

One sentence on what the Professor has said. After introduction of this in the other House, it was widely welcomed. We are not against labour as if the hon. Members opposite can arrogate to themselves the right of supporting labour. We support labour. But the interests of labour or farmer or other categories and sections should harmonise with the general interests of the society. It is for you and the House to consider whether they would like the same kind of atmosphere of a Ghaziabad factory to prevail in the All India Institute of Medical Sciences or in the Jawaharlal Nehru University, or the Delhi University. I am sure the public opinion is against that. Therefore, it is time that such a Bill is introduced.

We are not withdrawing the fundamental rights of the workers. We are providing a suitable machinery to redress their grievances. Therefore, I think the Bill is good in law and the House is competent enough to legislate on the subject.

MR. DEPUTY CHAIRMAN: Now I will put the motion to vote.

SOME HON. MEMBERS: We are walking out as a protest.

(At this stage some hon. Members left the House).

MR. DEPUTY CHAIRMAN: The question is:

'That leave be granted to introduce a Bill to provide for the investigation and settlement of disputes between workmen employed in hospitals and certain other institutions and their employers and for matters connected therewith or incidental thereto.'

The motion was adopted.

SHRI BHAGWAT JHA AZAD: Sir, I introduce the Bill.

MR. DEPUTY CHAIRMAN: Let us now take up the Air Corporations (Amendment) Bill, 1981.

THE AIR CORPORATIONS (AMENDMENT) BILL, 1981

THE MINISTER OF STATE IN THE MINISTRY OF TOURISM AND CIVIL AVIATION (SHRI KHURSHED ALAM KHAN): Sir, I beg to move:

"That the following Amendments made by the Lok Sabha in the Air Corporations (Amendment) Bill, 1981, be taken into consideration, namely:—

Enacting Formula

"That at page 1, line 1,—

for "Thirty-second" substitute "Third-third".

Clause 1

"That at page 1, line 4,—

for "1981" substitute 1982.

The question was put and the motion was adopted.

SHRI KHURSHED ALAM KHAN: Sir, I move:

"That the amendments made by the Lok Sabha in the Bill be agreed to."

The question was put and the motion was adopted.

THE ASSAM STATE LEGISLATURE (DELEGATION OF POWERS) BILL 1982—Contd.

MR. DEPUTY CHAIRMAN: Now, we shall take up discussion on the motion moved for consideration of the Assam State Legislature (Delegation of Powers) Bill 1982, by Shri Nihar Ranjan Laskar. Now, Mr. Biswa Goswami to speak. Mr. Goswami, I think you will speak for ten minutes.

SHRI BISWA GOSWAMI (Assam): Mr. Deputy Chairman, Sir, the present situation in Assam has been created by the ruling party itself.

[Shri Biswa Goswami]

Sir, the Opposition had the majority there and the Opposition could have been given the chance to form the Government there in Assam. But that was not done and the Assembly has been dissolved. I am not going into all these matters today. But, as the Assembly is dissolved, the only alternative is to hold the elections in Assam as early as possible. But everybody knows that in Assam the elections cannot be held unless and until the foreign nationals issue is solved.

Sir, sixteen rounds of talks have been held with the agitation leaders. But there is sign there is no visible sign, to indicate that any solution is possible in the near future. It seems that the Government is not at all serious to find an amicable solution to the problem. What is more, they are not even conscious of the gravity of the situation in Assam. The other day, in reply to a question in this House, the honourable Law Minister said that the process of deportation was continuing and there was no problem in Assam. He quoted the census figures of 1971. From the reply it appears that the Government is not even prepared to accept that a lot of foreigners are there in Assam and that their names are entered in the electoral rolls, although the Chief Election Commissioner had himself brought to the notice of the Government the fact of inclusion of the names of the foreign nationals in the electoral rolls.

