

देखा गया है कि एम्पीज लोग भी जब रेल से यात्रा करते हैं, तब एंसी फर्स्ट क्लास के डिब्बों में भी इतना सामान सभा होता है कि बैठने को जगह नहीं होती।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): जब आप रेल बजट पर डिस्कसन करेंगे तो यह बात तफसील से हो सकती है।

श्री रामगोपाल यादव: इसलिए मेरा कहना है कि जो ऑर्गनाइज्ड गैस के जरिए में तस्कती हो रही है, इस पर प्रभावी ढंग से रोक लगाने की सरकार व्यवस्था करे। माननीय मंत्री जी यहां बैठे हुए हैं, मैं उन से कहना चाहूंगा कि...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): रेल बजट के समय आप यह बात तफसील से कह दीजिए।

RE: JAGANNATH SHETTY COMMISSION OF INQUIRY REPORT BLAMING I.S.I. OF PAKISTAN FOR CREATING COMMUNAL DISTURBANCES IN BHATKAL

श्री राजनाथ सिंह (उत्तर प्रदेश): मान्यवर, मैं इस सदन के माध्यम से सरकार का ध्यान एक बहुत ही महत्वपूर्ण बिंदु की ओर आकर्षित करना चाहूंगा। मान्यवर, इस सदन में ही पाकिस्तान की खुफिया एजेंसी, आई-एस-आई की गतिविधियों के बारे में कई बार माननीय सदस्यों द्वारा मुद्दे उठाए गए हैं और इसी सदन में सरकार ने भी देश में आई-एस-आई की बढ़ती हुई आतंकवादी गतिविधियों पर चिंता व्यक्त की है। मैं कहना चाहूंगा कि सरकार ने ही नहीं बल्कि इस सदन ने भी चिंता व्यक्त की है, लेकिन सारे देश में आई-एस-आई की गतिविधियां बढ़ी तेजी के साथ बढ़ती जा रही हैं। महोदय, जैसा प्रभावी कदम इन आतंकवादी गतिविधियों को रोकने के लिए उठाना चाहिए, उस तरह का कोई प्रभावी कदम सरकार द्वारा नहीं उठाया गया है। मुझे लगता है कि या तो आई-एस-आई की बढ़ती इन आतंकवादी गतिविधियों की आलोचना के प्रति हम ईमानदार नहीं हैं अथवा इन गतिविधियों को रोकने के लिए जो इच्छा शक्ति चाहिए, उस दृढ़ इच्छा शक्ति का सरकार में अभाव है अथवा इन आतंकवादी गतिविधियों को रोकने के लिए और कानून और व्यवस्था को चुस्त-दुरुस्त बनाने के लिए हमारे जो आज का सिस्टम है, वह सिस्टम ही पूरी तरह से कॉलेप्स कर गया है।

मान्यवर, मैं ध्यान आकर्षित करना चाहूंगा जगन्नाथ शेट्टी कमीशन की रिपोर्ट की ओर। मान्यवर, कर्नाटक में एक स्थान है भटकल जहां पर कि वर्ष 1993 में दंगा हुआ था और कर्नाटक की गवर्नमेंट ने उस बारे में अंडर द चैयरमैनशिप ऑफ जगन्नाथ शेट्टी एक इन्क्वायरी कमीशन बिठाया था। उस के बाद जगन्नाथ शेट्टी कमीशन ने अपनी रिपोर्ट चार वॉल्यूम में दी जिस में उन्होंने कहा कि भटकल में उस दंगे के दौरान 17 लोग मारे गए और 2 करोड़ से ज्यादा की संपत्ति नष्ट की गयी। मान्यवर, वहीं एक महत्वपूर्ण बात उस रिपोर्ट में यह उजागर की गयी है कि आई-एस-आई की गतिविधियां जिस तेजी के साथ देश के अंदर बढ़ती जा रही हैं, उस के कारण देश की आंतरिक सुरक्षा के लिए गंभीर संकट पैदा हो गया है और यह सब बात है कि यह खुफिया एजेंसी, आई-एस-आई हमारे देश की सोशल और कम्युनल हार्मोनी को पूरी तरह से तार-तार कर देना चाहती है। मान्यवर, उस आयोग की रिपोर्ट में यह भी स्पष्ट रूप से कहा गया है कि आई-एस-आई की गतिविधियां इस देश में आतंकवादी गतिविधियों को पूरी तरह से बढ़ाने में प्रभावी भूमिका का निर्वाह कर रही है और यह बात अब किसी से छिपी हुई नहीं है कि इस देश में आतंकवादी गतिविधियां आई-एस-आई के कारण बढ़ी तेजी से बढ़ रही हैं। मान्यवर, उत्तर प्रदेश के 40 जनपद इस समय आई-एस-आई की गतिविधियों की चपेट में आ गए हैं। मुंबई में जो बम ब्लास्ट हुआ था, उस में भी यह बात उजागर हो गयी है कि उस के पीछे भी आई-एस-आई का हाथ रहा है। मैं उत्तर प्रदेश के नदवा स्कूल की ओर भी ध्यान आकर्षित करना चाहूंगा। निष्क्रिय रूप से नदवा स्कूल के प्रति हमारे मन में भरपूर सम्मान है और यह इस्तॉमिक स्कूल देश का एक जाना-माना स्कूल है, लेकिन जब पुलिस ने वहां के हॉस्टल में आई-एस-आई आतंकवादियों को गिरफ्तार करने के लिए छापा मारा तो किस प्रकार से उत्तर प्रदेश की सरकार ने घुटने टेक देने का काम किया था, यह बात किसी से छिपी नहीं है। ... (व्यवधान) ... मैं अपनी बात पूरी कर लूं, उस के बाद इजाजत दे दीजिए। ... (व्यवधान) ...

श्री रामगोपाल यादव (उत्तर प्रदेश): सर, यह पहले भी स्पष्ट हो चुका है कि इतनी सम्मानजनक संस्था पर यह आरोप लगा रहे हैं... (व्यवधान) ..

SHRI KHAN GHUFRAN ZAHIDI (UTTAR PRADESH): Sir, I object to this. Sir, I want to speak on this point.

श्री वसीम अहमद (उत्तर प्रदेश): नए तरीके से फिर उठा रहे हैं। इस तरीके से किसी एक इरादे को बदनाम करना, इससे घटिया और बात नहीं हो सकती, जो इस तरह बीजेपी के लोग करते हैं। ... (व्यवधान) यह बैसलैस बात है। ... (व्यवधान)...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): हमें बोलने दीजिए, गुफरान साहब।

Mr. Rajnath Singh, you obtained the permission in regard to the Jagannath Shetty Commission of Inquiry Report blaming I.S.I. of Pakistan for creating communal disturbances at Bhatkal. You can go up to Karnataka. That is all. But don't go beyond that.

श्री राजनाथ सिंह: सर, मैं यह निवेदन करना चाहता था कि भटकल कमीशन ... (व्यवधान)...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): बैठिए। आप बैठिए। ... (व्यवधान) ... When the Chair speaks, please have some patience.

श्री रामगोपाल यादव: किसी इंस्टीट्यूशन को इस तरह बदनाम नहीं करना चाहिए। श्रीमन् यह नदवा को इससे निकाला जाना चाहिए। ... (व्यवधान)...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): बैठिए। बैठिए। ... (व्यवधान)...

आप ऐसा कोई इंस्टीट्यूशन का नाम मत लीजिए, जिस पर सदस्यों को एतराज हो।

श्री राजनाथ सिंह: मैंने पहले ही अर्ब किया कि हमारे मन में उस स्कूल के प्रति इज्जत है। मैंने सम्मान व्यक्त किया पहले उस स्कूल के बारे में। ... (व्यवधान न)...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): नहीं, नहीं। विषय जगन्नाथ शेट्टी रिपोर्ट का है, उस पर बोलिए।

श्री वसीम अहमद: उपसभाध्यक्ष जी, यह सम्मान की बात नहीं है बल्कि एक इरादे को बदनाम करने की बात है। ... (व्यवधान)...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): एक समय में एक सदस्य नहीं बोलेंगे तो मैं कुछ नहीं समझ पाऊंगा। गुफरान साहब, आप बोलिए। ... (व्यवधान)...

श्री मोहम्मद आजम खान (उत्तर प्रदेश): यह बात नदवा की नहीं है, मुसलमानों की है। ... (व्यवधान न)...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): नहीं, नहीं। वह मुसलमान नहीं बोल रहे हैं।

श्री खान गुफरान जहिदी: उपसभाध्यक्ष जी, ... (व्यवधान)...

श्री संजय निरूपम: *

उपसभाध्यक्ष (श्री मोहम्मद सलीम): बैठिए। आप बैठिए। ... (व्यवधान) ... बोलने का मौका तो चेयर से मिलेगा। आप बैठिए।...

Nothing will go on record.

श्री संजय निरूपम: *

श्री वसीम अहमद: नहीं यह नहीं कह सकते। यह गलत बात है।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): प्लीज। ... (व्यवधान) ... रिकार्ड में नहीं जा रहा। बैठिए।

Please stop talking. Nothing is going in the record.

श्री संजय निरूपम: *

उपसभाध्यक्ष (श्री मोहम्मद सलीम): वह रिकार्ड में नहीं जा रहा। यह सदन है। इसकी मर्यादा है, गरिमा है। ... (व्यवधान) ... आप अचानक खड़े होकर कैसे बोलेंगे। बैठिए आप, संजय निरूपम जी। ... (व्यवधान न)...

श्री खान गुफरान जहिदी: उपसभाध्यक्ष जी, आपने हमें एलाउ किया है। मैं बोलना चाहता हूँ। ... (व्यवधान)...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): बैठिए। अब वह ऐसा कुछ नहीं बोलेंगे, जिससे आपके सेंटिमेंट हटें होते हों। उनको जिस विषय पर परमोशन मिली है, उसी पर बोलेंगे।

श्री रामगोपाल यादव: जो सिटी पर्टिकुलर इरादे के बारे में वह बोले हैं, उसे निकाल दीजिए, सर।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप बैठ जाइए। मैंने तो बोल दिया। आपको नई कुछ बात बोलनी है। ... (व्यवधान) ... उनको जिस विषय पर परमोशन मिली है उसी विषय पर वह बोलेंगे। उससे ज्यादा अगर कुछ बोलते हैं, जिससे सेंटिमेंट हटें होते हैं, कोई इंस्टीट्यूशन का नाम लिए हैं, गलतबयानी अगर की है तो वह चेयर एजामिन करेगी और निकाल देगी।

श्री संजय निरूपम: *

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप बैठिए। राजनाथ सिंह जी, आप बोलेंगे। ... (व्यवधान) ... संजय निरूपम जी, आप बैठ जाइए। आपको इस हाऊस के रूलर्स के बारे में पता होगा। अगर कोई सदस्य बोल रहे हों और चेयर से कहा जाय कि आप बैठिए तो आपको बैठना होगा। इस सदन की अपनी मर्यादा है। आप बैठिए। ... (व्यवधान) ... बोलिए राजनाथ सिंह जी।

श्री राजनाथ सिंह: श्रीमन्, उत्तेजित होने का कोई कारण नहीं है। सच बात यह है कि हम सभी जानते हैं कि इस्लामिक स्कूलों में जान-माना स्कूल नदवा स्कूल है। ... (व्यवधान) ...

श्री खान गुफरान ज़हीदी: आप इसको क्यों मेंशन कर रहे हैं ? ... (व्यवधान) ...

He has no right to mention it.

जहां का कमीशन है, वहाँ की बात करिए ... (व्यवधान) ...

उपसभाध्यक्ष: (श्री मोहम्मद सलीम): गुफरान साहब, आप बैठिए ... (व्यवधान) ... बैठ जाइए ... (व्यवधान) ...

श्री खान गुफरान ज़हीदी: उपसभाध्यक्ष जी, आपने रूलिंग बिल्कुल ठीक दी, आपने यह बात कही है, जहाँ का वाक्या है, जहाँ का कमीशन है और जिसका हवाला दिया गया है, भटकल, कर्नाटक के सिलसिले में आपने कहा, लेकिन ये ईमानदारी से आई०एस०आई० पर बात नहीं करना चाहते, सच्ची बात तो यह है कि आई०एस०आई० के साथ-साथ इनका जहन बंटता हुआ है, ये पूरे मुल्क में जितनी माइना निरीज़ हैं, उन सबको यह आई०एस०आई० के साथ जोड़कर देखने के आदी हैं उनका घर हो, उनका मकान हो हर जगह इन्हें आई०एस०आई० नजर आता है। ... (व्यवधान) ...

श्री राजनाथ सिंह: सवाल नहीं उठता, मैं इसका खंडन करना चाहता हूँ ... (व्यवधान) ...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): मिस्टर गुफरान, बैठिए, बैठ जाइए। ... (व्यवधान) ...

श्री खान गुफरान ज़हीदी: हमें, उपसभाध्यक्ष जी, एक बात कहनी है कि अगर ... (व्यवधान) ...

THE VICE-CHAIRMAN (SHRI MD. SALIM): On this point, You cannot make a speech.

आपको कोई ऑब्जेक्शन है तो बताइए।

श्री खान गुफरान ज़हीदी: ओ०के० आपकी रूलिंग के अनुसार बोलें तो हमें कोई ऑब्जेक्शन नहीं है।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): राजनाथ सिंह जी, अब आप समाप्त कीजिए। आप काफी बोल चुके हैं।

श्री राजनाथ सिंह: श्रीमन्, मैंने बोला ही कहाँ है। श्रीमन्, मैं यह निवेदन कर रहा था कि लखनऊ का नदवा स्कूल, यह इस्लामिक ... (व्यवधान) ...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप भटकल के बारे में, जगन्नाथ शेटी कमीशन की रिपोर्ट के बारे में ही बोलिए।

श्री राजनाथ सिंह: मैं उसी के बारे में कह रहा हूँ और सभी यह जानते हैं कि वहाँ आई०एस०आई० गतिविधियों में संलग्न कुछ लोग पकड़े गए थे और उस समय वहाँ के तत्कालीन मुख्य मंत्री ने जाकर क्षमा मांगी थी। हमारा यह कहना है कि इम्पीचमेंट के आधार पर, तृतीयकरण के आधार पर कभी भी आई०एस०आई० की गतिविधियों पर नियंत्रण नहीं पाया जा सकता। ... (व्यवधान) ...

श्री खान गुफरान ज़हीदी: यह आई०एस०आई० का फोबिया बोल रहा है। ... (व्यवधान) ...

श्री ईश दत्त यादव (उत्तर प्रदेश): मान्यवर, हम आपकी व्यवस्था चाहते हैं इसमें। ... (व्यवधान) ...

मौलाना हबीबुर्रहमान नोमानी (नाम-निर्देशित): हम यह कहना चाहते हैं कि ये सब बातें बड़ी गलत हैं। ... (व्यवधान) ...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): नोमानी साहब, आप बैठ जाइए। आप क्या व्यवस्था चाहते हैं। यादव जी? Please come to the point.

श्री ईश दत्त यादव: मान्यवर, हम आपसे यह व्यवस्था चाहते हैं कि माननीय सदस्य जो कुछ कहना चाहें कहें, लेकिन किसी स्कूल, किसी सम्प्रदाय या जाति के बारे में अगर कहेंगे तो इसके पीछे इनकी मंशा स्पष्ट लगती है कि ये साम्प्रदायिक दंगे भड़काना चाहते हैं और इसीलिए मान्यवर, मैं ... (व्यवधान) ...

श्री राजनाथ सिंह: मैं न स्कूल के खिलाफ बोल रहा हूँ, न सम्प्रदाय के ... (व्यवधान) ...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): राजनाथ जी, आप ऐसा कुछ न बोलें जिससे कि सेंटिमेंट हर्ट हो।

श्री राजनाथ सिंह: श्रीमन्, मैं यह निवेदन कर रहा था कि चाहे वह काशी हिन्दू विश्वविद्यालय हो, चाहे मंदिर हो, चाहे मस्जिद हो, चाहे वह नदवा स्कूल हो, जहां पर आतंकवादी पाए जाते हैं, उन्हें कदापि माफ नहीं किया जाना चाहिए, उनके विरुद्ध सख्त कार्रवाई की जानी चाहिए।

श्रीमन्, मैं जगन्नाथ शेट्टी इन्क्वायरी रिपोर्ट की चर्चा कर रहा था कि भटकल में जो पब्लिक रॉयट्स हुआ था, उसकी जांच के लिए इस कमीशन को बनाया गया था, लेकिन इस जगन्नाथ शेट्टी कमीशन ने जो अपनी रिपोर्ट दी है वह चार भागों में दी है और उसमें उसने इस्लामाबाद की जो गतिविधियां हैं, उनको भी उजागर करने का काम किया है और यह भी कहा है कि नेपाल, बंगला देश, म्यांमार, ये सब जो भारत की सीमाएं हैं, यहां पर आई.एस.आई. की आतंकवादी गतिविधियां बढ़ी तेजी से बढ़ रही है और ... (व्यवधान) ...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): हमारी अपनी भी कुछ समय की सीमाएं हैं, इसलिए आप कृपया कन्क्लूड कीजिए।

श्री राजनाथ सिंह: कल ही एक प्रश्न के उत्तर में भारत सरकार ने कहा है कि 1995, 96, 97 में चाहे वह जम्मू कश्मीर हो, उत्तर प्रदेश हो, नार्थ-ईस्ट हो, कुछ ऐसे राज्य हैं जहां पर कि आतंकवादी गतिविधियां कुछ ज्यादा चल रही हैं। इनके बारे में रिपोर्ट में यह बताया गया है कि वहां पर जितने फायर आर्म्स पकड़े गए हैं, एम्बुशेंस पकड़े गए हैं, आर.डी.एक्स. बरामद हुआ है, बराबर उनकी मात्रा और संख्या बढ़ती जा रही है। तो मैं यह कहना चाहता हूँ कि सरकार को इन गतिविधियों पर जैसा प्रभावी नियंत्रण करना चाहिए था, वैसा नियंत्रण यह सरकार नहीं कर पा रही है। मैं मांग करना चाहता हूँ कि सारा देश इस समय आतंकवादी गतिविधियों के कारण चिंतित है और हम चाहते हैं कि हमारे देश की एकता व अखंडता ... (व्यवधान) ...

श्री मोहम्मद आजम खान: आर.एस.एस. को बैन कर दिया जाए तो सब ठीक हो जाएगा ... (व्यवधान)

...

उपसभाध्यक्ष: (श्री मोहम्मद सलीम): आप बैठिए ... (व्यवधान)

श्री मोहम्मद आजम खान: उपसभाध्यक्ष महोदय, आर.एस.एस. ... (व्यवधान)

श्री त्रिलोकी नाथ चतुर्वेदी (उत्तर प्रदेश): उपसभाध्यक्ष महोदय, आर.एस.एस. का सवाल कहां है? आर.एस.एस. का सवाल क्यों ला देते हैं? वाईस चेयरमैन साहब, आपको थोड़ा नियंत्रण रखना पड़ेगा, कभी अयोध्या का नाम लेकर, कभी आर.एस.एस. का नाम लेकर बिना किसी वजह से ... (व्यवधान) ये तो गलत चीज है। ... (व्यवधान)

THE VICE-CHAIRMAN (SHRI MD. SALIM): Whoever speaks without my permission will not go on record.

विपक्ष के नेता (श्री सिकन्दर बख्त): सदर साहब, ऑनरेबल मेंबर अपनी बात खत्म कर रहे थे और ऐहत्यात बरत रहे थे कि किसी दूसरे का दिल न दुखे। उसके बाद ऐतरेजात कहां से कहां पहुंच रहे हैं? यह आर.एस.एस. का कहां से बुखार चढ़ा है? मेहरबानी होगी, इनको रोकें। इन्होंने अपनी बात खत्म कर दी है ... (व्यवधान)

اشتری سیکندر بخت: صدر صاحب انٲر بل
ممبر اپنی بات ختم کر دیے تھے اور احتیاط
برت رہے تھے کہ کسی دوسرے کا دل نہ
دکھے۔ اس کے بعد ایتراضات کھان سے
کھان تک پہنچ رہے ہیں یہ آر۔ ایس۔ ایس
کا کھان سے بخار چڑھا ہے۔ ممبر بانی ہونگی
انکو روکیں۔ انھوں نے اپنی بات ختم کر دی
ہے۔۔۔ ”مداخلت“۔۔۔

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप कन्क्लूड कीजिए।

श्री राजनाथ सिंह: श्रीमन्, मैं निवेदन कर रहा था कि हम सभी चाहते हैं कि इस देश में सांप्रदायिक सौहार्द कायम हो।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): श्रीमन्, मैं निवेदन कर रहा था कि हम सभी चाहते हैं कि इस देश में सांप्रदायिक सौहार्द कायम हो।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप डिमांड कर रहे थे।

श्री राजनाथ सिंह: वही मैं कह रहा हूँ इस देश की एकता और अखंडता को खतरा पैदा करने वाली चाहे कितनी भी बड़ी ताकत क्यों न हो, निश्चित रूप से उसके विरुद्ध इस सरकार को खड़ा होना चाहिए, सारे देश को खड़ा होना चाहिए और उस आतंकवादी को दंडित किया जाना चाहिए।

यह किसी जाति और मज़हब का क्यों न हो। इसलिए मैं चाहता हूँ कि (व्यवधान) तमिलनाडु में भी यही स्थिति बन रही है। इसलिए मैं चिंतित हूँ। मैं यह मांग करना चाहता हूँ भारत सरकार से कि ऐसे महत्वपूर्ण बिंदु पर सरकार की तरफ से एक स्टेटमेंट आना चाहिए। लेकिन आज तक आई०एस०आई० की गतिविधियों के बारे में सरकार के द्वारा सदन में कभी भी कोई स्टेटमेंट नहीं दिया गया। मैं यह भी मांग करना चाहता हूँ कि यह बुरत ही गंभीर मुद्दा है। इसलिए सरकार के द्वारा इन आई०एस०आई० की गतिविधियों के ऊपर एक व्हाईट पेपर, एक श्वेतपत्र जारी किया जाना चाहिए। यह मांग करते हुए मैं अपनी बात समाप्त करता हूँ।

RE: BURNING TO DEATH OF A RAPE VICTIM IN DELHI AND NEGLIGENCE OF GOVERNMENT HOSPITALS

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, I have no words to describe an incident that has taken place in the heart of Delhi. We have been discussing the role criminals; we have been discussing the failure of the police; we have been discussing the atrocities on women. But only yesterday, something has happened in Delhi which is beyond any description and needs to be condemned and the Government should take immediate action. It is like this.

A young lady was raped. She was raped in 1995 in September. After the gang rape, the lady was warned by the rapists not to go to the court. But the lady was a little more brave than what she appeared to be. She was a frail lady. But she was brave. She dared to go to the court. She dared to identify the rapists despite the threat to kill her. But the rapists did not make empty threats. After a few days, when this girl was alone in her house, she was dragged out.

It all happened in Delhi. She was dragged out of the house and taken to an empty piece of land. Kerosene was poured on her and she was put to fire. This is not the whole story. This is not even half the story.

After she was burnt, she did not die. She was taken to the Safdarjung Hospital for admission. Believe, it, believe me, Mr. Vice-Chairperson Sir, she was not admitted. The doctors on duty said it was a police case and she could not be admitted. (Interruptions).

AN HON. MEMBER: It was RML, not Safdarjung.

SHRI GURUDAS DAS GUPTA: It does not make sense. Whether it was RML or Safdarjung, she was refused admission by a Government Hospital. Of course, after she was denied admission, she was taken to another hospital. The poor half-burnt girl was treated only for three days, and after treating her for three days, she was being released. Just imagine! She could not go to her place because all sorts of criminals were there. She was put up in a nearby dharamsala and she had to walk every day in such an ailing condition from dharamsala to the Government hospital to get herself treated. After some time, she had again fallen sick. Sir, as you know, burn cases are never put on the stretchers because there is always a danger of infection. My information is that she contracted infection. She was almost cured but since she was released and she had to take a walk she had contracted infection a second time and because of that she was in a dangerous condition. In the meantime, a group of social activists approached a Minister of the Government, Shri Balwant Singh Ramoowalia, and he had to ring up the Superintendent of the hospital to admit her. She was readmitted at 8.30 and she died at 9.00 p.m. in the night. Sir, we know that the police does not act, we know people do not work in hospitals. But am I to understand that human heart does not bleed when a half-burnt lady moves out from one place to another? It

appears as if the whole system has gone wrong. It is not a question of politicisation. The whole system has gone wrong. Police had refused to arrest the culprit when the culprit held out a threat to the lady. She was told not to go to the court and identify the culprits. This is a story which has surpassed most of the human tragedies that I have come across in Delhi, after getting into Parliament. I demand that an immediate judicial enquiry should be held in the matter. I demand that the Home Minister must come and issue a statement. It is not a question of party. The Home Minister belongs to my party. That is a different matter. I am raising a question of woman being tortured. I am raising a question where police did not care. I am raising a question when doctors did not behave properly, I am raising a question when a poor lady, whose life could have been save, has been put to death because she dared identifying the culprits in a court of law. I do not know what view the Judiciary will take. But let Parliament take a view, let there be a judicial investigation of the whole matter, let the hon. Home Minister make a statement, let us know, once and for all, that the capital of the country cannot be allowed to become the capital of the criminals. We will not tolerate such things. We will not tolerate the police and the hospital administration to be so inhuman to human miseries. I want that the entire House should take the said view and compel the Government to come to the House and make a statement and order a judicial enquiry. *(Interruptions)*.

THE VICE-CHAIRMAN (SHRI MD. SALIM): We cannot have a discussion on this issue. *(Interruptions)* But the whole House associate itself with the sentiments expressed by Shri Gurudas Das Gupta. It is not an individual matter. It is a larger question. *(Interruptions)*

SYED SIBTEY RAZI: (Uttar Pradesh) The Government should issue a statement today. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI MD. SALIM): If you all agree, I can give a direction to the Government and that will be more helpful. *(Interruptions)* The whole House associate itself with the sentiments expressed by Mr. Gurudas Das Gupta. *(Interruptions)*

SHRI GURUDAS GUPTA: I want that by four o'clock, the Government must come and make a statement. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI MD. SALIM): I have already made it clear that Rajya Sabha is very much concerned about this incident. *(Interruptions)*

SHIR GURUDAS DAS GUPTA: No, Sir. We are not only concerned about this incident but we are also absolutely agitated over this issue.

THE VICE-CHAIRMAN (SHRI MD. SALIM): The Members support you on this question, and the way the things are going on, we cannot stop them by merely expressing our concern here. The Minister is here. He must communicate it to the Home Minister. The Home Minister must come and inform us what steps he is going to take to correct this. The Government should take measures. We must stop this. We must put a stop somewhere. This cannot be allowed to slide further. ...*(Interruptions)*... Mr. Minister, do you have to say something? You can assure us

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI T.R. BAALU): Sir, I will convey it to the Home Minister. ...*(Interruptions)*...

डा० (श्रीमती) उर्मिलाबेन चिमनभाई पटेल (गुजरात): ज्यूडिशियल इन्क्वायरी के अलावा यह स्पष्ट होना चाहिए कि प्युवर में ऐसा नहीं होगा, इसके बारे में आश्वासन मिलना चाहिए।*(व्यवधान)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): मंत्री जी को बोलने दीजिए; The Home Minister is not here at the moment ...*(Interruptions)*... He is the Oil and

Natural Gas Minister, but he handles a highly internal substance. Please speak, Mantriji.

SHRI T.R. BAALU: Sir, I will convey the feelings of the Members to the Home Minister. ...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA: We could not hear what the Minister said.

THE VICE-CHAIRMAN (SHRI MD. SALIM): He will convey this to the Home Minister.

श्रीमती वीणा वर्मा (मध्य प्रदेश): सदन की तरफ से एक आदेश आना चाहिए कि कोई भी ऐसा कानून जिसमें महिलाओं को जलाया गया हो ...*(व्यवधान)*...

SYED SIBTEY RAZI: Is the Home Minister coming with a statement today itself? ...*(Interruptions)*...

श्रीमती वीणा वर्मा (मध्य प्रदेश): इस तरह की घटनाओं में एक आदेश आना चाहिए। ...*(व्यवधान)*... इस तरह की घटनाएं जो महिलाओं के साथ होती हैं, उनमें सदन की तरफ से डायरेक्शन आना चाहिए और होम मिनिस्टर साहब को स्टेटमेंट देना चाहिए कि इस तरह के केसिस को लटकाना नहीं जाएगा और उन्हें फोर एडमिट कर लिया जाएगा। ...*(व्यवधान)*...

SYED SIBTEY RAZI: Sir, we are all concerned. It is a very pathetic story and the Home Minister should come here and give us the details of the incident today and tell us what action he is going to take ...*(Interruptions)*... whether he is going to institute a judicial enquiry or he is going to suspend the person responsible ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): It is all the more important because the Prime Minister has mentioned that the law and order situation is ...*(Interruptions)*...

SYED SIBTEY RAZI: He should tell us when the Home Minister is coming.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Sibtey Razi, you are a senior Member. You know that he

cannot fix up the time. The Home Minister will tell you that ...*(Interruptions)*... The Home Minister would come to the House and make a statement ...*(Interruptions)*...

एक माननीय सदस्य: सब लोग बोल रहे हैं। वीणा जी, आप बोलिए ...*(व्यवधान)*...

श्रीमती वीणा वर्मा: अफसोस की बात है कि महिलाओं के विषय में सिर्फ पुरुष ही ...*(व्यवधान)*...

सैयद सिब्ते रज़ी: यह तो अच्छी बात है।

श्रीमती वीणा वर्मा: अच्छी बात नहीं है। सबसे ज्यादा समस्या का कारण ही पुरुष हैं। ...*(व्यवधान)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Shri S. Muthu Mani. Now we will take up Special Mentions. ...*(Interruptions)*...

SHRI NARENDRA MOHAN (Uttar Pradesh): Sir, is the Home Minister coming today or will he come tomorrow? ...*(Interruptions)*...

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): Sir, please allow me to speak.

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh): Sir, if they have to say something, then we also have to say something!

SHRIMATI RENUKA CHOWDHURY: I think, if you allow us to say something about our plight and then you endorse that, we will be more grateful to you.

SHRI TRILOKI NATH CHATURVEDI: You can certainly express or articulate your plight, I have no objection to that, but ...*(Interruptions)*...

SHRI NARENDRA MOHAN: When is the Home Minister coming?

THE VICE-CHAIRMAN (SHRI MD. SALIM): I will allow Mrs. Renuka Chowdhury only if that does not lead to a

further discussion ...*(Interruptions)*... So, you have withdrawn your objection. आप क्लीयर क्यों नहीं होते हैं। मैंने बोला कि हम यहां अभी समय ठीक नहीं बता सकते हैं लेकिन होम मिनिस्टर को स्टेटमेंट देना पड़ेगा। मंत्री जो होम मिनिस्टर को बताएंगे।

SHRI NARENDRA MOHA: Is the Home Minister coming today or tomorrow?

SHRIMATI RENUKA CHOWDHURI: Mr. Cive-Chariman, this House has witnessed over a period of time the atrocities beyond endurance, and this House, its good sense, has stood by women repeatedly. Repeatedly, such incidents have been brought to the forefront, yet crime against women is reduced to statistics and one more shall come and life shall go on and on. This is the cynicism with which we are going besieged. The capital of our nation has witnessed heinous and horrendous crimes committed against women, compounded by the fact that there is a total administrative failure and that those who are to look after us, do not even admit us into hospitals. These are acts of inhuman barbarity. Sir, it is not enough that we take these cases in isolation. I think this House should also empower a person or constitute a committee, whatever is in the wisdom of the Chair, and unless we make an issue of this case, this sort of crimes are likely to go on repeatedly. I would ask people who are well-acquainted with the rules and with the methods of exercising their minds, to demand that if a Government hospital is found guilty, after an inquiry or after finding out the facts, of not admitting this woman, the persons who have failed in performing their duty should be summoned to the House. People who failed to do their duty, people who have denied the citizens of this nation access to laws, that bind us together, must be summoned to this House.....

