

BUSINESS ADVISORY COMMITTEE

Thirteenth Report

[*Translation*]

DR. LAXMINARAYAN PANDEYA (Mandsaur): Mr. Deputy Speaker, Sir, I beg to move:

"That this House do agree with the Thirteenth Report of the Business Advisory Committee presented to the House on the 7th August, 1990".

[*English*]

MR. DEPUTY SPEAKER: The question is:

"That this House do agree with the Thirteenth Report of the Business Advisory Committee presented to the House on the 7th August, 1990."

The motion was adopted

14.26 hrs.

RUBBER (AMENDMENT) BILL*—COND.

[*English*]

MR. DEPUTY SPEAKER: Now, we go to item No. 10.

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI ARANGIL SHREEDHARAN): I beg to move:

"That leave be granted to introduce a Bill further to amend the Rubber Act, 1947."

MR. DEPUTY SPEAKER: Motion moved:

"That leave be granted to introduce a

Bill further to amend the Rubber Act, 1947."

Mr. Thomas, you know the limitation under which you have to put forth your point of view. It is only the legislative competence which can be discussed at this point of time.

SHRI P.C. THOMAS (Muvattupuzha): In fact, the Rubber (Amendment) Bill which has been sought to be introduced before to enhancing the rubber cess.

[*Translation*]

SHRI YAMUNA PRASAD SHASTRI (Rewa): Mr. Deputy Speaker, Sir, my point of order is that now the matter under Rule 377 should be taken up. I can understand the rationale as to why yesterday an Adjournment Motion was given priority, but today there is nothing of that sort.

MR. DEPUTY SPEAKER: We are now taking up the matter under Rule 377.

[*English*]

SHRI P.C. THOMAS: The Amendment Bill seeks to enhance the rubber cess, a cess which was 50 paise per kilo to be increased to Rs. 2/- per kilo. This will affect the industry.

SHRI ARANGIL SHREEDHARAN: Under Rule 72, when a Bill is introduced and permission is sought for the introduction of the Bill, no substantial issues should be raised regarding the Bill. If you permit that, it will create a bad precedent.

SHRI P.C. THOMAS: I am only coming to that. This will affect the Consolidated Fund of India because the funds which are derived from the excise duty on cess by which the new Act proposes to collect Rs. 2/- per KG is to go to the Consolidated Fund and as per the Constitutional provision, if the Consolidated Fund is affected either by expenditure

from it or into it, then, it comes under Article 110 (c) which says.

"For the purposes of this Chapter, a Bill shall be deemed to be Money Bill if it contains only provisions dealing with all or any of the following matters, namely

- (c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund."

Therefore, I submit that this Bill which seeks to enhance some amounts into the Consolidated Fund of India, attracts this Section 110 (c).

Therefore, as per Article 117 (1):

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of Clause (1) of Article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States."

My first argument is that prior sanction or recommendation of the President is necessary and there is no statement to that effect in the Bill.

MR. DEPUTY SPEAKER: Is that the only point?

SHRI P.C. THOMAS: That is one point. I would also submit that this Bill is going to affect the agriculture to a great extent.

MR. DEPUTY SPEAKER: You have to tell me as to how this House is not having legislative competence.

SHRI P.C. THOMAS: That is why I would like to bring to your notice the seriousness of this Bill.

MR. DEPUTY SPEAKER: That is not allowed at this point of time. You can do that

at the time of consideration. You are well within your right at that time.

SHRI P.C. THOMAS: I would submit that it affects the price as such. I am not arguing on that. But it basically affects the price. The rubber agriculturists are in great difficulty because of the steep downfall of prices from Rs. 27/- a k.g. to Rs. 18/- this year.

MR. DEPUTY SPEAKER: you can make all these points at the time of consideration.

SHRI P.C. THOMAS: So, my submission is even the strict rules which are to be adhered to as per the Directions of the Speaker as well as the guidelines given in the Handbook are to be strictly followed. I think it has to comply with Direction 19 (b) which says that it has to be circulated in advance. As far as I am concerned, I did not get a copy of the Bill in advance. This has to be circulated in advance.

MR. DEPUTY SPEAKER: It has got nothing to do with the legislative competence. There are other important matters in which people are interested. Why should you take up the time of the House like this?

SHRI P.C. THOMAS: I am only saying that this is a Bill which is going to affect the agriculturists to a great extent.

MR. DEPUTY SPEAKER: You can do it at the time of consideration of the Bill.

SHRI P.C. THOMAS: So, I think the strict formalities have to be very strictly adhered to. This is a Bill which should have been brought to a public debate. Had it been brought to a public debate, I am sure the Government would not have brought a Bill like this. This is going to put down the prices further. The prices are now very low. So, I object to the introduction of the Bill at this stage mainly on the constitutional and other provisions which I have already mentioned. It is going to affect the agriculturists to a great extent. The nation's economy is going to be affected by that.

SHRI ARANGIL SHREEDHARAN: Sir, the only constitutional provision that my hon. colleague points out is about obtaining the prior permission of the President before the introduction of this Bill.

After obtaining the approval of Cabinet to the proposed amendment to the Rubber Act, 1947, the draft Bill as well as the Statement of Objects and Reasons were submitted to the Ministry of Law on 29th June, 1990.

The Ministry of Law had returned the draft amendment Bill as well as the Statement of Objects and Reasons, after duly vetting the same, on 10th July, 1990. Subsequently, the authenticated copy of the Bill and the Statement of Objects and Reasons were sent to the Ministry of Law on 20th July, 1990. Simultaneously, approval of the President was also sought for the introduction of this Bill and letter to this effect was sent to the Secretary to the President on 20th July, 1990 and notice for the intention to move for leave to introduce this Bill was sent to the Secretary-General, Lok Sabha on 20th July, 1990. Copies of the Draft Bill to be introduced along with the Statement of Objects and Reasons and relevant extracts of Rubber Act, 1947 were also sent. So, the assent of the President has been received before the introduction of this Bill. About the prices, we are as much concerned about the cultivators as Mr. Thomas. We are second to none in defending the rights of the cultivators.

MR. SPEAKER. The question is:

"That leave be granted to introduce a Bill further to amend the Rubber Act, 1947."

The motion was adopted

SHRI ARANGIL SHREEDHARAN: Sir, I introduce the Bill.

14.34 hrs.

ARMED FORCES (JAMMU AND KASHMIR) SPECIAL POWERS BILL*

[English]

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): Sir, I beg to move:

"That leave be granted to introduce a Bill to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Jammu and Kashmir."

MR. DEPUTY SPEAKER: Motion moved:

"That leave be granted to introduce a Bill to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Jammu and Kashmir."

PROF. N.G. RANGA (Guntur): Sir, I take very strong exception to the introduction of this Bill at this stage. This Bill gives drastic powers to the military armed forces and the police force in Kashmir. They should have anticipated the need for it long before the summer has overtaken us. He says during summer, so many people would...

(Interruptions)

MR. DEPUTY SPEAKER: It is not for me to tell you. At this point of time, it is the legislative competence which can be discussed.

PROF. N.G. RANGA: I am making a brief statement opposing it.

MR. DEPUTY SPEAKER: At this time, you can oppose it only to say that this House has no legislative competence.