

**Title:** Questioned the propriety of the Central Government's regarding the BALCO deal.

SHRI RUPCHAND PAL (HOOGLY): Sir, certain developments are taking place which cannot but be matters of concern to this House.

Sir, as you know, in regard to the BALCO deal, the State Government of Chattisgarh had a particular perception and the State Legislature had passed a Resolution in this regard about the rights of the tribal people and such other things. That perception too was based on a judgement of the Supreme Court. Now what has happened there is a matter of grave concern because it involves the federal principle of the Constitution. There is already a strained relationship between the Centre and the State and this relationship may further deteriorate because of the moves initiated by the Union Government to achieve certain goals with which the State Government may not be in agreement.

Sir, this House represents the will of the people. It is a sovereign House. In our present set up, the federal principles would have to be upheld. I am not questioning or commenting on the verdict itself but when such a directive goes directly to the DG and the Chief Secretary by-passing the political Executive of that particular State then...*(Interruptions)*

SHRI PRAMOD MAHAJAN: Sir, is he commenting on the judgement of the Supreme Court? ...*(Interruptions)*

SHRI RUPCHAND PAL : No. I am not commenting on the judgement of the Supreme Court...*(Interruptions)*

SHRI PRAMOD MAHAJAN: It is a judgement of the Supreme Court...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : It is the question of the Centre's attitude...*(Interruptions)*

SHRI RUPCHAND PAL : Sir, I am not commenting on the judgement of the Supreme Court...*(Interruptions)*

MR. SPEAKER: Shri Pal, you should not discuss the decision of the highest Court here.

...*(Interruptions)*

SHRI PRAMOD MAHAJAN: Sir, he is asking me as to why the Government went to the Court...*(Interruptions)* Is going to the Court a crime?...*(Interruptions)* I am surprised at his question...*(Interruptions)*

MR. SPEAKER: Shri Pal, you are well-versed with the procedure of the House. We should not comment on the judgement of the highest Court here.

...*(Interruptions)*

SHRI RUPCHAND PAL : Sir, the Union Government has never cared to consult either the State Government ...*(Interruptions)* or the workers themselves in respect of BALCO...*(Interruptions)* Sir, the Government owes an explanation to this House...*(Interruptions)*

MR. SPEAKER: Shri Pal, there are other Members as well.

...*(Interruptions)*

SHRI RUPCHAND PAL : Sir, I am not questioning the verdict of the Court, but it is a denigration of the authority of the elected bodies...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : Sir, please allow me one minute...*(Interruptions)*

MR. SPEAKER: We already had a lengthy discussion on BALCO.

...*(Interruptions)*

MR. SPEAKER: The Minister would like to respond now.

...*(Interruptions)*

MR. SPEAKER: The hon. Minister is going to say something. The Minister is going to reply now.

...*(Interruptions)*

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Sir, the Government is shirking its responsibility...*(Interruptions)*

MR. SPEAKER: Nothing would go on record.

*(Interruptions)\**

\* Not Recorded

श्री पवन कुमार बंसल : जो मसले राजनैतिक और प्रशासनिक बातचीत के जरिए सुलझाए जा सकते हैं, उसके लिए दूसरा रास्ता ढूँढ़ा जा रहा है। ( व्यवधान)

MR. SPEAKER: Nothing would go on record.

*(Interruptions)\**

MR. SPEAKER: Nothing will go on record.

*(Interruptions)\**

SHRI SOMNATH CHATTERJEE : Sir, this is a serious matter.

DR. VIJAY KUMAR MALHOTRA (SOUTH DELHI): If he is allowed to speak, let me also say something.

SHRI KIRIT SOMAIYA (MUMBAI NORTH EAST): Sir, we have also given notices. Please allow us.

श्री शीशराम सिंह रवि (बिजनौर) : अध्यक्ष जी, इन्होंने भी नोटिस नहीं दिया है। यह क्यों बोलेंगे? उन्हें क्यों सुना जा रहा है? ( व्यवधान)

अध्यक्ष महोदय : आपको भी बुलाएंगे।

( व्यवधान)

SHRI SOMNATH CHATTERJEE : Sir, I am not saying that the Central Government has no right to go to the Supreme Court. But I am raising the question of propriety.

DR. VIJAY KUMAR MALHOTRA : Is what Shri Ajit Jogi did proper? Did he not commit any impropriety?

