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**Friday, May 04, 1973**

**Vaisakha 14, 1895 (Saka)**

# **Lok Sabha Debates**

**(Seventh Session)**



सत्यमेव जयते

**LOK SABHA SECRETARIAT**

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



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## LOK SABHA

Friday, May 4, 1973/Vaisakha 14, 1895  
(Saka)

*The Lok Sabha met at Eleven of the Clock*

[Mr. SPEAKER in the Chair]

## ORAL ANSWERS TO QUESTIONS

PROPOSAL TO BUY PLANES FROM SOVIET  
UNION FOR INDIAN AIRLINES

\*961. SHRI †B. S. BHAURA :

SHRI SUKHDEO PRASAD VERMA :  
Will the Minister of TOURISM AND  
CIVIL AVIATION be pleased to state :

(a) whether Government propose to buy  
planes from Soviet Union for Indian Air-  
lines ;

(b) whether any talks were held on the  
the subject with the Soviet delegation which  
recently visited India ;

(c) if so, the outcome thereof ?

THE MINISTER OF TOURISM AND  
CIVIL AVIATION (DR. KARAN SINGH)

(a) to (c) : Soviet teams have visited New  
Delhi recently and discussed the operational  
and technical aspects of their TU-154 and  
Yak-40 aircraft with Indian Airlines. The  
fleet planning studies of Indian Airlines are  
still in progress, and their proposals are  
expected next month.

SHRI B. S. BHAURA : Will the hon.  
Minister consider the greater suitability  
of the Soviet aircraft which does not require  
concrete or tar runway as against the Boe-  
ing ?

DR. KARAN SINGH : As I said, a  
number of aircraft are being considered  
and the Soviet aircraft are among those.

SHRI B. S. BHAURA : I want to  
know further whether the Minister will  
consider the advantage of getting our  
aircraft by rupee payment from the USSR  
rather than from the West which is being  
rocked by monetary crisis and is full of  
of uncertainties in exchange. ‡

DR. KARAN SINGH : The mode of  
payment is one of the factors that will  
be taken into account in coming to a final  
decision with regard to the purchase of any  
particular type of aircraft.

श्री सुखदेव प्रसाद वर्मा : मैं मंत्री महोदय  
से जानना चाहता हूँ कि इंडियन एयर लाइन्स  
के समक्ष जो प्रोजेक्ट्स विचाराधीन हैं  
रशियन विमान के संबंध में तुलनात्मक दृष्टि-  
कोण में किन किन और देशों के विमानों के  
संबंध में यह विचार चल रहा है और क्या इस  
बात पर भी विचार किया जा रहा है या नहीं  
कि पर्यटकों की बढ़ती हुई अस्विधा तथा जो  
बहुत से यात्री वेटिंग लिस्ट में रह जाते हैं  
उस दृष्टिकोण में वाइडबाडी विमान खरीदे  
जायें ? क्या इस संबंध में भी विचार हो रहा है  
या नहीं ?

डॉ० कर्ण सिंह : इस संबंध में तीन चार देशों  
के विमान हैं जिन की तुलना हो रही है। उस  
में अमेरिकन विमान भी है, फ्रांसीसी विमान  
भी है, रशियन भी है, एक नीदरलैंड का है  
और एक विलायत का विमान भी है जहाँ तक  
पर्यटकों का प्रश्न है यह ठीक है कि पर्यटकों की  
संख्या बढ़ रही है और वह जो प्रश्न है उस को  
भी इस सारे संतुलन में एक विशेष ध्यान दिया  
जा रहा है।

SHRI BHAGWAT JHA AZAD : May  
I know whether the Indian Airlines has got  
any plan for its development during the  
Fifth Plan ? If so, why is it that in spite  
of these names being taken by the Minis-  
ter-French, Dutch British, American and  
Russian, who have showed and demon-  
strated their planes recently, the Indian  
Airlines has got so much definite prejudice  
for the Boeings from the U.S.A. ? In  
spite of the advantages that have been show  
by the Russian plane, why is it so ?

DR. KARAN SINGH : To the best of  
my knowledge, there is no question of  
prejudice. We have already got seven  
Boeings in our fleet. They are being consid-  
ered. The Russian is also being very  
carefully considered. As I said in my reply  
two Russian teams had been here recently  
and an Indian Airlines team is going to  
Moscow next week and we are giving very  
full and fair consideration to their plane.

SHRI C. K. CHANDRAPPAN : May  
I know from the hon. Minister as to what

are the modes of payment suggested by various countries which have proposed that their planes shall be made available to India? You said four countries are under consideration. What are the types of payment they have suggested?

**DR. KARAN SINGH :** The mode of payment will depend on which particular plane is bought and how many will be bought and whether we can get loans from abroad. It is not possible to generalise on the mode of payment particularly.

**SHRI P. M. SAYEED :** May I know from the hon. Minister whether all the manufacturers' proposals have been studied and if so whether the wide-bodied jets among whom the French ones I am told are one of the best types which are available and 400 and odd of them have already been booked, will be considered by the Indian Airlines?

Why should not the Indian Airlines go in for this?

**MR. SPEAKER :** If it suits Laccadives, it is all right.

**DR. KARAN SINGH :** There are three so-called wide-bodied jets two Americans and one European airbus. The economics of these planes are also being looked into.

**SHRI P. M. SAYEED :** My question has not been answered whether it is under their study?

**DR. KARAN SINGH :** I said 'Yes'.

**SHRI SHANKERRAO SAVANT :** Is it a fact that the consumption expenses of the Russian plane are higher than the consumption expenses of the Boeing?

**MR. SPEAKER :** Now you are going into every detail.

**SHRI R. S. PANDEY :** May I know as to what is the policy which the Government is following, in respect of the selection of planes? Do they take into consideration the worldwide reputation of certain makes? What is the policy that they follow? Do they take into consideration the matters relating to the maintenance of the planes, initial and running cost, the space, and accommodation provided etc. and then only choose the particular type of plane?

**DR. KARAN SINGH :** There are a number of considerations which have got to be kept in mind. One has to take into account the initial cost and the mode of payment. Also there are maintenance problems, reliability etc. which have to be considered. In every plane's operation there are certain basic technical characteristics, landing, take-off, space required and so on and so forth. We have to take into account the passenger considerations and we have to take into account the cargo facilities and total space available. As you know we have not got one single type of plane; we have got various types of planes; all these multiple factors have got to be taken into account.

**SHRI R. S. PANDEY :** What about vultures? Are they going to be future-proof?

**SHRI SHYAMNANDAN MISHRA :** What is the sort of examination which they are conducting? May I know whether the expert body will consist of experts of the Indian Airlines as well as of the Ministry?

**DR. KARAN SINGH :** Studies are being undertaken by the Indian Airlines; and they go into each and every aspect. As soon as they complete their studies, they will send up their concrete proposal to the Government. Government will then examine the proposal very carefully to finalise the decision to be announced by the government.

एयर इंडिया और बी० बी० ए०सी० द्वारा विमान किराये में कमी करने के बारे में भारत और यू० के० के बीच करार

962. श्री विमल मिश्र :

श्री एम० एम० जोषक : क्या पर्यटन और नागर विमानन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत और यू० के० के बीच एक करार हुआ है जिसके अनुसार एयर इंडिया और बी०बी०ए०सी० जापानी महीने से विमान किराये में कमी करने जा रहे हैं ;

(ख) यदि हाँ, तो इस करार की मुख्य रूपरेखा क्या है; और

(ग) इस करार से भारत को क्या लाभ होने की संभावना है ?

पर्यटन और नागर विमानन मंत्री (डा० कर्ण सिंह) : (क) से (ग). भारत तथा बुनाइटेड किंगडम के बीच, पर्यटन को प्रोत्साहन देने, राजस्व को बढ़ाने तथा कदाचार को रोकने के लिये कुछ सस्ते भ्रमण किरायों (एक्सकर्सन फेयर्स) का निर्धारण करने के लिये एयर इंडिया तथा बी०ओ०ए०सी० के मध्य बातचीत चल रही है। विमान कम्पनियों द्वारा प्रस्तावित किरायों का क्लेनो सरकारों द्वारा अनुमोदन अपेक्षित होगा।

श्री बिभूति मिश्र : मैं जानना चाहता हूँ कि कदाचार रोकने के संबंध में कौन कौन से मुद्दों पर बातचीत हो चुकी है, कौन कौन से मुद्दों पर बात होने की तयारी हो रही है, इकानामिक क्लास में अभी कितना भाड़ा लगता है और एलाइड क्लास में कितना भाड़ा लगता है, उस भाड़े को किस परसेन्टेज में कम करने जा रहे हैं ? कारणों से जो सामान जाता है, उस में कितना भाड़ा लगता है और कितना कम करने के बारे में सोच रहे हैं ?

डा० कर्ण सिंह : अध्यक्ष महोदय, कदाचार के संबंध में मैंने जो कुछ कहा है, उस का अर्थ यही है कि फेअर्स कम हो जायें। इस प्रकार की व्यवस्था से जो कम्पनियाँ भ्रष्टाचार करती हैं, उनकी गतिविधियों में रोक पड़ जायगी।

इस समय अनेकों प्रकार के फेअर्स देशों के बीच में हैं। हम जो बातचीत कर रहे हैं, उस में यह यत्न हो रहा है कि जो ग्रुप-वन-वे फेअर है—इण्डिया से यू० के०, बम्बई-दिल्ली-अन्वन, वह 80 पौंड हो जाय। इसी प्रकार के अन्य बहुत सारे फेअर्स हैं...

श्री बिभूति मिश्र : रुपये में बतलाइये।

डा० कर्ण सिंह : ये फेअर्स अधिकतर पाउण्ड्स में हैं, उस को रुपये में कन्वर्ट कर सकते हैं। जहाँ तक कारणों का सवाल है, उन के अपने रेड्स फिक्सड होते हैं।

श्री बिभूति मिश्र : अध्यक्ष जी, सब से बड़ी कठिनाई यह है कि हम अपने देश में रुपये-

पैसे के मामले में किसी से बात नहीं करते हैं, पाउण्ड्स में बात करते हैं। हमारे मंत्री जी हिन्दी के प्रवर्तक हैं, उपनिषदों के शाता हैं, इसलिए रुपये में बतायें कि इस समय कितना दिया जाता है और कितना कम करने जा रहे हैं। हमारे पैसेन्जर्स यहाँ से जायेंगे और उनके पैसेन्जर्स यहाँ आयेंगे—उनके साथ क्या ताल-मेल होगा ? वहाँ से हमारा कोई पैसेन्जर आयेंगा जो पाउण्ड में पेमेन्ट करेगा या रुपये में पेमेन्ट करेगा ? ऐसा नहीं होना चाहिये कि जो सैक्रटरी लिख कर दे देते हैं, वही मंत्री लोग यहाँ आ कर बतला देते हैं।

डा० कर्ण सिंह : अध्यक्ष महोदय, इन्होंने उपनिषद का उल्लेख किया, मुझे एक बात याद आई है। हमारे कटोपनिषद में लिखा है—

न विलेन तपेनीयो मनुष्यः

वित्त का जहाँ तक सम्बन्ध होता है, उस में कोई सन्तुष्ट नहीं हो सकता है, चाहे जितना मर्जी घटाइये या बढ़ाइये।

जो बिदेशों से आयेंगे वे तो पौंड में देंगे, लेकिन जो यहाँ से जायेंगे वे रुपये में देंगे—यह बड़ी स्पष्ट बात है, इस में पेचीदा बात नहीं है। मेरे पास लिस्ट है, जिसमें पचासों प्रकार के फेअर्स हैं, ग्रुप-फेअर्स, एक्सकर्सन फेअर्स, माननीय सदस्य यदि कोई विशेष जानना चाहें तो बतला सकता हूँ।

श्री बिभूति मिश्र : पौंड में होंगे, रुपये में बतलाते।

अध्यक्ष महोदय : पौंड का भाव तो रोज बदलता रहता है।

श्री अटल बिहारी वाजपेयी : क्या मंत्री महोदय के ध्यान में यह बात लाई गई है कि पूर्वी अफ्रीका से चलने वाली कुछ एअर-लाइन्स यात्रियों को सस्ते दरों पर लाने का वायदा कर के भारत से आती हैं, लेकिन वापस से जाने का प्रबन्ध नहीं करती तथा उनकी तुलना में एअर-इंडिया जो ठीक किराया लेती है, वह

घाटों में रहती है। इस सम्बन्ध में उनके कदाचार को रोकने के लिये क्या भारत सरकार ने कुछ किया है ?

श्री० कर्ण सिंह : अध्यक्ष महोदय जैसा मैंने कहा है कि इस प्रकार का कदाचार, भ्रष्टाचार होता है, यह बड़ी दुर्भाग्यपूर्ण स्थिति है। हम इयादा के एन्कोसेमेट डायरेक्टर के साथ, जो एक अन्तर्गर्भीय सस्था है, सम्पर्क बनाये रखते हैं। उन के कुछ व्यक्ति यहाँ आये थे, उनके साथ मेरी निजी बातचीत हुई। लेकिन इस को रोकने का यही एक तरीका है कि हम अपने फ़ॉर्म को घटा सकें, तब वह भ्रष्टाचार रोका जा सकता है।

SHRI SOMNATH CHATTERJEE May I know whether the discussion that is going on now is for the reduction of fares on the regular flights or chartered flights?

DR KARAN SINGH These discussions are for reduction of fares on regular flights. These are promotional fares, group-inclusive tours as well as group affinity fares.

पटना में 9-4-73 को एक निजी विमान का दुर्घटनाग्रस्त होना

+

\* 963 श्री शंकर बयाल सिंह

श्री शिव कुमार सास्त्री .

क्या पर्यटन और नागर विमानन मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार को इस बात की जानकारी है कि 9 अप्रैल, 1973 को पटना में एक निजी विमान दुर्घटनाग्रस्त हो गया था जिसमें चार व्यक्तियों की मृत्यु हो गई थी ;

(ख) यदि हा, तथा हम दुर्घटना से संबंधित तथ्य क्या हैं और सरकार द्वारा हम मामले में क्या कार्यवाही की गई है, और

(ग) उनके मजालब द्वारा निजी हवाई जहाजों पर किस प्रकार निबन्धन रखा जाता है ?

पर्यटन और नागर विमानन मंत्री (श्री० कर्ण सिंह) : (क) और (ख). रोहतास इन्डस्ट्रीज लिमिटेड का बीचकम्पट बोलेजा की० टी० सी एक्स० ओ० हवाई से पटना के लिए एक निजी उड़ान पर जाता हुआ 9 अप्रैल, 1973 को पटना हवाई अड्डे के दक्षिणी जंगल के बाहर दुर्घटनाग्रस्त हो गया, जिसके जिसके परिणाम स्वरूप विमान-वाहक तथा विमान पर सवार तीन यात्रियों की मृत्यु हो गई। दुर्घटना की परिस्थितियों की जांच एक समिति द्वारा की जा रही है जिसके अध्यक्ष नागर विमानन के एक सेवानिवृत्त महानिदेशक हैं।

(ग) सभी सिविल पंजीकृत विमानों के लिए, जिनमें निजी विमान भी सम्मिलित हैं, उचित समझारण तथा परिचालन की सुरक्षा को सुनिश्चित करने के लिए वायुयान नियमों के उपबन्धों तथा नागर विमानन के महानिदेशक द्वारा समय-समय पर जारी किये गये अनुदेशों का अनुपालन करना आवश्यक है।

अध्यक्ष महोदय थोड़ी आसान हिन्दी हो तो ज्यादा अच्छा है।

श्री शंकर बयाल सिंह . अध्यक्ष महोदय नागर विमानन मंत्री जी ने . . .

अध्यक्ष महोदय . आप भी सादी हिन्दी बोलने की कोशिश करें।

श्री शंकर बयाल सिंह . माननीय अध्यक्ष जी, मैं आप के माध्यम से मंत्री महोदय से जानना चाहता हू कि जो प्राइवेट प्लेन है, वे किम तरह में सिविल एवियेशन ट्रिंग कंट्रोल होते हैं ? रोहतास इन्डस्ट्रीज का जो जहाज दुर्घटनाग्रस्त हुआ क्या उस के पाम फिटनेस का सर्टिफिकेट था, क्या उस की जान ठीक समय पर हुई थी, उस की सीटा में इंशोर्मेंस था या नहीं था तथा जो लोग उनमें मृत हुए उन का मुआवजा कौन देगा, बीम कम्पनी देगी या वह कम्पनी देगी जिसका जहाज था या सरकार देगी ?

**डा० कर्ण सिंह :** अध्यक्ष महोदय, जहाँ तक निजी हवाई जहाजों का सवाल है, हमारे देश में उन का रेजिस्ट्रेशन तो डिपार्टमेंट आफ सिविल एवियेशन के द्वारा होता है, लेकिन सर्टिफिकेट-आफ-बर्चिनेस उन के लिये अनिवार्य नहीं है—यह एक अदभुत बात है, लेकिन हम इसको फिर से देख रहे हैं। इस दुर्घटना के बाद हम ने देखा कि 1970 में एक सर्कलर निकला था जिस में सभी प्राइवेट एयरलाइन्स के मालिकों को कहा गया था कि आप सर्टिफिकेट-आफ-बर्चिनेस ले लें तो अच्छा होगा, लेकिन उस को अनिवार्य नहीं बनाया था क्योंकि वह प्रया 20-25 सालों से चल रही है। मैं सारी चीजों की जाच करवा रहा हूँ और हमारा विचार बना है कि हमें सर्टिफिकेट आफ एयरबर्चिनेस अनिवार्य बना देना चाहिए। लेकिन यह एक प्राइवेटप्लेन था, इसमें न कोई किराया लिया जाता है और न इसमें कोई कार्माशियन एक्टिविटी की जाती है। जैसे किसी का अपना जहाज है वह उड़ा तो ऐसी स्थिति में जहाँ तक मेरी जानकारी है अविज्ञा उनको किसी को नहीं मिलेगा। अगरचे उनकी अपनी बोर्ड पर्सनल इन्धोरेम हुई हो तो मैं कह नहीं सकता।

**श्री शंकर दयाल सिंह :** अध्यक्ष महोदय, इस विमान दुर्घटना में जो भरे उनके प्रति हमारी हृदय और सहानुभूति है लेकिन जहाँ तक मेरी सूचना है उसमें से दो सरकारी अधिकारी थे—एक भारत सरकार के और एक बिहार सरकार के तो मैं यह जानना चाहता हूँ कि जो अधिकारी उस जहाज में उड़ान कर रहे थे क्या उन्होंने सरकार से इसके लिए कोई आदेश लिया था और क्या कोई सरकारी पदाधिकारी किसी प्राइवेट प्लेन से सरकारी ड्यूटी पर रहते हुए उड़ान भर सकता है! इसके सम्बन्ध में सरकार क्या कार्यवाही कर रही है?

**डा० कर्ण सिंह :** जहाँ तक मेरी जानकारी है यह प्राइवेट प्लानेट पर जा रहे थे, वो जो

अधिकारी थे—एक गवर्नमेंट आफ इंडिया के डिप्टी लोकास्ट एन्टोमोलोजिस्ट और दूसरे बिहार सरकार के प्लान्टप्रोटेक्शन आफिसर वह समय सैर के लिए गए होंगे और ड्यूटी पर नहीं होंगे : लेकिन सरकारी मुलाजिमों का क्या होगा, रुल्स की तहत, जो मलेगा सो मिलेगा, मेरी इस सम्बन्ध में कोई जानकारी नहीं है इस समय लेकिन जो प्राइवेट लोग हैं उन को इस में नहीं मिलेगा।

**श्री शंकर दयाल सिंह :** अध्यक्ष महोदय, मैं आपकी आज्ञा में एक स्पष्टीकरण चाहता हूँ। चूँकि वह सरकारी अधिकारी थे और प्लेन रोहतास इंडस्ट्रीज का था, बिड़ला, टाटा डार्लिमिया के पास प्राइवेट प्लेन हैं और वह करप्शन के अड्डे हैं तो क्या कोई भी सरकारी पदाधिकारी ऐसे काम के लिए फेक्टरी का निरीक्षण करने के लिए ऐसे प्लेन में चल सकता है इसके सम्बन्ध में मैं सरकार की ओर से जानना चाहता हूँ।

**डा० कर्ण सिंह :** सरकारी मुलाजिमों के इस सम्बन्ध में क्या रुल्स हैं वह तो इस समय मेरे पास हैं नहीं हैं लेकिन प्राइवेट रूप से वह जा सके, मेरी समझ में उसमें कोई प्रतिबन्ध नहीं है और आफिशियल काम पर जा सके या नहीं जा सके वह मैं नहीं जानता।

**श्री हुकम चन्द कछवाय :** अध्यक्ष महोदय, मैं आप को माध्यम में जानना चाहता हूँ कि इस समय सारे देश में प्राइवेट विमान कितने हैं और वह जो हमारी हवाई पट्टी का उपयोग करते हैं उनके लिए उनसे कितना किराया एकत्र होता है प्रायतः में अलग अलग मुख्य मंत्रियों के खुद के प्लेन हैं और केन्द्र में भी मिनिस्टर्स के प्लेन होने हैं तो क्या उनसे भी इसी नियम के अनुसार किराया वसूल किया जाता है?

**अध्यक्ष महोदय :** वह इससे सम्बन्धित नहीं है। आप विशेष प्रश्न कर सकते हैं कि कितने प्राइवेट प्लेन हैं। यह सवाल तो एक्सीडेंट के बारे में पूछा गया था।

श्री हुकम चन्द कछवाय . मन्त्री जी से कहा कि वह कुछ कानून बनाये जा रहे हैं ।

अध्यक्ष महोदय . आप अलाहवा से प्रश्न दीजिए । मिनिस्टर कोई एन्साइक्लोपीडिय नहीं होता है ।

श्री हुकम चन्द कछवाय . हमारी हवाई पट्टी का वह इस्तेमाल करते हैं तो उससे कितना किराया मिलता है ।

अध्यक्ष महोदय यह इससे पैदा नहीं होता है ।

SHRI DINESH CHANDRA GOSWAMI Permitting a 'Plane to fly without a certificate of airworthiness is dangerous not only to the 'plane and its occupants but also to other commercial planes in that locality In that view, have Government any proposal to stop permission to fly to any 'plane without a certificate of worthiness by an executive order pending finalisation of the rules?

DR KARAN SINGH Let me clarify one point The permission to take off has, an every occasion, to be taken from

the air traffic control. It does not mean that a 'plane can fly whenever it likes. Everytime a 'plane takes off, it has got to obtain permission from air traffic control. The only anomaly is that private 'planes flying without a certificate of airworthiness. I agree it is an anomaly. We are looking into the matter and we hope very soon to remedy the situation

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#### ALL INDIA WORKING CLASS CONSUMER PRICE INDEX

\*965 SHRI NARENDRA SINGH  
BISHT

SHRI PRABODH CHANDRA

Will the Minister of FINANCE be pleased to state the monthly figures of All India Working Class Consumer's Price Index as well as the twelve monthly averages thereof for the last three years taking base years 1949=100 and 1960=100, separately?

THE MINISTER OF STATE IN THE  
MINISTRY OF FINANCE (SHRI K R  
GANESH)

A statement is laid on the Table of the House

#### Statement

YEAR/MONTH	Base 1960=100		Base 1949=100	
	Actual figure	12 monthly Average for month ending	Actual figure	12 monthly Average for month ending
1	2.	3.	4.	5
<b>1970</b>				
January	177	176	215	213
February	177	176	215	214
March	179	177	218	215
April	181	178	220	216
May	183	179	222	217
June	185	179	225	218
July	186	180	226	219

1	2	3	4	5
August . . . . .	187	180	227	219
September . . . . .	188	181	288	220
October . . . . .	189	182	230	221
November . . . . .	189	183	230	223
December . . . . .	186	184	226	224
1971				
January . . . . .	184	184	224	224
February . . . . .	184	185	224	225
March . . . . .	184	186	224	226
April . . . . .	184	186	224	226
May . . . . .	184	186	224	226
June . . . . .	187	186	227	226
July . . . . .	190	186	231	227
August . . . . .	194	187	236	227
September . . . . .	196	188	238	228
October . . . . .	196	188	238	229
November . . . . .	197	189	239	230
December . . . . .	195	190	237	230
1972				
January . . . . .	194	190	236	232
February . . . . .	193	191	235	232
March . . . . .	194	192	236	233
April . . . . .	195	193	237	234
May . . . . .	196	194	238	236
June . . . . .	201	195	244	237
July . . . . .	205	196	249	239
August . . . . .	207	197	252	240
September . . . . .	208	198	253	241
October . . . . .	209	200	254	242
November . . . . .	210	201	255	244
December . . . . .	210	202	255	245
1973				
January . . . . .	210	203	255	247
February . . . . .	213	205	259	249

12 monthly averages are  
figures correct to the nearest  
integer.



श्री नरेश सिंह बिष्ट क्या सरकार बतावे की कृपा करेंगे कि इसनी प्राइस राइज हर साल क्यों बढ़ती है ?

अध्यक्ष महोदय . आपने बड़ा सीधा सा सवाल कर दिया है, बड़ा ही इन्फोसेन्ट सवाल ।

**SHRI NARENDRA SINGH BISHT**  
Let the answer also be innocent

**SHRI K R GANESH** It is a very wide and a very basic question which the hon Member has raised. It is only yesterday that we discussed the Finance Bill. Before that, the discussions were there on the budget. This question has been gone into and the Finance Minister has replied to the questions as to what the reasons are for the rise in prices, and what steps the Government is taking to bring about a reduction in prices.

**SHRI PRABODH CHANDRA** Before I proceed with the question I would like to bring to the notice of the Minister that the information supplied to us is absolutely contrary to the facts. While the facts here show that the price index has gone from 100 to 200, I may point out that while the price of sugar was Re 1.30 in 1960, it has gone up to Rs 4.50. Similarly, if the prices of all the other commodities are taken into consideration, we find that the prices of all goods have gone up at least 400 times. From 100, the index has gone to 400, while the details given to us here show that the maximum is 205 only. I would submit through you that at least the information that is supplied to the House should not be that of messenger or a postman, namely, whatever the Secretary writes is passed on to the House. I am prepared to establish to the hilt that at least in 20 commodities that are being used by an average man in his everyday life the price has gone up to 400 per cent or four times compared to the level in 1960. But we have been told that from 100 in 1960, it has gone up to 205. So, before I put the question to the Finance Minister, I would like to know whether the Minister has verified whether he has seen the statement only here, or before coming here, whether he ascertained whether the information supplied to the House is based on facts or is not based on facts.

**SHRI K R. GANESH** : Sir, I would not dispute the figures that the hon. Member has given. The question was about the all-India working class consumer price index. This figures of the all-India consumer price index, the monthly price index as well as the all-India average, are worked out by the Labour Bureau at Simla. There is a criterion laid down, there is a pattern laid down. There are 50 centres spread through out the country consisting of industrial centres, manufacturing centres, mining centres, plantation centres, and on the basis of the formula that has been worked out and which has been gone into various committees, this all-India consumer price index, the average price index, is arrived at. So, there is a little difference between what the hon Member is saying and the question on which information is sought.

**SHRI S M BANERJEE** Sometime, back, a committee was formed known as the Lakarwala Committee, which submitted a report saying that the statistics given by the various Government agencies including the agency in Simla do not reflect the rise in prices. The figures do not reflect the actual rise in the price of various commodities. Since these figures do not show the real price rise in the retail market, not the whole sale prices, will the Government appoint another committee consisting of Members of Parliament to assess by how much prices have risen during the period January 1970 to January 1973? My own assessment is that in certain items the prices had gone up by 200-300 per cent.

**SHRI K R GANESH** It is a fact that the employees have been contesting these figures and from time to time the Government, the National Commission on Labour, the Economic Secretaries and the Technical Committee that had been set up to supervise the veracity of these figures have all gone into it, the latest to do so is the Third Pay Commission and they have accepted a particular base. What the hon Member has raised is continuously getting the attention of the Government. Another survey is conducted in which instead of fifty, sixty centres will be taken, for one or two centres sample survey had been done.

**SHRI S. M. BANERJEE:** I am asking whether a committee consisting of Members of this House will be appointed. Shri Probodh Chandra, one of the oldest Members of this House contested these figures...

**MR. SPEAKER:** Order. Mr. Probodh Chandra had already asked his question.

**SHRI PROBODH CHANDRA:** I wanted to know from the hon. Minister whether he has studied the statement before passing it on. I have made a note about seven articles: wheat, sugar, dalda, oil, coco-cola, tea, etc. For some, prices have gone up by 300 to 400 per cent. I wanted to know if he was prepared to have a committee to go into details as the information supplied to the House is not based on facts; it is a wrong statement.

**MR. SPEAKER:** He has replied to this question earlier.

**SHRI K. R. GANESH:** These monthly figures as well as All India averages are not supplied by the Secretaries in the Government Secretariat; they are worked out by the Labour Bureau, whose responsibility it is to work out these figures. It is a long process; investigators have got to be appointed, supervisors have got to be appointed, a particular formula has been laid down. The hon. Members may ask for a change in the formula. But these are worked out by the Bureau whose job it is to collect these figures.

**SHRI DINEN BHATTACHARYYA:** The hon. Minister, Mr. Ganesh just now mentioned the formula. It is against this formula, not this time alone but earlier also, the hon. Member Probodh Chandra asked the question. Irrespective of the fact whether the employees are from Government or private undertakings, they opposed this formula. They are challenging this formula. Once, I know, in 1967, in West Bengal, a Committee was set up by the State Government and the finding of that Committee was regarding the faulty method of calculation.

**MR. SPEAKER:** You put a question.

**SHRI DINEN BHATTACHARYYA:** I am putting the question. Even though the State Government set up that committee with the permission of Smt. Gandhi in West Bengal, they have asked for a change

in the method of calculation. They have asked for permission from the Centre for setting up a Committee again to go in to this matter so that the faulty method can be corrected and the employees may benefit.

**SHRI K. R. GANESH:** I have replied to this question extensively.

**SHRI DINEN BHATTACHARYYA:** No, please. You are evading. I want to know whether the Centre has been asked by the State Government to set up a Committee again to go into the matter.

**SHRI K. R. GANESH:** I am sorry that at the moment I do not have that information.

**SHRI VASANT SATHE:** Will the hon. Minister kindly state whether, in view of the fact that in spite of constant vigilance and review from the Himalayan heights of Simla to the Bureau, we find that the actual rise in price is not reflected in the working-class index, there is something wrong somewhere? That is because of the absurdity with which the average is taken. Suppose there is a man going to the river for a bath. You take the average depth of the river as one foot at one end, 15 feet in between and 2 feet at the other end. If you take the average of the three, then you will only find the person being drowned in the river. That is how the average is worked out in the working-class index.

**SHRI K. R. GANESH:** As I indicated earlier, there was 1949 base which was based on about 25 to 30 centres; then 1960 was taken as the base. This was based on 50 centres. The National Commission on Labour also had gone into it. Some formula has to be worked out.

**SHRI VASANT SATHE:** What have the Centres got to do with this?

**SHRI DINEN BHATTACHARYYA:** Mr. Speaker Sir, you cannot excuse him. The Minister does not know the method. He is talking about the centres. The centre has nothing to do with the 1949 or 1960 base.

**MR. SPEAKER:** Please do not interrupt the Minister.

**SHRI VASANT SATHE:** It was my question. And I seek your protection. The centres are immaterial. The material part is : what are the goods in the basket and what is the weightage given to that and how is it calculated. This is what I would like to know from him.

**SHRI K. R. GANESH:** When I mentioned about the centres, I meant that the collection of data in regard to price index is first made and on the basis of that, a formula is laid down. Formerly, it was done taking 25 centres. Then it was done taking 50 centres. Now, that is done by taking 60 centres. The National Commission on Labour has gone into the question. Now the Pay Commission too had gone into it. It is not possible for me to change the entire framework. I had already indicated in the beginning that the employees had represented to the Government. The Government is also continuously taking all this into consideration and is trying to see that there is some veracity as far as the statistics that are collected are concerned.

**MR. SPEAKER:** This question has taken a lot of time.

**SHRI DINEN BHATTACHARYYA:** You will kindly allow us a discussion on this question.

**SHRI PRABODH CHANDRA:** May I put a question?

**MR. SPEAKER:** Please don't get up every now and then.

**SHRI H. M. PATEL:** The minister has not been fair to the House. The House is agitated about the point that the index figures do not reflect clearly the extent of rise that there has been. This would mean that the formula you have been adopting is no longer satisfactory. The items that go in and the weightage given are no longer applicable. This philosophy of change in which you believe really ought to apply to this. The situation is continuously changing. Therefore, the time has come when you should have a fresh committee to apply its mind to it and arrive at a formula which will give an index figure which will clearly reflect the extent of the price rise that there has been.

**SHRI K.R. GANESH:** While the suggestion made by him will be continuously borne in mind by Government, I may point out that the Pay Commission has already gone into it.

*(Interruptions)*

**MR. SPEAKER:** I am not allowing any more questions. Next question.

**विदेशी मुद्रा का पकड़ा जाना**

\*966. श्री लाल जी जाई : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या वर्ष 1971-72 में 56.1 लाख रुपये की तथा वर्ष 1972-73 में 44.5 लाख रुपये की विदेशी मुद्रा पकड़ी गई; और

(ख) यदि हां, तो सम्बद्ध देशों के नाम क्या हैं और इस मामले में क्या कार्यवाही की गई है ?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH):** (a) The value of the foreign exchange seized by the Customs authorities and the Enforcement Directorate during the year 1971-72 and 1972-73 (upto Feb.) was Rs. 56.1 lakhs and 44.5 lakhs respectively.

(b) The seized currencies of various countries and mainly those of U.S.A., U. K., Kanada, Japan, Germany, Singapore, Hongkong, France, Belgium, Italy and Malaysia.

In cases concerning contraventions of sections 8(1) and 8(2) of Foreign Exchange Regulation Act, 1947 involving unauthorised importation of foreign currency or attempt to smuggle currency out of the country, the customs authorities initiate departmental adjudication proceedings under the Customs Act for confiscation of the currency and imposition of penalties on the persons concerned. In addition prosecutions in courts of law are also launched in suitable cases.

In respect of cases where contravention of Sections 4(1), 4(2) and 9 of the Foreign Exchange Regulation Act, 1947, involving unauthorised dealings and retention of foreign exchange the Director of Enforcement

initiates adjudication proceedings for confiscation of the foreign exchange and for imposition of personal penalties on the concerned persons. In cases where the Director of Enforcement is of the opinion that the penalty that can be imposed as a result of the departmental adjudication will not be adequate in the circumstances of the cases, instead of proceeding against the party departmentally, complaints are filed in the court of law.

श्री लालजी भाई : अध्यक्ष महोदय, मैं आप के माध्यम से मंत्री महोदय से जानना चाहता हूँ कि बाहर की मुद्रा यहाँ आने से रोकने के लिए सरकार क्या कदम उठाते जा रही हैं ?

SHRI K. R. GANESH : Utilising the experiences of working of the various enforcement agencies dealing with foreign exchange and based on the report of the Kaul Committee on the leakage of foreign exchange and on the recommendations of the Law Commission, a new Bill has been introduced which has been finalised by the Select Committee and it will come before the House.

श्री लालजी भाई : अध्यक्ष महोदय, मैं आप के माध्यम से जानना चाहता हूँ कि 1971-72 में 56.1 लाख रुपये और 1972-73 में 44.5 लाख रुपये की जो विदेशी मुद्रा, विदेशी मुद्रा विनियम अधिनियम, 1947 की धारा 8 के अन्तर्गत पकड़ी गई उस से सम्बन्धित व्यक्तियों की संख्या कितनी है तथा बड़ी राशियों वाले मामलों में कितने व्यक्ति हैं तथा उनके नाम क्या हैं ?

SHRI K. R. GANESH : With regard to foreign exchange regulation, the enforcement Directorate's figures that I have got are these : In 1970 complaints filed 29, persons convicted 17; in 1971 complaints filed 13, persons convicted 13; In 1972 complaints filed 40, persons convicted. 20. If he wants the names of persons then he will have to ask a separate question.

श्री हुकम चन्द कछवाय : माननीय मंत्री महोदय ने अभी एक प्रश्न के उत्तर में कुछ आंकड़े दिये कि इतनी विदेशी मुद्रा पकड़ी गई। क्या मंत्री महोदय को इस बात की

जानकारी है, और अगर नहीं है तो क्या वह कोई ऐसा दल छानबीन करने के लिये बनायेंगे, कि जो सरकारी और गैर-सरकारी होटल हैं उनमें कुछ लोग इस प्रकार का धन्धा करते हैं और कुछ भारतीयों ने विदेशों में रहना प्रारम्भ कर दिया है जो यहाँ विदेशी मुद्रा भेजते हैं और दूसरी जगह भिजवाते हैं ? चूंकि यह धन्धा बड़ी मात्रा में चल रहा है इसलिये क्या वह इस प्रकार के मामलों की छानबीन करने के लिये कोई प्रयास करेंगे ?

SHRI K. R. GANESH : This question of illegal transfer of remittance from Indian residents abroad was one of the questions which the Kaul Committee had gone into. And it is a fact that there is quite a substantial leakage of foreign exchange as a result of these illegal transactions done through the channel of Indian residents abroad. To strengthen this and to see that this leakage of foreign exchange is stopped to the extent possible, the Foreign Exchange Regulation Act is being amended and that Bill will come.

As far as hotels are concerned, now instructions have been issued that all foreigners who come to hotels will have to pay their bills in foreign exchange.

दिल्ली रेलवे स्टेशन पर तस्करी का सोना बरामद किया जाना

\*†969. श्री हुकम चन्द कछवाय :

श्री एम० एस० शिवस्वामी

क्या बिस्स मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या अप्रैल, 1973 में दिल्ली रेलवे स्टेशन पर लगभग 1500 तोला सोना बरामद किया गया था; और

(ख) इस सोने का मूल्य क्या है और इस सम्बन्ध में कितने व्यक्तियों के विरुद्ध सरकार ने क्या कार्यवाही की है ?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : (a) and (b) : Yes, Sir. In April, 1973, 2050 tolas of gold bearing foreign markings were recovered from three parcels at New Delhi Railway Station. The inter-

national monetary price of the gold seized is Rs 2 lakhs approximately and the local market price nearly Rs 7 lakhs, Four persons who were arrested in this connection were kept in judicial custody. They were subsequently released on bail. Further investigations are in progress.

**श्री हुकम चन्द कछवाय** माननीय मंत्री महोदय ने जो उत्तर दिया है उससे मालूम होता है कि 2,000 तोले से ऊपर का माल पकड़ा गया है स्वर्ण नियंत्रण कानून के अन्तर्गत। जिस भावना से स्वर्ण नियंत्रण कानून पास किया गया था कुछ वर्षों में उस का पालन होता नहीं दिखाई देता। आज भी बहुत बड़ी मात्रा में सोना विदेशों में हमारे देश में आता है और उस को रोकने में सरकार असफल रही है। सोने के दाम भी प्रति दिन बढ़ने जा रहे हैं। अब तो वह करीब 400 रु० तोले के हिसाब में बिक रहा है। क्या इस सब का उद्देश्य काले धन को बढ़ावा देना नहीं है? मैं जानना चाहता हूँ कि जो लोग पकड़े गये हैं और जिन को बेल पर छोड़ा गया है वह कौन थे? क्या उन में कोई बड़ा ग्रुप सम्बन्धित था या विदेशों में कोई इस प्रकार के ग्रुप है जिन में जुड़े हुए यह लोग हैं?

**SHRI K R GANESH** The names of persons who were produced before the Additional Chief Judicial Magistrate, New Delhi, are Mohd Mosoom, Habib, Farook Ahmed and Rajamul Qamar. Interrogation is proceeding. Certain incriminating documents have been recovered. Further investigation is going on.

Second question was about the Gold Control Act, that the Gold Control is there and there is smuggling of gold. The Gold Control Act is the basic Act to see that smuggled gold does not enter into the economy of the country. Other measures will have to be taken to see that gold smuggling is stopped as far as possible.

**श्री हुकम चन्द कछवाय** देश में बहुत बड़ा मात्रा में सोना विदेशों में जा रहा है और इस वास्तव के समाचार आये दिन अखबारों में आते रहते हैं। सरकार द्वारा इस सम्बन्ध में

परसक प्रयास किया जाता है और काफी संख्या में लोग पकड़े जाते हैं। मैं यह जानना चाहता हूँ कि क्या सरकार कोई ऐसा कानून बनाने जा रही है, जिस के द्वारा ऐसा धंधा करने वाले लोगों को कड़े से कड़ा दंड दिया जा सके और उन की बेल न ली जाये।

**SHRI K R GANESH** Based on the experience of working of these Acts, as this House is aware, I have already introduced the Gold Control, Central Excise and Customs Amendment Bill which seeks to bring in more deterrent punishment based on the recommendations of the Law Commission.

**श्री हुकम चन्द कछवाय** आज तक किसी को दंड नहीं दिया गया है। अगर किसी को दंड दिया गया है, तो मंत्री महोदय बताये।

**SHRI M S SIVASWAMY** I want to know from the hon. Minister, during the last year, what is the quantity of gold smuggled and the value thereof and how many such cases are pending with the Government and the judiciary.

**अध्यक्ष महोदय** यह प्रश्न एक खास घटन के बारे में है, जिस का जवाब मिनिस्टर माहब ने दे दिया है। अगर माननीय सदस्य उस के अलावा कुछ और पूछना चाहते हैं तो वह उस के लिए अलग से प्रश्न दें।

**श्री मूलचन्द डागा** गान्ध कटाल एक्ट के अन्तर्गत अब तक कितने केमिज प्रामीक्यूट किये गये हैं और कितने आदमियों का मजबूत मिली है?

**अध्यक्ष महोदय** यह कोई जनरल सवाल नहीं है। यह सवाल एक खास पार्टिकुलर इन्सिडेंट के बारे में है। अगर आप कुछ न इनकमेंशन चाहते हैं, तो उस के लिए नोट दें। आप मिनिस्टर को एनसाइक्लोपीडिया न सवालें। उन्हें पहले बताना पड़ेगा मार्क यह इनकमेंशन तो ला सकें।

**SHRI PRABODH CHANDRA :** Did the American representatives raise the question of India getting arms from the USSR to meet our objection to Pakistan getting arms from the US?

**SHRI SWARAN SINGH :** That has been their attitude, that India also is getting arms from other countries including the USSR. But what is forgotten in this connection is that whereas the bulk of the supplies that Pakistan got from the US were gifts and that the US did not charge any price for supplying the major quantity of military equipment starting from 1955-56. In fact, the armament structure of the armed forces of Pakistan is based primarily on the foundation of this huge quantity of military equipment given free to Pakistan, whereas we have purchased and given full price for any equipment we have got from the Soviet Union, the West European countries or any other country.

**SHRI TRIDIB CHAUDHURI :** May I know whether the disposal of the PL-480 rupee funds that have accumulated and their future utilisation were one of the subjects discussed with the visiting American officials and, if so, what is the position?

**SHRI SWARAN SINGH :** This matter also was mentioned in a preliminary way and further discussion may take place, but I cannot give any more precise information at the present moment. (*Interruption*)

**MR. SPEAKER :** Order please. So many questions have been asked. I am sorry. I have something else in mind: that is, let me see if we can reach the end of the list today. That is in my mind.

Mr. Arjun Sethi—absent, Mr. Rajdeo Singh, absent; Mr. Purushottam Kakodkar and Mr. Prasannbhai Mehta—absent. None of them here. I think this is the first time that we have gone through the list till the end during this session.

Now, we come to the second round. Mr. Lalji Bhai, absent; Mr. Sidho Prasad Verma, absent; Mr. Ramavatar Shastri and Mr. K. M. Madhukar—absent; Mr. M. Ram Gopal Reddy, absent; Mr. Ram Bhagat Paswan—absent; Mr. Devinder Singh Garcha—absent; Mr. Hemendra Singh—absent. Shri Bhogendra Jha.

### Supply of Coal to North Bihar

\*955. **SHRI BHOGENDRA JHA :** Will the Minister of STEEL AND MINES be pleased to refer to the reply given to Unstarred Question No. 6210 on the 5th April, 1973 and state :

(a) the specific arrangements made or to be made for supply of coal to North Bihar;

(b) whether it is proposed to set up any dump at Smastipur or some other place in North Bihar; and

(c) if so, the salient features thereof?

**THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA) :** (a) Movement of coal is undertaken by the Railways on the basis of sponsoring done and the priority desired by the concerned State Government.

(b) and (c). **The Government of Bihar** have proposals to set up dumps at Barauni, Samastipur and Katihar in North Bihar. These are, however, yet to be finalised by them in consultation with the Railways and other concerned authorities.

**SHRI BHOGENDRA JHA :** Mr. Speaker, Sir, the reply is very unsatisfactory and unfortunate also. I want to know whether the Minister is aware of the fact that because of the conspiracy between some officers of the nationalised collieries, and the excontractors and ex-owners, there has been a great scarcity or famine of coal, and that coal is being sold in north Bihar at Rs. 12, Rs. 13 or Rs. 14 per maund, and in some places riots have taken place and big collieries have

श्री फूल चन्द वर्मा : क्या मंत्री महोदय यह बताने का कष्ट करेंगे—और क्या वह सदन को यह आश्वासन भी देने के लिए तैयार है कि बैंकों से किसी भी प्रकार के छोटे या बड़े उद्योगों को दी जाने वाली ऋण की राशि पर सब से कम व्याज-दर हर स्थिति में लघु उद्योगों से ली जायेगी ?

श्री यशवन्त राव चव्हाण : वही इरादा है, वही कोशिश है और वही कोशिश रहेगी ।

श्री फूल चन्द वर्मा : आज बैंकों की हानत यह है कि लघु उद्योगों से कम व्याज-दर लेने की बात कही जाती है, लेकिन उन को ऋण नहीं दिया जाता है, उन को डिसकरेज किया जाता है ।

अध्यक्ष महोदय : माननीय सदस्य : भाषण न करें ।

SHRI P. VENKATASUBBAIAH.  
While appreciating the sentiment of the hon. Finance Minister that more and more assistance of the State Bank of India will go to the small scale industries, in order to implement this policy decision has he created any machinery ? Can he say how many applications have been received and how many cases the loans have been sanctioned ? What is the percentage of loan given to the small-scale industries as against big industries ?

SHRI YESHWANTRAO CHAVAN .  
The State Bank of India has increased the grant of credit to the small scale sector very appreciably. In 1971, for example, the State Bank assisted 29,458 units and the subsidiaries assisted 15,000 units making a total of 44,700 and odd. The corresponding figure for 1972 was 49,557. The total amount sanctioned in 1971 was Rs. 260.9 crores and in 1972 Rs. 290 crores. This is the size of the assistance given for which they have got their own organisation.

I quite agree that when they are making certain changes in their policy now, they will have to have some sort of organisation to see that it is properly processed further. Because, it is not enough to have the readiness to give credit. It is a question of providing some sort of consultancy to the people who are prepared to take the loans. We

must be in a position to ensure that the loans which they are taking are used for the purpose for which we have given the loans. They have some organisation for it.

#### Common Jute Trading Schemes by Jute Producing Countries

\*973. SHRI ATAL BIHARI VAJPAYEE

SHRI JAGANNATHRAO JOSHI :

Will the Minister of COMMERCE be pleased to state :

(a) whether he has recently given a suggestion about the possibility of adopting a common jute trade scheme by jute producing countries like India, Bangladesh, Thailand and Nepal; and

(b) if so, the broad outlines of the scheme and the action being taken in this regard ?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) :

(a) and (b) : No, Sir. However, I have expressed the hope that the talks now progress between India and Bangladesh for co-operation in jute policy will be fruitful. Talks may be held later on with Thailand and Nepal for similar understanding.

I have also welcomed the international interest in bringing together India, Bangladesh, Thailand and Nepal to safeguard the future of jute.

श्री अटल बिहारी वाजपेयी : अभी मंत्री महोदय ने कहा कि कुछ इंटरनेशनल इंटररेस्ट भारत बंगला देश और थाईलैंड को इस मामले में निकट लाना चाहते हैं । क्या मैं जान सकता हूं कि वह इंटरनेशनल इंटररेस्ट कौन से हैं ?

PROF. D. P. CHATTOPADHYAYA .  
What I meant is that under the auspices of UNDP a conference was held in Dacca and representatives of different jute-growing countries were there and from the discussions and deliberations of that conference certain conclusions emerged :

(1) An International Centre for Jute, named Jute International will be set up in India; and

(2) Another International Technical Centre for Jute will be established in Bangladesh.



management had to declare due to the unsatisfactory labour situation. The 25 per cent power cut imposed by the Government of Mysore also contributed to the declining production. The losses due to these reasons have been estimated at Rs. 321 lakhs.

**Criminal cases filed under E. P. F. Act against M/s. Rupak Cinema, Patna**

\*943. SHRI RAMAVATAR SHASTRI:  
SHRI K. M. MADHUKAR:

Will the Minister of LABOUR AND REHABILITATION be pleased to state :

(a) whether several criminal cases were filed by the Regional Provident Fund Commissioner, Bihar under the Employees Provident Fund Act against M/s. Rupak Cinema, Patna, if so, the number of cases, period of default and the date of filing;

(b) whether all the cases filed were dismissed by the court on account of lapses on the part of the officer conducting the cases on behalf of the Employees Provident Fund Organisation; and

(c) the action proposed to be taken in the matter?

THE MINISTER OF LABOUR AND REHABILITATION (SHRI RAGHUNATHA REDDY) : The Provident Fund Authorities have intimated as under :

(a) 29 cases were filed in May, 68 for default relating to the periods from July, 1964 to March, 1965; May, 65 to June, 1965; November, 65 to February, 66 and April, 1966 to May, 1967.

(b) Out of 29 cases, 27 had ended in acquittal as the Provident Fund Inspector did not attend the Court on the dates of hearing. The remaining two criminal cases ended in conviction.

(c) Disciplinary proceedings have been initiated against the Provident Fund Inspector for default on his part and the enquiry is being made by the Enquiry Officer.

**Statement by Former Defence Secretary regarding urgency and priority of Defence Policy**

\*946. SHRI M. RAM GOPAL REDDY:  
Will the Minister of DEFENCE be pleased to state:

(a) whether Government's attention has been drawn to the remarks made by Shri P. V. R. Rao, a former Defence Secretary, as published in Delhi Newspapers on 30th March 1973, especially the one "Defence Policy lacked urgency and priorities"; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM) : (a) Yes, Sir.

(b) Shri P. V. R. Rao's remarks reflect his personal opinions. His assessment is in Government's view inaccurate.

**Termination of services of Indian Employees by U.S.I.S.**

\*950. SHRI RAM BHAGAT PASWAN:  
Will the Minister of EXTERNAL AFFAIRS be pleased to state :

(a) whether the United States Information Service has terminated the services of several Indian employees; and

(b) if so, the justification therefor?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) The persons whose services have been terminated were the employees of an Indian contractor engaged by the United States Information Service for custodial and other work in its premises in New Delhi.

(b) The reasons given by the Embassy of the United States of America for the termination of the contract are that the United States Information Service is converting its mailing operations to a computer-fed system, is moving to a new building, is planning to



- (b) if so, a brief account thereof ;  
 (c) what action, if any, was taken by the Reserve Bank of India in this regard; and  
 (d) the names and particulars of Mundra's UK Companies run by his son Shri Vijay Kumar Mundra ?

**THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN)** : (a) to (d). According to information available with Government there are four companies in the U.K. which Shri Haridas Mundra or his associates appear to have share holdings through Benamidars. Out of these in regard to the share holdings in M/s Duncan Stratton & Co., (UK) Ltd. the prosecution was launched by the Enforcement Directorate before the Chief Presidency Magistrate, Bombay, for contravention of Section 13(1)(e) of the Foreign Exchange Regulation Act against M/s Duncan Stratton & Co. Ltd., Bombay, and its directors namely S/ Shri Haridas Mundra, K.D. Daga and G M Mukherjee who pleaded guilty and were accordingly convicted by the Court. As regards other three companies the matter is still pending at various stages of investigation.

Shri Vijay Kumar Mundra is stated to be a Director in one of these four companies namely, Brahmaputra Tea Co., (UK) Ltd

#### **Import of Books by S.T.C.**

\*971. **SHRI H. N. MUKERJEE** : Will the Minister of COMMERCE be pleased to state :

- (a) whether the State Trading Corporation is to import books from the current year  
 (b) if so, the types of books to be imported by the S.T.C.; and  
 (c) the value of books to be imported in the current year ?

**THE MINISTER OF COMMERCE (PROF. D. P. CHATTODHPAYAYA)** : (a) Yes, Sir.

(b) The S.T.C. will import books of the following categories : -

- (1) Agricultural Science and Animal Husbandry
- (2) Applied and Fine Arts
- (3) Applied Science
- (4) Business Organisation, Industrial Management and Public Administration

- (5) Education
  - (6) Engineering & Technology
  - (7) Humanities
  - (8) Medical Science
  - (9) Military Science and its History
  - (10) Pure Sciences.
  - (11) Reference books
  - (12) Social Sciences
  - (13) Text books recommended in Universities, institutions of Higher Learning & Schools
- (c) Rs. 100 lakhs

#### **Alleged Harassment of Senior Journalists and others by Income-tax Department, Bombay**

\*974. **SHRI R.R. SINGH DEO** : Will the Minister of FINANCE be pleased to state :

- (a) whether attention of Government has been invited to a report in the 'Current Weekly' of the 7th April, 1973 saying how the Income-Tax Department, Bombay has been harassing senior journalists and others,  
 (b) whether Government have studied this report carefully; and  
 (c) if so, the reaction of Government thereto ?

**THE MINISTER OF REVENUE AND EXPENDITURE (SHRI K.R. GANESH)** : (a) and (b). The report mentioned has been seen.

(c) Government have decided to issue suitable instructions in the matter. The Ministry of Law is also being consulted in this regard

#### **LIC's Advice to Shareholders of Punjab National Bank Ltd. not to Accept Low Amount of Compensation**

\*975. **SHRI P GANGADEB :**  
**SHRI VARKEY GEORGE**

Will the Minister of FINANCE be pleased to state :

(a) whether the Life Insurance Corporation, a major shareholder of the Punjab National Bank Ltd, took the unusual step of asking the numerous shareholders scattered all over the country, not to accept the low amount of Rs. 38 per share which is being

offered to them in lieu of the compensation received by the former banking company from Government consequent upon the nationalisation of the 14 major banks in 1969, and

(b) if so, the facts of the matter and the reaction of Government thereon ?

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : (a) and (b) The Life Insurance Corporation, who are minority shareholders, considered the offer of the management of the Punjab National Bank Ltd. to pay Rs. 38 per share exclusive of dividend as low and therefore decided to mobilise support from other shareholders in opposing the offer. The Company has now agree to pay Rs. 40/- per share excluding dividend as demanded by the Life Insurance Corporation.

#### Air Link between Ahmedabad and other Cities of Gujarat

\*976. SHRI P.G. MAVALANKAR : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether Government are aware of the fact that Ahmedabad is not directly linked by air with other important cities and places in Gujarat, except Baroda; and

(b) if so, what urgent steps Government propose to take to meet this deficiency ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) :

(a) : Yes Sir

(b) Indian Airlines has no immediate proposal to connect Ahmedabad with other cities in the State, but the matter is kept under constant review.

#### अफीम की खेती के अस्तर्गत क्षेत्र को मापने का ढंग

\*977. डा० लक्ष्मीनारायण पांडेय : क्या बिस्स मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या अफीम के वापन-बारे के खेतों को बांस से मापा जाता है;

(ख) मध्य प्रदेश तथा राजस्थान में ऐसे मामलों की संख्या कितनी है जिनमें क्षेत्रफल के माप में दोष पाए गए हैं, और

(ग) ऐसे मामलों को निपटाने के लिए सरकार द्वारा क्या प्रक्रिया अपनाई जाती है ?

बिस्स मंत्रालय में राज्य मंत्री (श्री के० आर० गणेश) : (क) दिसम्बर, 1968 में पूर्व पोस्ट के खेतों को सामान्यतया निश्चित लम्बाई के इण्डो अथवा बांस की लाटियों से नापा जाता था। परन्तु, दिसम्बर, 1968 से उस तरीके को बदल दिया गया है और पोस्ट के खेतों को मोटर की फीलों से नापने का तरीका लागू कर दिया गया है।

(ख) और (ग). अफीम की पोस्ट की खेती हो जाने के तुरन्त बाद नाकांटेक्स विभाग के कर्मचारी प्रत्येक खेत को मापते हैं और पर्य-वेक्षी अधिकाारी उसी खेत को जाच की तौर पर फिर से नापते हैं। सरकार के पास उपलब्ध सूचना के अनुसार, खेतों को गलत तरीके से नापने के बारे में पोस्ट की खेती करने वालों की ओर से शिकायत किये जाने की कोई रिपोर्ट नहीं मिली है। फिर भी, यदि खेतों को नापते समय खेत के क्षेत्रफल में किसी प्रकार की घटबढ़ का पता चल जाता है तो उसे वहीं पर ठीक कर दिया जाता है और सम्बद्ध रिकार्डों में खेत का सही नाप दर्ज कर दिया जाता है।

#### Export Duty Relief for Jute Industry

\*978. SHRI MUHAMMAD SHERIFF : Will the Minister of COMMERCE be pleased to state :

(a) whether Government have considered the question of export duty relief for jute industry in the country; and

(b) if so, the outcome thereof ?

THE MINISTER OF COMMERCE (Prof. D.P. CHATTOPADHYAYA) : (a) & (b) : The incidence of export duty is kept under constant review, and the outcome announced as and when decisions are taken.

#### News-Item under the Caption "Bengal Tycoons' Bid to blackmail Government"

\*979. DR. RANEN SEN : Will the Minister of FINANCE be pleased to state :

(a) whether the attention of Government has been drawn to a news-report appearing in the 'Patriot' dated the 7th April, 1973 under the heading "Bengal tycoons' bid to blackmail Government"; and

(b) if so, the reaction of Government thereto ?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : (a) Yes, Sir.

(b) The Government are watchful in the matter.

#### IMPACT OF NEW IMPORT DUTY ON COTTON

\*980, SHRI PURUSHOTTAM KAKODKAR :

SHRI SHRIKISHAN MODI

Will the Minister of COMMERCE be pleased to state :

(a) whether his Ministry has, in consultation with the Finance Minister, examined the impact of the new import duty on cotton to evolve a satisfactory formula in this regard ; and

(b) if so, the outcome thereof ?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) : (a) Yes, Sir.

(b) Import duty on cotton proposed in the Budget for 1973-74 has been retained

स्टेनलैस स्टील के आयात के लिये मध्य प्रदेश की एक कर्म को लाइसेंस देना

9057. श्री गया चरण दीक्षित : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य प्रदेश की उन पार्टियों के नाम तथा पते क्या हैं जिन्हें वर्ष 1970-71, 1971-72 तथा 1972-73 में स्टेनलैस स्टील का आयात करने के लिये आयात लाइसेंस दिये गये ; और

(ख) प्रत्येक पाटी का कुल कितन मूल्य का लाइसेंस दिया गया ?

वाणिज्य मंत्री (श्री० डी० पी० चट्टोपाध्याय) : (क) और (ख) जारी किये गये आयात लाइसेंसों के बारे में कर्मचार ।

राज्यवार बांके नहीं रखे जाते हैं । तथापि, जारी किये गये सभी आयात लाइसेंसों के व्योरे आयातकों के नाम, उनके नाम, पते और आयात लाइसेंसों के मूल्य सहित 'बीकजी बुकेटिन आफ इंडस्ट्रियल लाइसेंसिस, इम्पोर्ट लाइसेंसिस एंड एक्सपोर्ट लाइसेंसिस में प्रकाशित किये जाते हैं जिसकी प्रतियां नियमित रूप से संसद पुस्तकालय को भेजी जाती हैं ।

#### POSTING OF AN ASSISTANT DIRECTOR IN DEPARTMENT OF TOURISM TO NEW YORK

9058. SHRI H. N. MUKERJEE : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether an Assistant Director in the Department of Tourism has recently been posted to New York in spite of her never returning home after transfer from the same office in 1969 and staying on in New York without leave and in violation of Service Rules, and

(b) if so, what is the true state of facts ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) and (b) The facts are that an Assistant Director of the Department of Tourism posted in New York applied for long leave when she was transferred to India in April 1970. The reason for her taking leave was that her husband was working for Air-India in New York. She was granted leave as admissible to her, on full pay, half pay and without pay till the end of March, 1972. She was re-posted to New York in January 1973 when her husband is still working for Air-India. Orders covering the period of leave without pay from 1st April 1972 till 8th January 1973 were delayed due to certain formalities and are now being issued.

#### EXCISE DUTY REBATE TO SUGAR FACTORIES DURING 1971-72

9059 SHRI M.R. LAKSHMINARAYAN : Will the Minister of FINANCE be pleased to state the amount of Excise duty rebate given to Sugar Factories as incentive to increase production during 1971-72, factory-wise, in each State ?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : The information is being

collected and will be laid on the table of the house.

**Uniform Procedure for Issuing Pay Slips to Ad Hoc Promoters in Grade IV of the Indian Statistical Service**

9060. SHRI MALLIKARJUN : Will the Minister of FINANCE be pleased to refer to the reply given to Unstarred Question No. 2867 on the 14th April 1972 and state :

(a) whether the A.G.C.R. had issued Pay slips for a restricted period upto 31st December, 1972 to a few *ad-hoc* promotees of Grade IV of the Indian Statistical Service and regular pay slips to all others;

(b) if so, the total number of such *ad-hoc* promotees under his audit control as on 31st December, 1972 and the number of persons issued pay slips for a restricted period ;

(c) the number of persons not issued Provisional Pay slips for the periods specified by certain Departments/Ministries of the Government of India in their sanction issued to the A.G.C.R. and the number of persons who were not granted annual increments on the plea of holding provisional pay slips; and

(d) the reasons for not (i) granting increments in the time-scale to such *ad-hoc* promotees; and (ii) issuing provisional Pay slips for three months at least at a time to obviate hardship ?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI) K. R. GANESH : (a) Yes, Sir.

(b) 29. Three persons were issued Pay slips for a restricted period.

(c) Provisional Pay slips were issued beyond 31st December, 1972 in favour of three officers for two months in the first instance these were extended for further two months in March, 1973 in the case of two officers, while, in the case of the third officer, leave salary was authorised upto the date of superannuation in February, 1973 as he had proceeded on leave preparatory to retirement by that time. Increment fell due during the currency of provisional payment to one officer. This was authorised along with regular Pay slip.

(d) Instruction have been issued by the C. & A. G. to ensure that provisional payments are made strictly in accordance with technically valid sanctions of competent authorities and increments are also authorised if otherwise admissible.

**कपास का बसूली मूल्य निर्धारित किया जाना**

9062. श्री गंगा चरण दीक्षित : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मध्य प्रदेश सरकार ने भारतीय कपास निगम से अनुरोध किया है कि आगामी फसल के लिये कपास का बसूली मूल्य निश्चित किया जाये; और

(ख) यदि हां, तो उस पर निगम की क्या प्रतिक्रिया है ?

वाणिज्य मंत्री (प्रो० डी० पी० चट्टोपाध्याय) : (क) जी नहीं ।

(ख) प्रश्न नहीं उठता ।

**मध्य प्रदेश में निर्मित कोसा कपड़े के लिये अन्तर्राष्ट्रीय मंडी**

9064. श्री गंगा चरण दीक्षित : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि ।

(क) क्या छत्तीसगढ़ क्षेत्र (मध्य प्रदेश) के कोसे कपड़े की विश्व भर में काफी मांग है; और

(ख) यदि हां, तो विदेशों में उसे और लोकप्रिय बनाने के लिये सरकार द्वारा क्या प्रयास किये जा रहे हैं ?

वाणिज्य मंत्री (प्रो० डी० पी० चट्टोपाध्याय) : (क) जी हां ।

(ख) विदेशों में कोसे कपड़े को और अधिक लोकप्रिय बनाने के लिये सरकार द्वारा किये गये प्रयास निम्नलिखित हैं :

(क) कोसा कपड़ा टसर रेशम से बनाया जाता है जिसके लिये केन्द्रीय रेशम बोर्ड द्वारा एक कच्चा माल बैंक स्थापित किया गया है । बैंक

निर्यात के लिये कोसा वस्तुओं के विनिर्माताओं को स्थिर कीमतों पर कच्चे माल की सप्लाईयां सुनिश्चित करता है।

(ख) सभी प्रकार के भारतीय माल के नमूनों को प्रदर्शित करने के लिये लन्दन में एक प्रदर्शन कक्ष स्थापित करने की योजना विचाराधीन है।

मध्य प्रदेश में तम्बाकू के गोदामों के सम्बन्ध में शिकायतें

9065. श्री गंगाधरजी दीक्षित : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार को मध्य प्रदेश में तम्बाकू के गोदामों की अपर्याप्त व्यवस्था के बारे में शिकायतें मिली हैं; और

(ख) यदि हां, तो सरकार ने इस बारे में क्या कार्यवाही की है ?

वाणिज्य मंत्री (प्रो० डी० पी० चट्टोपाध्याय) : (क) जी नहीं।

(ख) प्रश्न नहीं उठता।

पोलैंड से आयात की गई वस्तुएं

9066. श्री हुकम चन्द कछवाय : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि

(क) 1970-71, 1971-72 और 1972-73 के वित्तीय वर्षों में पोलैंड से आयात की गई वस्तुओं का मूल्य रुपया में कितना रहा; और

(ख) आयातित वस्तुओं में मुख्य मुख्य वस्तुओं के नाम क्या हैं ?

वाणिज्य मंत्री (प्रो० डी० पी० चट्टोपाध्याय)

(क) 1970-71—2803 लाख रु०

1971-72—4957 लाख रु०

1972-73—1828 लाख रु०

(सितम्बर 1972 तक)

(ख) पोलैंड से आयातित मुख्य वस्तुएं ये हैं उर्वरक (यूरिया), मन्थक, बेस्लिज इस्पात की वस्तुएं, पूंजीगत माल तथा विभिन्न प्रकार के उपस्कर, रंजक मध्यवर्ती पदार्थ, औषधि तथा भेषजीय पदार्थ, कार्बनिक तथा अकार्बनिक रासायनिक पदार्थ आदि।

1972-73 के बीच अमरीका की निर्यात किये गये सामान का मूल्य

9067. श्री हुकम चन्द कछवाय : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि वर्ष 1972-73 में अनुमानतः कितने रुपये के सामान का अमरीका को निर्यात किया गया ?