1.00 P.M.

and reprimanded so that this kind of an act of neglect would not be repeated. If we do not go to this extreme, there

would be no answer to this. The gender bias will continue. When we asked for 33% reservation for women it is not for increasing our number in the Parliament but for our protection in the society.

SPECIAL MENTIONS

Urgency to set up a High Court Bench at Madurai

SHRI S. MUTHU MANI (Tamil Nadu): Mr. Vice-Chairman, Sir, I would like to draw the attention of the Government, through you, to an unduly delayed matter regarding the setting up of a Bench of the Madras High Court at Madurai. I had raised this issue in this august House on 10th August, 1994 and on 25th April, 1995. Over two crores of people living in the southern districts of Tamil Nadu have been demanding the setting up of a Bench of the Madras High Court at Madurai for a long time. The Jaswant Singh Commission, after visiting Madurai and ascertaining the views of the people from different walks of life and after satisfying itself with the facilities provided, recommended the setting up of a Bench of the Madras High Court at Madurai in 1985. The recommendations were then referred to the Government of Tamil Nadu in 1986 for its comments. The then AIADMK Government headed by our beloved leader, late MGR, promised to provide whatever facilities the State ought to have provided. The Tamil Nadu Government had extended every possible help and allocated funds for setting up a Bench. Later, our leader, the former Chief Minister of Tamil Nadu, Dr. Puratchi Thalaivi, had also allocated Rs. 10 crores for establishing a bench at Madurai. An area of 96.4 acres of land had been identified at Ulagareri near Madurai. A committee of judges had also approved the site. The lawyers of southern districts have been taking up cases before the High Court and the Supreme Court and have brought laurels to their profession. Yet the setting up of a Bench at Madurai has been delayed. I don't

know who is responsible for this delay, whether it is the Centre or the State. It would of Uttar Pradesh, Maharashtra, Madhya Pradesh, Bihar and Rajasthan are having Benches of their respective High Courts in other places of the State. Madhya Pradesh and Maharashtra are having two Benches in addition to the principal seat of the High Court. The Centre and the State Government should understand the fact that justice delayed is justice denied. On behalf of the Southern Districts Bar Association, senior advocates, namely, Thiru. Vallaichamy and Thiru A.K. Ramasamy, and a few other lawyers met the present Chief Minister of Tamil Nadu and requested him to allocate funds for the setting up of a Bench. Though an assurance was given by the Chief Minister of Tamil Nadu, no fund was allocated in the State Budget. Therefore, the lawyers of southern districts went on boycotting the courts from 10th March, 1997, to press their demand for setting up a Bench of the Madras High

Court at Madurai immediately. They have the support of the public, the students and the people from different walks of life and they are fighting for justice to the common man. This strike will lead to different forms of agitations, if the matter is not taken up seriously by the Government. The Government should understand that decentralisation is equally important for the successful functioning of the judiciary also. It is the bounden duty of the Centre to see to it that the State Government does not unnecessarily delay the setting up of a Bench of the High Court without any valid reason. When the State fails in its duty to initiate steps to acquire land and begin the construction of a new building at the decided place, it is the Centre's duty to ask for the files and direct the State Government to swing into action. Therefore, firstly, I demand that the Government of Tamil Nadu should be asked to immediately begin the acquisition of land and start the construction of a building at the earliest. My second demand is that necessary

funds should be allocated for creating infrastructure within a timeframe. My third demand is that until the construction of permanent court premises is completed, a Bench of the Madras High Court should be allowed to function from the premises of the District and Sessions Court at Madurai. My fourth demand is that if the Judges desire to have any modifications or additions to the existing Sessions Court building, they should be carried out on a war-footing and the Bench should be allowed to function there. Thank you.

SHRI R. MARGABANDU (TAMIL NADU): Sir, I rise to associate myself with this issue. There are 15,000 lawyers in the 14 districts of Tamil Nadu.

THE VICE-CHAIRMAN (SHRI MD. SALIM): You only associate yourself.

SHRI R. MARGABANDU: Sir, the people of Tamil Nadu have been agitating for the setting up of High Court Bench at Madurai for more than a decade. Sir, a High Court Bench can be accommodated even in the existing building of the Court. There is sufficient space for conducting proceedings. I my request to the Government is steps should be taken immediately to set up a Bench in the existing building.

SHRI N. THALAVAI SUNDARAM (TAMIL NADU): Sir, I also associate myself with this issue.

SHRI V.P. DORAISAMY (TAMIL NADU): Sir, I associate myself with this issue. Sir, the Tamil Nadu Government has given Rs. 4.50 crores.....

THE VICE-CHARMAN (SHRI MD. SALIM): You need not give explanation on behalf of the Tamil Nadu Government.

SHRI V.P. DORAISAMY: I am not defending the Government.....

SHRI N. THALAVAI SUNDARAM: Sir, the amount is not sufficient for setting up a High Court Bench at Madurai. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): I have to take the sense of the House. ... (Interruptions)... Please sit down. आप पहले बोल लें। हम लन्च के लिए एडजॉन करेंगे, अभी बारह मेम्बर हैं।

श्री सतीश अग्रवाल (राजस्थान): हम लन्च में चले-जायेंगे, अभी आप खत्म कर लीजिये। रेलवे बजट शाम पांच बजे के बाद शुरू करना पड़ेगा। काम खत्म करिये, काम बहुत ज्यादा है।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): स्पेशल मैशन का हम दो-तीन दिन से इंतजार कर रहे हैं।

श्री सतीश अग्रवाल: कारण यह है कि अभी तय नहीं किया है कि शनिवार को बैठेंगे, रेलवे बजट शाम पांच बजे बाद शुरू करना पड़ेगा।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप लोग को-ऑपरेट करेंगे तो हम लन्च आकर डिले करके इसको फिनिश कर लेंगे। शिव चरण सिंह जी बोलिए।

Plight of Beedi Workers

श्री शिव चरण सिंह (राजस्थान): मान्यवर, आपको ज्ञात होगा कि देशभर में लगभग पन्द्रह लाख बीड़ी मजदूर हैं। इन बीड़ी मजदूरों के हितों की रक्षा हेतु 1966 में "बीड़ी सिगार एक्ट" आया था। उसके बाद से आज तक बीड़ी मजदूरों की संख्या बढ़ती चली गई और आज देश में पांच लाख से पन्द्रह लाख संख्या हो गई है लेकिन उनके हितों की रक्षा के लिए कानून में कोई सुधार नहीं लाया गया है। कुछ बीच-बीच में जो सुधारवादी कदम उठाये गये उनकी फैसिलिटीज के लिए, उन पर भी लेबर मिनिस्ट्री की अनुपालना पूर्ण तरीके से नहीं है।

बीड़ी मजदूरों के हितों की रक्षा दो तरह से होती है, एक—उनके मिनिमम वेजेज की रक्षा स्टेट लेबर कमिशनर करता है और बाकी और प्रेविडेंट फंड्स, बोनस और दूसरी योजनाएं हैं उनका अनुपालन केन्द्रीय सरकार करती है। लेकिन केन्द्रीय सरकार का लेबर डिपार्टमेंट इतना ढीला है कि डिपार्टमेंट की तरफ से कोई मॉनिटरिंग नहीं की जाती और जो उनको दी जाने वाली सुविधाएं हैं उनके बारे में कुछ नहीं है। मान्यवर, देखिए, सुप्रीम कोर्ट ने यह जजमेंट दिया था कि बीड़ी मजदूरों की न्यूनतम मजदूरी सुप्रीम कोर्ट की आज्ञा के अनुसार होगी लेकिन किसी अराज्य सरकार ने आज तक न्यूनतम मजदूरी जो सुप्रीम कोर्ट की आज्ञा के अनुसार लगभग पचास रुपये की है, देनी स्वीकार नहीं की बल्कि बीस-पच्चीस-तीस

रुपये से ज्यादा मजदूरी नहीं मिल रही है। इसी प्रकार से केन्द्रीय सरकार ने 1993 में छूट दी थी बीड़ी मजदूरों के लिए, जो वेजेज थे उस बारे में, सहकारिता योजना के बारे में, वह योजना भी चालू नहीं हुई।

मान्यवर, आपको ताजुब होगा कि 15 सितम्बर, 1985 को सुप्रीम कोर्ट ने यह निर्णय दिया कि 1977 से पीएफ लागू होगा लेकिन पीएफ की पास बुक मजदूरों को नहीं मिलती। पन्द्रह लाख मजदूरों में से केवल ढाई लाख पीएफ की बुक-लैट बनीं हैं। आइडेंटिटी कार्ड पूरे नहीं किए, यह दशा महकमे की है। खाली ढकोसले बाजी कानून के राज की क्यों की जाती है? पन्द्रह लाख मजदूरों में से ढाई तीन लाख मजदूरों की पीएफ की बुक-लैट मिलती हो, उनको कोई फैसिलिटीज नहीं दी जाती हों, उनके बच्चों को दिया जाना वाला वजीफा नहीं दिया जा रहा हो, उनको जो को-ऑपरेटिव योजना की योजना में लाभ देने वाली चीजें थी वे न दी जाती हों तो यह सरकार किस काम के लिए है?

मैं आपके माध्यम से सरकार से यह जानना चाहता हूं कि इस विषय पर लेबर मिनिस्टर एक पूरी स्टेटमेंट दें कि क्या 1966 से जब से बीड़ी-सिगार-एक्ट मजदूरों के हितों के लिए आया है उसके बाद से भारत सरकार ने क्या फैसिलिटीज इनको दी है, क्या-क्या कानूनी सुविधाएं दी हैं और उनका अनुपालन हो रहा है या नहीं? यदि नहीं हो रहा है तो इसका कारण क्या है? इसका सर्वे करवाया जाये कि सारे भारत में बीड़ी मजदूरों का किस प्रकार से शोषण हो रहा है, उस पर जांच कराई जाई। इन्हीं शब्दों के साथ, आपके हुक्म के अनुसार मैं आपकी आंखें देखते हुए अपनी बात समाप्त करता हूं।

उपसभाध्यक्ष (मोहम्मद सलीम): सब लोग को-ऑपरेट करेंगे तो जितने स्पेशल मैशन के लिए बैठे हैं सबका नम्बर आ जायेगा।

Police Atrocities and inhuman action by applying Tiger Balm in the eyes of suspects in Rajkot

SHRI BRAHMAKUMAR BHATT (Gujarat): Sir, I would like to draw the attention of this House to the atrocities committed by the police on people in custody. This particular incident resembles the Bhagalpur blinding incident which took place a few years ago. This happened in Rajkot. This is a glaring example of what police can do to people in custody. Five people were caught while

gambling on the road side. It was alleged that one of them was carrying charas and another man had committed some theft. This was the suspicion of the police officer, an IPS officer of the rank of Deputy Commissioner of Police. He took these people into police custody. The police officer is one Mr. K.L.N. Rao. This police officer applied tiger balm in the eyes of seven people who were in police custody. Tiger balm is very strong balm. It originally came from Singapore where a garden is named after it. This balm was applied in the eyes of these people. The Deputy Commissioner of Police, who is under the direct command of the Government of India himself applied this balm in the eyes of an ex-army personnel. They were threatened from telling about this to anybody. But one of them went to an eye hospital for treatment and informed the doctor that tiger balm was forcibly applied in his eyes by the police. This doctor informed about this to another police officer. The Human Rights Commission from Delhi then filed a petition in the Gujarat High Court against Mr. K.L.N. Rao. The Gujarat Government entrusted this case to the IG (Crimes) one Mr. Gurdayal Singh. Meanwhile, the Deputy Commissioner of Police, Mr. K.L.N. Rao applied for anticipatory bail. He knew that he would be arrested. He was arrested and then released on bail. The Gujarat Government asked Mr. Gurdayal Singh to take him on remand. The seven people into whose eyes tiger balm was applied would most likely lose their eye sight or their eyes would be partially damaged. The irony is, there is a board in every police station which says: "May I help you." But this is the kind of help that police extend. Just ten days back, a Deputy Superintendent of Police and a police inspector were sentenced to life imprisonment for causing death in police custody. What is going on in police stations? A man was beaten up by the police and he died instantly. People in police custody are vulnerable to police

atrocities. So many deaths take place in police custody. This ghastly incident of applying tiger balm in the eyes of people should be thoroughly investigated by the Government of India. The Home Ministry should initiate an inquiry into this. The IPS officer who was involved should be punished. I hope the Government of India would do all that is necessary.

Closure of Cement Factory at Sawaimadhopur

श्री मूलचन्द मीणा (राजस्थान): उपसभाध्यक्ष महोदय, मैं सरकार का ध्यान सीमेंट फैक्टरी सवाईमाधोपुर की ओर और वहां के मजदूरों के साथ जो घटना हो रही है, उसकी ओर दिलाना चाहूंगा। महोदय, यह सीमेंट फैक्टरी 1987-88 में बंद हुई थी। बी०आई०एफ०आर० जो बोर्ड है, उसके माध्यम से एक उद्योगपति कमल मोरारका ने सरकार और बोर्ड को धोखा दिया। क्योंकि इस सीमेंट फैक्टरी की सवाईमाधोपुर, जयपुर, दिल्ली, मुंबई के अंदर बहुत प्राप्टी है, कम से कम दस अरब रुपये की प्राप्टी सीमेंट फैक्टरी की कुल मिलाकर है। इसलिए इस सीमेंट फैक्टरी की प्राप्टी को हड़प करने के लिए उद्योगपति कमल मोरारका ने यह कहकर कि यह फैक्टरी में चलाऊंगा, बी०आई०एफ०आर० में फैसला अपने फेवर में करा दिया। उसके बाद उन्होंने वहां के के मजदूरों को कोई तनख्वाह नहीं दी। सीमेंट फैक्टरी में जो सीमेंट और काँच पर रखा गया था उसको बाहर निकालने के लिए केवल दो-दो महीने की तनख्वाह मजदूरों को दी और उसके बाद उसमें से अरबों रुपये का सीमेंट और काँच पर फैक्टरी से निकालकर बाहर ले गये। राज्य सरकार की देनदारी थी फैक्टरी के ऊपर, उसको राज्य सरकार से माफ कर लिया और उस फैक्टरी को 1995 में अपने हाथ में लिया और पुनः बंद कर दिया। वहां पर 6 हजार मजदूर उस फैक्टरी में रहे रहे हैं। उनकी लाइट बंद कर दी गई, पानी बंद कर दिया गया है। मोरारका का यह उद्देश्य नहीं है कि वह फैक्टरी चले, वहां की जो सम्पत्ति थी उसको वहां से हटाने के लिए मोरारका जी ने अपने हक में बी०आई०एफ०आर० से फैसला करवा लिया। मैं सरकार का ध्यान आकर्षित करना चाहूंगा बी०आई०एफ०आर० का जो चेयरमैन है और मोरारका ने मिल कर सरकार को धोखा दिया है। मजदूरों के साथ चीटिंग की है। उनके खिलाफ कार्यवाही की जाए और उस फैक्टरी को किसी दूसरे उद्योगपति को दिया जाए या को-आपरेटिव सोसाइटी बनाई जाए,

श्रमिकों द्वारा इसे चलाया जाए नहीं तो वहां पर जो श्रमिक रह रहे हैं उनको अपने परिवार का पालन-पोषण का बहुत भारी संकट का सामना करना पड़ रहा है। मैं आपका ध्यान आपके माध्यम से सरकार का ध्यान उन श्रमिकों की ओर और इस फैकटरी को पुनः चालू करने की ओर दिलाना चाहूंगा। यहीं में कहना चाहता हूँ। जय हिन्द।

Demand for Stoppage of Rajdhani Express, A.K. Rajdhani Express and Jammu-Tawi Express at Borivali Station in Mumbai

श्री संजय निरुपम (महाराष्ट्र): धन्यवाद, उपसभाध्यक्ष महोदय। मैं मुंबई की जनता की तरफ से आपका और सदन का ध्यान पश्चिमी रेलवे की तीन ऐसी ट्रेनों की ओर दिलाना चाहता हूँ जो गुजरात से चल कर सीधे सेंट्रल मुंबई रुकती हैं जबकि पश्चिमी रेलवे की जितनी ट्रेनें मुंबई जाती हैं तकरीबन सारी ट्रेनें बोरीवली रुकती हैं। बोरीवली एक ऐसा स्टेशन है जहां मुंबई के तमाम सब-अरबन इलाके के लोग ट्रेन लेते हैं या ट्रेन से उतरते हैं। यह तीनों ट्रेनें राजधानी एक्सप्रेस, अगस्त क्रान्ति राजधानी एक्सप्रेस और जम्मू-तावी एक्सप्रेस, सुपरफास्ट ट्रेन हैं। इन तीनों ट्रेनों की बोरीवली स्टेशन पर टिकटों के लिए पिछले कई सालों से मांग हो रही है लेकिन रेल मंत्री जी इस मांग की ओर ध्यान नहीं दे रहे हैं। मैं आपके माध्यम से रेल मंत्री जी तक यह बात पहुंचाना चाहता हूँ। अगर यह तीनों ट्रेनें बोरीवली रुकती हैं तो इसके तीन फायदे होंगे। पहला फायदा यह होगा कि इन तीनों ट्रेनों से जो यात्री आते हैं, वह यात्री सीधे दक्षिण मुंबई और सेंट्रल स्टेशन पर उतरने के बजाय सब-अरबन एरिया में उतरेंगे। ज्यादा जनता सब-अरबन एरिया में उतरेंगी तो उन्हें दक्षिण मुंबई जो आलरेडी क्राउडेड क्षेत्र है, वहां ट्रेफिक का ज्यादा बोझ है, उस ट्रेफिक के बोझ को थोड़ा कम कर पाएंगे। दूसरा फायदा यह होगा कि सेंट्रल मुंबई स्टेशन पर पहले ही बहुत ज्यादा ट्रेनें रुकती हैं। उन ट्रेनों से जो यात्री उतरते हैं उससे मुंबई सेंट्रल स्टेशन बहुत ज्यादा क्राउडेड हो जाता है। यदि बोरीवली स्टेशन पर इन तीनों ट्रेनों को स्टापेज मिलता है तो आपसे अधिक यात्री बोरीवली स्टेशन पर उतर जाएंगे जिससे सेंट्रल मुंबई स्टेशन पर बोझ थोड़ा कम हो जाएगा। तीसरा मुद्दा यह है कि सेंट्रल मुंबई स्टेशन रैजिडेंशियल एरिया में नहीं पड़ता। यह साग एरिया तकरीबन कमर्शियलाइज्ड हो गया है। ज्यादातर रैजिडेंशियल एरिया सब-अरबन मुंबई में है। यात्री ज्यादातर रैजिडेंशियल एरिया के होते हैं। अगर इन तीनों ट्रेनों को बोरीवली स्टेशन पर स्टापेज दिया जाता है तो

मुंबई के तकरीबन 45 लाख यात्री जो वेस्टर्न रेलवे की ट्रेनों से उत्तर और पश्चिमी क्षेत्रों में सफर करते हैं, उन्हें राहत मिल जाएगी। धन्यवाद।

श्री शत्रुघ्न सिन्हा (बिहार): उपसभाध्यक्ष महोदय, मैं भी इस मांग का समर्थन करता हूँ।

Need to Declare Nirala, Premchand and Ghalib's Houses as National Monuments and Establishment of Fund/Trust for the Assistance of Litterateurs

श्रीमती वीणा वर्मा (मध्य प्रदेश): उपसभाध्यक्ष महोदय, मैं अपने इस विशेष उल्लेख के द्वारा एक बहुत ही गम्भीर विषय की ओर सदन का ध्यान आकर्षित करना चाहती हूँ। हम आजादी का 50वां वर्ष मनाने जा रहे हैं। इसके उपलक्ष्य में निराला, प्रेम चन्द और मिर्जा ग़ालिब के घरों को स्मारक बनाया जाए। वह साहित्यकार, कलाकार और अन्य आर्टिस्ट जो अब अत्याचार और शोषण के अंतर्गत जी रहे हैं उनके लिए ट्रस्ट की स्थापना करके एक कोष की स्थापना की जाए जिसके द्वारा उनको आर्थिक शोषण से बचाया जा सके जिससे यह बेहतर रचनाएं कर सकें। साहित्यकार समाज का दर्पण होता है। माननीय उपसभाध्यक्ष महोदय, मैं आपको बताना चाहती हूँ कि कुछ दिन पहले हिन्दी के एक अखबार में एक खबर छपी है कि पद्मश्री अवाड्डेड ध्रुपद गांधिका असगरी बाई अपर पद्मश्री और तानसेन सम्मान व शिखर सम्मान जो उनके मिला था वह लौटाना चाहती है और उसके बारे में उन्होंने मध्य प्रदेश सरकार को पत्र भी लिखा है कि वह भूखों मर रही है जिससे कि वह अपने मनमाने ढंग से जिन्दगी गुजर-बसर कर सके। एक और अखबार कटिंग की तरफ मैं ध्यान दिलाना चाहती हूँ। बंगाल की उत्पला सेन जो कि एक मशहूर गाजिका रही हैं जिन्होंने सहगल साहम के साथ भी गाया, उन्होंने कहा है कि जब उनको कोई एक प्राइवेट चेरिटेबल संस्था के संचालक राशन देने गए और पांच सौ रुपये महीने के दस किलो चावल और बीस किलो गेहूं और आटा-तेल तथा उन्हें चार साड़ियां, ब्लाउज़ और चार पेटीकोट दिए तब उन्होंने उनके हाथ पकड़ कर कहा कि यह राशन हर महीने मुझे देने आओगे। यह स्थिति हमारे साहित्यकारों और कलाकारों की है जो सिर्फ भविष्य दृष्टा ही नहीं होते बल्कि उन्होंने स्वतंत्रता दिलाने में, आजादी की लड़ाई में भी अपना महत्वपूर्ण योगदान दिया। ...**(व्यवधान)** उपसभाध्यक्ष महोदय, मुझे थोड़ा सा और समय दीजिए। ...**(व्यवधान)**

उपसभाध्यक्ष (श्री मोहम्मद सलीम): बहुत से और भी सदस्य हैं।

श्रीमती वीणा वर्मा: मैं बहुत संक्षेप में कहूंगी। लेकिन हम उनके बारे में सोचते नहीं हैं। कवि प्रदीप के बारे में है। अभी लता मंगेशकर जी ने एक प्रोफार्मेस दिया वह इस देश की प्रसिद्ध गायिका हैं, उन्होंने एक लाख रुपये का चैक दिया, कवि प्रदीप जिन्होंने "ए मेरे वतन के लोगो" कविता बनाई और लता जी ने गाई, उनके लिए दिया और यह कहा कि वह भूखों मर रहे हैं। कवि प्रदीप भूखों मर रहे हैं यह कह कर एक लाख रुपए का चैक दिया। एक बार कुछ समय पहले मेरी भी ऐसी जानकारी में आयी थी कि साहित्य अकादमी अवार्डेंड श्री मोहन लाल भंवरीया, अखबारों में था कि उन्होंने अपना स्मृति चिन्ह जो उसको पुरस्कार मिला था उसको बेच कर रोटी खाई। मैंने मंत्री जी को लिखा तो उन्होंने फैसल उसको सहायता दी। कौन नहीं जानता कवि प्रेम चन्द, इकबाल, मुक्ति बोध, निराला, राम प्रसाद बिस्मिल उनकी बहन सड़कों पर भीख मांगती है। उपसभाध्यक्ष महोदय, आप साहित्य प्रेमी हैं, संगीत प्रेमी हैं, आप इस स्थिति से वाकिफ हैं तो मैं आज सदन के इस मौके का फायदा उठाते हुए इस सदन में उन साहित्यकारों, कलाकारों के लिए कुछ मांगे रखना चाहती हूँ। एक तो जो हमारे प्रसिद्ध राष्ट्र कवि, साहित्यकार हैं उनकी मृत्यु के दस वर्ष के अन्तराल में उनके स्मारक बनाए जाएं। दूसरा एक ट्रस्ट की स्थापना की जाए और एक कोष स्थापित किया जाए। काँपी राइट लेखकों, साहित्यकारों का जो शोषण होता है, उसको कम करने के लिए जब काँपी राइट खत्म किया जाता है लेखक की मृत्यु के 50 या 60 वर्ष बाद तो सरकार व प्रकाशक मिल कर उनको दस लाख रुपया एकमुश्त राशि दें और साहित्यकार, कलाकार इन लोगों के व्यक्तित्व और कृतित्व पर सरकार योजनाबद्ध ऐसा कोई कार्यक्रम बनाकर, इनके ऊपर फिल्म बनाए, वृत्तचित्र बनाए। मैंने पिछले दिनों हमारी हिन्दी की सलाहकार समिति में विचार रख कर और 7-8 वर्षों की रिसर्च के बाद हमारे भारतीय दूरदर्शन समाचारों में संस्कृति समाचार जुड़वाए थे जिससे इस देश की कला व संस्कृति उभरकर आए और इस देश की एक पहचान बन सके, वह पिछले साल से बंद कर दिया गया। माननीय उपसभाध्यक्ष महोदय, मैं कहना चाहती हूँ कि कला और संस्कृति को आगे बढ़ाने के लिए, प्रमोट करने के लिए ... (व्यवधान) समाचारों को प्रस्तुत करें।

मेरी यही मांगें हैं। आपने समय दिया इसके लिए धन्यवाद।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप सब एजीटेड थे, the whole House expresses its concern.

SHRI SURINDER KUMAR SINGLA (Punjab): Sir, I am not only associating myself with what Shrimati Veena Vermaji has said but also I want to compliment her because she has raised a very pertinent issue which needs to be acted upon by the Government. It is a noble suggestion and it should really make the Government to think on those lines. Artists and others come from all walks of life. They do a creative job. They should be supported by means of a permanent trust which should be funded by the Government.

श्री नरेन्द्र मोहन (उत्तर प्रदेश): उपसभाध्यक्ष महोदय, मैं एक बात कहना चाहूंगा कि भारत सरकार ने इसके बारे में योजनाएं बनाने की बात तो बहुत पहले से की हुई है, लेकिन अभी तक स्पष्ट योजनाएं नहीं आई। मेरी एक सांस्कृतिक कार्य मंत्री से बात हुई थी। उन्होंने यह कहा था कि निराला जी के, बाल कृष्ण वर्मा 'नवीन' के संदर्भ में और पारशर जी, जिन्होंने "झंडा ऊंचा रहे हमारा" का गाना लिखा था....।

उन के सौ वर्ष पूरे हो गए हैं, उन के लिए वह कुछ करेगी। उनके परिवारों के लिए कुछ करेगी। कुछ योजनाएं बनाएंगी, लेकिन अभी तक कुछ नहीं हुआ है। महोदय, यहां केवल कोरे आशवासान दे दिए जाते जोकि ठीक नहीं है। धन्यवाद।

श्रीमती चन्द्रकला पाण्डेय (पश्चिमी बंगाल): उपसभाध्यक्ष महोदय, मैं वीणा वर्मा जी से एसोसिएट करते हुए यह मांग करना चाहती हूँ कि समस्त भारतीय भाषाओं के जो सुप्रसिद्ध कवि हैं जिन को ज्ञानपीठ अवार्ड मिल चुका है, उन के लिए सरकार कल्याण राहत कोष बनाए और उन के परिवारों की मदद करे।

THE VICE-CHAIRMAN (SHRI MD. SALIM): Hon. Home Minister is here. Mr. Home Minister, perhaps your colleague, Mr. Baalu has communicated it to you. We had asked him that it should be communicated to you. The whole House was agitated on a matter raised by Shri Gurudas Das Gupta. Since

you are here, would you like to react now. They had demanded a statement from the Home Minister on the matter raised by Shri Gurudas Das Gupta.

RE: BURNING TO DEATH OF A RAPE VICTIM IN DELHI AND NEGLIGENCE OF GOVERNMENT HOSPITALS (CONTD.)

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA): Sir, I am not in a position to make a statement just now. The House has been agitated justifiably over this very shocking incident which has been reported in the Press. I have nothing at the moment to go by except by what has appeared in the Press, which is shocking enough, about this lady, Rajwanti, who, according to this report, has been a victim of rape a couple of years ago which followed revenge taken upon her because she wanted to divulge the identity of the rapist and then she was set on fire, burnt and she was taken to the hospital. The allegation is that the hospital a Government hospital, first refused to admit her and later on while she was still in a critical condition, she was forced by the hospital authorities to leave the hospital on the plea that there was no room to keep her or that she was not in such a serious condition. Then she went to another hospital. There she was admitted perhaps with the help of one of our Ministers and later on she succumbed to her injuries.

It is a very shocking case, particularly because it has happened in the Capital of the country where we know that atrocities against women have been going on at a very alarming and disturbing rate and have been increasing. So, all I can say at the moment is that we will, of course, make a thorough inquiry into the whole affair and after that I will come and report to the House the action that has taken. I can assure this to the House. (Interruptions)

SHRI NARENDRA MOHAN: Sir, the hon. Minister has just expressed the

desire that he will be able to submit a report after the inquiry. My request is this. My request is (Interruptions)

मौलाना अबुदुल्ला खान आज़मी: (बिहार) महोदय, हम लोग इस सिलसिले में जूडिशियल इन्क्वायरी की मांग करते हैं और चाहते हैं कि उन डाक्टरों और हास्पिटल के जिम्मेदार लोगों को हाउस में बुलाकर बयान लिया जाए।

†[مولانا عبید اللہ خان اعظمی: مہودے۔ ہم لوگ اس سلسلے میں جوڈیشیل انکوائری کی مانگ کرتے ہیں۔ اور چاہتے ہیں کہ ان ڈاکٹروں اور ہسپتال کے ذمہ دار لوگوں کو صحنوں میں بلا کر بیان لیا جائے۔]

SHRI GURUDAS DAS GUPTA: Sir, a normal inquiry by an agency of the Police will be fruitless because it is the high-ups in the Police who are responsible. Therefore, there should be an inquiry, but not by the Police. If you take into consideration our opinion, we want a judicial inquiry. It is for the hon. Home Minister to take a decision. We want a thorough probe, an impartial probe, to find out who is responsible. It is for him to tell the House how it is going to be done.

SHRI NARENDRA MOHAN: My request to the Home Minister is... (Interruption)

SHRI SATISH AGARWAL (Rajasthan): I agree with what Mr. Gurudas Das Gupta has said. It is a horrendous crime that has been committed. Reservation for women will not solve such type of things. This House has been talking about 33% reservation for women. Is it going to solve these problems? These are the problems which the women are facing. Mr. Gurudas Das Gupta has very rightly raised this matter. We are thankful to him that he drew our attention. We read cursorily about it in

†[] Transliteration in Arabic Script.

the newspapers. So, I think a judicial inquiry should be ordered in this case. Make one case a case of deterrence for all times to come.

उपसभाध्यक्ष (श्री मोहम्मद सलीम): इसमें नए सिरे से क्या बोलना है? यहां कहा गया था कि मंत्री जी को खबर कलनी चाहिए। तो मंत्री जी आ गए और उन्होंने जानकारी दी।

SHRI NARENDRA MOHAN: Sir, it has not happened for the first time in Delhi. It is happening in Delhi in most of the cases. But the most important point about this particular case is that the offenders have not been arrested, they have not been put behind the bars. That is the most tragic thing. I would request the Home Minister to see to it that at least the Delhi Police takes action immediately and arrests those who have been named in the FIR.

