

received a message from the High Commission of India in Singapore and Malaysia stating that NAFED has given monopoly to M/s. Sim Chauan Cherry for the import of onions in Malaysia and Singapore. This has affected the traditional Indian opinion importers there and they have become idle and onion is being imported on monopoly basis by a single company there. Therefore, all the exporters have been excluded for the benefit of one single exported and the imported also has been connected with this exporter. I do not know why this monopoly has been created through the agency of NAFED. This has done a very grievous harm. (Time Bell rings) I am finishing. You can see that previously the exporters were getting profit margin of Rs. 100/- to Rs. 150/- per ton and the present arrangement will enable the single exporter to corner at least Rs. 600/- per tonne. If the hon. Minister wants, I can give the exact calculation.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Please be brief. You are taking too much time.

SHRI ERA SEZHIYAN: One point more. It is a very important point. The single importer in Malaysia is getting Rs. 4000/- to Rs. 5000/- per ton as compared to a mere Rs. 500/- per ton previously. I understand that already a Committee has been appointed to enquire into the charges against NAFED and its Chairman and some of its officers have been suspended. Before the enquiry is conducted, I would urge upon the Government to go into the hardship caused by NAFED by appointing a single exporter and importer for onions.

**THE SUGAR UNDERTAKINGS
(TAKING OVER OF MANAGEMENT) AMENDMENT BILL,
1981**

THE MINISTER OF AGRICULTURE AND RURAL RECONSTRUCTION AND IRRIGATION AND CIVIL SUPPLIES (RAO BIRENDRA SINGH): Sir, I beg to move:

"That leave be granted to introduce a Bill further to amend the Sugar Undertaking (Taking Over of Management) Act, 1978."

The question was proposed.

श्री शिव चन्द्र झा (बिहार) : श्रीमन् ...

उपसभाध्यक्ष (डा० रफीक जकरिया) :
झा साहब, मैं यह बताना चाहता हूँ कि यह रूल नहीं कि इंड्रोडक्शन से वक्त ...

श्री शिव चन्द्र झा : यह रूल नहीं है।

उपसभाध्यक्ष (डा० रफीक जकरिया)
रूल बिल्कुल साफ है। Rule 67 is quite clear. If the Chairman permits it, it is allowed. If you are opposing the legislative competence of the Bill, it is a different thing. But it is generally not done.

श्री शिव चन्द्र झा : मैं यह कहता हूँ कि लोक सभा में तो क्लियर कट है। वहाँ बिल की इंट्रोडक्टरी स्टेज पर ही ...

उपसभाध्यक्ष (डा० रफीक जकरिया) :
यह लोक सभा का सवाल नहीं है। यह राज्य सभा है और यहाँ पर राज्य सभा के रूल ही अप्लाई होंगे।

श्री शिव चन्द्र झा : लोक सभा में क्लियर कट रूल है कि इंट्रोडक्टरी स्टेज पर विरोध कर सकते हैं।

उपसभाध्यक्ष (डा० रफीक जकरिया)
आप रूल 67 पढ़ लीजिए।

श्री शिव चन्द्र झा : राज्य सभा में मेकैनिकली आप की बात ठीक है। आपके रूल नहीं है। आप कह सकते हैं कि यहाँ यह बात लागू नहीं होगी पाउंड आफ फ्लेश की तरह से, यहाँ नहीं लागू होती है, यह आप कह सकते हैं, लेकिन जो परम्परा रही है, जो कंवेनशन रहा है कि

[श्री शिवचन्द्र झा]

इंट्रोडक्टरी स्टेज पर सदस्य बोलते रहे हैं, विरोध करते रहे हैं इस लिये आप को दोनों को देखना होगा, सेकन्तिकल स्टड भी आप को रखना होगा और...

उपसभाध्यक्ष (डा० रफीक जकारिया)

कहते हैं कि if the Chairman permits. And I do not propose to permit it because if this kind of permission is to be given, then we will not be able to adhere to any schedule. Unless you tell me that you are opposing it on the basis of the legislative competence of the Bill...

