

[Prof. Madhu Dandavate]

As a result of the accident, 6 persons are reported to have been killed, 17 sustained grievous injuries and another 33 received minor injuries so far. On receipt of information about the accident, Assistant Medical Officer, Katpadi proceeded to the site immediately. Medical Relief Trains from Madras and Jolarpettai and road ambulances were rushed to the site. General Manager and Chief Medical Officer, Southern Railway accompanied by other Heads of Departments, Divisional Superintendent, Madras and other Divisional Officers rushed to the site by road to supervise relief and rescue operations. All the injured persons were taken to Vellore by road ambulances and admitted in Mission Hospital and the Government Hospital. Ex-gratia payment to the next of kin of the dead and to the injured has been arranged.

Additional Member Mechanical, Railway Board has proceeded to the site of accident by air.

The Additional Commissioner of Railway Safety is likely to commence his statutory inquiry into this accident on 1-4-1977.

11.30 hrs.

MATTER UNDER RULE 377

REPORTS THAT JUNE, 1975 PROCLAMATION OF EMERGENCY WAS ISSUED WITHOUT COUNCIL OF MINISTERS' ADVICE.

SHRI SHYAMANANDAN MISHRA (Begusarai): Mr. Speaker, Sir, under Rule 377 I rise to draw the attention of the House to a matter of great constitutional and political importance.

The internal Emergency which was imposed on the country in June, 1975 ended a few days back after the Election. During this Emergency the country went through the darkest night of repression after indepen-

dence. Earlier, it was reported in the papers that the Presidential Proclamation on Emergency came without the aid and advice of the Council of Ministers and if at all there was any reference to it in the Cabinet, it was *ex-post-facto*. This matter was also agitated in the courts. The present Defence Minister after his resignation from the Cabinet of Mrs. Gandhi confirmed this substantially in his Press statement when he said that the Cabinet was merely informed of it after the decision to impose emergency was taken. I quote from 'The Deccan Herald' dated the 4th February 1977:

"Cabinet wasn't consulted on Emergency: Ram"

Mr. Jagjivan Ram, who resigned from the Union Cabinet and the Congress Party yesterday, told newsmen today that Cabinet was not consulted about the declaration of Emergency in June, 1975, or the dissolution of the Lok Sabha and the holding of elections this year but was merely informed of the decisions by the Prime Minister, Mrs. Indira Gandhi.

If this was so, it was a clear violation of Article 74(1) of the Constitution which says:

"There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President, who shall in the exercise of his functions, act in accordance with such advice."

As the present Government, is committed through its Election Manifesto to taking such steps as would prevent the repetition of such a tragedy in future, it is necessary and appropriate that the Government place full facts in this regard before the House in its very first sitting.

Finally it should also take steps to ensure that Article 74(1) is fully observed whether it is in respect of imposition of emergency or dissolution of the House or any other matter in which according to this Article, the aid and advice of the Cabinet is the very basis of presidential action."

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): Sir, the factual position in respect of the promulgation of emergency on 25th June 1975 is that the Proclamation was signed by the President on that date, that is, 25th, while the Cabinet approved the Proclamation on 26th June 1975. (*Interruptions*).

MR. SPEAKER: I understand this cry is not aimed at me!

The approval of the Cabinet, therefore, was *ex-post-facto*. As the Vice-President acting as the President of India has stated in his Address to both the Houses on 28th March 1977, the Government are already seized of the matter and are examining the question of providing adequate safeguards to prevent the possibility of declaration of emergency in similar circumstances in future. This is a matter which requires careful consideration and the Government would be taking appropriate measures in due course.

चौधरी बलबीर सिंह (होशियारपुर) :
अगर साबिका प्रधान मंत्री ने कोई गलत कदम उठाये हैं, तो उनके खिलाफ कानूनी कार्यवाही क्यों नहीं होनी चाहिये ?

कुछ माननीय सदस्य: होगी, होगी ।

11.35 hrs.

FINANCE BILL, 1977

THE MINISTER OF FINANCE AND REVENUE AND BANKING (SHRI H. M. PATEL): Sir, I beg to move*

"That the Bill to continue for the financial year 1977-78 the existing rates of income-tax with certain modifications and to provide for the continuance of the provisions relating to auxiliary duties of customs and excise and the discontinuance of the duty on salt for the said year, be taken into consideration."

The Statement of Objects and Reasons appended to the Bill briefly explain the specific provisions contained therein. This short Bill seeks to continue the existing tax structure for the financial year 1977-78. Accordingly, the rates of income-tax specified in the Finance Act, 1976, for the purpose of deduction of tax at source from salaries during the financial year 1976-77, for computation of advance tax payable during that financial year and for certain special purposes are proposed to be continued for making assessments for the assessment year 1977-78. The same rates are also proposed to be continued for deduction of tax at source from salaries during the financial year 1977-78, for computation of "advance tax" payable in that financial year, as also for the said special purposes.

The provisions enabling companies to make deposits with the Industrial Development Bank of India in lieu of payment of surcharge on income-tax are also proposed to be continued.

Under the provisions of the Finance Act, 1976, the net agricultural income of individuals, Hindu undivided families, unregistered firms etc. is taken into account for determining the rates of income-tax applicable to their non-agricultural income. These provisions are proposed to be continued for the financial year 1977-78. A consequential modification is, however proposed to be made in the provisions relating to the set off of the unabsorbed loss in agriculture. The amendment seeks to secure that besides the unabsorbed loss for certain years, the loss for the previous ac-

*Moved with the recommendation of the Vice-President acting as President.