

- (ii) Report of the Study Tour of Study Group II of the Committee on its visit to Bombay, Goa and Jaipur during July, 1987.

13.00 hrs.

[MR. DEPT. SPEAKER *in the Chair*]

Meanwhile, following discussion between the management and the workmen/unions and their respective Counsel, an agreement was signed on the 28th July, 1987 between the Advocates representing the workmen/unions and the management, respectively, setting out the terms and conditions of a settlement between them relating to compensation payable to the workmen on the closure of the Delhi Cloth Mills. Accordingly, a joint application was filed on behalf of the Delhi Cloth Mills and the workmen/unions concerned before the Delhi High Court for recording the settlement. By an order passed on 3.8.1987, the Delhi High Court has directed the Delhi Administration to review its order dated the 15th April, 1985 refusing the grant of permission for the closure of the Delhi Cloth Mills keeping in view the terms and conditions of the settlement set out in the joint application of the parties and in accordance with law. According to the Delhi Administration, a decision in the matter would be taken after bearing the parties concerned. The case will come up before the Delhi High Court again on 21.9.1987.

12.59 hrs.

**CALLING ATTENTION TO MATTER OF
URGENT PUBLIC IMPORTANCE**

[*English*]

**Reported Attempt by Delhi Cloth Mills
to Close down Its Textile Mill at Bara
Hindu Rao, Delhi.**

SHRI SURESH KURUP (Kottayam): I call the attention of the Minister of Labour to the following matter of urgent public importance and request that he may make a statement thereon:

"Reported attempt by the management of Delhi Cloth Mills to close down its textile mill at Bara Hindu Rao, Delhi and the steps taken by the Government to avert the closure."

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P.A. SANGMA): On 27.3.1985, the management of M/s. Delhi Cloth Mills, Delhi and submitted an application to the Delhi Administration seeking permission under Section 25(c) of the Industrial Disputes Act, 1947 to close the Delhi Cloth Mills with effect from the 1st July, 1985. On 15.4.1985, the Delhi Administration refused permission to the management, in public interest, to close down the Undertaking. The management, thereafter, filed a writ petition in the Delhi High Court praying that the Delhi Administration's order dated the 15th April, 1985 rejecting the Company's application for closure be quashed. The High Court passed an order restraining the management from acting on the notice of closure till further orders. The High Court has since heard the case and reserved its judgement.

SHRI SURESH KURUP: Respected Mr. Deputy Speaker, Sir, I call the attention of this House to the discussion on a Calling Attention Motion on the very same subject on 2nd May, 1985. At that time also this matter was initiated by me. Myself, late Shri Lalit Maken Comrade Basudeb Acharia and Shri Zainul Basher had participated in that debate. At that time, the then Labour Minister, late Shri Anjiah and also the then Works and Housing Minister, Shri Abdul Ghafoor gave a very categorical assurance that the management will not be allowed to close down the mill and the Government will take every step to avert the closure. Following the assurance given by both the Ministers, a committee was set up, which is known as R.L. Pradeep Committee, - Shri R.L. Pradeep was the Joint Secretary in the Works and Housing Ministry at that time - to inquire into the whole affair, especially the role of the DDA in this. About the Report of

[Sh. Suresh Kurup]
the Committee I will come a little later. Before that I would like to narrate the background incident. This mill is situated in Bara Hindu Rao and is one of the oldest textile mills in the country. It is a pioneer mill of the DCM management and is something like hundred years old. In this mill, over six thousand workers are employed now and its area is about 63 acres - 63 acres in the heart of the city, which is supposed to be a prime land. The most important thing is that if this land is commercially developed, it is going to fetch between Rs. 800 crores and Rs. 1,000 crores - Rs. 1,000 crores, you should take note of it, Sir. I remember at that time also you were in the Chair, so, you may be remembering the whole thing. The whole story starts when one fine morning the Director of Industries of the Delhi Administration gives a letter to the DCM management saying that this factory is situated in a non-conforming area and it violates the Delhi Master Plan and therefore it has to be shifted. Then the DCM management suddenly reacts. They immediately approach the Works and Housing Ministry, write a letter to one of the Secretaries of the Ministry of Works and Housing, asking them to give permission to commercially develop the land. What for? Only if they get the permission to develop the land commercially, they can shift the factory.

Then only they can raise money and they can shift the factory according to the instructions from the Delhi Administration. So, the Ministry of Works and Housing refers it to the Delhi Administration, D.D.A., and others and they gave permission to commercially develop the land, to help the Company to shift the factory from Bara Hindu Rao area.

DCM Management suddenly withdrew. They said, they are running at a loss. They cannot run the factory at loss. So, they are going to close down.

You should understand - earlier they asked for permission to commercially develop the land and got permission. After getting permission they said that they are

going to close down. Then again the Industries Department of the Administration intervened. The Secretary again wrote a letter and a meeting was called. In that meeting the Company finally agreed to shift the factory to a place called Narela. That was agreed. That was the decision taken in the meeting. Everybody thought that the problem has been solved amicably. Again, suddenly a letter comes from D.D.A. on 16.7.83 D.D.A. writes a letter to the D.C.M. Management that they cannot give land for such type of a factory. Land is not available. So, D.D.A. cannot give permission to shift the factory. The reason is that there is no land available and such a big factory cannot be established in Delhi. That is what they say. So, this is one thing. In the meanwhile D.C.M. Management approached the authorities and got exemption from Urban Land Ceiling Act. Then, they decided to close down the factory. They got exemption from the Urban Land Ceiling Act. At that time this issue came up before Parliament. Workers started agitation and all that. While answering the Calling Attention both the Labour Minister and the then Works and Housing Minister, Shri Abdul Ghafoor, both gave categorical assurance to the House that they are not going to allow this and they promised to constitute a Committee. So, the Committee was constituted. In the meanwhile DCM management approached the court against denial of permission by the Delhi Administration, Labour Department, to close down the factory. They filed a petition before the Delhi High Court and R.L. Pradeep Committee enquired into the whole affair and on 31.7.1986 they submitted the report to the Government and the Government has not placed this Report before the Parliament. One year has passed. They have not published the Report and they have not placed the Report before Parliament. Fortunately, I have got a copy of the Report with me. Report indicts D.D.A. and exposes their mal-practice in connivance with the DCM Management. Immediately after this Report was submitted on 1.8.1986, D.D.A. quietly withdrew their sanction given to the DCM Management for commercially developing the land. This report was submitted on 31st July and on 1st August, that is, immediately after the sub-

mission of this report, they quietly withdrew their permission and against that the DCM Management approached the Court. I would like to read out some portions the report which categorically says that the Delhi Development Authorities has done certain clear-cut malpractice. It is quite evident. With your permission, I would like to read out certain portions of the Report.