श्री शिव चन्द्र झा : बोलने दोजियेगा न, तभी तो बोलेंगे। बोलने के बाद जैसे आप आइंट आफ आर्डर को रूल आउट कर देते हैं उसी तरह से सेकन्तिकली यह बात भी आपकी ठीक है, आप उसे रूल आउट कर दें, लेकिन आप तो बोलने ही नहीं देते।
(Interruptions)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): He will speak for ten minutes without coming to the point. What am I supposed to do? I have to look to the time of the House also. And I have Mr. Jha's letters on every Bill...

SHRI SHIVA CHANDRA JHA: On every Bill? Now you are raising the point....

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You are asking everytime. I am sorry, unless you tell me that you are opposing it, I cannot permit.

SHRI SHIVA CHANDRA JHA: You are narrowing it. That is what you are doing....

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Please sit down. I will

permit you if you say that you are opposing the Bill on the ground of legislative competence.

SHRI SHIVA CHANDRA JHA: That is my point...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Then it is all right. You take only one minute.

SHRI SHIVA CHANDRA JHA: Do you think that I should refer to that constitutional aspect every time? And here the procedure has been that of giving notice. It is meant for that. The technical point or the mechanical point, one has to point out. If I do not point it out then you can say, "No, it is out of order." But how can you say...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I have also to look to the time factor as far as the other Members are concerned...

SHRI SHIVA CHANDRA JHA: Why are you worried about the time?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): ... because you are eating their time.

SHRI SHIVA CHANDRA JHA: We have 24 hours. The Parliament has worked for 24 hours. Why are you worried? We have worked upto 4 a.m. and we can work upto 4 o'clock in the morning.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): All right, Mr. Jha, come to the point now.

श्री शिव चन्द्र झा : उपसभाध्यक्ष महोदय, मंत्री जी वा यह विधेयक जो है शुगर अंडरटेकिंग्स (टेकिंग ओवर) आफ मैनेजमेंट) बिल यह संविधान वा जो आदर्श है—अब तो मैं संविधान के मुताबिक बोल रहा हूँ ...

उपसभाध्यक्ष (डा० रफीक जकारिया)
ऐसे नहीं चलेगा। आप आउटर्डस बरलाइये।

श्री शिव चन्द्र झा : संविधान का जो आदर्श है, जो हमारे फाउंडिंग फादर्स ने रखा है ...

उपसभाध्यक्ष (डा० रफीक जकरिया) :
यहाँ तो लेजिस्लेटिव कांफिटेन्स का सवाल है। आदर्श का सवाल नहीं है।

श्री शिव चन्द्र झा : तो हमारा संविधान कहता है कि डाइरेक्टिव पालिसी जो है वह ऐसी होगी, हमारी इकोनामिक नीति ऐसे चलायी जायेगी ताकि समाज से डिस्पैरिटी खत्म हो, समाज में कंसेट्रेशन आफ वेल्थ न हो, देश में तफरका न बड़े। उसी के मुताबिक यह आप के रुल्स हैं। जो हमारी शुगर ग्रंडटेकिंग्स हैं उन से अगर देश की समस्या हल नहीं होती तो आप उन को अपने साथ में ले लीजिए। ऐसा होने पर संविधान के जो आदर्श हैं उन के मुताबिक ही काम होता है।

उपसभाध्यक्ष (डा० रफीक जकरिया) :
झा साहब, आप मुझ पर जुल्म कर रहे हैं। कांफिटेन्स के मुताबिक आप यह कह सकते हैं कि आया यह शेड्यूल का सब्जेक्ट है या नहीं कांफिटेन्स में यह बात आती है कि पार्लियामेंट इस को इनऐक्ट कर सकती है या नहीं लेकिन डाइरेक्टिव प्रिंसिपल्स से या आदर्शों से इस का कोई संबंध नहीं है, कांफिटेन्स का, आप तो बड़े विद्वान हैं इसलिये मुझे यह कहने की जरूरत नहीं है कि आप बहाना बना कर, रुल्स को तोड़-मोड़ कर अपनी बात कहना चाहते हैं। इसलिये मैं आप को इजाजत नहीं दूंगा।

SHRI SHIVA CHANDRA JHA: You do not want the House ...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The House is bound by its own Rules of Business.

SHRI SHIVA CHANDRA JHA: But I am speaking within the Rules.

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THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): No, you are not.

