

[English]

SHRI N.S.V. CHITTHAN : Sir, my second supplementary.

MR. SPEAKER : You are not entitled to second supplementary. You are entitled to one supplementary only.

[Translation]

SHRI NAWAL KISHORE SHAMRA : Mr. Speaker, Sir, as per the data given just now by the Hon'ble Minister in respect of the payment made to the cane growing farmers, there is an increase of only one percent which is very much disappointing. Just now the hon'ble Minister was saying that he is protecting the interests of the farmers. I am unable to understand as to how he proposes to safeguard their interests. The Hon'ble Prime Minister repeatedly talks of the payment of the arrear of the farmers but the irony is that this Government, which claims itself to be the sympathisers of the farmers, wants to earn praise from this House for an increase of only one percent in the payment. I want to know as to what has happened to the announcement made by the Prime Minister ?

MR. SPEAKER : Sir, my second question is that farmers in Uttar Pradesh have launched agitations many times under the leadership of Congress .... (Interruptions)

[English]

I am not asking the question to you. You are not a Minister you are yet to come to that office.

[Translation]

What can I do if you are not aware of it .... (Interruptions)

[English]

You have to keep mum. You are not the Minister. You should understand this.

MR. SPEAKER : You should not interrupt.

.... (Interruptions)

[Translation]

SHRI NAWAL KISHORE SHARMA : So I was saying that farmers in Uttar Pradesh have launched agitation many a times under the leadership of congress .....(Interruptions) They launched agitation in support of their demand that payment of arrears due to them should be made and they should be given remunerative prices for their produce. I want to know the dates on which the ordinance was issued by Uttar Pradesh and received in your office and why so much delay has taken place in giving approval on it ?

Sir, to the best of my knowledge, that ordinance was received more than one month back, whether a period of one month is inadequate for taking a decision thereon and whether that is likely to take some more time and if so,

by which time a final decision is expected to be taken thereon ?

SHRI DEVENDRA PRASAD YADAV : Mr. Speaker, Sir, the Hon'ble Member is a senior member of this House. He has said that there has been only one percent increase in the payment of arrears of the farmers which reflects the intentions of this Government. Probably he did not listen to me carefully. I said that last year payment of 40.9 percent of arrear was made between December and January and this year a payment of 41 percent arrears have been made. More payment could have been made. But last year there was late crushing and so mills also started functioning late. In U.P. We have succeeded in making payment of 99 percent of arrears we made half of the total payment of Rs. 950 crores only in a period of two months. Never in the past, payment of arrears to the farmers has been made with such a speed.

SHRI NAWAL KISHORE SHARMA : Mr. Speaker, Sir, still there is an arrears of Rs. 351 crores due to the farmers.

SHRI DEVENDRA PRASAD YADAV : Mr. Speaker, Sir, it is not to the tune of Rs. 351 crores. Second question pertained to the ordinance. Uttar Pradesh is under the President Rule. In case there comes any ordinance from Uttar Pradesh, first it goes to the Home Department. After that it comes to me. We are taking legal advise on that ordinance. That is in the final stage. Once it comes to us from there ....(Interruptions)

SHRI NAWAL KISHORE SHARMA : My question was that ....(Interruptions)

[English]

#### Abolition of Article 356

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\*43. SHRI A.C. JOS :  
SHRI CHITTA BASU :

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether a meeting of the Standing Committee of the Inter-State Council was held recently to discuss the issue of abolition/amendment of Article 356 of the Constitution;

(b) if so, whether any decision has been taken in the meeting regarding abolition of the Article;

(c) whether views of the various political parties would be sought before taking a final decision; and

(d) the follow-up action taken by the Government on the deliberations of the meeting ?

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA ) : (a) to (d) A Statement is laid on the Table of the House.

