

in adopting this Bill because they want to suppress the people of this country. In fact, I do not want to come in their way because that process will open the way to the disaster of this Government.

12 hrs.

# ASSAM STATE LEGISLATURE (DELEGATION OF POWERS) BILL

MR. DEPUTY-SPEAKER: Now, we take up Assam State Legislature (Delegation of Powers) Bill.

THE MINISTER OF HOME AFFAIRS (SHRI ZAIL SINGH): I beg to move\*:

"That the Bill to confer on the President the power of the Legislature of the State of Assam to make laws, be taken into consideration."

The House is aware that the proclamation dated 12th December, 1979 made by the President under Article 356 of the Constitution in relation to the State of Assam provides *inter alia* that the power of the State Legislature shall be exercised by or under the authority of Parliament. The Bill, therefore, seeks to confer on the President the power of the State Legislature to make laws in respect of the State. It has been the respect of the State. It has been the normal practice to undertake such legislation in relation to the States under the President's rule and the present Bill is on the usual lines.

Provision has been made in the Bill for the constitution of a consultative committee consisting of 45 Members of Parliament. In this regard, provision has also been made to empower Parliament to direct modification in the laws made by the President, if considered necessary.

I request the hon. House to accept the legislative proposal before it.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to confer on the President the power of the Legislature of the State of Assam to make laws, be taken into consideration."

SHRI A. K. ROY (Dhanbad): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th August, 1980."  
(15)

SHRI MUKUNDA MANDAL (Mathurapur): Mr. Deputy-Speaker, Sir, I oppose the Assam State Legislature (Delegation of Powers) Bill because this is an anti-democratic measure.

Sir, when this Bill was introduced, we opposed this Bill because if such a Bill is passed, the democratic institutions in the country will be disrupted. This Bill confers on the executive all the powers to frame any law including laws on finance and taxation.

In a democracy, laws are framed with the participation of the people's representatives. When the executive is given power to frame laws, the sentiments and the aspirations of the people will not be reflected in those laws. So, through the delegation of power, the actual power of the people and actual rights of the people will be subverted. For whose interest the executive will function? For whose interest the laws will be framed? If the people are not empowered to frame laws or the representatives are not empowered to frame laws, for whom the laws will be enacted? Here, you say that the Parliament has been authorised to enact laws. But as soon as the Bill is passed, the executive will get the power to enact laws. So, I think, the whole Parliamentary

\*Moved with the recommendation of the President.

[Shri Mukunda Mandal]

process is being completely subverted by this Bill.

Sir, in Assam, the Assam legislature has been kept in suspended animation and the Legislature has not been dissolved. At the present stage the Parliament has got the right to frame laws for that very State. But I think the Government has lost the confidence of this Parliament and that is why they have brought such a type of Bill and the Members of Parliament will not have the opportunity of discussing any law which will be enacted for the people of Assam at this stage. Sir, the Government has stated that to save time they have brought this Bill.

MR. DEPUTY-SPEAKER: The Minister has suggested this in the Consultative Committee.

SHRI MUKUNDA MANDAL: I am coming to it, Sir, in the Statement of Objects and Reasons it is said:

"Under the Proclamation issued by the President on the 12th December, 1979, the powers of the Legislature of the State of Assam are now exercisable by or under the authority of Parliament. Such legislative measures as may be necessary for that State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all the legislative measures for the State."

Sir, it is said here: may not have time to deal with all the legislative measures for the State'. But it is not so. The Minister said that all legislative measures may not be dealt with by Parliament. But there may be some matters which can be discussed by Parliament. So, here you are saying, all the powers have been delegated to the executive. We know the purpose. There is a bad intention here. We know the Government will say that they have good intention. But in the case of MISA (Maintenance of Internal Security Act), at

the time of passing that very Act they said that 'we are passing this Act for the welfare of the country, for arresting so many bad persons or those people who are against the security of India.' But it was the political leaders who were arrested ultimately. In the case of PD Act also, it was applied to the leaders of the people. So, Sir, I think the Government is acting against its own arguments. So, I think this Bill should be withdrawn by the Government.

With these words, I oppose this Bill.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Mr. Deputy-Speaker, Sir, I stand to oppose this measure. I feel that today is the blackest day in the history of parliamentary democracy of our country inasmuch as we have passed one measure and if you permit me to say so, a notorious measure by which we have not only curbed the rights of the working class, but we have also provided a measure to prosecute the innocent persons, the relatives of the persons who had gone on strike and by this Bill under discussion, we are trying to bury deep in earth the democratic norms and also the spirit of this Constitution. I feel that all the hon. Members will join me if I say that we should not commit one more sin by passing this measure.

The Statement of Objects and Reasons says:

"Such legislative measures as may be necessary for the State can be taken up by Parliament only by postponing its business, and even then it is likely that Parliament may not have time to deal with all the legislative measures for the State."

The same has been repeated in the Memorandum relating to delegated legislation. I submit that this statement is a cruel joke on this Parliament and the citizens of this country. People

abroad will laugh at us when they look at this because it makes one appear that we cannot extend our sittings, that we do not have time to legislate for Assam, that we do not know how many laws are anticipated by the Government to be passed during this period. This is not a sufficient reason for considering this measure. I therefore oppose it with all the emphasis at my command, and I would request all my esteemed colleagues here to throw out this Bill lock, stock and barrel.

This Bill is against all democratic norms and principles. Not only that. Though it is said to be in consonance with the letter of the Constitution, it is detrimental to its spirit. The Bill would show what powers are going to be exercised by the executive who are going to legislate. The bureaucrats will over-ride this august House and the rights of Members of Parliament. I may be excused if I say that Parliament is being taken for a ride by the introduction of this measure.

When we consider the clauses, we find that blanket powers are given to the President. In Clause 3(2) it is mentioned that whether Parliament is in session or not, the President gets the authority to legislate. We very well know that the Acts for Asam will be drafted by the bureaucracy. When we are in session, they will pass laws in the name of the President. Does it not mean that they are over-riding our rights, overstepping their limits? Does it not amount to an insult to this august House? Since the Bill is not preserving the spirit of the Constitution, and not protecting the rights of the Members of Parliament, I feel that any law can be passed, by usurping the powers of Parliament. It may be in consonance with article 357 of the Constitution which says that Parliament is competent to give the powers to the President, but it is certainly not in consonance with the spirit of the Constitution.

Parliament is sovereign. Those who have read Dicey's Constitution know that one of the eminent jurists D.C.

Lane has said that Parliament can do anything except make a man a woman and a woman a man. This is the type of sovereignty which we are having and by following the letter of article 357, we are giving these blanket powers to the President to legislate, knowing that the laws will be drafted by the bureaucrats.

I can also very well appreciate this particular kind of legislation. But one point has to be taken into consideration. I would ask the hon. Home Minister: Does it in fact fall in line with the letter and spirit of article 357 of the Constitution? Article 357 never mentions that the President has powers to legislate when the Parliament is in session. Article 357 is silent on that particular point. Therefore, we have to interpret that. When we have to interpret article 357 we cannot divorce article 357 from article 356. Article 356 says that the President does not get a right to issue an Ordinance when the Parliament is in session. The same principle will apply when we have to interpret article 357. Therefore, I oppose it and I very vehemently oppose this particular provision mentioned in Clause 3(2), that is, whether the Parliament is in session or not, the President gets this particular right.

Assuming for a moment that this particular power is given to the President, every Act enacted by the President, however high the office he may be holding, has to be ratified by Parliament which is the supreme body in this country. If we read this Bill as a whole, we do not find that Parliament has any right except to suggest modifications. That is all. If you read Clause 3, sub-clauses (1) to (4), it only mentions that Parliament or State Legislature can suggest only modifications to a particular Act and those modifications have to be carried by the President and may be included in the Act. But that does not give any power to Parliament to set aside that particular legislation. Just as we have a power of ratification under article 356(3) of the Constitution, there should

[Shri Bapusaheb Parulekar]

be such a power here also, because articles 356 and 357 are to be taken together.

Lastly, I would only make one point. That is an important point. I do not know whether, by this particular legislation, the financial powers are also given to the President. The legislative powers are being given to the President. As we find from the Statement of Objects and Reasons, Parliament may not have time to legislate for Assam, and it seems that a factory is likely to be opened for enacting legislation by the President. In view of this particular fact, I would like to know whether in respect of the Appropriation Bill, the Finance Bill, the allocation of funds, all laws in connection with this particular legislation and what not, the President is going to get powers. If that be so, on my behalf and on behalf of my party, I oppose this Bill. I oppose it strongly and I request the House that it should be thrown out lock, stock and barrel.

**SHRI HARIKESH BAHADUR** (Gorakhpur): Mr. Deputy-Speaker, Sir, the Statutory Resolution which has been passed just now by this House and the Assam State Legislature (Delegation of Powers) Bill which is going to be passed now clearly indicate that this Government believes in repression, dictatorship and authoritarianism. Through democratic process and election, this Parliament has been constituted. This Government is deriving powers from this Parliament through democratic processes. But the manner in which they are functioning, it clearly indicates that they want to grab the entire powers of Parliament. They want to abolish the powers which are with Parliament. They want to grab the total power in order to suppress the rights of the people of this country.

In the past, they had demonstrated this and now, again, they want to do it. I want to warn them.....

**MR. DEPUTY-SPEAKER:** Don't go to the past, go to the future.

**SHRI HARIKESH BAHADUR:** I am talking of the future. The past is a guide for the future. That is why I want to warn them. If again they are marching towards that direction, that will only open a way of disaster for them. That is why, I say, they must understand the consequences of it. The people of this country have not sent them here to curtail the authority of Parliament, the authority of people and to suppress them. That is why I strongly oppose this Bill and I request the Government to withdraw it.

