

12.02½ hrs.

COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND  
SCHEDULED TRIBES

**Third Report**

[English]

SHRI K. PRADHANI (Nowrangpur) : Sir, I beg to present the Third Report (Hindi and English versions) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on Ministry of Finance, Department of Economic Affairs (Banking Division) Reservation for and employment of Scheduled Castes and Scheduled Tribes in Allahabad Bank and Credit Facilities provided by the Bank to them including Minutes (Hindi and English versions) of the Sittings of the Committee relating thereto

12.03 hrs.

RAILWAY CONVENTION COMMITTEE

**First Report**

[English]

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands) : Sir, I beg to present First Report (Hindi and English versions) of the Railway Convention Committee on Action Taken by Government on the recommendations contained in the Tenth Report of the Railway Convention Committee (1991) on "Progress of Modernisation Programme in Railways including Energy Conservation Measures".

12.03½ hrs.

STANDING COMMITTEE ON AGRICULTURE

**Seventh Report**

[Translation]

SHRI SANTOSH KUMAR GANGWAR (Bareilly) : Mr. Deputy Speaker, Sir, I beg to present the Seventh Report (Hindi and English versions) of the Standing Committee on Agriculture on the National Co-operative Development Corporation (Amendment) Bill, 1995 relating to Ministry of Agriculture (Department of Agriculture and Co-operation).

12.04 hrs.

MOTION RE: NINTH REPORT OF THE  
BUSINESS ADVISORY COMMITTEE

[English]

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

"That this House do agree with the Ninth Report of the Business Advisory Committee presented to the House on the 16th December, 1996"...(Interruptions)

[Translation]

SHRIMATI SUMITRA MAHAJAN (Indore) : Mr. Deputy Speaker, Sir, there is no mention in this report regarding the Bill on reservation for women ... (Interruptions)

[English]

MR DEPUTY SPEAKER : Let us first adopt this Report. Thereafter, every thing will come.

(Interruptions)

MR DEPUTY SPEAKER : Motion moved :

"That this House do agree with the Ninth Report of the Business Advisory Committee presented to the House on the 16th December, 1996."

(Interruptions)

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : Mr. Deputy Speaker, Sir, this is the last week of this session and several important issues are to be taken up during this week but information regarding it should come from the ruling side. What happened to the Bill on Reservation for women? Where is the Lokpal Bill to check the corruption practices which was to be brought here. There is no information about the promise made by the Government regarding setting up of a separate Uttaranchal State and delimitation Commission Bill. I would like to know from the hon. Minister as to which issues are to be included in the proceedings of the House and what is about the important issue being left

[English]

SHRI SRIKANTA JENA : Sir, the Eightieth Constitution (Amendment) Bill regarding delimitation was initially under consideration of this House and since the political parties did not agree unanimously, that was not moved for consideration of the House. But today in the meeting, it was decided and we are bringing it either tomorrow or day after.

Regarding the Lokpal Bill, it has already gone to the Standing Committee and they are considering it. It has not yet come from them. The moment the Standing Committee recommends, immediately the Government will move that Bill also for consideration.

The Leader of the Opposition has also raised the issue about the Bill on Uttarakhand State. It was announced earlier that after the new U.P. Assembly resolves and gives a recommendation, the Uttarakhand State Bill will be brought forward.

SHRI PRAMOD MAHAJAN (Mumbai-North East) : Sir, there are already two resolutions of the Assembly. Why do they need a third one?...*(Interruptions)*

*[Translation]*

PROF. RITA VERMA (Dhanbad) : Mr. Deputy Speaker, Sir, how many times it would be passed in the Legislative Assembly.

*[English]*

SHRI SRIKANTA JENA : Sir, when the Prime Minister announced about Uttarakhand along with the announcement, he also said that only after the new U.P. Assembly recommends, the Government of India will bring forward the Bill. Since the new Assembly has not yet recommended, it is not possible for the Government to bring forward that Bill.

