

may be considered after the no-confidence motion which may be taken up first.

MR. SPEAKER: As I have already told you this is strictly in accordance with the Directions. But if you want me to take up the no-confidence motion first then I will not take up the Adjournment Motions now; they will be held over till I come to the item of no-confidence motion. I think this is what you want.

Now papers to be laid on the Table.

SHRI G. VISWANATHAN (Wandiwash): What about the Adjournment Motion on Kachhathivu?

MR. SPEAKER: I have already said that the Adjournment Motions will be held over till the no-confidence motion is taken up. Please sit down.

Papers to be laid on the Table.

12.10 hrs.

PAPERS LAID ON THE TABLE

ORDINANCE UNDER ARTICLE 123(2) (a) OF THE CONSTITUTION

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I beg to lay on the Table a copy each of the following Ordinances (Hindi and English versions) issued by the President under provisions of article 123(2) (a) of the Constitution:—

- (1) The Essential Commodities (Amendment) Ordinance, 1974 (No. 2 of 1974) promulgated by the President on the 22nd June, 1974.
- (2) The Press Council (Amendment) Ordinance, 1974 (No. 3 of 1974) promulgated by the President on the 28th June, 1974.

- (3) The Indian Iron and Steel Company (Taking Over of Management) Amendment Ordinance, 1974 (No. 4 of 1974) promulgated by the President on the 28th June, 1974.
- (4) The Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Ordinance, 1974 (No. 5 of 1974) promulgated by the President on the 28th June, 1974.
- (5) The Industries (Development and Regulation) Amendment Ordinance, 1974 (No. 6 of 1974) promulgated by the President on the 29th June, 1974.
- (6) The Companies (Temporary Restrictions on Dividends) Ordinance, 1974 (No. 7 of 1974) promulgated by the President on the 6th July, 1974.
- (7) The Additional Emoluments (Compulsory Deposit) Ordinance, 1974 (No. 8 of 1974) promulgated by the President on the 6th July 1974.
- (8) The Companies (Temporary Restrictions on Dividends) Amendment Ordinance, 1974 (No. 9 of 1974) promulgated by the President on the 15th July, 1974.
- (9) The Compulsory Deposit Scheme (Income-tax Payers) Ordinance, 1974 (No. 10 of 1974) promulgated by the President on the 17th July, 1974. [Placed in Library. See No. LT-7066/74].

SHRI INDRAJIT GUPTA (Alipore): I thank you for the permission you have given me to register our emphatic protest against the laying of these Ordinances. In particular, I refer to those which had been contained in item 4(6), (7), (8) and (9). For the time being, I am not going into the contents and merits of these ordinances although we are categori-

cally opposed to all of them which we will discuss later on when the occasion arises and when these ordinances are taken up.

But the point I am raising at this stage is that these ordinances have been promulgated on the very eve of the Parliament session. You will recall that sometime in 1971—I think it was in November 1971—and subsequently again, in November 1973, you, Sir, yourself from that Chair, had occasion to observe that you did not approve of or rather you disapproved of the Government resorting to this practice of promulgating ordinances on the eve of a Parliament session, when only a few days were remaining for the Parliament to re-assemble. You had an occasion to do it once in 1971 and again in 1973 made a reference to your earlier observations of 1971 and you reprimanded the Government for this practice which was becoming a habit with them.

SHRI PILOO MODY (Godhra). Do You remember that, Sir?

SHRI INDRAJIT GUPTA: It seems that your observations and your reprimands have just gone over their head. This time they have behaved in an absolutely brazen manner. In one case you will find that the Compulsory Deposit Scheme (Income-tax Payers) Ordinance, 1974 (No. 10 of 1974) was promulgated only 4 days before the Parliament was to assemble. In the case of the other ordinances also, the earliest one is of 6th July.

Now, I can see that there are occasions—I am not questioning the power or the authority constitutional power or the authority of the Government to promulgate ordinances, that is there in the Constitution—when it becomes necessary perhaps to take such an action on some particular issue without any prior notice and where surprise is the very essence of the success of that ordinance. For example, any delay would mean that some essential commodities are cornered in the market and some shares are cornered in

which case the Government may have to promulgate ordinances in the inter-session period.