वाणिज्य मंत्री (प्रो० डी० पी० चट्टोपाध्याय) : सम्पूर्ण वर्ष 1972-73 के सम्बन्ध में निर्यात आकड़े अभी उपलब्ध नहीं हैं। तथापि, अप्रैल से सितम्बर 1972 की अवधि के दौरान म० ग० अमरीका को हुए भारतीय निर्यात 145.38 करोड़ रु० मूल्य के थे।

अमरीका से आयात की गई वस्तुओं का मूल्य

9068 श्री हुकम चन्द कछवाय : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि

(क) 1970-71, 1971-72 और 1972-73 के वित्तीय वर्षों में अमरीका से कितने रुपये की वस्तुओं का आयात किया गया, और

(ख) आयातित वस्तुओं में मुख्य मुख्य वस्तुओं के नाम क्या हैं ?

वाणिज्य मंत्री (प्रो० डी० पी० चट्टोपाध्याय)

(मूल्य लाख रु० में)

(क) 1970-71 45295

1971-72 41652

1972-73 9919

(अप्रैल-सितम्बर 1972)

(ख) डेरी उत्पाद, गेहूँ, अनाज, कच्ची रबड़, सूखी कपास, उर्वरक, एनीमल आयल्स, चर्बी तथा ग्रीस, सोयाबीन का तेल, रासायनिक मर्दें, ओषधीय तथा भेषजीय उत्पाद, कागज तथा गता, धागा तथा संश्लिष्ट रेश का तिलाई धागा, अयस्क तथा जस्त के सांद्रण, लोहा तथा इस्पात, अलौह धातुएं, मशीनरी मर्दें परिवहन उपस्कर, वैज्ञानिक यंत्र तथा उपकरण, फोटोग्राफिक तथा मिनेमाटो-ग्राफिक मण्डार्डज तथा गंधक ।

#### Arrests of Hoarders of Small Coins

9069. SHRI M. S. SIVASWAMY : Will the Minister of FINANCE be pleased to state :

(a) whether any arrests were made of the hoarders of small coins in the country; and

(b) if so, the State-wise figures thereof and the actions taken by Government in this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : (a) and (b) Information is being collected from State Governments and will be laid on the table of the House as soon as possible.

Loan Application Received by Bank of India from Farmers of Gaya, Nawadah and Jehanabad Districts of Bihar

9070. SHRI SUKHDEO PRASAD VERMA : Will the Minister of FINANCE be pleased to state :

(a) the total number of loan applications received from the small farmers of Gaya, Nawadah and Jehanabad District of Bihar by the nationalised banks during the year 1972-73, and

(b) total amount granted to the farmers of each of the Districts ?

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : (a) and (b) The information to the extent possible is being collected and will be laid on the Table of the House.

#### Categorising the sale of Cloth for export purposes

9071. SHRI D. B. CHANDRA GOWDA : Will the Minister of COMMERCE be pleased to state :

(a) whether there is any proposal under consideration Government according to which textile mills would be required to export a limited percentage of their total production to U.K. and other countries; and

(b) if so, the broad outlines thereof ?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) :

(a) and (b) : By consensus within the industry, a voluntary scheme has been evolved by the Indian Cotton Mills Federation where-under each composite mill is to undertake to export 15% of its production during 1973.

कोयम्बटूर जेल में किसी कंड़ी के पास से जाली नोटों का पकड़ा जाना

9072. श्री हुकम चन्द कछबाय :

श्री बिभूति मिश्र :

क्या बिस्व मंत्री यह बनाने की कृपा करेंगे कि

(क) क्या कोयम्बटूर जेल में किसी कंड़ी के पास से जाली नोट और जाली नोट छापने के वृद्ध ब्लाक मार्च 1973 में पकड़े गये थे ; और

(ख) यदि हां, तो इस सम्बन्ध में सरकार ने क्या कार्यवाही की है ?

बिस्व मंत्रालय में राज्य मंत्री (श्री के० आर० गणेश) (क) और (ख) तमिलनाडु की राज्य सरकार से सूचना इकट्ठी की जा रही है और यथाशीघ्र सभा-पटल पर रखी जायगी ।

**Complaints against General Manager of  
State Bank of Bikaner and Jaipur**

9073. DR. RANEN SEN.  
SHRI SAMAR MUKHERJEE

Will the Minister of FINANCE be  
pleased to state—

(a) whether this Ministry and the Reserve Bank of India have received complaints from Members of Parliament, trade unions and individuals in 1972 against General Manager of State Bank of Bikaner and Jaipur in respect of corruption, acceptances of gratification and irregularities alleged to have been committed by him,

(b) whether enquiries were made, and

(c) if so the decisions taken thereon.

THE MINISTER OF FINANCE (SHRI  
YESHWANTRAO CHAVAN) : (a) Yes  
Sir

(b) and (c). Complaints received by Government were forwarded to State Bank of India for making necessary enquiries. Enquiries so far made by the State Bank of India and the Reserve Bank of India into the allegations have shown that the allegations of corruption made against the General Manager of the State Bank of Bikaner and Jaipur are either baseless or have not been substantiated. Govt are however, awaiting the reports in respect of remaining complaints.

**Appointment of four Directors for  
Different Zones under the R B I**

9074. SHRI SHASHI BHUSHAN  
Will the Minister of FINANCE be pleased  
to state—

(a) whether Government have appointed four Directors for different zones under the Reserve Bank of India and if so, the names of those Directors and the criteria of selecting a person to hold the post of Director;

(b) how many persons belonging to the monopoly houses have been appointed as

Directors and the measures adopted to see that they do not favour the institutions to which they belong, and

(c) whether these Directors include persons against whom complaints were received earlier for violating the Foreign Exchange regulations and if so, the reaction of Government thereto and how Government propose to improve the situation?

THE MINISTER OF FINANCE  
(SHRI YESHWANTRAO CHAVAN)

(a) The Hon'ble Member has presumably in mind the Local Boards of the Reserve Bank of India. In terms of Section 9(1) of the Reserve Bank of India Act, 1934, the Central Government constituted afresh, with effect from 23rd February, 1973, a Local Board for each of the 4 areas specified in the First Schedule of the aforesaid Act by appointing three members each on the Local Boards for the Western, Eastern and Northern Areas and 4 members on the Local Board for the Southern Area. The names of these members are indicated in the attached Statement. Persons numbered (1) in each Area have also been nominated to serve on the Central Board of the Reserve Bank.

The selection of these persons was made after keeping in view the provisions of Section 9(1) read with Section 10 of the Reserve Bank of India Act, 1934.

(b) Two persons, namely, Dr Bharat Ram and Shri M.V. Arunachalam are associated, respectively, with companies which have been considered as belonging to a "larger industrial house" and a "large industrial house" by the Industrial Licensing Policy Inquiry Committee, 1969.

There are adequate safeguards in the existing law to ensure that they do not favour the institutions to which they belong.

(c) All the persons newly appointed on the Central Board and the 4 Local Boards of the Reserve Bank of India with effect from 23rd February, 1973 were got cleared from customs, excise, foreign-exchange regulations and income-tax angles before their appointments were notified.

*Statement*

**NAMES OF MEMBERS OF FOUR LOCAL BOARDS OF THE RESERVE  
BANK OF INDIA AS CONSTITUTED WITH EFFECT FROM  
23-2-1973 FOR THE FOUR AREAS**

AREA	NAMES OF MEMBERS
1	2
<b>1. The Western Area</b>	<p>1. Prof. M.L. Dantwala, Chairman, Agricultural Finance Corporation Ltd., Dhanraj Mahal, 1st Floor, Chatrapati Shivaji Maharaj Marg, BOMBAY-1. B.R.</p> <p>2. Shri K.C. Maitra, Chairman, Guest Keen Williams Ltd., "Rushilla" Carmichael Road, Bombay 26.</p> <p>3. Shri Charles M. Correa, Architect, 249, Dadabhai Naoroji Road, BOMBAY-1.</p>
<b>2. The Eastern Area</b>	<p>1. Shri A.N. Haksar, Chairman, India Tobacco Co. Ltd., 37, Chowringhee, CALCUTTA-16.</p> <p>2. Dr. Sadasiv Misra, Professor of Economics, Ravenshaw College, Cuttack.</p> <p>3. Shri G. Saha, Chartered Accountant, C/O M/s Ray &amp; Ray, Chartered Accountants, 6, Church Lane, Calcutta-1.</p>
<b>3. The Northern Area</b>	<p>1. Dr. Bharat Ram, Chairman and Managing Director, Delhi Cloth &amp; General Mills Co. Ltd., 25, Sardar Patel Road New Delhi-21.</p> <p>2. Shri K.N. Saprui, Chairman, The National Small Industries Corporation Ltd., Okhla Industrial Estate, New Delhi-20.</p> <p>3. Shri Prem Pandhi, Director and Chief Coordination Manager, Metal Box Co. of India Ltd., 4, Sardar Patel Road, New Delhi.</p>
<b>4. The Southern Area</b>	<p>1. Shri C. Ramakrishna, Advocate, 2, Garden Road, Madras-10.</p> <p>2. Shri M.V. Arunachalam, Managing Director, Tube Investments of India Ltd., "Chamundeswari Baugh" 9, Santhome High Road, Madras-4.</p> <p>3. Shri C.R. Ramaswamy, Proprietor, Nagapatnam Steel Rolling Mills, 2/3 Kasturiranga Iyengar Road, Madras-18.</p> <p>4. Shri M.K. Ramachandra, Managing Director, The Mysore Vegetable Oil Products Ltd., Post Box No. 1202, Bangalore-20.</p>



trades of the Centre's workshop. A statement, showing the number of persons admitted by the centres during the period from inception till February, 1973 and the number under evaluation at the end of February, 1973, is appended.

(c) Two such centres are likely to be set up during 1973-74—one each at Kanpur (Uttar Pradesh) and Ludhiana (Punjab).

#### *Statement*

Statement showing the number of persons admitted by the Vocational Rehabilitation Centres for Physically Handicapped during the period from inception till February, 1973 and the number under evaluation at the end of February, 1973.

Vocational Rehabilitation Centre	Date of inception	No. of persons admitted	No. under evaluation at the end of February, 1973
1. Bombay	July, 1968	1,164	1
2. Hyderabad	July, 1968	1,385	20
3. Delhi	May, 1972	137	15
4. Jabalpur	March, 1972	116	16
Total		2,802	82

#### **Asian Seminar on Development and Research by N. C. A. E. R. in New Delhi**

8958. SHRI BIRENDER SINGH RAO:  
SHRI S. N. MISRA :

Will the Minister of External Affairs be pleased to state :

(a) whether the National Council of Applied Economic Research held an Asian Seminar in New Delhi recently on Development and Research;

(b) if so, the names of delegates who participated in the Seminar; and

(c) whether any invitees were refused visas by Government and if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH) : (a)

Yes, Sir.

(b) A list of delegates who participated in the Seminar, based on information available, is attached.

(c) Two representatives from an Institution in Taiwan which was invited, were refused visas. As India does not have diplomatic relations with Taiwan, and in view of the fact that the Seminar was being organised by a Government-aided Institution, it was deemed inappropriate to permit the Taiwanese delegation to attend.

#### *Statement*

List of participants for the Asian Workshop on Research Methodology in Employment & Unemployment Studies—October 31—November 3, 1972, New Delhi

S. No.	Country	Name of the delegate
1.	Bangladesh	1. Dr. A. Samad
2.	India	2. Dr. Raquibuz Zaman
		1. Mr. M.S. Prakasa Rao
		2. Mr. M.P. Srivastava
		3. Mr. K.R. Sivarama Krishnan
		4. Mr. B.M. Mahajan
		5. Mr. Raghav Gaiha
		6. Dr. Bhagwan Prasad
		7. Mr. S. Bhoothalingam
		8. Mr. I.Z. Bhatta
		9. Mr. T.K. Roy
3.	Indonesia	1. Mr. Han Rochandi Redmana
		2. Dr. William Hendrik Makaliwe
4.	Iran	1. Dr. Ferouz Tofigh
		2. Dr. Afshar Naderi
5.	Japan	1. Mr. Toshiaki Hayashi
6.	Malaysia	1. Dr. Arudsothy
7.	Nepal	1. Shri Pashupathi Shumshere J.B. Rana
		2. Dr. Mohan Man Sainju

- |                |                              |
|----------------|------------------------------|
| 8. Philippines | 1. Mr. Armando Armas, Jr.    |
|                | 2. Dr. Felisa D. Fernandez   |
| 9. Sri Lanka   | 1. Mr. E.J. de Silva         |
| 10. Thailand   | 1. Mr. Supote Chunanuntathum |
|                | 2. Mr. Sukum Attavavutichai  |
|                | 3. Dr. N. K. Sarkar.         |

**Help to Government of Iraq for the Development of Steel and other Engineering Industries**

8959. SHRI M. S. SANJEEVI RAO : Will the Minister of HEAVY INDUSTRY be pleased to state :

(a) whether Government of India propose to help Government of Iraq in the development of steel and other engineering industries ;

(b) if so, the nature of help proposed to be given ; and

(c) whether any agreement on the subject has been concluded, if so, the broad outlines thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) Yes, Sir.

(b) and (c) A delegation, led by the Minister of Oil and Minerals, Government of the Republic of Iraq, visited India from March 25 to April 9, 1973, and held discussions with the Government of India

As a result of the discussions, an economic and technical cooperation agreement, which aims at developing, extending and consolidating economic, technical and trade relations between the two countries on the basis of equality and mutual benefit, was signed. The agreement envisages commercial exchanges including supply of crude oil, commodities and services and the establishment of projects between the two countries, on balanced basis, to the extent possible.

India will assist Iraq in implementing certain projects like railway lines, steel rolling mills, textile mills, sugar plants, power transmission and distribution systems, soda ash plant, sugar plants, manufacture of water pumps and light engineering industries, fertilizer project, aluminium project, power will expansion, etc. The agreement also provides for assistance to be given to the Government of Iraq in the development of its agricultural and allied activities.

एक ही दिन के लिए समयोपरि भत्ता तथा मेडिकल क्लेम का पैसा लेना

8960. श्री हुकम चन्द कछवाय : क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) कानपुर स्थित आई० जी० एम० सैटल इण्डिया मेन आफिस में ऐसे कर्मचारियों की संख्या कितनी है जिन्होंने गत एक वर्ष के दौरान समयोपरि कार्य किया तथा, उस के साथ ही सरकार से उन्हीं दिनों (मेडिकल क्लेम) का पैसा भी प्राप्त किया ;

(ख) क्या यह कर्मचारियों की आचरण संहिता के अन्तर्गत आता है ; और

(ग) इस संबंध में सरकार का क्या कार्यवाही करने का विचार है ?

रक्षा मंत्रालय (रक्षा उत्पादन) में राज्य मंत्री (श्री विद्या चरण शुक्ल) (क) लगभग पैंतीस ।

(ख) कर्मचारियों को जो चिकित्सा उपचार के अन्तर्गत हैं उन्हें समयोपरि कार्य करने के लिए कोई वजन नहीं है जब तक कि वे अपनी सामान्य ड्यूटी करने के लिए चिकित्सा के आधार पर अयोग्य न हो जावें ।

(ग) प्रश्न नहीं उठता ।

**Export of Iron Ore from Kudremukh**

8961. SHRI P. R. SHENOY : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether Government have dropped the idea of exporting iron ore from Kudremukh in the form of slurry with the

Ltd. flights between Europe and India. We have no knowledge of this travel agency being engaged in obtaining visas fraudulently

(b) and (c) Based on Air India's records during the recent months, there has been no occasion in which a passenger travelling by Trident Air's charter had to be reported

(d) Does not arise

#### **Nature of P L 480 Agreement And Amount Paid**

9083. SHRI SHANKERRAO SAVANT Will the Minister of FINANCE be pleased to state

(a) what is the nature of the P L 480 Agreement and whether the agreement is still subsisting,

(b) how much India have paid and have to pay to the USA under this agreement and

(c) how the sale-proceeds of the foodgrains have been utilised so far?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) . (a) A number of Agreements were signed with US Govt. between August 1956 to April 1971 for import of foodgrains and other agricultural commodities from USA under Public Law 480 Imports under these Agreements were completed by December 1971 and no further imports are being made

(b) The total amount paid in rupees for the imports made since 1956 aggregated Rs. 2243 crores. In addition, imports worth \$ 418.19 million have been received against long-term credits and these will be repaid in dollars/convertible currencies over a period of 40 years

(c) The rupees accruing to the US on account of their sales to India under P L 480 have been utilised as under —

(Rs. crores)			
	Accruals	Amounts utilised/spent	Amounts remaining to be utilised
1 For loans to Govt. of India	1422.87	1422.87	0.08
2 For Grants to Govt. of India	388.64	383.05	5.59
3. For Cooley loans to Indo-US enterprises	141.73	121.84	19.89
4 For US uses	289.65	289.65	—
<b>TOTAL</b>	<b>2242.97</b>	<b>2217.41</b>	<b>25.56</b>

#### **Coffee Producing Countries obtaining export stamps in Excess of their share**

9084 SHRI RAM BHAGAT, PASWAN Will the Ministry of COMMERCE be pleased to state

(a) whether Government's attention has been drawn to the reports that coffee producing countries obtained export stamps in excess of their share of the quantity fixed by the producers group, and

(b) if so, the reaction of Government thereto?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA)

(a) Yes, Sir

(b) Following the failure of the International Coffee Council to take decisions regarding fixation of quotas for the last three quarters of the Coffee Year 1972-73 the overall position has become fluid and virtually each exporting country is left free to avail itself of the export markets as it considers advisable.

#### **Bonus Given to Employees of I.M.P.E.C**

9085 SHRI N. K. SANGHI Will the Minister of COMMERCE be pleased to state

(a) whether the employees of the IMPEC who were given 20 per cent bonus in 1963 are now being given only 4 per cent bonus,

(b) whether it is because of low profitability rise in entertainment and travelling expenses of the IMPEC and if not, the factors responsible for this; and

(c) what steps Government propose to take to raise the profitability and to cut down establishment expenses of the Corporation?

**THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) :**

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

#### **Survey of Backward Areas By Financial Institutions**

9086. **SHRI ARJUN SETHI :** Will the Minister of FINANCE be pleased to state

(a) whether surveys have been completed in all the States by the Financial Institutions viz. IDBI, IFCI and ICICI to identify the industrial potential and to assess the infrastructure facilities for the establishment of industries in the selected backward areas of the country; and

(b) if so, the outcome thereof?

**THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) :** (a) and (b). The Industrial Development Bank of India in collaboration with other all-India financial institutions like the Industrial Finance Corporation of India, the Industrial Credit and Investment Corporation of India, the Agricultural Refinance Corporation, etc. carried out the industrial potential surveys of all the States Union Territories specified as backward, excepting Andaman and Nicobar Islands. A joint institutional study team would soon discuss with the officials of the Andaman and Nicobar Islands on the project ideas identified by the National Council of Applied Economic Research in its Surveys Report on these Islands.

The Committee of Direction, comprising senior officials of the Industrial Development Bank of India, the Industrial Finance Corporation of India, the Industrial Credit and Investment Corporation of India, the Agricultural Refinance Corporation and a senior official of the Ministry of Industrial

Development, has had discussions with the officials of the concerned State Governments and State-level institutions in Assam, Bihar, Jammu and Kashmir, Orissa, Madhya Pradesh, Rajasthan, Tripura and Uttar Pradesh on the follow-up action to be initiated on the relative survey reports. Such discussions are proposed to be held in Manipur, Nagaland, Arunachal Pradesh and Himachal Pradesh shortly. With a view to facilitating and keeping a close watch on the follow-up of identified projects, inter-institutional groups comprising representatives of the all-India financial institutions, State-level financial institutions including lead banks and the State Government have been formed in those States where follow-up discussions have been held excepting in Tripura in whose case the follow-up would be looked after by the inter-institutional group in Assam.

To assist the inter-institutional group with regard to various aspect of project work, a Consultancy Centre, on the pattern of the Kerala Industrial and Technical Consultancy Organisation Limited (KITCO), is proposed to be set up at Gauhati to cater to the needs of the States/Union Territories in North-eastern Region viz: Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. A proposal for a KITCO type Industrial and Technical Consultancy Organisation to cover on a joint basis both Bihar and Uttar Pradesh has also been referred to the concerned State Governments for their views.

The survey reports so far submitted have suggested a number of project ideas approximately involving an investment of Rs. 878 crores for implementation. Of these 11 project ideas have already been implemented or are being implemented by the promoters; 7 projects ideas have been converted into viable project schemes which have been submitted for assistance to financial institutions. The Industrial Development Bank of India in collaboration with the Industrial Finance Corporation of India and the Industrial Credit and Investment Corporation of India have got feasibility studies prepared for about a dozen projects and follow-up action on these studies as well as on other project idea is being initiated jointly with the other financial institutions.

### **Recipients of Bank Credit on preferential Rates of Interest**

9087. SHRI BHOGENDRA JHA : Will the Minister of FINANCE be pleased to state :

(a) the total amount advanced and the total number of peasants and agricultural labourers throughout the country to whom credit under preferential rates of interest has been advanced and their ratio to the amount and number of recipients credit on normal rates of interest ; and

(b) in how many and which Districts of the country the scheme of preferential rate of interest has been introduced?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : (a) The scheme of Concessional Rates of Interest was started on a pilot basis in August, 1972. Upto 31st December, 1972, banks had provided funds to 26,818 borrowers involving a total amount of Rs. 89.9 lakhs. The statistics maintained for lending under the Scheme do not give information separately in regard to different categories such as agricultural labourers, artisans, etc.

(b) When the scheme was introduced in August, 1972, it was to operate in 163 districts. Later, as announced at the time of the presentation of the current year's Budget, the number of districts where the scheme is to operate was increased to 265. The names of these districts are given in the statement laid on the Table of the House. [Placed in Library. See No. 1 T.—4958/73]

### **Crisis in C.C.I. due to losses in the purchase of Cotton**

9088 SHRI JAGANNATH MISHRA : Will the Minister of COMMERCE be pleased to state :

(a) whether Cotton Corporation of India is in the grip of a crisis on account of anticipated heavy losses on its purchases of indigenous cotton, and

(b) if so, the remedies proposed?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) : (a) No Sir.

(b) Does not arise.

### **Export of Iron Ore from Maharashtra and Goa**

9089. SHRI SHANKERRAO SAVANT : SHRI S. L. PEJE :

Will the Minister of COMMERCE be pleased to state :

(a) whether a considerable quantity of iron ore is exported from Maharashtra and Goa; and

(b) if so, how much per year?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) :

(a) and (b). Annual exports from Maharashtra and Goa, on an average, were of the order of 6.6 lakh tonnes and 106.37 lakh tonnes respectively during the last three years.

### **Smuggling on Indo-Pak Borders**

9090. SHRI H. M. PATEL : Will the Minister of FINANCE be pleased to state :

(a) whether Government are aware that smuggling on large scale on the Indo-Pak borders has been going on for quite some time past, and

(b) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : (a) Although there is some increase in the smuggling of trade goods after the disengagement of army on Indo-Pak border, there is nothing to indicate that smuggling on large scale is going on that border.

(b) Customs staff have been alerted and periodical meetings are held at appropriate levels between the officers of the Customs, Border Security Force, and State Police authorities to maintain liaison and to co-ordinate anti-smuggling activities. Sometimes joint checks are arranged. Surprise checks are also conducted at Railway Stations, Bus Stands and Post Offices.

### **Increase in Trade Between India and America**

9091. SHRI B. S. BHURA : Will the Minister of COMMERCE be pleased to state :

(a) whether the American Ambassador has indicated that during the current year India's trade with America would increase, and

(b) if so, the assessment made by Government in this regard?

**THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA)**

(a) According to a press report, the U.S. Ambassador to India had stated at a reception held in his honour by the Indo-American Chamber of Commerce Bombay on April, 9, 1973 that India's exports to U.S.A. were likely to increase during 1973.

(b) India's exports to U.S.A. have been on the increase after 1970-71, and it is expected that with the various steps being taken by Government to promote exports, this trend in our exports to U.S.A. will continue.

**पिछले क्षेत्रों में वायु सेवाओं का विस्तार करने की योजना**

9092 श्री बिभूति मिश्र क्या पर्यटन और नागर विमानन मंत्री यह बताने की कृपा करेंगे कि,

(क) क्या नागर विमानन का लाभ कवल देश में बड़े व्यावसायिक केंद्रों और विभिन्न राज्यों के मुख्यालयों के रहने वालों को ही मिल रहा है

(ख) क्या सरकार पिछड़े क्षेत्रों में वायु सेवाओं का विस्तार करने की किसी योजना पर विचार कर रही है जिससे उन क्षेत्रों के लोग भी इस सुविधा में लाभान्वित हो सकें और

(ग) यदि हाँ तो उसकी रूपरेखा क्या है?

**पर्यटन और नागर विमानन मंत्री (डा० कर्ण सिंह)** (क) जी, नहीं। इण्डियन एयरलाइंस देश में कम से कम 71 स्थानों के लिए परिचालन करती है जिनमें बहुत दूर-दूर फैले हुए सुदूरवर्ती क्षेत्र भी सम्मिलित हैं।

(ख) और (ग) अपनी विभिन्न बाध्यताओं तथा परिसीमाओं के अन्तर्गत रहते हुए, इण्डियन एयरलाइंस समय-समय पर नए स्टेशन खोलने के प्रयत्न करते हैं तथा पाँचवी

पञ्चवर्षीय योजना में उसकी अपने तत्कालीन का और अधिक विस्तार करने की योजनाएँ हैं जिनके अन्तर्गत अनेक छोटे नगर भी आ जाएँगे

**Import of Technical Books**

9093 SHRI BIBHUTI MISHRA Will the Minister of COMMERCE be pleased to state

(a) whether Government are importing technical books

(b) if so, the subjects of the books which are being imported, and

(c) whether these books are not available in India and are not written by Indian writers?

**THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA)**

(a) During 1973-74, part of the quota of established importers for import of books will be diverted to STC for import of technical books for meeting the requirements of Universities, educational institutions, libraries etc.

(b) A Statement covering the subjects of technical books permissible for import is laid on the Table of the House [Placed in Library See No. LI - 4959/73]

(c) The import policy is framed having regard to domestic requirements and availability.

**अधक के निर्यात के सम्बन्ध में अन्य देशों के साथ व्यापार**

9094 श्री शंकर बहाल सिंह क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार ने मार्च-अप्रैल, 1973 में अन्तरक के निर्यात के सम्बन्ध में किसी देश के साथ व्यापार करार दिया है और

(ख) यदि हाँ, तो तन्मन्वही मुख्य रूप से क्या है और उन देशों के नाम क्या हैं?

**वाणिज्य मंत्री (प्रो० डी० पी० चट्टोपाध्याय)** (क) और (ख) जानकारी एकत्र हो जा रही है और यथा जोर मिला पटल पर रख दी जाएगी।

**Requirements made by Nationalised Banks**

9095 SHRI D. D. DESAI Will the Minister of FINANCE be pleased to state

(a) what was the extent of new recruitment done by the 14 nationalised Banks in the three years before nationalisation and what is their new recruitment in the three years after nationalisation; and

(b) if the latter is less than the former, the reasons for fall in the recruitment?

**THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) :** (a) A statement giving the information available is laid on the Table of the House. [*Placed in Library. See No. LT-4960/73*].

(b) Does not arise.

#### **Man Hours lost in Nationalised Banks**

9096. **SHRI D. D. DESAI :** Will the Minister of FINANCE be pleased to state how many man-hours were lost in nationalised Banks due to staff strikes, pen-downs and such other agitations during the three years before June, 1969 and three years after June, 1969?

**THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) :** Based on the data supplied to it by the Labour and Statistical Departments in the States and Central Government, the Labour Bureau of the Department of Labour & Employment publishes annually a summary of principal labour statistics under the caption "Indian Labour Statistics". The relevant information regarding the man-days lost due to industrial disputes in banks collected from this publication is as follows :

Year	Man-days	Remarks
1966	9121	For both banking and insurance. No figures separately published for banks.
1967	34559	
1968	64781	
1969	188297	Information is for the entire banking system. No figures separately published for nationalised banks.
1970	90909	
1971	43247	

**Stagnation in the services of Translators, Hindi Assistants and Technical Assistants etc. in Ministries and Departments of Government of India**

9097. **SHRI NARENDRA SINGH BISHT :**

**SHRI PANNA LAL BARUPAL :**

Will the Minister of FINANCE be pleased to state :

(a) whether there is stagnation in the services of Translators, Hindi Assistants, Technical Assistants, Research Assistants, Hindi Officers etc. engaged in translation work from English to Hindi and *vice-versa* in various Ministries/Departments of Government of India and their attached/subordinate Offices as well as various autonomous bodies;

(b) the minimum time required for the Translator, Hindi Assistant, Technical Assistant, Research Assistant, Hindi Officer etc. to get promotion to the next higher grade;

(c) the steps contemplated to ensure that staff engaged in Hindi work are promoted to the next higher grade within a reasonable time to give incentive to them; and

(d) whether Government propose to grant Selection Grade to 20 per cent of the Senior Translators, Junior Translators, Hindi Assistants, Technical Assistants and Research Assistants etc. who are stagnating on the same posts for unduly long time?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) :** (a) There is no combined cadre for these posts. Every Ministry/Office has its own cadre. The promotional prospects in any cadre will be known only to the concerned cadre authorities. Finance Ministry have no information on the subject.

(b) and (c). Promotion to the higher grade is regulated in accordance with the recruitment Rule framed for such posts by each Ministry/Office, the normal channel of promotion and the number of vacancies available.

(d) No such proposal is at present pending with the Ministry of Finance.

#### **Standing Conference of Public Enterprises**

9098. **SHRI SAT PAL KAPUR :** Will the Minister of FINANCE be pleased to state :

(a) whether the public sector undertakings have formed in Association called the Standing Conference of Public Enterprises (SCOPE);

(b) if so, the main purpose of forming this Association; and

(c) the articles of Association and memorandum of Association of SCOPE?



**THE MINISTER OF FINANCE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) :** (a) Some Chief Executives of Public Enterprises decided to set up a Central Information Room in New Delhi, which was registered under the Registration of societies Act in September 1970 under the name of "New Horizon". The Executive Board of "New Horizon" has recently decided to re-name the organisation as 'Standing Conference of Public Enterprises'.

(b) and (c) Presumably, the Hon'ble Member desires to know the objectives, composition, etc. of this organisation as given in its Memorandum of Association and Articles of Association. The primary objectives are :—

- (i) to promote a better understanding among the public at large of the individual and collective contribution of Public Enterprises to the economic development of the nation, and to undertake such activities as may be deemed necessary to achieve this aim;
- (ii) to provide a forum to the Public Enterprises for mutual exchange of ideas and experiences and for collective thinking on matters of common interest;
- (iii) to promote business potential of Public Enterprises and provide business information;
- (iv) to undertake and/or sponsor research projects on problems relating to Public Enterprises, etc.

The Society's Membership is open to all Public Enterprises of the Central Government and State Govts. as well as other organisations, subject to the approval of its Board.

**Difficulty faced by Small Farmers living in remote villages in getting loans from Nationalised Banks**

9099. **SHRI SAT PAL KAPUR :**

**SHRI SHASHI BHUSHAN :**

Will the Minister of FINANCE be pleased to state :

(a) whether Government are aware of the difficulties being faced by small farmers  
3-419LSS/73

living in remote villages in getting loans from nationalised Banks; and

(b) if so, the nature of difficulties being faced by them and the steps taken or proposed to be taken to help them?

**THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) :** (a) and (b). The main difficulty faced by the small farmers living in remote villages is that very often there is no branch of a bank near their villages. The banks have been requested to open more and more branches in rural areas to remove this difficulty. The number of officers of commercial banks in rural areas has increased from 1860 as in July 1969 to 4860 as on June, 1972.

Lack of requisite infrastructural facilities in the remote villages also constitutes a serious handicap for the farmers in such villages as well as for the banks. State Governments are also taking steps to provide these facilities so as to enable banks to extend credit in those areas.

The following steps are being taken in order to remove the difficulties faced by small farmers in obtaining credit from the public sector banks :

- (i) Public sector banks are actively associated with Small Farmers Development Agencies/Marginal Farmers and Agricultural Labourers agencing in different parts of the country.
- (ii) Public sector banks are financing small, marginal farmers and agricultural labourers upto specified amount under various schemes without insisting upon mortgage of land. Emphasis has been laid on the banks moving away from security-oriented lending to productive and incremental income-oriented lending.
- (iii) The State Bank of India Group Propose to open special agricultural development branches at 158 selected-intensive centres preferably in areas of special schemes such as Small Farmers Development Agencies/Marginal Farmers and Agricultural Labourers-Agencies.



- (h) The provisions of Credit Guarantee Scheme have been liberalised to cover short term credit from Rs 1000 to Rs 2500 and term credit from Rs 50700 to Rs 10,000. Short term credit converted into medium term credit on account of flood, drought etc is covered upto Rs 5000. These provisions cover all loans in the fields of agriculture upto the specified ceilings.
- (i) The banks have started taking group guarantees in case of loan granted to very small farmers/share croppers and no other security is asked for in such cases.
- (iv) Differential interest rate scheme *inter alia* covers very small farmers. In addition some of the public sector banks have introduced scheme of varying rate of interest according to the size of their holding. These schemes would also benefit small farmers.
- (vii) Certain guidelines have also been issued by Reserve Bank of India for financing small and potentially viable farmers.
- (viii) Legal charges in regard to loan proposals from small and marginal farmers are met by the commercial banks themselves.

**Study Team on Leakage of Foreign Exchange**  
**9100 SHRI NAWAL KISHORE SHARMA**  
**SHRI M S PURTY**

Will the Minister of FINANCE be pleased to refer to the reply given on 17th Nov 1972 to Unstarred Question No. 889 regarding study team on leakage of Foreign Exchange and state

(a) the decisions taken by Government on the recommendations of the study team to save the leakage of foreign exchange from the country,

(b) the time by which the decisions will be implemented, and

(c) the extent to which the foreign exchange will be saved as a result thereof?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K R GANESH)** (a) The Study Team on Leakage of Foreign Exchange through Invoice Manipulation had made as many as 220

recommendations. Of these, 211 recommendations have been processed and the remaining are under examination. Of these 211 recommendations, decisions have been taken on 183, 108 have been accepted, 68 have been accepted in principle, 4 have been accepted with modifications and 3 have not been accepted.

(b) The recommendations relate to different matters, legislative, procedural, administrative and organisational, and therefore, call for different types of implemental action. It is not possible to indicate precisely the time by which all the implemental action would be completed. Appropriate action is being taken by the concerned Ministries/Departments on the accepted recommendations according to their nature and content.

(c) According to the estimate of the Study Team, a leakage of foreign exchange of an order of Rs 50-70 crores is attributable to under-invoicing of exports, over-invoicing of imports and other manipulations in trade channels. It is in this limited area of leakage, with which the Study Team was concerned, that its recommendations can be expected to make desired impact after they have been fully implemented and have had a trial for some length of time.

**Seizure of Cash and Gold during raid on the premises of a Businessman in Chandni Chowk, Delhi**

9101 **SHRI JYOTIRMOY BOSU** Will the Minister of FINANCE be pleased to refer to the reply given to Starred Question No. 1743 on 16th March 1973 regarding recovery of goods worth Rs 16 lakhs and cash during a raid on business premises in Delhi in February, 1973 and state

(a) the name and particulars of the party whose business and residential premises and 6 bank lockers were searched on 27th February 1973,

(b) how far investigations have progressed, and

(c) when the investigations are expected to be completed?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K R GANESH)** (a) On the 21st February, 1973 the business premises of Shri Hari Ram Lohariwala, a dealer in silver bullion, in Chandni Chowk, Delhi, and his residential premises in Kailash colony, New Delhi were searched. In addition to this 6 lockers in

the Central Bank of India, Chandni Chowk Delhi, which were in the names of Shri Hari Ram Lohariwala, his two sons S/Shri Bhagwan Das Gupta and Anand Kumar Gupta and his daughter-in-law Smt. Meera Gupta were also searched.

(b) and (c). The Income-tax Officers had sealed the lockers containing silver valued at about Rs. 15.5 lakhs and currency notes worth Rs. 7,500 and have served the Prohibitory orders under Section 132(3) of the Income Tax Act. Further, they have seized currency notes worth Rs. 50,000/- and jewellery valued at about Rs. 3.46 lakhs, out of the gold and jewellery worth Rs. 5.06 lakhs, found in the residential premises of Shri Hari Ram Lohariwala. This jewellery being made of white metal or of gold of less than 9 carat purity is not actionable under the Gold (Control) Act. All the material under the control of Income-tax officers is being examined under the Income Tax Act.

In respect of the rest of the gold and jewellery which was seized under the Gold (Control) Act, investigations are being made. Shri Hari Ram Lohariwala, who at the time of seizure was away at Calcutta, was summoned. He has been interrogated and his statement recorded.

Every effort is being made to finalise the investigations early.

#### **Crisis in Hosiery Industry, Ludhiana**

9102. SHRI JYOTIRMOY BOSU :

SHRI RAM BHAGAT PASWAN :

Will the Minister of COMMERCE be pleased to state :

(a) whether his attention has been drawn to the fact that hosiery industry in Ludhiana is facing a serious crisis because of the steep rise in the prices of greasy wool in the international market and the blocking of about 50 per cent of its total investment in woollen rags; and

(b) if so, the steps being taken by Government in this regard?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) :

(a) and (b). The woollen hosiery industry in Ludhiana has been facing difficulties due to a steep rise in the prices of greasy wool in the international markets. It is also true that part of its working capital has been

blocked in the woollen rags brought in replenishment. The following factors should, to some extent, correct the situation :—

(1) Release of detained woollen rags has commenced. These bales are being released where I.T.C. Regulations are not infringed and where the bales are predominantly woollen, and where no documentary evidence is available about under invoicing.

(2) The prices of greasy wool in the international market are coming down.

(3) An option has been given to the industry to import acrylic fibre upto 40% in replenishment as also in the Actual Users entitlements.

#### **Slackening in pace of branch expansion of Nationalised Banks**

9103. SHRI JYOTIRMOY BOSU: Will the Minister of FINANCE be pleased to state :—

(a) whether the pace of branch expansion has slackened for the banking system as a whole;

(b), whether the slow-down is greater for the State Bank of India; and

(c) if so, the reasons therefor?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : (a) to (c). During the year 1970 the commercial banks, including the State Bank of India, took up a massive branch expansion programme. During 1971 and 1972, the number of bank offices opened was somewhat lower than that in 1970. This is due to various factors among which the need to pay greater attention towards providing intensive coverage to the areas served by branch offices, the organisational and manpower, constraints, and decline in the number of identified unbanked growth centres are the principal ones.

#### **‘मारुति’ छोटी कार का निर्यात**

9104. श्री फूलचन्द वर्मा : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या ‘मारुति’ नामक छोटी कार के निर्यात संबंधी किसी प्रस्ताव की सरकार को सूचना मिली है; और

(ख) यदि हाँ, तो इसकी मुख्य बातें क्या हैं और इस पर सरकार की क्या प्रतिक्रिया है?

वाणिज्य मंत्री (प्रो० डी० पी० चट्टोपाध्याय) : (क). सरकार को 'माफ़ि' कारों के निर्यात के संबंध में किसी प्रस्थापना की जानकारी नहीं है।

(ख) प्रश्न नहीं उठता।

निर्यात संवर्धन के लिए ठोस कार्यक्रम

9105. श्री फूलचन्द वर्मा : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने निर्यात संवर्धन हेतु कोई ठोस कार्यक्रम बनाया है; और

(ख) यदि हाँ, तो तत्संबंधी मुख्य रूप-रेखा क्या है?

वाणिज्य मंत्री (प्रो० डी० पी० चट्टोपाध्याय) : (क) और (ख). निर्यात संवर्धन के लिए सरकार का कार्यक्रम निर्यात नीति संकल्प, जो 30 जुलाई, 1970 को संसद के समक्ष रखा गया था, में पहले ही निर्दिष्ट कर दिया गया है। संकल्प की रूपरेखा के भीतर निर्यात संवर्धन उपायों में आवश्यकता-नुसार उपयुक्त परिवर्तन किए जाते हैं।

ब्रिटेन के योरोपीय साक्षा बाजार में प्रवेश करने के परिणामस्वरूप भारतीय निर्यात को हुई हानि के लिये मुआवजा की मांग

9106. श्री फूलचन्द वर्मा : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत ने जनेवा में अप्रैल, 1973 में योरोपीय आर्थिक समुदाय के प्रतिनिधि मंडल के सामने अपना पक्ष रखते हुए यह मांग की है कि ब्रिटेन के साक्षा बाजार में प्रवेश से भारत के निर्यातों पर जो बुरा प्रभाव पड़ा है उसके लिए भारत को मुआवजा दिया जाये; और

(ख) यदि हाँ, तो हमारी मांग संबंधी मुख्य बातें क्या हैं और उसके प्रति योरोपीय आर्थिक समुदाय की क्या प्रतिक्रिया है?

वाणिज्य मंत्री (प्रो० डी० पी० चट्टोपाध्याय) : (क) और (ख). ब्रिटेन, आयरलैंड तथा डेनमार्क के योरोपीय आर्थिक समुदाय में प्रवेश करने के परिणामस्वरूप परिवर्धित समुदायों के साथ भारत के व्यापार पर प्रतिकूल प्रभावों के लिए मुआवजा प्राप्त करने हेतु टैरिफ तथा व्यापार संबंधी सामान्य करार के अन्तर्गत भारत ने योरोपीय समुदायों के साथ परामर्श तथा वार्ताएं शुरू कर दी हैं।

परामर्श तथा वार्ताएं अभी भी चल रही हैं और अभी इतनी जल्दी यह नहीं कहा जा सकता है कि हमारी मांग क्या क्या होगी और उस पर योरोपीय समुदायों की प्रतिक्रिया क्या होगी।

सूत व्यापार के सरकार द्वारा अपने हाथ में लेने के पश्चात् सूत की स्थिति

9107. श्री अटल बिहारी वाजपेयी : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) सूत का व्यापार सरकार द्वारा अपने हाथ में लेने के पूर्व के एक मास में तथा बाद के एक मास में औसतन:—

(i) मिलों में सूत का स्टॉक कितना था;

(ii) सूत उपभोक्ताओं को कितना सूत मिला तथा उनकी आवश्यकता कितनी थी ;

(iii) मिल-बाहर (एक्स मिल) मूल्य, दुलाई (हैडलिंग चार्ज) आदि का कितने प्रतिशत व्यय हुआ तथा उपभोक्ता मूल्य क्या रहे ;

(iv) सूत उत्पादन पर तथा सूती वस्त्र उत्पादन पर क्या प्रभाव पड़ा; और

(ख) मार्च के प्रथम सप्ताह में कोलकाता के सूत के मूल्य क्या थे और बितरण अपने हाथ में लेते ही सरकार ने क्या मूल्य निश्चित किए?

वाणिज्य मंत्री (प्रो० डी० पी० बट्टोपा-  
ध्याय) : (क) और (ख). जानकारी एकत्र  
की जा रही है और यथाशीघ्र समा पटन पर  
रख दी जाएगी।

#### Introduction of Surveillance Radar System at Delhi Airport

9109 SHRI P. GANGADEB

SHRI P. M. MEHTA :

Will the Minister of TOURISM AND  
CIVIL AVIATION be pleased to state :

(a) whether Surveillance Radar System  
has been introduced at Delhi Airport; and  
if so, the advantages of this system;

(b) whether such radars are also proposed  
to be installed at other major airports; and

(c) if so, when, where and at what cost?

THE MINISTER OF TOURISM AND  
CIVIL AVIATION (DR. KARAN  
SINGH) : (a) Yes, Sir The Airport Sur-  
veillance Radar will improve the Air Traffic  
Control Services provided around Delhi  
airport and will enable—

(1) air traffic controllers to guide in-  
coming aircraft to a position close to  
the airport from where the pilot  
can make a visual approach to  
land or use the Instrument Landing  
System.

(2) the pilots of incoming aircraft to  
have the benefit of Radar assisted  
approach up to one mile from the  
runway.

(3) controllers to give closer instructions  
to departing aircraft.

(4) Air Traffic Control to handle more  
aircraft.

(b) and (c). Similar Radars are already in  
operation at Bombay and Calcutta airports.  
An order for 2 more such radars estimated  
to cost Rs. 96 lakhs has been placed; one  
for installing at Madras and the other for  
replacing the existing one at Calcutta.

#### अफीम के वर्गीकरण हेतु प्रक्रिया

9110. डा० लक्ष्मी नारायण पाण्डेय :  
क्या बिस्त मंत्री यह बताने की कृपा करेंगे  
कि :

(क) क्या किमानो द्वारा पूर्व निर्धारित  
तोल-केन्द्रों पर लाई गई अफीम का वर्गीकरण  
तोल अधिकारी द्वारा किया जाता है परन्तु  
इस वर्गीकरण को अंतिम नहीं माना जाता  
है;

(ख) क्या प्रारम्भिक वर्गीकरण के बाद  
बहुत से वाश्टकारों द्वारा लाई गई अफीम को  
अंतिम वर्गीकरण के लिए एक साथ मिला दिया  
जाता है, और

(ग) क्या सरकार का विचार इस  
प्रक्रिया जिसमें कृषकों को भारी हानि होती  
है, में परिवर्तन करने का है और यदि हा, तो  
किस प्रकार से?

बिस्त मंत्रालय में राज्य-मंत्री (श्री के०  
बालर० गणेश) : (क) और (ख). पोन्त  
के वाश्टकारों द्वारा तोल के केन्द्रों पर लायी  
जाने वाली अफीम में नमी की मात्रा भिन्न-  
भिन्न होती है। प्रत्येक वाश्टकार की अफीम  
में नमी की मात्रा जिला अफीम अधिकारी  
द्वारा हाथ में छू कर देख कर तथा सूख कर  
निश्चिन की जाती है। माडी तेल, गुड  
इत्यादि जैसी मिलावटों का पता लगाने के  
लिये जिला अफीम अधिकारी द्वारा कुछ  
साधारण रासायनिक परीक्षण भी किये जाते  
हैं। विभिन्न वाश्टकारों की एक ही वर्गीकरण  
की अफीम को एक साथ मिलाया जाता है  
तार्कि 35 किलोग्राम का एक एक पैला तैयार  
किया जा सके जिन्हें अंतिम रासायनिक विश्ले-  
षण के लिये सरकारी अफीम कारखानों को  
भेज दिया जाता है।

(ग) पोन्त के वाश्टकार वर्तमान कार्य-  
विधि में सामान्यतया सन्तुष्ट हैं। लेकिन,  
कुछ ऐसे वैद्युत/यांत्रिक नमी मीटरों को तोल  
के केन्द्रों पर इस्तेमाल करने के प्रश्न पर सरकार  
विचार कर रही है जो अफीम में नमी की ठीक-  
ठीक मात्रा का पता लगा सके।

### अफीम उत्पादकों का मुख्तियानियुक्त करने के लिये मापदंड

9111 डा० लक्ष्मी नारायण पांडेय : क्या बिस्त मंत्री यह बताने की कृपा करेंगे कि

(क) किसी गांव में अफीम उत्पादकों के मुख्तियानियुक्त करने के लिए सरकार ने क्या मापदंड अपनाया है; और

(ख) क्या सभी स्थानों पर यही मापदंड अपनाया जाता है ?

बिस्त मंत्रालय में राज्य-मंत्री (श्री के० आर० गणेश) (क) पोस्त उगाने वाले गांवों में नम्बरदार की नियुक्ति के लिए वर्तमान में अपनाई जा रही कार्यविधि यह है कि पोस्त के उन आठ किसानों का एक पैनल तैयार किया जाता है जिन्होंने अफीम की प्रति हेक्टेयर मार्वाधिक उपज दी है और जिस व्यक्ति का समग्र कार्यनिष्पादन कार्य तथा आचरण सर्वोत्तम समझा जाता है उसे नम्बरदार नियुक्त किया जाता है। यदावदा मामलों में जब पैनल में से कोई भी किसान नम्बरदार के कार्य को सम्भालने का इच्छुक नहीं होता है तो गांव के किसी अन्य उपयुक्त किसान को नम्बरदार नियुक्त किया जाता है।

(ख) जी, हाँ।

### प्रतापगढ़ के अफीम उत्पादकों द्वारा प्रस्तुत किया गया मांग पत्र

9112 डा० लक्ष्मी नारायण पांडेय : क्या बिस्त मंत्री यह बताने की कृपा करेंगे कि

(क) क्या अफीम उत्पादक कृषक मध्य प्रतापगढ़ राजस्थान द्वारा एक मांग पत्र सरकार को भेजा गया है, और

(ख) यदि हाँ, तो कृषकों की मुख्य मांग क्या है और सरकार ने उन पर क्या कार्यवाही की है?

बिस्त मंत्रालय में राज्य-मंत्री (श्री के० आर० गणेश) (क) जी, हाँ।

(ख) अफीम उत्पादक कृषक संघ, प्रतापगढ़, राजस्थान द्वारा प्रस्तुत की गई प्रमुख मांग यह है कि सरकार द्वारा काश्तकारों से खरीदी जाने वाली अफीम के लिए उनको दिया जाने वाला अफीम का न्यूनतम मूल्य 100/- रु० प्रति किलो निश्चित किया जाना चाहिए।

पोस्त के काश्तकारों को दिया जाने वाला अफीम का मूल्य सभी सगत कारणों पर ध्यान देने के बाद प्रति वर्ष निश्चित किया जाता है, जैसे ७५ क्षेत्र में उसके सदृश अन्य फसलों के मूल्य, अफीम का निर्यात मूल्य, मूल्यों का सामान्य स्तर आदि। 1972-73 की फसल के लिए निश्चित किया गया अफीम का मूल्य 70 डिग्री घनत्व पर 60/- रुपये से 100/- रुपये प्रति किलोग्राम तक है जो पोस्त के काश्तकारों द्वारा दी गई औसत उपज पर निर्भर करता है। यह अफीम के पिछले मूल्य से काफी अधिक है।

मध्य ने कुछ अन्य छोटी छोटी मांगें/सुझाव भी प्रस्तुत किये हैं जिसमें अफीम पर अनुसन्धान तथा काश्तकारों आदि को सहायता देना भी शामिल है। अधिक बहिय। क्वालिटी की अफीम के उत्पादन के लिए अनुसन्धान, विभिन्न मरगारी फार्मों में पहले ही किये जा रहे हैं। पोस्त के बीज, खाद तथा कीटनाशक औषधियों को उलब्ध बनाने में अफीम के उत्पादकों को सहायता देने का प्रश्न भी सरकार के विचाराधीन है। लेकिन मध्य की शेष मांगों/सुझावों को स्वीकार करना प्रगामनिक कारणों से सम्भव नहीं है।

### विश्व बैंक द्वारा मध्य प्रदेश में बैंकों को 43 करोड़ रुपये देना

9113 डा० लक्ष्मीनारायण पांडेय : क्या बिस्त मंत्री यह बताने की कृपा करेंगे कि

(क) क्या मध्य प्रदेश के 21 बैंकों को विश्व बैंक द्वारा 43 करोड़ रुपये दिये जायेंगे; और

(ख) यदि हां. तो बैंकवार कितनी राशि दी जायेगी ?

**बिजस मंत्री (श्री यशवन्तराव चव्हाण) :**  
(क) मध्यप्रदेश कृषि ऋण परियोजना के लिए 330 लाख डालर (लगभग 25 करोड़ रुपये) के ऋण के बारे में अन्तर्राष्ट्रीय विकास संघ के साथ बातचीत पूरी हो चुकी है।

(ख) यह परियोजना, राज्य के 35 जिलों में लघु सिंचाई का विकास करने तथा उसमें सम्बद्ध भूमि विकास के लिए है। इस ऋण के अन्तर्गत प्राप्त रकमें, कृषि पुनर्वित्त निगम को उधार दी जायेगी और निगम, उन ऋणों के पुनर्वित्त का प्रबन्ध करेगा जो प्राथमिक भूमि विकास बैंकों तथा सहयोगी वाणिज्यिक बैंकों द्वारा किसानों को दिये जायेंगे। बैंकों को पुनर्वित्त के लिए दी जाने वाली राशि विभिन्न बैंकों द्वारा दिये जाने वाले वास्तविक ऋणों पर निर्भर करेगी।

#### **Completion of India's biggest Hotel in Bombay**

9114. **SHRI MUHAMMED SHERIFF :** Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether India's biggest hotel in Bombay has been completed; and

(b) if so, the main features thereof and the amount spent on the hotel?

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) :** (a) and (b) It is presumed the reference is to the Hotel Oberoi Sheraton which was formally opened in Bombay on the 7th April, 1973. The 500 room hotel project is the result of the collaboration between East India Hotels Ltd. and Sheraton International, USA. It has all the features of a first class hotel of international standard and is reported to have cost about Rs. 15 crores.

#### **News Report regarding 'More Emphasis on Exports Lowers S. T. C. Profits'**

9115. **DR. RANEN SEN**

**SHRI BIBHUTI MISHRA :**

Will the Minister of COMMERCE be pleased to state :

(a) whether attention of Government has been drawn to a news-report appearing in the 'Hindustan Standard', Calcutta (page 8) dated the 5th April, 1973 under the heading "more emphasis on exports" lowers S.T.C. profits", and

(b) if so, the reaction of Government thereto?

**THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) :**

(a) Yes, Sir.

(b) Government has noted the contents of the news item and are of the view that lower profits of the STC are attributable to :—

- (i) steep rise in international prices of certain import items,
- (ii) reduced imports of high profit items like tallow; and
- (iii) reduced margins on import of raw materials.

Reduction in profits is not attributable to expansion of exports.

#### **Assurance for assistance to West Bengal given by Chairman of Sixth Finance Commission**

9116. **DR. RANEN SEN :** Will the Minister of FINANCE be pleased to state :

(a) whether the Chairman of the sixth Finance Commission has assured help to West Bengal to improve the economic condition of the State; and

(b) if so, the nature of assurance given?

**THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) :** (a) and (b) The Finance Commission has had discussions with West Bengal, as with other States, on the forecast and memorandum submitted by the State Government. The Commission will take into account the needs of West Bengal and other States in formulating its recommendations which are expected by the end of October, 1973.

#### **Incentives for Export Promotion**

9117. **SHRI M. KATHAMUTHU :** Will the Minister of COMMERCE be pleased to state :

(a) what are the various schemes of incentives offered by Government for the promotion of exports:

(b) what is the total monetary value of these incentives;

(c) whether these incentives have helped in boosting India's exports; and

(d) if so, to what extent?

**THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA):**

(a) Consequent upon the devaluation of Indian Rupee in June, 1966, all incentive schemes were withdrawn. Instead Export Promotion Measures were introduced such as (1) Import Policy for Registered Exporters and (2) Compensatory Support, allowed on selected non-traditional products.

(b) The total monetary value of the Export Promotion Measures will depend on the quantum of exports effected. During the year 1972-73 import replenishment licences worth Rs. 112.58 crores were issued and Rs. 35.88 crores was disbursed as compensatory support.

(c) and (d). The increasing trend of our exports over the past few years is a clear indication of the utility of the export promotion measures offered by the Government, as will be seen from the following figures :—

	(Figures in Rs. crores)
1970-71 . . . . .	1535.16
1971-72 . . . . .	1568.61
1972-73 . . . . .	1557.41
(April-Jan.)	(provisional)

**Talks with U. S. Official Regarding PL 480 Funds**

**9118. SHRI R. V. SWAMINATHAN :  
SHRI C. K. CHANDRAPPA:**

Will the Minister of FINANCE be pleased to state :

(a) whether discussion between U.S. and India has started on the disposal of the accumulated P.L. 480 funds; and

(b) if so, the decisions arrived at?

**THE MINISTER OF FINANCE (SHRI YESHWANTRA CHAVAN) :** (a) Yes, Sir.

(b) No decisions have yet been arrived at.

**Seizure of contraband goods in Bombay**

**9119. SHRI R. V. SWAMINATHAN :** Will the Minister of FINANCE be pleased to state :

(a) whether contraband articles worth Rs. 15 lakhs were seized in Bombay on the 27th March, 1973 by the Central Preventive Collectorate; and

(b) if so, a brief account thereof?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) :** (a) and (b). On 25th March, 1973, contraband articles like cinnamon, cloves, textiles, watch straps, Chinese fountain pens, T.V. Sets, and calculating machines etc. worth about Rs. 14 lakhs were seized from two trucks in Bombay by the officers of (Preventive) Collectorate. Both the trucks were also seized. Two persons have so far been arrested in this connection. Further investigations are in progress.

**Complaints from Harijan Community and Adivasis to Air India regarding Appointments**

**9120. SHRIMATI SAVITRI SHYAM :** Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) the number and nature of complaints made by the members of Harijan Community and Adivasis to Air India regarding appointments therein under the procedure laid down for this purpose; and

(b) the names of the places from where such complaints have been received ?

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) :** (a) and (b): Air-India have reported that during the period from January, 1972 to March, 1973, they received seven complaints by individual members of the scheduled caste community belonging to Bombay, Bhopal, Haryana and New Delhi. Apart from this, the Air Corporations Scheduled Caste and Scheduled Tribe Employees' Association had raised some points regarding scheduled caste candidates. While the complaints of individual candidates were about their non-appointment, the points raised by the Association were mainly regarding the filling of

reserved vacancies, rejection of certain candidates, termination of services, etc. All these aspects are receiving careful attention.

#### **Pricing Policy of Public Sector Units**

9121. SHRIMATI SAVITRI SHYAM: Will the Minister of FINANCE be pleased to state :

(a) whether Government have evolved a pricing policy for public sector units; and

(b) if so, the main features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : (a) and (b) : Government have laid down certain broad guidelines governing pricing policy of public enterprises. These envisage that where a public enterprise produces goods and services in competition with other domestic producers, the normal market forces of demand and supply should operate; the output of the public enterprise will be priced in accordance with the prevailing market forces. In respect of public enterprises operating in monopolistic or semi monopolistic situation, the prices should be below the landed cost of comparable imports and this should normally be the ceiling for such prices. Within that ceiling, the enterprises could negotiate and fix prices at an appropriate level and the prices so fixed should be effective preferably for a period of 2 to 3 years. While determining the landed cost, if there are reasons to believe that either the imported prices are artificially low, or, in exceptional circumstances the cost of production in the public enterprise is very high, the guidelines permit fixation of prices above the landed cost. In such cases the proposals should be referred to the administrative Ministries by the enterprise for examination in consultation with the Ministry of Finance.

#### **Revenue from Central Taxes collected in Uttar Pradesh.**

9122. SHRIMATI SAVITRI SHYAM: Will the Minister of FINANCE be pleased to state;

(a) the amount of Income tax, Central Excise duty, Wealth Tax, Estates duty, Gift Tax and Customs duty collected in the State of Uttar Pradesh during 1972-73; and

(b) the amount paid to Uttar Pradesh out of these collections under each of the Heads for the said year?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : (a) The amounts of Income-tax, Wealth Tax, Gift Tax, Estate Duty realised from the charges of Commissioner of Income-tax Lucknow and Kanpur I & II and the Customs and Central Excise duties collected from the State of Uttar Pradesh during the year 1972-73 are as follows:—

	(Rs. in crores)
Income Tax including Corporation Tax.	36.95 @
Wealth Tax	1.62
Gift Tax	0.17
Estate Duty	0.38
Central Excise Duty	191.89* @ ‡
Customs Duty	0.02*

\*Figures upto February, 1973.

@Figures are provisional.

‡Figures exclusive of iron ore cess, coal cess, rubber cess and salt cess.

(b) Wealth Tax, Gift Tax and Customs duty are not shareable with the States. Net amounts paid to the State of Uttar Pradesh during the year 1972-73 as its share of Income tax, Central Excise Duty and Estate Duty collections were Rs. 76.96 crores, Rs. 98.79 crores and Rs. 0.61 crores respectively. The State's share of Income Tax includes adjustment for previous years by way of addition of Rs. 14.53 crores.

#### **Loans Advanced by Nationalised Banks to the Industrial Sector in U.P.**

9123. SHRIMATI SAVITRI SHYAM: Will the Minister of FINANCE be pleased to state :

(a) the total amount of loans advanced by the nationalised banks to the industrial sector in Uttar Pradesh during the last three years;

(b) the amount of loans advanced by these banks to the industrial units during the corresponding period preceding nationalisation;

(c) the amount of loan advanced to large and small units in the last two years; and

(d) the steps proposed to be taken to improve the credit facilities to industries?



**THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI):** (a) to (d). Banks have so far not maintained Statewise and purposewise data about advances to the industrial sector. However, quick estimates are made from time to time and broadly the figures of advances to the industrial sector are worked out on an all-India basis only. As for the advances to small scale industries by public sector banks in Uttar Pradesh, the amounts outstanding at the end of December, 1970, December, 1971 and September, 1972 were Rs. 28.15 crores, Rs. 28.32 crores and Rs. 34.56 crores respectively as against Rs. 17.62 crores at the end of June, 1969.

Banks are geared to meet the legitimate and genuine needs of credit requirements of industries.

**Convention of Travel Agents Association of India Held in New Delhi**

9124. **SHRI S. A. MARUGANANTHAM:**

**SHRI M. M. JOSEPH:**

Will the Minister of **TOURISM AND CIVIL AVIATION** be pleased to state:

(a) whether the convention of the Travel Agents Association of India held recently in New Delhi has urged upon Government to treat tourism as a priority export industry; and

(b) the subjects discussed and decisions arrived at the convention and Government's reaction thereto?

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH):**  
(a) Yes, Sir.

(b) Detailed proceedings of the convention are awaited. Meanwhile the resolutions passed by the Travel Agents Association of India, including the one relating to treating Tourism as a priority export industry, is under examination.

**Statutory Service Rules for the Officers of the State Bank of India.**

9125. **SHRI S. A. MURUGANANTHAM:** Will the Minister of **FINANCE** be pleased to refer to the reply given to Unstarred Question No. 3624 on the 16th March, 1973 and State:

(a) whether Sections 11(1) and 50(1) of the State Bank of India (Subsidiary Banks) Act, 1959 empower the authorities to frame statutory service rules for the officers;

(b) if so, whether under the above sections no statutory service rules have been framed so far; and if so, the reasons therefor; and

(c) when statutory service rules are going to be framed?

**THE MINISTER OF FINANCE (SHRI YASHWANT RAO CHAVAN):** (a) to (c). The terms and conditions of service of officers of Subsidiary Banks are governed in terms of Section 11(1) of the State Bank of India (Subsidiary Banks) Act, 1959 read with Section 50(1) thereof. The State Bank of India has reported that the question of framing uniform service regulations for the officers in all the Subsidiary Banks under Section 63 of the State Bank of India (Subsidiary Banks) Act, 1959, is engaging its attention.

**Recovery of Income-tax and Excise duty from Healthways Dairy Products, Gulaothi, District Bulandshahr (U.P.)**

9126. **SHRI SHASHI BHUSHAN:** Will the Minister of **FINANCE** be pleased to state:

(a) whether arrears of Income-tax and Excise duty are to be realised from Healthways Dairy Products, Gulaothi, District Bulandshahr (U.P.); and

(b) if so, the amount thereof and the proposal under consideration to realise the same?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH):** (a) and (b). In respect of Central Excise duties arrears amounting to Rs. 9,728/- are to be realised from M/s. Healthways Dairy Products. Orders have been issued to detain machinery, etc. for the purpose of recovery of the arrears.

In respect of Income-tax, arrears amounting to Rs. 4,541/- relating to the assessment year 1968-69 are to be realised from them. Realisation is pending because of pendency of a revision petition from the assessee.

**Raids to unearth Black Money**

9127. SHRI SHASHI BHUSHAN: Will the Minister of FINANCE be pleased to state:

(a) the number of raids conducted in various parts of the country during the last three months to unearth concealed money;

(b) the amount so recovered and the number of lockers sealed and the names of the parties involved in this; and

(c) the action proposed to be taken against the defaulters?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH): (a) to (c). The requisite information is being collected and will be laid on the Table of the House.

**Steps to save Lakes of Kashmir from Weed Infection**

9128. SHRI ISHAQUE SAMBHALLI Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state.

(a) whether Mir Shaukat Hussain, a noted fisheries research scholar, has warned that the beautiful lakes of Kashmir including the famous Dal Lake may in course of time change into marshy swamps if timely action is not taken to arrest the Weed infection which threatens their very survival; and

(b) if so, what action Government propose to take to save these lakes from weed infection?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARANSINGH): (a) and (b). While this particular report does not appear to have been received, the problems of the Dal Lake are well known and need urgent attention. The State Government is seized of the matter.

**Selection of New Planes for purchase by Indian Airlines**

9129. SHRI INDRAJIT GUPTA: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) whether no final decision has yet been taken on the selection of new planes to be purchased by the Indian Airlines as replacement for Caravelles and Viscounts; and

(b) if so, the reasons for the delay in taking a decision in this respect?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARANSINGH):

(a) Yes, Sir.

(b) The fleet planning studies of Indian Airlines are still in progress, and their proposals are expected next month.

**Frequent Strikes by Employees of State Bank of India.**

9130. SHRI YAMUNA PRASAD MANDAL: Will the Minister of FINANCE be pleased to state:

(a) whether the employees of State Bank of India often resort to strike now-a-days; and

(b) if so, the reasons therefor?

