

MR. CHAIRMAN: The question is:

"That clause 39 stand part of the Bill."

The motion was adopted.

Clause 39 was added to the Bill.

Clauses 40 to 45 were added to the Bill.

MR. CHAIRMAN: Now, I take up the Schedule, the Clause 1, the Enacting Formula and the Title together.

SHRI SAUGATA ROY: I have an amendment to Clause 1. I only wanted to change the name of the Bill from "Metro" to "Bhugarbha". When I suggested that, the Minister said that there is a danger of miscarriage. I think, an Indian name would be more suited to Indian conditions.

PROF. MADHU DANDAVATE: I said it in a lighter mood. The fact is that this Bill concerns the project which will be principally underground but a part of the project, in some cases, can also be overground. We cannot call it partly "Bhugarbha" and partly overground. Therefore, it is better let it remain as it is.

MR. CHAIRMAN: The question is:

"That the Schedule, Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

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

PROF. MADHU DANDAVATE: I move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

10.22 hrs.

INDIAN EXPLOSIVES (AMENDMENT) BILL

MR. CHAIRMAN: The House will now take up the consideration of the Indian Explosives (Amendment) Bill. Shri George Fernandes.

THE MINISTER OF INDUSTRY (SHRI GEORGE FERNANDES): Mr. Chairman, Sir. I move:

"That the Bill further to amend the Indian Explosive Act, 1884, be taken into consideration."

This is an amending Bill which is of a technical nature. The amendments that are sought to be moved to the Indian Explosives Act of 1884 are based on the recommendations of a committee that was appointed in September, 1966 to study the working of the Indian Explosives Act and the rules framed under it. The committee was expected to submit its report in three months' time. It was a departmental committee, multi-disciplinary, and was expected to submit its report in three months. It took a year and three months to finally submit its report. Therefore, the Government took about a year and four months to go through the report and come to certain conclusions. Then, an officer was appointed to draft the Bill. But this appointment took place four years and two months after the Government had considered the recommendations of the Committee. The officer himself took two years and three months to draft the Bill which is of a technical nature and is based on the recommendations of a committee which had been accepted by the Government. All this has taken about ten years. Between September, 1966 and towards the end of 1976, the draft Bill was got ready to amend the Act in the light of the recommendations

made by a committee which, of course, had called for an amendment on the basis of its recommendations. Since last October, we began to process the Bill and we have now this amending Bill which is before the House.

The Indian Explosives Act of 1884 itself is a piece of legislation which is primarily of a regulatory nature and, as its Title states, it is meant to regulate manufacture, possession, use, sale, transport and importation of explosives. This amendment has now become necessary because there has been a change in the explosive industry. In other words, when the Act was first passed in 1884, India was hardly manufacturing any explosives.

We were importing explosives from Britain and the Act at that time therefore was primarily concerned with the import and the storage of explosives. Sir, since then, there has been a radical change and in 1966, when this Committee was appointed the situation was that we were not only producing explosives but we were even exporting certain categories of explosives. But the Act did not provide for export of explosives. Then in regard to testing, in regard to various types of explosives that we have now begun to manufacture, the Act did not contain the provisions for it when it was enacted in 1884. The entire industry was at a certain stage of development. Since then there have been technical developments within the industry which have widened the total scope of the variety of explosives that are now manufactured. It is against that background that these amendments have been moved on the basis of the recommendations of the Committee and they are primarily concerned with the regulating, manufacturing, possession, sale, transport, import and export as also quality control, licensing of the manufacturers, licensing of those who are concerned with the storage, etc.

Some of the difficulties which the industry has been facing in the context of licensing also have been taken note and of these difficulties are sought to be removed through this amending Bill. The very fact that there is no amendment moved except one by one hon. Member that the Bill be circulated for the purpose of eliciting opinion thereon, the very fact that there are no other amendments moved is indicative of the fact that it is not a controversial Bill; it is primarily of a technical nature and I would therefore commend it for adoption by the House.

MR. CHAIRMAN: Mr. Ram Kishan who has given notice of his amendment is not present.

Motion moved:

"That the Bill further to amend the Indian Explosives Act, 1884, be taken into consideration."

Shri Ajitsinh Dabhi.

SHRI AJITSINH DABHI (Anand): Mr. Chairman, Sir, the Indian Explosives Act of 1884 was intended to ban, to restrict or to control the use of explosives in this country. The Act, I think, was amended some time in 1975 also. From 1974 onwards, some political parties and their leaders who now form the constitutions of Janata Party were spreading violence in the country and were openly advocating the use of explosives to overthrow the Government established by law. Mr. Chairman, you are aware that in those days several persons who are now in authority in the Janata Party and the Janata Government were busy in collecting explosives like dynamites and others. They were using these dynamites to damage or sabotage the bridges on roads and railways, and they had been successful in subverting the means of communication in the whole of the country, thereby paralyzing the administration of the government in this country.

SHRI GEORGE FERNANDES:
When was that?

SHRI AJITSINH DABHI: That was in 1974. This trend had been going on from 1973 onwards. One of the Ministers of the Cabinet of the present Central Government has been reported to have boasted of having himself sabotaged some 52 bridges on the railways during the Emergency. It was for this reason that the then Government, the Congress Government, was thinking of bringing an amendment—to cope up with the use of explosives to achieve political goals.

The hon. Minister in charge of this Bill regarding explosives had himself been prosecuted for collecting and using explosives for sabotaging various means of communication in this country. It was alleged by the prosecution that the aim was to paralyse the administration of the government and to overthrow the government established by law. It is in this country that political leaders having no faith in the ballot box and who openly advocated use of explosives and violence to change the existing government, are allowed to describe themselves to be the followers of Mahatma Gandhi, the apostle of non-violence. It is only in this country that a political party goes on declaring that they will not promote defections and yet at the same time fills its rank and file with defectors.

