri Arvind	Reddy, Shri T. Damodhar
Nihal Singh, Shri	Riyan, Shri Baju Ban
Nikhra, Shri Rameshwar	Sahi, Shrimati Krishna
Pandey, Shri Kedar	Sajjan Kumar, Shri
Pandey, Shri Krishna Chandra	Sangama, Shri P. A.
Panigrahi, Shri Chintamani	Sathe, Shri Vasant
Panika, Shri Ram Pyare	Satish Prasad Singh, Shri
Pardhi, Shri Keshaorao	Sawant, Shri T. M.
Patel, Shri Ahmed Mohammed	Sethi, Shri P. C.
Patel, Shri Amrit	Shaktawat, Prof. Nirmala Kumari
Patel, Shri Shantubhai	Shakyawar, Shri Nathuram
Patil, Shri Balasaheb Vikhe	Shaminuddin, Shri
Patil, Shri Shankarrao. B.	Shankaranand, Shri B.
Patil, Shri Shivraj V.	Shanmugam, Shri P.
Patil, Shri A. T.	Shantaram Potdukhe, Shri
Patil, Shri Vasantrao	Sharma, Shri Munder
Pattuswamy, Shri D.	
Pilot, Shri Rajesh	

Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Shri Vishwa Nath
 Shastri, Shri Harikishan
 Shiv Shankar, Shri
 Shivendra Bahadur Singh, Shri
 Shivkumar Singh, Shri
 Singh, Shri C. P. N.
 Singh, Shrimati Madhuri
 Sinha, Shrimati Kishori
 Sinha, Shrimati Ramdulari
 Solanki, Shri Babu Lal
 Sparrow, Shri R. S.
 Sreenivasa Prasad, Shri V.
 Subburaman, Shri A. G.
 Subba, Shri P. M.
 Sukhadia, Shri Mohanlal
 Sunder Singh, Shri
 Swami, Shri K. A.
 Tapeshwar Singh, Shri
 Tariq Anwar, Shri
 Tewari, Shri Narayan Datt
 Tewary, Prof. K. K.
 Thorat, Shri Bhausaheb
 Tripathi, Shri Kamalapati
 Tripathi, Shri R. N.
 Tytler, Shri Jagdish
 Uike, Shri Chhotelal
 Vairale, Shri Madhusuden
 Venkataraman, Shri R.
 Velu, Shri A. M.
 Venkatasubbaiah, Shri P.
 Verma, Shri Jai Ram
 Virda Ram, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yazdani, Shri Golam
 Yusuf, Shri M.
 Zainul Basher, Shri

MR. DEPUTY-SPEAKER: The result of the division is as follows:

Ayes 82; Noes 213.

The motion was negatived.

MR. DEPUTY-SPEAKER: Before I put the motion for consideration of the Bill to the vote of the House, there are four amendments for circulation of the Bill for eliciting opinion, which have to be disposed. I would like to know from Shri K. K. Goel, Shri Chandraseet Yadav, Shri Ramavtar Shastri and Shri Girdhari Lal Vyas whether they would like to withdraw thier amendments.

MR. DEPUTY-SPEAKER: First I am putting Amendment No. 58 moved by Shri K. K. Goyel to the vote of the House.

Amendment No. 58 was put and negatived.

MR. DEPUTY-SPEAKER: I shall now put Amendment No. 59 moved by Shri Chandraseet Yadav to vote.

Amendment No. 59 was put and negatived.

MR. DEPUTY-SPEAKER: Now, I put Amendment No. 60 moved by Shri Ramavtar Shastri to the vote of the House.

Amendment No. 60 was put and negatived.

MR. DEPUTY-SPEAKER: Then, I put Amendment No. 72 moved by Shri Girdhari Lal Vyas to vote.

SHRI GIRDHARI LAL VYAS (Bhilwara): I want to withdraw my Amendment.

MR. DEPUTY-SPEAKER: Is it the pleasure of the House that the amendment moved by Shri Girdhari Lal Vyas be withdrawn?

SEVERAL HON. MEMBERS: Yes.

SOME HON. MEMBERS: No.

MR. DEPUTY-SPEAKER: I then put it to vote.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 22nd May, 1980." (72).

The Lok Sabha divided:

Division No. 7] 13. 40 hrs.

AYES

Anwar Ahmed, Shri
 Balanandan, Shri
 Barman, Shri Palas
 Bhattacharya, Shri Sushil Kumar
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chowdhary, Shri Saifuddin
 Dandavate, Prof. Madhu
 Das, Shri R. P.
 Digambar Singh, Shri
 Ghosh, Shri Niren
 Giri, Shri Sudhir Kumar
 Goel, Shri K. K.
 Goswami, Shrimati Bibha Ghosh
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Indervesh, Shri Swami
 Jagjivan Ram, Shri
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Khan, Shri Ghayoor Ali
 Madhukar, Shri Kamla Mishra
 Maitra, Shri Sunil
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mohammed Ismail, Shri

Mukherjee, Shrimati Geeta
 Mukherjee, Shri Samar
 Nihal Singh, Shri
 Pal, Shri Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Anand
 Pradhan, Shri Amar Roy
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Ram Awadh, Shri
 Ram Kinkar, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Saha, Shri A. K.
 Saha, Shri Gadadhar
 Saini, Shri Manohar Lal
 Saran, Shri Daulat Ram
 Sarangi, Shri R. P.
 Shakya, Shri Ram Singh
 Shamanna, Shri T. R.
 Shastri, Shri Rajnath Sonkar
 Shastri, Shri Ramavatar
 Shejwalkar, Shri N. K.
 Singh, Shri B. D.
 Singh, Dr. B. N.
 Singh, Shrimati Kishori
 Suraj Bhan, Shri
 Syed, Shri Masudal Hossain
 Tirkey, Shri Pius
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Chandradeo Prasad
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Sheo Sharan
 Yadav, Shri Chandrajit
 Yadav, Shri Chhotey Singh
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

NOES

Abbas, Shri Kazi Jalil

Ahmed, Shri Mohd. Asrar	Damor, Shri Somjibhai
Ajit Pratap Singh, Shri	Das, Shri A. C.
Anand Singh, Shri	Dennis, Shri N.
Anbarasu, Shri Era	Deo, Shri K. P. Singh
Anthony, Shri Frank	Desai, Shri B. V.
Appalanaidu, Shri S. R. A. S.	Dhandapani, Shri C. T.
Arakal, Shri Xavier	Digvijay Singh, Shri
Arunachalam, Shri M.	Docngar Singh, Shri
Ashfaq Hussain, Shri	Dorai Sebastian, Shri S. A.
Athare, Shri Chandrabhan Balaji	Dubey, Shri Bindeshwari
Baleshwar Ram, Shri	Dubey, Shri Ram Nath
Aziz Imam, Shri	Ekka, Shri Christopher
Baitha, Shri D. L.	Era Mohan, Shri
Bajpai, Dr. Rajendra Kumari	Faleiro, Shri Eduardo
Baleshwar Ram, Shri	Fernandes, Shri Oscar
Banwari Lal, Shri	Gadhavi, Shri Bheravadan K.
Barot, Shri Maganbhai	Gaekwad, Shri R. P.
Barve, Shri J. C.	Gaikwad, Shri Udaysingrao
Bhagat, Shri H. K. L.	Gamit, Shri Chitubhai
Bhagwan Dev, Shri	Gandhi, Shrimati Indira
Bhakta, Shri Manoranjan	Gangawar, Shri Harish Kumar
Bhikhabhai, Shri	Garsha, Shri Devider Singh
Bhole, Shri R. R.	Gehlot, Shri Ashok
Bhoye Reshma Motiram, Shri	Ghorpade, Shri R. Y.
Bhuria, Shri Dileep Singh	Gohil, Shri G. B.
Bijendra Pal Singh, Shri	Gomango, Shri Giridhar
Buta Singh, Shri	Gouzgin, Shri
Chandra Shekhar Singh, Shri	Gulsher Ahmed, Shri
Chandrakar, Shri Chandulal	Gurbinder Kaur, Shrimati
Charanjit Singh, Shri	Gurcharan Singh, Shri
Chavan, Shri Shankarrao Bhaurao	Hakam Singh, Shri
Chavda, Shri Ishwarbhai Khodabhai	Harikesh Bahadur, Shri
Chaudhury, Shri A. B. A. Ghani	Jadeja, Shri Daulatsinhji
Chennupati, Shrimati Vidya	Jain, Shri Bhiku Ram
Chinnasamy, Shri C.	Jain, Shri Virdhi Chand
Chingwang Konyak, Shri	Jamilur Rahman, Shri
Chiranji Lal, Shri	Jaydeep Singh, Shri
Chitturi, Shri Subba Rao Chowdhary	Jena, Shri Chintamani
Choudhari, Shrimati Usha Prakash	Jitendra Prasad, Shri
Chouhan, Shri Fatebhanu Singh	Kahandole, Shri Z. M.
Dabhi, Shri Ajitsinh	Kalanidhi, Shri A.
Dalbir Singh, Shri	Kalpnath Shankar, Shri

Kamla Kumari, Shrimati	Naik, Shri Surupsing H.
Kandaswamy, Shri M.	Nair, Shri B. K.
Karma, Shri Laxman	Nanje Gowda, Shri H. N.
Kashirsagar, Shrimati Kesharbai	Narayana, Shri K. S.
Kaul, Shrimati Sheila	Nayak, Shri Mrutyunjaya
Kaushal, Shri Jagannath	Negi, Shri T. S.
Khan, Shri Arif Mohammad	Netam, Shri Arvind
Khan, Shri Malik M. M. A.	Nihal Singh, Shri
Khan, Shri Zulfiqar Ali	Nikhra, Shri Rameshwar
Kidwai, Shrimati Mohsina	Pandey, Shri Kedar
Kochack, Shri Ghulam Rasool	Pandey, Shri Krishna Chandra
Krishan Datt, Shri	Panigrahi, Shri Chintamani
Krishan Pratap Singh, Shri	Panika, Shri Ram Pyare
Krishnan, Shri G. Y.	Parashar, Prof. Narain Chand
Kuchan, Shri Gangadhar S.	Pardhi, Shri Keshaorao
Kunwar Ram, Shri	Patel, Shri Ahmed Mohammed
Lakkappa, Shri K.	Patel, Shri Amrit
Mahabir Prasad, Shri	Patel, Shri Shantubhai
Mahendra Prasad, Shri	Patil, Shri Balasaheb Vikhe
Makwana, Shri Narsinh	Patil, Shri Shankarrao
Mallick, Shri Lakshman	Patil, Shri Shivraj V.
Mallikarjun, Shri	Patil, Shri A. T.
Mallu, Shri A. R.	Patil, Shri Uttamrao
Mane, Shri R. S.	Patil, Shri Vasantrao
Mani, Shri K. B. S.	Pattuswamy, Shri D.
Manphool Singh, Shri	Pilot, Shri Rajesh
Maya Thever, Shri K.	Poojary, Shri Janardhana
Meena, Shri Ram Kumar	Potdukhe, Shri Shantaram
Mehta, Dr. Mahipatray M.	Prabhu, Shri R.
Mohanty, Shri Brajamohan	Pradhani, Shri K.
Mohite, Shri Yashawantrao	Pullaiah, Shri Darur
More, Shri Ram Krishna	Quadri, Shri S. T.
Motilal Singh, Shri	Raghavan, Shri V. S. Vijaya
Mubarak Shah, Shri Khwaja	Rahim, Shri A. A.
Mukhopadhyaya, Shri Anand Gopal	Rai, Shrimati Sahodarabai
Murthy, Shri Kusuma Krishna	Rakesh, Shri R. N.
Murthy, Shri M. Rajashekara	Ramamurthy, Shri K.
Murugian, Shri S.	Ramdhan, Shri Prabnunarayan
Muttemwar, Shri Vilas	Ranabir Singh, Shri
Muzaffer Hussain, Shri Maulana	Ranga, Shri N. G.
Saiyad	Ranjit Singh, Shri
Nadar, Shri A. Neelalohithadasan	Rao, Shri Ankineedu Prasada
Naidu, Shri P. Rajagopal	Rao, Shrimati B. Radhabai Ananda
	Rao, Shri M. Satyanarayana

Roat, Shri Jai Narain
 Rathawa, Shri Amar Singh
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Ravani, Shri Navin
 Rawat, Shri Harish
 Reddi, Shri G. S.
 Reddy, Shri K. Brahmananda
 Reddy, Shri K. Vijaya Bhaskara
 Reddy, Shri M. Ram Gopal
 Reddy, Shri T. Damodhar
 Sahi, Shrimati Krishna
 Sajjan Kumar, Shri
 Samin Uddin, Shri
 Sangama, Shri P. A.
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Sawant, Shri T. M.
 Sethi, Shri P. C.
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri K. C.
 Sharma, Shri Munder
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shankar Dayal
 Sharma, Shri Vishwa Nath
 Shastri, Shri Harikishan
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Shivkumar Singh, Shri Thakur
 Singh, Shri C. P. N.
 Singh, Shrimati Madhuri
 Sinha, Shrimati Ramdulari
 Sivaprakasam, Shri D. S. A.
 Solanki, Shri Babu Lal
 Sontosh Mohan Dev, Shri
 Sparrow, Shri R. S.
 Sreenivasa Prasad, Shri V.
 Subburaman, Shri A. G.
 Subba, Shri P. M.
 Sukhadia, Shri Mohan Lal

Swami, Shri K. A.
 Tapeshwar Singh, Shri
 Tariq Anwar, Shri
 Tayyab Husain, Shri
 Tewari, Shri Narayan Datt
 Tewari, Prof. K. K.
 Thorat, Shri Bhausaheb
 Tripathi, Shri Kamalapati
 Tripathi, Shri R. N.
 Tytler, Shri Jagdish
 Uike, Shri Chhotelal
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Velu, Shri A. M.
 Venkatasubbaiah, Shri P.
 Verma, Shri Jai Ram
 Virda Ram, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri R. N.
 Yadav, Shri Ram Singh
 Yazdani, Shri Golam
 Yellaiah, Shri Nandi
 Yusuf, Shri M.
 Zail Singh, Shri
 Zainul Basher, Shri

MR. DEPUTY-SPEAKER: The result of the division is: Ayes 79; Noes 242.

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to provide for detention in certain cases for the purpose of prevention of black-marketing and maintenance of supplies of commodities essential to the community and for matters connected therewith, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: We shall now take up the Clauses. My suggestion to the Hon. Members is, since there are a lot of amendments and we

will not be able to complete everything, I would request that you may not press these amendments. Or let all the amendments be clubbed together.

SHRI INDRAJIT GUPTA: I think the movers of these amendments may not insist on moving or pressing all the amendments, but we consider some of the amendments to be important and at least on those amendments you may permit them to speak.

MR. DEPUTY-SPEAKER: To Clause 2 there are no amendments.

The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Power to make orders detaining certain persons)

MR. DEPUTY-SPEAKER: To Clause 3 there are many amendments. Shri R. P. Yadav is not moving. He is not present. Shri Kamla Mishra Madhukar:

SHRI KAMLA MISHRA MADHUKAR (Motihari): I beg to move:

Page 2, line 11,—

after "satisfied" insert—

"by facts and all available information and not by malice and political grudge." (6).

Page 2,

after line 23, insert—

"Provided that a person shall not be deemed to have committed an offence under this clause unless there is sufficient proof against such person that he had really instigated another person for committing the crime." (7)

Page 2, line 34,—

after "Police," insert "Divisional Commissioners," (8)

Page 2, line 42,—

for "twelve days" substitute "seven days" (9)

14 hrs.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): I beg to move:

Page 2,—

after line 15, insert—

"Provided that the detaining authority shall give the reasons and grounds for the Government's or officer's satisfaction and summary of evidence for satisfaction and unless this is done the order of detention shall be invalid." (19).

Page 2, line 33,—

for "district magistrates" substitute—

"sessions judges" (25)

Page 2, line 34,—

for "Commissioners of Police" substitute—

"Judicial Magistrates or Presidency Magistrate or Metropolitan Magistrates" (26)

SHRI INDRAJIT GUPTA: I beg to move:

Page 2,—

after line 31, insert—

"Provided that no legitimate trade union activity including strike or work-to-rule shall be deemed to be an offence under this sub-section." (24)

SHRI K. K. GOEL (Kota): I beg to move:

Page 2, line 15,—

add at the end—

"after seeking prior permission from the High Court Judge, Session Judge or the Judicial Magistrate, as the case may be," (37)

Page 2, line 19,—

omit "or instigating any person to commit" (38)

Pages 2 and 3,—

omit lines 32 to 45 and 1 to 11 respectively. (39)

SHRI RAM JETHMALANI (Bombay North-West): I beg to move:

Page 2,—

for lines 6 to 15, substitute—

"3. (1) Any Chief Metropolitan Magistrate or a Judicial Magistrate of the First Class may, on material being presented to him by or on behalf of the Central Government or any State Government, if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community it is necessary so to do, make an order directing that such person be detained." (49)

Page 2, line 19,—

omit "a" (5)

Page 2,—

omit lines 24 to 28. (51)

Page 2,—

omit lines 32 to 36. (52)

Page 2,—

for lines 37 to 43, substitute—

"(2A) No person shall, however, be detained under sub-section (1) unless within one year prior to the making of the order of detention he has been convicted by a court of competent jurisdiction of an offence punishable under any of the laws mentioned in the explanation to that sub-section." (53)

Pages 2 and 3,—

omit lines 37 to 45 and 1 to 3 respectively. (54)

Page 3,—

omit lines 4 to 11. (55)

Page 3, line 4,—

omit "or approved by the State Government" (56)

SHRI RAMAVATAR SHASTRI (Patna): I beg to move:

Pages 2 and 3, lines 45 and 1, respectively,—

omit "but not later than ten days" (64)

Page 3, line 3,—

for "fifteen" substitute "seven" (65)

Page 2, line 15,—

add at the end—

"but such an order shall not be guided by political discrimination, enmity or malice" (66)

Page 2,—

after line 31, insert—

"Provided that no legitimate trade union activity including strike work-to-rule and any other activity to protect the interests of the workers, shall be deemed to be an offence under this sub-section." (67).

SHRI R. L. P. VERMA (Kodarma): I beg to move:

Page 2, line 15,—

add at the end—

"but this section shall not apply to a person who is an active member of a Trade Union or of a Political Party whether in power or in the opposition." (68)

श्री कमला लिला भट्टकर (मोतीहारी) : उपाध्यक्ष महोदय, यथापि इस विधेयक का उद्देश्य चोरबाजारी को दूर करना बताया गया है, किन्तु जैसे कि माननीय मदस्यों ने चर्चा की है, इस बात की संभावना है कि इसको कार्यान्वित करने में लोगों के राजनीतिक और नागरिक अधिकारों का हनन हो। मैंने यह संशोधन इसलिए पेश किया है कि अक्सरात किसी के विश्वदृष्ट राजनीतिक आधार पर कार्यवाही न कर सके। हमारे अपने जिले का अनुभव है कि हमारी पार्टी और हम लोगों ने चोरबाजारी के लिलाक आनंदोलन किया और दीहोर्डिंग किया, मगर वहां के डॉ० एम० ले

हमारी पार्टी के सेक्रेटरी को मीसा के अन्तर्गत जेल में बन्द कर दिया। मेरे संशोधन का आशय यह है कि संबंध सरकारी प्रधिकारी तथ्यों और सब उपलब्ध सूचना से संतुष्ट होकर और बिना किसी द्वेष और राजनीतिक शत्रुता के किसी व्यक्ति की नज़रबन्दी का आदेश जारी करें। इस संशोधन को स्वीकार करने से यह कानून निष्पक्ष ढंग से क्रियान्वित हो सकेगा और इस विषय में जो आशंकायें हैं, वे दूर हो जायेंगी।

मंत्री महोदय ने इन आशंकाओं को दूर करने का जा प्रयास किया है, इस संशोधन को स्वीकार करने से उसने बहु मिलेगा। इसलिए मेरा विश्वास है कि वह मेरे इस संशोधन को कबूल करेंगे।

SHRI PRANAB MUKHERJEE: There is no need of for the hon. Member to have any of those apprehensions.

Sir, no new point has been brought out by him. I have already explained as to what are the conditions under which it has been brought and what are the safeguards we have provided in the Bill itself. In fact, whatever safeguards are there in the Constitution, they have been bodily lifted and put in here.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): I have suggested a proviso to clause 3 because there is nothing in this clause to obtain the satisfaction of the detaining authority. During the emergency we know very well as to how many blank warrants signed by the detaining authority were found and not only that, detention warrants were issued against dead persons who have died long before the emergency.

