

in such a problem earlier...*(Interruptions)* So, my first question is: is the House legislatively competent to consider a Bill on a subject which is exactly the same subject on which a Court has just given its ruling? In effect, the court's ruling has placed it on stay. My second question is: is the House legislatively competent to consider and legislate on a subject which is almost *sub judice*?

MR. SPEAKER : Yes, I will give my ruling.

As I have pointed out earlier, as the judgement of the Allahabad High Court will come into effect only on 26th December, 1996, as of today Parliament is competent to consider it. I think I am very clear.

However, I am inclined to agree with Shri Pramod Mahajan. Keeping in view the discussion that took place in the House, I defer the consideration of the Bill to tomorrow. We will take it up tomorrow.

[English]

15.38 hrs.

**PROVISIONS OF THE PANCHAYATS
(EXTENSION TO THE SCHEDULED
AREAS) BILL***

MR. SPEAKER : Let us take up this Bill for consideration.

THE MINISTER OF RURAL AREAS AND EMPLOYMENT (SHRI KINJARAPPU YERRANNAIDU) : Sir, I beg to move :

"That the Bill to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas, as passed by Rajya Sabha, be taken into consideration".

MR. SPEAKER : Motion moved :

"That the Bill to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas, as passed by Rajya Sabha, be taken into consideration".

(Interruptions)

MR. SPEAKER : Mr. Ram Naik, it was agreed that this Bill would be passed without discussion.

(Interruptions)

SHRI RAM NAIK (Mumbai North) : What was agreed was that this Bill might be passed without discussion. But if some hon. Members want to say something, ten or fifteen minutes should be given...*(Interruptions)* We have to raise many important issues regarding this Bill.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : What he says is that this Bill may be passed without discussion within fifteen minutes.

SHRI RAM NAIK : There are many issues which are important...*(Interruptions)*

MR. SPEAKER : Rajya Sabha has already passed it. I think it has to be passed because the election are pending.

(Interruptions)

MR. SPEAKER : I think we should pass it now.

(Interruptions)

SHRI RAM NAIK : Sir, I only want to take two minutes. I welcome this Bill. I myself had raised this issue in the last Session...*(Interruptions)*

SHRI SONTOSH MOHAN DEV (Silchar) : Sir, we have told our Members that they cannot speak on this Bill. But if some Members discuss it from that side, then it becomes a problem. There are five Members from our side, but we told them that they cannot speak...*(Interruptions)*

MR. SPEAKER : Shri Ram Naik, we were very clear in the BAC and you are a member of the BAC.

(Interruptions)

SHRI RAM NAIK : Sir, what I am saying is that this Bill gives the right of vote to the zilla parishads, gram panchayats, etc. But those municipalities which are in the Scheduled Areas are not being given the right. There are nine municipalities in my State where elections are not being held. So, from that point of view, I would like to positively have an assurance from the hon. Minister.

SHRI KINJARAPPU YERRANNAIDU : Sir, Shri Ram Naik's point is confined to the Urban Development Ministry. On the day of discussion of this Bill in the Rajya Sabha, the Minister concerned agreed to introduce a Bill in that regard also. It comes under the Seventy-Fourth Amendment which is dealt with by the Urban Affairs Ministry. But this is regarding the Rural Development Ministry...*(Interruptions)*

SHRI RAM NAIK : But are you bringing a Bill for that?

SHRI KINJARAPPU YERRANNAIDU : Okay.

* Published in the Gazette of India, Extra-ordinary, Part-II Section 3, dated 18.12.96.

MR. SPEAKER : The question is :

"That the Bill to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas, as passed by Rajya Sabha, be taken into consideration".

The motion was adopted.

MR. SPEAKER : The House shall now take up clause by clause consideration of the Bill.

Clauses 2 and 3

MR. SPEAKER : The question is :

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 was added to the Bill.

Clause 4

MR. SPEAKER : Shri K. Pradhani - Not present.

The question is :

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5

MR. SPEAKER : The question is :

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

MR. SPEAKER : The question is :

"That Clause 1 the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI KINJARAPPU YERRANNAIDU : I beg to move :

"That the Bill be passed."

MR. SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

15.49 hrs.

SUGAR EXPORT PROMOTION (REPEAL) BILL

[English]

THE MINISTER OF FOOD AND MINISTER OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION (SHRI DEVENDRA PRASAD YADAV) : I beg to move :

"That the Bill to repeal the Sugar Export Promotion Act, 1958, be taken into consideration."

MR. SPEAKER : Motion moved :

"That the Bill to repeal the Sugar Export Promotion Act, 1958, be taken into consideration."

Is this Bill also to be passed without discussion?

SHRI BALAI CHANDRA RAY (Burdwan) : No, Sir. It is not one of those Bills which is to be passed without discussion.

MR. SPEAKER : This was not one of those Bills. All right. Is there any speaker who want to speak?

Shri Sanat Mehta.

SHRI SANAT MEHTA (Surendra Nagar) : Sir, I only want to point out to the Minister that - whatever maybe his good intentions - this kind of a provision or measures is going to create a lot of difficulties for the sugar factories.

15.49 hrs.

(Shri P.M. Sayeed in the Chair)

At present, the price of sugar in the international market is not favourable. Decanalisation will create a lot of difficulties even in countries where liberalisation is existing, and so, canalisation is still existing there. So, I feel that - before passing it - the Minister should give a serious consideration on this point. Otherwise, he will have to repent for it later. It will do a lot of harm particularly to the cooperative sugar factories because at present we have canalisation organisations which export sugar and private people are also allowed to export sugar through it.

Sir, so there is no monopoly. I would like to appeal to the hon. Minister that in no case he should hurry through this Bill. It is not going to benefit the exporters in future because the international market is not favourable. I am unable to understand for what purpose this Bill is being considered. I would like to submit very