THE MINISTER OF FINANCE (SHRI YESHWANT RAO CHAVAN): (a) and (b). State Bank of India have reported that, while there has been no general strike by the workmen staff in the State Bank of India since 1960 and by the Supervising Staff since 1969, there have been isolated work stoppages in its offices in certain areas, due to increased inter-union rivalries

**Proposal to Increase the Number of International Air Services from Calcutta Airport**

9131. SHRI B. K. DASCHOWDHURY: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state.

(a) whether his Ministry proposes to increase the number of international air services from Calcutta airport; and

(b) if not, the reason therefor?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH): (a) and (b). Presently, Air-India, Indian Airlines and seven foreign airlines are operating 6 flights, 38 flights and 54 flights per week respectively to through Calcutta. There is no proposal at present by any foreign airline to increase its frequencies through Calcutta

**Decision on operation of more Avro-Aircraft in the Eastern Sector.**

9132. SHRI B. K. DASCHOWDHURY: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) whether his Ministry has decided to operate more Avro aircraft in the Eastern sector, and

(b) if so, the number of such services with stations and when the decision will be implemented?

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH)**

(a) No, Sir. The present fleet position does not permit this.

(b) Does not arise.

**Remuneration of Indian Agents for Purchase on behalf of Foreign Companies**

9133 **SHRIB K. DASCHOWDHURY** Will the Minister of FINANCE be pleased to state

(a) whether Indian agents of foreign companies get commissions in rupees and foreign exchange out of official Indian purchases with free foreign exchange, and

(b) what measures the Department of Economic Affairs proposes to take in consultation with Department of Supply and purchasing Departments to reduce buying price by eliminating avoidable trading agents?

**THE MINISTER OF FINANCE (SHRI YESHWANT RAO CHAVAN)**

(a) Indian agents of foreign companies get commissions on official Indian purchases, whether these are made with free foreign exchange or are financed under foreign credits. However such commissions are paid only in Indian rupees.

(b) The possibility of eliminating such trading agents has already been examined. It has been found that it is not usually possible to eliminate agents because of the normal practice of foreign suppliers to be represented by agents in India either for promotion of their products or for technical assistance and after-sales service. The quantum of commission is decided between the principals and their agents.

**Airports in the Country Lacking in Minimum Needs of Air Traffic Control service, Navigational Aids and Lighting**

9134 **SHRI BRIJRAJ SINGH KOTAH** Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state

(a) whether apart from four international airports in the country, the rest of the airports are lacking in the minimum needs of air traffic control service, navigational aids and various types of lighting, and

(b) the list of airports having a minimum complement of such aids and those not having any?

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH)** (a) Facilities, as indicated below, are generally available at the domestic aerodromes of the Civil Aviation Department which are used by Indian Airlines for scheduled air services —

(i) Very High Frequency Radio Telephony,

(ii) At least a non-directional radio beacon for homing and instrument approaches,

(iii) Point-to-point communication such as radio teletype, wireless High Frequency Radio Telephony, or direct speech circuit and

(iv) Electric runway lighting in case the aerodrome is used regularly for night operations and goose neck flares in most other places.

(b) Two lists of aerodromes maintained by Director General of Civil Aviation, one showing aerodromes having the minimum complement of aids and the other of aerodromes without these are laid on the Table of the House. (*Please read in Debates* See No. L1 4961 73)

**Phasing of Jumbos on Calcutta-Delhi-Bombay Route by Air India**

9135 **SHRI BRIJRAJ SINGH KOTAH** Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state

(a) whether Air India has been approached by Indian Airlines to ply Jumbos on the so called Golden Triangle route connecting Calcutta, Delhi and Bombay, and

(b) if so, a gist of the request made and the action taken thereon?

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH)**

(a) No, Sir.

(b) Does not arise.

### **Fire Fighting Services Provided at Airports**

9136. SHRIBRIJRAJSINGH KOTAH: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) whether Government are satisfied with the fire-fighting services provided at all the airports in the country; and

(b) if so, what are the various essential facilities provided in this regard and the names of such airports provided with such equipments?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH):

(a) Action is in hand to provide more fire fighting equipment at international airports and civil aerodromes which are used by air services. International Airports Authority of India have ordered 28 crash fire tenders; 20 wheeled-type and 8 track-type for international airports. Director General of Civil Aviation's proposal for purchase of 40 crash fire tenders; 16 from abroad and 24 from indigenous sources, for augmenting the fire fighting facilities at his domestic aerodromes is being processed.

(b) A statement giving the required information is laid on the Table of the House. [Placed in Library. See No. LT 4962/73].

### **Plan to Build Tourist Reception Centre and Camping site at Jaipur.**

9137. SHRIBRIJRAJSINGH KOTAH: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether Government have any plan to build a Tourist Reception Centre and Camping site at Jaipur; and

(b) if so, the broad outlines of the plan and when it will be completed?

THE MINISTER FOR TOURISM AND CIVIL AVIATION (DR. KARAN SINGH):

(a) and (b) Yes, Sir. A Tourist Reception Centre-cum-Motel is already under construction at Jaipur and preliminaries in respect of the camping site are being worked out.

The Tourist Reception Centre-cum-Motel, in addition to 20 residential rooms, will have information counters for dissemination of information about tourist centres in India and in particular detailed information of tourist spots in the immediate

vicinity, a counter for air, rail and road reservations, a book stall, souvenir/curio shop, handicrafts show room and shop, facilities for left luggage and for money-changing, a restaurant/cafetaria, besides toilet, wash room and telephone facilities. The work on the Tourist Reception Centre-cum-Motel is expected to be completed by March, 1974.

The proposed camping site is designed to accommodate about 20 campers and will have available such equipment to be given out on hire as tents, mattresses, table lamps, stoves, folding chairs, tables etc. General amenities at the site would include information counter, snack-bar, bath rooms, toilets, grocery store and a laundry room. Electricity plug points and water connections will be provided at each camping platform. While space will be available for parking of cars alongside the camping platforms, provision has also been made for a separate parking area for large vehicles such as mini-coaches and buses.

Work on this project will be taken up after preliminaries, including the allotment of a suitable plot of land by the State Government, are completed. As such, while no definite date for the completion of the project can be indicated, it is expected that the camping site would be ready for commissioning in the first year of the Fifth Plan.

### **Expansion Programme of Lakshmi Vilas Palace Hotel at Udaipur**

9138. SHRIBRIJRAJSINGH KOTAH: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) whether Lakshmi Vilas Palace Hotel at Udaipur is going to be expanded; and

(b) if so, the broad outlines of its expansion programme giving the star rating and tariff of the hotel?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH):

(a) The Lakshmi Vilas Palace Hotel at Udaipur was expanded during 1972-73.

(b) The hotel originally has 12 double rooms and two single rooms. The expansion comprised 23 air-conditioned double rooms and a Conference Room with a seating capacity for 100 persons. The hotel is not yet classified. The tariff is as follows:—

European Plan (Room only)	Air- conditioned	Non air- conditioned
	Rs.	Rs.
Single . . .	55	40
Double . . .	80	65
Single suite . . .	—	55
Double suite . . .	—	80
Extra bed . . .	25	25
Service Charge 10%		

**Proposal to purchase Additional Planes  
by Indian Airlines**

9139. SHRI BAKSI NAYAK: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) whether Indian Airlines is proposing to purchase additional planes for augmenting its various domestic services;

(b) whether Indian Airlines has invited quotations from aircraft manufacturers in various parts of the world; and

(c) the offers received so far and the decision, if any, taken on the subject?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH):

(a) Indian Airlines are carrying out detailed fleet planning studies with a view to augment their fleet.

(b) and (c). Indian Airlines are examining the details and data received from various

manufacturers. No decision has yet been taken in this regard.

**Investments by Big Business and Monopoly Houses for setting up Industrial Plants in Foreign Countries**

9140. SHRI BIRENDER SINGH RAO: Will the Minister of COMMERCE be pleased to state:

(a) whether big business and Monopoly Houses are investing huge sums in setting up various industrial plants abroad;

(b) if so, the total amount of investment made and the number of plants set up abroad by each of the big business houses, as mentioned in the report of the Monopolies Commission, in last two years; and

(c) whether any profit has been remitted by them to India in these years and if so, the amount thereof?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA):

(a) Indian Industrialists including big business and Monopoly Houses are allowed to collaborate in industrial joint ventures abroad, normally, with minority equity participation.

(b) During the years 1971 & 1972, seven Indian Joint ventures have been set up by big business houses as mentioned in the report of the Monopolies Commission. The details are as under:—

Field of collaboration and country	Name of Indian collaborator	Indian Investment in equity (Rs. lakhs)
(1) Jute Mill in Uganda.	Birla Jute Mfg. Co. Calcutta.	29.20
(2) Textile Mill in Malaysia.	Brila Bros. (P) Ltd., Calcutta.	83.30
(3) Precision Tools etc. in Malaysia.	Gupta Machine Tools, Calcutta.	5.00
(4) Electric Motors, Pumps etc. in Malaysia.	Krishna Electric Co., Bangalore.	18.40
(5) Confectionery Mfg. unit in Malaysia.	Parrys Confectionery, Madras.	5.00
(6) Cycle & Industrial Chains in Malaysia.	Murugappa & Sons, Madras.	10.00
(7) Canning Industry in Mauritius.	Ayurved Sevashram, Udaipur.	3.80

(c) It is too early to expect any profits from these joint ventures within the short period of two years.

**Demand for Indian Silk in World Market**

9141. SHRI MUKHTIAR SINGH MALIK: Will the Minister of COMMERCE be pleased to state:

(a) whether any assessment in regard to the annual demand for Indian Silk in the World Market has lately been made, if so, the outcome thereof; and

(b) whether it has come to Government's notice that there is a great demand for Indian Silk abroad and if so, the steps taken by the Central Silk Board to increase its production and to augment the exports?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA): (a) and (b). No, Sir. However, the Indian Silk Delegation which visited leading silk markets in Italy, France, West Germany, United Kingdom, United States of America, Japan and Hongkong during October-November, 1971 has observed that there is growing demand for natural silk goods in Developed Countries. Central Silk Board has taken following measures to increase the production and exports:—

- (1) Rs. 80 crores, ten-year Project has been taken up by Mysore State for achieving a production target of 35 lakhs kgs. per annum by 1982.
- (2) A crash programme for 800 tonnes of Bivoltine raw silk in the State of Mysore, Jammu and Kashmir and West Bengal in collaboration with F.A.O. is under consideration.
- (3) Scheme for organising an extension wing attached to the Central Sericultural Research and Training Institute, Mysore, has been approved for popularising production of High Grade Bivoltine silk in the State.
- (4) A scheme for opening a showroom for silks in London in conjunction with the Handloom Export Promotion Council for publicising Indian silks abroad is under active consideration of the Government.
- (5) The Central Silk Board has set up a Raw Material Bank for tasar cocoons and tasar waste for ensuring steady supplies of raw materials to the Manufacturing exporters.

(6) Central Silk Board has constituted a Central Raw Silk Price Stabilisation Authority for advising it regarding measures for stabilising the raw silk markets.

**Decline in export of Products manufactured by Small Industries**

9142. SHRI MUKHTIAR SINGH MALIK: Will the Minister of COMMERCE be pleased to state:

(a) whether the export of products manufactured by the Small Industries has failed to hit the target during the last year;

(b) if so, the extent of shortfall; and

(c) the reasons therefor?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA):

(a) to (c). Separate export targets for products of small scale industries are not fixed. Hence it is not possible to indicate the shortfall, if any, the extent thereof, and the reasons therefor.

**Investment in Joint Ventures Abroad**

9143. SHRI MUKHTIAR SINGH MALIK: Will the Minister of COMMERCE be pleased to state:

(a) whether Government are aware that a number of Indian Industrialists have invested capital in joint ventures abroad by clandestinely transferring it out of the country; and

(b) if so, the number thereof and the steps taken to check such drain on Indian capital?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA):

(a) Government are not aware that Indian Industrialists are investing capital abroad by clandestinely transferring it out of India.

(b) The question does not arise.

**कम सीमाशुल्क बसूल किया जाना**

9144 श्री मूलबन्द डाला : क्या बिस्व मंत्रों यह बताने की क्रम कर रहे कि :

(क) वर्ष 1970-71 में कैसे और कितने ऐसे मामले पकड़े गये जिनमें सीमा-शुल्क विभाग के अधिकारियों ने सीमाशुल्क के रूप में देय ने कम राशि बसूल की है; और

(ख) उन अधिकारियों के विरुद्ध क्या कार्यवाही की गई है ?

विस्त मंत्रालय में राज्य मंत्री (श्री के० आर० गणेश) (क) और (ख) सूचना एकत्रित की जा रही है और यथा सम्भव शीघ्र सभा पटल पर रख दी जायगी।

**बिदेशी शराब की बिक्री के लिए लाइसेंस**

9145 श्री मूलचन्द डागा क्या विस्त मंत्री यह बताने की कृपा करेंगे कि क्या संघ राज्य क्षेत्रों में शराब को दुकानें खोलने के लिये पहले अनुमति लेनी पड़ती है और यदि हाँ, तो उसकी शर्तें क्या हैं ?

विस्त मंत्रालय में राज्य मंत्री (श्री के० आर० गणेश) अपेक्षित सूचना एकत्रित की जा रही है तथा सभा पटल पर रख दी जायगी।

**जोधपुर हवाई अड्डे का निर्माण**

9146 श्री मूलचन्द डागा क्या पर्यटन और नागर विमानन मंत्री यह बताने की कृपा करेंगे कि

(क) जोधपुर हवाई अड्डे का निर्माण कब तक हो जायेगा तथा उस पर कुल कितना व्यय आयेगा और उसने निर्माण में अब तक कितना धन व्यय किया गया है, और

(ख) क्या हवाई अड्डे पर विशेष रूप में हवाई अड्डे के परिसर में प्रवेश करने और वहाँ से बाहर जाने की उचित व्यवस्था के अभाव के कारण यात्रियों को बहुत सी कठिनाइयों का सामना करना पड़ता है और यदि हाँ, तो उस पर सरकार की क्या प्रतिक्रिया है?

पर्यटन और नागर विमानन मंत्री (डा० कर्ण सिंह) (क) नागर विमानन विभाग ने 13 00 लाख रुपये की अनुमानित लागत से जोधपुर विमानक्षेत्र पर एक सिविल एन्क्लेव के निर्माण के लिए योजनाएँ बना ली हैं। आवश्यक भूमि का रक्षा प्राधिकारियों द्वारा हस्तांतरण किया जा चुका है तथा

निर्माण-कार्य के अगली योजनाबद्ध के शुरू में प्रारम्भ हो जाने तथा दो वर्ष के अन्दर पूरा हो जाने की आशा है। कनैक्टिंग टैक्सी-ट्रैक तथा एग्रेसन का निर्माण-कार्य हाल ही में प्रारम्भ किया जा चुका है।

(ख) सैनिक विमानक्षेत्रों पर कठोर सुरक्षा पाबंदियाँ होती हैं, अतः यात्रियों को कुछ असुविधा होना अवश्यभावी है। सिविल एन्क्लेव के पूरा होने पर समस्त सामान्य यात्री सुविधाएँ उपलब्ध हो जाएँगी।

**Operation of Air Services by Foreign Airlines from Calcutta Airport.**

9147 SHRI PRIYA RANJAN DAS MUNSIF Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state

(a) whether in view of the normalcy of law and order situation in West Bengal many foreign airlines have come back to Calcutta Airport

(b) what is the basic reason for Lufthansa Airlines to be absent from Calcutta Airport for the last two years, and

(c) whether his Ministry has made a fresh approach to all foreign airlines to operate once again from Calcutta Airport for the effective use of the Calcutta International Airport Terminal Building?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR KARAN SINGH)

(a) At present, seven foreign airlines (e.g. Aeroflot, Bangladesh Biman, British Overseas Airways Corporation, Royal Nepal Airlines Corporation, Scandinavian Airlines System, Thai Airways, and Burma Airways) operate 54 flights per week to/through Calcutta. No new foreign airline has commenced services to/through Calcutta since November, 1972.

(b) Lufthansa gave up its right to operate to Calcutta of its own accord, in order to concentrate its operations at Bombay, in addition to New Delhi.

(c) The Government of India will welcome operation of scheduled air services by foreign carriers to/through Calcutta in accordance with their entitlements. However, it is for the airlines concerned to take initiative in this regard.

**Opening of new Branches of Nationalised Banks in areas of Calcutta and Greater Calcutta**

9148. SHRI PRIYA RANJAN DAS MUNSI : Will the Minister of FINANCE be pleased to state :

(a) whether the Nationalised Banks are facing trouble to open new Branches in Calcutta and greater Calcutta areas and also in the rural areas due to the demand for employment by the local unemployed youth;

(b) if so, whether Union Bank of India is facing such a problem to open a branch in New Alipore, Calcutta in this regard; and

(c) the remedy proposed in this respect?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : (a) It has been reported by some of the banks that they had difficulties in opening new branches in Calcutta and Greater Calcutta areas, due to the demand of the unemployed youths of these localities for employment in the new branches.

(b) Yes, Sir.

(c) The banks have reported that they have been trying to get over the difficulties by approaching the State Government for necessary assistance.

**S. T. C.'s Decision to Permit only one Firm to Export Cement to Muscat and Salala**

9149- SHRI JAGANNATH MISHRA : Will the Minister of COMMERCE be pleased to state :

(a) whether S.T.C. has decided to give monopoly to one private firm for the export of cement to Muscat and Salala; and

(b) if so, the reasons therefor?

THE MINISTER OF COMMERCE (PROF. D.P. CHATTOPADHYAYA) :

(a) No, Sir. The S.T.C. itself is exporting cement to Muscat, Salala and other destinations.

(b) Does not arise.

**Export of Cement**

9150. SHRI JAGANNATH MISHRA : Will the Minister of COMMERCE be pleased to state :

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(a) whether cement is exported by our country to some other countries; and

(b) if so, the justification for such export in view of its shortage in the country?

THE MINISTER OF COMMERCE (PROF. D.P. CHATTOPADHYAYA) :

(a) Yes, Sir.

(b) The present exports are being made to meet the contractual commitments already entered into.

**Collection of Additional Freight Charges by Art Silk Spinners**

9151. SHRI JAGANNATH MISHRA : Will the Minister of COMMERCE be pleased to state :

(a) whether Government have received complaints that some Art Silk spinners are collecting additional freight charges and additional charges by way of dealers' commission; and

(b) if so, the action taken thereon?

THE MINISTER OF COMMERCE (PROF. D.P. CHATTOPADHYAYA) :

(a) and (b). Yes, Sir. Government have received some complaints regarding the Collections of additional freight charges by the Nylon spinners. The Association of Synthetic Fibre Industry has, however, denied these allegations. As there is a voluntary agreement between the spinners and weavers covering the price distribution of Rayon filament yarn, viscose staple fibre spun yarn and nylon yarn, it is hoped that the problem of freight increases etc. Will be settled by the two parties within the framework of the voluntary agreements between them.

**Retirement of Employees of Development Department of Indian Mercantile Insurance Company Ltd., Bombay**

9152. SHRI P. M. MEHTA : Will the Minister of FINANCE be pleased to state. :

(a) whether he has received a telegram dated 20th March, 1973 from the Development Department of Indian Mercantile Insurance Company Ltd., Bombay regarding the retirement of Development employees on 60 years of age in Insurance industry and the notice served on the employees of the Department;

(b) if so, the gist of the telegram;



(c) whether any favourable decision has been taken in respect of the Development Department of Indian Mercantile Insurance company Limited, Bombay; and

(d) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : (a) Yes, Sir.

(b) Alleged discrimination between development employees and administrative employees as regards age of retirement.

(c) and (d) The position is being examined.

#### Procedure Followed In Regard To Granting of Compensation In Fatal Car Accidents

9153. SHRI P.M. MEHTA : Will the Minister of FINANCE be pleased to state :

(a) whether after the Nationalisation of the Insurance Companies a new procedure has been adopted in regard to the granting of compensation in fatal car accidents in cases where the amount exceeds Rs. 10,000 and if so, what was the procedure followed before and what are the changes made now;

(b) whether the new procedure adopted had been causing a great hardship to the relatives of the victims; and

(c) how many cases in which the amount exceeded Rs. 10,000 were settled by the Life Insurance Corporation last year and in how many cases appeal has been preferred by the Insurance authorities last year

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : (a) to (c). The information is being collected and will be laid on the Table of the House as soon as it is available.

#### Ecace's Report Regarding India's Economy

9154. SHRI DEVINDER SINGH GARCHA: Will the Minister of FINANCE be pleased to state :

(a) whether according to survey report of ECACE published recently all crash plans regarding employment, land reforms, agriculture and equal distribution of wealth and income have failed in India; and

(b) if so, what is the reaction of Government towards these findings?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : (a) Some references to the crash plans relating to employment, land reforms, agriculture and equal distribution of income and wealth have been made in the Preliminary Draft of the Economic Survey of Asia and the Far East prepared in January 1973. While some vague mention has been made of slow progress in certain aspects, the Survey does not state that these programmes have failed.

(b) It is the Government's view that substantial progress has been achieved in the fields of agriculture and land reforms. The employment targets in respect of the Crash Scheme for Rural Employment are being fulfilled.

#### Indian Air Lines Proposal To Levy Fees For Applications From Travel Agents For Registration.

9155. SHRI DEVINDER SINGH GARCHA: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether Indian Airlines proposes to levy fees for applications from prospective travel agents for their registration and recognition; and

(b) if so, the reasons for the same and the advantages sought to be achieved from this measure?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) Yes, Sir.

(b) Indian Airlines have to make exhaustive investigations involving considerable expenditure. To defray a part of this, Indian Airlines have decided to levy fees from prospective travel agents under the following heads :—

- (i) Application fee;
- (ii) Registration fee; and
- (iii) Annual fee.

Existing agents will be required to pay only (iii) above.

#### Excise Duty On Sugar

9157. SHRI M. R. LAKSHMINARAYAN: Will the Minister of FINANCE to state :

(a) the method adopted to calculate the Excise duty for levy and free sales sugar and also the duty per quintal for levy and free sales sugar ;

(b) in the absence of physical verification, what is the alternative method adopted by his Ministry to verify the figures given by the factories; and

(c) whether any surprise checks were made during 1971-72 season in case of sugar factories in Tamil Nadu, if so, the number of checks conducted in each factory and also whether any discrepancy was found during these checks?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K.R. GANESH) :** (a) The Central Excise duty on sugar is leviable on *ad valorem* basis. Normally the ex-factory whole-sale cash price is to be determined and then the amount of duty is to be calculated thereon. However, Tariff values have been fixed for free sale sugar under the Central Excises & Salt Act, 1944. Prices for levy sugar are fixed under the Essential Commodities Act, 1955. At present the Tariff value and rate of duty for free sale sugar is Rs. 255/- per quintal and 24% basic + 6% additional respectively. For levy sugar, the price fixed differs from grade to grade and even from zone to zone. The rate of duty for levy sugar is 20% basic + 6% additional.

(b) Checking of monthly return of production and clearance by sugar factories with which a copy of each of the clearance documents issued during the month and extracts of details of duty debited by the factory is attached, is the primary form of control. In addition, percentage recovery of sugar from sugar cane is also checked by qualified staff through special returns obtained from sugar factories. Besides, each factory is normally visited once in six months by a team of officers (Inspection Groups) who check all the factory records from raw material stage to production and clearance of finished goods. Whenever demand necessary, surprise checks by Preventive Officers are also undertaken.

(c) Besides the six-monthly visits by the Inspection Groups, surprise checks were conducted at least once in respect of all sugar factories in Tamil Nadu except for five factories. Exact number of surprise checks conducted in these factories are not readily available. No discrepancy was noticed in any of the sugar factories visited by surprise.

#### **Introduction of Internal Audit System in Public Sector Undertakings**

9158. **SHRI S.M. BANERJEE :** Will the Minister of FINANCE be pleased to state :

(a) the names of public sector undertakings in which system of internal audit has been introduced and in which it is still to be introduced;

(b) what steps are being taken to get this system introduced in all the undertakings; and

(c) the number of undertakings in which the internal audit Divisions have been placed under the officers taken on deputation from the C. & A.G.'s Office?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) :** (a) and (c). The information is being collected and will be laid on the Table of the House as soon as possible.

(b) Government had issued guidelines in 1968 for introduction of an efficient system of internal audit. The administrative Ministries were also requested to keep a watch over the progress of action taken by public enterprises in this regard. The Auditors of the companies also continuously evaluate the internal audit systems.

#### **Amount Advanced to Small Scale Industries in Bihar by Nationalised Banks**

9159. **SHRI BHOGENDRA JHA :** Will the Minister of FINANCE be pleased to refer to the reply given to Unstarred Question No. 6340 on the 6th April, 1973 and state:

(a) the latest District-wise number of recipients and the total amount advanced for small scale industries in Bihar by each of the nationalised Banks since August 1969 and the plans for the same during the current financial year;

(b) whether credits for brick-kiln industry, shoe-making and Agricultural Implements etc. are being advanced or proposed to be advanced for which there is no dearth of raw materials or markets, if so, the amount thereof; and

(c) if not, the reasons therefor?

**THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) :** (a) Information

regarding district-wise number of recipients, of advances for small scale industry is being collected and will be placed on the Table of the House. Information of advances by each of the nationalised banks is

given in the statement enclosed.

(b) Yes, Sir.

(c) Does not arise.

### STATEMENT

Advances by Public Sector Banks to Small Scale Industrial Unit in Bihar State.

(Amount in Lakhs of Rupees)

Name of the Bank	June, 1969		September, 1972	
	No. of Units	Balance outstanding	No. of Units	Balance Outstanding
(1)	(2)	(3)	(4)	(5)
State Bank of India . . . .	369	118.48	1243	531.69
State Bank of Bikaner and Jaipur	6	5.42	14	14.55
Allahabad Bank . . . .	15	11.04	53	26.60
Bank of Baroda . . . .	21	10.73	148	92.62
Bank of India . . . .	20	11.60	79	19.16
Canara Bank . . . .	19	2.47	61	24.70
Central Bank of India . . .	70	102.16	312	238.30
Dena Bank . . . .	—	—	7	29.84
Indian Bank . . . .	—	—	1	0.03
Indian Overseas Bank . . .	—	—	—	—
Punjab National Bank . . .	33	25.74	54	27.43
Syndicate Bank . . . .	—	—	—	—
Union Bank of India . . .	8	3.61	41	17.27
United Bank of India . . .	12	2.40	130	43.90
United Commercial Bank . .	39	30.63	177	65.91
Bank of Maharashtra . . .	—	—	1	0.01

\*Figures are provisional.

#### Amount Advanced to Districts Of Bihar Under the Scheme Of Preferential Rates Of Interest

9160. SHRI BHOGENDRA JHA : Will the Minister of FINANCE be pleased to refer to the reply given to Starred Question No. 648 on the 6th April, 1973 and state:

(a) which of the Districts of Bihar are covered under the scheme of preferential rates of interest; and

(b) the total number of recipients till now and total amount demanded District-wise?

THE MINISTER OF FINANCE (SHRI YASHWANTRAO CHAVAN) : (a) the scheme of concessional rates of interest now covers the following districts of Bihar :

#### Backward Districts

1. Bhagalpur
2. Darrbhanga

3. Muzaffarpur
4. Palamau
5. Saharsa
6. Santhal Parganas
7. Saran
- SFDA/ZHTFAL Districts
8. Champaran
9. Purnea
10. Patna
11. Ranchi
12. Shahabad.

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

**Revitalisation of General Insurance  
Zonal Corporation;**

9161. SHRIMATI BHARGAVI THAN-KAPPAN: Will the Minister of FINANCE be pleased to state:

(a) whether Government have received any complaint that the General Insurance Zonal Corporation system does not help customers; and

(b) if so, the measures taken by Government to revitalise the Zonal Corporations?

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI): (a) No, Sir.

(b) Does not arise.

**Export of Surplus Natural Rubber**

9162. SHRIMATI BHARGAVI THAN-KAPPAN: Will the Minister of COMMERCE be pleased to state:

(a) whether the Rubber Dealer's Association of Kerala has urged Government to take immediate steps to export the surplus natural rubber available in the country; and

(b) if so, what decision has been taken thereon?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA): (a) The Rubber Dealers' Association of Cannanore, Calicut, Malappuram and Palghat have *inter-alia* suggested export of surplus rubber from India.

(b) The State Trading Corporation of India, and the Rubber Board, Kottayam have been asked to explore the possibilities of exporting Natural rubber from India.

तत्करी के बावलों का पता लगाने के लिए तीव्रगामी नौकायें और तत्करी विरोधी उपकरणों की आवश्यकता

9163. श्री महावीर सिंह शास्त्री : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या लोक लेखा समिति ने यह विचार व्यक्त किया है उन के बार-बार प्रार्थना करने पर भी सीमा शुल्क विभाग को ऐसी तीव्रगामी नौकायें तथा ऐसे तत्करी विरोधी उपकरण प्रदान नहीं किये गये हैं जो तत्कर व्यापारियों को पकड़ने में सहायता करते; और

(ख) यदि हां, तो इस का क्या कारण है और क्या सरकार ऐसी व्यवस्था करने जा रही है, यदि नहीं, तो इस के क्या कारण हैं ?

वित्त मंत्रालय में राज्य मंत्री (श्री को० आर० गणेश): (क) सरकारी लेखा समिति ने अप्रैल, 1972 में अपनी 43वीं रिपोर्ट में यह इच्छा व्यक्त की थी कि "मंत्रालय को यह सुनिश्चित करना चाहिए कि तत्कर-व्यापार विरोधी अपेक्षित साज सामान की व्यवस्था करके तथा कर्मचारियों को आवश्यक शक्तियां प्रदान करके निवारक तंत्र को सुदृढ़ किया जाता है और सरकार लांचों की आवश्यकता के संबंध में मंत्रिमंडल सचिवालय द्वारा गठित किये गये अध्ययन दल की रिपोर्ट पर शीघ्र निर्णय ले।" आगे समिति ने फरवरी, 1973 में अपनी 71वीं रिपोर्ट में अपना अभिमत इस प्रकार व्यक्त किया है :—"समिति सरकार से जोर देकर यह कहना चाहती है कि तत्कर व्यापार विरोधी उपायों के लिये उपयुक्त किस्म की नावों का अन्तिम रूप से चुनाव करने और उन्हें पर्याप्त संख्या में सप्लाई करने तथा तत्कर व्यापार विरोधी साज सामान एवं कर्मचारियों को आवश्यक शक्तियां प्रदान करने की शीघ्र ही व्यवस्था की जानी चाहिए।"

(ख) जैसा कि सरकारी लेखा समिति की 43वीं रिपोर्ट की कीडकर 1.29 तथा

1. 30 के संबंध में मंत्रालय द्वारा दिये गये उत्तर में बताया गया है, तत्कर व्यापार विरोधी कार्यवाही के लिये उपयुक्त यानों को प्राप्त करने के संबंध में मंत्रिमण्डल सचिवालय द्वारा गठित अध्ययन दल की सिफारिशों की सरकार द्वारा विस्तारपूर्वक जांच की गई थी और उन सिफारिशों के आधार पर वेसर्स गार्डेन रीच वर्कसाप के तत्कालीन प्रबन्ध निदेशक से अनुरोध किया गया था कि वह केन्द्रीय उत्पादनशुल्क तथा सीमाशुल्क बोर्ड से परामर्श करके उपयुक्त नावों का चुनाव करे और अपनी सिफारिशों सरकार की स्वीकृति के लिये भेज दे। तब से, गार्डेन रीच वर्कसाप द्वारा समुद्र में चलने वाले यानों के विदेशी निर्माताओं से की गई पूछताछ के प्रत्युत्तर में कुछ विदेशी याओं द्वारा निर्मित यानों के संबंध में तकनीकी विवरण प्राप्त हुए हैं और उनकी जांच की जा रही है।

जहां तक सरकार व्यापार विरोधी कार्य के लिये आवश्यक अन्य साज सामान का संबंध है इस प्रकार के साज सामान की आवश्यकता की समय समय पर समीक्षा की जाती है और सरकारी लेखा समिति के अभिमतों को ध्यान में रखते हुए, तत्कर व्यापार विरोधी साज-सामान संबंधी आवश्यकताओं की फिर से समीक्षा की जा रही है;

**नागरिक उड्डयन विभाग में कर्मचारियों द्वारा हड़ताल किये जाने पर रोक लगाने के लिये कार्यवाही**

9164. श्री महावीर सिंह शास्त्री : क्या पर्यटन और नागर विमानन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उनके मंत्रालय के अन्तर्गत नागरिक उड्डयन विभाग के कर्मचारी आम-तौर पर हड़ताल करते रहते हैं।

(ख) क्या नागरिक उड्डयन विभाग को इसके परिणामस्वरूप करोड़ों रुपये का नुकसान उठाना पड़ता है; और

(ग) यदि हां, तो इन हड़तालों पर रोक लगाने के लिये सरकार क्या कार्यवाही कर रही है ?

पर्यटन और नागर विमानन मंत्री (डा० कर्ण सिंह) : (क) जी, नहीं।

(ख) और (ग) . प्रश्न नहीं उठता।

**वर्ष 1971-72 के दौरान विदेशों से आयात किये गये विमानों के फालतू पुर्जों**

9165. श्री महावीर सिंह शास्त्री : क्या पर्यटन और नागर विमानन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या वर्ष 1971-72 के दौरान विदेशों से विमानों के लिये विभिन्न किस्म के फालतू पुर्जें आयात किए गये हैं; और

(ख) यदि हां, तो कितने किस्म के फालतू पुर्जें आयात किये गये तथा उसमें कितनी विदेशी मुद्रा व्यय हुई और इस संबंध में देश को आत्म-निर्भर बनाने के लिये क्या कार्यवाही की गई है ?

पर्यटन और नागर विमानन मंत्री (डा० कर्ण सिंह) : (क) जी, हां ?

(ख) देश में नागर विमानन के क्षेत्र में प्रयुक्त आयातित विमानों, उनके इंजनों व अन्य उपकरणों के सधारण ओवरहाल और मरम्मत के लिये अनेकानेक प्रकार के फालतू पुर्जों की आवश्यकता होती है। वर्ष 1971-72 के दौरान नागर विमानन के महानिदेशक न देश के विभिन्न परिचालकों के लिये 8.35 करोड़ रुपये के मूल्य के उपकरणों के आयात की सिफारिश की थी। यद्यपि स्वदेशी निर्माण का बराबर प्रोत्साहित किया जाता है, इससे आयात आवश्यकताओं को केवल एक सीमित मात्रा तक ही कम किया जा सकता है। बहुत म अत्यंत परिष्कृत (सोफिस्टिकेटेड) प्रकार के उपकरणों की जितनी मात्रा में आवश्यकता होती है उससे उनके देश में ही विकास और निर्माण पर होने वाली उच्च अधिमान्यताय मानत का कोई भी नुकसान नहीं सिद्ध होता।

**Foreign Exchange earned By Indian Airlines for Handling Flights of other Airlines during 1972**

9166. SHRI FATESINGH RAO GAEKWAD : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) the total amount of foreign exchange received by Indian Airlines during 1972 from other airlines whose flights have been handled by it;

(b) whether there has been any profit or loss to the Corporation after taking into consideration the expenditure incurred by the Corporation on handling these flights; and

(c) if there has been a loss, what steps are intended to be taken for recovering the loss?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH): (a) : The total foreign exchange earnings of Indian Airlines during 1972-73 from other

Airlines, whose flights were handled by them, were approximately Rs. 13.50 lakhs.

(b) There has been a profit to the Corporation after taking into consideration the expenditure incurred by Indian Airlines for handling those flights.

(c) Does not arise.

**Loan from Canada**

9167. SHRI FATESINGH RAO GAEKWAD : Will the Minister of FINANCE be pleased to state:

(a) the total amount of loan received from Canada during 1972-73;

(b) out of this how much amount has utilised so far; and

(c) which are the projects to be undertaken during the current year with the aid of Canadian loan?

THE MINISTER OF FINANCE (SHRI YASHWANTRAO CHAVAN) : (a) and (c) . The total amount for which loan agreements were signed with Canada during 1972-73 is Rs. 52.39 crores (C\$ 74.84 million). Details of these loans are given below:

Title	Date	Amount	
		(In crores Rs.)	(In C \$ million)
1. Commodity/Fertilizer Loan . . . . .	10-6-72	35.00	50.00
2. Fertilizer Bulk Handling Facility at kandla Port . . . . .	2-8-72	0.49	0.70
3. Fertilizer Bulk Handling Facility at Haldia Port . . . . .	23-11-72	1.33	1.90
4. Oil & Gas Exploration and Development . . . . .	2-2-73	2.10	3.00
5. Second Satellite Communications Earths Station Dehradun (for Overseas Communications Service) . . . . .	30-12-72	1.22	1.74
6. Polybutadiene Synthetic Rubber Plant (IPCL, Baroda) . . . . .	16-3-73	5.25	7.50
7. Line of Credit (II Tranche) (for procurement of equipment, spares and services for industry in general) . . . . .	31-3-73	7.00	10.00
Total . . . . .		52.39	74.84

(b) Out of Rs. 52.39 crores (C\$ 74.84 million), orders have been placed for an amount of Rs. 26.21 crores (C\$ 37.44 million). The amount drawn against these loans totals up to Rs. 18.77 crores (C\$ 26.81 million).

**Computers for Safe and Orderly handling of Air Traffic**

9168. SHRI FATESINGHRAO GAEKWAD : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) whether his Ministry has ordered any special purpose computers in order to ensure safe and orderly handling of air traffic;

(b) if so, the name of the country on whom the order has been placed; and

(c) the total expenditure to be incurred thereon?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH):

(a) : There are already some computers with Indian Airlines and Air-India for

accounting and reservation. No further computers have been ordered.

(b) and (c). Do not arise.

**Presentation of Memorandum by Field Workers of General Insurance Corporation**

9169. SHRI VASANT SATHE : Will the Minister of FINANCE be pleased to State:

(a) whether the Field workers of General Insurance Corporation have presented a Memorandum to the Managing Director pleading for justice to them as regards service conditions;

(b) if so, the main demands of the employees; and

(c) whether Government have considered the demands and if so, the action taken thereon?

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : (a) : Yes, Sir.

(b) The main demands of the Field workers are given below:—

- (i) Continuance in service beyond the age of 60 years.
- (ii) Abolition of agency to banks.
- (iii) Uniform underwriting policy.
- (iv) Decentralisation of powers.
- (v) Standardisation of service conditions.
- (vi) Uniform increments and bonus for 1972 and
- (vii) Speedy settlement of, pending problems.

(c) The position is being examined.

**Reaction of Government to the News Item under the Caption "S.B.I. Chief for Bank Rate Hike"**

9170. SHRI VASANT SATHE : Will the Minister of FINANCE be pleased to state:

(a) whether the attention of Government has been drawn to the news report published at page 1 of the 'Economic Times' dated 31st March, 1973 under the caption "S.B.I. Chief for Bank Rate Hike"; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : (a) and

(b) : Yes, Sir, the Government has been the news item and taken note of it.

**Setting up of a Committee to recommend Fair Prices for Cotton**

9171. SHRI VASANT SATHE : Will the Minister of COMMERCE be pleased to state:

(a) whether Government have set up a Committee to study and recommend fair prices for cotton;

(b) whether the Committee has submitted the report to Government on cotton prices;

(c) if so, the decisions taken by Government on the recommendations of the Committee; and

(d) if not, the likely time to be taken for submission of the report by the Committee?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA):

(a) No, Sir.

(b) to (d). Do not arise.

**Selected Merchandising Export Houses to work as Canalising Agents**

9172. SHRI RAM PRAKASH : Will the Minister of COMMERCE be pleased to state:

(a) whether Government propose to nominate selected merchandising export houses as canalising agents; and

(b) if so, the reasons therefor?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA): (a) and (b). Government has appointed a Committee to examine the question of role of merchandising export houses in the context of canalisation policy. The Committee has not submitted its report as yet. A decision in this regard will be taken after considering the Committee's report.

**Writing of Debts outstanding Against States**

9173. PROF. NARAIN CHAND PARASHAR : Will the Minister of FINANCE be pleased to state:

(a) whether the outstanding debts have been written off in the case of some States during the past three years;

(b) If so, the names of the States in whose case debts have been written off; and

(c) the amount of debt written off in each case?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : (a) No, Sir.

(b) and (c) Does not arise.

**Enquiry into the Affairs of the Indian Institute of Foreign Trade**

9174. SHRI R. K. SINHA : Will the Minister of COMMERCE be pleased to state:

(b) whether there was a strike in the Indian Institute of Foreign Trade in December last;

(b) whether the complained of corruption and nepotism;

(c) whether an inquiry was instituted into the affairs of the said Institute; and

(d) if so, the outcome thereof and if not, whether an inquiry is proposed to be instituted in the matter?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA): (a) Yes, Sir.

(b) to (d) . The Indian Institute of Foreign Trade Employees Union submitted a Charter of Demands, including provision of Residential accommodation and facilities, promotional avenues, confirmation of staff etc. The Charter did not make any reference to corruption and nepotism. The Governing body of the Institute appointed a Committee to look into these demands and a settlement was subsequently arrived at between the Institute authorities and the Union, which is valid till January 1, 1975.

**Overtime paid by Nationalised Banks to Their Employees**

9175. SHRI H. M. PATEL : Will the Minister of FINANCE be pleased to state:

(a) the amount of overtime paid by the Nationalised Banks to their employees during the last three years, year-wise and Bank-wise; and

(b) the amount of such overtime paid to the staff by the nationalised Banks two years before nationalisation, year-wise and Bank-wise?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : (a) and (b) . A year-wise statement giving the overtime paid by each of the nationalised Banks to its employees from 1967 to 1972 is laid on the Tables of the House. [*Placed in Library. See in No. LT 4963/73*].

**Difficulties Experienced by Nationalised Commercial Banks in Implementation of lead Bank scheme**

9176. SHRI D. K. PANDA : Will the Minister of FINANCE be pleased to state :

(a) whether the difficulties experienced by the nationalised commercial banks in implementing the lead bank scheme have since been sorted out; and

(b) if so, the steps taken to overcome these difficulties?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : (a) and (b) . The implementation of the lead bank scheme calls for a continuous coordinated action among the different banks located in a district in extending banking facilities and also in stepping up the flow of credit, particularly to the priority sectors. Action is taken from time to time to get over the problems that arise at the different stages of implementation of the scheme.

**Enquiry into applications tendered by All-India peace council for 'P' Forms and Allocation of Foreign Exchange**

9177. SHRI SAMAR GUHA : Will the Minister of FINANCE be pleased to state :

(a) whether the All India Peace Council for sending delegations to various international conferences and seminars prepared many fake invitations for Indian delegations;

(b) whether on the basis of these invitations, the 'P' Forms and Foreign Exchange were given to them; and

(c) whether Government propose to institute an inquiry into the applications received from All India Peace Council for release of 'P' Forms and Foreign Exchange for their delegations who visited abroad?



THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN): (a) to (c). All India Peace Council sends proposals from time to time sponsoring delegations to participate in International conferences, meetings, etc. In all these cases 'P' form clearance is given subject to the normal scrutiny such as availability of institutional hospitality, etc. Enquiries made by the Government have not led to any information to substantiate the allegation that the All-India Peace Council has been sending delegations on the basis of fake invitations.

Amount spent on T.A. and D.A. for the Members of Third Pay Commission

9179. SHRI C. K. CHANDRAPPAN: Will the Minister of FINANCE be pleased to state:

(a) the total amount spent by Government as T.A. and D.A. for the members of the Third Pay Commission; and

(b) the total expenditure on the Third Pay Commission so far?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K.R. GANESH): (a) Rs. 0.31 lakh.

(b) Rs. 64.36 lakhs upto 31-3-73 (excluding unsettled book debts for the year 1972-73).

Proposal to Develop Laccadive Islands from Tourism point of view

9180. SHRI C. K. CHANDRAPPAN: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) whether there are some proposals to develop an island complex in some of the Islands in Laccadive islands from tourism point of view;

(b) whether some specialists on tourism development associated with some international airlines and tourist agencies have visited those islands and put forward their proposals and if so, the broad outlines thereof; and

(c) when Government will take up the work on this project?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH): (a) to (c). In view of the tourism potential of the Laccadive Islands, the Department of

Tourism sponsored two survey teams—the first comprising four operators and a representative from the Department of Tourism, and the second comprising four operators, representatives from Air-India, the Shipping Corporation of India and the Department of Tourism, which visited the Islands in March, 1973. An interim report which has just been received is under examination.

Increase in Fares by Indian Airlines

9181. SHRI C. K. CHANDRAPPAN: SHRI BIBHUTI MISHRA:

Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) whether the Management of Indian Airlines has decided to maintain its 5 per cent increase in fares on domestic routes;

(b) how far this decision is justified when Government have decided to withdraw the Inland Air Travel Tax following the abolition of the Bangladesh refugee relief levies; and:

(c) what is the reaction of Government on the decision of Indian Airlines Management?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH):

(a) to (c). Indian Airlines have increased passenger fares with effect from 1st April 1973 by 5 per cent with the approval of the Central Government. The increase was necessitated by a substantial increase in the various components of their operational costs.

Threat of discontinuance of General Trade preferences to developing Countries by U.S.A.

9182. DR. H. P. SHARMA: Will the Minister of COMMERCE be pleased to state:

(a) whether the U.S. Administration has lately made it clear to the developing nations that they could expect no general trade preferences from the United States if their trading pacts with European Common Market discriminated against American goods;

(b) if so, in what precise context such threat was held out by the U.S.; and

(c) Government's reaction thereto?

**THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA)**  
(a) to (c). While introducing the trade Reform Bill, 1973, the US President is understood to have stated that the tariff preferences by USA for selected products of developing countries envisaged under the Bill would not be available to those developing countries, which discriminate against US products in favour of other industrialised nations. The statements of the US President seems to be primarily directed against those developing countries, which grant tariff preferences to the European Economic Community under preferential trading arrangements.

**Delegation sent by All India Peace Council to Budapest Peace Assembly in May, 1971.**

9183. **SHRI SAMAR GUHA** : Will the Minister of FINANCE be pleased to state:

(a) whether in May, 1971 a delegation of about 40 members was sent by All India Peace Council to Budapest Peace Assembly;

(b) whether Return Tickets were purchased through M/s Saha & Rai (P) Ltd., Delhi;

(c) whether the whole delegation travelled both ways, to and fro Budapest, by the Russian airlines "Aeroflot" and if so, whether the amounts were paid back by M/s Saha & Rai, New Delhi;

(d) whether M/s Saha & Rai did not purchase air tickets at all; and

(e) whether Government propose to institute an enquiry into the whole affair?

**THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN)**: (a) Yes, Sir.

(b) to (d). One way tickets upto Moscow were booked by the All India Peace Council. Since the hosts met all expenses including international travel the unutilised passage fares were refunded by the travel agency.

(e) These transactions do not reveal any *prima facie* case involving violation of foreign exchange regulations and hence the question of instituting an enquiry does not arise.

**Trading Partnership with Socialist Countries**

9184. **DR. H. P. SHARMA** : Will the Minister of COMMERCE be pleased to state:

(a) whether Government have lately been considering a sea change in the country's trading partnership with the socialist bloc;

(b) if so, the nature of change contemplated; and

(c) the circumstances necessitating such change?

**THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA)**.

(a) to (c). There is no proposal to change the pattern of trading relations with socialist countries with whom we have special trade and payments agreements. In fact it is Government's policy further to strengthen and expand this relationship.

**चाय के उत्पादन में कमी**

9185. **श्री श्रीकृष्ण अग्रवाल** : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या चाय के उत्पादन में हाल के वर्षों में कमी हुई है ,

(ख) यदि हाँ, तो इसके क्या कारण हैं ; और

(ग) इस दिशा में सरकार ने क्या कदम उठाये हैं ?

**वाणिज्य मंत्री (प्रो० श्री० पी० चट्टोपाध्याय)** : (क) विगत तीन वर्षों के दौरान भारत में चाय के उत्पादन में वृद्धि हुई है जो कि निम्नोक्त अंकड़ों से देखी जा सकती है .

वर्ष	(अंकड़े लाख कि० ग्रा० में)
1970	4183.2
1971	4333.2
1972	4525.2

(ख) और (ग). प्रश्न नहीं उठते ।

(b) whether very recently the Fourth Annual Conference of the Federation of All India Hindustan Construction Workers Union was held at New Delhi;

(c) if so, the particulars of the resolution passed, decision taken therein and the salient features of their demands; and

(d) the action taken or proposed to be taken by Government to fulfil their demands?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) to (d). Information is being collected.

#### **Demands Day by Municipal Employees**

9048. SHRIMATI SAVITRI SHYAM : Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether the executive of the All India Local Bodies Employees Federation which met in the last week of March, 1973 at Delhi has decided to observe a Demands day for municipal employees all over the country;

(b) whether it has also taken some other decisions and passed resolution in connection with their demands; if so, the particulars thereof; and

(c) the steps taken or proposed to be taken by Government to concede their demands?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) and (b). This Ministry has not received the Resolutions passed by the executive of the All India Local Bodies Employees Federation which reportedly met in the last week of March, 1973 at Delhi.

(c) Does not arise.

#### **Proposal for sanctions against Israel and its Expulsion from U.N.**

9049. SHRIMATI SAVITRI SHYAM: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the attention of Government has been drawn to the reported news that Soviet Union has called recently for sanctions against Israel and its expulsion from the United Nations;

(b) the reaction of Government thereto; and

(c) the stand to be taken by the Indian Government in the Security Council or the United Nations in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) The Security Council met from the 12th to the 21st of April 1973, to consider the complaint by Lebanon against Israel. In the course of his statement during the debate, the Representative of the USSR said that his delegation was prepared to support in the Security Council effective sanctions against Israel upto and including its expulsion from the U.N. However, no formal proposal to this effect was made before the Council.

(b) Does not arise.

(c) The Representative of India lent his full support to Lebanon during the discussions in the Council. He also urged that effective action should be taken by the Council to see that assistance to Israel which encourages such military attacks by it is ended.

#### **Proposal to provide Indian Publicity Literature to Members of Parliament**

9050. SHRI B. R. SHUKLA: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether some literature is being distributed by the Indian Missions in various

(a) whether a decision was taken to open six more branches of the nationalised banks at Bhandari, Pokhari, Tihidi, Khaira, Nilgiri, Bant and Bhadrak in the District of Balasore (Orissa); and

(b) if so, the reasons for delay in opening the branches?

**THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) :** (a) and (b). The United Commercial Bank has been having an office at Nilgiri since December, 1970. That bank is also expected to open an office at Tihidi by the end of June, 1973. Of the remaining five centres, only one centre, namely Khaira, has been identified as a growth centre with potentialities for opening a bank office. The opening of an office at this centre has, however, been deferred due to other priority commitments of the concerned banks.

**Terms and Conditions for Appointment of Chairman of Public Undertakings**

9191. **SHRI Y. S. MAHAJAN :** Will the Minister of FINANCE be pleased to state:

(a) whether terms and conditions for appointment of Chairman of Public undertakings have been fixed by his Ministry; and

(b) if so, what are the criteria for fixing them?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K.R. GANESH) :** (a) and (b). Presumably, the Hon. Member is referring to the remuneration and perquisites allowed to Chairmen of Public Enterprises. These have been fixed as follows:

In the case of part time Chairmen who are either presently engaged in or are retired from business/profession who generally have other sources of income, the remuneration is ordinarily restricted to the normal sitting fee, travelling allowance and incidentals as applicable to other non-official Members.

Part time Chairmen drawn from public life are allowed a monthly consolidated honorarium of Rs. 1000/- or daily allowance at the rates applicable to Members of Parliament for the days of

halt at the headquarters in addition to sitting fees in respect of Board Meetings subject to a limit of Rs. 1000/- per month. They are also allowed travelling allowance, medical benefits, use of Company's car for private purposes (on payment of the prescribed monthly rates of recovery and subject to a limit of 500 km) and telephone as admissible to the highest grade officer of the Company as well as free accommodation subject to a rental ceiling of 35% of the maximum of the salary schedule applicable to the Managing Director of the Company and some secretariat assistance in the office.

Full time Chairmen of Public Enterprises are allowed pay in the scale attached to the post in one of the four schedules viz., Schedule A—Rs. 3500-125-4000, Schedule B—Rs. 3000-125-3500, Schedule C—Rs. 2500-100-3000, and Schedule D—Rs. 2000-100-2500 plus travelling allowance, accommodation, medical benefits, use of Company car for private purposes (on payment of the prescribed monthly rates of recovery and subject to a limit of 500 kms) and telephone, as per Company rules.

**Tax Avoidance by Public Sector undertakings**

9192. **SHRI S. C. SAMANTA :** Will the Minister of FINANCE be pleased to state:

(a) whether the Central Board of Direct Taxes and the Auditor General have made comparative studies of taxation accounting of various public sector undertakings;

(b) whether some undertakings are resorting to tax avoidance tricks guided by Chartered Accountants; and

(c) whether the Bureau of Public Enterprise has issued any circular regarding taxation accounting and tax avoidance?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K.R. GANESH) :** (a) No such study has so far been undertaken by the Central Board of Direct Taxes or the Comptroller and Auditor General of India.

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

(c) No such circular has been issued by the Bureau of Public Enterprises.

Percentage of Loans advanced by Nationalised Banks to Small Scale Industries and Small Farmers During 1972.

9193. SHRI C. K. JAFFER SHARIEF: Will the Minister of FINANCE be pleased to state the total amount of loans advanced

by the nationalised banks in 1972 and the percentage thereof given to small scale industries and small farmers?

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) :

**OUTSTANDING ADVANCES OF 14 NATIONALISED BANKS**

	(Rs. in crores)	
	As at the end of Dec., 1971	As at the end of Dec., 1972
1 Total outstanding advances of 14 Nationalised Banks of which :—	2812.72	3001.01
(a) Advances for Small Scale Industries.	263.0 (9.4)	301.2 (10.0)
(b) Advances to farmers with holdings upto 5 acres.	30.8 (1.1)	N.A.
(c) Advances to Farmers with holdings above 5 acres	106.0 (3.8)	N.A.

NOTE:—Figures in brackets indicate percentage to total advances.

**Clubbing of Income of Husband and Wife for Taxation**

9194. SHRI G. Y. KRISHNAN : Will the Minister of FINANCE be pleased to state:

- (a) whether Government have taken a decision on clubbing of incomes of husband and wife for purpose of Income-tax; and  
(b) if so, the broad outlines thereof?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K.R. GANESH) : (a) and (b) No, Sir. The matter is still under consideration of the Government.

**Indo-Burma Air Pact**

9195. SHRI M. S. SANJEEVI RAO : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

- (a) whether Indo-Burma air pact is likely to be concluded shortly; and  
(b) if so, when?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) and (b) : Consultations were held between the delegations of the Government

of India and the Government of the Union of Burma in New Delhi from 9th to 18th April, 1973, to negotiate the text of an Air Transport Agreement between the two countries. The talks were inconclusive and it was agreed to hold further talks on a mutually convenient date as early as possible.

वर्ष 1971-72 के दौरान ब्रिटेन को निर्यात की गई चाय के मूल्य की वसूली

9196. श्री महावीर सिंह शास्त्री : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या वर्ष 1971-72 के दौरान ब्रिटेन को निर्यात की गई भारतीय चाय के कुल मूल्य का अब तक केवल आधा मूल्य ही वसूल किया गया है ; और

(ख) यदि हाँ, तो इस संबंध में क्या कार्यवाही की गई है और क्या इसके कारणों का पता लगाने के लिए सरकार द्वारा कोई जांच की गई है ?

वाणिज्य मंत्री प्रो० बी० पी० (बहुभाषीय)

(क) और (ख) : जानकारी एकत्र की जा रही है और सजा पटल पर रख दी जायेगी ।

**Steps to develop Tripura for Tourist Attraction**

9197. **SHRI BIREN DUTTA** : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether any survey has been conducted on tourist potentialities of Tripura; and

(b) if so, what steps are being taken to develop Tripura for tourist attraction?

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH)**:

(a) No, Sir.

(b) Because of the constraint on resources, and other priorities and in view of the existing restrictions on tourist traffic to the State it has not been possible to develop any sizeable tourist facilities in Tripura in the Central Sector. However, there is a provision of Rs. 5 lakhs for the development of tourism in the State sector in the Fourth Plan.

**Exemption from Excise Duty of Areas under Tobacco Cultivation in Tripura**

9198. **SHRI BIREN DUTTA** : Will the Minister of FINANCE be pleased to state:

(a) the areas in Tripura which have been exempted from Central Excise Duty on tobacco; and

(b) whether it is proposed to grant exemptions to certain new areas in Tripura for this purpose?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K.R. GANESH)** : (a) and (b) Unmanufactured tobacco grown and cured in the whole of Tripura is at present notified upto the maximum limits under the relevant rules of the Central Excise Rules, 1944 and as such not liable to central excise duty.

**Grant of Housing Construction Loan by LIC in West Bengal**

9199. **SHRI GADADHAR SAHA** : Will the Minister of FINANCE be pleased to state :

(a) whether the Life Insurance Corporation has granted any housing construction loan in West Bengal;

(b) if so, the amount of loan given for this purpose, District-wise during the last two years; and

(c) if not, the reasons therefor?

**THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI)** : (a) Yes, Sir. (b) : 1971-72.

District	No. of loans	Amount sanctioned. Rs.	Amount disbursed. Rs.
Calcutta . . . . .	43	21,15,000	17,06,500
Hooghly . . . . .	11	1,58,500	4,100
Howrah . . . . .	4	82,000	30,000
24 Parganas . . . . .	17	3,65,000	32,000
Burdwan . . . . .	4	80,000	75,000
Midnapore . . . . .	1	10,000	10,000
Darjeeling . . . . .	3	66,000	29,000
	83	28,76,000	19,23,600

**1972-73**

District	No. of loans	Amount sanctioned	Amount disbursed.
Calcutta . . . . .	45	19,52,000	17,43,500
Hooghly . . . . .	20	4,43,500	2,02,000
Howrah . . . . .	5	1,65,000	46,500
Nadia . . . . .	3	80,5000	53,500
24 Parganas . . . . .	23	6,83,5000	3,88,000
Burdwan . . . . .	10	3,77,000	1,78,835
Midnapore . . . . .	1	23,000	12,000
Darjeeling . . . . .	3	1,21,000	58,000
Jalpsiguri . . . . .	1	20,000	Nil
	111	38,65,500	26,82,335

The above figures do not include loans to (1) State Government, (2) Cooperative Housing Finance Society and Individual employees of the Corporation. Information relating to the loans to these categories is being gathered and will be laid on the Table of the House as soon as it is available.

(c) Does not arise.

**Development of Tourist Sports in Tripura During Fifth Plan**

9200. SHRI BIREN DUTTA : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) the names of the tourist spots in Tripura which have been selected for development during the Fifth Plan; and

(b) the broad outlines of the development programmes in this regard ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH)

(a) and (b) : The Fifth Plan tourism schemes in the Central sector are still under formulation and it is too early to say which places will be taken up for development in the Fifth Plan..

**Functioning of District Level Consultative Committees Constituted by Lead Banks in Tripura, Meghalaya, Assam and Arunachal**

9201. SHRI BEREN DUTTA : Will the Minister of FINANCE be pleased to state whether the District level consultative Committees constituted by lead Banks are being formed in Tripura, Meghalaya, Assam and Arunachal, and if so, with what result?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : Under the lead bank scheme, consultative committees have so far been set up in five districts of Assam and also in the United Khasi and Jaintia Hills District of Meghalaya. The concerned lead banks are expected to set up soon similar committees in the other districts of Assam and Meghalaya and also in the districts of Tripura and Arunachal Pradesh.

**कोहरा तथा बावलों के कारण इंडियन एयरलाइंस के विमानों की उड़ानों में विलम्ब**

9202. श्री महावीर सिंह शास्त्री : क्या पर्यटन व वायु विमानन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या इंडियन एयरलाइंस के अधिकांश विमानों की उड़ानों में विलम्ब होने का कारण कोहरा तथा बावलों का होना ही है; और

(ख) यदि हां, तो 1971 और 1972 में इस प्रकार की कितनी घटनाएं हुईं ?

**पर्यटन और वायु विमानन मंत्री**

(डा० कर्ण सिंह) : (क) और (ख) खराब मौसम के कारण 1971 तथा 1972 के दौरान इंडियन एयरलाइंस की बेरी से की गई तथा रद्द की गयी उड़ानों की संख्या नीचे दी गयी है :

	1971	1972
(i) बेरी से की गई उड़ानें . . .	1484	1444
(ii) रद्द की गयी उड़ानें	392	329

**Release of First, Second and Third Interim Reliefs to Employees of I.T.D.C.**

9203. SHRI K.M. MADHUKAR :

SHRI RAMAVATAR SHASTRI :

Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether service conditions under the Industrial Employment Standing Orders Act are applicable only to the hotel units' employees of I.T.D.C.;

(b) whether I.T.D.C. has all the time been considering the Central Government Rules as guidelines for its employees working in non-catering units; and

(c) whether the Management of I.T.D.C. released the First, Second and Third instalment of interim relief to its non-catering employees and if not, the reasons therefor?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH):

(a) No, Sir. The Act applies to all establishments of the India Tourism Development Corporation.

(b) While the Central Government Rules have been taken as guidelines, many matters concerning non-catering units are also governed by industrial legislation such as



the Shops & Establishment Act, Model Standing Orders and the Motor Transport Workers Act 1961, the Factories Act, the Industrial Disputes Act, etc.

(c) The Management released the first interim relief, but the 2nd and 3rd interim reliefs were not released. On the other hand a new pay structure has been introduced granting its employees additional dearness allowance which is more beneficial than the interim reliefs.

**Permission to run "Woodland Hotel" within the Premises of Lodi Hotel by I.T.D.C.**

9204. SHRI BHOLA MANJHI :  
SHRI RAMAVATAR SHASTRI :

Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether Lodi Hotel is owned by India Tourism Development Corporation, a Public Sector Undertaking;

(b) whether Management of I.T.D.C. has permitted an individual to run a restaurant under the name and style of "Woodland Hotel" within the premises of Lodi Hotel and the said individual is allowed to appropriate the profits privately and if so, how and why;

(c) whether Lodi Hotel is covered by the Wage Board recommendations; and

(d) whether Woodland's Hotel workers are not being paid wages in accordance with the Wage Board and if so, what are the reasons therefor?

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH):**

(a) Lodhi Hotel is run by the India Tourism Development Corporation. The land and capital assets of this Hotel have been taken on lease from Government.

(b) In view of the dearth of good vegetarian restaurants in Delhi, the India Tourism Development Corporation decided to start one in the Lodhi Hotel. Limited tenders were invited from 3 well-known hoteliers with specialised experience of vegetarian restaurants.

The Corporation has licensed the running of a vegetarian restaurant in the premises of Lodhi Hotel under the name and style "Lodhi Woodlands" to a partnership firm called "Hotel Woodlands, New Delhi". The licence is for a period of 5 years with 6-419LSS/73

effect from 1-3-1972. The annual licence fee payable is indicated below :—

Year	Annual licence fee
First	Rs. 70,000-00
Second	Rs. 75,000-00
Third	Rs. 80,000-00
Fourth	Rs. 85,000-00
Fifth	Rs. 1,00,000-00

(c) Yes, Sir.

(d) The recommendations of the Wage Board for Hotels & Restaurants submitted in August 1968 are applicable to Hotels and Restaurants in Delhi employing more than 20 persons. This will apply equally to workers of the Lodhi Woodlands.

**Allotment of controlled cloth quota to Orissa**

9205. SHRI CHINTAMANI PANIGRAHI : Will the Minister of COMMERCE be pleased to state :

(a) whether any quota of controlled cloth has been allotted to Orissa in 1972-73 and in 1973-74 so far;

(b) if so, the quantity so allotted respectively; and

(c) the agency through which the distribution is being made in each District?

**THE MINISTER OF COMMERCE (PROF. D.P. CHATTOPADHYAYA) : (a)**  
Yes, Sir.

(b) During 1972-73, an allotment of 1704 bales of controlled cloth had been made to Orissa from 1-11-1972 to 31-3-1973. Besides, 81½ bales were allotted to retail shops of the mills situated in the State. During 1973-74, 933½ bales have been allotted to Orissa so far. In addition, 7 bales have been allotted to mills' retail shops in the State.

(c) It is for the State Government to arrange distribution of controlled cloth through the following prescribed channels:—

(1) Mills' own retail shops.

(2) Super Bazars in the cooperative sector.

(3) National Cooperative Consumers' Federation and the chain of cooperative institutions affiliated to them.

(4) Fair price shops run under the aegis of the State Government.

(5) Any other agency in the cooperative sector specified by the State Government.



**Excise Duty on Synthetic Fibre**

**9206. SHRI YAMUNA PRASAD MANDAL :** Will the Minister of FINANCE be pleased to state :

(a) how Government propose to reduce the synthetic fibre prices in India;

(b) what is the comparative burden of excise duty on each type of fibre; and

(c) the Government are not reducing the excise duty on fibres particularly Polyester Staple Fibre?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K.R. GANESH) : (a) Indigenous production of synthetic fibre (polyester fibre) was less than the actual demand. Steps to increase production have been taken. Two more units, i.e. Swadeshi Polytex and M/s Indian Organic Co. Ltd. have started production from November, 1972. It is hoped that increased availability will have effect on prices, in due course. Besides, Tariff Commission which investigated into price structure of this fibre has submitted report recommending fair prices. The report is under active consideration of the Government. The impact of the Tariff Commission's recommendations on the prices of synthetic fibres can be assessed only after Government has taken a decision on the report of the Tariff Commission.

(b) The tariff rate of excise duty for all types of synthetic fibre is Rs. 60/- per kg. The effective rate of excise duty for each type of fibre fixed by the Government under the notifications issued under rule 8 of the Central Excise Rules, 1944 are as follows :

Description	Rate of excise duty (Rs. per kg.)
I. staple fibre and tow—	
(1) of cellulosic origin	1
(2) of non-cellulosic origin—	
(a) of acrylic fibre	6
(b) polyester fibre—	
(i) of not more than 2 denier	36.90
(ii) of more than 2 denier	31.90
(c) Others	30.00
II. Glass fibre—	
(a) staple fibre including glass tissues.	3.00

(b) glass wool—

(i) manufactured by Hager process 0.20

(ii) manufactured by any other process 1.50

III. Any other maniraf fibre, whether continuous or otherwise, such as rock wool, slag wool and the like.

(a) Slag wool 0.20

(b) Others Nil

(c) Excise duty rates on intermediate products like fibre, filament and yarn are fixed having regard to the impact that the levies are likely to have on the end consumer products like fabrics. The question of reducing such levies will arise only if the price effect on the end products having regard to supply and demand position tend to inhibit the off-take of fibre, filament or yarn as the case may be. However, representations made in this behalf by the industries manufacturing polyester staple fibre are under examination.

