

15.27 hrs.

CROP INSURANCE CORPORATION BILL*

SHRI YAMUNA PRASAD MANDAL (Samastipur): Sir, I beg to move....

SHRI MADHU LIMAYE: On point of order.

MR. DEPUTY-SPEAKER: Let me hear the point of order.

श्री मधु लिमये (बांका) : उपाध्यक्ष महोदय एक महीने से अधिक समय हुआ मैंने ड्रेमेटिक परफार्मेंस बिल नाम के एक विधायक को नोटिस सरकार को दी थी जिस बिल के द्वारा दिल्ली शहर के अन्दर जो नाटक होते हैं उन के ऊपर जो प्री-सेसर गिप होती है उस को समाप्त करने का सुझाव था और इन नाटकों के ऊपर जो एंटरटेनमेंट टक्स, मनोरंजन कर, लगाया जाता है उस की भी समाप्त करने का प्रावधान था। लेकिन उस में कुछ प्रावधान ऐसे थे जो आर्टिकल 17 को अट्रैक्ट करते थे जो इन प्रकार हैं

"117 (1) A Bill or amendment making provision for any of the matters specified in sub-clause (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendations of the President.."

यह प्रावधान था और इसी के अनुसार हमारा क्ल 65 है। अब होता क्या है कि केवल सविधान की भाषा पर नहीं जाना है। कई कन्वेंन्स हैं यहाँ पर जैसे कि प्राइवेट मੈम्बर बिल के इन्ट्रोडक्शन के स्टेज पर सरकारी दल के द्वारा उसका विरोध नहीं किया जाता क्योंकि इन्ट्रोडक्शन स्टेज पर विरोध होगा, सरकार करेगी तो हम लोगों का, विरोध पक्ष का एक भी बिल चर्चा के लिए नहीं आया इसी तरह दूसरा कन्वेंशन यह है कि इस में जो प्रेसीडेंट की रेकमेंडेशन है वह एक औपचारिक चीज है। शायद हम सेशन में तीन बिल ऐसे आए कि जिन में कोई न कोई 117 आर्टिकल अट्रैक्ट करने वाला प्रावधान था लेकिन राष्ट्रपति की रेकमेंडेशन तत्काल

आ गई। लेकिन ड्रामेटिक परफार्मेंस बिल के बारे में कानून मंत्री ने या मित्रा मंत्री ने अपनी जो जिम्मेदारी है उस को निभाया नहीं। अब क्या मैं राष्ट्रपति से मिलने के लिए जाता हूँ? यह काम तो सरकार को करना चाहिए। इसलिए कि मेरा बिल न आए, मुझे जानकारी है कि संसद का एक सदस्य जिस का इमेडियेट में इन्टरेस्ट है लेकिन मेम्बर बनने के बाद उस ने कुछ नहीं किया और चूँकि मैंने . . . (व्यवधान) . . . मैं अभी नाम नहीं बताऊंगा, ऐसे प्रादमी ने मेरी जानकारी यह है कि सरकार के ऊपर दवाव डाला है कि मधु लिमये के बिल के लिए रेकमेंडेशन प्रेसीडेंट की नहीं मिलनी चाहिए क्योंकि कलाकार लोग उस से पूछते हैं कि हम लोगों की ओर से तुम संसद में जा कर बैठे, लेकिन हमारे लिए तुम ने एक घेले का काम नहीं किया और मधु लिमये हमारे लिए बिल लाने हैं तुम उस में अडंगा डालते हो . (व्यवधान) मैं नाम नहीं लेना चाहता।

