

[Shrimati Ram Dulari Sinha]

delegate, subject to such conditions as he may think fit to impose, the power so conferred to any other authority specified by him in that behalf. The Bill, therefore, seeks to confer on the President the power of the State Legislature to make laws in respect of the State. It has been the normal practice to undertake such legislation in relation to the State under the President's rule and the present Bill is on the usual lines. Provision has been made in the Bill for the constitution of a Consultative Committee, consisting of 45 members of Parliament (30 members from Lok Sabha and 15 members from Rajya Sabha) in this regard. Provision has also been made to empower Parliament to direct modifications in the laws made by the President, if considered necessary. The Bill was passed by the Lok Sabha on 3-5-1984.

I request the hon. House to approve the legislative proposal before it.

The question was proposed

श्री उपसभापति: सदन की कार्यवाही अब दो बजे तक के लिये स्थगित की जाती है।

The House then adjourned for lunch at nineteen minutes past one of the clock.

The House reassembled after lunch at two minutes past two of the clock
Mr. Deputy Chairman in the Chair.

RE. REVISED LIST OF BUSINESS FOR 9TH MAY, 1984

MR. DEPUTY CHAIRMAN: Now we take up the Punjab Bill. Mr. Mohanan.

SHRI DIPEN GHOSH (West Bengal): Sir, before Mr. Mohanan starts speaking, I want to say one thing. Yesterday when we wanted the discussion on the Industry Ministry to be continued today, it was decided that it would be so, and we also agreed that all the legislative busi-

ness would be completed, even by sitting late hours. But today when this Revised List of Business was circulated, it was seen that the discussion on the Industry Ministry was shown last. When we agreed with the Leader of the House to have the discussion on the Ministry of Industry continued today, the idea was that it would be taken up in the morning. And the Industry Minister was also present in the morning, or seen present in the morning. But it was not taken up. Now even in the Revised List, under Legislative Business the Aluminium Corporation Bill, the four Delhi Bills and the Punjab State Legislature Bill have been shown.

MR. DEPUTY CHAIRMAN: It was discussed before lunch. You were not there.

SHRI DIPEN GHOSH: The point is, it was not discussed with the Opposition leaders before changing the Revised List of Business suddenly.

MR. DEPUTY CHAIRMAN: There is no change.

SHRI DIPEN GHOSH: The change is that the Punjab State Legislature Bill was taken up immediately after the discussion on Aluminium Corporation of India Ltd. Bill was over.

MR. DEPUTY CHAIRMAN: Because we are taking up all other Bills together.

SHRI DIPEN GHOSH: The point is that we always cooperate. It is not that the Opposition does not cooperate. We always cooperate. Yesterday when we agreed with the Leader of the House...

MR. DEPUTY CHAIRMAN: Now you have made your point.

SHRI DIPEN GHOSH: The point is, that this Revised List...

SHRI DEPUTY CHAIRMAN: It is not going to help either way. Let us proceed with the business.

SHRI DIPEN GHOSH: Our specific suggestion was, when we wanted the discussion to be continued on the Industry Ministry today, that we wanted to discuss it in the morning. . . Then let it be discussed tomorrow morning.

Secondly, how this Revised List was even changed without consulting the Opposition leaders?

MR. DEPUTY CHAIRMAN: It was discussed. You were not there before lunch.

SHRI DIPEN GHOSH: How can you do this? Suddenly if you raise a discussion. . .

MR. DEPUTY CHAIRMAN: Nobody has been put to any loss.

THE LEADER OF THE HOUSE (SHRI PRANAB KUMAR MUKHERJEE): You were not present before lunch. I clarified the position.