MR. DEPUTY SPEAKER: You can just give the gist of the report. You need not read out the report.

SHRI SURESH KURUP: I would only read out the relevant portion. It says:

"3. The examination of major matter has been done in a highly perfunctory manner. The presence of the representative of the interested party, that is, D.C.M. in all meetings held to consider the matter is extraordinary and exceptionable. Such matters should be thoroughly examined in files posing clearly all the relevant issues..."

"4. The order of exemption passed under Section 20 (1) (a) read with Section 22 of the Urban Land (Ceiling & Regulations) Act, 1976 is not proper order as no demolition had taken place and land had not become vacant which is the condition precedent for the applicability of Section 22. Further the order is premised on shifting of the DCM from its present site. As DCM are known to have chosen to go for closure of the mills, the order has lost its *raison-de-etre*. For these reasons the order requires to be reviewed.

Then, it is stated-

"The Textile Industry is neither hazardous nor polluting and with the modern technology, nuisance associated with the industry can be reduced further. In this context there seems to case to shift or to force shifting of the industry under the Master Plan which threatens dislocation of many a family and entails heavy social cost."

Sir, earlier also, about giving permission to commercially develop the land, this Committee says-

"The request of DCM was to declare 63 acres of land as commercial in the revised Master Plan. Instead of the request being processed along with the overall revision of the Master Plan, the VC-DDA desired that "a total plan involving railway, MCD and DCM area should be prepared and possibility of developing the industrial and residential pocket under control of DCM be further examined in detail after receiving plans from DCM. DCM representatives agreed to submit such detailed plan for this purpose". This is highly questionable. The DDA should have restricted their examination to the original request and formally communicated to the Company their decision or action being taken on that."

I do not want to go into further details. On every account this report indicts the Delhi Development Authority who gave permission to the DCM Management to commercially develop the land. Then, Sir, there are two cases pending before the High Court. As I mentioned earlier, there were two cases pending before the High Court. Now, there is only one case pending before the High Court. The case is regarding the withdrawal of the permission by the DDA for commercially developing the land. Again they went to the High Court and on that petition, the High Court gave the verdict that the DDA's action was wrong that they should not have withdrawn the permission. They were pressurised by the workers, so they succumbed to their pressure and withdrew the petition. Sir, the High Court verdict would have been different had the Government submitted the R.L. Pardeep Committee report before the High Court. The Union tried to submit that report before the court but the court refused to accept it, saying it is the business of the Government to submit this report.

I want to know, why the Government did not submit this important report before the High Court, in this case. Do you want to

[Sh. Suresh Kurup]
shield somebody? This is a matter involving crores of rupees. I am sure, some people in the higher echelons in the ruling party are trying to connive with the DCM management.

SHRI JAI PRAKASH AGARWAL
(Chandni Chowk): This is not fair.

SHRI SURESH KURUP: I am not naming anybody. It seems they are trying to cheat the whole country.

There is a second petition before the High Court against the order of the labour Department disallowing the company to close down the mill. Intervening in this, some labour unions and the management have submitted before the court that they have arrived at an agreement so as to give an impression as if the whole thing is over and it is settled in an amicable manner. I would like to submit that there are certain important unions which have not signed this agreement. According to the statement of the Minister, it seems to be a very simple affair; everything is going to be settled and unions have agreed to it. They have jointly submitted an agreement to the court and the court is going to take a decision allowing the management to close down the company so that the management can commercially develop the land and bag thousand crores. I would like to draw the attention of the Minister to an important clause in the agreement. It says:

"It is agreed that this settlement shall become operative only on the same being approved by the hon. High Court of Delhi after:

(i) The Union of India, the Lt. Governor of the Union Territory of Delhi, the Delhi Administration and the Delhi Development Authority accepting and agreeing of the said terms of settlement and agreeing to abide by the settlement."

What does it mean? This agreement makes the Government of India a party to the

agreement. That means, you are agreeing to all those corrupt practices which the Delhi Development Authority has adopted and that means, you are not accepting the R.L. Pardeep committee report which says that the whole procedure was wrong. What is the opinion of the Minister? What I want to know is, whether the Government of India is going to be a party to this agreement and accept the dictates of the DCM management?

The other sad thing is that the textile owners all over the country are awaiting the outcome of the case. If this case is settled in favour of the DCM management, all of them will start closing down their factories and they will start developing their lands on commercial basis because most of the textile mills are located in important areas in Bombay and Delhi. Would the Government be a party to this fraud being committed on the working class of this country. Another thing that I want to know from the Minister categorically is, why the Pardeep Committee report was not placed before this House. One year has passed. It was not placed before this House. Why was this report not submitted before the Delhi High Court? This is an important document. If the report was submitted before the Delhi High Court in time, the judgement would have been different. Why don't you seize somebody who indulges in corruption?

What action Government has taken against the officials who acted in connivance with the DCM management in cheating the workers and the people?

I would like to know whether both the Ministers who are sitting here would give a categorical assurance to this House that they will not legalise the illegal demands of the management and that they will stick to the Pradeep Committee Report.

At this point I would like to quote Shri Anjiah. Replying to the Call Attention tabled on 2nd May, 1985 he said:

"Our Ministry will provide whatever help it is possible for us to give. We can run it by selling the land also."

This is what Mr. Anjiah said.

What I want to know is whether the Government is ready to give a categorical assurance that even if the DCM management closes down the factory, the Government will take over the factory and run the mills.

