

the House can go into the constitutionality of this matter. I personally feel that we can take a view. The hon. Member is fond of that; he is free to do that.

**SHRI SHYAMNANDAN MISHRA:** So far as the domestic companies are concerned, out of 34,000 companies you are taking care of only 6,000. Even among the 6,000 you are probably going to take only 3,000 and odd. You are thus discriminating.

**SHRI YESHWANTRAO CHAVAN:** It is not the number of companies that matters; it is the type of companies that matters. You are talking about it from the point of view of the Constitution. We have mentioned specific categories of companies and I do not think there is any ground for discrimination. The other point is about delegated powers. Whatever delegations have been made have been clearly indicated in the statement;

**SHRI MADHU LIMAYE:** What about clause 6?

**SHRI YESHWANTRAO CHAVAN:** According to me it is not delegation and so we have not mentioned it. He asks whether I could give an assurance on whether we will make any fundamental change in the Bill. When he asks an assurance from me, he presumes lack of bona fides in this matter. Even then I should like to tell the House that it is not the intention of the Government.

**MR. DEPUTY-SPEAKER:** The question is:

"That leave be granted to introduce a Bill to provide in the interests of national economic development, for temporary restrictions on the power of certain companies to declare dividends out of profits and for matters connected therewith or incidental thereto."

*The motion was adopted.*

**SHRI YESHWANTRAO CHAVAN:** Sir, I introduce the Bill.

14.43 hrs.

STATEMENT RE COMPANIES (TEMPORARY RESTRICTIONS ON DIVIDENDS) ORDINANCE, 1974 AND COMPANIES (TEMPORARY RESTRICTIONS ON DIVIDENDS) AMENDMENT ORDINANCE, 1974

**THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN):** I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Companies (Temporary Restrictions on Dividends) Ordinance, 1974 and the Companies (Temporary Restrictions on Dividends) Amendment Ordinance, 1974 as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha. [Placed in Library. See No. LT-8201/74].

**SHRI ATAL BIHARI VAJPAYEE (Gwalior):** I wanted to have a copy of the statement from the Table Office.

**MR. DEPUTY-SPEAKER:** It will be given now.

**SHRI ATAL BIHARI VAJPAYEE:** Now? How can I comment on it then?

**श्री मधु लिमये (बॉम्बे):** जब यह अध्यादेश इस सदन के सामने 22 जुलाई को रखा गया उसी समय मैंने यह सुझाव दिया था कि 71 नियम के अन्दर यह जो वक्तव्य अभी दे रहे हैं उसी दिन यह वक्तव्य जाना चाहिये था। यह मैंने इसलिए कहा था कि अध्यादेश जब आप 123 संविधान की धारा के तहत निकालते हैं तो उसकी यह शर्त है कि राष्ट्रपति का संतोख होना चाहिये कि तत्काल कार्रवाई आवश्यक है, "इमीडिएट एक्शन इज निसेसेरी"। जब तक इसका स्पष्टीकरण

और खुलासा पहले ही दिन आप हमें नहीं देगे तो कैसे पता चल सकता है कि "इमिडिएट एक्शन निनेसरी" था या नहीं। इस बास्ते मैंने उसी दिन इस मवाल को उठाया था और स्पीकर साहब ने आश्वासन दिया था, कि इस मुद्दाव के बारे में वह सोचेंगे। अब इतने दिन हो गए हैं। आप 71(2) देखें। उसमें प्रावधान है कि सदन के मामले अगर विधेयक उसी तरह का था जैसा अध्यादेश है, तो आप को स्पष्टीकरण माथ ही देना पड़ता है।

"Circumstances which had necessitated immediate legislation by Ordinance shall be laid on the Table of the House at the commencement of the Session following the promulgation of the Ordinance."