SHRI SOMNATH CHATTERJEE : I am raising the question of propriety. Of course, the Supreme Court is open for us. They can sit in the evening; they can sit in the morning; they can sit in the day; it is entirely for them. I am not raising that question.

\* Not Recorded

SHRI PRAMOD MAHAJAN: You are indirectly again commenting on them.

SHRI SOMNATH CHATTERJEE : If you think so, then you have a guilty conscience.

SHRI PRAMOD MAHAJAN: No, you are commenting on the sitting of the Supreme Court.

SHRI SOMNATH CHATTERJEE: You are commenting.

Sir, shall we decide about the Centre-State issues by going to courts? ...*(Interruptions)* Why should you be so impatient? You had written tonnes and tonnes of lengthy articles and we have very patiently read your articles.

THE MINISTER OF STATE OF THE DEPARTMENT OF DISINVESTMENT, MINISTER OF STATE IN THE MINISTRY OF PLANNING, MINISTER OF STATE IN THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION, AND MINISTER OF STATE IN THE DEPARTMENT OF ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES OF THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI ARUN SHOURIE): Sir, the hon. Speaker had called me and you have not allowed me to speak.

SHRI SOMNATH CHATTERJEE : After that he called me.

Sir, this disturbs the equilibrium that is there. I know that it is not a perfect federal structure that we have in this country. But whatever our Constitution-makers had decided, there are in-built mechanisms for solving the Centre-State issues. The Government is either threatening the States with article 356, or it is taking recourse to procedures which are not contemplated by the Constitution of India.

I would like to quote the statement of the Minister Shri Shourie which has gone forthwith to the press. This is from *The Times of India* of today. It says,

"Shourie said, the court was also told that if immediate orders are not granted, an alarming situation will arise with "irreversible consequences"।"

We would like to know what those consequences are. It further reads:

"and the process of disinvestment and the declared economic policy of the Centre would suffer a grave setback."

The Court was told that disinvestment policy will not be given proper effect to unless court immediately intervenes. This was the statement of the Minister. He is raising this question in the courts of law. He is inviting courts to intervene to help his sinister disinvestment policy in this country which is against the people. This is the way the Government is utilising the courts. Why do they not make a *suo motu* statement here? Why is it that the matter has to be raised in the House by us? I know they are trying to destabilise the Constitutional set up in this country

13.00 hrs.

They have set up a Review Commission....(Interruptions) Sir, we must express our strong protest...(Interruptions)

MR. SPEAKER: Now, Dr. Vijay Kumar Malhotra.

...(Interruptions)

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I have also given a notice on the same subject. If he is allowed to speak, I may also be allowed to speak.

MR. SPEAKER: I have called his name.

...(Interruptions)

**डॉ.विजय कुमार मल्होत्रा** : अध्यक्ष महोदय, पिछले कई दिनों से प्रोप्रायटी का जिक्र हो रहा है। छत्तीसगढ़ में क्या हो रहा है, चीफ मिनिस्टर कानून तोड़ रहे हैं। मजदूरों को भड़का रहे हैं। वहां एम्बूलेंस आई, उसको आग लगाई जा रही है। जो लोग अन्दर घिरे हुए हैं, उनको खाना नहीं पहुंचाने दिया जा रहा है। मुख्यमंत्री केन्द्र को धमकी दे रहे हैं और फैंडल स्ट्रक्चर को पूरी तरह से नकार रहे हैं। ऐसी हालत में यदि कोई मुख्यमंत्री कानून को तोड़ेगा (व्यवधान)

MR. SPEAKER: Nothing should go on record except what Dr. Vijay Kumar Malhotra says.

(Interruptions)\*

MR. SPEAKER: Hon. Members, please your seats?

...(Interruptions)

MR. SPEAKER: If they are raising their issues, you are not allowing them and if you are raising your issues, they are not allowing you. What is this?

...(Interruptions)

MR. SPEAKER: Now, I have called the name of Dr. Vijay Kumar Malhotra. Please allow him to speak.

