

[Shri Niren Ghosh] direct the Ministry, because they are going to complete the operation within November 30. Today is November 25. If they do it, then it would be a serious loss to the country. The Government is turning a blind eye to it and I do not know whether they are particularly so whenever foreign companies are concerned. I would like an assurance from the Government that the matter will be dealt with at top speed.

REGARDING POSTPONEMENT OF HALF AN HOUR DISCUSSION

MR. DEPUTY CHAIRMAN: Before I adjourn the House, I have to inform you that at the request of Shri Rabi Ray, the Member for Cuttack, the Half-an-Hour Discussion is postponed.

The House stands adjourned till 2 p.m.

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

The House reassembled after lunch at two minutes past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

THE TELEGRAPH WIRES (UNLAWFUL POSSESSION) AMENDMENT BILL, 1974

MR. DEPUTY CHAIRMAN : Mr. Sharma to move the Telegraph Wires (Unlawful Possession) Amendment Bill, 1974.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमान्, हमारे यहाँ जो लाइसेंस स्कैंडल है उस पर चर्चा होनी चाहिए।

MR. DEPUTY CHAIRMAN: We are discussing the Bill.

श्री राजनारायण : इस पर हमको बहस करनी चाहिए। शर्मा जी लाइसेंस स्कैंडल पर बोलते हैं। यह कैसा बिल है?

MR. DEPUTY CHAIRMAN : Please take your seat. He is moving the Bill.

THE MINISTER OF COMMUNICATIONS (SHRI S. D. SHARMA): Sir, with your Permission, I move:

"That the Bill further to amend the Telegraph Wires (Unlawful Possession) Act, 1950, be taken into consideration."

As is known to the House, we had been plagued with the theft of copper wires which are used for telecommunication purposes in our country. The original Act of 1950 was passed to check that. But experience has shown that that is not enough, and consequently, this amending Bill is sought to be brought before the House.

It is a very simple Bill. Its clauses are very simple. It seeks to amend four sections. Section 2 is sought to be amended to bring in the definition of telegraph wire in consonance with the metric system. In the original Bill the gauges used were according to weight per mile, that is, 150 lbs., 200 lbs. and 300 lbs. Now it is sought to be changed to the metric system. Now in consultation with the Indian Standards Institute we have brought in a new definition and, of course, we have got certain margins so that both the wires under the old gauges system and this new one may be covered.

The second is an amendment to section 5. By clause 5(a) we have tried to provide minimum punishment of not less than one year and or a fine of not less than Rs. 1,000. So we have tried to make the provision more stringent so that people may be deterred from committing this crime against the society.

Then, of course, section 7(1) is sought to be amended because at the present moment the provision is that only a person who is authorised in this behalf can file a complaint. Now we have tried to bring in that any public servant under section 21 of the I.P.C. can lodge a complaint. Two new clauses 6A and 6B are sought to be brought in, to provide for seizure of these wires as well as provide for confiscation of these wires as well as confiscation, in certain cases, of the vehicle or the animal used for transporting these wires. Thus, you will agree that this is a very important piece of legislation. We have been trying our level best. There are more than 9 lakh kilometres of copper wires used in the country. We have tried to have the co-operation of the State Governments who have also tried to cooperate to their best. But every year we

find that we have been losing about Rs. 1-1/2 crores worth of copper wires. Consequently, we have tried to bring in these changes and by making the law more stringent we hope there will be reduction in thefts and the Department may be able to move faster because it is a very important thing. Not only the wire which costs us so much is to be imported, these thefts create disturbances in communication lines.

At the same time we are also trying to change from copper wire to copper-welded wire and to A.C.C.R. conductors, that is, aluminium with iron core. I hope the House will approve this very simple Bill.

The question was proposed.

श्री राजनारायण : श्रीमन्, असल में तो यह तार संबन्धी जो चोरियां बगैरह हो रही हैं मैं यह बताना चाहता हूँ कि यह करवाता कौन है? यह चोरी सरकार करवा रही है और यह तार मिलते किसके पास है? यह तार कांग्रेस के सदस्यों के पास मिलते हैं। मैं यह आपको सही जानकारी जो मेरे पास है वह बता रहा हूँ। शंकर दयाल शर्मा हमारे साथ चलें तो देखेंगे कि तार चोरी का उनकी पार्टी के जो सदस्य हैं उनके घर में मिलेगा। बनारस के आजमगढ़ और बलिया आदि जिलों की बात कह रहा हूँ जहाँ तार पकड़े गए हैं और वे सब कांग्रेस के सदस्य हैं और मंत्रियों से उनका अच्छा-खासा रिश्ता रहा है।

श्री जगदीश प्रसाद माथुर (राजस्थान) : उपसभापति महोदय, श्री राजनारायण जी स्पष्ट बता रहे हैं कि किसने चोरी की है और चोरी करने वाले कौन लोग हैं। मेरा कहना यह है कि होम मिनिस्टर यहाँ पर बैठे हुए हैं, इसलिए उनको इस बात की कॉन्जिजेन्स लेनी चाहिए।

श्री राजनारायण : अगर मैं नाम बताऊँगा तो यहाँ पर कोहराम मच जाएगा। इसलिए मैं एक ही बात कह कर अपनी बात समाप्त करना चाहता हूँ। श्री शंकर दयाल शर्मा खूब बोलते रहे हैं, लेकिन जब से वेचारे मंत्री बने हैं तब से कुछ कम बोल रहे

हैं। जब ये कांग्रेस के अध्यक्ष थे तो कहते रहते थे कि यह सब काम सी० आई० ए० करवा रहा है या ये सब काम विरोधी दल वाले करवा रहे हैं। मैं यह स्पष्ट रूप से कहना चाहता हूँ कि तारों की चोरी यह सरकार करवा रही है। आज देश में चारों तरफ यह हल्ला मचा हुआ है कि लाइसेन्स स्केन्दल में कांग्रेस पार्टी के 21 एम० पी० फंसे हुए हैं। सी० बी० आई० की रपट में सारे नाम लिये गये हैं और आप जानते हैं कि पिछले तीन दिन से लोक सभा के अन्दर यह मांग की जा रही है कि सी० बी० आई० की रपट सदन के पटल पर रखी जाये। श्रीमन्, इस संबंध में हमने एफ० आई० आर० मंगाया है और इस एफ० आई० आर० से यह प्रमाणित है कि ये चीजें रपट में हुई हैं। ऐसी हालत में यह बात हमारी समझ में नहीं आती कि इस रपट पर चर्चा क्यों न हो?

श्री सभापति : क्या इसमें टेलीग्राफ वायर्स के बारे में भी लिखा हुआ है?

श्री राजनारायण : श्रीमन्, मैं यह कहना चाहता हूँ कि तारों की चोरी इसलिए हो रही है कि ये लोग खुद चोरी करवाते हैं। फर्क सिर्फ इतना है कि तारों की चोरी छोटी चोरी है और वह एक बड़ी चोरी है। ये लोग सी० बी० आई० की रपट को छिपाना चाहते हैं और उसको सदन के सामने नहीं लाना चाहते हैं। आज हालत यह है कि पिछले तीन दिन से लोक सभा के अन्दर बितण्डवाद मचा हुआ है। देश के कोने-कोने में खबर जा रही है। लोग हम से पूछते हैं कि यह मामला राज्य सभा में उठा, इसलिए राज्य सभा में इस मामले पर चर्चा क्यों नहीं होती है? सी० बी० आई० की रिपोर्ट को आज तक केबिनेट ने छिपा कर रखा हुआ है। जब तक यह रपट सामने नहीं आती है तब तक तारों की चोरी को यह सरकार रोक नहीं पाएगी। श्रीमन्, नरौरा में क्या हुआ है?

[श्री राजनारायण]

वहां पर तमाम टेलीग्राफ के तार कहां से आ गए? वहां पर बिजली विभाग, सप्लाय विभाग, होम विभाग, ट्रांसपोर्ट विभाग आदि जितने भी विभाग हैं सभी विभागों के कर्मचारी कांग्रेस पार्टी की तैयारी में प्राणप्रण से जुटे हुए हैं। मैं यह भी कहना चाहता हूँ कि सिर्फ हाथी की पूंछ को देखकर ही यह मत समझिये कि मामला इतना ही है। आप सम्पूर्ण हाथी को देखिये। यह सारी सरकार करप्ट और भ्रष्ट है और इसीलिए तारों की चोरी भी होती है। अगर श्री शंकर दयाल शर्मा इस चोरी को रोकना चाहते हैं तो हमारी बातों को मानें और उसके मुताबिक काम करें तो हम उनको सहयोग देने को तैयार हैं। इतना कहकर मैं आपकी आज्ञा को शिरोधार्य करता हूँ और अपना भाषण समाप्त करता हूँ।

श्री उपसभापति : श्री बर्मन।

श्री राजनारायण : अब मैं श्री जयप्रकाश जी से मिलने जा रहा हूँ।

श्री रणबीर सिंह (हरियाणा) : हमारी बात भी सुनते जाइये।

MR. DEPUTY CHAIRMAN: You can't talk to a Member who is going out. It is a very bad practice to call a Member who is leaving the House. Yes, Mr. Barman.