उपसभाध्यक्ष (श्री मोहम्मद सलीम): मंत्री जी ने बताया है कि जहां तक, जितनी जानकारी वह जानते थे उन्होंने वह आपसे शेयर की है। हम लोगों ने खुद यह चर्चा की है, उस तरफ भी वह बोले हैं। इसके बाद वह जानकारी लेंगे, इन्कवयरी करेंगे, एक्शन लेंगे और फिर हाऊस को बताएंगे।

श्री संजय निरुपम: इसमें कितना टाइम लेंगे?
...(व्यवधान)

SHRI SURINDER KUMAR SINGLA (Punjab): Mr. Vice-Chairman, Sir, I am equally agitated as the whole House is, but it is not a unique case of its kind. There are thousands and thousands of rape cases occurring and women are being burnt. If the Home Minister assures this House that an impartial inquiry would take place, then why do we insist on a judicial inquiry for one single case? If you are going to order a judicial inquiry, then thousands and thousands of inquiries would be there for which thousands and thousands of officers would be needed. I would agree that there has to be some kind of an impartial inquiry and the punishment should be a deterrent one so that such things do not occur in future.

THE VICE-CHAIRMAN (SHRI MD. SALIM): When the Home Minister has said that he will order an inquiry, then why do you make it a point that it should be an impartial inquiry? Are other kinds of inquiries also done?

SHRI SURINDER KUMAR SINGLA: No, no. It is not that.
.....(Interruptions)....

SHRI GURUDAS DAS GUPTA: Sir, let me disagree with my friend that it is not just like many other cases, as he has put it. It is of under-playing of the volume of(Interruptions)....

SHRI SURINDER KUMAR SINGLA: It is not the first case of its kind. You are under-playing it by only focussing one case.

SHRIMATI RENUKA CHOWDHURY: We have to start somewhere.

SHRI INDRAJIT GUPTA: Sir, since I have given an assurance, I can repeat it, if you like. Obviously, there are various aspects of this incident all of which require to be probed thoroughly. That is going to be done, and then I will come before the House with the outcome of that inquiry. I think it would not help the inquiry much if this kind of passage of arms goes on, whether this is a unique case or there are thousands of cases like this. What is the use of this argument? How would it help? Obviously, an inquiry is not to be a partial inquiry, it has to be an impartial inquiry.

SHRI SURINDER KUMAR SINGLA: He is saying, a normal police inquiry. That is why I said....

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Singla, please listen to him.

SHRI INDRAJIT GUPTA: I personally have no objection to a judicial inquiry except to remind Mr. Das Gupta and others that judicial inquiry always takes an inordinately long time. It may drag on for a year or two years. However, if everybody wants that, prefers that, we will consider it.

SHRI NARENDRA MOHAN: What about the arrest of those culprits?

SHRI INDRAJIT GUPTA: My friend, I have to get the police to arrest them. I cannot arrest them. I am not a *thanedar*. I have to tell the police to take action.

THE VICE CHAIRMAN (SHRI HD. SALIM): Have some concern for your colleagues.(Interruptions)....

We have to finish these Special Mentions.

श्री संजय निरूपम (महाराष्ट्र): सर, इसी केस से जुड़ी हुई एक और कड़ी है।(व्यवधान)....

उपसभाध्यक्ष (श्री मोहम्मद सलीम): इस केस पर हम और चर्चा नहीं करेंगे। दूसरे विषय लेंगे। श्री राघवजी ..(व्यवधान)....

श्री संजय निरूपम: सर, एक लाइन में कहना चाहूंगा

उपसभाध्यक्ष (श्री मोहम्मद सलीम): नहीं। वैसे शत्रुघ्न जी भी बोलना चाह रहे थे, और भी सदस्य बोलना चाह रहे थे, अब सबको एलाऊ नहीं किया जाता हर मामले में। प्लीज, संजय जी, बैठिए आप राघवजी आप बोलिए ..(व्यवधान).... मंत्री जी ने बोल दिया है हमें तो उन्हें धन्यवाद देना चाहिए। ..(व्यवधान)....

SPECIAL MENTIONS (CONTD.)

Train-Bus Collision Near Guna Railway Station in Madhya Pradesh

श्री राघवजी (मध्य प्रदेश): उपसभाध्यक्ष जी, मैं सदन का ध्यान आपके माध्यम से एक हृदय विदारक घटना की ओर आकर्षित करना चाहता हूँ। मध्य प्रदेश में गुना-इटवा रेल लाइन पर गुना स्टेशन के निकट एक भयंकर ट्रेन और बस की दुर्घटना हुई। इस दुर्घटना में 20 लोग मारे गए और 55 लोग घायल हुए। इस बस में 75 यात्री सवार थे यानी एक भी यात्री ऐसा नहीं बचा जो कि घायल न हुआ हो या मर न हो।

उपसभाध्यक्ष जी यह गुना-इटवा रेल लाइन एक नई रेल लाइन है। इसमें मानव रहित फाटक है। एक विडंबना यह है कि यहाँ पर नया फाटक बन जाने के बावजूद भी उसका एक फाटक खराब था, इसलिए गेटकीपर ने एक ही फाटक बंद किया हुआ था और एक फाटक खुला छोड़ा हुआ था। जो बस गुना से चंदेरी जा रही थी, वह बस उसे खुले फाटक के अंदर चली गई और उसी बीच में ट्रेन आ गई, जिससे दुर्घटना हो गई।

इस में बस के ड्राइवर की कोई गलती नहीं थी। जो फाटक खुला हुआ था, जो कि खराब था, उसके बारे में गेटकीपर ने रेलवे अथॉरिटी को रिपोर्ट की हुई थी, लेकिन रेलवे अथॉरिटी ने उसको सुधारने का कार्य हाथ में नहीं लिया और इसके कारण इतनी बड़ी दुर्घटना हो गई।

जिस वक्त यह दुर्घटना हुई, रेल मंत्री जी मध्य प्रदेश में ही थे, भोपाल में मौजूद थे, वे चाहते थे आघे घंटे में गुना पहुंच सकते थे लेकिन दुर्भाग्य और दुख की बात है कि इतनी बड़ी हृदय-विदारक दुर्घटना होने पर भी रेल मंत्री जी गुना नहीं गए। मुख्य मंत्री जी का वह गृह जिला है, लेकिन मुख्य मंत्री जी भी वहां पर नहीं पहुंचे। गनीमत यह है कि एक सरकारी हेलिकॉप्टर उन्होंने भेज दिया इसलिए कुछ गंभीर घायल लोगों को भोपाल और खालियर के अस्पतालों में ले जाने की कोशिश की गई है। इस दुर्घटना में एक दूसरा दुखद पहलू यह है कि राज्य सरकार ने मृतकों के लिए केवल दस हजार रुपए की राशि स्वीकृत की है तथा तीन और पांच हजार रुपए घायलों के लिए स्वीकृत किए हैं। इतनी गंभीर दुर्घटना हुई, एक साथ 20 व्यक्ति जान से मारे गए, जो गेट-कीपर था वह भी नहीं बच सका और इसके बावजूद केवल दस हजार रुपए, वह भी राज्य सरकार के द्वारा घोषित हुए हैं। मैं कहना चाहता हूँ कि यह राशि बहुत की कम है। मेरी मांग है कि मृतक लोगों के परिवार वालों को कम से कम दो लाख रुपए की क्षतिपूर्ति होनी चाहिए। महोदय, रेल मंत्रालय ने इस बारे में स्वयं एक पैसे की सहायता की घोषणा भी नहीं की है। इसलिए मैं आपके माध्यम से रेल मंत्री जी से यह निवेदन करना चाहता हूँ कि वे इस बारे में जांच तो कराए ही लेकिन साथ में दो लाख रुपए मृतकों के परिवार के लोगों को दें और जो घायल हुए हैं गंभीर रूप से, उनको कम से कम पचास-पचास हजार रुपए प्रत्येक को देने की घोषणा करें।

इद दुर्घटना के प्रति ध्यान आकर्षित करने के लिए आपने मुझे जो समय दिया, उसके लिए आपका बहुत-बहुत धन्यवाद।

Need for Completion of the Work Relating of National Memorial Being Constructed in Memory of Maulana Azad at Ranchi in Bihar

श्री ज्ञान रंजन (बिहार): उपसभाध्यक्ष महोदय, मैं आपके माध्यम से इस सरकार और सदन का ध्यान मौलाना अबुल कलाम आजाद मैमोरियल की तरफ

आकर्षित करना चाहता हूँ। 1988 में माननीय प्रधान मंत्री, श्री राजीव गांधी जी ने उसका शिलान्यास किया था। महोदय, मौलाना आजाद राष्ट्रीय नहीं अंतर्राष्ट्रीय ख्याति के व्यक्ति थे और रंची में उनको तीन बरस तक जेल हुई और वहाँ उनकी काफी गतिविधि हुई। 1988 से इसकी नींव रखने के बाद से आज तक उनके स्मारक के संबंध में कोई कार्रवाई नहीं हुई। जो एक सुंदर स्थल था मोरबादी, टैगोर हिल के बगल में, वह कूड़ाघर के रूप में विकसित हो गया। उस समय ढाई करोड़ की लागत से इसको बनाने की बात कही गई थी। महोदय, आज हम आजादी की 50वीं वर्षगांठ मनाते जा रहे हैं और मौलाना आजाद जैसे, इतने ख्याति प्राप्त लोग, जिनका स्तर राष्ट्रीय और अंतर्राष्ट्रीय ख्याति का है, क्या हम उनके स्मारक का निर्माण नहीं कर सकते?

मैं इस सदन के माध्यम से सरकार से यह मांग करता हूँ कि कम से कम इस वर्ष में मौलाना अबुल कलाम आजाद का स्मारक रंची में बनवा दिया जाए। यही हमारा कहना है। धन्यवाद।

Need to Review Irrigation Potential in Orissa

SHRI SANATAN BISI (Orissa): Sir, I would like to thank you for giving me this opportunity to raise an urgent and serious matter with regard to reviewing the irrigation potential in Orissa. I also take this opportunity to congratulate our hon. Chairman for taking a decision to constitute a House Committee to go into the question of drought in Orissa. Sir, as you know, it is stated in the Approach Paper of the 9th Plan that great stress will be laid on resource accounting methodologies so that a decision can be taken on the full cost to the nation. It is also stated that steps are needed to be taken for efficient use of soil and water resources. The national percentage of net irrigated area to total cultivable area is only 27.2. In Orissa this percentage is 25.6. In the 7th Plan, 1985-90, the allocation made was Rs. 2614.33 crores for 216.7 thousand hectares. In the 8th Plan a sum of Rs. 389.40 crores was allocated with an outlay of Rs. 3007.73 crores for 484 thousand hectares. The targeted estimate for the 8th Plan was 2.9 million hectares.

There are seven under-construction dams and seven on-going projects in Orissa with a Central Loan Assistance of Rs. 92.10 crores for the year 1996-97. Sir, the undivided districts of Kalahandi, Bolangir and Koraput have been identified as starvation death pockets.

Large scale migration is still continuing there. I request that there should be proper utilisation of funds and monitoring should be done from time to time. Sir, I again thank you for giving me this opportunity.

Resentment among the victims of 1989 Riots of Bhagalpur (Bihar) Due to Recollection of Money Given to them as relief by banks

मौलाना हबीबुर्रहमान नोमानी (नाम निर्देशित): महोदय, मैं आपका शुक्रगुजार हूँ कि आपने मुझे बोलने का मौका दिया। मैं आपके माध्यम से भागलपुर के दुःखद हालात की तरफ सरकार की तवज्जह दिलाना चाहता हूँ। महोदय, भागलपुर में जैसा भयानक दंगा हुआ था, जिससे पूरे हिंदुस्तान के लोगों के अंदर बेचैनी पैदा हुई थी, इस तरह से लूटमार हुई, लोगों के घर जलाए गए, लोगों को कल किया गया, लोगों के कारखाने बरबाद किए गए, उस वक्त पूरे हिंदुस्तान की रण से मुतासिर होकर बिहार गवर्नमेंट ने यह ऐलान किया था कि हम उनकी आबादकारी के लिए पूरी-पूरी मदद करेंगे, उनके घरों को बनाने के लिए मुआवज़ा देंगे, बुनकरों के जो कपड़े या पावरलूम बरबाद हुए हैं, उसका भी पूरा-पूरा मुआवज़ा देंगे लेकिन ये सारे वायदे होने के बाद उनको क्या दिया गया है?

महोदय, कलक्टर की तरफ से एक नोटिस जारी किया गया और जहाँ पहले यह तय हुआ था कि उनको 50,000 रुपए का मुआवज़ा दिया जाएगा, उस नोटिस में उनको 25,000 रुपए मुआवज़ा देने के लिए कहा गया। जिनको पहले 30,000 रुपए मुआवज़ा देने की बात थी, उनको 10,000 रुपए मुआवज़ा देने के लिए कहा गया। लेकिन देते वक्त न किसी को 25,000 रुपए दिए गए, न किसी को 10,000 रुपए दिए गए। किसी को ढाई हजार और किसी को पांच हजार रुपए दिए गए। इस तरह से बहुत थोड़ा मुआवज़ा दिया गया और उसमें भी उनके साथ धोखा और फरेब किया गया। यह कहकर मुआवज़ा दिलवाया गया कि आप इस फार्म पर दस्तखत करें, गवर्नमेंट आपको अदा करेगी, यह आपके लिए

انودان ہے۔ آج انہی لوگوں سے، ऐसे तकरीبن 2,000 लोग हैं, उन लोगों से इस पैसे को ब्याज समेत वसूल किया जा रहा है। उनको पकड़ा जा रहा है, उनको बंद किया जा रहा है। इस तरह से उनके साथ धोखा किया गया है, फरेब किया गया है।

महोदय, मैं आपसे कहना चाहता हूँ कि इस सिलसिले में बिहार के अंदर जितनी भी कोशिश हुई, मुख्यमंत्री से बात हुई, लोगों ने धरना दिया लेकिन अब तक उस सिलसिले में कोई कार्यवाही नहीं की गई है। मैं आपके माध्यम से यांग करना चाहता हूँ कि सेंट्रल गवर्नमेंट इसमें दखल दें और जो वसूली हो रही है उसको फौरन बंद करे और जैसा कि वायदा किया गया था, उस वायदे को पूरा करे। गवर्नमेंट उस पैसे को अदा करे और लोगों से उसकी वसूली हरगिज़ न की जाए, मैं आपसे यही कहना चाहता हूँ। मुझे पूरा यकीन है और भरोसा है कि गवर्नमेंट इसकी तरफ तबज्जह देगी और उनके साथ जो नाइसाफी हो रही है, जो ज्यादाती हो रही है उसे खत्म करेगी तभी लोगों के दिलों में जो बेवैनी है, वह दूर हो सकेगी।

المولانا حبیب الرحمن نعمانی نامزد:
 بہودے۔ میں آپکا مشترک گزارہ رکھتا ہوں کہ آپ نے مجھے بولنے کا موقع دیا۔ میں آپکے مادھیم سے بھاگلپور کے دفعہ حالات کی طرف سرکاری توجہ دلانا چاہتا ہوں۔ بہودے بھاگلپور میں جیسا اعلیٰ درجہ کا ہوا تھا۔ جس سے پورے صفوستان کے لوگوں کے اندر یہ سمجھنی پیدا ہوئی تھی۔ اس طرح سے لوٹ مار ہوئی۔ لوگوں کے گھر جلنے لگے۔ اس وقت پورے صفوستان کی رائے سے متاثر ہو کر ہمارے گورنمنٹ نے یہ اعلان کیا تھا کہ ہم انہی آباد کاری کیلئے پوری پوری مدد کر رہے ہیں۔ ان کے گھروں کو بنانے کیلئے

معاوضہ دینگے۔ بنکروں کے جو کچھ تھا یا پاور سوم برباد ہوئے ہیں اسکا بھی پورا پورا معاوضہ دینگے۔ لیکن یہ سب وعدے ہونے کے بعد انکو کیا دیا گیا ہے۔ بہودے۔ ملکٹر کی طرف سے ایک نوٹس جاری کیا گیا اور جہاں پہلے یہ ملے ہوا تھا کہ انکو ۵۰ ہزار روپیہ کا معاوضہ دیا جائیگا۔ اس نوٹس میں انکو ۲۵ ہزار روپیہ معاوضہ دینے کیلئے کہا گیا جنکو پہلے ۳۰ ہزار روپیہ دینے کی بات تھی انکو ۱۰ ہزار روپیہ معاوضہ دینے کیلئے کہا گیا۔ لیکن دینے وقت نہ کسی نوٹ ۲۵ ہزار روپیہ دینگے اور نہ کسی نوٹ ۱۰ ہزار روپیہ دینگے۔ کسی کو ڈھائی ہزار روپیہ اور کسی کو پانچ ہزار روپیہ دینگے۔ اس طرح سے حقوق اور معاوضہ دیا گیا اور اسمیں بھی ان کے ساتھ دھوکہ اور فریب کیا گیا۔ یہ کہہ کر کہ معاوضہ دلوایا گیا کہ اس فارم پر دستخط کیجئے۔ گورنمنٹ اسکو ادا کرے گی۔ یہ آپکے لئے انودان ہے۔ آج انہی لوگوں سے ایسے تقریباً دو ہزار نوٹ ہیں ان لوگوں سے اس پیسہ کا بیاج سمیت وصول کیا جا رہا ہے انکو بکرا جا رہا ہے۔ انکو بھنڈ کیا جا رہا ہے۔ اس طرح سے ان کے ساتھ دھوکہ کیا گیا ہے فریب کیا گیا ہے۔

थेले छिन्ते हैं। लोगों की न जान सुरक्षित है और न माल सुरक्षित है। बहुत-बहुत धन्यवाद।

श्री गोविन्दराम मिरी (मध्य प्रदेश): उप-सभाध्यक्ष महोदय, इसका नोटिस मैंने भी दिया था। मैं अपने को इस मामले से सम्बद्ध करते हुए कहना चाहता हूँ... (धन्यवाद)

उपसभाध्यक्ष (श्री मोहम्मद सलीम): कहना नहीं है, आप सम्बद्ध कर दीजिए।

श्री गोविन्दराम मिरी: वहाँ जो लॉ एंड आर्डर की स्थिति है उसा यह जीता जागता नमूना है उत्तर प्रदेश में। हमारे मित्र कह रहे हैं कि उत्तर प्रदेश में कोई लॉ एंड आर्डर प्रोब्लम नहीं है। मैं होम मिनिस्टर साहब से मांग करता हूँ कि इसके बार में एक डिटेल्ड रिपोर्ट लेकर यहाँ पेश करें ताकि इस घटना की पुनरावृत्ति न हो।

THE VICE-CHAIRMAN (SHRI Md. SALIM): The House is adjourned for lunch, till 2.30 p.m.

The House then adjourned for lunch at forty-seven minutes past one of the clock.

The House re-assembled after lunch at thirty five minutes past two of the clock

[The Vice-Chairman (Miss Saroj Khaparde) in the Chair.]

Statutory resolution seeking disapproval of the Industrial Reconstruction Bank (Transfer of Undertaking and Repeal) Ordinance, 1997.

and

The Industrial Reconstruction Bank (Transfer of Undertakings and Repeal) Bill, 1997—Contd.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Now, we take up further discussion on the Statutory Resolution and the Industrial Reconstruction Bank (Transfer of Undertakings and Repeal) Bill, 1997. Shri Dipankar Mukherjee.

SHRI DEPANKAR MUKHERJEE (West Bengal): Thank you, Madam.

Regarding the Bill, I start with a sentence from the C.M.P. for the information of the hon. Minister. It has been said in the C.M.P.: "The United

Front Government will not be a replacement of one set of rulers by another." I am afraid by issuing an ordinance before coming to Parliament, the Government has not show that it is not a replacement of one set of rulers by another. It has been a repetition of what has been going on, i.e. the Ordinance first and then the Bill. I am sure this Government will understand that such gestures and acts do not reflect the image which the Governemnt stands for.

As far as the Ordinance is concerned, earlier also my esteemed colleague, Dr. Ashok Mitra, in elation to another ordinance had said that in spite of legislative problems and the burden of legislations that might keep the Finance Minister preoccupied, this should have been avoided and this has to be avoided if this Government has to be another set of rulers.

In the last Budget, the Finance Minister had committed that he would bring forward a Bill. I quote him from his Budget speech, where he said: "I, therefore, propose to transform the IRBI, into a fulfilledged, all-purpose development financial institution with its head-quarters at Calcutta. I will soon bring the necessary changes in the statute governing IRBI." As it is, there has not been a change in the statute. The corporation has been transformed into a company. so, as far as his commitment for converting IRBI, is concerned, that commitment has been kept. Transformation of it into a fulfilledged all-purpose development financial institution with head-quarters is welcome, because development in the Eastern and the North-Eastern zone has been a long-felt demand. As far as industrialisation is concerned, it was a serious charge that the Eastern and North-Eastern region has been neglected. So, placing a developmental financial institution in the Eastern zone with its head-quarter at Calcutta is a welcome step.

Madam, the original Bill had stated: "The main objective is of..."

a principal credit and reconstruction agency for industrial revival to coordinate similar work of other institutions engaged therein to assist and promote industrial development and to rehabilitate industrial functions." The main objective of the I.R.B.I. was to revive and rehabilitate sick industrial units. The Objects and Reasons have not been changed.

So far as sickness of industries is concerned, the Minister has to assure that portions would continue to remain with the new company. Still, why is there a strong apprehension? That is why an assurance is required. It is not that it is required unnecessarily. They are trying to change words. They are trying to make it developmental and institutional along with reconstruction job which is already vested with it. This has been repeated here also. Para 3 of the Statement of Objects and Reasons says that the entire business and function of the Industrial Reconstruction Bank of India, etc., etc., would only be transferred. But there is an apprehension. Why should there be an apprehension? ...*(Interruptions)*... I would like the hon. Minister to be a little attentive to this part. Why is there an apprehension? Revival of a sick industry is one of the main objectives of this Bank; and this is also supposed to be another objective of this new financial institution which would not be carried forward. This is because since the formation of this bank as well as the SICA the purposefulness, the urge, the involvement of the Government in reviving the sick units is found to be not sincere in many ways. When this Bill becomes an Act, the first and foremost concern which comes to our mind is: What would be Government do with these sick units? What would be the approach of the Government towards these sick units? Would it be a secondary job and developmental job? If it is a developmental job, then, it should not be on the graveyards of the liquidated industries. The IRBI Act or the SICA Act was formed to arrest the growth of sickness of industries. Have we changed them? Did sickness of our industries

come down? The figure do not say so. There were, 3,00,000 sick units. Today, there are 4,00,000 units in this country. So, whether we like it or do not like it, we can't sweep it aside. You can't say that we would do developmental work, but sickness of industries would remain as it is or we would ignore it. In this connection, there is a mention about the SICA also. If the hon. Minister looks at the Sick Industrial Companies Act, he would find that the Government would revive sick industries. I would like to draw the attention of the Minister to the preliminary SICA (Amendment) Act, 1985. It has been said in Section 2, "It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of article 39 of the constitution." Article 39 of the constitution contains the Directive Principles of State Policy. It is a constitutional mandate to look after the sickness of industry. Apart from this mandate, there is also another mandate in the CMP which says that sickness of industry would be addressed to. That is one of the major criteria of the CMP. It should not be ignored. In the fitness of things, the Minister should assure this House specifically as to what he is going to do with the 300-odd industries which are now in the sick portfolio of this bank. So far as the units which are under nursing are concerned, what would be their status? According to the Annual Report of the Ministry of Industry, there are about 200 sick units which are under nursing. What would be the status of those nursing units? Wherefrom would they get funds? I am putting this question in very clear terms without going into financial jugglery. Sickness of industries should not only be a fact concerned with your cost accounts figures, it should not only be a fact concerned with your brain, but it should be concerned with your heart also.

You are dealing with 1,80,000 workers, those who are involved in the sick industries. Capital and labour make

industry. Somehow or other, for the last six years, we are talking, only about capital. Though we are welcoming this Bill for development purposes, we must keep in mind that without labour, only with capital, you do not have industry. Given that, I would like to know what exactly they are going to do as far as those units which are under nursing are concerned. How are the funds going to be provided? What type of rehabilitation job will they do? I would also like to know about those units where the IRBI is functioning till date as an operating agency. What will be its role now? They have a complaint. Last time, during the Question Hour, I put this question. They said they were not getting the money. They were not being reimbursed. As per the SICA Act, the operating agency is being fixed by the BIFR. So, they cannot do it free of cost. If the sick companies are not in a position to pay under the Act for that, it has to be treated as a social cause and the Government should be prepared to reimburse it. I would like to know whether that aspect is also being looked into. A specific assurance on these lines will be welcome.

My next point is regarding authorised capital. I think they have already increased it to Rs. 2000 crores. What about the equity base? How is the equity base going to be strengthened? The equity base, after their book adjustment of the NPA, is a figure that does not give much confidence so far as this institution is concerned, to raise money from the market. I would like to know whether the Government, on its own, is going to strengthen the equity base so that the new institution starts on a correct footing, on a strong footing, and does not get weakened after four or five years when we find that this organisation is also not giving the results it is meant for. Regarding non-performing advances, NPAs, I have one question to the hon. Minister. Would you kindly clarify? In the Twelfth Annual Report (1995-96), in Table IV, they have given the outstanding advances to the sick units. In

column 3 there, it is mentioned that the percentage of the total outstanding advances is 32 per cent as on 31.3.1996. Thirty-two per cent of the outstanding advances are for the sick units, large and medium. What about the remaining percentage? Where are the remaining 58 per cent involved? What is the clarification on the advances given on those accounts and what is the status so far as the financial viability, financial asset quality, of those advances is concerned?

Madam, I would like to raise another point also. Other than the sickness of the industries, the chronic sickness and the signs of sickness where the units are going to become sick, the potential signs of sickness are also to be analysed by this bank, this institution. Will they continue to do that job?

I would like the Government to give a firm assurance on these four points that I have raised. They are

- (1) Regarding the equity base;
- (2) continuance of its present job for nursing the sick units which are under its rehabilitation package;
- (3) continuance of its work as an operating agency; and
- (4) continuance of the synthesis of the development work and the nursing work by these agencies without any sort of discrimination on sickness and otherwise.

With these words, I support this Bill.

SHRI SANATAN BISI (Orissa):
Madam, for the purpose of clarification, I would like to know one thing from the hon. Minister. So far as clause 34, sub-clause 5 is concerned, there is a mention that the audited statement of accounts, the balance-sheet, the report and the highlights have been laid before both the Houses of Parliament. I would like to know from the hon. Minister when the audited statement of accounts, the balance-sheet, the report and the highlights were submitted to this House. This is my submission. Thank you.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Thank you Mr. Bisi. Now, Shri Vedprakash Goyal—absent. Shri Gurudas Das Gupta—absent. Shri R. Margabandu.

SHRI R. MARGABANDU (Tamil Nadu): Madam, this Bill has been introduced in spite of the Sick Industrial Companies Special Provision Act 1985. The BIFR was set up in 1987. So, from 1987 onwards, this problem has not been sorted out, and for this purpose, this amendment has been brought. This shows that the industrial sector of our country is lagging behind in settling this issue. This Bill has been brought after a lapse of eleven years to settle some issues. It shows that the Central Government is not in a position to keep pace with the industrial development. With this observation, I conclude my speech, and I welcome this Bill also. Thank you.

SHRI R.K. KUMAR (Tamil Nadu): Madam, this Bill seeks to transfer the assets and liabilities to another institution because the original institution did not perform well. The reasons given in the Statement of Objects and Reasons are that the Industrial Reconstruction Bank of India was primarily financing the sick industries. So, it itself became sick, necessitating transfer of assets and liabilities to another institution. My personal experience has been that when the Industrial Reconstruction Bank of India was working, even in certain schemes where the BIFR wanted fresh injection of funds in sick units, the IRBI has always been suggesting to the State level institutions to participate first. So, my only humble suggestion is that the new institution created by this enactment, should not do the same thing. I hope, after five years, the Government will not come back again to this House to transfer the assets and liabilities of the new institution to another new institution. If they take care of that aspect, that is enough, and I welcome this Bill. Thank you.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Gurudas Das Gupta, thank God, you have come, I thought that you are not going to speak on this Bill.

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, I would like to make a brief submission. This was a bank set up for financing the revival of sick units of the country, and therefore, on a number of occasions, the banks were asked to finance the revival package by the Government. Ultimately, it has been found that the revival packages, so financed by the IRBI, have not been able to bring about the necessary turn-around. Therefore, a large part of its credit has turned bad and there is so much of NPA, as is shown in the balance-sheet of the bank. Now, if the nature of the business of the bank is changed, as has been done by an Ordinance, then the necessary capital restructuring of the bank needs to be done so that it is able to become a development bank, from a bank meant for financing the revival package. It is a responsibility of the Government because most of the decisions, so far as credit is concerned, were taken as per the direction of the Government. This Bank was carrying out the policy of the Government. Therefore, its credit decision was taken not on the basis of economic consideration, but on the basis of the directions given by the BIFR and also by the Government. Therefore, the question is: If it now turns into a development bank, how can this Bank be made profitable in future? Madam, we have found that the Government is investing more than ten thousand crores in the portfolio of nationalised banks to make it appear profitable and to improve the financial condition of the banks to the international standards. Funds have been invested in a number of loss-making nationalised banks. Now in this case, the Government's attitude appears to be not one of responsibility. I am ready to call it a little irresponsible because the authorised capital is only one thousand

crore, but looking at the balance sheet of the Bank, looking at the large volume of NPA and also looking at the way in which it has been incurring losses over a period of time, which is not due to its own fault, but due to the directed credit policy of the Government, the Bank has to raise funds and for that, it must be able to prove to the new investors that it would be profitable. That would be an impossible task if the capital-restructuring is not done. The hon. Minister said that some sort of a partial capital-restructuring will be done, but my point is, if this Bank goes to the market, it will not be able to raise enough funds. The authorised capital is only one thousand crores. If this Bank goes to the market, I don't think, it can raise more than 50 crores. If the Bank is to be given a little more credibility, financial credibility, than what it is having, or if the Bank is to be given a better look, then the Government must infuse funds. In order to make the Bank profitable, in order to transform it from IRBI to a development bank, the Government must infuse funds. For that if the Bank goes to the market, it will not be able to raise funds on its own. Therefore, Madam, it is urgently necessary that the Government should infuse funds or the Government should give a guarantee. If the Bank wants to go to the market, the Government must give a guarantee. Therefore, it is a question of changing the Government's policy.

The third point I want to make is this. We are not interested in adding one more bank to the list of development banks in the country. We are already having a large number of banks. If the Government does not want this Bank to function or if it does not give it freedom to raise money from the market—which it won't give—the Bank is going to collapse, and if the Bank collapses, ultimately the financial responsibility will fall on the Government. Therefore, the Bank will be termed 'sick' and the Government will be compelled to undertake salvage

operation. Let the Government take, from the beginning, more or less a realistic stand or let it take a stand which makes the Bank more credible financially. Let the Government infuse funds and let the Government give a guarantee so far as its raising capital from the market is concerned; otherwise, it is going to be a wrong step. It is going to result in turning this Bank into a sick bank. I hope that the hon. Minister of State for Finance would respond to this question—and this is the most important question—otherwise, this policy of the Government will be termed as a policy of irresponsibility.

