

**Permission for Irrational combination
under State Drugs Authority**

3510. SHRI CHANDRIKA PRASAD TRIPATHI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that maximum number of irrational combinations of one or more drugs were allowed by State Drugs Authorities in Uttar Pradesh, Bihar and Gujarat; and

(b) if so, the details of combinations allowed for manufacturing by these State Drugs Authorities?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHA-PARDE): (a) and (b) The State Drug Control Authorities are the licensing authorities for permitting manufacture of drugs in their States. The details of combinations licensed for manufacture are maintained only by the Licensing authorities of the States.

Government is not aware that maximum number of irrational combinations of one or more drugs were allowed in Uttar Pradesh, Bihar and Gujarat.

Diploma Course for Rural Doctors

3511. SHRI AJIT P. K. JOGI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that there is shortage of qualified doctors in the remote rural areas of the country;

(b) whether Government consider to reviving the three or four years diploma courses in medical education so that at least the medical school trained doctors are available for such areas;

(c) if so, the details thereof;

(d) if not, what other steps Government propose to take to ensure that at least all the sanctioned posts of doctors in rural and tribal areas are filled up and by when all these vacancies will be filled up; and

(e) if so, whether Government are aware that quacks in large numbers are practising in these areas and what steps have been contemplated to deal with the problem?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHA-PARDE): (a) according to the information received from the State Governments, only 3831 posts out of a total of 34801 sanctioned posts of Medical Officers in rural areas are vacant as in June, 1987.

(b) and (c) Medical Council of India which is statutorily charged with the responsibility of maintaining uniform minimum standard of medical education in the country is strongly opposed to the introduction of any short-term course in medicine. The Government do not therefore propose to revive the diploma course in medical education. ▼

(d) and (e) To encourage medical doctors to work in rural areas, the Eighth Finance Commission, on the suggestion of Ministry of Health and Family Welfare, has provided special funds to the States for providing the following incentives to the doctors:—

(i) A rural allowance equal of 25 per cent of the basic pay subject to a maximum of Rs. 250/- p.m. for the medical officers serving in Primary Health Centres; and

(ii) House Rent Allowance at the rate of Rs. 150/- per month where residential accommodation is not provided. In addition, the Eighth Finance Commission has made a special provision of Rs. 53.52 crores for construction of residential quarters for the medical doctors serving in rural areas. It is expected that all the vacant posts of doctors in rural areas will be filled up as a result of these incentives. Medical care at the hands of qualified personnel will become available to all sections of population.

Conversion of M.A. College of Technology, Bhopal into I. I. T.

3512. SHRI AJIT P. K. JOGI: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that none of the five I. I. Ts. established in the country is so located that the central part of the country is served by it;

(b) whether Government are considering to establish any more I. I. Ts in the country to fill in this void; and

(c) whether there is any proposal under Government's consideration to convert the M. A. college of Technology, Bhopal into an I. I. T. and if so, what are the details thereof, and if not, whether Government propose to examine the feasibility of converting it into an I. I. T. and take necessary steps to locate one of the I.I.Ts. at Bhopal?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHJ): (a) to (c) Apart from the five Indian Institutes of Technology (IITs) already established at Kharagpur, Bombay, Madras, Kanpur and Delhi, one more IIT is proposed to be set up in Assam. The IITs are 'Institutes of National Importance' and cater to the needs of the country on an all-India basis and not on regional or State considerations. There is no proposal at present under Government's consideration to convert the Maulana Azad College of Technology, Bhopal into an I.I.T. or to set up any more IITs in the country.

Inclusion of Diseases in the National Health Programme

3513. SHRI RAJANI RANJAN SAHU: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to refer to the answer to Unstarred Question 1201 given in the Rajya Sabha on the 18th November, 1987 and state:

(a) whether it is a fact that other diseases have also been included other than the eight diseases already included in the National Health Programme;

(b) if so, the names of those diseases and the drugs required for the treatment of those diseases;

(c) whether Government recommend Iodine which is required for Goitre Programme to be covered under Price Control; and

(d) if so, by when?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) and (b) Apart from the eight programmes the following three programmes and the drugs used have also been included in the list of National Health Programmes:—

1. STD Control Programme:—Antibiotics

2. National Family Welfare Programme including Mother & Child Health:—Folic Acid, Ferrous Sulphate, Vitamin A'.

3. AIDS Control Programme:—There are, as of now, no specific drugs for treatment of AIDS.

(c) and (d) Iodine in the form of Potassium Iodate is used under the Goitre Control Programme. Potassium Iodate is not a Pharmacopical drug and so is not included in the Drug Price Control Order.

Education to the Consumers on Drugs Interaction

3514. SHRI RAJANI RANJAN SAHU: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) what steps Government have taken to educate Doctors and Consumers at large regarding Drug Interaction;

(b) what are the types of drug interaction which can be fatal; and

(c) whether there is a separate wing to monitor and take steps against such interactions and future plans about it?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) Medical students are taught the possible adverse interactions that may occur amongst certain types of drugs and not to prescribe them together. Government insists such interactions to be given as cautionary measure in the package insert and other promotional literature of drugs.

(b) The types of drug interactions that could be fatal are:—

(i) When they interact to increase or diminish the intended effect of one or both of the drugs.

(ii) Interact in a manner to cause a new and unexpected reaction.

(iii) Interact in a manner to cause additive toxicity of each drug

(c) The Government has given a proposal in the 7th Five Year Plan to monitor adverse reaction to drugs at a national level. At present there is no separate cell. A plan for establishment of Adverse Monitoring Cell has been prepared and as and when financial concurrence is given the plan will be put into operation.

Drugs Needed under the National Health Programme

3515. SHRI CHANDRIKA PRASAD TRIPATHI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to refer to the answer to Unstarred Question 1203 given in the Rajya Sabha on the 18th November, 1987 and state—

(a) whether it is a fact that Mental Health Programme and Diabetes Control Programme, STD Control Programme, Child and Meternal Health Programme and Immunisation Programme are covered under National Health Programme; and

(b) if so, the reasons for non-identification of drugs for these diseases?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) and (b) Mental Health Programme and Diabetes Control Programme have not been included in the National Health Programme which, however, cover the STD Control Programme, Mother and Child Health and the Universal Programme on Immunisation. Drugs identified for these three programme are as follows:

(i) STD Control Programme: Drugs for STD are antibiotics which are also used for other infections.

(ii) National Family Welfare Programme including Mother and Child Health:

Drugs for Mother and Child Health are Folic Acid and Ferrous Sulphate which are used for a variety of conditions.

(iii) Universal Programme on Immunisation: For EPI Programme, DPT, TT, BCG, Polio, Typhoid and Measles vaccines are used.

Price Control of the Drugs required for the Trachoma Treatment

3516. SHRI CHANDRIKA PRASAD TRIPATHI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to refer to the answer to Unstarred Question 1113 given in the Rajya Sabha on the 18th November, 1987 and state—

(a) whether it is a fact that Government have not included Oxytetracycline, Chloramphenicol, Gentamycin, Neomycin, Framycetin for price control order under category I; and

(b) if so, the reasons for not including these drugs in the above category for its price control when these are used to control Trachoma?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) and (b) These are Antibiotics used for control of Trachoma and for other infections. Control of Trachoma is one aspect of the National Programme for Control of Blindness. The emphasis is on prevention of blindness by performing cataract operations. For these reasons, Antibiotic Drugs for Trachoma Control have not been included in Category I of the Drug Price Control Order. However, Gentamycin, Chloramphenicol and Tetracycline have been included in Category II of the Drug Price Control Order.

Drugs under the National Health Programme

3517 SHRI CHANDRIKA PRASAD TRIPATHI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that Government have identified around 90 drugs for inclusion in category I of Drugs Price Control Order required for control of diseases under National Health Programme; and

(b) if so, what are the names of those drugs and date when was the list of these drugs sent for inclusion under Price Control Order?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) and (b) The Government have identified the drugs for the following National Health Programmes:

1. T B
2. Leprosy
3. Blindness
4. Oral Rehydration Therapy
5. Goitre
6. E P I
7. Malaria
8. Filariasis

The list is enclosed as statement.

Statement

LIST FOR INCLUSION IN CATEGORY SENT ON 31-7-1987

ESSENTIAL DRUGS FOR NATIONAL PROGRAMME

I. National T.B. Programme

1. Inj Streptomycin Sulphate
2. Isonicotinic acid Hcl tablets
3. Combinations containing—
Isonicotinic acid Hcl —150 mg
Thiacetazone —75 mg
- Combinations containing—
Isonicotinic acid Hcl —75 mg
Thiacetazone —37.5 mg
5. Ethambutol tablets —800 mg
6. Sodium Pass granules
7. Pyrazinamide
8. Rifampicin

II. National Leprosy Eradication Programme

1. Dapsone—100 mg and 50 mg tablets
2. Clofazimine—100 mg and 50 mg capsules
3. Rifampicin—300 mg and 150 mg capsules

III. National Trachoma Control Programme and National Programme for control of Blindness

1. Tetracycline Hcl ointment—1 per cent
2. Sodium Sulphacetamide Drops—10 per cent to 20 per cent
3. Pilocarpine Eye drops—1 per cent to 2 per cent
4. Hydrocortisone drops and ointment—0.5 and 1 per cent
5. Idoxouridine eye drops—0.1 per cent
6. Timolol Maleate—0.25 per cent to 0.5 per cent
7. Acetazolamide tablets—250 mg

8 Atropin eye drops and ointment—
1 per cent

9 Homatropin eye drops—1 per
cent and 2 per cent

IV For Prevention of Dehydration: under ORT

Oral Rehydration Salt

V. Goutie Programme

For Iodization of edible salt, Iodine in the form of Potassium Iodate is essential.

V E.P.I. Programme

For EPI Programme DPT, DT, TT; BCG, Polio, Typhoid and Measles, vaccines are used.

VII National Malaria Eradication Programme

1. Chloroquin

2. Amodiaquin

3. Quinine Inj.

4. Combination of Pyrimethamine (25 mg)—Sulfamethypyrozone (500 mg)

5. Paracetamol.

VIII Filaria

Diethylcarbamazine.

Interview for post of Joint Commissioner (Academic) in Kendriya Vidyalaya Sangathan

3518. DR R. K. PODDAR: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether interview/selection for the post of Joint Commissioner (Academic) in Kendriya Vidyalaya Sangathan are being held shortly;

(b) whether the vacant post is a promotion or selection post;

(c) what are the academic/professional qualifications experience etc. required for the candidates thereto;

(d) whether any representation for being considered as a candidate has been received from any departmental applicants; and

(e) if so, what are the details thereof?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) to (c) A copy of the Recruitment Rules for the post of Joint Commissioner (Academic) in Kendriya Vidyalaya Sangathan giving the details regarding method of recruitment, qualifications, experience, etc. is annexed (See Appendix CXLIV Annexure No 147)

The post will be filled up in accordance with the Recruitment Rules

(d) and (e) One of the Deputy Commissioners of Kendriya Vidyalaya Sangathan had submitted a representation requesting for amendment in the Recruitment Rules which has been considered and rejected and the concerned officer informed accordingly. Thereafter, the officer has submitted another representation requesting for reconsideration of the decision.

Drug from Guggul

3519. SHRI B SATYANARAYAN REDDY: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether a new drug from Guggul, a plant which grows abundantly in Karnataka, Gujarat and Rajasthan has been developed by the scientist at the Central Drug Research Institute, Lucknow;

(b) whether the technology transfer was done earlier by CIPLA which is now marketing the drug 'gugulip' for lowering the blood cholesterol level and thereby preventing atherosclerosis and heart attack, and

(c) if so, what are the details of the tests, if any were conducted on the patients with the results thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) Yes, Sir.

(b) The Central Drug Research Institute, Lucknow, transferred the Technology earlier to CIPLA, an Indian Pharmaceutical Company at Bombay.

(c) Gugulipid has passed through the three phases of clinical trials successfully. Phase III trials with gugulipid, 1580 mg day in divided doses, were conducted in six medical institutions. In 70—80 per cent patients gugulipid has showed average reduction of serum cholesterol (11 per cent) and triglycerides (16 per cent) compared to 10 per cent and 21 per cent respectively with the currently used drug clofibrate. Gugulipid was comparable to clofibrate in its hypolipaeamic effect. Gugulipid is devoid of side effects and clofibrate produced flu like syndrome.

Mughal paintings preserved abroad

3520, SHRI B. SATYANARAYAN REDDY: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that eighty to ninety per cent of the Mughal paintings are not in India but preserved in various museums in Europe and America and whether the museums which should serve as laboratories for history students had been totally delinked from Indian Universities; and

(b) if so, what are the details thereof?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) and (b) No authentic information about exact number of Mughal paintings outside India is available. Museums of standing in India maintains good relations with the academic world including Universities.

Licence fee/compensation charged from Cooperative Societies by Bombay Port Trust

3521 SHRI BHAGATRAM MANHAR: Will the Minister of SURFACE TRANSPORT be pleased to state:

(a) whether it is a fact that the Bombay Port Trust had taken a decision sometime in 1980-81 for charging nominal and reasonable licence fee/compensation from the Cooperative Societies who have taken Bombay Port Trust lands/premises on lease;

(b) if so, what are the details of the decision in this regard and to what extent this decision is being implemented;

(c) whether it is also a fact that lease agreement of some of the societies in Bombay is to expire in 1991 and that these societies have requested for the renewal of the agreements on nominal licence fee/compensation; and

(d) if so, what are the details in this regard and what steps are being taken to finalise the lease agreement with these societies?

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): (a) No, Sir.

(b) Does not arise

(c) No, Sir. No lease granted in favour of Cooperative Societies is due to expire in 1991.

(d) Does not arise.

Renewal of lease agreement with Minerva Premises Cooperative Society Ltd. by Bombay Port Trust

3522 SHRI BIR BHADRA PRATAP SINGH: Will the Minister of SURFACE TRANSPORT be pleased to state:

(a) whether it is a fact that some Members of Parliament have written to Government for the renewal of lease agreement by the Bombay Port Trust with the Minerva Premises Cooperative Society Limited, Patel Sewree Division, Bombay for another 30 years;

(b) whether it is a fact that in the above premises, small scale units are functioning earning foreign exchange for the country;

(c) whether it is also a fact that the above society has agreed to the terms and conditions put forward by the Bombay Port Trust except the society has requested for the nominal licence fee to be charged, and

(d) if so, what are the details in this regard and what steps are being taken to finalise the lease agreement with the society?

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): (a) A letter from a Member of Parliament has been received regarding the renewal of lease agreement by Bombay Port Trust with the Minerva Premises Cooperative Society Limited

(b) There are a number of small scale industries on the premises but no information as to whether these are earning any foreign exchange, is available

(c) The Society has requested for grant of a lease in their name on the terms and conditions determined by the Bombay Port Trust in respect of the premises occupied by them. There is no request from the Society for levy of nominal licence fee

(d) The Minerva Premises Cooperative Society Limited are the sub-tenants of the registered lessees and hence the question of renewal of lease agreement with the said society does not arise. A suit filed by Bombay Port Trust against the present registered lessees is pending in the Court

Land acquired for I.I.T. near Vihar Lake in Bombay

3523 SHRI BIR BHADRA PRATAP SINGH: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that Government had acquired some land in 1953 for the purpose of establishment of I I T near Vihar Lake, Bombay;

(b) whether it is a fact that after acquisition of the land, no development has taken place on it;

(c) whether it is also a fact that the above land belong to a freedom fighter and he has appealed to Government for the release of his land; and

(d) if so, what steps are being taken by Government to hand over the land to him when it does not require the land and by when this is likely to be handed over to him?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) to (d) The land provided to the I I T Bombay for its establishment was made available by the Government of Maharashtra after acquiring it through its land acquisition process. A portion of this land was given to the National Institute for Training in Industrial Engineering for its establishment. However, a small part of the land belonging to one Shri Rajaram Trivedi could not be handed over by the State Government as he had filed a Writ Petition in the Bombay High Court which was reportedly rejected. However an appeal preferred by Shri Trivedi against the State Government is before the High Court and the case is sub-judice.

Selection Grade to Group 'D' Employees of National Gallery of Modern Art

3524. SHRI G SWAMY NAIK. Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to refer to the reply to Unstarred Question 247 given in the Rajya Sabha on the 25th February, 1987 and state:

(a) whether in pursuance of the orders dated 22nd May, 1986 the benefit giving selection grade to Group 'D' employees with retrospective effect from 1st August, 1976, has since been allowed to the Gallery Attendants of the National Gallery of Modern Art, New Delhi;

(b) if not, what are the reasons therefor and what measures are being taken to implement these orders without further delay; and

(c) what action is being taken against the officials responsible for non-implementation of these orders?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) Yes, Sir. All the eligible Group 'D' employees (including Gallery Attendants) of the National Gallery of Modern Art have been sanctioned Selection Grade with effect from 1.8.76.

(b) and (c) Do not arise.

Chhitauni-Bagha Railway Bridge

3525. SHRI VIRENDRA VERMA. Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that foundation stone of a railway bridge at Chhitauni-Bagha joining Eastern Uttar Pradesh and North Bihar was laid on 22nd October 1973 by the then Prime Minister Shrimati Indira Gandhi and it was declared that the work would be completed within five years;

(b) if so, what are the reasons for non-completion of the work even after 14 years of laying its foundation stone,

(c) what is the total expenditure incurred so far on the work and what is the percentage of escalation in its cost due to delay in its completion; and

(d) what is the present position stating the progress made and by when the bridge is likely to be completed?

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): (a) At the time of laying foundation stone, no completion schedule was committed.

(b) and (d) The Ministry of Irrigation had suggested in 1973 that Railways could take advantage of the Flood Control Point to be provided at Chhitauni for construction of a bridge across Gandak River. The cost of the flood protection works was agreed to be shared by Ministry of Irrigation and Governments of U.P. and Bihar. The initial deposit was also made by them.

When the scheme was finalised and the cost updated in 1982, the Ministry of Irrigation did not agree to bear their increased share of cost, on the plea that it was no longer a priority flood control work. Government of Bihar asked for refund of their deposit and withdrew their participation. Response from Government of U.P. has not been forthcoming.

The Planning Commission while reviewing this project in view of the stand taken by the Ministry of Irrigation and State Governments, recommended its closure. The work on the bridge has, therefore, not commenced. No time schedule for completion can therefore be indicated.

(c) Expenditure incurred so far was only for rail link from Bagaha to Valmikinagar and it is Rs. 2.86 crores approximately. The escalation in cost of the bridge from 1974 to 1982 when the cost was last updated was 427 per cent.

Renovation of Temples at Bhubaneswar

3526. SHRI V. NARAYANASAMY: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state.

(a) whether it is a fact that out of thousand temples that once existed in Bhubaneswar which is popularly called as Mandir Mahini, a place garlanded by temples, only 300 of them survive today and others have been damaged because of the town coming up and the renovation work not being done in the temples;

(b) whether it is a fact that the relics of Indian Culture and Architecture are perishing in the process, and

(c) if so, what action Government have taken to renovate these temples?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) and (b) Although Bhubaneswar is known to be a city of temples the exact number of temples that once existed there have not been recorded in authentic terms with proper documentation. The most significant of the ancient temples in and around Bhubaneswar numbering twenty-eight have been protected by the Central Government as monuments of National importance. These are being properly conserved, depending on their needs, by the Archaeological Survey of India. It is the responsibility of the State Government to conserve and preserve monuments protected by them. The question of preservation and upkeep of other monuments has to be examined keeping in view their structural and artistic merits and their state of preservation by interested parties, local bodies and State authorities.

(c) Does not arise.

Use of Hindi in Foreign Countries

3527 SHRI D B CHANDRE GOWDA: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state to what extent the use of Hindi in the foreign countries is likely to be boosted during the remaining period of the current Five Year Plan?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): At present, 50 scholarships to the students of different foreign countries for study in Hindi are awarded and the selected candidates are paid scholarships as also the air fare to come to India for learning of Hindi. Hindi teachers are appointed at Surinam, Guyana and Trinidad for teaching of Hindi. Two part-time Hindi teachers are working in Sri Lanka.

The project for production and publication of Hindi-All U.N.O. Language Dictionary is being implemented and under Cultural Exchange Programme, German-Hindi and Czech-Hindi dictionaries in addition to the Czech-Hindi, Hindi-Hungarian and Hindi-Russian conversational guides are under preparation. Hindi version for UNESCO Courier is being brought out. In addition, free Hindi books are sent to Indian missions abroad and other voluntary organisations engaged in the propagation of Hindi. These schemes will be vigorously implemented in the current Five Year Plan.

Lower Acceptance of Family Planning Norms by Certain Communities

3528. SHRI HARVENDRA SINGH HANSPAL: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether according to a survey conducted by Government it has been revealed that the acceptance of the family planning norms among certain communities in the country is relatively much lower than the national level of acceptance,

(b) if so, what is the reaction of Government thereto and full details thereof in this regard; and

(c) whether Government propose to adopt a new strategy to bring the level of acceptance of FP norms at par with the national level?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KFAPARDE): (a) Yes, Sir.

(b) and (c) An All India survey on Family Planning practices conducted by Operations Research Group, Baroda in 1980 and 1981 covering 34831 couples as samples in the country showed that acceptance of modern methods of family planning among the Muslims was lower than the national level. According to the study 17.3 per cent of Muslims were reported to be practising any modern family planning method as against 28.1 per cent at the national level. The Family Welfare programme in India is being promoted on voluntary basis in keeping with the democratic traditions of the country among all sections of the population. The programme seeks to promote responsible parenthood, with a two-child norm—male, female or both—through independent choice of the family planning method best suited to the acceptor. Efforts are made to enlist support to the programme, of opinion leaders from various walks of life, including the religious leaders through the press, inter-personal communication, orientation training camps and involvement of voluntary organisations.

Accident Involving DTC Bus

3529. SHRI J. P. GOYAL: Will the Minister of SURFACE TRANSPORT be pleased to state:

(a) whether it is a fact that a Delhi Transport Corporation bus scythed through four two-wheelers at the Shanker Road Upper Ridge Road, Delhi crossing on the morning of 23rd November, 1987, if so, the details thereof;

(b) the number of persons killed and injured in the said accident,

(c) what was the cause of the said accident,

(d) what action has been taken in the matter; and

(e) what measures Government propose to take to put a check on accidents by DTC buses or buses plying under DTC?

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): (a) to (c) On 23-11-1987, the driver of a D.T.C. bus on route No 207 while negotiating a turn at roundabout of Shankar Road|Upper Ridge Road, lost control. The bus scythed through three stationary two wheeler Scooters and one Motor Cycle, damaging the three two-wheeler scooters totally and the Motor Cycle partly. Three persons died on the spot and one person succumbed to his injuries in the Hospital. Another lady sustained injuries and was also admitted in the Hospital.

(d) The driver has been challaned for rash and negligent driving after investigation by the Police. As for departmental action, the said driver has been placed under suspension.

(e) Measures taken by DTC on a continuing basis cover the training including refresher training of crew; enforcement of speed limits; provision of speed governors in city route buses; incentives to drivers with accident-free records and deployment of mobile squads to check crew behaviour.

Introduction of Uniform Syllabus

3530 SHRI J. P. GOYAL: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state

(a) whether there is any proposal under Government's consideration to introduce the uniform syllabus in schools and colleges throughout the country;

(b) if so, what steps are proposed to be taken in this regard and by when this goal is likely to be achieved; and

(c) if answer to the part (a) above be in the negative, what are the difficulties in introducing uniform syllabus of education throughout the country?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) to (c) It is not the Government's policy that education in all schools and colleges in the country should be of a rigidly uniform nature. The National Policy on Education envisages a national system of education based on the principles embodied in the Constitution. The national system implies that at the school stage all students have access to education of a comparable quality. This system will be based on a national curricular framework with a common core along with other components that are flexible. In higher education, the policy envisages redesigning of courses and programmes, with increasing flexibility in the combination of courses. In technical education, the policy envisages maintenance of minimum standards. In this context Model curricula and syllabi are formulated by the All India Council for Technical Education for the information and guidance of the various Universities, institutions, State Governments etc. who are free to adopt the same with whatever changes or modifications considered necessary to meet their local needs.

Societies running non-aided Public Schools

3531 SHRI M. A. BABY: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to refer to the reply to Unstarred Question 1816 given in the Rajya Sabha on the 6th May 1987 and state:

(a) the names, addresses of the societies running non-aided recognised public Senior Secondary Schools in Union-Territory of Delhi, and

(b) whether Government/Delhi Administration are having any administrative control over the management of such societies which are running such schools and if so, what are the details thereof, and if not, what are the reasons therefor?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) A statement is attached (See Appendix CXLIV, Annexure No 148).

(b) Delhi Administration has no administrative control over the management of such societies. However, the schools set up by such societies are required to be run by a Managing Committee constituted as per the provisions of Delhi School Education Act and Rules 1973. It is the responsibility of the Managing Committee of the school to comply with the various provisions of the Act and the Rules. The Delhi Administration oversees the compliance.

प्राथमिक बाल विद्यालय, मौलमपुर में मुविधाओं का अभाव

3532. श्री मनील कुमार पट्ट नायक :
क्या मानव संसाधन विकास मंत्री यह
बताने की कृपा करेंगे कि

(क) क्या यह सच है कि मौलमपुर फेम-III शाहदरा दिल्ली में दिल्ली नगर निगम के प्राथमिक बाल विद्यालय के विद्यार्थी और अध्यापक दोनों वहाँ पर आवश्यक स्वास्थ्य-मुविधाओं तथा बिजली की आपूर्ति और पेयजल की कमी के कारण भारी कठिनाइयों का सामना कर रहे हैं ;

(ख) यदि हाँ तो क्या सरकार वहाँ पर ये मुविधाएँ उपलब्ध कराने का विचार रखती है ;

(ग) क्या इस विद्यालय के प्रिंसिपल ने उच्च अधिकारियों से अनेक बार शिकायत की है परन्तु इन शिकायतों को निचले स्तर पर ही दबाया जा रहा है ;

(घ) यदि हां. तो इन शिकायतों का ब्यौरा क्या है ;

(ङ) यदि उपर्युक्त भाग (ग) का उत्तर 'न' हो तो क्या सरकार इस मामले की जांच कराने का विचार रखती है ताकि निकट भविष्य में विद्यार्थियों को ये सुविधाएं प्रदान की जा सकें ; और

(च) यदि हां तो इसका ब्यौरा क्या है और यदि नहीं, तो इसके क्या कारण हैं ?

मानव संसाधन विकास मंत्रालय में शिक्षा और संस्कृति विभागों में राज्य मंत्री (श्रीमती कृष्णा साहू) : (क) से (च) सूचना एकत्र की जा रही है और इसे सभा-पटल पर रख दिया जाएगा ।

Isolation of AIDS virus by the Doctors of AIIMS

3533. SHRI SURENDRA SINGH THAKUR: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that AIDS virus had been isolated by doctors of All India Institute of Medical Sciences;

(b) if so, what are the details thereof;

(c) whether facilities are available in India to isolate/diagnose the AIDS virus;

(d) if so, what are the details of such institutions and facilities available therein; and

(e) if reply to part (c) above be in negative, what steps have been taken by Government to identify cases of AIDS

affliction and control the spread of deadly disease at national and international level?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHA-PARDE): (a) to (e) The reference centre for AIDS at All India Institute of Medical Sciences has informed that HIV has been isolated from the Lymphocytes of 3 prostitutes from the vigilance home at Madras by co-cultivation method. The presence of the virus in the cells was confirmed by indirect immunofluorescence test and reverse transcriptase assay. Further characterisation is necessary to know exactly whether it is HIV-I or HIV-II or a new strain. Facilities for diagnosis of AIDS infection and AIDS disease are available in the country. However, sophisticated facilities for characterisation of AIDS virus are presently not available. 36 surveillance centres have been established all over the country where serological tests for AIDS antibody by ELISA technique is available. In addition confirmatory Western Blot test facilities are available also in 4 referral centres namely NICD, Delhi, All India Institute of Medical Sciences, New Delhi, C.M.C., Vellore and NIV Pune. Arrangements are being made to procure sophisticated equipments for some of the referral centres to undertake isolation of the virus and its detailed characterisation. Before such direct diagnostic methods become fully operational the National AIDS Control Programme is depending on diagnosis of AIDS infection through indirect methods by detection of antibodies by ELISA test and confirmatory western Blot test which are usually recommended for screening of high risk persons.

Monitoring of expenditure of Pondicherry University

3534. SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that the Central Government refused to sanction further amounts in view of the lavish spending by the Central University, Pondicherry; and

(b) if so, what are the steps taken by the Central Government about monitoring of the spending of the said University?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI):

(a) No, Sir.

(b) Does not arise.

Funds deposited by Pondicherry University in Banks

3535. SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that the funds provided by the Central Government for the Central University, Pondicherry, dur-

ing the last two years have been deposited in various banks; and

(b) if so, the banks where funds have been deposited indicating the nature of accounts, account Nos. and amount bank-wise during the last two years?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI):

(a) Funds are provided to the Pondicherry University by the University Grants Commission and kept in Nationalised Banks for meeting its expenditure.

(b) According to the information furnished by the Pondicherry University, the amount deposited in various Nationalised Banks as on 1st December, 1987 is as under:—

(Rs. in lakhs)

1. State Bank of India Pondicherry	13 0
2. Indian Bank, Pondicherry	50 0
3. Central Bank of India, Pondicherry	15 0
4. Canara Bank, Pondicherry	15 0
5. Union Bank of India, Pondicherry	10.0
6. United Commercial Bank, Pondicherry	5.0
7. Punjab National Bank, Pondicherry	5 0
8. Syndicate Bank Pondicherry	40 0
9. Indian Overseas Bank, Pondicherry	40 0
10. New Bank of India, Madras	50 0

Construction of building for Pondicherry University

3536. SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that the Central University, Pondicherry is conducting

classes and running its offices in various rented buildings in Pondicherry;

(b) if so, what are the buildings taken on rent by the Central University and what is the total amount of rent paid every month for each building; and

(c) by when construction of the new University building is likely to be over in the University Campus and the faculties be shifted to the said place?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI):

(a) Yes, Sir.

(b) Thirteen Buildings in Pondicherry have been taken on rent for accommodating three University offices, eight Departments and Schools, one Central Library and one students hostel; besides one building at Mahe and one at Karaikal. Total amount of rent paid every month, as approved by CPWD, is Rs. 86,781.

(c) Anticipated date of completion of Administrative block and staff quarters is December, 1988. Library, School of Management and hostels are likely to be completed by June, 1989 as per CPWD commitment.

Appointment of Staff by Pondicherry University

3537 SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to refer to the answer to Unstarred Question 1909 given in the Rajya Sabha on the 25th November, 1987 and state:

(a) whether it is a fact that though Selection Committees were constituted for recruiting staffs on the academic and non-academic side in the Central University, Pondicherry, the rules of calling for names of the individuals through Employment Exchanges were not duly adhered to,

(b) whether Scheduled Caste was not given representation while recruiting staffs in the Central University;

(c) the persons involved in the complaint received by Government and its contents; and

(d) the total amount spent so far on various schemes in the said University?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI):

(a) No, Sir. According to the Pondicherry University appointments have been made by calling candidates from local employment exchange and through public advertisements.

(b) No, Sir.

(c) One complaint has been received in respect of a selection made in the Department of Management. This is being looked into.

(d) According to the information furnished by Pondicherry University, expenditure incurred on various schemes up to date is Rs. 389.94 lakhs.

इलाहाबाद में सार्वजनिक टेलीफोन

3538. श्री सत्य प्रकाश मालवीय : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) इलाहाबाद में कुल कितने सार्वजनिक टेलीफोन हैं , और

(ख) क्या सरकार वहां पर सार्वजनिक टेलीफोनों की संख्या में वृद्धि करने का विचार रखती है और यदि हा, तो इसका ब्यौरा क्या है ?

संचार मंत्रालय में राज्य मंत्री (श्री संतोष मोहन देव) : (क) इलाहाबाद में सार्वजनिक टेलीफोनों की कुल संख्या 147 है ।

(ख) जी हा । 4 (चार) और लम्बी दूरी के सार्वजनिक टेलीफोन घर खोलने का प्रस्ताव है ।

महानगर टेलीफोन निगम लिमिटेड में वायरमैनो का नियमित किया जाना

3539. श्री शरद यादव : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि महानगर टेलीफोन निगम लिमिटेड में दैनिक वेतन पर कार्य कर रहे वायरमैनो की सेवाओं को नियमित किया जा रहा है यदि हाँ, तो कब तक ;

(ख) क्या इस परिवर्तन के परिणाम-स्वरूप उन्हें कम वेतन तथा कम सुविधाएँ मिलेंगी यदि हाँ, तो उसके क्या कारण हैं ;

(ग) क्या यह भी सच है कि दैनिक वेतन पर कार्य कर रहे "कुशल श्रमिकों" (स्किल्ड लेबर) को "अकुशल श्रमिकों" (अनस्किल्ड लेबर) के रूप में नियमित किया जा रहा है , और

(घ) क्या सरकार ने इस बाबत मजदूर सघों में व्याप्त असंतोष पर विचार किया है तथा क्या सरकार को उनसे कोई मांग-पत्र प्राप्त हुआ है यदि हाँ, तो उसका ब्यौरा क्या है ?

संचार मंत्रालय में राज्य मंत्री (श्री संतोष मोहन देव) : (क) दैनिक मजदूरी पर कार्य कर रहे वायरमैनो को उनके संवर्ग में खाली पद उपलब्ध होने पर भर्ती नियमों के अनुसार नियमित कर दिया जाता है ।

(ख) जी नहीं ।

(ग) जी नहीं । फिर भी यदि कोई कुशल मजदूर ग्रुप "डी" पद (अकुशल संवर्ग) पर अपने को खपाना चाहे तो उसके मामले पर विचार किया जाता है ।

(घ) जी नहीं । सरकार को इस मामले में असंतोष का कोई कारण नहीं दिखाई पड़ता ।

Routes of Punjab Mail and Udyan Abha Express

3540. SHRI PAWAN KUMAR BAN-SAL: Will the Minister of RAILWAYS be pleased to state:

(a) whether it is a fact that both Punjab Mail and Udyan Abha Express, cover the same route between Delhi and Bhatinda with a gap of about forty five minutes to one hour;

(b) whether desirability of diverting one of these trains enroute on Jakhal-Dhuri-Bhatinda section has been considered; and

(c) if so, what factors have contributed in denial of direct fast train to Delhi to the people of the above areas?

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): (a) Yes, Sir. But these run between different destinations and serve separate streams of traffic.

(b) and (c) Due to longer route and increased journey time, diversion as suggested will not be in the interest of long distance passengers Dhuri is, however, linked with Delhi by two pairs of express trains.

Caving in of Elephanta Caves

3541 SHRI PAWAN KUMAR BAN-SAL: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that on two occasions some portions of Elephanta caves caved in recently;

(b) if so, what is the nature and extent of damage; and

(c) what steps have been taken to study the causes thereof and to prevent damage?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI):

(a) and (b) A portion of the natural rock above the facade of unfinished cave No. 3 roughly measuring 7.00x0.50 to 1.00 x 0.50 m fell down on 12th September, 1987.

(c) Scientific and structural investigations have been carried out by different agencies and necessary conservation measures have been initiated.

Introduction of new trains

3542. SHRI PAWAN KUMAR BAN-SAL: Will the Minister of RAILWAYS be pleased to state:

(a) what is the mechanism/procedure adopted for introduction of new trains on existing routes, and

(b) what is the role of travelling-public in arriving at such decisions?

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): (a) and (b) Proposals regarding introduction of new trains, etc are formulated by the Zonal Railways in consultation with the Divisional/Zonal Railway Users' Consultative Committees which include public representatives and given final shape by the Inter-Railway Time Table Co-ordination Committee which meets twice every year.

Use of languages in examination conducted by Railway Service Commissions

3543. SHRI PUTTAPAGA RADHAKRISHNA: Will the Minister of RAILWAYS be pleased to state:

(a) what are the languages in which the candidates, can write in the examinations conducted by the different Railway Service Commissions;

(b) whether there are any special marks set apart for Hindi examinees; and

(c) whether there is any proposal to allow the candidates to write in the examinations in all the languages mentioned in the Constitution of India?

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): (a) The candidates have the option of using English or Hindi in the written test conducted by Railway Recruitment Boards (previously known as Railway Service Commissions) in all recruitment examinations.

(b) No, Sir.

(c) No, Sir.

Rajdhani Express for Southern Cities

3544. SHRI PUTTAPAGA RADHAKRISHNA: Will the Minister of RAILWAYS be pleased to state,

(a) whether there is any proposal to run the Rajdhani Express from New Delhi to any Southern City; and

(b) whether there is any proposal to reduce the running time of A P Express?

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): (a) No, Sir.

(b) Reduction in the running time is not feasible for the present.

Amendment of Motor Vehicles Act, 1939

3545 SHRI PUTTAPAGA RADHAKRISHNA: Will the Minister of SURFACE TRANSPORT be pleased to state:

(a) whether there is any proposal to amend the Motor Vehicles Act, 1939: and

(b) if so, what are the amendments contemplated?

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): (a) and (b) With a view to replace the existing Motor Vehicles Act, 1939 with a new Act, the Motor Vehicles Bill, 1987 stands introduced in the Lok Sabha on 11th May, 1987. Some of the important features of the Bill include removal of multiplicity of permits for goods carriages, liberalization of stage carriage permits of non-nationalized routes, simplification of procedures for grant/renewal of permits, new system of registration marks for vehicles, stricter procedure for issuance of driving licences, including compulsory training before grant of driving licence in respect of transport vehicle strict vehicle inspection tests, simplified method for fixing passenger fares by the State Governments, ensuring standardization of critical components of vehicles provisions aiming at road safety/pollution control methods.

Price Control of the Maternal and Child Care Medicines

3546. SHRI RAFIQUE ALAM:

SHRI RAJN' RANJAN SAHU:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that Government have not recommended Folic Acid, Iron salts, Vitamin A, DPT Vaccine, DT Vaccine, TT Vaccine for price control under category I; and

(b) if so, what are the reasons therefor and since when these drugs are being used under Maternal and Child Health Programme?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) and (b) DPT, DT and TT Vaccines which are used under the Universal Programme on Immunization since inception have been recommen-

ded for price control under Category I. Folic Acid and Vitamin 'A' which are used under the National Family Welfare Programme covering Mother and Child Health have been included in Category II of the Drug Price Control Order as they are used for other conditions also. Ferrous Sulphate being used for other purposes besides mother and child health, has not been recommended for price control.

Conversion of Sawai Madhopur-Jaipur Rail Line into Broad Gauge

3547. DR. H. P. SHARMA: Will the Minister of RAILWAYS be pleased to refer to the answer to Unstarred Question 514 given in the Rajya Sabha on the 11th November, 1987 and state:

(a) what is the estimated cost of conversion of Sawai Madhopur-Jaipur rail line and the constraints in completing this project; and

(b) whether Government propose to float a project tied loan specifically for the conversion of this section from metre to broad gauge?

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): (a) The estimated cost of conversion of 131 km. Sawai Madhopur-Jaipur M.G. line into B.G. is about Rs. 55 crores. The project could not be taken up due to acute constraint of resources for gauge conversion projects.

(b) No, Sir.

पश्चिम रेलवे में अनुसूचित जातियों/
अनुसूचित जनजातियों/नेत्रहीनों तथा
विकलांग व्यक्तियों को रोजगार

3548. श्री रामसिंह भाई पातलीयाभुई
राठवा : क्या रेल मंत्री यह बताने
की कृपा करेंगे कि :

(क) 1 जनवरी 1985 से 31
अक्टूबर 1987 तक की अवधि के
दौरान पश्चिम रेलवे के विभिन्न डिवीजनों में

चतुर्थ, तृतीय श्रेणी तथा अधिकारी श्रेणी में कितने (i) अनुसूचित जातियों और अनुसूचित जनजातियाँ (ii) युद्ध में मारे गये व्यक्तियों की विधवाओं (iii) नेत्रहीनों और (iv) विकलांगों को रोजगार दिया गया;

(ख) अन्य जातियों एवं वर्गों की तुलना में इन श्रेणियों का प्रतिशत कितना है ;

(ग) इन श्रेणियों के व्यक्तियों की भर्ती को शासित करने वाले नियम क्या हैं ;

(घ) क्या सरकार को इस आशय की शिकायतें प्राप्त हुई हैं कि उन्हें नियुक्त करने में भेदभाव किया जा रहा है और उन्हें उनके आरक्षण के अनुपात में रोजगार नहीं मिल रहा है ; और

(ङ) यदि हाँ तो इस संबंध में सरकार ने क्या कार्यवाही की है ?

रेल मंत्रालय के राज्य मंत्री (श्री माधव राव सिधिया) : (क) से (ङ) पश्चिम रेलवे से मूचना इकट्ठी की जा रही है और सभा पटल पर रख दी जायेगी।

Teaching of Drawing in Kendriya Vidyalayas

3549. PROF. C. LAKSHMANNA: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state;

(a) whether it is a fact that till recently, teaching of drawing was in vogue in Kendriya Vidyalayas;

(b) if so, upto which standard;

(c) whether there has been any demand from any KVS Teachers Association for introduction of this subject as an elective at plus two stage and if so, the details thereof;

(d) what are the reasons that the Sangathan has abolished its identity as a separate subject and merged it with socially useful productive work;

(e) whether the Sangathan has received any representation against this step; and

(f) if so, whether the said action of the Sangathan is being given a second thought?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI):

(a) and (b) Drawing in the form of Art was taught as a subject in Kendriya Vidyalayas till 1983 from class I to VIII. Since 1983 all the activities prescribed under Art are taught under SUPW from Class I to X.

(c) Requests for introducing Drawing as an elective subject at the plus two stage have been received from time to time. However, request from any Kendriya Vidyalaya teacher's Association is not available on record of the Kendriya Vidyalaya Sangathan.

(d) to (f) Kendriya Vidyalaya Sangathan is of the view that since activities prescribed under Art such as printing, collage making, toy and puppet making, clay work, sculpture etc are already covered under socially useful productive work (SUPW) There was no need to duplicate teaching by continuing it as a separate subject. This has also reduced the work-load of students.

Termination of booking agents

3550. PROF C LAKSHMANNA: Will the Minister of CIVIL AVIATION be pleased to state-

(a) whether it is a fact that Indian Airlines has taken decision to discontinue with the appointment of booking agents;

(b) if so, the reasons therefor; and

(c) when were agents last appointed?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND THE MINISTER OF STATE OF THE MINISTRY OF TOURISM (SHRI JAGDISH TYTLER): (a) No, Sir.

(b) Does not arise.

(c) The last appointment of agent was made by Indian Airlines in October, 1987

Creation of Posts of Sports Coaches in Kendriya Vidyalayas

3551 PROF C. LAKSHMANNA: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that the Board of Governors of the Kendriya Vidyalaya Sangathan held its meeting on 13th November, 1987;

(b) whether it is also a fact that the Board has approved the proposal of creating some posts of sports coaches for Kendriya Vidyalayas; and

(c) if so, what are the details thereof and justification thereof?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI):

(a) to (c) A proposal for creation of posts of sports coaches was put up before the Board of Governors of the Kendriya Vidyalaya Sangathan in its meeting held on 13th November, 1987. The Board directed that a Committee be constituted to work out a comprehensive programme of development of sports in the Kendriya Vidyalaya Sangathan, and the aforesaid proposal be considered by the said committee.

Appointment of Booking Agencies

3552 SHRI RAMSINGBHAI PATALIYABHAI RATHVAKOLI: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether it is a fact that some travelling agents and agencies in various parts of Gujarat have been appointed for Vayudoot and other air services booking during the period 1st January, 1986 to 27th November, 1987,

(b) if so, the names thereof;

(c) the terms and conditions on which they were appointed, and

(d) the number of applications received during the period from 1st January, 1985 to 27th November, 1987 along with the number of applications accepted, rejected and kept pending and the number of agents likely to be appointed during the period from 1st January, 1988 to 31st December, 1988?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND THE MINISTER OF STATE OF THE MINISTRY OF TOURISM (SHRI JAGDISH TYTLER): (a) and (b) The details of the Handling-cum-Ticketing agents appointed by Vayudoot in Gujarat are as follows:—

Handling - cum - Ticketing Agent:
M/s Prakash Travels, Rajkot

Ticketing Agents: (a) M/s. J.P. Travels, Veraval,

(b) M/s Piyush Travels, Junagarh and Rajkot.