नए अध्यादेशों के लिए यह और जरूरी हो जाता है कि उसका स्पष्टीकरण हो जाए। विधेयक में कम से कम स्टेटमेंट आफ प्रावजक्ट्स एण्ड रीजज होते हैं, अनुच्छेदों का स्पष्टीकरण होता है। लेकिन जो अध्यादेश होते हैं उसके बारे में आपको यह निर्देश इनको देना चाहिये कि पहले ही दिन से एक्सप्लेनेटरी स्टेटमेंट दें ताकि राष्ट्रपति के द्वारा जो अध्यादेश जारी किया गया है वह जारी करने के लिए क्या "इमिडिएट एक्शन जरूरी" था या नहीं, इसका पता सदन को चल सके।

श्री अटल बिहारी वाजपेयी : मैंने वित्त मंत्री जी का वक्तव्य देखा है। यह बहुत ही असन्तोषजनक है। वक्तव्य में इस बात का औचित्य सिद्ध किया जाना चाहिए था कि जो

कदम उठाया गया है वह अध्यादेश से क्यों उठाया गया है। अगर छ जुलाई को यह जारी नहीं किया जाता और 22 जुलाई को जब लोक सभा की बैठक हो रही थी तब यह रखा जाता तो क्या कोई बड़ा भारी नुकसान हो जाता ? आप शब्दावली देखें

"Thus, some effective steps were urgently necessary in order to break the vicious circle of money incomes chasing prices and to curb the inflationary pressure".

मूल्य बढ़ रहे हैं। क्या छ जुलाई को अचानक मूल्य बढ़ गए ? ऐसी बात नहीं हुई। सरकार ऐसे कदम उठाए जिन से मुद्रा स्थिति रुके यह सरकार का इरादा पहले से था। ऐसी अवस्था में छ जुलाई को अध्यादेश जारी करना क्यों जरूरी था—

MR. DEPUTY-SPEAKER: This is only with regard to the explanatory statement which the Minister has laid on the Table.

श्री अटल बिहारी वाजपेयी : एक्सप्लेनेटरी स्टेटमेंट के नाम पर मंत्री महोदय चाहे जो कुछ सदन के सामने रख दें ?

MR. DEPUTY-SPEAKER: That is a subject for discussion when the Bill comes up.

श्री अटल बिहारी वाजपेयी : आपको याद होगा कि स्पीकर ने कहा था कि मैं स्वयं देखूंगा और अपने को सैटिसफाई करूंगा कि अध्यादेश जारी करने की जरूरत क्या थी।

[श्री प्रमिल बिहारी बाजपेयी]

वित्त मंत्री कम से कम इसका तो खुलासा करें कि यदि प्रस्तावना छः जुलाई को जारी न किया जाता और 22 जुलाई को विधेयक के रूप में कानून बनाने की दृष्टि से यह कदम उठाया जाता तो सरकार को कितना नुकसान होता या कितनी मुद्रा बाजार में चली जाती और उससे कितनी मुद्रा स्फीति बढ़ जाती ? इसका तो वह थोड़ा सा खुलासा कर दे ।

SHRI SEZHIYAN: When these ordinances were placed on the Table, many Members raised various points and the Minister of Parliamentary Affairs gave the following assurance:

"You will appreciate the special circumstances under which these respective ordinances had to be issued, which will undoubtedly be explained by the Ministers concerned when those matters come up for discussion. I would request you to suspend your judgment till that time."

Since this assurance was given at that time, it is for the Minister to convince us before a judgment can be given.

MR. DEPUTY-SPEAKER: The only point of order is that raised by Mr. Madhu Limaye. If I understand him correctly—I may also make a mistake because I only get it through the translation—his point is why the Explanatory Statement for promulgating

the ordinance was not laid on the Table along with the copy of the ordinance. He quoted rule 71(2).

श्री मधु लिमये : मैंने कहा है कि 71(2) में जिस तरह का प्रावधान है, वह इस पर भी लागू होना चाहिए। मैं इस बारे में आप का निर्देश चाहता हूँ।

MR. DEPUTY-SPEAKER: I am afraid that I cannot agree with Shri Madhu Limaye in regard to the interpretation of rule 71(2). What does rule 71 (2) say?

