

and measures to discourage indiscriminate use of existing pesticides. The representation also includes a demand for the creation of special body to formulate a NATIONAL POLICY ON PEST AND DISEASES CONTROL. The representation is under examination of the Government.

15.46 hrs.

BUSINESS ADVISORY COMMITTEE

**Twelfth Report**

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF TOURISM (SHRI SATYAPAL MALIK): I beg to move the following:

"That this house do agree with the Twelfth Report of the Business Advisory Committee presented to the House on the 23rd May, 1990."

MR. CHAIRMAN:- Motion Moved:

"That this House do agree with the Twelfth Report of the Business Advisory Committee Presented to the House on the 23rd May, 1990."

Shri A.K. Roy.

SHRI A.K. ROY (Dhanbad): I have moved amendments to that.

MR. CHAIRMAN: You cannot put such amendments. It is not admissible. In normal course, such Amendments in the Business Advisory Committee's recommendations are not entertained. But you make some Amendments in special cases for the change of time. That is all. You cannot do like that.

SHRI A.K. ROY: I am on a point of order. My point of order is this. Rule 290 says:

"At any time after the report has been presented to the House a motion may be moved that the House agrees with amendments or disagrees with the report:

Provided that an amendment may be moved that the report be referred back to the Committee either without limitation or with reference to any particular matter;

Provided further that not more than half an hour shall be allotted for the discussion of the motion and no member shall speak for more than five minutes on such motion."

Nowhere it has been written or specified that only on the question of time the amendment should be made. It is a rule. The rule clearly specifies that. Those of us, who were in the Sixth and Seventh Lok Sabhas, had moved several times, such amendments.

SHRI G.M. BANATWALLA (Ponnani): Say Eighth Lok Sabha also.

SHRI A.K. ROY: I do not know about the Eighth Lok Sabha because I was not there. Therefore I have said that. But we had moved amendments in Sixth and Seventh Lok Sabhas. That was done because so many items were omitted or so many items have been left out. We have got our right to put suggestions, even amendments. We have put them in a proper time and in a proper form. I have moved the amendment. I would like to be educated by you on what ground was it rejected?

SHRI EDUARDO FALEIRO (Mormugao): I would like to add to this. As the hon. Member, I have been here in the Sixth, Seventh, Eighth and Ninth Lok Sabhas.

MR. CHAIRMAN: Congratulations.

SHRI EDUARDO FALEIRO: This is the position. This rule empowers the backbenchers to make suggestions on items of business which the Business Advisory Commit-

[Sh. Eduardo Faleiro]

tee has not considered. I intervened only for this purpose. I am very much concerned with the curtailment of the rights of the Members to free speech, within the Rules. That is my only concern. I have examples of orderly and effective debate. I can give you today the example of amendments which were given to the Business Advisory Committee's Report that I personally suggested on items which were entirely outside the Report the practice which we follow is this. The Members suggest and the Minister tells us as to what are the items to be taken up next week or thereafter. The Members then say that we have got other items which are of great concern to us and they much also be discussed in the House. Therefore, this is the right of the Members to highlight certain points. This right is being taken away now. We should not do this. If we do this, then we may witness all sorts of troubles. Such troubles may arise due to undue curtailment of the right of free speech of the representatives of the people.

MR. CHAIRMAN: There is nothing to do with free speech.

*(Interruptions)*

SHRI A.K. ROY: I want to add further to it. I proposed two fundamental items—one was the right to work and another was labour participation in management for which this National Front Government is committed. They wanted to bring the Bill in this Session itself. Why have they omitted it? I propose that those amendments may be included.

MR. CHAIRMAN: You have made it clear. I have gone through your amendments. Your amendments are before me.

SHRI A.K. ROY: Mr. Chairman, you also know that in order to confuse the House, often people refer to the rulings and deliberations of Kaul and Shakhder. Somehow or the other, I find they are also in support of us.

On page 663, it says:

"... The Motion that the House agrees with the report of the Committee is normally adopted by the House unanimously."