SHRI NILOTPAL BASU (West Bengal): Madam Vice-Chairman, I am not going to indulge in a full-fledged intervention. I just want to seek a couple of clarifications. One point is—I think this is there in everybody's mind—that this Bank should survive. Apart from sickness, it should also address the concern of the new process of industrialisation which has really emerged in the eastern region, particularly in the State of West Bengal. While welcoming this effort I want to say this. A part of the portfolios which this Bank would handle includes sick industrial units. Therefore, it is very important so far as the sickness portfolio that it would handle is concerned, that adequate funds should be made available. Now SLR bonds are issued. Unless the process of allocating some of these SLR bonds, a substantial portion of this SLR bonds, to this Bank is continued at least for some time, whatever we may say, it will be difficult for this new Bank to address the issues that it has to address.

The second clarification which I would like to seek is this. What will be the involvement of the employees who will be on the payroll of this Bank? I would like to know whether they will also be involved in the management of the Bank. I think there is something to this effect in the Common Minimum Programme

which is the Magna Carta for the functioning of this Government. The hon. Finance Minister is also often referring to the Common Minimum Programme. We would like to know what the response of the Hon. Minister is. We would like to know this because we don't want this Bank to die a premature death, particularly in the light of the multifarious issues that it has to address.

SHRI N. THALAVAI SUNDARAM (Tamil Nadu): Madam Vice-Chairman, I would like to know the banking position in our country. As far as our nation is concerned, we are giving a lot of facilities to the industrial area and the industrial units. As far as financial institutions are concerned, we have a different kind of a bank for financing the growth of industries and some other kind of a bank for some other purpose. The point is whether sick industries should be helped by the financial institutions. As far as this Bill is concerned, our learned friend, Mr. Mukherjee, has clearly explained how far this Bank is going to be used for the purpose of improving sick industrial units. Our learned friend, Mr. Mukherjee, had put an unstarred question: What is the total number of sick and weak industrial companies under the Industrial Reconstruction Bank of India? The answer was, "As on 31.3.1996 it was 368" The answer to another questions was, "The outstanding amount against this bank is Rs. 452.11 crores". We can imagine how the financial institutions in India are functioning. My learned friend, Shri Dipankar Mukherjee put a question regarding non-performing advances in banks and financial institutions. The answer was:

"As on 31.3.1996 the non-performing assets of the public sector banks (PSBs) were Rs. 39583.94 crores and Rs. 7141.93 crores for the financial institutions (FIs). Recoveries made by the PSBs through Debt Recovery Tribunals is Rs. 140.27 crores."

How much money did the PSBs and FIs recover? So far as this Bank is concerned, it was helping the sick industries. My learned friend has appreciated that this Bank was functioning in Calcutta. We also appreciate it because financial institutions are very useful for the nation. We come from Tamil Nadu. There are a large number of sick industries in Tamil Nadu. So far as recovery is concerned, I think the theme is 'Industries must be always sick and the industrialists must be always rich'. This is the purpose. Whenever some loan is given to a particular industry, it is given for a particular purpose. In our country there are a few industries which are utilising this fund properly. In our State, most of the industries are properly utilising the loan given by the financial institutions. So far as this Bank is concerned, it was meant to develop the sick industries. In our country the number of sick industries is going up every year. Is it because, the industries must be always sick and the industrialists must be always rich? Is this the reason? When I put a question to the hon. Finance Minister, he replied that in every State they have formed Debt Recovery Tribunals. The Debt Recovery Tribunals were formed to recover money from industries. How are the Debt Recovery Tribunals functioning? Till date they have not recovered even a single paisa from any sick industry. This is the position. Has the Government taken any step to help the sick industries? My learned friend, Shri Dipankar Mukherjee also put a Starred Question No. 223 in this regard on 11.3.1997. I would like to know from the hon. Minister as to what the Government is doing to help the sick industries. If the financial institutions give loan to a particular industry, they must recover the money. If they don't recover that money, the NPA would go up and up. My point is, the financial institutions should also be helped in this regard. Thank you.

SHRI SOLIPETA REMACHANDRA REDDY (Andhra Pradesh): Madam, I

support the Industrial Reconstruction Bank (Transfer of Undertakings and Repeal) Bill, 1997. It is a cruel destiny of fate that the Industrial Reconstruction Bank of India, which was set up as an agency to rehabilitate the sick units, began getting sick itself. It suffered a loss of Rs. 78.34 crores. It is now sought to be rehabilitated by being converted into a financial company after writing off its losses.

The idea is that since the Board for Industrial and Financial Reconstruction, BIFR, is now the principal agency for rehabilitation of sick industries, the Industrial Reconstruction Bank, in its transformed shape, may play the role of a fullfledged financial institution like other financial institutions. Madam, Rs. 78.34 crores is not an ordinary amount to be lost. A creditable explanation should be forthcoming from the Government as to how such a big bad debt was incurred. Was the money distributed without going into the credentilas of the companies which failed to return it?

It seems that not only was adequate care not taken in advancing money to one company after another, but there must have also been some extraneous considerations involving favouritism and corruption. Rupees seventy-eight crores have been lost because of some uncrupulous people. These should be brought to book. There is an impotant lesson for us to learn from this. We are moving into a market economy and the Government is already starved of resources. It will do well on the part of the Governemnt to be practical. It brings to the fore various questions which need to be kept in mind while dealing with sick undertakings both in the private and the public sectors. The Government should not undertake the responsibility of rehabilitating sick units which are terminally ill. There is no point in going on suffering losses when a cmpany is not redeemable. While giving advance to a sick private company in the faith that it will revive, suitable pre-conditions should

be laid down so that the Government can acquire its assets if the company fails to repay. Otherwise, what is the guarantee that the BIFR also will not suffer the same fate as that of the IRBI? It is high time we stopped squandering money in this manner in all spheres of our economy. With these words, I support this Bill. Thank you.

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): I just wanted to caution the Government in India, banking as a financial sector has been working under prudential norms and there are positive checks by the RBI. Despite these stringent checks, there are instances of violation of norms by the banking sector. I wish the Government would apply judicious caution this time. The second most alarming thing that is happening is that banks that have gone into mutual funds have not been very successful. Not a single bank has succeeded. We cannot expect our bank managers to become capital-market-players. There is no organisation to monitor this. We have bank managers who have become capital-market-players and we have incurred a huge loss in the financial lending sector. This Bill empowers the Central Government to reduce equity and convert it into irredeemable preference shares. All this amounts to partly playing God. I would like to know what preventive checks are being envisaged. How are we proposing to go about executing it? Will you make it mandatory for the other financial lending institutions to execute what the BIFR says? In what other ways are you proposing to empower this Bank? I just wanted to express these words of caution. I would also like the Minister to clarify whether this bank be brought under the SEBI norms.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Renukaji, the hon. Minister is sitting next to you and he will definitely take care of all your points. So, don't worry about them. I could make out from here that he was listening to you very carefully.

SHRIMATI RENUKA CHOWDHURY: He listens to everybody carefully. He is just one of those careful Ministers.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I am told he is very careful with women.

श्री रामदास अग्रवाल (राजस्थान): उपसभाध्यक्ष महोदय, मैंने अपने तमाम माननीय सदस्यों के विचार आई०आर०बी०आई० के बारे में सुने मेरे मित्र श्री गुरुदास दासगुप्त जी इस वक्त मेरी बात सुन नहीं रहे हैं।

उपसभाध्यक्ष (कुमारी सरोज खापर्डे): सुन रहे हैं। यह कभी मत समझना कि गुरुदास दासगुप्त जी फाइनेंस के मामले में किसी की बात केअरफुल्ली नहीं सुनते।

SHRI GURUDAS DAS GUPTA: I am listening to you carefully.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Gurudasji always listens to financial matters very carefully.

कभी-कभी तो इसान थका हुआ थो होता है, लेकिन फिर भी, थकान के बावजूद भी वे सुनते हैं कि फाइनेंस के बारे में दूसरा क्या बोलता है।

श्री रामदास अग्रवाल: महोदय, गुरुदास दासगुप्त जी ने बहुत अच्छी बात कही, दीपांकर जी ने भी बहुत अच्छी बात कही कि आखिर इस बैंक का जो उद्देश्य था मूल रूप से, वह कहाँ जा रहा है? क्या हम उसको बिल्कुल समाप्त कर रहे हैं? अर्थात् सिक इंडस्ट्रीज की मदद करने का जो उद्देश्य था केन्द्र सरकार का, जब 1984-85 में इस बैंक का गठन किया गया तो उस समय जो उद्देश्य तय किया गया था, क्या हम उसको पूरी तरह छोड़ने जा रहे हैं? उन्होंने भी इस बात की शंका जाहिर की है, प्रश्न उठाया है मंत्री महोदय से कि सिक इंडस्ट्रीज की देखभाल करने की क्या व्यवस्था होगी? क्या आप इसी बैंक के अंतर्गत, इसी फाइनेंशियल इंस्टीट्यूशन के अंतर्गत जिसे आप गठित करने जा रहे हैं, इसके कोई व्यवस्था करेंगे या नहीं करेंगे?

महोदय, मंत्री महोदय का स्पष्टीकरण आया वक्तव्य के रूप में कई बार सोचता हूँ कि हमारे जो साम्यवादी बंधु हैं सी०पी०आई० और सी०पी०एम० के लोग हैं, उनके सामने जब कोई सवाल आता है, किसी सरकारी उद्योग में छंटनी का सवाल हो या उसे बंद करने का सवाल हो या उसके प्राइवेटाइजेशन की बात हो तो ये लोग बहुत शोर मचाते हैं। मैं आपको 2 उदाहरण देना चाहता हूँ

इसको और बी०जी०एम०एल० का। महोदय, ये दोनों कंपनियाँ कई वर्षों से लगातार नुकसान उठा रही हैं, काम बंद है, बंद तो नहीं कहना चाहिए, काम कम है लेकिन वहाँ हजारों-करोड़ों रुपए का नुकसान होने के बावजूद हम उन कंपनियों को इसलिए बंद नहीं कर सकते क्योंकि वहाँ हजारों लोगों के रोजगार का सवाल है। बी०जी०एम०एल० में 10—12 हजार आदमी काम कर रहे हैं और इसको में 35 हजार लोग काम कर रहे हैं, यह उनकी रोजी-रोटी का सवाल है। मैं अपने भाइयों की इस बात से सहमत हूँ कि अगर किसी की रोजी-रोटी चली जाए, काम चला जाए तो उसके लिए लड़ना हमारा अधिकार है और हमें लड़ना चाहिए। यही लड़ाई लड़कर तो आप इस स्टेज पर पहुँचे हैं कि यहाँ सरकार में बैठे हैं। लेकिन मैं उन्हें याद दिलाना चाहता हूँ कि सरकार पक्ष में बैठने का मतलब उन्हें समझना चाहिए कि मजदूरों के हित के बारे में वे विचार न करें।

महोदय, मैं यह कहना चाहता हूँ कि हमारे देश में 3 लाख सिक इंडस्ट्रीज हैं और मुझे आई०आर०बी०आई० ऑफिसर्स एसोसिएशन के जनरल सेक्रेटरी सुब्रत कुमार गुप्ता ने एक पत्र लिखा है।

उपसभाध्यक्ष (कुमारी सरोज खापर्डे): अग्रवाल जी, अगर आप किसी चीज को रफर करना चाहते हैं तो कृपया किसी का नाम मत लीलिए।

श्री रामदास अग्रवाल: अच्छी बात है महोदय। इस एसोसिएशन ने हमको सूचित किया है और हमारे पास तथ्य भी उपलब्ध हैं कि हिंदुस्तान में लगभग 3 लाख यूनिट्स ऐसी हैं जो सिक हैं। उनके अंदर काम करने वाले आदमी कम से कम 50 लाख तो होंगे ही। उन 50 लाख लोगों के बारे में एक साथ तो विचार करना संभव नहीं है किसी भी सरकार के लिए लेकिन एक छोटी सी व्यवस्था जो बनी हुई है, उस सिक इंडस्ट्री को ठीक करने के लिए, जिसमें ज्यादा पैसे की आवश्यकता है, जिसमें ज्यादा सहायता की आवश्यकता है लेकिन वह कम मात्रा में उपलब्ध है, लेकिन उपलब्ध तो है, आज शायद हम यह व्यवस्था समाप्त करने जा रहे हैं। क्या हम यह व्यवस्था पूरी तरह समाप्त करने जा रहे हैं? मुझे पता नहीं, मंत्री महोदय अपने वक्तव्य में ऐश्वर्य देते तो हम उसका स्वागत करेंगे कि एक हजार करोड़ रुपए की पूंजी से जो ये नयी कंपनी मंत्री महोदय गठित करने जा रहे हैं, यह नया बैंक बनने के बाद भी सिक इंडस्ट्रीज की मदद करने का जो उनका काम था, वह जारी रहेगा। अगर यह घोषणा मंत्री महोदय करते हैं तो स्वागत योग्य है और अगर नहीं करते हैं तो फिर मेरा

सवाल दूसरा यह आ जाएगा कि आखिर हमारे सारे मित्र जो यहां बैठे हैं चाहे सी०पी०आई० के हों या कांग्रेस के माननीय बन्धु हों, किसी भी पार्टी के हों हम लोगों के सामने संसद के सदस्य होने के नाते यह विचार करने का प्रश्न खड़ा हो जाएगा कि सिक इंडस्ट्री को कहीं पर पूछने वाला, सहयोग देने वाला, कहीं उसकी मदद करने वाला कोई इंस्टीट्यूशन तो होगा, कोई तो खड़ा हो। मैंने कल भी एक चर्चा की थी कि बी०आई०एफ०आर० एक संस्था बनी हुई है। लेकिन बी०आई०एफ०आर० के पास इतना काम है कि अगर वह इन सारी सिक यूनिट के बारे में विचार करने लागेगी तो एक शताब्दी तक वह इनका फैलसा नहीं कर सकेगी। हमारे पास सिक इंडस्ट्री की संख्या बढ़ती जा रही है। हमारे देश में यह बीमारी बढ़ रही है जो अच्छा नहीं है, मैं इसे अच्छा नहीं मानता। यह जो पैकेज डील्स होते हैं इसमें भी गड़बड़ है। यह पैकेज डील्स भी कोई सिक इंडस्ट्री के नहीं होते, यह पैकेज डील्स भी कोई पैकेज के अंतर्गत होते हैं। कोई पैकेज कहीं तय होता है, उसके बाद यह पैकेज बनता है। मेरे ख्याल से दीपीकर जी इस बात को जानते हैं, उन्होंने उठाया भी है। मैं यह कहना चाहता हूँ कि महोदया कि यह सारी व्यवस्था में से इस बैंक की जो हालत बनी है, मैं जरा सा नक्शा इस बैंक का देना चाहता हूँ, मंत्री जी के पास तो इसके जरूर तथ्य होंगे कि जब यह बैंक बना उसके बाद आज इसकी हालत क्या है। महोदया, अर्निंग पर शेयर क्या है। आप आश्चर्य करेंगी कि 12 साल के बाद इस बैंक का जिसकी दो सौ करोड़ रुपए की केपिटल थी उसका अर्निंग पर शेयर है-पांच पैसा पर शेयर। क्या हो गया है?, महोदया, शेयर की बुक वैल्यू 10 रुपया 80 पैसा रह गई है। इसा डेब्ट सर्विस रेशो 1.79 है। गजब है। एन०पी०ए० है 32.1, यह तो दिवालिया कंपनियां जो होती हैं उनकी बेलेस शीट में इस प्रकार के तथ्य झलकते हैं। हमारे सबके रहते, सरकार के रहते, प्रकाशन के रहते, चेरमेन के रहते, डायरेक्टर के रहते, मैनेजिंग डायरेक्टर के रहते-रहते इस कंपनी की यह हालत हो गई। तो अब आप जो नया बैंक बनाने जा रहे हैं उसकी दुर्दशा ऐसी नहीं होगी, उसकी कोई गारंटी है क्या? जब होनी है तो इसी को ही रहने दीजिए फिर क्यों आप नई कंपनी बनाने के लिए कष्ट उठा रहे हैं, क्या मतलब है, क्यों देश के पैसे को और बरबाद करना चाहते हैं। महोदया, यह सवाल हमारे सामने बार-बार इसलिए खड़ा होता है कि इंडस्ट्री के डवलपमेंट के लिए बात करें, बहुत अच्छी बात है, मैं उसका स्वागत करता हूँ। लेकिन अगर हमारे पूर्वी, पश्चिमी प्रदेशों को देना है, पश्चिमी बंगाल और हमारे नॉर्थ ईस्ट सैक्टर को अगर बैंक डवलपमेंट देनी है

मैं उसका स्वागत करूंगा। लेकिन जैसा मैंने कल भी प्रश्न उठाया था कि आई०डी०बी०आई०, आई०एफ०सी०आई०, एल०आई०सी०, जी०आई०सी०, यू०टी०आई० और आई०सी०आई०सी०आई० यह बड़े-बड़े इंस्टीट्यूशंस हमारे पास हैं, हजारों-करोड़ों रुपए की उनकी केपिटल है, इनको बाध्य कीजिए तथा अगर ईस्टर्न सैक्टर में उद्योगों का डवलपमेंट चाहते हैं जो इस बैंक का उद्देश्य आपने बनाया है, तो इनको बाध्य करिए कि एक हजार करोड़ रुपये यह अपनी केपिटल के हिस्से में से ईस्टर्न सैक्टर के लिए देंगे, मैं उसका स्वागत करूंगा। लेकिन हम नई कंपनियां बना रहे हैं। नई कंपनी बनाने का उद्देश्य क्या है, कोई दो-चार-पांच लोगों को एकांमोडेट करना है तो बात अलग है। कोई नेताओं को या कोई अफसरों को या किसी की इच्छा हो गई है कि नई बैंक बनानी है, हमारे टाईम पर एक नई बैंक बननी चाहिए वह एक अलग बात है। मैं समझता हूँ कि हमारे पूर्वी भाग के जो माननीय सांसद हैं वह इस बात से सहमत होंगे कि अगर उनको लड़ाई लड़नी है अपने उद्योगों के विकास के लिए तो आई०डी०बी०आई० को प्रेसराइज कीजिए, आई०एफ०सी०आई० को प्रेसराइज कीजिए, बाकरी की यूनिट जो है यू०टी०आई० को प्रेसराइज कीजिए कि वह इस सैक्टर के लिए खास तौर से निश्चित एमाउंट दें। उनकी देना चाहिए, उनका विकास होना चाहिए, उनकी तरक्की होनी चाहिए, उनके अंदर उद्योग लगना चाहिए, बिल्कुल ठीक है। लेकिन मैं बेसिकली इस बात का विरोध कर रहा हूँ कि बैंक बनाने की आपको क्या आवश्यकता पड़ रही है। कोई आवश्यकता तो नहीं है बैंक बनाने की। जब हमारे पास इंस्टीट्यूशन मौजूद हैं, फाइनेंसियल इंस्टीट्यूशन मौजूद हैं, तो मत बनाइए और अगर आपको इस इंडस्ट्री के लिए कोई व्यवस्था करनी है तो उसको शांतिपूर्वक, मैंने कल भी निवेदन किया था कि सदन में डिस्कश करिए। लोगों की सहमति लीलिए। देश में उद्योगों में से सिकनैस कैसे हटाई जाए, इस पर विचार करिए। इंडस्ट्री के लोगों को भी आमंत्रित करिए, अन्य सभी व्यावसायिक क्षेत्र के लोगों को आमंत्रित करिए, उनके सुझाव लीजिए। उसके बाद ऐसी कोई रचनात्मक व्यवस्था करिए जिससे वास्तव में उद्योगों को लाभ हो। केवल नाम का बैंक बनाना है जैसे कि कुछ दिनों बाद, कुछ महीनों बाद या कुछ वर्षों बाद सरकार तो जाने वाली है ही, तो यह सरकार अपने खाते में एक बैंक लिखकर ही जाना चाहती है तो अलग बात है कि हमने एक बैंक बनाया था जिसमें सी०पी०आई० के लोग शामिल थे, सी०पी०एम० के लोग शामिल थे, 13 पार्टियों के महानुभाव शामिल थे। ऐसा बैंक बनाने का उद्देश्य अगर आपको है तो अलग बात है अदरवाइज इस बैंक

को बनाने का औचित्य समझ में नहीं आता है, कोई सैम समझ में नहीं आ रहा है। मुझे अफसोस है कि हमारे कई माननीय सांसद इसका समर्थन कर रहे हैं। आप समर्थन करिए, आपको अधिकार है लेकिन किस बात का समर्थन कर रहे हैं? आपके पास इतने इंडस्ट्रियल होने के बाद आपकी क्या तकलीफ हो रही है और नया बैंक बनाने की क्या जरूरत है? कौन सा पेट में दर्द अभी से होने लग गया है? जरा रुकिए, विचार करिए, अभी इसको तिलाजलि मत दीजिए, इसका अंतिम संस्कार मत करिए।

बहुत सिकनैस हमारे देश में है, हमारे यूनिट्स में है। उनके उद्धार की व्यवस्था हमारे सामने बैठकर करिए। अगर मंत्री महोदय अपने जवाब में, जैसा मैं तीन मुख्य मुद्दे आपके सामने रखे हैं। पहली बात तो यह है कि ऐसा बैंक बनाने की बिल्कुल आवश्यकता नहीं है। इसलिए इस आइडिया को रद्द किया जाना चाहिए। हमारे फाइनेंशियल इंडस्ट्रियशन जो देश में इस समय मौजूद हैं जिनके पास कम से कम 50 हजार करोड़ रुपये से भी ज्यादा की पूंजी है, उन उद्योगों में से निश्चित रूप से पश्चिम बंगाल सहित पूर्वी भारत को उद्योगों के विकास के लिए पैसा दिया जाना चाहिए, इसके लिए मैं आपके साथ हूँ। दूसरी बात जो मैं कहना चाहता हूँ वह यह है कि अगर आपके दिमाग में यह घुस ही गया है कि कोई बैंक बनाना है तो महरबानी करके सिकनैस के लिए आप कोई आल्टरनेटिव व्यवस्था करने की बात करिए। अगर आपने इसी बैंक के अंतर्गत आल्टरनेटिव व्यवस्था नहीं की तो यह सिक इंडस्ट्रीज़ कहाँ जाएंगी और इनमें काम करने वाले लाखों मजदूर कहाँ जाएंगे, कर्मचारी कहाँ जाएंगे? यह सवाल आपके सामने विचारणीय है और इस सवाल का जवाब अगर आप नहीं देते हैं तो हम यह कहने को बाध्य होंगे कि इस बैंक को बनाने के पीछे कुछ राजनीति है। इसकी कोई आर्थिक आवश्यकता नहीं है, इंडस्ट्री की आवश्यकता नहीं है। कुछ लोगों को अकामोडेट करने की भावना हो सकती होगी लेकिन इंडस्ट्री के जनरल हित में यह बात बिल्कुल नहीं कही जा सकती। इसलिए महोदय, मैं आपके माध्यम से मंत्री जी को पुनः निवेदन करना चाहता हूँ कि कृपया अपने उत्तर में आप इस बात को कमिट कीजिए कि आप सिक इंडस्ट्रीज़ के लिए क्या करने वाले हैं? क्या रिजर्व बैंक ऑफ इंडिया लो इंटरेस्ट रेट पर इस बैंक को लोन देगा ताकि सिक इंडस्ट्रीज़ का काम चल करता रहे और अगर आप इस बैंक को या दूसरा बैंक बनाकर सिक इंडस्ट्रीज़ के लिए इसको फालू रखते हैं उसमें 25 परसेंट, 30 परसेंट या 40 परसेंट कैपिटल उसके लिए देना चाहते हैं तो

मैं उसका समर्थन करने के लिए भी तैयार हूँ। लेकिन महोदय, केवल इनवेस्टमेंट बैंक बनाने का आश्वासन हमारे वित्त मंत्री जी ने दे दिया और उसके लिए यह अध्यादेश लाए हैं। बैंक बनाने का निर्णय कर लिया है। इस बैंक की मार्किट वैल्यू मैं गुरुदास जी से पूरी तरह से सहमत हूँ, उन्होंने बिल्कुल ठीक कहा है कि इस बैंक को अगर बाजार में जाना पड़ेगा तो उसको कैपिटल नहीं मिलेगी, इसके शेयर को कोई खरीदने वाला नहीं मिलेगा। हाँ, गवर्नमेंट अपने माध्यमों से जो करती है, बैंकों को कंपेल करेगी, जी०आई०सी० और एल०आई०सी० को शेयर लेने के लिए कंपेल करेगी तो वह तो बेचारे ले ही लेंगे लेकिन उनकी रिटर्न नहीं मिलेगा। उनको रिटर्न कहाँ से मिलेगा? इसके प्राफ़िटेबिलिटी क्या है, इसका लाभ कितना अर्जित होगा, इसका प्रोजेक्ट क्या बना है? क्या कोई प्रोजेक्ट बनाया है, ऐसी कोई योजना बनाई है? अगर आप बाजार में जाएंगे तो शेयर खरीदने वाले को क्या आकर्षण देंगे कि शेयर खरीदने पर आपको इतना लाभ होगा? ऐसा कोई आकर्षण आपने नहीं दिया है। आप कल्पना कर रहे हैं कि एक हजार करोड़ रुपये इकट्ठा कर लेंगे, आज की डल मार्किट में-शेयर मार्किट की आज की वर्तमान उठा-पटक के अंदर जो सभी ऊपर जाती है और कभी नीचे-आपके बैंक की क्या स्थिति होगी, मेरी समझ में नहीं आता है। इसलिए मैं आपसे निवेदन करना चाहता हूँ कि आप इस बैंक के गठन का विचार छोड़ दीजिए, अध्यादेश को वापिस ले लीजिए और सिक इंडस्ट्रीज़ का किस तरह से रिवाइवल किया जाए, रिकस्ट्रक्चर किया जाए, उसके लिए नया विधेयक लक्ष्य।

हम उसका किस प्रकार पुनरुद्धार करें, उसका किस प्रकार पुनर्रचना करें? देश के हजारों मजदूरों के हित की बात को ध्यान में रखकर हम इस बात की चर्चा करें। महोदय, आपने मुझे दुबाए बोलने का मौका दिया, इसके लिए मैं आपको बहुत-बहुत धन्यवाद देता हूँ।

उपसभाध्यक्ष (कुमारी सरोज खापरडे):

बहुत-बहुत धन्यवाद अग्रवाल जी। मिस्टर मिनिस्टर।

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI M.P. VEERENDRA KUMAR): Madam Vice-Chairperson, I thank all the hon. Members for making my task a little bit easier because, one way or the other, they have supported this Bill. Hon. Shri Ramdas Agarwalji said, you want to make a new development bank when you are a coalition Government of 13 or 14

parties, why? So that the sooner you go, you can take credit for that. So, you know that it is going to be a success and you feel that you are going to come to power!

श्री रामदास अग्रवाल: महोदय, मैं तो यह कहा ही नहीं है। मैं तो चाहता हूँ कि आपको क्रेडिट मिले और आप बहुत समय तक देश पर राज करें। इससे हमें क्या तकलीफ है। आप अगर राज कर सकते हैं तो करिए, इससे हमें कोई तकलीफ नहीं है। हमारे डेमोक्रेटिक सिस्टम में आपको राज करने का अधिकार है, आप राज करिए। लेकिन मैंने कभी नहीं कहा है कि इस बैंक के माध्यम से वोट बटोरने वाले हैं।

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh): Madam, let the hon. Minister come to the substantive points first. Before entering into political polemics, let him come to the substantive points which have been raised by Shri Das Gupta, Shri Deepankar Mukherjee and Shri Ramdas Agarwal.

SHRI M.P. VEERENDRA KUMAR: Hon. Member, when you pose some questions, you cannot expect the Minister to sit here and say, "I have nothing to do with politics." If you raise political questions, you will get political retort. If you don't raise political questions, I will keep quiet. You decide it. You make the decision. ... (Interruptions)...

SHRIMATI RENUKA CHOWDHURY: The hon. Minister said it in a lighter vein.

SHRI M.P. VEERENDRA KUMAR: I said it in a lighter vein. One should have a little bit of humour also. One day, a man came to me — Madam Deputy-Chairman, I may be excused;

I make mistakes because I am from Kerala, far south. Somebody was to meet me to 4 o'clock and at 4 o'clock, he said, "I cannot come because my father is murdered." Then, I said, "Don't come because your father is murdered." The next day morning that man came and I asked, "How come you come now, your father is murdered?" He said, "No, no,

my father is only murdered. Others are murdered to death." So, sometimes when I say something, I am mistaken like that. When a political question is posed, I may just have a small political retort about.

Shrimati Renuka Chowdhury raised a question whether the financial institutions will comply with the SEBI or not. These financial institutions are required to comply with SEBI norms at the time of raising resources through public issues of equity, loans, bonds, debentures from the capital market. Till date, IRBI has not raised any equity, bonds or capital from the capital market. Hon. Members, I want to ask why anything hidden should be read into this will Everybody...

SHRIMATI RENUKA CHOWDHURY: Hon. Minister, I want to seek one more clarification. The BIRF makes a recommendation towards rehabilitation package, but it cannot ensure that a bank will give the money. So, what happens then?

SHRI M.P. VEERENDRA KUMAR: I will come to that. Some hon. Members said that this Government is also bringing Ordinances like the previous Government. It is not our intention to bring an Ordinance and force a thing on.

