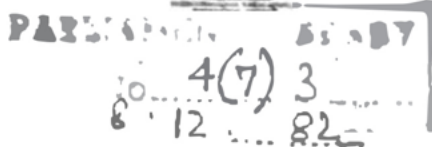


Fifth Series, Vol. XLII No. 12

Tuesday, August 6, 1974
Sravana 15, 1896 (Saka)

LOK SABHA DEBATES

(Eleventh Session)



(Vol. XLII contains Nos. 1 to 10)

LOK SABHA SECRETARIAT
NEW DELHI

Price : Rs. 2. 00

CONTENTS

No. 12, Tuesday, August 6, 1974/Sravana 15, 1896 (Saka).

Oral Answers to Questions :

	PAGES
*Starred Questions Nos. 225 to 227, 229 and 230	1—28

Written Answers to Questions :

Starred Questions Nos. 221 to 224, 228 and 231 to 240	29—42
Unstarred Questions Nos. 1627 to 1629, 1631 to 1686, 1689 to 1695, 1698 to 1711 and 1713.	42—107
Papers Laid on the Table	107—110
Message from Rajya Sabha	110
Calling Attention to the Matter of Urgent Public Importance Reported transmission of foreign exchange with Fake Reserve Bank permits.	111—119
Statement Re. Alleged Assault on some people of Jowai in Meghalaya	
Shri Jagjivan Ram	119—122

Matters Under Rule 377

(i) Serious Drought Conditions in Orissa.	122—123
(ii) Large scale land slides in Idikki District of Kerala.	123—126
Oil Industries (Development) Bill Motion to consider (<i>Discussion postponed</i>)	127—139

Statement Re. Flooding of Power House at Bhakra

Shri K. C. Pant.	139—140
--------------------------	---------

Major Port Trusts (Amendment) Bill

Motion to consider	141—205
Shri Kamapati Tripathi	{ 141—147 188—198
Shri Somnath Chatterjee	147—154
Shri B. V. Naik	154—157

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

	PAGES
Shrimati Parvathi Krishnan	157—162
Shri Chintamani Panigrahi	162—165
Shri Bharat Singh Chowan	165—168
Shri Shivnath Singh	168—171
Shri Surendra Mohanty	171—175
Shri M. C. Daga	175—177
Shri Madhu Limaye	178—188
Clauses 2 to 40 and 1	198—204
Motion to pass, as amended	205
University of Hyderabad Bill	
Motion to consider	205—230
Prof. S Nurul Hasan	205—210
Shri R. V. Bade	211
Shri Sudhakar Panday	212—217
Shri Jagdish Bhattacharyya	217—222
Shri K. Suryanarayana	223—228
Shri M. Ram Gopal Reddy	228—229

LOK SABHA DEBATES

LOK SABHA

Tuesday, the 6th August, 1974/
Shravana 15, 1896 (Saka)

THE LOK SABHA MET AT ELEVEN OF THE CLOCK

[MR. SPEAKER in the Chair.]

ORAL ANSWERS TO QUESTIONS

Payment to Employees for the period of Strike

*225. SHRI S. C. SAMANTA: Will the Minister of RAILWAYS be pleased to state:

(a) which authority is dealing with the large number of appeals filed by employees who were dismissed, retrenched or removed from service during the last All India General Strike in the Railways;

(b) what percentage of cases has been decided and how long will it take for the rest to be decided finally; and

(c) whether salaries will be paid to such of the employees whose appeals are decided favourably for the time taken in disposal of appeals in the post strike period?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) to (c). A statement is laid on the Table of the Sabha.

Statement

Under the Railway Servants (Discipline & Appeal) Rules, 1968, the power to decide an appeal against the orders of dismissal or removal from service has been vested in the authority next above the authority which

imposes such punishment. No retrenchment has been done in the recent railway strike.

2. About 40 per cent of the staff whose services were terminated/dismissed have since been re-instated on Representation/Appeal.

3. A decision regarding the payment of salaries for the period from the date of dismissal/removal to the date of re-instatement is also taken by the Appellate Authority.

SHRI S. C. SAMANTA: I want to know in how many cases the employees were reported sick or that they were actually in the hospital. Also I would like to know how their cases will be disposed of.

SHRI MOHD. SHAFI QURESHI: I do not have the figures at this time as to how many employees were reported sick and how many were in the hospital.

SHRI JAGANNATH RAO: How are you going to dispose of them?

SHRI MOHD. SHAFI QURESHI: Those people who did not join the strike but were reported sick or were reported to be in the hospital—that can be ascertained and it will be decided on the merits of each case.

SHRI S. C. SAMANTA: The statement says that about 40 per cent of the staff whose services were terminated or dismissed have since been re-instated on representation or appeal. How many cases were decided without their coming up before the Ministry?

SHRI MOHD. SHAFI QURESHI: In the context of the latest strike, the total number of dismissals, removals from service or termination was about

16,750. According to the information that was furnished by the railways upto 15-7-74, 4,923 railway servants have been reinstated. There has been a progressive improvement in the last few days and upto 20-7-74 the number has come to 6,497. That is about 40 per cent of the staff who were dismissed or removed or whose services were terminated. have been taken back on representation or appeal, and other cases are pending consideration.

SHRI DINEN BHATTACHARYYA: Uptodate, in all the railways, actually what is the total number of employees whose services have been terminated? Please don't say anything which is not a fact. That is No. 1.

No. 2—How many cases are of break-in-service and how many cases are of suspension of permanent workers and in how many cases substitutes and casual labourers have been refused to be employed again? ...

MR. SPEAKER: Please ask one continuous question.

SHRI DINEN BHATTACHARYYA: That is (a).

Then, (b)—instances are here with me that in many cases the courts have given injunction as well as declared void the rule under which these employees have been victimised. In how many cases the railway administration has implemented the judgement that has been given by the different courts?

SHRI MOHD. SHAFI QURESHI: The question pertains to the removal and dismissal of the railway employees. With regard to the information about the actual number of persons dismissed or removed from service, I have already stated in reply to a question earlier that 16,750 employees were removed from service by orders of termination or of dismissal... (Interruptions). I have given the figures upto 20-7-74. 40 per cent of these dismissed employees

have been taken back on work after they filed their appeal before the appellate authority. These figures are upto 20th July. To-day many more appeals might have been accepted and many more employees might have been taken back.

With regard to break-in service, if the employees go on a strike which has been declared illegal, the break-in service will apply to every employee who goes on strike. The total number of employees in whose cases the break-in service will apply is 5.5 lakhs. Out of these 5.5 lakhs, in more than a lakh of cases the break-in service has been condoned.

SHRI DINEN BHATTACHARYYA: You have not given the figures regarding the substitutes and the casual workers.

MR. SPEAKER: It is purely a question relating to dismissal.

SHRIMATI PARVATHI KRISHNAN: Sir, I would like to know from the hon Minister, of these reinstated cases, how many have been demoted and also how much of interference is taking place from the higher authorities when the appeals have been dealt with at lower down? Our information is that where there is something regarding reinstatement in the agenda for the lower down, orders are issued from the higher authorities—selective orders—that they are not to be re-instated. Therefore we would like to know whether Government is giving a directive that victimised workers are all to be re-instated apart from those against whom cases of sabotage may be pending which may be dealt with later on. Otherwise until a policy decision is taken, victimisation will continue in the same way. So, we would like to know whether Government is taking any policy decision because mere guidelines mean nothing at all.

SHRI MOHD. SHAFI QURESHI: Sir, under the rules, the appeal lies

against the punishment to the authority next to the one which imposed that punishment. We are not interfering in the due process of law. All appeals are being decided on merits. All these people have been taken back on the original posts. There has been no case of demotion so far. But, I would assure the hon. Member that all appeals will be decided on merits and according to the due process of law.

SHRI R. S. PANDEY: It is really very unfortunate on the parts of Union leaders to ask the question when they themselves have misguided millions of innocent workers. I would like to know from the hon. Minister whether the innocent labour and other workers who had been retrenched or dismissed, if they express regret, will be reinstated (*Interruptions*).

PROF. MADHU DANDAVATE: Sir, I rise on a point of order.

SHRI R. S. PANDEY: I do not know why they should ask this question when the innocent workers were misled by these unfortunate leaders of the union.

PROF. MADHU DANDAVATE: My point of order is: While asking a question can the hon. Member express an opinion? Sir, he is supposed to ask question only.

MR. SPEAKER: No point of order is allowed on the question.

SHRI MOHD. SHAFI QURESHI: We have already said in this House and the other House that we are not going to give a harsh treatment to our own employees. We shall try to be very liberal. But, if they express their regrets, certainly, that would be considered.

श्री अटल बिहारी वाजपेयी अध्यक्ष जी, मैं यह जानना चाहता हूँ कि श्री मंत्री महोदय ने कहा कि साठे पाच लाख कर्मचारियों का

ब्रेक इन सर्विस है तो ब्रेक इन सर्विस से क्या मतलब है ? क्या कर्मचारियों को यह माना जायेगा कि उन्होंने नये सिरे से सर्विस शुरू की है ? क्या यह मच है कि पुरानी छुट्टियों से उनको हाथ धोना पड़ेगा और क्या वे सीनियारिटी में मफर करेंगे ? क्या सरकार के लिये सहानुभूतिपूर्वक यह निर्णय लेना सम्भव नहीं है कि ब्रेक इन सर्विस को लीव विदाउट पे के रूप में देख लें और किसी तरह का ब्रेक न करें ?

श्री मुहम्मद शफी कुरेशी : सर, यह जो एक बात कही जा रही है कि ब्रेक इन सर्विस किसी तरह का विक्टिमाइजेशन या पनिशमेंट है तो ऐसी बात नहीं है। (व्यवधान) यह एक ऐक्ट का नतीजा है जैसे कोई आदमी छलांग मारे, उसकी टांग टूट जाये तो आदमी का विक्टिमाइजेशन नहीं है। इन्लीगल नोटिस पर जो लोग स्ट्राइक पर जायेगे उनका ब्रेक इन सर्विस जरूर होगा। ब्रेक इन सर्विस को हम खाम खाम केमज में माफ करेगे लेकिन जिसका ब्रेक इन सर्विस होगा उसका यह मतलब है कि उसकी जो नौकरी है वह नये सिरे से शुरू होगी और जो बीच का पीरियड है वह काउन्ट नहीं होगा—पेंशन के मामले में, लीव के मामले में और पाम के मामले में। हम वक्त जो हमने एटीट्यूड लिया है वह यही है कि पाच लाख में ऊपर कर्मचारियों का ब्रेक इन सर्विस हुआ था जिसमें तकरीबन एक लाख में ज्यादा को हमने कन्डोन कर दिया है और आगे हर एक केस को इडी-वीजुअल तरीके से परखा जायेगा लेकिन आम तौर पर सभी को कन्डोन किया जायेगा, ऐसी गवर्नमेंट की कोई नीति नहीं है।

श्री चन्द्रिका प्रसाद माननीय अध्यक्ष जी, यह बात सही है कि रेल कर्मचारियों के प्रति जो हमारी सरकार की उदारपूर्ण नीति है उन नीतियों को कार्यान्वित करने में बहुत डिले हो रही है और इस डिले के लिये

में चाहूंगा कि जो हमारे मंत्री जी ने अपनी पालिसी डिक्लेयर की है वह पार्लेमेंट की बैठक के अवसर पर घोषित कर दें ताकि जल्दी से उसको इम्प्लीमेंट करने में कोई बाधा न पड़े ।

श्री मुहम्मद शफी कुरेशी : : पालिसी इम्प्लीमेंट हो रही है, यहाँ सभा पटल पर रखने से क्या फायदा है ।

SHRI P. K. DEO: Sir, it is a matter of great concern that about 60 per cent of the employees have not been re-instated. I would like to know if the Government could revise their decision and not stand on false prestige and ask for an appeal from them and give a blanket order so that all may be re-instated and they get all the emoluments which are due to them for the period of strike.

SHRI MOHD. SHAFI QURESHI: The Government is of the firm view that for 'no work' there will be 'no pay'.

श्री मधु लिमये : क्या मंत्री महोदय का ध्यान "एकोनामिक टाइम्स" की उम रपट की ओर गया है जिसमें उन्होंने रेलवे की वित्तीय स्थिति का अध्ययन करके यह कहा है कि फरवरी के बजट में जो रेल का किराया बढ़ाया गया था उसके बावजूद इस वर्ष रेल की ग्रामदानी दस प्रतिशत घटेगी इस हड़ताल को लेकर, तो इसलिए मैं मंत्री महोदय से जानना चाहता हूँ कि क्या सभी मजदूरों को काम पर वापस लेकर उन लोगों में सन्तोष और समाधान उत्पन्न करके रेल की ग्रामदानी को बढ़ाने का बिना किराया वृद्धि के बे प्रयास करेंगे ?

श्री मुहम्मद शफी कुरेशी : : काश यह मसविदा इन्होंने हड़ताल से पहले उनको दिया होता तो इतना नुकसान होता ही नहीं ।

श्री मधु लिमये : इन्होंने विश्वासघात करके जो नेताओं को गिरफ्तार किया उसकी वजह से हड़ताल हुई वरना सम्माननीय समझौता हो सकता था ।

श्री अटल बिहारी वाजपेयी : इन्होंने हड़ताल घोषी, कर्मचारी हड़ताल नहीं करना चाहते थे ।

श्री मुहम्मद शफी कुरेशी : यह बात बिल्कुल सही है कि रेलवे को चलाने के लिए जरूरी है कि जो कर्मचारी है वह खुशदिल हों, उनके मन में सन्तोष हो और उसके लिए हम कोशिश कर रहे हैं । मुझे यकीन है हमारे मोहनराम दोस्त इसमें हमारा हाथ बटायेंगे ।

श्री मधु लिमये : आग मछल रात्रि में छुआ मत भोजिये । आप सभी लोगों को वापस नौजवा काम पर, हमारा सहयोग आपको मिलेगा ।

SHRI S. M. BANERJEE: Mr. Speaker, Sir, I would like to know from the hon. Minister whether any guidelines have been issued by the Railway Minister as to how those who have been removed, dismissed or discharged from service should be re-instated? Whether it is a fact that in this country even the worst criminal who is arrested under Section 302 is given a chance for defence but in this case none of the railway employees was given adequate opportunity which is provided in the Constitution and the various service rules. So, I would like to know whether general orders will be issued on the 15th August or before the 15th August about what type of criminals are likely to be released from jail? May I know whether there is going to be any general orders or not that all railway employees should be released, should be taken back and reinstated

in service so that a new atmosphere is created and they are able to run the railways smoothly, which will give a good name to the country?

SHRI MOHD. SHAFI QURESHI: All the arrested employees have been released except those who are involved in sabotage and in criminal acts. Out of a total number of more than 19000 who were arrested there are hardly 600 people now who are under arrest on criminal charges. Government's policy is that the law should have its own course in dealing with such cases. As regards termination of services and dismissals these have been done according to the rules, and all orders have been passed under law and under the rules which are prevalent today. We have given them the right of appeal, and it is as a result of their appeal that most of the employees to the extent of about 40 per cent. have been taken back on duty. I can assure the House that so far as the very hard and difficult cases are concerned, Government's attitude is that those who are guilty should be punished and those who are innocent should be taken back on duty.

SHRI S. M. BANERJEE: On the 15th August when the Prime Minister speaks from the house-tops, that is, from the Lal Kila, let her announce that all these poor railway employees would be reinstated in service.

श्री बाबूराम अग्रवाल अध्यक्ष महोदय, मैं माननीय मंत्री जी से जानना चाहता हूँ—सरकार ने जो निर्णय लिया है कि जिन लोगों ने हड़ताल की है और जितने समय तक की है, उनसे समय का वेतन उन लोगों को नहीं मिलेगा—क्या इसकी छाड़ में उनका मुकदमा प्लोड करने के लिये कुछ पार्टियों के नेताओं ने उनसे चन्दा वसूल करना शुरू कर दिया है, जो लोग भूखे मर रहे हैं उन से भी यह चन्दा वसूल किया जा रहा है ? क्या आप ऐसी व्यवस्था करेंगे कि अधिकारियों की कोई कमेटी बना कर इन के केसेज को

जल्द से जल्द निबटारा करावेंगे ताकि वे लोग इनकी वकालत में बच सकें ?

श्री मुहम्मद शक्की कुरेशी. मेम्बर साहब ने जो यह कहा है कि कुछ पार्टियों के लोग इन से फण्ड जमा करके इन को बहकाते हैं, हो सकता है उनकी यह इतिला सही हो, लेकिन मुझे इसके बारे में जानकारी नहीं है। लेकिन हमारे कर्मचारियों को कानून के तहत जो हकूक हामिल है, उन के इस्तेमाल करने का उनको पूरा हक है।

Recruitment to the Posts of Judges of High Court

*226 **SHRI B. V. NAIK:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state,

(a) what is the percentage of direct recruitment to the posts of Judges of High Courts and the percentage allotted for promotion from judicial service;

(b) whether there have been representations against the present system of recruitment to the posts of High Court Judges and if so, the nature and source of complaints; and

(c) what Government propose to do in this behalf?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITIRAJ SINGH CHAUDHARY): (a) No percentages have been laid down for appointment of High Court Judges from the Judicial Service and the Bar.

(b) Recently representation from some Judicial Service Associations have been received urging that equal representation should be given to the members of the Service and the Bar for appointment as High Court Judges.

(c) There are no quotas provided in the Constitution for recruitment of High Court Judges and merit and suitability alone are the criteria for all such appointments.

SHRI B. V. NAIK: Will the hon. Minister be pleased to state the factual data showing the number of High Court Judges in this country who have come from the judicial services, and those who have come directly from the Bar to the Bench, and what representations from judicial service organisations have been received, the contents thereof and the grounds on which they have asked for 50:50 quota?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHRI H. R. GOKHALE): I do not now have the actual number of High Court Judges taken from the services and from the Bar, but I am prepared to supply the information.

SHRI B. V. NAIK: Any estimate?

SHRI H. R. GOKHALE: There are over 350 Judges. I can tell you this that although there is no stipulation in the law laying down any proportion, broadly the principle which has been followed is that it should be a proportion of one-third and two-thirds. That is on the basis of what the Chief Justices in their conferences from time to time have thought was a proper quota for recruitment from the judicial services and the Bar. This quota is not exactly applicable in all the High Courts because selection of Judges cannot be done mechanically. It depends on the availability of the proper persons for appointment from the services as well as from the Bar. Here and there this quota might not have been strictly adhered to, but by and large it is adhered to.

SHRI B. V. NAIK: What about the second part of my question about the content of the representations?

SHRI NITIRAJ SINGH CHAUDHARY: Representations were made by the Delhi Judicial Officers Association and the West Bengal Judicial Services Association asking for 50 per cent.

SHRI B. V. NAIK: I am afraid the Karnataka Judicial Officers have also made a representation.

SHRI NITIRAJ SINGH CHAUDHARY: We have not received it.

SHRI B. V. NAIK: Since the hon. Minister has been kind enough to admit that even though not *de jure* but *de facto* there is a quota existing in recruitment on the basis of one-third to two-thirds, since there is no constitutional bar for recruitment or fixing up of a quota and since recruitment from big cities and so on invariably puts on the Benches as High Court Judges a large number of people with no field experience like that of a civil judge at the taluk and tehsil level, why not accept the percentage of 50:50 *de facto* in the first place before making it *de jure*? What are the objections?

SHRI H. R. GOKHALE: The hon. member was referring to the bigger High Courts where he thought that people having actual field experience are not there. I respectfully disagree with him. Actually, the experience has been by and large that when you are able to get good and competent people from the Bar, they have proved to be successful judges. It is also equally true that some judges who have come from the services have been found to be very competent; particularly in High Courts the kind of work which is required to be done is appellate work and also work dealing with the provisions of the Constitution, articles 226, 227 etc. Now the judicial officers, by and large, who have served in the lower ranks of the judiciary have no experience of these constitutional matters, but even then some of them have done extremely well. Therefore, in each individual case, the proper person competent to come up to the High Court and found available was recruited.

SHRI SOMNATH CHATTERJEE: At what stage does the process of

filling up the vacancies in the High Court or the Supreme Court start? How long before the retirement takes place? We have found in many cases vacancies are existing for many months together even in the Supreme Court. When is it started? How does it start? Does it start from the end of the Chief Justice or from the Law Ministry? Is it initiated by the Chief Justice of the respective High Court or the Supreme Court or by the Law Ministry? In how many cases the Chief Justice's recommendations have been rejected by the Law Ministry?

SHRI H. R. GOKHALE: I am sure the hon. member knows that the proposals emanate from the Chief Justice of the High Court. Although the Constitution provides only for consultation, there is no change in the existing practice which is there for the last several years that the Government, the Law Ministry in this case, should not initiate any proposals for appointment of Judges in the High Courts. The Chief Justice initiates proposals. In the case of the High Courts, the Constitution requires consultation with the Governor of the State and with the Chief Justice of India. After all this process has been gone through, the Law Ministry or the Government of India come into the picture. Invariably the recommendation of the Chief Justice of India has been accepted all over the past except that when some difficulty was found and the Government did not agree, they referred the matter again for advice to the Chief Justice of India.

There is undoubtedly, I agree with the hon. member, and this is also a matter of concern to us, some delay in some High Courts in the filling up of vacancies. The reasons are many. Unfortunately the members of the bar are not attracted; those who ought to be available are not attracted. I must state the facts. Some time is taken in consultation with the various authorities and some time is taken in considering the judicial records of the District Judges who are considered

for appointment. This causes delay. I may assure the hon. Members that it will be our endeavour to see that the delay is minimised.

SHRI MOINUL HAQUE CHAUDHURY: Since the appointments are made as per policies taken *ad hoc* from time to time depending on who is the Law Minister or the Home Minister, as the case may be, or who is the Chief Justice of the High Court or the Supreme Court, as the case may be, will the Government think of framing some statutory rules with regard to the appointment and promotion of judges in the High Courts taking judges from the High Court to the Supreme Court?

SHRI H. R. GOKHALE: Statutory rules are not considered necessary because the Constitution itself lays down the guidelines. I respectfully disagree with the hon. Member that it is done according to the views of the Law Minister or the Chief Justice. The Chief Justice of India as the highest authority in the country so far as the Judicial field is concerned, is always consulted. In fact he considers the matter first before that matter comes to the Law Minister or the Government of India. The present practice has been followed not only after Independence but also even before Independence; it has worked satisfactorily.

SHRI P. VENKATASUBBIAH: Arising out of the hon. Minister's reply that the best people are not attracted to the judiciary, is it a fact that better emoluments are not there and even elementary amenities are not given to the judges? If that is so, do the Government propose to bring comprehensive legislation to see that better emoluments are given to the best people who sit on the bench and that elementary facilities such as housing are provided to them?

SHRI H. R. GOKHALE: I agree with the hon. Member. One principal reason why the best men in the bar are not attracted is that after the

Constitution was passed in which the salary of the High Court Judges had been laid down, there have been no changes in the conditions of service of the High Court Judges or the Supreme Court Judges. I can take the House into confidence that the Government is very actively considering the proposal for improving the service conditions of the High Court judges in various matters and I hope we will be able to do it very soon.

SHRI P. K. DEO. Has the Chief Justice of the High Court or the Supreme Court got a say in the matter, as a person who initiates the appointments of the various judges? From experience we have seen that Chief Justices are appointed by dubious methods, rather in a pursuit of the Government policy for a committed judiciary against which so many Judges of the Supreme Court as well as some Judges in the Haryana High Court have submitted their resignations? .. (Interruptions) Is it not possible to create some independent machinery for the appointment of the judges?

MR. SPEAKER. It is a suggestion for action

SHRI P. K. DEO. My question has not been answered. My question is whether there will be an independent machinery for the appointment of judges to replace the present practice of consulting Chief Justices who are also committed persons. The entire country knows about it and it should be put an end to.

MR. SPEAKER. The rules provide that you can put a supplementary question. You are giving a suggestion.

SHRI P. K. DEO: Government may consider it.

MR. SPEAKER. They may consider it. That is your suggestion.

SHRI JAGANNATH RAO: Of late the appointments of *ad hoc* judges

in the Supreme Court and High Court have become very frequent. Is it because the concerned Chief Justice recommends the appointment of retired judges as *ad hoc* judges or is it because Government are following the Law Commission's recommendations in this regard, which the Law Minister said they have accepted?

SHRI H. R. GOKHALE. Firstly, I disagree that many appointments of *ad hoc* judges are made. Secondly, never has any appointment of an *ad hoc* judge been made without the recommendation of the concerned Chief Justice. Usually *ad hoc* judges are appointed for disposing of the arrears which pile up. Particularly after the elections a large number of election petitions are filed and under the statute they have to be disposed of within one year, I believe. The normal strength of the High Court is not enough to cope with the arrears. Only in such cases which are not many *ad hoc* judges are appointed.

SHRI EBRAHIM SULAIMAN SAIT. What part is the Home Ministry playing in the appointments of judges to the High Court? Will the minister agree to the suggestion that Government should discontinue the appointment of retired judges as Governors and Chairman of various commissions, to see that they do not look for the favour of the Government at the time when they are High Court judges?

SHRI H. R. GOKHALE. The Home Ministry plays no part new in the appointment of High Court judges. It is only the Department of Justice in the Ministry of Law, Justice and Company Affairs which is concerned with it. I do not know whether there are cases of appointment of retired judges as Governors—perhaps there was one—but normally we would be reluctant to take people who are retired. But various occasions arise for commissions of inquiry on public demand and people with judicial ex-

perionce have to be appointed for this purpose.

Setting up of a Fertilizer Plant at Bhatinda

*227. SHRI B. S. BHAURA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government have finalised their proposals in connection with the setting up of a fertilizer plant at Bhatinda in Punjab;

(b) if so, the main features thereof; and

(c) when the construction work is likely to start?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHR SHAHNAWAZ KHAN): (a) Yes Sir

(b) and (c). The plant would have a capacity of 900 tonnes of ammonia and 1550 tonnes of urea per day and would be based on fuel oil as the feedstock. The project, according to present indications, is estimated to cost about Rs. 138 crores. Some preliminary steps have already been taken towards the implementation of the project

श्री भान सिंह भौरा : पहले तो मैं यह पूछना चाहता हूँ कि आप ने (सी) का जवाब नहीं दिया है। (सी) इस प्रकार है

"What the construction work is likely to start?"

यह आप ने नहीं बताया।

श्री शाहनवाज खान : अभी तो यह प्रोपोजल कैबिनेट के सामने है लेकिन हम ने कुछ इन्वोयरी कार्यवाही शुरू कर दी है जैसे कि जमीन को लेना और दूसरे जो इन्वोयरी काम हैं, वे शुरू हो चुके हैं।

श्री भान सिंह भौरा : क्या यह ठीक है कि इस प्रोजेक्ट के लिए जापान ने कुछ लोन दिया है? उन लोन की टर्म्स ग्रेड वंडेशन क्या है?

श्री शाहनवाज खान : यह लोन 25 माल के लिए है और पहले 7 माल में कुछ अदा भी करना पड़ेगा। उसके ऊपर चार प्रतिशत इंटरेस्ट होगा।

श्री भान सिंह भौरा : मैं मंत्री महोदय से पूछना चाहता हूँ कि यह प्रोजेक्ट कितनी देर में पूरा हो जायगा और प्रोडक्शन कब शुरू हो जायगी?

श्री शाहनवाज खान : यह प्रोजेक्ट जो है तबमानत तीन साल टर्म्स में होगा और उम्मीद मन् 77 के मॉडल तक यह प्लांट प्रोडक्शन देना शुरू कर देगा।

SHRI RAGHUNANDAN LAL BHATIA : Since this project is based on fuel oil, may I know whether long term arrangements for the supply of fuel oil have been made?

SHRI SHAHNAWAZ KHAN: Yes, Sir. That has been looked into and arranged

SHRI BIRENDER SINGH RAO: Under the agreement with Japan, under which this plant at Bhatinda is to be set up, there are two more plants to be set up, one of them at Panipat. What are the steps that are being taken to set up the plant at Panipat?

श्री शाहनवाज खान : इस स्टेज पर मैं आपको इतना बताना चाहता हूँ कि जो आर्डर्स हम इन्वोयरी के लिए दे रहे हैं दोनों प्लांट्स को मटेनल रख कर हम यह काम कर रहे हैं।

Drive by I.O.C. and other Oil Companies to Conserve Fuel Oil

+

*229. **SHRI JAGANNATH**

MISHRA:

SHRI P. K. DEO:

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

(a) whether a concerted drive to conserve fuel oil has been launched by the Indian Oil Corporation and some foreign oil companies; and

(b) if so, what is the estimated quantity of fuel which will be so conserved as a result of this concerted drive?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BOROOAH): (a) IOC has prepared a scheme of fuel efficiency project service for the furnace oil (FO) customers, jointly with National Productivity Council. The service is aimed at improving efficiency in the use of FO, thus achieving savings in consumption. Foreign oil companies are not involved in this scheme at present.

(b) It is expected that with the drive proposed by IOC jointly with NPC, a saving of 5 per cent in the consumption of FO may be possible by the existing industrial consumers, over and above the present efficiency saving of 10 per cent introduced from 1st January, 1974.

SHRI JAGANNATH MISHRA: May I know whether as a result of the saving in the petrol consumption during the past some time the import of crude has also been reduced and, if so, to what extent and what is the saving in foreign exchange?

SHRI D. K. BOROOAH: I thought this question was about fuel and not about petrol.

SHRI JAGANNATH MISHRA: To what extent the import of fuel oil has been affected by this drive and what has been our saving in foreign exchange?

SHRI D. K. BOROOAH: We use a substantial quantity of fuel oil, about two million tonnes. We do not produce the entire quantity. It is not available and the prices are going up. So, we are trying to reduce the consumption of fuel oil in this country. We have already imposed a cut of ten per cent, which will not affect the efficiency of the industries. In addition to that, we are trying to see if another five per cent can be reduced. In terms of quantity of furnace oil or fuel oil, we are already short by two million tonnes. I do not have the exact figures of the prices prevailing at present. It has certainly gone up by about 90 dollars per tonne.

SHRI P. K. DEO. In spite of the Minister's statement that there has been an increase in the price of oil, my impression is that in the international market the average price of oil has registered a downward trend. But I do not want to enter into a controversy whether he is right or I am right. In view of our friendly relations with the Arab countries, who are the main producers of oil, I would like to know if the Government are trying to exert their good offices with those friendly countries so that some concession could be extracted from them, so far as the import of this kind of oil is concerned.

SHRI D. K. BOROOAH: There has been some talk about reduction of international prices. But in the last Conference, the O.P.E. countries decided to increase their prices by 10 per cent. There has been no decision about the reduction in prices. I also do not want to enter into any controversy about it for the simple reason that I know myself to be in the right.

SHRI P. K. DEO: My question has not been answered.

In view of our friendly relations with Arab countries, what does the Government of India propose to do to utilise the friendly relations in our favour?

MR. SPEAKER: He should not put it so bluntly that because they are friendly, we must exploit them.

SHRI P. K. DEO: There is nothing wrong in calling a spade a spade.

MR. SPEAKER: Even then, that is too blunt a manner in which he has put it. Anyway, I do not come in.

SHRI D. K. BOROOAH: The answer is understood.

SHRI MUHAMMED KHUDA BUKHSH: May I know what will the fuel savings that are likely to be effected?

SHRI D. K. BOROOAH: The reduction will be about 5 per cent, if you can achieve it. It will be around 200,000 tonnes of furnace oil per annum. About the price, I do not have the figures with me.

SHRI KRISHNA CHANDRA HALDER: I want to know from the hon. Minister whether it is a fact that in our country, there is shortage of furnace oil and, for that reason, the steel plants and other plants are suffering. May I know what is the total amount of foreign exchange involved in the import of furnace oil and also when our country will become self-sufficient in furnace oil?

SHRI D. K. BOROOAH: So far as the total fuel bill is concerned, it is of the order of about Rs. 1200 crores. I do not have the break-up for furnace oil. As I said, we get about 2 million tonnes of furnace oil from abroad. It is difficult to get. The prices have also gone up. Therefore, we are trying to reduce the con-

sumption of furnace oil, not only in terms of reducing allotments but also asking many of the industries to use coal. A number of industries which use furnace oil will now use coal. In fact, many of them were using coal earlier and then switched on to furnace oil. By these two methods, by switching over to coal wherever coal is available and also by economising the use of furnace oil, we hope to see that the wheels of the industry in our country do not suffer for want of energy.

Priority for Licensing and other Facilities Sought by Drug Industry

+

*230. **SHRI SHRIKISHAN MODI:**
SHRI RAGHUNANDAN LAL BHATIA:

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

(a) whether the drug industry had asked for priority for licences for the manufacture of drugs;

(b) if so, action taken by Government thereon;

(c) whether drug industry has sought protection from foreign companies invading this sector of the economy; and

(d) if so, the facts thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (**SHRI SHAHNAWAZ KHAN**): (a) to (d). A statement is laid on the Table of the House.

Statement

(a) and (b): With the introduction from 1-11-73 of the scheme of Secretariat for Industrial Approvals, the industrial licensing applications including those for manufacture of drugs are being disposed of expeditiously.

(c) and (d): Foreign majority companies and branches and subsidiaries of foreign companies have been operating in the field of drugs and pharmaceuticals since long. The majority production of drugs is, however, no longer by such companies as it has been Government's policy to encourage the Indian sector. The steps taken by Government to regulate share of foreign companies in this field and also to build up the Indian sector of the industry are:—

- (i) The Indian sector of the industry is given preference in the approval of manufacturing schemes;
- (ii) Manufacture of increasing number of bulk drugs through public sector undertakings;
- (iii) Industrial licences are usually not issued to foreign firms for production of formulations unless linked with the production of bulk drugs;
- (iv) They are asked to take up the production of bulk drugs from more basic stages and to make available a suitable portion of their bulk drugs production to non-associated formulators in the country as a condition for being permitted expansion in capacity or for taking up new activity;
- (v) Appropriate export obligations are imposed as a condition for permitting expansion in capacity or for taking up new activity.
- (vi) Progressive reduction of foreign equity participation with corresponding increase in the Indian shareholding is imposed when they are allowed expansion of their manufacturing activity. Activities of foreign companies are also covered under the

Foreign Exchange Regulation Act.

- (vii) Undertakings with an annual turnover not exceeding Rs. 50 lakhs have been exempted from the operation of certain provisions of paragraphs 9, 10 and 13 of the Drugs (Price Control) Order 1970 regarding prior approval of Government for fixing/revising the prices of drug formulations.

Government have on 8-2-1974 appointed a Committee on Drugs and Pharmaceuticals Industry under the Chairmanship of Shri Jaisukhlal Hathi one of whose terms of reference is as follows:—

- “(iii) To make recommendations for promoting the rapid growth of the drugs industry and, particularly, of the Indian and small scale industries sector. In making its recommendations, the Committee will keep in view the need for a balanced regional disposal of the industry.”

श्री श्रीकृष्ण मोदी : मैं माननीय मंत्री महोदय से जानना चाहता हूँ—भारत में जितनी दवाओं का उत्पादन होता है, उसमें से कितने परसेंट फॉरेन-कम्पनियों तथा उनकी सहयोगी कम्पनियों के द्वारा उत्पादन होता है तथा उनसे पैसा पैदा कर के वे कितना पैसा विदेशों को भेजते हैं ?

श्री शाहनवाज खां : हमारे देश में दवाओं का कुल उत्पादन, टोटल टर्न-ओवर, लगभग 350 करोड़ रुपये है, इसमें फॉरेन कम्पनीज का, या जिनमें फारन-इविटी कैपिटल है, उन कम्पनीज का उत्पादन लगभग 45 फीसदी है। ये कम्पनीज हर साल कितना रुपया बाहर भेजती हैं—ये फिगर्स इस वक्त मेरे पास नहीं हैं, इसके लिये मैं नोटिस चाहूंगा।

श्री श्रीकृष्ण जोशी : आपके स्टेटमेंट के अनुसार 1-11-73 का जो फैसला टी आप ने दी है, उसके तहत किनकी इण्डियन कम्पनीज की दरखास्ते आपके पास आई है और उनमें से कितनी को मजूरी दी गई है ? क्या आप ने मजूरी देते वक़्त यह धन लगाने की कोशिश की है कि उत्पादन के अन्दर डायरेक्ट या इन्डायरेक्ट रूप में यदि किसी भी तरह काट एडवेंशन पाया गया तो उनकी पूरी फैक्ट्री ज़ब्त कर ली जायगी ? क्या आप ने ऐसा कोई प्रावधान किया है ?

श्री शाहनवाज़ खां : पहली तबियत 1973 का लाइसेंस देने का जो प्रोग्राम था उसमें तबदाली लाई गई । उसी तारीख में मिनिस्ट्री आफ इण्डस्ट्रियल डेवलपमेंट के तहत मैनेजिंग फार इण्डस्ट्रियल एप्रवज' के नाम से एक महत्वपूर्ण काम किया गया है, जिसके पास सारी दरखास्ते भेज दी जाती है । यह महकमा टाउम-शोण्ट प्रोग्राम के तहत काम करता है हर एप्रोवमेंट के लिये वक़्त देने है कि 90 दिनों के अन्दर उस लाइसेंस की दरखास्त का डिस्पोज कर दिया जायगा । इस तरह से दरखास्तों का डिस्पोज आपो तेज़ हो गया है । किन्तु दरखास्तें आई है, हमकी एक्जैक्ट फ़िगर में पाम एस वक़्त मौजूद नहीं है लेकिन उम्मीद बनना सकता है कि डिस्पोजल आफ एप्रोवमेंट का काम बहुत तेज़ से चल रहा है ।

SHRI RAGHUNANDAN LAL BHATTIA: The Drug industry has pleaded for special protection against the foreign companies invading this sector of the economy. They say that in the matter of licences and supply of basic raw materials foreign companies are preferred over the indigenous companies. Is it not a fact that Indian Drug and Pharmaceutical Company which is a Government of India undertaking is giving basic raw material to the foreign companies working in India and preference is not given to local drug manufacturers? I would like to know the number of foreign

drug manufacturing companies which have been given licences in most of the products which is already in the field, where already Indian Drug manufacturers are working.

श्री शाहनवाज़ खां : पहली बात तो मैं यह अर्ज करना चाहता हूँ कि फ़ॉरेन-कम्पनीज का कोई इन्वेज्शन नहीं हुआ है जो पहले से है और जिन्होंने उस काम को किया हुआ है, वही अभी भी फ़ील्ड में है कोई नया इन्वेज्शन नहीं हुआ है । सरकार की यह पालिसी है कि हमारी जा इन्डोजेनस फ़र्मज है हम उनको हर तरीके से एन्क्रेजमेंट दे जहाँ दूसरी बीजे बराबर हा बड़ा लाइसेंस देने में हिन्दुस्तानी फ़र्म को तरजीह दी जाती है । फ़ॉरेन-फ़र्मज को उनके फ़ार्मिशन के लिये नये लाइसेंस नहीं दिये जाते हैं जब तक कि वे ड्रग का बन्व प्रोडक्शन उस देश में न करें । हमलिये हर तरीके से हम अपनी इन्डोजेनस फ़र्मज को ही तरजीह देते हैं ।

जहाँ तक रा-मैटीरियल के एलाटमेंट का सवाल है—हमारी देशी फ़र्म जो डी०जी० टी०डी० के साथ रजिस्टर्ड है उनके पिछले दो सालों में जो सब से ज्यादा रजिस्ट्रेशन है, उसके आधार पर 15 फ़ीसदी योग के लिये ज्यादा देने है । उसी तरह में स्माल स्केल इण्डस्ट्रीज में पिछले दो सालों की कन्जक्शन में जो ग्रेट-डिफर हो उसके उपर 30 परसेन्ट एडिशनल रा-मैटीरियल एलाट किया जाता है । बग़ल में जो इण्डस्ट्रीज है, स्माल स्केल इण्डस्ट्रीज सब्सीडरी में उनको 50 परसेन्ट ग्रांथ के लिये एडिशनल रा-मैटीरियल एलाट करत है । हम हर तरीके से अपनी देशी फ़र्मों को एन्क्रेजमेंट देने के लिये पूरी होसला-अफ़ज़ाई कर रहे हैं ।

आदरणीय हाउस को मालूम है कि हम ने पिछली फ़रवरी में एक कमेटी जनाब जयसूख-नाल हाथी माहव की सरकदशी में मर्चरि की है, जिसकी एक टर्म-आफ़ रेफ़रेन्स यह भी है कि जो हिन्दुस्तानी फ़र्म है उनको किस तरह से

बढ़ावा दिया जाय और किस तरह से उनकी होसला-भ्रष्टाई की जाय ताकि वे जल्द से जल्द ऊपर आ सकें। मैं उम्मीद करता हूँ कि हाथी कमेटी की जो सिफारिश होगी, उन पर हम पूरा भ्रमल करेगे।

SHRI RAGHUNANDAN LAL BHATTIA: He has not replied to one part of my question. I asked whether IDPL is giving basic raw material to foreign companies working in India and not giving them to Indian firms.

SHRI SHAHNAWAZ KHAN: We don't discriminate between them. Where foreign firms are the only users of those raw material we give them. Where Indian firms can also utilise those bulk drugs and make formulations etc, we will also make allotment to them.

PROF. MADHU DANDAVATE: He has said that undertakings with an annual turnover not exceeding Rs. 50 lakhs have been exempted from operation of certain provisions of para 9, 10 and 13 of the Drug Price Control order of 1970 regarding prior approval of Government for fixing and revising prices of drug formulations. Is it not a fact that there are some drug manufacturers who try to show manipulated turnover, try to circumvent the Drug Price Control Order of 1970 and try to take undue advantage? How do you propose to check them? What steps are being taken to check these malpractices?

श्री शाहनवाज खां : अगर इस किन्म की कोई शिकायत आयेगी तो उसके ऊपर मुनामिब कार्यवाही की जाएगी।

श्री० मधु दण्डवते : मैंने यह मवाल पूछा था कि क्या इस तरह की मैलप्रेक्टिसिज की तरफ आपका ध्यान खींचा गया है, अगर खींचा गया है तो आप क्या कार्यवाही कर रहे हैं ? आप जवाब में कह रहे हैं कि अगर

आपका ध्यान खींचा जाएगा तो कार्यवाही करेगे। अभी तक आपका ध्यान खींचा गया है या नहीं ?

श्री शाहनवाज खां : हमारी नोटिस में अभी ऐसी चीज नहीं आई है।

श्री नवल किशोर शर्मा : अध्यक्ष महोदय, अभी मन्त्री महोदय कर्मा रहे थे कि हर भारतीय दवा विक्रेता और दवा-उत्पादक को प्रिफरेंस देने हैं—दवाओं की खरीद के मामले में। इसी मन्दर्भ में मैं पूछना चाहता हूँ—क्या यह सही नहीं है कि डी० जी० टी० डी० के द्वारा जो दवायें खरीदी जाती हैं डी० जी० टी० डी० विदेशी कम्पनियों को ज्यादा प्रिफरेंस देती हैं ? यदि यह सही है तो क्या आप डी० जी० टी० डी० का आदेश देंगे कि जो दवाइया भारत में भारतीय कम्पनियों में पैदा होती हैं उनके लिये विदेशी कम्पनियों को आर्डर न दिये जायें, क्या ऐसा कोई गेशोरेंस मदन में देगे ?