SHRI B. D. BARMAN (Tripura): Sir, this Act was passed initially in 1950, that is, 24 years earlier. At the very inception of the Act, it was found that there was theft of telegraph wires. Copper had become a very important material and its price had increased; so telegraph wires were being stolen from as early as 1950. In 1962 there was an amendment making some changes in the punishment because in the 1950 Act there was no minimum limit of punishment, what would be the punishment for the first offence, what would be the punishment for the second offence and so on. There was no mention of second offence in 1950 Act. So in 1962, it was found that there were not only first 5—
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offence but there were second offence also as regards stealing of telegraph wires. Then in 1968 there was another amendment. I have with me the proceedings of 1968. Then the Minister in charge said: "I hope that this Act will go some way at least to stop this and when this enactment is passed by this House and the other House, we will be in a position to say that at least in the near future there are no thefts". He hoped that after this amendment there will be no theft. That was in 1968. Then in 1974 we have this amendment before this House. When the 1962 amendment was passed the number of thefts was 6,171. When 1968 amendment was passed, there were 10,468 theft cases. And so far my information goes, at Present there are seven crores of thefts, cases. Whatever may be the number, the number is increasing. That is a fact. When they brought forward the 1968 amendment they said that they were replacing the copper telegraph wires by welded copper and aluminium wires. At that time, they said: "This House will be interested in knowing that at the moment we have about 9 lakh kms. of copper wires throughout the length and breadth of the country and we intend to lay 40,000 kms in the course of next year and half of this will be new and half will be replacement". Now six years have elapsed. This replacement has not been made. Government know it fully well that copper wire is a valuable thing and it will fetch lot of money if stolen. People interested to have this copper wire stolen engage some jail birds to whom jail is nothing. My charge against the Government is this. They know that copper wire is a valuable property and from 1950 theft of telegraph wire has been going on and except making some changes in the legislation, they have not done anything. I am sure this amendment also will have no effect.

When 1968 amendment was passed, the Government said that theft of telegraph wire was interruption of telegraphic services. So, this is an act of sabotage. There are enough penal sections in our existing penal law under which deterrent punishment can be given to the culprits. If Government is at all willing to put a stop to this theft, they can do it under the existing law and in that case this amendment is not necessary. My submission to this House is

that these thefts take Place only through the connivance of the Department. I find from the debates and speeches of those days, of the year 1968, that the honourable Members have said that the den of this thieves is not outside, but inside, that is, inside the Department. I will not go so far. But I will say that it is with* the connivance of this Department only that this theft has been going on continuously and if the Government had been serious about this, it could have put a stop to this sort of theft much earlier and they need not have had to wait all these twenty years and this would not at all have been necessary for this purpose. So, it is not known to what extent the purpose for which this Bill has been brought forward will be served. I find that after the amendment of 1962, the number of theft cases increased and, again, after passing the amendment Bill in 1968, the number of cases has been going on increasing. So, I do not know whether this amendment is going to put a stop to these theft cases or it is going to increase them only, because the way in which these amendments have been passed and the way in which the theft cases have increased make me to come to the conclusion by necessary inference that the purpose of this legislation is to increase the thefts and not to put an end to them. Sir, I am reminded here of a Bengali proverb which says that a ghost can be driven away by chanting mantras with the help of the mustard seeds, but if the ghost is there inside the very mustard seed, nothing can be done. Therefore, this legislation will not serve the purpose for which it is made. Some sort of a deterrent action by the Government has to be taken. Our existing Penal Code is sufficient. If there is a disruption in the communication, if there is a disruption in the telegraphic service, it means sabotage is involved and so, our Penal Code is sufficient and, so, if the Government really wanted to put an end to these cases of theft, they could have put an end to them long before and they need not have waited all these 25 years.

Sir, in this connection, I want to make a submission to the House that in the case of offences against the national property and against the national economy, we should give a new shape to our Criminal Procedure code. Now, in certain Customs cases, the

onus is upon the accused. Similarly, in the case of offences against national property and the national economy, if there is any prosecution, I think we should make a change in the whole procedure by which we should shift the onus of proof to the accused to prove his innocence so that it will not be very easy to do so. I say this because under the existing Code the accused can remain silent and it is the prosecution which has to establish the truth. Therefore in cases which come under offences against national property and against the national economy, our approach should be such as would shift the onus to the accused and this will help us a great deal in dealing with such cases properly.

Sir, there are many things to be said. I not only want to put the blame upon the Department but I also say that there are many loopholes in the working of the Department and there are many grievances felt by the People which also should be given vent to. At present, Sir, the branches of post offices has increased three times, but the up gradation to sub-post offices is not at all satisfactory. Under one sub-post office, there should not be more than forty post offices, but there are more than sixty such offices under one sub-post office. When there is deficit staff in P&T Services, there is surplus staff in Telecommunication Services. Mr. Deputy Chairman, Sir, I want to draw the attention of this House to the fact that very recently Government has separated the Telecommunication wing from postal wing and Communications, and have put the Telegraph and Telephones in the charge of a General Manager. It will be for posterity to judge the advantage from such a switch-over. The international Telegraph & Telephone Corporation of USA has played an important role in the matter of this separation. This has been done with an ulterior motive by utilising some personnel in the Department for making such a proposal of making it a subsidiary to International Telegraph and Telephone Corporation of USA. As You know, Sir, what role it played in the military junta of Chile. So how catastrophic it will be for our national interest, it cannot be said now.

[Shri B. D. Burman]

Mr. Deputy Chairman, Sir, I want to draw your attention to the fact that the telephones number-, at present in India is the lowest in the world; there should be more telephones. Four lakhs are on the waiting list for telephones. There is not sufficient accommodation for postal services. No buildings are being constructed, though land was purchased long ago for this purpose. There is no coordination between the Centre and States and the postal unions. There is not adequate postal service in rural areas. Workers are paid overtime at the rate of Rs. 2/- whereas the bank rate is Rs. 5/-Work-load increases on account of shortage of staff. Genuine grievances of the staff in the Department should be looked into, so that we can have a healthy and efficient service in our country.

The Government should also make a more determined approach for doing away with the theft of telephone copper wire, which is a menace to our national property.

श्री रणबीर सिंह : उपसभापति महोदय, मैं बिल का समर्थन करने के लिए खड़ा हुआ हूँ। अभी जैसा बर्मन जी ने कहा, चोरी बढ़ती जा रही है, कानून में तब्दीली हुई लेकिन उसके बाद भी, चोरी में कमी नहीं आई। उन्होंने यह शक भी जाहिर किया कि इस तब्दीली के बाद चोरी बन्द होगी या नहीं होगी, कम होगी या नहीं होगी। इसके लिए उन्होंने यह सुझाव भी अच्छा दिया कि चोर के ऊपर यह जिम्मेवारी रहे साबित करने की कि वह बेकसूर है बजाय इसके कि सरकार इस बात को साबित करने की पहले कोशिश करे कि वह चोर है।

उपसभापति महोदय, उनसे पूर्व वक्ता श्री राजनारायण जी ने यह कहने की कोशिश की कि चोरी तारों की क्यों होती है। जब वे इस बात के बारे में अपने विचार प्रगट कर रहे थे तो उन्होंने कहा कि सरकार और सरकार की पार्टी इस बात के लिये जिम्मेवार है और वही

चोरी को बढ़ावा देती है। वे तो यहां तक भी कह गए कि तारों की चोरी का सामान कांग्रेस के सदस्यों के पास है। हालांकि जब उनसे कहा गया कि आप नाम बतायें तो वह नाम बताने में असमर्थ थे। तो इससे जाहिर होता था कि उन्होंने जो लांछन लगाना था वह लांछन के लिए ही लांछन लगा रहे थे। उनके पास तथ्य कोई नहीं था। लेकिन इसमें जाना पड़ेगा कि जैसा बर्मन साहब ने कहा, तार काटने की, तार की चोरी बढ़ती ही जा रही है, इसका कारण क्या है। इसका कारण अगर हम ध्यान से सोचें तो यह मानना होगा कि सरकार और सरकार की पार्टी इसके लिए दोषी नहीं है, बल्कि देश के अन्दर जो विरोधी दल हैं उनके ऊपर उसकी जिम्मेदारी है। आज कोई भी समाज के अन्दर मांग उठे तो दो तीन चीजें हमले की टारगेट बनती हैं, चाहे रेल हो चाहे तार हो। एक जमाना था जब देश की आजादी की लड़ाई लड़ी जा रही थी, तो उस वक्त जो आजादी की लड़ाई लड़ने वाले थे वह भी यह मानते थे और सही मानते थे कि उस वक्त तार को काटना साम्राज्यवाद की नींव को काटना था। साम्राज्यवाद की कड़ी को काटना था और उसके संचार को रोकना था और उस वक्त रेल की पटरी उखाड़ना था वह भी साम्राज्यवाद के लिए मुश्किल पैदा करना था। अंग्रेजों ने हमारे संचार के लिए रेल नहीं बिछाई थी, बल्कि अपने साम्राज्य को कायम रखने के लिए रेल की पटरियां बिछाई थीं। लेकिन आज तो रेल की पटरी और डाक तार देश के संचार के लिए है। तमाम देश के हितों के लिए है, किसी एक पार्टी का इसमें हित नहीं है और जो भी उसके रास्ते में रोड़ा बनता है वह देश की तरक्की के रास्ते में रोड़ा बनता है।