The hon. Minister in charge of this Bill, Shri George Fernandes, has many qualities in himself: he is an honest man, he is a steadfast man, he is known for his self-righteousness. But, I think, he has no moral right to introduce and move this Bill regarding explosives. I think, the House will agree with me in this. We have often seen this hon. Minister referring to and profusely quoting from the books of Mahatma Gandhi. He can have no moral right to introduce and get this Bill passed. Even after the hon. Minister in charge of this

Bill had taken oath before the Samadhi of Mahatma Gandhi, the apostle of non-violence, in March 1977 and in spite of his being a responsible member of the Cabinet of the Janata Government, he had stated in Mangalore last year that, 'even today', he will not hesitate to resort to violence to overthrow an authoritarian government.

This country knows only one method of democracy, and that is the ballot-box. Therefore, I submit that the Hon. Minister has no moral right to introduce and pilot this Bill. I use these words 'moral right' deliberately because several Members of the Janata Party sitting on the Treasury Benches state *ad nauseam*, here in the House and outside the House, that the Congress Party has no moral right to do a particular thing or say a particular thing, that Indira Gandhi has no moral right to say a particular thing or has no moral right to do a particular thing. Therefore, I say that the Hon. Minister has no moral right to pilot this Bill and I would request, if my voice goes to the Hon. Prime Minister, that he may give the charge of piloting this Bill to some other Minister—probably the Minister or state or some Deputy Minister.

The Bill speaks of licences to be taken by persons using explosives. I was seriously thinking of making a suggestion that some provision should be made in this Act to the effect that persons like the Hon. Minister Mr. George Fernandes, Shri G. K. Reddi and his other associates, the so-called apostles of democracy, should be declared to have permanent licences to use explosives.

If you look to the definition of 'explosive' as it stood in the Act un-amended, the original definition contained the word 'dynamite'. But now, if you look to the amended Bill which is being brought forward by the Hon. Minister Mr. George Fernandes, you

will find that in the definition of 'explosive' the word 'dynamite' has been dropped. No particular reason is given for dropping this word 'dynamite' from the definition of the word 'explosive'. It may be that, because of his much obsessed association with dynamite or because he had been involved in a case which is known as the 'Baroda Dynamite Case' the Hon. Minister has an anathema for this word 'dynamite'. Of course, the Government and the Hon. Minister owe it to this House to explain why this particular word 'dynamite' has been deleted from the definition of the word 'explosive'.

The former Home Minister Mr. Charan Singh had prepared a powerful explosive. The name of this explosive is 'corruption allegations against the Prime Minister of this country'. The ex-Home Minister has thrown... (Interruptions).

SHRI GEORGE FERNANDES: Sir, the Hon. Member is within his rights to attack me, but I totally object to his bringing in the Prime Minister, or anything that anybody has said about the Prime Minister, during this discussion on the Bill on explosives. (Interruptions). I must go on record as having registered my emphatic protest. (Interruptions).

SHRI AJITSINH DABHI: An explosive has been thrown by the former Minister on the Janata Party and the Janata Government....

SHRI GEORGE FERNANDES: I would request that the Hon. Member may be asked to speak on the Bill and not on the Prime Minister.

MR. CHAIRMAN: You are requested not to say things which are not relevant to the Bill. Why should you say all this?

श्री सुदेव चिकन (गढ़वालीपुर):
प्रोसेसिंग प्रोसेसिंग शब्द को निकाल
दीजिए।

MR. CHAIRMAN: I have requested him not to say irrelevant things.

SHRI AJITSINH DABHI: I was saying that this most powerful explosive has been thrown by the ex-Home Minister on the Janata Government and it has exploded so devastatingly that its rumblings have reached every nook and corner of this country and these rumblings in the air will not die down until the exit of the Prime Minister, unless this Government... .

MR. CHAIRMAN: How is this relevant? How are you concerned with the Prime Minister here?

SHRI GEORGE FERNANDES: Where is the Prime Minister coming here? (Interruptions).

SHRI AJITSINH DABHI:.... unless the Government, unless the Members of this Government who proclaim themselves to be the follows of Gandhiji... .

MR. CHAIRMAN: How is that concerned with this Bill?

SHRI AJITSINH DABHI:.. are a hopical bunch of politicians. I submit that this particular Bill has been brought forward in a very opportune time when this particular powerful explosive has exploded the Janata Government. With these words I support the Bill.... (Interruptions).

MR. CHAIRMAN: Very irrelevant.

श्री सुदेव चिकन कृष्णाच (उज्जैन):
समापति जी, मैं आप से निवेदन करना चाहता हूँ। जो माननीय सदस्य अभी इस विवेक पर बोले हैं, उन्होंने कुछ ऐसी बात कही है जिन्का विवेक से कोई सम्बन्ध नहीं है। इसलिए मेरा आप से निवेदन है कि जो सब विवेक से सम्बन्ध नहीं रखता है, उस सम्बन्ध को आप नकारवाही से निकाल दीजिए।