Therefore, in order to have a safeguard that the detaining authority has applied its mind, I have suggested this proviso, namely,

"Provided that the detaining authority shall give the reasons and grounds for the Government's or officer's satisfaction and summary of evidence for satisfaction and unless this is done, the order of detention shall be invalid."

Clause 8 mentions that at least for

10 days the person can be detained without furnishing any grounds of. And even within that period the grounds can be altered. The Minister knows that if the District Magistrate is given the blank warrants, they can be utilised by the police authorities for the purpose and so, in order to safeguard that, I have suggested this proviso and I ask him to accept this. If he is interested in having safeguards, this is the safest safeguard which he should accept which I have given by way of my amendment.

SHRI PRANAB MUKHERJEE: So far as the period of ten days provision is concerned, it may even be 15 days.

MR. DEPUTY-SPEAKER: I think you can give your reply at the end.

SHRI PRANAB MUKHERJEE: I would be glad to do it.

MR. DEPUTY-SPEAKER: Mr. Indrajit Gupta.

SHRI INDRAJIT GUPTA (Basirhat): I have moved my amendment No. 24. I wish to point out to you and, through you, to the House the inconsistency between what is put in the Statement of Objects and Reasons of this Bill and the definitions which are given in Clause 3. That is why I am bringing forward this amendment.

The Statement of Objects and Reasons states clearly that this ordinance which is now coming up here in the shape of a Bill is meant to deal effectively with the malpractices like the blackmarketing, hoarding and profiteering and to arrest the unjustified rise in prices of essential commodities by providing for the preventive detention of the persons likely to indulge in such practices. 'Such practices' mean blackmarketing, hoarding and profiteering.

Sir, in the body of the Bill, in clause 2, under the definition as given, all activities will come within the mischief of this Bill. There it is

stated that if the Government is satisfied with respect to any person with a view to preventing him from acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community, it is necessary to make an order directing that such a person be detained.

Now, Sir, if it is really the intention of the Government that it is only the specific malpractices of hoarding and blackmarketing that are to be penalised under this Bill, then why is it that when it comes to the definition in the body of the Bill, they have put it in such a blanket manner? My amendment has sought to stop bringing in even the legitimate trade union activities. You, Sir, being a trade unionist—I have complimented you yesterday as a fellow trade unionist, I am sure, you will have sympathy in what I am saying. If the purpose is to stop anyone from acting in any manner prejudicial to the maintenance of supplies of commodities, it can be stretched to mean anything. That means, if the workers in a textile mill are forced to go on strike, then anybody can say that they are holding up the movement or the supply of cloth which is an essential commodity or if any transport worker or any worker, for example, employed in a public sector Oil Corporation is brought within the mischief of this Bill, that means such a person can also be brought in even though they are not in any way connected with hoarding and blackmarketing. There is a definite suspicion—justified suspicion—in the light of the past experience. This has led them to come up in the form of amendments to this Bill. If huge powers are given to the bureaucracy, then the legitimate trade union activities will also be sought to be suppressed and penalised by the use of this measure. Let the Minister state clearly what he has in mind because we have no confidence at all in either the Congress Government or the Janata Government that they

will not misuse such powers. They will always misuse and they have misused the powers in the past in spite of the assurance given. Therefore, I am suggesting that if these powers are to be given, then let him provide that no legitimate trade union activity including strike or work to rule shall be deemed to be an offence under this sub-section. If he refuses to accept this, he is welcome to do so. They have the majority here. But, certainly people, the working-classes in the country will be convinced that this is meant to be used against them. I would appeal to them not to do things which will only provoke further the industrial unrest and in spite of such repressive measures, I think, they will resort to the trade union agitation and they are not going to be cowed down. If you want to stop that by this kind of legislation, then it is better to make it clear from the beginning as to against whom this is really directed.

SHRI BAPUSAHEB PARULEKAR:
Sir, I only want to say one sentence with regard to my amendments No. 25 and 26. The powers are given to the district magistrates and the police commissioners. The amendment which I have moved suggests that power should be given to the Sessions Judge, Judicial Magistrate or Metropolitan Magistrate because they will not be under the control of any executive authority. Sir, application of judicial mind is necessary when liberty of an individual is to be curtailed.

श्री के० के० गोधल (कोटा) : उपाध्यक्ष महोदय, मैंने कलाज (3) में तीन संशोधन प्रस्तुत किए हैं और तीनों को एक साथ ही मंव करता हूँ। मेरा पहला अमेंडमेंट कलाज 3 के सब कलाज (1) में है जिसमें मैंने चाहा है, अपने अमेंडमेंट के द्वारा, कि इस कलाज के अन्त में लिखा जाये :

“after seeking prior permission from the High Court Judge, Sessions Judge or the Judicial Magistrate, as the case may be.”

क्योंकि विल के कंसीडेशन के समय पर यह आशंका प्रकट की गई है कि जब सरकार के

पास दूसरे कानून हैं जिनका कड़ाई के साथ पालन करके ब्लैक-मार्केटिंग और होडिंग को रोका जा सकता है फिर सरकार द्वारा इस प्रकार की डिटेंशन पावर अपने हाथ में लेने का मतलब बहुत कियर है कि सरकार पोलिटिकल पर्षप के लिए, जो उसके पोलिटिकल अपोनेट्स हैं उनको क्रश करने के लिए इसका इस्तेमाल करेगी। इसीलिए मैंने इस संशोधन के माध्यम से चाहा है कि अगर किसी भी व्यक्ति के खिलाफ इस प्रकार के ब्लैक-मार्केटिंग और होडिंग के चार्ज हो तो उस व्यक्ति के डिटेंशन आर्डर इश्यु करने के पहले किसी भी जुडिशियल आफिसर की कन्सेन्ट ली जानी चाहिए। अगर किसी केस में हाईकोर्ट की कन्सेन्ट लेनी उचित समझी जाए तो उसकी कन्सेन्ट ली जाए या चीफ जुडिशियल मजिस्ट्रेट, जिसकी भी पर्मिशन आवश्यक हो उसकी पर्मिशन लेने के बाद ही डिटेंशन आर्डर इश्यु किये जायें।

मेरा दूसरा अमेन्डमेंट इसके सब-क्लाज (ए) में है :

omit "or instigating any person"

मैंने अपने संशोधन के द्वारा चाहा है कि इसमें जो शब्द इंस्टीगेटिंग है उसको क्लाज से निकाल दिया जाये। इस कानून के बन जाने पर आप यह अधिकार लेना चाहते हैं कि अगर कोई मजदूर अपने अधिकारों के लिए कोई स्ट्राइक करता है, स्ट्राइक को काल देता है तो इंस्टीगेट के नाम पर आप उसको डिटेन कर सकते हैं। मैं समझता हूँ कि इस प्रकार का अधिकार सरकार को देना उचित नहीं है। इसी लिये मैं चाहता हूँ कि इसमें जो शब्द है "इंस्टीगेट" लिखा है उसको अोमिट कर दिया जाय। अगर कोई व्यक्ति अपराध करता है तो यह काफी है, इसके साथ शब्द "इंस्टीगेट" को नहीं रखना चाहिये।

मैंने अपना थर्ड अमेन्डमेंट सब-क्लाज 2 में भव किया है। इसमें डिस्ट्रिक्ट मैजिस्ट्रेट और पुलिस कमिशनर को अधिकार दिये गये हैं। मेरा निवेदन है कि इस तरह के अधिकार दिये जाने से ऐसा आभास नहीं होता है कि सरकार इसका उपयोग राजनीतिक कारणों से राजनीतिक व्यक्तियों के खिलाफ नहीं करेगी। इसीलिये मैंने अपना संशोधन दिया है और आशा करता हूँ कि माननीय मंत्री जी इन संशोधनों को स्वीकार करेंगे।

SHRI RAM JETHMALANI (Bombay North West): Mr. Deputy Speaker, Sir, the three amendments which I have moved to clause 3 are designed to mitigate the undemocratic character of the democratic law by which this Government is determined to rule the

country. The first amendment is in line with the amendment moved by my distinguished colleague Shri Bapusaheb Parulekar suggesting that the power of preventive detention of an individual instead of being vested in the executive authority should be vested in the hands of the judicial authorities. It all depends upon how much confidence this government has in the judicial authority and to what extent it prefers judicial authorities to executive authorities in the matter of depriving citizens of their liberty. That is the particular amendment which I have suggested. And the second amendment is this. In the definition of prejudicial activity in clause (b) I only want this. In the case of an uncontrolled article the price of which is not controlled by law if a person in the market sells it at four annas and the police sub-inspector thinks that he should have sold it at 3½ annas and therefore he is making a gain, which indirectly interferes with the object of one of the economic laws, for which a person can or cannot be detained under the definition of prejudicial activity as it is at the moment defined, if this kind of tyranny is possible under this law, I think, that itself shows that the law is repugnant both to commonsense and to justice and ought to go.

Sir, the third amendment which I have suggested is this. Sub-section 2 which confers power on the district magistrates and commissioners of police ought to go completely. Even in the COFEPOSA which provides for preventive detention of smugglers and those who commit heinous foreign exchange offences and offences to foreign exchange position of the country prejudicially, even in that law, this provision has not been made. This provision existed originally in MISA and even from that law it was removed; it was originally there when smugglers were sought to be detained under the 1974 ordinance and that was removed ultimately in the 1974 statute when it became a permanent measure. I don't see the slightest justification why a hoarder in the market or trade should be treated on a worse footing than a

smuggler or a foreign exchange manipulator and in any event I think the entire lot of laws must be at least in harmony so far as the evil of laws go.

The remaining are consequential amendments to clause 3 which, if the first three are accepted, will follow logically. Thank you

श्री रामाधतार शास्त्री (पटना) : उपाध्यक्ष महोदय, मैं अपने दो संशोधनों—सं० 66 और 67 के बारे में एक-एक मिनट मैं अपने विचार रखना चाहता हूं। जहां इस बात की चर्चा है कि किसी भी चोरबाजारी करने वाले, मुनाफाखोरी करने वाले को नजरबन्द किया जायेगा, उस के आखिर मैं मैं इन शब्दों को जोड़ना चाहता हूं।

“किन्तु ऐसा करते समय राजनीतिक भेदभाव, दुश्मनी या दुर्भविता से काम नहीं लिया जायेगा ।”

अगर सरकार सचमुच में केवल चोरबाजारी करने वालों, मुनाफाखोरी करने वालों को ही इस कानून के अन्तर्गत जलों में रखना चाहती है तो उसे मेरे संशोधन को स्वीकार करने में कोई आपत्ति नहीं होनी चाहिए। अगर सरकार इन्कार करती है तो मैं वही समझूँगा कि उन का दावा कि हम दूसरों को इस कानून के अन्दर नहीं पकड़ेंगे, चोट नहीं पहुँचायेंगे, यह केवल पाखण्डपूर्ण दावा होगा। मैंने ऐसा इस लिए कहा कि पहले भी नजरबन्दी कानून के तहत यदि किसी को किसी के साथ कोई दुश्मनी थी, तो उसने जा कर सम्बन्धित प्रधिकारी को कह दिया और उस व्यक्ति को जेल में डाल दिया गया। किसी भी राजनीतिक भेदभाव या दुश्मनी के कारण ऐसी बात होती रही है। इस लिए सही मायनों में जिस उद्देश्य का दावा आप कर रहे हैं, यदि आप की उस बात को मान लिया जाय, तो फिर आप को मेरे इस संशोधन को स्वीकार करना चाहिए।

जहां तक दूसरे संशोधन का सम्बन्ध है—हमारे माननीय सदस्य थे इन्द्रजीत गुप्त ने भी उस का जिक्र किया है, मैं उन के तर्कों का समर्थन करते हुए इतना ही निवेदन करना चाहता हूं कि इस संशोधन को आप निश्चय ही मानिये। अन्य किसी संशोधन को मानिये या न मानिये, लेकिन यह संशोधन बड़ा ही महत्वपूर्ण है—इस को अवश्य मानिए। अगर उसे नहीं मानते हैं तो तभाम ट्रेड यूनियन की गर्दन पर प्रोवेन्टिव डिटेन्शन की तलवार लटकी रहेगी और आप जब चाहेंगे, मेरे जैसे रेलवे में काम करने वाले कार्यकर्ता को, दूसरी यूनियनों में काम करने वाले कार्यकर्ताओं को, जिन का सम्बन्ध आवश्यक वस्तुओं से होगा, लाने-ले जाने के काम से या उत्पादन से उन को आप आसानी से डिटेन्शन में डाल देंगे। 6 महीने तक तौ आप वैसे ही रख सकते हैं, उस के बाद मैंनिपुलेट कर के 6 महीने को बढ़ा कर एक साल भी कर सकते

हैं। तो मैं चाहता हूं कि इस संशोधन को तो निश्चय ही मानाना चाहिए ताकि लोग समझ कि आप का इरादा बुरा नहीं है और आप का इरादा सचमुच में चोरबाजारी करने वालों और मुनाफाखोरी करने वालों तक ही सीमित है।

श्री रीत लाल प्रसाद बर्मा (कोडरमा) : उपाध्यक्ष महोदय, मैं बलाज 3 में यह सुनाव दे रहा हूं कि ये शब्द जोड़ दिये जाएं ताकि इस प्रजातंत्र में, हमारे देश में प्रजातंत्र है निर्दोष व्यक्तियों को निरुद्ध न किया जा सके :

“but this section shall not apply to a person who is an active member of a Trade Union or of a Political Party whether in power or in the opposition.”

मैंने यह इसलिए कहा है क्योंकि प्रजातंत्र में हर व्यक्ति का एक हिस्सा होता है शासन में अगर किसी निर्दोष व्यक्ति को राजनीतिक विद्वेष या कट्टनीतिक षड्यंत्र के कारण निरुद्ध किया जाएगा, तो फिर प्रजातंत्र का अर्थ नहीं रहेगा।

A democratic government is the one in which everyone has a share.

इसीलिए मेरा कहना यह है कि अगर कैबिनेट और तथा प्रमाण सही हैं, तो जो स्मगलर्स हैं या जो होर्डर्स हैं, उन को सावजनि हि में निरुद्ध करने के पक्ष में तो मैं हूं लेकिन निर्दोष व्यक्ति को बचाने के लिए बलाज 3 में जो शब्द मैंने जोड़ देने के लिए कहा है, उस पर सरकार को एतराज नहीं होना चाहिए।

SHRI PRANAB MUKHERJEE: The points raised by the hon. Members are of clarificatory nature and no doubt the same argument is put forward by them. In fact, I will be repeating my reply to the arguments put forward by them. Only one point Shri Indrajit Gupta has raised, that is, he has no confidence in us. But it is known that there is no confidence in us because they are sitting there and we are sitting here and we do not want to create confidence in the mind of Shri Indrajit Gupta. He is obsessed with what his party did in the past. They were with us till the other day. Immediately after our defeat in 1977, everything went wrong. They realised that during 1975-1977. (Interruptions). I do not want to enter into that type of argument. The whole object of the Bill is to deal with the profiteers, hoarders and blackmarketeers. I have made it clear in the

Statement of Objects and Reasons. He is interpreting certain sections, that is, maintenance and supplies of essential commodities, stretching whether it will be applicable to the trade union, whether it will be applicable to the legitimate activities of the trade union movement, etc. How can one remove this kind of apprehension from his mind?

SHRI INDRAJIT GUPTA: You can make a categorical statement on this.

SHRI PRANAB MUKHERJEE: I have already made it clear that this piece of legislation is meant to take care of hoarders, blackmarketeers, etc.

SHRI INDRAJIT GUPTA: Why is it not written in the Bill? Why did not you write ~~it~~ in the Statement of Objects and Reasons included in the Bill?

SHRI PRANAB MUKHERJEE: If you don't have confidence in us, we cannot help it. So far as the drafting is concerned, there is nothing wrong. I think it is to be in the normal way. Now he feels that it will be interpreted in such a way so that the trade unionists and other type of activists would be covered by that and that impression I cannot remove. It is for him to see how it is applied and what course of action is taken. If he is obsessed with the past, I can only say that he is an abettor and collaborator to that.

So far as the point raised by Shri Ram Jethmalani is concerned, that is, whether we can bring it on par with COFEPOSA, it is true that officers at certain higher level are provided with the Detention Powers. So far as COFEPOSA is concerned, I would point out that this is concerned with the metropolitan cities and big port cities. So far as this Act is concerned, we will have to deal with a large number of operators in the rural areas also. That is why the power is given to the District Magistrates and the Commissioner of Police. So far as the amendment to the Bill suggested is concerned, that is, we are not giving it to the judicial officers, Sir, in fact the preventive power is given to the Execu-

tive officers and the judicial authority is to review it. That is why the whole process of the review by the judicial authority headed by a sitting judge of a High Court, assisted either by both retired judge or sitting judge is gone through. These arrangements are made. You cannot expect a man who will issue a detention order and if he is a judge what will be his predicament? It is an executive order. It is not expected that the sitting judge will issue one executive order and he will just consider all the aspects of it, then the whole purpose of having it will be lost. In that case, there is no need for it. It is basically an executive instrument and the executive authority should be provided with the instrument. There should be safeguards for the judicial review and these safeguards are incorporated in the text of the Bill.

SHRI BAPUSAHEB PARULEKAR: The hon. Minister said that we are not giving the powers to judicial officers, because the judicial officers are there in the Advisory Board. My amendment suggests that the judicial powers should be given to the sessions judges and judicial magistrates and not the High Court, which will constitute the Advisory Board. That has not been answered.

SHRI PRANAB MUKHERJEE: It is not possible.

MR. DEPUTY-SPEAKER: Now, there are a lot of amendments to Clause 3. I would, due to paucity of time, put all the amendments together unless some hon. Members want their amendments to be put separately.

SHRI INDRAJIT GUPTA: I have stated a little earlier that there are certain amendments which we consider to be more important than others. You are rolling them all together in one package, that is not correct. I am not very much inspired by the reply of the young Minister; he tried to make cheap political wisecracks at my expense, but I have to forgive him because he is still young. I want my amendment No. 24 to be put separately.

MR. DEPUTY-SPEAKER: The question is:

Page 2,—

after line 31, insert—

“Provided that no legitimate trade union activity including strike or work-to-rule shall be deemed to be an offence under this sub-section.” (24)

The Lok Sabha divided:

AYES

Division No. 8]

[14.33 hrs.

Balanandan, Shri
Bhattacharya, Shri Sushil Kumar
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chowdhary, Shri Saifuddin
Dandavate, Prof. Madhu
Das, Shri R. P.
Dharamvir Singh, Shri
Ghosh, Shri Niren
Giri, Shri Sudhir Kumar
Goel, Shri K. K.
Goswami, Shrimati Bibha Ghosh
Gupta, Shri Indrajit
Halder, Shri Krishna Chandra
Hannan Mollah, Shri
Hasda, Shri Matilal
Horo, Shri N. E.
Jatiya, Shri Satyanarayan
Kodiyan, Shri P. K.
Madhukar, Shri Kamla Mishra
Maitra, Shri Sunil
Mandal, Shri Mukunda
Mhalgi, Shri R. K.
Mishra, Shri Satyagopal
Modak, Shri Bijoy
Mohammed Ismail, Shri
Mukherjee, Shrimati Geeta
Mukherjee, Shri Samar
Ngangom Mohendra, Shri
Nihal Singh, Shri

Pal, Shri Rup Chand

Pandit, Dr. Vasant Kumar

Parulekar, Shri Bapusaheb

Pathak, Shri Anand

Rajda, Shri Ratansinh

Roy, Dr. Saradish

Saha, Shri Gadadhar

Saini, Shri Manohar Lal

Sarangi, Shri R. P.

Shakya, Shri Ram Singh

Shastri, Shri Ramavtar

Shejwalkar, Shri N. K.

Singh, Dr. B. N.

Suraj Bhan, Shri

Syed, Shri Masudal Hossain

Tirkey, Shri Pius

Varma, Shri Ravindra

Verma, Shri Chandradeo Prasad

Verma, Shri Phool Chand

Verma, Shri R. L. P.

Verma, Shri Raghunath Singh

Verma, Shri Sheo Sharan

Yadav, Shri Chhotey Singh

Yadav, Shri Vijay Kumar

Zainal Abedin, Shri

NOES

Ahmed, Shri Mohd. Asrar

Ajit Pratap Singh, Shri

Alluri, Shri Subhash Chandra Bose

Anand Singh alias Annubhaiya, Shri

Appalanaidu, Shri S. R. A. S.