SHRI LAL K. ADVANI (Madhya Pradesh): Sir, there are two aspects. One is the unconcluded debate on the Ministry of Industry. And the Leader would appreciate that when yesterday we said that let us not sit after 6 and continue the debate till 8 or 9 and instead of that let us adjourn at 6 and resume the debate tomorrow, it means tomorrow. It does not mean that the legislative business is to be taken up and the Ministry of Industry unconcluded debate is to be continued after that. I did not say 'morning', I am sure, but the implication is that, because sitting after 6 would mean that that portion may not be properly taken note of; and in order that the Ministry of Industry debate is properly taken note of, let us resume the debate tomorrow. That was the purpose. Otherwise, we could have sat in the evening. Suddenly this morning I find that the Ministry of Industry unconcluded debate has been listed after the entire legislative business is over. And the legislative business may spill over till tomorrow

morning, I do not know; after all, there are so many Bills. My colleague was not here. Therefore, he cannot be blamed if this is changed. I myself was not prepared for it when you asked me to speak. I see the four Delhi Bills to be taken up first and the Punjab Bill after that. Suddenly it is changed. My submission is that these changes in the business have taken place, but always with the consent and consensus of the House. It has never been done arbitrarily; it has never been done unilaterally by the Government. And in this case both the changes. . .

MR. DEPUTY CHAIRMAN: You were there in the morning.

SHRI LAL K. ADVANI: And I was taken aback.

MR. DEPUTY CHAIRMAN: Will you see the record? It was stated that it will be over in one hour or we can even finish it earlier. That is what I said in the morning. And then four Bills together after that we shall take up. That was the point.

SHRI DIPEN GHOSH: Sir, what is wrong in my suggestion. When we were all present, you did not consult us. (Interruptions).

SHRI LAL K. ADVANI: There is no objection to the change if it is with agreement and consensus of the House.

SHRI KALYAN ROY (West Bengal): Very arbitrary and very unfair.

MR. DEPUTY CHAIRMAN: I told you that in one hour it can be finished, or even half an hour.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Sir, the demand is that the discussion on an important subject like the Industry Ministry's performance should be taken up tomorrow, not at the fag end of the day.

MR. DEPUTY CHAIRMAN: This business has been arranged. The whole thing has been printed for today.

SHRI DIPEN GHOSH: Let us go by this.

MR. DEPUTY CHAIRMAN: It does not matter.

SHRI DIPEN GHOSH: Why not? It will go up to 6.

THE LEADER OF THE HOUSE (SHRI PRANAB KUMAR MUKHERJEE): Please take your seat. We decided yesterday that the Industry Ministry would be taken up today and the debate would continue. Otherwise, what would have been the position? The position would have been that the Ministry of Industry debate would have continued till 8.30 or 9, and it could have been ended. A suggestion came up that it could be taken up today. We will have to do the legislative business because it was agreed that all the legislative business will have to be over. So there is not much dispute on these questions. The question is: why is the Industry Ministry debate not finished first and thereafter the legislative business taken up? (*Interruptions*) It is not that because the legislative business is to be taken up. Simply you cannot expect that at a particular point of time what legislative business can be taken up, can be debated. We can make a compromise now. Let us take it up to 4 and after that we can take up the Industry Ministry.

SHRI LAL K. ADVANI: Tomorrow morning.

SHRI PRANAB KUMAR MUKHERJEE: I cannot simply concede this point. (*Interruptions*) Please listen to me. I cannot simply concede this point. You have made a regular business in the House. You are doing hit on the floor of the House. You will never discuss it in the Business Advisory Committee; you will never dis-

uss informal consultations; and every time you will bring it up here. Even now if we had discussed, we could have done it. It is not the practice that on what business will be taken up at a particular point of time, simply somebody will rise and raise it. It is not the way. We cannot discuss the pros and cons of all these things on the floor of the House. If you want, you can come to my room and discuss with me. Otherwise, in what order it has been printed in the List, it will be carried on.

SHRI DIPEN GHOSH: That order has also not been maintained.

SHRI PRANAB KUMAR MUKHERJEE: As I have said, let the business go on according to the list if they do not agree to my compromise.