At the same time, I want to say that the power which they want to take is not actually for the President. It is the Government's own mentality of curbing the entire power of others so that they can do whatever they like.

I hope that wise counsels will prevail on them and they will not press for the adoption of this Bill.

With these words, I want to strongly oppose this Bill.

श्री मलिक एम० एम० ए० झा (ऐटा) :  
उपाध्यक्ष महोदय, काफी देर और बड़े गौर से मैं अपने दोस्तों की बातों को सुन रहा था। अभी हमारे दोस्त हरिकेश बहादुर ने बड़े जोर से कहा कि पार्लियामेंट में आन के बाद पार्लियामेंट से डिक्लेटेशन के अख्तियाराने लेना पार्लियामेंट का सही इस्तेमाल नहीं है। मैं एक सवाल आपके द्वारा उनसे करूंगा कि क्या कानून इस बात की इजाजत देता है कि आप इधर से उधर बैठ जायें। रोज हम सुनते हैं कि एन्टी डिफेक्शन बिल आना चाहिए। मैं हरिकेश बहादुर जी से पूछता हूं कि क्या उनका यह मंत्री काम है? इनके नेता ने बड़ी भारी नैतिकता का सबूत दिया। जब कुछ करने को नहीं रहा तो पार्लियामेंट से इस्तीफा देकर चले गए। य इधर से उधर कौस कर गए। जो हमारे सिम्बल से चुन कर आये, उन हमारे हरिकेश बहादुर को अपने नेता का उसूल याद नहीं आया। आज वे हम को कहते हैं कि हम कांस्टीच्यूशन का गलत इस्तेमाल कर रहे हैं।

उपाध्यक्ष महोदय, जब जरूरत पड़ती है तो ऐसा करना पड़ता है। जब जरूरत पड़ती है तो कांस्टीच्यूशन ने हड़ताल करने का अधिकार दिया है। लेकिन मैं पूछना चाहता हूं कि क्या कांस्टीच्यूशन में कारखाने बन्द करने का भी



अधिकार दिया है, क्या कांस्टीबुशन ने असम की पाइप लाइन को बन्द करने का अधिकार दिया ताकि मुल्क को 60 करोड़ आबादी वाली ब्राह्मी बोल जाए, लोस पानी पानी के लिए तरस जायें, गन्ना उगाने के लिए तरस जाएं? अगर यह अधिकार नहीं दिया है तो उसको रोकने के लिए इससे बेहतर इस्तेमाल कांस्टीबुशन का नहीं हो सकता। ऐसे लोगों को जो हिन्दुस्तान की राजनीति को दरहम बरहम करना चाहते हैं, जो मुल्क को भूखा मारना चाहते हैं, ऐसे लोगों को रोकना ही पड़ेगा और उसके लिए कानून बनाना ही होगा।

उपाध्यक्ष जी, आज नोर्थ ईस्टर्न रीजन में जो कुछ हो रहा है वह बड़ा शर्मनाक मसला है? उसको यहां बड़े जोरों से सपोर्ट किया गया, उसकी हिमायत की गयी। वहां हजारों लोगों का कत्ल किया गया है। इस मौके पर मैं अपने होम मिनिस्टर महोदय से एक बात कहूंगा कि त्रिपुरा में जबान के नाम पर, फोरनर्स के नाम पर, और दूसरी बातों पर हजारों लोगो को कत्ल कर दिया गया है लेकिन उपाध्यक्ष महोदय इस सदन में कोई आज तक यह नहीं बता सका कि फोरनर्स किसे कहते हैं? क्या आप फोरनर्स उनको कहते हैं जिन्हें आप 1977 में वोट लिया, 1980 में वोट लिया और जिनके नाम वोटिंग लिस्ट में हैं? क्या आप उन्हीं को फोरनर्स कह कर यह झगड़ा करवा रहे हैं? आपने यह झगड़ा वहां 9 महीने करवा रखा है और तब से करवा रखा है जब से आपको पता लगा कि आपस में टूट फूट होने वाली है और आप सरकार में रहने वाले नहीं हैं, कांग्रेस आई की सरकार आने वाली है। लिहाजा यह बड़ा भारी मसला हमारी गर्दन पर मवार है और आप उसको हवा दे रहे हैं।

वहां 415 लोग गिरफ्तार किए गए। सात सो कटी हुई लाशें दरिया में बहती हुई नजर आयी। एक गढ़ा खोदा गया तो उसके अन्दर से एक हजार गढ़ी हुई लाशें निकली। पता नहीं त्रिपुरा के अन्दर कितने और लोगों को कत्ल कर के दफना दिया गया होगा। आज लाखों लोग बेघरवार हो गए हैं, हजारों औरतें राण्ड हो गयी हैं। क्या इन लोगों को इस काम को करने की खुली छूट दी जा सकती है? उपाध्यक्ष जी, मैं तो चाहता था कि आज ऐसी सिचुएशन नार्थ ईस्ट रीजन में आ गयी है कि होम मिनिस्टर महोदय इससे भी कड़ा बिल लाते। एडमिनिस्ट्रेशन कभी मुलायम हाथों से नहीं चला करती है। जब तक उंगली को टेढ़ा न किया जाए जब तक घी नहीं निकलता है। आपकी उंगली अभी तक भी पूरी तरहसे टेढ़ी नहीं हुई है। हम सुनते हैं और अखबारों में भी पढ़ते हैं कि 1978 में त्रिपुरा की सरकार ने सेंटर से कहा कि यहां पर कुछ गड़बड़ होन वाली है, आप मदद दें लेकिन सेंटर कानों में तेल डालें बैठा रहा। 1979 में फिर उसने कहा कि यहां गड़बड़ होने वाली है हमें मदद दें लेकिन सेंटर फिर

भी खामोश बैठा रहा। मुझे ईरानी इस बात पर है कि जनवरी 1980 में उससे फिर कहा गया, जैसा अखबारों में निकला है कि त्रिपुरा जलने वाला है और वहां की सरकार ने आप से मदद मांगी है लेकिन आप इन्कवारी करते रहे, जांच करते रहे लेकिन मदद नहीं दी गई। अगर यह, मदद उसको मुहैया कर दी गई होती तो शायद इतना बड़ा कांड वहां पर न होता। मुझे दुःख के साथ कहना पड़ता है कि यह एक मुजरिमाना गफलत है जो की गई है और फिर चाहे यह स्टेट सरकार की हो या सैन्ट्रल गवर्नमेंट की हो। अगर यह सही है कि 1978, 1979, और 1980 से बराबर वहां की सरकार सेंटर को लिखती रही है वहां के हालात के सिलसिले में और सेंटर टालमटोल करता रहा है तो इसको मुजरिमाना गफलत की ही संज्ञा दी जायेगी। इसकी वजह से गलत लोगों को लाखों और हजारों जानें जाया करने का मौका मिला। अब भी हम बराबर पढ़ते हैं कि कहीं पर चालीस मार दिए गए और कहीं पर इतने मार दिए गए। आर्मी के वहां पहुंचने के बाद भी इस तरह की बारदातें वहां पर हो रही हैं।

सुना जाता है कि त्रिपुरा का जब वाका हुआ, वहां पर जब हत्याकाण्ड हुआ, उस वक्त मुख्य मंत्री स्टेट्स से बाहर थे और राजकाज का पूरा इन्तजाम मि० देव जो ट्राइबल एरियाज के रिप्रिजेंटेटिव हैं, उन के हाथों में था। सरकार जो फोर्स भेजती थी इन दंगों को दबाने के लिए उसे हिदायत थी कि एक भी गोली चलने न पाये। हजारों वहां मार दिए गए। हजारों की लाशें वहां पर पाई गयी हैं। हजारों की लाशें गड़बड़ों में गाड़ दी गई हैं। तीन दिन के अन्दर त्रिपुरा की पुलिस ने कितनी गोलियां चलाई, कितनी जगह फाईरिंग किया है, यह मैं आपसे जानना चाहता हूं (इंटरप्शन) मैं समझता हूं त्रिपुरा के मामले में बड़ो भारी गफलत बरती गई है। यह जो बराबर अखबारों में आ रहा है कि 1978 में, 1979 में और 1980 में सेंटर से मदद मांगी गई थी मैं चाहता हूं कि इसकी सफाई होम मिनिस्टर साहब अपने जबाब में करें। यह बहुत अहम मसला है। मैं समझता हूं कि अगर यह बिल वहां के हालात को सुधार के लिए मददगार साबित होता है, कामयाब होता है तो इससे बढ़िया कोई दूसरी चीज नहीं हो सकती है। आजादी हमें वह चाहिए जिसमें हम अपनी जिन्दगी सकुन और आराम से गुजार सकें, आराम से रोटी और कपड़ा हमें मिल सकें, आराम से हम रह सकें और अच्छे शहरी की तरह से हम अपना वक्त गुजार सकें। यहां आजादी हम को और लोगों को चाहिए। ऐसी आजादी जिसने कस्तेआम करने की इजाजत हो, जिसमें लूटने की इजाजत हो, लोगों को घर से बेघर कर देने की इजाजत हो, किसी को नहीं चाहिए। बर्कर, बर्कर की बात हम हमेशा न करते रहें। आम आदमी की हालत को सुधारने की तरफ

[श्री मलिक एम० एम० ए० खा.]