Arakal, Shri Xavier

Arjunan, Shri K.

Ashfaq Hussain, Shri

Athare, Shri Chandrabhan Balaji

Aziz Imam, Shri

Bajpai, Dr. Rajendra Kumari

Bansi Lal, Shri

Barot, Shri Maganbhai

Barve, Shri J. C.

Behara, Shri Rasa Behari

Bhagat, Shri H. K. L.

Bhagwan Dev, Shri

Bhakta, Shri Manoranjan

Bhikhahai, Shri	Hakam Singh, Shri
Bhoi, Dr. Karupa Sindhu	Harikesh Bahadur, Shri
Bhole, Shri R. R.	Jadeja, Shri Daulatsinhji
Bhoye Reshma Motiram, Shri	Jaiba, Smt. Rane Sirdessai Sayogita
Bhuria, Shri Dileep Singh	Jain, Shri Bhiku Ram
Bijendra Pal Singh, Shri	Jain, Shri Virdhi Chand
Birender Singh Rao, Shri	Jaydeep Singh, Shri
Buta Singh, Shri	Jena, Shri Chintamani
Chandrakar, Shri Chandulal	Jitendra Prasad, Shri
Charanjit Singh, Shri	Kailash Pati, Shrimati
Chaturvedi, Shrimati Vidyavati	Kalpnath Shankar, Shri
Chavan, Shri Shankarrao Bhaurao	Kamakshaiah, Shri D.
Chavda, Shri Ishwarbhai Khodabhai	Karma, Shri Laxman
Chawdhury, Shri A.B.A. Ghani	Kashirsagar, Shrimati Kesharbai
Chennupati, Shrimati Vidya	Kaushal, Shri Jagannath
Chingwang, Kouyak, Shri	Khan, Shri Arif Mohammad
Chitturi, Shri Subba Rao Chowdhary	Khan, Shri Malik M. M. A.
Choudhari, Shrimati Usha Prakash	Kidwai, Shrimati Mohsina
Chouhan, Shri Fatebhanu Singh	Kochack, Shri Ghulam Rasool
Dabhi, Shri Ajitsinh	Krishan Datt, Shri
Damer, Shri Somjibhai	Krishna, Shri S. M.
Dennis, Shri N.	Lakkappa, Shri K.
Dec, Shri K. P. Singh	Mahabir Prasad, Shri
Dhandapani, Shri C. T.	Makwana, Shri Narsinh
Doongar Singh, Shri	Mallikarjun, Shri
Dorai Sebastian, Shri S. A.	Mane, Shri R. S. (Ichalkaranji)
Dubey, Shri Bindeshwari	Mani, Shri K. B. S.
Faleiro, Shri Eduardo	Manpheol Singh, Shri
Gadgil, Shri V. N.	Meena, Shri Ram Kumar
Gadhavi, Shri Bheravadan K.	Mehta, Dr. Mahipatray M.
Gaekwad, Shri R. P.	Mirdha, Shri Nathu Ram
Gaikwad, Shri Udaysingrao	Mohanty, Shri Brajamohan
Gamit, Shri Chhitubhai	Mohite, Shri Yashawantrao
Gandhi, Shri Sanjay	Mohsin, Shri F. H.
Gangawar, Shri Harish Kumar	More, Shri Ram Kishna
Garcha, Shri Devinder Singh	Mubarak Shah, Shri Khwaja
Gehlot, Shri Ashok	Mukhopadhyaya, Shri Anand Gopal
Ghorpade, Shri R. Y.	Murthy, Shri Kusuma Krishna
Gohil, Shri G. B.	Muttemwar, Shri Vilas
Gomango, Shri Giridhar	Naidu, Shri P. Rajagopal
Gouzagin, Shri	Naik, Shri Surup Singh
Gulsher Ahmed, Shri	Nair, Shri B. K.
Gurbinder Kaur, Shrimati	Nanje Gowda, Shri H. N.
Gurcharan Singh, Shri	Netam, Shri Arvind

Nihal Singh, Shri	Sangama, Shri P. A.
Nikhra, Shri Rameshwar	Sawant, Shri T. M.
Palaniappan, Shri C.	Sethi, Shri P. C.
Pandey, Shri Kedar	Shaktawat, Prof. Nirmal Kumari
Pandey, Shri Krishna Chandra	Shakyawar, Shri Nathuram
Panika, Shri Ram Pyare	Shankrananad, Shri B.
Parashar, Prof Narain Chand	Shanmugam, Shri P.
Pardhi, Shri Keshoraao	Sharma, Shri K. C.
Patel, Shri Ahmed Mohammed	Sharma, Shri Munder
Patel, Shri Amrit	Sharma, Shri Naval Kishore
Patel, Shri Shantubhai	Sharma, Shri Pratap Bhanu
Patil, Shri Balasaheb Vikhe	Sharma, Dr. Shankar Dayal
Patil, Shri Shivraj V.	Sharma, Shri Vishwa Nath
Patil, Shri A. T.	Shastri, Shri Dharam Dass
Patil, Shri Uttamrao	Shastri, Shri Harikishan
Patil, Shri Vasantrao	Shiv Shankar, Shri P.
Patil, Shri Vijay N.	Shivkumar Singh, Shri Thakur
Pattuswamy, Shri D.	Singh, Shri C. P. N.
Pilot, Shri Rajesh	Solanki, Shri Babu Lal
Poojary, Shri Janardhana	Sparrow, Shri R. S.
Potdukhe, Shri Shantaram	Subba, Shri P. M.
Prabhu, Shri R.	Sukhadia, Shri Mohanlal
Pullaiah, Shri Darur	Sunder Singh, Shri
Quadri, Shri S. T.	Swami, Shri K. A.
Raghavan, Shri V. S. Vijaya	Tayyab Hussain, Shri
Rai, Shrimati Sahodarabai	Tewari, Shri Narayan Datt
Ramalingam, Shri N.	Thungon, Shri Prem Khandu
Ramamurthy, Shri K.	Tripathi, Shri Kamalapati
Ramdhan, Shri Prabhunarayan	Tripathi, Shri R. N.
Ranabir Singh, Shri	Tudu, Shri Manmohan
Ranga, Shri N. G.	Tytler, Shri Jagdish
Rao, Shri Ankineedu Prasada	Uike, Shri Chhotelal
Rao, Shri M. Satyanarayana	Vairale, Shri Madhusudan
Roat, Shri Jai Narain	Venkataraman, Shri R.
Rathawa, Shri Amar Singh	Velu, Shri A. M.
Rathod, Shri Uttam	Venkatasubbaiah, Shri P.
Ravani, Shri Navin	Verma, Shri Jai Ram
Rawat, Shri Harish	Virda Ram, Shri
Reddy, Shri K. Obul (Cuddapah)	Vyas, Shri Girdhari Lal
Reddy, Shri K. Vijay Bhaskar	Wasnik, Shri Balkrishna Ramchandra
Reddy, Shri M. Ram Gopal	Yadav, Shri R. N.
Reddy, Shri T. Damodhar	Yadav, Ram Singh
Sahu, Shri Narayan	
Sajjan Kumar, Shri	

Yellaiah, Shri Nandi

Zail Singh, Shri

MR. DEPUTY-SPEAKER: The result of the division is:

Ayes: 55

Noes: 193

The motion was negatived.

SHRI BAPUSAHEB PARULEKAR: My amendment Nos. 25 and 26 may be put separately.

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 25 and 26 to the vote of the House.

Amendments Nos. 25 and 26 were put and negatived.

MR. DEPUTY-SPEAKER: I shall now put all the other amendments to clause 3 to the vote of the House.

Amendments Nos. 6 to 9, 19, 37 to 39, 49 to 56, and 64 to 68 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—(Execution of detention orders)

SHRI BAPUSAHEB PARULEKAR: I have an amendment No. 27, to clause 4. I beg to move:

Page 3,

after line 14, insert—

"Provided that the person on whom the detention order has been served shall never be handcuffed nor shall he be detained in police station." (27)

This is a mischievous clause of this nefarious Bill which gives power to the detaining authority to execute a detention order as a warrant. Past experience shows that when such orders were served on persons, they were handcuffed or their hands were tied with ropes. I am one of the victims. With handcuffs on, I was

taken from Ratnagiri to Poona when the detention order was served on me and Mr. Shankarrao Chavan was the Chief Minister. Powers were given to the police. No statutory provisions were there. Under the instigation of local leaders and certain political parties, this happens. There are many persons who are sitting here who have got the experience of being handcuffed. I am therefore moving this proviso so that the person who is to be detained should be protected. Because, this is not punitive detention, this is preventive detention. The person to be detained has not to be treated as an ordinary criminal. I have also said that they ought not to be detained in the police station. I have experience of this; for two days we were detained in the police station along with ordinary criminals. This is not punitive detention, therefore I have moved this proviso. I would request the hon. Minister to consider this proviso seriously so that they can prove their bona fides in moving this legislation.

SHRI PRANAB MUKHERJEE: We have given the authority to appropriate government to determine the conditions of detention.

The Central Government will also have to make rules in that respect. There is a special procedure.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 27 to vote.

Amendment No. 27 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—(Power to regulate place and conditions of detention)

SHRI KAMLA MISHRA MADHUKAR: I beg to move:

Page 3, line 26,—

add at the end—

“and that full facts shall be given to the persons and the States concerned.” (10)

MR. DEPUTY-SPEAKER: I shall now put amendment No. 10 to vote.

Amendment No. 10 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

“That Clause 5 stand part of the Bill”.

The motion was adopted.

Clause 5 was added to the Bill.

Clause—6—(Detention orders not to be involved or inoperative on certain grounds)

SHRI KAMLA MISHRA MADHUKAR: I beg to move:

Page 3, line 31,

add at the end—

“that he belongs to any political party either ruling party or the opposition party, or” (11)

MR. DEPUTY-SPEAKER: I shall now put amendment No. 11 to vote.

Amendment No. 11 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

“That Clause 6 stand part of the Bill.”

The motion was adopted.

Clause 6 was added to the Bill.

MR. DEPUTY-SPEAKER: There is no amendment to clause 7.

The question is:

“That Clause 7 stand part of the Bill.”

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8—(Grounds of order of detention to be disclosed to person affected by the order).

SHRI BAPUSAHEB PARULEKAR: I beg to move:

Page 4, lines 8 to 11,—

for “as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention”

substitute—

“at the time of serving detention order” (31)

Page 4,—

omit lines 14 and 15 (32)

MR. DEPUTY-SPEAKER: I shall now put amendment Nos. 31 and 32 to the vote of the House.

Amendments Nos. 31 and 32 were put and negatived.

MR. DEPUTY-SPEAKER: Amendment No. 41 cannot be moved because it is the same as amendment No. 32 which has already been negatived.

The question is:

“That Clause 8 stand part of the Bill.”

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9—(Constitution of Advisory Boards)

SHRI KAMLA MISHRA MADHUKAR: I beg to move:

Page 4, lines 23 and 24,—

for "serving or retired Judges of any High Court"

substitute "such committed persons who are wholly against black-marketing" (12)

SHRI K. K. GOEL: I beg to move:

Page 4, line 17,—

omit "whenever necessary" (42)

श्री कमला मिश्र मधुकर: उपाध्यक्ष महोदय, मेरा जो संशोधन है उस में मेरा कहना यह है कि एडवाइजरी बोर्ड जो बनाने जा रहे हैं उस में ऐसे लोग हों जो कमिटेड हों क्योंकि अगर चोरबाजारी को रोकना है और चोरबाजारी करने वालों को बन्द करना है तो उस के लिए एडवाइजरी बोर्ड में ऐसे लोगों का होना आवश्यक है। अगर ऐसा नहीं होगा तो और लोगों के अधिकार छिन जाएंगे और जो चोरबाजारी करने वाले हैं उन को पकड़ा नहीं जा सकेगा। मेरा अपना अनुभव यह है कि हमारे अपने जिले में, मोतीहारी में एक कमेटी इस के लिए बनाई गई थी लेकिन उस में ऐसे लोग थे जो चोरबाजारी में मदद करने वाले थे। यह वहां के जिलाधिकारी ने मुझसे कहा कि हम अया करें, ऐसा ऐसा हो रहा है। उस कमेटी में ऐसे लोग थे जो चोरबाजारी में मदद करते थे। इसलिए मेरा यह कहना है कि इस कानून को अगर प्रभावी बनाना है तो एडवाइजरी बोर्ड में कमिटेड लोगों को रखिए।

MR. DEPUTY-SPEAKER: I shall now put amendment Nos. 12 and 42 to the vote of the House.

Amendments Nos. 12 and 42 were put and negatived

MR. DEPUTY-SPEAKER: The question is:

"That Clause 9 stand part of the Bill."

The motion was adopted.

Clause 10—(Reference to Advisory Boards)

SHRI KAMLA MISHRA MADHUKAR: I beg to move:

Page 4, line 43,—

for "three weeks" substitute "fifteen days" (13)

SHRI K. K. GOEL: I beg to move:

Page 4, line 43,—

for "three weeks" substitute "two weeks" (43)

Page 4,—

omit lines 47 to 49 (44)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 4, line 49,—

add at the end—

"and if the detained person so desires, he shall be allowed to appear before the Advisory Board in person to put his point of view for the benefit of the members of the Board." (74)

श्री रामावतर शास्त्री: उपाध्यक्ष महोदय, सलाहकार बोर्ड को निर्देश देने की जिस धारा में चर्चा है उस धारा के अन्त में मैं अपना अमेन्डमेंट जोड़ना चाहता हूँ जो इस प्रकार है—

"और यदि विरुद्ध व्यक्ति की ऐसी इच्छा हो तो उसे सलाहकार बोर्ड के समक्ष बोर्ड के सदस्यों के लाभार्थ अपना विचार रखने के लिए स्वयं हाजिर होने की अनुमति दी जायेगी।"

मैं इसलिए बोलना चाहता हूँ कि मैं कांग्रेस राज में ही 1948 से 1950 तक पटना में विहार में दो साल तक नजरबन्द रखा गया और उस समय मैंने इच्छा जाहिर की थी मुझे सलाहकार बोर्ड के सामने पेश किया जाये, लेकिन मुझे इजाजत नहीं दी गई। हम स्वयं इस के विकिटम है। इस लिए मैं कहना चाहता हूँ कि सही ढंग से या गलत ढंग से जैसे भी आप ने नजरबन्द किया, अगर वह व्यक्ति सलाहकार बोर्ड के सामने अपनी बाते रखना चाहता है तो उसे अधिकार होना चाहिए कि वह स्वयं उपस्थित हो कर अपनी बात रख सके।

मेरा यही संशोध है और इस को स्वीकार किया जाना चाहिए ताकि किसी के अधिकार का हनन न हो।

SHRI. PRANAB MUKHERJEE: Even under the present provision, if the Advisory Board finds it necessary, they may give him an opportunity. It is already there. He wants to make it mandatory. That is not possible.

MR. DEPUTY-SPEAKER: I put amendment Nos. 13, 43, 44 and 74 to the House.

Amendments Nos. 13, 43, 44 and 74 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 10 stand part of the Bill".

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11— (Procedures of Advisory Boards).

SHRI KAMLA MISHRA MADHUKAR: I beg to move:

Page 5, line 7,—

for "seven" substitute "four"
(14)

Page 5, line 10,—

after "Advisory Board" insert—

"which shall be based on not any political and other considerations but on the merits of the case," (15)

SHRI BAPUSAHEB PARULEKAR:

I beg to move:

Page 5, line 7,—

after "in person" insert—

"and after giving him opportunity to lead oral and documentary evidence, if any"

Page 5,—

after line 20, insert—

"Explanation—If under sub-section (1) of this section the Advisory Board calls for materials and further information from appropriate Government, the same shall not be refused on the ground that the disclosure would be against public interest" (34)

Page 5, lines 15 to 17,—

omit "Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board, and" (35)

SHRI K. K. GOEL: I beg to move:

Page 5, lines 17 to 20,—

omit "and the proceedings of the Advisory Board, and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential" (46)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 5, line 2,—

after "before it and" insert—

"hearing the aggrieved person" (75)

Page 5, line 7,—

for "seven" substitute "five" (76)

15 hrs.

SHRI BAPUSAHEB PARULEKAR: I would like to draw the attention of the hon. Minister to clause 11 where, by way of providing a safeguard, it is mentioned that the right is given to the person detained of being heard. I would like to know whether after hearing him, you want to give him the right to lead oral and documentary evidence. You are denying legal assistance to him under sub-clause (4), in this clause, you only mention the words "after hearing him in person". If in reality you want to give him assistance or you want to put a safeguard, you kindly consider my Amendment No. 33, that is, insert the words, "and after giving him opportunity to lead oral and documentary evidence if any". That would give him all the assistance and all the opportunity. I would request you to kindly accept my amendment as there will be no hardship in accepting it.

Coming to sub-clause (4), I do not understand the propriety of the Government in denying the citizens legal assistance. Are you really scared and afraid of the legal experts and the advocates? What is the reason that sub-clause (4) is inserted here?

Thirdly, with reference to this particular clause, I have mentioned that as far as the Advisory Board is concerned, this proviso will not apply as was applicable to the MISA regime that whatever, record is available with the Government should be made available to the Advisory Board. Therefore, I have given Explanation:

"If under sub-section (1) of this section the Advisory Board calls for materials and further information from appropriate Government, the same shall not be refused on the ground that the disclosure would be against public interest".

The hon. Minister is well aware that such information was refused to the

Supreme Court judges when the writ petitions were being heard.

With these words, I would request the hon. Minister to consider all the three amendments of mine, giving him the right of assistance by an advocate, giving him an opportunity of being heard and seeing that the Advisory Board is furnished with all the information with the Government. I would like the hon. Minister to tell the House as to why he is denying these opportunities to the person if in the real sense he wants to provide all the safeguards in the Act.

SHRI PRANAB MUKHERJEE : So far as the Advisory Board is concerned, according to the provisions of the Bill itself, if they require any information, they are entitled to have that information. For their own consideration, they will be entitled to have any material which they find necessary to satisfy themselves and to judge if a detention order is justified or not. I have already made it quite clear and I have nothing more to add.

Regarding the provision of giving legal assistance, the preventive detention is something to prevent a person from doing a thing. Actually, he has not committed any offence. If he has committed any offence, then there is no justification for putting him under preventive detention. It is to prevent somebody from committing an offence. Therefore, it is thought that that the Advisory Board will look into all the material which the detaining authority will be placing before them. Even after considering all the material, if the Advisory Board considers it

necessary they may like to examine the person and the detenu can go and depose before them, explain his case, and after considering all these aspects, the Advisory Board would come to a conclusion whether the detention is justified or not. Therefore, the question of bringing in a lawyer does not arise.

MR. DEPUTY-SPEAKER: Now I shall put all the amendments together, Nos. 14, 15, 33, 34, 35, 46, 75 and 76, to the vote of the House.

Amendments Nos. 14, 15, 33 to 35, 46, 75 and 76 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12—(Action upon the report of Advisory Board)

MR. DEPUTY-SPEAKER: I think Mr. Madhukar is not insisting?

SHRI KAMALA MISHRA MADHUKAR: I am moving but not speaking. I beg to move:

Page 5, line 24,—

after "such period as it thinks fit" insert "not less than six months" (16)

SHRI RAMAVATAR SHASTRI: I am moving both the amendments but will speak on only one.

I beg to move:

Page 5, line 24,—

for "such period as it thinks fit" substitute "not more than two months" (77)

Page 5, line 28,—

add at the end—

"and compensate the loss done to him for keeping in unjustified detention." (78)

श्री रामावतार शास्त्री: उपाध्यक्ष महोदय में संशोधन 78 के बारे में बोल रहा हूँ। इस विधेयक की धारा 12 की उप-धारा (2) में इस प्रकार कहा गया है :

"(2) किसी ऐसे मामले में, जिसमें सलाहकार बोर्ड न रिपोर्ट दी है कि सम्बद्ध व्यक्ति के लिए उसकी राय में पर्याप्त कारण नहीं हैं, समुचित सरकार निरोध-आदेश वापस लेगी तथा व्यक्ति को तुरन्त छुड़वा देगी।"

मेरा कहना यह है कि इस के बाद यह जोड़ा जाए :

"और अनन्तित निरोध में रखने के लिए उसे हुई हानि के लिए प्रतिकार देगी।"

इसलिए मैं यह चाहूँगा कि जो व्यक्ति गलत तरीके से निरुद्ध किया जाता है, उस को कुछ कम्पेसेशन मिलना चाहिए क्योंकि उसको मानसिक रूप से नुकसान हुआ है, आर्थिक तथा सामाजिक रूप से उस का नुकसान हुआ है और लोग ऐसा समझते हैं कि वह गलत आदमी था और इसलिए उसे बन्द कर दिया गया था। उसको लोग चोरबाजारी करने वाला समझेंगे और जब ऐसी स्थिति है, तो निश्चित रूप से उसे कम्पेसेशन मिलना चाहिए क्योंकि सरकार ने उसे दोषी करार नहीं दिया। उसको इस के लिए कम्पेसेशन पाने का हक है और सरकार का भी यह कर्तव्य है कि वह उसे कम्पेसेशन दे। जब सरकार अपनी गलती स्वीकार करती है, तो आखिर उसे कम्पेसेशन मिलना चाहिए क्योंकि इससे वह होगा कि किसी निर्दोष व्यक्ति को निरुद्ध न किया जा सके।

SHRI PRANAB MUKHERJEE: I don't think we can accept the idea of compensation.