श्री शाहनवाज खां : डी० जी० टी० डी० मंत्री मिनिस्ट्री के मानहत नाम नहीं करनी है यह मवाल आप उस मिनिस्ट्री में पूछें।

श्री हुकम चन्द कछवाय : पिछले दो वर्षों में भारतीय दवाई बनाने वाली कम्पनियों को कच्चा माल पर्याप्त मात्रा में नहीं मिलता है, जिसकी वजह से दवाइया बाजार में ठीक प्रकार से नहीं मिलती हैं, जबकि विदेशी कम्पनिया को पर्याप्त माल मिलता है और उनका मूल्य भी देशी कम्पनिया से अधिक है, वे अधिक मुनाफा कमाती हैं, मैं जानना चाहता हूँ—इस प्रकार की जो शिकायतें आप के पास आई हैं क्या आप उनकी जांच करावेंगे कि इन को कम रा-मैटीरियल क्यों दिया जाता है, क्या यह बात भी सही है कि दवाइयों का जो पैकिंग होता है, यदि 1000 कैपसूल का पैकिंग है तो उसमें 750 या 800 कैपसूल निकलते हैं, इसी तरह से

मोलियां भी कम निकलती है—क्या इस प्रकार की शिकायतें आपको मिली हैं ?

पेट्रोलियम और रसायन मंत्री (श्री देवकांत बडवानी) : माननीय सदस्य की जो बुनियाद है वह भी मजबूत है और उनका जो सिद्धान्त है वह भी मजबूत है ।

WRITTEN ANSWERS TO QUESTIONS

Book-stall Contracts to Educated Unemployed on Indian Railways

*221. SHRI KRISHNA CHANDRA PANDEY:
SHRI LALJI BHAI:

Will the Minister of RAILWAYS be pleased to state:

(a) whether Government had decided to give book-stall contracts to educated unemployed youths and discourage monopolists; and

(b) if so, reasons for renewing the contract of M.s. A. H. Wheeler & Co ?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI) (a) The Government has decided to award bookstalls to cooperative/partnerships of unemployed graduates at new stations and at stations where bookstalls do not exist at present.

(b) Despite wide publicity to the above policy the response from the unemployed graduates has been very poor and therefore it was considered necessary to ensure service to the public through existing contractors by renewing the contracts.

Construction of Mangalore-Hassan Railway Project

*222. SHRI K. LAKKAPPA:

Will the Minister of RAILWAYS be pleased to state:

(a) the reasons for the slow progress in the construction of the

Mangalore-Hassan Railway Project; and

(b) the time likely to be taken in completing first phase?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI) (a) The slow progress in the Second phase of the project is on account of non-availability of critical materials, paucity of funds and contractual complications. In addition the work involves construction of a large number of tunnels and bridges in a difficult terrain which presents technical difficulties.

(b) The first phase of the project has already been completed.

Appointment of Engineers and other Educated Persons from Gujarat in O. & N.G.C.

*223 SHRI ARVIND M PATEL:

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

(a) the criteria adopted for the appointment of Gujarati young engineers and other educated persons in the O & N G.C. in Gujarat;

(b) whether preference is not being given to local people; and

(c) if so, the reasons therefor?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BOROOAH): (a) to (c) The recruitment to all posts in the Commission carrying a basic maximum salary below Rs. 500/- per month, excepting the post of Technical Assistant Grade II in the pay scale of Rs. 260-470, is decentralised and recruitment to these posts is made on a Regional basis by the respective Regional Project authorities. Posts carrying a basic salary upto Rs. 209 are notified to local employment exchanges only and the candidates registered locally get preference in matters of employment. Posts carrying a basic salary between Rs. 210 to Rs. 499 and belonging to scientific and technical categories are

notified to the local employment exchange and also to Central employment exchange. Applications from open market for these posts are not invited unless a non-availability certificate is given by the employment exchange.

Findings of Survey for Jagadhari-Paonta Railway Line

*224. SHRI NARAIN CHAND PARASHAR:

Will the Minister of RAILWAYS be pleased to state:

(a) whether the survey for the proposed Jagadhari-Paonta Railway line has been completed;

(b) if so, the findings of the survey including the estimated cost; and

(c) the likely date by which the line would be sanctioned and the work started?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No, Sir.

(b) and (c) Do not arise.

Legal Aid to the Poor

*228. SHRI D. P. JADEJA:
SHRI D. K. PANDA:

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

(a) whether any final decision has been taken to provide free legal help to the poorer section in the country;

(b) if so, the salient features thereof; and

(c) if not, when the final decision is likely to be taken?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHLE): (a) Government have already provided for legal aid to the poor to a limited extent in sec-

tion 304 Cr. P. C., 1973, and in Order XXXIII of C.P.C. (Amendment) Bill of 1974, and in section 7 (1) (if) of the Advocates Act, 1961, as amended. So far as the comprehensive scheme for providing legal aid to the poor is concerned, the Report of the Committee presided over by Shri Justice V. R. Krishna Iyer has been sent to all State Governments, High Courts, Supreme Court, Bar Council of India, State Bar Councils and other voluntary organisations for their comments. Their comments are still awaited. No final decision can be taken until their comments are received and analysed.

(b) In view of the above, does not arise.

(c) Does not arise, in view of the answer (a) above.

Ceiling on the Number of Consumers Registered with Indane Gas Dealers of I.O.C.

*231 SHRI V. MAYAVAN:

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

(a) whether his Ministry has asked the Indian Oil Corporation to change the licensing procedures and to put a ceiling on the number of customers that a dealer in Indane Gas can book;

(b) if so, the reaction of the Indian Oil Corporation thereto; and

(c) when new changes will be introduced?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BO-ROOAH) (a) The Indian Oil Corporation has been advised to review its existing dealerships in respect of their size, profitability, number of agencies with dealers, etc. It has also been advised that all new dealerships for Indane Gas are to be created in such a manner that a distributor serves on an average 5000 consumers.

(b) and (c). Action has already been initiated by the Corporation.

Profits Earned by Soap, Tyre and Cement Producing Firms

*232. SHRI VAYALAR RAVI: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state the total amount of profits earned by different Soap, Tyre and Cement producing firms in the country during the years 1971, 1972 and 1973?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE) The total amount profits earned by different automobile Tyre, Cement and Soap Companies in the private sector during the years 1970-71, 1971-72 and 1972-73 were as under:

	Profit before tax (Rs. in crores).		
	1970- 71	1971- 72	1972- 73
	Rs.	Rs.	Rs.
Tyre Mfg. Cos. (7)	16.0	16.1	16.1
Cement Mfg. Cos. (18)	16.28	15.73	10.41
Soap Mfg. Cos. (9)	16.79	21.81	20.19

According to DGTD Annual publications for the year 1972, there are 24 Soap manufacturing companies. The latest information regarding profits of 15 soap manufacturing companies is not readily available. In the case of Cement, according to information furnished by DGTD, there are 22 companies manufacturing cement. The latest information regarding 4 companies is not readily available.

Out of the above 22 Cement companies, there are 4 cement manufacturing companies which are also of diversified nature and are producing

other commodities also. Soap manufacturing companies are mostly diversified companies. Companies are not required under the Companies Act to file separate profit & loss accounts products wise/unit wise and hence profit figures given above are the profits of the entire business activities of these companies.

Violation of Payment of Wages Act in Jaipur Division (Western Railway)

*233. SHRI SARJOO PANDEY: Will the Minister of RAILWAYS be pleased to state:

(a) whether the authorities under the Central Industrial Relations Machinery have taken up a large number of cases of violation of Payment of Wages Act and abnormal delays in payment in respect of railway workers of Jaipur Division of Western Railway;

(b) if so, the number of claimants and the amount claimed for the years 1971, 1972 and 1973 by the workers of Jaipur Division;

(c) whether many letters were sent by Central Industrial Relations Machinery for expeditious disposal of cases; and

(d) when these cases would be finally disposed of?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI) (a) to (d). No statistics regarding number of claimants and amount claimed is maintained. However, the Central Industrial Relations Machinery reported certain cases of violation under the Payment of Wages Act and cases of delays in payment in respect of railway workers of Jaipur Division of Western Railway. The year-wise

figures for the last 3 years are as under:—

Year	Total No. of violations under Payment of Wages Act.	Cases of delayed payment
1971 . . .	1224	277
1972 . . .	187	2
1973 . . .	959	50

Communications sent by the Central Industrial Relations Machinery for disposal of the above cases were examined as a result of which out of a total of 2370 irregularities reported during the years 1971 to 1973 all but 38 cases were disposed of.

Vigorous efforts are being made to finalise the remaining cases as early as possible.

दुर्गापुर केमिकल्स में फिनल तथा पयालिक एनोक्लोरीनाल का उत्पादन

*234. श्री मूलचन्द डागा क्या पेट्रो-लियम और रसायन मंत्री यह बताने की कृपा करेंगे कि

(क) दुर्गापुर केमिकल्स प्लाट में 1971 में फिनल तथा पयालिक एनोक्लोरीनाल का उत्पादन कितना कम हुआ और इस कमी के क्या कारण हैं, और

(ख) क्या इस यूनिट को 1961 में 6600 टन उत्पादन के लिये लाइसेंस दिया गया था, और यदि हा, तो लक्ष्य प्राप्त न करने के क्या कारण हैं ?

पेट्रो-लियम और रसायन मंत्री (श्री हेम-कान्त बरुआ) : (क) दुर्गापुर केमिकल्स लि० (पश्चिम बंगाल राज्य सरकार का उपक्रम) में वर्ष 1969, 1970 और 1971 के दौरान सिन्थेटिक फिनोल और थैलिक ऐनिहाइड्राइड का उत्पादन निम्न प्रकार हुआ :—

	1969	1970	1971
सिन्थेटिक फिनोल	433	716	503
थैलिक ऐनी हाईड्राइड	1615	1288	790

इन मेटों के लिए 3300 मी० टन/प्रति वर्ष प्रत्येक की स्थापित क्षमता के विरुद्ध उक्त उत्पादन हुआ ।

दुर्गापुर केमिकल्स सन्त्यन्त्र के अग्रपाणि कार्य-निष्पादन में प्रमुख कारण काम का बन्द होना था जिनमें बिजली बन्द होना और समस्या, दुर्गापुर बन्द अग्रपाणि अनुरक्षण और भारी जग का लग जाना है इस भाँति जग ने 10-12 महीना की लम्बी अवधि में ओवरहाल को पूरा करना अनिवार्य कर दिया था । फिनोल के कम उत्पादन होने का अन्य कारण यह भी था कि दुर्गापुर इस्पान सन्त्यन्त्र में बैजिन प्राप्त करने में कठिनाई हुई । थैलिक ऐनिहाइड्राइड के सम्बन्ध में, सामान्य कारणों के अलावा, अनुश्रेय रसायन श्रेणी के अन्तर्गत, निर्यातको द्वारा आयातित सामग्री के बहुत भण्डारों के कारण सीमित मार्किट और नेपथालीन की मर्यादों की कठिनाइयों प्रौद्योगिकी परिचालन सम्बन्धी समस्याएँ विभिन्न कारण थी ।

(ख) मैसर्स दुर्गापुर केमिकल्स वर्ष 1961 में प्रौद्योगिकी सम्बन्धी कमियों और परिचालन समस्याओं के कारण अपने पक्ष में लाइसेंस प्राप्त सिन्थेटिक फिनोल के लिए 6600 मी० टन प्रति वर्ष की क्षमता स्थापित करने में सफल नहीं हुई है ।

मुख्य श्रम आयुक्त द्वारा पता लगाये गये
वैतन प्रदायणी अधिनियम के अन्तर्गत मामले

*235. श्री अटल बिहारी वाजपेयी :
श्री जगन्नाथ राय जोशी :

क्या रेल मंत्री यह बताने की कृपा करेंगे
कि :

(क) क्या 1973 के अन्त तक मुख्य
श्रम आयुक्त द्वारा पाये गये 18,000 मामलों
में से 2100 मामलों में रेल प्रशासन को वेतन
प्रदायणी अधिनियम के अन्तर्गत दोषी पाया
गया है; और

(ख) इस सम्बन्ध में मुख्य बातें क्या हैं,
ऐसा होने का कारण क्या है और क्या उप-
चारवात्मक कार्यवाही की गयी है ?

रेल मंत्रालय में उप-मंत्री (श्री सुहृन्मद
शर्मा कुरेशी): (क) और (ख). वर्ष 1973
में मुख्य श्रम आयुक्त के संगठन द्वारा मंजूरी
भुगतान अधिनियम, 1936 के अधीन
21,766 अनियमितताएँ पकड़ी गयी थी
जिनमें से 14,300 अनियमितताओं को
31-12-1973 तक ठीक कर दिया गया
था। ये अनियमितताएँ अधिनियमों तथा
नियमों और नोटिफिकेशनों की प्रतियाँ न प्रदर्शित
करने, रजिस्ट्रो के रख-रखाव में कमी,
भुगतान में विलम्ब, अनधिकृत कटौतियों
आदि से सम्बन्धित थी। अधिनियम की
अपेक्षाओं का अनुपालन सुनिश्चित करने के
लिए विभिन्न स्तरों पर पर्याप्त तन्त्र पहले से
ही मौजूद है।

**Complaints regarding Sale of Petrol
mixed with water by some Petrol
Dealers in Delhi**

*236. SHRI PRABODH CHANDRA:
SHRI R. S. PANDEY:

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

(a) whether complaints have been
brought to the notice of Government

against petrol dealers in Delhi for
selling petrol mixed with water in
the 1st week of July, 1974; and

(b) if so, action taken against
these dealers?

THE MINISTER OF PETRO-
LEUM AND CHEMICALS (SHRI
D. K. BOROOAH): (a) One such case
was reported on 4-7-1974.

(b) Complaint was investigated by
the Tilak Marg Police Station, and
found that rain water had acciden-
tally leaked into the tank through a
petrol pipeline which was found to
be slightly loose. No cognisable off-
ence was found to have been com-
mitted. Police are further awaiting
results of samples of petrol taken
from the tanks. In case it is found
that there was admixture other than
with water, further action will be
taken against the dealer.

रेल हड़ताल के दौरान आपात स्थिति में किया
गया व्यय

*237. श्री बन्धिका प्रसाद : क्या रेल
मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को यह पता है कि
रेलवे की हड़ताल के दौरान आपात स्थिति
के नाम पर अत्यधिक खर्च किया गया ;

(ख) यदि हाँ, तो उसकी मुख्य
बातें क्या हैं, और

(ग) क्या इस प्रकार व्यय की गई
राशि की कोई लेखा परीक्षा होती है ?

रेल मंत्री (श्री एल० एन० सिन्हा) :

(क) से (ग) मई, 1974 की अवधि हड़ताल
में उत्पन्न स्थिति में निपटने के लिए, यात्री
जनता की सुरक्षा और सुरक्षा के साथ साथ
माल/महारी गाड़ियों के निर्बाध संचालन
बनाये रखने और बड़े बड़े रेल सस्थापनाओं
आदि की सुरक्षा के लिए रेलों को कुछ आपा-
तक व्यय करना पड़ा।

रेलों द्वारा किये गये कुल व्यय की लेखा-परीक्षा अभी होनी है।

Elections in Gujarat

*239. SHRI P. MEHTA:

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

(a) whether the Election Commission has stated that it will not be possible to hold elections in Gujarat this year;

(b) if so, reasons therefor; and

(c) when these elections are likely to be held?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a). No, Sir.

(b) Does not arise.

(c) Fresh delimitation of constituencies on the basis of 1971 Census and the preparation and revision of electoral rolls thereafter with reference to the newly de-limited constituencies are the two basic requirements which have to be fulfilled before General Elections are held in Gujarat to constitute a new Legislative Assembly. The work of delimitation of constituencies in Gujarat has already commenced and is still in progress. After its completion, the electoral rolls will be revised and the question of holding election will then be considered.

Supply of Raw Material by S.T.C. and I. D. P. L. to Drug Units

*239. SHRI D. D. DESAI:
SHRI ANADI CHARAN DAS:

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

(a) whether raw materials are not provided by the S.T.C. and I.D.P.L.

to the drug units in adequate quantities;

(b) if so, causes thereof; and

(c) measures taken to supply sufficient raw materials to the drug units?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH NAWAZ KHAN): (a) and (b). STC and IDPL distribute bulk drugs and drug intermediates canalised for import to the drug and pharmaceutical units in the country as per their entitlements. Whenever shortfall in receipts of these items arises due to either inadequate indigenous production or on account of their inadequate availability in the international market including late arrivals or delayed shipments, the canalising agencies distribute the available stock on proportionate basis.

(c) Efforts are being made to procure the items in short supply and to increase the indigenous production to ensure that the requirements of the drugs and pharmaceuticals industry are met in full.

मुख्य गाड़ियों में रेल डिब्बों की संख्या बढ़ाने का प्रस्ताव

*240. श्री कूलचन्द्र वर्मा : क्या रेल मन्त्री यह बताने की कृपा करेंगे कि :

(क) दूसरी श्रेणी के गाड़ियों की संख्या में प्रतिदिन होने वाली वृद्धि को देखते हुए, प्रत्येक मुख्य गाड़ी में 1973 में कितने कितने अतिरिक्त रेल डिब्बों जोड़े गये, और

(ख) क्या वर्ष 1974-75 में मुख्य गाड़ियों में दूसरी श्रेणी के और अधिक रेल डिब्बे जोड़ने का प्रस्ताव है ?

रेल अंचालय में उप-मंत्री (श्री मुहम्मद सफी कुरैशी) : (क) और (ख) एक विवरण सभा पटल पर रख दिया गया है।

विवरण

1973-74 में महत्वपूर्ण मेल-एक्सप्रेस गाड़ियों में जोड़े गये डिब्बों की संख्या

(क) गाड़ियों की संख्या और बोगियों की संख्या
क्रम सं० विवरण संख्या बढ़ाना

1	बड़ी लाइन .	
1	7अप/8 डाउन नूफान एक्सप्रेस	1
2	303 बम्बई-कोल्हापुर महालक्ष्मी एक्सप्रेस/ 310 पुणे-बम्बई जनता एक्सप्रेस	4
3	31/32 बम्बई-सिक- न्दराबाद एक्सप्रेस	4
4	1/2 हवड़ा कालका मेल	1
5	33/34 कश्मीर मेल	2
6	83/84 लखनऊ एक्सप्रेस	1
7	51/52 मियातदह— जम्मू तबी एक्सप्रेस	3
8	29/30 लखनऊ मेल	1
9	307/308 ब्लैक डाय- मण्ड एक्सप्रेस	2
10	301/302 हवड़ा— टाटानगर एक्सप्रेस	1
11	25/26 पश्चिम एक्सप्रेस	1
12	43 अप/44 डाउन दार्जिलिंग मेल	1
13	7/8 मद्रास-बैंगलूर मेल	2
14	23/24 मद्रास-बैंगलूर एक्सप्रेस	1
15	26/25 आइलैंड एक्सप्रेस	2

- 29/30 मालाबार एक्सप्रेस
- 41/42 केरल एक्सप्रेस
- 51/52 मद्रास—काजी-
पेट लिंक एक्सप्रेस

मीटर लाइन :

- 97/98 बाड़मेर एक्सप्रेस
 - 95/96 भागवाड मेल
 - 5/6 त्रिवेणी एक्सप्रेस
 - 17/18 वैशाली एक्सप्रेस
 - 3/4 अहमदाबाद-दिल्ली
 - 3/4 ग्रामम मेल
 - 5/6 कामरूप एक्सप्रेस
 - 1अप/2 डाउन एटी मेल
 - 105/106 मद्रास—
त्रिवेन्द्रम मेल
 - 177/178 राक फोर्ट
एक्सप्रेस
 - 153/154 चोलान
एक्सप्रेस
 - 85/86 मिकन्दराबाद-
बैंगलूर एक्सप्रेस
 - 31/32 जयन्ती जनता एक्सप्रेस
 - 15/16 लखनऊ एक्सप्रेस
- (ख) जी हा।

पटना घाट की भूमि को बिड़ला बन्धुओं को हस्तान्तरित करने का प्रस्ताव

1627. श्री रामाकृष्ण शाल्मी : क्या रेल मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार पटना सिटी के अन्तर्गत महफंगंज में वर्तमान "पटना घाट" की भूमि को, उस केन्द्र का विघटन करने के बाद बिड़ला बन्धुओं को बेचने के प्रस्ताव पर विचार कर रही है; और

(ख) यदि हां तो इसके क्या कारण हैं ?

रेल मंत्रालय में उपस्थिति (श्री मुहम्मद शाही कुरेशी) : (क) जी नहीं ।

(ख) प्रश्न नहीं उठता ।

Scheme to restrict consumption of Petroleum Products

1628. SHRI D. D. DESAI:
SHRI P. GANGADEB:

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

(a) whether Government are considering any scheme to restrict the consumption of petrol and diesel oil, both high speed and low speed, throughout the country;

(b) whether details of the scheme have been worked out;

(c) if so, whether they have been implemented; and

(d) the broad outlines thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) and (b). Yes, Sir. The Consumption of Motor Spirit i.e. petrol has already come down since the increase in its price in November, 1973. Various measures to reduce the consumption of both high speed and light diesel oil are being considered in consultation with the concerned authorities.

(c) and (d). Do not arise.

Ban on the use of Diesel Oil for generation of Electricity on Festive Occasions

1629. SHRI MUHAMMED SHERIFF:

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

(a) whether Government have banned the use of high speed diesel oil and light diesel oils for generating electricity on festive occasions; and

(b) if so, the reasons thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) and (b). Yes, Sir. This has been done to curtail the non-essential consumption of these products which form the vital inputs for essential industrial and agricultural activity in the country.

Producers of Soaps

1631. SHRI JYOTIRMOY BOSU:
Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) who are the principal producers of soaps in the country;

(b) licensed and installed capacities of each producer as in 1965 and 1973;

(c) whether some producers have been charged with unauthorised expansion of installed capacity; and

(d) if so, the facts thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) and (b). A statement is laid on the Table of the House.

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

Statement

Sl. No.	Name of the principal producers of the soap.	Licensed/Registered (tonnes/per year)		Installed capacity as reported by the firm (tonnes/per annum)	Production of Soap (Qty.tns.)
		1965	1973	1973	1973
1. Hindustan Lever Ltd.					
	(a) Calcutta Factory	33,000	33,000	60,000	32,916
	(b) Bombay Factory	58,000	58,000	1,20,000	66,553
2. Tata Oil Mills Co. Ltd.					
	(a) Bombay	14,400	14,400	21,200	19,710
	(b) Tatapuram Factory	14,460	15,006	29,480	26,175
	(c) Madras Factory	1,728	1,728	7,350	4,824
	(d) Ghaziabad Factory	7,500	8,540	14,500	11,998
	(e) Calicut Factory	3,000	3,000	6,405	3,806
	(f) Calcutta Factory.	9,600	9,600	12,180	5,528
3	M/s. Swastik Oil Mills, Bombay .	10,920	10,920	—	8,970
4	M s. Kusum Products Pvt. Ltd. . .	6,500	6,500	10,000	6,808
5	M/s. Government Soap Factory, Bangalore	6,000	6,000	6,000	5,203
6	M/s. Asiatic Soap Co., Calcutta . .	4,800	4,800	11,700	3,016
7	M/s. Bombay Soap Factory, Bombay .	4,500	4,500	8,004	8,336
8	M/s. Godraj	4,032	4,032	—	5,137
9	M/s. Calcutta Chemical Co. Ltd., Calcutta	1,500	1,500	5,004	1,758
10	M/s. Berar Oil Industries, Akola .	1,800	1,800	5,000	3,069
11	M/s. Tungabhadra Industries, Kurnool	1,152	1,152	—	2,220
12	M/s. M.J.I Soap Works, M.J.I Nagar .	1,500	1,500	4,800	2,364
13	M/s. Vegetable Products Ltd., Calcutta .	720	720	2,880	1,587
14	M/s. K. S. Patanwala, Bombay . .	1,200	1,200	6,696	2,284

Action against Trade Unionists Instigating for Fresh Strike

1632. SHRI SHANKER RAO SAVANT: Will the Minister of RAILWAYS be pleased to state:

(a) has any action been taken or is

proposed to be taken against those trade unionists who incite railway workers to go on a fresh strike; and

(b) if so, the nature of the action taken?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI

MOHD. SHAFI QURESHI): (a) and (b). Strike on Indian Railways continues to be prohibited under Section 118 of the Defence of India Rules and anybody inciting the railway workers to go on strike naturally attracts the provisions of the Law and action as is appropriate in each case, is and will be taken.

Offshore Oil Exploration in Cambay and Saurashtra

1633. SHRI S. R. DAMANI: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether preparations are made to probe the oil-bearing potentialities in offshore areas of Cambay and Saurashtra;

(b) if so, the broad outlines thereof; and

(c) the main features of preliminary investigations made to locate oil in these areas?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH NAWAZ KHAN): (a) Yes Sir.

(b) and (c). Detailed seismic mapping in certain parts of the southern part of Gulf of Cambay (Offshore areas of Cambay) and reconnaissance seismic profiling in the south-eastern offshore area of Saurashtra have been completed. In Cambay Offshore area, three structures viz. Aliabet West, Aliabet East and Tapti have been delineated. The first offshore well drilled on Aliabet West yielded a non-commercial oil find.

The results of the reconnaissance seismic survey conducted in the Saurashtra offshore area indicated the need to carry out detailed surveys to locate drillable structures. These surveys are proposed to be carried out by ONGC using its own seismic ship which is expected to be delivered early next year.

Decline in Production of Crude Oil in Ankaleshwar Fields

1634. SHRI S. R. DAMANI: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the reasons for the declining crude output in the Ankaleshwar fields;

(b) the estimates made as to for how many years these wells will be fit for commercial exploitation; and

(c) whether the question has been examined for prolonging the usefulness of these wells without decline in the yield and if so, what are the findings?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH NAWAZ KHAN): (a) Every oil field has an initial period of increasing production, another period of peak production and a third period of declining production. The Ankaleshwar oil field has been on peak production for quite some time and the production therefrom has recently started declining.

(b) The technological scheme of development prepared for this field envisages a certain number of years of commercial exploitation for the different sands. According to this, the shortest period of exploitation for the sand which is smallest in its areal extent is five years and 22 years in the sand which is largest developed in its areal extent.

(c) These studies are being planned and will be carried out in the near future to minimise the decline.

Utilization of Oil Drilling Ship "Sagar Samrat"

1635. SHRI S. R. DAMANI: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the date from which the "Sagar Samrat" has become idle after comp-

letion of drilling operations on the first well in the Bombay High; and

(b) the expenditure incurred on its maintenance since then, including the daily expenses of foreign technicians assisting the Oil and Natural Gas Commission in the exploratory work?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH NAWAZ KWAN): (a) and (b). Information is being collected and will be laid on the Table of the House.

Indian Participation in Discussions between Oil Producing Countries and Consumers

1636 SHRI D. P. JADEJA:
SHRI VEKARIA:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state—

(a) whether Saudi Arabia has invited India to participate in a dialogue it has proposed between the oil producing countries and the consumers; and

(b) if so, whether India will participate therein?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH NAWAZ KHAN): (a) No, Sir.

(b) Does not arise.

दक्षिण रेलवे के गिरफ्तार कर्मचारियों की रिहाई

1637. श्री हुकूम चन्द कच्छबाय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि—

(क) दक्षिण रेलवे में 8 मई, 1974 से की गयी हड़ताल के दौरान कुल कितने कर्मचारी गिरफ्तार किये गये थे जिन्हें रिहा किया जा चुका है ; और

(ख) इस समय कितने कर्मचारियों पर मुकदमें चलाये जा रहे हैं ?

रेल मंत्रालय में उप-मंत्री (श्री मोहम्मद शफी कुरैशी) : (क) (i) हड़ताल के दौरान गिरफ्तार किये गये कर्मचारी—2138

(ii) अभी तक मुक्त किये गये कर्मचारी—2131

(ख) अभी तक गिरफ्तार कर्मचारी—7

मई, 1974 के दौरान पश्चिम रेलवे में कैन्सिल की गयी गाड़ियाँ

1638. श्री हुकूम चन्द कच्छबाय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मई, 1974 के दौरान सरकार ने पश्चिम रेलवे में कुछ गाड़ियों को कैन्सिल कर दिया था ,

(ख) यदि हाँ, तो कितनी गाड़ियों को रद्द किया गया था और उसके कारण क्या थे ; और

(ग) इसमें सरकार को अनुमानतः कितनी क्षति हुई है ?

रेल मंत्रालय में उप-मंत्री (श्री मोहम्मद शफी कुरैशी) : (क) जी हाँ ।

(ख) मई, 1974 के दौरान हड़ताल के कारण औसतन लगभग 114 जोड़ी सवारी गाड़ियाँ प्रतिदिन रद्द की गयी ।

(ग) इसके फलस्वरूप करीब 1.8 करोड़ की अनुमानित हानि हुई ।

दक्षिण रेलवे में कर्नाटक, तिलचिन्नित तथा बहाल किये गये कर्मचारी

1639. श्री हुकूम चन्द कच्छबाय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि—

(क) 8 मई से शुरू हुई रेलवे हड़ताल के दौरान दक्षिण रेलवे के कितने कर्मचारियों

को सेवा से बर्खास्त तथा निलम्बित किया गया, और

(ख) इस बीच कितने कर्मचारियों को बहाल कर दिया गया है ?

रेल मंत्रालय में उ-संश्री (श्री मुहम्मद शफी कुरेशी) : (क) (1) दक्षिण रेलवे पर कर्मचारियों की संख्या—13,558

(11) बर्खास्त/नौकरी से हटाये गये या निलम्बित कर्मचारियों की संख्या—530

(111) मुमत्तिन—248

(ख) (i) (क) (11) में से बहाल किये गये कर्मचारियों की संख्या—5

(ii) (क) (111) में से बहाल किये गये कर्मचारियों की संख्या—228

हड़ताल के दौरान दक्षिण-पूर्व रेलवे में तोड़-फोड़ की घटनायें

1640. श्री हुकम चन्द कक्षराय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) 8 मई से शुरू हुई रेलवे हड़ताल के दौरान दक्षिण-पूर्व रेलवे में तोड़-फोड़ की कुल कितनी घटनायें हुई, और

(ख) इसके परिणामस्वरूप कुल कितने मूल्य की रेलवे सम्पत्ति को क्षति पहुँची ?

रेल मंत्रालय में उ-संश्री (श्री मुहम्मद शफी कुरेशी) : (क) 19 मामले ।

(ख) लगभग एक लाख रुपये ।

मुख्य श्रम आयुक्त द्वारा चुने गये रेल कर्मचारियों के मामले

1641. श्री आर० बी० बड़े : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) वर्ष 1973 के अन्त तक मुख्य श्रम आयुक्त द्वारा रेल प्रशासन तथा रेल कर्मचारियों के कितने मामले चुने गये ,

(ख) कितने मामलों में रेल प्रशासन को दोषी पाया गया , और

(ग) उन अधिकारियों के नाम क्या हैं जो ऐसे मामलों में वास्तविक रूप से दोषी पाये गये तथा प्रत्येक के विरुद्ध क्या कार्रवाई की गयी ?

रेल मंत्रालय में उ-संश्री (श्री मुहम्मद शफी कुरेशी) (क) से (ग) सूचना इकट्ठी की जा रही है और सभा पटल पर रख दी जाएगी ।

गोहाना-पानीपत रेलवे लाइन को पुनः चालू करना

1642. श्री बोदेन्द्र सिंह राय :

श्री मुक्तिद्वार सिंह मलिक :

क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) गोहाना-पानीपत रेलवे लाइन को पुनः चालू करने में अब तक क्या प्रगति हुई है ,

(ख) क्या इस लाइन पर काम शुरू किया जा चुका है , और

(ग) कब तक यह परियोजना पूरी हो जायेगी ?

रेल मंत्रालय में उ-संश्री (श्री मुहम्मद शफी कुरेशी) (क) जून, 1974 के अन्त तक 1.4 अंश तक प्रगति हुई है ।

(ख) जी हाँ ।

(ग) आशा है यह परियोजना अप्रैल, 1977 तक पूरी हो जायेगी ?

Loss suffered by each Railway due to Violent Agitations during 1973-74

**1643. SHRI BIRENDER SINGH RAO;
SHRI MUKHTIAR SINGH MALIK;**

Will the Minister of RAILWAYS be pleased to state:

(a) the amount of loss suffered by each Railway due to violent agitations during 1973-74; and

(b) the steps taken or proposed to be taken by Government to prevent recurrence of such activities in future?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI):

(a) A Statement is attached.

(b) 1. The Security branch of the Railways keeps close liaison with the Executive and Intelligence branches of the State Police and they exchange information regarding matters affecting the running of the Railways and protection of important installations.

2. Guarding of vulnerable points and patrolling of the track in vulnerable sections is taken up by the State Police or the Railway Protection Force as the case may be, when trouble is apprehended.

3. In addition to strengthening security arrangements at Railway Stations, in areas where trouble is likely to occur, action is taken by the Government Police and the Railway Protection Force to escort trains on affected sections.

4. The local Police arrange protections of Railway Stations and the railway track adjoining educational institutions when required.

5. Steps are taken to project before the public the baneful effects of attacks on national assets like Railway property.

6. Press communiques/special articles/brochures are being issued by the Railway Board and the Zonal Railways as an educative measure against such damage/destruction of Railway property. Radio talks are also given by officers and others. The subject is also brought up in the National Railway User's Consultative Council meetings, seeking their co-operation in this respect.

Statement

S. No.	Name of the Railways	Amount (in Rs.)
1.	Central	70,85,100
2.	Eastern	45,10,062
3.	Northern	1,22,626
4.	North Eastern	2,33,727
5.	Northeast Frontier	1,66,340
6.	South Central	8,97,26,000
7.	South Eastern	8,59,200
8.	Southern	2,14,050
9.	Western	62,12,000

Cases pending in Supreme Court and High Courts at present

**1644. SHRI C. K. CHANDRAPPA;
SHRI SAMAR GUHA;**

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state the total number of cases pending in the Supreme Court and each of the High Courts at present?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Information as on 30th June, 1974 is available only in respect of some High Courts. In respect of the other High Courts, information as at the end of December,

1973 is available. A statement giving the available information is attached

Name of the Court	Pendency at the end of June, 1974	Pendency at the end of December, 1973
Supreme Court	12,895	
<i>High Courts</i>		
1 Allahabad		89,573
2 Andhra Pradesh	22,332	45,145
3 Bombay		45,145
4 Calcutta		66,568
5 Delhi		19,730
6 Gauhati		5,263
7 Gujarat	12,860	
8 Himachal Pradesh		1,643
9 Jammu and Kashmir		2,306
10 Karnataka	11,601	
11. Kerala	31,660	
12 Madhya Pradesh	31,569	
13 Madras		34,345
14. Orissa	5,865	
15. Patna	26,006	
16 Punjab and Haryana		25,320
17. Rajasthan		15,531

Differences over Indianisation of Mathura Refinery

1645 SHRI P. A. SAMINATHAN
SHRI V. MAYAVAN:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state

(a) whether there is a Ministerial tussle on the question of constructing

the proposed Rs. 97 crores Mathura refinery with indigenous resources; and

(b) the points of difference and steps being taken to resolve them?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH NAWAZ KHAN): (a) No, Sir

(b) Does not arise.

सिंगरीली में एक उर्वरक संयंत्र की स्थापना करने के लिये मध्य प्रदेश सरकार को मांग

1646. श्री श्रीकृष्ण झरवाल क्या पेट्रोलियम और रसायन मंत्री यह बनाने की कृपा करेंगे कि

(क) क्या मध्य प्रदेश सरकार ने केन्द्रीय सरकार से राज्य में सिंगरीली स्थान पर एक उर्वरक संयंत्र स्थापित करने के लिये आग्रह किया है और

(ख) यदि हाँ, तो उस पर सरकार की क्या प्रतिक्रिया है ?

पेट्रोलियम और रसायन मंत्रालय में राज्य मंत्री (श्री साहूनाबाबू झा) : (क) कोयले पर आधारित अतिरिक्त उर्वरक संयंत्र की स्थापना के लिए मध्य प्रदेश सरकार द्वारा स्थानों के बारे में दिए गए मुझाव में सिंगरीली एक क्षेत्र है ।

(ख) सरकार ने भारतीय उर्वरक नियम को उर्वरक संयंत्र की स्थापना के लिए तकनीकी आर्थिक दृष्टिकोण से सिंगरीली की उपयुक्तता की जांच करने को कहा है ।

Target of new Railway Lines in Backward Areas of Kerala

1647 SHRIMATI BHARGAVI
THANKAPPAN:

Will the Minister of RAILWAYS be pleased to state

(a) whether Government have finalised the targets of construction of new

railway lines in Kerala especially in backward areas of the State; and

(b) if so, the salient features thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b): Targets for the construction of Railway lines are not laid State-wise but on over all national considerations, keeping in view the maximum utilisation of the natural resources, exploitation of mineral wealth and on operational requirements of Railways. However, the following Surveys/Projects are in progress under consideration falling partly or wholly in the State of Kerala:—

(i) A preliminary engineering-cum-traffic survey for rail link from Kuttipuram to Trichur via Guruvayoor has recently been sanctioned at a cost of Rs. 86,421/-. Further consideration to this proposal shall have to await till the survey reports are received and examined.

(ii) The work is in progress for the conversion of MG to BG from Ernakulam to Trivandrum and is expected to be completed by 1976

(iii) A BG rail link from Trivandrum to Tirunelveli via Nagercoil with a branch line to Kanyakumari has been sanctioned at an estimated cost of Rs. 14.53 crores and the work is in progress.

(iv) A traffic survey for a BG link from Ernakulam to Kayamkulam via Alleppey had recently been carried out. According to this report the link will be highly unremunerative. The proposal has, however, been included in the list of new railway lines proposed to be taken up in the Fifth Five Year Plan, for the development of the backward areas. Its construction, would, however, depend upon the allotment of additional funds by the Planning Commission for the purpose.

Trains cancelled in Kerala due to shortage of coal during the last six months

1648. SHRIMATI BHARGAVI
THANKAPPAN:

Will the Minister of RAILWAYS be pleased to state:

(a) the number and particulars of trains cancelled in Kerala during the last six months due to shortage of coal together with the date on which each of them was cancelled;

(b) the names of the trains, among them, which are proposed to be re-started and the time by which these would be re-started; and

(c) if there is no proposal for re-starting these trains, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) to (c): The required information is being collected and will be placed on the Table of the Sabha in due course

New Railway Lines in Kerala

1649 SHRIMATI BHARGAVI
THANKAPPAN:

Will the Minister of RAILWAYS be pleased to state.

(a) whether new Railway lines in the State of Kerala, for which survey was made during the year 1972-73 were not taken up till the end of the year 1973-74; and

(b) if so, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS: (SHRI MOHD. SHAFI QURESHI): (a) and (b): No survey was carried out during the year 1972-73 in the State of

Kerala. A Traffic Survey for a rail link from Ernakulam to Kayamkulam via Alleppey was undertaken in 1970, the results of which were known in 1971. The survey report revealed that the line will be financially unremunerative. The proposed link has, however, been included in the list of new railway lines proposed to be taken up in the 5th Five Year Plan for the development of the backward areas and its construction would depend upon the allotment of additional funds for the purpose by the Planning Commission.

The work is already in progress for the conversion from MG to BG from Ernakulam to Trivandrum and for laying a new BG rail link from Trivandrum to Tirunelveli via Nagercoil with a branch line to Kanyakumari falling partly in Kerala. A survey has also been sanctioned recently for a rail link from Kuttipuram to Trichur via Guruvayor.

Quantity of Foodgrains transported in Kerala since April

1650. SHRIMATI BHARGAVI
THANKAPPAN:

Will the Minister of RAILWAYS be pleased to state,

(a) whether the Railways have failed to transport the requisite quantity of foodgrains from one place to another in Kerala since April of the current year;

(b) the estimated target thereof and the quantity of foodgrains actually transported;

(c) the factors that came in the way of transportation of foodgrains and the difficulties experienced in this regard; and

(d) the action taken or proposed to be taken to improve the situation?

THE DEPUTY MINISTER IN THE
MINISTRY OF RAILWAYS (SHRI
MOHD. SHAFI QURESHI): (a) No

(b) There are no targets fixed for movement within the State, but demands are met in full as and when indents are placed.

(c) and (d): Does not arise.

**Incentive Bonus Scheme for D.L.W.
Varanasi**

1651. SHRI VEKARIA:
SHRI ARVIND M. PATEL:

Will the Minister of RAILWAYS be pleased to state:

(a) whether the incentive bonus scheme introduced in June, 1969 in the Diesel Locomotive Works, Varanasi has increased production in the Factory;

(b) if so, how does it compare with production prior to the introduction of the scheme; and

(c) whether the scheme has also in any way made substantial reduction in the labour force?

THE DEPUTY MINISTER IN THE
MINISTRY OF RAILWAYS (SHRI
MOHD. SHAFI QURESHI): (a) Yes

(b) Incentive working was introduced in D. L. W. in June 1969. The results achieved after the introduction of incentive scheme have been favourable in spite of such hurdles as curtailment of power supplied by U. P. State Electricity Board and labour unrest. This will be substantiated by the figures given in the Statement attached.

(c) There has been no reduction in the labour force because the surpluses generated as a result of introduction of incentive scheme were utilised for increasing the targetted out-

turn for which purpose it would normally have been necessary to recruit additional staff.

Statement

*Direct Manhour/Locomotive
figures in thousands*

Year.	B.G.	M.G.
1968-69 . . .	35 0	30 6
1969-70 . . .	33 0	32 0
1970-71 . . .	33 0	20 0
1971-72 . . .	26 5	18 4
*Last Batch closed	20 53	17 29

*B.G.—Locos Nos. 512 to 521

M.G.—Locos Nos. 121 to 131

**Broad Gauge line from Mahoba to
Khajuraho**

1652. SHRI NARENDRA SINGH: Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 9296 on the 7th May, 1974 regarding expansion programme of Railways in Madhya Pradesh and state:

(a) whether any decision regarding construction of a new broad gauge railway line from Mahoba to Khajuraho has been taken;

(b) if so, the salient features thereof; and

(c) the time by which construction work is likely to be started?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) to (c) The Railway has been asked to send an estimate for carrying out the survey for construction of a railway line from Mahoba to Khajuraho. Further consideration to the proposal will be given after the survey is completed, examined and the results thereof become known.

**Construction of Satna Beohari via
Rewa Railway line**

1653. SHRI NARENDRA SINGH: Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 9296 on the 7th May, 1974 regarding programme of Railways in Madhya Pradesh and State:

(a) whether the examination of the report regarding construction of Satna to Beohari via Rewa (B.G.) line has been completed.

(b) if so, the salient features thereof; and

(c) the period by which the report is likely to be examined?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) The examination of the report is in progress.

(b) The proposed line will be 127.4 Kms long and is estimated to cost Rs 19.10 crores. It has been revealed by the survey report that the project will be unremunerative. The final decision regarding the construction of the proposed line shall, however, be taken after the examination of the report is completed.

(c) The examination of the report is likely to be completed within the next two months.

**Strike in Cochin Division of F.A.C.T.
Udyogamandal**

1654. SHRI RAMAVATAR SHASTRI: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government are aware of the strike going on in FACT Udyogamandal (Cochin Division); and

(b) if so, Government's response to the demands of workers?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH NAWAZ KHAN): (a) and (b) Negotiations were held between the FACT management and the Workers Union in regard to the demands of workers and an agreement was reached. The strike was called off on 16th July, 1974.