श्री मधु लिमये : कल से कोई सम्बन्ध नहीं है। मैं आप का निर्देश चाहता हूँ। नियम जब नहीं रहता है तभी निर्देश की बात आता है।

MR. DEPUTY-SPEAKER: There is no question of any direction.

SHRI MADHU LIMAYE: Why not?

MR. DEPUTY-SPEAKER: If you want to know the general view, an Ordinance is a very serious matter, and the country and the Parliament is entitled to know the special reasons and special circumstances that need an Ordinance, and the Parliament should know about the reasons at the earliest possible time. But, technically speaking, according to the rules and procedures, I do not think there is anything wrong for the statement to be laid now. As a matter of fact this statement has to be laid and it has been laid.

श्री मधु लिमये : मैं यह नहीं कह रहा हूँ कि वह गलत है। मैं यह नहीं

कह रहा हूँ कि मंत्री महोदय स्टेटमेंट न  
रखें। मेरा कहना यह है कि स्टेटमेंट  
को अध्यादेश के साथ ही रखा जाये।

MR. DEPUTY-SPEAKER: That  
can be looked into.

SHRI MADHU LIMAYE: It is not a  
point of order.

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष  
महोदय, अध्यादेश तो पहले निकल गया।  
उस दिन सदन में यह मामला उठाया गया।  
आज उस पर चर्चा होने वाली है और  
अब यह स्टेटमेंट आ रहा है। आप भविष्य  
के लिए निर्देश दे सकते हैं कि आर्डिनंस  
के साथ ही स्टेटमेंट आना चाहिए।

MR. DEPUTY-SPEAKER: I am  
afraid, I cannot off hand just issue a  
direction like that, because the rules  
are silent about it. The Chair must  
do things with a certain amount of  
responsibility and it must give cer-  
tain thought to it. It is not as if we  
are dealing with Ordinances only now.  
This has been there for so many years.  
Why this has not been incorporated  
in the rules, why a directive by the  
Speaker has not been made so far,  
for that there may be some good rea-  
sons. I see the force of your argu-  
ments. I have also generally said that  
the House must be seized of it at the  
earliest whenever a thing like this  
comes. But do not pressurize me to  
give a ruling.

SHRI MADHU LIMAYE: I want  
your ruling on the other point of  
order.

MR. DEPUTY-SPEAKER: Shri  
Vajpayee was saying about the Ordinance  
before Parliament. We have  
discussed this before, and when the  
Bill is taken up for discussion we can  
discuss it again. I think we can go to  
the next Bill.

14.54 hrs.

# ADDITIONAL EMOLUMENTS (COMPULSORY DEPOSIT) BILL

THE MINISTER OF FINANCE  
(SHRI YESHWANTRAO CHAVAN):  
I beg to move for leave to introduce a  
Bill to provide, in the interests of  
national economic development, for  
the compulsory deposit of additional  
emoluments and for the framing of a  
scheme in relation thereto, and for  
matters connected therewith or inci-  
dental thereto.

MR. DEPUTY-SPEAKER: Motion  
moved:

"That leave be granted to intro-  
duce a Bill to provide, in the in-  
terests of national economic devele-  
opment, for the compulsory deposit  
of additional emoluments and for  
the framing of a scheme in relation  
thereto, and for matters connected  
therewith or incidental thereto".

SHRI SEZHIYAN (Kumbakonam):  
Sir, I rise on a point of order. Here  
also the Ordinance has been issued  
on the 6th July. The Bill has been  
signed on the 9th August. The cor-  
rigenda has come on the 14th August  
1974. Here as many as 13 items  
come. If you refer to it leisurely,  
probably the corrigenda may contain  
more number of items than the Bill  
itself. As many as 13 items have  
been given...

MR. DEPUTY-SPEAKER: Are  
there corrigenda to this also?

SHRI SAZHIYAN: Yes, Sir, it has  
become the order of the day. They  
issue an Ordinance; they issue an  
amending Ordinance; they issue a  
Bill and they issue corrigenda. There  
are as many as 13 items. They are not  
simple corrections.

If you take item No. 1, it says:

"Page 3, line 9, after "over" insert  
"Page 3, 9 after "over" insert