

श्री एस० डी० मिश्र : इस पर गवर्नमेन्ट का क्या रुख है, यह बताइये।
(Interruption) मैं पूछ रहा हूँ कि गवर्नमेन्ट का क्या रुख है ?

MR. CHAIRMAN: Mr. Kalyan Roy.

SHRI S. D. MISRA: Sir, we must know. He has just said that time should be allotted. He must also know

(Interruptions)

REFERENCE TO LOCKOUT IN THE HINDUSTAN CABLES RUPNARAINPUR, THE INDIAN NATIONAL JUTE MILL AND THE CLOSURE OF THE WESTERN KAJORA COAL MINE

SHRI KALYAN ROY (West Bengal): Sir, through you, I want to draw the attention of the Government that the Hindustan Cables, Rupnarainpur, near Asansol, West Bengal, has declared a lock-out since the 18th, and the workers feel that there is a lot of corruption, nepotism, etc. at the top, which has led to the lock-out and rendered nearly four thousand workers unemployed.

(Interruptions)

MR. CHAIRMAN: I have called Mr. Kalyan Roy. You cannot interrupt him. He is speaking.

SHRI KALYAN ROY: The workers have alledged that machinery and equipment are being shifted to Hyderabad.

Similarly, the biggest jute mills in the country, employing 15,000 workers, the Indian National Jute Mill, is on the verge of closure. No wages have been paid, no bonus has been paid by the management. It belongs to Mr. Ramnath Goenka. All the modern machinery is rotting, and there is no administration there. On the other hand, Mr. C Subramaniam is forcing the West Bengal Government not to take over the mill but to come to terms with Mr. Ramnath Goenka and set up a joint sector, which has been condemned by the INTUC, the AITUC and the HMS.

Sir, lastly, one more coal mine in the Asansol belt, the Western Kajora Coal mine, has been closed down, leaving so far 16 coal mines being closed down during the last six months, rendering 20,000 workers unemployed. It is high time, therefore, that Government decided its policy towards the non-coking coal mines.

SHRI S. D. MISRA (Uttar Pradesh): Sir, I want to know the view of the Government regarding what Shri Banarsi Das said.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): If that had been the decision of the Business Advisory Committee, we would have allotted some time. Now, on the last day of the Session, they come and want some time to be allotted. It is not possible for us to allot any time now. And Government's view has already been made clear to Shri Bhagwat Dayal through a reply that has been sent by Home Minister.

SHRI MAHAVIR TYAGI (Uttar Pradesh): I want to make a submission about the allotment of time for this. I fully appreciate the difficulty, that the Committee has not done it. There is so much business to be taken up and so the Committee has to give preference to one item over the other. But since we are going to adjourn today and we are prepared to sit for a few hours longer, what is the harm in discussing this?

MR CHAIRMAN: No, please.

डा० भाई महावीर (दिल्ली) : श्रीमन्, क्या ऐडवाइजरी कमेटी हाउस से ऊपर है ? अगर हाउस यह समझे कि किसी एक विषय की इंपार्टेंस को देखते हुए और इस सेशन के अडजर्न होने के पहले हम उस पर कुछ विचार कर सकते हैं और हाउस उसके लिए एक-डेढ़ पंटा बैठने के लिए तैयार हो, तो श्रीमन्, मैं समझता हूँ कि आप इस बात का अवश्य विचार कर सकते हैं कि उसके लिए उचित प्राविजन कर दें और हम उसका विचार कर सकें सदन के उठने

से पहले। ऐडवाइजरी कमेटी की टेक्निकल बाधा उसमें नहीं आनी चाहिए।

श्री भगवत दयाल (हरियाणा): श्रीमन्, असल बात यह है कि हमने दो मैमोरंडम दिये थे। . . .

(Interruptions)

MR. CHAIRMAN: No, I cannot permit.

श्री भगवत दयाल : मेरी अर्ज यह है कि उसमें कंस्टीट्यूशन पाइंट है। उसमें 130 चार्जेज थे। . . .

MR. CHAIRMAN: This is enough.

श्री भगवत दयाल : श्रीमन्, उनके अन्दर प्राइमा-फेसाई केस बना। इनके अन्दर से उनको क्लीन चिट देना चाहते हैं। जब प्राइमा-फेसाई केस बन गया है तो उस पर विचार करने में आपत्ति नहीं होनी चाहिए।

MR. CHAIRMAN: I am not permitting you.

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) : श्रीमन्, मैं इतना ही कह रहा हूँ कि . . .

SHRI S. D. MISRA: Sir, in protest we walk out.

(At this stage some hon'ble Members from the Opposition walked out of the Chamber)

MR. CHAIRMAN: Mr. Shahi, I have not permitted you. We now take up the Mulki Rules Bill, 1972.

THE MULKI RULES BILL, 1972

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): Sir, I beg to move:—

“That the Bill to provide for certain amendments to the Mulki Rules so as

to limit their operation, for the validation of certain appointments and for the repeal, in a phased manner, of the said rules and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration.”

The honourable Members are already aware of the circumstances leading to the introduction of this Bill. The House has had occasion to discuss the Mulki Rules issue earlier on a call attention motion, and on November 27 the Prime Minister made a statement before the House on the decisions to meet the situation arising out of the Supreme Court judgment given in October last. I, therefore, propose to mention briefly only the scheme of the Bill at this stage.

The Bill is a very short one, consisting of 7 clauses and 2 schedules. The provisions of the Bill fall broadly into three parts. The first part, or the preliminary part, consists of the short title and the definitions clause. The second part relates to the past, and it consists of clauses 3 and 4. The third part relates to future, and it consists of clauses 5, 6 and 7 and the schedules. The provisions relating to the second part, namely clauses 3 and 4, seek to amend the Mulki Rules for the duration of the period commencing from the formation of the State of Andhra Pradesh and ending with the commencement of the proposed legislation, and validate the appointments made during this period in contravention of the Mulki Rules. As the House is aware, there has been considerable doubt and uncertainty during the period to which these clauses relate with regard to the application or otherwise of the Mulki Rules. Right from the coming into force of the Public Employment (Requirement as to Residence) Act, 1957 till the Supreme Court struck down section 3 of that Act by its judgment dated 28th March, 1969 in A. V. S. Narasinga Rao's case, it was assumed that section 2 of the Act had operated to repeal the Mulki Rules, and that the only law as to application of requirement as to residence was that provided for by the rules made under the Act. From the decision of the Supreme Court in A. V. S. Narasinga Rao's case till the recent judgment of the Supreme Court also it was assumed that the Mulki Rules were not in force.