

MR. DEPUTY-SPEAKER : Discussion under Rule 193 is over.

(Interruptions)

MR. DEPUTY-SPEAKER : I am not going to allow anybody to put any question.

The discussion is over.

21.25 hrs.

PAPERS LAID ON THE
TABLE—*CONTD.*

THE MINISTER OF STATE IN THE MINISTRIES OF INDUSTRY AND STEEL AND MINES (SHRI CHARANJIT CHANANA) : Sir, on behalf of Shri Narayan Datt Tiwari, I beg to lay on the Table—

- (1) (i) A copy of the Annual Accounts (Hindi and English versions) of the Khadi and Village Industries Commission for the year 1980-81 together with Audit Report thereon, under sub-section (4) of section 23 of the Khadi and Village Industries Commission Act, 1956.
- (ii) A statement (Hindi and English versions) regarding Review by the Government on the Accounts of the Khadi and Village Industries Commission for the year 1980-81.
- (2) A statement (Hindi and English versions) showing reasons for delay in laying the Annual Accounts.

[Placed in Library. See No. LT-4099/82]

21.25 hrs.

ASSAM STATE LEGISLATURE
(DELEGATION OF POWERS)
BILL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NIHAR RANJAN LASKAR) : Sir, I beg to move* :

“That the Bill to confer on the President the power of the Legislature of State of Assam to make laws, be taken into consideration”.

Sir, the House is fully aware that the Proclamation dated the 19th March, 1982, made by the President, under article 356 of the Constitution, in relation to the State of Assam, provides *inter alia* that the powers of the State Legislature, shall be exercised by or under the authority of Parliament. (Interruptions.) The Bill, therefore, seeks to confer on the President the power of the State Legislature to make laws in respect of the State. It has been the normal practice to undertake such legislation in relation to the State under President's Rule and the present Bill is on the usual lines. Provision has been made in this Bill for the constitution of a Consultative Committee consisting of 45 Members of Parliament, in this regard. Provision has also been made to empower Parliament to direct modifications in the laws made by the President, if considered necessary.

These are the limited aspects on this Bill. I will now request the House to pass the Bill before it.

MR. DEPUTY-SPEAKER : Motion moved :

“That the Bill to confer on the President the power of the Legislature of the State of Assam to make laws, be taken into consideration.”

*Moved with the recommendation of the President.

SHRI SAMAR MUKHERJEE (Howrah) : Mr. Deputy-Speaker, Sir, I do not want to make any speech. But I want some clarification.

In Assam, a new situation has been created because the Assembly has been dissolved. The ruling party tried to impose a minority Government and did not allow an alliance of the Opposition which constituted a majority to form the Government. They demolished the normal parliamentary process which was emerging. So, they have given a free handle to those secessionist forces again to destroy the process. I have seen in the press that from 6th May, they have decided to go on an agitation again.

Now, after the dissolution of the Assembly, an election is the normal procedure. But there has been no solution regarding the foreigners question because the negotiations have completely broken down. I have got a letter—I have no time and I do not want to read it—saying that the Assam Government has arbitrarily started deportation and this is creating a new situation there. I do not know whether they are intervening or not. I am expecting details and I will send the details to the Hon. Minister later on. The situation is such that a careful handling is absolutely necessary. So, under these circumstances, I want to know what is the position and how we can hold elections there. On the day the President's rule was imposed, I read in the newspapers that the Government had said that there will be elections in Assam. I do not know how there will be elections because unless the foreigners' issue is settled, no voters' list can be prepared and there is no atmosphere for an election. The Constitution prevents you to extend the President's rule beyond one year. That will be *ultra vires* of the Constitution. In the circumstances, I want to know what is their thinking about it. We do not know. Please make it clear.

DR. SUBRAMANIAM SWAMY (Bombay North East) : Mr. Deputy-Speaker Sir, following the remarks made by Shri Samar Mukherjee, I think, it is necessary for the Hon. Minister to tell this House what their intentions are because we cannot see how they are going to get out of the constitutional crisis that will be created if they are not able to hold elections within one year. Now that the Assembly has been dissolved, they cannot extend the President's rule beyond one year.