भी हमारा ध्यान जाना चाहिए और उसका भी ख्याल हम को करना चाहिए। इस लिए इनकी राजनिति वही महद्द हो कर रह गई, इससे आगे चलती नहीं।

इसलिए मैं इस बिल का समर्थन करते हुए निवेदन करूंगा कि जैसे नार्थ-इस्टर्न रीजन चल रहा है, आप ज्यादा से ज्यादा कड़ा कदम उठाकर इस हालात को बदले की कोशिश करें। इन्हीं अलफाज के साथ मैं आपका शुक्रिया अदा करता हूँ कि आपने बोलने का मौका दिया।

SHRI A. K. ROY (Dhanbad): If the previous Bill that we just passed was objectionable, this Bill is obnoxious. I wonder what is the purpose and compulsion for bringing out this Bill before this Parliament. In the objects, it is a wonderful explanation that has been given. The explanation is that the Parliament may not find time to deal with the legislation on Assam thereby implying that the President has always enough time to deal with things for which Parliament may not have time. It is an indirect aspersion on the President, I think. Everybody knows that the President in the Indian Constitution does not do, out of his own, anything. It is the Cabinet it is the Government, through its executive and political wings, that formulates the policies and makes laws and gets them passed under the stamp of the President. But, if the Parliament is taken into confidence, if the special power is not given to the President, then the Opposition gets a chance to correct or at least to advise the government, to legislate properly or to take the sentiments of all the people concerned. But by this, by giving the power to the President to legislate, even for a short time, even bypassing the Parliament when Parliament is in session, I think, the government is actually losing the advice, the correction which otherwise they would get. By that way also the government is not benefited.

I would like to say one thing. After all, what is the problem in Assam? Will this Bill or the Bill that has been passed some time back help in solving the problems of Assam? If all these Bills help us in solving the problems of Assam, then also there is one thing,

but I think that these, Bills will not solve. You know that the problem of Assam is not administrative so that we should go on strengthening the executive. The problem of Assam is not constitutional so that we can go on coming forward with some amendments. The problem of Assam is not technical also. The problem of Assam is political, economic and social and it has come out, it has emerged from the very fundamental law, the compulsion of uneven development of an economic system in the country and that is the law of the capitalist government. You know also that uneven development is the law of capitalism and India, through its entire budget through its entire policies and through its entire mixed economy has got one aim and that is how to mould at this late hour this free feudal economy into a capitalist, bourgeois economy. This is the sole aim of this government, this is the sole aim of this clause. You know in any capitalist development there will be an uneven development. There will be animosity. There will be fissures, there will be communal troubles and nobody can check it. It is a socio-economic and political phenomenon where Parliament should be consulted, people should be consulted and administrative measures should be checked at the background.

Mr. Deputy-Speaker, Sir, I would like to tell you one thing and I would request the hon'ble Members to ponder over that. Is there any capitalist country in the world with more than one language, more than one race and more than one religion. Quebec in Canada having one of the maximum per capita income, there also tension remains between French settlers and English-speaking people. In Quebec when the British Queen went there she faced brickbats although she spoke in French. That is the situation. What happened in Lebanon? The Christians and Muslims fought there. Same thing happened in Cyprus and England. In Northern Ireland the Catholic and Protestants fought some time back. In England people raised hue and cry that they will be swarmed by the coloured people and the immigrants and they

started talking of foreign nationals. I think soon there may be time when the British Queen is also termed as foreign national because she comes from the Hanover dynasty of Germany. So, this is the phenomenon. In India there could be a multi-lingual and multi-racial federal State but there cannot be multi-lingual and multi-racial capitalist State. So, the whole root of communal disharmony lies in the fundamental system to which these people are progressing and they want this type of medicine. They are coming with laws of suppression. They want to keep the Assembly in animated suspension and now they want to turn this Parliament in virtual animated suspension and now they want to turn this Parliament in virtual animated suspension in so far as Assam is concerned. A wrong type of treatment is being administered for a serious disease.

Sir, you have seen every Paper in Assam and Tripura saying that there is a generation gap. The older people used to live together—tribals and non-tribals—but the younger generations are refusing to live together. What has happened to younger generation! Younger generations are supposed to be more progressive and more acquainted with the Indian culture. But what has happened? Today we are all finding each other as foreign nationals and alienation has come. It is not only now limited to Assam. Already some sort of effort is going on in Bihar that all non-Biharis are foreign nationals. Yesterday Mr. George Fernandes was referring to Shiv Sena. They also wanted. In Madras there were riots against Malayalees. Of course, it was South Indians to go out of Maharashtra to demoralise Ramachandran. My point is every this fissure is coming about. Instead of developing into a more homogenous nation we are becoming more hostile and falling apart. This is the general process of development and these people have no remedy and medicine to check this wrong development. So, they have come up with this Bill—a Bill to bypass the people, Assembly and the Parliament. (Interruptions).

I say this Bill is unnecessary. This Bill is misuse of power. When I have given notice of circulation for the Bill it is not with the intention of hindering or stopping but to let the Government an opportunity to take the people into confidence and let a great debate follow in the country as to why this wrong trend is developing. Why is this wrong thing developing? Sometime back I found that the Akali Sikhs have made a demand for Khalistan or something like that. All these demands are made at the cost of the unity and integrity of the nation. So, what has gone wrong? Instead of coming out with this type of a Bill, we should all contemplate and ponder over the situation. The tribal people were never communal. It is all a question of developing their sub-nationalities. It is a question of developing the under-developed. If you look very closely at the picture of India you will find that this disparity between man and man has increased. The Members of the Planning Commission have themselves said that economic disparities have increased. (Interruption) You have rung the bell, but for whom the bell tolls? It tolls for the nation. If you look to the internal condition of India today what do you see? You see growing disparity between man and man, there is growing disparity between different regions, disparity between different sections of people has also increased very much. We now see the divisive forces emerging in a ruthless manner. All these divisive forces have been let loose in their present ugly forms. This is the stark reality of today. All this happens because you are trying to build on the debris of a pre-feudal post-colonial economy. People are suffering from cancer and you are treating them with Cibazolil. This type of legislation should be thrown out lock, stock and barrel by Parliament. A great national debate should follow to stop this process of disintegration, alienation between our own countrymen, people suspecting other and declaring each other as foreign nationals. I oppose the Bill and I propose that all these things should be circulated to the people. And

[Shri A. K. Roy]

there should be a country-wide discussion in which all sections of people should participate regarding this entire process of disintegration and alienation. With these words I conclude. Thank you.

SHRI C. T. DHANDAPANI (Pollachi): This small piece of Bill has been brought before the House for administrative convenience. Article 357 was questioned. Once we accept Article 365 here is no need for questioning Article 357. We must understand this. You have accepted Article 356. Article 356 empowers the President to take over the administration of a particular State. It is not an original Bill. It is only an extension. A proclamation was imposed in December 1979 by the then Lok Dal Government. People voted for power the Janata and other political parties in Assam. But due to in-fighting the government of the State was in bad shape. No political party was able to form the Government. Janata wanted to get the support of the CPM. CPM was kind enough to extend their support to Janata and other political parties, but ultimately, the CPM withdrew its support, as they do in all cases.

Therefore, Sir, it was not wrong on the part of the Government to bring forward this Bill for extension of a further period. The Janata Government also imposed President's rule in many States. So, we must understand first why it was brought forward before this House. There is no Government at all there. The situation is so explosive that elections cannot be conducted there now. I do not think any Member will dare go to Assam now and suggest elections in that State without solving the burning problem. Under this condition we must support the Bill. That is why the power has been given to the President. It has been pointed out by some that blanket powers are given to the President. Of course, they are given as per the Constitution. I have already stated that once you accept Article 356, you have to accept the powers conferred

on the President also. Whether he passes any orders, brings forward any legislation during session or non-session period, it has to be accepted.

Sir, this type of Bill was discussed many times in this House before, during Congress regime and also during the Janata Government period. 9 States were also dismissed by the Janata Government. The same type of Bill was brought forward and discussed in this House. It is not new to this House. This type of Bill had been discussed in this House earlier. So, it is correct on the part of the Government to bring forward this legislation.

Another point which has been mentioned by some hon. Members is that the Parliament is not taken into confidence. It is wrong to say that also. The Government is good enough to form a Consultative Committee consisting of Members from both the Houses of Parliament. If any Act is to be enacted by the President, that Act has to be placed before the House. Clause 3 says:

"Every Act enacted by the President under Sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament."

Therefore, the House has the right to discuss the Bill. So, it is wrong to say that Parliament is not taken into confidence.

Mr. A. K. Roy narrated many stories about Canada, England and other countries. I appreciate his point of view on economic field. But he was telling about race, religion, language and other things. I differ with him in these respects. He was telling that only in the capitalist countries this type of difference arises. Mr. Roy knows about many things, he knows about economics, he knows about the condition in different countries. I want to put a simple question. There was a war between America and Vietnam.



The people in Vietnam were killed mercilessly. China helped Vietnam, China supplied arms to them. The Chinese Government supplied food. The Chinese Government supplied men to them. Everything was given by the Chinese. But after Vietnam became independent, what happened? The very same Vietnamese, who got help from China and got help to drive away the Americans, tried to drive away the Chinese from their motherland. Why were the Chinese driven away from the soil of Vietnam. This is a Communist country, not a capitalist country. I want to ask Shri Roy what the reason is.

Another thing was stated. Even in Yugoslavia there was trouble about asking for a separate State. After that the late Marshal Tito managed the whole thing very cleverly. All the languages were recognised in Yugoslavia. Similarly, there are many republics in Russia; you can find many such things in the Russian Constitution. Languages and cultures of the different people are all recognised; there is no one culture, no one language. It is, therefore, wrong to say that it is only in the capitalist countries that this type of differences are erupting.