In his last Budget Speech the Finance Minister said that he would be setting up this bank. He wanted to open this bank in Calcutta. It has to undergo so many formalities: It cannot be just set up in a day. The article of memorandum will have to be made; it has to go to the Registrar of Companies. The moment it is converted into a new pattern, it will be no more under the behest of the Government of RBI. What the IRBI was doing so far was 'behest rating'. Everybody agrees here that there are sick units. I do not want to read out the figures. Yesterday when I started giving figures I thought that these figures were not only for the hon. Member sitting here. I know we have elderly Members here and they know all these things. But, through this forum the country is able to

know as to what is happening. When I was talking here for the first time on the Bill, the hon. Members have shown me indulgence and patience. I thank them for this. *...(Interruptions)...*

DR. BIPLAB DASGUPTA (WEST BENGAL) We will be interested in some interesting stories from you. *...(Interruptions)...*

SHRI M.P. VEERENDRA KUMAR: Oneday I took a man to a party. *...(Interruptions)...*

AN HON. MEMBERS: Was it a political party? *...(Interruptions)...*

SHRI M.P. VEERENDRA KUMAR: It was only a tea-party. *...(Interruptions)...* I said to him that he should go to the host and thank him. He went to the host and said, "Thank you for hosting in hospitality." *...(Interruptions)...* Such things do happen. *...(Interruptions)...* I do not want to go away from the subject. *...(Interruptions)...* This Bill has been brought just to convert it into a full-fledged developmental financial institutions. *...(Interruptions)...* We are not in a hurry because of the Ordinance. But, it is because we want to keep the promise given to the corporate in Calcutta, West Bengal. *...(Interruptions)...* This is honest, sincere and truthful. *...(Interruptions)...*

SHRI GURUDAS DAS GUPTA: This bank was in Calcutta. *...(Interruptions)...* This bank has always been in Calcutta. *...(Interruptions)...*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE) Mr. Minister *...(Interruptions)...*

SHRI TRILOKI NATH CHATURVEDI: Does the Minister want to buy the support of CPI and Congress by giving such an answer? *...(Interruptions)...* What kind of reply is this? *...(Interruptions)...*

SHRIMATI RENUKA CHOWDHURY: It is his maiden reply. *...(Interruptions)...*

SHRI TRILOKI NATH CHATURVEDI: I know it is his maiden *...(Interruptions)...* He may come up with another story. But, I do want to know. *...(Interruptions)...*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE) Mr. Minister, will you please listen to me? *...(Interruptions)...* Mr. Minister, will you please listen to me? *...(Interruptions)...* I want to say something. *...(Interruptions)...* 'Mr. Minister', I went on saying 'Mr. Minister', Mr. Minister, 'Mr. Minister' and you were indulging in this kind of talk with the Members of parliament. You did not listen to what the chair was saying. Now, please do not look behind. Please do not indulge in talks with Members, otherwise you will never come to the point and answer the queries put by the hon. Members. This is my ruling. *...(Interruptions)...*

SHRI M.P. VEERENDRA KUMAR: I am sorry, Madam. I will not turn my ears anywhere else. I will only address the Chair. *...(Interruptions)...* The history of IRBI is well known. Everybody talks of sick units. But, everybody also knows that this bank is also sick. It is not that the Government has not funded it. Yesterday and today also Shri Ramdas Agarwal raised some points. Madam Vice-Chairman, I want to clarify them. There are already many developmental and financial institutions which are in existence in our country. What was the need for converting IRBI into a full-fledged financial institution? In this connection, I would like to say, Madam, that the IRBI cannot continue in its present form. The IRBI can assist the sick industrial units only when the IRBI itself remains healthy. A man who is sick, a man who is having tuberculosis cannot help a man who is having AIDS. This organization is sinking. The question is: How to revive the whole thing?; How to make it a developmental institution. This is the primary question which the Government has to address. So, the IRBI, I can say it definitely, can assist

the sick industrial units only when it itself becomes healthy. Conversion of the IRBI into a full-fledged developmental financial institution would not, in any way, dilute its existing function of nursing the sick units, in its portfolio. Somebody wanted that assurance. I have given that assurance. Another point made by the hon'ble Member is that no financial support has been given by the Government of India to the IRBI since 1991. This is not correct. As per the available information, the Government of India has given the following financial support to the IRBI since 1991; on equity — Rs. 44 crores; loan — Rs. 96 crores; and SLR bonds - Rs. 509.5 crores. The hon'ble Member also wanted to know why Rs. 74.30 crores on the IRBI equity is being written off against its past non-performing assets. In this connection, I would like to clarify that we are proposing to undertake financial reconstruction of the IRBI, mainly with an aim to clear its balance sheet. The IRBI has an outstanding loan of Rs. 141.87

crores of the Government of India, as on 31 March, 1996,

DR. BIPLAB DASGUPTA: Madam, can I put a question, if you don't mind?

SHRI M.P. VEERENDRA KUMAR: I am not supposed to. ...*(Interruptions)*...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Biplabji, if you start interrupting his reply, he will bring another revolution in the reply. So, please don't disturb him.

SHRI M.P. VEERENDRA KUMAR: I will only look at Chair, Madam Vice-Chairman. I promise I will never go away from my point.

I said that the IRBI has an outstanding loan of Rs. 141.87 crores of the Government of India. This is being set off against the outstanding amount in favour of the IRBI, on account of the behest-lending. I know that all the Members know what is behest-lending

and the loan accruing to that. Similarly, an amount of Rs. 74.30 crores is being written off from the equity against the interest charged on behest loan in favour of the IRBI. As regards the balance portion of the interest charges, Rs. 52.25 crores of equity is being converted into preference shares. In effect, what we are doing is to interest on behest-loan. Madam, some Members wanted me to assure them because there are some apprehension in their minds the moment it is converted into a developmental institution as to what its function will be. I don't know why the word 'sickness' always haunts our minds.

What is happening now? The IRBI gives money now. When the Act came, there was no BIFR. It all came later. Now, one can take recourse to the BIFR and can get assistance from many other institutions.

I do not know how by keeping this Bank which is already sick and dying, we can improve the position. I do not think the hon. Members want to see that a sick unit should always remain sick, that it should be looked at as an ancient monument of the country. The idea is that the sick units should be helped. To help the sick units, it has to be restructured. But what is happening now?

I was talking about the 'behest' loans — Rs. 20 crores. or, Rs. 100 crores or Rs. 200 crores. What are the norms? It is spent. They come back again. Again, you give another Rs. 100 crores. Again, they say: 'We do not have money' They have to be made responsible. That is the purpose of this restructuring. That is what the Bill is for. It would be a company, under the Companies Act.

There would be a Memorandum of Association and an Articles of Association. They would be bound by certain norms. They are made responsible. They have to raise funds.

Gerudas Das Gupta said that if we go to the capital market, we won't get even Rs. 50 crores. It is true. The way we are

keeping such an institution, what to talk of getting Rs. 50 crores, you cannot think of getting even Rs. 5 crores. But once we change the aim and direction, make it a development institution, make it responsible, make it stand on its own legs, so that the institution can say: 'Here we are to do certain work; here we are to see that not only the sick units are brought back or revived, but also ensure that industries grow', the position would change.

I have with me the figures about the sick units: how many sick units are there, how many are before the BIFR, how many are before the court for winding up, etc. But I do not want to burden the Members of this august House.

SHRI V. NARAYANASAMY (PONDICHERY): You can burden us: No. problem.

SHRI M.P. VEERENDRA KUMAR: I am not listening at all.

SHRI TRILOKI NATH CHATURVEDI: You cannot see, but listen.

SHRI M.P. VEERENDRA KUMAR: I will only look at the Chair.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Minister, you are free to look at any side, but while replying, you must address the Chair. You need not look at me. You must address the Chair.

SHRI M.P. VEERENDRA KUMAR: I am looking at the Chair and I am addressing the Chair.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Please address the Chair. That is all.

SHRI M.P. VEERENDRA KUMAR: When I am directed by the Chair, when the Chair has given a ruling, I am bound by the ruling of the Chair.

Madam, the total number of sick units is 309. Out of these 309 253 are before the BIFR. The number of schemes sanctioned by the BIFR is 73. Notices

issued for winding up- 13. Winding up orders sent to the High Court - 84. Number of cases pending before the BIFR is 22. These are the figures.

As regards the apprehension expressed by hon., Members, even with this process of going to the capital market, I can assure you that 51 per cent of the shares would be Government's. The remaining forty-nine per cent...

SHRIMATI RENUKA CHOWDHURY: Controlling interest.

SHRI M.P. VEERENDRA KUMAR: That is how it is. Madam, there are 45 BIFR cases. The IRBI. ...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA: May I seek a clarification?

SHRI M.P. VEERENDRA KUMAR: In 18 cases...

SHRI GURUDAS DAS GUPTA: this 51 per cent which you are talking about out of 1,000, or, it is 51 per cent of the subscribed amount? What is it?

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Gurudas Das Gupta, the Minister has not completed his reply.

SHRI M.P. VEERENDRA KUMAR: Madam, quoting either figures or percentage is a matter of mathematics in which I am poor.

So, I just say "forty-five". How much it is and what percentage it comes to can be calculated with a small computer.

The IRBI was the lead operating agency in 18 cases, and in 27 cases some others were the operating agencies, but the IRBI was the funding agency.

Now, let me make it every clear that whatever portfolio of sick units is there now on the files of the IRBI, it will continue to be on the files of the new IRBI. ...*(Interruptions)*...

Nothing will go out of the portfolio. But that will not be the sole function of the new company. That is what I wanted

to say. While revival of the existing units in this portfolio will be an important part of the company, it will now take up developmental finance as the main role, namely, to promote new companies and new industries. I think this removes everyone's doubts.

This promise was given. As Guptaji said, the Head Office is in Calcutta. The promise given is that after remodelling and everything else we are coming back again to Calcutta. That means we are not going to change the capital from Calcutta to any other State. This is also a great promise. Things do happen.

SHRI RAMDAS AGARWAL: Whom did you promise this?

SHRI M.P. VEERENDRA KUMAR: To the House.

SHRI RAMDAS AGARWAL: The House never requested you to do this.

SHRI M. P. VEERENDRA KUMAR: I am sure we will be able to fulfil our promise by the 31st of March, and we will fulfil our promise by the 31st of March.

Madam Vice-Chairman, its capital is Rs. 1,000 crores. Some doubts were raised by some hon. Members about what could be done with Rs. 1,000 crores. The Articles and the Memorandum are there. The moment it becomes a company, it is governed by a different set of laws. It is guided by a different set of guidelines. So, they can take a decision. When it goes to the open market with shares, a question is posed here as to what the government will do. I can only say this. We will look into the whole matter, monitor the whole matter, how the whole thing will go on. If the Government feels that more things have to be done, they will be done because we are bringing it up to be a useful unit in the developmental activity of the country. So, when the Government does that, the Government will never sit idle and be a mute witness when it is not performing. We know that it is performing. We made a study of the whole thing. We conducted the study.

There was a lot of deliberation on the whole issue. That is how we ultimately came to the conclusion that this has to be done.

Regarding the employees, I think, this doubt haunts some hon. Members. I think it is a very earnest and honest question posed to the Government: what will you do with the employees? The experience is that when a new company is formed, the employees of the old company are retrenched. That is all. You create more unemployment. Our idea is not to leave out a single man. We will transfer everyone of them to this new company if they want to work in it. I give this promise to you. We do not want to retrench anybody. But, if anybody wants to go, that is his look-out. So, we said, "cleansing the balance-sheet", not "cleansing the workers." We never said that. Nowhere in the Bill have we said that we would cleanse the workers that we would cleanse everything else, and that we would form a new company. No, nothing like that. We know the value of human beings. We know their worth is more. It is easy to send a man, but very difficult to give him a job. We are conscious enough that after the whole process of conversion takes place and the company is put on the right lines after the passage of the Bill, everybody now working in it will be an employee of this new converted unit.

DR. BIPLAB DASGUPTA: Madam, we are satisfied with his answer.

SHRI SATISH AGARWAL: Madam, yesterday he said that he could not understand the language of his wife for one year.

SHRI M.P. VEERENDRA KUMAR: I never said that. I only said that I am only in the first year of my marriage, but some people who, even after 40 years of their marriage, do not understand what their wife talks to them. But, I said, I understood her much better in the second year.

Now, I address the Chair. Madam, my work is made very easy.....

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Thank God, at least you have now started addressing the Chair.

SHRI M.P. VEERENDRA KUMAR: ... because no Member of this House wants more sick units. We don't want those units meant to help other units to be more sick. We do not want that those people, who are responsible to look after the more sick units to be sick themselves. In short, we want to make the whole infrastructure to be healthy. But, having one horse and going on flogging it, does not make many industries come up. It is true that we want to industrialise to remove poverty from the country. So, we want to see that after the passage of this Bill, I.R.B.I. will be more a developmental unit to help bring about healthy industries and to create more jobs.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Minister, you have replied to all the queries raised by hon. Members in their speeches.

SHRI M.P. VEERENDRA KUMAR: So, I conclude, Madam. Thank you very much.

SHRI TRILOKI NATH CHATURVEDI: Madam, can we have some clarifications? We have been provided with a fair amount of amusement, but I though some information will be given.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE) This is not fair, Chaturvedi Ji. There was no amusement at all. He was replying to all the points raised by hon. Members from your side, from that side and from this side. Chaturvedi Ji, the hon. Minister is new to this House. That does not mean that we should misunderstand you or misunderstand him. There was no amusement at all on the part of the Minister. He has answered all the points raised by the Members. I think, everybody is satisfied with his reply.

Mr. Ramdas Agarwal, are you going to withdraw the Resolution?

4.00 P.M.

श्री रामदास अग्रवाल: महोदया, मंत्री महोदय ने जो बातें कही हैं, यद्यपि और मेरे बीच में भी कम्युनिकेशन गैप है जैसा कि उनके और उनकी पत्नी के बीच में रहा, क्योंकि मैं उसी अंग्रेजी नहीं जानता और वह हिन्दी नहीं जानते।

उपसभाध्यक्ष (कुमारी सरोज खापर्दे): इसको गुलदस्त में ही रखो अब।

श्री रामदास अग्रवाल: इसलिए मेरी बात को उन्होंने पूरी तरह समझ नहीं और मैं उनकी बात को समझ नहीं पाया हूँ, ऐसा मुझे लगता है।

श्री ईश दत्त बाबू (उत्तर प्रदेश): इसारे से समझ गए होंगे।

श्री रामदास अग्रवाल: महोदया, मैं यह कहना चाहता हूँ कि मंत्री महोदय ने एक बात कही कि 350 सिक् यूनिट आई-आर-बी-आई की लिस्ट में इस समय हैं। उनके सहायता करना या आगे मदद करना, उनकी पुनर्जना में यह काम बैंक वाले करेंगे, नई बैंक बनने के बाद भी करेंगे। महोदया, उस 350 की लाइबिलिटी क्या होगी, एक हजार करोड़ वाली बैंक की? उनके इस समय शायद पता नहीं, लेकिन मैं यह जानना चाहता था, मंत्री महोदय बताते कि वह 350 यूनिट की टोटल लाइबिलिटी क्या होगी? इसकी जो कैपिटल है, जो एक हजार करोड़ बनने वाली है, उसमें से कितना रुपया चला जाएगा, कितना परसेंट, यह सवाल क्या हमारे सामने नहीं आएगा? अगर आप 350 यूनिट की जिम्मेदारी ले रहे हैं तो आगे आने वाले यूनिट जो सिक् होंगे उनकी जिम्मेदारी लेने के लिए कोई व्यवस्था आपने नहीं बताई। इसलिए मैं उनके जवाब से संतुष्ट नहीं हूँ।

महोदया, मैं यह कहना चाहता हूँ मंत्री जी, से, कि वह फिर से इस बात पर विचार करें कि सिक् यूनिट्स को सहायता देने के लिए, 350 का उन्होंने कमिट किया है, क्या और सिक् यूनिट को मदद करने के लिए इसी बैंक की मार्फत काम करेंगे और क्या अपने मैमोरैंडम आफ आर्टिकल्स में सुधार करने की कोशिश करेंगे?

उपसभाध्यक्ष (कुमारी सरोज खापर्दे): मैंने तो आपसे पूछा था कि आपका जो यह रेजोल्यूशन है क्या आप इसको विद्वान कर रहे हैं?

श्री रामदास अग्रवाल: महोदया, जैसा मैंने पूछा, अगर मंत्री जी उस पर रिप्लाइ करना चाहें तो कृपया उनसे पूछ लें।

श्री उपसभाध्यक्ष (कुमारी सरोज खारपडे) क्या आपने रेजोल्यूशन विदड़ा किया?

श्री रामदास अग्रवाल: मंत्री जी कुछ कहना नहीं चाहते?

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Minister, would you like to respond to his query?

श्री रामदास अग्रवाल: कर्कस के बारे में क्या होगा, जो सिक यूनिट्स हैं तीन सौ पचास?

SHRI M.P. VEERENDRA KUMAR: Madam, I have already said that there are 49 cases. I have already given that answer. Regarding other things, I have already made it clear in my answer. I have nothing more to add.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I think the Minister has given all the replies to your queries ...*(Interruptions)*...

MR. RAMDAS AGARWAL, are you going to withdraw your Resolution?

श्री रामदास अग्रवाल: महोदय, मंत्री महोदय की स्थिति को देखते हुए मैं अपना रेजोल्यूशन वापस ले लेता हूँ।

The Resolution was, by leave, withdrawn.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): The question is:

That the Bill to provide for the transfer and vesting of the undertakings of the Industrial Reconstruction Bank of India to and in the Company to be formed and registered as a Company under the Companies Act, 1956, and for matters connected therewith or incidental thereto and also to repeal the Industrial Reconstruction Bank of India Act, 1984, passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): We shall now take up clause-by-clause consideration of the Bill.

Clause 1, the Enacting Formula and the Title

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

SHRI M.P. VEERENDRA KUMAR: Madam, I move:

That the Bill be passed.

The question was put and the motion was adopted.

THE DOCK WORKERS (REGULATION OF EMPLOYMENT (INAPPLICABILITY TO MAJOR PORTS) BILL, 1995.

THE MINISTER OF SURFACE TRANSPORT (SHRI T.G. VENKATRAMAN): Madam, I beg to move:

"That the Bill to provide for inapplicability of the Dock Workers (Regulation of the Dock Workers (Regulation of Employment) Act, 1948 to dock workers of major port trusts and for matters connected therewith or incidental thereto, be taken into consideration."

[THE VICE-CHAIRMAN, (SHRI TRILOKI NATH CHATURVEDI), IN THE CHAIR.]

Sir, with your permission, I would like to say a few words while moving the Dock Workers (Regulation of Employment (Inapplicability to Major Ports) Bill, 1995 for consideration and approval.

Till 1948, the Dock Workers, loading and unloading ships, belonged to Stevedores, or were hired by them directly, or through labour contractors and were not paid suitable wages, nor assured regularity of employment. In order to provide greater regularity of employment. In order to provide greater regularity of employment to these Cargo-Handling Labourers and to prevent their exploitation, an Act was passed by Parliament, namely, the Dock Workers (Regulation of Employment) Act, 1948. This Act provided for formulation of necessary schemes by the Government, which were to be administered by the Dock Labour

Boards set up under this Act. Such Dock Labour Boards were set up at seven ports, i.e., Bombay, Calcutta, Masdras, Cochin, Kandla, Visakhapatnam and Mormugao Ports. As on 31.12.96, there were 14,539 workers in the seven Dock Labour Boards. The Dock Labour Boards are financed from the wages and levy paid by the Stevedores.

The operations on board the vessels are carried out by Dock Workers belonging to Dock Labour Boards and on shore are carried out by another set of labour called Shore Workers who are Port employees. This dual system has certain disadvantages, as two different sets of labour with different service conditions and under different statutory bodies do essentially the same job, but are kept in water-tight compartments with no interchangeability of labour, say on the shore, may be idle, there may be shortage of dock labour, or *vice-versa*, leading to nonoptimum and uneconomic use of labour.

We wish to merge the labour of the Dock Labour Boards with the concerned Port Trusts, so that interchangeability of gangs is introduced. I would like to make it clear that no labour will be retrenched or dismissed by this move. All the Dock Labour Boards employees/workers will become employees/workers of the respective Port Trust and the merger will be carried out after signing an MoU with the Labour Union.

In Bombay, after an Agreement under the Industrial Disputes Act was reached between local Labour Unions and the Management of Bombay Port Trust/Bombay Dock Labour Board, the Schemes under the Dock Workers (Regulation of Employment) Act, 1948 were revoked with effect from 1.3.94 and Bombay Dock Labour Board was superseded with effect from 25.2.94. In the case of Cochin Dock Labour Board, after an Agreement was signed with the local labour unions on 6.6.1994, under the Industrial Disputes Act, 1947, composite interchangeable gangs were intro-

duced with effect from 11.7.94 as a first step towards merger with Cochin Port Trust. The Board has also been superseded with effect from 27.6.95 for a period of two years.

The existing Dock Workers (Regulation of Employment) Act, 1948 does not contain any provision for the abolition of Dock Labour Boards and only supersession of Board is permitted. To introduce an enabling provision, a Bill, namely, Dock Workers (Regulation of Employment) (Inapplicability to Major Workers (Regulation of Employment) (Inapplicability to Major Ports) Bill, 1995 was introduced in the Rajya Sabha, referred the Bill to the Department-Related Parliamentary Committee on Transport & Tourism for examination and report. The committee submitted its report to the Rajya Sabha on 4.12.95 and laid it on the Table of the Lok Sabha on 6.12.95. In their report, the Committee suggested amendments to clause 3 of the Bill to provide that the applicability of the provisions of the Dock Workers (Regulation of Employment) Act, 1948 will cease only after a settlement is arrived at with the workers. The provisions of the Bill introduced in the Rajya Sabha did not specifically provide for a "settlement" through this was implicitly understood. The amendment has been accepted by the Government.

This Bill provides that from a date to be notified in the Gazette, the Central Government will have the authority to direct that the provisions of the Dock Workers (Regulation of Employment) Act, 1948 will cease to apply to a Major Port, so specified. On that appointed day, all property, assets, funds, employees and workers of a Dock Labour Board will merge with the respective Port Trusts. In the circumstances stated above, I beg to move that the Dock Workers (Regulation of Employment) (Inapplicability to Major Ports) Bill, 1995 may be taken into consideration by this House.

The questions was proposed

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Thank you, Mr. Minister. Any hon. Member, who wants to speak, can do so. I have the list before me. Shri Govindram Miri.

श्री गोविन्दराम मिरी (मध्य प्रदेश): उपसभाध्यक्ष महोदय, डाक वर्कर्स के लिए 1948 में एक बिल लाया गया था। फिर एक लंबी अवधि के बाद 1995 में यह नया बिल इंद्रोइयूस किया गया। अब इतनी लंबी अवधि के अनेक समस्याएं सामने आईं गोदी कर्मचारियों के कार्यकरण के संबंध में। महोदय, जैसा कि इसमें बताया गया है, एक पोर्ट के कर्मचारी दूसरे प्रकार का कार्य नहीं करते थे और इसलिए अनेक कठिनाइयां उत्पन्न हुईं और उनमें एकरूपता लाने के लिए यह बिल लाया गया है। महोदय, इस बिल का जो क्लॉज 4(1) ई है, इसमें बताया गया है कि सारे कर्मचारी मर्ज हो जाएंगे, उनके इंड्रस्ट मर्ज हो जाएंगे, लाबेलिटीज मर्ज हो जाएंगी लेकिन मुझे लगता है कि यह एक दूसरे से कंटाडिक्टरी है। इसमें कहा गया है कि—

Every employee and workers serving under the Dock Labour Board shall hold office or service under the Board on the terms and conditions which are not in any way less favourable than those which would have been admissible to him if there had not been transfer of his services to the Board and shall continue to do so unless and until his employment in the Board is duly terminated or until his tenure, remuneration or terms and conditions of service are duly altered by the Board.

एक तरफ तो ये कहते हैं कि "लैस फेवरेबल" नहीं होगा और दूसरी तरफ ये कहते हैं कि जब तक बोर्ड द्वारा उनको टर्मिनेट नहीं किया जाएगा या उनका टेन्चर खत्म नहीं किया जाएगा। इसलिए इस बात की गारंटी नहीं है जो कर्मचारी पहले से कार्य करते आ रहे हैं विभिन्न पोर्ट्स में, उनकी जो टर्म्स ऐंड कंडीशंस हैं सर्विस की, उनके जो बैनिफिट्स हैं, वे ज्यों के त्यों लागू होंगे और उनके इंड्रस्ट के विपरीत कार्य नहीं होगा और उनको रिटायर नहीं किया जाएगा। इस बात का कोई संकेत नहीं है।

महोदय, मैं कहना चाहता हूँ कि ये क्लॉज एक-दूसरे के कंटाडिक्टरी हैं। आप एक ओर कहते हैं कि "लैस फेवरेबल" नहीं होगा लेकिन दूसरी तरफ अधिकार देते हैं बोर्ड को कि जब तक रिटायर नहीं किया जाएगा। इससे

लगता है कि वर्कर्स के मन में भय व्याप्त होगा कि कहीं हमें हटा तो नहीं दिया जाएगा, हमें जो सुविधाएं मिल रही हैं उनमें कमी तो नहीं की जाएगी, हमारे रोजगार की शर्तों को बदल तो नहीं दिया जाएगा।

महोदय, दूसरी बात मैं यह कहना चाहता हूँ कि आगे क्लॉज 4(2) में कहा गया है कि—

Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any employee under this section to the Board shall not entitle such employee to any compensation under that Act or other law, and no such claim shall be entertained by any court, Tribunal or other authority.

महोदय, आप अभी देख रहे हैं कि गरीब से गरीब आदमी अदालतों में जा रहा है न्याय पाने के लिए। वहीं दूसरी ओर हम बैन कर रहे हैं कि कोई न्यायालय में नहीं जा सकता अपने अधिकारों के लिए जब उनका रिटायरमेंट होगा तो जुडिशियल रेमेडी अगर हम एक तरफ डिवार कर रहे हैं, दूसरी तरफ हम कोर्ट की पावर को कंट्रोल कर रहे हैं। इस बात का क्या कारण है कि जो वर्कर हैं उनको वहां पर न्याय मिल जाएगा। अखिर 1948 के बाद यह बिल आप 1995 में लाए हैं। इतने साल की अवधि के बाद जो इतनी समस्याएं आई हैं, कहीं ऐसा न हो कि समस्याएं हल होने के बदले समस्याएं और बढ़ जाएं।

फिर इसी तरफ से यह जो क्लॉज-3 है, यह जो मर्ज होने से पहले इस बात की संभावना व्यक्त की गई थी कि कोर्ट के जो अनेक लोग काम कर रहे हैं, विभिन्न यूनियन उसमें काम कर रही हैं अगर उनकी राय, सलाह, मशवरा नहीं लिया गया जो कि विभिन्न क्षेत्रों से आते हैं, क्रॉस राजनीतिक दल उसमें काम करते हैं, उनको जब तक विधायन में नहीं लिया जाएगा, उनके प्रतिनिधियों से बातचीत नहीं की जाएगी तब तक यह बिल जिस उद्देश्य के लिए लाया गया है वह उद्देश्य पूरा नहीं होगा। क्योंकि पार्लियामेंट की जो कमेटी बनी थी—कमेटी ऑन ट्रांसपोर्ट ऐंड टूरिज्म, इस कमेटी ने अपनी रिपोर्ट में कहा था:

"The Committee feels that since even the representatives of the Government who depose before the Committee had clarified that the Government would merge the Dock

Labour Board with the Port Trust only after consulting the local unions, the Bill should specify such a course of action."

तो मुझे इसमें शंका हो रही है। आगे उन्होंने कहा है:

"The Committee notes that Clause 3 of the Bill does not clearly state that such an agreement would precede the merger. The Committee feels that such a merger should take place only after the settlement between the Dock Labour Board, its workmen and the management of the ports."

अब क्लॉज-3 में ऐसा भी नहीं बताया गया है कि जो डॉक लेबर है उनके मेनेजमेंट, उनके फेडरेशन इन सब के बीच में बात होकर के उनकी समस्याओं का निराकरण करने के लिए पूरी उनकी सहमति ले ली गई है, ऐसा इसमें स्पेसिफाई नहीं करता है। इसलिए मुझे भय है जैसा मैंने पहले कहा कि इसमें लेबर अनरेस्ट होने की समस्या पैदा हो सकती है। जो विभिन्न पोलिटिकल पार्टियों की विभिन्न यूनियन काम कर रही है उनकी इगो आपस में टकराएंगी। इस बात की संभावना है उनकी हल करने के लिए आपने कौन सी यूनियनफर्मटी लाने के लिए कौन से ऐसे अधिकारी नियुक्त किए कि जो बोर्ड बनाया जाएगा उसमें जो यूनियन है उनके इंटेरेस्ट को देखने के लिए उनके प्रतिनिधि उसमें रहेंगे या नहीं, इस बात का भी इसमें उल्लेख नहीं है। महोदया, मेरा आपसे ऐसा अनुरोध है कि बिल लाने की भावना तो अच्छी है लेकिन उसमें अनेक कमियां हैं। अच्छा होता कि बार-बार इस तरह से बिल लाने के बदले एक कम्प्रेहेंसिव बिल लाते जिसमें सारी समस्याओं का निराकरण किया जाता और अच्छी चीज स्पेसिफाई होती। इसमें अनेक कमियां हैं, खामियां हैं, जो कि इसमें स्पेसिफाई नहीं किया गया है। मेरा आपसे अनुरोध है कि इसमें ऐसा न हो कि जो डॉक वर्कर्स हैं, वह किन कठिन परिस्थितियों में काम करते हैं उनके जो इंटेरेस्ट हैं उनके और भी जो बेनिफिट्स हैं वह सब सेफर्गाई होने चाहिए, उसमें किसी तरह से कोई गड़बड़ नहीं होनी चाहिए और सब के बीच में सामंजस्य स्थापित हो, ऐसी आप व्यवस्था करेंगे। इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और आशा करता हूँ कि जिन बातों को मैंने इंगित किया है उन समस्याओं का निराकरण मंत्री महोदय करेंगे।

RECOMMENDATIONS OF THE BUSINESS ADVISORY COMMITTEE

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Before I request Shri John F. Fernandes to speak, I have to inform the Members that the Business Advisory Committee at its meeting held today, the 13th March, 1997 recommended—

1. That in order to provide sufficient time for discussion on the Railway Budget for 1997-98, the House would sit on Saturday, the 15th March, 1997, and that there would be no Question Hour on that day.

2. The Committee also recommended that the General Discussion on the General Budget for 1997-98, be scheduled on Monday and Tuesday, the 17th and 18th March, 1997. The Statutory Resolution on Uttar Pradesh, legislative Business and other Business would be taken up on Wednesday, Thursday and Friday, the 19th, 20th and 21st March, 1997.

3. The Committee further recommended that in order to complete the listed Government Business, the House should sit beyond 5.00 P.M. each day, from Friday, the 14th March, 1997.

THE DOCK WORKERS (REGULATION OF EMPLOYMENT (INAPPLICABILITY TO MAJOR PORTS) BILL, 1995—Contd.

SHRI JOHN F. FERNANDES (Goa): Mr. Vice-Chairman, Sir, I feel that it is a very innocuous Bill and, more so, this Bill has been scrutinised by the Standing Committee of the Parliament. So, the job of the Parliament is very simple. But at the same time I would like to speak on this Bill because I belong to Goa where we have a major port trust and we have a Dock Labour Board. This Bill is commendable because it is going to amalgamate two workforces within the port area, offshore and onshore. Whenever the Parliament passed any Statute or Act to merge two organisations there was

always resentment. We have seen this when we amended the Air Corporation Act and converted the two corporations, Air India and Indian Airlines, into a company. Though we gave this power to the Government to merge these two organisations, it is yet to see the light of the day. But we have a combined Chairman for these two organisations. These are elite organisations. There is resentment. I don't know what will be the state of affairs when we go to the labourers, more so, in the port areas. Most of the labourers are illiterate. When the Government has come before this House with this Bill, it has brought some draconian sections in this Bill. I don't know whether it will be acceptable to the workers. Clause 4(2) of this Bill says that this cannot be disputed under the Industrial Disputes Act, 1947. In every port in every section of workers there are different unions. I don't know whether they have signed any MOUs. The hon. Minister said that they had signed MOUs and he would do it with their consent. But the consent cannot be unanimous. All sections of the unions may not agree with it. They will go by the majority decision. There cannot be any unanimity. Then what will be the course of remedy? The Minister says that they cannot go to the court; they cannot go to the tribunal; they cannot go to any authority in litigation. Does he mean to say that he is going to include this law in the Ninth Schedule of the Constitution? How is he going to make this Act workable? The spirit is commendable. But when we are globalising, when we are privatising, I don't think he has given any thought to the issue of privatisation. This Bill has been brought keeping in view the existing conditions at the ports. Seven ports have this Dock Labour Board. They are under the Government control. They are PSUs. Port Trusts are PSUs. They are semi-Government organisations. Now we have opened up the ports to the private sector. For example, in my State of Goa there are not only ports but also outer harbours with international and domestic multi-national companies investing in them. I would like to know

whether he has thought about it before bringing this Bill. I would like to know whether this view will also be covered by this Bill or whether he will again come before the Parliament because many of the ports have already tendered contracts to private parties to have new ports. There are not only onshore activities but also offshore activities.