SHRI LAL K. ADVANI: This is wrong.

MR. DEPUTY CHAIRMAN: There is no harm.

SHRI DIPEN GHOSH: Why is there no harm? The point is, it betrays an attitude.

MR. DEPUTY CHAIRMAN: No.

SHRI DIPEN GHOSH: It means, whatever is coming from the Chair, that has to be accepted by the Opposition.

SHRI PRANAB KUMAR MUKHERJEE: If they do not want to accept; let them not.

SHRI DIPEN GHOSH: You did not consult us.

SHRI PARVATHANENI UPENDRA: We are ready to co-operate. There is no question of not co-operating. You consult us before changing.

MR. DEPUTY CHAIRMAN: I said it in the open House. If you were not present at the time, it was a different matter. You are expected to be present.

SHRI DIPEN GHOSH: How can we? This is the revised list.

MR. DEPUTY CHAIRMAN: All right. Ten minutes have gone.

SHRI DIPEN GHOSH: Suddenly at any point of time it cannot be changed.

SHRI KALYAN ROY: What is so sacrosanct about it that it has to be taken up today? Why can it not be taken up tomorrow?

MR. DEPUTY CHAIRMAN: That is unnecessary.

SHRI DIPEN GHOSH: Why do you say, it is unnecessary?

MR. DEPUTY CHAIRMAN: We are discussing the whole thing. Nobody has been put to any loss.

SHRI DIPEN GHOSH: What was the use of issuing this thing?

MR. DEPUTY CHAIRMAN: You have made your point. That is all right. I have taken note of your objection. Let us proceed with the business. After all, what can be done at this stage? It has been changed many times earlier. That is done sometimes.

SHRI DIPEN GHOSH: Then, you should have taken us into confidence.

MR. DEPUTY CHAIRMAN: You were not here.

SHRI DIPEN GHOSH: How can you expect everyone to know at what point of time you will change the order?

MR. DEPUTY CHAIRMAN: It is expected that the leaders should be present in the House. Whatever is done in the House, whatever is said in the House, everybody is expected to take note of it. Nobody is going to be called from their homes. That cannot be done. Now you are opposing it. I cannot do anything, if anybody is absent.

SHRI DIPEN GHOSH: It is a question of propriety.

MR. DEPUTY CHAIRMAN: It was done with the consent of the House. Nobody objected to that then. It was with the consent of the House. That is all.

SHRI KALYAN ROY: Why can the Industry Ministry not be discussed tomorrow morning?

MR. DEPUTY CHAIRMAN: All right. Tomorrow we shall see. Mr. Mohanan please.

SHRI DIPEN GHOSH: First of all. I want to say it is our objection.

SHRI S. W. DHABE (Maharashtra): The Industry Ministry can be discussed tomorrow.

MR. DEPUTY CHAIRMAN: Now I announce the business. If you agree with the business, you speak. Otherwise, you go. I do not mind it.

SHRI PARVATHANENI UPENDRA: That is not correct attitude.

MR. DEPUTY CHAIRMAN: All right. Mr. Mohanan, will you speak? No? All right. Mr. Advani.

SHRI DIPEN GHOSH: You must take us into confidence.

MR. DEPUTY CHAIRMAN: I have told you, this was done in the House. You want to raise objection. That is all.

SHRI PARVATHANENI UPENDRA: The discussion on the Industry Ministry will spill over tomorrow at any rate. Why do you not agree to that?

MR. DEPUTY CHAIRMAN: There is no time now to agree to postpone anything. Let us proceed. If you want just to obstruct the business, that is a different matter.

SHRI LAL K. ADVANI: There is no question of obstructing.

SHRI KALYAN ROY: It is totally absurd. (*Interruptions*)

SHRI PARVATHANENI UPENDRA: It is a very simple matter. Unnecessarily tension is being created in the House.

MR. DEPUTY CHAIRMAN: What is simple?