(c) The terms and conditions offered to the agents are:—

1 Vayudoot will pay a commission of 3 per cent on the total sales turnover less cancellation amounts.

2 The commission shall apply both on passenger and cargo sales. Statistical charges and cartage charges on airway bills shall not attract any commission.

3 Agency shall be entitled for two free passes on Vayudoot sectors per year.

(d) Of the 9 applications received for appointment as agents only 3 were accepted. Appointment of more agencies will entirely depend on the number of places to be airtlinked in the State of Gujarat.

Telephone connection in various towns of Gujarat

3553. SHRI RAMSINGHBHAI PATALIYABHAI RATHVAKOLI: Will the Minister of COMMUNICATIONS be pleased to state:

(a) the number of applications received in Baroda, Surat, Valsad and Broach districts of Gujarat for telephone connections under OYT, non-OYT and other categories during the period from 1st January, 1987 to 31st October, 1987;

(b) the total number of connections given in each category during the said period;

(c) the number of connections which were given out of turn and as a special case during the said period;

(d) the number of applications pending for telephone connections for the last three years in the above division; and

(e) whether any more exchange is likely to be installed in the above districts?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI SANTOSH MOHAN DEV): (a) to (e). The information is being collected and will be laid on the Table of the House.

3554. [Transferred to the 11th December, 1987]

Stadium at Fazilka

3555. SHRIMATI KAILASHPATI: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether there is any proposal under consideration of the Punjab Government to construct a sports stadium with a capacity of 10,000 at Fazilka, which had once been a venue of the All India Cross Country Races;

(b) whether it is a fact that land for the stadium had been allotted and an initial sum of Rs. 50,000 was also sanctioned for the purpose;

(c) whether construction of the stadium is in progress and if so, what is

the present position thereof and if not, what are the reasons therefor; and

(d) by when construction of the stadium is likely to be completed?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P. V. NARASIMHA RAO): (a) to (d). This Department does not seem to have received any proposal from the Punjab Government for financial assistance for construction of a stadium at Fazilka. However, the information has been called for from the State Government and would be laid on the Table in due course.

**भारत में सोवियत संघ तथा जापान
उत्सवों के लिये विस्तृत योजना**

3556. श्री रशीद मसूद : क्या मानव संसाधन विकास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारत में सोवियत संघ और जापान के उत्सवों के लिये एक विस्तृत योजना तैयार की गयी है ;

(ख) यदि हां तो उसका व्यौरा क्या है ; और

(ग) इन दोनों उत्सवों पर कुल कितनी धनराशि खर्च होने की संभावना है ?

मानव संसाधन विकास मंत्रालय में शिक्षा और संस्कृति विभागों में राज्य मंत्री (श्रीमती कृष्णा साहू) : (क) जी हां, भारत में सोवियत संघ महोत्सव और भारत में जापान माह के लिये ।

(ख) भारत में जापान माह अक्टूबर, नवम्बर 1987 के दौरान आयोजित किया गया था । भारत में आयोजित जापान माह के कार्यक्रमों में प्रदर्शन कला कार्यक्रम, प्रदर्शनिया, संगोष्ठिया और एक फिल्म महोत्सव शामिल थे ।

भारत में सोवियत संघ महोत्सव का उद्घाटन 21 नवम्बर, 1987 को हुआ था और यह एक वर्ष तक चलेगा। भारत में आयोजित सोवियत संघ महोत्सव में, दिल्ली, बम्बई, बंगलौर और कलकत्ता में इसके लिये विशेष उद्घाटन समारोहों के अलावा, प्रदर्शन कलाये, प्रदर्शनीयां, सेमिनार/सम्मेलन, सर्कस, विशिष्ट प्रकाशन कार्यक्रम आदि जैसे कार्यक्रम भी शामिल होंगे।

(ग) भारत में जापान माह पर लगभग 75 लाख रु० और भारत में सोवियत संघ महोत्सव पर लगभग 25 करोड़ रुपये का खर्च होने की संभावना है।

गया के स्मारकों और पुरातत्व स्थलों का अनुरक्षण

3557. श्रीमती सूर्यकांता जयवंतराव पाटील : क्या मानव संसाधन विकास मंत्री यह बताने की कृपा करेंगे कि :

(क) गया स्मारकों के अनुरक्षण के संबंध में अब तक क्या प्रगति हुई है ;

(ख) क्या बिहार सरकार ने गया के प्राचीन स्मारकों, पुरातत्व स्थलों तथा अवशेषों के अनुरक्षण से संबंधित अधिसूचना प्रकाशित की थी ;

(ग) क्या पटना उच्च न्यायालय के निर्णय के अनुसार इन पर्वतों के सम्पूर्ण क्षेत्र में कहीं भी रोड़ी बनाने की मशीन नहीं लगाई जा सकेगी, चाहे अन्य क्षेत्रों से भी पत्थर क्यों न लाये जाये तथा उनके अनुरक्षण के लिये सशस्त्र आरक्षी बल तैनात किये जायेंगे।

(घ) क्या यह सच है कि इन तथ्यों के बावजूद भी सरकार रामशिला पर्वत में अवैध खनन और अवैध रूप से मशीनों के प्रयोग को रोकने में विफल रही है ; और

(ङ) यदि हां, तो सरकार क्या कार्यवाही करने का विचार रखती है तथा वर्तमान में इसकी क्या स्थिति है और रामशिला पर्वत के इस आरक्षित क्षेत्र में खनन कार्य में इस्तेमाल होने वाले उपकरणों आदि को जहन करने तथा ऐसे कृत्यों में अन्तर्गमन व्यक्तियों को पकड़ने में सरकार को क्या कठिनाइयां पेश आ रही हैं , और यदि नहीं, तो ऐसे कदम कब तक उठाये जाने की संभावना है ?

मानव संसाधन विकास मंत्रालय में शिक्षा और संस्कृति विभागों में राज्य मंत्री (श्रीमती कृष्णा साहू) : (क) में (ङ) ये स्मारक केन्द्रीय सरकार के अधीन नहीं हैं। यह मामला राज्य सरकार से संबंधित है।

लोकनायक जयप्रकाश नारायण अस्पताल में प्रशिक्षण प्राप्त कर रही नर्सों की खान-पान व्यवस्था में अनियमिततायें

3558. श्री रामनरेश कुशवाहा :
श्री सूरज प्रसाद :

क्या स्वास्थ्य और परिवार कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि लोकनायक जयप्रकाश नारायण अस्पताल के चिकित्सा अधीक्षक द्वारा प्रशिक्षण प्राप्त कर रही नर्सों के लिये भोजन बनाने हेतु सरकारी कर्मचारियों को खाना बनाने के लिये मजबूर किया जाना था और इस प्रकार हजारों रुपये का दुरु-विनियोग किया जाता था तथा घटिया किस्म का खाना दिया जाता था और यह कि चार महीने पहले इन छात्राओं द्वारा विरोध किये जाने पर खान-पान की व्यवस्था का ठेका दिया गया था, परन्तु अब वह ठेका समाप्त किया जा रहा है।

(ख) क्या यह भी सच है कि इन छात्राओं द्वारा विरोध किये जाने पर यह चिकित्सा अधीक्षक यह धमकी दे रहा है कि खान-पान संबंधी प्रभार

उनकी छात्रवृत्ति से काट लिये जायेंगे, चाहे वे खाना खाये या न खाये और यह कि उनकी अक्टूबर, 1987 माह क छात्रवृत्ति का भगतान नही किया गया है, और

(ग) यदि हां, तो क्या सरकार इस विषय मे एक उच्च स्तरीय जाच करवाने तथा इन छात्राओं के हित मे इस चिकित्सा अधिकारी का किसी अन्य स्थान को स्थानान्तरण करने का विचार रखती है ?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (कुमारी सरोज खापड़ें) : (क) और (ख) जी, नहीं

(ग) यह प्रश्न नहीं उठता ।

Recognition to All India Karate Do-Federation

3559. SHRI M. S. GURUPADA-SWAMY;
SHRI GAYA CHAND
BHUYAN:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether recognition has been finally granted to the All India Karate Do-Federation, Bombay;

(b) if so, when; and

(c) whether Government had provided adequate grant to this Federation?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P. V. NARASIMHA RAO): (a) Yes, Sir.

(b) June 15, 1987.

(c) No grant has so far been released to this Federation as it has not yet organised any National Championship

No Tobacco Day Celebration on 7th April, 1987

3560 SHRI B SATYANARAYAN REDDY:

SHRI J. P. GOYAL:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the attention of Government has been drawn to a news report published in the Hindustan Times dated 3rd November, 1987 on "No tobacco day on April 7, 1987"; and

(b) if so, the reasons therefor and the action taken by Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHA-PARDE): (a) and (b) The Resolution adopted at the 40th World Health Assembly urged the Member States to celebrate 7 April, 1988 as a 'World No-Smoking day' to encourage people to desist from use of tobacco products on that day as a part of the continuing efforts to reduce the smoking pandemic.

The Government will take appropriate measures to reduce use of tobacco products.

Westland helicopters

3561. SHRIMATI RENUKA CHOWDHURY: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether Government's attention has been drawn to the news item appearing in the Times of India dated the 17th November, 1987 under the heading 'Westland helicopters run into trouble';

(b) if so, the details thereof; and

(c) whether Government propose to inquire into the matter and if not, the reasons thereof?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND THE MINISTER OF STATE OF THE MINISTRY OF TOURISM (SHRI JAGDISH TYTLER): (a) Yes, Sir.

(b) The snags experienced on the Westland helicopters so far are largely of the nature of normal teething problems experienced by any new aircraft inducted into service. The Westland helicopter is perfectly safe for flying and the Westland fleet of Pawan Hans has already logged more than 5000 hours of flying.

(c) No, Sir. The snags so far noticed on the Westland do not warrant an enquiry.

Violation of safety rules

3562. SHRI SURESH KALMADI;

SHRI DHARAM CHANDER PRASHANT;

Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether Government's attention has been drawn to the news item published in "The Indian Post", Bombay of November 10, 1987 that check certificates for Indian Airlines aircrafts are issued by the shift-charge (Assistant Engineering Manager) without filling in the registration number of the aircraft or the flight number;

(b) whether it is in conformity with the rules laid down for safety; and

(c) if not, what action has been taken in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND THE MINISTER OF STATE OF THE MINISTRY OF TOURISM (SHRI JAGDISH TYTLER): (a) Yes, Sir.

(b) Indian Airlines is an approved organisation as per Aircraft Rules. The aircraft maintenance/inspection schedules are duly completed and certificate by the appropriate licensed Engineer is given. As such the airline releasing any aircraft with-

out complying with the inspection requirements is not true.

(c) The matter reported in the press is under investigation.

Transfer of Vice Principals in Kendriya Vidyalayas

3563. SHRI YALLA SESI BHUSHANA RAO;

SHRI ASHOK NATH VERMA:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that Post Graduate Teachers of Kendriya Vidyalayas are posted out of their region in another language area when they are promoted as Vice-Principal;

(b) whether any association of Kendriya Vidyalaya Teachers has objected to it; and

(c) if so, on what grounds and what is Government's reaction thereto?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) The Board of Governors of the Kendriya Vidyalaya Sangathan in its meeting held in April, 1987 while approving the revised guidelines for transfers decided that Post Graduate Teachers and Vice-Principals on recruitment/promotion will be posted as far as possible outside the region in another language area for 5 years. After that they will be given a region of their choice subject to availability of vacancies.

(b) and (c) All India Kendriya Vidyalaya Teachers Association has raised objection to this new policy on the ground that the Association was not consulted before hand and that it is administratively unsound. However, there is no proposal to revise the decision in this regard.

Vocationalisation of Secondary Education

3564. SHRI V. NARAYANASAMY;

SHRI B SATYANARAYAN
REDDY;

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether Government are providing aid for vocational courses at the plus 2 stage in selected schools in the country under the new scheme of vocationalisation of Secondary Education;

(b) whether Government have selected the schools for such vocational training; and

(c) if so, what are the details thereof and the number of vocational training courses likely to be conducted and with what cost?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) The proposed Centrally-sponsored scheme of Vocationalisation of Secondary Education has not yet been finalised.

(b) and (c) Do not arise.

AIDS in children

3565 SHRI BHAGATRAM MANHAR. Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that AIDS have been found in children below the age of 15 years as has been reported in a section of the press; and

(b) if so, what are the total number of such cases detected so far and what steps are being taken to prevent AIDS in the children?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) and (b) So far, only one child of 9 months old has been detected to sero positive for HIV infection. Gov-

ernment is taking appropriate measures to screen high risk group through sero surveillance and reference centres established in various States of the country. Screening for HIV antibodies for high risk mothers and mothers with sexually transmitted diseases has also been suggested to the surveillance centres as a preventive measures against AIDS in children.

Enrolment of children in Delhi schools

3566 SHRI BHAGATRAM MANHAR: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that quite a number of children in the Union Territory of Delhi are not enrolled in schools due to various financial reasons;

(b) if so, what is the estimated number of such children who are not studying; and

(c) what steps are being taken by Government to ensure that all children of Delhi attend schools?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) to (c) Information is being collected and will be laid on the Table of the Sabha

Grants to Naturopathy and Yoga Centres

3567 DR (SHRIMATI) SAROJINI MAHISHI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that the Central Council for Research in Yoga and Naturopathy was set up some years back to conduct research in Yoga and Naturopathy;

(b) whether it is also a fact that the Council was providing financial aid to the Naturopathy institutions in various States

including a Naturopathy Institute in Jammu;

(c) what are the reasons that the Central Council has suspended grant for the institutes including Barkat Ram Vidyavati Ghar Institute in Jammu; with the result that the institutes depending on the central aid have been virtually closed and no reason has been given for suspension of grant; and

(d) whether Government is going to reconsider and restart giving grant to the institutes?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHA-PARDE): (a) Yes, Sir. One of the objects of the CCRYN is to undertake research in the field of yoga and naturopathy.

(b) Yes, Sir.

(c) The Central Council for Research in Yoga and Naturopathy (CCRYN) has been rendering financial assistance to various Yoga and Naturopathy Institutions for conducting research in Yoga and Nature Cure and to two colleges of Naturopathy for teaching. The grant-in-aid for the research was sanctioned only for a limited period of three years to various Yoga and Naturopathy institutions, including Barkat Ram Vidyavati Ghar Institute in Jammu. The aforesaid institute in Jammu and Kashmir was a sanctioned grant for a research oriented scheme in Naturopathy entitled "Study of effect of Nature Cure treatment of respiratory system diseases excluding T B and Cancer and Gastrointestinal tract diseases including liver and gallbladder." The scheme was initially sanctioned for three years. The scheme commenced on 1-1-1984 and expired on 31-12-1984. Grant-in-aid was given for entire period of the tenure of the scheme.

(d) Subject to availability of funds, the CCRYN is considering grant of financial assistance for extension of some of the existing schemes and also for some new schemes.

बम्बई पत्तन पर अमेरिका से आये चावल से लदे जहाज को खाली न किया जाना

3568. श्री रशीद मसूद : क्या जल-भूतल परिवहन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि देश में सूखे से प्रभावित लोगों के लिये विश्व खाद्य कार्यक्रम के अन्तर्गत अमेरिका को भेजा गया चावल से लदा एक जहाज 2 नवम्बर, 1987 को बम्बई पत्तन पर पहुंच गया था ; और

(ख) यदि हा, तो क्या यह भी सच है कि माल उतारने की समुचित व्यवस्था के अभाव में चावल से लदा उक्त जहाज पत्तन पर खड़ा रहा और यदि हा, तो इस सबध में इस समय वास्तविक स्थिति क्या है ?

जल-भूतल परिवहन मंत्रालय के राज्य मंत्री (श्री राजेश पायलट) : (क) जी, हा।

(ख) विश्व खाद्य कार्यक्रम के तहत उपहार में दिये गये 11,200 टन चावल से भरे बैग 2.11.87 को ह्यू लाइकंस जहाज से बम्बई पत्तन पहुंचे थे। जहाज 12-11-1987 को बर्थ पर लगाया गया था और इमने 25-11-87 को अपना डिस्चार्ज पूरा किया। भारतीय पोटाश लिमिटेड ने, जो ट्राजिट शैड में डम कार्गो के क्लियरेंस के लिये भारत सरकार को नामिनी है, बम्बई पत्तन के ट्राजिट शैड में कार्गो के क्लियरेंस के लिये अपना क्लियरिंग एवं फारवर्डिंग एजेंट नामित किया है। क्लियरिंग एवं फारवर्डिंग एजेंट बम्बई गोदी क्लियरिंग एवं फारवर्डिंग श्रमिक (रोजगार का विनियमन) स्कीम, 1983 के श्रमिकों की सहायता में यह कार्य निर्बाध रूप से 16.11.87 तक करता रहा था। 16.11.87 की राति

शिफ्ट में बम्बई खाद्यान्न हैडलिंग श्रमिक (रोजगार का विनियमन) स्कीम, 1975 से संबंधित श्रमिकों ने क्लियरिंग एव फार-वर्डिंग पुल के श्रमिकों को काम पर लगाये जाने पर इन आधार पर आपत्ति की कि ट्रांजिट शौडों से खाद्यान्न के क्लियरिंग की जिम्मेदारी खाद्यान्न हैडलिंग श्रमिक स्कीम के श्रमिकों की है और इसलिये क्लियरिंग एव फारवर्डिंग एजेंटों द्वारा अन्य मूल के श्रमिकों को नहीं लगाया जा सकता। इस विवाद के फलस्वरूप 7,800 मीट्रिक टन चावल बम्बई पत्तन न्यास के शौडों में जमा हुआ पड़ा है और क्लियरिंग की प्रतीक्षा में है। गतिरोध दूर करने के प्रयास किये जा रहे हैं, ताकि चावल का कन्साइ-नमेंट क्लियर किया जा सके।

रेल गाड़ियों का रद्द किया जाना

3569. श्री रमोद मसूद : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) पिछले छ महीनों के दौरान दिल्ली में चलकर बम्बई, हावड़ा, भद्रास, गुवाहाटी और गोरखपुर जाने वाली कॉन्-क्वैन मी प्रमुख रेल गाड़ियों को रद्द किया गया था तथा उन्हें किन-किन मार्गों को रद्द किया गया था;

(ख) क्या इमने प्रभावित होने वाले यात्रियों को सुविधा के लिये सरकार द्वारा कोई वैकल्पिक व्यवस्था की गई थी, और

(ग) यदि हाँ, तो उनका व्यौरा क्या है ?

रेल भंडालय के राज्य मंत्री (श्री माधव-राव सिंधिया) : (क) ने (ग) सूचना इकट्ठी की जा रही है और सभा पटल पर रख दी जायेगी।

Depicting of Indian culture and civilisation to attract tourism

3570. SHRI RASHEED MASOOD: Will the Minister of TOURISM be pleased to state:

(a) whether it is a fact that Government have formulated a number of schemes to encourage tourism;

(b) whether Government have formulated any scheme for the development of sites and places depicting Indian culture and civilization also under the said schemes;

(c) if so, what are the details thereof; and

(d) if not, what are the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND THE MINISTER OF STATE OF THE MINISTRY OF TOURISM (SHRI JAGDISH TYTLER): (a) to (d) The Ministry of Tourism has formulated several schemes to encourage tourism to India. These include undertaking sustained publicity and marketing campaigns in the overseas markets, development of infrastructure at centres of tourist interest, promotion of domestic tourism, construction of Yatri Niwas to provide budget accommodation, provision of Yatrikas at pilgrim centres; development of beach resorts, improvement of facilities for Himalayan trekking and water sports, preservation of natural heritage areas, flood-lighting of monuments, development of facilities along Buddhist circuits, improvement in the quality of surface transport, development of wildlife tourism and provision of wayside facilities

The Ministry of Tourism has a scheme for promotion of cultural tourism. Under this scheme, infrastructural facilities are created at culturally important centres, monuments and at places of Buddhist importance

Interview for the post of Principals of Kendriya Vidyalayas

3571 SHRI ASHOK NATH VERMA-DR. R. K. PODDAR:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that some ineligible teachers had been called for interview recently held by Kendriya Vidyalaya Sangathan in Delhi for the post of Principals of Kendriya Vidyalayas;

(b) if so, what are the details thereof;

(c) whether these teachers were interviewed and paid travelling allowance for attending the interview;

(d) if so, what are the details thereof;

(e) whether any eligible applicant was not called for interview; and

(f) if so, what are the details thereof and reasons therefor?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) to (d) Of all the candidates who were called for interview, two were found ineligible on rechecking of applications. They were informed telegraphically not to come for interview. However, they had come for the interview and stated that they had not received the telegram. They were accordingly paid the Travelling Allowance. Two other candidates were found ineligible on the day of interview on scrutiny of their certificates. One of them being an outstation candidate was paid the Travelling Allowance.

(e) No, Sir.

(f) Does not arise

Grievances of the Teachers of Kendriya Vidyalayas

3572. DR. BAPU KALDATE: Will, the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether Government have received any open letter in August, 1987 from the All India Kendriya Vidyalaya Teachers Association;

(b) if so, what are the details thereof; and

(c) what action has been taken to redress their grievances?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) to (c) A letter dated 6th August, 1987 from the General Secretary, All India Kendriya Vidyalaya Teachers Association addressed to Prime Minister of India had been received alleging inter-alia physical assault on him on 15th July, 1987 by some members of another Association of Kendriya Vidyalaya Teachers. The General Secretary of All India Kendriya Vidyalaya Teachers Association had also lodged an FIR in the Vasant Vihar Police Station. The matter has since been investigated by the Police authorities who have informed that the allegations made in the complaint could not be established.

Transfer of teachers from North Eastern Region of Kendriya Vidyalaya Sangathan

3573 PROF. C. LAKSHMANNA:

SHRI ASHWANI KUMAR:

SHRI ASHOK NATH VERMA:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that there is a provision for transfer of teachers to a place of choice after their three years stay in North Eastern Region;

(b) if so, what are the details thereof;

(c) the list of teachers so transferred during the current session alongwith their duration of stay in North Eastern Region;

(d) the list of these teachers transferred this year from North-Eastern Region before completing three years alongwith the duration of their stay there; and

(e) what are the reasons for transfer of the teachers referred to in part (d) above?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) to (e) This provision was discontinued consequent on the revision in transfer guidelines made by the Board of Governors of the Kendriya Vidyalaya Sangathan in April, 1987, wherein the Board abolished tenure as a basis for transfer to promote a sense of identification amongst teachers with the Vidyalayas where they are working. Transfers have been effected during the current year as per these revised guidelines, and a total of 103 teachers were transferred from the North Eastern Region. While effecting these transfers, the period of stay was not taken as one of the criteria as per the revised guidelines.

Selection of teachers for Kendriya Vidyalaya in Moscow

3574. SHRI ASHOK NATH VERMA:
SHRI YALLA SESI
BHUSHANA RAO:
DR. BAPU KALDATE:
SHRI SHANKER SINH
VAGHELA:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) the details of the different posts created for Kendriya Vidyalaya Moscow as also dates of creation,

(b) the names of the appointees to these posts alongwith the dates of their selection;

(c) the names of persons who were placed on different selection committees appointed for selecting teachers for Kendriya Vidyalaya Moscow;

(d) whether these selection Committees have also selected teachers for other Kendriya Vidyalayas located outside India; and

(e) if so, what are the details of the teachers selected by these Committees for

other Kendriya Vidyalayas located outside India?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) and (b) A statement giving the details of the posts created for Kendriya Vidyalaya, Moscow, names of persons selected, date of selection etc. is given in Annexure. [See Appendix CXLIV, Annexure No. 149.]

(c) Statement giving the composition of the Selection Committees for various categories of posts for Kendriya Vidyalaya, Moscow is enclosed (See below).

(d) and (e) The Selection Committee has selected PGT (Chemistry) for Kendriya Vidyalaya, Kabul.

Statement

Composition of Selection Committee for various categories of teaching posts for Kendriya Vidyalaya, Moscow

I. Principals and PGT (English)

1. Shri T.N. Kaul, Ambassador of India to Moscow
2. Smt. Krishna Sahi, Minister of State of Education and Culture,
3. Shri Natwar Singh, Minister of State of External Affairs,

II PGTs in Biology, Hindi, Economics, Chemistry and PRTs

1. Dr. R.C. Sharma, Commissioner, Kendriya Vidyalaya Sangathan.
2. Shri L.R. Mal, Joint Commissioner (Administration), Kendriya Vidyalaya Sangathan
3. Prof. M.S. Kharpad, National Council for Educational Research and Training, New Delhi (could not attend meetings).
4. Shri Vishnu Prakash, Under Secretary, Ministry of External Affairs, New Delhi.

III. PGTs in Mathematics, Physics and Geography

1. Dr. R.C. Sharma, Commissioner, Kendriya Vidyalaya Sangathan.
2. Shri L.R. Mal, Joint Commissioner (Administration), Kendriya Vidyalaya Sangathan.
3. Shri Vishnu Prakash, Under Secretary, Ministry of External Affairs, New Delhi.
4. Dr. N.K. Bajaj, Senior Lecturer in Physics, St. Stephen College, New Delhi (attended on 25.9.1987 only)

IV. PGT (History)

1. Dr. R.C. Sharma, Commissioner, Kendriya Vidyalaya Sangathan.
2. Shri L.R. Mal, Joint Commissioner (Administration), Kendriya Vidyalaya Sangathan.
3. Dr. (Mrs) Sunita Pauri, Head of Department of History, Lady Sri-ram College, New Delhi (attended on 9.11.1987 only)
4. Shri Vishnu Prakash, Under Secretary, Ministry of External Affairs.

Withdrawing of facilities admissible of the associations under Kendriya Vidyalaya Sangathan

3575. SHRI YALLA SESI BHUSHANA RAO:

SHRI SAMAR MUKHERJEE:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that the facilities of bringing three office-bearers of recognised associations of the Kendriya Vidyalaya Sangathan on transfer to appropriate Headquarters of administration, has, of late, been withdrawn by the Kendriya Vidyalaya Sangathan;

(b) whether Government Memorandum of the 8th April, 1969 associations, has since been withdrawn; and

(c) if so, what are the reasons for withdrawing the facilities?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI):
(a) to (c) The question of posting of office bearers of Associations at Headquarters of Associations was reviewed to bring it in line with the instructions issued by the Government according to which only one functionary i.e. Chief Executive or General Secretary could be posted at the Headquarters. The recognised Associations have been notified of this position, although no consequential transfers have been effected.

Interview for teachers for Kendriya Vidyalaya, Moscow

3576 SHRI YALLA SESI BHUSHANA RAO:

PROF. C. LAKSHMANNA:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) the date when a Kendriya Vidyalaya was sanctioned and posts of teachers were created for Moscow;

(b) the date when interviews for Principal and PGT (English) for KV Moscow were held;

(c) the date when interviews for other posts of KV Moscow were held;

(d) the list of selected teachers of different categories alongwith the dates they joined in Moscow;

(e) the criteria according to which candidates were called for interviews for selection to different posts; and

(f) the details of streams and standards opened and the number of students in each of these standards/sections?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI).
(a) The Kendriya Vidyalaya, at Moscow

was sanctioned in August, 1987. The school has been sanctioned the following staff;—

Principal	01
PGTs	09
TGTs	02
PRTs	06
Music Teacher	01
SUPW Teacher	01
Librarian	01
UDC	01
LDC	01
Group 'D'	04

(Including Lab. attendant)

(b) to (d) Statement giving the details regarding the dates of interview, names of those selected, date of posting etc is annexed. [See Appendix CXLIV, Annexure No 150.]

(e) The following criteria were laid down by the Kendriya Vidyalaya Sangathan for the selection of staff for Kendriya Vidyalaya, Moscow:

(i) Seniority in the service of Kendriya Vidyalaya Sangathan in the cadre.

(ii) Good record of service.

(iii) Atleast 8 years service in the Kendriya Vidyalaya Sangathan in the grade; and

(iv) Atleast 3 years to retire.

(f) Classes from I to IX and Class XI Science and Humanities stream are functioning in Kendriya Vidyalaya, Moscow during the year 1987-88. The number of students studying in these classes is as under:—

Classes	Strength
I	21
II	13
III	16
IV	11

Classes	Strength
V	18
VI	08
VII	13
VIII	11
IX	14
XI	13 (Hum. 6/Sc. 7)
TOTAL	138

Jaundice and Typhoid in Sheikh Sarai in South Delhi

3577. SHRI GURUDAS DAS GUPTA:
SHRI RASHEED MASOOD:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the attention of the Government of India has been drawn to the news item published in the Times of India dated the 24th November, 1987 that polluted water caused spread of Jaundice epidemic and cases of typhoid in Sheikh Sarai in South Delhi and what adequate steps have been taken to check the diseases taking an epidemic form; and

(b) what are the details of the cases and the number of persons affected and measures taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) and (b) Yes, Sir. Government has seen the news item. Information was received on 11th November, 1987 that the water supply in Sheikh Sarai Self Financing, Phase I, 'C' Block, a colony developed by D.D.A., was found to have been contaminated leading to cases of hepatitis (Jaundice) and typhoid. The Engineers of Water Supply Undertaking of the M.C.D. and a team of doctors headed by the Municipal Health Officer visited the colony to investigate the matter. Preliminary investigations re-

vealed that the water and sewer lines laid by the D.D.A. were running close and parallel to each other with loose ferrules connections, resulting in probable suction of sewage into the water line.

A team from National Institute of Communicable Diseases, Delhi had also visited Sheikh Sarai to investigate the reported outbreak of viral hepatitis.

A total number of 68 cases of Hepatitis and 43 cases of typhoid were detected with no deaths. The following steps are being taken to attend to affected cases of Jaundice and typhoid:—

1. A mobile dispensary has been deputed daily from 13-11-87 which functions from 9.30 A.M. to 4.00 P.M. The Medical Officer is not only giving treatment to the patients but also giving Gama-Globulin injections.

2. Handbills have been distributed to all the houses for boiling the water before use.

3. Adequate number of Gama-Globulin injections have been provided and the injections are being given to the contacts, pregnant ladies and children below fourteen years of age, which are considered to be vulnerable groups.

4. A reporting centre has been established in 'C' Block Sheikh Sarai so that people can report fresh cases of Hepatitis, Typhoid etc. so that immediate containment measures can be started in the affected house.

5. Typhoid injections have also been given to the affected cases.

6. D.D.A. authorities are making efforts to remove the engineering defects in the water supply system.

Issue of complimentary passes for Festival of India

3578. SHRI J.P. GOYAL:

SHRI DINKARRAO GOVIND-
RAO PATIL:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that the Russian Circus was inaugurated in the Indira

Gandhi Indoor Stadium Delhi on the 26th November, 1987;

(b) what is the seating capacity of the Indira Gandhi Indoor Stadium;

(c) the number of tickets sold for the show of the circus on that day;

(d) the number of complimentary passes issued by the Indian Council for Cultural Relations for the circus show that day;

(e) the number of persons allowed entry into the stadium on one such complimentary pass;

(f) whether several ticket holders could not get entry into the stadium and if so, what action has been taken against the concerned officials; and

(g) what guidelines have been issued to the ICCR for issuing complimentary passes for various shows being organised under the Festival of USSR in India?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHNI):

(a) Yes, Sir.

(b) The seating capacity of the North Plaza of the Indira Gandhi Stadium where the Soviet Circus is being held is 12,500.

(c) The number of tickets sold for the Inaugural show on 26th November, 1987 is 4,500.

(d) The exact number of complimentary passes issued for the Circus show on 26th November is not available, as the office of the Lt. Governor of Delhi was approached to arrange for 4,000 school children, to fill up the stadium, as it was apprehended that the stadium may not be full.

(e) The number of persons allowed in to the Stadium on such complimentary passes varied for the reason given in (d) above.

(f) About 500 ticket holders were unable to gain access to the Stadium for the show on 26th November, 1987 because ticket sales had been unexpectedly

brisk that day. It was decided on the spot that their tickets would be honoured in the show on the next day, i.e. on 27th November, 1987, and this was done.

(g) No specific guidelines have been issued to the Indian Council for Cultural Relations for issuing passes. In accordance with past practice, passes are issued to various categories such as Ministers, Member of Parliament, officials, artistes, directors of cultural organisations, public figures, school children etc. The number of passes varies, depending upon whether the show is by ticket or invitation and according to the size of the hall, etc. In shows which are by invitation only, the number of complimentary passes cover 100 per cent of the seating capacity of the hall. Where shows are ticketed, the number of complimentary passes for each show is accordingly limited.

Freight rates pushed up by S.C.L.

3579. SHRI DINKARRAO GOVIND-RAO PATIL: Will the Minister of SURFACE TRANSPORT be pleased to state:

(a) whether Government's attention has been drawn to an allegation of Western Shippers Association according to which Shipping Corporation of India is pushing up freight rates without notice and discussions and that the only beneficiaries are foreign firms; and

(b) if so, the steps Government are taking to check this trend?

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): (a) and (b) Attention of Ministry of Surface Transport has been drawn to the fact that members of the India-Pakistan-Bangladesh Conferences have, with the cooperation of some of the independent operators formulated a minimum freight rate agreement primarily with a view to stabilise the rates and also avoid inter se competition between the shipping lines which led to serious erosion of freight levels resulting in shipping lines suffering a loss in

operation in the India-UK/Continent Sector. The Shipping Corporation of India Ltd. being a member of the India-Pakistan-Bangladesh Conferences has no alternative to be a party to this minimum freight agreement. The minimum freight agreement group merely adjusted rates upward with a view to stabilise market rates and reduce losses. The above rate adjustment benefits all lines which are members of the MFA group including Indian national lines.

Telephone at the residence of Administrator, NDMC

3580. SHRI DINKARRAO GOVIND-RAO PATIL: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether it is a fact that a number of telephone connections have been installed at the official residence of the Administrator, NDMC at Court lane, Delhi;

(b) whether it is also a fact that the telephone bill of a private telephone of the Administrator, NDMC is also being paid by the NDMC; and

(c) the total amount paid by the NDMC in last two years on account of the telephone bill installed at the residence of the Administrator, NDMC?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI SANTOSH MOHAN DEV): (a) Two telephone connections are working at the official residence of the Administrators, NDMC.

(b) Yes, Sir. According to information obtained from NDMC, since a personal telephone connection is available at the residence of the Administration, NDMC, its charges are being re-imbursed by the NDMC in lieu of the provision of a second telephone connection to which the Administrator is entitled.

(c) Total amount paid by the NDMC with effect from 1.10.85 to 1.10.87 is Rs. 10,450.00, according to information obtained from NDMC.

Chairman of Indian Olympic Association

3581 SHRI DINKARRAO GOVIND-RAO PATIL: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether a new Chairman of the Indian Olympic Association has been elected at a meeting in Trivandrum; and

(b) if so, what is the name of the elected person?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P. V. NARASIMHA RAO): (a) and (b) According to information made available to Government, Shri B. S. Adityan has been elected as officiating President of the Indian Olympic Association at its Special General Meeting held in Trivandrum on 27.10.1987.

Persons benefited by Adult Education scheme

3582. DR. MOHD. HASHIM KIDWAI: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) the number of persons benefited by the Adult Education scheme in the country from January 1985 till September, 1987; and

(b) what is the target fixed in this regard during the current financial year?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI):

(a) The number of persons enrolled in the Adult Education Programme from 1.1.1985 to 30.9.1987 were 2,84,20,248.

(b) A target of 89.23 lakhs persons have been fixed for 1987-88.

रेलवे सुरक्षा आयोग की रिपोर्ट

3583. श्रीमती रेणुका चौधरी : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि रेलवे सुरक्षा आयोग (1986-87) ने अपनी 1986-87 की रिपोर्ट दे दी है,

(ख) यदि हा, तो क्या यह भी सच है कि उक्त रिपोर्ट के अनुसार अधिकांश रेलवे दुर्घटनाओं का कारण रेलवे कर्मचारियों द्वारा गलती करना है ; और

(ग) यदि हा, तो सरकार ने प्रशासन को चुस्त बनाने के लिये क्या क्या प्रभाव पग उठाये हैं, ताकि रेल दुर्घटनाओं न हों?

रेल मंत्रालय के राज्य मंत्री (श्री माधव राव मिथिया) : (क) और (ख) जी हा ।

(ग) रेलों के संचालन में मानवीय-तत्व में सुधार करके संरक्षा बढ़ाने की दृष्टि से निम्नलिखित महत्वपूर्ण उपाय किये गये हैं :—

(i) पर्यवेक्षकों और अधिकारियों द्वारा रेल निरीक्षणों को गहन करना ।

(ii) दुर्घटना प्रवण क्षेत्रों का निरीक्षण करने तथा शोधक उपाय सुझाने के लिये बहु-उद्देशीय दलों का गठन ।

(iii) कर्मचारियों को पराभर्ष देना विशेषकर ड्राइवरों, महायक स्टेशन मास्टर्स आदि को ।

(iv) प्रशिक्षण कार्यक्रमों को पुनः नया रूप देना तथा प्रशिक्षण पाठ्यक्रमों पर बल देना ।

- (v) घोर लापरवाही के कारण होने वाला दुर्घटनाओं के लिये जिम्मेदार पाये जाने वाले कर्मचारियों को निवारक दण्ड देना।
- (vi) कर्मचारियों के लिये शैक्षणिक अभियान चलाना तथा सड़क उपयोगकर्ता के लिये प्रचार करना।
- (vii) मनवोद्य वृद्धि की जवाबी-जाच के रूप में परिष्कृत प्रौद्योगिकी श्रमदान।

Sale/purchase of women

3584. SHRI RAJNI RANJAN SAHU: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state;

(a) whether Government's attention has been drawn to the alleged sale/purchase of women in the country; and

(b) if so, what are the details of the steps Government propose to take in this regard?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P. V. NARASIMHA RAO): (a) Yes, Sir.

(b) The Immoral Traffic (Prevention) Act, 1956 as amended in 1978 and 1986 is applicable to all the States and Union Territories. The Act prohibits among other things (i) living on the earnings of prostitution (ii) procuring, inducing or taking women or girls for the sake of prostitution and (iii) detaining of women or girl on premises where prostitution is carried on.

The Act also provides for the setting up of "Protective Homes" in which women and girls, who are in

need of care and protection may be kept and where appropriate technically qualified persons, equipment and other facilities are provided. By the amendments made to this Act in 1978 and 1986, the penal provisions contained therein have been made more stringent and effective. It is for the State Governments and Union Territory Administrations to implement this Act meaningfully and effectively.

Telephone directory of Assam

3585. SHRIMATI BIJOYA CHAKRAVARTY: Will the Minister of COMMUNICATIONS be pleased to state.

(a) the reasons for inordinate delay in making the telephone directories in Assam up-to-date;

(b) whether Government are aware of the fact that in many district towns in Assam telephone directories were printed way back in 1977 and have not been replaced in spite of the customers' demand, and

(c) by when up-to-date directories will be provided in the districts and sub-divisional towns in Assam?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI SANTOSH MOHAN DEV): (a) to (c) The information is being collected and will be laid on the Table of the House.

Issue of railway passes

3586. SHRI RAMSINGBHAI PATALIYABHAI RATHVAKOL: Will the Minister of RAILWAYS be pleased to state

(a) whether railways have given free passes to some special categories of persons on Western Railway like freedom fighters, Poets, Social workers, Artists during 1st January, 1987 to 31st October, 1987;

(b) if so, the details thereof;

(c) what are the criteria regarding issuing of such free passes to special categories of people other than railway employees; and

(d) what is the number of such persons who are enjoying this facility of free passes under Western Railway at present?

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): (a) and (b) First Class All India Complimentary Card Passes (for which the expenses are borne by the Ministry of Home Affairs) have been issued in favour of freedom fighters drawing pension from the Central Revenues to travel with a spouse/companion in the same class valid for a period of one year from the date of issue. No categories as such other than freedom fighters, have been issued Complimentary Card Passes during the period by Western Railway. 1515 Card Passes have been issued in favour of freedom fighters by Western Railway between 1st January, 1987 and 31st October, 1987.

(c) Freedom Fighters who are drawing pension under the Swantantarta Sainik Samman Pension Scheme from Central Revenues were eligible for grant of First Class Complimentary Card Passes Valid for a period of one year from the date of issue under the Scheme finalised in consultation with the Union Ministry of Home Affairs.

(d) 1515 freedom fighters who have been issued All India First Class Complimentary Card Passes under the scheme by the Western Railway, are availing the travel facility.

Specification of locomotive required by Indian Railways

3587. DR. H. P. SHARMA: Will the Minister of RAILWAYS be pleased to state:

(a) what are the specifications of the locomotive requirement of the Indian Railways for the next five years and how does it plan to meet these requirements;

(b) what would be the share of the indigenous and foreign suppliers of these requirements; and

(c) what are the comparative figures of cost/benefit ratio of the indigenous and imported locos.

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA) (a) Specifications of electric and diesel locomotives required by Indian Railways during the next five years are enclosed as Statement-I and statement-II, respectively (See below).

Requirements of electric and diesel locomotives for the next five years will mainly be met by the Railways' locomotive manufacturing units at Chittaranjan and Varanasi. Procurement of electric locomotives from BHEL and some high horse power prototype electrical and diesel locomotives through import are also planned. Locomotive imports are planned for acquisition of improved technology and for subsequent manufacture in the country.

(b) Approximate number of locos proposed to be manufactured indigenously, and imported under the transfer of technology basis would be:

Indigenous—605 Electric & 850 diesel locomotives. Foreign suppliers—58 electric & 50 diesel locomotives.

(c) Imported electric and diesel locomotives are yet to be received. As such no comparison is possible.

Statement—I

Type	Horse Power	Maximum Speed
<i>indigenous Electric Locomotives</i>		
Freight	3900	80 Kms per hour
Passenger	3900	130 Kms per hour
<i>Prototype Imported Electric Locomotives</i>		
Freight	6000	100 Kms per hour
Passenger	6000	160 Kms per hour

Statement—II

BROAD GAUGE (DIESELS)

Type	WDM2	WDM7	High Horse Power	WDS4D	WDS-6
Wheel arrangement	Co-Co	Co-Co	Not decided	O-C-O	Co-Co
Engine	Alco-251-B 16 Cylinder made at DLW Varanasi	Alco-251-B 12 Cylinder made at DLW Varanasi	Not yet decided	MaK 6M-282 A(K) made at CLW Chittaranjan	Alco-251D-6 Cylinder made at DLW Varanasi.
Power Rating (Standard condition)	2636 HP	1977 HP	Approx. 4000 HP	700 HP	1400 HP
Type of Transmission	Electric	Electric	Electric	Hydraulic	Electric
Builder of Transmission	BHEL/Bhopal	BHEL/Bhopal	Not yet decided	Voith KPC Pune.	BHEL/Bhopal
Approximate total weight in working order	112.8 tonnes	96 tonnes	Not finalised. Will be approximately 115 to 125 tonnes.	60 tonnes	126 tonnes
Maximum tractive effort	30.4 tonnes	25.9 tonnes	Not yet decided	18.0 tonnes	34.0 tonnes

METRE GAUGE (DIESELS)

Type	YDM2	YDM4	YDM6
Wheel arrangement	B'-B'	Co-Co	Co-Co
Engine	Make 6M 282 A(K) made at CLW Chittaranjan	Also 251-D 6 Cylinder made at DLW Varanasi	Also 251-B 12 Cylinder made at DLW Varanasi
Power Rating (Standard condition)	700 HP	1400 HP	1977 HP
Type of Transmission	Hydraulic	Electric	Electric
Builder of Transmission	Voith Kierloskar Pneumatics Pune.	BHEL/Bhopal	BHEL/Bhopal
Approximate Total weight in working order	48 tonnes	72 tonnes	87 tonnes
Maximum Tractive Effort	14.4 tonnes	18.9 tonnes	22.9 tonnes

NARROW GAUGE (DIESELS)

Type	ZDM4A	ZDM5	NDM5
Wheel arrangements	(762 mm gauge) 1B-B1	(762 mm gauge) B-B	(610 mm gauge) B-B
Engine	MaK 6M 282 A(K) made at CLW, Chittaranjan.	KTA-1150L of Kierloskar Cummins Ltd., Pune.	KTA-1150L of Kierloskar Cummins Ltd., Pune.
Power Rating at (Standard Condition)	700 HP	450 HP at site	450 HP at site
Type of Transmission	Hydraulic	Hydraulic	Hydraulic
Builder of Transmission	Voith Kierloskar Pneumatics Pune	Voith Suri & Nayar Bangalore	Voith Suri & Nayar Bangalore
Approximate Total weight in working order	38.5 tonnes	22 tonnes	22 tonnes
Maximum Tractive effort.	7.8 tonnes	6.5 tonnes	7.5 tonnes

National Highways in Karnataka

3588. **SHRI VEERSHETTY MOGLAPPA KUSHNOOR:** Will the Minister of SURFACE TRANSPORT be pleased to refer to the answer to Unstarred Question 2691, given in the Rajya Sabha on 2nd December, 1987 and state

(a) whether it is a fact that the existing length of national highways in Karnataka is considerably less than the corresponding length of National Highways in the neighbouring States of Karnataka i.e. Kerala and Tamilnadu; and

(b) if so, what action is being taken by the Central Government in

order to bring Karnataka on par with Kerala and Tamilnadu in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): (a) No, Sir.

