

12.03½ hrs.

**STANDING COMMITTEE ON SCIENCE AND
TECHNOLOGY, ENVIRONMENT AND FORESTS**

Fortieth, Forty-First and Forty-Second Reports

[English]

JUSTICE GUMAN MAL LODHA (Pali): I beg to lay on the Table a copy (Hindi and English versions) each of the Fortieth, Forty-First and Forty-Second reports of the Standing Committee on Science and Technology, Environment and Forests on "Mid-term" appraisal of programmes and functioning of (i) the Department of Biotechnology with special emphasis on the role of Biotechnology in Agriculture and allied areas; (ii) Department of Science and Technology; and (iii) Department of Space, respectively.

12.03¾ hrs.

**CORRECTING REPLY TO STARRED QUESTION
NO. 34 DATED 21ST NOVEMBER, 1996 REGARDING
LONG RANGE AIRCRAFT**

[English]

THE MINISTER OF CIVIL AVIATION AND MINISTER OF INFORMATION AND BROADCASTING (SHRI C. M. IBRAHIM) : In reply to Lok Sabha Starred Question No. 34 on 21st November, 1996 regarding long Range Aircraft, it was stated that :

(a) Yes, Sir.

(b) and (c) The aircraft under consideration are A340-300 manufactured by Airbus Industrie, B-777 by Boeing Airplane Company and MD-11 by Mc Donnell Douglas Corp. The proposal is at present under consideration of a Sub-Committee of the Board of Air India, It is not possible to indicate any timeframe within which final decision is likely to be taken.

On scrutiny later, it was found that there was an inadvertent error in reply to part (a) of the question. Instead of the correct answer 'No, Sir', it was erroneously typed as 'Yes, Sir'. The error is deeply regretted.

The reply to part (a) of the question should read as follows:

(a) No, Sir.

The delay in correcting the reply is regretted.

12.04 hrs.

**MOTION RE: ELEVENTH REPORT OF THE
BUSINESS ADVISORY COMMITTEE**

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA) : I beg to move :

"That this House do agree with the Eleventh Report of the Business Advisory Committee presented to the House on the 12th March 1997."

MR. SPEAKER : Motion moved:

"That this House do agree with the Eleventh Report of the Business Advisory Committee presented to the House on the 12th March, 1997."

[Translation]

SHRIMATI SUSHMA SWARAJ : (South Delhi) : Mr. Speaker, Sir, I have serious objection to the report of the Business Advisory Committee presented by the hon. Parliamentary Affairs Minister to the approval of the House. If you go through it you will find that item number 7 to 10, are matter regarding Uttar Pradesh. The budget of Uttar Pradesh is also included in it alongwith the Demands for Grants for Uttar Pradesh. It also includes the Supplementary Demands for Grants and the statutory resolution to extend the President's Rule in Uttar Pradesh. I am at a loss to understand that the people there have elected 425 candidates. At first the Government was not constituted there. Now the administration of Uttar Pradesh is accountable to the Parliament for each and every work and it is said in the report of B.A.C. and when it comes to holding a discussion on it, it is mentioned in the Report of BAC.

[English]

May be disposed of without discussion.

[Translation]

All the four things are clear. The grants of Uttar Pradesh the Supplementary Demands for Grants for Uttar Pradesh and even the resolution for extending the period of President's Rule in Uttar Pradesh. It should be passed in this House without discussion and the hon. Parliamentary Affairs Minister is mestering the courage to get it done.

MR. SPEAKER : There is no question of the courage.

..... (Interruptions)

SHRIMATI SUSHMA SWARAJ : Whenever we raise an matter regarding Uttar Pradesh then the Government says that discussion can be held at the time of presenting the budget. (Interruptions)

[English]

SHRI SOMNATH CHATTERJEE (Bolpur) : Sir, it seems that there is no communication between the leaders and the workers in that party.

SHRI PRAMOTHES MUKHERJEE (Berhampore) (WB) : Sir, this word, 'himmat' should be expunged from the proceedings. This should not be allowed. That is not a parliamentary expression. I request you to expunge it. This is a constitutional question. This word should be expunged from the proceedings. This is my submission.

[Translation]

SHRIMATI SUSHMA SWARAJ : What is unparliamentary in it? We will hold discussion on it at the time of presenting the resolution to extend the duration of President's Rule. Now, it is being said that it is nobody's business. Discussions on it will not be allowed, the Government will not be formed there. After all, U.P. is the largest state in India and you will turn it into nobody's business. If discussion in the House is not allowed then Uttar Pradesh would be at whose mercy. The recommendations of the Business Advisory Committee are also approved and if someone recommends that the resolution to extend the President's Rule in Uttar Pradesh would be passed without discussion.(Interruptions)

[English]

Is it nobody's business?