SHRI PARVATHANENI UPENDRA: We want discussion tomorrow morning first hour. What is the difficulty in agreeing to that?

MR. DEPUTY CHAIRMAN: All right. You want the discussion tomorrow. Let us proceed with the business before the House. Let us see how much we cover today. Let us see at the end of the day what is to be done. Mr. Mohanan please start.

SHRI LAL K. ADVANI: Mr. Deputy Chairman Sir, there are two issues involved. Unconcluded business of the House of previous day should be taken up as the first item on the next day. If there is to be any change in that it has to be in agreement with the Opposition.

MR. DEPUTY CHAIRMAN: I think, Mr. Advani, it is too late. You should have taken this objection in the morning when the business of the House has started.

SHRI LAL K. ADVANI: If I were here in the morning I would have definitely raised it. Therefore, he has a right to raise it.

MR. DEPUTY CHAIRMAN: I have told you, this was not done in the House before lunch.

SHRI LAL K. ADVANI: Why did you do so?

SHRI DIPEN GHOSH: When did you do so?

MR. DEPUTY CHAIRMAN: With the consent of the House.

(Interruptions)

SHRI LAL K. ADVANI: Before taking up the legislative business why you did not consult us?

MR. DEPUTY CHAIRMAN: All right. This is too much. Mr. Advani, please take your seat.

SHRI LAL K. ADVANI: With this attitude it is not possible for the Opposition to participate in the debate in this House. I request the Leader of the House he should not have taken into consideration. (Interruptions).

SHRI R. RAMAKRISHNAN (Tamil Nadu): Sir, I appeal to the Leader of the House and Members from the Opposition that the business of the House should be run smoothly. Even on the penultimate day the smooth functioning of the business in the House should not be marred by any act of interruptions.

MR. DEPUTY CHAIRMAN: Either you sit or go?

SHRI PARVATHANENI UPENDRA: That is not correct. We appeal to the Leader of the House. Let them postpone it. (Interruptions)

MR. DEPUTY CHAIRMAN: Now, let us proceed with the business.

SHRI DIPEN GHOSH: It is not that we are not cooperating with you. We shall always cooperate with you. Since this Bill has been placed first so it has to be discussed. But my point is that when we discuss and decide the order of the business of the House it must be followed. This revised list of business of the House should not be followed.

MR. DEPUTY CHAIRMAN: Let us proceed.

SHRI R. RAMAKRISHNAN: Let us proceed with the business on hand.

SHRI LAL K. ADVANI: Please reconsider even now. (Interruptions)

MR. DEPUTY CHAIRMAN: All right Mr. Mohanan please start.

श्री लाल कृष्ण आडवाणी : आप री-कन्सिडर करिये, जो गलतियां हुई हैं ।

श्री उमसभापति : गलती कोई नहीं है... (व्यवधान)

MR. DEPUTY CHAIRMAN: Mr. Advani, I am clear on that point. I am quite clear on that point. There

is no mistake in that. You cooperate in the morning and now you want to create some problems.

SHRI DIPEN GHOSH: What made to change the order of the business of the House?

SHRI KALYAN ROY: We have been cooperating with you. We will cooperate with you now also. (*Interruptions*).

श्री उपसभापति : कोआपरेशन जुबान से नहीं होता। जो यहाँ का बिजनेस है उसमें कोआपरेशन करिये। कोआपरेशन की माला जप रहे हैं लेकिन कोआपरेशन नहीं दे रहे हैं। सुबह कोई आनुरोध नहीं किया था।
... (ब्यवधान) ...

MR. DEPUTY CHAIRMAN: Perhaps something has gone wrong with you.

SHRI PARVATHANENI UPENDRA: Sir, as the proceedings of the House are going on very smoothly please do not increase the tension. Please agree to the simple demand that this business may be taken up tomorrow morning. What is wrong in it?