SHRI HARISH RAWAT (Almora): Mr. Speaker, Sir, it is a very important matter. The answer given by the hon. Minister is very disappointing. If I compare this reply to the reply given on 2nd May, 1985 by the then Labour Minister my disappointment increases all the more. The then Labour Minister had expressed concern over the situation that will be created a result of the closure of the mill resulting in unemployment of the workers, and had assured as has been said by our colleague Shri Kurup,-

[English]

If the management still insists that the Textile Department under the charge of the Minister of Textiles who is present here should take over the mill, there should be no difficulty in it because it is an important matter involving the fate of 6,000 people.

[Translation]

And now when this mill is on the verge of closure due to conspiracy between the officers and the very affluent management of D.C.M. if we do not express our concern for the workers who will become unemployed and if we do not get some assurance in this House that this mill will not be allowed to be closed then it will be a very sad state of affairs.

The question is not that of closing down of this mill. The Master Plan, on the plea of which it is proposed to close this mill does not cover only D.C.M. mills in such a non-conforming area but Birla Mills, D.C.M. Silk Mills and certain other mills are also there in the same area. Today if D.C.M. mill is closed then definitely others will also follow the same line. The question is not of six thousand workers alone. When a chain of closing

the mills starts then how many workers will become jobless? Will you be able to cope with the situation then? This trend will not remain confined to Delhi alone. I want to warn the hon. Labour Minister that if D.C.M. mill in Delhi is allowed to be closed down then rest assure that all the capitalists of the big cities will conspire to close down their mills and will earn crores of rupees by selling their lands. They will just pay to the workers a sum of rupees fifty thousand or Rs. 1 lakh and the children of the workers will start starving. It will become a social problem of the country. With this thing keeping in view, nothing has been said in this statement. Therefore, I express my utter discontentment on this statement.

Mr. Deputy Speaker, Sir, my colleague, Shri Kurup has explained very clearly about this technical matter. I do not want to go into its details. In fact, this issue has been thrust upon the Labour Ministry, but actually the Ministry of Urban Development is responsible for this mess. Had the officials of the Ministry of Urban Development in connivance with the management of the D.C.M. not done this, this situation would not have arisen. The master plan was lying closed since 20 years and it was never discussed. After 20 years all of a sudden the D.C.M. management felt that if they could re-develop this land and construct some commercial flats etc. they can get Rs. 1000 to Rs. 1200 crores. As soon as this thought came to their mind, they discussed the matter with the official of the D.D.A. The officials of the D.D.A. acted very promptly to oblige the management of the D.C.M. First of all they should have asked them to obtain permission to close the mill and thereafter the question of land use change should have been discussed. It is only after that the question of re-development should have arisen. But all of a sudden, the D.D.A. which is under the Ministry of Urban Development in violation of all the norms passed a resolution and accorded permission that they can re-develop it. When the issue was raised in the House, the then Minister of Urban Development Shri Ghafoor had given a statement, a few lines of which I quote:

[Sh. Harish Rawat]
[English]

"After having heard what the hon. Members have said here and having come to know from the Press reports, I am also surprised how the DDA took such an important decision without taking the Ministry of Works & Housing into confidence and as to when they took this action. Of course, we are also sensing some foul play in it. As all of you know, the DDA is a Pandora's Box in spite of our best efforts to know what is going on in various parts of Delhi some mischief or the other is done. I admit that the decision taken in regard to a major company like DCM is very crucial."

[Translation]

SHRI NARAYAN CHOUBEY (Midnapore): Which date?

SHRI HARISH RAWAT: Shri Ghafoor said this on 2.5.1985. Thereafter a question was put by Shri Shanti Dhariwal in this regard. His question was:

- (a) Whether Government have received the report of the Committee appointed to enquire into the closure of Bara Hindu Rao unit of the Delhi Cloth Mills;
- (b) if so, the decision taken by Government on this report; and
- (c) if not, the reason therefor?

In reply to that it was said—"Yes Sir. The report submitted by the Committee on 31.7.86 has been accepted by the Government."

When the Government has accepted the recommendation, what are other factors which prevent the Government to proceed further. It has been clearly stated in the committee report that permission to re-develop the area was given to the D.C.M. due to the connivance of some officials and some sort of bungling took place. I agree that the judicial matters were before the court. They

were in the High Court. Hence no decision could be taken on that part. But the Pradeep Committee clearly states that some officers indulged in bungling. If same bungling was done, why no action was taken against those officers. I would like to ask the Minister of Urban Development to let us know the reason which has been standing in the way of Government in taking action against those officials due to whose wrong act we are facing harassment in this House and efforts are being made to caste aspersions on our party.

Not only this, when the issue came before the High Court, had the DDA stated that the permission which was accorded by them stands cancelled keeping in view the Pradeep Committee report. Then certainly the High Court judgement would have gone against the closure. But the Pradeep Committee report was not submitted to the High Court. The High Court had also asked whether DDA would like to say that the continued functioning of the mill there is not an offence in accordance with the law. The D.D.A. and the Delhi Administration maintained silence in this regard. Now the High Court gave its verdict in favour of the petition of the D.C.M. management and the period of 90 days will expire on 27th August. But the Department of Land and Building of the D.D.A. is not paying any attention towards filing an appeal in the Supreme Court. It is apparent that a number of officers who had connivance with the D.C.M. management earlier and who had conspired to pass the resolution about according permission to re-develop the land use, are still in the effort that the conspiracy they had hatched may bear fruit and the D.C.M. management may earn Rs. 1200 crores by selling this land. Out of this amount, they want to pay only Rs. 8 crores to the workers. They will continue to have its ownership even after the sale of the land by giving the same on rent or in some other form and they will earn Rs. 1200 crores. I do not know whether workers are being consulted or not. I would like to know from the hon. Minister of Labour whether the opinion of ordinary workers have been sought in order to know their views on this matter or only views of leaders were taken

Most of the people signed it because they thought that the mill will definitely be closed. If the Government gives an assurance that they will not allow this mill to be closed, because future of other workers is also linked with this mill, then I can say with confidence that those people who have signed will withdraw and say that had signed owing to certain misunderstanding.

[*English*]

MR. DEPUTY SPEAKER: Put your questions.

