

MR. CHAIRMAN: ...and West Bengal.

SHRI P. SHIV SHANKAR: That is right.

SHRI MANUBHAI PATEL: Part (a) of the question is whether any agreement has been reached with an Abu Dhabi petro magnate to set up a refinery-cum-petrochemical complex in Gujarat. If that complex is not coming up, there was another proposal for a petrochemical complex. What progress they have made in that direction?

MR. CHAIRMAN: He said that it has not been brought to his notice.

SHRI P. SHIV SHANKAR: It is a different question altogether.

MR. CHAIRMAN: I think we may go over to the next question. There is no oil in this one.

SHRI PILOO MODY: I do not think you are interested in finding oil.

MR. CHAIRMAN: I am. But I do not want to prospect oil in the House.

Vacant Seats in State Legislatures and Parliament

*382. SHRI LAKHAN SINGH:†

SHRI SUNDER SINGH
BHANDARI:

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

(a) the particulars of Legislative Assembly, Legislative Council, Lok Sabha and Rajya Sabha seats vacant at present in the various States and in Parliament; and

(b) the dates since when each of the seats is vacant and the reasons for not filling them as yet?

†The question was actually asked on the floor of the House by Shri Lakhan Singh.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGANNATH KAUSHAL): (a) and (b) A statement received from the Election Commission showing the particulars of vacancies, in the Council of States, Legislative Councils and House of the People and Legislative Assemblies as on 17th March, 1982 with dates, and reasons for not filling the vacancies is laid on the Table of the House [See Appendix CXXI, Annexure No. 71].

श्री लाखन सिंह : महोदय, मंत्री जी ने लम्बी चौड़ी सूची अपने स्टेटमेंट में दी है, मैं आपके माध्यम से मंत्री महोदय से जानना चाहता हूँ कि गढ़वाल के चुनाव के सम्बन्ध में उत्तर प्रदेश के चीफ इलेक्टोरल आफिसर ने पुनः मतदान के लिए क्या कोई सिफारिश की है और उस सिफारिश के संबंध में सरकार का जो मत है कृपया उसको स्पष्ट करने का कष्ट करें ?

श्री जगन्नाथ कौशल : शायद आनरेबल मेम्बर को मालूम नहीं है कि इस बात पर इसी हाउस में काफी लम्बी-चौड़ी डिबेट हुई थी और उस वक्त यह बताया गया था कि चीफ . . . (व्यवधान)

श्री सभापति : सुनिये तो जरा ।

श्री जगन्नाथ कौशल : चीफ इलेक्टोरल आफिसर ने इलेक्शन कमीशन को लिखा है कि वहां पर नवम्बर से पहले इलेक्शन नहीं हो सकते और इस मामले पर इलेक्शन कमीशन विचार कर रहा है ।

श्री लाखन सिंह : इस संबंध में सरकार का क्या दृष्टिकोण है ? मैं यह जानना चाहता हूँ कि आपका क्या दृष्टिकोण इस संबंध में है यह बतायें ?

श्री जगन्नाथ कौशल : सरकार की पोजीशन इसमें यह है कि जब इलेक्शन कमीशन फंसला करेगा इलेक्शन कराने का तो सरकार से जो जो सुविधायें इलेक्शन कमीशन मांगेगा सरकार वह देगी ।

श्री लाखन सिंह : महोदय, यह स्पष्ट है कि सत्तारूढ़ दल जिन स्थानों पर समझता है कि उसकी स्थिति ठीक नहीं है तो वहां पर वह चुनाव कराने के पक्ष में नहीं है । मैं दिल्ली के संदर्भ में यह जानना चाहता हूं कि दिल्ली में सरकार क्यों चुनाव टालने जा रही है और सरकार ने इसको टाल दिया है । तो मैं आपके माध्यम से मंत्री महोदय से जानना चाहता हूं कि दिल्ली में आप चुनाव कब कराने जा रहे हैं और इस बारे में जो आपका निर्णय है क्या उस पर आप पुनर्विचार कर रहे हैं ?

श्री जगन्नाथ कौशल : जहां तक दिल्ली के चुनाव का सम्बन्ध है, अभी अभी आप लोगों ने देखा है कि 6 महीने के लिए मेट्रोपोलिटन कौंसिल सुपरसीड हो गई है और जब मेट्रोपोलिटन कौंसिल री-कॉन्स्टीट्यूट होगी, उसके बाद इलेक्शन कराये जायेंगे ।

SHRI R. RAMAKRISHNAN: The object of the founding fathers of our Constitution in providing for the bi-cameral system has been now totally made meaningless by many of the State legislatures. In many Legislative Councils, we find from the list, more than two-thirds of their total strength is vacant because of lack of reconstitution of these local bodies in time. Will the Centre at least write to the State Governments saying that they should do something in this regard? I say this because you will find, Sir, from the list that in many of the States, more than two thirds or more than half of their total strength is vacant which makes the whole process of election or representation very

much meaningless. Otherwise, you can as well do away with these things and abolish the Upper Houses. So, what is the Central Government's thinking in this regard? Have they written to the State Governments or are they doing anything in the matter?