Amendment of Companies Act to raise Remuneration and Perquisites of Public Sector Managerial Personnel

1655. **SHRI N. K. SANGHI:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government propose to amend the Companies Act to raise the remuneration and perquisites of public sector managerial personnel;

(b) if so, the considerations which have promoted such a move; and

(c) the nature of the benefits proposed to be given through proposed amendments?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): (a) No, Sir.

(b) and (c) Do not arise.

Decline in production at Cochin Refinery

1656. **SHRI N. K. SANGHI:** Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether production in Cochin Refinery is likely to fall sharply during 1974 and has started falling;

(b) if so, to what extent the production in the Refinery has declined;

(c) what are the factors responsible for this fall in production; and

(d) what steps are sought to be taken to see that production is at least maintained at its 1973 level?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH NAWAZ KHAN): (a) to (d) During January-June, 1974, the Cochin Refinery has achieved a crude throughput of 1.16 million tonnes as against 0.86 million tonnes during the corresponding period of 1973 and 1.97 million tonnes during the whole year 1973. In view of the limited availability of foreign exchange for import of crude oil, some of the refineries operating on imported crude oil have to operate at reduced levels during the current year. The operating levels of refineries processing imported crude including Cochin Refinery are decided keeping in view the regional demand for products and the product pattern of the refinery. But it is expected that Cochin Refinery would be supplied with about one million tonne of crude oil during the second half of 1974.

Salient features of benefits accruing from Miabhoy Tribunal's Recommendations

1657. **SHRI P VENKATASUB-
BAIAH:
SHRI CHANDU LAL
CHANDRAKAR:**

Will the Minister of RAILWAYS be pleased to state:

(a) the number of railway employees benefited by the recommendations of the Miabhoy Tribunal;

(b) whether duty hours have also been curtailed as a result thereof; and

(c) if so, the salient features in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a)

About 13 lakhs (including casual labour).

(b) Yes.

(c) (i) "Excluded" class IV employees, viz. Gatemen 'C', Saloon Attendants, Caretakers of rest houses, reservoirs, etc. who had to work without limit of time have been upgraded as "Essentially Intermittent" with duty hours limited to 72 a week if there is no preparatory and/or complementary work and upto 75 a week if there is this type of work.

(ii) "Essentially Intermittent" workers other than the 3 class IV categories mentioned above and such of the other "Essentially Intermittent" staff as have been posted at road-side stations and reside within 5 Kms. from their place of work have their duty hours curtailed from 75 and 72 a week to 64½ and 60 a week respectively according as they have or have not preparatory and/or complementary work to do.

(iii) "Continuous" workers with no preparatory and/or complementary work are to work for 8 hours a day/48 hours a week as against their present rostered hours of 51/52 hours a week.

(iv) Some Section Controllers and Wireless Operators who have been upgraded from "Continuous" to "Intensive" have their duty hours curtailed from about 52 hours a week to 45 a week if preparatory and/or complementary work is involved.

Shortage of Essential Drugs

1658. SHRI JAGANNATH MISHRA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government are aware of the reported shortage of essential drugs; and

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

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) and (b): Reports of occasional shortages of certain drugs in some parts of the country, for which similar preparations of other manufacturers are also usually available, are received from State Drug Controllers from time to time. On receipt of such reports the manufacturing units are contacted and advised to supply the drugs to areas from which reports of shortage are received and to ensure continuity of supply.

Accumulation of Naphtha in Esso and Burmah Shell Refineries

1659. SHRI JAGANNATH MISHRA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether huge stocks of Naphtha have got accumulated in the ESSO and Burmah-Shell refineries during the last three-four months;

(b) if so, the total quantity of stocks available with the two refineries, the period over which the stocks have remained undisposed of; and

(c) the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) to (c) Some accumulation of Naphtha stocks at Hindustan Petroleum and Burmah-Shell Refineries occurred during the last four-five months. Actual stocks have, however, varied from month to month. This was mainly on account of the reduced upliftments by Fertilizer plants, for various reasons. Production of Naphtha was also increased due to a reduction in demand for Motor Gasolene. With the export of a few Naphtha cargoes from Bombay, the position has normalised from last month.

Deficit Financing in Railways till end of July, 1974

1660. SHRI JAGANNATH MISRA: Will the Minister of RAILWAYS be pleased to state:

(a) the total amount of deficit financing in Railways till the end of July, 1974 and the reasons for increase in the deficit financing during the four months of the current financial years; and

(b) steps taken by Government to reduce the deficit?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b). The Budget Estimate for 1974-75, presented to Parliament in February, 1974 forecast a deficit of Rs. 52.79 crores. The accounts for the month of June, 1974 will be closed about the middle of August and those for July, 1974 only in the first week of September, 1974. The position of net traffic receipts to end of May, 1974, as compared to the proportionate Budget upto the end of that month is as under:—

(i) Shortfall in earnings :	Rs. 76.02 crores
(ii) Saving in Revenue Expenditure :	Rs. 18.18 „
iii) Net shortfall in traffic receipts :	Rs. 57.84 „

The spate of agitations and strikes which affected train operation and loading on Railways continued in the current financial year also till May, 1974, when there was an All India Railwaymen's strike.

Due to large scale immobilisation of wagons as a result of the strike in May, and heavy arrears in maintenance of locomotives and wagons, there has not been speedy recovery in loading in the months of June and July. In July the unprecedented rains in Bombay Area also seriously affected loading. With gradual improvement

in the position, Railways are endeavouring to meet the traffic requirements during the remaining period of the current financial year.

P.V.C. Resin Manufacturers

1661. SHRI RAJA KULKARNI: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the names of P.V.C. Resin manufacturers in the country and the total quantity produced by them during the year 1973;

(b) what controls Government exercise on prices and distribution of PVC Resin; and

(c) has Government tried to remove causes of artificial shortages created by manufacturers?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN):

(a) Name of Manufacturers	Production in 1973 (M.T.)
1. Shriram Chemicals, Delhi	9267
2. M/s. Ahmedabad Mfg. Calico Pts. Co. Ltd., Bombay	4247
3. M/s. National Organic Chemicals India Ltd., Bombay	21356
4. Chemicals & Plastic (India) Ltd., Madras	6132
5. Plastic Resins and Chemicals Ltd., Madras	7484
TOTAL :	48486

(b) and (c). There is no price and distribution control on thermoplastic resins including PVC. The production of PVC has not kept pace with the increase in demand, and shortage is being faced for some time. The main difficulties in the way of augmenting production have been

the non-availability of corresponding Vinyl Chloride production facilities in the case of two manufacturers and frequent power shortage. Necessary action is being taken to ensure that production of PVC is stepped up as early as possible.

Loss sustained by each Zonal Railway during May, 1974 strike

1622. PROF. NARAIN CHAND PARASHAR: Will the Minister of RAILWAYS be pleased to state:

(a) the total loss sustained by each one of the Zonal Railways during the Railway strike in May, 1974; and

(b) the daily break-up of the loss in the case of Northern Railway?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) The loss suffered by each of the Zonal Railways during the strike in May, 1974, is approximately as under:

(In lakhs of Rs.)

Central	823.70
Eastern	1093.46
Northern	850.66
North Eastern	177.00
Northeast Frontier	206.63
Southern	380.55
South Central	169.41
South Eastern	1086.99
Western	717.26

(b) Information is being collected and will be laid on the Table of the Sabha.

Progress on Kangra Valley Railway Re-alignment

1663. PROF. NARAIN CHAND PARASHAR: Will the Minister of RAILWAYS be pleased to state:

(a) the latest position regarding the

progress on the Kangra Valley Railway re-alignment; and

(b) whether any steps have been taken to expedite the work in view of the various representations made by the people of Himachal Pradesh for an early completion of the work?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) The overall progress achieved on this project upto end of June, 1974 is 54 per cent.

(b) Every effort is being made to complete the work expeditiously and to overcome difficulties which arise from time to time, some of which are mentioned below:

- (i) failure of contracts due to delay in handing over the land by the State Government.
- (ii) Failures of power affecting the progress on bridge works.
- (iii) Shortage of matching steel for fabrication of girders for bridges.
- (iv) Shortage of labour and non-availability of essential stores and
- (v) Insufficient allotment of funds by the Beas Dam Authorities.

Survey for Railway Line in Kashmir Valley

1664. PROF. NARAIN CHAND PARASHAR: Will the Minister of RAILWAYS be pleased to state:

(a) whether the survey to provide a railway line within the Kashmir valley has been completed;

(b) if so, the findings of the Survey including the likely cost, and

(c) the likely date of taking up the project?

THE DEPUTY MINISTER IN THE
MINISTRY OF RAILWAYS (SHRI
MOHD SHAFI QURESHI) (a)
Yes

(b) The survey for an electrified MG|BG railway line from Qazigund to Baramulla via Srinagar a length of about 122.35 Kms conducted as a deposit work at the cost of State Government has revealed that the line both MG or BG will be financially unremunerative. The approximate cost of construction for MG and BG lines will be Rs 71.33 crores and Rs 78.62 crores respectively. The report is however still under examination.

(c) A decision on the project will be taken after the examination of the Survey report is completed.

बिहार में नये रेल स्टेशन का निर्माण

1665. श्री चन्द्र शेखर सिंह :
डा० लक्ष्मीनारायण पांडेय :

क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार बिहार में कुछ नये रेलवे स्टेशन बनाने के प्रस्ताव पर विचार कर रही है,

(ख) यदि हा, तो तत्सम्बन्धी व्यौरा क्या है, और

(ग) निर्माण कार्य कब से शुरू होगा ?

रेल मंत्रालय में उप-मंत्री (श्री मुहम्मद शफी कुरेशी) (क) जी हा ।

(ख) और (ग) सलग्न विवरण में सूचना दी गयी है ।

विवरण

स्टेशन का वर्णन	कार्य प्रारम्भ होने का सम्भावित समय
दीदारनगर और भदौरा के बीच पूनिया	याजनाओ के पूरा हो जाने तथा अनुमानों की मजूरी जिनके सम्बन्ध में कार्यवाही हो रही है और इनको आगामी निर्माण कार्यक्रमों में शामिल कर लिये जाने के बाद काम शुरू किया जाएगा ।
धौनी और माझा हान्ट के बीच हान्ट	"
माहिबगंज और कमंटाला के बीच महादेव गंज	"
मुलजाग बाग और पटना के बीच राजेन्द्रनगर	"
तीन पाहाड और राजमहल के बीच हरबान्दपुर	कार्य पूरा हो चुका है । शीघ्र ही खोल दिया जायेगा ।
शिवनारायणपुर और कहलगाव के बीच हान्ट	

स्टेशन का वर्णन	कार्य प्रारम्भ होने का सम्भावित समय
गीतमघारा पर स्टेशन	चालू वर्ष में प्रारम्भ होने की सम्भावना है ।
बरवा काग रोड पर स्टेशन	"
जनयतगर और खजोली के बीच हॉल्ट स्टेशन	शीघ्र शुरू होने की सम्भावना है
दरभंगा और मोहम्मदपुर के बीच हॉल्ट	शीघ्र ही शुरू होने की सम्भावना है
रुमतोल और जागियारा के बीच हॉल्ट	"
निर्माकी और बोगरडीह के बीच हॉल्ट	शीघ्र ही शुरू होने की सम्भावना है ।
मुरजीगंज और बुढ़मा के बीच हॉल्ट सकरी-हसनपुर नयी लाइन पर झंझारपुर और लौकहा बाजार पर दो हॉल्ट	नयी लाइन के निर्माण के साथ शुरू किया जायेगा
प्रतापगंज और फारबीसगंज खंड पर तीन समपार स्टेशन	} नयी लाइन के निर्माण के साथ शुरू किया जायेगा
झंझारपुर और लोकहाबाजार खंड पर चार समपार स्टेशन	
सकरी-हसनपुर नयी लाइन पर आठ समपार स्टेशन	

अलबल पुर (पंजाब), में काश्मीर मेल तथा श्रीनगर एक्सप्रेस का रुकना

1666. श्री चन्द्र शेखर सिंह :
डा० लक्ष्मीनारायण पाण्डेय :

क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या काश्मीर मेल तथा श्रीनगर एक्सप्रेस गाड़ियां अलबल पुर स्टेशन (पंजाब) पर नहीं रुकती जिससे दिल्ली से अलबल पुर जाने वाले सैकड़ों यात्रियों को बड़ी कठिनाई का सामना करना पड़ता है; और

(ख) यदि हाँ, तो इन गाड़ियों को अलबल पुर छूटाने के लिये सरकार द्वारा क्या कार्यवाही की जा रही है ?

रेल मंत्रालय में उप मंत्री (श्री मुहम्मद हाफी कुरेशी) : (क) और (ख). 33/34 काश्मीर मेल और 59/60 श्रीनगर एक्सप्रेस को अलबलपुर पर रोक जाना यातायात को दृष्टि से उचित नहीं समझा गया है और न ही इन गाड़ियों की तेज रफ्तार वाली गाड़ियां बनाये रखने के हित में ऐसा करना व्यावहारिक समझा गया है ।

Export of Naphtha

1667. SHRI BISHWANATH
JHUNJHUNWALA:

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

(a) whether India is exporting naphtha when the same is urgently needed for use within the country;

(b) if so, the total quantum of naphtha exported so far in 1973-74

and those contracted for the current year;

(c) whether the price rise on petrol was effected to save consumption of petrol for production of naphtha for fertiliser production and if so, the justification of such exports; and

(d) whether both petrol consumers and agriculturists are suffering equally within the country?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) to (c). Naphtha demands during the first six months of the current year have remained much less than earlier anticipation. This was primarily due to less demands from fertiliser plants for various reasons. Indigenous production was also increased due to the reduction in demand of motor gasoline with the increase in prices from November, 1973. To maintain the refinery operation, therefore, some exports of naphtha were firmed up early this year. The total foreign exchange earning from naphtha exports is estimated at Rs. 122 crores. There was no export of naphtha during 1973-74, except for a small quantity supplied to Bangladesh.

(d) Indigenous demands of naphtha are currently being met in full. Efforts to economise on the consumption of motor spirit (petrol) will have to continue to provide for the more vitally needed Naphtha; demand for which will continue to increase further in the coming months.

Negotiations for takeover of Burmah-Shell

1668. SHRI MADHU LIMAYE:
SHRI Y. ESWARA REDDY:

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

(a) whether the Government have started negotiations with Burmah Shell for its takeover;

(b) whether these negotiations will also cover the question of take-over of other wings of the Burmah-Shell, viz., Burmah-Shell Oil Storage and Distributing Company of India Ltd.; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN): (a) to (c) The matter is under consideration of the Government of India.

Value of Goods and Passenger Traffic Carried by Railway in May, 1974

1669. SHRI MADHU LIMAYE:
Will the Minister of RAILWAYS
be pleased to state:

(a) what was the number of workmen-permanent, temporary and casual who were on strike or were absent each day from 2nd May to 27th May, 1974, Zone-wise;

(b) the value of goods and passenger traffic carried by the Railways from 8th May to 27th May, 1974; and

(c) what was the value of traffic-goods and passenger-carried by the Railways from 8th May to 27th May, in 1972 and 1973?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) The information is being collected and will be laid on the Table of the Sabha.

(b) It is presumed that the Hon'ble Member wants to know the earnings from the carriage of Goods and Passenger traffic during the period stated. The earnings from Goods traffic have been broadly estimated at Rs. 28.72 crores and those from Passenger traffic at Rs. 14.05 crores.

(c) The approximate earnings from Goods traffic during the same period in 1973 and 1972 were Rs 36.16

and 37.21 crores and from Passenger traffic Rs. 24.75 and 22.77 crores respectively.

Preventing Foreign Firms to operate in Bombay High

1670. SHRI S. A. MURUGANAN-THAM:

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

(a) the reasons for which Government have decided not to allow any foreign firms to operate in the Bombay High oil exploration; and

(b) whether any other blocks have been offered to foreign firms to carry out oil exploration?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) Since ONGC have already taken up operations in the Bombay High structure and have also made an oil discovery there, it has been decided that the area should be explored and developed by ONGC itself.

(b) Contracts have been signed with Curlsberg India Group for the Bengal basin and with the Reading and Bates Group for the Kutch basin

Broad Gauge Line from Samastipur to Darbhanga and Barabanki Muzaffarpur Samastipur (North Eastern Railway)

1671. SHRI BHOGENDRA JHA: Will the Minister of RAILWAYS be pleased to state:

(a) whether final decision for extending the broad-gauge line from Samastipur to Darbhanga and Barabanki-Muzaffarpur-Samastipur in the North Eastern Railway have been taken; and

(b) if so, the exact time schedule of the beginning and completion of the work?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Conversion of Barabanki-Muzaffarpur-Samastipur metre gauge section into broad gauge has been sanctioned and work on this project is in progress. Conversion of Samastipur-Darbhanga metre gauge section into broad gauge has been included in the Budget for 1974-75 and the question of sanctioning the project estimate is under consideration.

(b) The work on the Barabanki-Samastipur M.G. to B.G. conversion was sanctioned in April, 1972, and is scheduled to be completed in early 1977. The schedule for the commencement and completion of work on the Samastipur-Darbhanga M.G.H. to B. G. conversion will be drawn after the project estimate is sanctioned.

New Railway Line from Jhanjharpur to Loukaha and from Sakri to Hasanpur (North Eastern Railway)

1672. SHRI BHOGENDRA JHA: Will the Minister of RAILWAYS be pleased to state:

(a) whether final decision for constructing new railway line from Jhanjharpur to Loukaha and from Sakri to Hasanpur under Samastipur Division of North Eastern Railway has already been taken; and

(b) if so, time schedule of the beginning and completion of the work?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Construction estimate of the Jhanjharpur-Loukhabazar new M.G. line has recently been sanctioned and earthwork has been taken up. The estimate for the construction of Hasanpur-Sakri new M.G. line is under consideration and is expected to be sanctioned soon.

(b) the expected target date of opening of Jhanjharpur-Loukhabazar line is April, 1976, whereas the likely date of opening of Sakri-Hasanpur line is March, 1978.

**Demand for opening halts at
Muraittha and Korahaiya**

1673. SHRI BHOGENDR JHA:
Will the Minister of RAILWAYS
be pleased to state:

(a) whether final decision for creating halts at Muraittha between Kamtaul and Jogiara stations and at Korahaiya between Jainagar and Khajouli stations under Samastipur Division of the North Eastern Railway have been taken and the villagers have completed earthwork through voluntary labour; and

(b) if so, when these two halts will start functioning?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes. Final decision for opening both the halts has been taken. Earthwork through voluntary labour for the halt between Kamtaul and Jogiara stations has not yet been completed.

(b) Date of opening of halt between Jayanagar and Khajouli stations would be decided as soon as the Government of Bihar suggests a suitable name for

the same. Date of opening of a halt between Kamtaul and Jogiara stations would be decided after the earthwork is completed by voluntary labour.

**Setting up of Coal-based Fertiliser
Plants**

1674. SHRI YESWARA REDDY:
Will the Minister of PETROLEUM
AND CHEMICALS be pleased to
state:

(a) the locations and capacities of the coal based fertilizer plants approved by Government for construction so far;

(b) when they will be commissioned;

(c) whether Government propose to set up more coal-based fertilizer plants during the Fifth Plan period; and

(d) if so, the broad outlines thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) and (b). The location, capacity and the date of commissioning of the plants approved by the Government are given below:

Location	Capacity ('000MT)	Expected date of commissioning
1 Ramagundam (A.P.)	227.7 N2	April, 1976
2 Talcher (Orissa)	227.7 N2	January, 1976
3 Korba (M. P.)	227.7 N2	January 1978

(c) and (d) The public sector fertilizer programme, as presently envisaged in the Fifth Plan, does not provide for the setting up of additional fertilizer capacity based on coal as feed stock. However, studies have been undertaken by the Fertilizer Corporation of India to assess the suitability of various locations for setting up additional coal based fertilizer plants.

**Switch over to Electric Traction for
Railways**

1675. SHRI VISHWANATH PRATAP SINGH: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government propose to switch over to electric traction for Railways; and

(b) if so, the salient features of the present plan?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes, in a phased programme on selected routes.

(b) It is proposed to energise 1800 Routes Kilometres during Fifth Five Year Plan

Refineries Working below Installed Capacities

1676. SHRI ISHAQUE SAMBHALI Will the Minister of PETROLEUM AND CHEMICALS be pleased to state.

(a) whether our refineries are working very much below the installed capacity and

(b) if so, the facts thereof and steps proposed to be taken for utilisation of idle capacity?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN) (a) and (b) All the four inland refineries which are based on indigenous crude oil are processing the entire quantities of indigenous crude oil being supplied to them from the oil fields in Assam and Gujarat. Barauni Refinery is processing 0.5 to 0.6 million tonnes per annum of imported Iraqi crude oil in addition to indigenous Assam crude.

Among the five coastal refineries, some may have to operate at reduced levels during the current financial year considering the overall foreign exchange availability and the recent

developments in the international crude supply and price situation.

Fertilizer Plants to be set up in Fifth Plan

1677. SHRI M. KATHAMUTHU; SHRI JHARKHANDE RAI:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state

(a) the names of the companies concerned and the places at which new fertilizer units in the Fifth plan period would be set up;

(b) what would be the total investment,

(c) whether there would be any foreign collaboration in this sector; and

(d) if so, the facts thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH-NAWAZ KHAN) (a) Government have approved in principle the setting up of five new fertilizer projects in the public sector. These are proposed to be located at Bhatinda, Panipat, Mathura, Paradeep and Trombay. A new company in the public sector is proposed to be set up to implement the projects at Bhatinda, Panipat and Mathura; the Paradeep and Trombay projects are proposed to be implemented by the Fertilizer Corporation of India. In addition, Government have approved in principle the setting up of a fertilizer plant at Phulpur (U.P.) by M/s. Indian Farmers Fertilizer Co-operative Limited. In addition, the following letters of intent have also been issued.

Name of the company

Maharashtra Cooperative Chemicals and Fertilizer Limited
Delhi Cloth & General Mills Co. Limited
Nagarjuna Fertilizers Limited,
Gujarat State Fertilizers Co., Ltd
Myanor State Industrial and Investment Development Corporation.

Location

Bombay region (Maharashtra)
Kota (Rajasthan) (Second Expansion)
Kakinada (Andhra Pradesh)
Baroda (Gujarat)
Mangalore (Karnataka)

(b) The capital cost estimates have not yet been finalised.

(c) and (d) Over the years, India has achieved a substantial measures of self-reliance in the fertilizer field and external assistance is at present limited to areas like acquisition of process know-how, supply of sophisticated equipment and services not available in the country.

Completion of Under-ground Railway in Calcutta

1678. DR. RANEN SEN: Will the Minister of RAILWAYS be pleased to state:

(a) what is the stage of construction work of the Underground Railway in Calcutta; and

(b) when it is likely to be completed?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Upto end of June, 1974, an overall progress of 5.1 per cent has been achieved towards the construction of the Dum Dum—Tollygunj Rapid Transit line at Calcutta.

(b) The Project is programmed to be completed by the end of 1979. But settlement of questions of essential imports of stores and equipments, of problems of property acquisition and road traffic diversion may interfere with the execution of the Project within the above target.

Credit from Italy and Austria for Trombay Fertilizer Plant

1679. SHRI M. KATHAMUTHU: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Italy and Austria have agreed to grant credit assistance for the expansion of the Trombay fertilizer plant near Bombay; and

(b) if so, the facts thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHAWAZ KHAN): (a) and (b)

According to present indications the foreign exchange requirements of the expansion project of the Trombay Fertilizer Plant (Trombay V Expansion) is likely to be financed with credits from Italy and Austria. While Austria has indicated a credit availability to the tune of US \$7-10 millions, the quantum of assistance likely to be available from Italy has not yet been finalised.

Surface-Ground Tube Railway to meet Bombay Needs

1680. SHRI ISHAQUE SAMBHALI: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have decided to construct a mixed Surface-ground Tube Railway to meet the road and rail traffic needs of Bombay; and

(b) if so, the salient features thereof and the steps being taken in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes, the matter is under consideration.

(b) It comprises of additional tracks north of Bandra and Kurla along the Western and Central Railways to Goregaon and Bhandup respectively, and additional elevated cum underground lines between Raoli Junction near Wadala station, and Fort Market. The portion between Raoli Junction and Fort Market is likely to be constructed in the Fifth Plan. The scheme after sanction will take 5 years to complete.

Companies set up by Multi-National Corporations in Collaboration with Indian Monopolists

1681. SHRI BHOGENDRA JHA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) how many Multi-national Corporations have set up companies in collaborations with Indian monopolists during the last three years;

(b) the names of such multi-national corporations and Indian monopolists; and

(c) the total investment made in each company?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDA-BRATA BARUA): (a) to (c): The Ministry of Industrial Development are administratively concerned with the subject foreign collaboration and the necessary information asked for is being collected and will be laid on the Table of the House.

Offer from United Arab Emirates to Build a Refinery in India

1682. SHRI P. VENKATASUB-BAIAH: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether the United Arab Emirates has offered to build an oil refinery in India and supply crude for it as well as for the existing refineries on soft terms of credit;

(b) if so, the broad outlines of the offer made; and

(c) the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) to (c) Some preliminary discussions have been held with the UAE Vice-President, and a memorandum of undertaking signed on 18-6-1974, on the possibility of supply of crude oil to India on soft terms and participation of UAE in an oil refinery in India. No final decision has yet been arrived at.

Excavation of Earth from the Railway Property near Kolaghat Railway Station

1683. SHRI M. C. DAGA: Will the Minister of RAILWAYS be pleased to state:

(a) whether a firm engaged for construction of national highway No. 8 excavated earth upto the depth of 10.17 c.ft. valued at Rs. 1.25 lakhs from the Railway property near Kolaghat Railway station;

(b) whether the amount has been recovered from the contractor; and

(c) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Yes. About 8.31 lakhs c. ft. of earth was excavated from railway land near Kolaghat railway station and the damage is assessed at about Rs 1 lakh.

(b) and (c) No A suit before the Estate Officer, Kharagpur, under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, for recovery of damages from the firm, M/s. Associated Engineering Traders, Calcutta, has been filed.

मैकेनिकल स्टाफ द्वारा नवम्बर, 1973 से जनवरी, 1974 तक "नियमानुसार काम करने" का आन्दोलन चलाया जाना

1684. श्री रामावतार शास्त्री क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या मैकेनिकल स्टाफ ने 25 नवम्बर, 1973 से 24 जनवरी, 1974 तक "नियमानुसार काम करने" का आन्दोलन चलाया था,

(ख) यदि हा, तो क्या आपके द्वारा आग्रहवादी पर दृष्टि करने के बाद उक्त आन्दोलन वापस ले लिया गया था और क्या उन्होंने उक्त एसोसिएशन के नेताओं को कर्मचारियों के विरुद्ध कार्यवाही न करने का आश्वासन दिया था;

(ग) क्या उनके आश्वासन के बावजूद भी सै-हों कर्मचारियों के विरुद्ध विभिन्न

प्रकार की कार्यवाहियाँ की गयी तथा बिहार में आन्तरिक सुरक्षा कानून के अन्तर्गत कुछ व्यक्तियों को जेल में डाल दिया गया है; और

(ब) यदि हा, तो ऐसे कर्मचारियों के नाम क्या हैं और उनके आश्रय के बावजूद भी कर्मचारियों को परेशान करने के क्या कारण हैं ?

रेल मंत्रालय में उपर्युक्त (श्री मुहम्मद शफी कुरेशी) : (क) जी हा ।

(ख) से (ब) मंत्री महोदय ने "नियमानुसार कार्य" आन्दोलन समाप्त करने के लिए केवल एक सामान्य अपील की थी । केवल चार कर्मचारियों को, जो पूर्व रेलवे के ज्ञाता स्टेशन पर कार्य कर रहे थे हाल में हुई हड़ताल के फलस्वरूप आन्तरिक सुरक्षा अधिनियम के अन्तर्गत पुलिस द्वारा हिरासत में लिया गया था । इनमें से तीन अर्थात् सर्वश्री मौलवी राम, जमन कन्दु और एस० बी० कुमार हिरासत में हैं और चौथा श्री राम पवित्र फरार है ।

Unremunerative Branch Lines on Indian Railways

1685. SHRI R. P. DAS Will the Minister of RAILWAYS be pleased to state:

(a) whether the present uneconomic lines were uneconomic from their very opening or have they become unremunerative with the decline of general administration and annual fare-hike or due to rush of the poor from the villages to the town; and

(b) what steps the Railways contemplate to adopt in dealing with this problem in future?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) A

large number of the branch lines now reckoned as uneconomic were constructed at different stages during the last hundred years or so. At this distant date, it is, therefore not possible to state with certitude whether these lines were uneconomic from their very opening. The unremunerativeness of these lines is primarily on account of low density of traffic.

(b) Some of the steps which have been initiated or are contemplated for reducing the losses are listed in the attached statement

STATEMENT

Statement showing steps taken/contemplated to reduce the losses on the uneconomic branch lines.

1 Strengthening of the track of certain narrow gauge lines is being considered with a view to increasing the speed and the load of trains

2. Rolling stock is being replaced on a phased programme basis

3 One-engine system of working has been introduced on certain sections

4. On certain narrow gauge lines block stations have been downgraded and a few others have been closed for good traffic

5 Over certain narrow gauge lines train services have been curtailed.

6. Concessional rates have been quoted with a view to capturing additional traffic.

7 Close liaison is maintained with industries located in the areas served by the uneconomic branch lines with a view to induce them to use rail facilities to the maximum extent

8. Intensive checks are conducted to combat ticketless travel.

9. Split shift duties have been introduced at certain stations.

10. Conversion of passenger trains into mixed trains has been resorted to on certain sections.

11. All possible efforts are made to move more traffic.

Resumption of Trains suspended on Southern Railway in December, 1973

1686. SHRIMATI PARVATHI KRISHNAN: Will the Minister of RAILWAYS be pleased to state: --

(a) whether the trains suspended on Southern Railways on South West broad gauge section and meter gauge section in December, 1973 have not been restored as yet; and

(b) if so, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b): Out of 54 trains on broad gauge and 54 trains on metre gauge cancelled fully/partially on the South West portion of Southern Railway during December, 1973, 35 trains on the broad gauge and 32 trains on the metre gauge still continue to remain cancelled. Restoration of these trains is being considered in a phase manner.

Import of Crude for Haldia Refinery

1689. SHRI SAMAR GUHA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state the estimates of import of crude, sources of import of crude for the Haldia Refinery and estimate of production of different fractions of distillation of crude there?

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): Indian Oil Corporation has a contract with M/s. Total International Ltd., for the supply of Aghajari crude for part of the requirements of the Haldia Refinery. Besides, IOC has other contracts also for supply of crude oil. In view, however, of the limited availability of imported crude due to foreign exchange constraints, its allocation to the various re-

fineries, including Haldia Refinery, will be made keeping in view the product pattern of the refineries and the demand of products in different regions.

The product pattern of Haldia Refinery when it goes into full production as envisaged in the project report based on Aghajari crude is given below:

Crude Aghajari	2.5 million tones/year
Light ends and gasses	14.7% by weight
Middle distillates	39.0% " "
Heavy ends including tubes & bitumen,	35.0% " "

Construction of Ernakulam Alleppey Railway Line

1690. SHRI A. K. GOPALAN: Will the Minister of RAILWAYS be pleased to state:

(a) when the construction work of Ernakulam Alleppey Railway line is likely to be started;

(b) the estimated cost thereof; and

(c) when the work is likely to be completed?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) to (c) Traffic Survey for a BG rail link from Ernakulam to Kayamkulam via Alleppey conducted in 1970 has revealed that the proposed link will be highly unremunerative. The proposal has, however, been included in the list of new railway lines proposed to be taken up in the Fifth Five Year Plan for the development of backward areas and its construction would depend upon the allotment of additional funds for the purpose by the Planning Commission.

Proposals Received to Increase the Number of Judges in High Courts

1691. SHRI NAWAL KISHORE SHARMA: Will the Minister of LAW,

JUSTICE AND COMPANY AFFAIRS
be pleased to state:

(a) whether some proposals from the various State Governments have been received for increasing the number of Judges of the High Courts;

(b) if so, the salient features thereof; and

(c) the reaction of Government in this regard?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) to (c) In 1974, proposals for the increase in the sanctioned strength have been received from the following High Courts:—

- (1) Bombay
- (2) Delhi
- (3) Gujarat
- (4) Madhya Pradesh
- (5) Allahabad
- (6) Himachal Pradesh

Proposals in respect of the High Courts of Bombay, Delhi, Gujarat and Madhya Pradesh have been agreed to and those for the High Courts of Himachal Pradesh and Allahabad are under examination.

Drilling Operations by O. & N.G.C. in Jaisalmer District of Rajasthan

1692. SHRI NAWAL KISHORE SHARMA: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Oil and Natural Gas Commission has started deep oil drilling operations in Jaisalmer District of Rajasthan at Sumer Ki Talli; and

(b) if so, the broad outlines thereof and the time by which the exploration is expected to be completed?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) Yes, Sir, at Shumar-wali Talai and not at Sumer Ki Talli.

(b) The well was spudded in on 23-12-1973 and is projected to a depth of 35000 mts. It has reached a depth of 2172.25 mts, as on 27-7-1974. The drilling operations in the well are expected to be completed with about six months from now.

Condonation of Break-in-Service period

1693. SHRI NAWAL KISHORE SHARMA: Will the Minister of RAILWAYS be pleased to state:

(a) the total number of Railway employees reinstated after break-in-service for participating in the May, 1974 strike;

(b) the total number of such employees, Zone-wise, in whose cases the break-in-services have been condoned by Government; and

(c) the total number of such employees whose cases are still pending and the time by which these would also be condoned?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) Condonation of Break-in-Service has been granted to nearly 1,40,000 railway employees.

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

Cases Pending in Bombay High Court and Nagpur Bench of High Court

1694. SHRI VASANT SATHE: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the total number of cases pending hearing in Bombay High Court and Nagpur Bench of that High Court till the 31st July, 1974;

(b) whether Government propose to have any scheme to dispose of the pending cases expeditiously; and

(c) if so, the salient features thereof?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) Information as on 31st July, 1974 is not readily available. However, the number of cases pending as on 31st December, 1973 in the Bombay High Court and Nagpur Bench were 34,922 and 10,223 respectively.

(b) and (c) (i) The State authorities have been advised to review the Judge strength with a view to speedy disposal of cases;

(ii) A Committee of Judges under the Chairmanship of Shri J. C. Shah had made a number of recommendations for reducing arrears and minimising delays in dispensing justice. The recommendations of the Committee which are purely administrative in nature and which do not require amendment to the Rules, statute or law, have been communicated to the State Governments and the High Courts for implementation;

(iii) The Law Commission has suggested certain specific amendments to the Code of Civil Procedure, 1908, with a view to eliminating and minimising delays in civil litigation and thereby reducing costs. The report of the Law Commission was examined and a Bill for amending the Code of Civil Procedure is before the Parliament;

(iv) The Law Commission has also made a number of recommendations for amendment of the procedural law in criminal matters. Based on those recommendations, a new Code of Criminal Procedure was enacted recently.

Supply of Wax to Industrial Units in Maharashtra

1695. SHRI VASANT SATHE: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the number of Industrial Units in Maharashtra utilising Paraffin

wax;

(b) how much wax has been allotted by the Central Government during the last two years against the demand of the Industrial Units; and

(c) what steps have been taken/proposed to meet the demand for paraffin wax by the Industrial Units?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) The information is being collected from the State Government and will be laid on the Table of the House.

(b) and (c) Allotment of paraffin wax made to the State of Maharashtra during the last two years was as under:—

1972	..	9470 tonnes
1973	.	9659 tonnes

Distribution of paraffin wax among the industrial units within the State is arranged by the State Government under the provisions of the Paraffin Wax (Supply, Distribution and Price Fixation) Order, 1972.

The State Government is responsible for taking into account the demands of the various industrial units located in the State.

Nominees of Government on the Board of Directors/Managing Committees of Companies

1698 SHRI SHANKER RAO SAVANT: Will the Minister of LAW JUSTICE AND COMPANY AFFAIRS be pleased to state—

(a) the names of the companies or firms on whose Boards of Directors of Managing Committee Government have appointed their own nominees during 1972-73, 1973-74 and 1974-75 upto the end of June, 1974; and

(b) how many Government nominees were withdrawn during this period and for what reasons?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): (a) Section 408 of the Companies Act, 1956, empowers the Central Government to appoint Directors on the Boards of the Companies, the affairs of which are being conducted either in a manner which is op-

pressive to any members of the company or in a manner which is prejudicial to the interests of the company or to public interest. A statement showing the list of companies in which Central Government have appointed Directors under the aforesaid section is enclosed.

(b) Nil.

STATEMENT

Sl. No.	Name of the company	Remarks
During the year 1972-73		
1	M/s. Indian Express Newspapers (Bombay) Pvt. Ltd., Bombay	
During the year 1973-74		
1	M/s. Andhra Prabha Pvt. Ltd., Vijayawada.	
2	M/s. Belapur Sugar & Allied Industries Ltd., Bombay	
3	M/s. Great Eastern Hotel Ltd., Calcutta	
4	M/s. Shaw Wallace & company Ltd., Calcutta	
5	M/s. Poona Electrical & Industries, Ltd., Bombay	
6	M/s. Shree Changdeo Sugar Mills Ltd., Bombay	
7	M/s. Nasik Deolali Electric Supply company Ltd., Bombay	
8	M/s. National Rayon Corporation Ltd., Bombay	
9	M/s. W. H. Bra'y & company Ltd., Bombay	
During the year 1974-75 upto 30th June, 1974		
1	M/s. Great Eastern Hotel Ltd., Calcutta	Directors appointed in the year 1973-74 resigned and the Central Government appointed two other directors.

Recommendation to Condone Break-in-Service

Departments have so far recommended the cases?

1699. SHRI P. M. MEHTA:
SHRI R V SWAMINATHAN:

Will the Minister of RAILWAYS be pleased to state:

(a) whether Zonal Railway Departments have been asked to recommend the cases where break-in-service can be condoned; and

(b) if so, how many Zonal Railway condone the break in their service.

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD SHAFI QURESHI): (a) and (b) Instructions have been issued to the General Managers of the Zonal Railways and Production Units that in the case of those staff, where it has been found on verification that they could not report for duty for reasons beyond their control, the G.Ms may

**Publication of Draft Proposals on
Constituencies of Gujarat by
Delimitation Commission**

1700. SHRI P. M. MEHTA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Delimitation Commission had published its draft proposals in respect of the constituencies in Gujarat on the 28th February, 1974;

(b) whether his Ministry have not started public hearings uptill now;

(c) if so, the reasons therefor; and

(d) when the same is likely to be done and the revised electoral rolls published?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITIRAJ SINGH CHAUDHARY): (a) Yes, Sir.

(b) It is the Delimitation Commission which has to hold the public sittings and they have not been held so far.

(c) The last date for receiving objections and suggestions from the public in respect of the Commission's proposals notified in the Gazette was specified as 31st March, 1974. The public sittings in Gujarat could not, however, be held due to the abnormal situation prevailing in the State. The Commission then had a programme of public sittings and consultations in the State of Kerala, Karnataka and Andhra Pradesh. Thereafter because of the outbreak of the monsoon and floods in the Rann of Kutch area and the Southern districts of Gujarat, it has not been possible to hold public sittings in the State, as the public would have been seriously inconvenienced in appearing before the Commission at sittings to be held in different parts of the State, for presenting their case.

(d) The Commission has yet to finalise the programme for the public sittings in the State of Gujarat. Necessary steps for the revision of electoral rolls in the State will be taken as soon as the Order for the delimitation of parliamentary and assembly constituencies in the State of Gujarat is finalised by the Delimitation Commission.

Steps to Increase Production of Crude Oil

1701. SHRI VAYALAR RAVI: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the results achieved by Government in its efforts to increase the production of crude oil in the country by increasing the production of existing wells and by digging new wells; and

(b) the total number of new wells dug for this purpose and how many of them have produced encouraging results and the steps taken to increase the activity in this field?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) Oil India Limited will be able to maintain its planned level of production of 8400 tonnes/day. The Oil and Natural Gas Commission is expected to achieve by 1st April, 1975, an increase in their production potential by 1400 tonnes/day compared with the present production of about 11800 tonnes/days.

(b) The Oil and Natural Gas Commission have drilled 31 wells for development and production in different fields during the period 1-7-1973 to 1-7-1974. Nineteen of these have shown encouraging results, nine are yet to be tested, one was found water bearing and two wells were abandoned due to technical reasons.

Oil India Limited have drilled six wells from 1-7-1974 to 30-7-1974, four

of whom shown oil, one is yet to be tested and one was found dry. Additional drilling rigs and other equipments are being procured to increase drilling activity of both the Oil and Natural Gas Commission and Oil India Limited.

Funds for Development Work, at Varkala Railway Station

1702. SHRI VAYALAR RAVI: Will the Minister of PETROLEUM be pleased to state:

(a) the progress made in the various development works at the Varkala Railway Station in Kerala;

(b) whether smooth progress of the works has been hindered due to non-availability of adequate funds for these works; and

(c) if so, the steps taken by Government to provide enough funds to complete the development works of this important station?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) The progress of development works at Varkala Railway Station is indicated below:—

Name of work	Progress
1. Extension of passenger platform to accommodate 16 bogies trains	Since completed.
2. Improvements to watering arrangements	4%
3. Sheltering the circulating area	Estimate under sanction
4. Remodelling of a portion of the old station building	15%

(b) No.

(c) Does not arise.

Wagon loads of bananas and mangoes standing at Tughlakabad Station

1703. SHRI VARKEY GEORGE: Will the Minister of RAILWAYS be pleased to state:

(a) whether fifteen wagon loads of bananas and mangoes have been standing at Tughlakabad station since 10th July, 1974;

(b) whether those wagons had arrived from Itarsi where they were held up for more than 35 hours;

(c) whether the Railway authorities have failed to bring the wagons within the stipulated period of four days with the result that the perishable fruit is rotting in the heat;

(d) whether the merchants have threatened that they would refuse to take delivery of the fruit if such conditions continued; and

(e) the appropriate measures Government propose to adopt to arrange an early delivery of the perishable fruits?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD SHAFI QURESHI): (a) No

(b) No.

(c) Consignments have taken a little longer time as the banana traffic has just started and specials could not be run as sufficient loads were not offered

(h) No such report has been made to the Northern Railway.

(e) Normally plantain and mango traffic are moved in specials whenever there has been materialisation of traffic. In the period under reference the materialisation of traffic has not warranted the running of specials. However, special watch is being kept on the movement of this traffic. Suitable instructions for keeping special watch over this traffic exist and have been reiterated.

Cut on Import of Crude Oil

1704 SHRI E. V. VIKHE PATIL: Will the Minister of RAILWAYS AND CHEMICALS be pleased to state:

(a) the extent to which a cut has been imposed on the import of crude oil during the current financial year; and

(b) whether this cut will have adverse affect on the production of various types of fertilisers?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN) (a) On the basis of existing prices, the import of crude oil during the current financial year is expected to be of the order of 13 million tonnes as against a little over 14 million tonnes last year

(b) No, Sir.