(b) Does not arise.

D.T.C. Buses for Gurgaon

3589. **SHRI H. HANUMANTHAPPA:** Will the Minister of SURFACE TRANSPORT be pleased to state:

(a) whether it is a fact that D.T.C. buses were not allowed to enter the Haryana Roadways Depot, Gurgaon

in the recent past and D.T.C. buses were stopped to ply on this route; and

(b) if so, the reasons therefor and whether the matter has since been settled?

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): (a) Yes, Sir.

(b) The permits for operation of these D.T.C. buses have since been got countersigned from the STA Har- yana and normal operations have been resumed.

Import of electric locomotives to upgrade technology

3590. SHRI SURESH KALMADI: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government propose to import 40 electric locomotives of 6,000 horse power each in order to upgrade technology;

(b) if so, details thereof indicating name of the country from which these are to be imported along with the price at which these are to be imported;

(c) whether any negotiations with BHEL with regard to production of such locos are in progress; and

(d) if so, the reasons for import?

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): (a) Yes, Sir.

(b) Global tenders have been invited. Details of country of import and price will be available only after placement of order.

(c) No, Sir.

(d) Messrs Bharat Heavy Electricals Limited do not have the 3 phase induction motor drive technology.

Callous attitude of the Doctors in North and South Avenues of CGHS Dispensaries

3591. SHRIMATI BIJOYA CHAKRAVARTY: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that medical facilities and attention by doctors at C.G.H.S. Dispensary at North Avenue and South Avenue, New Delhi are deteriorating due to their callous attitude towards the patients;

(b) the number of doctors who are deployed in these dispensaries and what are their names and since how long they are serving in one dispensary;

(c) what is the tenure of a doctor at one dispensary and what criteria is followed in retaining a doctor for more period than required and

(d) what steps Government propose to take to instill or inject enthusiasm and interest in the doctors at these dispensaries to serve the patients better?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) No, Sir.

(b) The information is enclosed as Statement (See below).

(c) A medical officer who has already completed 4 years or will be completing 5 years within a month or so in a particular dispensary is transferred except in cases of administrative exigencies.

(d) In service training is imparted to C.G.H.S. doctors. In addition surprise inspections are also carried out by Senior officers from time to time to ensure that C.G.H.S. dispensaries are functioning smoothly.

Statement

The Details of Medical Officers with date of their posting in C.G.H.S. Dispensaries North Avenue and South Avenue

NORTH AVENUE DISPENSARY (Allopathy)		SOUTH AVENUE DISPENSARY (Allopathy)	
S. No.	Name of the doctor	S. No.	Name of the doctor
1	Dr. V.K. Sinha 10/86	1	Dr. Amar Jeewan 10/86
2	Dr. (Mrs.) Usha Chawla 9/84	2	Dr. Yogesh Sexena 4/83
3	Dr. (Mrs.) N.P.C. Puri 8/85	3	Dr. Arun Kumar 11/87
4	Dr. N.K. Kashyap 10/86	4	Dr. Seema Balkrishan Wasnik 6/87
5	Dr. Teja Ram 8/86	5	Dr. (Mrs.) Kumud 2/87
6	Dr. Mohinder Rao 6/87	6	Dr. R. Opch 4/86
7	Dr. Alok Dixit 9/87	7	Dr. S. Raghuwan 7/86
NORTH AVENUE DISPENSARY (Ayurvedic)		SOUTH AVENUE DISPENSARY (Homoepathy)	
1	Dr. (Mrs.) Basanta Jain 6/83	1	Dr. A.R. Das 1/85
2	Dr. Prabhakaran 1/84	2	Dr. (Mrs.) Sushma Verma 1/85

Smoking among students

@3591. SHRI RAMSINGBHAI PATALIYABHAI RATHVAKOLI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government's attention has been drawn to increasing smoking among school and university students;

(b) if so, what are the details thereof;

(c) whether Government have since received some reports and recommendations of the survey conducted by some organisations and institutions;

(d) if so, what are the details thereof and the action taken thereon;

(e) what steps have been taken to prevent boys, girls and youths from taking to smoking; and

(f) whether Government propose to ban smoking among students, Government employees, if so, what are the details thereof and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): (a) and (b) There are no

@Previously Unstarred Question 2935, transferred from the 4th December, 1987.

data available in regard to the increase of smoking among students.

(c) and (d) The Indian Council of Medical Research have sponsored a study on factors related to initiation and maintenance of smoking behaviour among school children. The ICMR has undertaken/initiated projects aimed at testing the efficacy of an anti-tobacco education programme.

(e) and (f) The Government has taken the following steps to discourage smoking in general:

1 Health education publicity on the hazards of smoking has been undertaken through mass media channels.

2. The Cigarette manufacturers are required to display on every cigarette packet/advertisement/hoarding, the statutory warning 'Cigarette Smoking is injurious to Health'.

3 It has also been decided that A I R. and Doordarshan would not accept any advertisement, which encourage smoking.

Apart from the statutory warning on cigarette packets and advertisements some of the State Governments have promulgated laws prohibiting smoking in closed are as like cinemas, buses educational institutions and hospitals.

एक छात्र की मृत्यु

@@3591-ख. श्री सत्य प्रकाश मालवीय क्या स्वास्थ्य और परिवार कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को, 9 सितम्बर, 1987 को गंगाराम अस्पताल में एक छात्र (सुमन्तशाह) की मृत्यु हो जाने के संबंध में कोई शिकायत प्राप्त हुई है, जिसमें कहा गया है कि उसकी मृत्यु सफदरजंग अस्पताल में उसके उपचार में चिकित्सकों द्वारा की गई लापरवाही और उपेक्षा के कारण हुई ; और

(ख) यदि हां, तो उसका ब्यौरा क्या है और क्या इस मामले की जांच की जा रही है ?

स्वास्थ्य और परिवार कल्याण मंत्रालय में राज्य मंत्री (कुमारी सरोज खापर्डे) :

(क) और (ख) श्री सुमन्त शाह चावला दुर्घटना-ग्रस्त हुए थे और उन्हें 9 सितम्बर, 1987 को 10 वजे अपराह्न सफदरजंग अस्पताल में लाया गया था। वे सफदरजंग अस्पताल में 9 सितम्बर, 1987 को 10.45 अपराह्न तक रहे थे और उनका इलाज किया गया था। लेकिन श्री सुमन्त शाह चावला के रिश्तेदारों ने रोगी को 23.00 वजे श्री गंगा राम अस्पताल में स्थानान्तरित कर दिया। श्री गंगा राम अस्पताल में इलाज के बावजूद श्री चावला की 10 सितम्बर, 1987 को 0755 वजे मृत्यु हो गई।

Impact of Crime Films on the Adolescents

@@@3591-C. SHRI SURENDRA SINGH THAKUR: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether Government had recently conducted any survey or study regarding the impact of films displaying crime on the adolescents;

@पूर्वतः अताराकित प्रश्न 3229, 8 दिसम्बर, 1987 से स्थानान्तरित।

@@@Previously Unstarred Question 3756, transferred from the 11th December, 1987.

(b) if the reply to part (a) above be in the affirmative; what are the findings of such survey or study;

(c) whether it has come to the notice of Government that among the adolescents are on the increase due to the impact of films displaying crimes;

(d) if the reply to part (c) above be in the affirmative, what steps have been taken by Government to check the exhibition of crime films; and

(e) what are the norms set by Government for clearance of crime films?

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): (a) An All India Survey on "Film Censors—Viewers Reaction" was conducted by the Indian Institute of Mass Communication at the instance of Central Board of Film Certification over the period 1971—87.

(b) and (c) The majority of viewers of the country interviewed were of the view that crime as the main theme in some films has produced criminal tendencies among viewers.

(d) and (e) Under the power given to the Central Government vide Section 5-B (2) of the Cinematograph Act, 1952, Central Government has issued guidelines setting out the principles for granting certificates to the films for public exhibition. As per guideline 1(a), the objective of film censorship is to ensure that the medium of film remains responsible and sensitive to the values and standards of society. As per the guidelines (2), the Board of Film Censors is to ensure that:

(i) anti social activities such as violence are not glorified or justified;

(ii) the modus operandi of criminals or other visuals or words likely to incite the commission of any offence are not depicted;

(iii) pointless or avoidable scenes of violence, cruelty and horror are not shown;

(iii-a) scenes which have the effect of justifying or glorifying drinking are not shown;

(iv) human sensibilities are not offended by vulgarity, obscenity and depravity etc.

The above guidelines are adequate to check the exhibition of crime films which are not responsible and sensitive to the values and standards of the society.

12-00 Noon

REFERENCE TO THE SIGNING OF THE INTERMEDIATE-RANGE NUCLEAR FORCES (INF) AGREEMENT BETWEEN PRESIDENT RONALD REAGAN OF THE U.S.A. AND THE GENERAL SECRETARY OF THE COMMUNIST PARTY OF THE U.S.S.R. MR. MIKHAIL GORBACHOV AT WASHINGTON ON DECEMBER 8, 1987

MR. CHAIRMAN: As the hon Members are aware, the United States and the Soviet Union have signed yesterday a treaty to eliminate medium range nuclear weapons from Europe. It is a historic agreement and we hail it as a major step towards achieving the goal of ridding the world of the menace of nuclear holocaust. I hope Members will join me in extending to the President of the United States, Mr. Ronald Reagan, and the Soviet leader, Mr. Mikhail Gorbachov, our sincere and hearty felicitations for taking such an important and far-reaching step in the interest of world peace. Truly this occasion is a matter of jubilation in as much as it is a stepping stone towards constructive relations between the two super powers and eventual nuclear disarmament. There is no doubt that if such constructive efforts continue the world will be a better and a more peaceful place to live in. We acclaim this

event of the signing of the treaty and join the rest of the mankind in urging upon the super powers not to rest content with this Treaty, but relentlessly pursue the final goal of achieving total disarmament and elimination of nuclear warheads. We trust, given goodwill and cooperation and conducive atmosphere, the goal will not be far away to be reached.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Sir, Mr. Gorbachov's name should come before Mr. Reagan, because he is mainly responsible for the Treaty.

SHRI DIPEN GHOSH (West Bengal): Sir, the order has to be changed because the initiative was that of Mr. Gorbachov.

MR. CHAIRMAN: The reason why I named Reagan first was that the agreement was reached on the soil of the United States. So, don't have that argument now, please.

STATEMENT BY MINISTER

Correcting the reply given in the Rajya Sabha on the 30th November, 1987 to Unstarred Question 2359, regarding Committee to look into the import of Anti-TB drug intermediates

THE MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETRO-CHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI R. K. JAICHANDRA SINGH): Sir, I beg to lay on the Table a statement (in English and Hindi) correcting the reply given in the Rajya Sabha on the 30th November, 1987, to Unstarred Question 2359, regarding Committee to look into the import of Anti-TB drug intermediates [Placed in Library. See No. LT-5250/87].

SHRI N. E. BALARAM (Kerala): Sir, during this session this is the fifth time the Ministers are correcting their answers. So, when they are giving answers to the Members' ques-

tions, they are not taking the questions seriously. They are again and again coming and asking for permission to lay the correct version. This is the fifth time they are doing. I want a ruling from the Chairman

MR. CHAIRMAN: There is no ruling. I would only say, while answering, the Government should be more careful. In this case they have tried to correct it as early as they could.

SHRI JAGESH DESAI (Maharashtra): My point is if correction is substantial, they should read the correction and then lay it.

MR CHAIRMAN: Yes, they should read the correction first and then lay. Now, Papers laid on the Table.

PAPERS LAID ON THE TABLE

Report and Accounts (1986-87) of the Singhareni Collieries Company Limited, Khammam (Andhra Pradesh) and related papers

THE MINISTER OF ENERGY (SHRI VASANT SATHE). Sir, I beg to lay on the Table, under sub-section (1) of section 619A of the Companies Act, 1956, a copy each (in English and Hindi) of the following papers:—

(i) Sixty-Sixth Annual Report and Accounts of the Singhareni Collieries Company Limited, Khammam (Andhra Pradesh), for the year 1986-87, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon

(ii) Review by Government on the working of the Company.

[Placed in Library. See No LT-5207/87 for (i) and (ii)]

Indian Telegraph (Fifth Amendment) Rules, 1987

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI SANTOSH MOHAN DEV): Sir, I beg to lay on the Table

under sub-section (5) of section 7 of the Indian Telegraph Act, 1885, a copy (in English and Hindi) of the Ministry of Communications (Department of Telecommunications), Notification G.S.R. No. 837(E), dated the 5th October, 1987, publishing the Indian Telegraph (Fifth Amendment) Rules 1987 [Placed in Library. See No. LT-5208/87].

Report and Accounts (1985-86) of the Pawan Hans Limited, New Delhi and related papers

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND THE MINISTER OF STATE OF THE MINISTRY OF TOURISM (SHRI JAGDISH TYTLER): Sir, I beg to lay on the Table—

I. A copy each (in English and Hindi) of the following papers, under sub-section (1) of Section 619A of the Companies Act, 1956:—

(i) Annual Report and Accounts of the Pawan Hans Limited, New Delhi, for the year 1985-86, together with the Auditors' Report on the Accounts and the Comments of the Comptroller and Auditor General of India thereon.

(ii) Review by Government on the working of the Company.

II Statement (in English and Hindi) giving reasons for the delay in laying the papers mentioned at I

(i) above.

[Placed in Library See No. LT-5328/87 for I. and II.]

Railway Protection Force Rules, 1987

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): Sir, On behalf of SHRI MADHAVRAO SCINDIA, I beg to lay on the Table, under sub-section (3) of section 21 of the Railway Protection Force Act, 1957, a copy (in English and Hindi) of the Ministry of Railways Notification G.S.R No. 951(E), dated the 3rd December, 1987, publishing the Railway Protection Force Rules, 1987 [Placed in Library. See No. LT-5263/87].

Report and Accounts (1986-87) of the Cochin Shipyard Limited, Cochin and related papers

SHRI RAJESH PILOT: Sir, I also beg to lay on the Table a copy each in English and Hindi of the following papers under sub-section (1) of section 619A of the Companies Act, 1956:—

(i) Fifteenth Annual Report and Accounts of the Cochin Shipyard Limited, Cochin, for the year 1986-87, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(ii) Review by Government on the working of the Company

[Placed in Library. See No. LT-5265/87 for (i) and (ii)].

I. Report and Accounts (1986-87) of the Madras Dock Labour Board, Madras and related papers

II. Report and Accounts (1986-87) of the Kandla Dock Labour Board, Kandla and related papers

III. Report and Accounts (1986-87) of the Cochin Dock Labour Board, Cochin and related papers

SHRI RAJESH PILOT. Sir, I also beg to lay a copy each (in English and Hindi) of the following papers:—

I (a) Annual Report and Accounts of the Madras Dock Labour Board, Madras, for the year 1986-87, together with the Audit Report on the Accounts.

(b) Review by Government on the working of the Madras Dock Labour Board.

[Placed in Library See No. LT-5165/87 for (a) and (b)].

II (a) Annual Report and Accounts of the Kandla Dock Labour Board, Kandla, for the year 1986-87, together with the Audit Report on the Accounts.

(b) Review by Government on the working of the Kandla Dock Labour Board.

[Placed in Library See No. LT-5269/87 for (a) and (b)].

III (a) Twenty-fifth Annual Report and Accounts of the Cochin Dock Labour Board, Cochin, for the year 1986-87, together with the Audit Report on the Accounts.

(b) Review by Government on the working of the Cochin Dock Labour Board.

[Placed in Library. See No. LT-5268/87 for (a) and (b)].

I. Report (1985-86) of the Aligarh Muslim University and related papers

II. Accounts (1986-87) of the National Institute of Foundry and Forge Technology, Ranchi and related papers

III. Notifications of the Rampur Raza Library Board, Rampur (U.P.)

IV. Notifications of the Ministry of Human Resource Development (Department of Culture)

मानव संसाधन विकास मंत्रालय में शिक्षा और संस्कृति विभागों में राज्य मंत्री (श्रीमती कृष्णा साहू) : श्रीमन्, मैं निम्नलिखित पत्र सभा पटल पर रखती हूँ —

I (1) अलीगढ़ मुस्लिम विश्वविद्यालय अधिनियम, 1920 की धारा 34 की उप-धारा (3) के अधीन निम्नलिखित पत्रों की एक प्रति (अंग्रेजी तथा हिन्दी में) —

(i) 1985-86 के वर्ष के लिए अलीगढ़ मुस्लिम विश्वविद्यालय का वार्षिक प्रतिवेदन ।

(ii) विश्वविद्यालय के कार्यकरण की सरकार द्वारा समीक्षा ।

(2) ऊपर (1) (i) में उल्लिखित पत्रों को सभा पटल पर रखने में हुए विलम्ब के कारणों को दर्शाने वाला विवरण (अंग्रेजी तथा हिन्दी में) ।

[पुस्तकालय में रखी गई । (1) और (2) के लिए दाखिले सं० एल० टी०-5277/87]

II. 1986-87 के वर्ष के लिए नेशनल इन्स्टीट्यूट ऑफ फाउण्ड्री एण्ड फोर्ज टेक्नोलॉजी रांची के वार्षिक लेखाओं की एक प्रति (अंग्रेजी तथा हिन्दी में) और उस पर लेखापरीक्षा प्रतिवेदन। [पुस्तकालय में रखी गई। देखिये सं० एल० टी — 5276/87]

III. रामनगर रजा लाइब्रेरी अधिनियम, 1975 की धारा 28 की उपधारा (4) के अधीन रामपुर रजा पुस्तकालय बोर्ड, रामनगर (उत्तर प्रदेश) की निम्नलिखित अधिसूचनाओं की एक-एक प्रति (अंग्रेजी तथा हिन्दी में) :—

(i) रामनगर रजा पुस्तकालय प्रशासन) विधिम, 1987 को प्रकाशित करने वाली अधिसूचना सं० एफ-8-4/आर आर एल०/84 दिनांक 8 अगस्त, 1987

(ii) रामपुर रजा पुस्तकालय (बोर्ड की बैठक) नियम, 1987 को प्रकाशित करने वाली अधिसूचना सं० एफ-8-4/आर० आर एल०/84, दिनांक 8 अगस्त, 1987

[पुस्तकालय में रखी गई। (i) और (ii) के लिए देखिये सं० एल० टी — 5275/87]

(iv) एशियाटिक सोसायटी अधिनियम, 1984 की धारा 15 की उपधारा (3) के अधीन मानव संसाधन विकास मंत्रालय संस्कृति विभाग की निम्नलिखित अधिसूचनाओं की एक-एक प्रति (अंग्रेजी तथा हिन्दी में) :—

(i) एशियाटिक सोसायटी अधिनियम, 1984 के लागू होने की तारीख 3 नवम्बर, 1987 को निर्धारित करने वाली सा० का० नि० सं० 888 (अ), दिनांक 3 नवम्बर, 1987

(ii) एशियाटिक सोसायटी नियम, 1987 को प्रकाशित करने वाली सा० का० नि० सं० 889 (अ), दिनांक 3 नवम्बर, 1987

[पुस्तकालय में रखी गई। (i) और (ii) के लिए देखिये सं० एल० टी०—5275/87]

Report and Accounts (1986-87) of the Central Social Welfare Board New Delhi and related papers

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): Sir, on behalf of SHRIMATI MARGARET ALVA I beg to lay on the Table a copy each (in English and Hindi) of the following papers:—

(i) Annual Report and Accounts of the Central Social Welfare Board, New Delhi, for the year 1986-87, together with the Auditors' Report on the Accounts.

(ii) Review by Government on the working of the Board.

[Placed in Library. See No. LT—5300/87 for (i) and (ii)]

I. Report and Accounts (1986-87) of the Telecommunications Consultants India Limited, New Delhi and related papers

II. Report and Accounts (1986-87) of the Hindustan Teleprinters Limited, Madras and related papers

III. Report and Accounts (1986-87) of the Indian Telephone Industries Limited, Bangalore and related papers

SHRI SANTOSH MOHAN DEV: Sir, I also beg to lay on the Table a copy each (in English and Hindi) of the following papers under sub-section (1) of section 619A of the Companies Act, 1956:—

I (a) Ninth Annual Report and Accounts of the Tele-communications Consultants India Limited, New Delhi, for the year 1986-87, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the Company

[Placed in Library See No LT-5229/87 for (a) and (b)]

II. (a) Twenty-sixth Annual Report and Accounts of the Hindustan Teleprinters Limited, Madras, for the year 1986-87, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon

(b) Review by Government on the working of the Company.

[Placed in Library. See No. LT—5227/87 for (a) and (b)]

III. (a) Thirty-seventh Annual Report and Accounts of the Indian Telephone Industries Limited, Bangalore, for the year 1986-87, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the Company.

[Placed in Library. See No. LT—5228/87 for (a) and (b)]

Indian Telegraph (Fourth Amendment) Rules, 1987

SHRI SANTOSH MOHAN DEV: Sir, I also beg to lay on the Table a copy (in English and Hindi) of the Ministry of Communications (Department of Telecommunications), Notification G. S. R. No. 719(E), dated the 18th August, 1987 publishing the Indian Telegraph (Fourth Amendment) Rules, 1987 under sub-section (5) of section 7 of the Indian Telegraph Act, 1885. [Placed in Library See No. LT—5226/87].

I. Report and Accounts (1986-87) of the Hospital Services Consultancy Corporation (India) Limited, New Delhi and related papers

II. Report and Accounts (1986-87) of the Hindustan Latex Limited, Trivendrum and related papers

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): Sir, I lay on the Table a copy each (in

English and Hindi) of the following papers, under sub-section (1) of section 619A of the Companies Act, 1956:—

I (a) Fourth Annual Report and Accounts of the Hospital Services Consultancy Corporation (India) Limited, New Delhi, for the year 1986-87, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the Corporation.

[Placed in Library. See No. LT—5304/87 for (a) and (b)]

II. (a) Twenty-first Annual Report and Accounts of the Hindustan Latex Limited, Trivandrum, for the year 1986-87, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon

(b) Review by Government on the working of the Company

[Placed in Library See No. LT—5305/87 for (a) and (b)]

I. Report (1986) and Accounts (1986-87) of the Cencer Institute, Madras and related papers

II. Audited Accounts (1985-86) of the National Institute of Mental Health and Neuro Sciences, Bangalore and related papers

KUMARI SAROJ KHAPARDE Sir I also beg to lay a copy each (in English and Hindi) of the following papers:—

I (a) Annual Report of the Cancer Institute, Madras, for the year 1986.

(b) Annual Accounts of the Cancer Institute, Madras, for the year 1986-87 and the Auditors' Report thereon.

(c) Review by Government on the working of the Institute.

[Placed in Library. See No. LT—5309/87 for (a), (b) and (c)]

II. (a) Audited Annual Accounts of the National Institute of Mental Health and Neuro Sciences, Bangalore, for the year 1985-86.

(b) Review by Government of the Audited Annual Accounts of the Institute.

(c) Statement giving reasons for the delay in laying the paper mentioned at (a) above.

[Placed in Library See No. LT—5307/87 for (a), (b) and (c)]

Notifications of the Ministry of Health and Family Welfare

KUMARI SAROJ KHAPARDE: Sir, I also beg to lay a copy each (in English and Hindi) of the following Notifications of the Ministry of Health and Family Welfare, under sub-section 2 of section 23 of the Prevention of Food Adulteration Act, 1954:—

(i) G.S.R. No. 852(E), dated the 13th June, 1986, publishing the Prevention of Food Adulteration (Third Amendment) Rules, 1986.

(ii) G.S.R. No. 1149(E), dated the 15th October, 1986, publishing corrigendum to Government notification G.S.R. No. 852(E), dated the 13th June, 1986.

[Placed in Library See No. LT—5170/87 for (i) and (ii)]

Report and Accounts (1986-87) of the North Eastern Electric Power Corporation Limited, Shillong and related papers

THE MINISTER OF STATE IN THE DEPARTMENT OF POWER IN THE MINISTRY OF ENERGY (SHRIMATI SUSHILA ROHATGI): I lay on the Table under sub-section (1) of section 619A of the Companies Act, 1956, a copy each (in English and Hindi) of the following papers:—

(i) Annual Report and Accounts of the North Eastern Electric Power Corporation Limited, Shillong, for the year 1986-87, together with the Auditors' Report on the Accounts and the comments

of the Comptroller and Auditor General of India thereon.

(ii) Review by Government on the working of the Corporation.

[Placed in Library. See No. LT—5230/87 for (i) and (ii)]

REPORT OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

श्री सोहन लाल धूमिषा (उत्तर प्रदेश)
श्रीमन् मै लाभ के पदों सम्बन्धी संयुक्त
मामति के छठ प्रतिवेदन की एक प्रति
(अंग्रेजी तथा हिन्दी में) सभा पटल पर
रखत हूँ ।

REPORT OF THE COMMITTEE ON GOVERNMENT ASSURANCES

SHRI ALADI ARUNA *alias* V. ARUNACHALAM (Tamil Nadu): Sir, I present the Thirty-second Report (in English and Hindi) of the Committee on Government Assurances.

STATEMENT BY PRIME MINISTER

RE: Agreement on elimination of land based intermediate nuclear missiles signed between General Secretary Gorbachov and President Regan

MR CHAIRMAN: Now, I call upon the Prime Minister to make a statement.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): On what subject? We must know the subject.

MR. CHAIRMAN: On the subject which I have spoken.

SHRI SATYA PRAKASH MALAVIYA: We must know the subject

MR. CHAIRMAN: This is regarding agreement signed between General Secretary Gorbachov and President Reagan on elimination of land based intermediate nuclear missiles in Washington.

SHRI SATYA PRAKASH MALAVIYA: The House should have been informed.

THE PRIME MINISTER (SHRI RAJIV GANDHI): Mr. Chairman, Sir, the agreement on elimination of land based intermediate nuclear missiles concluded yesterday between General Secretary Gorbachov and President Reagan represents a truly momentous development. It is true that it envisages the elimination of only around 3 per cent of the combined nuclear arsenal of the U.S. and the U.S.S.R. But its historic significance is that it is the world's first nuclear arms reduction agreement. It is also the first time that the United States and the U.S.S.R. have agreed to completely eliminate an entire category of nuclear weapons. This agreement has vividly demonstrated that, given the necessary political will, technical problems, such as verification, can be overcome. This agreement is not and should not be considered as more than a beginning, a historic beginning, a vital beginning but still only a beginning. The survival of humanity depends on the nuclear weapon powers travelling all the way down this road to the complete elimination of nuclear weapons. The world will be really safe only when, as Delhi declaration puts it, "the balance of terror" gives way to comprehensive international security.

We will put a much more comprehensive statement to the House when we have more details about the agreement later. Thank you, Sir.

MR. CHAIRMAN: Now special mentions.

श्री सत्य प्रकाश मालवीय : श्रीमन्, आपने मुझे अनमति प्रदान की है। कल दूरदर्शन में यह प्रसारित किया गया था...

श्री सभापति : अभी आपका नम्बर आता है। नम्बर में आयेगा।

श्री राम अवधेश सिंह (बिहार) : मैं प्रधान मंत्री द्वारा व्यक्त किये गये स्टेटमेंट का स्वागत करना हूँ और...

श्री सभापति : पूरा हाउस स्वागत कर रहा है। आप पूरे हाउस की तरफ से कह रहे हैं, ठीक है।

श्री पर्वतनेनि उपेन्द्र (आंध्र प्रदेश) : पहली बार स्वागत कर रहे हैं करने दीजिए।

श्री राम अवधेश सिंह : मैं आपसे यह कहना चाहता हूँ कि तमाम दल के लोगों को इस पर विचार व्यक्त करने के लिए कुछ समय दिया जाये, दो दो मिनट सबका समय दिया जाये, ताकि इस स्टेटमेंट के समर्थन में वे अपने विचार व्यक्त करें।

SHRI RAJIV GANDHI: Sir, I would request the Chair that instead of having a discussion on such a small and basic statement, we may wait till later in the Session when we will put a comprehensive statement before the House on the substantive aspects of the treaty and then we can have a proper discussion on those aspects.

MR. CHAIRMAN: The whole House has welcomed it.

श्री राम अवधेश सिंह : मान्यवर, स्वागत करने के लिए तो हम लोगों को खुली छूट होनी चाहिए। स्वागत तो किया जाना चाहिए। हर पार्टी के सदस्य दो मिनट हम संसद में बोलें, तो हर्ज क्या है?

श्री सभापति : उसका सब ने स्वागत कर दिया है।

[THE DEPUTY CHAIRMAN in the Chair]

SPECIAL MENTIONS

Reported functioning of a large number of schools in West Bengal without students

श्रीमती सूर्यकांता जयवंतराव पटेल (महाराष्ट्र) : उपसभापति महोदया, मैं आपके माध्यम से भारत सरकार और मदन का ध्यान एक महत्वपूर्ण विषय की ओर आकर्षित करना चाहती हूँ। यह पश्चिम बंगाल के हाई स्कूलों के बारे में है। यह उस राज्य की बात है कि जहाँ हर चौथा विधायक पेशे से खुद अध्यापक है।

महोदया, पश्चिम बंगाल में दस हजार प्राइवेट स्कूल चलते हैं। उन दस हजार प्राइवेट स्कूलों में से चार हजार स्कूलों में कोई भी छात्र पढ़ते नहीं हैं। बगैर छात्रों के यह स्कूल विशिष्ट उद्देश्य से चलाये जा रहे हैं। यह बात कलकत्ता नगर निगम की जीती हुई पार्श्व चैयरमैन, मेयर और इस कौंसिल की सदस्या जो बनी है, श्रीमती अर्चना भट्टाचार्य, इन्होंने खुद इंडिया टुडे (20 नवम्बर) से बात करते हुए कही है ... (व्यवधान)

श्रीमती कनक मुखर्जी (पश्चिमी बंगाल) : कहां से भेजा है ? यह क्या है ? ... (व्यवधान)

यह क्या बोल रही हैं ? (व्यवधान)

श्रीमती सूर्यकांता जयवंतराव पाटील : शिक्षा के क्षेत्र में इस प्रकार का भ्रष्टाचार इस तरह की अनियमितता इस देश के...

श्रीमती कनक मुखर्जी यह क्या बोल, रही है ?

श्रीमती सूर्यकांता जयवंतराव पाटील : पैसे से बहुत बड़ा खिलवाड़ है। जो अपने आपको नियमों से चलने वाला बताने वाला राज्य अगर इस तरह से चलता है—मैं अपने विचारों को सदन के सम्मुख पेश कर रही हूँ, जिसमें किसी को भी कोई आक्षेप की जरूरत नहीं है। महोदया, मुझे सरकार से यह पूछना जरूरी हो गया है कि जो इस मुक्त पत्र ने लिखा है, इस साप्ताहिक में लिखा है, जो आपके माध्यम से मैं पूछना चाह रही हूँ... (व्यवधान)

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, which paper she is referring to? She is just narrating a cook and bull story.

श्रीमती सूर्यकांता जयवंतराव पाटील : यह स्कूल ऐसे हैं, जहां एक स्कूल के ऊपर तेरह हजार रुपये से ज्यादा माहवार खर्च होता है। राज्य सरकार को कौनसा ऐसा अधिकार प्राप्त है कि जो राज्य में सौ करोड़ रुपये का इस तरह का भ्रष्टाचार खुलेआम हो रहा है ?

ऐसे चार हजार स्कूल हैं, जो बिना छात्रों के चल रहे हैं। क्या सरकार इसके लिए कोई व्यवस्था नहीं दे सकती है ? यह गवन 1978 में जब... (व्यवधान)

श्रीमती कनक मुखर्जी : उनका नाम क्या है ?

श्रीमती सूर्यकांता जयवंतराव पाटील : जब माध्यमिक शिक्षा पश्चिमी बंगाल सरकार ने सब के लिए मुफ्त कर दी थी, तब से अनेक जूनियर हाई स्कूल छात्रों के बिना चल रहे हैं। इन सबके बावजूद कोई भी कदम नहीं उठाया जाता है।

आपके माध्यम से मैं सरकार से प्रार्थना करती हूँ कि राज्य सरकार क्यों इन बेकार स्कूलों पर अंदाजन सौ करोड़ रुपये बरबाद कर रही है ? अग्रिम का पैसा इस तरह से अपने स्वार्थ के लिए खर्च करने का अधिकार किसी सरकार को प्राप्त नहीं हो सकता है।

दूसरी बात मैं आपके माध्यम से पूछना चाहती हूँ कि वेस्ट बंगाल के जिला स्कूल बोर्ड्स के चुनाव पिछले दस सालों से नहीं हुए हैं, जो बोर्ड निजी तौर पर चलाये जाने वाले स्कूलों को मान्यता देते हैं, वह तुरन्त करवाने का प्रबन्ध किया जाए। राज्य सरकार अगर यह जान-बूझकर चुनाव नहीं कर रही है, टाल रही है तो केन्द्र सरकार इसमें मध्यस्थता करे उन्हें सूचना दे, आदेश दे और इस तरह का जो खुलेआम सौ करोड़ रुपये का भ्रष्टाचार चल रहा है उस पर पाबंदी लगाए।

SHRI NIRMAL CHATTERJEE (West Bengal): Madam Deputy Chairman, her knowledge is phenomenal about election and empty schools. We can invite her to join one of the schools which is running empty. She might learn a lot about West Bengal there.

Mass rally by major organisations at the Boat Club, New Delhi

SHRIMATI KANAK MUKHERJEE (West Bengal): Madam, today, the 9th December 1987, is a historic day. From all over the country, from the Himalayas to Kanyakumari, millions of people have assembled in Delhi. Thousands of jathas have assembled here. People from all walks of life—workers, peasants, youth, students and women—have assembled here to record their severe protest against the total failure of the Congress-I Central Government run under Rajiv Gandhi and to demand the resignation of the Rajiv Gandhi Government and mid-term steps against separatism and other thirteen demands are drought and flood relief, check of price rise, minimum wages and land reforms, remunerative prices for peasants' produce, jobs and education for all, opening of the closed mills and factories, end of atrocities against the weaker sections and women, equal rights to women, democratic trade union rights, firm steps against separatism and communalism, electoral reforms, restructuring Centre-State relations, curbing of corruption in high places. The main demands are the resignation of the Central Government under Rajiv Gandhi and a mid-term poll. Madam, now, I record my protest against the total failure of the Government. The Government has failed to protect the interests of each section of the people of our country, the interests of the working classes, the interests of peasants, the interests of youth and the interests of students and above all the interests of women. Madam, you know the Government has miserably failed to protect the honour and rights of women in India. We see, even today, when we are marching towards the 21st century, sati taking place in Rajasthan. It is a national shame. It is a shame to the whole world. I associate my voice with the millions of people who have come to assemble here in Delhi to record their protest against the

total failure of the Government and to demand the resignation of this worthless Government and a mid-term poll. Thank you, Madam.

SHRI N. E. BALARAM (Kerala): Madam Deputy Chairman, I thought today the Prime Minister would sit here for some more time. But unfortunately, he is not here. He should have read in the press that a huge demonstration is going on in Delhi today. They have already reached the Boat Club. Lakhs and Lakhs of people have come from different parts of the country to register their protest against the anti-peoples policies pursued by this Government. I remember, on 15th August, when the Prime Minister was speaking, he made a declaration, he gave a promise that he would take immediate steps to curb the price rise, he would take immediate steps to give relief to the people who are suffering from drought. He made a series of promises on 15th August. Now, the debates in the House itself have revealed that the Government is not able to control the price rise. The Government is not able to take any step. About 200 mills have been closed so far when you have started the new textile policy. According to my understanding, about two lakh workers are on the street. All these burning problems are there. But the Government could not and did not take any step to remedy the situation. The people are in an angry mood now. They have come in large numbers to register their protest here. In facing all these problems, the Government has miserably failed. The demand raised by the people have already been explained by Comrade Kanak Mukherjee a few minutes back. All of them are demands, not partisan demands, demands of the workers, demands of the peasants, demands of the teachers, demands of women, demands of different sections of this country, demands of the States and the demand of the Country. And one of the most important demands is that this Government should

resign since it has miserably failed to control or take measures against the communal forces raising their head inside the country. Even in States like U.P., Rajasthan, Gujarat, we see that the situation is getting from bad to worse, not improving at all. In spite of it, the Prime Minister did not care to take any steps. Such is the situation today. I do not want to say anything about restructuring Centre-State relationship that also has become an acute problem. The people outside are demanding that the only solution is resignation by this Government and seeking of a fresh mandate from the people. That is the only way to save the country and to save the common man. The support which the Prime Minister had in the past is no longer there. He has completely lost that support. In early 1985 when the Prime Minister was given that mandate, everybody thought he would do something for the country. Everybody thought an effective Prime Minister has come. Things will improve. But now what is the fate of the country? I am asking. What is the fate of the country now? About 25 mills are closed in Madras. Can you open a single mill? About one lakh workers are on the streets. Can you do anything for them? Lakhs and lakhs of peasants are demanding remunerative prices; they are agitating, they are gheraoing the officers, in various parts of the country. What are you going to do for them? What can you do for them? What steps have you taken? Inside the Congress Party itself there are people who want a change in the policies of the Government. But the Government refuses to make any change. That is why the people today are demanding that unless this Government resigns and fresh elections take place, no single problem can be solved in the country. That is the fate of this country. I request everybody who loves the country should demand a fresh election.

SHRI P. N. SUKUL (Uttar Pradesh):
Madam,....

श्री चतुरानन मिश्र (बिहार) : यह मेरा भी अनुभव है खुद जाकर देखिए उसके बाद भाषण दीजिए ।

श्री पशुपति नाथ सुकुल : नहीं नहीं मैं उनको देख के आया हूँ ।

As regards the demands of the workers, of the peasants, not only I but all Members on this side also associate themselves but...

SHRI DIPEN GHOSH (West Bengal). As long as you are there, these demands cannot be met.

SHRI NIRMAL CHATTERJEE (West Bengal): Is your Government capable of meeting these demands? No You must change your policies.

SHRI P. N. SUKUL: I have hard myself the slogans of the processionists. They were saying "Rajiv Gandhi "Zindabad"...

SHRI DIPEN GHOSH: You go to the First Aid Centre and get your ears examined.

एक माननीय सदस्य ऐसा कोई नारा नहीं था... (व्यवधान)...

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): They are so incapable of distinguishing between 'zindabad and 'murdabad'.
(Interruption)

THE DEPUTY CHAIRMAN: Nothing will go on record. (Interruptions)
Yes. Mr. Narayanasamy.

SHRI V NARAYANASAMY (Pondicherry): They have pasted nine chartered demands. I have gone through the demands about price rise, unemployment, etc. They wanted Rajiv Gandhi to solve these problems. They did say Rajiv Gandhi should resign. Is it not contradictory? (Interruptions) They are raising these demands...
(Interruptions)...

THE DEPUTY CHAIRMAN: Nothing will go on record.....(*Interruptions*)...Now, only Special Mentions. Sardar Jagjit Singh Aurora(*Interruptions*)...Nothing will go on record. Only those who want to associate themselves with the Special Mention will be allowed.

PROF. C. LAKSHMANNA (Anahra Pradesh): Madam, I have given my name and I should be allowed....(*Interruptions*)..

SHRI PARVATHANENI UPENDRA: He has given his name Madam.

PROF. C. LAKSHMANNA: Madam, I would like to associate myself with the Special Mention made by Shrimati Kanak Mukherjee and others.

[MR. CHAIRMAN in the Chair.]

I would like to endorse the views expressed by them and whatever demands have been put forward by them, on behalf of myself and my party.

श्री शरद यादव (उत्तर प्रदेश) : सभापति जी जो माग की जा रही है उसके साथ मैं भी अपनी पार्टी को सम्बद्ध करता हूँ।

SHRI NIRMAL CHATTERJEE: When more or less a similar Special Mention is made, Sir, we should indicate to the House and the people at large that we fully support it. Unless we are allowed to do so, what is the purpose of our being here? A similar Special Mention Mr Gurupadaswamy is giving.

MR. CHAIRMAN. You have talked to me and I have expressed my views to Mr Dipen Ghosh and others and I have given the chance to one Member

SHRI NIRMAL CHATTERJEE: Every Member should be allowed. Now, Mr. Gurupadaswamy has given one. I know.

MR. CHAIRMAN: Will you kindly take your seat? From the Akali Party, Mr. Aurora associate himself. Now, the Janata Party has to do Yes, Mr. Gurupadaswamy.

SHRI M. S. GURUPADASWAMY (Karnataka): I have not associated myself as yet.

MR. CHAIRMAN: Just in one sentence, please.

SHRI M. S. GURUPADASWAMY: I fully associate myself with all the demands made by the demonstrators.

SHRI PARVATHANENI UPENDRA: Including the demand that the Government should resign.

SHRI MURASOLI MARAN (Tamil Nadu): I fully and entirely associate myself with the demands made by Mrs. Kanak Mukherjee. My heart goes out to the people who are marching on the streets today.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : : सभापति महोदय, श्रीमती कनक मुखर्जी के प्रस्ताव से मैं अपने आपको सम्बद्ध करता हूँ। उनकी जो मांगें हैं, उनसे हम सहमत हैं।

श्री राम अवधेश सिंह (बिहार) : मैं भी इनकी मांगो से जुड़ते हुए सरकार से माग करता हूँ कि वित्त मंत्री या गृह मंत्री को रैली के बीच में जाकर उनकी बातों को सुनना चाहिए।

श्री लाल कृष्ण आडवाणी (मध्य प्रदेश) : सभापति जी, मेरी निश्चित राय है और वह अभी से नहीं इस जनवरी मास से है कि इस सरकार को जो जन-देश मिला था, वह समाप्त हो गया है और इस सरकार को इस्तीफा देकर फिर से चुनाव कराने चाहिए।

MR CHAIRMAN: Yes, Mr. Aurora.

SARDAR JAGJIT SINGH AUORA (Punjab). Before I start my Special Mention, I would like to associate myself with the demands of the Members.

MR. CHAIRMAN: You make your Special Mention now

Reported House Arrest of acting Akal Takht Chief, Prof. Darshan Singh

SARDAR JAGJIT SINGH AURORA (Punjab): Mr. Chairman, Sir, I wish to draw the attention of this august House to the reprehensible action of the Punjab Government to place Prof. Darshan Singh under house arrest to prevent his peace march to Delhi on the 4th December, 1987.