MR. DEPUTY-SPEAKER: You want compensation to be given to blackmarketeers?

श्री रामावतार शास्त्री: 6 महीने या 2 महीने या एक महीने उसे बन्द रखा तो इस बीच में उस का जो नुकसान हुआ है, उसे कौन बदा करेगा? वह समाज में बुरा समझा जाएगा और वह दिमारी तौर पर पाशल भी हो सकता है।

SHRI INDRAJIT GUPTA: He says, where the advisory board holds he has been wrongly detained....

SHRI PRANAB MUKHERJEE: If the Advisory Board comes to that decision he will be released immediately. But the idea of compensation, we cannot accept.

श्री रामावतार शास्त्री: गलत काम के लिए सरकार को भी सजा मिलनी चाहिए।

SHRI PRANAB MUKHERJEE:

Under the ordinary law he has already got legal remedy. But Government as such cannot accept the proposition of compensation. Let him go to court.

SHRI RAMAVATAR SHASTRI: You can make this provision in the Bill.

SHRI PRANAB MUKHERJEE: It is not possible.

DR. DEPUTY-SPEAKER: I will now put Amendments Nos. 16, 77 and 78 to the vote of the House.

Amendments Nos. 16, 77 and 78 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 12 stand part of the Bill".

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13— (Maximum period of detention).

SHRI KAMLA MISHRA MADHUKAR: I beg to move:

Page 5, line 31,—

for "six months" substitute "one year" (17)

SHRI K. K. GOEL: I beg to move:

Page 5, line 31,—

for "six months" substitute "ninety days" (47)

Page 5,—

omit lines 32 to 34. (48)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 5, line 31,—

for "six" substitute "two" (79)

Shri के० के० शोयल : उपाध्यक्ष महोदय जब एडवायजरी बोर्ड ने मेक्सिमम पीरियड 6 महीने के लिए किसी व्यक्ति को डिटेन करने का अधिकार सरकार को दिया है तो उप पर इस क्लाज में यह प्रोविजों क्यों ? मैंने इस प्रोविजों को रिमूव करने के लिए अपना अमेंडमेंट भेज किया है। जब एडवायजरी बोर्ड ने यह माना है कि किसी भी व्यक्ति को डिटेन किया जाए और डिटेन करने का आर्डर सरकार को दे दिया है तो उसके बाद किसी भी आर्डर को मोडिफाई करने या रिवोक करने का अधिकार सरकार अपने पास क्यों रखना चाहती है ? एडवायजरी बोर्ड की सिफारिश पर आपने किसी व्यक्ति को 6 महीने तक डिटेन किया उसके बाद भी उस आर्डर को मोडिफाई करने या रिवोक करने का अधिकार आप लेना चाहते हैं ?

मैं बड़े अदब से कहना चाहूँगा कि जहां पर आप ब्लेक मार्किटिंग को रोकने के लिए यह कानून बना रहे हैं वहां आप इस प्रोविजो के द्वारा अपन पोलिटिकल परेपज के लिए लोगों को ब्लेकमेल करने का अधिकार भी लेना चाहते हैं। इस लिए मैं भूमिका महोदय से कहूँगा कि वे इस प्रोविजों को इस क्लाज से हटा दें अन्यथा मेरा आरोप है कि आप उक्त परेपज के लिए यह अधिकार अपने पास रखना चाहते हैं।

15.12 hrs.

[SHRI SHIVRAJ V. PATIL in the Chair]

SHRI PRANAB MUKHERJEE: The point which the hon. Member has raised is somewhat not correct. What is the position of the Advisory Board? The Advisory Board is not going to determine what should be the period of detention. They are going to look into whether the period of detention is justified or not. As I have already mentioned, preventive detention is an executive measure, it is for the executive to decide whether a person is going to be detained and if so, for what period. The outer limit is given. If it is confirmed by the Advisory Board, it may be upto six months, if it is not confirmed by the Advisory Board, it may be a maximum of two months. In between it is for the executive authority to decide whether he can be detained for three months or four months or not. In the Advisory Board it is not a regular trial. It is for the trial court to decide as to what should be the quantum of punishment. The Advisory Board is to look into whether there is any justification for detaining a person under the provisions of the Act.

श्री कौ. कौ. गोयल: यह कहीं पर कंप्युजन है। देशर इज सम कंप्युजन। एक बार एड-वायररी बोर्ड की सिफारिश पर आपने किसी को डिटेन कर लिया और एक लिमिट फिक्स कर दी, उसके बाद उसको मोडिफाई करने या रिदोक करने की क्या आवश्यकता है?

संभापति महोदय: मिस्टर गोयल, आप तो पहले ही बोल चुके हैं, अब नहीं।

I shall now put Amendments 17, 47, 48 and 79, moved to Clause 13, to the vote of the House.

Amendments Nos. 17, 47, 48 and 79 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14 was added to the Bill.

persons detained).

SHRI KAMLA MISHRA MADHUKAR: I beg to move:

Clause 15—(Temporary release of Page 6, lines 9 and 10,—

omit "or without" (18)

SHRI BAPUSAHEB PARULEKAR: I beg to move:

Page 6, line 17,—

for "two years" substitute "one month" (36)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 6, line 17,—

for "two years" substitute "one year" (80)

SHRI A. K. ROY (Dhanbad): I beg to move:

Page 6,—

after line 22, insert—

"(6) Any misuse of the provisions of this Act, by detaining innocent person for political and other reasons, shall fetch a punishment of two years of rigorous imprison-

ment or with fine for the officer concerned whose order caused detention and the opinion of the Advisory Board releasing the person so detained shall be final in this respect." (82)

SHRI BAPUSAHEB PARULEKAR: Sir, in my amendment I have mentioned that, instead of two years, it should be reduced to one month. Seriously I should think that the Minister will concede to this amendment. Sir, the maximum period of detention under the Act is six months and, if a person detained goes on parole and if he does not come in time, the maximum punishment for that offence is two years. Here I am unable to appreciate the wisdom and logic behind this kind of legislation. The maximum period of detention for the anticipated offence is six months. How can the punishment for the smaller offence for not appearing within time, be two years? I think it should be much less than that

I would request you to advise the hon. Minister. With reference to this type of legislation, the term cannot be more than six months. I think there is something wrong somewhere. It must be less than six months. Therefore, it should be two months or, at the most, it may be five months. It cannot be two years. I request the Minister to seriously consider this.

MR. CHAIRMAN: I hope Mr. Ramavtar Shastri may not like to speak on his amendment.

SHRI RAMAVATAR SHASTRI: Yes, Sir

MR. CHAIRMAN: I also hope Mr. Roy would not like to speak on his amendment.

SHRI A. K. ROY (Dhanbad): I would like to speak. Mr. Chairman, Sir, you would find that this amendment which I moved is very specific and useful because there must be some check on the misuse of the provision of this Bill. Even if we accept what the Ministers and Government leaders say, the officers may misuse the provisions of this Bill with political

motives. That is why I have moved my amendment.

I say the Bill has been introduced with a political motive and anyone may be detained unjustifiably. The detaining authority should also be punished with imprisonment for two years if they misuse them. They would also feel that if they go on misusing then this may rebound on them also. I would say that the Preventive Detention Act pre-supposes that this system is imperfect; the authorities are imperfect. The judicial process is also imperfect. That is why they resort to this kind of Preventive Detention Bill. There must be some check against the misuse of the provisions contained in this Bill. I have purposefully kept this provision of two years' rigorous imprisonment on the detaining authority by way of my amendment in case they misuse it with political motives.

SHRI PRANAB MUKHERJEE: So far as Shri Roy's point is concerned, I would say that this is not related to the period of detention. This is relating to an offence committed. When somebody released on parole violates the condition of the parole, he is committing a specific offence. It is not related to the Bill, it is not related to detention. For committing a particular offence, he will be regularly tried in the court of law. Therefore, the maximum punishment for that is 2 years imprisonment. This is the maximum period upto which he can be detained. If somebody is released on parole, he should not misuse the advantage which is given to him.

So far as the amendment of Mr. Roy is concerned, I am not able to accept this for the simple reason as I have mentioned already namely that it is better to provide a certain strength by this provision to the executive authority. If what you suggest is simply put in, then it would never be a perfect system. In a system like ours I can understand his anxiety in the imperfection of the system. But, we cannot

help it. We have to work with the imperfect system.

MR. CHAIRMAN: Now I shall put amendment Nos. 18, 36, 80, and 82 moved by Shri Kamla Mishra Madhukar, Shri Bapusahab Parulekar, Shri Ramavtar Shastri and Shri A. K. Roy to the vote of the House.

Amendments Nos. 18, 36, 80 and 82 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

MR. CHAIRMAN: There are no amendments to Clauses 16 and 17. I shall put them to the House. The question is:

"That Clauses 16 and 17 stand part of the Bill."

The Motion was adopted.

Clauses 16 and 17 were added to the Bill.

Clause 1 was added to the Bill.

Enacting Formula

Amendment made:

"Page 1, line 1,—

for "Thirtieth" substitute—
"Thirty-first" (5)

(Shri Pranab Mukherjee)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was adopted to the Bill.

SHRI PRANAB MUKHERJEE: Sir, I move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: Motion moved:

"That the Bill, as amended, be passed."

SHRI NIREN GHOSH (Dum Dum): Sir, I want to point out that is a step towards authoritarianism and a step towards rule by dictatorial methods in order to crush political opponents and I want to remind this Government about the case of Singhania who was Chairman, IJMA. A case was started against him and then it is said that he donated Rs. 55 lakhs to the ruling party and the case was hushed up. Then there is the question of tax evasion and parallel black economy which today perhaps stands to the tune of 30,000 crores. They do nothing and the tax evaders are never brought to book. Sir, all those things go on. This Bill is full of deception and chicanery and it is a measure directed against the democratic forces and to crush the democratic forces and it is a march towards dictatorship. So, all democratic forces must unite and fight this government tooth and nail.

Sir, only 49 per cent of the electorate came to the polls whereas 51 per cent did not. Further out of the total electorate they polled only 22 per cent. What does it indicate? It indicates that the general people have no belief in them. That is why this government has no moral authority to move such a Bill and I oppose this Bill and it should be opposed by all democratic forces tooth and nail inside and outside Parliament.

MR. CHAIRMAN: Has the Minister to say anything?

SHRI PRANAB MUKHERJEE: Sir, I have nothing to add.

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

Let the lobby be cleared.

Lobby has been cleared. Now I will put it again:

The question is:

"That the Bill, as amended be passed."

The votes will be recorded on the slips of paper which will be distributed now.

The Lok Sabha divided:

Division No. 9

15.29 hrs.

AYES

Abbasi, Shri Kazi Jalil

Alluri, Shri Subhash Chandra Bose

Anbarasu, Shri Era

Ankineedu, Shri M.

Appalanaidu, Shri S. R. A. S.

Arakal, Shri Xavier

Arunachalam, Shri M.

Ashfaq Hussain, Shri

Baitha, Shri D. L.

Bajpai, Dr. Rajendra Kumari

Baleshwar Ram, Shri

Bansi Lal, Shri

Barot, Shri Maganbhai

Barve, Shri J. C.

Bhagat, Shri H. K. L.

Bhikhabhai, Shri

Bhole, Shri R. R.

Bhuria, Shri Dileep Singh

Bijendra Pal Singh, Shri

Birender Singh Rao, Shri

Buta Singh, Shri

Chandra Shekhar Singh, Shri

Chandrakar, Shri Chandulal

Charanjit Singh, Shri

Chavan, Shri Shankarrao Bhaura

Chingwang Konyak, Shri

Chiranji Lal, Shri

Chitturi, Shri Subba Rao Chowdhary

Chouhan, Shri Fatebhanu Singh

Dabhi, Shri Ajitsinh	Krishan Datt, Shri
Damor, Shri Somjibhai	Krishna, Shri S. M.
Dennis, Shri N.	Kunwar Ram, Shri
Deo, Shri K. P. Singh	Mahabir Prasad, Shri (Bansgaon)
Digvijay Sinh, Shri	Makwana, Shri Narsinh
Dogra, Shri G. L.	Mallick, Shri Lakshman
Doongar Singh, Shri	Mallikarjun, Shri
Dorai Sebastian, Shri S. A.	Mallu, Shri A. R.
Dubey, Shri Bindeshwari	Mane, Shri R. S.
Dubey, Shri Ram Nath	Mani, Shri K. B. S.
Faleiro, Shri Eduardo	Manphool Singh, Shri
Fernandes, Shri Oscar	Meena, Shri Ram Kumar
Gadgil, Shri V. N.	Mehta, Dr. Mahipatray M.
Gadhavi, Shri Bheravadan K.	Mishra, Shri Gargi Shankar
Gaikwad, Shri Udaysingrao	Mohanty, Shri Brajamohan
Gamit, Shri Chhitubhai	Mohite, Shri Yashwantrao
Gandhi, Shrimati Indira	More, Shri Ram Krishna
Gandhi, Shri Sanjay	Mukhopadhyaya, Shri Anand Gopal
Gangawar, Shri Harish Kumar	Murthy, Shri M. Rajashekara
Garcha, Shri Devinder Singh	Muzaffer Hussain, Shri Maulana
Gohil, Shri G. B.	Saiyed
Gouzagin, Shri	Naidu, Shri P. Rajagopal
Gulsher Ahmed, Shri	Nair, Shri B. K.
Gurbinder Kaur, Shrimati	Negi, Shri T. S.
Gurcharan Singh, Shri	Netam, Shri Arvind
Hakam Singh, Shri	Nihal Singh, Shri
Harikesh Bahadur, Shri	Nikhra, Shri Rameshwar
Jadeja, Shri Daulatsinhji	Oraon, Shri Kartik
Jain, Shri Bhiku Ram	Pandey, Shri Kedar
Jain, Shri Virdhi Chand	Panigrahi, Shri Chintamani
Jamilur Rahman, Shri	Panika, Shri Ram Pyare
Jena, Shri Chintamani	Parashar, Prof. Narain Chand
Jitendra Prasad, Shri	Pardhi, Shri Keshaorao
Kahandole, Shri Z. M.	Patel, Shri Ahmed Mohammed
Kailash Pati, Shrimati	Patel, Shri Amrit
Kalpnath Shankar, Shri	Patel, Shri Shantubhai
Kashirsagar, Shrimati Kesharbai	Patil, Shri Balasaheb Vikhe
Kaul, Shrimati Sheila	Patil, Shri A. T.
Kaushal, Shri Jagannath	Patil, Shri Uttamrao
Khan, Shri Arif Mohammad	Patil, Shri Vasantrao
Khan, Shri Malik M.M.A.	Patil, Shri Vijay N.
Kidwai, Shrimati Mohsina	Patnaik Shri Janki Ballav
	Pattuswamy, Shri D.

Pilot, Shri Rajesh
 Poojari, Shri Janardhana
 Potdakhe, Shri Shantaram
 Prabhu, Shri R.
 Pradhani, Shri K.
 Pullaiah, Shri Darur
 Quadri, Shri S. T.
 Raghavan, Shri V. S. Vijaya
 Rahim, Shri A. A.
 Ram, Shri Ramswaroop
 Ramamurthy, Shri K.
 Ranabir Singh, Shri
 Ranga, Shri N. G.
 Ranjit Singh, Shri
 Rao, Shri Ankineedu Prasada
 Rao, Shri M. Nageswara
 Rao, Shri M. S. Sanjeevi
 Rao, Shri P. V. Narsimha
 Roaf, Shri Jai Narain
 Rathawa, Shri Amar Sinh
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Ravani, Shri Navin
 Rawat, Shri Harish
 Reddi, Shri G. S.
 Reddy, Shri K. Vijaya Bhaskara
 Reddy, Shri T. Damodhar
 Sahi, Shrimati Krishna
 Sajjan Kumar, Shri
 Sangama, Shri P. A.
 Sarangi, Shri R. P. (Jamshedpur)
 Sathe, Shri Vasant
 Sathiyendran, Shri M. S. K.
 Satish Prasad Singh, Shri
 Sawant, Shri T. M.
 Sethi, Shri Prakash Chand
 Shaktawat, Prof. Nirmal Kumari
 Shakyawar, Shri Nathuram
 Shanmugam, Shri P.
 Sharma, Shri K. C.
 Sharma, Shri Munder
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shankar Dayal

Shastri, Shri Dharam Dass
 Shastri, Shri Harkishan
 Shiv Shankar, Shri P.
 Singh, Shri C. P. N.
 Singh, Shrimati Madhuri
 Sinha, Shrimati Ramdulari
 Santosh Mohan Dev, Shri
 Sreenivasa Prasad, Shri V.
 Subburaman, Shri A. G.
 Subba, Shri P. M.
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing Rao
 Tariq Anwar, Shri
 Tayyab Husain, Shri
 Tewari, Shri Narayan Datt
 Tewary, Prof. K. K.
 Thungon, Shri Prem Khandu
 Tripathi, Shri R. N.
 Tudu, Shri Manmohan
 Venkataraman, Shri R.
 Velu, Shri A. M.
 Venkatasubbaiah, Shri P.
 Verma, Shri Jai Ram
 Verma, Shri R. L. P.
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri R. N.
 Yadav, Shri Ram Singh
 Yellaiah, Shri, Nandi
 Yusuf, Shri M.
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

Agarwal, Shri Satish
 Anwar Ahmed, Shri
 Balanandan, Shri
 Barman, Shri Palas
 Bhattacharya, Shri Sushil Kumar
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri R. Motibhai
 Chowdhary, Shri Saifuddin

Dandavate, Prof. Madhu
 Das, Shri R. P.
 Ghosh, Shri Niren
 Giri, Shri Sudhīr Kumar
 Goel, Shri K. K.
 Gopalan, Shrimati Suseela
 Goswami, Shrimati Bibha Ghosh
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jatiya, Shri Satyanarayan
 Kodiyan, Shri P. K.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Maitra, Shri Sunil
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Mhalgi, Shri R. K.
 Mishra, Shri Satyāgopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Mukherjee, Shri Samar
 Ngangom Mohendra, Shri
 Nihal Singh, Shri
 Pal, Shri Rup Chand
 Parulekar, Shri Bapusaheb
 Pathak, Shri Anand
 Pradhan, Shri Amar Roy
 Rajda, Shri Ratansinh
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Saha, Shri A. K.
 Saha, Shri Gadadhar
 Shakya, Shri Daya Ram
 Shakya, Shri Ram Singh
 Shamanna, Shri T. R.
 Shastri, Shri Ramavtar
 Suraj Bhan, Shri
 Syed, Shri Masudal Hessain
 Vajpayee, Shri Atal Bihari

Varma, Shri Ravindra
 Verma, Shri Rāghunath Singh
 Verma, Shri Sheo Sharan
 Yadav, Shri Vijay Kumar
 Zainal Abedīn, Shri

MR. CHAIRMAN: The result of the division is: Ayes 188; Noes 56.

The Motion was adopted.

MESSAGE FROM RAJYA SABHA

SECRETARY: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:—

“I am directed to inform the Lok Sabha that the Payment of Bonus (Amendment) Bill, 1980, which was passed by the Lok Sabha at its sitting held on the 24th January, 1980, has been passed by the Rajya Sabha at its sitting held on the 2nd February, 1980, with the following amendment:—

Enacting Formula

That at page 1, line 1, for the word “Thirtieth” the word “Thirty-first” be substituted.

I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 128 of the Rules of Procedure and conduct of Business in the Rajya Sabha with the request that the concurrence of the Lok Sabha to the said amendment be communicated to this House.”