Expenditure on Territorial Army men during Railway Strike

1705 PROF MADHU DANDA-VATE Will the Minister of RAILWAYS be pleased to state

(a) what is the total amount spent by Government on Territorial Army men deployed during the last Railway strike and

(b) whether this and other expenditure in connection with the strike would adversely effect the budgetary position of Railway?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD SHAFI QURESHI) (a) Information is being collected and will be laid on the Table of the Sabha

(b) Yes

Deteriorating condition of stations between Gomoh and Barwadih and Barwadih and Dehri-on-Sone

1706 SHRI R P YADAV Will the Minister of RAILWAYS be pleased to state:

(a) whether the condition of the stations between Gomoh and Barwadih and Barwadih and Dehri-on-Sone are far from being satisfactory inasmuch as there is no sufficient arrangements of water taps on rail-

way platforms, waiting rooms are dirty and without sufficient furniture and only obsolete bogies ply between these routes, and

(b) whether in view of the above, Government propose to improve the condition of these stations?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD SHAFI QURESHI) (a) and (b) Information is being collected and will be laid on the table of the Sabha

‘ए’ श्रेणी के नगरों में रहने वाले रेल कर्मचारियों तथा अन्य सेवाओं के कर्मचारियों की परिलक्ष्य में अन्तर

**1707. श्री माधवराव तिबिया :
श्री ईश्वर चौधरी :**

क्या रेल मंत्री यह ज्ञान की कृपा करेंगे कि

(क) ‘A’ श्रेणी के नगर में रहने वाले उच्च रेल कर्मचारियों का कुल मासिक वेतन कितना है जिसका मूल वेतन 70 रुपये प्रति मास है

(ख) ‘A’ श्रेणी के नगर में केन्द्रीय सरकार की अन्य सेवाओं के राष्ट्रीयदूत बैंको, रिजर्व बैंक तथा सरकारी फार्मेशियों के पदाधिकारियों की कुल मासिक वेतन राशि कितनी-कितनी है और

(ग) रेल कर्मचारियों के वेतनों में इस विषमता को दूर करने के लिए क्या कार्यवाही की गई है अथवा की जानी है ?

रेल मंत्रालय में उच्च न्यायाधीश (श्री मुहम्मद शफी कुरैशी) (क) 70 रुपये का मूल वेतन पाने वाले आर श्रेणी के नगरों में रहने वाले रेल कर्मचारियों द्वारा ली गयी कुल मासिक पावतियाँ 201 70 रुपये हैं, परन्तु 1-1-1973 से संशोधित वेतनमान शुरू

किये जाने से यह रकम बढ़कर 277.35 रुपये हो गयी है।

(ख) और (ग) सूचना इकट्ठी की जा रही है और सभा-पटल पर रख दी जावेगी।

Construction of New Railway Lines in West Bengal during Fifth Plan

1708. SHRI JYOTIRMOY BOSU:

Will the Minister of RAILWAYS be pleased to state;

(a) how many projects for expansion of existing railway lines and construction of new lines in West Bengal have been included in the Fifth Five Year Plan,

(b) whether any scheme for expansion of railway facilities in Diamond Harbour Sub-division of 24 Parganas district and North Bengal have been included, and

(c) if so, the salient features thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI). (a) Proposals for new lines to be taken up in the Fifth Five Year Plan as a whole have not yet been finalised. However, in the State of West Bengal, a 69 Kms. long line between Pan-kura and Haldia is under construction and work has been completed upto Durgachak. This line is also being electrified. In addition construction of (i) a B. G. line in the area served by the former Howrah-Amta Light Railway including Bargachia-Champadanga Branch and (ii) B.G. line in the area served by former Howrah-Sheakhala Light Railway was included in the Supplementary Railway Budget for 1973-74. Work on the construction of Howrah-Amta/Champadanga has been inaugurated by the Prime Minister on 16-7-1974. The participation of the West Bengal State

Government is also envisaged in completing this line.

Surveys have been completed for—

(i) Purulia-Kotshila conversion from N.G. to B.G. (ii) Eklakhi-Balurghat new B.G. line and the reports therefor are under examination. In addition surveys for new lines in the Sundarban areas of West Bengal are in progress and will be completed shortly.

(b) It is proposed to carry out a traffic survey for a new B.G. line from Budge Budge to Namkhana via Diamond Harbour.

(c) The salient features will be known and the proposal further considered after the proposed survey is completed and results thereof become known.

Decision not to establish any refinery except the one at Mathura

1709 SHRI RAGHUNANDAN LAL BHATIA. Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether Government have taken a decision not to allow establishment of any refinery except the one at Mathura;

(b) if so, causes thereof; and

(c) whether Mathura Refinery would be adequate for the country's needs?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): (a) to (c). In addition to the Mathura refinery, the refineries at Haldia, and Bongaigaon and expansion of Koyali will also be commissioned during the Fifth Five Year Plan period. With this additional refining

capacity it is expected to meet substantial part of the demands for petroleum products in the country. The level of product demand and the optimum refining capacity to be established in view of the recent far-reaching changes in the world crude prices are under review.

Application of Pay Commission's Recommendations to all categories

1710 **SHRI DEVINDER SINGH GARCHA**

Will the Minister of RAILWAYS be pleased to state

(a) whether a final decision has since been taken regarding implementation of the recommendations of the Pay Commission in respect of all categories of the Railway workers and

(b) if not, the reasons for the same?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD SHAFI QURESHI) (a) and (b) Revised scales of pay based on the recommendations of the Third Pay Commission have been notified for most of the categories of Railway employees. Revised scales in respect of the remaining categories will be announced shortly.

Most of the categories left over are minor ones not specifically dealt with by the Pay Commission for which revised scales have to be allotted on the basis of affiliations with the major categories. There are also some cases where, for certain reasons, Government has not yet been able to arrive at a final decision on the recommended scales.

Expenditure on Implementation of Miabhoi Tribunal's Recommendations

1711 **SHRI DEVINDER SINGH GARCHA:**

SHRI MOHINDER SINGH GILL:

Will the Minister of RAILWAYS be pleased to state

(a) whether all the Zonal Railways have implemented the Miabhoi Tribunal's recommendations as desired by the Railway Board, and

(b) if not the reasons for the same and the financial implications of accepting these recommendations?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD SHAFI QURESHI) (a) A statement showing the position of implementation of the recommendations of the Miabhoi Tribunal is laid on the Table of the House [Placed in Library See No LT 8130/74]

(b) The full implementation of some of the accepted recommendations entails considerable work and will naturally take time. The financial implications of accepting these recommendations according to the latest estimates are about Rs 40 crores per year.

Fertilizer Producers in Private Sector

1713 **SHRI JYOTIRMOY BOSU:**

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state

(a) the names of concerns in the private sector producing fertilizers in the country,

(b) who controls each of these concerns,

(c) total capital investment in, each concern to date,

(d) installed capacity and actual production of fertilizers by each of the Private Sector plants, year-wise during the last three years;

(e) total profits earned by each concern, year-wise during the last three years; and

(f) performances of the public sector plants on each item referred to above?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH NAWAZ KHAN): (a) and (d) A Statement is laid on the Table of the House. (Statement No. I) [Placed in Library. See No. LT 8131/74].

(b), (c) and (e) The information is collected and will be laid on the Table of the House

(f) A Statement is laid on the Table of the House (Statement No. II). [Placed in Library. See No. LT 8131/74].

12 hrs.

PAPERS LAID ON THE TABLE

SUPREME COURT JUDGES (TRAVELLING ALLOWANCE) AMENDMENT RULES, 1974

श्री. न्याय और कानून कार्य मंत्रालय में राज्य मंत्री (श्री. नारायण सिंह चौधरी) अध्यक्ष महोदय, मैं उच्चतम न्यायालय न्यायाधीश (सेवा की शर्तें) अधिनियम, 1958 की धारा 24 की उपधारा (3) के अन्तर्गत उच्चतम न्यायालय न्यायाधीश (यात्रा भत्ता) सशोधन नियम, 1974 (हिन्दी तथा अंग्रेजी संस्करण), जो भारत के राजपत्र दिनांक 15 जून, 1974 में अधिमूचना संख्या सां. सां. नि. 579 में प्रकाशित हुए थे, की एक प्रति तथा एक व्याख्यात्मक जापन सभा पटल पर रखता हूँ।

[Placed in Library See No. LT-8125/74]

FINANCE ACCOUNTS OF THE UNION GOVERNMENT FOR 1970-71 AND NOTIFICATION UNDER CUSTOMS ACT, 1962

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI-MATI SUSHILA ROHATGI): Sir, on

behalf of Shri K. R. Ganesh, I lay on the Table:

(1) A copy of the Finance Accounts of the Union Government for the year 1970-71 (Hindi version) [Placed in Library. See No. LT-8125/74]

(2) A copy of Notification No. G S.R. 358(E) (Hindi and English versions) published in Gazette of India dated the 1st August, 1974, under section 159 of the Customs Act, 1962 together with an explanatory memorandum [Placed in Library. See No. LT-8124/74]

Drugs (Prices Control) Amendment Order, 1971 and Review and Annual Report of Hindustan Organic Chemicals Ltd. Resawani, Maharashtra for 1972-73 with Audited Accounts etc.

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAH NAWAZ KHAN). I lay on the Table:

(1) (i) A copy of the Drugs (Prices Control) Amendment Order 1971 (Hindi and English versions) published in Notification No. S.O. 226A in Gazette of India dated the 11th January, 1971. under sub-section (6) of section 3 of the Essential Commodities Act, 1955.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Notification. [Placed in Library. See No. LT-8126/74].

(2) A copy each of the following papers (Hindi and English versions) under sub-section

(1) of section 619A of the Companies Act, 1956:—

India dated the 20th July, 1974. [Placed in Library. See No. LT-8128/74].

- (i) Review by the Government on the working of the Hindustan Organic Chemicals Limited, Rasavani (Maharashtra), for the year 1972-73.

RAILWAY (NOTICES AND INQUIRIES INTO ACCIDENTS RULES, 1973.

- (ii) Annual Report of the Hindustan Organic Chemicals Limited, Rasavani (Maharashtra), for the year 1972-73 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon [Placed in Library. See No. LT-8127/74].

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD SHAFI QURESHI): I lay on the Table:—

- (1) A copy of the Railway (Notices of and inquiries into Accidents) Rules, 1973 (Hindi and English versions) published in Notification No. G S R 575 in Gazette of India dated the 2nd June, 1973, issued under section 84 of the Indian Railways Act, 1890

NOTIFICATION UNDER NAVY ACT 1957

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J B PATNAIK) I lay on the Table a copy each of the following Notifications (Hindi and English versions) under section 185 of the Navy Act, 1957:—

- (2) An explanatory note (Hindi and English versions) giving reasons for not laying the above Notification earlier. [Placed in Library. See No. LT-8129/74]

- (i) The Naval Ceremonial, Conditions of Service and Miscellaneous (Sixth Amendment) Regulations, 1973, published in Notification No. S R O 192 in Gazette of India dated the 8th June, 1974

MESSAGE FROM RAJYA SABHA

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

- (ii) The Navy (Discipline and Miscellaneous Provisions) (Second Amendment) Regulations, 1973, published in Notification No. S R O 199 in Gazette of India dated the 15th June, 1974

- (iii) The Naval Ceremonial, Conditions of Service and Miscellaneous (Second Amendment) Regulations, 1974 published in Notification No. S.R.O. 215 in Gazette of

"In accordance with the provisions of sub-rule (6) of rule 188 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Pondicherry Appropriation Bill, 1974, which was passed by the Lok Sabha at its sitting held on the 30th July, 1974, 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.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED ILLEGAL TRANSMISSION OF FOREIGN EXCHANGE WITH FAKE RESERVE BANK PERMITS

SHRI YAMUNA PRASAD MANDAL (Samastipur): I call the attention of the Minister of Finance to the following matter of urgent public importance and I request that he may make a statement thereon:—

The reported involvement of an American bank and a leading nationalised bank in illegal transmission of foreign exchange with fake Reserve Bank permits.

THE MINISTER OF FINANCE (SHRI YESHWANTRA CHAVAN): Mr. Speaker, Sir, on 11th July, 1974 Vijaya Bank Ltd. remitted a sum of US \$30,000 to Hongkong on the basis of a permit purported to have been issued by the Reserve Bank of India. This permit was presented to Vijaya Bank Ltd. by one Shri Deepak Shantilal Jain. On the 19th July, 1974, Shri Deepak Shantilal Jain approached Vijaya Bank Ltd. for remitting a sum of US \$1,30,000 to Hongkong on the basis of two similar permits amounting to US \$ 80,000 and \$ 50,000 respectively. As fairly large amounts were involved, the Manager of Vijaya Bank Ltd. approached the Reserve Bank of India on 19th July, 1974 for purposes of checking the authenticity of these permits as also the permit on the basis of which remittance of US \$ 30,000 had already been remitted. On finding the permits to be spurious, the case was handed over to the Enforcement Directorate for investigation. Naturally, the remittance to the extent of US \$ 1,30,000 was not permitted.

Preliminary investigations reveal that similar remittance based on spurious permits may have been made through more than one bank. On the

basis of investigations undertaken so far, permits involving a sum of Rs. 2.34 crores have been segregated for scrutinising their authenticity. Remittances in relation to these permits were made through Vijaya Bank Ltd., the Bank of America and the Bank of India. As the investigations are in the preliminary stage, it is not possible to quantify the exact magnitude of the remittances which have been effected through spurious permits or indicate the number of banks through whom these remittances have been made.

Shri Deepak Shantilal Jain and one of his accomplices have been apprehended. Furthermore, an amount of about Rs. 42 lakhs in the accounts in the name of Deepak Shantilal Jain and his accomplices with the Vijaya Bank Ltd. has been frozen.

Two officers of the Reserve Bank of India have been placed under suspension and criminal cases are being registered against them, as prima facie, they appear to be involved in this fraud.

SHRI YAMUNA PRASAD MANDAL: Mr. Speaker, Sir, All India Radio today gave this news to the country that this sort of shady thing has been happening to the great loss of the country to the tune of crores of rupees. I do not know how many crores of rupees it would amount to. We have come to know about black money and about other black things and every day, every month and every year, the people like Shri Shantilal Jain have been carrying on these nefarious activities in this country to the loss of, if I maximise it or if I exaggerate it, several hundred crores of rupees. Only the Finance Minister can say how they do this business.

Especially there are some traders in the country who carry on over-invoicing and under-invoicing only for this purpose. It is good that the Ministry has apprehended Deepak Shantilal

Jain and his other accomplices and their accounts have been frozen within a month. But only two junior officers of the Reserve Bank of India have been brought to book whereas the really responsible big people have been left out. Criminal cases should also be started against Deepak Shantilal Jain and his accomplices. I am glad to know that the Government have acted very promptly. The statement of the hon. Minister is very carefully worded but the way of the Government should be to put all these things in such a manner so that the truth comes out. I ask the Finance Minister, is it the first case or there have been several similar cases in the past also? Even in the streets of Bombay and Calcutta people have been talking of shady business of some of the officers of the Reserve Bank of India. The Finance Ministry should be equally vigilant and careful to see that these things do not recur. To root out this evil for all time to come I would be very glad to know if there is any cell in the Finance Ministry and if the Government is thinking on these lines so that there is more coordination and the Reserve Bank of India may work more efficiently in future.

SHRI YESHWANTRAO CHAVAN

Sir, I am grateful to the hon. Member for expressing his sense of appreciation for what the Enforcement Directorate has done in this matter. There is some deficiency in the procedure. Fortunately this is the first time this thing has been revealed. I do not think any offence of this type was revealed before RBI has promptly acted and taken many steps to prevent this. Particularly, certain procedures had to be changed and certain powers of delegation which had been given to take a final view in such matters have been corrected. I think there will be much more vigilance in this matter.

श्री लक्ष्मण कपूर (पटियाला) मिनिस्टर साहब ने कहा है कि इस से पहले ऐसा कोई

बाक्या नहीं हुआ है। लेकिन 31 जनवरी, का फिनांशल एक्सप्रेस लिखता है कि तीन साल पहले इसी प्रभारकन बैंक ने दस लाख रुपए का इसी तरह का एक परमिट कैंसल करवाया। मिनिस्टर साहब बताते कि क्या यह फैक्टुअल बात है या नहीं। यह बड़े अफसोस और दुःख की बात है कि इतना अच्छा और बढ़िया इन्तजाम और इतनी सिक्युरिटी और कंट्रोल होने के बावजूद रिजर्व बैंक में एक कान्स्पीरसी शुरू हो गई। इस तरह इतने बड़े एमाउंट के पैक परमिट इश्यू हो गए, और स्टेटमेंट में यह भी नहीं बताया गया कि यह दो जिनियर ऑफिसरों ने मंजूर किए गये उनके नाम क्या हैं। इसमें और कौन कौन से ऑफिसर शामिल हैं। श्री दीपक शांतीलाल जैन के अलावा और कौन-कौन से पार्टियाँ इसमें इन्वोल्व हैं—ऐसा कुछ नहीं बताया गया। सिर्फ जैन के बारे में कहा गया कि दो एकाउंट्स हैं—एक एकाउंट 28 लाख रुपए का और एक एकाउंट पैपर के मुताबिक 14 लाख रुपए का है लेकिन आया यह जो 42 लाख स्टेटमेंट में बताया गया वह व्हाइट मनी था या ब्लैक मनी था, क्या बिजनेस करते थे, उससे पहले उनका क्या कान्ट्रैक्ट था, उससे पहले कब से बैंक के साथ इन्वोल्व्ड हैं, बैंक के एकाउन्ट्स कब से खुले हुए हैं—इन सभी बातों की ओर कोई ध्यान नहीं दिलाया गया है। इसपर कोई रोशनी नहीं डाली गई है। इसलिए मैं आपकी मार्फत फाइनेंस मिनिस्टर से यह प्रार्थना करता हूँ कि यह स्टेटमेंट जो उन्होंने दिया है वह बहुत नाकाफी है, पूरे डिटेल्स हाउस के सामने आने चाहिए। स्पिकर साहब, यह बात भी गैरमुनासिब नहीं होगी कि आप कोई टाइम मुकदर करे और रिजर्व बैंक तथा बैंक ऑफ अमेरिका ने इस किस्म की जो गड़बड़ की है उस पर इस हाउस में चर्चा करने का मौका दे ताकि मेम्बरों के प्वाइन्ट्स ऑफ व्यू और गवर्नमेंट का प्वाइन्ट्स ऑफ व्यू सामने आ सके और फैक्ट्स पर मेम्बरों अपनी राय दे सकें क्योंकि यह इन्फॉर्मेशन पूरी तौर से इस स्टेटमेंट से नहीं मिलती है।

SHRI YESHWANTRAO CHAVAN: The hon. Member is entitled to have his own views about the statement that I have made and I do not want to comment on that. But I can only say that I have tried to give as much information as possible. Of course, he is entitled to know the names of the officers who are involved in this. The names of the officers are: Y. R. Mantri, Staff Officer, Grade II, and Shri B. S. Pradhan, Exchange Controller. These are the two officers who have been placed under suspension and the cases are being registered against them.

As I have said already, the name of the main person involved in this has been given already. His other accomplice is called Pratap Singh. Investigation are going on. They have also revealed the name of a third person but who is absconding, and therefore, in the interest of the investigation, I do not propose to reveal his name.

The number of permits which are under scrutiny reveal an amount of more than Rs. 2 crores. But I cannot say yet that the entire money can be treated as spurious amount; some of it might possibly be due to some genuine transactions. I do not know what more information I can give. As for the discussion in the House, I do not stand between the hon. Member and the Speaker.

SHRI SAT PAL KAPUR: What about the Rs. 28 lakhs and Rs. 14 lakhs accounts?

SHRI YESHWANTRAO CHAVAN: I have already said in my statement that furthermore, an amount of about Rs. 42 lakhs has been frozen.

SHRI JAGANNATH RAO (Chattrapur): What about his antecedents?

SHRI SAT PAL KAPUR: What was their *modus operandi*?

SHRI YESHWANTRAO CHAVAN: The *modus operandi* in this matter appears to be like this, that these

officers concerned have been alleged to have signed blank papers or blank forms which are treated as permits and handed over to some persons. It is on that basis that the whole thing has been found out.

SHRI SAT PAL KAPUR: Such a simple thing?

SHRI YESHWANTRAO CHAVAN: It is complicated.

SHRI BHOGENDRA JHA (Jainagar): It is a very serious incident and we were apprehending this all along. The statement of the hon. Finance Minister does not go to the depth of the matter. We were apprehending this even at the time of nationalisation of banks because the foreign banks had been left out. One cannot be sure whether only this particular American bank is involved in this.

AN HON. MEMBER: Most of them.

SHRI BHOGENDRA JHA: I do not know; most of them may be involved because it is Watergate democracy and Watergate finance and therefore, there may be nothing surprising about it.

Two days ago news appeared of the arrest of one important US citizen who is a Vice-President of the Westinghouse Corporation which is a subsidiary of some Swiss firm which is a subsidiary of an American firm which is multinational. There in India itself the payment has been made. The Times of India news of 4th August says:

"According to official sources, the scrutiny of the seized materials revealed that the expenses of the company in India were met out of the funds of the American company. Only a portion of the expenses was sent from abroad through legal banking channels. The balance was met through undisclosed sources

and by unauthorised deals in foreign exchange".

This is another thing, for the information of Shri Piloo Mody

SHRI PILOO MODY (Godhra)
What did he say?

SHRI BHOGENDRA JHA I said this is another scandal. Here an American firm dealing in India which is a subsidiary of the Swiss firm Westinghouse, which is again a subsidiary of an American firm, has been meeting its expenses in India partly through legal channels and partly through unknown illegal channels, unauthorised channels. This is another instance in Delhi itself.

PROF MADHU DANDAVATE (Rajapur) How is Piloo Mody involved in it?

MR SPEAKER He is adding new dimensions to his question. Confine yourself only to this issue.

SHRI BHOGENDRA JHA Here again foreign exchange is involved.

MR SPEAKER Yes. This deals with one issue. You are generalising. It is not very fair.

SHRI BHOGENDRA JHA I stressing one point. In this case the officer in charge the Vice-President of the firm, a US citizen, was trying to escape. He was detected and not allowed to escape. He was arrested. But then he has been bailed out. I do not know what are the sureties. Here Rs 10 lakhs are involved by way of evasion of income-tax. With a bail of Rs 50,000 naturally he can go out.

MR SPEAKER: Please come to this issue.

SHRI BHOGENDRA JHA Here is Rs. 12 crores are involved in the exchange racket. It is now proved that fake permits were issued. It is also admitted in the statement that this

is not last thing. Many such fake permits have been issued. At least 200 fake permits are utilised. The amount involved can only be conjectured, it cannot be exactly stated.

In such a situation, I would like to know whether for the present at least Government propose to take over the management of the Bank of America because that bank is involved. The second thing is that some junior officers have been penalised. But the Reserve Bank officers must be involved when blank permits were issued which have been misused in this way. I want to know whether some senior officers have been or are going to be penalised or not. Thirdly—this is a basic thing—in the light of the lessons learnt do Government propose to nationalise all the remaining banks including all the foreign banks or not?

SHRI YESHWANTRA CHAVAN:
As far as the preliminary remarks are concerned I do not think I can go into them. In the last part a specific question has been put to me why is it that only small officers have been penalised? Nobody has been penalised. Investigations are being made and only those against whom some *prima facie* case had been found had been suspended. Cases have been registered. If any other officer is also found to be involved, action would be taken against him also, nobody would be spared. As far as the American and other banks are concerned, I will have to be fair to the banks as such. It is quite possible that some individual officers might have been negligent or might have involved themselves even consciously. Whatever the investigations reveal, action would be taken accordingly. But I cannot say that those banks themselves are responsible for these things because they seem to have acted on *bona fide* belief. (Interruptions) That is also a matter of further investigations. If something else is revealed, certainly action will be taken against the persons concerned. But I cannot be un-

fair to the banks as such; they have done nothing deliberately in this matter. I find it is not only the Bank of America but also one of the nationalised banks, which is involved... (Interruptions). I do not know. If you let loose your imagination many things can be said but I have to make a statement on the basis of facts as they were revealed. There is no question of taking over any bank as such.

SHRI BHOGENDRA JHA: Against this particular bank. American Bank.

SHRI YESHWANTRAO CHAVAN: There is nothing against the bank as such.

12.22 hrs.

STATEMENT RE. ALLEGED ASSAULT BY BRTF PERSONNEL ON SOME PEOPLE OF JOWAI IN MEGHALAYA

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): Mr. Speaker, Sir. Hon'ble Shri Jyotirmoy Bosu mentioned in the Lok Sabha on the 29th July about an incident which took place near Jowai village on the 11th July involving the personnel of the Border Roads Organisation and local civilians resulting in an unspecified number of deaths and injuries to both sides. The Hon'ble Deputy Speaker, who was in the Chair, observed that it is in the interest of the country that the Defence Minister should come forward at the earliest opportunity to make a statement as to what the facts of the case are, what action has been taken and what is proposed to be done.

The facts of the case as gathered upto now are as follows:

- (i) On 17th July, 1974, a signal was received by the Headquarters of the Border Roads Organisation from the Chief

Engineer Project PUSHPAK situated in another State about 200 miles away that on 11th July the camp of 406 Road Maintenance Platoon was attacked by local civilians between 4 P.M. and 6.15 P.M. by throwing stones and intrusion through barbed wire fencing as a result of which a number of Border Roads personnel were injured—three of them sustained serious injuries and were hospitalised in the Mission Hospital in Jowai. The signal further stated that the local police were contacted and protection for the camp was arranged.

- (ii) Subsequent report from the Directorate General of Border Roads indicated that on 11th July 1974 a local fair was held near the Border Roads camp on the Jowai-Badarpur road near Jowai. This fair was organised by the local civilians. In the afternoon, some of the local civilians taking part in the fair got drunk and entered the Border Roads camp forcibly by cutting the wire fence and attacking the Border Roads personnel and their families who were in the camp. As a result of this attack, three camp members were seriously injured. All this happened while the men of the unit were away at work. On their return, the men found the injured persons and removed them to the hospital as well as made a search for the culprits who could not be found. A report was lodged with the Police who have since provided a Police Guard as the unit does not keep an armed guard itself.
- (iii) The Meghalaya State Government was contacted over the telephone on 30th July 1974

and their report has now been received. According to that report—"as part of annual festival in Jamtia hills called BEHDENTNKHLAM, a bull fight was organised on 11th July, 1974 at a place eight miles from Jowai-Badarpur road now looked after by BRTF. About 3000 people witnessed bull fight which ended at about 1430 hours peacefully and crowd dispersed. Suddenly about 100/150 persons of the crowd decided to hold football matches in the same field situated adjacent to a small BRTF camp. While second match was on, some BRTF personnel wanted to join the game but refused by local people and clash ensued. BRTF personnel chased to the camp and crowd pelted stones on the camp retaliated by BRTF. Meanwhile, on intimation sent to the next camp, about a furlong away, reinforcement of BRTF personnel rushed to the site. Clashes occurred at different places between personnel of the camp reinforcement and members of dispersing crowd. Many sustained injuries on both sides. Incident occurred at about 1700/1730 hours. Next morning two dead bodies of local villagers recovered in the area with marks of assault with sharp and blunt weapons. On receipt of information Superintendent of Police, Jowai rushed to the spot about 2200 hours 11/12th night. Cases registered from both sides and under investigation. No complaint of any misbehaviour by any one towards any girl/women in this incident.

Resolution adopted in a public meeting in the area on 24th July in this regard also

refers to unspecified past incidents of molestation of modesty of local women by BRTF personnel and general trespass into fields etc. but this has no direct link with incident reported above."

I regret there was a clash between the Border Roads personnel and the local civilians resulting in casualties on both sides. The matter is now under investigation by the Police. The law enforcement machinery will no doubt take necessary action to bring the culprits to book. I may assure the House that the Border Road's Organisation will fully cooperate with the State Authorities in this regard.

12 27 hrs.

MATTERS UNDER RULE 377

(1) SERIOUS DROUGHT CONDITIONS IN ORISSA

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar): Sir, I would like to draw the attention of the House and of the Government to the serious drought conditions in Orissa. Recently there was a PTI report which has been published in the *Patriot* dated 5th August and in other papers also. I quote

"Drought conditions have developed in varying degrees in all the 13 districts of Orissa on account of scanty, irregular, untimely and patchy rains during the last two months. The drought has brought in its train suspension of agricultural operations, unemployment and distress conditions in different parts of all the 13 districts. The prices of paddy and rice has also sharply risen during the past few weeks. The agricultural labourers in the rural areas have been worst hit by the drought conditions for want of employment."

The drought in Orissa is most severe. Famine conditions are prevailing. Recently I went to many parts of my

constituency and into the interior areas and saw the condition myself. The Prime Minister also went to Orissa recently to see how agricultural production can be stepped up there. At this stage, because of the lack of rainfall, there are serious drought conditions. I am happy the minister concerned is present here. Reports of starvation deaths are appearing. I hope the minister will give due attention to the serious drought condition there. The Government of India should sympathetically consider what further assistance can be given to Orissa at this stage so that the present crisis could be overcome and the agricultural production in Orissa could be increased.

(ii) LARGE SCALE LANDSLIDES IN IDIKKI DISTRICT OF KERALA

SHRI C. M. STEPHEN (Muvattupuzha): Mr. Speaker, Sir, I rise with a heart full of anguish and a voice choked with pain, so to say, to report to you a case of complete disaster which has overtaken certain parts of Kerala, especially the district from where I have been elected to the House, namely, Idikki District. What has happened there is neither flood nor drought. What has happened there is landslide on a vast area. Hills after hills just exploded and huge mass of boulders, sand and dust came rushing in. Thousands of homes have been razed to the ground and thousands of people have been rendered homeless.

The Idikki District happens to be an area where we have got our hydro-electric project. Some of these areas also have been affected. Thousands of people have been affected. This district has come out of a forest area during the last twenty years. What has happened is a complete destruction of the whole district.

This is a challenge before the State Government and the Central Government. The challenge is not of extending relief to the people but of

reconstructing the whole district. This is a superhuman task, a stupendous task facing the Government. After visiting that area, our Pradesh Congress Committee President, Shri A. K. Antony, has sent a petition to the Prime Minister, a copy of which I have with me here. I would like to read one or two sentences from that. He says:

"Tens of thousands of acres have been laid waste by landslides and floods.... Never before has such a devastation occurred there. For miles on miles crops have been completely destroyed and sand and rocks cover the once very fertile lands. Thousands of homes have been razed to the ground or carried away by floods. 34 people are reported to have died in this district alone. Thousands of cattle also have succumbed to the landslides and floods... Roads have been disrupted and many parts of the district have become inaccessible... The farmlands that have been covered by rocks and sand cannot be made cultivable again very easily. In this district where agriculture is virtually the sole source of employment this will leave tens of thousands of able-bodied men and women unemployed for a long time to come.... The total damage in Idikki District alone is estimated to be in the region of Rs. 6 crores. This has got to be tackled on a war footing. Food, clothing and other materials have got to be rushed, setting aside all other priorities.... The State Government is doing all within their power and resources to rush help and provide relief to the people affected. But the immensity of the problem is far beyond their power to tackle. Without larger scale and immediate help from the Centre they cannot tackle it. Words are not enough for me to convey the whole picture."

The Finance Commission has allotted only a meagre amount. It so happens that Kerala is given only Rs. 30 lakhs

per year the lowest amount for any State. This House has got to feel the agony of the people. Therefore, Sir, I am appealing to you to give us some time to discuss this matter so that the Finance Minister could also take account of the whole situation. Money will have to be rushed to this place. This is an area here we have got cash crops which fetch foreign exchange. We are producing power for the entire area. This is an area where human labour, labour power, invested in fertile land has built a new district, so to say. The whole thing has been destroyed. It has to be reconstructed. Sir, may I appeal to you to kindly allot some time so that the whole matter could be discussed, the question of relief, the question of assistance under the recommendations of the Finance Commission, everything could be discussed. So I again request that time may be allotted for a discussion on this matter.

SHRI S M BANERJEE (Kanpur)
Sir, I want to raise

MR SPEAKER He has written to me in the matter. Why should he not hand it over to the Minister himself? He wants me to hand it over to the Minister. Do not do it always in the way you like. You have to follow the procedure.

(111) HANDCUFFING OF SHRI ISHWAR
CHAUDHRY, M P

श्री जगन्नाथ राव जोशी (गजपुर)
मैं आपकी अनुमति में एक मामला सदन उठाना चाहता हूँ। भारत के विचारों के टाइम्स में यह खबर छपी है कि इसी सदन के एक सम्माननीय सदस्य श्री ईश्वर जो चौधरी को जब पांच मारीख को कोर्ट में जेल में ले जाया गया तो और सत्याग्रहियों के साथ उनको भी हथकड़ी लगा कर लाया गया। स्वाधिनता के इतने सालों के उपरान्त वास्तव में लोकतंत्र में अपना विरोध शान्तिपूर्ण प्रकट करने का तथा सत्याग्रही के रूप में जेल में जाने का जो तरीका है वह सर्वमान्य होना चाहिए। ऐसी

स्थिति में ससद् सदस्य के साथ इस प्रकार का अपमानजनक व्यवहार हो इस का माफ़ भर्ष यह है ससद् सदस्य का ही नहीं सदन का भी यह अपमान है। मुझे लगता है कि यह सबाल ससद् सदस्य का भी नहीं है बल्कि शान्तिपूर्ण तरीके से सत्याग्रह करके जेल में जाने का है और उन लोगों का हथकड़ी लगा कर उनके साथ व्यवहार करने का 'जा' कि अपमानजनक और आपत्तिजनक है। मैं चाहता हूँ यह सबी इसका स्पष्टीकरण दे और आगे ऐसी घटनाएँ न घटे इस आर ध्यान दें।

MR SPEAKER Mr Banerjee, what do you say?

SHRI S M BANERJEE Sir, this is the bottle of milk supplied by DMS, given to me by one resident, Shri Manmohan, of Old Rajendra Nagar. This bottle of milk contains insects. He says that this is the regular thing happening in that area. In North Avenue and in South Avenue where we stay we never get such milk.

MR SPEAKER These are the complaints which should normally go to the administration. They should not be raised on the floor of the House.

SHRI S M BANERJEE You may ask the Minister to take note of it.

MR SPEAKER Even if you had gone to the Minister, he is bound to take note of it. Unnecessarily, the time of the House is taken on such matters. You can go directly to the Minister. There are many other remedies available.

श्री एस० एम० बनर्जी : मैं आपकी गाइडेंस चाहता था।

अध्यक्ष महोदय : जो चीज डिपार्टमेंटल है के नोटिस में लाई जा सकती है उसको भी यहाँ ले आते हैं।

श्री एस० एम० बनर्जी इस बिल को मिनिस्टर पिये, अपने बालबच्चों को पिलायें सब पता चले ।

1238 hours

OIL INDUSTRY (DEVELOPMENT) BILL

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D K. BAROOAH) Mr Speaker, Sir, I beg to move*:

"That the Bill to provide for the establishment of a Board for the development of oil industry and for that purpose to levy a duty of excise on crude oil and natural gas and for matters connected therewith, be taken into consideration"

The purpose of this Bill is very simple and definite. As we know, one of our difficulties in the economic advancement of our country has been the non-availability of crude oil as well as its high price. Last year, we were buying crude oil at 2 dollars and 6 cents and, in the same year, it went up to more than 11 dollars with the result that our bill for crude oil has very much gone up.

MR SPEAKER Just a minute Mr Madhu Limaye has sent me a note saying that he wants to object to certain matters relating to the Bill. I think, when he speaks on that, you reply to that also.

श्री मधु लिमये (बाबा) आपको याद होगा जब मंत्री महोदय ने अपना यह विधेयक पेश करना चाहा था 22 नारीख का इस विधेयक के बारे में आपत्ति उठाई गई थी कि इसका वाक्यांश नोटिस नहीं दिया गया । उस समय उन्होंने कहा था कि यह गुप्त विधेयक है, सीक्रेट बिल है और इस वजह से वह इसका नोटिस नहीं दे सकते । आपने बहुत झगड़ा होने के बाद उनका इजाजत दी, लेकिन बाद में इनका जो रहस्य है वह खुल गया । और अध्यक्ष महोदय, मेरी राय में जिस

सीक्रेसी के नाम पर उन्होंने बिना नोटिस इस विधेयक को रखने का प्रयास किया था वह एक बिल्कुल धोखाधड़ी थी । आप के ऊपर और सदन ने ऊपर एक फाट परपीट किया गया है और इसलिए मैं आप का फैसला नियम 74 और सविधान के अनुच्छेद 110 के तहत चाहता हूँ ।

नियम 74 इस प्रकार है

"When a Bill is introduced or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely —

(i) that it be taken into consideration, or

(ii) that it be referred to a Select Committee of the House, or

(iii) that it be referred to a Joint Committee of the Houses with the concurrence of the Council, or

(iv) that it be circulated for the purpose of eliciting public opinion."

मवाल यह होता है कि सदस्यों का भी सजोघन देने का अधिकार है । मैं सोच रहा था इस विधेयक के बारे में मैं मन्वट कमटी का प्रस्ताव दूँ, जैसे "दाम बाबू" ने दिया है, या मैं ज्वाइंट पार्लियामन्टरी कमटी के लिये प्रस्ताव दूँ । इसके ऊपर मैंने बहुत सोचा लेकिन जब तक इसका फैसला नहीं होता है कि यह मनी बिल है या नहीं तब तक इसके बारे में नोटिस देना मेरे लिये सम्भव नहीं था ।

अब उन्होंने खुद कहा कि सीक्रेट बिल और फाइनेंस बिल एक तरह का बिल है । लेकिन मेरी समझ में नहीं आया कि इस बिल में दो अलग-अलग कम्पनार्थ क्यों हैं । एक कम्पना,

एक सुझाव तो यह है कि तेल उद्योग के विकास के लिये एक बोर्ड का गठन किया जाय और दूसरा यह है कि एक्साइज ड्यूटी कूड आयल के ऊपर लगायी जाय जो कूड आयल इस देश में पैदा होता है। अब अध्यक्ष महोदय, एक्साइज ड्यूटी को जहाँ तक बढ़ाने का सवाल है क्या वित्त मंत्री द्वारा जो बिल 31 जुलाई को यहाँ रखा गया था उसके तहत यह सुझाव नहीं आ सकता था? और अगर उन को रखना ही था तो एक अनग बिल के रूप में रखने। इन दोनों चीजों को मिलाकर सदन के साथ बहुत बड़ा अन्याय किया है।

अध्यक्ष महोदय, अनुच्छेद 110 में मनी बिल की व्याख्या की गई है और उसका इस बिल से सम्बन्ध आता है।

"110(1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely -

(a) the imposition, abolition, remission, alteration or regulation of any tax;"

और इसके तहत आपको यह अधिकार दिया गया है। तीसरे अनुच्छेद में

"If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final."

अब मेरा यह कहना है कि एक्साइज अविधान को लेकर यदि आप यह निर्णय देने हैं कि यह मनी बिल है तो नतीजा यह होगा कि राज्य सभा के जो अधिकार हैं विधेयकों के बारे में, और उनके अधिकारों और हमारे अधिकारों में मोट तौर पर कोई फर्क नहीं है, राज्य सभा के अधिकार खत्म हो जायेंगे। और आपको यदि आप मनी बिल मानने से इनकार करेंगे तो इसमें टेक्सेशन का प्रोपोजल है और टेक्सेशन के प्रोपोजल

के बारे में आप जानते हैं कि राज्य सभा के अधिकार बहुत सीमित हैं और हमारे अधिकार ज्यादा हैं। तो अगर आप इसको कहते हैं कि मनी बिल नहीं है तो मतलब होगा एक्साइज ड्यूटी के बारे में जो सुझाव है उस के ऊपर अपनी राय देते समय लोक सभा और राज्य सभा एक स्तर पर आ गई। तो किसी विचित्र स्थिति उत्पन्न हो जाती है। अगर आप इसको नान-मनी बिल कहते हैं तो लोक सभा के अधिकारों का हनन होता है, और मनी विधेयक मानते हैं तो क्या राज्य सभा को यह अधिकार समान रूप में आप दे सकते हैं टेक्सेशन के बारे में? अगर एक्साइज अनेडमेंट बिल होता तो राज्य सभा को सविधान के अनुच्छेद 109 के तहत ये अधिकार दिए हुए हैं।

"109(1) A Money Bill shall not be introduced in the Council of States.

(2) After a Money Bill has been passed by the House of the People it shall be transmitted to the Council of States for its recommendations and the Council of States shall within a period of fourteen days from the date of its receipt of the Bill return the Bill to the House of the People with its recommendations and the House of the People may thereupon either accept or reject all or any of the recommendations of the Council of States"

और अध्यक्ष महोदय, उस के बावजूद राज्य सभा के सुझावों को हम नहीं मानेंगे तो भी यह कानून हो जायेगा। और यदि राज्य सभा 14 दिन के अन्दर बिल रिटर्न नहीं करती तो भी हमारे द्वारा पास हो जाने के बाद यह विधेयक कानून बन जायेगा। तो मामला सीधा सादा नहीं है। अगर इस को आप मनी बिल मानते हैं तो राज्य सभा हमारे अधिकारों के ऊपर अतिक्रमण करती है। अगर नान मनी बिल मानते हैं

तो लोक सभा के टैक्सेशन के बारे में जो अधिकार हैं उनका हनन हो ता है। इसलिये मेरा कहना है कि यह बहुत ही गलत काम है मंत्री महोदय। एक्साइज के बारे में जो उनका सुझाव है, आयल इंडस्ट्री के डेवलपमेंट के बारे में जो सुझाव है उनको मिलाकर उन्होंने दोनों सदनों का घोर अपमान किया है और दोनों सदनों के ऊपर आक्रमण किया है। राज्य सभा वाले मंत्री महोदय का किस तरह से स्वागत करेंगे वह मेरा विषय नहीं है। लेकिन जहां तक टैक्सेशन का सवाल है उस के बारे में कहना है कि टैक्सेशन के बारे में निर्णय करने का हमारा अधिकार है, राज्य सभा केवल सिफारिश कर सकती है। अमेंडमेंट देने का और पास करने का उनको कोई अधिकार नहीं है।

अगर यह सीक्रेट बिल के रूप में नहीं आता तो उस दिन इन का जो बोर्ड का सुझाव था उस के बारे में हम लोग अपनी राय अभिव्यक्त कर सकते थे। यह आयल इंडस्ट्री बोर्ड जो कायम किया है इन्होंने वह कुछ अपने चेलों को नौकरी देने के लिये रखा है। विगत 7, 8 दिन में लगातार एक के बाद एक बिल आते हैं, आप जनता के ऊपर टैक्स लगाते जा रहे हैं, लेकिन नौकरशाही का विस्तार करने वाले सारे आपके बिल हैं। इसी तरह माननीय गुजराल का विधेयक आया, एग्सीक्यूटिव कमीशन की भी वही बात है।

आयल बोर्ड क्या है? यह यहां से कुछ पैसा आयल बोर्ड को देना चाहते हैं ताकि इन के ऊपर सदन का नियंत्रण समाप्त हो। वही इनकी मंशा है। वर्तमान पेट्रोलियम मिनिस्ट्री का जो सेंट अप है उसके तहत वह काम क्यों नहीं हो सकता है? इसके लिये स्टेटमेंट आफ़ ऑब्जेक्ट्स और रिजन्स में कोई दलील नहीं दी गई है। इसलिये पार्लियामेंट्री कंट्रोल से मुक्त होने के लिये वह गंगा जमुनी बिल, मिश्रित बिल, मिलावटी

बिल आप लाये हैं। हमारा और कोई उद्देश्य उद्देश्य नहीं है।

SHRI SHYAMNANDAN MISHRA (Begusarai): You have to consider whether two entirely different concepts could be joined together as it is sought to be done in this Bill. That is to say, we have to see whether the concept of management and the concept of raising tax could be joined together. In the past such instances have met with the disapproval of the Chair. Speaker Mavalankar disapproved of such joining together of two entirely different concepts and Mr. T.T. Krishnamachari had once to concede that it was not proper to do so. What we think is that it is a matter for you to consider whether the Minister can be allowed to join two different concepts. It is a composite Bill. It is a cross of two different things. Whether such a Bill could be presented to the House is the main question before us just now. Also the House is being placed in such a position in which it has to deprive the other House of its right as Mr. Madhu Limaye said.