MR. SPEAKER : Please sit down.

JUSTICE GUMAN MAL LODHA (Pali) : Mr. Speaker, Sir, before you give a ruling, I want to raise a question.

MR. SPEAKER : I cannot give a ruling. How can I give a ruling? This has to be voted by the House.

JUSTICE GUMAN MAL LODHA : Sir, I have given it in writing and I want to supplement it here, I have raised an objection under the Constitution of India. Article 356 says, ... (Interruptions)

MR. SPEAKER : It is not going on record.

.....(Interruptions)*

MR. SPEAKER : We are talking about the Report of the Business Advisory Committee. We are not talking about the Resolution now. Please sit down.

Shrimati Swaraj, this is a decision, which was taken after due discussion in the Business Advisory Committee. It is not the Government which is bringing forward a proposal. So, you cannot ask how the Business Advisory Committee could make this recommendation.

[Translation]

SHRIMATI SUSHMA SWARAJ : B.A.C. merely gives the recommendations it is for the House to approve them. If B.A.C. recommends that the President's Rule should be extended without discussion then how will we not object? ... (Interruptions)

[English]

SHRI HARIN PATHAK (Ahmedabad) : It is there on the Agenda and we have to discuss the UP Budget in Parliament.

JUSTICE GUMAN MAL LODHA : Sir, I have raised an objection under the Constitution.

MR. SPEAKER : Would you kindly listen to me? Shri Lodha, that objection is not to be raised at this stage. You have not understood it. I have understood the notice given by you. This is not the time for you to stand up. Please sit down. You have been the Chief Justice of a High Court.

...(Interruptions)

SHRI SOMNATH CHATTERJEE : Sir, this is 'judicial activism'.

JUSTICE GUMAN MAL LODHA : Sir you need not reply if you do not want to answer my question, but it should not be a matter of not allowing a Member to speak.

MR. SPEAKER : Shri Lodha, your notice is for opposing the Resolution of the hon. Minister of Home Affairs for extension of President's rule. Is it not? Has that matter come up now? You are opposing the Resolution and the Resolution has not been taken up now. You must understand that.

SHRI P.R. DASMUNSI (Howrah) : He does not understand that(Interruptions)

SHRI G.M. BANATWALLA (Ponnani) : My question is this. Was any hon. Member from BJP present in the meeting of the Business Advisory Committee or not? The Report of the BAC is a unanimous Report(Interruptions)

SHRI SOMNATH CHATTERJEE : Sir, it seems that there is communication gap in that Party between the Members belonging to the first row and the second row(Interruptions) And also between one another. If they want a little more time to explain to them, let them take... (Interruptions)

SHRI RAM NAIK (Mumbai North) : Sir, the CPI (M) leader who is the member of the Business Advisory Committee has spoken something casting aspersions on us. We were there and there is proper communication between us and the party Members.....(Interruptions)

MR. SPEAKER : It is not like that.

.....(Interruptions)

* Not Recorded

SHRI RAM NAIK : Normally, I would not have revealed what happened in the Business Advisory Committee(Interruptions) When this issue came up before the Committee, we had said that we were not agreeable to that, So, a senior Member cannot come and say something like this. It is unfair to us. We are helping the Business Advisory Committee by remaining present to ensure that the business goes on smoothly.....(Interruptions)

MR. SPEAKER : May I make it clear?

....(Interruptions)

MR. SPEAKER : Please listen to me.

.....(Interruptions)

MR. SPEAKER : We have to be practical.

.....(Interruptions)

MR. SPEAKER : Look here. We have to pass so many Bills. Ten Ordinances have to be passed, Railway Budget has to be passed and Vote on Account has to be passed. So much business is there before the House.

With regard to UP, we have to discuss the Budget of U.P., we have to discuss on Demands for Grants of U.P., we have to discuss the extension of President's Rule in U.P. and then we have to discuss Motion under Rule 184. Now, for each item on U.P., if we go on discussing, discussing and discussing, then where is the time for other business of the House?

..... (Interruptions)

MR. SPEAKER: Why do you not allow me to finish?

.....(Interruptions)

MR. SPEAKER : I think I am partly responsible for that. I emphasised that the whole nation was expecting us to discuss Motion under Rule 184. Therefore, the entire, substantive and real good debate should be under Rule 184 so that we would be benefited. Therefore, instead of repeating again and again discussions on U.P. on several matters, let us dispose of other businesses regarding U.P. without discussion and concentrate on our debate on the Motion under Rule 184. That was the consensus in the Business Advisory Committee. I think the Minister of Parliamentary Affairs is very right in presenting this. He is very right regarding that.

