

munal Therefore what is your definition of communalism ? I do not want to digress from the subject, but I am bemused to hear the need for constructing a mosque in place of a temple If mosque is built then it will be secular but if temple is built it will be communal

During the debate on polygamy Shri Shahabuddin said that Hindus are more polygamous than Muslims Without caring cast, creed and religion I demand abolition of the institution of polygamy In this regard a law should be enacted without taking into account any caste, creed or religion

King Dashrath was time and again referred to in the House One must remember that we worship Lord Rama and not King Dashrath King Dashrath had a painful death because he had three wives Our ideal is Lord Rama and not King Dashrath One can also submit that even Lord Rama made his wife suffer a lot I do agree that Sitaji suffered a lot in life but all of her sufferings were shared by Lord Rama We adore Lord Rama because he shared half of the sufferings of his wife After banishing his wife to forest he never remarried Therefore every wife aspires for a husband like Lord Rama and Shiva

[English]

SHRI SOBHANADRI FSWARA RAO VADDE Will you yield for a minute ? Madam you have rightly said that Ram had gone to the forest just to keep up his word to his father Your party has given a word to this Parliament to the Supreme Court and the Government that it will maintain the *status quo* at Ayodhya and you have demolished the mosque Do you really have faith in Ram ? (Interruptions)

SHRI A CHARLES Are they willing to accept the verdict of the court ? (Interruptions)

MR. DEPUTY SPEAKER You have got a very soft corner for women honourable Charles

SHRI A. CHARLES The Leader of the Opposition has more than once said that they do not accept the verdict of the court in respect of Ayodhya (Interruptions)

MR. DEPUTY SPEAKER You continue your speech

[Translation]

PROF. RITA VERMA All of us encounter people in our constituencies asking for employment on the submission that they are very poor

and have two wives and ten children I do not ask about their caste and religion but simply tell them that had my husband been having two wives and ten children he would also have been poor It is very simple that in the present times with two wives and ten children nobody can be affluent

DR. LAXMINARAYAN PANDEYA Mr Deputy Speaker Sir for such an important issue time should be extended at least by an hour (Interruptions)

18 00 hrs

SHRI H. R. BHARDWAJ Mr Deputy Speaker Sir this item can continue on the next occasion

MR. DEPUTY SPEAKER By Six O'clock we wanted to complete it But there are some more Members who are very interested in contributing to this debate Therefore we will extend the time for this item Shrimati Rita Verma can continue next time

MR. DEPUTY SPEAKER Now we will take up the Supplementary List of Business that is presentation of the Report of Joint Committee Shri Pawan Kumar Bansal

(18 02 Hrs)

CONSTITUTION (EIGHTIETH AMENDMENT) BILL I AND REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

(i) Presentation of the Report of the Joint Committee

SHRI PAWAN KUMAR HANSAL (Chandigarh) Mr Deputy Speaker Sir I beg to present the Report (Hindi and English versions) of the Joint Committee on the Bill further to amend the Constitution of India viz the Constitution (Eightieth Amendment) Bill 1993 and the Bill further to amend the Representation of the People Act 1951 viz the Representation of the People (Amendment) Bill 1993

[Translation]

SHRI MADAN LAL KHURANA (South Delhi) My point of the order is that as per the information available with me only the English version of the report is being presented in the

House and the copies of the same have not been circulated to us. It is likely to create a different impression because in the English version of the report they have used word religion in place of the word Dharm which was used original notice of amendment. What does the word Dharm stand for in Hindi (Interruptions) In fact Dharm and Sampraday are two different things

[English]

SHRI PAWAN KUMAR BANSAL Sir on the first point he can certainly raise a point of order but on the second point he cannot elaborate

[Translation]

At this moment the hon Member cannot define the word Dharm (Interruptions)

SHRI RAJVI R SINGH (Aonla) Shri Khurana is still on his point of order and the hon Deputy Speaker has not yet given his ruling in this regard. Then why are you speaking (Interruptions)

SHRI MADAN LAI KHURANA The word religion has been translated as Dharm in Hindi in the said Bill where as the words Dharm and Sampraday have their different meanings (Interruptions)

DR. LAXMINARAYAN PANDYA You can speak after the hon Deputy Speaker has given his ruling (Interruptions)

SHRI PAWAN KUMAR BANSAL Please try to understand what I am saying (Interruptions)

[English]

It is not a point of order. I let him refer to the relevant rule (Interruptions)

[Translation]

SHRI MADAN LAI KHURANA We have not received the Hindi version of the report (Interruptions)

