

14.06½ hrs.

**BUSINESS ADVISORY
COMMITTEE**

Forty-Fifth Report

[English]

SHRI PAWAN KUMAR BANSAL (Chandigarh): I beg to move "that this House do agree with the Forty-fifth Report of the Business Advisory Committee presented to the House on the 22nd August 1994".

MR. CHAIRMAN: Motion moved:

"That this House do agree with the Forty-fifth Report of the Business Advisory Committee presented to the House on the 22nd August 1994".

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Chairman, Sir, I have given an amendment on this. My amendment is that under Rule 290, it should be sent back to the BAC. I have given the amendment on two points which have not been included in the Report. The first point is that this Report is for the remaining period of the week. In this report, five hours have been allotted for the discussion on the draft on agricultural policy, two hours for the Salary, Allowance, Leave and Pension for the officers and servants of the High Court Bill and similar Bill in respect of Supreme Court. In addition, a discussion under Rule 193, on the information given by the Government in regard to assassination of late Prime Minister, Rajiv Gandhi has also been fixed. We wanted a discussion in the House on sugar muddle for which we have been trying for the last several

days. In our absence many items have been passed but we were hoping that a discussion will take place on the sugar muddle in the concluding days of this session. It is regretted that BAC did not take a decision to fix a discussion on such an important issue, whereas only 10-12 hours are left after deducting the time of lunch. We have four hours tomorrow, again four hours the day after tomorrow and about half an hour or an hour of Friday when the House will be adjourned *sine-die*. I urge that this report should be sent back to BAC. The BAC should reconsider its decision about sugar muddle and allot a time for this in its agenda. Further, I have certain reservations about the inclusion of the Bills also. My submission is that these Bills cannot be included in the Report. I know that a discussion on these Bills is taking place in the other House. However, these will be sent to this House only after their passage in that House. Therefore, the question of their introduction does not arise as these will come here for direct discussion. I challenge the inclusion of these two Bills. In this regard, I would like to draw your attention to sections 146(2) and section 229(2).

MR. CHAIRMAN: You may raise these objections at the time of introduction of the Bills.

SHRI GEORGE FERNANDES: Of course, I will oppose it at the introduction stage. This Bill is not going to be introduced in this House, whereas it has been included in the agenda for a discussion. I am challenging the decision of the BAC. They have no authority to bring this Bill in this House in any form. I am on a point of legislative competence. During the last several years, I have opposed many such Bills on the point of legislative competence.

[English]

SHRI PAWAN KUMAR BANSAL: It does not arise. (*Interruptions*)

SHRI GEORGE FERNANDES: It very much arises. (*Interruptions*)

SHRI PAWAN KUMAR BANSAL: Only the time has been fixed for discussion on these Bills. (*Interruptions*)

[Translation]

SHRI GEORGE FERNANDES: The BAC has included it in its agenda, whereas, it cannot be included therein.

MR. CHAIRMAN: The amendment to the BAC Report can be discussed here. However, no discussion can take place on a new item in this House. If one wishes to give an amendment, one can do so when the hon. Minister of Parliamentary Affairs gives a statement on the business for the next week.

SHRI GEORGE FERNANDES: I quote the relevant section:

[English]

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

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

[Translation]

MR. CHAIRMAN: There is no precedence of giving amendments for adding a new item in the agenda.

SHRI GEORGE FERNANDES: Precedence and my right are two separate things. So far as the point regarding precedence is concerned, the decision of the Parliament will be final in this regard.

MR. CHAIRMAN: I would like to tell you that:

[English]

On page 241 the Manual on Business and procedure says:

"Amendment to Motion for adoption of BAC Report can be moved to change allocation of time recommended by the Committee, but new items of business should not be added through amendments."

[Translation]

This was the ruling of the hon. Speaker on Shri Chandrajeet Yadav's motion in 1981.

SHRI GEORGE FERNANDES: I am talking about the legislative competence.

[English]

SHRI PAWAN KUMAR BANSAL: I am on a Point of Order, on this objection. Sir, you have to decide whether this question of legislative competence can be raised or not. Once you allow it, only then it can be raised. (*Interruptions*)

My submission is that the question relating to the legislative competence cannot be raised at this stage. After you decide it, then you may permit him to speak. Otherwise he cannot speak on that point.

[Translation]

SHRI GEORGE FERNANDES: Regarding point of order, I would also like to say something.

MR. CHAIRMAN: Just now you were speaking about amendment.

[English]

SHRI PAWAN KUMAR BANSAL: Sir, I have not completed my point of order. Please see what are the functions of the Business Advisory Committee under Rule 288. I quote the Rule:

"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.

The Committee shall have the power to indicate in the proposed time-table the different hours at which the various stages of the Bill or other business shall be completed.

The Committee shall have such other functions as may be assigned to it by the Speaker from time to time."

Now, these are the functions which the Business Advisory Committee has to perform and allocate time for different items of business which may be brought before the House. I am not going into the merits of the matter, but even an amendment cannot be made just like this and these points cannot be raised at this stage.

[Translation]

SHRI GEORGE FERNANDES: I am on a point of order. This Bill has been circulated to us for the first time. Simultaneously, two hours have been allotted for this item in the BAC Report. Further, this Bill is already pending in the other House, where a discussion on it is going on.