Shri Roy also mentioned about the DMK party and he said that because Shri M. G. Ramachandran happened to be a Malayalee, we are opposing him. It is correct that Shri M. G. Ramachandran is a Malayalee, but it is wrong to say that we are opposing him because of that. This type of statement should not come from a so-called communist. Shri M. G. Ramachandran, though a Malayalee, was our treasurer. There is no difference between Malayalam, Telugu or Tamil. Mr. Deputy-Speaker, Sir, you belong to our party and you know this. It is very wrong to say like this. I stoutly oppose the speech made by Shri Roy in regard to our party.

Sir, I support this Bill. The administrative conveniences will be there. I also support the formation of a Par-

liamentary Committee so that it can do something for the betterment of the people and find out some solution to the problem.

SHRI CHITTA BASU (Barasat): Mr. Deputy-Speaker, Sir, the main object of the Bill is to delegate to the President of the country the power to legislate on behalf of Assam. Under the Constitution, the Assam Legislature's responsibility; the responsibility to legislate for Assam, has been given to this Parliament. The question is whether this Parliament would delegate this power to the President. That is the question to be decided on.

As far as I am concerned, I feel that it is not necessary for the Parliament, it will not be democratic for the Parliament, it will not be wise for the Parliament to delegate that power to the President alone. It is the question of the rights and privileges of the Parliament. Why should Parliament give up that right—the right to legislate in a particular set of circumstances for Assam, since the Assam Legislative Assembly is in suspended animation? Now, the very concept of delegation of powers to the President is a negation of democratic processes. The most democratic process would have been to allow the Assam Legislature to legislate for Assam in the particular set of circumstances. It is not possible for the legislature of Assam to do so. In such circumstances, the next alternative is that the highest national body, viz. the Parliament, should legislate for Assam. But the Government has now come out with a proposal that that power of Parliament should be delegated to the President alone. The President does not function by himself. The President functions as aided and advised by the Cabinet, by the Council of Ministers. The Council of Ministers or the Ministry is that of the Congress (I).

The Congress (I) Ministry was not there in Assam. The people of Assam had voted for a non-Congress (I)



[Shri Chitta Basu]

Ministry there. By this device, a Congress (I) rule is being imposed in Assam, while the verdict of the people there was against Congress (I). Therefore, I am opposed to the very idea of delegating the powers to the President, and to the shrinkage of powers of Parliament. While Parliament is competent to legislate for Assam, why should that power be delegated to the President of India, who is supposed to act on the advice of the Council of Ministers?

Secondly, according to the Bill the President can legislate even when Parliament is in session. We are here. We have been elected by the people. We are here to legislate, and to help policy formulation. Parliament is in session. We are here in Parliament, but the President legislates with the help of a small committee. He legislates with the help of the bureaucrats of the Assam Government. He legislates with the help of the bureaucrats of the Central Government. But the Parliament is in session. There are 2 parliaments: one functioning here; and another for the President himself, to legislate for Assam. This dichotomy should not be there. I could have understood it when the Parliament is not in session and it is not possible for Parliament to legislate and there is no opportunity for Parliament to consider any proposal relating to Assam. That is a different position. But here the Bill says that the President can legislate whether Parliament is in session, or is not in session. Therefore, the right of the Parliament is being abrogated and snatched away. So, this is an obnoxious and pernicious attitude on the part of the Government.

The third point is that Parliament is supreme. We can legislate, we can accept a proposal, or reject a proposal of the Government. Parliament is supreme. Here, we can reject President's legislation and we can disapprove the proclamation of the Presi-

dent. Note it, Mr. Deputy Speaker, Sir, the Parliament is supreme, and Parliament can disapprove the President's proclamation. But the Parliament has got no right to reject the President's legislation, according to the Bill. It can merely modify it. How is it that the Parliament is superior to a particular committee guided by the President? Now this legislation cannot be rejected by the Parliament; it can be modified, if any, modification is allowed. There is again an attempt to take away the functioning, privileges and the rights of the Parliament. Therefore, on these three points, I am opposing this Bill and it is not necessary. There is no constitutional compulsion that the power should be delegated to the President. The Parliament can very well legislate on behalf of the Assam Legislature. I think that should be the position and that position should be retained and the power should not be delegated to the President.

13.00 hrs.

The problem of Assam is very delicate. It is not merely a question of legislation. On many occasions, the problem of Assam had been discussed and discussed at length, I only take this opportunity to draw the attention of the hon. Home Minister to the serious misunderstanding that has been created regarding the basic nature and basic policy of the Assam agitation. Some say—it is generally understood—that the problem of Assam is the problem between Bangalis and Assamese; some say that it is a problem between Muslims and Assamese; some say that the main issue of the Assam agitation is being blurred, is not being properly projected in its proper perspective; the main issue of Assam Agitation is the threat to the unity, integrity and sovereignty of the country. In a State projecting these very basic values, these very basic aspects of the problem, it is being allowed to create a misunderstanding as it is a sectoral fight between Bangalis and Assamese, between Hindus and Muslims and so

on and so forth. I also agree that the problem cannot be solved only through administrative measures; the problem should be solved through political measures and there should be a sustained effort to achieve political settlement of the problem. Now, I would suggest that, in order to educate the people of our country, in order to raise national consciousness among them, in order to educate them about the growing threat to the integrity, unity and sovereignty of the country emanating from Assam agitation, it is necessary that the Government of India should prepare a white paper regarding Assam situation, detailing as to what is meant by foreign nationals, what is the magnitude of the problem, what is the real situation. Nobody knows what is the real situation there? A passion is being created for foreign nationals. The white paper should say what are the implications of 1951 cut-off year, what are the implications of 1971 cut-off year? Therefore, in the interest of the political settlement and the issue which is very grave, serious and national, the government should prepare a detailed white paper regarding Assam situation so that the people of India can understand what is what. They can really understand the problem in real perspective. National consciousness, I emphasise it, can be roused. National awareness can be created so that the divisive forces can be caught and the might of the foreign forces can be defeated, chopping off the hands can be done. The national consciousness can be roused, national awareness can be created if the Government of India prepares such a detailed White Paper. It is only then the people can understand the real problem of Assam in the proper perspective. With these words, I oppose the Bill.

MR. DEPUTY-SPEAKER: Shri G. M. Banatwalla. You will take only five minutes.

SHRI G. M. BANATWALLA (Ponnani): Then for every amendment I will have to get up and speak.

MR. DEPUTY-SPEAKER: Yes, yes, you may speak on every amendment.

SHRI G. M. BANATWALLA: I oppose this Assam State Legislature Delegation of Powers Bill and have risen in order to persuade the Government not to press this particular Bill.

The President issued the proclamation in respect of Assam on 12th December, 1979 under Article 356 of the Constitution. The power of the legislature of the State of Assam has been declared by the proclamation to be exercisable by or under the authority of the Parliament. Now this Bill according to Article 357 wants to delegate this power of enacting laws to the President. It is rather unfortunate that the Government consider it necessary to come forward with this particular Bill. It is unfortunate that the Government deem it fit to shut out this whole House as far as the Bills or the laws with respect to Assam are concerned. Looking at the situation prevalent in Assam, it is necessary that every measure concerning Assam should come before the open forum of this House so that the entire nation is associated. To-day, that is the particular requirement of the Assam situation. It will not be conducive towards the solution of the Assam situation if this open forum, I say, is shut out. Let every measure come to this open forum, debated here in this open forum of this House. Thereby the entire nation is associated, the entire nation comes to know of what is happening with respect to Assam. That, I say, is the need of the hour. Therefore, I make a fervent plea with the Government not to try to shut out this House, the open forum of this House, because that will not be conducive to the attempts to restore normalcy in the situation in Assam.

We are told about the Consultative Committee. Clause 3 of this Bill seeks the establishment of a Consultative Committee about which I have given my amendment. Sub-clause (2) of Clause 3 says—

[Shri G. M. Banatwalla]

"In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact as the President's Act, a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose,....."

It is very obvious that the consultative committee envisaged under this clause is a mere eye-wash; it is a mere constitutional window-dressing. In the first place, the President may or may not consult this particular committee. It is specifically provided that the President may consult whenever he considers it practicable to do so; otherwise not. That is the particular situation that must be taken into consideration.

MR. DEPUTY-SPEAKER: Your thoughts are reflected in your tone!

SHRI G. M. BANATWALLA: This consultative committee is without teeth, because it is only consultative in character. The President may or may not consult it. Even when the President consults it, the opinion of the consultative committee is not binding upon the President. Therefore, it is an ineffective committee, a committee without teeth, a committee which is a mere constitutional facade. Therefore, let us not say much about this consultative committee.

I have given some amendments and I will not rise again to speak at that time. In the first place, I say, there should be no delegation of powers. It is absolutely necessary that all Bills should come here. Let the entire nation be associated through the open forum of this House. But if that position is not acceptable, alternatively, I make a plea to the Government through my amendment that the consultative committee should always be consulted

and secondly, that the advice given by the consultative committee should be binding on the President. After all, the President acts also in accordance with the advice of the Council of Ministers. They do not say that the President may consult the Council of Ministers and may or may not accept their advice. Similarly, in the case of the consultative committee, the President shall consult the consultative committee and shall act in accordance with the advice of the consultative committee. We may be told that these laws that may be made by the President will be placed on the Table of the House and they are subject to modification, if so we so desire. But, Sir, you know better what happens to so many notifications and other things that are dumped on the Table of the House. It has also been pointed out that this House is entitled to make modifications, but it is not entitled to reject them.

