

13.37 hrs.

*[English]*

## PAPERS LAID ON THE TABLE

**Proclamation Issued by the President under article 356 of the constitution etc.**

SHRI S.B. CHAVAN (THE MINISTER OF HOME AFFAIRS) : Sir, I beg to lay on the Table :-

- (1) (i) A copy of the proclamation (Hindi and English versions) dated the 18th October, 1995 issued by the President under article 356 of the Constitution in relation to the State of Uttar Pradesh published in Notification No. G.S.R. 685(E) in Gazette of India dated the 18th October, 1995 under article 356(3) of the Constitution.
- (ii) A copy of the Order (Hindi and English versions) dated the 18th October, 1995 made by the President in pursuance of sub-clause (i) of clause (c) of the above proclamation published in Notification No. G.S.R. 686(E) in Gazette of India dated the 18th October 1995.

*[Placed in the Library see No. LT 8154/95]*

- (2) A copy of the reported dated the 17th October, 1995 of the Governor of Uttar Pradesh to the President (Hindi and English versions)

*[Placed in the Library see No. LT 8155/95]***Consumer Protection (Amendment) Rules, 1995**

SHRI BUTA SINGH (THE MINISTER OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION) : Sir, I beg to lay on the Table a copy of the Consumer Protection (Amendment) Rules, 1995 (Hindi and English versions) published in Notification No. G.S.R. 605(E) in Gazette of India dated the 30th August, 1995, under sub-section (1) of section 31 of the Consumer Protection Act, 1986.

*[Placed in the Library see No. LT 8156/95]**[English]*

MR. SPEAKER : Item No. 4 Shri G. Venkat Swamy to lay on the Table.

SHRI RAM NAIK (Bombay North) : Sir, I raise a point of order.

MR. SPEAKER : What is it ?

*[Translation]*

SHRI RAM NAIK : Mr. Speaker, Sir, I want to

oppose the statement that he wants to make here under Rule 71(2) Mr. Speaker, these two ordinances:

*[English]*

I am reading out the second part of Rule 71.

"Whenever an Ordinance, which embodies wholly or partly or with modification the provisions of a Bill pending before the House..."

These two Bills are pending in Parliament.

"...is promulgated, a statement explaining the circumstances which had necessitated immediate legislation by Ordinance shall be laid on the Table at the commencement of the session following the promulgation of the Ordinance."

Then, Sir, I invite your attention to page 552 of the Kaul and Shakhdar. It is about Bill seeking to replace Ordinance. It says;

"Ordinance promulgated by the President are required to be laid before both Houses of Parliament. Normally, Ordinances are laid on the day of the first sitting of the House held after the promulgation of the Ordinances on which formal business is transacted..."

Sir, the subsequent sentence is important.

"...In the case of an Ordinance containing the provisions of a Bill pending before the House with or without modifications, a statement explaining the reasons for promulgation of the Ordinance is also laid along with the Ordinance and copies thereof circulated to members."

So, Sir, this statement is not being laid alongwith the Ordinance. Now, I know the five Ordinances which are kept in the name of the subsequent Ministers.

*[Translation]*

I have to state that this is the practice here that.

*[English]*

It is not being laid alongwith the Ordinance.

*[Translation]*

The hon. Minister to whom this ordinance belongs to is present here but instead, the Statement is being presented here by the hon. Minister of Parliamentary Affairs. Therefore, a ruling should be given as a precedent.

*[English]*

What does it mean ? "Alongwith" means alongwith it. It is not coming alongwith it.

*[Translation]*

There are various items coming up separately in between. The ordinances follow these items. Secondly, the ordinance relating to Pension Scheme has

been issued and the copy of the Notification has been given to the Union people but it has not been made available to the Members.

[English]

Alongwith the Ordinance whatever notification has been issued, it should have been circulated to us.

[Translation]

The whole world know it, but ....

[English]

MR. SPEAKER : 'Notification' means notice to the entire country.

SHRI RAM NAIK : The rules say that whenever such Bill or Ordinance is issued, notification should also be circulated to the Members.

SHRI RAM KAPSE (Thane) : It is not circulated even today.