उपसभापति जी, हम एक भावना देश के अन्दर पैदा करें कि जो कानून आज का

है वह साम्राज्यवाद का कानून नहीं है, वह देश का कानून है। उनकी तब्दीली का तरीका है। उसके लिए आवाज उठाये, सदन में उठाये। उसमें तब्दीली हो सकती है। अगर पार्टी की बिना हो तो उसमें भी तब्दीली हो सकती है।

श्री महावीर त्यागी (उत्तर प्रदेश) : मैं तसदीक करूंगा कि आपकी तजबीज बहुत अच्छी है। मैं इसकी तारीफ भी करता हूँ। लेकिन मिनिस्टर साहब से भी कहूंगा कि कभी अक्वोमोडेट करने की नीयत रखो तो आपोजीशन वाले भी कर सकते हैं। जो अच्छी बात हो, देश के फायदे के लिए हो तो वह स्वीकार करनी चाहिए।

श्री एस० डी० शर्मा : हम तो आपको भी स्वीकार करते हैं।

श्री रणबीर सिंह : त्यागी जी को याद होगा, त्यागी जी हमारे साथ थे। कांग्रेस ने विरोधी दल के बड़े-बड़े लोग भी लोकसभा में निर्विरोध चुनवाये थे। इसलिए चुनवाये थे कि विरोधी दल कोई समझदार विरोधी दल बने। लेकिन बद-किस्मती यह है कि लोगों ने तो चुन लिया लेकिन विरोधी दल ही नहीं बन पाया। आज कितने ही दल हैं जो एक विरोधी दल बन सकता है लेकिन वह आपस में मिलकर नहीं चलना चाहते। सारी पार्टियां जयप्रकाश के पर्दे के पीछे खड़ी होना चाहती हैं। लेकिन प्रजातन्त्र के अन्दर विरोधी दल बनाने के लिये वह पर्दा भी काफ़ी नहीं है। देश में कानून की खिलाफवर्जी करने के लिए तो वह उनके सहारे हैं, लेकिन जनसंघ, कांग्रेस और वी० एल० डी० अगर ये तीनों ग्रुप भी मिल जायें और अपना एक नेता चुनें तो मैं समझता हूँ कि जो त्यागी जी की मंशा है उसमें कोई बजान पड़ सकता है। लेकिन वह हमारे बस की बात नहीं है। वह त्यागी जी आपके बस की बात है।

आपसे मेरा मतलब त्यागी जी से नहीं, विरोधी दल के सदस्यों से है। अभी राजनारायण जी कह गए कि रिपोर्ट की चोरी हो गई। कहां चोरी हो गई? हमारे सदन के सदस्य, जो देश का कानून है और जिसे एक जिले, एक तहसील का वकील भी जानता है, उसके खिलाफ बात करते हैं यह मेरी समझ में नहीं आता। अगर हम कानून को बदलने की बात कहें तो बात समझ में आ सकती है। आप जानते हैं कि एफ० आई० आर० जो होती है वह खुली चीज होती है और उसको कोई छिपा नहीं सकता। एफ० आई० आर० की नकल तो कोई भी ले सकता है लेकिन जिमनी की नकल किसी को नहीं मिलेगी। उसकी नकल किसके फायदे में है? उसकी नकल फायदे में होती है मुलजिम के। समझ में नहीं आता कि आज विरोधी दल जो है, जिनके खिलाफ सी० बी० आई० ने इल्जाम लगाया रिश्वत ले करके लाइसेंस दिलाने का, उनको बचाने की कोशिश में क्यों है बावजूद इसके कि उन सदस्यों में हमारी पार्टी का भी एक सदस्य है। लेकिन विरोधी दल वाले इस बात की कोशिश में हैं कि वह रिपोर्ट उनको मिले। मैं पूछना चाहता हूँ कि क्या आप उनको छुड़वाना चाहते हैं। यही बात तस्करों की है। हमेशा एक बात सामने आती है कि नारे तो बहुत अच्छे हैं लेकिन काम ऐसा करना जिससे कसूरवार छूटे। मैं मानता हूँ कि गृह मंत्री जी ने उस रिपोर्ट को हमारे सदन की मेज पर नहीं रखा और यह बिल्कुल सही किया है। सदन की मेज पर उसे रखना भी नहीं चाहिए। जो मुकदमे चलने-चलाने का कानून है उसमें जिमनी टेबल पर नहीं रखी जा सकती। अगर जिमनी टेबल पर आती है तो वह कसूरवार के फायदे की बात है। मुझे बड़ी खुशी है कि बावजूद इसके कि कसूरवार हमारी पार्टी का सदस्य है और हमारी सरकार किसी के दबाव में आकर उसकी रिपोर्ट मेज पर नहीं रख रही है।

[श्री रणवीर सिंह]

उपसभापति महोदय, मैं यह मानता हूँ कि जहाँ तक किसी सदस्य का पैसा लेकर लाइसेंस दिलाने का संबंध था, उसके रोकने के लिये या उस रिश्वत की पोल खोलने का सवाल है वह इस सदन के सदस्यों का पूरा अधिकार था। मुझे खुशी है कि वह शुभ कार्य इस सदन के हमारी पार्टी के सदस्य से आरम्भ हुआ। सवाल उठ सकता था तो उठा। इस सदन को यह इज्जत मिली कि जो चोरी से लाइसेंस देने की बात थी उसको इस सदन में उठाया गया है लेकिन इससे आगे जो दूसरे सदन के सदस्य हैं उनके बारे में यहाँ हम बहस करने लगे तो यह कोई अच्छी प्रथा नहीं होगी। कल जो हम असेम्बली के मैम्बरों के बारे में भी बहस करने लग जायेंगे, उनको सजा देने की बात करने लगेंगे। मेरा कहना है यह कोई अच्छी प्रथा नहीं है। जो दूसरे सदन में हैं उनको पूरा हक है कि वे हमारी कार्रवाई के बारे में प्रिविलेज मोशन ला सकते हैं। मैं मानता हूँ कि इस सदन के अन्दर जो बहस करने की इजाजत नहीं मिली है वह सही है। दूसरे सदन के सदस्यों के बारे में यहाँ बातचीत नहीं होनी चाहिए।

उपसभापति महोदय, जैसा राजनारायण जी ने कहा सरकार ने रिपोर्ट की चोरी की, मेरा कहना है कि सरकार तो चोर को अदालत में सजा दिलाना चाहती है और राजनारायण चोर की हिमायत कर रहे हैं। इसके बावजूद भी यह समझें राजनारायण जी कि वह तस्करों की हिमायत कर रहे हैं और यह समझें कि हिन्दुस्तान के लोग उनकी बात को सुनते नहीं हैं, देखते नहीं हैं, यह उनकी भूल हो सकती है। मैं मानता हूँ चोरियाँ जो हो रही हैं वह इसलिए ज्यादा हो रही हैं कि बिरोधी दल हमारे देश के अन्दर कानून तोड़ने की भावना पैदा करता है। जब कानून तोड़ने की भावना पैदा करने की बात आती है तो आप जानते हैं कि जो बदमाश होता है वह

उसका फायदा उठाया करता है। और यही कारण है कि आज चोरी क्यों बढ़ रही है। इस बात के बावजूद कि जो चोरी करता है उसके लिए सजा भी बढ़ती जा रही है, फिर भी चोरियाँ होती हैं। इसका एक कारण यह है कि इस देश के अन्दर यह फिजा पैदा की जा रही है कि यहाँ पर कोई कानून नहीं है और जो कानून है वह देश के हित में नहीं है। मैं समझता हूँ कि जो लोग इस तरह की फिजा पैदा करते हैं वे ही इन चोरियों के लिए जिम्मेदार हैं। जब भारत देश गुलाम था और यहाँ पर अंग्रेजी हुकूमत थी उस वक्त सब लोगों ने मिलकर अंग्रेजों को हटाने के लिए कुछ इस प्रकार के काम किये हों, लेकिन आज दूसरी हालत है। आज यह अपने देश की जायदाद है और हमारे देश का भविष्य और हमारे देश के बच्चों का भविष्य इस बात पर निर्भर करता है कि हम इसकी जायदाद की रक्षा करें। इसलिए मेरा कहना यह है कि हमारे देश के सब लोगों को और समस्त पार्टियों को इस देश में इस प्रकार का वायुमंडल तैयार करना चाहिए जिसमें लोगों को कानून को तोड़ने में शिश्नक हो और वे ऐसी कोई कार्रवाई न करें जिसमें देश की जायदाद को किसी प्रकार का नुकसान हो। मैं समझता हूँ कि अगर आप इस प्रकार का वायुमंडल इस देश में पैदा करेंगे तो तारों की चोरी भी कम होगी।