My last point is about Money Bills, about which also I have given an amendment. In respect of Money Bills also, all powers are sought to be delegated to the President. Even Money Bills may be legislated upon by the President, which concern the financial powers. My amendment says:

"Nothing in this section shall be deemed to confer on the President the power to enact a Money Bill making provisions for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 199 of the Constitution."

It would be derogatory to the sovereign democratic character of our country that money bills, laws on taxation and all that, should not come in the open forum of this House and without the House being consulted about it effectively, the Bills should be legislated by the President. I, therefore, oppose this Bill.

First, I make this request to the Government not to press this matter. The Government wants cooperation of

all sections of this House in the solution of the problems with respect to Assam. Therefore, let each and every measure come here in this open forum of this House and through this House, the entire nation should be associated with the promulgation of those Bills.

**SHRI BHOGENDRA JHA** (Madhubani): Mr. Deputy-Speaker, Sir, the Bill that is before us for consideration will prove to be a very dangerous piece of legislation if it is accepted by us. Here I may submit two approaches which are required to be considered and decided upon.

One is whether the Parliament should delegate its power to the Council of Ministers because when we delegate this power to the President, it means delegation of power to the executive, to the Council of Ministers. In the situation in which we are today, particularly with respect to the issue of Assam—I do not want to apportion blame on anybody here—it is a fact that the Government of India is failing to tackle the problem. It is also failing to enforce its own authority. In such a situation, if the Parliament delegates its power, I do not think the Government will be capable of that. It is not that because of any lack of power the Government is failing to solve the problem in Assam. From that angle and from the angle that it will become a precedent for the future, this Bill has to be opposed. This Bill has also to be opposed in the name of strengthening our parliamentary democracy and supremacy of our Parliament.

The second aspect is political. We find that once the curfew was imposed and within a few hours it had to be withdrawn. So, the problem is mainly political, social, cultural, all mingled together. And the present capitalist system of our country is failing to solve these problems, problems of unemployment, price rise, etc. These problems give an opportunity to bring to surface the pent up feelings of the youth of our country. In Assam because the

Assamese youth are unemployed, they seek the remedy by expelling non-Assamese. They think that it can solve their problem. The problem is real. But this system is failing to solve the problem. Not only for the sake of those young persons and their families but for the sake of the country itself, it requires the utilisation of the talents, capacities and vigour of our younger generation. But this system which is generating unemployment on a big scale, is unable to solve their problem. So, sometimes, on the issue of language, sometimes on the issue of job reservation, sometimes on the issue of caste or foreigners' issue, there is an outburst of their feelings in one or another part of the country. But these problems remain unsolved. In such a situation, the Prime Minister is trying to contact various shades of opinion and appealing to the people in Assam itself. I think, up till now, the Government has failed to solve this problem. But in such a situation, will the mere delegation of power be able to solve the problem? Because, the problem that is being faced by Assam is basically faced by the whole country, that is, the problem of unemployment. And the youth of Assam are seeking a remedy for solving their problem of unemployment by a short cut at the cost of the non-Assamese. There may be troubles, there are troubles now also. There may be difficulties in future also. But we will have to face the difficulties in a democratic manner through democratic methods and we should not evade or avoid the issue by finding any short cut to solve the problem. In such a situation, I think that this short-cut method of delegating power to the President by the Parliament will set a dangerous precedent and will not be helpful in any way in solving the problem in Assam because we know that we had got multicultural and multi-linguistic States in the Indian Union and the State of Assam itself has been multi-lingual and multi-cultural. After the division of States to the Indian Union, that problem partly still persists. In such a situa-



[Shri Bhogendra Jha]

tion, what is required is more democracy and more democratic rights, but not curbing democracy, not the delegation of power to the executive but more power to the people, more opportunity for the younger generation of the people of Assam. I feel that this Parliament also should demonstrate that as far as their problems are concerned, we are one with the people of Assam, we are one with the youth of Assam, we stand by them and we stand for them.

As far as the method and manner of solving the problem is concerned I think they are wrong in many respects. But that has to be corrected through democratic methods, through mutual consultations, not by delegating the democratic power to the executive. So, I seriously oppose this Bill.

गृह मंत्री (श्री जैल सिंह) : उपाध्यक्ष महोदय, यह जो बिल मैंने हाउस के सामने रखा है वह कार्टी-ट्यूशन की धारा 356 और 357 के अनुसार किसी जगह पर भी कंट्रिब्यूशन नहीं है। जो आनरेबल मेम्बर साहेबान ने यह एतराज उठाया है कि जब कि वहाँ की विधान-सभा अण्डर सस्पेंडेड एनीमेशन है तो ऐसी सूरत में प्रधान राज्य के होते हुए प्रेजिडेंट को यह अधिकार नहीं देना चाहिए और इससे डेमोक्रेटिक प्रिंसिपल खत्म होते हैं और हमारी संसद के अधिकार चले जाते हैं, मैं इतना अर्ज करना चाहता हूँ कि डेमोक्रेसी का वेरोमीटर क्या है, इस बात को समझने की जरूरत है। दुनिया भर में डेमोक्रेसी का मतलब यह नहीं होता कि तमाम फैसले लोग बैठ कर करते हैं।

एक माननीय सदस्य : खड़े-खड़े कर लेते हैं।

श्री जैल सिंह : खड़े-खड़े भी कर लेते हैं। वह अपने नुमाइन्दे चुनते हैं। नुमाइन्दे अपने में अपना नेता चुनते हैं, वह नेता एक कैबिनेट बनाता है; बड़ी बनाये या छोटी, फिर वह फैसल करते हैं। यह जनता के फसले होते हैं। जनता कुछ समय के लिये जब अपने प्रतिनिधि भेजती है तो वह प्रतिनिधि जब अपनी तरफ से बोलता है तो वह जनता ही बोलती है, वह जनता की तरफ से आवाज उठाता है। यह कोई एग्जीक्यूटिव आर्डर नहीं है। मैं हाउस के सामने बिल लाया कि अपने अधिकार को प्रेजिडेंट को क्यों सौंपा जाये, इसलिए कि वक्त पड़ने पर उन अधिकारों का इस्तेमाल किया जा सके।

कौम जानती है कि असम के हालात बहुत गंभीर हैं और वहाँ पर रोजाना 3 करोड़ रुपये की नेशन की

आमदनी में कमी हो रही है। स्कूल और कॉलेज बन्द पड़े हैं। बिजली, रोडज, खेती-बाड़ी, इंडस्ट्री, ये सब चीजें वहाँ बन्द पड़ी हैं। वहाँ की समस्या केवल विदेशियों की ही नहीं रही, बल्कि वहाँ पर माइनारिटीज खतरे में हैं। माइनारिटी स्टूडेंट्स ने एक जुलूस निकालना चाहा, एक मेमोरेंडम देना चाहा। उनको ये भी अख्तियार नहीं दिये गये। वहाँ वायलेस फैल रही है।

आसाम की एजिटेशन का त्रिपुरा में असर पड़ा, और त्रिपुरा में जो हालात हुए हैं, ऐसे हालात अगर कहीं और हो जाय, तो अगर पार्लियामेंट इन सेशन भी हो, और साटरडे हो, मंडे को पार्लियामेंट की छुट्टी होती है, कोई कानून बनाने की जरूरत है, अगर प्रेजिडेंट के पास अख्तियार होगा, तो वह उस खतरे को रोक सकेगा। ऐसी हालत में एक मिनट भी इन्तजार नहीं किया जा सकता है।

मैं आनरेबल मेम्बर साहेबान को एक बात बहना चाहता हूँ। डेमोक्रेसी हो, आटोक्रेसी हो, या कोई त्रेसी हो, हुकूमत तो चलती है।

श्री भोगेन्द्र झा : तो फिर हम हर मामले के लिए शनिवार को पावर डेलिगेट कर दे इतवार के लिए।

श्री जैल सिंह : खुदा न करे। ऐसा वक्त न आये। अगर आ जाये, तो यह भी किया जा सकता है, और आप कुछ नहीं कर सकेंगे। हम तो आप का अदब और मत्कार करते हैं। मेने बड़े और ते तकरीरें सुनी। मेरे एक दोस्त ने तकरीर करते हुए कहा कि यह बिल बहुत निकम्मा है, बहुत गन्दा है, डेमोक्रेसी का घात करता है। साथ ही दूसरे माम में उन्होंने कहा कि आसाम की एजिटेशन देश की अखण्डता के लिए नुक्सानदेह है, देश की यूनिटी के लिए खतरा पैदा करती है। मैं अपने दोस्तों को कहूँगा कि जब देश की यूनिटी खतरे में है और सारी नेशन इस बात के लिए चिंतित है, तो उसका उपाय सोचा जायेगा।

भारत के इतिहास में दुर्योधन एक बहुत बड़ा राजनीतिज्ञ समझा जाता है। जब उसके प्राण निकलने लगे, तो उसके विरोधियों और दोस्तों ने उससे पूछा कि आप बड़े राजनीतिज्ञ हैं, आप हमें कुछ राजनीति बना जायें। उन्होंने कहा था कि—

आज का काम न कल पर धरिये,  
बैरी उपर दया न करिये।

जब आप यह जानते हैं कि आज का काम कल पर रखने से बहुत नुक्सान हो सकता है, तो इसके अलावा और कौन सा रास्ता है कि यह डेमोक्रेटिक हाउस, तमाम नेशन का रिप्रेजेंटेटिव हाउस इसके लिए एक बिल बनाये, जिससे प्रेजिडेंट को अधिकार मिल जायेगा? इससे ज्यादा डेमोक्रेसी की शक्ली-सूरत और क्या हो सकती है?