[English]

MR. DEPUTY SPEAKER I have received authentic copies of Hindi as well as English

[Translation]

DR. LAXMINARAYAN PANDEYA Mr Deputy Speaker, Sir I am on a point of order

Such items are taken up in the morning. Has the consent been taken for the presentation of the report at this late hour (Interruptions)

SHRI PAWAN KUMAR BANSAL Pandya Sir had you been aware of all that what has happened you would not have said it. But you are speaking without getting the details verified

18 06 hrs

(ii) Evidence before the Joint Committee

[English]

SHRI PAWAN KUMAR BANSAL (Chandigarh) I beg to lay on the Table the record of evidence tendered before the Joint Committee on the Bill further to amend the Constitution of India viz the Constitution (Eighty-ninth Amendment) Bill 1993 and the Bill further to amend the Representation of the People (Amendment) Bill 1993

[Translation]

SHRI LAL K ADVANI (Gandhi Nagar) Mr Deputy Speaker Sir I have to make 2-3 points. As a matter of fact, I was a member of the Select committee and in that capacity whatever I had to say by way of my note of dissent, I have done that. At this moment the first thing I would like to submit is that the committee has been constituted by this House and even the Chairman of the committee is a Member of this House. So I am surprised to see as to why the report of this Committee has been first laid in the other House. I am just bringing it to the notice of the Government that it is not appropriate

Secondly the Chairman of this Committee said that he was laying on the table of the House the copies of English version and Hindi version of the report. He has also stated that he has received the authentic copies of English and Hindi version of the report. I can not understand this thing because a report when it is presented, must be complete which means that it should contain even notes of dissent. It is not justified to lay a complete English version of the report with an incomplete Hindi version of it. Did they seek your permission for it? However they have just said that the two versions of the report were complete. They ought to have taken permission for it and I do know that the permission has been given. So I would not speak on it. However, I would like the Government to make this important document available to all the hon. Member by tonight. The copies of the report have been laid on the table of the Rajya

Sabha only and now when the hon Members wanted to have the copies from the table office they were told that they did not have the same and there was only one authentic copy of the report

Secondly I would also like to say that even the day whether it is Monday or Tuesday—should be fixed for the discussion on the report of the Select Committee and the revised Bill. The time for voting should also be fixed, since it is a Constitution Amendment Bill the entire House should duly informed. There are the few points I would like to make here.

I would like to know whether it is appropriate to lay the report of a select committee having the Members of this House in the other House. I think the Hon Speaker is accountable in this regard. Secondly the Government should have clarified that the English version was complete and the Hindi version was incomplete but no information was provided in this regard. Thirdly it would be better that the House knows when the matter will be discussed and when there will be voting on it. (Interruptions) I have submitted all that I wanted to even though I have not sought your permission for the same.

SHRI PAWAN KUMAR You do not listen to me.

[English]

About the last point as to when the House will take it up for discussion it is not for me to respond to. (Interruptions)

[Translation]

The hon Speaker is to solve your problem. However I may give the reply if you like it. (Interruptions)

DR. LAXMINARAYAN PANDEYA I have requested him. The hon Deputy Speaker is to give the ruling, why are you giving the reply?

[English]

MR. DEPUTY SPEAKER The report has been presented in the Rajya Sabha earlier. (2) English translation is exact. Hindi is not. Number three when would be the voting taking place?

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA) The notices for presentation were given simultaneously to both the Houses. The

other House was due to rise at 5 p.m. Therefore before the rising of the House the report had to be presented in the Rajya Sabha. The report was scheduled to be presented here after the completion of the Private Members' Bill. We did not want to interfere with the Private Members' Business. Therefore, we are presenting it now. We have mentioned—you were present—it in the meeting of the Business Advisory Committee. The BAC has decided that this Bill might be taken up for discussion and passing on 24th. It has also decided that on the same day when it starts discussion the voting will take place. Therefore this is the schedule. Thereafter the Bill will be transmitted to the Rajya Sabha. We expect that the Bill will be discussed in the Rajya Sabha on 25th.

MR. DEPUTY SPEAKER I hope that the report will be circulated among the Members today.

SHRI VIDYACHARAN SHUKLA Yes. It will be circulated. The Hindi and English versions will be circulated.

