

to the full satisfaction of the spirit of the Treaty and also keeping in view the interest of the nation.

Now, the upper stream water which comes from U.P. flows through Bihar and goes finally into the catchment area of the Farakka Barrage. I would like to know whether that matter has been taken care of in totality to ensure...*(Interruptions)*

MR. SPEAKER : No more, Shri Dasmunsi.

SHRI P.R. DASMUNSI : Sir, if you do not allow me to speak, I will not speak. I will finish within one minute. Yesterday, the hon. Prime Minister of Bangladesh had also talked to me and Kumari Mamata Banerjee. We also told her how much pleasure we felt when we heard that she had gone back to Bangladesh. We must extend all our support to her. But if we cannot implement it, if we cannot ensure that the water is fully available in Bengal and Calcutta Port Trust - the upper stream is not in our hands, it is in the hands of U.P. and Bihar - then, we will lose our face both in the eyes of the people of Bangladesh and also in the eyes of the people of Bengal. The Prime Minister has to take care of that. If the Prime Minister does not take care of that, the Treaty itself will become counter-productive to us because China still has its eyes on the Chittagong Port. Therefore, I will request the hon. Prime Minister that the Treaty should be implemented, taking care of the total flow of the water from the upper stream. The role of the Governments of U.P. and Bihar are equally important as that of the Government of Bengal. That is my submission.

SHRI CHITTA BASU (Barasat) : Sir, we want to associate ourselves with it. This is an important issue. I associate myself with the colleagues of mine here in welcoming the Treaty which has been signed between the Government of India and the Government of Bangladesh.

While appreciating the initiative taken by the Government of India and the keenest possible desire on the part of the people of Bangladesh and the new Government of Bangladesh, I want to make a request to the Prime Minister and the Government of India that other bilateral issues which are persisting for ages together in improving bilateral relations between India and Bangladesh including the exchange of enclaves should be settled as early as possible. And that should be followed up immediately along with this Treaty.

Thank you...*(Interruptions)*

SHRI G.M. BANATWALLA (Ponnani) : Sir, we welcome the Treaty and congratulate both the Governments.

SHRI P.C. THOMAS (Muvattupuzha) : Sir, on behalf of my party, I support and endorse the views expressed by other Leaders. We congratulate the Prime Minister of India as well as the Prime Minister of Bangladesh for this venture...*(Interruptions)*

MR. SPEAKER : I think, the whole House congratulates both the Governments and welcomes this Treaty. I would myself like to join in that.

(Interruptions)

12.17 hrs.

[English]

MOTION RE: EIGHTH REPORT OF THE BUSINESS ADVISORY COMMITTEE

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA): Sir, I beg to move :

"That this House do agree with the Eighth Report of the Business Advisory Committee presented to the House on the 11th December, 1996."

MR. SPEAKER : Motion moved :

"That this House do agree with the Eighth Report of the Business Advisory Committee presented to the House on the 11th December, 1996."

[Translation]

SHRIMATI SUSHMA SWARAJ (South-Delhi) : Mr. Speaker, Sir, the four hour time has been allotted for the 81st Constitution Amendment Bill regarding reservation for woman, as shown in the items of the report of Business Advisory Committee presented by the Minister of Parliamentary Affairs. But the day for bringing this Bill has not been fixed so far. I would like to remind you that on 9th when this report was presented in the House, I had asked you about the date of introduction of this Bill in the House. You said in this very House that this Bill would be introduced after two days i.e. the 12th which falls today itself. We were hopeful today that this Bill would be included in today's order paper for introduction but it has not been included in today's order paper.

Mr. Speaker, Sir, this Bill has been subject to a lot of criticisms. Different types of views are being expressed through Doordarshan and newspapers about it. Though, you have fixed four hour time for the discussion on this Bill but whether this Government would be able to decide a certain date as to when this Bill has to be introduced as the present session of the Parliament is going to be adjourned in the next week and if only four hour discussion is to be held on it then the discussion should be held on 17th of this month otherwise the session will be over on 20th. All the parties will have to issue whip to its members for voting on it, as this is a Constitution Amendment Bill for which at least 50 percent Members must be present...*(Interruptions)*

[English]

SHRI SURESH KALMADI (Pune) : Sir, what about the Lok Pal Bill? That is also very important. The Lok Pal Bill must be introduced first. That is very important.

[Translation]

SHRIMATI SUSHMA SWARAJ : Mr. Speaker, Sir, at the time of introduction of this Constitution Amendment Bill the presence of 50 percent and two third members of the total strength and voting is required. Therefore, we will have to issue whip to our party members to be present in the House on that day. Unless the Government fix a day for discussion on this Bill, how can we issue whip to our Members? Therefore, my submission is that the hon'ble Minister should apprise us of the date as to when this Bill would be introduced in the House?
...(Interruptions)

[English]

MR. SPEAKER : That is enough. I think, you have made your point. I will reply to you.

SHRI SURESH KALMADI : Sir, the Lok Pal Bill is also important.

MR. SPEAKER : Now, this is about the Constitution Amendment Bill. The Lok Pal Bill can be taken up next.

*SHRIMATI SANDHYA BAURI (Vishnu pur) : Sir, the Constitution (Eighty-first Amendment) Bill should be taken up today. It was discussed in the last Session also and the position today is such that there is a lot of uncertainty on when this Bill would be taken up. Four hours' time has been allotted for this Bill and we want to know when that time would come. It might so happen that it would be taken up on a Friday evening. Then, the position would become very difficult. Therefore, kindly arrange for the consideration of the Bill to be taken up today itself.

SHRI SOMNATH CHATTERJEE (Bolgur) : Sir, I hope, you have understood what she said.

MR. SPEAKER : I fully understand what the hon. Member, Smt. Sandhya Bauri, has said.

(Interruptions)

[Translation]

DR. GIRIJA VYAS (Udaipur) : Mr. Speaker, Sir, I would like to remind you once again that today is 12th and you had assured us that this Bill would be taken up on 12th. This Bill has not been sent to the Cabinet so far and there is doubt about it. Through you, I would like to ask from the Government whether it would send this Bill to the Cabinet by today evening or by tomorrow so that discussion can be held on it on Monday if not today.

Translation of the speech originally delivered in Bengali.

[English]

SHRI SOMNATH CHATTERJEE : Sir, all types of stories are coming in the newspapers - correct, incorrect and mutilated. Therefore, it is essential for the Government to make it very clear on which date this Bill would be taken up. I had requested that it should be started today, the 12th December, 1996. The Report was submitted on 9th December, 1996. Two days are enough. The country also knows it. Therefore, it should have started today. I reiterate the demand that the Government should start the discussion today. We can do away with the rules and dispense with the rules. Then, the discussion can start today, if not tomorrow. Definitely, it should be done in this Session itself. That is my demand...(Interruptions)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : Sir, you suggested that the discussion should start after two days. It was your suggestion from the Chair. Two days are over and today it is 12th December, 1996. But there is no mention about it in today's List of Business...(Interruptions)

SHRI BASU DEB ACHARIA (Bankura) : Sir, the Report was presented on 9th December, 1996. You said that two day's time should be given to study the Report. Now, two days are over...(Interruptions)

MR. SPEAKER : We have not dispensed with this item.

(Interruptions)

SHRI BASU DEB ACHARIA : Let us know when this Bill would be taken up...(Interruptions)

[Translation]

SHRI RAM KRIPAL YADAV (Patna) : Mr. Speaker, Sir, it is necessary to make amendment in this Bill and we would not allow it to be passed unless a provision of reservation for OBC women is made in this Bill...(Interruptions) This is our submission...(Interruptions) Till then we will not hold discussion on this Bill. The Government will have to consider it again...(Interruptions) This is the feeling of many people...(Interruptions)

SHRIMATI SUSHMA SWARAJ : Mr. Speaker, Sir, you should ask from the hon'ble Minister as to when he is going to introduce the Bill...(Interruptions)

[English]

MR. SPEAKER : Please sit down. I am sorry the hon. Member cannot say that he will not allow this Bill to be passed. It is the House, as a whole which will decide that. No hon. Member can say, 'I will not allow it to be passed'. I am sorry that you have to withdraw that. You cannot say that.

I placed this matter before the Business Advisory Committee. I did say that two days, time should be given.

(Interruptions)

MR. SPEAKER : There is a way of putting your views. Why can you not put it politely?

[Translation]

PROF. AJIT KUMAR MEHTA (Samastipur) : We can oppose.

MR. SPEAKER : You can oppose it, its your privilege. But how can you say that you would not allow it to be passed. It can never be allowed ...*(Interruptions)*

[English]

So, when it was placed before the Business Advisory Committee, the Minister of Parliamentary Affairs pointed out that the Joint Select Committee has suggested a lot of changes and amendments and that these amendments have to go back to the Cabinet. That is the procedure. I agree with him. Therefore, it would not be possible to take up this Bill this week because the formality has to be gone through. The Cabinet has to give its formal approval. That is why it was deferred to the next week. Now, it is for the Government to decide exactly on which date they are going to take it up. It is not in my hands.

(Interruptions)

SHRI SURESH KALMADI : Sir, the whole country is looking forward to the Government for the Lokpal Bill...*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE : Sir, let the Parliamentary Affairs Minister indicate as to when the Cabinet would take it up...*(Interruptions)*

[Translation]

SHRI RAM NAIK (Mumbai-North) : Mr. Speaker, Sir, there is one thing more which is important. This Bill has now become the property of the House. Therefore, it can be taken up on Monday. We want that the Government should ensure that the Bill should be taken up on Monday as this Bill is ours and has been introduced in the House. The House has mentioned about the necessary amendments. The Government cannot withdraw that Bill. Only it remains to be told that this Bill would be taken up of Monday.

[English]

They must say that. Otherwise, it would mean that the Government is going back. The Government should not do that...*(Interruptions)*

MR. SPEAKER : I do not think that there is anything like that.

(Interruptions)

SHRI G.M. BANATWALLA (Ponnani) : Sir, the minorities have to be granted reservation. We have been asking for that. So, the Cabinet has to take into consideration that particular point also. There are various other technical matters. The amendments would

require the ratification by the State Assemblies ...*(Interruptions)* Therefore, according to the convention, they must also have a prior consultation with the States before they take up the question of amendment of this nature, of the Constitution...*(Interruptions)*

MR. SPEAKER : Okay, you have made your point.

SHRI G.M. BANATWALLA : I therefore say that the issue of reservation for minorities must be considered by the Government. They should have a prior consultation with various State Governments also about the amendment...*(Interruptions)*

SHRI SURESH KALMADI : Sir, there should be a reservation for 'sports women' also...*(Interruptions)*

MR. SPEAKER : Yes, you have made your point.

(Interruptions)

[Translation]

SHRI ILIYAS AZMI (Shahabad) : It is a question of the political structure of the entire country. If Shrimati Sushma ji and some other Members are prepared to hold discussion on this Bill. They should be allowed to spoil the entire structure. If this Bill is adopted tomorrow ...*(Interruptions)*

MR. SPEAKER : Discussion is not going on the Bill. We are considering about fixing the time for holding discussion on this Bill.

[English]

SHRI P.C. CHACKO (Mukundapuram) : Sir, I will take only one minute. You, Sir, have made a point about the procedure. It is not necessary to wait for one week, for the Government to consider the amendments and to come back. The Government can convene the Cabinet meeting even today or even within 24 hours and they can come back with the amendments. It is unfortunate that a conspiracy is going on. This whole House stands committed to this Bill. Let the political parties come out openly about this. Sir, it is under your leadership that we have taken this firm decision. If the political parties behave in a...* manner, it is a shame on this House. So, I request you, Sir, that we should come out openly and pass this Bill...*(Interruptions)* If the Government wants time, let them take some more time...*(Interruptions)*

SHRI G.M. BANATWALLA : Sir, I think, he has used a wrong word against political parties. We cannot be accused of that. I take objection to the use of that word...*(Interruptions)*

MR. SPEAKER : Yes.

SHRI P.C. CHACKO : Let them not take that plea for postponing this Bill. Sir, you may kindly take the leadership and advise the Government to bring forward this Bill either tomorrow or the day after, for discussion. Otherwise, it is not going to be passed by this House. It would be very unfortunate if we do not pass this Bill...*(Interruptions)*

* Expunged as ordered by the Chair.

SHRI SURESH KALMADI : Sir, how can he use that word? It is very unfortunate. He should withdraw that word...*(Interruptions)*

MR. SPEAKER : I think, the word used by him is not proper. You cannot use that word against political parties. I will expunge it.

(Interruptions)

MR. SPEAKER : I will expunge it. Hon. Minister may say something now.

(Interruptions)

SHRI P.C. CHACKO : Sir, I correct myself. Let the political parties prove their sincerity...*(Interruptions)*

MR. SPEAKER : All right. Thank you very much.

(Interruptions)

MR. SPEAKER : We have not disposed of this. You may please follow the proceedings.

(Interruptions)

SHRI SRIKANTA JENA : Sir, I am really thankful...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : You want to be an... for ladies!

MR. SPEAKER : This is a great opportunity for you. Come on!

(Interruptions)

SHRI SRIKANTA JENA : Sir, I am really thankful that you have correctly placed the points of view that had been expressed by me in the Business Advisory Committee...*(Interruptions)*... Sir, as you know, the Report of the Joint Committee is to be examined because there are many recommendations and also dissenting views. So, the Cabinet has to take cognizance of each recommendation and view.

SHRI RAM NAIK : The Law Minister was there when the amendments were discussed. He had agreed with and judged the report. Do not say that the Government is not aware of it. You were aware of it on 3rd December itself as to what was the content of the amendments and the Report. So, do not say that you were made aware of it only on the 9th. That is not the position.

SHRI SRIKANTA JENA : What I was submitting was, this Bill had wider implications and therefore it needs a detailed application of mind by the Cabinet...*(Interruptions)*... Therefore, Sir, I will not commit on the exact date but I will only commit that the Government is very sincere to see that a wider consensus is arrived at expeditiously...*(Interruptions)*

MR. SPEAKER : The question is :

"That this House do agree with the Eighth Report of the Business Advisory Committee presented to the House on the 11th December, 1996."

The motion was adopted.

(Interruptions)

MR. SPEAKER : The matter is closed now.

SHRI SURESH KALMADI (Pune) : Sir, what about the Lokpal Bill? The whole country is looking for it...*(Interruptions)*

MR. SPEAKER : Mr. Meghe, you do not have to come. Please stay in your seat.

(Interruptions)

MR. SPEAKER : I have received your notice and I have asked the Ministry of Home Affairs to give me the factual report. As soon as I get the report from the Home Ministry, I will take a view on this matter. So, it is only under my consideration now.

[Translation]

SHRI DATTA MEGHE (Ramtek) : A District Magistrate has misbehaved with a Member of Parliament. He should be suspended and inquiries should be ordered into the matter...*(Interruptions)* It is a very serious matter.

MR. SPEAKER : Yes it is.

(Interruptions)

[English]

MR. SPEAKER : I cannot dismiss him from this Chair. I have to ask the Home Ministry and I have to get the factual report.

SHRI RAJESH PILOT (Dausa) : Sir, I would like to just make one submission on your remark. In such cases, let the House also know so that we know what action has been taken on it. If it is only communicated to him, we will not be aware about the fault of that officer and how it had happened. So, the House should be told on such incidents.

MR. SPEAKER : I have not communicated anything to him. The matter is still under my consideration.

SHRI RAJESH PILOT : You may do it after the report comes.

MR. SPEAKER : What I have said is, I have asked for the factual report from the Home Ministry and only after receiving that report, I will give my ruling.

(Interruptions)

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : Mr. Speaker, Sir, you are allowing me but my friends are interrupting me...*(Interruptions)*

[English]

SHRI K. VIJAYA BHASKARA REDDY (Kurnool) : Sir, what about the Constitution (Eighty-third Amendment) Bill? I was a Member of the Joint Committee. The Government cannot say that they are not aware of all these things.

MR. SPEAKER : I have closed the matter, Mr. Reddy.

SHRI K. VIJAYA BHASKARA REDDY : The Law Minister was there, as Mr. Ram Naik has said.

MR. SPEAKER : Mr. Ram Naik has made his point. I will have my own say at the appropriate time. Let us not reopen it.

(Interruptions)

SHRI HARADHAN ROY (Asansol)* : Hon. Speaker Sir, I have given Calling Attention Notice last week and this week also. What has happened to that?

MR. SPEAKER : Yes, yes. It is there.

[Translation]

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, I want to raise an important matter. The makers of the constitution had constituted Election Commission to conduct election in the country. There is a specific procedure for appointment of its members.

There has always been a demand that Comprehensive discussion should be held while appointing the members to Election Commission. The should not be decided at Government's level alone. All of the Parliamentary Committees formed before making amendments in the rules regarding Election, had recommended that there is need to change the method of appointing members to Election Commission. I have a Dinesh Goswami Report, in which it has been suggested that before appointing the members of Election Commission opinion of the Chief Justice and the leader of opposition should be sought. This convention was initiated during the period of earlier Government, when Mr. Narsimha Rao was the Prime Minister and at the time of appointment of Shri Krishnamurthy and Shri Gill, leaders of the opposition were discussed. A meeting was held in the chamber of the then Speaker Mr. Shivrāj Patil will confirm it. There were several nomination and selection was made by consensus. Today we have seen in the news papers that Shri Gill has been appointed. Dr. Gill is a gentle, able and an experienced person, he has worked in the Election Commission, we are his admirer. We have nothing to say against him. The question is of procedure that how to appoint members of Election Commission whether Government will not go through the recommendations of the Dinesh Goswami's report in this regard? Whether Government will do away with the convention set up during Shri Narsimha Rao's regime? I want that Government should reconsider this matter. If all the facts were not there, then I have those facts. Appointment of one more member is yet to be made. How that appointment will be made? If the appointment are made after elaborate discussion, then people will have faith in the Election Commission and democracy will be strengthened.

[English]

MR. SPEAKER : I think, the Government has taken note of it.

Translation of the speech originally delivered in Bengali.

[Translation]

SHRI LAL MUNI CHAUBEY (Buxar) : Mr. Speaker, Sir, I have given notice regarding breach of privilege. An Ex. M.P. Shri K. Venkat Giri Gowda has written a book, the title of the book is.

[English]

"H.D. Deve Gowda, Prime Minister, the king of Corruption and the unmaking of India...(Interruptions)

[Translation]

In that book the comments has been made against Shri Inderjeet Gupta...(Interruptions) on each page of this book...(Interruptions)

SHRI RAM KRIPAL YADAV (Patna) : He is misleading the House...(Interruptions)

[English]

MR. SPEAKER : I have got your notice.

(Interruptions)

MR. SPEAKER : Please listen to me.

(Interruptions)

MR. SPEAKER : You do not have to handle it. I will handle it.

(Interruptions)

[Translation]

SHRI RAJIV PRATAP RUDY (Chhapra) : Mr. Speaker Sir, while too many comments contained in that book about Prime Minister...(Interruptions) We want that no comment may come against Hon'ble Prime Minister...(Interruptions) it becomes a matter of contempt. Any such comments made against the Prime Minister should be condemned and facts should be mentioned...(Interruptions)

[English]

MR. SPEAKER : Shri Rudy, please sit down.

(Interruptions)

[Translation]

SHRI RAJIV PRATAP RUDY : Mr. Speaker, Sir, if any such allegations are made against Prime Minister. We also don't want that such things happen...(Interruptions)

[English]

MR. SPEAKER : No, no; nothing is going on record.

(Interruptions)

MR. SPEAKER : Shri Rudy, Please sit down.

(Interruptions)

* Not Recorded.

MR. SPEAKER : Sushmaji, please sit down. Please keep quiet.

12.40 hrs.

RE: QUESTION OF PRIVILEGE

[English]

MR. SPEAKER : Please listen to me.

Shri Chaubey, I have not gone into the merits of your notice. Your notice is not in order. I cannot accept it because under rule 223 your notice has to be accompanied by the document. You have not given the document alongwith your notice. The notice has to be addressed to the Secretary-General, Lok Sabha and the document also has to be addressed to the Secretary-General. I have rejected your notice on this ground and not on the grounds of merit. So, the matter is closed here.

(Interruptions)

[Translation]

SHRI LALMUNI CHAUBEY (Buxar) : Mr. Speaker, Sir, when I met you, I told you that these documents are with me...(Interruptions)*

MR. SPEAKER : This is not the way

(Interruptions)

[English]

MR. SPEAKER : Nothing is going on record.

(Interruptions)

[Translation]

SHRI LALMUNI CHAUBEY : You yourself had said...(Interruptions)

MR. SPEAKER : Notices are addressed to secretary General. If you give documents to the Speaker and notice to the Secretary General. It is not proper if you give documents to the Speaker and notices to the Secretary General. Your notice should be accompanied by relevant documents.

(Interruptions)

MR. SPEAKER : No one has given me any notice.

(Interruptions)

SHRI LAL MUNI CHAUBEY : Mr. Speaker, you are supreme authority. I have faith in you. You said give me the notice I will go through it. Your Secretary has phoned here...(Interruptions)

MR. SPEAKER : I am talking only about the procedure.

(Interruptions)*

Not Recorded.

[English]

MR. SPEAKER : Nothing is going on record.

(Interruptions)

[Translation]

MR. SPEAKER : It is your right

[English]

This is your right but you cannot give it here. You have to give it to the Notice Office.

[Translation]

SHRI GANGACHARAN RAJPUT (Hamirpur) (U.P.) : Mr. Speaker, Sir, through you I would like to draw the attention of the House towards, the development of that backward area about which everyone in the country knows. The place is known for legends and great heroes the famous complet about Maharani Laxmibai from the text book is :

"Khoob ladi mardani woh to
Jhansi wali Rani thi.
Bundelon Harbolon ke munh
hamne suni Kahani thi"

This Bundelkhand, played a significant role in the freedom struggle. The mutiny which started against the British Rule during the first war of freedom struggle at that time is 1857 a call for mutiny was given under the leadership of Maharani Laxmibai. The poor farmers and labourers of Jhansi under the leadership of Maharani Laxmi Bai fought a great war against Britishers and the soil of Jhansi has turned red with their blood shed. But even after of 50 years of independence our Government could not provide drinking water to people of that Bundelkhand.

Sir, the leader of the House Shri Ram Vilas Paswan is present here, he has closely seen the backwardness unemployment and starvation of Bundelkhand. I want to draw his attention towards it.

The demand for smaller state is presently being raised from every corner in the country. So I demand from the Govt. for a separate Bundelkhand State. If any separate state in the country is created, the first right is of the Bundelkhand, because Bundelkhand is socially and economically most backward...(Interruptions) The percentage of literacy there is only 26% and the percentage of employment in Government services is only .07%.

[English]

MR. SPEAKER : We have very limited time which you must share with your colleagues.

[Translation]

SHRI GANGA CHARAN RAJPUT : The land covered under irrigation is only 15% in my area. About 1000

* Not Recorded.