

Lok Sabha Debates

(Fifth Session)



सत्यमेव जयते

(Vol. XVII, contains Nos. 11-20)

LOK SABHA SECRETARIAT

New Delhi

Price- Rs 4.00

CONTENTS

No. 17, Tuesday, August 8, 1978/Sravana 17, 1900 (Saka)

COLUMNS

Obituary Reference	1-2
Oral Answers to Questions .	
*Starred Questions Nos. 325 to 327, 330 and 331 .	2-30
Written Answers to Questions .	
Starred Questions Nos. 324, 328, 329 and 332 to 343 . . .	30-48
Unstarred Questions Nos. 3139 to 3178, 3180 to 3208, 3210 to 3223, 3225 to 3319 and 3321 to 3338	48-248
Re. Business of the House	248-50
Papers laid on the Table	250-57
Message from Rajya Sabha	258
Coast Guard Bill—	
As passed by Rajya Sabha laid	258
Calling Attention to Matter of Urgent Public Importance—	
Threat to lives and properties of Hrijans in Kanjhawala Village, near Delhi—	
Shri V.M. Sudheeran	258, 259-62
Shri Dhanik Lal Mandal	258-59, 262-63, 268-69, 270
Prof Samar Guha	263-65
Shri P.K. Kodiyam	266-68
Shri Ram Vilas Paswan	269-70
Matters under Rule 377—	
(i) Reported Irregularities at Shahjehanpur Ordnance Factory—	
Shri Surenda Bikram	271
(ii) Need to modernise Jamalpur Railway Workshop—	
Shri L.L. Kapoor	272-73

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

(iii) Reported Non-functioning of Radars installed at Calcutta Airport—

Shri Kishna Chandra Hadler 273—75

(iv) Reported Decision to do away with price preference to Public Sector in the matter of purchases—

Shri Bedabrata Barua 275—77

(v) Reported Functioning of Textile Export Promotion Council—

Shri K. Lakkappa 277—79

Constitution (Fifty-fifth Amendment) Bill—

Motion to consider 280—402

Prof. P. G. Mavalankar 281—84

Prof. Dilip Chakravarty 284—89

Shri M. N. Govindan Nair 289—93

Shri Kanwar Lal Gupta 293—300

Shri R. Venkataraman 300—306

Shri Dajiba Desai 306—309

Shri Y. P. Shastri 309—15

Shri Tridib Chaudhuri 315—19

Shri Jagannath Sharma 319—27

Shri Hitendra Desai 327—35

Prof. R. K. Amin 335—42

Shri Asoke Krishna Dutt 342—48

Shri G. M. Banatwalla 348—53

Shri Harikesh Bahadur 353—56

Shri Gauri Shankar Rai 356—64

Shri Somnath Chatterjee 364—73

Shri Raj Narain 373—82

Shri Vasant Sathe 382—87

Shri Yashwant Borole 387—92

Shri Hari Vishnu Kamath 392—401

Shri Bedabrata Barua 402

LOK SABHA DEBATES

1

LOK SABHA

Tuesday, August 8, 1978/Śravaṇa 17,
1900 (Saka)

The Lok Sabha met at Eleven of the
Clock

[MR. SPEAKER in the Chair]

OBITUARY REFERENCE

MR SPEAKER I have to inform the House of the sad demise of Shri Ram Rattan Gupta who passed away at Kanpur on August 3, 1978 at the age of 72

Shri Ram Rattan Gupta was a Member of the Third Lok Sabha during the years 1962-64 and 1966-67, representing Gonda constituency of Uttar Pradesh. Earlier he had been a Member of the Central Legislative Assembly in 1943

A leading businessman and an industrialist he made a substantial contribution in the field of industries in the country. A well-known figure in Kanpur, he served as its Mayor for two terms. He was associated with several charitable and educational institutions in Uttar Pradesh. A man of versatile ability he took keen interest in a variety of subjects like commerce, industry, finance, banking, defence and railways. He was also the author of two books entitled "World before Second World War" and "Time for Decision".

We deeply mourn the loss of this friend and I am sure, the House will

2180 LS-1

2

join me in conveying our condolences to the bereaved family

The House may stand in silence for a short while to express its sorrow

The members then stood in silence for a short while

ORAL ANSWERS TO QUESTIONS

Closure of Hindustan Petroleum Refinery in July, 1978

*325 SHRI D D DESAI Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state

(a) whether the Hindustan Petroleum Refinery at Bombay had been closed down for a brief period during July, 1978

(b) if so, whether this has caused shortage of petroleum products, and

(c) whether any crash plant to import kerosene and HSD has been undertaken?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA)

(a) Yes, Sir. The Refinery has been closed down from 8th July, 1978 for emergent repairs due to leakage in the crude distillation unit and the refinery is expected to be recommissioned round middle of August, 1978

(b) and (c) Alternative plans have been implemented to ensure availability of products to meet the demands and maintain the supply line. However, in respect of cooking gas, there has been some delay in normal supplies to consumers in Bombay fed areas. Arrangements have been made by Government to import additional

quantities of kerosene and High Speed Diesel oil over and above what was planned earlier.

SHRI D. D. DESAI: The closure of this refinery has resulted in acute shortage of HSD, gas and kerosene. On the other hand, Bombay High gas is being flared and thus wasted. Would he be in a position to give details as to why there has been some difficulty in initiating steps to take the Bombay High Gas and Oil to the shore in Gujarat and Maharashtra which would have eliminated the present problem of shortages of these products and urgent import?

SHRI H. N. BAHUGUNA: Mr. Desai has tried to bring another question into this. Anyway, I welcome the suggestion. The point is, even if the Government wanted to do it in a hurry, it would take time. This Government came to power towards the end of March, 1977. Mr. Desai is an eminent person and he would agree that to bring the gas to the shore, then put up a gas fractionation plant to convert it into LPG etc. would take anywhere between 3 to 3-1/2 years. That gas fractionation plant is now being thought of and Engineers India Ltd. have been asked to go into the whole exercise. The moment they give their advice we shall proceed in the direction in which he wants us to proceed.

SHRI D. D. DESAI: My problem was limited to shortage in the country as may be arising on account of the closure of one refinery or another. This particular case refers to a refinery of Hindustan Petroleum. The Minister in his reply said, it will take 3 to 5 years. My request to the Minister is to examine the facts and see it for himself—Rs. 81 crores or 144 Km. to Diu *versus* 230 KM to Bombay; over concentration at Trombay; the countryside as well as the Northern India market presently straved of these products for which the Minister had to import only in January as much as 3 lakh tonnes of kerosene,

versus the very short time it had taken to lay the pipeline from Bombay High to Trombay, *versus* the shorter, nearly half, the distance to Diu and

MR. SPEAKER: You are giving a lot of suggestions. You are not putting your question.

SHRI D. D. DESAI: I have to get the dates on which he can start and the date on which he can complete. Both of them should be known to the public, because the public is facing the present situation of shortages of gas, kerosene and HSD. May I know what is his time-bound programme so far as this is concerned?

SHRI H. N. BAHUGUNA: Actually the pipeline to Gujarat cannot arise out of this question. There is a separate question on that also. I want to assure the House and through the House the people of Gujarat, Northern India and the whole of India that the pipeline or whatever is the quickest possible method available to us will be made use of in bringing the off-shore gas to the shore and use them. The land fall has to be either Gujarat or Maharashtra or both. We have decided to take the off-shore gas and use it in Gujarat as well as Maharashtra. Therefore, the gas has to go Gujarat also.

SHRI D. D. DESAI: After all, he has worked out the details. He is not making them public. He has already enough details.

MR. SPEAKER: Probably for good reasons he is not publishing it!

श्री श्री बलवीर सिंह : मैं मंत्री महोदय से जानना चाहता हूँ कि जो लीकेज हुआ है वह क्या इस वजह से हुआ है कि उनको जब बताया गया तो उसमें कोई कमी रह गई, या जब कोई उसमें किसी ने गड़बड़ की? या कौन जिम्मेदार है उस लीकेज के लिए, इस बारे में मंत्री जी कुछ बतायेंगे और जांच कर के कुछ ऐक्शन लेंगे?

श्री हेमचन्द्र मानस बहुगुणा : मान्यवर, जो लीकेज हुई है इसके लिए हमने ऐक्स्पर्ट्स से पूछा, इंजीनियर्स इंडिया लिमिटेड

कार्यों से पूजा, ऐटमिक रिसर्च के मैटल कोरोबन विभाग से पूजा जो उसको डील करते हैं, यानी धातु में जो बकन धा जाती है या फटन धा जाती है। इसके बारे में जानकारी लोगों से पूजा। तो मैं तो प्लेट में, जैसा बताने हैं जो रखी गई है, क्योंकि उसका कुछ इन्सुलेशन तो हो गया है, निकाल ली गई है और यह भी लोग कहते हैं कि बड़ी जल्दी पक्क में धा गई, अगर 4 6 प्लेट की देरी होती और पक्क में न धाती तो भयंकर नुकसान होने वाला था इसलिए कोई कमी उसमें किसी बनाने वाले की नहीं है। यह तो बुद्धिहीन है उस प्लेट से अब तक की जो जानकारी है। लेकिन जब यह पूरी करी चीज बाहर निकल कर धा जायेगी तब कारण मालूम हो जायेगा कि क्या कारण था जिसके कारण उसमें यह फटन धाई।

समस्तीपुर-बरभगा मीटर गेज लाइन को बाइ गेज लाइन में बदला जाना

* 326 श्री सुरेश्वर झा सुभष क्या रेल मंत्री यह बनाने की कृपा करेंगे कि

(क) क्या सरकार को स्वामीय सगठनों और रेल प्रयोक्ताओं से समस्तीपुर-बरभगा मीटर गेज लाइन का बाइ गेज लाइन में बदलन के बारे में कोई आपन प्राप्त हुए हैं,

(ख) क्या इस सम्बन्ध में प्रस्ताव का पहिल ही धनमोदन दे दिया गया था और धनपूर्व रेल बजटियों में इसका तत्काल निर्माण कराने का आश्वासन दिया था

(ग) क्या सरकार ने इस बाग में सर्वेक्षण कार्य पूरा कर लिया है,

(घ) क्या यह सच है कि गेज पांच वर्षों में बरभगा-समस्तीपुर लाइन का निर्माण करने के लिए बजट में सांकेतिक प्रावधान की व्यवस्था की जाती है

(ङ) क्या सरकार का इस कार्य का सीधे धारण करने हेतु आपके व्यवस्था करने का विचार है और

(च) यदि हा तो उनका ध्यौरा क्या है और यदि नहीं तो उनके क्या कारण हैं ?

रेल मंत्री श्री० मधु बबबले (क) से (च) एक विवरण सभा पटल पर रख दिया गया है।

विबरण

(क) जी हा।

(ख) से (च) समस्तीपुर-बरभगा मीटर लाइन के धामान परिवर्तन का काम 1974-75 के बजट में शामिल किया गया था और यह एक अनु-

मोचित कार्य है। इस मीटर लाइन को बड़ी लाइन में बदलने के सम्बन्ध में अन्तिम स्थान निर्धारण इंजीनियरी सर्वेक्षण-एच-यातायात मन्त्रालय रिपोर्ट अक्टूबर, 1977 में प्राप्त हो गई थी। इस मूल्यांकन के अनुसार इस परियोजना पर लगभग 8 73 करोड़ रुपये की लागत धायेगी। ससाधनों की ध्यस्त तंगी के कारण बालू विलीय वर्ष में, इसके लिए केवल सांकेतिक व्यवस्था की गई है। वर्तमान कार्यमोजन के अनुसार धामान परिवर्तन की 14 परियोजनाओं में से कुछ परियोजनाओं पर ही जो इस समय चल रही हैं प्रयास केन्द्रित करने और किसी अन्य परियोजना को जो धर्मी बुर भी नहीं हुई है हाथों में लेने से पहले बालू परियोजनाओं का कार्य पूरी तरह से समाप्त करने का विचार है। इस नीति के अन्तर्गत समस्तीपुर-बरभगा मीटर लाइन के बदलन का काम तब हाथ में लिया जाएगा जब पहले से चल रहे काम पूरे हो जायेंगे।

श्री सुरेश्वर झा सुभष. श्रीमन्, मैं आपके माध्यम से रेल मंत्री महोदय से जानना चाहता हूँ कि मंत्री महोदय के बलव्य के अनुसार जब यह कार्य अनुमोदित है और 1974-75 से हीगत 5 साल से बजट में यह शामिल होना धामा है और सर्वेक्षण का कार्य भी दो साल पहले, यानी 1977 में पूरा हो चुका है तो इसे प्राथमिकता देने में क्यों ढिलाई बरती जा रही है जबकि इसकी लागत से भी उत्तरोत्तर बढ़ती होती जा रही है ? 1974-75 में सिर्फ 5 करोड़ २० की लागत धाकी गई थी पर इस समय लगभग पौने नौ करोड़ २० की लागत धाकी गई है। इसलिए विकास की दृष्टि से पिछड़े बिहार राज्य में जो सर्वाधिक पिछड़े 11 जिले हैं उनमें बरभगा, समस्तीपुर, मधुबनी और सीतामढ़ी धाते हैं इनके विकास को ध्यान में रखते हुए क्या रेल मंत्री महोदय इस लाइन परिवर्तन का शीघ्रातिशीघ्र हाथ में लेने का आश्वासन देते ?

श्री० मधु बबबले जैसा मैंने पहले ही सदन से बताया कि मन्त्रालय की सबसाधारण नीति यह रहेगी कि जो परियोजनायें हम लोगों के हाथ में हैं जिनका सर्वेक्षण हुआ है उनकी तरफ ज्यादा ध्यान दे उनको पूरा करें। इसलिए बाराबंकी समस्तीपुर जो कनबर्धन की स्कीम है इस प्रोजेक्ट को हमने प्राथमिकता दी है और मैं समझता हूँ कि यह काम पूरा होने से बाफ़ी फायदा इन क्षेत्रों को हो जायेगा।

दूसरी विषय यह है कि जिस लाइन के बारे में माननीय सदस्य ने जिक्र किया है बाइ गेज से बहा पुल डालने का काम बड़े पैमाने पर करना होगा और उसमें खर्च करने के धन जो परियोजनायें हम लोगों के हाथ में धाज हैं जिनको

कार्यान्वित कर रहे हैं उन पर हम ज्यादा कन्सेन्ट्रट करेंगे, यह हमारी नीति रहेगी। तो इस बात में कोई आश्वासन नहीं दे पाऊंगा।

श्री सुरेन्द्र ना मुनिय : दुखी के दुख को दूर करना ज्यादा बेहतर होगा या केवल जो सुखी है उन्हीं को सुख पहुँचाना बेहतर है? जब यह इलाका सबसे पिछड़ा है जैसा कि मंत्री महोदय कह चुके हैं कि बाढ़ग्रस्त और सूखाग्रस्त है, इसलिए तो उस पर और ज्यादा ध्यान बना चाहिये। और इसका एक ऐतिहासिक महत्व भी है। क्योंकि 125 साल तक का रेलवे का इतिहास है, किन्तु 103 साल पहले, सबसे पहले पूर्वोत्तर रेलवे में जब बी०एन० डब्ल्यू० रेलवे उमका नाम था और बाद में उसका नाम ध्वज तिरहुत रेलवे पड़ा, उस समय से ही यह सबसे पिछड़ा इलाका है और यातायात की धमकियाँ हैं इसीलिए दलमिह सराय-ममस्तीपुर-दरभंगा तक की लाइन सबसे पहले बनी थी। तो हम ऐतिहासिक लाइन को बना कर एक ऐतिहासिक महत्व को भी धारा पुरा कर सकते हैं और सबसे पिछड़ा जो इलाका है उसे भी धारा बहा सकते हैं। और जो यहाँ की युग युग में मांग है जिसकी मन्जूर भी किया जा चुका है, यानी रीन रेल मंत्री जो हाँ चुके हैं, श्री ललित नारायण मिश्र ने इसको मन्जूर किया था, श्री कमलापति सिपाठी ने भी उसे मन्जूर किया था और मंत्री महोदय ने भी इसे मान्यता दे रखी है। लेकिन वह मन्जरी केवल कागज पर रह जाती है और काम कुछ नहीं होता है। इसलिए मैं हृदय में आग्रह करूँगा कि मंत्री महोदय इस काम को शीघ्रातिशीघ्र हाथ में लेने की घोषणा करें।

प्रो० मधु बंडवले : सुखी और दुखी, इस प्रकार का बटवारा करने का मसाला मसालाय के सामने नहीं है। कभी मैंने बागबकी-ममस्तीपुर रेलवे लाइन का उल्लेख किया है। मैं नहीं समझता हूँ कि इस लाइन के धाम-धाम के क्षेत्र में रहने वाले लोग कम दुखी हैं। कई दोस्तों ने कई दफा इस का उल्लेख भी किया है कार्य करने के लिए जिन 14 परियोजनाओं को हम लोगों ने हाथ में लिया है, उन की कुल दूरी 3890 किलोमीटर है और उन के लिए 400 करोड़ रुपये की पूँजी की आवश्यकता है, जब कि हम लोगों के लिए सबनन मिली सिर्फ 27 करोड़ रुपये की। इसलिए हम लोगों ने 14 लाइनों में से 6 लाइनों पर कामसेन-दुट करन का तय किया है, और इसलिए हम ने बागबकी-ममस्तीपुर लाइन के लिए एलोकेशन बढ़ाई है—12.9 का 16 रुपये। उम्मीद है कि हम उस की दो माल में पूरा कर देंगे। जो लाइन हम ने हाथ में ली है, उन को पूरा करने के बाद हमारी लाइनों की विया जायेगा।

श्री राममूर्ति : अध्यक्ष महोदय, यह नीति का मसाला है। सारे उत्तर भारत में, राजस्थान और गुजरात में, और महाराष्ट्र से नीचे बितना एरिया है केवल का, वहाँ छोटी लाइन बिछी हुई है

और उसके बरिये से करोड़ों इन्सानों का कार्य रोक चल रहा है। मैं वह जानना चाहता हूँ कि जब देश में नई लाइनें डालने का इतना बड़ा सवाल हमारे सामने है, तो छोटी लाइनों को बड़ी लाइनों में तब्दील करने का सवाल पैदा कर के इतना रुपये बेकार में क्यों खर्च किया जा रहा है। इसलिए मैं मंत्री महोदय से कहूँगा कि वह इस नीति को बिस्मृत रोकें और जहाँ नई लाइनों को डालने की जरूरत है, केवल उन्हीं लाइनों को लें।

MR. SPEAKER: Mr. Ram Murti, it does not arise from the question.

श्री एम० राजगोपालाचारी : कुछ और कुछ बातें का कोई मसाला नहीं है। मैं इस का बटवारा इस तरह चाहता हूँ कि कुछ तो मंत्री महोदय में और कुछ लोगों का दे। इस बारे में मंत्री महोदय का क्या विचार है?

MR. SPEAKER: It does not arise.

प्रो० मधु बंडवले : कुछ हासिल करने में मुझे बड़ा सुख होगा। मैं यह बटवारा मंजूर कर लेता हूँ।

श्री राममूर्ति : अध्यक्ष महोदय, मेरे सवाल का जबाब नहीं दिया गया है।

MR. SPEAKER: It does not arise from the question.

श्री सुरेन्द्र चिक्म : मैं मंत्री महोदय की इस बात में महमन हूँ। कि पिछड़े इलाका में रेलवे लाइनें डालनी ज़रूरी हैं। हमारा माहजहापुर का क्षेत्र बहुत पिछड़ा हुआ इलाका है। फर्रुखाबाद-माहजहापुर लाइन का मरवें हाँ चुका है। क्या मंत्री महोदय उस को हाथ में लेने की कृपा करेंगे?

MR. SPEAKER: It does not arise from the question.

Availability of Bombay Gas to Gujarat

*327. PROF. P. G. MAVALANKAR:

Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether gas from 'Bombay High' region is now regularly produced and made available through pipelines to the main land;

(b) if so, full details thereof;

(c) when will the portion of the said gas be made available to Gujarat and how and what quantity;

(d) whether Government have received any representation in the above-mentioned (c) matter from the Government of Gujarat; and

(e) if so, Government's response thereto?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) to (e). A statement is laid on the Table of the Sabha.

Statement

(a) to (e). The laying of the submarine trunk pipelines for the transport of oil and gas from Bombay High to Uran as well as transfer lines from Uran to Trombay has been completed. Presently, an average quantity of approximately 0.6 million cubic metres per day of gas is available. To start with, the gas is being used at the Tata Power Station to the extent of approximately 0.6 million cubic metres per day. Approximately 0.2 million cubic metres per day of gas will be supplied to the fertilizer plants of Rashtriya Chemicals and Fertilizers at Trombay from August, 1978.

Various letters have been received from time to time from the Chief Minister of Gujarat *inter alia* mentioning that all arrangements, studies and formalities should be completed in time so as to supply gas from Bombay Offshore by middle of 1979 to meet the requirements of Gujarat.

Allocation of gas would be made on techno-economic consideration—preference being given for the utilisation of gas as fertilizer feedstock. The Working Group set up for optimum utilisation of gas in Gujarat has estimated that the requirement of offshore gas in Gujarat would be about 3.81 million cubic metres by 1985-86.

It has been decided that there would be another gas pipeline from South Bassein field to Gujarat which on its way would be inter-connected with the associated gas pipeline from Bombay High so that the flow of both associated and non-associated gas in the two directions could be regulated according to requirements.

A Feasibility Study on the gas pipeline to Gujarat has just been completed and is being examined by ONGC. The report along-with ONGC's recommendations is expected to be submitted to Government shortly. Thereafter, a view on the economics, location, time schedule of completion etc. of the pipeline would be taken by Government.

PROF. P. G. MAVALANKAR: Mr. Speaker, Sir, I am glad to find the Minister for Petroleum, my friend Mr. Bahuguna, back in the House from his illness and rest. Now, Sir, I seek your protection and guidance on the subject. I had raised the matter on this very subject and the Minister has not been able to give any statement in the House with regard to my point about the parliamentary propriety.

MR. SPEAKER: He sent a letter Yesterday.

PROF. P. G. MAVALANKAR: I am satisfied with what he has said. But, the reason why I am raising this before I ask the question is because certain important parliamentary principles are involved. Before that question of mine has been replied, as you will see, there have been persistent press reports wherein his own Ministry officials go about publicly having a debate on these matters which should really take place in the House, not outside. For example, in *The Hindustan Times* of 3rd August there is a long report saying that charges of discrimination against Gujarat are baseless. Who say they are baseless? The officials of the Ministry.

MR. SPEAKER: You kindly come to the question.

PROF. P. G. MAVALANKAR: My point is this. When we are sitting here in Parliament, in Delhi officials go on making statements "we are sorry" or "we are not sorry". It is for the Minister to reply. How can the officials say this? When the Minister was good enough to meet us, the Gujarat MPs, look at what the

officials did, what they said through the press release. It is a very serious matter. They said:

"apparently, the MPs (meaning the Gujarat MPs) were satisfied with the Minister's explanations, but the issues have once again been raised by the Chief Minister."

Sir, we want your guidance on this point.

MR. SPEAKER: Mr. Mavalankar, this is Question Hour.

PROF. P. G. MAVALANKAR: You kindly direct the Minister not to allow the officials to go about giving statements about MPs when the Parliament is sitting. It is our privilege.

AN HON. MEMBER: Even otherwise.

PROF. P. G. MAVALANKAR: Yes, even otherwise. The Chief Minister of Gujarat said, and I repeat it, the O&NGC has not given proper guidance to my esteemed friend; he says the ONGC have misled the Minister; there is a feeling of neglect all over Gujarat.

MR. SPEAKER: You are making a statement, which may be relevant but not in the Question Hour. Now you are in the Question Hour. You have to come to the question. Your statement may be relevant at different times; I do not know. If you give me notice, I can go into it. But we are now on Question No. 327. Please come to Question No. 327.

PROF. P. G. MAVALANKAR: I had raised the point then and I have raised it now. The point I raised and the point of the question are the same. That is why I raised it. Anyway, I abide by your ruling.

My first question is this. In view of the fact that the people of Gujarat, by and large, are carrying a grievance,

rightly or wrongly—it is for the Minister to prove by facts—I feel rightly, that the Government, the Ministry and the O&NGC are simultaneously apathetic to the demands of Gujarat and over-enthusiastically partial to the demands of Maharashtra.... (Interruptions) I am supporting Maharashtra and Gujarat, because I am for India; speaking personally, I am for both Gujarat and Maharashtra. The point is, I am interested in gas and oil being properly utilised. The Gujarat Chief Minister, who belongs to his own party, has repeatedly said what I am now saying. Therefore, it is a fact that the Government of India has not fulfilled its assurance and promise, given inside Parliament and outside Parliament, more than once, that the construction of a pipeline for Gujarat would be expedited, on a shore point in Gujarat, and that the Bombay High gas would be given to Gujarat by the middle of June 1979 and that it would also be available for fertilizer and electricity. Now Maharashtra can use gas for the generation of electricity, Maharashtra can use it for fertilizer, Maharashtra can use it for every purpose, but the Minister says to Gujarat "you cannot". You allow all these things in Maharashtra... (Interruptions) where is the answer for this?... (Interruptions)

SHRI ANNASAHIB P. SHINDE: Sir, the Minister is being pressurised for regional demands like this. The Minister should not answer under pressure for regional demands like this.... (Interruptions)

MR. SPEAKER: Don't record.
* * (Interruptions)

MR. SPEAKER: Mr. Desai, this is the question hour. One day we wasted on language; one day on Maharashtra and Gujarat. Everybody says "we are for India", but India is Gujarat or India is Maharashtra; that is the line of argument we are hearing.

AN HON. MEMBER: There is imbalance between the two.

MR. SPEAKER: There should be no imbalance here.

SHRI SAUGATA ROY: There are two standards—one for Maharashtra and one for Gujarat.

There is a Janata Government at the Centre.

MR. SPEAKER Wherever there may be imbalance, there should not be imbalance in the Parliament Let us go on. (*Interruptions*)

SHRI VASANT SATHE: The way Mr. Mavalankar has exploded shows that there is enough gas in Gaujarat.. (*Interruptions*)

MR. SPEAKER: You are now trying to prove that there is enough gas in Maharashtra also. (*Interruptions*)

SHRI H. N. BAHUGUNA: I have great respect for Prof. Mavalankar and I can assure him and the House that there is no discrimination whatsoever in dealing with the issue of bringing gas to India from off-shore that is normally called 'Bombay High' or 'North Bassien' or Tapti area, different areas and since luckily for us both Gujarat and Maharashtra have got the capability to convert that gas into fertiliser, the Government have decided to use this facility in both the places by setting up two plans of equal size both in Maharashtra and Gujarat. Neither of them is going to come before 1982-83. (*Interruptions*)

श्री मनीराम बागडी : रिकार्डनरी तो मथुरा में है, मथुरा को सारा मुक्तान है।

SHRI H. N. BAHUGUNA: Mathura is quite safe.

SHRI D. D. DESAI: Mathura can come here. But he is diverting. (*Interruptions*)

SHRI H. N. BAHUGUNA: I hope hon. Shri Desai will accept that a humble man like me also has a right to speak. (*Interruptions*) I am merely making a submission. It is for the House to reject it. But I have a right to make my submission. So far as the question about gas is concerned, it is again wrong to say that the infra-structure that we are allowing to be built in Maharashtra, we are refusing a similar infra-structure being built in Gujarat. This is not correct. The total gas which is being brought to the shore is 0.8 million. Maharashtra is being given 0.8 million from there and that is what Maharashtra is getting because fertilizer is being converted for the whole country. The Trombay Fertilizer Plant of Government of India, owned by the Government of India, not by the Government of Gujarat or Maharashtra, will be receiving in a feed stock. Therefore, it is no favour to Maharashtra. (*Interruptions*)

SHRI CHOWDHARY BALBIR SINGH: The beneficiary is Maharashtra

SHRI H. N. BAHUGUNA: Mr. Chowdhry Balbir Singh sees Tata all round. I cannot see Tata all round. I can only request him to see the reason also along with Tata. The point is very simple We have used Tata. We were flaring that gas off-shore. (*Interruptions*) Well, I use them. (*Interruptions*) I refute the insinuation. This is less than fair. We have not favoured anybody because that gas was flaring off-shore—I leave it to the judgement of the House—whether we should allow to take oil, because when we take oil, gas comes, either I bring it to the shore and make some use of it or I let it go on flaring up Now the gas that was brought to the shore was burning without any result. We have brought to the shore and till such time as we can build the full capacity of fertilizer,—there are no two plants—we are giving what remains after use at Trombay to Tata for use for conversion into

heat and therefore, energy. Now this arrangement, an interim one, will be stopped the moment the fertilizer plant comes. But that is the arrangement which at best can last upto 1982-83 if we bring all the gas. If we do not take Bombay High and a decision is taken by the Government, not to work the Bombay High field at its full level and deplete at the current level then the gas that will come to the off-shore can be stopped even now. Tata can stop any day even in January 1979 or June 1979 depending upon the exigencies of the developments on the Trombay cite and we can make use of the whole gas for converting it into fertilizer.

Therefore, Tata is only an interim, stop-gas, arrangement mid-way between full use and partial use and no use. We have chosen partial use. We are not favouring anybody. When we tell Gujarat to please accept the gas, we want to make the best use of the gas. Let it be converted into the best possible economic value. I do not think Prof. Mavalankar would like to get 2 paise less from that gas than what it can really give us. On that score on economics, I am willing to consider and discuss with anybody, including the Members of Parliament.

Just on a point of clarification, I am one who respects this august House as the highest body, the supreme body and the sovereign body expressing the will of the people. I had no intention to insult the House or do any such thing. Firstly, I was not making a policy statement; it was a question of details. But that also became necessary because Gujarat MPs led by Mr. Manubhai Patel wanted to meet me in the Gujarat House. I accepted the invitation. The Parliament was in session. They had asked for an informal meeting with all the Members of Parliament at the instance of the Members of Parliament. I went there. Luckily, Prof. Mavalankar was also there. I put across my point of view. At the

end of the meeting I found that two press men were sitting all through there. Someone drew my attention to the fact that two press men were sitting. Therefore, I told them, "Look here; please do not give out anything to the press of what all transpired here." I did that because I am aware of the fact that "gas" has become a very explosive thing in Gujarat.

I, therefore, share the concern and anguish of Prof. Mavalankar in the matter. My difficulty was that if I did not meet the press myself, the press would have carried all sorts of tales and it would have been very difficult to be helpful to the people of Gujarat in understanding the situation and reducing the tension. I did that with the best of intention. There was no other intention except that.

PROF. P. G. MAVALANKAR: I fully appreciate what the hon. Minister has said. I am grateful to him for the assurance that he has given. May I repeat that I also view this matter entirely from the national point of view, and I want everything to be based on techno-economic and factual data, not based on any regional consideration.

In this connection, may I ask one thing, more? In his own statement which is fairly elaborate, he has mentioned in the third and last paragraphs about certain feasibility study reports of the ONGC and his Ministry. May I know when these study groups were appointed, who were the members and what were the terms of reference and which were the aspects they were to look into and, when their reports are to be ready, and how soon the Government will come to a decision so that the construction of the pipeline on off-shore point in Gujarat will be started as soon as possible and, in case Gujarat needs gas for the industries which he accepts on techno-economic ground, Gujarat will not be deprived of the gas so that the industries can develop properly?

SHRI H. N. BAHUGUNA: I want to give one assurance without any string attached to it. The current requirement of gas in Gujarat of about 2.2 million cubic metres will continue to be supplied till such time as the Bombay gas comes as a substitute. Luckily for us, we have found more on-shore gas at Dupka and one more place. The Ankleshwar oilfield has proved more reserves than estimated earlier and, therefore, it is working better, than expected. It has now been geologically possible for us to state that we shall supply the gas to the existing units and for domestic use also. I am not touching any point anywhere. Whereas we are giving about 0.6 million cubic metres per day to Tata in turbines, in boilers, etc., we are also using the gas in Gujarat for domestic purposes. Therefore, the quantity of 2.2 million cubic metres of gas to Gujarat will continue to be supplied upto 1982-83. If there is any additional use, we shall certainly look after that use and make proper arrangements.

Only one thing I must add. There is some new demand that the foodstock for fertiliser which is LSIS today is converted into a gas. The earlier licensed unit is for LSHS and the conversion of LSHS to feed-stock gas will pose problems. It is LSHS which is being produced at Koyali refinery in Gujarat. What do I do with it? Therefore, I would plead with my friend Mr. Mavalankar to help us in this matter by viewing the whole question in its proper perspective and help us also to correct our mistakes, if any.

MR. SPEAKER: You have not answered his question about the Study Group.

SHRI H. N. BAHUGUNA: The Study Group was set up about eleven months ago....

MR. SPEAKER: Who were the Members?

SHRI H. N. BAHUGUNA: Some officials from my Ministry, some officials

from the Planning Commission and some officials from the Gujarat Government also were on the Study Group for utilisation of off-shore gas in Gujarat. The report on the gas pipeline is being examined by ONGC.

PROF. P. G. MAVALANKAR: I shall be grateful if all this information is laid on the Table of the House.

SHRI H. N. BAHUGUNA: I will.

PROF. P. G. MAVALANKAR: Thank you very much.

SHRI H. N. BAHUGUNA: But I must say that Government has taken no final decision on that.

PROF. R. K. AMIN: The most important question, as the Hon. Minister knows, is as to why you differentiate between Bombay and Gujarat in this regard? You never asked Bombay 'How much gas are you going to use' and switch-over facilities have also been given to Bombay. For example, Bombay people can use it for electricity generation. But this switch-over facility is not allowed to Gujarat. Moreover, unless and until you fix up the location, how can you ask 'How much gas can you use for a particular purpose' so far as Gujarat is concerned?

So, the most important question he has to answer is as to why he should differentiate between Bombay and Gujarat in this regard. Can he say that Gujarat will get the same treatment as Bombay is getting in this regard?

SHRI H. N. BAHUGUNA: I again want to repeat that I have no quarrel with Bombay versus Gujarat or Gujarat versus Bombay. We are using in Gujarat today 2.2 million cubic metres of gas and nobody is questioning our right to do so. The Professor will be happy....

PROF. R. K. AMIN: I will be happy if you can give switch-over facilities.

SHRI H. N. BAHUGUNA: If any switching-over is possible, there also, it has to be in relation to the practical economics of the whole thing.

Bombay and Gujarat are having the same treatment, and Maharashtra and Gujarat are having the same treatment.

SHRI HITENDRA DESAI: It is not only Gujarat and Maharashtra, but the whole nation is very much concerned with the outcome of Bombay High. I would only like to know from the Minister whether an assurance was given at the highest level that the pipeline in Gujarat will be completed in June 1979 and that it has now been found not possible, now that the feasibility study has been received and is being examined by the ONGC, to fulfil this target before June 1979?

SHRI H. N. BAHUGUNA: I admit that such a promise was given and such a communication was made but that it is no more possible to fulfil that promise, not because of any malafide reasons but because there are bonafide reasons. I had explained at the meeting of the Members of Parliament—luckily, Mr. Desai was also there....

SHRI HITENDRA DESAI: But we were not satisfied.

SHRI H. N. BAHUGUNA: I am again saying that we did make such a communication to the Gujarat Government—that the pipeline will be completed by June 1979, but currently, it does not appear to be either necessary or practicable, because the end use of that gas is yet to develop, and it will develop only by 1982-83. Therefore, the investment of a huge amount of Rs. 80 crores or 100 crores on a pipeline which will remain idle till 1982-83 appears not to be reasonable.

Difference in salaries of lowest and top most Railways Employees

***330. SHRI HARGOVIND VERMA:** Will the Minister of RAILWAYS be pleased to state:

(a) the average difference between the salaries of the lowest category employee (casual labourer) and the top most officer (Chairman) on the Railways;

(b) whether this difference is in the ratio of more than one is to ten (1:10); and

(c) if so, the steps being taken to reduce it?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): (a) to (c). A statement is laid on the Table of the House.

Statement

(a) Casual labourers on Railways are appointed on daily wages which are fixed in consultation with local civil authorities and they vary between Rs. 3.50 and Rs. 10/- per day. The average daily wage, however, comes to around Rs. 5.50 per day. On this basis, monthly wages of a casual labourer appointed on daily rate would work out to Rs. 165.00 per month.

The Chairman, Railway Board—the top executive on the Railways—gets a pay of Rs. 3,500 (fixed). The difference between the average monthly wages of a casual labourer and the Chairman, Railway Board, works out to Rs. 3335.00.

(b) The ratio between the average wages of a casual labourer on daily wages and the top executive works out to 1:21.2 on pre-tax basis and 1:6.5 on post-tax basis after taking into account the standard deductions only.

(c) The casual labourers appointed on daily wages are, however, not regular Railway employees. A casual labourer working on Open Line, on com-

pletion of four months' continuous service, is afforded temporary status and is fixed in the lowest revised scale of Rs 196-232. The total pay drawn at the mean of the scales by such a casual labourer in the lowest scale, including dearness allowance, works out to Rs 336 per month. The difference between the salary plus dearness allowance of such a casual labourer and the Chairman, Railway Board, works out to Rs 3,164 (Rs 3,500 minus Rs 336), which gives a ratio of 1 10 4 on pre-tax basis and 1 8 on post tax basis after allowing the standard deductions only.

श्री हरगोविन्द बर्मा : अध्यक्ष महोदय, धाप के माध्यम से मैं कुछ मंत्री जी से कहना चाहता हूँ और एक प्रश्न करना चाहता हूँ। मंत्री जी हमारे समाजवादी रहे हैं और मंत्री जी के प्रास्ताव पर हम रमियो बार जेल भी गये हैं। तो मैं मंत्री जी से पूछना चाहता हूँ कि रेल विभाग में जो डेली वेजेज वाले नौकर हैं और जो रेलवे बाई के चैयरमन हैं, उन के वेतन में कितना फर्क है? मंत्री जी ने जो बताया है, उस में मामूली होना है और उन के वेतन के अनुसार एक डेली वेजेज के वर्कर का 350 50 पैसे डेली वेजेज मिलते हैं। और बाई के चैयरमन का 4,500 रुपये महीना मिलना है यानी दानो का जो मिलना है उस में 100 गुना का फर्क है लेकिन दानो के खर्च और धामदानी का धगर जाड़ा जाए तो जो बिजली, पानी, बगना, और टोल १० १० चैयरमन का मिलना है, वह सब मिला कर उस का 10 000 रुपये प्रतिमाह मिलना है और डेली वेजेज वाला जो वर्कर है, उस की जो बार दिन की छुट्टी होती है, उस का पैसा भी कट जाता है। इस तरह में 26 दिन का वेतन उस को मिलता है और दानो के वेतन में जो फर्क है, वह 1 और 1500 का है। मैं मंत्री जी से जानना चाहता हूँ कि क्या वे अपने विभाग से कम से कम इस फर्क को दूर करने की कोशिश करेंगे क्योंकि हमारा यह नारा रहा है कि 100 रुपये से कम नहीं और 1000 रुपये में ज्यादा किसी का वेतन नहीं होना चाहिए। आज जो हमारी सरकार है वह जिस बिचार की है, उस का देखने हुए रेलवे विभाग जोकि हमारे विभागों का विभाग है, उस में निश्चित रूप से क्या एक ऐसी योजना बनेगी कि वेतन में फर्क 1 और 10 से ज्यादा का न हो? क्या सरकार इस पर विचार करने के लिये तैयार है, मंत्री जी इस को बताने?

श्री जगु बंडवले : जैसा मैंने मूल प्रश्न के उत्तर में बताया है कि सब से नीचे और कम पैसा हासिल करने वाला जो वर्कर है, वह केजुबल वर्कर होता है। वह बार महीने तक केजुबल वर्कर रहता है। और

उस के बाद उस को टेम्पोरेरी स्टेटस मिलता है और फिर उस की धामदानी प्रत्यक्ष प्रत्यक्ष इन से होती है लेकिन 5 50 रुपये का धगर एबरेज लिया जाए, तो बर्च वे कमीशन के धाने के पहले जो रेशो था, वह बर्च वे कमीशन धाने के बाद बदल गया है। बर्च वे कमीशन की रिपोर्ट धाने से पहले यह रेशो 1 2 3 4 था और बर्च वे कमीशन धाने के बाद यह 1 8 स्टैंडर्ड टैक्स की कटौती के बाद हुआ है।

इन्होंने जो दूसरा सवाल किया है, जो सुविधाएँ दी जाती हैं, उन को लेकर दूसरा सवाल है। सुविधाओं का जो जिक्र किया है, उस के बारे में पूरा एकाग्रित देकर सभा पटल पर मैं दूसरा बयान रख सकता हूँ, लेकिन मूल प्रश्न से इस का कोई सम्बन्ध नहीं है। (अव्यवधान)

श्री हरगोविन्द बर्मा : मेरा माननीय मंत्री जी से कहना यह है कि धापने जो कहा है कि डेली वेजेज वालों का 5 50 रुपये मिलते हैं और सरकारी रपट जो आई है उस के अनुसार 1 और 8 का फर्क है, मैं यह कहना चाहता हूँ कि धापका जो आफिम है, वह झूठी रपट दे रहा है। और 8 का फर्क पूरे मूलक में नहीं भी, किसी भी विभाग में धाज नहीं है और ऐसा कहना बिल्कुल गलत है। जो रपट दी गई है वह जो सरकारी बांडा है, यह वह बांडा है जो कि काप्रेस गार्ड में चला और गलत तरीके से उस का बनाया गया है और धाज वह हमारे सवार का उठा कर फेंक रहा है। अगर हमारे माननीय मंत्री जी उस को मही तरीके से नहीं बलाएंगे, तो पूरे मक को गुमराह किया जाएगा। इसलिए मैं जानना चाहता हूँ कि क्या वे इस बांडे को ठीक तरह से नहीं बलाएंगे? ठीक से बावक लगा कर धाज उसे नहीं चला पायेंगे तो इस तरह की रिपोर्ट धागनी? 1 और 8 का फर्क जो बताया गया है यह बिल्कुल गलत है और मैं चाहूँ कि मंत्री जी इस के बारे में दोबारा जांच करा कर सब में रखें कि यह रपट सही है या गलत है?

श्री जगु बंडवले : इस में गिरने का कोई सवाल नहीं है। धाज फिर जाएंगे तो कोई चिन्ता नहीं है।

श्रीमन् , मैं यह बताना चाहता हूँ कि रेलवे बाई के चैयरमन को मुफ्त हाऊसिंग की फैसेलिटी नहीं है। इन्फिनिटी और बाटर की जो बात है, इस के लिए उन को बाउन्ड वेन पडते हैं।

श्री हरिकेश बहादुर : सक्लीडाइज्ड तो हूँ।

श्री जगु बंडवले : वह तो ठीक है लेकिन जो दूसरी को मिलता है, वही उन को भी मिलना है।

टी०ए० और डी०ए० का जो जिक्र किया गया है, जब वे दूर पर जाते हैं तो जिस प्रकार की सुविधाएँ दूसरे मुलाजमीन को, दूसरे धफ्तरों को जोकि इस मंत्रालय के नहीं हैं, मिलती हैं, वही इनको भी मिलनी

ई घोर टी० ए० घोर बी० डी० ए० की उती घाघार पर दिये जाते हैं जैसे बूसरों को दिये जाते हैं। अगर इस के बारे में ज्यादा जानकारी चाहिए, तो मैं भ्रम से एक निवेदन तैयार कर के समा पटल पर रखने के लिए तैयार हूँ। इसलिए कोई झूठी बात बताने का सवाल नहीं है।

SHRI K. A. RAJAN: Regarding fixation of daily rate it is reported that the civil authorities in the respective areas fix those daily rates concerning railway workers. This is a unique or peculiar feature in the Railways. There are so many undertakings where the daily rate is fixed by dividing the minimum monthly wage by 30. . .

AN HON. MEMBER: By 25.

SHRI K. A. RAJAN: I would like to know from the hon. Minister whether it is not fair, instead of relying on the civil authorities to fix the daily rate, to have the daily rate fixed on par with or relating it to, the monthly minimum emoluments—as is done in other industries.

PROF. MADHU DANDAVATE: As I have made it very clear, the average minimum wage that has been prescribed by the Central Act is Rs. 3.50. In the lowest rung of employment, the various types of workers get a daily wage between Rs. 3.50 and Rs. 10.00. .

SHRI N. SREEKANTAN NAIR: Are you not ashamed? (Interruptions)

PROF. MADHU DANDAVATE: I share with you the sense of shame. I agree with you; I do not differ. That is why it has been our constant effort to see that the general economy of the country is improved, and we want to see that the standard of living of the workers is also improved. I have only stated what are facts as they exist today.

श्री राम अण्णेत सिंह : अध्यक्ष महोदय, मंत्री महोदय का जो जवाब दिया है, इस से भारी निराशा हुई। क्योंकि इन्होंने व्योरोपेट्स और बचाने की कोशिश की है। एक समाजवादी मंत्री होने के नाते इन की स्वीकार करना चाहिए कि रेल कर्मचारियों के वेतनों में अंतर है। उस अंतर को भारी घोर बालाकी से ढकने की कोशिश की गयी है। इस से दुःख होता है।

क्या मंत्री महोदय को यह ज्ञान नहीं है कि तमाम सुविधाओं को छोड़ कर रेलवे बोर्ड के सैलरीन पर कितना खर्च होता है? 300 राम मनोहर लोहिया कहा करते थे कि तत्कालीन प्रधान मंत्री जी जबकि रेलवे में बहुत बड़े प्रतिष्ठित 25 से 50 हजार रुपये खर्च होते हैं। सैलरीन रेलवे बोर्ड पर जितना खर्च होता है, उस के अनुपात में एक कर्मचारी को बहुत कम मिलता है। बर्मा जी ने अभी बताया है कि इस में बहुत काफी अंतर है। इस अंतर की स्वीकार करने में मंत्री जी को क्या आपत्ति है? अगर कोई आपत्ति है तो उसे वे बतावें?

श्री० मधु दंडवते : मैं, यह बात स्पष्ट करना चाहता हूँ कि जहाँ तक बेजिज का सवाल है, यह सिर्फ रेलवे के मजदूरों का या केवल बर्मा कर्म का ही सवाल नहीं है। इस से देश की घायल मी का ही सवाल जुड़ा है। इस लिए मजिस्ट्रेट सारे बेज बोर्ड को रि-स्ट्रक्चर करना चाहता है और उसका अध्ययन करना चाहता है। मैंने यह स्पष्ट कर दिया है कि जो जनसमिति समिति की रिपोर्ट हमारे पास आयी है (अध्यक्ष)। आपने जो सवाल पूछा है वह आम बेजिज का सवाल है, वह हमारे पूरे देश की आर्थिक परिस्थितियों से जुड़ा हुआ सवाल है। औद्योगिक क्षेत्र में काम करने वाले मजदूरों, बेतियार मजदूरों, इन सब कि डिम्युटिड को, विधवाओं को, असमानताओं को कैसे काम किया जाए, इस के बारे में सरकार विचार कर रही है। अभी जब हमारे दक्षिण के एक भाई ने कहा कि यह नाम की बात है कि तो मैंने उन से कहा कि मैं भी उसना ही समझता हूँ जितना कि वह समझता है। अभी जो देश में परिस्थिति है, वे भी ने आप के सामने रखी है। (अध्यक्ष) यह मैंने साफ बताया है कि प्रलापतिज बतारू का जिक्र न करते हुए, जो बेजिज सेलेरी है, उसके आधार पर यह पक्षी है और इन में टैक्स को भी नहीं बना गया है।

SHRI DINEN BHATTACHARYA: In part (c) of his statement the Minister has stated that the casual labour working on open lines, on completion of four months continuous service, are afforded temporary status. May I know whether the Minister is in a position to state to this House categorically that this statement that he has made is correct? On the other hand is it not a fact that after every four months the name of the casual labourer is changed? Instead of Mr. Ram he is now called Mr. Kam and in this way he continues to remain a casual labourer

for years together. Is this not a fact? If not, will the hon. Minister kindly tell the House how many casual labourers have been made temporary as per his statement in the last one year?

AN HON. MEMBER: The question does not arise.

SHRI DINEN BHATTACHARYA: It arises.

PROF MADHU DANDAVATE: The hon. Speaker has allowed it. I think it does arise out of the written answer.

MR SPEAKER Nobody wants to hear the answer

PROF MADHU DANDAVATE. As far as the provisions and rules are concerned, it is very categorical that when the casual worker on open line completes and puts in work for four months, he is expected to be given a temporary status

SHRI DINEN BHATTACHARYA: Expected

PROF MADHU DANDAVATE According to the rules, he is to be given temporary status. But the hon. Member has pointed out that there are cases in which this temporary status is not awarded. In that case, it is no doubt an aberration and if any such cases are pointed out to me, instead of perpetuating that aberration, I will try to correct it

SHRI DINEN BHATTACHARYA: Thank you.

श्री उत्तम : ध्यान में यह लिखा है कि स्थानीय सिविल प्राबोर्टी से सहाय्य करके 3-50 से लेकर 10-00 रुपय तक वेतन दिए जाते हैं। जब राष्ट्रीय एजेंज प्रति दिन मजदूरी का 5-50 है तो यह क्यो मही दी जाती है? जो रेलवे लाइन बिहार में पड़ती है उनके बारे में बिहार सरकार से पूछा जाता है कि तुम दैनिक मजदूरी कितनी देते हो और वहां मासिक 4-50 दी जाती है, उत्तर प्रदेश में 4-50 और 3-50 दी जाती है और उस आधार पर आप अपने मजदूरों की मजदूरी तब करते हैं। मैं जानना चाहता हूँ कि राष्ट्रीय एजेंज 5-50

है तो रेलवे सारे देश में 5-50 दैनिक मजदूरी क्यो नहीं कर देती है, इस में उसको क्या एतराज है? ऐसा करने से मजदूरी की दरों में यूनिफार्मिटी आ जाएगी।

प्रो० मधु दंडवते : मैंने यह नहीं कहा है कि यह राष्ट्रीय एजेंज है। मैंने यह कहा है कि भवन भवन जगहों पर कहीं पर 3-50 है और कहीं पर 10-00 है और अगर उसका एजेंज लिया जाए तो 5-50 धाता है। धाज तक का तरीका यह रहा है कि स्थानीय सिविल प्राबोर्टी के साथ सलाह माँगकर करने के बाद वहाँ की वेज फिक्स की जाती है। इससे भी सभी मजदूर प्राबोर्टी के माँगा को सन्तोष नहीं है। इसलिए सारी प्राबोर्टी के सवाल पर और वेज के सवाल पर सरकार विचार कर रही हो है और मनुष्य प्रश्न पर विचार करने के बाद इस नीति में तबदीली की जाएगी।

श्री युधराज : जिन दिन कज्युप्रल लेबर को दैनिक मजदूरी पर बहाल किया जाता है तो उनकी 3-50 रुपय मजदूरी दैनिक दी जाती है। वह बार महीने की सविम पूरी कर लेता है तब उसे सशोधित जो निम्नतम वेतनमान है वही दिया जाता है। कोई भी ऐसी कज्युप्रल लेबर नहीं है जिस को दो तीन महीने काम करने के बाद निकाल बाहर न किया जाता हो और उनके बाद उसको फिर से नौकरी पर न रख लिया जाना हो। प्रोसतन कज्युप्रल लेबर के 7-8 महीने कस्ट्रक्शन के काम में लग जाते हैं जब उनकी बहाली प्राप्त करते हैं तो क्यो नहीं निम्नतम वेतनमान उसे दिया जाता है?

प्रो० मधु दंडवते : मैं इसका जवाब पहले ही दे चुक हूँ। मैं फिर से बताना चाहता हूँ कि कानून के मुताबिक बार महीने तक कज्युप्रल लेबर को धरकर काम करते हुए हो जाए ता उनकी टेम्पोरेरी स्टेटस मिल जाता चाहिए। अगर उसमें कोई खामी रही है तो वह नियमों के खिलाफ है। अगर ऐसे कोई केसिस नोटिस से धाते हैं तो उनके बारे में विचार करना होगा। उनका मैं समर्थन नहीं करूँगा लेकिन उस में तबदीली करने के लिए कदम उठाऊँगा।

Steps to meet Increased Demand of Railway Wagons

*331 SHRI C K JAFFER SHARIEF Will the Minister of RAILWAYS be pleased to state

(a) whether the demand for Railway wagons in the country is increasing due to movement of grains and the increased requirement of the industry;

(b) if so, how far the Railways are capable of meeting the demand; and

(c) the steps taken or proposed to be taken to meet the increased demand of Railway wagons?

THE MINISTER OF RAILWAYS
(PROF. MADHU DANDAVATE): (a) to (c). A statement is laid on the table of the House.

Statement

(a) Yes, Sir.

(b) and (c). In accordance with accepted economic principles, rail transport capacity being heavily capital intensive, is created on the basis of anticipated average traffic offering throughout the year rather than relating it wholly to peak demands in isolated periods, and also on the basis of certain accepted norms in operation, like loading and unloading of wagons being done within the free time allowed, absence of violent fluctuations in the pattern of traffic, movements in block rakes specially of bulk commodities and for bulk consumers, etc. In this context, rail transport capacity available is considered adequate to meet existing demands. However, some periods of imbalance in demand and available capacity, which cannot strictly be termed as real shortage, are not wholly ruled out at present, because of the fact that railways are required to undertake large-scale unplanned and irrational movements and due to spurt in demands of seasonal traffic.

The following steps continue to be taken to ensure that rail transport capacity does not lag behind the traffic demands:—

(i) Advance planning is made to develop additional rail transport capacity commensurate with anticipated demand of traffic in consultation with concerned Ministries and Planning Commission.

(ii) Progressive dieselisation, electrification and modernisation of track and of the signalling system to increase throughput and to speed up movement.

(iii) Progressive conversion of the metre gauge sections into broad gauge, wherever feasible, depending on availability of funds, to make for increased throughput and elimination of break-of-gauge transshipment.

(iv) Provision of rolling stock on additional account to the extent required subject to availability of funds. In the current year Railways have undertaken an enhanced procurement programme for 13,000 wagons.

(v) Increase in movement of block loads, if necessary even by persuading the big consumers to have their own dumps/stock-yards/storages and the trade to club their indents to facilitate formation of point rakes or directional rakes which eliminate transit delays by reducing handling at inter-mediate yards.

(vi) Road bridging, wherever feasible, to eliminate uneconomical rail transport over short distances.

(vii) Tightening up of supervision and steamlining of operation to ensure maximum output by way of reducing avoidable detentions in yards, transshipment points etc.

(viii) Minimising incidence of jams and speeding up of repairs of wagons and other rolling stock.

SHRI C. K. JAFFER SHARIEF: Sir, I would like to know from the hon. Minister—I have gone through the lengthy statement which has been laid on the table of the House—particularly when my question is pertaining to the availability of railway wagons, how much money has been allocated for the manufacture of more wagons so that the shortage of wagons can be meted out according to the needs of to-day?

PROF. MADHU DANDAVATE: Sir, the amount required for an additional

programme of 13,000 wagons has already been done. We have to fulfil that target.

SHRI C. K. JAFFER SHARIEF: My second supplementary is this. There is one valid reason for the creation of the shortage of wagons. Not only that. The difficulty is also being faced both by many industries and the Government for the movement of foodgrains etc. Maybe, that is because of the good reputation that the Railway Minister is enjoying for the many number of railway accidents! May I know from him as to how many of the wagons have been damaged? What are the causes for the shortage of wagons as also in the movement of rail traffic? And what steps has the Railway Ministry taken or is trying to take to overcome difficulties?

PROF MADHU DANDAVATE: The total number of Broad gauge wagons at the disposal of the railways is about 3,97,000, about four per cent of the railway wagons roughly are sick and damaged. That comes to about 16,000 roughly. So, we can say that out of 3,97,000 wagons over 3,70,000 wagons are available. And if the normal lead were to be about 10 or 11 days, that means turnaround of wagons, starting from one point going to the extreme point and coming back—we call this as turnaround of wagons—and if that were to be 10 days then we can say that our daily requirements of wagons are totalling to 35,000 wagons. If we multiply this by 10 we require 3,50,000 wagons. We have got 3,70,000 wagons perfectly intact. But the difficulty is that because of the change of the structure of the pattern of traffic, the average lead has gone up. As a result of that we have to provide more wagons for the imported fertilisers. There was one month's strike in Singareni colliery, which factor led to our lost traffic to the tune of over 7 lakhs tonnes. Then due to this strike we had to take the coal right from Bengal, Bihar and right upto South, as a result the lead increased. That is why, in

spite of 3,70,000 our present stock wagons, as explained by me we have placed an order for additional 13,000 wagons and we shall try to meet the situation.

श्री श्रीमद् प्रकाश त्वाणी : मैं मंत्री महोदय से पूछना चाहता हूँ कि क्या मंत्री जी को मालूम है कि बहुत बड़ी सख्या में बैगन नहीं हैं माल जाने के लिए उसका खास कारण इस देश के व्यापारी वर्ग हैं जो माल से लदे हुए अपने बैगनों को माल गार्डम से नहीं छुड़ाते हैं और बैगन्स रेलवे स्टेशन्स पर माल से लदे खड़े रहते हैं जिसके कारण बैगन्स के मुवमेंट पर बुरा असर पड़ता है। ता क्या कर्त-मान कानून में प्राप ऐसा परिवर्तन करने ताकि कोई भी व्यापारी बैगन्स का रोक न सके ?

श्री जगद्गच्छरी : माननीय सदस्य ने जो जानकारी दी, वह सही है। हमारा यह अनुभव है कि कई जगहों पर प्राइवेट ट्रक जब चीजों के दाम नीचे जाते हैं तो अपने सारे गुब्ब, बसिडिटीज हमारे बैगन से ही रखते हैं, इन-लोड नहीं करते हैं और इस हिसाब से थार्टिकलियल स्केअरसिटी पैदा करते हैं। जब चीजा के दाम बढ़ जाते हैं तब वह अपने गुब्ब को इन-लाड करते हैं। इसलिए एक नया कार्यक्रम हमने हाथ में लिया है कि अगर प्राइवेट ट्रक से ठीक समय पर अपना सामान इन-लाड नहीं करेगा ता हम पब्लिक वीजन कर के यह चीजे सोपोका बेच देगे। यह चीज हमने शुरू की है।

WRITTEN ANSWERS TO QUESTIONS

Trains held up en route due to breakdown of locomotives

*324 **SHRI K PRADHANI** Will the Minister of RAILWAYS be pleased to state

(a) the number of trains held up en route during the last six months due to breakdown of locomotives,

(b) whether such breakdowns have occurred on mail and express trains also, and

(c) if so, what steps are proposed to be taken to ensure that such breakdowns do not occur in future?

THE MINISTER OF RAILWAYS (PROF MADHU DANDAVATE)

(a) The number of passenger trains

held up enroute due to breakdown of locomotives during the last six months ending June 1978 is 2332.

(b) Yes, Sir.

(c) Since Railways have a large number of Steam, Diesel and Electric locomotives, such breakdowns cannot be ruled out altogether. A system of preventive maintenance schedules exists on the Railways which is based on periodical analysis of loco failures by Research, Designs and Standards Organisation, Zonal Railways and Railway Board representatives. Contributory failures of staff are taken up, besides issue of related technical instructions for the guidance of loco crews and maintenance supervisors. These instructions are also incorporated suitably in Refresher Courses for the staff concerned. Failures of material are appropriately investigated and followed up through design modifications, Railways, performance in this respect is very closely monitored at the highest level.

Cooking Gas connection in Tribal Areas in Orissa

*328. SHRI SARAT KAR: Will the Minister of PETROLEUM AND FERTILIZERS be pleased to state:

(a) whether there is any proposal under the consideration of Government to sanction some more new cooking gas connections in the State of Orissa particularly in the tribal areas; and

(b) whether the Government of Orissa had also approached the Central Government in this regard?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) Liquefied Petroleum Gas (cooking gas) is being marketed in Orissa by the Indian Oil Corporation Limited and Hindustan Petroleum Corporation

Limited (Visakh Marketing Unit, formerly known as Caltex). Indian Oil Corporation has at present, plans to enrol approximately 6,000 new Indane connections in Orissa during 1978-79 through their existing distributors who are located in Bhubaneswar, Berhampur, Balasore, Cuttack, Puri, Rourkela and Sambalpur. In view of the tight availability position of cooking gas, it has not been possible for the oil companies to release new cooking gas connections on a large scale or extend LPG marketing to newer areas. The availability of LPG is expected to increase substantially from 1980 onwards when it will be possible for the oil companies to review the position and to extend LPG marketing to smaller towns and rural/tribal areas based on the following considerations:—

(i) anticipated customer potential;

(ii) nearness to the market from the source of supply;

(iii) availability of safe-commercial mode of transport;

(iv) maximum utilisation of distribution equipment; and

(v) viability of operation.

(b) No, Sir.

तलाक की प्रक्रिया सरल बनाने के लिये हिन्दू विवाह अधिनियम में संशोधन

*329. श्री टी० एस० नैनी : क्या बिधि, न्याय और कम्पनी कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि तलाक की प्रक्रिया को सरल बनाने के लिए सरकार का विचार हिन्दू विवाह अधिनियम में संशोधन करने का है ;

(ख) यदि हाँ, तो प्रस्तावित संशोधन की रूपरेखा क्या है ; और

(ग) संशोधन विधेयक को संसद् में कब तक लाये जाने की संभावना है ?

बिधि, न्याय और कम्पनी कार्य मंत्री (श्री शशी कृष्ण) : (क) हाँ (ग). बिधि प्रायोगिक

के अपनी इच्छापूर्वी निर्देश में तिकापि की है कि यदि वृत्ति और पत्नी कम से कम तीन वर्ष तक चलन रहे हैं तो उन मामलों को छोड़ कर जिनमें पत्नी बहु दक्षित करने में समर्थ है कि ऐसी गम्भीर वित्तीय कठिनाई है या ऐसी परिस्थितियाँ विद्यमान हैं जिनसे वह स्थापित होता है कि विवाह को विघटित करना कष्ट होगा, हिन्दू विवाह अधिनियम, 1955 के अन्तर्गत, विवाह के अन्तर्गत रूप से टूट जाने को विघटन का एक आधार बनाया जा सकता है। विचारियों की समीक्षा की जा रही है और विनिश्चय करने में कुछ समय लगेगा।

कुछ मामलों में प्रश्न अभी समाप्त किया जाना

*332. डा० लक्ष्मीनारायण बाबे . क्या वेब मशीन बहु बताने की कृपा करेंगे कि

(क) क्या सरकार ने लम्बी दूरी की कुछ गाड़ियों में प्रथम श्रेणी समाप्त कर दी है,

(ख) यदि हाँ, तो ऐसी गाड़ियों का क्या ध्वारा है, और

(ग) प्राणामी वर्ष के दौरान अन्य जिन गाड़ियों में प्रथम श्रेणी समाप्त करने का विचार है उनका ध्वारा क्या है?

रेल मंत्री (प्र० मधु दंडवते) (ब) से (ग) की नहीं। लखन, रेको की यह नीति है कि लम्बी दूरी की नई गाड़ियों में केवल इतने बसें का स्थान सुलभ कराया जाये जिसमें गृहकार, छात्रिकाओं, पुस्तकें उधार देने वाले पुस्तकालयों, छात्र के रूप में बेहतर सुविधाओं की व्यवस्था हो।

अशोधित तेल का आयात के साथसेत देने हेतु अपनाये गये मानवण्ड

*333. श्री भारत सिंह चौहान क्या वैद्वेदियम, रसायन और उर्बरक मशीन यत् बताने की कृपा करेंगे कि

(क) क्या सरकार ने विदेशों से अशोधित तेल का आयात करने का निर्णय किया है,

(ख) यदि हाँ, तो इस वर्ष अशोधित तेल का कितनी मात्रा में आयात किया जाना है,

(ग) अशोधित तेल का आयात करने के लिए साइसेत देने हेतु क्या मानवण्ड अपनाये गए हैं; और

(घ) यदि नहीं, तो इसके क्या कारण हैं?

2180 LS-2

वैद्वेदियम तेल रसायन और उर्बरक मशीन (भी हेल्थली कम्पन मधुना) : (क) वैद्वेदियम उत्पादों की मात्रा को बुरा करने के लिए, वैश्वीय कच्चे तेल की उपलब्धता देश की शोच्यमता और कम पड़ने वाले वैद्वेदियम उत्पादों की मांगों की जाने वाली अपेक्षित मात्रा की जांच करने के पश्चात् कच्चे तेल का आयात करना आवश्यक है।

(ख) वर्ष 1978-79 के दौरान 15 मि० मी० टन मात्रा के कच्चे तेल का आयात करने की मात्रा की जाती है।

(ग) आयात नीति, 1978-79 के अन्तर्गत, सरकार द्वारा अशोधित तेल के लिए की गई विदेशी मुद्रा की व्यवस्था के आधार पर पूर्ण सामान्य साइसेत के अन्तर्गत इस उत्पाद का केवल इंडियन आयल कॉर्पोरेशन द्वारा ही आयात किया जा सकता है। इसके अतिरिक्त तीन अन्य सार्वजनिक क्षेत्र के उपक्रमों मैसर्स हिन्दुस्तान वैद्वेदियम कार्पोरेशन लिमिटेड द्वारा रिफाइनरी लिमि० और कोचीन रिफाइनरी लिमि० को इनके हक में जारी किए गए पृथक् आयात साइसेत के अन्तर्गत कच्चे तेल का सीधे आयात करने की अनुमति दे दी गई है।

(घ) प्रश्न नहीं उठता।

Indo-Europe Rail Link

*334 SHRI P RAJAGOPAL NAIDU

SHRI RAJENDRA KUMAR SHARMA

Will the Minister of RAILWAYS be pleased to state

(a) whether rail link between India and Europe will be established, and

(b) if so when?

THE MINISTER OF RAILWAYS (PROF MADHU DANDAVATE)

(a) and (b) At present, the Indian Railways are connected with the Pakistan National Railways, and the latter with Zahidan on the Iranian State Railways, via Mirjavoh. The existing system thus provides for a through international rail movement from India to Iran upto Zahidan.

There is a missing rail link in Iran from Zahidan to Kerman, around 550

kilometers in length the construction of which would involve substantial capital investment by the Iranian Government. Only preliminary surveys of this link have been done but no decision has so far been taken by the Government of Iran about taking up construction.

Once Zahidan is linked by rail with Kerman the Indian Railways would get connected with the European railway networks through the Middle East and West Asia.

मंत्रालय द्वारा गैर-सरकारी लेख को दिये गये लाइसेंस और ठेके

*335 की सुझाव बाहुगुणा क्या पेट्रोलियम तथा रसायन और उर्वरक मंत्री यह बनाने की कृपा करते कि

(क) मन्त्रालय उनके मन्त्रालय उनके सम्बद्ध कार्यालय और सम्बन्धित सरकारी उपक्रमों द्वारा गैर-सरकारी लेख को विनम्र लाइसेंस और ठेके दिये गये थे

(ख) क्या एने ठेके और लाइसेंस देते समय सरकार आपात स्थिति से प्रभावित व्यक्तियों को तरजीह देगी और

(ग) यदि नहीं तो इसके क्या कारण हैं?

पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हंसबन्तो नन्धन बाहुगुणा) (क) से (ग) पेट्रोलियम, रसायन और उर्वरक मन्त्रालय द्वारा कोई औद्योगिक लाइसेंस नहीं दिया जाता है। यह मन्त्रालय उद्योग मन्त्रालय को केवल उचित सिफारिशें भेजता है।

इस मन्त्रालय के नियंत्रणाधीन उपक्रम अपने सामान्य कारोबार के दौरान अनेक ठेके करते हैं, जिनको ठेके में शामिल किया जा सकता है। इस सूचना को एकत्र करने में बहुत अधिक परिश्रम करना पड़ेगा और इसमें समय भी अधिक लगेगा, जो सरकार के विचार में प्राप्त होने वाले परिणामों के अनुरूप नहीं होगा।

लाइसेंस और ठेके देने के मामले में आपात स्थिति से पीड़ित व्यक्तियों को बरीयता देने का कोई प्रस्ताव नहीं है।

Agreement by IDPL with M/s. Pharmafin, Italy

*336 SHRI MOTIBHAI R CHAUDHARY

Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state

(a) details of the agreement made during last three years by IDPL with M/s Pharmafin, Italy, date of President's accord of approval and dates on which remittances were made,

(b) what technology has been provided during last one year by Pharmafin to IDPL and how far it has helped increased production of bulk drugs, and

(c) how many complaints have been received against this collaboration details and action taken on these complaints?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA):

(a) The details of agreements made during the last three years by IDPL with M/s Pharmafin of Italy dates of approval and dates and quantum of remittances are indicated in the Statement attached

(b) The strains basic data and other documentation including the raw material specifications usages yield, etc were received and further implementation as provided in the agreements is in progress

(c) Communications from two Hon'ble Members of Parliament were received mainly on the need for seeking know how and strain for Penicillina with reference to the agreement of Hindustan Antibiotics Limited for

strains or Toyo Jozo of Japan. Another Hon'ble Member of Parliament has also recently written about IDPL's collaboration in this behalf for Doxycycline, with reference to the offer of technology by a foreign drug company in India. These have been

looked into and Government are satisfied that the Farmasin agreement is in order. However the progress of implementation of the technology is being reviewed constantly at the highest level.

Statement

Serial No	Details of Agreement	Dates of approval to terms of collaboration by Govt	Amounts remitted with dates (US Dollars)
1	Supply of know how technical documentation and technical assistance for the manufacture of Doxycycline Hydrochloride	23.2.1976	24,000 8-7-77
2	Supply of know how strains, technical documentation and technical assistance for the manufacture of		
(a)	Penicillin G Potassium Salt	3.2.1977	60,000 5-3-77 120,000 8-7-77 140,000 3-8-77
(b)	Tetracycline Hydrochloride	3-2-1977	60,000 5-3-77 90,000 8-7-77 83,448 10-8-77
(c)	Erythromycin Estolate	3-2-1977	60,000 5-3-77 90,000 8-7-77 90,000 10-8-77 10,800 24-3-78
(d)	Supply of know how, technical documentation and technical assistance for the manufacture of Semi-synthetic Penicillin .	3-2-1977	100,000 5-3-77 150,000 8-7-77 100,000 8-7-77

रेलवे स्टेशन पर खान-पान का ठेका

*337. श्री सुमन्य वर्मा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) इन्दौर रेलवे स्टेशन पर खान-पान का ठेका कब से कब तक नियमों का पालन किया गया था ;

(ख) क्या वर्तमान ठेकेदार पर ये नियम लागू होते हैं और उसको यह ठेका कितने वर्षों से मिल रहा है ;

(ग) क्या ठेकेदार की अपनी बोर्ड द्वारा कभी रद्द की गई है ; और

(घ) रेलवे ने वर्तमान ठेकेदारों से कितनी बकाया राशियाँ अभी वसूल कर ली हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री लाल बाराह) :
(क) और (ख). इन्दौर रेलवे स्टेशन पर खात खान-पान/वैजित ठेकेदार है। प्रेस विज्ञप्तियों द्वारा तथा विभिन्न स्टेशनों पर नोटिस लगाकर जिसकी खान-पान अधिकारियों की एक संविदा समिति द्वारा की जाती है, प्रार्थना-पत्र मांगने की प्रक्रिया का अनुपालन करने के पश्चात् ही इन ठेकेदारों की ये ठेके प्रार्थित किये गये थे। सबसे पुराना ठेकेदार 1925 से और नवीनतम ठेकेदार 1966 से काम कर रहा है।

(ग) जी. हाँ। इन्दौर में सामिप भोजनालय के ठेकेदार श्री गोपालदास के. गुरानी का प्रत्यावेदन, श्री उन्होंने अपना ठेका समाप्त किये जाने के विरुद्ध दिया था, रेलवे बोर्ड द्वारा रद्द कर दिया गया था।

(घ) इन्दौर स्टेशन पर तीन खान-पान ठेकेदारों की तरफ साइलेंट बलूक की 67, 972/- रु० की राशि बकाया है। इन बकाया राशियों का व्यौर नीचे दिया गया है :—

	रु०
(i) श्री जी० के० गुरानी	38,981
(ii) मैसर्स लब्धा राम एंड सन	22,025
(iii) मैसर्स चौगुडिया एंड कम्पनी	6,966
	67,972

अशोधित तेल का वितरण

*338. श्री चतुर्वर्धन : क्या पेट्रोलियम, रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या देश में अशोधित तेल की कमी को देखते हुए सरकार ने विदेशों से इसका आयात करने का निर्णय किया है ; और

(ख) यदि हाँ, तो इसके क्या कारण हैं ?

पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमन्त मन्धन बहुगुणा) : (क) और (ख). देशीय अशोधित तेल की उपलब्धता देश की सीमांत समता तथा कमी वाले पेट्रोलियम उत्पादों की आयात की जाने वाली अपेक्षित मात्रा का पूरा लगाकर पेट्रोलियम उत्पादों की मांग को पूरा करने के लिए अशोधित तेल का आयात करना आवश्यक है।

Policy regarding distribution of Canalised Bulk Drugs

*339. PROF. R. K. AMIN: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) what is the policy regarding distribution of canalised bulk drugs which was prevalent during the last three years (year-wise);

(b) whether it is a fact that his Ministry have been issuing letters recommending release of raw materials during last three years;

(c) if so, details of such letters issued during last three years including that of Prednisolone to Warner Hindustan Ltd.;

(d) whether it is a fact that Warner Hindustan were released advance quota for Prednisolone for 1978-79 in 1977-78; and

(e) if so, details of the letter under which it was recommended, under what provisions of ITC policy the recommendation was made and how many such recommendations were made in favour of other firms?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA)

(a) The policy regarding distribution of canalised bulk drugs which was prevalent during the period from first April, 1975 to 31-12-77 is indicated below—

DGTD Units—Such units were allowed releases of canalised raw materials to the extent of best of consumption during any of the two previous years or the quantity recommended by the State Drug Controllers whichever was less

Small Scale Units—

(i) Small scale Units having a turnover less than Rs one crore per annum—to the extent of best of past two years' consumption plus 30 per cent

(ii) Small Scale Units with a turnover of Rs one crore and above—to the extent of best of past two years consumption plus 15 per cent towards growth

(iii) All Small Scale Units in West Bengal—50 per cent extra over the best of past two years' consumption

(iv) All new units i.e. units having no past consumption of the raw material in question—to the extent of 150 kgs and 200 kgs for units in West Bengal. However in the case of certain canalised items where dosage requirement is small, certain minimum quantities were released initially. On producing State Drug Controllers Certificate of having consumed the allotted quantities the units were entitled to further similar quantities

A liberalised policy for release of canalised bulk drugs was announced in October 1977 and was put into effect from 1-1-78. The salient features of the new policy are indicated below—

DGTD Units—These units would be released canalised raw materials for 1977-78 to the extent of releases in 1976-77 or as per their entitlements based on licensed capacities for formulations whichever was higher

Small Scale Units—

(a) The overall additional requirements of 1977-78 and 1978-79 shall not exceed 100 per cent of the 1976-77 allocations of canalised bulk drugs for each year

(b) Releases will be made on monthly or quarterly basis

(c) New units in the Small Scale Sector will be registered on production of a photostat copy of the drug manufacturing licence issued to them by the concerned State Drug Controller and a certificate from their Bank or the State or Central Financial Institution which finances them to the effect that their production plan as filed with them, warrant the quantity of material asked for.

(d) The units seeking releases will have to give a certificate to the canalising agency that the raw materials are required for captive consumption in their own production

(e) At the end of the year, the units will furnish a certificate from a Chartered Accountant to the effect that the material has actually been consumed in their own unit for production of formulations

(b) and (c) Ministry of Petroleum Chemicals & Fertilizers (Dept of Chemicals and Fertilizers) laid down parameters for distribution of canalised bulk drugs within the framework of the Import Trade Control Policy to small Scale and DGTD units. Clarifications arising out of the application of the distribution policy were also given as and when sought. The position with regard to action taken by

the Ministry to regulate releases of Methyl Dopa during 1975-76 and 1976-77 has already been indicated in reply to part (b) of Lok Sabha Starred Question No. 502 answered on 20-12-77. During 1977-78, the Department issued allocation orders only in respect of L-Base to individual units, in accordance with the Ministry of Commerce notification No. 42-ITC(PN)/77 dated 2-7-1977.

As regards the circumstances in which CPC were asked to release 1.5 kgs of Prednisolone in favour of M/s Warner Hindustan Ltd. during 1977-78, the relevant details have already been furnished in reply to Lok Sabha Unstarred Question No. 8802 answered on 2-5-1978.

In 1977-78 the release of items like Crysclic Acid, Citric Acid, Folic Acid, Iodine, Betapicoline, Vitamin B-2 (including Riboflavin-5 Phosphate sodium), Vitamin B-1 and Tartaric Acid was put under Direct Allotment Procedure and their releases were made to the drug units by the canalising agencies without the requirement of release orders as per provisions contained in paragraphs 90 to 96 of the Import Trade Control Policy 1977-78 (Vol. I).

(d) Yes, Sir.

(e) No recommendation was made by Department of Chemicals & Fertilizers for advance release of Prednisolone for 1978-79 to M/s Warner Hindustan Ltd. Similarly, no other recommendations were made by Department of Chemicals & Fertilizers for advance releases for 1978-79 in favour of individual units.