श्री सुशील चन्द महन्त (हरियाणा) : आपसे हम ने कब कोआपरेट नहीं किया (ब्यवधान)

श्री रामानन्द यादव (बिहार) : उपसभापति महोदय, (ब्यवधान)

श्री सुशील चन्द महन्त : इसको आज सबरे लेना चाहिये था (ब्यवधान)

श्री उपसभापति : मिस्टर महन्त आप बैठिये। मैं यह कहता हूँ कि जब सुबह यंग सबरे शुरू हुआ 12.30 बजे तो आप लोग उस समय यहीं रहे, बोलना चाहिये था। इजेंडा सफ़िलेट किया गया था। जब चालू हो गया तब आप इस समय कह रहे हैं।

SHRI DIPEN GHOSH: At 12-30 you did not say that.

श्री कल्याण राय : अब आप जबरदस्ती कर रहे हैं।

श्री उपसभापति : बिजनेस तो चलने दीजिये।

श्री रामानन्द यादव : आप हटीन के अनुसार हाऊत को चलाना चाहते हैं या डिपॉचर करना चाहते हैं। इस पर आप वोट करा लीजिए (ब्यवधान)

THE LEADER OF THE HOUSE (SHRI PRANAB KUMAR MUKHERJEE): Sir, now they are talking of the rules. I would like to draw your attention to rule 23 of the Rules of Procedure and Conduct of Business. So far as the Government business is concerned, it has to be decided by the Chairman in consultation with the Leader of the House. And once the order of the business is determined and the order is printed in the List of Business, it will carry on. So far as the other business is concerned, it was agreed upon by mutual arrangement—in fact, it was not my suggestion; it was the suggestion of Mr. Advani and I readily agreed to it—that the debate on Industry can continue till today and I am still sticking to it. But surely, Sir, it cannot be agreed upon that at whatever point of time, the Opposition would like to have it, the debate will have to be arranged. It cannot be acceptable. I have already made my offer. I have agreed that, let this business be carried on till 4-00 or 4-30 and if at that time we find that some of the business will be still left, that will be taken up tomorrow. I have agreed even up to that. But surely if they do not agree to it, I will most respectfully submit please conduct the business of the House according to the Order Paper.

SHRI DIPEN GHOSH: Sir, I am inclined to accept what the Leader of the House has stated. He has quoted the rule The rule says that the business will be conducted accord-

[Shri Dipen Ghosh]

ing to the order in the printed List of Business. That order is also being violated. That order is not also being maintained. According to that order, the Delhi Municipal Corporation (Amendment) Bill and the others should have been taken up immediately after the Aluminium Corporation of India Limited Bill. That has not been done.

MR. DEPUTY CHAIRMAN: That was done with the consent of the House. If you were not there, what can I do?

SHRI DIPEN GHOSH: The Leader of the House has shown the rule. Now you should conduct the business according to the rule which he has shown.

MR. DEPUTY CHAIRMAN: The proviso to rule 23 gives that power.

श्री लाल बहादुर शास्त्री : दो गलतियाँ हुईं।

SHRI DIPEN GHOSH: If you can change this order, you can also change the other order.

MR. DEPUTY CHAIRMAN: You see the proviso to rule 23.

SHRI DIPEN GHOSH: He has quoted the rule. He has just now quoted it.

MR. DEPUTY CHAIRMAN: You read the proviso to rule 23. (Interruptions) Will you allow me to read the rule? The proviso to rule 23 says that if the Chairman is satisfied, it can be changed.

That proviso is there.

SHRI DIPEN GHOSH: The point is that the Leader of the House has quoted the rule. He has stated that the business should be conducted in the order given in the printed List of Business. (Interruptions)

SHRI PRANAB KUMAR MUKHERJEE: The business, according to what we have decided, will have to be carried on. There is no question

of debating it. I have requested you to carry on the business as you have decided and as it is printed in the Order Paper.

