

Title: Mr. Deputy Speaker, Shri P. M. Sayeed gave observation regarding point of order raised by Shri Basudeb Acharia and Shri Rupchand Pal relating to introduction of the Insurance Regulatory and Development Authority Bill, 1999.

1700 hours

MR. DEPUTY-SPEAKER: We will now take up Item no.26. Shri Yashwant Sinha to move for consideration of the Bill. We will continue the discussion tomorrow.

... (Interruptions)

SHRI BASU DEB ACHARIA (BANKURA): Sir, I am on a point of order. My point of order is this. ... (Interruptions)

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA): Sir, under what rule is he raising it? ... (Interruptions)

MR. DEPUTY-SPEAKER: Shri Acharia, under what rule you are raising your point of order?

SHRI BASU DEB ACHARIA : It is under rule 376 read with Kaul & Shakhder's Procedure and Practice of Parliament.

MR. DEPUTY-SPEAKER: Under what rule? You may quote the rule.

SHRI BASU DEB ACHARIA : I have already quoted the rule.

MR. DEPUTY-SPEAKER: What is the rule? You may read out the rule.

SHRI BASU DEB ACHARIA : Sir, a petition with regard to the Bill on Insurance Regulatory and Development Authority ... Sir, it is under rule 376. MR. DEPUTY-SPEAKER: May I read out the rule for you?

SHRI BASU DEB ACHARIA : Sir, it was presented to the House. Let me have my say. It was presented to the House in the last Session. Under the rules, if a petition is presented, it should be circulated to all the hon. Members of the House. Hon. Speaker has circulated the petition which was presented by Shri Rupchand Pal to all the hon. Members of the House.

Again under the rules, if a petition is presented, it should be referred to the Committee on Petitions. This has not yet been referred to the Committee on Petitions. Before the consideration of the Bill by this House, if that matter is referred to the Committee on Petitions, that should be considered by the Committee on Petitions.

Sir, the Committee on Petitions has not yet considered the petition presented by Shri Rupchand Pal, signed by 1.5 crore people of our country. As the Committee on Petitions has not yet considered it, the Bill should not be considered by this House. I say that it should not be considered by this House. It should be referred to the Committee on Petitions and the Committee on Petitions should consider and present its report to the House. Then only the Minister should be allowed to move the Bill for consideration. If he does it, it will be against the rules of the House. So, the Minister should not be allowed to move the Bill for consideration.

SHRI RUPCHAND PAL (HOOGLY): Sir, my point is this. I had submitted a petition on the 28th of October. It was duly circulated to all the hon. Members. In the meanwhile, the Committee on Petitions has been in the process of formation.

">The names have been sought by the hon. Minister of Parliamentary Affairs. I think different political parties and groups have already sent their names but there is a design in delaying the formation of the Petitions Committee. I am told that according to rule 307, there is nothing by which ... (Interruptions)

">SHRI SUDIP BANDYOPADHYAY (CALCUTTA NORTH WEST): Sir, who will appoint the Committee? It is an aspersion cast on the Chair as if some deliberate attempts are being made to delay the formation of the Committee. He cannot accuse the Chair... (Interruptions)

">SHRI RUPCHAND PAL (HOOGLY): I am not casting aspersions on the Chair. I have not used any unparliamentary word. I did not show any disrespect to the Chair. I am just mentioning the facts.

">In the meantime, I had submitted the Petitions containing 1.5 crore of signatures from people belonging to different walks of life across the country. Even there are signatures of the Ministers belonging to this Government. There are also signatures of the hon. Members belonging to that side. My plea is... (Interruptions)

">SHRI PRAKASH PARANJPE (THANE): What is the percentage of 1.5 crore?... (Interruptions) Sir, they are just wasting the time of the House.

">MR. DEPUTY SPEAKER: Please hear him.

">Shri Pal had given a notice and I am giving the ruling.

">SHRI RUPCHAND PAL : No, Sir, I have a point to make. My point is this. Is not the Petitions Committee being made redundant? The Parliament itself is making one of its important Committees redundant here. I would like to make a reference to the Petitions Committee of the other House. It had made a specific recommendation. The Chairman of the Petitions Committee, Shrimati Sushma Swaraj recommended that such opening up should not be done. The insurance sector should not be opened up. This was the recommendation made by a Committee of the other House which was Chaired by no less a person than Shrimati Sushma Swaraj.

">Now, I have submitted a Petition along with 1.5 crore signatures belonging to different walks of life including eminent jurists,

economists and bureaucrats who have been associated with several Governments. What will happen to this Petitions Committee which is seized of this particular subject matter which is under discussion?

">MR. DEPUTY-SPEAKER: I am giving my observations.

">... (Interruptions)

">SHRI RUPCHAND PAL : Sir, this Parliament cannot dilute... (Interruptions)

">MR. DEPUTY-SPEAKER: Shri Basu Deb Acharia, I have already allowed you. I have heard you.

">SHRI BASU DEB ACHARIA : Please hear me, Sir. I wish to refer to Kaul and Shaktidher. Please refer to Page 860.