I also wish to appeal against the objectionable steps taken by the Central Government to prevent a peaceful *dharna* at the Boat Club here on the 5th December to voice the demands of the Sikh community in collaboration with the other religious leaders and communities. The demands are for punishing the guilty of the November, 1984 carnage, release of the innocent detenus incarcerated in the Jodhpur jail since June, 1984 for over 3-1/2 yrs. rehabilitation of those army men who had acted under religious emotional stress in June, 1984 and, lastly, for stopping the killing of innocent persons in fake encounters in Punjab.

Sir, all these demands are based on human rights and the *dharna* would have been absolutely peaceful, non-political and within the law of the land. [The Deputy Chairman in the Chair]. It has the support of all right thinking people, political parties and many of the religious and social organisations. Religious leaders from Haridwar were going to join the '*dharna*' with Prof. Darshan Singh.

This effort would have achieved by persuasion what the Government, in spite of its tremendous suppressive efforts, has failed to achieve in the last 18 months. In fact, these misguided methods have proved counter-productive and have increased anguish and bitterness amongst the people. On the other hand, this peaceful Satyagraha would have more successfully isolated the extremists in the Punjab and enabled the moderates to come forward and re-establish their influence

amongst the public. It would have also brought both the communities together, as religious leaders from both the communities would have sat together and persuaded the people to develop mutual understanding and regard.

Lastly, is it fair and equitable when protest rallies and demonstrations from all other communities and parties are freely permitted at the Boat Club, this laudable effort by Prof. Darshan Singh has been brutally thwarted? One cannot help wondering why even constructive steps to improve the present deplorable situation in the Punjab are being forcibly prevented. Could it be that Government wants to keep the Punjab pot boiling till the next election for an electoral advantage? I hope not. The recent debacle in Haryana State elections should be a lesson.

I once again appeal to the members of the House to raise their voice against the repressive and undemocratic measures being adopted by the Government to smother the voice of a minority fighting for human rights by peaceful means.

Thank you.

SHRI V. GOPALSAMY (Tamil Nadu): I fully associate with the sentiments of Mr. Aurora.

SHRI NIRMAL CHATTERJEE (West Bengal): I also associate myself with this.

SHRI PARVATHANENTI UPENDRA (Andhra Pradesh): I fully associate myself with the feelings expressed by Mr. Aurora.

Reported Murder of a person belonging to a Backward Class in Bihar.

श्री कैलाश पति मिश्र (बिहार) : महोदया, बिहार में दानापुर एक छोटा सा शहर है। वहाँ एक छोटा सा गरीब परिवार नित्यानन्द प्रसाद का सड़क पर बैठ कर पान और

[श्री कैलाश पति मिश्र]

चाय की दुकान चलाना था। बगल में ही था। पुलिस आ कर मुफ्त में चाय पिया करती थी। फिर मांगी घूस। उसने घूस देने से इन्कार किया। तो उसे दो दिन पहले धमकी मिली कि तुम्हारे परिवार को बर्बाद कर दिया जायेगा। अजय कुमार नाम का 15 वर्ष का उनका एक लड़का, जो एक छोटी सी फैक्ट्री में काम करता था और 8 रुपये रोज कमाता था, सबेरे सबेरे 7 बजे उस पुलिस ने पकड़ कर खींचता शुरू किया और घर के सामने से मारते मारते थाने में ले गये। थाने से घर, घर में था। तीन बार घर में था और थाने में घर उसको मारते मारते लाये ले गये और साढ़े चार बजे पुलिस ने उसको थाने में जान से मार दिया। जब शहर के लोगो को पता चला और लाश मागने के लिये लोग आये तो पुलिस ने लाठी चार्ज कर के लोगो को लाश देने में मना किया और भगा दिया। बात और बढ़ गयी और दूसरे दिन 14 अगस्त को जब भीड़ थाने पर न्याय मागने के लिये इकट्ठा हुई तो भीड़ पर लाठी चली, फिर गोली चली। फिर एक दूसरा आलोक राय नाम का 20 वर्ष का जवान मारा गया। फिर जब बात बढ़ी, जिला अधिकारी आये तो उन्होंने कार्यवाही करने का आश्वासन दिया। मुख्य मंत्री ने घोषणा की कि दोनों मरे हुए बालकों के परिवारों को दस, दस हजार रुपये का अनुदान दिया जायेगा। थोड़े दिन बाद जब अनुदान लेने के लिये लोग गये तो 5000 रुपये देकर बाकी के लिये इन्कार कर दिया गया। अब हर दिन पुलिस नित्यानन्द के घर पर जा रही है कि तुम अपना बयान बदलो नहीं तो तुम्हारा दूसरा छोटा बच्चा मारा जायेगा। परिवार बर्बाद कर दिया जायेगा। महोदया, वह गरीब आदमी चार दिनों से दिल्ली में दर दर की ठाँक खा रहा है, रो रहा है। जब सामने पड़ता है तो रोना शुरू कर देता है। उसे अब चिन्ता नहीं हुई है कि उसके प्राण की

रक्षा कैसे होगी और उसके परिवार की रक्षा कैसे होगी।

महोदया, पूरी घटना की जांच पी० यू० सी एल० ने की है। मैं उसके लम्बे वृत्तान्त में नहीं जाना चाहता, केवल उनके चार वाक्य पढ़ कर सुनाता हूँ। मैं केवल उसकी चार मुख्य पंक्तियाँ पढ़ कर सुनाना चाहता हूँ। पी० यू० सी एल० की टीम ने 20 गवाहों से गवाहियाँ लीं। उस टीम के लगभग सभी गवाहों ने बताया कि पुलिस ने नित्यानन्द के बेटे अजय कुमार को घुमा घुमा कर इतना मारा कि वह पानी तक को तरस गया, लेकिन पुलिस ने उसको पानी नहीं दिया। लोगो ने जब उसको पानी देना चाहा तो पुलिस ने उसको भी रोक दिया।

महोदया, ऐसे जघन्य अपराध और ऐसी घटना जिसमें पुलिस के बारे में पी० यू० सी एल० ने इतनी लम्बी रिपोर्ट दी है, बिहार सरकार उस पर कार्यवाही नहीं कर रही है और सरकार पुलिस के समर्थन और रक्षा में चल रही है। दुर्भाग्य है कि मुख्य मंत्री भी चल रहे हैं। एक भी कार्यवाही पुलिस पर नहीं हुई, एक भी निलम्बित नहीं हुआ और एक भी जेल नहीं गया। अब अपनी ड्यूटी पर बरकरार हैं। गवाहों को जाकर धमकियाँ दे रहे हैं। नित्यानन्द के परिवार को लगातार धमकियाँ दी जा रही हैं कि उनके परिवार की हत्या कर दी जायेगी।

इसलिये, मैं केन्द्रीय सरकार से आग्रह चाहूँगा कि पटना शहर के पास यह दानापुर है, वहाँ को इस घटना से प्रभावित लोगों के परिवारों को तुरन्त अनुदान दिया जाय और जिसने भी ऐसा पाप किया है, उनके खिलाफ सरकार सख्त कदम उठाये।

Change of Timing of Parliamentary Bulletin (in Hindi) by Doordarshan

श्री सत्य प्रकाश मालवीय : (उत्तर प्रदेश) माननीय उपसभापति महोदया,

संसद की समीक्षा के सबध मे मेरा यह विशेष उल्लेख है । अभी तक संसद समाचार 12 बजे रात से पौने एक बजे तक दी जाता है, उसका समय बदल दिया जाये। इसी प्रकार संसद समीक्षा जो 7.30 से 7.40 तक आती थी उसका समय बदला जा रहा है। मैंने कल स्वयं 7.41 पर यह घोषणा सुनी दूरदर्शन पर कि आज की तारीख में ये साढ़े सात बजे के बजाय 11 बजे रात को सुनाई जायेगी।

महोदया, संसद समाचार का आशय यह है कि उसको देश की जनता सुन सके, उसको जानकारी हो कि हमारे जन प्रतिनिधि वहां क्या करते हैं और किन-किन विषयों पर विचार-विमर्श होता है। अभी पीछे 4 दिसम्बर, को प्रश्न संख्या 402 था, जिसमें श्री पी० एन० सुकुल ने सवाल उठाया था कि अंग्रेजी के समाचारों को भी राष्ट्रीय प्रसारण में सम्मिलित किया जाये। उस समय चैयरमैन साहब भी थे और उन्होंने खुद अपनी राय दी थी कि—

“Members of Parliament want that proceedings should go on the National Hook-up.”

तो मेरा नवेदन है कि इस समय में परिवर्तन किया जाये। उसको 7.40 पर पहले जैसे सुनाया जाता था, उसको 11 बजे रात को सुनाया जायेगा तो उसको सुनने के लिये कौन जागता रहेगा? माननीय संसदीय कार्य मंत्री श्री जैकब जी यहां उपस्थित है। मैं चाहूंगा कि जब सारे संसद सदस्यों की इच्छा है तो आप उसको बदल क्यों नहीं देते?

माननीय उपसभापति महोदया, मैं आपकी भी सहायता चाहता हूँ। आप उस विषय में आदेश देने के लिये सक्षम हैं। जब माननीय सभापति जी ने स्वयं अपनी राय व्यक्त की है तो यहां संसदीय कार्य मंत्री जी उपस्थित हैं, वे भी इस बारे में सूचना और प्रसारण मंत्री को कहे कि जैसे पहले साढ़े सात बजे संसद समीक्षा आती थी, वैसे ही आनी चाहिये और जो अंग्रेजी में समाचार रात को आता है, उसको भी साढ़े सात और

साढ़े आठ बजे के बीच में सम्मिलित किया जाये।

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) : महोदया, मैं इसका समर्थन करता हूँ और मुझे विश्वास है कि माननीय सभापति महोदया भी इसका समर्थन करना चाहेंगी।

PROF. C LAKSHMANNA (Andhra Pradesh). The shifting of news from 7.30 P. M. to 11.00 P.M. is not justified. The people want to know what is happening in Parliament. Therefore, they should immediately change the timing in such a way that the people in the country can know what is happening in Parliament. I associate myself with the sentiments expressed by Mr. Malaviya.

SHRI M. S. GURUPADASWAMY (Karnataka): Let us know the reasons why this was changed at all. For what reasons? There is no reason at all for changing the timings

श्री कल्पनाथ राय : उपसभापति महोदया, संसद में क्या होता है, इसको पूरे हिन्दुस्तान के लोग साढ़े सात बजे के समाचार के माध्यम से सुनते रहे हैं और जो संसद सदस्य हैं, वे भी चाहते हैं कि हम जो बात बोलते हैं, वह देश की जनता जानना चाहती है कि हमने उनके लिये क्या आवाज उठाई।

साढ़े सात बजे का टाइम था, वही रहना चाहिये और जो ग्यारह बजे का टाइम किया गया है वह बिल्कुल जन विरोधी कदम है। इस को किसी भी कदम पर नहीं रखा जाना चाहिये। जो हमारे इन्कारमेशन मिनिस्टर हैं वह पूर्ववत् इस आदेश को जारी करें और इस माध्यम से संसदीय समाचार सारी भारत की जनता की पहुंचाये।

श्री पशुपतिनाथ सुकुल (उत्तर प्रदेश) : मैंने यह सवाल उठाया था। क्वेश्चन आवर में मैंने सदन का ध्यान इसी बात पर खींचा था कि न्यूज-

[संशुद्धि गीत संकुल]

इन-पार्लियामेंट का आल इण्डिया रिले होना चाहिये। नेशनल प्रोग्राम के अन्तर्गत इसको किया जाना चाहिये। चैयरमैन साहब ने डायरेक्शन दी थी। इन्फरमेशन मिनिस्टर को, पि. पूरे सदन का यह मत है कि इस को नेशनल प्रोग्राम में लाया जाये, ताकि पूरा देश इसको जान सके। मैं जानना चाहता हूँ तब यह कैसे हो गया ?

THE DEPUTY CHAIRMAN: The Minister of Parliamentary Affairs may please convey the sentiments of the House to the concerned Minister.

श्री राम चन्द्र विकल (उत्तर प्रदेश)
यह बात सही है कि कारण जरूर जाना जाये। गुरुपदस्वामी जी ने सवाल उठाया कि कारण पहले जाना जाये। ऐसे षडयन्त्र देश में अनेक हो रहे हैं। मैं एक षडयन्त्र को बता देता हूँ कि सदन की कार्यवाही जनता तक न पहुँचाने के लिये क्या किया जा रहा है.....

उपसभापति : अभी मत उठाइये।

श्री राम चन्द्र विकल : सारा सदन इससे सहमत है। अविम्वज आज ही इस पर पूर्ववत् अमल होना चाहिये। मंत्री जी को सदन में बुलाया जाये। (व्यवधान)

उपसभापति : अब हो गया। बैठ जाइये।

श्रीमती वीणा वर्मा (मध्य प्रदेश) :
मैं भी अपने को इससे सम्बद्ध करती हूँ।

उपसभापति : मैं मानती हूँ पूरी तरह से सारा सदन सहमत है।

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Madam, Deputy Chairman, while associating myself with what my friend, Malviyaji has said, I have to say something to clear the misunderstanding. The 7.30

Hindi news bulletin that was being broadcast as Parhamnet news was not being broadcast on the national network. It was not even being broadcast on both the channels of Delhi Doordarshan. It was only broadcast on one channel and in the other channel at 7.30 there was news. So, the question is, as the Chairman has also directed the Minister, and the Minister had earlier given the assurance, that this Parliament news shall be broadcast in Hindi and English and also that it shall be broadcast throughout the country. The question now is that this timing has been shifted. It is not a question of timing alone. That timing of 7.30 was confined to Delhi only and there was no programme of Parliament News for the entire country. Now the Minister has come out with the thing that he will broadcast it on the National Network from today, but he has slated it at a time, which is absolutely a bad time. It should be in English after the English news and in Hindi after the Hindi news. Otherwise there will be no use. There is no use of putting in on one channel of Delhi only. It should be for the entire country and at a suitable time.

उपसभापति : ठीक है, अभी भ्रमण तो इस पर नहीं होना चाहिए।

SHRI ALADI ARUNA alias V. ARUNACHALAM (Tamil Nadu): Madam Deputy Chairman, this matter has been raised in the Lok Sabha also. That is why I would like to submit to you that we are not against the national languages. But no purpose will be served. We are not against the languages but the content of the news will be broadcast or telecast better if it is done in regional languages. Then alone, what is going on in Parliament will reach the general public. If in the non-Hindi areas the programme Parliament News is broadcast or telecast in Hindi, which is unknown to us, no purpose will be served by it. That is why I say that whatever is going on in Parliament should be shown in regional languages. That is very important. Are you

particular about the language or the content of news, that I want to know. News is more important than the language. If you are very particular to know what is going on in the House, it should be telecast or broadcast only in the regional languages. I have no objection if it is telecast in Hindi language in Hindi-speaking areas. (L.L. options)

AN HON. MEMBER: Why are you opposing? You are having it in English after English late night news.

श्री राम अवधेश सिंह (बिहार) : जो विचार धिकल जी ने रखे है कि साढ़े सात बजे के स्थान पर 11 बजे करने के पीछे कोई भारी पड़यंत्र है तो मुझे भी लगता है कि ब्यूरोक्रेसी की बहुत भारी साजिश है। दो साजिश हो सकती है। यह एक साजिश हो सकती है कि जनता को 11 बजे सुनने को न मिले, जनता राजकाज के कामों में कट जाय, अलग हो जाय। दूसरा कारण यह हो सकता है कि इस सरकार को ओर से साजिश हो कि जो आलोचना होती है, सरकार की सदन में जो आलोचना होती है, वह जनता तक न पहुंचे। उसको काटकर अलग कर दिया जाय। दोनों में से कोई एक चीज हो सकती है। अगर आप यह मानते हैं कि सरकार की साजिश नहीं है, ब्यूरोक्रेसी की साजिश है तो जिन लोगों ने बिना सरकार की राय से इसको बदला है, उनको क्या सरकार सख्त सजा देगी? मैं उनके खिलाफ सख्त सजा की मांग करता हूँ। कोई भी सरकारी मशीनरी को मनमाने ढंग में नहीं चला सकता है। जनता को प्रशासन से काटने का काम कोई प्रशासक करता है तो यह बर्दाश्त के बाहर है। अगर यह सरकार ऐसा नहीं करेगी तो इसका अर्थ यही है कि यह इस सरकार की साजिश है, इनके कहने पर यह समय बदला गया है।

श्री लाल कृष्ण आडवाणी (मध्य प्रदेश) : महोदया, मैं समझता हूँ कि सारा सदन इस बात में एक मत है कि जो परिवर्तन की घोषणा कल हुई है उसको बदल कर पूर्ववत् स्थिति लाई जाय।

लेकिन महत्व की बात यह है कि संसदीय समीक्षा पर पहले भी चर्चा हुई है। उस चर्चा को सुनने के बाद चाहे शासक हो, चाहे मंत्री हों, चाहे वहाँ के अधिकारी हों, उनसे हम यह अपेक्षा करते हैं कि वे इसमें अगर किसी प्रकार का परिवर्तन करें तो कम से कम सलाह तो करें। हमारी एक संसदीय सलाहकार समिति है। उससे इस बारे में सलाह करनी चाहिए। पहले के समय को बदल कर संसदीय समीक्षा के लिए जो 11 बजे का समय रखा गया है उस पर इतनी प्रतिक्रिया हुई है। यह स्वाभाविक है कि इस पर दोनों सदनों के सदस्यों ने नाराजगी और असंतोष प्रकट किया है। यहां तक कि वहाँ के सदन में अध्यक्ष को निर्देश सा देना पड़ा मंत्री को कि वे इसको पूर्ववत् लायें। मैं समझता हूँ कि इस सदन की राय भी वही है। संसदीय समीक्षा के प्रसारण के संबंध में और संसदीय की कार्यवाही के संबंध में इस प्रकार का कोई परिवर्तन होता है तो कम से कम संसदीय सलाहकार समिति से सलाह करके तो करना चाहिए।

श्री प्रमोद महाजन (महाराष्ट्र) : उपसभापति महोदया, यह साढ़े 11 बजे के लगभग हिन्दी समीक्षा और अंग्रेजी समीक्षा संसदीय की देना, यह नहीं देने के बराबर है (व्यवधान)

उपसभापति : मैंने उनको एलाऊ किया है। He is a member of the Consultative Committee. He wants to say something. He has some information.

श्री प्रमोद महाजन : लेकिन मैं इससे सहमत नहीं हूँ कि यह संसदीय समीक्षा साढ़े 7 बजे हो और साढ़े 7 बजे इस नये न हो कि जो विभिन्न महानगर हैं, जिनके अपने दूरदर्शन केन्द्र हैं, वहाँ 7.20 से 7.30 तक उनके प्रादेशिक समाचार होते हैं। उसके बाद उनके अपने कार्यक्रम शुरू हो जाते हैं। इसलिये यह जो साढ़े 7.30 बजे की हिन्दी समीक्षा होती थी, उसके बारे में भले ही आप

[श्री प्रमोद महाज]

यह कहे कि यह नेशनल नेटवर्क पर आती थी, लेकिन वस्तु-स्थिति यह है कि यह कही चैनल-2 पर चली जाती थी और बाकी जगह नहीं पहुँचती थी। बम्बई में तो साढ़े 7 बजे यह कभी मिलती नहीं थी। इसलिये संसदीय समिति में सुझाव इस प्रकार का आया था कि 8.40 पर सायं समाचार होने से पहले 8.30 से 8.40 तक हिन्दी समीक्षा हो और अंग्रेजी न्यूज जो 9.30 से 9.50 तक होते हैं, उसके बाद 9.50 से 10.00 बजे तक अंग्रेजी समीक्षा हो, इस प्रकार की व्यवस्था की जाये तो शहरी और ग्रामीण इलाकों में सभी लोगों को हिन्दी तथा अंग्रेजी में संसद समीक्षा देखने का अवसर मिल सकता है। लेकिन दुर्भाग्य यह है कि सूचना और प्रसारण मंत्रालय के अधिकारियों ने इसको अलग करके साढ़े 11 बजे इसका समय रखा, यह गलत है। इसको समाचारों के पहले और न्यूज के बाद देना चाहिये।

श्री मीर्जा इशार्द बेग (गुजरात) :

यह बिल्कुल सही सुझाव है। मैं सम्पूर्ण रूप से इसका समर्थन करता हूँ।

श्रीमती बीणा वर्मा (मध्य प्रदेश) :

उपसभापति महोदया, मैं सूचना और प्रसारण मंत्रालय की समद सदस्यों की कंसलटेटिव कमेटी की सदस्या हूँ। मैं महाजन जी से यही कहना चाहती हूँ कि परिवर्तन हुआ था। तो यही प्रस्ताव था कि संसद समीक्षा का समय बदला जाये। लेकिन समय बदलने का मतलब यह तो नहीं था कि संसद समीक्षा बिल्कुल हिन्दी में सुनाई ही न जाय या अंग्रेजी में न सुनाई जाये। महोदया, बार-बार जनता की तरफ से मांग उठती है कि पार्लियामेंट की कार्यवाही टेली-विजन से दिखाई जाये। एक तरफ तो यह मांग है और दूसरी तरफ यह कहां की नीति है कि उसका समय बदल कर बिल्कुल आधी रात का समय उसके लिये रखा जाये। अतः मैं महाजन जी ने जो कहा है, उसका समर्थन करते हुए समय के बारे में जो

उन्होंने अपनी राय दी है, उसी के अनुसार संसद समीक्षा आनी चाहिये, कह कर मैं अपनी बात समाप्त करता हूँ।

SHRI V. GOPALSAMY (Tamil Nadu). Madam Deputy Chairman, up till now, Parliament News was being telecast—in Hindi—at 7.30 p.m. and that in English after 11.30 p.m. We have been repeatedly demanding that Parliament News in English should be telecast between 7.30 and 8.30 p.m. If it is to put on the national hookup, it should be telecast as well as broadcast in all the regional languages, as Mr. Aruna demanded. We are very particular that the telecast and the broadcast should be before 8.30 p.m. because the non-Hindi-speaking people are deprived of the facility which the Hindi-speaking people are enjoying. Therefore, the Government should consider this demand. (Interruptions)

THE DEPUTY CHAIRMAN: I have asked the Minister of Parliamentary Affairs to convey the sentiments of the House to the Minister concerned.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): I accept the proposal, to be conveyed. (Interruptions)

SHRI ALADI ARUNA alias V. ARUNACHALAM: That will be done by the Press also.

THE ADMINISTRATIVE TRIBUNALS (AMENDMENT) BILL, 1987—Contd.

THE DEPUTY CHAIRMAN: We now take up further discussion on the Administrative Tribunals (Amendment) Bill, 1987. Shri Kadharsa

SHRI M. KADHARSHA (Tamil Nadu): Madam Deputy Chairman, this is a very simple Bill seeking to amend certain provisions in the original Act of 1985. In 1985, the Government was in a mad rush to push through this

Bill. At that time, Members from this side including our party suggested that the Bill was brought in haste and that it should be sent to a Select Committee. Had the Government listened to the valued opinion of the Opposition at that time, they would not have had to cut a sorry figure in the case of the Supreme Court judgement.

Madam, the Administrative Tribunals Bill was passed in January, 1985. But Government took a lot of time to appoint the Chairman of the Administrative Tribunal. He was appointed only in October, 1985. If they needed so much time, when they took so much time to appoint Chairman, what was the necessity for the undue hurry to push through the Bill. Even after the Chairman was appointed, the Benches were not set up. They were set up only in November, 1985. Within four months, Government came before the House with an amendment Bill. If I remember correctly, even this amendment Bill was brought forward to replace an Ordinance promulgated earlier by the President. Now, approximately after one year, Government have again come before the House with another amendment Bill in view of the Supreme Court judgement. This clearly shows that the Government brought forward the original legislation in a haphazard and hasty manner

As far as this Bill which is now before us is concerned, there are only three or four small amendments. Even in this Bill, there are some lacunae. I would like to invite the attention of the Minister to section 21 of the original Act. This limits the right of a Government servant to appeal before Tribunal. The period of appeal is one year after the orders are passed by the competent authority and six months if no orders are passed by the competent authority. I would like to point out to the hon. Minister that in the Supreme Court case between G.P. Dowel and Chief Secretary of U.P., his case was taken up after 12 years, after the cause of action was noted.

Now a government servant can file an appeal three years after the formation of the Administrative Tribunal. Madam, there is no justification to prescribe the time-limit as this will not help government servants in getting justice. If justice is not given to a government servant in the Tribunal, the only remedy for him is to go to the Supreme Court. It is not possible for all government employees to go all the way to Delhi to file an appeal against the verdict. Many of them will not be able to afford the expenses and even if a case is taken up in the Supreme Court, there is also the possibility that it will be prolonged for a period of more than 10—12 years. So, I would suggest to the Government that administrative adalats should be constituted in every state capital so that they will process the grievances of the government employees and forward them.

Madam, the Supreme court has now given an important judgment and the striking feature of the judgment is that the appointment and promotion of the chairman, vice-chairman and members of the Administrative Tribunals should not be vested with Government because there is every possibility of their being biased and prejudiced from the Government side. Secondly, the Tribunals will lose their independent character. That is why the Supreme Court has given this judgment. It is held that no secretary will be eligible for appointment as chairman of the Central Administrative Tribunal as this office is considered, for all practical purposes, equivalent to the office of the Chief Justice of a High Court. The Tribunals will be a real and effective substitute of High Courts but the Government has to make some more amendments because now there are two members in the Bench, one from judiciary and the other from administrative side. If one member is absent or if one member is not appointed or if he is on leave, no case

[Shri M. Kadharsa]

will be considered by the Tribunal and it will again take so much time to get the grievances redressed.

Secondly, Madam, the reasons why these disputes arise do not subscribe to the issuance of orders by Government Secretaries. These disputes arise between the Government and the government servants. Of late, Government has become the biggest litigant in the country. According to the statistics there are more than 65000 cases in the High Courts and Supreme Court and 55 per cent of the cases are of the civil writes concerned with the disputes between the Government and the Government servants.

Though appointment of the Tribunal is a welcome measure, the Government has to pay more attention. This Tribunal is expected to bring speedy justice, but, Madam, there is shortage of staff. Even in Delhi, two posts were vacant and since 1 00 P.M. there were vacancies, funds allotted to the Administrative Tribunal had to be surrendered. The shortage of staff should be removed. Now the Chairman has no powers to appoint officers. They have to depend purely on the deputationists and all those who work on daily wages. I would like to appeal to the Government that they should come forward with new rules for recruitment.

Madam, the Administrative Tribunal is a marriage of the executive with judiciary. Because of undue haste on the part of the Government, it has resulted in miscarriage I hope that at least this Amendment Bill will rectify the deficiencies and defects. In view of this, the Government should come forward and review the Bill in an overall manner, instead of framing piecemeal amendments to the original Act. Thank you, Madam.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : माननीय उपासभापति महोदय, यह जो एडमिनिस्ट्रेटिव ट्रिब्यूनल बिल है, यह 1985 में अधिनियम के रूप में पारित हुआ था। जैसा कि उद्देश्य और कारणों में बताया गया है, सर्वोच्च न्यायालय ने कोई निर्णय लिया जिसके फलस्वरूप यह संशोधन यहां पर नाना पड़ रहा है। यह बहुत ही छोटा सा विधेयक है, लेकिन मुझे कुछ सुझाव देने हैं। एक तो सेक्शन 6 का जो प्रिंसिपल है, उसमें जो योग्यता रखी गयी है, उसमें यह कहा गया है : The following clause shall be substituted, namely: "(a) is, or has been, or is qualified to be, a Judge of a High Court सिद्धांत रूप में मैं इस बात से सहमत नहीं हूँ कि कोई भी व्यक्ति जो उच्च न्यायालय में हाईकोर्ट के जज पर काम कर रहा है। उसकी नियुक्ति किसी ट्रिब्यूनल में की जाये। इसके लिये मेरा कारण यह है कि उच्च न्यायालय में ऐसे ही बहुत से पद रिक्त पड़े हुए हैं। केवल इलाहाबाद हाईकोर्ट में इस वक्त कीब करीब ऐसे एक लाख मामले पिछले पांच वर्ष से वहां पर विचाराधीन हैं। यह भी यहां पर बताया गया है कि कीब करीब 60 हाईकोर्ट के जजों के पद भरे नहीं गये हैं। इसके अलावा यदि कोई व्यक्ति हाईकोर्ट का जज है उसकी प्रोन्नति सुप्रीम कोर्ट के जज पर हो, या दूसरे किसी हाईकोर्ट के चीफ जस्टिस पर हो तो यह बात समझ में आती है, लेकिन सिद्धांत रूप में इस तरह के सिटिंग जज को ट्रिब्यूनल का मੈम्बर बनाने पर मुझे आपत्ति है, मेरा पूरा विश्वास है कि सरकार या मंत्री जी इस ओर ध्यान देंगे।

इसमें इस बात की व्यवस्था की गयी है जैसा कि स्टेटमेंट आफ आब्जेक्ट्स एण्ड रीजन्स में कहा गया है .

"The Chairman, Vice-Chairman and other Members of the Administrative Tribunal are being made eligible for re-appointment for a second term of office."

तो मेरा निवेदन यह है कि एक मरतबा इस पद पर किसी को नियुक्ति हो जाये उसके वेतन को बढ़ा दिया जाये, भत्तों को बढ़ा दिया जाये ठीक है लेकिन एक मरतबा इस ट्रिब्यूनल का मेम्बर बन जाये या चेयरमैन अथवा वाइस चेयरमैन हो जाये तो उसके कार्यकाल को नहीं बढ़ाना चाहिए क्योंकि इस देश में बहुत से योग्य व्यक्ति हैं न्यायविद हैं जो योग्यता रखते हैं, अतः उनकी नियुक्ति करिये लेकिन पांच साल का किसी का कार्यकाल पूरा हो जाने के बाद अगर उसकी पुनः नियुक्ति करिएगा तो मैं समझता हूँ कि वह व्यक्ति न अपने पद के साथ न्याय कर सकेगा न, जो काम उसको दे रहे उसके साथ न्याय करेगा।

इसके अतिरिक्त अभी तक यह जो अधिनियम था यह निचली अदालत के कर्मचारियों या अधिकारियों पर लागू नहीं होता था, लेकिन आपने इसके बारे में व्यवस्था कर दी है और इस बात का मैं स्वागत करता हूँ। लेकिन इसी तरीके से इसमें एक बात का प्रावधान यह भी है :

"The provisions of this Act shall not apply to—

any person appointed to the secretariat staff of either House of Parliament or to the secretariat staff of the State Legislature or a House thereof, or in the case of Union Territory having a legislature, of that legislature."

एडमिनिस्ट्रेटिव ट्रिब्यूनल एक्ट जो आप संशोधित करने जा रहे हैं यह जो मसद के विधान सभाओं के या विधान परिषद के, कर्मचारी हैं उन पर लागू नहीं होता है। इनके साथ भी अन्याय होता है कल ही माननीय सुकुल जी ने इस ओर ध्यान आकर्षित किया है। राज्य सभा के जो कर्मचारी हैं उनके मामले की ओर ध्यान आकर्षित किया था। उन्होंने कहा कि बार बार सभापति जी को पत्र लिखे गए सुझाव दिये गये लेकिन इसके बावजूद भी सन् 1958 में जिन कर्मचारियों की भर्ती हुई थी, उन कर्मचारियों को छह-

सात साल बाद 1964-65 में जो कर्मचारी भरती हुए थे, उन्हें जूनियर बन दिया गया।

तो आखिर अब यह लोग अदालत में तो जा नहीं सकते, मसद के कर्मचारी हैं, राज्य सभा के कर्मचारी हैं, अदालत में नहीं जा सकते हैं और अगर वह समझने हैं कि हमारे साथ न्याय नहीं हुआ है तो उनके लिए भी इसी प्रकार का कोई फोरम बन जाए, इसी प्रकार की कोई व्यवस्था की जाए तो हमारे ख्याल में उन्हें संतोष भी होगा और जब कर्मचारियों में संतोष होगा और उनको इस बात की आशा होगी कि हमारे साथ न्याय होगा, तो निश्चित तौर पर उनका असंतोष दूर होगा।

तो इसलिये मेरा यह भी सुझाव है और इस ओर भी मैं आपको ध्यान आकर्षित करता हूँ। पूर्व में मैंने जो सुझाव दिया था कि सिटिंग जजेज का रखा जाए और उन लोगों की पुनः नियुक्ति न की जाए इस ओर ध्यान दिया जाना चाहिए। जो माठ हाई कोर्ट जजेज के पद वैसे ही रिक्त हैं, हाई कोर्ट जजेज की अगर आप नियुक्ति करिएगा, तो फिर वहां स्थान खाली होगा और जो मामले उनके आगे विचाराधीन हैं, उनकी मध्या बढ़ती जाएगी। इसलिये इस ओर ध्यान देने की कृपा करिए।

इसलिए मैं इन्ही शब्दों के साथ इस संशोधन विधेयक पर अपनी राय समाप्त करता हूँ।

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Madam Deputy Chairman, I rise to support the Bill. However, there are certain areas on which I want to make certain observations.

The honourable Minister has stated in the Statement of Objects and Reasons that "The Supreme Court, while disposing of the writ petitions, made certain directions for amending the Administrative Tribunals Act." But

Shri Ghulam Rasool Matto.

what directions have been given is not stated here, I would like to ask him if all the directions given by the Supreme Court have been incorporated in the amending Bill so that we will not have to come back again for amending certain other provisions to incorporate certain other directions that the Supreme Court has given.

The second point I would like to ask the honourable Minister is with regard to the constitution of the Tribunals. Here, Chairman, Vice-Chairman or other Member of an Administrative Tribunal are being made eligible for re-appointment for a second term of office I think this provision should not have been there, but if it should be there, it should have been accompanied by a Constitutional amendment. Under article 148 (4) of the Constitution, the Comptroller and Auditor-General cannot seek re-employment after his term is over. Similarly, according to article 319, Members as well as Chairman of the Public Service Commission cannot be re-employed in other organisations. So that a Tribunal may not be a stepping stone for others to seek further gubernatorial and other posts, I think a provision should be made that after retirement they will not be eligible for appointment to any other post.

Now, under section 14(2) of the original Act the Government is empowered to bring the employees of public sector undertakings under the purview of this Act. This is being done because obviously, as the honourable Minister has stated in his opening remarks, not enough Benches are created. In the absence of enough Benches, I am afraid, we will be accumulating a large number of cases. I would like the honourable Minister to tell us in the course of his reply as to what his plans are during the next one or two years, say, by 1989, in which places he wants the Tribunals to be set up, so that we would know how soon the grievances could be redressed and, as in the case of the High Courts and the Supreme Court the

cases do not get accumulated because otherwise it will be non-productive and the very purpose for which these Tribunals are constituted will be defeated—if there is stockpiling of cases and top priority is not given to them.

Lastly, Madam, I would like to know from the honourable Minister if any provision has been made for setting up a Tribunal in Jammu and Kashmir, though it is concerned with Central employees only.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES, AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Madam Deputy Chairman, I am grateful to the hon. Members for the broad support that they have extended to this Amendment Bill, and I am also grateful to them for the suggestions made by them during the course of the debate.

Madam Deputy Chairman, let me assure the House that the review petition was heard by the Supreme Court on more than one occasion. The Attorney-General of India appeared for the Government of India, and the amendments that are now being made are pursuant to the suggestions and directions given by the hon. Supreme Court after considering the submissions of the Attorney-General of India. We think that with these amendments we would have made this Act comprehensive and put this Act beyond any further challenge in any court. We think that we have carried out every suggestion made by the hon. Judges of the Supreme Court, and we have also implemented the directions given by them in their judgment in what is now known as the Sampat Kumaran case. We have also consulted the Attorney-General of India who has given us his opinion that these amendments would fulfil the submission made before the Supreme Court.

Some questions were raised by hon. Members during the course of the debate. Hon. Member, Mr. Dipen Ghosh

said that Government still goes on appeals against the CAT orders. But he also conceded that we had advised the Ministries and Departments that normally they should accept the orders of the Central Administrative Tribunal. But there may be a case where a question of principle is involved, interpretation of a rule is involved or interpretation of a section is involved. In such cases, in my humble view, the wholesome approach would be to implement the judgement in the case of the person who has secured the judgement and to file an appeal on the principle so that the principle can be settled. Particularly, if it involves a Group 'C' or Group 'D' employee, by implementing the judgement, the Government would have provided satisfaction to the Group 'C' or the Group 'D' employee, and by going in appeal on the question of principle, the principle can always be settled by a higher court. I am sure, the Ministries and Departments do not go in appeal frivolously and they do so only after taking legal advice. But the word of caution uttered by the hon. Member, Mr. Dipen Ghosh, is well taken. I personally believe that unless it is a very important issue, and a very important question is involved, normally Government should accept the orders of the Central Administrative Tribunal.

Mr. Sukul wanted to know about the provisions for appeal. He said, we should provide for an appeal to the High Court. I am afraid, there is a misunderstanding. These Tribunals are to replace the High Courts. We cannot provide an appeal to the High Court. An appeal can lie only to the Supreme Court. I told him when he was speaking that there was a provision under section 24 for an interim order and that an interim order would include both an injunction and a stay. In many cases the Tribunal has granted an injunction and has granted a stay

He wanted to know whether there was a time-limit for disposal of cases, while there is no specific time limit. I would only invite attention to section 22 subsection (2) read with rule 14,

sub-rule (2). The Act provides that the cases shall be heard and disposed of expeditiously, and the Rules provide that as far as possible the cases should be heard and disposed of within a period of six months from the date of taking the case on file.

As far as disposals are concerned, may I point out that the Tribunal Benches have been disposing of many more cases than one would have expected the High Courts to dispose of because the High Courts have been burdened with a large number of cases of other kinds. For example, the principal Bench and four other Benches were set up on the 1st of November, 1985. Now we have set up so far 14 Benches. In this period of two years they have disposed of 20,872 cases, which is—something which anyone who is acquainted with law will know—is a very good track record. And we hope to be able to improve on this track record once we fill the vacancies and once we set up more Benches in more places.

There was some comment about excluded employees. All I can say, Madam, is that the three branches of the State are very zealous in protecting their own rights. The judiciary does not want its employees to come under the purview of the Tribunal. Parliament and the Legislatures do not want their employees to come under the purview of the Tribunal. I can make a law only for the executive branch of the Government. While I share the sentiments of the hon. Members, I have to respect the views of the judicial branch of the State as well as the.

SHRI GHULAM RASOOL MATTO:
Not only respect, but also give your price of advice.

SHRI P. CHIDAMBARAM as well as the legislative branch of the State. Perhaps a time will come after two years or three years or four years when the judicial branch and the legislative branch will revise their views and say, yes, our employees also can

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go to the Tribunal I can only hope for that day. I cannot possibly advise the judicial branch or the legislative branch.

There was some comment about the age limit. It is not unusual. In the High Court the age of superannuation is 62, in the Supreme Court the age of superannuation is 65. We have provided the age of superannuation of 62 for the Member and age of superannuation of 65 for the Vice Chairman and the Chairman. As the hon. Member, Mr. Nirmal Chatterjee observed, a Member can become a Vice Chairman or Chairman and in order to provide for this advancement of the Member as Vice-Chairman or Chairman, we have deliberately kept the age of superannuation as 62 for a Member and 65 for Vice Chairman or Chairman. This provision has been upheld by the Supreme Court.

A number of Members mentioned about the public sector employees. It is true that we have not yet notified public sector corporations under the Act. There is power under Section 14(2). The only reason why we have not notified so far is because we do not have enough benches and we do not have enough Members for the benches. As I said in my opening remarks for the last six months the process has been interrupted because of pending litigation. Now that the litigation is over and this Bill is being passed in Parliament, hopefully by the end of the session, we hope to appoint more Members, fill the vacancies and constitute more benches. Once we do that, then we can progressively bring in the public sector employees under the scope of the Act.

Mr. Matto, finally, referred to the need to prohibit Members from taking up another employment. Apparently, he did not see Section 11. Section 11 of the Act does prohibit employment of a member in any other capacity. Section 11 provides for prohibition of

employment under the Central Government or State Government of any Member. The only place where he can be re-employed is in the same tribunal in the same capacity for a second term of five years.

Madam, I hope I have covered all the questions raised by the hon. Members. I am grateful for their support.

THE DEPUTY CHAIRMAN: The question is.

'That the Bill further to amend the Administrative Tribunals Act, 1985, be taken into consideration.'

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by clause consideration of the Bill.

Clauses 2 to 6 were added to the Bill.

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

SHRI P. CHIDAMBARAM: I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: Now we take up the next item on the agenda.

THE COMPTROLLER AND AUDITOR GENERAL'S (DUTIES, POWERS AND CONDITIONS OF SERVICE) (AMENDMENT) BILL, 1987

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHAN POOJARI): I beg to move,

"That the Bill further to amend the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971, as passed by the Lok Sabha, be taken into consideration."

Presently the maximum pension of the Comptroller and Auditor General of India is limited to Rs. 20,400 per annum. As the hon. House is aware our Constitution has assigned an important role to the Office of the Comptroller and Auditor General. There is a parity of Status between the Comptroller and Auditor General of India and the Supreme Court judges in many respects. The status of the Office of the Comptroller and Auditor General is unique in our federal set-up, he, being a common functionary for both the Union and the States. Further, after demitting office C&AG is debarred from holding any further office under the Government of India or of any State. This restriction is not applicable to judges of the Supreme Court. In view of the foregoing, it is proposed to provide pensionary benefits to C & A.G. as admissible to a judge of the Supreme Court from time to time. The maximum pension admissible to a Judge of the Supreme Court is presently Rs. 54000 per annum which incidentally is also the maximum civil pension after the implementation of recommendations of the Fourth Pay Commission.

Presently, Madam, the other conditions of the C&AG are the same as applicable to a Secretary to the Government of India. He, therefore, does not have the perquisites which have been extended, from time to time, to a Judge of the Supreme Court. The Bill seeks to extend to C&AG other conditions of service except tenure and leave as are admissible to a judge of the Supreme Court.

The Bill also made some incident provisions to improve the pensions drawn by the persons already retired from the C&AG.

Madam, considering the Constitutional importance of the office of the C&AG and the need to maintain his dignity, I am sure, that the provisions of the Bill will receive support from all the sections of the House.

Madam, I move the Bill.

The question was proposed.

SHRI NIRMAL CHATTERJEE (West Bengal): Madam Deputy Chairman, there is a beckoning from the Boat Club. Therefore, I leave it there although there could be some points. There could be no opposition to the Bill as such. But incidentally I want to make a reference to some of the problems associated with the functioning of the C&AG. One problem which is mentioned in the various papers is also that the functions of the C&AG have been extended enormously. It is true that audit and accounts have been separated but that is only partial. It is true for the Centre but not for the States. The C&AG continues to be burdened with the accounting work in the States. This is one kind of problem that C & AG office requires to be strengthened much more than what it is today. There is a frequent talk of having surplus employment in different departments of the Government; perhaps, this is a department where there is not only a surplus but there is a deficit. The strength of the C & AG office, therefore, could be strengthened with some pruning or some transfer from some other departments.

More importantly, Madam, the problem which is quite often seen is that C&AG reports are quite backdated and in the public Accounts Committee when we ask which particular official was responsible for a particular failure, quite often we are told that that person has retired. This is a very common thing in the discussion in the Public Accounts Committee. This indicates that C&AG functioning has to be such that more up-to-date reports are available where the person concerned has not really retired. That is another area where the Government and the Parliament need to attend to.

