

DR. KARTIKESWAR PATRA (Balasore) : Sir, vast areas of North Orissa in Balasore (*Interruptions*)

MR. SPEAKER : This is what exactly happens when everybody wants to speak at the same time.... (*Interruptions*)

MR. SPEAKER : Will you please wait for some time ? You may speak after some time.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (Shri Arjun Singh) : Sir, a very important point has been raised and it is obviously a question which deserves close attention.

SHRI RAM VILAS PASWAN : Sympathetic consideration too.

SHRI ARJUN SINGH : Sympathy cannot go out of close attention! In the light of what has to be done, I will draw the attention of the Minister of Commerce to it. I will talk to him. I will certainly request Shri Chidambaram to make a statement.. (*Interruptions*)

DR. KARTIKESWAR PATRA : Sir. This is relating to Inter State Flood Control Project of river Subarnarekha near Chandil in Bihar. Vast areas of North Orissa in Balasore and Mayurbhanj district and a portion of West Bengal in Midnapore District have been sustaining great loss of human life and property worth crores of rupees, due to devastating floods in the river Subarnarekha every year.

The Flood Control Project was sanctioned and taken up by the Government but due to paucity of funds, the project is being delayed. The field channels for irrigation have not yet been completed. Due to the paucity of funds the State of Orissa has not properly attended to this project as a result of which it is getting delayed.

I, therefore, appeal through you to the Union Government to interfere into the matter and complete this project as early as possible.

2965 LSS/91—17.

SHRI GUMAN MAL LODHA : Sir, I would like to invite your attention to the fact that on 12th March, 1991, Hon. Speaker gave a ruling in this House that a Committee was constituted, consisting of Justice JB Sawant, Justice P.D. Desai and Justice Chinnappa Reddy, for making enquires into the conduct of a sitting Judge of the Supreme Court, Justice V. Ramaswamy on the basis of an impeachment petition filed by Hon Shri L. K. Advani and others.

Now, what has happened is that though the Committee is there but Justice Sawant is not functioning because the Government of India has not issued the notification. Justice Sawant says that unless the notification is issued by the Government of India, a sitting judge of the Supreme Court cannot function. Therefore, the impeachment proceeding is withheld. To add insult to the injury the former Law Minister,.... *.... created a confusion and acted in a most.

MR. SPEAKER : Please do not mention his name; he is not a Member of this House.

SHRI GUMAN MAL LODHA : Sir, at that time he said that this Committee has ceased to function. That was wholly unconstitutional and illegal.

Therefore, I request the Government, through you, that the Speaker's ruling for constitution of this Committee should continue even if the Lok Sabha ceases to function. I, therefore, appeal that that Committee should continue and the Law Minister should issue the notification with regard to the functioning of a sitting judge of the Supreme Court.... (*Interruptions*)

MR. SPEAKER : You have to sit now. You cannot force anything like that.... (*Interruptions*)

[*Translation*]

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, this issue is a very important one.... (*Interruptions*).... The then

*Not recorded.

Hon. Speaker had admitted the notice of breach of privilege given by 108 MPs and constituted an investigation committee for the purpose. Investigation committee comprised of Justice Chinnappa Reddy, Justice Desai and Justice Sawant. No one can doubt the integrity of these judges. But we doubt the integrity of Government. Previous Government had tried to hush up the matter and the present Government is also trying to do likewise. The Present Attorney General has his own attitude towards every issue which creates doubt about his integrity. Therefore, we would like to know the present Government's attitude towards it. An investigation committee was set up as per the ruling of the then Hon. Speaker. Now Justice Sawant has said that judges have stopped functioning because Government stand is not clear. Therefore, we would like the Government to spell out its policy. Does Government propose to take a decision contrary to the earlier one. Mr. Speaker, Sir, I request you to direct the Government not to take any step to change the decision taken earlier... (*Interruptions*)

[*English*]

SHRI SAIFUDDIN CHOUDHURY : Sir, since the decision of the House is that the order given by the former Speaker is not acted upon, the Government must make a commitment as to what they are going to do about it. We cannot just take things like that... (*Interruptions*)... It is a very serious point.

MR. SPEAKER : If you want that on every point there should be a response, then it will become very difficult. (*Interruptions*)

SHRI SAIFUDDIN CHOUDHURY : You as Speaker may give a decision....