आखिर में मैं फिर दोहराना चाहता हूँ कि सरकार ने जो सी० बी० आई० की रिपोर्ट सदन के पटल पर नहीं रखी उसके लिए कम से कम हमारे श्री त्यागी जी सरकार को शाबासी देंगे क्योंकि यह बात कानून के खिलाफ है। देश के कानून को तोड़ना किसी भी दृष्टि से अच्छा नहीं है। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

श्री जगदीश प्रसाद माथुर : उपसभापति महोदय, इस विधेयक को लाने से मंत्री महोदय अपने उद्देश्य में कहां तक सफल

होंगे, यह तो मैं नहीं कह सकता और जो संशोधन वे लाये हैं उसके कारण तारों की चोरी के अंदर किसी प्रकार की एकावट आएगी, यह भी मैं नहीं कह सकता। लेकिन उनका विभाग इस मामले में कितना निष्क्रिय है और कितने समय के बाद वह चेतता है, यह संशोधन विधेयक इसका प्रमाण है। उदाहरण के लिए मैं बताना चाहता हूँ कि यह ऐक्ट सन् 1950 में बना। उसके बाद ठीक 12 साल के बाद सन् 1962 में सरकार एक संशोधन विधेयक लाई और सन् 1962 के बाद फिर 12 साल के बाद सरकार चैती और आज सन् 1974 में यह संशोधन विधेयक लेकर आई है। अगर बारह-बारह सालों के बाद इस सरकार को इस बात की जानकारी होती है कि इस ऐक्ट में कुछ कमी है या सरकार को चेतने के लिए 12 साल का समय चाहिए तो मुझे लगता है कि सचमुच में यह सरकार 12 साल में चेतती है। यह बात भी समझ में नहीं आई कि किस आधार पर यह सरकार इस प्रकार का निर्णय करती है। क्या किसी अदालत ने इस कानून में कमियाँ बताई हैं? क्या यह सरकार इतनी दीर्घसूची हो गई है कि इतने वर्षों तक बेखबर रहती है? इन बारह-बारह सालों का क्या तात्पर्य है, यह बात मेरी समझ में नहीं आती है। इस अधिनियम में संशोधन लाने के कारण और कुछ विशेषताएं मंत्री महोदय ने बताई हैं। केवल यह कहना कि इसमें मिनिमम पनिशमेंट प्रोवाइड नहीं था और सिर्फ पांच साल का पनिशमेंट दिया गया था, इस कारण से चोरियां बढ़ी हैं, यह कोई ऐसी दलील नहीं है जिससे इस संशोधन का औचित्य सिद्ध हो। यह भी कहा गया कि 5 साल की सजा के बजाय 4 साल की सजा भी हो सकती है। अभी जो संशोधन आपने रखा है उसमें यह लिखा है कि in the absence of any decision to be recorded in the judgement of the court... अगर ऐसा हुआ तो सजा कम भी हो सकती

है। इसके अलावा कोई बड़ा परिवर्तन इसमें लाने के कारण से जो चोरी करने वाले हैं उनके मन में कोई बहुत बड़ा भय पैदा होगा और वे इस भय से चोरी करना बंद कर देंगे या तारों की चोरियां कम हो जाएंगी, इस पर विचार करने की जरूरत है। पहले पांच साल की सजा थी और कोई अगर यह समझता था कि ओफेंस सीरियस नहीं है तो वह एक साल की सजा कम भी कर सकता है।

इस कारण, इस विधेयक में जो संशोधन लेकर आए हैं उससे आपका कोई बड़ा परपज सर्व होता है, यह मुझे लगता नहीं। दूसरे आपने कहा है अब तक चोरी के माल को पुलिस जब्त नहीं कर सकती थी और अब हमन जब्ती का अधिकार दे दिया। मुझे पता नहीं आई० पी० सी० और क्रिमिनल प्रोसीजर कोड में यह अधिकार है कि नहीं क्योंकि चोरी का माल तो पुलिस जब्त करती ही है, उसको अदालत में पेश करती है और बाद में जाकर जो कोई उसका जेनुइन अधिकारी होता है उसको वह माल मिल जाता है, उसको सौंपा जाता है। अब आपको ऐसी कौन सी कठिनाइयां आईं जिसके कारण से माल जब्त नहीं किया जा रहा था, या माल चोरों के पास ही रह जाता था जिसके कारण से चोरियां बढ़ती जा रही थीं। इस सदन के सामने आपको कुछ आंकड़े तो इसके बारे में रखने चाहिए थे। आपने एक बात कही है कि डेढ़ करोड़ रु० की चोरी हर वर्ष होती है, वह एक बात आपने अपने पूर्व-कथन में बताई है, लेकिन वास्तव में चोरियां इससे ज्यादा होती हैं। मैंने एक समाचारपत्र में यहीं पर कुछ आंकड़े देखे थे, उसके अनुसार 1972-73 के अंदर 6 करोड़ रु० की चोरी के बारे में बताया है। इतनी ज्यादा चोरी इसमें बढ़ती जा रही है। तो अगर कानून का परिपालन करने की दृष्टि से कोई शिकायत है तो इस पर आपको विचार

[श्री जगदीश प्रसाद माथुर]

करना होगा; जो पुराना कानून था उसमें कोई इतनी बड़ी खामी रह गई जिसके कारण से हम चोरी को पकड़ नहीं सकते थे। मैं जानना चाहता हूँ, आपकी बरामदी कितनी हुई? आपके विभाग में कितनी चोरियाँ पकड़ी? अब जो डेढ़ करोड़ रुपए की चोरी की बात कही वह तो ठीक है लेकिन उसको देखते हुए, कितनी तत्परता आपके विभाग ने बरती? पुलिस ने कितने केसेज इंस्टीट्यूट किए, कितनी रिपोर्टें दर्ज हुईं और रिपोर्ट करने के बाद कितनी बरामदी हुई? आपको यह भी देखना था कि कौन कौन सी एरिया सेंसिटिव एरिया है जहाँ पर कापर वायर की चोरी ज्यादा होती है? हिन्दुस्तान में इस प्रकार की चोरी का क्या पैटर्न रहा? कुछ ऐसी सेंसिटिव एरिया हो सकती हैं जहाँ चोरियाँ ज्यादा होती हैं, तो उन इलाकों में आपने क्या व्यवस्थाएँ कीं? मैं समझता हूँ इस प्रकार की शिकायतों के प्रति जैसा और विभागों में उपेक्षा पायी जाती है वैसा ही आपके विभाग के अन्दर भी होगा। जैसा कि रेलवे के अंदर मुगलसराय में सबसे ज्यादा चोरियाँ होती हैं। यहाँ पर सदन में भी उसके बारे में आरोप लगाए जाते हैं। कि जो रेलवे प्रोटेक्शन फोर्स है, जो रेलवे के कर्मचारी हैं, उन लोगों की उसमें मिली-भगत रहती है, उनके सहयोग से चोरियाँ ज्यादा होती हैं। तो आपके यहाँ भी तारों की चोरी का कारण यह नहीं है क्या? तो इसके बारे में आपके कर्मचारी कितने सजग हैं? कितना उनको माल इश्यू होता है, कितना यूज उनका होता है? चोरी होती है या बीच में ही घोटाला हो जाता है। उदाहरण के लिए मैं बताऊँ, मेरे घर में टेलीफोन लगाने के लोग आए। टेलीफोन लगाने वाला एक एंग्ल लेकर आया और एक तार लेकर आया। यह तब की बात है जब मैं अपना मकान शिफ्ट करा रहा था। तो वे पुराने तार और एंग्ल

वहीं छोड़ कर चले गए। मैंने कहा ये एंग्ल हैं ले जाइए लेकिन वे छोड़ कर चले गए, उसको कोई खैर-खबर नहीं की। इसलिए मैं जानना चाहता था कि आखिर कितना माल उनको मिलता है, कितना वापस जाता है, इसका स्टॉक वेरिफिकेशन कैसे होता है? आपका इतना बड़ा विभाग है और जिस प्रकार की शिकायतें आपके विभाग के प्रति हैं वही मेरी समझ में बाकी विभागों के प्रति होंगी। इस सदन में ऐसी चर्चाएँ हुई हैं, विशेष तौर से तार के बारे में, क्योंकि टेलीग्राफ का संबंध है तारों से, तो तार इस प्रकार से विलम्ब से पहुँचते हैं कि शायद साधारण पत्र जल्दी पहुँचता होगा लेकिन टेलीग्राम्स समय पर नहीं पहुँचते। कहीं तार देकर जाना हो तो आदमी स्वयं पहले पहुँच जाए और तार बाद में जाकर पहुँचे। तार पहुँचने से पहले हम वहाँ पहुँच रहे हैं। इस प्रकार की कई घटनाएँ देखने को मिली हैं। जहाँ तक टेलीफोन का सवाल है, अगर हिन्दुस्तान में कहीं रही से रही सर्विस है तो वह टेलीफोन की है। जब देखो रॉंग नम्बर मिलेगा। पहले हम सोचते थे कि शायद कलकत्ता के बारे में जैसा सुनने में आता था कलकत्ता में रॉंग नम्बर मिलता है लेकिन कलकत्ता से यह बीमारी सरक कर यहाँ आ गई है, क्योंकि सरकार डिसेंट्रलाइजेशन में विश्वास ज्यादा करती है। यही वजह है इस बीमारी का भी डिसेंट्रलाइजेशन कर रही है। जयपुर में भी मैंने देखा वहाँ पर भी इस प्रकार की शिकायतें हैं। वहाँ पर भी रॉंग नम्बर मिलेगा और टेलीफोन आपरेटर्स ठीक तरह से अटेंड नहीं करते। जो यह चोरी होती है इसमें सबसे बड़ी चोरी टेलीफोन्स के अंदर होती है जिसकी वजह से सरकार को इतना घाटा होता है। अगर माननीय मंत्री महोदय इस बारे में जांच करें तो पता चलेगा कि किस प्रकार टेलीफोन आपरेटर्स और कुछ व्यापारी सांठ-गांठ