#### Statement

One of the items included in the agenda for the first

meeting of the Standing Committee of the Inter-State Council, held on January 15, 1997 was "Emergency Provisions". The opinion on the subject was divided. One viewpoint was that article 356 should be deleted from the Constitution of India. The other view point was that this article should be retained but should be suitably amended so as to provide adequate safeguards to prevent its misuse. Considering the difference between the two view points that emerged during the discussions, the members were requested to communicate their views and suggestions in the matter, in writing, so that these could be compiled and placed before the next meeting of the Standing Committee. The matter will be discussed further by the Standing Committee.

2. Keeping in view the composition of the Standing Committee and of the Inter-State Council, it is not considered necessary to obtain the views of various political parties separately on this issue before taking a final decision.

SHRI A.C. JOS : Sir, regarding Article 356, the hon. Minister has stated, in this statement, that there was a difference of opinion in the Standing Committee of the Inter-State Council. One set of people wanted this Article 356 to be retained and another set of people wanted this Article 356 to be deleted. Will the hon. Minister be kind enough to tell me which are the States which demanded that this Article 356 should be deleted and which are the States which wanted the Article 356 to be retained in the Constitution ?

SHRI INDRAJIT GUPTA : Yes, Sir, there was a difference of opinion, of course, as the hon. Member has rightly pointed out. He wants to know about the different States, as represented by their Chief Ministers, in the meeting of the Standing Committee of the Inter-State Council.

The Chief Minister of Orissa, while supporting the retention of the Article, felt that the Supreme Court had laid down certain parameters which are broadly the same.

MR. SPEAKER : Mr. Minister, you can just give the names of the States without going into what they have said.

SHRI NIRMAL KANTI CHATTERJEE : Sir, even that should be avoided.

SHRI A.C. JOS : Why should it be avoided ? As you have rightly pointed out, Sir, I wanted to know which are the States which wanted this Article to be deleted and which are the States which wanted this Article to be retained.

MR. SPEAKER : It is for the Home Minister whether he wants to say it. I do not think that I can give any direction on that.

SHRI INDRAJIT GUPTA : Sir, the Chief Minister of

Assam was of the view that this provision should be deleted from the Constitution. He also said that, in the alternative, this provision should be drastically amended. The Deputy Chief Minister of Rajasthan was of the view that this Article should be deleted. Now, I am mentioning those States which wanted deletion. The Chief Minister of Assam, Andhra Pradesh and the Deputy Chief Minister of Rajasthan demanded outright deletion of this Article from the Constitution. The Chief Minister of West Bengal, Orissa and Maharashtra, and the Union Minister of Human Resource Development were not in favour of deletion of this Article. So, this was roughly the way the views were divided.

SHRI N.S.V. CHITTHAN : What about the other States?

SHRI INDRAJIT GUPTA : I am now talking about the discussion which took place in the meeting of the Standing Committee, where there are five or six Chief Ministers representing the major political parties of this country—Congress (I), CPI(M), BJP., Shiv Sena, Telugu Desam Party and Assam Gana Parishad. It means the Chief Ministers of all those States which are being administered by these parties have all been made members of this Standing Committee.

SHRI N.S.V. CHITTHAN : What about Tamil Nadu ?

SHRI INDRAJIT GUPTA : Tamil Nadu is not in this Committee. The Chief Minister is not in the Standing Committee. But then other Members from Tamil Nadu are there. The other Central Ministers are there. So, I think it is quite a representative cross-section of the opinion reflected in this discussion. And, opinions are divided, as I said earlier.

In conclusion, I just went to say that at the end of the meeting, they were all asked to – after going back to their respective States – think over the matter and send us in writing further, if they wanted to elaborate their views, within a certain time limit. That has come now. The States have responded and they have sent their views. We are going to hold another meeting of the Standing Committee very soon where this whole matter will again be taken up, discussed and processed.

SHRI A.C. JOS : It is reported in the newspapers – the Minister also concurs with it – that the Chief Minister of West Bengal wanted this Article 356 to be retained. In West Bengal, the Chief Minister belongs to CPI(M). The hon. Minister's Party, the CPI, is also part of that Ministry. Whereas the Chief Minister of Kerala, who is also a CPI(M) man and where the CPI is also a coalition partner in the Government wants Article 356 to be deleted. Is there any difference of opinion between the CPI and the CPI(M) in West Bengal as well as Kerala ? Will the Government be pleased to call a meeting of all the major political parties to know their opinions frankly ? When one party is in Government, in Kerala, they take a position that Article 356

[SHRI A.C. JOS]

has to be deleted and in West Bengal, they take a position that it should be retained. In this context, my question is: Will the Government be pleased to call a meeting of all the major political parties to take a final decision regarding Article 356 ?