Here, you are correct, Sir; but then it says:

"It is, however, open to members to suggest variations in the time recommended in respect of the various items of business or to modifications....."

"or to suggest modifications"—you must note.

"...to any other recommendation of the Committee by tabling suitable amendments to the motion. An amendment can also be moved that the report be referred back to the Committee either without limitation or with reference to a particular matter..."

MR. CHAIRMAN: I have understood your point.

SHRI A.K. ROY: In accordance with this "a particular matter", I have suggested that the Right to work and the Workers' Participation in Management should be included. That was my amendment. Kindly also educate me, Sir, on how and on what grounds you are rejecting it.

MR. CHAIRMAN: I will educate you. Now Mr. Thomas.

SHRI EDUARDO FALEIRO: For a considered view, please take it to the Rules Committee.

MR. CHAIRMAN: With the existing rules, I will give you the ruling.

SHRI P.C. THOMAS (Muvattupuzha): Rule 290, as it has been read, has to be given effect to, because some of the parties here—I can quote my own case—do not have representation in the business Advisory Committee. We do not know what exactly is transpiring there. There is absolutely no possibility for us to come to have a knowl-

edge of what is being discussed there. We do not get a chance to suggest, or to make suggestions there. So, the only forum where we can suggest matters of importance which, we feel, are important is this forum i.e. before this House; and the only rule for that, is rule 290. So, I pray that rule be given effect to.

SHRI HARISH RAWAT (Almora): My suggestion is that at least as per rule 290, you allow us to make our submissions. Then the Minister can say whether he will place them before BAC. It will be for BAC to consider those suggestions.

MR. CHAIRMAN: Mr. Rawat, I appreciate your point. I do not mind even if the rules are amended; but I can give a ruling on the basis of what is there today.

SHRI HARISH RAWAT: Rule 290 helps the Members.

SHRI EDUARDO FALEIRO: It is a curtailment of the rights of the Members.

SHRI A.K. ROY: Where has the rule been amended? Tell us how.

MR. CHAIRMAN: Please resume your seat; don't go too far.

PROF. P. J. KURIEN: I am first reacting on this point. In the 7th and 8th Lok Sabha, I was a Member; and it was the practice that for the BAC's report, amendments were suggested by Members. It was the practice. That practice should not be discontinued.

MR. CHAIRMAN: You have not raised any new point. Now Mr. Banatwalla. I do not want any repetition of the points.

SHRI G.M. BANATWALLA (Ponnani): I would concede that there was an earlier decision of the Speaker to the effect that when this report is presented, there may not be submissions by the Members with respect to the business to be taken up. However, that is totally different from amendments to the Motion which the hon. Minister moves. The Motion says that the BAC's

report is to be adopted. When this Motion is before the House, the House has every right to give notice of necessary amendments to the Motion. That is the general right also, and the right protected by rule 290. And there can be no curtailment of such a right, unless and until the rules are either suspended or amended; and no such thing has taken place.

SHRIMATI GEETA MUKHERJEE (Panskura): As far as the rule is concerned, doubtless the rule provides for Members suggesting amendments. With regard to this, there are two things which I would like to submit for your consideration. As far as the 8th Lok Sabha is concerned, at its tail-end-my friends would remember it-the unrestricted right was curtailed. Members could give notice; but then, ten would be taken out of them through ballot. But those notices had to be given before 10 o'clock, as it is with all the notices. Therefore, while defending the rule and also standing for the rule, my observation says that all such notices should have been received before 10 o'clock.

*(Interruptions)*

SHRI A.K. ROY: I gave it before 10 o'clock. *(Interruptions)*

SHRI HARISH RAWAT: You kindly allow the members to move them. *(Interruptions)*

MR. CHAIRMAN: Many members have referred to Rule 290. But the main rule is 288, which is a relevant rule. It contains the functions of the Business Advisory Committee. It reads as follows:

"It shall be the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee."

So, the function of the Committee is only to decide the time and nothing else. It is for

the Government to decide which business is to be taken before the House.