[Translation]

SHRI RAM NAIK : This has not been circulated by him. Keeping in views these three points.

[English]

They are belittling the Parliament. They are not following the rules and from that point of view, I object to the laying of these two Statements. they should be laid together with the Ordinance and that Ordinance should be laid by the Minister concerned and not by the Parliamentary Minister.

MR. SPEAKER : What the Government has to say on this ?

SHRI RAM KAPSE : Mr. Speaker, Sir, I have given notice on this point and I have a different point to make. The point is that this Bill was introduced in Rajya Sabha on 29th March, 1993. Then, it was sent to the Standing Committee in February this year. The Standing Committee has not submitted its report to the Parliament even today. In between on 17th October, 1995 they promulgated an Ordinance. They did not wait. On 16th of November, 1995 they have started the implementation of that scheme and the issue is related to one crore and eighty lakh of workers and most of them are opposing the Ordinance and opposing the scheme. They have not given the option whether to opt for pension or provident fund. There is an opposition throughout the country. Even then, implementation has started. Now, the Minister, Mr. Venkat Swamy in a public meeting says, "I will take back this Ordinance." In this situation, he is laying the Ordinance here today. So, I have an objection to both item Nos. 4 and 10.

MR. SPEAKER : What has the Government to say?

Let us make the point very clear. I will make it simple.

There were Bills pending in the House. You issued the Ordinances when the Bills were pending in the House. According to Mr. Naik, an explanation as to why that was done has to be put on the Table of the House alongwith the copy of the Ordinance. It is not done.

What have you to say on them ?

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK) : On the same day itself we are laying both the Ordinances as well as the Statement giving the reasons.

As far as the Bill pending is concerned, the Government had felt that after its discussions with the various Central trade union organisations...

SHRI RAM KAPSE : Here, he is trying to belittle the Standing Committee. That is the problem.

MR. SPEAKER : That is a different issue and a different point.

SHRI MUKUL WASNIK : Sir, generally, the trade unions have accepted the proposals of the Government. They supported the Government proposals. Later, it was also felt that the time taken to pass the Bill is quite considerable, the pendency is there for quite a long time, and also several employees have retired in the meantime ...*(Interruptions)*

MR. SPEAKER : They are not objecting to your issuing the Ordinance. They are objecting to your not explaining to the House as to why it was necessary.

SHRI MUKUL WASNIK : Sir, these are the reasons which we wish to lay today.

MR. SPEAKER : No. I know that the Ordinances have to be laid on the Table of the House on the opening day of the session. Yesterday, we could not work. Today, it has come but the explanation has not come. So, you please, come to the House, along with the explanation, tomorrow.

SHRI MUKUL WASNIK : Sir, that is why we are begging for your permission. ...*(Interruptions)*

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA) : Sir, under Rule 66, along with the Ordinances, this Statement is being laid.

MR. SPEAKER : You say that you have laid the Statement, then I will allow you.

SHRI VIDYACHARAN SHUKLA : The statement is being laid.

SHRI NIRMAL KANTI CHATTRJEE (Dum Dum) : You clarify whether it is the statement for the Ordinances or the Bills.

MR. SPEAKER : If what is required has already been done, then I have no objection.

SHRI VIDYACHARAN SHUKLA : Sir, this is the statement.

MR. SPEAKER : I have not read the statement. He was saying that the Bill is pending in the Parliament and now you have issued the Ordinance. Ordinance should be issued when the Bill is not pending. Now, if you have done that, then what was the urgency of doing that. Why was it done ? It has to be explained in the Statement. If you have explained that in the statement, then I have no objection.

SHRI MUKUL WASNIK : We have done that.

MR. SPEAKER : I do not know what is it. Supposing what he was asking for is there and if you take that responsibility, then I will allow you to lay it.

SHRI MUKUL WASNIK : That is there.

SHRI RAM NAIK : My point is whether it will be laid along with the Ordinances. That means, the Ordinances should be laid first, then the statement should come. It is just a reverse.

First, the Ordinances must be laid, then the statement explaining the reasons should come. At least, they should come one after the other. They are not coming one after the other.

