

[Mr. Speaker]

the exploited and down-trodden people. He was imprisoned and detained several times for political activities and remained underground for five years during British rule. He led the famous Temple Entry Satyagraha in Gurvayoor Kerala and when on huge march from Cannanore to Madras on foot covering a distance of 750 miles. A seasoned parliamentarian and forceful speaker, he took active interest in the proceedings of the House. He always championed the cause of agriculturists, landless labourers and the common man. He also wrote many books on varied topics. He passed away at Trivandrum on the 22nd March, 1977 at the age of 72. In his death the country has lost a great patriot.

We deeply mourn the loss of these friends and I am sure the House will join me in conveying our condolences to the bereaved families.

The House may stand in silence for a short while to express its sorrow.

The Members then stood in silence for a short while.

12.10 hrs.

PAPERS LAID ON THE TABLE

ORDINANCES PROMULGATED BY PRESIDENT

MR. SPEAKER: Mr. Shanti Bhushan.

Some Hon. Members rose—

श्री कंवरलाल गुप्त (दिल्ली-सदर) : अध्यक्ष महोदय, इससे पहले कि ये अध्यादेश यहां सदन के पटल पर रखे जायें मैं विधि मंत्री का ध्यान आर्टिकल 123 (2) (बी) की तरफ दिलाना चाहता हूं जिसमें यह ध्यवस्था है कि अगर कोई अध्यादेश जारी किए जाते हैं तो सरकार यदि उचित समझे तो उन को किसी समय भी वापस ले सकती है। इन अध्यादेशों में विशेषतः 4, 6, 7, 8 और 9 नम्बर के अध्यादेश बिल्कुल अनडिमांडेबल हैं और हमारी पार्टी इनसे सहमत नहीं है। तो मैं विधि मंत्री से प्रार्थना करूंगा कि बजाय इसके

कि वे इसके ऊपर सदन का समय लें, इन अध्यादेशों को वे अभी वापस ले लें। इस में देरी न करें ताकि सदन का समय इन अध्यादेशों के ऊपर व्यर्थ न जाय जिनमें प्राइम मिनिस्टर, प्रेसीडेंट और वाइस-प्रेसीडेंट के एलेक्शन की बात है तथा मेट्रोपालिटन कौंसिल की मियाद बढ़ाने की बात है। मैं प्रार्थना करूंगा कि इन आर्डिनेंसों के ऊपर सदन का समय खर्च नहीं किया जाना चाहिए। आर्टिकल 123(2) (बी) इस प्रकार है :

An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance may be withdrawn at any time by the President.

May I request the hon. Minister to have these Ordinances withdrawn? They are highly objectionable and anti-democratic.

MR. SPEAKER: Normally, while papers are laid on the Table of the House, we do not allow any discussion. After all, these are only being placed on the Table. Government may or may not proceed with them. Since the hon. Member wanted to raise it, I had allowed him. Now I will allow only Mr. Krishna Kant....

SHRI JYOTIRMOY BOSU (Diamond Harbour): Are you allowing a discussion right now?

MR. SPEAKER: No discussion at all. Normally, when papers are laid on the Table of the House, there is absolutely no discussion. Perhaps, the same point which Mr. Kanwar Lal Gupta has raised, is likely to be raised by Mr. Krishan Kant also. The point has been made to the Minister concerned. What he might say or do is the Government's concern. I would only say this. If we start having a discussion now, there will be no end to it. We have a very important business to transact. Also if I am to permit all the Members and we are to have a discussion now, then it will be

creating a bad precedent. After all, one submission has been made. If every hon. Member begins making submissions, it will take the time of the House and it will also be a bad precedent. Laying the papers on the Table of the House is just a normal procedure. Later on, Government may or may not proceed with those Ordinances; it is not compulsory, just because they are laying them on the Table, that they should proceed with them. Therefore, let us not prolong this. (*Interruptions*) I have no objection, but you will be creating a very bad precedent, and once a precedent is created, next time when somebody else wants to raise something when papers are laid on the Table, I cannot say 'No; you cannot raise it'. After all, the point has been made. The Minister may lay them on the Table now. Later on, he may explain whether he is going to proceed with them or not. Therefore, may I request the hon. Members not to raise anything now? I will allow only Mr. Krishna Kant because he had given me notice earlier. Mr Krishna Kant.

SHRI JYOTIRMOY BOSU: On a point of submission.

SHRI S. KUNDU (Balasore): On a point of order. It is an important point of order.

MR. SPEAKER: What is the point of order?

SHRI S. KUNDU: You will find in this order paper under item 4(7)....

MR. SPEAKER: There is no point of order at all. The hon. Member is raising the same issue in the name of point of order.