*(Interruptions)*

MR. CHAIRMAN: I have heard you enough. Do not teach me now. Please resume your seats.

*(Interruptions)*

SHRI G.M. BANATWALLA: It is curtailment of the rights of the members. I protest against it.

SHRI EDUARDO FALEIRO: We protest against it.

MR. CHAIRMAN: I will give the ruling. Of course, the rule is very clear. I have read the rule. The rule is very clear. What is the function of the BAC is very clear from the rule.

*(Interruptions)*

SHRI G.M. BANATWALLA: We protest against your ruling. *(Interruptions)* It is not a proper rule.

MR. CHAIRMAN: I have to follow the rule and the practice of this House. There is absolutely no use in making this noise.

*(Interruptions)*

SHRI EDUARDO FALEIRO: I can give you today within one hour the instances where amendments were allowed to the BAC Report and have been allowed. I can give you within one hour the amendments which have been allowed. *(Interruptions)*

SHRI G.M. BANATWALLA: We protest against it. *(Interruptions)*

SHRI HARISH RAWAT: There are instances where they have been allowed. *(Interruptions)*

MR. CHAIRMAN: Please resume your

seat. On the 4th May, 1973, Dr. G.S. Dhillon, the then Speaker, gave the following ruling:—

"On 4 May, 1973 when a Member (Shri Madhu Limaye) gave notice of a substitute motion to the motion regarding adoption of 29th Report (5th LS) seeking to include 3 Short Duration Discussions in the Report for being taken up during the next week,..."

*(Interruptions)*

MR. CHAIRMAN: How can you say that there is no ruling?

*(Interruptions)*

SHRI EDUARDO FALEIRO: You take your own time. There is no hurry. *(Interruptions)*

MR. CHAIRMAN: Please resume your seat. There is no use in making this noise. You please hear me, Mr. Rawat.

*(Interruptions)*

MR. CHAIRMAN: Why do you jumps to a conclusion before I read the entire thing.

*(Interruptions)*

SHRI EDUARDO FALEIRO: You give it tomorrow in the dignity of Parliament.

MR. CHAIRMAN : Mr. Faleiro, don't go too far; that is too so much. *(Interruptions)*

SHRI A CHARLES (Trivandrum): It is very unfortunate. Don't curtail the rights of the hon. Member unnecessarily. *(Interruptions)*

SHRI A. K. ROY: It is in time. Everything is in correct spirit. *(Interruptions)* Kindly do not misguide the hon. Members.

MR. CHAIRMAN: The amendment of Mr. A.K. Roy is for the inclusion of a new item.

16.00 hrs.

That is it. On this there is ruling. Let me complete it.

SHRI EDUARDO FALEIRO: I myself have done it hundreds of times.

MR. CHAIRMAN: The ruling says:

"... the notice was disallowed by the Speaker and Member informed. When Member sought to raise the matter in the House, the Speaker ruled that amendment could be moved to change allocation of time recommended by Committee but new items of business could not be added by amendments, and that suggestions for adding new items could be made when the Minister of Parliamentary Affairs made statement re. Business for the following week."

That means the next following week.

Then Dr. Bal Ram Jakhar ruled:

"On 17 December 1981 when motion re. adoption of the 24th report of the BAC was moved, Shri Chandrajit Yadav wanted to move an amendment. Speaker did not allow and observed that BAC at its sitting held on 10 December 1981 recommended that in accordance with well-established convention, amendment could be moved to a BAC report to change allocation of time recommended by committee but new items of business could not be added through amendments."

Then Shri Mavalankar Ruled:

"I have already stated that every Member has a right to make comments on the recommendations of the Business Advisory Committee but there are ways of exercising the right. I am just throwing a suggestion; if any Member feels dissatisfied over the allocation of time by the Business

Advisory Committee, the better course, to my mind, would be not to table an amendment to the motion but to represent the matter to the leader of his own party who was there in the Business Advisory Committee. He could then explain to him the reasons as to why a particular time was fixed up, and the matter is always open for discussion. I, therefore, advisedly said that even in this House when some time was allocated and it was felt that some more time necessary, the result of the adoption of this motion being that it becomes the allocation order of the House, it becomes necessary to take the sense of the House and the House can revise its view of the situation as it arises from time to time. That is the proper remedy, and not the moving of amendments."