Here, I would point out to you that in particular, for example, the whole purpose of this Companies (Temporary Restrictions on Dividends) Ordinance, although the whole thing is an eye-wash, in my opinion, it has no effect and it is not having any effect already whatsoever, already, statistics have been published to show that out of 3,000 odd medium and large scale companies, there are only 200 companies out of 3,000, which declare dividends above 12%. At the most, it will affect those people. But, apart from that, the whole purpose of this ordinance has been nullified by the fact that there was a leakage. Now, it is known that a probe has been ordered into that. The information leaked out and whoever has to do the cornering of the shares, has done that already.

But, apart from that, of the other two ordinances, one is a direct attack on the salary and wage-earners of this country, that is, the workers middle-class employees, both of Government and the private sector alike who are in any case suffering to-day under this terrible pressure of inflation and price rise to an extent where their real wages are going down day after day and this ordinance is aimed directly against them.

Then, there is this Compulsory Deposit Scheme (Income-tax Payers) Ordinance of 1974. What was there which prevented the Government from waiting just a few days for Parliament to assemble and then, if they wanted, to come forward with a Bill for discussion in the House? I cannot understand this thing at all; nothing would have happened if they had waited for a few days more. The whole thing shows guilty conscience behind the whole thing. 18 million wage earners and salary-earners are not running away. They have not got black money.

You are going to force them to deposit a part of their legal wages and salaries. This is white money, this is not black money. It is accountable money. What would have happened, would Heavens have fallen, if you had brought it after Parliament reassembled? The same thing with regard to deposits of the income-tax payers. You are not doing it for the non-income-tax payers. That is where the real trouble lies. Thousands of crores of black money are being utilised and this situation creates this monster of inflation. No steps have been taken to control the prices. But you have taken these steps in respect of those who have got white money. You have brought forward these ordinances deliberately violating—I would say, creating a serious affront—to the very dignity and the prestige and the power of Parliament.

Sir, I am not going into the details at this stage; we will discuss these things in detail when the Bill comes up for discussion in the House. But sir, I would just like to remind you and seek your protection on this issue. You yourself are on record not once but twice in which you have very clearly censured the Government, reprimanded the Government for this dangerous practice. Do they want to rule by ordinances or do they want to rule through Parliament? That is what I want to know. This is an affront and insult to the right and authority of Parliament. They have set about it in such an unfortunate haste that they have to resort to issue of another ordinance in order to amend the earlier one. I mean, the dividend ordinance. There was a hallabaloo in the country and doubts were expressed whether profits are to be after tax or before tax and they brought forward another amendment on the 15th, one week ago, amending that previous ordinance. They wanted to present the House with a fait accompli; I do not know whether the Council of Ministers was also presented with a fait accompli. There are very powerful secretariat bureaucratic experts, Planning Commission

experts, monetary experts and so on. Form the utterances and facial appearance of some of the Ministers, they seem to be quite ignorant and innocent of these things. They only rubber-stamp these things. Is Parliament also expected to do that? This is an affront to the sovereignty of this Parliament.

I would request you, in view of your past utterances, to express yourself firmly and strongly against the way these ordinances have been promulgated and the way they have been brought in just a few days before Parliament is to meet, which is completely derogatory to the dignity and authority of Parliament.