In fact, the problem that has been plaguing us is not of anybody's making. I appreciate the efforts taken by the Home Minister to try to find a solution. Nevertheless, I think, there has been a lack of clarity on what should be the approach. I think, the primary concern of the Government should be to see how to bring about the acceptance of holding elections there and, for that matter, the preparations of the voters' list is necessary. There is a great deal of confusion even on basic issue. I was in Guahati about 4 or 5 months ago. I addressed the students of the Guahati University. I was surprised to find out that they did not know, under the Citizenship Act of 1935, any person born on the soil of India, no matter what the parentage is, whether legal or illegal, and whether father and mother are legal or illegal immigrants, is automatically a citizen of the country. Nobody can take away the citizenship. This automatically narrows down the problem to a very small measure. What is, therefore, necessary is to bring certain basis facts to the knowledge of the people who are agitating and try to convince them that their future lies in creating what they call an Assam identity and that their future lies in having elections and a Government in which they have a big voice.

They will have their representation and I think the Government in the coming days should concentrate on that and, I am sure, that if they take

[Dr. Subramaniam Swamy]

a constructive approach, the Opposition would not be failing in giving them a helping hand.

SHRI INDRAJIT GUPTA (Basirhat) : I have not much to add to this. The point is that we have been associated with these talks which have been held with the AASU and Gana Sangram Parishad leaders and the last round of talks have ended in failure and deadlock. After that, we have no idea and we have not been given any indication of what the Government is thinking. My friends here have pointed out that we cannot go on indefinitely like this because we will be faced sooner or later with a constitutional impasse. Then everybody wants that normalcy should be restored. I personally am not of the view that this foreigners' question is going to be resolved that easily but, as it is, it cannot be resolved by an agreement on the definition of foreigners and how we proceed to identify people and so on; the issues on which we have failed to come to an agreement so far, as it is, cannot be resolved. Does it mean that the Government is not going to think seriously of holding elections in Assam? Elections have got to be held. We have been arguing for weeks and months together about the electoral rolls of 1961 and 1962 and all that. But I would like to remind the House that the last election were held in Assam in 1977 and 1978 on the basis of some electoral rolls which were never challenged at that time. Nobody at that time said that these electoral rolls are full of names of people who are not citizens and who are foreigners. Elections were peacefully held right up to 1978 which is only four years ago. The question is that whether we like it or not, this situation has now got to be taken towards a situation where elections can be held. There is no other way out in the long run and these people who are leading this agitation

have got to be explained more clearly the position. It has to be explained more clearly to the people in Assam. I think the agitation has also lost much of its force. There is no doubt about that. But, at the same time, there is a strong sentiment there which we cannot ignore. Sentiment has developed over the years through this agitation through the feeling of the people that in some way or the other they are threatened, their identify is threatened and all that. Sometimes some exaggerated things have been told to them also. But we must think of the Government and the Opposition parties. I think this is another issue on which we should get together and think of some ways and means by which this message can be carried to the people of Assam. I am not prepared to give a monopoly of leadership in Assam to these two organisations only, that nobody except AASU and the Gana Sangram Parishad can speak in the name of the people of Assam. There are other parties, other forces, other people also. There are minorities of various kinds and there are people, Assamese people also, who are, I think, prepared to listen now after these many many months of this long-drawn agitation which has had many negative effects also on the normal life of the people there, in the life of the State. But we do not know what the Government plans to do now. How is the Government looking ahead? What is the perspective it should place as far as this Bill is concerned? I have not much to say because, for the time being, it is proposed that this power should be given to the President to legislate for Assam. Constitutionally you can do that also. But in Clause 2 you have provided :

“Before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult the Consultative Committee for Assam.”

When you are providing that Parliament is not in a position to spend so much time, it may not be in session and cannot set aside its normal business and attend to this business and, therefore, the President should be given the powers, at least we should ensure that in every case of legislative proposal, this Consultative Committee must be consulted. Why is this qualifying clause put in 'whenever he considers it practicable to do so' ? That means, there may be many instances when even consultation with the Consultative Committee may be by passed saying that it is not practicable to consult the Committee. In any case, Parliament is being put out of the picture more or less. Even the Consultative Committee should not be bypassed. It is not such a big Committee or such an unweildy Committee that it is difficult to consult it whenever necessary.