.....(Interruptions)

MR. SPEAKER : The Question is :

"That this House do agree with the Eleventh Report of the Business Advisory Committee presented to the House on the 12th March, 1997."

Those in favour will please say 'Aye'.

SEVERAL HON. MEMBERS : 'Aye'.

MR. SPEAKER : Those against will please say 'No'.

SOME HON. MEMBERS : 'No'(Interruptions)

SHRIMATI SUSHMA SWARAJ : Sir, we want division. How can you do it without discussion?(Interruptions)

DR. MURLI MANOHAR JOSHI (Allahabad) : Sir, we want division.(Interruptions)

SHRI RAMNAIK : Sir, we want division....(Interruptions)

SHRIMATI SUSHMA SWARAJ : Sir, this is not right.(Interruptions)

[Translation]

DR. MURLI MANOHAR JOSHI (Allahabad) : You can not do it in this way. There should be division on it(Interruptions)

SHRIMATI SUSHMA SWARAJ : We want a division.(Interruptions)

DR. MURLI MANOHAR JOSHI : Mr. Speaker, Sir, it is an attack on the rights of the House.....(Interruptions) It is an attack on the rights of the hon. Members....(Interruptions) It is our right and we want a division on the report of the B.A.C.....(Interruptions)

[English]

MR. SPEAKER : Please, do not break the convention.

.....(Interruptions)

MR. SPEAKER : Please listen to me.

.....(Interruptions)

SHRI SONTOSH MOHAN DEV (Silchar) : It is the age-old convention of this House that the Business Advisory Committee unanimously decides and on certain occasions, it authorises the hon. Speaker to do certain things.

If a 'division' is allowed now, in future our party will not attend the Business Advisory Committee meetings(Interruptions) Every time it is being done like this and I shall appeal to them(Interruptions) What is this?(Interruptions)

DR. MURLI MANOHAR JOSHI : It is totally unconstitutional(Interruptions) Without discussion, how can everything be passed?(Interruptions) How can it be possible?....(Interruptions) Sir, the Business Advisory Committee has to function under the Constitution(Interruptions)

SHRI SOMNATH CHATTERJEE : Mr. Speaker, Sir, apart from the convention, you have made certain observations from the Chair as to the understanding of the deliberations of the BAC so far as you are concerned.(Interruptions) I would like to know this very humbly(Interruptions) Are my friends in the BJP challenging your statement?(Interruptions) Are they challenging your observations? (Interruptions) If a proper respect is not shown to the Chair, how can they talk about democracy?..... (Interruptions) I would like to know whether the Leader of the Opposition is challenging your observation..... (Interruptions) I would like to know this (Interruptions) Let them say that..... (Interruptions)

12.18½ hrs.

At this stage, Col. Sona Ram Choudhary and some other hon. Members came and stood on the floor near the Table.

..... (Interruptions)

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : Mr. Speaker, Sir, I am Sorry to say..... (Interruptions)

DR. GIRIJA VYAS (Udaipur) Today we will not listen your (Interruptions)

SHRI ATAL BIHARI VAJPAYEE: You Please Speak, I will take my seat (Interruptions)

[English]

12.19 hrs.

At this stage Col. Sona Ram Choudhary and some other hon. Members went back to their seats.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker Sir, it is very bad that such a situation has cropped up in the House. I have been in the House for so many years and I do not remember that such a serious difference cropped up in the House on the report of the B.A.C. which can not be covered up. I had discussions with my colleagues and as per the information given to me by them, there can not be any decision on the issue of extending the President's Rule in Uttar Pradesh without discussion and that situation prevails even today. Mr. Speaker, Sir, you yourself have accepted it Justice Guman Mal Lodha ji has written in his letter that whenever the hon. Home Minister would be his resolution, he would raise constitutional objection on that. The discussion would be held. The issue of Uttar Pradesh is a complicated one and that should be discussed in the House (Interruptions) Let me speak. I do not interrupt anyone and if you interrupt, there would be no discussion (Interruptions)

[English]

MR. SPEAKER: Why are you complicating the matter? (Interruptions)

[Translation]

SHRI ATAL BIHARI VAJPAYEE: They are creating trouble in Rajasthan and here also they are doing so (Interruptions) Mr. Speaker, Sir, I agree with your sentiments. You want to give more time for 184, we welcome it. You have accepted. Otherwise those who are sitting on the other side do not wish to accept it. It is a must that a discussion should be held on that but it does not mean that the legally complicated matter of extending the President's Rule through a resolution should be approved without any discussion. Being the Member of the House, we would like to fulfill our duty and we expected that the Business Advisory Committee would not take such a decision. You are right that there would be consensus.