हमारे एक दोस्त ने बड़ी शानदार तकरीर की। उन्होंने कहा कि वह पहली बार हो रहा है, वह कभी नहीं हुआ, इतिहास में ऐसा हुआ ही नहीं। मैं उनकी जानकारी के लिए बताना चाहता हूँ कि भारत में 21 बार प्रेजिडेंट को इस तरह के अधिकार दिये गये 1955 से लेकर 1976 तक। ट्रावन्कोर-कोचीन, उड़ीसा, पंजाब, हरियाणा—बहुत से प्रान्त हैं। मैं इसमें वक्त जाया नहीं करना चाहता हूँ।

श्री योगेश्वर झा : अब तक 21 बार हो चुका है। 22वीं बार आप कर रहे हैं। तो आप तैमूर-लंग बन गये !

श्री जैल सिंह : मैं नहीं कह सकता हूँ कि मैं क्या बन गया हूँ। हम तो कोशिश करते हैं कि आपकी निगाह में अच्छे रहें। लेकिन मैं यह जरूर समझता हूँ कि :

नजरे-मेहर न सही, नजरे-गजब ही सही,  
मैं खुश हूँ कि हूँ तो किसी की निगाह में।

आप बेशक मुझे तैमूर कहिये, कुछ कह लीजिए। लेकिन एक बात मैं आपको जरूर कहता हूँ कि जो बात मैं कह रहा हूँ, वह ईमानदारी से, आनेस्टी से, नेशन के भले के लिए कह रहा हूँ। नेशन की इज्जत, सम्मान, यूनिटी और स्वतन्त्रता को कायम रखने के लिए जो सरकार अपनी हिम्मत से काम नहीं करती वह सरकार लोगों के अधिकारों का ठीक इस्तेमाल नहीं करती। हम को जनता ने अधिकार दिया है और हम अपनी ड्यूटी पूरी कर रहे हैं। आज का जो बिल है आप सब को इसे वेलकम करना चाहिए और इस की सराहना करनी चाहिए।

एक हमारे दोस्त, आनरेबल मेम्बर न बड़े जोर से कई मुल्कों के नाम ले दिए। उन की तकरीर से मुझे ऐसा लगता है कि वह प्रोग्रेसिव हैं और ऐसा लगता था कि उन्होंने कम्युनिज्म को भी पढ़ा होगा। बहुत से मुल्कों के नाम लिए। मगर उन्होंने चाइना का नाम नहीं लिया। चाइना की सरकार भी यह कहती है कि यह पीपल्स गवर्नमेंट है और दुनिया की बहुत बड़ी ताकत जो आजकल चाइना के साथ दोस्ती रखती है वह भी उसको अनडेमोक्रेटिक नहीं कहती, वह भी उस को डिक्टेटरशिप नहीं कहती है। मैं आपको बता सकता हूँ कि चाइना में चार चार साल उन की पार्लियामेंट कभी मीटिंग में नहीं बैठी। वह जैसा चाहते थे करते रहे हैं, इस तरह से उन्होंने नेशन को बनाया है।

SHRI RATANSINH RAJDA (Bombay South): Do you want to emulate the example of China?

श्री योगेश्वर झा : उसी रास्ते पर चल कर आप भी बनाना चाहते हैं? चार साल के लिए सस्पेंशन में पार्लियामेंट को रखना चाह रहे हैं? चार साल के लिए हम लोग तैयार हो जायें?

श्री जैल सिंह : मेरे दोनों दोस्तों ने ज्यादाती की। उन को कहना चाहिए था कि हम बात पूछना चाहते हैं, मैं बैठ जाता और मुझ से पूछ लेते। लेकिन वह बैठ बैठे ही पूछ रहे हैं। मुझे पूछते हैं कि क्या आप वह करना चाहते हैं? मैं करना नहीं चाहता हूँ लेकिन मैं इतनी बात तो आप को कह दूँ कि मुल्क की यूनिटी कायम रखने के लिए, मुल्क के लोगों को मसीबत से बचाने के लिए, कोई दुनिया की ताकत किसी मुल्क को गुलाम करना चाहती हो, ऐसा समय आ जाये तो सरकार की क्या ड्यूटी है और क्या करना चाहिए उसको? आप को यह भी सोचना है। मैं मान सकता हूँ कि दो महीने, चार महीने जरूरत न पड़े या कोई कानून बनाने की जरूरत ही न पड़े लेकिन हथियार तो रखना चाहिए। फायर ब्रिगेड इसलिए नहीं होता कि आग लगेगी तो फायर ब्रिगेड खरीद कर लाएंगे। फायर ब्रिगेड तो पहले ही रखा जाता है। कई कई बार दस दस साल तक अग्नि लगती ही नहीं, लेकिन फायर ब्रिगेड तो रखना ही पड़ता है। फायर ब्रिगेड होगा तो जहां आग लगेगी पानी फेंका जायेगा। इसलिए यह जरूरी है। ऐसे घर लागे आग, चाहे कुआं खोदे और चाहे कार्य न सिद्ध होवे रोए पछताई। घर को आग लग जाये और फिर उठो, फिर कुआं खोदो और फिर पानी निकालो, तो आग बुझ सकती है? तो कुआं पहले ही खोदना चाहिए और मैं आनरेबल मेम्बर साहबान के सामने उसी को कोट करता हूँ जिसने यह कहा था कि देश की एकता को खतरा पैदा हो गया है। मैंने तो कभी ये शब्द कहे नहीं, लेकिन आप ने जो कह दिया, तो आप की जजमेंट के साथ इत्फाक करता हूँ और आप मेरी जजमेंट के साथ इत्फाक करिए। जरा दिल बड़ा बनाइए और देखिए, कैसे इस मामले को हल किया जा सकता है।

कुछ दोस्तों ने कहा कि पावर का मिसयूज करना चाहते हैं। मिसयूज तो बिल्कुल नहीं करना चाहते पावर का, लेकिन पावर का डिस-यूज भी नहीं करना चाहते। जो पावर आप ने दे दी, जनता ने दी उस पावर के मृताधिक जनता का भला करना चाहिए और भला करने के लिए हाथ पर हाथ रख कर बैठ जाओ तो भला नहीं होगा... (व्यवधान)...

SHRI BAPUSAHEB PARULEKAR: With your permission, Sir, I want to seek a clarification. I could not follow the hon. Home Minister. What is the difference, according to the hon. Home Minister, between "misuse" and "disuse"? I have not followed that.

श्री जैल सिंह : जिसयूज और जिसयूज जो हैं मैं समझता हूँ कि आप ज्यादा इंग्लिश जानते हैं।

श्री बापू साहिब परलेकर : नहीं, नहीं।

श्री जैल सिंह : जानते हैं आप।

श्री बापू साहिब परलेकर : ज्यादा नहीं जानते, वह मैंने कहा।

श्री जैल सिंह : इसके मायने मैं आपको बता दूँ लेकिन यह कोई ऐसी भाषा तो है नहीं जहाँ पर ट्यूसन दी जाती हो।

एक और मेम्बर ने कहा कि सरकार तानाशाही नीतियों की तरफ चलना चाहती है।

श्री रामाचतार शास्त्री (पटना) : चल रही है।

श्री जैल सिंह : चल रही है ? आप तो बहुत जल्दी नतीजे पर पहुंच गए। आपके खयाल में चल रही है और हमारे खयाल में नहीं चल रही है। लेकिन आपको जरा बच कर चलना चाहिए। फिर कहा गया कि यह दिशा विनाश की तरफ सरकार को ले जा रही है। अगर हमारे विरोधियों को मालूम है कि हम विनाश की तरफ जा रहे हैं तो फिर खुशी खुशी कहें कि विनाश की तरफ जाओ ताकि आपको भी काम मिल जाए। लेकिन हम विनाश की तरफ नहीं जा रहे हैं।

श्री रामाचतार शास्त्री : हम आपको बुद्धि दे रहे हैं।

श्री जैल सिंह : हम प्रकाश की तरफ जा रहे हैं। अगर आप बुद्धि देते हैं तो हम बहुत मशकूर हैं, आप जितनी बुद्धि का इस्तेमाल करके सिखलायेंगे, उससे हम सीखेंगे लेकिन इतना जरूर खबरदार रहेंगे कि आप जैसी बुद्धि लेकर कहीं हम यहां न बैठ जायें।

एक मेम्बर बड़े सुन्दर शब्दों में कह रहे थे कि यह सरकार बिल वापिस ले ले—ऐसी वाइज काउंसिल हमारे ऊपर प्रिबेल कर जाए। लेकिन आपका यह खयाल भलत है। यह वाइज काउंसिल आनरेबल मेम्बर पर ही प्रिबेल करनी जरूरी है ताकि वे इसका विरोध छोड़ दें। हम तो किसी गलत रास्ते पर पड़ना नहीं चाहते हैं, हम तो अपनी ड्यूटी पूरी करना चाहते हैं और डिमोक्रेटिक तरीके से पूरी करना चाहते हैं। मुझे आशा है आनरेबल मेम्बर मेरे से इत्ताफा करेंगे कि आसाम में 1952 से लेकर जितने एलेक्शन हुए, 1978 तक लोग अपने वोट जालते रहे लेकिन जब 1980 में पार्लियामेंट के चुनाव होने थे तो सेण्ट्रल गवर्नमेंट और प्राविशियल गवर्नमेंट जो डिमोक्रेटिक तरीके से चल रही थी वह बेबस हो गई और आसाम में अब तक पार्लियामेंट के दो मेम्बरों के अलावा और कोई चुनाव नहीं हो