Sir, many other questions have been brought in at the time of the negotiations with the agitation leaders. The question of secret policy instruction was raised. It is a well-known fact that in 1966 itself the then Foreign Minister announced on the floor of the Lok Sabha that those who had crossed over to Assam after 1965 without valid travel documents would not be given citizenship right. So, how these questions can be raised now, I do not know. How can this question be raised now when the people of that

area are demanding detection, deletion and deportation of these foreign nationals? The least that the Government can do is that they can at least delete the names of those who are not the citizens of this country. The Government can at least do that and the Government should at least be guided by the provisions of the Constitution and the existing laws of the land. Can the Government assure this House that they are prepared to at least delete the names of those foreign nationals according to the provisions of the Constitution and the existing laws of the land?

If they cannot assure that also, how can they hold elections? Electoral rolls are not prepared and there are reports that on an average, about 200 infiltrators are infiltrating into the State. So how can they hold elections? After one year President's rule cannot be continued and there will be a constitutional crisis. Sir, the other day the Law Minister said that deportation was continuing. But I want to draw the attention of the Government to a news-item which appeared in Assam Tribune, a local English daily published from Gauhati, dated April 29th, 1982, in which it was stated—I quote:

“The work of detection of post-1971 foreign nationals has hampered seriously following organized resistance by the interested groups and now it has been abandoned altogether....”

Sir, this organized resistance has been given in Kalgachia, an area near Barpeta, and in Nowgong district. In these areas there is concentration of Bangladesh nationals. They are resisting the detection of post-1971 infiltrators. The Minister here says that the process is going on; they are deporting people. The fact is otherwise. The fact is that there is

organized resistance even to the detection of post-1971 infiltrators and fresh infiltration is continuing. And perhaps these infiltrators, these people, have got encouragement from the vacillation and indecision of the Central Government to detect and deport foreign nationals. So, Sir, I would like to impress upon the Government that unless the foreign nationals issue is solved expeditiously, there cannot be the preparation of electoral rolls and if electoral rolls cannot be prepared there cannot be elections in Assam. I do not know whether the Government is willing to hold elections in Assam by force, against the opinion of the people. I do not know whether the Government is thinking to hold elections in Assam even without preparing proper electoral rolls by deleting the names of foreign nationals. Sir, the Minister of State in the Ministry of Home Affairs declared on the floor of the Lok Sabha that the election will be held. How can he hold the election? I do not know. Sir, what is needed is that the Government should be serious and should sincerely try to find an amicable settlement of the foreign nationals issue. There has been a long-drawn movement and the movement has again been started. What the Government has done—today it has appeared in the papers is that 60 persons, 60 agitation leaders, have been arrested, including their top leader. Does the Government want to suppress the movement? Does the Government think that the movement will be suppressed in this manner. It will unnecessarily give provocation to the people. Only they declared a programme of one-day Assam Bandh. But the Government came down heavily upon them and 60 top leaders have been put under arrest. So I would like to warn the Government that these repressive measures will not solve the problem of Assam. They should be lenient. (Time bell rings). They should be sympathetic to the demands of the people.

MR. DEPUTY CHAIRMAN: That will do.

SHRI BISWA GOSWAMI: They should try to deport the foreigners as per the provisions of the Constitution or at least delete their names from the Voters' List.

MR. DEPUTY CHAIRMAN: Mr. Dinesh Goswami.

SHRI BISWA GOSWAMI: One minute, Sir. Therefore, I would like to request the hon. Minister to consider all these matters and try to come to an amicable settlement on the foreign nationals issue. Then, Sir, I want to say one thing. The Consultative Committee which is going to be constituted should consist of at least all the Members from Assam in Rajya Sabha and Lok Sabha. That is my suggestion.

MR. DEPUTY CHAIRMAN: You know that they cannot do it. It is for the parties to send.

Shri Dinesh Goswami, please.