**Meeting of European Common Market Countries in Brussels**

**9207. SHRI R. R. SINGH DEO :** Will the Minister of COMMERCE be pleased to state :

(a) whether a meeting of the nine European common Market countries was recently held in Brussels to consider the terms of agreement with India;

(b) whether the member countries failed to agree amongst themselves to settle these terms; and

(c) if :o, the reaction of Government in this regard?

THE MINISTER OF COMMERCE (PROF. D.P. CHATTOPADHYAYA) : (a) to (c). The Commission of European Communities has now formally opened negotiations with us for a trade agreement. The terms of the agreement are still under negotiations.

**Grant of Membership of Asian Development Bank to China**

**9208. SHRI R.R. SINGH DEO :** Will the Minister of FINANCE be pleased to state :

(a) whether China is being enrolled as a member of the Asian Development Bank; and

(b) if so, the reaction of the Government of India in this regard?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN): (a) China has not yet applied for the membership of the Asian Development Bank.

(b) Does not arise.

अन्तराष्ट्रीय व्यापार मेलों में हिन्दी के प्रयोग को बढ़ावा देने संबंधी योजना

9209. श्री नरेन्द्र सिंह बिष्ट : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या "एशिया 72" मेले में हिन्दी की उपेक्षा की गई थी और अंग्रेजी का सभी जगह बोलबाला था और यदि हां, तो इसके क्या कारण हैं;

(ख) अंतराष्ट्रीय व्यापार मेलों में हिन्दी का किस सीमा तक प्रयोग होता है और क्या इन मेलों में हिन्दी के प्रयोग को बढ़ावा देने की कोई योजना सरकार के विचाराधीन है, जिससे राष्ट्रीय भाषा की गरिमा के साथ साथ राष्ट्रीय सम्मान में वृद्धि हो सके; और

(ग) क्या मई-जून, 1973 में पोलैंड में आयोजित होने वाली व्यापार मेले में हिन्दी को उचित स्थान देने का सरकार का विचार है और यदि हां, तो किस प्रकार और यदि नहीं, तो इसके क्या कारण हैं ?

वाणिज्य मंत्री (श्री० बी० पी० जट्टो-पाण्ड्या) : (क) दिल्ली महानगरीय/सर्व-देशीय शहर होने के कारण देश के विभिन्न भागों तथा भारत से बाहर के दर्शकों को आकर्षित करता है, अतः यह आवश्यक एवं उपयुक्त समझा गया कि जहाँ भी आवश्यक हो अंग्रेजी रखी जाए। तथापि, हिन्दी में मेले का प्रचार करने के लिए विशेष उपाय किये गये थे। शहर में दिल्ली परिवहन निगम की बसों की पंक्ति स्टैटरों के जो पैनल लिए गए थे हिन्दी में थे। दिल्ली तथा पड़ोसी राज्यों के बीच चलने वाली अनेक मुफ़्तसिन बसों पर हिन्दी में बोर्ड लगाये गए थे। विभिन्न केन्द्रों तथा पड़ोसी राज्यों में हिन्दी में अनेक

सिनेमा स्लाइडें दिखाई गई थीं। मेला प्रशासन हिन्दी पत्रों में विज्ञापन निकालने के अलावा हिन्दी में दैनिक समाचार बुलेटिन भी निकालता था।

(ख) और (ग): विदेशों में होने वाले अंतराष्ट्रीय व्यापार मेलों/प्रदर्शनियों में हिन्दी के प्रयोग का क्षेत्र सीमित है। प्रवाहित वस्तुओं के शीर्षक, प्रचार सामग्री तथा दर्शकों को दिये जाने वाले निर्देश उस देश में प्रयोग होने वाली भाषा में देने होते हैं ताकि वे समझे जा सकें। पोजनान मेले में भारतीय मंडल में भी यही पद्धति अपनाने का विचार है।

*Service Rules for Recruitment of Personnel in I.T.D.C.*

9210. SHRI SHIV KUMAR SHASTRI : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether Government have finalised the Service Rules of the Managing Director of I.T.D.C. as recommended by the Committee on Public Undertakings;

(b) if not, the reasons therefor; and

(c) whether in the absence of service rules, recruitment of personnel for the Corporation is being made at the discretion of the Managing Director without any established procedure?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH): (a) and (b). The appointment to the post of Chairman-cum-Managing Director in the India Tourism Development Corporation is made by the President.

(c) The Corporation have a well defined procedure for recruitment which is being followed.

राष्ट्रीयकृत बंकों के कर्मचारियों को सर्ववोपरि जत्ते की अवायगी

9211. श्री सुधाकर पांडे : क्या वित्त मंत्री 21 अप्रैल, 1972 के अतारंकित प्रश्न संख्या 3573 के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) राष्ट्रीयकृत बैंकों के कर्मचारियों को सबबोपरि भत्ता देने के लिए विचार करने वाले कार्यों को दूर करने हेतु क्या उपाय किये गये हैं; और

(ख) उनके कर्मस्वरूप किस सीमा तक सफलता मिली है ?

श्रि मन्त्री (श्री यशवंतराव चव्हाण) :

(क) और (ख) . राष्ट्रीयकृत बैंकों ने सामान्यतः सूचित किया है कि यद्यपि यह सम्भव नहीं है कि कर्मचारियों को सबबोपरि भत्ता देना सम्पूर्णतः समाप्त कर दिया जाय परन्तु विभिन्न उपाय अपना कर सबबोपरि कार्य को कम करने के लिये कदम उठाये गये हैं जिनमें पर्यवेक्षण कार्य को सुगुद करने, प्रत्येक कर्मचारी और प्रत्येक कार्यालय के लिये सबबोपरि भत्ते की अधिकतम सीमा निर्धारित करने, कार्य का अधिक समानता से वितरण करने और उन शाखाओं के लिये अतिरिक्त कर्मचारियों की व्यवस्था करने जहाँ इनकी आवश्यकता है, ऐसे उपाय शामिल हैं ।

बैंकों द्वारा उठाए गये इन उपायों के प्रभाव का पता कुछ समय के पश्चात् लगेगा ।

**Opening of Branches of Banks in Bihar**

**9212. SHRI MD. JAMILURRAHMAN :** Will the Minister of FINANCE be pleased to state :

(a) whether Government intend to open branches of Nationalised Banks in Amour Bazar, Rauta Hat, Hichha Moti Hat (Sadar Sub-division), Joki Hat, Bardaha Bazar, Kalyanganj Hat, Chandardai Hat (Arari Sub-division), Bishanpur Hat and Powa Khali Hat (Kishanganj Sub-division) all within the District of Purnea in the State of Bihar; and

(b) if so, when?

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : (a) and (b) . Currently allotments made by the Reserve Bank of India to the Central Bank of India and the United Commercial Bank for opening offices only at Amour and Joki Hat respectively are pending and bank offices at these centres are expected to be opened during 1973-74.

**Applications Submitted by Farmers to the National Banks at Purnea (Bihar)**

**9213. Shri Md. Jamilurrahman :** Will the Minister of FINANCE be pleased to state :

(a) the total number of applications submitted to the Nationalised Banks in the District of Purnea (Bihar) in the year 1971-72 by the small and marginal farmers for purchase of Pumping sets and Tractors; and

(b) the amount of loan given against the applications?

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : (a) and (b) : Information to the extent possible is being collected and will be laid on the Table of the House.

**Land for Construction of Building of State Bank of India Branch at Purnea, Bihar**

**9214. SHRI MD JAMILURRAHMAN :** Will the Minister of FINANCE be pleased to state :

(a) Whether any land has been purchased or taken on lease for the construction of the building of State Bank of India Branch at Purnea (Bihar); and

(b) the progress of construction of the building for accommodating the Bank therein?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : (a) and (b) Yes, Sir. Land has been taken on lease from the Government of Bihar by the State Bank of India at Purnea in November 1972. The Bank has not yet finalized loans for constructing its own building on the land.

**Proposal to put Purnea, Gaya and Dhanbad on Air Map**

**9215. SHRI MD. JAMILURRAHMAN :** Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether Government propose to put Purnea, Gaya and Dhanbad on the air map of the country through regular services of Indian Airlines in the year 1973-74; and

(b) if so, the broad outlines of the proposal?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) and (b). Gaya is already served by

scheduled services three times a week. There is no immediate proposal to place Purnea and Dhanbad on the air map.

**Resolution for Special Assistance to States Passed at C.M.'s Conference at Calcutta**

**9216. SHRI BIBHUTI MISHRA :**

**SHRI M.S. SIVASWAMY :**

Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether a conference of the Eastern Region Chief Ministers was held in Calcutta on 11th and 12th March, 1973 and a resolution was passed at the conference urging Central Government for special assistance for tackling their problems on war footing; and

(b) if so, Central Government's reaction thereto?

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) :**

(a) and (b). Yes, Sir. The Eastern India Tourism Convention was held at Calcutta on the 10th and 11th March, 1973 at which Chief Ministers of some States in Eastern Region were present. The Convention passed a resolution that a Committee consisting of representatives of all the States and Union Territories of the Eastern Region, tourist trade, Chambers of Commerce, etc. be constituted to make a detailed study of the tourist potential of the Region, locate tourist spots and draw up specific schemes; and thereafter jointly approach the Government of India for financial help and guidance for implementing the schemes. Detailed proposals are, however, awaited.

**Seminar on Generalised System of Preferences**

**9217. SHRI BIBHUTI MISHRA :**

**SHRI D. P. JADEJA :**

Will the Minister of COMMERCE be pleased to state :

(a) whether a conference on Generalised System of Preferences was held in Delhi recently;

(b) if so, main decisions arrived at; and

(c) the extent to which India is going to be benefited thereby?

**THE MINISTER OF COMMERCE (PROF. D.P. CHATTOPADHYAYA) :** (a) and (b). In the minar organised by the

Indian Institute of Foreign Trade on Generalised System of Preferences from 20th to the 23rd March, 1973, in Delhi, specific products in the engineering, chemical and other sectors were identified for intensifying export efforts under GSP. The Seminar also recommended specific suggestions for taking better advantages of GSP. Action on various recommendations of the Seminar are being taken by the concerned authorities.

(c) The extent of benefit cannot be quantified.

**Realisation of Taxes from United Distilleries and Brewery, Kerala**

**9218. SHRI VAYALAR RAVI :** Will the Minister of FINANCE be pleased to state whether there are arrears of Income-tax due from United Distilleries and Breweries, Shertallin, Kerala and from their other branches all over the country as on 31st March, 1973 and if so, the amount thereof and the steps taken to recover the amount?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K.R. GANESH) :** Information is being collected and will be laid on the table of the House as soon as possible.

**Appointments on Top Posts in Public Sector Undertakings**

**9219. SHRI R. V. SWAMINATHAN :** Will the Minister of FINANCE be pleased to refer to the reply given to Unstarred Question No. 962 on 17th November, 1972 and state :

(a) whether most of the top posts in Public Sector Undertaking are still vacant; and

(b) if so, the reasons therefor and what steps are being taken to fill them up?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K.R. GANESH) :** (a) and (b). Some of the vacant top posts in the Public Enterprises indicated in the reply given to Unstarred Question No. 962 dated November 17, 1972 have either been already filled up or action to fill them up is in an advanced stage, the incumbents therefor having been located. The posts for which suitable persons are yet to be located are indicated in the statement alongwith the reasons therefor.

*Statement  
Top Posts vacant in Public Enterprises*

S. No.	Name of the Corporation	Post	Reasons for delay in appointment
1	State Trading Corporation	Chairman	Appointment of a regular incumbent has presented some difficulty in view of the complex job requirements. For the present the Chairman of the Projects and Equipment Corporation, which is a subsidiary of STC, has been appointed as Chairman of the Corporation.
2	Minerals and Metals Trading Corporation	Director	Difficulty in locating suitable person
3	Jute Corporation India	Managing Director	Difficulty in locating suitable person. Presently the Jute Commissioner has been appointed as M D in addition to his own responsibilities.
4	Heavy Engineering Corporation	(a) Director (Tech ) (b) Director (Finance)	(a) The post has fallen vacant only recently (b) The selected officer was not approved for empanelment
5	Fertilizer Corporation of India	(a) Director (Marketing) (b) 8 General Managers	(a) Difficulty in locating suitable person (b) The policy of the Corporation being to fill as many of these vacancies as possible from within the Corporation the present Deputy General Managers have been put in acting charge of the posts till their suitabilities have been established as per the required procedures
6	Hindustan Antibiotics Ltd	Managing Director	Difficulty in locating suitable persons
7	National Mineral Development Corporation	Director (Production)	Action to locate suitable person to fill up the vacancy, which occurred in September, 1972, has been initiated.
8	Export Credit and Guarantee Corporation	Managing Director	The Department of Banking are trying to locate a suitable person. In the mean time, the Chairman is looking after the work.
9	Indian Oil Corporation	General Manager, Gauhati	Efforts are being made to locate a suitable person
10	State Farms Corporation	Managing Director	Action has been initiated to locate a suitable person for the post.

**Increasing the Export of Fish**

9220. SHRI P. R. SHENOY : Will the Minister of COMMERCE be pleased to state the steps taken during 1970-71, 1971-72 and 1972-73 for increasing the export of fish?

THE MINISTER OF COMMERCE. (PROF. D. P. CHATTOPADHYAYA) : In view of the vast potential that the country has in respect of exports of marine products, several measures were taken in the years indicated to strengthen this industry and increase these exports. These included efforts to fleet-in more trawlers for coastal fishing and to develop other infra-structural facilities necessary for such exports. Promotional efforts included in-depth market studies, visit of delegations and participation in specialised fairs. With effect from 1-4-1971, marine products were brought under Export Control changing the system of exports on a consignment basis to outright sale. Early in 1972, the Marine Products Export Development Authority was established at Cochin to provide a continuing institutional framework for giving attention to the problems of this industry. The assistance to be provided includes augmentation of trawler fleet for deep sea fishing; provision of inputs like diesel oil etc. on concessional rates; efficient regulation of operations both in the established and newly developed sectors etc.

**Purchase of Imported Cars for I.T.D.C.**

9221. SHRI PRATAP SINGH NEGI : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) how the deal for the purchase of 40 imported cars for the I.T.D.C. was finalised;

(b) whether any individual officer was exclusively responsible for such a deal; and

(c) whether any irregularities have come to the notice of the Government in this connection and if so, the nature thereof?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) and (b). The import of 41 cars I.T.D.C. during 1972 was approved by the Board of Directors of I.T.D.C. after considering quotations and comparative data including technical specifications collected from 9 car manufacturers of international repute. No individual officer was responsible for the deal.

(c) No, Sir.

**Payment of Interest on sums received under PL. 480**

9222. SHRI FATESINGHRAO GAEKWAD : Will the Minister of FINANCE be pleased to state :

(a) whether Government are paying a very large sum as interest for the amount which is to be paid to U.S.A towards the purchase of foodgrains under PL. 480; and

(b) if so, what steps Government intend to take to clear the amount?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : (a) A major part of the PL. 480 imports have been purchased by India against payment in rupees. The total rupee deposits made by India for food and non-food commodities from 1956 till 31-3-1973 has been Rs. 2,243 crores. Out of this amount, a sum of Rs. 1,422.87 crores has been received as loans to Govt. of India. These loans are repayable over 40 years and carry interest at varying rates, the average of which works out at about 3 per cent. The total amount payable an interest on these loans is estimated at Rs. 34.91 crores during 1973-74

A much smaller portion of the PL. 480 imports worth \$418.19 million has been received against long-term credits repayable in dollars/convertible currencies. These credits carry rates of interest varying between one per cent to three per cent and are repayable over a period of 40 years. The interest payment on these credits during 1973-74 is estimated at \$8.73 million.

(b) These loans are being repaid as per the repayment schedules provided in the loan agreements.

**Import of Generating Sets by Actual Users**

9223. SHRI FATESINGHRAO GAEKWAD :

SHRI BAKSI NAYAK :

Will the Minister of COMMERCE be pleased to state :

(a) whether Government have taken a policy decision to allow actual users of Generating Sets to import the same;

(b) if so, what is the basis of allocation to different States; and

(c) the total quantum of foreign exchange to be allotted for the same?

THE MINISTER OF COMMERCE  
(PROF. D. P. CHATTOPADHYAYA) :

(a) Import of Generating Sets of certain specifications has been permitted as announced in the Ministry of Commerce Public Notice No. 44-ITC(PN)/73 dated 28-3-73.

(b) and (c). Applications can be made by all eligible actual users. There is no State-wise allocation. The total value of import licences to be issued will depend on the number of applications made and accepted.

#### Seizure of smuggled goods

9224. SHRI SHANKERRAO SAVANT:  
SHRI S. L. PEJE :

Will the Minister of FINANCE be pleased to state :

(a) the value of the goods forfeited while being smuggled during 1970-71, 1971-72 and 1972-73; and

(b) the amount paid to the State Governments and to the informants during these years?

THE MINISTER OF STATE IN THE  
MINISTRY OF FINANCE (SHRI K. R.  
GANESH) : (a) and (b). Information in this regard is being collected and will be laid on the Table of the Sabha.

#### Amenities provided for Tourists at places of Tourist Interest in Maharashtra

9225. SHRI SHANKERRAO SAVANT:  
Will the Minister of TOURISM AND  
CIVIL AVIATION be pleased to state :

(a) the names of places of tourist interest in Maharashtra which have been and are being developed by the Central Government;

(b) what amenities are provided to the tourists at each of these places; and

(c) whether the Central Government propose to provide amenities at Raigad in Kaloba District (the capital of Shivaji, the great), Shioneri, in Poona District (the birth place of Shivaji, the great), Sharjwar Wada in Poona City (the last bastion of the Maratha Empire) and the caves of Kuda in Mangaon Taluka or Kaloba District (the most ancient caves in India)?

THE MINISTER OF TOURISM AND  
CIVIL AVIATION (DR. KARAN  
SINGH) : (a) and (b). A statement is laid on the Table of the Sabha.

(c) No. Sir. At present there are no proposal in the Central Sector to provide amenities at these places.

#### STATEMENT

*List of places of tourist interest in Maharashtra where tourism schemes have been taken up*

Sl. No.	Name of place	Tourism scheme
1	2	3
1. Ajanta	.	Canteen - cum - retiring rooms and Bus station. LIG Rest House (Part II) Garden and Landscaping (Part II) Water supply.
2. Ellora	.	Canteen. Provision of water supply. Black topping of roads.
3. Elephanta	.	Canteen - cum - retiring rooms and Cloack rooms. Water supply Construction of a jetty.
4. Aurangabad	.	LIG Rest House (Part II). Construction of a Youth Hotel. Provision of a camping site.
5. Bombay	.	Development of a Safari Park in the National Park Borivil.
6. Karnala	.	Rest House.
7. Karla	.	Holiday Home (Part II).
8. Jalgaon	.	Reception Centre
9. Wardha	.	Tourist Hostel (Part II).
10. Poona	.	Construction of a Tourist Bungalow with reception facilities (proposed site yet to be allotted by the State Government).

1	2	3
11. Pandharpur	.	Construction of a Tourist Bungalow with dormitory accommodation. (Proposed site allotted by State Government).
12. Shirdi	.	Construction of a Tourist Bungalow (Proposed Site allotted by State Government).

#### Expansion of Airports during 1973-74

9226. SHRI SHANKERRAO SAVANT: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) which new airports are proposed to be taken over from the State Governments during 1973-74; and

(b) which of the existing airports are proposed to be expanded during 1973-74 and in what manner and at what cost?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) No aerodromes are proposed to be taken over from State Governments during 1973-74.

(b) The expansion and improvement of aerodromes is a continuous process and a number of schemes relating to construction lengthening of runways, aprons, taxi tracks, construction/expansion of buildings, construction of fire stations and staff quarters, etc. at various aerodromes are proposed to be taken up/completed during 1973-74. The expenditure of these schemes during 1973-74 is estimated at about Rs. 13.44 crores.

#### Employment of Retired persons in I.T.D.C.

9227. SHRI BASHIESHWAR NATH BHARGAVA : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) Whether it is the policy of the I.T.D.C. to give employment to retired persons or to draw officers on deputation; and

(b) if so, the number of such officers indicating their age group and the States to which they belong ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) No Sir, but occasionally the Corporation does employ retired persons or draw officers on deputation depending on their special requirements.

(b) There are, at present, 2 retired officers and 9 deputationists in the service of the Corporation.

#### Strikes in I. T. D. C.

9228. SHRI BASHIESHWAR NATH BHARGAVA : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether Government are aware of a number of strikes in the I. T. D. C.; and

(b) the reasons therefor and what step Government have taken in the matter?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) There have been no strikes in India Tourism Development Corporation since July, 1970.

(b) Does not arise.

#### Grant of loan to Mysore in lieu of overdrafts

9229. SHRI P. M. MEHTA :  
SHRI K. LAKKAPPA :

Will the Minister of FINANCE be pleased to state :

(a) whether the Central Government have sanctioned Rs. 62.56 crores as a loan to Mysore State;

(b) if so, whether Mysore has urged the Centre to treat its overdraft of Rs. 62.56 crores as a long term loan and allow 15 to 20 years for repayment; and

(c) if so, Centre's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : (a) An amount of Rs. 59.38 crores was given to Mysore as ways and means advance to clear the State's overdraft as on 31-3-1972.

(b) Yes, Sir.

(c) It has been agreed to recover this loan in seven years commencing from 1972-73.



### **Sponsoring of an Autonomous Organisation of Tea Industry**

9230. SHRI BAKSI NAYAK : Will the Minister of COMMERCE be pleased to state :

(a) whether the consultative Committee of Plantation Association has decided to sponsor an autonomous organisation of the tea industry;

(b) if so, for what purpose;

(c) the extent to which Government are involved in the formation of organisation; and

(d) the extent to which it will help cultivation of tea in the country?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) : (a), (b) and (d) Government have only seen a news item appearing in the "Hindustan Standard" dated 15-3-73 to this effect.

(c) Does not arise.

### **Utilisation of P.L. 480 Funds in 1972-73**

9231. SHRI VAYALAR RAUI : Will the Minister of FINANCE be pleased to state the total amount withdrawn from the P.L. 480 Funds during the year 1972-73 and the particulars of schemes for which these amounts have been withdrawn?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : A statement showing the amounts withdrawn from P.L. 480 funds during the year 1972-73 and proposes for which the amounts have been withdrawn is attached

#### **STATEMENT**

#### **Withdrawals from U.S. rupee holdings during 1972-73**

Purpose	(Rs crores) Amount
A. For U.S. uses including USIS, USAID and other U.S. agencies . . .	40.62
These figures also include :	
(a) Freight paid by the U.S. on their relief supplies to India;	
(b) expenditure on account of grant given by them for research in health, agriculture, education, etc.	

(c) rupee costs of the U.S. technical assistance programme.

B. For expenditure by American tourists, U.S. citizens and Foundations . . .

1.61

C. Other Withdrawals :

1. Conversions from rupee into other currencies . . .

—

2. Aid to Nepal . . .

—

3. Cooley loans to Indo-U.S. enterprises . . .

11.57

4. Loans to Govt. of India . . .

12.13

5. Grants to Govt. of India . . .

2.23

6. Grants to educational & medical institutions . . .

2.50

7. Grants to Rural Electrification Corporation . . .

40.84

Total 'C' . . . 69.27

Grand Total A + B + C, . . . 111.50

### **Import of Raw Wool/Wool Top against Payment in Free Foreign Exchange during 1969-72**

9232. SHRI SAT PAL KAPUR : Will the Minister of COMMERCE be pleased to state :

(a) whether raw wool/wool top is being imported by our country against payment in free foreign exchange;

(b) whether woollen hosiery exports from India to free Foreign exchange Areas (G.C.A. Countries) have been declining in the recent years;

(c) if so, what are the figures of such exports during the years 1969-70, 1970-71 and 1971-72; and

(d) what steps are being taken by boots exports to G.C.A. countries to enable the hosiery industry to be self-reliant to meet its need of raw wool/wool tops.

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) (a) and (b). Yes Sir.

(c) Rs. 125.91 lakhs, Rs. 103.40 lakhs and Rs. 98.71 lakhs, respectively.

(d) A Study-cum-sales team is expected to visit nine West European countries shortly to explore the possibility of finding market for Indian Woollen hosiery goods in G.C.A. countries.

#### Hotels proposed to be built during Fifth Plan

9233. SHRI DHARAMRAO AFZAL-PURKAR : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) the number of hotels proposed to be built during Fifth Plan; and

(b) the places where these hotels are likely to be set up and the amount involved in each project and the targets fixed for their completion?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) and (b). Proposals for the construction of hotels in the public sector during the Fifth Five Year Plan period are under consideration.

#### Extension of Trade Agreement between India and Bangladesh

9234. SHRI DHARAMRAO AFZAL-PURKAR :  
SHRI D. K. PANDA :

Will the Minister of COMMERCE be pleased to state :

(a) whether Bangladesh has asked India for an extension of the trade agreement between the two countries which was due to expire on 27th March, 1973; and

(b) if so, the terms and conditions on which it has been extended and the volume of transactions in foreign exchange and Indian currency contemplated under the new agreement?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) : (a) and (b). The Trade Agreement between India and Bangladesh, which was to expire on 27th March, 1973, has been extended for a period of 3 months on the same terms and conditions.

#### Strike notice by I.T.D.C. Employees Union

9235. SHRI RAMAVATAR SHASTRI : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether All India I.T.D.C. Employees Union has issued a strike notice for realisation of demands which includes interim relief and payment of 25 per cent House Rent allowance without production of rent receipts;

(b) if so, what steps his Ministry and the Management have taken to avert the strike; and

(c) whether the Management of ITDC has not so far formulated new pay structure for its non-catering employees; and if so, the reasons therefor?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) Yes, Sir.

(b) The Management has already granted to the concerned employees—

(i) 25% house rent allowance without production of rent receipt effective from 1-3-1973; and

(ii) Additional D.A. more or less on the same lines as the interim relief effective from 1-2-1972. Dearness Allowance has also been linked to the cost of living index.

(c) The Management has already formulated a new pay-structure for non-catering employees (employees in the Headquarters and Transport Units and Duty Free Shops, Travellers' Lodges and Tourist Services Units etc.) which includes additional dearness allowance and arrears.

#### लीची का निर्यात

9236 श्री रामवतार शास्त्री : क्या बाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बिहार तथा देश के अन्य भागों में इस वर्ष लीची की अच्छी फसल होने का अनुमान है ;

(ख) यदि हाँ, तो क्या सरकार ने लीची के निर्यात की कोई योजना तैयार की है;

(ग) यदि हाँ, तो उसका ब्यौरा क्या है; और

(घ) लीची के निर्यात से कितनी विदेशी मुद्रा की आय होने की सम्भावना है ?

बाणिज्य मंत्री (श्री० डी० पी० कन्हैयालाल) (क) कतिपय राज्यों से इस बारे में अनुसूच संकेत मिले हैं ।

(ख) और (ग). राज्य आधार नियम ने पहले सीपी निर्वात की सी, और चारु वर्ष के दौरान निर्वातों के लिए जायी केताओं से संपर्क की बनाए हुए हैं।

(घ) इस अवस्था में यह बताना कठिन होता कि इन निर्वातों से कितनी आय होने की संभावना है।

#### Branches of Nationalised Banks at Patna

9237. SHRI RAMAVATAR SHASTRI : Will the Minister of FINANCE be pleased to state :

(a) the names of the Branches of nationalised Banks working in Patna District of Bihar;

(b) whether loans are advanced by these branches to the farmers, transport operators, small industrialists, retail dealers, self-employed people and unemployed graduates; and

(c) if so, the Bank-wise amount of loans advanced as on January, 1973 to each of the categories mentioned above?

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : (a) The required information is given in the enclosed statement.

(b) Yes, Sir.

(c) Information to the extent possible is being collected and will be laid on the table of the House.

#### Statement

Name of the Bank	Name of Centre	No. of Accounts
1. Central Bank of India	Patna	5
	Biharaharif	1
	Rajgir	1
	Harnauth	1
		8
2. Bank of India	Patna	2
	Khagaul	1
	Fatwah	1
	Masaurhi	1
	Maner	1
	Naubatpur	1
		7

3. Punjab National Bank	Dinapore	1
	Cantonment	3
	Mokameh	1
	Patna	1
	Palganj	1
	Barh	1
	Sohsara	1
	Bikram	1
	Noorsara	1
		10

4. Bank of Baroda	Patna	2
	Hathidah	1
		3

5. United Commercial Bank	Patna	2
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6. Canara Bank	Patna	1
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7. United Bank of India	Patna	1
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8. Dena Bank	Patna	1
	Bakhtuarpur	1
		2

9. Union Bank of India	Patna	1
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10. Allahabad Bank	Patna	2
	Hilsa	1
	Islampur	1
	Phulwarisharif	1
		5

Total No. of Offices 40

#### Loans given to farmers by the Nationalised Banks at Ranchi

9238. SHRI RAMAVATAR SHASTRI : Will the Minister of FINANCE be pleased to state :

(a) whether the nationalised Banks working in the Ranchi District of Bihar advance loans to the farmers, transport operators, small industrialists, retail dealers, self-employed people and unemployed graduates, and

MR. SPEAKER : He has said further also ; he is entitled to mention in his speech.

13.00 hrs.

SHRI SHYAMNANDAN MISHRA : My point of order is this. When some hon. Members wanted to raise the question of privilege against the Prime Minister on the basis of some of her utterances outside the House, you did not allow those Members to make the complaint fully.

SHRI VASANT SATHE : They were not related to this House.

MR. SPEAKER : Will you please sit down ?

SHRI VASANT SATHE : You can abuse our party. Don't refer that in this House.

SHRI SHYAMNANDAN MISHRA : Please hear me. In the same way, anybody can say that you are traitors.

MR. SPEAKER : Let me hear Shri Madhu Limaye.

SHRI SHYAMNANDAN MISHRA : This is a point of procedure.

MR. SPEAKER : That is the same which he has raised.

SHRI SHYAMNANDAN MISHRA : My point is that on previous occasions you were not pleased to allow the Members to make the complaint fully. Otherwise, it could have been established that the utterances of the Prime Minister were a clear breach of privilege. It is a right of the Members to make a complaint, and the breach of privilege has to be heard by the House and then a decision taken. You did not allow that on earlier occasions though the Members wanted to establish that the utterances of the Prime Minister were against the Members of Parliament.

MR. SPEAKER : When the Prime Minister uttered that on the platform, the reference was made to this House or the Members of the House. It was a party

meeting. In that no specific mention was made about the Members of this House. You must make this distinction. I am not prepared to give my ruling on it. You may say what you want to say on what is said outside. If anybody goes on saying like this in any language against a member on a platform outside, you have an ample opportunity to reply to each other. If that is about this House or its Members, then, of course, it must come inside the House. You may say what you want to say within two minutes.

SHRI K. P. UNNIKRISHNAN : May I quote the translated version from the Poona edition of *Tarun Bharati* ? It says :

'Parliament of today has literally become a Parliament of goondas and therefore, the Opposition Parties who are in minority are even denied their rights.'

The Parliament of India has literally become parliament of goondas, this is what was said on the morning of 29th at a place separated by time and distance, that is, the city of Poona. I have every reason to believe that what he said is factually reported. But, still, it is an open question. This systematic campaign against the Members and bringing the House to ridicule has to be stopped. If that is not stopped even if it is committed by a Member of the House or super-Member, as he styles himself, that would be a very sad day for the Parliamentary institutions and the future of the country. Nevertheless, there have been such deliberate attempts to bring the House into ridicule.

So, I would appeal to the House to take due notice of these words. Personally speaking I am very sorry to raise this because here is a man on whom I had pinned great hopes and for a very long time, I was associated with him in the Socialist Party.

SHRI DINEN BHATTACHARYYA : You are a turn-coat.

SHRI K. P. UNNIKRISHNAN : Therefore, I would appeal to him—what he said

(b) For providing improved facilities to passengers by modifying and expanding the terminal building.

**Revenue from sale of application forms for Junior Inspector by Income Tax Department**

9243. SHRI RAMKANWAR : Will the Minister of FINANCE be pleased to state :

(a) whether the attention of Government has been invited to a report in the *Current weekly* of the 17th March, 1973 stating that Income Tax Department Central Calcutta, collected over Rs. one lakh by selling application forms for barely fifty vacancies of junior inspectors; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : (a) Yes, Sir.

(b) An application fee of Re. 1/- is charged so that only genuine requests for application forms are received and the forms are not mis-used otherwise. The fee barely covers the cost of paper and printing. Even in spite of fee, as against 13,576 forms obtained from the Income-tax Offices at Calcutta, only 9,804 applications have actually been received for admission to the Examination. The Government, therefore, does not feel any necessity for change in the present practice of charging Re. 1/- as the application fee.

**Proposal to place Jute Industries in the Category of Industries receiving Priority Depreciation Assistance**

9244. SHRI RAMKANWAR : Will the Minister of COMMERCE be pleased to state :

(a) whether Government are thinking of placing jute industry in the category of industries receiving the priority depreciation assistance;

(b) the extent to which jute industry is likely to be boosted after implementation of the proposed scheme; and

(c) whether it would help increase Indian foreign exchange earnings also?

THE MINISTER OF COMMERCE : (PROF. D. P. CHATTOPADHYAYA) :

(a) The list of industries eligible for the proposed initial depreciation allowance of 20% has not been finalised.

(b) and (c). If jute industry is made eligible for such allowance, it will help generate funds for investment in modernisation and diversification of production and consequently develop exports of jute goods.

**Violation of Import Regulations by Cable Companies**

9245. SHRI RAMKANWAR : Will the Minister of COMMERCE be pleased to state :

(a) whether a number of cable companies have recently been prosecuted for the violation of import regulations;

(b) the names of the companies so prosecuted; and

(c) the reasons for their prosecution?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) : (a) Yes, Sir.

- (b) 1. M/s. Oriental Power Cable, Kota, Rajasthan.
2. „Moti Electrical Industries, Delhi.
3. „Shamsher Sterling Corpn., Bombay.
4. „Hindustan Transmission Products, Bombay.
5. „Enamel Wires Ltd., Bombay.
6. „Shakti Insulated Wires, Bombay.
7. „Bhandary Metallurgical Corpn. Bombay.
8. „Universal Cables, Satna.
9. „Cable Corporation Ltd., Bombay.
10. „Henley Cables, Poona.
11. „Asian Cables, Bombay.

(c) Misuse of imported raw material.

**राजस्थान में फर्मों के नाम एक लाख रुपये से अधिक आय-कर की बकाया राशि**

9246. श्री नारायणी बाई : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि गत तीन वर्षों में राजस्थान की कितनी-कितनी फर्मों के नाम आयकर की एक लाख रुपये से अधिक राशि बकाया है ?

वित्त मंत्रालय में राज्य मंत्री (श्री के० आर० वज्जेत) : अपेक्षित सूचना एकत्रित की

जा रही है और यथासंभव शीघ्र सदन की मेज पर रख दी जायेगी।

**Purchase of Cotton by CCI from Punjab**

**9247. SHRI B. S. BHURA :** Will the Minister of COMMERCE be pleased to state :

(a) whether purchase of cotton J-34 was stopped by CCI in the middle of January 1973 in Punjab while private purchases thereof was going on; and

(b) if so, the reasons therefor?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) : (a) and (b) . Purchase of J-34 variety of cotton in Punjab was stopped on 25-1-73 by the Cotton Corporation of India when arrivals of this variety of cotton had thinned out. Out of the estimated production of 10,000 bales of cotton of this variety, the Corporation purchased about 9,513 bales.

**Jet Service to Bhubaneswar**

**9248. SHRI ARJUN SETHI :** Will the Minister of TOURISM AND CIVIL AVIATION be pleased to refer to the reply given to Starred Question No. 405 on the 14th April, 1972 and state :

(a) whether Government have considered the question of providing at least a Jet Service to Bhubaneswar; and

(b) if so, the outcome thereof?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARANSINGH) : (a) and (b) . Indian Airlines have examined the question of providing jet services to Bhubaneswar; but this is not considered feasible at present.

**Tourist Spots in Orissa Selected for Development in the Fourth Plan**

**9249. SHRI ARJUN SETHI :** Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) the names of the tourist spots in Orissa which have been selected in the Fourth Plan for development and would spill over to the Fifth Plan; and

(b) the names of tourist spots which will be completed during the Fourth Plan?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARANSINGH) : (a) and (b) . The tourism schemes included in the Central sector for Orissa in the

Fourth Plan are the construction of a Youth Hostel at Puri and development of area around the temple at Konarak. Both these projects are expected to be completed early in the first year of the Fifth Plan.

It is also proposed to take up the construction of a camping site at Baripada, preliminaries regarding which are under way.

**Payment of Interest on Delayed Refunds by Income Tax Department**

**9250. SHRI R. P. ULAGANAMBI :** Will the Minister of FINANCE be pleased to state :

(a) the names of income-tax payers who were given delayed refunds amounting to Rs. one lakh or more and were paid interest under sections 243 and 244 of the Income-tax Act after 1st April, 1972; and

(b) the break up of interest paid to each party together with reasons which led to delayed refunds?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : (a) and (b) . The information is being collected and will be paid on the Table of the House as early as possible.

**C.B.I. Enquiry in Rag Scandal**

**9251. SHRI R. P. ULAGANAMBI :** Will the Minister of COMMERCE be pleased to state :

(a) the time by which CBI Enquiry into the rags scandal is likely to submit its report; and

(b) whether Government would lay a copy of the report before the House?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA) : (a) It would not be possible to state at this stage when the CBI enquires would be completed.

(b) C.B.I. reports are of confidential nature and it would not be in public interest to lay their report on the subject on the Table of the House.

**Differential Rates of Interest**

**9252. SHRI P. NARASIMHA REDDY :** Will the Minister of FINANCE be pleased to state :

(a) whether the differential rates of interest scheme implemented last year has failed to take off;

(b) the reasons therefor; and

(c) what steps are proposed to ensure its effective and adequate implementation by the Public Sector Banks and other Scheduled Banks?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN): (a) to (c). The scheme of Differential Interest Rates was launched in August, 1972. It is still in its pilot stage and it will be premature to judge the success of the scheme. However, in the light of the experience gained, certain modifications have been introduced in the scheme which were announced at the time of the presentation of the current year's Budget. These are intended to widen the scope of the scheme and enlarge its coverage.

Export of Tobacco through S.T.C.

9253. SHRI P. NARASIMHA REDDY: Will the Minister of COMMERCE be pleased to state :

(a) whether the export of tobacco is being entirely canalised through State Trading Corporation; and

(b) if so, the reasons therefor?

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA): (a) No, Sir.

(b) It is proposed to set up a Tobacco Board which will provide the institutional framework for systematic development of production and marketing of VFC tobacco which is the main variety being exported from the country.

Economic Aid to South-East Asian Countries

9254. SHRI B. S. BHAURA : Will the Minister of FINANCE be pleased to state :

(a) whether India has extended economic aid to the South East Asian countries;

(b) if so, the total aid given during the last three years; and

(c) the countries which have received this aid?

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN): (a) Yes, Sir.

(b) and (c). A statement giving the information is laid on the Table of the House.

# STATEMENT

## I. Grants

Period	Names of the recipient countries in South East Asia	Figures of total expenditure incurred for the period
		Rs. lakhs
1970-71	Fiji, Malaysia, Indonesia, Maldives, Singapore, DRBN	44.86
1971-72	Cambodia, Fiji, Laos, Malaysia, Indonesia, Maldives, Thailand	64.87
1972-73	Cambodia, Democratic Republic of Vietnam, Fiji, Indonesia, Laos, Malaysia, Thailand, Tonga	15.56*
	TOTAL	125.29

\*This figures represents commitments.

## II. Loans

1970-71	Indonesia	10.00
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## Appointment of Candidates Selected by the United Bank of India

9255. SHRI SAROJ MUKHERJEE : Will the Minister of FINANCE be pleased to state :

(a) whether Government are aware that 15,000 applications reached the United Bank of India authorities after an advertisement was published in a newspaper to the effect that 125 posts will be filled up with B.A. Hons. applicants after selection through proper interviews ;

(b) whether after completion of interview, 125 youngmen had been selected because of their brilliant academic careers and they were summoned for medical examinations for final selection;

(c) whether after all this, all of a sudden U.B.I. authorities were directed by a Minister of State of West Bengal not to issue appointment letters to those selected youths and select *de novo* some other young boys carrying certificates from a particular party of persons for filling up these 125 vacant posts; and

(d) if so, the reaction of Government thereto?

**THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) :** (a) United Bank of India has reported that it has not issued any advertisement to the effect that 125 posts would be filled by B.A. (Hons.) applicants.

(b) to (d). Does not arise.

**Sale of Imported Goods by a Concern in Vasant Vihar, New Delhi**

**9256. SHRI P. GANGADEB :**

**SHRI NATHU RAM AHIRWAR :**

Will the Minister of FINANCE be pleased to state :

(a) whether there are complaints with the Collector of Central Excise and Customs, New Delhi that imported goods like cosmetics, tinned food, blades, liquor, books and magazines etc. are being openly sold in a shop named 'Modern Bazar' in Vasant Vihar, New Delhi ;

(b) whether any licence has been issued for the sale of such goods ;

(c) whether such goods are smuggled goods or imported under valid licence ; and

(d) what action has been taken by Government to stop the sale of unauthorised imported goods in the above named 'Modern Bazar' ?

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) :** (a) A complaint was received by the Collector of Central Excise, New Delhi some time in March, 1973 that imported goods were being sold in the premises known as 'Modern Bazar' situated in Vasant Vihar, New Delhi.

(b) No, Sir.

(c) Enquiries made in this connection have revealed that the goods had not been imported under any valid licence.

(d) The premises in question were kept under surveillance and raided on 5th April, 1973. Cigarettes and provisions of foreign origin of the value of about Rs. 2,400/- which were found in the premises have been seized for action under the Customs Act, 1962.

12 hrs.

# **PAPERS LAID ON THE TABLE**

**REPORT OF CAG OF INDIA, 1971-1972 UNION GOVT. (CIVIL) APPROPRIATION ACCOUNTS (CIVIL) 1971-72, NOTIFICATIONS UNDER CUSTOMS ACT AND NOTIFICATIONS UNDER ANDHRA PRADESH EXCISE ACT**

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) :** I beg to lay on the Table—

(1) A copy of the Report (Hindi version) of the Comptroller and Auditor General of India, for the year 1971-72, Union Government (Civil) under article 151 (1) of the Constitution. [Placed in Library. See No. LT-4954/73]

(2) A copy of Union Government Appropriation Accounts (Civil) for the year 1971-72 (Hindi version). [Placed in Library. See No. LT-4954/73]

(3) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962 :—

(i) G.S.R. 162(E) published in Gazette of India dated the 9th March, 1973 together with an explanatory memorandum.

(ii) G.S.R. 262 published in Gazette of India dated the 17th March, 1973 together with an explanatory memorandum.

(iii) G.S.R. 323 published in Gazette of India dated the 31st March, 1973 together with an explanatory memorandum.

(iv) G.S.R. 360 published in Gazette of India dated the 7th April, 1973 together with an explanatory memorandum.

[Placed in Library. See No. LT-4955/73.]

(4) A copy each of the following Notifications (Hindi and English versions) under sub-section (4) of section 72 of the Andhra Pradesh Excise Act, 1968 read with clause (c) (iii) of the Proclamation dated the 18th January, 1973 issued by the President in relation to the State of Andhra Pradesh :

(i) Memo No. 2245/T2/70-15 published in Andhra Pradesh Gazette dated the 22nd July, 1972 making certain amendments to the Andhra Pradesh Excise (Lease of Right to Sell Liquor in Retail) Rules, 1969.



- (ii) Memo No. 2890/T2/72-73 published in Andhra Pradesh Gazette dated the 29th January, 1973 making certain amendment to the Andhra Pradesh Excise (Lease of Right to Sell Liquor in Retail) Rules, 1969.

[Placed in Library. See No. LT-4956/73.]

SUMMARY OF BUDGET ESTIMATES FOR REVENUE AND EXPENDITURE OF AIR INDIA AND INDIAN AIRLINES FOR 1973-74 AND SUMMARY OF ACTUALS 1971-72, BUDGET ESTIMATES AND REVISED ESTIMATES, 1972-73 AND BUDGET ESTIMATES FOR 1973-74 OF AIR-INDIA AND INDIAN AIRLINES

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH): On behalf of Dr. (Smt.) Sarojini Mahishi, I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-rule (5) of rule 3 of the Air Corporations Rules, 1954 :—

- (1) Summary of Budget Estimates for Revenue and Expenditure of Air India for the year 1973-74.
- (2) Summary of Actuals for the year 1971-72, Budget Estimates and Revised Estimates for the year 1972-73 and Budget Estimates for the year 1973-74 of Air India.
- (3) Summary of Budget Estimates for Revenue and Expenditure of the Indian Airlines for the year 1973-74.
- (4) Summary of Actuals for the year 1971-72, Budget Estimates and Revised Estimates for the year 1972-73 and Budget Estimates for the year 1973-74 of Indian Airlines.

[Placed in Library. See No. LT-4957/73.]

12.02 hrs.

#### MESSAGE FROM RAJYA SABHA

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

"In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (No. 2) Bill, 1973 which was passed by the Lok Sabha at its sitting held on the 27th April, 1973, and transmitted to the Rajya Sabha, for its recommendations and to

state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

12.03 hrs.

#### BUSINESS OF THE HOUSE

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH) : With your permission, Sir, I rise to announce that Government Business in this House during the week commencing 7th May, 1973, will consist of :—

- (1) Consideration of any item of Government Business carried over from today's Order Paper.
- (2) Discussion on the Resolution regarding Reports of the Railway Convention Committee.
- (3) Discussion on the Resolution regarding constitution of a new Railway Convention Committee.
- (4) Consideration and passing of :
  - (a) The North-Eastern Hill University Bill, 1973
  - (b) The Constitution (Thirty-first Amendment) Bill, 1973 on 8th May, 1974.
  - (c) The Code of Criminal Procedure Bill, 1972, as passed by Rajya Sabha.

श्री बिभूति मिश्र (मोतीहारी) : अध्यक्ष महोदय, बिहार में हालत यह है कि गन्ना नहीं मिल रहा है, कोयला नहीं मिल रहा है, मिट्टी के तेल की कमी है। कितनी जगह पानी नहीं मिल रहा है। तो मैं चाहता हूँ कि सरकार इस के लिए किसी दिन चार घंटे रख दे ताकि बिहार की समस्याओं के ऊपर अच्छी तरह से चर्चा हो जाये और इसके पहले मंत्री जी एक बयान दें क्योंकि कृषि मंत्री से इसका संबंध है, उद्योग मंत्री से संबंध है और सब मंत्रियों से इसका संबंध है। तो इसके लिए समय दिया जाये ताकि बिहार की कठिनाई दूर हो सके।

श्री बाबूबलू झा आबाब (बाबूबलू) : अध्यक्ष महोदय, मैंने इसके पूर्व एक नोटिस दिया था कि बिहार में जो बहुत अधिक खाद्यान्न की, विशेषकर पेय जल की, कोयले की और सीमेंट की कमी है उस पर सदन में

चर्चा उठाने का अवसर हम लोगों को दिया जाये। लेकिन अब तक उस पर कोई निर्णय हुआ। मैं सरकार का ध्यान आकृष्ट करना चाहता हूँ कि कितनी ही जगह देबबर, बांका के मेहरावा प्रखण्ड और अन्य स्थानों में पीने के पानी की अत्यन्त अभाव है। इसलिए इस की आवश्यकता को देखते हुए हम लोगों को यह अवसर दिया जाये कि अगले सप्ताह में इस पर चर्चा किया जा सके।

**SHRI SAMAR GUHA (Contai) :** Sir, I wish to draw the attention of the Hon. Minister of External Affairs to a very major policy statement which has been made by the President of the U.S.A. in regard to the totality of the Indo-U.S. relations. He said :

"USA will not join any grouping or pursue any policies directed against India."

Then he said,

"USA does not want to join any armament race to jeopardise the peace in the sub-continent."

Sir, we naturally want that this House should know the reaction of the Government. I therefore request the Minister of External Affairs to make a statement thereon.

**SHRI S. M. BANERJEE (Kanpur) :** I request the Minister of Parliamentary Affairs to ask the Minister of Finance to have a discussion on the Third Pay Commission's report. This has already been laid on the Table of the House and Members have got copies. The Finance Minister probably has not made up his mind as yet, because this is being processed in the particular cell which has been created for this purpose. This is a major issue affecting 28 lakhs of Central Government employees and also of the three wings of Army, Navy and Air Force. Even if the Minister does not say this way or that way definitely, the least he could do is to discuss the various points at issue. Opposition Members who know something about it may be able to offer some suggestions etc. I am sure the hon. Minister will not deny this opportunity in this very session. We should have a discussion before the session adjourns.

**श्री जटन बिहारी बाजपेयी (ग्यालियर) :** अध्यक्ष महोदय, इस से पहले कि इस सदन की बैठक अनिश्चित काल के लिए स्थगित हो हमें देश के विभिन्न भागों में अन्न और पानी के दबाव के अभाव की जो गंभीर परिस्थिति पैदा हो गई है उस पर विचार करने का अवसर दिया जाना चाहिए। शिन्दे साहब ने कल एक वक्तव्य दिया था। उस में बिहार का कोई उल्लेख नहीं था। बिहार के साथ साथ अन्य भागों में भी स्थिति भयंकर है और अगले दो महीने गर्मी के इस दृष्टि से बड़े भयावह मिट्ट होंगे। अनेक स्थानों पर पीने का पानी नहीं है। लोग खाद्यान्न और विशेषकर जल के अभाव में मरेंगे। इसलिए हम चाहते हैं कि सदन की बैठक स्थगित हो इससे पहले एक दिन इस घर सदन में चर्चा हो जाये जिस से सदस्य अपने अपने चुनाव क्षेत्रों में जा कर कुछ ऐसी बातें कह सकें जिस से जनता को ठाढ़ हो।

**SHRI DHAMANKAR (Bhiwandi) :** I want to draw the attention of the Government to the shortage of nylon and viscone yarn which is causing hardship to powerloom owners and handloom owners and creating unemployment to the weavers. Spinners are raising the prices of yarn and they refuse to deliver yarn to actual users. The spinners are holding it and creating artificial shortage. They are increasing the rates of the yarn because the Government is hesitating to implement the Tariff Commission's Report which will fix up the prices of yarn. Yarn has disappeared from the market and this is causing untold hardship. Government controlled cotton yarn which minimised the difficulties. But now this problem of nylon and Viscone yarn is adding to their difficulties. I request the Government to call a meeting of the spinners to prevail upon them to deliver the yarn to actual users at reasonable rate.

**SHRI DINEN BHATTACHARYYA (Serampore) :** I take this opportunity to bring to the attention of the Government one important matter which has also been mentioned in this House by my hon. friend Mr. Somnath Chatterjee. It is about the

shifting of the head office of the Jay Engineering Company from Calcutta to Delhi. Yesterday the management of the Jay Engineering Company, Charat Ram and Bharat Ram Co., held a meeting in the Asoka Hotel and they decided to shift this head office from Calcutta to Delhi. I ask the Minister of Parliamentary Affairs to ask Mr. Gokhale to make a statement. Fortunately, Mr. Gokhale is sitting here and he deals with Company Affairs. I request him to make a statement thereon. This shifting would cause untold hardship to lakhs and lakhs of workers.

MR. SPEAKER : This occasion is to be used only for making any suggestions in regard to including some business on the agenda. If any hon. Member wants any hon. Minister to make a statement on something, he can make a request to him during the week.

SHRI S. M. BANERJEE : Regarding the discussion on the Pay Commission's Report, he has not said anything.

SHRI K. RAGHURAMIAH : As you have rightly pointed out, hon. Members can mention such matters as relate to a statement to be made by a Minister. Anyhow, such Ministers as are here have already heard what has been said, and as regards such Ministers as are not here, I shall duly convey the request of the hon. Members to them.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, क्या ये डाकखाना है, जो मंत्री यहां हैं उन्होंने सुन लिया, जो नहीं है उन को खबर भेज दी जायेगी। क्या ये उन से विचार-विनिमय कर के, सदन की भावना का सम्मान कर के, चर्चा तय नहीं कर सकते ?

अध्यक्ष महोदय : वह भी डाकखाने का काम करते हैं और मैं भी डाकखाने का काम करता हूँ।

SHRI G. VISWANATHAN (Wandiwash) : Yesterday, the hon. Minister assured us in the Business Advisory Committee that he would consult the concerned Minister and have a discussion on the Pay Commission's report. He must honour that assurance.

MR. SPEAKER : That is already settled. Why should the hon. Member mention what was settled inside the Business Advisory Committee, in the House? Now, it is for the hon. Minister. It is already there on record.

SHRI S. M. BANERJEE : The report of the Business Advisory Committee has been placed on the Table of the House, and presently, we shall be asked to vote for it.

श्री मधु लिनये (बांका) : मैं चाहता हूँ कि तीन अत्यावश्यक विषयों पर अगले सप्ताह में चर्चा हो—1. टैरिफ कमिशन ने कुल्लिम घागे पर, मैन-मेड फाइबर्स और आर्टिफिशियल यार्न पर जो रिपोर्ट दी है, उस को आपने प्रकाशित नहीं किया है—मैं उस पर बहुत चाहता हूँ, क्योंकि घागे की बढ़ी कमी है, बुनकर लोग भूखे मर रहे हैं। (2) सूत का जो सवाल है, जो मैंने कल उठाया था—सूत के अभाव के चलते उस के दाम 150 प्रतिशत बढ़ गये हैं, उस की वजह से लाखों बुनकर भूखे मर रहे हैं। 70 लाख बुनकर आज सूत पर निर्भर करते हैं—इस पर भी बहम का मौका दिया जाये। (3) पिछले सप्ताह मैंने कहा था कि पेय-जल का भार अभाव है, मेरे क्षेत्र में, पूरे बिहार में, महाराष्ट्र में, राजस्थान में और समूचे हिन्दुस्तान में अभाव है—इस पर बहुत करने का मौका दिया जाये।

12.13 hrs.

# BUSINESS ADVISORY COMMITTEE TWENTY-NINTH REPORT

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS (SHRI K. RAGHU-  
RAMIAH) : I beg to move :

"That this House do agree with the Twenty-Ninth Report of the Business Advisory Committee presented to the House on the 3rd May, 1973."

SHRI DINEN BHATTACHARYYA (Serampore) : What about the suggestions put forward here?

MR. SPEAKER : He has already said that he has noted them down. This motion is only with respect to those items which were already discussed in the Business Advisory Committee.

SHRI G. VISWANATHAN (Wandiwash) : On the Pay Commission's report being discussed, he has said nothing.

MR. SPEAKER : It is there in the proceedings of the Business Advisory Committee.

SHRI S. M. BANERJEE (Kanpur) : It has already taken the decision that there should be a four-hour discussion on it.

MR. SPEAKER : The proceedings of the Business Advisory Committee are there with the hon. Member, and we stand by whatever is there.

SHRI S. M. BANERJEE : Yesterday, he told us that he would consult the Finance Minister....

SHRI K. RAGHURAMIAH : Yesterday this happened at about 5.30 p.m. or 6. p.m., and I am meeting the Finance Minister in the House only today. So, let hon. Members give me some time to convey their request to him and discuss it with him.

As regards the other matters raised, I certainly understand the seriousness of some of the matters mentioned here. I shall carry not only the pith and substance, as the lawyers call it, of what has been said, but the whole spirit of it.

श्री मधु लिमये (बांका) : अध्यक्ष महोदय श्री रघुरमैया जी द्वारा जो प्रस्ताव रखा गया है, उस पर मैंने बाकायदा एक संशोधन दिया है और उम के बारे में यह नियम है कि आप उस पर आधा घंटा बहस रखवा सकते हैं....

अध्यक्ष महोदय : किम पर ?

श्री मधु लिमये : इन के प्रस्ताव पर । आप हर एक सबस्य को पांच मिनट दे सकते हैं और कुल मिला कर 30 मिनट यह बहस चल सकती है ।

अध्यक्ष महोदय : आपने जब पहले छोड़ा था और अब जब आप आये हैं, इस में दो साल

का फर्क रहा है, इस बीच में कुछ बातें बदल गई हैं । हम ने यह फैसला किया किया था कि जो सजेसनज आनी हों, वे उस समय आयें जब मिनिस्टर साहब बिजनेस-आफ-द-डी-बीक एनाउन्स करें । बिजनेस एडवाइजरी कमेटी में सभी पार्टियों के नुमाइन्दे होते हैं, इसलिये वहां पर गौर कर लिया जाता है और यह फैसला है कि जो भी रिपोर्ट आये उस को सर्व सम्मति से पास कर दिया जाय । आप रूल लिये फिरते हैं, रूल तो हर जगह लागू हो जाता है, वह तो गुच्छई पर भी कल लागू हो गया था ।

श्री मधु लिमये : अध्यक्ष महोदय, यह सदन के सदस्यों के अधिकारों का सवाल है....

अध्यक्ष महोदय : अधिकारों के लिये कौन इन्कार करता है ।

श्री मधु लिमये : उस के लिये मैं लड़ना आवश्यक समझता हूं, क्योंकि आप ने नियम को नहीं बदला है । कल मैंने दो-दो बार इन मुद्दों को रखा, लेकिन मंत्री महोदय इतनी उपेक्षा कर रहे हैं कि जवाब तक नहीं दे रहे हैं, इन मामलों को लेंगे या नहीं लेंगे । इस लिये जब मंत्री महोदय की तरफ से इतनी लापरवाही और उपेक्षा बरती जा रही है, तो मैं भी अपने अधिकारों के लिये खड़ा हूं ।

श्री शंकर ब्याल सिंह (चतरा) : कोई भी उपेक्षा नहीं बरती जा रही है ।

अध्यक्ष महोदय : यह तो आउट-आफ आर्डर था, इसकी इतिहा भी आप को कन्वे कर दी गई है ।

श्री मधु लिमये : किस नियम के तहत आउट आफ-आर्डर है । नये नये मामले उठाये जाते हैं तो निर्णय बनते हैं । मैं जानना चाहता हूं कि किस नियम के तहत रूल आउट कर रहे हैं ।

**अध्यक्ष महोदय :** यह आप सबों का फैसला है ।

**श्री मधु लिमये :** उस से क्या हुआ — वह सदन मालिक है, बिजनेस एडवाइजरी कमेटी इस की एक उप-समिति है और अगर उप समिति के काम में कोई संशोधन करना चाहता है तो सदन को अधिकार है, उस के इस अधिकार को कोई छीन नहीं सकता । हो सकता है कि मेरा प्रस्ताव मेरे मित्र ही ठुकरा दें, वह अलग बात है । मैं भाषण नहीं करूंगा, केवल दो मिनट ही लूंगा । आप मेरे संशोधन को पढ़ दीजिये ।

**अध्यक्ष महोदय :** मैं क्यों पढ़ूँ ? बिजनेस एडवाइजरी कमेटी टाइम का एलोकेशन करती है, नये आइटम्स उस में इंट्रोड्यूस नहीं कर सकती, इस लिये एलोकेशन आफ टाइम पर कोई अमेण्डमेन्ट करना चाहते हों तो कीजिये । न्यू आइटम्स का मैंने एक तरीका निकाला है, यहां जब बिजनेस एनाउन्स हो तब उन का सुझाव दिया जा सकता है ।

**श्री मधु लिमये :** लेकिन उस का तो उन्होंने जवाब तक नहीं दिया, ऐसी स्थिति में मैं क्या करता ?

**अध्यक्ष महोदय :** एडवाइजरी कमेटी तो सिर्फ टाइम एलोकेट करती है ।

**श्री मधु लिमये :** मैं चाहता हूँ कि इस पर निर्णय हो—ऐसे नहीं चलेगा । कल मंत्री महोदय यदि ऐसा कहते कि आप ने तीन महत्वपूर्ण विषय रखे हैं, उन के लिये समय निकालेंगे—तब मैं सोच सकता था । ता० 16 तक यह सदन चलने वाला है, पीने के पानी की समस्या है ।

**श्री शंकर बयाल सिंह :** अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है ।

**श्री मधु लिमये :** व्यवस्था तो चल ही रही है ।

**अध्यक्ष महोदय :** वक्त बहुत कम है, इस लिये आप दोनों इस में न पड़िये । मैं इस को एजेंडिट नहीं कर सकता ।

**श्री शंकर बयाल सिंह :** मैं एक मिनट का समय चाहता हूँ—कल आपने कहा था . . . . . (व्यवधान) . . . श्री मधु लिमये कभी भी असंगत रूप से खड़े नहीं होते हैं ।

**अध्यक्ष महोदय :** वह प्वाइन्ट आफ आर्डर पर खड़े हैं ।

**श्री शंकर बयाल सिंह :** मैं भी प्वाइन्ट आफ आर्डर पर खड़ा हूँ ।

**अध्यक्ष महोदय :** वह तो प्वाइन्ट आफ आर्डर पर खड़े हैं ।

**श्री शंकर बयाल सिंह :** प्वाइन्ट आफ आर्डर पर मैं भी हूँ । (व्यवधान) मेरा प्वाइन्ट आफ आर्डर यह है कि सदन की नियमावली के नियम संख्या 361 के अनुसार जब अध्यक्ष महोदय खड़े हों तो सदस्य को बैठ जाना चाहिए । इसलिए जब आप खड़े हैं तब माननीय सदस्य भी खड़े होकर नियमों का उल्लंघन कर रहे हैं । (व्यवधान)

**अध्यक्ष महोदय :** मैं बहुत खुश हूंगा अगर मैं खड़ा हूँ तो आप न खड़े हों, बाकी लोगों को मैं देख लूंगा ।

मैं ने कह दिया यह क्यों नहीं हो सकता है । आपने भी अपनी राय दे दी है । पहले आइटम पर कह दिया है । (व्यवधान)

**श्री मधु लिमये :** तो मैं कह दूँ अपनी बात ?

**अध्यक्ष महोदय :** वह तो पहले आइटम पर कह दी है ।

I am Sorry. I cannot hold this amendment in order.

यह आर्डर में नहीं है ।

**श्री मधु लिमये :** सुनने के बाद निर्णय दीजिए ।

**अध्यक्ष महोदय :** मैं ने देख कर दिया है ।

**श्री मधु लिमये :** व्यवस्था का प्रश्न होता है तो उसमें मैं नियमों का आधार लूंगा, आप भी नियमों का आधार लेंगे और अपना निर्णय देंगे ।

MR. SPEAKER : I have already—  
declared it out of order.

श्री भागवत झा आचार्य, (भागलपुर)  
आपने प्रथा स्वीकार कर ली है जब पार्लियामेन्टरी  
अफेयर्स मिनिस्टर ने कहा कि आप सदस्यों  
को एक दो मिनट प्रश्न उठाने का मौका दें।  
वही बात इस प्रस्ताव पर सा रहे हैं। तो  
आलरेडी नियम का पालन किया जा रहा है।  
आपने भी उठाया और हमने भी उठाया,  
यह तो आलरेडी पालन हो रहा है। (व्यवधान)

श्री मधु लिमये : मैं बिना संशोधन के भी  
5 मिनट बोल सकता हूँ।

श्री शंकर बयाल सिंह : लेकिन बिना अनुमति  
के नहीं बोल सकते हैं।

श्री मधु लिमये : मुझे आपकी अनुमति  
नहीं चाहिए। मैं अध्यक्ष की अनुमति चाहता  
हूँ।

अध्यक्ष महोदय : अगर बिना संशोधन  
के बोलना है तो जो पहले नेक्स्ट वीक के बिजनेस  
पर हमने कन्वेंशन बनाया है वह हमें  
तोड़ना पड़ेगा। फिर ठीक है, ऐसा ही चले।  
(व्यवधान)।

श्री मधु लिमये : मैं नियम 290 की तहत  
खड़ा हूँ। मैं पढ़कर सुनाता हूँ।

अध्यक्ष महोदय : नियमों के लिए मैंने  
बता दिया।

श्री मधु लिमये : क्या नियम खत्म हो  
गए ?

अध्यक्ष महोदय : उसमें नियम की सहाई  
नहीं है। दो मोशन आते हैं। एक उन्होंने  
की अगले हफ्ते की और एक वह है जिसके  
बारे में बिजनेस एडवाइजरी कमेटी ने फैसला  
किया है। हम इस बात पर चले जा रहे हैं  
कि जब अगले हफ्ते के बिजनेस पर हम  
फैसला करें उस वक्त जो मेम्बर्स मुझे लिखकर  
बोध दें वह अपनी राय दे सकते हैं। यह  
कन्वेंशन भी हमने बनाया है कि जो बिजनेस  
एडवाइजरी कमेटी है उसमें सभी पार्टियाँ

के सीटर्स मौजूब होते हैं और जो वह अन्दर  
से बिजनेस एडवाइजरी कमेटी में फैसला करें  
उसके बारे में हमने परम्परा बनाई है कि  
उसको हम बगैर किसी बहुसंकेत के पास कर दें।  
अगर आप इसको नियम के नीचे लाना चाहते  
हैं तो जब बिजनेस एनाउन्स होगा उसमें  
नियम नहीं होगा। वह तो मिनिस्टर का एक  
सिम्पुल स्टेटेमेंट है।

श्री मधु लिमये : मैं मोशन पर बोल  
रहा हूँ, उन्होंने जो प्रस्ताव रखा है...

अध्यक्ष महोदय : वही मैं कह रहा हूँ।

श्री मधु लिमये : अगर आप कहते हैं नियम  
खत्म हो गए तो मैं बैठ जाता हूँ।  
अगर नियम है तो उनके अन्दर मेरा अधिकार  
है। मैं उनके लिए लड़ूंगा। या तो नियमों को  
बदलें या मन्त्री जिम्मेदारी से काम करें।

अध्यक्ष महोदय : नियमों के बारे में बता  
दिया।

श्री मधु लिमये : मेरे मित्र एच० बी०  
कामय की गैर हाजिरी मुझे खल रही है। अगर  
आज वे यहां पर होते तो मैं अकेला नहीं पड़ता।  
(व्यवधान)। सबसे पहले संविधान है,  
उसके बाद कानून है, उसके बाद नियम है  
और उसके बाद आपके निर्णय है।

SHRI G. VISWANATHAN (Wandi-  
wash) : Sir, we decided to take up the dis-  
cussion regarding the Supreme Court at  
12 O'clock. We have already taken 25 minu-  
tes on other things.