[English]

But consensus is not unanimity.

[Translation]

If a part of such a big House feels otherwise then, I do not understand that anyone will have objection in it. President's Rule is being reimposed in Uttar Pradesh or it is being extended, the matter is in the Supreme Court. High Court has given a decision. All these questions are to be discussed. We are going to bring a resolution to call the Attorney General in the House to know his opinion and you insist to pass it without discussion.

[English]

MR. SPEAKER: Mr. Vajpayee, if I can intervene, I would like to say that I have, right from the beginning, told Justice Lodha that I have received his notice and that he has raised a basic constitutional question in this regard and that I will allow him to submit his point of view. Naturally, once I allow him, then others also will like to speak. As far as the constitutionality of either extension or imposition is concerned, I have already agreed. I have agreed that I will allow that.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Then what does it mean to say that it should be passed without discussion? The discussion would be there. My submission is that an item should be removed from it.

[English]

MR. SPEAKER: This is a subsequent development

..... (Interruptions)

MR. SPEAKER : BAC has given its Report. I have received the notice of Shri Lodha. He had raised a constitutional question and I have said that I am allowing that. I cannot deny any Member of Parliament raising a constitutional issue.

..... (Interruptions)

SHRI SOMNATH CHATTERJEE : It was never said and you never observed that a constitutional issue will never be allowed to be raised.

MR. SPEAKER: Yes, I never said so.

SHRI SOMNATH CHATTERJEE : Well, I do not have to say anything. Let us then have a discussion as to what happened there. Let the tape be played.

SHRI JASWANT SINGH (Chittorgarh): Yes, let the tape be played, I am astounded that such a senior Member, a good friend of mine, is speaking like this (Interruptions)

SHRI SOMNATH CHATTERJEE : I have never said it. I have said ultimately that Shri Jaswant Singh was demanding all the time that the matter under Rule 184 should be discussed first (Interruptions)

SHRI JASWANT SINGH : It is not the question of demanding all the time (Interruptions)

SHRI SOMNATH CHATTERJEE : Sir I am sure he will agree with me. He said that the Matter under Rule 184 should be discussed first. It was his persistent demand that Matter under Rule 184 should be discussed first (Interruptions)

SHRI JASWANT SINGH : I raised the question of constitutional propriety in the BAC (Interruptions)

MR. SPEAKER : In fact, after the BAC meeting, when I was going home, the Press was waiting for me and they were asking me this question. And I said, why that question is raised.

SHRI JASWANT SINGH : Sir, in the BAC meeting itself, before any of the listed agenda items were taken up, I submitted to you that we have to first decide on the question of extension of President's rule in U.P. We have to decide whether it is a constitutional amendment or whether it is a simple resolution.

You were good enough to direct your staff to look into it. The Minister did not even have the information on this subject. The Minister then said that the Cabinet was yet to meet to discuss that matter. I have been forced and compelled to say all this about the BAC. (Interruptions)

MR. SPEAKER : I think, the matter is settled now.

SHRI SOMNATH CHATTERJEE : Of course, I admit that Shri Jaswant Singh said that (Interruptions) Initially,

he said that. He was insisting that the discussion under Rule 184 should be taken up first. I hope, you remember that. Then, what was said was that an adequate time should be given for the discussion under Rule 184. (Interruptions)

MR. SPEAKER: Let us now listen to Shri Chandra Shekhar.

SHRI CHANDRA SHEKHAR (Ballia) : I think, the Leader of the Opposition has very clearly expressed his views. It is Justified.

By your admitting that you have asked Justice Lodha to raise his objection, you have also accepted that there will be some debate or discussion on the extension of President's Rule.

The only point is how to find time about it Mr. Speaker, you can decide about the time. The House can sit late. Once you accept it is principle that there will be some discussion about the constitutionality or otherwise, I think, this problem is solved.

MR. SPEAKER : I think, it is all right.

SHRI CHANDRA SHEKHAR : That Report is not so important as the ruling or the verdict has been given by the Speaker. So, one should not go into the technicalities.

The Reports of the Business Advisory Committee are not discussed in the House. We are not observing any technicalities. Do not try to be very technical. Otherwise, this House will not run. It is the cooperation and goodwill of all sections of the House. The Leader of the Opposition has said something.