में रहते हैं, खास कर जो आपका यह ट्रंक काल का विभाग है उसमें। ट्रंककाल सर्विस के अंदर इतनी ज्यादा चोरी होती है जिसमें आपरेटर्स डाइरेक्ट लाइन मिला देते हैं; आपरेटर्स और कुछ कम्पनियों और व्यापारियों का आपस में हिसाब बंधा हुआ है। मुझे मालूम है क्योंकि बड़ी-बड़ी फर्मों और कुछ बड़े-बड़े उद्योगपतियों के यहां ऐसा देखने को मिला है कि उनके यहां आपरेटर्स से बंधा हुआ है। जिस समय आपरेटर्स दिल्ली से कलकत्ता, कलकत्ता से बम्बई, बम्बई से जयपुर मिलाते हैं उसका रिकार्ड नहीं आता। तो इतनी बड़ी चोरियां होती हैं। आपको कर्मचारियों को इतनी तनख्वाह देनी पड़ती है और विभाग घाटे में जाता है। इसलिए इतने पर भी आपने पोस्टकार्ड के दाम बढ़ा दिये, लिफाफों के दाम बढ़ा दिये, इलैंड लैटर के दाम बढ़ा दिये, तारों के दाम बढ़ा दिये और इन चीजों पर दाम बढ़ाने के बजाय आप चोरी को रोकते, चाहे तार की चोरी हो, चाहे टेलीफोन की चोरी हो, विभाग की चोरी हो, अगर इन चोरियों को रोक पाते तो जनता के ऊपर नये कर लगाने की आवश्यकता नहीं होती। माननीय मंत्री जी चूंकि संगठन पक्ष के आदमी हैं, वे जनता से ज्यादा सम्पर्क लेकर आये हैं, इसलिए मैं उनसे कम से कम यह अपेक्षा करता हूं कि आने वाले समय में वे जनता के ऊपर भार नहीं बढ़ायेंगे, जनता के ऊपर बोझ नहीं बढ़ायेंगे और अपने विभाग में ज्यादा कुशलता लायेंगे। उनके विभाग में जिस तरह टेलीफोन के तारों की चोरी होती है और कर्मचारी मिलकर जिस प्रकार से चोरी करते हैं, इन चोरियों को रोकने की दृष्टि से वे स्वयं ज्यादा सक्रिय होंगे और सजग रहेंगे। वे नये मंत्री बने हैं, उन्हें संगठन का अनुभव है और अपने संगठन का अनुभव वे यहां पर लायेंगे ताकि उनका यह विभाग सक्रिय हो सके और प्रगति कर सके। आज दुनिया जब प्रगति के युग की ओर बढ़ रही है तो हिन्दुस्तान में सभी चीजें निकम्मी और सब से ज्यादा

अयोग्य दिखलाई देती है। इसलिए मैं मंत्री जी से निवेदन करूंगा कि वे इस बात की ओर विशेष ध्यान देंगे अब उनके ऊपर संगठन और जोड़ तोड़ करने का कोई काम नहीं रह गया है। कांग्रेस संगठन में तो उनके ऊपर जोड़ तोड़ और गठबंधन की जिम्मेदारी आ गई थी। लेकिन अब तो यह जिम्मेदारी उनके ऊपर रही और अब वे एक निश्चित जिम्मेदारी कुशलतापूर्वक निर्वह कर सकते हैं और इस नाते में उनका स्वागत करूंगा।

जिस प्रकार से पिछले मंत्री श्री ब्रह्मानन्द रेडडी जी ने अपना पद सम्भालने के बाद जनता के ऊपर पोस्टकार्ड के दाम बढ़ा दिये, जो बोझा उसके ऊपर डाला, मैं आशा करता हूं कि वे अपनी कार्य कुशलता से विभाग में जो इस समय चोरी होती है, उनको रोककर जनता को राहत दिलायेंगे और तब ही जनता समझेगी कि आपने इस विभाग में परिवर्तन किया है। वही मेरा आप से निवेदन है।

SHRI VISWANATHA MENON: (Kerala): Sir, the Bill that has come for consideration is a simple one, but my doubt is whether, even after passing this Bill, the Government is going to solve the problems that face the P. and T. According to me, the P and T is the most disorganised organisation existing under the Government of India. If I send a letter from here to my State, It will not reach even after two weeks. If I want to phone somebody I will not get the connection. Beginning from that everything is completely disorganised. The other day there was a call attention and the neglect of the eastern region was highlighted. I want to add the southern region also. It is completely neglected. If we take it like that, every representative from every State will say that his place is neglected. That means the P and T is a complete flop. It is completely disorganised. I do not know whether the new Minister will find time to make it all right.

Coming to various problems, the only thing the telephone is doing properly, according to my information, is bugging and tapping. The postal reasearch and

JShriVishwanatha Menon] development centre has organised four regional centres. They specialise in bugging and tapping all the important political leaders and Members of Parliament. The information *it*, giver, directly to the Prims Minister of India. In connection with Watergate, Mr. Nixon had to go, but although India is such a big democracy and all that, this thing is happening daily. When Comrade Jyoti Basil was Deputy Chief Minister in West Bengal, he enquired these things and he got complete information about the bugging and Tapping that was being done by the Central Government. Moreover, when I was in the Public Accounts Committee during 1967-68, Mr. Masani was the Chairman, some P&T Department officers came for giving evidence before us. When this question was put to them, with much reluctance they said that there was bugging and Tarping but that they were not doing it, that it was done by the Central Government.

One thing is clear. Bugging and tapping in regard to all the opposition parties have developed to such an extent. One Minister is trying to get information about what is going on with the other Minister because of the internal conflict in the Congress. That is the only function that the P&T Department is doing all over the country, and all the reports are being sent to the Prime Minister. Is this the only function that is to be expected from them? From the P & T Department we are expecting something more for the people. I have got objections about bugging and tapping. But even allowing for these things, if they have served the people, We can understand that they have done something good. But they are not doing anything for the people as a whole. Everywhere there are complaints. I do not want to mention all, but take for example one complaint. For the last so many years in Calcutta Rs. 40 more were being taken as hire charges; that amount they had to refund. But they have not at all refunded that. As compared to Bombay and other places, they have taken Rs. 40 more in Calcutta.

Coming to other aspects, on that day, the hon. Minister when he was replying to the Calling Attention Motion, asked for the cooperation of everybody saying that he was prepared to look into all the charges. when he spoke, I also felt that he was 6—712 RSS/74

very anxious to do something and I also in good faith wrote to him two letters about the various complaints connected with my State. I did not get any reply even now.

Sir, when the railway strike was on, some P&T employees went on sympathetic action. Even now victimisation is the order of the day in Kerala. Employees are being thrown out; without any justification, action is being taken against them. The bureaucrats in the P & T Department act according to their own wish. Even in the token strike of 1967, one employee had taken part is affected, even now his services, his promotions, and all these things are affected, I wrote all these things to the hon. Minister thinking that he made such a brilliant speech here appealing for our cooperation and all that. If the P & T Department employees are dissatisfied, how can he get service from them? Trade union activities are tampered with. After Mr. Bahuguna became the Minister, he brought in politics into the P & T Department. The unions were split and the unions which represent the workers are now not recognised. A bogus union, a paper union, has been recognised and the trade union leaders are being thrown out of employment under some pretext or other. Disciplinary action is being taken. If the hon. Minister wants to make the P & T Department a success, I cannot understand

how he is going to do it. Sir, in this 3 p.m. respect I request the hon'ble Minister,

if he is anxious to make the Department a success, the first thing he should do is to get the co-operation of the workers. Without the co-operation of workers he cannot do anything. The first thing for that is to withdraw victimisation cases. The promotions and other things due to the workers or the trade union leaders must be given. Then only he can think about all these things.

Sir, we all want the P. & T. Department to be successful one. The P. & T. Department is the main connecting link between this end and the other end. I come from the southern-most State and 'o reach my State one has to travel four days in train. So if the P. & T. Departs working properly we can telephone oiu house and know what is happening there. Now whenever I try to get a trunk call the reply I get is that the line is out of

order. How can you justify such a kind of treatment towards the regions which are a far from New Delhi Sir, if the hon'ble Minister's intentions are *bona fide* that he wants to have the co-operation of all the parties and friends here I won't him to first take the co-operation of the workers by cancelling all the victimisation orders. Then he should try to have more contacts with the distant regions at the eastern and southern ends; their problems must be solved.

