

IRON AND STEEL (CONTROL) AMENDMENT ORDER, 1973 AND MINERAL CONCESSION (SECOND AMENDMENT) RULES, 1973

THE DEPUTY MINISTER* IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): I beg to lay on the Table—

- (1) A copy of the Iron and Steel (Control) Amendment Order, 1973 (Hindi and English versions) published in Notification No. SO 214(E) in Gazette of India dated the 12th April, 1973, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-5032/73]
- (2) A copy of the Mineral Concession (Second Amendment) Rules, 1973 (Hindi and English versions) published in Notification No. GSR 345 in Gazette of India dated the 31st March, 1973, under sub-section (1) of section 28 of the Mines and Minerals (Regulation and Development) Act, 1957. [Placed in Library See No LT-5033/73]

श्री बसु लिखते उपाध्यक्ष महोदय, मझे दो मुद्दे रखने हैं कोई लम्बा भाषण नहीं करना है। आपने यह देखा कि यह एसेनियल कमोडिटीज एक्ट है। इसके खंड 3 के तहत सरकार को बहुत व्यापक अधिकार दिए गए हैं, बहुत व्यापक अधिकार, और खंड चार में यह कहा गया है

"4(b) Every order made under this section by the Central Government, or by any officer or authority of the Central Government, shall be laid before both Houses of Parliament as soon as may be after it is made."

How soon is the question.

यह मेरा सवाल है। इसमें आप देखिए कि यह आर्डर जारी किया गया है 12 अप्रैल को। तो क्या 32 दिन लगते हैं यह आदेश यहाँ रखने

के लिये? इसके ऊपर मैं आपका निर्णय चाहता हूँ। कोई भी आपका समय खराब नहीं करना चाहता हूँ।

दूसरी बात के ऊपर मैं आपका नया निर्णय चाहता हूँ। यह जो आर्डर है इसका पृष्ठ 3 देखिए। इसमें एक बहुत बड़ा अधिकार इन्होंने अपने पदाधिकारी को दिया है

"Power to suspend supplies of scrap: Notwithstanding anything contained in this Part or in the conditions governing the acquisition or disposal of any categories of scrap, the Controller may, for reasons to be recorded in writing, order suspension of further supplies of scrap forthwith to any person against whom there existed a credible information, or a reasonable suspicion, of the contravention of any condition laid down under this Order, or of any direction issued thereunder.

NOTE (1) - The provisions of this clause shall be invoked only as an interim action in order to forestall further misutilisation of scrap and shall be followed with further action, regard being had to the circumstances of the case."

जानकारी में कुछ ऐसे उदाहरण आए होंगे कि जब दुरुपयोग किया गया होगा स्क्रैप का, तो मेरी आपसे प्रार्थना है कि जब इस तरह के आर्डर मन्ना पटल पर रखे जाय तो साफ-साफ जैसे विधेयक के साथ मॉडिफिकेशन आना है, व्याख्या आनी है उद्देश्यों की, ऐसे ही इस आदेश के साथ यह भी आना चाहिए कि यह कदम उठाना क्यों जरूरी हुआ है और इस प्रकार के दुरुपयोग के कौन उदाहरण सरकार के ध्यान में आए हैं? इस पर आप निराश हो जाएंगे। आखिरकार जब हम बहुत ज्यादा डेनियगैटेड नेजिस्लेशन के अधिकार सरकार का देना है तो हम जानना चाहते हैं कि सरकार इन प्रावधानों का इस्तेमाल कैसे करती है? इसीलिए, सदन के पटल पर ये सारे आदेश रखे जाते हैं। उनके साथ

[श्री मधु लिमये]

इस प्रकार स्पष्टीकरण और व्याख्या होगी तो सबन की कार्यवाही में और पार्लियामेंट को अपने अधिकारों को ठीक तरह से इस्तेमाल करने में सुविधा होगी।

MR. DEPUTY-SPEAKER : I do not know what ruling he wants on this. His first point is that there has been a long delay. It is dated 12th April and now it is the 10th of May, almost a month. There has been delay. I do not know what the Minister has got to say. To me it appears a long time.

SHRI SUBODH HANSDA : We have to pass through so many formalities which take some time.

SHRI PILOO MODY (Godhra) : What are those formalities ?

MR. DEPUTY-SPEAKER : I think he can explain why the delay has occurred. "As soon as possible" means as soon as possible. It may be two or three days, a reasonable time. There should not be any undue delay. If the Government find that they are unable to place the Order on the Table as soon as possible, which to me means as soon as possible, without any delay, then they must come forward with an explanation giving the grounds for the delay.