समापति महोदय : यह ता उनका अपनी विज्ञो की बात है। इतने कुछ बिल्कुल इरलेवेन्ट था।

डा० रामबा सिंह।

डा० रामबा सिंह (भागलपुर) : समापति महोदय, भारतिय विस्कोटक संसोवन बिल आज हमारे सामने है। यह वस्तुतः ब्रिटिश राज के उतारने का जो 1884 का इंडियन एक्स्पोजिचर ऐक्ट है, उसी का संशोधन है। वह ऐक्ट 1875 के ऐक्ट के पैटर्न पर बना था। इसलिए इस ऐक्ट का संशोधन करना बहुत आवश्यक था। बास कर के इस कारण से भी इसका संशोधन करना जरूरी था कि वर्तमान युग में एक्स्पोजिचर, विस्कोटक पदायों की परिभाषा बदल रही है। जो वस्तुएं पहले विस्कोटक नहीं मानी जाती थीं, वे अब विस्कोटक मानी जान लगी हैं। इस लिए इस ऐक्ट का संशोधन होना आवश्यक है।

एक माननीय संसद सदस्य ने अभी कुछ बातें इस सदन में रखी हैं। उसके संदर्भ में जाने की आवश्यकता नहीं है। उन का स्वर को हृदय में लगता होगा कि उनकी बातें निरर्थक हैं। हमारे उद्योग मंत्रों, श्री जार्ज फर्निहिल्ट जा जो यह बिल लाये हैं, उनकी ओर इंगित करते हुए उन्होंने डायनामाइट का नाम लिखा और कहा कि डायनामाइट जो एक विस्कोटक पदार्थ है। डायनामाइट केस के दूसरे सज्जन श्री सी० के० जो० रेहो ने जो कुछ कहा है उसको मैं आपके सामने रखना चाहता हूँ। उन्होंने कहा है—

"Those who have questioned the propriety appear to be concern over the rule of law and independence of the judiciary. Those of us who suffered precisely because of our concern over the disappearance of all rights of the people think it comical that the criticism of the

Government in withdrawing the case came from the people who, if they did not directly collaborate with the dictatorship, were silent spectators to the most flagrant abuse of power".

उसी समय हमारे उद्योग मंत्री का जो कथन है और जो ऐतिहासिक कथन है मैं चाहता हूँ कि उसको यह सदन सुन ले। उन्होंने कहा था :

"My conscience and sensibility could not tolerate the rape of our people and our country. And I believed as I believe now, that my future, my comfort, and my health—even my life—were not worth anything, if what had been done to the country and our people were not righted, and the woman who had established herself as the queen with greater powers than any despot in history was not removed. To this task I addressed myself and if the dictator and her minions wish to punish me, or even take my life, I am prepared, and will consider my privilege to suffer for what I am convinced as the fight for the liberty of our people."

इन्होंने गांधी की हिंसा और अहिंसा की बातों की है। गांधी जी ने कहा था कि हिंसा और अहिंसा में भगले चुनाव करना हो तो मैं अहिंसा को चुनूंगा लेकिन जब हिंसा और कायरता के बीच में चुनाव करना होगा तो मैं हिंसा को चुनूंगा। उन के शब्द ये हैं :

"Violence is better than cowardice".

मैं समझता हूँ कि जिस समय भारतवर्ष की स्वतंत्रता कपी झोपड़ी का पीर हूँप हो रहा था तो जो चुप और शांत रह कर सहन कर रहे थे वे अहिंसा के पुजारी नहीं बल्कि कायरता के पुजारी थे। इसीलिए यह बड़े गौरव का विषय है कि हमारे क्रांतिकारी मंत्री ने विस्कोटक की परिभाषा को विज्ञान के संदर्भ में उपस्थित किया है।

हमें मालूम ही है कि 26 सितम्बर, 1966 को भारत सरकार से ए०के० राय की अध्यक्षता में एक समिति बनाई थी जिसने विस्फोटक के सम्बन्ध में विचार किया था। उस ने कुछ अपनी सिफारिशों भी की थीं। इन सिफारिशों को इस संशोधन विधेयक को उपस्थित करते समय ध्यान में रखा गया है और तभी इंडियन एकस्प्लोसिव ऐक्ट 1884 का संशोधन किया जा रहा है।

इसके तीन खास उद्देश्य हैं। पहला यह है कि विस्फोटक की परिभाषा को प्राथमिक और वैज्ञानिक युग के संदर्भ में उपस्थित किया जाए। बाइसराय के समय में जो लैजिस्लेटिव ऐक्ट बना था उस बिल को उपस्थित करते समय यह कहा गया था:

"When I introduced this Bill last year, I explained that it was based on the English Explosives Act, 1875 but much shorter and simpler in its details."

यह 1875 की बात है। आज वह लागू नहीं हो सकती है। इसीलिए विस्फोटक से अभिप्रेत न केवल कार्बुड है बल्कि नाइट्रो-गिलरुरीन, नाइट्रो-गिलकोल, गनफाटन आदि आदि सब चीजें हैं। इसका मतलब यह है कि अगर यह संशोधन न किया जाए तो विस्फोटकों के अन्तर्गत बहुत सी चीजें शामिल होने से रूढ़ जाएंगी। आप देखें कि बंगाल और बिहार की क्रांतिकारी भरती है। वहाँ इस प्रकार के विस्फोटकों का साम्राज्य है। तरुण तरुण के विस्फोटक वहाँ पाए जाते हैं। अब तक इन पर नियंत्रण नहीं किया जाएगा अब तक इन विस्फोटकों से जुझना आसान नहीं होगा। जिस हिसा की बात

हमारे आगनीय मित्र ने कही है उस हिसा पर भी तभी नियंत्रण पाया जा सकता है। इसलिए इस विस्फोटक विधेयक का प्रबन्ध उद्देश्य बहुत स्पष्ट है।