MR. SPEAKER : There, I do not agree. Supposing they have not explained while the Bill was pending and the Ordinance was issued, then you have a point. I am not concerned why the sequence has changed and so on.

SHRI RAM KAPSE : Hon. Speaker, Sir, I have one more point.

MR. SPEAKER : I shall have to apply my mind on that. I will not individually give a ruling on that point immediately viz., when the matter is pending before the Standing Committee, whether an Ordinance can be issued or not. Otherwise, you know the Government will be hamstrung.

SHRI RAM KAPSE : I will request you to apply your mind.

MR. SPEAKER : I will do that.

#### PAPERS LAID ON THE TABLE — CONTD.

13.48 hrs

#### An Explanatory Statement giving reasons for Immediate Legislation by the Employees' Provident Funds etc.

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK) : On behalf of Shri G. Venkat Swamy, I beg to lay on the Table.

- (1) An explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance.

[Placed in Library see No. LT 8157/95]

- (2) An explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Ordinance, 1995.

[Placed in Library see No. LT 8158/95]

#### Annual Report and Review of the Council for Advancement of People's Action and Rural Technology, New Delhi for 1993-94 and statement showing reasons for delay in laying these Papers.

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF RURAL AREAS AND EMPLOYMENT (DEPARTMENT OF RURAL DEVELOPMENT) (SHRI UTTAMBHAI HARJIBHAI PATEL) : On behalf of Dr. Jagannath Mishra, I beg to lay on the table—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Council for Advancement of People's Action and Rural Technology, New Delhi, for the year 1993-94, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Council for Advancement of People's Action and Rural Technology, New Delhi, for the year 1993-94.
- (2) Statement (Hindi and English Versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library see No. LT 8159/95]

#### Memorandum of Understanding between the Modern Food Industries (India) Ltd. and the Ministry of Food Processing Industries for the year 1995-96

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK) : On behalf of Shri K.P. Singh Deo, I beg to lay on the Table a copy of the

Memorandum of Understanding (Hindi and

English versions) between the Modern Food Industries (India) Limited and the Ministry of Food Processing Industries, for the year 1995-96.

[Placed in the Library see No. LT 8160/95]

**Ministry of Surface Transport (Transport wing) Joint Director (Electronic Data Processing Centre) Recruitment Rules, 1995. etc.**

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (DEPARTMENT OF DEFENCE RESEARCH AND DEVELOPMENT) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : On behalf of Shri M. Rajasekhara Murthy I beg to lay on the Table

(1) A copy of the Ministry of Surface Transport (Transport wing) Joint Director (Electronic Data Processing Centre) Recruitment Rule, 1995 (Hindi and English versions) published in Notification No. G.S.R. 302 in Gazette of India dated the 24th June, 1995 issued under proviso to Article 309 of the Constitution.

[Placed in the Library see No. LT 8161/95]

(2) A copy of the Central Motor Vehicles (Amendment) Rules, 1995 (Hindi and English versions) published in Notification No. G.S.R. 664(E) in Gazette of India dated the 25th September, 1995, under sub-section (4) of section 212 of the Motor Vehicles act, 1988.

[Placed in the Library see No. LT 8162/95]

**MOU between National Fertilizers, Indian Petrochemicals Corporation Ltd. etc. and Ministry of Chemicals and Fertilizers for the year 1995-96 etc.**

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK) : On behalf of Shri Eduardo Faleiro, I beg to lay on the Table a copy each of the following papers (Hindi and English versions) :-

- (1) Memorandum of Understanding between the National Fertilizer Limited and the Ministry of Chemicals and Fertilizers. Department of Fertilizers. For the year 1995-96.

[Placed in Library see No. LT 8163/95]

- (2) Memorandum of Understanding between the Indian Petrochemicals Corporation Limited and the Ministry of Chemicals and Fertilizers Department of Chemicals and Petrochemicals. For the year 1995-96.

[Placed in Library see No. LT 8164/95]

- (3) Memorandum of Understanding between the Madras Fertilizers Limited and the Ministry of

Chemicals and Fertilizers, Department of Fertilizers, for the year 1995-96.