MR. SPEAKER : We had decided to  
take it up at 12 O'clock. But all this has come;  
He want more time for it.

श्री मधु लिमये : या तो मुझे आज्ञा दीजिए  
मैं बोलूँ नहीं तो बैठ जाऊँ।

अध्यक्ष महोदय : किस बात पर बोलेंगे  
आप ? उनका एक मोशन है उसमें मेम्बर्स  
का हर एक का राइट है कि बोल सके लेकिन  
आपस में इस हाउस ने फैसला किया था कि  
उस पर न बोलें। जो पहला है उस पर बोलें।  
अब आप आये हैं, उसको तोड़ते हैं तो तोड़िये।

श्री मधु लिमये : मैं पहले भी सक्षम था, पहले घर भी सक्षम बोलते थे और प्रस्ताव के ऊपर भी बोलते थे।

अध्यक्ष महोदय : उस साल पहले जो बातें करते थे वह आज नहीं करते हैं।

श्री मधु लिमये : आप नियमों को खत्म करना चाहते हैं तो खत्म कर बीजिए। अगर आपका निर्णय है मुझे अधिकार नहीं है, तो मैं बैठ जाता हूँ।

अध्यक्ष महोदय : मैं नियम नहीं खत्म करना चाहता हूँ। मैंने आपको हाउस का फैसला बता दिया है।

श्री मधु लिमये : आपका निर्णय क्या है ?

MR. SPEAKER : My ruling on this is this. You can only speak on the allocation of time of different items that are mentioned in the report. You will have to be strictly relevant.

श्री मधु लिमये : यह कहा है कि और आईटम्स नहीं लिये जायेंगे ? मैं नियम बढ़ता हूँ। सारा भाष्य ऐसा होना चाहिए जिससे सदन के मेम्बरों के अधिकार सन्तुष्ट होंगे के बजाये उनके अधिकारों का विस्तार हो। जब नियमावली मेरे खिलाफ नहीं है तो ऐसा निर्णय आप क्यों कर रहे हैं। यह मेरी समझ में नहीं आ रहा है।

अध्यक्ष महोदय : रिपोर्ट आपके सामने है।

श्री मधु लिमये : मैं पढ़ना हूँ नियम (व्यवधान)

MR. SPEAKER : No.

SHRI MADHU LIMAYE : Let me read the rule. "Motion moved in House on report—rule 290 At any time after the report has been presented to the House

(व्यवधान)

इस तरह की बात का क्या मतलब है ? कौन किस का वक्त खा रहा है ? मैं अपने अधिकारों के लिए लड़ रहा हूँ, इस सदन के अधिकारों के लिए लड़ रहा हूँ। मैं किसी का समय नहीं खा रहा हूँ ? (व्यवधान)।

अध्यक्ष महोदय : आप कहिये क्या कहना चाहते हैं ? (Interruption)

SHRI G. VISWANATHAN : Let me remind you that the other day you gave an assurance, and we also accepted it, that at 12 O'clock the debate about the Supreme Court would be taken up and no other items would be allowed. We have already wasted half an hour; I would request you take up that debate.

श्री मधु लिमये : मेरा कोई सपना नहीं है, आप इस मोशन को मंगल को लीजिए। मैं हमेशा समझौते के लिए तैयार हूँ।

SHRI G. VISWANATHAN : We are prepared to take it up on Monday.

MR. SPEAKER : Motion moved by Shri K. Raghuramiah...

श्री मधु लिमये : यह क्या हुआ ? निर्णय देना चाहिए।

अध्यक्ष महोदय : मैंने समझा आप बैठ गए हैं। (व्यवधान)।

श्री शंकर श्याम सिंह : अध्यक्ष महोदय, नियम 361 के अनुसार, जब आप खड़े हो तब इनको बैठ जाना चाहिए। नियम 352 के अनुसार नियमों का पालन करना है। नियम 353 के अनुसार कभी असंगति न करनी है। नियम 357 के अनुसार व्यक्तिगत स्पष्टीकरण की बात करनी है (व्यवधान) मैं यह भी कहना चाहता हूँ कि अध्यक्ष जब कहें तभी आपको बोलना चाहिए। (व्यवधान)।

SHRI S M BANERJEE : I am a Member of the Business Advisory Committee for many years and I attended the meeting yesterday.

Hon. Member Shri Guha is also a Member of the Committee. As a matter of fact, if we follow a particular convention that after talking freely and fairly in the Business Advisory Committee, we do not raise any issue here, that is a different matter. Shri Guha has told Shri Madhu Limaye about this. As a matter of right, how can you deny a Member the right to move his amendments?

MR. SPEAKER : I have not denied the right.

श्री मधु लिमये : मंत्री महोदय उस पर कुछ कहते नहीं हैं। अगर वह कुछ कहेंगे तो मैं ज़क़ा नहीं डालूंगा।

MR. SPEAKER : You raised three issues on the previous matter. I ask the Minister to reply to you. That is what you want.

SHRI DINESH CHANDRA GOSWAMI (Gauhati) : I rise on a point of order.

SHRI S. M. BANERJEE : According to rules, the hon. Member can speak only from his seat.

MR. SPEAKER : My ruling is that when the Speaker is standing, both of you should sit down.

SHRI K. RAGHU RAMAIAH : I would like to know what his suggestions are.

श्री मधु लिमये : देखिये मंत्री महोदय ने सुना तक नहीं।

SHRI K. RAGHU RAMAIAH : You had spoken so much and everything gets mixed up. I would like to know your suggestions. I have got before me three suggestions—one is discussion on non-publication of the Tariff Commission Reports and the other is shortage of artificial yarn leading to sky-rocketing of prices and hardship to weavers' families. Rise in price of cotton, food scarcity and lack of drinking water in Birbhum, Rajasthan, Maharashtra, Mysore and other States in the country are your other points, and I have noted them. And whatever suggestions have been made by the hon. Member would certainly be conveyed by me to the Minister concerned and it is for the Minister to decide what action to take in these matters.

MR. SPEAKER : The question is :

"That this House do agree with the Twenty-ninth Report of the Business Advisory Committee presented to the House on the 3rd May, 1973."

*The Motion was adopted*

12.35hrs.

# DISCUSSION RE: APPOINTMENT OF CHIEF JUSTICE OF INDIA—Contd.

MR. SPEAKER : Now we are resuming the discussion on the appointment of the Chief Justice. The time fixed was six hours. Time taken is 3 hours 30 minutes. Balance of time is only 2 hours, 30 minutes. I have with me the allocation of time. According to it, it will be like this :—

Jan Sangh	14 minutes.
D.M.K.	14 minutes
Congress	1 Hour 42 minutes.
U.I.P.G.	9 minutes.
Congress (O)	9 minutes.
Unattached	9 minutes.

We can have a little bit of adjustment this side or that side.

SHRI SHYAMNANDAN MISHRA : (Bengal) : We can as well have no discussion.

MR. SPEAKER : The Minister's time will be taken from out of his own party's time.

श्री जटल बिहारी बाजपेयी (गुवाहाटी) : अध्यक्ष जी, अगर इस पर अधिक लोम बोलना चाहते हैं, और विषय महत्वपूर्ण है, तो आप एक घंटा बढ़ा सकते हैं। मंत्री महोदय सोमवार को जवाब दे सकते हैं।

MR. SPEAKER : We do not want to continue this on any other day. Now it is 12.30 and we have 3 hours left. But if hon. members want some more time for this discussion, we can take up the private members' business at 4.30 instead of at 3.30 so, we will get one more hour. How much time does the minister want?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE) :

45 minutes

MR. SPEAKERS : May I make a request to the hon. members on both sides of the House, to listen with full patience, whatever be the criticism either from this side or that side. Sometimes at the end of the debate, members get so tired and lose their patience. For God's sake, let us have a peaceful and calm discussion. Shri Vajpayee.

(Interrupting)

MR. SPEAKERS : I am not allowing anybody else. Shri Vajpayee.



श्री अदल बिहारी बाजपेयी (भाजियर) : अध्यक्ष जी, जब मैं उस दिन श्री मोहन कुमार मंगलम के भाषण को सुन रहा था तो मुझे एक उर्दू का शेर याद आया :—

कपड़ा सड़ा गला हो तो मुमकिन नहीं रफू  
सीते थे बास्तीन गरेबास फट गया ।  
बारे गुनाह बड़ बास उज्जे गुनाह से,  
घोने से और दामने ईमा चिकट गया ।

अध्यक्ष महोदय : मुझे इस बात की ख़ुशी है कि आप ने श्री उर्दू बोली ।

श्री अदल बिहारी बाजपेयी : जब इस महत्वपूर्ण विषय पर चर्चा आरम्भ हुई तब यह कहा गया था कि यह मामला एक मामूली मामला है, सुप्रीम कोर्ट के तीन जजों को ताक पर रख कर एक कनिष्ठ जज को सर्वोच्च न्यायाधीश के पद पर अधिष्ठित कर देना कोई बड़ी बात नहीं है, देश में और भी महत्वपूर्ण प्रश्न हैं, इस सवाल पर इतना समय लेने की आवश्यकता नहीं है । लेकिन अध्यक्ष महोदय, जो चर्चा हुई और उस चर्चा में श्री मोहन कुमार मंगलम ने ज़िम प्रकार का भाषण दिया उस से यह बात स्पष्ट हो गयी कि यह प्रश्न केवल एक व्यक्ति को चीफ जस्टिस बनाने का नहीं है, यह प्रश्न केवल तीन वरिष्ठ जजों को उन के अधिकारों से वंचित कर देने का भी नहीं है, यह प्रश्न इस बात का है कि देश में न्यायापालिका की स्वाधीनता रहेगी या नहीं रहेगी ? इस देश में लोकतन्त्र चलेगा या नहीं चलेगा ?

श्री मोहन कुमार मंगलम ने जो भाषण दिया उस भाषण ने विरोधी दलों और मंसद के बाहर बकीलों के सवाबों ने, बुद्धिजीवियों ने, चीफ जस्टिस की नई नियुक्ति पर जो आशंकाएँ तथा आपत्तियाँ प्रकट की हैं उनकी पुष्टि हो गई । तीन वरिष्ठ जजों को हटा कर कनिष्ठ जज को मुख्य न्यायाधीश नियुक्त करने से न्यायपालिका की स्वाधीनता और पवित्रता पर जो चोट लगी थी, विधिमन्त्री श्री गोखले ने ला कमिशन की सिफारिश

का मरहम लगा कर उसकी पीड़ा को कम करने की कोशिश की थी, लेकिन उनके भ्रम श्री मोहन कुमार मंगलम ने उस बाब पर नमक छिड़क दिया है । उन्होंने यह स्पष्ट कह दिया है कि सरकार को कमिटेड जजों चाहिये । श्री मोहन कुमार मंगलम ने कहा है कि जजों की नियुक्ति में उनकी फिलास्फी और आउटलुक देखा जायेगा । श्री मोहन कुमार मंगलम ने यह भी पूछा है कि

"It is not good that we should have as Chief Justice of India a man who will help to put an end to this period of confrontation?"

जो कम्पटेमान पिछले छः साल से चल रहा है, श्री मोहन कुमार मंगलम चाहते हैं कि ऐसा व्यक्ति जज बनाया जाय जिसे सरकार और सर्वोच्च न्यायालय के बीच चलने वाला वह संघर्ष समाप्त हो जाये ।

उन्होंने एक और बात कही । हमें ऐसे जज चाहिये :

" who can effectively work and help us in the Supreme Court "

सरकार को ऐसे जज चाहिये जो सुप्रीम कोर्ट में सरकार की मदद कर सके । "सरकार की मदद कर सके" इस का मतलब क्या है ? कई मामला में सरकार पार्टी हुआ करती है । मुझे बतलाया गया है कि 60 प्रतिशत लिटिगेशन ऐसा होता है जिस में सरकार पार्टी हुआ करती है । व्यक्ति तथा व्यक्ति के बीच में ही संघर्ष नहीं होता है, व्यक्ति और सरकार के बीच में भी संघर्ष होता है । जब व्यक्तिगत स्वाधीनता पर आच आती है, जब मूलभूत अधिकारों का अपहरण किया जाता है, जब संविधान में दी गई व्यक्तिगत गरिमा की गारंटी की श्रृंखला उड़ाई जाती है, तब व्यक्ति को सर्वोच्च न्यायालय के दरवाजे खटखटाने पड़ते हैं । क्या देश में सर्वोच्च न्यायालय में बैठे हुए जो जज आज हैं वह सरकार की मदद करने के लिये बिठाये गये हैं ? जिन की फिलास्फी, जिनका आउटलुक सरकार की फिलास्फी और सरकार के आउटलुक से मेल खाता है,

क्या वह संविधान की रक्षा कर सकते हैं, क्या वह व्यक्तिगत स्वाधीनता का संरक्षण कर सकते हैं, या वह मूलभूत अधिकारों को बचा सकते हैं ?

श्री मोहन कुमारमगलम आज फिलासफी की बात करते हैं। क्या श्री मोहन कुमारमगलम के आने के पहले इस पार्टी की ओर इस सरकार की कोई फिलासफी नहीं थी ? क्या फिलासफी श्री मोहन कुमारमगलम ने पहली बार दी है ? जजों को जिस संविधान का पालन करने की शपथ लेने के लिये कहा जाता है, क्या उस संविधान की कोई फिलासफी नहीं है ? क्या संविधान के निर्माता सब प्रकार के दर्शन से शून्य थे ? क्या संविधान के निर्माता आर्थिक प्रगति नहीं चाहते थे ? क्या वे सामाजिक न्याय के मिडान्त में बड़े हुए नहीं थे ?

लेकिन हम के साथ साथ ही वे न्यायपालिका की स्वतंत्रता से भी बड़े हुए थे। इसी लिये संविधान में यह प्रावधान किया गया है कि जजों की नियुक्ति राष्ट्रपति करेंगे। 65 साल की आयु तक उन्हें हटाया नहीं जा सकेगा। उन का वेतन कम्पोलिटेट फंड आफ इंडिया में लिया जायेगा मसल उनमें यटौनी नहीं कर सकेगी। कोई जज सरकारी आदेश से नहीं हटाया जा सकेगा। संविधान में एक विशेष प्रक्रिया दी हुई है जिस के अनुसार मसल वे दोनों सदन के सदस्यों को राष्ट्रपति को एक ज्ञापन देना पड़ेगा जिस पर कार्रवाई कर के किसी जज को हटाया जा सकता है। ये सब प्रावधान जो न्यायपालिका की स्वाधीनता की रक्षा के लिये संविधान में शामिल किये गये हैं, क्या किसी दर्शन के दर्पण नहीं है ? क्या उन के मूल में कोई बुनियादी चिंतन नहीं है ? क्या संविधान के निर्माता यह नहीं चाहते थे कि देश में व्यक्तिगत स्वाधीनता और आर्थिक समता का समन्वय किया जाये, देश आर्थिक क्षेत्र में आगे बढ़े, विषमता घटे, शोषण समाप्त हो ? लेकिन

इसके साथ साथ व्यक्तिगत स्वाधीनता की भी रक्षा हो और उस की रक्षा करने का काम प्रमुख रूप से सर्वोच्च न्यायालय को सौंपा गया।

आज तो कहा जाता है कि सर्वोच्च न्यायालय के जज ऐसे होने चाहियें जो सरकार की हा में हा मिलायें। श्री मोहन कुमारमगलम कहते हैं कि छः वर्षों से कफ्रेशन हो रहा है। अब वह आशा करते हैं कि कफ्रेशन नहीं चलेगा। क्या हम का मतलब यह है कि जो नये चीफ जस्टिस बने हैं, उन से पहले यह चर्चा कर ली गई है कि आप को चीफ जस्टिस इसी शर्त पर बनाया जायेगा। आप अब मरवार के खिलाफ कोई फैसला नहीं देंगे ? चीफ जस्टिस इस मामले में क्या करेंगे, क्या श्री मोहन कुमारमगलम ऐसा भविष्यवाणी कर सकते हैं ? क्या नये चीफ जस्टिस से उन्होंने पहले चर्चा कर के कोई आश्वासन ले लिया है ? कौन सा जज किम समय कैसा निर्णय देगा, हम के बारे में कोई गारंटी नहीं दी जा सकती।

मैं चीफ जस्टिस के खिलाफ कुछ नहीं कहना चाहता। वह एक सम्मानित जज हैं, लेकिन जिन तीनों को नाक पर रखने के बाद वह चीफ जस्टिस बने हैं वह भी सम्मानित जज हैं। उन जजों के बारे में बहुत कुछ कहा गया है। मैं सुप्रीम कोर्ट की वारंवाई देख रहा था। जस्टिस रे का एक निर्णय मेरे सामने आया है। जस्टिस रे कलकत्ता हाई कोर्ट में जज थे। हरिदास मूदडा का मामला उन के सामने गया। मूदडा तीन साल जेल में रहने के बाद छूटे थे। मूदडा हैरफोर्ड टर्नर मारिशन ऐंड कम्पनी के सब शेयर लेना चाहते थे। उस समय मूदडा के पास केवल 49 परसेंट शेयर थे। लेकिन हैरफोर्ट के साथ उन का समझौता था जिस के अनुसार वह कीमत देकर बाकी के 51 प्रतिशत शेयर भी ले सकते थे। मगर टर्नर मारिशन कम्पनी ने

**[श्री अटल बिहारी वाजपेयी]**

शेअर देने से इन्कार कर दिया। मूंदड़ा कोर्ट में गये। मामला जस्टिस रे ने सुना था। उन्होंने ऐसा फैसला दिया जिस के अनुसार मूंदड़ा को बाकी के 51 फीसदी शेअर लेने के लिये टर्नर मॉरिसन कम्पनी को 80,60,000 रु० देने की जरूरत ही नहीं थी। बिना कोई रुपया दिये हुए जस्टिस रे ने अपने फैसले से मूंदड़ा को 100 फीसदी शेअर दे दिये, शेअरों का अधिकार दे दिया। यह मामला जस्टिस मसूद के सामने गया। जस्टिस मसूद ने स्टे आर्डर बैकेट कर दिया। यह मामला सुप्रीम कोर्ट में भी आया। सुप्रीम कोर्ट में जिन्होंने अपील सुनी वह थे जस्टिस के एस हेगडे और श्री के० के० मैथ्यू। उन्होंने जो फैसला दिया उसका एक अंश पढ़ कर सुनाना चाहता हूँ। यह जस्टिस मसूद के लिये है

"The learned Judge then found that Mundhra was not keen in paying purchase money and getting transfer of 51 per cent shares for the reason that the injunction granted by the court in the decree suit No. 600 of 1961, restraining the appellant from voting excepting in accordance with the instructions of Mundhra made him virtually the owner of 100 per cent shares in Turner Morrison and without paying any amount for 51 per cent shares to Turner Morrison, he got control of Turner Morrison. It was to his interest not to pay anything to the appellant."

यह वह केस है जिसे श्री रे ने सुना था। मैं यह तथ्य आप के सामने रख रहा हूँ। मैं जस्टिस रे पर आरोप नहीं लगा रहा हूँ। लेकिन क्या इस में से यह अर्थ नहीं निकाला जा सकता कि जस्टिस रे ने ऐसा फैसला दिया जिस में मूंदड़ा को लाभ मिला। लेकिन मैं आरोप नहीं लगा रहा हूँ। (व्यवधान) क्या इस निर्णय में आधार पर जस्टिस रे का मूल्यांकन किया जायेगा? किसी मामले में सुप्रीम कोर्ट के किसी जज ने सरकार के खिलाफ कोई निर्णय दे दिया, तो क्या उस के आधार पर सरकार उस को उम की वरिष्ठता से बर्चित कर देगी?

क्या सरकार ऐसे जज नियुक्त करेगी, जो उसकी हाँ में हाँ मिलाये?

श्री शशि भूषण (दक्षिण दिल्ली) : इसी लिए तो हम आप को आपोजीशन में लाये हैं।

श्री अटल बिहारी वाजपेयी : हम आपकी कृपा से नहीं आये हैं। हम आप के बाबूजब आये हैं। (व्यवधान)

श्री शशि भूषण : राजमाता की कृपा से आये हैं।

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मुझे ताज्जुब है कि प्रधान मंत्री जी ने इस विवाद में भाग लेने की आवश्यकता नहीं समझी है।

श्री एस० एम० बनर्जी (कानपुर) : इस देश में भरत को भी राज्य दिया गया था, जब कि राम बड़े थे।

श्री अटल बिहारी वाजपेयी : ये ऐसे भरत हैं, जो खड़ाऊँ के बदले स्वयं राज्य चलाना चाहते हैं।

लेकिन प्रधान मंत्री ने समद के बजाय कानपुर के फूल बाग में उस मामले का उल्लेख करना उचित समझा है। उन्होंने प्रेजिडेंट रजिस्ट्रार का हवाला दिया है। प्रधान मंत्री राष्ट्रपति रजिस्ट्रार की पॉक्ति में बैठने को महत्वाकांक्षा रखे, यह मैं समझ सकता हूँ। लेकिन इस का निर्णय इतिहासकार करेगा, उस के बादकार या उनके पानन मलाहकार नहीं।

प्रेजिडेंट रजिस्ट्रार का उदाहरण देना गलत है। प्रेजिडेंट रजिस्ट्रार जिन अमरीका के प्रेजिडेंट थे, उस अमरीका में जजों की नियुक्ति की गर्ण्ट सिमेट क द्वारा की जाती है और कई मामले ऐसे हुए हैं, जब राष्ट्रपति की सिफारिश को अमरीका की सिमेट ने ठुकरा दिया और राष्ट्रपति को दूसरा नाम बजना पड़ा। भारत में ऐसी कोई पद्धति नहीं है। राष्ट्रपति रजिस्ट्रार के मंत्रि-मंडल

में ऐसे भी कोई सदस्य नहीं थे, जो कभी कम्युनिस्ट रहे हों और आज भी साइंटिफिक सोशलिज्म की बात करते हों। राष्ट्रपति रूजवेल्ट की पार्टी में ऐसे लोग भी नहीं थे, जो जजों के क्लास करेक्टर की मीमांसा करते हों राष्ट्रपति रूजवेल्ट के मंत्रि-मंडल में ऐसे वरिष्ठ सदस्य भी नहीं थे, जो जनता में जजों पर लांछन लगाते हों और जब मान-हानि का मुकदमा चलने का डर हो, तो अपने वक्तव्य का खंडन कर के लीपापोती कर लेते हों।

इंग्लैण्ड की बात भी कही गई है, आस्ट्रेलिया तथा कॅनेडा का भी हवाला दिया गया है। मैं चर्चिल का एक उद्धरण सदन के सामने रखना चाहता हूँ :

“The principle of the complete independence of the judiciary from the executive is the foundation of many things in our Island life. It is perhaps one of the deepest gulfs between us and all forms of totalitarianism. The judge has not only to do justice between man and man but he also—and this is one of his most important functions—has to do justice between the citizens and the State.”

अगर व्यक्ति और राज्य का संघर्ष होगा, तो कमिटिड जजिज किस तरह का फैसला देंगे ? (व्यवधान)।

सवाल केवल जजों के कमिटमेंट का नहीं है। यह बात यहीं समाप्त नहीं होगी। आज मांग की जा रही है कि जज ऐसे होने चाहिए, जिन की सोशल फिलासफी सरकारी पार्टी की फिलासफी हो। कल कहा जायेगा कि चीफ़ इलैक्शन कमिशनर ऐसा होना चाहिए, जिस की सोशल फिलासफी सरकारी पार्टी की फिलासफी हो। (व्यवधान) चीफ़ इलैक्शन कमिशनर के साथ यूनियन पब्लिक सर्विस कमीशन के चेयरमैन का सवाल आयेगा। फिर गोलीकांडों की जांच के लिए जो जज नियुक्त होंगे उनके बारे में भी यह देखा जायेगा कि उन की सोशल फिलासफी क्या है। तो फिर क्या यह नियम सेनाओं पर

भी लागू किया जायेगा ? क्या सेनापति उन्हें नियुक्त किया जायेगा...

**श्री बसंत साठे (अकोला) :** श्री कुमार-मंगलम ने जो कहा है, माननीय सदस्य उस की बात करते हुए कम से कम उस में झूठ न डालें। श्री कुमारमंगलम ने यह कहा कि हमारी पार्टी की फिलासफी हो ? माननीय सदस्य वह वाक्य बता दें।

**श्री अटल बिहारी वाजपेयी :** श्री मोहन कुमारमंगलम किस की फिलासफी की बात करते हैं ?

**SHRI PILOO MODY (Godhra) :** I agree that he did not talk about his Party's philosophy. He talked about his master's philosophy. His party had never held that philosophy.

**SHRI VASANT SATHE :** He talked about the philosophy that is enshrined in our Constitution ... (Interruptions)

**श्री अटल बिहारी वाजपेयी :** अगर श्री साठे संविधान के दर्शन की बात करते हैं, तो यह संविधान कल नहीं बना है; यह 1950 से बना है। आज तक जजों की जो नियुक्तियां हुई, वे इसी संविधान के अनुसार हुई और इसी संविधान के प्रति निष्ठा रखने वाले जज बने। उन्होंने जो फैसले किये, वे इसी संविधान की कसौटी पर कस कर किये।

सुप्रीम कोर्ट के फैसलों से मतभेद हो सकता है। सुप्रीम कोर्ट अपने फैसलों पर पुनर्विचार भी कर सकता है। क्या यह ताज्जुब की बात नहीं है कि जिस दिन सुप्रीम कोर्ट ने फ्रंडामेंटल राइट्स से सम्बन्ध में एक अच्छा फैसला—सरकार की दृष्टि से—दिया, उसी शाम को सुप्रीम कोर्ट के उठने के बाद रेडियो से नये चीफ़ जस्टिस की नियुक्ति की घोषणा कर दी गई और दूसरे दिन सुप्रीम कोर्ट की बैठक होने से पहले नये चीफ़ जस्टिस ने शपथ ले ली ? रात के अंधेरे में यह काम करने की आवश्यकता क्या थी ? यह काम गुप्तता में क्यों किया गया ?

## (भी जटल बिहारी बाजपेयी)

कल यह रहस्योद्घाटन किया गया है कि सरकार ने रिटायरिंग चीफ जस्टिस को भी विश्वास में लेने का शिष्टाचार नहीं दिखाया उस की आवश्यकता नहीं समझी। मेरे पास एक उद्धरण है डा० अम्बेडकर का। लेकिन अब डा० अम्बेडकर का उद्धरण देने की क्या आवश्यकता है? अब तो मोहन कुमारमल्लम की पिलामफी चलेगी। डा० अम्बेडकर ने कहा था

"It seems to me that in the circumstances in which we are to-day, it would be dangerous to leave the appointments to be made by the President without any kind of reservation or limitation, that is to say, merely on the advice of the executive of the day. Similarly, it seems to me that to make every appointment subject to the concurrence of the Legislature is also not a very suitable provision. Apart from its being cumbrous, it also involves the possibility of the appointment being influenced by political pressure and political considerations. The draft article, therefore, steers a middle course. It does not make the President the supreme and the absolute authority in the matter of making appointments. It does not also import the influence of the Legislature. The provision in the article is that there should be consultation of persons who are *ex hypothesi* well qualified to give proper advice in matters of this sort."

डा० अम्बेडकर ने यह नहीं कहा कि केवल मन्त्रि-मन्त्र विचार-विनियम किया जायेगा। राष्ट्रपति कोई मिट्टी के माघो नहीं है। राष्ट्रपति कोई मुहर लगाने की मशीन नहीं है। राष्ट्रपति रिटायरिंग चीफ जस्टिस में पूछ सकते थे। वह हार्ड कोर्ट्स के चीफ जस्टिसिज में विचार विनियम कर सकते थे। (व्यवधान) लेकिन मुझे पता लगा है कि राष्ट्रपति महोदय पर दबाव डाला गया कि आप तीन जजों को सुपरसीड कर दीजिए और जस्टिस रे को चीफ जस्टिस नियुक्त कर दीजिए। क्या यह संविधान की भावना के अनुकूल है? क्या यह डा० अम्बेडकर की उद्घोषणा के अनुसार है?

13.00 hrs

स्पष्ट है कि आज संविधान को ताक पर रखा जा रहा है, न्यायपालिका की जड़ पर कुठाराघात किया जा रहा है। आज सरकार मूलभूत अधिकारों की हत्या करने पर उतारू है। इस देश में आर्थिक विकास तेजी से हो कोई भी इस के विरोध में नहीं है। लेकिन सरकार आर्थिक मोर्चे पर अपनी विफलताओं के लिए सुप्रीम कोर्ट को बॉल का बकरा बनाना चाहती है। क्या सुप्रीम कोर्ट ने सरकार को ऐसे उदम उठाने से रोकना है, जिन से महागर्ट कम हो सकें? क्या सुप्रीम कोर्ट न सरकार का राइट टु वर्क को फंडामेंटल राइट्स में शामिल करने से रोकना है? गोलकुण्ठ के बेस में मूलभूत अधिकारों का घटाने में रोक लगाया था, बढ़ाने में नहीं। अगर सरकार चाहती तो काम में अधिकारों का मूलभूत अधिकार में शामिल कर सकती थी। हर व्यक्ति को रोजगार की गारंटी दे सकती थी और अगर रोजगार नहीं मिलता तो उस व्यक्ति का जीवन निर्वाह के लिए कुछ धन देने का प्रबन्ध कर सकती थी। इस के लिए कोई संविधान में व्यवस्था नहीं की गई। इस में सर्वोच्च न्यायालय बाधक नहीं बना।

आज फिर मवाल खड़ा किया जा रहा है कि पॉलियामेट बड़ी है या सुप्रीम कोर्ट बड़ा है? मेरा निवेदन है कि अपने क्षेत्र में पॉलियामेट बड़ी है और अपने दायरे में सुप्रीम कोर्ट बड़ा है। दोनों में बड़ा भाग का संविधान है और संविधान में बड़ी भारत की जनता है। यदि सरकार समझती है कि वर्तमान संविधान त्वरित आर्थिक सामाजिक परिवर्तन के मार्ग में बाधक है, तो सरकार संविधान बदल सकती है। सरकार अगर चाहे तो संसद में नई संविधान परिषद् का निर्माण करने का फैसला कर सकती है। वह नई कंस्टीट्यूट असेम्बली एक नये संविधान का भी निर्माण कर सकती है। लेकिन जो कानून बनते हैं वह कानून उस नये संविधान की कसौटी पर चरे हैं या नहीं यह मामला फिर सर्वोच्च

न्यायालय पर छोड़ना पड़ेगा और सर्वोच्च न्यायालय के निर्णय को ग्रेसफुली स्वीकार करना पड़ेगा। अगर सरकार उस से मतभेद रखती है तो उस को भी बदलने के रास्ते हैं। लेकिन यह रास्ता नहीं है कि सुप्रीम कोर्ट को जी हुजूरों का जमघट बना दो, हां में हां मिलाने वालों को वहां इकट्ठा कर दो। इस का नतीजा क्या होगा कि जो जज सरकार की हां में हां मिलाएगा, जो जज सरकार के पक्ष में फैसला देगा वही चीफ जस्टिस बनेगा।

**श्री एस० ए० शमीम** (श्रीनगर) जज न हुआ चमचा हो गया।

**श्री अटल बिहारी बाजपेयी :** क्या इस से संविधान की रक्षा होगी ? क्या इस से लोकतंत्र सुरक्षित रहेगा ?

अध्यक्ष महोदय, मैं मांग करना चाहता हूँ कि सरकार चीफ जस्टिस की नियुक्ति के संबंध में वरिष्ठता के नियम को स्वीकार करे। कोई नियम नहीं है, कोई नार्म नहीं है, यह मेरे मित्र जगन्नाथ राव ने भी अपने भाषण में कहा था। क्या सरकार को इस मामले में मनमानी करने दी जायगी ? अगर वरिष्ठता का नियम आप को मान्य नहीं है तो और कोई पद्धति होनी चाहिए जिस का अवलम्बन कर के आप जिस के अधिकार की अवहेलन कर रहे हैं उस में यह भाव पैदा न होने दें कि आप राजनैतिक कारणों से उस को सुपरसीड कर रहे हैं और उस को अपमानित करना चाहते हैं। अच्छा तो यह होगा कि वरिष्ठता का नियम लागू किया जाए और अभी तक वह लागू किया गया था। जस्टिस इमाम का मामला अलग था। वह शारीरिक दृष्टि से अस्वस्थ थे, अतः गजेन्द्रगडकर बना दिए गए। विधि मंत्री ने कल कहा कि मैं कई उदाहरण देने के लिए तैयार हूँ जिस में सीनियर को सुपरसीड कर के जूनियर को जज बनाया गया था। ऐसे मामले हो सकते हैं। लेकिन जब ऐसे मामले हुए तब कमिटेड जूडिशियरी के लिए सरकार चर्चा नहीं करती थी। तब सरकार को मार्ग दर्शन देने वाले मोहनकुमार

मंगलम नहीं थे। तब सरकार की नीयत पर शक नहीं था। आज जो बूनियादी झगड़ा है वह यही झगड़ा है कि हमें सरकार की नीयत पर शक है।

इस देश में कौन-सा दर्शन चलेगा ? इस देश की एक प्राचीन परम्परा है। यहां पंच को परमेश्वर माना जाता रहा है। व्यक्ति कोई भी हो, किसी भी दल से संबंधित हो, किसी भी वर्ग से आता हो, एक बार, न्याय-मूर्ति की कुर्सी पर बैठ गया तो सारे लाभ को सारे लोभ को, सारे मोह को त्याग कर वह सत्य का निर्णय करेगा, यह इस देश की परम्परा रही है। मैं एक उदाहरण देता हूँ।

जगद्गुरु आदि शंकराचार्य और मंडन मिश्र में शास्त्रार्थ होने लगा, दो विद्वान आपस में टकराने लगे तो प्रश्न पैदा हुआ कि निर्णय कौन करेगा ? कौन न्यायाधीश बनेगा ? मंडन मिश्र की पत्नी को न्यायाधीश बनाया गया। शंकराचार्य ने आपत्ति नहीं की। शंकराचार्य ने यह नहीं कहा कि मंडन मिश्र यह तो तुम्हारी पत्नी है, यह तो तुम्हारे पक्ष में फैसला देगी। शंकराचार्य ने यह नहीं कहा कि मंडन मिश्र की पत्नी का क्लास कैरेक्टर क्या है ? शंकराचार्य ने कहा कि एक बार न्यायाधीश के पद पर बैठ गई, भले ही यह आप की पत्नी होगी, मगर यह तथ्यों के आधार पर, सत्यों के आधार पर निर्णय करेंगी। यह इस देश की परम्परा रही है। इस देश में जहांगीर के न्याय की परम्परा है। लेकिन मोहन कुमार मंगलम उस परम्परा में विश्वास नहीं करते। वह गंगा के तट पर फली और फूली परम्परा में विश्वास नहीं करते। वह वोल्गा में पनपने वाली परम्परा पर विश्वास करते हैं। वह व्यक्ति को बिना पालिटिक्स के देख ही नहीं सकते। क्या व्यक्ति निष्पक्ष नहीं हो सकता।

**श्री एस० एम० बनर्जी :** आप शादी कीजिए, आप की पत्नी को हम बनाएंगे।



श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, जब मैं इन से शास्त्रार्थ करने जाऊ तो यह अपनी पत्नी को बना सकने हैं। मुझे आपत्ति नहीं होगी।

मैं अपने भाषण को समाप्ति की ओर ले जाना चाहता हूँ। व्यक्ति निस्पृह हो सकता है, निष्पक्ष हो सकता है, सिरासक्त हो सकता है। व्यक्ति धरती से ऊपर उठ कर, सारे स्वार्थों को निराजलि दे कर फैसला कर सकता है। ऐसी न्यायपालिका हमें चाहिए ऐसी न्यायपालिका हमें विकसित करनी होगी। व्यक्तिगत स्वाधीनता के साथ आर्थिक क्षमता का समन्वय करना होगा। श्री मोहन कुमार मंगलम केवल आर्थिक समता चाहते हैं, व्यक्तिगत स्वाधीनता नहीं। हम व्यक्तिगत स्वाधीनता भी चाहते हैं और आर्थिक समता भी चाहते हैं। यह बुनियादी मतभेद है। यह मतभेद तीन जजों का मतभेद नहीं है। यह लोकतन्त्र और अधिनायकवाद का मतभेद है। यह डोगी और कमिसार का मतभेद है। यह महात्मा और मार्क्स का मतभेद है। यह लोकतन्त्र और मोहनकुमार मंगलम का मतभेद है।

मैं चाहता हूँ विधि मंत्री स्पष्ट करे और अच्छा होना कि इस सदन में प्रधान मंत्री आती और बनाती हैं श्री मोहन कुमार मंगलम ने जिस दर्शन की व्याख्या की है क्या वह कांग्रेस पार्टी का दर्शन है? मैं जानना चाहता हूँ कि क्या कांग्रेस पार्टी में उस के ऊपर कभी चर्चा हुई है? अगर जज दर्शन के हिसाब से नियुक्त किए जाएंगे तो फिर सोशलिस्ट फोरम का अलग दर्शन है जो सोशलिस्ट फोरम कब से शांति से सो रहा है और नेहरू फोरम का दर्शन अलग है जो सिंसकियां ले रहा है। मैं जानना चाहता हूँ कि जज कौन से दर्शन को प्रतिबिम्बित करेंगे? राज्यों में अलग अलग दलों की सरकारें होंगी। क्या वहाँ के हाईकोर्ट के चीफ जस्टिस उन दलों के दर्शन का प्रतिबिम्बित करेंगे? जिस फिलॉस्फी का इन्होंने

प्रतिपादन किया है वह लोकतन्त्र विरोधी है, वह वर्गान न्यायपालिका की स्वतन्त्रता पर आघात करने वाला है, वह लोकतन्त्र का विनाश करने वाला है और इसीलिए हम ने फैसला किया है कि हम उसके खिलाफ लड़ेंगे, सदन में भी और बाहर भी।

श्री बी० पी० मोय (हापुड) : प्रावरणीय अध्यक्ष महोदय, श्री अटल जी ने एक बहुत अच्छी शेर पढ़ कर चर्चा का प्रारम्भ किया था। उन्होंने बहुत से आरोप हमारे दल पर लगाए। उन की उस शेर का जवाब मैं एक शेर से देना चाहूंगा

तन्नामनी पै हमारी जाइयो न शेख।

दामन निचोड दे तो फिरसे बजू करें ॥

अर्ज यह करना चाहता हूँ कि आज के दिन यह देखना होगा कि सविधान के लिए जनता है या जनता के लिए सविधान है? सविधान के लिए जनता बनाई गई है या जनता के लिए सविधान बनाया गया है जनता के रास्ते में सविधान की कोई व्यवस्था आ जाय तो उसे हटाया जायगा या सविधान के रास्ते में जनता आ जाय तो जनता को हटाया जायगा? केवल इस तथ्य को अटल जी जान ले तो वह समझ पाएंगे कि जनता के लिए सविधान है, सविधान के लिए जनता नहीं है। और जब सविधान जनता के लिए है तब फिर सुप्रीम कार्ट भी जनता के लिए है। सुप्रीम कार्ट केवल अटल जी के लिए या कुछ करोड़पति, अरबपति सेठों के लिए नहीं है।

उन्होंने परम पूज्य बाबा साहब डॉ० अम्बेडकर को यहाँ पर कोट किया। और बाबा साहब को कोट करते समय उन्होंने यह कहा था, वह इण्डियन कमेडी के चैप्टर-मैन थे, मैं उन्हीं की उस भावनाओं को यहाँ फिर से रखना चाहता हूँ। मैं कोट कर रहा हूँ कांस्टीट्यूट असेम्बली डिबेट काल्यून ॥ पृष्ठ 979।

Parampujya Baba Saheb Dr. Ambedkar, while presenting the Constitution, stated on 25 November, 1949, (Vol. XI, p. 979)

"The third thing we must do is not to be content with mere political democracy. We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life. These principles of liberty, equality and fraternity are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality, equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without, fraternity, liberty and equality could not become a natural course of things. It would require a constable to enforce them. We must begin by acknowledging the fact that there is complete absence of two things in Indian Society. One of these is equality. On the social plane, we have in India a society based on the principle of graded inequality which means elevation for some and degradation for others. On the economic plane, we have a society in which there are some who have immense wealth as against many who live in abject poverty. On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those

who suffer from inequality will blow up the structure of political democracy which this Assembly has so elaboriously built up."

यदि आप इस को मानते हैं, तब आप को यह सोच कर चलना पड़ेगा कि चाहे जूडी-शियरी हो, चाहे लेजिस्लेचर हो, चाहे एक्जीक्यूटिव हो, उन को यह देखना होगा कि उनका चलन जनता की आकांक्षाओं के अनुसार है या नहीं देश की परार्थनता का आर्थिक विषमतायें, सामाजिक विषमतायें कारण रही हैं, उनको समाप्त करने के लिये संविधान को इस तरह से इन्टरप्रेट करें, संविधान की आत्मा को जान कर इस तरह से उसका इन्टरप्रेटेशन करें कि आर्थिक और सामाजिक विषमता इस देश से समाप्त हो सके ।

उन्होंने अपने तर्क में बहुत सी बातें कहीं हैं, उन में एक यह भी है कि सीनियोरिटी को क्यों कायम नहीं रखा, जब कि अब तक यह परम्परा रही थी । उन्होंने यह भी कहा कि कंसलटेशन होना चाहिये । मैं आपका ध्यान ड्राफ्ट की धारा 103 और 105 तथा संविधान की धारा 124 और 126 की ओर दिलाना चाहता हूँ—

"There shall be a Supreme Court".

यह ड्राफ्ट में था—

"Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as may be necessary for the purpose and shall hold office until he attains the age of 65 years".

इस में कहा गया है—

"as may be necessary".

यह ड्राफ्ट में था, लेकिन संविधान में क्या हुआ —संविधान में 'वी' शब्द को हटाया गया और उसकी जगह "डीम" शब्द को लाया गया, वह उससे भी ज्यादा कमजोर शब्द है—आप जरा इसको समझने की कोशिश कीजिये ।



[श्री बी० पी० मोदी]

"As the President may deem necessary" "Be" was deleted and it was made "deemed necessary."

अर्थात् "बी नैसेसरी" की जगह "डीम नैसेसरी" हो गया। अब अगर आप इसकी बैकग्राउण्ड में जाना चाहते हैं तो मैं बैकग्राउण्ड में भी जा सकता हूँ। मैं कास्टीब्यूट प्रेसब्वली की डिबेट की तरफ आपका ध्यान आकर्षित करना चाहता हूँ—जिम समय कन्सलटेशन के बारे में बहस हो रही थी, उस समय श्री रोहिणी कुमार चौधरी ने कहा था—पृष्ठ 252 वाल्यूम 8—

"I want now to say a word about consultation. In my opinion, the amendment suggested by Dr Ambedkar for the deletion of the line where it is said that "after consultation with such of the judges of the Supreme Court and the High courts in the States where necessary" should be accepted. After all, this is a matter which should be entirely dealt with by the President. He can, if he likes, consult anybody. If he does not like he need not consult anybody. If he knows the man to be of outstanding ability, it is not necessary for the President to consult anybody."

मोदी जी, यह रामलीला मैदान नहीं है, लोक सभा है—जरा ध्वर ध्यान दीजिये। अब मैं श्री अटन जी तथा उन के विरोधी साधियों का ध्यान श्री कामथ के एक प्रमेण्डमेन्ट की ओर दिनाता चाहता हूँ जो उन्होंने ड्राफ्ट पर मूव किया था। उस में जूजिस्ट शब्द नहीं था, नॉस्टीट्यूशन आफ दी सुप्रीम कोर्ट के बारे में मिर्फ (ए) तथा (बी) मलाज थे—

"(a) has been for at least five years a judge of the high court, and

(b) has been for at least 10 years an advocate of the high court

(c) is, in the opinion of the President, a distinguished jurist"

(सी) इस में बाद से आया, जब श्री कामथ ने प्रमेण्डमेन्ट रखा और उन्होंने कहा था कि यह जरूरी नहीं है कि प्रेसिडेंट हाई-कोर्ट या सुप्रीम कोर्ट के जजेज की चीफ

जस्टिस बनाने, इसलिये इसमें सीनियोरिटी का प्रश्न कहाँ रह जाता है। उन के कहने पर (सी) इस में जोड़ा गया था—

"is, in the opinion of the President, a distinguished jurist."

इसलिये मैं कहना चाहता हूँ कि जो सविधान के रचयिता थे, जिन्होंने उसके साथ मेहनत की थी, उसमें सीनियोरिटी की कोई व्यवस्था नहीं रखी थी। मैं मानता हूँ कि परम्परा रही थी, जजेज की सीनियोरिटी लिस्ट बनाई जाती थी, लेकिन उस परम्परा का यह अर्थ नहीं है कि हिन्दुस्तान में अगर उनसे भी ज्यादा ज्ञानवान व्यक्ति उपलब्ध हैं तो उसको चीफ जस्टिस न बनाया जाय। यह चीज इसीलिये प्रेजिडेंट पर छोड़ दी गई थी कि वह जिसकी उमके योग्य मनमें, उसे चीफ जस्टिस बनायें।

मैं एक और बात आपको बनलाना हूँ—स्वयं हैगडे जी ने सीनियोरिटी का प्रश्न नहीं उठाया है, जिन की आप यहाँ पर बकालत कर रहे हैं। सीनियोरिटी उनकी दृष्टि में कोई जरूरी नहीं है। उन्होंने तो फिटनेस के बारे में कहा है। अब प्रश्न यह पैदा हुआ है कि इस को कौन तय करेगा? मैं आपके द्वारा इन विरोधी नेताओं को जो प्रतिक्रियावादी शक्तियों के प्रतीक हैं, कहना चाहता हूँ क्या फिटनेस श्री अटल बिहारी वाजपेयी, श्री पीलू मोदी तय करेंगे या उनके कोई साथी तय करेंगे या हैगडे साहब तय करेंगे। अध्यक्ष जी, फिटनेस तय करेंगे—देश के राष्ट्रपति जी, मन्त्रालय की कैबिनेट के मंत्रियों में तय करेंगे।

जब फिटनेस के बारे में बात आती है तो और भी बहुत से प्रश्न खड़े हो जाते हैं। जहाँ कहीं भी जनतन्त्र चलता है, अगर वहाँ सीनियोरिटी की बात की जाय तो उसका मजाक बनाया जायगा। क्या फिटनेस का विरोधी बल तय करेंगे, प्रतिक्रियावादी तय करेंगे, मोरारजी भाई देसाई तय करेंगे? यह बात समझ में नहीं आती है। कौन तय

करेगा और किस तरह से तय किया जायगा—सुप्रीम कोर्ट का चीफ जस्टिस कौन होना चाहिये—इस को केवल देश के राष्ट्रपति कर सकते हैं। सुप्रीम कोर्ट हमारे राष्ट्र का सर्वोच्च न्यायालय है—इस सम्बन्ध में मैं एक और विचार आपके सामने रखना चाहता हूँ—

the famous Justice Holmes of the USA:—

"About 75 years ago, I learnt that I was not God and so, when the people want to do something and I can't find anything in the Constitution expressly forbidding them to do so, I say whether I like it or not, 'God damn it, let 'em do it.'"

यह भावना होनी चाहिए लेकिन क्या हैंगड़े साहब की यह भावना है? वे देख रहे थे देश की व्यवस्था कुछ ऐसी है कि करोड़पति भ्रष्टपति होते जा रहे हैं, गरीब भूखो मर रहे हैं लेकिन जब बैंकों के राष्ट्रीयकरण का प्रश्न आया उसका उन्होंने विरोध किया और प्रिवी पर्स का उन्होंने समर्थन किया।

अटल जी ने यह प्रश्न उठाया कि इन्दिरा जी ने हम सम्बन्ध में कुछ भी नहीं कहा। आज ही नहीं, जुडीशियरी की आजादी समाप्त किए जाने का आरोप उन पर आज में बहुत पहले से लगाया गया था और उस समय 1 फरवरी, 1970 को बाद और डटाबा बार एंनोमिएशन में उन्होंने कहा था, मैं अपनी नेता इन्दिरा गांधी को कांट कर रहा हूँ

"Government had no intention of curbing the independence of the judiciary. But surely there was need to look at the law and interpret it with a new angle and a new social consciousness."

यह उनका विचार था, यह उनका विचार है और यह हम सबका विचार है। जैसा कल स्वयं कुमारमंगलम जी ने कोट किया था, उन्होंने ऐसा कभी नहीं कहा था जो अटल जी ने कहा है कि ऐसे जजेज चाहिए जो कमिटेड हों। नहीं, यह नहीं कहा।

उन्होंने इससे इन्कार किया था। उन्होंने कहा था कि हमको ऐसे जज नहीं चाहिए जो कमिटेड हों। इन के एक में हम नहीं हैं। उन्होंने विरोध किया था जिस तरह के अमरीका में जज बनते हैं, जिस तरह के जज कनाडा या आस्ट्रेलिया में बनते हैं उसका भी उन्होंने विरोध किया था। उन्होंने कहा था कि ऐसे जज चाहिए जो फार्वर्ड लुकिंग हो, बैकवर्ड लुकिंग न हों। इस सम्बन्ध में मैं कह देना चाहता हूँ कि स्वयं भूतपूर्व चीफ जस्टिस श्री हिदायतुल्ला जी ने अपने विचारों को रखते हुए कहा था:

"We must avoid too much theory and become practical and pragmatic."

लेकिन कुछ ऐसे जजेज हैं, जोकि एक महदुद दायरे में रहना चाहते हैं जहां से देश की जनता दिखाई नहीं पड़ती है। जहां तक जुडीशियरी की आजादी का सवाल है सरकार की कोई भी इच्छा नहीं है कि उसमें किसी तरह की रोक डाली जाये। लेकिन यह अवश्य है, हम यह जरूर देखेंगे कि यह सदन जो कानून बनाये और जो संविधान है उसका इन्टरप्रिटेशन करने या जो सर्व-श्रेष्ठ स्थान रहता है सुप्रीम कोर्ट रखता है

Judiciary shall not be allowed to interpret law in such a style and fashion that they begin to make the law.

यह नहीं होने दिया जायेगा। यहां पर अगर ऐसी कोई व्यवस्था होगी तो उसको रोकने की कोशिश की जायेगी।

हिन्दुस्तान टाइम्स में जिसमें हैंगड़े साहब का बयान निकला था उसमें बहुत कुछ निकला, उसके बारे में मैं कुछ नहीं कहना चाहता लेकिन एक बात जरूर कहना चाहता हूँ कल तक कौन इनसान था जो सुप्रीम कोर्ट के पवित्र न्यायालय में एक भगवान के रूप में इन्साफ के लिए बैठा था आज उसके अन्दर दबा हुआ सैतान बाहर निकल आया है। वह एक ऐसा इनसान था जिसको इतनी बड़ी ताकत इस सरकार

[श्री बी० पी० मौर्य]

मे दे रखी थी, इस देश की व्यवस्था ने दे रखी थी लेकिन आज वह किस तरह की भावनाओं का प्रदर्शन करता है। वह कहता है राजनीति के बारे में

"I will not hesitate to join a political party if it would serve the purpose"

उनका पर्पज क्या है? उनका कहना है जनतन्त्र खतरे में है, उनका पर्पज है डिमोक्रेसी को स्लाटर किया जा रहा है और केवल हेगडे माहब इमको बचा पायेगे। हमारे ब्रज में अब बहुत अच्छी कहावत है। पिदन्का और पिदन्की दो चिड़िया होती हैं। पिदन्का नर होता है और पिदन्की मादा होती है। जब बादल गरजता है तो पिदन्का अपने पैर ऊपर कर लेता है। जब पिदन्की पूछती है कि अपने पैर ऊपर क्यों किये हो तो पिदन्का कहता है देखनी नहीं बादल गरज रहा है गिर जायेगा फट जायेगा, तुम मर जाओगे वन्चे मर जायेंगे लेकिन हम तरह से वह मरे पैरा पर रुक जायेगा। इसीलिए मैंने अपने पैर ऊपर कर रखे हैं। ठीक उसी तरह का रूप आज मुझे हेगडे में नजर आता है। जब वह इस बात को कहते हैं और दावा करत हैं कि वे जनतन्त्र को रक्षित पायेगे। यदि उसका हम देश की सर्वश्रेष्ठ नेता इन्दिरा गान्धी की इन्स्टिट्यूट में शक है तो मैं कह सकता हूँ कि प्रतिश्रियावादी ताकतों में एक भी ऐसा व्यक्ति नहीं है जो उनसे ऊँची इन्स्टिट्यूट रखता हो।

मैं अन्त में एक शब्द और कहना चाहता हूँ। अब्राहम लिंकन को याद करिये। यह कहा से झगडा चला है? कन्फ्रेंशन का प्रश्न उठा था कि जुडीशियरी ज्यादा आगे है या यह सदन ज्यादा आगे है। कौन अपना विशेष स्थान रखता है। प्रश्न इस बान का उठा था कि हमको निर्दिष्ट किया जाये और इसके बारे में खुद जुडीशियरी ने आपको चुनौती दी थी। गोलकनाथ के केस में आपको चुनौती दी गई थी कि फेडरेशन राष्ट्रम, मूल अधिकारों को यह सबन छ

नहीं सकता है, पार्लैमेन्ट छू नहीं सकती है। एक बहुत बड़ी चुनौती उन्होंने दी थी और उस समय भी आपने उन्हीं का समर्थन किया था, आज भी उन्हीं का समर्थन कर रहे हैं, जाने या भनजाने। मैं अब्राहम लिंकन को आपकी सुविधा के लिए कोट करता हूँ

"A House divided against itself cannot stand very long"

मैं विरोधी दलों से निवेदन करना चाहता हूँ कुछ ऐसे तथ्य हैं जिन पर वह आश्रय बन्द कर नहीं सकते। मैं मानता हूँ डायरेक्टिव प्रिंसिपल्स में ऐसी कोई शक्ति नहीं है जिनको अदालत मनवा सके लेकिन यह देखना होगा डायरेक्टिव प्रिंसिपल्स में कहा गया है कि सम्पर्क कुछ गिने चुने लोगों के हाथों में न मिकुड जाये न चली जाये तो वेबो क राष्ट्रीयकरण में उसको राखा गया या उसका बढ़ावा मिला? लेकिन उसका ध्यान जुडीशियरी ने उस समय नहीं रखा। हमारे मित्र बहून बुरा शब्द यह रहे थे उसका मैं दोबारा रिपोर्ट नहीं करना चाहता लेकिन मैं यह निवेदन करना चाहता हूँ जैसा कि पहले भी हमारी आर में कहा गया, क्या ये माहब ने बड़े बार सरकार को खिलाफ फैसला नहीं किया। जब कभी पर्सनल लिबर्टी का सवाल आया है आज क चीफ जस्टिस जनसाधारण का रक्षा के लिए हिमालय बनकर खड़े हो गए हैं। लेकिन जब ऐसी व्यवस्था फाई है जरोडपति अरबपति और मनापाली का ताइन क लिए, उनका रोकने के लिए तब चीफ जस्टिस उनको रोकने के लिए खड़े हो गए हैं। इसमें सरकार का कोई सवाल नहीं है। मैं इसके बहुत विस्तार में जाना नहीं चाहता। मैं यहाँ पर फिरसे श्री हिदायतुल्ला जी को कोट करना चाहता हूँ

"I wish to contradict the belief entertained in some quarters that the judges think that they are the sole guardians of the rights of the people. If any judge in India thinks that way, he is wrong. I agree with Justice Frankfurter that 'to

the legislature no less than to the courts' is committed the guardianship of the deeply cherished constitutional rights."

यह जस्टिस हिदायतुल्ला के प्रवचन हैं, उनके विचार हैं : दूसरी ओर आपके मित्र हेगड़े कहते हैं अगर जुडीशियरी इस तरह से चलेगी तो जनतन्त्र बहुत खतरे में है। मैं कोई भविष्यवाणी नहीं करना चाहता और न ऐसी मेरी आदत ही है लेकिन मैं यह कहना चाहता हूँ कि हेगड़े आयेंगे, जायेंगे, चीफ जस्टिस आयेंगे और जायेंगे परन्तु यह मेरा पूरा विश्वास है कि जनतन्त्र जो भारत में सब से बड़े आधार पर चल रहा है वह जनतन्त्र है, यह जनतन्त्र था, यह जनतन्त्र रहेगा, कोई भी ताकत इस जनतन्त्र को समाप्त नहीं कर सकती है। निश्चयपूर्वक ऐसा समय जरूर आयेगा जब बिड़ला नहीं रहेंगे, टाटा नहीं रहेंगे, करोडपति नहीं रहेंगे, सामाजिक और आर्थिक शोषण नहीं रहेगा—ऐसा समय जरूर आयेगा। इन शब्दों के साथ मैं आपको धन्यवाद देता हूँ।

**SHRI G. VISWANATHAN** (Wandiwash) : Mr. Speaker, Sir, my intention in participating in this debate is not to score a debating point over my Congress friends. But, I would like to convince them that what has been done by Government is totally wrong.

As far as the appointment of the Chief Justice of Supreme Court is concerned, this Government is completely isolated, thoroughly exposed and totally condemned except by the committed opposition. The country is shocked. What is wrong with them? (*Interruptions*)

Let me remind the Congress members that my party, the DMK, supported all these amendments which were challenged before the Supreme Court. Whether it was the abolition of privy purses, abolition of the privileges of the ICS, 24th Amendment which brought back the powers to Parliament to amend fundamental rights, or the nationalisation of banks—all these amendments were supported by the DMK. We are second to none in implementing and

passing radical land reforms etc. in our State. At the same time, I am second to none in condemning this Government for wanting to have a committed judiciary. Sir, the Supreme Court is considered to be the bastion of democracy and the temple of justice. But the super minister for law and justice, who spoke yesterday, never mentioned the words "independent judiciary" anywhere in his hour-long speech.

13.30 hrs.

[**SHRI N. K. P. SALVE** in the Chair]

Mr. Gokhale reads the letter of the Constitution. I want him to see the spirit behind the Constitution. Let me quote what the founding fathers of the Constitution have said. Mr. Ananthasayanam Ayyangar, one of the leading members of the Congress Party said :

"The Supreme Court is the watch-dog of democracy. It is the eye and guardian of the citizen's rights. Therefore, at every stage, from the stage of appointment of judges, their salaries, tenure of office—all these have to be regulated now so that the executive may have little or nothing to do with their functioning."

Other members like Mr. Nazruddin Ahmed and Dr Ambedkar also spoke in the same vein. I hope my friends on the other side still believe in what Dr. Ambedkar said. He said,

"There is no doubt that the House in general has agreed that the independence of the judiciary from the executive should be made as clear and definite as we could make it by law."

This is how the founding fathers wanted the Supreme Court to be independent and impartial. But now the Government wants to bring down. What is the way they are adopting? They have superseded three judges. I am not here to propound the theory that seniority is sacred and should be always upheld. But what is the principle you want to bring in when you want to break a tradition? You have to tell the people, this is the principle we want to follow hereafter. You have not done it. Till Chief Justice Sikri retired, he was not aware of the successor to his office. He heard it only on the radio as to who is going to be his successor. This is a stealthy and cowardly way of appointing

[Shri G. Viswanathan]  
a Chief Justice. That is why the entire legal profession is condemning your action and boycotting the courts. Why did you not announce the appointment beforehand?

You had enough of opportunity. One of our friends, Shri Jaganatha Rao was saying that there was no time at all, the judgment came on the 24th, Chief Justice Sikri retired on the 25th and immediately they had to make the appointment. It is not true. This point was brought to the notice of the Government two years ago. In 1970 in Rajya Sabha Shri Loknath Mishra drew the attention of the Government to a press report that Shri Mohan Kumaramangalam is going to be appointed as the new Chief Justice of India and he wanted a categorical assurance from the Government that they will follow the traditions and that Shri Mohan Kumaramangalam will not be appointed as the Chief Justice of India. Government did not clarify the position then. But the Government then did not put forth the new theory of social philosophy and change. Government kept quiet. In November 1970 the Supreme Court Bar Association passed a resolution in which it wanted an assurance from the Government that the conventions and traditions would be followed. Even then the Government kept quiet. Now they have done it on the 26th in a stealthy way, and that is why we condemn it.

Now they say they want a judge who will understand the social philosophy. To quote Shri Kumaramangalam :

"But we do want judges who are able to understand what is happening in our country the wind of change that is going across our country, who is able to recognise that Parliament is sovereign."

I want to ask the Government whether the Government and the Congress Party accept this view. If they accept this view of "wind of change" they must remember that wind does not blow only in one direction; it often changes the direction. What will happen to our Judges then? Do you want chameleon judges who will change their colour with the wind?

There is an article today in the *Indian Express* written by Shri E. P. W. Da Costa, Director, Indian Institute of Public Opinion. He has been following for the last six or seven years how the popularity of the Prime Minister goes up or down. He says :

"The tide is now clearly turning. Indira Gandhi's popularity score has declined from the peak of 260 in 1972 to 165 in the current survey. This indeed would seem to be a steep fall. That she remains at her post-budget 1971 peak, however, should provide some comfort to the Congress Party. Two bye-elections during the last six months were already reflecting this drastic change in the popular mood. The current survey further corroborates this evidence. One does not need survey evidence to prove the wide-spread economic discontent. Short of economic transformation, this discontent may spread further and endanger massive popular support in the coming elections in UP and Orissa. Polls are now contemplated in these States to measure more closely to the grass root level the force of the winds of change."

I want to ask the government this question. If you are going to accept the theory of change of wind, do you want to have weathercock judges in this country, weathercock Supreme Court Chief Justice in this country. I think this theory of Shri Mohan Kumaramangalam which you are going to accept is a dangerous theory.

He talks of not only social philosophy but also something else. He says :

"Fourthly, it is entirely within the discretion of the Government of the day to appoint a person considered in its eye as the most suitable as having the most suitable philosophy or outlook to occupy the highest judicial office in the country."

It is not only social philosophy; it is suitable philosophy. I want to ask : What is suitable philosophy? Suitable to whom? Is it the Congress tradition and the Congress philosophy or the Marxist philosophy? Let Mr. Gokhale give answer to that. Is it in consonance with the Congress ideology? I want to know whether the speech of Mr. Mohan Kumaramangalam is in consonance with the Congress traditions which stood for democracy and which fought for democracy.

Not only that. Again, he has said in his speech—I quote :

"It is not an essential pre-condition to the proper working of the democratic

system that a Judge prior to appointment should be innocent of political views or convictions."

What is the meaning of this statement? He says clearly that a Judge to be appointed need not necessarily be a non-politician, that a politician can be appointed and I think somebody is in store. He has already somebody in his mind. I do not know whether he is going to be a Congress man or a Communist sitting on the Congress Benches. He says that essentially, it is not a pre-condition that somebody should be innocent of political views. I want to know whether this is the philosophy of the Government of India, whether this is the philosophy that you find in the Constitution. If the Government says that Judges have to follow the philosophy enshrined in the Constitution, if the Government comes with a view that they have to follow the Constitution in letter and spirit, I will wholeheartedly support them. But this is not the point of view of the Government of India as put forth by Mr. Mohan Kumaramangalam.

They want a *gulam* to be the Chief Justice of India, the Judges of the Supreme Court and the High Courts. If it is so, you can appoint Dr. Shankar Dayal Sharma or anybody else. Is it the independence of judiciary of which Mr. Ambedkar, Mr. Naziruddin Ahmed and so many of our politicians and senior parliamentarians have spoken of? It is not so. It is not the philosophy of this country. I think, this is not the philosophy of the Congress also.

Further, Mr. Mohan Kumaramangalam and others have pointed out and quoted some imperialist countries. I want to quote Soviet Union. The Supreme Court or other court is not of much consequence there. But there also, in theory, an independent judiciary is envisaged. This is from a USSR publication. I quote :

"Judges are independent and subject only to the law ....

—not to the executive, not to Mr. Mohan Kumaramangalam—

"This is a constitutional principle. In judging cases, Judges are guided by their inner convictions, ...

—not social philosophy or wind of change—

"the law and the evidence of the case as established by the court."

This is what the USSR Constitution says. Mr. Mohan Kumaramangalam seems to be more royal than the King. What is given in the USSR Constitution he wants to deny to this country which is a free country.

SHRI PILOO MODY : More red than the reds.

SHRI G. VISWANATHAN : He says that the Opposition is against social reforms and against social change. There is every need for social reforms and a social change. There are many laws which are to be brought forward and implemented, as far as land reforms are concerned, as far as urban ceiling is concerned or as far as unearthing of black money, curbing of monopolies, preventing concentration of economic power etc. are concerned. All these have to be done. Whose duty is this? It is the duty of the Supreme Court? Is it the duty of the Chief Justice of India to bring about social reforms in this country? It is the duty of the Parliament and the Government of India. You cannot shirk your responsibility and ask the judiciary to do your job. They are not the law-makers. We are the law-makers. It is your duty to implement whatever laws are made by the Parliament of this country. If you ask the judiciary or the Supreme Court of India to bring about social changes and social reforms, I will not allow judiciary to usurp this right of Parliament. It is not only our duty. It is our privilege and our right also.

We have to pass the laws and you have to implement them.

Mr. Gokhale pleads that it is according to the report of the Law Commission. I want to ask him what does the report of the Law Commission say as far as the appointment of Chief Justice of India is concerned. They have clearly stated that, while appointing the Chief Justice of India, you have to take into consideration the tenure of office, and they have prescribed that the Chief Justice of India should remain in office at least from five to seven years. I want to ask the Government of India whether they had taken this into consideration when they made this appointment. Not at all. The present incumbent will be there only for three years and a few months. The Government did

[Shri G. Viswanathan]

not follow the report of the Law Commission. What else did they follow then?