PAYMENT OF BONUS (AMENDMENT) BILL

AS RETURNED BY RAJYA SABHA WITH AMENDMENT

SECRETARY: Sir, I lay on the Table of the House the Payment of Bonus (Amendment) Bill, 1980 which has been returned by Rajya Sabha with an amendment.

15.37 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, to provide for the readjustment of Assembly constituencies in the State of Sikkim, be taken into consideration."

As the hon. Members are aware, Sikkim became a State of India with effect from the commencement of the Constitution (Thirty-sixth Amendment) Act, 1975, that is the 26th day of April, 1975. At that time the Assembly for Sikkim was the assembly formed as a result of the elections held in Sikkim in April, 1974. It comprised of 32 members, and all the seats in this Assembly were reserved, 15 each for Sikkimese of Bhutia, Lepchas and Sikkimese of Nepali origin and one each for Scheduled Castes and for Sanghas belonging to the Monasteries. Having regard to the historical background and the special features of Sikkim, the Constitution (Thirty-sixth Amendment) Act introduced in the Constitution a special Article, namely, Article 371F, to make certain special provisions with respect to the State. According to one of these provisions, the then existing Assembly for Sikkim was made the first Legislative Assembly of the State under the Constitution. Another provision provided that notwithstanding anything in the Constitution, it would be competent for Parliament, for the purpose of protecting the rights and interests of the different sections of population of Sikkim, to make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections and for the delimitation of the assembly constituencies from which candidates belonging to such sections may stand for elec-

tion to the Legislative Assembly for the State of Sikkim. This is contained in Clause (F) of Article 371F. Accordingly, the Election Laws (Extension to Sikkim) Act, 1976 which was enacted to extend *inter alia* the Representation of the People Act, 1950 and the Representation of the People Act, 1951 to Sikkim made suitable provisions in those Acts to continue the system of reservations and the scheme of delimitation of constituencies on the basis of which the first Legislative Assembly of Sikkim under the Constitution was constituted. The provisions made by this Act were of significance only for the purpose of bye-elections to the State Assembly.

As the term of the first Legislative Assembly of the State of Sikkim was due to expire, a Bill entitled the Representation of the People (Amendment) Bill, 1979 was introduced in the Sixth Lok Sabha on the 18th May, 1979 for facilitating the holding of general election for the purpose of constituting a new Legislative Assembly for the State of Sikkim. This Bill sought to make provision for the re-adjustment of the Assembly constituencies in the State of Sikkim, and for the reservation of seats in the Legislative Assembly for the purpose of protecting the rights and interests of the different sections of population of Sikkim in accordance with the provisions of clause (f) of Article 371F. On the dissolution of the Sixth Lok Sabha, this Bill lapsed, and the first Legislative Assembly of Sikkim was itself dissolved by the Governor of Sikkim on the 13th August, 1979. Hence, it became urgently necessary to make provision for the delimitation of the Assembly constituencies in the State and for the reservation of seats in the Assembly. An Ordinance on the lines of the Bill which lapsed on the dissolution of the Sixth Lok Sabha was, therefore, promulgated by the President on the 1st September, 1979. The present Bill seeks to replace this Ordinance.

By the Ordinance mentioned, out of the 32 seats in the Assembly, twelve seats were reserved for Bhutias and

[Shri P. Shiv Shankar]

Lepchas; one seat was reserved for Sanghas; two seats were reserved for the Scheduled Castes. The remaining seventeen seats were left as general seats open to all electors.

I do not want to enter into a discussion on the merits of the scheme of reservations adopted in the Ordinance. The reasons for that scheme are best explained with reference to the Statement of Objects and Reasons appended to the Bill on the subject which lapsed on the dissolution of the Sixth Lok Sabha. The relevant passage has been quoted in the Statement of Objects and Reasons of the present Bill. I do not want to repeat it. As the elections to the Sikkim Assembly have been held in accordance with the provisions of the Ordinance and as the new Assembly has been duly constituted, it is necessary to replace the Ordinance without any change.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, to provide for the readjustment of assembly constituencies in the State of Sikkim, be taken into consideration."

SHRI ANAND PATHAK (Darjeeling): Sir, I rise to oppose the Bill, because there is nothing new in the Bill, compared to the previous Bill which was introduced on 18th May 1979. Immediately after the introduction of the Bill of 1979, there was widespread resentment, discontent, dissension and disharmony among the people. The Bill could not satisfy any section of the people. Even the Sikkim Legislative Assembly was not consulted, nor were the people taken into confidence before that. Even Speakers, Ministers, MLAs, leaders and representatives of different sections of the people came out with stiff opposition. Why was there this opposition? It was there because it was against the democratic tenets of the Constitution; because it was against the national urge and aspirations of the overwhelming majority

of the people; because it was against the provisions of the Representation of the People Act, inasmuch as it took away the safeguard provided to the people of different ethnic groups in section 5(a), and it was against the secular character of the Indian Republic.

This mounting protest and agitation accentuated the crisis, in the faction-ridden Kazi Lhendup Dorji Ministry, which ultimately caused the dissolution of the Ministry and Assembly on 13th August 1979.

This was the first elected Ministry, resulting from the election held in 1974 on the basis of reservation of 15 seats for Sikkimese of Nepali origin; 15 seats for Sikkimese of Bhutia-Lepcha origin; 1 seat for Scheduled Castes and 1 seat for the Sanghas who are religious Buddhists of the monasteries. At that time, as the process of integration of Sikkim with the Indian Union had just started after years of struggle against the autocratic rule of the Chogyal, the Sikkimese people had no time to have their say in respect of distribution of seats on the above basis. That was why, subsequently, repeated demands were made for doing away with this parity system.

In the meantime, Sikkim finally integrated to Indian Union which was formalised by 36th Amendment to the Constitution of India in 1975 and the above basis was left untouched as has been reflected in Article 371A of the Constitution.

After the fall of Kazi-Dorji's Ministry, President's Rule was introduced on 18-8-79 and the fresh elections were ordered. But the question arose what would be the basis of distribution of seats? Would it be as it was in 1974, or as per the Report of Peoples (Amendment) Bill 1979 as introduced by Janata Government in the 6th Lok Sabha?

In the meantime, we found that Janata Government was also ceased in the Centre and the President promulgated the Ordinance on the same line

as was done by the Janata Government in its much criticised Bill. Again spate of protests, expression of discontent and submission of telegrams, memorandum started. This time protests and resentment was of a more serious nature and of wider dimension. Because in the meantime, the Janata Government had accepted the demand of other ethnic groups, especially the business community from the plains that they would also be permitted to cast their votes and participate in the elections—completely changing the whole pattern of electorate. This again created widespread apprehension in the minds of tribals and other minority groups that now they would be outnumbered and their rights would be jeopardised. On the other hand, the majority of Nepali speaking people felt aggrieved that the Ordinance had taken away their rights and protection which were given by the previous government. Thus, the unity, amity and harmony between all ethnic groups of Sikkim was disturbed and thus discord and dissension started. It also added fuel to fire when the Central Government turned deaf ears to the unanimous demands of all sections of the Sikkimese people and also the unanimous resolution of the Sikkim State Assembly about the amendment of outmoded Sikkim Citizen Order 1975 regarding enrolment of a large number of Sikkimese people as voters who were there for generations together, whereas the demand of the persons going there, residing and carrying on business latter on was conceded as stated above. Of course, constitutionally, every citizen of India has a right to go anywhere, reside anywhere and work anywhere in India, but that should not lead to ignoring the legitimate rights of the people of the area concerned.

But, inspite of all these anomalies, the present Government in the Centre is also adopting the same policy and pursuing the same line as has been seen in the present Bill, we are discussing here. What are the points of objection in the Bill? The Bill has provided reservation of 12 seats to Sikkimese of Bhutia-Lepcha Origin, 2

seats to Scheduled Caste and 1 seat to Sangha i.e. Buddhist Monastic Region. Although the recent elections took place on this basis as had been provided in the Ordinance, nobody seems to be happy over this basis even now. Now I quote here Article 332(3) of the Constitution of India. It says:

"The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State."

But the hon. Minister has repeated the same argument in his statement of objects and reasons as was given in the previous Bill which reads:

"...so as to ensure a fair representation to all sections of the population of the State in the Assembly. At the same time it is considered that if the Bhutias and Lepchas who are the original inhabitants of Sikkim are given representation solely according to their population ratio, their interests may not be properly safeguarded. Accordingly, it has been decided that 12 seats... may be reserved for Bhutias and Lepchas."

I am not against the reservation of seats for the Scheduled Castes and Tribes and we have recently supported the Constitution (amendment) Bill which has been passed here. But outright reservation of 12 seats for the Bhutias and Lepchas has created serious doubts and misgivings in the minds of the other sections of the people.

Because in Sikkim, Kazies, landlords and other vested interests call themselves tribal or Janjati whom the Bill has given an open cheque to

[Shri Anand Pathak]

perpetuate the minority rule of well-to-do people. With those 12 seats reserved, they can easily win 5 or 6 seats more with money power and foist the minority rule. In present day Indian politics, money can play a vital role in politically backward areas like Sikkim. They can spend any amount of money. But the Bhutias, Lepchas, Dukpas, Yolneos and other tribals belonging to poorer sections of the people, landless peasants, agricultural labourers, etc. cannot get themselves elected and derive the benefit of this special protection. Arithmetically also, 12 seats represent 37 per cent of the total seats allotted to 21 per cent of the population. That is why we find so much discontentment and resentment here.

I have no objection if Bhutias, Lepchas, Kagatay, Dukpas and other tribals are given their due share of reservation according to article 332 (3) of the Constitution of India. I would also have no objection even if some weightage of one or two seats more are given to them in consideration of their aboriginality and with a view to allay the apprehensions in their minds. But the way in which the Bill has taken away the rights of some sections of the people and tried to pacify another section has done no good to any section.

The Bill is therefore irrational and ill conceived as can be seen from the following data. The total population of Sikkim is 2,09,843. Sikkimese of Nepali origin number 1,46,890 constituting more than 70 per cent. Sikkimese of Bhutia and Lepcha number 45,851 which is nearly 21 per cent. The others are 17,101 which comes to about nine per cent. This is according to 1971 census.

The majority people, namely, Sikkimese of Nepali origin feel aggrieved because the protection which they were enjoying before was no more there. They have the apprehension that one day they may also

be treated as in Assam, Meghalaya, etc.

The root cause of their apprehension is that the leaders of the Central Government sometimes call them foreigners, sometimes their language, Nepali language, is branded as a foreign language. Sometimes they are dubbed with utterances such as 'there was the question of security in conceding to their demands, in the recognition of the Nepali language and so on'. I strongly believe that if the Nepali language is accorded constitutional recognition and included in the Eighth Schedule to the Constitution of India, their urge and aspirations would be fulfilled to a great extent and it will create confidence in their minds about their security and sense of belonging which would go a long way in ensuring the process of national integration. And, as should have been, they as majority would not have insisted for the reservation of seats in the Sikkim Legislative Assembly.

Now, coming to the last point of reservation of one seat for Sangha i.e. Religious Buddhists, I think, it is against the secular character of our Indian Union and Indian Constitution. Such reservation based on religion cuts into the very root of secularism as enshrined in the Indian Constitution.

If you go to provide reservation for a particular religious group, what do you propose for the other religious minorities in Sikkim, whose composition is as follows:—

Hindus	1,44,544
Buddhists	62,817
Christians	1,603
Muslims	335
Jains	191
Sikhs	94
Others	399

(Source: Statistical Abstract India, 1975)

Are you going to provide reservations for other religious groups too?

Once religion is accepted as the basis of reservation even of one seat in one State, what is there to prevent other religious minorities throughout the country from demanding separate electorate in State Assemblies and even for Lok Sabha and Rajya Sabha? A vicious atmosphere would be the result in the country as a whole with the rousing of communal passions. And this will be the path of national disintegration. I hope, nobody, likes such thing to happen.

You have accepted reservation of two seats to Scheduled Castes bearing to their population, according to the Constitution of India. Nobody has any objection to it. Why you do not apply the same yardstick with certain weightage also as stated above in respect of Bhutias, Lepchas also?

Hence, instead of rushing through such a controversial Bill in haste, I urge upon the Government to consult all concerned including Sikkim Legislative Assembly as well as the parties in Parliament so that an agreed formula could be found out and a comprehensive Bill acceptable to all could be brought here and passed. If you do this, it will be a suitable solution.

With these words, I conclude.

16 hrs.

SHRI NGANGOM MOHENDRA (Inner Manipur): Mr. Chairman, Sir, it is only a re-enactment of something which is already existing in the statute book. I fail to understand what prompted the Government and for that matter the hon. Minister to bring this Bill on the same lines. Now it will be worthwhile to quote from the Statement of Objects and Reasons as follows:

"The Scheduled Castes population in Sikkim is mostly of Nepalese origin."

I fail to understand how such a presumption is made. The question is,

in their State there are a lot of ethnic Nepalese whose interests are sought to be protected and it is now like this that Sikkim will become a good playground for anybody going there and getting his name enrolled at the time of the registration of the electors. My own State, Manipur, is very far away. There also similar, if not identical, things had happened. There is no safeguard as to how to stop such things if at all they happen and here the matter is something like making some sort of arithmetical parity to the reservation of seats and here I may refer to a certain parallel from my own State, Manipur. There, the Outer Manipur parliamentary constituency which sends one of the M.P.s. comprises eight Assembly constituencies where no elector could become a candidate. Nevertheless, in Sikkim, it appears, the interest of the ethnic Nepalese seem to have not been safeguarded and nothing is sought to safeguard their interests. In fact, the Statement of Objects and Reasons actually merge the interests of the ethnic Nepalese with those of the Scheduled Castes. The same trouble that had occurred in Assam may occur in Sikkim too unless proper safeguards are made. It may be on a smaller scale, nevertheless it will have the entire paraphernalia of those distressing events that are happening in Assam. Therefore, I would like to urge upon the hon. Minister to say what safeguards are being contemplated to protect the interests of the ethnic Nepalese. As a matter of fact, there was one amendment which seeks to reserve at least 15 seats for the ethnic Nepalese leaving thereby only two as open seats. I do not know what happened to that amendment. I would like to know how far the interests of the ethnic Nepalese are contemplated to be safeguarded.

With these words, I hope our hon. Minister will make it clear before this House as to what are the guarantees contemplated to be given. People from outside should go and settle there and get elected because our election machinery is not fool-proof.

With these words, I request the hon. Minister that he may make some clarificatory statement in this regard.

SHRI P. SHIV SHANKAR: This Bill has a very limited purpose, namely to preserve the validity of the elections that have taken place when the Ordinance was in force, and I may straightforwardly submit that if we do not enact this Bill, the difficulty will be with reference to the elections that have already taken place.

My friends on the other side have referred to the Representation of the Sikkim People's Act of 1974 which was issued by the Proclamation of the Chogyal on 5th February, 1974. Actually, when the elections were held in pursuance of this Act and Sikkim became part of our country in 1975 by virtue of the Thirtysixth Amendment, certain safeguards were provided to the Sikkimese having regard to the historical conditions and the prevailing times. The aspirations of the people were also taken into consideration. That is why when article 371F was inserted by the Thirtysixth Amendment, it was given an over-riding power, stating "Notwithstanding anything contained in the Constitution". Therefore, the elections that were held under the 1974 Act were deemed as valid at that moment.

Later on, as I submitted, a Bill was introduced in May, 1979, and on the same lines, because the Sixth Lok Sabha was dissolved, an Ordinance was issued, and under the Ordinance, the elections have been held. So, necessarily those elections have got to be saved.

No doubt, my friends have spoken about reservations and particularly reservation based on *sanghas*, saying that it is reservation based on religion, and therefore in a secular democracy it may not fit in. I am aware that any reservations based on religion would certainly be offensive under article 15(2) of the Constitution, but the fact remains that article 371F is an overriding provision. That is why so far as

these reservations are concerned, it would be constitutional and valid.

The suggestions that have been made can be considered for the future elections, but inasmuch the elections have already been held, I commend to the House the acceptance of this Bill as it stands. Otherwise, the elections themselves will be imperilled. If it is a case of revising the reservations for the future, that is a matter which can be taken cognizance of. The hopes and aspirations of the people can also be considered and a new policy evolved. No doubt, valuable suggestions with reference to reservations have been made by the other side, but they can be considered at the appropriate stage, and since the purpose of this Bill is very much limited, to preserve the validity of the elections already held under the Ordinance, I request that the House may kindly accept this Bill.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, to provide for the readjustment of Assembly constituencies in the State of Sikkim, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: I now take up the Clauses. There is an amendment to Clause 2 by Shri P. M. Subha. Is he moving it?

SHRI P. M. SUBHA (Sikkim): I am not moving, but I would like to speak.

MR. CHAIRMAN: That is not allowed.

There are no amendments to the other Clauses.

The question is:

"That Clauses 2 to 5 and the Schedule stand part of the Bill."

• The motion was adopted.

Clauses 2 to 5 and the Schedule were added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1,—

for "Thirtieth" substitute—

"Thirty-first" (2)

(*Shri P. Shiv Shankar*)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI P. SHIV SHANKAR: I move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: Motion moved:

"That the Bill, as amended, be passed".

SHRI ATAL BIHARI VAJPAYEE
(New Delhi): My hon. friend from Sikkim wanted to speak. He decided to withdraw his amendment. But he can now speak at the third reading stage of the Bill.

MR. CHAIRMAN: There is a very limited scope available at the third reading stage of the Bill. If he wants to speak, let him make a few observations. He may do so.

SHRI P. M. SUBHA (Sikkim): Mr. Chairman, Sir, I am proud to stand up today as the one representative of the Himalayan State of Sikkim which joined the great family of the Indian Union in 1975. I am all the more proud that I have been chosen by the people of Sikkim as their representative to this august House, for the first time, through a democratically held election under the provisions of the Constitution of this great country. This is not the first time that Sikkim has had a representative in this august body. It is, however, for the first time that a representative has been chosen by the people in a democratic process, since, of my two predecessors, one was nominated by the State Assembly and the other was returned unopposed and therefore, fought no election.

I am honoured that the people of my State have chosen me but I stand up in all humility for I realise that I am just a novice in politics and in the procedures of the legislature. At the same time, I am alarmed that as the lone member of the State of Sikkim, I bear all the responsibilities of representing it. I am sure that I must be the most inexperienced member here but I have full faith in you, Sir, as the Presiding Officer, in your guidance and forbearance as I start upon my path as a member of this House. Through you, Sir, I would like to beg the indulgence likewise of the great leaders of the nation today and specially of Shrimati Indira Gandhi, the leader of the House, to whom we offer our warmest support.

The Hon. Chief Minister of Sikkim, Shri Nar Bahadur Bhandari, has already stated his three priorities which he will follow during his Government of the State and these have a bearing on the Bill before us. Sikkim's foremost priority is the National interest and security and the territorial integrity of India and this consideration must come before all else, particularly in view of the strategic situation of the State of Sikkim itself. Secondly, the Parishad Government in Sikkim is committed to

achieve communal harmony between the four main communities living in Sikkim, that is, the Bhutias and Lepchas, who are usually classed together, the Nepalese of Sikkim and the others. Thirdly, the Government hopes to promote and accelerate the all-round economic development of the State to benefit the maximum number of people in Sikkim. For the most part, Sikkim is a peaceful and law abiding area and we have few law and order problems. We are fortunate therefore, that we are able to give all our attention and resources to these aims and as M.P. for the State I also pledge my commitment to carrying them out.

For the territorial integrity and security of our nation, which is of paramount importance at all times and most particularly now, it is essential to have a firm and stable Government at the Centre. The Government and the people of Sikkim including myself are happy that we now have a strong, capable Government at the Centre under the experienced and dynamic leadership of Shrimati Indira Gandhi. I repeat once more that Sikkim has the fullest confidence in our Honourable Prime Minister as expressed by the rest of the country in laying the destiny of our nation in her hands.

With reference to the Bill being placed before the House today in replacement of Ordinance No. 7 of 1979, it is my sincere duty to explain the background. The contents of this Bill had its origin with the former Government when the Janata Party was in power at the Centre and also when there was a Janata Government in the State, led by Kazi Lhendup Dorji Khangsarpa as the then Chief Minister of Sikkim. The proposed Bill was made into a Presidential Ordinance under the Lok Dal Government. The people of Sikkim showed their feelings when the Janata Party in Sikkim suffered a total rout in the recent Assembly elections last October, when not even one member of the Janata Party was returned. The defeat of Shri Lhendup Dorji Kazi can be largely attributed to the unhappy-

ness of the people of Sikkim with the Ordinance No. 7 of 1979 which contains the same material as that of the Bill before us. Even under the present Parishad Government the Bill in its present form was discussed in the Sikkim Assembly and both the Ruling Party and the Opposition in the State were united in their desire to see certain important changes and amendments made in this Bill. I therefore feel that it is my duty to say that the Centre should fully consult the State Government before any permanent arrangement is made for representation of the various communities in Sikkim. I also strongly feel that, in matters affecting the State of Sikkim, the wishes of the people as expressed through the polls and in the State Assembly, should, in a democratic system, be followed as far as possible.

