

[Sh. Nilamani Routray]

accident occurring while handling any hazardous substance and for matters connected therewith or incidental thereto.

MR. SPEAKER: Mr. Kumaramangalam. He is not here.

The question is:

"That leave be granted to introduce a Bill to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accident occurring while handling any hazardous substance and for matters connected therewith or incidental thereto."

The motion was adopted

SHRI NILAMANI ROUSTRAY: I introduce the Bill.

13.55 hrs.

CHIEF ELECTION COMMISSIONER AND OTHER ELECTION COMMISSIONERS (CONDITIONS OF SERVICE) BILL*

[English]

THE MINISTER OF STEEL AND MINES AND MINISTER OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): I beg to move for leave to introduce a Bill to determine the conditions of service of the Chief Election Commissioner and other Election Commissioners and for matters connected therewith or incidental thereto.

MR. SPEAKER: Mr. Kumaramangalam. He is not here.

The question is:

"That leave be granted to introduce a Bill to determine the conditions of service of the Chief Election Commissioner and other Election Commissioners and for matters connected therewith or incidental thereto."

The motion was adopted

SHRI DINESH GOSWAMI: I introduce the Bill.

13.56 hrs.

CONSTITUTION (SEVENTY-SECOND) AMENDMENT BILL*

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SUBODH KANT SAHAY): On behalf of Shri Mufti Mohammad Sayeed, I beg to move for leave to introduce a Bill further to amend the constitution of India.

[Translation]

Mr. Speaker, Sir, I would like to say a few words on this Bill, which seeks to grant statehood to Delhi. In this connection.....

MR. SPEAKER: No statement is required on it.

SHRI SUBODH KANT SAHAY: Mr. Speaker, Sir, the demand of statehood for Delhi was being raised since long by the people of this city itself. It has been decided that there will be seven Lok Sabha and three Rajya Sabha Seats for that State. Mr. Speaker, Sir, Legislative Assembly.....

(Interruptions)

[English]

MR. SPEAKER: If you speak, then they may oppose.

(Interruptions)

SHRIVASANT SATHE (Wardha): When it comes to consideration stage, he can say all this and not at the time of introduction. Why are you doing something new?... (Interruptions)... No speech should be made at the time of introduction. Speech is made only at the time of consideration of the Bill. (Interruptions)

PROF. P. J. KURIEN (Mavelikara): Sir, I am on a point of order. This is only simple introduction. At the time of introduction, there should not be any speech. Therefore, whatever he says should not go on record. Secondly, this is contrary to our understanding. Sir, I request you to explain the position to the Parliamentary Affairs Minister. He can introduce the Bill. We have no objection as far as introduction is concerned.

(Interruptions)

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): What Mr. kurien has said is partly correct. There is a sentence in the Statement of Objects and Reasons as 'A separate legislation to give effect to the proposal is to be brought forward later....' Many Members asked as to what are the features of that separate legislation. If they have objection in this, it is all right Sir.

(Interruptions)

MR. SPEAKER: Mr. A. K. Roy.

(Interruptions)

[Translation]

SHRI MADAN LAL KHURANA (South Delhi): Sir, I am on a point of order.

MR. SPEAKER: Please sit down. What is your point of order?

SHRIMADAN LAL KHURANA: My point of order is that an assurance was given in this House by the Home Minister..... (Interruptions) Kindly listen to me.

MR. SPEAKER: I am hearing.

SHRI MADAN LAL KHURANA: I am coming to it. My only submission is... (Interruptions)

[English]

SHRI HARISH RAWAT (Almora): Sir, he should quote the rule. He cannot speak like this. (Interruptions)

MR. SPEAKER: He is on a point of order.

(Interruptions)

SHRI HARISH RAWAT: You asked the rule when Mr. Sultanpuri raised his point of order.

[Translation]

MR. SPEAKER: Rawat Sahib, I know.

SHRI MADAN LAL KHURANA: My only submission is that since the Bill is not complete, the assurance which was given.