This leads to a very important factor. This Bill gives some powers to catch hold of some thieves. That is not the problem. Actually the main problem is the co-operation of the workers and I think a new orientation may come under the new Minister of Communications. Thank you.

SHRI JAGAN NATH TIHARDWAJ (Himachal Pradesh) Mr. Deputy Chairman, Sir, the problem of theft of copper wires is really very serious and I appreciate the action taken by the Minister of Communications in feeling the gravity of the situation and bringing forward this Bill which I fully support. I have to make a few observations.

Sir, the earlier speaker was speaking about victimisation. But I am afraid by his speech he has victimised the whole of the P. & T. Department. Sir, as is well known the P & T and the Military Departments are well known for their honesty and integrity. By pulling up the P & T. Department he has victimised the whole of the Department. If honest people are hied up like this, how can they show their progress; their enthusiasm gets dampened by such pulling up. There may be some non-cooperation by the workers, but it is not correct to say that they are not well treated and that they are not taken into confidence. There are so many unions of workers still they are all taken into confidence by the Department. Quite often meetings are held. What he says may be true of a few workers.

But on the whole, I think the picture is not so bad as he has painted. Anyway, now coming to this Bill, I have to say that the punishment provided is quite stringent. But I feel that this stringency of punishment will not help so much as the co-operation between the States and the Centre in this matter. What I personally feel is

that the State Governments do not feel so much interested about the safety of this property which is scattered in different corners of this country, far and wide. So I think that to make this Act more effective, it is necessary that measures should be taken whereby the State Governments feel interested about this matter and ask their police departments and administrative departments to take up this case very seriously and to work for the protection of these wires. I think one of the measures could be that the onus of looking after the telegraph wires may be given to the local administration, the local police stations. Police station where more thefts are detected, should be given some incentives in the shape of prizes or letters so that those police stations feel more and more interested in the matter. Secondly, the local branch post offices and telegraph offices should also be involved in this, and some incentives should be provided for detecting thefts in their particular areas. In this way, I think the co-operation of those who are at the spot could be had. Panchayats also should be moved in the matter and they should be taken into confidence in this matter. So steps like these will, I think, go a long way to make this Bill, which will now become an Act, more effective. With these words, I again support the Bill. Thank you.

MR. DEPUTY CHAIRMAN: Mr Mandai. Five minutes.

श्री ब्रूपेन्द्र नारायण मंडल (बिहार) : उप-सभापति महोदय, जो विधेयक अभी हाउस के सामने प्रस्तुत है मैं समझता हूँ कि इस विधेयक के लाने से आगे परिस्थिति में कोई सुधार आएगा इसकी आशा मुझको नहीं है। यह बात सही है कि देश में कोपर की प्रोडक्शन की कमी है। जब कि देश स्वतंत्र हुआ था उसके पहले भी कमी थी और आज भी इसकी कमी है। इस कोपर की प्रोडक्शन को बढ़ाने की जितनी कोशिश हुई है उसमें भी काफी सफलता नहीं मिली है और इसका नतीजा यह है कि बूँकि कोपर की प्रोडक्शन की कमी है इसलिए यह महंगा बिकता है। और इसको विदेशों से भी आयात करना पड़ता है। इसके महंगे होने के कारण ही वॉल्ट की बात इसमें आती है।

[श्री भूपेन्द्र नारायण मंडल]

इस बिल को रोकने के लिए जब देश स्वतंत्र हुआ था 1950 में उस समय कानून बना था । 1962 में कहा गया कि यह कानून एफैक्टिव नहीं है कि क्योंकि इसके प्रोविजर एफैक्टिव नहीं है इसलिए इसके कानून में सुधार होना चाहिए । इसलिए अमेंडमेंट लाया गया । 1968 में भी फिर अमेंडमेंट लाया गया । इसके जरिए भी जो देश में आफेंस रोकना चाहिए था वह नहीं रुक रहा है। इस तरह से 50 में कानून बना और उसके बाद दो अमेंडमेंट्स आई । उन अमेंडमेंट्स के बाद भी स्थिति में कोई सुधार नहीं आया है और अब फिर अमेंडमेंट लाई जा रही है ।

इस अमेंडमेंट बिल में इसमें कोई सुधार होगा, ऐसा मालूम नहीं पड़ता है । इसका एक कारण तो यह मालूम पड़ता है कि कोपर के भाव बहुत अधिक होने से चोरी करने वाले के मन में एक लोभ पैदा होता है जिसको वजह से वह चोरी करता है— जिस ठग से और किस बड़े पैमाने पर चोरी होती है — उससे यह भी जाहिर है कि समाज में इफलुएण्शियल लोग हैं, प्रभावशाली लोग हैं, उन लोगों को भी उनमें सहयोग रहता है और उन लोगों को बैंकिंग रहती है और जो दोषी लोग हैं या जो समाज में प्रभावशाली लोग हैं वे ज्यादातर स्विंग पार्टी के लोग हैं, इसलिए उनकी इसमें प्रोटेक्शन रहती है । ऐसी हालत में श्री राजनारायण जी को क्रिटिसाइज किया गया है और कहा गया है कि वे बातों को बढ़ा-चढ़ाकर कहते हैं । भले ही वे बातों को बढ़ा-चढ़ाकर कहते हों, लेकिन यह निश्चित है कि आज देश में भ्रष्टाचारी है, भ्रष्टाचार है और आज देश में ऐसा वातावरण बन गया है कि इस तरह से चोरी करता या भ्रष्टाचार करना गलत नहीं समझा जाता है । अगर कहीं पर भ्रष्टाचार का पता भी लग जाता है तो गड़बड़ों का सुराग मिल जाता है तो उसको छिपाने की कोशिश

की जाती है । मानें किसी अखबार में यह पढ़ा ही होगा कि एक कपूर कमीशन एक मंत्री के खिलाफ अन्वेषण करने के लिए बना था और उन मीमांस ने यह पाया था कि मंत्री महोदय ने भारत में बड़ा समाज का क्या खाया है, लेकिन फिर भी उस अन्वेषण रिपोर्ट पर कोई कार्यवाही नहीं की गई । इसी प्रकार से लायसेंस स्कैन्डल का मामला है । उसकी रिपोर्ट को भी छिपाने की कोशिश की जाती है । इन सब बातों से गड़बड़ों पैदा होते हैं और इस सरकार की हमें यह कोशिश होती है कि जो दोषी व्यक्ति है उनको छिपाया जाय । इनका नतीजा यह है कि आज हमारे देश में वातावरण गन्दा हो गया है । ऐसी स्थिति में मैं चाहता हूँ कि हमारे देश में जो सत्तारूढ़ पार्टी है वह अपने रवैये को और इस रवैये के बदलने के लिए यह बहुत जरूरी है कि हमारे देश के प्राइम मिनिस्टर अच्छे होने चाहिए । अच्छा इस मामले में होता चाहिए कि वह योग्य हो । मैं यह नहीं कहता कि हमारे प्राइम मिनिस्टर योग्य नहीं है । मेरी समझ से हमारे प्राइम मिनिस्टर योग्य है, लेकिन योग्यता के साथ-साथ यह भी चाहिए कि जो एक मोरेलिटी होती है, पब्लिक मोरेलिटी होती है और जिसको कहते हैं कि एक सेन्स होनी चाहिए, एक लिमिट होना चाहिए, वह लिमिट उनमें नहीं है । वह पावर के लिए बराबर यह चाहती है कि जिन्दगी भर प्राइम मिनिस्टर बनी रहें और इसलिए उनको बहुत रुपया इकट्ठा करना पड़ता है ।

डा० चन्मणि राय चौधरी (बिहार) : यह गलत है ।

श्री भूपेन्द्र नारायण मंडल : सार भाव हमारे देश में वातावरण भी इस ढंग का हो गया है ।

SHRI U. K. 1 AKSHMANA GOWDA (Karnataka): Sir, I, alongwith my other friends, support this small Bill which purports to strengthen the existing Act and make the implementation steadier and easier.

Sir, I strongly support the proposals contained in the Bill to amend Section 5 of the Act to make punishments more stringent and also to bring in people, who will be in possession of the stolen goods, under the Act and this is a welcome thing and I hope that after this Bill is passed, the honourable Minister will be in a position to implement, what he said the other day, the measures to provide greater service in telephone and telegraph communications to the people all over the country.

Sir, while saying this, I would like to bring to the notice of the honourable Minister the fact that in the rural areas, where the telephone and telegraph facilities are being extended now, the service is not at all satisfactory. Sir, I come from Karnataka, (the Malanad district of Karnataka) and I have found that the communication lines here in most of the areas pass through jungles and because of this the trunk lines will not be working and this happens very often. If you make an inquiry, you will be told that the lines have been tampered with or you will be told that the jungles have not been cleared and so on. I think this sort of an excuse will not and cannot go on for long. Also, in the case of the telegraph service and the small Exchanges which have been started there, the first thing that has been noticed is that they have not got the technicians and wherever they have not got the auto-exchanges—because they are putting up auto exchanges these days—they have not got trained personnel to attend to them and this results in a very big dislocation of telephone communication. To give an example from my own place which is just 200 miles from Bangalore: For days together the telephones will be out of order and of the two lines they are having, one will always be out of order. I would, therefore, like the honourable Minister to take some action to see that sufficient number of trained technicians are available both for the district exchanges and the taluk exchanges and also to see that mobile parties are available to attend to the lines which run through jungle areas and also to see that replacement facilities are available for what you call the switch boards and other things in the smaller places. Quite often it is said that they are faulty and that is why I am making this suggestion. Sir, it is one thing to extend telephone service

to distant and different places and it is quite another thing to provide satisfactory service. When the technicians are put on the job of laying new lines, there are none to see that the existing lines are working properly and satisfactory service is, therefore, not available. Therefore, Sir, I would request the honourable Minister! I-into this aspect very carefully and do the needful.