MR. DEPUTY CHAIRMAN: He has said that if by 4-30 this business is not completed, then it will continue tomorrow and the other debate will be taken up. There is no problem. I do not know what is going to be lost. (Interruptions)

SHRI PARVATHANENI UPENDRA: We can complete the Government business today and then adjourn and then take up Industry tomorrow morning.

MR. DEPUTY CHAIRMAN: We will try to complete it by 4-30 and then take up Industry.

SHRI PARVATHANENI UPENDRA: And sit up to what time?

MR. DEPUTY CHAIRMAN: It will continue till 8-00.

SHRI PARVATHANENI UPENDRA: That will mean an empty House.

MR. DEPUTY CHAIRMAN: Let the House be empty. (Interruptions)

SHRI KALYAN ROY: There is neither an inclination to compromise nor an inclination to see that the House is run properly. The whole attitude is very surprising.

SHRI PRANAB KUMAR MUKHERJEE: Hon. Members will just come and show their face for a minute and then go out and sit in the lobby and then lecture to us on how the business should be conducted—I am not prepared to listen to such advice.

SHRI KALYAN ROY: It is very unfortunate. The last day's performance of the Leader of the House is regrettable.

SHRI DIPEN GHOSH: Will you take up the printed List of Business? I want to know that, I am inclined to accept what the Leader of the House has said. The printed List of Business has to be followed.

SHRI R. RAMAKRISHNAN: We are prepared to cooperate with what the Leader of the House has said. You take up according to the printed List of Business.

MR. DEPUTY CHAIRMAN: In this way, no House can be run.

SHRI DIPEN GHOSH: We have accepted the suggestion of the Leader of the House. We accept his suggestion.

MR. DEPUTY CHAIRMAN: You finish the Bills up to 4-30 P.M. The discussion will be taken up after 4-30 P.M.

SHRI KALYAN ROY: Are we adjourning the House at 4-30?

MR. DEPUTY CHAIRMAN: As nobody is prepared to speak on the motion moved by Shrimati Ram Dulari Sinha...

SHRI DIPEN GHOSH: This cannot be allowed to be done. It was the suggestion of the Leader of the House to go according to the printed Order Paper.

श्री सुशील चन्द महन्त : उपसभापति जी, इस तरह व्यवस्था और पीनाजोरी से जो आप हाऊस बना रहे हैं... (व्यवधान)

श्री उपसभापति : बैठिये, बैठिये ।
(व्यवधान)

श्री सुशील चन्द महन्त : जी, हालत की जा रही है... (व्यवधान)

श्री उपसभापति : अच्छा, आप बैठिये ।
... (व्यवधान)

श्री सुशील चन्द महन्त : मैं हाऊस का त्याग करता हूँ ।

SOME HON. MEMBERS: In protest against this, we walk out.

[At this stage, some hon. Members left the Chamber]

**THE PUNJAB STATE LEGISLATURE
(DELEGATION OF POWERS) BILL,
1984 (contd.)**

MR. DEPUTY CHAIRMAN: Shri Mohanan, not here Shri L. K. Advani, not here. Shri B. Satyanarayan Reddy, not here.

The question is:

"That the Bill to confer on the President the power of the Legislature of the State of Punjab to make laws, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now, we take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRIMATI RAM DULARI SINHA: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

SHRI R. RAMAKRISHNAN (Tamil Nadu): What has happened is not a good thing.

MR. DEPUTY CHAIRMAN: You ask your friends who are sitting on that side. Don't teach others.

(I) THE DELHI MUNICIPAL CORPORATION (AMENDMENT) BILL, 1984.

(II) THE PUNJAB MUNICIPAL (NEW DELHI AMENDMENT) BILL, 1984.

(III) THE DELHI DEVELOPMENT (AMENDMENT) BILL, 1984.

(IV) THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) (AMENDMENT) BILL, 1984.

MR. DEPUTY CHAIRMAN: Now, we take up the four Bills.