[Placed in Library see No. LT 8165/95]

- (4) Memorandum of Understanding between the Paradeep Phosphates Limited and the Ministry of Chemical and Fertilizer. Department of Fertilizers. For the year 1995-96.

[Placed in Library see No. LT 8166/95]

- (5) Memorandum of Understanding between the Rashtriya Chemicals and Fertilizers Limited and the Ministry of Chemicals and Fertilizers Department of Fertilizers, for the year 1995-96.

[Placed in Library see No. LT 8167/95]

- (6) Memorandum of Understanding between the Karnataka Antibiotics and Pharmaceuticals Limited and the Department of Chemicals of Petrochemicals. Ministry of Chemicals and Fertilizers for the year 1995-96.

[Placed in Library see No. LT 8168/95]

- (7) Memorandum of Understanding between the Hindustan Antibiotics Limited and the Department of Chemicals and Petrochemicals, for the year 1995-96.

[Placed in Library see No. LT 8169/95]

**Notification issued under Standards of weights and Measures Act, 1976 and statement showing reasons for delay in Laying these Papers etc.**

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION (DEPARTMENT OF CIVIL SUPPLIES) (SHRIMATI KRISHNA SAHI) : I beg to lay on the table:-

- (1) A copy of the Notification No. G.S.R. 466(E) (Hindi and English versions) published in Gazette of India dated the 31st May, 1995 making certain amendments in the Notification No. G.S.R. 105(E) dated the 2nd March, 1995, issued under section 83 of the Standards of Weights and Measures act, 1976.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library see No. LT 8170/95]

- (3) A copy each of the following Notifications (Hindi and English versions) under sub-section (4) of section 83 of the Standards of Weight and Measures Act, 1976 :-

- (i) The Standards of Weights and Measures (Packaged Commodities) (Third Amendment) Rules, 1995 published in Notification No. G.S.R. 521(E) in Gazette of India dated the 27th June, 1995.
- (ii) The Standards of Weights and Measures (Packaged Commodities) (Fourth Amendment) Rules, 1995 published in Notification No. G.S.R. 547(E) in Gazette of India dated the 13th July, 1995.
- (4) Two Statements (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in Library see No. LT 8171/95]

#### **Depositories Ordinance 1995 etc.**

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK) : I beg to lay on the Table a copy each of the following Ordinances Hindi and English versions) under article 123 (2) (a) of the Constitution:-

- (1) The Depositories Ordinance, 1995 (No.11 of 1995) promulgated by the President on the 20th September, 1995.

[Placed in the Library see No. LT 8172/95]

- (2) The Industrial Disputes (Amendment) Ordinance, 1995 (No.12 of 1995.) Promulgated by the President on the 11th October, 1995.

[Placed in the Library see No. LT 8173/95]

- (3) The Employees Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1995 (No.13 of 1995) promulgated by the President on the 17th October, 1995.

[Placed in the Library see No. LT 8174/95]

- (4) The Building and other Construction Workers (Regulation of Employment and Conditions of Service) Ordinance, 1995 (No. 14 of 1995) promulgated by the President on the 3rd November, 1995.

[Placed in the Library see No. LT 8175/95]

- (5) The Building and other Construction Workers' Welfare Cess Ordinance, 1995 (No. 15 of 1995) promulgated by the President on 3rd November, 1995.

[Placed in the Library see No. LT 8176/95]

#### **Notification Under Essential Commodities Act, 1995**

THE MINISTER OF STATE IN THE MINISTRY OF

AGRICULTURE (SHRI ARVIND NETAM) : I beg to lay on the Table :-

- (1) A copy of the Notification No. S.O. 827 (E) (Hindi and English versions) published in Gazette of India dated the 4th October, 1995 indicating the supplies of fertilisers to be made by domestic manufacturers of fertilisers to various States, Union Territories/Commodity Board during the period from the 1st October, 1995 to the 31st March, 1996 (Rabi 1995-96 session) under sub-section (6) of section 3 of the Essential Commodities Act, 1995.