Payment of Royalty to Assam for Petroleum Crude

*340. SHRI PURNANARAYAN SINHA: Will the Minister of PETROLEUM CHEMICALS AND FERTILIZERS, be pleased to state:

(a) whether it is a fact that Government of Assam is paid a royalty of Rs. 42 only per barrel of petroleum crude purchased by the Refineries of the country;

(b) whether it is a fact that the Central Government pays Rs. 116 per barrel of similar crude purchased from the countries outside India;

(c) in view of the great disparity between the price of crude bought from the Middle East and royalty paid to Assam, will Government raise the quantum of royalty payable to Assam Government to at least Rs. 75 per barrel considering the poor economic condition of the State; and

(d) if not, the reasons therefor?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) Royalty at the rate of Rs. 42/- per tonne (not barrel) is payable to the Government of Assam on crude oil and casing head condensate produce in the State of Assam.

(b) The average FOB price of imported crude oil is about Rs. 777 per tonne (about Rs. 105 per barrel).

(c) and (d). The rate of royalty is based on the selling price of oil, which has been fixed at about Rs. 300 per tonne for indigenous crude oil produced from onshore oil fields. The price of crude oil in the Middle East is not relevant for fixing the rate of royalty in India. The existing rate of royalty would continue till it becomes due for review in 1980.

Release of Canalised Bulk Drugs to Non-drug Units

*341. SHRI UGRASEN: Will the Minister of PETROLEUM CHEMICALS AND FERTILIZERS be pleased to state:

(a) details of canalised bulk drugs released to non-drug units during the last three years;

(b) what were the administrative Ministries concerned for such products, and if action was taken based on the recommendation of such administrative Ministries or merely by the Ministry of Chemicals and Fertilizers, names of firms, quantities released year-wise during the last 3 years, and

(c) under what provisions of policy was this done when administrative responsibility of Chemicals Ministry stands only for drug-manufacturing units?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA)

(a) Canalised drug items are distributed through State Chemicals & Pharmaceuticals Corporation of India (CPC) and Indian Drugs & Pharmaceuticals Ltd (IDPL). In so far as IDPL is concerned non drug units obtained releases of Vitamin B₁ Vitamin B₂ and Folic Acid during the last 3 years to meet their requirements for fortification of processed foods as per details given in the attached Statement

As regards the canalised items released by CPC to non-drug units, information is being collected and will be laid on the Table of the House

(b) and (c). In the Import Trade Control Policy 1975-76, it was provided in Section III that in the case of Actual Users engaged in the manufacture of processed foods, release orders in respect of the above mentioned items would be issued by the licensing authorities on the concerned agency. In the Import Trade Control Policy for 1976-77, these items were included in Section III (Group B) which contained items, release of which would be made by the canalising agencies on the basis of release orders to be issued by the licensing authorities. During these two years, therefore, releases in respect of the aforementioned items were made by IDPL on the basis of the release orders issued by CCI & E

During 1977-78, the ITC Policy (vide Section III—Group 'A'), provided that Vit B-1, B-2 and Folic Acid would be released by the canalising agencies under the policy of Direct Allotment without the requirement of a release order. As an additional safeguard against mis utilisation of these items, it was decided in the Deptt of C&F that releases to non-drug units should be made by the canalising agencies, after making a reference to the Deptt. of C&F and such releases should be on the basis of past consumption of the units concerned certified by a Chartered Accountant

Statement

(Qty in Kgs)

Name of the Party	Item	1975-76	1976-77	1977-78
Food Corporation of India	Vitamin B ₁ Hcl	105	150	100
	Vitamin B ₂	131	208	140
	Folic Acid	11 4	18 4	13 0
Kasturi Paper & Food Chemical	Vitamin B ₁ Hcl		31	.
	Vitamin B ₂		96	
Bhandari Crossfield Indore	Vitamin B ₂			58
	Vitamin B ₁ Oral Gr			22
Mysore Snacks Ltd Bangalore	Vitamin B ₂			4

Three-Tier Managerial Remuneration arrangement for Corporate Sector..

*342. SHRI K. A. RAJAN

SHRI P. K. KODTYAN:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government are considering a proposal to introduce a three-tier managerial remuneration arrangement for top executives in the corporate sector; and

(b) if so, the details and steps being taken in this regard?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) There is no such proposal under the consideration of the Government. However the question of the revision of the existing guidelines relating to the remuneration payable to Managing Directors/whole-time Directors/Managers of Punjab Limited Companies and private companies which are subsidiaries of Public Limited Companies is under consideration of the Government

(b) Does not arise.

Computerised Aids on Railways

*343. SHRI SUKHENDRA SINGH:

Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that computerised aids in various fields of railway operations and management have considerably reduced the time taken earlier in traffic and pay-roll accounting;

(b) if so, the details thereof; and

(c) whether it is also a fact that innovation in the Railways has result-

ed in retrenchment of a number of employees?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): (a) Yes, Sir.

(b) Apart from enabling all the transactions at the stations to be included in the accounts of the month, it is now possible to give the various statistical compilations about traffic moved within 20 days of close of a month, which is less than half the time taken earlier. Computerisation has also enabled the range of statistics to be made much wider.

The process of pay-roll compilation starts about a week later than it used to be under the manual system.

(c) No staff was retrenched.

राजकोट में परामर्शदात्री समिति की बैठक

3139. श्री धर्मसिंह भाई पटेल : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या गुजरात में राजकोट स्टेशन के सम्बन्ध में राजकोट में अप्रैल या मई, 1978 में परामर्शदात्री समिति की कोई बैठक हुई थी,

(ख) बैठक में किन प्रकार की मांगों की गई थी और उनमें से किन-किन मांगों को स्वीकार कर लिया गया है और कब स्वीकार किया गया,

(ग) किन-किन मांगों को अस्वीकार किया गया और इसके क्या कारण हैं, और

(घ) इन समय कौन-कौन सी मांगें अनिर्णीत पड़ी हुई हैं और इसके क्या कारण हैं तथा इन मांगों का स्वरूप क्या है और उन पर क्या कार्यवाही किये जाने तथा कब तक किये जाने की सम्भावना है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव भारद्वाज) : (क) स्टेशन परामर्श समिति राजकोट की एक बैठक 29-4-1978 को राजकोट में हुई थी।

(ख) से (घ). एक विवरण सभा पटल पर रखा जाता है। [मंत्रालय में रखा गया। देखिये संख्या LT-2605/78]

Cancellation of Tenders for Award of contract for handling of Parcels at Allahabad

3140. SHRI ISHWAR CHAUDHRY:
Will the Minister of RAILWAYS be pleased to state:

(a) whether as per latest policy decision taken by the Railway Board and conveyed to the General Managers, All Indian Railways under letter No. 78/E(Coop)/14/2 dated 3-6-1978, it is obligatory on Railways to invite limited tenders from Co-operative Societies having area of operation at particular station for allotment of handling contracts i.e., Goods and Parcels etc.;

(b) whether it is a fact that keeping in view the policy the Northern Railway Administration decided to invite limited tenders from Co-operative Societies for award of contract for handling of Parcels at Allahabad;

(c) if so, under whose instructions the Divisional Superintendent, Allahabad, was asked to cancel the tenders; and

(d) whether in case of Parcel handling contract at Allahabad the Director (Commercial) Shri Jagdish Lal is the final authority?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) The policy of Ministry of Railways is to encourage formation of Cooperative Labour Contract Societies on the Railway and to award contracts for handling of goods, parcels etc. to them through negotiations. Where more than one genuine Cooperative Society of actual workers are operating in a particular area of operation, limited tenders from these labour cooperative societies may be invited, whenever a contract is to be given and the contract awarded to any one of them on the basis of merits, taking all relevant factors into consideration. This is however, not obligatory. Where,

however, only one genuine labour Cooperative Society is operating, the existing instructions i.e., the allotment of contract by negotiation will stand.

(b) Yes.

(c) Since the policy is under further examination the calling of tenders has been kept in abeyance under instructions from the Ministry of Railways.

(d) No. The Railway Ministry only issues policy directives. The Zonal Railway is the competent authority in respect of such contracts.

Non-appearance of Tender Notification in Newspapers

3141. SHRI N. K. SHEJWALKAR:
Will the Minister of RAILWAYS be pleased to state:

(a) whether specific instructions were issued by the Northern Railway Headquarters Office to the Divisional Superintendent, Allahabad, to invite limited tenders from Cooperative Societies for allotment of parcels handling contract at Allahabad;

(b) whether in compliance of those orders tender notification was sent to the Chief Public Relation Officer, New Delhi, under letter No. C. Imp/Contract/ALD/72-78/Pt.I dated 29-6-78 for publication in local and other important newspapers;

(c) if so, why tender notification did not appear in the newspapers;

(d) whether the Divisional Superintendent, Allahabad, is being pressurised by the Director (Commercial) Railway Board, New Delhi, to extend the present contract beyond 31st July, 1978 in favour of Railway Station Porters' Cooperative Labour Contract Society Ltd. who apart from other irregularities has been held responsible for short payment to their workmen to the tune of Rs. 1,23,585/-; and

(e) if so, what remedial steps are proposed to be taken?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). Yes.

(c) Since the policy regarding allotment of Goods/parcels handling contracts to Cooperative Labour Contract Societies by inviting limited tenders is under further examination, the notification proposed to be issued for inviting limited tenders for allotment of parcels handling contract at Allahabad has been kept in abeyance. The Railway has been advised to maintain status quo by extending the contract of the Society for a short period, if necessary, by mutual consent.

(d) No.

(e) Does not arise.

Collaboration of Firestone Tyre and Rubber Company of U.S.A. with Synthetics and Chemicals Limited

3142. SHRI SURENDRA BIKRAM: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) what is the role of Firestone Tyre & Rubber Company, Akron, Ohio, U.S.A. in the management of Synthetics & Chemicals Limited as collaborator or what is the area of its activities concerning this company;

(b) what are the interests of Firestone Tyre & Rubber Company, Akron, Ohio, U.S.A. as collaborators of Synthetics & Chemicals Limited, in the company now; and

(c) what amounts have been paid to Firestone Tyre & Rubber Company Akron, Ohio, U.S.A. from time to time during the last seventeen years by Synthetics & Chemicals Limited and to two Firestone Directors on Synthetics & Chemicals Board?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) Firestone Tyre and Rubber Company, Akron, Ohio, U.S.A. is represented by two Directors on the Board of Synthetics and Chemicals Ltd.

(b) Firestone Tyre and Rubber Company, Akron, Ohio, U.S.A. holds 24.99 per cent of the equity share capital of Synthetics and Chemicals Ltd.

(c) During the last 17 years, Synthetics and Chemicals Ltd. have paid the following amounts to Firestone Tyre and Rubber Company, Akron, Ohio U.S.A.:—

1. Payments made in terms of the collaboration agreement

Dollars

(i) Engineering Fees . . . 1,000,000

(ii) Disclosure Fees . . . 300,000

(iii) Know-How and Technical Service Fees at the rate of \$285,000 year for ten years (1964 to 1973) after the plant went in to production . . . 2,850,000

2. Interest on Loan . . . 2,365,957.35

3. Dividend paid for the years 1966, 1970, 1971, 1972, 1975, 1976 and 1977 . . . Rs. 1,33,61,700

(Subject to deduction of Income Tax at source).

In addition, the Directors representing Firestone Tyre and Rubber Company, U.S.A. on the Board of Synthetics and Chemicals Ltd. are being paid at the rate of Rs. 250 for each meeting of the Board attended by them.

Racket of Sale of Used Rail Tickets unearthed

3143 SHRI MADHAVRAO SCINDIA. Will the Minister of **RAILWAYS** be pleased to state

(a) whether it is a fact that a racket of sale of used rail tickets for journey between Agra and Delhi has been unearthed by the Government,

(b) if so, details therein,

(c) assessment about the financial loss suffered by the Railways, and

(d) action proposed to be taken against the offenders?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) (b) and (d) Details of a racket detected by the Delhi Railway Police have already been given in reply to Lok Sabha Unstarred Question No 2234, which was answered on 1-8-78

(c) An assessment about the loss suffered by the Railway due to the activities of this racket will become known only on finalisation of investigation of this case by the Delhi Railway Police

Setting up of Fertilizer Plants

3144 SHRI AHMED M PATEL Will the Minister of **PETROLEUM, CHEMICALS AND FERTILIZERS** be pleased to state

(a) whether Government is considering to set up more fertilizers

Plants in the country during the next five years to meet the increasing fertilizers demand, and

(b) if so, the details thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA)

(a) and (b) Yes, Sir It is proposed to set up four fertilizer plants in the Western Region, two each in Maharashtra and Gujarat, based on the gas available from the Bombay High/Bassein structure and one plant at Namrup in Assam based on the gas available from the oil fields of ONGC and Oil India Limited A letter of intent has also been granted to M/s Indian Explosives Limited for expansion of their existing capacity at Kanpur

Memorandum regarding establishment of a High Court Branch at Goa

3145 SHRI VASANT SATHE Will the Minister of **LAW, JUSTICE AND COMPANY AFFAIRS** be pleased to state

(a) whether Government have received memorandum pleading for establishment of High Court bench at Goa,

(b) if so, furnish details of the memorandum received and what is Government's reaction thereto, and

(c) how soon the Government is expected to take final decision in the matter?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) to (c). Memoranda dated 15-2-1977 and 30-6-1977 have been received from the Goa, Daman and Diu Advocates Association and the Advocates Association of South Goa, Margao respectively pleading for setting up of a separate High Court at Panaji. It has also been requested that pending the setting up of a separate High Court a Bench of the High Court of any other State may be established at Panaji. The Chief Minister Goa, Daman and Diu has requested that a Bench of the High Court of a neighbouring State may be established at Goa. The matter is under consideration.

Representation from Dombivli Passengers Association

3146. **SHRI R. K. MHALGI** Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that the Government have received a representation dated 12th April, 1978 along with a sketch from Dombivli Passengers Association (Distt. Thana, Maharashtra) requesting for a Dombivli Local and halts at Dombivli of trains to Bombay, Pune and Bombay-Bhusawal passenger and *vice-versa*;

(b) if so, what action Government have taken or propose to take in the near future; and

(c) if no action has so far been taken, the reasons thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) and (c). Introduction of suburban locals to/from Dombivli has not been found operationally feasible for want of terminal facilities there. Provision of halt of Bombay-Pune and Bombay-Bhusawal Passengers at suburban stations like Dombivli is also not possible as this will adversely affect the running of suburban trains and goods trains

Capital of Greaves Cotton

3147. **SHRI VAYALAR RAVI:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) what is the total capital of the Greaves Cotton and the persons holding more than 5 per cent shares;

(b) the names of its Board of Directors and the shares held by each; and

(c) the remuneration paid to them?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) As per the Annual Return made upto 6-12-1977, the paid-up capital of Greaves Cotton & Company Limited was Rs. 4,75.25 lakhs, consisting of 4,25,250 equity shares and 50,000 cumulative preference shares of Rs. 100/- each fully paid-up.

The names of the shareholders holding more than 5 per cent shares as on 6-12-1977 are as under:—

Names of the shareholders holding more than 5% of the equity paid-up capital	Names of the shareholders holding more than 5% of the cumulative preference paid-up capital
--	---

- | | |
|---|--|
| 1. Karam Chand Thapar & Bros Ltd. | 1. Central Bank of India (A/c. Nizam's Trust). |
| 2. Ballarpur Industries Ltd. | 2. Nawab Kazim Nawaz Jung Bahadur. |
| 3. United India Fire & General Insurance Company Ltd. | 3. Sir Saiful Mulk Bahadur. |
| 4. New India Assurance Company Limited. | |
| 5. Karam Chand Thapar & Bros. (Coal Sales) Limited. | |
| 6. Life Insurance Corporation of India. | |

(b) The information about the directors of the company and the shares held by them — singly or jointly with others—is given below :—

Names of the Directors	No of shares held
1. Shri Lalit Mohan Thapar . . .	179
2. Shri Nityanand Mangesh Wagle . . .	32
3. Shri Hari Datta Varma . . .	39
4. Shri Surendr Lall . . .	32
5. Shri Inder Mohan Thapar .	32
6. Shri Madhukar Balwant Bhaskare . .	94
7. Shri Ramchandra Dattatreya Pusalkar . .	22
8. Shri Govind Mathrani . .	70
9. Shri Viswanathan Venkataraman . .	23
10. Shri Har Charan Dass . . .	25

Shares held by Directors jointly with others

Names	No of shares held
1. Mr Madhukar Balwant Bhaskare & Mrs M. Rita Bhaskare	76
2. Mrs Premila N. Wagle Mr Nityanand M Wagle	63
3. Lady Dhanvanthi Rama Rau & Mr Nityanand Mangesh Wagle & Mrs Premila Nityanand Wagle	765
4. Mrs Rita Madhukar Bhaskare & Mr Madhukar Balwant Bhaskare	67
5. Mrs. Barbare L. Mathrani & Mr Govind Mathrani	12
6. Mr. Sunil W Mathrani & Mr Govind Mathrani	1
7. Mrs. Lakshmi Venkataraman & Mr. Viswanathan Venkataraman	45

(c) As per the information furnished by the company pursuant to Section 217(2A)(b)(ii) read with the Companies Particulars of Employees) Rules 1975, the gross remuneration before

payment of income tax paid to the directors during the year ended 30th June, 1977 was as follows:—

Name of Directors	Gross remuneration before Payment of income tax (Rs.)
1. Shri M B Bhaskar, Managing Director	1,88,465
2. Shri G. Mathrani, Joint Managing Director	2,02,100
3. Shri R D Pusalkar, Executive Director	1,24,068
4. Shri V Venkataraman, Marketing Director	1,18,451

The remaining non-working directors were paid an aggregate amount of Rs. 3,25,803 for the year ending 30-6-1977 being commission at 1 per cent of the net profits in terms of Section 349 of the Companies Act, 1956.

Railway line in Backward Areas

3148. SHRI ANANT DAVE: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government decision to provide railway line in the backward area where earning to the extent of 10 per cent is possible is being implemented;

(b) whether the people of Kutch region living in backward area and having potentiality of 10 per cent earning a ceiling fixed by Government have been representing to railway authorities for new railway line between Gandhidham and Lakhpat via Mandvi;

(c) whether the Government have been resisting their legitimate demand of this backward area for constructing this new railway line so far; and

(d) if the reply to (c) is in negative, what Government propose to do for this line in near future and how long time Government will take to start with this project?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (d). Representations have been received for construction of Gandhidham-Lakhpat line via Mandvi. A preliminary-engineering cum-traffic survey was carried out in 1971-72 and the project was not found to be viable on account of very limited traffic prospects. It would, therefore, not be possible to take up the construction of the line at present. A high level committee has been appointed by the Planning Commission for formulating the overall transport policy for the country. The Committee will also evolve a policy for construction of railway lines in backward areas of the country. The proposed line from Gandhidham to Lakhpat will be given due consideration under the new policy.

Manufacture of formulations of Oxy-tetracycline and M/s. Pfizer and Glaxo Labs

3149. SHRI MOTIBHAI R. CHAUDHARY: Will the Minister of PET-

ROLEUM, CHEMICALS AND FERTILIZERS be pleased to state

(a) details regarding names of drugs, licensed capacity and composition of Oxytetracycline and Betamethasone formulations manufactured by M/s Pfizer and Glaxo Labs,

(b) is it a fact that both these companies marketed number of products in the above range without valid authority under I (D & R) Act and if so, what action is proposed to be taken against them and

(c) how many permission letters of Glaxo were converted into COB licences details of same, permission letter-wise product wise, date-wise and under what provisions of I(D&R) Act it was done?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA) (a) and (b) M/s Pfizer Limited and M/s Glaxo Laboratories are licensed to manufacture 9 tonnes per annum of Oxytetracycline and 300 kgs per annum of Corticosteroids (including Betamethasone) respectively. Based on these bulk drugs the following formulations have been manufactured by them during 1977 —

M/s Pfizer (Based on Oxytetracycline)

- 1 Amphotec Capsules
- 2 Terracortril Eye/Ear Ointment
- 3 Terracortril Topical Ointment
- 4 Terramycin Dental Paste
- 5 Terramycin Eye/Ear Suspension
- 6 Terramycin I M Sol
- 7 Terramycin Intravenous Injection
- 8 Terramycin Ophthalmic Ointment
- 9 Terramycin Otic Soln
- 10 Terramycin Premixed Pediatric drops
- 11 Terramycin SF Caps

M/s Pfizer (Based on Oxytetracycline)

- 12 Terramycin Caps
- 13 Terramycin Skin Ointment
- 14 Terramycin Soluble Tabs
- 15 Terramycin Syrup
- 16 Terramycin Vaginal Tabs
- 17 Urohotec Capsules

M/s Glaxo (Based on Betamethasone)

- 1 Betnolm Tablets
- 2 Betnesol Injection
- 3 Betnol Tablets
- 4 Betnesol Eye Ointment
- 5 Betnesol Eye/Ear drops
- 6 Betnesol Eye Ointment
- 7 Betnesol Eye/Ear drops
- 8 Betnesol Nasal drops
- 9 Betnesol Oral drops
- 10 Betnol Tablets
- 11 Betnovate (Cream or Greasy) Skin Ointment
- 12 Betnovate C (Cream or Greasy Base) Skin Ointment
- 13 Betnovate N (Cream or Greasy Base) Skin Ointment
- 14 Otino Drops
- 15 Anovate Ointment

No instance of any irregular production of the above formulations by these companies without a valid authority under I (D&R) Act has come to the notice of the Government. This would however, be verified at the time of consolidation of licences.

(c) Information is being collected and will be laid on the Table of the House.

Diesel Loco Sheds at Waltair

3150. SHRI SUDHIR GHOSAL: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Diesel Loco Sheds at Waltair and Bondamunda in S.E. Railway are having a large number of diesel loco fleet catering both coaching and goods services;

(b) whether adequate staff are posted for the repair and maintenance of these diesel locos;

(c) whether the Electrical Loco Sheds at Tata and Bhilai are having a large number of electrical locos based at these sheds for catering the coaching and goods services; and

(d) whether adequate staff are posted for repair and maintenance of these electrical locos?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Diesel Loco Shed at Waltair is having 143 locos and Bondamunda 77 which cater for both coaching and goods services.

(b) Yes. Adequate posts in different categories exist and staff requirements are reviewed from time to time, as necessary.

(c) Electric Loco Shed at Tata is having 121 electric locos meant for goods services. Electric Loco Shed at Bhilai is having 133 electric locos which cater for both coaching and goods services.

(d) Yes. Adequate posts in different categories exist and requirements are reviewed from time to time as necessary.

Bhavnagar-Tarapur Railway Line

3151. SHRI F. P. GAEKWAD: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Railway Ministry has approved construction of Bhavnagar-Tarapur Railway line in the interest of rapid development of backward area of Bhal and to provide missing coastal link in Saurashtra region;

(b) if so, whether the Project has been cleared by the Planning Commission; and

(c) if not, the reasons for delay in according sanction to the Project?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c). The construction of Bhavnagar-Tarapur line has not yet been cleared on account of severe constraint of resources.

निकटवर्ती नगरों के दिल्ली जाने वाले यात्रियों के लिये रेलगाड़ी

3152. श्री श्रीम. प्रकाश त्यागी: क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार को पता है कि उत्तर प्रदेश और हरियाणा के निकटवर्ती नगरों से दिल्ली में कार्यालयों, कारखानों और अन्य प्रतिष्ठानों में काम करने के लिये बड़ी संख्या में लोग प्रतिदिन दिल्ली जाते हैं,

(ख) क्या इन व्यक्तियों को जाने के लिये बटल गाड़ियों की संख्या अपर्याप्त है जिससे उनको बड़ी कठिनाई होती है तथा वे अपने मूलस्थ स्थान पर समय पर नहीं पहुँच सकते;

(ग) क्या सरकार का विचार रेल सेवा में सुधार करने का है; और

(घ) यदि हाँ, तो तत्सम्बन्धी व्यापार क्या है और यदि नहीं, तो उसके क्या कारण हैं?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण):

(क) जी, हाँ।

(ख) से (घ). वर्तमान सेवाएँ दिल्ली से उत्तर प्रदेश और हरियाणा के समीपवर्ती नगरों की यात्रा

करने वाले दैनिक यात्रियों की वर्तमान आवश्यकताओं की पूर्ति कर रही है। इस समय मार्गों में प्रतिरिक्त यात्राएँ समता के अभाव में और दिल्ली/नयी दिल्ली में अत्यधिक पर्यटन सुविधाओं के कारण प्रतिरिक्त यात्रियों चलाना परिचालनिक दृष्टि से सम्भव नहीं है। लेकिन, प्रतिरिक्त सुविधाओं की इन मार्गों का समय-समय पर, उस समय उपयुक्त सुविधाओं को स्थान में रखते हुए, पुनरीक्षण किया जायेगा।

Proposal to run trains from Bhubaneswar to Delhi

3153 SHRI PADMACHARAN SAM-ANTASINHERA. Will the Minister of RAILWAYS be pleased to state

(a) whether Government are considering any proposal for running fast train from Bhubaneswar to Delhi as other States' capitals are having, and

(b) if so when it will be started?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) and (b) Proposals to divert 143/144 Kahinga Express via Asansol and extend 161 162 Tatanagar Amritsar Express to and from Puri were examined but not found feasible at this stage for want of line capacity on sections enroute.

Time taken by Train from Jodhpur to Ajmer

3154 SHRI R D GATTANI Will the Minister of RAILWAYS be pleased to state—

(a) whether 10½ hours are taken by the train for reaching Ajmer from Jodhpur which is a distance of 244 kms.; and

(b) if so, whether efforts would be made to minimise this time?

2180 LS—3

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) and (b) There is no direct train between Ajmer and Jodhpur at present. However, two through service coaches are running between these points by 209Up/4Dn-3Up/210Dn trains which take about 10 hours to cover the distance. Reduction in journey time of these coaches has not been found operationally feasible having regard to the connections and time required for maintenance.

Memo from A I Station Masters' Association

3155 SHRI A K ROY Will the Minister of RAILWAYS be pleased to state

(a) whether he has received the memorandum regarding the resolutions passed in the Silver Jubilee A G M of All India Station Masters' Association held at Udaipur on 23rd 24th and 25th June, 1978, and

(b) if so the action taken by the Government to redress each item of their demands?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) Yes, Sir

(b) In accordance with the Government's policy staff representations received from any source are given due consideration and such action as is necessary taken. The demands of all categories of staff, including Station Masters, are considered and solved through the various tiers of the collective bargaining Machinery—the Permanent Negotiating Machinery and the Joint Consultative Machinery.

Many of the demands contained in the Memorandum have already received

ed consideration and will again receive consideration in accordance with Government's policy as stated above.

Progress in production of Oil at Bombay High

3156. SHRI RAJ KESAR SINGH: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) the latest progress in the production of oil at Bombay High;

(b) targets fixed and achieved for 1978-79 (todate): and

(c) programme of action fixed for the next year?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) At present approximately 80,000 barrels per day of oil (i.e. at the rate of approximately 4 million tonnes per annum) is being produced from the Bombay High.

(b) A target of 3.85 million tonnes of production of crude oil from Bombay High had been fixed for 1978-79. The information regarding total production during 1978-79 as on date is being collected and will be laid on the Table of the Sabha.

(c) During the next year execution of Phase III-B development of Bombay High will be continued which includes additional well platforms, a process platform, crude stabilisation tanks, gas fractionation plant, etc.

Transportation of Coal, Cement to Southern States

3157. SHRI SUBHASH CHANDRA BOSE ALLURI: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have received complaints that wagons are not available for transportation of coal, cement to Southern States; and

(b) if so, the reason for this sudden shortage and steps being taken to meet the situation?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Complaints were received from some consumers of coal in the South about inadequate receipt of coal. No complaint about movement of cement to the South has been received.

(b) A month-long strike in Singareni Collieries in April-May 1978 was primarily responsible for this shortage of coal in the Southern States. To improve availability of coal in the South, the Ministry of Railways, in coordination with the Ministry of Energy (Department of Coal), have already initiated various steps including deployment of additional wagons and locomotives.

Increase in Pilferage and Wagon Breaking in Asansol

3158. SHRI ROBIN SEN: Will the Minister of RAILWAYS be pleased to state:

(a) whether he is aware that there has been an alarming increase of pilferage and wagon breaking in Asansol and Ondal yard and also in the Kazora, Ukhra, Barabani, Sitarampur and Barachak stations;

(b) whether it is also a fact that coal and other materials valued at lakhs of rupees are daily being stolen by this wagon breaking and pilferage from the above yards and stations;

(c) whether R.P.F. are conniving in wagon breaking with the wagon breakers and sometime it is found particularly in Ondal that armed R.P.F. escorted wagon breakers with stolen materials and armed R.P.F. threatened the villagers if the villagers try to catch the wagon breakers running with stolen properties;

(d) whether the villagers of Ondal and nearby villagers made several complaints in this respect to the local Railway Authority but with no effect, and

(e) whether Government will consider to do away with the RPF duty at yards and stations and consider some other agency for this purpose in co-operation and consultation with the State Government?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) to (e) No

Licences issued to persons of Bombay for distribution of Gas

3159 SHRI BAPUSAHEB PARULEKAR Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state

(a) whether it is a fact that licence or licences are given to some persons for distribution of gas available from Bombay High for cooking purposes in city of Bombay,

(b) if so, the name or names of such persons and the dates where such licences or agencies are given; and

(c) what are the criteria for giving such licences or agencies?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA)

(a) and (b) No LPG is presently available from Bombay High gas. However, LPG is produced from Bombay High crude being processed in the refineries which is distributed through the existing LPG distributors.

It has recently been decided that a gas fractionation plant with 4 million cubic metres per day capacity based

on cryogenic process and with a design to fractionate 50:50 mixture of associated and non associated gas be set up at Uran.

(c) According to the guidelines issued by Government to all the public sector oil companies, distributorships for the marketing of LPG including the LPG to be available from the Associated Gas/Natural Gas from the Bombay High and South Bassin fields are to be awarded as under —

(i) 25 per cent for persons belonging to Schedule Caste/Scheduled Tribes

(ii) 2 per cent for physically handicapped persons, and

(iii) the balance on commercial consideration, preference being given to genuine Consumer Co-operative Societies and Agro Industries Corporations

AIREC Work-to-rule Campaign

3160 SHRI KISHORE LAL Will the Minister of RAILWAYS be pleased to state

(a) what were the six-point demands formulated by the NCCRS,

(b) whether it is a fact that the AIREC has decided to launch work-to-rule campaign from November, 1978, if these demands are not settled through negotiations and

(c) if so, what is the reaction of the Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) and

(c) The demands and the position in respect thereof are given in the attached statement

(b) Yes

Statement

Demand	Position in respect thereof
1(i) All Railwaymen be treated as industrial workers with full trade union rights including the right to negotiate	(i) Already Railway employees are governed by the provisions of the Industrial Disputes Act. However, in respect of the terms and conditions of service, they are traditionally treated as Government servants, as basically Railways are in the nature of a public service and are run directly by Government because of their social and strategic importance.
1(ii) The working hours of Railwaymen shall not exceed eight hours per day	(ii) The demand for uniform duty hours of 8 a day for all categories of railway staff working in different conditions irrespective of workload on them cannot be accepted. However, the Bombay Tribunal award on the Hours of Employment of Railwaymen has been accepted with effect from 1-8-1973.
1(iii) There shall be job evaluation of all railwaymen through a scientific system to be followed by their reclassification—regulation with the need-based minimum wage as the wage for the lowest-paid worker	(iii) & (2) Arising out of the negotiations with the Labour prior to May 1974 strike in which an understanding was arrived at for job-evaluation within the framework of the Third Pay Commission's recommendations, Government have taken the following steps—
2. Pending the completion of job evaluation and reclassification, immediate parity in wages with those of workers in the Central Undertakings viz. HMT, BHEL, HSI, NAL, etc.	a) A Tribunal consisting of a Neutral Chairman with two Labour representatives nominated by the two recognised Federations, and two official side members has been set up to go into the reclassification of workshop staff.
	(b) Regarding open line staff a Study Team has completed training in the Administrative Staff College Secunderabad. The question of undertaking a Pilot Study will have to be taken up independently before taking up detailed job-evaluation.
	In so far as parity in wages is concerned, the Third Pay Commission observed that fair comparison with private sector or public sector cannot be accepted as a sound basis for fixing the level of wages of Central Government employees including railwaymen. In any case, this is a matter affecting Central Government employees as a whole and no unilateral action can be taken by the Ministry of Railways in so far as Railwaymen are concerned. This is also linked with the question of wages, incomes and price policy and would be considered after the report submitted by the Boothalingam Study Group has been examined by the Government.

Demand	Position in respect thereof
3 Bonus at the rate of one month's wages for the year 1971-72 and 1972-73	3 This is intimately linked with the question of wages, incomes and price policy and will be considered after the report submitted by the Boothalingam Study Group has been considered by the Government
4 Decasualisation of all casual railwaymen and their confirmation in service with all benefits available with regular employees	4 While it is not possible to achieve the ideal stage of complete decasualisation immediately, substantial progress has been made in giving regular employment to casual labour. Steps have also been taken to redress the grievances of those who have to continue as casual labour due to shortage of regular vacancies etc.
5 Adequate and timely supply of food grains and other essential commodities to the poor in the shops	5 The issue raised cannot be considered by the Ministry of Railways alone since Government has to take a decision covering all Central Government employees.
6 All casual employees should be withdrawn	6 A number of casuals had to be recruited in various cases were brought to Government notice in the recent past and they have been looked into and such action as is necessary and feasible is being taken upon the basis of each case taken up.

Platforms at Sahibabad Station

3161 SHRI RAMANAND TIWARY
Will the Minister of RAILWAYS be pleased to state

(a) whether the Railway platforms at Sahibabad station, an industrial town on UP—Delhi border are rail level pads and there is no Government approved cycle and scooter stand and there is no over-bridge for crossing the railway lines from GT Road side and as a result thousands of factory workers and daily commuters are facing great difficulties, and

(b) if so, the steps taken or proposed to be taken to raise the level of platform, at Sahibabad station and to extend the sheds to provide over-bridge and to make arrangements for an authorised railway cycle and scooter stand at the earliest?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) and (b) Both the platforms at Sahibabad station are rail level platforms. There are no cycle and scooter stands at the station. There is also no foot over bridge for crossing the Railway lines from GT Road side.

There is no proposal at present to raise the level of the platforms. The station is approached by a proper approach road from the GT Road side and a level crossing is provided for crossing the tracks. The platform shelter provided at the station is adequate to meet the requirements of current level of passenger traffic. Action is being taken at the earliest to provide an authorised Railway cycle/scooter stand at this station.

Rail Bridge on the Ganges at Digha

3162. SHRIMATI PARVATHI KRISHNAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that a proposal for constructing a rail bridge on the river Ganges at Digha (Patna, Bihar) near Sadaghat Ashram is pending before the Government for the last several years;

(b) if so, what are the reasons of so much inordinate delay; and

(c) how much time the Government propose to take in finalising the scheme of the bridge?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) Technical aspects of the scheme are under study by the Central Water and Power Research Station, Khadakvasla.

(c) It will be possible to take a final decision only when the studies are finalised and it would be subject to availability of funds

Increase in number of Platforms in Assam

3163. SHRI AHMED HUSSAIN: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have any proposal and have allocated funds to increase the number of platforms in the station of Rural and Backward areas of Assam and other parts of North Eastern Region in the near future; and

(b) if so the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). Platforms with proper surface have been provided all stations on Indian Railways. Works connected

with the improvement to the platforms such as lengthening, raising level, paving etc. are taken up by the Railway Administration on the recommendation of the Zonal Railway Users Amenities Committee with which public opinion is also associated.

Funds for Passenger Amenity Works are allotted Railway Zone-wise and not Region-wise. As such, State/Region-wise information is not available separately.

Assistance by Soviet specialists for Drilling in Tripura

3164. SHRI SACHINDRALAL SINGHA: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether any assistance has been sought from Soviet specialists for drilling a well in Tripura;

(b) if so, the details of the agreement and the commitment by the Soviet side;

(c) whether it is a fact that commitment has yet to be fulfilled;

(d) if so, the detailed reasons thereof; and

(e) the action taken up-to-date to complete the work in due time?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) The ONGC is negotiating with Soviet authorities for finalising a contract to drill a well of 4500 metres at Gajalia structure in Tripura. It is a trade deal.

(b) and (c). The contract is yet to be finalised and the negotiations are going on between the ONGC and Soviet authorities.

(d) Does not arise.

(e) Civil construction work at Gajalia has been completed. The rig

(Armco 1320 UE) has been detailed for drilling this location, Rig building has been completed Drilling would commence shortly

Supply of cooking gas to various places in West Bengal

3165 DR BIJOY MONDAL Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state

(a) whether Government propose to take measures to supply domestic cooking gas to various districts, cities of West Bengal,

(b) if so, the details of the measures thereof, and

(c) the action taken up-to-date in this regard?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA)

(a) to (c) Liquefied Petroleum Gas (cooking gas) is already being marketed in the following cities and towns of West Bengal Calcutta Budge Budge, Belgharia, Hooghly, Chandernagore/Chinsura, Bhadreswar Howrah Bally, Krishnagar, Burdwan Durgapur Asansol, Kharagpur, Hal dia, Darjeeling, Siliguri, Jalpaiguri, Raiganj, Belurghat Malda Cooch Behar Panagarh, Bolpur, Raniganj, Rajbandh Chittaranjan and Barakar

It will be possible to extend LPG marketing in newer areas in West Bengal based on the availability of LPG and the following considerations —

(i) Anticipated customer potentials,

(ii) Nearness of the market from the source of supply

(iii) Availability of safe/convenient mode of transport;

(iv) Maximum utilization of distribution equipment, and

(v) Viability in operations

Sanction of the Fertilizer Units

3166 SHRI M A HANNAN ALHAJ Will the Minister of PETROLEUM CHEMICALS AND FERTILIZERS be pleased to state

(a) the name of the fertilizers units sanctioned up to-date date wise,

(b) the detail of the condition of each of the unit at present,

(c) whether it is a fact that a number of units are yet to be commissioned, and

(d) if so the details of the reasons thereof unit-wise and the action taken up-to date to commission it earlier?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA)

(a) and (b) A statement giving details of the major operating fertilizer units sanctioned upto date, indicating whether in production or not, is attached at statement I The information regarding dates of sanctioning of these projects is being collected and will be laid on the Table of the House In addition there are 29 Single Super Phosphate units out of which 3 units are not in production

(c) and (d) Yes Sir A statement-II giving details of the projects under implementation is attached

The progress of implementation of the projects is monitored by the Ministry on a regular basis and necessary corrective measures are taken to reduce slippages The reasons for slippages in commissioning some of the projects under implementation are also indicated in the statement at statement II

Statement I

Names of the operating Nitrogenous & Complex fertilizers Units sanctioned up to 31st July, 1978

Serial No.	Company	Units	In production/not in production
<i>Public Sector :</i>			
1	FCI	Gorakhpur	In production
2	FCI	Sindri	"
3	HFC	Namrup	"
4	HFC	Namrup Expansion	"
5	HFC	Durgapur	"
6	HFC	Barauni	"
7	RCF	Trombay	"
8	RCF	Trombay IV	"
9	NFL	Nangal	"
10	NFL	Nangal Expansion	"
11	FACT	Udvogamandal	"
12	FACT	Cochin-I	"
13	FACT	Cochin II	"
14	HSL	Rourkela	"
15	NLC	Neyveli	"
16	MFL	Madras	"
17	HSL (By Product)		"
18	HSL	Rourkela (By product)	"
19	HSL	Durgapur (By product)	"
20	Bokaro Steel Ltd.	(By product)	"
21	Indian Iron and Steel	(By product)	"
<i>Private Sector :</i>			
22	NCJM	Varanasi	"
23	EID	Ennore	"
24	GSFC	Baroda	"
25	CFL	Vizag	"
26	SCI	Kota	"

Serial No.	Company	Units	In production/not in Production
27	IEL	Kanpur	In production
28	ZAC	Goa	"
29	SPIC	Tuticorin .	"
30	MCI	Mangalore .	"
31	TISCO	(By product)	"
<i>Cooperative Sector</i>			
32	IFFCO	Kandla	"

Statement II

Project	Year of approval	Status	Reasons for delay in commissioning if any
1	2	3	4
1. Haldia	1971	Major chemical completion expected by 1979	Delays occurred mainly on account of longer times required for piling work on site, labour trouble and delays in supply of indigenous equipment
2. Ramagundam	1971	Final production expected by early 1979	These are the last two plants in India based on coal. Delay in implementation have mainly occurred on account of the new technology and delays in supply of equipments by some manufacturers
3. Falcher	1971	Do	
4. Sindri Modernisation	1973	Expected to start regular production by Jan 1979	Delay caused in the supply and erection of the boiler plant and compressors by M/s BHTI
5. Sindri Rationisation	1967	Regular production expected to start from later part of 1979	There were delays in supplies of local equipments by various fabricators, suppliers of cast iron and pipes etc. There was delay in completion of civil works due to restricted availability of cement and steel and also due to labour unrest. Commissioning of the project has been delayed due to problems in the sulphuric acid and phosphoric acid plant which were to supply the intermediate product for the end product viz., triple superphosphate. It has, therefore, been proposed

	1	2	3	4
				to change one stream of sulphuric acid to use of elemental sulphur and efforts are being made to continue to operate the other stream on upgraded pyrites. In the phosphoric acid plant it has been decided to induct foreign expertise to effect repairs or replacements of a durable nature to ensure reliability of operation. It is thus expected that regular production can start from later part of 1979.
6. Trombay V.	1971	Expected to Start production in 1980	}	Delay in delivery and commissioning of certain indigenous equipment by suppliers. An accident in the Air Separation Plant has also resulted in delay by six months of the commissioning schedule.
7. Bhatinda	1971	Production expected from early, 1979		
8. Panipat	1977	Production expected in early 1979		Delay in delivery and commissioning of certain indigenous equipment.
9. Trombay IV	1972	Under production		
10. Nangal Expansion	1972	Under production		
11. HCL Khetri		Under production.		
<i>Co-operative/Private Sector</i>				
12. Phulpur (IFFCO)	Ind Licence issued in 1976			Production expected to start from 1979.
13. Bharuch Distt. Gujarat (M/s. Gujarat Narmada Valley Fertilizers Co. Ltd)	Industrial Licence issued in 1977			Expected to be completed by 1980.
14. Kakinada (Andhra Pradesh) (M/s. Nagarjuna Fertilizers & Chemicals Ltd)	Industrial Licence issued in 1978			Expected to be completed by 1981.

जंजीर खींचने की घटनाएँ

3167 श्री मन्नाथ सिंह चौहान : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) गत चार महीनों के दौरान प्रति मास जंजीर खींचने की किन्ती घटनाएँ हुईं और उनमें से कितने मामलों में जंजीर खींचने के दोषी व्यक्ति का कोई दण्डित किया गया, और

(ख) एसी घटनाएँ होने के लिये क्या कार्यवाही की गई है ?

रेल मन्त्रालय में राज्य मंत्री (श्री शिव नारायण)
(क)

माह	चमत्तीगाडिया पकड़े गये मे खतरे की व्यक्तिओं की जंजीर खींचने मर्या की घटनाया की संख्या	
मार्च, 197५	11,806	4५
अप्रैल 197४	12 610	37
मई 197५	15 409	10
जून, 197५	14 210	6५

(ख) इस जगह का समाप्त करने के लिए रेल प्रशासन द्वारा निम्नलिखित उपाय किये गये हैं -

1. गाड़ियों में माद बगडा में चल टिकट परीक्षा तथा रेलवे सुरक्षा दल / राजकीय रेलवे पुलिस कमचारी तैनात किया जाना ,
2. रेलवे सुरक्षा दल तथा चल टिकट परीक्षा वाल खतरे की जंजीर खींचन विरोधी दस्ता द्वारा प्रचारन जाच किया जाना ,
3. अमृतसर २५ म जंजीर खींचन के लिए बदनाम स्थानों पर जातु लगाकर जाच किया जाना ,
4. मन्नाथ पता २ गहाण सिनेमा स्लाइडों के माध्यम से तथा महत्त्वपूर्ण स्टेशनों पर रेडियो में धोषणा द्वारा लोगों को शिक्षित करने का प्रोग्राम चलाया जाना ,
5. दल की जंजीर खींचने वाले लोगों का पकड़ने वाले यमिनियों को ह्ताम दिया जाना , और
6. गदग मोला मे ० पुनी हुई गाड़िया में से मने की जंजीरों का ह्ता दिया जाना ।

अमृतसर २५ से खतरे की जंजीर खींचने की इस बुराई को समाप्त करने के लिए प्रशासनात्मक तत्त्वों के विशद स्थानीय लोगों तथा पुलिस की सहायता मे प्रशिक्षण लेज कर दिय गये हैं । इन प्रशासनात्मक तत्त्वों की हरकत पर नियंत्रणी रखने के लिए रा म सरकार के साथ निकट सम्पर्क रखा ज रहा है ।

Setting up of Ammonia Plant in Gujarat

3168 SHRI AMARSINH V RAT-HAWA Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state

(a) whether there is any proposal to set up a new ammonia plant in Gujarat,

(b) if so, the details thereof,

(c) when the production is likely to be started and

(d) whether it is indigenous or with collaboration?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA):

(a) to (d) Yes Sir There is a proposal to set up two large sized fertilizer plants at a common site in Gujarat State based on gas from Bombay high and Bassein structures Government have asked the NCEPC to investigate into the environmental impact of locating the fertilizer project on five possible sites Government will take a decision on the location of these two plants after receipt of the report of the NCEPC The plants will each have a capacity of 1350 tonnes per day of ammonia with appropriate capacity for urea manufacture The twin project is expected to cost about Rs 525 crores The plants are expected to go in trial production after a period of 39 months after necessary approvals are given In implementing the project the import of technology and equipment from abroad will be made only to the extent that these are not available within the country for the purpose

**Scheduled Caste/Scheduled Tribe
vacancies in Railways**

3169. SHRI DAYA RAM SHAKYA: Will the Minister of RAILWAYS be pleased to refer to reply given to Unstarred Question No. 3800 on 21st March, 1978 regarding Order of Ministry of Railways and state:

(a) whether the orders issued by the M.S.R. on 14th December, 1977 in regard to the stoppage of reversion on the North-Eastern Railway were complied with;

(b) why the rules laid down in paragraphs 203, 206 of the Establishment manual, Railway Ministries orders regarding non-carry forward of Scheduled Caste/Scheduled Tribe vacancies and de-reservation were not observed in the 1975 and 1976 selection of AEN Class II;

(c) whether it is a fact that 19 candidates qualified in the selection out of which 16 candidates were only promoted on permanent basis and the balance 2 persons were promoted on *ad-hoc* basis while 26 persons were officiating for a long time; and

(d) what action is being taken against officers for violation of the Ministries order and the harassment being meted out to aggrieved staff?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (d). It is presumed the reference is to the reversion of an Inspector of Works who was officiating as Assistant Engineer (Class II) purely on *ad hoc* basis on North Eastern Railway; and was reverted on 5th July 1977. As such the question of stoppage of his reversion as per MSR's orders dated 14th December 1977 does not arise.

(b) and (c). In the selection for Assistant Engineer Class II held during the years 1975-76, the North East-

ern Railway Administration had worked out 28 vacancies as per the extant rules and orders. The selection was held for 21 vacancies, the balance 7 vacancies were set apart for the Limited Departmental Competitive Examination as per the Recruitment Rules in force at that time.

Out of the 21 vacancies, 3 were reserved for Scheduled Castes and 2 for Scheduled Tribes. On the results of the selection, 19 general candidates qualified but only 16 were empanelled against 16 non-reserved vacancies; no Scheduled Caste/Scheduled Tribe candidate qualified against the remaining 5 reserved vacancies. The 16 empanelled employees were promoted on regular basis and the remaining 3 were promoted on *ad hoc* basis.

The Department of Personnel and the Commissioner for Scheduled Castes and Scheduled Tribes have been approached for de-reservation of 3 reserved vacancies out of 5 reserved vacancies.

Only 20 Class III employees were officiating in Class II as Assistant Engineers on *ad hoc* basis at the time of the selection held during 1975-76. No other selection was held in the year 1976

**Penal Transfer Orders on certain Trade
Union Leaders**

3170 SHRIMATI AHILYA P RANGNEKAR: Will the Minister of RAILWAYS be pleased to state

(a) whether it is a fact that certain trade union leaders of N.E. Rly. who were removed under Rule 14(ii) of D&A Rules during emergency and whose removal orders have been set aside by the High Court, have again been served with penal transfer orders;

(b) if so, the names of such staff; and

(c) the reasons for such penal transfer?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) to (c) No recognised office bearer of Purabottar Railway Karamachari Sangh and North Eastern Railway Mazdoor Union has been transiered. However S/Shri Ram Sharma Boiler Maker Mistry Chandrika Prasad Boiler Maker Khalasi and Hafizullah Fitter Khalasi Gorakhpur Shed were transferred to Gonda Charbagh and Gonda Sheds respectively on administrative grounds. While Shri Hafizullah has already joined at Gonda the other two have not yet joined. Shri Sibte Hasan Boiler Maker Khalasi Varanasi was allowed duty at Varanasi and after some time he was transferred to Patna Division on administrative ground.

Capital invested in Singer Machine Company

3171 SHRI HUKAM CHAND KACHHAI Will the Minister of LAW JUSTICE AND COMPANY AFFAIRS be pleased to state

(a) the date on which Singer Machine Company was set up as the capital invested therein the number of partners share holders directors in the company together with the amount invested by each of them and

(b) whether the persons referred to in part (a) are partners in any other companies or business also and if so, the details of the investment of each of them in other companies?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) (a) and (b) There is no company by the name of Singer Machine Company registered under the Companies Act, 1956. However, there is a company, viz. Singer Sewing Machine Co incorporated in U.S.A. which is operating in India through a branch established around the year 1914. The total capital invested in the Indian branch, as

represented by their assets in India as given in the latest available balance sheet as on 31-12-1976, amounted to Rs. 6.94 crores. The names of directors of the parent company as on 20-7-1977 are as under—

1. Mr. Edwing John Grai
2. Mr. Chester A. Williams Jr.
3. Mr. Patrisio H. Andrade *Latin
4. Mr. Joseph Collins
5. Mr. V. Paul Tippet Jr.

The persons are not holding directorships in any other company in this country.

Since the Indian branch has not so far filed the Annual Return of the parent company the details about its shareholders and the investment made by its directors in other companies are not available.

Financial structure of National Rayon Corporation

172 DR. VASANT KUMAR PANDIT Will the Minister of LAW JUSTICE AND COMPANY AFFAIRS be pleased to state

(1) whether the Government have taken any steps to find out the Financial Structure of National Rayon Corporation belonging to the family of Sudhir Kapadia

(b) whether it is a fact that the Unit Trust of India and some Government Corporation hold the majority of shares of National Rayon Corporation if so the shares held in Unit Trust of India, other Corporation, like LIC, GIC Private parties bulk holders like Birla, Modis etc., and

(c) what is the policy of Government with regard to National Rayon Corporation regarding transfer of amounts and share holdings to some individual or take over by the Government in the interest of general share holders and labourers?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) No Sir. However on investigation under Sections 187-D and 247 of the Companies Act, 1956 has been ordered in respect of the real ownership of 1,75,000 shares of the Company which were proposed to be transferred to companies of Modi Group by Shri Sudhir Kapadia.

(b) No, Sir. A statement is attached.

(c) With regard to the transfer of shares the Government ensures that

the management of the company or public interest is not prejudicially affected by permitting a Particular transfer of shares. In order to prevent the affairs of the company being conducted either in a manner which is oppressive to any members of the company or in a manner prejudicial to the interest of the company or to public interest the Government has already appointed 8 directors on the Board of Company for a period of 3 years with effect from 11-7-1977 under Section 408 of the Companies Act, 1956

Statement

Shareholders of Financial institutions, Nationalised Banks and Insurance Companies as on 26th July, 1978

Shares Issued—4,99,314 ordinary shares and 1,73,246 Preference Shares

Financial Institutions/Government	No. of shares	
	Ordinary	Preference
Unit Trust of India	54,754	13,019
Aligarh Electric Supply Co. Ltd.	15	..
Governor of Uttar Pradesh	1,500
<i>Nationalised Banks :</i>		
Bank of Baroda	1,140	2,016
Bank of India	9,983	5,689
Central Bank of India	2,553	625
Union Bank of India	56	5,080
State Bank of India	111	10
Dena Bank	445	100
United Commercial Bank	203	165
Canara Bank	64	..
Bank of Maharashtra	1	..
Punjab National Bank	364	..
Indian Overseas Bank	25	..
United Bank of India	113	..
	15,058	13,685

Financial Institutions/Government	Ordinary	Preference
<i>Insurance Companies :</i>		
Oriental Fire & General Insurance Co. Ltd.	1,890	4,140
United India Fire & General Insurance Company Ltd.	18,175	..
General Insurance Corporation of India	14,430	3,744
National Insurance Company	9,260	..
New India Assurance Company	..	9,100
	43,755	16,984

Total shares by Government financial Institutions/Government	1,13,572	45,188
Percentage	22.85	25.95
	i.e. 23.65% of total equity & Pref. Capital	

Shareholdings of Berlia (Group) (as on 26-7-78).*

Berlias held as on date	68,853	..
Shares rejected (Subjudice-matter before Bombay High Court)	16,424	20,350
Other rejections in respect of Berlia Group	33,202	40
Others of Berlia Group (Holding shares) but whose subsequent transfers have been rejected	7,707	140
TOTAL	1,26,186	20,530
Percentage	25.24%	11.78%
	(21.76% of the total equity and preference capital).	
Sharholdings of Kapadia Group	3684	32,657
	(0.74%)	(18.774%)

*The intention appears to be the holding of Berlias and not Birlas.

NOTE : Modi's and others do not hold bulk shares.

Rents of private accommodation by I.D.P.L.

3173. SHRI K. LAKKAPPA: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to refer to the reply given to Unstarred Question No. 244 dated the 15th November, 1977 regarding

accommodation rented by IDPL in the Capital and state:

(a) the considerations which weighed with the IDPL in making the payment of advance rent of Rs. 80,000/- for renting private building in the East of Kailash, Community Centre, when it is running at a loss of more than Rs. 30 crores;

(b) the manner in which IDPL selected this building in preference to the DDA accommodation in commercial complex and negotiated this rent;

(c) whether it is a fact that IDPL are acting in collusion with the landlords in the matter of renting and fixing of rent of these buildings and if so, whether he will get this whole matter investigated; and

(d) whether he would direct the IDPL to locate accommodation of the DDA commercial complex now coming up or make effort to economise expenditure by shifting their offices outside the capital and cut down their losses and if not, the reasons therefor?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) The accommodation measuring 5480 sq ft was hired by the IDPL in February, 1976 to accommodate the staff and stores materials of its Regional Sales Office in Delhi. An advance of Rs. 88,776 representing 6 months' rent was paid to the landlord subject to 50 per cent of the monthly rent being adjusted against this advance. The advance paid has since been adjusted in full till February, 1977.

The sales of Delhi depot had increased from Rs. 125.85 lakhs in 1974-75 to Rs. 253.90 lakhs in 1977-78 which required more area and hence hiring of accommodation was inevitable. In view of the high cost of construction in Delhi, it has become extremely difficult to resist demand for heavy advances. Therefore payment of advance rent for getting suitable office accommodation at reasonable rates, failing which the company will have to pay higher rent which will be a recurring expenditure. Often becomes necessary, as in the instant case.

IDPL has been making profits since 1974-75 and its net profits after depreciation and interest during 1975-76 and 1976-77 were Rs. 3.55 crores and Rs. 4.11 crores respectively.

(b) The building in question was selected as the most suitable one available at a reasonable rent. The rent works out to Rs. 2.55 per sq. ft. plus 15 paise per sq. ft. for common services like lift, chowkidar, telephone cables, etc. As against this the rent of D.D.A. buildings ranged between Rs. 4 to Rs. 5 per sq. ft.

(c) No, Sir.

(d) IDPL will be shifting its Central Office and Marketing Division soon to its Gurgaon location, where new buildings are coming up, and hence may not require any accommodation in the DDA commercial complex or at any other location in Delhi.

Services for customers at petrol pumps

3174 DR SARAJINI MAHISHI
Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) what are the free services that customers are entitled to get from the petrol pumps;

(b) whether these services are provided at all the petrol pumps; and

(c) if so, whether they are up to the mark?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) Agreements between oil companies and dealers do not make it obligatory for provision of water, air, toilets and first aid kits. However, in the case of Indian Oil Corporation, the agreement stipulates that the dealers are to provide air facilities at their retail outlets. Traditionally, these services, where available, are offered free by the dealers.

(b) Water and air facilities are provided at most of the retail outlets. By and large, toilets and first-aid facilities are provided at stations where servicing facilities are available and at important retail outlets on National/State Highways.

(c) The services offered at the retail outlets are generally satisfactory.

निवासी, मध्य प्रदेश में कीटनाशी औषधियों के कारखाने

3175. श्री लक्ष्मीनारायण नायक : क्या केरोलियम, रसायन और उर्वरक सेती यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि लगभग द. वर्ष पूर्व मध्य प्रदेश के टिकमगढ़ जिले में निवासी स्टेजान के निकट ईस्टर्न मिनरल द्वारा कीटनाशी औषधियों के उत्पादन के लिये एक कारखाने की स्थापना की गई थी ; और

(ख) यदि हाँ, तो अभी तक कीटनाशी औषधियों के निर्माण का लाइसेंस न दिये जाने के क्या कारण हैं और बरोजगार कर्मचारियों के लिये रोजगार की व्यवस्था करने के उद्देश्य से लाइसेंस प्रोत्तिसीद्ध कब तक दिये जायेंगे ।

केरोलियम तथा रसायन और उर्वरक सेती (श्री हेमवती नन्वन बहुगुणा) : (क) और (ख) भारत सरकार को मध्य प्रदेश क्षेत्र के जिला टिकमगढ़ में निवासी के नजदीक एस्टर्न मिनरल द्वारा सरकारी क्षेत्र में इन्वेस्टमाइड्स प्लॉट की स्थापना करने की कोई जानकारी नहीं है और न ही अभी तक इस पार्टी से इन्वेस्टमाइड्स के निर्माण के लिये प्रौद्योगिक लाइसेंस देने सम्बन्धी कोई प्रावेदन प्राप्त किया गया है ।

लघु पैमाने की क्षेत्र की एकता के सम्बन्ध में लाइसेंस राज्य सरकारों द्वारा दिये जाते हैं ।

News captioned "New licences—Birlas top List"

3176. SHRI JYOTIRMOY BOSU: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether his attention has been drawn to a report published by Economic Times, New Delhi dated the 20th April, 1978 under the captioned "New Licences—Birlas top List"; and

(b) if so, the details relating to licences given to each of the business house during the period from July to December, 1977?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) Yes, Sir.

2180 LS-4

(b) Licences are issued under the Industries (Development & Regulation) Act, 1951 which is administered by the Department of Industrial Development. Presumably, the information sought for by the Hon'ble Member is in respect of approvals granted under the provisions of the Monopolies and Restrictive Trade Practices Act, 1969. During the period from 1st July, 1977 to 31st December, 1977, 29 proposals for substantial expansion and setting up of new undertakings were approved under Sections 21 and 22 of the said Act. The details of these 29 proposals have already been furnished in reply to Unstarred Question No. 560 answered in the Lok Sabha on the 19th July, 1978 by the Minister of State in the Ministry of Industry.

Promotion as Chief Clerks

3177. SHRI A. MURUGESAN: Will the Minister of RAILWAYS be pleased to state:

(a) the names of the employees of Other Caste/Scheduled Castes/Scheduled Tribes who were offered the ad hoc promotions as Chief Clerks in S & T Department of Southern Railway and the Office Order in which the ad hoc promotions were ordered during the last three years;

(b) the names of the Scheduled Caste/Scheduled Tribe employees and the dates from which they are working as Head Clerks in S & T Department during the last three years; and

(c) the names of SC/ST employees who were offered the ad hoc promotions as Chief Clerks in S & T Department as per Board's letter No. E(SCT)68CM15/12 of 11-11-68 and 10-12-71 and the Office Order in which the ad hoc promotions were ordered in detail during the last three years?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c). Information is furnished in the statement attached.

(a)

Statement

Name of the employee	Whether SC/ST or general	Office Order No.
Shri J. A. George	General	O.O. No. 3/75 (Signals) dated 9-1-75 and 59/75 (Signals) dated 16-4-75.
Shri M. Krishnaswamy	General	O.O. No. 155/76 (Signals) dated 25-8-76.
Shri N. S. Arunachalam	Sch. Caste	O.O. No. 197/76 (Signals) dated 9-11-76.
Shri M. Krishnaswamy	General	O.O. No. 17/77 (Signals) dated 28-1-77.
Shri M. Krishnaswamy	General	O.O. No. 71/77 (Signals) dated 13-5-77.
Shri T. Y. Narayana	Sch. Tribe	O.O. No. 181/77 (Signals) dated 18-8-77.
Shri M. Krishnaswamy	General	O.O. No. 57/78 (Signals) dated 22-4-78.

(b)

Name	Whether Sch. Caste or Sch. Tribe	Date from which working as Head Clerk
Shri M. Kuppuswamy	Sch. Caste	26-3-71
Shri C. Ponniah	"	31-3-74
Shri N. S. Arunachalam	"	18-9-74
Shri V. M. Krishnan	"	24-1-77
Shri K. Bhaskaran	"	30-1-77

(c)

Name	Whether Scheduled Caste or Sch. Tribe	Office Order No. and date
Shri N. S. Arunachalam	Sch. Caste	O.O. No. 197/76 (Signals) dated 9-11-76 <i>vide</i> an Office Superintendent placed on sick list from 5-10-76 to 15-12-76
Shri T. Y. Narayana	Sch. Tribe	O.O. No. 118/77 (Signals) dated 18-8-77. Promoted <i>ad-hoc</i> from 18-8-77 to 19-12-77 against an existing regular vacancy, pending selection. Subsequently he was posted to D.S.T.E (W)/Guntakhal against a newly created post and the posting regularised from 20-12-77 <i>vide</i> O.O. No. 32/76 (Signals) dated 7-3-78.

Shortage of Insulin (Life-saving drug)

3178. SHRI SAMAR MUKHERJEE:
Will the Minister of PETROLEUM,
CHEMICALS AND FERTILIZERS be
pleased to state:

(a) whether Government are aware that there is an acute shortage of some type of insulin, one of the life-saving drugs, in West Bengal, which is causing immense hardship to the diabetic patients;

(b) if so, whether Government are taking urgent steps to improve the situation; and

(c) if so, the details thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):
(a) to (c). The reports furnished by the Director of Drug Control Administration, West Bengal for the period April to June, 1978 did not indicate any shortages of Insulin. However, in response to a specific enquiry from the Deptt. of Chemicals and Fertilizers recently, the Director of Drug Control Administration, West Bengal has reported a marginal shortages of Insulin Lente in West Bengal.

Immediately after the matter come to the notice of the Government, the matter was also taken up with M/s. Boots Co. (India) Ltd. The company have reported that between January to June 1978 they supplied 69,334 vials of Insulin as against 54,475 vials during the same period in the year 1977. These supplies include supplies of 11,915 vials of Insulin Lente 40x10 ml during January to June 1978 as against the supplies of 12,528 vials during the same period in 1977. The company have also reported that that in view of the reported shortages they are further augmenting the supplies to West Bengal. In view of the short-fall in the supply of Insulin Lente they have been asked to augment the supplies of Insulin Lente to West Bengal.

Fertiliser Plant at Talcher and Paradeep

3180. SHRI GANANATH
PRADHAN:

SHRI PADMACHARAN
SAMANTASINHERA:

Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) the period by which the fertilizer plant at Talcher, Orissa would go into production;

(b) what is the total quantity of fertilizers to be produced annually by that unit;

(c) the original estimate and up-to-date revised estimate;

(d) whether there is any proposal for setting up a fertilizer plant at Paradeep, Orissa; and

(e) if so, the details of the proposal?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):
(a) to (c). The Talcher Fertilizer plant designed to produce 4,95,000 tonnes per annum of urea is expected to go into trial production in early 1979. The initial indicative estimate of the cost of the project was Rs. 70.49 crores and the revised cost estimate is Rs. 184.76 crores.

(d) and (e). There is a proposal to set up a phosphatic fertilizer plant at Paradeep for which a preliminary feasibility report has been prepared envisaging the manufacture of 3 lakhs tonnes of P205 in the form of complex fertilizers.

Demand for Wagons for movement of Grains, Coal etc.

3181. SHRI KANWAR LAL GUPTA:
SHRI S. R. DAMANI:
SHRI GANGA BHAKT
SINGH:
SHRI RAM SEWAK
HAZARI:

Will the Minister of RAILWAYS be pleased to state:

(a) is it a fact that there is a great demand for Railway wagons for the movement of grains, fertilizers, coal etc;

(b) if yes, why Government has not been able to meet the demands;

(c) what is the total shortage of wagons in India; and

(d) what is the proposal of the Government to meet the situation?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) to (d). By and large, Railways have been able to meet the demands of essential traffic. Cases of shortage in wagon supply are dealt with promptly and all possible remedial action taken. To augment loading, efforts are being made by the Railways to improve wagon availability, which includes procurement of additional wagons, production of new locomotives and organising closed circuit movements for bulk consumers.

Shortage and distribution of L.P.G.

3182. SHRI S. R. DAMANI: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state;

(a) what are the reasons for the prevailing shortage of LPG cooking gas in many towns;

(b) whether it has come to the notice of Government that customers have to wait for weeks to get replacement and for new connections premium is charged; and

(c) what steps have been taken to increase production of LPG and for its even distribution throughout the country and also to check the malpractices by distributors?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) to (c). While availability of Liquefied Petroleum Gas (cooking gas) in the country is adequate to take care of the cylinder refill requirements of the existing customers, there is considerable unsatisfied demand for the product in view of heavy pending lists for new gas connections with the dealers of the oil companies.

Temporary shortages of LPG occur at times when availability is affected by factors such as shortfall in production at refineries due to unforeseen reasons or certain other logistic problems. In such cases, best possible efforts are made to reduce the hardships to the consumers by moving the product from alternate sources, if available.

There are already instructions to the effect that the oil companies should ensure cooking gas refill supplies within 24 hours of booking. This schedule is generally followed except in cases of temporary problems of availability.

New gas connections are released by the oil companies from amongst those borne on the waiting lists on a "first-come, first-served" basis. No specific case regarding premium being charged for new gas connections has come to the notice of the Complaints' Cell of the Ministry.

The availability of cooking gas is expected to improve by 1980 by the commissioning of:

(i) facilities for separation of cooking gas from the Bombay High Associated Gas;

(ii) the Mathura Refinery;

(iii) the coker unit of Bongaigaon Refinery; and

(iv) the secondary processing facilities at Koyali Refinery.

With the large-scale availability of LPG as mentioned above, it will be possible to grant new gas connections on a significant scale from 1980 onwards.

Regular surprise checks are being carried out on the working of the cooking gas agencies by the officers of the oil companies from time to time. In addition all complaints alleging malpractices on the part of cooking gas distributors are investigated for remedial action.

Tenders for on the spot purchase of Crude oil

3183 SHRI D N TIWARY Will the Minister of PETROLEUM CHEMICALS AND FERTILIZERS be pleased to state

(a) whether it is a fact that tenders are called for on the spot purchase of crude oil besides the supply of crude oil from crude producing countries, on contract basis

(b) whether there is any Committee to analyse the tenders for the on the spot purchase of crude oils or it is only the Chairman IOC who deals with such purchases

(c) whether the Chairman IOC had to visit foreign countries for this purpose several times in a year,

(d) if so the cost of the visits and the amount of spot purchases of crude oil and

(e) whether it is a fact that the Chairman IOC has to remain outside the country for a considerable time for one reason or the other?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA)

(a) Yes Sir Tenders are invited by the Indian Oil Corporation for spot purchase of crude oil, as required in addition to the supply of crude oil from the oil producing countries. It may be stated that as compared with the expected total import of 15 million tonnes of crude oil during 1978-79, the spot purchases of crude during the period April-July have aggregated to 0.55 million tonnes

(b) The bids in response to the tender are tabulated and evaluated by the Indian Oil Corporation in accordance with the usual purchase procedures, which require concurrence of Finance Division before approval. There is no separate committee for analysing the tenders. Thereafter the case is also submitted to Government for approval.

(c) Chairman, Indian Oil Corporation has not visited any foreign country for the purpose of finalising spot purchases of crude oil.

(d) Does not arise in view of (c) above

(e) No Sir. The Chairman Indian Oil Corporation went abroad on 3 occasions during the year 1977-78 with the approval of Government for necessary discussions in regard to import of crude oil and petroleum products.

Fire Accident in A P Express

3184 SHRI KUSUMA KRISHNA MURTHY Will the Minister of RAILWAYS be pleased to state

(a) what were the reasons for a major fire-accident causing complete burning of two bogies besides much damage to AC bogie on the day time running train of AP Express in May 1978

(b) what corrective steps have been taken to prevent such accidents in future?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) The cause of the accident is under investigation

(b) The Railways are inter alia taking the following measures for prevention of fires in trains

(1) Notices are displayed in coaches warning the passengers against the carriage of inflammable substances

(ii) Steam locomotives are provided with spark arrestors.

(iii) Announcements are also made on the public address system at stations, where this facility exists, warning the passengers that crackers, fire-works and other dangerous goods are not to be carried in the compartments.

Using of Helicopter by ONGC for Off-shore drilling

3185. SHRI K. RAMAMURTHY: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) in co-operation of the Air Force whether the O.N.G.C. is using helicopter for the off-shore drilling;

(b) apart from the cooperation of the Air Force whether the ONGC. has hired some foreign companies helicopters;

(c) if so, the details and names of the foreign country companies;

(d) if so, the total amount spent on the hired helicopters; and

(e) whether Government will buy helicopters of its own to avoid paying huge amount to multinationals?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) Yes, Sir.

(b), (c) and (d). Apart from the Indian Navy and the Indian Air Force, ONGC has engaged the following foreign agencies:—

1. M/s. Okanagan Helicopters Ltd., Canada, from 1976-77 to May 1978.
2. M/s. C. D. International Ltd., Singapore, from 1977-78 to date.

ONGC has paid approximately Rs. 4.15 crores to Indian parties and approximately US \$ 21.95 lakhs to foreign parties till 31-3-1978.

(e) Purchase of helicopters for ONGC's off-shore operations is under consideration.

Storing of Bombay High Oil

3186. SHRIMATI MRINAL GORE:

DR. BAPU KALDATE:

Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Bombay High started producing oil;

(b) what has been its flow;

(c) whether Government have made for storing the Bombay High Oil;

(d) if so, the details thereof; and

(e) if not, what are the channels to store this Oil produced from Bombay High?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) and (b). The commercial production of oil from Bombay High commenced in May, 1978. The present production of crude oil from Bombay High is about 80,000 barrels per day i.e. about 4 million tonnes per annum.

(c) to (e). Till recently the Oil and Natural Gas Commission used the single buoy mooring system with a storage tanker for supply of crude oil through tanker ships. Presently the oil produced is directly being transported through a pipeline to the Bharat Petroleum Corporation Ltd's Refinery at Trombay.

Daily production of associated gas from Bombay High

3187. SHRI HITENDRA DESAI: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) how much is the daily production of associated gas from Bombay High;

(b) how much of it would be available for the needs of Gujarat; and

(c) when will the pipe-line from Bombay High to Gujarat be laid?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) to (c). Presently an average quantity of approximately 0.8 million cubic metres per day of gas is available from Bombay High. Of this, approximately 0.6 million cubic metres per day of gas is being supplied to Tata Power Station in Maharashtra. Supplied to the Fertilizer plants of Rashtriya Chemicals and Fertilizers at Trombay, Maharashtra, are expected to commence shortly.

A feasibility study for a pipeline route to Gujarat from Bassein has just been completed and is being examined by ONGC. The report with ONGC's views is expected to be submitted to Government shortly. Thereafter, a view on the economics, location, time-schedule of completion, etc. of the pipeline will be taken by Government.

तीन हजार रुपये से अधिक वेतन वाले वाले प्रबन्ध निदेशकों वाली कम्पनियाँ

3188 श्री एस० एस० सोमानी : क्या बिधि, न्याय और कम्पनी कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) ऐसी सरकारी और प्राइवेट लिमिटेड कम्पनियों के नाम क्या हैं, जिनके प्रबन्ध निदेशकों को वेतनतर लाभों के भत्ता तीन हजार रुपये प्रति मास से अधिक वेतन मिलता है ;

(ख) क्या ऐसी कम्पनियों के प्रबन्ध निदेशकों का अधिकतम वेतन निर्धारित करने का कोई प्रस्ताव सरकार के विचाराधीन है ; और

(ग) यदि हाँ, तो तत्सम्बन्धी ब्योरा क्या है ?

बिधि, न्याय और कम्पनी कार्य मंत्री (श्री शान्ति भूषण) : (क) 700 से अधिक सरकारी कम्पनियों तथा 38,000 से अधिक प्राइवेट लिमिटेड कम्पनियों हैं। बृहत् प्रस्त कम्पनियों की संख्या काफी अधिक है, अतः यह सूचना संकलित करना व भेजना संभव नहीं है।

(ख) और (ग). पब्लिक लिमिटेड कम्पनियों तथा उन प्राइवेट लिमिटेड कम्पनियों, जो पब्लिक लिमिटेड कम्पनियों की सहायकों के प्रबन्ध निदेशकों को दिये जाने वाले पारिश्रमिक का पुनरीक्षण सरकार के विचाराधीन है। अतः पुनः ब्योरा देना संभव नहीं है।

Liquidation proceeding against Companies

3189. SHRI K. MALLANNA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the names of the companies in respect of which liquidation proceedings have been in process with the Department during the year 1976;

(b) the names of companies out of those mentioned above, the liquidation proceedings in respect of which have been withdrawn due to improvement in their financial position; and

(c) the names of the companies liquidation cases of which are at present pending consideration in High Courts of Bombay or Rajasthan and since when these cases are pending in the said courts?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) The companies are ordered to be wound up by the High Courts within whose jurisdiction the concerned registered offices of the companies are situated and the

liquidation proceedings are conducted under the directions of the Company Judge by the Official Liquidators. The voluntary winding up of companies are conducted by the concerned Voluntary Liquidators. Hence the Department of Company Affairs as such does not process any liquidation proceedings

(b) Does not arise in view of (a) above.

(c) The information is being collected and will be laid on the Table of the House.

राजगीर से कलकत्ता तथा दिल्ली के लिये सीधी गाड़ी चलाने का प्रस्ताव

3190 श्री बीरेन्द्र प्रसाद : क्या रेल मंत्री यह बताने की कृपा करेंगे कि क्या बिहार में नालन्दा तथा राजगीर के ऐतिहासिक महत्व तथा बिदेसा से एव भारत के सभी भागों से नालन्दा तथा राजगीर आने वाले पर्यटकों की संख्या का देखते हुए सरकार का बिहार राजगीर से कलकत्ता तथा राजगीर में दिल्ली के लिये सीधी गाड़ियों चलाने का है ?

रेल मंत्रालय में राज्य मंत्री (श्री निधि मारायण) : राजगीर और दिल्ली तथा राजगीर और कलकत्ता के बीच सीधी गाड़ी चलाने का कोई प्रस्ताव नहीं है क्योंकि राजगीर स्टेशन पर पर्याप्त पर्यन्त सुविधाएँ उपलब्ध नहीं हैं और मार्ग-वर्ती खण्डों पर समय की लगी है। तथापि, राजगीर से माथा लाइन गाड़ी-सेवाओं से दूकन, बक्सिमारपुर स्टेशन पर ट्रेन सेने की व्यवस्था बनी हुई है।

New connection of Domestic gas cylinders

3191, SHRI BALASAHEB VIKHE PATIL: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) is it a fact that customers have to wait for years to get new connection of domestic gas cylinders;

(b) what is the waiting list state-wise at the end of 1977 as compared to 1976; and

(c) have the Government any programme/projects to meet these entire domestic requirements of the country and if so, when is it likely to be accomplished?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) The present demand for Liquefied Petroleum Gas (cooking gas) in the country is far in excess of its availability, based on current production of this product in the refineries. It is, therefore, not possible to grant a gas connection as soon as it is asked for and a large number of persons registered with oil company dealers are waiting to get gas connections. Cylinder refill requirements of the existing consumers are generally being met in full.

(b) At present, approximately 10.5 lakh persons are registered and borne on the waiting list with different Liquefied Petroleum Gas (cooking gas) distributor, in the country. It is not possible to indicate the number of pending applications, State-wise, as at the end of 1976 and 1977

(c) Greater demand satisfaction in respect of cooking gas will be possible only from 1980 onwards when substantial increase in availability of this product takes place as a result of the commissioning of the fractionating units to produce LPG from Bombay High Gas, commissioning of the Mathura Refinery, the Coker Unit of Bongaigaon Refinery, and the secondary processing units at the Koyali Refinery.