SHRI MADHU LIMAYE: Or the other way round.

SHRI SOMNATH CHATTERJEE (Burdwan): What I wish to submit is this. Clause 15(2) of the Bill says:

"Every duty of excise leviable under sub-section (1) on any item shall be payable by the person by whom such item is produced."

This is the provision for imposition of duty. Then, Sir, the entire amount goes to the Consolidated Fund of India. Please see Clause 16. It says:

"The proceeds of the duties of excise levied under section 15 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, pay to the Board from time to time, from out of such proceeds, after deducting the expenses of collection such sums of money-

as it may think fit for being utilised exclusively for the purpose of this Act."

Sir, under Article 110(1), a Bill shall be deemed to be a money Bill if it contains only provisions dealing with all or any of the following matters, namely:—

"(a) * * * *

(b) * * * *

(c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund."

Therefore, any bill dealing with the payment that goes into the Consolidated Fund and expenses out of it shall be a money Bill within the meaning of Article 110. Kindly see the main object of the Bill. That is to impose taxation. As it appears from the Statement of Objects and Reasons of this Bill also, the primary objects of the Bill is to impose taxation in the grab of regulating and controlling the oil industry by setting up a Development Board.

The real object is, therefore, to recover money by imposition of duty and new taxes. Therefore this is a Money Bill. The question arises, if the primary purpose of this Bill is to recover excise duty or levy taxation, can such a Bill can be brought forward in the garb of a regulatory Bill for controlling the industry? It is being sponsored by the Petroleum Minister and not by the Finance Minister. Under Art. 110, it has to be a Money Bill. Therefore it is not fair to Lok Sabha. As Shri Limaye pointed out, Rajya Sabha has got all the powers of amendments and to bring about changes in the Bill.

SHRI R. V. BADE (Khargone): In the Statement of Objects and Reasons of the Bill, it is said:

"To begin with, it is proposed to recover by way of a cess in the

form of a duty of excise of Rs. 60 per tonne on crude oil produced in the country and delivered to the refineries."

That means they want to collect Rs. 60 per tonne on crude oil and want to put it in the Consolidated Fund. If it is so, then, it is purely a money Bill and therefore, I agree with what Shri Somnath Chatterjee said just now.

SHRI H. N. MUKERJEE (Calcutta—North-East): I submit that the technical plea with which this Bill is brought has to be taken very seriously into consideration, because we cannot have miscellaneous and anomalous legislation of this sort passed almost on the sly in this House. I say this because, earlier, the Government came forward in this House in a surprise manoeuvre, and even though they gave notice, after all, that kind of manoeuvre could not so easily pass muster. They have come forward again with this hybrid composition in jurisprudence, which is a very peculiar thing. I would wish you, in your wisdom, to not only give your ruling in regard to the utter inadmissibility of this particular form of Bill but also in regard to the kind of manoeuvre which the Government appears to have been practising, for Heaven knows what reasons might lie behind it.

MR. SPEAKER: It is since this morning when I received this intimation from Shri Madhu Limaye that I have been trying to apply my mind to it. The basic trouble has started—I am not to blame for it—because I thought that that was a very very confidential thing, and if that goes out it deprives the State of a lot of funds, budget and all that, and so I accepted that it was all right let that Bill remains secret. But, I must say with a lot of hesitation that again I have been thinking over it and, indirectly, I referred my views to the hon. Minister also I think a very extraordinary procedure was adopted in this.

Now, if the Minister says that this Bill is a secret one and if the Speaker says something and if something goes out, the heavens may rock. If we have it, then the Speaker is to be blamed. As the whole story unfolds, I find that in this Bill, under clauses 15 and 16 you are levying taxes. The Chair is there after all, to see that we observe the rules, we follow the Constitution and not completely tilt everything in your favour. This is my view. Now you have put me in a very difficult situation, Mr. Minister. If I now say it will not be a money Bill, I will be unjust to myself. If I say it is a money Bill, I will be depriving Rajya Sabha. Now, let me know what I should do. What is there in the code of secrecy that you planned for these unforeseen objections. So, I would ask you to please explain it.

SHRI D. K. BOROOAH Sir, I am grateful to the hon. Members as well as to you for the views expressed. This Bill, when it was introduced, was introduced as a secret Bill, because our Constitution permitted a secret Bill to be introduced.

MR. SPEAKER That is during the war.

SHRI D. K. BOROOAH I placed it before you that it should be permitted to be introduced as a secret Bill. The decision is not mine.

SHRI SHYAMNANDAN MISHRA He is letting down the Chair.

SHRI D. K. BOROOAH What am I here? Who am I here? I am an ordinary member. I have the same rights as any other Member.

(Interruptions)

MR. SPEAKER May I request you, after all we have to reach certain conclusions. He can have his say.

SHRI D. K. BOROOAH Therefore, it was brought because it was understood that this Bill, the day it is in-

troduced, will enable the Government to collect the levy which is envisaged by the Government. You will remember, an hon. Member, **Shri Jyotirmoy Bose** asked the specific question whether on the introduction of this Bill you will levy anything on the oil companies as well as O.N.G.C. I replied that we will collect from O.N.G.C., Assam Oil Company and also Oil India—50 per cent of which is owned by Government and 50 per cent by the BOC. The purpose is very simple. It will enable us to collect dues as soon as it is introduced in this House. Therefore, it was introduced and you permitted its introduction and the House accepted it. I am the servant of the House as well as under your control. I will abide by whatever you decide. When I introduced this Bill there was objection from some of the Members, but in spite of this I was allowed to introduce this Bill and the House permitted its introduction. Now, what is the point in raising it at this stage now. (Interruptions).

I will entirely abide by your decision. I suggest that this Bill is a Bill which certainly charges a levy on crude oil but it has one motivation only, that charges/levies is a cess on the crude oil and the point is that this money will be used by a Board subject to the control of the Comptroller and Auditor General of India.

That is the purpose. There is no dual purpose in this. The purpose is that this money will be collected and it will be spent for the development of the oil industry in accordance with the decision of this House, subject to the control of the Comptroller and Auditor-General. That is the purpose.

13 hrs.

SHRI MADHU LIMAYE May say a word?...

MR. SPEAKER Let him please sit down. I know it.

SHRI MADHU LIMAYE I want to read out from the proceedings of

the 22nd July, just to refresh your memory.

MR. SPEAKER: Why is he so impatient?

I may tell Mr. Borooah that when this Bill was just brought on the spot, since no Member has seen it, I had said that after it was introduced, hon. Members could raise their objections at the time it was taken up because they said that the Bill had just been laid on the Table and they did not have the time to go through it. That is why they have a right to raise their objections now.

Now, according to the hon. Minister, if I were to accept what he has said, his levy may come, but he expects me to go out of the rules and the constitution for the sake of his levy; he expects the Speaker to ignore the rules and ignore the constitutional provisions. It means also the setting of a very very bad precedent. If it were only for myself, I might oblige him, but this has to go down to my successors also. That is the reason. The hon. Minister himself has been Speaker of the Assam Assembly, and I do not think that he would have accepted this position. For the sake of his levy, he is advising me that I should ignore the rules and the Constitution.....

SOME HON. MEMBERS: You cannot.

MR. SPEAKER: Of course, I cannot. He is giving me the bait in the form of the money that will come to the country; he had justified it in his own way; that may be all right for him, but he thinks that I must also swallow everything.

Now, let him proceed on. But it is for me to further consider in the light of this as to what I shall do.

I shall have to evolve a procedure. But in future, let all the Ministers take it for granted that I shall never allow a secret Bill unless they assure

me in writing that there are no taxation proposals in it. I thought that this must be something very innocent and in the interests of the country and it might be something very big and, therefore, I had allowed it.

SHRI MADHU LIMAYE: It is a fraud.

MR. SPEAKER: Let him not call it so. The hon. Minister is very genuine and he is desiring to have the money; he is not having this levy for himself, but it is for all of us, and for the Government. But here is the poor Speaker who is also asked to safeguard it. I am going to keep this and I am going to study that. We shall have to evolve a procedure.

SHRI MADHU LIMAYE: We cannot proceed with the Bill now.

SHRI SHYAMNANDAN MISHRA: There is one other thing also to which you have to address yourself. Probably, the hon. Minister would have done some justice to the House if he could have made this also a part of the second Finance Bill.

MR. SPEAKER: That was the proper thing.

SHRI SHYAMNANDAN MISHRA: The second Finance Bill was already in the offing and he should have done it.

MR. SPEAKER: That was the proper thing which should have been done, but he has not done it. So, what can we do? Both the cats have already come out of the bag. His cat is out of the bag, and the Finance Minister's cat is also out. We cannot put them in the bag again. That is also out of the secrecy bag. We cannot help it. Everything is now in the interests of the country. We shall have to evolve certain procedures.

SHRI SHYAMNANDAN MISHRA: If all the Ministries were to have their own levies, then there would be no need for a Finance Minister or a Finance Bill or a budget.

SHRI SOMNATH CHATTERJEE: The point is that this levy will be on Government undertakings or semi-Government undertakings. What was the difficulty in realising the tax from them? It is not going to be realised from the common people at least directly but perhaps only indirectly. So, what was the secrecy about it? Why should the Government undertakings not pay the cess?

MR. SPEAKER. In the broader interests, now it is all right. We cannot put them in the bag again.

SHRI SHYAMNANDAN MISHRA: My submission is that the cess aspect, the levy aspect, of it could be put in the Finance Bill and separated from the management aspect. That is the simple thing which can be done. Let them amend the Finance Bill.

SHRI H. N. MUKERJEE: Let there be a short adjournment.

SHRI MADHU LIMAYE: Let us adjourn it.

श्री अटल बिहारी वाजपेयी (गार्ग्य)
अच्छा महोदय, इस विषय पर चर्चा स्थगित
का होना। इस विषय पर आगे चर्चा
नहीं हो सकती। आगे इस मामले को देख
लेगे कि बिना तट में रास्ता मिलना है,
उनके बारे में विचार कर लेंगे। पर इस समय
इस पर चर्चा स्थगित की जाये।

MR. SPEAKER: It is a very difficult situation in which we are put. We want time to apply our minds to it. You kindly wait for some time. Postpone it.

13 00 hrs.

STATEMENT ON FLOODING OF POWER HOUSE AT BHAKRA

**THE MINISTER OF IRRIGATION
AND POWER (SHRI K. C. PANT):**
Flooding of the galleries at El. 1150
of the Left Bank Power House at
Bhakra, apparently through draft
tube dewatering valve, was noticed,

at 11.50 hrs. on 5-8-74. All the Units
of the Left Power House were stopped
and dewatering operations were started
immediately. Since the inflow
exceeded the pumping capacity, the
water level in the galleries kept rising
and reached an elevation of 1159
at 19 00 hours. The water started
receding at that time and the dewater-
ing operations were completed at
7 A.M. today (6-8-74). Drying opera-
tions of air compressors, motors, cool-
ing water motors etc. of Unit I were
started and it was brought back into
operation at 10 45 A.M. today (6-8-74).
The power supply position is now
normal. With the shutting of Left
Power House (generating 180 MW at
that time) at 11 50 hrs. load shedding
was resorted to from 12 00 hrs. on
5-8-74 when the system load was 598
MW. The load was transferred to
the right bank of the Power House and
the Nangal Power House (Gargwal
and Kotla). The load was progres-
sively reduced to 235 MW at 14 00 hrs.
to facilitate dewatering operations and
thereafter it was again raised which
reached 394 MW at 16 00 hrs. which
was almost the normal demand of that
time. However the Nangal Fertiliser
load (72 MW) which is directly con-
nected to the Left Power House could
not be met because of limitations of
transfer capacity from the right
side Power House. The factory was
being supplied 48 MW since 16 00 hrs.
yesterday but has since been raised
to 72 MW with effect from 10 45 hrs.
this morning. The total generation
during 24 hrs. ending 18 00 hrs. on
5-8-74 was 11 73 M Units against the
normal schedule of 11 80 M Units.

श्री जगन्नाथ राव जोशी (शास्त्री)
पानी कैसे आया, इस का कुछ पता लगा ?

अध्यक्ष - महोदय पानी तो आज सुबह
अखबारों में आ गया कि गिरिह हो गया।

**SHRI DINEN BHATTACHARYYA
(SERAMPORE):** We wanted to ask
some questions.

MR. SPEAKER: Mr. Kamalapati
Tripathi.

THE MINISTER OF SHIPPING AND TRANSPORT (SHRI KAMLAPATI TRIPATHI): I thought my Bill could be taken up after the lunch recess.

MR. SPEAKER: Yes.

SHRI C. M. STEPHEN: *rose*—

MR. SPEAKER: Mr. Stephen, we will try to find out time. I think we will save one hour tomorrow and finish it tomorrow evening. I will have to see the time already allocated to the business. Out of that, we will have to squeeze some time.

SHRI DINEN BHATTACHARYYA: Let us adjourn the discussion.

MR. SPEAKER: I am referring to a debate. They say there was some earthquake, that it was not because of the floods or some hills falling, but due to an earthquake, boulders and all that. I said they could have half an hour or one hour separately for that.

12.10 hrs.

The Lok Sabha adjourned for Lunch till fifteen minutes past Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at twenty minutes past Fourteen of the Clock.

(MR. DEPUTY-SPEAKER in the Chair)

MAJOR PORT TRUSTS (AMENDMENT) BILL

THE MINISTER OF SHIPPING AND TRANSPORT (SHRI KAMLAPATI TRIPATHI): Sir, I beg to move:

"That the Bill to amend the Major Port Trusts Act 1963 be taken into consideration."

मान्यवर, यह बिल मेजर पोर्ट्स कमीशन की सिफारिशों के मुताबिक लाया गया है। इस समय बम्बई, कलकत्ता और मद्रास—ये हमारी तीन बहुत मेजर पोर्ट्स हैं और इन

के अलग-अलग कानून हैं। बम्बई का कानून 1879 में बना, कलकत्ता का 1890 में और मद्रास का 1905 में बना था। उस बाद के 1963 में इसी सदन में एक कानून बना—मेजर पोर्ट्स ट्रस्ट्स एक्ट, 1963, उस के मुताबिक बम्बई, कलकत्ता और मद्रास को छोड़ कर जितनी दूसरी मेजर पोर्ट्स थी, सब उस के अधीन लाई गई, जैसे विशाखापत्तनम पणदीप, कोचींग, मारमागोवा, ये सब हम नये कानून के अधीन लाये गये।

उस वक्त भी सदन में इस बात की चर्चा हुई थी कि जब इस एक्ट को ला रहे हैं, तो हमें बम्बई, कलकत्ता और मद्रास को अलग क्यों रख रहे हैं। उस समय यह सोचा गया कि इन पोर्ट्स के एक्ट्स बहुत पुराने हैं, इस लिये इन पोर्ट्स के लिये बाद में एक काम्प्रीहेन्सिव एक्ट लाया जायगा। इसी बजह से 1968 में एक कमीशन बनाया गया—“मेजर पोर्ट्स के कमीशन”, उस ने सिफारिश की कि एक ऐसा एक्ट होना चाहिये जो मारी मेजर पोर्ट्स को कवर करे, बम्बई, कलकत्ता और मद्रास जहां अब तक उनके पुराने कानून लागू हैं, उनके लिये भी ऐसा एक्ट होना चाहिये जिस के जरिये उन्हें भी कवर किया जा सके। उन की सिफारिशों में यह भी लिखा था कि ये पुराने एक्ट्स हैं, आज की स्थिति में ये एक्ट्स बहुत बेकार हो गये हैं और उन की जरूरत को पूरा नहीं करने हैं। पुराने एक्ट में कुछ इस प्रकार की एडमिनिस्ट्रिटिव तथा फाइनेन्सियल रिजॉडिटी है जिन की बजह से काम करने में बाधा हो रही है। बल्कि 1963 के एक्ट में कांफ़्लिक्टिंग विबिलिटी है, एडमिनिस्ट्रिटिवली भी वह एक्ट ज्यादा अच्छा है, इस लिये उस को ही बेसिस बना कर बड़ा एक्ट लाया जाये जिस से यह तीनों पोर्ट्स—बम्बई, कलकत्ता और मद्रास—उस के अधीन आ जाये। उसी सिफारिश के अधीन यह बिल लाया गया है—मेजर पोर्ट्स ट्रस्ट्स एक्ट अमेन्डमेंट बिल, जिसे आप की आज्ञा से प्रस्तुत कर रहा हूँ। हम लोगों ने इस के लिये यह धक्का इस लिये भी

उपयुक्त समझा कि 1963 के एक्ट में जहाँ कहीं कुछ कमी रह गई है या पिछले 10 साल के अनुभव के मुताबिक कोई कमी मालूम हुई है तो उसे भी इस वक्त ध्यान दे दिया जाय और ऐसा एक्ट बना दे जिस से मद्रास, बम्बई और कलकत्ता के एक्ट्स रिपोल हो जायें और उन की जगह पर वह नया एक्ट आ जाय।

इस सम्बन्ध में बम्बई पोर्ट के चैयरमैन, कलकत्ता पोर्ट के कमिश्नर और मद्रास पोर्ट के चैयरमैन से भी बातचीत हुई और इन लोगों ने भी बातचीत के बाद एग्री किया कि यह अच्छी बात है कि ऐसा एक्ट बनाया जाय। यह बिल उसी एक्ट को बनाने के लिये बदन के सामने पेश किया गया है।

अब इस बिल में 1963 के एक्ट की कर्ब करीब 24 धाराओं में हम संशोधन कर रहे हैं।

यह आपके सामने पेश है। संशोधन के द्वारा इसमें कुछ नयी बातें रखी गई हैं। जैसे कि पुराने एक्ट में यह आदेश नहीं था कि बवर्नमेंट विसा पालिसी के मामले में पोर्ट्स को कोई निर्देश दे सकती है। कोई डायरेक्टिव इश्यु करने का अधिकार सेंट्रल गवर्नमेंट को पालिसी मैटर्स में मेजर पोर्ट्स के ट्रस्टियों के लिए नहीं था—बम्बई में, न मद्रास में और न कलकत्ता पोर्ट में। कमिशन जो बना था उसने जरूर सिफारिश की थी कि जब कोई कानून बने तो उसमें सेंट्रल गवर्नमेंट को पोर्ट्स को डायरेक्टिव देने का अधिकार होना चाहिए क्योंकि अब सेंट्रल गवर्नमेंट का बड़ा पैसा बड़ा खर्च होता है और बहुत सी एडमिनिस्ट्रिव जस्टिस बढ़ गई है इसलिए पालिसी मैटर्स में उनको डायरेक्टिव इश्यु करने का अधिकार सरल होना चाहिए। तो एक चीज यह संजोधा के माध्यम से कर रहे हैं कि जो डायरेक्टिव है वह सेंट्रल गवर्नमेंट की ओर से पालिसी मैटर्स में इश्यु की जा सके।

मेजर पोर्ट्स कमिशन की दूसरी सिफारिश कि फाइनेशियल और एडमिनिस्ट्रिव

अधिकार जो पुराने एक्ट्स में दिए गए हैं 1879, 1890 और 1905 में कलकत्ता, बम्बई और मद्रास पोर्ट्स को वह बहुत कठोर है, उसमें बहुत रिजिडेंसी है और आज के जमाने में उसे फ्लेक्सिबिल बनाने की जरूरत है, वह थोड़ा सा लचीला बने जिससे और अधिकार दिए जा सकें। फाइनेशियल भी और एडमिनिस्ट्रिव भी। इसके लिए एक दूसरा संशोधन इस अधिनियम बिल में किया गया है जिससे उसको लचीला बनाने की कोशिश की गई है किसी प्रकार उनको और अधिकार हो जाये प्रशासनिक भी और फाइनेशियल भी।

तीसरे हमारे पोर्ट्स में पर्सनल और उस-के कम्पोजीशन के बारे में हमने मेजर पोर्ट्स कमिशन की सिफारिश के मुताबिक संशोधन किया गया है यद्यपि उनमें थोड़ा सा मतभेद है। अभी पोर्ट्स का कम्पोजीशन भिन्न भिन्न है जैसे कलकत्ता में बलकत्ता बॉर्ड जो है उसमें लिए 24 मेम्बर हो सकते हैं, मद्रास में 21 ट्रस्टीज हो सकते हैं। तो कमिशन की सिफारिश यह थी कि हममें एक यूनिफार्मिटी लाई जानी चाहिए। कमिशन ने खुद सिफारिश की कि 19 होने चाहिए मेजर पोर्ट्स—कलकत्ता, बम्बई, मद्रास—में और 17 होने चाहिए एकमक्लूडिंग चैयरमैन एंड डिप्टी चैयरमैन यानी उनको लेकर 19 होने चाहिए। इसी प्रकार जो छोटे पोर्ट्स हैं उनमें 13 होने चाहिए, एकस क्लूडिंग चैयरमैन एंड डिप्टी चैयरमैन और उनको मिलाकर हो जायेंगे 15, तो यह 19 और 15 की जो सिफारिश थी उस पर बहुत विचार किया गया और उसके बाद हम इस नतीजे पर पहुंचे कि यह संख्या कुछ कम होगी लेकिन यूनिफार्मिटी जरूर लानी चाहिए परन्तु संख्या थोड़ी सी ऐसी हो जिससे पोर्ट्स के ट्रस्टीज बनाने में सरकार को सुविधा हो सके, मामूलीकरण करने में और जो इन्स्ट्रुक्स पैदा हों उनका प्रापर रिप्रजेंटेशन हो सके। इसलिए यह रखा गया है कि यह संख्या 21 कर दी जाये मेजर पोर्ट्स

के लिए धोर 19 की संख्या कर दी जाये स्मालर पोर्ट्स के लिए। इस के लिए भी एक संशोधन हमने रखा गया है। इसमें रिप्रिजेंटेशन के लिए भी पहले यह था कि जो प्रिजेंटेशन होता था उसमें यूबर्स का प्रिडोमिनेन्स होता था, जो उनको उपयोग में लाते थे। इस प्रकार चेम्बर आफ मामर्स के बड़े बड़े लोगों का रिप्रिजेंटेशन होता था और उन्हीं के ज्यादा अधिकार होते थे। तो इसमें सॉलिंग को बदलने की भी कुछ कोशिश की गई है। इसमें यह किा गया है कि शिप-आर्गन्स, शिपर्स हो सकते हैं और उसके बाद ऐसे इन्स्टीट्यूट भी हममें प्रिजेंट किए जा सकते हैं लैबल ऑर पब्लिक बाडीज के जिन्हे गवर्नमेंट मुनिसिपल सम्झे। जैसे हमारे यहां बड़ी बड़ी पब्लिक अन्डरटैकिंग हैं जो बहुत मा मान बाहर एक्स्पॉर्ट और इम्पोर्ट करती है इसलिए उनका रिप्रिजेंटेशन भी अलग से हो जायेगा। इसलिए उनकी तादाद रखी जाये और उतने अधिकार दिये जाये कि गवर्नमेंट जिसको जितना चाहे नामिनेट कर सके। आवश्यकता के मुताबिक उसी संख्या के भीतर उतने आदमियों को गवर्नमेंट नामिनेट कर सकती है।

इसमें एक बात और रखी गई है। मजदूरों के प्रतिनिधि पुराने एक्ट में है उनको नहीं बढाया गया है। मजदूर जो है वह दो रह सकते हैं। मजदूरों के दो प्रतिनिधि रहे। (व्यवधान) शास्त्री जी का एक्स्पेन्ड-मेंट है लेकिन इसमें ऐसा है कि गवर्नमेंट को अधिकार दिया गया है और यह 2 प्रतिनिधि है, इसको डिस्टेंस नहीं किया गया है, कोई चाहे उसमें 4 करदे तो उसके लिए एक्सावट नहीं है क्योंकि उसमें कोई संख्या निर्धारित नहीं की गयी है कि इसकी इसकी होनी चाहिए। ऊपर से भीबे तक सारी संख्या में गवर्नमेंट अपने डिस्क्रिशन के मुताबिक ट्रस्टीज रख सकती है, हां लेबर के जरूर 2 प्रतिनिधि होने चाहिए लेकिन 2 की बजाय 4 रखने पर

कोई बैन नहीं है। फिर 4 ही क्यों, कहीं जरूरत हों तो 6 रख जाय। इसमें इसलिए कोई संशोधन करने की आवश्यकता नहीं है।

मैं आपसे निवेदन कर रहा था कि ट्रस्टीज की यह संख्या बताई गई है। जो मेजर पोर्ट्स ट्रस्ट एक्ट है उसमें यह प्राविजन है कि लेबर का प्रतिनिधि पोर्ट का एम्प्लोई भी हो सकता है, पहले यह था कि पोर्ट के जो एम्प्लोई हों, जिनका कोई किसी तरह का क्वान्टिफरी इन्स्ट्रुमेंट हो वह उसमें ट्रस्टी नहीं हो सकते। तो मेजर पोर्ट्स एक्ट जब बना उसमें रखा गया, मजदूरों के लिए लेबर का प्रतिनिधि जो है, अगर एम्प्लोई भी होता है तब भी हो सकता है। इन प्रकार हमने बट बैन हटाया है कि लेबर के प्रतिनिधि भी हो, पब्लिक अन्डरटैकिंग के प्रतिनिधि हो वह डिस्क्शन में तथा वोटिंग में पार्ट ले सकते हैं। सभी कमीटीज में वे हिस्सा ले सकते हैं। इस तरह जो बैन रहा है वह हटाया गया है। इस प्रकार इनमें 5-6 मेजर सुधार किए गए हैं।

इसी प्रकार इगमें नियुक्ति और पदोन्नति के बारे में भी बोर्ड को उनके बोर्ड में अलग दिया गया है। पुर्न ने कानूनो में यह था कि बोर्ड जो है वह एम्पाइन्ट किया करता था लेकिन अब यह हुआ है कि चेम्बर और डिप्टी चेयरमैन का एम्पाइन्टमेंट तो सरकार करेगी, हेड आफ दि डिपार्टमेंट या एम्पाइन्टमेंट और जनरल मैनेजर या एम्पाइन्टमेंट भी सरकार करेगी। ऐसे पदाधिकारी जिनकी तनखाह दो हजार या उस अधिक हो उनकी एम्पाइन्टमेंट सेंट्रल गवर्नमेंट करेगी इन एम्पाइन्टमेंट विद दि चेम्बर। बोर्ड को अब उतने अलग किया गया है क्योंकि बोर्ड में जब कोई एम्पाइन्टमेंट का मामला होता है तो बहुत सी लाबीज और बहुत सी पार्लियामेंट्स चलती है कि कौन जिसको भर्ती कराता है। अब यह अधिकार सरकार अपने

हाथ में ले रही है। इस प्रकार यह कुछ संशोधन हमें किए गए हैं। पिछले 10-12 वर्षों में मेजर पोर्ट्स ऐक्ट के अन्तर्गत जो काम हुआ है उसे जो कमियां थीं उठाते संशोधित करने के यह बिल पेश किया गया है।

इसमें यह भी किया गया है कि अभी तक जो स्लम एण्ड रेगुलेशन बने हुए हैं वह कंट्रोल कर रहे हैं। ऐसा न हो कि काम में अपसेटिक हो जाये। जब तक कि नये एक्ट के अन्तर्गत स्लम एण्ड रेगुलेशन नहीं बने 1975-76 तक तब तक वह कंट्रोल कर रहे ताकि कोई शून्यता न पैदा हो जाये। इसमें रखा गया है कि तब तक वह कंट्रोल कर रहे जब तक कि नए कानून के मुताबिक नये बार्ड एक्ट नहीं हो जायें। इस प्रकार की चीजें इसमें रखी गई हैं और यह एक ऐसा बिल है जिनमें बिना किसी बचकानी के प्रस्ताव हैं। हमारे शहरों की एक प्रस्ताव है वह जब पेश करेंगे तब यदि सम्भव हुआ तो भारत एक साथ प्रस्ताव स्वीकार भी कर लेगे। यद्यपि उसकी कोई आवश्यकता नहीं है फिर भी एक साथ संशोधन मजूर कर लेने से माननाय सदस्य प्रसन्न हो जाते हैं। तो भारत की प्रसन्नता के लिये उसे मजूर कर लेंगे। बहाने आप की यात्रा में मान्यवर, विचार करने के लिये मैं यह विधेयक प्रस्तुत करता हूँ कि इस पर विचार किया जाय।

SHRI SOMNATH CHATTERJEE (Burdwan). This Bill purports to give effect to some recommendations of the Commission on Major Ports which gave its report in 1970. I find from this report that altogether 160 recommendations were made by this Commission and after about four years of supposed deliberations, the Government has thought fit now to bring forward a Bill dealing with one or two of the recommendations. To the major recommendations of this Commission for the better and improved functioning of the different ports in India no attention has been given, as is apparent from the Bill that has been brought. The only proposal is to constitute or reconstitute the Port

Trusts or the Boards of Management without looking into the various important recommendations of the Commission. Therefore, it seems that the Government thought that since an important Commission has made some recommendations about 4 or 5 years ago, something has to be done and let us do with the minimal of it, namely, the constitution of the Board. And the Major things remain unattended.

So far as the reconstitution which has been contemplated, kindly see that the whole of the Bombay Port Trust Act and the Calcutta Port Trust Act have been stated here to be no longer operative except in respect of one very important thing—see clause 38 relating to the municipal assessment of the property. Now, one of the major recommendations was that these provisions in the old Act would not be retained. Now, this is an attempt still to continue those provisions whereby the Government avoid payment of the municipal rates and taxes in respect of the Port Trust property. Although the Commission has recommended otherwise, the Government has not accepted it. Now, an attempt is sought to be made to create an impression as if the Board is not functioning properly and that if there is a change in the Board, all the ills and difficulties faced by the different ports will be solved. That is not the position. I want to make this submission that this is a sort of an attempt to create an impression for the people that these different Boards which have been constituted under the old Act are not functioning properly and the only cure is to reconstitute or change them. I do welcome any change for the better. But why is this piecemeal legislation like this, tinkering with the problem and not facing and trying to solve the problem?

I do not wish to sound parochial. But what is the position of the Calcutta Port to-day, which is the most important port in the whole of the country? What is being done with

regard to the Calcutta port? Even in the last two years, the volume of traffic has fallen from 6.6 million tonnes in 1972-73 to 6.23 million tonnes in 1973-74. It appears now that in view of the present navigable position of the river Hooghly, no ship with a draft of 18' and above will be able to reach Calcutta port or leave it after 4 years if in the meantime no water is released from Farakka. This is the position with regard to the Hooghly river. The Calcutta port depends upon the navigability of the Hooghly river. Now, what is being done? We have been promised by this Government that this water will come from Farakka, but this, like their usual promise, has not been kept. The position is—I will just read a report from the *Statishan* which says:

"At present navigation on the Hooghly was carried out by day-to-day manoeuvres "

This is the stage to which it has brought the Calcutta port

"They said it was easier for ships to reach Calcutta by taking the help of the tide but they had to face many obstacles during their way back."

Sir, many suggestions have been made but they have not been implemented. The usual speeches are there. And I find once or twice, our popular Deputy Minister here had gone there. He gave us hopes, but I am sure he is very much a prisoner in the whole set up and cannot do anything even if he tries. I wish to place before the honourable House one or two other important aspects with regard to the Calcutta Port. Here it is said:

"The vessels during their outward movement now have to follow a hop, stop and jump method. Ships must cross the first bar 20 miles from Calcutta popularly known as low water crossing so that they are able to cross more formidable ones like the Eastern Ghat during the highest stage of tidal rise.

The hydraulic experts said that the navigational channels on the Hooghly was becoming narrower every day. Safe anchorages for ships during the crossing of bars were also becoming fewer than before. This situation had inevitably restricted the number of vessels that could move in and out of Calcutta."

But, Sir, the position is that as early as in 1928 one million tonnes of cargo could be carried from Calcutta. Ships were required for removal of the silting and other hazards in 1971, 177 ships were required for removal of the same quantity.

MR DEPUTY-SPEAKER: This is an important point you are making, but does it come within the scope of this Bill?

SHRI SOMNATH CHATTERJEE: Very much so. This is regarding the implementation of the reports of the Major Ports Commission.

MR DEPUTY-SPEAKER: Farakka is a complicated question.

SHRI SOMNATH CHATTERJEE: It is very important. This is a major port. We are having a legislation which will only be..

MR. DEPUTY-SPEAKER: It is related also to our relation with Bangladesh.

SHRI SOMNATH CHATTERJEE: My point is that the amendment does not take into consideration the major recommendation and there is no provision made with regard to the better working of the major ports. This is my submission. And there is no point in saying that once you put two labour representatives everything will be all right. We welcome the proposal. We want it to be four as Mr. Shastri has proposed. But what I want to say is this. Don't try to give an impression to the country that you had not been given sufficient powers, in order to bring about im-

provement in the functioning of the major ports in the country. Merely changing the number of trustees from 20 to 17 or 30 to 17 do not think that you will make wonders. This is not going to be the position. You have to approach the problem with a proper perspective. You should try to solve the problem instead of tinkering with it. Don't think that our country will march towards progress if the Calcutta port is killed; please do not have such illusion. I am not speaking for my State only. I am not parochial. Let that impression be not there. Don't think this country can progress further if the Calcutta port is ruined.

MR. DEPUTY-SPEAKER: I do not think anybody has that impression.

SHRI SOMNATH CHATTERJEE. My point is this, Sir. I wish to point out that while this report is there on all these matters, no worth-while attempt has been made to remedy the defects to improve the working, the functioning, of the Calcutta Port. This is my submission. A large amount of expenditure is being incurred on account of dredging Dredging can never solve the problem permanently. There are various suggestions made by experts. I want to know as to what steps are taken for improvement of the Calcutta Port. One suggestion was regarding construction of barrage with locks and regulating gates on Hooghly near Pakuria near Falta. Then ships of 35' draught will come to the port of Calcutta.

Then, there is need for another barrage below Haldia with locks and regulating gates to be constructed. There should be two dykes on both sides of Hooghly near sand head which will narrow the fifteen mile breadth of Hooghly to two to three miles. The silt will not accumulate at the sand head. Rather it will remain deep. These are very important proposals which have to be implemented and seriously considered by Government. I want a categorical assurance from the Minister as to the point of

time from which this water from Farakka will be available to the river Hooghly. We have been promised and promised that 40,000 causes of water would be available. Nothing is going to happen before Calcutta port is made a desert. Can you give us all assurance?

No modern facilities for landing have been given so far as Calcutta Port is concerned. This was one of the important recommendations of this Commission. I do not find that at all excepting a provision that has been made for the bathing ghat, etc. There is no proposal made. Nor any change is affected for bringing about improvements for loading and unloading, or road facilities. This was one of the major recommendations for all the ports in this country without which the ports cannot work properly. No provision has been made with regard to improvements in loading and unloading facilities to these ports. There are various scales of charges in different ports in India which are hampering the functioning of the ports. The Commission has recommended for the creation of a Central Port Rates authority for going into this question. But, we do not find anything with regard to this at all. The hon. Minister said that some proposals have been made which would only mean that the Central Government will have greater control now.

I am not enamoured of the Central Government's having a control. That means bureaucratic control. My point is that the Central Government's control can be given statutory recognition with definite guidelines. We do not find any guidelines. That means absolute bureaucratic controls are there. Because Central Government's control is there, all the difficulties will not be overcome. I am not accepting that proposal. So, I would like the hon. Minister to consider framing of bye-laws or guidelines so as to get rid of the difficulties. We do not know under what limited conditions these bureaucrats would function. I do not

think if more powers are given to the Chairman they can function better.

Now, Sir, why should there be such a discrepancy in the powers of the Chairman and the Board as a whole. The Board of Trustees will have representations of different interests. Why should not the Board of Trustees have powers? Why should the Chairman have greater powers than the Board itself? So far as employee's representatives are concerned, there should be an adequate representation. I would like to point out that these matters should not be left merely to the discretion of the Government. The amendment which is being proposed only fixes the minimum number with regard to the labour representatives. It does not fix the basis on which different numerical strength of different interests will be projected in the Board. There ought to be some guidelines which should not be left merely to the Central Government to decide without any principles being indicated.

So far as appointments of officers are concerned, it is a matter which should certainly be dealt with at the higher level. I would, however, like to point out that so far as different ports are concerned, serious charges of corruption and misuse of power are being made. We would like to know what the Government is doing with regard to them. In so far as the functioning of some of the officers, whom I do not want to name, are concerned, in Calcutta Port, they have become a matter of scandal. This should be immediately looked into. I welcome the limited amendment proposed. Though some changes are made, yet I feel that some sort of uniformity has to be brought about in regard to all major ports in India. What is brought about by the Major Port Trust Amendment Bill should not be the last word in the matter of bringing about improvements in all major ports in India. The hon. Minister should at least assure the House that Government is seriously thinking on the acceptability or otherwise of the recommendations

made by this Commission and the steps they propose to take to implement those proposals, when they propose to bring forward a further legislation—a more comprehensive legislation—they should not bring forward legislation piecemeal in order to give an unjustified impression to this country.

SHRI B. V. NAIK (KANARA): Sir, I welcome the Bill that has been presented by the hon. Minister for Shipping and Transport. The reasons for this Bill have been stated in the Statement of Objects and Reasons, namely, to give effect to certain recommendations of the Major Ports Commission accepted by Government. This was in 1968. There has been a considerable period of time which have accepted since 1968 and 1974. About the same time this Commission was going into the question of major ports there was another study team which at the instance and invitation of the then Minister, Dr. V.K.R.V. Rao, had visited this country and made a report. This was by the International Association of Ports and Harbours where is a fund of information which has been given by this Commission as well which I am quite sure has also got the attention of the hon. Minister. I shall refer to the general recommendations of that study team later but as for the specific case I would like to submit while this Bill takes care of the entire coastline of 3,500 miles in this country spreading from Calcutta to Kandla we may see almost every State in this country which is a maritime State in this country has been taken care of and serviced by a major port. Maharashtra is serviced by Bombay; West Bengal by Calcutta; Tamil Nadu by Madras; Andhra Pradesh by Vishakhapatnam; Orissa by Paradip; Kerala by Cochin and the State of Gujarat by Kandla. I do not know one single reason why the State of Karnataka....

SHRI KAMLAPATI TRIPATHI: Mangalore has been taken up and it is now a major port.

SHRI B. V. NAIK: I am glad the hon. Minister has preferred to give the clarification on this. Of course there is Murmagao but as far as the State of Karnataka the purport of this Bill does not seem to be clear. It has not been listed as a major port as far as this Bill is concerned. I am very glad that the hon. Minister now makes a statement that Mangalore will be a major port.

THE DEPUTY MINISTER IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI PRANAB KUMAR MUKHERJEE): It is, already.

SHRI B. V. NAIK: I would like the hon. Deputy Minister to kindly assure us of one thing. Is it a major port trust as coming within the ambit of this Bill or not?

SHRI PRANABKUMAR MUKERJEE: I may clarify the position and say that two ports have been declared as major ports, namely Tuticorin and Mangalore. Since they have just been declared as such, no port trust has been formed, nor are they governed by the Major Port Trusts Act, 1963. But they are being run departmentally.

MR DEPUTY-SPEAKER: But what he would like to know is whether Mangalore will come under the Major Port Trusts Act after it has been amended.

SHRI KAMALAPATI TRIPATHI: Of course, it will come.

MR DEPUTY-SPEAKER: I think he should be satisfied with that.

SHRI A. K. M. ISHAQUE BASIRHAT: Would there be any provision in this Bill?

MR DEPUTY-SPEAKER: That does not matter. That can be brought in later on. I think there is some provision in the Bill under which they can include any other port.

SHRI PRANAB KUMAR MUKERJEE: It will be extended.

SHRI B. V. NAIK: Since Mangalore has already been declared, as the hon. Minister has also declared just now, as a major port, I would request the hon. Minister to go through the statement made by the Karnataka State Minister for Ports and Harbours, Mr Syed Ahmed Mohammad Umar Yahya, in the month of July, 1974 in front of the Karnataka Chamber of Commerce and Industry. It seems that he has been trying to draw the attention of the Centre to the need for further development of the Mangalore port. The details will be available in his statement. His remarks might be a little critical and unpalatable as far as the original decision in regard to the selection of the site, etc. is concerned. However, let bygones be bygones, and we would not like to deal with this specific case. But the selection of the future ports at least will have to be done, bearing in mind the fact that in regard to the question of ports, harbours and such other technological developments, political considerations of local pressure groups or political lobbies should bear the least amount of relevance when ultimately the decision is made by the Ministry in regard to the location of the sites of major national development.

The only point in regard to the port trusts which I have reason to complain about is that there major port trusts in this country have always grown and all continue to grow because of the undivided attention paid by the Government of India at the cost of the minor ports and the intermediate ports. Therefore, while we do appreciate the fact that the three pioneer ports, namely Bombay, Calcutta and Madras have now been equated with the rest of the major ports in this country, I would like to know whether it will not be possible for the Government in the Ministry of Shipping and Transport to bring forward a uniform Act in regard to

all the ports that are there in these 3500 miles of the Indian coastline, so that we have a common law. Why should these be treated as something special and something at a higher level which needs the undivided attention of the Government of India? What wrong, for example, have the undeveloped but potentially tremendous ports like Karwar have done? What harm has it done?

What has Bhatkal done? What has Ma'pe done? There are hundreds of such ports which are languishing for want of consideration and attention, financial assistance and so on. If these are identified and prompted, the congestion and other problems of the major ports and port trusts can be solved not through administrative measures but by providing the merchant navy an alternative option.

One of the handicaps in this behalf is this. Again take Karwar. The shipyard cannot come there because it is not a major port. A major port cannot come because there is no railway line. A railway line cannot come unless there is a major port.

SHRIMATI PARVATI KRISHNAN: The railways have no money—at least that is what they say.

SHRI B. V. NAIK: Money can be found provided it gets priority. I would say this is a vicious circle. Therefore, I would suggest that until and unless you bring in uniform legislation, things in regard to the rest of the ports in the country will not brighten. That would be a major national loss.

Coming back to the recommendations made by this International Association of Ports and Harbours, some of them are sort of eye-openers. One is that the Central Government should closely not control port purchase of costly capital equipment. This is not very flattering for our port trust administrations. What do they mean by that? I am not criticising the

study team. I am asking what is wrong with our port trust administrations. In other words are the top managements of the ports not capable of making proper purchases? That means purchases decisions have to be taken out of their hands. In plain terms, they allude to corruption in purchases. This is not very flattering.

Then they should there should be clearance facilities avoidance of demurrage charges, the waiting that goes at the ports should be brought down to 24 hours. This is something like asking for the moon. We get well-loaded fertiliser and food ships which come there and wait upstream for a period of 15 days. The whole country pays in foreign exchange the demurrage charges worth hundreds of thousands of rupees. I do not know whether this legislation alone will be able to prevent this wastage of our foreign exchange.