SHRI S. KUNDU: Sir, this item which has been introduced today is not Constitutionally admissible; it cannot be admitted before the House. Here, Sir, the ordinance on the disputed election matter in respect of the Prime Minister...

MR. SPEAKER: Please sit down. There is no point of order.

SHRI JYOTIRMOY BOSU: Arising out of the observations, may I make a submission....

MR. SPEAKER: There is no point of order at all there, there is no point of submission.

SHRI KRISHNA KANT (Chandigarh): Sir, before the Minister lays these papers on the Table of the House, I would like to know whether in view of what the President has said in his Address and in view of the promises that we have made in the last elections that equality will be maintained in so far as the Prime Minister, Speaker and other Members of Lok Sabha are concerned, he will allow this ordinance to lapse? Or, it will be much better to withdraw it earlier; even now that can be done.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): These ordinances are being laid on the Table of the House in view of the mandatory requirement of Article 123. That does not mean that the Government proposes to convert them into Acts or to introduce Bills to that effect. The thinking of the Government will be crystallised in one course, but the President's Address itself has given an indication of the broad thinking of the Government in so far as that matter is concerned.

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 East Punjab Urban Rent Restriction (Chandigarh Amendment) Ordinance, 1976 (No. 14 of 1976) promulgated by the President on the 17th December, 1976.
- (2) The Caltex [Acquisition of Shares of Caltex Oil Refining (India) Limited and of undertakings in India of Caltex (India) Limited], Ordinance, 1976 (No. 15 of 1977) promulgated by the President on the 30th December, 1976.

[Shri Shanti Bhusan]

- (3) The Food Corporations (Amendment) Ordinance, 1976 (No. 16 of 1976) promulgated by the President on the 31st December, 1976.
- (4) The Representation of the People (Amendment) Ordinance, 1977 (No. 1 of 1977) promulgated by the President on the 2nd February, 1977.
- (5) The Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Ordinance, 1977 (No. 2 of 1977) promulgated by the President on 3rd February, 1977.
- (6) The Presidential and Vice-Presidential Elections (Amendment) Ordinance, 1977 (No. 3 of 1977) promulgated by the President on the 3rd February, 1977.
- (7) The Disputed Elections (Prime Minister and Speaker) Ordinance, 1977 (No. 4 of 1977) promulgated by the President on the 3rd February, 1977.
- (8) The Government of Union Territories (Amendment) Ordinance, 1977 (No. 5 of 1977) promulgated by the President on the 7th February, 1977.
- (9) The Delhi Administration (Amendment) Ordinance, 1977 (No. 6 of 1977) promulgated by the President on the 7th February, 1977. [Placed in Library. See No. LT-2/77.]

SHRI JYOTIRMOY BOSU: Sir, it was clearly indicated in the Handbook for Members that while the papers are being laid on the Table of the House, the Members have a right to seek further information. But unfortunately, after you left, that provision was withdrawn. It is a pity that that practice should continue now. Therefore, Sir...

MR. SPEAKER: Now, let the papers be laid on the Table of the House.

PROCLAMATIONS REVOKING INTERNAL AND EXTERNAL EMERGENCIES, NOTIFICATIONS UNDER DEFENCE AND INTERNAL SECURITY OF INDIA RULES, 1971, AND DEFENCE AND INTERNAL SECURITY OF INDIA ACT, 1971, AND A STATEMENT, AND PRESIDENT'S ORDER UNDER GOVERNMENT OF UNION TERRITORIES ACT, 1963.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): On behalf of Chaudhary Charan Singh, I beg to lay on the Table:—

(1) A copy each of the following Proclamations (Hindi and English versions) under sub-clause (b) of clause (2) of article 352 of the Constitution:—

(i) Proclamation issued by the Vice-President acting as President on the 21st March, 1977 under sub-clause (a) of clause (2) of article 352 of the Constitution, revoking the proclamation of Emergency issued on the 25th June, 1975, published in Notification No. G.S.R. 117(E) in Gazette of India dated the 21st March, 1977. [Placed in Library, See No. LT-3/77.]

(ii) Proclamation issued by the Vice-President acting as President on the 27th March, 1977 under sub-clause (a) of clause (2) of article 352 of the Constitution, revoking the Proclamation of Emergency issued on the 3rd December, 1971, published in Notification No. G.S.R. 132(E) in Gazette of India dated the 27th March, 1977. [Placed in Library. See No. LT-4/77.]

(2) A copy of the Compensation Tribunal (Amendment) Order, 1977 (Hindi and English versions), published in Notification No. G.S.R. 71(E) dated the 9th February, 1977 issued under the Defence and Internal Security of India Rules, 1971. [Placed in Library. See No. LT-5/77.]