[Shri Nirmal Chatterjee]

One of the problems, let me be candid, is despite the fact that Indian auditing practice is recognised as a model in many countries of the world, so much so that even China sent its people to understand what auditing means from our C&AG, even then the scope for improvement is there. Primarily our C&AG function is modelled on the British pattern which also is changing. Within our own country the C&AG functioning is also changing in a very correct direction in the sense that while previously it was looked into only whether or not some money has been misspent—whether or not the totals are all right today the functioning is turning towards performance audit and today in some of the Western countries also they are switching over to performance audit, whether or not this programme itself was validly adopted in the context of our planning priorities given. But this is done only marginally. It is yet to be the regular feature of the CAG's activity. In order that it is possible for the CAG to turn his attention, because after all, our economy is different from Britain in the sense that we have a large area of public sector activity even in the economic field and therefore the performance audit whether or not this project when it was adopted was justified in being adopted and not only that after being adopted what the failings were, this kind of attention it is desirable that the CAG is enabled to pay but in order to do all this a vital necessity is that we review the functioning of the CAG's office for so many reasons, for all the difficulties which have to be eliminated, for its associations with the States. There is a desire that instead of burdening the CAG with State audit, can't we have similar set-up, independent of the CAG for State accounts or State auditing? In that case, the quality of auditing would also improve and the quality of audit

would also improve if the employees in the CAG establishment not only include the people in the audit service but also specialists because as we have discovered in the Public Accounts Committee meetings and anybody who reads the CAG's report will discover, many technical questions arise like the questions in defence.

It is true that our audit people are very capable. I have no doubt their capabilities. They are one of the most capable people in employment at the Centre. But even some specialist knowledge is absolutely needed and therefore this CAG department should be associated with many specialists in various fields in order that the quality of assessment is technically also foolproof. Now one of the problems I pose before others including the statement of the ruling party is that one of the wrong things that we do with CAG office is this. We say it is an independent agency as much as the judges in the Supreme Court are. But the employees in the Supreme Court are not transferred to Government offices. Unfortunately, what happens? I can give my experience in the course of last year. Somebody who was in the CAG's office auditing defence, briefing us on direct and indirect taxes as to the mistake of the Government, when actually the time of hearing came, we discovered that he had been transferred to that very department itself so that the advice he was giving to us, he had now to defend and go against that advice. Now this promotional opportunity provided to CAG's staff in the Government department is a constraint on the independent functioning of the CAG's office. I pay tribute to them that despite that, they function well. But all the same this constraint should be removed and promotional opportunities should be more strongly built in within the organization. Now I mention a final thing. The CAG's office is technically defined as only CAG's office and not all the auditors are included in that and only the ex-

penditure of CAG's office is not scrutinisable by the Parliament. One CAG's office is not scrutinisable by the Parliament. One report says, it is Rs. 25 million or Rs. 2.5 crores. While all the auditors salaries and all other things can be inquired into by the Parliament and that is more than ten times that of CAG's office bill, a commentator has mentioned that a funny situation arises that a driver in CAG's office, his pay-scale etc. cannot be questioned in Parliament while that of auditors posted in different States, can be questioned. These kinds of anomalies are there. I am in a hurry also. Otherwise I could have elaborated this.

THE DEPUTY CHAIRMAN: Probably, you are hungry. Now it is time for lunch.

SHRI NIRMAL CHATTERJEE:
* There is a lot of material and a lot of publication on the functioning of CAG's office. What therefore, I would request the Finance Minister to consider is whether or not, with the assistance of the C&AG, a review of the working of the function, can be made. All these problems are there. The Government has not responded. Ten-year old criticisms have not been responded to by the Government.
* What can be done on these? I request that a Parliamentary Committee be instituted to understand and modify the line in which the Government move and the line in which the C&AG functions. Thank you, Madam.

THE DEPUTY CHAIRMAN: Now the House stands adjourned and will meet again at 2.30 P.M.

The House then adjourned for lunch at thirty-one minutes past one of the clock

The House reassembled, after lunch at thirty two minutes past two of the clock, the **Vice-Chairman (Shri Jagesh Desai)** in the Chair.

SHRI V. RAMANATHAN (Tamil Nadu): Mr. Vice-Chairman, thank you for giving me an opportunity to say a few words on the Comptroller and Auditor General's Amendment Bill. This is an independent body like the Supreme Court. Its duties are defined in the Constitution. It is stated in the Objects and Reasons and there is parity of status between the Comptroller and Auditor General and a Supreme Court judge. It is true that the office of Comptroller and Auditor General is unique in our federal set up, being a common functionary for both the Centre and the States. He looks into the financial management both of the Centre and of the States, the loopholes and deficiencies. He scrutinizes the financial management and gives his report to the Government. By that the Public Accounts Committee is also enabled to see how the financial management is carried on by the Government, what the defects and deficiencies are and how they can be rectified. But I want to submit one thing, that this body must indeed be an independent body. Presently the Comptroller and Auditor General is appointed from among the executive offices, mostly from among the senior IAS officers. The officials must have served the very same executive which appoints him, for a number of years, and just a little before the time of his retirement he is appointed as Comptroller Auditor General. As a result there are chances of that IAS officer already having some biased opinion, some fixed notions and he is very likely to have definite views which he had held when in the executive. Therefore, my submission is there are other technically experienced people also available outside as for example in the Indian Audit and Accounts Service there are people qualified in the Indian Audit and Accounts Service. They are all technically experienced people. We can choose from among people belonging to the Indian Audit and Accounts Service. This service also starts at a

[Shri V. Ramanathan]

particular level like the IAS and it stops at a particular level. Then, Sir, there are senior chartered accountant also and the selection may be done from among these people who are technically qualified and who are well-versed in the subject. When the President has to appoint a Judge in the Supreme Court, people who are Judges in the High Courts or people who are senior advocates having a standing of a certain number of years in the High Courts or Supreme Court are considered for appointment. Like that, why can't people who are having experience as chartered accountants, people who are having experience, vast experience, in the field of accountancy, be considered for appointment? Why can't people who are having a lot of experience in the auditing field be considered for appointment? We are trying to put this post in some respects, on par with the post of a Judge in the Supreme Court. For making judicial appointments in the Supreme Court, we are considering people having experience in the High Court Bench or in the Bar. Similarly, why can't we consider taking people for appointment to this post from among these categories that I have mentioned?

The CAG goes deep into matters and selects some cases and investigates them and probes into them and then gives his report and that report becomes the basis for the proceedings of the Public Accounts Committee. I would like to ask why the Public Accounts Committee cannot be given an opportunity to nominate persons, to suggest a panel of names, and why a name from that panel cannot be suggested for appointment. The public Accounts Committee consists of representatives from different parties which are participating in the proceedings of the public Accounts Committee. They are, therefore, in a position to give con-

crete information and they can know about persons. Therefore, they can suggest names for a panel and from that panel of names, the Comptroller and Auditor-General can be appointed.

With regard to the functions also, Sir, I have to say one thing. There is a feeling that all the Government departments are not fully co-operating with the Comptroller and Auditor-General in furnishing the required information to him and they are delaying things. Because of this, the CAG is not able to get sufficient information and he also says that he is not able to prepare a proper report for want of adequate information. The Government must take note of this and take proper steps in this regard. I want to submit one more thing. The CAG gives a report and only a very cases are taken up by the Public Accounts Committee. All the findings are not being followed up. I would like to know whether there is any separate unit to take follow-up action on the reports of the Public Accounts Committee? I feel that there must be a separate unit or organization to go into the details of the findings of the Public Accounts Committee. Only then the purpose of the whole exercise will be served and these being financial matters, we can keep a proper watch on them. Therefore, I feel that this is a very important thing which needs to be considered.

So far as this post is concerned, it is a post which is really equivalent to the post of a Supreme Court Judge and, therefore, he should be given the status of a Supreme Court Judge which is very important.

With these suggestions, Sir, I support this Bill.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Sesi Bhushana Rao.

SHRI YALLA SESI BHUSHANA RAO (Andhra Pradesh): Mr. Vice-Chairman, Sir, there is no difficulty in supporting this Bill

Sir, this amending Bill enables the Government to give some of the benefits to the Supreme Court Judges to the Comptroller and Auditor-General also. It is an institution created by the Constitution. It is an independent body to look after the finances of the country, of the Centre and States. So not only pensionary benefits and other benefits but they should also be given more powers to run efficiently the finances of the States and the Centre I feel so. Sir, there are so many reports coming from the Auditor-General. We are not able to know what actions are taken actually on the remarks or the audit paras. That is not shown to us, whether any action has been taken on the audit paras. I request the hon Minister to clarify this. It is also seen that departments are not co-operating when they are asked for files. It is also necessary for the Auditor-General to get files to function effectively. Though there may be some instructions by the Government to give all the files, yet they only give some explanation and no action is taken in this regard. Or by the time action is taken the officers who mis-manage the economy go out of jobs. So for speedy justice, speedy action is necessary.

Last year, so many reports were submitted by the Public Accounts Committee. But due attention is not paid to them. That aspect has also to be considered.

With these remarks, I welcome this Bill.

श्री अश्विनी कुमार (विहार)
माननीय उपमहाध्याय महोदय, नियंत्रक महालेखापरीक्षक की सेवा शर्तों के बारे में जो यह बिल लाया गया है यह वाछनीय है, उचित है और मैं इतना ही कहूँगा

कि इसे बहुत देर में लाया गया है। इसे बहुत पहले लाया जाना चाहिए था। इस बिल का मैं स्वागत करता हूँ।

महोदय, इस अवसर पर मैं दो-चार

बातों की ओर ध्यान आकृष्ट करना चाहता हूँ। जैसा कि अभी हमारे मित्रों ने कहा कि यह एक स्वतंत्र संस्था है और राज्य, केन्द्र तथा पब्लिक सेक्टर पर यह नियंत्रण रखता है, उसके सारे लेखे-जोखे देखता है और इन जगहों पर क्या गड़बड़ हो रही है, कहां क्या दृष्टियाँ हैं इसको संसद के सामने लाकर उजागर करता है। परन्तु इस संस्था को जितने अधिकार चाहिए, मुझे लगता है कि उतने अधिकार प्राप्त नहीं हैं। मेरे मित्रों ने अभी कहा कि बहुत सारे कागजात जो ये मांगते हैं वे दिये नहीं जाते हैं। मैं जानना चाहता हूँ कि क्या सरकार इस तरह की व्यवस्था करने पर विचार करेगी कि जब तक वे आफिशियल सीक्रेट में न आये या बड़े उच्च-स्तर पर ऐसा तय न किया जाय तब तक नियंत्रक महालेखापरीक्षक अगर कोई भी कागजात मांगे तो वे उसके सामने रखे जाएँ। इतना ही नहीं मेरी जानकारी है कि पी. ए. सी. के सामने बहुत सारी बातें आई हैं कि उनको पेपर नहीं दिये जाते हैं। साथ ही ये जो अपनी सस्तुतियाँ करते हैं, जो आडिट एतराज होते हैं उनके ऊपर वर्षों तक अमल नहीं होता है। इतने समय तक जो व्यक्ति की जिम्मेदारी होती है जिस के ऊपर आडिट एतराज होना है जो गड़बड़ करने वाला व्यक्ति होता है वह या तो किसी अन्य डिपार्टमेंट में चला जाता है या फिर रिटायर होकर चला जाता है। मेरा सुझाव होगा आपके माध्यम से वित्त मंत्री जी को कि अगर हम अपने यहाँ की लेखा पद्धति को ठीक करना चाहते हैं तो जो आडिट एतराज आते हैं नियंत्रक महालेखापरीक्षक के द्वारा उनका उत्तर एक निश्चित समय के अन्दर आना चाहिये यानी उत्तर देने की अवधि कालबद्ध की जानी चाहिये कि एक मा.ल. छ. महीने,

[श्री अश्विनी कुमार]

तीन महीने के अन्दर जो भी निश्चित हो उसके अन्दर उत्तर आ जाना चाहिये। उसके ऊपर कार्यवाही आरम्भ हो जानी चाहिये नहीं तो उसका कोई महत्व ही नहीं रह जाता है।

मैं एक बात आपसे यह भी कहना चाहता हूँ कि हमारे संविधान में जो इसको स्थान दिया गया है वह बहुत ही महत्वपूर्ण है परन्तु मुझे ऐसा लगता है, मेरी धारणा यह है कि अभी तक हमारी एजीक्यूटिव ने उसको स्थान नहीं दिया है। अभी पिछले दिनों का उदाहरण है उसकी चर्चा आई कि हमने नेशनल ब्यूरो आफ स्वीडन को बोफोर्स की जानकारी प्राप्त करने के लिए कहा। यह दायित्व हम अपने निर्यात महालेखा-परीक्षक को क्यों नहीं दे सकते थे यह भी उसके सम-समान पद है? इसका भी वही दायित्व है। हम एक विदेश के नागरिक के पास जा सकते हैं लेकिन स्वदेश के अधिकारी से वह काम करने के लिए क्यों नहीं कह सकते? जहाँ तक मेरी जानकारी है मैं इसका स्पष्टीकरण माननीय मंत्री जी से चाहूँगा कि हमारे नियन्त्रक महालेखापरीक्षक ने इस संबंध में फाइल मांगी है और पत्र लिखे हैं और यह सारा घोटाला क्यों हुआ है हमको जानकारी दी जाए। परन्तु जहाँ तक मेरी जानकारी है यह दुर्भाग्य का विषय है कि हमारी सरकार ने अपनी तरफ से इस उच्चतम पदाधिकारी को तथा विभाग को विश्वास में न लेकर यह सारी बातें वहाँ रखने का कहा है। यह दुर्भाग्य की बात है। मैं इस बात का स्पष्टीकरण चाहूँगा कि इस प्रकार से क्यों नहीं होने दिया गया, यह करना उचित होता। कम से कम वह हमारे देश का एक व्यक्ति है, वह देशभक्ति के कारण उसको जल्दी करता। अब वह इसको कितने दिन में करेगा, नहीं करेगा यह हमारे हाथ से बाहर की चीज है। आज हम विदेशी के हाथ में जाते हैं फेअरफेवस पर एक विदेशी एजेंसी के द्वारा

जांच कराई गई परन्तु जब हमारे घर में एक ऐसा उत्तरदायी व्यक्ति बैठा हो तो उसको यह जांच कार्य क्यों नहीं दिया गया, उसको यह जिम्मेदारी क्यों नहीं दी गई? यह मेरा प्रश्न माननीय मंत्री जी से है। आज सबसे बड़ा वित्तीय केन्द्र हमारे बैंक हो गये हैं और वह भी राष्ट्रीयकृत बैंक हो गये हैं जिनमें स्टेट बैंक आफ इंडिया का बहुत महत्वपूर्ण स्थान है। जहाँ तक मेरी जानकारी है स्टेट बैंक ब्रांच में हर वर्ष ऑडिट नहीं होता है। ग्रेडम सैम्पलिंग होता है और हर ब्रांच में तीन माल के बाद प्राडिट होता है। यह सबसे बड़ी वित्तीय समस्या है और लाखों-कड़ों रुपये देती है उनका अगर ऑडिट नहीं होता है, इस प्रकार की जानकारी पी एच सी और अन्य कमे-टियो की रपोर्ट्स में आई है कि स्टेट बैंक में अरबों-खरबों रुपये अनरिकॉर्डेड पड़ा हुआ है। राष्ट्रीयकृत बैंकों में एट्रोज टैली नहीं होती। यह दुर्भाग्य का विषय है कि अभी तक हमारी सरकार के वित्त मंत्रालय ने बैंकों के अन्दर पूरा ऑडिट करने का अधिकार नियन्त्रक महालेखा-परीक्षक को नहीं दिया है। यह दुर्भाग्यपूर्ण है। इन सम्बन्ध में मैं यह निवेदन करना चाहता हूँ कि यह अधिकार इस संस्था को मिलना चाहिये और बैंक जो हमारे राष्ट्र के सबसे बड़े फाइनेशियल इस्टीम्यूसम हैं उनका यदि ऑडिट नहीं होगा और जिस प्रकार में हम लोन लेते हैं वह लोन ठीक दिया गया या नहीं दिया गया, वसूल हुआ या नहीं हुआ, क्या घोटाला हुआ इसकी जानकारी कैसे प्राप्त हो। आपका जो इटरनल ऑडिट है वह भी ठीक नहीं है। एक एक ब्रांच में अरबों-खरबों रुपये की ट्रांजिक्शन होती है एक माल में और तीन माल के बाद, यदि सैम्पल ऑडिट हो तो यह अत्यन्त घातक चीज है। देश की दृष्टि में, देश की अर्थव्यवस्था की दृष्टि में। मैं इसकी भर्त्सना करना हूँ और मैं यह चाहूँगा कि वित्त मंत्री जी इस ओर ध्यान दें।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): For your information,

branches of the banks are audited by Chartered Accountants.

SHRI ASHWANI KUMAR: It is internal audit, as per my information. I have got the records. Bank auditors are appointed for internal audit. The sample survey is conducted after three years I would like to have this information.

दुमरा जो सबसे बड़ा और महत्वपूर्ण ढांचा हमारी अर्थ-व्यवस्था का है वह है सार्वजनिक क्षेत्र और इस क्षेत्र में हमने 50000 करोड़ रुपये में अधिक की सम्पत्ति लगा दी है। यह सार्वजनिक क्षेत्र के उद्योग घाटे में चल रहे हैं और उनका नियन्त्रण देखना इसके हाथ में है। परन्तु जहाँ तक मेरी जानकारी है सार्वजनिक मस्याएं जितनी हैं उनमें से मैं आपको एक कोल इण्डिया का उदाहरण देना चाहूंगा कि वहाँ पर सारी छानबीन करने के बाद यह रिपोर्ट आई है जो समझ के मभा पटल पर रखी गई है कि वहाँ पर अकाउंटिंग की व्यवस्था नहीं है और जो व्यवस्था है वह भी पूरी तरह से ठीक से लागू नहीं होती है। इतना ही नहीं कोल इण्डिया में सैकड़ों उदाहरण इस प्रकार के रिपोर्ट में प्रस्तुत हुए हैं कि एकाउंटेंट, एकाउंट रखने वाले जो माइन पर चाहिए, एरिया पर चाहिए वहाँ पर नहीं है। एरिया में नहीं है, कम्पनी के हेडक्वार्टर में बी० सी० सी० एल० के हेडक्वार्टर में, सी० सी० एल० के हेडक्वार्टर में 8 श्रेणियों के एकाउंटेंट बैठे हुए हैं, फाइनेशियल एडवाइजर्स के नीचे सारा केन्द्रीभूत किया गया है लेकिन जहाँ रखने चाहिए वहाँ नहीं है और इस प्रकार की रिपोर्ट हमारे कम्पट्रोलर और आडिटर जनरल ने कई बार दी है पर सरकार ध्यान नहीं दे रही है। पब्लिक सेक्टर में ध्यान नहीं दे रहे हैं तो क्या सरकार ऐसा कोई प्रावधान करेगी कि जो इनकी सन्तुष्टि आती है वे कार्यान्वित हो, सदन के पटल पर रखी जाये। ये क्यों नहीं कार्यान्वित होती है, इसका कारण बताया जाये और एक समयबद्ध काल के अन्दर इनको कार्यान्वित होना चाहिए।

उपमहाध्यक्ष महोदय, इनके अधिकारों की बात करते हुए इनकी सेवा शर्तों की भी बात आपने की। यह तो केवल आपने कम्पट्रोलर एंड आडिटर जनरल की सेवा शर्तों की बात की लेकिन जिस प्रकार में हमने सुप्रीम कोर्ट और हाइकोर्ट में एक कैंडिडेट दिया है, उनके प्रमोशन कन्फर्मेशन और रिट्यूमेंट के प्रावधान बनाये हैं क्या इस तरह इनका रखा जायेगा या सरकार के अन्दर में केन्द्र से जब उसको चाहिए ट्रांसफर कर दिया, वहाँ पहुँचा दिया कभी किसी आई० ए० एस अफसर को भेज दिया माल, दो साल या तीन साल के लिए फिर वापस बुला लिया। यह गलत बात है। इस प्रकार में डेपुटेशन पर जो जाते हैं उनको इस मस्या में कोई लगाव नहीं होता है, वे समयबद्ध आते हैं कि मुझे भेज दिया गया है और दो या तीन साल मुझे काटने हैं। उनका वहाँ पर कोई कमिट-मेंट नहीं होता है। अगर कोई आई० ए० एस अफसर वहाँ जाना चाहता है, उसकी इस प्रकार की योग्यता है, सचि है तो एक बार उसके जाने के बाद उसको पता रहे कि मेरी आखिर तक सविस् इसी में रहेगी, अगर मैंने अच्छा काम किया तो मेरी यही पर संस्तुति होगी, मुझे प्रोन्नति मिलेगी, परन्तु फिर से वहाँ वापस जाने का प्रश्न नहीं है क्योंकि यह एक बड़ा टेक्निकल काम है, बड़ा यांत्रिक काम है। आज हम जानते हैं कि जितनी परीक्षाएँ हैं उनमें से चार्टर्ड एकाउंटेंट्स की परीक्षा बहुत कठिन होती है, 8-10 या 12 परसेंट का माल में रिजल्ट होता है। अब इतनी जो सार्वजनिक चीजें हैं इनमें से पाम करके लोग वहाँ जाने चाहिए, अगर हल्के भाव से भेजे जायेंगे तो वे वहाँ काम नहीं कर सकेंगे और आज अपने ध्यान में यह बात आ रही है कि सब जगह खर्च बहुत सारे गलत हो रहे हैं, इरेग्यूलरिटीज हो रही हैं और सार्वजनिक क्षेत्र में इस प्रकार की बातें ध्यान में आई हैं कि जो एकाउंट भी बनाते हैं कई बार उस एकाउंट बन्गने की पद्धति के अन्दर इतना दोष रहता है कि हजारों लाखों के घपने एकाउंट बनाने

[श्री अश्विनी कुमार]

में कर दिये जाते हैं। डिप्रीशियेशन कितना देना है, कितना नहीं देना है, कितना स्टॉक रखना है, कितना नहीं रखना है, इनके कुछ नियम हैं लेकिन इन नियमों को ताक पर रख दिया जाता है इसलिए मैं चाहूंगा कि इसके अन्दर योग्य व्यक्ति आये, इसके अन्दर योग्यता प्राप्त चार्टर्ड एकाउंटेंट्स और इसी प्रकार के एकाउंटेंट्स आयें और उनको इस प्रकार से रिक्तमेट कन्फरमेशन और प्रमोशन मिले कि उनको लगे कि यहाँ हमारा जीवन है जिसमें रहकर हम अच्छा कार्य करेंगे तो कुछ सफलता प्राप्त कर सकेंगे।

आपके माध्यम से मेरे ये सुझाव हैं, वित्त मंत्री जी इनके ऊपर विचार करें और इस संस्था को मजबूत बनाये जिसमें कि देश के अन्दर होने वाली गड़बड़ियों को रोकने में इनका भरपूर सहयोग मिल सके।

श्री शरद यादव (उत्तर प्रदेश) :
उपसभाध्यक्ष महोदय, मैं इस विधेयक का मित्रानुत्तर समर्थन करते हुए इतना ही निवेदन करना चाहता हूँ कि इस संस्था का लगातार हम लोगों ने अवमूल्यन किया है। आपको याद होगा कि एक बड़ा जीप स्कैण्डल हुआ था और आडीटर जनरल के द्वारा ही उसको पकड़ने का काम हुआ था, जब श्रीमती इन्दिरा गांधी इस देश के अन्दर प्रधान मंत्री थी। उसके बाद डा. आदमियों को जिन्होंने इसकी खोजबीन की थी पतिश किया गया और लगातार इस चीज का अवमूल्यन किया गया। इसलिए हमें जो सेवा शर्तें और तमाम तरह की चीजें रखी हैं वे तभी हैं, जब हमारी नियत साफ हो। आप जानते हैं कि देश भर में जो हमारी सार्वजनिक सम्पत्ति है, उसको ठीक और दुस्त जगह खर्च किया जाये, इसकी जांच और रखवालों के लिये इस संस्था को रखने का इसको सक्षम करने का आपने मन बनाया है।

उपसभाध्यक्ष जी, आप इस बात को विशेषकर जानते हैं कि देश में जो सार्वजनिक सम्पत्ति है, उसकी लूट का इतना बड़ा काम दुनिया के किसी मुल्क में नहीं होता है, जितना हमारे देश में होता है। हमने कई तरह के चैकपोस्ट तथा चैक्स और बेलेंसेज बना करके रखे हैं, लेकिन वह कहीं कामगर और काम के लायक नहीं बन रहे हैं। इन जगहों पर बिठलाने वाले लोग जो हैं, वह बाकायदा बहुत परखे हुए और ऐसे लोग जो ईमानदार और सार्वजनिक जीवन में—मैं कहता हूँ कि सक्षम लोगों की नहीं, अश्विनी कुमार जी जो कह रहे थे, सक्षमता तो आ ही जाती है, लेकिन जितनी जरूरत इस पद पर बिठलाने वाले लोगों की ईमानदारी की और इनटेग्रिटी की है, ऐसे लोगों को स्थापित करना चाहिये और बेहतर सर्विस और बेहतर सेवाओं के अन्तर्गत ऐसी नहीं कि रिटायर्ड लोगों को इस पर बिठलाने का काम करे।

यदि आज जो आदमी रिटायर्ड हो गया है, जिसकी सर्विस चली गयी है, उसको इन पदों पर बिठलाने का काम करेंगे, तो सरकार जो चाहेगी, जो उनकी इच्छा होगी, उस तरह से काम करेंगे और काम होगा। यह जो ऊंचे पदों पर बैठे हुए लोग हैं, यदि वह बदनीयत हुए, तो उनके अनुसार वह काम करेंगे।

मेरा निवेदन है कि आज देश के सार्वजनिक सम्पत्ति की जितनी बड़ी लूट हो रही है, यदि इस संस्था को हम मजबूत करें, तो उस लूट को बचाने का काम हो सकता है, उस लूट पर रोक लगाने का काम हो सकता है। मैं यह नहीं कहता कि पूरी तरह समाप्त हो जायेगी, पर रोक लगाने का काम हो सकता है। यह जो जांच चलती है, वह वर्षों चलती है यानी इसमें भी समयबद्ध सीमा—इस बिल के अन्दर जो कमी है, इसमें समयबद्ध सीमा लानी चाहिये, यानी कि हम जो आडिट करेंगे,

जो तमाम तरह के खर्चे हैं, उनका इन्तजाम करोगे, उसमें समय निर्धारित करना चाहिये और समय निर्धारण के साथ, यानी इसको सक्षम बनाना चाहिये और जो लोग सार्वजनिक जीवन में या जिनकी सविम कण्डीशंस बहुत ईमानदारी और सच्चाई की है, ऐसे लोगों को इन पदों पर रख कर के इस बात को मजबूती से लाना चाहिये।

इन्ही शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) माननीय उपसभाध्यक्ष जी, नियंत्रक-महालेखा परीक्षक अधिनियम जो है, यह सर्वप्रथम पहले 1953 तक था और उसके बाद एक दूसरा अधिनियम हुआ, अधिनियम संख्या 56, 97। और 15-12-1971 को वह लागू हुआ और जब वह लागू हुआ, तो उसके पहले 1953 का जो अधिनियम था, उसको खत्म कर दिया गया।

इसमें जो संशोधन किये जा रहे हैं, उनका तो मैं स्वागत करता हूँ, लेकिन इसमें इस बात का प्रावधान किया गया है क्योंकि जो नियंत्रक महालेखापरीक्षक है, इनका अधिकार सविधान के अन्तर्गत है। सविधान का अनुच्छेद 148 जो है, उसके अन्तर्गत इनकी नियुक्ति होती है और उसमें इस बात का प्रावधान है कि नियंत्रक महालेखापरीक्षक पद मुक्त उसी प्रकार से किये जायेंगे जिस प्रकार से सर्वोच्च न्यायालय के मुख्य न्यायाधीश या सर्वोच्च न्यायालय के न्यायाधीश पद-मुक्त किये जायेंगे, लेकिन नियुक्ति के संबंध में प्रावधान नहीं है।

तो मैं यह भी सुझाव देना चाहता हूँ कि जिस तरीके से सर्वोच्च न्यायालय के लिए से नियुक्ति का प्रावधान किया गया है, उसी तरीके से नियंत्रक-महालेखापरीक्षक के लिये भी प्रावधान किया जाना चाहिये, क्योंकि सविधान में शपथ यह वही लेते हैं, उसी प्रकार की शपथ

लेते हैं—नियंत्रक-महालेखापरीक्षक जिसे प्रकार से सर्वोच्च न्यायालय के मुख्य न्यायाधीश शपथ लेते हैं या सर्वोच्च न्यायालय के न्यायाधीश शपथ लेते हैं और पद-मुक्त करने का भी अपने वही प्रावधान रखा है।

तो मैं यह निवेदन करना चाहता हूँ कि जब यह इतना बड़ा पद है और सविधान से इनको अधिकार प्राप्त है, सविधान के अन्तर्गत यह पद निर्मित किया गया है, तो इसमें नियुक्ति के संबंध में भी कुछ इस तरीके को रोक होनी चाहिये जिससे कि जो इनारी कार्यकारी है, या जो हमारी सरकार है, उसका बहुत ज्यादा नियंत्रण इनकी नियुक्ति में नहीं होना चाहिये।

दूसरी बात मैं यह भी जानना चाहता कि इसमें इस बात का प्रावधान तो है कि जब वह अपने कार्य में मुक्त हो जायेंगे या अवकाश प्राप्त कर लेंगे, तो किसी भी केन्द्र सरकार या राज्य सरकार के भी किसी पद पर कार्य नहीं कर सकेंगे—इसी तरीके का प्रावधान लोक सभा सेवा आयोग, नियुक्त पब्लिक सविम कमिशन जो है,—वहाँ के अध्यक्ष तथा वहाँ के सदस्यों के लिये भी है, लेकिन इस तरीके का प्रावधान जो हमारा मुख्य चुनाव आयोग है, उसके लिये यह प्रावधान नहीं है क्योंकि जब मुख्य चुनाव आयोग अपने पदभार में मुक्त होते हैं तो इसी देश का उदाहरण है कि कहीं पर उनको राज्यपाल बना दिया जाता है।

तो मेरा सुझाव है कि सरकार को इस बात की ओर ध्यान देना चाहिये कि मुख्य चुनाव आयोग जो है वह एक स्वतन्त्र और निष्पक्ष संस्था है और बहुत ज्यादा नियंत्रण उसके ऊपर कार्यकारी का नहीं होना चाहिये। तो जिस प्रकार का प्रावधान सविधान के अन्तर्गत लोक सभा आयोग के अध्यक्ष तथा सदस्यों के लिये है यह नियंत्रक-महालेखापरीक्षक के लिये भी उसी प्रकार का प्रावधान इसमें दिया जाना चाहिये।

[श्री. सत्यप्रकाश मालवीया]

तीसरे मैं यह जानना चाहता हूँ कि पेशन के संबंध में क्या प्रावधान है ? अभी पिछली सत्र में कुछ सशोधन किये गये हैं हाई कोर्ट के जज की पेशन के संबंध में और सर्वोच्च न्यायालयों के जो मुख्य न्यायाधीश हैं उनकी पेशन के संबंध में और जहाँ तक सैन्य जानकारी की है शायद उनकी अधिकतम पेशन 54 हजार रुपये प्रतिवर्ष कर दी गई है। मैं माननीय मंत्री जी से जानना चाहता हूँ कि क्या कंप्ट्रोलर एण्ड ऑडिटर जनरल जब अपने पद में मुक्त होंगे तो उनकी पेशन का भी प्रावधान किया गया है ? क्या उतनी ही पेशन रखी जा रही है जितनी कि सर्वोच्च न्यायालय के जज की या वहाँ के मुख्य न्यायाधीश की है ? तीसरे मैं माननीय सदस्यों की बात का समर्थन करता हूँ कि जो नियन्त्रक महालेखा परीक्षक का पद है और उनकी जो रिपोर्ट्स होती हैं उन पर वर्ष - वर्ष कार्यवाही नहीं होती है। इसी प्रकार के पद राज्यों में भी होते हैं। वहाँ पर उनको एकाउन्टेन्ट जनरल कहा जाता है। वहाँ राज्यों की विधान सभाओं में लोक लेखा समिति होती है ठीक इस प्रकार से जैसे कि यहाँ केन्द्र में लोक लेखा समिति होती है। लेकिन लोक लेखा समिति अकमर देखा गया है कि जब अपनी रिपोर्ट्स भेजती है और वह कभी-कभी एकाउन्टेन्ट जनरल के आफिस में जाती है ऑडिटर जनरल के आफिस में आती है और इसमें संविधान में प्रावधान भी है कि जो अपनी रिपोर्ट भेजेंगे राष्ट्रपति जी उसको सदन के समक्ष रखेंगे। लेकिन उस पर आप क्या कार्यवाही करते हैं और इस प्रकार से जनता का जो पैसा है उस पर किस प्रकार से आप नियन्त्रण करते हैं इसके संबंध में जानकारी नहीं कराई जाती है। मेरा निवेदन है कि इस ओर भी सरकार को विशेष ध्यान देना चाहिये और जो रिपोर्ट दी जाती है उसकी भी संसद में और देश के लोगों को उसकी जानकारी कराना चाहिये।

क्योंकि यह एक गरिमामय पद है एक महत्वपूर्ण पद है। मुझे पूरी आशा है कि जिस ओर मैंने मंत्री जी का ध्यान आकर्षित किया है उनकी पेशन के संबंध में और दूसरे उनकी नियुक्ति के संबंध में, उस ओर विशेष ध्यान दिया जायेगा क्योंकि अगर इस पद पर नियुक्त व्यक्ति कार्यकारी के नियंत्रण में रहेगा, कार्यकारी के कंट्रोल में रहेगा तो निष्पक्ष होकर वह काम नहीं कर पायेगा। इसलिये नियुक्ति के संबंध में भी उसी तरीके का प्रावधान होना चाहिये जिस तरीके का आपने पद मुक्ति का प्रावधान किया है और इस तरीके से भी प्रावधान करना चाहिये कि यह कार्यकारी का बहुत ज्यादा उस पर नियन्त्रण नहीं रहे। इन शब्दों के साथ मैं इसका समर्थन करता हूँ। धन्यवाद।

SHRI JANARDHAN POOJARI:
Sir, I am grateful to the hon. Members who have taken part in the deliberations. This is a very simple Bill dealing with perquisites for the Comptroller and Auditor-General. The hon. Members who have taken part in the debate have made concrete suggestions. Particularly, I would like to mention the names of Shri Nirmal Chatterjee, Shri Ashwani Kumar, Shri Ramanathan, Shri Satya Prakash Malaviya and Shri Sharad Yadav.

There was a suggestion by Shri Nirmal Chatterjee that we should have a similar set-up independent of the Comptroller and Auditor-General in regard to State accounts. Already, there is a provision in the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act. We would welcome if the initiative is taken by the State Governments. But it should be ensured that the State Governments duly protect the interests of the staff handling his work.

Shri Nirmal Chatterjee criticised the delays in the processing of audit

findings. This point is well taken. In fact, the Government is conscious of this fact and we will convey the sentiments expressed by hon Members to the Comptroller and Auditor-General. He also raised the point that there should be a Parliamentary review of the functioning of the CAG's organisation. As the House is aware, the reports of the Comptroller and Auditor-General are being reviewed by the Public Accounts Committee as well as the Public Undertakings Committee. Therefore, there is no need for a separate review by another Parliamentary Committee.

The other point which was raised by Shri Nirmal Chatterjee was that specialists should be associated by the Comptroller and Auditor-General in his work. To some extent this is already being done. For example, experts are associated with the Audit Board for commercial undertakings. I hope CAG will take note of the suggestion of the hon. Member.

SHRI KAILASH PATI MISHRA
(Bihar) Which of the States have taken interest?

SHRI JANARDHAN POOJARI
Coming to the Constitution point, Constitution does not prescribe any qualification for the office of the CAG. Shri Ramanathan has made a point that the officers belonging to the IAS cadre or retired persons only have been appointed as CAGs and he has suggested that persons belonging to other categories like Chartered Accountants, some technical persons should also be appointed. Here I would like to bring to the notice of the hon. Member that men of high integrity and wide experience are appointed. So far we have appointed 7 persons as CAGs and out of the seven four belong to the Audit and Accounts Service. So, it is not that we have been appointing only IAS or retired persons, we have been

appointing well experienced officers. Still we will keep in mind the suggestion made by the hon. Member.

Coming to another point made by Shri Ramanathan that all records are not available with CAG, I may inform the hon. Member that instructions are already there that all the records from the Ministry should be made available for proper functioning of the CAG.

Coming to the point made by Shri Ashwani Kumar about the delays in implementing the findings of the audit, I may mention that instructions already exist that the reports should be acted upon expeditiously. All Ministries are required to send to the Committee notes on action taken. A note is also taken by the Public Accounts Committee.

Shri Ashwani Kumar also asked why CAG could not be associated with the Bofors enquiry. Hon. Members are aware that a Joint Parliamentary Committee has been appointed to look into the Bofors deal. The Joint Parliamentary Committee is free to take the assistance of the CAG, if it so likes. Therefore, it is for the Joint Committee to seek the assistance...

श्री अश्विनी कुमार : महोदय, मैं माननीय वित्त मंत्री जी से एक चीज जानना चाहूंगा। ज्वाइंट पार्लियामेन्टरी कमेटी बनने से पूर्व क्या सी०ए० जी० ने बोफोर्स के बारे में आपसे जानकारी मांगी थी? आपने उन्हें यह जानकारी दी या नहीं दी? उन्होंने यह जानकारी मांगी या नहीं मांगी ज्वाइंट पार्लियामेन्टरी कमेटी बनने के पहले? जब यह इतना बड़ा अधिकारी है और हम स्वीडन के ग्राडिट ब्यूरो के चीफ के पास जा सकते हैं तो हमने अपने इस सन्था का उपयोग क्यों नहीं किया? इसका मैं आपसे स्पष्टीकरण चाहता हूँ।

[उपसभाध्यक्ष (श्री हेच हनुमन्तप्पा)
पीठासीन हुए।]

SHRI JANARDHAN POOJARI:
 I have already stated that the Joint Parliamentary Committee is looking into that I have also stated that they are free to take assistance from CAG. It is for them to consider, whether to seek assistance of CAG or not

श्री अश्विनी कुमार : मंत्री महोदय, मेरा स्पष्टीकरण यह था कि ज्वान्ट पार्लियामेन्टरी कमेटी बनने के पूर्व और बोफोर्स की घटना आने के बीच में चार-पाच महीने का जो समय रहा उसमें सी.ए.जी. ने इसके लिये आपसे जानकारी मांगी या नहीं मांगी? आपने यह काम उनके जिम्मे करने से क्यों सकोच किया? पार्लियामेन्टरी कमेटी बनने के पहले का पूछ रहा हूँ उसके बाद की बात तो मैं आपका मान रहा हूँ। इस पर जरा स्पष्टीकरण कर सकेंगे तो बड़ी कृपा होगी।

SHRI JANARDHAN POOJARI:
 The hon. Member has made this point. I do not have the information whether the Parliamentary Committee has asked for the assistance of CAG. I do not have at present that information and as I have stated I do not want to comment on that. I am not in a position to give further information on that.

श्री अश्विनी कुमार : उपसभाध्यक्ष महोदय, मैं ज्वान्ट पार्लियामेन्टरी कमेटी बनने के पूर्व की घटना, उसके बाद की घटना नहीं पूछ रहा हूँ और मंत्री महोदय ने दो बार यही उत्तर दिया है कि ज्वान्ट पार्लियामेन्टरी कमेटी बनने के बाद यह कमेटी का अधिकार है। यह तो मैं जानता हूँ परन्तु बनने के पूर्व की स्थिति का मैं स्पष्टीकरण मांग रहा हूँ। अगर वह आप दे सकते हैं तो बड़ी कृपा होगी।

SHRI JANARDHAN POOJARI:
 I have stated whatever I wanted to state

PROF. C. LAKSHMANNA (Andhra Pradesh): You have to state what is required, not whatever you want to state:

SHRI JANARDHAN POOJARI:
 You know what type of discussion took place in both the Houses and in pursuance of those discussions the Joint Parliamentary Committee has been appointed. Now it is within the jurisdiction of the Joint Parliamentary Committee whether to take it or not. Now I cannot interfere with the affairs of the Joint Parliamentary Committee. That is what I want to tell. The discussion had taken place; you are well aware of that.

PROF. C. LAKSHMANNA: The point is, what happened before that? What is the difficulty in your taking up that matter and telling?

SHRI JANARDHAN POOJARI:
 Telling whom?

PROF. C. LAKSHMANNA: Telling the House

SHRI JANARDHAN POOJARI:
 Or telling the Committee I could not follow

PROF. C. LAKSHMANNA Mr. Ashwini Kumar has raised a question with regard to whatever happened before the Joint Parliamentary Committee was constituted and there should not be any difficulty for you to answer that. What has happened subsequent to the appointment of the Joint Parliamentary Committee, of course you may be reasonably within your right not to discuss, although there too, there can be a difference of opinion, but at least you can take that position. But he has specifically asked a question in regard to what happened before the Committee had been constituted. What is the difficulty in answering that point?

SHRI ASHWANI KUMAR: I have asked two specific questions I will put it in English for his convenience.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): He has already translated it.

SHRI ASHWANI KUMAR: My first question is, if the case was addressed by the Finance Ministry to the Swedish Audit Bureau, why was it not addressed to the C&AG? Secondly, I want to know whether the C&AG *suo motu* on its own, has enquired to find out the details of the Bofors case; if so, what is the progress in this regard? These are the two specific questions on which I want elucidation from the hon. Minister. And if he cannot answer that, I will seek your help for that, Sir.

SHRI JANARDHAN POOJARI: As to what happened prior to the constitution of the Joint Parliamentary Committee, my humble submission is that discussion was going on. Now this point the hon. Member has raised for the first time. Now I am not dealing with this subject. We have to confine ourselves to the limitation of the subject. We have to keep in mind that we are dealing with the salaries and other amenities/perquisites to be given to the C&AG. I will write to him answering this question, why it has not been done and other things. I will reply: I will write to him

Nok, Sir, I have answered all the points raised by the hon. Members. I have answered all the points raised by hon'ble Shri Nirmal Chatterjee. I once again, at the cost of repetition....

SHRI ASHWANI KUMAR: About the service conditions of the staff and all others of the C&AG Department, I want clarification on that issue. Will he be kind enough to give that clarification at least?

SHRI JANARDHAN POOJARI: All the major points which have been raised, I have answered. It is a simple Bill. I once again thank the
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hon. Members and if at all the hon. Member is not satisfied, I will write to him in detail regarding the action taken on this

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The question is:

"That the Bill further to amend the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971, as passed by the Lok Sabha, be taken into consideration."

The motion adopted

THE VICE-CHAIRMAN We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

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

SHRI JANARDHAN POOJARI: Sir, I beg to move:

"That the Bill be returned."

The question was put and the motion was adopted

THE HIGH COURT JUDGES (CONDITIONS OF SERVICE) (AMENDMENT) BILL, 1987

THE MINISTER OF PLANNING, THE MINISTER OF PROGRAMME IMPLEMENTATION AND THE MINISTER OF LAW AND JUSTICE (SHRI P. SHIV SHANKER): Mr. Vice-Chairman, Sir, I beg to move:

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, as passed by the Lok Sabha, be taken into consideration."

As you are aware, during the last year, substantial improvements in the service conditions of the Judges of the High Courts and the Supreme

[Shri P. Shiv Shanker]

Court have been made. The present Bill is also a result of our concern for bringing about further improvements in the service conditions of the Judges.

In this Bill passed by the Lok Sabha on 30-11-87, it is proposed to increase the House Rent Allowance to the High Court Judges from the present 12½ per cent of the salary per month to a fixed amount of Rs. 2,500 per month. This is being done to compensate such of those honourable Judges of the High Courts who have to stay in their own houses or have to make their own arrangements, as no Government accommodation can be made available to them.

It may be appreciated that even after the substantial improvements in the salaries of the Judges, which has been increased from Rs. 3,500 to Rs. 8,000 per month, an amount of 12-1/2 per cent as House Rent Allowance to the Judges does not enable them to live in a decent and proper house befitting their status and dignity. With the proposed amendment to section 22(A) of the High Court Judges (Conditions of Service) Act, 1954, this situation is expected to be remedied.