SHRI DINESH GOSWAMI (Assam): Mr. Deputy Chairman, Sir, when we are discussing this Delegation of Powers Bill, a bandh is going on in Assam and, as my friend, Mr. Biswa Goswami has said, 60 leaders have been arrested. Does it mean that the right of democratic dissent in our State has been taken away by the Central Government? Who can deny the right of a party or an organisation to appeal to the people to go for a bandh? People may respond, or may not respond, that is separate thing. If the people go for violent means, you can arrest them. But wherefrom the Central Government has acquired the right of arresting people if there is a call for a Bandh? Or am I to take, as I have alleged many times, that the constitutional machinery does not function in Assam any more? I oppose this very idea of giving the Executive the power of the Legislature regarding Assam. Not only regarding Assam, my opposition is fundamental. I believe that in a parliamentary demo-

cracy, it is the State Legislature and the Parliament who have the bounden duty to legislate. And the moment we delegate that power to the Executive, the democratic process does not remain a democratic process. Then the country is not run by the laws framed by the Legislature, the governance is done by the Executive, and then democracy loses both its form and substance. I had the occasion to oppose it earlier. I oppose it even now.

Sir, may I point out that particularly in the context of Assam this Bill to delegate the power to the President is not a very welcome measure? We have the President's Rule in Assam right from 1979 with two lame minority Ministries which were imposed there and which could not survive. Now, considering the very explosive situation in the State of Assam whatever laws are sought to be framed regarding the State should be scrutinised by the Parliament. Sir, I think, in the span of three months or so, so far as Assam is concerned, we passed many laws and, therefore, I do not see any reason as to why one should delegate the power to the President. And I am opposed to it. Sir, Mr Biswa Goswami has also referred to the possibilities of an election. I see, Sir, a great constitutional crisis in Assam. I do not know whether the Home Ministry or the Law Ministry has taken note of it. May I refer, in this connection, Sir, to article 356(4), rather article 356(5) to be precise? Article 356(5) says and I quote:

"(5) Notwithstanding anything contained in clause (4), a resolution with respect to the continuance in force of a Proclamation approved under clause (3) for any period beyond the expiration of one year from the date of issue of such Proclamation shall not be passed by either House of Parliament unless—

(a) a Proclamation of Emergency is in operation, in the

whole of India or, as the case may be, in the whole or any part of the State, at the time of the passing of such resolution, and

(b) the Election Commission certifies that the continuance in force of the Proclamation approved under clause (3) during the period specified in such resolution is necessary on account of difficulties in holding general elections to the Legislative Assembly of the State concerned."

Therefore, the power to extend the President's Rule beyond one year is only available if two conditions are fulfilled and one of the conditions is that a Proclamation of Emergency must be in operation either in the whole country or in any part of the State at the time of the passing the Resolution. And, you know, Sir that under article 352, the Proclamation of Emergency can only be declared if the President is satisfied that the security of India or any part of the territory of India is threatened whether by war or external aggression or by armed rebellion. The power to proclaim emergency has been curtailed by the amendment during the Janata regime, and rightly so. Therefore, if you cannot hold elections in Assam, then obviously you cannot extend the President's rule beyond one year without Proclamation of emergency, and you cannot proclaim emergency unless there is an external aggression or an armed rebellion. I am not expecting that Pakistan in order to help the Government of India will go for aggression, nor am I expecting any armed rebellion unless the Government proposes to create an armed rebellion there itself. Now, in that case, if the election is not held by 19th of May, 1983; a constitutional crisis, the like of which the country has never seen, will take place. I do not know what the calculation of the Home Ministry is. The Home Minister has said in the Lok Sabha that he will

be able to hold the elections within ten months. But my own impression is that if you try to hold the election in Assam without solving the foreign nationals issue, not only will it result in a blood-bath in the State, but I can say that there will be complete alienation of the younger generation from the national mainstream or the country shall have to suffer very bitterly for it.