दूसरा उद्देश्य अखिलियम के अधीन ही गई अनुज्ञापितियों की शर्तों में परिवर्तन या अनुज्ञापित के निस्सम्बन्ध और प्रति-संहरण और अनुज्ञापन प्राधिकारी के प्रादेशों के विस्तार अधीनों का उपबन्ध करना है। स्पष्ट और साफ बात है कि इस के सम्बन्ध में भी सरकार को सोचना होगा कि किस तरह से इसका हम नियंत्रण करें और कैसे हम इसको कंट्रोल करें।

सभापति महोदय, जैसा हमारे यंत्रों जो ने बताया है इसमें कोई बहुत वैचारिक मतभेद का यह बिल नहीं है, केवल रैगुलेंटरी है, कुल नियंत्रण करने का है। इसलिए मैं समझता हूँ कि सदन को एक मत से इस बिल का समर्थन करना चाहिए और जो हमारे मित्र कुछ राजनीतिक लाभ लेने की कोशिश करते हैं जिसका अर्थसर जनता सरकार ने दिया है अगर वह कुछ डाइनामाइट कांड पर कुछ विवाद भी करना चाहते हैं तो आप की काफी अर्थसर ह सदन में भी और बाहर भी, लेकिन अर्थसर की बात करना कितनी सदाशयता है बुद्धिमत्ता है यह आप सोचेंगे।

श्री सुनील शंभू (कांगड़ा): सभापति जी, जिस बिल पर चर्चा चल रही है हमारे विरोध पक्ष में बैठे हुए साथी ने इस बिल को कुछ और रंगत देने की कोशिश की, लेकिन मैं उनसे जानना चाहूँगा कि बिल में जो कुछ कलासेज इनकॉरपोरेटेड हैं क्या आपने जो कहा वह उससे संबंधित है? नहीं है। लेकिन मुझे हमारे यंत्रों जी पर, जो डाइनामिक संबंध हैं, दूसरे तरीके से संशोधन किया जो कि ठीक नहीं है। इस सदन की एक प्रतिभा है, हम कितने ही पार्लियामेंटोरियन हो,

[श्री दुर्गा चंद]

लेकिन एक सोमा के अन्दर हमें बात करनी चाहिए और अलग-अलग बात नहीं करनी चाहिए। मैं कहना चाहता हूँ मंत्री जी से कि इस बिल को ला कर आपने जो इसमें कमप्लिकेशन्स थीं पुराने बिल में उनको हूर करने की कोशिश की है। इंडियन ऐक्सप्लोसिव्स ऐक्ट 1884 में प्रोबेजों के बकत में पास हुआ था और उस बकत लाइसेंसिंग और मैनुफैक्चर बड़ा लिमिटेड और कंट्रोल था। लेकिन प्राजादी के बाद क्योंकि हमारे देश में प्रगति के काम शुरू हुए और ऐक्सप्लोसिव्स कंस्ट्रक्शन और प्रोप्रेसिब कामों के लिए इस्तेमाल होने लगे तो इसकी लाइसेंसिंग का नां पेटर्न था उसमें भी संशोधन को जरूरत थी और विस्तार में भी इसकी जरूरत थी। मैं मंत्री जी से कहना चाहता हूँ कि इसमें कोई शक नहीं है कि प्राज भी ऐक्सप्लोसिव का जो प्रोडक्शन है वह कन्स्ट्रुटेड है कई जगहों में कई स्टेट्स में प्रगति के कामों में जैसे पहाड़ों में सड़कें बनाने के काम में इनका इस्तेमाल किया जाता है तो हैदराबाद में कारखाना लगा हुआ है वहाँ से हमको लाना पड़ता है। अगर आप इसके प्रोडक्शन को डीसेन्ट्रलाइज करना चाहते हैं तो यह भी देखना चाहिए कि प्राज कल यह पब्लिक सेक्टर में तो बनता नहीं है, बल्कि प्राइवेट सेक्टर में बहुत ज्यादा बनता है, इसलिए सरकार को पब्लिक सेक्टर में भी इसको बनाने के लिए कारखाना लगाना चाहिए ताकि कंस्ट्रक्शन के काम में या प्रोप्रेसिब सेजर्स के लिए आसानी से और सस्ते दाम में यह हासिल हो सके। जहाँ आपने इसको क्लाज 4 में डिफाइन किया है वहाँ कहा है कि कौन कौन सी स्पेशीज ऐक्सप्लोसिव में आ जाती हैं। मैं मंत्री जी से कहना चाहता हूँ कि फायर वर्क्स जो हैं इसमें भी ऐक्सप्लोसिव इस्तेमाल होता है। जो ऐक्सप्लोसिव बेचने वाले या बनाने वाले जो आपका लाइसेंस का पैटर्न है, वह देते हैं लेकिन ऐक्सप्लोसिव से जो चीजें बनाई जाती हैं, उनका कंट्रोल करने के लिए आपका कोई

इन्टराम नहीं है। हर साल बीबीबी के दिन या दूसरे बीबीबी पर, सारी के मर्क पर और दूसरी बीबीबी में यह इस्तेमाल होता है, घातक-बाजी होता है और उसमें कई मीतें भी हो जाती हैं। लेकिन इसका कंट्रोल और इस्तेमाल ठीक नहीं है। इस तरफ भी मंत्री महोदय को ध्यान देने का आवश्यकता है।

इस के संकशन 6 में ऐक्सप्लोसिव के इम्पोर्ट और एक्सपोर्ट के बारे में वर्णन दिया गया है, जिसमें मैनुफैक्चरर और लाइसेंस होल्डर को सुविधा देने का बात कही गई है, हम उसका भी स्वगत करते हैं।

सेकशन 6 में जो यह है, यह मुझे थोड़ा हार्म लगता है—

Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of opinion that it will not be in the public interest to furnish such statement.