SHRI P.R. DASMUNSI : The Chief Minister of West Bengal is more nationally responsible. That is why, he did not oppose this ....(Interruptions)

SHRI A.C. JOS : That may be right ....(Interruptions)

MR. SPEAKER : Let the Minister answer now.

SHRI A.C. JOS : Finally, it shall not become a historical thing.

SHRI P.R. DASMUNSI : I am proud of my Chief Minister's stand.

MR. SPEAKER : You are not supposed to intervene now.

SHRI INDRAJIT GUPTA : I do not know whether all the Chief Ministers, belonging to other political parties, share the same view among themselves. We have not screened that. But he is very much concerned only with the CPI(M).

SHRI A.C. JOS : Naturally.

SHRI INDRAJIT GUPTA : We have examined this position and we feel that just now there is no necessity to call a meeting of the different parties because they are adequately represented in the Inter-State Council and the Standing Committee. I only wish to point out that all the parties, which are supporting the United Front, are pledged to carry out the Common Minimum Programme of the United Front. Regarding this Article 356, it says and I quote:

"Article 356 will be amended to reflect the decisions of the Supreme Court and to prevent the misuse of that Article."

This is what the Common Minimum Programme says. So, if any Chief Minister belonging to CPI (M) of any State adheres to this view; I do not think he is doing any wrong.

SHRI CHITTA BASU : I would like to know from the hon. Minister whether certain State Governments have so far suggested the particular amendment to the Constitution and whether those State Governments have made certain specific suggestions for this specific kind of an amendment to Article 356. Will the hon. Minister be kind enough to let us know about this ?

May I also further know by which time the Government and the Standing Committee will be in a position to finalise their position, come to a conclusion and then move the Constitution Amendment Bill ? Let us know that thing also.

SHRI INDRAJIT GUPTA : I cannot now give a detailed account of what amendments were proposed by every single Chief Minister or State Government. A number of amendments or proposals for amendments were expressed

in this meeting of different kinds – some relying on the Sarkaria Commission's recommendations which also contain a number of suggestions for amending the Article: and some relying on the recent judgments of the Supreme Court. All these have been tabulated. They will all be taken into account and again discussed.

What was the second question ?

SHRI CHITTA BASU : By which time will you be in a position to do it ?

SHRI INDRAJIT GUPTA : I cannot give an absolutely time-bound assurance. But we have the next meeting of the Standing Committee which should meet within the next couple of months, at the latest. They will be able to finalise this matter. At least a consensus can be reached and I am sure, a consensus will be reached.

[Translation]

SHRI RAM NAIK : Mr. Speaker, Sir, whether the government would take a decision in this respect within three months after holding the next meeting.

SHRI INDRAJIT GUPTA : Whether three months after holding the meeting ?

SHRI RAM NAIK : Yes.

SHRI INDRAJIT GUPTA : The Government would move a Constitution Amendment Bill or Resolution in accordance with the decisions arrived at in the meeting or the consensus reached therein. A discussion will be held in the House on this issue and if a broad consensus is reached, the House would decide as to how we can proceed further in this regard.

SHRI RAM NAIK : I am asking for three months time.

[English]

I am asking about a specific time limit. My question is, after your meeting is held, whether you will be in a position to take a decision within three months.

SHRI INDRAJIT GUPTA : I do not know what is the specific significance of three months.

SHRI RAM NAIK : It is because we want that the UF Government should go with a time-bound programme in respect of various assurances which are given by them. So, after the meeting which you said would be held within two months, will you take a decision within three months after that meeting is held.

SHRI P.C. THOMAS : Does it mean that you are giving them three month's life ?