SHRI LAL K. ADVANI Mr. Deputy-Speaker I have addressed my submissions to you. I know that this was presented in other House at five of the clock—not merely casually but it was written formally in a circular issued to all the Members. I am pointing out that this is not proper. It is the duty of the Minister of Parliamentary Affairs to ensure that this kind of impropriety does not take place. If they were to adjourn at five of the clock, you should have sought permission from the Chair to submit this report by five of the clock even while the non-official business was going on. But the practice of submitting a report to the other House which is not in-charge of the Bill—it is this House which is in charge of the Bill—is basically not proper. This is what I am pointing out. I do not know if any permission was taken from the Chair in this regard.

SHRI VIDYACHARAN SHUKLA I have already given my reasons for this. The reasons can differ. The idea about propriety and impropriety can also differ. We thought it would be improper to interrupt the discussion of Private Members' Business here. We could have presented it at four of the clock. There was no problem in doing that. But we did not want to do it.

[Translation]

SHRI LAL K. ADVANI The hon member is not even aware that it is the very first committee

of its kind in the history of the Parliament. Hon. Minister of Parliamentary Affairs, you please sit down for a minute you do not have the required information. (Interruptions)

[English]

SHRI VIDYACHARAN SHUKLA Let me complete it. This thing had slipped out of my mind. The time given for submitting the Note of Dissent was 5 p.m.

SHRI LAL K. ADVANI It was 4 p.m.

SHRI VIDYACHARAN SHUKLA Yes, it is 4.00 p.m. I was not present in all these meetings of the Committee. Therefore I was speaking from my memory. The Chairman just said that the time given was four of the clock. After that, certain preparations had to be made by the Secretariat. The other House was rising at 5 p.m. So we had decided to present it there. We thought it would be a great impropriety to disrupt the proceedings of the House. It would be better to submit it before the Rajya Sabha. But it is not so important to disrupt the proceedings going on and do it like this. On a small matter like this we need not quarrel. I am sorry it does not reflect on the dignity of this House or that House. We treat both the Houses with equal dignity. It is very important. There is no difference. But this House had originated this Bill. This House was in-charge of the Bill. It could have been presented in the House. There was no problem. The problem was that the other House was going to rise at five of the clock. So we had to do that.

[Translation]

SHRI MADAN LAL KHURANA (South Delhi) Sir, is the complete Hindi version of the Report available along with the evidence. (Interruptions)

[English]

SHRI VIDYACHARAN SHUKLA Arrangements have been made by the Secretariat for Hindi version and the Report will be available very soon. (Interruptions)

[Translation]

SHRI RAJVEER SINGH (Aonla) Hindi version and English version are made available simultaneously. Has the Hindi version been laid on the table of the House?

[English]

SHRI VIDYACHARAN SHUKLA I do not understand Khurana's point in asking the Hindi version of the Report of the Joint Select Committee. They have given voluminous Notes of Dissent. They have to be translated. It would have been much better if the hon. Members had given their Notes of Dissent in Hindi. In that case there would have been no problem. (Interruptions) But they have given their Notes of Dissent in English and they are demanding it in Hindi. Why do they not give it in Hindi. (Interruptions)

[Translation]

SHRI NITISH KUMAR (Barh) Sir, I am on a point of order. My submission is that as per the procedure of the House, Hindi version as well as English version of the Report should be presented in the House at the same time. In this particular case, the Hindi version is incomplete. I would like to know whether evidence is a part of the Report itself? If so, why the Hindi version of the Report presented in the House is not complete? This is something serious. I would not have raised the matter, but the Government had fixed a time limit to see that a note of dissent could be sent to the Select Committee by 4 O'clock. They have said that since the note of dissent was given in English, Hindi version of it could not be prepared. (Interruptions) My submission is that hardly matters whether the note of dissent was given in English or Hindi, but evidence is certainly a part of the Report. (Interruptions) As per the rule, Hindi version and the English version both are to be made available. So it should be made clear if both the versions of the report are complete. We want you to give your ruling in this regard. We would also like to know whether it is permissible under the rules.

[English]

MR. DEPUTY SPEAKER The Report should contain the evidence also. If there is some lacuna, it could be rectified.

(Interruptions)

MR. DEPUTY SPEAKER Rule 304 says

"The report of the Select Committee on a Bill together with the minutes of dissent, if any, shall be presented to the House by the Chairman or in his absence by any member of the Committee."

Now the Report will be circulated today itself.

(Interruptions)

[Translation]

SHRI MADAN LAL KHURANA (South Delhi): Sir, I am on a point of order I would like to know whether evidence is a part of the Report or not? If not, why only the English version of it has been presented in the House. From the ruling of the hon. Deputy Speaker, it can be seen that the only the English version of report is complete and the Hindi version of the report has been laid incomplete in spite of the fact that presentation of an incomplete report is not permissible under the rules.