इसमें नीचे वाला मुझे थोड़ा हार्म लगता है। जिन रीजन का बजह स रिफ्यूज हुआ है उसका स्टेटमेंट दे देना चाहिये ताकि वह अपील कर सके। एक तो यह बलाज इसमें हार्म है।

दूसरे इसके सेकशन 6 का जो प्राइंटज 8 है, इस में है—

The Central Government may, by order in the Official Gazette, suspend or revoke, or direct any licensing authority to suspend or revoke, all or any licences granted under this Act throughout India or any part thereof.

यह ठीक है, इसमें गवर्नमेंट द्वारा इंडिया को अधिकार तो होना चाहिये, लेकिन जिसका लाइसेंस सस्पेंड होता है, रिवोक होता है, उसकी कम-से-कम हॉयोरिंग तो होनी चाहिये, मीका मिलना चाहिये कि

क्यों लाइसेंस रिबोक किया था रहा है, लाइसेंस किस का रहा है ।

पेनल्टी के संबंधमें 13 के 9 (बी) में जो सजा रखी है, वह बहुत ज्यादा रखी है कि 5 हफ्ता तक जुर्माना और 3 साल की कैद । मैं मंत्री महोदय से कहूंगा कि यह सजा इतनी ज्यादा नहीं रखनी चाहिए ।

बैस इस सारे बिल का जो मंजा और प्रीवेंचर्स हैं, वह बड़े अच्छे हैं । मैं समझता हूँ कि एक्सप्लोसिव की मैन्युफैक्चरिंग को और लाइसेंस की रजिस्ट्रेशन किया गया है । मैं मंत्री महोदय का बहुत शुक्रगुजार हूँ कि वह बहुत अच्छा कानून लाये हैं, जिसका सारा सदन स्वागत करेगा ।

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram): Mr. Chairman, Sir, I rise to support the Bill which the hon. Minister has presented to the House.

At the outset I would like to confess that my knowledge of explosives is no comparison the knowledge which the Hon. Minister has got about explosives. But nevertheless I would like to say a few things so far as this Bill is concerned.

Sir, this Bill was introduced in 1884, that is, almost 100 years back. The policy of the Britishers was different with respect to explosives in this country. I would have been happier if the hon. Minister had come forward with a more comprehensive Bill instead of amending the existing Bill.

Since nitro-glycerine was invented by Nobel over 100 years ago, lot of developments have taken place in the field of explosives. Much industrial progress has taken place. It is inevitable that the manufacture of explosives should also be increased in proportion to our requirements.

11.00 hrs.

Mr. Chairman, Sir, so far very few factories were manufacturing explosives—Detonators India Ltd., Hyderabad and the Indian Explosives Ltd., which is coming up and of course, I.C.I. (Indian Chemical Industries) which was made into the Indian Explosives Ltd., is there. I do not understand how such a vital industry could be controlled by the multi-nationals. The Minister is aware of the fact. There was a strike very recently in the Gomia factory. Even the coalmines had to be closed for several days. This is a very vital industry. The explosives are now going to be made use of for building up roads, for digging up wells and for several other purposes.

I appeal to the hon. minister to consider the urgency of it. Industries like this should not be allowed to be controlled by foreign interests. Apart from that, the companies which are manufacturing detonators are only the Indian Detonators at Hyderabad and the I.E.L. These should be expanded. The requirement of the explosives has become more and more in our country.

17.02 hrs.

(SHRIMATI PARVATHI KRISHNAN in the Chair).

Another point that I would like to stress is this. So far as workers working in the explosives factories are concerned, they come under the Factories Act. I do not think the Factories Act is enough to safeguard the interests of the workers working in these explosive factories where the conditions are more dangerous and the workers are exposed to a lot of other physical hazards. Therefore, I feel that while bringing in this amending Bill, he should have brought forward certain clauses in the Bill to safeguard the interests of the workers working in the explosives factories. That has not been done. I would, therefore, appeal to the hon.

[Shri V. Kishore Chandra "E. Deo]

Minister to see that this is done without any further delay. This is very important matter which has to be considered. With these few words, I welcome this Bill and I conclude my speech.

MR. CHAIRMAN: Shri R. L. P. Verma. Be brief like the other colleague

श्री रीतलाल प्रताप वर्मा (कोबरमा):
समापति महोदय, मैं उद्योग मंत्री द्वारा रखे गये इस बिल का समर्थन करने के लिए खड़ा हुआ हूँ। यूँ तो इस बिल के संघर्ष रिडो प्रालोचना को गुंजायश नहीं है, क्योंकि यह धन में प्रायः पूर्ण है। मूल कानून 106 बरस पहले बना था और आज की परिस्थितियों को देखते हुए इस में बहुत परिवर्तन किया गया है। उस समय पूरे देश में एकसज्जोसिब्ब की निर्माता केवल एक या दो कम्पनियाँ थीं। लेकिन आज विस्फोटक बनाने वाली कई कम्पनियाँ हैं और उसका निर्माण छोटे छोटे उद्योगों को तरह हो रहा है। इस लिए विस्फोटक के निर्माण, संचयन, बिक्री, परिवहन और प्रनुमति आदि के बारे में एक नये परिश्रेष्य में विचार करना आवश्यक था। इस दृष्टिकोण से इस बिल में जो व्याख्या, परिभाषा और प्रावधान किये गये हैं, वे बहुत ही उपयुक्त हैं।