(Interruptions)

14.00 hrs.

[English]

MR. SPEAKER: Shri A.K. Roy.

(Interruptions)

PROF. P.J. KURIEN: Sir, whatever the Minister has said should not go on record.

MR. SPEAKER: I have not permitted him. No interruptions please.

MR. SPEAKER: Shri A. K. Ray. he has given notice to oppose the Bill.

SHRI A. K. ROY (Dhanbad): Mr. Speaker, Sir, we are dealing with a sensitive and complicated issue at a complicated time and it should not be taken or the Bill introduced so lightly. I am here to propose it as I consider that this is a wrong Bill, brought in a wrong time and in a wrong way; it will have a wrong effect and wrong repercussions everywhere...*(Interruptions)*

14.02 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

SHRI RAM NAIK (Bombay North): On a point of order.

SHRI A. K. ROY: On a point of order on his point of order. Please allow me.

MR. DEPUTY SPEAKER: There cannot be a point of order on a point of order. I shall have to hear him.

SHRI RAM NAIK: My point of order is that a Bill can be opposed at the introduction stage only on the point of constitutional validity.

SHRI A. K. ROY: I am coming to that.

SHRI RAM NAIK: So far whatever he has said has no relevance with regard to the opposition of the Bill from the constitutional point of view, He is developing his arguments which have no relevance That is my point of order.....*(Interruptions)*

MR. DEPUTY SPEAKER: If I allow you Mr. Roy, I have to allow others also. Others have also given notices.

SHRI A. K. ROY: I hope I would be able to convince you about the legislative incompetence. It is outside the legislative competence of the House to do it. Secondly, it contains serious constitutional infirmities. Thirdly, in principle, on the question of political priority, it is having wrong implications

and they will have a wrong effect. One by way, I will explain.

MR. DEPUTY SPEAKER: You convince me how the legislative competence is not there.

SHRI A. K. ROY: Let me develop my arguments.

MR. DEPUTY SPEAKER: If I allow you, I have to allow others also. They have also given notices.

SHRI A. K. ROY: I am opposing the introduction of this Bill on constitutional point, legislative competence and on principles. Kindly give me five minutes to speak on these points. On points of order people are taking half-an-hour and you are reluctant to give me five minutes.

MR. DEPUTY SPEAKER: Others have also given the notices. I will have to allow to others also.

SHRI A. K. ROY: Sir, I will just take two minutes.

MR. DEPUTY SPEAKER: If you will speak on the legislative competence, I will give you three minutes.

SHRI A. K. ROY: Article 368 sub-section 2 of the constitution stipulates that any constitutional amendment bill should have the majority of the people present and should be passed with the two-third majority. The implication of this clause is that the House should not be taken in surprise and there should be a caution and there should be no undue haste in pushing through the Bill. Sir, we object to the way this Bill has been pushed through. As we condemn the way the Congress delayed the earlier procedure, similarly Sir, we cannot be one with the way they have hurried through this constitution amendment bill.

Secondly, Sir, if you read 19 (a) and 19 (b), of Speaker's direction no explanation has been given. Why they are to take this

abnormal step? Even the memorandum does not contain anything. This is the Report of the Business Advisory Committee dated 23.5.90. What extra-ordinary thing happened within these five days that this unusual step had to be taken by the Government. The Government should take things in a planned way. This shows the total arbitrariness. The third point is, Sir,.....

MR. DEPUTY SPEAKER: You cannot be allowed Mr. Roy. You are quite competent to convince me that this House has no legislative competence to allow this Bill to be introduced and you may not speak on any other point.

SHRI A. K. ROY: Secondly, Sir, It is the question of priority. The Government has got its priority. They have given a Schedule and in that schedule it has not been given. So, how is it taking precedence over the others? This has not been explained.

Lastly, Sir, it is a very sensitive thing.

MR. DEPUTY SPEAKER: You have made your point.

