REPORT OF THE DEPARTMENT-RELATED STANDING COMMITTEE OF COMMUNICATIONS

SHRI O.RAJAGOPAL (Madhya Pradesh): Madam I lay on the Table a copy (in English and Hindi) of the Fifth Report of the Standing Committee on Communication (1996-97) on Privatisation of Basic Telephone Services relating to the Department of Telecommunications.

STATEMENT OF THE DEPARTMENT-RELATED STANDING COMMITTEE ON AGRICULTURE

DR. RANBIR SINGH (Uttar Pradesh): Madam I lay on the Table a copy (in English and Hindi) of a statement showing Action Taken by the Government on the recommendations contained in Chapter-I and final replies of Chapter-V of the 32nd Action Report of the Parliamentary Standing Committee on Agriculture (Tenth Lok Sabha) on Demands for Grants 1995-96 relating to the Department of Agricultural Research and Education.

REPORT AND MINUTES OF DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON LABOUR AND WELFARE

SHRI BANGARU LAXMAN (Gujarat): Madam I lay on the Table a copy each (in English and Hindi) of The Third Report and Minutes of the Standing Committee on Labour and Welfare on Special Central Assistance to Special Component Plan for Scheduled Castes.

MESSAGE FROM THE LOK SABHA

The Uttar Pradesh Appropriation (No.2) Bill, 1996

SECRETARY-GENERAL: Madam, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

> "In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Uttar Pradesh Appropriation (No.2) Bill, 1996, as passed by Lok Sabha at its sitting held on the 18th December, 1996."

2. The Speaker has certified that this Bill is a Money Bill.

Madam, I lay the Bill on the Table.

THE DEPUTY CHAIRMAN: We will take up the Calling Attention motion. Shri Dipankar Mukherjee.

SHRI SATISH AGARWAL (Rajasthan): Madam, just one minute. It is about U.P.

उपसभापति: आपने यूपी का कहा, अभी तो कालिंग अटेन्शन है, यूपी आयेगा तब देखेंगे।

SHRI SATISH AGARWAL: Madam, that is perfectly correct. But it is better that the position is made clear. I am raising a constitutional obejction. As per the list of business, it has been rightly reported by the Secretary General here that the Appropriation Bill has been passed by the Lok Sabha. But I draw your kind attention to Article 357 of the Constitution of India. The President's rule in U.P. was reimposed under Article 356. Article 357 says,

> "Any law made in exercise of the power of the Legislature of the State by Parliament or the President or other authority referred to in sub-clause (a) of clause (1) which Parliament or the President or such other authority would not,"

Please note 'would not'

> "but for the issue of a Proclamation under article 356, have been competent to make shall, after the Proclamation has ceased to operate, continue in force until altered or repealed or amended by a competent Legislature or other authority.

Now, the President's rule, which was imposed under Article 356, has been revoked or quashed by the Allahabad High Court. This fact has been admitted by the hon. Prime Minister in the House today. The hon. Chairman also referred to it. So, my respectful submission is that in view of this judgment of the Uncorrected/Not for publication

19.12.1996. Allahabad High Court, this House does not enjoy power under Article 357, to pass any legislation with regard to financial business pertaining to Uttar Pradesh. Whatever has been done or is going to be done despite this fact being known, will be unconstitutional. I think the Government should not be allowed to proceed with this business — the business that is listed in today's list of business. That is why I am raising this. It is listed in today's list and apart from that there is this thing which has been circulated also to us.

THE DEPUTY CHAIRMAN: Agarwal Saheb, the business is listed because we had a discussion and it was prior to the judgment given by the Allahabad High Court. So, so far as the secretariat's procedure is concerned, it is absolutely correct.

SHRI SATISH AGARWAL : No I am not raising anything against the Secretariat. I am not saying that, Madam. Kindly do not misunderstand this. I am only rasing a constitutional objection.

THE DEPUTY CHAIRMAN: Please take your seat, Mr. Agarwal. I am not objecting ... *(Interruptions)* Just one second. Well, you understand, I understand, the Members understand, but why I am saying these things is that sometimes things are reported wrongly in the Press and it is better if we correct them properly.

I have understood your obejction. It was correctly listed according to the procedure. Now, in the present situation, you are raising an objection whether it is proper that it should be discussed or not.

It is for the Government to say what they have to say. I don't know what was discussed in the Question Hour.

SHRI JOHN F. FERNANDES (Goa): Madam...

THE DEPUTY CHAIRMAN: Yes, Mr. Fernandes. Do you have to say something?

SHRI JOHN F. FERNANDES: Yes, Madam. What Agarwalji is saying is just one part of the judgement. The other part is that there is a stay of five days for the operation of the judgement. So, this point will arise only after five days, if the Government doesn't appeal to the Supreme Court. The very fact that the hon High Court of Allahabad has given five days' stay means that this time is for the Government to appeal to the Supreme Court. So, I don't think it will be improper for this House to debate on this Budget because what Agarwalji has said, will arise only in case the Government does not get a stay from the Supreme Court.

SHRI S.S. AHLUWALIA: Madam .

THE DEPUTY CHAIRMAN: Yes, Mr. Ahluwalia.