The last point is this. Are we in a position at least to utilise the full capacity of these major port trusts? At present what is the handling capacity and what are the plans and programmes to fully utilise the built-in capacity of the major ports of this country?

With these few remarks, I support the Bill.

SHRIMATI PARAVATI KRISHNAN (Coimbatore): I welcome the thought that it is there behind this Bill of bringing about uniformity amongst the major port trusts. But I have got my qualms and these are what I would like to give expression to now, speaking on this Bill.

Firstly, what is disturbing is that clauses 9, 10 and 11 of the Bill seek to give the Chairman extraordinary powers and will militate more and more against the democratic functioning of the port trusts. At the moment, the port trustees do have certain powers but these clauses seek to take away those powers and give further

powers to the Chairman who already has so many powers. We have experience of the functioning of these port trust boards. We know that, saddled as they are with a large number of representatives of various government departments, when the Chairman happens to be an IAS or ICS officer, these poor Johnnies are most nervous to open their mouths to protest against what the Chairman may be doing which they consider may not be correct.

Again, the functions of the various members of the board have not been defined specifically in order to create the basis for democratic functioning of these Boards. The Chairman has the power to reject any point that a member of the board may send to be included in the agenda; he does not have to assign any reason. He may say: "I do not like your face or I do not like your voice and therefore, I had not included it in the agenda." Therefore, it is necessary that these functions should be clearly defined so that we safeguard against autocratic and bureaucratic functioning. It will be in the interest of the efficient working of the ports if the boards are run properly; otherwise why have these boards at all? Is it to show that there is democratic functioning in the ports in democratic India, where incidentally most things are done by Ordinances? Why have these boards? You can as well function through Ordinances. Therefore, I would have been happier if the Bill did not contain these clauses which seek to restrict the powers of the boards and enlarge the powers of the chairman as these will only lead to distortion in the working of the boards.

For instance, till recently the chairman has had the power to sanction work upto a sum of Rs 25 000 without the prior sanction of the board; he could go to the board for *ex post facto* sanction. That amount has recently been increased by the Government. He has been given more and more powers and the powers of the

board as such are being restricted. I would therefore appeal to the Minister, broadminded as he is and having been brought up in a system of democracy till now, that he should withdraw these clauses from the Bill.

I should next like to refer to another provision that affects the functioning of these boards. Today there is no uniform policy regarding recognition of trade unions among the various ports; it varies from port to port. As a result of verification having been gone through, certain unions had got representation on the boards. But that trade union still remains unrecognised. The leader of our party, Shri Inderjit Gupta is the president of the Calcutta Port and Dock Workers' union and was a member of the port trust from April 70 to March 1974. But the union was not recognised, in terms of industrial relations. It was so inspite of verification. The result was that a vast number of problems and disputes which would come up and which could be settled at the grass root level across the table would have to be processed by the Labour Ministry and then the Ministry of Transport and Communications according to the usual procedures and delays. Files had to be chased from one Ministry to another. We would have to wait when the Minister in charge was changed because of Cabinet reshuffle. With the result the sores were festering more and more leading to disharmony. When the workers reach the end of their patience and a strike takes place then there is a hulla-baloo about how they are holding the country to ransom, as was done about the railway workers. There is the same kind of bankruptcy in respect of industrial relations in other departments and ministries also. I would therefore, appeal to the hon. Minister that at least he should have the foresight and make some provisions for the recognition of unions and have the atmosphere cleared in the board for proper industrial relations so that labour and industrial problems could be settled in the shortest possible

time by the creation of facilities for across the table settlements. Take for instance the recognition of the Madras Port United Labour Union. ASK is the President of that union. Today by virtue of verification, he is a member of the Port Trust; he is a trustee. At the same time, the union is not still recognised, although last year it had a membership of 6400. There have been more than one strike during the last two years in that particular port and they could be settled only when this union's representatives were called to Delhi by the Transport Ministry or the Labour Ministry. Why get to that stage? Why not have a proper policy of recognition of unions for settling industrial disputes and maintaining industrial harmony?

I am glad we have heard a voice speaking for Mangalore. I think I should also speak what I am committed to speak for my State of Tamilnadu. Why is it that Tuticorin has been left out?

SHRI PRANAB KUMAR MUKHERJEE: It has already been declared a major port. Notification has been issued. But some work is still to be completed.

SHRI B. V. NAIK: The Deputy Minister is contradicting his senior colleague. While we have been given a clean assurance in regard to Mangalore.

MR. DEPUTY-SPEAKER: I raised that question and he said, nothing stands in the way of Mangalore and other ports being brought within the purview of this Act through an administrative measure.

SHRIMATI PARVATHI KRISHNAN: We have experience of Government's functioning. First it is under consideration, then active consideration, then urgent consideration and months and years pass by.

SHRI B. V. NAIK: It should be done by a legislative measure.

MR. DEPUTY-SPEAKER: If you are so keen, you should have sent in an amendment that these ports should be included here.

SHRIMATI PARVATHI KRISHNAN: The State Government, in the midst of all its preoccupations, has also recommended that Tuticorin be included as a major port. It is not only a question of this legislation covering Tuticorin Port. The problem will be, whether the workers of the harbour project in Tuticorin are to be absorbed in the Port Trust or not. That demand is still outstanding. That is why we would like the minister to include Tuticorin in this Bill itself so that the various problems that exist there with regard to labour can also be settled without any delay.

SHRI CHINTAMONI PANIGRAHI (BHUBANESWAR): Sir, I welcome this Bill. I welcome also the way in which the hon. Minister presented this Bill. This is a major development, so far as bringing about uniformity in all the major ports is concerned, and this is something for which we have been trying all these years, because there were different legislation for different ports. Therefore, I appreciate the step the Government have taken.

So far as representation of labour is concerned, it is provided here that before appointing any person to represent labour employed in the port, the Central Government shall obtain the opinion of the trade union, if any, composed of persons employed in the port and registered under the Trade Unions Act, 1926, and that the number of persons so appointed shall not be less than two. The number can be increased to four also. So, there is not much of controversy on this point.

Will it not be more useful and helpful if the local MLA and MP are

nominated by the Government to the port trust of that area? That will help in democratising the port trust when the elected representatives are included there. I hope the hon. Minister will take this point into consideration.

Then I come to the present position of Paradeep port, which is a major port. I am very happy that it is receiving the attention of the hon. Minister. Recently I had been to that port. I was happy to find that the Railway Convention Committee and the hon. Deputy Minister visited that port. Paradeep port was a gift by the State Government to the Central Government. The State Government built that port by their own effort and they spent Rs 16 crores. Though the Central Government promised to reimburse that amount, they have not done it so far. It is a big burden on the Orissa Government because they have to pay interest on these Rs 16 crores. Yet, the Central Government have not kept their promise.

Though this is one of the deepest ports, yet for the last many years it is languishing, because three agencies are now working in that port, namely, the Port Trust, the railways and the MMTC. The Cuttak-Paradeep railway link was constructed by spending Rs. 16 crores to 17 crores. That has been opened only to goods traffic to carry iron ore to be exported to Japan. After the completion of the track, it was thought that annually three to four million tonnes of iron ore would be exported. Today not even 60,000 tonnes of iron ore in a month goes to that port because the railways do not provide the wagons. When we met all the three agencies separately, the railways laid the blame on the MMTC, the MMTC on the Railways and the Port Trust on the railways. Though these agencies have been entrusted with the responsibility of exporting 4 million tonnes of iron ore and even though so much money

has been spent, here is no coordination between these three agencies.

MR. DEPUTY-SPEAKER: This is what the Americans call, passing the buck.

SHRI CHINTAMONI PANIGRAHI: I am very happy to know that the hon. Deputy Minister has been apprised of the whole matter and that he has set up a committee after his return from that place. I do not know whether the committee will be able to coordinate the work of the different agencies. Anyhow the present position is that the vast potential of that port is languishing.

Now, the proposal for providing wagon tippler system and for completing the port railway system is lying with the Transport Ministry for the last three years. The design has been completed in Vishakhapatnam. In one hour, 25 wagons of iron ore is being fed into the ship at Visakhapatnam. For the last three years, the proposal is still lying with the Transport Ministry. They are working out whether it should be 25 wagons per hour or 45 wagons per hour. This argument is going on. They do not agree as to whether it should be 25 wagons per hour or 45 wagons per hour.

Let them agree to figure of 30 or 35 wagons per hour, strike a mean, and introduce this system so that the Paradeep port handles more traffic. The proposal has not yet been cleared. It is still lying with the Transport Ministry. I would request the hon. Minister to kindly look into this matter. When the design has been completed in Vizag, why should it not be introduced in the coming 2-3 months, in any modified form, in the Paradeep port so that you could export iron ore.

About the general cargo berth, the Government of India has already sanctioned it. Not even one cargo berth has been completed though in the Fifth Plan, the target is to have

17 general cargo berths. The capacity of the Paradeep port will cover the entire hinterland, right from Madhya Pradesh, all this area, and it can export 7 million tonnes of goods. According to a recent survey conducted, it can go even upto 9 million tonnes. With such potentialities, if the Transport Ministry does not take a little more interest, the Paradeep port is not going to develop

Another problem in the Paradeep port is the serious erosion that is taking place there Three years ago. I went to the place where Nehru laid the foundation stone and, at that time, sea was 3 miles away from the Nehru Bungalow Today, it is only 200 ft away Such a rapid erosion is taking place They have spent Rs 34 crores on such a major port If the erosion is not checked we are going to lose such a big achievement in our State It is a national achievement. I hope, the Government will do something about it I urge upon the Minister to look into this problem also

Lastly, I must congratulate the Minister for giving a little hope to the people of Orissa about the ship building yard Though it is not within the purview of the discussion of this Bill, I am digressing a little When the question came up about locating the ship building yard in the country, I am very happy to say that his reply gave hopes to the people of Orissa that the Government of India is taking into consideration the question of having a ship building yard at Paradeep I welcome this measure

श्री भारत सिंह चौहान (धार) उपाध्यक्ष महोदय, मन्त्री महोदय जो बिल लाये हैं मुझे ऐसा लगता है कि 1963 के बिल को ही इन तीनों मेजर पोर्ट्स के लिए लागू करना चाहते हैं। लेकिन सवाल यह है कि क्या 1963 के इस कानून को इन पोर्ट्स पर लागू करने से इनका विकास हो जायेगा। आपने जो विवरण दिया है उससे भी विकास की कोई बात जाहिर

नहीं होती है। बम्बई, कलकत्ता और मद्रास के जो पहले कानून बने थे वे उन पर पोर्ट्स की विशेष महत्ता को ध्यान में रख कर बनाये गये थे, अब जब आप उनके लिये नये कानून बनाने जा रहे हैं तो आपको यह ध्यान रखना चाहिए था कि इन मेजर पोर्ट्स की अन्तर्राष्ट्रीय महत्ता को कैसे बढ़ा सकते हैं। आप के इस बिल से न तो कोई अन्तर्राष्ट्रीय महत्ता बढ़ती दिखाई देती है और न कोई विकास होना दिखाई देता है। इन तीनों पोर्ट्स का सम्बन्ध विश्व के व्यापार में है, लेकिन उसका आपने इसमें कहीं कोई जिक्र नहीं किया है कि हम अन्तर्राष्ट्रीय कानूनों को भी ध्यान में रख कर इन पोर्ट्स के लिए ऐसा कानून लाये हैं जिस से कि इन तीनों पोर्ट्स की महत्ता बढ़े। तो यह जो कानून लाये हैं उसमें मैं ऐसा समझता हूँ कि मन्त्री लोग, जो कमीशन ने रिपोर्ट दी है उसकी कुछ बातें लेकर जनता को एक तरह से यह बनाना चाहते हैं कि हम कुछ कर रहे हैं पोर्ट्स के सम्बन्ध में, लेकिन दरअसल उसमें कोई विशेष लाभ होने वाला नहीं है। पिछले समय में जिस तरह में थर्ड क्लाम को सैकण्ड क्लाम में परिवर्तित कर दिया उससे कोई बड़ा भारी परिवर्तन नहीं हुआ लेकिन एक स्टन्ट जरूर हो गया कि भाई हमने थर्ड क्लाम को समाप्त कर दिया, सैकण्ड क्लाम बना दिया। उसी प्रकार का स्टन्ट करने के लिए यह बिल भी लाया गया है वरना इस बिल के द्वारा कोई भारी परिवर्तन होगा या पोर्ट्स का विकास होगा ऐसा लगना नहीं है। इस बिल को लाने के पहले मैं समझता हूँ पोर्ट्स ट्रस्ट्स ने जरूर आपको मुझाव दिए हैं और उसमें कई सुझाव ऐसे हैं जो लागू किए जाने चाहिए लेकिन आपने तो केवल अधिकार लेने के लिए, पोर्ट्स की पावर्स में एन्कोचमेन्ट करने के लिए और अपना प्राधिपत्य जमाने के लिए यह बिल पेश किया है—इस बिल से यह बात साफ लगती है। आप यह बिल उन तीनों पोर्ट्स पर लागू करके जो पोर्ट्स अन्तर्राष्ट्रीय महत्ता रखते हैं उनकी पावर्स को कब्र कर रहे हैं या समाप्त कर रहे हैं। इसलिए मैं मन्त्री महोदय

निवेदन करूंगा कि वे इस पर गम्भीरता से विचार करे और इन तीनों पोर्ट्स की महत्ता जो आज से नहीं, स्वराज्य के पहले से है, उनकी अन्तर्राष्ट्रीय महत्ता और डिमिटी को बनाये रखने की आवश्यकता है और इसी बात को ध्यान में रखते हुए संशोधन किए जायें।

छोटे-छोटे पोर्ट्स पर यह बिल लागू था जिसको आप बड़े पोर्ट्स पर लागू कर रहे हैं। आवश्यकता इस बात की थी कि उसमें जो झुटिया थी उनको दूर करके अच्छे परिवर्तन किए जाते लेकिन उसको न करते हुए ऐसा लगता है कि केवल कुछ परिवर्तन करने है ताकि जनता को यह पता लगे कि ट्रासपोर्ट एण्ड शिपिंग मिनिस्ट्री भी कुछ काम कर रही है। इसके अलावा इन बिल में मुझे और कोई भी समझदारी की बात नहीं दिखाई देती। गोवा के पोर्ट के बारे में पिछले समय में बड़े-बड़े आश्वासन दिए गए थे और यह बनलाया गया था कि उसके लिए 27 करोड़ रुपये सैक्शन किए गए हैं। मुझे यह अच्छी तरह से मालूम है कि गोवा पोर्ट को वर्ल्ड बैंक सबसे अच्छा और बड़ा पोर्ट बनाया जा सकता है लेकिन 27 वर्षों के बाद भी वह पोर्ट अभी तक विकास की ओर नहीं गया है। यहाँ पर झगड़े और स्ट्राइक्स होती जा रही हैं। वह एक नैचुरल पोर्ट का स्थान रखता है और बम्बई, कलकत्ता या मद्रास के पोर्ट ऐसे नहीं हैं जहाँ पर बड़े-बड़े जहाजों को लाया जा सके लेकिन फिर भी गोवा पोर्ट का विकास रुका पड़ा है। पिछले समय में यह ज़रूर बतलाया गया था कि हमने इनने करोड़ रुपये उसके विकास के लिए मजूर किए हैं लेकिन वहाँ पर जिस तरह से मैनेजमेंट चल रहा है उसमें स्ट्राइक्स हा रही हैं, काम में रुकावट आता है। अगर इसी तरह से काम चला तो यह जो पोर्ट्स के विकास की बात कहा जा रही है वह कानून लागू करके होने वाली नहीं है। इसलिए मैं मंत्री महोदय से निवेदन करूंगा कि इन पोर्ट्स का अन्तर्राष्ट्रीय महत्ता को विशेष रूप से ध्यान में रखा जाना चाहिए। आप भी जाति जानते हैं कि इन पोर्ट्स से किस

प्रकार विदेशों को व्यापार का आवागमन होता है। यदि उनको बन्द कर दिया तो आपके विकास और व्यापार में तथा शिपिंग के काम में बड़ा भारी नुकसान होने की सम्भावना है। इसलिए मैं समझता हूँ कि इस तरह हैफेज्ड वे में परिवर्तन करना उचित नहीं होगा। मेरा निवेदन है कि मन्त्री जी इस पर गम्भीरता से विचार करे। हम सम्बन्ध में मुझे यही कहना है।

श्री शिवनाथ सिंह(मुम्बई) उपाध्यक्ष जी, आज हमारे देश में जितने मेजर पोर्ट्स हैं वह चार प्रकार के कानूनों में गवर्न होते हैं। इस विधेयक के द्वारा हम एक कानून से उनको गवर्न करना चाहते हैं। यह विधेयक एक स्वागत-योग्य कदम है और मैं इसका समर्थन करता हूँ। इस विधेयक का समर्थन करने हुए मैं कुछ बातों की ओर माननीय मंत्री जी का ध्यान दिलाना चाहता हूँ। एक बात मैं चाहूँगा जो यदि अभी इस समय में हो सके तो ग्राइन्दा उसके ऊपर ध्यान रखकर बाद में इम्पूव करने की कोशिश करेंगे। जहाँ तक बोर्ड आफ ट्रस्टीज का सवाल है, आप ने नेबर को रिप्रेजेंटेशन दिया है कि कम से कम दो आदमी नेबर के उममें होंगे लेकिन आपका जो रिप्रेजेंटेशन देने का तरीका है उसमें आपने कोई मुद्दा नहीं किया है। दूसरे गिन ओनर्स वगैरह के इन्स्ट्रुट्स का आप न जो रिप्रेजेंटेशन दिया है उसमें उन लागा में वे वे चुनकर आयेंगे लेकिन नेबर का जो रिप्रेजेंटेशन हागा उसमें गवर्नमेंट नामिनेट करेगा। इस प्रकार में एक डिमोकैटिक तरीके का छोड़ कर सरकार ने उनको नामिनेट करने की जो पावर अपने हाथ में रखी है वह तरीका कोई अच्छा नहीं है। इससे नेबर यूनियन्स में काम करने वाले नाराज हो सकते हैं और इसको लेकर ट्रेड यूनियन की रिकमैण्डेड या अन-रिकमैण्डेड यूनियन्स में झगड़े हो सकते हैं। इसलिए जिनने भी नेबर एम्प्लायड हो उनका सभी का रजिस्ट्रेशन हो, वे चाहे किसी भी यूनियन के सदस्य हो, उनका एक कम्पानिडेटेड रजिस्ट्रेशन हो और वही लोग अपने

आप मे से चुनकर अपने प्रतिनिधि भेजें। चाहे कोई यूनियन रजिस्टर्ड हो या अनरजिस्टर्ड हो उनमें कोई भेदभाव न रखा जाये, उनका एक एग्जिटोरल कालेज बनाया जाये जिसके द्वारा 2 प्रतिनिधि या अगुआ होगा 4 प्रतिनिधि भेजे जायें तो मैं समझता हूँ आपका वह एक सही कदम होगा। बरना मैं समझता हूँ ट्रेड यूनियन में झगडे चलते रहेंगे, कोई कहेगा आई एन टी यू सी का हो और कोई कहेगा ए आई टी यू सी का हो। इसके अलावा जो लोग जाना चाहेंगे वे वहा के अधिकारियों की खुशामद करते रहेंगे और वे बहा पर जाकर लेबर का सही प्रतिनिधित्व नहीं करेंगे। ऐसी स्थिति में मैं निवेदन करूंगा कि किसी तरीके से आप इसमें मुधार करें।

दूसरे आपने बोर्ड आफ ट्रस्टीज में उन स्टेट्स को रिप्रेजेंटेशन दिया है जिनकी जमीन पर वह पोर्ट स्थित है लेकिन जैम आपका काडिला पोर्ट है उसके जा मेन यूजर्स है वह हरयाणा, पंजाब और राजस्थान हैं। इन स्टेट्स की भी समस्याये है इसलिए इन तीनों प्रान्तों को भी वहा रिप्रेजेंटेशन दना चाहिए। यह नहीं जाना चाहिए कि जिस प्रान्त में पोर्ट है वहा की स्टेट गवर्नमेंट को ही रिप्रेजेंटेशन दे बल्कि वहां से सामान भेजने वाली जो और स्टेट्स हैं उनको भी रिप्रेजेंटेशन दिया जाय। यह मेरी आप से प्रार्थना है और इसकी ओर आप अवश्य ध्यान देने की कृपा करें।

इस बिल में कई संशोधन किये गये हैं जो स्वागत योग्य है। लेकिन एक संशोधन मंत्री जी ने रखा है कि कुछ कडीशन के अधीन ऐनीमल्स हा, सामान हा, पहले अनव्हेम्ड का ओपिन ओक्शन से बेचा जाता था, लेकिन अब यह किया गया है कि आपस में निगोशियेशन्स कर के या टेन्डर्स काल कर के बेचा जायगा। इसमें अधिकारियों द्वारा गडबड किये जाने की आशंका होता स्वाभाविक है। पब्लिक ओक्शन में क्रैयरनैस आती है और बाब में चाहे कन्सन्ड पार्टी को ब्लेस भी देना पड़ता हो, तो भी सही चीज मिलती है। इसलिये पब्लिक ओक्शन

के बजाय प्राइवेटली टेन्डर काल कर बेचने की व्यवस्था करना सही नहीं है और अधिकारियों के ईमानदार होने पर भी उन पर लांछन लग सकते हैं। इसलिये पब्लिक ओक्शन ही रहना चाहिये।

अभी एक माननीया सदस्या ने कहा कि सेन्ट्रल गवर्नमेंट ने या चेयरमैन ने अपने पास पावर्स रखने की अधिक चेष्टा की है। मैं इसका स्वागत करता हूँ कि आप ने नियुक्तियों के बारे में केन्द्रीय सरकार के पास अधिकार रखा है। यह ठीक है कि जो जिम्मेदारी की जगहे हैं उन पर केन्द्र सरकार नियुक्ति करे। दूसरा प्राविधान यह है कि जिनकी 2,000 रु० से अधिक तनखाह होगी वह भी बोर्ड की राय से सेन्ट्रल गवर्नमेंट नियुक्त करेगी। लेकिन अदर पोस्ट्स को आप ने चेयरमैन को दिया है। पहले बोर्ड की राय में चेयरमैन नियुक्ति करता था, परन्तु अब चेयरमैन को ही पूरा अधिकार दिया गया है जो मेरी राय में ठीक नहीं है। आप जानते हैं कि आज नियुक्तियों के अन्दर फेवरिटिज्म चलता है। जिनने भी पब्लिक अन्डरटैकिंग्स के चेयरमैन हैं वह अपने ही आदमियों को नौकरी देते हैं इसलिये चेयरमैन को अधिक पावर देना ठीक नहीं है इसका मिसयूज अधिक हो सकता है।

मुझे एक आशंका और है जैसे कलकत्ते के अन्दर आप ने प्राइवेट पब्लिक लैंडिंग प्लेस भी रखेंगे। जहा तक अदर प्लेसेज का सवाल है उनको खूब करने का सवाल है मुझे कोई आपत्ति नहीं है। लेकिन जो पब्लिक लैंडिंग आप ने रखा है कही ऐसा न हो कि प्राइवेट आदमी अपनी प्लेसेज बना ले और उसका उपयोग न कर कहीं उनकी मोनोपली न हो। मैं चाहूंगा कि उसकी मोनोपली पोर्ट ट्रस्ट के साथ रहनी चाहिए जिससे प्राइवेट लोग नाजायज फायदा न उठा सकें। इसका प्रोबिजन होना चाहिए।

पोर्ट्स की क्या हालत है? माननीय सदस्य ने कलकत्ते के बारे में कहा। हम चाहते

हैं कि कलकत्ते का पोर्ट जितना अच्छा बन सके, बनाया जाय ताकि बड़े से बड़े जहाज बहां जा सकें। लेकिन कांडला पोर्ट मैंने देखा है और उसके बोर्ड आफ ट्रस्टीज से बात की है। वह हमारे देश का सब से अच्छा पोर्ट है लेकिन उसका पूरा उपयोग नहीं हो रहा है। उस पर आपका मंत्रालय ध्यान दे तो उसका सुधार हो सकता है। बड़े बड़े जहाज बहां रेगुलर नहीं जाते हैं। लोग कहते हैं कि जब तक कार्गो नहीं होगा तब तक बड़ा जहाज नहीं जायगा। हिटर लैंड में जितना सामान है लाने-ले जाने का उसको कांडला पोर्ट के जरिये ही आयात-निर्यात किया जाय और इसके लिये जरूरी है कि हिटर लैंड में जितने साधन बढ़ा सकने हैं बढ़ाये। दूसरी शिकायत यह है कि रेल द्वारा बोम्बे सामान ले जाने की दूरे और कांडला पोर्ट को सामान ले जाने की दूरे एक नहीं हैं, उनमें भिन्नता है। एक सामान राजस्थान से बोम्बे भेजा जाता है तो किराया कम लगता है और कांडला भेजने है तो अधिक किराया लगता है। इसलिये व्यापारी लोग पोर्ट को ज्यादा सामान नहीं भेजते हैं। इसलिये मैं चाहता हू कि कांडला पोर्ट के डेवलपमेंट को और अधिक ध्यान दिया जाय।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हू।

SHRI SURENDRA MOHANTY (Kendrapara): Mr. Deputy-Speaker, Sir, it is common knowledge that today most of our major ports are limping and are in the red. Their effectiveness leaves much to be desired. In that context, I do expect that this Bill should not merely think of the problems but should have covered the entire aspect of the reorganisation of the major ports so as to make their functioning more effective?

The House would recall that a Study Team on the Major Ports which had been appointed in the year 1968 made a recommendation which I quote:

"We therefore urge that the Indian Government authorise a study in

depth into the entire matter of Ports Trust organisation."

"We suggest, therefore, that when the reorganisation study of the Port Trusts is initiated, the services of a foreign management consulting firm having expertise in the field of organization be engaged despite the fact that the services of such firms are generally expensive."

In pursuance of this recommendation, a Major Ports Commission had been appointed which had made many recommendations out of which, if I remember correctly, the only recommendation which this Bill is going to implement is to bring the three major ports, Calcutta, Bombay and Madras, on par with the other ports like Vizag, Tuticorin, Paradip, Kandla and Mar-mugao in pursuance of the Port Trust Act, 1963. Beyond that, I do not find any significant recommendation which is sought to be implemented by this Bill. I hope the hon. Minister will explain to us while replying to this debate as to why he has chosen not to implement the other major recommendations which the Major Port Trusts Commission had recommended.

In that context, I shall invite the attention of the House to one significant fact. As regards the organisation of the Port Trust, the Chairman occupies a pivotal position in it. But, unfortunately, the position of the Chairman of the Port Trust is not very complimentary. I quote from the Report of the Study Team on Major Ports of India. On page 47, this is what is stated therein:—

"We have previously presented our general impressions of the relationships which exist between first, second and third level officials at major ports. We add here that while there are many obvious weaknesses in the relationships between these officials, the majority of Chairmen at the individual ports who are members of the Indian Administrative Service (IAS) or, in a few cases, the Indian Civil Service

(ICS), have had extensive administrative experience. As we have said, the basic fault we find is the very fact that these individuals are administrators, rather than managers. This appears to be more a fault of the 'system' than of the individuals."

"The Study Team has categorically stated that the Chairmen should be more of managers than of administrators. But, what do we find? Some administrators function as bureaucrats and not as Chairmen. What is the result of all this? I would invite the attention of the Minister to page 147 of this Report. I quote,

"The current Chairman of the Port Trust has served since May 1967. He had no experience in port operation or management prior to becoming Chairman."

So, a man without any experience and without knowing the A, B or C of a port, is appointed as Chairman merely because of the fact that he belongs to the IAS. What has been the net result? Only yesterday, the hon. Minister, in reply to a question, in this House has said that Paradip Port has been incurring a loss at the rate of Rs 3 crores a year.

This is the result when you put an administrator as the head of a port trust who has got no experience of the port whatsoever. But what do we find in this Bill? We find the Government has not educated itself from the past experience but on the other hand it has given a position of further premium to these Chairmen who have no experience of port trusts.

Further, the study team had rightly recommended that the Chairmen should be divested of their administrative duties and they should be more entrusted with the operational activities. Towards that end the team had rightly urged the creation of a new position designated as the General Manager for each of the major ports who would manage the day-to-day activities of the port trusts. I hope

the hon. Minister owes an answer to this House as to why this recommendation has not been implemented, why non-technical men who have no experience of the port trusts work are entrusted with the management of the port. I hold on this account our major ports are decaying and their effectiveness is dwindling.

Coming to Paradip port I would invite the attention of the hon. Minister to Chapter 10 of the recommendations of the Major Ports Commission in which they have made certain specific recommendations regarding the ports of Kandla, Paradip, Tuticorin and Mangalore. As the earlier speaker pointed out the Government of India has so far paid Rs. 16.20 crores as loan to the Paradip port whose interest has a crippling effect on its development. The House will be amused to learn that some time back the treasures of the Paradip port had been hypothecated to a nationalised bank to pay the salaries of its employees. In that context the Major Ports Commission, has recommended in Chapter 10:

- (i) provide an outright grant to the extent of 20 per cent of the capital cost of civil works including berths, breakwaters, reclamation, capital dredging etc., but exclusive of the expenditure on mechanical handling plants and equipment;
- (ii) limit the obligation of these ports to the payment of interest and repayment of the principal to only 50 per cent of the capital outlay after deducting the grant. These ports would be required to pay the appropriate rate of interest as applicable to all long term loans advanced by Government during that year;
- (iii) permit the interest to be capitalised during the construction stage of the project;
- (iv) apply a repayment schedule for the loan during a period

of 30 years, the first instalment of repayment to commence from the eleventh anniversary of the commissioning of the project;

Now, what is happening? As regards Paradip, after its sixth anniversary the Government has been realising not only the capital but also the interest which has a crippling effect and which has forced the Port Trust to hypothecate its treasures to get money to make payment to its employees.

I would only and by saying that only a more cursory and casual attention has been paid to the development of our major ports. It is common knowledge that our major ports are today dwindling and declining. Not only Calcutta but all the ports including Kandla, Bombay, Madras etc. are having a declining profitability rate. Therefore, we would have expected that the hon. Minister should have come forward with a Bill which would have covered the entire ground of re-organising the port trusts to make them more profitable so that they can effectively function and they can contribute effectively to the growth of our economy. I hope that the hon. Minister will bring forward in the near future a more comprehensive Bill to serve this end.

श्री भूल चन्द डागा (पाली) : इस बिल को लाने के लिए मैं मंत्री महोदय को धन्यवाद देता हूँ। इस तरह का बिल लाने की सिफारिश 1953 में हुई थी। एस्टीमेट्स कमिटी ने अपनी रिपोर्ट में यह कहा था :

"The Committee regret to note that though a sub-committee consisting of senior representatives of Calcutta, Bombay and Madras Port Trusts was set up as early as July, 1963, to recommend amendments of Bombay, Calcutta and Madras Port Trusts Acts, they took more than three years to submit the report."

यह एक छोटी सी कमिटी थी। उसके बाद भी कमिटी बैठी। उसकी रिकोमेंडेशन होने

के बाद आज आप इस बिल को लाये। इतनी देर से ही सही लेकिन इस बिल को लाने के लिए आप धन्यवाद के पात्र हैं।

आपने मेजर और माइनर पोर्ट्स में डिफेंस किया है। आई हेब स्टिल टू थंडरस्टैंड वी डिफेंस बिटवीन मेजर एंड माइनर पोर्ट्स। पोर्ट सीज पोर्ट। क्यों आप दोनों में भेद करते हैं।

जो कमिटी आप ने एम्पाईट की थी उनके जो टर्म्स आप रॉकेंस थे उनमें से कुछ ये थे -

- "(ii) to consider broadly their development programmes in the context of present and future national needs with special reference to the changing shipping and port technology; and
- (iii) to examine specifically the following aspects of port working —
 - (a) management,
 - (b) financing, and
 - (c) personnel, and
- (iv) to consider in the light of all the above, the capacity of the ports to enhance the current rates of ex-gratia payment; and
- (v) to review the arrangements that exist for coordination among the different ports, and
- (vi) to make recommendations on the above and other ancillary matters".

उस कमिटी ने 127 रिकोमेंडेशन की। जायद आपने बिल लाने में जल्दी की है और केवल एक एस्पेक्ट को आप ने टच किया है। मैं जानना चाहता हूँ कि बाकी की जो रिकोमेंडेशन हैं उनके बारे में आप क्या कर रहे हैं, क्या उनको इम्प्लीमेंट कर रहे हैं। पोर्ट्स की हालत आज खराब है। वहाँ डिमार्चेंजमेंट है। उसकी वजह से डेबिटर बनता है। इस हिसाब

पोर्ट तथा धीर भी कई पोर्ट्स को देखने गये थे। वहा लेबर का प्राबलम है। इन्विपमेट का है, रोड्स का है। आयरन धीर, साल्ट आदि जो हम बाहर भेजते हैं या जो चीज इम्पोर्ट करते हैं हमें देखना होगा कि हम इस मामले में दूसरे देशों से कम्पिटिशन में खड़े रह सकेंगे या नहीं? इन सारे प्राबलम्स को कौन टन करेगा? आपने तो सिर्फ एक बात कह दी है। कमेटी ने जो दूसरी रिपोर्टेशन का है वे सख्या में बहुत अधिक है और शायद वे एक बड़ी किताब के रूप में हैं, इसलिए शायद मनेटैरिएट ने आपके उनको देखा नहीं और देखा है तो उनको लाने की कोशिश नहीं की। इसमें जो बड़ी बड़ी बातें थी, उनकी तरफ ध्यान नहीं दिया गया है। एंटीमेट्स कमेटी की रिपोर्ट और दूसरी रिपोर्ट्स में जिन बातों की तरफ ध्यान दिलाया है, उन पर तबज्जुह नहीं दी गई है। इन सारी रिपोर्टेशन का परपज क्या है? लॉग ड्राई पोर्ट की बात करने है जब कि पोर्ट्स भी ठीक तरह में फंक्शन नहीं कर रहे हैं।

SHRI B V NAIK Are there any dry ports anywhere in the world?

श्री मूलसदस्य डा. : मैं रिपोर्ट की दो-तीन बातें आपके सामने रखना चाहता हूँ।

"The largest single commodity in India's seaborne trade is iron ore. Total iron ore exports from India increased from 0.3 million tonnes in 1955-56 to 15.1 million tonnes in 1968-69. Lowering of transportation costs by the use of large-sized ships can play a significant role in ensuring the competitive character of Indian iron ore".

इस बिल में मेजर पोर्ट्स की महत्वपूर्ण समस्याओं की तरफ कोई ध्यान नहीं दिया गया है। इसमें सिर्फ सर्विसिज और लेबर बरतने के रिपोर्टेशन की व्यवस्था की गई है। मंत्री महोदय को ऐसा बिल लाना चाहिए, जिससे हमारे पोर्ट्स का डेवलपमेंट हो सके।

श्री मधु लिखड़े (बाँका) : उपाध्यक्ष महोदय, सब से पहले मैं खंड 4 के बारे में यह कहना चाहता हूँ कि इस विधेयक में विभिन्न हितों को बोर्ड आफ ट्रस्टीज में प्रतिनिधित्व देने का प्रयास किया गया है, लेकिन मंत्री महोदय की नजर से महानगरपालिका या नगरपालिका कैसे छूट गये, यह मेरी समझ में नहीं आ रहा है। इस विधेयक के द्वारा मजदूरों, मर्कान्टाइल मरिन डिपार्टमेंट, कस्टम्स, राज्य सरकारों, सुरक्षा मंत्रालय और रेलवेज को बोर्ड आफ ट्रस्टीज में प्रतिनिधित्व दिया गया है। यह आवश्यक है कि इन बन्दरगाहों के विकास में महानगरपालिकाओं का और जहाँ महानगरपालिकाएँ नहीं हैं, वहाँ नगरपालिकाओं का, योगदान होना चाहिए और इसलिए बोर्ड आफ ट्रस्टीज में इन मस्याओं का कोई प्रतिनिधि होना चाहिए। मैं यह बात विकेन्द्रीकरण की दृष्टि से कह रहा हूँ।

मैं से पहले मैं यह सुधार चाहता हूँ कि महानगरपालिका के कम से कम दो प्रतिनिधि बोर्ड आफ ट्रस्टीज में होने चाहिए। पाट ट्रस्ट के टलाके में, बैक्वे रेक्लेमेशन में ही इस वक्त जो गैर-जानूनी काम हो रहा है, उस को लेकर बम्बई म्यूनिसिपैलिटी और राज्य सरकार में सचर्चा और टकराव उत्पन्न हुआ है। उसके बारे में मैं बाद में बोलूंगा। मैं यह आवश्यक समझता हूँ कि बन्दरगाहों के बोर्ड आफ ट्रस्टीज में दो प्रतिनिधि म्यूनिसिपैलिटीज के जरूर होने चाहिए।

क्लाज 11 के द्वारा मूल खंड 25 में जो परिवर्तन किया गया है, उसका आशय यह है कि बोर्ड के अधिकार छीन कर चेयरमैन को दे दिये जायें। सरकार यह कोई अच्छा काम नहीं कर रही है। मेरी राय में मूल धारा ठीक है और इस सशोधन को बिल्कुल काट देना चाहिए।

जहाँ तक क्लॉज 22 और 23 का सम्बन्ध है, पहले पोर्ट ट्रस्ट में जो मास पड़ा

रहता था, जिसको कोई उठाता नहीं था, उसको धाक्कन से डिसपोज धाक्क कर दिया जाता था, लेकिन इन लाजिज के द्वारा ये शब्द रख दिये गये हैं : "बाई टेंडर, प्राइवेट एग्रीमेंट और इन एनी अदर मैनर"। टेंडर की बात तो मैं समझ सकता हूँ, लेकिन "प्राइवेट एग्रीमेंट" और "इन एनी अदर मैनर" का क्या अर्थ है ? इसको काट देना चाहिए और "धाक्कन" रखना चाहिए, या "धाक्कन" और "टेंडर" रखने चाहिए।

जहाँ तक क्लाज 20 और क्लाज 36 का सम्बन्ध है, मैं इस सदन में लगातार समुद्र के नीचे की जमीन का सवाल उठाता आया हूँ। अन्त में मैंने इस बारे में इस सदन में एक बिल भी पेश किया। ऐसा लगता है कि सरकार पर उसका थोड़ा असर हुआ है, और वह सीधे तरीके से नहीं, बल्कि धूम-फिर कर इन कामों को करना चाहती है।

मेरे पास लगातार पत्र आते रहे हैं। उनमें एक पत्र बांदरा से आया है, जो इस प्रकार है :

"My dear Mr. Limaye,

I am glad you have taken up the question of the ownership of the foreshore lands. Besides the Bombay reclamation scheme, the Government of Maharashtra has been reclaiming other foreshore lands on the coast of Bombay and selling them to vested interests to the detriment of the general public. In Bandra a piece of foreshore land has been sold to Otters Club on Carter Road and another piece has been given to a five star hotel at Lands End. In the Mahim Creek the Government has acquired about 130 acres of foreshore land and given it to the housing board."

ये जो मकान बन रहे हैं, ये भी धनीरों के लिए बन रहे हैं। वास्तव में जो पोर्ट ट्रस्ट की जमीन है, महाराष्ट्र की सरकार उस पर

एक धरसे से धाक्कन कर रही है। मुझे धक्कतोस है कि इसके बारे में बम्बई का पोर्ट ट्रस्ट सो गया है। केन्द्रीय सरकार पर मुझे यह सीधा आरोप लगाना है कि वह राज्य सरकार से मिल कर इस लूट में हिस्सेदारी कर रही है। मैं संजोप में बम्बई रिकलेमेशन की तस्वीर रखना चाहता हूँ :

"A large part of the area covered by the scheme is submerged in water even at low water including plot No.206, 210 to 224 of block III; plot Nos. 73A, 74, 83 and 84 of block No. V are covered by water even at low tide. The Naval chart of the Bombay Harbour prepared by the Naval Hydrographical office of India shows that even at low tide all the said plots and almost the whole scheme would be under water...."

MR. DEPUTY SPEAKER: You are putting the Minister in serious difficulty.

श्री मधु लिमये : यह एक सीरियस मैटर है। मंत्री महोदय के प्रशिक्षण के लिए मैं बहुत ही मेहनत के बाद यह बम्बई हाबर् का नक्शा लाया हूँ।

16 hrs.

MR. DEPUTY SPEAKER: You can pass it on to the Minister.

श्री मधु लिमये : मैं इसको सदन के टेबल पर रखना चाहता हूँ। इस मैप का रीडिंग करने के लिए मुझे घाट घंटा मेहनत करनी पड़ी है। इस समय मुझे घाट घंटे का टाइम कहाँ मिलेगा ? इसको मैं टेबल पर रखता हूँ।

टाइड के बारे में भी एक किताब—इंडियन टाइड टेबल—मुझे बड़ी मुश्किल से मिली है। यह भी मैं मंत्री महोदय की खिदमत में पेश करना चाहता हूँ। वह इसका अध्ययन करें।

बम्बई रिकलेमेशन स्कीम का आधार यह है कि वहाँ जमीन सीधे बेची नहीं जाती है फ्री होल्ड के रूप में। इस में होता यह है कि

"The value of land in the Bombay Backbay reclamation scheme is on a national basis and what the lessee has to pay is ground rent at 6.5 per cent per annum calculated on the notional value of the land per sq. metre."

1964 में एक वर्ग मीटर जमीन का दाम पाच हजार रुपये था और आज उस का दाम तीन गुना हो गया है। बैंकवे रिकलेमेशन में जो जमीन है, उस के एक वर्ग मीटर का दाम आज रूद्रह हजार रुपये हो गया है। चूँकि म्यूनिसिपैलिटी कम कर विरोध कर रही थी, इस लिए, महाराष्ट्र सरकार ने कुछ पार्टियों को चुपके में, चोरी में, जल्दबाजी में 16 प्लॉट्स बेचे हैं। इन पार्टियों के नाम भी मेरे पास हैं। एक है मैमम इलामल एड मन्म, दूसरे है मनीराम मित्तल, तीसरे है मैमम तुलसियानी विन्डम प्राइवेट लिमिटेड...

MR DEPUTY SPEAKER: Is it your contention that all this land belongs to the Bombay Port Trust?

श्री मधु लिमये जी हा। फोरशोर का हिस्सा है बाम्बे पोर्ट ट्रस्ट एक्ट के तहत। लो टाइड के पारे जो है बियाई दि लो टाइड मार्क वह अडर आर्टिकल 297 आता है। बहुत सारे लोग यहाँ से बोले नहीं हैं। अग्रिम समय देगे तो मैं त्रिभार दलील, स्टेप—बाई स्टेप अपने आर्गुमेंट आप के सामने रखूंगा।

फिर है नेशनल कंस्ट्रक्शन कारपोरेशन। उस के बाद सी डी रूरेगा, मैसर्स सुप्रीम प्रीमियर्स प्राइवेट लिमिटेड, मसर्स प्रेरणा प्रीमियर्स प्राइवेट लिमिटेड, विश्वनाथ मित्तल, फ्री प्रेस जर्नल, जो करनानी ने लिया है, कलकत्ता के एक बड़े सेठ हैं। उस के बाद सेन्ट्रल बैंक आफ इंडिया में भी इस तरह के काम करते हैं। इन पर जो हमारे बनाने, जो बिल्डर हैं, बिल्डर को इसमें 75 लाख 80 एक

कंस्ट्रक्शन में मिलने वाला है। फिर है बैंक आफ इंडिया। ये दोनों नेशनलाइज्ड बैंक हैं। फिर हरि आई स्टेट्स प्राइवेट लिमिटेड।

इस में एक प्लॉट पर जब वह रेट पर दिया गया तो एक आदमी ने—उच्चतर स्तर पर यह बात महाराष्ट्र में हो गई है—एक टुकड़े पर 15-20 लाख रुपये की रिश्कत दी है। कुल मिला कर इस का हिसाब जोड़ा गया।

MR. DEPUTY-SPEAKER: I really admire your resourcefulness. This came as a constitutional issue. Now you are putting the baby flat on the lap of the Minister!