सके हैं। क्या यही डिमोक्रेसी आप कायम रखना चाहते हैं? आनरेबल मेम्बर ने कहा यह तरीका नहीं है, मान लेते हैं यह तरीका नहीं है, हम यह नहीं करते हैं तो फिर आप बतायें कौन सा तरीका है? हम ने बुलाकर सभी विरोधियों से भी पूछा, बातचीत की और यह भी कहा कि क्वेश्चन पोलिटिकल तरीके पर नहीं, एकोनामिकली, सोशलली, हर तरह से देख कर सुलझाना चाहिए। मैं मानता हूँ यह नेशनल क्वेश्चन है, नेशनल प्रॉब्लम है और सभी मिल कर इसको दुरुस्त करें। हम सख्ती नहीं करना चाहते मगर आप मुझे बता दो कि गरीब लोगों को बचावे का उपाय करना पड़े तो क्या करें, किस तरह से उनकी जिन्दगी बचायें? गीहाटी में एक दिन पिकेटिंग के लिए वे लोगों को ले जाना चाहते थे तो एक विधवा औरत ने कहा कि मेरी दो जवान बेटियां आप के साथ नहीं हैं। उस विधवा औरत को पीटा गया, मारा गया। लोगों को डरा कर चन्दा लिया जाता है, मारा जाता है, लोगों के कत्ल हो रहे हैं और वहां के ट्राइबल्स बड़े परेशान हैं, इसलिए मेरी आपसे दरखास्त है कि आप वहां की हालत को देखें।

मेरे दोस्त ने असम की समस्या का काफी खिंक किया है, मगर, उपाध्यक्ष महोदय, मैं नहीं चाहता हूँ कि सदन का समय उस पर भी लें, क्योंकि उस पर पहले ही काफी बहस हो चुकी है। मगर एक बात जो उन्होंने कही, वह बहुत महत्वपूर्ण है। उन्होंने कहा कि गवर्नमेंट आफ इंडिया को एक वाइट-पेपर इस मसले पर देना चाहिए और मैं समझता हूँ कि यहाँ पर जरूर गौर करना चाहिए। यह सुझाव उनको मुझे पसन्द आया।

डिप्टी स्पीकर साहब, अभी एक डी० एम० के० ग्रुप के नेता ने तकरीर की थी, उसके बाद मैंने सोच लिया था कि मुझे कुछ बोलने की जरूरत नहीं है, क्योंकि इस तरफ के जो मेम्बर बोले, उसके लिए तो शुबह हो सकता है, लेकिन उस तरफ के बैठे हुए आनरेबल मेम्बर ने जो बात कही, उस पर तो और कीजिए।

मैं बड़े ध्रुव से सदन के सामने प्रार्थना करूँगा कि जो कुछ मैंने कहा था, मैंने कह दिया और धर्म-बारां में भी आ जाएगा। यदि बिल जल्दी पास हो जाएगा तो अगली कार्यवाही चल पड़ेगी नहीं तो जैसा होता आया है, वही होता रहेगा। इसलिए मेरी आपसे तजवीज है, अगर आप महसूस करते हैं तो इस बिल को पास कर दें।

MR. DEPUTY-SPEAKER: Mr. A. K. Roy, are you withdrawing your amendment?

SHRI A. K. ROY: I am pressing it vigorously.

MR. DEPUTY-SPEAKER: The question is:

## (Delegation of Powers) Bill

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th August, 1980." (15).

Those in favour will please say 'Aye'.

SOME HON. MEMBERS: Aye.

MR. DEPUTY-SPEAKER: Those against will please say 'No'.

SEVERAL HON. Members: No.

MR. DEPUTY-SPEAKER: I think the 'Noes' have it. The 'Noes' have it.

SHRI A. K. ROY: The 'Ayes' have it.

MR. DEPUTY-SPEAKER: Let the lobbies be cleared.

Now, the lobbies have been cleared. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th August, 1980." (15)

*The motion was negatived.*

MR. DEPUTY-SPEAKER: I shall now put the motion for consideration to the vote of the House. The question is:

"That the Bill to confer on the President the power of the Legislature of the State of Assam to make laws, be taken into consideration."

Those in favour will please say 'Aye'.

SEVERAL HON. MEMBERS: 'Aye'.

MR. DEPUTY-SPEAKER: Those against will please say 'No'.

SOME HON. MEMBERS: 'No'.

MR. DEPUTY-SPEAKER: I think, the 'Ayes' have it, the 'Ayes' have it.

SOME HON. MEMBERS: The 'Noes' have it.

MR. DEPUTY-SPEAKER: The lobbies have already been cleared. I shall put it again. The question is:

"That the Bill to confer on the President the power of the Legislature of the State of Assam to make laws, be taken into consideration."

*The Lok Sabha divided.*

Division No. 4]

[13.51 hrs

## AYES

Abbasi, Shri Kazi Jalil  
Ankineedu Prasad Rao, Shri P.  
Ansari, Shri Z. R.  
Ashfaq Hussain, Shri  
Baitha, Shri D. L.  
Bajpai, Dr. Rajendra Kumari  
Bansi Lal, Shri  
Behera, Shri Rasabehari  
Bhagat, Shri H. K. L.  
Bhatia, Shri R. L.  
Birender Singh Rao, Shri  
Brijendra Pal Singh, Shri  
Chandra Shekhar Singh, Shri  
Chavan, Shri S. B.  
Choudhari, Shrimati Usha Prakash  
Chouhan, Shri Fatehbhan Singh  
Das, Shri A. C.  
Dennis, Shri N.  
Dev, Shri Sontosh Mohan  
Dhandapani, Shri C. T.  
Era Mohan, Shri  
Faleiro, Shri Eduardo  
Gadgil, Shri V. N.  
Gamit, Shri Chhitubhai  
Gireraaj Singh, Shri  
\*Goyal, Shri Krishna Kumar  
Imbichibava, Shri E. K.

Jadeja, Shri Daulatsinhji  
 Kahandole, Shri Z. M.  
 Kamla Kumari, Kumari  
 Kauj, Shrimati Sheila  
 Krishna, Shri S. M.  
 Kuchan, Shri Gangadhar S.  
 Lakkappa, Shri K.  
 Mahabir Prasad, Shri  
 Mahala, Shri R. P.  
 Mallick, Shri Lakshman  
 Mallu, Shri A. R.  
 Mani, Shri K. B. S.  
 Misra, Shri Harinatha  
 Misra, Shri Nityananda  
 Mohanty, Shri Brajamohan  
 Mundackal, Shri George Joseph  
 Murthy, Shri M. V. Chandrashekara  
 Nandi Yellaiah, Shri  
 Nihal Singh, Shri  
 Panday, Shri Kedar  
 Pandey, Shri Krishna Chandra  
 Panigrahi, Shri Chintamani  
 Parashar, Prof. Narain Chand  
 Pardhi, Shri Kesharao  
 Patel, Shri Ahmed Mohammed  
 Patil, Shri A. T.  
 Patil, Shri Balasaheb Vikhe  
 Qazi Saleem, Shri  
 \*Rajan, Shri K. A.  
 Ran Vir Singh, Shri  
 Rao, Shri M. Nageswara  
 Raut, Shri Bhola  
 Reddy, Shri K. Vijaya Bhaskara  
 Sethi, Shri P. C.  
 Shamanna, Shri T. R.  
 Shanmugam, Shri P.  
 Sharma, Shri Chiranji Lal  
 Sharma, Shri Kali Charan  
 Sharma, Shri Mundar  
 Sharma, Dr. Shanker Dayal  
 Shastri, Shri Dharam Dass

Shiv Shankar, Shri P.  
 Sinha, Shrimati Ramdulari  
 Stephen, Shri C. M.  
 Suryawanshi, Shri Narsing  
 Tayyab Hussain, Shri  
 Thorat, Shri Bhausaheb  
 Verma, Shrimati Usha  
 Virbhadr Singh, Shri

## NOES

Acharia, Shri Basudeb  
 Balan, Shri A. K.  
 Banatwalla, Shri G. M.  
 Choudhury, Shri Saifuddin  
 Ghosh, Shri Niren  
 Ghosh Goswami, Shrimati Bibha  
 Giri, Shri Sudhir  
 Harikesh Bahadur, Shri  
 Hasda, Shri Matilal  
 Jatiya, Shri Satyanarayan  
 Khan, Shri Ghayoor Ali  
 Khan, Shri Mahmood Hasan  
 Kunhambu, Shri K.  
 Lawrence, Shri M. M.  
 Mahata, Shri Chitta  
 Naik, Shri Surup Singh Hirya  
 Parulekar, Shri Bapusaheb  
 \*Patil, Shri Chandrabhan Athare  
 Quadri, Shri S. T.  
 Rajda, Shri Ratansinh  
 Roy, Shri A. K.  
 Roy, Dr. Saradish  
 Saha, Shri Gadadhar  
 \*Sayeed, Shri P. M.  
 Shastri, Shri Ramavatar  
 Thomas, Shri Skariah  
 Varma, Shri Ravindra  
 Yadav, Shri R. P.

MR. DEPUTY-SPEAKER: Subject to correction, the result\* of the Division is: Ayes 76; Noes 28. The motion is adopted.