I am sorry also to say that the Government is not very clear in their approach to the foreign nationals issue in Assam. For example, at one stage it was said that 1971 will be the cut-off year and subsequently when the Prime Minister has repeatedly in this House and outside told that there is no cut-off year, 1971 has no relevance whatsoever, I was pained and surprised to see that the Law Minister while replying to a supplementary question, which we raised in the last week, suddenly said that 1970 has relevance because there are no foreigners in Assam; prior to 1971 everyone has been detected and deported. Now, is it the case of the Government; of India that there are no foreigners in Assam prior to 1971? If that is your case, why are you afraid of detecting them because the detection process will show the existence of not a single foreigner. On the other hand, we hear the Home Minister telling us that look here, prior to 1971 also there are lakhs of people, who will be involved; and obviously humanitarian considerations international commitments, and so on and so forth come into the picture. Maybe, that the Law Minister is a new man who is not briefed, but the fact remains that this Law Minister attended the last two conferences of the tripartite conferences and if we have got now a tripartite conference, a Law Minister who does not have the elementary knowledge of the Assam problem, how the people will have faith. Will you kindly look to your own officers, what the Law Minister said when I asked a very simple question; are you prepared to detect the foreigners

on the basis of the law and the Constitution of the country? The Law Minister in reply said, yes, and the moment he said yes, Mr. Makwana was jumping and waving, and Mr. Zail Singh was jumping and waving his hand, when the Law Minister was making a statement which would have cut at the root of the stand taken by the Home Ministry. I am sorry that the Government of India and even the Law Minister is not posted with the problems of Assam. May I, therefore, appeal to the Home Minister please do not play in the problem of Assam. The only way I can see a solution which I want to give out publicly today is this, that if we want to hold the elections in order to avoid a constitutional impasse then the only solution possible is, agree to the detection and the deletion of foreigners. So far as the question of dispersal from 1961 is concerned, you have said that there are humanitarian considerations, you have said about the circular of 1965 and all that. But there cannot be any humanitarian considerations which come in the way of detection and deletion. (Time bell rings) Therefore, have detection and deletion and thereby pave the way for an election. And, if you pave the way for an election, the constitutional crisis that I say the State and the country shall have to face in 1983 may be avoided. I do not see any other way out. And, go on talking with the movement leaders and find out some sort of a solution regarding 1961-1971. And, so far as the post 1971 period is concerned, of course; there seems to be no problem, at least; on paper though, in practice; I do not know how far you will be able to fulfil your commitment. Therefore, my earnest appeal to the Government of India is that, you should take the situation in Assam seriously. I have talked to the various sections of the community in Assam. Do not go by the report of your officials nor by the report of the State administration. The situation at the ground level is

[Shri Dinesh Goswami]

extremely explosive and I have talked to the student community and the youth. If you try to impose an election in Assam, I can tell you, the people of Assam will resist it with all their might. They have made sufficient sacrifices for the last two years and do not think that you will be able to impose an election without the concurrence of the people of Assam. Firstly, if you impose an election in Assam without the concurrence of the people there, it will be a sham election, it will be an undemocratic election. And secondly, it will create a situation which will be very difficult to resolve. Therefore, I would appeal, let us not confuse the situation as has been done by the Law Minister last time, and I would request the Home Minister at least to give some answer, some reply, as to how he is going to meet the probability of a constitutional impasse, as I see, in the early part of next year. Thank you, Sir.

SHRI BIJOY KRISHNA HANDI-
QUE (Assam): Mr. Deputy Chairman, Sir, I support the Bill. The delegation of legislative powers to the President during the current spell of President's Rule in Assam which the present Bill wants to provide is not only necessitated by constitutional provisions, but by the impelling logic of the situation prevailing in the entire North-Eastern Region. And we should look at it in that context. Sir, the case of Assam is not an isolated one. Whatever happens in one part of the region is bound to have its repercussions in other constituent States or units in the entire region. we know—we cannot just say that we do not know about it; we are aware of the situation—that in a few States and Union Territories, there are terrorist activities. Even in this House, we hear so much about the flow of foreign money, the flow of arms, clandestine arms, sophisticated arms; dumps of arms and ammunition have been unearthed in many places. The other day, a Government official