श्री ब्रह्म बिहारी बाजपेयी (गान्धिवर):

अध्यक्ष महोदय, यह पहला अवसर नहीं है जब सदन के सत्र के पहले दिन इस बात को आपके ध्यान में लाया जा रहा है कि सरकार ने अध्यादेशों के द्वारा शासन को चलाने का मानो फैसला कर लिया है। निस्संदेह संविधान में सरकार को अधिकार है अध्यादेश जारी करने का लेकिन संसदीय लोकतंत्र केवल संविधान के अंशों से नहीं चलता, संविधान की भावना का भी ख्याल किया जाना चाहिए। संसदीय लोकतंत्र में परम्पराओं का भी स्थान है, संसदीय शिष्टाचार का भी कुछ तकाजा है। 22 जुलाई को संसद की बैठक होने जा रही थी और 17 जुलाई को अध्यादेश जारी किया गया। अगर 4 दिन सरकार रुक जाती तो कौन सा आसमान टूट जाता यह हम समझना चाहते हैं। यह मामला जब स्वर्गीय श्री मावतंकर जी अध्यक्ष थे तब से उठ रहा है। जब यह मामला पहली बार उठा तो नेहरू जी ने भी स्वीकार किया कि इस तरह के अध्यादेश जारी नहीं किए जाने चाहिए। लेकिन नेहरूजी के दिन नेहरू जी के साथ चले गए। अब तो सदन का अवमूल्यन

हो गया है। संसद की खुची धक्केलना की जा रही है।

आप के सामने यह मामला दो बार उठा 22 नवम्बर, 1971 को और फिर 13 नवम्बर, 1973 को। आप ने स्पष्ट शब्दों में कहा, मैं आप के शब्दों को उद्धृत कर रहा हूँ :

"I do not approve of an Ordinance just at the time when the House is about to meet."

आप ने इसे यह भी कहा :

"Ordinances by themselves are not very welcome, specially so when the date is very clear. It is not only clear but it is also near. In such cases, unless there are very special reasons, Ordinances should be avoided."

अब ये जो अध्यादेश जारी किए गए हैं वे इस बात के प्रमाण हैं कि सरकार आर्थिक मोर्चे पर पूरी तरह से विफल हो गयी है। ये अध्यादेश इस बात के प्रमाण हैं कि सरकार की समझ में कुछ नहीं आ रहा है कि क्या करें। वह चबराहट में कुछ कर देना चाहती है। इस का एक यह भी उदाहरण है कि एक अध्यादेश जारी किया गया, बाद में उसका संशोधन भी जारी किया गया जिस का हवाला श्री इन्द्रजीत गुप्ता ने दिया है। क्या अध्यादेश बिना बखे हुए आख बन्द कर दिए जाते हैं, क्या प्राफिट के पहले और बाद का अंतर यह सरकार नहीं समझ सकती? कभी दुनिया में आप ने सुना है कि जारी किए गए अध्यादेश में संशोधन करने के लिए अध्यादेश जारी किया जाए? जल्दबाजी में जारी किए गए अध्यादेश सरकार के बौद्धिक दिवालियापन को भी साफ करते हैं। यह मामला सरलता से लेने का मामला नहीं है। इस देश में संसदीय

लोकतंत्र ध्वस्त चलता है तो संसद की प्रतिष्ठा की रखा होनी चाहिए, संसदीय शिष्टाचार का पालन होना चाहिए। इस तरह के अध्यादेश से ध्वस्त शासन चलाया जाएगा तो संसदीय लोकतंत्र से लोगों की आस्था पहले ही उठ रही है, यह उस आस्था को और भी आघात पहुंचाने का कारण बनेगा।

आप ने पिछली बार कहा था कि अध्यादेश जारी करने और कानून बनाने का अधिकार संविधान सरकार को देता है, हम तो केवल सरकार से कह सकते हैं, लेकिन आप की रूलिंग यह सरकार एक कान से सुने और उस कान से निकाल दें, ऐसी आप की रूलिंग नहीं होनी चाहिए। आप जब बोलते हैं तो सारे सदन की ओर से बोलते हैं, संसद की गरिमा के लिए बोलते हैं और अगर लगातार सरकार द्वारा आप की रूलिंग की उपेक्षा होती है, अवहेलना होती है तो एक गंभीर परिस्थिति पैदा होती है। मैं चाहता हूँ कि आज आप इन को ऐसे कड़े शब्दों में लताड़ें कि इन को अपने कृत्य पर कुछ तो लज्जा आए और भविष्य में इन से वचन लें कि जब तक कोई अनिवार्य, अपरिहार्य परिस्थिति नहीं होगी, संसद की बैठक के कुछ दिन पूर्व अध्यादेश जारी नहीं किए जाएंगे।

SHRI DINEN BHATTACHARYYA (Serampore): Only the other day he has reprimanded the Government. (Interruptions).