The main cause of concern over this Bill in Sikkim is the allotment of seats to the various communities. Under the earlier Congress-I Government, Shrimati Indira Gandhi, as Prime Minister, with her intimate and concerned knowledge of the history and cultural background of Sikkim, had endorsed the party system of representation. By this 16 seats were reserved for the Bhutia and Lepchas and 16 for the Nepalese of Sikkim. These allotments included the reservations for the Sangha and Scheduled Caste seats.

This system found general support and popular acceptance amongst the various communities and in my view was the best. The present Bill, while keeping a reservation for the Bhutia and Lepchas of 12 seats, in clause 2 section (b) sub-section (a), does away with the reservation for the Nepalese settled in Sikkim. This has caused an imbalance in the political structure of Sikkim and concern among the Nepalese who have been born and bred in Sikkim. While supporting the reservation provided of 12 seats for the Bhutia/Lepchas and one for the Sangha and two for the Scheduled Caste, I feel that there should be a reservation for the Nepalese of Sikkim in the Bill, of a minimum of 15 seats.

MR. CHAIRMAN: I think, the hon. Minister has nothing to say.

SHRI P. SHIV SHANKAR: I have nothing to say.

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

16.22 hrs.

[SHRI CHANDRAJIT YADAV in the Chair]

CENTRAL EXCISES AND SALT AND ADDITIONAL DUTIES OF EXCISE (AMENDMENT) BILL

THE MINISTER OF FINANCE AND INDUSTRY SHRI R. VENKATARAMAN): Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Central Excises and Salt Act, 1944, and the Additional Duties of Excise (Goods of Special Importance) Act, 1957, be taken into consideration."

The Bill has been introduced to overcome a difficult situation created by the judgement of the Gujarat High Court relating to assessment of Central Excise duties in respect of the cotton and man-made fabrics. In its judgement, the High Court has set at naught a long-standing practice of levy and collection of Central Excise duty on processed fabrics. According to the existing tariff structure, excise duty is leviable on cotton, woollen and man-made fabrics separately at the grey fabric stage and the processed fabric stage. However, unprocessed woollen fabrics and unprocessed man-made fabrics have been exempted from the levy of excise duty. In respect of these two types of fabrics, excise duty is collected only at the processed fabric stage. In the case of cotton fabrics when unprocessed fabrics are processed, the duty already paid is set off against the duty

leviable on the processed fabrics. This system of levy and collection of duty at the unprocessed and processed stages of fabrics has been built up over a number of years. The system has helped over the years in maintaining a balance between the different sectors of the textile industry, viz., composite mills, independent processors and hand processors, by affording suitable excise duty differentials in the processing stage duties.

The Gujarat High Court, in its judgement dated 24th January, 1979, has questioned this long standing practice of charging duty separately on processed fabrics. It has been held by the Court that the term 'fabric' would refer to something that is woven; hence it can relate only to cloth in the grey stage. Processing of grey cloth does not result in any further manufacture of a woven stuff or a woven substance since, after processing also, the fabric remains a fabric. The Court has, however, observed that processing is an excisable activity covered by the residuary item No. 68 of the Central Excise Tariff and since processed cotton fabrics and processed man-made fabrics were manufactured in the factories of the petitioners, they were liable to pay *ad valorem* duty only in respect of the value added during processing. The Court has directed that excise duty paid by each of the petitioners during the period of three years immediately preceding the institution of each petition before the Court in excess of the duty amount calculated under the residuary Tariff Item 68 should be refunded along with interest at 12 per cent per annum from the date of collection of the said amount till the date of actual repayment.

In sum, the judgment of the High Court has decreed that excise duty having been levied at the grey stage, no further excise duty at the fabric rate is leviable on any type of processing of fabrics carried out after that stage. Excise duty on fabrics being *ad valorem* and the cost of processing being a substantial contributor to the value of finished fabrics, levying of

duty only at the grey stage, besides upsetting the differential duty mechanism being operated over the years to maintain the balance between different sectors of the industry, would adversely affect the revenue interests of the Government.

The judgement of the High Court, apart from affecting the prospective levy and assessment of central excise duty on textiles, also affects assessments made in the earlier years, since the court has ordered refunds of duty collected for a period of three years prior to the date of filing of petitions before it, along with 12 per cent interest. After the pronouncement of the judgement and the order of the Gujarat High Court, a number of writ petitions by the parties agitating the same point have been filed in different High Courts.

More than 130 cases have been filed in the Gujarat High Court itself. The High Court has so far decided about 120 cases filed by independent processors with revenue implications exceeding 30 crores of rupees. A number of other writ petitions have been filed in other High Courts both by independent processors as well as composite mills. If these High Courts too were to deliver similar judgements, following the ratio of the Gujarat judgement, several crores of rupees, may be at stake.

Hon'ble Members are aware of how the system of Central Excise duty operates. Being an indirect tax, it is collected from manufacturers of excisable goods. Manufacturers, in turn, pass on the incidence of the duty to buyers of the goods. The buyers pass it on to retailers. The retailers pass it on in their turn to consumers. In this chain of passing on the burden down the line it is the ultimate consumer who has to bear the burden of any excise levy.

The point I want to place before the hon. Members is that in all these cases that are covered by the Gujarat High Court judgement—the consumer has

already borne the burden of the processing duties. And, payment of duty refunds to the petitioners, as decreed by the Court, would only mean a fortuitous and windfall benefit for such persons, without the possibility of any relief accruing to the consumers who purchased the fabrics. Honourable Members will readily agree with me that Government cannot afford to and should not, put all this money into the pockets of such processors or manufacturers.

This apart, the judgement of the High Court has created an uncertainty in the scheme of levy of excise duty on cotton, man-made and woollen fabrics. This uncertainty is not good either for the tax Administration or for the manufacturers themselves. It is necessary to settle the issue beyond doubt at the earliest opportunity.

The existing excise duty structure with regard to Textiles has been used as a means to afford, by appropriate excise duty differentials, the required degree of encouragement and protection to the weaker and decentralised sectors of the textile industry in general and to the employment oriented and highly dispersed hand-processing sector in particular.

Sir, it was in these circumstances that the Central Excise and Salt and Additional Duties of Excise (Amendment) Ordinance, 1979 (12 of 1979) was promulgated on 24th November, 1979. The present Bill seeks to replace the aforesaid Ordinance. The validating provisions of the Bill seek to place on a legal footing all levies, assessments and recoveries already made in the past. It is not intended to create any fresh liability in respect of past assessments.

Sir, I move that the Bill be taken into consideration.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Central Excises and Salt Act, 1944, and the Additional Duties of Excise (Goods of Special Import-

tance) Act, 1957, be taken into consideration."

SHRI N. G. RANGA (Guntur): Mr. Chairman, Sir, may I seek a clarification? How do the interest of the handloom weavers are likely to be affected by the changes my hon'ble friend wish to make?

SHRI R. VENKATARAMAN: I will reply to all the points at the end.

MR. CHAIRMAN: If the Minister has no objection he may give the clarification as Shri Ranga may not be present at that time.

SHRI R. VENKATARAMAN: Sir, the excise duty differentials were levied in the past only to protect the handloom interests. Government levied no excise duty on handloom, and lower duty on hand-printing, hand-processing fabrics etc. and higher duty on the machine made and others. This particular Bill only seeks to maintain the original provision. Handloom will not be affected. The original levy has been made in such a way that the hand-processing and labour-oriented sectors get a concession and that is sought to be protected by this legislation. The Gujarat High Court said that fabric means the stage at which the grey fabric is made and whether printing, sanforising, bleaching it is still a fabric and so you cannot levy excise duty. I have an answer to it but as I am not in a court I need not give the answer. The decision is there. We want to get over that decision.

SHRI KRISHNA CHANDRA HALDER (Durgapur): Mr. Chairman, Sir, the hon'ble Minister has introduced the Central Excise and Salt and Additional Duties of Excise (Amendment) Bill, 1980. In his statement he has stated that Gujarat High Court turned down the previous Act and 130 cases were filed and naturally approximately Rs. 30 crores have to

be refunded to the parties. So, this ordinance was promulgated and this Bill is introduced and that it will be an Act. But I would like to draw the attention regarding the Central Government's imposition of additional duties and additional excise on different commodities.

Sir, the State governments are not getting their proper share of the Central additional duties and as you know, Sir, all the development works are on the hands of the State governments and, as such, if they do not get the proper share of the Central additional duty and excise taxes then State Governments cannot do their development work properly.

Sir, sales-tax is one of the main source of income of the States. In 1957 additional duty Act was passed and sugar, textile, tobacco and leather were brought out of the purview of the States' sales tax...

The additional excise duty was increased on sugar, textile, tobacco, leather and so on. Later, excise and special excise duty was increased on many commodities. Generally they increased these taxes gradually and now we find that the Central Government, year after year, increases the indirect taxes. And in this way, they try to deprive the State Governments of their legitimate share.

The Development Council decided that all the additional excise duties by the Centre should be distributed among the States. The States are not getting their legitimate share. Already I mentioned that all development works are in the hands of the State Governments. But, for paucity of funds, they are unable to perform their duties or implement their development works properly. The Chief Minister of West Bengal said in the last Development Council Meeting that more money should be allotted to the States and that the Centre-State relation regarding financial matters should be reviewed in view

[Shri Krishna Chandra Halder]

of the changed circumstances. Further, the CM, West Bengal, demanded the abolition of the additional excise duty which has been increased by the Central Government. On sugar, textile, tobacco, leather etc. He demanded that these should be abolished and brought within the purview of the State Sales-tax so that the State Governments can strengthen their financial position and they will be able to discharge their duties regarding financial works properly.

So, I request the Government not to waste their energy in toppling non-Congress (I) State Governments. The Central Government should allocate the legitimate share of these excise duties to the State Governments. In this way they can strengthen the federal structure of our country.

So, I demand that this additional excise duty should be abolished as demanded by the CM of West Bengal. Now, regarding the Centre-State relations, I wish to state that the financial relations between the State and the Centre should be further reviewed.

All the State Governments are agitating and they are demanding that they have to do all the development works; they have to do work relating to drinking water in the rural area, construction of roads, schools, health centres and so on. They do all these development works.

I request the hon. Minister to review the financial relations between the Centre and the States. I would request him to allocate more money to the State Governments, especially to West Bengal because we had to do flood relief work in the last flood and now the State Government of West Bengal is facing acute drought situation. So they have to do the relief work. The Central Government can overcome the deficit by printing more currency notes in Nasik. But the State Government can only take overdraft

from the Reserve Bank of India. But you are not sanctioning sufficient money for the State Government. So I would request you, on behalf of West Bengal, that you should sanction more money to West Bengal Government to undertake various works, so that they can discharge their duties properly. With these observations I conclude my speech. Thank you.

SHRI SATISH AGARWAL (Jaipur): Mr. Chairman, Sir, actually I had no idea of speaking on this Bill. But my colleague, Prof. Dandavate, wanted me to make certain comments. So far as the present Bill is concerned, I am not here to oppose the Minister. On the contrary I support the Bill, because it was during my time, we had introduced this Bill. But it had lapsed on the dissolution of the House. So, he has reintroduced this Bill.

So far as the questions raised by my colleague, Shri Halder during the discussion on the motion for consideration are concerned, I do not want to go into the details of these points. He has pleaded for more financial assistance to the States. There can be no doubt about it. There is no opposition to his suggestion or demand that the non-Congress-I Government in the States should not be toppled in a federal structure that we have. The Central Government should have full respect for the State Governments which are ruled by the Opposition parties. But on this occasion, with your permission, I would like to make certain comments or bring certain points to the notice of the hon. Minister who is in charge of the whole Finance Ministry and also in charge of the Indirect Taxes Wing at the present moment. Now, the thing should be more easy so far as the collection of taxes by the Indirect Taxes Wing is concerned. They constitute practically 75 per cent of the total revenue of the Government of India. Only 25 per cent comes from the Direct Taxes. But unfortunately,

on the Indirect Taxes side the percentage expenditure on the staff or on the administration is hardly 0.8 per cent while on the Direct Taxes side it is 2.5 per cent. So the majority or the major share of the total revenue of the Government of India comes from the Indirect Taxes Wing and therefore there is a need for giving encouragement to the staff of the Indirect Taxes Wing. I am aware of the fact that there is a lot of stagnation amongst the staff on Indirect Taxes side and only 0.8 per cent is being spent on the administration of the Indirect Taxes Wing. So, I would request the hon. Finance Minister to look into the grievances of the staff, particularly with regard to stagnation. The chances of promotion are very meagre and I am aware of cases where persons with 28 years of service have not got even one single chance to get promotion in the whole of their services. The criterion laid down by the Government is that the employees should have at least three chances of promotions during the tenure of office. This is a very acute problem with which he will be faced and I am sure he will look into it. Certainly the problem of constructing buildings for the staff is to be solved because they are doing the work in the sensitive areas on the border. This is also a very acute problem and I hope he would look into it.

Now, the Government of India or any State Government is one of the biggest litigants in the State or in the country. Lakhs of rupees are spent on account of litigation. So far as the Finance Ministry is concerned, I would urge upon the Finance Minister that he should create a separate Prosecution Directorate because the total tax collection for the year 1979-80 was very huge. The total budget estimates for Customs and Excise as well comes to near about Rs. 8282 crores which works out to Rs. 1 crore per hour. With such a huge collection and for defending the cases concerning this wing in

courts, the Government needs a Director of prosecution under the Finance Ministry who will be assisted by experts in Excise duties and Customs Excise. There are a lot of cases in various High Courts and Supreme Court. I can definitely and specifically say that the Law Officers of the Ministry of Law are more conversant with the Constitutional provisions of Law. They are more conversant with the Criminal law or Civil law but they are not so much conversant with the Customs Excise, etc. Once the writ petition is filed in the High Courts or the Supreme Court, the Law Ministry is engaged in the case. They are not experts and they do not take much interest and they do not know the intricacies of the Excise law. So, it is very essential because cases of writs are held up on this account. A large number of big industrial houses have filed such writ petitions in the High Courts and Supreme Court. For example, Tata is very famous in this. They have filed writ petitions. Excise duties worth crores of rupees are pending and no recovery is made. I am happy to say that the outstanding arrears in respect of indirect wing are hardly five per cent of the direct side. The income-tax arrears are running into crores of rupees while on indirect side it would be in thousands only. But I would suggest that we create a separate Directorate of Prosecutions where experts in the excise law or customs law are appointed and they directly supervise this Directorate so that there is a complete follow-up action of the cases in various High Courts and the Supreme Court and all pending cases are disposed of early, particularly those where stay orders have been obtained.

The previous Government had made a commitment on the floor of the House that a comprehensive Excise Bill will be brought forward soon in the Lok Sabha. The previous Government had created a separate cell for this particular purpose where

[Shri Satish Agarwal]

the comprehensive Excise Bill was being drafted. A set of officers were deputed for the purpose I am sure, the hon. Minister will look into the matter and during the next Budget Session, March-April-May, the comprehensive Excise Bill will be introduced in this House so as to overcome all such difficulties which have arisen either on account of the various judgements of the High Courts or to give final shape of things to various dispute that arise in the administration of indirect tax law.

Then, there has been a persistent demand from the trade and commerce and the various assessee that there should be an All-India Classification Tribunal for excise. These classification cases are running in millions. I am not criticising, but am only giving these suggestions. This All-India Classification Tribunal has to be created so as to imbibe a sense of confidence amongst the assessee and to avoid going to the courts where time taken is much more. As we have the Appellate Tribunal on the Direct Taxes side and that imbibe confidence in the minds of assessee and litigants, I would request you to have an All-India Classification Tribunal also.

I would request the hon. Minister to expedite decisions on the various matters which are already there on record. Much progress has been made on that; he has simply to put his final seal of approval on those proposals. I am sure, when we meet during the next session, we shall have all these matters decided and we shall have a final comprehensive Bill in this House to debate upon so that all the shortcomings and lacunae in the excise law are plugged. As a matter of fact, as you will find, all the officers and the official machinery, are very excellent, but certain lacunae are there, certain lapses and certain acts of omission and commission are there and they require to be taken care of. If a separate Directorate

of Prosecutions is created and experts in the excise and customs law are appointed and they also represent the Government side in the High Courts, and Supreme Courts such a situation, as has arisen in this particular case will not arise.

So far as this Bill is concerned, there is no other go except to validate it because we cannot permit the assessee to have refund of excise duties from the public exchequer to the tune of Rs. 30 crores without any relief to the ultimate consumers. According to me, it will run to hundred crores if we take the various decisions of the High Courts together. The assessee have already realised this tax from the consumers and the refund of this excise duty is not going to give any relief to the ultimate consumers. They are not going to refund it to the consumers. The equity is also in favour of the Government.

I support this Bill and conclude my speech with these observations.

SHRI T. R. SHAMANNA (Bangalore South): I am thankful to you, Sir, for giving me an opportunity to speak on this Bill. Though I am not opposed to the spirit of the Bill, I have to oppose the Bill on two grounds. Firstly, in the case of excise duty and other duties collected by the Government, the Government says on the one hand that they will do their very best to bring down the prices. On the other, they levy higher rates, which will naturally increase the cost of the goods, since ultimately the levy will fall upon the consumer. In this case, an excise duty upto 25 per cent is levied. In addition to the excise duty, they collect Central and State sales tax and octroi. All these put together comes to nearly 30 per cent to 35 per cent of the tax. So, Government must take into consideration the fact that the heavy taxes levied will rise the cost of consumer goods. Therefore, I strongly urge upon the Government that a policy should be adopted to see that in the case of essential commodities, there should not be very heavy

taxation. Otherwise, the poor consumer will be asked to pay very heavily for the articles of his daily use.

Secondly, as already pointed out by my friend, most of the enactments are brought in hurriedly. Both in the State Assemblies and Parliament, they bring in measures so hastily and in such a haphazard manner that most of these enactments are struck down by either the High Courts or the Supreme Court. Government of India has got a huge band of legal advisors. I do not know why they are not consulting them before bringing in such enactments. Many times it depends on the whims and fancies of the Ministers, and they are brought in overnight. Therefore, I strongly urge upon the Government that all legal points should be examined.

The next point is in respect of giving concessions to handloom and power-loom textiles. This levy was brought into force, after the War, to sell clothes at a cheaper rate. I do not want to elaborate much. But I would say that on khadi, hand-made and hand-woven goods and cotton and woollen cloth, this levy should not be applied.

I am happy that the Minister has clarified that this will not adversely affect the weavers and persons who are in the khadi and village industries, which are being protected by the Government.

Without elaborating further, I just want to say that whenever taxation measures are brought in, they should not unduly tax the consumers. Secondly, before bringing in such important Bills before the House, all implications should be examined in detail; Lastly I would say that the ultimate cost to the consumer should not be excessive, particularly in respect of essential goods. These goods are taxable by the State and Central Governments; in addition, there are heavy profits earned by manufacturers as also wholesalers and retail dealers.

So, I request the Finance Minister to do whatever is in his power and see that unduly heavy taxes are not collected from the consumers.

THE MINISTER OF FINANCE AND INDUSTRY (SHRI R. VENKATARAMAN): I thank the hon. Members for the support they have given to the Bill. Only the last speaker, Mr. Shamanna said he opposed the Bill; but in fact, he did not very much oppose it. The Bill does not impose any new duty. It does not impose any additional tax. It only regularizes a tax which has been levied for several years; and it has been in practice—the validity of which was questioned by the Gujarat High Court. Therefore, it is not a new tax, and no additional burden is imposed. I would, therefore, request Mr. Shamanna not to get unduly worried over it. Not that this legislation is brought forward in a haphazard fashion, because it is a legislation which is absolutely necessary for the purpose of rectifying a distortion which has occurred as a decision....

SHRI T. R. SHAMANNA: Not the present Bill, but the orginal one.

MR. CHAIRMAN: When it was originally brought forward.