Another point is this. We have container terminals within the port area. For example, we have the Cochin Port Trust. Adjacent to the Port Trust, within the port area, we have a container terminal run by the Container Corporation of India. Port activities are going on there also. Have you brought these workers within the purview of this Bill? We also permit traders to have in-house stuffing. If I have a commodity which can be stuffed without a packing, the container is permitted to be taken to a factory and the stuffing is done in the factory which is called inhouse stuffing. I would like to know whether these workers would be a part of this labour force. As I mentioned earlier, this is a commendable Bill because India is the only country which depends totally on the manpower. You go to Amsterdam. This is one of the largest ports in the world. But the whole port is handled by not more than 10 to 20 people because it is a mechanised port. When we talk of mechanisation, we are not talking of retrenchment, we are talking of high productivity. We are talking of maximum utility of the port. We have the most modern port at Navashiva in Mumbai, which is called Jawaharlal Nehru Port. Will this Bill not come in its way? I mean, repealing and merging the workforce and just creating a huge manpower, will it not come in the way of modernisation because most of the trade unions are controlled by different political parties. Mr. Kulkarni is controlling the trade union in Goa. Then our comrades are controlling some trade unions. Will it not come in the way of exports? Will it not come in the way of productivity at the ports? I hope the Government will have some vision before getting this

Bill passed because it will not be very easy to implement it. I do not know whether they have consulted different trade unions vis-a-vis Clause 4(2) because they would be debarred from going to any court or any tribunal. You will have no legal remedy. I would like to know whether it will stand a legal test. Will it not be struck down by a court of law in the country? I would like to know whether they have taken a legal opinion or not. I am not aware of it. I request the Minister to respond to it. *(Interruptions)*. This will be in the interest of the labour. Tomorrow the Government would control the judiciary. Mr. Vice-Chairman, Sir, my point is the Government should give a thought to it. Now they have provided port activities within the port area. They have given the work of stewarding, transporting and handling to private people. Unless you exclude them, those employees, those labourers—they may be contract labourers also—will be included in this. I request the hon. Minister to reply to this point. I would request the Minister to bring a more comprehensive Bill and future-looking Bill, a Bill for the next century. It should not create any impediments when we open our ports to the private sector. As you know, we are going to have free ports. It is being debated that Goa can be a free port because the matter is before the Cabinet. I would request the Minister to bring a comprehensive Bill. Unless the labour agrees to it, I don't think you can dissolve and merge them because there is no emergency in this country. I don't think this Bill will serve any purpose. I would request him to bring a proper Bill, a workable Bill, which is acceptable to everybody. Thank you.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): I would like to remind the hon. Members that one hour has been allotted for discussion on this Bill. At 5 o'clock we have to take up the Half-An-Hour discussion. I would request the Members to keep this fact in mind and try to be as brief as possible.

SHRI JIBON ROY (West Bengal): Sir, I generally agree with the Statement of Objects and Reasons. But I am apprehensive because the way this Bill has been drafted, I am not sure whether it will be able to achieve the objectives which have been mentioned in the Bill. There are two objectives in the Statement of Objects and Reasons. Firstly, it envisages the merger of onshore and off-shore employees by bringing them under a single administrative control. At the moment it is aimed at doing away with stevedores.

The statement made by the Minister while introducing the Bill said a few things which the Bill does not say. In the statement, he mentioned that stevedores would go and all the workers would become employees of the port trust. He also said that there will be no retrenchment. All these things were mentioned in the statement. But the Bill states that "every employee and worker serving under the Dock Labour Board shall hold office or service under the Board on the terms and conditions which are not in any way less favourable than those which would have been admissible to him if there had not been transfer of his services to the Board and shall continue to do so unless and until his employment in the Board is duly terminated or until...." We have casual workers, construction workers and regular workers. I would like to know whether all these workers would become employees of the port trust. I would like the Minister to assure the House that all the workers will be absorbed by port trust. This is not mentioned in the statement. The Minister has only said that nobody will be retrenched. The Bill says that they will be absorbed and at that time there will be no retrenchment. I would like to know what remedy there is if they are not absorbed. In the existing system, at least, there was a countervailing authority. There was the Labour Board which was a tripartite body. On this Board, the labour, the management and the Government were

represented. Now all this will be transferred to the Port Trust Authority. I have certain apprehensions. Secondly, the stevedores on board are doing practically all the work. Now the Bill does not state that the stevedores will be done away with after the merger. I have given some amendments which I hope would be accepted. I request the Minister to, at least, give an assurance in this respect. I support the Bill subject to the acceptance of my amendments or an assurance to that effect from the Minister.

SHRI V. NARAYANASAMY (Pondicherry): Mr. Vice-Chairman, Sir, I rise to make certain points on this Bill. The purpose of the Bill is to regulate the employment of dock-workers in major ports. The idea behind it is laudable. The hon. Minister has stated that in some ports, workers are idle and in some cases there is a lot of work.

And, therefore, a new system has been evolved. Sir, in that I would like to tell the hon. Minister the plight of the labourers who are working in the ports. Now, today, because of liberalisation policy, imports and exports in various major ports have increased. But what is the situation? The strength of some labourers who are working there, especially in loading and unloading of consignments, has not increased. Let the Minister in this august House tell us the total earnings of various major ports today and the contribution they would make for the welfare of the labourers, for the people who are working there in various ports. The pitiable condition is that most of the dock workers who are working in various major ports are not having housing facilities. The service conditions of most of them in spite of what Shri Jibon Roy has mentioned, the tripartite issue and several issues, were not settled. Now, today what is going to happen? Apart from that, the wage increase that has been made by several agreements and thereafter the conditions of services and the increase of emoluments vary from one port to the other. Since the nature of work is the

same, same pay for same work should be given. But there is discrimination as far as service conditions are concerned, emoluments that are given to the employees, and the wage structure. Therefore, Sir, it will help us if we have a unified structure. But there is an apprehension in the minds of the employees, the dock labourers, that by taking over or by abolishing the Dock Labour Board, the period will not be taken care of. The hon. Minister has written in the Bill itself that they will continue with the same service conditions and the assets and liabilities of the dock workers will be taken over by the port. I agree. As far as dock labour and port employees are concerned, will the hon. Minister give an assurance in the august House that the terms and conditions of their employment will continue?

Sir, today, a lot of developments are taking place. The hon. Minister has announced that they are going to improve and give the minor ports to some private parties. If that is going to happen, then what are you going to do for the major ports where the volume of transactions has increased, the loading and unloading has increased and the amount of unemployment that has been created? The chairmen who are sitting there in various major ports are sitting like Shylocks. They are not taking care of the employees. The employees' welfare is not taken care of by them. The employees work over-time, their interests is not taken care of. My information is that the chairman of port trusts are acting as if they are dictators of the organisation. Government orders are being flouted. They try to see that they are autonomous bodies and neither the Ministry nor the Government has any control over them. Therefore, I would like to ask the hon. Minister, when you go in for these reforms, how are you going to manage when the people who are at the helm of affairs, the chairmen of various port trusts, are not cooperating with the Government? You are not going to achieve that. They will not change their tendency. Therefore, I ask the hon.

Minister, when you bring such good things and the people who are sitting there, who have to take care of the interest and welfare of the employees, will you give an assurance that you will take care of the interest of the employees? I do not think so. Therefore, when you bring a labour welfare measure, the people who are sitting on top as chairmen of ports, should have flexibility. They should take care of the interest of the labourers. But it is not being done. This is my information. Therefore, I ask the hon. Minister—this is very important—that when you are earning so much amount by loading and unloading consignments, what is the percentage you are giving for the welfare of the employees? That is very important.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Mr. Narayanasamy, the hon. Minister has taken note of your observation.

SHRI V. NARAYANASAMY: Sir, I am saying this because the strength of the employee has not been increased. They are working overtime. The terms and conditions of their service have not been changed. Their emoluments have not been increased. Wage restructuring has not been done by the tripartite agreements. The Chairman of these ports are managing the affairs in such a way that the welfare of the employees is not taken care of. I want the hon. Minister to give answer to all these points. At a time when you bring forth a Bill like this for the purpose of regulating employment of dock labour, you should also take care to set right the entire management. My point is that until and unless the whole management is restructured, welfare of the employees cannot be taken care of. With these words, I support the Bill. However, I want the hon. Minister to give answer to all my points.

Thank you, Sir.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Now, Shri Muthu Mani. Mr. Muthu

Mani, you have to very brief. We have to take up the Half-an-Hour discussion at 5.00 p.m.

SHRI S. MUTHU MANI (TAMIL NADU): Mr. Vice-Chairman, Sir, on behalf of AIADMK, I rise to speak on the Dock Workers (Regulation of Employment (inapplicability to Major Ports) Bill, 1995. The situation in which this Bill was introduced in 1995 and the situation in which we are discussing it today are very different. I am referring to it because it has relevance. The constituents of the ruling United Front, particularly the DMK, has been opposing the policies of the then Congress Government tooth and nail. But today I am surprised to see a Minister belonging to the DMK party pleading for the passage of a Bill that was introduced by the Congress Government. I would have appreciated if the hon. Surface Transport Minister had at least brought in some necessary amendments from the Government side to make up the shortcomings in the Bill. Even now, it is not late if the Minister is responsive to our suggestions.

As a trade unionist and also as the General Secretary of Anna Thozhilsanga Peravai, I am always for the welfare of the workers. I do agree that because of certain technicalities, a section of workers should not suffer under different service conditions. The basic reason for bringing this Bill is said to be to have a single agency for cargo handling labour. I have no difference of opinion on that. But I have some points to make and I want the hon. Minister to clarify them. Out of 11 major ports, only in seven ports, namely, Mumbai, Calcutta, Cochin, Kandla, Chennai, Mormugao and Visakhapatnam, Dock Labour Boards were set up under the Dock Workers (Regulation of Employment) Act, 1948. I would like to know as what is happening in the other four ports where Dock Labour Boards have not been set up under the Act of 1948. I would like the hon. Minister to clarify this point. Again, in clause 3 it is stated that "the Central

Government shall direct that the provisions of the Dock Workers (Regulation of Employment) Act, 1948, shall cease to have effect in relation to a major port specified in the said notification". I fail to understand why the Government intends to do it port after port. This could be done in one go. I would like the Minister to tell the House why the application of this Bill is proposed to be implemented in piecemeal.

Now I would like to refer to some doubts which are lurking in the minds of the dock workers. I draw the attention of the Minister to sub-clause (e) of clause 4. It states that "every employee and worker serving under the Dock Labour Board shall hold office or service under the Board on the terms and conditions which are not in any way less favourable than those which would have been admissible to him if there had not been transfer of his services to the Board....." Up to this, it is all right. But the sentence continues saying "...and shall continue to do so unless and until his employment in the Board is duly terminated or until his tenure, remuneration or terms and conditions of service are duly altered by the Board."

There are two provisions in it that are anti-labour. Firstly, why at all should we have the expression, "...unless and until his employment in the Board is duly terminated". This is unnecessary. I assume that this provision will be used against workers. This can be used for retrenching them. Again, the provision goes on to say that the terms and conditions of service shall continue to remain the same "until his tenure, remuneration or terms and conditions of service are duly altered by the Board". The expression "terms and conditions of service shall not be altered" has a rider that the terms and conditions can be altered by the new Board. Sir, it is very simple to understand. The proposed Bill can be used to the detriment of dock workers. The hon. Minister should explain why he wants to retain the complicated sub-clause (c) in this Bill. He should explain this position.

Since I am concerned with the welfare of workers, I want the Bill to be amended suitably so as to protect the dock workers from retrenchment. Secondly, there should be a clear provision to regularise the services of all workers without any change in the conditions to their disadvantage. With a view to protecting the interest of the dock workers, I have moved some amendments along with our senior Member, Shri Jibon Roy. The Government of India should not stand on prestige. I hope the hon. Minister will accept the amendments in the larger interest of dock workers. If he finds it difficult, he can himself move such amendments as would contain our suggestions. And we will accept them. I am only interested in job security and welfare of dock workers. As long as such provisions are there, it does not matter who brings in amendments.

I request the hon. Minister to rise to the occasion and protect the interest of dock workers and bring in amendments that we have suggested. Otherwise, if he gives proper assurance to satisfy the House that the interests of dock workers will be protected, I will withdraw my amendments on the basis of the assurance given by the hon. Minister.

श्री जलालुद्दीन अंसारी (बिहार): उपसभाध्यक्ष महोदय, जिन उद्देश्यों और कारणों के आधार पर यह बिल लाया गया है, उसका मैं समर्थन करता हूँ। लेकिन इस बिल में जो प्रोजेक्शन किए गए हैं, जिसकी चर्चा हमारे साथियों ने की है वह सैक्शन 4 के "ई" में उससे लगता है कि बोर्ड, वर्कर्स के जो टर्म्स एंड कंडीशंस हैं, जो सेवा शर्तें हैं, उनको बदल सकता है, ऐसी आशंका यहां मालूम होती है। इस तरह की व्यवस्था इस बिल में नहीं होनी चाहिए। हम चाहते हैं कि जो सेवा शर्तें हैं मजदूरों की, कर्मचारियों की, वह सेवा शर्तें बरकरार रहनी चाहिए और उनको बदलने का बोर्ड को अधिकार नहीं होना चाहिए, इसलिए कि ट्रस्ट और बोर्ड को मिला करके आप एक नया कानून बना रहे हैं। इसलिए जिन सेवा शर्तों की बुनियाद पर वे कार्यरत हैं उनकी उन सेवा शर्तों को बदला नहीं जाना चाहिए। बल्कि उनकी उन सेवा शर्तों को रखा जाना चाहिए। उसमें कोई परिवर्तन नहीं होना चाहिए। फिर इसी में जो सब क्लॉज 2 है, उसमें

कहते हैं कि कोई कर्मचारी इंडस्ट्रियल डिसप्युट एक्ट के अनुसार वह अपने दावे के लिए और दूसरी चीजों के लिए न किसी प्राधिकरण के पास जा सकता है और न न्यायालय में जा सकता है। यह जो आप इसमें व्यवस्था किए हैं यह किसी भी जनतांत्रिक देश के लिए उचित नहीं है। कोर्ट ऑफ ला है, लैड ऑफ द ला है, तो आप डाक वर्कर्स को कहते हैं कि कोई किसी न्यायालय में नहीं जाएगा, किसी प्राधिकरण में नहीं जाएगा।

आप तो उस के कानूनी हक से उस को डिवार कर रहे हैं। तो इस देश में "ला ऑफ द लैड" नहीं रहेगा और आप हमारे डाक वर्कर्स को ला ऑफ द लैड से वंचित करना चाहते हैं? मैं इस का सख्त विरोध करता हूँ और माननीय मंत्री जी से कहना चाहता कि आप जो इस तरह की मजदूर विरोधी व्यवस्था इस बिल में लाए हैं, अभी भी समय है कि आप इस पर विचार कीजिए और इस में जो इकोनियम स्टेप्स हैं। उन को हटा लीजिए।

महोदय, मेरा दूसरा सुझाव यह है कि अभी जो सरकार है, पहले की जो सरकार थी या जो सरकार रहती है, वह जो समस्या पैदा हुई उस को देखते हुए एक काम चलाऊ बिल ले आती है। तो डाकर्स में ठीक से काम हो और पूरे डाक वर्कर्स की समस्याओं के निराकरण के लिए आप एक कंप्रिहेंसिव बिल क्यों नहीं लाते हैं? महोदय, अभी हमारे कई मित्रों ने इस बात को कहा और सही ही कहा है कि इन तमाम पोर्ट्स में वर्कर्स यूनियन हैं जोकि विभिन्न राजनीतिक दलों से सम्बद्ध रखती है तो यह बिल लाने के पहले इस दृष्टि से भी कि "लेबर अनरेस्ट" न हो, श्रमिकों का आंदोलन न हो, उन यूनियंस के साथ एक आम सहमति बनाने का आप ने कोई प्रयास किया क्योंकि अपने स्टेटमेंट में माननीय मंत्री जी ने यह नहीं बताया है कि जो विभिन्न यूनियंस के पदाधिकारी हैं, उन से इस बिल के संबंध में आप ने कोई राय ली है या विचार किया है? इस पर वह सहमत हैं, नहीं है क्योंकि आप बिल पास कर देंगे और अगर उन को यह पसंद नहीं आएगा तो वह आंदोलन करेंगे और लेबर अनरेस्ट होगा। यह श्रम अशांति पैदा करने से आप को क्या लाभ होगा? इसलिए यह जो दो-तीन परस्पर विरोधी चीजें हैं जोकि मजदूरों के हित में नहीं जाती हैं, आप उन के हित के लिए, उन के लाभ के लिए यह बिल लाए हैं, लेकिन कुछ सेक्शंस में यह उन के खिलाफ जाता है। मैं आप से अनुरोध करूंगा कि उस बारे में आप विचार कीजिए और जो मजदूर विरोधी व्यवस्था आप ने इस बिल में की है, उस को हटा लेने का प्रयास कीजिए। इसी निवेदन के साथ मैं अपनी बात समाप्त करता

अशरी जلیل الامین انصاری بہار: اب
سمیادھیکش مہودے۔ جن ادیشیوں
اور کارنوں کے آدھار پر یہ بل لایا گیا ہے
اسکا سمرقن کرنا ہی نہیں لیکن اس بل میں
جو پر ویزن لگے گئے ہیں جسکی چرچ
ہمارے سوا قیورہ نہ کی ہے وہ سیکشن
م کے ای میں اس سے لگتا ہے کہ بورڈ ورکر
کے جو ٹرسٹس اینڈ کنڈیشنس ہیں جو سمیاد
شرطیں ہیں۔ انکو بل سے نکالے۔ ایسی
آتشکامیاں سلوم ہو رہی ہے۔ اسکی
روس سمیاد اور بل میں بورڈ چلیے۔ ہم چاہتے
ہیں کہ جو سمیاد شرطیں یہ مزدوروں کی
"کمر جوار" کی۔ وہ سمیاد شرطیں یہ قرار دینی
چاہیے اور انکو ہولے کا بورڈ کو ادھیکار نہیں
ہونا چاہیے۔ اسلئے کہ ٹرسٹ اور بورڈ کو
مل کر کے آپ ایک نیا قانون بنا رہے ہیں۔
اسلئے جن سمیاد شرطوں کا بنیاد یہ وہ
کام کر رہے ہیں انکی ان سمیاد شرطوں کو
بدلا نہیں جانا چاہیے۔ بلکہ انکی ان سمیاد
شرطوں کو رد کیا جانا چاہیے اسکی کوئی
پروردہ نہیں ہونا چاہیے پھر اسکی جو
خلاص ہے اسکی نہیں کہ کوئی کمر جوار
"انڈسٹریل سینیوٹ ایکٹ" کے انوسار
وہ اپنے دعوے کیلئے اور دوسری چیزوں
کیلئے نہ کہ "پراڈھیکرن" کے پاس جاسکتا

ہے اور نہ "نیا یا لیم" میں جاسکتا ہے۔ یہ
جو آپ اسمیں "ویو مسٹھا" کے ہیں
یہ کسی بھی "جن ٹانٹرک" دیش کیلئے
مناسب نہیں ہے۔ کورٹ آف لاء ہے لینڈ
آف دی لاء ہے تو آپ "ڈوک ورکرس"
کو کہتے ہیں کہ کوئی کسی نیا یا لیم میں نہیں
جائے گا۔ کسی برا دھیکر میں نہیں جائیگا۔
آپ تو اس کے قانونی حق سے اسکو ڈی بار کر
دیتے ہیں۔ تو اس دیش میں "لا آف دی
لینڈ" نہیں رہے گا۔ اور آپ ہمارے ڈاک
ورکرس "کو لا آف دی لینڈ" سے محروم
کرنا چاہتے ہیں۔ میں اسکا سختی سے رد
کرتا ہوں۔ اور مائنیم منٹری جی سے کہنا
چاہتا ہوں کہ آپ جو بھی اسطرح کی مزدور
ورور دھی ویو مسٹھا اس بل میں لائے
ہیں۔ ابھی بھی وقت ہے کہ آپ اس پر
غور کیجئے اور اسمیں جو ڈرے کوینٹنٹس
ہیں انکو عطا کیجئے۔

مہودے۔ ابھی ہمارے کئی مٹروں نے
اس بات کو کہا اور سبھی ہی کہتے ہیں کہ ان
تمام بورڈس میں ورکرس یونین ہیں۔
جو کہ بعض راجسٹریک دونوں سے سمجھو
رکھتے ہیں تو یہ بل لانے کے لیے اس درستی
سے بھی کہ لیبر انٹریسٹ "نہ ہو خیر میکیا
کا آنوولن نہ ہو۔ ان یونینس کے ساتھ
ایک عام سمجھوتہ کرنے کا آپ نہ کوہ رہا

کیا کیونکہ اپنے اسٹیشنٹ میں مائنیم منٹری
جی نے یہ نہیں بتایا ہے کہ جو مختلف یونینس
کے پر ادھیکاری ہیں ان سے اس بل کے
سمجھوتہ میں کوئی کر کے لی ہے یا وچار
کیا ہے۔ اس پر وہ سمجھت ہیں۔ نہیں
ہیں۔ کیونکہ آپ بل پاس کر دیں گے۔ اور
انکو یہ پسند نہیں آئیگا تو وہ آنوولن کرینگے
اور لیبر انٹریسٹ ہوگا۔ یہ شرمناک ہوتا
نہ ہے اسکو کیا لاج ہوگا۔ (اسنے یہ جو دو
نیمیں پر سمجھوتہ کر دی ہیں۔ جو کہ مزدور
کے حق میں نہیں جاتی ہیں۔ آپ کے حق
کیلئے۔ انکے لاج ہو کیلئے یہ بل لائے ہیں۔ لیکن
کچھ سیکشنس میں یہ انکے خلاف جاتا ہے۔
میں آپ سے انروڈ کرونگا کہ اس بار
میں آپ وچار کیجئے۔ اور جو مزدور ورو دھی
ویو مسٹھا آپ نے اس بل میں لکھا ہے اسکو
دھٹانے کا ہر پاس کیجئے۔

اسی نوڈن کے ساتھ میں اپنی بات
ختم کرتا ہوں۔ "ختم شدہ"

THE VICE-CHAIRMAN (SHRI
TRILOKI NATH CHATURVEDI): Shri
N. Thalavai Sundaram. Please be brief.

SHRI N. THALAVAI SUNDARAM
(TAMIL NADU): Mr. Vice-Chairman,
Sir, any Bill which is brought before the
Parliament has certain objects. Sir, the
hon. Minister who is a lawyers, is from
our State. He must be knowing about all
the laws. Previously, he was a practising
lawyer in our State. But, I would like to

know from the hon. Minister something about sub-clause (2) of clause 4, which states as under:

"Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any employees under this section to the Board shall not entitle such employee to any compensation under that Act or other law, and no such claim shall be entertained by any court Tribunal or other authority."

Sir, I am unable to understand whether an employee will have a right to go to the court or he will be treated as a bonded-labourer of the Port Trust. We have many political parties in our country and there are different unions affiliated to these political parties in these Trusts. My learned friend, Shri S. Muthu Mani who is the General Secretary of Anna Tholusonga Peravai clearly mentioned about clause 4(e) which states as under:

"Every employee and worker serving under the Dock Labour Board shall hold office or service under the Board on the terms and conditions which are not in any way less favourable than those which would have been admissible to him if there had not been transfer of his services to the Board and shall continue to do so unless and until his employment in the Board is duly terminated or until his tenure, remuneration of terms and conditions of services are duly altered by the Board."

Sir, what about the employees of this Board? I would like to know when they are going to merge all the employees and how far it will be helpful to the employees. Sir, our country belongs to the work force, the labour. The labour has always to go to the court for one reason or the other. Sometimes there are disputes between the labour unions and the managements. How far will this help the workers of this Board? Sir, there are seven Boards for 14 ports. I would like to know how far this will help the workers in

regard to welfare funds etc. There are already some welfare funds for port workers. Once these workers are merged, how far will it be helpful to them? I would also like to know whether there has been any proposal to give the workers sufficient remuneration. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Mr. Minister, would like to respond to some of the queries put by the hon. Members?

SHRI T.G. VENKATRAMAN: Sir, at the outset, I would like to thank all the hon. Members who have given their valuable suggestions and advice with regard to this Bill. I will try to answer the queries put by the hon. Members within the short time at my disposal. Sir, the hon. Members wanted to know how this Bill has come into existence. I would like to submit that a Committee was appointed to go into this question. The Department-related Parliamentary Standing Committee has also gone into this question. I would like to read out a portion of its report in order to remove the apprehensive from the minds of the hon. Members who have spoken on this Bill. It says, "The matter has been discussed with various All India Federations of Port and Dock Workers and these federations are agreeable to merger. In Bombay after an agreement under the Industrial Disputes Act was reached with local labour unions by the management of Bombay Port Trust and Bombay Dock Labour Board, the schemes under the Dock Workers (Regulation of Employment) Act, 1948 were revoked on 25.2.1994 and Bombay Dock Labour Board has been superseded with effect from 1.3.1994. In the case of Cochin Dock Labour Board, after an agreement was signed with local labour unions on 6.6.1994 under the Industrial Disputes Act, 1947, composite interchangeable gangs have been introduced with effect from 11.7.1994 as a first step towards merger with Cochin Port Trust. The Board has also been superseded with effect from 27.6.1995." The

Committee has also given a clear indication that unions should be consulted and only after signing MoUs this will come into existence. This will come into existence only after consulting the labour unions so that their interests are safeguarded. Before signing MoUs with the authorities and arriving at some understanding, they will consult the labour unions. Therefore, the interests of the labour have been safeguarded. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Let him answer ...*(Interruptions)*... Let us see it in totality. Let him clarify ...*(Interruptions)*...

SHRI T.G. VENKATRAMAN: Sir, one amendment suggested by the Committee has been taken into consideration and I have given an amendment in this regard. It relates to clause 3 and it says,

"The Central Government may, after settlement is arrived at between the Dock Labour Board of any major port, its workmen and the management of that major port in accordance with the provisions of the Industrial Disputes Act, 1947, direct, by notification in the Official Gazette that the provisions of the Dock Workers (Regulation of Employment) Act, 1948 shall cease to have effect in relation to that major port with effect from the date specified in the that notification.

5.00 P.M.

An agreement between the labour and the management is first sought. Only after that, it would come into force. Therefore, there is no apprehension. The interests of the workers are safeguarded.

With regard to the various points raised, if the Chair allows me, I can answer all the points. But this is the main thing I wanted to point out.

SHRI JOHN F. FERNANDES: There is a most important point of barring the workers from going to the court.

SHRI GOVINDRAM MIRI: It is a violation of the Fundamental Rights Chapter.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Mr. Minister, you may clarify the position in regard to this stipulation.

SHRI JOHN F. FERNANDES: Are you going to put it in the Ninth Schedule of the Constitution?

SHRI GOVINDRAM MIRI: It is a fundamental right.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): That point has been taken note of. He is responding.

SHRI GOVINDRAM MIRI: How can you bar the workers?

SHRI T.G. VENKATRAMAN: As regards the amendment by Shri Jibon Roy, particularly, the (g) part of his amendment, I would like to point out that there is already a provision in this Bill. Please see clause 4(1) (c) which says: 'every employee and worker serving under the Dock Labour Board shall hold office or service under the Board on the terms and conditions which are not in any way less favourable than those which would have been admissible to him if there had not been transfer of his services to the Board and shall continue to do so unless and until his employment in the Board is duly terminated or until his tenure, remuneration or terms and conditions of service are duly altered by the Board'. Therefore, Sir, there is a provision. They have got the right. Whatever rights they have are protected. This is provided for in the Bill. There is a safeguard in this respect. There is no need for any apprehension.

With regard to retrenchment, the hon. Member wanted to know whether I would give an assurance. Sir, I have already said in the beginning. I made a statement in this regard. No apprehensions need be there. There would be no retrenchment and, therefore, there is absolutely no need for any apprehensions on that score.

Mr. Narayanasamy raised the question about the interest of the workers being taken care of by the port trusts. He wanted to know how much the various port trusts have contributed in this regard. I have got the figures for the year 1994-95—the amount spent on the workforce. These are as follows: Mumbai Port Trust — Rs. 143.39 crores; Calcutta — Rs. 57.66 crores; Madras — Rs. 142.33 crores; New Madras — Rs. 16.26 crores; Visakhapatnam — Rs. 42.21 crores; Tuticorin — Rs. 7.75 crores; Kandla — Rs. 93.78 crores; Jawaharlal Nehru Port Trust — Rs. 62.19 crores. Therefore, the various port trusts are taking care of the interest of their labour. Money is spent. The interests of the labour are safeguarded. There is absolutely no need for any apprehension in regard to the workers. Their interest is being taken care of.

Then, Mr. Narayanasamy also said that the Chairmen of the various port trusts were behaving like Shylock. No report has come to my knowledge. If there is any report....

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): You can look into it. But Mr. Minister, the basic point, the basic objection which has been raised, is about the kind of stipulation being put in here: "Notwithstanding anything contained in the Industrial Disputes Act...." etc.

SHRI GOVINDRAM MIRI: Departing them from going to the court.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): The workers would not have the right to go to the court. This is the point on which a clarification is required. ...*(Interruptions)*... Mr. Muthu Mani, please. Some these things you can discuss with him. You are old friends.

SHRI T.G. VENKATRAMAN: There is no need for any apprehension Sir. The Bill safeguards the interest of the workers. My friend, Mr. Mani, has given notice of an amendment.

SHRI S. MUTHU MANI: Mr. Vice-Chairman, Sir, I also belong to his State. He knows me very well. When he says that I have given notice of an amendment, I do not know why he does not want to mention my name correctly. Further, it is not a question of my amendment or his amendment. It is an amendment being moved in the interest of the workers. The hon. Minister is bringing forward a Bill which takes away an important right of the workers.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Mr. Muthu Mani, he is saving the time of the House.

SHRI S. MUTHU MANI: The fundamental rights of the workers are curtailed. These rights are guaranteed under the Constitution.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): He likes to take your name.

SHRI T.G. VBENKATRAMAN: Sir, the hon. Member says that I also belong to his State. I have nothing to say on that. The point is, I am also trying to protect the interest of the workers. The hon. Member knows me well. The hon. Member said that I was bringing forward this Bill which takes away the right of the workers. As I pointed out, there should be no apprehension on that account. As far as the question of my bringing forward this Bill is concerned, since I am on this side of the House, as the Minister concerned, I have to move this Bill. The Bill has been there since 1995. I have moved the Bill. I have mentioned about safeguarding the interests of the...

SHRI JIBON ROY: Sir, the basic thing ...*(Interruptions)*... Mr. Vice-Chairman, Sir, I cannot understand what the hon. Minister is saying. The recommendation of the Standing Committee has not been enforced ...*(Interruptions)*...

The recommendation of the Standing Committee cannot be enforced automatically. The hon. Minister has said that no

merger would take place unless the Memorandum of Understanding was signed. That has to be recorded in the Bill itself. That provision is not there. The hon. Minister has not moved...

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): That is all right.

SHRI JIBON ROY: Secondly, the main objection is this. The hon. Minister is saying that the workers will be transferred on the existing terms and conditions or on those which are not less favourable than the existing terms and conditions. Under the existing system ...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): We cannot go back to this now because you have already made your point. I think the Minister will consider it.

SHRI T.G. VENKATRAMAN: Yes, Sir.

SHRI JIBON ROY: Are they going to absorb the workers in the ports? That is the question.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): The Minister will consider all these things.