आप से मैं कहना चाहता हूँ कि हम लोग यहाँ राजनतिक, आर्थिक और सामाजिक प्रश्नों पर चर्चा करते हैं लेकिन संगीत और नाटक के बारे में हमारी चिंता पुरानी है। राजनीति में आने के पहले से है। इसलिए इस के ऊपर पूरा बिल मैं लाया था और मैंने अपनी सारी शक्ति उस में लगाई है। इन्द्र गुजराल साहब ने कहा है कि आप का बिल आया तो उस के सिद्धांतों का मैं समर्थन करूंगा। दिल्ली एडमिनिस्ट्रेशन का एक मंत्री जो नाट्य कला के बारे में कुछ भी नहीं जानता वह नाटकों के साथ दिल्ली शहर में बिलबाड कर रहा है। इसलिए आप से मेरी प्रार्थना है कि मुझे कौन प्रोटेक्शन इस में देगा? मेरा नोटिस एक महीने के पहले आया। जो रेकमेंडेशन एक मॉकेड में मुझे मिलनी चाहिए थी उस के लिए महीने से अधिक समय लग गया।

"The notice of a Motion for leave to introduce a Bill under this rule shall be one month unless the Speaker allows the Motion to be made at shorter notice...."

यह नियम है। लेकिन चूँकि 65(2) में यह कहा गया है :

"If the Bill is a Bill which under the Constitution cannot be introduced without the previous sanction or recommendation of the President the member shall annex to the notice such sanction or recommendation conveyed through a Minister, and the notice shall not be valid until this requirement is complied with."

हम राष्ट्रपति के पास नहीं जा सकते।

The Minister has to convey this. This notice shall not be valid until this requirement is complied with.

समर गुह के एक बिल के साथ भी मुझे याद है कि ऐसा ही हुआ था और हम ने उस पर बहुत हल्ला यहाँ किया था। अब हम क्या करें। कलाकार लोग मर रहे हैं। उनके ऊपर एंटरटेनमेंट टैक्स लगाया जा रहा है, प्रो सेंसरशिप हो रही है और ऐसे महामूर्ख लोग सेंसरशिप का काम करते हैं जिन को साहित्य क्या चीज होती है, कविता, नाटक आदि क्या चीजें होती हैं इसका भी पता नहीं। एक हेमलेट का नाटक आया था तो उन्होंने कहा कि यह हेमलेट क्या चीज है . . . (व्यवधान) . . . उनको लगा ग्रामलेट के ऊपर नाटक है। ऐसे गंभीर सेंसरशिप करने वाले लोगों में बैठे हैं।

दिल्ली भारत की राजधानी है। जिन देश में कालिदास और भाष जैसे महान नाटककार हो गए उस देश में 1974 में, राजधानी में, नाटकों के ऊपर सेंसरशिप और एंटरटेनमेंट टैक्स लगाने का काम चले तो क्या होगा।

श्री बिभूति मिश्र (मोतीहारी) :
उपाध्यक्ष महोदय, हमारी कार्य सूची में जो प्राइवेट बिल है उस काम को छोड़

कर के के आप ने हम लोगों को यहाँ बैठा कर के रखा और दूसरे कामों में हम लोगों को फसा दिया। या तो जो कार्यसूची है उस के मुताबिक चलना हो तो चले और नहीं तो कहें कि दूसरा काम चलाएँगे तो कृपा कर के हम लोगों को घर जाने दीजिए। यह आप का काम है कि जो कार्यसूची में बात लिखी गई है उस के मुताबिक काम चलाना है। अगर कार्यसूची के बाहर की बात हो तो आप हम लोगों को छोड़ दीजिए, जो कार्यसूची के बाहर की बात करने वाले हो वह बात करें और हम लोग अपने घर जायें।

SHRI S. M BANERJEE (Kanpur):
Sir, this particular Bill is a serious matter

MR DEPUTY-SPEAKER: Why don't you allow me to regulate the business? I cannot conduct the House in this way. Now, I am seized of this matter. As Mr Limaye has gone away I don't think it necessary for me to say anything. It is his point of order.

PROF. MADHU DANDAVATE (Rajapur) Sir, he has gone to the Speaker's chamber for the CBI report meeting

MR. DEPUTY-SPEAKER: I fully agree with my respected friend and colleague in this House. I respect him for his age and sincerity.