श्री जगन्नाथ कौशल : जो अभी यह बात माननीय सदस्य ने कही कि वहां पर लेजिस्लेटिव कौंसिल के कुछ इलेक्शन नहीं हो रहे हैं उसका रीजन यह है कि लोकल बाडीज़ वहां नहीं हैं । जहां तक उत्तर प्रदेश का ताल्लुक है वहां पर लोकल बाडीज़ के इलेक्शन शुरू हो गये हैं । पहले ग्राम पंचायत के इलेक्शन होंगे, फिर ब्लॉक समिति के इलेक्शन होंगे फिर उसके बाद जिला परिषदों के इलेक्शन होंगे । उसके बाद फिर वहां अपर हाउस की सीटों को भर दिया जाएगा । बाकी जहां तक दूसरी स्टेट्स का ताल्लुक है वहां भी इस मामले में अपने कदम उठा रहे हैं ।

श्रीसभापति : उनका सवाल दूसरा था ।
If in the Legislative Councils they are not fully represented, half of them remaining...

SHRI R. RAMAKRISHNAN: Yes, Sir.

MR. CHAIRMAN:...absent or vacant, why not abolish them? That is his question.

SHRI R. RAMAKRISHNAN: Yes, Sir.

श्री जगन्नाथ कौशल : इनके क्वेश्चन का बिल्कुल बेस गलत है । हाउस में ज्यादा सीटें खाली हैं, यह मेरे फाज़िल दोस्त गलत कह रहे हैं । कुछ सीटें खाली हैं ।

SHRI R. RAMAKRISHNAN: It is a fact.

SHRI JAGANNATH KAUSHAL: It is not a fact. You do not have the composition with you of the entire House. कुछ सीटें बाली हैं इसका मतलब यह नहीं है कि हाउस को ही अबोलिश कर दिया जाए ।

SHRI DINESH GOSWAMI: Sir, from the statement it is clear, so far as Assam is concerned, that the poll in 12 parliamentary constituencies and 1 Shillong constituency in Meghalaya will be held after the State Government's concerned have reported that conditions in the States are conducive to the holding of the elections. Now the Government have dissolved the Assembly in Assam and have taken upon yourself the constitutional obligation of holding the elections there. Now, I would like to know whether the Assam and Meghalaya Governments have written to the Government that the atmosphere there is conducive to the holding of elections there.

Now, Sir, if you look at page 5 of the statement, you will find that in the case of the Hyderabad local body there has been no election from 1-7-70 and the reconstitution of the local bodies is still awaited. Will the honourable Law Minister tell us whether, if we have to wait for the reconstitution of these local bodies for 12 years, it is not a blot on our democratic functioning itself? Sir, I am not going into the question of vacancies which are there from 1979, 1980 and 1981. But the Hyderabad local body election has been pending from 1970 and the seats are vacant for want of reconstitution of local bodies and it is something which nobody, with some faith in democracy, will support. What is the Law Minister's reaction to this?

श्री जगन्नाथ कौशल : सभापति महोदय, जहां तक असम का ताल्लुक है अभी तक गवर्नमेंट ने नहीं लिखा कि वह स्थिति में है कि इलैक्शन कराये जायें और जहां तक आपने हैदराबाद की एक मिसाल दी है यह ठीक है कि वहां उस वक्त से लोकल बाडीज नहीं है । यह बात हम को भी पसंद नहीं है कि लोकल बाडीज इतनी देर तक सुपरसीसिड रहें लेकिन यह लोकल बाडीज क्योंकि सुपर सीसिड है तो फिर जब तक लोकल बाडीज रिकॉस्टीट्यूट नहीं होती उस वक्त तक अपर हाउस की सीटें तो नहीं भरी जा सकतीं ।

MR. CHAIRMAN: Only two more now, Mr. Dhabe and Mr. Mathur. Yes, Mr. Dhabe.

SHRI SHRIDHAR WASUDEO DHABE: Sir, the reply of the honourable Law Minister is very legalistic. If his contention that if the local bodies cannot be reconstituted, there can be no elections is accepted, then it is better to have no elections at all. The obligation is on the part of the State Governments and they must hold the elections so that the representation of the local bodies is there in the Legislative Councils. But many of the seats in these bodies are remaining vacant because elections have not been held to the local bodies. For example, in Tamil Nadu, from 1974...