SHRI T.G. VENKATRAMAN: Mr. Vice-Chairman, every employee working in it will be taken. No retrenchment will be made. I have mentioned it categorically. That assurance is there. Therefore, I submit that the amendment is not at all

necessary. Under these circumstances, I request that the amendments may be withdrawn and the Bill may be passed.

SHRI GOVINDRAM MIRI: Sir, I have an important query. I will take only one minute.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): I am sorry, Mr. Miri. ...*(Interruptions)*...

I think the Minister has by and large given comprehensive replies, and he has promised to consider other points.

The question is:

"That the Bill to provide for inapplicability of the Dock Workers (Regulation of Employment) Act, 1948 to dock workers of major port trusts and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 (Inapplicability of the provisions of the Dock Workers (Regulation of Employment) Act, 1948 to major ports.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): We shall now take up clause 3. There is one amendment, No. 3, by the Minister.

SHRI T.G. VENKATRAMAN: Sir, I move:

3. "That at page 2, lines 1 to 5, for clause 3, the following be substituted, namely:—

Inapplicability of the provisions of the Dock Workers (Regulation of Employment) Act, 1948 to major ports.

"3. The Central Government may, after settlement is arrived at between the Dock Labour Board of any major port, its workmen and the management of that major port in accordance with the provisions of the Industrial Disputes Act, 1947, direct, by notification in the Official Gazette that the provisions of the Dock Workers (Regulation of Employment) Act, 1948 shall cease to have effect in relation to that major port with effect from the date specified in that notification."

14 of 1947.
9 of 1948.

The question was put and the motion was adopted.

Clause 3, as amended, was added to the Bill

Clause 4 (Transfer of assets and liabilities of the Dock Labour Board etc., to the Board)

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): We shall take up clause 4 into consideration. There is one amendment, No. 4, by Shri Jibon roy, and another amendment, No. 5, by Shri E. Balanandan and Shri S. Muthu Mani.

SHRI JIBON ROY: Sir, I move:

4. "That at page 2, *after* line 27, the following be *inserted*, namely:—

"(f) all the employees of the existing Dock Labour Board shall be absorbed in the Board and there shall be no retrenchment.

(g) after the employees of the existing Dock Balur Board are regularised as the employees of the Board, stevedore system shall cease to operate and these operations shall be undertaken departmentally by the Board.

(h) all the existing facilities, by agreement or convention and usage to the employees of Dock Labour Board, shall be protected by the Board."

The question was proposed.

SHRI JIBON ROY: I am not pressing it.

The amendment (No. 4) was, by leave, withdrawn.

Clause 4 was added to the Bill.

Clause 1 (Short Title and Commencement)

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): There is one amendment to Clause 1. Mr. Minister.

SHRI T.G. VENKATRAMAN: Sir, I move:

"That at page 1, line 4, for the figure "1995", the figure "1997" be *substituted*."

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): There is one amendment to the Enacting Formula. Mr. Minister.

SHRI T.G. VENKATRAMAN: Sir, I move:

"That at page 1, line 1, for the word "Forty-sixth", the word "Forty-eighth" be *substituted*."

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

[THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI in the Chair)]

HALF-AN-HOUR DISCUSSION

Points arising out of answer given in Rajya Sabha on 27th February, 1997 to starred question 81 regarding employment to persons displaced by M.R.P.L.

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Now, we take up the Half-An-Hour discussion.

Dr. Shrikant Ramchandra Jichkar.

DR. SHRIKANT RAMCHANDRA JICHKAR (Maharashtra): Sir, on 27th of February, when the hon. Minister replied to Starred Question No. 81, he dwelt upon three points. It is as a result of these that the question was decided by the Chairman to be taken up during the Half-An-Hour discussion today. The three points to which the Minister was sticking to were: (1) The Government cannot do much because this is a joint sector project; (2) The assurance of employment was not given by the Mangalore Refineries but it was given by the Government of Karnataka; and (3)

The Government has given compensation and, therefore, nothing more needs to be done. These are the three points on which the hon. Minister laid stress. Sir, my arguments relate to these points. The HPCL has got 26 per cent shares in the Mangalore Refineries. The Indian Rayons of the Birlas hold 26 per cent shares and 48 per cent shares are held by the public. when the company mobilises 48 per cent of the money from the public, they cannot do it without the support of this Government. The cost of the project is 3,000 crores. They cannot do it without the blessing of the Government.

About 1,833 acres of land was given to this company. Out of 1,833 acres of land, 1,633 acres of land was given by 630 families mostly belonging to the Scheduled Castes and Scheduled Tribes. About 200 acres of land was given free of cost by the Government of Karnataka. Please note the point that 200 acres of land was given by the Government of Karnataka free of cost to this company. All this land was agricultural land. This land is near the Mangalore Port. At that time, the value of the land was around Rs. 5 lakhs to Rs. 10 lakhs per acre. They paid a compensation ranging from Rs. 45,000 to Rs. 85,000 per acre. The Government has permitted them to enhance the cost of the project by 132 per cent.

I would like to give a glaring example of what has been done in this State. I think it is not done in any State. There is a river called Netravati in Karnataka. This company is drawing water from this river freely. The company is not using the water supplied by the Government. The company is not using the water supplied by the Municipal Corporation. About 6½ lakh farmers down the stream are suffering. Their farm lands have been affected due to insufficient water. Their agriculture has been affected. There is another river called Shambhavi. The MRPL discharges the entire effluents into this river. The entire river has been polluted. The fish catch which was 48,000 tonnes per year has come down to

28,000. These are all Government's figures. At one time the total fish exported was worth Rs. 600 crores annually. Now it has come down to Rs. 145 crores. Why? It is the Government which has permitted discharge of their effluents into the river Shambhavi. The Government has permitted them to draw water from the river Netravati. Everything has been done with the blessing of the Government, with the permission of the Government, but still the hon. Minister says, "No. It is a joint project. The HPCL and Indian Rayons are there. We cannot do anything." The Government cannot shirk from its responsibility. The cost of the project is Rs. 3,000 crores.

The second thing is, an assurance for employment was given by the Government of Karnataka. The hon. Minister himself has replied in the Lok Sabha on the 4th September that it was a package of compensation and the package of compensation contained an assurance for jobs. Why did the people accept compensations ranging from Rs. 45,000/- to Rs. 85,000/-? They accepted because in the package, the element of job was included. It is because of this that the people accepted the package. They accepted it more for the job than the money. They knew that the money would get very little interest, that the money had got more than two legs, that the moment the money came in, it had all the legs to go out of the home. This, everybody realised. Therefore, the people accepted it because they were given an assurance within the package that a job would be provided to one member in each of these families. They said that training would be given to these people. But nothing was done. I do not want to dilate much on that. We have received a fax from the Dakshin Kannada Small-Scale Industries Association. They have got an association of small-scale industries which have to be promoted, which have to be encouraged. These are ancillary industries. This Industries Association has sent us a fax today and has said that they have been negotiating,

they have been pleading with the MRPL, but not a single assignment was given to these small industries. What is this? How can the Government of India shirk its responsibility? Sir, when the project-affected people were agitating, they were taken to the Bellary jail, not the Mangalore jail. They were taken hundreds of miles away to the Bellary jail as if they were fighting with the British!

The third point is, they say, "We have given compensation. So now nothing has to be given." People who come from agricultural families, traditionally agricultural families, know the value of land, now land is dear to them. Sir, I do not know the Minister's background. But I am sure, if he is not coming from an agricultural family, his father must have, hundred per cent come from an agricultural family; or, his grandfather must have come from an agricultural family.

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI T.R. BAALU): For your information, I am still a farmer. (*Interruptions*).

DR. SHRIKANT RAMCHANDRA JICHKAR: I am very, very happy. I am pleading before the right man. I am happy and satisfied that the Minister has said this. I am pleading before the right man who can understand this, who can understand what the value of land is.

I am on the point of compensation, on the point of buying land. When Shri Chaturvedi was the Vice-Chairman, I had sent him a piece of paper saying that there was a beautiful letter which, I felt, must come on the records of Parliament, and sought permission to quote from it profusely. That letter is an eye-opener. That letter was written by the chief of Seattle in 1854 to the President of the United States, to the White Chief. In that letter, that old man, that old Red Indian Tribal Chief, has created a beautiful piece of literature. I would like to quote from that letter. And this letter will touch

the heart of our hon. Agriculturist Minister and he will give an assurance today. This letter deals with the buying of land and giving compensation. The Government feels that it has taken the land, given the compensation and everything is over. It is not like that. It was there in the Red Indian culture. It is there in our Indian culture. "Mata Prithvi". We always treat the Earth to be our Mother. I quote that Red Indian Chief. I will not take more than 3-4 minutes. That Chief had written because an offer was made by the American President to purchase their lands and they sold their lands. The analogy is the same here. The MRPL is behaving like the White Chief. The Red Indian Chief writes;—

"How can you buy or sell the sky, the warmth of the land? The idea is strange to me. If we do not own the freshness of the air and the sparkle of the water, how can you buy them?"

"Every part of the earth is sacred to my people. Every shining pine needle, every sandy shore, every mist in the dark woods, every clearing and humming insect is holy in the memory and experience of my people. The sap which courses through the trees carries the memories of the red man.

The white man's dead forget the country of their birth when they go to walk among the stars. Our dead never forget this beautiful earth, for it is the mother of the red man. We are part of the earth and it is part of us. The perfumed flowers are our sisters; the horse, the great eagle, the juices in the meadows, the body heat of the pony and man—all belong to the same family.

So, when the Great Chief in Washington sends word and he wished to buy our land, he asks much of us..."

SHIR T.R. BAALU: I am reminded of my college days.

DR. SHRIKANT RAMCHANDRA JICHKAR: "This shining water moves in the streams and rivers is not just water but the blood of our ancestors. If we sell you land, you must remember that it is sacred and you must teach your children that it is sacred and that each ghostly reflection in the clear water of the lakes tells of events and memories in the life of my people. The water's murmur is the voice of my father's father..."
(Interruptions)

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Don't read out the whole thing.

DR. SHRIKANT RAMCHANDRA JICHKAR: Sir, I am not reading the whole thing. I have give a copy of this letter to the hon. Minister. so, I skip the entire thing. My point has been noted by the hon. Minister. I request the Minister to make photo copies of this letter. When Mr. Justice Chinnappa Reddy gave the decision in the case of Shri Sachidanand Pandey v. State of West Bengal in 1987, he had said the same thing. He quoted the whole thing. What did he say? He said. "It is beautiful, it is timeless. it contains the wisdom of ages, it is the first ever and the most understanding statement on environemnt. It is worth qouting. To abridge it or to quote extracts from it, is to destroy the beauty." So, he did not abridge it. But for want of time, I will skip the entire thing. Sir, I am addressing the hon. Minister. I request the hon. Minister to make photo copies of this document and make the MRPL management read this document. Give this document to them. It is because of the callous attitude of the MRPL management that the nine months' old agitation has reached its desperate stage. Please do something. The hon. Minister said that he comes from an agricultural family. I request him to solve this problem. Don't defend your officers here. They are trained in giving arguments. Don't get swayed by their

sophisticated arguments. They are trained in giving sophist arguments.
(Interruptions)

[The Vice-Chairman (Shri V. Narayanasamy In The Chair)]

You are a Minister. You are in power. Give an assurance to this House and solve this problem. Many times, we raise these issues. We feel that the issues are raised because the people there will get some solae, they will get direct benefit from whatever decisions are taken here. Please don't just give an assurance, give a decision concretis orders so that those people who have come all the way from Mangalore, get some relief. Many of their leaders are in Delhi, just to hear from the Minister, this Minister who has just now said that he belongs to an agricultural family as to what benefit is he going to give to them? I once again request the hon. Minister to give relief to these families. If I have offended the Minister by my speech, I feel sorry for that. But give some relief to these families. Compensation is not enough.

Now, I come to the organised sector. Is it easy to remove any person from his job in the organised sector? You cannot remove one chaprasi. It is so difficult. You cannot remove a small peopn. In the MRPL itself you will find that there may be any amount of indiscipline, they will not be able to remove even one small peon. So much is the job protection in this country.

So much is the extent of job security in this country. You cannot remove anyone from a job.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Dr. Jichkar, you put your questions. The Minister will answer..

DR. SHRIKANT RAMCHANDRA JICHKAR: It is easy to displace a poor Scheduled Caste farmer from his farm. There is only one law, that is, the land acquisition law. It is very easy. You just pass an order, just make a notification

and place it in the Tahsildar's office. Nobody knows about it and nobody reads it and his land is gone.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Dr. Jichkar, this is a half-an-hour discussion. You put your questions. There are seven members to speak on this issue.

DR. SHRIKANT RAMCHANDRA JICHKAR: Actually my discussion has now begun at 5.30 p.m. Sir, I conclude because Mr. Janardhana Poojary has to speak. He has directly dealt with the problem. I would once again request the Minister, through you, to give a decision in this House that all those people who have come from the 613 families and who are demanding for a job would be given a job in the Mangalore Refinery and Petrochemicals Limited.

SHRI JANARDHANA POOJARY (Karnataka): Sir, I am thankful to my hon. colleague, Shri Jichkar, for his effective presentation on the issue. A reply was given by the hon. Minister on 27th February. He avoided giving a direct reply. It was unfortunate that he was not able to give an assurance to this House, though the United Front Government is claiming that it is for social justice. Out of the 613 families, 200 families belong to the Scheduled Castes. The others belong to the Backward Classes and the minorities, particularly to the Christian community. The total extent of fertile land involved is 1,826.22 acres. They had the hope that they were going to get a job. A presentation was made by the hon. Member, Shri Jichkar. I don't want to repeat. Ultimately, what has happened? An agitation is going on for the last nine months. They are still agitation. A *dharna* is going on. Two youths have committed suicide. Still the Government is not opening its eyes to the reality. It was raised on 27th February. The Central Government did not act. The State Government did not act. How long have they to wait? Their hope was to get a job. What has the Government been doing? The Government is colluding

with the company. I was also responsible for the setting up of this project. When I took... up the matter with the Finance Ministry, Mr. Geeta Krishnan was the Expenditure Secretary. I was working for this project. I made our people to give the land. All the people joined together and they represented to the State Government. They thought that when this area was developed they would get a job. But how many people from these 613 families were accommodated in the project? Only four drivers are accommodated in the entire project. Sweeper jobs were given to contractors. Driver jobs were given to contractors. They were to plant 1,50,000 trees for the purpose of maintaining the environment. That work was also given to contractors. The work of maintaining them was also given to the contractors. There is nothing left for these families. My point is, as my learned friend has rightly put, whether this project is useful to any sections of the society.

The fishermen were agitating and the firing took place. Some people were killed. After the discharge of effluents fishers started dying. After the discharge of effluents, 200 acres of fertile land has become infertile. The MRPL has given Rs. 5 lakhs as compensation. Now nothing can be grown on the 200 acres of land. That is the position. The fishermen are not happy. The farmers are not happy. Nobody is happy today. The small-scale industry people are also not happy. Only the MRPL and the State Government are happy. In 1992, the State Government entered into an agreement. The representatives were there. The land was given to them. They accepted that land. Now they say, "No". That means they have not seen the agreement. Then another agreement was entered into when Shri H.D. Deve Gowda was the Chief Minister. I was also present there. The Members of Parliament were also present there. As per the Order, the MRPL will provide at least one suitable job per family among those who have lost lands for the project and where necessary

MRPL will also arrange suitable training for such persons to upgrade their skills. But nothing has been done. Shri H.D. Deve Gowda is the Prime Minister of the country. He is the incharge of the Department, if I am not wrong. so many projects are coming up in our district. So many developmental activities are going on in this country. Foreign investment is also coming. What is the policy of the Government? Hereafter who will give them land? We will not allow the people to give their lands. They have cheated the people. It is a breach of trust. It is a criminal offence. After going against the agreement, the officers were audacious enough to inform the Minister, to apprise the Minister that they have nothing to go with that. We have also worked as Ministers. We did not care for the officers. We used to give assurances in the House. They should have some guts. If our hands are clean, if our heart is clean, we need not bother about anyone. The Government is for the people. Projects are for the people. We did not go by the advice of the officers. Who are they? Today he is a Minister. Tomorrow he may not be a Minister. The people would judge them. they must have some guts to say, "Yes, here is a fit case. I am going to give an assurance. You people implement it". This is a sacred document for those people. It is the Bible for them. Where will they go? Two young have already committed suicide. Do they want that other people should also commit suicide? that is why I request the Minister to have some courage and direct the State Government they have their own Government in the State—to implement it. They say, "We are giving Rs. 1.5 lakhs in lieu of a job. How long will it last? They must think in these terms. A poor man wants a job. Many projects would come up. that is why I am saying that they must direct the State Government. The Chairman has also stated, "It is a big issue. It is not a small issue." We are for the development of the nation. We are for it. The people sacrificed their lands thinking that they will get a job. Now nobody will give his land, whether it is in

Tamil Nadu or in Andhra Pradesh or in Karnatak or in Jammu and Kashmir or in any part of the country. So, we have to give the direction. The Government is for giving directions. The concerned people should implement it. I do not want to take much time of the House. I am hopeful that the Minister will have the courage.

[The Vice-Chairman (Shri Ajit P.K. Jogi) in the Chair]

Mr. Vice-Chairman, yesterday, I saw you on the TV. You were pleading the case of the Scheduled Tribes. This is also the case of the Scheduled Castes and other very poor people. We want a direction from you. Yesterday, you were fighting the cause of the Scheduled Tribes. My learned friend stated so many things. I want to make a humble request to the hon. Minister. I expected Mr. Deve Gowda to be here. But he did not come. It is very unfortunate for the people. Had he been there, he would have given an assurance today. I am appealing to the Minister. Please direct them. You say that it has to be done. We have been doing it. You have seen us working as Ministers. You should ask them to do it and report back to you. Nothing will happen. You are doing this for the sake of weaker sections. You are doing this for the Scheduled Castes and the farmers. Nobody will find fault with you. No court will find fault with you. You have to set an example. Power will come and power will go. But your actions remain. Thank you very much.

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh) Sir, he made a passionate appeal from his heart. I know Mr. Poojary as a good friend and as a man who has relentlessly fought for the cause of the poor(Interruptions).... SHRI H. HANUMANTHAPPA (Karnataka) Use your good offices to influence Mr. Baalu

SHRIMATI RENUKA CHOWDHURY: I do not know whether Mr. Baalu can withstand me(Interruptions)....

SHRI H. HANUMANTHAPPA: You can appeal to him. He is also for the weaker sections, the Scheduled Castes and the Scheduled Tribes.

SHRI JOHN F. FERNANDES (Goa): I wish the hon. Prime Minister were here. He not only holds this portfolio but he also hails from that State. This is the wish of not only the people of other parts of the country but it is the wish of not only the people of other parts of the country but it is the wish of people of the State from where the Prime Minister comes. I took interest and wanted to speak on the issue not because I am one of the shareholders of the Mangalore Refinery. I hold 100 shares(*Interruptions*)....

SHRIMATI RENUKA CHOWDHURY: Then sit down(*Interruptions*)....

SHRI JOHN F. FERNANDES: I think the House should listen to me first(*Interruptions*).... I am not holding a brief for the Mangalore Refinery. Please listen to me. I took interest because we were also victims at some time. In Goa we have the Jowagar Agro Chemicals. It is a sister company. In 1974, as a young Youth Congress worker, I went on a hunger strike at Upasnagar. We had a similar problem. It is a sister concern, therefore, I took interest. We also had a similar problem. In a multinational company, almost 75 per cent of the shares belong to the public. Twenty-six per cent of the shares belong to public sector undertakings, 48 per cent belong to the public in general. These are poor people like me. These companies are managed by shareholders of multinational companies. We are also told that the cost of this company has overshot by 132 per cent. So, here is a clear example of how public money can be squandered and how it can be mismanaged by a small group of people who have control over it. I don't think that this company is against the workers there.

Sir, these companies are pollution giants. These pollution giants have some secrets and they release the effluents into the environment, i.e., rivers, paddy-fields, etc. We faced problems with the Zuari Agrochemicals. It is a chemical fertiliser plant. The company kept Rs. 2 crores in the bank to get interest. And the effluents were not treated. These were released into a river as a result of which there was fish mortality. There was fish poisoning. One of the nearby wells was poisoned as a result of which one of our young girls died. Some is the case here. History is going to repeat here also. I want to caution my brothers in Karnataka that they must be alive to the situation. Otherwise, I feel those people cannot be taken in. If there is any environmental reaction, there will be agitation inside the company. That is the main reason why this multinational company is trying to prevent the local people to have access to the company. If something happens tomorrow, there is going to be violence. The intention of the management is not clear. They don't permit the local people to go inside the company. That means, it does not have a clean intention. It has already been outlined by my hon. colleague, Dr. Jichkarji. Poojaryji has also given the details. I also have those details. It is not a question of Scheduled Castes and Scheduled Tribes or any other higher caste. The question is one of the written commitment made by the company to do something to solve the problems. As I have already mentioned, the project cost has shot up. It has been inflated by 132%. So, something fishy is going on. It is mentioned here that a lot of effluents are being released into the Sambavi river. I am not surprised that the people here will have to face the same problems as people elsewhere have faced if the Government does not take over the management. When the Government has the maximum stake in the company, I don't know why it wants to leave everything totally in the hands of the private people. Why does the Government not appoint a Board, maybe

of officials because it is mismanaging the Air India and other companies? Why does the Government not appoint a Board to fulfil the commitment? When you go through the reports in the reports in the records, you will find that the Deputy Commissioner has called a meeting of the people on behalf of the Karnataka Government. There was an agreement reached in 1992. Another agreement was reached in 1995. Now, this company which was making losses at the beginning, of offering Rs. 1.5 lakhs to those people who refuse to accept jobs in the company. Then, what is the motive behind this? What is the intention behind this? If a company is giving Rs. 1.5 lakh lakhs to every worker not to get a job, it means that there is a false design; there is a wrong design to see that the local people are excluded from the company's employment. Therefore, I request the Government to appoint a Committee of this House even if they feel that they are not responsible. Let this Committee go and talk to the people and make its recommendations to the Government so that the Government can take a suitable decision so as to solve the problems of the local people. The Government should not stand on prestige. It should not be particular about who sanctioned this project. Mr. Poojary has rightly mentioned that he was involved in this. Even we did the same thing in Goa. I had myself worked for Mylen-66 project. Subsequently we came to know that it was having discarded technology. Then, we ourselves had opposed it and thrown it out of the State of Goa. I don't blame Mr. Poojary because initially the real intention was not known. I don't think the Government, whether it is the Central Government or the State Government, can stand on prestige. We have to see the environmental aspects. We have to see the interests of the people. More so, we have to see the interests of the public at large.

Thank you, Mr Vice-Chairman.

SHRI H. HANUMANTHAPPA: Mr. Vice-Chairman, Sir, the question arose

out of a Special Mention which I made on 6.12.1996. I, through a Special Mention, drew the attention of the Government to the plight of the displaced persons under the MRPL project. Very interesting questions have emerged out of this discussion. One of them is that the Industrial Development Policy of the Government itself is at stake and it is due to the attitude of the Government of India and the State Government of Karnataka.

You are inviting multinationals, NRIs and the private sector to take up projects. For starting any project, the basic requirement is land. The moment you go the land, you displace somebody. If the Government does not have a clear-cut policy on displacement of people from land, on rehabilitation of people who depended on that land for centuries as also their future generations, then parting with land will become difficult and your industrial development will be in peril. So, I caution the Government, whether it is the Central Government or the State Government, to deal with this carefully. The Central Government cannot wash off its hands saying that it is not its concern and that it is the concern of the State Government. So, a clear-cut policy has to emerge in the interest of industrial development. What happened here was that it was a pre-condition put to MRPL that while starting this project they would have to employ the displaced persons. Didn't MRPL know it when it submitted this project that its employment potential was limited and it would not be able to employ unskilled people and also that it would not get more qualified and technical people from amongst the displaced persons? Why did not agree at all? Have you posed these problems in your project report? Have you given it in your Plan? No. Then what protection do you get from the Government of India or the State Government? A defaulter should not get such protection. I call upon the hon. Minister to look into this aspect. While submitting your project, while submitting your plan, you knew

very well that this was a project which could not be handled by matriculates or illiterates or unskilled labourers. Then why did you agree to this commitment? Didn't you know this situation? Why did you take that plea in the year 1995, when you had displaced the farmers in 1992 itself? This is the basic question.

The hon. Minister has sent a reply to my special mention. His reply is based on the information given by MRPL. I would go only to that information which the hon. Minister has in his hands. My queries are all based on that.

Sir, you have a statement on your table which shows not only dryland, but also wet and garden land. I don't know whether the hon. Minister has visited South Kanara and the MRPL project area. There the land holdings are only of half-an-acre, quarter acre, one acre or two acres. There we don't have big landlords. The movement, 'land to the tiller', started from South Kanara District with one famous novel Chomanadhuri. A Scheduled Caste landless labourer was crying for a bit of land where he was ploughing. A bit of land! From there it started the craving for land. Sir, you may be surprised, blessed are those who can have their living with this half-an-acre because the weather, the rain and the proximity gives them a full living out of this half-an-acre. Some of them have converted it into garden land. Garden lands are also acquired. Gardens take our care not only for the present but also for future. You have cut off and you are standing on prestige.

What is it that they are asking? I am not qualified, I know. I am not a graduate, I know. I am not qualified to work, I know. I am asking for a sweeper's post because my qualification entitles me only to that. I am only a matriculate, I am a driver, I am a fitter. Sir, the figures are wrong. I do not want to make a privilege issue against my hon. friend, Mr. Baalu. I can quote the figures that are given in his reply and what I have in my hand is going to contradict it.

He is going to contradict them. I don't want to raise a controversy because. I am result-oriented. But, even on date, you have 200 workers who are working under a security agency. Simply by putting on a uniform that security job can be done by a matriculate or even by a non-matriculate. Their job is saluting people who are going in and coming out. You can train them. There are housekeeping, gardening and repairing works. Although 200 people are working on contract basis, not a single person is from these displaced families. What justification do you have?

Sir, there are 128 engineering colleges in Karnataka, but campus recruitment for selection of engineers was done in IIT Madras, Bombay and Gujarat(Interruptions).... You should know the story. I had put a question through my special mention stating that not a single engineer was recruited from the district. They have no answer for that. They generalise it and say that out of the total number of persons, so many are from Dakshina Kannada. How many of them are engineers? This is the question which I put to them. Sir, Suratkal Engineering College is one of the best colleges in the district. Have you gone for campus recruitment in Suratkal Engineering College? No. What an atmosphere and environment you are creating in that district while starting this MRPL! Your answers are(Interruptions).... I will give you figures. Why do you search for it?

DR. SHRIKANT RAMCHANDRA JICHKAR: Our demand is takeover of management. This is white-man's management. Change it.

SHRI H. HANUMANTHAPPA: They accused me that my Special Mention did not state the facts. I had stated that not even one engineer was selected from Karnataka for employment in MRPL. Do you know what answer did they give? They said, "In fact out of 630 persons, including trainees, employed in MRPL, 318 are from Karnataka out of which 280 are... Have you answered the question about engineers?"

SHRI T.R. BALLU: Now I will answer.

SHRI H. HANUMANTHAPPA: You answer it. I have no objection. I am not interested in cumbersome answers. I want straight answers here. That is why I am putting them point by point. I hope, my friend will note down everything and come out with positive answers.

Sir, there are 200 contract labourers and some other labourers under contractors. Sir, after all, construction work is going on from 1994 onwards. Can't these agricultural labourers be taken as construction labourers? Why have you brought them from outside the district? You have brought them from Maharashtra and Andhra Pradesh. Can't these agricultural labourers who have lost their living and who have no agricultural work be engaged as construction labourers? Why have you not insisted upon your contractors that these displaced persons should be taken as construction workers? They may not be taken for technical work, but they can do masonry and other ordinary work. You could have taken them for these jobs. Have you got an answer for it? How many people are employed in construction activity? Contractors who were brought from Maharashtra and Andhra had brought their own police. The local agricultural labourers were not given work there.

What were the agreements? I will go into the wording of the agreements. You know very well that they are not skilled, but you had agreed that they would be given suitable training and absorbed in jobs. You had agreed for it. That was the condition in 1992, in 1994 and in 1995. Now the State Government, the Government of India and MRPL are very heavily dependent upon November, 1996 Order.

6.00 P.M.

But, they coolly forget the order of December 1995. Clause 6 of this order says, "MRPL will provide at least one suitable job for families among those who

have lost land for the project and wherever necessary will also arrange suitable training for such persons for upgrading their skill." What is the answer? I am a displaced person; I am depending on land. The MRPL comes with an order, "I am training your son in this skill." Is it the answer? I do not know whether the Minister has noticed it. The reply says, "I am training your children." I do not know whether it inducts a human touch. Shameful! I am starving; I have not work and you come and promise me that my child will be trained to be a skilled labour.(Interruptions).... Generations! With regard to offers, the blame is again put on the displaced persons. "We gave offers to 78 persons...." —because the Minister will answer it, I will corner him there also; he will come with that answer—"....40 reported and 40 also left." Why? it is not the MRPL, which is giving jobs. Mr. Vice-Chairman, I would request you to note it. If a person works under the MRPL, he gets more than Rs. 2,500/-. But, they have formed an MRPL Trust to circumvent the wages. It is offering Rs. 1,300 or Rs. 1,400/-. It is criminal and discriminatory that they are not paying equal wages for equal work. If you employ a gardener in the MRPL, he gets Rs. 2,500/-. If the Trust employs a gardener, he gets Rs. 1,300/-. Why should he work for that? I am a displaced person and you have rightly recognised in your reply that there is a right to job. The hon. Minister has replied to me on February 22, 1997 with a note enclosed wherein it has been rightly recognised that the recipient forfeits his or her right to job under 1996 Agreement. He recognises that there was a right to job. In lieu of the right to job, a proposal was brought in that he would pay Rs. 1.5 lakhs. But, there is another condition also. If anybody refuses to take Rs. 1.5 lakh, the MRPL has to provide him a job. This is the case of those people who have refused to take Rs. 1.5 lakh. According to me, the number comes to about — I do not want to go into the number game because it will again become a controversy—one hundred. The

hon. Minister has also agreed in this regard.(Interruptions)....

SHRI T.R. BALLU: Sir, I want to know from the hon. Member whether these displaced persons would come and collect the cash or demand jobs for them....(Interruptions).... We have given a wide publicity. A large number of persons have not turned up to collect the money or to demand jobs.(Interruptions).... We have given wide publicity in this regard.(Interruptions)....

SHRI JANARDHANA POOJARY: Sir, an agitation has been going on for the last nine months.(Interruptions).... Even at present it is going on(Interruptions).... They are demanding jobs.(Interruptions)....

SHRI H. HANUMANTHAPPA: Mr. Vice-Chairman, Sir, I have to put questions and the Minister has to answer. I am not here to answer his questions(Interruptions)....

SHRI T.R. BAALU: I put this question to you because you are pleading the case of these displaced persons. I want to know whether they would come and collect the compensation(Interruptions)....

SHRI H. HANUMANTHAPPA: Let me put it in one sentence.(Interruptions).... Let it go on record.(Interruptions)....

The Minister has come with a straight question. I give a straight answer to this question. We do not want the compensation of Rs. 1.5 lakh. We want jobs. Are you giving?

DR. SHRIKANT RAMCHANDRA JICHKAR: Not under the Trust. No jobs under the Trust.(Interruptions)....

SHRI T.R. BAALU: In spite of writing letters to them, not more than 20-25 have responded so far. This is the position now.

THE VICE-CHAIRMAN: (SHRI AJIT P.K. JOGI): Mr. Hanumanthappa, please continue.