">MR. DEPUTY-SPEAKER: I have heard you. Nothing will go on record. I am on my legs.

">(Interruptions)*

">MR. DEPUTY-SPEAKER: I have given you a chance to speak.

">SHRI BASU DEB ACHARIA (BANKURA): At that time I did not refer to Kaul and Shaktidher. It is very relevant.

">MR. DEPUTY-SPEAKER: Whatever it may be, you please hear me. I have already heard you.

">Shri Pal has given a notice. I will give my observations after hearing him. I have heard you also.

">SHRI BASU DEB ACHARIA (BANKURA): Sir, I wish to refer to Kaul and Shaktidher. I will take only one minute. Please refer to Page 860. It says -

">"Every petition after it has been presented by a Member or reported by the Secretary-General, as the case may be, stands referred to the Committee on Petitions. Thereafter, a memorandum is prepared by the Secretariat for the consideration of the Committee, indicating briefly the grievance and prayer of the petitioner, the background of the case and the suggested remedy, if any. In case any facts or comments on a petition have been received from the ministry concerned, they are suitably incorporated in the memorandum.

">In case a petition deals with a Bill or other matter which is under discussion or is to be discussed immediately in the House and the Committee is not able to meet for want of time or quorum, the petition is placed before the Speaker who directs that it be circulated in extenso or in summary form. When, however, adequate time is available before the subject-matter of the petition is to be taken up in the House, the Committee may examine the petition in detail and make suitable recommendations to the House."

">This is very important. The petition stands referred to the Committee. So, before the consideration of the Bill by the House, it should be considered by the Petitions Committee and the House should wait for the Report of the Petitions Committee. Only then the Minister should be allowed to move for consideration of the Bill.

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">* Not Recorded.

SHRI SOMNATH CHATTERJEE (BOLPUR): Sir, it is true that up till now the Petitions Committee has not been formed. I am not attributing anything. The question is, it is a petition which has been admitted by the hon. Speaker. He has thought it fit that it is an important matter and it should be circulated. Whatever imputations may have been made here, it contains signatures of 1.5 crore of people. The Government may ignore it. It has every right to ignore it. But will the Petitions Committee ever have an occasion to deal with this? What is the objective of having a Petitions Committee? What is the fun in allowing a petition to be submitted and in the meantime taking a decision on the floor of the House making the position final in the sense that the Petitions Committee will have no occasion to deal with it? According to the rules, it should be referred to the Petitions Committee. In fact, it stands referred to the Petitions Committee. When a Committee of the House, which is the sole authority to decide on petitions, is unable to look into the matter and the House finalises the procedure, it will be a question of useless formalities being followed. It is not a question of scoring any debating point. It is a question of functioning of the Parliament of India. It is a question whether the Committees which are represented in the Parliament can be treated in such a manner, whether their entire jurisdiction can be taken away and the whole situation becomes a mere formality if not a mockery. Therefore, it is not a question of rushing through a legislation just because somebody is committed to somebody outside and the Committee will be formed within this week. I think with the dynamic Minister of Parliamentary Affairs that we have, the Committee will be formed very soon and the Committee will be requested to give its Report within three to four days. Sir, let them have an opportunity. Heavens will not fall. I do not know how much money will he be able to collect in a matter of week's time!

">I think in deference to the position in Parliament, the dignity of Parliament and in consonance with the norms of functioning, let this matter be referred to the Petitions Committee and let them give a Report within a week. I submit that in deference to these positions, let the hon. Finance Minister request for the deferment of this Bill.

MR. DEPUTY-SPEAKER: Shri Rupchand Pal has given a notice urging that the consideration of the Insurance Regulatory and Development Authority Bill, 1999 by the House be deferred until the Committee on Petitions have considered the petition presented by him on the subject of the Bill and submitted their Report thereon.

">Shri Pal has contended that once a petition has been presented, it stands referred to the Committee on Petitions and the Committee after examining the matter make suitable recommendations to the House. According to Shri Pal, if the Bill were to be

taken up for consideration at this stage, it would amount to the Committee on Petitions being denied an opportunity of examining the petition. Shri Rupchand Pal has quoted passages from page 860 of Kaul and Shakhder in support of his contention.

">In addition to the passages quoted by Shri Pal, there is a more specific and relevant reference in Kaul and Shakhder at page 730 to the effect that "In the case of petitions on Bills or other matters pending before the House, the Committee generally does not make any recommendations but circulates the petitions in extenso or in summary form to the Members of the House and makes a report to the same effect giving the dates on which the petitions were circulated".

">The copies of the petition in extenso have already been circulated to the Members as per the requirement of Rule 307. As the House is aware the Committee on Petitions has not yet been constituted. The consideration of the Bill cannot be kept pending indefinitely. Hon. Members may formulate their views on the basis of the contents of the petition and express them while participating in the discussion on the Bill.

">I am, therefore, not in a position to accede to the request of Shri Rupchand Pal.

">SHRI BASU DEB ACHARIA : Sir, the petition would become infructuous.

">MR. DEPUTY-SPEAKER: Anyway, I have given my observation. Now let us proceed with the Item No.26. Shri Yashwant Sinha.

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