Import of bulk drugs and formulations

3192, SHRI YADVENDRA DUTT: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government are going to import bulk drugs and formulations to overcome the current shortage; and

(b) if so, from what firms and countries and at what terms and prices?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA)

(a) and (b) In the case of bulk drugs listed in Appendix 9 of Import Policy, 1978-79, imports are made only by the State Chemicals and Pharmaceuticals of India Ltd (CPC) under the Open General Licence. Actual imports of relevant items of bulk drugs are made by the CPC in a phased manner as per annual import plan drawn up by the Min of P C&F (Deptt of C&F) after taking into account the likely demand and estimated indigenous production of individual bulk drugs for a particular year. For the year 1978-79 CPC is already engaged in arranging for imports of various bulk drugs on the above lines. It is not considered in public interest to divulge information relating to the details of the Import Plan, the firms, countries and terms and prices at which imports of individual bulk drugs are being/goin to be made by the CPC.

Among the canalised bulk drugs shortage of Streptomycin Sulphate has been reported during the last few months. The main reason for this was the late arrival of imported material due to inadequate availability of bulk Streptomycin Sulphate in the international market. CPC have since released adequate quantities of bulk Streptomycin Sulphate among various suppliers who are lifting the material.

As regards formulations shortages of particular brands of essential drugs are reported from different areas of the country from time to time. The concerned manufacturers are asked to such supplies of such drugs to the affected areas.

There is at present no proposal to import drug formulations on Government Account in order to meet shortages. However, certain finished drug preparations like saving and anti-

cancer drugs, as given in List 2 of Appendix 10 of the Import Policy, 1978-79 are allowed for import under Open General Licence.

मतदान आयु 21 वर्ष से घटाकर 18 वर्ष करना

319. डा० राजबी सिंह क्या बिधि, न्याय और कम्पनी कार्य मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार ने चुनाव घोषणा-पत्र में मतदान आयु को 21 वर्ष से घटाकर 18 वर्ष करने का प्रावधान दिया था

(ख) यदि हा तो प्रावधान पूरा करने में विलम्ब के क्या कारण हैं और क्या सरकार ने अपना दृष्टिकोण बदल दिया है प्रश्न क्या इन बारे में मतभेद है

(ग) क्या इन बारे में विपक्ष के नेताओं के साथ बातचीत की गई है यदि हा तो उन विपक्षी दलों के नाम क्या हैं जिन्होंने इसका समर्थन किया है तथा जिन्होंने विरोध किया है और

(घ) निर्वाचन प्रणाली के बारे में तारकुण्डे समिति सहित विभिन्न समितियों द्वारा दिये गये सुझावों पर सरकार का विचार क्या कदम उठाने का है ?

बिधि, न्याय और कम्पनी [कार्य मंत्री (श्री सतिश भूषण) (क) जनता पार्टी के 1977 के निर्वाचन घोषणा पत्र के राजनैतिक चार्टर में जिन बातों का उल्लेख किया गया था उनमें से एक यह थी कि यह पार्टी विभिन्न समितियों द्वारा जिसके अन्तर्गत तारकुण्डे समिति भी है दिए गए सुझावों पर सावधानीपूर्वक विचार करने के पश्चात् निर्वाचन संबंधी सुधार लागू करने और विशेष रूप से पंचप्रष्ट विधायिका को वापस बुलाने और निर्वाचन व्यवस्था को कम करने तथा मतदान आयु को 21 वर्ष से घटाकर 18 वर्ष करने के प्रस्तावों पर विचार करेगी ।

(ख) लोक सभा और राज्यो की विधान सभाओं के निर्वाचनों के सम्बन्ध में मतदान की निम्नतम आयु 21 वर्ष से घटाकर 18 वर्ष करने के प्रश्न पर निर्वाचन सम्बन्धी सुधारों के दृष्ट प्रस्तावों के साथ विचार किया जा रहा है । इस विषय पर सावधानीपूर्वक विचार करने की आवश्यकता है इसलिए इस विषय में विनिश्चय किए जाने में कुछ समय लगेगा ।

(ग) जी नहीं ।

(ब) निम्नलिखित सभी सुधारों के निम्न विभिन्न समितियों की, जिसके अन्तर्गत तारकण्डे समिति भी है, सिफारिशों पर विचार किया जा रहा है।

Proposal to open Indian Oil Agencies in important cities

3194. SHRI M. RAM GOPAL REDDY;

SHRI AHMED M. PATEL:

Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government proposes to open Indian Oil agencies in important cities of the country to issue more gas connections to the public; and

(b) if so, the names of such cities and the total number of persons on the waiting list for gas connections?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) and (b). As indicated in the Statement made in the Lok Sabha on 15.5-1978, the oil companies will be opening 87 new gas agencies, taking into account the restructuring of the existing distributorships on the basis of the prescribed ceilings and marketing of additional cooking gas for the purpose of enrolment of 3 lakh new customers, in different parts of the country. Out of this 87, IOC will be opening 30 new gas agencies at Meerut, Agra, Dehra Dun, Lucknow, Kanpur, Rani-khet, Pauri Garhwal, Moradabad, Jaipur, Delhi, Chandigarh, Gauhati, Patna, Calcutta, Surat, Madras, Dharamshalla and Chhattarpur for the purposes mentioned above. The number of persons borne on the waiting lists of the distributors of cooking gas of the oil companies including IOC, in the country is estimated to be about 10.5 lakhs.

Criterion for setting up fertilizer factory and setting up of a fertilizer plant in Himachal Pradesh

3195. SHRI DURGA CHAND: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) what is the criterion for setting up a fertilizer factory in the country;

(b) the names of the places where fertilizer factories have been set up during the last three years and what is the capacity of each factory;

(c) whether there is any proposal under Government's consideration to set up a fertilizer factory in Himachal Pradesh;

(d) if so, what are the details therefor; and

(e) if not, what are the reasons thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) The location of a fertilizer project is based on techno-economic considerations which inter alia include factors such as availability of feedstock, availability of infrastructure facilities, proximity to the market and demand of fertilizers in the economic marketing zone of the project.

(b) Statements I & II are attached.

(c) to (e). There is at present no proposal to set up a large sized fertilizer plant in Himachal Pradesh. The question of setting up a plant in Himachal Pradesh would arise only if the locational criteria indicated at (a) above are satisfied.

Statement I

Name place and capacity of the major Fertilizer Plants Commissioned during 1975-76 to 1977-78

(Quantity in '000 tonnes)

S. No.	Name of the plant	Place	Capacity	
			Nitrogen	Phosphate
Year 1975-76				
1.	IFFCO	Kandla (Gujarat)	215 0	127 0
2.	Zuari Agri-Chemicals & Fertilizers	Goa (Goa)	..	42 0
3.	FACI (Expansion) Udyogamandal .	Alwaye (Kerala)	..	10 0
4.	SPIC	Tuticorin (T N)	258 0	.
5	Gorakhpur (Expansion)	Gorakhpur (U.P.)	51 0	..
Year 1976-77				
1	Nangal	Nangal (Punjab)	160 0	.
2	Namrup Expn	Namrup (Assam)	152 0	..
3.	Barauni	Barauni (Bihar)	152 0	
4	SPIC (Phosphoric Acid) .	Tuticorin (I N)	.	51 0
5	Madras Expn	Madras (I N)	12 0	31 0
6.	CFL Expn	Vizag (A P)	3 0	27 0
Year 1977-78				
1	Cochin Phase II	Cochin (Kerala)	40 0	114 0

Statement II

Details of Projects which have been under implementation during the last three Years

Name of the project	Year of approval	Status
1. Haldia	1971	Mechanical completion expected by June, 1979
2. Ramagundam	1971	Trial production expected by early 1979
3. Talcher	1971	Do
4. Sindri Modernisation	1973	Expected to start regular production by January, 1979.
5. Sindri Rationalisation	1967	Regular production expected to start from later part of 1979.
6. Trombay IV	1972	Under production

1	2	3
7. Trombay V	1974	Expected to start production in 1980.
8. Bhatinda	1974	Production expected from early, 1979.
9. Panipat	1975	Do.
10. Nangal Expansion	1972	Under production.
11. H C.L. Khetri		
<i>Cooperative/Private Sector :</i>		
12. Phulpur (IFFCO)	Indl. Lic. issued in 1976	Production expected to start from 1979.
13. Bharuch Distt : Gujarat (M/s. Gujarat Narmada Valley Fertilizer Company Ltd.)	Indl. Lic. issued in 1977.	Expected to be completed by 1981.
14. Kakinada (Andhra Pradesh) (M/s. Nagarjuna Fertilizers & Chemicals Ltd.)	Indl. Lic. issued in 1978.	Expected to be completed by 1981.

Calcutta is floating over Oil

3196. PROF SAMAR GUHA: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether attention of the Government has been drawn to a report published in Calcutta Statesman during the end of second week of July 1978 giving information that "Calcutta is floating over Oil";

(b) if so, facts thereabout and the reasons for such optimistic report;

(c) whether the Government will undertake exploration of Oil in Calcutta area; and

(d) if so, facts thereabout?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) Yes, Sir. A report published in the Statesman, Calcutta dated 14th July 1978, inter alia, raised the question and mentioned that scientists of the ONGC have now ventured

to get an answer as to whether there is any sub-surface commercial hydrocarbon accumulation in Calcutta and its adjoining industrial area.

(b) The results of Gravity Surveys carried out during 1954-57 by Indo-Stanvac Petroleum Project showed that the city of Calcutta and its neighbouring area are located on a prominent gravity high. Such gravity highs are sometimes associated with sub-surface structures which may be hydrocarbon bearing.

(c) and (d). Precision gravity surveys are planned to commence in the city of Calcutta and its adjacent industrial area during the 1978-79 field season. It is also proposed to carry out seismic surveys in the area subsequently as may be necessary.

Looting of a Marriage Party in Punjab Mall

3197. SHRI R. L. P. VERMA: Will the Minister of RAILWAYS be pleased to state:

(a) whether on the 4th May, 1978 one Shri Khil Ram Kushwaha of Delhi was taking the marriage party of his

son for Gwalior by the Punjab Mail for which he had got 40 seats reserved in the Mail,

(b) whether several incidents of forced entry into the train, looting passengers and teasing of women by 1500 railway employees from Shahadra, who go to Tughlakabad loco shed daily by the Punjab Mail have been reported

(c) whether on the 4th May, 1978, the above employees looted the aforesaid marriage party of their ornaments etc worth about Rs 50,000 and injured 17 persons and whether two employees Shri Atun Kumar and Nareh Kumar were also injured and admitted in ward No 7 of the Central Hospital and

(d) in case the above incident had taken place the action taken against the above culprits and whether a shuttle train is proposed to be introduced for the journey by these 1500 employees?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) Yes

(b) No.

(c) No incident of looting of ornaments belonging to the members of the marriage party has been reported. Only 13 persons including 2 railway employees are reported to have been injured. Both the injured railway employees were admitted in the Central Railway Hospital, Delhi.

(d) The New Delhi Railway Police has registered a case u/s 147/148/308 of the I P C and 109/120/126(a)/127 & 128 of the Indian Railways' Act on the complaint of one of the members of the marriage party and has also registered a counter case u/s 325/34 of the I P C on a complaint lodged by one of the Railway staff who travelled in the same compartment. The out-come of Police Investigation is still awaited. The Joint

Enquiry made by SDA/ Delhi, Dy CSO/New Delhi and SDME(Diesel)/Tughlakabad into this incident has recommended certain alternatives to enable workers and other employees including railway staff working in and around Tughlakabad, reaching their places of duty at or before 830 hrs. These recommendations are under active consideration.

Mangalore Railway Station

3198 SHRI JANARDHANA POOJARY Will the Minister of RAILWAYS be pleased to state

(a) what steps Government have taken regarding the improvement of Mangalore railway station

(b) is there any proposal to build up new building at the station to relieve congestion prevailing at present, and

(c) if the reply to (b) above is in affirmative whether any estimate has been made in this regard and when the work is likely to be started and if the reply is in negative the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) Proposals are on hand to make improvements to the second class waiting hall upper class waiting room circulating area and booking facilities etc at Mangalore Railway Station and also to give a general face lift to the station building.

(b) There is no proposal to build a new station building.

(c) As the improvements contemplated at this station as enumerated in reply to (a) above, are considered adequate it is not necessary for the present to have a new station building.

**Manufacture of Santivini by
M/s Sandoz (I)**

3199 SHRI RAMDEO SINGH: Will the Minister of PETROLEUM CHEMICALS AND FERTILIZERS be pleased to state:

(a) what is the total capacity granted to M/s. Sandoz (I) Ltd., for the manufacture of Santivini;

(b) how Sandoz applied for the manufacture of Santivini and what are the details of production before the grant of COB licence to this company, and

(c) details of production of Santivini during last three years, year-wise along with details of canalised bulk drugs released to this company for the manufacture of this product?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHR H N BAHUGUNA):

(a) M/s Sandoz (I) Limited, Bombay had been granted COB licence No. L/22/416/71-Ch II dated 16-7-1971 for production of the following items in accordance with the Revised Industrial Policy of July, 1970

- (1) Intestopan Vaginal Tablets
- (2) Intestopan Suspension
- (3) Intestopan Forte Capsules
- (4) Hematrine Liquid
- (5) Intestopan Q Capsules
- (6) Sandocycline Capsules
- (7) Phenipan Sandoz (Dry Syrup)
- (8) Folestine Tablets/Capsules
- (9) Torecan ampoules
- (10) Torecan Tablets
- (11) Santivini

No capacity in respect of the items covered thereof had been specified except that these items will be manufactured within the overall capacities of formulations already approved in their favour plus 25 per cent to cover the additional capacity for the aforesaid items

(b) Though M/s. Sandoz were not in production of Santivini at the time of applying for a COB licence, based on the effective steps claimed to have been taken by them, they submitted an application for issue of COB licence for the same in 1970.

(c) According to the information available, the production of Santivini Syrup during 1975, 1976 and 1977 was 630334, 581405 and 578787 litres respectively. DGTD units are not released canalised bulk drugs linked with their requirements in respect of individual drug formulations, hence there is no data available about release of canalised bulk drugs to this company for the last three years for the manufacture specifically of Santivini.

मेरठ-बागपत रेल फाटक पर उपरी-पुल

3200. श्री कलाश प्रकाश : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मेरठ शहर स्टेशन के समीप मेरठ-बागपत सड़क के रेल फाटक पर उपरी-पुल के निर्माण की योजना के बारे में अब तक क्या प्रगति हुई है ;

(ख) क्या सरकार को पता है कि उक्त फाटक पर 2 मुख्य लाइन तथा एक साइडिंग के लिये सन्ध के लाइन स्थित है जिसके कारण फाटक अक्सर बन्द ही रहता है और याहनों को बड़ा घटो ठहरना पड़ता है ; और

(ग) यदि उक्त पुल के निर्माण के लिए अभी तक कोई योजना नहीं है तो ऐसी योजना कब तक बनाई जायेगी और कार्य कब तक प्रारम्भ किया जायेगा ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) मेरठ शहर के पास, मेरठ शहर-बागपत रोड पर स्थित रेल समपार के बचने, ऊपरी सड़क पुल के निर्माण की योजना अभी आयोजन व्यवस्था के प्रारम्भिक चरण में है ।

(ख) यह समपार दो मुख्य लाइनों और एक साइडिंग लाइन पर है । गाड़ियों के संचालन के दौरान, इस समपार पर, सड़क यातायात में कुछ विचलन हो जाना अनिवार्य है ।

(ग) क्योंकि यह प्रस्ताव अभी प्रारम्भिक स्थिति में है और पटुच-माशों के लिए, रजा बिनाग के राज्य सरकार द्वारा अभी की खरीद पर निर्भर

करता है, मत इस समय यह बताना संभव नहीं है कि इस योजना को कब अन्तिम रूप दिया जायेगा और उसका निर्माण कब शुरू किया जायेगा ।

उर्बरकों का उत्पादन

3201 श्री बलबल शर्मा • क्या बेरोलियम ईस्पायन और उर्बरक मशी यह बताने की कृपा करेंगे कि

(क) मत तीन वर्षों में उर्बरकों का वर्षवार उत्पादन कितना है

(ख) देश की मांग को ध्यान में रखते हुए प्रत्येक वर्ष उत्पादन बढ़ाने के लिये सरकार ने क्या कदम उठाये ,

(ग) यदि हा तो क्या मांग को ध्यान में रखने लिये उर्वरक का आयात किया गया , और

(घ) यदि हा तो प्रति वर्ष कितनी मात्रा में आयात किया गया ?

बेरोलियम तथा ईस्पायन और उर्बरक मशी (श्री शेखराती मन्शन बहुमुद्रा) (क) मत तीन वर्षों के दौरान एक्टिवेट्स के रूप में उर्बरकों का वर्षवार उत्पादन निम्न प्रकार था —

(लाख टनो में)

1975 76 1976-77 1977 78

एन	14 35	19 00	20 00
पी	3 20	4 80	6 70

पोटास का देश में कोई उत्पादन नहीं होता है ।

(ख) बावजूद एकको की उत्पादन क्षमता को इष्टतम बनाने की दृष्टि से कठिनाइयों को दूर करने, नवीकरण करने परिवर्तन करने यदि जैसे अनेक संशोधन कार्यक्रम किये जाते हैं । इसके अलावा, इस समय 13 बड़े प्रकार के खाद कारखाने कार्यान्वयनाधीन हैं और उर्बरक उत्पादन क्षमता को बढ़ाने और आत्मनिर्भरता की ओर बढ़ने के उद्देश्य से छठी योजना अवधि के दौरान अन्य आयोजनाओं का कार्यान्वयन करने का प्रस्ताव है ।

(ग) और (घ) मत तीन वर्षों के दौरान उर्बरकों का उत्पाद-बाद आयात की दक्षिण वाला एक विवरण सलग्न है ।

विवरण

1975-76 से 1977-78 के दौरान आयातित उर्बरकों की मात्रा की दक्षिण वाला विवरण-वस्तु (लाख टनो में)

वस्तु	1975-1976-76	1977-77	1978-78
यूरिया	14 59 15 96	15 01	
अमोनियम सल्फेट	0 93	—	0 04
कैल्शियम अमोनियम नाइट्रेट	1 95	0 05	0 14
अमोनियम सल्फेट नाइट्रेट	0 10	—	—
म्यूरिएट थाफ पोटास	3 63	4 51	9 86
सल्फेट थाफ पोटास	—	0 11	0 15
हाइ अमोनियम फास्टेट	4 62	0 30	3 28
निट्रो फोस्फेट 20-20-0	2 44	0 35	—
निट्रो फोस्फेट 24 24 0	0 98	—	—
एन पी के 15 15 15			
कम्प्लैक्स फर्टिलाइजर	2 19	0 13	—
एन पी के 14 14 14			
कम्प्लैक्स फर्टिलाइजर	0 10	—	—
निट्रो फास्फेट 23 23 0	0 08	—	—
एन पी के 17 17 17			
कम्प्लैक्स फर्टिलाइजर	0 75	—	—
एन पी के 17 17 16			
कम्प्लैक्स फर्टिलाइजर	0 10	—	—
एन पी के 13 13 20			
कम्प्लैक्स फर्टिलाइजर	0 02	—	—
अमोनियम फास्फेट 19-20-0	0 08	—	—

Conversion of Miraj—Hubli Meter Gauge

3202 SHRI DAJIBA DESAI Will the Minister of RAILWAYS be pleased to state

(a) whether a project to convert Miraj—Hubli Meter gauge rail line to Broad gauge is under consideration, and

(b) if so, whether it will be included in Sixth Five Year Plan of Railways?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) and (b). A survey has been carried out for the conversion of Miraj-Hubli line to broad gauge As the existing capacity

on the line is adequate for the requirements of traffic and in view of the heavy commitments already made on a large number of gauge conversion projects, it will not be possible to consider this project for inclusion in the 6th Plan

Takeover of Bharat Overseas by Jaipur Udyog Ltd

3203 SHRI C K CHANDRAPPA
Will the Minister of LAW JUSTICE AND COMPANY AFFAIRS be pleased to state

(a) whether it is a fact that the Jaipur Udyog Ltd has taken over the huge liabilities of Bharat Overseas (P) Ltd,

(b) if it is so the details thereof and

(c) what is Government's opinion on it?

THE MINISTER OF LAW JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) (a) to (c) The position is being ascertained

Amount allocated to Gujarat from Railways Safety Fund

3204 SHRI CHHITUBHAI GAMIT:
Will the Minister of RAILWAYS be pleased to state

(a) the amount allocated to Gujarat from the Railways Safety Fund since the institution of the Fund, and

(b) what are the safety works taken up in that State out of the allocation from the fund and the progress of those works so far?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) Rs 154 crores (approx) upto 31 3 1978

(b) Utilisation of this Fund has been approved in respect of 9 works of road over/under bridges, in replacement of existing busy level crossings and 34 cases of manning/upgradation of level crossings. A statement containing the list indicating the present progress of these works is enclosed

Statement

Name of Work	Present Physical Progress
1 Road over bridge on Kurli-Mehmedabad State Highway	Work completed and bridge opened to traffic
2 Road over bridge on Vasad-Borsad Dhamaj Tarapur State Highway	Work completed and bridge opened to traffic
3 Road over-bridge on Palanpur Deesa Road	Work completed and bridge opened to traffic
4 Road over-bridge on Barodpada Jambusar Road	Work completed and bridge opened to traffic
5 Road over bridge on Rajkot Bhavnagar S.H. Km No 104/2 4 at Dhasa	Work completed and bridge opened to traffic
6 Valsad Providing a road over bridge in lieu of level crossing No 98	The work on the diversion of road by the State P.W.D. is in progress. Contract for pile foundations for the overbridge has been awarded. The work will be taken up as soon as the level crossing is shifted by the State Govt. and the diversion commissioned.

Name of work	Present physical progress
7 Ankleshwar—Providing a road over-bridge in lieu of level crossing No 172	Design and drawings for the substructure and foundation of the main bridge have been finalised and tenders for the same finalised. The work on the overbridge will be started after the road across the existing level crossing is diverted by the State Govt
8 Anand—Providing a road over-bridge in lieu of level crossing No 260	Plans and estimates are under finalisation
9 Rajkot—Providing a road over-bridge in replacement of level crossing No 3 between Rajkot—Bhaktinagar	Tenders for the over-bridge are under finalisation. The work thereon will be taken up after the State Govt complete the road diversion

2 Manning of 10 level crossings and upgradation of 5 level crossings have been completed. Manning of 19 level crossings is in progress and expected to be completed shortly

बम्बई हाई में प्रतिदिन तेल का बैरलो में निकाला जाता

3205 श्री वसुधा प्रसाद शास्त्री क्या पेट्रोलियम, रसायन और उर्वरक मंत्री यह बताना की कृपा करेंगे कि

(क) क्या यह सच है कि बम्बई हाई में अप्रैल, मई तथा जून 1978 के दौरान प्रतिदिन बैरलो में निबाला गया तेल वर्ष 1977 के दैनिक निकाले जाने की तुलना में कम है और यदि हा तो अप्रैल मई तथा जून, 1977 में प्रतिदिन कितना तेल निबाला गया तथा वर्ष 1978 की इसी अवधि में कितना तथा इसमें कमी के क्या कारण हैं और क्या इस मामले में कोई जांच कराई गई है और

(ख) क्या बंगाल की खाड़ी में तेल कूपों की खोज का काम भी चालू वर्ष के दौरान हाथ में लिये जाने की संभावना है ?

पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवती लखन बहुगुणा) (क) बम्बई हाई से वर्ष 1977 और 78 के अप्रैल मई और जून, के महीनों में प्रयोगित तेल का औसत दैनिक उत्पादन निम्नलिखित है

वर्ष	मास		
	अप्रैल	मई	जून
1977	18,327	29,646	12,279
1978	3,952	26,976	37,596

दिनांक 4 अप्रैल से 19 मई 1978 की अवधि के दौरान प्लेटफार्म 'ए' का जोड़ने और ट्रक पाइपलाइन का परीक्षण करने के लिए तेल का उत्पादन रोक दिया गया था साथ ही ट्रक पाइप लाइन का चालू करने में पूरा खराब मौसम होने के कारण ट्रैकर को 19 मई से 30 जून तक की 13 दिन की अवधि के लिए निगल स्वायं मरिच पड़ति के अनुसार बाधा नहीं जा स्या और इन दिनों में कोई उत्पादन नहीं हुआ ।

फिर भी वर्ष 1977 के अप्रैल से जून तक की अवधि के दौरान 1 84 मि० बैरल की अपेक्षा वर्ष 1978 की तदनुकूपी अवधि के दौरान 2 08 मि० बैरल का कुल उत्पादन हुआ ।

(ख) महानदी बेसिन में सर्वधिन अपनटीय भूकंपीय सर्वेक्षण के छाकडे तैयार किए जा रहे हैं और इनके मूल्यांकन के आधार पर इस क्षेत्र में अगले वर्ष के भूक-भूक में अन्वेषी व्यवधान कार्य आरंभ किया जायेगा ।

Proposals from Government of Karnataka Regarding setting up of High Court Bench at Hubli

3206 SHRI RAJESHEKHAR KOL-LUR Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state

(a) whether proposals have been received from the Government of Karnataka and legal bodies of Karnataka for setting up of Bench of the High Court at Hubli, and

(b) if so, what is the Government's reaction thereto?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) No proposal for the setting up of a Bench of the High Court of Karnataka at Hubli has been received from the State Government. A representation was received from the Bar Association Dharwar in February, 1976 for the establishment of a Bench of the High Court at Dharwar.

(b) The Government of India are not considering any such proposal as none has been made by the State Government.

Memorandum for Attaching a Coach

from Fazilka to Delhi Mail

3207. DR. BALDEV PRAKASH: Will the Minister of RAILWAYS be pleased to state:

(a) whether a deputation from Fazilka (Punjab) called upon the Minister of Railways during Budget Session of the Lok Sabha this year and presented a Memorandum regarding restoring the coach from Fazilka to Delhi Mail train which was discontinued from some time; and

(b) if so, the action taken on that?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) Restoration of Bombay VT-Fazilka Coach is not feasible due to inadequate margin of time at Firozpur by 37 Up/IFF and 8FF/38Dn trains.

Issue of Registration Certificates to Drug Units Under I (D & R) Act

3208. SHRI RAMJILAL SUMAN: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) details of the Registration Certificates granted to drug manufacturing units under I (D & R) Act;

(b) what are the basis on which production is made by these companies under registration Certificates during last three years and full details regarding name, prices given in price lists at the time of grant of Registration Certificates and as on date; and

(c) details of fuller utilisation under capacities granted to various companies under 1972 policy, product-wise and company-wise along with details of applicants and products of each Co., rejected for the purpose of fuller utilisation, under what provisions of I (D&R) Act these were rejected?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b) According to Section 10 of the Industries (Development and Regulation) Act, 1951 which came into force on 8th May, 1952, every existing Undertaking had to register itself within a prescribed time.

A Certificate or Registration as prescribed under the Rules was issued to such drug firms for the manufacture of "Drugs and Pharmaceuticals." No individual name of any item was specified in the Registration Certificates. Since the Registration Certificates were issued in the fifties, the other details asked for are not immediately available.

However, before the grant of consolidated Industrial Licence to drug manufacturing units, in terms of the New Drug Policy, all relevant details would have been obtained and all activities scrutinised.

(c). Information is being collected and will be laid on the Table of the House.

रेलगाड़ी के डिब्बे साफ करने की व्यवस्था

3210. श्री नंदा प्रसाद सिंह : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार को इस बात की जानकारी है कि रेलवे के श्रमिकों के कामकाजों की लापरवाही के कारण रेल-गाड़ियों के अंदर डिब्बों की सफाई नहीं होती और इसके कारण डिब्बों में मच्छर और बटमन पैदा हो जाते हैं जिससे यात्रियों को असुविधा होती है, और

(ख) क्या स्थिति में सुधार करने के लिये कोई कार्यवाही की गई है ?

रेल मंत्रालय में राज्य मंत्री (श्री निखाराम) :

(क) खरीद हुई रेलों की मरम्मत देखरेख के लिए सभी मुख्य तथा गौण धनुरक्षण स्टेशनों पर सर्विस करने वाले कर्मचारी पर्याप्त संख्या में हैं। मल-निकास प्रेम और वैनेजर गाड़ियों के रेलों को फ्लेक्साईल पर लाने से पूर्व धुलाई एवं धनुरक्षण लाइन में उनका सभी सवारी यात्रा (ट्रामे दजें व सवारी यात्रा मरिन) डिब्बा और लोचालियों की अच्छी तरह धुलाई और सफाई की जाती है और उनमें मच्छरों एवं बटमनों का प्रजनन होने के लिए कीट नाशक दवाइयाँ छिड़की जाती हैं। मार्गवर्ती स्थानों पर भी डिब्बा और लोचालियों की सफाई की जाती है और उनमें कीट नाशक दवाइयाँ छिड़की जाती हैं। इसके अलावा, कुछ सख्या दूरी यात्रा गाड़ियाँ माला के दौरान डिब्बों और लोचालियों की देखरेख के लिए बल सफाई वाला की व्यवस्था भी की गई है। कर्मचारियों का तरफ से लापरवाही करने से कुछ मामलों में सुधार होने के आधार पर उपयुक्त कार्यवाई की जाती है।

(ख) जहां अपक्षित होता है सवारी यात्रा की देखरेख और सफाई का काम में और भी सुधार लाने के लिए उपयुक्त उपाय किए जाते हैं। इनके बारे में यदि प्रश्न सवाई प्रकाशित मिलती है, तो सम्बन्धित कर्मचारियों के विरुद्ध उपयुक्त अनुशासनिक कार्यवाई की जाती है। कई बार भीड़-भाड़ के कारण दिक्कत पैदा हो जाती है।

Letter from Northern Railwaymen's Union

3211. SHRI SHARAD YADAV Will the Minister of RAILWAYS be pleased to refer to reply given to the Unstarred Question No 4548 on 28th March, 1978 regarding letter from Northern Railwaymen's Union and state:

(a) whether it has been considered;

(b) if so, what action has been taken on the matter by Government; and

(c) if no action has been taken so far, the reasons thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) to (c). The matter is still under consideration.

Lowering of Voting Age for Lok Sabha and Assemblies Election

3212 SHRI AMAR ROY PRADHAN Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state

(a) whether it has been decided by the Government that the age of voter should be 18 years instead of 21 years for the elections of Lok Sabha and the Assemblies,

(b) if so, when the decision is likely to be implemented, and

(c) if answer of (a) is in negative the reasons therefor?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) (a) No decision has been taken in the matter

(b) Does not arise

(c) The proposal is still under consideration, along with other proposals for electoral reform. As the matter requires careful consideration, some more time will be taken to arrive at a decision in the matter.

Shortage of Bulk Drugs and Formulations

3213 SHRI G Y KRISHNAN Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether any initiative has been taken by Centre with the State Gov-

ernment to report any shortage of bulk drugs and formulations to enable the Central Government to take speedy and effective remedial action; and

(b) if so, the reaction of State Government thereon?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) Yes, Sir. The Minister for Petroleum, Chemicals and Fertilizers has written to the Chief Ministers of States and Chief Executives of the Union Territories on 27th June, 1978, to have shortages of both bulk drugs and formulations promptly reported to the Central Government so that timely remedial action is taken.

(b) While certain State Governments have in their replies indicated that the concerned organisations in the State Government would monitor drug availability and report shortages, if any, to the Central Government, other State Governments have yet to respond.

Representation from Dainik Yatri Sangh regarding stoppage of Chhatisgarh Express

3214. SHRI SHAMBHU NATH CHATURVEDI: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have received repeated representations from the Dainik Yatri Sangh, Mathura and Agra for slight adjustment of timings of 138 UP Chhatisgarh Express, with stoppage at Raja-Ki-Mandi and 17 Dn. Janata Express for the convenience and facility of the Court and office going public;

(b) if so, whether any decision has been taken thereon to meet it; and

(c) if not, whether Government has any other alternative proposal under consideration to achieve the same purpose?

TH7 MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) The suggestions have not been found operationally feasible.

(c) No.

Prospect of Oil in Calcutta and its neighbouring areas

3215. SHRI CHITTA BASU: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether it is a fact that the Eastern Regional office of the ONGC in Calcutta has of late come to the conclusion that Calcutta and its neighbouring areas are situated on what is called gravity high;

(b) if so, the prospects of oil in the area.

(c) whether any step has since been taken for the exploration of the same; and

(d) the details thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) No, Sir. Gravity surveys carried out by the Indo-Stanvac Petroleum Project in the West Bengal basin during the period 1954-57 had indicated that Calcutta and its neighbouring areas are situated on a prominent gravity high.

(b) Gravity highs are sometimes associated with sub-surface structures which may entrap hydrocarbons; however, in some cases such gravity highs may not be associated with any structures. It is, therefore, a normal exploratory practice to carry out other geophysical surveys, specially seismic surveys to confirm the presence of sub-surface structures in the area of gravity highs. It would, therefore, be necessary to carry out further

geophysical surveys to ascertain the prospects of oil in the area of Calcutta and its vicinity

(c) Yes, Sir

(d) Precision Gravity surveys will commence in the city of Calcutta and the adjacent industrial areas during the 1978-79 field season. It is also proposed to carry out seismic surveys in the area subsequently as may be necessary.

Posts Reserved for SC and ST in Refinery Office of IOC

3118 SHRI R. L. KUREEL Will the Minister of PETROLEUM CHEMICALS AND FERTILIZERS be pleased to state

(a) the number of posts reserved for Scheduled Castes and Scheduled Tribes in both recruitment as well as in Departmental Promotions de-reserved during the period from June 1977 to March 1978 in Delhi Office of Refinery Division of Indian Oil Corporation

(b) the reasons for the de-reservation of posts

(c) whether representations were received from the Members of Parliament by the Chairman of the Indian Oil Corporation protesting against the de-reservation of posts and

(d) action taken thereon

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA) (a) and (b) For recruitment no posts reserved for Scheduled Castes and Scheduled Tribes were de-reserved during the period June, 1977 to March 1978. However for Departmental Promotions 14 posts were de-reserved due to non-availability/non-eligibility of departmental candidates from the reserved communities. In such cases reservations have been carried forward in conformity with the guidelines laid down in the Presidential Directives.

(c) Yes, Sir. One letter dated 19.5.1978 has been received by Chairman, I. O. C. from Honourable Member Shri R. L. Kureel in this regard.

(d) It is presently under consideration of the Indian Oil Corporation.

Trivandrum Railway Division

3217 SHRI N. SREEKANTAN NAIR Will the Minister of RAILWAYS be pleased to state

(a) what is the reason for the inordinate delay in sanctioning the Trivandrum Railway Division of Southern Railway which the Minister has agreed to constitute

(b) when can the opening of the new division be expected

(c) whether the State Government have not fulfilled the conditions put forward by the Railway Ministry for the opening of this new division

(d) whether the Minister has written to the Chief Minister of Kerala to convene a conference of all concerned to settle the dispute over the jurisdiction of Olavakkot Division after the formation of the Trivandrum Division and

(e) if so what is the response to the suggestion?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) to (e) After the announcement of the decision to form a new railway division on Southern Railway with headquarters at Trivandrum representations were received from various interests in North Malabar, Cochin and Olavakkot areas protesting vehemently against the inclusion of Mangalore-Ernakulam Section of the existing Olavakkot Division in the proposed new Division.

These strong feelings were sought to be assuaged by limiting the jurisdiction of the proposed division from Trivandrum to Shoranur only. But since this alternative considerably reduced the route kilometrage, making the proposed new Division non-viable, it was decided, as a first step, to form a Transportation Division only at Trivandrum, to be developed into a full-fledged division in due course.

Unfortunately, the above scheme too did not find favour. The State Government also stated that they would not be able to offer land free of cost as promised earlier unless a full-fledged division at Trivandrum was created

In the changed back-ground the Chief Minister of Kerala has been requested to have detailed discussions with all the concerned parties in the area and involve an agreed solution so that the matter could be processed further. There is no indication yet of such discussions having taken place.

Low Iron Oxide in vast sandy areas of Tiruchendur

3218. SHRI K. T. KOSALRAM: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether it is a fact that the soil in the vast sandy areas of Tiruchendur taluk, Tirunelveli Distt. of Tamilnadu State, contains low iron oxide, which can be utilised for Paint Industry; and

(b) if so, whether Government will examine the same and suggest proposals for upgrading the material with a view to encourage local entrepreneurs to set up units for Paint Industry?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) and (b). Information is being collected and will be laid on the Table of the House.

छत्तीस गढ़ एकत्रित के दिवसों को बचलना

3219. श्री कचकलम हेमराव जैन : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य प्रदेश से दिल्ली के लिये घाटे वाली एक मात्र गाड़ी, छत्तीसगढ़ एकत्रित किट लिचि को चलाई गई थी और उससे होने वाली धाय का बर्बरार ख़ीरा क्या है ;

(ख) क्या इन गाड़ी के महत्व तथा इससे होने वाली धाय को देखते हुए मंत्रालय इस गाड़ी के दिवसों को सुपर गाड़ी के दिवसों से बदलने के प्रश्न पर विचार कर रहा है ; और

(ग) यदि हा, तो ऐसा कब तक किया जायेगा और यदि नहीं, तो उनके क्या कारण हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) :

(क) छत्तीसगढ़ एकत्रित 1-11-75 से रायपुर और भोपाल के बीच चलाई गयी थी। 26-1-76 से यह गाड़ी बिलासपुर तक और 16-2-1977 से निजामादीन तक बढ़ायी गयी थी। अलग-अलग गाड़ियों को धामनी/खच के पृथक-पृथक धाकड़े नहीं रखे जाते।

(ख) और (ग) इन गाड़ियों में भी उमी प्रकार के दिवस मगाये जाते हैं जिस प्रकार के दिवस अन्य मेल/एकम्रेस गाड़ियों में मगाये जाते हैं।

मुजफ्फरपुर बाराबंकी सीटर गेज लाइन को ब्राड गेज लाइन में बदलने के लिए पटरी के टनों में आवश्यकता

3220. श्री राम बरेल कुसवाहा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) मुजफ्फरपुर-बाराबंकी सीटर गेज लाइन को ब्राड गेज लाइन में बदलने के लिए कितने टन पटरी की आवश्यकता होगी ;

(ख) कितने टन पटरी के लिये क्रयादेश दिए गए हैं ;

(ग) इसके लिए कितनी संख्या में लकड़ी के स्लीपर्स की आवश्यकता होगी और उन की सफाई के लिए क्या व्यवस्था की गई है ;

(घ) यदि उक्त सामग्री कार्यक्रम के अनुसार सप्ताह नहीं की गई तो क्या उक्त रेल साइन जनवरी 1980 तक पूरी हो जाएगी, और

(ङ) यदि नहीं, तो उक्त अवधि में उपरोक्त रेल साइन का निर्माण पूरा करने के लिए सरकार क्या व्यवस्था करेगी?

रेल मंत्रालय में राज्य मंत्री (श्री सिधु भारद्वाज):
(क) से (घ) द्वारा की समस्तीपुर घामान परिवहन परियोजना के लिए पटरियों और लकड़ी के स्लीपर्स की सप्ताह के सम्बन्ध में स्थिति इस प्रकार है —

	पटरियां (मीटरिक टनो में)	लकड़ी के स्लीपर (नव)
1 कुल जरूरत	66 615	773 000
2 31 मार्च 1978 तक प्राप्त	18,615	140 000
3 1978-79 की अवधि में प्राप्त	28,100	200,000
4 शेष मात्रा जिसकी व्यवस्था की जानी है	20 110	233 000

(घ) और (ङ) घामान परिवहन परियोजना को 1980 तक पूरा करने के लिए उसके लिए अपेक्षित रेलपथ सम्बन्धी सभी सामग्री सप्ताह करने के लिए हर प्रयास किया जा रहा है।

मुजफ्फरपुर से दिल्ली के लिये बर्लीन जनता एक्सप्रेस को सप्ताह में दो दिन चलाने का प्रस्ताव

3221 श्री राम सेवक हजारी क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार ने यात्रियों की कठिनाइयों को देखते हुए मुजफ्फरपुर से दिल्ली तक के लिये सप्ताह में दो बार चलने वाली जयंती जनता एक्सप्रेस को चलाने के प्रस्ताव पर विचार किया है

(ङ) यदि हां तो सरकार ने इस मामले में क्या निर्णय किया है,

(घ) यदि नहीं, तो इस बारे में सरकार का क्या कार्रवाई करने का विचार है, और

(घ) क्या सरकार का इस सेवान पर कोई अन्य यात्री चलाने का विचार है?

रेल मंत्रालय में राज्य मंत्री (श्री सिधु भारद्वाज):
(क) से (घ) सप्ताह में दो बार चलने वाली 153/154 मुजफ्फरपुर-दिल्ली जयंती जनता एक्सप्रेस के फेरे बढ़ाना अवकाश इस मार्ग पर एक प्रतिरिक्त

एक्सप्रेस यात्री चलाना, किन्हाल, मार्चवर्ती बंदों पर लाइन बनता और दिल्ली क्षेत्र में दमिना सम्बन्धी सुविधाओं की कमी होने के कारण परिचालनिक दृष्टि से व्यावहारिक नहीं है।

Payments for advertisements made by Government Companies to Political Parties

3222 SHRI L L KAPOOR Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state

(a) List of 101 Government Companies which had made payments for advertisements in the souvenirs brought out by political parties between 1-1-1974 and 31-3-1977, and

(b) the amount of payment made by these public undertakings during this period to each of the political parties year-wise?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) (a) and (b). The list of 101 Government Companies which had made payments for advertisement in the souvenirs brought out by political parties between 1st January 1974 and 31st March 1977 indicating inter alia the amount paid and the party to whom such payments were made was placed on the table of the house in reply to part (b) of the Unstarred Question No 2169 answered in Lok Sabha on 1st August 1978

नई कम्पनियों का पंजीकरण

3223 श्री हुसैन शेख नारायण यादव क्या बिधि, न्याय और कम्पनी कार्य मंत्री यह बताने की कृपा करेंगे कि

(क) जनता शासन के प्रारम्भ होने के पश्चात् कितनी नई कम्पनियों का पंजीकरण हुआ है और उनमें से कितनी कम्पनियाँ एकाधिकार शुरू की हैं, और

(ब) उपरोक्त कम्पनियों में से कितनी कम्पनियों के शेयरधारियों को कम्पनी नियमों के उल्लंघन की सजा मिल चुकी है ?

बिधि, न्याय और कम्पनी कार्य मंत्री (श्री शान्ति भूषण) : (क) 1 अप्रैल, 1977 से 30 जून, 1978 तक की अवधि के मध्य, कम्पनी अधिनियम, 1956 के अन्तर्गत 3528 कम्पनियों का पञ्जीकरण हुआ था। 3528 कम्पनियों में से कोई भी एकाधिकारी घरांनो से सम्बन्धित नहीं है।

(ख) हिस्सेदारी, अपनी इसी हैसियत में, कम्पनी अधिनियम, के उल्लंघनों के लिये दोषी नहीं ठहराये जाते हैं।

Recommendations of Bhagwati Committee on legal aid to the poor

3225. SHRI D. AMAT:

SHRI R. V. SWAMINATHAN:

SHRI AMARSINH V.
RATHAWA:

SHRI AHMED M. PATEL:

SHRI K. LAKKAPPA:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government have set up a Committee to examine in depth the recommendations of the Bhagwati Committee on legal aid to the poor; and

(b) if so, what are the terms of reference of this Committee and by what time the report will be available?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) and (b). Yes, Sir. An inter-departmental committee has been constituted by the Ministry of Law, Justice and Company Affairs, with representatives from the Ministries of Finance, Home, Labour and Departments of Social Welfare, Personnel and Administra-

tive Reforms to examine the recommendations of the Committee in depth and to work out a mechanism of legal aid keeping in view the financial implications of the scheme. The Committee will prepare a policy paper on the basis of which decisions can be taken by Government. The committee has already held some meetings and it is expected that the examination by the Committee will be completed and the policy paper would be prepared as soon as possible.

Oil drilling operations in Tripura by ONGC

3226 SHRI KIRIT BIKRAM DEB BURMAN: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether seven sites in Tripura have been identified by the ONGC for oil drilling operations;

(b) if so, the details of these sites; and

(c) the action so far taken for drilling operations on each site and the reasons for the delay?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) The ONGC has so far identified 23 sites for oil drilling operations in Tripura.

(b) The sites have been released on 6 different structures. The details are:—

(i) 17 in Baramura;

(ii) 2 in Rokhia;

(iii) 1 in Tichna;

(iv) 1 in Gojafia;

(v) 1 in Batchia; and

(vi) 1 in Tulamura.

23

(c) The ONGC has completed drilling of three sites on Baramura structure, where testing is currently being

done The three rigs deployed here would move to the next locations on this structure The Commission has also started preparation for drilling on two locations on two other structures, namely—Gojalia and Rokhia Drilling of these structures is expected to commence shortly

There has not been any slackening on the part of the Commission to intensify oil exploration activities in Tripura Five drilling rigs currently have been earmarked for drilling in this area There are, however limitations of logistics and down hole complications

Manning of railway crossing to avoid accidents

3227 **SHRI ARJUN SINGH BHADORIA** Will the Minister of RAILWAYS be pleased to state

(a) whether the Government had decided to man all the railway crossings in the country in order to avoid accidents; and

(b) if so why in spite of these instructions a serious accident took place with a bus near Bareilly recently?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAI) (a) No

(b) This accident has been inquired into by the Additional Commissioner of Railway Safety Northern Circle Lucknow According to his provisional finding the accident was due to the failure of railway staff It has also been mentioned that failure on the part of the Road Authority to provide the necessary caution signs on the road leading to the level crossing and failure of the road vehicle driver to exercise the degree of caution which a prudent person exercises when placed in similar circumstances, contributed to the accident.

Appointment in Printing Press of Northern Railway, Shakurbasti

3228 **SHRI BHAGAT RAM** Will the Minister of RAILWAYS be pleased to state how many persons were appointed in Printing Press of Northern Railway, Shakurbasti without going through the normal process of regular selection or interviews during 1975 and 1976?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAI) No appointments on regular basis were made without going through the normal procedure of recruitment 77 persons were appointed as substitutes out of which 57 were through selections after notification 9 Jr Machinemen (semi skilled) and 11 khalasis were recruited locally after adjudging their suitability of which 1 was against the quota for physically handicapped and 2 against loyal quota

Proposed changes in Managerial remunerations in corporate sector

3229 **SHRI VIJAY KUMAR MALHOTRA** Will the Minister of LAW JUSTICE AND COMPANY AFFAIRS be pleased to state

(a) what are the proposed changes in respect of managerial remuneration in the corporate sector and

(b) whether any representation has been received which opposes any reduction in limits of managerial remuneration in companies?

THE MINISTER OF LAW JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) (a) A proposal to revise the existing guidelines regarding managerial remuneration is still under the consideration of the Government It is not possible to give further details

(b) A representation was received from the Associated Chambers of Commerce and Industry of India dated

2nd May, 1977, wherein it was suggested that there should be no fixation of the ceilings on managerial remuneration.

Introduction of passenger Trains between Uran and Parvel

3230. SHRI D. B. PATIL: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government are aware that because of the Naval Armament Depot, Karanja, and industrialisation round about Uran, passenger traffic between Uran and Parvel, Kalaba District Maharashtra State has increased to such an extent that State Transport Corporation is not in a position to cope up with the traffic efficiently and thereby causing great hardships to the passengers;

(b) whether there is a long standing demand of the public in general and students of Panvel Art, Science and Commerce colleges and as well as I.T.I Parvel in particular of that passenger trains should be started between Uran Parvel; and

(c) if so, when such passenger trains are likely to be started between Uran-Parvel?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c). There are demands for introduction of passenger trains between Panvel and Uran. At present this section is opened only for goods traffic. Examination of likely traffic pattern on Panvel-Uran section has shown that introduction of passenger services on this section is, at present, economically not justified. Besides, the track is also at present not fit for running passenger trains.

Unmanned Level Crossings

3231. SHRI PRASANNBHAI MEHTA: Will the Minister of RAILWAYS be pleased to state:

(a) what is the total number at present of level crossings for vehi-

cular traffic on the Indian Railways;

(b) if so, how many out of them are manned and how many unmanned;

(c) what is the number that are likely to be upgraded so that they can be manned; and

(d) what are the main reasons for keeping large number of level crossings unmanned, so far?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) 36,360.

(b) Manned — 14,060

Unmanned — 22,300

(c) About 70 unmanned level crossings are expected to be taken up for manning during 1978-79.

(d) It is neither necessary nor financially feasible to man all the unmanned level crossings; nor is manning a hundred percent guarantee against accidents. Only those level crossings in which there is a potential hazard are taken up on a programmed basis in consultation with the State Governments.

Staff Complaints

3232. SHRI RAM PRAKASH TRIPATHI: Will the Minister of RAILWAYS be pleased to state:

(a) whether there is a procedure in Railways to look into the staff complaints against Railway Officers or staff for willful harassment or non-payment of dues etc. by misuse of the official position;

(b) if so, whether complaints from Delhi Division staff against the officials were ever received during one decade and action taken to satisfy the complainants;

(c) how many such complaints are pending for more than 5 years and what are the reasons for non-finalization;

(d) whether there are any complaints more than 5 years old for non-payment of wages; and

(e) if so, please state reasons for non payment of dues for such a long period and whether the Railway administration is contemplating to take action against the defaulting staff?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) Yes

(b) Yes Action is taken on all complaints and the employees are informed of the disposal of their complaints

(c) Only one complaint pertaining to the year 1965 could not be finalised as the records were destroyed having been time-barred

(d) & (e) Only one claim relating to non-payment of wages for the period from 6th July to 13th August 1965 and 14th September to 8th October 1965 could not be finalised due to non-availability of records which have been destroyed being time-barred. As such the question of taking action against the staff does not arise

Assurance given to Gujarat for supply of associated and natural gas from Bombay High

3233 SHRI VINODBHAI B SHETH Will the Minister of PETROLEUM CHEMICALS AND FERTILIZERS be pleased to state

(a) whether the Government is aware that supply of associated and natural gas from Bombay High has been started as per assurance given by Government to Maharashtra and that the assurance given to Gujarat of starting the work as per schedule has not been kept,

(b) will he assure the House that implementation of the assurance given by Government to Gujarat will be taken up immediately, and

(c) if yes, when it is likely to be taken up?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA) (a) to (c) The laying of sub-sea pipelines from Bombay High to Uran as well as the laying of transfer lines from Uran to Trombay has been completed. Oil and gas have started flowing through these pipelines. It has also been decided that there would be another gas pipeline from South Bassem field to Gujarat which on its way would be inter-connected with the associated gas pipeline from Bombay High so that the flow of both associated and non-associated gas in the two directions could be regulated according to requirements.

A Feasibility Study on the gas pipeline to Gujarat has just been completed and is being examined by ONGC. The report alongwith ONGC's recommendations is expected to be submitted to Government shortly. Thereafter a view on the economics, location, time-schedule of completion, etc. of the pipeline would be taken by Government.

Supply of Coal to Textile Mills

3234 SHRI VIJAYKUMAR N PATIL Will the Minister of RAILWAYS be pleased to state

(a) whether the number of wagon loads of coal to be supplied to some textile mills per month has been reduced,

(b) whether the quota of wagon loads of coal to be supplied to some other textile mills has been increased, and

(c) if so, the reasons thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) Yes,

(b) Yes

(c) Secretary, Indian Cotton Mills Federation who is the sponsoring authority for movement of coal to cotton mills has recommended reduction in allocation of coal wagons in respect of 43 units and has enhanced allocation for 30 units. These recommendations have been accepted for implementation from August 1978

Restructuring of Price of Farm Inputs

3235. SHRI T. A. PAI: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) has the attention of the Government been drawn to the reported speech of the Minister for Petroleum and Chemicals that the farm inputs price require restructuring in the interest of the farmers; and

(b) what urgent steps the Government propose to take in this matter in the immediate future?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). It has been the constant endeavour of the Government to make available farm inputs to the farmers at reasonable prices. The price of urea, the major nitrogenous fertilizer, was reduced by Rs. 100 per tonne with effect from 12-10-77. Based on a report of Bureau of Industrial Costs and Prices which indicated some scope in reduction of prices of pesticides, a dialogue was held with the pesticides manufacturers who have also reduced prices of a number of items of pesticides ranging upto 12 per cent. Government have also recently withdrawn excise duty on pesticides. Besides, the Chief Ministers have been requested to exempt fertilizers and pesticides as also the raw materials used in their manufacture from sales tax/octroi, etc.

Contracts for construction of Mathura Refinery

3236. SHRI SURENDRA BIKRAM: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) how many contracts for building and construction of Mathura Refinery have been given to foreign and Indian Companies;

(b) whether India is today not fully capable of taking over the entire construction and erection of a refinery of this magnitude; and

(c) for how much money the contracts have already been given to various contractors?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (c). Out of 78 major contracts of the value of approximately Rs. 83 crores, 11 contracts amounting to about Rs. 22 crores have been awarded to foreign companies and the remaining 67 to Indian companies.

(b) Although considerable know-how in the field of process design, engineering and fabrication of equipment and machinery is available in India, for a refinery like Mathura, which has a single Atmospheric column of 6/7 million metric tonnes per annum, expatriate assistance would be needed. Similarly for construction and erection of imported equipment and machinery, some expatriate assistance becomes necessary mainly to ensure performance guarantees.

Effect of Telephone Cable Thefts and Chain Pulling on Punctuality of Railways

3237. SHRI MADHAVRAO SCINDIA: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that the large scale theft of telephone cables and indiscriminate pulling of the alarm chain of Railways have adversely

affected the punctuality of Railways throughout the country specially in Danapur Division of Eastern Railways,

(b) if so details of such thefts and chain pulling during the last one year, and

(c) action taken against the thieves and chain pullers?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) Theft of telephone cables and unauthorised alarm chain pulling on the Indian Railways including Danapur Division of Eastern Railway has affected the punctual running of trains

(b) During 1977-78 there were 988 cases of cable thefts and 98499 incidents of unauthorised alarm chain pulling on the railways

(c) The drives to combat thefts of cables and the menace of unauthorised pulling of alarm chain by anti-social elements have been intensified with the cooperation of local civil and police authorities. Close liaison is being maintained with the State Governments to curb the activities of these anti-social elements

Railway Income Out of Sale of Hill Station Tickets

3238 SHRI MADHARAO SCINDIA Will the Minister of RAILWAYS be pleased to state

(a) whether it is not a fact that income of railways through sale of tickets for hill stations during the current summer season was less than compared to last seasons

(b) if so, the total income in the years 1976-77 1977-78 and 1978-79 upto June, 1978,

(c) whether it is not a fact that inflow of passengers was hit by the introduction of prohibition in some of the hill stations, and

(d) if so, his reaction thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) to (d) The information is being collected from the Zonal Railways and will be laid on the table of the House

Railway Line in Murbad Taluk of Maharashtra

3239 SHRI R K MHALGI Will the Minister of RAILWAYS be pleased to state

(a) whether the survey has been conducted for the construction of Railway line in the Taluk of Murbad (Distt Thana, Maharashtra),

(b) if so when and with what result,

(c) whether Railway Ministry have taken any decision on the said survey report if so when and with what result,

(d) whether it is a fact that the Murbad Taluk is one of the backward areas of Thana District and whether Kalvan junction on Central Railway is only about twenty miles from Murbad—a Taluk place and

(e) if so the difficulties to construct the rail line?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) to (e) Yes An engineering cum traffic survey for a new railway line from Kalyan to Ahmednagar was carried out in 1969-70 with a view to develop additional line capacity from Bombay across the Ghats. Murbad is 314 kms away from Kalyan on this alignment. The survey revealed that it would be cheaper and operationally more advantageous to develop the capacity on the existing Northeast and Southeast Ghat lines instead of constructing a new line between Kalyan and Ahmednagar

Third lines between Kasara and Igatpuri on N. E. Ghats and between Karjat and Lonavla on S.E. Ghats and other matching traffic facility works are under execution.

Representation from Staff Members of Kalyan Power House

3240. SHRI R. K. MHALGI: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Government have received a representation dated 22nd April, 1978 signed by eighty three operating staff members of Kalyan Power House at Thakuvli (Distt. Thana, Maharashtra) regarding their various problems;

(b) if so, what action Government have taken and with what result; and

(c) if no action has so far been taken the reasons thereof and when it is proposed to be taken?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes, an undated representation has been received by the Central Railway Administration on 6-5-1978

(b) and (c) The grievances mentioned in the said representation are being looked into.

Advance Increment, to Clerk, Grade I of Railway Accounts Departments

3241. SHRI R. K. MHALGI: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that Government have received a representation dated 2nd March, 1978 regarding the grant of four advance increments to Clerks Grade I of the Accounts Department of Railways; and

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

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes.

(b) The matter regarding grant of incentive in the revised pay structure to Appendix 2 qualified staff on Railways is under the consideration of Government.

Railway line in Chandrapur District of Maharashtra

3242. SHRI R. K. MHALGI: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have received proposal for a 26 KM railway line in Chandrapur District of Maharashtra which is considered absolutely necessary for establishment of cement factories in the said area; and

(b) if so, what steps are being taken in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b) Yes. A proposal has been received for the construction of a railway line from Manickgarh to Chandur in Maharashtra to serve the proposed cement factories in the area. It will be possible to examine the proposal when a firm decision is taken to set up the factories

Policy regarding Sole Selling Agency System

3243. SHRI C. K. JAFFER SHA-RIFF: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government have formulated any policy regarding sole selling agency system vis-a-vis the interests of consumers;

(b) if so, what are the details thereof and how it is being implemented; and

(c) if not, whether Government propose to lay down their policy in this regard in order to protect the interests of consumers from the malpractices indulged in by the sole selling agents?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) to (c). Under sub-section (1) of Section 294AA of the Companies Act, 1956, the Company Law Board may declare that sole selling agents should not be appointed by the companies producing or supplying any category of goods for which, in its opinion, the demand substantially exceeds the production or supply of such goods and that services of sole selling agents would not be necessary to create a market for such goods. Pursuant to these powers, the Company Law Board, in consultation with the concerned Ministries, have issued Notifications prohibiting appointment of sole selling agents in respect of following categories of goods for a period of 5 years from the dates mentioned against each of them:

(a) Paper	18-9-1975
(b) Cement	18-9-1975
(c) Sugar	5-9-1975
(d) Vanaspati	5-9-1975

2 Under sub-section (2) of Section 294AA, no individual firm or body corporate having substantial interest (by which is meant the holding in one's own name or in the name of relatives or partners or their relatives or directors or relatives of directors shares of the face value of Rs. 5 lakhs or 5 per cent of the total whichever is less) in a company shall be appointed sole selling agent of that company without prior approval of the Central Government. Under sub-section (3) of section 294AA, appointment of sole selling agents by the companies having paid up capital of Rs 50 lakhs and above would require approval of the shareholders by a special resolution and also of the Central Government. Each application for appointment of the sole selling agent under sub-sections (2) and (3) of Section 294AA of the Companies Act, 1956, is considered on its merits

by the Company Law Board having regard *inter alia* to the following relevant factors:—

- (i) the nature of the product manufactured by the company and its market share and the extent of competition in that product;
- (ii) the nature and extent of services performed by the sole selling agent together with its organisational set up for rendering marketing services;
- (iii) the commission earned, expenses incurred and the profits retained by the sole selling agent for marketing the products of the company;
- (iv) the interest of the sole selling agent in the principal company; and
- (v) the interest of the directors of the Company in sole selling agent.

These restrictions are prescribed to protect the interests of the consumers and to prevent malpractices.

Issue of Industrial Licences to IDPL.

3244 SHRI MOTIBHAI R. CHAUDHARY: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) how many industrial licences are issued to IDPL during the last three years; how many Industrial licences, letter of intents licences expired and are still shown valid for claiming capacities by IDPL; and

(b) whether IDPL sought approval for items not actually produced; if so, details of the same?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) Seventeen Industrial Licences have been

issued during the last three years to M/s IDPL for the manufacture of Drugs and Pharmaceuticals.

The period of validity of 3 Industrial Licence/Letters of Intent granted to M/s IDPL for the manufacture of certain bulk drugs stands expired as on date. However, M/s IDPL have requested the Government for extension thereof, which is under consideration.

(b) All Industrial Undertakings in the organised sector of drug industry are required to obtain prior approval of the Government under IDR Act to manufacture new items of Drugs and Pharmaceuticals.

Details of all un-implemented approvals granted to M/s IDPL for the manufacture of drug items are being collected and will be laid on the Table of the House.

Loading and Unloading of Canalised Drugs

3245, SHRI MOTIBHAI R. CHAUDHARY: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) details of loading and unloading of canalised bulk drugs done during last three years;

(b) details of surplus due to loading/unloading of canalised bulk drugs which was available at the end of each year, distributed by CPC and IDPL; and

(c) how these surpluses were adjusted in fixing prices of canalised bulk drugs and what portion of the same was utilised for payment of taxes and did it affect the increase in prices for consumers due to loading/unloading?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) to (c). Information is being collected and will be laid on the Table of the House.

Surplus received by Trading in Importing Bulk Drugs by IDPL and CPC

3246, SHRI MOTIBHAI R. CHAUDHARY: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) what were surplus received during last three years by trading in imported bulk drugs by CPC and IDPL and how were these utilised;

(b) details of income tax or different adjustments made out of this money;

(c) effects of loading on consumer products, percentage-wise including effect if the bulk drugs would have been allowed for import by Actual Users; and

(d) is it a fact that prices of Ethambutol and formulations which were not canalised went down in Indian market, if so, why Government do not de-canalise all drugs?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b) Information is being collected and will be laid on the Table of the House.

Arrangements for availability of Drugs at below cost price

3247 SHRI K. PRADHANI: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government have made suitable arrangements for the essential medicines and drugs to be made available to the public at below cost price;

(b) if so, the details regarding its performances?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and

(b). The prices of drugs are regulated under the provisions of the Drugs (Price Control) Order, 1970. The prices fixed under the said Order are the maximum retail prices and the manufacturers are free to sell at any price lower than the price approved by the Government. There is no proposal to make available medicines and drugs to the public at below the cost price. There are, however, various national programmes of the Govt. like Rural Health Scheme, National Malaria Eradication Programme and under these programmes drugs are supplied free of cost to the public.

Under the New Drug Pricing Policy, graded mark-ups, have been provided for the price controlled formulations comparatively lower mark-ups for Category I and II formulations. The intention is to make drugs of mass consumption available to public at comparatively lower prices.

बाणिज्य मंडल, पौडल का अध्यावेदन

3248. श्री कर्मासिंह भाई चवले : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बाणिज्य मंडल, कोडन, सोराष्ट्र, गुजरात ने रेलवे से सम्बन्धित घनेक मजदूरी के बारे में जून, 1978 में एक अध्यावेदन भेजा था ;

(ख) यदि हाँ, तो अध्यावेदन के किस प्रकार की मांगें की गई हैं ;

(ग) प्रत्येक मांग के सम्बन्ध में सरकार ने क्या कार्रवाई की है, कौन-कौन सी मांगें पूरी कर दी गई हैं और कौन-कौन सी मांगें अभी सेच हैं और सेच मांगें कब तक पूरी हो जायेंगी ; और

(घ) कुछ मांगों को पूरा न करने के क्या कारण हैं और सेच मांगें कब पूरी की जायेंगी ?

रेल मंत्रालय में राज्य मंत्री (श्री निधु माराम्ब) :
(क) जी हाँ। बाणिज्य मंडल, कोडन से 30-6-1978 का एक अध्यावेदन मिला था जिसमें केवल एक मांग का उल्लेख किया गया था।

(ख) उसकी मंग की कि कुलावट और राजकोट के बीच गाड़ी नं० 330/340 की की कब वातावरण होने के कारण 4-12-73 के चू कर दी गयी थी, पूछा : क्या वादी।

११८० LS-6

(ग) और (घ). वातावरण की मांग कब होने के कारण इस गाड़ी का पुन चलाया जाना अनिश्चित नहीं है। भावक कुलावट और राजकोट के बीच 4 जोड़ी ए. गाड़ियाँ और 4 जोड़ी डब्ल्यू गाड़ियाँ चलती हैं।

वर्ष 1979-80 के लिए निर्माण-कार्यक्रम

3249. श्री कर्मासिंह भाई चवले : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) पश्चिम रेलवे के भावनगर डिवीजन में पोरेबन्दर, जुनागढ़, उपलेटा, वांस्त्रालिया, गुवाला, भावख, जेतपुर, गोप मंठू, धावितपुरा धावित स्टेशनों पर स्टेशन-बार वर्ष 1979-80 के निर्माण कार्यक्रम में किन-किन निर्माण-कार्यों की शामिल किया गया है अथवा शामिल करने का प्रस्ताव है ;

(ख) क्या भावनगर डिवीजन रेल प्रबोधता परामर्शदात्री समिति ने इस बारे में कोई सिफारिश की है और यदि हाँ, तो कब और कैसी ;

(ग) मांग 'क' उल्लिखित स्टेशनों पर वर्ष 1979-80 में होने वाले इन निर्माण-कार्यों पर कार्य-बार कितनी खर्च होगी ; और

(घ) उपर्युक्त भाग (क) में उल्लिखित रेलवे स्टेशनों पर विभिन्न निर्माण-कार्यों के कब तक प्रारम्भ हो जाने की सम्भावना है और वे कब तक पूरे हो जायेंगे ?

रेल मंत्रालय में राज्य मंत्री (श्री निधु माराम्ब) :
(क) से (घ) . 1979-80 के रेलवे निर्माण कार्यक्रम में शामिल निर्माण-कार्यों का ध्वीरा रेलवे बजट की अन्तिम रूप दे दिए जाने के पश्चात् ही उपलब्ध कराया जा सकता है। 18-5-78 की मंडल रेल उपयोगकर्ता परामर्श समिति, भावनगर की बैठक हुई थी और उसने उस बैठक में धावती सुविधा सम्बन्धी कुछ निर्माण-कार्यों की सिफारिश की थी। इन निर्माण-कार्यों पर निर्माण कार्यक्रम में शामिल अन्य निर्माण-कार्यों के साथ-साथ विचार किया जायेगा। वे निर्माण कार्य कब शुरू/समाप्त किये जायेंगे, इसके बारे में सूचना 'निर्माण कार्यक्रम' की अन्तिम रूप दे दिया जाने के पश्चात् ही उपलब्ध हो सकेगी।

पोरेबन्दर और बीरमनाम के बीच गुजर कास्ट गाड़ी चलाना

3250. श्री कर्मासिंह भाई चवले : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या राणाबाव 'कम कोडपुर', मयरा बरवा, उपलेटा, धोरावी, जेतमर, वांस्त्राल, राजकोट

बीकानेर, सुरेन्द्र नगर, बीरमगाम से होकर पोरबन्दर और बीरमगाम और बीरमगांव से बम्बई के बीच एक अनता सुपर फास्ट थ्रप और काउन गाड़ी, जिसकी गुजरात के सीराष्ट्र क्षेत्र के 60 लाख लोगों की बड़े समय से मांग है, कब से चलाई जायेगी ;

(ख) उक्त जनता सुपर फास्ट गाड़ी के बिलम्ब के बताये जाने के कारण है ;

(ग) क्या पोरबन्दर से बीरमगाम और बीरमगांव से बम्बई बीच एक सीराष्ट्र फास्ट रेलगाड़ी चलाई जायेगी ? यदि हा, तो तत्सम्बन्धी ब्योरा क्या है ; और यदि नहीं तो इसका क्या कारण है ; और

(घ) सीराष्ट्र के लोगों की जनता की सुपर फास्ट गाड़ी चालू किये जाने की मांग को कब तक पूरा किया जायेगा ?

रेल मंत्रालय में राज्य मंत्री (श्री सिधु मारवाह) :
(क) डे (घ) . पोरबन्दर और बीरमगाम तथा बीरमगांव और बम्बई मेट्रो के बीच अनता गाड़ियाँ चलाये का कोई प्रस्ताव नहीं है। लेकिन, पोरबन्दर/भावनगर और प्रहमबाबाद के बीच बीकानेर और बीकानेर के रास्ते एक जोड़ी जेभी-रॉल्ट गाड़ी 45/46 वासीयाम एक्सप्रेस 9-8-1978 को चलाई जा रही है। यह गाड़ी बम्बई के लिए तथा बम्बई से उनकी घाटे की यात्रा के लिए 15/16 सीराष्ट्र एक्सप्रेस और 12 गुजरात एक्सप्रेस से गेल मेवी।

जुनागढ़ रेलवे स्टेशन के लिए मान सिद्धों की सफाई

3251. श्री धर्म सिंह भाई पटेल क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मैसर्स प्रमोको प्रायलके इन्स्टीट्यूट, जुनागढ़ ने 15 मई, 1978 को जुनागढ़ रेलवे स्टेशन को खाली बैगन देने के लिए रेल मंत्रालय तथा बम्बई और भावनगर स्थित रेल अधिकारियों से अनुरोध किया था ;

(ख) यदि हा, तो किन-किन वस्तुओं के लिए और कितने बैगन की मांग की गई थी ;

(ग) इस मांग में से कितने बैगन सफाई किये गये हैं ; और

(घ) मैसर्स प्रमोको प्रायलके इन्स्टीट्यूट जुनागढ़ की अब कितने बैगनों की मांग विचाराधीन है, विचाराधीन मांग पर बैगनों की सफाई कब और कौन की जायेगी ?

रेल मंत्रालय में राज्य मंत्री (श्री सिधु मारवाह) :
(क) डे (घ) पॉन्चम रेल प्रशासन को मैसर्स प्रमोको प्रायलके इन्स्टीट्यूट, जुनागढ़ से एक प्रमोको प्रायलके इन्स्टीट्यूट या जिसमें उन्होंने जुनागढ़ स्टेशन से भागाति नेम की निकासी के लिए अनुरोध किया था मैसर्स उस प्रमोको प्रायलके इन्स्टीट्यूट की मांग-पत्रों की प्राथमिकता है, इस बात का विशिष्ट रूप से कोई उल्लेख नहीं किया गया था। अप्रैल से जुलाई, 1978 तक की अवधि में जुनागढ़ में 84 मास ई-1 का लदान किया गया था और 178 अवधि के प्रमोको मैसर्स प्रमोको प्रायलके इन्स्टीट्यूट के 30 मास ई-1 का मांग-पत्र बकाया था। यह मचनन अधिकारण गन्तव्य स्टेशन पूर्वोत्तर सीमा रेलवे पर स्थित स्टेशन के लिए होता है जिनके लिए एक कोटा निर्धारित है और मातायात की निकासी की मांग-पत्रों की प्रतीया और प्राथमिकता के अनुसार प्रवर्तमान कांटे के प्रवर्तित नियमित किया जाता है। हालांकि, यह पाया गया है कि मांग-पत्र सदैव वास्तविक नहीं होते हैं और जब कभी माल-बिम्बे सफाई किये जाते हैं तो उद्योग भारी मात्रा में मांग-पत्र रद्द करा देते हैं। जुलाई, 1978 में जब पूर्वोत्तर सीमा रेलवे पर स्थित गन्तव्य स्टेशन के लिए रेल के लदान के प्रयोजन से अजपुर मंडल को एक रेल प्रवर्तित किया गया था, उस समय मांचों को बढ़-बढ़ा कर बतलाया गया था और 1287 मांच-पत्रों को वापस लिया गया/रद्द कर दिया गया था।

से. 1 लिपिक डेड-1 और डेड-11 का एकीकरण

3252. श्री डे. ए. ए. राजन : क्या रेल मंत्री वेदा लिपिक डेड-1 और II के एकीकरण के बारे में 4 मई, 1978 के प्रतारणित प्रश्न संख्या 5426 के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या पवोन्नियों के लिए 25 प्रतिशत पर बरिष्ठता के आधार पर प्रारणित है ;

(ख) क्या ऐसे कर्मचारियों को विलीय लागू करने का कोई प्रस्ताव सरकार के विचाराधीन है जो अपने वेतनमानों में अधिकतम सीमा पर पहुंच चुके हैं ; और

(ग) यदि हा, तो क्या मंत्री महोदय बता देंगे कि पूर्वी रेलवे के डेड-1 और II के कर्मकों को सरकार ने क्या मांचधार दी हैं और तत्सम्बन्धी मण्डल-वार ब्योरा क्या है ?

रेल मंत्रालय में राज्य मंत्री (श्री सिधु मारवाह) :

(क) कलक डेड-1 की 25 प्रतिशत रिक्तियों को बरिष्ठता-एक-अनुसूचता के आधार पर भरना माना प्रपेण्ड है।

(ब) जो कर्मचारी अपने वेतनमानों में अधिकतम सीमा पर पहुँच चुके हैं ऐसे कर्मचारियों को राहत पहुँचाने का प्रश्न कर्मचारियों की ओर से राष्ट्रीय परिषद् में उठाया गया है और इस पर अभी भी विचार-विमर्श हो रहा है।

(ग) चूँकि इस मामले पर विचार-विमर्श चल रहा है इसलिए प्रश्न नहीं उठता।

Officiating Assistant Engineers Class II

3253. SHRI DAYA RAM SHAKYA: Will the Minister of RAILWAYS be pleased to refer to the reply given to the Unstarred Question No 1095 on the 28th February, 1978 and to state—

(a) the number of persons officiating as Assistant Engineer Class II on ad-hoc basis earlier to the selections held in 1973; 1975 and 1976 with dates in each year; the number of posts assessed for the size of panel as per Indian Railway establishment manual para 203 in each year; the number of persons called to appear in the Selection as per 6-x formula, the number of posts reserved for the Scheduled Caste/Tribe; the total number of persons successful for empanelment; the actual number impanelled in each year with reasons;

(b) the report of the Dy. Chief Vigilance Officer in the Railway who enquired into the staff complaints in the 1976 selection alongwith his findings, the results of the re-valuation of the answer papers by the Chief Engineers of two Railways who examined it together with the actual number of failed candidates empanelled and passed candidates shown failed; and

(c) steps being contemplated to institute an enquiry into the irregularities to punish the guilty and order fresh selections for 1976, empanelment of balance candidates in 1975 and cancellation of extra names in 1973 selections, if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS

(SHRI SHEO NARAIN): (a) A statement is laid on the Table of the House. [Placed in Library. See No. LT-2606/78].

(b) and (c) Certain complaints were received about the selection held in 1975-76 and the North Eastern Railway had the answer books of the candidates re-evaluated by the Chief Engineers of two other Railways independently at the instance of the Railway's Vigilance Branch. The revaluation revealed that the earlier evaluation made by the Chief Engineer, North Eastern Railway was in order. The matter was accordingly closed in consultation with the Central Vigilance Commission and no further enquiry was considered necessary in the matter.

Manufacture of N.G. Rail Bus

3254. SHRI HUKAM CHAND KACHWAI: Will the Minister of RAILWAYS be pleased to state:

(a) is it a fact that designing and manufacture of a Narrow gauge Rail Bus was sanctioned by the Railway Board in August, 1961;

(b) if so, whether the work has since been completed and to what use the Rail Bus has been put;

(c) what is the total expenditure incurred up to date on the Rail Bus and what is the foreign currency content of the expenditure,

(d) is it correct that an officer who was sent abroad for study and training in developing the rail bus, has miserably failed to develop the power pack; and

(e) what action has been taken against the officers responsible for proposing and sanctioning such a huge unproductive expenditure?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes, the

Railway Board placed a developmental order for the manufacture of a Narrow Gauge Rail Bus on 24-5-1962

(b) The work of manufacture of Rail Bus has been completed and it is available for use on the Kalka-Simla Section of Northern Railway.

(c) The total expenditure incurred is Rs. 2,61,617.27 and the foreign exchange involved is 132 10 S

(d) No.

(e) Does not arise.

Selection for S.C./S.T. Vacancies

3255 SHRI DAYA RAM SHAKYA. Will the Minister of RAILWAYS be pleased to refer to the reply given to the USQ 8033 on the 25th April, 1978 regarding selection of posts for Class III & II and to state,

(a) the reasons for repeated assurances of the observance of rules which none of the rules laid down in the I.R.E.M. paras 203; 206; de-reservation circulars, non-carry forward of SC/ST vacancies are observed in selections;

(b) the reasons for not getting the SC/ST vacancies of 1975 and 1976 selections de-reserved same year, thus putting the 19 successful general candidates into harassment and financial loss the details of assessment of vacancies as per para 203 of the I.R.E.M. be started for each year 1975 and 1976;

(c) why all the 19 general successful candidates were not empanelled while 24 persons were off. about 1½ to 2 years earlier to 4-11-74 and 19 more persons were promoted upto July, 76. The list of persons off. and earlier and those promoted in ad-hoc after the absorption of 16 candidates with dates; and

(d) the reasons for making a short-panel and the authority for violating para 208 of the I.R.E.M. to conduct subsequent selections be stated?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) As no specific case of non-observance of rules etc. has been stated, no specific reply can be given.

(b) and (d) It is presumed that the question refers to the class II selection held in the Civil Engineering Department of the North Eastern Railway in the years 1975-76. It was decided to hold a selection to fill up 21 vacancies of Assistant Engineers as per extant rules and orders. Out of 21 vacancies for which the selection was held, 3 were reserved for Scheduled Castes and 2 for Scheduled Tribes 19 general candidates only qualified and out of them 16 were empanelled against non-reserved vacancies and were also regularly promoted to class II. The remaining 3 unempanelled candidates were promoted to Class II on ad hoc basis. Subsequently, in 1977 when the next Class II panel for Civil Engineering Department was drawn up, the ad hoc promotees were reverted to Class III

The Department of Personnel and the Commissioner for Scheduled Castes and Scheduled Tribes have been approached for de-reservation of 3 out of the 5 reserved vacancies for SC and ST pertaining to the selection held in 1975-76. Out of three who qualified but were not empanelled, two appeared in the next selection held in 1977 and the third candidate declined to appear. Of the two who appeared one got selected and was put out as an Officer (Class II) on a regular basis. The second candidate failed in this selection. Orders have been issued to consider the candidate who declined to appear in 1977 selection and also the one who failed, for promotion to Class II on ad hoc basis in case the regular panel has been exhausted.