*[Translation]*

SHRI PRAMOD MAHAJAN : Mr. Deputy Speaker, Sir, hon. Prime Minister has clearly mentioned about the Uttarakhand in his speech delivered from Red Fort on Independence day and at that time no precondition of its passing by Legislative Assembly was stated. In this context I would also like to mention that this resolution had already been passed during the Chief Ministership of hon'ble Kalyan Singh and hon. Mulayam Singh. If the Government does not intend to decide this issue, it should not be evaded on this pretext.

SHRIMATI SUSHMA SWARAJ (South Delhi) : Mr. Deputy Speaker, Sir, now the hon. Minister is trying to evade discussion on this issue. They are aware that 17 out of the total 19 seats, have been elected on BJP ticket from this area. Therefore, he is scuttling the issue.

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA) : No, it is not so. *(Interruptions)*

*[English]*

Sir, under articles 2 and 3 of the Constitution of India, we have to go through a certain constitutional procedure before the emergence or the establishment of a separate State can be finalised. I am well aware of the resolutions which were twice passed in the Uttar Pradesh Assembly and I am happy for that. The Bill is ready...*(Interruptions)* But the constitutional procedure laid down is that before the Bill is introduced and passed in the Parliament, it has to be referred to the elected representatives of the State concerned for their

comments, views and suggestions. Then that report will come back to the Centre and then the Centre will decide in the light of the observations of the elected representatives who, unfortunately, at this moment, technically do not exist. Of course, there have been elections to the Assembly but those MLAs have not yet taken their seats or oath. Only the Governor is there. The Governor is not considered for the purposes of this constitutional requirement—and naturally also - as the elected representatives of the people of Uttar Pradesh. So, we are having to go through this procedure.

If the hon. Members feel and the House feels that it is not necessary...*(Interruptions)*

MR. DEPUTY-SPEAKER : Please sit down. Let him complete.

*[Translation]*

SHRI INDRAJIT GUPTA : You, please speak after listening to me. Otherwise I may not understand your point.

*[English]*

Sir, if the House feels that the constitutional obligation laid down can be short-circuited, can be bypassed, we need not observe them because two Resolutions were passed earlier in the Assembly, let them say so. But, at the moment, our legal advice is that we have to go by this constitutional procedure. It is unfortunate that in spite of the elections being held, for reasons known to everybody, no elected Assembly is yet functioning in Uttar Pradesh. Therefore, we are not in a position to fulfil the requirements of Articles 2 and 3 of the Constitution so far...*(Interruptions)*

SHRI N.S.V. CHITTHAN (Dindigul) : Sir, please allow us to speak on cyclonic situation in Tamil Nadu...*(Interruptions)*

SHRI INDRAJIT GUPTA : Sir, there is one more thing. You see that it is not only a question of a Resolution being passed supporting the idea of a separate Statehood but many more things have to come in the Bill. The whole question of division of assets, how the finances or funds are to be divided between the new State which is proposed to be formed and the State of Uttar Pradesh, the question of the officers and employees and all that is to be divided between the two will come. That cannot be done by passing a Resolution. Something has to be worked out. There is a procedure for all that. So, we are going through that procedure. From that point of view, I hope, there will be no difficulty. But the whole trouble is that we have to refer it to the Assembly of Uttar Pradesh before we can put it through the Parliament here...*(Interruptions)*

SHRI G.G. SWELL (Shillong) : Sir, please allow me.

MR. DEPUTY-SPEAKER : Is it something about the B.A.C. report?

SHRI G.G. SWELL : Sir, my friend from Sikkim who is sitting here has some important question to raise regarding Indian nationality. Kindly allow him.

MR. DEPUTY-SPEAKER : We are going to adopt the B.A.C report. Have you got something to say about the B.A.C. report?

SHRI BHIM PRASAD DAHAL (Sikkim) : Sir, I have a different matter to raise.

SHRI G.G. SWELL : It is a zero hour subject.

MR. DEPUTY SPEAKER : We have not yet taken up the zero hour.