[English]

SHRI PAWAN KUMAR BANSAL: Recommendation can be made by BAC in anticipation.

[Translation]

SHRI GEORGE FERNANDES: It is not a question of anticipation. If the Bill comes in this House tomorrow, it will not come for introduction. According to rules, in the matter of legislative competence, the Bill can be opposed at the introduction stage itself. This Bill will not be introduced in this House but it would come for direct discussion. One cannot raise the point of legislative competence at the stage of consideration. In this connection, you can see the rules in the "Practice and Procedure" by Kaul and Shakdhar.

[English]

SHRI PAWAN KUMAR BANSAL: Sir, if a Bill is passed by one House, the

[Shri Pawan Kumar Bansal]

[English]

other House is obliged to take it up for consideration and all the points can be raised then, though the question of legislative competence is decided not by Parliament but by the courts.

[Translation]

SHRI GEORGE FERNANDES: That is why, if I have to contend, I can do so only at this state. Otherwise, I cannot do so.

MR. CHAIRMAN: The point of order raised by Shri Bansal is valid. You cannot raise the point of legislative competence on BAC Report at this stage. You can speak on the motion moved on BAC Report. I agree with Shri Bansalji that you cannot challenge at this stage. If you want to raise any objection, I can allow you. However, it will not be possible to seek the opinion of the House of the amendment.

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh): The only thing he can mention is whether he is satisfied with the time allotted or not. If there is any change he can come forward with an amendment and it can be considered and nothing more that can be allowed at this stage.

[Translation]

SHRI GEORGE FERNANDES: I have already apprised you about the ground of my opposition. This Bill provides for taking away the powers of the Supreme Court delegated to it under Article 146(2). This can be done only through an amendment to the Constitution and not through a Bill.

SHRI PAWAN KUMAR BANSAL: Sir, in spite of your ruling, he is still making the same point.

[Translation]

DR. S.P. YADAV (Sambhal): Why do not you allow him to speak out.

SHRI PAWAN KUMAR BANSAL: He cannot speak on this subject.

SHRI SRIBALLAV PANIGRAHI: This matter is going in the reverse gear.

[English]

MR. CHAIRMAN: I am not seeking your opinion. Please take your seat.

SHRI SRIBALLAV PANIGRAHI: Sir, even if you do not seek our opinion, we are obliged to give it when we feel that there is a need...*(Interruptions)*

SHRI PAWAN KUMAR BANSAL: Sir, after your ruling, he cannot make a submission. He is still making his statement.

MR. CHAIRMAN: Let us hear what he wants to say.

[Translation]

SHRI GEORGE FERNANDES: Regarding Legislative competence, I concede your point. But after conceding your point I have to say that this Bill should have come on the basis of constitutional amendment. Even if this Bill is accepted on the ground of competence for debate sake, this Bill should have come on the basis of constitutional amendment and

therefore want to say to the Government that the mode in which this Bill has been brought needs rectifications. If you are going to take up this matter tomorrow or a day after tomorrow, then I should be asked at that time not to raise this matter and why I did not raise this matter when this matter come up for discussion in BAC. Hon'ble Chairman, Sir, my experience is that whenever I raised a matter, the Hon'ble Speaker asked me to sit down on the ground that I should have been vigilant and raised it at the appropriate time and that was too late at that time. Therefore, all these things I want to point in advance and whenever it will come up for discussion, I shall oppose it.

Mr. Chairman, Sir, about the Sugar Scam and economic policies, a debate is a must in this House. Therefore, no harm is going to take place if this Bill is taken up for discussion tomorrow or a day after tomorrow and so far as discussion on Jain Commission or any other commission is concerned, that will be like doing post-mortem. The two subjects which I have earlier pointed out, need to be discussed. My request is that this should be sent back to BAC with my amendments.

MR. CHAIRMAN: So far as the amendment on the Motion of BAC is concerned, amendment of this nature cannot be brought on it. So far as allotment of time is concerned, we can discuss that, but now items cannot be added to it. So far as the question of legislative competence is concerned, on this Motion, there cannot be any discussion at present through amendment. You have raised the matter of sugar and for that a short duration discussion has been fixed for 25.8.94. Keeping this thing, in view, I am putting this matter for knowing the views of the House.

[English]

MR. CHAIRMAN: The question is:

"That this House do agree with the Forty-fifth Report of the Business Advisory Committee presented to the House on the 22nd August, 1994."

The motion was adopted.

14.23 hrs.

MATTERS UNDER RULE 377

- (i) **Need to Re-open Ispat-Dolomite Mines at Baradwar in Madhya Pradesh**

[Translation]

SHRI BHAWANI LAL VERMA (Janjgir): Mr. Chairmn, Sir, Steel Dolomite Mines situated at Baradwar of Bilaspur district of Madhya Pradesh, where very good quality type of dolomite is available and which used to supply steel to Rourkela Steel Plant, has been closed down since 1983. On account of this closure, 12000 workers have become jobless. The reason for hartal is cited as the rivalries among unions. But the information provided to me by the representatives of the unions is that there is no quarrel and everybody wants to work peacefully.

Therefore, my submission to the Central Government is to review the situation and reopen the mines so that alongwith production, there could be work for labourers as well.