Apart from this selection, no other Class II selection for Assistant Engineers was held by North Eastern Railway in 1978.

(c) Only 20 Class III employees were officiating in Class II on ad hoc basis at the time the selection was held in 1975-76. The particulars of

these officers and the period of their officiating are given in the attached statement.

Statement

Year of Selection	Name of the Officer	Date from which officiating in Class II (ad hoc)
1975-76		
	1. Laljee Sahai	8-6-1972
	2. P.S. Rajput	14-12-1972
	3. J.P. Saxena	22-11-1972
	4. Sharda Prasad	12-11-1972
	5. Gurbaksh Singh	29-11-1972
	6. Kanwar Naunihal Singh	29-12-1972
	7. G.K. Sood	5-8-1973
	8. M.M. Mukherjee	1-11-1973
	9. R.K. Roy	30-11-1973
	10. H.N. Tiwari	28-12-1973
	11. S.K. Ojha	19-11-1973
	12. S.K. Misra	15-1-1974
	13. P.N. Dutta	8-2-1974
	14. B.B. Singh	2-12-1974
	15. K.C. Chavan	1-1-1974
	16. O.D. Rastogi	22-1-1974
	17. S.N. Bhatnaya	25-2-1974
	18. N.N. Singh	18-2-1974
	19. K.N. Saxena	6-12-1973
	20. Kashi Nath	14-10-1974
1977		
	1. M.M. Mukherjee	1-11-1973
	2. H.N. Tiwari	28-12-1973
	3. N.N. Singh	19-2-1974
	4. Kashi Nath	14-10-1974
	5. M.S.P. Rao	16-1-1976
	6. R.K. Srivastava	16-2-1976
	7. J.R. Arora	11-2-1976

खान-पान के ठेके की नीति में परिवर्तन

3256. श्री उपस्थित : क्या रेल मंत्री यह बताने की कृपा करेंगे कि रेलवे स्टेशनों पर खान-पान के ठेके देने सम्बन्धी विभागीय नीति क्या है और क्या इस नीति में हाल में कोई परिवर्तन किया गया है ?

रेल मंत्रालय में राज्य मंत्री (श्री विष नारायण) : रेलवे स्टेशनों पर खानपान / खोमचे के ठेके देने के लिए, प्रेस विज्ञापनों द्वारा और / या रेलवे स्टेशनों पर मुस्पट स्थानों में सूचनाएँ प्रदर्शित करके आवेदन पत्र आमंत्रित किये जाते हैं। इसके बाद जाच समिति द्वारा इनकी छानबीन की जाती है जिसमें बेतनमान और हमसे अधिक बेतनमान के कम से कम तीन अधिकारी होते हैं। उम्मीदवार की उपयुक्तता, वित्तीय स्थिति, पारंगत, अनुभव आदि को ध्यान में रखते हुए, जाच समिति उपयुक्त उम्मीदवारों को सक्षम अधिकारी को सिफारिश करती है जो जाच समिति की सिफारिशों को ध्यान में रखते हुए, सबसे उपयुक्त उम्मीदवार को ठेका प्रदान करता है। खान-पान/खोमचे के ठेके देने में अनुसूचित जाति, अनुसूचित जन जाति, सहकारी समितियों, महिला समितियों, स्वतन्त्रता सेनानियों आदि को प्राथमिकता दी जाती है। प्राची युनिट तक के छोटे ठेके अब केवल अनुसूचित जाति/अनुसूचित जन जाति के उम्मीदवारों को ही दिये जायेंगे। एक ठेकेदार को अब केवल अधिकतम चार युनिट तक खान-पान / खोमचे के ठेके आवंटित किए जा सकते हैं।

रेलवे स्टेशनों पर खान-पान/खोमचे के ठेकों की नीति के सम्बन्ध में हाल ही में कुछ परिवर्तन किये गये हैं जिनका उल्लेख उपर किया गया है।

Change in Drug Policy

\$257. SHRI L. L. KAPOOR:

SHRI P. K. KODIYAN:

Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the Government has changed the drug policy to suit the drug manufacturers;

(b) if so, what are the changes made; and

(c) if not, whether any Central Minister has assured the drug manufacturers in public about the changes in the drug policy?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) No, Sir.

(b) Does not arise.

(c) The Defence Minister addressed the 38th Annual General Meeting of the Pharmaceuticals & Allied Manufacturers' & Distributors' Association Ltd., on 9th July, 1978 at Bombay which has been reported in the leading papers of the country. The relevant portion as reported in the "Times of India" of 10th July, 1978 is reproduced below:—

"Mr. Jagjivan Ram, Union Defence Minister, declared here today that the Centre would not hesitate to modify the new drug policy if it did not serve the desired purposes. He pointed out that a pragmatic approach had been taken while evolving the new policy."

The Minister, who was speaking as the Chief guest at the annual general meeting of the Pharmaceutical and Allied Manufacturers' and Distributors' Association Ltd., stated that if the new policy, which was designed to help the industry, had caused hardship to several units, the Government was ready to review the policy."

Facilities at Vadodara Station

3258 SHRI F. P. GAEKWAD: Will the Minister of RAILWAYS be pleased to state:

(a) whether the existing facilities available at Vadodara station on the Western Railway are adequate to meet the growth of traffic anticipated in the near future and that there is no need for drawing up a 'Master Plan' for Vadodara station at present;

(b) whether it is a fact that the two Railway Ministers have upheld the above contention in their letters dated 14th December, 1976, 8th July, 1977 and 25th November, 1977;

(c) in view of (b) above, whether any new facts have come to light to warrant a revision of the above decision; and

(d) if so, give reasons thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) The existing facilities at Vadodara Station are adequate to meet the growth of traffic anticipated in the near future. Hence, there is no need for formulating a master plan for Vadodara station at present.

(b) Yes.

(c) and (d). No.

नीमच को गारंटीशुदा सप्लाई स्टेशन घोषित किया जाना

3259. डा० लक्ष्मीनारायण पाडेय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नीमच, मध्य प्रदेश के व्यापारियों ने यह अनुरोध किया है कि नीमच को गारंटी शुदा सप्लाई स्टेशन घोषित किया जाना चाहिए ;

(ख) क्या यह भी सच है कि यह मांग काफी समय से की जा रही है ;

(ग) क्या नीमच एक बड़ी व्यापारिक मण्डी है और वहां इस सुविधा का दिया जाना आवश्यक है, और ;

(घ) यदि हां, तो इस बारे में क्या कार्यवाही की गई है ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) और (ख). जी हां ।

(ग और घ). गारंटीशुदा सप्लाई की व्यवस्था करने की अनिवार्यता का प्रश्न किसी स्टेशन पर अधिक लाभ देने वाले पण्य-पदार्थों की मात्रा पर निर्भर करता है । नीमच स्टेशन माल-डिब्बों की गारंटीशुदा सप्लाई के लिए खोले जाने हेतु अहंक नहीं है ।

अम्बा झरी में एक स्थानीय रेलगाड़ी का चलाया जाना

3260. श्री दयाराम शाक्य : क्या रेल मंत्री यह बताने की कृपा करेंगे कि अम्बाझरी में स्थानीय रेलगाड़ी के चलाये जाने में विलम्ब के क्या कारण हैं और यह रेलगाड़ी कब चलाई जायेगी ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : अम्बाझरी साइडिंग तक से एक

गाड़ी का चलाया जाना न तो वित्तीय दृष्टि से औचित्यपूर्ण पाया गया है और न ही परिचालनिक दृष्टि से व्यावहारिक ।

Sale of Styrene by Synthetics and Chemicals Ltd.

3261. SHRI SURENDRA BIKRAM: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Synthetics and Chemicals Limited has been permitted in its licence to sell styrene to outside parties besides its use in the manufacture of Synthetic rubbers; and

(b) if so, how this Company has been selling styrene to outside parties, why action was not taken on this Company?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). There is no prohibition, in the terms of the Industrial Licence issued to M/s. Synthetics and Chemicals Ltd., on sale of styrene monomer by them to outside parties.

Election for Samastipur Parliamentary Seat

3262. SHRI P. VENKATASUBAIAH:

SHRI K. MALLANNA:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Election Commission of India had proposed twice/thrice to hold election for the Samastipur Parliamentary seat, vacated by the Chief Minister of Bihar, but the State Government got that postponed; and

(b) what were the reasons given by the State Government for the postponement of this election?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI

SHANTI BHUSHAN): (a) and (b). The Election Commission initially decided to hold the bye-election on 7th May, 1978. The bye-election was postponed because the Commission was informed by the State Government that due to disturbed law and order situation which was surcharged with caste considerations, the atmosphere was not congenial to hold the bye-election at that time. In the meantime, the State Government was busy with the Gram Panchayat Elections which were held all over the State from 24th May to 14th June, 1978. The Commission hopes to hold the bye-election after the monsoon season.

Railway employees under suspension

3263. **SHRI D. D. DESAI**: Will the Minister of RAILWAYS be pleased to state:

(a) whether a railway employee under the District Controller of Stores, E. Rly, Jamalpur has been under suspension for 12 long years since 1966;

(b) if so, whether no decision has been taken so far though the employee is due to retire on 1st August, 1978; and

(c) the details of the case and the final action proposed to be taken in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes. One Shri A. K. Gupta, Assistant Store Keeper, has been under suspension since 1966.

(b) No decision has been taken as the case is sub-judice.

(c) 50 condemned locomotives were sold on auction in 1965 at Jamalpur on the condition that purchasers would cut and take only ferrous portion of the engines and surrender all the non-ferrous portion. Shri Gupta was one of the staff to supervise cutting and

loading of proper material. It was detected that some non-ferrous portion was also loaded along with ferrous portion belonging to purchasers. He was, therefore, prosecuted in the Court of Law for criminal misappropriation of Railway property. The matter is pending in the Sessions Court of Monghyr and no disciplinary proceedings could be initiated under Railway Servants (Discipline and Appeal) Rules, 1968. Final action can be considered only after the verdict of the Court is pronounced.

Complaints of fake and short-filled gas cylinders

3264. **SHRI D. D. DESAI**: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Indian Oil Corporation is concerned at the increasing appearance of fake cooking gas cylinders in Northern India;

(b) whether complaints of large scale short-filling of cylinders have also come to his notice; and

(c) what effective measures are proposed to be taken to protect the consumers' interests?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) to (c). So far, the Indian Oil Corporation (IOC) have detected a total number of 643 fake (spurious) gas cylinders in their bottling plants. Out of this, approximately 321 such gas cylinders have been detected at the IOC's Shakurbasti (Delhi), 87 in Haldia Refinery and 235 in Gujarat Refinery bottling plants.

During the period from 1.1.78 to 31.7.78, 18 complaints have been received in the Complaints' Cell of this Ministry alleging delivery of under-filled cylinders. All such complaints received in the Complaints' Cell of the Ministry are thoroughly investigated.

5 complaints were found to be correct and the oil companies provided compensation to the consumers; 4 complaints were not found to be correct; 7 complaints were of a general nature where no specific instance of the dealer having delivered an under-filled gas cylinder was quoted. The remaining 2 complaints are under investigation.

The Directorate of Weights and Measures of the Ministry of Civil Supplies and Cooperation have not received any complaint about short-filling of gas cylinders in the course of last 6 months.

It has not been possible for the Indian Oil Corporation so far to establish the source of supply of the above fake gas cylinders. As such, no action could be taken against the companies/persons who are responsible for inducing such gas cylinders in circulation. Cylinders, as they are received in bottling plants, are visually inspected prior to filling. Any cylinder which is of a doubtful nature is set aside and is subjected to further examination and test. Such cylinders are segregated and scrapped. Apart from this, at times if fake (spurious) cylinders are not detected by any chance at the initial visual inspection, the same is detected at the time of filling as such cylinders start leaking due to internal pressure and are again segregated/scrapped. To avoid such scrapped cylinders from coming into circulation, all cylinders are pressed flat or cut into multiple pieces before disposal as scrap. Instructions have also been issued by the Chief Controller of Explosives to the cylinder manufacturers that all gas cylinders which are semi-processed or rejected during inspection should be properly reshaped so that no cylinder could be made out of such scrapped pieces.

The gas cylinders are filled at the bottling plant manually on automatic as well as non-automatic machines. Random checks are also made of the

cylinders before being delivered to transporters. Any under-filled cylinders are segregated and only cylinders with correct weight are delivered to transporters from the bottling plants. There are standing instructions to the oil companies that all cylinders should be weighed both at the bottling plant and the distributors' premises before being sent to consumers. Appropriate pilfer-proof tin-seal has been introduced in Delhi on experimental basis.

Conversion of Viramgam—Okha Line

3265 PROF P. G. MAVALANKAR: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government propose to give priority to the conversion work Metre Gauge into Broad Gauge—already under way on the Viramgam-Rajkot-Porbandar-Okha Sector of the Western Railway;

(b) if so, whether Government propose to allocate additional funds for the same in the current financial year; and if so, when and how much;

(c) if not, why not?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c) High priority has been given already to the Viramgam-Okha/Porbandar gauge conversion project and funds to the extent of Rs 7.93 crores have been allotted for it in the current year against only Rs 5.50 crores in 1977-78.

Demonstration by Commuters against cancellation of local trains on Central Railway

3266, PROF. P. G. MAVALANKAR: Will the Minister of RAILWAYS be pleased to state:

(a) whether commuters of suburban trains on the Central Railways recently staged violent demonstra-

tion at V.T. and other stations to protest against the cancellation and their delayed operations of local train services;

(b) if so, full facts thereof including the railway property burnt/destroyed/damaged and the total losses suffered; and

(c) whether effective prompt remedial measures are taken by Government to improve the situation and if so, what are they?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). I. There was a demonstration by commuters at Bombay V.T. on 26-5-78 due to change of Platform of suburban local trams. One after another 3 incoming EMU rakes were declared unfit to work. Some commuters indulged in violence and considerable damage was done to several EMU rakes, glass panes at the station platform, train indicators and a large number of automatic signal lenses. One first class coach was set on fire. The coach was completely gutted but further spread of the fire to other coaches was arrested by the Fire Brigade. Two Motormen, one Assistant Station Master and some other Railway staff was also injured. There was a scuffle between some Motormen and commuters whereupon the Motormen suspended work and refused to run the suburban trains. As a result the suburban train service remained suspended from 20.00 hours on 26.5.78 and was restored at 00.15 hours on 27.5.78. The commuters who went walking from Bombay V.T. station towards Byculla alongside the Railway track pelted stones on the stationery rakes that were immobilised in the section as a result of the trouble at V.T.

II On 30-5-78 Bandra bound commuters squatted on the track at Vandal Road station of the Harbour Branch for half an hour demanding diversion of a Mankhurd bound train to Bandra.

III. On 31-5-78, there was rowdiness at Kurla and on 1-6-78 at Chembur over the termination of Mankhurd bound trains at Kurla.

IV. On 12-6-78, there was rowdiness by commuters at Dombivli station due to delayed running of local as a result of interruption of power supply between Diva and Kalyan due to lightning at about 19.00 hours. The commuters pelted stones at N-9 Down Bombay-Kasara local which had halted at the Gate signal which was showing red at 22.30 hours. As a result of the stone throwing, the Motorman got injured. However, he took the train upto Dombivli platform. A section of the crowd then indulged in stone throwing at the Dombivli station while the Motorman was being given first aid in the Assistant Station Master's Office. As a result of stone throwing, the rakes of N-9 Down and of two other trains as also the indicator boards, station clock, tea stall etc were damaged. The services on both Up and Down lines were dislocated as a result of this incident and were resumed at 1.15 A.M. on 13.6.1978.

V. The estimated loss has been worked out to be Rs. 1,32,600/-.

(c) A high level study team has gone into the working of the Central Railway suburban services and has suggested certain measures. These are being processed for further action.

Violation of the Child Marriage "Sarda" Act

3267 PROF. P. G. MAVALANKAR: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government are aware that several thousands of child marriages are still taking place in violation of the child marriage "SARDA" Act, in various parts of the country;

(b) if so, what steps are being taken to put an end to such illegal marriages; and

(c) whether the amendment of the Act raising the marriageable ages of boys and girls from 18 and 16 to 21 and 18 respectively passed recently by both Houses of Parliament, has received the President's assent and if so, when will it be in operation?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) and (b). Though Government is aware that the Child Marriage Restraint Act 1929 has not proved completely effective in eliminating the child marriages, it has no authentic information as regards the number of child marriages that are taking place in violation of the said Act

(c) The Child Marriage Restraint (Amendment) Act, 1977, seeks to increase the minimum age of marriage from 15 to 18 for females and from 18 to 21 for males. The said Act has received the assent of the President on 13 March, 1978, and Government intends to bring it into force shortly.

Proposal to start a new train between Ahmedabad and Jodhpur

3268 PROF. P. G. MAVALANKAR:

SHRI R. D. GATTANI:

Will the Minister of RAILWAYS be pleased to state:

(a) whether Government propose to start, in view of the heavy passenger rush, a new daily fast or express train running between Ahmedabad and Jodhpur (Rajasthan) on the Western Railway;

(b) if so, when; and

(c) if not, why not?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c).

Introduction of an additional train between Ahmedabad and Jodhpur is not operationally feasible due to lack of terminal facilities at Ahmedabad station and strained line capacity on sections enroute.

रेलवे के परिवार कल्याण विभागों के कर्मचारियों से प्राप्त अभ्यावेदन

3269. श्री हरमोहिन्द वर्मा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) भारतीय रेलवे के परिवार कल्याण विभागों के कर्मचारियों से गत एक वर्ष में कितने अभ्यावेदन प्राप्त हुए हैं ;

(ख) क्या सरकार ने उन पर अभी तक कोई कार्यवाही की है, और

(ग) यदि हाँ, तो तत्सम्बन्धी व्यौरा क्या है और यदि नहीं, तो इसके क्या कारण हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) रेल मंत्रालय में अप्रैल, 1977 से जुलाई, 1978 तक की अवधि के दौरान विभिन्न एजेंसियों के माध्यम से ऐसे 26 अभ्यावेदन प्राप्त हुए हैं ।

(ख) और (ग) . इस मामले पर स्वास्थ्य मंत्रालय के साथ परामर्श करके विचार किया जा रहा है ।

रेलवे सम्पत्ति की चोरी की घटनाएँ

3270. श्री हरमोहिन्द वर्मा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या गत दो महीने से रेलवे सम्पत्ति की चोरी की घटनाएँ बढ़ रही हैं ,

(ख) यदि हाँ, तो इस अवधि में कितने मूल्य की सम्पत्ति की चोरी हुई , और

(ग) इनमें से चोरी के कितने मामले हल किए गए ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) विगत दो महीना के दौरान केवल मध्य, उत्तर, दक्षिण-मध्य और पश्चिम रेलों पर ही रेल सम्पत्ति की चोरियों में वृद्धि हुई है ।

(ख) 38,11,870 रु० (केवल घबड़ोस लाख, स्याहड़ हजार, आठ सौ सत्तर रुपये) ।

(ग) निम्न दो धर्तियों की दर्रा में
1038 मानने हल किये गये से और लगभग 8 लाख
रुपये की सम्पत्ति बचाव की गई।

**Proposal to reduce margin of profit on
drugs by State Trading Corporation**

3271. SHRI C. K. JAFFER SHARIF: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the State Trading Corporation proposes to reduce its margin of profit on some of the imported drugs;

1. Weighted average c.i.f. price
2. Customs duty plus ad valorem duty, if any
3. Clearance charges
4. Landed cost-total of (1) to (3) above
5. L.C. Opening charges and voyage interest
6. Distribution charges
7. CPC margin
8. Selling Price-total of (4) to (7) above

The Sub-Committee of the Consultative Committee of Parliament for the Ministry of Petroleum, Chemicals and Fertilizers (headed by Shri K. S. Chavda, M.P., have, in their report, recommended that this formula should be reviewed. On the basis of actual expenditure incurred by the canalising/distributing agency, with a view to reducing such costs and passing on the resultant benefits to the consumer. Government have accepted this recommendation and action to implement this has been initiated.

(b) whether this reduction will be reflected in retail prices also; and

(c) if so, what are the details thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA):

(a) to (c). The prices of bulk drugs imported by the State Chemicals and Pharmaceuticals Corporation of India Limited (CPC) are fixed by the Government in accordance with the CCI and E's formula, which is given below:

Actual
Actual
2 % of the c.i.f. cost
2 % of the c.i.f. cost
5 % of landed cost
3 % of the c.i.f. cost

Seminar on bonus for Rail and P&T Staff

3272. SHRI C. K. JAFFER SHARIF: Will the Minister of RAILWAYS be pleased to state:

(a) whether a three day seminar sponsored by the administrative college of India was held in New Delhi recently regarding bonus for Rail and P&T staff.

(b) if so, the recommendations about it at the seminar; and

(c) the reaction of Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) A 3-day seminar from 3rd to 5th July, 1978 was held in New Delhi to discuss the wages, incomes and prices policy. The issues discussed *inter alia* covered the payment of bonus.

(b) No recommendations have been received so far by Government

(c) Does not arise

उर्बरकों का उत्पादन और मध्य प्रदेश में उर्बरक संवर्धनों की स्थापना

3273. डा० लक्ष्मीनारायण पाण्डेय :

क्या वेदोलियम, रसायन और उर्बरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि इस समय देश में उर्बरकों की मांग निरन्तर बढ़ रही है और उन अनुपात में उत्पादन नहीं बढ़ रहा है,

(ख) क्या यह भी सच है कि बम्बई हाई से मिलने वाली ईस के आधार पर उर्बरक कारखाने स्थापित किये जाने की सम्भावना है ;

(ग) क्या यह भी सच है कि मध्य प्रदेश में मंडलौर और रतलाम जिले इस कार्य के लिए उपयुक्त हैं क्योंकि ये बनी आबादी वाले कृषि क्षेत्र हैं तथा देश के मध्य में स्थित हैं और यहाँ औद्योगिक शक्ति है तथा यहाँ भूमि आदि की पर्याप्त सुविधायें उपलब्ध हैं और मध्य प्रदेश सरकार अपना पूरा सहयोग देने के लिए तैयार है,

(घ) क्या यह भी सच है कि जैसा कि मधुरा तेल मोक्षक कारखाने के मामले में है, यहाँ (मंडलौर रतलाम) बम्बई हाई में पाइपलाइन डारा ईस लाई जा सकती है; और

(ङ) यदि हा, तो हम पर सरकार की क्या प्रतिनिधा है ?

वेदोलियम तथा रसायन और उर्बरक मंत्री (जी हे मन्त्री मन्त्र बहुमुखा) : (क) उर्बरकों का उत्पादन निरन्तर बढ़ता रहा है और क्षय दर की तुलना में अनुपातिक उत्पादन दर अधिक है। जैसा कि बीबी और पाचवी योजना के निम्न विवरण से देखा जायेगा :

मात्रा लाख मीट्री टन में					
(बीबी प्लान के अन्त में)				(पाचवी प्लान के अन्त में)	उपज दर
एन	पी 2 प्रो 15	एन	पी 2 प्रो 5	एन	पी 2 प्रो 5
क्षय	18.29	6.50	28.88	8.27	57.8% 27.2%
उत्पादन	10.60	3.23	20.00	6.70	88.7% 107.4%

परन्तु भूमि इस समय उत्पादन आवश्यकता से कम है। अतः अतिरिक्त निर्यात प्राप्त करने के लिए उर्बरक क्षमता के विस्तार के लिए प्रयास किया जा रहा है। इस समय बड़े पैमाने के 13 उर्बरक प्लांट कार्यान्वयन के विभिन्न स्तरों पर हैं और उछी योजना के अंतर्गत कुछ नवी प्रयोजनाओं का कार्यान्वयन करने का भी प्रस्ताव है।

(ख) जी, हाँ।

(ग) हे (ङ) उर्बरक प्रयोजना के स्वतः का विचारण तकनीकी आर्थिक विचारों पर किया

जाता है और इनमें अन्य विचारों के साथ-साथ फीडबैक की उपलब्धता इन्फ्रास्ट्रक्चर सुविधाओं की उपलब्धता मार्केट का समीप होना तथा आयोजना के आर्थिक मार्केट क्षेत्र में उर्बरकों की मांग आदि सम्मिलित है। बम्बई हाई/ वेडीन से उपलब्ध ईस का अधिकतम उपयोग करने के लिए किये गये प्रयत्न से यह पाया गया है कि ईस सप्लाई बीबी के समीप उर्बरकों का उत्पादन सस्ता होगा, अतः इसके कि उर्बरक उत्पादन के लिए ईस का किसी दूर स्वतः तक परिवहन किया जाय।

कोरबा में उर्वरक संवर्धन के सम्बन्ध में हुई प्रगति

3274. डा० लक्ष्मीनारायण पाण्डेय :

श्री कचर लाल हेमराज शर्मा :

श्री छबिराम शर्मा :

क्या पेट्रोलियम तथा रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) कोरबा में निर्माणाधीन उर्वरक संयंत्र के सम्बन्ध में 1977-78 में कितनी प्रगति हुई;

(ख) उस पर 1977-78 में कितना व्यय हुआ; और

(ग) रासायनिक उर्वरकों की भारी मांग को ध्यान में रखते हुए कारखाने के निर्माण में विलम्ब के क्या कारण हैं?

पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमचन्द्र लाल बहुगुणा) : (क) से (ग). 31-3-1978 तक इस परियोजना पर 20.46 करोड़ रुपये का व्यय किया जा चुका है। साधनों की कठिनाई के कारण 1974 के मध्य से इस परियोजना के कार्यान्वयन को धीमा कर दिया गया था। अब यह निर्णय लिया गया है कि तालचर और रामा-बुधख में कार्यान्वयनाधीन क्षेत्र के पहले दो कोयले पर आधारित उर्वरक प्लांट जो परीक्षण के तौर पर 1979 के आरम्भ में उत्पादन आरम्भ करेंगे के बाजू हो जाने पर अनुभव प्राप्त करने के पश्चात् इस परियोजना का और आगे कार्यान्वयन हाथ में लिया जावेगा।

इलेक्ट्रिक ग्रेड पोली प्रोपोलीन फिल्म एकक

3275. डा० लक्ष्मीनारायण पाण्डेय : क्या पेट्रोलियम, रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मध्य प्रदेश के लिए दिनांक 9-12-1977 के पत्र संख्या 938 (77) के अन्तर्गत इलेक्ट्रिक ग्रेड पोली प्रोपोलीन फिल्म एकक का पंजीकरण किया गया था ;

(ख) क्या इन समय इस फिल्म का आयात किया जाता है ;

(ग) क्या मध्य प्रदेश शासन से उपर्युक्त विषय पर दिनांक 10 मई, 1978 का पत्र संख्या 4869 प्राप्त हुआ है; और

(घ) यदि हाँ, तो इस बारे में सरकार की क्या प्रतिक्रिया है ?

पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमचन्द्र लाल बहुगुणा) : (क) मध्य प्रदेश राज्य उद्योग निगम लि० से इलेक्ट्रिक ग्रेड बाईए-फिजली थोरिएटेड पोली-प्रोपोलीन फिल्म के निर्माण के लिए एक आशय पत्र जारी करने के सम्बन्धित दिनांक 9-12-77 को 938 (77) 11 सं० के अन्तर्गत एक पंजीकृत आवेदन पत्र प्राप्त हुआ है।

(ख) इलेक्ट्रिक ग्रेड बाईएफिजली थोरिएटेड फिल्म वर्तमान आयात नीति के अन्तर्गत मरों की पंक्तिगत सूची में नहीं है।

(ग) और (घ). जी, नहीं। मध्य प्रदेश के मुख्य मंत्री ने दिनांक 15-5-78 को औद्योगिक लाइसेंस जारी करने के लिए सं० एम० पी० एस० सी० आई०/पी० सामान्य/152/4869-71 के अन्तर्गत मध्य प्रदेश राज्य उद्योग निगम का आवेदन पत्र पुनः विचार करने के लिए भेजा। मामले पर पुनः विचार किया गया लेकिन नियम की आशय पत्र जारी करना सम्भव नहीं पाया गया क्योंकि इस मद की पर्याप्त समता पहले ही बी डा चुकी है।

आवरणक औषधियों के मूल्यों में वृद्धि

3276. श्री भारत सिंह चौहान : क्या पेट्रोलियम तथा रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या कुछ आवश्यक औषधियों के मूल्यों में हाल में वृद्धि हुई है; और

(ख) यदि हाँ, तो ऐसी औषधियों के नाम क्या हैं और कीमतों में वृद्धि करने के लिए कम्पनियों की अनुमति दिए जाने के क्या कारण हैं ?

पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमचन्द्र लाल बहुगुणा) : (क) जी नहीं।

(ख) प्रश्न नहीं उठता।

विदेशी औषध फर्मों द्वारा बचाइयों के मूल्यों में वृद्धि

3277. श्री भारत सिंह चौहान :

जी यशवन्त शर्मा :

क्या पेट्रोलियम तथा रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि कुछ विदेशी कम्पनियों ने बी गल छः महीनों के दौरान अपनी बचाइयों के मूल्यों बढ़ाये हैं ;

(ब) यदि हां तो उन व्यक्तियों के नाम क्या हैं जिन्हें वे लाइसेंस दिये गये हैं और ये कहाँ-कहाँ के लिए दिये गए हैं ;

(ग) क्या इन लाइसेंसों को मंजूर करने के लिए कोई आधार प्रदानाया गया था, और

(घ) यदि हां, तो मत्स्य-बगरी-ब्योरा क्या है ?

वेदोत्सव तथा रत्नावन और उर्वरक मंत्री (बी)

हेमकरी मत्स्य ब्योरा) : (क) और (ख) वेस में स्थापित किये जाने उर्वरक वाले तथा बीजक साठों के सम्बन्ध में वर्ष 1978 के लिए आवश्यक जानकारी बिबरण में दी गई है ।

जहाँ तक वेदोत्सव पम्पों का सम्बन्ध है मुझे यह सूचना की एकत्र करने में काफी परिश्रम और खर्च लगाओ कि इससे सम्भवतः प्राप्त परिणामों के अनुपात में नहीं होगा ।

बिबरण

पार्टी का नाम	यूनिट की स्थिति
उर्वरक	
1. मैसर्स एम पी ऐचो मुरारजी कर्टीसाईजर	मेधानगर, झाबुआ जिला मध्य प्रदेश राज्य
2. मैसर्स नागजुन कर्टीसाईजर एण्ड कैमीकल्स लिमिटेड	काकी नाडा, झापड़ प्रदेश
3. मैसर्स दीपक नाईट्रोइट लि०	टानोजा, महाराष्ट्र
बीजक	
1. मैसर्स आई डी पी एल	देहरादून (उत्तर प्रदेश)
2. मैसर्स यूजीकेम सेबोरेटरीज लि०	रोहा, जिला कानाबा, महाराष्ट्र
3. मैसर्स ऐलैमिबक कैमीकल वर्क्स लि०	बडोदा (गुजरात)
4. मैसर्स बी ई सी कैमीकल प्राइवेट लि०	रोहा, जिला कोलाबा (महाराष्ट्र)
5. मैसर्स मैक सेबोरेटरीज	विशुबाबिहार (महाराष्ट्र)
6. मैसर्स न्यू ड्रुस (इंडिया) लि०	मेडक (झापड़ प्रदेश)
सर्त रैनवकरी सेबोरेटरीज लि०	खर्द (पंजाब)
8. मैसर्स स्टैन्डर्ड कार्बोसीटीकल्स लि०	मारमपुर-जिला हुगली (पश्चिमी बंगाल)
9. मैसर्स प्रमूताजन लि०	मायलपुर (महाराष्ट्र)
10. मैसर्स ओरिजेंट कार्बोसीटीकल्स लि०	जिला चिपलापुर (तमिलनाडु)
11. मैसर्स साराथई एम कैमीकल्स	बडोदा (गुजरात)
12. मैसर्स हिन्दुस्तान एंटीबायोटिक्स लि०	पिम्परी, जिला पूना
13. मैसर्स कुफार इन्टरफार्म लि०	याना (महाराष्ट्र)

Representation for change of inter-change point from Gudur to Tiruvottiyur

3280. SHRI P. RAJAGOPAL NAI-DU: Will the Minister of RAILWAYS be pleased to state:

(a) whether any representation has been made to Government to change inter-change point from Gudur to Tiruvottiyur;

(b) whether there is any agitation from railway workers from Vijaya-wada and other areas regarding that; and

(c) if so, the decision taken by the Government in this regard?

THE MINISTER OF STATE IN THE MINISTER OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). Yes.

(c) There is no proposal to change the inter-change point.

अशोधित तेल के आयात के लिए हरिजनों तथा पिछड़े वर्गों की प्राथमिकता

3281 श्री सुभाष बाहुजा क्या पेट्रोलियम, रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि

(क) क्या अशोधित तेल का आयात वर्ग की प्राथमिकता है,

(ख) यदि हा तो गत तीन वर्षों में बीरान सरकारों तथा गैर सरकारी क्षेत्र द्वारा इसका कितनी मात्रा में आयात किया गया और

(ग) क्या हरिजनों तथा पिछड़े वर्गों के लोगों को गैर-सरकारी क्षेत्र में अशोधित तेल का आयात करने में प्राथमिकता दी जा रही है ?

पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमचन्द्र मन्थन बाहुगुणा) (क) देशीय अशोधित तेल का उपभोग देश की मोघन क्षमता तथा सभी बाल पेट्रोलियम उत्पादों के आयात करने की आवश्यकता का पता लगा कर पेट्रोलियम उत्पादों का मांग का पूरा करने के लिए अशोधित तेल का आयात करना अनिवार्य है।

(ग) सूचना निम्नलिखित है।

(मात्रा मि० मी० टनो में)

वर्ष	अशोधित तेल का आयात		
	निजी क्षेत्र	सार्वजनिक क्षेत्र	कुल
1975-76	0 5	1 1	1 9
1976-77	—	1 1	1 1
1977-78	—	1 4	1 4

(ग) केवल सार्वजनिक क्षेत्र द्वारा ही अशोधित तेल का आयात करने का अनुमति दी जाती है। अन्य हरिजनों तथा पिछड़े वर्गों को गैर सरकारी क्षेत्र में अशोधित तेल का आयात करने में प्राथमिकता नहीं मिलती।

(b) when CPC is very sure of its purchase at economic prices, why import are not allowed under Rep and AU licences for canalised items when there is no indigenous production when such units are prepared to import them at prices much cheaper than CPC prices reasons for the same?

Advance Allocations of Raw Materials to Drug Firms

3282 PROF R K AMIN Will the Minister of PETROLEUM CHEMICALS AND FERTILIZERS be pleased to state

(a) what is the criterion for issuing advance allocations and stopping normal allocations of raw materials to drug units, in how many cases advance allocations were made during last three years with details of drugs, names of firms etc, and reasons for making advance allocations—provisions of ITC policy and authority for doing so, and

2180 LS-7

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA).

(a) The position with regard to the reasons and procedure adopted for making advance allocations of canalised raw materials to different drug units by CPC and IDPL has already been explained in reply to part 'c' of Lok Sabha Unstarred Question No. 306 answered on 18-7-78. There is no specific provision in import policy or the guidelines issued by Deptt of C and F for advance release of canalised materials. However, CPC and

IDPL make such advance releases in exercise of their commercial judgement for expediting sales of their stocks so as to reduce inventories, after catering to the requirements of the Industry.

Details of advance allocations of canalised raw materials made by IDPL and CPC in the last three years are being collected and will be laid on the Table of the House.

(b) Free import of canalised bulk drugs against Actual User and REP import licences cannot be allowed as it would defeat the objectives which are subject to be achieved through canalisation. The objectives are:—

(i) To bulk the requirements of all manufacturing units to arrive at a sizeable demand which could be made use of as a bargaining counter in world markets to secure advantageous prices and concessional terms of supply;

(ii) To regulate the import introduction of newer sophisticated drugs in such a manner as not to disturb the indigenous production of drugs of similar therapeutic value.

(iii) To protect the indigenous production of drugs, especially when the production is inadequate to meet the internal demand;

(iv) To ensure the equitable supply of raw materials at uniform prices, eliminating the middle-man's profit so that the formulation based on such raw materials are priced at a particular and uniform level; and

(v) To help the small scale (SSI) sector of the industry whose requirements are small, thereby rendering import by individual firms uneconomic and impracticable in some cases.

However, some imports of canalised bulk drugs are allowed against

REP licences to the extent and in the manner indicated in Appendix 17 of the Import Policy, 1978-79.

कोटा घोर रतलाम के बीच चलने वाली रेलगाड़ियों का क्या किया जाना

3283. श्री जसुर्जुन : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या कोटा घोर रतलाम के बीच चलने वाली 129 टाऊन घोर 130 अप ट्रेनों को बन्द कर दिया गया है ;

(ख) यदि हा, तो इसके क्या कारण हैं ,

(ग) अधिकांश यात्री गाड़ियों में हिक्को की खोखल मर्यादा में कमी करने के क्या कारण हैं, घोर

(घ) क्या रेल : के प्रवक्ता पर, वर्षों से मे तथा बरातों की स्थान देने के लिए कोटा-रतलाम, कोटा-बीना, कोटा-मुष्गा घोर देहरादून एक्सप्रेस में दूसरी श्रेणी के हिक्को की समस्या में वृद्धि करने का प्रस्ताव है, यदि हा, तो क्या तक ?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : (क) घोर (ख) 129 130 कोटा-बहादुरा पार्सल यात्री गाड़ो का स्टोम कोल की मॉर्मन उपलब्धता के कारण 6-5-78 से 8-5-78 तक को घनघि के दौरान केवल 3 दिन रद्द करना पड़ा ।

(ग) कई अवसर पर कोरॉज स्टॉक की कठिन स्थिति के कारण कुछ गाड़ियों में पूरे सवारी हिक्को नहीं लगाये जा सके ।

(घ) विवाहा, मेला, त्योहारों आदि के मौसम के दौरान प्रान्तरित कोशिया लगा कर घोर/ या विशेष गाड़िया चला कर मानावान की प्रतिरिक्त भीड़-भाड़ की निकासी की व्यवस्था की जाती है । वरसी के महानों के दौरान बम्बई सेट्टन घोर निजामुद्दीन/जम्मू तबी के बीच 59 विद्युत गाड़िया चलाई गयी थी । 9-4-78 से 20-4-78 घोर 17-7-78 से 25-7-78 तक की अवधि के दौरान गुना-बीना खण्डों पर एक जोड़ी प्रतिरिक्त गेटव गाड़िया चलाई गई थी ।

Retired Railway Officers above 60 Years of Age

3284. SHRI K. LAKKAPPA: Will the Minister of RAILWAYS be pleased to lay on the Table of the House a Statement showing:

(a) the names and designations of retired Railway Officers who have

attained age of 60 years and above and have been employed by RITES House, New Delhi;

(b) the posts held by these officers in the Railways and the posts held by them in the RITES their tenure and the pay and allowances drawn by them and their technical qualifications for these posts and

(c) whether no suitable serving officers could be available, if so, whether it is a fact that some of the officers re employed in the RITES were working as Station Superintendents New Delhi and have made money by indulging in malpractices and are in possession of assets disproportionate to their known sources of income?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SIKO NARAIN) () to () The Rail India Technical & Economic Services Ltd (RITES) public sector undertaking is currently conducting three transportation studies which are of short duration and time bound. For such short duration assignments it is not always possible to obtain the services of serving railway personnel on the usual deputation terms. In order to ensure that such assignments are carried out according to the contracted schedules a few experienced personnel are therefore engaged by the Company on daily casual rate basis. Such personnel are however not engaged on a regular basis for any tenure or period. They are utilised off and on for short durations and for specific jobs only.

Shri G C Batra retired Station Superintendent Northern Railway is the only person over 60 years of age at present employed in the Company in the above manner. He had been selected in view of his wide experience in dealing with passenger and other traffic. His appointment is purely on daily casual rate basis and when the current studies referred to are completed he will not be retained in the Company.

While working as Station Superintendent on Northern Railway Shri Batra was involved in three vigilance enquiries. These were duly investigated by the competent authority and ultimately closed in consultation with the Central Vigilance Commission. None of the cases however related to the allegation that the employee was in possession of assets disproportionate to the known sources of his income.

There are no employees over 60 years of age in the regular employment of the Company.

Crisis in Oil Industry due to disruption in supply of Petroleum Products

3285 SHRI K A RAJAN Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state

(a) whether attention has been drawn to the report, appeared in *Economic Times* dated July 13, 1978 regarding crisis in the Oil Industry because of serious disruption in supplies of petroleum products and

(b) if so the details and steps taken to resolve the situation?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA) (a) Yes Sir

(b) Hindustan Petroleum Corporation's Refinery at Bombay was planned to be shut-down for about three weeks during August 1978 for repairs to the Crude Distillation Unit. However the refinery had to be shut-down earlier on 8th July 1978 for emergent repairs. Besides there has been a reduction in the crude throughput of Indian Oil Corporation's Baruni Refinery due to continuing labour problems.

There has been no crisis in the Oil Industry following the Bombay Refinery shut-down and the loss in crude

throughput in Barauni Refinery. Crude throughputs in all the remaining refineries have been maintained at the maximum levels. Steps have also been taken for meeting the demand of petroleum products by additional import of products

रेल दुर्घटनाएँ

3286 श्री सुबोध सिंह : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या वर्ष 1977-78 में पहले वर्ष की तुलना में अधिक रेल दुर्घटनाएँ हुईं

(ख) वर्ष 1975-76, 1976-77 तथा 1977-78 में कितनी रेल दुर्घटनाएँ हुईं और उनमें कितने व्यक्ति हताहत हुए

(ग) हताहतों के परिवारों का कुल कितनी धनराशि दी गई और उनका वर्षवार खर्चा क्या है, और

(घ) इस दुर्घटनाओं को रोकने के लिये क्या प्रयास उपाय किये जा रहे हैं?

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) :

(क) जी नहीं ।

(ख) 1975-76, 1976-77 और 1977-78 के दौरान भारतीय मरणाणु रेलों पर घटित टक्करों, पट्टी से उतरने ममपों की दुर्घटनाओं तथा गाड़ियों में प्राणलगाव की कोटियों में गाने दुर्घटनाओं का मरणाणु और उनमें हताहतों की मरणाणु नीचे दा मया है —

वर्ष की मरणाणु	दुर्घटनाओं मरणाणु	हताहत मरणाणु	घायल मरणाणु
1975-76	964	213	848
1976-77	780	167	664
1977-78	866	300	744

(ग) इन दुर्घटनाओं के पीड़ितों/उनके आश्रितों का भारतीय रेल अधिनियम, 1890 के अधिनियम 1975-76, 1976-77 और 1977-78 के दौरान कमरा 17 08 लाख रुपये, 30 04 लाख रुपये और 27 66 लाख रुपये का भुगतान किया गया ।

हट्टी करते हुए इन मारी दुर्घटनाओं में लगे सम्बन्धित रेल कर्मचारियों को क्षतिपूर्ति भुगतान के संबंध में सूचना इका की जा रही है और सभापति पर रक्ष दी जायेगी ।

(घ) दुर्घटनाओं के लिए जिम्मेवार सब से बड़ा एक मात्र कारण मानवीय भ्रम है । गाड़ियों के चालन से सम्बन्धित कर्मचारियों के बीच सुरक्षा के प्रति अधिक जतना उत्पन्न करने और यह सुनिश्चित करने के लिए कि कर्मचारियों नियमों का उल्लंघन न करें और साधव विधि का प्रयोग, रेलों पर निरंतर अभियान के रूप में सुरक्षा संगठना को लैनात किया गया है । गाड़ियों की आच और मवारी और माल डिब्बा डिप्टा म मोव पर जाच के काम में तेजी लायी गया है और रेल पर से समुचित अनुरक्षण पर विचार ध्यान दिया जा रहा है । कर्मचारियों पर अनुरक्षण का रम करने के लिए पट्टियां धुरी, और पट्टियां के लिए पराग्य पट्टी दाग समुच्च (अल्ट्रा-मासिक प्ला क्लिनिंग) रेल पर परीक्षण, स्वतः चेतावनी प्रणाली आदि नैमी प्रत्येक परिष्कृत यंत्रितया का अनुरक्षण व्यवहार में लाया जा रहा है ।

Nationalisation of Multinational Drug Corporation

253 SHRIMATI PARVATHI KAKSHAN

SHRI D N TIWARY

Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to answer the following questions?

(a) whether Government had a proposal to nationalise nine multinational Corporations in the field of drugs and pharmaceuticals,

(b) if so the names of those companies and other details, and

(c) whether this proposal has been given up, if so, the reasons therefor?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA) (a) No, Sir

(b) and (c) Does not arise

Use of Computer System to remove bottleneck in wagon movement

3288 SHRIMATI PARVATHI KRISHNAN Will the Minister of RAILWAYS be pleased to state

(a) whether Government have decided to use computer system in Railways to remove the bottleneck in the movement of goods wagons, and

(b) if so, the details and steps being taken in this direction?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) and (b) The feasibility of introducing computerised wagon control system on the Railways is under examination

Audit of receipts in respect of advertisement given by Synthetics and Chemicals Limited

3289 SHRI SURENDRA BIKRAM Will the Minister of LAW JUSTICE AND COMPANY AFFAIRS be pleased to state

(a) has the Government been able to audit all the Souvenirs receipts and other relevant details in respect of two advertisements, Rs 4,40,000/- and Rs 35,000/- given by Synthetics & Chemicals Limited to the All India Congress Committee in February/March, 1977;

(b) if all the details have not been made available for the checking of the CBI inspector placed at the Company, what steps the Government has taken against this irregularity, and

(c) have the amounts been paid by cheques or through cash also?

THE MINISTER OF LAW JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) (a) to (c) M/s Synthetics and Chemicals Limited paid a sum of Rs 4,75,000/ to the All India Congress Committee by cheque. Advertisements aggregating to a sum of Rs 440 lakhs were published in 48 souvenirs which have been received

by the Company. In respect of the balance sum of Rs 35,000/ the souvenirs were not received by the company and the company is corresponding with the All India Congress Committee about this. The documents concerning the aforesaid payment made by the company and the 48 souvenirs referred to above were produced before and examined by the Investigating Officer of the CBI. No amount is reported to have been paid in cash in this connection.

Short and long route new trains to be started from October, 1978

3290 SHRI SURENDRA BIKRAM Will the Minister of RAILWAYS be pleased to state

(a) which short route and long route new trains the Railways are likely to start from October 1 1978 on various routes, and

(b) how many of these would be air-conditioned trains and how many having only second class coaches?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) and (b) Two pairs of biweekly Express trains—one between Durg and Varanasi and the other between Howrah and Jammu Tawi will be introduced in October/78 time table. While the former train will have first and second class accommodation, the latter will be classless having second class accommodation only. Details of introduction of other trains in October/78 time table are being worked out.

Programmes under World Bank Loan

3291 SHRI S R DAMANI

SHRI M RAM GOPAL REDDY

Will the Minister of RAILWAYS be pleased to state

(a) the details of programmes to be undertaken against the recent

sanction of World Bank Loan of \$ 190 million to the Indian Railways;

(b) the terms and conditions attached to this loan;

(c) what is the time schedule for completion of the works; and

(d) the extra funds estimated as necessary over and above the World Bank loan and how it is proposed to raise them?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) The details of the items included in the proposed credit and the amount of IDA assistance agreed therefor, are indicated below:—

Item	(\$ in million)
(i) Workshop Modernisation Project	125
(ii) Wheels & Axles Plant	38
(iii) Wheels, tyres & Axles Plant	15
(iv) Development support	12
TOTAL	190

(b) The Credit is repayable over a period of fifty years with moratorium on repayments for the first ten years. No interest is payable on the Credit and only a service charge of 3/4 per cent per annum on the principal amount withdrawn is payable.

(c) The estimated project completion date has been fixed as 31st March, 1984.

(d) The additional funds for the above projects over and above the IDA assistance are estimated at Rs. 230 crores. As usual, the total requirements of funds, including Rupee equi-

valent of the IDA assistance, would be provided through the annual budgets of the Railways.

Railway construction projects in foreign countries

3292. SHRI S. R. DAMANI: Will the Minister of RAILWAYS be pleased to state:

(a) the details of railway construction projects which the Indian railways have undertaken in foreign countries, both completed and under implementation; and

(b) whether there are any fresh agreements whose implementation is yet to commence and if so, their details?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). Indian Railways have offered to share their technical know-how in the railway sector with other developing countries who are planning to develop their respective railway systems. Rail India Technical & Economic Services Ltd. (RITES) and the Indian Railway Construction Company Ltd. (IRCON), two public sector undertakings, have been set up under the Ministry of Railways, the former to provide consultancy services in various spheres of railway technology and management and the latter to undertake the construction of major railway projects abroad. Some of the developing countries, like Syria, Iran, Ghana, Hong Kong, Malaysia, Zaire, Philippines, Nigeria, Sri Lanka etc., have made use of these services and offers made to some other countries are pending consideration of the respective Governments.

No contract for laying new railway lines abroad has been secured, so far.

**Alleged dismissal of workers of
Glaxo Laboratories**

3293. SHRI JYOTIRMOY BOSU:
Will the Minister of PETROLEUM,
CHEMICALS AND FERTILIZERS be
pleased to state:

(a) whether it has been alleged
that the management of Glaxo Labo-
ratories, a multi-national Drug com-
pany of British, has dismissed a num-
ber of active workers and leaders of
the Federation of Medical Represen-
tative Association of India, Glaxo
Laboratories Unit;

(b) if so, on what grounds and
details thereof; and

(c) what action, if any, taken by
Government in this regard?

THE MINISTER OF PETROLEUM
AND CHEMICALS AND FERTILI-
ZERS (SHRI H. N. BAHUGUNA): (a)
Yes, Sir.

(b) and (c). The allegations were
examined with reference to the re-
ports called for from the Company.
It appears that the termination of
services of the affected Medical Repre-
sentatives (who are not "workmen"
as per the Industrial Disputes Act) by
the Company was in consonance with
their service conditions and after fol-
lowing the prescribed procedure. It
is reported by the firm that the dismis-
sed medical representatives instead of
canvassing and promoting the sale of
the Company's products, had been sub-
mitting reports that they had visited
Doctors/or dealers/customers on spe-
cific dates when, in fact they had not
visited such Doctors and/or Dealers/
customers. The company report hav-
ing investigated into these as a result
of which they lost confidence in the
integrity of the concerned staff. Ac-
cording to the company, their services
were validly and legally terminated in
terms of their contract of service. If
there have been any violations of ser-
vice conditions or of laws, the aggre-
ved employees could always have re-
course to appropriate legal reliefs.

**Pesticide industrial units in Eastern
Region and West Bengal**

3294. SHRI JYOTIRMOY BOSU:
Will the Minister of PETROLEUM,
CHEMICALS AND FERTILIZERS be
pleased to state:

(a) how many pesticide industrial
units are there in the eastern region in
general and West Bengal in particu-
lar;

(b) total capital investment in
those units;

(c) total demand and available
supply of pesticide in the eastern
region from its own units;

(d) whether the West Bengal Gov-
ernment has proposed that the Public
Sector Unit IDPL, or Hindustan
Organic chemical shall set up a pesti-
cide manufacturing unit in West
Bengal; and

(e) if so, Government's reaction
thereto?

THE MINISTER OF PETROLEUM
AND CHEMICALS AND FERTILI-
ZERS (SHRI H. N. BAHUGUNA): (a)
There are 40 units in the Eastern
region making pesticides/pesticidal
formulations out of which 16 are in
West Bengal.

(b) The information is being col-
lected and will be laid on the Table
of the House.

(c) Total demand for technical grade
pesticides for 1978-79 indicated by the
States/Union Territories in the Eastern
region at the Plant Protection Con-
ference held in February 1978 was
8,858 tonnes, the bulk of which is be-
ing met from the units in other States/
imports, as the present production of
basic pesticides in the Eastern region
is small.

(d) The Government of West Bengal
have suggested that Hindustan In-
secticides Ltd., a public sector com-
pany may set up a Pesticide plant in
the State.

(e) A decision will be taken in due course, keeping in view the feasibility of the scheme and all other relevant factors.

Kakinada unconnected with Howrah-Madras Main line

3295. SHRI KUSUMA KRISHNA MURTHY: Will the Minister of RAILWAYS be pleased to state

(a) how is it that Kakinada a thickly populated area with complete rural background has so far been left unconnected directly with the important main railway line of Howrah-Madras;

(b) whether the imperative need to connect Kakinada directly with the main railway line has been realised; and

(c) if so, whether any concrete proposal with regard to set up of a direct railway link have so far been initiated?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c). Survey carried out for connecting Kakinada with the main line revealed that the project will not be viable. In view of the difficult resources position, it will not be possible to take up this proposal at present.

Proposal to connect Hyderabad with trains bound for Tamil Nadu, Karnataka and Kerala

3296. SHRI KUSUMA KRISHNA MURTHY: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Government have realised the national significance of directly connecting the Gateway of South, namely Hyderabad, with all the trains bound for Tamil Nadu, Karnataka and Kerala; and

(b) if so, what are the practicable proposals worked out so far on this nationally significant issue?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). Following services adequately serve the passengers from Hyderabad towards Tamil Nadu, Karnataka and Kerala:

Towards Tamil Nadu.

1. 53/54 Madras-Hyderabad Express.

2. Three through coaches (One Ist-cum-IInd, one Second and one Second Luggage-cum-Brake Van) running daily between Hyderabad and Madras by 51/22 and 21/52 Expresses.

Towards Karnataka.

1. 97/98 (99/100 Link Express) Tirupati East/Bangalore-Secunderabad Venkatadri Express

2. 85/86 Secunderabad-Bangalore City Express.

Towards Kerala.

One IInd class 3-tier partial sleeper coach running daily between Cochin and Hyderabad by 53/54 Madras-Hyderabad Express and connected trains.

Rise in selling price of Turpentine produced by Government Unit

3297. SHRI K. RAMAMURTHY: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the Government unit processing turpentine have jacked up the selling rates by about 70 per cent; and

(b) if so, the reasons for the same?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) M/s. Indian Turpentine & Rosin Co. Ltd., Bareilly, a U.P. State Government Undertaking borne on the list of

DGTD has reported that the prevailing price of Turpentine on 1-8-77 was Rs 190 per litre and on 1-8-78, Rs 255 per litre which represents an increase of 34 per cent. Price increases have also been reported by the units under the State Governments of J&K and Himachal Pradesh.

(b) The increase in prices has been reported to be mainly due to reduction in availability and increase in the cost of raw material, other manufacturing costs like increase in salaries and wages, shortfall in production etc.

Train Operations closed on Economic Grounds

3298 SHRI K RAMAMURTHY Will the Minister of RAILWAYS be pleased to state

(a) how many train operations were closed on economic grounds and whether Tanjore Mannargudi Metre Gauge section is one among them and

(b) whether the Government propose to re-open Traffic and if so when, particularly Tanjore-Mannargudi Metre-Gauge in Southern Railway?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) 12 Sections including Nidamengolam-Mannargudi section and not Thanjavur-Mannargudi section, have been closed for passenger traffic on economic grounds

(b) No

Train Accidents on Railway Crossings

3299 DR VASANT KUMAR PANDIT Will the Minister of RAILWAYS be pleased to state

(a) whether it is a fact that Train accidents on railway crossings are on the increase, if so, the figures of such accidents during 1976, 1977 and 1978 (upto June),

(b) will the Government give figures of (i) automatically operated Rail-Road Crossings (ii) manually operated Railway Crossings (iii) Unmanned Railway Crossings in the country and

(c) what steps do Government propose to take to bring improvement and modernization of the railway crossings and prevent loss of human beings and dangers to trains?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN) (a) The number of accidents at level crossings has marginally increased there being 8790 and 57 such accidents during 1976-1977 and 1978 (upto June) respectively on the Indian Railways

(b) (i) and (ii) The number of manned level crossings is 14060 of which the number of automatically operated level crossings is 376 (iii) The number of unmanned level crossings is 22300

(c) A statement is attached

Statement

Steps taken to prevent accidents on unmanned level crossings

There are more than 22000 unmanned level crossings on the Indian Railways and the number of train accidents that have occurred at these level crossings during the last four years is as under—

1974-75	96
1975-76	78
1976-77	63
1977-78	63

It would be seen from the above that the incidence of accidents is on the decline. This was made possible due to certain preventive measures undertaken by the Railways such as provision of road danger signs, fixing of whistle boards on the railway line, warning the engine drivers to whistle and be cautious while approaching the level crossings, educative campaigns among road users through leaflets,

cinema slides, radio talks and so on. The State Governments have legislated under the Motor Vehicle Rules making it obligatory on the part of the Motor Vehicle Drivers to stop short of unmanned level crossings and to cross the railway track with the conductor walking ahead. Surprise checks are also conducted in coordination with the State Police Authorities to ensure strict compliance of these rules by the road users. The State Governments/ Union Territory Administrations have also been asked by the Ministry of Shipping and Transport to provide speed breakers (bumps) on road approaches to all unmanned level crossings. With these measures, it is expected that road accidents at unmanned level crossings will decline still further.

Conducting census at level crossings

2. The Railways undertake periodical census of road and rail traffic at all unmanned level crossings to review the need for manning them. As a result of such reviews those unmanned level crossings where the traffic has increased and is heavy enough, are manned. The Railway Administration ensure that census is conducted regularly at each unmanned level crossings once in 5 years. Similarly, census-cum-job analysis is conducted at each manned level crossing, once in 5 years, to determine if there is need for upgradation of the level crossings. Action to upgrade the level crossing is taken where necessary.

Manning and up-gradation of level crossings.

3. As a result of the census/census-cum-job analysis as explained above, some of the unmanned level crossings are manned and manned level crossings up-graded to a higher class, as necessary, on a programmed basis.

Provision of lifting barrier gates, interlocking, Telephone warning bells, etc.

4. Lifting type barrier gates are provided at busy manned level crossings and on multiple lines where traffic is heavy to improve efficiency and

safety. Some of manned level crossings are gradually being provided with telephones/warning bells to forewarn the gateman regarding arrival of the train. Gates of busy level crossings are inter-locked with train signals to avoid collisions of trains/road vehicles.

Inspection and maintenance.

5. All the level crossings are regularly inspected by various officers and staff every year and proper maintenance thereof is ensured. The gatemen are tested in their knowledge of rules and their eyesight is also checked from time to time. Special attention is paid to visibility at the level crossing and prompt action taken to improve the same, if due to some reason it gets reduced.

Construction of Road over/under bridges.

6. Very busy level crossings are replaced by road over/under-bridges on a cost-sharing basis with the State Governments.

Assistance to State Governments.

7. As per extant rules, the State Governments have to bear part of cost of manning/upgradation of level crossings and construction of road over/under-bridges in replacement of level crossings. To help the State Governments meet their share of the cost, Railway Safety Works Fund has been constituted with effect from 1.4.1966. The cost to be borne by the State Government is reimbursable to them from their share of the Railway Safety Works Fund. Such of the unmanned level crossings as are potential hazards to the safety of the passengers, are now, to be upgraded to manned level crossings, in a phased manner, entirely at the cost of the Railways.

Reported Poisonous Gas from Wells in Kudinal Taluka, Amrahi (Gujarat)

3300. DR. VASANT KUMAR PANDIT: Will the Minister of PETROLEUM, CHEMICALS AND FERTILISERS be pleased to state:

(a) whether it is a fact that Deputy Superintendent of Police, Amerali (Gujarat) reported to the Oil and Natural Gas Commission authorities the dangerous and poisonous gas emanating from the wells in Kudinal Taluka of Amerali District and also in Surendranagar district;

(b) whether it is a fact that more than 15 people have died in the area due to poisonous gas; and

(c) if so, has the ONGC (Gujarat) Unit investigated and analysed the gas coming from these wells and what steps have been taken to avoid pollution and deaths by this type of gas?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) ONGC was informed of the occurrence of some poisonous gas in an open dry well for water in the village Panadar of Kodinar Taluka in Amerali District by the police authorities on 27th June, 1978. An officer was deputed to investigate the gas.

In October, 1977, presence of some poisonous gas in an open dry well for water in Kharaghoda desert in Surendranagar Distt. was reported to ONGC by police authorities. An officer to investigate the gas was deputed by ONGC at that time also.

(b) Eight persons are reported to have died in the accident at Panadar village of Kodinar Taluka of Amerali District. Two persons were reported to have died in a well in the Kharaghoda desert of Surendranagar District.

(c) The ONGC investigated and analysed the gas in the well at Kodinar Taluka of Amerali District as well as Kharaghoda of Surendranagar Distt. These are not ONGC wells. The investigation officers have pointed out that the death of persons in these wells are from Asphyxia due to lack of oxygen in the confines of the wells. As such question of atmospheric pollution would not arise. In any case there is no contamination of atmosphere due to hydrocarbons and these wells are outside the purview of the ONGC.

Congestion of Passenger Traffic between Ahmedabad-Baroda

3301. SHRI F. P. GAEKWAD: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is not a fact that there is a great congestion of passenger traffic between Ahmedabad-Baroda, Baroda-Surat and Surat-Valsad route;

(b) whether in view of electrification of Sabarmati-Virar Section and to encourage regional spread of population, introduction of suburban trains over this route will not facilitate and cope up with commuter traffic on the route;

(c) if so, steps proposed to be taken; and

(d) if not, why not?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (d). There is marginal over-crowding in some trains running on these sections. Introduction of additional trains on these sections is at present operationally not feasible due to strained line capacity on sections en route.

Inquiry Into Issue of Advertisement to Congress Souvenirs

3302. SHRI VAYALAR RAVI:

SHRI K. KUNHAMBU:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government have completed the enquiry of the case of issuing advertisements to Congress Souvenirs;

(b) if so, enquiry against how many companies has been completed and the action proposed to take against these companies;

(c) whether any Ambassadors and Members of Union Cabinet are also involved in these cases; and

(d) steps taken against them?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) (a) No Sir

(b) Does not arise

(c) This will be known only when investigations are complete

(d) Does not arise

Salaries and Perquisite drawn by Chairmen and Managing Directors of Companies of Thaper Group

3303 **SHRI VAYALAR RAVI** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state

(a) whether it is a fact that Chairmen and Managing Directors of different companies of Thaper Group drawing heavy salaries and perquisites,

(b) if so the details of each company and

(c) how many times these remuneration have been revised in the last five years?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) (a) to (c) Information is being collected and will be laid on the Table of the House

Entering into Fishing Industry by Greaves Cotton

3304 **SHRI VAYALAR RAVI** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state

(a) whether it is a fact that the Greaves Cotton has entered into the fishing industry

(b) whether it is not a violation of MRTP Act and

(c) if so, what are the steps taken against them?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) (a) M/s Greaves Cotton and Company Limited obtained approval of the Central Government on 5/7/73 under Section 23(4) of the Monopolies and Restrictive Trade Practices Act 1969 for acquisition of 55 per cent capital of M/s New India Fisheries Limited which is engaged in the fishing industry with the condition that the company should divest before 5/7/76 their holding in the investee company sufficiently so as to make available the prescribed minimum capital to the general public in order to conform to the current listing guidelines. The company has so far acquired only about 35 per cent capital of M/s New India Fisheries Ltd

(b) and (c) Does not arise

Expenditure on Petrol and Diesel by Government

3305 **SHRI S S SOMANI** Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state

(a) the extent to which Government expenditure on petrol and diesel has come down after the steep rise in prices thereof

(b) the present consumption of petrol and diesel in the country as compared to the consumption before the rise in prices thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA):

(a) and (b) The attention of Hon'ble Member is invited to the answer given to Starred Question No 485 on the 28th March, 1978.

Production of Odourless Alcohol used in Perfumery Industry

3306 SHRI K MALLANNA, Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state

(a) the quantity of odourless alcohol, which is used in perfumery industry produced in the country during each of the last three years, and

(b) the names of the units which produce this alcohol?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H N BAHUGUNA):

(a) No separate statistics of the production odourless alcohol used in the perfumery industry are maintained by Government. Production follows the pattern of demand.

(b) Odourless alcohol being a non-scheduled item the Government does not maintain a list of the units producing this commodity. Only a list of units engaged in the production of industrial and potable alcohol is maintained.

पूर्वोत्तर रेलवे के रेल सुरक्षा बल के सदस्यों द्वारा की गई भूख हड़ताल

3307 श्री रामानन्द तिवारी क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(a) क्या पूर्वोत्तर रेलवे के रेल सुरक्षा बल के सदस्यों ने दिनांक 15 दिसम्बर 1977 को साप्ताहिक विश्राम की अपनी मांग पर मजबूत से भूख हड़ताल की थी और

(ख) यदि हाँ, तो उन्हें साप्ताहिक विश्राम देने के बारे में क्या कार्यवाही की गई है तथा क्या अब उन्हें इस साप्ताहिक विश्राम की अनुमति है और यदि नहीं, तो इसके क्या कारण हैं?

रेल मन्त्रालय में राज्य मंत्री (श्री शिव नारायण):
(क) जी नहीं। लेकिन पूर्वोत्तर रेलवे के कुछ स्टेशनों पर, जहाँ इस बल के सदस्यों द्वारा सहकारी भाँधार पर स्वयं भोजनालय चलाये जाते हैं 15-12-1977 को भोजन करने वाले सदस्यों ने दिन के समय एक बार भोजन नहीं किया था।

(ख) यद्यपि रेलवे सुरक्षा बल के कर्मचारियों पर काम के घंटों के विनियम लागू नहीं होते, फिर भी यहाँ सभी साप्ताहिक विश्राम की अनुमति देने के लिए सभी रेल प्रशासनों को अनुदेश जारी कर दिये गये हैं। तात्कालिक अवस्था कर्मचारियों की कमी के अवसरों को छोड़ कर पूर्वोत्तर रेलवे पर नियमावली 8 घण्टा प्रति दिन ह्यूटी ली जाती है।

क्षेत्रीय रेलवे सुरक्षा बल एसोसियेशनों के साथ बातचीत

3308 श्री रामानन्द तिवारी क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) मायना प्रान्त क्षेत्रीय रेलवे सुरक्षा बल एसोसिएशन के साथ प्रशासन पर जब किसकी बात बानी थी कि और उन अन्यायों पर किन-किन मांगों पर निर्णय दिये गये तथा कौन-कौन सी मांगों पर निर्णय नहीं हुआ कि और इन के क्या कारण हैं?

(ख) क्या रेलवे सुरक्षा बल के सदस्यों को राशि भत्ता देने का प्रश्न सरकार के विचारार्थ है, यदि हाँ, तो इस पर निर्णय करने में विलम्ब के क्या कारण हैं और यह निर्णय देने में कौन-कौन सी रुकावटें हैं और

(ग) क्या सरकार का विचार उन समस्याओं का शांति समाधान करने का है यदि हाँ तो कब तक और यदि नहीं तो इसका कारण है?

रेल मन्त्रालय में राज्य मंत्री (श्री शिव नारायण):
(क) मायना प्रान्त क्षेत्रीय रेलवे एसोसिएशन के माध्यम से रेल मन्त्रालय नहीं ज्ञात है। लेकिन, एसोसिएशन के पदाधिकारियों और क्षेत्रीय रेलवे के सुरक्षा अधिकारियों के बीच क्षेत्रीय एसोसिएशन के माध्यम से समस्याओं का निवारण के लिए बैठकें/विचार विमर्श हुआ है।

(ख) रेलवे सुरक्षा बल के कर्मचारियों का राशि भत्ता देने का प्रश्न सरकार के विचारार्थ है। रेलवे सुरक्षा बल के इस मांग को शांतिपूर्ण रूप में विचार किया जा रहा है और मांगों पर निर्णय देने में विलम्ब के कारणों का निर्धारण करने में सरकार का प्रयास है।

(ग) रेल मन्त्रालय उन समस्याओं का भी ध्यान रखता है जो रेलवे सुरक्षा बल एसोसिएशन द्वारा उठाए जा रहे हैं। रेलवे सुरक्षा बल पर निर्णय रूप में विचार किया जा रहा है।

रेल सुरक्षा बल के लिये कल्याण निधि

3309 श्री रामानन्द तिवारी क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या रेल सुरक्षा बल के सदस्यों तथा अधिकारियों के कल्याण के लिये इस सदन में सदस्यों तथा अधिकारियों के प्रश्नों से कोई

कल्याण निधि बनाई गई है, यहिहा, तो सदस्यो तथा अधिकारियो के प्रश्नदान की दर क्या है,

(ख) इन कल्याण निधि की प्रबन्ध समिति मे सदस्यो के नाम तथा उनके रैंक क्या हैं और इस निधि मे रैकवार कितनी सहायता की गई है, और

(ग) क्या सदस्या तथा अधिकारियो द्वारा दिये जान वाले प्रश्नदान का लेखा प्रयत्न विवरण लिखित रूप में उन्हें दिया जाता है ?

रेल मन्त्रालय में राज्य सचिव (श्री शिव नारायण)

(क) जी हा । रेल मन्त्रालय के अधिकारियों और जवानों के कल्याण निधि १-४-१९७६ में रेल सुरक्षा कल्याण निधि के नाम एक कल्याण निधि बनाई गयी है । रक्षक मस्कर महानिरीक्षक/रेल सुरक्षा दल तथा सभी अधिकारियों और जवानों को इस निधि में प्रश्नदान करने के लिए कहा गया है । मूल

प्रश्नदान १२०/- रुपये प्रत्येक सीट पर बैठने वाले लोगों की सिफारिशों के कार्यान्वयन के परिणामस्वरूप रेलवे सुरक्षा दल के बैठनेवाले लोगों की क्षतिपूर्ति रूप देने के कारण बनाये गये बिल का १० प्रतिशत, जो भी अधिक हो, निर्धारित किया गया था । मासिक प्रश्नदान २/- रुपये रखा गया है ।

(ख) प्रबन्ध समिति में २४ सदस्य हैं । इनके नाम और पदनाम मूल विवरण में दिये गये हैं । इस निधि में प्रदान की गयी रैकवार सहायता से सम्बन्धित सूचना रेल प्रशासन में इकट्ठी की जा रही है और सप्ताह-पटल पर रखा दी जायेगी ।

(ग) सदस्या के प्रश्नदान की पुस्तकें सभी रेलवे स्टेशनों पर दी गयी हैं और सुरक्षा अधिकारियों/जवानों को निर्देश दिये गये हैं कि वे प्रश्नदान की प्रवृत्ति करके प्रश्नदान पुस्तक प्रत्येक सदस्य को भेजें ।

विवरण

क्रम सं०	नाम	पता और पत्राचार	पदनाम
1	श्री गम-मी० मिश्र, ब्रा० पी० गम०	महानिरीक्षक/२० मु० द०	पदेन अध्यक्ष रेल सुरक्षा कल्याण निधि
2	श्री बलराम सिंह, ४१० गम०	सहायक महानिरीक्षक २० मु० द०	पदेन सचिव
3	श्री धार० व० गुरुबन्दा	उप महानिरीक्षक २० मु० द०, २०२ व० द०	पदेन कायाध्यक्ष
4	श्री एन० गोपालकृष्णन	समुक्त विज्ञान विभाग महानगर पत्रिका	सदस्य
5	श्री धार० पी० मिश्र	मुख्य सुरक्षा अधिकारी, उत्तर रेलवे बडोदा हाउस तथा दिल्ली	,
6	श्री टी० मुखर्जी	सुरक्षा अधिकारी पूब रेलवे हावड़ा	
7	श्री कृष्ण ३० शर्मा	सुरक्षा अधिकारी उत्तर रेलवे नयी दिल्ली	
8	श्री शंकर प्रसाद	मुख्य रक्षक मध्य रेलवे कानपुर	"
9	श्री धार० गम० हड़पद	सहायक सुरक्षा अधिकारी पश्चिम रेलवे बम्बई	,
10	श्री बी० क० नरसिम्हन	सहायक सुरक्षा अधिकारी, दक्षिण मध्य-रेलवे बिलयवाड़ा	,
11	श्री जी० सी० कुंजरेली	निरीक्षक/२० मु० द०, पूर्वोत्तर सीमा रेलवे, गावाहाटी	"
12	श्री धार० व० कौशल	निरीक्षक/२० मु० द०, उत्तर रेलवे, शम्भूदस्त्री	"
13	श्री धार० पी० गुप्त	उप निरीक्षक २० मु० द०, पूर्वोत्तर, रेलवे, गारुगपुर	"
14	श्री डी० धार० मानावार	उप निरीक्षक/२० मु० द०, दक्षिण पूर्व रेलवे, खडगपुर	"
15	श्री खुशी राम	सहायक उपनिरीक्षक/२० मु० द०, उत्तर रेलवे, दिल्ली मेल	"

क्रम संख्या	नाम	पता और व्यवस्था	पदनाम
16.	श्री दीवान सिंह	मुख्य रक्षक, उत्तर रेलवे, नयी दिल्ली ।	महस्य
17	श्री बी० राघवन	सहायक उपनिरीक्षक/रे० ए० ड०, दक्षिण-रेलवे मद्रास	"
18	श्री बी० एन० मिश्र	मुख्य रक्षक, दक्षिण पूर्व रेलवे, अहमदाबाद	"
19	श्री देवेन्द्र सिंह	मुख्य रक्षक रे० ए० ड० वि० ड०, बटावियन दया बन्ती, दिल्ली ।	"
20	श्री मनमोहन परमार्थिक	रक्षक, पूर्व रेलवे, मियाणाबाद	"
21	श्री एन० एम० सी० बोस	वरिष्ठ रक्षक, दक्षिण मध्य रेलवे, मिर्जापुराबाद	"
22	श्री राम दुलारे	मुख्य अधिकारी, मध्य रेलवे, झांसी	"
23	श्री गणेश्वर	मुख्य अधिकारी दक्षिण रेलवे, उत्तर बंगाल	"
24	श्री के० एम० बी० देवनाथन	मुख्य रक्षक, दक्षिण रेलवे मद्रास बन्ती	"

Sabotage in Gujarat State Fertilizer Factory at Koyali

3310 SHRI YADVENDRA DUTT: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether his attention has been drawn to a news-item of July 13 from Baroda wherein it is alleged that Gujarat State Fertilizer Factory's factory at Koyali following widespread acts of sabotage has been brought to a halt; and

(b) if so, the reasons thereof and the steps taken by the Government to restart the factory and prevent sabotage?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) and (b) The GSFC plants at Baroda were shut down following a strike from 12th July, 1978 by a section of officers in protest against disciplinary action taken against one of them. The strike was terminated and production resumed with effect from 16th July, 1978. A detailed report is awaited from State Government in regard to the alleged acts of sabotage and measures being taken to ensure the safety of the plants.

Cable thefts and misuse of Alarm Chains on Danapur Division

3311 SHRI YADVENDRA DUTT: Will the Minister of RAILWAYS be pleased to state

(a) whether cable thefts and misuse of alarm chains on the Danapur Division of the Eastern Railway has completely disorganised the railway traffic in the area specially between Patna and Gaya; and

(b) if so, what steps Government propose to take in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) No.

(b) Does not arise

Stoppage of Trains due to cutting of Electric Wire at Mughalsarai

3312 SHRI YADVENDRA DUTT: Will the Minister of RAILWAYS be pleased to state:

(a) whether his attention has been drawn to the fact that on the night of 1st and 2nd July, 1978 at Mughalsarai near the Western Cabin a High tension electric wire was found cut

and broken whereby all the UP and DOWN trains including the goods trains were brought to a standstill;

(b) if so, total amount of loss incurred by the Railways; and

(c) steps taken to prevent such mischief?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) No. On the night of 1st and 2nd July, 1978 there was no incidence of high-tension Overhead Electric wire-cutting at Mughalsarai near the Western Cabin.

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

चुने हुए प्रतिनिधियों को वापस बुलाने का अधिकार

3313. डा० रमजी सिंह : विधि, न्याय और कम्पनी कार्य मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या सरकार ने चुने हुए प्रतिनिधियों को वापस बुलाने के अधिकार को सिद्धान्त रूप से स्वीकार कर लिया है ;

(ख) क्या सरकार गुजरात तथा बिहार आन्दोलनों के दौरान चुने हुए प्रतिनिधियों को वापस बुलाने की मांग को अनुचित समझती है ;

(ग) यदि नहीं, तो क्या इस को व्यावहारिक रूप देने के लिये सरकार न्यायविदों का एक आयोग गठित करने के प्रश्न पर विचार करेगी जैसा कि श्री जयप्रकाश नारायण तथा अन्य व्यक्तियों ने मांग की है ; और

(घ) क्या चुने हुए प्रतिनिधियों को वापस बुलाने सम्बन्धी उपबन्ध अन्य देशों के संविधानों में हैं, यदि हाँ, तो उस प्रकार का उपबन्ध यहाँ पर करने में क्या कठिनाइयाँ हैं ?