...(Interruptions)

**डॉ.विजय कुमार मल्होत्रा** : अगर कोई मुख्यमंत्री सड़क पर उतर आए (व्यवधान) वहां पर एक सौ करोड़ रुपए का नुकसान हो गया है और अगर वहां पर दो सौ करोड़ रुपए का नुकसान हो जाता, तो सैन्ट्रल गवर्नमेंट को पावर्स थी, लेकिन पावर्स के बजाए, वे सुप्रीम कोर्ट में गए और उन्होंने कहा कि सुरक्षा देना उनका काम है। फन्डामेंटल राइट्स तोड़े जा रहे हैं और कहा जा रहा है कि कोई अन्दर नहीं जा सकता है। फन्डामेंटल राइट्स के अन्दर उन्होंने कहा है कि पानी पहुंचाया जाए और लोगों को अन्दर जाने दिया जाए। (व्यवधान) मैं कहता हूँ, अगर थोड़ी सी भी नैतिकता हो, तो मुख्यमंत्री को इस्तीफा देना चाहिए और छत्तीसगढ़ से चले जाना चाहिए। (व्यवधान)

SHRI S. JAIPAL REDDY : Sir, he cannot use this forum (Interruptions) He has made charges against a Chief Minister...(Interruptions)

\* Not Recorded

**श्री किरीट सोमैया** : महोदय, मैं कहना चाहता हूँ कि कहा जा रहा है कि पानी नहीं दिया जाएगा। छत्तीसगढ़ के चीफ सैक्रेटरी ने कहा है कि अन्दर फैंसिलिटीज नहीं जाने देंगे। (व्यवधान)

MR. SPEAKER: Now, Mr. Minister.

...(Interruptions)

MR. SPEAKER: It is very difficult for the Chair to accommodate all the Members who have given notice on the same subject.

...(Interruptions)

MR. SPEAKER: Again, you are discussing the same subject.

...(Interruptions)

SHRI VARKALA RADHAKRISHNAN : Sir, it is not correct. You have allowed him to speak. You please allow me to speak after him....(Interruptions)

**श्री किरिट सोमैया :** छत्तीसगढ़ के नेता ने कहा है कि आफिसर को अन्दर नहीं जाने देंगे । क्या अन्दर बैठे हुए अधिकारी और कर्मचारी मनुय नहीं हैं ? क्या छत्तीसगढ़ के अधिकारी की यह नैतिक जिम्मेदारी नहीं है कि कानून का पालन करें ? क्या उनका काम लेबर लीडर बनना है?

â€¦( व्यवधान)

MR. SPEAKER: Shri Kirti Somaiya, please. How can you discuss the same matter in the House?

**श्री किरिट सोमैया :** लोक सभा में बालको पर डिस्कशन हुआ और उसको पारित किया। लोक सभा को बाजू में रखकर संविधान को चुनौती किसने दी ? â€¦( व्यवधान)

MR. SPEAKER: I am not going to allow any State matter to be discussed in the House. It is not a debate.

...(Interruptions)

MR. SPEAKER: Now, the hon. Minister is responding. But you are not allowing him to speak.

...(Interruptions)

MR. SPEAKER: Hon. Members, please take your seats. If you want to submit anything, you may do so after his reply.

...(Interruptions)

MR. SPEAKER: I have already called the hon. Minister. First listen to him.

...(Interruptions)

MR. SPEAKER: Nothing should go on record except what the hon. Minister says.

(Interruptions)\*

SHRI ARUN SHOURIE: Sir, I entirely agree with Shri Somnath Chatterjee...(Interruptions)

MR. SPEAKER: Shri Varkala Radhakrishnan, please take your seat.

SHRI VARKALA RADHAKRISHNAN : Sir, I have given a notice to speak.

MR. SPEAKER: Many Members have given notices. How can I accommodate all the Members on the same subject?

...(Interruptions)

**अध्यक्ष महोदय :** आप पहले इनको सुनिए ।

â€¦( व्यवधान)

13.05 hrs.

(इस समय डा. चरणदास महंत सभा पटल के निकट फर्श पर खड़े हो गए।)

MR. SPEAKER: Hon. Member, please go to your seat.

13.05 hrs.

(इस समय डा. चरणदास महंत अपने स्थान पर वापस चले गए।)

SHRI ARUN SHOURIE: Sir, I entirely agree with the sentiments expressed by Shri Somnath Chatterjee about the

delicacy of the matter, about the Centre-State relations.

MR. SPEAKER: Hon. Members, please take your seats first.

...(Interruptions)

SHRI ARUN SHOURIE: For that reason, I wish to clarify four or five facts first.