SHRI NITISH KUMAR: Sir, I am on a point of order. I would like to submit that we had not opposed the presentation of the report.

You have given the ruling that the report is to be presented and that evidence is a part of it. However, the second part of the point of order I have raised is that the Hindi and English version of report must be presented simultaneously. Only then, the report will be treated as complete.

Mr. Deputy Speaker, Sir, my objection should not be taken in a wrong sense. The question is not as to what attitude a particular party adopts with regard to the Bill. This will become clear automatically at the time of debate. Here, the question is that of the procedure, the way the Government intends to conduct the business of the House. It is a matter of propriety. Therefore, I would like you to give your ruling in this regard. The House cannot be run in this manner.

[English]

They cannot take the House for a ride.

[Translation]

If at all there is any such rule under which one version of the report can be presented in the House, that rule should be waived and in case, there is rule to present both versions of the report then it won't be allowed to happen in this manner. We cannot bear with it. If the rule is waived, we would not have any objection, but the rule is there, it is something serious. I have strong objection in this regard and I seek your protection.

SHRI SATYANARAYAN JATTYA (Ujjain): Mr. Deputy Speaker, Sir, my submission is that if the report is to be presented, it must be complete.

SHRI MADAN LAL KHURANA: The report can also be laid on tomorrow.

[English]

MR. DEPUTY SPEAKER: In this case, you feel that the English version has come but, according to you, some of the Hindi portion is left out. You say that the Hindi version is not complete. But, taking into consideration the fact that we are hard pressed for time, the translated Hindi version will be circulated to the hon. Members in the evening.

[Interruptions]

[Translation]

DR. LAKSHMINARAYAN PANDEYA (Mandlaur): An incomplete report cannot be tabled.

SHRI MADAN LAL KHURANA: As there is session tomorrow also, it can then be tabled.

DR. LAXMINARAYAN PANDEYA: Friday was fixed as the House was not sitting on Saturday. But now the House will sit on Saturday also, so the report can be presented tomorrow.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (DEPARTMENT OF WASTELANDS DEVELOPMENT) (COL. RAM SINGH): Sir, you have already given your ruling. In spite of your ruling, they are getting very much agitated.

MR. DEPUTY SPEAKER: I am reading Rule 304 clearly. It says that:

"The report of the Select Committee on a Bill, together with the minutes of dissent, if any, shall be presented to the House by the Chairman or in his absence by any member of the Committee."

The dissent note has come; the full text will be translated into Hindi and it will be supplied to you in the evening. If there are any lacunae, kindly guide them.

SHRI NITISH KUMAR: No, Sir.

MR. DEPUTY SPEAKER: This is my ruling. I have given the ruling and that is final.

[Translation]

SHRI NITISH KUMAR Though you have given your ruling, but you have not given ruling on one particular point. It has become clear from your ruling that evidence and note of dissent are part of the report. The second part of my point of order is that the text of everything should come here in both the languages. It should not be the practice that it would be translated and circulated later on. If there is such rule, you should give your ruling on it. This is a question of priority. You are setting a wrong tradition by conducting the Business of the House like this.

[English]

MR. DEPUTY SPEAKER Shri Nitish Kumar: it is only the dissenting note and not the evidence.

(Interruptions)

MR. DEPUTY SPEAKER Section 304 is very clear. If there is any lacuna, it can be condoned.

[Translation]

SHRI NITISH KUMAR Note of dissent is also a part of the report. Will it not be presented here in both the languages? (Interruptions)

[English]

MR. DEPUTY SPEAKER Note of dissent is a part of the document.

[Translation]

SHRI NITISH KUMAR Do not give such ruling which may have adverse effects. We are not arguing with you. We are only presenting our views before you. You should consider it and see... (Interruptions)

You said that it would be circulated later on. We have objections about their style of working. They should express regret for this discrepancy. If you give such a ruling it may have adverse effects in future.

MR. DEPUTY SPEAKER This will not happen in future.

(Interruptions)

SHRI NITISH KUMAR You should ask the Government to express regret for this discrepancy.

(Interruptions)

DR. LAXMINARAYAN PANDEYA Please ask them to express regret, otherwise the House will not run like this. (Interruptions)

[English]

MR. DEPUTY SPEAKER Government has taken note of it.

SHRI NITISH KUMAR No Sir. They should stand up, admit the lapse and express regret. Minimum this should be done.

MR. DEPUTY SPEAKER Government has taken note of it and next time both the Hindi version as well as the English version will be supplied to you well in time.