विधि, न्याय और कम्पनी कार्य मंत्री (श्री शान्ति भूषण) : (क) से (घ). निर्वाचित प्रतिनिधियों को वापस बुलाने के अधिकार का विधिद्वारा उपबन्ध करने के प्रश्न पर निर्वाचित संबंधी सुधारों के लिए अन्य प्रस्तावों के साथ विचार किया जा रहा है। इस विषय पर गहन अध्ययन और सावधानी से विचार करने की आवश्यकता है। अतः इस विषय में निर्णय लेने में सरकार को कुछ और समय लगेगा। निर्णय लेते समय वापस बुलाने संबंधी उन उपबन्धों को भी ध्यान में रखा जाएगा जो अन्य देशों के संविधानों में लिए हुए हैं।

Proposal to provide additional bogies in Kashmir Mail

3314. SHRI DURGA CHAND: Will the Minister of RAILWAYS be pleased to state:

(a) whether there is any proposal for providing additional bogie upto Pathankot, in Kashmir Mail, Srinagar Express and Sealdah Express;

(b) whether it is also proposed to start an additional train from Delhi to Pathankot;

(c) whether the Railway Minister and Railway Board have received any representation recently in this regard;

(d) if so, what decision Government have taken or proposed to be taken in this regard;

(e) if not, what are the reasons therefor;

(f) whether Government have made any survey regarding the inconvenience caused by the commuters on Delhi-Pathankot line; and

(g) if so, what are the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). No.

(c) Yes.

(d) to (g). One second class coach by 52Dn Express, one 3-tier sleeper and one second class coach by 60Dn Srinagar Express and one second class coach by 34Dn Mail are available at Pathankot for the convenience of passengers travelling to Delhi/New Delhi and Sealdah. These coaches are catering to the present needs of traffic. However, periodical census reveals overcrowding in these trains specially during summer/Vaishno Devi Fair. Introduction of any additional coach by these trains is operationally not feasible as a regular measure for want of room on these trains. Special

trains are run and additional coaches are attached during summer between Jammu Tawi and Delhi/New Delhi as per the traffic demands. Introduction of any additional train between Pathankot and Delhi/New Delhi as a regular measure is also not operationally feasible for want of spare line capacity enroute. However, a proposal for the introduction of a fast Express train between Jammu Tawi and Howrah has been finalised.

Stoppage of Express Train from Pathankot to Joginder Nagar at Panj-Rukhi and Biral

3315. SHRI DURGA CHAND: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that the third Express train from Pathankot to Joginder Nagar does not stop at Panj-rukhi and Biral;

(b) whether the Railway Minister and the Chairman Railway Board have received any representation in this regard;

(c) if so, what action is to be taken in this matter;

(d) if not what are the reasons therefor;

(e) whether the Railway Administration had made any survey into the difficulties faced by the commuters at these and other stations; and

(f) if so, what are the details therefor?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). Yes.

(c) to (f). Stoppage of 1PB/PB fast passenger is being provided at Panch Rukhi and Biral Himachal halt with effect from 1-10-78.

2180 LS-8

Proposal to Amend M.R.T.P. Act to Deal with Irregularities of Large Business Houses

8318. SHRI DURGA CHAND: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is proposed to amend M.R.T.P. Act in order to strengthen the Company Department for expediting the cases of irregularities committed by the large houses; and

(b) if so, what are the details thereof?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) and (b). No, Sir. However, the Government is awaiting the recommendations of the Expert Committee, which is presently reviewing the provisions of the Companies Act and the M.R.T.P. Act. The report is expected to be available to the Government by the end of this month. Thereafter, the Government will examine them and take such action as may be deemed necessary.

दिल्ली-ग्रहमदाबाद मीटर लाइन को बड़ी लाइन में बदलना

3317. श्री लालवी जी :

श्री नाथू सिंह :

श्री बल्लभ कुमार पंडित :

श्री अमर सिंह व० राठव :

क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गत 18-20 वर्षों से दिल्ली-ग्रहमदाबाद मीटर लाइन, तबई माधोपुर-अजपुर मीटर लाइन को बड़ी लाइन में बदलने तथा जोधपुर-मालाबार के बीच बड़ी लाइन बिछाने के लिए प्रयास किये जा रहे हैं तथा सरकार इस बारे में समय-समय पर घोषणा करती रही है ;

(ख) क्या दिल्ली-ग्रहमदाबाद लाइन हरियाणा राजस्थान तथा गुजरात के बनी आबादी वाले क्षेत्र से होकर गुजरती है और उक्त परिवर्तन से उन सभी को लाभ होगा ; और

(ग) यदि हाँ, तो इस बारे में अब तक किसनी प्रगति हुई है और इस बारे में पूरा व्योरा क्या है ?

रेल मंत्रालय में राज्य मंत्री (श्री निखारबाब) :
(क) से : (ग) : दिल्ली-बहुमदाबाव मीटर लाइन को बड़ी लाइन में बदलने की परियोजना को, जिस पर 108 कराड़ रुपये की लागत आयेंगी, मजूरी दे दी गयी है, परन्तु बहुत ही सीमित मात्रा में धन उपलब्ध होने के कारण 1978-79 में इसके लिए केवल मार्केटिक परिव्यय की व्यवस्था की गयी है। इस परियोजना के प्रारम्भ होने तथा पूरा होने का कोई निश्चित समय अभी नहीं बताया जा सकता। सवाई-माधोपुर मीटर लाइन को बड़ी लाइन में बदलने के प्रश्न पर दिल्ली-बहुमदाबाव मीटर लाइन का बड़ी लाइन में बदलाव हो जाने के बाद विचार किया जायेगा। धन की कमी के कारण जोधपुर से मारवाड़ तक की मीटर लाइन की बड़ी लाइन में बदलने का कोई प्रस्ताव विचाराधीन नहीं है।

Progress made regarding Oil Prospecting in Orissa, West Bengal, Assam and Tripura

3318. SHRI SAMAR GUHA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether satisfactory progress has been maintained regarding oil prospecting in the States of Orissa, West Bengal, Assam and Tripura;

(b) if so, facts thereabout; and

(c) whether any indication has been available regarding finding of new sources of Oil and gas in those States including off-shore exploration in regard to Orissa and West Bengal?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):
(a) Yes, Sir.

(b) In Orissa, gravity surveys were undertaken during the period 1958 to 1969. Reflection and refraction seismic surveys were also undertaken during the period 1970-1975. No deep drilling for exploration of oil and gas has so far been undertaken in Orissa by the ONGC. However, Oil India Limited are now taking action to conduct exploration for oil both on-shore and off-shore in the Mahanadi area in Orissa.

In West Bengal geological, gravity magnetic and seismic surveys are being continued. Besides the ONGC is currently drilling a deep well on the Diamond Harbour structure. Drilling of another well on the Radha structure is to be taken up shortly.

In Tripura geological surveys continue while seismic surveys have also been undertaken from 1977-78. Four rigs are currently deployed in the Baramura structure of Tripura and another deep drilling rig is scheduled to be deployed on the Gojalia structure. In Assam, the ONGC has been carrying out exploration since its inception and is already producing crude oil and natural gas from there. OIL are also producing oil and gas from their mining lease areas in Assam.

(c) In Orissa no indications have been found so far regarding sources of oil and gas. In West Bengal, oil and gas shows have been obtained in a number of wells drilled but commercial accumulation of hydrocarbons has not been found so far. Two wells in West Bengal off-shore have also been drilled without success.

In Tripura gas shows have been encountered in some of the wells drilled so far, however, their commercial significance has not yet been established. In the State of Assam the ONGC has already discovered oil and gas in commercial quantities. Here also the ONGC is prospecting in new areas.

In Orissa off-shore, OIL are planning to drill a few wells.

Production and Price of Soda-ash

3319. PROF. SAMAR GUHA: Will the Minister of PETROLEUM AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the price of soda-ash has gone up and it is being sold in black market;

(b) if so, facts thereof;

(c) whether production of soda-ash is controlled almost exclusively by two big industrial houses and marginally by two other houses;

(d) if so, facts thereof;

(e) whether these monopolies producers of soda-ash are artificially manipulating sale of soda-ash at higher prices and in black market as well;

(f) if so, facts thereof;

(g) whether higher cost of soda-ash is affecting small scale soda silicate manufacturers and in turn the small scale soap manufacturer, washing material manufacturers, washermen community and others and for that matter, common people;

(h) if so, steps taken or proposed by the Government for controlling sale of soda-ash at reasonable price;

(i) whether many reports have recently appeared in press regarding such racketeering in sale of soda-ash; and

(j) if so, facts thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) and (b). There is no statutory control over the prices and distribution of Soda Ash. However, it has come to the notice of this Ministry that selling prices of this commodity have shown an upward trend for some time past due to number of factors.

(c) and (d). Details of installed capacity/production of soda-ash are given below:—

Name of the Firm	Annual Production	
	installed capacity (Tonnes)	during 1977 (Tonnes)
1. M/s. Tata Chemicals Ltd., Mithapur (Gujarat)	3,60,000	3,20,078
2. M/s. Saurashtra Chemicals, Porbandar (Gujarat)	1,68,000	1,77,756
3. M/s. Dhrangdhra Chemicals Works, Dhrangdhra (Gujarat)	65,000	54,142
4. M/s. New Central Jute Mills Co. Ltd., Varanasi (U.P.)	39,600	18,281
	6,32,600	5,70,257

(e) and (f). Reports of shortages of soda-ash from different parts of the country have been received by this Ministry since April, 1978 onwards. According to soda-ash manufacturers, the major bottleneck was the shortage of railway wagons for the transportation of raw materials (coal and salt) to the factory site and for the movement of finished products from the factory. Other factors responsible were reported to be (i) inadequate

availability of boiler feed water (in case of M/s. Tata Chemicals) and (ii) compressor breakdown (in the case of M/s. Saurashtra Chemicals).

(g) and (h). Soda-ash being in short supply, some soda-ash consuming industries including sodium silicate, soap and detergent powder in the small scale sector are reported to be unable to obtain their full requirement of this chemical.

To give immediate relief to the consumers of soda-ash, this Ministry, in consultation with the DGTD, has requested the State Chemicals and Pharmaceuticals Corporation of India Ltd. to make immediate arrangements for the import of 20,000 tonnes of soda-ash to supplement the indigenous production with a view to improve and regulate the supply and bring down prices of soda-ash. Customs duty has also been waived in respect of these imports with a view to keep the prices of the imported material roughly at par with the indigenous (manufacturers') prices

(i) and (j). Yes, Sir. Reports of shortages of Soda-ash and price hike have appeared recently in the Press.

Changes proposed by Law Commission to the Married women property Act 1874

3321 SHRI VASANT SATHE: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the Law Commission in its report suggested for reaching changes to the Married Women Property Act, 1874;

(b) if so, furnish details of the follow-up action taken by the Government in the matter so far in consultation with the State Government;

(c) what is the reaction of the State Governments Statewise to the changes proposed; and

(d) the final decision taken/proposed in the matter?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN). (a) Yes, Sir

(b) to (d). Copies of the Report were circulated to the Government of all States and Union territories and also to the concerned Ministries and Departments of the Government of India and certain professional and academic institutions. Comments, from most of the State Governments and Union territory Administrations have been received. A gist of the comments so received are contained in the attached statement. Comments, from other State Governments and Union territories are still awaited. Government will be able to take a final decision in the matter only after all the comments are received.

Statement

S No	Name of State/Union Territory	Comments
1	Government of Andhra Pradesh	The State Government is in general agreement with the recommendations of the Law Commission and the various important changes proposed by the Law Commission.
2	Government of Gujarat	They are of the view that the comprehensive revision of the Married Women's Property Act, 1874 is necessary as suggested by the Law Commission and they endorse the Report of the Law Commission.
3	Government of Haryana	State Government agrees with the proposals contained in the Report of the Law Commission.

1

2

3

- | | |
|----------------------------------|--|
| 4 Government of Himachal Pradesh | They endorse the Report of the Commission. |
| 5 Government of Kerala | Generally agree with the recommendation of the Law Commission |
| 6 Government of Madhya Pradesh | The State Government has no comments to offer |
| 7 Government of Maharashtra | The State Government supports the recommendations made by the Law Commission in the Report and approves the draft bill forwarded by the Law Commission and included in Appendix I in the Report |
| 8 Government of Manipur | The State Government fully endorses the recommendation in the Report of the Law Commission. The proposed amendments are of absolutely necessity in view of the Women's Right to inheritance under the Hindu Succession Act 1956 and also of equality of right between men and women in all spheres of life and services as recognised by our constitution |
| 9 Government of Mizoram | <p>The Government of Mizoram agrees to the proposed legislation as recommended by the Law Commission subject to the condition that clause 8 of the Bill is retained without modification. It may be noted in this connection that the Married Women's Property Act 1871 is barred in its application to Lushai Hills (Now Mizoram) by notification under Assam Frontier Tracts Regulation 1880.</p> <p>In regard to the power of the State Government to pass exemption order under section 8 it is suggested "State Government" may be defined in the proposed Act (as has been done in several recent Acts) so as to mean, in relation to Union Territory, the Administrator of the Union Territory.</p> |
| 10 Government of Nagaland | According to a social usage and Naga Customary Law a Naga married woman cannot hold property and she is not competent to dispose of any property and Section 1(2) may be amended inserting that it shall not extend to this State unless adopted by a resolution passed by the Legislative Assembly |
| 11 Government of Orissa | State Government agrees with all the recommendations of the Law Commission. |
| 12 Government of Punjab | The State Government supports the recommendation of the Law Commission |
| 13 Government of Tamil Nadu | The Government concurs with the recommendations contained in the Report |
| 14 Government of West Bengal | The State Government agrees with some of the recommendations contained in the Report. |

1

2

3

15. Andaman and Nicobar Administration . They agree generally with the recommendations of the commission
16. Chandigarh Administration . The Administration has no comments to offer in the matter
17. Dadra and Nagar Haveli Administration . They have no comments to offer on the Report of the Law Commission
18. Delhi Administration . They have nothing substantial to add to the Report
19. Lakshadweep Administration . No comments on the Report
20. Government of Pondicherry . Since the Married Women's Property Act, 1874 has not been extended to Pondicherry the question of furnishing comments on the Report, does not arise

प्रशोधित तेल की खपत

3322 श्री यशवन्त शर्मा क्या पेट्रोलियम, रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि

(क) चालू वर्ष में देश में प्रशोधित तेल की किन्ती खपत होने की संभावना है

(ख) देश में प्रशोधित तेल के उत्पादन की तुलना में इसकी स्थिति क्या है

(ग) क्या इसकी खपत और उत्पादन के बीच अन्तर को दूर करने के लिए प्रशोधित तेल का आयात करने संबंधी कोई योजना है, और

(घ) यदि हाँ तो सरकारी और गैर-सरकारी क्षेत्रों को आयात हेतु किन्ते प्रतिशत लाइसेंस क्षमता मजूर किये जाने का प्रस्ताव है ?

पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवती मन्धन बहुगुणा) (क) से (घ) वर्ष 1978-79 के लिए इस समय वच्चे तेल की उत्पादन का अनुमान लगभग 12.14 मिली० टन है। इस अवधि में लगभग 15 मिली० टन का आयात करने का अनुमान है। यह पूरी मात्रा सार्वजनिक क्षेत्र के उपक्रमों के माध्यम से आयात की जायेगी।

पेट्रोल पम्प लगाने और उर्वरक तथा रसायन कारखाने स्थापित करने के लिए सहकारी समितियों, हरिजनों और आदिवासी क्षेत्र के लोगों को लाइसेंस जारी किया जाता

3323. श्री यशवन्त शर्मा : क्या पेट्रोलियम तथा रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार का देश में पेट्रोल पम्प लगाने तथा उर्वरक औषधी तथा अन्य रसायन उत्पादन करने वाले कारखानों की स्थापना के लिये लाइसेंस देने के मामले में सहकारी समितियों, हरिजनों और आदिवासी क्षेत्र के लोगों का मजबूत देने का है, और

(ख) यदि नहीं, तो इसमें क्या कारण है ?

पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवती मन्धन बहुगुणा) (क) और (ख) उर्वरक रसायन और औषधि के निर्माण के लिये कारखानों की स्थापना करने में प्रत्येक निवेश की आवश्यकता पड़ती है। इस से सरकार ने लगाने हेतु औद्योगिक लाइसेंस के लिये धारदार पत्र देने की किन्ती स्थिति विशेष में ध्यान और पर बहुत कम क्षमता होती है।

जहाँ तक संभव हो पर्याप्त वित्तीय सहायता से मुक्त सहकारी समितियों को बरीयता दी जाती है।

जहाँ तक पेट्रोल पम्पा का संबंध है, सरकारी क्षेत्र की तेल कंपनियों की सभी प्रकार की ऐजेंसियों में से 25 प्रतिशत ऐजेंसियों को अनुसूचित जाति और अनुसूचित जनजाति के लिये आरक्षित किया जाता है और 2 प्रतिशत को शरीरक रूप से अप्रग व्यक्ति के लिये आरक्षित किया जाता है। सेग 73 प्रतिशत ऐजेंसियां वार्षिकिक आधार पर दी जाती हैं जिस में अन्य बातें समान होने पर प्रमाणिक और कुशल सहकारी समितियाँ और एचो इन्स्टीट्यूट करपरेशन को बरीयता दी जाती है।

रेलवे में अधिकारियों के रूप में कर्मचारियों के संबंधी

3324 श्री बलराम शर्मा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) रेलवे में ऐसे कितने कर्मचारी हैं जिनके मजदूरी संबंधी अधिकारियों के पदों पर कार्य कर रहे हैं, और

(ख) कुल कर्मचारियों की संख्या में ऐसे कर्मचारियों की प्रतिशतता कितनी है ?

रेल मंत्रालय में राज्य मंत्री (श्री जिवनारायण) :
(क) और (ख). रेलों में काम कर रहे कर्मचारियों के सम्बन्धियों के बारे में कोई सूचना नहीं रखी जाती है, क्योंकि कर्मचारियों के व्यक्तिगत रिकार्डों में इस प्रकार के संबंधों का उल्लेख करने की कोई व्यवस्था नहीं है ।

Wagon allotment for Jaipur Udyog

3325 SHRI C. K. CHADRAPPAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that the management of Jaipur Udyog is experiencing lot of difficulties in getting wagons for the despatch of cement;

(b) whether it is a fact that a huge stock has been piled up in the SILOS of the factory; and

(c) if so, what action has been taken to run the factory smoothly?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). No.

(c) Does not arise.

Proposal to Intercept Trains to check Ticketless Travel

3326. SHRI RAJENDRA KUMAR SHARMA: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is proposed to intercept trains between two stations to check ticketless travel; and

(b) if so, the trains to be subjected to such checking?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b) Mid-section checks by stoping trains out of course are already being conducted from time to time, by deploying sufficient force. During the checks the ticket checking parties in sufficient force are taken to the place of check and the train is stopped for thorough checking. To make the checks effective, complete secrecy is maintained.

Diversión of Railway Traffic to Road Transport

3327. SHRI RAJENDRA KUMAR SHARMA: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that there is a diversion of traffic from Railways to Road transport during the last two or three years; and

(b) if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) Yes. There is some diversions of high value traffic from rail to road during the last few years.

(b) The main reason is increase in the number of National Permits, which are affecting the loading of high value goods for long distances. Road hauliers are private individuals who do not have to conform to the rules and procedures like the railways have to do and they can make overt and covert concessions on the spot for enticing away traffic. Besides, Road transport has certain inherent advantages i.e. smaller unit of operation, door to door service etc.

Licensed Porters

3328. SHRI RAJENDRA KUMAR SHARMA: Will the Minister of RAILWAYS be pleased to state:

(a) the number of licensed porters working in Railways;

(b) the Railway-wise break up of such licensed porters; and

(c) the steps taken for their betterment after nationalisation of Railways?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) 38,828.

(b)

Railway	No of licensed porters working
Central . . .	4064
Eastern . . .	7160
Northern . . .	8745
North Eastern . . .	3401
Northeast Frontier . . .	2102
Southern . . .	2930
South Central . . .	2697
South Eastern . . .	3632
Western . . .	4115

(c) The licensed porters, who were previously supplied by contractors, are now licensed by the Railway Administration directly eliminating the middlemen as contractors.

The facilities generally available to licensed porters at stations are as under:—

(i) Free out-door treatment for self only at railway hospital/dispensary. Indoor medical treatment in a railway hospital in case a licensed porter sustains injuries while carrying passengers' luggage in the railway premises.

(ii) Such casual leave in a calendar year as may be allowed by the Station Master/Superintendent.

(iii) Free use of the Railway's light trolleys/hand barrows for carriage of passengers' luggage.

(iv) Facilities such as waiting halls, latrines, canteens etc. provided at the station for use of II Class bona fide passengers.

(v) Admission of their children in railway schools subject to the availability of seats.

(vi) Transference of the licence badge to a son or a near relative in the case of old age or physical unfitness or death.

(vii) Free use of rest shelters wherever provided.

Ludhiana-Chandigarh Railway Line

3329 DR BALDEV PRAKASH: Will the Minister of RAILWAYS be pleased to state:

(a) whether there is a proposal to link Ludhiana with Chandigarh by a railway line;

(b) if so, whether any preliminary work has been done; and

(c) whether the project has been sanctioned; and if so, when it is going to be taken up?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) to (c). A final location (engineering) survey for the construction of Jagadhri-Chandigarh-Ludhiana rail link has been carried out during 1970. Due to severe constraint of resources and heavy commitments already made it has not been possible to undertake the construction of this rail link so far.

Price Approvals granted to M/s. Warner Hindustan Ltd.

3330. SHRI RAMJI LAL SUMAN: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(e) what are the details of proposals for which price approvals have

been granted to M/s. Warner Hindustan Ltd., during last three years, yearwise;

(b) details of industrial licences under which these products are covered;

(c) for how many new articles price approvals were not granted to this company during last three years and reasons for not granting the approvals; and

(d) what steps are being taken to withdraw price approvals wrongly accorded for Tedral C and whether opinion of Law Ministry was available on this; if so, details thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):

(a) M/s. Warner Hindustan Ltd., were granted price approval for only one new product, namely, Tedral C tablets on 15th October, 1976 during the last three years.

(b) The company were already manufacturing Tedral Tablets on the authority of the industrial licence obtained by them on 14th December, 1962 and it was considered that they could take up the manufacture of Tedral C tablets on the same authority.

(c) Price approvals for Coskin E and Waterbury Vapour Rub have been refused to this company during the last three years on the ground that these would be 'new articles' and would not be covered under the authority of industrial licence obtained by them in 1962. The company have, however, represented against the decision of the Government.

(d) The opinion of Ministry of Law, Justice & Company Affairs on the interpretation of the definition of new article as given in the Industries (Development & Regulation) Act, 1951 was received on 17th February, 1977 on a reference made in an another case. Since there were a number of cases in which the interpretation of the definition of 'new article' was involved, all such cases including the case of Tedral C tabs.

have been sent to the Ministry of Law for their further opinion.

Vacancies of Members of Law Commission

3331. **SHRI G. M. BANATWALLA:**
SHRI MUKHTIAR SINGH MALIK:

SHRI SHYAM SUNDAR GUPTA:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of vacancies of Members of Law Commission which have not been filled in so far;

(b) the time by which they are lying vacant; and

(c) by when these vacancies are likely to be filled?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) No post of Member Law Commission, is vacant

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

Places for oil exploration

3332. **SHRI G. M. BANATWALLA:**

SHRI MUKHTIAR SINGH MALIK:

SHRI SHYAM SUNDAR GUPTA:

Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) the names of places where exploration of oil works has been going on;

(b) the number of wells drilled on each place;

(c) the number out of the wells drilled found to be oil/gas bearing; and

(d) expenditure incurred in each together with the quantity of oil/gas found?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) Oil exploration has been going on throughout the length and breadth of this country. However, to be specific, drilling activities have been taken up in the States of Gujarat, Assam, Arunachal Pradesh, West Bengal, Tripura, Nagaland, Meghalaya, Uttar Pradesh, Bihar, Punjab, Himachal Pradesh, Jammu & Kashmir, Tamil Nadu, Pondicherry, Andhra Pradesh and Rajasthan. It has also been extended in the offshore areas of the Arabian Sea and Bay of Bengal.

(b) Statewise break up is as follows

Gujarat	.	1113
Assam	.	695
Arunachal Pradesh	.	3
Meghalaya	.	2
Nagaland	.	3
Tripura	.	3
West Bengal	.	4
Uttar Pradesh	.	3
Punjab & Himachal Pradesh	.	9
Bihar	.	2
Tamil Nadu & Pondicherry	.	18
Rajasthan	.	16
Jammu & Kashmir	.	3
Offshore	.	84
TOTAL		1960

(c) Out of 1960 wells drilled till 30th June, 1978, 1127 are oil and 127 gas bearing

(d) As on 1-1-1977, ONGC has established initial recoverable reserves as under:

	Oil (Mn Tonnes)	Gas (Million cubic Metres)
Onland	136.21	34866.3
Offshore	175.31	148108.5

As on 1-1-1978, Oil India Ltd. has estimates of the proved and indicated reserves of 33.46 Million tonnes of crude oil and 53,982 Million standard cubic metres of natural gas.

Figures of expenditure well-wise are not available

मेरठ में उच्च न्यायालय की बेंच की स्थापना

3333. श्री हवाराज साहब :

श्री नवाब सिंह चौहान :

क्या बिधि, न्याय और कम्पनी कार्य मंत्री यह बताने की इच्छा करेंगे कि

(क) क्या मेरठ जिले में उच्च न्यायालय की एक बेंच स्थापित किये जाने का एक प्रस्ताव अनेक वर्षों से सरकार के विचाराधीन है, और

(ख) यदि हाँ, तो क्या सरकार का राज्य सरकार को इस बेंच का नाम वर्ष में खोलने के बारे में निर्देश देने का विचार है ?

बिधि, न्याय और कम्पनी कार्य मंत्री (श्री सतिश कृष्ण) : (क) और (ख) मेरठ में एक न्यायापीठ स्थापित करने के विषय में एक प्रस्ताव, तत्कालीन बिधि, न्याय और कम्पनी कार्य मंत्री द्वारा उत्तर प्रदेश के तत्कालीन मुख्य मंत्री से विचार विमर्श करने के पश्चात् प्रारम्भ में उस राज्य सरकार से दिसम्बर 1976 में प्राप्त हुआ था और भारत सरकार ने राज्य सरकार को एक पत्र लिखा था। उस समय भारत सरकार ने उस प्रस्ताव पर कोई निर्णय नहीं लिया। उत्तर प्रदेश की वर्तमान सरकार ने मार्च 1978 में भारत सरकार को यह लिखा की उनकी राय, में उत्तर प्रदेश के पश्चिमी जिलों के लिए उच्च न्यायालय की न्यायापीठ स्थापित करने का प्रीचरय है। उत्तर प्रदेश के मुख्य मंत्री ने जुलाई, 1978 में सूचित किया है कि वे इस बारे में कि प्रस्तावित न्यायापीठ किस जगह स्थापित की जाए और उस की प्राधिकारिता में कौन कौन से जिले रखे जाए, राज्य सरकार के विचार प्रणय से सेजेंगे। राज्य सरकार से निश्चित प्रस्ताव प्राप्त होने पर इस विषय पर प्राये विचार किया जाएगा।

Doubling of Sealdah-Bongaon Track

3334 SHRI CHITTA BASU: Will the Minister of RAILWAYS be pleased to state:

(a) whether the attention of the Government have been drawn to the

non-official resolution passed by the West Bengal Legislative Assembly demanding the doubling of the track between Sealdah and Bongaon of the Eastern Railway; and

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

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) It was reported that such a non-official resolution was passed but there is no official communication so far.

(b) It will be possible to take a decision when the question of making suitable financial arrangements for this unremunerative scheme, which is being actively pursued, is finalised.

Decision on Bonus

3335. SHRI CHITTA BASU:

SHRI DRONAM RAJU
SATYANARAYANA:

Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have finally taken any decision on the issue of bonus to Railmen in the context of Bhoothalingam Study Panel Report, and

(b) if not, the reasons thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): (a) and (b). The question of bonus concerns not only Railway employees but also employees of other Central Government Departments. The matter is under examination of the Government and a decision is yet to be taken

Proposal to make changes in rules of procedure of Supreme Court

3336. SHRI JANARDHANA POOJARY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government propose to make changes in the rules of

procedure of the Supreme Court to reduce delays in the disposal of cases; and

(b) if so, the details thereof?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS: (SHRI SHANTI BHUSHAN): (a) and (b). Recently approval of the President under Article 145(1) of the Constitution was conveyed to the Supreme Court of India for amending the Supreme Court Rules, 1966. Necessary amendments to the Supreme Court Rules have been made and they have come into force on 18-3-1978. The purposes to be achieved by these amendments are given in the statement attached.

Very recently, the Supreme Court of India has proposed further amendment of the Supreme Court Rules, 1966. The approval of the President as required under Article 145(1) of the Constitution has been conveyed to the Supreme Court. By these amendments, some more powers are sought to be given to the Registrar or the Judge-in-Chambers to save the time of the Court.

Statement

Amendment of the Supreme Court Rules, 1966 purposes to be achieved.

1 To save the time of the Court, some additional powers have been given to the Registrar and the Judge-in-Chambers to dispose of some matters which were previously listed before the Court or Judge-in-Chambers.

2 While granting special leave, in all matters in which the Bench granting special leave is of the opinion that the matter can be disposed of within a short time, say, within an hour or two, it will indicate accordingly and the Registry of the Supreme

Court maintains a list of such matters for directions to be obtained from the Chief Justice of India to list short matters before a separate Bench so that they can be disposed of quickly.

3 The Review Petitions are now disposed of by circulation to the Judges instead of being listed before the Court. No Second Review Petition is now entertained.

4 If service of any notice order or document has not been completed within six months in any matter the same is listed before the Court after notice to the Advocate-on Record for the parties and the Court may thereupon dismiss the matter for non-prosecution or give such directions as it may deem fit.

5 To curtail the time taken by the Counsel in the hearing of a matter, amendments have been made in the rules to the effect that at any time before or as soon after the commencement of arguments at the final hearing of a case as may be feasible the Court will ascertain from the Counsel of each party to be heard the time which the Counsel's arguments on the matter are likely to take. After ascertaining the same the Court may fix the time for arguments of each party or each counsel and the counsel can supplement his oral arguments by written submissions.

एकाधिकार गृहों में नौकरि कर रहे सेवानिवृत्त सरकारी अधिकारी

3337 श्री हुकमदेव नारायण बाबू क्या बिधि, ब्याज और कम्पनी कार्य मंत्री यह बतान की कृपा करेंगे कि ऐसे सेवा निवृत्त सरकारी अधिकारियों की संख्या कितनी है जो एकाधिकार गृहों में नौकरियाँ कर रहे हैं। वे कब से उन की सेवा में हैं तथा कितने राजनैतिक व्यक्ति इन गृहों की सेवा में हैं तथा कब से हैं और उन्हें इस सेवा के बदले क्या दिया जा रहा है ?

बिधि, ब्याज और कम्पनी कार्य मंत्री (श्री सीतिकाजी) : एकाधिकार एवं निर्वहनकारी व्यापार तथा अधिनियम, 1969 के अनुसूचन में, एकाधिकारी बरानों का अर्थ उन "उपक्रमों" से लिया गया है जो अधिनियम की धारा 20(क) के उपबन्धों

के संघर्ष में इसकी धारा 26 के अन्तर्गत पजीकृत है। इन उपबन्धों के अन्तर्गत 1031 की संख्या तक कम्पनियों का पजीकरण हुआ है।

कम्पनी अधिनियम 1946 के उपबन्धों के अन्तर्गत, कम्पनियों के लिये अपने यहां नौकरि कर रहे तथा निवृत्त सरकारी अधिकारियों की संख्या अथवा राजनैतिक व्यक्तियों की संख्या बताना अपेक्षित नहीं है। यह भी स्पष्ट नहीं है कि राजनैतिक व्यक्तियों के क्या अर्थ हैं। अतः सूचना देना संभव नहीं है।

नैमित्तिक व्यक्तियों के रूप में भर्ती व्यक्तियों की संख्या

1338 श्री किरंती प्रसाद क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) पूर्वोक्त रेलवे गोरखपुर में बाल बिजुल बच की दौरान कितने व्यक्ति नैमित्तिक श्रमिक आदि रूप में भर्ती किए गये और उन में अनुसूचित जातियों तथा अनुसूचित जनजातियों के लोगों का प्रतिशत तथा उन की संख्या कितनी है

(ख) क्या यह सच है कि इन में से कुछ व्यक्ति पहल की बायें कर चुके हैं और यदि हां तो उनकी संख्या कितनी है और

(ग) बतयान नैमित्तिक श्रमिका में ऐसे व्यक्तियों की संख्या प्रलग प्रलग कितनी है जिन्हें समुद्र मयूखों तथा अधिकारियों की सिफारिशों पर भर्ती किया गया है

रेल मंत्रालय में राज्य मंत्री (श्री लाल नारायण)

(क) 19282 इन में से अनुसूचित जाति और अनुसूचित जनजाति का संख्या और प्रतिशत के सम्बन्ध में सूचना इकट्ठी की जा रही है और मन्त्रालय पर रख दी जायेगी।

(ख) जी हां 17550

(ग) नियोजन सिफारिशों के आधार पर नहीं किया जाता। सामान्य व्यवस्था यह है कि कार्यभारी निरीक्षक इन व्यक्तियों की भर्ती स्थानीय रूप से करें।

RE BUSINESS OF THE HOUSE

12 02 hrs

MR SPEAKER Before we proceed with the next item, I have an announcement to make

SHRI SAUGATA ROY (Barrack pore) What about the disclosures regarding the Boeing scandal? The hon. Minister should come forward with a statement. It is a serious scandal which has come about

MR SPEAKER There is a Motion for discussion between 6 to 8 P.M. for discussion today. Due to unavoidable reasons that Motion could not be taken up today for discussion. Some early time will be found for that discussion. Both the hon. Minister and the Mover have agreed to that. If the House agrees, we can utilise that time for discussing the Constitution (Forty-Fifth) Amendment Bill which is before the House. This time may be utilised for that discussion. Later on we can find some time for discussion of this item which was originally fixed for today, from 6 to 8 P.M.

Is it the pleasure of the House to accept this?

SOVL. HON. MEMBERS Yes.

MR SPEAKER Yes. This is accepted.

SHRI SAUGATA ROY Sir, are you going to allow any discussion on the Boeing disclosures? They have stated that they have paid some amounts for seven parties in India for selling their Aircrafts. Now Sir, it is a very serious matter for the Minister to note. He has stated something outside the House. (Interruptions) He should come to the House and make a statement here.

MR SPEAKER I suppose you are by this time familiar with the rules. Why don't you give a proper notice?

SHRI SAUGATA ROY I have given a proper notice.

MR SPEAKER That is under my consideration.

SHRI SAUGATA ROY I have given a proper notice. It is not that I have not given it.

SHRI JYOTIRMOY BOSU (Diamond Harbour) Under Rule 377 I rise on a point of order. This is regarding the observations which you made just now.

PROF. P. G. MAVALANKAR (Gandhinagar) Will this discussion on Railway accidents on Mrs. Parvathi Krishnan's Motion come up for discussion in this session?

MR SPEAKER Yes.

SHRI JYOTIRMOY BOSU I have a point of order on the observation which you made just now. I expect that you are aware of the fact that the Government of India should write to the United States Government. Then and then only they will divulge the names. I would like to know from the Government whether they are going to write to the United States of America to divulge the names of those persons.

MR SPEAKER This is not a point of order. This is a point of disorder. This is not a Point of Order at all. (Interruption) **

MR SPEAKER Don't record it.

SHRI SAUGATA ROY The Minister should be given some Parliamentary training.

MR SPEAKER Many of us require that.

SHRI DINEN BHATTACHARYA (Serampore) I would appeal to the hon. Member who raised the issue to follow the maxim which says Doctor heal thyself. Otherwise the cat will be out of the bag!

MR SPEAKER Order please. Now Papers to be laid on the Table.
Shri Shanti Bhushan

12.04 hrs

PAPERS LAID ON THE TABLE
STATEMENT RE. MANAGING DIRECTOR OF
SOUTH INDIA VISCOSE

THE MINISTER OF LAW, JUSTICE
AND COMPANY AFFAIRS (SHRI

SHANTI BHUSHAN): Sir, I beg to lay on the Table a statement under Direction 19 of the Directions by the Speaker, in reply to Half-an-Hour discussion raised by Shri Jyotirmoy Bosu on the 31st July, 1978 regarding charges against the Managing Director of South India Viscose [Placed in library See No LT-2583/78]

श्री हुकम देव नारायण बाबू : (मधुबनी)
अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है ।

मैंने नियम 222 के मुताबिक विधेयाधिकार का प्रस्ताव जनसुघ्न अध्यक्षार के खिलाफ आपके यहाँ दाखिल किया था, जिस पर आपका कोई निर्णय नहीं हुआ है ।

MR SPEAKER I am sorry I am not able to fully express myself in Hindi I have sent word to you. I would like to meet you in my chamber and discuss the matter with you. You have not the kindness to meet me. I have sent word to you. Please come and meet me. We can discuss it.

श्री श्रीराम बाबू (मधुबनी) अध्यक्ष महोदय विधेयाधिकार के सवाल पर केम्बर ने मिलने का कौनसा सवाल है, यह किसी एक व्यक्ति का सवाल नहीं है, यह सदन का अधिकार है, सदन के सामने मांगे जाने वाले प्रश्न हैं। अध्यक्षार ने यदि खबर या जाये, वह किसी केम्बर की मान-हानि हो या सदन की मानहानि हो, तो वह आपके कैम्बर में जाये, यह स्कूल मास्टर और विद्यार्थी का सवाल बाँटे हो है कि कैम्बर में बाहर कुछ सीखें। यह सदन की कार्यवाही है । विधेयाधिकार का सवाल सदन में प्राना चाहिए । कई दिना से अध्यक्षारो ने केम्बरान और दल की इच्छा को घटाने के लिए उलट-सुलट बयान या रहे हैं । अगर कोई मर्यादा का सवाल यहाँ रखें तो आप बर्नते हैं कि केम्बर में जा जायें । केम्बर की बात दल के सामने कैसे आयेली । दल के सामने तो सदन की बात आयेली ।

SHRI JYOTIRMOY BOSU (Diamond Harbour) Sir, I have written to you that I want to ask some clarifications on this.

MR SPEAKER You should give notice for that

SHRI JYOTIRMOY BOSU Let him read out the statement and then we will know how hollow the statement is

MR. SPEAKER He will not read out the statement.

SHRI JYOTIRMOY BOSU Sir, he has laid it on the Table of the House. May I ask the hon Minister to read out the statement? Let him read out the statement. It is a very important statement because it concerns one of the largest groups of companies—South India Viscose and the Madras Aluminium Co—and they have been run by thugs and rogues. I would like to ask a few questions

MR SPEAKER It is not permissible under Direction 19. I cannot help it

SHRI B. RACHAIAH (Chamarajanagar) Why don't you have a Half-an-Hour discussion on this? (Interruptions)

SHRI JYOTIRMOY BOSU Sir, what happened on that day was that the Chair had adjourned the House suddenly and in an abrupt manner thereby depriving the House of asking questions arising out of the statement that the Minister is expected to make. Now, he has chosen to make a statement today in a very ambiguous manner. Why is Mr Shanti Bhushan so kind to them? I do not understand this. I know the reason. I know who is the lawyer who is working for South India Viscose and what he was doing in Sarkaria Commission. I want to ask him questions. I want clarifications. (Interruptions)

MR SPEAKER I will read out Direction 19 pertaining to Half-an-hour discussion

"19 When half-an-hour discussion under sub rule (1) of rule 53 is interrupted for want of quorum or when there is no time for the Minister to give a full reply to the debate, he may, with the permission of the Speaker, lay a statement on the Table of the House"

SHRI JYOTIRMOY BOSU: Would you kindly read out my notice? I seek some clarification on this point.

MR. SPEAKER: I am sorry I cannot do that. No clarification is permissible.

SHRI JYOTIRMOY BOSU: Because Government is shielding this group, the Managing Director and Mr. Venkataswamy Naidu are given protection. (Interruptions). Because the Chair had suddenly and abruptly adjourned the House thereby depriving the House to discuss further on that subject.... (Interruptions)

MR. SPEAKER: That cannot be gone into now.

SHRI JYOTIRMOY BOSU: Why, Sir? Why should we suffer for that?

SHRI K. LAKKAPPA: (Tumkur): Sir, I have a point of order.

MR. SPEAKER: What is your point of order?

SHRI K. LAKKAPPA: Sir, whenever I raise a point of order, you ask me: what is the point of order and under what rule? Under half-an-hour discussion, I had given my name for taking a ballot and my name was chosen. I was given an opportunity to put a question on that subject. When I had put a question to the hon. Minister, by that time the House was abruptly adjourned. We also brought it to your kind notice. Therefore, I request you to allow me to put a question now. Unless and until my question is gone on record, the discussion is not complete. (Interruptions) Therefore, Sir, any statement making even under your direction by the hon. Minister, would be incomplete unless my question is gone on record. He does not know what question I want to put. Therefore I want, under the provisions, under the rule and in conformity with the rules when my question was admitted, the Minister should make a statement under your direction, on

the basis of my question. Therefore, I am entitled to put a question.

MR. SPEAKER: If I remember correctly, the other day you asked for my permission to send a written question to the Law Minister and I consented to that, so that he may also reply to that question in the statement, but I do not think, you have sent any question.

SHRI K. LAKKAPPA: The question is on record.

SHRI JYOTIRMOY BOSU: Sir, you read the statement...***

MR. SPEAKER: Do not record. I am dealing with Shri Lakkappa's objection. If you, Mr. Lakkappa, had sent the question, he would have clarified the position. I do not know whether you have sent the question.

SHRI K. LAKKAPPA: I was to put a question on that day; my name had come in the ballot. I thought, he would make a statement under your direction and on that day, I wanted your permission...

MR. SPEAKER: The record will bear out both of us; you said that you would send a written question and I permitted you to do that.

SHRI K. LAKKAPPA: I seek your permission to put a question now.

MR. SPEAKER: That is not permissible under the rules.

SHRI JYOTIRMOY BOSU: Sir, have you got a copy of the statement before you? Is he not taking the House for a ride? Kindly take a little pain.

MR. SPEAKER: You are a very very senior member of the House.

SHRI JYOTIRMOY BOSU: One of the Members.

MR. SPEAKER: You have to set an example to others; the rules and directions have to be obeyed; may be

[Mr. Speaker]

wrong or right. If you want, you can change them. I do not think it applies to others and not to you. You are in the Rules Committee and have been taking active part in its deliberations. The rules provide that when there is no time or for any other reason, the House is adjourned, only a written statement is to be laid on the Table of the House.

SHRI JYOTIRMOY BOSU: This is a very unusual type of statement...

MR SPEAKER: May be usual or unusual. I have not heard any usual statement from you; it is always unusual. Fortunately, for two days you were not here, the work was going on smoothly.

RAILWAYS RED TARIFF (FIFTH AMENDMENT) RULES, 1978

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): I beg to lay on the Table a copy of the Railways Red Tariff (Fifth Amendment) Rules, 1978 (Hindi and English versions) published in Notification No. G.S.R. 913 in Gazette of India dated the 15th July, 1978, issued under section 47 of the Indian Railways Act, 1890. [Placed in Library. See No. LT-2584/78]

NOTIFICATIONS UNDER INCOME-TAX ACT, 1961, WEALTH TAX (AMENDMENT) RULES, 1978, ETC.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI ZULFIQUARULLAH): I beg to lay on the Table:—

(1) A copy each of the following Notifications (Hindi and English versions) under section 296 of the Income-tax Act, 1961:—

(i) The Income-tax (Third Amendment) Rules, 1978, published in Notification No. S.O. 222(E) in Gazette of India dated the 31st March, 1978.

(ii) The Income-tax (Fourth Amendment) Rules, 1978, published in Notification No. S.O. 351(E)

in Gazette of India dated the 24th May, 1978.

(iii) The Income-tax (Fifth Amendment) Rules, 1978, published in Notification No. S.O. 355(E) in Gazette of India dated the 25th May, 1978.

(iv) The Income-tax (Sixth Amendment) Rules, 1978, published in Notification No. S.O. 363(E) in Gazette of India dated the 29th May, 1978.

(v) The Income-tax (Seventh Amendment) Rules, 1978, published in Notification No. S.O. 433(E) in Gazette of India dated the 7th July, 1978.

(vi) The Income-tax (Eighth Amendment) Rules, 1978 published in Notification No. S.O. 464(E) in Gazette of India dated the 24th July, 1978 [Placed in Library. See No. LT-2585/78]

(2) A copy of the Wealth-tax (Amendment) Rules, 1978 (Hindi and English versions) published in Notification No. S.O. 434(E) in Gazette of India dated the 7th July, 1978 under sub-section (4) of section 46 of the Wealth-tax Act, 1957. [Placed in Library. See No. LT-2586/78.]

(3) A copy of the Gift-tax (Amendment) Rules, 1978 (Hindi and English versions) published in Notification No. S.O. 435(E) in Gazette of India dated the 7th July, 1978, under sub-section (4) of section 46 of the Gift-tax Act, 1958. [Placed in Library. See No. LT-2587/78.]

(4) A copy of the Companies (Profits) Surtax (Amendment) Rules, 1978 (Hindi and English versions) published in Notification No. S.O. 436(E) in Gazette of India dated the 7th July, 1978, under sub-section (3) of section 25 of the Companies (Profits) Surtax Act, 1964. [Placed in Library. See No. LT-2588/78.]

(5) A copy of the Interest-tax (Amendment) Rules, 1978 (Hindi

and English versions) published in Notification No. S.O. 437(E) in Gazette of India dated the 7th July, 1978, under sub-section (4) of section 27 of the Interest-tax Act, 1974. [Placed in Library. See No. LT-2589/78]

(6) A copy each of Notifications Nos. S.R. 390(E) and 391(E) (Hindi and English versions) published in Gazette of India dated the 31st July, 1978, together with an explanatory memorandum, rescinding the provisions of Notifications Nos. 13-Customs and 14-Customs dated the 7th January, 1978, under section 159 of the Customs Act, 1962. [Placed in Library See No. LT-2590/78]

श्री हुसैन बेग नारायण शाह (मधुबनी) अध्यक्ष महोदय, मैं आप से यह निवेदन करता हूँ कि हम लोग जो गाँवों से यहाँ आए हैं, किसान लोग, वह जब से हम सबन में किसी बात को रखते हैं तो उसको इतना महत्व नहीं दिया जाता है। हम लोग एक साधारण बान मजदूर बाने लोग हैं। आप-कर, धन-कर, सम्पत्ति के ऊपर धत्तकर, कम्पनी (नाम) धत्तकर, इयाज-कर और मीना शुल्क के अधिनियम इन सारे करो के नियमों से सरकार इतने संशोधन करती है। लेकिन इन नियमों में इतने सारे संशोधनों के बावजूद जो हिन्दुस्तान के बड़े-बड़े पंजीपति हैं उन के ऊपर लगभग 25 करोड़ रुपये सकेव खन के कर का बकाया है, काले खन का जो बाकी होगा वह तो खसम होगा। मैं समझता हूँ कि उन करो से संबंधित नियमों से जो सरकार संशोधन करती रही है और इन बड़े बड़े उद्योगपतियों के ऊपर जो कमीशन बैठाती रही है उन पर लगभग एक करोड़ रुपये सरकार का खर्च हो गया। लेकिन जब सरकार उन बड़े बड़े उद्योगपतियों और व्यापारियों से बकाया कर की बसुली करने में प्रयत्न है तो इन नियमों में संशोधन करने और उन संशोधनों को जो मनापटल पर रखने का क्या महत्व है? हम तब तक नहीं मानेंगे कि सरकार का संशोधन सही है या सरकार सही संशोधन कर रही है जब तक वह 75 करोड़ रुपये जो उन के ऊपर बकाया है उनकी बसुली के लिए कुछ नहीं किया जायगा। यह सारे संशोधन बिस्मिल बेकार हैं और गाँवों के हित में, जनता के हित में इन संशोधनों का कोई महत्व नहीं है। आप संशोधन कर के सभा पटल पर रखते रहिए लेकिन जनता के लिए उसका कोई महत्व नहीं है। इसलिए मैं आपसे उठा रहा हूँ। कानून की नजर में यह सही हो, नियमों की नजर में यह सही हो या नहीं लेकिन गाँव के रहने वाले लोग यह जानना चाहते हैं कि जो बकाया है उसको बसुल करने में सरकार जल्दी क्यों नहीं करता चाहती है।

12.15 hrs.

MESSAGE FROM RAJYA SABHA

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

"In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha I am directed to enclose a copy of the Coast Guard Bill, 1978, which has been passed by the Rajya Sabha at its sitting held on the 2nd August, 1978."

12.15½ hrs.

COAST GUARD BILL

AS PASSED BY RAJYA SABHA

SECRETARY: Sir, I lay on the Table of the House the Coast Guard Bill, 1978, as passed by Rajya Sabha.

12.16 hrs

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

THREAT TO LIVES AND PROPERTIES OF HARIJANS IN KANJHAWALA VILLAGE, NEAR DELHI

SHRI V M SUDHEERAN Alleppey): I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and request that he may make a statement thereon:

"The reported situation prevailing in Kanjhawala village, near Delhi, directly threatening the lives and properties of Harijans."

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL): Sir, one hundred and twenty families of Harijans and other landless persons were allotted land in village Kanjhawala, Nangloi Block in the Union

[Shri Dhanik Lal Mandal]

Territory of Delhi in 1970 This led to litigations at the instance of the other land owners on the ground that the land allotted was earmarked as grazing ground for cattle. Full protection and assistance has, however, been provided to the allottees to cultivate their lands and to remain undisturbed in their possessions. In November, 1977, police protection was provided to the Harijans to cultivate their land. In July, 1978 also similar police arrangements were made and tractors were provided to enable all allottees to plough their land. It is, however, a matter of deep regret that an incident occurred on 7th July in which six Harijans and two non-harijans sustained injuries. Twenty-three non-Harijans were arrested in two cases FIR No 578 under sections 147, 128, 149, 427, 323 IPC and FIR No 579 under sections 147, 148, 149, 552, 323 IPC registered at Police Station Nangloi in this connection. The ploughing operations have since been completed by the allottees. There have been no further instances of any breach of peace. Adequate police arrangements have been made to maintain peace and order. Efforts are also being made to find an amicable solution by discussion with representative groups. While Government are determined to ensure that no allottee is dispossessed or otherwise harassed by use of any force and that peace is maintained in the village, Government also realise that such village disputes can find lasting solution only on the basis of goodwill and understanding. It is towards this and that Delhi Administration is making necessary efforts.

SHRI V M SUDHEERAN I have carefully gone through the statement made by the Minister. But I am sorry to say that it is nothing but a routine statement. Nothing has been spelt out regarding the steps to be taken by the Government to diffuse the tense atmosphere there and to settle the issue permanently. In Kanjehawala, a very serious situation is prevailing. There is a dangerous threat to the lives and properties of Harijans. And tension is being mounted up, day by

day. The poor landless Harijans and poor people have been persecuted by the rich landlords by every means. The repressive attitude of the landlords and the caste-Hindus of the village is mainly responsible for the unwanted tension there. The landlords have been openly fighting against the allotment of 120 acres of Gaon Sabha land to some Harijans and landless families. In 1970, the Delhi Administration had allotted an acre each to 120 landless families, out of which 36 are Harijan families, under the "Land for the Landless" scheme. Ever since the landlords of the village started claiming that the allotment of the Gaon Sabha land has deprived them of the grazing fields for their cattle. Their claim is totally baseless.

The village had over 1800 bighas of grazing land of which only 600 bighas was allotted to the landless in the village. Even in this a mere 160 bighas were allotted to the Harijans and the rest to the landless and other castes. However the vested interest did not like even this small concession to the Harijans and were bent on robbing them of their land. The landlords' attempt was to prevent the allotment of land to the landless.

Much of the blame for the current crisis lays with the authorities. The shortsightedness of the Delhi Administration and many loopholes in its Land Reforms Act is mainly responsible for the present crisis.

The allotment had been made on a five year basis so that once the five year period is expired, the landlords could put pressure on them and take back their land. Now the Harijans are in possession of the land. They had to cultivate their land in the presence of police. They are not over demanding anything. They demand what they legally and morally deserve to get. The surplus land also should be distributed to the landless Harijans.

Now the situation is getting worst. The landlords have collected a lot of money because they are rich people,

[Shri Dhanik Lal Mandal] they can accumulate money themselves. They are keeping a large number of goondas with them; they are taking goondas from the neighbouring places, from the borders of Rajasthan, Haryana and other places. Even the landlords did not allow the Harijans to draw water from their wells. On July 7, the landlords had brutally beaten up Harijans resulting in serious injuries to them including two women. The landlords have imposed a social boycott against the Harijans and their children are beaten up in the schools. How inhuman is their treatment. Their children go to the primary schools and they are beaten up there for small excuses. The Harijans are finding themselves in an awkward situation. They have stopped sending their children to the schools.

Though the Delhi Administration posed themselves as the protectors of the Harijans, the prominent leaders of the ruling Janata Party are strongly supporting the landlords. In this regard, I have to mention that Mr. Rohthas Singh, a Member of the Metropolitan Council and a prominent Janata Party leader and two Haryana Janata MLAs attended the meeting of the landlords.

Sir, the Janata Party is not sincere in tackling the problem of Harijans; they are not sincere in safeguarding the interests of the poor Harijans. It is evidently convinced from their attitude from the Belchi incident to Kanjhawala. The Kanjhawala incident is nothing but a part of the countrywide atrocities on Harijans.

The rich landlords have their powerful lobby in the Janata Party and this lobby is practically controlling the Home Department. Even now, after the exit of Mr. Charan Singh, the Home Department and the Delhi Administration is under the grip of the powerful landlords' lobby.

MR. SPEAKER: This is not a speech.

SHRI V. M. SUDHEERAN: In this regard, I would like to request the hon. Prime Minister through you, I want to know whether the Government are considering to send a parliamentary committee to have on the spot study of the situation and report. The main issue must be settled permanently so that the land allotted to the Harijans must be given to them permanently. I want to know the steps taken to ensure that surplus lands are allotted to them permanently, including steps to amend the Land Reforms Act. I should like to know from the hon. Minister the steps that have been taken regarding protection of land and properties of Harijans. Finally I should like to know from the hon. Minister what action had been taken against the culprits involved in the atrocities on Harijans?

श्री वली राम बापड़ी (गुवा) : अध्यक्ष महोदय, मान एन्वाइन्ट द्वारा क्लेरिफिकेशन, मैं यह जानना चाहता हूँ कि इन्होंने अपने अपने भाषण के अन्तर बीच-बीच में यह कह दिया...

MR. SPEAKER: You can only raise a point of order. This is not allowed under the rules.

PROF SAMAR GUHA (Contd.): His name has been mentioned by an hon. Member; you may allow him.

MR. SPEAKER: His name was not mentioned by him.

SHRI DHANIK LAL MANDAL: All protection had been provided to the allottees there; they are both Harijans and non-Harijans. All police, protection had been given to plough their land, sow their land and reap. Except for one unfortunate incident for which I have regretted, the hon. Member has not pointed out any other incident; that is except for the incident of July 7, 1978, the hon. Member has not pointed out a

[Shri Dhank Lal Mandal]

single instance to show that there has been any lapse on the part of the police and the Delhi Administration. Therefore, I say that all protection has been provided to the allottees; the lands are in full possession of the allottees; they are ploughing the land, sowing and they are reaping the harvest. Therefore there is no justification to say that the administration has not taken care. As regards defusing the situation, all steps have been taken at the level of the CEC, Lt. Governor and at other levels. All steps have been taken by them separately and jointly. With both parties of the village, Harijans as well as non-Harijans, land owners, so many dialogue have been held; so many discussions have been held; in the last day there was a dialogue between both the parties and the Chief Secretary of Delhi Administration I can assure the hon. Member there is no need for apprehension on this ground. The law and order situation is fully under control. We think that it will be settled amicably. We want to see that it is settled amicably. If there is a dispute in the village between different parties, we are trying that both parties should come together and settle that dispute peacefully and amicably. The Delhi Administration is taking steps in this direction.

SHRI V. M SUDHEERAN: He has not answered the question whether they are considering amendment of the Land Reforms Act.

MR. SPEAKER: That requires examination; they cannot say just now.

PROF. SAMAR GUHA: I must really congratulate the hon. Minister if he really succeeds and brings about an amicable settlement of the dispute. I want now to draw the attention of the Prime Minister who happens to be the Home Minister now. The situation as it appears developing at Kanjhawala village is fraught with serious threat, particularly in the background of happenings all over

the country. What happened in Bihar? What is happening in Marathwada and other areas. This is apparently a class conflict between the landless and the land owners. It is taking the shape of caste conflict—conflict between the Harijans and non-Harijans. I have a fear that it will lead to a conflict between the two communities. Predominating community is that of the landowners. They have already arranged themselves and they are in a militant mood. You might have noted that very recently there had been a big panchayat or gathering of the big landowners. Panchayat assembled at Kanjhawala. Land owners from distant places came there and it was a big rally of the landowners. They have taken almost a militant posture against the landless people. These Harijans, who are absolutely helpless poor people, they are very few and have very few sources to defend their interests. They had also their Panchayat. But I do not know what their Panchayat will mean.

I will draw the attention of the respected Prime Minister that this is a test case for the Janata Government and the Janata Party about their willingness, about their determination to see that the interests of the landless people are defended by all means. Why I say that it is a test case because it is just under the nose of the Central Government. It is just a few miles from Delhi.

There have been two big rallies, very big rallies of thousands and thousands of people who had assembled from different places. The situation has become very delicate. The incident that took place may lead to certain kind of explosion as happened in Bihar and some other places. For that reason I earnestly appeal to the Government to take very careful and cogent steps to keep vigilance upon the developments there.

In this background I want a few things:

1. You have said that land was distributed among 125 families. What is the quantum of land that was distributed in total?

MR. SPEAKER: He mentioned—
 120 acres.

PROF. SAMAR GUHA: At the time of distribution, had there been any dispute about this land and the grazing lands?

Are there still any surplus lands and if so, will the surplus land be distributed to these landless Harijans?

You have said that they will be given protection in regard to ploughing and sowing. Will you provide necessary protection to the cultivated crops? Landowners can destroy the crops which have been cultivated with the help of mischief mongers. Please see that the lands which have been cultivated will be protected. What steps will you take at that time of harvesting? Trouble can take place at the time of harvesting.

You have said that you are trying for an amicable settlement. What type of amicable settlement you are trying to arrive at? Frankly speaking I have not so much faith in Bureaucracy. Bureaucracy is dominated by class conscious people. They are interested in the dominating class of landowners which is a powerful community. It makes the situation very bad. Therefore, leaving the matter to the Lt. Governor or the District Authorities will no do. I will appeal to you to see that the leaders of all the Opposition parties and MPs are requested to go to that place for discussion with the people there and to see that this situation which is developing there may not explode into an ugly affair as it has happened in other parts of the country. I will request the Prime Minister to intervene.

THE PRIME MINISTER (SHRI MORARJI DESAI): I can very well understand the anxiety of the hon. member, but I do not know what the Members of Parliament will do by going there. They might even aggravate the whole thing without understanding it. But I do not prevent them from going there; if they want to go, I will give police escort if they are afraid. If they can do it voluntarily then I can understand it. Government are deeply conscious of the strife there and the inimical attitude of the land-owners and are giving full protection to these people and will continue to do so, until the other party gets reconciled to the whole situation and does not afterwards create any trouble. Until then full protection will be given. It is the bureaucracy which is doing it. Please do not go on abusing the bureaucracy all the while.

SHRI P. K. KODIYAN (Adoor): Sir, I fully agree with Prof. Samar Guha that a very tense situation prevails there and it may worsen further if adequate protective measures are not taken. Kanjhawala is not an isolated incident. Throughout the country for the last one year and more, there has been a fierce offensive by the landed class, the landlords, to deprive the Harijans and other sections of landless people forcibly of the land allotted to them not only for cultivation but even for house sites. We are reminded of the horrible incident that happened some time ago in Kannodia village in Ratlam district in M.P. where four Harijans were killed on the spot in their field when the landlords attacked them with deadly weapons. Similarly, we are reminded of the incident at Chinnaogirala village in Andhra Pradesh where a landless Harijan cultivator, Subbarao, was speared to death and several others injured. Such things have happened in Bihar and several parts of U.P. and elsewhere in the country. You will be surprised to know that in one of the villages in M.P. cattle were led by the landlords to the standing crop of the

[Shri P. K. Kadiyan]

Harijans to the accompaniment of band and music. Can you imagine it? When the cattle started destroying the fruits of the Harijans' labour, the landlords and their boys were dancing and singing. What is happening in Kanjhawala is part of the offensive that the landlords have launched against the Harijans and the rural poor. The Minister said that sufficient steps have been taken to maintain law and order and provide protection to the Harijans and after the July 7th incident, no untoward happening has taken place in that village. But I would like to draw the attention of the Minister and the Prime Minister that on 30th July there was an assembly of the landlords in that village, after which a tense situation has arisen. A highly provocative leaflet was distributed at that meeting. Highly inflammatory speeches were made. The Minister says, the Government is anxious and is taking steps to find an amicable settlement to the dispute. But I fail to understand what is the dispute at all. The Harijans are justified, legally and morally, in demanding full protection, and also full facilities for carrying on their cultivation and their lawful activity.

The landlords say that nobody has the authority to distribute the gaon sabha lands. They went to the court, the court rejected their demand. Then, the landlords said that by allotting this land to the Harijans, they had been deprived of grazing land for their cattle. It is absolutely untrue, because 1400 acres of pasture land are still with the landlords to be used for grazing purposes.

The hon. Minister says that they are trying their best to find a settlement. I do not know how he can easily find a settlement when powerful elements in his own party are behind this. The Kisan Sangharsha Samiti, the so-called samiti of the landlords, has decided to wage a war against the Harijans, to take away

the lawful land from them. The Secretary of that samiti is an RSS activist.

MR. SPEAKER: Calling attention should not be converted into a debate.

SHRI P. K. KODIYAN: I am concluding.

Another member who participated in the kisan assembly was a Metropolitan Councillor. He is a BLD man. With these powerful elements in the ruling party behind the landlords, I do not know the hon. Minister can easily find a solution.

In view of this developing situation, I would like to ask the hon. Minister whether he would be prepared not only to give protection to the Harijans to cultivate their land, but also to give this land, which has been given now on a five year lease basis, on a permanent basis so that the landlords cannot raise any dispute.

Secondly, may I know whether Government would be prepared to take away from the landlords the gaon sabha land which is under their illegal possession? Hundreds of acres are still under the illegal possession of the landlords?

Thirdly, may I know whether the Government would provide full financial and other assistance to the landless Harijans and other sections of the landless people to carry on their cultivation?

SHRI DHANIK LAL MANDAL: Government is aware of the facts to which the hon. Member has drawn attention. All these rallies are going on, on the side of the landowners and also the Harijans. Government is aware of it, but as regards permanent tenancy rights, the allottees can take action according to the law and get them. There is the Delhi Land Reforms Act. Under that Act certain things have to be done. These allottees can take action according to the law and get them. There is the Delhi

Land Reforms Act. Under that Act certain things have to be done. These allottees can take those steps and get the permanent bhumidari rights accorded to the Act.

As regards the gram sabha lands, as the hon. Member has pointed out, there are 1800 bighas not acres, of which 600 bighas were allotted to these 120 families, and still 1200 bighas are left, and according to the Delhi Land Reforms Law, only the gram sabha has the right to allot the land.

As regards financial help, the Prime Minister has assured the House that till the situation is reconciled or an amicable settlement is reached Government will provide all protection to the Harijans

श्री राज बिलस रायबल (हाजीपुर) अध्यक्ष महोदय एक बार पुन पूरे देश के विभिन्न भागों में हरिजनों के ऊपर बर्खास्त होने के समाचार आने लगे हैं वह बात नहीं है। कलाबला के संबंध में जमाना कायम प्रस्ताव पर श्री महोदय, ने जो बयान दिया है, उसी की धीरे में उनका ध्यान आकृष्ट करना चाहता हूँ।

सब से पहली बात जो उन्होंने कही है कि चन्दावियों की दलील पर मुकद्दमावादी मुक हो गई थी कि धाबटि जमीन बरागाह के रूप में धाबटि की गई थी, मैं समझता हूँ कि मंत्री महोदय ने धीरी स्वयं जो कहा है, उससे बड़ा मिड है कि यह बरागाह की जमीन नहीं है बल्कि वही जमीन है जिस पर पहले भी जमीनी होती थी। इसलिए यह कहना कि यह जमीन बरागाह की है, मैं नहीं समझता हूँ कि यह सही है।

दूसरी बात, जमीन को 1970 में धाबटि किया गया। उसके बाद ऐसी क्या परिस्थिति आ गई कि 1977 में उस पर विवाद खड़ा हो गया? यदि विवाद खड़ा होना था या वैधता करनी थी, तो धीरे धीरे होने थे, तो 1970, 1971, 1972 में कुछ नहीं हुआ, लेकिन 7 साल के बाद एकएक एक पक्ष का दूसरे पक्ष हरिजनों के ऊपर बर्खास्त बा जुल्म करने के लिये एक संगठित गिरोह कायम करना मैं समझता हूँ कि इसमें भी एक रहस्य है।

जैसा कि हमारे साथी ने कहा धीरे मंत्री महोदय ने कहा दिया, जमीन के मासिकाना हक के सम्बन्ध में वहाँ तक हमको मालूम है, या तो दिल्ली में किसी को मासिकाना हक नहीं है, यदि मासिकाना हक भी दिया जाना चाहिए तो 3 साल में मिल-जाना चाहिये। अब सारा मामला वहाँ इस प्रकार संकुचित सिविल के रूप में चल रहा है, हरिजनों के लिये संविधान प्रावधान का दुरुपयोग है, उसके एक रिजल्ट में वहाँ भी सर्वज्ञ किया है, उसके आधारे पर 2, 3 एनोयन्स लगाये हैं। वहाँ के हरिजनों लोगों ने कहा है कि धीरे भी हमको धीरे पर चढ़ने की इजाजत नहीं

है धीरे वहाँ को प्रकट है, वह बरागाह पूर्ण रखना चाहें।

मैं मंत्री महोदय का ध्यान आकृष्ट करते हुए कहना चाहता हूँ कि 19 जुलाई को उन्होंने राज्य-सभा में कहा था कि इसकी सम्बन्ध में उन्होंने एन.जी. को लिख दिया है धीरे मुद्रा की कार्यवाही हेतु कहा है। मैं जानना चाहता हूँ कि लेफ्टिनेंट गवर्नर के यहाँ से प्राप्ति पास कोई क्लब जमाना या नहीं? लेफ्टिनेंट गवर्नर ने क्या किया? एक तरफ कहते हैं कि स्थिति तनावपूर्ण है धीरे दूसरी तरफ वहाँ लोगों ने दोनो तरफ के लोगों को इकट्ठा होने की इजाजत दे दी गई। वहाँ स्थिति जब तनावपूर्ण है तो किसी भी समय बिस्फोट बटना संभव नहीं है। मैं जानना चाहता हूँ कि ऐसी स्थिति में दोनो तरफ के लोगों को धाम-समा करने की इजाजत कैसे मिल रही है?

इतनी बड़ी बटना दिल्ली को जमाने में हो रही है। मैं यह भी जानता हूँ कि विरोधी पक्ष के कुछ लोग इसको मजबूत रूप में पेट करने के लिये भी तैयार हैं, वह बहा जाने हैं, हालांकि उनको बहा कोई मुमकिन नहीं है, लेकिन धीरे धीरे विरोधी पक्ष के लिये बहा जाकर हरिजन। के साथ गले लगने जाकर मिलने की कोशिश करते हैं उन के साथ खाना खाते हैं, उनको भ्रम-काने धीरे उकसाने की कोशिश करते हैं। ऐसी परिस्थिति में मैं मंत्री महोदय से पूछना चाहता हूँ कि क्या आपकी यह दृष्टि नहीं है, जवाब-देही नहीं है कि इतने दिनों से बटना चल रही है, प्राप्ति स्वयं बहा जाकर स्थिति को जमाने धीरे काबू करने की क्या कोशिश की? आप इस विधान में दो राज्य सभा हैं, क्या किसी ने भी जाने की कोशिश की?

श्री धनिक लाल मन्जल : कलाबला में केवल हरिजनों को ही जमीन नहीं मिली है, उसमें नान-हरिजन भी हैं। 120 परिवारों में 67 हरिजन हैं धीरे 53 नान-हरिजन हैं। इसलिए यह धीरे-हीनो का संवाल है, हरिजनों का नहीं।

धूमिहीनों को जमीन मिली है। माननीय सचिव ने कहा कि 3 साल के बाद उनको धूमिधारी अधिकार मिल जाने चाहिये थे। एक प्रश्न के उत्तर में मैंने धीरे धीरे बताया कि कानून के अनुसार उन के प्रस्तावों या प्रस्तावियों के अधिकार होते हैं, धूमिधारी अधिकार प्राप्त करने के लिये उन्हें कार्यवाही करनी चाहिये, उनको बहा जाना चाहिये वहाँ से अधिकार मिलेंगे। वह जानते भी हैं।

जहाँ तक वह संवाल है कि जमाना होने धीरे समा करने की क्या इजाजत दी जा रही है जब कि वहाँ इतनी तनावपूर्ण स्थिति है, इस पर मैं विष्वास बिलाना चाहता हूँ कि माननीय सचिव ने जो सुझाव दिया है उसको हम विचार में रखेंगे।

श्री राज बिलस रायबल : धूमि का आइटम तो 1970 में हुआ था, जो कि 7 साल के बाद 1977 में यह बटना सही पटी ?

श्री धनिक लाल मन्जल : 1977 में बटना देखी पटी कि ..

MR. SPEAKER. No question is allowed

(Interruptions)

MR. SPEAKER Don't record

श्री राम बिलाल पासवान : अध्यक्ष-महोदय, मंत्री महोदय जबकि हैं ऐसे थे, आप ने उन्हें रोक दिया। उन्हें अपना जवाब पूरा करने दीजिए।

अध्यक्ष महोदय : उन्होंने जवाब दे दिया है। अब [हय नेकस 377 को ले लिया है।

श्री जी० जी० मर्हूँ (इलहाबाद) : प्रभु मंत्री महोदय का जवाब पूरा नहीं हुआ है।

12 51 hrs

MATTERS UNDER RULE 377

(1) REPORTED IRREGULARITIES AT SHAH-JEHANPUR ORDNANCE FACTORY

श्री सुरेश बिष्णु (शाहजहांपुर) अध्यक्ष महोदय, मैं नियम 377 के अधीन एक दस्तावेज़ीय लोक महत्व के विषय की ओर इस सदन और सरकार का ध्यान दिखाना चाहता हूँ।

बस्स धामुध निर्माणी ज़ाहजहांपुर, में भयकर घटा के, रक्षा उत्पादन में भयंकर अनियमितताओं और बुरे धादि से बिरोध की स्थिति उत्पन्न हो गई है। बस्स धामुध निर्माणी ज़ाहजहांपुर में भूए का बहुत बड़ा घड़ा बन गया है तथा बोरियों एक घाम बात हो गई हैं। इन धामुध निर्माणी में पूर्ण रूप से घराबता का राग्य है और सुरक्षा समाप्त हो गई है। मुख्यवान बस्तुए धाये दिन मायब की जा रही हैं। और उन बोरियों को हजम करने हेतु कैन्टी में धाम भी लगाई गई जिसमें कई लाख रुपये का नुकसान हुआ। इन ईस्टरी में हमारी सेना की आवश्यकता के कपड तथा बिल्के धादि बनते हैं। इसके उत्पादन में भयकर गतिरोध पैदा हो गया है जिस का घसर हमारी सुरक्षा पर पड़ सकता है बड़ा कुछ कर्मचारी जघा खेलते हुए कधी भी देखे जा सकते हैं। इस धामुध निर्माणी के सम्बन्ध म जमता मर भयानक रोष और घसतोष ब्याप्त है। यदि तोकाल उत्पन्न स्तर पर जांच कर के घाबश्यक कार्यबापड न की गई, तो इनका घसर हमारी सुरक्षा पड के सकता है। इसलिये हम माननीय रक्षा मंत्री का मत्काल हस्तक्षेप तथा घाबश्यक कार्यवाही की मांग करने हैं।

(ii) NEED TO MODERNISE JAMALPUR RAILWAY WORKSHOP

श्री लखन लाल कपूर (गुनिया) अध्यक्ष महोदय, मैं नियम 377 के अन्तर्गत ईस्टर्न रेलवे के जमालपुर कारखाने की व्यवस्था की ओर सरकार और सदन का ध्यान आकृष्ट करना चाहता हूँ।

बिहार राज्यांतगत सन 1862 में स्थापित जमालपुर का रेलवे कारखाना, दक्षिण-पूर्व एशिया में अपने इनका एक उत्कृष्ट कोश का सभ से बड़ा राष्ट्रीय इंजन का कारखाना, अपनी कार्यक्षमता एवं कार्य-बला के कारण सदा प्रसिद्ध रहा है। लेकिन स्वतंत्रता प्राप्ति के पश्चात् देश के अन्य हिस्सों में जहां औद्योगिक विकास की ओर ध्यान दिया गया, वहां ठीक इसके विपरीत जमालपुर का कारखाना रेलवे प्रशासना-धिकारियों की अकर्मव्यता स्वाधपलता एवं सुनिर्वाचित राजनैतिक पद्धत के कारण नीत उपेक्षित रहा है।

देश की बढ़ती हुई आबादी के कारण बेकारी की समस्या के निदान हेतु जमालपुर का कारखाना सरकारी प्रतिष्ठान के रूप में अधिकृत एवं गरीब बिहार का एक साधन है। परन्तु कुछ के साथ कहना पड़ता है कि स्वरा य के बाद अन्य औद्योगिक प्रतिष्ठानों को देखते हुए जहां इन कारखाने के मजदूरों की संख्या इन समय कम से कम 45 हजार होनी चाहिए थी जहां सम्पत्ति कार्यरत मजदूरों की संख्या मात्र 9 हजार है। 1935-36 में जमालपुर कारखाने की मजदूर संख्या 22 हजार थी।

इन के लिए नये ढंग के कार्यों को जा कर इस का विकास किया जाना चाहिए था। लेकिन इसके साथ सदा उपेक्षित की नीति बरती गई। परिणामस्वरूप यह कारखाना घाब मरणाशय अवस्था में पहुँच गया है। जो काम यहां सुगमता से किया जा सकता था, उसकी स्थापना यहां न हो कर राजनैतिक बला के कारण अन्य जगह होती चली गई। इसके कुछ उदाहरण इस प्रकार हैं

(क) बापू इन्जनों के लिए बायलर बनाने का काम तब हुआ लेकिन राजनैतिक बला के कारण बितरंजन में ले जाया गया।

(ख) हील और एक्सल का निर्माण कार्य जमालपुर में करण का निर्णय लिया गया था, लेकिन बाद में वहां न हो कर बनगीर चला गया।

(ग) घाब देश को खन्ने और कोष की आवश्यकता है। जमालपुर में सब सुविधा उपलब्ध है। परन्तु कोष मरम्मत का काम वहां नहीं दे कर भुवनेश्वर में दिया जा रहा है। इतना ही नहीं, जो उपकरण आसानी से जमालपुर कारखाने

में बन रहे थे उसे भी बन्द कर दिया और उस के स्थान पर लगभग 1140 उपकरण निजी व्यापारियों और मोनोपोली बरानों के खरीदे जा रहे हैं।

भारतीय रेलों की एकमात्र रोलिंग मिल इस जमालपुर कारखाने में है जिस की उत्पादन क्षमता 1000 टन प्रति माह है। यहां पानी के भाव में नीलाम होने वाले पुराने एक टैंकर एवं अन्य सावानी के नया भाग तैयार किया जाता रहा है। अब इस रोलिंग मिल की भी बन्द करने का बड़े-बड़े धारम्भ हो गया है और इस से निर्माण होने वाले उपकरणों की निजी क्षेत्र से खरीदना धारम्भ हो गया है। जमालपुर कारखाने के मजदूरों की कार्य-व्यवस्था से प्रभावित हो कर तत्कालीन रेल मंत्री श्री हुनूमतिया ने ट्रक फिटिंग उत्पादन के लिए सन् 1971 में एक मोटी धनराशि आवंटित की थी परन्तु प्रशासनाधिकारियों ने बाद में उसे भी समाप्त कर दिया।

पूरे देश के रेलवे कारखाने के जीर्णोधार एवं विकास के लिए विश्व बैंक से रेलवे प्रशासन में हाल में 171 करोड़ रुपये का ऋण लिया है जिस में से कच्छपाड़ा, मजदूरपुर, चित्तूरजन, पेरल और मादुमा कारखाने को 25 करोड़ रुपये और अन्य कारखानों को 57 करोड़ रुपये, भुवनेश्वर में कोच मरम्मत के लिए 9 करोड़ रुपये, बगलौर में स्टील तथा एक्सेल निर्माण के लिए 34 करोड़ रुपये और जमालपुर रेलवे कारखाने को मात्र 1 करोड़ रुपये का भावधान किया गया है। क्या यह पक्षपात नहीं है? इसी तरह जब पिछले वर्ष विश्व बैंक की टीम रेलवे कारखानों के निरीक्षण के लिए आई थी तो उस में भी जमालपुर कारखाने की उपेक्षा कर दी गई। क्या इस से यह जाहिर नहीं होता है कि रेलवे बोर्ड जमालपुर कारखाने को समाप्त कर देने का कुत्सित प्रयत्न कर रहा है?