\* Not Recorded

It is not we who went to the Court. Others went to the Court and we filed a transfer petition. What we went to the Court yesterday for was in pursuance of the transfer petition filed earlier. ...(Interruptions) We have listened to you.

Would you not allow me just for one second?

We received information from officials on the spot about several factors that totalled to an alarming portent. One was a specific statement by the most responsible person there that water and electricity to the plant would be shut out. The second was a statement on record by the highest person in the Government there to the effect that the management, whether of the Central Government or of the new 51 per cent holder, would not be allowed to step into the State of Chattisgarh. The third was that a CISF *jawan* was beaten up, a CISF van was overturned and an ambulance was burnt. We were told that this could result in an imminent law and order problem. Therefore the Secretary, Department of Disinvestment wrote to the Chief Secretary of that State on the 6<sup>th</sup> March, 2001. There was no reply. We had written, 'These are the circumstances. What steps are the Government taking?' No reply came at all. It is for this reason that we went to the Court, to say that if these circumstances came about, irretrievable – my word was not 'irreversible', I said 'irretrievable' – damage would be caused to the plant. ...(Interruptions)

MR. SPEAKER: Shri Rupchand Pal, I have not allowed you.

...(Interruptions)

SHRI ARUN SHOURIE: We went to the Court to safeguard the plant.

SHRI SOMNATH CHATTERJEE : Why did you go to the Court? That is my objection. ...(Interruptions) Do you talk to the State Governments only through the Courts?

SHRI ARUN SHOURIE: We wrote to the State Government first. ...(Interruptions)

MR. SPEAKER: Let him complete please.

...(Interruptions)

SHRI SOMNATH CHATTERJEE : Please do not try to misuse the Judiciary for your political purposes.

SHRI ARUN SHOURIE: Sir, what do you mean? We wrote to the State Government. ...(Interruptions)

SHRI PAWAN KUMAR BANSAL : Whom did you write to?

SHRI ARUN SHOURIE: We wrote to the Chief Secretary of the State. ...(Interruptions)

MR. SPEAKER: Shri Bansal, please let him complete. Let the hon. Minister complete his speech.

...(Interruptions)

SHRI ARUN SHOURIE: We wrote to the Government of Chattisgarh. We wrote to the Chief Secretary. ...(Interruptions) We went to the Court because of the imminent danger to the plant, because of these threats and because of the information that there was not even a charter of demands that had been put forward to justify the agitation. ...(Interruptions)

SHRI VARKALA RADHAKRISHNAN : Why did you not ask the company to make the case? Why should you go to the Court?

SHRI ARUN SHOURIE: Why should we ask them? ...(Interruptions)

MR. SPEAKER: Let him complete.

SHRI SOMNATH CHATTERJEE : The Government is not the owner of this company. The property belongs to the company, not to the Government. The property does not belong to the shareholders. Shri Arun Jaitley should know

this. The property belongs to the company and not to the shareholders. You are only shareholders there.  
...(Interruptions)

MR. SPEAKER: Hon. Members, please take your seat. Let him complete his reply first. Why are you not allowing the hon. Minister to speak?

...(Interruptions)

SHRI ARUN SHOURIE: We were told that the harm to the plant would cost Rs.100 crore and 49 per cent of that would fall on the Government. ...(Interruptions) We were told by technical experts that the harm could cost almost Rs.100 crore. Forty-nine per cent of that would have to be borne by the Central Government. Therefore, we went to the Court. ...(Interruptions)

MR. SPEAKER: Nothing should go on record except what the hon. Minister says.

(Interruptions)\*

SHRI ARUN SHOURIE: It is for these reasons that the Court passed far-reaching orders. These orders are now apparently 'inconvenient' to some.

The court has said that all the issues concerning this matter and all controversies shall be considered only by the Supreme Court of India. Therefore, they have directed the Chief Secretary and the Director-General of Police to ensure compliance with their orders.

...(Interruptions)

MR. SPEAKER: Do you want to raise issues on the same subject?

...(Interruptions)

MR. SPEAKER: How long do you want to discuss this same subject? Shri Chaturvedi, please sit down.

...(Interruptions)

MR. SPEAKER: This issue was already raised by them and the hon. Minister also has replied to it.

