

16.05 hrs,

**Title: Introduction of the Sixth Schedule to the Constitution (Amendment) Bill, 2003.**

THE DEPUTY PRIME MINISTER AND IN CHARGE OF THE MINISTRY OF HOME AFFAIRS AND MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI L.K. ADVANI): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India in its application to the State of Assam.

**MR. DEPUTY-SPEAKER: Motion moved:**

"That leave be granted to introduce a Bill further to amend the Constitution of India in its application to the State of Assam."

Shri Sontosh Mohan Dev is not present.

Dr. Jayant Rongpi now. I think, you have already stated what you wanted to.

**DR. JAYANT RONGPI (AUTONOMOUS DISTRICT ASSAM):** Yes, Sir.

Sir, I oppose this Bill at the introduction stage. I said at that time also that the Government is taking resort to Direction 19B of Directions of Speaker routinely. It is an extraordinary provision. Direction 19A is forgotten at the same time. This has created hurdles for us.

**MR. DEPUTY-SPEAKER:** Let me tell you that unless the Speaker is convinced with the reasons given, he will not give permission. You may kindly have a look at the last paragraph of Direction 19B.

The hon. Speaker has given permission after fully convinced with the reasoning given.

â€“(Interruptions)

**SHRI PAWAN KUMAR BANSAL (CHANDIGARH):** Sir, 19B talks of 'full reasons'. There is no reason here.. Kindly see...(Interruptions)

**MR. DEPUTY-SPEAKER:** It says:

"Provided further that in other cases, where the Minister desires that the Bill may be introduced earlier than two days after the circulation of copies or even withhold prior circulation, he shall give full reasons in a memorandum for the consideration of the Speaker explaining as to why the Bill is sought to be introduced without making available to members copies thereof in advance,â€”"

I have depended on this only and given him the permission.

**SHRI PAWAN KUMAR BANSAL :** Kindly see the reasons which have been given here...(Interruptions)

**MR. DEPUTY-SPEAKER:** Not to you, the hon. Minister has given it to the hon. Speaker and after fully convinced with it, he has given permission.

**SHRI PAWAN KUMAR BANSAL :** Are these different from the ones which have been circulated?... (Interruptions) It is my right to know. I would just like to know, was whatever sent to the hon. Speaker different from the one given to us...(Interruptions) It is the same.

**MR. DEPUTY-SPEAKER:** The hon. Speaker is fully convinced with that and, therefore, he has given permission to the hon. Minister.

**SHRI PAWAN KUMAR BANSAL :** My submission is, full reasons have to be given and they have not been given...(Interruptions)

**MR. DEPUTY-SPEAKER:** According to the hon. Speaker, he has been given the full reasons and that is why he has given permission.

â€“(Interruptions)

**SHRI PAWAN KUMAR BANSAL :** At least I can suggest something for the future...(Interruptions) Since you are laughing, I would like to make my point clear. What has been said in the Memorandum? The Government had taken a decision on 10<sup>th</sup> of February to do such and such things. It was a day before the Session had started, that is three months back. Why has the Government delayed and brought the Bill now? What are the reasons for this delay, is precisely what I am asking. We are giving a go-by to all the rules, all the stipulations. This is the way the Parliament is being treated and my objection is basically to that...(Interruptions)

स्वास्थ्य और परिवार कल्याण मंत्री तथा संसदीय कार्य मंत्री (श्रीमती सुमा स्वराज) : बंसल जी, यह बिल इंट्रोड्यूस करना इसलिए जरूरी है, क्योंकि

उसे स्टैंडिंग कमेटी को भेजना है। (ब्यवधान)ये सब चीजें स्पीकर साहब देखते हैं, आप नहीं देख सकते हैं। स्पीकर साहब कन्विन्सड हैं। (ब्यवधान)

SHRI PAWAN KUMAR BANSAL : The Government had taken a decision three months back. Why is it rushing through the Bill at the last minute? (Interruptions)

श्रीमती सुमा स्वराज : स्टैंडिंग कमेटी में इस पर विचार कर सकते हैं।

श्री पवन कुमार बंसल : स्टैंडिंग कमेटी की बात नहीं है। This is about the procedure for introduction of Bill.