(*Interruptions*)

MR. SPEAKER : If you want that on every point there should be a response, then it is very difficult.... (*Interruptions*)

[*Translation*]

SHRI LAL K. ADVANI (Gandhi Nagar) : Mr. Speaker, Sir, this question has been posed to the Government because

as Shri Guman Mal Lodha has said, a judge appointed on that Committee, has said that he could not work till a notification was issued by the Government. But I think it is related to the Hon'ble Speaker. Because it was the decision of the Hon'ble Speaker. There are some hindrances in the implementation of this decision. You as well as this House are concerned with the implementation of this decision. Therefore, attention of the Government is drawn towards the implementation of this decision. I would like to request the Government to inform the House about the present position in the matter.

[*English*]

MR. SPEAKER : I will look into it.

[*Translation*]

SHRI BUTA SINGH (Jalore) : There are many constitutional and legal points involved in the matter raised by Shri Advani and Hon'ble Members and it is also related to the procedure in Lok Sabha. A committee was constituted by Hon'ble Speaker as laid down by the procedure. This Committee was to come into existence after issue of the notification by the Government.

Mr. Speaker, Sir, under the procedure Hon'ble Speaker has no power to appoint a Committee himself, which may function under his directions. It can be verified from the record and history of the Lok Sabha that there have been instances in every Lok Sabha when certain decisions, some bills introduced in the House lapsed after reaching advanced stage. Therefore, you will have to look into whether the decision taken by the then Hon'ble Speaker continues to be operative. If so, is it the discretion of the Government to issue the notification or not or it is an order from this august House to issue the notification and what will be its constitutional validity? You kindly think over all these points carefully before taking any decision.

SHRI RAM VILAS PASWAN : In this regard you can see the proceedings of 12th

March where Hon'ble Speaker has clearly mentioned that :—

[English]

Under Article 124(4) of the Constitution of India read with Section 3 of the Judges Inquiry Act, 1968.

[Translation]

The Committee is being constituted;

[English]

"The Committee shall submit its Report as early as possible."

[Translation]

I was saying that it was the directive of the Chair that.

[English]

"The Motion shall remain pending till the Report of the Inquiry Committee is received."

[Translation]

Therefore, what Mr. Buta Singh has said is not correct. Therefore, it is the question of dignity of the Chair.

SHRI BUTA SINGH : I have requested you to look into its constitutional validity before taking any decision. I did not say to close the decision.... (Interruptions)

[English]

MR. SPEAKER : Mr. Lodha, we are not arguing in a court of Law.

[Translation]

SHRI BUTA SINGH : Is the said Investigation Committee available to the Hon'ble Speaker or not ? You kindly take the decision whether it will be implemented by the Government or by the Hon'ble Speaker.

SHRI GUMAN MAL LODHA : You do not know any thing about it. You do not know what the Act says about it.

MR. SPEAKER : Mr. Lodha, please take your seat.

[English]

It is not necessary that you reply to each and every point.... (Interruptions)

MR. SPEAKER : I have heard the Members speaking on the floor of the House. I know that this is a case which has to be gone into, carefully because the impeachment is involved and probably for the first time we are taking up such a matter on the floor of the House.

I know that there are many constitutional and legal niceties involved in it. That is why I have said I will look into it; that means I will look into it certainly, carefully; that does not mean that I am going to decide this way or that way. I am going to look into it carefully. Please allow me to have a thorough look into it and then I will come back to the House.

SHRI MALLIKARJUNAI AH S. (Tumkur) : In Karnataka, Mysore District, Hasan, Mandia and Mangalore district, there have been heavy rains for the last two or three days. The reservoirs coming under Cauvery are filled with water. Heavy water is being discharged by Cauvery and Kabni Reservoirs with the result that on either side of the river some of the villages are submerged in water. Cattle, sheep and goat are being washed away. Paddy fields and other standing crops are very much damaged. National Highways and State Highways are heavily damaged. I request the Central Government to come to the aid of the State Government by giving them finance for this loss.

SHRI K.P. REDDAIAH YADAV (Machhlipatnam) : I want to bring to the notice of the House a serious matter. Despite the hue and cry made a throughout the country about the killing of six pilgrims by fake encounter by the police officers of U.P., they have not taken any action. I want to bring to the notice of this House that a similar encounter is being planned to kill * Mr. D. P. Yadav, ex-Minister in whose district six elections had been countermanded by the SP of Bulandshar District. I want to