I hope the Bill will receive the wholehearted support of the House.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): There is one amendment by Shri Satya Prakash Malavika.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) उपसभाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि :

“उच्च न्यायालय न्यायाधीश (सेवा शर्त) अधिनियम, 1954 का और सशोधन करने वाले विधेयक को राज्य सभा के निम्नलिखित सदस्यों की प्रवर समिति को सीमा जाये, अर्थात् :-

1. श्री रशीद मसूद
2. श्री चित्त बसु

3 श्री चतुरानन मिश्र

4. श्री जगदम्बी प्रसाद यादव

5. श्री शंकर सिंह वाघेला

6. श्री बी० सत्यनारायण रेड्डी

7. प्रो० सी० लक्ष्मन्ना

8. डा० जी० विजय मोहन रेड्डी

9. श्री कैलाश पति मिश्र

10. श्री सुकोमल सेन

11. श्री सत्य प्रकाश मालवीय
और उसे आगामी सत्र के प्रथम दिवस तक अपना प्रतिवेदन प्रस्तुत करने का अनुदेश दिया जाये।”

The questions were proposed

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now the motion and the amendment are open for discussion. Shri Upendra.

SHRI PARVATHANENI UPENDRA: (Andhra Pradesh): Mr. Vice-Chairman, Sir, this Bill is a simple Bill, providing for enhanced house rent allowance for the Judges. Normally we should not grudge such small benefits to the judiciary, and I have no particular comment about the amount which is now being sanctioned. But I would like to take this opportunity to give a few of my views on how the judicial system is functioning, of course, within the ambit of the Constitution and our own responsibilities here.

Sir, it is a known fact that the common man who goes to the court, at various levels, is being harassed because of the abnormal delays in dispensing justice. Whether it is a High Court or the Supreme Court, years are consumed in deciding a case. Even for listing the cases they are taking several months or years. Today, the Government's own admission, nearly one and a half lakh cases are pending in the Supreme Court, and ten times that number in the High Courts. The Judges complain that all the vacant

posts of Judges in the High Courts and the Supreme Court are not being filled in time. From the answer the Minister has given recently to a question, we find that about a dozen vacancies are there in the Supreme Court and about a hundred vacancies are there in all the High Courts. May be, I am wrong. I am subject to correction. Fifty. That may be. This itself indicates that there is something seriously wrong with our judicial system and its management. I do not know why so much time should be consumed or taken by the Government in filling up these vacancies. When recommendations come promptly from the Chief Justices, why the Government should take so much time at its level to fill up these vacancies? I hope the Minister will answer when replying to the debate. But it is a very sorry state of affairs that lakhs of cases are pending in the courts. Something has to be done about this immediately.

I am sorry to say that the Judges whom we kept on a high pedestal always, are becoming subjects of controversies also. This is an unfortunate development. The sanctity, which was being attached to the judicial system earlier, is being eroded gradually, and the confidence also is being eroded. I do not know whom to blame, whether we should blame the Judges or the mode of appointment of the Judges or the political masters who are alleged to be interfering with the judicial decisions and judicial functioning.

SHRI P. SHIV SHANKER: That of course, is unfair. Nobody is interfering in judicial decisions.

SHRI PARVATHANENI UPENDRA: You can deny. That is why I used the word "alleged".

SHRI P. SHIV SHANKER: But that may be lurking in your mind.

SHRI PARVATHANENI UPENDRA: No, no. "Alleged interference", I said. I did not say "positively." If it is not a fact, you can always deny. There is nothing wrong in that.

Also, the system of transfer of Judges, which has been recently introduced some time ago, is also being used to pressurise, indirectly threaten, intimidate Judges. There are Judges who are in constant fear that if a particular decision goes in a particular way, the powers that be would be annoyed and unhappy, and, therefore, they want to play safe. That is one more allegation which has been normally made by the legal circles after the introduction of this transfer system. I do not know whether this transfer system has helped the judicial quality. That, the Minister will tell.

In this connection, I would also point out certain observations made by the hon. Minister for Law and Justice in the course of a lecture which he gave in Hyderabad some time ago.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Mr. Upendra, he has already clarified on it on the floor of the House. Why do you mention that?

SHRI P. SHIV SHANKER: I have no objection, Sir.

SHRI PARVATHANENI UPENDRA: What is it? It is relevant.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): He has clarified on it.

SHRI PARVATHANENI UPENDRA: I am quoting his own words.

SHRI P. SHIV SHANKER: I am having no objection. I will have an occasion to meet it.

SHRI PARVATHANENI UPENDRA: Personally speaking and strictly speaking, I would have myself agreed to some of the observations of the Minister. He has touched upon a number of points which I myself have been holding.

SHRI V. NARAYANASAMY (Pondicherry): The same "NEWSTIME"?

SHRI P. SHIV SHANKER: The same "NEWSTIME".

SHRI PARVATHANENI UPENDRA: But, coming as they do from the hon. Minister, somehow I take them with a pinch of salt. I do not doubt his sincerity, but I feel that there must be something else behind his comments which he made against the Supreme Court particularly.

SHRI P. SHIV SHANKER: When have you become an astrologer?

SHRI PARVATHANENI UPENDRA: The first point he made is about the elitist character of the Supreme Court Judges and I do not know whom he is blaming. It is their Government which has been in power here for the last 40 years and if they chose to appoint such judges whom he thinks are responsible for the present state of affairs or some unpopular decisions or anti-people decisions, the Government itself is to blame. One point on which I particularly agree with him ...

SHRI P. SHIV SHANKER: Don't agree with me. You never agree with me.

SHRI PARVATHANENI UPENDRA: Sometimes I said I do agree

He says, and I quote:

"Without so saying, the judiciary claims to be supreme. The power to declare constitutional amendments, legislative enactments and administrative action *ultra vires* and invalidate them is of such a comprehensive nature that, if not wisely exercised, it will put the whole mechanism of constitutional checks and balances out of gear. The power to issue writs under Articles 32 and 226 of the Constitution is of widest amplitude. It is controlled, if at all it can be said,

by the self-imposed restraint, rational approach, wisdom and national good; all of which are weak constraints over such extensive power."

I fully agree with him on this point, but the behaviour of some of the courts and their decisions and their actions are at the instance of the ruling party which itself has taken recourse and induced the judges to overstep their limits. They have to be blamed. I do not want to go further and create another controversy here. We have been discussing it for the last four days and we have discussed about east Andhra Pradesh pending petitions in the Pradesh High Court which are purely political interest litigations. The Supreme Court has been taking credit all these years, for the last few years about the public interest litigation which it has started. We are happy at least the judges have come out of their glass towers and they are concerned about the common man. But, unfortunately, this has now overstepped that limit and even political interest litigations are being entertained by the courts as a part of the writ jurisdiction. Here I would like to quote from one opinion from Mr A.G. Noorani, on this fact. I quote:

"The public interest litigation has come to stay, none denies. But in the High Court judge's case, Justice Bhagwati uttered this sound warning: We hope and trust that the High Courts of the country will also adopt this proactive, goal-oriented approach. But we must hasten to make it clear that the individual who moves the court for judicial redress in cases of this kind must be acting *bona fide* with a view to vindicating the cause of justice and if he is acting for personal gain or private profit or out of political motivation or other oblique consideration, the court should not allow itself to be activated at

the instance of such person and must reject his application at the threshold, whether it be in the form of a letter addressed to the court or even in the form of a regular writ petition filed in court."

That is what Mr. A. G. Noorani has said. I doubt how many judges are observing this dictum nowadays.

Now, Mr. Shiv Shanker has made many uncomplimentary references to the Supreme Court. He also asserted in this House that all these remarks applied to the Supreme Court judges earlier to 1980. If I remember correctly, he said from 1980 the Supreme Court has been functioning all right in the interest of the common man. Before that he said that it was not so.

SHRI P. SHIV SHANKER: Neither you have understood me properly nor you have properly read the article.

SHRI PARVATHANENI UPENDRA: May be.

SHRI P. SHIV SHANKER: I am prepared to place a copy on the Table of the House. I have got a copy. I have no objection. I will read it out myself and you also read it out.

SHRI PARVATHANENI UPENDRA: I will quote from Mr. Shiv Shanker's speech:

"Madhadhipatis like Keshavananda and Zamindars like Golaknath evoked a sympathetic chord nowhere in the whole country except the Supreme Court of India..... Anti-social elements i.e. the smugglers, FERA violators, bride burners and a whole horde of reactionaries have found their haven in the Supreme Court."

This is his comment. I am really glad that Mr. Shiv Shanker has developed a liking or affection for the underdog suddenly and I do not know how to comment upon this be-

cause in commenting on the courts action in one of the cases Justice Sabyasachi Mukherjee said, I quote:

"My conscience protests to me that when thousands of remedyless wrongs wait in the queue for this Court's intervention, the petition at the behest of diamond exports and dry fruit exporters, where large sums are involved, should be admitted at such quick speed."

This was a comment on the hearing of the bail application of an industrialist L. M. Thapar, and that shows sometimes promptitude is shown by the Judges at the instance of some powers that be. Mr. Shiv Shanker particularly is often accused, may be unjustifiably, of influencing the Judges, I do not know. But that is the common charge.

SHRI P. SHIV SHANKER: Nobody has accused me except you, that too taking advantage of this House

SHRI PARVATHANENI UPENDRA: That is one charge which is made. Wherever we go they always say that no Judge does anything without consulting Mr. Shiv Shanker. Of course, I am subject to correction, I may be contradicted and it is not a charge. But most of them consult Mr. Shiv Shanker in many of the cases whether it is in the Supreme Court or High Court.

He has also started this theory of committed Judges. In this article he also said that since they are not giving proper judgement it is open for the Government to go into the antecedents of these people to verify their commitment and all that. If it is only a question of verification of their commitment to the Constitution, the nation's ideals, etc., there is no quarrel. But what we understand is commitment to the Congress party dictates and Congress party orders.

SHRI V. NARAYANASAMY: That is your interpretation.

SHRI PARVATHANENI UPEND-

RA. Yes, My interpretation. Because of such committed Judges' there is delay in appointments also. They are always apprehensive that if they appoint a correct man or somebody, he may later become difficult and he cannot be managed And, therefore, several times the files are returned. Even when the Chief Justice recommends, even when the Prime Minister or Chief Minister recommends again the files are being recirculated. Therefore, it is very necessary to evolve a proper system for appointment of the Judges itself. That is very essential. The present system is full of loopholes and gives undue leverage to the establishment to pack and choose, to bypass, to ignore, to supersede even qualified people and appoint their own people. Therefore, there must be a fool-proof system. In some countries, they are elected, in some countries, there are committees to appoint. Therefore, some system has to be evolved so that the correct people are appointed to the judiciary. This is very essential. I do not know and Mr. Shiv Shanker will definitely clarify because some of his remarks at least against the Supreme Court, are really in the nature of contempt of the court. If he were an ordinary citizen he would have been hauled up by now for contempt of the court. But I do not know whether he has deliberately used this occasion to make this speech, whether it is his concern for the common man and the improvement of the judicial system or he used it as pressure tactics so that they will be afraid because of his bombardment, hereafter to be careful and how to his dictates I do not know but it is not a healthy sign to attack the Supreme Court, the highest court in the land, to deride and cast doubts on its integrity.

Whatever it is, I feel, a thorough review of our judicial system is necessary.

Mr Shiv Shanker has been in charge of these legal affairs in the

Centre, directly or indirectly. In whichever Ministry he had been, has always been involved in the judicial matters in the Centre for the last 7-8 years. Therefore I feel that the time has come for him to think of radical changes in the judicial system so that the system will improve and the common man and the people of India will benefit. Thank you.

THE VICE-CHAIRMAN SHRI H. HANUMANTHAPPA). I requested the Members to kindly confine themselves to the Bill. The point is if we have to go by the Business Advisory Committee (Interruptions).

SHRI ALADI ARUNA alias V. ARUNACHALAM (Tamil Nadu). He has taken less time.

SHRI SATYA PRAKASH MALAVIYA. What was the urgency for this?

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): For everything you want to rise. What can I do?

SHRI SHANKARRAO NARAYAN. RAO DESHMUKH (Maharashtra): Mr. Vice-Chairman Sir, I rise to support the Bill. Though the Bill is very small in nature, its reflections are far and wide. It refers to the very important section of judiciary and we all know judiciary is an important organ of the Constitution of India. It is kept independent throughout its working, recruitment, etc.

Sir, the Bill seeks to provide a lumpsum to a judge who is not given any official residence and that fixed sum Rs 2500. Sir, the economic conditions of the judges are not very satisfactory, as we all know. They have to face so many problems in their everyday life and their conditions in everyday life are not very satisfactory. As we all know if we want to take a house on rent, first we have to arrange for a Prior or a deposit that too

without a reason and then the rent. Such are the conditions prevailing in the country regarding the taking up of houses on rent. So if a judge requires a better house for his living better accommodation for his everyday life, then he has to approach somebody and when he comes through somebody for securing a rented house and if somebody obliges him, naturally, the judge remains under his obligation. And, later on, he has to return that in one way or the other. This is temptation which creates corruption. Corruption starts from here only. Therefore, while considering this particular class of Judges of the judiciary throughout the country as such, we must give them a secured status in the society. We must see that they are free from wants. If you take the case of a Judge who is transferred, he is not only without a house but there is no arrangement for the education of his children. Are they free from wants? Can we say they are leading a very satisfactory life? Therefore, in order to get all these facilities for their everyday life, they are required to oblige somebody in one way or the other and this is how the temptation comes in. Therefore, my suggestion is give them better status in life; make them free from wants so as to enable them to function properly and apply their mind to judicial principles. Nowadays, the spheres of law have enlarged very much. Twenty years ago, the spheres of law, or some call them the species of law, were very limited. Now, many new systems have come into being. New technologies have come. And all sorts of new legislations, legislations even in respect of water and air, are coming. A Judge is expected to consider them concentrate on them, to see the provisions of the legislations and enactments and deliver the judgment. For all these purposes, concentration of his mind is necessary. When could he concentrate? If he has better living conditions. When could he concentrate? When he is free from wants. And that is exactly what is not happening. Our hon. Minister of Law comes from the same

walk of life, law. Therefore, I would request him, I would call upon him, to give directions to all the States Governments to fall in line with the principles that are laid down by the Central Government. I know the conditions prevailing in Nasik. Except the District Judge, nobody has got any house accommodation and every Judge is under the obligation of somebody. There the problem starts. They are under constant orders of transfer. They are under constant difficulty in respect of the education of their children. So, this thing could be borne in mind. Only enhancing of the allowance will not do. You have given them a lump-sum of Rs. 2500. I am surprised. Only today some of my friends have come from Bombay. They have told me just this morning that the land price at Nasik is Rs. 1000 per sq. metre. So, what is this? Either you give houses for Judges or give them reasonable allowances and make them deliver judgments properly. How can a Judge deliver judgements properly unless his wants are provided for? Housing is the basic problem for all Government officials. It is particularly so for Judges, because from Judges you expect laying down of morals for a secured society which is expected under the Constitution of India. When you expect that a Judge should lay down certain morals for a secured society, to be followed by the society, should we not expect that the Judge should be in a good position to live the everyday life? Thereafter I want to bring to your notice a very strange thing which is happening in rural areas. In mofussil areas a judge is at the mercy of a sub-inspector of police. He asks the sub-inspector of police "Mr. Sub-inspector! My Sub-Inspector will you see transport? My Sub-Inspector will you that I get a proper house anywhere through you?" And immediately the police officer can do it because the police officer manages most of the things in some way or other better than the judicial officer. Such is the condition. An ordinary sub-inspector of police helping a judicial officer—is it not a strange phenomenon in rural

[Shri Shankarrao Narayanrao
Deshmumkh]

areas? A very strange phenomenon. Not only that. The sub-inspector of police arranges for the education of the judge's children, for their transport for going to pictures, for everything. I am telling you the particular truth I bring this to the notice of this august House for a particular purpose to show that the judiciary is the most neglected. When a panchayat samithi president or chairman can be provided with a vehicle, why not a judge who has to do duty fifteen days at one place and fifteen days at another? I often travel on buses and what a horrible condition it is. When you consider giving house rent allowance to a High Court judge, should you close your eyes in regard to the district level judicial officers? Certainly not, because, under the Constitution judiciary functions as a whole. Therefore, I request the honourable Minister to call upon the State Governments to understand the problems of the district level judicial officers and give them their basic necessities; otherwise, they will not be able to lay down for a secured society those morals which are expected of them under the Constitution.

DR. R K PODDAR (West Bengal): Mr. Vice-Chairman, there is nothing to oppose in this Bill which deals with a small matter. The Minister wants to give Rs 2500 to a High Court towards his house rent allowance. But I wonder what the rationale is in trying to satisfy judges in this ad hoc and piece-meal manner. Only a few months ago their salaries were raised to Rs. 8000. Why did not the Government remember at that time itself that the judges would have to live in houses? In any case, the question is that this Rs 2500 is not much. Here in Delhi there are hotels where you have to spend that much amount just for one night. So I don't grudge this provision.

Then there are other judges also—district judges, sub-judges, etc.—some of whom draw less than what a Class IV employee in LIC earns.

I understand that the average pay of a lift operator in the LIC is about Rs. 2,500/- per month and some of the Judges earn less than that. I do not know why the Government is not thinking about this aspect. The point is that the Government is trying to solve these problems in a piecemeal manner. They want to have the best people as High Court Judges and they want to compensate them in salaries, pensions, house rent allowance, etc. But the whole society is crumbling now. Do you want the best people only for the posts of Judges? You should also want the best people to work as professors, as scientists, as doctors and as engineer. A few months ago, there was a strike for about three months or so in the Delhi University by the professors. Unless you solve the social problems, socio-economic problems, in an equitable manner, this sort of piecemeal legislations would not lead you anywhere. You give something to the Judges on the one hand and, on the other, you also give the threat of punishment. I will not say 'punishment' but some threat you give, some kind of a threat. Just a few months ago, the Chief Justice of the Calcutta High Court was transferred to Bombay and the Chief Justice of the Punjab and Haryana High Court was transferred to Calcutta. That Chief Justice was appointed just for one day in the Punjab High Court; So, in one way, you try to satisfy them by offering them high salaries and high perks and, in another way, you give them the threat of transfer. The Government is actually wanting to engender sycophancy among the Judges so that they do not go against the Government and they are allowed to enjoy their benefits. I think the Government should give a serious thought to the judicial system as a whole.

Sir, there are 23 lakhs of cases pending in the different courts in India and about sixty-three lakhs of litigants are awaiting justice. Just by giving more salaries to the Judges or by filling up the vacancies, does the Government think that the whole

judicial system will be alright? Does the Government think that the people will get justice? I heard from one of my friends, eminent in the judiciary, something about an unemployed youth who went to the court for justice. He was the ninth man in a panel of nine persons to be appointed by the Indian Oil Corporation. The Indian Oil Corporation appointed eight persons from that panel and this person was excluded. Therefore, he went to the court. He lost his case. The Indian Oil Corporation also contested it. The Division Bench was in favour of this man and ordered that he should be absorbed against a future vacancy. But the powerful and mighty Corporation went to the Supreme Court just to debar the unemployed youth from having a position in the Corporation. Now, the case has been pending in the Supreme Court for eight or nine years and the man, this unemployed youth, does not have the money to pay for his second class fare from Haldia to Delhi. So, you see, the poor man is being harassed by the mighty and the powerful. It is because having more money, they can appoint very powerful lawyers just to frustrate the expectation of justice by the underprivileged section. So, all these issues have to be tackled by the Government. You have to see how the judicial system can be improved. Can you not nationalise the whole judicial system? Sir, they say that they are for socialism. But, in the socialist countries, the judicial system is nationalised. Just as the health services are nationalised, the judicial system also can be nationalised. Why cannot the judicial system be nationalised? If that is done, the lawyers and the judges will all be paid from the national exchequer and the people also can approach them easily.

The last point that I want to make is with regard to the allowances and pay of the Judges. But they have to be paid by the State Government. And most of the States have deficit budgets. So I would request the Central Government to make some extra

grant to the State Governments on this account so that they can suitably pay to the Judges.

With these words, I conclude.

SHRI V. NARAYANASAMY: Mr. Vice-Chairman, Sir, I support the Bill piloted by the hon. Minister of Law.

Sir, this is a simple Bill which replaces an old provision. Sir, the entire judicial system in our country has undergone a radical change. To be a Judge is a difficult task. It is also quite complex. The Judges have to go through the facts in different cases and they have to judge the matter according to the well settled law and the Statute. As I already said, the duty of a Judge is to judge the matter not only from the point of view of the Statute Book and the precedent but also from the point of view of the changing social and economic customs in the country. The recent development that has taken place in the matter of rendering justice is a good example, because to render justice to a person who has no source of income or who is not in a position to pay a huge amount to the lawyer means actually rendering justice to the poor. This system was introduced three or four years back and it brought a radical change in the thinking of the judge, not only from the judicial point of view but also from the point of view of social economic and political changes that have taken place in the country.

Sir, we find that in the High Courts there are vacancies to be filled up. The hon. Minister has replied in the House that as on 10th October 1987 about 50 Judges have to be appointed in different High Courts and 10 Judges have to be appointed in the Supreme Court. It is also a fact that there is a backlog of cases. Cases have been pending for decisions for years together. The process adopted by the Government in getting a recommendation from the Chief Justice of a particular High Court, then from the Chief Mi-

[Shri V Narayanasamy]

nister of that particular State and then making their own enquiries and then coming to a conclusion is a lengthy process I agree with Upendraj who says that there should be a time frame process in this matter, because we are already burdened with lakhs and lakhs of cases which are pending in courts and litigants are waiting for judgments. By delaying appointments of Judges we will be further adding more cases in the pending list. Therefore, I would like to urge upon the Minister to evolve a system either by appointing a Commission as we have of U.P.S.C., or by having the Supreme Court Judges or the High Court Chief Justices to decide appointment of Judges. That system may be evolved. Of course, I quite agree with the hon Minister that the antecedents of a particular judge who is to be appointed should be thoroughly gone into. The Judges perform a sacred task. The duty of the Judges is sacred. He has to decide a case on its merits. Therefore, the appointment of Judges should be made in a time-frame process so that the pending cases can be eliminated.

Sir, in the last session we have increased the salary of the High Court Judges. The Judges are also very happy. Now we are increasing the House Rent Allowance of the High Court Judges according to their status so that they may survive independently without depending upon anybody. I am of the opinion that filling up of the posts of High Court Judges will not solve the problem. The posts of officers who have to help the Judge in deciding the matter should also be filled. There are so many posts lying vacant. They are the posts of subordinate judicial officers at the State level. This point should also be looked into.

Another point is about the salary of Judges at the lower levels, apart from the Supreme Court and High Court Judges. There is disparity in

the salaries of a District Judges and the City Civil Court Judge in Delhi and in other Union Territories. I have got a personal example of the Judicial Officers working in the Union Territory of Delhi and the Union Territory of Pondicherry. Their salaries at various levels, i.e. Sub-Judge, District Judge and District Magistrate are not on par with the Judges of the same level in Delhi. I had written as letter to the hon Finance Minister. The hon. Finance Minister did not give any justification for this disparity in the salaries of these Judges. The hon. Minister is going to reply to the queries raised by Mr. Upendra. The hon Member has said that the High Court has become a place of bribe earners and so on and so forth.

PROF. C. LAKSHMANNA (Andhra Pradesh) The Supreme Court and not the High Court

SHRI V NARAYANASAMY: I am sorry. It is the Supreme Court. He said that under the protective cover of law those persons are evading punishment and they are getting their place in the society. We will have to do it in the right spirit. Those persons get the protection of law and they are living in the society. Those persons should be eliminated from the society. That is my interpretation. The hon Minister would have said that *(Time bell rings)* *(Interrupted)*. The hon. Minister is going to answer the points which I have raised or which Mr Upendra has raised. I am giving my interpretation.

SHRI V GOPALSAMY (Tamil Nadu): We are not objecting to it. We want to know what is your point, kindly elaborate it.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Don't answer the interruptions.

SHRI V NARAYANASAMY: Sir, I will say that by the procedure they are getting protection and those persons who are to be punished by the

law are not getting punished. Therefore, there is no mistake, there is nothing wrong in the hon Minister's version at the time of the conference. I would like to say on this aspect that better conditions are to be made available for the High Court Judges so that they will be able to discharge Judgeship in a fair manner and also protect the interests of the litigants in the society. Thank you, Sir.

SHRI ALADI ARUNA alias V ARUNACHALAM: Mr Vice-Chairman Sir I rise to extend my support to the Bill moved by the hon. Minister.

[The Vice-Chairman (Shri Jagesh Desai) in the Chair]

Sir, there is no area of difference among the Parliamentarians regarding the higher emoluments, exemptions, concessions and facilities to the Judges of High Courts and the Supreme Court. The Judges who do not avail the facility of official residence under this Amendment Bill are entitled to get to the extent of Rs 2,500 p.m. in lieu of prevailing higher rentals. Sir, considering the income and status of the doyen of the Bar to maintain the independence of the judiciary, it is quite essential to protect the economic security of the Judges.

Sir, our Constitution is very specific regarding the qualifications, allowances, service conditions, age limit, etc. of the Judges. In the province of service also our founding fathers have incorporated necessary Articles so as to allow them to function without fear or favour. Articles 121, 126, 127, 141, 142, 143, 144, 211 and 260 are considered to be the bulwark for the independence of judiciary.

Sir, supremacy of our judiciary has been well established under Article 141. We are quite aware that there will no constitutional democracy with-

out effective judiciary. The controversy between the Judiciary and the Legislature is not a new one. We are aware of the fact that the judgement of Justice John Marshall in 1803 in *Barbary Vs Madison* case created controversy in the History of judiciary. In 1937 President Roosevelt raised criticism against the supremacy of judiciary and he severely condemned Supreme Court for saying that he is not able to implement the New Deal. Sir, what was alleged, what was criticised what was charged by President Roosevelt has been repeated by our hon Minister in a different phraseology against our Supreme court Sir.

SHRI V GOPALSAMY: Are you justifying it?

SHRI ALADI ARUNA alias V ARUNACHALAM: That is a different thing. Our Minister is alleged to have said that anti-social elements smugglers, FERA violators, bride-burners and reactionaries have found their haven in the Supreme Court. Sir, the speech of our hon Minister is highly emotional, provocative and irritant. But he has delivered it with a definite design; there is no difference of opinion about that. I am not in a position to criticise or justify the allegations. But out of anxiety and thirst for jurisprudence I would like to ask the hon. Minister as to how Judges are responsible for this state of affairs. While they take oath, they express allegiance to the Constitution and not to the Legislature, not to the Executive, and not to the party in power. Only they express their allegiance to the Constitution. They are accountable to the Constitution. Our Minister is very particular about the accountability of the Judges of the judiciary. They take the oath of allegiance to the Constitution. They are accountable to the Constitution. So, when we frame the law, if our law is defective, our law has loopholes then an offender would easily escape through these loopholes or utilising the defects for which the Judges are not at all responsible.

[Shri Aladi Aruna alias V. Arunachalam]

Sir in such circumstances my assessment is that either we surreptitiously make a law for their escape or we lack wisdom in making the law. Sir, we cannot question the confidence of the courts in any event. The courts are considered as temples of justice. Judges are like sacred priests. Our Law Ministry is a Board of Trustees and the Law Minister is the head of the Trust Board. If the head of the trust board criticises the temple, then the entire system will collapse. (Interruptions). Sir, even though the supremacy of the judiciary is accepted, the controversy regarding the implementation of the decisions of the court or the degree of the court or the finding of the court is there and these can be implemented only with the cooperation of the executive and the legislature. As President Jagan sarcastically remarked, John Marshall made the decision let him enforce he said. But the cooperation of the executive is necessary for the implementation of the judgement. Even though in the United States there is controversy and there was controversy between the judiciary and the executive nobody is allowed to create any dangerous situation in the implementing area. Therefore, co-operation from our area is necessary. Co-operation from executive and legislature to the judiciary is quite essential. (Time bell rings)

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now the last point.

SHRI ALADI ARUNA alias V. ARUNACHALAM: No Sir. You have to give me some more time. So far I was speaking only about the principles. Now I have to come to the points. (Interruptions)

Sir, it has been said that if justice is delayed, it means justice is denied. Sir, if you go through the number of cases pending in the Supreme Court up to the end of 1985, they number 1,56,986. As far as High Courts are concerned, the number of pending cases up to 31-12-1985 is 13,75,790. If

you add the current figure, I hope it will exceed 15 lakhs in various High Courts. Sir, what is the cause of all this delay? Who is responsible for this delay? My reply is that it is the policy of the Government in appointing judges. That is an important point, because now the Government selects the panel and asks for the panel from the Chief Justices of the High Courts and one panel from the State Governments

SHRI P. SHIV SHANKER: No, no, panel from the

SHRI ALADI ARUNA alias V. ARUNACHALAM: They are recommending to you.

SHRI P. SHIV SHANKER: It emanates from the Chief Justice.

SHRI ALADI ARUNA alias V. ARUNACHALAM: Anyway, you are accepting the list from the State or the Governor sends the list after getting the panel from the Chief Justice of the High Court.

SHRI P. SHIV SHANKER: Comments of the Chief Minister

SHRI ALADI ARUNA alias V. ARUNACHALAM: You kindly correct me if I am wrong. The Chief Justice of the High Court prepares the panel and then the Government sends

SHRI P. SHIV SHANKER: No, no.

SHRI ALADI ARUNA alias V. ARUNACHALAM: That is my understanding. Afterwards the Governor sends the panel to you. Right or wrong, you kindly tell me because in our State..

SHRI P. SHIV SHANKER: May I explain this so that the hon Member may not expatiate further to create confusion?

Sir, there is a memorandum of procedure that has been settled about the appointment of judges. That memorandum of procedure is in terms of

article 217 of the Constitution so far as the High Court Judges appointment is concerned. With regard to the Supreme Court Judges, it is article 124. Under that, even though the Constitution itself says that the President shall appoint in consultation with the Chief Justice and the State, what often happens is that because of this memorandum of procedure that has been evolved, the Chief Justice sends the names He addresses to the Chief Justice of India, with copy to me and copy to the Chief Minister. That is how it goes. Then the Chief Minister has to have his comments, his views on that. Then he refers it to the Governor. The Chief Minister after making up his mind and also after having the views of the Governor, sends it to the Law Minister. In the Law Ministry, in the Ministry of Justice, after we process it, we refer it to the Chief Justice of India. Thereafter I take my view and then advise the Prime Minister and the President. This is how it happens. It is possible, because he has in mind his own State, under this procedure itself, even the Chief Minister does not agree with the names recommended by the Chief Justice. He can then suggest his own names but he must seek the comments of the Chief Justice for those names also before he makes them available to me, along with the views of the Governor.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: I am also saying the same thing and you are repeating it in different words. What I said has been repeated by you.

What I want to say is that in the matter of the Chief Justice of the High Court being appointed from other States, it causes so many controversies. They are at the mercy of the Centre. They never give due respect to the State Government. They are creating controversies and they become champion of controversies in the non-Congress-I States, the States which are under the control of a party other than the party ruling at the Centre.

For example, there were two cases in our State. In preparing the panels, a particular community was recommended in the first panel also . .

SHRI P. SHIV SHANKER: It is not fair that in the absence...

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: But I am not mentioning anybody.

SHRI P. SHIV SHANKER: But you said 'a particular community' obviously it means something.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: We have to expose; but I have not mentioned any name or any community. You can infer anything. That is a different matter but I am not mentioning about any community. Out of five vacancies, four lawyers recommended belonged to a particular community. It was strongly opposed by our Government. We are not against any caste but we will not allow any casts to dominate other casts. I would appeal to the Government, to the hon. Minister to give up the policy of appointing Chief Justices from other States. How can a judge, who has no knowledge about the language, the culture, the habits and the behaviour pattern of the people, give proper judgements? How can a judge who has no knowledge about the legal luminaries of the local Bar can form an opinion about the merit of a candidate while preparing a panel? Therefore, appointment of judges from other States should be avoided. The appointment of judges from other States to a particular State is not only anti-federal, it is against the interest of the State Government. You will agree, there are three wings: Legislature, Executive and the Judiciary. Legislature is under the control of the Chief Minister; Judiciary is under the control of the Chief Justice, and the Executive is under the control of the Governor. Governors and Chief Justices are appointed from other States. Do you mean that this is what a state government should be known as?

[Shri Aladi Aruna alias V Arunachalam]

it serving any federal principal? That is why I appeal against appointing judges from other States and this practice must be given up once and for all

Sir, in the U.K., the judges are nominated by the Lord Chancellor. In the U.S.A., they are nominated by the President with the consent of the Senate. The hon Minister is very particular about the accountability of the judges. That is why I want that appointment of the judges of the Supreme Court should be ratified by Parliament and in respect of the judges of the High Courts, the appointments should be ratified by the Assembly concerned. Unless this is done, there is no chance of controlling or making the judges accountable to the Legislature. Thank you

SHRI MS. GURUPADASWAMY (Karnataka) Mr. Vice-Chairman, Sir, I have no quarrel with this Bill. I welcome it. I believe, the conditions of service of the judges should improve and improve decisively at all levels because it is one of the prerequisites to safeguard the independence of the judiciary. Good emoluments and other facilities are necessary to ensure their freedom.

Sir, Whenever we discuss the judiciary, we should remember that we are working in a federal set-up under written Constitution. Those who formulated our basic document had taken care to see that for a federal set-up like ours, the separation of powers should be respected as far as possible. We have three wings, three limbs of the Government: executive, judiciary and legislature. All these three wings have got to function within the four corners of the Constitution. In legal terms, all these agencies, courts, instruments, are accountable to the Constitution of India. My friend has also talked about the accountability of the judiciary in his address at a seminar about which there was

a reference. We have to remember that we function under the Constitution of India. If we have to make any change in respect of any limb we have got to change the Constitution of India. We should not, and cannot, just tamper with the respective spheres of the three limbs. They are based on checks and balances. It is a very old concept which has been evolved and the Constitution-makers had taken inspiration from various sources of authority while framing the Constitution. The danger in a modern set-up is not from the judiciary but from the executive. Let us understand this. The executive by its very nature, tries to encroach upon the powers and functions of the legislature on the one side and the judiciary on the other. The problem of the present situation is, how to contain the executive, the overgrowth of the executive, how to prevent executive despotism to safeguard the democratic set-up in this country? Since the Constitution was formulated, if you look at the entire gamut, you will appreciate there is a tremendous growth of the executive power in this country which has been detrimental to the free functioning of the legislature and the judiciary. That is the problem. There may be a natural growth of the executive power but in our country there has been constant and deliberate attempt made by the executive to restrain and restrict the operations of the legislature and the judiciary. Parliament, as you know, is the creator, the executive the creature. Today the executive is the creator and the Parliament is the creature in actual practice.

In the judicial field also, with all respect to my friend Shiv Shankerji—he is more knowledgeable than me. I straightway concede that—as a student of political history I say, there is a progressive erosion of judicial independence in this country. There is very rapid and undesirable erosion of power of the judiciary and the legislature. We have to guard against the onslaught of the executive. My friend

took pains in his speech in Hyderabad to point out that the judicial class is not a good-behaviour class. In his own way he admonishes them for not following the wishes of the executive.

SHRI P. SHIV SHANKER: Will you please quote...

SHRI M.S. GURUPADASWAMY: I would like you to go through the entire speech. Your entire thrust.

SHRI P. SHIV SHANKER: Please quote where I have admonished the judiciary for not obeying the executive because this is what you have said. Please quote.

SHRI M. S. GURUPADASWAMY: I am not going back on my word. The whole thrust of your speech, pardon me for saying, is that the judiciary is not accepting fully, endorsing fully the policy of the Government which you think is progressive. You talk of the elite class; you talk of the masses. Who created the elite class in this country? Is it the judiciary? Is it the Parliament? Or is it the executive and its policies? My complaint against Mr. Shiv Shanker is, you have created the elite class, the monopoly class. You are more responsible than the judiciary and the Parliament. And you blame the judiciary, perhaps in future Parliament also! You create a class structure and blame others for trying to interpret the laws which you make here. Judiciary should not be made a scapegoat. He should be very careful. He was a judge himself, a lawyer and a judge. I think he was not taking much care when he delivered that speech. That is all I can say. He did not take much care, in his emotions or perhaps in his zeal. He thought the judiciary is at fault and has got to be mended.

My friend here quoted Roosevelt. Do you know what Roosevelt did? In the same way you do it. He said: "Judiciary is reactionary, is conservative. It is not radical enough to appreciate the hopes and aspirations of the people." So he packed the judiciary with his

own men. That is how he did it. With a view to packing your own men in the judiciary, you cannot advance this argument. What you are doing is, you want to pack judiciary with your own men by saying that the present judiciary is very conservative, is not radical enough. Are you radical? Are you progressive? I want to ask this. I would like the judiciary to be recruited on the basis of merit and talent. And the Constitution is there to protect all of us. If there is something wrong in the Constitution, let us amend it. Why blame the judiciary for it?

Sir, it was Montesquieu whom he has quoted in his speech who said long back: "If there is a combination of two wings of government, tyranny is inescapable. And if there is overdoing by one limb of the government, that is the beginning of tyranny". If there is a combination of the executive and the Legislature, it will be a tyranny if there is a combination of the judiciary and the executive, it will be a tyranny. The third limb will become helpless. Therefore Montesquieu said that there has got to be separation of powers. This principle has been accepted by our constitution-makers.

For heaven's sake, to protect the independence and freedom of the judiciary, the sanctity of the judicial system, do not employ appointment, promotion and transfer as instruments to intimidate the judiciary. That you are doing today. Don't do this as an instrument of power to browbeat the judicial system here. You have done far more harm to the judiciary now than at any time. There is a progressive erosion of the independence of the judiciary. You tempt them also. After retirement you appoint them to various offices. You make them Governors, you make them Lokayukts, you appoint them as chairmen of commissions of inquiry. They are also human beings. You corrupt them. That is my charge. No retired Judge should be appointed to any commission. You appoint existing Judges as chairmen

[Shri M. S. Gurupadaswamy]

of commissions of inquiry. If you appoint retired judges of the High Courts or the Supreme Court, they would be under your obligation. To that extent your inquiry will be vitiated; it will not be impartial and fair. However, that will be a very bad weapon in your hands to tempt the judiciary. Those people who are retiring will be expecting something from you, from the executive. It is a very dangerous practice to make a Judge, while he is a Judge or, after he retires, look to the executive for various facilities, for various benefits. That is a wrong practice that you have been doing.

May I say, therefore, Sir, while endorsing the views of other friends that justice should be cheap and quick, that you should fill up all the vacancies? There should be automatic filling up of vacancies. You should plan it. You are talking so much about the judiciary. Why don't you talk about yourself, your own performance? Why are you waiting so long to fill up the vacancies? For whose benefit? People have not told you not to fill up the vacancies. Why do you do that? You should fill up the vacancies in the Supreme Court and the High Courts.

Sir, I entirely agree with my friend here that no transfer of Judges is necessary. It should be accepted by the Government. There should be no transfer of Judges because there is the problem of language and there may be other difficulties involved, like local customs. Local customs they must understand. For some time more—I am not saying it as a principle but as a practical necessity—these transfers have got to be stopped. I think an evaluation is necessary. You have been transferring these Judges, particularly the Chief Justices. How they are working and whether the new system is working better than the previous one. I think, Parliament should be told.

Sir, I do not like to take much of your time. But, I have no quarrel with the Bill. I go along with the Minister so far as this Bill is concerned. I want healthy conditions and facilities to be created for the Judges so that they may function more independently, more freely. Thank you.