लेकिन इस संदर्भ में मैं यह कहना चाहता हूँ कि आज एकसज्जोसिब्ब के लाइसेंसधारी कम्पनी कम्पनी एकसज्जोसिब्ब को काला बाजार की तरह रखते हैं, जिस के कारण कोयला खानों और अन्नक खानों, जहाँ इन का प्रयोग होता है, कभी कभी संकट में पड़ जाती हैं। मैं उस क्षेत्र से आता हूँ, जहाँ अन्नक और कोयले को खानों है। हम ने देखा है कि विस्फोटक की उचित आपूर्ति नहीं हो पाता है, जिससे वहाँ काम बंद हो जाता है। अगर कोयले की खानों में काम बन्द हो जाये, तो उसका प्रभाव

सारे देश में फैल जाता है—रेल, इन्स्ट्रु और ऊर्जा का काम बंद हो जाता है। इसलिए अनुमति देने के सम्बन्ध में यह प्रावधान भी रखना चाहिए कि जहाँ विस्फोटकों का प्रयोग होता है, वहाँ उचित आपूर्ति होनी चाहिए।

ऐसा होता है कि बहुत से लोग जिन को इस की जरूरत होती है उन को एकसज्जोसिब्ब नहीं मिलता जिस से कि बहुत सी खानें बन्द हो जाती हैं और हजारों मजदूर बेकार हो जाते हैं। ऐसी बहुत सी कठिनाइयाँ हो जाती हैं। यों तो आजकल पलीते और कितने ही तरह के विस्फोटक लोग आसानी से बनाने लगे हैं और हिसा में भी इसका प्रयोग करते हैं। बोरी डकती आजकल आम बात हो गई हैं। उन में भी कई जगह इस तरह का विस्फोट हो जाता है। ऐसी परिस्थिति में भी जो अधिकारी हैं उन को देखना चाहिए और जो पकड़े जायें उन को कड़ी सजा मिलनी चाहिए न कि यह साधारण विस्फोट है और यह होता ही रहता है, इस तरह से इस को लिया जाना चाहिए।

इस में पहले तीन महीने की सजा और पांच सौ रुपये का जुर्माना था, उसको बढ़ा कर, अधिक से अधिक करना चाहिए और इसकी कामिनेषनल आफिस में रखना चाहिए ताकि उस को कड़ी से कड़ी सजा मिल सके।

इस संदर्भ में मैं यह भी कहना चाहूँगा कि 1966 में जो कमेटी बनी थी
(अवधान)

मैं विशेष नहीं कहना चाहता और आप समय भी नहीं दे रही हैं . . . (अवधान)

MR. CHAIRMAN: This does not come within the Bill. You should confine your speech to the Bill.

की सीमाएँ प्रकृत वर्ण : इस संबंध में मैं मंत्र महोदय से यह प्रार्थना करना चाहूँगा कि जो ज़रूरी अंशिक बदलते हैं उनको एक्सप्लोसिव्स की सप्लाय ठीक तरह से हो सके इसका प्रबन्ध होना चाहिए और वहाँ पर जो एक्सप्लोसिव्स के सप्लायमेंट हैं उन के ऊपर जिस तरह से कड़ाई हो सके और जिससे ठीक के रेगुलर सप्लाय कर सकें उसका भी प्रावधान उस में डालना चाहिए। अगर वह सप्लाय नहीं करते हैं तो उन का लाइसेंस रद्द करना चाहिए और उन पर आर्थिक दण्ड और भी कड़ा करना चाहिए ताकि देश के उत्पादन में कमी न हो सके। मैं इतनी ही बातों के साथ इस बिल का समर्थन करता हूँ।

SHRI A. K. ROY (Dhanbad): Madam Chairman, the scope of the Bill as explained by our Minister is limited.

MR. CHAIRMAN: So, your speech should also be limited.

SHRI A. K. ROY: I want to express my disappointment. We expected something more fundamental and something more promising from this Bill.

Madam Chairman, you know the history of explosives in this country is not so limited as our hon'ble Minister has said. India used to produce explosives when the Britishers never knew about it. The practice of explosives has gone from East to West and not come from West to East. Somehow or the other the events took a different turn and after the first war of independence the Britishers made this law more to regulate, restrict and supervise the use of the explosives than to promote or treat it as an industry.

The hon'ble Minister has said that this Bill is an off-shoot of the recommendations of a Committee of 1967. On this account also I disagree with

the Minister because that Committee made suggestions on three points, namely: (1) to fit a hundred years' old law to the present context; (2) standardisation, that is, to specify the standards of explosives; and (3) to have a comparative study of the rules and laws prevalent in other countries. Madam Chairman, the whole Bill does not make it clear how it is going to specify standards of explosives and its use and how it is going to bring the rules at par with the international rules and laws prevalent on the explosives.

In this connection, I may submit that this Bill is the outcome of a craftsmanship of 10 years.

MR. CHAIRMAN: Please conclude.

SHRI A. K. ROY: This is not a comprehensive Bill.

When all our industry can continue without this bill for the last ten years, I think it could have continued a few more years. Madam Chairman, sometime back, you know, there was a strike at Gomia and we felt at that time how we were handicapped at the hands of the multinationals on the issue of explosives manufacture because the entire coal industry, mining industry and other industries were at peril.

MR. CHAIRMAN: The time allotted to the Bill is nearly over. Everybody has spoken on this Bill for two or three minutes. Please conclude.

SHRI A. K. ROY: We expect that after this type of technical bills, you will come forward with some comprehensive Bill which will give us hope to have some explosive factories in our public sector and curb the influence and monopoly of the multinationals.