Once Mr. Nehru wanted to break the convention. When Chief Justice Kania was to retire, Justice Patanjali Sastri should have automatically been appointed Chief Justice. Mr. Nehru wanted to supersede him. Justice Patanjali Sastri also agreed to be superseded. But the entire Bench protested and they threatened that they would resign *en masse* if Justice Patanjali Sastri was not promoted as Chief Justice. I would like to remind the Government that Justice Mukherji, who should have become Chief Justice of India according to Mr. Nehru's formula, threatened that he would also resign if Justice Patanjali Sastri was overlooked. Mr. Nehru was a democrat and he bowed before the opinion of the judges. And what is happening now, I leave it to the country and to the House to judge.

In the last 15 or 20 years, Mr. Gokhale says, there have been two dozen cases of supersession in the High Courts. I want to ask Mr. Gokhale whether he is going to justify one wrong with another. If there was a supersession, it was a wrong. But these supersessions which have so far taken place were not on ideological grounds, were not on grounds of social philosophy. It was on personal grounds. It was the mistake of some Congressmen sitting in the States. Again it is the mistake of Congressmen sitting at the Centre. You cannot justify one wrong with another wrong.

They say that seniority is not accepted by the Law Commission. It is not true. After all, the Law Commission has said :

"It may be that the seniormost puisne judge fulfils these requirements. If so, there could be no objection to his being appointed to fill this office."

This is what the Law Commission has said. It has not said that seniority should be completely left out. It is the Government which has done it. It is not according to the report of the Law Commission.

Finally, I would like to tell the Government that the entire country is agitated over this issue, not because the three judges are superseded. It is because this is not a party question. There must be at least one institution in this country in which, in spite of our political differences, party differences,

linguistic differences, communal and religious differences, we should have complete faith. Even if you go to the villages, you can see how the villagers talk among themselves: they say, 'I will go to the Supreme Court and get justice'. That is the faith which the Supreme Court is having in the minds of the people. I would like to quote what one of the members of the Constituent Assembly, Mr. Naziruddin Ahmed, has said :

"If there is one thing which will thrill the hearts of the people and will make our independence a solid achievement, it is the confidence in the judiciary. The moment you let any person think that he will not have confidence in the judiciary, the stability of the Government will be undermined."

I do not want the Government to undermine the confidence of the people either in the judiciary or in the Government or, ultimately, in democracy. What the Government is doing is threatening democracy. By tampering with the temple of justice, they will slowly undermine democracy itself. I want to ask the Government whether this is their intention.

Finally, I would like to say this. When we question the appointment of Chief Justice of India, we are dubbed as reactionaries, forces of *status quo*, vested interests and so on. I want to ask the Government: who are the vested interests? Who are the reactionaries? If I follow the tradition, I am called a reactionary. If I follow the tradition, I am called a *status quo*. It is normal in the southern part of India to marry one's sister's daughter. If I marry my sister's daughter, I am called reactionary and a force of *status quo*, but if some one marries his own sister, breaking the tradition, he is called a progressive.

This is what they mean. This is not progressivism, this is not radicalism. What we say and what we preach, we have to practise. If I preach something, I have to practise it also. That, the Congress is not doing. You are not implementing land reforms. Many of the Congress Party Governments have not done it.

Finally, I would quote Mr. Nehru. This is for the benefit of the Congressmen. He talked of reactionaries in this country. What does he say :



"Let us come to the Communists—these brave revolutionaries whose revolution consists not in application of intelligence but in trying to find out what is happening 5,000 miles away, and trying to copy it, whether it fits in or not with the present state of India .... Unfortunately, our friends of the CPI have so shut their minds and have so spent all their time and energy in learning a few slogans of the past that they are quite unable to appreciate what is happening in India. In fact, these great revolutionaries of the CPI have become great reactionaries."

It is these forces that seem to be now running the Congress Party and I do not know what is going to happen to this Congress Party. I would like to appeal to the good sense of genuine Congressmen to rise the revolt against the Congress Party and the Government and see that justice is done and confidence is brought back to the people in the Supreme Court of India.

13 53 hrs.

#### BUSINESS OF THE HOUSE

**THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH) :** I have risen not in accordance with the peroration of the hon. Member there. I have risen only to make a submission. Since there are a number of speakers on our side as also on their side, I have discussed the matter with all the leaders here and it is the consensus that this debate should go on till 6 p.m. and the non-official resolutions which are under discussion be postponed. Of course, formal business like introduction and all that may be done at 6 p.m. The Law Minister accordingly will be called at 5.15 p.m.

**SHRI INDRAJIT GUPTA (Alipore) :** This may be a special circumstance but it should be made clear that this sort of elbowing out of private members' business should not be a precedent.

**SHRI PILLOO MODY (Godhra) :** And not without our permission.

**SHRI SAMAR GUHA (Contai) :** I have to introduce three Bills to-day. What will happen to them?

**MR. CHAIRMAN :** You may be permitted to introduce the Bills just before 6 p.m.

13.55 hrs.

#### DISCUSSION RE APPOINTMENT OF CHIEF JUSTICE OF INDIA — *Contd.*

**SHRI C. M. STEPHEN (Muvattupuzha) :**

It is indeed a real pleasure to rise immediately after, if I may say so, the pleasant speech of my friend Mr. Viswanathan. In the same spirit in which he has tried to convince us that we are on the wrong side, it is my endeavour to persuade my hon. friend that he is labouring under an illusion. It is quite amazing to me to see that so much of dust and din and fret and fume is being kicked up on a question which is quite a normal action on the part of the President of India, namely, the appointment of Chief Justice of India. Public discussion both here in the House and outside has brought out in bold relief two aspects, namely, an area where there is complete agreement and an area where there is complete disagreement.

Now, with regard to the competence of the President to make the appointment, with respect to the qualification of the new incumbent to occupy that place, with respect to the contention that the President has done no unconstitutional act, going by the letter of the Constitution of India,—on all these points, I don't think there is any rebuttal there is all-round agreement; but, in spite of that, objection is taken on a solitary ground. The ground is this, that there has been a convention that the senior-most judge must be promoted, that there is a violation of that convention, that the violation is *mala fide* and that *mala fide* violation affects the independence and dignity of the judiciary and consequently democracy is in jeopardy. This is the type of argument that is being projected from the other side.

May I begin with the last,—independence of the judiciary? I wonder what exactly my friends mean by the term independence of the judiciary. There are two connotations possible. One is that once the judge is appointed, once a bench is constituted, that judge must have an absolute liberty, liberty of conscience, liberty of judgement, liberty of expression, liberty of action as a judge and he shall be under no fear whatsoever. That is one concept of independent judiciary. Now, as far as we are concerned we are more zealous than anybody else that that position must continue. Once appointment is made there is an in-built



[Shri C. M. Stephen]  
 guarantee in the Constitution which gives assurance to the judge that he can judge things in accordance with his conscience, fearing nobody, favouring nobody. He has got a guarantee of continuation in service upto his 65th year. He has got guarantee of salary. He has got guarantee of his pension. He has got guarantee of rent-free accommodation. He has got absolute independence to act according to his conscience as a judge. The Constitution gives to the judge complete guarantee in this respect and so, as far as this question is concerned, it is not in jeopardy.

What according to them is now in jeopardy is the second connotation namely, independence in the constitution of a bench, the composition of a bench, the appointment to the bench. It is claimed that this must be independent of the executive, independent of the President. On this point, I respectfully beg to join issue with the opposition.

What is the intention of the Constitution-makers? It is not as if this was not at all discussed in the Constituent Assembly. At that time, when the fathers of the Constitution were discussing the Constitutional provisions, the concerned Article was Article 103 which corresponds to the present Article 124 now. When that Article came up for discussion many proposals were put forth, many amendments were put forth. It was said that the appointment must be subject to the acceptance by the Parliament. It was suggested that this must be on the recommendation of the Chief Justice. Then there was another suggestion that this must be with the approval of the Chief Justice. There was another view that this must be with the consultation with the Chief Justice and that this must be compulsory. All these various points were suggested. All sorts of inhibitions were sought to be put into the whole framework. It was not as though the Constituent Assembly was oblivious of these things when it passed article 103. All these amendments were put forward and discussed.

14.00 hrs.

On the eve of the adoption of this article in the Constituent Assembly, the Chief Justice of the High Courts of India and the Federal Court joined in assension and expressed their opinion on article 103 and they suggested:

"It is suggested that article 193 may be worded on the following or other suitable lines:

"Every judge of the High Court shall be appointed by the President by a warrant under his hand and seal on the recommendation of the Chief Justice of the High Court after consultation with the Governor of the State and with the concurrence of the Chief Justice of India".

The foregoing applies *mutatis mutandis* to the appointment of a judge of the Supreme Court. Article 132 may also be suitably amended."

The point that I am labouring on is this. The appointment of the judges of the Supreme Court and the High Courts and the constitution of the Bench was a matter on which the Constituent Assembly spent quite a lot of time before adopting this article. The judicial officers wanted the appointment to be their preserve, and that no appointment should take place without their concurrence. That was what they had asked for. The Constituent Assembly considered this suggestion and those amendments and rejected them.

Therefore, the freedom for the President to make the choice is a matter which was accepted by implication after discussion deliberately, clearly and in well spelt out terms. What is now being sought to be done is to resurrect the ghost of the opinion which the judicial officers sought to inflict on the Constituent Assembly. In the article as it emerged from the Constituent Assembly, there was only one amendment which was accepted. The draft said "The President, after discussion with such High Court judges, as may be necessary". The words 'as may be necessary' were amended to 'As the President may deem proper'. Therefore, the President was given more power than was contemplated in the draft.

The position, therefore, is this. The political authority of this country, the political authority of the people of the country expressed through the Parliament of India and the Parliament of India, through the instrumentality of the Cabinet and the President, the political authority of the people of the country, to make the appointment to the judiciary is a matter settled

by the Constitution and whoever may say whatsoever he chooses, there shall be no dilution of it. That political authority will prevail and must prevail.

Once a judge is appointed, the freedom of the judiciary is absolutely there. Once you give the President the jurisdiction to make a choice, how can you tell him how he should make the choice and what considerations must prevail on him? If you are there, you can make the choice; the people have elected us and we shall make the choice. If the people elect Shri Frank Anthony or Shri Piloo Mody, they can make the choice as they please. There can be no restriction on that. Every citizen of this country if selected is entitled to go to the Supreme Court if he fulfills the qualifications prescribed. One is equal to the other, if the qualifications are fulfilled. Therefore, when you say that this man must be appointed and the other man must not be appointed, then you are going against the fundamental principle of this Constitution. I would make the position a little clearer. You can view the independence of the judiciary in two ways. Once a person is appointed as judge, he is independent; that is agreed, and there is full guarantee in regard to it and there is nothing against it. But if it is said that the appointment should be with the concurrence of the Chief Justice, then I say 'No.' ; If it is said that it should be after compulsory consultation with the judges, then I say 'No.' ; if it is said that it should be with the concurrence of anybody else, then I say 'No.' ; if it is said that it should be after interference by somebody else, then I say 'No.' The political authority of the people to make the appointment to the judiciary is a sacrosanct thing and that will remain and must remain and there can be no compromise on that.

Again, what is the position of the President *vis-a-vis* the Supreme Court; if an *ad hoc* judge is to be appointed to the Supreme Court, the Chief Justice must get the concurrence of the President; if he wants to ask a retired judge to sit on the Bench, he must seek the previous concurrence of the President. If you want to sit in any place other than Delhi, previous concurrence of the President of India is essential. With respect to appointments, no concurrence of anybody; President has got the freedom.

That is the constitutional provision. The President has got a particular position. It is not as though they are independent and far away. Parliament has a supervisory, disciplinary jurisdiction over the judiciary. It can pass a resolution against a particular judge for misbehaviour—the word is not "misbehaviour 'nor' 'misconduct' but misbehaviour—and incompetence and it can remove the Judge. Nevertheless, here are a set of people saying 'We are independent; we will carry on'. That position cannot be conceded. They are independent to the extent of the exercise of judicial functions so long as they remain in office. That is the position.

SHRI ATAL BIHARI VAJPAYEE :  
What more do they want?

SHRI C. M. STEPHEN : A decisive in the appointment—that is what is being demanded. That cannot be conceded.

The question of convention is raised. What exactly do you mean by convention? It is not as though the Constitution of India was unaware of the principle of seniority. Take article 60. The President or Acting President shall take oath in the presence of the Chief Justice or in his absence the senior-most Judge. So that principle was known; it was not as though it was not known. Take art. 126. For appointing even an Acting Chief Justice, what is the provision? It says, anyone of the Judges. Even for the Acting Chief Justice, no seniority principle but for swearing in of the President, the seniority principle is accepted. In the former case, the President has freedom of choice. The seniormost principle is not accepted.

Now, is there any high selection post in this country where the principle of seniormost is accepted. Take industrial law. Judges have umpteen times held that for selection posts, seniority is irrelevant. Take the judiciary. For appointments to the High Court Bench, is the seniority of the subordinate Judge relevant? I submit not; Selection to the Supreme Court Bench? No principle of seniormost. For appointment of the Chief Justice, the seniormost principle is irrelevant. In all these cases, the principle of seniormost is irrelevant.

In the general law, it is irrelevant. In the administrative law, it does not apply. In the judicial law for appointments, the

[Shri C. M. Stephen] principle of seniority is irrelevant. When this is so in the entire gamut of laws, here is a basic principle now sought to be brought in that in the solitary area of appointment of the Chief Justice of India, seniority should be the rule. Where is the position—I do not understand. Where is the convention built.

Take article 124 which applies to the Supreme Court and art. 217 which applies to the High Courts. In terms one article is similar to the other. If it is contended that in spite of 124, seniority must apply, then in spite of art. 217, also seniority must apply? But seniority has never applied in the case of promotions in or from the High Courts. It has never applied even though the appointments were in consultation with the Chief Justice of India from time to time. Therefore, seniority does not come into the picture. Therefore, there is absolutely no convention built up on this. I am very emphatic about it.

What do you mean by convention? What is the purpose of convention? Let me quote a passage from Dicey's *Law of the Constitution*. Convention has got a purpose. Normally the written law must prevail; convention will come only in one case. Dicey says :

"Having ascertained that the conventions of the constitution are rules for determining the exercise of the prerogative, we may carry our analysis of their character a step further. They have all one ultimate object. There end is to secure that Parliament, or the Cabinet which is indirectly appointed by Parliament, shall in the long run give effect to the will of that power which in modern England is the true political sovereign of the State, the majority of the electors or the nation".

It is only under that motivation that a convention can develop in spite of or supplementary to the written provisions of the Constitution. Therefore, the question is whether this matter of the appointment of a judge as the Chief Justice of India, has been at variance with every settled principle where promotions are concerned, is this principle absolutely necessary if we are to carry out the will of the people? I beg to differ; we cannot be hamstrung like man that. That is not the intention of

the Constitution. We beg to differ. The simple attempt is to get an entry into the whole thing. This will be very clear from the press conference of Mr. Hegde. May I point out one or two sentences? What is it that he wants? He says that "the Steel Minister, Mr. Mohan Kumaramangalam, was against me because I will not allow packing the Supreme Court with committed judges." (Interruptions) Here is what Mr. Hegde said. Why does he want to remain here? He wants to prevent the appointment of judges by the choice of the Government. That is the mission which he has. He can have his own opinion, but my point is, Mr. Hegde is nobody in this country to decide as to who must be the Chief Justice of the Supreme Court. It is the prerogative of the people of this country expressed through the Parliament of this country, expressed through the Cabinet of this country and decided upon by the President of the country elected by the people of the country. Mr Hegde is just an individual out of the 55 crores of people of this country. If it is his intention to prevent this process, that is a challenge which we have to meet.

Further, he said that "the first and foremost task now was to see that democracy was put on a sound basis. His second point was that selection of judges must be made by independent agencies and not by one of the parties in the litigation, namely, the Government, even though elected." Has Mr Hegde to be given the task of selection?

MR. CHAIRMAN : The hon Member's time is up.

SHRI C. M. STEPHEN : I just want three or four minutes more, Sir. Then, Mr. Hegde says he "would have no objection to the appointment of the Chief Justice on seniority *cum* test basis, only if there were objective tests and an independent machinery."

AN HON. MEMBER : What is wrong?

SHRI C. M. STEPHEN : There may be nothing wrong, but what is it he is asking? He is asking that the appointing authority be somebody else. That is clear. Now, the Constituent Assembly discussed this matter and decided, "No." It rejected that amendment. The Constituent Assembly

upheld the present article. As far as we are concerned, come what may, no independent machinery is needed for the appointment of judges in this country. The political authority will make the appointment. That is the end of the whole matter as far as this point is concerned. (*Interruptions*) We are not prepared to consign it to the Swatantra Party and other people.

One more minute and I shall finish. The Law Commission report was referred to. We have referred to the Law Commission report not as a matter of authority; because the Law Commission said it and so we are implementing it—no. That is not so. We have taken it as one of the arguments in support of the position we have taken. But we do not accept the Law Commission's reports as biblical dictum which is sacrosanct and inviolable. What has the Law Commission said? It said that "it is well accepted that the qualifications needed for a successful Chief Justice are very different from the qualifications which go to make an erudite and able judge. The considerations, therefore, to prevail in making the selection to this office must be basically different from those that would govern the appointment of other judges. In our view, therefore, the filling of a vacancy in the office of the Chief Justice of India should be approached with paramount regard to the considerations we have mentioned. It is, therefore, necessary, to set a healthy convention that appointment to the office of the Chief Justice rests on a special consideration and does not as a matter of course go to the seniormost puisne judge."

This is what I want to emphasise. They want to set up a convention that the seniority is not to be the rule. Then, they go on to say that "if such a convention were established, it would be no reflection on the seniormost judge if he be not appointed to the office of Chief Justice. If one such convention is established, it will be the duty of those responsible for the appointment of a judge to choose a suitable person for that high office, if necessary, from among the persons outside the court." This is what the Law Commission has said.

Where have we done a wrong thing? Much is said about a committed judiciary? I would leave it for some others to deal with. It

is argued that persons appointed to the judiciary must not be committed men. If so, are we not entitled to insist that they should not be persons committed to monopoly houses, persons who are committed to the capitalist way of thinking, persons who are committed against the democratic principles, can we not take a position against these persons? . . . . . (*Interruptions*).

SHRI G. VISWANATHAN : What about the Government committed to giving licenses to monopolies.

SHRI C. M. STEPHEN : I expected a better interruption from you. In refusing to appoint Hegde as the Chief Justice what have we done? Is Shri Hegde non-committed? Shri Hegde has gone and the next day he came out with a press statement. That statement shows the character of the person. He has exposed himself. Mr. Hegde says that the judiciary was the last bulwark of democracy in India, because the opposition was not strong, the public opinion was not enlightened because of the high rate of illiteracy and press was free only to praise the Government. What is the task of this man? He says that he will stop the Government in the decisions that it is taking. He says that here is a second line of action in the opposition. That is the type of man we have got here. What has he said about the judiciary? He says : persons who are already there are persons of low character. The Supreme Court Judge, the day after he retires casts reflections on the Supreme Court. I request the Law Minister to take action, this man has committed contempt of court and proceedings have got to be taken against him. This Don Quixote is claiming that he is defending democracy and is openly saying: I would be the second line of defence for the reactionary forces in the country even where the opposition is failing. He had appointed himself to that task as a judge. Is it seriously demanded that a person so deeply committed as this should be made the Chief Justice? The man does not deserve to be anywhere near the Supreme Court. The correct step has been taken. I must congratulate the Government. They have discharged their responsibility put on them by the Constitution. We have discharged a great duty to the country and I support the appointment of Mr. A. N. Ray. In conclusion may I say that the

[Shri C. M. Stephen]

political authority will not and must not falter or surrender its authority to make appointment to the judiciary. With respect to the functioning of the judiciary there should be no interference and there should be absolute independence..

SHRI SHYAMNANDAN MISHRA (Begusarai) : I have absolutely no doubt in my mind that the Suppression of the three judges is the most ominous development and, if I may say so, the most catastrophic development since independence. It is perhaps the beginning of the tunnel. One does not know whether there is light at the end of it. And it would depend upon the vigour and the strength of the people of India, whether we will pass through this critical period well. Again this represents the arrogance of a bewildered and rapidly weakening Government. This does not represent strength and the arrogance is not of the really powerful Government.

This is now clear that the Prime Minister of India is rapidly losing her grip over the situation and she is now out to destroy the very fabric of Indian democracy.

It appears, Mr. Chairman, that after having exploited all agencies of the Government, the administration, the mass media even the Election Commission, now the dirty hands of the Executive are reaching out to the bastion of justice and rights which were sought to be made almost impregnable by the Constitution-makers and which had indeed proved to be a pride of this country. But, I must say that this is certainly all of a piece with what is happening disastrously in other spheres of our national life. We find now people wondering what more is in store for them. We have got real economic stagnation and even economic dislocation; we have got political, turmoil and now there is going to be judicial turmoil thus the politics of anarchy now invades the judiciary. The ruling party wants to play the ruinous game in this country. These are the proclivities of a party which wants to bring down democracy and promote personal rule. I congratulate Shri Mohankumaramangalam that at least there is some candour and honesty in his expression. A wag sometime back remarked that there was only one man in the Cabinet of Mrs. Gandhi, that is, Mrs. Gandhi herself and the rest

were women. But, may I add that the most liberated woman in this Cabinet is Shri Kumaramangalam who is the minister without *borgua*. All the rest happen to be ministers with *borgua*. He is a person without a veil and therefore, he is very transparent. I congratulate him. It was indeed a stunned House which heard Shri Mohan Kumaramangalam singing the requiem of an independent judiciary in this country. I was trying to read the expressions on the face of the Prime Minister—I think it is not objectionable—and found that she was very much off colour when Shri Mohan Kumaramangalam was making his speech. Mrs. Gandhi was feeling very much disturbed when Shri Kumaramangalam was delivering his most *amangalam* speech. My hon. friend Shri Maurya quoted the remark of the Prime Minister, when she spoke on the 24th amendment of the Constitution. But, may I say that what the Prime Minister said then is now proving to be a subterfuge, and this is how her intentions are coming out very openly before the people. The Prime Minister has been very busy explaining to the people that she is not a dictator and her Government does not want to pursue a totalitarian policy. But, here is a Minister who has given her a certificate by saying in no uncertain terms that this Government wants to be totalitarian and the Prime Minister is the real dictator of the country.

Now, Mr. Chairman, why has this act of Government created a furor in the country—a consternation in the country? Why is this act of the Government really suspect? There are many evidences which nobody in this country can ignore and the *bonafides* of this Government are really suspect in the matter; its intentions are really colourable. I would even go to the length of saying that this subject is bound to create further suspicion as many stories inside about it are going to come out into the open. I must charge the ruling party with having created a situation in which many things are going to be flung at one another. Only the other day in Bombay Mr. Justice Shelat was greeted with slogans and demonstrations by a wing of the ruling party, although he has not opened his mouth yet on this subject.

The hush-hush and the hole-and-corner manner in which the whole thing has been

done cannot but be noticed by any person. It was almost a conspiratorial approach that was brought to bear on this subject. It has been done in the most uncivilised and boorish manner. The retiring Chief Justice Mr. Sikri said, there was politics involved in it. Could you accuse Mr. Sikri of any personal interest in this matter? What was more, there was, he said, a link between the judgements delivered by them in the fundamental rights case and their supersession. Mr. Sikri said, one could have understood it very well had their claims been ignored after they had delivered judgements in favour of the Government in the fundamental rights case. So, the intention of the Government becomes patently suspect because it is linked with their judgement in this particular case. I was telling you that it has been done in the most uncivilised manner. It has been pointed out by so many hon. members that the retiring Chief Justice came to know of it only from the All-India Radio or from the newspapers the next morning. May I point out that Mr. Justice Mahajan has written in his auto-biography, "*Looking Back*" that he was informed of his appointment as Chief Justice nearly three months before he took over from Dr. Kailas Nath Katju. One would like to know when Mr. Justice Ray was informed of his appointment and when his consent was obtained in this matter. I know all these inconvenient questions would be easily slurred over by the spokesmen of the Government. But in this particular case it is clear that all the past practices have been completely thrown to the winds. The announcement of the new Chief Justice was made probably only a few hours before he was to take office. This is not the way in which we have been going about this matter in the past.

We have got also the testimony of some of the ex-Attorney Generals of India. They have said that this is the most scandalous thing that has happened. They have also found a link with the kind of independence which the superseded judges had shown and the supersession which had overtaken them. Moreover, some of the superseded judges have said certain things which have not been controverted by any person carrying any amount of conviction to us. The Prime Minister's name has been involved in this matter. In fact, it

has been shown that Mr. Justice Hegde wanted to help the Prime Minister and yet he could not save her fair name and reputation to the extent she desired. That was one of the reasons mentioned by some of the hon. Members.

I was saying that all these things would go to point out that the *bona fides* of the Government in this matter could be clearly suspect.

Then I would like to mention one particular thing which relates to our party. I represent a party which received adverse verdict from two of the Judges who have been superseded in this particular case, namely, Mr. Justice Hegde and Mr. Justice Grover who happened to be on the Bench which delivered an adverse verdict against us in the Election Symbol Case. The other judge was Mr. Justice Khanna. But we never said anything against the judges, although we think even now that their judgement in that particular case had been wrong. But that is something different.

I would also like to emphasize that in this matter we do not concern ourselves with the personalities or the personnel change involved. I even go to the length of saying that the suitability of Mr. Justice A. N. Ray had not been in doubt earlier. But now Shri Mohan Kumaramangalam has caused doubt and suspicion, so far as the suitability of Mr. Justice A. N. Ray is concerned.

My hon. friend, Shri Hiren Mukerjee, for whom I have got the greatest respect, said the other day that he had intimate relationship with Mr. Justice A. N. Ray and on the basis of his intimate knowledge about him he was trying to emphasize that it was a suitable appointment. But if you closely go through his observations you will find how contradictory he was. Professor Mukerjee said that Mr. Justice Ray was conservative in his outlook, he has got a liberal approach and yet Professor Mukerjee was hoping that there was going to be a new chapter of socio-economic change in this country. If the new Judge is of conservative outlook and he has got a liberal approach one fails to understand how Professor Mukerjee could claim that there are going to be revolutionary changes in the socio-economic set-up of the country. Indeed such a claim sounds very tall.



[Shri Shyamnandan Mishra]

The point I now want to raise, and I had raised right at the beginning other day is the constitutionality of the act of the Government. May I say here that the hon. Law Minister had clearly tried to mislead the House, so far as this aspect of the matter is concerned. You will remember that I had said that the power to appoint the Chief Justice is derived from article 124(2) of the Constitution. If you go through the observations made by the hon. Law Minister a few days ago, you will find that he tried to tell the House that the power to appoint the Chief Justice does not flow from article 124(2) of the Constitution. He was trying to combine article 124 with article 126, though the latter relates to the appointment of the Acting Chief Justice. May I say that to my mind it is a wholly invalid appointment, it is an unconstitutional appointment, it is an *ultra vires* appointment? Although I do not consider myself to be a great constitutional expert, all the same, I am a humble student of the Constitution and, in my opinion, this is an invalid appointment. Why do I say so? Let me controvert the impression that has been created by the Law Minister on that occasion that the powers for appointment do not flow from article 124(2), so far as the appointment of the Chief Justice of India is concerned. Here again I would quote what Mr. Justice Mahajan has said in his autobiography. In his autobiography he has quoted the Presidential Order which in effect says :

"I, Rajendra Prasad, the President of India, appoint you as Chief Justice of India under Article 124(2).

But here is Shri Gokhale, who to my mind wanted to convey to us that power did not flow from Article 124(2) so far as the appointment of Chief Justice is concerned. My submission is that the requirement of Article 124(2) has not been met and, therefore, it is an invalid appointment. The requirement is that there should be consultation with the judges of the Supreme Court and the judges of the High Court. After consultation, the President may take a different view but the consultation has to take place. Consultation is necessary.

If he asks me the question: why do I consider that consultation is necessary, I would like him to go into the

proceedings of the Constituent Assembly also. Even the *ad hoc* Committee of the Constituent Assembly which had been appointed on the Supreme Court had said that consultation was necessary even with regard to the appointment of the Chief Justice of India. May I also point out what the hon. Prime Minister and Home Minister told the Rajya Sabha some time back when a question was put by Shri A. P. Chatterjee? Shrimati Indira Gandhi replied :

"In any case the appointments of judges in the High Court and Supreme Court as well as of the Chief Justice are made by the President in accordance with the relevant provisions of the Constitution and after appropriate consultations."

(Interruptions).

You ride rough-shod over the Constitution. What the Constitution says will have to be interpreted correctly, and I have quoted the words of the Prime Minister which show that consultations are made when the appointment of the Chief Justice is made, but in this case, till this moment, Mr. Chairman, we have not been told, in spite of repeated enquiries, whether the required consultations under Article 124(2) had taken place. Let the hon. Law Minister tell the House the position in this regard.

SHRI C. N. STEPHEN : Why should that be revealed?

SHRI SHYAMNANDAN MISHRA : The fact of consultation should be revealed. I would not like to go into all that had been said in the Constituent Assembly on this subject and particularly what Dr. Ambedkar, the architect of the Constitution, said. I would refer to another simple aspect of matter which has been ignored by the hon. Minister in this respect.

MR. CHAIRMAN : Please conclude.

SHRI SHYAMNANDAN MISHRA : Since the time of the House has been extended, the benefit of extension has to come to me also.

MR. CHAIRMAN : I will never deny you the benefit. Originally the time allotted to you was 9 minutes. You have taken 22 minutes. Kindly conclude.

**SHRI SHYAMNANDAN MISHRA :** Now, so much has been made about the report of the Law Commission. May I say, if at all, the Government has acted in direct opposition to the recommendations of the Law Commission, the action of the Government is completely at variance with what the Law Commission had said ?

I would refer to one very simple matter. The Law Commission has said that the permanent incumbent should have a tenure of at least 5-7 years. That is the definite recommendation of the Law Commission. What is going to be the tenure of Mr. Justice A. N. Ray? It is going to be less than 4 years. Even if you find Justice Grover was not suitable for the job, or Justice Hegde was not suitable for the job, according to the recommendation of the Law Commission, Justice A. N. Ray also did not fulfil the requirement regarding tenure. The tenure of the new incumbent should have been somewhere between 5-7 years. His tenure is going to be less than 4 years. So, you are flouting that recommendation of the Law Commission.

Finally, a word about social philosophy and the new criterion which have been set up by this Government. May I say that the Government cannot be credited with any social philosophy? What is then social philosophy? Is it a social philosophy which Judges must observe that we find in this country rising prices, mounting unemployment and deepening and widening of poverty? Is that the kind of philosophy to which Judges are expected to subscribe? So, this is not a question of progress vs. reaction, this is not a question of progress vs. *status quo-ism*. This is only a question of personal whims and caprices of the executive.

Now, if you think that the voice of the executive must be dominant in the matter of appointment of Judges, then there can be no real separation between the judiciary and the executive. Does this House or does this country stand committed to the idea of separation of the judiciary from the executive or not? If it stands committed to that idea, then we will have to consider whether the executive will have a dominant voice in the appointment of Judges.

This also has to be kept in view that although, according to the Government's

declaration, the Law Commission's recommendation was adopted by the Government in 1960, for 13 years that recommendation of the Law Commission was pigeon-holed. That would conclusively prove that the convention hitherto followed was right in the matter of appointment of Judges and the Government did not do anything to disturb this convention which had prevailed for so many years.

**MR. CHAIRMAN :** The hon. Member may try to conclude now.

**SHRI SHYAMNANDAN MISHRA :** I was given to understand by the Minister of Parliamentary Affairs that one would have at least half an hour on such an important subject. Therefore, we had agreed to the extension of time upto 6 O'Clock.

**MR. CHAIRMAN :** I do not want to get into confrontation with you on that point. I am going according to the schedule given to me. I know that the time has been extended. But you have already taken three times the time due to you. I hope, you would be reasonable.

**SHRI SHYAMNANDAN MISHRA :** This convention had prevailed after the acceptance of the Law Commission's recommendation for 13 years and the Government did not think it fit to do away with the convention. It is not correct to say that the Government has accepted the recommendation with a view to recasting the whole set-up for socio-economic changes. We have had the regime of Mrs. Indira Gandhi for 7 years. But even during this regime, this was not done.

My submission is that this convention has got the force and sanctity of the Constitution. This is not a mere convention. Even the President of India has got all the powers according to the letter of the Constitution. It is only by convention that the Prime Minister has got all the powers. Otherwise, the letter of the Constitution vests all the powers in the President.

Finally, though I do not want to discuss the conduct of the present President of India, I would like to say that when he was candidate for the Presidential election, the present President of India said that he wanted the convention of the Vice President of India being elevated as the President



[SHRI SHYAMNANDAN MISHRA] to be maintained. This was a claim made by no less a person than the present President of India.

Therefore, such a convention is not merely a thing which could be thrown overboard at any time. In fact, the Constitution is as it has been modified and, as some have gone to the extent of saying, even nullified by conventions. Conventions are as sacrosanct and important as the Constitution itself.

14.47 hrs.

[SHRI SEZHIYAN in the Chair]

SHRI DINESH CHANDRA GOSWAMI (Gauhati) : Hon. Member, Shri Shyamnandan Mishra, has questioned the constitutionality of the decision by which Mr. Justice A. N. Ray has been appointed Chief Justice of India on the ground that the appointment is under article 124(2). May I point out to him that article 124(1) makes a definite distinction between the Chief Justice of India and the other judges and that article 124(2) deals with judges. That too, the consultation, as is apparent from article 124(2), is only discretionary because word used is 'may'. I heard Mr. Frank Anthony saying that the Supreme Court has interpreted 'may' as 'shall'. But will he look to the proviso under that? The proviso says:

"Provided that in the case of appointment of a judge other than the Chief Justice, the Chief Justice of India shall always be consulted."

I think, I need not remind him that when in the same provision, the words 'may' and 'shall' are used, under the rule of interpretation, the first one becomes discretionary and the second one only mandatory. Therefore, the word 'may' here is absolutely discretionary, and the argument advanced by Shri Shyamnandan Mishra has no force.

When I was listening to Shri Vajpayee, he was saying that he wanted that there should be a balance between individual liberty and right to property. I thought that, on that count, he would support the appointment of Mr. Justice A. N. Ray because Mr. Justice A. N. Ray has been one of the judges who has tried to maintain a balance between individual liberty

by striking down the MISA provisions and the right to property by holding that property is not a fundamental right. Of course, I can understand that Mr. Vajpayee has tried to become a new socialist. But let me look to his philosophy a few years back when he said—in May, 1970 :

"Mr. Vajpayee said parliament was not empowered to amend the fundamental rights. Even if it did, the people would not allow it. The right to property was a natural right."

When Mr. Vajpayee's view has been overthrown by the people, he has no right to express his opinion in this House.

Hon. Member, Mr. G. Viswanathan, made a good speech. He said that the confidence in the judiciary had been shaken by the decision of the Government. May I point out to him that the confidence in the judiciary was shaken not by the Government but by the judiciary itself, because the highest court, the Supreme Court, started playing politics since it gave the judgement in the Golaknath case. This is not my view. Mr. Setalvad is a very eminent jurist. Let me quote Mr. Setalvad, what he has said about the Golaknath case.

"The majority decision clearly appears to be a political decision, not based on the true interpretation of the Constitution, but on the apprehension that parliament, left free to exercise its power, would, in due course of time, do away with the citizen's fundamental rights including his freedom."

When Mr. Setalvad asked the Chief Justice why he departed from the long-standing rule of the Supreme Court that a very important question of law which has stood the test of time for many years should not be set aside by a slender majority or a small majority of one judge, what was his reply? Here it is said:

"When I happened to meet Chief Justice Subba Rao and Justice Hidayatullah and Wanchoo at a dinner some time later, I told them that a decision involving such far-reaching consequences should not have been arrived at by a slender majority."

"The Chief Justice's answer was that they tried their best to have a larger majority but they could not succeed."

When a particular judgment, instead of respecting a long-standing dictum, a judgment which has stood the test of time, should not be over-ruled by a slender majority the reply was, "We wanted to have the other Judges to our view but as we could not, we have definitely over-ruled the supreme Court's decision". Then they were definitely playing politics. From that time onwards, the confidence, at least of the younger generation, in the Supreme Court has been greatly shaken. Look at the attitude of the Judges in the present case. When the last case was heard we, from the very beginning, found that Mr. Palkhiwala was given a long rope to argue. He was given all the time to argue but the Government Counsel, Mr. Niron De and Mr. Seervai's time was curtailed. There was a decision of the Supreme Court which supported Mr. Palkhiwala's contention and, therefore, it was incumbent on the Judges to give all the time to the other Counsel who were trying to over-rule that decision. But that was not so.

Apart from it, what happened? The Judges, when they found that the Judges were almost equally divided, the Chief Justice tried to hear the case without Mr. Beg and when Mr. Beg was hospitalised, some of the Judges of the Supreme Court—I need not name them—went to the nursing home and pressurised the doctor to give a certificate that Mr. Justice Beg was not capable of standing the strain. I am making these observations with a certain amount of responsibility. If this is the attitude of these Judges, they do not have any moral right to be in the Supreme Court much less to become the Chief Justice. Apart from that, when the entire thing was discussed in the Chamber, when they wanted to hear the without Mr. Beg and when the Government had taken a strong position, what was the attitude of the Judges. These Judges who speak eloquently of the right of the press, on fear of contempt, they did not allow the press to publish what was happening in the Chamber. After all, on these occasions and subsequently, the statements of Mr. Hegde, questioning the competence of Mr. Ray, are political statements they all imply that if by any action the confidence of the

judiciary was shaken in this country, it is not because of the decision of the Government but because the Supreme Court, for a long time, was playing politics in order to protect the rights of the vested interests.

After all, we went to the people asking for a clear mandate on a very specific issue. The issue was whether we the Parliament, is supreme and sovereign and has the right to amend the Fundamental Rights. This was questioned by Mr. Vajpayee and others. What was the verdict of the people? The people gave an unquestionable verdict that Parliament has the right to do so. But what has been the latest judgment? The latest judgment has been that when these Judges found that actually they would be swept away by the people, they have come up with a judgment, 'Yes, Parliament has a right to amend, but not the basic structure'. Do you find the basic structure anywhere defined in the Constitution? What is the basic structure of the Constitution? It is to be determined by the Judges sitting on the top pedestal or is it a political question to be decided by the people whom we represent? Is the basic structure unalterable. In a changing society, the basic concept of the society is changing everyday. And obviously, there cannot be any unchangeable basic thing in the Constitution itself. The Constitution itself will change. Its structure itself, its concept itself will change with the change of time. What is the concept to-day may not be the concept tomorrow. Unfortunately we have certain people here in this House as also outside who are not prepared to see the realities. There are forces all the time who are not prepared for change. They want to maintain the old regime on one pretext or the other and if people do not allow them to do so, they want to maintain it by the judgments of the Supreme Court.

As the two Judges have been superseded—Mr. Justice Hegde and Mr. Justice Grover—I would not utter a word about Mr. Justice Grover because he is still a sitting Judge, though it is very unfortunate that, while he is a Judge, he found a public platform to speak out his own views, at least he had attended a public meeting where certain views were expressed.

What is the attitude of Mr. Justice Hegde? All along the hearing of the case he was making observations more as a politician

[SHRI DINESH CHANDRA GOSWAMI rather than as a judge. I want to quote only a few of his words. He said :

"Government will be pushed to take unwise action for political use. According to Press reports they were pushed to adopt Article 31C in the present form because a particular party threatened to withhold support in the Rajya Sabha if it was not done."

I cannot imagine a judge while interpreting the Constitution and deciding the case and giving his judgment, gives some judgment based on his political thinking. These observations of Mr. Hegde smacks of politics. When Mr. Niren De argued and said that the people have given verdict to the ruling party to make necessary amendment of the Constitution, do you know what Mr. Justice Hegde said? This is what he is reported to have said :

"Mr. Justice Hegde, citing Election Commission's figures, observed that the ruling party had polled only 43.4 per cent of the total votes."

Mr. Justice Hegde should know at least this elementary knowledge that in a multi-party political system absolute majority is not essential, but a party which has got a majority has got the right to take this stand that they have been given the mandate to make the necessary legislative changes. Therefore, I am unable to understand why he should go in for 43.4 per cent or 51 per cent. These things show that he had been deciding cases not really as a judge, but on political philosophy of his own.

There were certain other observations which I should say were unfortunate. Shri Palkhivala said :

"The new Article 31 (C), introduced by the amendment, gave a licence to any Legislature to run amok."

Sir, when such types of statements were made by him there were no comments from the judges. If the people's confidence in the judiciary is to be maintained then the judiciary is also to follow the proper course of things. For putting in the new sense of confidence in the judiciary, I welcome the decision of the Government. Let me say clearly that merely reading out a sentence from the speech of Mr. Mohan Kumaramangalam, de void of its content, will not

really help anybody at all. You can distort a whole speech by misquoting or wrongly quoting or just picking out one sentence from that speech out of context. What the opposition has done is that they have completely distorted his speech.

In conclusion, I wish to say that I wholeheartedly support this stand of the Government. By this decision of the Government, I am sure, a new sense of awareness, a new sense of confidence, has come in the minds of the people, in the toiling down-trodden masses of our people, who are expecting a lot, and also the people of the younger generation, who look forward to the future with hope and confidence

SHRI FRANK ANTHONY (Nominated Anglo-Indians) : Comrade Kumaramangalam—I hope he will feel flattered at the title I have given him—made an inordinately long apology. Strangely enough, he was unable to draw any comfort from countries from where perhaps he draws his social philosophy. He knew, Mr. Chairman, that in practice, those countries, which have the same social philosophy as he has got, are Police States, with avowedly Captive Courts. Ironically, like Satan quoting Scripture, he referred to some countries, which he used to refer to in his comrade jargon—as imperialists. He even referred to the USA and Britain and said 'see, what is happening there'.

15.00 Hrs.

But, as a one time lawyer, for whom I had a fair amount of respect as a lawyer, he knows this that whatever procedures obtain those countries, are governed by certain constitutional procedures and at least by certain democratic convention that have taken deep root. The crucial difference is this that his references to these countries that have struck deep democratic roots are not only mis-leading, but irrelevant for the simple reason that parliamentary democracy is very new to India, it is a precarious plant in India. The roots have not even reached the sub-soil. Pakistan and India have no difference so far as their democratic tradition and democratic experience are concerned and we know what has happened in Pakistan.

As a student of judicial history, Mr. Chairman, and I do not think anybody will disagree with me, that for more than 900 years, the Courts in India were utterly venal and utterly corrupt. It was only from the beginning of the Nineteenth Century—because that was the reflection of the position in Britain, before that even in Britain the judiciary was venal and corrupt—that we in India, began to move towards an upright and independent judiciary. One of the most priceless assets with which independent India was left, was a judiciary which, in the higher reaches, commanded the respect and confidence of all sections of the people.

Shortly before and immediately after Independence, eminent jurists and constitutional pundits were preoccupied as to how to preserve and how to strengthen the independence of the judiciary. I think, at least my friend Mr. Gokhale will concede, that the Sapru Conciliation Committee Report was one of the most important documents in the constitutional evolution of this country. I had the privilege of being one of the members of the Sapru Conciliation Committee. We spent a good deal of time pre-occupying on this subject—the subject of how to insulate the judiciary from any semblance of political patronage, any semblance of political taint. And our proposal was considered by the Constituent Assembly and I believe it commended itself largely to the Constituent Assembly, because I was also a member of that body. May I say this as a member of the Constituent Assembly, that we spent more time on this one single aspect than on any other aspect relating to the judiciary—how to insulate the judiciary in the higher echelons from the taint of political patronage. We discussed it threadbare and we evolved provisions which we believed would keep out this taint of political patronage. My friend Mr. Atal Bihari Vajpayee quoted from Dr. Ambedkar's speech where Dr. Ambedkar underlined that in evolving Article 124, dealing with the appointment of the Supreme Court Judges, he had associated people who would be best qualified to adjudicate their peers. And all of us in the Constituent Assembly subscribed unanimously to this thesis that an independent judiciary was perhaps the greatest bastion of democracy, that it was the only bulwark of the rule of law; and the rule of law to protect whom and to protect what, the rule

of law to protect the citizen against a lawless executive. And it is axiomatic that if the judiciary is to protect the citizen from lawless executive, *ex facie*, the lawless executive could not enter into the appointment of the judiciary: there must be no taint, as I mentioned, of any semblance of any political patronage in the appointment at the higher reaches of the judiciary. We were so preoccupied with this whole concept of preserving or insulating the judiciary from this political pollution that we went to the extent of framing a Directive Principle. That was with regard to the lower reaches of the judiciary, namely the magistracy, because we felt that we had the long and bitter experience of combining in the same person judicial and executive functions, and so we framed a Directive Principle which enjoined that there must be separation of the judiciary from the executive even in the lower reaches. That was the extent to which the Constituent Assembly was concerned. With insulating the judiciary from this political taint and political pollution.

I am sorry to have to say anything against my hon. friend Shri H. R. Gokhale. We had appeared against each other sometimes, and I had a great regard for him when he was a practising member of the Bar. I will not say what has happened to that regard today. But Mr. Gokhale did less than justice to himself when he tried to buttress his arguments. He referred first to the question of seniority, by extracting a sentence out of all context from the recommendation of the Law Commission, something which he suddenly thought of after 15 years of the making of that recommendation. The greatest indictment of Mr. Gokhale has come from the members of the Law Commission themselves, namely M. C. Setalvad, M. C. Chagla and Palkhivala. In a statement which they have signed, they have said that Mr. Gokhale had wrenched out of context that one sentence, and they have used the word 'disingenuous'. But I am bound to say that I do not suppose anybody from the Prime Minister downwards, including most of the Members of this House, have been bothered to look at the Fourteenth Report of the Law Commission. I am sure, Mr. Chairman, you would have looked at it. What was the gravamen of the recommendation of that particular commission presided over by M. C.

**[SHRI FRANK ANTHONI]**

Setalvad? He has quoted it in his book and he has underlined it. The gravamen was this.

They drew attention to the dismal picture of increasing pollution of the judiciary, increasing political pollution of the judiciary. I cannot quote the exact words. But I shall give you the gist. They said that in the High Courts, wherever they went, they got complaints of this increasing political pollution, of people not fit to be High Court judges being appointed for unworthy, mainly political, reasons; and in order to repel this increasing political pollution—Mr. Gokhale has not referred to all this, they made a specific recommendation, and I had pleaded that that recommendation be adopted, but it does not suit the purpose of an increasingly power-drunk executive. And so, the Law Commission made a recommendation that article 217 be amended.

Article 217 prescribes the condominium for the appointment of High Court judges, that is, consultation by the President with the Chief Justice of India and the Governor and the Chief Justice of the High Court concerned. They said that the word "Governor" be deleted, because the Governor has become a front for Chief Ministers to appoint their own unworthy creatures to the High Court.

Already, there is a precipitous escalation in the quality of our High Court because of this increasing political pollution, because of the extent to which Chief Ministers have been putting in their creatures. I have been friendly with more than one Chief Justice. I know how they had stood out for one or two years against the Chief Minister's nominees and in utter disgust they had given up, because usually they were asked for their concurrence.

The Law Commission also drew attention to this. In the letter by the then Chief Justice S. R. Das, he drew attention to this fact that because of this increasing political pollution, canvassing for judgeships in the High Courts, to use his exact words, had now become the order of the day.

Several years ago, I had argued a case in the Rajasthan High Court. I had then addressed the Bar and they complained about this pollution in the High Courts.

There was a function in the Supreme Court. I was sitting near Chief Justice S.R.

Das I said, 'This is what I was told that aspirants walk the corridors of the Secretariat looking for High Court Judgeships waiting on Ministers', Chief Justice S. R. Das told me 'Mr. Anthony, this is the utter degradation that has taken place', the degradation and debasement because of this political taint. He said if these people only waited on Ministers before, they are waiting today on Deputy Ministers, they are waiting today on Parliamentary Secretaries in the hope of becoming High Court Judges. That was the extent of the political pollution that has taken place and will now completely overwhelm the Supreme Court.

About this supersession, does Mr. Gokhale think that leading members of the Bar, Setalvad, Chagla, Daphtary are all fools? Does he think that the whole Supreme Court Bar, which passed that resolution condemning this appointment, consists of fools? Does he not think that we know and have some semblance of knowledge of the relative qualities of these judges.

Why has everybody been outraged? Everybody has been outraged because of this political coup against the Supreme Court, crude and unprincipled. That is why we have been outraged. Lawyers of any standing in this country have been utterly outraged.

I am sorry Mr. Gokhale again shows evidence of the utter weakness of his case. I suppose he thinks there are very few people in this House who understand the Constitution. So he says openly that what is involved in article 126. My hon. friend, Shyamnandan Mishra said 'no'. Apart from the headnote, read the plain language of the article. Article 126 only applies to a *pro-tem*, acting, appointment. It has got nothing to do with the appointment of every Judge in the Supreme Court, which art. 124 governs.

Now it has been argued at great length that here consultation may be by the President with such Judges as he may deem necessary. This whole thing, this casuistry, this palpable disingenuousness in the way the Government's case has been argued. Does not Mr. Gokhale know that since independence at least, this has hardened into an acceptance of art. 124? Does he not know that up till this time, always the

outgoing Chief Justice was consulted? Does he not know that other judges were also consulted? Does he not know that we had Jawaharlal Nehru? I often fought with Jawaharlal, but in the final analysis, he was not only a gentleman but he was sensitive and was a democrat. Does he not know what happened in Patanjali Shastri's case? He had a few months to go. Jawaharlal sent for him and asked 'What about Mukerjee taking your place?' But that was the difference between the Supreme Court then and now. Because you have utterly demoralised and corrupted the Supreme Court. Mukerjee said : 'No'. The whole Supreme Court, all the judges of the Supreme Court, threatened to resign. Nehru, democrat as he was, said : 'I will bow to the feelings of the members of the Supreme Court'.

Here we know that there was no attempt to consult the outgoing Chief Justice. I am quite certain that there was no attempt to consult any Judges of the Supreme Court. Deliberately, cynically, you threw article 124 into the wastepaper basket.

Deliberately, cynically, in a brazenly unprincipled way, you throw your own interpretation of article 124 into the waste-paper basket. It savoured of communist styled tactic—the hole-and-corner, conspiratorial, unprincipled political coup that you have perpetrated on the Supreme Court. Who approves you are trying to justify this break of that one line of seniority—the Political Affairs Committee of the Cabinet approved. You place a political stamp on the forehead of Mr. Ray. With great respect, may I ask the Law Minister : which member of that Political Affairs Committee, including himself and Mr. Kumaramangalam, was qualified to judge those Judges? Have they ever sat with them? You argued before them. So have I. I will not tell you, because you may not like it, what my experience has been before Mr. Justice Ray, before whom I have appeared on several occasions. But who are you to arrogate presumptuously to yourself the right to adjudicate the members of the Supreme Court? That is precisely why art. 124 postulated that their peers would be consulted; their peers would know their ability. At least the members of the bar have some good idea of the relative qualities of the Judges. What did you do? See the reaction of Supreme Court Bar.

Look at the affront. Do you think it is easy for me as a person who has been trained in a certain tradition to speak against Judges or the Supreme Court? The whole Supreme court bar has been outraged, utterly outraged. What have you gone and done? I do not know whether you intended it but you have achieved it. You have not only brought the Supreme Court into the vortex of every kind of controversy but you have brought it squarely into utter disrepute, into utter contempt...

SHRI K. D. MALAVIYA (Domaria-ganj) : You have done this.

SHRI FRANK ANTHONY : Shut up; what do you understand about this? Just another comrade, obviously you believe in this ... (Interruptions) You have polluted, and debased the fountain head of justice: that is what you have done ... (Interruptions) I am not a drummer boy like you, my friend, although I am nominated . (Interruptions).

SHRI B. P. MAURYA (Hapur) : You had been a drum boy; I will produce the certificate.

SHRI FRANK ANTHONY : We in the Constituent Assembly framed the Directive Principles to separate judiciary from the executive in the lower reaches. They have utterly perverted the whole spirit of the Constitution. Why? To keep the executive independent of any political taint. What have you gone and done? You have gone and subjoined the Supreme Court to the Executive; you have made it avowedly an appendage of the Executive. That is what you have done by putting the stamp of the political affairs committee on the forehead of Mr. Ray.

I am going to be quite frank because we in the Supreme Court Bar know this. One of your major objectives was this, not yours perhaps. Mr. Gokhale so much as your senior colleague who has master-minded this to remove the road blocks to pack the Supreme Court. We know, Mr. Gokhale, to what extent comrade Motlan Kumaramangalam has been trying to propel his proteges into different courts.

SHRI G. VISWANATHAN : He wanted to become Chief Justice.

AN HON. MEMBER : That would have been a great injustice.



**SHRI FRANK ANTHONY :** He may yet become the Chief Justice; you never know. But I do not want to mention names. Just one name was bruited around. Mr. Kumaramangalam said that I was not speaking the truth when I told him that Mr. Hegde had been his *bête-noire*; Mr. Hegde was his *bête-noire*. He was terrified of Mr. Hegde. We were on opposite sides in the Kerala University Act case. He lost. Mr. Kumaramangalam was appearing for the communists. But he did say he was terrified because, —you may not agree with Mr. Hegde's policies, I do not want to say much, I have not agreed with Mr. Hegde in many cases; I have appeared before him, but—of his ability there was no doubt. He has been one of the most outstanding Judges that has ever adorned the Supreme Court and you were utterly terrified of Mr. Hegde. You knew : If Mr. Hegde become Chief Justice, and you would have another Mehr Chand Mahajan; he would not allow you move one inch in the direction of lawlessness. He would have kept the whole Supreme Court intact. He would have prevented you from pocking the Supreme Court with your proteges, and all your abject yes-men.

Now the road is open. I only wanted to mention one thing. You wanted for a long time to do something which those independent Judges would never allow, neither Mr. Shelat, nor Mr. Hegde, nor Mr. Grover Mr. Krishna Iyer—I do not know, I know of him, I have read his views; they are utterly subversive of the Fundamental Rights. You have kept him waiting in the wings of the Law Commission. Now, I have no doubt that in the next four or five months, he will find a place. But look at the disservice you have done to Mr. Ray. You have branded him as a Government servant; you have branded him with a brand of Cain, that he allowed himself to be ...

**SHRI C. M. STEPHEN :** You did this by kicking up a row; you have brought the Supreme Court into disgrace and contempt by kicking up a row over a normal appointment; you are guilty of that ... (*Interruptions*).

**SHRI FRANK ANTHONY :** You have branded him with a brand of Cain and he allowed himself to be made use of to murder his brother judges. That is the tragedy. See what Mr. Mukherjee did; see what

others did. If Mr. Ray had any self-respect, I say that he would not have accepted this. See what he has gone and done, he has precipitated in the Supreme Court this evil of one Judge cutting the other Judge's throat. Now that you have introduced the political taint in the Supreme Court, what Mr. S. R. Das said has happened with regard to High Courts : one judge cutting the other judge's throat. One judge waiting on this or that Minister. Now, before the next Chief Justice is appointed all your Supreme Court Judges will be lining up in the Secretariat, one canvassing against the other, one trying to outdo the other in handing down judgments in favour of the Government.

I can understand the fact that certain sections of the Communists have welcomed this appointment. I do not know whether you know that some of the little coterie which looks to Mr. Kumaramangalam for judicial preferment in the Supreme Court are hoping that now that the road block is cleared, some of them may come to the Supreme Court. God help us! Not even God may be able to help us. Some of them may be propelled into the Delhi High Court. Even there God won't be able to help us. But comrade Kumaramangalam dyed-in-the-wool communist he is, has let the communist eat out of the Government bag. What has he gone and done? He has put himself forward as the keeper of the social philosophy of the Government.

What is the social philosophy of Comrade Kumaramangalam? Parliamentary democracy, fundamental rights and independent judiciary—these are bourgeois concepts and these are marked down for destruction by his people. This is the social philosophy of Com. Kumaramangalam. I was reading the other day and somebody said that he is very much coming into prominence, because his own people put him into prominence. This little coterie in the Supreme Court, they say that Shri Kumaramangalam is the *de facto* Deputy Prime Minister of India. The Prime Minister eats out of his hands in legal matters. Mohan Kumaramangalam is a likeable chap; he is expensively educated and I should have imagined that he is very likeable and very sociable.

**SHRI FILOO MODY :** More sophisticated than the rest!

**SHRI FRANK ANTHONY :** What has the written in this pamphlet? The Communists cannot take power frontally; let us do it by infiltration. That is what Shri Kumaramangalam has done. He has infiltrated; he and his fellow comrades are controlling the levers of economic power. He will now control all appointments in the Supreme Court.

**SHRI PILOO MODY :** And elsewhere.

**SHRI S. M. BANERJEE (Kanpur) :** He is talking like Hitler.

**SHRI FRANK ANTHONY :** My friend who does not know anything about democracy knows less about the law.

**SHRI S. M. BANERJEE :** We are fighting the election and getting elected whereas he is a nominated Member.

**SHRI FRANK ANTHONY :** These people who are committed to the murder of democracy are now mouthing slogans of democracy. What does democracy consist of? The first postulate of democracy is the rule of law and the first postulate of the rule of law is an independent judiciary? Against whom is an independent judiciary here—to protect the citizens and the minorities and against the lawlessness of the Government. I, at one time, used to do practically only the criminal side. To-day I do much more constitutional work because, everyday, the largest volume of cases in the High Courts is by the aggrieved citizens. Against whom? Against the lawless Government, against its nepotism, corruption and vindictiveness. Who protects them against these—only an independent judiciary. The other day, I was appearing before one of the judges. He said it in jest probably he meant it also. After this, do you expect any kind of protection against the Government? Who is going to protect the citizens? Indeed, who is going to protect the minorities? For thirty years I have fought almost alone for them in the Supreme Court. Judgments after judgments in the cases that I have argued have handed down a series of decisions vindicating our fundamental rights, especially, under Article 30, Kumaramangalam, in an interval in the Supreme Court, told me one thing. One of the things he told me, probably, when we came out from there during lunch time, was this. 'Mr. Frank Anthony, if at any time I have the power, I shall see that Article 30 is

taken away.' Now he does not have to amend the Constitution. By interpretation, he would see that Article 30 can be denuded of all content. May I now end on this note? Mr. Chairman, this is just another political gimmick. How have your judges stood in the way of your lightening the miseries of the people of this country?

As I said in my speech on the President's Address, what are the three gallopers—one is galloping inflation—what have the poor judges got to do with the galloping inflation; what have they to do with the galloping unemployment; what have they to do with galloping corruption? The only thing that stood in the way of corruption was the Court. You have now added galloping lawlessness of the Executive.

**SHRI PILOO MODY :** Galloning communism.

**SHRI N. K. P. SALVE (Betul) :** Sir, as one belonging to the accountancy profession, I am very close to the legal profession to which Mr. Frank Anthony has the privilege to belong and I do not want for a moment to run away from the fact that some of the members of the accountancy profession as well as legal profession have been quite a bit agitated and are at the moment nursing a serious grievance over the supersession order. That is a reality from which I do not want to run away. Training and tradition has deeply anguished me because of the manner in which this controversy has been carried on after the appointment of Mr. Ray as the Chief Justice of the Supreme Court. If we are really interested in maintaining the high dignity and high esteem of the Supreme Court, the minimum we could have done is not to paint a picture as though these three superseded judges were the be-all and end-all of virtue and the others are super-cut-throats and unprincipled unscrupulous stooges of the Government. I wish pettiness, acrimony, bitterness and personal rancour had not been brought into the controversy in the way in which it has been done. If it has been brought, I must submit that my party is not at all guilty of the same.

One of the superseded judges, a learned man and a great jurist that he really was, made certain extremely spiteful and rancorous personal remarks against the Prime Minister. These remarks, I submit with



[Shri N. K. P. Salve]  
great humility and respect to the person concerned, do not benefit the dignity of a Supreme Court Judge, even if he has turned overnight into a politician. It is a disgrace to both the judiciary and politics.

SHRI PILLOO MODY : What did he say?

SHRI N. K. P. SALVE : I have read the report of what he has said. Whatever he stated about the Prime Minister in relation to various matters is according to me not benefiting a Supreme Court Judge. I do not know what Mr. Mody's notion is about a Supreme Court Judge and whether he has ever appeared before a judge to know the dignity of the Courts. These expressions, would never have been used by a judge who wants to maintain the dignity of the Supreme Court. Even if he has turned a politician overnight, he must realise that even in politics there is some dignity.

I want to make absolutely clear that not for a moment do we, here on this side of the house want a judiciary which should ever be subservient to the executive. Such a thing, more than the opposition we know, will shake the very foundation of the parliamentary institution and will very seriously imperil democracy. We want a fair, just, independent and incorruptible judiciary, which is not merely an absolute necessity, an absolute postulate, but an indispensable condition, for purposes of stabilising democracy. The whole question is, whether in the supersession order we have done anything to shake that foundation of democracy? I further wish to make clear to those who have been condemning the supersession order, that we on this side of the House do not want a judiciary which will work at the dictates of the executive. If this supersession order is merely a plan or device to put up a few stooges who will always abide by the orders given by the executive and two their line, we will fight, to the bitter end. But the present judges are not stooges. There is some reason, some principle and rationale behind the supersession order which I want these gentlemen to kindly understand. So far as we are concerned, democracy is not merely a cult, which gives a government of the peoples' choice, but we love it as the way of our life as an article of our faith, as the very foundation of our value and we shall cherish

it. Let there be no mistake about this fundamental truth of the matter.

With this I want to come to the real issue involved in this controversy. Rule of seniority and constitutional provisions have been referred to. I do not want to go into the polemics connected with either seniority rule or the constitutionality of the matter. Shri Stephen has dealt with it. Shri Frank Anthony, in a very ostensibly erudite speech, said that the supersession order was a nullity. We only agree to disagree with him on this issue. I do not want to go into the legality of the rule of seniority, or whether the order was constitutional and whether this particular supersession order is valid or not, because I want the rationale of the decision of the Government to be understood on the merits of the matter from our viewpoint. Unless it is understood properly, the criticism which has been levelled recklessly, I submit, is utterly untenable and uncalled for. And I assure the entire opposition that this bitter personal criticism of the Prime Minister, or Shri Mohan Kumaramangalam or Shri Gokhale, is neither going to serve the cause of an independent judiciary nor is it going to serve the cause of parliamentary democracy. Let us be serious in our business.

Coming to Shri Atal Bihari Vajpayee, with rapt attention I heard his extremely fluent Hindi speech, in the magnificent language that he uses. We may differ with him on his political philosophy or his ideas, but we all admire his command over the language. But I want to point out to him that where the verbiage becomes stronger than the argument, both become weak. The verbiage should not be stronger than the argument. Shri Atal Bihari Vajpayee said that Shri Mohan Kumaramangalam accused the three superseded Judges, of being partial and their honesty was impugned. I submit that Shri Mohan Kumaramangalam has never said anything of this sort, he could not have said anything of this sort because, so far as the integrity, honesty, learning and wisdom of these three judges are concerned we do not consider for a moment that they are wanting in anything. They are great men, able men; and let us be very clear about it.

But, Judges have their own predilections, preferences and likings. Have we not known

of two types of judges, namely, acquitting type and convicting type, even though they are not dishonest or bereft of integrity? Then there are judges of the widow-type and judges of reversioner-type. There are judges who held that the widow under the old Hindu law was merely a trustee and the whole property should belong to the reversioner and they always attempted a judgment in favour of the reversioner. Then there were other judges who were more humane who thought that the widow should be given the fullest protection. That does not mean that one judge loved the widow more than the reversioner or *vice versa*. They preferred our principle to other. It is one's own predilection. In income-tax cases also we hear of judges who are pre-assessee and pro-department. That does not mean that either of them is dishonest.

So, the basic point is that all these three judges are honest men of integrity. Not with standing that, they have been superseded for very valid reasons to which I shall come presently. Let it be understood that we do not impugn them, we do not assail them, we do not cast adverse aspersions on their integrity, honesty and learning. However, notwithstanding their seniority, they have been superseded for reasons which we think are valid. The basic issue is that the vast masses in the country have enjoined on us the supreme responsibility of drastically revolutionising the entire socio-economic set up and putting an end to the order of exploitation leading to the most disgraceful disparities. How do we achieve this without adhering to a certain socio-economic philosophy or certain socio-political philosophy? We have, therefore, adhered to a certain socio-political philosophy. Any opposition of such socio-political philosophy at the polls, at the public meetings, at the State Legislatures, at the Parliament level, at the Rajya Sabha level is not only necessary but we welcome the same and we can meet it, but if such philosophy is opposed by the judges in the Supreme Court, for reasons which may be valid or may not be valid, then however honest, however eminent, however senior the judges may be, a grave situation arises, and a solution has to be found to this grave situation. The problem has to be solved. The question is, however able we may be—to fight the political opposition to our political philosophy

at the polls, at public meetings, at the public forum, at the State Legislatures, at the Lok Sabha, at the Rajya Sabha, how is it possible for us to fight out a political battle in the Supreme Court? It is well nigh impossible to fight at the Supreme Court level so far as we are concerned. I submit that it is an uneven fight. Our country has enjoined on us certain responsibility to carry out certain programmes. That can be done if certain measures are taken. If we meet this opposition in the Supreme Court, how can we fulfil the mandate which has been given to us by our electorate and how do we, as the representatives of the people, help the people achieve their hopes, aspirations and ambitions for which we have been sent by them with great hopes pinned on us? We cannot allow the Supreme Court to be made a ground for fighting a political battle and, therefore, this supersession. This has to be understood.

Mr. Frank Anthony referred to political pollution. He was not here when I pointed out the basic difficulties we were facing. The difficulty faced by the Party was in the implementation of the mandate of the people. We are out to implement a certain socio-economic philosophy and various measures are to be taken. How is the party going to fulfil the promises if the Supreme Court Judges are going to ignore all this, not because they are dishonest, but because of their predilection because of a certain philosophy to which they subscribe and which is opposed to our philosophy. That is the difficulty which has arisen and, therefore, this supersession order has been made and this step has been taken by us purely to enable the nation by a democratic process to give to itself the socio-economic order it has been dreaming of. We have done this not to discredit the learned judges, I repeat, not to humiliate the distinguished jurists, not to make the Supreme Court a stooge of the Government, but merely because we honestly disagreed with the political philosophy of the three judges which is wholly opposed to our political philosophy and we do not want our political philosophy to be defeated by the judges in the Supreme Court, for we cannot fight a political battle with them there.