श्रीमती सुमा स्वराज : रीजन यह है कि आज सदन का आखिरी दिन है। अगर यह बिल इन्द्रोड्युस नहीं हुआ, तो स्टैंडिंग कमेटी को नहीं भेज सकते हैं। स्टैंडिंग कमेटी को भेजने के लिए ही आज इन्द्रोड्युस कर रहे हैं।

SHRI PAWAN KUMAR BANSAL : The Government had taken a decision to do something and from 10<sup>th</sup> February it was waiting till the 9<sup>th</sup> of May to introduce the Bill. What was it doing for the last three months? Now, it is invoking the urgency provision....(Interruptions)

MR. DEPUTY-SPEAKER: They have given full reasons to the hon. Speaker and he in turn is convinced with them. He has admitted it.

(Interruptions)

SHRI PAWAN KUMAR BANSAL : If the hon. Speaker would have been in the Chair, I would have, in all humility, made the same submission. Reasons given are not adequate and not even *bona fide* ...(Interruptions)

MR. DEPUTY-SPEAKER: With complete authority and wisdom, the hon. Speaker has given permission.

(Interruptions)

SHRI PAWAN KUMAR BANSAL : Sir, the Government has been waiting for three months and now it is invoking the urgency provisions without any basis....(Interruptions)

MR. DEPUTY-SPEAKER: I have already given the ruling.

(Interruptions)

THE MINISTRY OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI SU THIRUNAVUKKARASAR) : Sir, he cannot question the authority of the Speaker....(Interruptions)

MR. DEPUTY-SPEAKER: After having been given the full reasons, the hon. Speaker has given permission. You are raising the same matter again. How can I answer it?

(Interruptions)

DR. JAYANT RONGPI (AUTONOMOUS DISTRICT ASSAM): Sir, I should be heard for two minutes....(Interruptions)

SHRI PAWAN KUMAR BANSAL : It is our duty to raise the point....(Interruptions) Parliament works according to the law and according to the instructions and directions of the hon. Speaker.

What I am saying in this case is that one should understand that there are four Bills...(Interruptions)

SHRI SU THIRUNAVUKKARASAR: Sir, he should not question the authority of the Speaker...(Interruptions)

SHRI PAWAN KUMAR BANSAL : Sir, in one of the cases, it has been specifically said that this Bill is based on the decision of the Government taken on 10<sup>th</sup> February. Now, they are invoking the emergency provisions on the last day. This could very well have been brought two days before...(Interruptions)

MR. DEPUTY-SPEAKER: Even on this matter also, the hon. Speaker must have been convinced. That is why, he has given permission.

DR. JAYANT RONGPI : Sir, now the Government has said that the Bill will go to the Standing Committee. Here I want to request the Government, particularly in regard to the amendment of the Sixth Schedule that it has got very serious implications and that will not be good for the nation...(Interruptions). Sir, I would like to submit particularly regarding one clause where it is said that Bodo communities will be given Scheduled Tribe hill status in the hill district of Assam. So, I want to request that it should be kept in abeyance...(Interruptions)

SHRIMATI SUSHMA SWARAJ: Sir, he can raise this in the Standing Committee. He can also participate in the discussion when the Bill would be brought for consideration and passing but not at the stage of introduction. At the stage of introduction, the only objection that he can raise is about legislative competence and nothing else.

MR. DEPUTY-SPEAKER: Dr. Rongpi, you are a senior Member. You know when the Standing Committee takes up this Bill, you can very well make your submission to them. All other Members can also deliberate and then only it would come to the House.

...(Interruptions)

SHRI PAWAN KUMAR BANSAL : Sir, there are many palpable and tangible reasons for us to get it obstructed. We are not doing that. There are many other tangible reasons. I am not invoking those reasons. I am only saying that it is our duty also to bring certain points to the notice of the House and even to the notice of the hon. Speaker for future reference. When I used the word `future', they were trying to laugh at me as if they know much more than what I do...(Interruptions)

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India in its application to the State of Assam."

*The motion was adopted.*

SHRI L.K. ADVANI: Sir, I introduce the Bill.

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