MR. SPEAKER, you have made your observation. That should end the matter. This is my request.

..... (Interruptions)

MR. SPEAKER: Let us not break the convention, I am allowing a discussion. I have said so.

SHRI RAMNAIK (Mumbai North) : Does the Government want to say something?

MR. SPEAKER: I have decided about it. They will have to.

SHRI SOMNATH CHATTERJEE : Whatever may be said, the Report of the Committee is correct.

MR. SPEAKER: We will have it

..... (Interruptions)

SOME HON. MEMBERS : No, no.

MR. SPEAKER : Why are you protesting?

..... (Interruptions)

MR. SPEAKER : The question is :

"That this House do agree with the Eleventh Report of the Business advisory Committee presented to the House on the 12th March, 1997."

The motion was adopted.

..... (Interruptions)

MR. SPEAKER : Please sit down.

..... (Interruptions)

[Translation]

SHRI ANANT GANGARAM GEETE (Ratnagiri) : It will not be allowed(Interruptions)

SHRI BHAGWAN SNAKHAR RAWAT (Agra) : We will safeguard the interest of Uttar Pradesh at any cost, Central Government are bent upon to harm the interest of Uttar Pradesh. You allow discussion on Uttar Pradesh democracy is being dethroned there (Interruptions)

SHRI AMAR PAL SINGH (Meerut) : Mr. Speaker, Sir with your permission I would like to raise matter of urgent public importance.

The sugarcane producers in Uttar Pradesh are not getting the price of sugarcane at the rate of Rs. 72 and Rs. 76 per quintal as has been declared by Uttar Pradesh Government.

Sugar mills in Uttar Pradesh have obtained hon'ble Allahabad High Court orders against the declared price of Uttar Pradesh Government wherein it has been observed that mill owners are not bound to give advisory price of Uttar Pradesh Government. Hon'ble Governor of Uttar Pradesh has sent an ordinance in this regard to the Central Government for its approval so as to resolve this problem. Once this ordinance comes into force Uttar Pradesh Government will get a constitutional right to determine the price of sugarcane.

Thereafter, Sugar Mills will be bound to give official price of sugarcane at the rate of Rs. 72 and Rs.76 per quintal. Recently, in reply to a supplementary of my starred question number 42 dated 25th Feb. 91 hon'ble Food Minister Shri Devendra Prasad Yadav has assured in Lok Sabha that approval would be given to this ordinance within a week in the interest of the farmers. But today 16 days have passed. It is a collective responsibility of the Council of Ministers. Therefore, I request the Government of India that keeping in view the assurance given by Hon'ble Minister of Food in Lok Sabha, clearance be given to the sugarcane ordinance of Uttar Pradesh immediately.

[English]

MR. SPEAKER: Please conclude now.

[Translation]

SHRI AMAR PAL SINGH : Mr. Speaker, Sir you please issue directives to the Government in this regard.

[English]

MR. SPEAKER: I would give you a chance please keep quite.

..... (Interruptions)

MR. SPEAKER : If you keep quiet you would get a chance. But if you make noise, you would not get a chance to speak.

..... (Interruptions)

SHRI S.P. UDAYAPPAN (Ramanathapuram) : Sir, in the recent months, the fishermen of Rameswaram have been annoyed by the Sri Lankan Navy personnel. They had arrested 41 fishermen, six mechanised boats and two country boats about four months back. All of them belong to Pamban. The Government of India responded favourably to my efforts and recently the Sri Lankan Government released 21 fishermen so far.

The hon. Minister of External Affairs, Shri I. K. Gujral, has also written a letter to me regarding early release of fishermen. But that was in vain. The rest of 20 fishermen should be released immediately and the eight boats should be given back to the respective fishermen. In order to safeguard the interests of the fishermen from this disaster, Article 5 and 6 of the Katcha Theevu Agreement should be implemented.

I would like to request the hon. Prime Minister and the hon. Minister of External Affairs to intervene in this matter and urge upon the Sri Lankan Government to expedite the move for releasing the remaining twenty fishermen immediately.

[Translation]

DR. GIRIJA VYAS (Udaipur) : Mr. Speaker, Sir through you I would like to draw the attention of the House towards the unconstitutional decisions being taken by B.J.P. Government in Rajasthan - Today because of different type of difficulty we are present before you. (Interruptions)*

[English]

MR. SPEAKER : Please Madam.

.....(Interruptions)

[Translation]

DR. GIRIJA VYAS : Mr. Speaker, Sir,(Interruptions)*

* Expunged as ordered by the Chair.