SHRI SHIVA CHANDRA JHA: I am speaking in the spirit of the Constitution. That is how it is done in the Lok Sabha. I have myself done it. (Interruptions).

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Will you please sit down now?

SHRI SHIVA CHANDRA JHA: You refer to the debates in the Lok Sabha.

On the Finance Bill I was the person who opposed it.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Every time you refer to the Lok Sabha only. Your membership of the Lok Sabha is mentioned, God knows, how many times! You might have been a very useful Member there. But here, what I am saying is that I want you to help me. (Interruptions). You may have been a very useful Member in the Lok Sabha but here you are not helping me to follow the Rules of Business. All that I am requesting you to help me to follow the Rules of Business. As I have said, if you were to challenge the legislative competence of the Bill, I would have certainly allowed you to go on. You have already taken ten minutes and I do not think any further discussion is necessary.

SHRI ERA SEZHIYAN (Tamil Nadu): Sir, in order to put the record straight, may I say that it is not only on legislative competence that a Member can oppose the Bill, but no its also he can oppose it, with the permission of the Chair.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): No, no. Mr. Sezhiyan, I made it very clear. If you did not listen to me. I do not know. I said, as far as the legislative competence of the Bill is concerned, it is your right, and as far as the other thing is concerned, it can be with the permission of the Chair. And,

[The Vice-Chairman]

I said, I do not propose to give the permission for the simple reason that if this permission were to be given, then we will never be able to adhere to the schedule. After all, the Bills are given specified time by the Business Advisory Committee wherein the leaders of the various parties are represented and we have got to see that that time schedule is followed. And, unless I, sitting in the Chair, am able to keep to that time schedule, we will never be able to complete the business. That is what I have made very clear. (*Interruptions*).

I will now put the question. The question is:

"That leave be granted to introduce a Bill further to amend the Sugar Undertakings (Taking Over of Management) Act, 1978."

The motion was adopted.

RAO BIRENDRA SINGH: Sir, I introduce the Bill.

THE INDIAN IRON AND STEEL COMPANY ACQUISITION OF SHARES) AMENDMENT BILL, 1981

THE MINISTER OF COMMERCE AND STEEL AND MINES (SHRI PRANAB KUMAR MUKHERJEE): Sir, with your permission, I beg to move:

"That leave be granted to introduce a Bill further to amend the Indian Iron and Steel Company (Acquisition of Shares) Act, 1976."

The question was proposed.

SHRI ERA SEZHIYAN (Tamil Nadu): Sir, I want to oppose the introduction of this Bill on the ground that it does not fulfil the requirements as per the Rules of Procedure. This Bill does not contain the Financial Memorandum which should have been laid down along with this one. As you are aware, rule 64 makes it obligatory that a Bill involving fin-

ancial expenditure should be accompanied by Financial Memorandum, which will invite particular attention to the clauses. Here, in this Bill, what they have done is that they are trying to leave a lacunae which is preventing them from giving relief to such of the share-holders who are not able to claim the amounts due to them by a certain date. Sir, if you take the original Bill as it was introduced in the House in 1976, which has not been amended here, it says, for the transfer to and vesting in the Central Government under section 3 of the Act of the shares of the company, there shall be given by the Central company to the share-holders of the company, in the manner specified in section 6, an amount of Rs. 7,23,95,137. 15, which is the compensation to be paid. Then, Sir, sub-clause 2 of section 4 says: "The amount referred to in sub-section 1 shall carry simple interest at the rate of 4 per cent per annum for the period commencing from the appointed day and ending on the date on which the payment of such amount is made by the Central Government to the Commission." Therefore, if there is a delay in payment of the amount due to the share-holders from the appointed day—the appointed day has already been laid down in the Act as 17th day of July, 1976—then the interest will have to be paid. Now, as per the existing Act, there was no liability but now by this Bill you are creating a liability, that means certain amounts which in the absence of this Bill would not have been paid, you are now going to pay. Whether it is right or wrong, I am not going into it; but the effect of this Bill is, for the things which ceased to have any liability on the Government as per provisions of the earlier Act in existence, you are now creating a liability which was not there before. That means certain amounts, which need not have been drawn from the Consolidated Fund of India, you will be forced to draw after this Bill is passed. Then, by extending the date of payment, interest also is going to be paid from