THE MINISTER OF INDUSTRY (SHRI GEORGE FERNANDES): Comrade Chairperson, as I said in the introductory remarks, this is pri-

[Shri George Fernandes]

merely a Bill that is concerned with certain technical aspects of the manufacture, storage transport etc. of explosives. As Mr. Roy pointed out, this Bill stems from the recommendations of the Committee and said so earlier while commending this Bill. That Committee did make a number of recommendations. This Bill takes care of those recommendations which pertain to the Act itself. The recommendations also pertain to the rules and the rules take care of a number of matters pertaining to the storage, to the transport, to the safety requirements, etc. Then where the recommendations regarding standardisation and specifications are concerned, this does not come within the ambit of the law. They are matters with which the Indian Standards Institution is concerned and on the basis of the recommendations made by this Committee, the Indian Standards Institution has taken the job in hand of standardising the various specifications in regard to the explosives. Similarly, so far as the research is concerned, this is a matter which pertains to the research laboratories and steps have been taken to see that basic research work in regard to explosives is taken in hand. Therefore, if Mr. Roy feels that the Bill is not revolutionary in character in the sense that it does not concern itself with various other aspects other than the regulatory aspect, it is because the Bill itself is concerned with the aspect of explosives, not with research, standardisation and specifications for which there are other institutional arrangements and the recommendations made by this Committee are being dealt with by the concerned institutions.

An important point has been raised by almost all the speakers about the manufacture and the overall availability of explosives in the country—a very valid point. But I must say that certain amount of inadequate information was obviously made available to the hon. Members. It is true that there is a multinational

company today which is a better known company for the manufacture of explosives. But it is not only the multinational that is existing today in this field. We have public sector institutions also. The I.D.L. in Hyderabad has today a licenced capacity of 30,000 tonnes and its installed capacity is 22,500 tonnes. Last year it produced 15,630 tons explosives against 31,000 tonnes produced by the Indian Explosives, a multi national, of Gomia. We have also one more public undertaking, Indo Burma Petroleum, whose licenced capacity is 20,000 tonnes and installed capacity is 5,000 tonnes. We have taken steps to see that IBP expands its installed capacity and is able to come up much faster than planned earlier. Coal India have also been licenced to produce explosives. Rajasthan State Industrial Mineral Development Corporation in collaboration with IDL have also entered this industry and therefore we have now adequate capacity that is being built within the public sector. In the light of the recent developments when we really ran into serious trouble, when we were faced with serious problems about the availability of explosives we have taken further steps to see that both the licenced and the installed capacities of the public sector are expanded and our needs are progressively met by the public sector undertakings. There is an immediate shortage also which we are feeling. Coal industry, even cement industry where limestone mining is concerned, these industries are experiencing difficulties due to inadequate availability of explosives. In the short run we are even importing explosives, a situation one would not have liked to have. Nevertheless the kind of shortages that are built in in our economy over the years had created a situation where it has become necessary even to import some additional explosives and that is being done. The short term problem is being tackled and the long term question is being taken care by the public sector playing a dominant role.

A couple of specific points were raised by some hon. Members. One was about workers' safety. Apart from the overall safety provisions involved in this Act and the rules, Factories Act and other legislation which takes care of this question, if it should become necessary for us to consider this matter further I shall most certainly apply my mind to this and find out whether any special provisions are called for in order to see that workers' safety is ensured.

A point was made about new section 6(e) where the government has been empowered to suspend and revoke a license. Mr. Durga Chand referred to this. It is true that certain special powers had been conferred on situations. Otherwise 6(e)(viii). But these are only to meet emergency situations. Otherwise 6(e)(v) makes it obligatory on the part of the licensing authority to give in writing to the person concerned or the company whose license is being revoked the reasons for revoking. There is also a provision for appeal. I do not think there is any problem in so far as licensing procedure, and the correct application of these procedures are concerned. The only relevant point that was made by the hon. Member who opened the discussion, namely Mr. Dave who, I presume, belongs to the Indira Congress, was as to why the term dynamite had been omitted from the new definition. It is for the simple reason that dynamite is a trade mark....

SHRI AJITSINH DABHI: I may tell for the information of the hon. Minister that I am Ajitsinh Dabhi.

SHRI GEORGE FERNANDES: I am sorry.

MR. CHAIRMAN: He stands corrected.

SHRI GEORGE FERNANDES: I hope I was not wrong in so far as Indira Congress was concerned.

MR. CHAIRMAN: Partially correct.

SHRI GEORGE FERNANDES: The only relevant point that was made by the hon. Member is about the definition excluding the term 'dynamite'. As I said, it is for the reason that dynamite is a trade mark and if those who framed the law in 1884 thought it necessary to have the trade mark mentioned there because they were concerned with the marketing of that, it is not necessary for us any more to canvass for any particular trade mark. Therefore, the word 'dynamite' has been deleted from the definition.

A couple of political points were raised. In fact, the right hon. Member from the Indira Congress who spoke on this, questioned my moral right to introduce this Bill; his point being that I was implicated in what came to be known, nationally and internationally as the 'Baroda Dynamite case'. His point was that only those who have faith in the ballot box—and his claim was that he has faith in the ballot box and I presume his party also has—alone have the right to move this Bill. I hope the hon. Member knows that I was returned to this Parliament when I was still in prison and in fact, I had handcuffs on my hand 24 hours after the election result in Muzaffarpur was declared. I was elected by a margin of 3,36,000 votes, which must be at least three times the margin by which the right hon. Member who questioned my moral authority won. 3,96,000 people in Muzaffarpur voted for me.