[*Translation*]

SHRI HARISH RAWAT: Whatever I have said, it is in the question form only. I am of the view that it is the spirit which counts. It is the question of thousands of workers and that of our Government's policy. The D.C.M. management is bent upon challenging both the parties. Can we say with that much firmness that we will not allow the mill to be closed down whatever tactics the D.C.M. may adopt. Could we say that the Government will fulfil the assurances given by Shri Anjiah on 2.5.1985 in this House and other things said by Shri Ghafoor? With these words I conclude.

[*English*]

SHRI MULLAPPALLY RAMACHANDRAN (Cannanore): Sir, on May 2, 1985, this august House had the opportunity to discuss the same issue at length. Hon. Members Shri Suresh Kurup as well as Shri Harish Rawat had narrated the sequence of events leading to the present state of affairs prevailing in the Delhi Cloth Mills today.

As almost all the Hon. Members are aware, the Delhi Cloth Mills in one of the oldest textile mills in our country. It had a humble beginning; it had an investment of only Rs. 7 lakhs and now the DCM has grown into one of the ten most important business houses in the country.

I draw the attention of the hon. Minister to this issue because not only the life and the

future of more than 6,000 workers and their families are involved but the reported move for the closure is seen to constitute a precedent for several other industries throughout the country which are awaiting to follow suit. This closure will, no doubt, cause an inexplicable industrial as well as labour crisis throughout the country, and it will also contribute much to the unemployment situation which is already as serious menace rampant in the country.

Sir, I doubt, whether the question relating to the sequence of events regarding the closure of Delhi Textile Mills can be confined to Labour Ministry alone. Because several other Ministries are involved in this closure efforts, for example, the Ministry of Urban Development, the Ministry of Textiles and the Ministry of Industries. They are all involved in this reported attempt to close down the Delhi Cloth Mills. They are all equally involved in this. If the Government sincerely wish to sort out the problem and want to have an amicable solution for this burning issue, definitely, all these Ministries must come together and they must put their heads together and find out an amicable solution for this problem. Sir, intervening and responding to the supplementaries on the occasion of the last discussion, the late lamented Labour Minister Shri Anjiah as well as the then Works and Housing Minister Shri Abdul Gafoor had categorically made it clear that this matter had received the serious attention of the Government. Not only that. Mr. Anjiah went even to the extent of saying "this is a serious crime on the working class throughout the length and breadth of the country and definitely he would be paying serious attention to this aspect." Mr. Gafoor at a particular point, when somebody asked a question, said that "he was prepared even to ask the Textile Ministry to take over the industry if such eventuality comes."

Moreover, I want, to bring to the notice of the Hon. Deputy-Speaker and, through him, to the notice of the Hon. Minister, that Mr. Gafoor went to the extent of saying that DDA's activities had become a notorious affairs. DDA has become a Pandora's Box, which has been very clearly stated by Mr.

[Sh. Mullappally Ramachandran]
Harish Rawat just a few minutes ago. I don't want to go into details. Here what I want to ask is this.

Sir, it was on the basis of the discussions that had taken place two years ago in this august House that the Government decided to set up a Committee under the chairmanship of Shri R.L. Pradeep, who was then Joint Secretary of the Works and Housing Ministry. Although the report of the Committee revealed certain serious omissions and commissions on the part of the DDA and concerned authorities, it is painful to note that particular report has not been placed on the Table of the House nor the report has been produced before the court just to make the case against closure stronger.

From the report, it is apparent that the DDA and the DCM management has concluded to create an atmosphere which makes the closure of the mills inevitable. DCM management under the garb of shifting the mill, as per the master plan of Delhi, appears to have taken a deliberate stand and decision to close down the mill. By such arrangement, the management decided to reap huge profits running into crores from the commercial development of their land consisting of 64 acres at Bara hindu Rao which is located only 5 km away from Connaught Place. It is apparent that DDA has gone out of its way to permit commercial development of DCM land and to exempt it from the Urban Land Ceiling Regulation Act 1976. After going through the report, I don't understand why such an economically viable unit is going to be closed by the management.

Sir, it is reported that certain trade union leaders have entered into an agreement with the management to close down this industry. They have reportedly said that they have got handsome compensation from the management. But, I am strongly of the opinion that compared to the amount that the DCM mill is going to get out of this deal, the compensation offer is low. As Mr. Kurup and Mr. Rawat has said about Rs. 1000 crore profit will be made by the DCM of which only Rupees 7

crores compensation is going to be awarded to the poor labourers by the management. Under the circumstances, I would like to ask the Minister the following questions.

The Pradeep Committee Report, I understand, has been submitted. If it is submitted, when has it been submitted and whether a copy of the Report has been placed on the Table floor of the House? If so, what action has been taken on this particular Report?

What prevented the Government from producing the Report before the court of law in support of its case against the closure?

The attempted closure of the mill, the DCM, is because it is located in a seemingly non-conforming area as per the master plan of Delhi. Does the Government realise that the same fate may await all the other hundreds of industries and factories that are situated in the non-conforming areas? What does the Government intend to do about this?

I would like to know whether the Government has been able to determine which officials are involved in the DDA deal. If so, please name those officials and enlighten the House as to what action the Ministry is going to take against these erring officials.

May I know whether, in view of the involvement of the various Ministries such as Labour Ministry, Industry Ministry, Urban Development Ministry and also Textile Ministry, the Government will come forward to entrust the entire matter to the CBI to make a thorough probe into all the aspects of the case, so that the real culprits behind the drama could be brought to book?

I also want to know whether the Government have any plans in their mind to see that the mill is to be taken over by them.

DCM management is going to close down the mill. Whether the Government has got any plans to take over the mill or to nationalise it, as was assured by the late lamented Labcur Minister Shri Anjiah on the same floor.

I don't want to stretch my speech. Thousands of workers all over the country are looking to the Government for a concrete suggestion and of course, a decision in this matter. I hope the Minister will come out with certain proposals and also with suitable action so that the DCM is not closed down by the obstinate stand taken by the management.

SHRI I. RAMA RAI (Kasaragod): Mr. Deputy Speaker Sir, we are discussing this important question not from the point of view of one mill, but according to other speakers also, from the point of view of the future of the unemployed or the employed labourers of this country.