SHRI A. K. ROY: Kindly give me one minute. Sir, we are in a very sensitive situation, where centrifugal forces always are in the upper hand over the centripetal forces. It is in this situation we have to caution. If the Government has planned to give statehood to Delhi, we have no objection. But they should come out with a comprehensive plan. If Delhi could get statehood, why not Jharkhand, why not Vidharbha; why not Pondicherry and why not Uttranchal? It will not turn the wind, it will become the whirlwind. It is a big responsibility. If the House resolves, we support Jharkhand. I would like to know what is the Government's attitude. Whether Government is ready to give the statehood to Jharkhand also? Whether the Government is ready to bring other province also into it or it simply wants to stoke fire and go away? If that be so, the whole country will come into the zero hour and there will only be points of order and no order. So, Sir, do you agree with the Government to bring the Zero

Hour in the whole country?

MR. DEPUTY SPEAKER: I don't have to agree either with the Government or with you.

SHRI A. K. ROY: Sir, do you agree that there should be no order except the point of order? If you agree with this, I have no objection. But I would say that it is a very serious thing.

MR. DEPUTY SPEAKER: I agree with the humor involved in your statement.

SHRI A. K. ROY: Sir, we are in a very serious and complicated condition. We are handling a sensitive issue. Do you understand this, Sir? You cannot sit here to preside over the liquidation of the country. I want that the Government should come out with a policy on this question. I would like to know if they agree to give statehood to Konkan, Jharkhand, Vidharbha, and Pondicherry also. If they come up with this, we all will support it. But if they simply want to instigate and go to the background and hear the music all over the country, we are opposed to it. So, I would say that this is a wrong Bill introduced at a wrong time and with a wrong intention. Therefore, I oppose it.

[*Translation*]

SHRI J. P. AGARWAL (Chandni Chowk): It has been a long-standing demand of Delhities that a powerful assembly should be given to the people of Delhi so that they can take their independent decisions. It should not be linked with other issues. You have not covered law and order, the master plan and the Urban Art Commission under this Bill. It is nothing but only a toy being given to Delhities.

[*English*]

MR. DEPUTY SPEAKER: No, don't get involved in that.

MR. DEPUTY SPEAKER: I am putting the question.

The question is:

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

The motion was adopted

SHRI SUBODH KANT SAHAY: I introduce the Bill.

beg to move for leave to introduce a Bill to provide for the levy of gift-tax.

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the levy of gift-tax."

The motion was adopted

SHRI AIL SHASTRI: I introduce the Bill.

14.11 hrs.

PRESIDENT'S EMOLUMENTS AND PENSION (AMENDMENT) BILL*

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SUBODH KANT SAHAY): On behalf of Shri Mufti Mohammad Sayeed I beg to move for leave to introduce a Bill further to amend the President's emoluments and Pension Act, 1951.

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the President's Emoluments and Pension Act, 1951,"

The motion was adopted

SHRI SUBODH KANT SAHAY: I introduce the Bill.

14.12 hrs.

GIFT TAX BILL*

[English]

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI ANIL SHASTRI): On behalf of Prof. Madhu Dandavate I

[English]

MR. DEPUTY SPEAKER: Matters under Rule 377.

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Let us take these three Bills first and after that we will take up matters under rule 377.

MR. DEPUTY SPEAKER: Let us go according to agenda. Let us take up matters under rule 377.

MATTERS UNDER RULE 377

- (i) **Need to improve facilities at Calicut Airport and start more flights from there**

SHRI K. MURALEEDHARAN (Calicut): It was the long cherished desire of people of Malabar for an airport to Calicut which got materialised due to the interest taken by the late Prime Minister Smt. Indira Gandhi. As the runway is only 6500 feet, Boeing 737 and Air-bus 320 could only be operated from Calicut. Persistent popular demand for increasing the length of runway to 9000 feet has yet not been met.

All necessary instrumentation work of facilitating the night landing has more or less

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