SHRI K. P. UNNIKRIISHNAN (Bardagara): Do you mean to say that those who have won by a big margin are at a higher level?

SHRI GEORGE FERNANDES: That is not my point. Since the moral right of the Minister of Industry to move the Bill was questioned on the plea that only those who have faith in the ballot box should be allowed to move this Bill... (Interruptions).

MR. CHAIRMAN: You had your say. Comrade Minister is now having his say. (Interruptions)

SHRI GEORGE FERNANDES: If I had no faith in the ballot box, I would not have been here. I only wanted to remind the hon. Member who raised the question that at least three times of the number of people who voted for him have voted for me in order to send me here. So, he need not have any doubts about my credentials to be here in this House.

He brought in Mahatma Gandhi, he brought in the Prime Minister and he brought in everybody. I would not like to enter into a debate on Gandhism because the only Gandhi which the right hon. Member knows is the Gandhi that is associated with the name of his party. The people who belong to a proprietary party at least should not discuss democracy with me. Men like me have fought to restore democracy when it was not around. I hope the hon. Member is aware of this.

He talked about Gandhiji; he talked about Gandhiji and violence. I do not know whether the hon. Member has read Gandhiji, Gandhiji was the man who said: "I shall risk violence a thousand times rather than risk the emasculation of the people." That was the Gandhi that inspired me, while Sanjay Gandhi inspired you. That is the difference. When you went on extolling the son of the dictator, people like me were following Mahatma Gandhi's precepts. We were following Mahatma Gandhi's precepts because Gandhiji was the man who said: "I shall risk violence a thousand times than risk the emasculation of the people." When your dictator was trying to emasculate this country, the people in this country were fighting. 2½ lakh people went to prison in order that the emasculation, the effort at emasculation of the people of this country could be done away with. We

fought. Therefore, it is true that everybody today has the freedom, the freedom that was denied only 16 months ago.

SHRI P. VENKATASUBBIAH (Nandyal): We have got a right to speak on behalf of the people....

SHRI GEORGE FERNANDES: Most certainly. And I have a right to reply when you make your submissions.

SHRI P. VENKATASUBBIAH: We were elected. We have made a sweep in your Karnataka and Andhra Pradesh.

SHRI GEORGE FERNANDES: Just now we are in the Indian Parliament, not in the Karnataka or Andhra Pradesh Assembly. I hope the hon. Member is aware of this.

SHRI P. VENKATASUBBIAH: I am elected to the Indian Parliament....

SHRI GEORGE FERNANDES: Parliament can discuss questions that are germane.

SHRI P. VENKATASUBBIAH: I am elected to the Indian Parliament on the Congress-I ticket.

SHRI GEORGE FERNANDES: When we are discussing the questions that are relevant here, when the hon. Member thought it proper to question my moral authority, when he thought it proper to quote Gandhiji, when he thought it proper to discuss violence and non-violence, I am sure the hon. Member would at least have that much of patience to listen to the other point of view.

SHRI AJITSINH DABHI: I simply said....

SHRI GEORGE FERNANDES: What you said is on record. I am not yielding.

MR. CHAIRMAN: He says he is not yielding; he is very democratic.

SHRI GEORGE FERNANDES: Comrade chairperson, I most respectfully submit that we are not discussing violence and non-violence here. If the hon. member were to say that since 1973 efforts were made to overthrow the government that was then established, I am not aware of any such efforts that were made. Those who were in the government at that time are no more in the government. Those who led the government at that time are not even in this Parliament. Therefore, may be they have information which is denied to me today, because the suggestion made was, between 1973 and 1976 efforts were made by use of explosives to sabotage and to overthrow the government that was then lawfully established. (Interruptions). He is talking of 1973; I asked him deliberately. I asked him repeatedly. He talked about 1973, 1974, 1975. (Interruptions). He talked about 1973 onwards, fair enough. He said, from 1973 onwards people have been using explosives in this country. I am not aware of any such efforts. Those who perhaps were aware of such efforts are not here to speak about it. But in any case, the people of this country have given their decision and I am sure the hon. member respects that decision. Therefore, we need not get into a debate on what happened between 1973 and March 1977. But in those 19 months, if the role of any single individual or the role of a group of people within that period is to be discussed, one can certainly use the forum of this House; one can use any forum outside this House also. For myself, I shall only say this much. Where there is a fascist dictatorship, I believe that all methods are justified in overthrowing a fascist dictatorship. This is my belief; this is my conviction that where a fascist dictatorship is involved—and it is established today internationally and nationally, across the world and within this country that for 19 long months this country went through a fascist dictatorship; and, if there were people at that time who believed that all

methods were justified, I am sure the hon. member would understand that they also had a point, that they had a certain point of view. (Interruptions).

MR. CHAIRMAN: Comrade Minister said he would finish in 12 minutes. He has taken 17 minutes.

SHRI GEORGE FERNANDES: I was forced to make this remark because a number of points were made. The Prime Minister's name was dragged in. A number of individuals were dragged in. There was no purpose in it; there was no reason for it. In a Bill which is purely of a technical nature and a regulatory measure one need not have dragged these points. So, it became necessary for me to make these remarks and I hope, Comrade Chairperson, you understand I had no alternative. With these words, I commend the motion.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Indian Explosives Act, 1884, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: We shall take up clause-by-clause consideration.

There are no amendments.

The question is:

"That Clauses 2 to 19 stand part of the Bill."

The motion was adopted.

Clause 2 to 19 were added to the Bill.

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

SHRI GEORGE FERNANDES: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.