Our people are fighting now for the right to work as a fundamental right in the Constitution. At the end of 1985, 26.13 million people were seeking jobs through employment exchanges only. At the end of 1986, the figure has gone upto 29.85 million people. I can understand the magnitude and the mightiness of this problem being faced by this country.

Coming to Delhi, nearly 700 thousand unemployed people are there. Out of them 550 thousand people are educated unemployed. At this particular moment - others have talked about the mill, in detail, I am just pointing out of the general conditions of the present situation in the country - there is a strong feeling that the rich is getting richer and the poor is becoming poorer.

As far as these DDA authorities and other people are concerned, with the eruption of this conflict there is a feeling that some conspiracy has taken place behind the scene rather. As Mr. Ramachandran said, the Delhi Cloth Mills started as a humble beginning with Rs. 7 lakhs 97 years ago. Now they are worth crores of rupees. It was estimated to be nearly Rs. 1000 crores in 1985 discussion itself. Now it will be much more than that. The DCM finally came to an agreement in which they are very very magnanimous. They have given not only some usual benefits like 15 days wages as gratuity and statutory compensation but they

have also gone a step further by payment of additional compensation of full six years wages in lumpsum two years from the date of closure. Besides during those two years they will given an interest at the rate of 11 per cent on that amount in quarterly instalments.

Sir, we can understand the reason behind this offer. The total compensation will come to Rs. 70 crores only whereas the property is now worth more than Rs. 1000 crores. Again just going through the history of the problem and developments later on I would like to say that in 1966 the Master Plan was prepared by the DDA. Nobody touched this matter till 1981. In 1981 the Director of Industries comes to this particular problem and issues a notice that it should be closed under the Master Plan. As far as the Master Plan is concerned there is a pre-condition that first the management and the workers should come to an understanding. They must sign an agreement. Then only they can close the mill and the Master Plan can be implemented. With all these things the previous Labour Minister had given a lot of assurance on the Floor of the House but inspite of that the land was declared to be commercial one and so many other concessions were there.

Sir, this mill cannot be closed just under the pretext of the incident of Bhopal tragedy because it is not a hazardous industry. So it cannot be closed down. There are so many other reasons to prove that there is no possibility of closing down this mill by the way in which so many decisions have been taken in this regard whether it is against or for the management finally these measures prove to be for the benefit of the management. There is a saying in our village that even if a banana leaf falls on the thorn the leaf will be damaged or torn or if a thorn falls on the leaf again there will be same result. This is the theme which we can understand even if the judgement is given against the management. This is utilised in the final end by the management. They are able to get it done by the management to their benefit. The fate of the six thousand and odd people is lying in the final decision of the Delhi Administration.

[Sh. I Rama Rai]

The High Court has directed on 15th April 1985 to take all the evidences. About that committee's report, etc., I have not talked about. I hope all these matters will be considered in the interest of the Government as also the labourers. I expect the Government will be good enough to give all the evidence for the welfare of the labourers so that the interests of the six thousand and odd labourers are protected.

Then, I want to read a few sentences for the benefit of the Minister by his predecessor on May 20, 1985: It is not possible to implement the Master Plan immediately unless it is in the interest of the country to shift a mill. It is not to be shifted whether it is in the case of Bombay or in any other big city. If any probability of an accident like the Bhopal tragedy is there, then the shifting of that factory could be considered. But there is no such danger posed by this factory. This is not a factory which should be shifted from the safety point of view.

Sir, the mill-owners have created a strange situation. Now they are demanding that sick mills taken over by the National Textile Corporation should be given back to them. This is the phenomena all over the country. Already they have pointed out at Bombay and other places. We know how many mills were closed and the NTC took them over for running them profitably.

This will be an indication for every mill-owner to close down and dispose of the very valuable property in the heart of the city. You can understand that if a property is located in Connaught Place area, it will be measured in square feet. But here it is 63 acres of land. Similarly, in different towns and cities of this country, there will be many mills having valuable land not covered by the Urban Land Ceiling Act. The mills are functioning there. I hope that in the interest of the general labour class, the Hon'ble Minister will be kind enough to look into this matter. I am pointing out again that if the organised labourers are suffering, you can well imag-

ine the fate of the unorganised labourers in this country. Thank you, Sir.

SHRI P.A. SANGMA: Mr. Deputy Speaker, Sir, I am grateful to the Hon'ble Members who have brought an important issue before the House.

SHRI NARAYAN CHOUBEY: Please ask your colleague to speak something before you speak.

SHRI P.A. SANGMA: He will let you know. Sir, the issue before the House is about the steps that are being taken by the Government to avoid the attempt at closure. The fact is that the management of the DCM is making an attempt to close that mill. What the Hon'ble Members would like to know is the measures we are taking as a Government to avoid that closure. Sir, it is a very old story in the sense that this matter has been...

SHRI JAI PRAKASH: How to fulfil your assurance given in the Parliament?

SHRI P.A. SANGMA: There is no such assurance.

SHRI JAI PRAKASH AGARWAL: There is.

SHRI P.A. SANGMA: What assurance you are speaking about.

SHRI JAI PRAKASH AGGARWAL: The assurance was that this mill will not be closed.

SHRI P.A. SANGMA: What assurance you are speaking about so that I can answer.

SHRI JAI PRAKASH AGARWAL: It was in 1985.

(Interruptions)

SHRI NARAYAN CHOUBEY: The assurance was that the mill won't be closed.

SHRI P.A. SANGMA: Which part of the

proceeding you are referring to?

[English]

(Interruptions)

MR. DEPUTY SPEAKER: Please order.

SHRI SOMNATH CHATTERJEE (Bolpur): That was before Bofors, Sir.

SHRI SURESH KURUP: It was in May 1985.

SHRI P.A. SANGMA: Assuming there is an assurance, please let me answer.

SHRI NARAYAN CHOUBEY: Please don't deny the assurance.

SHRI HARISH RAWAT: That is on record. We can help you.