जमालपुर कारखाने के मजदूरों की वर्तमान संख्या 22 हजार से गिर कर मात्र 9 हजार रह गई है और 1981 तक करीब करीब 6500 मजदूर प्रवकाश प्राप्त करने वाले हैं जिन की प्रथी पूर्ति करने की कोई योजना नहीं है। इस तरह जमालपुर कारखाने के दिन प्रति दिन ह्रास एवं बेकारी की उत्पन्न स्थिति ने ऊब कर स्थानीय मजदूरों और जनता में भयंकर घर्षण उत्पन्न है। कलस्वल्प इस के प्रतिकार में जुलूस, प्रदर्शन, सभाएं, बाजार बन्द, भूख हड़ताल हो रही है और नाति व्यवस्था को अंतरा उत्पन्न होने की आशंका है।

प्रतः मैं इस मदन के माध्यम से यह मांग करता हूँ कि बिहार के पिछड़ेपन, बेकारी और चरीबी को देखते हुए जमालपुर कारखाने का प्रावनीकरण तथा उस की कार्यक्षमता को बढ़ाने के लिए प्रबलम्ब कदम उठाया जाय।

(iii) REPORTED NON-FUNCTIONING OF RADARS INSTALLED AT CALCUTTA AIRPORT

SHRI KRISHNA CHANDRA HALDER (Durgapur): Mr. Speaker, Sir,

I want to raise a very serious and important matter under Rule 377. The Minister is here. A news item has appeared in Amrita Bazar Patrika. It reads:

"For the last five months the Air Traffic Controllers of Calcutta Airport have not been getting the services of two highly sophisticated radars. One of them is the Canadian made Aerodrome Surveillance Radar and the other a West German precision Approach Radar.

According to the Air Traffic Controllers of Calcutta Airport, the two radars were working very smoothly for one year but in March last the Aerodrome Surveillance Radar went out of order. Some small spare parts were required to be imported from Canada for its repair. But till today this was not done. The Precision Approach Radar was correlated with the Canadian radar.. "

MR. SPEAKER: Mr. Halder, you are going out of your statement. No.

SHRI KRISHNA CHANDRA HALDER: No, No. I have written in my statement about this. The news item further reads:

"...According to the Air Traffic experts the Canadian radar was essential to regulate the aircraft within 60 miles radius of Calcutta Airport. The German radar functions for an approach within the radius of 10 miles.

At present the Air Traffic Controllers are passing a hard time to maintain the safety of the take-off and landing of aircrafts without the help of these two valuable machines."

You know that if one goes to Calcutta, his life is in danger. Everyday, thousands of passengers go from Calcutta to other places and abroad and thousands of passengers go to Calcutta from other places. Many

[Shri Krishna Chandra Halder]

foreign airlines, are operating from the Calcutta Airport and they are taking interest to operate from there for the good performance of the left front government of West Bengal.

13.20 hrs.

Sir, through you, I want to know from the hon. Minister, Mr. Kaushik, who is sitting here, why this step-motherly treatment is being meted out to the Calcutta Airport and West Bengal. I would request him to make a statement on the floor of the House and assure us that, as early as possible, this will be done.

MR. SPEAKER: Is it the pleasure of the House to sit for 5 minutes more to enable the two more hon. Members to make their statements under rule 377?

SOME HON. MEMBERS: Yes.

- (1V) REPORTED DECISION TO DO AWAY WITH TEN PER CENT PRICE PREFERENCE TO PUBLIC SECTOR IN THE MATTER OF PURCHASES

SHRI BEDABRATA BARUA (Kaliabor): Mr Speaker, Sir, under rule 377, I beg to raise the matter of the extraordinarily reactionary decision of the Government to dispense with the 10 per cent price preference to the public sector in the matter of Government purchases. This matter was more or less in the air since the Janata Government took over but the decision has now been very clearly stated in Parliament, last Friday, by the Finance Minister, Shri H. M. Patel, in reply to an Unstarred Question.

The Minister stated that the Government has decided to do away with the price preferences so long enjoyed by the public sector and that the decision would be implemented. It is only a half truth to say, as the Minister has said, that the price preference was given to the public sector to enable full utilisation of capacity.

Even assuming that this was the only aim, in 1971, the Government would be totally wrong to assume that there has been full capacity utilisation in the public sector today. In fact, most of the public sector units are suffering from unutilised capacity more than ever before. All these are the direct outcome of Government policies in various spheres aimed at creating unutilised capacity in the public sector. The Government's declared decision to import Super Thermal Plants for various projects is one such example. This decision has caused extraordinary crisis to the Bharat Heavy Electricals Limited in which huge public investments have been made since its order books are going to be all but empty.....

MR. SPEAKER: Mr. Barua, you are also not confining yourself to the statement given. The rule is that you must confine yourself to the statement.

SHRI BEDABRATA BARUA: I am not adding; there are only some minor changes here and there.

The Government itself has contributed to a major way towards the on-coming crises of the public sector.

The public sector has failed to compete even with the price preferences not because of the lesser efficiency but primarily because when it comes to Government purchases, few Departments would do so unless some under-the-table payments are made. Now that even this insufficient protection has been removed, the public sector is likely to be completely starved of Government orders. This act of dispensing with the price preferences is one of the various measures of the overall multi-thronged attacks on the public sector by a collusion of the Janata Government with the bureaucrats and big business and must be resisted with full force before the Government succeed in dismantling the public

sector built up with so much effort by the nation under the leadership of late Shri Jawaharlal Nehru.

(v) **REPORTED FUNCTIONING OF TEXTILE EXPORT PROMOTION COUNCIL**

SHRI K. LAKKAPPA (Tumkur): Mr. Speaker, Sir, I am glad, that the hon. Minister, Shri Mohan Dharis, is present in the House. I am raising a very important issue, with your permission.

The Textile Export Promotion Council with its unhelpful attitude is leading to the devastation of the whole garment industry in India. It is a well known fact that a large part of the garment industry is coming under the small scale sector while, unfortunately, a few of them are in the grip of the monopoly houses, like, Binnys, Shaw Wallace, etc.

To look at the prospects of garments exports from India to other parts of the world, one has to go the very root of the raw material, viz. various types of fabrics used by the garment industry. Major items are prepared from the fabrics manufactured from the handloom sector and we may even say that the 'Bleeding Madras' variety has given way to crepe and other Madras checks. The export of garments as such naturally leads to the prosperity of the handloom sector, more so, in the way of giving employment to innumerable people.

The Textile Export Promotion Council which has been assigned the role of looking into the welfare of the small sector has turned into a profit making body; one of the leading papers published some time back an article on the misuse of Texprocil, buying the properties on their own value and selling them to their own people at the book value. Perhaps no action whatsoever has been taken on this malpractice.

Many unhealthy practices adopted by the Texprocil have come to light through the ready-made garment manufacturers/exporters when the misuse of quota was brought to the notice of the authorities concerned. The quota has been cornered by the big business exporters with the result those people who had orders were unable to execute. This lead to losing the image of some of the well known manufacturers/exporters of ready-made garments. The mere announcement by the Commerce Minister that an enquiry will take place into these dealing led to the resignation of the two top officials of the Texprocil and the Government has not taken any step to enquire into the matter. In one of the letters written to the Editor of Economic Times dated May 28, 1977 it has been pointed out that the Indian shippers have been unethical in sending the garments under false declaration as handloom. If proper care was taken by Texprocil and the inspecting authorities to check the origin of the fabrics before necessary certificates were issued, such a pitiable state of affairs would have been avoided. Texprocil naturally failed to play its role by not giving proper definitions with regard to the fabrics/garments to be exported.

Adding to the above, one is much annoyed with the further developments that have taken place. The Indo-U.S. Agreement accorded a special status to handloom fabrics. But once again the misinterpretation of the Agreement's provisions by the Texprocil has led to the piling of stocks in U.S. As stated in the Economic Times of July 24, 1978, "The U.S. Customs impounded the 14 million yards shipments on the ground that India had already exhausted its quota limit in the first five months of this year." It is indeed a serious lapse on the part of the Texprocil to have given such misinterpretations which led to the decrease in export; since the time of "impounding" no further

[Shri K. Lakkappa]

orders could have been booked. It is high time that this bureaucratic attitude of Texprocil should be stopped and unless and until the Government frames rules and regulations with the main intention of increasing the exports, India may have to face a serious situation when its textile exports themselves will come to a complete halt. Further, to infuse confidence in the heart of small scale industries, viz., the garment manufacturing units who were a pawn in the chess board of Texprocil, the Government should immediately appoint a Committee to investigate into the acts of Texprocil and take action against those officials, even if they resign, if they are found guilty. This is the only way in which the Export Promotion Councils could be made to play a constructive role. The act of Texprocil has led to the closure of quite a lot of garment manufacturing units, thereby leading to the unemployment problem.

The history of Texprocil may be taken as the history of ruining the small-scale industries in India pertaining to the ready-made garments and it is indeed surprising that no action, whatsoever, has been taken by the Government to go into these details and to punish the guilty.

I would request the hon. Minister, Shri Mohan Dharla, who is for taking up socialist programmes and policies should come out with a bold statement to do the needful in this regard.

MR. SPEAKER: The House stands adjourned for lunch to meet again at 2.05 PM.

13.08 hrs.

The Lok Sabha adjourned for Lunch till Five Minutes past Fourteen of the Clock.

The Lok Sabha reassembled after Lunch at Seven Minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

CONSTITUTION (FORTY-FIFTH AMENDMENT) BILL—contd.

MR. DEPUTY-SPEAKER: Now, we take up further consideration of the Constitution (Forty-fifth Amendment) Bill. Prof. Mavalankar. You have already taken 13 minutes.

SHRI P. K. DEO (Kalahandi): The time should be extended.

MR. DEPUTY-SPEAKER: We had allotted ten hours for the General Discussion.

श्री उपसेन (रेवरीया) प्राप समय नियत कर बीजिए कि प्रति व्यक्ति को इतना समय मिलेगा।

उपाध्यक्ष महोदय प्राप जरा जान्त हो जाइए, अपनी ही बात कहने में मल्ल न हो, मैं बना रहा हूँ। इस पर डिस्कशन के लिए 10 बजे दिए गए थे। 4 बजे 45 मिनट हो चुके हैं और अभी 5 बजे 15 मिनट बाकी हैं। मेरा सुझाव यह है कि—यूँकि आज जो काम को डिस्कशन होना था 6 बजे से 8 बजे तक, वह पोस्टपोन हो रहा है—हम लोग वह टाइम इस कांस्टीट्यूशन (एमेंडमेंट) बिल पर ले लें, तो दो बजे और मिल जाते हैं। .. (व्यवधान)

श्री यमुना प्रसाद मास्त्री (रीवा) मेरा कहना यह है कि यह जो समय प्राप बढ़ा रहे हैं, इस समय को और अधिक बढ़ाया जाए क्योंकि यह सविधान (संको-धन) बिल का मामला है और इस पर बहुत से लोग सोचना चाहेंगे और अपनी राय देना चाहेंगे। 10 बजे का जो समय है, इसको काफी अधिक बढ़ाया जाए।

उपाध्यक्ष महोदय . इसीलिए तो 12 बजे हो रहे हैं।

SHRI KANWAR LAL GUPTA (Delhi Sadar): So, the total will be twelve hours?

MR. DEPUTY-SPEAKER: It will be just twelve hours because we had allotted ten hours. Now we will be

taking two hours more, i.e., from 6.00 to 8.00 p.m. Taking that into consideration, it will be twelve hours. This is including the time already taken. So, we will be left with 7 hours 15 minutes.

AN HON. MEMBER: Excluding the Minister's time?

MR. DEPUTY-SPEAKER: No; including the Minister's time.

I propose that the Minister start his reply tomorrow and let the Members finish the discussion today. Voting will take place soon after the Minister's reply tomorrow.

Now, we start.

SHRI KANWAR LAL GUPTA: Total 12 hours plus the reply of the Minister.

MR. DEPUTY SPEAKER: No, no. It will include the Minister's reply

SHRI PABITRA MOHAN PRADHAN (Deogarh) You please limit the time for a speaker so that more members can be accommodated.

MR. DEPUTY-SPEAKER: We will not give more than 15 minutes to each speaker.

SHRI N. K. SHEJWALKAR (Gwalior): In that case we may have to sit till 9.30.

MR. DEPUTY-SPEAKER: The Minister's reply will be tomorrow.

SHRI N. K. SHEJWALKAR: How long are we going to sit today?

MR. DEPUTY-SPEAKER: Till Eight.

Now, Mr. Mavalankar.

PROF. P. G. MAVALANKAR (Ahmedabad): While congratulating the Law Minister again for piloting this important Bill so as to nurture and strengthen the democratic institutions in the country and also to establish on a sure and secure basis the Rule of Law throughout the land so

as to ensure that all citizens high or low and, no matter how highest he or she may be, are equal in the eyes of law, may I say this by way of concluding observations on a few of the remaining aspects of this important Bill?

First, about preventive detention, I welcomed yesterday the new stringent provisions making it very difficult for any government to arrest and detain people for long and without trial. May I say, further, that ideally and really speaking, preventive detention must be abandoned altogether and we all—governments, Members of Parliament, political parties and the citizens in general—must go ahead in that direction quickly, concretely, honestly and fully because preventive detention, in my judgment, both in principle and practice, is a negation of freedom, rights and the civil liberties.

About referendum, my continued opposition to referendum remains. I opposed it at the introduction stage and I oppose it even now. In fact my opposition has been further strengthened after what I read the Law Minister's remarks about it in the course of his speech in the meeting of the Consultative Committee of his Ministry.

The Law Minister says, referendum i.e. a reference to people is a duty. Who denied that? Nobody says that we must not refer to the people. But do we want the people to be referred to all the time? The question is whether referendum is a right means to do it. Referendum is impracticable, difficult and very expensive. His own statement says that it will be Rs. 30 crores at any one time—Rs. 7 crores plus Rs. 23 crores. But apart from being expensive—and if it is valuable. I will even go in for that—the whole point is that referendum is something which is not necessary because, here is the Parliament and it is elected every five years and if the Parliament does something very wrong, people

[Prof. P. G. Mavalankar]

may elect a new Parliament and the new Parliament may undo that wrong thing. How can the people understand complicated and intricate political and constitutional issues? A referendum can be thought of for deciding a political issue. But it cannot be made permanent for seeking a constitutional amendment. The point is that referendum is only found in Switzerland, Australia and America, and it is compulsory for constitutional amendments in Switzerland and Australia. So, by and large, no country in the democratic world excluding Switzerland and Australia has got referendum for the purposes of Constitutional Amendments. That is No 1. Secondly, about referendum, I have an important word to say. If something is basic—Sir, I do not want to take the time of the House by repeating—and we have said that four things are basic things in the Constitution, why then do you make these things amendable? Because if 51 per cent of the people may say, 'Fundamental rights may go' and 49 per cent of the people say 'No', will you amend them by this means of referendum? I would say, Sir, even if 99 per cent of the people say, 'Fundamental rights may go', you cannot do it. I for one will say that these are basic things and they must be kept unamendable. That is my point.

The Law Minister was talking about trusting and respecting the people. Let him not be clever. Let him be correct also. We have never said that we do not trust the people. All that we say is that referendum is not the right method.

Then, Sir, a word about the right to private property. I am glad it is being taken away from the fundamental rights chapter and now it is going to be a legal and constitutional right. All the more because of the fact that we want socio-economic legislation to go ahead and the property right not to come in the way of our social and economic progress and in our effort

to make the society egalitarian, and socialist, we want this right to go completely out of the fundamental rights chapter.

Lastly, provisions regarding President's rule in States have been made more accurate and right. That I welcome.

The philosophy of our Constitution, the practice of our Constitution and the purpose of our Constitution have to be respected in such a way that emergency or no emergency, no part of the Constitution can be deformed, defiled and defaced. We must all go in the direction of making our Constitution and the Government workable and satisfactory to the people, because the Constitution is after all an instrument, a means, not an end, the end is the welfare of the people. If this is done, we will eliminate the exploitation of the people in this country and earn their respect.

PROF. DILIP CHAKRAVARTY
(Calcutta South) Mr Deputy-Speaker, Sir, I congratulate the Law Minister. . .

SHRI SOMNATH CHATTERJEE
(Jadavpur) And the people of this country

PROF. DILIP CHAKRAVARTY
People have to be congratulated perpetually.

I congratulate the Law Minister for bringing for the consideration of this House, though belatedly, this Constitution (Amendment) Bill. We expected as a matter of fact, that this Bill would be brought long before. Possibly he was taking time, and rightly so, for having consultations with the friends opposite. I also have a word of appreciation for the major opposition parties and groups for agreeing to the provisions of this amending Bill.

The Janata Party by bringing forward this Bill is trying to restore the testament of faith that the founding fathers of our Constitution bequeathed to the people. Insecurity would be no more. We owe it to the people who sent us here to see that there should be no further erosion, no further attempt in future to scuttle the fundamental rights. This Parliament has already restored the judiciary to its former glory. There are certain other provisions in this Bill itself whereby the judiciary will be restored to its pristine glory, and the rule of law for all intents and purposes would be restored. But I would like to utter a word of caution. Mere legal provisions for securing equality before the eyes of law are not enough, as long as seventy per cent of our population are permitted to languish below the poverty line and they are denied the opportunity to take advantage of the legal system. This also should be borne in mind not merely by the Law Minister, but by the Government as a whole.

I also congratulate the Law Minister for redeeming the pledge given in our election manifesto, namely to delete the property rights from the Fundamental Rights....

SHRI P. K. DEO: And to substitute this with the right to work

PROF. DILIP CHAKRAVARTY: Yes. . .

MR. DEPUTY-SPEAKER: Do not get deflected by your neighbours, because you have only fifteen minutes time. They would derail you from your arguments.

PROF. DILIP CHAKRAVARTY: Sir, I congratulate the Law Minister for redeeming the pledge given to the people at the time of elections. I also congratulate the Minister for deleting the obnoxious Article 329A, which was being popularly called 'Save Indira clause' in our mutilated

Constitution. By Article 329A, benefit was sought to be given retrospectively to Shrimati Indira Gandhi. Let us give a go-by to the things of the past.

Further, by an amendment of Article 74, the status of the President is sought to be improved. This is the first time that the President of the Indian Republic would be having the right to ask for a reconsideration of a matter by the Council of Ministers, though ultimately if the Council of Ministers reiterated its former position, the President has to accept. That is a welcome provision. Possibly, if such provisions had been there, earlier, the late lamented President Fakhruddin Ali Ahmad would have thought for a second time, to pass it on to the Cabinet or to insist on a reconsideration before signing papers declaring emergency. Of course, according to the then provisions, he could have insisted. He did not. However, I need not dilate on it.

Last year, Parliament itself restored the popularly known provisions of the Feroze Gandhi Act. This was one of the first acts undertaken by the present Government. In the present Constitution (Amendment) Bill, Article 361-A is being inserted, whereby protection is sought to be given to those who publish parliamentary proceedings. This is a step in the right direction. If we keep the people of the country continuously involved in the parliamentary proceedings, that is a surer guarantee for preserving democracy in the body politic of the country.

In the election manifesto of the Janata Party, we insisted that there should be a very cautious use of the powers for having President's rule in the States, because the States' autonomy was made nugatory, particularly during the period of Emergency. But I have a feeling that even in our election manifesto, it is said that conditions should be clearly laid down with regard to the President's

[Shri Dilip Chakravarty]

rule in the States. It is for the consideration of the hon. Minister of Law. Otherwise there are dangers, there shall always be the danger, of subjective reports being sent by Governors of States, and decisions being arrived at on the basis of those subjective reports. If we have to preserve the quality of the Indian polity, we possibly expect that in future, different parties will be ruling in different States of India, whereas another party will be ruling at the Centre. So, these guarantees are necessary in maintaining the balance in the body politic of the Indian Republic. And even in matters of appointments of Governors, the ruling party in the State should also be involved. Their opinions should also be given due weight. These are the provisions which may form the subject matter of another Constitution Amendment Bill.

This is the first time since 1950 that the Government of India tried to rule the country without any Preventive Detention Act. And this fact should be applauded; but at the same time, one would feel it to be a matter of shame that the enabling provisions in our Constitution continue to remain, which give power to the States and also to Parliament, to enact for preventive detention. If we are really intent on restoring democratic norms in the country we should give for all times to come, a go-by to the provisions which enable the State Governments and the Parliament to enact in future, any preventive detention legislation.

I would also draw the attention of the Law Minister to another provision in our manifesto—page 9 of that manifesto—which declares, "We would guarantee the recall of errant legislators." We should not forget our own commitments. I am aware that our attempts are to translate all our commitments one after the other; but

let us not lose sight of many important commitments which remain yet to be fulfilled.

I should also like to draw the attention of the hon. Law Minister to our manifesto, page 9, item 18 which relates to right to work. There should be some provision in our constitution itself for this; I should personally prefer to put the right to work as one of our fundamental rights; we have removed property rights from the chapter on fundamental rights but we should substitute the right to work by incorporating it in the fundamental rights, as also the right to social security.

I was listening with rapt attention to the speech delivered by my friend Prof. Mavalankar who is no longer here in the House. He came forward with some arguments. He is a democrat. Reading the proceedings of Parliament during the emergency would show that in Parliament he was fighting against the amendments to the Constitution, against emergency provisions. How many, I would ask him, got up to support him in his opposition to the emergency provisions? Now he talks eloquently about the sovereignty of Parliament. I do not deny it; I belong to this Parliament. But which one should be given precedence—sovereignty of the people or sovereignty of Parliament elected by the people? Like any India scholar depending for his knowledge only on western publications, in his eloquent language he asks; how can the people of this country understand complicated issues? With the same eloquence he cited the instance of Switzerland and many other foreign countries which have cent per cent literacy and suggested—that those were methods which we could not accept. Prof. Mavalankar is a professor and an expert on constitutional law and political philosophy. I am not. But as a person with some little pragmatic sense and as a person who has faith in our people and in the crea-

tive ideas of the Indian people, I would ask him: what happened in the 1977 elections? Could anybody have imagined that with the press and publicity organs stifled, with fundamental rights not restored, with courts being crippled under a mutilated constitution, with many candidates in the elections languishing inside jails with no organisation worth the name, without the necessary financial power to go and reach the people, how did the people react? It does not today lie in anybody's mouth to caution on this by quoting from western experts. It is time we laid emphasis, we put our faith in our people. I am aware as anybody else that 70 per cent of our population are devoid of the three Rs; not only that, more than 60 per cent of our population live below the hunger line. Even then they knew how to react when they were called upon to react against an authoritarian regime. With these words, I would beseech everybody including hon. friends in the Opposition, the Leader of the Opposition Mr. Stephen and others to agree to the provision on referendum. This will be something new; we can show the way to the rest of the world. It is my plea to Prof. Mavalankar along with others who sit on the opposite who are still hesitant to agree to this provision on referendum. That is the surest way of guaranteeing freedom to the people at large to which we are all committed.

MR. DEPUTY-SPEAKER: You kept exactly within the time allotted.

PROF. DILIP CHAKRAVARTY: I will never exceed the limit.

SHRI M. N. GOVINDAN NAIR (Trivandrum): Sir, I welcome this amending Bill. I also congratulate the Minister on holding prior consultations with all the parties. I specially support clause 45 to amend article 368, where he has defined the basic structure of the Constitution and made it clear that without a referendum, this basic structure cannot be changed. I
2180 LS—10.

welcome it. We had to learn from bitter experience. In a country where the fate of the State is decided by waves, in one wave you may get a sweeping majority and in another wave, it may be something else. I feel that this provision for a referendum is a must in these circumstances. For another reason also I welcome it. It is helping all of us to re-educate ourselves as to what the basic structure of our Constitution is, especially at a time when the rights which you want to preserve are being trampled under the foot with impunity by certain sections of the people all over the country.

I need not remind you that article 15 under the chapter on fundamental rights clearly states that there shall be no discrimination. But what is happening in the country now? I do not want to go into all those details. It is a very good thing that you remind us through this very provision that these are the basic structures—secularism, democracy, adult franchise and fundamental rights. I am glad that the right to property has been taken away from among the fundamental rights. All the Members of Parliament and State Legislatures including Ministers have to take oath of allegiance to the Constitution. Let us forget the people outside. So far as taking oath in the name of God is concerned, now I have realised that most of us do not believe in God. Otherwise, the fear of God would have helped them to fight against the trend and beliefs working against the democratic rights provided in the Constitution. The political system we are having is embedded in the Constitution. Unfortunately, we have inherited an undemocratic social structure. Unless we are prepared to fight against this undemocratic social structure, we will not be able to have secular and political democracy. Therefore, reminding the

[Shri M N Govindan Nair]

Members of Parliament and the people that without secularism, without democracy, our nation as a nation cannot survive is necessary and this must be brought home to everybody. That is why I lay so much stress on supporting this.

With all good intentions, you have brought in certain amendments in regard to the emergency. I am not questioning your intentions. After all, you are a youngster; you are lacking political experience. Therefore I want you to learn from past experience where the Constitution was circumvented to bring down the Government. It started with Kera's in 1959 when the Government enjoyed a majority in the name of the masses, having gone against the Government all joined together to pull down the Government. The only person who had a feeling of agony was the then President Dr Rajendra Prasad who had to issue the dismissal order. Everyone else combined to pull down the Ministry. What was the result? This became the method of pulling down any Ministry if the Centre did not like it.

SHRI P K DEO It has become a routine.

SHRI M N GOVINDAN NAIR It has become a routine. You can count how many Ministries have been brought down.

According to the present amendment emergency can be imposed if there is an armed rebellion. If you are going to include this, I am sure there will be infighting inside the various parties and groups and you will be unleashing armed action all over the country. I have no doubt about it. Therefore, as far as the emergency is concerned, excepting when there is external aggression there should be no provision to impose it.

Coming to President's rule, you have made certain changes but that

is not enough. Why should there be President's rule for six months or one year? There also, look into the past and see how many times President's rule was introduced, how it was prolonged and prolonged. Therefore, within two months re-election should be conducted. There shall be no President's rule. Therefore, what I would suggest is that you have to make necessary amendments to your Bill to take away this imposition of President's rule. How are you managing it here at the Centre? There is no provision for President's rule here. You have to call for elections immediately. If this country of 600 million people have to take part in an election when there is a breakdown here, what is the difficulty in conducting an election if there is a constitutional breakdown in one of the States? Your talking about rains and climate and all that is all wrong. Within two months in a State you can conduct elections. Therefore I am not questioning the spirit in which you have brought these amendments but I am trying to improve upon it so that this may be a real amendment of the Constitution.

In clause 44 you have spoken about "Republic", "Secular" and "Socialist" in bold letters.

AN HON MEMBER What else you want? Everything is there?

SHRI M N GOVINDAN NAIR What I want is we should be politically honest. If you do not want socialism, do not say that you are for a Socialist State. If you really mean that you are for a Socialist State, then there should be necessary amendments in this whereby you lead the country to socialism. Otherwise, there is no point in using these words. Whom are you fooling? You think you are fooling the people; you are only deceiving yourselves. Nobody is going to be fooled by such a statement. Suppose you write in a paper "sugar". Will it be sweet? So, if

you do not believe in it, do not put it. But if you mean it, then strengthen it by necessary changes.

There are certain minor amendments which, I think, we will not find it difficult to accept, about which we will give our views at the time of the clause by clause consideration.

श्री कंवर लाल गुप्त : (दिल्ली सदर) उपाध्यक्ष महोदय, श्री गोविन्दन नायर का भाषण सुनने के बाद मैं समझा ...

SHRI M. N. GOVINDAN NAIR:
Please speak in English.

SHRI KANWAR LAL GUPTA:
After listening to the speech of Shri Govindan Nair, I was pleased to learn that they have become wiser now, of course very late

एक माननीय सदस्य हिन्दी में ।

श्री कंवर लाल गुप्त आप विषय में बतिये ।

Similarly, I heard the speech of a Congress Member, a former Minister. He has also achieved realisation after the dark period of 19 months. He has become wiser. I heard also Shri Stephen He tried to defend the emergency in a half-hearted way. He has also become wiser. I may say now they have all become wiser. Had they been wise enough before, then this dark period would not have been there in this country and we would not have been in jail for 19 months.

मैंने एक ही बात कहनी है कि माननीय मंत्री महोदय ने जो विधेयक रखा है वह एक हिस्टोरिकल इवेंट है भारत इतिहास में और मैं उसके लिए उनको बधाई देना चाहता हूँ । मैं कहना चाहता हूँ कि 19 महीने की जो काली रात थी वह इस बिल के द्वारा खत्म हो गई और एक बार पुनः प्रजातन्त्र का उदय हुआ है जिसकी प्रशंसा में री-वर्स कहते हैं, वह दोबारा हुआ है और जनता पार्टी ने देश के सामने चुनाव में जो वायदा किया था, आज हम कह सकते हैं कि जब यह विधेयक पास हो जायेगा, हम उस वायदा का एक बहुत बड़ा भाग पूरा कर देंगे ।

We made a commitment and I must say we have fulfilled that because our commitment was total.

और उसमें भी हटने की कोई बात नहीं है । यह जो विधेयक है यह एक बात साफ बताता है कि जनता पार्टी जो वायदा करती है उसको बख पूरा करती है । हमने एक हिस्से को पूरा कर दिया है ।

जो रोटी की बात है, मैं जनता से कहना कि थोड़ा सा धैर्य रखें, उसको भी हम पूरा करेंगे । इसके लिए हमें थोड़ा समय दीजिए । (बयबहाल) आपको तो यह भी पसन्द नहीं है लेकिन आपकी पसंदगी से या आपसदगी से कुछ होने वाला नहीं है । हम वायदा करने हैं जनता के सामने कि जब हमने इसको पूरा किया है तो उसको भी पूरा करेंगे लेकिन उसका पूरा करने में हम थोड़ा सा समय लेना चाहते हैं । उसका पूरा करने का समय हम मांगते हैं । हम यही कहेंगे कि थोड़ा धैर्य रखिए और जो कुछ प्रोपगण्डा हमारे खिलाफ किया जा रहा है उस पर विश्वास मत कीजिए ।

अध्यक्ष महोदय, हमने इस विधेयक के जरिए से डेमोक्रेटिक वेल्थ परमनल फ्रीडम, इन्क्विटी विफार ला, फ्रीडम आफ जूरीजरी, रेस्पेक्ट टू पर्सनलिटि डन मारी बाना का बंगल किया है । हम ने इसान इसा का बंधन भंग किया है । चाहे मिनना ही बड़ा आत्मा हो या बिना हो छोटा आदमी हो, मनुष्य का मान सब बराबर हो । इस विधेयक के जरिए से हम ने सब का एक लान में खड़ा किया है । इस के लिए मैं मंत्री महोदय और जनता पार्टी को सरगार का बधाई देना चाहता हूँ ।

It is an eye-opener to you and to all those who say that the Janata Government has done nothing. I think this is the biggest thing that the Janata Government has done. I can remain hungry, I can remain thirsty, but if I am not allowed to move freely, if I am not allowed to express freely, if I am not allowed to think freely, I am as bad as an animal.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): And to die freely of hunger and starvation.

SHRI KANWAR LAL GUPTA: I am prepared to die of hunger and starvation. But I would like to be a free man and human. I do not like that. That may be your philosophy, but it is not our philosophy. We want both. But you don't undermine

[Shri Kanwar Lal Gupta]

that. It is in your way of thinking that it may be possible but not in the way of thinking of the Janata Party.

उपाध्यक्ष महोदय, हमने इस विधेयक के जरिए से यह कहा है कि संविधान का जो बेसिक स्ट्रक्चर है, वह जनता ही बदलेगी। वह बेसिक स्ट्रक्चर क्या है, उसके बारे में हमने कुछ कहा गया है।

उपाध्यक्ष महोदय, आपका मालूम है कि सुप्रीम कोर्ट ने इन चीजों के ऊपर अपने धन्य धन्य निर्णय दिये हैं। कभी वह एक निर्णय लेती रही है, कभी वह दूसरा निर्णय लेती रही है और तीसरा निर्णय लेती रही है। जब वह अपने निर्णय इस तरीके से बदलती रही है तो प्रागे वह क्या करेगी, यह कहना मुश्किल है। एमर्जेन्सी के दिनों में सुप्रीम कोर्ट का जो एटीच्यूड रहा है, वह एक बदनुमा दाय है, हमारे देश के माथे पर एक धब्बा है। इसलिए हम सुप्रीम कोर्ट के ऊपर विश्वास नहीं कर सकते। बेसिक स्ट्रक्चर क्या है, बेसिक फीचर्स क्या हैं, इनके बारे में हमारे मंत्री महोदय ने मोटी मोटी चीजे ले कर कहा है कि इनको बदलने का अधिकार पार्लियामेंट को नहीं होगा। इसके लिए, या इनको बदलने के लिए इस पार्लियामेंट से ऊपर भी एक पार्लियामेंट होगी और हम से बड़ी वह जनता की पार्लियामेंट होगी।

मझे आश्चर्य हुआ जब श्री स्टीफन ने यह कहा कि पांच साल के लिए आप कुछ भी कर सकते हैं। पांच सालों में आपने जो कुछ किया वह भी दुनिया का मालूम है। अगर आप फिर भी पांच सालों में वहीं करना चाहते हैं तो जनता पार्टी वह आपकी करने नहीं देगी। वास्तव में जनता पार्टी पावर छोड़ना चाहती है और आप पावर खींचना चाहते हैं। यह है हमारे और आपके बीच का तरीका जो कि हमको और आपको एक दूसरे से धलक करता है। हम नहीं चाहते कि हम पांच सालों तक कुछ भी करें। हमारे जो मौनिक अधिकार हैं, जो कि संविधान का बेसिक स्ट्रक्चर है, उसको बदलने का अधिकार हम अपने पास नहीं रखना चाहते। या ना कि यह पार्लियामेंट सुप्रीम है लेकिन क्या वह जनता से भी सुप्रीम है और पांच साल तक वह जो चाहे वह करे? यह नहीं हो सकता। कॉन्स्टीट्यूशन में धर्मघर्म करने के तीन तरीके हैं—एक सिम्पल मेजोरिटी, दूसरा टू बर्ड मेजोरिटी, तीसरा रेट्रिकेशन बाई मेजोरिटी प्राप्ट स्टैंड। हममें चौथा तरीका कॉन्स्टीट्यूशन में धर्मघर्म करने का प्रस्ताव है। संविधान के जो बेसिक फीचर्स हैं, बेसिक स्ट्रक्चर है, वह जनता ही बदल सकती है। इस के बारे में आपने यह कहा कि 51 परसेंट मत इसके लिए पड़ने चाहिए और उसके बाव ही मेजोरिटी यानी जामी चाहिए। इस सम्बन्ध में

मेरा कहना यह है कि 51 परसेंट मत इसके पड़ने चाहिए। यह नहीं होना चाहिए कि कुल 51 परसेंट मत पड़े और उसके 51 परसेंट मत इसके पड़े। यह हमारी मान्यता प्राप की नहीं है। यह मान्यता देश की परम्पराओं के साथ सम्बन्धित है। यह हमारे देश की संस्कृति का हिस्सा है। यह गलत है या ठीक प्राप बताएं। एक प्राप की कहने पर भगवान राम ने अपनी प्यारी सीता को छोड़ दिया। लेकिन दूसरी तरफ इंद्रिया गांधी की प्राप देवें। बाई साब मोर्गों को धन्य करके अपने एक बेटे के लिए वह उन्नीस महीने तक काने कानून को बनाए रखती रही और प्राप सब लोग बच रहे। यह जो डेमो-क्रेंसी है यह हमारे देश की जिन्यो का एक हिस्सा है। मैं बड़ाई देना चाहता हूँ कि जिस तरह से सुप्रीम कोर्ट ने किया और जिस तरह से पिछली सरकार भी करती रही है वह प्रशंसा नहीं या और इसको हमारी सरकार ठीक कर रही है ताकि प्रागे कोई ऐसा न कर सके।

संविधान को कभी भी बदला जा सकता है। यह पावर पार्लियामेंट की डेसीगेट हुई है। हमने अपने संविधान में राइट प्राफ रिकान नहीं रखा है। पांच साल के लिए जो प्रा गया उसको रिकान नहीं किया जा सकता है। मैं इसका धमयन भी नहीं करता हूँ। लेकिन मैं यह जरूर मानता हूँ कि जो बेसिक स्ट्रक्चर है इसको बदलने का जनता की ही अधिकार होना चाहिए। आपने ऐसा प्रावधान कर दिया है इसके लिए मैं आपको बड़ाई देना चाहता हूँ। मैं समझता हूँ कि इसका विरोध वही लोग करेंगे जो जनता के विरोधी लोग हैं, जिन के मन में डाउट है, जिन के और जो चाहते हैं कि उनको किसी तरह से चौका मिल जाए और जैसे ही चौका मिले मैं किसी भी तरह से दुबारा चुनाव नहीं होने देंगे, एक बार में प्रा जाए तो फिर दुबारा चुनाव होने नहीं देंगे। एक बार उन्होंने बड़ी भारी गलती कर दी है। ऐसे लोगों को हम एकमोज करना चाहते हैं।

हमें इसमें एक चीज और एड करनी चाहिए। जो क्वार्टर रिपारसिबिलिटी है कैंबिनेट की, बिब प्राइम मिनिस्टर एड हैड, यह भी एक बेसिक चीज है। आपकी याद होगा कि प्रेजीडेंसल टाइप प्राफ गवर्नमेंट बनाने की कोशिश भीमती छिटा गांधी ने की थी। उसका एक इन्स्ट भी सम्बुद्ध किया गया था। मैं शारे के साथ कह सकता हूँ और मैं इसको साबित भी कर सकता हूँ कि बर्ड नोन जस्टिस्ट से उन्होंने बाव भी की थी इस सम्बन्ध में और उनकी राय जाननी चाही और पूछा ना कि दुनिया का इस पर रिप्लेशन क्या होगा तो उन्होंने जवाब दिया ना कि इसका प्रशंसा रिप्लेशन नहीं होगा। प्राप रक जाएं। यह करना ठीक नहीं है। कल की धन्य से पावर में प्रा जाते हैं तो फिर से उसी तरह का डांचा बनाने की कोशिश कर सकते हैं —

जी बसन्त साठे (अकोला) सपत्तर मन गुरुत है। जरिस्ट का नाम बता दो। अभी बता दो हाथ कानन को झारखी क्या। कौन है बल्द मोन जरिस्ट ?

जी कंवर लाल गुप्त मैं श्रीजेंज देना हू और मैं श्री स्टीफन को अज बनाता हू जो आपकी पार्टी के लीडर हैं और मैं उनकी नाम बताऊंगा।

SHRI VASANT SATHE: I am asking you to say openly the name of that jurist

SHRI KANWAR LAL GUPTA. I challenge him, Sir Let Mr Stephen, belonging to Congress (I), a leader of his own Party, be the judge. I will produce that man with whom she had a talk (Interruptions)

SHRI VASANT SATHE: Let the House decide.

SHRI KANWAR LAL GUPTA: Let Mr Stephen decide. I am prepared to accept Mr. Stephen's verdict

मैं समझता हू कि साठे साहब मानने कि इलेक्शन पैटीशन का तरीका आपकी पार्टी के प्रधान मंत्री के लिए प्रयोग रखा गया था और हम गरीबों के लिए प्रयोग। ऐसा क्यों किया गया था ? एक कानून और धाने वाला था और वह धाया भी कि प्रधान मंत्री के ऊपर कोई मुकदमा चलाया नहीं जा सकता है। मैं पूछना चाहता हू कि क्या यह ठीक है। मैं उनसे पूछना चाहता हू कि इसान इन्सान में भेद क्यों ? एक मेम्बर आप पालियामेंट और दूसरे मेम्बर आप पालियामेंट में भेद क्यों ? यह आपकी फकजनिंग का जो तरीका है

That shows the tendency of fascism, of dictatorship. And this mentality should be curbed and curbed with all force. This was the way of your functioning, the functioning of the Congress Government. Now, what is our way of functioning? Sir, here is another Prime Minister who says, "I am an ordinary M.P., I do not want any special privilege. Let me also be included in the Lokpal Bill." Is it not a fact, Sir?

घायने लोकपाल बिल में प्रधान मंत्री को शामिल नहीं किया। जब कि हमारे प्रधान मंत्री ने स्वयं कहा कि प्रधान मंत्री को शामिल करो। हमारे प्रधान मंत्री स्वयं कहते हैं कि प्रधान मंत्री के खिलाफ इलेक्शन पैटीशन का बही तरीका होना चाहिए जो अन्य सदस्यों के खिलाफ प्रयोगा जाता है। इसलिए कानून की निगाह में छोटा और बड़ा एक है। बड़े को ज्यादा सजा मिलनी चाहिए छोटे को तो थोड़ा माफ भी किया जा सकता है।

इण्टर्नल इमरजेंसी के बारे में मुझे कहना है, माननीय गोविन्द नायर चले गये, उन्होंने कहा कि इटर्नल इमरजेंसी नहीं रहनी चाहिए, केवल ऐसट-मेंस इमरजेंसी रहनी चाहिए। हमारे माननीय जेठमलानी ने कहा कि यह रूस थाफ ला के खिलाफ बात है अगर यहा डिटेनन होता है, प्रिवेटिव डिटेनन होता है। अभी हमारे माननीय स्टीफन ने कहा कि कभी अगर एक थाफ कार्यावर कर दी जाएक थाफ गोला छोड़ दिया गया और इस बहाने से इमरजेंसी लगा दी और पकड़ कर लोगों को धरपर कर दिया इस आधार पर इण्टर्नल इमरजेंसी लागू हो सकती है। हां सकता है। लेकिन यह कौन करेगा ? यह भी करने के लिए दिमाग चाहिए। ऐसे नहीं कि हार्डकोर्ट ने फैसला दिया कि राजनारायण जी की इलेक्शन पैटीशन पर भूतपूर्व प्रधान मंत्री का चुनाव यह तो कहा गया कि देश में अज्ञानि हो रही है, देश में गड़बड़ हो रही है और वायलेस हो रही है इसलिए इमरजेंसी लगा दी। जनता पार्टी के काम करने और सोचने का तरीका प्रयोग है। 19 महीने बाद, यह जानते हुए भी कि देश में 30 माल में कम से कम हमारी जनरेशन में जो बर्स्ट किमिनल है क्या हम उसको अभी तक सजा दे पाये हैं ? आज भी वह धाराम के साथ, शान के साथ घूम रही हैं, कोई उगली उठाने वाला नहीं है। जब हम उनको सजा नहीं दे पाये तो मतलब यह है कि हमारा इरादा इमरजेंसी को मिसयूज करने का नहीं है। क्या यहा पर ऐसे केसेज नहीं हैं, सैबोटिजर्स नहीं हैं, इनफिल्ट्रेटर्स नहीं हैं ? देश इतना बड़ा है, तरह तरह से सोचने वाले लोग हैं, किसी की पोलिटिकल फिलासफी वायलेस की है और उसमें बेसिकली बिश्वास करते हैं क्या उनका इण्टर्नल इमरजेंसी के नाम पर बन्द नहीं किया जा सकता है ? इसलिए इण्टर्नल इमरजेंसी हांभी चाहिए, मैं इसका समर्थन करता हू ?

दूसरी बात यह है कि इमरजेंसी के अगर कब लगना चाहिए, पूरा और मैं उनके लिए बिधि मंत्री को बर्धा देना चाहता हू कि उन्होंने कब लगाये हैं जिनको समयाभाव के कारण गिन-गाना नहीं चाहता। मैं सोचता हू कि जितने कर्ष हमने लगाये हैं उतने किसी ने नहीं लगाये होंगे। आप पहले सीसा पड़िए। मैं उसमें एक और जोड़ना चाहता हू कि ज्यादा से ज्यादा किसी आदमी को 6 महीने से ज्यादा डिटेन न कीजिए।

That should be the maximum. And secondly, grounds for detention must be given to the detenu.

[श्री कंवर लाल गुप्त]

यह और उसमें कास्टीट्यूशन का पार्ट होता चाहिए।

15.00 hrs.

इसलिए मैं उन लोगों में से नहीं हूँ कि रूल आफ ला का मतलब यह समझें कि आप प्रिवेटिव डिटेंशन एकट विलकुल नहीं रखना चाहते। रूल आफ ला का मतलब हर एक देश में अलग अलग है, हर एक जूरिस्ट ने इसका अलग-अलग मतलब लगाया है। सिक्वोरिटी आफ दी स्टेट इज सुप्रीम। अगर देश की सिक्वोरिटी नहीं है तो उसको ध्यान में रखते हुए, इतना बड़ा देश है, जहाँ डाइवर्जेंट एलीमेंट है, हम केवल एक फिलामिफिकल तरीके से चीजों को तय नहीं कर सकते हैं। हमें देश में एडमिनिस्ट्रेशन करना है। इसलिए मैं प्रिवेटिव डिटेंशन एकट का भी समर्थन करता हूँ।

मुझे एजुकेशन के बारे में भी एक बात कहनी है। आपने इसको ट्रांसफंड सबजेक्ट में डाल दिया है। मैं इसके हक में नहीं हूँ। एजुकेशन ही एक ऐसी चीज है जिससे देश में बदल आ सकती है। चारदा निर्माण हो सकता है। यह कान्क्रेट लिस्ट में जैसे पहले था, उसी में होना चाहिए। अभी हमारे कई दोस्त सेंटर और स्टेट की बात कहते हैं कि आप हमारे अधिकारों पर आक्रमण करना चाहते हैं। क्या इसके जरिये साठे साठह, आपने यह नहीं कह दिया कि सेंटर की फोर्स वगैर स्टेट की मर्जी के वहाँ पर नहीं जायेगी जब तक कि वह नहीं बुलायेंगे? क्या आपने यह नहीं किया था 42वें अमैंडमेंट में। वह गलत था कि नहीं था?

हम वगैर स्टेट की मर्जी के कोई सेंटर कोर्स वहाँ पर भेजने वाले नहीं हैं। इसका मतलब यह है कि हमारी नियत साफ है कि जहाँ तक सेंटर और स्टेट का सम्बन्ध है, कोई पार्टी वहाँ राज्य करे, उनके साथ हम अच्छे सम्बन्ध रखना चाहते हैं और जो चीज आप डिकटेड करना चाहते थे और उसके जरिये से सारे स्टेट्स पर अपना रोब दबदबा जमाना चाहते थे, उसको जनता पार्टी ने खत्म कर दिया।

मुझे प्रापर्टी के बारे में भी एक बात कहनी है। जहाँ तक सोशल-इकनामिक गोल का सवाल है, उसके लिए किसी हद तक प्रापर्टी के फंडामेंटल राइट को कम करना व जरूरी है, क्योंकि जब तक आप पूरा कम्पेंसेशन देंगे, शायद कोई काम जनता के हित में नहीं हो सकता। जहाँ तक आर्टिकल 31 का सवाल है, मैं आपके साथ सहमत हूँ वह जाना चाहिए लेकिन 19 (1)

एफ में 7 फ्रीडम दी हुई है, अगर आपने उसमें से 6 कर दी तो क्या एक दूसरे पर निर्भर नहीं है।

श्री शान्ति भूषण जी लायर रहें हैं, फ्रीडम आफ थाट, फ्रीडम आफ स्पीच है, अगर आपकी लायब्रेरी छीन ली जाये तो क्या आप फ्रीडम आफ थाट करेंगे। अगर पैसा ही नहीं है, फ्रीडम आफ मुटुमेंट है तो कुछ भी नहीं है। अगर आपके कपड़े उतार लिये जायें, तो आप कहाँ जायेंगे? यहाँ से बाहर भी गर्मी के मारे नहीं जा सकेंगे।

मैं चाहूंगा कि धारा 31 को हटाईये जो पब्लिक इण्टरेस्ट में है, उसको हटा दीजिए लेकिन 19 (1) एक के बारे में सोचिए उसको आप बाउंड वेस बना दीजिए। पब्लिक इण्टरेस्ट में जो कम्पेंसेशन देने की धारा है, उसके सम्बन्ध में सरकार यदि कुछ करे तो ठीक है, परन्तु 19 (1) एक को समाप्त करने से एक ऐसा आघात होगा जिसकी पूर्ति करना कठिन होगा। इसके अन्तर्गत काफी राइट भी जायेगा और हर तरह के राइट भी जायेंगे। आप अपनी गवर्नमेंट के बारे में ही मत सोचिए, आज आप हैं, कल को और दूसरी टेढ़ी-मेढ़ी गवर्नमेंट भी आ सकती है और अगर वह मड़कों पर खड़ा कर देंगे तो वह तो मारने से भी ज्यादा खतरनाक होगा।

आखिर मैं मैं इतना ही कह कर खत्म करना चाहूंगा कि यह बहुत सुन्दर प्रयास है, उसके लिए तो बधाई देता हूँ लेकिन आज आपने यह विधान बनाया है, कल को दूसरे भी आकर बदल सकते हैं। सबसे ज्यादा जरूरी है कि पब्लिक ओपीनियम को मोबिलाइज करना चाहिए, एलर्ट होना चाहिये जब तक एलर्ट और पब्लिक काउंसिल नहीं रहेगी तब तक यह नहीं हो सकेगा। इसके साथ मैं पूरे दिल से इसका समर्थन करता हूँ और मंत्री महोदय को बधाई देता हूँ।

SHRI R. VENKATARAMAN (Madras South): Mr. Deputy Speaker, Sir: It is a trite saying that the politician looks to the next election, and the statesmen looks to the next generation. Therefore, we should, on this occasion, cease to be politicians and try to be statesmen and hammer out a solution for our problems that will endure, not only to the next generation, but to posterity.

It is a very happy augury that the Government had consultations with the Opposition parties in respect of

the Constitution (Amendment) Bill, and tried to arrive at a consensus. In fact, the speeches made on this side have shown that there is a large measure of agreement with regard to the Bill before the House. It seems to have upset some people who wanted some kind of a confrontation and did not find it. I shall deal with the subject in the descending order of priority, so that if I lose time, I will lose only the smaller points.

The first submission that I will make to the House is regarding Clause 45, dealing with amendment to the Constitution. The legislative history of amendment to the Constitution has been something like a pendulum, swinging from one side to the other. From Shankari Prasad case to Golak Nath case, it has swung from one end to the other. The Supreme Court held that Parliament had absolute right to amend in 1950; and in 1967, it held that it had no power to amend the fundamental rights. Fortunately, I think the pendulum has achieved perpendicularity in the Keshavanand-Bharati case. It has set down the limits of the powers of Parliament to amend the Constitution. It has said that in all matters which are not of a basic structure, Parliament has the power to amend the Constitution. What are these basic structures, or essential features of the Constitution, has not been spelt out. But some indications have been given, scattered throughout the voluminous judgement. Federalism is one, secularism is one, the separation of powers and independence of judiciary is one, and so on.

As a result of the Bill which is now before us, we will be in a strange position. One: under the Keshavanand-Bharati case, certain Articles of the Constitution are unamendable. Two: certain Articles of the Constitution can be amended in accordance with the procedure laid down in the Constitution. And three: certain

items mentioned in Clause 45, i.e. those seeking to impair the secular or democratic character, etc., taking away the right of citizens or abridging them, impeding free and fair elections, compromising the independence of judiciary, etc. Those items, if they are passed by Parliament in accordance with article 368(1) and approved in a referendum by the people, will become valid. I want to ask the Law Minister this question. If according to the Supreme Court, independence of judiciary and the separation of powers are not amendable at all, it is one of the basic structure of the Constitution, how is your law saying that anything which compromises the independence of the judiciary can be amended if it is approved by a referendum? It looks as if this Bill takes away what the Supreme Court has given as fundamental and basic rights which under no circumstances can be taken away from the people. I do not know if any of those items mentioned, namely, impairing secular and democratic character of the Constitution, abridging or taking away the right of citizens under part III, prejudicing or impeding free and fair elections to the House of the People or compromising the independence of the judiciary, if any law is passed in respect of that, according to the existing decision in the Keshavanand-Bharati case, it is my submission that it will be unamendable and should not be allowed to be amended at all. On the other hand, you say that any law affecting these things can become valid if it is approved by a referendum. Far from protecting the rights of the citizens you appear to be giving away the rights of the citizens already secured in the Keshavanand-Bharati case. I want the hon. Law Minister to very carefully consider this aspect because of the new element of providing for amendment to the Constitution in respect of matters which according to me are not amendable, which according to the judgement in Keshavanand-Bharati case are not amendable, they could be amended by virtue of the fact that there will be a referendum

[Shri R Venkataraman]

and approval by referendum I am only saying that this is the effect of this, we are not accepting this amendment

My second point is this. The concept of referendum is new. It is not in the Constitution. It may be that the very concept of referendum itself will be an alteration in the basic structure of the Constitution of India. The amendment which the Law Minister has brought before the House stands in danger of being thrown out by the Supreme Court in accordance with the decision now given because this concept of referendum itself is not one of the concepts in the Constitution of India and being something which is in the nature of a fundamental principle it is new.

The court can come to a conclusion that this itself is not valid amendment. I say this because political theories and political scientists have not accepted the principle of referendum in all cases. In fact there are two theories in respect of representation. One is direct democracy and the other is representative democracy through elected members. Certain Constitutions have accepted the principle of direct democracy. The Swiss Constitution for instance has accepted it. But the British democracy has not accepted the principle of direct democracy. It has accepted what is called representative democracy. Therefore if you want to change the very basis of our Constitution from a representative democracy to a direct democracy then you will be running counter to the original concept of the founding fathers and framers of the Constitution. Therefore, it is quite possible to argue and it will be argued that this is a fundamental change which is not contemplated and will not, therefore come within the powers of article 368.

I come to the practical aspect. If you look at the countries of the world,

you will find very few which have direct democracy. In fact, it is only in small countries like Switzerland or countries with a small population that this referendum can work. In a country like India, which has more than 300 million people who will vote, it would be almost impossible to have a referendum. The practical aspect of it should not be ignored.

Referendum is usually in the form of an yes or no. How can you put forward a Constitutional amendment in the form of yes or no? Generally what is referred in other countries is a specific question. The latest referendum in Switzerland was whether a woman should be allowed to vote or not. This is a simple question. If you say that a Constitutional amendment containing so many complicated issues could be put forward in the form of yes or no, it will create so many problems and so many difficulties. It will not be possible to get a clear verdict from the people in respect of this. Even today people are voting by symbols—either the hand or the bull or something. When you put forward a Constitutional amendment to a referendum what is the symbol you will give? If you give the party symbol it means that it is a party election. If you give different symbols say cats and rats the argument that will go on in the country will be cats drink away the children's milk so don't vote for cats. The other argument will be 'Rodents eat away our grains so don't vote for rats'. The other argument will be Rodents eat away our grains, so don't vote for rats.

Under the provisions of this clause, 51 per cent of the people must vote before any amendment can be said to have been accepted. In a general election where candidates contest, it is in their self-interest to get as many of their supporters as possible to go to the polls. I may carry 30 per cent of the voters to the polls and my rival maybe able to carry 40 per cent. The result is that 70 per cent of the

people vote. But in the case of a referendum who will be interested in mobilising all voters and taking them to the polling booths? I am afraid in most of the cases, this 51 per cent will never vote

Again, even if 51 per cent of the people go and vote, can 26 per cent of the people decide the fate of the country, because majority of 51 per cent is 26 per cent? Can 26 per cent of the people say that the independence of the judiciary can be done away with or the electoral laws can be changed prejudicially or that the fundamental rights can be taken away? Therefore, it appears to me that the whole scheme is ill-conceived and it requires very deep consideration. In fact, there must have been a public debate on this issue before we came forward with such a major change in our Constitution. It should have been put to the people, it should have been debated in various places, the views of the State Assemblies should have been taken, bodies like the Bar Associations should have been asked to give their opinion. Instead we have not even referred this Bill to a Select Committee, we are in such a great hurry that we want to get it through. I now come to the last point.

MR DEPUTY-SPEAKER Kindly conclude.

SHRI R VENKATARAMAN. Will it be possible for me to take some time from my other colleague?

MR DEPUTY-SPEAKER That is possible.

SHRI VASANT SATHE How much is the total time of our party?

MR DEPUTY-SPEAKER Twenty seven minutes, out of which he has already taken 22.

SHRI VASANT SATHE How can it be? Our party got one hour and 45 minutes.

MR DEPUTY-SPEAKER: Mr Stephen has taken,

SHRI VASANT SATHE Thirty minutes, that is all. You see the record.

SHRI R VENKATARAMAN This debate can continue afterwards.

SHRI VASANT SATHE. Now that you are extending it by two hours, proportionate time should be given to us.

MR DEPUTY-SPEAKER It is not extended for that purpose, but to accommodate more Members.

SHRI VASANT SATHE Anyway, let him have five minutes.

SHRI R VENKATARAMAN Thank you Mr Sathe for giving me five minutes.

The next point I would like to mention is that the cost of such an election will be prohibitive. In the Financial Memorandum which the Minister circulated the other day he has assumed that the referendum will take place along with a general election. If it takes place with another general election then the cost would be less, but you cannot wait for a referendum to be put to the people till the next general election. If that is so, the purpose would be defeated. Therefore, I submit that the whole question must be gone into more deeply than has been done.

I would sum up the position so far as this is concerned. We have reached a fair measure of stability regarding the interpretation of article 368 and the limits of the amending power of Parliament in the Kesavanand-Bharati case as well as the election case.

Now clause 45, as it is put forward, will only create further confusion and uncertainty in this regard. Sir, I have done.

SHRI DAJIBA DESAI (Kolhapur): Mr Deputy-Speaker, Sir, I rise to make my observations before the

[Shri Dajiba Desai]

House. First of all, I would like to welcome certain measures which the Law Minister has brought forward in the Constitution Amendment Bill.

I will start with the right to property. The Janata Government have deleted the right to property from the Constitution. In that way they have fulfilled their proclamation in the election manifesto, that the right to property will go. But, along with that, they have made a promise of right to work. The right to property is going but the right to work for an adequate livelihood has not come.

We do not amend the Constitution very often. In fact, we should not. It is after full deliberation of one year that the Janata Party and the Janata Government have brought forward this Bill. So, we were expecting something comprehensive, something which will enable the Government to undertake socio-economic reforms in the country. But there is not even a single proposal here which will enable the Government to undertake any socio-economic reform. Only the right to property is going. At the same time, they are amending article 31-C, which the previous Government had inserted, giving precedence to Directive Principles of State Policy. The present Government is curtailing that provision also. Article 31-C was brought forward by the previous regime to create an illusion in the minds of the people that the Emergency will be helpful to the people, it will help the socio-economic development of the country. But what actually happened during the period of the Emergency? Even under the 20-Point Economic Programme they have not brought forward any socio-economic measure, even though the Janata Party assured the people at the election time that they will undertake socio-economic measures to have Samaj Parivartan. Actually, there is no scope in the present Constitution Amendment Bill for any socio-economic measures and whatever scope was there in Article 31-C has been either withdrawn or narrowed down.

Another aspect of this Bill which I welcome is the removal of restraints and restrictions on democratic rights. There were a number of restraints—I do not want to dwell on them,—on the independence of the judiciary, the implementation of fundamental rights and so on and they have now been removed. It is welcome. But democracy will not survive only on freedom of speech or fundamental rights. Democracy will survive when the socio-economic reforms are taken into consideration or brought forward. We want democracy. But we want bread and democracy together and not democracy alone.

Another thing that I want to welcome in this Bill is the restoration of the independence of the Judiciary. At the same time, they have abolished the Tribunals and other things. It is also a welcome step. So, when you want to protect democracy, you have to protect the people. In a class society, democracy will not survive and if democracy is to survive, it must be helpful to the classes which are down-trodden, oppressed and exploited. We must take social, economic and political measures which would help the down-trodden. There is a complete lack of that measure in the Bill.

Then coming to referendum, it is, of course, a new phenomenon; a new principle is being put forward. There are difficulties in that, but we are prepared to give a trial for that. At the same time a new trend is coming into Indian polity and that is to do away with the federal principles of the Constitution. There are trends that the Union Government should be unitary form of Government, the Centre should be powerful, but the Centre will not be powerful at the cost of the States and, therefore, I propose that the federal structure should be made a basic feature of the Constitution.

Then there are again some changes in the State List. Education is being taken into the Concurrent List. I want to oppose that. Even some of the Chief Ministers who assembled some time back, have advocated that Education should be in the State List. These are the points on which I wanted to express my opinion. I have given certain amendments and I would like to speak on them when they are taken up. With these words I conclude

श्री यमुना प्रसाद शास्त्री (रीवा) उपस्थित
महोदय : मैं १ के १५ ४५वें संशोधन विधेयक को मैं एह-०-१ तरी विधेयक मानता हूँ। श्रीमान्, जिस समय संविधान मन्त्रालय बड़ी और स्वतन्त्र भारत के संविधान का निर्माण करने लगा उस समय जब मौलिक अधिकार से सम्बन्धित का प्राधिकार लिखा गया वह दिन लोकतन्त्र के लिए एक घातक दिन था, और उस संविधान मन्त्रालय के जो लोग ने लोग दुर्बल थे, जो सम्भव लोकतन्त्र को निर्माण नहीं बनाता चाहते थे, बल्कि सार्वभौम बनाता चाहते थे उन्होंने अपना ध्यान वहाँ चुनने की थी। आज मैं उन लोगों से मैं स्वर्गीय दासोदर प्रसाद सेठ का नाम लेना चाहता हूँ। संविधान मन्त्रालय ने उन्होंने कहा था कि यह सम्पत्ति का अधिकार जो आप दे रहे हैं मौलिक अधिकार के रूप में It will be a Magna Carta in the hands of the Indian Capitalists यह भारतीय पूँजीपतियों के हाथ में "मैग्नाकार्टा" होगा। इस देश के कोषण का अधिकार पूँजीपतियों का प्रदान करना। उन्होंने कहा था इस अधिकार को मौलिक अधिकारों में कभी सम्मिलित नहीं किया जाना चाहिए। मैं कहना चाहता हूँ कि सम्पत्ति का अधिकार कभी भी सम्मिलित अधिकार नहीं हो सकता, जैसा कि अधिकार नहीं हो सकता किसी भी देश में मनुष्य का। सम्पत्ति व्यक्ति की नहीं होती। सम्पत्ति समाज की होती है। सम्पत्ति पर अधिकार पूरे समाज का है। यह केवल प्रायः का विचार नहीं है। भारतवर्ष में अनाधिकार से बड़ा के मनीषियों ने सम्पत्ति को समाज के अधिकार में माना था, व्यक्ति के अधिकार में नहीं माना था। "सम्पत्ति सबहि रचुपति की" इतना ही नहीं श्रीमद् भागवत में कहा है। श्रीमद् भागवत में एक श्लोक है—

बाह्य भियेन उबरम्, तावत् स्वचम् हि देहिना।
जितने से बाह्यी का पैट भरता है, केवल उसने
पर ही उसका अधिकार है। सम्पत्ति के सफल का अधिकार किसी की नहीं है। आज संविधान के ४५वें संशोधन में इस सम्पत्ति के मौलिक अधिकार को निकास कर आपने सम्भव लोकतन्त्र को प्राण

प्रदान किया है, भारतीय लोकतन्त्र को जीवन प्रदान किया है। इस पर मैं जनता पार्टी की सरकार को बधाई देना चाहता हूँ।

सिर्फ इतना ही नहीं, सम्पत्ति के मौलिक अधिकार को तो आपने समाप्त किया, लेकिन उसने कुछ इस बात का है कि इसकी संरक्षण के अधिकार के रूप में रखा है।

कुछ मामलीय सत्य वही दुख है।

श्री यमुना प्रसाद शास्त्री मौलिक अधिकार से आपने इन निकायों, इसमें निम्न आप बधाई के पात्र हैं, जिनमें भी प्रागतिशील कानून बनाये गये, उन सब को सम्पत्ति के मौलिक अधिकार का आधार पर ही चुनौती दी गई, इसी आधार पर बैंक राष्ट्रीयकरण, भूमि नीमा के कानून और प्रोविसेंस के कानून को चुनौती दी गई।

सम्पत्ति का अधिकार मौलिक अधिकार से निकासना गया, अब इस देश में एक सामाजिक क्रांति का मार्ग प्रशस्त हो गया, इसमें कोई संशय नहीं है। इसके अन्तर्गत सामाजिक और प्राथमिक क्रांति का मार्ग प्रशस्त होगा है, उनका मार्ग की राह समाप्त होगी है लेकिन सामाजिक के अधिकार के रूप में भी आपने क अधिकार को नहीं जाना चाहिये, उसे भी आपकी समाप्त करना चाहिये।

आज एक कानूनी अधिकार की बात है, सम्पत्ति के लिए तो बहुत कानूनी अधिकार हैं इन देश में, इन अधिकार का कानून है, बैंड देव्य कोट है। इस देश के बड़े शान्तियों ने, सम्पत्तियों ने और बड़े उद्योगपतियों ने अपने प्रतिनिधियों द्वारा अपने कानून सम्पत्ति की रक्षा के लिए बना रहे हैं। संविधान में उनको रखने की कोई आवश्यकता नहीं है। इसलिए सामाजिक अधिकार का रूप में जो इसे रखा गया है, मैं उसका विरोध करना हूँ।

दूसरी बात मैं यह कहना चाहता हूँ कि सम्पत्ति का अधिकार प्रदान करने के साथ साथ आप का अधिकार अवश्य ही प्रदान करना चाहिये। जनता पार्टी ने अपने घोषणापत्र में स्पष्ट रूप से लिखा है कि जनता पार्टी will take away the right to property and replace it by the right to work

साफ-साफ एक ही वक्ता में यह लिखा है। मैं अपने सम्पन्न-शक्ति में कद रहूँ, वह गढ़ा मेरे पास नहीं है लेकिन साफ साफ कहा गया था कि सम्पत्ति के अधिकार को हम निकासने और उसे राइट टू वर्क में लिखें करेंगे।

राइट टू वर्क आपने नहीं रखा, इसलिए सम्पत्ति के अधिकार का निकासना उतना महत्व नहीं रख पाया जितना महत्व हमें मिलना चाहिये था।

[श्री यमुना प्रसाद शास्त्री]

घर आपने इसमें राइट 7 बर्क भी लिख दिया होता, उसका भी प्रावधान कर दिया गया होता तो बाज हिन्दुस्तान की यह पालियामेंट हमेशा हमेशा के लिए घर हो गई होती। बाज का बिन हिन्दुस्तान के इतिहास में स्वर्णस्रोत में लखा गया होता। घाये घाने वाली पीढ़िया बाज के संसद-सब्सो को सबैय घपने हृषय में स्थान देती कि ऐसी भी एक संसद थी जिसने मर्यादा के मौलिक अधिकार को हटाकर हमको काम का अधिकार प्रदान किया है।

श्री राय बिलास पासवान ना-मिनिस्टर बा म्यादा बाय करने।

श्री यमुना प्रसाद शास्त्री. मर्रा संसद बा याद करो। लोकतन्त्र में एक व्यक्ति का कोई बहुत बड़ा स्थान नहीं होता है।

श्री राय बिलास पासवान वही ना बरला है।

श्री यमुना प्रसाद शास्त्री : एक दूसरी बात पर मुझे बहुत बड़ी आपत्ति है और वह है निरोधक नजरबन्दी के प्रावधान पर। इसमें आर्टिकल 22 में धात्री भी लिखा गया है कि 2 महीने तक किसी भी व्यक्ति को नजरबन्द किया जा सकता है। 2 महीने में एक बोर्ड बैठेगा हाई कोर्ट के जज बा जो कि निर्णय करेगा कि आधार पर्याप्त है या नहीं। लेकिन 2 महीने तक तो बिना मुकदमा चलाये उसका जेल में बन्द किया जा सकता है। पहले में प्रावधान में 3 महीने बा, अब आपने उसे 2 महीने कर दिया यह कौनसी बड़ी बात है। यह विस्तृत गहन बात है। जहाँ तक मेरे जैसे धात्री का सवाल है, मुझे इसमें बहुत बड़ी आपत्ति है और इतना ही नहीं, मैं इसके पक्ष में मतदान कर सकूंगा, इसमें भी मुझे संदेह है। इसलिए इसको पूर्णतया निकालना चाहिये। 2 महीने नहीं, 2 घण्टावाड़े नहीं, 2 मन्ताह नहीं, बिना मुकदमा चलाये, बिना किसी जर्ज के किसी व्यक्ति को एक मिनट भी जेल में नहीं रखा जाना चाहिये। यह धाक्ष्य घपराय है लातन्त्र की हुया है, लाण्तात्रिक अधिकारो का यह मजाक है और बिना मुकदमा चलाये किसी बा एक दिन भी नहीं रखे।

इमर्जेंसी की घोषणा के सम्बन्ध में भी मुझे कुछ कहना है। सरकार ने ऐसा प्रावधान कर के एक बहुत अच्छा काम किया है कि जब आन्तरिक इमर्जेंसी सहसा उस तरह से लागू नहीं की जा सकेगी, जिस तरह श्रीमती इन्दिरा गांधी ने लागू की थी। सरकार ने इमर्जेंसी की घोषणा के लिए 'इमर्जेंसी डिमटर्जेंसी' की जगह "आम्बे रेवेनियन" को आधार के रूप में स्वीकार किया है—आन्तरिक उपद्रव के स्थान पर सार्वजनिक विद्रोह की रखा है। लेकिन इस देश में जनता पार्टी की ही सरकार हमेशा नहीं रहेगी। सभी माननीय सदस्य, श्री कबर आज मुझ, ने कहा कि जनता पार्टी इस का

दुरुपयोग नहीं करेगी, जनता पार्टी के काम करने का तरीका इनका है। लेकिन मैं माननीय श्री गुप्त से कहना कि संविधान केवल जनता पार्टी की सरकार के लिए नहीं है, जब जनता पार्टी की सरकार नहीं रहेगी, यह संविधान तो तब भी रहेगा।

एक माननीय सदस्य जनता पार्टी की सरकार सदा रहेगी।

श्री यमुना प्रसाद शास्त्री सदा रहनी 'ऐसा तो हम खुद भी नहीं चाहते। लोकतन्त्र अभी जीवित रहता है, जब एक पार्टी हमेशा हमेशा के लिए मान में न रहे। बीच बीच में तब्दीली होनी ही चाहिए।

घर कभी कोई इस तरह की पार्टी मानन में आ गई, जिस ने इस का दुरुपयोग किया, तब क्या स्थिति होगी? क्या हम इस बात का ध्यान करते हैं कि श्रीमती इन्दिरा गांधी ने इमर्जेंसी की घोषणा करते हुए यही कहा बा कि इस देश में आम्बे रेवेनियन होने वाला बा, श्री जयप्रकाश नारायण धात्री को विद्रोह करने के लिए कात दे रहे बा। बाज में एक खूबसूरत का उद्घाटन करना चाहता हूँ। आर्टि० सी० एफ० टी० यू०—इंटरनेशनल कानफेडरेशन ऑफ यू० ट्रेड यूनियन्स—के जतरल सेच्रेटरी, जर्मनी निवासी श्री गिन्टन, यहां घाये बा। उन के साथ बातचीत के दौरान श्रीमती गांधी ने एक झूठी बात कह दी थी कि श्री जय प्रकाश नारायण का धात्री के कुछ जेनेरल के साथ सम्पर्क कायम हो चुका बा और वे उन का साथ देने के लिए तैयार बा। इस तरह की झूठी बात कह कर उन्होंने देश में इमर्जेंसी लागू की थी।

मैं समझता हूँ कि घर "आम्बे रेवेनियन" का मन्त्र भी रखा जायेगा, तो उसका भी दुरुपयोग किया जा सकता है। घर कभी आम्बे रेवेनियन होता है, तो उस का सामना करने के लिए सामान्य मानून काफी है। न.ग.सर्व में आम्बे रेवेनियन हुआ, तो क्या बहा आन्तरिक इमर्जेंसी की घोषणा करनी पड़ी थी? विजोरम में आम्बे रेवेनियन हुआ बा, तो क्या बहा आन्तरिक इमर्जेंसी लागू करने की आवश्यकता पड़ी थी? बैठे तो इस देश में सार्वजनिक विद्रोह होत, नहीं है, लेकिन घर हो थी, तो उस का सामना बिना इमर्जेंसी लागू किए हुए, बिना लोगों के मौलिक अधिकारों का हनन किए हुए किया जा सकता है। इसलिए आन्तरिक इमर्जेंसी के इस प्रावधान को हमेशा के लिए समाप्त किया जाना चाहिए।

कम यहाँ पर भाषण देते हुए पुराने सा मिनिस्टर, डा० लख मोहम्मद ने कहा कि इस संविधान-मसौदा में एक बड़ा गलत काम कर दिया गया है—इस में सर्वगिरिपेक्षा और समाज-वाद की परिभाषा कर दी गई है। इस में क्या बुरा हुआ? कौन सी परिभाषा यह बलुई है?

हम समझते हैं कि वह बहुत अच्छा काम किया गया है। श्रीमती इमिरा गोडी ने केवल एक विषय रूप में ग्रीष्मक में समाजवाद और वर्गीयप्रेमता को अच्छे की भाँति कर दिया था। लेकिन हम ने उसको मूर्त रूप दिया है। हम ने वर्गीयप्रेमता की यह परिभाषा की है कि सब धर्मों के प्रति समान भाव रखना जयगंगा और तम्र, मजहर, के आधार पर किसी व्यक्ति के माँह किसी तरह का भेदभाव नहीं होगा। इससे बढ़ कर और अच्छी बात क्या हो सकती है? समाजवाद की भी परिभाषा हम ने कर दी है कि व्यक्ति का जोषण व्यक्ति के द्वारा नहीं किया जायेगा। हम ने समाजवाद को केवल निर्गुण रूप में नहीं रखा है, पंडित जवाहरलाल नेहरू और श्रीमती इमिरा गोडी की तरह हम ने केवल समाजवाद की बात ही नहीं की है। हम न समाजवाद को मूर्त रूप देने की कोशिश की है और केवल समाजवाद की परिभाषा ही नहीं की है, बल्कि यह कहा कि कोई व्यक्ति किसी व्यक्ति का सामाजिक धार्मिक और राजनीतिक जोषण नहीं कर सकेगा। कोई धर्म का जोषण न करे वर्य इस को और मनुष्य रूप प्रदान करने के लिए हम ने सम्यक् के अधिकार की भीषण अधिकारों के निकाल दिया है। इससे अधिक और क्या, कहिए? इसमें अधिक जो होना चाहिए था और जो नहीं दिया गया है उस क। उल्लेख मैंने कर दिया है। हाँ मे राइट टु वर्क की भाँति लड़ा जाना चाहिए था। समाजवाद, धार्मिक स्वतंत्रता और गामाजिर स्वतंत्रता को मार्मिक बनाने के लिए कुछ और भी कदम उठाने चाहिए थे।

वहाँ पर बार बार यह बहा गया है कि कांकरेट लिफ्ट स जिनका कास्टे लिफ्ट में लाया जा रहा है, यह गलत है। मैं मानना हूँ कि यह गलत है। कांकरेट लिफ्ट में जिखा भी होना चाहिए। मेजिन जिखा के साथ साथ डिप का भी कांकरेट लिफ्ट में होना चाहिए। अभी तक किसी ने यह बात नहीं कही। अभी जो कांकरेट लिफ्ट में नहीं रखते तो इस देश में भूमि आधार कमी होगी ही नहीं। इस देश में अलग अलग प्रांतों की सरकारों को धनराय धनराय धनराय देना कि वह अपने मन का भूमि सीसा का कानून अपने वहाँ बनाए तो कभी भी इस देश में ७ करोड़ भूमिद्वीकों की जमीन नहीं मिलने वाली है। यह बैस्वी कांड भीर कसेवाना बांड, इस तरह का कांड रोज इस देश में होता है। प्रति दिन हमें यह देखने की जरूरत है कि जमीन नहीं मिल रही है। जमीन की जरूरत है, उन को जमीन नहीं मिल रही है और जहाँ जहाँ जमीन की जरूरत है वह उन स चीन की जा रही है। एक तरह कुछ लोगों को पाम हजार हजार एक जमीन भीर और दूसरी तरह ७ करोड़ लोगों को पाम कोई जमीन नहीं। इस का कानून तब तक नहीं बन सकेगा और उस देश में एक-कम्पत्ता तब तक नहीं आयगी जब तक डिप की समर्थता सुची में नहीं रहेगी। इसी तरह तिबाई का भी समर्थता सुची में सम्मिलित किया जाना चाहिए क्योंकि इसी तरह क विचार रोज बढ़े

होते रहेंगे, कभी काबेरी का विवाह, कभी नर्मदा का विवाह, कभी शोन का कभी कुष्मा का विवाह बड़ा रहेगा, इन विषादों का कभी घमण नहीं होगा और इस देश की धरनी एक बूँद पानी के लिए तरसती रहेगी। राज्य सरकार धारण में मराठवाड़ी रहनी और केंद्रीय सरकार एक मक बसक की तरह देखती रहणी। यह चाहेगी कि देश में विषादी होना चाहिए जीवन विषादी की व्यवस्था को भी सफेदी। इसलिए कृषि और सिंचाई को भी कन्स्टेंट लिस्ट म रखना चाहिए। कोई नुस्ते कि इस से हल न, फेडरल स्ट्रक्चर धारण होस है ता यह बात समल है। फेडरल स्ट्रक्चर को रखने के लिए हम न तो इसनी दूर तक कर दिया है। बिना राज्य सरकार की राय क हम केंद्रीय एजिन्स नहीं भेजेंगे बिना उन की राय के हम केंद्रीय मन्त्राल एजिन्स नहीं भेजेंगे इतना बड़ा काम हम न किया है। हम डा फेडरल स्ट्रक्चर को कायम रखना चाहते हैं लेकिन देश के धनर जमीन के मगले में, धाधिक मन्त के मामले में और शिक्षा प्रणानी के मामले में एकजुतता भी तो होनी चाहिए और देश के सब नागरिका को समान अवसर की समान माध्या प्रदान करने चाहिए। इस सग यह धावश्यक है। बि शिक्षा हाए और सिंचाई इन को ममवता सुची म रखा जाये।

एक बात और बहना चाहना है, वह बोधी सी हफ्ती बात तो जरूर होगी लेकिन कह देना चाहना है। कल मानवीय स्टीफेन माहब ने इस बात पर बड़ा सतोष प्रकट किया कि ब्यालीसवीं सभायन की 23 धाराओं को आप ने ज्यो कि खो रखा है इस से बड़ा सतोष उन को मिल गया और उन्होंने माना कि उन्होंने बहुत बड़ा काम किया था जो 23 सभायन उन के रह गए, 59 में से 23 धाराएं इस संविधान में भी रह गईं। श्रीमन् एक सत्ता बहबन ने बौरबन से पूछा कि जिस शब्द के मतल में बर लग जाता है वह बहुत शब्दा शब्द माना जाना है सफ़्तन में तो बतारो ऐसे शब्द जिन के धन में बर लगा हो। बौरबन ने कहा ऐसे तो बहुत में शब्द हैं गुबबर, मुबवर, बेबवर, तो उन ने कहा और शब्द बौरबन तो बौरबन ने कहा ऐसे तो गोबर हैं। तो मानवीय स्टीफेन माहब को इस बात का सतोष है कि बर तो लग गया, बातें सोबर ही ख्यो न हो, इन की 23 धाराएं इस में रह गईं। उन 23 धाराओं को भी धर्य नहीं है। जितनी जल्दी वह निकल जाये उतना ही शब्द है। फार्माटल इवुटीज पर हमें कोई धर्य नहीं है, उन का कोई धर्य नहीं है, बल्कि वह हमारे फार्माटल राइट्स को तोसित करती हैं। इस तरह डायरेक्टिव प्रिंसिपल में रख दिया गया है कि बाइरुह लाफ, की रखा हम कराना चाहिए, वह कोई कार्टीट्यूशन को बात तो है नहीं। जयल लगाना चाहिए, पेज लगाना चाहिए, यह कार्टीट्यूशन की बात तो है नहीं। लेबर का प्रिंटिसेशन मैनेजमेंट में होना चाहिए, यह डायरेक्टिव प्रिंसिपल में नहीं फार्माटल राइट्स में माना

[श्री वसुधा प्रसाद शास्त्री]

चाहिए। जिन बातों को उन्होंने कहा कि हमारी धन्नी बातों को धाय ने रखा तथा वह धन्नी बातें नहीं हैं। वह तो एक साधारण की जिस की बजह से ऐसा करना पड़ा और हम चाहते हैं कि वह जितनी जल्दी से जल्दी समाप्त हो उतना ही धन्नी है। हम गोबर से किसी तरह अपने संविधान को मुक्त कर सकें, हम तो यह चाहते हैं।

इन शब्दों के साथ मैं घंट में पुनः तीन बातों का और विरोध करता हूँ। एक तो जो नजरबन्दी का प्रावधान है कि 2 महीने तक नजरबन्द किया जा सकता है उसका मैं विरोध करता हूँ। दूसरे 352 में जो ग्रामेंट रिजोल्यूशन के आधार पर इंटर्नल एमर्जेसी कायम करने का प्रावधान है उस का मैं विरोध करता हूँ और सम्पत्ति को धायने कांस्टीट्यूशनल राइट के रूप में धायी भी जो रखा है—इन तीनों बातों का मैं विरोध करता हूँ। मैं चाहूँगा कि माननीय विधि मंत्री इस पर गम्भीरतापूर्वक विचार करें। रेवेंयु का मैं सहित से समर्थन करता हूँ। सुप्रीम कोर्ट इस देश के संविधान को नहीं बनायेगी। Supreme court should try to adjudicate, should not try to legislate and Parliament should not try to adjudicate.