SHRI R. VENKATARAMAN: It would take a long time for me to explain. Even when it was originally brought forward, it was not done in a haphazard fashion, because what the original Bill said was that a cloth which is at a grey stage, that is, when it is first woven, it is called a grey cloth; and at that stage, when it is called a grey cloth, a tax is levied. Then a number of processings take place. Sometimes it is bleached; sometimes it is sanforized. Then it is printed. A number of other things take place. As and when value is added to them, then naturally we would like to tax on the added value of the material which is sold. So, when we finally sell the cloth as processed, a tax is levied, but the original tax on the grey cloth is given set off. Therefore, even at that time, it was not brought forward in a haphazard

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fashion. It was a very well considered and well thought out legislation. But sometimes interpretations differ and therefore when some interpretation is given, we want to rectify the result of a decision.

Now I come to Mr. Halder's very broad issue relating to the Centre-State financial relationship. Well, this is a matter on which continuous debate is going on and it will not be possible to come to any conclusion in the course of a debate on a single Bill. This is a matter which will have to be reviewed continuously with a view to see that the States are not deprived of their legitimate share of their taxes and dues. In fact, the approach of this Government is that the States and the Centre are jointly engaged in an endeavour to promote the welfare of the people of the country. Therefore, both the Centre and the States should be enabled to perform the duties which are assigned to them under the Constitution. I would, therefore, humbly submit to the House that the question of the appropriate and reasonable sharing of the revenue will always receive the utmost consideration from the Government.

There was another point which Mr. Halder raised, namely, the question of levying additional excise duty on selected commodities like sugar, textile, tobacco etc. Now on this matter, there is a difference of opinion. Some people want more commodities to be brought under the additional excise levy; some people do not want the levy to be expanded; some people want that even the existing levy should be removed. On this question, there is no unanimity of opinion, but this will have to be discussed amongst all the people concerned. Therefore, with this assurance that the needs of West Bengal will receive the best consideration from the Government I wish to pass on to the next subject.

My esteemed friend Shri Satish Agarwal has made a valuable suggest-

ion as can be expected from him. He was here a few months back and he knows the subject very well. There is only one thing which I want to tell him. I entirely agree with him that the grievances of the staff should be looked into. I would not agree with him that their remuneration should be related to the amount which is collected under the head of revenue. If the remuneration of the people in the excise Department should be related to the excise revenue, then the remuneration of the people in the Income Tax Department should also be related to the people in the Excise Department.

SHRI SATISH AGARWAL: That was not my suggestion. I simply said that only appointed percentage is being spent on the administration of the entire wing. There is stagnation. So, more avenues for promotion should be created. For example, the post of Tax Assistant which was approved by the former Finance Minister unfortunately struck with the Home Minister. You can pursue that matter. It is not difficult for you. You can take up the issue once again so that more posts can be created so that stagnation can be removed.

SHRI R. VENKATARAMAN: Anyways the argument used was not proper. That is all I wanted to say. At the very beginning I said that while I agree with him that the legitimate grievances of the staff should be looked into and their needs should be examined, it should not be related to this, because the argument used was that only a certain percentage of excise collections was spent on them. That argument is not a valid argument.

17 hrs.

The second point he raised was the question of a comprehensive Bill. I know that a Bill is being prepared. I wish to submit to the House that having taken charge of this department now, I should like to give a look myself into that Bill. I will have to examine it thoroughly from several aspects. It will not be possible to bring

it forward in the next session. However, as I said I will give the matter my close consideration and I will examine the Bill perhaps after the Budget had been presented.

The third point was about some buildings for the staff. I entirely agree that this should be done and I shall give my attention to that.

The most important point is about the classification of the excise items. My hon. friend knows that there is an international organisation which classifies the terminology and we ourselves have adopted the international terminology in various things. His suggestion goes a step further; there must be a tribunal which will give interpretation. It is a suggestion for action; it will have to be examined by my department.

SHRI SATISH AGARWAL: You have misunderstood my point. That classification, international tribunal are for customs, that is outside. I am taking about excise appellate tribunal for disputes on classification; it is within this country.

SHRI R. VENKATARAMAN: We have adopted the international terminology. You yourself brought it and I supported you. Why do you deny it? You wanted international classification to be adopted and you brought the Bill.

SHRI SATISH AGARWAL: That is with regard to customs.

SHRI R. VENKATARAMAN: It is being done. I do not say it is not being done. All that I say is that it is being done. He said that legal machinery should be strengthened. I entirely agree that it should be strengthened; we should not lose cases in High Court; whenever we lose we have to pay money and that means loss to the Exchequer. We choose men to the best of our ability. Mr. Agarwal himself has been choosing the best possible men in the department. Whether there should be a separate directorate or not is a matter on which I cannot commit myself at this stage.

It again involves examination of several aspects and I hope that my hon. friend will not expect me to give any categorical answer at this stage. I thank the hon. Members for the general welcome they have given to this and I move that the motion for consideration be adopted.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Central Excises and Salt Act, 1944, and the Additional Duties of Excise (Goods of Special Importance) Act, 1957, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: Now we shall take up clauses. There are no amendments to clauses 2 to 6.

Now the question is:

"That clauses 2 to 6 stand part of the Bill."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

ENACTING FORMULA

Amendment made:

"Page 1, line 1,—

for "Thirtieth Year" substitute—
"Thirty-first Year"

(Shri R. Venkataraman)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI R. VENKATARAMAN: I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

SHRI JYOTIRMOY BOSU (Diamond Harbour): It was struck down again because of defective drafting.

MR. CHAIRMAN: Why did you miss your chance to speak.

SHRI R. VENKATARAMAN: You could have said it in the House.

SHRI JYOTIRMOY BOSU: I will write a letter to you. You kindly do the amendment. (*Interruptions*) .. in the different manner.

MR. CHAIRMAN: The motion has been adopted and the Bill, as amended, has been passed.

17.07 hrs.

STATUTORY RESOLUTION RE:
PROCLAMATION IN RELATION TO
THE STATE OF ASSAM

MR. CHAIRMAN: Giani Zail Singh has written that Shri P. Venkatasubbaiah will move the Statutory Resolution on his behalf.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): I beg to move:

"That this House approves the Proclamation issued by the President on the 12th December, 1979 under article 356 of the Constitution in relation to the State of Assam."

Following the resignation of the Janata Ministry headed by Shri Golap Barbora, a Ministry headed by Shri Jogendra Nath Hazarika of the Asom Janata Vidhayani Dal assumed office

on 9th September, 1979. In the wake of the deteriorating law and order situation in Assam, the Congress (U) and CPI withdrew their support and the Hazarika Ministry was reduced to a minority.

In his report to the President, dated the 11th December, 1979, copies of which were laid on the Table of the House on 23rd January, 1980, the Governor recommended issue of a Proclamation under Article 356 of the Constitution. He also recommended that the State Assembly may be kept in suspended animation. Accordingly, the State was placed under President's Rule on the 12th December, 1979.

Possibilities are being explored for having a stable Ministry in the State. It is, however, possible that no Ministry may be able to assume office by the 12th February, 1980 by which time the Present 'Proclamation' will expire unless approved by Resolution of both Houses of Parliament.

I would request the House to grant its approval to the Proclamation issued by the President on 12th December, 1979 in relation to the State of Assam.

In this connection I would like to say the moment the responsible Government is formed there, this Resolution of the House will be revoked.

MR. CHAIRMAN: Resolution moved:

"That this House approves the Proclamation issued by the President on the 12th December, 1979 under article 356 of the Constitution in relation to the State of Assam."

SHRI SAMAR MUKHERJEE (Howrah): Sir, I am supporting this Proclamation. But in this context, I want to draw your attention to the urgency of the intervention on the part of the Central Government to normalise the situation there on the issues centering which now the agitation and disturbances have developed and see that those are satisfactorily solved.

Sir, I made certain proposals to the Prime Minister and she has agreed to

those proposals and some move is there about them. But the situation is such and it is so serious that the speed is very slow and the situation is day by day worsening. The Governor's administration under the President's Rule has not improved the situation. The time is passing. That is why you are getting an endorsement of this Proclamation here. But there should be an effort to unite and mobilise all the healthy democratic forces there to counter this disruptive movement, this agitation, which is growing and which is causing loss of life and property to the minority communities there.

Sir, Assam is a border State, and there are other contiguous border States. Similar problems have given rise to the type of agitation which are now being utilised by the disruptive forces and it has been told-repeatedly that some foreign agencies are behind these games and the movement has degenerated now and it is a stage where the slogan of united Assam has been raised and it has led to obstructing the flow of crude for refineries and that has also created serious difficulties in those areas and States where oil is supplied or crude is supplied from Assam. The issue has been discussed here and it has been raised. Simply I am pointing out the urgency and seriousness of the situation. The slogan now is that Assam should be independent. This is clearly a secessionist slogan and those who are at the helm of the agitation now may disown the responsibility, but virtually it has come to a stage where effective intervention is necessary to curb these secessionist forces who are creating troubles.

All the minorities are feeling absolutely insecure. Thousands have been rendered homeless, houses have been burnt, persons have been murdered or killed, properties looted and this has been going on. I am not citing examples. There are innumerable examples which have been referred to here. This is not a question of only the people of Assam, it is an all-India question. It

is to be solved by all unitedly rising above party considerations. This is a question of unity and integrity of India, this is a question of the rights of the citizens of India. There is also a fear lurking in the minds of the Assamese people that they may be outnumbered by outsiders. That should also be sympathetically considered and appropriate steps must be taken so that they also feel secure that their separate identity is in no way affected. That is also the problem in Meghalaya.

The problem is very complex no doubt, but considering the way the movement has gone into the hands of the secessionist forces and foreign agencies—I can categorically say that the CIA is very active in that area—if it is not checked and if reactions to this start in other States, then there is the danger that India will disintegrate. Already, some movement was started in North Bengal. Lorries were stopped, and they refused to take food to Assam. In that case, only the common people will be the worst sufferers. So, there we intervened and we made them sober, so that this is not done, but if the slogans that the oil produced in Assam is the property of only the Assamese people, are not curbed, then West Bengal will raise the slogan that the coal that is produced there is the property of West Bengal; if Assam does not give oil, West Bengal will not give coal, Bihar will not give steel and other States will say that they will not give cement or something else. That means we refuse to think of ourselves as Indians, we simply think that we are Assamese, Bengalis, Biharis etc.

SHRI M. RAM GOPAL REDDY (Nizamabad): The solution is communism.

SHRI SAMAR MUKHERJEE: Communism is the only real effective way, Don't ridicule it.

Now, according to reports, there is a proposal to have two types of citizenship—Indian citizenship and Assamese citizenship. This type of disruptive slogans and formulas are

[Shri Samar Mukherjee]

coming and the democratic forces must be mobilised, but where is the agency for that? That is my question. It cannot be done by the Governor.

It is reported that the entire administration is part and parcel of this agitation. The Officers' Association has passed a resolution that unless the foreigners are removed from the list, they will not co-operate with the Government. A section of Government employees is also participating in the agitation. So, they must be brought to their senses. This requires united effort. On the part of the Central Government, a most serious effort is necessary, and the urgency of the situation must not be overlooked.

Regarding the definition of foreigners, this is a controversial thing. Nothing has come out from the Government of India specifying how the definition of foreigners is to be formulated. So, I made a proposal at the meeting which the Prime Minister called that it should be according to the Indian Constitution. The time factor also is there. There are previous agreements with Mujibur Rahman in 1971 and some other similar understandings, to which the Prime Minister also referred, but some consensus has to be arrived at on this question of the definition of foreigners.

It is true that if outside people start coming, it will be a threat not only to Assam, it is also a threat to Tripura and West Bengal. So, sealing of the border is one of the most important aspects, so that this infiltration from Bangladesh or outside is prevented. But those who have been staying there for years together are being evicted, they are being thrown out, their villages are burnt, they are being killed also. This is in the type of riot which we have seen in the past, that is still happening.

The persons who have gone there as officers, as engineers and doing various other jobs and who have been staying there for years together have

also been the target of attack. Not only Mr. Rabi Moitra and some other persons in Duliajan have been murdered but I have got information of a case of Mr. Ranjan Chakravarty, who was MBBS and who was studying MD in the Gauhati Medical College, who has been killed. Gangsters who were outsiders entered his house on the fourth floor of the building and killed him in the night. He was a meritorious young doctor. His family is completely stranded. His father has written a letter; I have got a copy of the letter and I will forward it to the Prime Minister. Nobody has been apprehended for this kind of ghastly murders and actions.

The situation is, therefore, so grave that effective intervention is very essential and also to find out some formula as to who should be considered as a "foreigner". A proposal has been made by our Chief Minister of West Bengal very recently when he met the Prime Minister that a commission should be set up, to formulate the definition of a foreigner. For the composition of the commission all parties may be consulted and let the commission finalise the definition.

Then, it is not only a question of correcting the voters' list but it is a question of restoring the sense of security amongst the minorities and the Assamese people also. They must feel assured that their identity will be protected and defended. The economic factors are primarily working behind it and some vested interests and disruptive forces are also behind it. This is particularly a border area. Various slogans have been raised there in the past also on the question of self-determination and various other things. It is a most sensitive area. So, the question of taking effective steps cannot be delayed. That is why my insistence is that if a popular Government is possible, that should be attempted, that the Government should undertake the responsibility of countering the secessionist move-

ment and that they will deal with those people who are consciously trying to divert this movement into a secessionist and a disruptive channel.

Also, their task will be not only to gear up the administration but also to rouse the democratic consciousness of the people, the sense of integrity and the unity of the people and to create conditions under which the minorities can feel secure there. Otherwise, they will be thrown out of their livelihood; they cannot go back to their avocations and earn their livelihood. All types of certificates are not being accepted. There are a large number of people who are poor and who have not the resources or the organisation to get citizenship certificates. So, they should not be thrown out because they cannot produce citizenship certificates. Their question also must be kept in mind because they are the most poor sections of the people. There are thousands and thousands of these people, both Hindus and Muslims, both Bengalis and Nepalese and there are people from U.P., Bihar and various other States. All of them are feeling totally insecure. That is why this question has assumed a very vital importance. If the Government takes an initiative, we will give full support behind that initiative. But it should not be delayed.

In the end, I say, the Government must make an appeal to all the healthy forces to exercise their authority to influence the masses so that they are not carried away by these disruptive forces and that a sense of unity and integrity is restored.

With these words, I support the motion.

SHRIMATI GEETA MUKHERJEE (Panskura): Mr. Chairman, Sir, I also have no other alternative but to support this motion. Normally, we are not for Presidents rule. But this is an exceptional situation. I would not repeat what has already been related

by our esteemed colleague Shri Samar Mukherjee.

I would also like to draw attention to the fact that the situation in Assam has not at all improved during the Governor's Rule. I feel very sorry that this resolution has come at the tail-end of the session of Parliament. I cannot but convey my own feelings that the depth of the crisis in Assam has not yet been realised by the rest of our country and proper attention has not yet been given to it. I appeal to the Government, and particularly to the Prime Minister, through you, that now that the Session is over, she must rush there. This is a very serious question. Unless solved, it will soon imperil the whole of India.

Can you imagine a situation where people are being charged with burning their own houses and being taken to court and prosecutions being started against them. This is happening in Assam. Eight thousand houses have been burnt and there are a plenty lot of cases where these very people, whose houses were burnt, are being charged that they themselves have burnt the houses. I have many cases, with me but I dare not name the cases because they will again be persecuted there. I am sorry to say that. But this is happening even under Governor's Rule. If Advocates go to the court for their bail, they are surrounded and physically threatened. Even bail cannot be sought; often they cannot get bail. People who are lame are being charged with murder—those who cannot commit murder because it is physically impossible—only because they belong to linguistic minorities. They are being charged with murder and cases are being instituted against them. There is nobody to protest. Administration in most part is totally biased, I am sorry to say, even under Governor's Rule. Those high officers who are neither Assamese nor Bengalis nor even belong to any other nationality or places near about, in whom the minorities had some confidence, have been transferred during Governor's Rule. For example, the

S.P. of Kamrup Shri Srivastav and the DIG Shri K. P. S. Gill are neither Bengalis nor Assamese. Very little could be done but even then, these officers were thought to be somewhat strict under Governor's Rule, they have been transferred resulting in further panic. Not only have thousands been rendered homeless—more than 14 thousand—and more than 500 were dead and women were raped. These things are there. These are glaring things which could be felt, which could be heard and which could be ascertained. But the small things I have described intensify atmosphere of terror and make people absolutely insecure. I feel that proper attention has not been given to Assam, may be due to the Elections and may be because of Parliament session immediately after. But now the session of Parliament is also over, people must rush there—people of high authority, i.e. not only Party bosses but really Government leaders with authority and particularly the Prime Minister.

Now I would like to say one or two more things before conclusion, about the refugees. The refugees are in a position where thousands of them are huddled in so-called camps. Really, Relief Camps are, in my opinion, a euphemism.

17.29 hrs.

[MR. SPEAKER in the Chair]

Plantain leaves are on their heads, and they are called camps, and that too in this Winter. Assam has also an extreme climate.

There are allegations that whatever little relief is being allotted to them is not reaching them. Who is taking charge of this whole thing? Who is supervising the distribution? It is again the very same officers a major part of whom are already in it—who are really conniving at it. That is why, Sir, restoring normalcy is the first thing, and for restoring normalcy, everybody understands, the main thing is settling the question of foreigners. With regard to the question of foreign-

ers, our Party, i.e., the CPI in Assam, has given some suggestions which I would like to place here for consideration:—

(1) The Union Government must determine within the shortest possible time the question of foreign nationals in accordance with the relevant provisions of the Constitution and the Citizenship Act with due coverage to the Nehru-Liaquat Pact of 1950 and the Indo-Bangladesh Agreement of 1972.

(2) Preparation of a national register of citizens.

(3) Introduction of identity cards for all Indian adults.

(4) Preparation of a revised voters' list deleting the names of all foreign nationals and including the names of all eligible Indian citizens.

(5) For doing the above-mentioned things, in (2) (3) and (4), setting up of popular committees with government officials and popular representatives at the Gram Panchayat or Ward level.

The last one is very important because it is only at the lowest level that people will be knowing who are really foreigners and who are really citizens. In these refugee camps, there are literally thousands of people who speak Assamese, whose education was through the medium of Assamese. Even then, they are in the refugee camps. Locally this ascertainment about their citizenship can be done through popular representatives. It is very difficult to find out otherwise. After all, who keeps the citizenship certificate after so many years? Not all do. But locally everybody would be knowing what is the situation. For normalcy to be restored in Assam, there should be a terrific campaign from all over India. I feel that from all over India people of good faith should go to Assam. If Mahatma Gandhi could go to Balliaghata and pitch a camp for stopping the riots,

[Shrimati Geeta Mukherjee]

why should the entire conscience of India not be aroused to save the situation in Assam? They should rush there as a goodwill mission. I would like to see that happening. I do not feel that that is the situation now.

Lastly, I appreciate the fear of the Assamese-speaking people that they may be overwhelmed by the outsiders. We from Bengal do not surely want any such situation. All that we want is that the foreigners should be located or identified and deported. At the same time we want that all those who are really not foreigners should not be persecuted. Both the sides should be taken into account in settling this question. That is why, Sir, through you I once again appeal not only to the Government but to the entire House to take it up as an urgent matter.

SHRI SONTOSH MOHAN DEV (Silchar): Mr. Chairman, Sir, I fully support the proclamation of President's rule in Assam. I am a linguistic minority, elected from Silchar in Assam. There were no elections in the other 12 constituencies. As an Assamese, I must echo the voice of the Assamese people in Assam. About the situation which is now there and about the sentiments of the Assamese people, the hon. Members who spoke from the Opposition Benches have pointed out various things. I agree with them in what they have said. They have explained the problem and they have also explained the solution. There are no two opinions about that. All of us in this House will agree that the Centre should intervene and all political parties should go to Assam to solve the problem. The secessionist movement which is steadily gaining momentum in Assam must be stopped to save the Mother India.