[Placed in Library see No. LT 8177/95]

- (2) A copy of the Veterinary Council of India (Election of the President and Vice-President) Regulations, 1995 (Hindi and English versions) published in Notification No. 12-2194. VCI/17092 in Gazette of India dated the 29th August, 1995, under sub-section (3) of section 66 of the Indian Veterinary Council Act, 1984.

[Placed in Library see No. LT 8178/95]

#### **MOU between Power Grid Corporation of India and Ministry of Power for the year 1995-96.**

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRIMATI URMILABEN CHIMANBHAI PATEL) : I beg to lay on the Table a copy of the Memorandum of Understanding (Hindi and English versions) between the Power Grid Corporation of India and the Ministry of Power for the year 1995-96.

[Placed in Library see No. LT 8179/95]

#### **Annual Report and Review of the Working of the Lalit Kala Akademi, New Delhi for the year 1993-94, Annual Report of the Indian Museum Calcutta etc. and statement showing reasons for delay in laying these Papers etc.**

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK) : On behalf of Kumari Selja I beg to lay on the table.

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Lalit Kala Akademi, New Delhi, for the year 1993-94. alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Lalit Kala Akademi. New Delhi, for the year 1993-94.
- (2) Statement (Hindi and English versions)

showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library see No. LT 8180/95]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Museum, Calcutta, for the year 1993-94 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Indian Museum, Calcutta for the year 1993-94.
- (4) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in Library see No. LT 8181/95]

- (5) (i) A copy of Annual Report (Hindi and English versions) of the National Museum Institute of History of Art, Conservation and Museology, New Delhi, for the year 1993-94, alongwith Audited Accounts.
- (ii) A Copy of the Review (Hindi and English versions) by the Government of the working of the National Museum Institute of History of Art Conservation and Museology, New Delhi, for the year 1993-94.
- (6) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (5) above.

[Placed in Library see No. LT 8182/95]

- (7) (i) A copy of Annual Report (Hindi and English versions) of the Sangeet Natak Akademi, New Delhi, for the year 1993-94 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Sangeet Natak Akademi New Delhi, for the year 1993-94.
- (8) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (7) above.

[Placed in Library see No. LT 8183/95]

- (9) (i) A copy of the Annual Report (Hindi and English versions) of the Indira Gandhi National Open University, New Delhi for the year 1993-94.
- (ii) A copy of the review (Hindi and English versions) by the Government of the working of the Indira Gandhi National Open University, New Delhi, for the year 1993-94

- (10) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (9) above.

[Placed in Library see No. LT 8184/95]

13.50 hrs.

[English]

### ASSENT TO BILLS

SECRETARY GENERAL : Sir, I beg to lay on the Table the following seven Bills passed by the Houses of Parliament during the last Session and assented to since a report was last made to the House on the 26th August, 1995:-

1. The Payment of Bonus (Amendment) Bill, 1995
2. The Jammu and Kashmir Appropriation (No.2) Bill, 1995
3. The Appropriation (No.3) Bill, 1995
4. The Appropriation (No.4) Bill, 1995
5. The Constitution (Seventy-Eighth Amendment Bill, 1995
6. The Sixth Schedule to the constitution (Amendment) Bill, 1995.
7. The Wakf bill, 1995

I also lay on the table copies, duly authenticated by the Secretary-General of Rajya Sabha, of the following five Bills passed by the Houses of Parliament during the Fourteenth Session of Tenth Lok Sabha and assented to by the President :-

1. The Recovery of Debts Due to Banks and Financial Institutions (Amendment) bill, 1995
2. The Indian Statistical Institute (Amendment) Bill, 1995
3. The Textile Under takings (Nationalisation) Bill, 1995
4. The Sick Textile Undertakings (Nationalisation) Amendment Bill, 1995
5. The National Commission for Minorities (Amendment) Bill, 1995

13.52. hrs

[English]

### PARLIAMENTARY COMMITTEES Summary of Work

SECRETARY GENERAL : Sir, I beg to lay on the Table a copy of the 'Parliamentary Committees (Other than Financial and Standing Committees-Summary of Work' (Hindi and English versions) pertaining to the period from 1 June, 1994 to 31 May, 1995.