I know whenever he speaks, he speak, with sincerity, I should regulate the business of the House. But, may I tell him that this point which has been raised by Mr. Madhu Limaye is very important and very much connected with the present business in the House because it affects the rights of the private Members? Although you belong to the ruling party you are a private Member and you may also sometime bring a Private Member's Bill, he may bring a Private Member's Bill. And therefore it affects the rights of everyone. Perhaps, Shri Bibhuti Mishra has misunderstood that Shri Limaye has raised some extraneous matters. Here I find

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my good friend Shri Shankaranand—he is incharge now because his senior Minister is not here—and I would like him to take down everything of what I say. The records will be there. This has not happened for the first time; this has happened for the second time; this is rather a serious matter and I would like this to be conveyed to the Minister concerned—the Minister concerned here is the Minister of Education. He is a good friend of mine, a very educated, very articulate, a very scholarly man. I was very much impressed by his television interview one day after he returned from Russia. I really feel proud that we have people of his calibre to present a good image. But, this has happened with him for the second time today, it may not be so much him but this ministry and it happened also during my chairmanship of this House. And that is why I am mentioning this

Shri Madhu Limaye's case is this. Let us understand what it is. He has sent a notice of Private Member's Bill which everyone of you can do on the 12th of November, 1974. Private Member's notices—unless they are amendments of the Constitution—are accepted and the Members are allowed to introduce the Bill in the House. That is the practice. This is the right of everyone of you.

This is the Delhi Dramatic Performance Bill. This is a Bill by which he wants that certain taxes that are imposed, that is, entertainment tax and all that, should be withdrawn. They should be abolished. And he has other reasons also. Because the Bill seeks to abolish a tax, it attracts Art. 110 of the Constitution. The abolition of the taxes also attracts Art. 117 of the Constitution which says that no Bill which affects taxation or no Bill which affects certain provisions of Art. 110 can be introduced without the President's recommendation.

This was the whole thing. Now he has sent the notice of this Bill on the 12th of November and, the same day,

he also, according to our practice, sent an application for the President's recommendation. To obtain the President's recommendations he did that on the same day. Now, the President's recommendation is to be obtained by the Ministry or the Minister concerned and the President's recommendation is to be conveyed by the Minister concerned.

Here, Mr. Madhu Limaye did this on the 12th and he sent it to our Secretariat. Our Secretariat sent it to the Minister concerned. That is the practice. We took almost immediate action. Now, our rules lay down that the notice of a Bill, before it is introduced should be for one month. Unless you give notice of one month, you cannot introduce a Bill unless the Speaker allows it. In this case, because the Bill needs the President's recommendation, before the Bill is considered for introduction, within that one month, it should come to our Secretariat together with the President's recommendation. If it does not come along with the President's recommendation, the Bill cannot be considered. This is the rule. Now, he had sent it on the 12th. We took immediate action. We sent Mr. Madhu Limaye's application for the President's recommendation to the Ministry of Education almost immediately. On the 27th of November, our Secretariat got an intimation after a little pressure perhaps from the Ministry of Education that they had not received the Bill of Mr. Madhu Limaye and also his application as forwarded by us—12th November and 27th November—15 days later. We ascertained this and we found that the Bill and the application of Mr. Madhu Limaye were duly delivered at the receipts section of the Ministry of Education. But, here they say that they have not received it. Then, we took more action after that and we sent it to them. But, until to day, the President's recommendation has not been received. The Minister has not yet obtained the President's recommendation, and therefore, this Bill cannot be introduced. Now, that is the position. I do not know, why. It happened in the