श्री मधु लिमये वह पचास रूप में आयेगा, मैं तो परतू करूँगा इस को। 2 करोड़ 80 लाख रुपये की रिश्कत दी गई है। जब यह मामला अदालत में गया और इंजक्शन आया तो वे सब लोग, 16 प्लॉट खरीदने वाले, चिल्लाने लगे और हम लोगों के जाँचकील है उन के पास आने लगे कि हम लोग तो मर गए क्योंकि इंजक्शन आ गया और पन्द्रह लाख, बीस लाख स्पाया एक-एक प्लॉट पर हमने दिया है—(व्यवधान)—पंडित जी, मैं आपकी जानकारी के लिए कह रहा हूँ। उस समय आप उन प्रदेश में थे। आपकी जानकारी के लिये मैं कहना चाहता हूँ कि एक दफा प्रधान मंत्री जी के पास यह मामला आया

श्री कमलापति त्रिपाठी : मैं यह पूछ रहा था कि यह मामला सब-जूडिस तो नहीं है ?

श्री मधु लिमये : मैं जो बोल रहा हूँ यह सब-जूडिस नहीं है। मैं केवल जो स्थिति है बैंकवे रिकलेमेशन स्कीम के बारे में वह आप के सामने रख रहा हूँ। प्रधान मंत्री तक यह मामला आया, तब महाराष्ट्र के मुख्य मंत्री ने कहा कि बैंकवे रिकलेमेशन नहीं होना चाहिए, आप कहती हैं कि पोल्यूशन और कंजक्शन

का सवाल है तो जो पचास लाख रुपया 1972 और 1971 के चुनाव में दिया गया था वह कहा से आया था ? वह इसी से तो आया था । तब मामला केन्द्र स्तर पर भी ठप्प हो गया ।

अब मैं कानूनी स्थिति की ओर आप का ध्यान खींचना चाहता हूँ । आर्टिकल 297 देख लीजिए । उस में यह स्थिति बताई गई है

"All lands, minerals and other things of value underlying the ocean within the territorial waters of India shall vest in the Union and be held for the purposes of the Union."

तो मैं मंत्री महोदय से सीधा सवाल करना चाहता हूँ कि बैकवै रिक्लेमेशन स्कीम के अन्दर जो भी क्षेत्र है, जो लो वाटर टाइड में भी 24 घंटे और साल भर पानी के नीचे रहता है, वह 297 के तहत आता है या नहीं ? वह जमीन जब बेची जा रही है—और यह मैंने आप को हाइड्रोलिक मैप दिया है, तो आप क्या कर रहे हैं ? आप कानूनजन में है या नहीं ? सीधा मेरा सवाल है ।

Whether the Central Government is not in collusion with the State Government?

यूनियन के अधिकारों की सुरक्षा कौन करेगा ? आप क्यों नहीं कर रहे हैं ?

MR DEPUTY SPEAKER: The only relevant question is whether the Minister of Shipping and Transport would claim that this foreshore land belong to the Bombay Port Trust. You have made your point.

श्री मधु लिमये ऐसा नहीं है । मैं एक एक कर के कहता हूँ । 297 के तहत मेरा यह कहना है कि साल भर जो जमीन पानी के नीचे रहती है 24 घंटे, बियाड दी लो वाटर मार्क इन दी सी बर्ड डायरेक्शन, समुद्र की ओर, वह जमीन तो केन्द्र की है । इसके

बारे में सुप्रीम कोर्ट क्या, हाई कोर्ट क्या, कोई भी आप से असहमत नहीं हो सकता ।

MR DEPUTY-SPEAKER: That is a much bigger constitutional question.

SHRI MADHU LIMAYE: How can I come to the foreshore until I develop the point?

MR DEPUTY-SPEAKER I would admit this only to the limited extent where you would say that this land belongs to the Bombay Port Trust. You The Minister has either to admit that or deny that. But do not go into the bigger constitutional question

श्री मधु लिमये मैं तो एक रेखा खींच रहा हूँ कि लो वाटर मार्क के परे जो जमीन है उस के बारे में कोई विवाद नहीं है और न होना चाहिए । अब मैं फोर शोर की ओर आता हूँ । फोर शोर की व्याख्या 'मैजर पोर्ट एक्ट' में की गई है ।

SHRI B V NAIK When the reclaimed land rises above the sea level then it ceases to be covered by article 291

श्री मधु लिमये. पहले जा जमीन समुद्र के नीचे थी और है उमड़ी चर्चा कर रहा है ।

MR DEPUTY-SPEAKER: Do not go too far. I do not think it is within the scope of the Bill. You are raising a very interesting point, an important point. But I am only pointing out that the broader constitutional implications cannot be discussed now because it is not within the scope of the Minister for Transport and Shipping to go into the constitutional interpretation of these things. All that I want to say is, that if it is your case that these so-called reclaimed foreshore lands should properly be the property of the Bombay Port Trust then, of course, it is within the scope. It is for the Minister to say whether it is "yes" or "no".

श्री मधु लिमये अभी तो मैं ने मेरे दलीलों का नीव डाली । अब मैं मसाले पर आ रहा हूँ । आप जरा इमारत को पूरे सम्पक रूप में देखें ।

फोर-शोर के बारे में भी हमारे कानूनों में, मेजर पोर्ट्स एक्ट में, इंडियन पोर्ट्स एक्ट में, बम्बई पोर्ट ट्रस्ट एक्ट में व्याख्या की गई है और यह मानी हुई चीज है कि लो-वाटर और हाई-वाटर मार्क के बीच में जो जमीन है उस को फोर-शोर कहा जाता है। पहले मैंने बताया कि फोर-शोर के बारे में जो जमीन है वह केन्द्र की है। अब मैं फोर-शोर के बारे में आ रहा हूँ। फोर-शोर ता इसी का विषय है। जो पुराना पोर्ट ट्रस्ट एक्ट है उसी में यह शुरू होता है क्योंकि बम्बई में पोर्ट ट्रस्ट कोई एक दिन में नहीं आया।

1974 से मैं शुरू करने वाला हूँ। यह जो इस के शुरू के लागू टाइल और एनैक्टिंग फार्मुला बगेर है वे इस प्रकार हैं

'An Act to consolidate the immovable and other property vesting in the Trustees of the Port of Bombay and certain other property on, or connected with the foreshore of the Island of Bombay into one estate, and to vest the control and management of the same in one Public Trust and for other purposes

WHEREAS it is expedient that the immovable and other property vesting in the trustees of the Port of Bombay should be consolidated with certain other property on or connected with the foreshore of the Island of Bombay into one estate, and that such consolidated estate should, together with the rights and powers now exercisable by the said trustees be vested, subject to the provisions hereinafter appearing, in new trust, it is enacted as follows —"

उस में लैंड की व्याख्या दी गई है—

and includes the bed of the sea below the high water mark.

मैं लो वाटर मार्क की बात नहीं कह रहा हूँ—

Under the original Port Trust Act, the land below high water mark also belongs to the Port Trust

फोरशोर पूरा पोर्ट ट्रस्ट का है। अब पोर्ट ट्रस्ट की सीमा को लीजिये, मैं 1972 का आर्डर लाया हूँ। यह 28 अक्टूबर, 1972 का है। मैंने पूरे 100 साल का इतिहास आप के सामने रखा है। पूरे आप शोर की एक इस्टेट बनाई गई और उस को बेस्ट किया गया पोर्ट ट्रस्ट में। यद्यपि एक्ट में परिवर्तन होता रहा है, लेकिन पोर्ट ट्रस्ट वही है। बम्बई पोर्ट की जो सीमा निर्धारित की गई और उसके लिये जो नाटिफिकेशन 28 अक्टूबर, 72 को निकला— मैं इस को पूरा नहीं पढ़ता हूँ, केवल "टु दि वेस्ट" हैडिंग को पढ़ता हूँ—

"To the West: The eastern shore of the Island of Bombay from the boundary pillar situated on the south bank of the Chandni creek to the southern extremity of Colaba point".

यही रिक्लेमेशन का इलाका है। मैंने आप के सामने ये सारे कानून रखे हैं। उस दिन भी जब इन्डोडक्शन के समय मैंने यह सवाल उठाया था तो मुझे यही कहा गया कि आप की बात ही इस में की जा रही है—इस तरह में आप मुझे आश्वस्त करना चाहते हैं, लेकिन इसमें क्या कहा गया है—आप इस के खण्ड 20 और 36 को लीजिये—यदि फोरशोर में कोई रिक्लेमेशन का काम होता है या दूसरे काम होते हैं ता उस को नियमित और नियंत्रित करने का इस के तहत प्रयास किया जायेगा। इस में कुछ जाड़ा भी गया है यदि कोई प्राइवेट पार्टी ऐसा काम करना चाहे तो उस में खण्ड 20 के तहत रोक लगाई गई है, इसी तरह से खण्ड 37 के तहत भी रोक लगाई गई है। मेरा यह कहना है कि बम्बई पोर्ट ट्रस्ट एक्ट के अन्तर्गत ये सारे अधिकार इन को मिले हुए हैं और वह अभी भी चला आ रहा है। वर्क्स के बारे में सेक्शन 68 को देखिये—

"The works to be undertaken by the Board under this Act may include—

(5) reclaiming, excavating, enclosing and raising any part

of the foreshore vested in the Board when such reclamation, excavation, enclosure or raising may be necessary for any of the purposes of this Act."

उपाध्यक्ष महोदय, ऐसी हालत में मेरा यह कहना है कि यह बिल पास होने के पहले यानी धारा भी फोर-शोर की मिल्कियत बम्बई पोर्ट ट्रस्ट की है, जिस पर अब बड़ी तेजी से आक्रमण हो रहा है।

इस सदन की एस्टीमेट कमेटी ने भी अपना एक रिपोर्ट में इस का उल्लेख किया है। मैं उस रिपोर्ट से, जो तीसरी लोक सभा की 96वीं रिपोर्ट है, पढ़ कर सुनाता हूँ—

The Bombay Port Trust possesses large landed estates most of which have been created by the extensive reclamations carried out from time to time in connection with the development of the port. These estates total nearly 1,900 acres inclusive of the Docks and Bunders and about 1,350 acres exclusive of the Docks and Bunders

अब यह जो 1900 एकड़ का क्षेत्र है यह सारा बम्बई पोर्ट ट्रस्ट का है। अगर यह महाराष्ट्र सरकार का होता तो आप इस के मालिक कैंस होने। एक साल में नही 100 सालों में अपनी जमीनों को रिक्लेम करने करते 1900 एकड़ के आप मालिक है। और फोरशोर की जमीन आप की नहीं है तो यह 1900 एकड़ जमीन किम की है। इसलिए, उपाध्यक्ष महोदय, मैं आप से कहना चाहता हूँ कि यह जो विधेयक है, यह विधेयक कुछ मामलों में अधिक स्पष्टीकरण करता है तो ठीक ही है, लेकिन मंत्री महोदय को मेरा कान्स्टीट्यूशनल क्वाेशन्स बिल मानने में क्या तकलीफ है? उस में मैं ने सीधा यह कहा है—

MR. DEPUTY-SPEAKER: You are enlarging the scope. You are talking

about Constitutional Amendment and some other Bills . . .

SHRI MADHU LIMAYE I am speaking to Clauses 20 and 36.

मैं धारा-शोर के बारे में ही बोल रहा हूँ। उस के पैट में यह सब धारा है। मैं जानना चाहता हूँ कि आप सीधा रोक क्यों नहीं लगात है कि मेजर पोर्ट्स का जो इलाका है, जो समुद्री इलाका है, उस में कोई भी स्ट्रक्चर मिबाय पोर्ट-इन्स्टालेशन के, लाइट हाउस के, दूसरा कोई स्ट्रक्चर खड़ा करने की छूट नहीं देगे। क्या हिन्दुस्तान के नागरिकों को या आने वाली पीढ़ियों को समुद्र के किनारे का उपयोग करने का अधिकार नहीं देना चाहते हैं, बम्बई और मद्रास के लोग कहा जायेगे? कम से कम आने वाली पीढ़ियों को भी समुद्र के किनारे जग आगम करने का मौका दे। अगर अभी बड़े और अमीर लोगों को किनारे बैठा दिया जायगा तो यह देश चौपट हो जायगा।

श्री कमलापति त्रिपाठी श्रीम न मन्त्र वडी प्रमथना है कि अधिक्तर माननीय सदस्यों ने इस बिल का स्वागत किया है नय कृष्ण माननीय सदस्यों ने तो बहुत अन्ध मन्त्राव दिये है, जिनके लिये मैं उन्हें धन्यवाद रना हूँ। बहुत सी बातें कहा है। 71 गर् है जो इस बिल के स्कोप के बाहर है। उनके सब प्रश्नों का उत्तर बहुत देर तक देन रहन में मैं समझता हूँ कि शायद सदन का समय खराब करना हागा।

श्री डी० एन० तिवारी (गोपालगज) वे बातें तो केवल आपके बिचारार्थ हैं।

श्री कमलापति त्रिपाठी : यह जो बिल लाया गया है, यह डेवलपमेंट आफ मेजर पोर्ट्स के लिये नहीं है, इस बिल का बहुत ही लिमिटेड स्कोप है, बहुत छोटी सी परिधि में है और इतना ही है कि मेजर पोर्ट्स का . . .

MR. DEPUTY-SPEAKER: If there has been an encroachment into your land, that stands in the way of your development.

SHRI KAMALAPATI TRIPATHI: I am coming to that point. I have to reply to all the points raised by the hon. members.

मैं निवेदन कर रहा था कि यहां जितने प्वाइंट्स उठाये गये हैं, सब का जवाब देना मुमकिन नहीं है, इसलिये कि यह बिल एक छोटी सी परिधि में है। इसका उद्देश्य सिर्फ इतना ही है कि मेजर पोर्ट ट्रस्ट्स एक कलकत्ता, बम्बई और मद्रास में भी लागू कर दिया जाये। वैसे तो यह कानून 1963 में ही इन पोर्ट्स पर लागू हो गया होता, लेकिन लागू नहीं हो सका, उस वक्त यह सोचा गया कि इतनी जल्दी में इसको लागू करना ठीक नहीं है, क्योंकि वहां पर पहले से ही पुराने एक्ट्स लागू हैं। यह भी ठीक है कि इसको लाने में थोड़ी देर हुई है। 1968 में कमीशन ने जो सिफारिशें दी, उन को भी 6 साल हो गये, इसलिये यह बहुत पहले आ जाना चाहिये था। बहरहाल देर-आयद-दुरुस्त-आयद। अब यह बिल आपके सामने आ गया है और उद्देश्य यही है कि तीनों मेजर पोर्ट्स पर यह लागू कर दिया जाय।

इसमें बहुत से सवाल उठाये गये हैं—जैसे कलकत्ते के डेवलपमेंट की बात उठाई गई, उस का ज्यादा जवाब देना इस समय संभव नहीं होगा। मैं इतना ही कह सकता हूं कि कलकत्ता पोर्ट के डेवलपमेंट की बात बहुत गम्भीरता से सोची जा रही है। हल्दिया का जो पोर्ट बन रहा है वह इसी अभिप्राय से बन रहा है कि कलकत्ता पोर्ट को कुछ मदद मिल जाय और बड़े जहाज हल्दिया तक आ सकें तथा छोटे जहाज कलकत्ता तक आ सकें। यह ठीक है कि हुगली में पानी नहीं है। फरक्का का मामला आप सबको मालूम है। उसके सम्बन्ध में बंगला देश से बातचीत अभी हो रही है, उसका कुछ फैसला नहीं हुआ है।

बंगला देश अपना मित्र देश है, उन से बातचीत करके उसका फैसला होना है, उस विषय में इस समय मैं कुछ ज्यादा नहीं कह सकता, सिवाय इसके कि वह मामला इस समय अडर नेगो-सियेशन है। लेकिन यह बात सही है कि जब फरक्का में पानी मिलेगा तभी हुगली में बड़े जहाजों का आना मुमकिन हो सकेगा। हल्दिया के बन जाने से उसको लाभ हो जायेगा। पोर्ट्स के डेवलपमेंट के बारे में इतना ही कह सकता हूं कि प्लानिंग कमीशन ने पांचवीं योजना में बड़ा रुपया रखा है। पोर्ट्स के डेवलपमेंट का सवाल हमारे सामने है। हमारी ट्रेड बढ़ रही है—एक्सपोर्ट भी और इम्पोर्ट भी। इसलिए इस बात की जरूरत समझ में आती है कि हमारे पोर्ट्स का डेवलपमेंट किया जाए। चाहे बम्बई का पोर्ट हो, कलकत्ता का पोर्ट हो या मद्रास का पोर्ट हो, सभी में बहुत कन्जेशन हो रहा है। कलकत्ता में बहुत है और बम्बई में भी बहुत है तो वहां कन्जेशन को दूर करने की कोशिश की जाये चाहे नये पोर्ट्स बना कर चाहे आउटर हार्बर बना कर। जैसे भी हो उसकी कोशिश की जाये। करीब 3 सौ करोड़ के ऊपर पांचवीं योजना में पोर्ट्स के डेवलपमेंट के लिये पैसा रखा गया है। जो बातें और सुझाव आये हैं उन पर अवश्य ध्यान दिया जायेगा।

नायक जी ने कहा कि कर्नाटक में कोई मेजर पोर्ट नहीं है तो बहुत अच्छी बात हो गई है कि मंगलौर में मेजर पोर्ट हो गया है। पार्वती कृष्णनजी ने कहा तमिलनाडु के लिये तो तूतीकोरिन में वहां भी हो गया है। यह दोनों मेजर पोर्ट्स डिक्लेयर किये जा चुके हैं। 1963 के एक्ट के मुताबिक एक नोटिफिकेशन गजट में करके इसको हम एप्लाई कर सकते हैं। तो यह जो दोनों मेजर पोर्ट्स डिक्लेयर हो गए हैं उन पर एप्लाई हो जायेगा। वहां पर मेजर पोर्ट्स के डिक्लेयेशन का नोटिफिकेशन तो हो गया है और यह एक्ट बन जाने के बाद गजट में नोटिफिकेशन करके इसका

बहा एप्लाइ कर देगे । (व्यवधान) अभी तो नहीं हुआ है । रीसेन्टली ही एनाउन्स किया है और अभी तो बहा पोर्ट ट्रस्ट बगैरह नहीं बना है लेकिन बनाने की कोशिश हो रही है—यह न्यू मगलौर पोर्ट और न्यू तूतीकोरिन पोर्ट । पार्वती कृष्णनजी ने यह ठीक कहा कि जब आप बना लेंगे तो अभी जो बहा पर काम कर रहे हैं उनका क्या होगा । पुराने मगलौर पोर्ट में या तूतीकोरिन के छोटे पोर्ट में जो काम हो रहा है उसका क्या होगा ? तो जितने काम के लायक आदमी होंगे, जितनी काम के लायक चीजें रहेंगी उतने आदमी भर्ती करेंगे और इरादा यह नहीं है कि जो लोग काम कर रहे हैं उनको हम बेकार कर दें । यथासम्भव उनको भर्ती किया जायेगा । ताँ इसमें घबराने की कोई बात नहीं है । मगलौर और तूतीकोरिन—दोनों पोर्ट्स पर मेजर पोर्ट्स ट्रस्ट्स एकटू लागू हो जायेगा ।

श्री बी० बी० नायक (कनारा)

उपाध्यक्ष महोदय, यदि आप मुझे अनुमति दें तो 1963 के ऐक्ट के सेक्शन (1) में लिखा गया है

"It applies in the first instance such of the provisions with effect from such date as may be specified in the Notification"

मैं आपके माध्यम से मंत्री जी से पूछना चाहता हूँ कि मगलौर और तूतीकोरिन के बारे में अभी नोटिफिकेशन हुआ है या नहीं ?

श्री कमलापति त्रिपाठी - नोटिफिकेशन इस बात का हो गया है कि वह मेजर पोर्ट डिक्लेयर हो गया । अब जब यह नोटिफिकेशन होगा तो बहा ऐक्ट लागू हो जायेगा । यह होने वाला है । अभी गजट नोटिफिकेशन इसलिए नहीं हुआ कि बहा पोर्ट ट्रस्ट बना नहीं है । उसको बनाने में कुछ देर लगेगी । वह बन जायेगा तो यह भी हो जायेगा ।

बटर्जी साहब ने कहा कि म्युनिसिपल कॉलेस्मेन्ट की बात इसने क्यों रखी नहीं है । वे कह रहे थे मेजर पोर्ट्स कमीशन की सिफारिशों को तुमने नहीं माना लेकिन एक सिफारिश मान लेते हो कि मेजर पोर्ट्स ऐक्ट जो है वह लागू कर दिया जाये । एक सिफारिश मानी उसकी शिकायत कर रहे हैं और बहुत सी सिफारिशें मानी लेकिन उन सिफारिशों को मानने के लिये यह जरूरी नहीं है कि लेजिस्लेशन लाया जाये । बहुत सी सिफारिशें स्वीकार कर चुके हैं और बराबर स्वीकार करते जा रहे हैं । उसके लिए कानून बनाने की जरूरत नहीं है । इसके लिए कानून बनाने की जरूरत थी क्योंकि कमीशन की सिफारिश थी कि यह जरूरी है कि यह ऐक्ट तीनों बड़ी बड़ी जगहों पर जिनके डिफरेंट प्रलग-प्रलग ऐक्ट्स हैं, बहा लागू कर दिया जाये । इसलिए यह बिल आपके सामने लाया गया है । अब पारादीप की, कलकत्ते की यह बात ठीक है लेकिन उसके बारे में यहां पर ज्यादा कहने की जरूरत नहीं है । पारादीप के लिए हम काफी कोशिश कर रहे हैं कि जल्दी से हो । एक जनरल कारनो बर्थ बहा पर बन कर तयार हो रहा है । आयरन और बहा पर नहीं आ पाता यह बात सही है । एम०एम०टी०सी०की वजह से, रत्ने की वजह से, स्ट्राइक की वजह से कुछ दिक्कत हो गई थी लेकिन बहा आने लगेगा ऐसी उम्मीद है और बहुत जल्दी उस पोर्ट को डेवलप करने के लिए काफी खपटा रखा गया है । उस पोर्ट को हम डेवलप करेंगे ।

शिपयार्ड का मामला इससे कवर नहीं होता । शिपयार्ड की बात कही गई है लेकिन वह दूसरा मसला है और अभी वह कन्सल्टेन्ट्स के कन्सल्टेशन में है । अभी उसके बारे में कुछ कहना मुश्किल है ।

हमारे भाई मधु लिमये जी ने बड़ी लम्बी बातचीत की । आपका कहना ठीक है

लेकिन हमारे कॉन्स्टीट्यूटन्स प्वाइंट मेरी नोट में डाल देंगे तो केने सुलझाये वह सुलझाने वाला नहीं है। उसकी एक नोटिस दी जा चुकी है। शायद पीनू मोदी साहब ने भी नोटिस दे रखी है। इस सम्बन्ध में मैं इनना ही कह सकता हूँ कि जहाँ तक मेरी रिपोर्ट है वह यही है कि कोई रिकलेमंड लैंड बाम्बे पोर्ट ट्रस्ट की नहीं है। लेकिन आप जो बता रहे हैं वह नोट कर लिया गया है और उसकी जांच कर लेंगे। अभी जो हमारी रिपोर्ट है, मैं अभी बम्बई गया भी था क्योंकि इन्ट्रोडक्शन के समय आपने यह सवाल उठाया था इसलिए मैंने बहा पर पूछा तो उन्होंने कहा कि ऐसा कोई रिकार्ड हमारे यहाँ नहीं है कि हमारे पोर्ट की लैंड जो सी-वेड में हो लोवर वाटर मार्क के नीचे, उसको रिकलेम किया हो जैसा कि आप बता रहे हैं। उसको हम जरूर देखेंगे लेकिन ऐसी कोई लैंड हमारे पास नहीं है। एक बात आपको याद रखनी चाहिये कि यह कानून हमारा बना हुआ है। 1879 का और यह प्राविशियल कानून था। 1935 में जब गवर्नमेंट आफ इंडिया नयी बनी, ऐक्ट आया तब यह सेट्रल गवर्नमेंट ने ले लिया—उसके पहले अगर कुछ हो गया हो तो उसकी जाच-पड़नाल की जाये लेकिन उसकी जिम्मेदारी आप मेरे मिर पर नहीं डाल सकते। यह मैं मानता हूँ कि हाई वाटर मार्क और लो वाटर मार्क के नीचे जो शोर है, वह लैंड बिलाग करती है, स्टेट गवर्नमेंट को, मानिकाना उनका है लेकिन उस पर वं कोई कान्ट्रोल नहीं कर सकते हैं बिना हमसे पूछे हुए और बिना हमारी इजाजत के। पोर्ट एरिया में जितनी जमीन है, पोर्ट की लिमिट के भीतर उसकी सारी जिम्मेदारी हमारे ऊपर है लेकिन सारा बम्बई की जमीन है उसकी जिम्मेदारी हमारी नहीं है। कहाँ कहाँ गवर्नमेंट आफ इंडिया की लैंड है, स्टेट गवर्नमेंट कब बहा कब्जा कर रही है, कब बच रही है, रुपया इकट्ठा कर रही है, ₹० पी० के चुनाव में दे रही है—इसकी खबर मधु लिमये जी को

होनी कि कितना क्वा ५० पी० की सरकार को दिया, कहाँ से क्वा लिया लेकिन हमें उसकी कोई जानकारी नहीं है। (अवधान) मैं यह निवेदन कर रहा था कि हमारे बम्बई की लैंड तो हमारी है नहीं, पोर्ट लिमिट, पोर्ट एरिया और पोर्ट की एग्जेंसिड, उसमें सी-लेबिल में जो लैंड है वह हमारे जिम्मे है और उसमें कोई हस्तक्षेप नहीं कर सकता है। हाई वाटर मार्क और लो वाटर मार्क के बीच में जो शोर है वह सम्पत्ति है स्टेट गवर्नमेंट की, लेकिन कानून के मुताबिक स्टेट गवर्नमेंट कभी उस पर कोई काम नहीं कर सकती है, कोई एक्शन नहीं कर सकती है जब तक कि मेन्ट्रल गवर्नमेंट की इजाजत न ले ले। अभी तक रिकलेमेशन का शब्द नहीं था लेकिन हम जो नया कानून बनाने जा रहे हैं उसमें रिकलेमेशन भी जोड़ दिया है। अब वह रिकलेमेशन भी नहीं कर सकते हैं। यह प्रोटेक्शन हमें दे रहे हैं। इसके पहले कुछ हो गया हो तो बात और है। आपने बहुत ऊँची बात उठाई है, आप बहुत बड़े प्रादमी हैं इसलिए आप बड़े लोगों से उन मामलों को तय कीजियेगा। हमारा पोर्ट का मामला छोटा सा मामला है और उसमें यह सवाल आता नहीं है। उस रोज आपके कहने से ही हमने उसमें "रिकलेम" भी जुड़ाया।

श्री मधु लिमये : धन्यवाद।

श्री कमलापति त्रिपाठी एक बात यह कही गई कि चेयरमैन को पावर्स बहुत दी जा रही है तो कोई विशेष पावर्स नहीं दी गई है सिवाय इसके कि कमीशन ने जो सिफारिश की थी कि कुछ फेलक्सबिल होना चाहिए फाइनेंशियल और एडमिनिस्ट्रेशन का मामला तो उसके लिए पावर्स दी गई है। एक बात यह है कि अभी तक बोर्ड के माध्यम से जो एम्पाइन्टमेंट होते थे वह अब सेन्ट्रल गवर्नमेंट करेगी। चेयरमैन, डिप्टी चेयरमैन, जनरल मैनेजर, हेड्स आफ डिपार्टमेंट और 2 हजार से ऊपर

जिनकी तमन्नाह हो उनके सारे एक्ट्स-
जेम्स सेमल गवर्नमेन्ट करेगी इन कंस्ट्रक्शन
विथ वि वेयरमें। यह बल्कि वेयरमें
के हाथ से अधिकार ले लिया है।
गीचे की जो छोटी छोटी नियुक्तियां हैं जो
बोर्ड किया करता था उस में पोलिटिक्स
बला करती थी। अब यह नियुक्तियां
वेयरमें कर दिया करेगा। मेजर पोर्ट
कमीशन की सिफारिशों में यह लिखा था कि
जहां तक ऐडमिनिस्ट्रेशन का काम है वह
वेयरमें के हाथ में होना चाहिये और बोर्ड
का काम पोलिसी और डेवलपमेंट का होना
चाहिये। इसीलिये यह किया गया है। यह
ठीक बात है कि यहा आई० सी० एस०,
आई० ए० एस० आदमी रहे जाते हैं।
तो इसमें कोई क्वाइट ता है नहीं।
(व्यवधान)

As regards the query raised by
Shrimati Parvathi Krishnan, there is
no provision as such that only IAS
can be appointed. Anybody can be
appointed. It is the discretion of the
Government to appoint anybody it
likes—he may be IAS or he may not
be, or he may be anybody else

माननीय पार्ष्वथी जी ने कहा कि
एम० एल० एज० और एम० पीज० को
भी रख दें। 1963 में यह सत्रान उठा
था लेकिन वह मुनासिब नहीं समझा गया
क्यों कि वह लानू हो जाएगा आफिस आफ
प्रोफिट और यहां से ही हाथ धोना पड़ेगा।

एक बात माननीय सिये जी ने कही कि
इस में म्युनिसिपैलिटी के लोग रहें। जहां तक
मुझे याद है कलकत्ता पोर्ट में कलकत्ता को-
रेसन के लोग हैं। इस में लोकल एगोरिटीज
मिखा हुआ है। उस में अगर जाने हैं तो
जायद वह ले लिये जायें।

श्री मधु दंडवते: पहले कम्बई कोशोरेशन
का रिजोल्यूशन था।

श्री मधु सिल्ली : वह मांवर "मंवर
इंटरस्ट" में आता होगा। उस को साफ
करना चाहिये।

श्री कलपति त्रिपाठी : यह रखना
चाहिये। यह बात मैं मानता हू कि ठीक
है।

SHRIMATI PARVATHI KRISHNAN:
Sir, I want to seek some clarification
from the hon. Minister. The point
that I raised was this. As regards
clauses 10 and 11, the Minister, while
speaking at the beginning, said that
these were only with a view to see
that the ports of Calcutta, Madras and
Bombay are brought within the pur-
view of the Act and a uniformity is
brought about in the major ports. But,
in so doing, you have slipped into
clauses 10 and 11 whereby you res-
trict the powers of the Board and you
have given extra powers to the Chair-
man. That was my request to you.
You withdraw those clauses because
they are restricting the democratic
functioning of the Board by giving
such blanket powers to the Chairman.

MR. DEPUTY-SPEAKER: Do you
give extra powers to the Chairman?
That is her question.

SHRI KAMLAPATI TRIPATHI:
No, Sir.

SHRIMATI PARVATHI KRISHNAN:
They have given powers to the Chair-
man. They are there. How is that he
is misleading the House?

PROF. MADHU DANDAVATE
(Rajapur): They are there in the Bill.

SHRIMATI PARVATHI KRISHNAN:
He is misleading the House. (Interrup-
tions).

MR. DEPUTY-SPEAKER: It is a
question of opinion whether these
clauses have given extra powers to the
Chairman or not. We are not going
into that. It is a question of opinion
and it is for the House to decide.

SHRIMATI PARVATHI KRISHNAN: Sir, with your permission, may I say a word? May I have your permission to read it out?

MR. DEPUTY-SPEAKER: It is a question of opinion Mr. Shiv Nath Singh, do you also join this fray?

श्री शिवनाथ सिंह अभी तक एक सवाल उठाया था कि जो हिन्टर लैंड में स्टेट्स है उन को भी बोर्ड में रिप्रजेंटेशन दें। इस में आप की क्या आपत्ति है ?

श्री कमलापति त्रिपाठी दिक्कत कोई नहीं आती है, देने का डिम्प्रीशन है सरकार को। इसीलिये जो ग्राम, धाराये खी गई है वह यह है कि पर्ट ट्रस्ट में, क. भ. ग. में ममम होना चाहिये, कर सकती है। आप के काइला के लिये कहा उस का ध्यान रखा जायगा।

MR DEPUTY-SPEAKER The question is

'That the Bill to amend the Major Trusts Act 1963, be taken into consideration'

The motion was adopted

MR DEPUTY-SPEAKER Now we take up clause by-clause consideration. Clauses 2 and 3 there are no amendments

The question is

"That clauses 2 and 3 stand part of the Bill"

The motion was adopted

Clauses 2 and 3 were added to the Bill

Clause 4—(Amendment of section 3)

MR. DEPUTY-SPEAKER: There are amendments by Shri Ramavtar Shastri. Are you moving them?

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

"Page 2, line 29,—

for "two" substitute "four". (9)

उपाध्यक्ष जी, जो प्रोवीजो रखा गया है क्लॉज (4) में जिस में, मंत्री जी ने प्रारम्भ में ठीक कहा था बिधेयक प्रस्तुत करते समय, कि दो से अधिक भी मजदूरों के प्रतिनिधियों को लिया जा सकता है। लेकिन इन्होंने जो यहाँ लिखा है "नोट लैस दैन टू" यह बात ठीक है कि लिया जा सकता है, लेकिन व्यवहार में क्या होता है। व्यवहार में जो लिख दिया जाता है सरकार भी उसी पर अमल करती है और नौकरशाही तो कभी टस से मम नहीं होती है। इसीलिये मेरा निवेदन है कि आप की ग्यिनि खासतौर से इन दिनों आप जानते हैं कि हमारे देश में 4 या 5 केन्द्रीय मजदूर संगठन हैं और करीब-करीब तमाम केन्द्रीय मजदूर संगठनों में मबधिन मजदूर संगठन पोटों के अन्दर बड़े हुए रहते हैं। आप केवल दा कहन है इस में अमल होगी और आप तमाम मजदूरों का सहयोग हासिल नहीं कर सकेंगे। इसलिये तमाम बातों का ध्यान रखते हुए पूरे के पूरे मजदूरों का सहयोग बोर्ड के कार्य और मचानन में मिले इस के लिये जरूरी है कि केन्द्रीय मजदूर संगठनों की सख्या को देखते हुए सब के प्रतिनिधि इस बोर्ड आफ ट्रस्टी में रहे तो अच्छा है जिस में वह अपने मुझाब में बोर्ड के मालन में सहायता करे। इसी दृष्टिकोण में मैंने दो की जगह पर 4 करने का निवेदन किया है। अगर मंत्री जी सहो समझते हों तो मैं चाहूंगा कि आप दो की जगह चार कर दीजिये। आप का लाभ ही होगा, कोई नुकसान नहीं होगा। अमल में लाने के लिये 2 की जगह 4 करना चाहिये।

श्री कमलापति त्रिपाठी मुझे मान्यवर, खेद है कि शास्त्री जी का यह संशोधन स्वीकार नहीं कर सकता। जो प्रोवीजन है उस में मिनियम है दो। और सारा पर्सनल और कम्पोजीशन बदला, लेकिन लेबर का बना रहने दिया कि किसी तरह हटाया न जाये। सरकार को अधिकार है कि 19 आदर्मी जी

बर्ती करने हैं उन में किसी भी इंटरैस्ट को कुछ भी रिप्रेजेंटेशन दे सकती है, कोई नम्बर किम्बतब अप नहीं है । इसीलिये विनिबन रखा गया है । ऐसी हालत में दो तो कम से कम रहेंगे ही । सरकार को अधिकार है कि कहीं मुनासिब लगने 2 की जगह 4 कर दें या 6 कर दें । यह ब्यवस्था ज्यादा फायदे की है लेबर के लिये ।

MR. DEPUTY-SPEAKER: I shall now put amendment No. 9 to the vote of the House.

Amendment No. 9 was put and negatived

MR. DEPUTY-SPEAKER: The question is:

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 to 9 were added to the Bill.

Clause 10—
(Amendment of section 24).
Amendment made:

Page 3,—
for lines 42 to 45, substitute—

"(i) for clause (a), the following clause shall be substituted, namely:—

"(a) in the case of a post—

(i) the incumbent of which is to be regarded as the Head of a department; or

(ii) to which such incumbent is to be appointed; or

(iii) the maximum of the pay scale of which (exclusive of allowances) exceeds two thousand rupees,

be exercisable by the Central Government after consultation with the Chairman;" (1).

(Shri Kamalapati Tripathi)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11—
(Amendment of section 25)
Amendments made:

Page 4 before line 5, insert—

"(1) in the opening portion, the word "promoting" shall be omitted;" (2).

Page 4, line 5, for "(1)", substitute "(2)". (3).

Page 4 line 12, for "(2)", substitute "(3)". (4).

Page 4, omit lines 13 and 14. (5).

Page 4, line 15, omit "(b)". (6).

(Shri Kamalapati Tripathi)

MR. DEPUTY-SPEAKER: The question is:

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill

Clauses 12 to 21 were added to the Bill.

Clause 22—
(Amendment of section 61).

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 6, lines 27 and 28, omit "private agreements". (19).

मेरे दो संशोधन 24 की धारा में हैं । एक में तो मैंने यह कहा है कि चार महीने डैमरेज की अवधि जो आपने रखी है वह लम्बी है और इसको आप थोड़ा कम करें और मैं इस अवधि को दो महीने कहना चाहता हूँ ।

दूसरे जो सरकार निकलता है और जो इम्प्रीटर प्रावि को देना है उसको देने की अवधि एक सप्ताह रखी है, जोकि एक लम्बी अवधि

हैं। मैं चाहता हूँ कि इसको छः महीने कर दिया जाए। उसको आप इतने लम्बे घंटे तक क्यों बाटे में रखना चाहते हैं। अगर आपको कुछ देना है तो छः महीने में दे दें। मैंने छः महीने भी अधिक है लेकिन इस अवधि में अगर आप दे दे उसको यह पैसा तो उस पैसे का कुछ वह सन्तुष्य कर सकता है। आप भी कह सकते हैं कि हम भी सन्तुष्य करेंगे। लेकिन वह पैसा उसका है। हम वाले हम एक माल की अवधि को आप छ महीने कर दें।

श्री कमलापति त्रिपाठी : चार महीने की जगह जहा शास्त्री जी ने दो महीने करने का सशोधन दिया है उसको शायद ममज्ञा नहीं है। इसका मतलब यह है कि चार महीने का डैमरेज पोर्ट लेगा और इसको आप दो महीने में कर देंगे तो इसका मतलब यह होगा कि पोर्ट केवल दो महीने का डैमरेज ले सकेगा। इससे पोर्ट को नुकसान होगा। इस वाले आप चार ही रहने दीजिए नहीं ता पोर्ट को नुकसान होगा। जहा तक एक माल की जगह छ महीने का मबान है, मैं ममज्ञता हूँ कि यह मुनाफिब है और इसको मैं मजूर कर लेता हूँ।

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

Amendment No. 10 was put and negatived

MR. DEPUTY-SPEAKER: The question is.

"That clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

Clause 23—
(Amendment of section 62).

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 6, line 38, omit ", private agreement" (11).

Page 6, lines 42 and 43, omit "private agreement". (12).

MR. DEPUTY-SPEAKER: I shall now put these amendments to the vote of the House.

Amendments Nos. 11 and 12 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 23 stand part of the Bill".

The motion was adopted.

Clause 23 was added to the Bill.

Clause 24—

(Amendment of section 63)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 7, line 5, for "four" substitute "two" (13)

Page 7, line 17, for "one year" substitute "six months" (14).

SHRI KAMLAPATI TRIPATHI: I beg to move:

Page 7, line 20, for "held by the Board upon trust" substitute "applied by the Board" (7).

श्री रामावतार शास्त्री आपने 22वीं धारा में कहा है कि सेल बार्ड टेडर। इसके बाद आपने यह भी लिखा है कि प्राइवेट एग्रीमेंट में बंधन रहने। ममज्ञा में नहीं आ रहा है कि प्राइवेट एग्रीमेंट कह कर आप अफसरों को मन माना और छिन कर कुर्म करने की इजाजत क्यों दे रहे हैं। आप कोई और तरीका अपना सकते हैं। लेकिन प्राइवेट एग्रीमेंट की बात जो आपने कही है इसको मैं चाहता हूँ कि मेहरबानी करने आप निकाल दें और कोई ऐसा लूपहोल न रहने दें कि कोई जो उसके मन में आए उसको वह कर बैठे। इस तरह की इजाजत न बोर्ड की होनी चाहिए और न किसी और को। तमाम बातें खुली रखनी चाहिए। छिपी बात कुछ नहीं होनी चाहिए। प्राइवेट एग्रीमेंट को मैं छिपी हुई बात समझता हूँ। छिप कर आप उनको कुर्म करने की इजाजत देते हैं। इसी

का मैं विरोध कर रहा हूँ। इस बिल को मैं मान लें।

श्री कमला पति त्रिपाठी : शास्त्री जी के मन में जो सन्देश पैदा हुआ है वह स्वाभाविक है। आज तक पब्लिक ट्रस्ट से डिसपोजल होता रहा है। उसमें अनुभव यह हुआ है कि जो शिपिंग सिर्फ वहाँ होते हैं वे आपस में मिल जाते हैं और दारों को बढ़ने नहीं देते हैं। जो लोग आगमन में सामने आते हैं और बड़ी बड़ी कीमत की चीज बहुत थोड़ी सी कीमत में चली जाती है। इस वास्ते यह समझा गया है कि टैंडर भी रख दिया जाए और साथ ही साथ प्राइवेट एग्रीमेंट या प्राइवेट नैगोशियेशन भी रख दिया जाए और जो इस तरह से नैगोशिएट करके बेचना चाहेगा उसकी निश्चिन्ता होगी कि किस कारण से निगोशिएशन हुआ, क्यों वह किया जा रहा है। जो आप कहते हैं उसका खतरा हो सकता है लेकिन अभी कुछ दिन इसको चलने दीजिए और शायद कुछ हम को चीज की कीमत अच्छी मिल जाए।

SHRI KAMLAPATI TRIPATHI: I am not accepting amendment No. 13. I am accepting amendment No. 14.

MR. DEPUTY-SPEAKER: The question is:

"Page 7, line 20,—for "held by the Board upon trust" substitute "applied by the Board". (7).

The motion was adopted.

SHRI RAMAVATAR SHASTRI: I seek leave of the House to withdraw my amendment No. 13.

Amendment No. 13 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: The question is:

"Page 7, line 17,—for "one year" substitute "six months". (14).

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

"That clause 24, as amended, stand part of the Bill".

The motion was adopted.

Clause 24, as amended, was added to the Bill.

Clauses 25 and 37 was added to the Bill.

Clause 38—
(Amendment of section 133)

MR. DEPUTY-SPEAKER: Amendment by Shri Kamlapati Tripathi, No. 8, He is moving it. The other amendment No. 22 is the same and need not be moved.