*The motion was adopted.*

MR. DEPUTY-SPEAKER: Now, we take up clause-by-clause consideration. Clause 2. There is no amendment. The question is:

"That Clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

Clause 3—(Conferment on the President of the power of the State Legislature to make laws)

SHRI G. M. BANATWALLA (Ponnani): Sir, I beg to move:

Page 1,—

for lines 16 to 20, substitute—

"Provided that in the enactment of any such Act, the President shall act in accordance with the advice of a Committee constituted for the purpose consisting of thirty members of the House of the People nominated by the Speaker and fifteen members of the Council of States nominated by the Chairman." (1)

Page 1, line 17,—

omit "whenever he considers it practicable to do so," (2)

Page 2,—

after line 13, insert—

"(5) Nothing in this section shall be deemed to confer on the President the power to enact a Money Bill making provisions for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 199 of the Constitution." (3)

SHRI BAPUSAHEB PARULEKAR: I beg to move:

Page 1, line 14,—

for "whether" substitute "when". (4)

Page 1, line 14,—

omit "is or". (5)

Page 1, line 20,—

add at the end—

"and at least ten members from State of Assam who were at some time either Members of Parliament or Members of State Legislature." (7)

Page 2,—

for line 1 to 3, substitute—

"Every Act enacted by the President under sub-section (2) shall be laid before each House of Parliament and shall cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament." (8)

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\*The following Members also recorded their votes:

AYES: Shri Zail Singh, Shrimati Vidyavati Chaturvedi, Shri A. A. Rahim, Shri Chakradhari Singh, Shri Nand Kishore Sharma, Shri G. P. Anuragi, Shri S. S. Ramaswamy Padyachi, Shri Shantaram Potdukhe, Shri Madhusudan Vairale, Shri Oscar Fernandes, Shri D. K. Naikar, Shri Mohan Lal Sukhadia, Shri Kamaluddin Ahmed, Shri Shivraj V. Patil, Shri Gulam Nabi Azad, Shri B. Devarajan, Shri Khwaja Mubarak Shah, Shri Jairam Verma, Shri S. T. Quadri, Shri Surup Singh Hirya Naik, Shri Chandrabhore Athare Patil and Shri P. M. Sayeed.

NOES: Shri N. E. Horo, Shri E. Balanandan, Shrimati Geeta Mukherjee, Shrimati Suseela Gopalan, Shri Chitta Basu, Shri Bhogendra Jha, Shri Krishna Kumar Goyal, and Shri K. A. Rajan.



[Shri Bapusaheb Parubkar]

Page 2,—

for lines 4 to 13, substitute—

"Either House of Parliament may by resolution direct any modifications to be made in the Act, laid before the House under sub-section (3) and such modifications shall be given effect to by the President by enacting an amending Act." (9)

SHRI A. K. ROY: I beg to move:

Page 1, line 12,—

add at the end—

"except on financial matters". (10)  
Page 1, line 14,—

for "whether Parliament is or is not in session,"

substitute—

"when the Parliament is not in session". (11)

Page 1, line 18,

for "thirty" substitute "fifteen"  
(12)

Page 1, line 20,—

add at the end—

"and fifteen members of the House of the People elected by other members of the House". (13)

Page 2, line 2,—

after "enactment" insert—

"and not after more than a week after the commencement of the session of the House of Parliament." (14)

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): My first amendment is: with reference to clause (2), (3) for deletion of the word 'whether' and to insert the word 'when and then to omit 'is or'. Sir, I have submitted what I want to say and I will not repeat. But one thing I have to say about this.

The hon. Home Minister has described this Bill as a fire brigade Bill. The only point I would like to submit for the consideration of the House is

whether this fire brigade apparatus is sufficient to extinguish this fire which is there in Assam.

He also said that it would be necessary to legislate on Saturdays and Sundays even when the Parliament is in session. That is exactly what we say. On Saturdays and Sundays if some situation arises, the President will be legislating without consulting the Consultative Committee and it will be a hasty legislation.

I would respectfully submit that when the Parliament is in session, it is the absolute master and no power should be given to the President to legislate when the Parliament is in session.

With reference to my other amendments, I shall refer to the amendments moved by Mr. Banatwalla. In this Consultative Committee no representation has been given to the people of Assam. It consists of 30 members from Lok Sabha and 15 from Rajya Sabha. I have suggested that in this committee representatives of Assam should be there. 2 MPs are here. They may be in the committee. If they are not there, the ex-MPs or ex-MLAs should be included in the committee ..

SHRI RAMAVATAR SHASTRI (Patna): They are still there.

SHRI BAPUSAHEB PARULEKAR: My third amendment is that the laws enacted should be brought before Parliament for ratification and only power to modify should not be given.

SHRI A. K. ROY: Clause (3) is the most important clause of this Bill. It has got all the obnoxious features for which I oppose this Bill.

My first amendment is that in financial matters the President shall not have the power to legislate bypassing this Parliament. Art 357(1) (a) has been referred to for enacting this Bill. In that particular section it has not

been made clear whether the President can legislate while the Parliament is in session or not and also on financial matters because Art 357(1) (c) makes it clear when the Parliament is not in session. I will read it for the benefit of the hon. Members:

"for the President to authorise when the House of the People is not in session, expenditure from the Consolidated Fund of the State pending the sanction of such expenditure by Parliament."

But when the House is in session, it has not been made clear whether the President can do it and you will remember, Sir, at the introduction stage, one of the Ministers stood up and said that monetary powers were excluded from the purview of this Bill....

AN HON. MEMBER: That is what the Law Minister has said.

SHRI A. K. ROY: After that the Law Minister was either corrected or prompted to say some other thing.

So, I say that the monetary bills should be excluded from the purview. Secondly, the President may have the power when the Parliament is not in Session but when the Parliament is in Session this extra-ordinary power be not given to the President.

Another amendment of mine relates to the fact that everybody should not be nominated. As it is, all the thirty members of the House of People would be nominated by the Speaker and another fifteen members would be nominated by the Chairman of the Rajya Sabha.

Further, it is said that every Act enacted by the President under Section 2 shall 'as soon as' after enactment come before the House. Here, I want to specify the time. I say that 'as soon as' is a vague term. It should be done within a week. It should be clearly specified.

1141 LS—3.

I hope the Government will consider these amendments.

गृह मंत्री (श्री जैल सिंह) : मैं इनके प्रमेण्ड-मेंट्स के साथ सहमत नहीं हो सकता। मैं रिप्लाय की जरूरत भी नहीं समझता। लेकिन हाउस को अच्छी तरह से मालूम है, जब मैं रिप्लाय कर रहा था तब भी मैंने कहा था कि हाउस इन सेसन हो, लेकिन दो-तीन दिन की बीच में छुट्टी हों तो उस समय प्रेजीडेंट का ध्यान देना जरूरी है। वे तो एक घण्टा भी नहीं रह सकते हैं यह समझ कर इस बिल को पास करना चाहिए।

एक आनरेबल मेम्बर ने यह कहा था कि कंसल्टेटिव कमेटी में "मे आर मे नाट" है। दूसरी कंसल्टेटिव कमेटी में जो प्रेजीडेंट कर सकते हैं यहाँ भी वे वही करेंगे।

कंसल्टेटिव कमेटी में इलेक्शन हो इसके लिए भी कहा गया। जब इस हाउस के स्पीकर और वाइस प्रेजीडेंट इलेक्ट होते हैं तो इससे बड़ी डेमोक्रेसी क्या हो सकती है? ये लोग समझ कर ही नोमिनेट करेंगे।

SHRI BAPUSAHEB PARULEKAR: Sir, I want to seek a clarification. Whether the legislation on financial matters is included or excluded from the purview of this Bill?

श्री जैल सिंह : वह नहीं है। फाइनेंशियल मेटर नहीं है। एक बात समझनी है कि आर्टिकल 356 में जब प्रेजीडेंट रूल हो जाता है, और अगर सेमन न हो तो भी प्रेजीडेंट को आर्टोमेटिकल्ली अधिकार हो जाता है कि वे कर सकते हैं।

SHRI A. K. ROY: Now, what the hon'ble Home Minister has said is something absolutely opposite to what we heard earlier.

They should be very clear about it. One Minister speaking one thing; another Minister is speaking something else. Let them consult and come to some conclusion about it.

14 hrs.

श्री जैल सिंह : आपकी बात मान ली है। सलाह ले लिया करेंगे।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): Please read Article 357 properly. That is the answer.

MR. DEPUTY-SPEAKER: Is anybody desirous of moving any of his amendments?—No.

All right. I will now put Amendments Nos. 1, 2 and 3 moved by Shri Banatwalla to the vote of the House.

*Amendments Nos. 1, 2 and 3 were put and negatived.*

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 4, 5, 7, 8 and 9 moved by Mr. Parulekar to the vote of the House.

*Amendments Nos. 4, 5, and 7 to 9 were put and negatived.*

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 10, 11, 12, 13 and 14 moved by Mr. A. K. Roy to vote.

*Amendments Nos. 10 to 14 were put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 3 stand part of the Bill."

*The motion was adopted.*

*Clause 3 was added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

THE MINISTER OF HOME AFFAIRS (SHRI ZAIL SINGH): Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

14.04 hrs.

DEMANDS\* FOR GRANTS (GENERAL), 1980-81

MINISTRY OF COMMERCE

MR. DEPUTY-SPEAKER: The House will now take up discussion and voting on Demand Nos. 11 to 13 relating to the Ministry of Commerce for which 6 hours have been allotted.

Hon. Members whose Cut Motions to the Demands for Grants have been circulated may, if they desire to move their Cut Motions, send slips to the Table within 15 minutes, indicating the serial numbers of the Cut Motions they would like to move.

Motion moved:

"That the respective sums not exceeding the amounts on Revenue Account and Capital Account shown in the fourth column of the Order Paper be granted to the President out of the Consolidated Fund of India to compete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1981, in respect of the heads of demands entered in the second column thereof against Demands Nos. 11 to 13 relating to the Ministry of Commerce."

\*Moved with the recommendation of the President.