SHRI T.R. BAALU: They have come neither for collecting the compensation, nor for a job.

SHRI H. HANUMANTHAPPA: MRPL has a list of the displaced persons. Let them send the orders. They have got the addresses. They have got the land compensation. Sir, this is not a question to be put to me here. MRPL has the addresses. Their land has been taken over. They have got the money. The records are there with the Revenue Department. They have the details. Let them give the appointment orders today.

These displaced persons can be employed in the MRPL as gardeners, as maistries, as security personnel, in the kitchen, etc. These jobs do not require any skill. Even in regard to skilled jobs, there is an agreement. You have agreed that they would be trained. You can train them for various things. Also, under the agreement, you have to grow nearly one lakh trees. For this purpose also, you can take them. You can employ them as gardeners. Why are you not doing it? This is the heart-burning issue. These displaced persons have no jobs. You can imagine how they feel when you find that a person from outside the State is employed and is getting Rs. 2,500/- for a job which the local person would have done. This is the heart-burning issue. This is the point which has to be taken note of. Maybe, you take a person from Gujarat. I accept. I understand. He is a technical man. He is the General manager. He is the Chairman. He is a Director. I have no objection. But why do you bring a person from Gujarat, from Maharashtra, from Tamil Nadu, for a Class IV job? I don't understand.

I would say that even if the hon. Minister gives an assurance that the contract service workers of 200 odd would be replaced by the displaced persons, it would be more than enough. That way, the jobs would remain with these people. I do not know why the Government should stand on prestige. Why do you insist upon this? Don't you want to create

an environment so that more industries come up? Don't you want to respect the words of your own Front partner's Government in Karnataka? You have put a pressure on the Government of Karnataka to amend this thing also. You know what fate the Minister in Karnataka had to face because of this? Your own Minister was cornered when he changed his stance. This is what is said here: (Spoke in Kannada)

SHRI T.R. BAALU: There is no translation.

DR. SHRIKANT RAMCHANDRA JICHKAR: Translate it for us(Interruptions).... What did Deshpande say?

SHRI H. HANUMANTHAPPA: Mr. Deshpande said that he was agreeable for this compensation of Rs. 1.5 lakh. This has been objected to by the displaced persons. They have protested against it.(Interruptions).... The Minister knows what is to be told. He would not tell everything.

SHRI JOHN F. FERNANDES: The Minister does not know Kannada.

SHRI H. HANUMANTHAPPA: He knows. He is our neighbour.

You have said here that out of these 500 displaced persons, 182 nominees—these are very clever words—are being provided jobs. I would like to know as to how many have been provided jobs as on date. This is here. It is $75+3=78$. Even after four years of displacement, five years of displacement, only $75+3$, i.e. 78 persons have been employed. Where are these 182 persons? I have got the detailed working. They are all in the air. In the ITIs, polytechnics, training courses. In regard to these 182 jobs, persons have not been identified. They have not been selected. Orders have not been issued. People who have gone from South Kanara into ITIs. They have listed a few names. As I said, they are all in the air. You say that 78 persons have already been directly employed by the MRPL Education Trust. Only 78 have been employed. That is not the point.

Even in regard to contract service, there are drivers, gardeners, etc. These people can be replaced by the displaced persons. You can send those people out who have come from outside. Now, we want more industries to come up in this area. We want the area to be developed. It is one of the best ports in Karnataka which you have to use. You have to develop the area. But if you create such an atmosphere, no industries would come up. Therefore, I would once again request you not to stand on prestige.

Somehow, Mr. Baalu has worked out some arithmetics. As a result, the figure has come down from 500 to 100. Out of these 500, you say that 182 are being employed, whereas, they have not yet been employed. Still you take that into account and the figure is reduced to 318. Out of these 318, you say that 218 persons have already collected this compensation of Rs. 1.5 lakh. This is again in dispute. It is for them to verify this. This leaves us with the figure 100. As I said, there are already more than 200 persons employed on contract basis. Of course, there are some more people who are employed on contract basis. But they do not have the figures in this regard. Out of that, it is not difficult to give jobs to 100 people. I do not know what is coming in their way. You know that all the posts of Sweepers are being converted into those employed through contractors. This is the methodology that they have applied. They are playing with the lives of the displaced persons. So, I want that the Government should not stand on prestige. You should appreciate the courage of the weakest person of the society. The majority of the people who have not collected this amount of Rs. 1.5 lakhs, belong to the Scheduled Castes. I do not want to argue on that. I do not want to plead on the basis of caste. I am only on the governmental policy and the industrialists' and the MRPL's attitude.

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Please conclude now.

SHRI H. HANUMANTHAPPA: I want pointed answers to these questions.

Finally, I want to tell this to the Government. The country is looking to these things, you projects, the way you treat the displaced people, your labour policy and your rehabilitation policy.

Sir, I posed a question. You have constructed 600 houses only for these people, not for the displaced employees. Do you know the answer? All right, my figure is wrong. The answer is that 438 quarters were constructed. For whom? They do not answer this.

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Mr. Hanumanthappa, in your characteristic manner, please conclude now.

SHRI H. HANUMANTHAPPA: They have used a very technical word. They have mentioned: "458 quarters for all the categories of employees, including workmen directly employed by the MRPL. My question was about the displaced people. He has not answered that point. Will the Minister tell us, out of 458, how many displaced people who have been employed, have been given houses?

SHRI V. NARAYANASAMY: The bureaucracy is the same.

THE VICE-CHAIRMAN (Shri Ajit P.K. Jogi): Mr. Hanumanthappa, you have pleaded the case very well. Please conclude now.

SHRI H. HANUMANTHAPPA: Mr. Minister, you have disputed my figure of 1,500 persons being under contractors. Please come out with the correct figure. How many are under contractors? How many of them will you replace by the displaced people?

Thank you very much.

THE VICE-CHAIRMAN (Shri Ajit P.K. Jogi): Mr. V. Narayanasamy. We have already taken more than one our.

SHRI V. NARAYANASAMY: I will be very brief because hon. Members have highlighted very important points.

The United Front Government came into being nine months back. The persons displaced by the MRPL started the agitation nine months back. The Government has not paid attention to the problems of the displaced people.

As Members of parliament, we have visited some of the public sector undertaking. The land belonging to the poorer sections of the society, has been taken over. They give their land in the hope that their family members will get employment, that their area will develop, that their standard of living will improve and that, apart from all these things, there will be commercial activity. But what is happening today? Whether it is a public sector undertaking or a joint venture undertaking, the poor people remain poor. They live in huts. Giant buildings come up in the area where they are living. The officers are housed there. Vehicle move. Construction goes on. Commercial activity starts. The people living in small houses and huts look at the area. The area which a barren land or even agricultural land, was given by them. Multi-storeyed buildings come up. Employment activity has started and commercial activity has been going on. The people are living in a better condition. They have got all sophisticated amenities of life there. But the poor people, who live in the villages, who give their land, they live as they are. They are not given land for that purpose. They gave their land to the Government or to the company for the purpose of industries to come up there, but they have not got any benefit out of it. Since they are not being taken care of there arises the problem of law and order.

SHRI JOHN F. FERNANDES: But, the Government gives them compensation.

SHRI V. NARAYANASAMY: What is the amount of compensation that is given? For a fertile land, they give only Rs. 16,000/-.

What does an amount of Rs. 16,000/- mean in Mangalore area in South Canara district? The Government acquires land and gives it to some organisation for an industry to come up there for the benefit of the local people. But these people are not given any benefit. That is why it has become a sentimental issue. It is a human issue also. The hon. Minister always says that we are for social justice. I welcome his statement, but let him show that the Government is committed to give employment to the displaced persons, as agreed to by them.

While replying to a question in this august House, the Hon. Minister said that the agreement was not unilateral. It was signed with the State Government for the purpose of resolving the dispute. The M.R.P.L. representatives were present at the meetings at the time when Mr. Veerappa Moily was the Chief Minister and again at the time when Mr. Deve Gowda was the Chief Minister. Three agreements were signed. The agreement was signed before a sovereign Government. When the Government is a party to it, is it not the duty of the management to implement the agreement in the true spirit? Why are the people agitating? The hon. Minister gave a very strange reply that they gave advertisements in newspapers saying that displaced persons and their family members, who had not got employment should come forward. I dispute the figure given by the hon. Minister. He says in the advertisement it was mentioned that the displaced persons or their family members could come and collect Rs. 1.5 lakhs. But that they failed to turn up. He further says that the Government could not trace the addresses of the family members of 28 persons. That shows very clearly when the people have not turned up to receive the money, they want one term of the agreement to be

implemented. If they are not going to receive the money.

You have to employ them. This is the reasons why they are not coming. That is what the people wanted. Therefore, they are agitating. That shows the hon. Minister is very casual in his reply. Today, as per the agreement, when they are not receiving the money, it is the duty of the M.R.P.L. management to give them employment. They employ contract labour and that too from outside. The people who gave the land do not want that outsiders be employed even for menial jobs. The local people have got to be accommodated. Therefore, the management or even the Government should not stand on prestige.

Sir, I support the views expressed by Jichkar Ji and Poojary Ji for the simple reason that the people who are affected are the Scheduled Caste, Scheduled Tribe and backward class people for whose cause the Parliament is committed. This country is committed to support them. Therefore, I demand that the hon. Minister should announce in this august House that the management will be taken over by the Government and that the Government will run it as a public sector unit and that the people who are not agreeable to it, their accounts will be settled.

SHRI R.K. KUMAR (TAMIL NADU): After listening to a very emotional speech by Dr. Jichkar and Shri Poojary, with Shri Hanumanthappa giving facts and figures, I will be very short with one or two points and will conclude within two minutes.

Sir, taking over the land of the people with the promise of a job is nothing new. Right from 1958, when the Neyveli Lignite Corporation was set up, disputes are still going on in Tamil Nadu. Our party's senior member Shri Margabandu, who is also the Chairman of the Bar Council has been appearing in those cases for the last 40 years. He depends entirely on that practice. *(Interruptions)*... More recently directly concerned with the Ministry of

Petroleum the same thing is taking place at narimanam vis-a-vis Madras Refineries Ltd. Sir, my point is not on emotions, not on weaker sections of the society, but my point is about people who have given their lands. The consideration for the land is 'X' amount plus a job. Today, the sellers have not got it. They have an unpaid sellers lien over the land.

Secondly, the Supreme court has already decided in a very famous case called *Turner Morrison* case by applying the doctrine of promissory estoppel. What is the doctrine of promissory estoppel? If party 'A' asks party 'B' to do something and says that he would do something in return, party 'A' is under an estoppel. He cannot go back from that position. So, these poor people have all the unpaid sellers lien and they would also succeed on the doctrine of promissory estoppel. But the problem is that the so-called judicial activism is not available to these poor people. Judicial activism is available to a lot of other people. So far as these cases are concerned, there is no judicial activism. So, this contract between the State Government and the MRPL company and the people who gave their lands has been violated right, left and centre. The question is whether the Central Government can be a mute spectator to this episode. The Hon. Minister is pleading his inability because this is a joint sector company. When the public issue of this company came, it was tom-tommed as petro gold with a hefty premium on the equity. Let us not go into the equity holding of the HPCL and the Indian Rayons and all that. But most of the money has come from the IDBI and other financial institutions. Whom does the IDBI etc. belong to? It belongs to the Government. So, if you have the will, you can mount pressure on the MRPL to help these people.

I would appeal to the Hon. Minister not to be a mute spectator to the gross violation and breach of the agreement where the State Government and the

undertaking of the Central Government are involved.

उपसभाध्यक्ष (श्री अजीत जोगी): जनाब गुफ्रान ज़हीदी, आप थोड़े में बोलियेगा, सारी चीज़ें कह दी गई हैं।

खान गुफ्रान ज़हीदी (उत्तर प्रदेश): उपसभाध्यक्ष महोदय, जैसा आपका आदेश। माननीय ज़िचकर साहब, जनार्दन पुजारी साहब और कुमार साहब ने जैसा कहा है मैं उनके विचारों से खुद को संबंधित करता हूँ। मेरे ख्याल से सारे प्वाइंट कवर कर लिये गये हैं और इंसानी कदरों से मुत-अल्लिक ये मुकदमा अब आपकी अदालत में है।

सच बात यह है कि हम लोग राजनीति में शायद ऑनरेबल मेम्बर भी और मिनिस्टर साहब जो एग्जिक्यूटिव फैमिली से आये हैं, ये जानते हैं कि जब एग्जिक्यूटिव लैंड खत्म होती है और कारखाने लगते हैं तो हम लोग यह समझते हैं कि अब बहार आयेगी। इसलिए हम लोग अक्सर डिमांड करते हैं कि हमारे इलाके में कारखाना लगा दिया जाये। उस वक़्त ये सोचा और समझा जाता है कि इलाके से कुछ ज़िज़्ती ज़मीनी जायेगी, कारखाना लगेगा, उससे कुछ लोगों का रोज़गार बढ़ेगा क्योंकि जो क़श्तकारी से पैसा मिलता है वह कम है। ज़ब्र कारखाना लगेगा तो उस इलाके के चारों तरफ बहार आयेगी। लेकिन ऐसा मालूम होता है कि यह कारखाना लगने के बाद बहार तो नहीं आई बल्कि जो वहाँ के लोग थे, जिनकी ज़मीन ली गई थी वे उजाड़ दिये गये और वे वीरानी के सुपुर्द कर दिये गये। जो वायदा उनसे किया गया था, उस वायदे की खिलाफ़त की जा रही है उस कम्पनी के तरफ से जितने ज्वाइंट एडवेंचर कम्पनी कहा जा रहा है, जो मंगलोर रिफ़ाइनरी एंड पेट्रोकेमिकल्स लिमिटेड (एम०आर०पी०एल०) के नाम से है।

मेरा कहना इसमें यह है कि तीन तरफ़ मुआहिदा था या एक तरफ़ मुआहिदा नहीं था। इस मुआहिदे में वहाँ के वज़ीर आला, चीफ मिनिस्टर, मुख्य मंत्री खुद भी मौजूद थे। एजेंटेशन चल रहा हो और उस मुआहिदे में लिखा हुआ है कि अंडर दि चेयरमैनशिप आफ दि चीफ मिनिस्टर, कमिश्नर ने वह मीटिंग बुलाई थी मुआहिदे से मुनहारिफ होना वायदा-खिलाफ़ी है। क्रिमिनल कंसपेरेसी में ऐसे लोगों को घटना चाहिए। मैं बहुत ज्यादा बात नहीं कहना चाहता लेकिन गरीबों में भी जो गरीब लोग हैं उनमें कितनी हिम्मत है इससे इसका एक एहसास ज़रूर हुआ है। हम तो यू०पी० के लोग हैं। वहाँ बड़ी गड़बड़ा है। लेकिन कर्नाटक के लोग, मैं मानता हूँ कि वहाँ के लोग, सबसे गरीब-तरीन लोग हैं, बड़े बहादुर लोग हैं

जो अपनी आधी एकड़ जमीन की असल कीमत चाहते हैं, या तो सही-सही कीमत लेंगे और जो मुआहिदा किया है उससे लेंगे। मान्यवर, आप जानते ही हैं कि पहले जमाने से यह फर्क सिर्फ आया है कि हमारी साख गिर गई है। पहले जमाने में जुवान पर मुआहिदा हुआ करता था। लोगों की जुवान पर सारा काम हो जाता था। लेकिन आज लिखे हुए मुआहिदों की बड़ी बेहदमति हो रही है, उनकी बेकद्री हो रहीं हैं उनको जलाने के काबिल समझा जा रहा है। आज ऐसी हालत हो गई है कि हुकूमत का सबसे बड़ा मुखिया बैठा हो और फैसला हो जाए और उसमें 48 फीसदी पब्लिक का पैसा लिए हुए बैठे हों, थोड़ा बहुत नहीं, 48 फीसदी पैसा, इसके बावजूद कंपनी वाले पब्लिक को धोखा देते हैं।

दुनिया में फिक्नेनान अदम में अजाब है, हर तरह से गरीब की मिट्टी खराब है।

वहां पर गरीबों के साथ जो यह खिलाड़ हुआ है यह ऐसा नहीं है—नौ महीने के एजीटेशन ने यह बात साबित कर दी है कि गरीब लोग मानने वाले नहीं हैं।

उपसभाध्यक्ष (श्री अजीत जोगी): शेर के बाद खत्म हो जाना चाहिए।

खान गुफरान जहीदी: नहीं खत्म हुआ। आगे चल रहा है। नौ महीने से एजीटेशन क्यों चल रहा है? यह इसलिए चल रहा है चूंकि मुआहिदा पूरा नहीं हुआ। सरकार की साख गिर गई है, मुआहिदे की कदर गिर गई है। हुकूमत में जो हिम्मत होनी चाहिए, वह हिम्मत हुकूमत में नहीं दिखाई दे रही है। नौकरियों के मामले में दावा यह किया जा रहा है कि वहां बमहल लोग नहीं मिल रहे हैं। वहां पर सात बी०ई०, बैचुलर आफ इंजीनियरिंग हैं लेकिन वे उनको इतना काबिल नहीं मानते हैं कि वे एम०आर०पी०एल० में लिए जाते। हैपनी की बात है कि वहां 80 गेजुएट हैं लेकिन क्लास थ्री, क्लास टू में वहां नहीं लिए जा सकते, वे वहां क्लर्क भी नहीं बन सकते और सुमाली हिन्दुस्तान से ले जाकर वहां लोगों को रखा गया, एस०एल०एल०सी० के बच्चे, 100-200 बच्चे..... हैं वे भी नहीं खपाये गये।

उपसभाध्यक्ष (श्री अजीत जोगी): ये सब बातें कही जा चुकी हैं।

खान गुफरान जहीदी: नहीं कही गई है। यह बात नहीं कही है कि वहां पर वहां के लोगों को स्वीपर भी नहीं रखा जा रहा है। वह भी महाराष्ट्र लाये जा रहे हैं। मुझे इस बात पर ऐतराज नहीं है कि महाराष्ट्र से स्वीपर लाये जायें लेकिन सवाल यह पैदा हो रहा है कि जो

इंसानियत की कड़ों का खयाल होना चाहिए था, खयाल नहीं रखा गया है, जो इंडस्ट्रियल डेवलपमेंट की पॉलिसी में तरमीम आनी चाहिए थी वह नहीं आई है वह मसला हर जगह का है, जहां जहां मुआहिदे-बन्धे रहे हैं, जहां पर ये बड़ी कंपनियां आ रही हैं ये बहुत बड़ा खेल खेल रही हैं। मैं यही कहना चाहता हूं कि ऐसा जन्न-जुर्म न किया जाए। गिरफ्तार लोगों को 60 किलोमीटर दूर जाकर उनके रखा जा रहा है। दो-दो बच्चे मारे गए, सुइसाइड हुआ। क्या यह कोई बात नहीं है।

हद से बढ़ जाती है जब मजदूर, अन्न पसंद लोग बगावत की बात करते हैं

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Shri Maragabandu. Please be very, very brief.

SHRI R. MARGABANDU (Tamil Nadu): Sir, this MRPL is a joint sector company. The problem is of giving jobs to the land owners who have given their lands to this company. Also the compensation has to be given. From the speeches made by all the previous speakers, it is clear that the job assured was not given and the compensation assured was not paid. The same sort of problem is prevailing with public sector companies also. In Neyveli, as my learned friend said, lands were acquired for the Lignite Corporation. The lands were taken as early as in 1978. There was an assurance to give job opportunities to those persons. Now, till this date,...

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Now we are discussing the MRPL, not Neyveli.

SHRI R. MARGABANDU: The case is similar. The lands were taken in 1978. But the job opportunity promised is not given; the compensation promised is not given. Similar is the case of the Bharat Electronics Limited. Even there, the job opportunities are not given. As a matter of fact, I request the hon. Minister... (Interruptions)

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): The discussion is on MRPL. Don't discuss other things.

SHRI R. MARGABANDU: I would like to submit that Mr. T.R. Baalu is the Minister of State in the Ministry of Petroleum and Natural Gas. The State Government of Tamil Nadu was kind enough to constitute a committee to settle the issue in Neyveli. But in spite of the intervention of the State Government of Tamil Nadu, the Neyveli people are not conceding their request. I request the Minister to prevail upon the State Government and see to it that the displaced persons are given jobs and adequate compensation is given to them. From 1978 till date, no compensation has been paid to them. Some pressure can be exerted on these institutions to pay compensation. ... (*Interruptions*)

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Mr. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI T.R. BAALU): Mr. Vice-Chairman, Sir, I am thankful to all the Members who have participated in the discussion. Many hon. Members have expressed their views. Of course. I am also one among them. At the same time, the House should appreciate the difficulties that the Minister and the MRPL are facing. Sir, the hon. Members have already said that the MRPL wanted to purchase 1,633 acres of land for their project. It was assigned through the Kannada Industrial Development Board during 1992. At the time of acquisition of land, 500 families had to be displaced. In order to rehabilitate 500 families, the MRPL has purchased 90.3 acres of land in Chirlaru village and the MRPL has been instrumental for it. The first Government order was issued on 18.12.92. It stated that one job per family would be given. If at all required, education and training camps are to be provided by the acquiring bodies in accordance with the suitability and availability of candidates. The former Chief Minister of Karnataka, Shri Veerappa Moily, had convened a meeting and in that meeting, they came to some understanding. I would like to quote the operative part of

that understanding. "Jobs will be given on availability and eligibility basis, directly or indirectly, or through order avenues, like contractors etc. The Chair observed that the displaced persons would be absorbed, depending upon the availability of jobs." This is the whole case. But, at the same time, it is not a public sector undertaking. If it were the Hindustan Petroleum Corporation, the Ministry could have done something because the Ministry has some say there. I can issue orders to that public sector undertaking to do something. If it were the Indian Oil Corporation, I could have instructed it to do the needful immediately. If it were the Bharat petroleum, I could have done something and there would have been no problem. But in this case, the Hindustan Petroleum Corporation is having 26 per cent equity, the Indian Rayon has 26 per cent equity and the balance is 48 per cent. It is purely a private sector undertaking. It is a joint sector company and the Government has no say in this company. Everybody knows it.

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Don't undermine the might of the Government of India. (*Interruptions*)

DR. SHRIKANT RAMCHANDRA JICHKAR: You take over the management of that company. You can pass a law. What is the Minister saying? (*Interruptions*) The Government of India is the mighty, sovereign Government and the Minister is saying that the mighty sovereign Government cannot do anything. (*Interruptions*)

SHRI T.R. BAALU: Sir, as you rightly said, we should not undermine the might of the Government of India. It is all right. But, Sir, there was a Government order issued on 3rd February, 1986. The Vice-Chairman has just now said, "Don't undermine the capacity of the Government." The Ministry of Industry of the Government of India has issued an order No. 14/3/84-BPE(C), dated

3.2.1986, which states—I quote Clause (v) of the Government Order:

“In the context of the urgent necessity of public sector enterprises operating at commercially viable levels and generating adequate internal resources, over-manning has to be guarded against. Any understanding, formal or informal, in regard to offer of employment to one member of every dispossessed family in the project will stand withdrawn.”

This is Government Order issued by the hon. Industry Minister of the Congress Government, Sir.

There is one more thing. When Shri Veerappa Moily was the Chief Minister, there were some proceedings. I quote from the proceedings: “The Chair observed that the displaced persons will be absorbed depending upon the availability of jobs.” Sir, we are not inhuman, but, at the same time, the House should understand our problems. It is a private sector company. It is not even a public sector undertaking. It is a private sector company. I quote an Order of the Supreme Court:—

“As per the judgment of the Supreme Court in the case of Butu Prasad Kumbhar and Others vs. Steel Authority of India Ltd. and Others with regard to land losers for Rourkela Steel Plant case No. 1995, Supp(2) Supreme Court Cases 225, it was decided by an Order, dated 30th March, 1985, passed by Hon. Justice R.M. Sahai and S.P. Majumdar that the land losers do not get any right under Articles 21 and 14 of the Constitution against jobs in industrial units which acquired land for their projects.”

SHRI JOHN F. FERNANDES: What he is reading is out of context. ...*(interruptions)*... It is out of context.

DR. SHRIKANT RAMCHANDRA JICHKAR: Sir, what is this? ...*(interruptions)*... There is a union, Sir. ...*(interruptions)*...

SHRI R. MARGABANDU. Sir, that is out of context ...*(interruptions)*... Why is he quoting the Judgment?

SHRI JANARDHANA POOJARY: Sir, there is an agreement between the people and the Company. ...*(interruptions)*... Why is he quoting the Judgment?

SHRO T.R. BAALU: Sir, it is for the information of the House ...*(interruptions)*...

DR. SHRIKANT RAMCHANDRA JICHKAR: Sir, what is this?

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Mr. Jichkar, please sit down. ...*(interruptions)*... Yes, Mr. Poojary.

SHRI JANARDHANA POOJARY: Sir, it is the Order of the Government. Why the Order was passed, I tell you:

“When the work pertaining to laying of the pipelines passing through the fishermen colony in Chittrapur Road was taken up on 18th December, 1995. There were some agitations as a result of which the work was suspended. A meeting was, therefore, convened under the chairmanship of the Chief Minister on 24th December, 1995 to discuss the matter in detail....”

—at that time the Chief Minister was Shri Deva Gowda—

“The meeting was attended, among others, by the Members of Parliament and MLAs/MLCs of Dakshina Kannada District, representatives of local environmentalists group and the fishermen’s group as also the concerned officials of the State Government. After detailed discussions, certain recommendations were made by the meeting. Hence, the following order.”

What is the order? It was Government Order No. CI 113 SPI 95 Bangalore, dated 29th December, 1995. In that Order it was stated—it was once again asserted; it was asserted in the earlier agreement also:—

“MRPL will provide at least one suitable job per family among those who have lost lands for the project and, wherever necessary, MRPL will also arrange suitable training for such persons to upgrade their skills.”

Sir, it is very, very clear. Sir, the then Chief Minister, who is now our Prime Minister, says that there is no agreement! There was an agreement in 1992, but these people are shutting their eyes and they want to defend them. ...*(Interruptions)*... It is a joint venture. It is not a private company. It is a joint venture. ...*(Interruptions)*... Hindustan Petroleum Company, isn't it under you? And as submitted by Shri Magabandu, all the financial institutions are giving funds. And you say, “You don't have a control!” That means, Mr. Minister, I am sorry, you may not agree today... But you are an ineffective Minister. I am making a charge against you.

Sir, he is not going to give an assurance to the House. I know what is going on. I know that. He will not give an assurance to the House. He will defend. Even if we debate it here for two days, he will say the same thing. Therefore, I say we cannot get justice from him. But the people will give him the verdict tomorrow. ...*(Interruptions)*... The people's verdict will be there. ...*(Interruptions)*... You can say whatever you want.*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Let us hear the Minister.

Mr. Minister. ...*(Interruptions)*...

SHRI JANARDHANA POOJARI: You will come to know how the company will work. You will see that. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): One of you have spoken. Now let the Minister reply. Mr. Minister.*(Interruptions)*...

DR. SHRIKANT RAMCHANDRA JICHKAR: Two people have committed suicide. ...*(Interruptions)*...

SHRI KHAN GUFRAN ZAHIDI: They should be provided with a job. Nothing more and nothing less.

SHRI T.R. BAALU: Sir, the MRPL is implementing the latest Order issued by the Government of Karnataka, Order no CL 36 SPI 94, Bangalore, dated 2nd November, 1996.

SHRI N. THALAVAI SUNDARAM (Tamil Nadu): What about the previous order?

SHRI T.R. BAALU: It is state—

“The Deputy Commissioner, Dakshina Kannada, shall monitor the implementation of the directions contained in this Government order and also ensure that the agitating associations/samithis of displaced families withdraw their agitation after satisfactory implementation of the directions as per this Government Order and extend all necessary co-operation for continued functioning of the Refinery without any hindrance.”

Sir, regarding the remaining 318 families, there are three conditions here. It is stated—

“For the remaining 318 nominees of displaced families who cannot be provided jobs directly in the refinery and who are not prepared to accept jobs offered by the Mangalore Refinery & Petrochemicals Ltd. Trust, Mangalore Refinery & Petrochemicals Ltd. Shall pay one-time cash compensation of Rs. 1.5 lakhs per family in lieu of jobs, subject to the following terms and conditions:

- (a) Cash compensation will be paid to the legal title-holder of the lands on verification of his title which has

been surrendered upon acquisition of lands by the Mangalore Refinery & Petrochemicals Ltd.

(b) Cash compensation shall be paid in one lumpsum amount in the presence of the Deputy Commissioner, Dakshina Kannada District, upon the land-loser furnishing a suitable undertaking to the effect that he is receiving the said compensation in lieu of a job in the refinery and on receipt of such compensation, he shall forfeit his right for any job in the refinery or in the Trust.

(c) If any person among the 318 land losers mentioned above, volunteers to accept jobs offered by Mangalore Refinery & Petrochemicals Ltd. Trust such persons (land-losers) shall not be eligible for cash compensation."

SHRI JANARDHANA POOJARY: That is not what those people are agitating for. You give them jobs in the MRPL.

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Please let the Minister speak. ...*(Interruptions)*.... Please let him speak. *(Interruptions)*... Please let him speak.

SHRI T.R. BAALU: Sir, he has mentioned about some fishermen's agitation. Earlier the effluents have been transported through pipelines. But the fishermen agitated because they did not know whether they were treated or not.

After some negotiations between the Government of Karnataka and the MRPL they are now sent through open channels so that the fishermen can see what is flowing. They are treated ef-

fluents which can be used even for cultivation purpose. Actually the location of the effluent treatment plant was identified by the National Institute of Oceanography. So, as far as the effluent treatment plant is concerned, there is no problem. As per the court order and as per the Government of India, Ministry of Industry's directive, as it is, it is not possible to accede to the request or demand made by the Members. At the same time, on humanitarian grounds, if there is any possibility of extending any job to the displaced families, it will definitely be considered when the expansion-takes place. Thank you.

SHRI JANARDHANA POOJARY: Sir, what is his answer? He has stated that he doesn't know whether they want a job or not. Now he is changing the stand. They want a job in the MRPL. We are demanding it for the last nine months. The Minister does not understand that. Who are these people? We are not pleading for the rich people or for the industrialists. We are pleading for the poor people. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): You have pleaded enough*(Interruptions)*.... You have pleaded enough. ...*(Interruptions)*...

DR. SHRIKANT RAMCHANDRA JICHKAR: Sir, I am totally frustrated. This Government or this Minister cannot do anything. I am staging a walk-out. *(Interruptions)*... This was not expected from the Minister. We wanted their problem to be solved. *(Interruptions)*... We want to walk out. *(Interruptions)*... In protest we are walking out. *(Interruptions)*... They will not come to his rescue. *(Interruptions)*. In protest, we are staging a walk-out. *(Interruptions)*.

THE VICE-CHAIRMAN (SHRI AJIT P.K. JOGI): Mr. Jichkar, if you want to speak, you speak from your seat. *(Interruptions)*.

SHRI JANARDHANA POOJARY:
Sir, in protest, we are staging a walk-out.
(*Interruptions*)...

SHRI KAHN GUFRAN ZAHIDI: We
are not satisfied with the reply. We are
walking out. (*Interruptions*).

(At this stage some hon. Members left
the Chamber)

THE VICE-CHAIRMAN (SHRI AJIT
P.K. JOGI): The House stands adjourned
till 11 a.m. tomorrow, the 14th March,
1997.

The House then adjourned
at forty-five minutes past six
of the clock till eleven of the
clock on Friday, the 14th
March, 1997.