SHRI NITISH KUMAR We are thankful to you, but the Government must express regret for this discrepancy. The people of this country must know how they are governing the affairs of this country in the Parliament. They must express regret... (Interruptions)

SHRI VIDYACHARAN SHUKLA I would like to submit to you that we always take care to supply all the papers to the House in both the official languages Hindi and English. But sometimes you have seen that it happens that one of the translations is not available and the House is indulgent about it and they have allowed the Secretariat to do the translation and supply it. We will take care to see that there is no discrepancy in the translation and the translation will be made available to the hon. Members as quickly as possible, on the basis of that you have already given a ruling and we accept it completely. (Interruptions)

[Translation]

SHRI MADAN LAL KHURANA He should express regret and we will accept it. Otherwise we will not let the House run tomorrow. (Interruptions)

[English]

MR. DEPUTY SPEAKER The House will now take up the legislative business, the Consumer Protection (Amendment) Bill. Shri Chaudhary.

(Interruptions)

MR. DEPUTY SPEAKER The Government has made it very clear. Shri Hossain will speak.

(Interruptions)

MR. DEPUTY SPEAKER: Shri V S Rao.

(Interruptions)

SHRI OSCAR FERNANDES (Udipi): Sir, I am on a point of order. I would like to know whether the Opposition can do this when the Chair has given a ruling; and whether what they are doing is right. The ruling given by the Chair is final.

(Translation)

SHRI LAL K. ADVANI (Gandhinagar): Shri Nitish Kumar has given a suggestion. Anyone can tell the Government about its discrepancy and he should express regret and say that this will not happen in future. The matter would have ended here. I do not want to go into details, but I know as to why this discrepancy is there.

SHRI VIDYACHARAN SHUKLA: It was not clear to me in this noise what you people want. The Deputy Speaker gave the ruling.....

SHRI LAL K. ADVANI: He had not given.

SHRI VIDYACHARAN SHUKLA: He had given and had called Shri Rao to speak. I have no hesitation in expressing regret about the fact that Hindi version could not be provided.

18.33 hrs

STATUTORY RESOLUTION RE: DISAPPROVAL OF CONSUMER PROTECTION (AMENDMENT) ORDINANCE, AND CONSUMER PROTECTION (AMENDMENT) BILL AS PASSED BY RAJYA SABHA.

(English)

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Mr. Deputy Speaker, Sir, I rise to support the Consumer Protection (Amendment) Bill, 1993.

We welcome the amendments that are being brought forward by the Government. They are suggested by the working group to overcome some of the deficiencies and lacunae that have been observed in its functioning during the last six years. We hope that the Government will bring forward, in the near future, some other amendments that were suggested by the working group. Several consumer organisations have been demanding certain amendments also.

First of all, coming to the amendment Bill, we welcome the amendments to section 2 relating to definitions whereby the amendment has given an opportunity to other consumer also, who is having the same interest, to make a complaint to the District Forum or the State Commission. In Section 6, the word 'services' has been added to the word 'food'. Section 10 is about composition of District Forum, section 16 is about composition of the State Commission and section 20 is about the composition of the National Commission. I feel that amendments to sections 10, 16 and 20 will improve the credibility of these Commissions in the eyes of the public because certain minimum norms have been fixed.

You have also announced the selection committees. The selection committees have to select non-official members. That is a good thing you have done.

In sections 11, 17 and 21, the jurisdiction of the District Forum has been enhanced from Rs. 1 lakh to Rs. 5 lakh, that of the State Commission from Rs. 10 lakh to Rs. 20 lakh and that of the National Commission it is above Rs. 20 lakh. It is also a very welcome step because during the last seven years, the escalation in the cost of commodities has enhanced. You have done a right thing. We welcome all these measures.

Amendment to section 2 is also very necessary. This relates to trade practices. Many a time, several shop-owners or business firms are compelling the consumer to purchase some other item also in addition to the item which he is selling. The consumer is burdened additionally for purchasing those items.

Insertion of clause 5 is also very much necessary regarding hazardous items which are dangerous to life.

There is clause (b) which will enable the self-employed people to seek redressal in respect of goods which they have purchased. We also welcome section 26 because that will take care of mischief-mongers who just file a complaint. That is also a good thing. Only persons who have a genuine grouse or who have been put to a loss will make a complaint. We appreciate that.

We feel disappointed because you have not included the main item services in Government hospitals. Of course, you have expressed the hope that situation will improve. If it really does not improve, you told that you will bring the