(Interruptions)

SHRI P.A. SANGMA: I am trying to understand only. Sir, the fact is that on 27-3-1985, the DCM applied to the Delhi Administration for permission to close the mill. The fact is that on 15-4-85, the Government (here the Government means the Delhi Administration) refused the permission to close down. It is a fact. How do you allege that the Government is doing it otherwise? Government has refused to grant the permission to close down. That is the position.

SHRI JAI PRAKASH AGARWAL: Before that, DDA gave the permission for re-development of the place.

[Translation]

SHRI NARAYAN CHOUBEY: Please reply to this also.

SHRI SOMNATH CHATTERJEE: They are Delhites. They have to give answer to their own people.

SHRI P.A. SANGMA: They belong to Delhi, very know everything.

Because the Delhi Administration had refused permission to close the Mill in public interest, the DCM management went to the High Court and the matter was before the Hon. High Court. The Hon. High Court of Delhi has passed a judgement on 3-8-1987 directing the Delhi Administration to review the order passed on 15-8-1985 whereby the Delhi Administration had refused permission to close down the Mill. The Delhi High Court has given a direction to the Delhi Administration to review its decision. The next hearing of the case is 21-9-1987. Before 21-9-1987 the Delhi Administration has to review the decision earlier taken on 15-8-1985 refusing the permission. I am informed by the Delhi Administration that they will hear the parties and after hearing the parties they will review the decision. It may be that on review of the decision they still feel that they are not in a position to give the permission. This can be one, or it can be otherwise, I do not know. But the fact is that the Delhi Administration has been directed to review its decision.

SHRI HARISH RAWAT: The Delhi Metropolitan Council has already passed a unanimous resolution asking the Government that this Mill should not be closed.

SHRI P.A. SANGMA: That is a separate issue.

SHRI HARISH RAWAT: Not a separate issue.

SHRI P.A. SANGMA: Shri Somanath Chatterjee will bear me out. He is an eminent lawyer in this country. I am stating the facts.

SHRI SOMNATH CHATTERJEE: It will help the Delhi Administration if they know the Labour Minister's views.

SHRI P.A. SANGMA: Am I wrong in stating the facts?

SHRI SOMNATH CHATTERJEE: Your views should be that it should not be closed down.

SHRI P.A. SANGMA: I am not giving my views now. I am giving the facts.

SHRI SOMNATH CHATTERJEE: Is it that there is no consultation with the appropriate authority. Is not consultation with the Labour Minister desirable?

SHRI P.A. SANGMA: This is the further development from what had been discussed in the House on 2nd May, 1985.

SHRI SOMNATH CHATTERJEE: Why did the Union Government not intervene in this matter and make your position clear?

SHRI INDRAJIT GUPTA (Basirhat): Why don't you appoint Shri Somnath Chatterjee on your behalf.

SHRI SOMNATH CHATTERJEE: And I will not charge any fee.

SHRI P.A. SANGMA: The question is connected with the closure of the mill. There are certain other things, like they have asked for exemption under the Urban Land Ceiling and Regulation act, 1976 which was permitted by the Delhi Administration. They had also asked for commercial development of the area of 63 acres of land which was allowed. This is a connected issue. This matter was raised in the last Calling Attention motion vehemently why it had been done and it must be enquired into. Both the then Minister for Urban Development, Shri Abdul Ghafoor and my predecessor, the late Shri Anjiah had assured the House that they would look into this and take necessary action. That was the assurance given by them.

SHRI JAI PRAKASH AGARWAL: The language is different.

14.00 hrs.

SHRI HARISH RAWAT: In both the cases can I read the language?

Regarding not permitting them for the closure of the mills, Shri Anjiah said,

" We had discussed it with the administration and with the Lieutenant Governor also. We have requested them that if the Management insist, Government should ignore it and initiate steps to take over the mill. Our Ministry will provide whatever help it is possible for us to give. We can run it by ceiling the land."

SHRI JAI PRAKASH AGARWAL: Yes, he has made categorically clear.

SHRI SOMNATH CHATTERJEE: That is why he has been dismissed from the Ministry.

SHRI P.A. SANGMA: You are going much beyond the scope of discussion. At the moment i.e. are discussing how to avert the closure. Who has given the permission to close? You accuse the Government that it has given the permission. I have told you that the permission was refused. The permission has been refused and now they have gone to the High Court. The matter is before the High Court, so we cannot do anything now.

[*Translation*]

SHRI HARISH RAWAT: The exemption was given under the Urban Land Ceiling Act. Why it was given? Secondly, permission was accorded to undertake commercial development. This has been accorded by a Government agency.....(*Interruptions*)

SHRI P.A. SANGMA: If you do not want to listen, what can I do?

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: What should we listen to? If you speak for the good of workers, then we will pay attention.

SHRI P.A. SANGMA: I listened to you patiently.

(Interruptions)

[English]

SHRI SURESH KURUP: Mr. Minister, the matter is before the High Court, I agree but what is the Government's opinion regarding the so called Agreement between the Unions and DCM Management which they have submitted to the High Court making Government a party?

SHRI P.A. SANGMA: I didn't want to answer at all on this point but since you have been quoting Mr. Anjiah, let me tell you what Mr. Anjiah said. This is from the same proceeding. He said that:

" Until an Agreement is reached between the workers and the Management, the question of shifting does not arise."

This is what he said. I am not depending on his statement but because you were asking, I just referred it.

I was submitting that in the particular Calling /attention Motion tabled by the same hon. Member, two issues came up. Why they had been permitted to convert a land into commercial use? Secondly, why exemption had been given under the Urban Land (Ceiling and Regulation) Act. These two specific questions were posed on that day and both, the Urban Development Minister and the Labour Minister assured the House that this matter shall be gone into, shall be inquired into and then necessary action will be taken.

SHRI SOMNATH CHATTERJEE: At what level?

MR. DEPUTY SPEAKER: At any level.

SHRI SOMNATH CHATTERJEE: Should it be at the Ministers' level?

SHRI P.A. SANGMA: They have already referred it in the speech. So, a committee is formed and Kurupji has already

quoted this. The Calling Attention was on 2nd May, 1985. The Committee was set up on 24-7-85. The report of the Committee was submitted to the Government on 31-7-86 and the Committee which hon. members have referred to has come out with the finding that both the orders, i.e. giving the DCM the land for commercial use and the exemption, were not in order. Government has accepted that it was not in order and, therefore, Government has revoked the order of 1-2-83 whereby they were permitted to convert the land into commercial land. So, Government is active.