SHRI R. RAMAKRISHNAN: Yes, yes.

SHRI SHRIDHAR WASUDEO DHABE: ... the elections to the local bodies have not been held and these bodies have not been reconstituted. In Karnataka also, the position is the same.

SHRI R. RAMAKRISHNAN: It varies from one year to twelve years.

SHRI SHRIDHAR WASUDEO DHABE: I am taking up those cases which are more than six years old. I would like to have a categorical and specific statement from the honourable Law Minister as to what the programme or schedule is for having elections to the local bodies so that they are fully represented in the respective Legislative Councils. My question, therefore, is whether he will have a schedule, whether he will amend the law so that local elections and Legislative elections and bye-elections are held within the scheduled time, and not at a time depending on the discretion of the State Government or the Central Government.

श्री जगन्नाथ कौशल : माननीय सदस्य को मालूम है कि बाई इलैक्शन कराना इलैक्शन कमीशन का काम है रिप्रजेंटेशन आफ पीपुल एक्ट के नीचे और इलैक्शन कमीशन ने . . .

(व्यवधान)

श्री गोलू मोदी : यह हमको मालूम नहीं है ।

श्री जगन्नाथ कौशल : जो रिमार्क्स दिये हैं, उसमें इलैक्शन कमीशन ने बताया है कि इलैक्शन न होने की यह वजह है । बाकी मैंने पहले कह दिया है कि लोकल बाडीज क्यों सुपरसीड हुई, वे दुबारा क्यों रीकांस्टीट्यूट नहीं हो रही हैं, यह स्टेट्स बता सकती हैं सेंटर नहीं बता सकता है ।

SHRI SHRIDHAR WASUDEO DHABE: But you are responsible for all these things. (Interruptions) . .

MR. CHAIRMAN: Not everybody. I have only promised to Mr. Mathur and Mr. Mody.

श्री जगदीश प्रसाद माथुर : दिल्ली के बारे में क्या यह सच है कि मेट्रो-पोलिटन काउंसिल के चुनाव इसलिए

नहीं कराये जा रहे हैं क्योंकि मेट्रो-पोलिटन काउंसिल को रद्द करके कोई नया ढांचा आप खड़ा करना चाहते हैं । नया अगर ढांचा खड़ा करना चाहते हैं तो उसके विषय में क्या विचार कर रहे हैं । . . . (व्यवधान) एबालिशन करके नया इंस्टीट्यूशन खड़ा करना चाहते हैं ? Instead of the Metropolitan Council, do you want to have something else

श्री जगन्नाथ कौशल : अभी तक ऐसी कोई बात नहीं है ।

श्री जगदीश प्रसाद माथुर : क्या ढांचा खड़ा करने का विचार नहीं है . . . (व्यवधान)

श्री योगेश्वर मकवाना : आज नहीं कल हो सकता है ?

श्री मनुभाई पटेल : मकवाना जी, थोड़ा दिन चुप रहना है ।

SHRI PILOO MODY: Mr. Chairman, Sir, the Minister keeps hiding behind the fact that . . .

MR. CHAIRMAN: Who is hiding behind you?

SHRI PILOO MODY: Whosoever is hiding is not . . .

MR. CHAIRMAN: . . . is not visible. Nobody will be visible. (Interruptions) Yes, go on.

SHRI PILOO MODY: The Minister keeps hiding behind the fact that it is the job of the Election Commission to conduct these elections. I think it is patently, if not false, at least dishonest statement, for the simple reason that it requires the concurrence of Government, permission of Government, not to speak of the pressure Government puts on the poor Election Commission in the conduct of these elections. Sir, if you look at

the list that has been supplied by way of answer you will find that apart from a State like Assam and Meghalaya where the Central Government has decided to wash away democracy altogether, against every constitutional safeguard and provision, there are places in which the delay is inexplicable, for which there can be no justification at all. Take, for instance, Rajasthan. The seat was vacated on 3-12-80. Since they had to send somebody from Delhi to become the Chief Minister *Pro tem* there, for 15 months no election has been held at all. Now, Rajasthan is not Assam. Rajasthan is not Meghalaya. What possible excuse can there be for not holding the election in Rajasthan? And they cannot tell you whether or why it is the Chief Election Commissioner who is holding up this election. Take the case of Uttar Pradesh—Garhwal. Twenty-two months have passed. For 22 months they could not hold the election there. And whatever election was held there was nullified because of the para-military forces of the country which converged on Garhwal to see that the desired result was achieved. Then you take the Legislative Assemblies. There is a constituency in Faridkot, Punjab. For fifteen months no election has been held. Then, Sir, there is the Legislative ...

MR. CHAIRMAN: There is a big list. If you go on...

SHRI PILOO MODY: I will take no more time, and no less time. If you interrupt me ...