सुप्रीमकोर्ट का काम केवल निर्णय देना है, सुप्रीम कोर्ट का काम केवल व्याख्या करना है। सुप्रीम कोर्ट केमवानन्द भारती केस के द्वारा हमारे अधिकारों को, हमारे देश की जनता के अधिकारों को सीमित नहीं कर सकती है। हम संविधान के बेसिक स्ट्रक्चर को बदल न सकें, यह भी जरूरी है। बेसिक स्ट्रक्चर को बदलने का अधिकार हम पात्रियामेंट को नहीं, इस देश की जनता को होना चाहिए। न तो यह पात्रियामेंट सार्वभौम है, न सुप्रीम कोर्ट सार्वभौम है, सार्वभौम सत्ता तो जनता की है। इस देश की 65 करोड़ जनता सार्वभौम अधिकार रखती है। केवल उसी जनता को अधिकार होना चाहिए कि संविधान के बुनियादी ढाँचे में जो भी चाहे परिवर्तन करे।

इन शब्दों के साथ मैं माननीय विधि मंत्री जी को बधाई देता हूँ कि उन्होंने सम्पत्ति के अधिकार को मौलिक अधिकारों की सूची से निकाल कर सामाजिक एवं आर्थिक अन्ति का मार्ग प्रशस्त किया है तथा इस देश की जनता के लोकतांत्रिक अधिकारों को पुनः वापस लौटाया है।

SHRI TRIDIB CHAUDHURI (Berhampore): Mr. Deputy-Speaker, Sir, the Constitution (Forty-Fifth Amendment) Bill, 1978 does not satisfy me or those with my way of thinking to the fullest extent, yet there is hardly any doubt about the fact

that it is a momentous legislation and when enacted, it will go down in our constitutional history as a landmark in the evolution of the Constitution of independent India. We would have been really satisfied if the Constitution (Forty-Second Amendment) Act were repealed altogether and opportunity was taken to review the experience of the working of the Constitution of all these thirty years and we had gone in for a really revolutionary measure to re-modelling and restructuring of the socio-economic base of our system.

By and large, the constitutional system which we adopted, is a replica of the western type of bourgeois democracy which in spite of the embellishments sought to be given to it has remained as a capitalist structure.

You know and the whole House knows, that since 1953, in this very Parliament, we declared the building up of a socialist pattern of society to be the goal of our planning and our economic reconstruction efforts. But after the lapse of these 30 years, we know what that socialism has meant. Everybody now says—and I am glad, in some sense, that many Members of the ruling party are vocal about it—that the country remains in the grip of capitalism, in the grip of monopoly capitalists and in the grip of foreign multi-nationals, and that there has been no effort up till now, to end that position. For that, a basic, revolutionary re-structuring was necessary which unfortunately, is not the object of the present Bill.

15.57 hrs.

[Shri M. Satyanarayan Rao in the Chair].

The present Bill, although I have said that it is a momentous Bill, has a limited purpose, viz. of safeguarding the fundamental rights and liberties

guarantee to the people under the Constitution as it was originally adopted. In the light of the traumatic experience of the 20 months of Emergency, and also in the light of the distortions that were brought about by the Constitution (42nd Amendment) Bill, it has been well said that that bill sought to institutionalize the Emergency powers and invest the Executive Government, and particularly the Head of the Government, with over-riding powers over the legislature, over the citizens and so on. The present Bill seeks to restore the fundamental rights—excepting the right of property which has been taken away, and rightly so from the list of fundamental rights—and the democratic rights viz. the rights of personal rights, rights of life, rights of freedom of speech and the most valued democratic rights, and to secure them for the citizens for all times to come.

16.00 hrs.

For this reason the emergency provisions of the Constitution are sought to be amended. To that extent we welcome the Bill. I only want to point out that it does not go to the whole extent that it should have gone. Many Members from both sides—of course I am not speaking on their behalf—to the two major opposition groups, the Congress groups and others have pointed out the shortcomings of the Bill. One of the shortcomings has been that, while the right to property has been taken away from the list of fundamental rights, the right to work and adequate livelihood should in some form or other find a place—in the list of fundamental rights. I need not dilate on that point elaborately. Everybody knows its importance in this country where nearly half or more than fifty per cent of the people live below the poverty line, have no property and have no work and do not find work for the major part of the year. That is the importance of the right to work and adequate livelihood. Comrade Samar Mukherjee referred yesterday

to this and said that in all the socialist constitutions of the world, the right to work is one of the basic and fundamental rights. Ours is not yet a socialist constitution; ours is not yet a socialist country. We aspire to be one. So no wonder this right does not find a place in the list of fundamental rights. Now that we have made a beginning by removing property right from the list of fundamental rights, we are seriously thinking whether we cannot introduce the right to work and adequate livelihood in the list in some form or other.

The speaker who preceded me, hon. Member Shastri spoke forcefully, and yesterday also hon. Member Shri Ram Jethmalani spoke with his usual eloquence with regard to preventive detention. The change is sought to be made by clause 3 of the present Bill in article 22 of the Constitution which is an enabling provision for the enactment of preventive detention laws. I think this article should have been dropped altogether. I need not go into the detailed reasons that have been discussed time and again in this House during the last 26 years. Again today and yesterday forceful arguments have been made in favour of dropping this power of preventive detention. It is a blot on our Constitution and I have no manner of doubt that every right-thinking person should support the dropping of this provision.

There is article 356 which enables the Central Government to impose President's rule in the States. It has just been pointed out by one of the speakers that at the Centre there is no provision for President's rule. If the Central Government cannot be carried on according to the provisions of the Constitution and Parliament is dissolved, then the Government of the day carries on as a caretaker Government and arrangements are immediately made for holding of elections. Why should not a similar thing be provided for the States also without trenching on their autonomy and perhaps their own elected Government? We have seen in the Congress

[Shri Tridib Chaudhuri]

days how the provisions of this article 356 were misused to topple elected Governments from Kerala onwards till the other day. So, this article of the Constitution should also go. It is against the spirit of our federal Constitution and the idea of State autonomy.

With regard to the other safeguards which have been provided in the various clauses for the rights and liberties of the pole, although they do not go to the extent that we have wanted them to go, yet in brief I would say that I support them. I welcome them. I congratulate the Law Minister and also the Janata Government that at least to that extent they have fulfilled the election pledges that they had given.

SHRI JAGANNATH SHARMA (Garhwal) I rise to support this Bill.

Till the end of 1976 the Constitution was amended 42 times. Fifteen amendments relate to reorganisation of States, readjustment of States, readjustment of boundaries and creation of new States and inclusion of a new State of Sikkim into India; ten affected fundamental rights; nine were procedural; three relate to the Schedules and five affected the powers of judiciary.

Amendment Nos. 38 and 42 were adopted by this Parliament at a time when there was a national emergency promulgated in June 1975. By Amendment No. 39 two strange articles were added to the Constitution—articles 71 and 329A and the Ninth Schedule was amended to incorporate even certain major Acts including the Representation of the People (Amendment) Act of 1974. The purpose of these amendments was only one, and that was to save the election of the then Prime Minister which had been declared void by the Allahabad High Court. This was a slur on this country, and a disgrace to its democratic functioning.

The Forty-second amendment is very wide, very extensive, very detailed amongst all the amendments, but it created concern in the whole of the

nation because it disturbed the original balance of the Constitution, it crippled the role of judiciary, it destroyed the basic features of the Constitution, and paved the way for repression and terror.

The historic March elections brought out the spontaneous hatred of the people against the regime which had trampled upon their dignity and privacy. The Janata Government the first non-Congress Government is committed to bring a new political, social and economic order and in that direction this is the first major step or we can say this is a very important step that the Government and the Law Minister have taken. I congratulate the Law Minister that he has brought this Bill not only as an amending Bill, but taken the opportunity to review the whole Constitution and has put before the House provisions of the Constitution which need complete or partial abrogation, those which need to be retained and the amendments which should be added to the Constitution. This is what he has done. Once this Bill becomes an Act, democracy and the rule of law shall be restored and I am sure the misuse and abuse of articles 352 and 356 shall never be there. Equality before law and equal protection of the laws shall be restored.

While speaking on the Forty-fourth Amendment Bill the then Law Minister said specifically that the basic features of the Constitution included democracy, secularism, Republicanism and judicial review and conceded that while exercising the amending power Parliament should not exercise the power to repeal the Constitution. And I find that by that very Government all basic features of the Constitution were destroyed and the greatest heritage of democracy to mankind, namely personal liberty, was taken away without trial. Innocent people were thrown into sterilisation camps and had to face several types of indignities. Even gruesome atrocities were perpetrated against citizens and patriots, even students, and fiendish

methods were used for interrogation while they were in police custody. Well, there was freedom to destroy freedom. It was to prevent this that the Government has come forward with amendments of articles 358 and 359 of the Constitution.

I am happy that the provisions of article 19 shall be suspended only when there is external aggression or war and under article 359, under no circumstances the individual liberty shall be transgressed or taken away no matter there is internal or external emergency.

There is another alarming feature of the Forty-second Amendment Bill, and that related to judicial review of ordinary laws. Well, since the hon. Minister has dilated in detail the amendment with regard to judiciary and since most of the hon. Members have spoken about it, I would only say that, in spite of the abundant caution by the founding fathers of the Constitution by introducing articles 13 and 254(1) of the Constitution, the powers of the High Courts and the Supreme Court were taken away and they were deprived of their jurisdiction over tribunals.

Well, I do not want to deal with article 257-A, (deployment of armed forces) which has been rightly deleted. I congratulate the Government that they have maintained—some hon'ble members may or may not agree—in the Directive Principles some of the provisions like articles 37(f), 39-A, 43-A and 48-A of the Constitution.

They have also added a new Chapter, that is, on Fundamental Duties. Fundamental Duties are not new to this country. Mahatma Gandhi always emphasized that a man should do his duty. Before independence, a Constitution was framed, called "A Gandhian Constitution for Free India." There was a specific chapter which dealt with Fundamental Duties and Fundamental Rights, with an impressive foreward written by Mahatmaji himself. This is how this amendment has come.

2180 LS—11

I would now like to say something about article 368, amendment of the Constitution. In this connection, I would like to quote one of the eminent jurists of this country, Shri Tarkunde. He says:

"Article 368 should first define what are the basic features of the Constitution, and then provide that Parliament in the exercise of its amending powers cannot alter these basic features, except by the sanction of the majority vote in a general referendum of the entire adult population. This would incidentally establish the principle that sovereignty under the Constitution vests in the people and not in Parliament, which is liable to be controlled by the Central Cabinet."

I am happy that Government has utilized this opportunity, and the hon. Minister has chosen this best and safest course for this purpose. Because, sometimes Legislature behaves in a most irresponsible manner.

Here I would like to quote a Bihar case, *Ram Prasad Vs. State of Bihar*, where two appellants were allowed 200 bighas of land. Some neighbours reported the matter to the Congress Working Committee, and the Working Committee passed a Resolution and stated that the lease should be cancelled. The Bihar Legislature passed an Act by the name of Bihar Sathi Lands (Restoration) Act, 1950. That was declared *ultra vires* of the Constitution. While declaring the Act as *ultra vires* of the Constitution, Their Lordships of the Supreme Court stated:

"Such legislation as we have before us is bound to drain out the vitality from rule of law that our Constitution so unmistakably proclaims, and we hope that the democratic process in this country shall not function in those lines."

This is how Parliament and Legislatures can behave like tyrants.

Similarly, sometimes the Supreme Court acts like a Third Chamber. Take

[Shri Jagannath Sharma] the case of fundamental right to property. It has been taken out from the basic feature by a majority of one. Again it can be put in the basic feature by a majority of one. What will happen in that case, if property right now a legal right is again put as a basic feature? Then Parliament is bound by it and Parliament cannot say by a majority, even by a two-thirds majority, that it should not be a basic feature. What is then the option? The option is that the issue should go to the people and if the people then decide by a majority of two-third or whatever the majority that is settled by the Parliament, then in that case that law would prevail inspite of the ruling propounded by the Supreme Court to the contrary. So, the provision of referendum under such circumstances is good and should be adopted.

There has been controversies regarding the preventive detention. I am sorry, I disagree with most of my friends including Mr. Jethmalani and some other learned speakers that this is absolutely out-dated. I feel that it is very necessary in this country. The dignity of the individual, the safety and welfare of the people, the regulation of international and national trade, smuggling, foreign espionage, subversion of law and order by anti-social elements, these are the pressing necessities, the felt necessities of the modern vigilant State and every modern vigilant State of today has been trying to curb these activities in one way or the other. Even Britain which has its entire edifice in the rule of law and convention passed Prevention of Crimes Act in 1971 and through you I would like to inform this august House that the concept in Britain that was there in the 19th Century had been reversed in the 20th Century. In the 19th Century, there was a famous leading case "*Beatty Vs. Gillbanks*" in which it was said "mere knowledge that opponents are likely to cause disorder does not turn an otherwise lawful assembly into an unlawful assembly." This proposition was completely

changed in 1836 in the case of *Mrs. Duncon Vs. Jones*. *Mrs. Duncon* was a woman speaker, who was just delivering a speech before a Centre for the Unemployed and violence erupted. The very next year, she said "I will speak at this very spot." The Police Officer Mr. Jones went there and said "No, you should not speak 'here', Mrs. Duncon was peaceful, her opponents were peaceful, her supporters were peaceful, but inspite of that, Mr. Jones arrested her. The court observed that the police Officer was justified in arresting her.

Now there is a very important case "*Liversidge Vs. Anderson*", which advocated that the preventive detention may be an anathema to all those who loved personal liberty. I would like to quote the observation of Lord Atkin. He says: "In this country, amid the clash of arms the laws are not silent. They may be changed, but they speak the same language in war as well as in peace. . . ."

During the First and Second World War, the British Parliament empowered the Government to pass orders for preventive detention and the power was upheld by the same Court on ground of necessity. It was desirable and necessary even in a country like England. In this country, so far as we are concerned, I cannot give a better expression saying that how Mr. Justice Patanjali Shastri described this preventive detention. He said:

"This sinister looking feature so strangely out of place in a democratic Constitution which invests personal liberty with the sacrosanctity of a fundamental right and so incompatible with promises of its preamble, is doubtless designed to prevent an abuse of freedom by anti-social and subversive elements which might imperil the national welfare this infant republic."

AN HON. MEMBER: This was in which year?

SHRI JAGANNATH SHARMA: It may be any year. But they are more true today. Even those Britishers who believed in the rule of law, passed:

East India Company Act of 1780, East Company Act of 1784, Bengal regulation Act of 1812 and ultimately the Defence of India Acts of 1915 and 1939, all these gave a complete concept of preventive detention. That is why, the Constitution of India has incorporated Article 22(3) of the Constitution.

Now I would like to say something with regard to the Right to Property. New article 300A reads "No person shall be deprived of his property save by authority of law." As I have already said, the Government have eliminated this right from the fundamental right. It is a right step in the right direction. But we should not forget what probably Lincoln said: "Human beings being what they are their desire to accumulate power and property ceases only with death." The right to property has been recognised under Article 10 of the Constitution of USSR, under Article 17 of Universal Declaration of Human rights, Magna Carta, the Bill of Rights the petition of rights and Lords Blackstone and Lock said that it is an inherent right.

The hon. Minister has said, according to the authority of law. The authority of law is exercised in two ways, either by "due process of law" or by "procedure established by law." "Due Process of Law" has been taken from the American Constitution; "procedure established by law" is provided in the Indian Constitution. Although the hon. Minister has said in his opening speech that procedure established by law would mean the authority of law, still we have to be very careful about it and mention it clearly in the Statute Book.

Even today we cannot forget that the Parliament has the right to enact a law for seizure and confiscation of property: the Parliament has the right of acquisition and requisitioning of property either with the consent or without the consent of the owner the Parliament has the right to enact a law to empower the State for acquisition and requisitioning of property;

the Parliament has the right to tax the property for revenue purposes. Therefore, the sovereignty of Parliament should see that the police power, the power of eminent domain or the taxing power for revenue purposes is not misused. The specific safeguards must be incorporated in the rules or in the statute book itself so that the citizens may not be put to trouble.

Regarding "Education", this is the only provision with which I do not agree with the Government. It should remain in the Concurrent List. For the last 30 years, the Government has not been able to come out with a uniform, viable and sound educational policy. Sometimes, we have done 10+2+3; sometimes, it is 10+2+2; sometimes, 8+2+3 and sometimes, 8+2+2. Even today, there is no national unanimity or clarity with regard to the policy on education.

After the Chinese War and the Pakistan War, the Parliament passed the All-India Services (Amendment) Act which provided for the creation of the all-India services for the Indian Health Service, the Indian Agricultural Service, the Indian Forest Service and the Indian Education Service only for the sake of homogeneity and for the sake of efficiency and good performance. That was passed by the Rajya Sabha. But nothing further has been done.

In the end, I would like to say a word about the Preamble. I do not know how far my hon friends will agree with me. I do not like the word "socialism" to be qualified by any word, like, "secularism" or "democratic." I say this because socialism unqualified is pure socialism; socialism, when it is qualified, is something less than socialism. Socialism, when qualified by "national" became "fascism" and socialism, when qualified by "democratic" became "capitalism." Socialism in its very nature is secular. If you add secularism to it, it may sometimes become "Islamic socialism" or it may sometimes become "Christian socialism."

[Shri Jagannath Sharma]

Carl Marx has defined socialism as distribution of surplus; Sydney and Web have defined socialism; Prof. Harold Laski has defined socialism; Swami Vivekananda has defined socialism; Guru Nanak has defined socialism; Mahatma Gandhi has defined socialism. And our concept of socialism is something quite different. We do not mean socialism as distribution of surplus. We only mean that if a guest comes, we would like to entertain him even if we have to remain hungry—*Atithi*—that means a man who comes without date.

Lastly, so far as the word "Republic" is concerned, Republic is always "sovereign" and "democratic." Democracy and sovereignty are inherent in "Republic." We should simply say, the "Republic of India." As the property right has been removed from the Chapter on Fundamental rights and has been put as an ordinary right, we can call India as "The Socialist Republic of India."

SHRI HITENDRA DESAI (Godhra). Mr. Chairman, Sir, at the outset I join with the other leaders of the Opposition parties in congratulating the Law Minister for bringing in this Bill. I also congratulate the Prime Minister and the Law Minister, not so much for bringing in this Bill as the manner in which they handled the Bill, the manner in which they consulted the Opposition parties and groups and they tried to evolve a consensus. I believe, it is the first step in that direction. In spite of all the criticisms which we have been levelling against the Janata Party, this is one good act which they have done in the last 16 months.

Now, I will deal with the various provisions in a nutshell. On the whole, our Party supports the general principles contained in the Bill subject to certain reservations and subject to certain comments which I shall presently make.

I will first take the question of Emergency. It has been rightly point-

ed out that there was subversion of the Constitution and there were excesses in Emergency, and that the Congress Party suffered defeat in the elections mainly on account of the excesses of Emergency. It must also be noted at the same time that, when the Constituent Assembly met before 1950, soon after independence, it was only under the Indian National Congress that this Constitution was mainly framed, and the founding fathers of the Constitution were mainly inspired by Mahatma Gandhi and Pandit Jawaharlal Nehru. I will go to a period even earlier than that.

All of us who were struggling or taking part in the struggle for freedom did not at that time merely fight for the independence of the country and against the British but even during those days we envisaged 'India after independence', and we envisaged a social order free from exploitation, at the same time guaranteeing Fundamental Rights in the Constitution. I will not take much time of the House; I will only refer to a Resolution passed by the Indian National Congress at its Karachi Session as early as 1931, under the Presidentship of Sardar Patel, where I had the good fortune to be present. I will not read the whole Resolution, but will read only a few lines. The heading is 'FUNDAMENTAL RIGHTS AND ECONOMIC PROGRAMME'. This was passed in the year 1931 when the Karachi Congress Session took place; Gandhiji was also present; the President was Sardar Vallabhbhai Patel:

"This Congress is of the opinion that, to enable the masses to appreciate what Swaraj as conceived by the Congress will mean to them, it is desirable to state the position of the Congress in a manner easily understood by them. In order to end the exploitation of the masses, political freedom must include real economic freedom of the starving millions. The Congress, therefore, declared that any Constitution which

may be agreed to on its behalf should provide or enable the Swaraj Government to provide for the following...."

A number of things are there. I will read only one or two:

'Fundamental rights of the people, including freedom of association and combination; freedom of speech and of the press; freedom of conscience...'

and so many other things which we have already embodied in the Constitution.

Therefore, even before we got independence, as early as the year 1931, the Indian National Congress, under the leadership of Mahatma Gandhi, was very clear in its concept of 'India after Independence'. Barring the 19 months of Emergency when there was subversion of the Constitution which we admitted the Congress has always nurtured all these Fundamental Rights and the freedom of the press also. I also want to bring to the notice of the House that, soon after the election results were announced in March 1977, the Congress Party—at that time the split had not taken place—at its AICC Session in May tried to evaluate the reasons for its defeat, what wrongs were committed during the Emergency, and easily came to the conclusion that the emergency excesses were the main cause and they felt sorry for it and they were convinced that there must be some provision in the Constitution by which these excesses could be prevented. It is in this light that I am speaking today, even against the provision of emergency for internal purposes and even armed rebellion. Even the inclusion of armed rebellion for internal emergency does not alter the situation very much. I do not want to repeat the many arguments that have been found out so far but the House should be aware that there is an explanation here which is even much more derogatory than the substantial provision. The explanation says:

"A Proclamation of Emergency declaring that the security of India or any part of its territory thereof is threatened by war or by external aggression or by armed rebellion may be made before the actual occurrence of war or of any such aggression or rebellion, if the President is satisfied that there is imminent danger thereof."

But I do not think any difference could be made. Even if a provision for armed rebellion is there, it is quite likely that the powers may be misused. I appreciate the various constraints which are contained in the section, namely, that it is considered almost to be an amendment of the Constitution and, therefore, it has to be approved by a resolution by each of the Houses with a two-thirds majority of the Members present and voting and a majority of the members voting for it. These are good provisions. But, at the same time, our Party is opposed to emergency on the ground of internal disturbances including the provision for armed rebellion.

In this connection we have the experience of many other countries also. It is not only in India that we had this experience but in other countries of the world also emergency has always been misused. I will only give one instance of Nigeria. There, in the year 1962, in Western Nigeria on account of squabbles in the ruling party—I am emphasizing this point for the purpose of this ruling party also—that merely for the purpose of squabbles in the ruling party, the Regional Governor of Nigeria dismissed its Premier, Chief Akintola. But the Premier went to a court of law for a prayer that the order was invalid. In the meantime, the Assembly met and at its meeting there was violence in the Chamber of the House and the Assembly could not go on. Immediately, the Federal Government thought that there was a case for clamping emergency and emergency was clamped on Wes-

[Shri Hitendra Desai]

tern Nigeria even though there was not a single violent incident outside the House in any part of Western Nigeria.

Therefore, Sir, not only in this country but in the experience of several other countries also the provisions of emergency have been misused and it is for that reason that we are not against having emergency for external aggression and war but not for internal disturbances or even for armed rebellion or for the danger of armed rebellion, and that is one point on which our Party is very clear.

Secondly, so far as the question of the amendment of the Constitution is concerned, my Party is also opposed to the idea of referendum. A very scholarly argument was put by my hon. friend, Shri Venkataraman and, for want of time, I don't want to repeat them and add to many things which he had said. One thing which strikes me about the referendum clause is that unless there is a general election and even general election not only of Parliament or Lok Sabha but unless there is a simultaneous general election to the State legislatures and to the Lok Sabha, it will be very difficult to get 51 per cent of voters even for this purpose of referendum. That is exactly our experience these days and, therefore, the whole idea of referendum seems to me to be thoroughly impracticable.

At the same time, I feel that by enumerating the basic features in the Constitution itself, we would open flood-gates of litigation and the courts may take a view that this is an amendment against the basic features and, therefore, the court may strike even an innocent provision which may not necessarily come under the basic features of the Constitution. My third argument, over and above the arguments which have been propounded here for the Law Minister to consider is whether the clause itself is valid or it also requires to go for referendum to the people. Therefore,

on these grounds and mainly on the ground that after all in a vast country like India, this is not practicable, we are opposed to the amendment of the Constitution by referendum. We certainly hold the people of India supreme; it is after all the demos, the people of India who are enthroned in the seat of Parliament. There is no dispute about that, but if Parliament can also be captive, Parliament can also be misled, there is every reason, looking to elections in our neighbouring countries, that people can also be misled. Therefore, there is no additional point in providing referendum for the amendment of the Constitution.

A point was made about the preamble to the Constitution. The speaker, who spoke before me on behalf of our Party, has amply made it clear that there should be no definition of secularism or socialism. After all, secularism has something more of wider import than what is contained in the mere definition as defined in the Bill itself. This is more so in the case of socialism. By defining socialism in the manner in which it has been done, I feel that we have much narrowed down the scope of socialism. After all, it is very difficult to define socialism, but we have certain ideas about it.

श्री एच० एन० पटवारी (मंगलदाई) : महापति महोदय, मेरा व्यवस्था का प्रश्न है।

महापति महोदय : बैठिये, इसमें क्या व्यवस्था का प्रश्न है। चायका नाम है।

श्री एच० एन० पटवारी : बहुत झंझट की बात है। हमारे समय में बहुत से गांवों के लोग जाते हैं सड़क देखने के लिये जिनको हम लोग इलाका केते हैं। मेकिंग वह लोग झंझट नहीं समझते हैं। इसलिये एक हिस्सी और एक झंझट की स्वीच होनी चाहिये इससे ईर्ष्या रहेगा और उनको समझने में सुविधा होगी।

MR. CHAIRMAN: It is only a point of disorder.

SHRI HITENDRA DESAI: The ideas of socialism have grown with the time in this country right from the year 1930 onwards to the present. Pandit Jawaharlal Nehru tried to define it but ultimately he gave up that idea and he said, we cannot define socialism. Therefore, I am glad, that among the many provisions of Constitution (Forty-Second Amendment) which have been retained, the preamble embodying that this is going now to be a secular, socialist, democratic republic is also retained and I must congratulate the Government mainly for that purpose. It is only because some section in that party does not like socialism or secularism, therefore, an attempt is made to narrow it down and, therefore, we are opposed to the definition.

Lastly, on the point of education, I remember when the State of Bombay was organised as a bilingual Bombay. I as the Education Minister noticed that there were six systems in several regions of the State, there were different systems of education in areas which comprised Marathwada, Vidarbha, Maharashtra of the old Bombay, Gujarat of the old Bombay State, and various other places and the area which comprised of Saurashtra—20 small States before.

Therefore, in a country like India if we really want integration and if we really want our country to grow, I feel there must be some guidelines laid down for Education, in many of the fields. I am not, for a moment, suggesting that the Centre should interfere in the implementation of the Education policy of the States. Ultimately, the States will have the main function of organizing Education and implementing various policies. But we should think of areas like language policy. For instance when we are fighting for language or for the 3-language formula, if the States do not implement it, we can certainly evolve some other consensus

by which a proper language formula can be evolved. It is possible only if Education is in the concurrent list. Therefore, we oppose the idea contained in the Bill, that Education and Forests should be in the State List.

To conclude, excepting on the various points which I have pointed out, we support the Bill in its main principles. But evolving a consensus on the Constitutional amendments is only one step. The other step is wanting. Merely enacting fundamental rights in the Constitution will not guarantee fundamental rights. Merely by providing constraints against Emergency in the Constitution, it will not be possible to prevent authoritarian forces from subverting the Constitution. What is required at the present moment is a national consensus on many of the vital problems that confront us, and a national will to act. I am afraid the way the Janata Government is going ahead, law and order is completely out of joint, economic crisis in facing us, official language question is threatening to divide the country, casteism is rampant, and events which happened in Bihar and those which have recently happened in Marathwada are but dark shadows of more ghastly events to come. This is the state of the country to-day. Merely by providing certain things in the Constitution, we will not be able to guard parliamentary democracy.

If a democratically-elected Government fails to solve the problems of the the people, it will be responsible for it if authoritarian tendencies grow in this country. And they are exactly those which are growing. Therefore, I personally feel that the time has come in this country for all wise men of this country to come together—not only those who are in power but even those outside—and evolve a consensus on many vital problems that confront us, and decide accordingly. People are not going to spare anybody. After all, the Janata Party thought, when they took oath at Raighat that they will be there for 3 long decades, more at least. Now,

[Shri Hitendra Desai]

even they are not sure how long they will be in power. We have to learn from history. But, as the great historian Hegel pointed out, it is only from history that Mankind learns that it learns nothing from history. If that is going to be our fate, I do not think mere constitutional amendments can be a safeguard for parliamentary democracy in this country.

PROF. R. K. AMIN (Surendranagar): Sir, at the outset let me say that I congratulate the Law Minister for the introduction of the 45th amendment to our Constitution. But my congratulations are qualified, because as far as his amendments go they are good enough but they do not go as far as I wish them to go. By these amendments we are making changes in so many fundamental features of our Constitution; emergency provisions, fundamental rights, preamble, preventive detention, power to amend the Constitution and so on. To understand this I should like you to go back to the days of the Constituent Assembly. During those three years, 1947 to 1950 they wrangled and quarrelled with the main aspects of the Constitution and arrived at certain decisions. Two criticisms are made against that and the hon Law Minister—should keep that in view while making the present amendments. One was that the Constituent Assembly was not representative enough. This criticism referred to was as a result of the Cabinet proposals. Adult franchise was not given. From the States nominations of representatives were made. Probably it used to represent 28-30 per cent of the electorate, not more; many of them were appointed from the princes of various States. The second criticism was that the framing of the Constitution was in some special circumstances, when there was the threat from Pakistan, or Telangana was there as an internal disturbance, the food situation was critical and the refugee problem was serious, it was in those circum-

stances that our Constitution was framed. That is why a sort of conflict between two groups of thought was going on from the beginning till even today. Some people wanted directive principles to be first and fundamental rights next, some others wanted priority for fundamental rights over directive principles. Some said that the word 'socialism' should be included in the preamble and some did not want it. Because of such conflicts in the course of 25 years we had about 45 amendments to our Constitution. From that point of view, I should like you to judge the present provisions made by the hon. Law Minister.

Let us take the provision regarding emergency. Does this provision really solve the problem of emergency which we faced one and half years ago? Do we have the possibility of subversion of the Constitution which was supposed to be the most well designed Constitution to protect the freedom of the people? In the course of the next two years could it be subverted by the same machinery of the Constitution? When we are making changes we should see whether the same machinery could be utilised in such a way as it was done in 1975? You take the case of the Prime Minister. Do we allow him the right to go and advise the President for the dissolution of Parliament? He can by giving that threat keep all the members of the Party with him—have we made any provisions that such a power is not being utilised, cannot be utilised in an undemocratic manner? Have we made any provision that such a power is not utilised by a dictator who may happen to be the Prime Minister and who wants to convert his office into a dictatorship, just as we saw only a few years ago? It is possible that some of us also can behave in that manner. Are we making provision for that? I do not find any provision of that nature in this Bill.

Take the emergency provisions. It says about armed rebellion. Is it rebellion by the army? If it is rebellion by the army you are not going to control it. Is it rebellion by the people with arms? You have not allowed any arms to be kept with the people. We have no right to keep arms. If a significant number of people keep arms, there is something wrong with the administration. If there is internal subversion, with the present technology available with the army, are we not in a position to control it in one month's time? If it is not controlled in a month, it can never be controlled. So, if at all a provision is necessary to be introduced for armed rebellion from significant number of people with arms your emergency should not be for more than 15 days or one month. It cannot continue for six months after the lapse of the emergency and you cannot keep control over the freedoms of the people for such a long time. So, that sort of thing is not required. If there is a possibility of armed rebellion, your emergency should not be for more than one month. That sort of provision has not been made. I wish that sort of provision is made.

Coming to fundamental rights, several fundamental rights were not included from 1947 to 1951, although they were included in the Nehru Report and in the various reports prepared by the Congress, which was our national party then, right from 1895 to 1945. Conveniently those fundamental rights were removed during 1947 to 1951. I will name two or three: right to bear arms, secrecy of correspondence, due process of law to be adopted, preaching of class or caste hatred security of person and dwelling from unreasonable searches etc. These fundamental rights were included in the Nehru Report and various resolutions of the Congress. But conveniently they were removed during 1947 to 1951 because somebody might have pointed out that we have to deal with Pakistan or Telangana or with the communists. So, these rights cannot be given. But we have seen that because

of the loss of of these rights, we were put to any amount of difficulties in 1975 to 1977. The greatest curse was the searches and MISA, the sword hanging over our heads during 1975 to 1977. Otherwise, when so many big leaders were being arrested on 26th morning, not a sparrow could even chuckle in the country. There were no disturbances in the whole country. Nobody was in a position to speak. Even when the Cabinet was not consulted and the Cabinet was informed about it only at 6 or 7 O'clock in the next morning, not a single minister asked why they were not consulted, because if the lion is outside the House and if we are asked whether we want the lion inside the House, we might say, no. But if the lion is brought and put here on the Table and then if we are asked whether we want the lion to be in the House, everybody will say, "Yes, we want the lion in the House". You are bringing an amendment to see that the situation which arose in 1975 does not arise again. But for that such fundamental rights which ought to have been included in this have not been included. I request the Law Minister to please think it over. If you are really concerned with the problem that the emergency which came in 1975 should not come again in future in the manner in which it came in 1975, such fundamental rights should be included in this Bill.

17.00 hrs.

If you remember, when these fundamental rights were included in our Constitution in 1950, one of the Members of the Constituent Assembly criticised it saying that they were framed from the point of a police constable. This criticism must be borne in mind if the same rights are to be kept. We have seen during the emergency the way in which the right of *habeas corpus* was taken away from us even by the judiciary. It should not happen again. Have we made provision for that? Can you put your hand on your heart and say that it will not be repeated again after this amendment? I doubt. It might be repeated,

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): That has been done by amending article 300.

PROF. R. K. AMIN: Take the right of property. What have we done? We have thrown away the baby with the bath water. Long back, when the right of property was discussed, big business, big capitalists, very rich people luxurious living and other things were pointed out, inequalities of income between the richest and the poorest was pointed out, and that is why the right of property was to be taken away, but when you take away the fundamental right of property, you must realise that it includes a house, for instance I may be driven out of my house, my right to that property maybe taken away by executive authority. I may have one or two acres of land that can be taken away without compensation. That right is not protected And you have never taken away the property of the big people. Even when this right was excluded from the fundamental rights, even when the fundamental rights were suspended, nobody utilised article 31B and 31C to take away the property of anybody else.

If I do not have the right of property, I am subjected to slavery. If I want to speak to the highest in the country.

When I go home nobody should be in a position to harass me, to take away my employment and living. That guarantee has to be given to me. Otherwise, you are subjecting me to slavery and my freedom is in jeopardy. If you like, you can put a restriction, you can say that nobody has the right to acquire property more than Rs. 1 lakh or Rs. 50,000 but I should have full freedom, and should not be subjected to the pleasure of somebody who is in the Government. Think of a situation when all employment is controlled by Government. What is the fun in giving freedom of speech then?

An empty belly and a free tongue will not go together.

I agree with my friend Shri Jethmalani that as far as possible MISA should not have been kept, preventive detention should not have been kept. Even in 1948 when it was kept in our Constitution, so many people objected to it. It was only the threat of Pakistan or Telengana which allowed them to put it in the Constitution.

The Committee Report did not put MISA inside. But, later on, somehow by the backdoor it entered in our Constitution. If you read the history of Constitution making you will see how it entered through the backdoor. Now we have had a very bad experience. Therefore, I would only plead that body should be kept inside prison without giving any reasons for more than 15 days. It should not be more than 15 days at the most. There it should end in any case. Within this period Government must file a case find out the reasons, whatever reasons there are, and if there are no reasons, nobody should be subjected to MISA. If that sort of provision is made, I would be very glad.

17.07 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

My hon. friend, Shri Stephen, suggested that there is a conflict between the Directive Principles and the Fundamental Rights. There is no conflict between the two. One is "Do's" and the other is "don't's"; one is positive and the other is negative. One says to the State; do not tamper with the individual freedom, allow people to have their free tongue. The other says positive things like: give him employment, give him good living, give him healthy conditions, give him nutritious food. One is positive and the other is negative; there is no conflict. One refers to freedom from the State and freedom from the other individuals while the other refers to socio-economic policies. This has arisen because of the compromise. Some peo-

ple wanted the word "Socialism" to be embodied in the Constitution, but that word was not put in the preamble. That is why the Directive Principles were incorporated in the Constitution.

Here also I would have welcomed my Law Minister, if he had tampered the Directive Principles with Gandhian influence. At the time of the Constitution-making, only Nehru influence prevailed; Gandhian influence did not prevail. So many people at that time suggested the inclusion in the Directive Principles of subjects like the protection of cottage industry, prevention of cow slaughter, development of small and cottage industries. But all such Gandhian influences were excluded except prohibition. All other Gandhian teachings were taken away and in order to make a compromise with socialism some social security measures were put in the Directive Principles. It could have been corrected, taking this opportunity, because the Janata Party Members have taken a pledge before the Gandhi Samadhi that they will include Gandhian teachings. So, he should have taken this opportunity to include the Gandhian teaching in the Constitution.

Coming to the provision about article 368, I am equally doubtful about the referendum. Why? What are you going to refer to the masses, most of whom are illiterate, who only look to the symbol and not the party, who only look to the leader and not even to the candidate who is contesting there? So, with this provision, you should also have evolved a new election system in order to meet the requirements. Otherwise, a referendum will not meet your requirements. Are you going to ask the people: do you want more powers to the States or more powers to the Centre? For Centre-State relationship, should we have a referendum, because it is a basic feature of the Constitution? What sort of result will you get from such a referendum? Nothing. On issues like whether you should have

prohibition or not, dowry or not you may get some positive result. Then also, if it is at the time of the election and if it is one of the items in the election manifesto it does not serve any purpose. If it is separately put, out the election is taking place simultaneously, then also it will not serve any purpose. That is why I suggest that there should be a provision in our Constitution that every 20 or 25 years there should be a Constituent Assembly, specially convened in order to look into the basic features.

One thing I would like to say. We are wedded to democracy. The two essential features of democracy are one, freedom and two, not to govern anybody save his consent. We must see that we guard these two essentials—no one is governed save his consent and freedom is granted to every individual, like freedom of speech etc.

Now on these two things, there cannot be any referendum. There should not be. They are so basic that even a referendum or any other Constituent assembly should not take them up. Probably a referendum is not suitable to our electorate. Thank you.

SHRI ASOKE KRISHNA DUTT (Dum Dum): Mr. Deputy Speaker, Sir, at the outset, I congratulate the Law Minister for having redeemed a pledge that our Janata Party had made to the nation before the elections last year. Before the Parliamentary elections that were held last year, our country passed through 19 months of the darkest period in its history. The fundamental rights of the people were usurped, democracy was crippled and the democratic system of Government was completely paralysed. The whole country was brought under the spell of an arbitrary dictatorship. When the Parliamentary Elections came, the people of our country who elected this 6th Lok Sabha, gave a definite mandate that those provisions which had violated our Constitution, which had ravished our Constitution had to be changed. Several hon. Members

[Shri Asoke Krishna Dutt] here have given the details of earlier Constitutional Amendments. Through the amendments that were made during Emergency viz., 39th, 40th, 41st and particularly the 42nd Amendment, they had taken away the rights of the people to an extent which was undreamt of. The framers of the Constitution had made certain provisions for amending the Constitution. Every Constitution in every country has provisions for amendments. It is because it becomes necessary as time goes on and as we go through new experience, it becomes necessary to amend the Constitution. But the framers of the Constitution, I believe, never had dreamt that the provision for amending the Constitution would be exploited, and abused in the manner in which the 42nd Amendment was passed. The entire Constitution was ravished. The people of this country gave a definite mandate, to see that those provisions are repealed and as I said the Law Minister had redeemed that pledge and has introduced this Bill to repeal most of the repugnant provisions of the 42nd Amendment. Of course, he has his limitations because the Government and the Law Minister have to sit with several hon. Members of this House having different shades of opinions and this Bill is, to some extent, a product of compromise and compromise sometimes does not have that force which a original Bill has. Naturally, we would have liked this Bill to be much more forceful. But as I said, because it came after dialogue with several hon. Members on the opposite side, much of the provisions had to be diluted. But inspite of that....

SHRI HITENDRA DESAI: Let us know the forceful points at least.

SHRI ASOKE KRISHNA DUTT: Insipite of that, a very able job has been done. They way in which during Emergency the provisions of the old Constitution were exploited by the former Government taught us a lesson.

In the name of internal disturbance, a particular person abused the provisions of the old Constitution and im-

posed Emergency on this country. It has become apparent and it has been thoroughly exposed by the Shah Commission as to the manner in which the former Prime Minister, without consulting the Cabinet, had imposed Emergency on this country and had sent the recommendation to the President for the imposition of Emergency. It has now become clear that the then Home Minister was completely in the dark and that the Cabinet was not even consulted and only after the Emergency was proclaimed, next morning the Cabinet new about the proclamation of Emergency.

In the new provision that has been made, not only the words, "internal disturbance" have been replaced by "armed rebellion" but certain other provisions, very necessary provisions, have been created. By hon. friend, Shri R K Amin, was just now saying that if there is an armed rebellion, certain provision should be there to see that such an Emergency ends within one month. I find that the Law Minister has made that sort of a provision in the Bill. He has clearly stated that if such an Emergency is proclaimed, still that provision has got to be scrutinised by Parliament within one month and, if the Parliament does not ratify that, the Emergency ceases. So, that provision has been made.

There is another very fine provision that has been made in this Constitution Amendment Bill. As a victim of the MISA of Mrs Indira Gandhi, I am very much happy to see that the provisions of the MISA have been repealed. But I find that the preventive detention still remains over there. Of course, it has to be admitted that in a country like ours where there are various sorts of problems, the problems of economic offenders, the problems of espionage, etc., certain types of preventive detention may be necessary. But I would urge upon the hon. Minister to be very cautious and, if necessary, to make even further

provisions to see that these provisions of the preventive detention are not abused

Our experience shows that during the Emergency, it was not only that the political executives of the country abused the provisions of MISA and preventive detention but often it also happens that these provisions of preventive detention are abused and misused by bureaucrats at every stage. We feel the necessity that economic offenders must be brought to book. But we have seen that petty bureaucrats, petty police officials, often concoct false charges and victimise innocent citizens in various ways. Certain provisions must be kept over here to see that the average citizen, the ordinary citizen who sometimes does not have the means to take recourse to legal help is not penalised and is not oppressed by these provisions of preventive detention.

I am also very happy to find that the new article 361A has been introduced. We have seen during Emergency particularly how the proceedings of this august body, the proceedings of various States legislatures and in what manner those proceedings have been completely blacked out. The very important speeches that were delivered on the floor of the House were completely blacked out and censored and they were not published at all. This new provision of article 361A will give a guarantee to the people that in future, no tyrant can come and abuse the powers in such a way that the very important speeches that are delivered in this most important representative body of the country are censored in the manner that we had seen during the Emergency.

Another provision that we saw during the Emergency was the manner in which the election laws were trampled on by the then Prime Minister. To save her own skin, after the famous Allahabad judgment, she had the Constitution amended to see that the provisions of the Representation of People Act could not be used against her, there was to be a separate type of legislation to see the election cases

of the Prime Minister, Speaker and certain others. This provision is being repealed and I congratulate the Law Minister for that.

The right to property has been very rightly deleted. Our Janata Party took a pledge during the elections that this was to be done, and that pledge is being redeemed. Some of my friends on both sides of the House had expressed certain doubts about keeping the legal right to property. I feel that it has been very properly kept there. Otherwise, an unscrupulous executive could discriminate against people. Any property that has to be taken must be taken under due process of law, and that provision has been very amply kept there.

In this connection I would like to say that I would have been more happy if the Law Minister had provided for the right to work. This pledge was given by the Janata Party during the election where we said that the fundamental right to property would be abolished but at the same time the right to work would be accepted. I would have been very happy if that had been included. I would even now request the Law Minister to incorporate it here before the final acceptance of this Bill.

There is a provision about referendum. Some of my friends on both sides have expressed their doubt about it. But I feel that the provision of referendum has been very rightly kept there. Hon. Member Shri Venkataraman was saying that referendum might be misused or might not be properly utilised, and he gave certain instances of cats and rats. Some of my other friends were also saying that 51 per cent of the people might not be brought to the poll. I do not think so. The experience of March 1977 elections shows that the people of this country are politically conscious. May be that 70 per cent of them live below the poverty line or may be that 70 per cent of them are illiterate, but they have shown that

[Shri Asoke Krishna Dutt]

political consciousness cannot be directly linked either with poverty or with illiteracy. It has been shown by the people of this country that they have a tremendous political consciousness. And I feel that, if a referendum like this becomes necessary, the so-called less literate people of the villages will not be found lacking. If a referendum becomes necessary, the overwhelming majority of the people will duly take part in such a referendum. But I feel that this provision of referendum should be slightly altered. Here it has been said, 'majority of the people who vote in the referendum provided 51 per cent of the people vote'. That means, a situation might come where 26 per cent of the people can change these provisions. And these provisions are of special sanctity like secular and democratic character of the Constitution, like the Fundamental Rights of the citizens, like anything impeding free and fair elections, like something compromising the independence of the judiciary. All these four are of special character. The provision has been properly made that these things should not be trampled with easily. In that context, I would say, mere 26 per cent of the people should not be allowed to change this. The provision should have been that at least 51 per cent of the total number of voters should support such a move before it is changed.

I will conclude by saying that I have one reservation which I want to particularly emphasized about the removal of education from the Concurrent List. This will definitely be a retrograde step. We have seen in the last 30 years that education has been kept in the Concurrent List and that has worked very well. Ours is a country where we have all sorts of interests. There are linguistic minorities, there are religious minorities in different States and if we do not have more or less a uniform system of education throughout the country which, remaining in the Concurrent List, can be regulated by the Centre,

there may be all sorts of disturbances and we shall be adding new problems, new language problems and new religious problems. In that context I feel that education should be kept in the Concurrent List as has always been done.

With these minor reservations I generally support the Bill and I congratulate the Law Minister.

SHRI G. M. BANATWALLA (Ponnani): The long awaited Constitution (Forty-fifth Amendment) Bill is at last before the House. The Bill goes a long way, though not all the way, towards restoring the Constitution to its pristine glory. That it goes a long way is commendable but that it does not go all the way to restoring the Constitution to its pristine glory is most regrettable.

Despite all claims made and despite the various provisions in the present Amendment Bill, the Constitution is left with provisions sufficient to enable subversion of democracy or to pave the way for authoritarianism.

Clause 38 of the Bill amends Art. 352 of the Constitution. This is with respect to emergency and the Bill provides that apart from war or external aggression, proclamation of emergency can be made if there is a threat to the security of the State by concept of armed rebellion is such that it is pregnant with potentialities for the subversion of democracy. Armed rebellion is a concept that will armed rebellion. I submit that this Armed rebellion is a concept that will come very handy to a government to clamp emergency so as to meet their own exigencies of the situation. To illustrate my point I would quote from the book of Maulana Abul Kalam Azad, 'India Wins Freedom'. Immediately after Independence there was a charge by Sardar Vallabhbhai Patel that Muslims had risen in arms against the their non-Muslim brethren and this is what Maulana Azad says at page 215 of this book:

"The police did recover some arms from Karolbagh and Subzi Mandi. By Sardar Patel's orders, these were brought to the Government House

and kept for our inspection in the ante-chamber of the Cabinet Room. When we assembled for our daily meeting, Sardar Patel said that we should first go to the ante-chamber and inspect the captured arms. On our arrival we found on the table dozens of kitchen knives that were rusted, pocket-knives and pen-knives, with or without handles and iron spikes which had been recovered from the fences of old houses and some cast-iron water pipes."

Maulana Azad goes on further say:

"Lord Mountbatten took up one or two of the knives and said with a smile that those who had collected this material seemed to have a wonderful idea of military tactics if they thought that the city of Delhi could be captured with them".

The only point that I am making before the House is that this very concept of armed rebellion can be twisted by the Government in power to suit the exigencies of its own requirements rather than any situation of emergency.

Not only, this but, there is salt added to the injury. Clause 38 to which I am referring has as explanation and the explanation is to the effect that the proclamation of emergency may be made even before the actual occurrence of rebellion if the president is satisfied that there is an imminent danger thereof

I need not dilate further to show how this explanation itself is pregnant with potentialities to pave the way for a totalitarian or an authoritarian rule.

Take the case of Fundamental Rights. It has been claimed that the present Bill safely and securely entrenches the Fundamental Rights in our Constitution. I wish, if were so, because no one can deny the importance of Fundamental Rights. The

preamble to the Constitution speaks of the dignity of the individual and it was Jacques Maritain who said:

"The dignity of the human persons?—The expression means nothing if it does not signify that by virtue of natural law, the human person has the right to be respected, as the subject of rights, possesses rights. These are things which are owed to man because of the very fact that he is man."

Such is the significance of Fundamental Rights

Let me also quote from the preamble to the Universal Declaration of Human Rights:

"The recognition of the inherent dignity and of the equal inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

Why go so far? We had the Pandit Motilal Nehru Committee Report in 1928. This Committee Report in 1928 had asserted:

"Our first concern should be to have our fundamental rights guaranteed in a manner which will not permit their withdrawal under any circumstances."

This is about the paramount importance of the Fundamental Rights.

Now, let us look at the position as it emerges from this Bill with respect to the amendability of the Fundamental Rights. Not only the amendability of the Fundamental Rights, even suspension of Fundamental Rights is a serious thing. In the United States of America, in an early case of *Ex parte Milligan*, it was observed.

"No doctrine involving more pernicious consequences was ever invented by the wit of man, than that any of its (Bill of Rights) were

[Shri G. M. Banatwalla]

visions can be suspended during any of the great exigencies of the Government."

Not to talk of suspension, I submit this Bill has taken the question of Fundamental Rights in a very light manner.

Clause 45 amends Article 368; it introduces the concept of referendum. Let us study this concept. We are told that a proposal will be deemed to be approved if at least fifty-one percent of the total electorate go to the poll and a majority of those who vote favour the proposal. If that comes about, it will come to hardly 26 per cent of the total electorate, and if the electorate is 50 per cent of our total population, it means that the fundamental rights are left to the whims and fancies of just 13 per cent of the total population.

The Statement of Objects given in the Bill says that the Bill wants to secure fundamental rights and wants to place them beyond the reach of a transient majority. I submit that apart from this, the fundamental rights are placed under the whims and fancies of just a small and insignificant minority, as compared to the total population.

There are lots and lots of further scope for parliamentary invasion of fundamental rights. For example, in spite of much that has been said about fundamental rights, Government does not deem it fit to remove Article 31B, an obnoxious provision in the Constitution and an anachronism in the list of fundamental rights, because any Act which is placed in the 9th Schedule is thus beyond the reach of any of the fundamental rights enshrined in the Constitution. A simple majority of Parliament places an Act in the 9th Schedule, and the fundamental rights are all barred. Such is the position.

Then, Clause 8 of the Bill amends Article 31C. While amending Article 31C, Article 14 and Article 13, important fundamental rights have been freed from the suzerainty of all Directive Principles. Yet they have been made subordinate to Article 39B-and-C. The main point is that there is a lot of scope for even parliamentary innovations of these rights. It is sometimes said that there is a conflict between Directive principles and Fundamental Rights. There is no conflict. Every advance, every socialist advance that must come, must come within the framework of the fundamental freedoms granted in the Constitution; and that should be clearly understood.

In order to secure the immutability and inviolability of the fundamental rights I have given an amendment, saying that certain Articles with respect to civil liberties and minority rights shall always remain inviolate, while others may be changed by a majority of two-thirds of the total electorate at referendum. I will dilate upon this when, insha Allah, I come to that particular aspect.

The preventive Detention provision continues. I must say with respect to these preventive detention clauses that they reveal a total lack of honesty. There is a transparent lack of honesty on the part of the Treasury Bench, as far as the rule of law is concerned. It is not the question of safeguards. It is the vital question of detention with, or without trail; and as far as this particular rule of law is concerned, there can be no compromise whatsoever. Preventive detention or detention without trail smacks of a feudal concept.

There is a claim made with respect to freedom of the press and the publication of the proceedings of this House, parliament and the legislature without previous restraints, without censorship. Government must be congratulated for this. Still I say that the committal to freedom of the

press is partial. Why should not the government accept my amendment when moved, that there shall never be any previous restraint upon any publication in any newspaper? That is the basic concept of the freedom of press. There cannot be any compromise with respect to that

There are a few more points but in deference to your bell that has been rung, I conclude by saying that while this Bill does go a long way in restoration of the pristine glory of the constitution, it does not go all the way and that is the saddest part of it

श्री हरिकेश बहादुर (धोरखपुर) मान्यवर, संविधान के इस संशोधन विधेयक का समर्थन करने के लिए मैं खड़ा हुआ हूँ। हमारे देश का महान संविधान इस देश में लोकतांत्रिक व्यवस्था को कायम करने मानव की आजादी और मानव मूल्यों की रक्षा करने के लिए बनाया गया था। किन्तु 42वें संविधान संशोधन विधेयक के बाद इस संविधान का सम्पूर्ण नैतिक मूल्यों का हत्या कर दी गयी, लोकतांत्रिक मूल्यों का हत्या कर दी गयी और पूरी की पूरी संवैधानिक व्यवस्था का इस रूप में बदल दिया गया कि उससे किसी व्यक्ति विशेष का हित की रक्षा हो सके।

मान्यवर पूरा देश जानता है कि 12 जन, 1975 को जब इलाहाबाद हाई कोर्ट ने अपना फैसला दिया तो उस फैसले से एक व्यक्ति को बचाने के लिए चुनाव नियमों में संशोधन किया गया। मान्यवर संविधान को इस तरह से संशोधित किया गया जिससे कि भारत का जो प्रधान मंत्री होगा, वह किसी भी प्रकार का भ्रष्टाचार करता है तब भी वह न्यायपालिका के समक्ष नहीं आया जा सकेगा। इस तरह से देश में लोक-साक्षिक मूल्यों की हत्या की गयी। उस समय देश के अन्दर निराशा और गुटों के बातावरण ने जन्म लिया और लोगों ने अनुभव किया कि लाखों लोगों ने जिस भारत के लिए कुर्बानियाँ दी थीं, हमारे महान नेताओं ने जिस आजादी के लिए संघर्ष किया था अपने जीवन को पूरी तरह से देश के लिए न्योछावर कर दिया था, क्या वह सब कुछ बेकार हो रहा है? देश का पूरा जनमानस निराश हो रहा था।

ऐसे ही बातावरण में जनता पार्टी का जन्म हुआ और जनता ने मार्च, 1977 के चुनावों में उसे विजयी बना कर, जनता पार्टी की सरकार बनायी। जनता ने इस सरकार को स्पष्ट रूप से यह आदेश दिया कि देश के संविधान में संशोधन करना होना जिस से कि उन सभी लोकतांत्रिक मूल्यों और नैतिक मान्यताओं की पुनर्स्थापना हो

सके जिनको कि 42वें संविधान संशोधन विधेयक ने नष्ट कर दिया था। इस संविधान संशोधन विधेयक के द्वारा देश के अन्दर फिर से लोकतांत्रिक मूल्य कायम किये जा रहे हैं। इसलिए मैं माननीय विधि मंत्री के द्वारा पूरी सरकार का बधाई देना चाहता हूँ।

मान्यवर, कुछ बातें इस में जरूर कहनी हैं। जैसे कि राईट टू प्रायटी या संपत्ति के अधिकार का जो सवाल है, यह सवाल एक शरीर सवाल है। इस राईट को फेडरेशन राइट्स की सीमा में बाहर कर देने से ही हम लोगों की तमाम कठिनाइयों को दूर नहीं कर सकेंगे जिन्हें कि दूर करने की बहुत आवश्यकता है। आज राईट टू प्रायटी की जगह राईट टू लिमिटेड प्रायटी का प्रयोग करना भी आवश्यक हो गया है। क्योंकि जब तक हम संपत्ति की सीमा निर्धारित नहीं करते तब तक कुछ व्यक्तियों के पास में कुछ मटेरियल लोगों के पास अव्यक्त संपत्ति इकट्ठी हो सकती है जो कि शोषण का कारण बन सकती है और उन लोगों के जीवन को जिनका कि जीवन पहले ही कठिनाई में असीत हो रहा है और भी खराब हो सकता है। ऐसी स्थिति में हमारे लिए इस चीज का देखना जरूरी हो गया है कि जो इस समय पूँजीवादी व्यवस्था है जब तक हम इसका समाधान नहीं करेंगे तब तक सही ढंग से हम नागा बंजिरो का संरक्षण नहीं कर सकेंगे। यह स्पष्ट है कि पूँजी आज कुछ नागा के हाथ में इकट्ठी हो गयी है और वे उन पंजी के द्वारा सम्पूर्ण देश की प्रशासनिक व्यवस्था को सम्पूर्ण दण्ड का सामना को प्रभावित कर रहे हैं। उन्होंने देश की परकारिता का प्रभावित कर लोगो के मानसिक चिंतन को प्रभावित करने की भी प्रविधा प्रदानायी है। जाहिर बात है कि इस पूरी प्रविधा का अन्त तब तक नहीं किया जा सकता है जब तक कि पूँजी की सीमा निर्धारित नहीं की जाती है। देश के शोषण का समाधान करने के लिए यह अव्यक्त है कि पूँजीवाद का अन्त हो। इस बात की कमी मैं इस संविधान संशोधन विधेयक में देख रहा हूँ। मैं चाहता हूँ कि मंत्री महोदय इस और ध्यान दें और देश में पंजी की एक निश्चित सीमा निर्धारित करने का प्रावधान संविधान में करें।

आज देश में शोषण बेरोजगारी फैली हुई है। गरीब लोग शिक्षा हासिल करने के बाद बेकार रहकर उधर घूमते हैं। ऐसे लोगों को रोजगार देने की व्यवस्था करने का प्रयत्न भी हमारी सरकार के सामने आता रहता है। हमने अपने मैनिफेस्टो में भी कहा था कि राईट टू वर्क को हम फेडरेशन राईट बनाएँ और प्रत्येक व्यक्ति को काम देने का अधिकार देने की व्यवस्था संविधान में करेंगे। लेकिन यह व्यवस्था नहीं हो पाई है। शास्त्री जी का जिस भी इस सम्बन्ध में जब सदन में आया था तो उस पर जो बहस हुई थी तब सभी पक्षों के सदस्यों ने उसका समर्थन किया था। इसकी

[श्री हरिकृष्ण बहादुर]]

कभी इस सखीयन में हूँ दिखाई पड़ रही है। मैं समझता हूँ कि इसको सुधारने की आवश्यकता है।

देश में अघराध तेजी के साथ बढ़ते जा रहे हैं। मैं किसी भी हालत में भीसा जैसे काले कानून का समर्थन नहीं कर सकता हूँ। लेकिन इतना मैं अवश्य कहना चाहता हूँ कि जो कुछ भी आज संविधान के अन्तर्गत व्यवस्था है इससे स्पष्ट हो चुका है आजादी के बाद से से कर आज तक स्पष्ट हा चुका है कि जो भी कानून हमने पास किए हैं उन से अघराधो पर शक्तिशाली और सखम नियंत्रण हम स्थापित नहीं कर पाए हैं। उन नियंत्रण की स्थापना के लिए आज कानून में सहायन करने की आवश्यकता है ताकि अघराधो पर बड़ा नियंत्रण स्थापित किया जा सके। आज तरह तरह के अघराधो जा हरयायें करने हैं, इकट्टिया डालने हैं नमाम लागू की जानकारी में रहने के बाद भी जब भी अघराधो के दायरे में जाते हैं ता वहा से छूट जाते हैं। ऐसी अवस्था में उनका इन तरह के कार्य करने का उमाह मिलना है उनका उमाह और बड़ जाना है और उमरा कप्रमा उनका रायिगन मन्त्रिण पर भी नहीं पण्डा बर्न परे ममाज पर पडना है और समाज में अघराध की प्रवृत्ति विकसित होनी है। सीम बरम तब जिन रात्रुनो का प्रयोग हम करने आ रहे हैं उन से दम में अघराधो का कम करने भी दिना में बाई मकिजानी नयम हम नहीं उठा पाए हैं। इसलिए आज आवपणता हम जान की है कि जा भी कानून हमारे पास है जिन म हम अघराधो का नियंत्रित करने की व्यवस्था करते हैं उनको और भी प्रभावशाली बनाए और आवश्यक हो तो उन म सहायन भी करें।

जहा तक पब्लिक स्कूला का तान्मूक है इनको खत्म करने के लिए जब भी बवाल यहाँ आया है तब बराबर कहा गया है कि हम इनको हटा नहीं सकते हैं क्योंकि संविधान में कुछ ऐसे प्रावधान हैं जिन के तहत जिन लोगों ने इनको चला रखा है या बिनाय वर्ग के लोगों, सम्प्रदायो के लोगों ने इनको चला रखा है उन पर हम इन प्रावधानों के रहते नियंत्रण स्थापित नहीं कर सकते हैं, उनको हम समाप्त नहीं कर सकते हैं। यह दुर्भाग्यपूर्ण स्थिति है। अगर संविधान में ऐसी कोई व्यवस्था है जिस के तहत हम उन पर रोक नहीं लगा सकते हैं तो उस व्यवस्था को समाप्त करने से लिए संविधान में सखीयन किया जाना चाहिए ताकि जिस विधेय वर्ग को विधेय प्रकार की सुविधा आज उपलब्ध है उसको बाल करके सभी वर्गों को बराबर और समान सुविधा मिल सके, सभी के लिए समान अवसर हम पैदा कर सकें। इसके लिए भी संविधान में सखीयन करना अत्यन्त आवश्यक है।

पश्चात् स्कूलों के बारे में मैं कह सकता हूँ कि ये १९९९ केवल सामन्तवादी, कुलीनतंत्रीय और

नीकरवाही प्रवृत्ति वाले व्यक्तियों का निर्माण करते हैं जो देश में अपने को एक विशेष वर्ग का व्यक्ति समझ कर देश की शासन व्यवस्था में अपने आपकी लवाते हैं और देश में योग्य भी व्यक्ति को तेज करने में पूरी शक्ति और बुद्धि का प्रयोग करते हैं। इस वास्ते पब्लिक स्कूलों को समाप्त करने की व्यवस्था करना भी निहायत आवश्यक है।

मिला को समर्थन सुची में माने का कार्य करना अव्यक्त उचित कार्य है। हम दिना में सरकार को तत्काल ध्यान देना चाहिये और कार्रवाई करनी चाहिये।

व्यापारिकता को यह अधिकार नहीं होना चाहिये कि वह समय द्वारा बनाए गए कानूनों को ध्वंस घोषित करे। राष्ट्रीय जिन के दृष्टिकोण से कानून बनाने के मसदे के अधिकार पर किसी भी प्रकार का हस्तक्षेप अव्यक्त एक जन विरोधी है। समय दम की जनता की भावनाओं को परिनिष्ठित करना है देश को ज्ञाता का प्रतिनिधित्व करती है उनका अधिकार पर बिना भी प्रकार दूसरा बाड़ा का बाई भी नियंत्रण नहीं होना चाहिये उनका बाई भी प्रभाव नहीं होना चाहिये।

फेमेडन राइट और डायरेक्टिव प्रिन्सिपल आफ स्टेट पार्लिमी के बीच में जा सधय बराबर बनता है उन मन्त्र म में केवल हमना बनना चान्ता ' रि हाय विन्ड प्रिन्सिपल आफ स्टेट पार्लिमी का आज की स्थिति में हमारे दम में सर्वाधिक महत्व दम की आवश्यकता है। यदि कोई भी फेमेडल राइट हमके नियन्त्रण में किसी भी प्रकार की बाधा पड़ना है तो उस फेमेडन राइट को सुधारन के लिए जो भी आवश्यक प्रविजन बिग गए हैं उनका आधाग पर कार्य होना चाहिये। और डायरेक्टिव प्रिन्सिपल आफ स्टेट पार्लिमी की सुप्रीमसी फेमेडल राइट पर अकर स्थापित करनी चाहिये।

हम हमना के साथ में अपनी बात समाप्त करता हूँ और हम विधेय का समर्थन करता हूँ।

श्री वीरी शकर राय (गाजीपुर) अध्यक्ष, हमारे बिधि मंत्री जी भाग्यशाली हैं यह उनको एक ऐसा अवसर मिला है कि इस छोटी लोक सभा में जनता ने इस संविधान को बनाने का काम इनको सौंपा ताकि इस देश के नाथे पर जो कर्मक था, या इस देश के इतिहास पर जो यह कासा निशान था उसको हटाने की जिम्मेवारी इनको हाथों पूरी हो रही है। ऐसा ऐतिहासिक कार्य करने का इनको अवसर मिला है इसविधे यह भाग्यशाली हैं। हम भी भाग्यशाली हैं कि हमको एक ऐसा अवसर मिला है कि इस देश के कलक को जीवें हैं हमारा भी योगदान है। ऐसी हास्यास्पद स्थिति

कल 42वें संविधान संशोधन विधेयक की थी, सभी हमारे माननीय हिस्सेदारों के सामने रखे थे उन्होंने इसके प्रीम्बल के बारे में बताया और कहा कि आज के राष्ट्र का नाम दिया है। साम्यवाद की स्थिति यह है कि लोकतन्त्र और लोकतन्त्र का नाम इसमें जोड़ा गया और लोकतन्त्र की जो दूर दूर की सम्भावनाएँ थी उसको कन्स्टिट को नष्ट कर दिया। जो फ्रेंचमैन के राष्ट्र से लिये गये उसमें किसी भी माइनॉरिटी के लिए या किसी भी तरह के लोकतन्त्र, जिसकी कीमत करते हैं, उसकी कोई सम्भावनाएँ दूर दूर की की नहीं रही थी और हम जानते हैं कि संविधान को नष्ट कर दिया गया था और संविधान का जो सार या उसमें से उसकी आत्मा निकाल ली गई थी लेकिन लेबल रख दिया गया लोकतन्त्र का। यह स्थिति थी। और उन्होंने फिर कहा कि हमारे सामने यह है। इसलिए मैं कहना चाहता हूँ कि हमारे विधिमन्त्री ने, हमारे मित्रों को कन्स्टिट से ज्यादा लेबल से ज्यादा दिलचस्पी थी, इसलिए उन्होंने कमप्रोमाइज किया। कि अगर लोकतन्त्र और माइनॉरिटी के विनाश को नहीं तो बरनामी होगी। मैं वादा करता हूँ कि कोर्ट करना चाहता हूँ जब कान्टीट्यूशन के प्रावधानों के प्रिन्सिपल पर बोल रहे थे ममानों माहब ने लोकतन्त्र का इन्टरप्रेटेशन करने के लिए, रिपब्लिक को इन्टरप्रेट करने के लिए संशोधन दिया था, उसका बाद जस्टिस लॉन जी ने कहा कन्स्टिट मोगाई नम का है लेकिन जो हमको जल्द नहीं है। इसके लिए हमारा राष्ट्र ने अपना संशोधन वापस लिया और ममानों माहब की स्वीकृति यह है

"I approach this part of the Resolution, Sir, as a Democratic Socialist, a Socialist who feels that democracy needs to be extended from the political to the economic and social spheres and that, if socialism does not mean that, then it means nothing at all. I welcome this Resolution in spite of the fact that neither the word 'Democracy' nor the word 'Socialist' finds a place in its Preamble. It is perhaps just as well that those words have been avoided because, as one of us here put it in his Presidential Address at the Meerut Congress, terms like Socialism or Democracy can be made to cover a multitude of sins. This fog of words often covers realities. We know that the French Revolution was made in the name of fraternity but, towards the end

of that Revolution, a cynic remarks--

"When I saw what men did in the name of fraternity, I resolved if I had a brother to call him cousin!"

That, I fear is true of other revolutions as well.

As a Socialist, Sir, I welcome this aspect of the Resolution because, as the Mover has rightly pointed out, the content of economic democracy is there, although the label is not there."

तो मैं कहना चाहता हूँ कि 42वें संशोधन से जो लोकतन्त्र और लोकतन्त्र के लेबल के लिए बताया था। उसको कन्स्टिट को नष्ट कर दिया और उसके ऊपर लेबल रख दिया।

सैकेंड बर्थ बार के बाद प्रजातन्त्र की मर्यादा बढ़ी। जिन मित्रों ने डेमोक्रेसी को रिपब्लिक किया था उन्होंने भी अपने को लिखा कर वांछित डेमोक्रेसी के नाम पर ले लिया। मारे लोक प्रजातन्त्रवादी हो गए, उसी प्रकार के लेबल से संविधान निश्चित नहीं होता है। कार्य करने वाला, इम्प्लीमेंट करने वाला हो, कान्टीट्यूशन का कन्स्टिट हो, उसके बाद होता है। मैं ऐसा मानता हूँ कि अब जो कमप्रोमाइज करना पड़ा है, यह हो सकता है कि हमारे विधिमन्त्री को प्रत्यक्ष प्रगति मिल रूप रखने के लिए आवश्यक हुआ हो कि प्रीमिअल में भी सारी चीजें बदल दें।

मैं बहुत ज्यादा समय नहीं लेना चाहता, मैं सिर्फ उस तरह बोलना चाहता हूँ जिस तरह कम बोलना हुआ है।

42वें संविधान संशोधन में प्रजातन्त्र की आत्मा पर भारी तरह से हमला हुआ था। जस्टिस लॉन की बात बाद में कहना या कम कहना, क्योंकि हमारे बड़े-बड़े कानून के पंडित उस पर बोलने वाले हैं। सबसे बड़ा, जस्टिस लॉन से भी बड़ा हमला यह किया गया कि कान्टीट्यूशन एंड आर्टिकल जनरल जो हुआ करता था उसको प्रधान मंत्री के हाथ में कर दिया गया। उसके संबंध में मैं कहना चाहता हूँ कि जब संविधान बन रहा था, आप जानते हैं, इंग्लैंड में जो हाउस आफ कॉमन्स है, उसका आर्किटेक्ट कान्टीट्यूशन एंड आर्टिकल जनरल होता है, यू० एस० ए० में कांग्रेस का होता है। वह सबन की तरह से एक्जीक्यूटिव के ऊपर की एक्जीक्यूटिव करता है और उसकी सेवा करता है। इस देश में डा० प्रमोदकर ने कहा था इस बात को करना, लेकिन संविधान बनाने के समय उनकी धकतीस था, उन्होंने बड़ी सफाई के साथ संविधान सभा के सामने कह दिया

(श्री श्री डॉ. अंबर राय)

कि जो स्वतन्त्रता हम एम्प्लीक्यूटिव के खर्चे को एम्बार्किन करने के लिये देना चाहते थे, क्लॉस्टर एंड बाबिटर जनरल को, वह जूडिसियरी से बाधित होनी चाहिए, लेकिन हमको अफसोस है कि हमें आज इस पर ही कन्टेंट करना पड़ा।

उसके बाद 42वें संशोधन में क्या हुआ? जबकि द्वारा आज होगा, और खर्चे को जांच करने के बालि-काना हक प्रधान मंत्री को होगा। प्रधान मंत्री सीधे सबन को रिपोर्ट दे। इस बालिकम का गम्भीरता से सबन या लेकिन 42वें संशोधन में प्रधान मंत्री ने एम्प्लीक्यूटिव के खर्चे को जांच करने का काम अपने हाथ में ले लिया। जूडिसियरी तो प्रधान मंत्री ने अपने हाथ में ले ही ली। स्टीफन साहब ने कहा था कि हमने बड़ा कामाल कर दिया, इसको भी ले लिया।

इस के सबन में मैं डा० अम्बेडकर को बोझ कोट करना चाहता हूँ। उन्होंने इसके महत्व के सबन में कहा था -

"The Hon. Dr. Ambedkar: Mr. President, I cannot say that I am very happy about the position which the Draft Constitution, including the amendments which have been moved to the articles relating to the Auditor-General in this House, assigns to him Personally, speaking for myself, I am of opinion that this dignitary or officer is probably the most important officer in the Constitution of India. He is the one man who is going to see that the expenses voted by Parliament are not exceeded, or varied from that has been laid down by Parliament in what is called the Appropriation Act. If this functionary is to carry out the duties—and his duties, I submit, are far more important than the duties even of the judiciary—he should have been certainly as independent as the judiciary, but, comparing the articles about the Supreme Court and the articles relating to the Auditor-General, I cannot help saying that we have not given him the same independence which we have given to the judiciary, although I personally feel that he ought to have far greater independence than the judiciary itself."