was arrested because he smuggled out explosives from a PWD godown. Some of these extremists are trained in foreign countries. In this House, we have discussed this problem many times. Why don't you understand, why don't you realise the gravity of the situation? It is such a situation that warrant, quick action, quick decision and it is not possible, if the House is not in Session, that Parliament can control it. This particular Bill empowers, seeks to empower, the President to exercise his discretion to handle such a situation, a complicated situation like this, which cannot be shelved, which cannot be kept hanging till the formalities of summoning both the Houses of Parliament are done and, that too, for a limited period. This is expeditiously required for the effective administration to deal with a particular situation prevailing in the entire region. The case of Assam as I said earlier, is not an isolated one. Why should you be afraid that Parliament will be by-passed, that Parliament will not be taken into confidence? There is a clause, namely, sub-clause (3) of clause 3 of the Bill, which says that "Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament". In the face of such a clause, how can you, how can anybody, with a sense of proportion and balance, conclude, that Parliament will be by passed or that Parliament will not be taken into confidence? Besides, the President, as the Bill says, will act in consultation with a committee. This is mentioned in the proviso to sub-clause (2) of clause 3. It is provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult the Committee constituted for the purpose, consisting of 30 Members of the House of People nominated by the Speaker and 15 Members of the Council nominated by the Chairman. So this clause is sufficiently clear that the President will be advised by a Committee of the hon. Members of Parliament. And

we have seen the Members participating in the Consultative Committee meetings. It is nothing but a Consultative Committee. If those Consultative Committees can be effective and useful, I do not see why this particular Committee cannot be useful and effective.

There is clause 4 also which is sufficiently clear. I shall not read it. It simply says that the Parliament can direct modification to be made in the Act. So it is clear that the delegation of power is hedged with effective safeguards so that this power so delegated to the President is not misused. All the doubts and apprehensions about the emergence of autocratic rule are not justified rational and not even genuine.

My friend, hon'ble Shri Dinesh Goswami, has already come to the conclusion that Assam problem will not be solved; therefore, the elections will not be held. When the hon. Home Minister made a statement in the Lok Sabha, he never said that elections will be held, come what may. But Mr. Dinesh Goswami or even my friend, Shri Biswa Goswami, has held as if the Government is determined to hold the elections, come what may. Sir, it is a normal process for making preparation for the elections for preparing the electoral rolls, but it depends on the situation. I am, however, an optimist and not a pessimist like them. I still hope that something will come out of the dialogue. Probably we will find an answer to the problem, probably we can resolve the foreigners issue. It depends upon on how we put in the effort and how both the parties respond to this call of the dialogue. Let us not jump to the conclusion that this problem will not be solved, that the issue will not be resolved and because of that the elections cannot be held. This is a wrong assumption. So, let us support this Bill and we can give you a guarantee, if anybody has any doubts, any apprehensions, that this will not be misused and there will not be any emergence of autocratic rule

over the legislature. That apprehension is not justified, it is not rational and I repeat, it is not genuine even. Thank, you.

SHRI JASWANT SINGH (Rajasthan): Mr. Deputy Chairman, Sir,...

MR. DEPUTY CHAIRMAN: Don't take more than five minutes so that we can adjourn for lunch.

SHRI JASWANT SINGH: I shall abide by your instruction. I sense the mood of the House. All of you want to go for lunch. I do not want to stand between you and your lunch. But I do wish to express a few concerns.

I shall confine myself to the Bill. I have had the good fortune of participating in the tripartite talks for the resolution of the problem of infiltration in the State of Assam. Since I am involved in those talks, I do not think it is proper for me to talk about the question of foreigners. But I would like to make a statement here, which is that I share very deeply the concern which my esteemed colleague, hon'ble Mr. Dinesh Goswami, so eloquently expressed and I would like to share every word, every aspect of the concern that he has expressed.