...(Interruptions)

**श्री शीशराम सिंह रवि** : माननीय अध्यक्ष जी, मैंने भी आज नोटिस दिया है, मुझको भी सुना जाना चाहिए। **â€**( व्यवधान)में भी एक महत्वपूर्ण विषय पर बोलना चाहता हूँ।**â€**( व्यवधान)

**अध्यक्ष महोदय** : आप बैठ जाइये। क्या आप इस विषय को दुबारा लेना चाहते हैं।

...(Interruptions)

\* Not Recorded

MR. SPEAKER: Shri Chaturvedi, do you want to discuss this subject again? Whatever issues they have raised, the hon. Minister has given replies to them.

...(Interruptions)

MR. SPEAKER: The House stands adjourned to meet again at 1.40 p.m.

13.11 hrs.

*The Lok Sabha then adjourned for Lunch till forty minutes  
past Thirteen of the Clock.*

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13.47 hrs.

लोक सभा 1347 बजे भोजनावकाश के उपरान्त पुनः समवेत् हुई।

(श्री श्रीनिवास पाटील पीठासीन हुए)

**श्री मुलायम सिंह यादव (सम्मल)** : सभापति महोदय, राष्ट्रपति जी के अभिभाण पर महत्वपूर्ण चर्चा हो रही है और कोरम मुश्किल से पूरा हो रहा है। आप जानते हैं कि आज उत्तर प्रदेश में ब्लाक प्रमुखों के चुनाव हो रहे हैं और लोक सभा के इस सदन में लगभग 75 सांसद यहां नहीं हैं जब इतने गंभीर और महत्वपूर्ण विषय पर चर्चा हो और इतनी बड़ी तादाद में सदस्यगण अनुपस्थित हैं तो मेरा अनुरोध है कि आज की बहस स्थगित करके सोमवार को अभिभाण पर चर्चा कराई जाए। 12 मार्च को किसानों की समस्या पर चर्चा होनी है। यदि सभा को और दो दिवस तक बढ़ा दें, हमें कोई एतराज नहीं है।

इतने गंभीर विषय पर चर्चा हो और राष्ट्रपति के अभिभाण पर चर्चा के लिए क्या हम कोरम का इंतजार करेंगे। यहां कौन हैं, कोई होली के मूड में है, उत्तर प्रदेश में आज ब्लाक के चुनाव हो रहे हैं। इसलिए सभापति जी आपसे अनुरोध है कि आज की बहस स्थगित कर दी जाए, यह एक गंभीर विषय है।

**सभापति महोदय** : कोरम है, मुलायम सिंह जी कोरम है। सोमनाथ चटर्जी साहब आप बहस शुरू कीजिए। (व्यवधान)

**डा.विजय कुमार मल्होत्रा** : बी.ए.सी. में आज की चर्चा के लिए समय निर्धारित है और इसे सब पार्टियों ने तय किया था। (व्यवधान)

**श्री मुलायम सिंह यादव** : यह हैं राम समर्थक, वाह रे मल्होत्रा जी, सीता को मानते नहीं ये राम समर्थक हैं। (व्यवधान) सभापति जी, मैं कह रहा हूँ कि अकेले उत्तर प्रदेश के 75 सदस्य भी नहीं है और आप यह भी जानते हैं कि उत्तर प्रदेश में ब्लाक प्रमुखों के चुनाव हो रहे हैं।

**सभापति महोदय** : वैसे समय कम है। आप बैठिये।

**श्री प्रमोद महाजन** : मुलायम सिंह जी, जब यह तिथि तय हुई तब होली कब है, इसका पता था। ईद कब है, चुनाव कब है, इनका पता था। अब अगर हम इस बहस को आगे ले जायेंगे तो स्वाभाविक रूप से किसानों की बहस अगले हफ्ते फिर नहीं होगी और इसलिए मुझे लगता है कि (व्यवधान)

**श्री मुलायम सिंह यादव** : क्यों नहीं होगी, हम करायेंगे।

**श्री प्रमोद महाजन** : नहीं होगी, चूंकि यहां पर समय पर काम करना पड़ता है। (व्यवधान)

**श्री मुलायम सिंह यादव** : आपका बजट समय पर पास होगा, हम पास करायेंगे।

**श्री प्रमोद महाजन** : ऐसे कैसे करायेंगे।

**सभापति महोदय** : सोमनाथ जी, अब आप राष्ट्रपति के अभिभाण पर धन्यवाद प्रस्ताव पर बोलिये।

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