After these Orders have been placed, it is for the House to take note of these Orders.

SHRI MADHU LIMAYE : An Explanatory Note should be attached to the Order.

SHRI H. M. PATEL (Dhandhuka) : What is your ruling on "as soon as possible" ?

MR. DEPUTY-SPEAKER : "As soon as possible" means if it is possible even tomorrow, unless there is some reason which stands in the way.

Now, it has been brought to my notice that there has been a precedent. I will read out the relevant portion :

"All Statutory Rules and Orders required to be laid before the House should be laid as early as possible, within a period of 15 days of their publication in the Official Gazette if the House is in session and, if the House is not in session at the time of publication of such Statutory Rules and Orders, they should be laid on the floor of the House as soon as possible after the commencement of the next session but, in any case, within 15 days of such commencement."

There has been a ruling on this.

SHRI H. M. PATEL : The ruling has been clearly violated.

What is somewhat peculiar in what you have read just now is that when the House is not in session, then too the Orders shall be laid on the Table of the House as soon as possible. Why not within the first week of the commencement of the session? Obviously, it must be possible. When the House is not in session, there is plenty of time for them. The time of 15 days is when the House is in session. When the House is not in session why not within the first week of the commencement of the session?

MR. DEPUTY-SPEAKER : What I read out is not a ruling. This is from a Report of the Committee on Subordinate Legislation. In this case, this outer limit of 15 days has been exceeded.

SHRI H. M. PATEL : I am, therefore, suggesting now, since the question has arisen now, that there should be a modification. In regard to Orders passed, when the House is not in session, the copies of such Orders should be laid on the Table of the House within the first week of the session.

SHRI INDRAJIT GUPTA (Alopore) : **MR. DEPUTY-SPEAKER:** It is laid Even this outer limit of 15 days has been exceeded. That is all.

MR. DEPUTY-SPEAKER : He has to give an explanation for that.

SHRI MADHU LIMAYE: An Explanatory Note must accompany it.

MR. DEPUTY-SPEAKER : About the second point, that is a suggestion made by you. I cannot off-hand give my ruling on that. I think, attention should be paid to it.

SHRI MADHU LIMAYE: Please don't give an off-hand ruling. You may give it later on.

SHRI S. M. BANERJEE (Kanpur) : In this particular case, Shri Subodh Hansda is supposed to lay something. Without an Explanatory Note, should we take it as laid?

MR. DEPUTY-SPEAKER : In this case the Speaker has given the consent and he has laid it. Obviously, he must also give an explanation as to why there was this delay.

SHRI INDRAJIT GUPTA: An Explanatory Note has to accompany that Order.

MR. DEPUTY-SPEAKER : Now, he can give an Explanatory Note later on. In this case, an Explanatory Note will follow. But in future, whenever an outer limit of 15 days is exceeded, the Government must inevitably attach an Explanatory Note explaining the delay.

As regards the second point, it is a suggestion and, as I said, attention should be paid to it. I cannot say anything more off-hand.

SHRI MADHU LIMAYE: You can give your ruling later on.

SHRI S. M. BANERJEE: In this case, you have allowed the Minister to lay it twice.

SHRI H. M. PATEL: An Explanatory Note to which Mr. Madhu Limaye is drawing your attention is where reasons have to be given for the Order passed. That statement should accompany all such Orders. That is the point on which Mr. Madhu Limaye wants your ruling. The other point, of course, is about explanation for failure to lay it on the Table within 15 days. I would request that the Minister should be required to submit that within a fixed time. We do not want to carry it on to the next Session. In so far as this order is concerned, the explanatory memorandum, explaining why is it that they have failed to do within 15 days, should be submitted early, within a fixed time . . .

MR. DEPUTY-SPEAKER : It will be given as soon as possible; if possible, even by tomorrow.

Shri Sukhdev Prasad

Review and Annual Report of Hindustan Copper Ltd., 1971-72

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUKHDEV PRASAD): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of Section 619A of the Companies Act, 1956:—

- (i) Review by the Government on the working of the Hindustan Copper Limited, for the year 1971-72.
- (ii) Annual Report of the Hindustan Copper Limited, for the year 1971-72 along with the Audited Accounts and the comments of the Comptroller and Auditor-General thereon.

[Placed in Library. See No. LT-5034/73]

S. M. BANERJEE: The Annual Report for the year 1971-72 should have been completed by March 1972, and it should