श्री देशम प्रमद शुक्ल (मध्य प्रदेश) :

उपसभाध्यक्ष महोदय, आपने मुझे इस विधेयक पर बोलने के लिए समय दिया इसके लिए मैं आपका आभारी हूँ। इस उच्च न्यायालय न्यायाधीश (सेवा की शर्तें) (सशोधन) विधेयक, 1987 का मैं समर्थन करता हूँ। यह बहुत ही साधारण सशोधन है जो बहुत विवादास्पद नहीं है। इन विधेयक के द्वारा उच्च न्यायालय के उन न्यायाधीशों को जो सरकारी निवास का उपयोग नहीं करने हैं उन्हें आवास भत्ता जो पहले साठे बारह परसेंट वेतन का था जिसका मूल अविनियम की धारा 22(क) की धारा (2) न प्रावधान था उसको इस सशोधन के द्वारा सशोधित करके अर्द्ध हजार रुपये दिया जा रहा है। महोदय, आवास की जितनी दिक्कत समस्या है वह बड़ी गम्भीर समस्या है। यह निर्विवाद है कि हमारे जजों को ज्यूडिशियरी के अधिकारियों को अपेक्षा निष्पक्ष, निर्भीक और स्वतन्त्र न्याय देने में उनकी माली हालत आड़े न आवे। इसका उचित ध्यान रखना आवश्यक है और मैं अपने कानून मंत्री जी का प्रस्ताव कहूंगा कि उन्होंने इसको दृष्टिगत रखते हुए पिछले दिनों एक असेसमेंट रखा जजों के वेतन में वृद्धि की और अब उसमें जो यह खामी रह गयी थी उसको दूर करके आवास की फैसिलिटी दी गयी है। अगर उनको आवास की फैसिलिटी नहीं मिलती है तो उनको जो 12.50 प्रतिशत वेतन भत्ता दिया जाता था उसको बढ़ाने के लिए यह विधेयक लाया गया है और उसे 2500 कर दिया गया है। इसमें कोई विवाद का विषय नहीं था। हमारे विरोधी दल के लोगो ने इसका जो विरोध किया है वह सुपरफ्लुअस विरोध जैसा है क्योंकि इस सदन में हर आदमी को समझता है कि जो चाहे बोल दे, इसलिए लोगो ने रित्त-

बैंट, इरिलबैंट सब चीजे कही है। मैं उन पर नहीं जाना चाहता हूँ। मैं तो केवल अपने को कन्फाइन करूँगा कि यह जो कदम उठाया गया है यह बहुत सुन्दर है, स्वागत योग्य है। यह जुडीशियल आफिसर्स की स्वतन्त्रता के लिए, ताकि प्रलोभन के द्वारा या डर के द्वारा या अन्य प्रकार से उस पर आघात न पहुँचे, इस दृष्टि में इस खामी को दूर करने के लिए यह विधेयक लाया गया है। इससे वे निश्चित रहेंगे, उनको आवाम की समस्या का सामना नहीं करना पड़ेगा। यह एक बहुत अच्छा कदम है, इससे न्यायाधीशों को राहत मिलेगी और उन्हें न्याय करने में दिक्कत नहीं होगी।

महोदय, हमारे यहाँ की जो न्यायालयीय व्यवस्था है वह संविधान के अन्तर्गत एक निष्पक्ष और स्वतन्त्र व्यवस्था है और हमारे जजेज ने हमारे जुडीशियल आफिसर्स ने निर्भीकतापूर्वक और समतापूर्वक उसका पालन किया है। वे इसके लिए प्रशंसा के पात्र हैं।

विरोधी दल के मेरे एक मित्र ने, जो इस समय नहीं है, जजेज के ऊपर बड़ा आक्षेप लगाया क्योंकि प्रेशर पड़ता है, मैं उनको बता देना चाहता हूँ कि हमारे भारतवर्ष के जजेज ने यह भिन्न किया है कि वे निर्भीकतापूर्वक निष्पक्षता के साथ और समतापूर्वक अपना जजमेंट देने में, निर्णय देने में किसी प्रकार से कम नहीं है और उन्होंने संविधान की हर प्रकार से रक्षा की है। यह उनको मालूम होना चाहिए कि हमारी महान नेता, इंदिरा गांधी जी जब प्रधान मंत्री थी तो उनके विरुद्ध इलाहाबाद हाईकोर्ट के एक जज ने फैसला दिया था। हमारे मध्य प्रदेश में भूतपूर्व मुख्य मंत्री के विरुद्ध आसवनी काण्ड में एक जज ने फैसला दिया था। अभी कुछ रोज पूर्व आंध्र प्रदेश के जजेज ने वहाँ के मुख्य मंत्री श्री एन० टी० रामाराव के खिलाफ निर्णय दिया है, अपनी फाईंडिंग दी है। इन सबसे क्या हमारे जजेज की निष्पक्षता और स्वतन्त्रता जाहिर नहीं होती है। एन० टी० रामाराव के खिलाफ दे दिया इसी बात

के लिए कहे यह ठीक नहीं है। बल्कि पोलिटिकल प्रेशर में पड़े बिना, चाहे कितना बड़ा हो, उच्च पदस्थ हो, उसके पक्ष या विपक्ष में समतापूर्वक निर्णय देते हैं, इसमें दो राय नहीं है। इसलिए यह कहना कि पोलिटिकल प्रेशर डाला जाता है, यह बिल्कुल गलत है। मैं इसका विरोध करता हूँ। यह अमत्य है।

अग्नेजी में एक कहावत है कि जस्टिस डिलेड इज जस्टिस डिहाइड। हमारे यहाँ हाईकोर्ट और सुप्रीम कोर्ट में पेडिंग केसेज की संख्या बहुत ज्यादा है। इसका कारण क्या है? हमने यह प्रतिज्ञा ली है कि हम देश की जनता को मरना और शीघ्र न्याय देगे, सुलभ न्याय देगे। इसके लिए हम कमिटेड हैं। हमने जनता से यह वायदा किया है और इस दिशा में हम कदम उठा रहे हैं लेकिन जो हमारा कदम है वह बहुत मन्द है, मैं इसकी ओर मंत्री जी का ध्यान आकर्षित करूँगा और कहूँगा कि वे इस पर ध्यान दें।

हमारे यहाँ हाईकोर्ट और सुप्रीम कोर्ट में मुकदमों की संख्या इतनी ज्यादा क्यों बढ़ी है जब हम इसकी गवेषणा करते हैं, विवेचना करते हैं तो हमको ऐसा मालूम होता है कि इस समय हर क्षेत्र में अनेकों कानून बने हैं और बनते जा रहे हैं, इन सबकी व्याख्या करना और उनके अनुसार निर्णय करना ही न्यायालयों का काम है लेकिन यह बहुत बड़ा काम है। इस समय लोग अपने अधिकारों के प्रति ज्यादा सतर्क हो गये हैं, सचेष्ट हो गये हैं, हर आदमी मुकदमा दायर करता है और इसी से मुकदमों की संख्या बढ़ रही है। इससे यह जाहिर होता है कि हमारे देश की जनता को इस न्यायालयीय प्रक्रिया में कितनी आस्था है और वह न्यायालयों में अपने अधिकारों की रक्षा पाने की आशा रखती है, और इसीलिए इतने अधिक मुकदमे हैं, तो इनका निराकरण करना आवश्यक है। किम तरह से हम इनको कम कर सकते हैं, यह विचारार्थ विषय है।

मैं तो आंकड़ों को नहीं जानना, लेकिन उपेन्द्र जी ने तो कम बताये। उन्होंने

[श्री केशव प्रसाद शक्ल]

बताया कि सुप्रीम कोर्ट में डेढ़ लाख मुकदमे पेंडिंग हैं और हाई कोर्ट में पंद्रह लाख है। नारायण स्वामी जी ने बताया कि 30 लाख तो हाई कोर्ट में है और दस लाख सुप्रीम कोर्ट में है। कुछ भी हो, लेकिन मख्या है, यह निर्विवाद मत्य है कि पेंडिंग केसज बहुत ज्यादा हो गये हैं।

तो इनके लिए मैं अपना सुझाव दूंगा कि इनको समाप्त करने के लिए, डिमिशन आफ करने के लिए, मुकदमों का फैसला करने के लिए, इनका निर्णय करने के लिए हमको जजेज की जो खाली जगह है, उनको तुरन्त भरना चाहिए, इसमें देरी नहीं करनी चाहिए। इससे लोगों में अस-तोष की भावना पैदा होती है।

तो मैं मंत्री जी से निवेदन करूंगा कि वह इस दिशा में कदम उठाये और जल्दी से जल्दी जितनी वेकेन्सीज हैं, उनको पूरा करें।

इसके अलावा अब यह वेकेन्सीज कितनी हैं, यह भी मैं सुझाव दूंगा कि इनको भरने की कृपा करें क्योंकि इनसे भी काम नहीं चलेगा। मुकदमों की संख्या को देखते हुए, हमको ज्यादा से ज्यादा जज और उसके लिए उनकी संख्या को भी बढ़ाना पड़ेगा। तो इसलिए संख्या बढ़ाने की भी कोशिश करें जिससे कि यह मुकदमे जितनी जल्दी हो सके उनको खत्म करें। यह मेरा सुझाव है।

इसके अलावा, हम देखते हैं कि हमारे यहां बड़ी-बड़ी स्टेड्स हैं। उनके मुकदमों को समाप्त करने की दृष्टि से और लोगों को सुलभ, सस्ता और शीघ्र न्याय दिलाने की दृष्टि से हमारे यहां जितनी खंडपीठें हैं, उनको बढ़ाना होगा। जसवंत सिंह आयोग रिपोर्ट आ चुकी है। अभी वह स्टेड्स में अध्ययन के लिए भेजी गई है।

मैं यह निवेदन करूंगा कि हमारे यहां मध्य प्रदेश में हाई कोर्ट जबलपुर में है।

उसके पहले हमारे यहां मध्य प्रदेश में चार खंड थे—विध्य प्रदेश, मध्य भाग, महा कौशल तथा भोपाल, चारों में अलग-अलग हाईकोर्ट थे। जब मध्य प्रदेश हाई कोर्ट बनी, तो हाई कोर्ट जबलपुर में चला गया और यह कहा गया कि और जगहों में हाई कोर्ट नहीं होगा, लेकिन प्रेशर के कारण हाई कोर्ट की ग्वालियर में खंडपीठ रखी गई तथा इन्दौर में खंडपीठ रखी गई। रीवा और शायद महाकौशल को उससे वंचित कर दिया गया। वहां पर एजिटेशन हो रहा है कि हमको वह खंडपीठ दी जाए।

तो उनकी मांगें जायज हैं। तो मैं कहना चाहूंगा कि रीवा और महा कौशल की बिलासपुर या रायपुर जहां भी उचित समझा जाए, एक खंडपीठ दी जाए जिससे मुकदमों की मख्या कम करने में मदद मिलेगी और वहां पर केसेज जब जायेंगे, तो मुकदमे कम हो जायेंगे।

इसी तरह इधर उत्तर प्रदेश में खंडपीठ की बात हो रही है। वहां भी खंडपीठ दी जाए। इसमें जो हमने जनता को कमिट किया है, वायदा किया है कि हम जनता को सुलभ और शीघ्र न्याय देंगे, उसमें सहायित होगी। इसके लिए यह नहीं है कि ज्यादा जजेज होंगे, तो हमारा पैसा ज्यादा लगेगा। भारत सरकार के पास पैसे की कमी नहीं है कि हम जनता की मांगों को पूरा न करें।

तो मैं यह सुझाव दूंगा कि माननीय मंत्री जी को कि ज्यादा खंडपीठ कायम करें और ज्यादा से ज्यादा संख्या जजों की कायम करें जिससे मुकदमों का तस-फिया हो जाए। इस तरह से यह तसफिया होगा, तो लोगों में एक आस्था बनेगी, जैसा कि मैंने बताया कि लोगों में हमारे न्याय के प्रति एक आस्था बनी है और वही कारण है कि हमारे यहां मुकदमे ज्यादा हैं। तो इसके लिए यह एक तरीका है। अब बहुत से लोगों ने कई चीजें कही हैं, मैं उन पर नहीं जाना चाहता हूं और मुझे यह कहा गया है कि आप बहुत कम बोलिये, तो मैं थोड़े में यह

कहना चाहता हूँ कि यह जो विधेयक लाया गया है, यह बहुत ही उत्तम विधेयक है और उसके लिए और भी अगर जजेज के इमान्यूमेंट्स, यानी वेतन, भत्ता वगैरह के लिए जितना ज्यादा से ज्यादा गवर्नमेंट कर सके उतना ही अच्छा है क्योंकि उनको हर तरह से निश्चित होकर जनता को न्याय देने में सहूलियत मिले।

इन्हीं शब्दों के साथ मैं इस विधेयक का स्वागत करता हूँ और समर्थन करता हूँ।

श्री अश्विनी कुमार (बिहार) :
माननीय उपसभाध्यक्ष जी.....
(व्यवधान)

उपसभाध्यक्ष (श्री जगेश देसाई) :
इस के पहले बिल के लिये एक घंटा तय किया गया था और उसके मुताबिक उसको खत्म किया, इसके लिये मैं सब मैम्बरज का बहुत आभारी हूँ। मगर यह बिल कम से कम एक घंटा और...
(व्यवधान)

श्री सत्य प्रकाश मालवीय : यह कोई जरूरी तो नहीं है कि यह आज ही पास हो। इसको टलवा दीजिये अगले सेशन के लिये।

श्री राम अवधेश सिंह (बिहार) :
यह इतना महत्वपूर्ण बिल है कि शायद कोई इतना महत्वपूर्ण बिल इस सेशन में आया नहीं।... व्यवधान इस पर तो दो दिन बहस होनी चाहिये।

उपसभाध्यक्ष (श्री जगेश देसाई) :
वह बिजनेस एडवाइजरी कमेटी तय करती है। दो घंटे तय किया है उसमें आप की पार्टी के भी प्रतिनिधि थे। आप ऐसी बात मत करें।

श्री राम अवधेश सिंह : आप कुर्सी में है तो आप थोड़ा बड़ा दीजिये। हम सब लोग आपका धन्यवाद करेंगे।

श्री अश्विनी कुमार : माननीय उपसभाध्यक्ष महोदय मैं आपका बड़ा विशेष स्नेहपात्र हूँ कि जब भी मैं बोलने के लिये खड़ा होता हूँ तभी आप टाइम की घंटी सुना देते हैं। मैं आपका आभारी हूँ कि आपका मेरे लिये स्नेह

है लेकिन इतना मैं कहूँगा कि मुझे अपनी बात कहने का अवसर दिया जाये। सबसे पहले मैं निवेदन करना चाहूँगा कि अभी मेरे पूर्व के माननीय सदस्य जिन्होंने अपना भाषण दिया उन्होंने भाषण में एक बात कही है कि विरोधी दल के लोग "बक" रहे थे। यह "बक" पार्लियामेन्ट्री शब्द है या नहीं है इसको आप जरा देख लीजिये। अगर यह "बकना" शब्द अनपार्लियामेन्ट्री हो तो इसको निकाल दीजिये?

उपसभाध्यक्ष (श्री जगेश देसाई) :
ऐसा नहीं बोला।

श्री अश्विनी कुमार : ऐसे बोला है और मैंने इसको नोट किया है। जो अभी मा० सदस्य बोल रहे थे कि विरोधी दल के सदस्य बक रहे थे। आप रिकार्ड देखिए। मैं रिकार्ड देखने के लिये कह रहा हूँ?

THE VICE-CHAIRMAN (Shri Jagesh Desai): I don't think he has said it. If he has said like that then it will be expunged.

श्री अश्विनी कुमार : मैंने तो निवेदन किया है। उस समय मैंने उनको रोका नहीं।

उपसभाध्यक्ष (श्री जगेश देसाई) :
शुक्ल जी ऐसा बोलने वाले हैं ही नहीं इसलिये मैं नहीं मानता।... (व्यवधान)
ठीक है अगर होगा तो निकाल देंगे।

श्री अश्विनी कुमार : उपसभाध्यक्ष महोदय जो हमारे विधि मंत्री बिल लाये हैं उसमें कोई दो मत नहीं है कि इस माध्यम से उन्होंने एक अवसर प्रदान किया है कि विधि व्यवस्था पर चर्चा करके हम अपने विचार व्यक्त कर सकें। पता नहीं योजनानुसार या बिना योजनानुसार उन्होंने स्वयं बहुत अच्छा भाषण देकर विधि व्यवस्था पर विचार करने का अवसर दे दिया है जिसकी सब माननीय सदस्यों ने चर्चा की है वह उन्होंने थोड़ी दे

[श्री अश्विन कुमार]

दी है जिसके आधार पर उनके विचार सबको पता लगे है कि उनकी क्या इच्छाये है क्या आकांक्षायें हैं और उसको लेकर एक चर्चा प्रारम्भ हो गई है। जो उनको सुविधायें दी जा रही हैं उसका मैं समर्थन करता हूँ परन्तु जब कभी बहुत चर्चा हो रही थी कि न्यायपालिका में बहुत अधिक समय लग रहा है। मैं आपसे यह निवेदन करना चाहूंगा कि पिछले साल जजों के वेतन वृद्धि का बिल लाया गया था और इस साल किराया वृद्धि का ले आये, यह क्या कार्यपालिका की क्षमता के उपर विश्लेषण नहीं है कि 6 महीने पहले वह क्यों नहीं सोचती है कि यह काम कर सकते हैं और सदन का इतना समय क्यों बर्बाद किया गया इसके लिये कि फिर से तीन घंटे चर्चा हो। आप कह रहे हैं कि चर्चा क्यों हो रही है? अगर उसी समय यह बात आ जाती तो अच्छा रहता। मैं केवल इतना ही जिस्ट देना चाहता हूँ कि मंत्री महोदय जरा अपनी कार्यपालिका की क्षमता देखे कि वह इस प्रकार में कितनी मक्षम है? अभी चर्चा हो रही थी कि ला कोर्ट में कैसेज में क्लिम्ब हो रहा है और अभी जो माननीय सदस्य बोले उन्होंने कहा कि यह हमारी स्वतन्त्र न्यायपालिका है इसलिये लोग वहां मुकदमे ले जा रहे हैं। उनको उसके प्रति विश्वास है। मैं उनकी बात का समर्थन करते हुए दूसरे ढंग से अपनी बात कहना चाहूंगा कि आखिर कोई भी व्यक्ति न्यायपालिका के पास क्यों जाता है उस समय जाता है जबकि कार्यपालिका उसके ऊपर अन्याय करती है एग्जीक्यूटिव उसके ऊपर आघात करती है और एस०पी० डी एम० या और लोग उसकी बात नहीं सुनते हैं और वह उनसे अपने बचव के लिये वहां जाता है। कैसेज ज्यादा बढ़ते जा रहे हैं उसमें एक लक्षण यह भी है मंत्री महोदय को सोचना पड़ेगा कि क्या देश में जहां-जहां उनकी कार्यपालिका है, पुलिस है और भिन्न-भिन्न डिपार्टमेंट

है उनके अत्याचार, अनाचार और व्याभिचार तो बढ़ते नहीं चले जा रहे हैं? मैं निश्चित कहूंगा कि उनके कारनामों के रिएक्शन में लोग कोर्ट में जाते हैं। आज कोर्ट में जाना बड़ा सरल है नहीं है काफी महंगा सौदा है। यह तो अभी सुप्रीम कोर्ट ने पब्लिक पटीशन लेकर कुछ थोड़ा सा सरल किया है। परन्तु आज लोग मुसीबत में कोर्ट में जाते हैं। विशेष उल्लेख में बहुत से कैसेज आते हैं कि इस प्रकार के अनाचार हो रहे हैं, अत्याचार हो रहे हैं। लोग क्या करें? लोग हमारे पास आते हैं और हम सदन में रखकर अपनी बात खत्म करना चाहते हैं। परन्तु इसी के साथ मैं कहूंगा कि जजेज के बारे में सोच रहे हैं, न्यायपालिका के बारे में सोच रहे हैं तो सरकार जो आज की कोर्ट फीस है, जो कोर्ट के प्रोसीजर है, जो उसके सारे पैरा-फर्नेलिया है, उसका सरलीकरण करके कुछ काम करना चाहेगी जिसमें कि न्यायपालिका का अच्छा काम हो सके, इसको और मैं ध्यान आकर्षित करना चाहूंगा। दूसरी बात को बहुत चर्चा हो रही है कि कैसेज बहुत पैडिंग है। मेरे प्रश्न के उत्तर में मुझे जो उत्तर मिला उसमें इस सत्र में बताया गया कि लगभग 15 लाख कैसेज हाई कोर्ट में और 1 लाख 70 हजार कैसेज सुप्रीम कोर्ट में पैडिंग है और इन पैडिंग के साथ ही एक और बड़ी विशेषता है।

उपसभाध्यक्ष महोदय, कि पांच साल से अधिक निलम्बित कैसेज लगभग 2 लाख 27 हजार हैं, दस साल से अधिक निलम्बित कैसेज लगभग 1 लाख हैं और अब कैसेज बढ़ गये हैं जनसंख्या बढ़ गई है मुकदमे बढ़ गये हैं, जजों की संख्या बढ़ाई जाये। पिछले साल सरकार ने सुप्रीम कोर्ट के जजों की संख्या बढ़ाई, परन्तु बढ़ाने के बाद दुर्भाग्य का विषय है कि हमारे देश के अन्दर इस प्रकार के दस जज नहीं मिले हैं, 10 वकील नहीं मिले हैं, हाई कोर्ट के जज न

मिले हैं, जिनको सुप्रीमकोर्ट का जज नियुक्त किया जा सके।

श्री सत्य प्रकाश मालवीय : मिले हैं, लेकिन पोलिटिकल फिलोसफी के नहीं हैं...

श्री अश्विनी कुमार : अभी मंत्री महोदय सारा वर्णन कर रहे थे कि जज की नियुक्ति का क्या प्रोसिजर है। स्टेट हाईकोर्ट के चीफ जस्टिस से प्रारम्भ होकर चीफ मिनिस्टर से, गवर्नर से ला-मिनिस्टर के पास केम आना है। मैं कहना चाहूंगा मंत्री महोदय से, मेरी जानकारी के हिसाब से आज 43 जगह खाली है। हाईकोर्ट में, सुप्रीम कोर्ट में, उसमें से पांच जगह सन् 1982 से खाली है, क्या पांच साल में पांच जजों की नियुक्ति आन्ध्र प्रदेश में संभव नहीं हो सकी, सन् 1984 से दो जज गुजरात में बहाल नहीं हो सके, जैसी मेरी जानकारी है। 1984 से चार जज इलाहाबाद हाईकोर्ट के नियुक्त नहीं हो सके हैं। आन्ध्र प्रदेश के बारे में तो कहा जा सकता है कि वहाँ विरोधी दल की सरकार है, लेकिन गुजरात और उत्तर प्रदेश में तो उसी दल की सरकार है, जिसकी केन्द्र में सरकार है तो इस प्रकार में गुजरात और पंजाब में भी 1985 में जजों की जगह खाली है। महोदय वास्तव में इसमें सोचने का विषय है और मैं मंत्री महोदय से कहना चाहूंगा कि अपने गिरेबान में डालकर कार्यपालिका जो इसकी नियुक्ति करने का महत्वपूर्ण अंग है, उसको देखे।

महोदय, जैसा मेरे मित्रों ने कहा, कम्युटेड जजों की बात हो रही थी कि उन्हीं की नियुक्ति की जायेगी जो हमारी विचारधारा के हैं। कौन सी विचारधारा, मैं प्रश्न पूछना चाहता हूँ। विचारधारा—कांग्रेस पार्टी की विचारधारा, तेलुगु-देशम की विचारधारा, सी पी एम की विचारधारा, बी० जे० पी० की विचारधारा या विचारधारा भारत के कस्टीट्यूशन की?

दूसरा, हमारे प्रदेशों में और केन्द्र में भिन्न-भिन्न दलों की सरकार है, उनकी थोड़ी-बहुत आइडोलोजी डिफरेंट है। आज सबेरे ही एक माननीय सदस्य ने आरोप लगाया कि पश्चिमी बंगाल में जो नियुक्तियाँ हो रही हैं, कम्युटेड के आधार पर हो रही हैं, वह गलत है। क्या केन्द्र सरकार इस प्रकार के जजों की नियुक्तियों में पक्षपात करके अन्य राज्यों को भी प्रोत्साहन देगी कि सब अपने-अपने दलों के लोगों को आगे करें। इसलिये मेरा कहना है कि केन्द्र की सरकार बड़ी है, प्रधान मंत्री का एक बड़ा विशेष स्थान है और वह जो परम्पराएँ, जो आदर्श यहाँ से निमित्त करेंगे, वह सारे देश में जायेंगे। इसलिये जो एक संविधान के प्रति है उसके नियमानुसार करें।

अगली बात मैं यह कहूंगा कि कब कौन जज रिटायर कर रहा है इसकी पहले से जानकारी होती है कि अमुक-अमुक दिन को वह रिटायर कर रहा है। इसी साल अभी और भी जज रिटायर कर रहे हैं 1988 में, तो इसके बारे में पहले से क्यों नहीं सोच-विचार कर रखते कि इतने जज रिटायर हो रहे हैं हम उनके लिये पैनल बना कर रखें। जैसे-जैसे कोई जज रिटायर होता जाये, दूसरा आप नियुक्त कर सकते हैं। ऐसी व्यवस्था आप रख सकते हैं कि नहीं रख सकते। यह मैं जानना चाहूंगा। मेरा सुझाव है कि पहले से अगर पैनल रहे, तो उससे आसानी रहेगी, पुरानी नियुक्तियों को तो आप करें; लेकिन आगे जो जजों की जगह खाली हो रही है, उसके लिये विचार करके पहले से पैनल रखें ताकि जगह खाली होते ही उनमें से नियुक्ति की जा सकती है।

महोदय, खाली नियुक्ति का प्रश्न नहीं है, कुछ जगह जो एक्जिंग जज हैं। राजस्थान में देख लीजिये, एक्जिंग चीफ जस्टिस दो साल में बहा है, न तो उनकी चीफ जस्टिस का स्थान दिया जा रहा है और न नियुक्ति की जा रही है।

[श्री अश्विनी कुमार]

एक आर नई परम्परा पिछले कुछ सालों से चली है, चीफ जस्टिस के ट्रांसफर की, जिससे भिन्न-भिन्न राज्यों के चीफ जस्टिस दूसरे राज्यों में जाते हैं। जहाँ तक मेरी जानकारी है राजस्थान का कोई भी चीफ जस्टिस किसी अन्य राज्य में नहीं है, बल्कि राजस्थान में भी एक्टिंग चीफ जस्टिस काम कर रहा है, उनका जगह नहीं दी जा रही है। मेरा यह कहना है कि इसके बारे में विचार करना जरूरी है, यह विचार का विषय है। इसके क्या कारण हैं, यह मंत्री महोदय बताने का प्रयत्न करेंगे तो बड़ी कृपा होगी।

यह चीजे जब तक आप ठीक नहीं करेंगे इसके स्तर को नहीं उठाएंगे काम नहीं चलेगा। आज जुडिशरी के बारे में कल्पना है कि यह एक स्वतंत्र न्यायपालिका है। परन्तु जो व्यवहार में देखा जा रहा है, उसमें बहुत सी चीजे नीचे आ रही हैं और जैसा मैंने पहले कहा कि मंत्री महोदय ने अपने हैदराबाद के भाषण में जुडिशरी के ऊपर बहुत कुछ बात कही मैं उन्हीं का एक उदाहरण देना चाहता हूँ। उन्होंने जमींदारी एबोलिशन बिल की बात कही और आगे यह लगाया कि जमींदारी बिल को न्यायपालिका ने रद्द कर दिया और उमी में उन्हीं के शब्दानुसार यह है कि जब दोबारा बिल पास करने की बात आई तो उन्होंने स्वयं स्वीकार किया कि, "बी हेड लास्ट द पोलिटिकल बिल टू पास।" यह किसका दोष है और कौनसी बाधाएँ आएंगी यह कल्पना होना चाहिए। माननीय शिवशंकर सरीखे व्यक्ति ला मिनिस्टर हैं। एक-से-एक बड़े विद्वान जज रहे हैं जिन्हें कि सब प्रकार का अनुभव है। साथ ही ला मिनिस्ट्री में बड़े-बड़े विद्वान जज बैठे हैं, उनको अगर कल्पना नहीं है तो मैं कहना चाहूंगा कि उनको सोचना चाहिए कि इसमें से क्या लेकुना निकाल सकते हैं। मैं कहना चाहता हूँ कि कानून जल्दी में बनते हैं और फिर न्यायपालिका में जाते हैं। बहा से नीचे भेजे जाते हैं और फिर

सशोधन होते हैं। इसलिए यह सोच-विचार कर किया जाना चाहिए। परन्तु उधर सोचा-विचार नहीं जा रहा है। अभी मैं एक मित्र महोदय ने कहा कि जज जो रिटायर हो जाते हैं हम उनको प्रोत्साहन देकर, प्रलोभन देकर न्यायपालिका को भ्रष्ट बनाने का काम कर रहे हैं। मैं यह नहीं जानता कि यू.एस. एस० आर० में कौनसा न्यायपालिका का सिस्टम है। वह सिस्टम तो यहाँ लागू नहीं हो सकता। हमारे यहाँ तो इंग्लैंड और अमेरिका हर दृष्टि में आदर्श माने जाते हैं। जहाँ तक मुझे जानकारी है अमेरिका के अन्दर अगर कोई व्यक्ति 10 साल जज रह जाना है तो उसके बाद उसे कोई पद नहीं दिया जाता और उसको जितनी सेलरी मिलती थी उतनी पेंशन मिलती है। मंत्री महोदय कमिटेड जुडिशरी की बात कर रहे हैं। मैं तो कह रहा हूँ कि जजेज को इलेक्शन कमिशन का चैयरमैन बनाकर, भिन्न-भिन्न पोस्ट्स देकर, गवर्नर बनाकर जो भेजा जा रहा है, यह जजेज को भ्रष्ट करने का तरीका है। उसके बाद हम कहते हैं कि भ्रष्टाचार फैल रहा है।

उपसभाध्यक्ष महोदय (श्री जगमोहन देसाई): अब खत्म कीजिए। ग्यारह मिनट हो गए हैं।

श्री अश्विनी कुमार: मैं एक-दो मिनट में खत्म कर दूंगा। मैं एक-दो महत्व के विषयों पर और बोलूंगा। एक महत्व के विषय की ओर प्राथमिक ध्यान आकर्षित करना चाहूंगा। मुझे व हाईकोर्ट्स, विशेषकर पटना हाईकोर्ट का अनुभव है कि जो जजेज वहाँ नियुक्त होते हैं उन्हीं के बेटे, भाई, भतीजे व आकर वकालत करते हैं। तो जब कि को लेकर वे आते हैं तो तुरन्त जमा हो जाएंगी या रिट दायर हो जाएंगी तो मेरा सुझाव यह है कि जब सारे विषय पर विचार कर रही है जिनके बेटे, भाई जिस हाईकोर्ट में करते हैं उसके बाहर ऐसे जजेज नियुक्त करने के बारे में आप सोचेंगे क्योंकि यह एक भयंकर भ्रष्टाचार

तरीका है और उममे में जज के पास जाता है कि नहीं, यह कहना तो कठिन है परन्तु उनके बेटे जो कल ला कॉलेज में आए हैं आज उनकी हजारों, लाखों की प्रैक्टिस शुरू हो जाती है। इस तरह उनकी प्रैक्टिस जमाने लगती है और कल को दो साल, पांच साल बाद जब आप जजेज के लिए नाम खोजना शुरू करने हैं तो वही आते हैं क्योंकि उनका बाप जज रहा, उनका चाचा जज रहा। जिन्होंने कि बाप के नाम भतीजे के नाम पर जमानत कराकर लाखों रुपए कमाए वह फिर जज बन जाते हैं। कल को वे जज बनकर क्या करेंगे। उनका क्या मिट्टान होगा। उसके लिए शिवशंकर जी ने कहा कि हमने ट्रामफर आफ जजेज कर दिया है। परन्तु ट्रामफर आफ जजेज के बारे में जैसा कि मेरे अन्य मित्रों ने कहा भावना उनकी अच्छी रही होगी परन्तु सरकार उमे अपने हाथ में धमकाने के लिए उनमें अपने काम कराने के लिए एक डंडा बनाकर रखती है।

अंत में मैं इतना ही कहूंगा कि जजेज के लिए जो कुछ किया जा रहा है वह उचित है ?

श्री पी. शिवशंकर : आपने रामायण की सारी कथा कह दी ?

श्री अश्विनी कुमार : रामायण तो आपने टी. वी. पर ला दी है। आपने हैदराबाद में रामायण शुरू की हमने तो कमेंटरी की है। उममें भी हम ज्यादा नहीं कर रहे हैं। मेरा तो इतना ही कहना है कि सरकार के विचार में यह एक अच्छी कल्पना आ गयी है। न्यायपालिका को स्वतंत्र रहना चाहिए। कल को सरकारें बदल सकती हैं। देश में जैसा परिवर्तन आ रहा है उसमें अगर न्यायपालिका निष्पक्ष और स्वतंत्र रहेगी तो कोई भी सरकार बदले, कोई भी दल मेजारिटी में आये, न्यायपालिका एक नियंत्रित रूप में देश को आगे ले जायेगी। मैं निवेदन करना चाहूंगा कि आज का जो सत्ताखंड दल है वह चाहे जब तक सरकार में बना रहे लेकिन कालान्तर में

देश की परिस्थितियों में परिवर्तन आने वाला है और बहुत से राज्यों में परिवर्तन आ गया है। आज देश के 14 राज्यों में आपकी सरकार नहीं है। तो क्या यह देश के लिये उचित नहीं होगा कि हम ऐसी परंपरा डाल कर जायें कि आने वाली पीढ़ी ऐसा न कहे कि हमने देश को आगे ले जाने का मार्ग अवरोध कर दिया है।

We should have a committed judiciary, that is, a judiciary committed not to a party but committed to the Constitution and to the integrity and welfare of India.

इन शब्दों के साथ आपको फिर धन्यवाद देता हूँ।

उपसभाध्यक्ष (श्री जगेश देमाई) :

राम अवधेश सिंह जी, अब आप बोलेंगे। और मैं 7 मिनट के बाद घटी बजा दूंगा। उसके बाद भी आप तीन मिनट बोल सकते हैं। आपकी पार्टी का पूरा टाइम केवल 3 मिनट का है, इसलिए दस मिनट में ज्यादा मैं आपको आधा मिनट भी नहीं दूंगा। मैं यह बात अभी में बोल देता हूँ।

श्री राम अवधेश सिंह : माननीय उपसभाध्यक्ष जी, इस बिल के माध्यम में हमें भारत की मौजूदा न्यायपालिका के स्वरूप, उसके कार्य करने की विधि के बारे में इस सदन में बहस करने का मौका प्राप्त हुआ है और मैं समझता हूँ कि अब यह बहुत उचित समय है बहस करने का। अभी तक जितनी बहस हुई है उसको मैंने बहुत ध्यान में मुना है। बहस का सारा तत्व यह था कि न्यायपालिका निष्पक्ष और निर्भीक हो। इसी पक्ष पर बहस हुई। लेकिन उसका निष्पक्ष बनाने के लिये कोई ठोस, कारगर बात भारतीय समाज व्यवस्था के मदर्भ में नहीं हुई है। कैसे यह निष्पक्ष रहेगा इन बात को देखना है। यहाँ हिन्दुस्तान में जज हो या चीफ जस्टिस हो या चीफ सेक्रेटरी हो या लेजिस्लेटर हो या मंत्री

[श्री राम अवधेश सिंह]

हो, वह पैदा होता है जाति में, बढ़ता है जाति में, सोता है जाति में, मरता है जाति में और मरने के बाद भी रहता है जाति में। यह एक सामाजिक सच्चाई है। अब जिस तरह से सतही बहस हुई उसमें सैद्धान्तिक बात कि न्यायपालिका कार्यपालिका और विधायिका के बीच में संतुलन रहे, तो यह नहीं हो सकता है जब तक कि इस बान के लिये कोई ठोस आधार नहीं तैयार किया जायेगा। मैं बहुत दुख के साथ कहना चाहता हूँ कि संविधान की धारा 124 जिसमें सर्वोच्च न्यायालय के जजों की नियुक्ति का प्रावधान है और जो शर्तें हैं और धारा 217 में हाईकोर्ट के जजों की नियुक्ति का प्रावधान है और जो शर्तें हैं और धारा 233 में ऐडीशनल सेशन जजों की नियुक्ति का प्रावधान है, इन तीन संविधान की धाराओं का भरपूर दुरुपयोग किया गया और ऐसी बनाया गया है कि ऐसी मांजि व्यवस्था की और ही न्यायपालिका उन्मुख रहे। कोई प्रगतिशील काम सरकार करना चाहती है तो इस तरह के जज बैठे हुए हैं न्यायपालिका में कि जैसे साप कुंडरी मारे बैठा रहता है और किसी को घुसने नहीं देता। वह घर की रखवाली करता है तो उसी तरह से न्यायपालिका में साप की तरह से लोग बैठे हुए हैं जो बाहर से किसी को उममें घुसने नहीं देना चाहते हैं। मैं दावे के साथ कहना चाहता हूँ कि भारत सरकार जांच करे और गृह मंत्रालय और विधि मंत्रालय जांच कराये कि कितने परिवारों का एकाधिकार न्यायपालिका पर है हाईकोर्ट के जजों के बारे में और सुप्रीम कोर्ट के जजों के बारे में। 300 परिवार इस देश में हैं जिसका पूरा एकाधिकार न्यायपालिका पर है और वे जैसा चाहते हैं, वैसा कराते हैं।

महोदय, मुझे बहुत दुख के साथ कहना पड़ता है कि हमारे मित्र श्री अश्वनी जी ने बहुत सही कहा...

उपसभाध्यक्ष (श्री जगेश देसाई) : मगर आपके विचारों और उनके विचारों में बहुत फर्क है।

श्री राम अवधेश सिंह : बहुत कुछ विचार मिलते हैं हमारे। मैं आपको बताना चाहता हूँ कि न्याय पाने की आजादी है, लेकिन क्या हो रहा है कि वहां पर कुछ ही खानदान के लोगों की नियुक्तियां हो रही हैं। जो एक बार जज बन जाएगा तो उसका साला, उसके रिश्तेदार, उसके मित्र भी बनेंगे। दर्द क्यों होता है कि एक ही जिले में 10 साल हाईकोर्ट में कोई प्रैक्टिस करे तो वह हाईकोर्ट जज बन सकता है। 10 वर्ष हाईकोर्ट में प्रैक्टिस करेगा तो या सुप्रीम कोर्ट में करेगा तो सुप्रीम कोर्ट का जज बन जाएगा। 233 धारा के मुताबिक कोई लोवर कोर्ट में करेगा तो ऐडीशनल सेशन जज बन सकता है। सबसे बड़ी खामी इसमें यह है कि न्यायपालिका में चुनाव के लिए प्रतियोगिता की भी व्यवस्था है लेकिन वह केवल जुडिशल मजिस्ट्रेसी के लिए है मुसिफ के लिए है। आप मिद्वान्तत यह नहीं कह सकते हैं कि न्यायपालिका के चुनाव में प्रतियोगिता नहीं है। जहां से फासी देने का अधिकार न्यायपालिका को मिलता है वहां भी पैरवी पर नियुक्ति होती है। मैं ऐसे लोगों को जानता हूँ। चार दोस्त थे, वे एक साथ रहते थे एक साथ प्रैक्टिस करते थे, एक साथ वे जुडिशल मजिस्ट्रेट की परीक्षा में बैठे। एक जो उनमें सबसे तेज था वह हरिजन था, वह भी उसमें बैठा और वह मुसिफ मजिस्ट्रेट हो गया। दूसरा जो था मत के गलियारे में और न्यायपालिका के गलियारे में था। जिस अनुपात में उनकी पैरवी थी, उसी अनुपात में उनको जगह मिलनी थी। जिसकी थोड़ी पैरवी कम थी, दूसरे से वह ऐडीशनल सेशन जज बन गया। जो तेज था, जिसके लिए वे कहते हैं कि 7 वर्ष की पैरवी होनी चाहिए, जो गृहर आनर सर करता रहा वह उसके सिर पर आकर ऐडीशनल जज बन गया। तीसरा आदमी सुप्रीम कोर्ट का जज बन गया। यह है आपकी नियुक्ति की व्यवस्था। इसमें आप अपेक्षा कर सकते हैं कि न्यायपालिका स्वतंत्र रहेगी? नहीं रह सकती है। इसमें समाज के कमजोर तबके का कोई प्रतिनिधित्व नहीं है। इस पर क्या सरकार नहीं सोचेगी?

महोदय मैं इस सदन के माध्यम से अपने देश के नौजवान प्रधान मंत्री को कहना चाहता हूँ कि न्यायपालिका में भी जनता अपना चेहरा देखना चाहती है। जैसे सरकार एक दर्पण है उसी प्रकार से विधायिका भी दर्पण है जिसमें जनता अपना प्रतिनिधित्व देखना चाहती है उसी प्रकार से न्यायपालिका में भी जनता अपना प्रतिनिधि देखना चाहती है। मैं पूछना चाहता हूँ मंत्री जी से वे पूरे देश में जितने हाईकोर्ट के जज हैं उनमें बैक-वर्ड क्लास के लोग कितने हैं यह क्या आप बताएंगे उसमें आदिवासी कितने हैं, हरिजन कितने हैं, माइनारिटीज के लोग कितने हैं, महिलाएं कितनी हैं यह बताएं। हमारे जो प्रधान मंत्री हैं उन तक आप हमारी बात को पहुंचाएं हम दर्द से बोल रहे हैं। अगर हम लोगों की बात नहीं सुनी गई तो क्या होगा कितना असन्तोष होगा यह आप जाने।

श्रीमन् पटना हाईकोर्ट के चीफ जस्टिस के बी. ए. सिंह थे। वहां क्या होता था कि सारी जातियों का जमाव होता था। रात में तय होता था कि किसमें क्या फैसला करना था। एकदम साधारण मजिस्ट्रेट के स्तर से चीफ जस्टिस का स्तर गिरा था। मुझको 31 अगस्त, 1982 को और 9 फरवरी, 1983 को पटना हाईकोर्ट के सामने धरना देना पड़ा और कहना पड़ा कि इसको बदलो। भारत सरकार को हमने मेमोरेण्डम दिया। उस समय संयोग से माननीय मंत्री जी थे तो उनकी ट्रांसफर हुई और राहत मिली हमको। पूरे सूबे को लगा कि कुछ राहत मिल गयी। ऐसे जो चीफ जस्टिस होंगे तो उनके बारे में क्या होगा? डा० लोहिया की तरह मे निभीक हों निष्पक्ष हों यही हम चाहते हैं और सब वर्गों का उसमें प्रतिनिधित्व हो। मैं यह कहता हूँ कि इस समय जो 440 जज हैं उसमें सब के सब कुछ को छोड़ कर ऊंची जाति के हैं। 55 फीसदी तो खाली ब्राह्मण ही है। एक जाति है जिनकी संख्या साढ़े तीन फीसदी है। (समय की घंटी)

उपसभाध्यक्ष (श्री जगेश देसाई) : आपके दस मिनट हो गये। अब आप बन्द करिये।

श्री राम अवधेश सिंह : तीन मिनट और दे दीजिए।

उपसभाध्यक्ष (श्री जगेश देसाई) : एक मिनट से ज्यादा नहीं। इसी में आप खत्म करिये।

श्री राम अवधेश सिंह : मैंने ब्राह्मण शब्द कह दिया क्या इसलिए आपने...

उपसभाध्यक्ष (श्री जगेश देसाई) : मैं पहले हिन्दुस्तानी हूँ। न ब्राह्मण हूँ और न कुछ और।

श्री राम अवधेश सिंह : सब हिन्दु-स्तानी हैं लेकिन मरने के बाद तक अपनी जाति में रहते हैं यह दुर्भाग्य है। मैं कोई जाति में नहीं हूँ। मैं हिन्दुस्तानी हूँ। मैंने अपने लड़के का नाम कश्मीर अली रखा है दूसरे लड़के का नाम कृष्ण कबीर रखा है और लड़की का नाम जयश्री नूर रखा है। मैं किसी धर्म को नहीं मानता किसी जाति को नहीं मानता, भगवान को नहीं मानता। (व्यवधान)... (समय की घंटी) मैं एक सुझाव देना चाहता हूँ।

उपसभाध्यक्ष (श्री जगेश देसाई) : आपका टाइम खत्म हो गया।

श्री राम अवधेश सिंह : एक मिनट में अपनी बात खत्म कर दूंगा।

मेरा पहला सुझाव यह है कि अखिल भारतीय न्यायिक सेवा की स्थापना की जाये ताकि प्रतियोगिता के आधार पर जजों की नियुक्ति की जाये। साथ ही यह भी हो कि वह 10 साल तक प्रेक्टिस में रहा हो तभी वह प्रतियोगिता में बैठ सकता है।

दूसरे यह कि जनसंख्या के आधार पर अगर यह सम्भव न हो तो कमसे कम हर वर्ग का प्रतिनिधित्व उसमें हो।

[श्री राम अक्षय सिंह]

पिछड़े वर्ग का प्रतिनिधित्व हो। 50 जगह हाई कोर्ट में खाली है तो उसमें कम से कम 40 इनमें से भरे जानी चाहिये। पटना में 13 जज की जगह खाली है। मैं मांग करता हूँ कि 13 में से कम से कम 9 जगह पिछड़े वर्ग में से, हरिजन जाति के लोगों में से बहाल की जाये।

तीसरे यह कहना चाहता हूँ कि हर हालत में मुख्य न्यायाधीश उस राज्य का नहीं होना चाहिए दूसरे राज्य का होना चाहिए। दो-तिहाई जज हमेशा अपने राज्य के नहीं होने चाहिए। अगर वे दूसरे राज्य के होंगे तो जातपात नहीं हो पायेगा।

चौथे यह कि जजों की संख्या दुगुनी बढ़ाई जाये। जब 10 लाख से ऊपर हाई कोर्ट में केसज पेंडिंग है और एक लाख केसज सुप्रीम कोर्ट में पेंडिंग है तो मैं चाहूँगा कि जब तक जजों की संख्या दुगुनी नहीं बढ़ाई जायेगी तब तक ये पेंडिंग केसज कम्प्लीट नहीं होंगे। संविधान की दुहाई मत दीजिए। अगर पिछड़े वर्गों को उचित हिस्सा नहीं मिला तो संविधान की रक्षा के लिए संविधान को जलाने का काम वह करेंगे और उसमें हमारे जैसे लोग शिरकत करेंगे।

SHRI DHARAM CHANDER PRA-SHANT (Jammu and Kashmir): Mr Vice-Chairman, Sir, I rise in support of this Bill which is a very simple Bill, about enhancement of emoluments of Judges. There can be no two opinions about this. But, Sir, I have some points to raise. There is shortage of High Court Judges. It has resulted in 14.83 lakh cases pending in the High Courts and 1.63 lakh cases pending in the Supreme Court. It is a huge number. It is because of shortage of Judges in the High Court. The case of a man who goes to the court to demand justice lingers on for 10 years or more. He spends thousands and thousands of rupees in litigation.

He knocks at the doors of the courts. But justice takes so long that he withdraws his case. The case is filed

Secondly a High Court Judge has to dispose of election petitions also. There are cases when a person files an election petition. His petition goes on for 5 years. In the meantime, the Assembly is dissolved and whether he wins or loses the case does not matter. The case remains in the court and he has spent so much of money on it. It is because a High Court Judge disposes of not only election petition; but other cases also that election petition lingers on. I suggest that when a High Court Judge disposes of an election petition, his duty should be confined to the election petitions only. He should not deal with other case. In this way, the disposal of election petitions will be quick and speedy.

There is one legal directive to a Judge. Don't punish those who have not committed crimes though you may have to acquit those who have committed crimes. But we have seen that those who have not committed crimes have been punished. That is a loophole in the judicial system which should be plugged. If you don't plug this loophole, then people will not get justice.