[Translation]

SHRI ATAL BIHARI VAJPAYEE : Mr. Deputy Speaker, Sir, the reply given by hon. Minister is not satisfactory. Assembly election had already been held but so far the meeting of Legislative Assembly could not be convened.

SHRI INDRAJIT GUPTA : That is a different thing.

SHRI ATAL BIHARI VAJPAYEE : Now, you may say that it is a different thing but you have linked both the issues. The Legislative Assembly of Uttar Pradesh is not being convened, so it cannot pass any new resolution and thus no measures could be taken to fulfil the promise of Uttranchal. What type of riddle is it? The only way out to this problem is to initiate the process of convening the Legislative Assembly of Uttar Pradesh for passing a fresh resolution on Uttranchal. The Legislative Assembly can be dissolved later on. People of the State have apprehensions that elected Government in U.P. is not being constituted due to some elements in United Front Parties, who are against separate Uttranchal state and they are creating hurdles in it.

[English]

SHRI INDRAJIT GUPTA : Mr. Deputy-Speaker, Sir, nothing would give me greater pleasure than to see that the Assembly in Uttar Pradesh is convened and assembled...*(Interruptions)* The Governor, with whom I had a long discussion on this matter, was also keen that the Assembly should be called...*(Interruptions)* Just a minute. The legal advice given to us is that the Assembly cannot be called until there is a Chief Minister to advise the Governor to call the Assembly. Who is to call the Assembly?...*(Interruptions)* The Governor cannot do it. On whose advice will he summon the Assembly? The Chief Minister has to advise him.

I would advise Shri Vajpayee, whose party is the single largest party there, to hurry up and get hold of a Chief Minister and then the rest of the process will become very easy...*(Interruptions)*

SHRI KRISHAN LAL SHARMA (Outer Delhi) : When the Home Ministry is keen and the Governor is keen, why can the Assembly be not called?

SHRI ANANTH KUMAR (Bangalore South) : The Defence Minister is not keen...*(Interruptions)*

MR. DEPUTY-SPEAKER : The question is :

"That this House do agree with the Ninth Report of the Business Advisory Committee presented to the House on the 16th December, 1996."

*The motion was adopted.*

*(Interruptions)*

[English]

DR. K.P. RAMALINGAM (Tiruchengode) : I want to raise the matter of cyclonic havoc in Tamil Nadu, Sir...*(Interruptions)*

[Translation]

SHRIMATI SUSHMA SWARAJ (South Delhi) : Sir, Shri Atalji had raised certain issues and one of them was regarding the Reservation for women Bill...*(Interruptions)* Hon'ble Minister has not said anything on this issue. How can it be agreed to...*(Interruptions)* 'Noes' have it, 'Noes' have it.

MR. DEPUTY SPEAKER : Now it has been adopted.

*(Interruptions)*

[English]

SHR N.S.V. CHITTHAN (Dindigul) : Mr. Deputy-Speaker, Sir, we want to raise the matter of floods in Tamil Nadu.

MR. DEPUTY-SPEAKER : What do you say?

SHRI N.S.V. CHITTHAN : There are floods in Tamil Nadu.

MR. DEPUTY-SPEAKER : Do you want Zero Hour?

SHRI N.S.V. CHITTHAN : Yes, Sir.

MR. DEPUTY-SPEAKER : I will give you a chance. Please take your seats

*(Interruptions)*

[Translation]

MR. DEPUTY SPEAKER : I have got the names of all the Members with me. Now you please sit down.

SHRI CHAMAN LAL GUPTA (Udhampur) : Mr. Deputy Speaker, Sir, our about four lakh Kashmiri brethren are at present shelterless and have been rendered as refugees in their own country. Their problems could not be voiced in the House during the entire session. Hence I am grateful to you for having given me the opportunity to speak. These four lakh Kashmiris include Hindus, Muslims and Sikhs who are at present shelterless. Some of them are in Jammu some in Delhi and some of these people are in other cities of the country. The new Government has been formed. The Government has reiterated time and again that these people would be taken back to their home state