What is under consideration with us today is the Assam State Legislature (Delegation of Powers) Bill. My submission is that the origin of the need for this delegation of power, or what my other colleagues have spoken of under the act of delegating power, what we are doing today is to hand over the executive, the powers of the legislature. I am not a constitutional expert and I would defer to my hon. colleagues if they were to correct me on the issue. But the Government has chosen; because of its inability to resolve a problem within this nation, to suspend and eventually, now, to dissolve, the Assembly of the State of Assam. The right course for the Government is, therefore, to leave it for the Parliament of this land to legislate whatever is necessary for

[Shri Jaswant Singh]

the State of Assam. The moment the framing of laws becomes an executive function, we are entering into the realm of the extremely questionable. I submit to you, Sir, that we are eroding the powers of Parliament. It is not a question of going into or reading of the fine print as my hon. colleague, the right honourable Mr. Handique, has pointed out. It is a question of fundamentals and I would wish to warn the Government that this course, this path, is a path of the *ad hoc*. It is an established thing that the more that you adopt to the *ad hoc*, the less results you get with each subsequent adoption of the *ad hoc*. This is the warning I give you because I feel very seriously that as manifest in Assam, as manifest in Punjab, the acts and misdeeds of the present Government are leading to a situation wherein the ligaments of the nation which hold us together are under strain. Don't, for heaven's sake, by your *ad-hocism*, so strain them that the ligaments shall be torn apart. That is the fundamental objection to this Bill I submit for the consideration of the Government and, therefore, very seriously I oppose this Bill. Thank you.

MR. DEPUTY CHAIRMAN: Mr. Minister, please start the reply.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NIHAR RANJAN LASKAR): Sir, at the outset I must thank all the hon. Members who have participated in this discussion. But, as you know, this Bill has a very limited purpose. Mr. Goswami and others have been saying so many things. But this is in accordance with the provisions of the Constitution. This is the usual practice and we do like this.

MR. DEPUTY CHAIRMAN: You may continue after lunch.

सदन की कार्यवाही: सब दो बजे तक के लिये स्थगित की जाती है।

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

The House reassembled after lunch at eighteen minutes past two of the clock, The Vice-Chairman (Shri Arvind Ganesh Kulkarni) in the Chair

SHRI NIHAR RANJAN LASKAR: Sir, before we adjourn for lunch I was just telling you that this Bill has a very limited purpose. It seeks to confer on the President the power of the State Legislature to make laws in respect of the State. On this particular aspect, all the four hon. Members who have participated in the discussion have no objection at all. Rather, they have gone beyond the scope of this Bill and discussed the whole ambit of the Assam problem. They should not have raised it when we are particularly discussing this amending Bill. As you know, in the course of this long session, we had enough opportunities to discuss this vital problem of Assam on several occasions, not only in the Budget but also at the time of the adoption of the proclamation and in the form of Half-an-Hour Discussion, Calling Attention and Questions. So, there was enough discussion on this problem. All the hon. Members of this House are well aware of the problems in Assam. There is only one thing that I would like to say here because some points have been raised as to how it will be ensured that the elections are held there. As it is, elections to the State Legislative Assemblies and also to the remaining Lok Sabha seats are being held. As you know, from Assam, 12 Lok Sabha seats are to be filled up. And this has to be held, and this has to be held only after the revision of the electoral rolls. For this, Sir, I can only say that the Govern-

ment has to initiate some action towards this. It will also be ensured that the names of the foreigners are not included. But, Sir, I would only appeal that until the process of the revision of the electoral rolls is completed, it is not possible for us to know the exact number of foreigners who might have managed to get their names included in the electoral rolls. We all know the abnormal conditions which are prevailing in the State of Assam. Even today I do not know what is happening there.