Then, Sir, my friend, Shri Viswanatha Menon, said that there seems to be some unrest among the employees because of the recognition and derecognition of certain unions and he said that some unions have been recognised and some have not been recognised and this should not be done and soon. I do not know about these things. But I do feel that there seems to be some sort of a grievance and there are rumblings about the particular derecognition of some unions and recognition of certain other unions and this is a matter which should be looked into. Otherwise, the maintenance of the lines will become very difficult because a very large number of unskilled and manual workers are involved in this.

Sir, with these words I support the Bill and I hope that the Minister, armed with the powers which are coming to him under this, will be able to achieve greater efficiency and provide better service to the people". Thank you. Sir.

SHRI MAHAVIR TYAGI : Sir, I am very grateful to you for having given me this chance to speak. I want to give a different tone to the debate by promising certain amount of co-operation with the Government in this regard. I want to create an atmosphere in the country in which the people will feel that the Opposition will not oppose everything and that if there is any good measure which the Government comes forward with, the Opposition will surely support the Government. This is my assurance to you, Sir. But, Sir, this goes with the hope that the Government will also take a liberal view and would not stand on false notions of prestige. If the Opposition people, if the parties in the Opposition group, put up some suggestion which is reasonable and which sounds patriotic and which looks to be useful, well, Sir, the Government must be liberal and must graciously welcome that and this sort of relationship must be established. During these days of bit-

[Shri Mahavir Tyagi] terness between the Opposition and the Treasury Benches, I want to create an atmosphere of mutual co-operation. Not for everything. The Opposition stands for the cause of the people. Wherever the Opposition feel that people's cause is adversely affected, they will fight with you, they will oppose you openly and also propagate against you. But whichever action goes in favour of the people, whichever action you take which helps actually the people and brings prestige to your administration, will not be opposed.

This measure is good enough. We support it. While doing so, I purposely impel you with all the moral force that you might also have the courage enough to support us when we say something which is not in your Bill. Suppose we give some amendment, we make some suggestion which is healthy, we will expect that the Government will have courage enough not to stand on a false notion of prestige but to come forward and say: We welcome the Opposition suggestion. That will be very good parliamentary relationship which will be established. With these words, I support the Bill.

SHRI G. LAKSHMANAN (Tamil Nadu): Mr. Deputy Chairman, Sir, I support the Bill if the P & T workers can discharge their duties efficiently. Now there is a lot of complaint that the P & T workers are not able to discharge their duties very efficiently. I hold the Government responsible for this sorry state of affairs.

Sir, we established one union of P & T workers in the year 1954. Various unions which were under the fold of different leaderships were brought together and one union was established. Honourable Shri Rati Ahmed Kidwai and Shri Jagjivan Ram were responsible for the establishment of one union for one industry. The union functioned, and it continued to function, efficiently, because there were no multiplicity of unions in the P & T Department. Sir, in the year 1968 the Government recognized another union, or rather a Government union and it gave recognition to one of the persons in the P & T Department and made him the Secretary-General. From that time onwards, this policy of 'one union for one industry' was defeated and everywhere in the P & T

Department there were two federations. Now there are 25 to 30 unions. Honourable Shri Rafi Ahmed Kidwai and Shri Jagjivan Ram wanted that there should be one union for one industry, and in the P & T Department also, because the employees have to function collectively. If one deals with cash, he has to take the other person into his confidence. That is why they wanted one union for one industry in the P & T. I do not know why the Government did that. If certain bad things are going on, it is because of the policy of the Government in having recognized another federation in the P & T.

Therefore, I would appeal to the hon. Minister to follow honourable Shri Rafi Ahmed Kidwai and Shri Jagjivan Ram who advocated the policy of one union for one industry. By this, the employees will also be able to discharge their duties with efficiency. It is my humble request to the hon. Minister to see that the Government again recognized the National Federation of P & T Employees, which was actually formed in the year 1954 on the 24th November. Yesterday it was the 24th of November. I was a P & T employee and I continued to be a trade unionist also and participated in it. Therefore, when I support the Bill I would say that these complaints will go away if Shri Shankar Dayal Sharma, the hon. Minister for Communications sees that during his time again the National Federation of P & T Employees is recognized and the principle of one union for one industry is accepted. Thank you.

SHRI S. D. SHARMA: Sir, I am really thankful to the Members for the constructive suggestions they have made. Of course, I need not go into the speech of the first Member, Mr. Rajnarain, because he has always got something up in his mind and he just goes on talking about it. The question of C.B.I. inquiry is not material here. Of course, we do want to see that anybody who is guilty is punished and that he does not get a chance to escape and that a case is not prejudiced. That is about the C.B.T. So far as this Department is concerned, there is no question of shielding anybody. The copper wire thefts are serious things not only because they cost money, but also because they result in dislocations of communications-

and difficulties which have been pointed out by Mr. Menon. For instance, there cannot be two opinions about the need that one should be able to talk to far-flung areas in India. From the very beginning, I have said that it is absolutely essential in a federal structure that the capitals of all the States should be connected with each other and also with the Centre by quick and reliable means of communications. This is one thing which should be done. But there are difficulties. For instance, I would like to point out that at the present moment, the linking between Kerala and Delhi is only by one co-axial cable and this has a length of 4500 kilometers. The faults can develop anywhere in the long co-axial line and it creates problems. This has got to be overcome and as the hon. Member may be knowing, we are going in for a microwave link between Bombay and Trivandrum on the broad band. Similarly, another microwave is being sought to be had between Delhi and Bombay. It is absolutely essential that people should be able to talk over long distances because India is a country of distances.

I was talking about copper wire thefts. It is very serious because it disconnects people apart from the loss of money. We have been trying to meet the situation. Of course, one amendment came in 1962. After that, we tried to bring in amendments twice in 1966 and 1968. This House kindly passed them. But these two Bills could not become law both the times because of the dissolution of the Lok Sabha. I hope it will become law this time. I may tell you that it is not possible to get over this problem completely only by passing this Bill. But we will be able to *meet* it better. This is all that I can say.

Mr. Barman talked about the onus to prove innocence. It is provided in the Act. The person in whose possession these wires are found will have the onus to show that he has come across them or he has got them in a proper transaction.

The innocence has got to be established by him. Mr. Barman talked about other subjects also. I may just tell him that there is a rule about the upgrading of sub-post offices to the main post office. I think the rule, at the present moment, is that upto 20 to 59 sub-post offices are

kept under one main office and naturally when conditions are ripe, we try to raise them. The question of there being inadequacy in P & T and the surfeit in telecommunications branch, as far as I know, is not correct. But I will try to look into it again. Sir, he talked about the American game of separation. I may assure him that I do not see any game. Whoever may like to play a game, the member can be rest assured that nobody can succeed in playing only such game in this country, making our industry subservient to any foreign industry, any cartels wherever it may be and however strong it may be.

I agree that the number of telephones in India is very low. We have got to do something about it. We will try. I agree that the waiting list is very large. I myself said last time that even after the Fifth Plan, my fear is that the waiting list will continue to be more than half a million because the problems are such and we are trying to get over them. Various methods are being thought about to reduce the cost and to get more money. For instance, we are now thinking of using wooden poles in order to reduce the cost. Other things can also be thought of. And I would say that the help and cooperation of the Members is always sought. If you permit me, Sir, I will say that so far as these thefts are concerned, if I get the co-operation of the people, that will be the real thing, that is the only thing by which we can change the whole attitude of the people. If the whole attitude changes, things may become better. We are trying to go in for copper welded wire but the supply is limited. We have tried to import some. Similarly, the supply of A. C. conductor wires is also limited. So, we are trying to increase the production, then go in for changing the lines. I agree that there should be more of stock verifications and I can tell Mr. Mathur that we are keen that it should be done. But you will agree, Sir, there are difficulties everywhere. I cannot say that there is no leakage of revenue so far as the P & T is concerned. We have got to look into it. We have to try. We cannot give up.

Sir, Mr. Menon talked about this being disorganized. I do not know. But I can tell only one thing that so far as we are concerned, we are keen to develop the southern region as much as any other region.

[Shri S. D. Sharma] For instance, he may be knowing that we are going to have an S.T.D. connection between Madras and Ernakulam soon. The testing is going on. We are trying to build up by building up different channels and different frequencies the, services inside and the services outside, I mean, inside the State and the adjacent States and the Union Capital as well.