case of Mr. Samer Guha. On the 30th November, last year, Mr. Samer Guha also raised this question when his Bill was to come up. His Bill relates to the Union Territories Secondary Education Bill. It was introduced. It was to be taken up for consideration. But, because, the Bill involved expenditure from the Consolidated Fund of India, the consideration of the Bill needed the recommendation of the President. But, the recommendation had not been received by that time, had not been conveyed, and therefore, the Bill could not even be considered. We were in a quandary on that day, and the Minister of Education, my good friend, Mr. Nurul Hasan came to the House and apologised and he said that he would immediately obtain the recommendation of the President and he also gave some kind of commitment that this sort of thing would not happen again. Now, we are faced with a situation that it has happened again. I think, hon. Members will agree with me that as the Presiding Officer of this House, I have the duty to safeguard the rights and privileges of the Members, the rights and privileges of this House. Now, this non-arrival of the President's recommendation has resulted today in the inability of a Member or has stopped a Member from exercising his right and introducing a Bill in this House. I put it to you, whether this is not interference in the business of this House and holding up the business of this House? I put it to the Minister, Deputy Minister of Parliamentary Affairs, is this the way this House should be treated? Therefore, I fully sympathise with Mr. Madhu Limaye. I do not expect the

Minister of Education to be here and to give his explanation. If he were here, I would have. He did not know that this Bill would come up and naturally he is not here. But that does not absolve him.. It does not absolve his Ministry. This should be conveyed to them I think it is right and proper that he should come forward with a statement in this House, because it has happened for the second time, and explain why this has happened for the second time. This House should not be taken for granted; at least as long as I am in this Chair. I will not permit within my knowledge that this House should be taken for granted in this way. This is not how the business of the House should be done. I hope you will convey that.

SHRI S. M. BANERJEE: When you are not there, we shall occupy the Chair and maintain that tradition.

श्री यमुना प्रसाद मंडल : उपाध्यक्ष महोदय, मैं प्रस्तुत करता हूँ कि अपरिहार्य कारणों से होने वाली हानि से कृषकों के हित की रक्षा करने के उद्देश्य का उपबन्ध करने वाले विश्वेयक को पुरस्थापित करने की अनुमति दी जाय ।

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the establishment of the Crop Insurance Corporation for the purpose of undertaking the business of crop insurance so as to protect the inter-

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est of farmers from loss due to unavoidable causes".

The motion was adopted.

श्री यमुना प्रसाद मंडल : उपाध्यक्ष महोदय, मैं बिज्जेयक को पुर स्थापित करता हूँ ।

15.47 hrs.

CONSTITUTION (AMENDMENT)
BILL*

(AMENDMENT OF ARTICLES 124 AND 155)

PROF MADHU DANDAVATE: I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India".

The motion was adopted.

PROF. MADHU DANDAVATE I introduce the Bill

15.47½ hrs

PLANNING AND DEVELOPMENT
THROUGH PANCHAYAT RAJ
BILL—Contd.

BY SHRI KANABAHADUR SINGH

MR. DEPUTY-SPEAKER: We take up further consideration of the following motion moved by Shri Kanabhadur Singh on the 28th November, 1974:—

"That the Bill to provide for planning and development through various democratic and official agencies of Panchayat Raj, be taken into consideration".

On the last occasion, Shri Shenoy was on his legs. He may resume his speech.

SHRI P. R. SHENOY (Udipi): I was narrating the incident of the authorities of a State trying to fix the location of a proposed public well in a village where there was no agreement regarding its fixation amongst the villagers. The authorities had never visited the village and they had no knowledge of the village at all. Sitting in the headquarters of the State, they decided that the well should be at the centre of the village. So they brought a map of the village and took some pains to find out the centre of the village and placed a mark there and directed that the well should be dug exactly at that place. An official was deputed to the village. When he went there, he found that this point was on the top of a rocky hill. Therefore, the villagers could not get the well which they wanted very badly. This is the result of planning from State headquarters or from Delhi and not at the district/village level.

The Ministry of Planning has promised that the people would be involved in the Fifth Plan. I do not know how the people have been involved in its formulation. So far no people have been involved in the plan at all. Even MPs have not been involved in the formulation of the plan except to the extent of attending some committee meetings.

In some States, District Planning Committees and District Development Councils have been formed but these are neither democratic, nor do they have any power to implement or monitor the plan. In Karnataka, there are not even District Boards. These were abolished long back. The promised zila parishads have not yet come into existence. Unless we have democratic bodies at district panchayat levels, we cannot really have a