

to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted

SHRIMATI SHEILA KAUL: I introduce the Bill.

12.38 hrs.

INLAND WATERWAYS AUTHORITY OF INDIA (AMENDMENT) BILL*

[English]

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): I beg to move for leave to introduce a

Bill to amend the Inland Waterways Authority of India Act, 1985.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to amend the Inland Waterways Authority of India Act, 1985."

The motion was adopted

SHRI JAGDISH TYTLER: I introduce the Bill.

12.39 hrs

BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) AMENDMENT BILL*

[English]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI DALBIR SINGH): On behalf of Dr. Manmohan Singh, I beg to move for leave to introduce a Bill further to amend the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980."

The motion was adopted

SHRIDALBIR SINGH: I introduce ** the Bill.

12.40 hrs.

CAPITAL ISSUES (CONTROL) REPEAL BILL*

[English]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI RAMESH-

*Published in the Gazette of India Extraordinary, Part II, Section 2, dated 14.7.1992.

**Introduced with the recommendation of the President.

WAR THAKUR) On behalf of Shri Manmohan Singh, I beg to move for leave to introduce a Bill to repeal the Capital issues (Control) Act, 1947.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill to repeal the Capital Issues (Control) Act, 1947.

SHRI RAM NAIK (Bombay North): Mr. Speaker Sir, I want to oppose the introduction of the Bill.

Sir, this Bill replaces an ordinance. Now, Rule 71 (1) of *Rules of Procedure & Conduct of Business in Lok Sabha* says:

"Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the House, there shall be placed before the House along with the bill a statement explaining the circumstances which had necessitated immediate legislation by Ordinance."

Now, this particular explanatory statement has not been circulated to us in advance. I want to submit that when an ordinance is placed before the House, at that time itself, the statement should also be presented to the House, because even at that time, the Government can very well give the reasons for issuing the ordinance. If that could not be done, the explanatory statement should be circulated along with the Bill at the time when the Bill is circulated to the Members in advance. If the explanatory statement also comes to us in advance, we can see whether the reasons given in the statement are correct or not and whether they are according to the Constitution or not. That is why, it is necessary to circulate the explanatory statement also in advance along with the Bill. I know that the explanatory statement is the next item on the agenda.

But I feel that this practice should be changed as per Rule 71 (1). Otherwise we will be in the dark because we do not know what the explanation is. So, from this point of view, it should be made obligatory that in the first place, whenever an ordinance is presented to the House, the explanatory statement should also be presented to the House along with the ordinance. If that cannot be done for any reason, at the time when the Bill is circulated, the explanatory statement should also be circulated so that we can express our views on it from the constitutional point of view.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY (DEPARTMENT OF ELECTRONICS AND DEPARTMENT OF OCEAN DEVELOPMENT (SHRI RANGARAJAN KUMARAMANGALAM): Mere reading of the rule will explain the situation. We have no objection. We obviously get these papers ready earlier. May I read the rule, with your kind permission? Rule 71 (1) says:

"Whenever a Bill seeking to replace and Ordinance with or without modification is introduced in the House, there shall be placed before the House along with the bill a statement explaining the circumstances which had necessitated immediate legislation by Ordinance."

Here, I would like to emphasise words whenever a Bill is introduced". It is being interpreted till now by practice that at the time of introduction, we place the explanatory statement also. That is how it is being introduced. If another interpretation is to be given, we are agreeable and there is no problem. But this is the practice that is being followed till now. May be, we have to look at this rule to see whether a real amendment to the rule is required or not. We have no

objection to change the practice. This is the practice and this is the interpretation of the rule as it stands now.

SHRI SOMNATH CHATTERJEE: Now that the matter is raised, which interpretation is better?

SHRI LAL K. ADVANI (Gandhi Nagar): Apart from the procedural objective, what my colleague has mentioned is a very practical proposition. And Mr. Speaker Sir, you should consider it. It should be possible to circulate the explanatory statement along with the Bill itself when the Bill is circulated before being introduced. Otherwise, the purpose is not served. We are only going through a ritual.

SHRI RANGARAJAN KUMARMANGALAM: I do not disagree with the hon. Member of the opposition, so far as the objective is concerned. I do appreciate his point of view. But the interpretation till now has been what it is. If we have got to change the procedure, maybe, we will have to look whether within the rule itself it can be done or not.

MR. SPEAKER: It is a valid point. Yet, I will not pronounce any final decision on it. I will go through the issue.

The question is:

"That leave be granted to introduce a Bill to repeal the Capital Issues (Control) Act, 1947."

The motion was adopted

SHRI RAMESHWAR THAKUR: I introduce the Bill

12.44 3/4 hrs.

STATEMENT RE: GIVING REASONS FOR IMMEDIATE LEGISLATION BY THE CAPITAL ISSUES (CONTROL) REPEAL ORDINANCE 1992

[English]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI RAMESHWAR THAKUR): On behalf of Shri Manmohan Singh, I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Capital Issues (Control) Repeal Ordinance, 1992.

[Placed in Library See No. LT-2157/92]

12.45 hrs

MATTERS UNDER RULE 377

- (I) **Need to Provide Incentives to SC/ST students educationally backward states to check drop out rate among them**

[English]

SHRI K. PRADHANI (Nowrangpur): Since economic backwardness has been one of the important factors contributing to low enrollment and high drop-out rate among the SC & ST students in Orissa and some other States, it is essential that certain incentive schemes should be introduced at least in low literacy area with a view to ensuring retention and to reduce the rate of drop-outs. Such incentives may be in the form of mid-day meals, supply of free text books, supply of school uniforms to girls, enhanced scholarships etc. It has not been possible for the State Governments to provide funds in these