कहने का अर्थ यह है कि सिर्फ जूडिसियरी को ही पंगु नहीं किया, बल्कि सरकार के खर्च की जाँच भी,

पालियामेंटरी वेनोमेन्सी का हमारा सैनिंग प्रिन्सिपल है, एम्प्लीक्यूटिव के एक्स्पेंडीचर पर पालियामेंट का कंट्रोल होगा, उस पालियामेंटरी कंट्रोल को एक्स्पेंडीचर करने का भी आरिस्ट बा, उसकी जुलुई प्रधान मंत्री ने 42वें संशोधन से अपने हाथ में ले लिया।

जूडिसियरी के रेस्टोरेशन के बारे में मैंने कहा है कि कानून के जानने वाले बहुत लोग हैं, वह बतायेंगे लेकिन उसका एक आवेष्टक अभी किसी ने नहीं कहा कि जबकि जो नियुक्ति के सम्बन्ध में एक क्लॉस्टर बाधित कि कोई भी जूरिस्ट हो सकता है। हमारे जुलुई प्रधान मंत्री या उनके मित्र, उनमें से किसी ने भी ना पास किया है तो उसको जूरिस्ट कह देंगे, क्योंकि प्रधान मंत्री को किसीका लेना बा। इसके सम्बन्ध में किसी और को डिस्चार्ज नहीं लेना बा। (व्यवधान) जूरिस्ट चलन बिकाइन नहीं है कही भी कांस्टीट्यूशन में। आप जिसको चाहें जूरिस्ट कहें, कोई झगड़ा करने वाला नहीं है।

इस प्रकार से उन्होंने हाई कोर्ट की मर्यादा को समाप्त कर दिया।

समय के अभाव के होने के बावजूद भी मैं एक शब्द प्रीक्लिजे के बारे में करना चाहता हूँ। आज के संशोधन के बाद पालियामेंटरी प्रिविलेज हमारे पैदा होने वाले हैं।

18 00

42वें संशोधन के बाद हम पालियामेंट का कोई प्रिविलेज नहीं रह गया था। संविधान में कहा गया था कि पालियामेंट स्वयं अपने प्रिविलेज बनायेगी और कांफ़िर्म करेगी। लेकिन हम बोध में पालियामेंट ने अपने प्रिविलेज का कोडिफ़ाई नहीं किया। उस के प्रिविलेजिज नहीं थे, जो हाउस आफ बामन्स के थे, लेकिन वे छीन लिए गये। यह ठीक है कि हमको प्रिविलेजिज प्राप्त है, लेकिन संविधान के तहत हमें जो प्रिविलेज प्राप्त थे, वे बिदहा कर लिये गये।

देश के बकील मित्रों में संविधान के बिबिध प्रावधानों के बारे में बहुत चर्चा रही है। श्री राम जेटमसानी ने प्रिविलेजिज के बारे में कहा कि उन्हें कोडिफ़ाई किया जाना चाहिए। लेकिन मैं यह कहना चाहता हूँ कि पालियामेंट के प्रिविलेजिज का कोडिफ़िकेशन नहीं होना चाहिए। यह ठीक है कि दुनिया के कुछ मुल्कों में पालियामेंट के प्रिविलेजिज कोडिफ़ाइड हैं। हमें याद रखना चाहिए कि अगर यहाँ पर हमारे प्रिविलेजिज को कोडिफ़ाई किया गया, तो उन्हें अवास्तव में ले जाया जा सकता है। मैं अवास्तव से डरता नहीं हूँ, लेकिन पालियामेंट के प्रिविलेजिज के पीछे एक इतिहास, एक वृष्ट भूमि और एक कारण है। मैं महसूस करता हूँ कि अगर मेरे मित्र उस इतिहास और उस सब कारणों को देखेंगे, तो उन का भी यही बिचार होगा कि वे प्रिविलेजिज कोडिफ़ाई नहीं होने चाहिए।

में ही इस सविधान-संशोधन की प्रस्ताव करता है कि उस से हमारे यहाँ हुए प्रिविलेजिज की सीटमन है। हमारे डेमोक्रेटिक राष्ट्र, सिविल राइट्स, सब की जांच करने के हमारे अधिकार और पार्लियामेंटरी प्रिविलेजिज पर बाटो तरह से हमला किया गया था और उन्हें काट कर रख दिया गया था। इस सभावन के द्वारा उन्हें रीस्टोर किया जा रहा है।

इस के बाद भी हमारे मित्रों को सतोंप है। वे कहते हैं कि 42वें संशोधन की ऐसी भी बातें हैं, जिन्हें हम लोग बुरा नहीं समझते हैं। हम ने उन के एक दो प्राविजिज का बनाये रखा है इसलिए वे समझते हैं कि उनके सारे एमंडमेंट्स वहीं थे, और उन्हें हम की बहुत प्रमत्तता है।

इममेंन्सी के प्राविजिज के सम्बन्ध में भी कोई बड़ा धातवादी मूटिकोग प्रस्तुत नहीं करना चाहता है। हमारे देश में इममेंन्सी जिन तरह से प्राई उनके सम्बन्ध में दुनिया में जा कुछ दुष्टा है उन का वर्णन तो नहीं किया जा सकता है कि वह है कुछ डर का रसना है। मैं। कोई प्राविजिज ग्रांटीड स्टेशन और प्रमूनिता के कार्टिडियन में नहीं है। फार के 1849 के कार्टिडियन द्वारा में और 1975 के कार्टिडियन में भी ऐसा कोई प्राविजिज नहीं था। जेनरल हवाल ने 1856 में एक डबल-सी प्राविजिज रखा। उन्होंने यह तर्क व्यक्तवा की कि पार्लियामेंट का भी बुलावे की जरूरत नहीं है। उन्होंने उन प्राविजिज का प्रयोग किया, मगर फार के प्रबुद्ध जनमन के विरोध के कारण पांच महीने के बाद ही उसको लौटा दिया। इस विरुद्ध में मनुष्य जनमत ही मानन के इस प्रकार के पायदान का रोक सकता है वहाँ जिन के हाथ में मानन होता है, वह संविधान का दुष्प्रयोग करता है। इतिहास इस बात का साक्ष्य है कि अगर मानन में पावल-पन था गया और मानन की बाण-डोर प्रनस्कुनस लोगों के हाथ में बनी गई, तो संविधान के पने फाड़े गये।

हमारा संविधान बहुत सोच समझ कर बनाया गया है। वह दुनिया का सबसे बड़ा लिखा हुआ संविधान है। हमारे फाउंडेशन कार्ड में, दुनिया के अन्य संविधानों में जो कोई भी चीज था, उसको सुधारने का प्रयास किया। लेकिन उन्होंने इस बात की कल्पना नहीं की थी कि इस देश के प्रधान मंत्री के पद पर एक ऐसा निनीता डिस्टेंटर भी आयेगा, जो इस सारे संविधान के स्वरूप और उसकी मर्यादाओं को पियाड़ कर रख देगा और उसके पक्षों को फाड़ देगा, और इन देश की पार्लियामेंट भी उस का समर्थन कर दगी। प्रेसिडेंट हवाल की इममेंन्सी प्राविजिज का बापस लेना पड़ा, क्योंकि फार का जनमत प्रबुद्ध था। इस लिए अगर हमारे देश में भी एक प्रबुद्ध जनमत नहीं बनेगा, तो संविधान के दुष्प्रयोग और उस की बिडुलि को रोकना असम्भव होगा।

जहाँ तक इममेंन्सी की व्यवस्था का सवाल है, यद्यपि धमरीका में कोई संविधान नहीं है, लेकिन वहाँ इस के बारे में लेजिस्लेशन है। लेकिन जो भी इस का उपयोग करना पड़ा था।

पिछली सरकार राज्यों में फौज भेजने के लिए तैयार रहती थी। जैसे मुनन बादशाहों के मुबदार हर मुरे में रहा करने थे, वैसे ही सरकारें प्राविजिज समझती थी कि वह क्वीन एमप्रेस हैं और मूर्बों में उन के मरदार बैठे हुए हैं, और जरूरत पड़ने पर उठ बड़ा धानी फौज भेज देंगी, जैसा कि फावर या फ्रीम्पेड के जमाने में हुआ था। ऐसी व्यवस्था कही नहीं थी। ऐसी व्यवस्था केवल जर्मन राइक के आर्टिकल 48 में थी—

"If any State does not perform the duties imposed upon by the Constitution or upon by the national laws, the national President may hold it to be the performance thereby the force of arms"

मिर्क जर्मनी में यह व्यवस्था थी कि सरकारें-प्राविजिज, एम्प्रेस फौज भेज दोगी। मैं ज्यादा कुछ नहीं बोलना चाहता लेकिन टाना जरूर कहना चाहता हूँ कि इस प्रकार की व्यवस्था खम कर के सरकार ने एक भ्रष्टाचार फैला दिया है। एक बात मैं यह कह दूँ कि 301(ए) जो उठोने जा रहा है, वह भेरी राय में सुरक्षित प्रम है। मैं समझता हूँ कि उस की आवश्यकता नहीं है। मंत्री महोदय तो जानते हैं प्राविजिज में बड़ा खोजी तरह बताते हैं। फण्डामेंटल राइट्स से निगन जाने के बाद फिर भी इस को कार्टीदुशन में रखने की जरूरत नहीं है।

प्रिविलेज डीटेंशन को प्राविजिज बाध है और जबरन उन पर प्रविजिज रखा है, यह एक भ्रष्टाचार है। जहाँ बा निगुलि के सम्बन्ध में जा मगोडर रिया देवा मो पर भ्रष्टाचार काम रिया है। धानी जिदगी का पार मात से छ गन रगन बादे हमारे विचार बा भ्रष्टाचार भले ही हा लेकिन यह जो टर्म फिर 6 गी से 5 साव रिया है आवश्यक है और यह उठोने भ्रष्टाचार काम रिया है।

एन्क्वेशन के सम्बन्ध में मंत्री महोदय फिर से विचार कर। देश में बग भागो जासन है कि इस का समानों सूची में रखा जाय क्योंकि सारे देश के एन्क्वेशन को रीपुब्लिक करने के लिए सेंटर की तरह से इतमान होना चाहिए। लिगलिस्टिड

[श्री बीपी जंकर राय]

बीर दूधरी सारी कीलिक को इनकारांगरेड करते हुए उस को कियाविल करना है तो उस के लिए यह आवश्यक है।

एयर्जेन्ती के सम्बन्ध में जो प्रावधान बच रह गया है संविधान में उस का मैं ने विरोध इसलिए नहीं किया क्योंकि उस का रहना आवश्यक है और इस सम्बन्ध में मैं डा० अम्बेडकर का एक कोटेशन पढ़ना चाहता हूँ। डा० अम्बेडकर के कोषों ने कहा कि आप तो 1935 के ऐक्ट के मुताबिक सारे डीटेल को संविधान में डाल रहे हैं, जैसे इन्होंने भी डाला है ता उन्होंने यह कहा :

"Dr. Ambedkar while replying to the debate said, 'I wish very much that the Drafting Committee could see its way to avoid the inclusion of certain details in the Constitution. He said, I would like to tell you the necessity which will justify their inclusion.

"Grote, the Historian of Greece has said that the diffusion of the Constitutional morality, not merely among the majority of any community, but throughout the whole, is the indispensable condition of a Government at once free and peaceable, since even any powerful and abetinate minority may render the working of a free institution impracticable, without being strong enough to conquer ascendancy for themselves.

By constitutional morality Grote meant a paramount reverence for the forms of the Constitution, enforcing obedience to authority, acting under and within their forms. yet combined with a habit of open speech, of action subject only to legal control, and unrestrained censure of those very authorities as all their public acts combined to with

a perfect confidence in the bosom of every citizen amidst the bitterness of party contest that the forms of the Constitution will not be less sacred in the eyes of his opponents than in his own.

While everybody recognizes the necessity of the diffusion of the constitutional morality for the peaceful working of a democratic Constitution, there are two things interconnected with it, which are not, unfortunately, generally recognized. One is that the form of Administration has a close connection with the form of the Constitution. The form of the administration must be appropriate to and in the same sense as the form of the Constitution.

The other is that it is perfectly possible to prevent the Constitution, without changing its form by merely changing the form of administration and to make it inconsistent and opposed to the spirit of the Constitution. It follows that it is only where people are saturated with the constitutional morality such as the one described by Grote, the historian that one can take the risk of omitting from the Constitution details of administration and leaving it for the legislature to prescribe them. The question is: Can we presume such a diffusion of Constitutional morality? Constitutional morality is not a national sentiment. It has to be cultivated. We must realise that our people have yet to learn it. Democracy in India is only a top-dressing on the Indian soil which is essentially undemocratic.

In these circumstances, it is wiser not to trust the legislature to prescribe forms of administration. This is the justification for incorporating them in the Constitution."

SHRI SOMNATH CHATTERJEE (Jadavpur): Mr. Speaker, Sir, today the soul of India is partially resurrecting itself again, thanks to the demo-

eratic aspirations of the teeming millions of this country. Though the people of this country have been kept underfed, under-nourished, uneducated, half-educated, unemployed and deprived of the basic necessities of life, they have, yet, given their clear verdict against the disfigurement of the body of the Constitution and the deliberate distortion, if not annihilation, of the spirit of the Constitution by the Forty-Second Amendment. The verdict was in the clearest terms possible because of the bitter experience of the people in this country—how even the organic law of the country could be mutilated by a dictator through a captive Parliament and with the help of persons who were proclaiming themselves to be the true representatives of the people although Parliament had ceased to reflect the true will of the people as was clearly established during the March 1977 elections.

The Janata Party gave a pledge to the people of this country for the wholesale repeal of the Forty-Second Amendment. But, although we have been reminding them since the last Lok Sabha elections that they should keep their pledge, it seems that, they thought of arriving at a decision by compromise and consensus. But 'compromise and consensus' with whom? With the people who had perpetrated ghastly crimes against humanity, those who have not even expressed a sense of sorrow and shame over what was done during the Emergency, the people who are still gloating over the so-called gains of Emergency, those who are still singing praises for the malevolent dictator. Government tried to come to an arrangement with those people. I feel that, instead of being pampered, they should have been thoroughly exposed by this time. Because the Janata Party has dragged its feet so long, we have had to listen to a lecture from the Leader of the Opposition as to the Constitutional proprieties and Constitutional niceties in this country.

We have opposed, and the people have opposed, the Forty-Second Amendment as it had been the product of insatiable hunger for power and it represented, according to us, an evil in the body politic of this country; it represented the grossest form of anti-people outrage. It has been nothing but synonymous with fascism and dictatorship. Therefore, we believe that, so long as a single word of the Forty-Second Amendment remains in our Constitution, the Constitution will continue to remain polluted thereby. That is our view.

The defilement of the Constitution started with the Thirty-Ninth Amendment when, for the sake of one individual, the so-called constituent power of this august House was utilised to invalidate a judicial determination. What happened at that time? The Members of Parliament then belonging to the Congress Party vied with one another in supporting the politically immoral and illegal Constitutional Amendment. That was done for the sake of one individual. The Constitution was amended; the Representation of the People Act was amended, as if any one person in this country was indispensable. For the sake of saving the election of Mrs. Indira Gandhi, the Constitution had been defiled and mutilated at that time, and the President and the Speaker were brought in only to keep company. This was the position. The Thirty-Ninth Amendment Bill, the Members would recall, was passed in unseemly hurry and haste—no discussion, no debate, worthwhile, either outside or inside this House. This was followed by the Fortieth Amendment which was passed by the Rajya Sabha to the lasting shame of Parliamentary institution in this country, giving immunity to one particular individual from the consequences of crimes. Therefore, we felt that unless and until, in future, the provision for amendment of the Constitution was kept beyond the reach of such dictators, ruthless dictators, those

[Shri Somnath Chatterjee]
whose hunger for power cannot be met, the constitution of this country and the people of this country cannot be saved.

Then came the Forty-second Amendment where really it reached the nadir of political immorality and the grotesque and grossest exhibition of lust for power. It was a calculated attempt not only to denude the people of their right, emasculate the judiciary and to strike at the very root of even the quasifederal set up we have in this country and in fact it was only to perpetuate the dynastic hegemony of one individual at the expense of the country and its people.

What was the position in the country then? The press had been muffled, the voices of the people had been gagged and rights and personal liberties were gone. All meetings and processions were banned, freedom of expression and speech was lost totally in this country to the people. Members of Parliament were kept in detention for an indefinite duration without even being told of the charges they were supposed to be guilty of. This was the position in the country then, when no political activity on the part of the opposition parties was permitted and that situation was taken advantage of by a dictator who had already tasted blood and utilised a rubber stamp Parliament to reduce the people to servility and to reduce the status of the different States to that of colonies. That was the position.

Not a single provision of the Forty-second Amendment was conceived in public interest. There were frills here and there—innocent and unnecessary frills. There have been some gimmickry here and there like the amendment of the Preamble and inclusion of some provisions of Directive Principles which have remained only on paper. They were never translated into action. Apart from that, the Forty-second Amendment

was nothing but a declaration of war on the people to perpetuate one person rule. I believe because of the mandate of the people in this country, it is our solemn duty to remove the cancer from the body politic of this country. Should we not remind ourselves of the *modus operandi* that was taken recourse to before the Forty-second Amendment was passed? What happened? A so-called Review Committee was set up with persons belonging to a particular political party then in power and headed by Sardar Swaran Singh and others whose credentials about going into such matters were so much suspect. We have seen how officially sponsored demonstrations and organized jamborees were held throughout the capitals and in different capitals of the States where Ministers met and visited and, unfortunately, some of the Judges were vying with each other to go and attend these so called law conferences and trying to trumpet the benefits of the proposed Constitution Amendment. At that time, no opposition party was allowed to hold a seminar even inside a hall to give expression to their views on the proposed amendment. There was no public debate outside. Nobody had any occasion to give expression to their views. All the real opposition parties had boycotted the Parliament session and that was utilised for the purpose of amending in such a ghastly manner and in such a comprehensive manner the Constitution of the country. I would like to know from my hon. friends here: can they point out a single provision, a single line in the Forty-second Amendment which is for the real benefit of this country? After the Twenty-fourth and Twenty-fifth amendments, nothing stood in the way of real achievement of the socio-economic objectives of the country through constitutional amendments or making laws. There had been ample provision. Art. 31 had been amended. Art. 368 had been

amended but that was never taken recourse to for the purpose of bringing about real improvement in the conditions of the people of this country. There is the Twenty-fifth amendment, there is the Twenty-fourth Amendment. We were then in the Opposition but we supported the then government because it was expected that it would be utilised for the good of the people but that was never to be. That was never done because they believed only in gimmicks, only in hoaxes all the time trying to mislead the people and always searching for scapegoats. 'Now it is the judiciary standing in the way of our progress, therefore, we want more power' and we really conceded more power but that was never utilised in the country.

The real object of the Forty-Second Amendment was to curb the people and the opposition parties. It provided a wonderful scheme of curbing so-called anti-national activities keeping in hand the power to declare any opposition party as an anti-national organisation and completely stifling its activities. They conceived of imposition of fundamental duties as if the people of this country are not patriots; they do not love the country, they are not prepared to work for the good of the country. These are all gimmicks and hoaxes played on the country. They put various curbs on the powers of the judiciary, they curtailed the scope and ambit of Article 226 of the Constitution. Last but not the least, they took away the powers with regard to various matters by tampering with the Seventh Schedule and also providing for deployment of para-military forces in the States against the wishes of the State Governments.

The object was to see that all the powers remained concentrated in the hands of the Centre and with that slogan that India is Indira and Indira is India, one leader, one party, one

country, in that order, as I said on the last occasion, they hoped that she will be there for ever and the sycophants and cohorts will dance to her tune and she will go on. The Prince of Wales was being groomed; and it was thought that dynastic rule will be established through the means of Constitution in this country. A captive Parliament was there. The life of the Parliament was extended. For whose benefit? What was the difficulty in holding elections? It was again extended, but then probably some astrological predictions prompted her to go to the polls for which she must be repenting now. This was the position.

We feel, therefore, that the Forty-Second amendment represents cancerous symptoms in our body-politic and should have been removed lock, stock and barrel. It is not as it is coming from us alone. With the same mandate, they approached the people and now they are trying to compromise with that mandate because they want their blessings and help. The composition of Rajya Sabha should not have determined the course adopted by the ruling party in this case.

Even here the preventive detention laws are still being continued. We shall hear, no doubt, from the hon. Law Minister that they are providing for the Chief Justice to constitute the Advisory Board with a sitting judge and therefore, all troubles would be over. Two months detention is there without the Advisory Boards. Then, Sir, our experience is that even the Advisory Boards that were there before MISA was made more Draconian, what happened? There were ex-judges, even district judges were presiding over the Advisory Boards, but how many persons were acquitted by the Advisory Boards? They always go by *ex parte* presentation of facts from the police records. There was no other material before these

[Shri Somnath Chatterjee]

Advisory Boards. It will be denial of the basic provision of the rule of law. Shri Ram Jethmalani rightly said that if prevention detention is retained, then you are keeping in the hands of the Government the power to stifle all legitimate democratic activities. Why are we opposing it so strongly? Even after the Janata Party came into power, there was an attempt to introduce MISA through the Criminal Procedure Code, which on the reaction and protest of the public, they had to withdraw. In the States ruled by the Janata Party, the mini MISA is still there and is being utilised not against the perpetrators of crimes or zamindars, or other persons, but against the workers, the State Electricity Board workers and the common people of this country. In whose hands are you giving this power? Even the Janata Government in the States have utilised it for their own political purposes, for their so-called administrative purposes. Therefore, on principle, we are against this. Regarding Article 352, has not this country learnt a lesson? On the plea of so-called internal disturbances, which was nothing but a hoax, the Shah Commission has made it clear, a hoax was perpetrated on the people of this country in the name of internal disturbances; this country was made a captive and a huge prison house. And people like Jayaprakash Narain and other leaders of the democratic movements, trade unionists, students, teachers and ordinary, common people were put behind the bars, taking advantage of the Emergency. If provision about the armed rebellion is there, who will decide whether it was there or not? Where is the accountability for it? If you happen to have a majority, and if you are able to control it in this House, whatever you allege to be a rebellion, will go as an armed rebellion. There is no question of accountability. Nobody can find it out. There are no standards. Who will decide it? There-

fore, I request the hon. Members of the Janata Party, "Please ponder once more, before you betray the trust which people have reposed in you. Please think once more. Don't have the idea that you are indispensable in this country, or that you will be permanently here. The way you are functioning, she has gained strength; and she and her cohorts are moving in this country, professing a democratic attitude. This is the lesson which you have learnt within these 16 months. It is the experience of the people within 16 months."

The power under Article 352 can be abused by this Government, because of its composition, or the changes—we do not know what will be the permutation or combination; whether there will be any exodus from here or there, we do not know what will happen. I request Government to consider this. Similarly, we are opposing Articles 356 to 360. We are supporting referendum, because we have seen the functioning of the minority Government after 1971 elections; that election showed that with a minority of votes, Mrs. Indira Gandhi could have a large, artificial majority of Members. Therefore, even with that minority vote, she could go on trumpeting about her massive mandate, which Mr. Piloo Mody used to call 'MM'. She utilized that so-called massive mandate as the justification for the purpose of bringing about the 42nd Amendment. Therefore, it is necessary that the lessons that you have learnt, should not be forgotten soon. We should not betray the trust which the people have left with the present Parliament. We ought to see that those aberrations do not recur in future in this country.

With regard to other matters, we shall give our views when amendments come. But we support this Amendment Bill with these reservations. We shall still hope that in the

two days left, there will be a little introspection on that side, and that they will restore what should be restored to the people of this country.

बी राज बाराब (राय बरेली) : प्राचीनकाल में राज बरबारों में भाट हुआ करते थे जो कविताओं के द्वारा अपनी जीवियों से राजाओं का गुणगान किया करते थे। मैं अपने भाप को उस श्रेणी में नहीं रखना चाहता। मैं कहना चाहता हूँ कि प्राज जो संशोधन विधेयक प्राया है इस को प्राप देखें। मैं समझता हूँ कि यह खट्टा भी है और मीठा भी है। खट्टा कहाँ है मैं चाहता हूँ कि जो समाधारी दल के सम्मानित सम्बन्ध है वह देखें। जनता न उन को किन बारणों से यहाँ भेजा है और क्या यह गविधान मकोटन जो सोलह महीने बाद और सत्रह महीने में प्राया है क्या उन प्राकाशकों की प्रति करता है या नहीं करता है जो जनता की भी और है? यह जनता पार्टी का इच्छाजन मीनिफैरट है। इस में यह पोलिटिकल पार्टी है। इस मयह लिखा है रिपट दी गमरजेसी। मैं पूछना चाहता हूँ कि क्या इमरजेसी इन टोटो हट गई है? क्या वर्तमान गमरजर गमरजेसी सारा चाहें तो ला सकती है या नहीं ला सकती है? इस मवाल का अभाव कानून मंत्री का देना चाहिये।

दूसरी बात इस में यह है रेट नुं दी प्रेसेंटल प्रीटिग टैट हेंव बीन मसपेरेटि भी इंजिरेडल प्राडर। ये बहुत हद तक रेटोर हो गई हैं।

सीक ट्रेसेड बी कास्टीसीजिड एमेडमेंट। जनता पार्टी ने जनता के मध्य में ऐसा किया था कि हम 42वें संशोधन को पूर्ण रूपेण खारज करेंगे। यह है मामला पूरा और सीधा।

अब मैं जानना चाहता हूँ जनता पार्टी के सदस्यों से कि किस मुह से जनता के बीच में जाये? क्या यह 42वें संविधान संशोधन को इन टोटो खारज कर रहे हैं? नहीं। इसलिए हमने अपनी सम्मति पहले भी दे दी थी कि 42वें संशोधन को पूर्ण रूपेण समाप्त किया जाये उस क बाद जो कुछ हम को लाना होगा लायेगे। लेकिन कही कही मुह हो जाता है 36 और कही हो जाता है 63। तो हम सोचते हैं कि इन्हें जो की व्यवस्था में और हमारी व्यवस्था में 63 का सम्बन्ध है, यानी मुह बुम्मा बुम्मी होने लगी। तो इस विधेयक के जरिये कही कही मुह बुम्मा बुम्मी भी हो रही है। मैं चाहता कि सम्मानित सभ्य जनता पार्टी के उस मुह बुम्मा बुम्मी को काट दें और बिल्कुल 36 कर दें।

"move to amend article 356 to ensure that the power to impose President's rule in the States is not exercised to benefit the ruling party or in favour of sections within it."

क्या 356 को हमने उस तरह से अमैंड किया है जिस तरह से हमने जनता को धाया किया था? अब तो हम यह देख रहे हैं कि तीन साल तक अगर इलेक्शन कमीशन अपनी सिकारिज दे दे कि राज्यों में चुनाव न करावें तो इमरजेसी से 3 साल तक चुनाव नहीं होगा। प्रेसीडेंट का बल राज्यों में कायम रहेगा।

दूसरे यह कि इलेक्शन की एक 21 साल से 18 साल करने को कहा था जनता से कि हम जाते ही 21 साल में 18 साल कर देंगे। बराबर अपने भाषणों में बहुत थे कि प्रापर्टी खरीदने के लिये, प्रापर्टी बेचने के लिये, सेवा में भर्ती होने के लिये, हर काम के लिए 18 मास वाले को बांलिंग माना जाता है। मगर बोट देने के लिये 21 मास क्यों? 21 साल नहीं होना चाहिये बल्कि 18 मास होना चाहिये। मैं विधि मंत्री से पूछना चाहता हूँ कि जब 18 साल हो। क्योंकि हम केवल इमी हाल में नहीं रहने, न दिल्ली के अपने कमरे में रहते हैं बल्कि देहान में घूम कर जनमत प्राका करते हैं। अभी कानपुर में पब्लिक मीटिंग में एक सवाल पूछा गया कि तुमने बायदा किया था कि 18 साल बोटर की उम्र करोगे। अभी तक क्यों नहीं किया? इसका जबाब हम क्या दें? असल में कुछ लोग पृष्ठते हैं हम से कि शांति भूषण जी आपका बकील थे। यह तो बहुत बड़े बकील हैं इन्होंने कलकत्ते में अश्वबारों में बयान दे दिया कि राजनारायण की दृष्टि बड़ी पैनी है। अगर हमारी दृष्टि पैनी होती तो हम इन को बकील क्यों करते। हम बड़े लायर अगर हाते तो श्री शांति भूषण जी को मैं क्यों करता। समझ लीजिये श्री शांति भूषण हम से बहुत बड़े लायर हैं। मगर हर जगह कानून की बारीका काम नहीं देती। जहाँ जनता जनार्दन की आकांक्षाओं का प्रश्न होगा वहाँ कानून की बारीकियाँ काम नहीं देती। इसलिये मैं चाहता कि तत्काल यह सरकार कोई ऐसी व्यवस्था करे जिस से कि तमाम बांलिंग जो 18 साल के हों वह हर जगह बोट देने के हकदार हो जायें बाहे प्रसेम्बली हो, पार्लियामेंट हो, म्युनिसिपैलिटी हो, टाउन एरिया हो या नोटिफाइड एरिया हो।

अब मैं दूसरे पक्ष पर बल रहा हूँ :

"As a corollary to this it will also delete 9th Schedule to the Constitution".

मैं जानना चाहता हूँ कि क्या नौवां शेड्यूल डिलीट हुआ? नहीं हो रहा है तो पूरा क्यों मेटे हो? बोलो।

हमारे एक दोस्त कहा करते थे —

खोल कंठ मानव, तू कंठ जरा खोल दे,
जन गण हित, कम-से-कम-कांव कांव बोल दे
कांव-कांव कर के जब कानि एक भायेगी,

[श्री राजनारायण]

बात कही कान को कूह-कूह भायेगी । इस समय प्रायश्चित्त है, काँव-काँव-काँव की, धीर शांति भूषण की कह रहे हैं कूह, कूह ...

हमारे कवि ने कहा है कि एक कोषा मार दो, तो वेको जितने कोषे रहेंगे, सब बाव-काव करने धीर सर पर भी मारेंगे । हमारे बिहार में एक गांव में देखा है कि जिसने कोषा का मारा था, जहां भी वह जाता था, 6 महीने बाद भी कए पर पानी भरने जाता था तो कोषा धाकर उस के निरवर बाव मारते थे । 6 महीने के लिए उस धादमी को गांव से निकाल दिया गया ।

हम तो कोषे भी नगे थे, क्योंकि जंगम सर रही है, मड रती है मुनीजम में आरगपह रादय दिन मही रहे हैं यानी क्रियान के एशोहःप्र प्रारंभ की कोमल गिर रही है, उनका गड धीर गभा मरना हो गया है, वह भाव क्रियान के खेन में है । उतर-प्रदेश के बारे में बरा रहा है कि 5 करोड़ क्विंटन गभा पड़ा हुआ है, 75 करोड़ क्रियान का नुकसान हुआ है, उसका कोई देखने वाला नहीं है । (बयबखान)

मैं अपने सदन के सम्मानित सदस्यों का बचन देना चाहता हू कि वह खराबों नहीं, पट में पानी का बुलबुला न उठे, सारे माल भर नक जो कुछ भी धनर ही धनर पका है, मक्का खानकर खूब दगा । हम जनता के हैं, हम हिा मिनिस्टर या प्रधान मंत्री के बनावे हुए नहीं हैं । (बयबखान)

हमने इरेक्शन मैनिफेस्टो में निश्चा है कि 1 धीर 20 बड़ी धीर छाटी धामदनी का रिगना होगा, क्या इस के सम्बन्ध में कभी मनाज्ज भायया ? संविधान में इसकी व्यवस्था होगी या नहीं ?

बिलीयन प्राफ प्रापटी काम फडामेंटन राइट ठीक है, मुझे बड़ी खुशी है इस बात की । इस के लिए हम एक सर्वेसा सामिलिस्ट पार्टी में निष्ठागिन किये गये थे । हमारे मित्र कामन साहब बैठे हैं, कांग्रेस सरकार थी इन्धिरा जी की, उस समय मवाल भाया था कि फडामेंटन राइटन का ना हमकांस्टीटयुशनली खेज कर सकते हैं । यह कहते थे कि पालियामेंट हज प्रोग्राम, हम कहते थे कि कांस्टीट्यूशन हज मुजोबा । बड़ी लड़ाई हुई, लेकिन हम का धन्य म नुननरी फरमान मिला कि प्राप हमका विराध नहीं कर मरने । हमने कहा कि विरोध करेंगे, बाहे जा हा, प्राप हमें निकाल दें । मगर हम मनुष्य हैं, हमारी मानवा ता रहे । हमने सार्वानिष्ट पार्टी की एक बकिंग कमेटी में पड़ कर मुनाया ।

यह है डिसेंबर, 2 अगस्त, 1974 को वाइमर कांस्टीट्यूशन का फैसे खेज किया गया धीर किस तरह से चार साल के लिए कांस्टीट्यूशन को स्वरिड कर दिया गया धीर कहा गया कि हर नागरिक का डिसेंबर की तपय खानी पड़ेगी धीर डिसेंबर जो कुछ बोलेंगा, उसी के मुनाबिक काय करना पड़ेगा । यह शपथ थिवाई गई थी ।

मैं जानना चाहता हू कि हमारे संविधान में धीर भी व्यवस्थाओं को क्या वाइमर कांस्टीट्यूशन की तरह छहर-उधर नहीं बवल सकते हैं ? कर सकते हैं, पर उस पर जाने में बड़ा समय लगेगा ।

इन्धिरा जी प्राइम मिनिस्टर थीं, उन ने के विभाव में यह बात धा जाती कि मैं सदन की डिवाल्स कर दू तो कर सकती थीं, या नहीं ? वह डिवाल्स कर सकती थी । क्या भाव का प्रधान मंत्री चाहें कि सदन को डिवाल्स कर दू तो कर सकता है या नहीं ?

कुछ माननीय सदस्य : जरूर कर सकता है ।

श्री राज नारायण : मैं शांतिभूषण जी से कहना चाहता हू कि बानूनी की जानकारी रखना धीर उस के मुनाबिक काम करना दोनों दो चीजें हैं । शांतिभूषण जी की यहा धाने से पहले जो प्रतिभा थी, उस प्रतिभा को बहुकायम रखें, यहा धाकर उस प्रतिभा को कुटिन न होने दें । वह प्रतिभा कुटिन हो रही है । मान लीजिए कि लोग चाहते हैं कि प्रधान मंत्री के विरुद्ध प्रविश्वास-प्रस्ताव ला कर उन को हटा दिया जाये । ता क्या प्रधान मंत्री को धविश्वास-प्रस्ताव ला कर हटाया जा सकता है ?

एक माननीय सदस्य : क्या प्राप उन की हटाना चाहते हैं ?

श्री राज नारायण : मैं एक एक्जाम्पल से रहा हू । मैं इच्छा व्यक्त नहीं कर रहा हू । मैं एक प्रावबिलिटी बता रहा हू ।

ऐसी स्थिति में क्या कोई शक्ति है, जो प्रधान मंत्री को सदन को डिवाल्स कराने से रोक सकती है ? प्राइम मिनिस्टर सदस्यों को बुल कर कह सकते हैं खबरदार मैं तो बुल कर बला धाऊंगा, मगर मैं सदन को डिवाल्स करा दूंगा धीर तुम लोगो की मिश्री पतीत हो जायेगी । इस धातक धीर भय से बचने की क्या गुंजायश है ? श्री शांतिभूषण कृपा कर के अपनी कानूनी प्रतिभा का प्रयोग करें धीर इस की कोई गुंजायश सावें कि धावर कोई भी प्रधान मंत्री धाने पद का दुरुपयोग कर के अपने बहुमत को बनाने की कोशिश करे, तो इससे बड़ कर अप्पचार का कोई दूसरा काम नहीं माना जायेगा धीर वह प्रधान मंत्री अप्पचार का दोषी होगा ।

जनता पार्टी के बोधनायक में राइड हू बर्क एण्ड कुल एक्जाम्पल देने का बचन दिया गया था । क्या इस संविधान-संशोधन में सभी

बैजों को काम देने की कहीं कोई व्यवस्था है ? अगर नहीं है, तो क्यों नहीं है ? फिर से पास करा दिया, फिर ठरह रख दिया, मुझे तो मानून नहीं है ।

श्री सोमराव (बैरकपुर) : क्या कैबिनेट में यह सब पास नहीं हुआ ?

श्री राज नारायण : हमारे बोधपात्र-पत्र में कहा गया है कि इन्स्टीट्यूट ऑफ बि इरेडिकेड । इन्स्टीट्यूट का इरेडिकेड होनी ? उसके लिए क्या हो रहा है ? हमारे मित्र इस बारे में कह चुके हैं, इस लिए मैं उसको दोहराऊंगा नहीं । अगर कैंटी स्कूल सब भी हैं, और उन को कायम रखने के लिए बड़ी बूझबा तर्क होता है कि हमारे पास पैसा है, हम अपना बच्चे को पढ़ावेंगे, तो आप क्या कर लेंगे । यही कैपिटलिस्ट कहना है कि हमारे पास आप की कमाई का पैसा था, हमने मिलें खोली, हम बाहें मजदूरों को रखें या न रखें । जिस इस बूझबा टेकनोलॉजी एण्ड एनर्जिस आफ बि निबुएशन । मैं नहीं चाहता हूँ कि जनता पार्टी का कोई मंत्री या जनता पार्टी की सरकार आज बूझबा टेकनोलॉजी और बूझबा मैं आफ बिजिफ को बहा पर रख कर अपना काम निकाले ।

मैं मजदूरबन्दी का घोर विरोधी हूँ । अगर मजदूरबन्दी की व्यवस्था अब भी है । मेरे लायक बोस, कानून मंत्री, ने मजदूरबन्दी की व्यवस्था कायम रखी है । मैं चाहता हूँ कि वह इस व्यवस्था को हटाये । मान लीजिए कि यह मजिधान एक सुन्दरी नायिका है, ता सविधान के आर्टिकल 352 से आर्टिकल 360 उन सुन्दरी नायिक की धाख को फोड़ देते हैं, उसको कानी बना देते हैं । इस लिए इन आर्टिकल को गमाम कर दिया जाये ।

MR SPEAKER: There are a large number of speakers. So, please be brief.

श्री राज नारायण . मैं क्या करूँ ?
(व्यवधान) . . .

SHRI SAUGATA ROY (Barrack-pore): We support his demand for more time. (Interruptions).

MR. SPEAKER: There are a large number of speakers. The list is growing. I must give an opportunity to as many Members as possible. I am extending the time. Therefore, members must respect the rights of other members. Everybody must have a chance.

SHRI C. K. JAFFER SHARIEF: Sir, you can take the opinion of the House and give Shri Raj Narain more time.

श्री श्री बलवीर सिंह (होशियारपुर) : यह विधान को बदलने का सवाल है, विधान को बदलने के लिए हर प्राचीन को अपनी बात पूरी कहने का वक्त मिलना चाहिए । यह कोई छोटा मोटा कानून नहीं है . . . (व्यवधान) . . .

श्री मनोराम बागड़ी : एमर्जेन्सी में जेल गए थे, यह सच है, इसलिए बोल रहे हैं . . . (व्यवधान) . . . यह सब चाहें कि नारायण बोलें तो आप क्या करिएगा ? अगर हाउस चाहता है . . . (व्यवधान) . . .

MR. SPEAKER No. Everybody must have a chance. If other Members are prepared to give up their time, I have no objection

SHRI C. K. JAFFER SHARIEF. Sir, take the opinion of the House and give him more time.

श्री मनोराम बागड़ी समय बढ़ाया जाय और समय दिया जाय ।

मेरा प्रस्ताव है कि समय बढ़ाया जाय । यह ठीक है ? ठीक है । समय बढ़ाया जाता है, बोलिए ।

MR. SPEAKER: Shri Bagri is not presiding over the House

श्री राज नारायण : श्रीमह, मैं निहायत धन्य के साथ आप से विनम्र निवेदन कर रहा हूँ कि मैं ने ज्यादा समय नहीं लिया है । मैं 35 मिनट से शुरू हुआ हूँ और आप देखेंगे कि अभी 50 पर जा रहा है, 15 मिनट हुआ है मैं आप से पाच सात मिनट और मांग रहा हूँ, ज्यादा नहीं ।

मैं आप के द्वारा एक निवेदन और करूंगा कानून मंत्री जी से कि स्पेशल कोर्ट के बारे में हम सब भी इस मत के हैं कि स्पेशल कोर्ट बनाई जाय और श्रीमती इंदिरा नेहरू गांधी का मामला उसमें से जाया जाय ।

स्टेट और सेंटर का रिलेशन को है उस को फिर अच्छी तरह से डिफाइन् किया जाय जिस से सेंटर स्टेट पर हानी न हो पाए और स्टेट को ज्यादा पावर मिले ताकि स्टेट अपनी शक्ति को ठीक तरह से इस्तेमाल करे ।

[શ્રી રાજ નારાયણ]

हमारे कुछ मित्रों ने जूडिसियल रियू क।
यहां बिरोध किया है, मैं उन के साथ नहीं हूँ।
नहीं हूँ। क्योंकि जूडिसियल रियू के लिए तो
हम बराबर बइठते रहे हैं और इमिरा जी ने जो
अवेरनेट कर के हटाया था उसकी हम लोगों ने
पूरी ताकत के साथ भूखातिरकी थी।

उसी के साथ साथ मैं एक बात धनपने भिन्न भाति प्रपुषण की के लिए कहना चाहता हूँ। इन की तरह मैं धन्यो की प्रवेष्टी को स्वीक नहीं सकता। डेमोक्रेसी एण्ड सोसलिज्म, यह दोनों बड़े प्राफ श्रीमती इंदिरा गांधी का कलेखान है। मैं पूछना चाहता हूँ इन वि हिस्ट्री प्राफ वि बल्ले क्या इंदिरा की ख बड़ कर कानून और सिविलन को भग कर के नागरिकता के प्राधिकार को रीवरने वाली कोई दूसरी सत्ता आई? इन वि हिस्ट्री प्राफ वि बल्ले क्या कभी ऐसा हुआ? मैं भाति प्रपुषण की से पूछना चाहता हूँ, क्योंकि इन्होंने मेरा रेकरेम दे कर कहा कि मैं जब ऐसा बोल रहा हूँ तो लोग कहेंगे कि मैं सीनिंगन ब्लूने रहा हूँ, सीनिंगन ब्लूने नहीं रह है, ख धुक है, नहीं ना! बाह कमीशन की राट 11 मार्च था प्राई। प्रबत कर इंदिरा की पर स्पेसन काट में भुवदमा क्या नहीं बमयाया प्रमार सुप्रोमी कोर्ट की राय सेना जरूरी या ता इन के पहले भी भाति प्रपुषण ने राय क्या नहीं ली? और प्रब प्रबखारो में निखनवाने है, कैबिनेट के बसीशन को प्रबखारो में किमने दिया? मैंने कैबिनेट का बजा था। जिम दिन चौधरी बरन सिंह की का बखान प्राया उसी दिन प्रबखारो में यह प्राया कि राजनारायण ने यही बान फल तोरीख की कैबिनेट की मीटिंग में भी रबो हूँ। कोई टिकता है यहा सीक्रेसी में? बराबर इन को खोल देते हैं। मैं इस का बोल नहीं रहा हूँ, प्रागे बोलूया। (ब्यवधान) मैं यही पढ़ देता हूँ शाह कमीशन की रिपोर्ट से। जितना समय मिला है उसमें सुन लीजिए।

"In the light of forgoing rule, it is not understood how this provision could have been circumvented by the application of Rule 12 of the same Transaction of Business Rules, Rule 12 of the Government of India (Transaction of Business) Rules reads as follows

"12 Departure from Rules: The Prime Minister may, in any case or classes of cases, permit or condone a departure from these rules to the extent he deems necessary."

आगे कहते हैं :

"Cases relating to a proclamation of emergency under Article 352 to 360 of the Constitution and other matters related thereto"—

हर हास्य में ...

they shall be put in the Cabinet meeting first.

फस्टे क्लाउ
 में जो साधारण विधनेस है वह जिस विपार्टमेंट
 का भी बाहूँ उसको प्राइम मिनिस्टर कर सकते
 हैं लेकिन जो फ्यूनाबल वेन चीज है, जो बड़ी बाधा है
 उसको तो पहले कैबिनेट में ले जाना ही है ।
 अब मैं भी हाति प्रुषण जी से पूछना चाहता हूँ
 कि जिस व्यक्तीने हमना जवर्बस्ते कान्स्टीट्यूशन का
 रेप किया, कैबिनेट को डाक में रखा, कैबिनेट की
 राय नहीं ली और सीधे सीधे या कर राष्ट्रपति
 से कहा—यह सारी बातें डिक्लेशन में आई हैं कि
 श्री सिटार्थ शकर राय से उन्होंने पूछा क्या मैं
 बिना कैबिनेट में जाये प्रिजिडेंट को सलाह दे सकती
 हूँ, इस पर आप अपनी सलाह दीजिए,—यह सारी
 ही बातें आगे हैं कि उन्होंने चीफ मिनिस्टर और
 गवर्नर की राय ली और यह कहा कि मैं नहीं चाहती
 कि बिना राष्ट्रपति के प्रोक्लेमेशन के कैबिनेट में
 जाऊँ, यह डिक्लर साफ हो चुका है इसलिए क्या
 इंडियन चीनल काउ को गार 124 (1) क प्लगमें
 यह मामला सीधा नहीं आता है ? मैं श्रीमान,
 आपने डिक्लेर करूना कि आप श्री शर्मा प्रुषण
 जी को एव रिज छोड़ दीजिए, ये अपनी बहस
 कर और मैं अपनी पूरी बहस करूना और फिर
 आप देंगे कि मामला बनता है या नहीं ? आप
 इसमें जड़ होंगे ।

The Speaker has to take the Chair of a Judge and he should decide whether Shanti Bhushan is right or I am right. I will abide by your ruling.

MR SPEAKER I have lost my judicial power because of you.

SHRI RAJ NARAIN. You have lost your judicial power because of my ... (Interruptions) That was why I recommended and proposed your name for the Speakership

SHRI KANWAR LAL GUPTA: You should be happy about it.

MR. SPEAKER: I am not unhappy about it.

श्री राज नारायण: मैंने पहले ही कहा था कि चूंकि सुप्रीम कोर्ट में आपको सुपरीसीड किया गया इसलिए आपको वहां पर स्वीकर बनाया जाये। यही वांति भूषण जी के लिए भी है। हमारा केस न किये होते और न बढ़ा जाये। (अव्यवधान)

धीर भी मैं पढ़े देता हूँ। जिस प्रकार गैर-कानूनी ढंग से इमर्जेंसी लागू की गई वैसे कि बाह्र कमीशन की रिपोर्टें में लिखा गया है कि किस तरह से लोगों को जेल में भर्ज किया गया, न मालूम कितन कहर डाय गए, न मालूम कितनी मालाओं की गोर्बें सूती हो गईं, कितनी सलनाओं के सिम्पूर घुस गए, कितने ही बच्चे धनाब हो गए, इसके बाद भी स्पेशलकोर्ट बना कर कीमती इन्दिरा गांधी को सजा कराने में जो सरकार हिचके वह सरकार अनजोही होगी। (ध्वजवाज) इसलिए मैं आपके द्वारा इस सदन के सम्मानित सदस्यों से फिर निवेदन करता हूँ कि व बाह्र कमीशन की रिपोर्टों को ध्यान से पढ़ें।

"This was more in the nature of a shock treatment than a legally permissible Emergency, which could be declared according to the law then in force"

यानी यह एमर्जेंसी इम्पीयन है, इस एमर्जेंसी के जरिये मन्त्र ने प्रन्डर 144 डाय गया। जब भी इन्दिरा गांधी का नाम आता है तो तर्क दिया जाता है कि जनता ने उन को सजा द दी है, लेकिन इस सरकार ने क्या किया है? यह सरकार भी तो जनता र द्वारा बनाई गई है। यह ठीक है कि जनता ने उनका सजा दी, लेकिन इस सरकार का भी तो उल्ल कर्तव्य है यह अपने कर्तव्य से क्या प्यून हूँ है। जब निन्टा निन्टी जाती है कि इस कैबिनेट में मर्पक भर पड़े है, तो बिना बिना शोर मचना है, लेकिन यही बात इन्दिरा गांधी भी बोलती है। आप उस की नोटकी को देखिए। पब्लिक मीटिंग में जा रही है लेकिन अपने साथ बिस्तर-जब से जायगी, एक घंटे की जायगी, एक कीप-केस से जायगी और पब्लिक में जा कर कहती हैं—आप जानते हैं—मैं ये सब चीजें लेकर क्यों आई हूँ? क्योंकि पता नहीं जनता पार्टी की सरकार हमें कब गिरफ्तार कर ले। मैंने एक दिन और एक रात में बड़े बड़े नेताओं को बन्ध कर दिया, देश में पले को भी हिलने नहीं दिया, इन की क्या हिम्मत है, ये हमें गिरफ्तार करेंगे, जनता मेरे साथ है। इस समय से वह बोलती है और हम इतने बेहम बेहमा हो गये हैं, जो उस की बुनोती को स्वीकार नहीं करते हैं। अपनी साधुवाचिता दिखाते हैं कि हम बड़े उदार हैं, बड़े डेमोक्रेट हैं। कितने डेमोक्रेट हो, गुम्हारी डेमोक्रेसी हम में देखी है—न एक झुटे धारोप में घुस घरोने कोलीग से इस्तीफा-मागत हो, अपसरो की बात को मान कर कहते हो कि इस्तीफा देने की स्थिति आ गई है। मजी पब के लिए हम कभी नहीं लड़े, हमारा सबर्ब सिद्धान्त रहा है। अगर हमारा कार्यक्रम पूरा नहीं होता तो हमारी यह लड़ाई जारी रहेगी। कानून अच्छा है, संविधान अच्छा है, लेकिन यदि ये बुरीबल बढ़ाते हैं, परेशानी पैदा करते हैं, तो इन को जला कर रोक देना चाहिए।

"बा सोनो को जारिये जाहे दूट काब।"

ये कानून और संविधान किस के लिए हैं—ये इन्सान के लिए हैं,

यून नकरत न की भरोव,
इन्दिरा की कौमो-सूरन से,
घुसे जो कुछ भी नपरत की,
वह भी भन्वाजे हुकूमत से।
जो अपनों की हुकूमत आज,
रहमत ही नहीं सकती,
तो अपनों की भी हसरत से
मुहम्बत हो नहीं सकती।

जनता आप को ऐसा फेंकेगी कि कोई भी रोक नहीं सकेगा, यदि आप जनता की आकांक्षाओं के साथ खिलवाड़ करने।

SHRI VASANT SATHE (Akola) :
Mr Speaker, Sir, just now we have heard one of the bitterest indictment of the Government of the Cabinet, by no less a person than the ex Minister, Shri Raj Narain. The entire burden of his song his entire speech, was to reiterate his charge that this Government consists of impotent persons...

SHRI K P UNNIKRIISHNAN How can you test it?

SHRI VASANT SATHE Ask Shri Raj Narain who was also the Minister of Health. Probably he has enough evidence about his Cabinet colleagues' potency. I do not know. He has to testify.

19.00 hrs.

What was the gravamen of his charge? For the entire 15 months his senior colleague and guru was the Home Minister. In that period, with all this bravado that he has been talking of arresting Mrs Indira Gandhi, even under MISA, he did not do, he did not even bring a proposal before the Cabinet to arrest Mrs. Indira Gandhi under MISA. He does not talk of that. Now he has become brave to make an allegation and appeal to the whole Party that it was only because Mrs. Indira Gandhi

[Shri Vasant Sathe] could not be arrested. An arrest attempt was made by his Guru and we know what a farce that was and how he became a laughing-stock before the whole country....

AN HON. MEMBER: Whole world.

SHRI VASANT SATHE: That is the type of demagoguery that he is trying to parade even today, to try to pressurize the Government to act in a foolhardy manner. I do not mind. It is for the Government to decide.

Today we are considering here the Forty-Fifth Amendment Bill. The simple point of argument which was urged by so many Members is that the Forty-Second Amendment should have been overthrown, abrogated, lock stock and barrel. That was the promise given to the people, and that promise, you could not fulfil. That is the charge laid by so many of your colleagues, including Shri Ram Jethmalani. Now, why has the Government not found it fit to abrogate the entire Forty-Second Amendment and all its clauses? That is because, probably, a man of experience, legal experience, like Shri Shanti Bhushan, has seen that there are certain provisions which should be kept. I will come to my friend, Mr. Somnath Chatterjee, presently. He asked, 'Show me a single article which was for the good of the people'. I ask you, 'Show me a single article in the Forty-Second Amendment under which the so-called dictatorship of one person....' (Interruptions). Not a single Member who has spoken till now has shown a single article under which an individual could make himself or herself a dictator. There is not even one article under which they can show that a person can establish a dynastic rule. Show me one article. You cannot because it is not there in the Forty-Second Amendment. Art. 329 has been trumpeted. What does that Article say? As far as election of the Prime Minister and the Speaker is concerned, there will be a different machinery, a different forum. If you are dispassionate, it is not that the

dispute will not be tried by anybody. It is only that probably on par with some other countries like the United Kingdom, a separate forum is created. You can very well object to that. I am not questioning. All I am saying is that the travesty of the whole thing is: from whose mouth do we hear so much of democracy?... (Interruptions) From the mouth of persons like Shri Somnath Chatterjee and his tribe who do not believe in democracy at all,... (Interruptions) who do not believe in the entire philosophy. If ever these persons come to power, with the support of the Janata Party friends, can you imagine what type of opposition will there exist? What are they talking of democracy? Which democracy are they talking of? And then, who should speak the loudest? The man, the champion who was out throughout the period of emergency. He was here making speeches and opposing all this. So, he had the freedom to oppose.... (Interruptions) I do not know what he had done. How did he manipulate to see that he had remained out while others were in?....

SHRI SOMNATH CHATTERJEE: Manipulated with your leaders.

SHRI VASANT SATHE: Therefore, it does not lie in his mouth. Sometimes I feel that my friends who talk so much against emergency suffer from a guilt complex.... (Interruptions) I tell you why. Those persons who fought during the Independence struggle and went to jail for years—have they ever thereafter said, 'Oh! We were put in jail. Oh! We suffered so much....' (Interruptions) These persons did not do that. If you had not gone to jail, you have no right to speak....

SHRIMATI AHILYA P. RANGNEKAR (Bombay North-Central): We had gone to jail during the Independence struggle also.

SHRI VASANT SATHE: Doing Satyagraha or breaking law? No. They were put in jail like any other

criminals. That is why they cannot gloat about it. Therefore, they feel guilty. That is what is troubling their conscience.

The simple test that I apply to the emergency and the post-emergency periods is this. You also apply this test and see. Emergency in terms of the Constitution is an extra-ordinary period where even the normal fundamental rights and laws get suspended in terms of the constitution which was made by our forefathers—the original constitution. Therefore, if you can prove that certain things which happened in emergency, certain excesses, the moment the emergency was lifted, those things have stopped happening—those excesses. Some of the excesses mentioned before the Shah Commission were that rallies were held, people were transported in trucks and so on. Was that not done after emergency, in the post-emergency period? Were they not brought here by Shri Raj Narain when he organized a rally here? You talk of Turkman Gate, and Muzaffarnagar. What happened at Pantnagar, what happened at Belchi and Aurangabad? What happened in Rohtak under your very nose? Who did it? Whose Government is there? Let us be dispassionate.

SHRI DINEN BHATTACHARYA:
Do not talk irrelevant things?

SHRI VASANT SATHE: I know, these Marxists are the worst criminals. You have restored the right in West Bengal to Naxalites to chop off the heads, to tarnish the statues and break the heads of statues of Ram Mohan Roy, Netaji Subhash Chander Bose, and Mahatma Gandhi. You should be ashamed of that (Interruptions). All these things are happening even during the period when there is no emergency. There is nexus between these excesses and emergency per se, by itself. Since you can establish such a nexus, you cannot say that these things happened in emergency. Therefore, what has this amendment tried to do?

There are some good features like 31-C. You take away right to property, good, you bring in Article 38, fair, but how will you implement it? You cannot make any laws in pursuance of the Directive Principles, because again some court on some pretext or the other will strike it down.

I would like to submit one more point. I am talking of good features; nobody has mentioned that. We created a new chapter, chapter 14-B of tribunals. It is your experience, our experience and of those who have experience of law including Shri Somnath Chatterjee that merely an advocate with ten years' experience when he becomes a high court judge, he does not become omniscient in law. Does he? Persons who are practising on the criminal side, or who are experts in company law, or civil law or on the labour side, do not become experts merely because they are elevated to the bench of the high court. What did we provide? Let us have specialised tribunals with the status of high courts. That was the provision, a salutary provision so that we may get expeditious justice from knowledgeable, experienced experts. Is this a good or a bad provision? Even that provision you have taken away. . . . (Interruptions).

A good provision was introduced under Article 352. What in effect have you done? You say, you remove Forty-Second Amendment. In the old Article 352, the provision was that even if the emergency had to be imposed in a part, you had to do it for the whole country. A good provision was introduced which, I am thankful, has been retained, viz that Emergency can be imposed for a part alone, and removed from that part, so that if there are such conditions prevailing in a part, you can restrict it to that part, and nip things in the bud. Was that a bad provision? I am not in agreement with those friends who say that the provision about armed rebellion should be

[Shri Vasant Sathe]

retained. I feel that it is very dangerous. Armed rebellion has an inherent lacuna. Tomorrow, as has been pointed out, you will have to resort to an excuse of somewhere there being an armed rebellion. There may be a mere strike somewhere. You can use it. Therefore, I would beg of you: either remove the provision of Emergency altogether; or otherwise, this armed rebellion business has no meaning.

Then we come to the question of referendum. What is this concept of referendum? I would like to point out its defects.

MR. SPEAKER: When we come to amendments, you can elaborate.

SHRI VASANT SATHE: Yes They were talking about 25 per cent or 26 per cent of the people deciding it. Will you go to the people, with this very amendment? Will you have a referendum on this? Secondly, what is federal character? You conduct a referendum in the whole country on a particular issue. If States which are over-populated, like UP and Bihar vote in favour of a particular amendment, they can take away the rights of the rest of the country. Have you made a provision that a majority of the States also will have to give their approval by way of referendum? Is there any such provision?

I would, therefore, submit that with all the arguments given till now by my friends on the other side, they have not been able to make out a case as to how the 42nd Amendments, lock, stock and barrel was rubbish, was draconian and should have been thrown out. That case they have failed to make out. Therefore, don't scratch each other's backs by saying that the 42nd Amendment was bad and deserves to be condemned.

SHRI YASHWANT BOROLE (Jalgaon): Sir, it reminded me of one story of my school-days, when I listened to the speech of Mr. Sathe. A

teenager committed the murder of his parents; and when he was under trial, he claimed mercy of the Court; because he was an orphan. The same thing is applicable to Mr. Sathe and his party also.

It has murdered democracy. The teenager has murdered his parents but he claims mercy on that count, that he is an orphan and there is nobody to look after him, therefore he should be shown mercy at the hands of law. Mr. Sathe should kindly bear in mind that whatever benefit he claims has been done to the people by the 42nd amendment is a fraction, is nothing in the eyes of the people compared to the upheaval that has taken place in the country. Remember the treatment meted out to millions of people in the country. Democracy was no more in existence; everybody will agree on this point, including Mr. Sathe. There was no democratic functioning at all. The facts have been revealed by Shah Commission. Even 352 and other provisions of the Constitution have been misused. It has been found by the Shah Commission that a single individual for his own benefit could throttle the constitutional provisions completely. 62 million of the Indian people had seen that experience. Mr. Sathe cannot render any account of the democratic functioning of his party during 19 months; it is impossible for him. Therefore, when we are considering the constitutional amendment, I thought that we would be doing so from a different perspective. In fact this is not an amendment which we are making for the ruling party or the opposition. We are to see that at least some future generations will get the guidelines from this. With the present amendment, we are undoing things which are not necessary for this country. We are anxious to see that no ruler at any time in this country can misuse the democratic set up in this country. It is not only 352, but all the subsequent provisions, 356, 358,

359, etc., which require to be reconsidered. From this aspect I really feel that our Law Minister has rightly amended the provisions of 352, and also rightly amended 358 and incorporated therein article 19 and also incorporated article 21 in 359. The sum total, the impact of this is if we read together very carefully to see whether there could be any misuse of this provision for the emergency, I do see no lacuna but one, a single lacuna, apprehended danger from armed rebellion. Whether there shall be armed rebellion or not, this is a subjective idea which will be formed without any objective criteria. Therefore, it is likely to be a misleading factor. So far as external aggression is concerned, so far as war is concerned, you will be in agreement that provision in 352 should stand. We may differ so far as armed rebellion is concerned

Kindly read article 358 as it will stand amended. Article 19 is not suspended on declaration of an emergency on account of armed rebellion. Article 19 shall be in force and all the freedoms and rights will be there in existence, even during the emergency declared on account of armed rebellion. We further find out that the right to life and personal liberty under article 21 shall be there throughout whether it is emergency on account of armed rebellion or on any other ground. These two articles will be there and on account of these two articles, there will be a guarantee to the persons that personal liberty shall not be limited or hampered in any way.

Also, this decision to declare emergency is required to be taken by the Cabinet and given in writing. It is not that the Prime Minister can write a letter to the President for imposing emergency. It will be a Cabinet decision and it will be also in writing. Approval will be required within one month. After every six months, approval will have to be there. Parliament can itself do away with the emergency. Do we think all these will be

misused again? We have become too much averse because of the practical rape of the Constitution by Mrs. Indira Gandhi and her party. We are averse to every provision. We doubt everybody's integrity and honesty. We do not find any virtuous people at all in this country to be in existence at anytime. The pendulum is swinging to the other side absolutely. We have become apprehensive because we have seen that a provision in the Constitution in a democratic set-up itself has been misused and millions of people have suffered. It is on this account that our psychology has developed in such a way that we are not prepared to weigh the pros and cons of the matter independently from the effects which have been produced on our minds. As a consequence, we find that provisions which are really meant for the usefulness of the country at the time of emergency are also being adversely criticised.

It has been said that in a country like India it is not possible to have referendum at all. Of course, we can think over the various drawbacks which have been pointed out by Mr. Venkataraman. We know that ours is a vast country and not a small country like Switzerland. But the question is whether the utility of a referendum is dependent on this. So far as supremacy of Parliament is concerned, we, the representatives of the people are assembled here. In this connection, I remember what Sir Ivor Jennings had said: "Don't trust too much the parliamentarians!" We have seen on several occasions on the floor of this House that we were not at all motivated by the good of the people at large but by factional interest which we were trying to safeguard either party-wise or caste-wise or whatever it may be. Have we not exhibited this character on the floor of this House on several occasions? We did have exhibited it.

[Shri Yashwant Borole]

We cannot deny that aspect of the matter and therefore I want to submit that there should be certain other bodies which can independently think what is good for them as well. A referendum will be the best kind of provision in the Constitution itself. A referendum will certainly tell us that the people at large want this or do not want that. It will be a verdict of the masses. You and I are here functioning on their behalf.

SHRI VASANT SATHE: Mr. Jethmalani says that the janata is a mob, people is a mob. What do you say to that?

SHRI YASHWANT BOROLE: He may say so, but at least the verdict of the people after the emergency in the election is itself an eye-opener to everybody who thinks that the intellectual is the person concerned and that an ignorant man is not in a position to consciously think of any particular problem. This has ever been true. That has been proved completely now.

Therefore, we have to go by a referendum about the basic features of the Constitution. It is not a referendum on every point.

Shri Venkataraman pointed out that there will be difficulties in holding a referendum, because there will be no questions like aye and no. He has stated a number of other difficulties, but in practical functioning, we shall find out a way. People do not even know the manifestos of different parties.

SHRI VASANT SATHE: Suppose on the issue of Hindi or non-Hindi you have a referendum. The majority of the people in the north and in the south will fall out. What will you do?

MR. SPEAKER: Firstly it has to be passed by the House.

SHRI YASHWANT BOROLE: The verdict of the majority should prevail. What are you doing here in Parlia-

ment? Are we not going by the majority verdict?

SHRI R. VENKATARAMAN: I may make it clear that it will not prevail.

SHRI YASHWANT BOROLE: So, we must have faith in the people. We have lost faith in the people, in the conscious will of the people, and we think that the representatives who have been returned only can have conscious opinions about matters.

With these words, I support the Bill.

AN HON. MEMBER: How long are we sitting?

MR. SPEAKER: I for one have no objection to sit up to 10 O'Clock if you want.

SHRI HARI VISHNU KAMATH: (Hoshangabad): We should not be hustled.

MR. SPEAKER: A line has to be drawn somewhere. It has been extended by two hours now.

SHRI HARI VISHNU KAMATH: I recall that in the Constituent Assembly it was not hustled like this.

MR. SPEAKER: It was very compact, small body.

SHRI HARI VISHNU KAMATH: No, it was bigger than this one here today. Mr. Speaker, it is more than a mere coincidence that this august House which was brought into existence last year by a revolutionary, popular upheaval is considering in the month of August a Bill which I may describe as a mini Constitution Bill. That is why I was anxious that there should have been a special session for this Bill, but it was not to be.

This month of August has seen many great days in our annals. Mahatma Gandhi gave the call for non-co-operation in 1920 in the month of August. Then came the Quit India Movement also in August on the 9th,

and today is the 8th of August, the eve of the 9th of August; and independence also, though it was unfortunately clouded by a blood-stained partition, came in August.

It would be in the fitness of things, it would be most appropriate, if this Bill, by your leave and with the consent of the House, is discussed and finally adopted by this House on the eve of Independence Day, next Monday, not Friday; the discussion should go on till next Monday, the 14th, Independence Day eve. This is the least I would request, the least I would demand.

SHRI VASANT SATHE: There is the "Save India Day" also tomorrow.

AN HON. MEMBER: It is "Save India Day"... (Interruptions)

SHRI HARI VISHNU KAMATH: My hon. friend, Shri Sathe, who has seen better days when he was a colleague with me as a member of the Socialist Party, is inebriated by the exuberance of his own verbosity. I can assure him that India has been saved last year, and it has been saved from his cohorts, his leaders, from a vile dictatorship. India has been saved and will be saved by people, other than he and his party, from the vile dictatorship of a mini-dictator.

In this House today there are only six founding fathers; in this Sixth Lok Sabha, there are six founding fathers, members of the Constituent Assembly; I would not like to use that phrase, but it has been used in this House. There are only six founding fathers, Members of the Constituent Assembly, almost one per cent of the strength of this House.

AN HON. MEMBER: Who are they?

SHRI HARI VISHNU KAMATH: I will tell you privately, outside.

MR. SPEAKER: No, no.

SHRI HARI VISHNU KAMATH: I do not mind telling, if you permit me. There is no difficulty. It is not taboo, it is not secret.

MR. SPEAKER: It is not taboo, but...

SHRI HARI VISHNU KAMATH: I can mention the names. Six names would not take much time—four on the Janata benches and two on the Congress benches. They are Shri Jagjivan Ram, Shri Shibban Lal Saksena, Shri P. C. Sen and your humble servant, myself, and on the Congress side—not Cong. (I) but Congress—Shri Subramaniam and Shri Alagesan. These are the six founding fathers in this House.

I recall the great debates in the Constituent Assembly—I do not wish to go into details of these great debates, because when we come to clause by clause consideration, we will have occasion to refer to them. On the last day of the Constituent Assembly, that is, the 25th of November 1949, the President of the Assembly, Dr. Rajendra Prasad in his final address, valedictory address to the Constituent Assembly, he said—only two sentences I want to quote, not much:

"If the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective Constitution. If they are lacking in these, no Constitution can help the country. After all."

he went on to say:

"the Constitution is like a machine, a lifeless thing. It acquires life because of the men who control it, and operate it, and India today" I am quoting him; he was referring to the position at that time; it is applicable today also—

"India today needs nothing more than a set of honest men, who will have the interests of the country before them."

AN HON. MEMBER: We have got.

SHRI HARI VISHNU KAMATH: I am sorry to say that in 1975 and earlier years, that decade was a decadent decade a biabolical decade, of 1967-76 and from the incubus of that decade perhaps the country has still not fully recovered, because some hon. friends still gloat over some of the things which happened then, and they still today to the leader who brought about that state of affairs.

In 1975 on June 12th, when the then Prime Minister met with her Waterloo in Gujarat and Watergate in Allahabad, she made up her mind consumed by her insatiable lust for personal power and for entrenching herself in power by hook or crook, more by crook than by hook, she launched on her mad career for personal power and dictatorship in this country. I am sorry to say that those who adorn those benches today if not all, many of them, most of them, became her toadies and flunkies, if not her donkeys too. And outside the House they were reinforced ..

AN HON. MEMBER: Neither donkeys nor monkeys? (Interruptions)

SHRI A. BALA PAJANOR: Is 'monkeys' parliamentary?

MR. SPEAKER: I do not think it is unparliamentary.

SHRI HARI VISHNU KAMATH: Outside the House, they were reinforced by an army of henchmen and hatchmen, hoodlums and hoodlums who suppressed, who tried to distort debauch and destroy the Constitution. Today, we are celebrating in a way, the rebirth of freedom, the resurrection of freedom, the resurrection of a free Constitution, the resurrection of democracy, the resurrection of independence by the resurgence of the people. And that is why this Lok Sabha, is today on the 8th of August 1978, engaged in a very historic ceremony and I am sure it will go on till the 14th of August. Again I repeat, till the eve of Independence Day.

Now I will come to the main features of the Constitution Amendment Bill. I will not dilate too long upon this aspect at present, because tomorrow and the following days, we will come to the Clause by Clause consideration.

MR. SPEAKER: We will come to the amendments.

SHRI HARI VISHNU KAMATH: There are four issues, I may say, there are four pillars on which this Bill rests. One is the Emergency provisions, the other is preventive detention, the third one is property and the fourth one is referendum. These are the four main controversial, I may say, provisions of this Bill, which have raised some sort of controversy in this House and perhaps outside also. We had given a solemn promise, made a commitment to the people last year during the elections that we would rescind the 42nd Amendment. True, because that was an amendment neither to amend the Constitution nor to mend the Constitution but to end the Constitution and that is why we wanted to end that 42nd Amendment. I am glad to say that most of the abnoxious provisions of that 42nd Amendment have been sought to be repealed by this 45th Amendment. Yet, there are some provisions of that Act, 42nd Amendment Act which, perhaps still disfigure our statute book, may be with a deceptive facade of innocuous provisions. Yet because the Government has got its own constraints, because it requires a two-thirds majority in both the Houses and all that, they are not bringing forward all the other provisions which would completely annul the 42nd Amendment Act; no other constraints, I am sure, that is the only constraint because of which the Bill may fall through. Otherwise, my hon. friend, Shri Shanti Bhushan, would have brought forward the Bill which would have sought to completely rescind the 42nd Amendment Act. I have faith in his bona fides on this

account, on this score. Now these four provisions of the Bill, Emergency, Detention, Property and Referendum are controversial. Well, believe it or not, I was one of those few who, in the Constituent Assembly had raised their voice against the Emergency provisions.

I also proposed referendum in the Constituent Assembly. And I opposed the preventive detention measure that was brought forward by Sardar Patel, as Mr. Nathwanj said yesterday. As regards the property right also, I was one of a few, perhaps half a dozen members of the Constituent Assembly, who had opposed it as a fundamental right. So, I am not surprised, after the lapse of 30 years that the Congress all along remained silent on that score and, though these issues were raised quite often, they did not move an inch or raise little finger to change the provisions of the Constitution in that regard. I am happy that at last it has fallen to the lot of the Janata Government, the people's Government, to bring forward a Bill to amend those provisions of the Constitution so as to make them more in tune with the aspirations of the people. I am not fully satisfied still that they are the perfect ones and perfection is seldom achieved....

MR. SPEAKER: Perfection is always aimed at, not realised.

SHRI HARI VISHNU KAMATH: We should strive for perfection.

Aim at the sky, and you will shoot at the tree.

As regards the Emergency provisions, my hon. friend, Shri Shanti Bhushan—I think, if I heard him aright—if I remember his speech aright, he forgot to mention one little feature of this Forty-fifth Constitution Amendment Bill which is an important provision.

MR. SPEAKER: Please try to conclude now. You may take one or two

minutes more I would like to call at least one more member.

SOME HON. MEMBERS: Let him have some more time.

SHRI HARI VISHNU KAMATH: I do not wish to plead for myself but I have got to say a few more things.

MR. SPEAKER: When you come to the amendments, you can speak. But the difficulty is that you had forecast all these things at that time.

SHRI VASANT SATHE: He wants to recall all that today.

SHRI HARI VISHNU KAMATH: Yesterday, the Law Minister forgot to refer to one of the provisions of the Bill which provides for judicial review in the case of Emergency provisions. Clause 5 of the present article 352 is sought to be omitted and a judicial review is being provided for, so that any proclamation of the President could be questioned in a court of law on the ground of *mala fides*. Sir, you have been a luminous judge and, as a luminary of the Supreme Court, you will appreciate this kind of a provision—you have a dual role to play today. I am sure, the House will be re-assured on this score, in the case of Emergency provisions, because it has been attacked and the House is suspicious as to how it might be misused, that there will be a judicial review as a judicial safeguard, besides the parliamentary safeguard. I leave it at that.

As regards preventive detention, my hon. friend Shri R. K. Amin talked of MISA. There is no question of MISA here. MISA was the most hellish, pernicious and obnoxious laws. Earlier we had a PD Act, not MISA. MISA was, as I once said earlier, the Maintenance of Indira-Sanjay Act—Humpty, Dumpty together; one is Humpty and the other is Dumpty.

Today, I am glad to note that there is a provision, an entrenched provi-

[Shri Hari Vishnu Kamath]

sion, with regard to article 21—it is entrenched, and cannot be suspended. Even the right to have a corpus was suspended during the Emergency which the present Chief Justice of India confessed in a reminiscent mood recently—you, Sir, left the Bench earlier...

MR. SPEAKER: Fortunately.

SHRI HARI VISHNU KAMATH: I am glad, it has fallen from your lips that it has been fortunate for you, it has been fortunate for us too. The present Chief Justice confessed that he did not have the courage, and he was not alone in not having the courage to resign...

SHRI VASANT SATHE. Once a coward, always a coward.

SHRI HARI VISHNU KAMATH. That is what happens. That has happened to you, I suppose.. (Interruptions)

SHRI VASANT SATHE: I am standing by what I have said. I have not changed. (Interruptions)

SHRI HARI VISHNU KAMATH: There is a provision with regard to property. I had opposed this strenuously in the Constituent Assembly. Now it has been, after all, relegated to its legal status, legal position, statutory position. But it is likely to be exploited against us, the Janata Party and the Janata Government, by the vested interests and maybe, by some friends on the Opposite side also. Especially to kisans and peasants, they may say, 'Look here...'

किसानों को कहें कि धान खरीद, धान के बर्तन, धान के पत्र, धान के घर, धान के बाग, सब कुछ बचने-बचें छीन लेगी।

Government will have to keep guard over such exploitation. I do not know how this article 300A will be implemented. That is the new article—300A. We will discuss that article tomorrow. There is some sort of a safeguard provided there. Even

Lenin, I suppose, in 1922 or 1923, before he died, introduced the New Economic Policy, which later on his successors followed, permitting the right to have private property, in the Soviet Union. I do not know about China. In the Soviet Union, however, there is the right to have some private property.

One last word about referendum. When I raised it in the Constituent Assembly, Pandit Jawaharlal Nehru or Dr Ambedkar—I do not know who it was—said: 'It is a good idea, but in the present state of illiteracy in the country, people do not understand political issues; we should not go ahead with this at the present moment' But after the last year's elections, shall we say the same thing about our people? No. A hundred times, a thousand times No! People now understand these issues. Therefore, this referendum is a very wise provision.

One last word and I have done—the rest for tomorrow and the day after. Through this Bill we have sought to provide Constitutional safeguards for the preservation of our freedom and democracy, the Constitutional threat to democracy, we have sought to avert. But where does liberty really lie? What is the real safeguard for liberty, liberty, freedom and independence? Liberty lives and flourishes in the hearts of the people, in the hearts of men and women who have been described as sovereign by my hon. friend, the Law Minister. If it dies in the hearts of the people, if it dies in the minds of the people, no Constitution, no Parliament, no Judiciary, no Supreme Court, can help country..

MR. SPEAKER. It is a famous saying. (Interruptions)

SHRI HARI VISHNU KAMATH: Therefore, a poet has very wisely sung...

AN HON. MEMBER: Who is the author?

SHRI HARI VISHNU KAMATH: I will tell you later on.

Eternal spirit of the chainless
mind, Brightest in dungeons, Liberty!
Thou art,

For there thy habitation is the
heart,

The heart which love of thee
alone can bind,

And when thy sons to fetters are
consigned,

To fetters and the damp vault's
dayless gloom,

Their country conquers with their
martyrdom,

And Freedom's fame finds wings
on every wind.

Such a wind brought us into this
august House last year. The first
republic died in 1975, that silver
jubilee year when there was neither
jubilation nor sheen on the silver.
The second Republic is now born.
Long live the great second republic.
On that note, I conclude.

MR. SPEAKER: Mr. Bedabrata
Barua.

SHRI BEDABRATA BARUA
(Kaliabor): I think I will have to
continue tomorrow in any case. I
will speak for two minutes.

MR. SPEAKER: If the House
agrees, we can sit for another ten
minutes so that you may finish.

SHRI BEDABRATA BARUA:
I am prepared to speak tomorrow. I
will start now.

MR. SPEAKER: You have only 15
minutes.

SHRI BEDABRATA BARUA: We
have got half an hour still, we have
calculated it.

Mr Speaker, Sir, we have generally
expressed our support to the amend-
ments except some reservations that
we have expressed...

MR. SPEAKER: You will continue
tomorrow. Now we adjourn for the
day and meet tomorrow at 11 a.m.

20.00 hrs.

The Lok Sabha then adjourned till
Eleven of the Clock on Wednesday,
August 9, 1978/Sravana 18, 1900
(Saka).