I submit in the end that our action is *bona fide*. Atalji said history will judge if we have been dishonest. I challenge this and

[Shri N. K. P. Salve]

say it is for history to judge whether or not the action taken by us is going to strengthen the democratic foundation.

I am further willing to submit that more Western democracies have taken such steps. They have had to supersede Judges and those democracies have emerged far stronger than what they were. Such a step has not, in any way, adversely affected the democratic foundation. You may disagree. But for God sake, while swearing by the dignity of the Supreme Court, don't use undignified and invective language against either the Chief Justice or other Judges. And for God's sake, don't use personal invectives either against Mr. Mohan Kumaramangalam or the Prime Minister...

(Interruptions)

SHRI N. K. P. SALVE : I heard your speech with rapt attention. I do not say that you made any personal remark. That is not my allegation. My only allegation was that you attributed to Mr. Mohan Kumaramangalam certain words, dishonesty and lack of integrity...

SHRI ATAL BIHARI VAJPAYEE : I did not say that.

SHRI N. K. P. SALVE : Then, there is no dispute. I apologise to you. If you accept that so far as integrity and honesty, wisdom and learning of the three Judges are concerned, we have absolutely no dispute between us, then there is no point of dispute.

As I said, we accept this challenge. History alone will judge whether the action of supersession which we have taken is going to really strengthen the very foundation of our democracy or not.

SHRI S. A. SHAMIM (Srinagar) : Mr. Chairman, Sir, I rise to congratulate Mr. Mohan Kumaramangalam on his theatrical performance in this House on the 2nd of May. Unlike the Law Minister, he was very frank, honest and forthright.

He is a distinguished criminal lawyer, I am told, and has many acquittals of murderers to his credit. The Government, realising the gravity of the offence it had committed, had engaged a very eminent lawyer. But I am not sure whether Mr. Mohan Kumaramangalam can get away

with an acquittal here in this court or not, because he forgot that he was not arguing before a reactionary and bourgeois court but was arguing before the people of India, and the people of India do not understand the refined English and involved legal arguments. The people of India will judge him by what he was said and what he has meant.

His delivery was indeed very good. But what he delivered was rather disappointing. The accused has confessed. Let us not waste time in arguing. Let us pronounce the judgment and that is what precisely I am going to do.

I do not challenge or dispute the Government's right to appoint the Chief Justice, to disappoint other Justices and perpetrate injustice on the people of this country. After all, the people of the country get the Government they deserve. With a massive mandate, they have brought this Government and they have to suffer until they throw it out. I do not dispute that under article 124 and article 126, the President and the Government have the authority to appoint Judges. My only contention is that this right was subservient to a limitation which came into being as a convention. Adherence to this convention was not a concession given to the people of India by their benevolent Government. This was a rule of propriety, a rule of procedure, to avoid suspicion, to avoid criticism or doubt regarding the *bona fides* of the Government. By destroying this convention, the Government has not destroyed the convention alone but an institution.

Why was this convention necessary? In the words of Mr. H.M. Srivai :

"Convention is based on the view that, on the whole, the interests of the judicial administration are better served by eliminating the discretionary powers in the appointing authorities than by a search for the best man."

It is said that, 15 years ago, the Law Commission suggested that seniority alone should not be the criterion for appointment of the Chief Justice of India. I agree. But is it not a fact that this very Law Commission had suggested that this convention, if it is to be broken, should be made public long before it is broken? But how is it that this time the appointment of the Chief

Justice of India took place with the suddenness of a Palestinian Commando operation and with the suspense of a Hitchcock thriller? How is it that the whole drama was enacted in the darkness in the same manner in which the new Congress was born?

I am not mourning the death of a convention. I am worried about the crisis of confidence it has created. Today in the name of social change, revolutionary outlook and political philosophy, three inconvenient judges have been got rid of. I am foreseeing a situation in the near future when the entire supreme Court will be packed with forward-looking, progressive judges. What will happen at that particular point of time? At that time what objective norm will be applied? I gave some thought to it. At that time, it will be only personal preference or prejudice, personal likes and dislikes of the person appointing. How is the criterion of 'progressivism' to be applied in such a situation?

I also envisage another situation. What happens if a judge who is committed to social philosophy and has a progressive outlook is thoroughly ignorant of the legal knowledge, does not have any idea what law is and how it should be interpreted? In such a situation, is it that the progressive and forward-looking judge will be appointed and the law-knowing judge, the man who is competent to interpret the law, will be superseded? In this age of supersession, anything is possible.

**SHRI PILOO MODI:** Mrs. Indira Gandhi is also going to be superseded.

**SHRI S.A. SHAMIM:** By me and not by you.

I have nothing to say against Mr. Justice A.N. Ray. And I do not particularly like Mr. Hegde, more so after I have heard his speech yesterday. He is a disgusting speaker. But I am entitled to know as to what more the objective tests applied and experiments performed on Mr. Justice A. N. Ray to find out that he was the best of the judges.

The only information that I have got about Mr. Justice A.N. Ray is through my learned friend, Mr. Hiren Mukherjee. In future when I want to know about the qualifications of the prospective Chief

Justice, I do not know whom I should approach because I am told that my learned friend Mr. Hiren Mukherjee, is not going to contest the next parliamentary elections when the appointment of new Chief Justice is due.

Therefore, what I am interested in is in knowing for certain as to what are the qualifications which go into making a Chief Justice. In short, what I am submitting is that the appointment of the Chief Justice of India should be institutionalised and not personalised.

I agree with the man of Steel, Mr. Mohan Kumaramangalam that judges are not infallible, they are ordinary human beings, they commit mistakes very often. And so does Mr. Mohan Kumaramangalam. Is that not true of Prime Minister and other Ministers and, particularly, of the Minister of Steel and Mines? How do you overcome this difficulty, by appointing men who are not fallible or prone to making errors? I am afraid, such Robots are not being manufactured on a commercial scale as yet, and we shall have to put up with the ordinary human beings for the time being. Is Mr. Chief Justice Ray super-human enough not to commit mistakes which his worthy predecessors have committed? If that is so, it is good news, but too good to be true. The Judges also face dilemmas in deciding an issue in one way or the other and it should not be held against them. Even Mr. Mohan Kumaramangalam the other day confessed that he was facing a legal dilemma as to how he should deal with Mr. Mukherjee about whom this House had taken a unanimous decision. When the Steel Minister confessed facing a dilemma it was not held against him. Then why should it be held against the Judges if they are giving dissenting or minority judgements?

In passing, may I make another submission? This ability and suitability clause in the appointment of Judges should be applied in other political and administrative spheres also. For instance, why should Mrs. Gandhi be the Prime Minister of this country when abler and more suitable persons like Mr. Mohan Kumaramangalam and Mr. A.N. Ray are available? Then, the Members of the Union Public Service Commission should be told clearly to select

[Shri S. A. Shamim]

only those people who have a progressive outlook and who are forward-looking. Even if they have merit, they should not be considered. Only those who are forward-looking, should be selected. Why stop at the Supreme Court, why not take this social philosophy into the lowest rungs of the administrative set up? Let us recruit officers direct from the AICC and abolish this bourgeois Public Service Commission. We must not allow the backward-looking people to come in the way of forward-looking Congressmen.

In his historical speech with geographical overtones, Mr. Kumaramangalam, the defence Counsel of the accused, was very sarcastic to some of the Supreme Court Judges. If I have understood him, he told us that they are a bunch of reactionaries. I cannot question it because he knows the learned Judges more than I know. But may I ask : who selected and appointed this bunch of old reactionaries to this highest court of the land? Believe me, Sir, neither myself nor my father had the opportunity to do so. It was Mrs. Gandhi and her illustrious father who made the appointments to the Supreme Court. I see a calculated move by Mrs. Gandhi in denigrating and ridiculing her own father. When she ridicules and denigrates the Judges, in fact, she is denigrating her own illustrious father. What an ungrateful daughter?!

Mr. Kumaramangalam in his 55 minutes' speech—I wish I had half this time to expose him—quoted many American jurists and precedents to justify the unjustifiable. He referred to the British and Canadian judicial systems and tried to draw support and sustenance from these countries. It is strange logic from a committed comrade! How is it that he quoted all the decadent, reactionary and imperialist countries and not the most progressive of all the countries, the Soviet Russia. This must be an omission. Since when have we decided to look up to Mr. Nixon for guidance in our judicial system? We tailor our economies, our political behaviour on the Russian model. Then why not accept the Russian model in the judicial system as well? I am told that it is more efficient, more ruthless and I must say very cheap cheap in the sense that you can do away with these advocates who are unduly interfering with the appoint-

ment of the Chief Justice. You can take care of them.

Why follow the judicial example of America alone? Why can't you follow other precedents? President Nixon has very recently accepted the responsibility of bugging the telephones of democratic party office. Will Mrs. Gandhi accept the responsibility of bugging my telephone No. 384281. Congressmen, belonging to Mrs. Gandhi's Congress, unite; you have nothing to lose but your credibility.

16hrs.

Sir, before concluding I would refer to the social philosophy theory of Mr. Kumaramangalam. I entirely agree with him and his few party men who say that social change should be brought about swiftly and speedily. I do not agree with my friend Mr. P. L. Mody who wants a slow orderly change. The people are impatient and they are not going to wait till Mr. Mody and his 7 friends replace Mrs. Gandhi. Let us make laws which are invested with that social philosophy. Let us make laws and amend the Constitution in a way which will bring about the desired change. The Supreme Court has given us the right to amend the Constitution as we demanded. I have already voted twice in the 24th and 25th amendments and I do not mind voting for another. Let us bring an amendment that from now onwards the Congress President will hold the office of Chief Justice of India simultaneously. I will vote for this amendment also.

Finally, I would ask a few questions. They are : Was the appointment of the Chief Justice agreed upon by the Nehru Forum Members of the party as well? Has it been accepted by Maharaja Karan Singh and other Maharajas of the congress party? Sir, I am tempted to quote one Urdu verse.

بنے ہیں اہل حوس مدعی بھی منصف  
کسے وکیل کریں کس سے منصفی  
[چاہیں]

I am tempted to quote another verse by the eminent Urdu poet, Mr. Anand Narain Mulla who has lately joined the

ranks of the faithfuls. At the time of his retirement from the High Court, he said :

यह हिम्मत मर्दाना फिर आए कि न आए,  
मुझ सा कोई परवाना फिर आए कि न आए  
ताकत की अऊनत के मुकाबिल यह लबे अदल  
यों हरफ दीवाना फिर आए कि न आए ।

[یہ ہمت مردان پھر آئے کہ نہ آئے  
مجھ سا کوئی پروانہ پھر آئے کہ نہ آئے  
طاقت کی اعونت کے مقابل یہ لب عدل  
یوں حرف دیوانہ پھر آئے کہ نہ آئے]

16:52 hrs.

[SHRI K.N. TEWARI in the Chair.]

And lastly, Sir, he was the judge who said that the police in this country is the most organised gang of decoits and bandits. And it is he who said yesterday that the appointment of judges and the Chief Justice of the Supreme Court, should be left to these bandits and decoits.

है कौन बेगुनाह इस शहर में इन कातिलों  
के सिवा ।

[ہے کون بے گناہ اس شہر میں ان  
قاتلوں کے سوا]

SHRI VASANT SETHE (AKOLA) :

From this discussion which has been going on for the last two days there are certain basic points which emerge apart from the heat and outburst or disappointment or whatever you may like to call it. I just thought whether this furore would have taken place if Mr. Justice Shelat who was to retire in July was allowed to take ever as Chief Justice. Therefore, if Mr. Shelat had been the Chief Justice, as the senior-most judge, and then if in the meantime, Government were to accept, to have a change from the convention, and declared as a policy that hereafter, they decide to accept the recommendation made by the Law Commission, and decide to enroll a person as Chief Justice even on other grounds from outside, would this furore have been there? What I have seen here is this. There are two sections in those who are critical of it. One, who feel indignant about the modality and about the timing as they say, like Mr. Dapthary, ex. Attonréy General. Therefore, the question is this. I am not going into the constitutional aspect. This has been dealt with by other speakers, al-

though my friend Mr. Frank Anthony, tried to distinguish it and said that Article 124, by convention has come to be read as meaning preference by seniority.

SHRI FRANK ANTHONY : I said consultation.

SHRI VASANT SATHE : Your only point was about consultation. Even if seniority rule is to be given a go-by, you would have no objection.

Consultation, with whom? Consultation with the other Judges of the Supreme Court. Consultation, in the matter of appointment of Chief Justice, with whom? The consultation will be with the retiring Chief Justice at the most. As far as Article 124(2) is concerned, it is clear that the President has except in the case of Chief Justice, mandatory requirement to consult other Judges. But, there is no such mandatory requirement in the case of appointment of Chief Justice.

Now, we will come to the motive part. Let us take the whole perspective into consideration—*mens rea*, as you know. What is the ground on which this social change is taking place. My friend Mr. Piloo Mody, the other day, tried to distinguish the Fundamental Rights, as enshrined in Article 19-Part III, as against those enshrined in Part IV-Article 39. He said that those enshrined in Part-III are inherent in an individual and those enshrined in Article 39 are something to be brought about by the Government. That was the distinction which he was trying to make out. Let me, therefore, try to refresh his memory and recall what these Articles are. Article 19 refers to right to freedom. It says that all citizens shall have the right to freedom of speech and expression; to assemble peaceably and without arms; to form associations or unions; to move freely throughout the territory of India; to reside and settle in any part of the territory of India; to acquire, hold and dispose of property. This is most sacrosanct for Shri Piloo Mody. Then, it says :

“(g) to practise any profession, or to carry on any occupation, trade or business”  
What is this right to acquire, hold and dispose of property? When you put it on a pedestal so high, what would it mean? right more sacrosanct? Even if property,



[Shri Vasant Sathe] unlimited property, is acquired by exploitation of the people, even if property is disposed of in the most clandestine manner at the cost of the people, is this right very sacrosanct?

**SHRI PILOO MODY :** Unless the hon. Member is trying to make political propaganda, which he is entitled to do and to which I have no objection, I would say, if he is trying to argue the legal point, that none of what he has said has ever been mentioned by me either in this speech of mine or in any other speech. The obsession with property seems to be a matter which is in his head; it is not with me.

**SHRI VASANT SATHE :** He said that the right was inherent. I would like to ask him what he means when he says that it is inherent.....

**Mr. CHAIRMAN :** The hon. Member should try to conclude.

**SHRI VASANT SATHE :** I was told that we were to get 12 minutes each. I have not spoken even for 8 minutes, because I have been looking at the clock all the time. If you want me to stop, I shall do so. But this is really unfair.....

**THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU-RAMIAH) :** I have requested the Chair to give each Member 12 minutes.

**SHRI VASANT SATHE :** I have spoken only five minutes.....

**Mr. CHAIRMAN :** He has taken 8 minutes already.

**SHRI VASANT SATHE :** I am trying to make a very serious point.

**SHRI PILOO MODY :** Very serious with cheap political jibes.

**SHRI VASANT SATHE :** I am submitting that there is nothing inherent in the right to property. The right to property is in a society. When you live in society with human beings, organised by law, within a definite territory, you acquire those rights. You do not acquire those rights in a vacuum, devoid of society or social content. Therefore, this right to practise a profession or to hold property is something which is very sacrosanct

as compared with what we find in the Directive Principles, for instance, in article 38. Article 37 provides :

"The provisions contained in this Part shall not be enforceable by any court....."

That is the only crime which this article has committed, and, therefore, the people do not get protection. And it further says :

"...but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws."

**SHRI PILOO MODY :** That is executive action.

**SHRI VASANT SATHE :** When the State tries to make laws, what does it make those laws for? In article 38 we find that :

"The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life."

And with what objective? We find in article 39 that :

"The State shall, in particular, direct its policy towards securing—

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood;"

Is this more fundamental or is the right to acquire property at the cost of the rest of society more fundamental? The article further says :

"(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good."

So, what is more fundamental?

When the State tries to do something and to make laws to achieve this objective, what happens? What has been happening actually? Since when has this crisis come about? It has come about since the verdict on the Golaknath case.

**SHRI PILOO MODY :** Before that everybody had food in his stomach.

**SHRI VASANT SATHE:** Till then, Government were not trying to depart or break-away from the convention. But since the Golaknath case verdict, the settled law was unsettled by a majority of one vote against six judges.

Therefore, consider this point. Consistently thereafter, after the Golak Nath decision, for all these years every progressive measure taken by Government has been neutralised and negated by the Judges of the Supreme Court. What was their attitude? What was their approach to even the provisions of the Constitution, to the principles of the Constitution, to which they had taken an oath of allegiance?

Therefore, I would like to submit that as far as this trend is concerned, all that is aimed at is that these two wheels of the chariot, the judiciary and the executive, must along with the legislature move together in the same direction. If one wheel moves in reverse, the chariot cannot move. If you are to do anything really for the people of this country, the judiciary must be in tune with and in harmony with the Parliament. That is the objective. All that has been tried to be done under the power of the President in a most constitutional manner is to keep aside these who are not in harmony with the directive principles, objectives and policy of the Constitution which have to be implemented if at all you want to pull the people of this country out of the mire of poverty with the help of laws made by us.

**सभापति महोदय :** मुझे आप लोगों से एक चीज निवेदन करनी है। जो भी माननीय सदस्य कांग्रेस की तरफ से बोलें वह थोड़ा थोड़ा समय लें। यह निर्णय हुआ है कि कांग्रेस के सदस्यों को दस-बारह मिनट दिये जायें। इसलिये वह लोग उतना ही समय लें। जो भी लोग ज्यादा समय लेंगे वह दूसरे सदस्यों का समय लेंगे। अपोजीशन की तरफ से अधिक नाम नहीं है। उधर एक माननीय सदस्य को ही बोलना है। तीन बार सदस्य कांग्रेस की तरफ से बोल सकते हैं। इसलिये मेरा आग्रह है कि जब भी उन को समाप्त करने को कहा जाय वह उसी समय बैठ जायें।

9-419 LSS/73

**श्री मूलचन्द्र डागा (वासी) :** सभापति महोदय, हमारी विरोधी पार्टियों को एक बात की खुशी होनी चाहिए कि श्री हैगड़े उनकी किसी पार्टी में आ रहे हैं। विरोधी दल वाले इस बात पर विचार कर लें। अगर उनको अपनी पार्टी को मजबूत बनाना तो वह श्री हैगड़े को अपना लें। वह आपके लिये बरदान मित्र हो गये हैं। अब तो श्री हैगड़े ने कह दिया है कि डेमोक्रेसी की हत्या हो रही है, लोकतन्त्र की हत्या हो रही है, और अब वह राजनीति में आना चाहते हैं। इसलिये हमारी विरोधी पार्टियाँ को खुश होना चाहिये।

कभी कभी यहाँ लोग कहते हैं कि इस मामले में श्रीमती इन्दिरा गांधी क्यों नहीं आती। यह एक बड़ी छोटी सी बात थी। मध्यवर्ती चुनाव के बाद हिन्दुस्तान के अन्दर विरोधी पार्टियाँ समाप्त हो गईं, उन का कोई विशेष अस्तित्व नहीं रहा, कहीं पर भी उनका शासन नहीं रहा, तो यह स्वाभाविक बात है कि उन के अन्दर फस्टेशन आये। कहीं कोई बात हो जाये लोग खड़े होकर तरह तरह की बातें कहने लगते हैं। आज बार एसोसिएशन के बोर्ड से बकील मिन कर आवाज उठा रहे हैं, जैसे हिन्दुस्तान की सारी बातों का ठेका उन्होंने ही ले रक्खा हो। उसी तरह से हैगड़े साहब की मीटिंग हुई। वह बम्बई गये और चौपाटी पर भाषण दिया। वहाँ पर काले सडों से उनका स्वागत किया गया। यहाँ पर जो कुछ हो रहा है वह बुद्धि की विलासिता है। हम केवल तर्क कर रहे हैं। हम केवल यह बतलाना चाहते हैं कि हम हर बात को लेकर पार्लियामेंट में आयेगे। लेकिन यहाँ पर कोई यह कहने के लिये तैयार नहीं है कि संविधान का खण्डन किस तरह से हुआ है या गवर्नमेंट ने जो कदम उठाया है वह संविधान के खिलाफ है। यहाँ पर न संविधान की हत्या हो रही है न किसी और की हो रही है। यहाँ जो भी



[श्री भूल चन्द शर्मा]

भाषाज उठाई गई, उस में संविधान की हत्या की बात तो लोग भूल गये, श्री मोहन कुमारमंगलम का नाम ले कर फिलासफी की बात करने लगे। हिन्दुस्तान के अन्दर प्रचार करने की दृष्टि से उनकी भाषा को लेकर कहने लगे कि उन्होंने कह दिया कि हम ऐसी फिलासफी चाहते हैं या ऐसा दृष्टिकोण चाहते हैं।

श्री मोहन कुमारमंगलम ने अपनी स्पीच में फिलासफी की बात नहीं कही। उन्होंने कहा कि संविधान जनता के लिए है, जनता संविधान के लिए नहीं है। संविधान कोई जिन्दा लाश नहीं है, बल्कि यह एक दस्तावेज है, जिसमें बदलते हुए जमाने के मुताबिक, जनता की आवश्यकताओं, इच्छाओं और आकांक्षाओं को पूरा करने के लिए, परिवर्तन किया जा सकता है। पिछले चुनाव के समय हम ने देश की जनता को कहा था कि हम नीतियों को आगे बढ़ाना चाहते हैं, जिन से हम देश में परिवर्तन ला सकें और लोगों की स्थिति में सुधार कर सकें। जनता ने हमारी बात पर विश्वास कर के हमारे दल की भारी मैकेट दिया। श्री मोहन कुमारमंगलम ने कोई नई फिलासफी हमारे सामने नहीं रखी है। वह भी कांग्रेस के चुनाव घोषणापत्र के आधार पर चुनाव लड़ कर यहाँ आये हैं। लेकिन कुछ बुद्धिजीवियों, पूँजीपतियों और राजनीतिक दलों ने, जो देश में एक नया समाज बनाने में रुकावट पैदा करना चाहते हैं, श्री मोहन कुमारमंगलम की बात को पकड़ कर वह प्रचार करना शुरू कर दिया है कि संविधान की हत्या की गई है।

अब तक हम ने हैमडे साहब को नहीं सुना था। लेकिन इस्तीफा देने के बाद उन्होंने जो भाषण दिये हैं, उन से मालूम हो गया है कि वह कितने पानी में हैं। अगर वह चुप रह जाते हैं, तो हम संयोजते कि वह बहुत गहरे आदमी होंगे। लेकिन सुप्रीम कोर्ट से बाहर आते ही वह बीछला उठे हैं। उन्होंने

कहा है कि मैं पार्लियामेंट में आ रहा हूँ। कुछ राजनीतिक दल की ऐसे व्यवहार कर रहे हैं कि मानों पहले वे बिल्कुल शक्तिहीन थे और वह हैमडे साहब के आने की वजह से बड़े शक्तिशाली हो जायेंगे।

कल एक सभा में श्री मोरारजी देसाई ने कहा कि लोगों को मीजुदा सरकार को ओवरधो कर देना चाहिए। उन्होंने यह नहीं कहा कि चीफ जस्टिस का एपॉइंटमेंट गलत हुआ है। विरोधी दलों को तो लोगों में असंतोष पैदा करने के लिए कोई बहाना मिलना चाहिए। हम ने प्रिवी पर्स खरब कर दिये। बंगलादेश के मामले में भी हमें सफलता मिली। अब हम ने फूडग्रेन्ज के व्यापार को अपने हाथ में ले लिया है। जब जनता में इस सरकार की नीतियों के बारे में विश्वास पैदा होने लगा, तो बुद्धिजीवियों और कुछ राजनीतिक दलों ने जनता में असंतोष पैदा करने के लिये चीफ जस्टिस की नियुक्ति का प्रश्न खड़ा कर दिया। वे लोग कहते हैं कि अब मोहन कुमारमंगलम को फिलासफी चलेगी।

जैसा कि मैंने कहा है, श्री मोहन कुमारमंगलम की कोई फिलासफी नहीं है। सारी फिलासफी संविधान में है। कांस्टीट्यूशन इज दि लिबिंग फ्रेम ग्रॉफ दि बवर्नमेंट। हम संविधान को जनता की इच्छाओं और आकांक्षाओं के अनुरूप बदलना चाहते हैं। और उसको बदलना होगा। आज हमारे देश में शोषण करने वाले एक घोर है और शोषित वर्ग दूसरी घोर है। बाबिर बकील श्री किस वर्ग में है? एक जमाने में गांधीजी ने बकीलों के बारे में कहा था कि जीवन में मूल्यों को बचलना चाहिए, बकीलों को भी इतनी ज्यादा कीस नहीं लेनी चाहिए? हमें जनता को शोषण और पूँजीवाद से बचाना है और उसके लिए संविधान और कानून में परिवर्तन करने हैं।

श्री मोहन कुमारमंगलम ने स्पष्ट शब्दों में यह कहा है कि जब देश आगे बढ़ता

है और जनता की इच्छाओं और आकांक्षाओं उभरती हैं, तो उन के अनुसार संविधान भी बदलता है। हम सब संविधान के प्रति बफादार हैं। आखिर फिलासफी क्या है? संविधान ही फिलासफी है। हमारा संविधान एक क्रान्तिकारी दस्तावेज है।

जैसा कि मैंने कहा है, विरोधी दलों ने इस प्रश्न पर बात का बतंगड़ बना दिया है। कल एक सभा में श्री मोरारजी देसाई ने भाषण दिया :

"He asked the audience to resolve to overthrow the Government."

वहाँ श्री वाजपेयी ने भी भाषण दिया।

"Shri Atal Bhari Vajpayee, the Jan Sangh leader, urged Chief Justice A.N. Ray to resign on his own, or else 'we will be forced to make him quit'."

मालूम नहीं कि श्री वाजपेयी जस्टिस रे के सामने सत्याग्रह करेंगे। जब इन राजनैतिक दलों ने देखा कि वे गरीब और मजदूरों के सामने नहीं जा सकते हैं, तो उन्होंने सोचा कि इस प्रश्न को लेकर जनता में असंतोष पैदा करो। आपने देखा है कि जनता ने इन लोगों का समर्थन नहीं किया है। लोगो ने जस्टिस सीलेट को काले झंडे दिखाये हैं।

अन्त में मैं यह कहना चाहता हूँ कि हमारी केवल एक फिलासफी है और वह संविधान की फिलासफी है। भारतीय संविधान ही हमारा दर्शन है, हमारा मार्गदर्शन है, उस के अनुसार हम चलना चाहते हैं और हम ने उसकी शपथ ली है। श्री मोहन कुमारमंगलम ने भी उसी संविधान की शपथ ली है। मैं समझता हूँ कि विरोधी दलों की ओर से जो भाषण हुए हैं, वे वेस्टिड इन्स्ट्रुमेंट के समर्थन में किये गये हैं।

SHRI P.G. MAVALANKAR (Ahmedabad): Sir, after having heard the Minister of Steel and Mines day before yesterday, we, the members of this House have begun to wonder whether any purpose would be served by our remaining in this House, and, seeing

that the way he wants this country to go is the way towards totalitarianism, whether even the Lok Sabha would be a completely committed body with one suitable voice in conformity with the voice of the Government. All the same the happy situation is, that there are still opposing points of view being expressed on the floor of the House and outside and therefore, while fortunately time is still on our side, we should see to it that democratic institutions and values are protected, may, enhanced. Now, I freely concede that while discussing this vital matter, we cannot take extreme positions, for the truth of the matter lies somewhere in between. On which side of the extreme this particular truth lies is of course, the real question. And, this is a question which is both debatable and undoubtedly controversial.

It is not without significance that the Government's defence two days ago was constructed by the Minister of Steel and Mines, and not by my friend Mr. Gokhale who I would think as Minister of Law and Justice should have intervened in the debate on the first day itself. It is interesting and even suggestive that the first defence should have come to us from Mr. Mohan Kumaramangalam. The whole House knows what his social philosophy is and to which kind of social philosophy he is committed throughout his life. He now wants to extend that philosophy to other major organs of the Government like the judiciary. The tragedy of the situation is that the minister in his steel frame-work mentality has tried to undermine the independence of the judiciary. His speech undoubtedly was a brilliant performance. He so very easily converted all the Congress MPs to his own particular rigid philosophy. But, I ask the Congress members; Do they honestly one and all subscribe to the kind of communistic and rigid philosophy to which he was referring? If they do not, then why should they not come forward in the open and say that they do not agree with the kind of social philosophy to which the Minister was referring?

As I said a little while ago, the Minister of Steel and Mines did undoubtedly make a brilliant performance. We all admire his erudition, his debating skill and he had, of course, all the time at his disposal. He presented his case as shrewdly as an

[Shri P. G. Mavalankar]

advocate of his calibre would do. He spotlighted the facts which suited him, and he highlighted the questions which fitted his plea, without, of course, bothering whether what he was illustrating and quoting was the complete picture and whether all this was in the full context of the relevant issues and questions involved.

He quoted the precedents and pronouncements of events and persons from USA, UK, Australia and Canada. But he dare not quote from any country whose social philosophy he has been so steadfastly holding to and preaching everywhere. Even there he quoted them only partially because he wanted to quote only that which will suit his plea. So, he did not quote or tell the House that in those countries, USA, UK, Australia and Canada there is democracy and people continually resort to the various democratic processes that obtain in those countries. He never mentioned that these countries have a responsible and responsive executive, something which is totally absent in India today. He never mentioned that in those four countries, in these four democracies, there is a strong opposition. He never mentioned that those countries have a robustly independent judiciary. He never mentioned that those countries have a free press with an unending free flow of news and views. He never mentioned that those countries have independent radio and television network which are free to criticise the government. He never mentioned that those four democracies have vigorous universities where habits of critical thinking are developed. He also never mentioned that those countries have an informed, intelligent and enlightened public opinion. Over and above all this, the constitutions of these four countries have various built-in safeguards and safety valves and they have adopted the system of checks and balances. Because of all these things, even if they make a visibly or an apparently political appointment, that political appointment cannot be anything but independent because once a judge is installed in his place, he has to function as an independent judge, since he knows that all these factors and agencies to which I have made a reference will revolt against him if he gave justice in favour of the Government.

Now, I ask the Minister of Mines : Are these factors available in this country? If they were, then if the Minister had said "let us appoint some people of our liking", I would have said "all right" because the other factors were bound to prevent the persons so appointed from acting in an arbitrary way. But, in the absence of these factors in India we should not allow this.

Sir, let there be no mistake about it—this is a frontal attack by the executive on the free processes of the judiciary. The Government's action is sudden and swift both in style and substance. It is nothing else but the result of secret scheming by the small caucus who have scant respect for democracy and democratic institutions. It is a calculated and clever move to undermine the independence of the judiciary. The cavalier and dramatic fashion in which the Government have acted so suddenly has caused concern and consternation not only in this House but throughout the country.

The issues involved are fundamental and basic. They are issues of far-reaching significance. Therefore, I feel that Government's action is without wisdom and without propriety. It will certainly undermine the whole edifice of parliamentary democracy and it will bring a democratic constitution into great disrepute.

As many hon. Members, particularly on this side of the House, have said, we are not discussing individual personalities. We have nothing against the person of a Judge as such. I for one want to adopt an impersonal approach to the whole problem. We are discussing policy questions because democratic values are at issue.

The principle of seniority is not sacrosanct or sacred. But why this sudden realisation of the good in the Law Commission's recommendation after 15 long years?

I ask the Minister of Law and Justice— I hope, he will reply to it—why was the country, the Parliament and, more particularly, the highest judiciary itself not taken into confidence before taking such a step of supersession? And, Sir, to supersede not one but three Judges against whom there can be no objection except, of course, that they were terribly independent and upright Judges and men of honour. Their resignations have proved

their self-respecting nature and selfless attitude. The whole nation salutes to them for that.

Much has been said about Judges and social changes. It is known all over the world, whether they are democracies or any other type of Governments, that Judges are conservative by nature. It is their function to conserve law and order. They are bound to be conservative. But when you make a judicial appointment, what about Judges' own philosophy? How can you divorce it totally from his thinking, acting and deciding? It is true, of course, that Judges must not hamper progress in the country. The people's wishes, Parliament's resolutions and enactments, must be respected. But let us not forget that peoples and Parliaments are not perfect and not infallible and they are liable to doing unjust and undemocratic things.

So, the Judges being fiercely independent and devoid of any party and factional politics, decide on merits of the case, on the basis of the letter and the spirit of the Constitution. It is only in this sense that Judges can be "committed", that is, Judges who are "committed" to the principles of Constitution, to the letter and spirit of the Constitution. But when the Government says that they want Judges of a different type, "committed" Judges as the slogan goes, they want "committed" Judges meaning conformist Judges who conform to Government's point of view. They want "yes-men" who will be "yes-men" to whatever Government want to suggest and act. Therefore, I say, this is a concept and style and activity which is wholly out of tune with democratic theory and practice.

The fathers of our Constitution laboured hard to build up an independent judiciary. In the last 25 years, this bastion of freedom and the fundamental rights of the people remained, more or less in tact and beyond reproach. But now that glorious edifice and all the accompanying vital conventions and traditions have been allowed to crumble down and collapse. The people's faith and confidence in the independence of judiciary has been shattered by the Government action—I underline the words 'faith' and 'confidence'. The people's confidence has been shattered and they have been disturbed. Therefore, I feel, this damage has been beyond repair.

You, Mr. Chairman, will see that the reaction in the whole country is spontaneous, sharp, swift and sure, whether it be in Delhi or Bombay or Ahmedabad or elsewhere. This is some consolation that our people outside are awake to the democratic ideals and values. This political sabotaging by the ruling party has shaken the judicial institution and our Constitution to their foundations. The Government have injected and introduced politics into judiciary.

Why did the Government do this at the time they did? The timing of the Government action is important. It is so soon after the recent historic judgment on Fundamental Rights wherein three superseded Judges gave opinions against the Government. That has aggravated the people's suspicion. In matters, judicial and fundamental, not only must you be clear clean and fair, but you must also continuously appear to be so without really shattering the people's faith and confidence. That really sustains the people's confidence about the independence and impartiality of Judges and justice.

Moreover, this is a case where there has been inflicted a penalty on free opinions of the individuals. Democracy should value free opinion. A free opinion is always a different opinion. It can often be an awkward and inconvenient opinion. Therefore, I am infinitely sorry and disturbed that this Government should have done all this extra-ordinary and extra-constitutional manoeuvring. The pity of it is that they are using democratic framework and letter to destroy democratic freedoms and spirit of Constitution. This is the great tragedy. This reminds us of what Hitler did in Germany during the early thirties of this century. I hope, we do not want these things to happen in this country.

SHRI B. R. SHUKLA (Bairach) : Much eloquence has been mis-directed, mis-spent, and has produced only more heat and little light. The real questions are, firstly, whether the appointment of the Chief Justice of India and the consequent supersession of the three judges of the Supreme Court is Constitutional and valid, and, secondly, if it is Constitutional and valid, whether it is an act of gross impropriety on the part of the Government which is responsible for such appointment

[SHRI B. R. SHUKLA]  
and, thirdly, whether, even in spite of the so-called improper act of supersession, democracy has been imperilled by this appointment. These are the three issues to which we should address ourselves.

Mr. Shyamnandan Mishra and Mr. Frank Anthony have said that it is not in accordance with the Constitutional provisions. Mr. Shyamnandan Mishra says that he is not a great Constitutionalist. But so far as Mr. Frank Anthony is concerned, he is a senior advocate of Supreme Court and we wanted that his statement on this point should be accurate in law. Article 124 read with article 126 nowhere lays down any procedure of consultation for the appointment of Chief Justice of India. When this matter was brought before the Constituent Assembly, Mr. Ananthasayanam Ayyangar said:

"The important amendments that have been made relate to the necessity for the President consulting the judges of the High Courts in the States. Consultation with the Chief Justice is necessary for making appointments of puisne judges of the Supreme Court. So far as Chief Justice himself is concerned, there is no higher judicial authority who may be consulted ...."

SHRI SHYAMNANDAN MISHRA : Is Mr. Ayyangar an authority? My humility should not be equated with ignorance.

SHRI B. R. SHUKLA : I do not say that he is an authority. Since you respect his opinion, I quoted him.

There is another judicial decision of the Supreme Court reported in 1966, All India Reporter, Supreme Court, page 1987, in which it has been laid down that the President, when he is constitutionally obliged to consult anybody, must consult only that person and nobody else. If he is required to consult 'A', and if he consults 'A' and also 'B' and 'C', then the whole decision is vitiated. Now the position is, when under the Constitution there is no obligation to consult anybody, then as the Constitutional Head of the Union of India he has to act on the advice tendered by the Cabinet and that Cabinet is headed by the Prime Minister. The Prime Minister advised him to appoint Mr. Justice A. N. Ray as the Chief Justice of India.

Now, you can attack the appointment not on the Constitutional grounds but on the ground of political propriety. The question is, what is the political impropriety involved in this. Till the other day, Mr. Justice A. N. Ray was a suitable person because he was duly appointed as the puisne judge of the Supreme Court. All other judges who are members of the Supreme Court are also good judges. If they are good judges uptill now, do you mean to say that the moment Mr. Justice A. N. Ray has been appointed or elevated from the position of a puisne judge to the position of Chief Justice of India, he would sell his conscience, he would become a docile man and he would simply act as an instrument and tool in the hands of the present Government?

SHRI ATAL BIHARI VAJPAYEE : This is what Mr. Kumaramangalam wants.

SHRI B. R. SHUKLA : It means that all these Judges, headed by Mr. Justice A. N. Ray, have been good and honourable Judges, men of integrity and no reflection has been sought to be cast on their integrity except by an oblique reference by Mr. Vajpayee when he said that Justice Ray was responsible for deciding a case in favour of Mundhra. If all these Judges continue in future to decide cases coming before the Supreme Court, then, do you mean to say that all those cases in which Justice Ray would be sitting as the Chief Justice or he would be constituting a Bench, those decisions would be influenced by the Government? Such a short-sighted view of the calibre and character of our Judges is wholly unwarranted and you should not attack their integrity in this unwarranted fashion. Therefore, my submission is that our democracy is not in danger because of this appointment then comes the question of convention. What is the convention? Now, the mere fact that certain Senior Judges of the Supreme Court were appointed also as Chief Justices in the past was merely a coincidence. They were good, honest and able Judges and they were senior also and, therefore, the seniority was not yet a condition precedent for their appointment. It was just a coincidence and if seniority is accepted as a rigid criterion for appointment of the Chief Justice, it means that the President and the Government have absolutely no say and no discretion in the

matter and that would be introducing a new clause, a new provision in the Constitution which is not there for the time being.

Third thing—about committed Judiciary. Now, much has been said about committed judiciary. Mr. Kumaramangalam has, in his speech, nowhere said that committed judiciary means conformance according to the pattern of the communistic regime as prevalent in Russia. So, the word 'committed' means that we are not a 'Sihita Pragna' or 'Paramahansa' within the meaning of Gita. Everybody is committed. Mr. Vajpayee is committed to one concept or the other. Here, we are committed to a different concept of social philosophy. Mr. Frank Anthony is committed to a different concept of philosophy. He said—Mr. Vajpayee was not here then—that an impartial judiciary was the creation of the Britishers, and that this is for the first time we are meddling with it. I want to remind him of the history of Lord Bacon in England, who was removed for acts of corruption and nepotism. Therefore, corrupt Judges have been found everywhere in the world.

Now, what will happen if an eminent advocate of the Supreme Court like Mr. Frank Anthony is elevated to the Bench of the Supreme Court...

SHRI B. P. MAURYA : No, No .

SHRI B. R. SHUKLA : ....and Mr. Mohan Kumaramangalam is also elevated to the Bench of the Supreme Court. I am sure that as they have different sets of values and philosophies, they will create a deadlock.

So, commitment means commitment to the social and directive principles of the Constitution and anybody who, by his legal quibbling and constitutional hair-splitting, wants to retard the progress of the country and proves a hurdle in the implementation of the aspirations and urges of the people, he would have to be removed and only in this context, we have to understand the word 'committed judiciary'.

Mr. Piloo Mody only is only trying to reap the harvest of discontent. He is collecting in his small basket rotten and rejected eggs. But let me assure him that not only thousands and lakhs of

people but crores of people are behind the Prime Minister and her party. They want that directive principles should be implemented. A few hundred lawyers under the misguided leadership are only creating a fuss and a furor. If there had been any doubts in the mind of the uninformed people regarding the supersession of Mr. Hegde and his colleagues, those doubts stand dispelled by the statement of Mr. Hegde which he gave in his Press Conference. In his statement he has proved that the moment he has put off his judicial robe he has put on the readymade garment of a politician provided by reactionary parties like the Swatantra and others.

SHRI KARTIK ORAON (Lohardaga): Much water has flowed down the stream and all types of arguments and counter-arguments have been put forth regarding the supersession of the judges. It is not the sole case of supersession in this country, there are numerous cases of supersession which have gone on; but they have all gone unheard, unwept and unsung. Nobody has bothered about them. Not even the Opposition has brought forward any such case of supersession.\* But why is there so much of mud-slinging and so much of subrerattling about the supersession of the judges? Whether it is supersession of a clerk or of a judge, it is after all supersession; it is just the same; the pain is the same. I don't personally see much sense in discussing this in Parliament. Of course, Parliament is to protect every individual, rich or poor, high or low. That is there.

The opposition brought out the plea that the Chief Justice should be appointed on the basis of seniority. If at all this is to be done, then the seniormost judge should automatically become the Chief Justice. But this is not so. We have the provision under Article 124 of the Constitution whereby the President has got to appoint the Chief Justice. The fact that the President has been authorised to make the appointment clearly shows that he has got the discretion in the matter. According to this Article, in the matter of appointment of Chief Justice, the President is not obliged to make consultations with the Supreme Court or the State Government or the Executive. Therefore, I have failed to understand why this reasoning is brought forward. My point is only this. I do



**[SHRI KARTIK ORAON]**

not want to go into the legality or illegality of those things. What is supreme—whether the will of the people or the Supreme Court?

**SHRI DINEN BHATTACHARYYA:** Shrimati Indira Gandhi.

**SHRI KARTIK ORAON :** Yes, everybody wanted to be Indira Gandhi but everyone has miserably failed to capture the imagination of the people or the will of the people except Shrimati Indira Gandhi. It is the will of the people which has demonstrated their faith in her. They have responded under the dynamic leadership of Shrimati Indira Gandhi. They have done it by the massive mandate they have given for our party in the 1971 elections. Will of the people guides the destiny of the nation. Will of the people is the law of the land. Whoever tries to ignore that will of the people will himself be destroyed. That has been done. Therefore, let us not argue about this. The will of the people has to guide the destiny of this country. When the majority of the people want that things have to be done in a particular way, then this will have to be done that way, and there is no question about it. Therefore, I think that were just beating about the bush and wasting the valuable time of Parliament by talking about this question of supersession of judges, this, that and the other. But we are not talking about the poor people of our country who are dying of starvation. Why are we not talking about them? Let us be realistic. Today, nobody is going to ask the Opposition parties for anything. The people of this country are not going to ask this party and this Government whether Karl Marx was right or not, but they are going to ask them to provide them with food, shelter and clothing, medical facilities and educational facilities and so on. Therefore, there is a tremendous burden cast on the Government. So, in all decisions of any kind, they have to be careful to see to what extent it is in fulfilment of the wishes and aspirations of the people of this country, and if they take any decision in the light of this, there is nothing wrong about it.

Dr. R. M. Jackson has defined an experienced judge in his book. *The Machinery of Justice in England* (1953) as follows: He was the secretary to the Royal Commission

Justices of Peace, and he has argued in his valuable book as follows:

“An experience judge means one who is well used to trying defendants, and who generally speaking, makes an excellent job of that side of his duty. But when we come to the passing of the sentence, our ‘experienced judge’ is experienced merely in following a customary measure, and his experience does not extend to knowing what happens to those the sentences. Should we describe a man as being an ‘experienced physician’ if he ordered doses of medicine and never enquired what result they had on the patient?

This Government and this party has a tremendous responsibility to meet the requirements of the people of this country and, therefore, they must have this point in their mind all the time.

I have been going through the records of all the Chief Justices of our country, and have found that in most of the cases, just before retiring, they have passed some sort of judgment or the other which is contrary to the will of the people or the aspirations of the people. Take for instance, the case in regard to the supremacy of Parliament, the privy purses case, the case of nationalisation, the case regarding compensation for property and so on. In all these, all the retiring judges have gone against the will of the people. Only one judge, namely Mr. A. N. Ray has been acting almost in consonance, though not always, because he has his own judgments also, with the will of the people. We have to take note of this, and therefore, let us not make any fuss about these things.

Suppose somebody commits the offence of reckless driving or reckless writing and talking or somebody gives a reckless judgment....

**MR. CHAIRMAN :** Now, the hon. Member should try to conclude.

**SHRI KARTIK ORAON :** Shri Hegde, Shri Grover and Shri Shelat have been saying that there has been damage to the independence of the judiciary and the cause of democracy. But I would submit that they are not the custodians of the independence of judiciary and the cause of democracy. If that were so, if there had been that force of correction, then there would have been many more judges who would have

come forward and resigned. But nobody else has resigned. What have these people who have been superseded, been saying? Mr. Hegde said that he would like to be judged by the Bar not by the Government. He says that the wrong done to the three Judges was of small significance compared to the damage done to the independence of the judiciary, to the cause of democracy. If that was so, the other Judges would also have resigned. But none has resigned.

17.00 hrs.

Then he said that because he passed an adverse judgment against the Prime Minister, he has been victimised. This only shows that he has been having a guilty conscience all the time. He knew that what he was doing was wrong and did not believe that what he was doing was correct.

These are the facts. So I feel there is no case for this discussion, there is no need to discuss the supersession of the Judges. Let us discuss supersession in general. That will be a wonderful thing for the country, otherwise not.

With these words, I think the action taken by Government, by the President, is perfectly in order and ought to be applauded by the people of this country.

**SHRI SHANKERRAO SAVANT (Kolaba) :** The supersession of the three Judges has touched off a storm in the privileged world, in the world of the propertied classes and the intelligentsia.

**SHRI G. VISWANATHAN :** What about you? You do not have property?

**SHRI SHANKERRAO SAVANT :** The members of the Bombay and Delhi Bar had collected yesterday. All they did was to shower some abuses at the Congress and Shrimati Indira Gandhi. Of course, they have been doing this for a pretty long time and, therefore, it need not surprise us.

What surprised me in particular was that Shri Madhu Limaye, the socialist leader should join in the chorus, because when the Golak Nath case was decided, it was Shri Nath Pai who was the first to tell Parliament that it was laying down a very pernicious principle.

**SHRI P. VENKATASUBBAIAH (Nandalay) :** He brought forward a non-official Bill.

**SHRI SHANKERRAO SAVANT :** Yes. He said it would take away the sovereignty of Parliament; therefore, we must undo what has been done by the judgment. Strangely enough, another leader of the Socialist Party, Shri Madhu Limaye, is, now hand in glove with these reactionaries who, according to Shri Nath Pai, put individual liberty above social welfare.

Shri Limaye has stated that it is not the fact of supersession which is more material, but the procedure of it. I cannot understand the distinction because once it is decided that the supersession was lawful, in accord with constitutional propriety and was needed for further advancing democracy, it is immaterial what procedure was followed. But it seems the Socialist Party has given up its socialism and is only after the hate-Congress campaign.

Both Shri Anthony and Shri Viswanathan have poo-hooed the present policy of taking into consideration the social philosophy of judges. They have said that there will now be a clamour for the loaves of office. They are shouting from house-tops about the independence of the judiciary. When this was there, did we get any type of whimsical judgments or judgments reflecting the individual independent thinking of of the judges from the munsif's court to the Supreme Court? If not, why should the need for conformity to social philosophy cause chaos or clamour for loaves of office? So it is no good saying that simply because at the top there are certain principles laid down, that there will be conformity to certain socialist philosophy, they will now be clamouring for loaves of office.

They are talking of a fight to the finish. That is nothing new. At the time of the Bank nationalisation case and at the time of the abolition of the privy purses, they talked of the same thing.

**AN HON. MEMBER :** Who talked?

**SHRI SHANKERRAO SAVANT :** All these people. They cannot put up a better performance now with the help Mr. Hegde who is less intelligent and more conceited. We are prepared to accept their challenge. After the hullabaloo about fundamental rights and directive principles, I just want to tell them one thing. There are three arms of the State, the legislature, the judiciary and the executive.



**[SHRI SHANKERRAO SAVANT]**

Is it not necessary that all the three should run in unison? The main question is: What would be the result if they pulled in different directions? If in order to make them pull in the same direction some principles are laid down, there is nothing wrong and the Government is perfectly right in saying that the judiciary should conform to certain principles. The confrontation with the judiciary has not started only from Golaknath case. Golaknath only highlighted the conflict which was started much earlier. Immediately after the passing of the Constitution, this very Supreme Court laid down that incitement to murder was permissible because it was covered by the fundamental right regarding freedom of expression. They quibbled with words of the Constitution to come to this strange conclusion. Therefore we had to pass the first amendment to the Constitution. After the first amendment was passed, the Supreme Court held that this amendment was proper. There after at the time of Golaknath case, they reversed their own verdict and held that the first and the fourth amendments were all *ultra vires*. But, when they saw that undoing all legislation during the previous decade would introduce chaos and would invite anarchy they introduced a totally new principle and laid down that whatever might have been done in the past was legal, but in future the Government should not take recourse to the powers under these amendments. When the judges are giving such whimsical judgments should the executive and the legislature sit silent? As a matter of fact we gave them 8 or 10 years to behave properly. When we found that in every important case the Supreme Court was going against us, we took the proper course namely to see that they conformed to the social philosophy of the constitution and that the executive, legislature and the judiciary all pulled in one direction. Therefore my contention is that there is nothing wrong in what has been done. Something has been said about articles 124 and 126 of the Constitution. The marginal note to Articles 126 is wrong. We are to go to the article itself and not by the marginal note. That is an accepted canon of interpretation of statutes. Article 126 speaks of the appointment of Chief Justice and not of the appointment of acting Chief Justice or of permanent Chief Jus-

tice. If article 126 is taken out of the Constitution there will be no provision for the appointment of Chief Justice. This will be absurd. Therefore, my contention is that this appointment is only under article 126 and there is no provision in it for any consultation with the outgoing Chief Justice. There is thus absolutely no legal impropriety or violation of any of the articles of the Constitution or any other law. Therefore, whatever has been done properly and as such should be accepted.

17.09 hrs

(MR. SPEAKER in the Chau)

MR. SPEAKER : You have all exceeded the time that was allotted. What shall we do now?

SHRI K. RAGHURAMIAH : The hon. Minister may begin his reply at 6 p.m. today.

MR. SPEAKER : Then there cannot be any other business today.

SHRI K. RAGHU RAMAIAH : Private Members' Business has been postponed; only the introduction of the Bills will be there.

MR. SPEAKER : Was it with the permission of the Chairman? Otherwise, you will kindly sit down. I shall call you.

SHRI M. SATYANARAYAN RAO (Karimnagar) : I shall not take more than three minutes.

MR. SPEAKER : All right. Then continue.

SHRI M. SATYANARAYAN RAO : Mr. Speaker, Sir, since morning I was hearing the speeches of the Congress Members. I was really astonished whether all of them were speaking from their hearts are they have been instructed by Shri Raghu Ramaiah and Shri Kumaramangalam to speak like that. The question is whether the Government is right or not to appoint as Chief Justice whomsoever it wants. Whether it is just and proper constitutionally or not I am not going into that.

I have no doubt that it is certainly constitutional for the Government to do that. But, the manner in which this appointment has been made has created some doubts in the minds of the people. I am told that this

gentleman has been appointed as Chief Justice because he happens to be not only a friend of Shri Kumaramangalam but he is also a relative of him. That is why the people are very much agitated about this particular matter. I am told that the Prime Minister had no role in the matter and Shri Gokhale had nothing to do with it. Shri Kumaramangalam has played the role, and he is responsible for the appointment of Shri Ray as Chief Justice. That is the reason why the people, and we the Members, are agitated.

Before hearing the speech of Shri Kumaramangalam I was wondering why there was so much of hullabaloo about this gentleman. But, when I heard his speech, I felt that it was a justified agitation on the part of the lawyers as well as the people outside, and also here, in their saying that he is selected because he has got certain social philosophy and so on and so forth. Particularly he mentioned about the suitability. I do not agree with what Government has done.

Shri Kumaramangalam is saying that a judge must have a social outlook or whatever philosophy the Government possesses.

**THE MINISTER OF STEEL AND MINES (SHRI S. MOHAN KUMARAMANGALAM) :** I never said that we must have a social outlook. I said that every judge has such an outlook. The question is : what is that ?

**SHRI M. SATYANARAYAN RAO :** In your speech you have said that you have selected him because of the social philosophy. You have also mentioned suitability. I have got with me the speech. This is not proper on the part of any Government, and Shri Kumaramangalam whether he is responsible for the appointment or not, to say so. It is very dangerous. We know that in democracy judiciary must be very independent. It has also got its own role to play; the executive has also got the role of implementing whatever the law that is passed by the Legislature. The judge is supposed to interpret the law that is passed by it. It is not that because of his social outlook or because of certain philosophy that he possesses, he should be appointed. He has no business to interpret according to his own philosophy. His duty is to interpret the law according to the Constitution. Whatever be the Constitution, that is up to the judge to interpret

it. If he interprets it differently, then it is for the Government to amend it. You have done it now. We are very sorry to note that only recently in a judgment of the Supreme Court—it is favourable to you—they have held that Parliament has got the authority to amend the Constitution and also to abridge the rights. Even then the three judges have been superseded. I do not know why that has been done. I am sorry for this action of the Government. It is dangerous and it is not only not in the interest of the Congress party but also it is not in the interest of the country. I appeal to the Members, particularly, the Congress Members, to beware of this decision. This is a first step and so many things will follow from that. I hope that you will also be superseded one day I am sure as to why the Prime Minister is talking all about this convention. There is no convention at all. You show me as to which article says that the President is obliged to appoint a particular person as Prime Minister. He can appoint anybody according to the Constitution.

According to the Constitution, he shall appoint the Prime Minister, and the Ministers will be appointed on the advice of the Prime Minister.

If we go according to the letter of the Constitution, the President can appoint even Mr. Vajpayee or Mr. Banerjee as Prime Minister. That way the Prime Minister can be also superseded. Think for a moment what will happen if he comes to power. He will finish all of you. You are not taking it very seriously. So, you better tell Mr. Kumaramangalam, "Stop here; don't proceed further."

**SHRI SAMAR GUHA (Contai) :** Sir, no issue, either political or legal, in our domestic sphere, has agitated the men of the judiciary, the legal profession, the press and the people at large, more than the appointment of the new Chief Justice of the Supreme Court. It is not merely a question of ascertaining the comparative merits of Mr. Ray and the three superseded judges. It is not even the question of mere supersession and not observing the convention of appointing the senior-most judge as Chief Justice considered as something as sacrosanct—which is agitating the people's minds. The most important point which is agitating the people is the

**[SHRI SAMAR GUHA]**

political motivation behind this act of supersession. In it the people see an inlet of a growth of a certain kind of ideology, totalitarian ideology, that may subvert the future of Indian democracy. In it an attempt has been made to make our judiciary subservient to the executive. By this act, an element of political subterfuge has been introduced which may scuttle the whole edifice of our democracy.

This is the apprehension of the people and this apprehension has been alarmingly justified by the principal spokesman of the Government, Mr Mohan Kumaramangalam. In a melodramatic way, like the devil quoting the scripture, he was quoting the scriptures of the so-called bourgeois democracy, which was only an artifice to camouflage his own purpose. He was propounding the theory of selection of judges on the criteria of their affiliation to a certain political and social philosophy. Not only did he propound the theory of a committed judiciary, but I will go a step further and say that he had propounded the theory of a dictated judiciary.

In his dramatic mood, he was accusing Mr. Justice Hegde of wanting to oust the press, oust the Parliament and oust the people. But Mr. Kumaramangalam very cleverly concealed what he himself wanted to oust. He wanted to oust the very foundation of our democracy by propounding the totalitarian theory of dictated judiciary.

I have said that I do not consider, my party does not consider, that the principle or convention of appointing the seniormost Judge as the Chief Justice is sacrosanct. But the question is, suppose, one judge has to be superseded by the other because of the question of merit or capability, if there is a certain conflict or contradiction, how will that conflict or contradiction be removed? Who will do it? No doubt, it will be done by the President. But, in such cases, what are the conventions? Unfortunately, we have not set up any conventions, norms, principles or procedures in case the issue of supersession of a certain judge arises. If only the Government had set up some conventions, then there would have been no occasion for making these charges. The will of the President is usually implemented through the executive, that is, through the Cabinet, the Prime Minister or the Political

Affairs Committee of the Cabinet. Therefore, you should set up some healthy democratic principles, norms and procedure. If you want to supersede a Judge, it should not be done according to the whims of the executive but according to certain institutional principles which you have to set up.

There is another dangerous theory that has been propounded, namely, "suitable social philosophy". The selection of the Judge will be according to his ideological convictions or social philosophy. Today his social philosophy may be suitable to the Congress Party. Tomorrow it may be suitable to another political party. Before 1970 the Congress was not what it is now. In future, who knows, what it will be? As a student of science I may say that neutrons cause fission in the mass of atoms. But all neutrons cannot cause fission in all mass atoms. Certain condition has to be created, certain compulsion has to be generated in a mass of atoms. Then one or two neutrons are enough to cause nuclear blast in the mass of atoms. The neutron inside the Congress, Mr. Kumaramangalam, is inducing and propagating a certain ideology and creating a compulsion inside the Congress, creating conditions for fission i.e., for another split in the Congress. I am saying this because no honest member of the Congress has tried to really challenge the theory of certain suitability of social philosophy on the basis of which the judges would be selected. Unless you are cautious about it, the future would be bleak because like a neutron would be causing a nuclear blast, this subtle political and ideological indoctrination will cause a nuclear blast inside the Congress.

The Judges will not be guided by the social philosophy of one party today and another party tomorrow. They will be guided by the Constitution. Everybody knows that in our Constitution while the Directive Principles are there, there is no directive to implement those principles enshrined in the Constitution. This has introduced certain contradiction between the Directive Principles and the Fundamental Rights including in our Constitution. That is the reason why we have supported this Government to change the Constitution. In fact, many changes have been made. I yield to none in my desire, and the Socialist Party strongly feels, that nothing should be allowed to

stand in the way of social change and if the Constitution has to be changed, it should be changed.

I want to draw your attention to what a twice-elected President of the Congress had said. He wanted India to be a Socialist Republic and he wanted India to frame its Constitution according to the principles of a Socialist Republic. He stated in his book 'The Indian Struggle' :

"In our free India the Constitution should not be framed according to mid-Victorian concept."

I am referring to Netaji Subhas Chandra Bose. At that time he was dubbed as a fascist and totalitarian for his outlook regarding Constitution of free India.

I know that judges, even though they deal with principles of jurisprudence, their subjective predilections are bound to come in. Jurisprudence is not an exact science like Physics, Chemistry or Mathematics, and, as such in interpreting laws they are quite likely to be subjective on occasion. In correctly interpreting laws, they will be guided by the constitutional provisions. If the Judges find that certain amendments we have made are not according to the fundamental structure of our Constitution, they have the right to strike them down. If the Government is really for the social change, for the Socialist reconstruction of the country, certain radical measures have to be taken, a new Constituent Assembly has to be convened.

Our Constitution is the creation of a Constituent Assembly which had a different authority, different origin, different concept, different capability. This Parliament has not tried to completely, structurally and fundamentally, change the Constitution which was framed by the Constituent Assembly. If you really want, we can do it by convening a new Constituent Assembly. If you really have the courage that you want socialist transformation of our country, you should convene a new Constituent Assembly and we will wholly support you in that effort.

Before that, if some judicial confrontation comes, if the issue of supersession of Judges comes, it is time we should adopt and formulate certain norms, certain principles

certain procedures so that the executive may not have the over-riding authority to appoint Judges according to their suitability which will mean you are trying to subverting judiciary, which will mean you are going to set up a "committed judiciary" and, ultimately, a "dictated judiciary", because it will ultimately mean scuttling the very edifice of the Indian democracy.

**SHRI AMARNATH VIDYALANKAR** (Chandigarh) : Mr. Speaker, Sir, the reactionary elements in the Opposition parties are in the habit of raising false alarm and creating a sense of insecurity in the minds of people in order to exploit their sense of panic. Formerly, they used to raise a slogan that religion and culture was in danger; then, they raised a slogan that language was in danger and, now, having failed to utilise those slogans, they have raised a slogan that judiciary and democracy is in danger.

In fact, we should look at this problem in a proper perspective. This conflict between the judiciary and the legislature the conflict between the Parliament and the judiciary, is an old story. I will not go into that because my time is very short. But really it was the Opposition that dragged judiciary into the political arena. When the Opposition thought that the two institutions under the Constitution stood for stability and continuity—the judiciary is for stability and continuity and the Presidential office is also meant for stability and continuity—the Opposition tried to drag the ex-Chief Justice, Shri Subba Rao, into the Presidential election. He was the Chief Justice when the Golaknath case was decided. His political philosophy and social philosophy was known to them. So, they persuaded him to resign from the office of the Chief Justice and drew him into the political arena by putting him up, on their behalf, for the Presidential election. They thought they will utilise the Presidential office for their political purposes, that is, to keep the *status quo* and oppose the social change.

Then again, they thought that the Presidential office could be utilised at the time of the last Presidential election and they raised a slogan that they wanted the Presidential office to stand for stability and, by stability, they meant *status quo*. At that time, the controversy with regard to bank nationalisa-

[Shri Amarnath Vidyalankar]

tion was going on and the controversy regarding abolition of privy purses as also going on. They thought that the President's power could be utilised for opposing that social change and for keeping the *status quo*.

Now having failed in that, they want that judiciary should be used for their purpose and they expect that judiciary should protect the vested interests. Mr. Anthony was saying that judiciary in our country was to protect the citizens. Which citizens? Do they want that it should protect the vested interests and landlords? Whom have the judiciary protected in Golaknath case and subsequent cases? Did the judiciary protect the tenant against the landlord? Did the judiciary protect the rights of the workers against the monopolists? Did Mr. Anthony and other friends raise their voice that judiciary should protect the people who are being crushed under the present system? They did not talk about that. Never did they stand for that. Mr. Frank Anthony did not stand even for those detenus whose liberty was at stake. Now they think that, according to their conception, protection should be given to the *status quo*, the present system. That is what they think by stability'.

This is not a question of this judge or that judge. The question is which political philosophy, which social philosophy, is going to be adopted. I do not say that whatever this party says or that party says should be done. The conflict was between Fundamental Rights and Directive Principles. In all the discussions, the question was what kind of importance, how much of weight, should be given to the Directive Principles. Those judges thought that Fundamental Rights were much more important than the Directive Principles. The Directive Principles enjoin on the Government to run the administration in a way so as to protect the rights and interests of those who are crushed, those who are downtrodden. But the judges, for instance in the Golaknath case and other cases, tried to ignore the Directive Principles, and the Opposition did not raise their voice against it, saying that the Directive Principles were as important and as part and parcel of the Constitution as the Fundamental Rights were. This is the real question I say that we want the judges to be committed, not to this party's philosophy or that party's philosophy, but they should be committed

to the Directive Principles as much as to the Fundamental Rights. And I can say that the philosophy and thinking of most of the judges were not in conformity with this.

Much has been said about the Principle of seniority. I do not want to quote all the decisions. But there are decisions of the Supreme Court itself; in all cases where the question of appointment by selection was raised, the Supreme Court has given decisions—and Mr. Hegde was also there—that it is for the Government to decide and that seniority is not the sole principle. I want to quote only one ruling, the ruling given by Mr. Justice Wanchoo, the then Chief Justice and Mr. Justice R. S. Bachawat, Mr. Justice V. Ramaswamy, Mr. Justice G. K. Mitter and Mr. Justice Hegde :

"Within limits seniority is entitled to consideration as one criterion of selection. It tends to eliminate favouritism or the suspicion thereof, and experience is certainly a factor in the making of a successful employee. Seniority is given most weight to promotion from the lowest to other subordinate positions. As employees move up the ladder of responsibility, it is entitled to less and less weight. When seniority is made the sole determining factor at any level, it is a dangerous guide. It does not follow that the employee longest in service in a particular grade is the best suited for promotion to a higher grade; the very opposite may be true."

In this and many other judgments, the Supreme Court has taken the view that seniority should not be the sole criterion; in the case of selection posts, it is for the Government to decide who is the suitable candidate.

There is a lot of talk about convention. I can cite many instances where this convention has not been followed. It is not a convention really. In the Rajasthan High Court Mr. Wanchoo superseded other Judges. There are other cases also, in Madhya Pradesh, and I can cite many instances, but for want of time, I will not go into them. But this is not the convention that is always followed, and I can say that in all these matters, the Government has been the real judge and in this matter, if they have ignored the seniority, it is only a right case and it is in order to promote a social philosophy that is acceptable to the people and that is

the philosophy that is enjoined and accepted in our Directive Principles.

Now, there is a lot of talk about politics. They say that we have been persuaded by our political considerations. Who is not swayed by political considerations? They want that the Judges of the Supreme Court should decide cases in a particular way to protect their vested interests. They wanted the President also to protect their interests. What is politics now? What is the politics in India at present? The politics is whether we can give relief and succour to the people who are down-trodden, who are suffering, and whether we can through legislation give them protection. If the law stands in the way and if the judiciary stands in the way, I can say that those Judges who stand in the way and those Judges who are wedded to the philosophy of *status quo* should be superseded, and I think they are not fit and not suitable for occupying that high post.