SHRI HARISH RAWAT: And what about ceiling?

SHRI P.A. SANGMA: Unfortunately, again the DCM had gone to Delhi High Court and then says, no, the revocation of the resolution of 1-2-83 subsequently by the DDA was not in order; so the earlier resolution allowing them commercial use must be restored.

(Interruptions)

SHRI SURESH KURUP: Mr. Minister why did you not submit this report to the High Court which would have been an important document ?

[Translation]

SHRI JAI PRAKASH AGARWAL: The Government has been directed by the High Court to submit an affidavit stating that Government will not take any action against that mill. But the Government have not filed any such affidavit. Why so?

SHRI HARISH RAWAT: Government should say that the location of the mill in that area is not an offence and is not in violation of any law?

[English]

SHRI P.A. SANGMA: Sir, I respectfully submit that I do not have this information. My Ministry is not dealing with this issue. I have

[Sh. P. A. Sangma]
no information with regard to documents
submitted or affidavits filed and so on.

SHRI SURESH KURUP: Whose busi-
ness is this?

SHRI P.A. SANGMA: The Delhi Ad-
ministration is fighting this case. They have
not left it. They are aggrieved over the
judgment of the hon. Delhi High Court.

SHRI SOMNATH CHATTERJEE: Is it
Government of Shri Sangma or Govern-
ment of India?

SHRI P.A. SANGMA: Well, it is Govern-
ment of India. But every department has its
own functions. You eat with your mouth,
breath with your nose and hear through your
ears. Though they are parts of the same
body, they have their own individual func-
tions. No organ carries out functions of the
other. So also, individual Departments have
their own duties. But I have been assured by
the Delhi Administration. Necessary action
will be taken.

(Interruptions)

[*Translation*]

SHRI JAI PRAKASH AGARWAL: I
want to quote:

"The delegation had demanded that
the Government should file an affida-
vit in the court stating that if the
D.C.M. factory is shifted according to
the master plan, then no legal action
will be taken. The Ministry is silent in
this regard. D.D.A. has not submitted
the affidavit. That is how the decision
of the Delhi High Court has gone in
favour of D.C.M."

SHRI P.A. SANGMA: The matter is
sub-judice in the High Court.

SHRI HARISH RAWAT: If important
documents are not filed, then Government
will lose.

[*English*]

SHRI P.A. SANGMA: Government has
decided to appeal to the Supreme Court
against the decision of the Delhi High Court.
That has been decided. I wanted to confirm
this once again and even before coming to
the House, I enquired whenever they are
going to the Supreme Court. And I am as-
sured that they are going.

SHRI HARISH RAWAT: But only three
days are left.

SHRI P. A. SANGMA: I have faith in the
Delhi Administration. They will fulfil their
commitment. The whole matter is before the
court and we are trying our best to see that
the workers do not suffer and mills are not
unnecessarily closed. Steps are being taken
in this direction. Even on the closure issue,
the matter is before the High Court. In case
the High Court gives a judgment contrary to
the Delhi Administration's representation,
Delhi Administration can always go to the
Supreme Court.

As far as laying the report on the table of
the House is concerned, it is the concern of
the Urban Development Ministry. If they
think that it is necessary to lay the report on
the table of the House, they will place it on
the table of the House.

(Interruptions)

[*English*]

SHRI SURESH KURUP: Mr. Deputy
Speaker Sir... *(Interruptions)*

SHRI G.M. BANATWALA (Ponnani): I
come to the House after due notice. Let me
know as to what happened to my request for
giving priority to the discussion on commu-
nal disturbances. This is my only request.

MR. DEPUTY SPEAKER: There is
another thing....

SHRI G.M. BANATWALLA: What an-

other thing? every time, a vague reply is being given. I have moved the motion here. I am not told about the fate of my motion. Allow me to explain my position in just two minutes. I have asked for priority to be given to Item No. 17, namely, discussion on communal disturbances. Allow me to complete what I want to say, so that my confusion will be cleared. Then, you may proceed as you wish. In Punjab, when passengers were dragged out from the bus and shot dead, then immediately, within hours, that Government was dismissed and President's rule was imposed in that State. In Meerut, passengers belonging to a certain community were dragged out of the bus and killed in the most savage manner, unknown to the communal history of India. They were killed in the most savage manner. What are we asking for? we are asking for a priority for such matters to be discussed here and it is not being given.

Yesterday, the Speaker had agreed with us that we must eradicate this cancer of communalism and communal violence from here.

Yesterday, certain things had happened. The House got adjourned and the discussion could not proceed. Today, we understood and we were told that the entire day would be given for the discussion on the communal disturbances. But here we find that even after giving you proper notices under all sorts of rules and even after moving the Motion, when the Item No. 17 will be taken by the House that we have not been told.

(Interruptions)

SHRI G.M. BANATWALLA: Here I am on a serious matter. Are you not concerned with communal disturbances? You had your time. Now, let us make our submissions. Sometimes, you bring Bofors. Sometimes you bring something else. You don't allow us to make any submission. You please allow us to address you, Mr. Deputy Speaker.

MR. DEPUTY SPEAKER: Mr. Banat-

walla, I think, already, hon. Speaker has told you to consult the Minister.

SHRI G.M. BANATWALLA: What consultation? I have not been told anything in the matter. Let me have some assurance on that.

MR. DEPUTY SPEAKER: The Parliamentary Affairs Minister wants to say something.

SHRI G.M. BANATWALLA: About tomorrow also, I will explain the position. The Business Advisory Committee has said that, tomorrow, the entire discussion will be on Punjab and terrorism. It will be taken up tomorrow. So, once again we are nowhere.

MR. DEPUTY SPEAKER: Now, the hon. Minister wants to say something.

SHRI G.M. BANATWALLA: Let us have some assurance as to what will happen to this discussion. Otherwise, for another week, I find that the Agenda has been drawn up; the list of business has been drawn up; the recommendations of the Business Advisory Committee have been accepted and the whole matter lies in the air.....