These are the rulings. So, I am sorry. The rules are very clear and the decisions are also very clear.

SHRI EDUARDO FALEIRO: Let us discuss it in the Rules Committee.

MR. CHAIRMAN: You can take it up in the Rules Committee.

PROF. P.J. KURIEN (Mavelikara): I have to say something on this. The BAC conferred the matter and certain decisions were taken. In those decisions there is a decision about the extension of the House also. But it is with a certain understanding, arrived at in the meeting.

MR. CHAIRMAN: It is normally done.

PROF. P.J. KURIEN: This is a special situation. I thank you, Sir. There is a certain understanding on this matter and I would like to make it clear that we support the extension believing that, that understanding stands and the Treasury Benches will certainly uphold that understanding.

SHRI VIJAY KUMAR MALHOTRA (Delhi Sadar): What is the understanding?

PROF. P.J. KURIEN: Secondly, there

[Sh. P.J. Kurien]

was a motion,—I would like to go on record—a move from this side for placing the papers about the Airbus A-320 deal on the Table. It was motion under Rule 184. There are only three or four days of the sitting of the House. I would like to mention it.

MR. CHAIRMAN: You are free to take it up in the Business Advisory Committee.

PROF. P.J. KURIEN: I would like to mention that since a discussion was not considered necessary it was not included. But I would request the Government that those papers should be laid on the Table of the House.

MR. CHAIRMAN: The question is:

"That this House do agree with the Twelfth Report of the Business Advisory Committee presented to the House on the 23rd May, 1990."

*The Motion was adopted*

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Mr. Chairman, Sir, I have a submission to make. In the Business Advisory Committee's Report, it has been mentioned that the Discussion under Rule 193 on the statement made by the Minister of Home Affairs regarding the Kashmir matter will be concluded by 4 p.m. and it was the understanding that the House would sit up to 8 p.m. to complete the four Bills between 4 p.m. and 8 p.m. That was the understanding. The time was allotted accordingly. (*Interruptions*) It was agreed accordingly yesterday. If your leaders agree and if you do not agree, then there is no need for the Business Advisory Committee.. (*Interruptions*) Sir, during the last two or three days, none of the Government business has been taken up; not a single Bill has been discussed. Therefore, I request that at least one or two Bills be taken up before the Discussion under Rule 193 starts. (*Interruptions*) Alright, you fix the time

for the Discussion under Rule 193. How much time will you allot? When will we take up the Bill? How long will we sit?

MR. CHAIRMAN: You can raise it after Matters under Rule 377.

When the Discussion under Rule 193 is taken up, you can raise it.

Now, Matters under Rule 377.

16.08 hrs.

#### MATTERS UNDER RULE 377

[*English*]

- (I) **Need to bring Visakhapatnam, Vizianagaram and Srikakulam districts under South Central Railway Division, Hyderabad**

SHRIMATI UMA GAJAPATHI RAJU (Visakhapatnam): The districts of Visakhapatnam, Vizianagaram and Srikakulam (Andhra Pradesh) come under the South-Eastern Railway Division. With the result) the residents of these districts are compelled to go to Bhubaneswar (Orissa) for their interview and recruitment formalities in the Railways, as the Board headquarters is located there. There is a long standing demand from the people of these districts to attach these districts to the South Central Railway Division, instead, whose headquarter is at Hyderabad in Andhra Pradesh. This will streamline railway functioning and benefit the residents of area as well. The Government may please look into the Matter.

[*Translation*]

- (II) **Need to declare Dharchula and Munslari areas in district Pithoragarh of Uttar Pradesh as Tribal areas**

SHRI HARISH RAWAT (Almora): Mr. Chairman, Sir, I want to raise the following