श्री एस.एस. अहलुवालिया (बिहार): महोदया, सतीश अग्रवाल जी ने जो मुद्दा यहां उठाया है, यह एक संवैधानिक मुद्दा है। इलाहाबाद हाई कोर्ट की राय आने के बाद मैं समझता हूं कि इस सदन में आपका भी कहना कुछ ठीक है कि लिस्ट आफ बिजिनेस छपा है, वह पहले के अनुसार छपा है, जजमेंट आज आया है। हम यहां सिर्फ जो हमारी ड्यूटी देश के प्रति उसे निभाते नहीं हैं बल्कि हम यहां संविधान के संरक्षक के रूप में भी बैठते हैं और संविधान को सुरक्षा प्रदान करना और संविधान के तहत चलना, हमारा फर्ज बनता है। महोदया, जब यह आया है तो स्टे पांच दिन का मिले या दस दिन का मिले, दीज आर टेक्नीकल मैटर्स। प्वाइंट यह है कि अगर हम आज सारा बजट पास कर देते हैं और कल को सुप्रीम कोर्ट या और किसी कोर्ट से यह लागू होता है, मान्य हो जाता है और यह भी हो सकता है कि केन्द्रीय सरकार सुप्रीम कोर्ट में जाए ही नहीं और इसको मान ले और इसमें देरी न करे और एक चुनी हुई सरकार यहां बन जाए। यह अधिकार उस सरकार का है कि वह कैसे चलायें। मैं समझता हूं कि इस वक्त आपको चेयर से सरकार को निर्देश देना चाहिए कि इस चीज को मद्देनजर रखते हुए इस डिसकसन और इस बिल को पास कराने का कार्य स्थगित किया जाए।

THE DEPUTY CHAIRMAN: We are not opening a discussion on the legal merits of this issue. The simple thing before me is that it is for the Government to give an explanation, in this regard. I don't want the Members to enter into an argument on this issue. Naturally, I understand what Mr. Agarwal is saying. He has his own point of view; nobody is going to add anything more to it. There was a viewpoint which as supported by Mr. Ahluwalia. There was a viewpoint put in a different way by Mr. Fernandes. Now, let the Government react to

it because it is the Government which has brought forward this legislation ... *(Interruptions)...*

PROF. RAM KAPSE: Madam...

THE DEPUTY CHAIRMAN: There is no need to take more time of the House. I have understood the whole thing. Let the Government react to it. I will go according to the procedure...*(Interruptions)...*

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, the Government will react when the Bill is introduced.

THE DEPUTY CHAIRMAN: Let the Government react to it ...*(Interruptions)...* The Government would try to react to it.. .*(Interruptions)...*

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (DR. U. VENKATESWARLU): Madam, just now the Prime Minister stated that he will come back to this House after he receives the whole position. He will give a statement also. The hon. Prime Minister made this statement just now...*(Interruptions)...*

THE DEPUTY CHAIRMAN: At the moment, we are not taking up discussion or reply on U.P. At the present moment, we are taking up the Calling Attention, please. Mr. Dipankar Mukherjee. ...*(Interruptions)...*

SHRI S.S. AHLUWALIA: Let the statement come today.

THE DEPUTY CHAIRMAN: That is why he sadi it.

...(Interruptions)...

मैं कह रही हूं कि अभी बिल पास नहीं हो रहा है। कृपया अपने कानों में आले लगाकर ध्यान से सुनें तो आपको पता लगेगा कि मैंने कहा है कि हम लोग यहां कालिंग अटेंशन ले रहे हैं। जब बिल आएगा तो उस वक्त हम देख लेंगे। हम हाउस में ऐसा कुछ नहीं करेंगे जो संविधान के खिलाफ हो। वही करेंगे जो कायदे में होना चाहिए, जो हमारी जिम्मेदारी है और जिससे वहां के लोगों को तकलीफ न हो। ऐसा न हो कि हमारे आपस के झगड़े में उनकी तनख्वाहें रुक जाएं।

श्री एस.एस. अहलुवालिया: महोदया, आपने कहा कि कान में आले लगाकर सुनें तो आले लगाकर तो दिल की धड़कनें सुनाई देती हैं, दूसरे की बात नहीं सुनाई पड़ती।

उपसभापति: दिल की धड़कनों के आले तो आप घर पर लगाया कीजिए। ये आले तो लोगों की आवाज सुनने के लिए हैं। ...(व्यवधान).. और मुझे इसमें शक है- अहलुवालिया जी ने बंद रखे हैं वे घर की भी दिल की धड़कन सुन पाते हैं या नहीं। दीपांकर जी, आप अटेंशन तो काल कीजिए।

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

Situation arising out of disinvestment of profit making Central Public Sector Units and non-revival of sick Central Public Sector Units due to lack of financial support and timely decisions

SHRI DIPANKAR MUKHERJEE: (West Bengal): Madam, I call the attention of the Minister of Industry to the situation arising out of the disinvestment of profit making Central Public Sector Units and non-revival of sick Central Public Sector Units due to lack of financial support and timely action.

THE DEPUTY CHAIRMAN: Mr. Minister.

THE MINISTER OF INDUSTRY (SHRI MURASOLI MARAN): Madam,

The Common Minimum Programme of the United Front Government recognises that the public sector, which has played a pioneering role in the early decades of development, will continue to be an important component of Indian industry.

It is our desire that the public sector should be strong, competitive and efficient. The policy and the strategy of the United Front Government is to support public sector companies with comparative advantages into becoming global giants, taking steps to further strengthen profit making and efficient PSUs, and try to rehabilitate sick or potentially sick public sector companies. A master plan for the units under the Department of Heavy Indistry is under finalisation.

As promised in the Common Minimum Programme (a) Disinvestment Commission has been set up in August 1996 and has started functioning.