MR. CHAIRMAN: That I have to.

SHRI PILOO MODY: It will be a matter of seconds. Just have some patience. You should be concerned.

MR. CHAIRMAN: I am concerned, but others also ...

SHRI PILOO MODY: You should be concerned—not as a result of your past but even as a result of your future. (*Interruptions*) There are

seats that have not been filled up since 1-7-78. Then 6-5-1978 and 31-5-1980. What possible excuse can there be? (*Interruptions*) And you cannot blame it on the Election Commission. I am afraid that excuse runs very thin and does not give you any cover at all. And, therefore, I would like to ask the hon. Minister, now that we have had a change in the Ministry and his colleague has moved on to more slippery ground, whether he will now see that in all these constituencies where there has been a delay, at no time a seat is allowed to remain empty for more than six months.

SHRI JAGANNATH KAUSHAL: Sir, so far as the insinuations which have been made by my learned friend opposite are concerned, I strongly repudiate; the question of hiding behind the Election Commission this and that, is not there. That is a situation which the House must accept, and holding of bye-elections is not the job of the Central Government. And I have stated more than once that whenever the Election Commission asks the State Government or the Central Government for providing the staff or other forces which they need for conducting an election, the Central Government will not be found wanting. So far as the individual cases which have been pointed out by learned friend are concerned, in the 'remarks' column of the statement it has been given that 'Now a suitable programme is being chalked out for holding the bye-elections in each of these constituencies'.

SHRI PILOO MODY: What about Rajasthan?

MR. CHAIRMAN: I think, we will stop it here. He is not learned, he is only honourable. Question No. 383.

SHRI PILOO MODY: Mr. Chairman, Sir, before we go on to the next question, may I just make one request? Since we seem to be totally impotent to deal with this matter, is there any procedure by which we can

summon the Election Commissioner here or we can send a message to the President who will thereafter be in a position to inform the Chief Election Commission that some procedure has to be found? We cannot be held between the devil and the deep sea, with the Minister saying that this is not our concern, and the Chief Election Commissioner not being in a position to reply.

MR. CHAIRMAN: I don't know of any procedure which you are asking for. The Law Minister is there. If he knows, he will tell you. Anyway, we will go on to Question No. 383.

Violation of conditions regarding safety by Cooking Gas Agencies

*383. SHRI SADASHIV BAGAIKAR: Will the Minister of PETROLEUM, CHEMICALS AND FERTILIZERS be pleased to state:

(a) what are the terms and conditions on which cooking gas agencies are given for distribution;

(b) whether it is a fact that there are complaints that these agencies are violating these conditions and are refusing to serve customers in the normal way by sending gas cylinders through their employees and connecting them with gas stoves by their mechanics;

(c) whether it has come to Government's notice that because of the agencies' failures there are accidents endangering life and property of the customers; and

(d) what action Government have taken to prevent such accidents?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZERS (SHRI DALBIR SINGH): (a) The distributorship agreement entered into between the Oil Company and the LPG (Liquified Petroleum Gas) distributor, provides that the LPG

distributor shall at his own cost, arrange for the delivery of filled cylinders from his own storage premises to the customers' premises and also, for the return of the empty cylinders from the customers' premises to his own storage premises.

(b) Complaints of this nature are received and are immediately enquired into by the Oil Companies for taking remedial action.

(c) and (d) No such specific instances have been brought to the notice of the Government. The oil companies carry out periodical inspections of the distributors to ensure observance of rules and regulations.

श्री सदाशिव बागाईतकर : श्रीमन् मंत्री महोदय ने जो जवाब दिया है, वह सच्चाई से परे है। मैं यह कहने के लिए इसलिए मजबूर हूँ कि उनके मंत्रालय से छः फरवरी से इस मामले को लेकर मैं पताचार कर रहा हूँ। श्रीमन् यहाँ यह मेरे पास एक अण्डर-टैकिंग—एल० डी० भावे एण्ड संस, भारत गैस डिस्ट्रिब्यूटर्स, पुणे, इन्होंने कन्ज्यूमर से जो अण्डरटैकिंग लिया है उसकी प्रतिलिपि मेरे पास है। मैं उसको आर्थेटिक करके उनके पास सौंप देने के लिए तैयार हूँ जो कि मैंने पहले उनको भेजा है। उसमें चार कंडिशन—

"I hereby absolve the suppliers of the Bharat Gas Cylinders of any liability whatsoever in respect of any accident that may occur while changing the cylinders or attributable thereto, and the Bharat Petroleum Corporation Limited, indemnified from any claims, demand, loss or damage arising or resulting from any accident caused or due to the possession, use or storage of the cylinder by me."

Sir, this is an undertaking taken from the customers.