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, इन अध्यादेशों के बारे में हमारा प्रतिपक्ष किस तरह से अनुभव कर रहा है उस से आप सहमत होंगे और अध्यक्ष के आसन पर बैठ कर संसदीय मर्यादाओं एवं परम्पराओं की

रखा हो यह देखना आप का दायित्व है। मैं समझता हूँ कि इस मामले को आप गंभीरतापूर्वक लेंगे और सरकार से कहेंगे कि यह जो अध्यादेशों की भरमार की गई है इस के लिए वह खंड प्रकट करें तथा वादा करें कि भविष्य में संसद के अधिवेशन के पूर्व अध्यादेश जारी करने की गलती वह नहीं करेंगे।

SHRI SEZHIYAN (Kumbakonam): I also rise to record my emphatic protest at the way in which these ordinances have been promulgated...

SHRI S. M. BANERJEE (Kanpur): I had sent my name earlier, Sir. So, I should be called earlier.

MR. SPEAKER: I think there is some confusion. I believe Shri Sezhiyan has sent the notice later.

SHRI SHYAMNANDAN MISHRA (Begusarai): This is a very grave matter and it relates to the dignity and the rights of Parliament....

SHRI S. M. BANERJEE: I had put my notice earlier in that "Pandora's box".

MR. SPEAKER: The third name in the list is that of Mr. Banerjee. But now I see two more. I think Shri Sezhiyan had sent the notice later.

SHRI SEZHIYAN: Yes.

SHRI S. M. BANERJEE: I am relaying on the box. I had put my notice in the box.

MR. SPEAKER: Shri Banerjee is perfectly right. So, he may speak earlier. Shri Sezhiyan may resume his seat now.

SHRI S. M. BANERJEE: When I found that the ordinance had been promulgated by the President on the 17th, I thought that this Government did not care for the Parliament. I hope it would not be misunderstood

if I say that they were not afraid of your ruling or your observations on this matter in this House.

I have already written to you what my main objections are. My objection is regarding the ordinance listed in item 6 of the Order Paper, because these ordinances were promulgated in the month of July itself. One of them was brought forward on the 6th July, 1974 itself. One of the ordinances was regarding dividend, and another one was regarding the freezing of the wages and the dearness allowance of the poor workers who have been asked to starve and save some money for this Government to squander. The third ordinance was again an amendment, and the fourth was an amendment which was issued to the ordinance which had been promulgated on the 6th July. Just ten days after promulgating the earlier ordinance, Government realised that there was a typing mistake, and that typing mistake was corrected by a correct typist, and again an ordinance was promulgated on the 15th July, and again another one was issued on the 17th July. I have nothing to say against the proposal regarding freezing if it is going to apply to people who are getting more than Rs. 15,000.

But my main objection is this. When the summons had been issued for this session and Parliament was to meet on 22nd July, in spite of your observations and the observations made by your late-lamented predecessor Shri Mavalankar and others, Government never cared for them. And they promulgated these ordinances. In fact, I was expecting another ordinance yesterday, because one day was still left for Parliament to meet and they could have passed another ordinance yesterday.

I would request you, Sir, to treat this matter very seriously as a contempt of this House. This should be regarded as contempt of the House.

and contempt proceedings should be launched against the Council of Ministers including the Prime Minister. Even now, she is not present in the House. Perhaps, she may be framing another ordinance. I would request you, Sir, to ask her to come and answer our objections.

PROF. MADHU DANDAVATE (Rajapur): Sir, I rise on a point of order. I want to know what procedure is being followed. A number of Members have given notice of statutory resolutions of a substantive nature. But I find that the hon. Members who are speaking are making substantive arguments. So, I would like to know what procedure is being followed in this regard. At what stage are you going to take up those statutory resolutions?