Mr. Biswa Goswami said that the Government was not serious to find a solution to this problem. This is what I object to. Sir, because this is already known to the House that already several rounds of talks have been held. The Prime Minister herself has discussed it with the leaders of the Opposition groups. Even with the present round of talks the Opposition groups leaders were also associated. And the forthcoming another round of talks will be held sometime during this month. So, to say that Government is not serious, is not a correct thing to say. The Government is trying to see that in the course of the forthcoming discussion some solution would be possible to be arrived at.

Some points have been raised by Mr. Dinesh Goswami. I would only like to tell him and also other Members specially from those areas that when they speak in this House, they should try to help to ease the situation. But on the contrary, when he says that the students or some people will not allow the elections to be held there, it is not the way.

SHRI DINESH GOSWAMI: I am not saying that. I have said, "If you try to impose elections on Assam without a solution of the foreigners issue the people of Assam resist it" and I stand by it. That is the public stand taken by the people of Assam. I am not saying that. You are twisting it. Refer to my speech as a whole. Do not read a sentence in isolation.

SHRI NIHAR RANJAN LASKAR: You must also realise that attempts are being made by the Government of India to meet this problem. It is all well known to you that we are doing our best to see that some compromise is made. And we have every hope that in the next round of talks it would be possible to do so.

Sir, as it is, the validity of the present proclamation is only for six months. So, as it is, arrangements will have to be made to hold elections within the course of this one year. For this purpose, the first step would be to revise the electoral rolls. In doing so, the totality of the circumstances will have to be taken into account. The sooner the normalcy returns in Assam, the earlier the process can start. And we hope that the normalcy will come in Assam soon, and we will start the process of election in Assam.

At the same time, I would like to say that we have certain commitments, the nation has certain commitments, towards the refugees who have come to our country, and sitting here in the year 1982 we should not bypass what has happened in those days. So, these are certain commitments which we have to honour. We have to honour them taking them into consideration. I think we will come to some understanding before elections are held in Assam.

Sir, as I said, nobody has objected to the provisions of this Bill. So I commend it for the approval of the House.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): The question is:

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

The motion was adopted.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Now we shall 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.

SHRI NIHAR RAJAN LASKAR: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Now we go to the next item. It is a small Bill. And we are racing against time.

The wild life (Protection) amendment Bill, 1982

THE MINISTER OF STATE IN THE MINISTRIES OF AGRICULTURE AND RURAL DEVELOPMENT (SHRI R. V. SWAMINATHAN): Sir, I beg to move:

"That the Bill to amend the Wild Life (Protection) Act, 1972, as passed by the Lok Sabha, be taken into consideration."

Sir, there was no Central Act on wild life until 1972 when the Wild Life Protection Act was passed by Parliament. The existing Act provides for the protection of wild animals and birds and for matters connected therewith or related thereto. This Act is now applicable throughout the country except Jammu and Kashmir which has a similar law based on the Central Act.

The existing Act has five Schedules. The most important is Schedule I which has at present 253 species. These are totally protected from hunting as well as trade and commerce. There is no provision in the Act for permitting capture and translocation of wild animals for scientific management. For instance, it may be necessary to shift the population of elephants or to introduce endangered species in alternative suitable habitat for proper scientific study. In order to achieve this purpose, it is necessary to amend section 12 of the Act as proposed in the Bill.

It is noteworthy that the proposed amendment clearly lays down that in the case of any wild animal included in Schedule I, the State Government would have to take the prior approval of the Central Government. Of course, the proposal will come from the State Government whose co-operation and association will be necessary.

The other purpose of the Bill is to amend the existing section 44 of the Act to permit grant of licences subject to certain conditions. The arbitrary limit of 15 days in sub-section (3) of section 44 is being removed because it is unnecessary. It is also proposed to give to the Central Government the power to issue guidelines by way of rules, if necessary.

The Bill has these limited objectives. I would request that it may be considered and passed.

The question was proposed.

SHRI SHIVA CHANDRA JHA (Bihar): Sir, I move:

"That the Bill to amend the Wild Life (Protection) Act, 1972, be referred to a Select Committee of