But the Assamese people, by and large, have got themselves enrolled in this agitation; even the government officials have taken part in this. They have formed the committees. Even the doctors have taken a resolve that they will not give treatment to those who suffers from the riots. Look at

the extent of involvement of government officials, semi-government officials and so on. This is not a small movement. The movement originally started was mainly because of economic development that took place in Assam. The people of Assam by and large feel that the time is coming when they will completely be outnumbered in Assam. When you go through the statistics which are readily available to the Central Government you will find the number of people employed in O.N.G.C., Indian Oil Corporation, Railways, L.I.C. and in Banks. Look at the number of employments given to the local people. Employment to the sons of soil would be very very limited. I would admit that they cannot compete on an all-India basis. The time has come when the Central Government should solve this problem. The employment aspect in Assam should be taken into consideration and some statutory powers should be provided so that in all the organisations, in Assam, the local people get employment. The economic and industrial development in Assam is very bad. There was a continuous neglect of Assam by the Centre whichever may be the government at the Centre. If a project starts, it takes a long time to complete. Take for instance the paper mill. It has taken four years. For the Cachar Hills area, we wanted an extension of a broad-gauge line upto Tinsukia. For years and years we had been pleading on the floor of Parliament for the same. Assurance is not forthcoming. It is no use blaming any political party right now. On this we must consider the problem of the Assamese people who are suffering for years together. Youths of today cannot be considered youths of 20 years back. They have seen India; they have gone round and seen the progress made in other parts of India. If they compare the progress made in other parts of India with that of Assam, they will feel frustrated.

They do not see any scope for them at all. I would request this august

House whether you form a Commission or you send any delegation, to see that the employment factor and the industrial and economic development in Assam is taken into consideration. Regarding the formation of Government, as some hon. Members from the Opposition Bench pointed out, a popular Government should be formed. I would request the Government of India to be very careful because the Governor's report has been circulated to the hon. Members of the Lok Sabha. From that we have seen one thing. In the past the Governor had allowed the Leader of the 70 M.L.A.s to form the Government. But Shri Hazarika initially failed to tackle the present movement in Assam. He has issued a statement before the Press that there are 16 lakhs foreigners in Assam. He gave the statement only but he did not know how to tackle it. As a result, 7 ministers from his own Cabinet resigned and the Proclamation of the President's Rule was made.

We have seen at that time that the Congress (U) there supported Shri J. N. Hazarika. But because of the present law and order situation they withdraw their support. We also saw that with the support of Janata-Congress (U) whether Shri Golap Borbora could form the Government. If that could be formed, well and good.

But attention must be paid by the Government to see whether there will be stable government formed there. If there is a *kichri* Government, it will only create troubles for the people.

As some hon. Members said, there was involvement of government officials in the movement from A to Z. Where they are supporting the movement, it is because they are supporting a common cause of that movement. This must be taken into consideration. Sentiments of the Assamese people should be taken into consideration. Though I am coming from the linguistic minority group from

Assam, we had been very much the worst sufferers. The people there had lost their houses, their lands and sometimes their lives. Linguistic riot in Assam has become a pattern in the last two decades. I appeal to the hon. Minister that this must be stopped and now a situation has arisen when the Centre should intervene so as to solve this problem in such a way that there is a lasting solution in Assam.

■ श्री अटल बिहारी वाजपेयी (नई दिल्ली) : अद्यथ महोदय; आज जब यह सदन असम की विषम परिस्थिति के बारे में चर्चा कर रहा है तब कल्होर को छोड़कर शेष असम के निर्वाचित प्रतिनिधि इस सदन में नहीं हैं। 12 सीटें खाली पड़ी हैं, देश का एक महत्वपूर्ण भाग, जो सीमा पर अवस्थित है, सामरिक दृष्टि से हमारे लिये वहे महत्व का है उसका इस सदन में प्रतिनिधित्व नहीं है।

अभी हमारे मित्र ने कहा कि असम की जनता के मन में यह भावना घर कर रही है कि नई दिल्ली में उसकी उपेक्षा होती है। जितना महत्वपूर्ण क्षेत्र है, उतनी तेजी से कदम उस क्षेत्र के आर्थिक विकास के लिए नहीं उठाये गये। परिणाम यह है कि असम के लोग अपने को उपेक्षित, अनाधर्त, जोषित और शापित समझते हैं।

इस आर्थिक संकट के साथ एक नया संकट असम में छढ़ा हो गया है, उसे आप संख्यासुर कह सकते हैं, संख्या का असुर। मारे देश में आबादी बढ़ती है 24 फीसदी की रफ्तार से, मगर असम में आबादी बढ़ती है, 34 फीसदी की रफ्तार से। 1971 में ही असम की जनसंख्या में 26 लाख की वृद्धि हुई, जिस बढ़ि को प्राकृतिक या स्वाभाविक नहीं कहा जा सकता।

समस्या की रंभीरता को चीफ इलैक्शन कमिश्नर श्री शक्तिराम ने भी स्वीकार किया था। उटकमंड में एलैक्टोरल आफिसर्स का जो 1978 में अक्तूबर में सम्मेलन हुआ था, उसमें श्री शक्तिराम ने जो कुछ कहा था, उसे मैं उद्धृत करना चाहता हूँ :—

"The influx has become a regular feature. I think that it may not be a wrong assessment to make on the basis of this increase of 34.95 per cent between the two census that the increase that is likely to be recorded in 1991 census would be more than 100 per cent over the 1961 census. In other words, a stage would be reached when the

State may have to reckon with the foreign national's who may in all probability have sizeable percentage, if not the majority population in the State."

असम का संकट उसके व्यक्तित्व को बचाने का संकट है। असम की अपनी भाषा है, प्रकृति उदाहर है, असम संस्कृतिक-नस्मन्त है, प्राकृतिक साधनों से भरपूर है, मगर असमवासियों को यह डर है कि वह अपने ही घर में अल्पसंख्या में रह जायें। इस भय को निकालना चहुत ज़रूरी है। पिछले 4-5 महीने से असम में जो आंदोलन चल रहा है, वह किसी राजनीतिक दल द्वारा संचालित नहीं है, वह जनता का आन्दोलन है। वह किसी भाषा-भाषी वर्ग के खिलाफ भी नहीं है। किसी विशेष धर्म या मजहब को मानने वालों के विरुद्ध भी नहीं है। उसके मूल में एक ही प्रेरणा है कि असम असमिया भाषा बालने वालों का प्रदेश किस प्रकार रहेगा?

इस आन्दोलन के दौरान कुछ ऐसी घटनाएं हुई हैं, जिन पर केन्द्रीय सरकार को ध्यान देना चाहिए। असम में राष्ट्रपति राज्य है, विधान सभा मूर्छित अवस्था में है, केन्द्र की देख-रेख में शासन चल रहा है। अभी दुलियाजान में जो गोली-कांड हुआ है, उसकी अदालती जांच ज़रूरी है। सरकारी सूतों के अनुसार 5 व्यक्ति मरे, लेकिन असम में, अफवाह उड़ रही है, मृदू भी असम में जने का मौका मिला था, और उन अफवाहों से लोग अभिमत हो रहे हैं, गुमराह नहीं रहे हैं। किन्तु लोग मरे हैं, यह निश्चय करना असभव नहीं होना चाहिए। वया गोली चलाना आवश्यक था जितने वल का प्रयोग गया, क्या उतना बल काम में लाये बिना भी परिस्थिति पर काबू नहीं पाया जा सकता था? इन पूछनों का उत्तर ज़रूरी है। सरकार का कहना है कि पांच लोग मरे हैं। मगर वहां के लोगों का कहना है कि संख्या बहुत ज्यादा है, 71 लोग लापता हैं। अगर असम के समाचार पत्रों को देखें, तो उनसे तो बड़ी भयावह तस्वीर हमारे सामने आती है। मेरी मांग है कि दुलियाजान के गोलीकांड की अदालती जांच हीनी चाहिए। केन्द्र सरकार को इस सम्बन्ध में शीघ्र कदम उठाना चाहिए।

उत्तर कामरूप में व्यापक पैमाने पर हिसात्मक घटनाएं हुई हैं, लोग मरे हैं और हजारों लोग जिवरियों में पड़े हैं। वहां स्थिति पर काबू पाव के लिए फौज को बुलाया गया था। अच्छा होता, अगर हम सेना को वहां न लाते। सैटल रिजर्व पुलिस या बाहर सिव्युरिटी फोर्स की सहायता से वहां परिस्थिति पर काबू पाल जाना चाहिए था। मृशे उस इलाके में जा का मौका मिला था। सेना के जवानों के दिल ज्यादतियों की शिकायतें हैं और शिकायतें

करने वालों में हमारी बहने शामिल हों, यह बड़ी दुखदायी स्थिति है। इस स्थिति को टाला जाना चाहिए। इस सम्बन्ध में भी जन मानस में जो उद्देश्य है, उसको शांत करने के लिए कुछ कदम जरूरी है।

प्रधान मंत्री के निमंत्रण पर असम के छात्र संगठनों के प्रतिनिधि यहां आये हैं। हम उमीद करते हैं कि बातचीत के द्वारा कोई ऐसा रास्ता निकलेगा, जिससे असम के जन-मानस को शान्त किया जा सकेगा। दो तीन कदम आवश्यक हैं।

असम में विदेशी नागरिकों का आना रुकना चाहिए। बंगलादेश के साथ लगी हुई सीमा को कड़े प्रबन्ध में देना चाहिए। मैं जानता हूं कि इसमें व्यवहारिक कठिनाइयां हैं पिछले तीस सालों में हम इस बारे में चर्चा कर रहे हैं, लेकिन अमल नहीं कर पा रहे हैं। असम के लोगों का धैर्य टूट रहा है, नौजवान बिंबगड़ रहे हैं। अगर समय रहते कदम न उठाया गया, तो नौजवानों का एक वर्ग ऐसे तत्वों के हाथ में जा सकता है, जो सारे भारत का भला नहीं चाहते हैं। मैं अपने मित्र, श्री मुकुजी, से सहमत नहीं हूं कि यह आन्दोलन सिसेशनिट है। आन्दोलन में भाग लन वाले भारतीय हैं, देशभक्त हैं, असम को भारत के अभिन्न अंग के रूप में देखना चाहते हैं। लेकिन नौजवानों का एक ऐसा वर्ग हो सकता है, जो कहे कि जब हमारी कोई सुनवाई नहीं हो सकती है, तो हम ऐसा रास्ता अपनाय, जो अहिंसा का रास्ता न हो।

विदेशी नागरिक कौन हैं, यह तथ्य होना चाहिए। मतदाता-सूचियों में उन्हें स्थान नहीं मिलना चाहिए था। अगर उन्हें स्थान मिल गया, तो उन्हें पहचान कर मतदाता-सूचियों से निकाला जाना चाहिए। असम के लोगों का कहना है कि लाखों लोग मतदाता-सूचियों में शामिल कर लिए गये हैं। पहली बार यह परिस्थिति तब सामने आई, जब श्री हीरालाल पटवारी के निधन पर उपचुनाव का प्रश्न उठा। मतदाता-सूची देखी गई, तो पता लगा कि एक चुनाव-क्षेत्र में 70,000 विदेशी नागरिक हैं। जब उनमें से 26 हजार के नाम छांट लिए गए, तो एक आन्दोलन हो गया। कोई भारत के नागरिकों को वहां से निकालना नहीं चाहते हैं, और उन न निकालना चाहिए। जो असम में रहते हैं, वे किसी भी भाषा के बोलने वाले हों, किसी भी मजहब के मानने वाले हों, वे असम के नागरिक और निवासी हैं। उनके अधिकार, जीवन और सम्मान की रक्षा होनी चाहिए।

मगर जो विदेशी नागरिक हैं, वे कैसे असम में रह सकते हैं? वे मतदाता में भाग कैसे ले सकते हैं? वे सरकार बनाने में अपने मताधिकार

का उपयोग कैसे कर सकते हैं? उनको पहचानना और निकालना जरूरी है।

असम की आर्थिक परिस्थिति को सुधारने के लिए भी इसका कदम उठाने चाहिए। मैं स्वीकार करता हूं कि अभी तक हम वहां ब्राडगेज लौइन नहीं ले जा सके हैं। एक छोटी सी पट्टी असम को जोड़ती है। बंगलादेश का दबाव है, उधर चीन है और इस लिए इस सम्बन्ध में कदम उठाना जरूरी है।

एक बात मैं नई सरकार के गठन के बारे में कह दूँ। अगर सचमुच मैं असम की समस्या को हल करना है तो वहां सर्वदलीय सरकार का गठन, अगर यह संभव है तो होना चाहिए। मैं जानता हूं कि सर्वदलीय सरकार बहुत मुश्किल है। लेकिन असम की परिस्थिति अगर हम विस्फोटक समझते हैं और समझते हैं कि असम के कारण देश की अखंडता और सुरक्षा को भी आंच आ सकती है तो सारे राजनीतिक दल आपस के विवाद से ऊपर उठ कर असम के प्रश्न को एक राष्ट्रीय प्रश्न के रूप में ले सकते हैं और उस के समाधान के लिए अगर सरकार गठन करना संभव हो तो सर्वदलीय सरकार गठन कर सकते हैं।

SHRI ANAND GOPAL MUKHOPADHYAYA (Asansol):**

MR. SPEAKER: Nothing will go on record.

SHRI CHANDRAJIT YADAV (Azamgarh): Mr. Speaker, Sir, I identify my feelings with the feelings of those Members who have expressed them here that the Government must take effective measures to improve the situation in this part of the country so that our people there may live in peace, harmony and mutual confidence. It is a matter of great concern that people not only in Assam but in the entire North-Eastern region of our country have agitated feelings. There is a certain mutual lack of confidence, certain reservations, certain fears regarding some issues which very vitally affect their culture, language and way of life, etc. in that part of the country. Therefore, certain measures must be taken and mutual confidence should be restored and the people's fear should be dis-

peled from their minds. I think this is an accepted fact that there were certain serious lapses in the preparation of the electoral rolls. Now the time has come that necessary steps should be taken and those mistakes should be corrected. It is true that there was an influx of foreigners, and at that time proper steps were not taken to stop that. In one of the by-elections I was told that 50,000 names were removed saying that they were all foreigners. That matter ignited and the people thought that there might be so many unauthorised foreign voters in other constituencies also. I think the Government should take care, at least in future that unauthorised foreigners should not be allowed to infiltrate into our country because that creates a serious situation.

Another thing is that an atmosphere should be created that any Indian citizen should be able to live in any part of the country as co-citizen, as brothers and sisters. With full confidence they should be able to live whether in Assam or in Kashmir or in Kerala or in any other part of the country. Only day-before-yesterday, a delegation of students from Assam met me and when I asked them what were their main apprehensions; they said that many unauthorised foreigners had got infiltrated into that part of the country. They said that they had a genuine fear that people from other parts of the country might come to their State and usurp their opportunities in various fields. They are economically backward and they fear that they will not be able to get jobs, they will not be able to get their due share in business and trade. This question of socio-economic backwardness in Assam is already known and whatever meagre opportunities are there, those will be taken away by the people from other States. I think the Government should take effective measures so that backwardness is removed and people in that

part of the country feel secure and get their due share.

SHRI P. VENKATASUBBAIAH: Mr. Speaker, Sir, I thank all the hon. Members who had participated in the discussion have given valuable suggestions. Sir, may I recall through you to the Hon'ble House that from the day the new Lok Sabha started functioning this matter has been engaging our attention. This matter has been very widely and broadly discussed through calling attention and certain questions also not only in this House but the other House also, and this matter has been engaging the serious attention of the Government as well.

As I have stated earlier, the Prime Minister has sought the cooperation of all the opposition leaders to evolve a suitable solution for this very difficult and complex problem. I agree with the hon. Members that a serious situation does exist in Assam and other States of the North-Eastern region. It is particularly so in Assam where an agitation involving large numbers of people has been going on with the result that the oil installations have stopped working and the crude oil and other petroleum products are not possible to be taken out from that State. Then, there has been insecurity among the minorities and there are apprehensions and fears in the minds of the Assam people that they would be outnumbered and they would lose their identity. These are the problems that are currently facing the State of Assam.

In order to defuse this situation, the Prime Minister has already taken an initiative. A delegation of the Assam Students Union is presently in Delhi and they are discussing the various problems that are facing Assam with the Prime Minister. We are sure the Prime Minister would be able to find out a solution acceptable to everybody and normalcy would be restored in Assam as immediately as possible.

Some hon. Members have made certain suggestions for giving protection and security to the minorities who are in mortal fear. As I have stated earlier my statement, the border posts have been strengthened and vigorous steps are being taken to stop the influx of foreigners. The other day, the Prime Minister, while speaking in this House, said that it was very difficult to define the term 'foreigner'. Several interpretations are being given to this word. An understanding has, therefore, to be arrived at so that proper steps are taken to stop the influx of foreigners from outside. Secondly, rehabilitation measures to be taken to give relief and rehabilitate all those people who have suffered in such agitations. I would like to assure the House that the Government of India is very much alive to the situation and all the required measures will be taken.

Then, Shri Vajpayee and other hon. Members have also mentioned about the economic backwardness and regional imbalances. Assam is one of the States where regional imbalance does exist as in certain other parts of the country. It will be the endeavour of the Government to see that these regional imbalances are corrected.

About the formation of the Government in Assam, every effort is being made by the Governor to see that a stable Government is formed. And when a responsible Government is formed in the State, they will be able to tackle the various problems also. As a matter of fact, all political parties are in a state of flux and the new phenomenon that has emerged in Assam is the emergence of regional parties. Till now, Assam has no problem of having regional parties.

All the national parties were functioning in Assam. But in this agitation, certain regional parties have come out, and every effort has to be made to see that a stable and strong Government is formed to tackle this problem.

About the secessionist movement which Shri Samar Mukherjee has mentioned, I for one am not prepared to say categorically...

18 hrs.

MR. SPEAKER: With the pleasure of the House, we may sit for another 15 minutes.

SOME HON. MEMBERS: Yes.

SHRI P. VENKATASUBBAIAH: I for one am not prepared to say categorically that there is any sinister or secessionist movement behind this entire agitation. But there were some posters appearing, which indicate that there may be a sort of a secessionist movement. Government is aware of this situation, and we are making proper enquiries. If anything is found, we will take necessary steps to see that the integrity of India is secured and protected. No efforts will be spared to see that such movements are curbed.

The Chief Minister of West Bengal had made certain suggestions in his letter to the Prime Minister with regard to the solving of this problem. That letter is under the active consideration of the Prime Minister. Mr. Samar Mukherjee has been telling that he has met the Prime Minister recently and he has suggested a certain formula with regard to the definition of 'foreigner'. All these factors will be taken into consideration. The Prime Minister, at the helm of affairs, will be able to inspire confidence among the people of Assam. I have no doubt in my mind that sooner than later, normalcy will be restored in Assam.

MR. SPEAKER: The question is:

"That this House approves the Proclamation issued by the President on the 12th December, 1979 under article 356 of the Constitution in relation to the State of Assam."

The motion was adopted.

18.02 hrs.

PAYMENT OF BONUS (AMENDMENT) BILL

AMENDMENT MADE BY RAJYA SABHA

MR. SPEAKER: We now take up the amendment made by Rajya Sabha to the Payment of Bonus (Amendment) Bill.

THE MINISTER OF TOURISM AND CIVIL AVIATION AND LABOUR (SHRI J. B. PATNAIK): I beg to move:

"That the following amendment made by Rajya Sabha in the Bill further to amend the Payment of Bonus (Amendment) Act, 1977, be taken into consideration:

'Enacting Formula

That at page 1, line 1, for the word "Thirtieth" the word "Thirty-first" be substituted.'

SHRI G. M. BANATWALLA (Ponain): Is it in the order paper?

MR. SPEAKER: It has been circulated. The question is:

"That the following amendment made by Rajya Sabha in the Bill further to amend the Payment of Bonus (Amendment) Act, 1977, be taken into consideration:

'Enacting Formula

That at page 1, line 1, for the word "Thirtieth" the word "Thirty-first" be substituted.'

The motion was adopted.

MR. SPEAKER: Now we will take up the amendment recommended by the Rajya Sabha. The question is:

'Enacting Formula

That at page 1, line 1, for the word "Thirtieth" the word "Thirty-first" be substituted.'

The motion was adopted.

MR. SPEAKER: Now Mr. Patnaik.

SHRI J. B. PATNAIK: I move:

"That the amendment made by Rajya Sabha in the Bill be agreed to."

MR. SPEAKER: The question is:

"That the amendment made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

MESSAGES FROM RAJYA SABHA—
Contd.

SECRETARY: Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha:—

(i) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 2nd February, 1980, agreed without any amendment to

the Government of Union Territories (Amendment) Bill, 1980, which was passed by the Lok Sabha at its sitting held on the 30th January, 1980."

(ii) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Contingency Fund of India (Amendment) Bill, 1980, which was passed by the Lok Sabha at its sitting held on the 30th January, 1980, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

MR. SPEAKER: The House stands adjourned *sine die*.

18.06 hrs.

The Lok Sabha then adjourned SINE DIE.