श्री परिपूर्णानन्द वैन्सली (देहरी-गढ़वाल) : अध्यक्ष महोदय, अभी माननीय सदस्य श्री माबलकर तथा कुछ अन्य साधियों ने यह आरोप लगाया कि तीन जजों ने चूकि संविधान संशोधन के विरोध में अपने निर्णय दिये इसलिए सरकार ने उनको सुपरसीड किया। शायद वे इस तथ्य को भूल जाते हैं कि यह एक संयोग की बात थी कि जस्टिस सीकरी मुख्य न्यायाधीश के पद से कार्य-मुक्त हुए, इसलिए यह स्थिति पैदा हुई। यदि वे एक साल, दो साल और रहते तो कदापि यह स्थिति सामने नहीं आती। इसलिये यह आरोप लगाना कि सरकार ने कोई पहल की है सर्वथा मिथ्या है। बाजपेयी जी ने कहा कि हमारे देश की जनता सर्वश्रेष्ठ है, मैं उनके सारे भाषण में सारगर्भित बात केवल यही समझता हूँ। इसीलिए जनता में भारी बहुमत से कांग्रेस को लोक सभा में भेजा है। संविधान में हमने जो संशोधन किया वह जनता की भावनाओं के अनुरूप किया है क्योंकि गोलकनाथ केस तथा प्रीवीपर्स और बैंक राष्ट्रीयकरण के मामले में रोड़े सामने घटकाये जा रहे थे। इसलिये मैं समझता हूँ बाजपेयी जी व समये

जी इस तथ्य को भूल जाते हैं कि एग्जीक्यूटिव को किन परिस्थितियों का सामना करना पड़ता है जोकि जुडिशियरी सामने लाती है। उदाहरण के रूप में मुल्की क्लेम की बात मैं करना चाहता हूँ। सुप्रीम कोर्ट के जजमेन्ट के बाद हैदराबाद व समूचा आंध्र प्रदेश में जो स्थिति पैदा हुई वह भली भाँति मालूम है जहाँ एक प्रकार से अराजकता की स्थिति पैदा हो गई थी। यदि हम प्रकार का कोई निर्णय जुडिशियरी करती है और उसने देश भर में अराजकता पैदा होती है तो क्या हाल हमारे देश का होगा? कहा जुडिशियरी रहेगी, और कहा हम रहेंगे? इसलिये बहुत आवश्यक है कि कार्यपालिका को अपने दायित्व का पालन करना होना है।

सुप्रीम कोर्ट जजों की रीनियरिटी के बारे में कई उदाहरण पेश किये गये हैं, सब को मालूम है कि जॉन्टम हैगड़े, जस्टिस प्रोवर की पदोन्नति हुई, जॉ दुमरा को सुपरसीड कर के आये। और कई न्यायाधीश हुए जैसे जस्टिस इमाम को सुपरसीड करके श्री गजेन्द्रगडकर आये। इसी प्रकार से राजस्थान हाईकोर्ट के जस्टिस वाचू औरों को सुपरसीड कर के मुख्य न्यायाधीश बने और जस्टिस मरजू प्रसाद भी राजस्थान हाईकोर्ट के चीफ जस्टिस दूसरे को सुपरसीड कर के आये। लेकिन इस बारे में विरोधी दल के माननीय सदस्यों ने कुछ नहीं कहा। कितने ही व्यक्तियों के उदाहरण यहां प्रस्तुत किये गये, और हमारे विरोधी दल के लोगों को भी मालूम है किन्तु उन का किसी ने कभी प्रतिकार नहीं किया। आज ही वह नौबत क्यों आयी?

जस्टिस राय के ऊपर यह आरोप लगाया गया कि वह अब शायद सत्ताह्व दल की नीतियों का समर्थन करे इसलिये उनको चीफ जस्टिस बनाया गया। किन्तु आपको मालूम होगा कि उन्होंने मेन्टेनेंस आफ इंटर्नल सेक्योरिटी ऐक्ट में और न्यू ब्रिट कंट्रोल आर्डर में सरकार के खिलाफ निर्णय



[परिपूर्णानन्द पेंव्यूली]

दिया था। अगर ऐसी बात होती, जैसा कि विरोधी दलों का कहना है, तो उनको चीफ जस्टिस नहीं बनाया जाता।

हमारे जो एडवेंचरिस्ट मार्क्सिस्ट भाई हैं और दूसरे जो तथाकथित समाजवादी लोग हैं एक तरफ तो क्लास कैरेक्टर और क्लास बायस की बात करते हैं कि जुडिशियरी उस वर्ग की है जो एक विशेष वर्ग को समर्थन देती है, किन्तु उस के साथ ही वे उस न्याय प्रणाली की व्यवस्था में जिनकी राय में वे वेस्टेड इंटरेस्ट को रिप्रेजेंट करते हैं, उन को बदलने का प्रयास होता है तो वे उस का विरोध करते हैं।

राष्ट्रपति द्वारा मुख्य न्यायाधीश की नियुक्ति के बारे में कुछ लोगो ने कहा कि इसमें राजनीति की बू आती है। वे त्यागपत्र देने वालों की दशा पर धड़ियाली आसू तो बहाते हैं, लेकिन त्यागपत्र देने के बाद श्री हेगड़े ने जो प्रेस वक्तव्य दिये उसमें लगता है कि अगर राष्ट्रपति ने उनको मुख्य न्यायाधीश बना दिया होता तो न्यायपालिका की क्या हालत होती। एक बात तो उन्होंने यह भी वही कि प्राइम मिनिस्टर के आदमी मेरे टेलीफोन को टेप करते थे और मेरी गतिविधियों पर नजर रखते थे। लेकिन मैं पूछना चाहता हू कि जब वह न्यायाधीश थे तब क्यों नहीं सरकार की नोटिस में यह बात लाये? क्या वह उस दिन का इंतजार कर रहे थे कि जब मुख्य न्यायाधीश बने तब सरकार की नोटिस में इन बातों को लाये? मैं समझता हू कि तथ्यों को तोड़ मरोड़ कर सब लोगो ने जो एक सी बात कही है उसका कोई अर्थ नहीं है।

मैं आप के सामने ए० आई० आर० 1967 सुप्रीम कोर्ट के एक जजमेंट को कोट करना चाहता हू। केवल एक पक्ति Leonard D White की पुस्तक "Introduction to the Study of Public Administration"

से उद्धरित करना चाहूंगा जिसे सुप्रीम कोर्ट ने अपने फैसले के समर्थन में कोट किया था। सुप्रीम कोर्ट ने जिस में चीफ जस्टिस के० एन० बान्बू थे, दूसरे लोग थे और श्री हेगड़े भी थे, 'Introduction to the Study of Public Administration', से निम्न पक्ति कोट की 'I quote :

"When seniority is made the sole determining factor at any level it is a dangerous guide. It does not follow that the employee longest in service in a particular grade is best suited for promotion to a higher grade. The very opposite may be true."

इसलिये मैं समझता हू कि राष्ट्रपति के निर्णय पर इस प्रकार के आरोप लगाना सर्वथा निन्दनीय है और देश की प्रगति के मार्ग में बहुत भारी रुकावट पैदा करने वाली बात है।

SHRI S MOHAN KUMARAMAN-GALAM In the course of his speech Shri Satyanarayan Rao made a false and scurrilous statement that I was related to Chief Justice A N Ray. This is totally false. I am in no way related to Justice Ray. I can only express my regret that Shri Satyanarayan Rao should have made such an irresponsible statement and descended to a low level of slander. If he had any doubts he could have discussed with me, he could have cleared the matter with me.

SHRI SOMNATH CHATTERJEE (Burdwan) Sir, it is no doubt that this matter has been agitating the public mind. It is utterly wrong on their part to say that all the lawyers in the country except the Steel Minister and the Law Minister and their supporters on that bench, are reactionaries, and they go on abusing lawyers as a class without going into the merits of the case. So far as the political aspect of the matter is concerned, our leader Mr. Gopalan has dealt with it. I want to make some observations because of, if I may say so, the arrogant intervention made by the Steel Minister while dealing with this matter which really does not pertain to his Ministry. This policy statement which was sought



to be made on the floor of the House by the Government with regard to the appointment of Chief Justice came from the Steel Minister and neither the Prime Minister nor the Law Minister came out with a policy statement.

This is an amazing attitude on the part of the Government. When the matter first came up on 26th April, 1973, the Law Minister tried to give an explanation on the basis of some sort of reasonableness, trying to resurrect an old Law Commission's recommendation which had never seen the light of day; at least, Government never thought of opening its pages to find out what the recommendations were and whether they should be followed or not in the past. Now, after the intervention of the Steel Minister, that facade of reasonableness has been ripped open. No longer any reliance is being placed on the Law Commission's recommendation.

The Law Minister gave an additional justification that we must have certainty and stability in the law of this country and we must know what the law of the land is, as interpreted by the Supreme Court of India. Now, the Steel Minister, his colleague has gone much further ahead. In the summary which he gave to us, this was just a minor and fifth point; in the order of priorities, certainty and stability of the law of the land was given the last preference. He has said that a particular judge must have a particular social philosophy which would be a suitable social philosophy, he must have a political outlook and he must be able to understand or appreciate the wind of change that is supposedly blowing in this country under the dynamic leadership of the Prime Minister of India.

This is the reason that he has put forward. I am not going into the question of the constitutionality or otherwise of this appointment just now, because the time at my disposal is short. Suppose that, or let us concede that the President of India, who is advised by the Cabinet has got absolute power in selecting the incumbent to the office of the Chief Justice of India. Does it mean that he can use that absolute power arbitrarily and absolutely without any consideration of anything else? Speaking for myself, I have got the highest regard for Mr. Justice A. N. Ray. I have seen him from

my childhood, and I have appeared before him in a number of cases at the Calcutta High Court as well as in the Supreme Court of India. He has adorned the office of judge with distinction and ability, and I have no manner of doubt, and I hope, that he will be able to discharge his duties of the great and high office that he is now occupying, in a manner which will be in keeping with the best tradition. But, Sir, it is not a question of personality.

I am not holding any brief for any of the superseded judges. We are not enamoured of the judiciary. Shri A. K. Gopalan has already spoken about this, and so, I would not repeat all that. The question is on what basis you would select a particular person and appoint him as the Chief Justice of this country or the Chief Justice of a High Court or the judge of a particular High Court, for that matter.

So far as the convention is concerned, the Law Commission's recommendations with regard to the convention has not been followed. Mr. Seervai, who is now one of their principal exponents, in his book has referred to this convention and has said that this healthy convention should be followed in future to avoid executive interference in the appointment of the Chief Justice of this country. But Government has not followed that. This convention has been given a go-by. Very well, let them give a go-by to this convention. But how are they going to appoint the Chief Justice of this country in the future? How are they going to appoint Chief Justices of the High Courts in this country in future? What are the standards? Are these appointments going to be made on the basis of the subjective satisfaction of a particular Minister, or of the Prime Minister or of the Steel Minister or of any busy-body Minister dealing with this matter? These cannot be matters of subjective decisions. How does one assess specifically the qualifications of a person to be the Chief Justice of India?

Now, this has to be done objectively. What are the objective standards? How does one find out a Judge's political outlook? A Judge is not supposed to hold any political views, at least not to air them in public. He is not supposed to proclaim his social philosophy openly and publicly. Then how does one ascertain it? Will there be a *viva*

[Shri Somnath Chatterjee]

took test in the presence of the Prime Minister and the Law Minister of India to know his political views and social philosophy to judge his qualification for appointment as Chief Justice of India? How do you find out what is his social philosophy? How do you ascertain his political outlook?

SHRI S. A. SHAMIM : The CBI will find out.

SHRI SOMNATH CHATTERJEE : That is why we say that this is not done to strengthen the judiciary, not to achieve what they conceive to be the real directive principles, for which the executive has never bothered. Through the judiciary, you cannot achieve the directive principles in this manner. The object is to have a docile judiciary and a pliant judiciary. The theory now being propagated is that a judge, if he wants to continue in office, must give judgments which receive the executive's approbation. This is a theory we cannot accept, but this is being sought to be implemented in the manner it has been done.

Three of the Judges were not acceptable to Government. If that is so, there is a provision in the Constitution of India which says how you could get rid of the Judges. Why did you not follow that procedure? What you could not do directly, you have taken recourse to this circuitous and indirect method, by appointing a junior Judge over the head of the three Judges so that the three Judges would resign. If you did not like them, you could have taken recourse to impeachment. That was possible.

We are being told of this social philosophy and political outlook. Out of the Judges who constituted the majority in the Golak Nath Case, three were subsequently made Chief Justices, namely Justice Hidayatullah, Justice Shah and Justice Sikri. Justice Shah and Justice Sikri were also in the majority in the Bank Nationalisation case and the Privy Purse case. All these three Judges were part of the majority in the Golak Nath case, in the Privy Purse case and in the Bank Nationalisation case. How were they appointed Chief Justices? Mr. Justice Hegde was not a party to the Golak Nath judgment at all. I was hearing some hon. Members saying that he was a

party to it. He was not even a member of the Bench then.

SHRI S. A. SHAMIM : He was a party in the Indira Gandhi case.

SHRI SOMNATH CHATTERJEE : He was not a party to the Golak Nath case judgment at all.

Mr. Justice Bhargava and Mr. Justice Mitter who were in the minority—I want the hon. Minister to deal with this—in the Golak Nath case, were in the majority in the Bank Nationalisation case. In one case, Mr. Justice Bhargava and Mr. Justice Mitter were progressive and the same learned Judges were reactionary in the other judgment. Is this the way you find out a reactionary Judge or a progressive Judge? Mr. Justice Bhargava was also in the majority in the Privy Purse case, but he was in the minority in the Golak Nath case. They are supposed to be reactionary Judges? Mr. Justice Ray was a reactionary Judge because he was in the majority in the MISA case? Mr. Justice Shelat was a reactionary Judge Mr. Justice Hegde was a reactionary Judge and Mr. Justice Grover was a reactionary Judge because they struck down this infamous law, 17A of MISA, which is a Draconian law?

You talk about social philosophy and directive principles. But you have enacted a law for detention of people without trial for three years, indefinitely. And you are talking of the social philosophy and social outlook of these Judges who have struck down a Draconian piece of legislation; they are being characterised as reactionaries.

This is the attitude of this Government. Mr. Justice Ray delivered the leading judgment in the Newspaper Control case. The learned Judge criticised very strongly the Government's decision in the matter and struck it down, describing it as an arbitrary decision and executive high-handedness. The same judge suddenly becomes a reactionary in the Newspaper Control case?

This is not the way we decide as to what is reactionary, who is a reactionary judge and who is a progressive judge. On the basis of one or two judgments, the executive here will want to exercise absolute power of deciding who will be the Chief

Justice of India and which Judge will be given the order of the boot because you do not like one particular judgement of his.

Therefore you should analyse the composition of these three benches. These three judgements have been opposed, rightly so, and, I am not going into that question that is a much broader question. But we want to know how in future you are going to appoint the Chief Justice? On the basis of the principle which has been laid down by the Steel Minister? This will be applied in future? I would like to know from the hon. Minister. I request the hon. Minister to give us a reply, if he can, when a decision in this case was taken to appoint the Chief Justice of India? It was well-known that Chief Justice Sikri was retiring in the last week of April. The matter of appointment of Chief Justice cannot be left till the last day. It is a matter of high policy and one of the highest offices in the country is involved. Government should have been applying its mind to this matter well before the date of retirement of Chief Justice Sikri. I should like to know when it was first decided as to who would be the next Chief Justice or who would not be. Was it kept hanging till the judgement in the fundamental rights case was delivered? Was it that only after the 25th of April, the Government started thinking on the basis of the social outlook or the social philosophy disclosed in that judgement on Tuesday, who would be the Chief Justice of India and who would not be? Was that the way this was done? It could not have been so. Therefore the decision must have been taken much earlier and this is being sought to be given effect to on the basis of the decision that has been given in some cases and some of the observations made by some of the judges. We are entitled to say that some judgement is wrong but we should not necessarily impute motives to a particular judge and then say he was a reactionary on the basis of some observations here or that he was progressive on the basis of some observations in another judgement. You then pick and choose on the basis of your own predilections. There will be now competition among these judges to curry favour with the executive Government. For instance, I have been raising this question: why do you offer job and assignments to

retired judges? That is one of the obvious principles that has crept in the judicial set-up of this country to lure those judges: if you keep yourself in the good books of the Government your future even after retirement will be looked after. They will be parading before you with their certificates of social philosophy and political outlook to get appointments. Therefore, I submit that the reasons which have been put forward are not only contradictory; they are sterile.

The real reason was to single out one judge for a very inconvenient and annoying judgement which was given. I need not elaborate. I am only sorry for Mr. Justice Grover and Justice Shelat because in order not to give the impression that a particular judge has been singled out these two judges have also been clubbed with him. Otherwise it would have been too obvious even to the votaries of Indira socialism and that is the real object of this supersession.

MR. SPEAKER : Shri Parashar ...  
(Interruptions).

SHRI S. M. BANERJEE : We only got one speaker even after extension .

MR. SPEAKER : The time taken by them was not more than the allotted time. You can count it.

SHRI S. M. BANERJEE : In our case Shri Mukherjee did not take more than 25 minutes.

MR. SPEAKER : You do not know. I know it.

SHRI S. M. BANERJEE : Why should we be superseded in the House. My party should not be superseded like this.

18 Hrs.

MR. SPEAKER : There is no question of supersession here. Shri Parashar.

PROF. NARAIN CHAND PARASHAR (Hamirpur) : Mr. Speaker, Sir, it is rather paradoxical that on the one hand the spokesmen of the Opposition should say that they agree with Shri Gopalan that they do not believe in the judiciary and on the other hand, they should find out a point to criticise the Government for the supersession of three judges. This is a convenient

[Prof. Narain Chand Parashar] stick in their hands to whip the Government for what they think was not correct. In fact this is a historical turn in the history of Constitutional march of the country. I would congratulate the Government for the bold decision that is taken and a clear line that is given.

I would refer to one of the editorials of a newspaper published from Delhi which is not a Congress paper—*The Times of India* editorial dated 28th April—says that 'the Supreme Court is not a third chamber'.

**SHRI PILOO MODY :** That is not a Congress paper. Then whose paper is it? Government of India is the custodian of this paper. Perhaps this he does not know.

**PROF. NARAIN CHAND PARASHAR :** This is an important warning that the Supreme Court cannot be the third chamber of legislature. What is at issue is not the supersession of three judges or the appointment of the Chief Justice. What is at issue is the character of the Supreme Court. In all democratic countries, in their march towards the constitutional democracy, there have been times when there has been a conflict—a confrontation—between the judiciary as such and Parliament. On the other hand, even in the U.S. . . This has happened and I would just refer to two sentences from a book by Mr Samuel Krislov entitled 'The Supreme Court in the Political Process'.

"In the twentieth century all this has been reversed. The modern Supreme Court reflects a Presidency sensitive to the Electoral College votes of large, liberal states with urban predominance and a Senate increasingly responsive to much the same pattern. Presidential appointments take into account senatorial attitudes but reflect more nearly the President's own and tend to make the Court more liberal than either branch of Congress, and certainly more so than the House of Representatives."

In the past even the slavery was being defended by the Supreme Court off the U. S. We are very happy that the time has come when the Fifth Lok Sabha is witnessing that the reactionary forces have got a big blow and the frustration in the ranks of these people is a symbol of deep-seated

suspicion. On the one hand Shri Som Nath Chatterjee hopes that the tenure of the Justice A. N. Ray would be good for the country and on the other hand, he is casting serious doubts. May I ask the Opposition Members that by their acts or by their criticism, are they enhancing the prestige of the Supreme Court which they are so avowedly and protestingly trying to protect? By their speeches and by their protests, they are bringing down the dignity and the respect in which the Supreme Court should be held in this country. I would say that there is another sentence about the members of the bar, in the editorial by the paper referred to above. What they are doing is this. They are very much championing the democracy. But leading members of the bar are making a sad mistake in talking and putting across the view that the court can by itself be a custodian of democracy.

In a democracy, Parliament is supreme and the will of the people as reflected in Parliament must make its mark and must shape the destiny of this country. Secondly, I shall tell you that those people who are criticising the supersession of the three judges would have done the same thing at the time of Justice Patanjali. When Pandit Jawaharlal Nehru tried to put forward this view that there should be continuity in the tenure of the Chief Justice and that Justice Mukerjee should take over, the combined body of judges had said that they wanted Justice Patanjali to be the Chief Justice and not Shri Mukerjee. May I ask a question as to why they are singling out three judges saying that these are the judges who have been victimised by the Congress Government for giving views against the Minister or Prime Minister? May I ask them whether in their view all the other judges of the Supreme Court, except these three, are acceptable to them? If all the other judges who constitute a majority of the Supreme Court are acceptable to them, then it is *ipso facto* true that one Chief Justice cannot do grave harm to democracy, as they are now saying.

Mr. Mishra has very feelingly referred to the autobiography of Mr. Justice Mahajan. "Looking Back" who fortunately belonged to my State. May I remind him that the son of Mr. Justice M. C. Mahajan has been elected from a parliamentary

constituency of Himachal Pradesh and he is sitting on these benches today. He subscribes to the philosophy to which we are all now a party. May I remind the opposition that one of the sons of Mr. Mahajan is there as judge of the Punjab High Court. Mr. Vajpayee referred to this confrontation between a yogi and commissar, between this and that. I would remind him that Mr. Madhok would tell Mr. Vajpayee the same thing about the Jan Sangh. We say, yes; this is confrontation. The age of confrontation has come, when there should be a confrontation between those who champion the cause of the masses and those who champion the cause of a few money-bags, between missionary and the mercenary. Till three months ago, suits involving property worth Rs. 20,000 or more alone could be heard in the Supreme Court. May I know how many people in this country have property worth Rs. 20,000 or more? For filing a suit in the Supreme Court, one requires Rs. 10,000 for paying the fees of the advocate and other expenses. So, in this poor country, how many people can go to the Supreme Court? All this noise is just a humbug and show to let the country feel that a grave harm is being done to democracy. I maintain that the march of constitutional democracy is safe in the hands of the Government and the Supreme Court cannot be given the right to arrogate to itself the powers and programmes of a third chamber. It is just a body to see that the law is correctly interpreted and correct decisions are taken.

I welcome this challenge thrown by Mr. Vajpayee and I hail this confrontation because it will show clearly as to who is with the haves and who is with the have-nots. Let it be decided once and for all. Those people who are having vested interests in the seats of power would not allow any kind of progress in this direction. Mr. Palkhivala was given 39 days to argue his case but the Government advocate was given just 21 days. Since he had to defeat all the arguments which were put forward, the Government advocate ought to have been given larger number of days but he was not given. I do not criticise the personality of the judge or the other. I think all the judges are equally honourable. But ultimately it is not the appointment of the Chief Jus-

tice or the selection of a few judges but the supremacy of the will of the millions of the people of India that is going to determine the destiny of India. The vested interests will get a staggering blow at the hands of this Parliament, which is supreme.

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE) :** Sir, the issue is a serious matter and does not admit of any fun. It does not admit of acrimony, high temper or imbalance. Let us, therefore, approach the issue in the spirit in which it deserves to be approached. Some of you on the other side may not see eye to eye with what I am going to say. But you will agree that the issue is fundamental and of crucial importance and it will be better for all of us if we do not deal with it in a light-hearted manner.

It is unfortunate that some of those persons who had recently been the Judges of the Supreme Court have themselves been responsible for making statements which will denigrate the prestige of the judiciary. I do not have the capacity to match Mr. Justice Hegde's power of vituperation or abuse. But all that I can say is by what he has said he has only given further justification for the action which the Government have taken.

The major issue is, as has been stated by hon. Members on both sides of the House, what are the circumstances, what are the considerations which should weigh with the appointing authority in making the selection of a Judge, much more so in making the selection of the Chief Justice of the highest court of the land. But, before I deal with that question, there are a few collateral matters, incidental matters, to which reference was made in the course of the long and arduous debate of six hours today, which I would with your permission like to dispose of first.

I thought the constitutionality of the action taken was not seriously challenged, although it was seriously challenged today by the hon. Member on the other side, Shri Shyamnandan Mishra. Some reference to it was made by Shri Frank Anthony also. You will remember that when the other day I had the occasion to speak for a short while and intervene in this discussion, it was at the zero hour when there was no full-fledged debate. It was unfortunate

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that even at that time many interruptions were there in the little and short statement that I wanted to make. After that it was only yesterday in the Rajya Sabha, and today in this House, that I am really getting this full-fledged opportunity of mentioning Government's position regarding the issue which is under discussion today. Therefore, it is not as if somebody else was put up, Shri Mohan Kumaramangalam was put up, to make an exposition of the Government's policy. An attempt was made to suggest, as it were, that what he said was something different from what government would have otherwise said. Sir, I disagree with that suggestion. And I would like to point out that while every one would have his own way of putting a on the basic understanding of the question there is no difference of opinion between me and Mr. Mohan Kumaramangalam nor between my other colleagues and myself and Mr. Mohan Kumaramangalam...

(Interruptions). During the long debate, in spite of the greatest provocation, I did not interrupt the hon. Members on the other side and I do expect they will extend to me the same courtesy now. I began by saying that all of you may not agree with me.

SHRI SHYAMNANDAN MISHRA : We are only trying to seek clarification.

SHRI H. R. GOKHALE : It is for the purpose of giving clarification that I am here. That is why I am replying to the debate at the end of the debate, the purpose being that I deal with most of the major points that have been raised in this debate.

With regard to the constitutionality, I may mention that on the first occasion I had applied my mind carefully to this question and I had no doubt in my mind that the order of the President was fully in conformity with the constitutional provisions. It appears from what the hon. Member, Shri Viswanathan, said today that there has been some misunderstanding on his part as to what I said. I did not say that the power did not flow from the Constitution, or article 124, to make the appointment of the Chief Justice.

SHRI SHYAMNANDAN MISHRA : Your words are there.

SHRI H. R. GOKHALE : I do not say that article 126 itself is enough to derive

this power. I did refer to article 125 no doubt. I said, for the interpretation which I was putting before the House on article 124, I am entitled to gain support from article 126. I did also say that the marginal note of article 126 refers to acting appointments although in the body of the article there is no such indication that it should be confined only to acting appointments. But it has reference to a case where a vacancy in the office of the Chief Justice occurs and, when the President is entitled to ask any one or the other of the puisne Judges of the Supreme Court to take up the position the acting Chief Justice, then I said what the constitutional position was that even in the case of acting appointments of short duration, it was very clear, under article 126, that the President was entitled to ask a Judge, whether junior or senior, to take up the position of the acting Chief Justice. I gained support from this on the understanding of the plain language of article 124. There is no doubt in my mind that the power to appoint the Chief Justice rests with the President. (Interruptions). You may not agree. You have put your point of view and I am entitled to put my point of view.

Looking at the first part of article 124, it refers to the appointment of Judges. I will come to Dr. Ambedkar's speech because a reference was made to Dr. Ambedkar's speech in two or three speeches during the course of the debate. There is no doubt that so far as the appointment of Judges of the Supreme Court is concerned, there is an obligation on the President to consult such Judges of the Supreme Court or of the High Courts as he may deem necessary. It is also quite clear, looking at part two, that if you have to appoint a Chief Justice, the consultation with the Chief Justice is not obligatory. But if you want to appoint a Judge, the consultation with the Chief Justice is obligatory. It is on this basis that I said, all that the article required was, you appoint a Judge after consulting the Chief Justice and other Judges as he may deem fit and that is where the obligation to consult comes to an end.

It has been said that it is true also in the case of the appointment of the Chief Justice of India. With respect to that point of view, I do not agree. There is no scope for any doubt on this question. The power



flows from that article to appoint a Judge or a person who is not a Judge also as the Chief Justice of India. (*Interruptions*). Let us not argue between ourselves because there will be no end to it. On most of the points, you will not agree with me. But when I speak here, I am not speaking only to convince you. I am not that much optimistic. I am speaking through this House to the entire nation. The entire nation has been listening to the debate and it is my duty to put the Government's point of view before the House.

**SHRI SHYAMNANDAN MISHRA :** It is our duty also.

**SHRI H. R. GOKHALE :** You have done it.

**SHRI SHYAMNANDAN MISHRA :** I will have to rise on a personal explanation. He has been referring to me. Here are the words uttered by him. I have a right to reply to him. I rise on a personal explanation.

**MR. SPEAKER :** Afterwards. Don't interrupt him in between.

**SHRI H. R. GOKHALE :** Therefore, my submission is, there is no doubt with regard to the constitutional validity of the appointment made in the present case.

A reference was made to Dr. Ambedkar's speech in the Constituent Assembly. I have read Dr. Ambedkar's speech.

Dr. Ambedkar was considering three propositions in order to find out as to what is the best method to be adopted in India. It was present to his mind as to what was the system in America. It was present to his mind as to what was the system in the United Kingdom. He has said that in America there is the necessity of confirmation by the Senate; the circumstances prevailing in that particular type of political system might have made it reasonable for them to have adopted it, but in the circumstances obtaining here, he did not think that that was the proper system to adopt. He has given that view. About Britain, he says that 'appointments are made by the Crown'. It is not quite clear to me—Dr. Ambedkar was the greatest of our Constitutional lawyers; therefore, when I say this I am saying with great deference and respect to him—; I do not know what kind of distinction he was trying to make; it is not clear because he did not elaborate

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it—"appointments are made in England by the Crown". The Crown in England does not make the appointments in the sense that the King or the Queen makes the appointments. In England they are made on the advice of the Council of Ministers. The same position, for all purposes, obtains here. We do not have the Crown, we do not have monarchy, we have the President, and more or less the same principle is contemplated in India also—the appointment is made by the President on the advice of the Council of Ministers.

With regard to consultation, I have read that part of Dr. Ambedkar's speech very carefully. What he says that "we have found a middle course which is suitable to India". As I pointed out, he has referred to Britain and said that appointments are made by the Crown. With all respect and deference to him, I do not see the difference, but something must have been present in his mind, I am quite sure. He says, "We have evolved a middle course." It is not only that Government advises the President of India but there is something else, "namely, consultation before the appointment is made". That is what is meant by his saying "we have evolved a middle course". That is quite true. Therefore, to the extent to which consultation is obligatory, as Dr. Ambedkar said, a middle course has been evolved in India. That middle course, in my respectful submission, applies to the situation where—I am not referring to the High Court appointments; for the sake of the present appointment, let us take the Supreme Court only—you have to consult the other judges, such of the other judges as the President may deem necessary, and consult the Chief Justice of India necessarily when you make the appointment of a judge. I have not been able to see how from the speech of Dr. Ambedkar it could be inferred that he also meant that you must consult while making the appointment of Chief Justice of India also. On the contrary, the article itself excludes consultation with the Chief Justice of India when appointment of Chief Justice of India is to be made. So, that takes care of the first objection that has been raised...

**SHRI SHYAMNANDAN MISHRA :** No, that is wrong. (*Interruption*). I have quoted the Prime Minister's reply in the Rajya Sabha.



**SHRI H. R. GOKHALE :** I have not yet finished. I cannot really hope to satisfy everybody. But I have to put my point of view before the House and that is what I am endeavouring to do. The Prime Minister's reply also, which was referred to by the hon. Member in the course of his speech, does not alter the position at all. It is a fact, which he stated, that consultation has been done in appropriate cases. *(Interruptions).*

**SHRI SHYAMNANDAN MISHRA :** No, no.

**SHRI H R GOKHALE :** Appropriate consultation has been done.

**SHRI SHYAMNANDAN MISHRA :** You are not representing the position correctly.

**MR SPEAKER :** Please do not interrupt him every time in between

**SHRI SHYAMNANDAN MISHRA :** He is referring to my point, to what I said, and am entitled to tell him that he is not representing my point of view correctly. I have referred to the Prime Minister's reply. He is misquoting that reply. Now, this is the position. After all this is Parliament of India. It is our Parliament and the Chair has to be of help to us.

**SHRI SAMAR GUHA :** If the hon. Minister avoids mentioning names, then personal explanations can also be avoided.

**श्री सच्चु लिये (बांका) :** मैं टोकना बिल्कुल नहीं चाहता हूँ लेकिन चूँकि जवाब दे रहे थे और मैंने जो मुद्दा रखा था एवरी जज, यह जो शब्दावली है उसमें मुख्य न्यायाधीश भी आता है।

**A Judge—**does it not include the Chief Justice?

ग्राफ जस्टिस को भी एम्पाइन्ट नहीं कर सकते हैं सीधे चीफ जस्टिस नियुक्त नहीं कर सकते हैं।

**SHRI H R GOKHALE :** It does not. I have said it that it does not. I have also dealt with this

I have already said that when you appoint a person who is not already a Judge, you have to undergo the procedure of consultation. I have started with that, that jurist who is not already a Judge is to be appointed or a Member of the Bar is to

be appointed, a judge, before he can be appointed the Chief Justice, consultation with the Chief Justice is obligatory. That is what I said in the beginning....

**SHRI SHYAMNANDAN MISHRA :** Now, he has referred to the reply of the Prime Minister which she made to a question of Shri A.P. Chatterjee in the Rajya Sabha and she said that in appropriate cases consultations could be made. That was the Prime Minister's reply. I had quoted this ..

**श्री सतपाल कपूर (पटियाला) :** एम्पाइन्ट ग्राफ आर्डर रुल्स ग्राफ प्रोसीजर के लिए होता है न कि डिफेन्स ग्राफ प्रोपीनियन के लिए।

**SHRI SHYAMNANDAN MISHRA :** I am reading the wording of the reply which the Prime Minister made in the Rajya Sabha. That is what I have quoted. The point of order is that he is misrepresenting what I have said. Is that not a point of order?

**SHRI C M STEPHEN :** It cannot be a point of order. Point of order relates to the enforcement and interpretation of the Rules of Procedure. He can rise on a point of explanation not a point of order.

**SHRI SHYAMNANDAN MISHRA :** He is misquoting. The Prime Minister said "In any case, all appointments of Judges in the High Courts and the Supreme Court as well as the Chief Justice are made by the President in accordance with the provisions of the Constitution and after appropriate consultation"—not consultations in appropriate cases. He is misquoting me.

**SHRI H R. GOKHALE :** It does not make any difference.

Then, it is unfortunate that in the course of the debate, certain references were made to the present incumbent of the high office of the Chief Justice of India. It is not necessary for me to refer to all those innuendos, but to one in particular, it is my duty to refer because according to me, it is a blatant attempt not only to impute motivations to the Government but also to the Chief Justice of India. It was said in the course of the speech of one hon. Member that there were prior consultations with the Chief Justice of India to take an

assurance from him that he will decide cases favourably to the Government. Nothing can be a greater falsehood than this. I had occasion to say this in the other House but I had to repeat it to-day that no Minister is worth his salt if he asks for such an assurance and no Judge is worth his salt if he gives such an assurance. I did it for the sake of the record because it was a very wrong thing to say and make an allegation of that type. Sir, there is a lot of misunderstanding as to what is the attitude of the Government, what is the basic policy of the Government which it adopts in the matter of selection of Chief Justice of the Supreme Court of India. The word *Committed judges* has been freely and frequently referred to. I have no hesitation in saying that the Government is not interested in having committed judges in the sense in which that word has come to be used and understood now. More than any one else the Government is very keen and will see to it that India will have a strong and independent judiciary, and that judges will function according to their oath without fear, illwill, affection or favour. Therefore, the idea in making the appointment is not at all that the independence of the judiciary should be affected. I want to make a brief reference to this aspect of the matter because much has been said and many of the arguments also overlapped.

It has been said that if you do not appoint the seniormost person, according to convention, then, the democracy is in danger, independence of the judiciary is in danger, and so on. Does the independence of the judiciary depend on the temptation to get this high office? Are our judges made of that poor stuff? That is, that if this is denied to them, they will forget the oath which they have taken? Has this happened in India for the last 25 years? In the High Courts numbers of appointments have been made like this and even in this period number of judgements have been made striking down legislative actions, striking down legislations, executive action of the Government, holding cases against the Government. It has not affected the independence of the High Court. How can you say that it is going to affect the independence of the Supreme Court, although it is done constitutionally, although it is constitutionally permissible?

I regret to say that certain accusations have been made of Government bringing in politics. It would have been better understood if it had been said that for political reasons of their own they are introducing a political controversy in this matter. Politics is not there in what the Government has done. Politics is there only in the manner in which, in the concerted way by which some members of the opposition have been utilising this opportunity for the purpose of attacking Government and attributing motives to Government. Let us face the issue straightway because that is the issue on which I have to be frank with the House. The impression which was given was that judges, as it were, were like supermen or demi-Gods, that they have no opinion, have no predilections, have no prejudices, have no bias etc. Every judge, whether of the Supreme Court or of the High Court, or for that matter of any other Court, like any other man is subject to all these prejudices, all these opinions, the bias and the predilections. I don't want to take the time of the House giving so many quotations. There are plenty of them giving the experience of very eminent and learned judges at a time when this issue was not any part of a controversy. But I would only quote a two-line and a very telling quotation from an American judge who says thus :

"The great tides and currents which engulf the rest of men do not turn aside in their course and pass the judges by."

Judges are subject to all influences of these tides and currents, and you cannot blame them for this. I am not blaming them for this. In fact, I would be sorry if the judges were so immune to what is happening all around that like stones they do not react to anything that is happening around. Judges do react one way or the other.

The impression given that by saying that judges have to have an awareness or a special social philosophy, we are saying something new, ignores the fact that even in the courts as they are constituted today, much before the present appointment of the Chief Justice was made, there have been judges with social philosophies, and there have been judges with positive views

[Shri H. R. Gokhale]

on social, economic and political matters, and these views and philosophies are reflected in their judgments.

Mr. Justice Hegde said that we were going to have committed judges. I have already said what I wanted to say, namely that we do not have committed judges in the sense in which that expression is used. But probably Mr. Justice Hegde's definition of committed judges is that if a judge is committed to the *status quo* and if a judge is committed to the philosophy of the by-gone centuries then he is independent and he is all right, but if a judge is wedded to social change and ideas and the currents of modern life then he is not independent.

I am saying this with a sense of responsibility, and I am not saying this because of any want of respect for the learned judge Mr. Hegde. I have always held him as a person in high regard, and I do not dispute his right to have his own opinion and views. It is natural that people react differently on different occasions and on different issues. But Mr. Justice Hegde has a philosophy and a social outlook of his own, not only after he got out of the seat on the dais of the Supreme Court Bench, but even when he was a sitting judge of the Supreme Court; not to talk of his observations and his views which can be gathered from judicial pronouncements which have been made from time to time by the learned judge, I am talking of his known views which he has uttered on the public platform in the course of the last several years. I think that it was asked by some Member, perhaps Shri Frank Anthony, I am saying this subject to correction, with reference to a veiled attack on my hon. friend and colleague Shri S. Mohan Kumaramangalam, that if you do not have faith in parliamentary democracy, then how democracy could be protected. I agree that if a man does not have faith in parliamentary democracy, then democracy in the hands of such a man is in danger; and two or three years back, when Mr. Justice Hegde spoke on a public platform, at a lawyers' conference at Bangalore--and this is not on hearsay, because I was present at the conference myself, and the speech is also available--and said that he thought that the parliamentary system of government was not suitable to the genius

of India, and he advocated that India should have the Presidential system of government. It was an expression of a view on political matter, when he was still a judge of the Supreme Court.

**SHRI SHYAMNANDAN MISHRA :** It is not negation of democracy.

**SHRI H. R. GOKHALE :** It is not negation of the democracy; that is what my hon. friend says. That was why I began by saying that it is felt that if a judge has views which are in conformity with the ideas of *status quo*, then, of course, it is not against democracy; that is a different matter. But, here, Mr. Justice Hegde was challenging the very fabric of the structure of our Constitution where we accepted parliamentary democracy as the most suitable to the genius of our country. I am not disputing his right to hold that view. On the contrary I am saying that it is his right to hold that view. Someone else may even say, after all, we had a certain system, it is now time that we have a second look, and the country should have another system. I am not objecting to any person, much less Mr. Justice Hegde, holding a view of that kind.

To say that a Judge has no views, no outlook, no prejudices and biases and no political opinion is, I think, to ignore realities.

He delivered a speech in the Bharatiya Vidya Bhavan some months back on a subject called 'Perspectives of the Constitution'. It will be too much if I refer to the whole speech.

**SHRI SHYAMNANDAN MISHRA :** Please read out some portions.

**SHRI H. R. GOKHALE :** I am coming to the major portion. He made a quotation. It is usual that when you quote something, you want to rely on that quotation and express your view in support of it. He quoted from the remarkable book *Asian Drama* by Myrdal. It contained a quotation which expressed the views of the eminent author on political matters. After quoting that these were the observations of Mr. Justice Hegde :

"The place of wise and independent advisers was taken by courtiers and

self-seekers. There appears to be a keen search for yes-men".

What was he doing if not talking politics. If my hon. friends say, as they are entitled to say, that this is the position in the country and this is bad for the country, I can understand it. But it does not lie in the mouth of a sitting Judge of the Supreme Court to reflect on the composition of the Government and say that it is composed of people who are courtiers and yes-men.

**SHRI SHYAMNANDAN MISHRA :** He was quoting Myrdal.

**SHRI H. R. GOKHALE :** Therefore, it is wrong to say that Judges have no opinions. I do not dispute their right to have these opinions.

**SHRI SAMAR GUHA :** From your arguments, the inference is that for his political opinion, he has been bypassed.

**SHRI H. R. GOKHALE :** I am coming to it. Do not be impatient. I will answer it squarely, whether you agree with me or not.

**SHRI SAMAR GUHA :** This is not a dictated democracy.

**SHRI SHYAMNANDAN MISHRA :** What does Myrdal mean? You have got flatterers and psychopants.

**SHRI H. R. GOKHALE :** Not just quoting him. After quoting him with approval, these were his observations. What I quoted was not Myrdal's observation. This was Mr. Justice Hegde's observation. If I was not clear before, let me make that clear, that what I was quoting was not the learned author of *Asian Drama* but Mr. Justice Hegde.

Again, I say I have no objection to Mr. Justice Hegde having his views. In fact, this is in support of what I am saying that Judges do have views. They do have political philosophies. Like all human beings if they have views, you cannot blame Mr. Justice Hegde for having them. I am not blaming him for having those views. What I am saying is that to proceed on the basis like a person who is amoral and also apolitical, that he does not think this way or that way, is a line of thinking which is based on an illusion, which is not based on realities.

**SHRI SHYAMNANDAN MISHRA :** Who said that ?

**SHRI H. R. GOKHALE :** You have not said that; but you were not the only member to speak in this debate.

**SHRI SHYAMNANDAN MISHRA :** Nobody has said that.

**SHRI S. A. SHAMIM :** There were only two main speeches (*Interruptions*).

**SHRI H. R. GOKHALE :** I want to make it clear that we have not taken into account political considerations, as are taken into account in many other countries for the purpose of this appointment. The reference to the other countries was only for this limited purpose of showing that even in countries where it is almost unanimously accepted that a democracy of the type which we have envisaged exists and a judicial system which is the same or similar to ours exists, not only are the known views of a person taken into account, but the fact that he had a political past is regarded as a plus point in the matter of selection of a judge or to a high position in the judicial hierarchy. We have not done anything like that. I believe Justice Ray has no political past. We have not taken any political considerations into account. Why should this be a matter of consternation and shock in India? I was very sorry to hear Shri Frank Anthony—unfortunately he is not here—express the view that the difference between other countries and this country is that in our country democracy had not taken deep roots. In spite of the fact that this country has been facing difficulties of a very big magnitude, democracy has established itself in this country and the people of our country have gained a reputation of being the largest democracy in the world. I think it is wrong to denigrate the political genius of our people by saying that here are our people who are not able to understand things, about what is democracy, as the people in America or in England or in Australia or in Canada do.

The real trouble is that it was so embarrassing for some to find a situation in America, England, Australia and Canada where they have that provision there, political past as a plus point, and then to make out a distinction by saying that you do not look at that.

[**Shri H. R. Gokhale**]

Here I have made it absolutely clear that the political past experience served as the necessary pre-requisite for the purpose of the plus point in the matter of appointment of judges. There is nothing to be shocked about it as if something has happened and heavens have fallen and it has not happened anywhere in the world and it has happened only here.

What is the purpose? In the appointment to the high office you take the background and the social outlook of the person into consideration. It is only in the Supreme Court or High Court that matters of high constitutional importance affecting the public affairs come up for discussion. It is there that an understanding of men matters, as the Law Commission has put. A person is appointed to the high office. How do you find out? Some body asked in the course of the debate. It is not on the ground that a man holds reactionary views or progressive views as Mr. Chatterjee had practically at the end of the debate wanted to suggest. Reactionary and progressive are relative terms. I do not wish to use them. What I said was that there was something like what the country regards as socio-economic philosophy. It is not a political party, it is not a question of the ruling party. It is defined, for example it is indisputable that we have adopted socialist pattern of society as the basis of our future evolution of social and economic policy.

**SHRI SAMAR GUHA :** That has to be enshrined in the Constitution. Only then the judges will interpret it according to the Constitution.

**SHRI H. R. GOKHALE :** For example we regard secularism as our basic tenet. There can be hardly any dispute that we cannot have untouchability in this country and we regard communalism as an evil so far as this country is concerned. We know that we in India want progress in certain social directions. It is to give effect to the will of the nation, to the will of the people that all the functionaries of the agencies which make up this federation have to function so that progress has to be made.

As the time when we thought of these matters the Supreme Court judgement in the recent constitutional amendment was not available, but the House remembers

with what overwhelming majority the two Houses of Parliament passed the 24th amendment to article 368. It was to give effect to the principle that Parliament in this country is sovereign and that no Court or no authority however high can stand in judgement over the will of Parliament. We proceed on the basis that Parliament reflects the will of the nation through its elected representatives, and yet how the philosophy and outlook of a judge can work in decisions can be found in the recent observations it made by Mr. Justice Hegde, dealing with the questions how much sovereignty and how much representative character can really be attributed to Parliament. The Judge said that a thing might be passed by two thirds majority, but it might not reflect the will of the people.

**SHRI SHYAMNANDAN MISHRA :** 57 per cent of the people are against you.

**SHRI H. R. GOKHALE :** It might embarrass you, but this is the quotation taken from the judgement of the learned judge in the recent decisions in the Supreme Court.

"The assertion that either the majority of members of Parliament or even 2/3rd members of Parliament speak on behalf of the nation has no basis in fact. Indeed it may be possible for the ruling party to carry through important constitutional amendments even after it has lost the confidence of the electorate. Therefore it will not be correct to say that whenever Parliament amends the Constitution, it must be held to have done it as desired by the people."

This is based on the philosophy. I do not dispute his integrity; I am not saying that he is not entitled to have this view. But, here is a social philosophy reflected in a judicial pronouncement.

As against that, the present Chief Justice of India—I am going to trace the history which is a very important matter because this is a matter in which a lot of misunderstanding has been created and it has got to be cleared—on this very important issue says :

"The amending body to amend the Constitution represents the will of the people."

But this is not only with regard to Article 368 because that was a major issue. In

fact, we had our quarrels over Golaknath's case on the right of Parliament to amend any provision of the Constitution. That was the issue at stake. This momentous case went on for months and months together where elaborate arguments were heard. Out of 13, 11 judges have delivered their judgements. In this case, we are told that Parliament cannot be said to really represent the wishes of the people. Even though it may have two-thirds majority, it may have lost the confidence of the people. That is all decided by Justice Hegde although others do not believe in this. Is it not importing into the judicial pronouncement the political philosophy in the understanding of the matter? I am not quarrelling with him. Don't be under the impression that the judges do not import the political philosophy in their judicial pronouncements.

This is not all. The House is aware of the bitterness and the feeling of frustration created by the judgments of the Supreme Court in the past on Article 31(2). We know that there had been pronouncements repeatedly made in the past when the Article had been upheld. The Fourth Amendment had held that the adequacy of compensation cannot be gone into. It had been held that compensation need not be market value. Only a little time before the bank nationalisation case, the Supreme Court had elaborated this in the Shantilal Mangaldas Case. And yet what happened in the bank nationalisation case? In the bank nationalisation case you go back where you were. You must pay the market value. Article 31(2) was really the result of the Fourth Amendment. The amendment was rendered completely nugatory to allow it to remain so. But, I must say that on that we went again to the Supreme Court. Now this issue was there. What is the meaning of the word 'amount'? Why did we introduce the upward amount? To say that this is the will of the Parliament that if property is acquired for a public purpose in furtherance of the public policy, it is not obligatory to pay the compensation, that is, at the market value, as interpreted by the Supreme Court. This is what the Parliament, in its wisdom, desires to do in a particular case, is a matter which is not justiciable. That was the object.

Now, look at the differing approaches of the learned judges. Mr. Justice Hegde says:—

"The Court cannot go into the question whether what is paid it is payable is compensation. It can only go into the question whether the 'amount' in question was arbitrarily fixed or illusory or whether the principles laid down for the purpose of determining the 'amount' payable have reasonable relationship with the value of the property acquired or requisitioned".

Therefore, you may put in the word 'amount'. That is not compensation. We shall determine what is the reasonable relationship between the value of the amount, that is, market value and what you have paid. The view taken by the learned judge in this whole matter has again put us in a nebulous state; we were put back to the position prior to the passing of the 25th Amendment. I am determining the philosophy, opinions and views of the judges on the basis of their judicial pronouncements. I can use Mr. Hegde's speeches because he was making speeches. In the case of others, we do not have public speeches. Fortunately others do not very often go and make speeches in public.

As against this, Mr Justice Ray said : In fixing the amount, the Legislature will act on the general nature of legislative power. The principle may be specified. The principle which may be acted upon by the legislature in fixing the amount may include considerations of social justice as against the equivalent in value of the property acquired. Considerations of social justice will include the relevant Directive Principles, particularly in Article 39(b) and (c). These principles are to subserve the common good and to prevent common detriment. The question of adequacy has been excluded from Article 31(2) by the Constitution Fourth Amendment Act. It cannot be said that the legislature would be under the necessity of providing a standard to measure an adequacy with reference to fixing the amount. The Constitution does not allow judicial review of a law on the ground of adequacy of the amount and the manner as to how such amount is to be given otherwise than in cash.

The difference in approach to social matters and to the interpretation of the will of Parliament and what Parliament regards as paramount is very obvious, not because of

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dishonesty or want of integrity I would never say that—but because, it is born out of a social philosophy and conviction which is embedded in the mind and thinking of a judge, as in the case of all other men

**SHRI SHYAMNANDAN MISHRA :** Then why did you give Rs 55 lakhs to the Birlas for acquiring the Birla house?

**SHRI H. R. GOKHALE :** Let us not go into extraneous matters now. Let us look at article 31C. The House is aware under what circumstances it became necessary for Parliament to introduce this new article. It made in a sense a very novel and far-reaching approach to constitutional problems inasmuch as for the first time it gave supremacy to the Directive Principles over the Fundamental Rights. Parliament had learnt from experience over the course of years what had been the result of the political philosophies of judges having been brought in honestly by men of integrity in interpreting the legislations, whether constitutional amendments or otherwise, passed by Parliament. Here is it relevant to refer very briefly to one thing. Somebody said, why did you not appoint so and so when he was in the minority in Golaknath's case? I think it is running away from the main point. Golaknath's case was certainly not the first although it was the one which gave the hardest blow on the will of the people. There have been cases before

श्री मधु लिमये अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। मंत्री महोदय जिन जजमेंट्स से उद्धरण दे रहे हैं वे फैसले हमको नहीं मिले हैं। तो हमको कैसे पता चले कि उनके उद्धरण सदर्भ-रहित हैं या नहीं? इसलिए सरकार को हमें वे जजमेंट्स देने चाहिए।

**MR. SPEAKER :** That is an accessible document. Why should they give it?

**SHRI H. R. GOKHALE :** I will not quote any more because I think I have quoted enough to indicate what is my point of view. Why I am quoting is not to say that X judge is bad or is not having integrity or ability or capacity or honesty. It is a question of an outlook of a Judge. Whether he likes it or not, he imports and brings it into his judicial pronouncements.

श्री मधु लिमये : आप केवल सम्पत्ति के अधिकार के बारे में कहते हैं। ज़रा व्यक्तिगत स्वतन्त्रता के बारे में भी सब लोगों का जरिया बता दीजिए।

**SHRI H. R. GOKHALE :** व्यक्तिगत स्वातन्त्रता for Hindus not the be-all and end all of the matter. That is what I am saying.

श्री मधु लिमये सम्पत्ति और व्यक्तिगत स्वतन्त्रता दोनों का महत्व है।

**SHRI H. R. GOKHALE :** I had not finished. Before that he interrupted me. In justice Ray you have the combination of a person who upholds the right of society in respect of property and in him you have a person who upholds personal liberties. Why should we forget it so soon? I will not quote any more, because it is unnecessary to quote more.

The impression given is that when the Government is saying "we have to take into account the social outlook" it has said something revolutionary, out of the way, and something which has not happened before is happening now. That is not so. It has happened all the time in the history of the Supreme Court and High Courts for no fault of anybody. It is in the nature of things, whether a human being is a Judge or not, to have a philosophy. If he has to function as a human being, consciously or unconsciously he has to import his philosophy into the judicial pronouncements.

The Golak Nath case was in 1967. We said that if we are wrong, we will correct the Constitution, amend the Constitution. We amended the Constitution. We saw the same thing in the Bank Nationalisation case. The Golak Nath case came after two previous decisions where the complete amending power of Parliament has been upheld by the Supreme Court. The Bank Nationalisation case comes after article 31(2) had been interpreted to mean that compensation payable was not justifiable and not the market value. In the Princes Case the Supreme Court had given a judicial pronouncement that whether you recognise the Ruler or not, or whom you derecognise,



is a political act. Here they thought that it was not a political act, they can go into the question because it was a constitutional question. Where do we go? The Court may decide against us, but we are entitled to know what is the mind of the Court. Has it a mind when it changes its pronouncements from time to time? when public policy and public legislation has to depend on the law laid down by the Supreme Court, if the Supreme Court goes on changing from time to time, how are these people who are concerned with the implementation of public policy to function?

The reason why I mentioned or quoted these cases was not to throw out anybody because he was against us in the Golak Nath case or with us or because he was against us in the Bank Nationalisation case or with us. That was hardly relevant. The idea is, if you look back over a reasonable period of years and take the judicial pronouncements of various eminent individuals, you will be able to arrive at an objective basis, a rational conclusion, as to what outlook or what view a person has with regard to matters with which this Parliament, and through this Parliament the people of this country, are fundamentally concerned. If this is what we have done, I have no apology and I need not be apologetic in supporting the appointment of Mr. Justice Ray. Mr. Justice Ray has a long and outstanding career as a judge. He has no political bias. In one case a man may give a judgment in favour and in another case he may give a judgment against a particular party. That does not really give an indication of his outlook. We have to give a chance to all of them to find out how they react on basic national issues.

I am quite sure that even after all this hue and cry the Supreme Court of India will remain as a firm foundation of democracy in this country.

It is regrettable that this has been exploited for political purposes. It is more regrettable that the Judges themselves should have gone on and participated in seminars organised by political parties. It is much more regrettable that one of them is yet a sitting Judge of the Supreme Court and I have no words to criticise him. The point is, how it is that suddenly in a day after the resignation, one wakes up to find his views are in tune with

political parties. One does not form his views overnight.

Therefore, when we say or for that matter when it is said that the philosophy or the awareness which a Judge must have as a human being irrespective of important matters, it is not a demand that a Judge should be "committed". It is, on the contrary, a demand that a Judge will be committed to nothing else but to the Constitution itself which includes the Directive Principles. The Directive Principles in a nutshell contain a philosophy of the Constitution. When you see that what the Judge says is against the philosophy of the Constitution itself, then I do not think any Government which has any sense of responsibility or any Parliament which seeks to represent the people can take the view that we will put people there who will not implement the philosophy as enshrined in the Constitution itself.

It is not recently that these questions have arisen. These questions have arisen from time to time. Some hon. Members said that I referred to America. We must refer to all the countries because situations similar to this have arisen everywhere. I think, it is very important that I put before the House a statement made by President Roosevelt. I want to read a small extract from the broadcast address of President Roosevelt delivered on March 9, 1937. It is very telling because it deals with a situation, more or less, similar to ours. I quote :

"When the Congress has sought to stabilise national agriculture, to improve the conditions of labour, to safeguard business against unfair competition, to protect our national resources, and in many other ways, to serve our clearly national needs, the majority of the Court has been assuming the power to pass on the wisdom of these Acts of the Congress—and to approve or disapprove the public policy written into these laws. That is not only my accusation. It is the accusation of most distinguished Justices of the present Supreme Court ... In the face of these dissenting opinions, there is no basis for the claim made by some members of the Court that something in the Constitution has compelled them regretfully to thwart the will of the people. The Court in addition to the proper use of

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its judicial functions has improperly set itself up as a third House of the Congress—a super-legislature, as one of the Justices has called it—reading into the Constitution words and implications which are not there and which were never intended to be there. We have, therefore, reached the point as a Nation where we must take action to save the Constitution from the Court and the Court from itself. We must find a way to take an appeal from the Supreme Court to the Constitution itself. We want a Supreme Court which will do justice under the Constitution—not over it. In our courts we want a government of laws and not of men. I want—as all Americans want—an independent judiciary as proposed by the framers of the Constitution. That means a Supreme Court that will enforce the Constitution “as written that will refuse to amend the Constitution by an arbitrary exercise of judicial power—amendment by judicial say-so. It does not mean the judiciary so independent that it can deny the existence of facts universally recognised. Those opposing this plan have sought to arouse prejudice and fear by crying that I am seeking to ‘pack’ the Supreme Court and that a beneficial precedent will be established. What do they mean by the words ‘packing the Court?’ Let me answer this question with a bluntness that will end all honest misunderstanding of my purposes.

“If by that phrase it is charged that I wish to place on the Bench spineless puppets who would disregard the law and would decide specific cases as I wish them to decide, I make this answer : that no President fit for his office would appoint, and no Senate of honourable men fit for their office would confirm, that kind of appointees to the Supreme Court.”

This was what President Roosevelt said in 1937 when the New Deal legislation was under challenge.

It is not as if we in India are saying this for the first time because as far back as 1949 our great, Prime Minister, pandit Jawaharlal Nehru, uttered these historic words in the Constituent Assembly :

“No Supreme Court and no judiciary can stand in judgment over the sovereign will of Parliament representing the will of the entire community. If we go wrong here and there, it can point it out, but in the ultimate analysis, where the future of the community is concerned, no judiciary can come in the way. And if it comes in the way, ultimately the whole Constitution is a creature of Parliament ... it is obvious that no court, no system of judiciary can function in the nature of a third House as a kind of Third House of correction. So, it is important that, with this limitation, the judiciary should function ... ultimately the fact remains that the legislature must be supreme and must not be interfered with by the courts of law in such measures of social reform.”

Our great architect, Pandit Jawaharlal Nehru, said it a far back as 1949. When I am saying today is this. We do not want the Supreme Court's independence to be fettered at all. In fact, we want a strong and independent Supreme Court, but a Supreme Court which will decide under the Constitution and not over it. It is for us now to say that we want to take the appeal from the Supreme Court to the Constitution; because otherwise in some of the judgments where do you get this idea that the power of Parliament, as read in the Constitution, is absolutely clear and without any limitation. They say that there are some basic features; this is a limitation not written in the Constitution but introduced in the Constitution by judicial say-so. That is exactly what we will not allow to happen. We do not want that to happen in this country. We will be failing in our duty if we do not take steps in this vital matter to see that we appoint independent and strong judges who will uphold the Constitution and not sit over it, who will decide matters not in accordance with their political outlook but in accordance with the outlook and the philosophy as envisaged in the Constitution itself, in accordance with the views accepted by the community at large, by the country at large, and in the direction in which this country is seeking to go. I do not think any further elaboration is necessary.

In the end I would add this that it is unfortunate that judges have been brought in and references have been made to individual judges. When I referred to Judges

I never meant any disrespect to the individual judges. I thought I was entitled, and I am entitled to look at the judicial pronouncement of a judge. Once they are rendered, they become public property. Therefore, without making any allegation, without attempting to refer to the learned judge who went out of his way to make all kinds of remarks, I would only say that I do not think they deserve any reply. All that I want to say is that we have no animus against these individuals. As the Law Commission itself has said, when certain persons are superseded, it does not mean any disrespect to them, because the considerations are different. It is interesting to note that the present Chief Justice himself has struck down laws made by Parliament. Only in the very recent past he was a party to the decision striking down the Maintenance of Internal Security Act as well as the Government's order regarding newsprint control. I wish to make this abundantly clear and then I will conclude. We are in no way interested in having a pliable or weak court.

On the contrary, it is the cardinal principle of ours that the court must be independent and strong. But independence and strength in a court by itself will be of no value without an understanding of the deeper forces of to-day which motivate the millions and millions of our countrymen who want a new and better life and our justification for doing what we have done is that we believe that the gentleman who to-day adorns that high position of Chief Justice of India has shown that not only in terms of his knowledge and understanding of law, of independence of thought and action he ranks among the leaders of judicial profession in our country but also that he possesses an understanding of where our country is going and where all of us want to go, to transform a great country to the India of our dreams.

Thank you, Sir.

19.17 hrs.

**CONSTITUTION (AMENDMENT) BILL\***  
(Amendment of articles 248, 250, etc.)

\*Published in Gazette of India Extraordinary Part II, Section 2, dated 4-5-73.

**SHRI SAMAR MUKHERJEE (Howrah):** I beg to move for leave to introduce a Bill further to amend the Constitution of India.

**MR. SPEAKER :** The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India.

*The motion was adopted.*

**SHRI SAMAR MUKHERJEE :** I introduce the Bill.

**WILD LIFE (PROTECTION)  
AMENDMENT BILL\***

**SHRI RANABAHADUR SINGH (Sidhi) :** I beg to move for leave to introduce a Bill to amend the Wild Life (Protection) Act, 1972

**MR. SPEAKER :** The question is

"That leave be granted to introduce a Bill to amend the Wild Life (Protection) Act, 1972 "

*The motion was adopted.*

**SHRI RANABAHADUR SINGH :** I introduce the Bill

**MR. SPEAKER :** Next Bill is withdrawn.

**NETAJI NATIONAL ACADEMY BILL\***

**SHRI SAMAR GUHA (Contai) :** I request for leave to introduce a Bill to provide for the establishment of the Netaji National Academy to disseminate knowledge on various important subjects, such as

- (a) Economics of Planning;
- (b) Comparative political philosophies;
- (c) Advance military science; and
- (d) Problems of Indian National integration and matters connected therewith and incidental thereto.

I beg to move for leave to introduce a Bill to provide for the establishment of the Netaji National Academy to disseminate knowledge on various important subjects and matters connected therewith and incidental thereto.

†Introduced with the recommendation of the President.

MR SPEAKER The question is :

"That leave be granted to introduce a Bill to provide for the establishment of the Netaji National Academy to disseminate knowledge on various important subjects and matters connected therewith and incidental thereto."

*The motion was adopted*

SHRI SAMAR GUHA I introduce the Bill

#### PLANNING AND DEVELOPMENT THROUGH PANCHAYAT RAJ BILL \*

SHRI RANABAHADUR SINGH (Sidhi) I beg to move for leave to introduce a Bill to provide for planning and development through various democratic and official agencies of Panchayat Raj

MR. SPEAKER The question is

"That leave be granted to introduce a Bill to provide for planning and development through various democratic and official agencies of Panchayat Raj"

*The motion was adopted*

SHRI RANABAHADUR SINGH I introduce the Bill

#### CONSTITUTION (AMENDMENT) BILL \*

*(Amendment of article 217)*

SHRI K. NARAYANA RAO (Bodil) I beg to move for leave to introduce a Bill further to amend the Constitution of India

MR. SPEAKER The question is

"That leave be granted to introduce a Bill further to amend the Constitution of India"

*The motion was adopted*

SHRI K. NARAYANA RAO I introduce the Bill

#### NATIONAL DEFENCE ACADEMY, KHADAKVASALA AND THE INDIAN MILITARY ACADEMY, DEHRA DUN (RE-NAMING) BILL \*

SHRI SAMAR GUHA (Contai) I beg to move for leave to introduce a Bill to rename the National Defence Academy, Khadakvasala and the Indian Military Academy, Dehra Dun

I want them to be renamed as the Shivaji Defence Academy and the Netaji Defence Academy respectively

MR. SPEAKER The question is

"That leave be granted to introduce a Bill to rename the National Defence Academy, Khadakvasala and the Indian Military Academy, Dehra Dun"

*The motion was adopted*

SHRI SAMAR GUHA I introduce the Bill

#### LINGUISTIC MINORITIES (MEDIUM OF INTRODUCTION IN MOTHER TONGUE) BILL \*

SHRI SAMAR GUHA (Contai) Sir, I beg to move for leave to introduce a Bill to provide for the mother tongue as the medium of instruction and examination for the students of linguistic minorities

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV) Sir, I oppose the Bill

I am against introduction of the Bill

SHRI S. M. BANERJEE (Kanpur) The usual practice is you don't oppose introduction.

SHRI D. P. YADAV The point is this. It is about Education which is under State Governments. It is a State subject. The question is whether we are competent to legislate on it or not. I leave it to you.

SHRI SAMAR GUHA It is a very interesting thing

MR. SPEAKER : Please sit down. Normally we allow leave to all such motions and you can say what you want to say at the time it comes up,—if at all it comes. Normally we don't oppose such Bills. It is up to you.

SHRI SAMAR GUHA : Sir, if they oppose, then I have got something to say .

AN HON. MEMBER : He is opposing

MR. SPEAKER : He is opposing the Bill but not the introduction, that is, leave being granted.

SHRI SAMAR GUHA : Sir, I have a submission to make. If they say like that, will this Bill not be ballotted? What is this?

MR. SPEAKER : The Minister said that it is a State subject. I hold that under article

250, the Bill can be introduced in Lok Sabha.

Now, the question is :

"That leave be granted to introduce a Bill to provide for the mother tongue as the medium of instruction and examination for the students of linguistic minorities."

*The motion was adopted.*

SHRI SAMAR GUHA : I introduce the Bill.

19.22 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday May 7, 1973/Vaisakha 17, 1895 (Saka)*

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