SHRI RAM NAIK : It is not a question of giving them life. That is for you to decide. But at least they should work within that time-frame.

SHRI INDRAJIT GUPTA : I have no objection to this time frame which is being suggested. I thought this is something else. I thought perhaps he was hoping that within three months or after that this Government would not be there.

SHRI RAM NAIK : That is for your friends to decide.

SHRI INDRAJIT GUPTA : I am sorry, I was confused. I through, you wanted the United Front Government, before it goes, to leave something behind it.

SHRIMATI KRISHNA BOSE : Sir, it seems that politicians may not agree even in the second meeting that they are proposing to have. So, may i know from the Home Minister it he would consider having an Advisory Committee of constitutional experts who are the best persons to give any view on this ? And they can also suggest what safeguards can there be in case Article 356 is either abolished or amended. What safeguards can be there in case a situation that we are facing in U.P. now arises ? Will they think of having an Advisory Committee of constitutional experts ?

SHRI INDRAJIT GUPTA : As far as this question of Article 356 is concerned, I do not feel that at the moment there is any need for an Advisory Committee of constitutional experts. If such a necessity arises, we can discuss that. But I would say one thing. As far as U.P. is concerned where the President's rule is in force, personally I am of the view that we should have an Advisory Committee here at the Centre as generally is the practice. Whenever any State is brought under the President's rule, an Advisory Committee consisting of representative of the different political parties is constituted for acting during the period of the President's rule. Unfortunately, in the case of U.P. such a committee has not yet been constituted as there is some technical and legal hitch. We are trying to overcome that as soon as possible so that an Advisory Committee is set up.

MR. SPEAKER : Now Question Number 44.

PROF. P.J. KURIEN : Sir, you do not look straight. You look either to left or to right.

MR. SPEAKER : I first look straight before I look this side or that side.

#### Import of wheat

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\*44. DR. MURLI MANOHAR JOSHI :  
SHRIMATI VASUNDHARA RAJE :

Will the Minister of FOOD be pleased to state :

- (a) the reasons for import of wheat in 1996-97;
- (b) the quantity contracted to be imported, country-wise;
- (c) the rate at which the contracted wheat is being imported vis-a-vis the prices in the domestic and international markets;
- (d) the total expenditure incurred/to be incurred on the import of wheat;
- (e) the total quantity of wheat arrived in the country till date; and

(f) the overall impact on the domestic price structure of wheat after importing the same ?

[Translation]

THE MINISTER OF FOOD AND MINISTER OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION (SHRI DEVENDRA PRASAD YADAV) : (a) to (f) A statement is being placed on the Table of the House.

#### Statement

(a) In view of the decline in production and consequent lower procurement of wheat during 1996-97 and the increasing trend in the prices of wheat and wheat products in the domestic market, Government decided to import upto 2 million tonnes of wheat to augment availability in the country.

(b) Country-wise quantity of wheat contracted for import upto 14.2.1997 is as under :-

	(in lakh MTs)
Australia	13.25
Canada	2.50
Argentina	1.00
Total	16.75

(c) So far, only Australian wheat contracted in December, 1996 at an F.O.B. price of US \$ 148 per MT has arrived in India.

The international prices and the wholesale prices of wheat in India were as under:-

	Prices in the international market per M.T.	Avg. wholesale price in India as on 1.1.97 (in Rs.)
Australia	\$ 199.50 to 205 FOB	Rs. 6100 to Rs. 10660 per M.T.
Canada	\$ 101.00 FOB	
Argentina	\$ 144.00 FOB	

(d) The total expenditure on import of 16.75 lakh tonnes on cost and freight basis at Indian ports works out to about Rs. 1043 crores approximately.

(e) The quantity of wheat arrived at Indian ports as on 20.2.1997 is 4.36 lakh tonnes.

(f) The increased availability of wheat is expected to have a sobering effect in containing the open market prices of wheat.

DR. MURLI MANOHAR JOSHI : The statement laid on the table of the House does not contain a complete reply to my question. An attempt has been made to conceal