

[Prof. Madhu Dandavate]
crete Bill is concerned, it has been the accepted practice and principle that always consultation is made with the Chief Ministers. They may delegate their powers to others. The matter will be thrashed out, consensus will be evolved; the matter comes back here and then the Bill is moved. These processes have not been gone through at all. Therefore, I would only say that this particular Bill is keeping Mahatma Gandhi upside down, and we will not give our consent for that.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P.V. NARASIMHA RAO): May I briefly remind the hon. Members that when I made a statement in 1986 that as a result of the deliberations everywhere and as a result of our experience with all mushrooming institutions in engineering coming up in States about which there was a lot of criticism voiced in this House and because the AICTE which was a very powerful body once upon a time had lost its effect, we would give it teeth, I do not remember any louder thumping of benches than what was done at that time. So, the House had welcomed it, unanimously welcomed it, all sections of the House welcomed it. This is precisely what we are going to do by this measure. I do not think there is going to be any difficulty with any State. Consultations have been made, and it is not just dropping from the Heavens. Consultations have been made. I have no doubt that this will be the measure which will be again welcomed by the House and all sections of the people and the educationists as it was welcomed when I first made the announcement.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

18.39 hrs.

MESSAGE FROM RAJYA SABHA—
Contd.

[English]

SECRETARY-GENERAL: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:-

"In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Finance (Amendment) Bill, 1987, which was passed by the Lok Sabha at its sitting held on the 8th December, 1987; and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

MR. DEPUTY-SPEAKER: Now we take up Item number 21.

18.40 hrs.

ADMINISTRATIVE TRIBUNALS
(AMENDMENT) BILL

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Sir, I beg to move that the Bill further to amend the Administrative Tribunals Act, 1985, as passed by Rajya Sabha, be taken

into consideration.

Sir, the House is aware that the Administrative Tribunals Act, 13 of 1985, passed in January 1985 received the assent of the President on 27th February, 1985. In pursuance of the Act, the tribunal was set up with the principal Bench and several Benches. The validity of the Act was challenged to the Supreme Court. The Supreme Court passed orders in what is known as Sampat Kumar's case. There were three judgments, one delivered by the Chief Justice, another by Judge Ranganath Mishra and three other judges concurred with the judgment. There were one or two points on which Government sought a review. The Supreme Court was kind enough to admit the review petitions and heard the review petition. The Attorney General appeared on behalf of the Government and made certain submissions to the court. Finally, the court has been pleased to direct the Government to make certain amendments in the light of the submissions made by the Attorney General. The present amending Bill seeks to implement orders of the Supreme Court, in the light of the submissions made by the Attorney General on behalf of the Government. So, the most important amendment is that under the Act, as it stands today, only the judicial member is required to be appointed in consultation with the Chief Justice. The amendment that we propose requires us to consult the Chief Justice in respect of all the Members of the Tribunal. This, I believe, is an improvement, and a step forward, and I hope that the House will accept the amendment.

Sir, one of the learned judges of the Supreme Court has observed that some Members of the Tribunal are appointed at a young age and, therefore, their skills and their knowledge should not be lost. We are, therefore, providing that a Member can be appointed for a second term of five years, subject to the overall age limit of 62 years for a Member and 65 years are for Vice Chair-

man and the Chairman. These age limits have been upheld by the Supreme Court. Sir, the judges observed that employees of subordinate courts should continue to be under the disciplinary jurisdiction of the high court and should not be brought under the Tribunal. Having regard to their views, we now take to exclude employees of subordinate courts from the purview of the Tribunal.

18.43. hrs.

[MR. SPEAKER *in the Chair*]

Sir, there is a very minor amendment to enable us to refix the salary and allowances of Members retrospectively from 1.1.86, the date on which the Fourth Pay Commission's recommendations have been given effect to. Sir, these broadly are the amendments. I do not think any amendment is controversial. On the contrary, my submission is that all these amendments flow from the orders passed by the Supreme Court, in the light of submissions made by the Attorney General. I request unanimous approval of the House to this amending Bill.

(Interruptions)

MR. SPEAKER: The question is:

"That the Bill further to amend the Administrative Tribunals Act, 1985, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. SPEAKER: The House will now take up Clause by Clause. There are no amendments to clauses 2 to 6.

The question is:

"That clauses 2 to 6 stand part of the Bill."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

MR. SPEAKER: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 1, the Enacting Formula and the Title were added to the Bill.

SHRI P. CHIDAMBARAM: I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

18.45 hrs.

MOTION RE: JOINT COMMITTEE ON
INDIAN MEDICAL COUNCIL (AMEND-
MENT) BILL

THE MINISTER OF STATE IN THE
MINISTRY OF HEALTH AND FAMILY
WELFARE (KUMARI SAROJ KHAPARDE):
Mr. Speaker Sir, I beg to move:

"That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill further to amend the Indian Medical Council Act, 1956 made in the motion adopted by Rajya Sabha at its sitting held on the 15th December, 1987 and communicated to this House on the 15th December, 1987 and do resolve that the following thirty Members of Lok Sabha be nomi-

nated to serve on the said Joint Committee, namely:-

- (1) Shri P.A. Antony
- (2) Smt. Vyjayanthimala Bali
- (3) Shri Anil Basu
- (4) Dr. Krupasindhu Bhoi
- (5) Dr. (Smt.) Phulrenu Guha
- (6) Shri Daulatsinhji Jadeja
- (7) Shri P. Kannan
- (8) Shri P.R. Kumaramangalam
- (9) Shri Kunwar Ram
- (10) Shri Suresh Kurup
- (11) Shri Dharam Pal Singh Malik
- (12) Smt. Manorma Singh
- (13) Shri G.S. Mishra
- (14) Dr. Prabhat Kumar Mishra
- (15) Shri Ram Nagina Mishra
- (16) Dr. Manoj Pandey
- (17) Dr. V. Rajeshwaran
- (18) Shri K.H. Ranganath
- (19) Shri P.V. Narasimha Rao
- (20) Shri C. Madhav Reddy
- (21) Shri D. N. Reddy
- (22) Shri Muhiram Saikia
- (23) Shri Nawal Kishore Sharma