SHRI EBRAHIM SULAIMAN SAIT (Planjeri): How long have to wait?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT): This discussion is taking place under Rule 193. We have already discussed the communal situation for one hour and twenty two minutes. Two hours have been allocated to all Rule 193 discussions.

SHRI G.M. BANATWALLA: You mean to say that, you want to give only two hours for this discussions on communal situation.

MR. DEPUTY SPEAKER: Mr. Banatwala, this is the rule which she is quoting. But you can extend it if you want. Why are you agitated?

SHRIMATI SHEILA DIKSHIT: You have had your say. May I please say something?

SHRI G.M. BANATWALLA: You say it categorically.

SHRIMATI SHEILA DIKSHIT: I am saying it categorically. You only allow me to say that. I am saying that we have already spent much time, just to put the record straight. You are saying that we are trying to scuttle this. We are not trying to scuttle this. There are two Bills which need be gone through very urgently. Therefore, we will go through those Bills quickly. We have just got a couple of hours left with us. Immediately, thereafter we will take up the communal situation. If it does not satisfy Members.....

SHRI G.M. BANATWALLA: Immediately, there are supplementary Demands for Grants.

SHRIMATI SHEILA DIKSHIT: With your permission, we can bring this forward. I am very much ready to do that. We will do that. We will make a formal resolution. I will agree with you. I will do that. Then we can take that up. If you want to continue it beyond two hours, you are most welcome to do so. *(Interruptions)*

You are not listening to what I am saying

(Interruptions)

SHRI G.M. BANATWALLA: By the time, dispose of your two Bills....

(Interruptions)

SHRI EBRAHIM SULAIMAN SAIT (Manjeri): Tomorrow.

SHRIMATI SHEILA DIKSHIT: Tomorrow also. I have not said that, you can't do it.

SHRI EBRAHIM SULAIMAN SAIT: There is a discussion on Punjab issue also.

SHRIMATI SHEILA DIKSHIT: We will take it up after that. We are willing. If you

would like us to sit here till 9 'o clock, we are ready. If you want us to come early in the morning at 9,0 clock, we have no objection whatsoever.

SHRI G.M. BANATWALLA: What we want to know is your proposal. When are you going to take it up?

SHRIMATI SHEILA DIKSHIT: We will take it up after these two Bills- National Security Act and Essential Commodities Act.

SHRIEBRAHIMSULAIMANSAIT: The Parliamentary Affairs Minister assure that for 2-3 days, we will discuss it.

SHRIMATI SHEILA DIKSHIT: You can discuss it for a week.

MR. DEPUTY SPEAKER: If you want, you can discuss it. Nobody is objecting. Why are you agitating so much?

SHRI G.M. BANATWALLA: Nobody objects. But look at the manner in which the list of business is prepared. In tomorrow's list which we have got, you just look at it...

MR. DEPUTY SPEAKER: Even tomorrow, I think if you want you can discuss the same thing, what you are telling. We have not strictly followed the agenda on many occasions.

SHRI G.M. BANATWALLA: In the list of business of tomorrow, there is another discussion on Punjab.

MR. DEPUTY SPEAKER: There are so many other things which have to come. Even if it comes and if you want to discuss it you can do so. Just like that many more things may come up in the agenda.

SHRI G.M. BANATWALLA: Give us an assurance.

MR. DEPUTY SPEAKER: If the House wants, you can discuss it. This much assurance, I can give you. I want to put it to you, Mr. Banatwalla. Listen to me. Suppose the

House finishes it within an hour, what can I do? If you alone want to go on discussing it, what can I do?

SHRI G.M. BANATWALLA: Put it on the top of the agenda.

MR. DEPUTY SPEAKER: That is all. If the House wants it, even for a month we can discuss it. That is all I can say.

SHRI G.M. BANATWALLA: The problem that will come up tomorrow is that tomorrow's List of Business gives precedence to other matters; and this matter will go down as the last item.

MR. DEPUTY SPEAKER: If you want, you can change it. Dont worry.

SHRI EBRAHIM SULAIMAN SAIT: We will discuss other matters for 2 or 3 days.

SHRI G.M. BANATWALLA: This is not the proper way to deal with the Motion about which proper notice has been given to you. We are not being given any categorical assurance whatsoever. There is already a view about the manner in which you are drawing up the List of Business. You have not understood the difficulty.

SHRIMATI SHEILA DIKSHIT: No, Sir. Mr. Banatwalla, Mr. Ebrahim Sulaiman Sait said that we would discuss other matters for 2 or 3 days. We have not said it.

SHRI G.M. BANATWALLA: Another 2 or 3 days? Yesterday it was there. Look at the List of Business for tomorrow also.

SHRIMATI SHEILA DIKSHIT: We have told you that after these two bills, namely, i.e. on National Security and Essential Commodities are passed, we will take up the communal situation.

SHRI G.M. BANATWALLA: If, even then, it is not completed, shall we have it as the first item tomorrow?

SHRIMATI SHEILA DIKSHIT: I cannot assure you about it.

SHRI G.M. BANATWALLA: That is the whole trouble. You are breaking up the whole thing into small, small bits. (*Interruptions*)

SHRIMATI SHEILA DIKSHIT: If the House decides that it will go beyond two hours, we will discuss it tomorrow. I will not promise it at this point of time i.e. whether it will be the first item.

SHRI G.M. BANATWALLA: I can only bring my point of view before you. I cannot give you the understanding, or the whole significance. You are breaking up the entire discussion into such small, small bits that it will lose the significance, and it will get scuttled.

MR. DEPUTY SPEAKER: Now Mr. Somnath Rath.

LOK PAL BILL

[*English*]

(1) Appointment of Members to the Joint Committee

SHRI SOMNATH RATH (Aska): I beg to move the following:

"That this House do recommend to Rajya Sabha that Rajya Sabha do appoint two members of Rajya Sabha to the Joint Committee on the Bill to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith in the vacancies caused by the retirement of Sarvashri Dipen Ghosh and P. Shiv Shanker from Rajya Sabha and do communicate to this House the names of the members so appointed by Rajya Sabha to the Joint Committee."

MR. DEPUTY SPEAKER: The question is: