

12.03 hrs

RE: CONSTITUTION (EIGHTY SIXTH AMENDMENT)
BILL

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA) : Sir, we have to dispose of the Constitution (Amendment) Bill today in order that it goes to the other House for consideration. In order to have enough time for considering this important matter, may I request you, Sir, and the House to take up this matter right now and postpone the Private Members' Business for tomorrow and also forego the lunch hour so that we can finish it by four o' clock or so, in about four hours' time. This is my submission to you for your consideration and then, the other House can take it up for consideration because they have not extended the time. Rajya Sabha does not sit tomorrow and this is the request to the hon. Members.

Then also, there are two small matters, one relating to the National Commission for Minorities and the other relating to Sick Textiles Undertakings which are formal and I think, about which there is no controversy. these could also be disposed of without discussion, if possible. Regarding the consideration of the Constitution (Amendment) Bill and looking to the problem of attendance of the Members - many Members want to leave by this evening - therefore I would request the hon. Members to consider this request so that we can deal with this particular matter and its contingency. I now request you to lend your support to this proposal of mine.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): He is the Minister of Parliamentary Affairs for both the Houses. Why can he not persuade that House to sit on tomorrow instead of rushing through the Bill?

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Speaker, Sir, the Government have once again came before this House with such a request, which could have been considered much earlier and some decision could have been taken in consultation with all the hon'ble Members. The Government have to deal with business of not only this House but the other House also. The Minister of Parliamentary Affairs has, at least, this much responsibility that the subjects which are to be considered are arranged in such a way that coordination between both the Houses could be maintained, and the Members need not face such requests in the last moments. As my friend Shri Chatterjee has suggested, the other House can sit for another day. We have issued a whip to our

Members to remain present tomorrow. The Minister of Parliamentary Affairs wants to take up the important Bill today itself. All of us would cooperate in getting it passed, provided required number of Members is available but if the Bill fell through, then it will be very unfortunate and Government will be responsible for that situation.

Mr. Speaker, Sir, I seek your intervention also. the Minister of Parliamentary Affairs comes at the last moment with a proposal to change the list of business and shows laxity on the part of Ministry of Parliamentary Affairs and nothing else.

SHRI VIDYA CHARAN SHUKLA: Respected Vajpayee ji, kindly go through the list of Business. There is no question of any change. The Constitution Amendment Bill is included in today's list of Business. There is no question of change in the list of Business. I have requested for postponement of Private Members' Bill till tomorrow instead of today.. *(Interruptions)* Otherwise we can take it up just now. If it is dispersed of upto 4 O'clock then we can take up Private Members' Bill. Rest of the Business such as Resolution on Kashmir, 2-3 more issues are left, they can be taken up tomorrow.

SHRI RAM VILAS PASWAN: (Rosera): Mr. Speaker, Sir, because we do not have any alternative, he always tries to take advantage of our compulsion. The hon'ble Minister has mentioned about List of Business, may I ask him whether he has included the issue of reservation in promotion of Scheduled Castes and Scheduled Tribes in Today's List of Business of the Rajya Sabha? If it has not been included, may I know the reason therefor., *(Interruptions)*

[English]

SHRI VIDYACHARAN SHUKLA: This has been discussed with Rajya Sabha. It can be put there in the Supplementary list of business. Supplementary Business can always be issued.

SHRI RAM VILAS PASWAN: Has it been issued?

SHRI VIDYACHARAN SHUKLA: We have discussed this matter there.

[Translation]

SHRI RAM VILAS PASWAN: We do not want to take any blame upon ourselves. It is for you to see when you want to place it before the House or when you want to get it passed. We have issued the whip, our members are present in

[Sh. Ram Vilas Paswan]

sufficient strength. You may look towards your seats. Otherwise that situation may not develop as it was in the case of constitution Amendment in 1977-78, that amendment fell through and entire House was blamed. This matter relates to Scheduled Castes and Scheduled Tribes.

I asked Shri Sitaram ji on telephone today in the morning that what are you going to do. You have not included it in the list of Business of Rajya Sabha. It has been included in the list of Business of Lok Sabha. If Lok Sabha could not pass it immediately and Rajya Sabha is not extended then what would happen. Today is Friday, if Members do not remain present in the House in good strength, then what a sad situation would it be?...*(Interruptions)*

SHRI VIDYACHARAN SHUKLA : Unless it is passed here we cannot show it there. It was discussed in the Business Advisory Committee of Rajya Sabha yesterday, that as soon as we pass it here a Supplementary list of Business can be issued and it can be taken up. There is no problem as far as Rajya Sabha is concerned. They have not, however, accepted to extend their House. They want to sit late and dispose it of.

SHRI SAIFUDDIN CHOUDHURY (Katwa): Have they postponed their Private Members' Business? *(Interruptions)*

SHRI VIDYACHARAN SHUKLA: That is why, I am requesting that we should try and finish it by 3.30 or 4 P.M so that it can be transmitted to Rajya Sabha.

[Translation]

SHRI RAM VILAS PASWAN : We have no objection, we are prepared for it. It is for the Government to see that it may get it passed soon here and send the same to Rajya Sabha to get it passed in Rajya Sabha as well.

SHRI CHANDRAJEET YADAV : Mr. Speaker, Sir, this is the result of methodology of working of the Government. You are aware that it has repeatedly been said in the Business Advisory Committee that there are many important issues which we have not been able to discuss. We could not discuss Agricultural policy, cultural policy, planning and rise in prices...*(Interruptions)* Please listen to me.

Mr. Speaker, Sir, I was in Bangalore yesterday. I was in Bangalore yesterday. I was very much worried, I wanted to have information so that I could plan my programme in such a way that I should make myself available at the time of

discussion on the Bill. I learnt from his office that the Bill will come up tomorrow I made a Call from Bangalore but the hon'ble Minister was not available. I was told by his office that the Bill will come up tomorrow. I want to say that all Members of the House and we have been demanding that it should be brought early. This is constitution Amendment Bill. If in the case of constitution Amendment Bill you come in the House without giving proper thought and without any consultation and say that now you change everything, you postpone Private Members' Bill, pass something without discussion, first of all pass this and in Rajya Sabha also you have not included it in the List of Business. They have not discussed earlier but now they have come with a request...*(Interruptions)*

SHRI VIDYA CHARAN SHUKLA: Please, this is totally wrong. This has been done after due consideration and after consultations and discussion with you and you very well know the reason of delay in bringing this Bill in the House. This is not correct that it has not been discussed with you. We have always been doing all this after consulting you and with your consent. It is not proper to say that there is great difficulty in foregoing lunch hour or Zero Hour or postponing Private Members' Business till tomorrow. There is no such difficulty. The only thing that we have to decide is that we have to complete it today. You have been told reasons for its detail. It is of no use to discuss these reasons in the House today.

SHRI CHANDRAJEET YADAV: Mr. Speaker. Sir, this is a result of clumsiness. The Government should stop working like this. The work should be done in a disciplined manner and after due consideration. We agree to find some way out because this is an important Bill. Mr. Speaker, Sir, you have also given them special concessions. They have not given even the notice, they were required to give it to you but keeping in view its importance you have also given your permission. We are in favour of finding a way out, but there should be no clumsiness in future.

SHRI RAJVEER SINGH (Aonla): Mr. Speaker, Sir, I wanted to know as to when Government intends to make a statement on electoral reforms? Last time, when the matter was discussed here you had directed reforms in this session itself. Tomorrow will be the last day of this Session and Minister of Parliamentary Affairs is telling to complete all the business today. That means they are not in favour of electoral reforms. When the Government would make a statement on electoral reforms? When this Government will let us know its views on it? Mr. Speaker, Sir, Your direction is not being complied with. Our request is not acceded to but your direction should be complied with.

Mr. Speaker, Sir, Kindly reprimand the Government on

this issue, it is contempt of the chair.

MR. SPEAKER: Even if I will have to do it, I shall not do it at your instance. This has become a difficult task. In fact, we have to pass constitution Amendment Bill, Resolution on Kashmir and Textile Bill today. All these three Bills are very important, all the three subjects are important and in the last moments, if some body wanted to speak and permission is not granted to him, this will also not be good. Therefore, I feel that it will be good if it does not happen and it would be better if there is no need to issue any direction from the Chair.

Now this Session is coming to an end and perhaps this is the last year of 10th Lok Sabha.

(Interruptions)

SEVERAL HON'BLE MEMBERS: It is in the last session.

MR. SPEAKER: Not in the last session but last year and I have to speak with some anguish, but if I do not speak then it would be injustice and therefore if it so happens that I need not have to intervene, it will be very good. If it does not happen so, then it will be painful for all of us. I think, so far, I can understand and so far the views have been expressed in the House, general consensus is that we should find some way out. What should be done. One way is that we should first take up constitution amendment and pass it and then there is a Resolution, that can also be passed... *(Interruptions)*

SHRI VIDYA CHARAN SHUKLA: Tomorrow.

MR. SPEAKER: If Resolution is to be passed, it can be done in the last and if a discussion is to take place then it can be put off till tomorrow. Thirdly there is an issue of Textile Mill which is important as well as serious matter which we would like to pass in the last moment. How far we shall be able to justify the whole thing is a big question. If there is consensus among the Members then there will be no problem. If it is possible, we shall take it up today otherwise we can take it up tomorrow. In case all of you agree, we take up Private Members' Business tomorrow.

SHRI MOHAN SINGH (Deoria): It has happened twice earlier also. One day has already been sacrificed. I raised this point in the Business Advisory Committee also. At that time also it was said that we are trying to find some way out. The front line leaders get time daily to express their views. We get chance only in Private Members' Business. If it is postponed every time, we shall never get a chance to express our views. The Constitution amendment Bill may be taken up today but Private Members' Bill may be taken up today. It should not be postponed in any circumstances.

MR. SPEAKER: Let us take it up tomorrow, not today. All those Members who want to speak, they will be allowed. In case there is some serious issue before the House, there should be no problem in extending the session by 1-2 days of this House as well as the other House. If it is found necessary it will perhaps, be passed in this House. I shall accommodate 1-2 persons, whose names were called by me, in the Zero Hour. Thereafter I will also allow to raise the issue pertaining to the accident.

SHRI RAM NAIK (Bombay North): Mr. Speaker, Sir, it is only introduction of the Bill regarding sick Textile mills that has been included in today's Agenda. Another Bill for introduction has been included in tomorrow's agenda.

MR. SPEAKER: It will be done, as I have told. Please do not stretch it further and please cooperate. We shall take up 1-2 important issues. Thereafter we shall take up Constitution Amendment Bill. Private Members Business will be taken up tomorrow. In the meantime, we shall try to complete the business as much as possible. In my view, hon'ble Members of this House have been cooperating with the Government so nicely. The Government should be grateful to them.

SHRI VIDYACHARAN SHUKLA: I am grateful to them...*(Interruptions)*

[English]

Sir, we will sit through the lunch hour.

MR. SPEAKER: Yes.

[Translation]

SHRI SYED SHAHABUDDIN: Mr. Speaker, Sir, I want to make a submission regarding lunch hour. I request you...*(Interruptions)*

MR. SPEAKER: Shri Shahabuddin, please don't raise it. You should adjust.

SHRI SYED SHAHABUDDIN: I was trying to find some way out. You may reduce the lunch to half-an-hour. You can make it quarter past one to quarter to two O'Clock.

MR. SPEAKER: You can go and come back.

SHRI SYED SHAHABUDDIN: I also want to speak on this.

SHRI SHYANARAYAN JATIYA (Ujjain): Mr. Speaker, Sir, I am trying to speak for the last three days but I am not being given permission...*(Interruptions)*

[English]

MR. SPEAKER: We will see about it...*(Interruptions)*

MR. SPEAKER: You will have full say tomorrow... *(Interruptions)*

[Translation]

MR. SPEAKER: You will be given a chance to speak tomorrow. We can sit tomorrow upto any time as you may wish.

(Interruptions)

[English]

MR. SPEAKER: Please sit down now. Let Shrimati Malini Bhattacharya speak.

SHRIMATI MALINI BHATTACHARYA (Jadavpur) : Mr. Speaker, Sir, I want to register, through you, a very profound sense of shock and horror at the explosions at the Krishna Fireworks factory in Rohtak which took place on the 24th of May in which more than 26 people died... *(Interruptions)*

MR. SPEAKER: Please sit down now.
(Interruptions)

[Translation]

MR. SPEAKER: Look, I have said that when Session came to an end then I give chance to speak to all and therefore, I have insisted that we shall sit tomorrow and all of you will be given a chance to speak. You come tomorrow.
(Interruptions)

MR. SPEAKER: Shri Jatiya, please do not get up now. I shall listen to your poem as well as your views tomorrow.

[English]

SHRIMATI MALINI BHATTACHARYA: Mr. Speaker, Sir, a big explosion took place at Krishna Fireworks Factory in Rohtak on the 24th of May, in which more than 26 people died. Among the people who had died most of them were women and children. It is learnt that the majority were migrant workers from Sivakasi in Tamil Nadu, where child labour is known to be extensively employed in fireworks factories, It is not just the case that children were working there, but it was usual for infants accompanying their mothers to be allowed into the factory premises.

Sir, the explosion occurred while a new cracker was being tested. Apart from those who had died, many have been severely injured and children have lost their parents. One 13 year old girl called Raghavala saved a number of lives by her exemplary bravery. But as the matter stand now, the survivors, who are unacquainted with the language of the region, have already lost whatever means of livelihood they had. They are isolated and are facing lack of treatment and starvation.

So, the question that arises is: whether the fireworks factory had licence for making hard fireworks like crackers, whether regulations regarding safety in workplaces was being maintained. What was the extent of exploitation there? The wages were being paid through the touts who have brought the workers there and above all, it is totally illegal or criminal to employ child laborers in a hazardous job without ensuring any protection whatsoever. This is something which needs to be investigated. It is not enough to have an ordinary administrative enquiry. We are demanding a judicial enquiry on this accident and immediate efforts at rehabilitation.

Sir, the Labour Minister is present here. He vowed in the Rajya Sabha to eliminate child labour in hazardous industries and therefore, we demand that he must order an immediate investigation of all fireworks factories in Rohtak, where other accidents and deaths had happened before this accident, to find out as to how many child laborers are there and in what conditions they are working. At present, what we are having is elimination of child labourers and not of child labour. So, let the Labour Minister conduct a proper survey and ensure the release and rehabilitation of the children and also proper safety measures and proper wages and other facilities for the labourers working there. *(Interruptions)* Sir, the Labour Minister should make a statement on this.

MR. SPEAKER: Do not have the pleasure of just speaking. I would ask the Labour Minister. Would the Labour Minister like to say something?

THE MINISTER OF LABOUR (SHRI P.A.SANGMA): Mr. Speaker, Sir, this had happened in Rohtak. Actually, the law is enforced by the State Government. So, it is within the jurisdiction of the State Government. The State Government has ordered an enquiry into it. Unless I get to know anything from the Government of Haryana, I will not be able to say anything. But I share the concern of the hon. Members. I have got letters also signed by many hon. Members. I am personally concerned and we have a notional programme for this. But I hope to get the report from the Government of Haryana on this particular accident.

MR. SPEAKER: Will it be possible for you to get the report and send a copy of it to the Members as well as to me?

SHRI P.A. SANGMA: All right, Sir. I will do that.

SHRI BASUDEB ACHARIA (Bankura): Sir, two serious Railway accidents took place yesterday - one in Bihar in the District of Dhanbad near Kalubathan and another in Orissa at Bolangir.

The Jammu Tawi Express collided with a goods train near Kalubathan yesterday, as a result of which more than six coaches derailed from the track and more than hundred passengers died and 300 passengers, who have been admitted in hospitals, are in a very critical condition. The number of deaths reported by the is very low.

In Bolangir, three rear coaches of Hirakud Express derailed from the track and rolled 15 feet down the track. The press has reported that only 15 passengers have died. But how could there be only 15 deaths when three coaches rolled down the track? The casualties might have been more than what has been reported in the press.

Sir, the issue regarding Railway accidents was raised by the Members in this House when an accident of serious nature took place in Tamil Nadu and we said that there seems to be some serious problems in the Indian Railways in respect of maintenance of coaches and tracks. Sir, because of that the number of accidents has increased in the recent past.

Sir, at that time we demanded that there should be a discussion on this and you had agreed to allow a discussion in this regard.

MR. SPEAKER: I do not remember all these things. Please do not refer to me.

SHRI BASUDEB ACHARIA: Sir, you could recall that you wanted a proper notice and we immediately gave the notice.

Sir, though there is a paucity of time still we want that there should be a discussion on railway accidents during this session itself. you could allow a Call Attention Motion on this.

Sir, there is a convention in the House that whenever some Railway accident takes place, the Minister for Railways comes with a suo motu statement. But this time the accident took place yesterday at 4.30 and yet the Railway Minister is not to be found here to give a statement.

Sir, this is a serious accident where a larger number of

passengers have died. So, I demand that the Railway Minister should resign on this issue. During recent times the number of accidents has increased. The maintenance of tracks and rolling stock is not being done. That is why, these accidents are taking place.

And we demand that during this Session itself a discussion should take place in this House. The discussion on railway accident should take place because the number of accidents has increased.

SHRI RUPCHAND PAL (Hooghly): Sir, this has not happened for the first time. Only a few days back, we discussed this issue.

MR. SPEAKER: I will ask the Minister to make a statement tomorrow because probably he has gone to visit the site itself. We will ask for a statement.

SHRI VIDYACHARAN SHUKLA: Sir, he will be back by late this evening.

MR. SPEAKER: Tomorrow, fortunately, we are sitting. He will make a statement tomorrow. And if he does not come back, let somebody from the Government side get the information and let the House be informed about it.

SHRI RUPCHAND PAL: Sir, yesterday, at 4.30 p.m this accident has taken place.

MR. SPEAKER: The Minister had gone to the site.

SHRI RUPCHAND PAL: Sir, so many hours have passed since then. This House has every right to know what actually has happened and why these stories are going on.

MR. SPEAKER: I have said exactly the same thing. The Minister, it appears, has gone to visit the site. If he comes back, he will give the information; even if he does not come back, somebody from the Government side will collect the information and give it to the House.

SHRI RUPCHAND PAL: Sir, you please understand the anxiety of the people.

MR. SPEAKER: That is exactly what I am doing now, you should understand what I am saying.

(Interruptions)

SHRI B.N. REDDY (Miryalguda): Sir, for the last three days, I am not getting the chance.