Sir, in the lower courts also the situation is very deplorable. Judges are appointed by the Chief Justice. But there is interference by the State Governments with the result that those who do not have any merit are appointed Judges. A Judge should be appointed on merit alone. His performance as a lawyer at least for 10 years should be perfect. A man who has just passed LLB and is immediately appointed as a Judge will not perform his duties perfectly according to the law. A lawyer who works efficiently for 10 years as an advocate should be given a chance to work as a Judge in the High Courts or in the lower courts. Justice should not be delayed. Justice should be done speedily to the persons who approach the courts. If they are

not given justice, then their confidence in the judicial system will be shaken. Thank you.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Gopalsamy. Only 5 minutes.

SHRI V. GOPALSAMY: Mr Vice-Chairman, Sir. I know that the time at my disposal is very short. I will confine myself to the Bill. Originally the House Rent Allowance was 12-1/2 per cent of the basic pay. At that time the basic pay was Rs. 3500/-. Now the basic pay of the High Court Judges including other perquisites is Rs. 8000/- and above. It has been raised from Rs. 3500 to Rs. 8000. On that basis, the House Rent Allowance comes to about Rs. 1000.

Sir, now the Government have introduced a new Bill under which the house rent allowance is raised to a consolidated sum of Rs. 2,500. It is understood that this rise to a consolidated sum of Rs. 2,500 will be paid to the Judges who are occupying their own premises from the date on which this condition is notified. Since the pay has been raised much earlier and given effect to from 1st April, 1986, it is requested that the house rent allowance of Rs. 2,500 also may be given effect, that is retrospective effect from 1st April, 1986 because when there was an increase in the pay of the Central Government employees, that was given retrospective effect from 1st January, 1986. When the Central Government employees have been given such a facility of retrospective effect, I hope and I would request our hon. Minister to consider this request to give a retrospective effect. Even at this moment, I hope our hon. Minister would definitely consider this request and give retrospective effect from 1st April, 1986, and that would be a welcome measure.

Sir, the strength of the Judges of the Madras High Court is 25, i.e. 21 Permanent Judges and 4 Addi-

tional Judges. As on date, the strength of the Madras High Court is only 18. By March, 1988 the Chief Justice would be retiring. As on date, the vacancies are 7 and by 15th of March, 1988, the vacancies will be 8. And I do not want to go into the plight of the people due to the delayed justice and all those things. So, I would request the hon. Minister to fill up the vacancies as early as possible taking into consideration various aspects because, recently, a controversy also has arisen in Tamil Nadu between the Law Minister and the Chief Justice. I do not want to go into that. While taking into consideration the whole background, it is also necessary to keep in mind the socio-economic conditions and at the same time the need to uplift the people coming from the down-trodden, from the backward sections. That aspect also should be taken into consideration. That is my request.

Sir, the Judges of the High Courts of other States like Kerala and Andhra Pradesh are enjoying the full facilities of phone calls whereas in the case of the Judge of the Madras High Court, the phone facility is reduced to 700 total calls, inclusive of free calls per month, except in the case of the hon. Chief Justice. Sir, it is ridiculous to note that earlier to the introduction of this new system, even the first three senior Judges, otherwise called the Portfolio Judges, were enjoying 800 free calls, but when the charge payable for each of the call is increased, the Judges are made to pay from their pocket for extra calls. Sir, the facility of free calls is a status symbol. So, when some of the Judges in the High Courts of some States are enjoying the facility of free calls, why should there be a discrimination against the Judges from some other High Courts? This anomaly also should be removed.

SHRI P. SHIV SHANKER: You must address it to Mr. Aladi Aruna.

SHRI V. GOPALSAMY: We are

[Shri V Gopalsamy]

helpless. That is why I am addressing it to you and because you are friendly with the Government, you could take it up with the State Government also (Interruptions). You are the mediator now. I would request our hon. Shri Shiv Shanker to take up the issue with the State Government though it is a petty matter.

SHRI M. S. GURUPADASWAMY:
He wants your good offices.

SHRI V GOPALSAMY: Sir, this discrimination should go. It is ridiculous to expect the High Court Judge to pay for the calls from his pocket. I hope the hon. Law Minister will now take up the issue with the Government.

Sir, there is one more thing which also concerns the State Government. I would request the hon. Law Minister to look into this. In other States, the High Court Judges are allowed to fly the High Court flag on their cars. This system of flying a flag on the cars of the High Court Judges was prevalent for some time in my State, in Tamil Nadu. But it was subsequently given up on account of the policy of the State Government and now the Judges of the High Court of Madras are prevented from flying the High Court flag on their cars. When the Judges of the other High Courts are enjoying such a flag facility, we do not see any reason as to why the Judges of the Madras High Court should be deprived of this privilege. On this also I would request the hon. Law Minister, because that Government is very friendly or toeing the line of the Central Government, whatever you dictate, they dance to your tunes, to take up the issue with the State Government so that the Judges of the Madras High Court enjoy the facility of flying the flags on their cars.

With theses words, Sir, I conclude.

SHRI DARBARA SINGH (Punjab):
Mr. Vice-Chairman, Sir, I want to point out only one thing. Whatever has been said by the hon. Member, the Law Minister will take care of this. But I would like to say that at the time of selection of candidates, whosoever they may be, they will be fulfilling the conditions all right, but it should be ascertained that they do not have any feudalistic bias or communal or caste bias at all. This must be taken into account.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Malviyaji, five minutes.

SHRI V. GOPALSAMY: Sir, I confined myself to the time. So bonus should be given subsequently

श्री सत्य प्रकाश मालवीय : उपमहा-
ध्यक्ष महोदय मैं निर्धारित समय में पूरा करने की कोशिश करूंगा। मैंने इस विधेयक को प्रवर मंमिनि को भेजने का प्रस्ताव किया है। वह इसलिए रखा है कि जब संविधान बना था तो उस वक्त हाईकोर्ट जजज की जो मैनरी थी वह 3500 रुपये रखी गई थी गत वर्ष इसको बढ़ाकर 8 हजार रुपये किया गया और अब यह प्रावधान किया जा रहा है कि यदि सरकारी आवास में हाईकोर्ट के जजज नहीं रहेंगे तो प्रतिमास 2500 रुपये मकान का भत्ता मिलेगा। मेरी समझ में नहीं आ रहा है कि 2500 रुपये के पीछे क्या मिद्दान्त है? दो हजार, चार हजार या दस हजार क्यों नहीं किया गया? इसीलिए मैंने प्रस्ताव रखा है। मैं अपनी बात वहीं में शुरू करूंगा जहां से मेरे मित्र राम अवधेश सिंह जी ने अपनी बात को समाप्त किया था। 26 नवम्बर, 1987 को अन्ताराकित संख्या 2049 के उत्तर में बतलाया गया है कि जो अल्पसंख्यक वर्ग है पिछड़े वर्ग है, अनसूचित जातियां हैं हरिजन भाई हैं या महिलाएं हैं इनकी नियुक्ति के लिए सरकार तलाश कर रही है...

(व्यवधान)

श्री राम अवधेश सिंह मंत्री जी
सुनिये जरा ।

श्री सत्य प्रकाश मालवीय . माननीय

विधि एवं न्याय मंत्री ने जवाब दिया ।
I am referring to the reply given to Un-Starred Question No. 2049 on 26th November, 1987. The Hon. Law Minister replied that the Government have addressed the Chief Ministers of the States and the Chief Justice of High Courts from time to time requesting them to locate and recommend persons from the bar belonging to the Scheduled Castes and Tribes and other backward classes and minorities and women who are suitable for appointment as Judges of the High Court so that they could give them better representation in the High Courts than it is at present जो प्रश्न राम अवधेश सिंह जी ने किया था वही मेरा प्रश्न था । सरकार ने गाइडलाइंस तय कर दी है गवर्नमेंट के लिए अप्वाइंटमेंट करने के लिए कह रखा है । उसमें लिखा है कि लोकेट किया जाए ढूँढा जाए हिन्दुस्तान में । तो क्या कठिनाई है ऐसे लोगों की नियुक्ति करने में । इन वर्गों के जजों की सुप्रीम कोर्ट और हाई कोर्ट में कितनी टटल स्ट्रेंथ है इन वर्गों के कितने लोग हैं जिसमें इसका जिक्र है । माननीय सदस्यों ने इस ओर भी ध्यान आकर्षित किया और जब अलादी अरुण अपनी बात कह रहे थे तो उन्होंने कहा कि जस्टिस डिलेड इज जस्टिस डिनाइड । अभी शक्ल जी ने मध्य प्रदेश का जिक्र किया और इलाहाबाद हाईकोर्ट में जो केस पेंडिंग है उनके बारे में यह है--

As per the information furnished by the Registry of the Allahabad High Court 79,595 cases were pending before the Court for more than five years as on 30th June, 1986.

यह निविवाद है कि करीब-करीब 16 लाख से लेकर 18 लाख केसेज सर्वोच्च न्यायालय और हमारे देश के जो

18 अलग-अलग उच्च न्यायालय हैं वहां विचाराधीन हैं । उसके बहुत से कारण हो सकते हैं लेकिन एक कारण यह भी है कि जो पद खाली है चाहे सर्वोच्च न्यायालय में हो या दूसरे उच्च न्यायालयों में हो उनमें सरकार नियुक्तियां क्यों नहीं कर रही है । ला कमीशन ने भी अपनी रिक्मेडेशन कर रखी है । ला कमीशन की 79वीं रिपोर्ट में जो लिखा है मैं वह पढ़ देना चाहता हूँ जिसको कि माननीय भारद्वाज जी जानते हैं अब जरा गौर से इसको वे सुन लेंगे । The Law Commission of India observed in its Seventy-Ninth Report: It is our considered opinion that the delay in filling the vacancies is one of the major contributing factors responsible for the piling accumulation of arrears. In our opinion when a vacancy is expected to arise out of the retirement of a Judge, steps for filling up of the vacancy should be initiated six months in advance. The date on which such a vacancy normally arise is always known to the Chief Justice and also to the other concerned. "It should be ensured that necessary formalities for appointment of a judge, to fill the vacancies, are completed by the date on which the vacancy arises."

मान्यवर चीफ आफ आर्मी स्टाफ के रिटायर होने की तारीख है 6 महीने के बाद लेकिन 6 महीने के पहले ही घोषणा कर दी जाती है कि चीफ आफ आर्मी स्टाफ कौन होगा तो इनके सिल-सिले में भी क्या कठिनाई है ।

मैं इन आंकड़ों की ओर आपका ध्यान आकर्षित करना चाहता हूँ कि सर्वोच्च न्यायालय की जो सैक्शनड स्ट्रेंथ है वह इस वक्त 26 है और वहां पर 10 स्थान रिक्त हैं । क्या वजह है कि स्थानों को भरने में इतनी कठिनाई हो रही है । दूसरी ओर जो विभिन्न हाईकोर्ट में हैं उनमें सैक्शनड स्ट्रेंथ है 442 लेकिन इस वक्त 50 जजेज के स्थान रिक्त हैं । मैं आपका ध्यान आकर्षित करना चाहूंगा . On 31st October, 1987, there existed six vacancies in Allahabad High Court out of which five are from 15th October

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1984. In Andhra Pradesh, from where the learned Law Minister comes, there are two vacancies since 26th November, 1982. Besides, there are 3 vacancies in Andhra Pradesh since 17th October, 1987.

These are the vacancies as I said, lying vacant from 15th October 1984 in Allahabad, and from 17th October in Andhra. Now I take the case of Gujarat. In the Gujarat High Court, there are four vacancies, and out of these four vacancies, two vacancies are from June 1984, one is from 7th June, 1984, and the other is from 26th June, 1984.

मैं यह जानना चाहता हूँ कि इतने जो केसेज पड़े हुए हैं, लाखों केसेज हैं, न्याय लोगों को मिल नहीं रहा है तो क्या कारण है, क्या कठिनाई है कि इन स्थानों को जल्दी नहीं भरा जा रहा है। मैं फिर ध्यान आकर्षित करना चाहूँगा, अभी हैदराबाद में माननीय न्याय मंत्री जी ने एक की नोट एड्रेस दिया था, उसमें बहुत सी बातें हैं, यह 3 दिसम्बर, 1987 के "हिन्दुस्तान टाइम्स" में छपा है, उसमें ज्यादा जाने की जरूरत नहीं है लेकिन मैं एक बात की ओर उनका ध्यान आकर्षित करना चाहूँगा। हमारे शिवाशंकर जी ने कहा कि

Where do we stand? Why did the trouble arise? The basic question asked is that if the Supreme Court is not accountable to anyone, should the appointing authority look at the philosophy of judges before appointing them?"

मैं यह जानना चाहता हूँ कि इस फिलासफी के पीछे उनका क्या मकसद था क्या आशय था? जब उत्तर देंगे तो उसको समझाने की कोशिश करेंगे कि कल इस फिलासफी के पीछे कोई पोलिटिकल फिलासफी तो नहीं है क्योंकि मान्यवर, दो दिन के लिए इलाहाबाद हाईकोर्ट में एक व्यक्ति को चीफ जस्टिस बनाया गया, एक्टिंग चीफ जस्टिस थे, रिटायर होने वाले थे और

केवल दो दिन के लिए बनाया गया। इसकी क्या आवश्यकता थी? दो दिन के लिए आप एक्टिंग चीफ जस्टिस रखते हैं इसका मतलब यह है कि आप न्याय के प्रति खुद न्याय नहीं कर रहे हैं। आप और क्या कर रहे हैं कि इतने स्थान वहाँ पर रिक्त पड़े हैं और उसको जो प्रोसेस है मैं उस पर नहीं जाना चाहता हूँ लेकिन उस प्रोसेस के पीछे इतनी कठिनाई नहीं होनी चाहिए। जैसे कि मैंने ध्यान आकर्षित किया कि आंध्र प्रदेश में 82-83 स्थान रिक्त हैं, इलाहाबाद में, गुजरात आदि में चार-चार साल के रिक्त हैं। मंत्री जी इसको समझाने की कोशिश करेंगे।

इलाहाबाद की बार एसोसिएशन ने एक प्रस्ताव पास किया था जिसकी ओर मैं ध्यान आकर्षित करना चाहता हूँ :

"A meeting of the Democratic Lawyers Front and Litigants Forum held under the presidency of Mr. S.K. Garg, Convenor, criticised and condemned the government policy regarding appointment of judges in the High Courts and Supreme Court. The speakers in the meeting strongly resented the appointment of Chief Justices in the various High Courts for brief periods, making mockery of the high office and further ignoring the approved names"

एक सज्जन थे इलाहाबाद हाईकोर्ट में वे केवल दो दिन के चीफ जस्टिस बनाये गये। मई 1987 में यह हुआ, अब हम दिसम्बर 1987 में हैं, करीब-करीब 5-6 महीने बीत गये हैं, आज भी इलाहाबाद हाईकोर्ट में एक्टिंग चीफ जस्टिस एक दूसरे सज्जन हैं। क्या वजह है कि इलाहाबाद हाईकोर्ट और अन्य हाईकोर्ट्स में एक्टिंग चीफ जस्टिसेज हैं, रेगुलर चीफ जस्टिस को क्यों नहीं मुकर्रर करते हैं। दूसरा मैं इस ओर भी ध्यान आकर्षित करना चाहता हूँ जो pending cases हैं इस सिलसिले में एक आंकड़ा है :

As on July 1 this year (i.e. 1987), there were 1.6 lakh cases pending in the Supreme Court. Of them, 2422 cases were as old as 15 years and 68

cases older than that, and the High Courts had about 14 lakh cases pending with them, quite a few of them 10 years old.

तो जो लिटिगेंट पब्लिक है जो लोग न्याय चाहते हैं अगर 15-15 साल तक 20-20 साल तक न्यायालय में मुकदमे विचाराधीन रहेंगे न्यायालय में मुकदमों का फेमला नहीं होगा, तो क्या आप इस देश की जनता के प्रति न्याय कर रहे हैं?

कहा जाता है कि यह टेम्पल आफ जस्टिस है वह न्याय का मंदिर है, लेकिन 15 साल हो जाते हैं न्याय मिल नहीं पा रहा है। उसके पीछे जो न्याय नहीं मिल रहा है, उसके पीछे सरकार की नियुक्तियों के संबंध में दोषपूर्ण नीति भी है। आप उनकी संख्या को बढ़ाये। संख्या जितनी आपने मुकदमों को बढ़ा दी है, उसके मुताबिक आप नियुक्ति करें। वह भी आप नहीं करते हैं।

तो इसलिए मेरा निवेदन यह है कि इन सारी चीजों पर पुनर्विचार कीजिए और मैं पुनः यह कहना चाहता हूँ कि जो हाईकोर्ट जजेज हैं सर्वोच्च न्यायालय के जजेज हैं या चीफ जस्टिस हैं, उनको सम्मान के अनुसार इस महंगाई को देखते हुए एक नए आदमी को तरह ज़िंदगी जीने का मौका दीजिए। उनकी तनख्वाह और बहा दीजिए, लेकिन मैं निश्चित रूप से यह निवेदन करूंगा कि जो स्थान रिक्त हैं, जो खाली स्थान हैं, उनको जल्दी भरने की कृपा करें जिससे कि आदमी को न्याय मिल सके।

अन्त में मैं अपना बात खत्म करते हुए फिर यही निवेदन करना चाहूंगा कि कम से कम इस बात की सफाई मंत्री महोदय देंगे कि जिन उच्च न्यायालयों के चीफ जस्टिस की तरफ मैंने ध्यान आकर्षित किया है कि चार-चार साल, पांच-पांच साल से वहां पर स्थान रिक्त हैं, उनके क्या कारण हैं ?

क्या उनके पीछे कोई पॉलिटिकल रीजन है, क्या उसके पीछे तो नहीं कि ऐसे लोग नहीं मिल रहे हैं कि जो स्वतंत्र पार्टी के लोग हैं, उनके प्रति कमिटेड नहीं है, क्योंकि बराबर यह आरोप लगाया जा रहा है कि वर्तमान में ऐसे लोग जो हैं, वह कमिटेड ज्यूडिशरी हैं ? वह चाहते हैं कि ऐसे लोग मुझे कोर्ट में, हाईकोर्ट में पहुंचें, जो मॉडिफा के प्रति नहीं, बल्कि सत्ताधारी पार्टी के प्रति प्रतिबद्ध हों ?

इन्हीं शब्दों के साथ मैं इस विधेयक पर अपनी राय व्यक्त करता हूँ।

SHRI P. SHIV SHANKER: Mr. Vice-Chairman, Sir, I must thank the hon Members at the outset. Almost all members have been pleased to support the Bill. But while supporting the Bill, various hon. members have been pleased to make diverse observations in regard to the judicial system itself. It is these observations, I think, which call for an answer. In certain respects, I have also to put the record straight so that no lurking suspicion or misunderstanding prevails.

One of the points which has been raised by hon. Members is about the vacancies not being filled up in time. I would like to bring just one aspect in connection with this to the notice of the hon House. The President, for the purpose of appointment of High Court Judges or, even for that matter, appointment of Supreme Court Judges, has to consult several Constitutional authorities. In the case of High Court Judges, there is more than one Constitutional authority. They have to be consulted. Often, it so happens that there is divergence of opinion. Knowing the judicial system itself and based on the experience that I have gained as the Law Minister—first, for two years from 1980 to 1982 and then since July, 1987—I would say that the Central Government, particularly, the Law Minister, endeavours to see that as far as possible consensus emerges in the names. It is a trial which has

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This trial is with an object to be ~~make~~ a particular authority does ~~not~~ let down. This process invol-
~~not~~ ~~into~~ a good time I have seen in
~~my~~ cases. This process is slightly
~~the~~ consuming. If the hon. Members
 think, well, Constitutional power is
 in the hands of the President, there-
 fore you consul' and appoint, you can
 override the other authorities; fair,
 that can be done, there is no difficulty
 about that. Constitutionally it is per-
 fect but then our society being a very
 complex society, always it is better to
 take a consensual approach and in
 this process delays do take place, I
 do not deny this. Some of the hon.
 Members have particularly referred
 to their own cases. Particularly the
 hon. Member from Tamil Nadu raised
 that issue. It is not difficult for me
 just to override either the Chief Minis-
 ter or the Chief Justice and appoint
 but then would I be doing a service
 to the State? That is why we try to
 evolve a consensus and in evolving
 consensus sometimes the positions are
 taken so strongly that it becomes very
 difficult, but still in the process it
 takes time.

SHRI V GOPALSAMY: That means
 the ball is in their court in Tamil
 Nadu.

SHRI ALADI ARUNA alias V.
 ARUNACHALAM. He is dealing in a
 general way.

SHRI P SHIV SHANKER: I will
 leave it to Shri Aladi Aruna to deal
 with it, but I would like to tell one
 thing I would not like to shirk the
 responsibility by merely saying this.
 It is true, we face lot of difficulties
 and a lot of issues have been raised
 by hon Members in this regard. One
 of the hon. Members has raised the
 issue as to why a particular Chief Jus-
 tice had been appointed only for two
 days. Well, I cannot disclose I was
 not the Minister at that time but as a
 Minister now I take the responsibility
 on myself and say, I cannot disclose
 what is there in the file, how the file
 has developed.

श्री राम अवधेश सिंह: या, सर्वे क।
 क्यों नहीं बतायेग ?

SHRI P. SHIV SHANKER: The
 point is, if there are charges against
 those who are not in this House and
 who cannot defend themselves, I am
 not going to say anything against
 them. Therefore, I would like to say
 that we make endeavours. I can assure
 that on my part I will make as much
 endeavour as possible. I would also
 like to tell hon. Members that I agree
 that a person should not be appoint-
 ed—left to myself I totally agree—
 for two or three or four days or even
 for a week or one month or two
 month or two months. It is perfectly
 all right, I quite agree, but then some-
 times things emerge in a particular
 fashion. For example, I take the res-
 ponsibility for having appointed recent-
 ly a Chief Justice in Delhi High
 Court for five days. Yes, I myself say
 that because before me there was a
 precedent of only one day.

SHRI M. S. GURUPADASWAMY:
 You have done better.

SHRI P. SHIV SHANKER: If I had
 the precedent of one day

SHRI ATAL BIHARI VAJPAYEE
 (Madhya Pradesh): You have done
 better.

SHRI P. SHIV SHANKER. One has
 to look into diverse factors and I
 would like, where our difficulties are
 genuine, hon. Members and also the
 nation to appreciate our difficulties. I
 have not been a hypocrite. What I
 have to say, I will say it frankly, I
 have always been saying so right
 from the beginning, when I was the
 Law Minister and also a Minister in
 this Central Government for the
 last seven to eight years.

Therefore, what I want to bring to
 the notice of the hon. Members is that
 the delay, in my submission, is inher-
 ent in the very system itself. (Inter-
 ruptions) Well, you may not agree.

Mr. Gurupadaswamy, that is a different thing.

SHRI M. S. GURUPADASWAMY: It is not inherent. You yourself said that you can appoint a straight way but you do not.

SHRI P. SHIV SHANKER: Then I also said that in system itself you have got to be aware of the complex system of the society.

SHRI M. S. GURUPADASWAMY: You say that.

SHRI P. SHIV SHANKER: That is exactly the thing. That is why before coming to this conclusion I have already laid the foundation for what I wanted to say. Therefore often times delays occur. Some of the hon. Members have raised the question that vacancies are there from 1982, 1983, 1984 etc. That is not correct. The vacancies go on getting filled up. But subsequent vacancies also arise. If you take into consideration the subsequent vacancies and take it back to a particular date, that would not be the correct approach. So I thought I must say that because of exigencies, the delays occur.

SHRI NIRMAL CHATTERJEE (West Bengal): You are creating a problem for us. If you say that we have to trust and not examine it, you put us into difficulty as Members of Parliament.

SHRI P. SHIV SHANKER: I am sorry that is a very easy way of putting the question which I will not answer. It is not a question of trust; it is a question of my oath.

SHRI NIRMAL CHATTERJEE: I agree, but the point is that you say that there are such factors also which lead to delays...

SHRI P. SHIV SHANKER: I am saying this. Precisely that is what I have said.

SHRI NIRMAL CHATTERJEE: That is what you are saying. How are we to know that there are no other factors if the Parliament cannot scrutinise?

SHRI P. SHIV SHANKER: I am prepared. That is a matter which could be debated.

SHRI NIRMAL CHATTERJEE: You have talked of another meaning. You have talked of transfer. It could be valid. But how are we to judge whether the transfers are valid if the Parliament is barred from assessing?

SHRI P. SHIV SHANKER: I am not saying that.

SHRI NIRMAL CHATTERJEE: You help us by saying how we can scrutinise this.

SHRI P. SHIV SHANKER: I follow your point. It is true that Parliament and hon. Members of Parliament are entitled to the information, but not beyond a particular stage, because where it is a matter as I said, if by putting forth the papers before you, or by disclosing the whole facts before you, if I am placing a person in jeopardy who is not in a position to answer it, I shall not place those facts before you. I am sorry you have to live with me. Right or wrong, as Carlyle said it, my husband, whether good or bad, is my husband. You have got to live with that. If you do not believe me, I leave it there.

SHRI V. GOPALSAMY: There is provision for divorce also.

SHRI P. SHIV SHANKER: Mr. Chatterjee, speaking personally for myself, I am prepared if you evolve a system—I do not know whether it is possible, but it has got to be gone into—whereby a few of the Opposition leaders, on the oath of secrecy, could look into the papers. Perhaps that could be one way of dealing with this. I am only trying to put across this view because speaking for

[Shri P. Shiv Shanker]

myself, I have no objection. I am prepared to make a clean breast of myself on every file. But the system works in a particular manner. But we could perhaps evolve a method. It is a matter where we could sit and work out. Whether we can go into it is a question which could be debated in a different way, but this is not the time or occasion where I could express myself on those issues.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: The hon. Minister has reminded us about the vacancies in the Madras High Court that these have remained vacant since 1986. But for the information of the House, I may state that so far as Allahabad High Court is concerned, five vacancies remain there from 1984 and in Andhra Pradesh High Court, two vacancies remain from the year 1982. These facts must be known to the House. You cannot create the impression.....

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): The Minister is replying that point.

SHRI P. SHIV SHANKER: I would like to know if it is your case that after 1982, no appointments have taken place so that the vacancies...

SHRI NIRMAL CHATTERJEE: That is what you should answer. He says it is continuing vacancy. Your case is it is not. That you should definitely clarify.

SHRI P. SHIV SHANKER: At least in respect of Andhra Pradesh High Court, I am aware it is not. There is nothing of that type. What happens is this.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: It is given in the reply. It has been stated by the hon. Minister that two vacancies remain vacant from 1982.

SHRI P. SHIV SHANKER: I do not know in what context it has been said. I would like to go into it. I can check with you. There should be no difficulty about it. What I am trying to say....

SHRI V. GOPALSAMY: Can you enlighten us about the delay in filling up the vacancies in Madras High Court?

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: That he has already explained. But the position is worse in other States.

SHRI V. GOPALSAMY: You should come to that point.

SHRI P. SHIV SHANKER: In a collusion of yours and Mr. Aladi Aruna, I will never be tricked in!

Now, Sir, some of the honourable Members have raised the issue about the letters written often about the appointment of Scheduled Caste Judges, Scheduled Tribe Judges, or of backward classes, women or minorities, etc., etc.

श्री राम अवधेश सिंह : किन्तु है जरा बताइए ?

श्री पी. शिवशंकर : मुझे निवेदन तो करने दीजिए । आपने और मालवीय जी ने इस इश्यू को रेज किया है ।

Sir, I would like to bring to your notice that if anybody is responsible for this, it is I who started the letter in August 1980. My letter of August 1980 was the subject-matter of the Judges case also. When I did it originally, I did it with a very honest intention, and I continue to have hope in that. After all, ours is a very complex, intricate society. Different segments are there in our society—I need not go into the details. Every segment must have a share in the administration, be it the executive,

be it the legislature or be it the judiciary. It is from this angle that I wrote the first letter in August 1986, and I am glad that some of my successors later on took up that cause. It is true that in spite of this—I concede and I am ashamed to say this as a member of the Government—adequate number of Scheduled Caste, Scheduled Tribe, Backward class, minority or women Judges are not there. I am fighting for it. It takes a little time for me. I have to persuade the other authorities also. I have my difficulties in that.

श्री राम अवधेश सिंह : उपसभाध्यक्ष महोदय, मैं पूछना चाहता हूँ कि क्या आपको जानकारी में बैकवर्ड क्लास, शेड्यूल्ड क्लास और महिलाओं में योग्य लायर नहीं हैं, जिनकी प्रैक्टिस 10 साल से ऊपर की है ? इस आधार पर आपको खोजने में टटोलने में दिक्कत क्या हो रही है ?

श्री पी० शिव शंकर : भाई, मेरे खोजने या टटोलने की बात नहीं है। इसमें बहुत सी चीजें आती हैं। चीफ जस्टिस साहब को रिक्मंड करना पड़ता है। क्या अच्छा होता कि धारा 217 या 124 का संशोधन इस तरह किया जाता कि सारे पावर मुझे दिए जाते तो आप जो चाहते हैं वह बड़ी आसानी से किया जा सकता है।

श्री अटल बिहारी वाजपेयी : आप यंत्रो चाहते हैं ?

श्री पी० शिवशंकर : मै, जो सवाल किया जा रहा है उसका जवाब दे रहा हूँ।

I have already explained the procedure for the appointment. There is a procedure which has to be followed,

श्री राम अवधेश सिंह : : डायरेक्शन तो दिया जा सकता है ? (व्यवधान) मुझे बोलने दीजिए। दूसरे भी बोले हैं।

उपसभाध्यक्ष (श्री जगेश देसाई) : आपके सिवाय बीच में किसी ने नहीं बोला है। आप दूसरी बार बोल रहे हैं।

श्री पी० शिव शंकर : आपने इश्य उठाया है, आप मुझे बोलने दीजिए।

Some of the authorities did respond. I am not saying that they did not respond. Some have their own approaches. Now, in such a situation, it is only a question of continuous trial. We cannot give up this approach. We have got to go on requesting and we have got to go on persuading so that there is a proper representation to each and every segment in the society. Trials have been going on for quite some time. It is not as though it could be said that trials have never been made. But it presents quite a complex situation. I remember, one of the Chief Justices some time back wrote to me: "Where is it in article 217 about backward classes, Scheduled Castes, Scheduled Tribes, Muslims and so on and so forth? How are you bringing it in? Only go by the merit." What does he mean by merit? He says, "What I select is merit."

6 00 P.M. Now, what can I do? I have to persuade him. Long back one gentleman wrote to me. I have to persuade him. I have to request him to see the reason. I have to request him to see the complexities in the society. I can go only that. Beyond that what can be done? Sometimes our difficulties are also there.

One of the hon Members, I must say, made a very very uncharitable remark. Since the remarks are such that they have brought me in, I think that I should explain the position. It is very easy to say in general terms. I would have understood if you had wanted to score a point by merely saying that judicial decisions are being influenced by politicians. You have gone to the extent of saying that Mr. Shiv Shankar taking advantage of his position, has

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influenced Judges and judgments. I am not angry with him. I pity him. I am really sorry that he is using a wrong forum for the purpose of expression of this thing. I would have very much liked if he had not done it. Merely because some judgments have gone against your Chief Minister or something like that, should you go on talking anything against some people?

PROF. C. LAKSHMANNA: Sir,...

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Please sit down.

SHRI P. SHIV SHANKER: Please allow me to say this. I am not going to yield on this.

PROF. C. LAKSHMANNA: Just one second.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): I will not allow you.

SHRI P. SHIV SHANKER: I am sorry. I will not yield. Having said something, it is unfair.....

PROF. C. LAKSHMANNA: You say anything about what we have said. I am only saying that no judgment has gone against the Chief Minister.

SHRI P. SHIV SHANKER: Whatever it is, I am not bothered about it.

PROF. C. LAKSHMANNA: That is all.

SHIV P. SHIV SHANKER: Or supposing some judge has decided against me should I go to the extent of saying this? I would have very much liked if he had some facts to tell me, "Look, in such and such a case you have interfered." Why this type of rumour-mongering? I am not bothered about the reflection that he is making against

me. I am prepared to answer. But, then, this is a reflection on the institution of Judges who are not in a position to answer here. I would have very much wished, and I am prepared (Interruptions)

SHRI V. GOPALSAMY: The Minister is replying.

SHRI P. SHIV SHANKER. On my part, I have not shirked my responsibilities. I am prepared. My conduct could be judged by Mr. Gurupadaswamy, Mr. Vajpayee or anybody else. It is no doubt true that I have spoken very frankly, very strongly on many an occasion, on many a subject. But I have not come down to this level to say things of this type. I would have very much wished, if he really wanted that this point should go home, he had told me I would like to tell the hon Member that if he can prove one allegation, I shall not continue to sit here. I will not only be not a Minister but I will resign my seat in Rajya Sabha. I am a man of that type. If I could resign about 18 years of my secure life as a Judge, I would never continue to be in a position like this and do nasty things as he has tried to put. I have always lived on my own principles, whatever rumour-mongering goes on. The greatest misfortune is that I have come into politics. I am saying personally because I have known a lot of people talking. Therefore, I would have very much wished that he had substantiated, instead of making a general allegation and walking out. It is very unfair on the part of the Member to have said that. Then he says, "Dignity of the judiciary." From him should I receive lessons on the dignity of the judiciary? I have lived in that institution, and I am a product of that institution. I have believed in criticism, and I am going to say what I have to say about the speech which has been mentioned. I have never shirked my responsibilities, if I have to say something. Therefore, to make allegations of this type and to cast the aspersions, direct or

indirect, on the judiciary and then to proclaim that we are offenders of the same is something which is astounding.

One of the hon. Members—perhaps the same hon. Member—said the system of transfer of the judges is also used to intimidate so that judges may play safe. This issue, of course, some of the other hon. Members have also raised. I would like to very clearly say that I started this transfer policy when I was the Law Minister in 1980. I was in the dock before the Supreme Court for this. Judges' case by itself is a decision where I have myself been a respondent. I had explained at that time in this House and in the other House as to why this policy has to be pursued. I had said, it not only advances the cause of national integration, but it is more reformatory. I would not like to go into those details because my speeches are already printed and I have spoken on each and every point in detail. It is not my view alone. It started in 1957 when Mr. Setalvad used to be the Chairman of the Law Commission and Mr. Palkhiwala was one of the Members of the Law Commission at that time. It is they who recommended that the Chief Justice and judges must be from outside. So much so I have quoted these things.

Even Mr. S.V. Gupte, who happened to be Attorney General during the Janata period said, these persons must be from outside. Those who are in the profession know how things have been going on. I would not like to say anything more on this except that it has very great advantages. It is true I for one personally feel, since this policy is not implemented fully, difficulties are coming in. The difficulties are not because of the fact that we are implementing it. Difficulties are because of the improper implementation of this policy. Immediately after I took over in July 1987, I have been working on this and trying to see that it is implemented wholly. Therefore to say, if a Chief Justice

comes from outside difficulties will arise, is not correct. Of course, there are a minor points as you might say that he is not aware of the local laws. This is the argument which is often repeated. If that is the argument I have got to accede, then nobody should be appointed to the Supreme Court because he has to deal with different State laws also.

SHRI ATAL BIHARI VAJPAYEE:
Language problem is there.

SHRI P. SHIV SHANKER: It is not there. It will arise, it is going to arise. Vajpayee Ji, I would like to tell you this. I have told this earlier and I would like to tell you now because I have got my own experience on this. I would like to say what has happened in many cases.

SHRI ALADI ARUNA alias V. ARUNACHALAM: In Supreme Court it rarely happens, but as far as High Courts are concerned, examination of the evidence deposed in the lower court is mostly examined in the High Court. That is why the judge who is having the knowledge of the local language is helped greatly to give correct judgment.

SHRI P. SHIV SHANKER: If that be so, no judge sitting in the Supreme Court is competent to decide the case from Tamil Nadu, where the local laws of that State are involved. If your argument has to be accepted, it leads to this. But I am worried about another thing which I would like to tell you. In 1980-81 I visited some of the States and Law colleges. Law being taught in regional languages, when I was addressing at two places—the Rajasthan Law Faculty as also a college somewhere in the interior of Maharashtra, Latur the Law College students said they would be able to understand neither in Hindi nor in English. They asked me to speak in their language. I am not against any regional language and I need not be misunderstood. This is a matter where

[Shri Aladi Aruna alias V. Arunachalam]

I would request all the hon. Members to kindly put their heads together and evolve certain norms in this. If you follow. If a man goes before the Supreme Court and if they become judges of the High Court, a lot of consequences will follow. If a man goes before the Supreme Court and argues, in what language he has to argue? Lot of things are there. To explain this quite a lot of time will be taken.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Please be brief.

SHRI NIRMAL CHATTERJEE: Therefore, what is required is translation and this can be done in multilingual States

SHRI P. SHIV SHANKER: Mr Chatterjee, what will happen, I would like to put it this way. Supposing I come from Andhra knowing Telugu and I am a Judge of the Supreme Court and you come from Bengal knowing only Bengali and myself and you sit by the side of each other and then the third Judge from Orissa is there and all the three are from .. (Interruptions). Will you kindly wait?

SHRI ALADI ARUNA alias V. ARUNACHALAM: The present arrangement is a common language in Supreme Court.

SHRI P. SHIV SHANKER: You don't want to listen to me.. (Interruptions).

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Minister how much time you would take to finish your reply?

SHRI P. SHIV SHANKER: I will take at least 40-45 minutes because I have to explain.

SHRI NIRMAL CHATTERJEE: We want to listen to you. You speak for an hour because you are an interest-

ing speaker. You can educate us. In that case we can adjourn now because in any case the session is being extended.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): I think, I will take the consensus of the House. Can the Minister reply tomorrow?

SOME HON. MEMBERS: Yes, tomorrow.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr Minister you can continue your reply tomorrow.

SHRI P. SHIV SHANKER: I have no problem. I am entirely in your hands

SHRI NIRMAL CHATTERJEE: We want you to satisfy us because we will be asking you questions.

SHRI P. SHIV SHANKER: I am prepared. (Interruptions).

SHRI NIRMAL CHATTERJEE: We will ask you questions. We want to be satisfied because we know you can satisfy us.

PAPERS LAID ON THE TABLE

Contd.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now, we will take up Paper to be laid on the Table. Shri Janardhan Poojari.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : मेरा प्वाइंट आफ आर्डर है...

उपसभाध्यक्ष (श्री जगेश देसाई) : प्वाइंट आफ आर्डर है ?

श्री सत्य प्रकाश मालवीय : मेरी आपत्ति यह है कि जो सर्प्लायमेंट्स लिस्ट आफ बिजनेस है इसमें लिखा है at 6.00 P.M. Now, it is 6.15 P.M.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): I wanted at that time.

Report of Justices Thakkarnatrajan Commission of Enquiry

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHAN POOJARI): Sir, I lay on the Table a copy (in English and Hindi) of the Report of Justices Thakkar-Natarajan Commission of Inquiry constituted under the Commissions of Inquiry Act, 1952, to enquire into events and circumstances leading to the arrangements entered into with Fairfax Group Inc., together with Memorandum of the action taken thereon so far. [Placed in Library. See No. LT—5249/87]

SHRI M. S. GURUPADASWAMY (Karnataka): Sir, may I make a submission?

SHRI V. NARAYANASAMY: (Pondicherry): No discussion.

SHRI M. S. GURUPADASWAMY: I do not know the contents of the report; then, where is the question of discussion? (*Interruptions*)

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Let me understand what he wants to say.

SHRI M. S. GURUPADASWAMY: My submission is the report has been laid on the Table of the House and we have not seen the report. Therefore tomorrow time may be allotted for discussion of this report.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): BAC is meeting tomorrow and it can be taken up there.

SHRI JANARDHAN POOJARI: Copies are being circulated.
(*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): Don't announce that there will be a discussion tomorrow.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): I said that the Business Advisory Committee is meeting tomorrow. That is what I have said.
(*Interruptions*)

SHRI M. M. JACOB: That is not what he said. That is why I wanted to clarify. (*Interruptions*)

SHRI LAL K. ADVANI (Madhya Pradesh): Mr. Vice-Chairman, Sir, my colleagues have not seen the report nor have I nor any Member of the House except perhaps the Minister. But I have certainly seen the Agency Report on the summary of this report laid on the Table in the other House at 5'0 clock. I had been particular to find out some salient facts about the report. I find that our worst apprehensions have come true and the opening intro itself of the UNI report says that this report is an indictment of Mr. V. P. Singh. At that point of time, I recall when the Fairfax Commission was being appointed, we felt that instead of....
(*Interruptions*)

SHRI V. NARAYANASAMY: No, this cannot be discussed in the House.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Advani, you have not seen the report.

SHRI LAL K. ADVANI: Sir, I have no reason to doubt this agency report because after it has been laid on the Table of the other House.
(*Interruptions*)

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): How can you say?

SHRI LAL K. ADVANI: May I read out?

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): No, no.

SHRI LAL K. ADVANI: I do not want to read out. (*Interruptions*). Let me complete in one minute. I will complete in one minute.

SHRI M. M. JACOB: I am on a point of order. This is being laid out here in pursuance of our assurance and also the practice and also a statutory notification, because it is like that. It is the convention here and also the precedent that a report when it is laid on the Table of the House, it is never discussed.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): No, he is not discussing it.

SHRI LAL K. ADVANI: I am not discussing. Mr. Vice-Chairman, Sir according to the Commissions of Inquiry Act itself, along with the report, an action taken report has to be submitted by the Government. Where is it? Till now very often a Commission's Report has been held back on the ground that unless the Government is ready with the action taken report, the report cannot be placed and today I find that it is only the Commission's report that is being placed and not the action taken report. Has the Government any explanation of this violation of the Schedule?

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): No, I will ask whether the Government is also going to place the action taken report? (Interruptions) Let the Minister clarify. (Interruptions)

SHRI JANARDHAN POOJARI: Sir, as per the rules, we have to submit and the time that is prescribed for submitting this report along with the action taken report is six months. So this report was submitted on 30th November ... (Interruptions)

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Both are being

SHRI JANARDHAN POOJARI: No, we are examining this report. (Interruptions)

SHRI VIRENDRA VERMA (Uttar Pradesh): Please read it. It is together with Memorandum of the action take thereon so far.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Will you allow me to understand or not?

SHRI LAL K. ADVANI: They have not got it on the Table. (Interruptions)

SHRI A. G. KULKARNI (Maharashtra): I am on a point of order Sir, I agree that the report has been placed but it is said, "together with the Memorandum of the action taken thereon so far". It is the duty of the Government to do it. This is a half-hearted action. They must place before us ... (Interruptions)

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Let me hear the Minister (Interruptions)

Yes, Mr. Poojari.

(Interruptions)

SHRI M. S. GURUPADASWAMY: Let me know whether it has been laid on the Table. Has the memorandum of action been laid on the Table of the House?

श्री लाल कृष्ण आडवानी : खाली कहने से नहीं होता है जब तक कि सबमिट न कर दे ।

SHRI JANARDHAN POOJARI: I will just submit. Even though six months' time was given and now as per this memorandum also it has been submitted, I will just verify whether it has reached or not. I am told that it has been sent to the Secretary. I will verify as to the memorandum of action also. (Interruptions)

PROF. C. LAKSHMANNA (Andhra Pradesh): Mr. Vice-Chairman, I would like to be categorically informed whether as per the paper ... (Interruptions)

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Today, the business is to lay the papers. (Interruptions)

tions) No, No. You can raise it in another form. Let us hear what the Minister has to say. *(Interruptions)*

PROF. C. LAKSHMANNA: This is the official paper. It says that the memorandum of action so far has been submitted. I would like to know whether it has been submitted.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): I will read this. "The Government have accepted the findings of the Commission. The various recommendations of the Commission are under examination and action thereon will be placed on the Table of the House within the prescribed

period under section 3(4) of the Commissions of Inquiry Act, 1952." *(Interruptions)* Now the House stands. *(Interruptions)*

SHRI LAL K. ADVANI: No. The House must be assured that this will be discussed thoroughly. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now the House stands adjourned and will meet again on 10th December, 1987 at 11 a.m.

The House then adjourned at twenty-three minutes past six of the clock till eleven of the clock on Thursday, the 10th December, 1987.