Amendment made:

"Page 10,—after line 27, insert—

"(2E) Upon the cesser of operation of the provisions of the Acts referred in sub-sections (2A), (2B) and (2C), the provisions of section 6 of the General Clauses Act, 1897, (1 of 1897) shall apply as if the provisions first-mentioned were provisions contained in a Central Act and such cesser of operation were a repeal, and the mention of particular matters in sub-section (2D) shall not be held to prejudice or affect the general application of the said section 6 with regard to the effect of repeals." (8).

(Shri Kamlapati Tripathi).

MR. DEPUTY-SPEAKER: THE question is:

"That clause 38, as amended, stand part of the Bill."

The motion was adopted.

Clause 38, as amended, was added to the Bill.

Clause 39, 40 and 1, the Enacting Formula and the Title were added to the Bill.

SHRI KAMLAPATI TRIPATHI: I beg to move:

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

MR. DEPUTY-SPEAKER: The question is:

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

The motion was adopted.

1657 hrs.

UNIVERSITY OF HYDERABAD BILL

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN): I beg to move.

"That the Bill to establish and incorporate a teaching University in the State of Andhra Pradesh and to provide for matters connected therewith or incidental thereto, be taken into consideration."

The House would recall that as part of the six point formula for Andhra Pradesh it was envisaged that a Central University would be established at Hyderabad to augment the existing educational facilities in the State of Andhra Pradesh. Subsequently Parliament had passed the Constitution (32nd) Amendment Bill which *inter alia* provided for a new article, 371E empowering Parliament to make law to establish a university in Andhra Pradesh. After ratification by the required number of State legislatures, it was given assent by the President and the Act has been brought into force with effect from July 1, 1974. In exercise of the powers conferred by the Act the President has also issued the Andhra Pradesh Educational Institutions Regulation of appointments order, 1974 on July 4, 1974 defining "local area", "local candidates", etc. providing for reservation in State and non-State universities and educational institutions. This notification has been communicated to the Government of Andhra Pradesh and consequently it

is necessary that we should now go ahead with the establishment of a University in Hyderabad. Hence, this Bill.

Since this decision was taken, I had appointed a working group under the chairmanship of Dr. George Jacob, Chairman of the University Grants Commission to make recommendations regarding the main features of the Bill. The Committee visited Hyderabad and held discussions with various experts and made some recommendations. The more important of these recommendations are that the University should be a unitary one and that its jurisdiction should extend to its own campus. Although in all the other respects, the Government had accepted the recommendations of the Committee, I venture to submit that we have made a slight modification. We have empowered the University to establish other campuses if it so desires, in other parts of Andhra Pradesh. It

17 hrs

does not mean that today we would be in a position to establish other campuses, but we thought it might be desirable to give this power to the university simultaneously, it would have the power to establish and maintain special centres and specialised laboratories for research in places outside the jurisdiction. This recommendation has been accepted. The other powers and objectives are more or less the same as in the case of the North Eastern Hill University. The university should offer three years honours courses and 2 years master courses 1 year Ms. Phil. and other research courses. We have accepted this in principle but it would be for the university to work out the details. The basic structure of the university of having schools providing for intra-disciplinary studies is being provided for in the Bill. In addition, we are visualising that this university should be able to collaborate with other research institutions which have been established

in Hyderabad. particularly the research institutions which are being financed from various Central Government sources. I am glad my colleague, the Minister of Science and Technology is here. The laboratories for which he is responsible to this House have offered to give their full cooperation to this university for organising its academic and research activities.

The Jacob Committee also visualises that the semester system and new techniques of evaluation should be accepted by this university. I hope that all this will be accepted, although we cannot possibly provide for these details in the Bill itself. But we have accepted the basic principle which the committee has recommended that admissions to the university should be on an all-India basis and admission tests may be prescribed for admission to different courses if the university considers so fit. There can be no reservation for candidates belonging to a particular region or State, but we have ensured that it would be legal for the university—I hope the university will exercise that power—to provide reservation for scheduled castes and scheduled tribes. We think it is essential that all universities and institutions of higher learning, particularly those supported by the Central Government should not only provide reservations but also take suitable measures to see that the seats reserved for scheduled castes and scheduled tribes are actually filled. For that purpose, we will be giving full support to the university to take such steps as they may deem necessary.

We also requested the working group under Dr. Jacob to provide the outline of the Bill. The job of the Government has been greatly facilitated and the outline they gave has been more or less accepted by us and is now for the consideration of the House.

In the objects and powers, the House may notice that integrated

courses in Humanities and Sciences can be provided and educational programmes will necessarily have interdisciplinary facilities. I have mentioned the cooperation with other institutions and the power of the university to establish specialised centres and research laboratories.

The President of India shall be the Visitor of this university, as he is the Visitor of all Central Universities. In the case of two Central Universities in Uttar Pradesh, namely, the Aligarh Muslim University and the Banaras Hindu University, the Governor of Uttar Pradesh is the Chief Rector. In the same way, we have provided that the Governor of the State of Andhra Pradesh shall be the Chief Rector of this University.

The usual offices have been provided for, namely, the Chancellor, the Vice-Chancellor, the Pro-Vice Chancellor, Deans of the Schools, Registrar, Finance Officer etc.

Here I would offer an apology to this hon. House about the Hindi version. It was pointed out to me by an hon. Member that in the Hindi version we have given the equivalent of Vice-Chancellor as *Upa Kulapati*, which was the traditional form of translating the term Vice-Chancellor. But, recently, the Commission for which I am responsible to this House, has taken a decision that the Vice-Chancellor should not be addressed as *Upa Kulapati*, but should be addressed as *Kulapati*. That decision has been taken and now we are thinking of designating Vice-Chancellors as *Kulapatis*.

श्री रामावतार शास्त्री (पटना) :
चांसलर को क्या कहेंगे ?

प्रो० एल० नृपस हसन : कुलाधिपति ।

The new terminology which is now being accepted in Hindi in most academic circles is that the Chancellor should be *Kuladhipati* and the Vice-Chancellor

should be Kulapati, and not Upa Kulapati, as was formerly the case. Therefore, Sir, I would crave your indulgence and, through you, that of the hon. House, that the necessary correction be made in the Hindi version of this Bill.

The initial appointments of the officers will be made by the Visitor, as was the case in the North-Eastern Hill University. Again, for the initial period of the first three years when the University is being established the main bodies will be nominated by the Visitor. As we have done in the case of the North-Eastern Hill University, there will be a Planning Board.

In regard to statutes, some statutes are already here, which have been annexed to the Bill, which are for the consideration of the hon. House. As in the case of the North-Eastern Hill University, we have provided that during the first three years the Visitor can make amendments to this as and when necessary and, when, the University is established, before the end of three years the detailed statutes framed will be placed on the table of the two Houses of Parliament and they will be before the hon. Members.

All the other main features which are being provided in the North Eastern Hill University Act are also being provided in this Bill.

So far as expenditure is concerned, we hope that the non-recurring expenditure for the establishment of the University, the foundation grant, will be about Rs. 11.60 crores. We have been told that not only the land will be given by the Government of Andhra Pradesh but even the development cost of the land will be met by the Government of Andhra Pradesh. The recurring expenditure during the Fifth Plan period will roughly be just over Rs. 3 crores.

We are extremely keen that the University should start functioning as

quickly as possible in order that the difficulties which are being felt by the people of Andhra Pradesh in general, and of Hyderabad in particular, can be removed.

For this purpose, the Government have taken a decision to appoint a very distinguished scientist from the Banaras Hindu University, Prof. Gurbuksh Singh, as the Officer on Special Duty so that he may straightway start organising—now that I have made the announcement here—and I hope, he will be taking over his responsibilities very soon. We are also appointing straightway a Planning Committee so that the Officer on Special Duty may be assisted in making plans for the functioning of the University. I hope, as soon as the Bill is passed by both the Houses, there will not be much of a delay in issuing the notification and the University starting its work.

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

MR. DEPUTY-SPEAKER: Motion moved;

"That the Bill to establish and incorporate a teaching University in the State of Andhra Pradesh and to provide for matters connected therewith or incidental thereto, be taken into consideration."

श्री रामाबतार शास्त्री : हम समझते थे कि यह बिल कल आयागा। कारण यह है कि प्रायल इंडस्ट्री डिवेलपमेंट विधेयक पर बहस होने वाली थी। यह नहीं हुई। अतः निवेदन यह है कि जिन लोगों ने आज एमेंड्स दिए हैं, उनको आप स्वीकार करा दीजिये और वे सक्कुलेट हो जाए।

MR. DEPUTY-SPEAKER: Those who want to give amendments can send them now. The debate will continue tomorrow. We will have time to circulate them. They can send their amendments now but not beyond this evening.

Now, there is one amendment to the Motion for consideration in the name

of Shri M. C. Daga. That has to be formally moved by Shri M. C. Daga. But he is not here. So, that is not moved.

Shri Bade.

श्री आर० बी० बड़े (खरगोन) : मैं बधाई देता हूँ कि शासन इस बिल को लाया है। इससे हैदराबाद और आन्ध्र के लोगों को तसल्ली होगी। जब तेलंगाना और आंध्र का झगड़ा चल रहा था तो उस झगड़े में सेंटर की तरफ से इस बिल के लाने की बात जो आई इससे सभी को तसल्ली हो जाएगी कि यह एक सेंट्रल यूनिवर्सिटी होगी वैसे ही जैसे वनारस और अलीगढ़ यूनिवर्सिटीज हैं। इस पर ज्यादा बोलने की जरूरत नहीं है। मंत्री जी ने कहा है कि यह यूनिटरी फार्म की यूनिवर्सिटी होगी लेकिन मैं समझता हूँ कि यह फेड्रल फार्म की होगी क्योंकि इस में लिखा हुआ है :

"to establish such campuses, special centres, specialised laboratories or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;"

कैम्पसिज अलग अलग करके उनको यूनिटरी फार्म का कहना, सही नहीं होगा। यह बात मेरी समझ में नहीं आती। मंत्री महोदय एक्सपर्ट है। यह हमें इसको समझाएं।

जहां तक माध्यम का सवाल है यह नहीं कि मीडियम बिल को हिन्दी एंड इंग्लिश मैं चाहता हूँ कि मंत्री जी इस में यह रखें कि मीडियम बिल बी हिन्दी एंड इंग्लिश प्लस आंध्र की जो भाषा है तेलुगू, टैट शुड बी दी मीडियम। इतना ही मुझे कहना है। बाकी तो जो और यूनिवर्सिटीज में है वही इस में लिखा हुआ है। मैं फिर आपको बधाई देता हूँ कि इस बिल को लाकर आंध्र प्रदेश के लोगों को आपने तसल्ली दे दी।

श्री सुधाकर पाण्डेय (चंदौली) : उपाध्यक्ष महोदय, इस विधेयक का मैं स्वागत करता हूँ आंध्र में विश्वविद्यालय बहुत पहले खोला जाना चाहिये था और स्वर्गीय नेहरू जी भी इस बात के लिये प्रयत्नशील थे कि हैदराबाद में एक विश्वविद्यालय खुले। आचार्य नरेन्द्र देव जी के पास उन्होंने संदेश भिजवाया था कि यदि आप वहां का कुलपति होना स्वीकार करें तो वहां विश्वविद्यालय खोलने की बात की जाय, क्योंकि यह एक ऐसे विश्वविद्यालय को कल्पना थी जिसके द्वारा उत्तर-दक्षिण पूर्व और पश्चिम को जोड़ने का कार्य किया जा सकता था। किन्तु अपनी स्थिति के कारण आचार्य नरेन्द्र देव जी ने कभी हिन्दू विश्वविद्यालय में जाना पसन्द किया और इस विश्वविद्यालय की योजना स्थगित रही।

अभी 6 सूत्री कार्यक्रम के अन्तर्गत इस विश्वविद्यालय की स्थापना की जा रही है और जुलाई में यह बिल लाना गया। इसका प्रावण पूर्वोत्तर पर्वतीय विश्वविद्यालय के आधार पर रखा गया है। इसलिये इस पर अधिक विचार करने की आवश्यकता नहीं है, सभी क्षेत्रों में इसका स्थापन होगा।

अभी शिक्षा मंत्री महोदय ने बतलाया कि हैदराबाद में बहुत से केन्द्रिय शोध संस्थान हैं, उनमें से बहुत से अतिउत्तम काम कर रहे हैं। उन के सहयोग से और उन के योग से इस विश्वविद्यालय का कार्य इसी माह आरम्भ हो जाना चाहिये। मैं मंत्री महोदय से यह निवेदन करना चाहूंगा कि इस विश्वविद्यालय की कोई न कोई परीक्षा इसी वर्ष होनी चाहिये ताकि वहां के लोगों को इस बात का संतोष हो कि उनकी युगों से जो मांग थी, आज उस की पूर्ति हो रही है।

मेरे माननीय मित्र श्री बड़े जी ने कहा कि शिक्षा का माध्यम भी हमें तय कर लेना चाहिये। अगर हिन्दी हो, तो मुझे से अधिक प्रसन्न होने वाला कोई व्यक्ति नहीं हो सकता,

किन्तु, बड़े जो, मैं तो विश्व विद्यालयों की स्वायत्तता का पक्षपाती रहूँ हूँ। जिस क्षेत्र में विश्वविद्यालय बन रहा है और जो वहाँ के कर्ता-धर्ता और विद्यार्थी होंगे, जो उस के संचालकगण होंगे उनके ऊपर यह विषय छोड़ देना अधिक उपयुक्त होगा। मैं तो चाहूँगा कि दक्षिण की चारों भाषाओं पर वहाँ पर ऐसा शोध-संस्थान स्थापित हो कि उन का जो सुन्दरतम और मंगलमय पक्ष है उस को उत्तर के साथ संयुक्त करें और उस के द्वारा हिन्दी की अभिवृद्धि करें—तो अच्छा होगा...

श्री आर० बी० वड़े : हिन्दू विश्वविद्यालय और अलीगढ़ विश्व विद्यालय के एक्ट में माध्यम का उल्लेख है।

श्री सुधाकर पाण्डेय : जहाँ तक मुझे मालूम है काशी हिन्दू विश्वविद्यालय के एक्ट में नहीं दिया गया है, क्योंकि इस के लिये मुझे प्रस्ताव रखना पड़ा था कि यहाँ हिन्दी माध्यम से पढ़ाई हो। मैं यह भी समझता हूँ कि अलीगढ़ विश्वविद्यालय के कानून में भी माध्यम की बात नहीं है, यदि माध्यम की बात उठाई जायगी तो जो भाषाई समस्याएँ वहाँ पहले उठी थीं, वे फिर उधड़ेंगी, उन समस्याओं को कोई भी राष्ट्रीय व्यक्ति, या मेरे जैसा आदमी उभारना नहीं चाहेगा। कोई भी नहीं चाहेगा कि विभिन्न भाषाओं में आन्ध्र जिला दौर से गुज़रा है उसकी फिर पुनरावृत्ति हो।

विश्वविद्यालय खोलना एक बात है, विश्वविद्यालय किसी काम का हो—यह एक बात है। बहुत से केन्द्रीय विश्वविद्यालय हैं और खुल भी रहे हैं। किन्तु क्या वे जीवन का नेतृत्व कर रहे हैं या नहीं कर रहे हैं? केवल कार्यकुशल लोग हों या ज्ञानी लोग हों या केवल ज्ञानदान देना ही विश्वविद्यालय का कार्य इस देश में रह गया है? मैं चाहता हूँ कि ये हमारे सांस्कृतिक आन्दोलनों के सुवर्धक बनें। हमारी शिक्षा की व्यवस्था में जो क्रान्ति की बात करते हैं, उन को यह मानना

चाहिए कि ये विश्वविद्यालय केवल ज्ञानदान का माध्यम न बनें, बल्कि चरित्रदान का माध्यम भी बनें और संसार से आज ज, हमारा सम्बन्ध है, राज्यों से जो हमारा सम्बन्ध है, देश से जो हमारा सम्बन्ध है, उन सम्बन्धों का समावेश चरित्र के भीतर हो, जीवन के भीतर हो, क्योंकि इस समय इस देश में चरित्र का बड़ा अकाल है। बड़े बड़े इन्जिनियर, बड़े बड़े लोग यह नहीं जानते कि इस देश का संविधान क्या है। एम० एस० सी० हो जाते हैं, डाक्टर बन जाते हैं, लेकिन वे नहीं जानते कि समाजवाद क्या है, वे नहीं जानते कि हम किस ओर जा रहे हैं और आधुनिक विश्व के प्रति हमारा उत्तरदायित्व क्या है?

इस शिक्षा की व्यवस्था हायर सैकण्ड्री स्टेज पर होनी चाहिये, किन्तु दुर्भाग्य से हायर सैकण्ड्री स्कूल प्राविशामेंट के अधिकार क्षेत्र में नहीं हैं और वहाँ इस समय इस प्रकार की कोई शिक्षा व्यवस्था नहीं है। यदि यह शिक्षा व्यवस्था यहाँ हो जाती तो हायर सैकण्ड्री स्कूलों में हो देश का भला हो सकता था, किन्तु हायर सैकण्ड्री स्कूल ऐसा नहीं कर रहे हैं। मेरा मुझाव है कि भारत के नमाम केन्द्रीय विश्वविद्यालयों में इस प्रकार की व्यवस्था की जानी चाहिये जो हमारे विभागों की बन्द खिड़की को खोल सके और अपने ज्ञान का सम्बन्ध जीवन में जोड़ सके। आज का ज्ञान किताबों में बन्द है, उसी प्रकार से व्यक्ति का जीवन भी बन्द पड़ा है, उन का व्यक्ति के भीतर में सम्पर्क नहीं रह गया है, उस का जीवन से सम्बन्ध नहीं रह गया है जिस के परिणामस्वरूप हमारी सारी प्रगति रुक गई है, हमारे जीवन का जो विकास है, वह रुक गया है, वह गंगा की धारा के रूप में प्रवाहित नहीं हो रहा है, बल्कि गड्ढी के रूप में प्रवाहित हो रहा है, जिस का परिणाम हम सब लोग भोग रहे हैं।

श्री मूलबन्द डागा : यह तो हो ही रहा है।

भी सुनाकर बाध्य : गढ़े से पड़ा हुआ सड़ रहा है । इस प्रवाह को संचालित करने के लिये आज लोग काम करे और उन को भी करना चाहिये । काशी हिन्दू विश्वविद्यालय की स्थापना पूज्य मालवीय जी ने इस लिये की थी कि वह सारे संसार को प्रकाश देगा और देश की राष्ट्रीयता की बाणी उस के द्वारा मुखरित होगी और मालवीय जी के जीवनकाल में ऐसा हुआ भी था, किन्तु अब वह विश्व-विद्यालय बनारस में है, लेकिन बनारस से उसका कोई सम्बन्ध नहीं है, लोग समझते हैं कि एक नक्काशी बना कर जमीन पर रख दी गई है । इस प्रकार का यह विश्वविद्यालय न हो । अभी आरम्भ हो रहा है इसलिये इस में कुछ ऐसा किया जा सकता है कि जिस से यह जीवन के साथ जुड़े । आप ने सत गुरुबक्स सिंह को बनाया है, मैं उन को जानता हूँ, अच्छे आदमी हैं, उन्होंने काशी विश्व-विद्यालय में अच्छा काम किया है । पहली बार नेहरु जी आचार्य नरेन्द्र देव जी को लाना चाहते थे, अब आपने सत गुरुबक्स सिंह जी को लिया यह अच्छा कदम है, बेहर मामले में राष्ट्रीय हैं । किन्तु जिस प्रकार आप ने उन की नियुक्ति की, उसी तरह प्लानिंग बोर्ड की नियुक्ति में कोई कानून बाधक नहीं था, आप को प्लानिंग बोर्ड की नियुक्ति भी इसी समय कर देनी चाहिये थी । उन में ऐसे लोग होने चाहिये जो केवल शिक्षा शास्त्री ही न हों, जिन का जीवन से भी किसी प्रकार का सम्पर्क हो और जो आन्ध्र की कला, संस्कृति और साहित्य को जानते हो जो बहा की कला और संस्कृति का देश को दान कर सकते हों, जो जीवनमय हो, मगलमय हों, जो देश की मूलधारा से ज्ञान के माध्यम से उसे जोड़ने की क्षमता रखते हों । अक्सर ऐसा होता है कि कमेडिया बन जाती है, शिक्षा शास्त्री रख दिये जाते हैं और ऐसे सब शिक्षा शास्त्री रख देते हैं—मन्त्री महोदय आते हैं और चले जाते हैं, किन्तु वे शिक्षा शास्त्री बने रहते हैं और उन के कुकर्मा के लिये मन्त्री महोदय जवाब देते थक जाते हैं, उस के लिये उत्तरदायी होना पड़ता

है । इसलिये जब शिक्षा-कांस्त्रियों को रख जाय तो इस बात का भी ध्यान रखा जाय कि उन के बाल पके हुए न हों, 75 वर्ष के ऊपर की आयु के न हों, चलने में उन को कष्ट न होता हो या ऐसे न हो जो 50 वर्ष पहले अंग्रेजों के जमाने में पड़े हुए हो और उन्हीं को ज्ञान का अवतार मानते हों । मैं समझता हूँ कल जब मन्त्री महोदय डिबेट का जवाब देंगे तो प्लानिंग बोर्ड को भी घोषणा कर देंगे ।

आप आन्ध्र की भूमि में यह आखिल भारतीय विश्वविद्यालय बना रहे हैं—यह अच्छी बात है । प्रायः ऐसा होना है कि शिक्षा संस्थाओं में क्षेत्रीयता के प्रवाह में राष्ट्रीयता मर जाती है । किसी भी क्षेत्र में कोई भी शिक्षा संस्था हो, चाहे वह राज्य की हा या केन्द्र की हो, यदि वह राष्ट्रीय नहीं है तो उस की स्थिति विनाशमूलक हो जायगी । मैं समझता हूँ कि इस विश्वविद्यालय की स्थिति ऐसी नहीं है, क्योंकि कानून में आपने कहा है कि मारे भारतवर्ष के लिये खुला रहेगा । मैं इस बात का भी स्वागत करता हूँ कि आपने जो दुर्बल वर्ग है, अनुसूचित जाति के लोग हैं, अनुसूचित आदिम जाति के लोग हैं, उन को एक मीमा तक संरक्षण दिया है और मैं चाहूँगा कि उन्हें केवल संरक्षण ही न दिया जाय उन के जीवन में जो सहिष्णुता है, हजारों वर्षों की जिस सहिष्णुता ने उन्हें आज भी जीवित रखा है, जैसे जेयनाग पर पृथ्वी का भार है, जिस तरह से वह भारत को सम्भाले हुए हैं, ऐसे लोगों की सहिष्णुता के ज्ञान का अध्ययन भी बहा पर किया जाय । उन की संस्कृति के लिये भी बहा पर विशेष विभाग खोला जाय और उम्र का अध्ययन उन के ही माध्यम में हो ।

जैसा मैं पहले भी कह चुका हूँ—यह विश्व विद्यालय एक सैतु बने—उत्तर और दक्षिण का और दोनों को जोड़ने का काम करे, तोड़ने का काम न करे, क्योंकि इन शिक्षा संस्थाओं ने जितना देश को तोड़ा है, नायब राजनीतिक दलों ने उतना देश को नहीं तोड़ा है । इसलिये

जुन के माध्यम से संस्कृति का काम होना चाहिये, जून के माध्यम से जीवन की जब की कारागार का काम होना चाहिये, जीवन के जब की कारागार का काम नहीं होना चाहिये। इन सबों के साथ मैं इस विवेक का स्वागत करता हूँ, सभी लोग इसका स्वागत करेंगे और मुझे विश्वास है कि यह विश्व-विद्यालय, जो हमारी शिक्षा की धारा है उसको नई दिशा और नया जीवन प्रदान करेगा।

***SHRI JAGADISH BHATTACHARYA (Ghatal):** Mr. Deputy-Speaker, Sir, a new Central University is going to be set up in Andhra Pradesh and I must congratulate my friends in the Congress benches that they have finally succeeded in compelling the Central Government in initiating measures for the setting up of this University. I would have been really glad if this University had been created in the normal circumstances rather than the agitations which had preceded it for its formation. Whatever it may be, I welcome the new Bill and I welcome the new University which goes to the people of Andhra Pradesh.

In this connection I must say a few words to the hon. Minister for his serious consideration. New Central Universities are being created and there can perhaps be no grievance from any corner in this regard. Why we feel sad about the whole episode is that while the Centre shows adequate and enough consideration for these Universities they do not seem to attach the same sense of seriousness for the Universities which are not the Central Universities and which have been serving the cause of education in the different parts of the country since long. There are many Universities with great heritage of the past contributions. These Universities today are almost dying because of the lack of financial resources. The consequence has been that they have been compelled to resort to many methods

to raise funds to avert their decay and death. It is a well known fact Sir, and the hon. Members are aware that the rate of admission to the Universities has fallen steeply over the past few years which has effected the financial position of the Universities very adversely. When such is the situation with the other Universities we should naturally hope and expect that the Central Government should adopt a similar attitude of sympathy and give suitable assistance to them as they are doing in the case of the Central Universities. I can say about the Calcutta University in particular in this connection. I am sure the hon. Minister must have received a memorandum, the copies of which have already reached the members of this House, urging upon the Central Government to take over the Calcutta University because that University is in a financial chaos and is hardly able to maintain its own existence. A few days ago the Vice-Chancellor of the Himachal Pradesh University while addressing the newsmen had stated that due to the paucity of funds the University functioning has almost come to a stand still. Let there be Central Universities and as I have already said, we have no objection to have them but is it not equally important and necessary that on the one hand we should be set up new Universities and on the other hand we should do nothing to help other Universities which are dying and decaying. If you are really interested in the democratic functioning of our country the time has come when we must eliminate the distinction that is being maintained between the Central and the non-Central Universities. This distinction must end. and it must end sooner than later.

The hon. Minister in his opening speech has said many things about the new proposed University but there is nothing new about it. It is just as usual. It is just the same as it is in other Central Universities. We cannot expect much out of this Bill.

*The Original speech was delivered in Bengali.

Therefore, I would once again urge that the Central Government must stop taking step-motherly attitude towards other Universities and they should try to help them as they are trying to help other Central Universities.

Now, coming to the provisions of the Bill, I find Sir, that the present Bill is a carbon copy of the Bills that were introduced for the setting up of Shillong University and other Central Universities recently. The present Bill has the same deficiencies as the earlier Bills and no attempt has been to improve this present legislation and to remove the shortcoming that were there in the earlier Bills. While participating in the discussion on the earlier Bills I had stated that the Bill needed much improvement and the Government themselves would be compelled to come before this House before long to make amendments thereto. Already murmurs are being heard about the shortcomings of the earlier Bill and I do not know when the Government will come forward with their amendments to make them effective which it is not at present.

I would now like to point out some shortcomings of the present Bill. While venturing to do so I would take up the question of appointment of the Dean of Faculty in the University. I had stated on the floor of the House earlier Sir that lot of difficulties in the University administration arises out of the manner of appointment of these posts. It would be relevant and pertinent to quote the recommendations of Gajendragadkar Report which had gone into the matter. The Committee in its report had stated and I quote:

"The Dean of the Faculty should be appointed from amongst the University appointed professors by rotation according to seniority for a period of two years." The present Bill has stated that the Dean of Faculty will hold a post for a period of three years but the wholesome principles of rota-

tion and seniority as suggested by the Gajendragadkar Committee has not been followed. The advantage of the Committee's recommendation is that senior professors will get opportunity to act as the Dean and would be able to lend their experience to improve the working of the University. I feel that this principle of rotation and seniority should have been accepted by the Government and should have been incorporated in the Bill.

With regard to the appointment of the Pro-Vice Chancellor the Bill provides that the pro-Vice Chancellor will be nominated by the Vice Chancellor and he will be appointed by the Executive Council. In case the Executive Council fails to appoint the nominated person the matter will be referred to the Visitor who will either appoint the same person or suggest another name. In short the pro-Vice Chancellor will be the Vice-Chancellor's own man. In favour of this method two arguments are usually put forward. Firstly it is said that the pro-Vice Chancellor has to carry out the functions which is entrusted to him by the Vice-Chancellor and hence a close rapport is necessary and secondly if a new person is appointed who is not a nominee of the Vice Chancellor it is quite likely that the cooperation between the two which is necessary may not be forthcoming. But it cannot be forgotten that every issue has two sides and while the first two arguments represent one side of the matter it is equally necessary to consider the other side also. It is a common experience that there are more than one pro-Vice Chancellor in a University. It has been found that because of being Vice-Chancellor's own men they have no option but to ditto directions of the Vice Chancellor and gradually a coterie rule develops which more often than not creates many difficulties in the day today administration. It is also not or logical to think that a person who is not a nominee of the Vice Chancellor when appointed as a pro-Vice Chancellor

will always create obstructions and be at logger head with the Vice Chancellor. Coming to the composition of the University Court, as far as I remember, the Statute does not mention anything about it. May be at a subsequent date this Statute will be framed. It is very interesting and surprising to note Sir, that the Executive Council has been given the authority to make amend or create new Statutes. In fact, the Executive Council has been given the powers of Parliament and this is not fair. The University Court is a very important organ of a University and the details of its formation should not be allowed to be determined by an Executive Council. The Bill should have incorporated this specific provision ad specific sanction of the Parliament should have been obtained. I hope the hon. Minister will look into the matter and try to do something even at this stage. I feel Sir, that the students and employees should find representation in the Court. The students' representatives should not be taken on the basis of their affiliation to the different students' unions. They should on the contrary be chosen from the different departments of the University. Sir, I would now like to draw the Minister's attention to Clause 30 of the Bill. Section 2 of clause 30 provides that: "Any dispute arising out of a contract between the university and any employee shall, at the request of the employee, be referred to a Tribunal for arbitration consisting of one Member appointed by the Executive Council, one nominated by the employees concerned and an umpire appointed by the Visitor. The decision of the Tribunal shall be final and no suit shall lie in any Civil Court in respect of the matters decided by the Tribunal." Under this Section a tribunal has been created whose decision shall be final and an employee cannot go to any Court. This is really unjust because we cannot visualise a situation where a tribunal decision shall be impartial and correct and to deny a person his right to seek justice in a Court of law

would therefore be highly illogical. After all every citizen has been given some rights which are fundamental and this cannot be abridged and the right to seek justice is one of them. I would now like to quote from the Gajendragadkar report which says:

"We appreciate the spirit underlying this complaint, but we must emphasize the fact that in our country, the doctrine of the rule of law is paramount. Every citizen in a democratic country—teachers and students are obviously included amongst the citizens of the country—is entitled to seek justice in courts in regard to the disputes which under the law of the land are justiciable. We must also recognise that the power of the High Courts under Articles 226 and 227, and the power of the Supreme Court under Article 32 of the Constitution, to issue appropriate writs, constitute the cornerstone of the democratic way of life, which we have adopted. These powers are intended to safeguard the fundamental rights of the citizens and to prevent capricious, unfair improper or irregular exercise of power. The university system would not, therefore, be justified in having a grievance, if any citizen such as a teacher or student or a member of the administrative staff, approaches appropriate courts for relief in respect of an alleged injustice due to him."

I therefore feel Sir, that it is highly improper to have provision like the in clause 30. If the employee feels unhappy about the decision of the tribunal he has as a normal citizen of this country, a right to go to the court to seek redressal of his grievances but here we find that this right which he has as a citizen is being curtailed through the provision of a tribunal whose decision in the matter shall be final. (Interruptions)

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN): I may just clarify for the information of the

hon. Member. The writ jurisdiction of either the High Court or the Supreme Court is not at all affected. That is a constitutional right and we cannot in this Parliament abridge or abrogate their right in any form unless we choose to change the Constitution. So, Gajendragadkar Committee is making a reference to Kothari Commission's recommendation which had said that because there is too much litigation Supreme Court may be requested to find out how it can abridge its own powers. That view could not be accepted by the Government and, therefore, in any of the legislations that have been brought before this hon. House, there is no question of abridging, reducing or taking away from the powers of the Supreme Court or the High Court to issue writs or take such other suitable steps as are necessary. All that has been done is barring the jurisdiction of the local courts visualised in the Indian Arbitration Act has been provided.

*SHRI JAGADISH BHATTACHARYYA: Sir, my submission in this connection is that it is not always possible for the employees to go to a High Court or the Supreme Court to seek justice because it is very expensive and it takes a very long time. I am associated with many teachers' organisations in the country and from my experience I can tell the hon. Minister that whenever there is a dispute between the employees and the management, the employees have the opportunity of getting quick justice by approaching the local courts and this is also less expensive. Therefore it is my demand that not only high Court and Supreme Court should be available to an aggrieved employee but he should also have an easy access to the local courts also. The present provision should be amended accordingly.

†SHRI K. SURYANARAYANA (Eluru): Mr. Deputy-Speaker, I would like to congratulate the Central Government for having fulfilled the

aspirations of the people of Andhra Pradesh by introducing this Bill. The people of Andhra Pradesh have always cooperated with the Central Government in every sphere. It is a fact that there had been two violent agitations in Andhra Pradesh. First in Telengana and later on in Andhra. These agitations have only reflected the feelings of the people of both the regions. We the Members of Parliament from Andhra Pradesh and Ministers have been elected through this popular will of the people. We have expressed the views of the people of Andhra Pradesh. It is indeed a good thing that two agitations in Andhra Pradesh have united the people of Andhra Pradesh into one State and one language. We are very happy that in the end Andhra Pradesh has been emotionally and physically integrated as one compact State. This will go a long accelerating the progress of this State. I would like to congratulate the Central Government for bringing about the unity of Andhra Pradesh on behalf of the people of that State. It is a well known fact that Andhra Pradesh as a whole is a educationally backward State. Except for Hyderabad all the regions of Andhra Pradesh both Andhra and Telengana are educationally backward.

You all know that even during the time of Lord Buddha the Nagarjunasagar University was an internationally place. It is only in Nagarjunasagar that Government of Andhra Pradesh have constructed a grand project, the Nagarjunasagar project. This Nagarjunasagar project is now a very useful project and the foodgrains accrued as a result of this project is distributed not only in Andhra Pradesh but to the whole of India. In the same way I feel that the new University that is proposed to be set up at this place should be useful not only to the people of Andhra Pradesh but also to all the people of India irrespective of the State to which they belong. Who-

*The original speech was delivered in Bengali.

†The original speech was delivered in Telugu.

ever comes to Hyderabad University whether he is Indian or foreign shall be given a fair treatment. I am confident that this new Central University at Hyderabad will make a great name for itself by giving fair treatment and full opportunity to all the people who care to come to Hyderabad for study at this University. We are very glad to note this important criterion in this Bill.

Some members have expressed that Acharya Narendra Dev had suggested at the time of the establishment of Benaras Hindu University that a Central University should be established at Hyderabad. It was also said that Mr. Jawaharlal Nehru had supported this point. We are indeed very happy that during the region of his daughter a Central University has been established at Hyderabad. I would like to suggest to the Central Government to rename the Central University as Nagarjuna University. Nagarjunasagar and Nagarjuna are very famous names like Nalanda etc. If you give this new name to this then it will also enhance the reputation of this new University. I am confident that Members of Parliament from all regions will support this proposal to rename this University as Nagarjuna University.

This will revive the good ancient memories of the Nalanda University and great scholar Nagarjuna. It is well known that great writers and scholars existed during the time of King Nagarjuna. I am confident that this new University at Hyderabad will grow as famous as the old Nagarjuna University. I request Dr. Nurul Hassan to take into consideration the views expressed by us and if necessary refer the matter to the State Government. I request that our suggestions should be implemented by the Central Government.

There have been many doubts expressed by every body whether any University will be established at

Hyderabad. Even our Chief Minister had been trying for expeditious introduction of this Bill. I am now very happy that although it is now very late in the end this Bill has been introduced for the setting up of a Central University at Hyderabad. I am happy that this reflects the feelings of Andhra Pradesh. I would like to state that one snag in this Bill is the time limit. The people of Andhra Pradesh should clearly know the date by which the Central University will be established. In the absence of the clear date an impression will be created among the people that even though the Bill has been passed nothing has been done. I therefore, suggest that you fix up some date whether it is August 15, or January 26, 1975. I strongly suggest January 26, as the target date and I request the Central Government to accept it. We have already been experiencing difficulties in the matter of finance for the implementation of Nagarjunasagar project. If a target date is not fixed we would be subject to questioning by the people of Andhra Pradesh and they will get agitated. I only want that these difficulties should not come up and the Central Government should do the needful in this matter. I do not want to go into the details of working of the various bodies in this Bill. We had already given an amendment in this connection.

There are at present three Universities in Andhra Pradesh, namely Osmania University, at Hyderabad, Venketeswara University at Tirupatty and Andhra University at Waltair. In one University there is the condition of residence along with marks obtained by the student for admission to the University. But these two conditions are not in the other two Universities. Therefore, if a student wants to go from one University to another University it becomes very difficult for him. I want that this new Central University at Hyderabad should not impose such conditions of residence so that it can really become national and

international University. I want that we should be prescribe only the essential qualifications necessary for admission to this University. Whoever fulfills the essential qualifications whether he is an Andhra or not should be admitted to this University. No special preferential treatment should be given to anybody. The question of residential qualifications should not arise. I request the Government of India to look into the matter and instil confidence not only in Andhra Pradesh but also to all the regions of India. Full opportunities should be given to everybody.

I have already mentioned about the agitations in Andhra Pradesh. On April 7, the Prime Minister paid a visit to Vijaywada. She was particularly very happy about the reception she received from the people. It was really surprising whether the reception is by the same people who indulged in violent agitation only a few months before. I would like to state that the people of Andhra Pradesh bore no enmity or animosity against anybody. They are only angry when they are emotional. The people of Andhra Pradesh are perfectly disciplined people and they always co-operate with the Government and they bore no grudge against any person whether it is Brahmanand Reddy, Narsimhan Rao or Vangal Rao. I would like to assure that the people of Andhra Pradesh have no hatred for anybody and they wish well for everybody. They are prepared to work hard for the progress of the country. Therefore, the agitations in Andhra Pradesh should not be misunderstood by anybody.

We are happy that the issue has been resolved by introduction of the 6-point formula and this Bill has been introduced. I would like to state that the Central Government should not depend on the Andhra Pradesh Government in matter of finance. You can ask the Andhra State Government in the matter of allotment of land,

buildings etc. but don't depend upon the State Government for finance. It is the duty of the Central Government to allocate finance for implementation of the various proposals laid down in this Bill.

To conclude I would once again strongly plead for the renaming of this University as Nagarjuna University. Both the people of Andhra and Telen-gana are united on this point. Just as the Nandi Konda project was renamed as Nagarjunasagar project I also request that this new University to be established at Hyderabad should be renamed as Nagarjuna University. This will fulfil the aspirations of the people of Andhra Pradesh. I am thankful for the opportunity given to me to express my views.

श्री एम० राम गोपाल रेड्डी (निजामाबाद) :

उपाध्यक्ष महोदय, मैं प्रधान मंत्री और शिक्षा मंत्री दोनों को बधाई देना चाहता हूँ कि उन्होंने हैदराबाद यूनिवर्सिटी सम्बन्धी बिल जितनी जल्दी हो सकता था, उतनी जल्दी इस सदन के सामने पेश किया है। यह यूनिवर्सिटी एक सेंट्रल यूनिवर्सिटी होगी और उम में पूरे देश के विद्यार्थियों को लेने की गुंजायश रखी गई है। इस लिहाज से हैदराबाद सिटी और आन्ध्र प्रदेश को एक नई चीज मिलने वाली है, जिस से हैदराबाद सिटी और आन्ध्र प्रदेश की शोभा बहुत बढ़ जायेगी।

यहां पर उस यूनिवर्सिटी के मीडियम आफ इंस्ट्रक्शन की चर्चा की गई है। मैं चाहता हूँ कि यूनिवर्सिटी में अंग्रेजी और हिन्दी दोनों में शिक्षा की व्यवस्था होनी चाहिए। आन्ध्र प्रदेश के लोग हिन्दी के विरोधी नहीं हैं। वे हिन्दी को दिल में चाहते हैं। इस लिए उस यूनिवर्सिटी में मीडियम आफ इंस्ट्रक्शन हिन्दी भी होना चाहिए। मैं मंत्री महोदय से प्रार्थना करता हूँ कि जिस दिन वह यूनिवर्सिटी काम करना शुरू करे, उसी दिन से हर सेशन में हिन्दी की तालीम की व्यवस्था होना जरूरी है।

जब पूरे भारतवर्ष से विद्यार्थी वहां आ रहे हैं, तो विद्यार्थियों की कमी नहीं होगी। 15 अगस्त तो बहुत करीब है, लेकिन अगर कम से कम महात्मा गांधी के जन्म-दिन से यह यूनिवर्सिटी काम करना शुरू कर दे, तो बहुत अच्छा हो। हैदराबाद में बहुत सी बिल्डिंग है, निजाम की बहुत बड़ी कोठी भी है। फिलहाल यूनिवर्सिटी को उस में रखा जा सकता है। आन्ध्र प्रदेश की गवर्नमेंट इस बारे में बातचीत कर रही है।

जहां तक इस बान का ताल्लुक है कि इस यूनिवर्सिटी का नाम हैदराबाद यूनिवर्सिटी होना चाहिए या नागार्जुन यूनिवर्सिटी होना चाहिए, मैं कहना चाहता हू कि वहां एक नागार्जुन इंजीनियरिंग कालेज पहले से मौजूद है, जिस को नागार्जुन इंजीनियरिंग यूनिवर्सिटी बनाने का सवाल किया जा रहा है। ऐसी हालत में दो नामों में तमादुम होने का इमकान है। इस यूनिवर्सिटी को जो नाम दिया गया है, वह बहुत अच्छा है। त्रिम नाम की चर्चा पहले से की जा रही है, इस वक्त उस को बदलने में लोगों के दिलों में शकाल पैदा होने का इमकान हो सकता है।

मैंने महोदय ने जो विधेयक पेश किया है, मैं उस का पूरा पूरा समर्थन करता हू, और आप को धन्यावाद देता हू कि आप ने मुझे समय दिया।

SHRI P. G. MAVALANKAR (Ahmedabad): Sir, I warmly welcome this Bill. I am glad it has come in response to the long-standing demands and aspirations of our brethren from Andhra Pradesh. Some of the pre-

vious speakers have already mentioned about the agitation that took place in Andhra. I do not think they need be apologetic about it. After all, sometimes agitations take place only because certain legitimate demands are not met in time by the authorities concerned. Personally speaking, I would have liked this university to be created without any agitation, but perhaps we can say that one of the important fringe benefits of this agitation has been that the people of Andhra, particularly Hyderabad, have got a University.

MR. DEPUTY-SPEAKER: A very big cost to pay for a university.

SHRI P. G. MAVALANKAR: I am happy because this is one more significant instance of the Centre's attention being further focussed on the people living in the southern part of this great country. Although we have of late a proliferation of universities in this country and there is the danger of a number of sub-standard institutions coming up, nonetheless in view of the largeness of the country and its variety, you will agree, as a Professor, that we do need many more universities and colleges. I do hope, however, that this new university will not be just one more university, but that it will establish new traditions and new patterns both in terms of research and teaching as years go by.

MR. DEPUTY-SPEAKER: You may continue tomorrow

18.00 hrs.

The Lok Sabha then adjourned till Eleven of the clock on Wednesday, August 7, 1974. *Shri P. G. Mavalankar* (S).