SHRI NIHAR RANJAN LASKAR : There are 45 Members.

SHRI INDRAJIT GUPTA : So what is there in that ? You can have even a smaller Committee. I think, this loophole should not be left here, which makes it always a temptation to avoid this Committee also. I think, that is not a proper thing to do. Please consider that. Why you have put in this qualifying clause, I do not know. It seems from what Mr. Laskar is commenting that, because it is a 45 Member Committee, may be it may be more convenient to avoid it from time to time.

SHRI NIHAR RANJAN LASKAR ; Not that.

SHRI INDRAJIT GUPTA : Please give us an assurance about that at least and let us know what is your thinking on the whole matter now considering that a deadlock has occurred.

SHRI NIHAR RANJAN LASKAR : Except one point, which is on the question of election

in Assam, the rest of the points, I think, we have discussed or at least we have had the opportunity to discuss several times in this House through questions and answers and also in the Assam Budget and Proclamation.

About election, of course, election has to be held in Assam and that also within the course of the next nine or ten months. For that, all of you know, we are trying our best as a Government to find a proper solution to the Assam problem. For that we have had so many rounds of talks. Even now the talks have not broken down. We are expecting that some time next month there may be another round of talk, so that we can, through only discussions, find a proper solution to the problem. Our expectation and hope is that, in course of time, probably within a very short time, there will be a probability of having a proper solution to the Assam problem and things will be allright.

For election, we have to consult various agencies like the Election Commission and other bodies. It will naturally take a few more months, but we are hoping that things will be settled and we will have proper election in Assam.

About the Committee, I can only assure them that we have this provision of Consultative Committee here ; naturally as far as practicable, all the Bills will come before the Consultative Committee. That much assurance I can give to the Hon. House.

With these words, I request the House to pass this.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to confer on the President the power of the Legislature of the State of Assam to make laws, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER : The House will now take up clause-by-clause consideration of the Bill.

The question is :

“That Clauses 2 and 3 stand part of the Bill.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI NIHAR RANJAN LASKAR : Sir, I beg to move :

“That the Bill be passed.”

MR. DEPUTY-SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

21.39 hrs.

INDUSTRIAL EMPLOYMENT
(STANDING ORDERS) AMENDMENT BILL—*CONTD.*

MR. DEPUTY-SPEAKER : The House will now take up further consideration of the following motion moved by Shri Dharamvir on the 29th April, 1982, namely :—

“That the Bill further to amend the Industrial Employment (Standing Orders) Act, 1946, as passed by Rajya Sabha, be taken into consideration.”

Mr. Ajoy Biswas.

SHRI AJOY BISWAS (Tripura West) : The Industrial Employment (Standing Orders) Amendment Bill...

MR. DEPUTY-SPEAKER : If you want, you speak. There is no compulsion.

Mr. Indrajit Gupta.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI BHAGWAT JHA AZAD) : He has given no amendments, Sir.

MR. DEPUTY-SPEAKER : Shri Indrajit Gupta.

21.40 hrs.

[MR. SPEAKER *in the Chair.*]

SHRI INDRAJIT GUPTA (Basirhat) : I will not make a speech. But there are some points—4 or 5 points which I want to enumerate for the consideration of the Minister....

SHRI BHAGWAT JHA AZAD : For the future.

SHRI INDRAJIT GUPTA : While you are presenting us with a *fait accompli* in the sense that you never had any consultations as per the promise, with the Unions or you did not wait for the Indian Labour Conference also....(*Interruptions*) I know you are very much pleased with the fact that you are inserting this provision for payment of a subsistence allowance. No doubt that is a good thing and a welcome thing in principle—though I have not yet understood why a worker who is under suspension or whose guilt or innocence is yet to be proved by inquiry, why should he not get his full wages? Why should it be a kind of deduction from his wages in the nature of a fine? He is already subjected to a fine although it is not yet proved whether the charges framed against him are substantiated or not. I know the Minister will say that previously he was getting nothing but now he will get 50% or 75%.