So far as the question of unions is concerned, I fully share the anxiety of the Members that there should be a spirit of co-operation, a feeling of understanding-between the officers and the people working, and for that, the unions can play a very significant role. I also agree with Mr. Lakshmanan that if there is more than one union, it does create difficulties and very serious difficulties for both the Department and the unions, because they are not able to put forward their viewpoint correctly and forcibly; forcibly because they are divided, and not correctly because there is a competition as to which union can put its demands higher. These difficulties are there. I can assure you that we will try to see that the workers in the unions or the workers anywhere—and we have a large number of workers—have a feeling that the Department is deeply interested in their welfare as deeply as in having the services run properly. And they cannot run properly—I fully endorse—unless the workers co-operate; it is absolutely impossible. Nobody can claim that the telecommunications or postal services can run properly unless there is full, whole-hen rted co-operation of the workers.

So far as the question of one union is concerned, I like it. I do not know how effective I can be, but wherever it is possible for me to be helpful, I will try to be helpful.

So far Mr. Lakshmana Gowda's suggestions about lack of technicians with the spread of auto-exchanges in the rural areas are concerned, and the other technicians that are needed, we fully agree with him and we will try to do something in this matter. We are introducing a Group maintenance Scheme in which one experienced person will be in charge of a group of exchanges with a sufficient number of spares. Earlier we were having difficulties because enough spares were not there. Coming from Karnataka, he must be knowing that now we have asked the ITI

to keep apart or use 10% of its capacity for spares so that nothing is left out of order because of lack of spares. Naturally, with the spread of exchanges in the rural areas, we will need more technicians. We are planning to train more technicians and have more technicians in our service so that these defects can be corrected as early as possible.

Now, so far as Tyagiji is concerned, I am very thankful to him and we always look forward to seek co-operation from him. We know that for anything that we have to do in the country and for the common people's welfare, his co-operation will be there and I need not repeat it. But the fact remains that P & T services really "affect the people in the farthest village", its running properly is of advantage to everybody and its not running properly creates not only a feeling that we are backward in the 20th century but also that we are not able to provide to the people what they need. But the fact remains that conditions in India are so varied that the solutions found by other countries do not prove good solutions for our conditions, for our work, I may tell the House that we are very keen to develop research work in our own area so that with the research new things may come out which may suit Indian conditions. Quite a bit of good research work is being done in the Centre here in Delhi and in the ITI. For instance, the problem of exchanges has been there—which cross-bar should be taken up for which exchange and so on and so forth. Our research wing has been working on that and has gone further ahead. We have also worked out an electronic exchange, of course it has to be tried first. Prototypes have been produced and I was just thinking that if we are able to develop the electronic exchange ourselves, we may try it somewhere where Members of Parliament are there—not that I want to make use of them for experimental purposes. But it will be something, if we are able to do it well, which will make you happy because one feature of this system is that there not being many moving parts—under the branch science known as solid state physics—this will be more durable and will suit Indian conditions better.

That is our hope. But it is at the experimental stage. We need your co-operation.

So far as the co-operation of State Governments is concerned, I may assure the House that we are very keen to have the fullest co-operation of the State Governments not only so far as the theft of copper wire is concerned, but in other fields also. So far as copper wires are concerned, I may also, mention that looking after these is the responsibility of the State Governments. P & T Department cannot look after these thousands of kilometres of lines which we have got; it has to depend upon the State Governments. So far as the question of opening new post offices is concerned, we need their co-operation. I will seek their co-operation in getting land—free, if possible,—so that we may be able to build up faster. Similarly, if they give wooden poles at reasonable prices, it will be possible to have more lines and have more telecommunication centres in the States, because the project in that case will become remunerative according to financial standards; wooden poles will cost less. But there again I will need the co-operation of State Governments and I am going to approach them. I have approached some of them to give us poles of the requisite standard, properly treated. There will be many other things for which we will need the co-operation of State Governments. In fact, the success of this Department will depend upon the fullest co-operation of the workers in the Department—not only of workers, but also the State Governments, the people, the political parties, the Members of Parliament—because we will succeed when we all change our attitude to the Department. It is not only a business department. It is a service department. In creating that atmosphere, there is a disadvantage so far as we in the ruling party are concerned, because when ever we say anything, we are told that we want to serve our own ends. But hon. Members of the Opposition can be very helpful in creating that atmosphere. They must create the impression that any person who is found stealing anything, it is the moral duty, it is the national duty, of every citizen to see that he is punished.

I am sure, Sir, that with the spirit of co-operation I find today, we will be able to move ahead to a certain extent, and I hope the Bill, which is a simple one, will be passed unanimously.

MR. DEPUTY CHAIRMAN : The question is:

"That the Bill further to amend the Telegraph Wires (Unlawful Possession) Act, 1950, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now, we shall 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 S. D. SHARMA : Sir, I move ;

"That the Bill be passed". *The question was proposed.*

SHRI MANUBHAI SHAH (Gujarat): Sir, I would like to seek a clarification. The hon. Minister has stated that the crossbar system has been found to be very defective and that it creates a lot of problems. At the same time he said that they are trying to set up the cross-bar system. I should like to know, is it not possible to-replace it with a more technologically-efficient and modern system and give a go-by to this cross-bar system.

SHRI S. D. SHARMA: So far as crossbar system is concerned, I talked about it last time at the time of a Calling Attention Motion. This system gave us a bad name. We purchased it from B.T.M., a Belgium firm. They call it Penta Conta System. That did not suit Indian conditions and we found that it created a lot of headache for us. This will remain with us for a long time. I hope that faults will disappear, but they will remain with us for some more, time. There is no doubt about this. We are trying to improve the system. The cross-bar system as such has different varieties. Cross-bar system is based on a technique known as cross-bar. Just as Hindustan Motors and Mercedes, both have internal combustion engines. Similarly, the crossbar is a system. It is a particular method. Different countries have developed it in different ways. The Japanese have developed it in their own way. The Swedes have developed it in their own way. The Americans have developed it in their own way. We are looking into it. If it is suitable we will adopt it. If not, we may

[Shri S. D. Sharma]

go in for another system. One thing remains. It looks to me—I am not an expert—that the ultimate solution may be the electronic exchanges, but I think for electronic exchanges to come into commercial use it will take a number of years. We cannot afford to wait for so long. The only thing we can do is to see which system is most suitable. Again, before we make purchases this time, experts should visit and see the systems which are working in different places and make sure that they are suitable for our conditions. We should not be carried away, as we were carried away, last time. We should see that they suit Indian conditions. One of the problems, I am told, with the cross-bar—however, it can be solved—is where there is density of traffic, as it is bound to be in India with a smaller number of telephones and there is centralised control, there is likely to be confusion. Under such circumstances it does not work. We may have to go in for another system—maybe the German system—or we should also see whether the electronic exchange could come up quickly and properly. We cannot commit the mistake of going in for something which is in an experimental stage. The problem is very difficult and delicate. I am told other countries do not have that problem which we have got, *i.e.*, density of traffic in certain areas, where the number of telephones is less. The numbers using it are much larger and it results in its own problems. So, we will look into it. I can only say that we will try and see to the best of our ability that the best system, suited to our conditions, is adopted. There are two things. One is, we cannot afford to wait. There is a big waiting list. So, we are going in two ways. One is, we have to import some lines. Secondly, we have to produce ourselves. Both the aspects we are seeing. There is a World Bank loan, under which we are purchasing some lines for certain areas. I think they are Bombay, Delhi and Ahmedabad. Then, there is also the question of going in for collaboration for producing these exchanges ourselves. We will go into all these questions in depth and see what is the most suitable for Indian conditions.

MR. DEPUTY CHAIRMAN : The question is :

"That the Bill be passed".

The motion moved? adopted.

THE REPEALING AND AMENDING BILL 1974

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND
COMPANY AFFAIRS (DR. (SMT.)
SAROJINI MAHISHI): I beg to move:

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

This is purely a formal measure and a periodical measure introduced at times in order to bring the Statute Book up-to-date. The earlier Repealing and Amending Bill was passed in 1964. That covered up to 1960 and today, after a period of ten years, we are bringing this measure. As hon. Members know, many enactments have become obsolete and some of them have ceased to be in force. Some have become partly unnecessary also. In the present Bill in the First Schedule there is a list of Acts which are to be repealed and in the Second Schedule there is a list of Acts which are to be amended.

Therefore, it is only a formal thing, and it has become necessary on account of the fact that certain enactments have become obsolete and certain others have got to be amended in parts, and therefore, the necessity of this Bill.

I need not say much about the Bill because it is just a formal measure periodically introduced and this has been done in keeping with the recommendations of the Law Commission. Therefore I request the House to accept the Bill.

The question was proposed.

MR. DEPUTY CHAIRMAN : Anybody wants to speak? Yes, Mr. Tyagi.

THE VICE-CHAIRMAN [SHRI JAGDESH PRASAD MATHUR IN THE CHAIR.]

श्री महावीर त्यागी (उत्तर प्रदेश): उप-सभाध्यक्ष जी यह बिल एक नई चीज है। मैला-एक्सपर्ट नहीं हूँ, लेकिन जब से कांस्टीट्यूएन्ट असेम्बली बनी है तब से लेकर के एक ले-मैन की हैसियत से काम करता