MR. SPEAKER: The position is very clear. That is a separate item. Now, hon. Members are raising their objections at the time when the ordinances are being laid on the Table of the House.

SHRI S. M. BANERJEE: On behalf of the Council of Ministers, the Prime Minister should have apologised and regretted for having brought forward these ordinances when the session was already in sight.

I am not discussing the contents of the ordinances now. They are well known, and they will be opposed inside this House and outside and they will be met with opposition by all these toiling millions who are suffering because of the misdeeds and misrule of this Government.

So I would request you to treat this as a matter of contempt or of privilege of the House. This is a privilege of the House. A few moments ago we paid homage to those who are dead, but they consider us to be dead; they do not even wait for that.

I would request you not to allow this Government to express only regret and get away with it. They should look at it more seriously. On this issue, they should have resigned or, I can assure you, I shall resign myself on this issue to uphold the dignity of parliamentary democracy.

SHRI SEZHIYAN rose—

MR. SPEAKER: We have received your letter late. The procedure is that we had fixed that they should come in advance, not at the time when it is taken up. Otherwise, there will be no end to this.

SHRI SEZHIYAN: This is a very important thing. A spate of Ordinances have been issued and are only now presented to the House. This is the first occasion when the House is seized of this. We want to protest against the way in which they have been promulgated to circumvent parliamentary democracy and in utter disregard of this House and previous pronouncements from the Chair. If you permit me, I would say a few words; though the Government oftentimes do not observe it, at least we on this side give all respect to you.

SHRI DASARATHA DEB (Tripura East): Every Member of this House must go on record that this Government is behaving in this Parliament in this fashion. We must protest and our protest must be recorded.

श्री जगन्नाथ राव जोशी (शाजापुर) :

अध्यक्ष महोदय, जब आप के आदेश की अवहेलना होती है तो हम क्या करें? जैसे हम आप के आदेश की अवहेलना नहीं कर सकते उसी तरह से सरकार को भी नहीं करनी चाहिए। आप आदेश देते हैं लेकिन यह सरकार नहीं मानती है।

श्री हुकम चन्द कछवाय (मुरेना) :

आप को अबहेलना करने पर आप हम को सदन से बाहर निकाल देते हैं, क्या इसी तरह से सरकार को भी बाहर निकालेंगे ?

SHRI PILOO MODY (Godhra): I suggest that you allow the entire Opposition to get up and say 'we protest'.

अध्यक्ष महोदय : वह तो आप कर ही रहे हैं।

SHRI SHYAMNANDAN MISHRA (Begusarai): I do not recollect any session which has not been preceded by the issue of Ordinances. The rule by Ordinance, as everyday would agree, is almost like a rule by military junta. If we had a large number of such Ordinances coming, that is a negation of democracy and of the parliamentary system.

Now, after having given repeated rulings and after having seen the persistent flouting of these rulings, there are only two courses open to the Chair. Either the Chair vacates its earlier rulings or the Chair insists that this thing is not done in future. This has become a matter of absolute irregularity. Before every session, the Government thinks it a matter of prestige to issue Ordinances as a matter of show of its grandeur and majesty. It wants to show that it is mightier than the Parliament of India. Otherwise, there can be no other reason or justification for coming out with Ordinances just on the eve of the session when we do not find that there is any economic or other rationale behind it. Even on the rationale of expediency they cannot convince us that it was so very necessary only a few days before Parliament met.

So I would request you either to ask the Government to adhere to

your rulings or in protest against the persistent and blatant flouting of your ruling by Government, you should vacate your ruling from the proceedings of the House.

SHRI DINEN BHATTACHARYYA: This is one of the reasons why my party CPI(M) refused to attend the Prime Minister's meeting with the opposition leaders yesterday. They are showing scant respect for parliamentary democracy.

अध्यक्ष महोदय : यह तो आप को कल बाहर बताना था, आज हाउस में क्यों बोलते हैं ?

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I have heard with great respect the sentiments expressed by hon. members opposite. I would like to assure them and you, Sir, that Government have the highest respect and esteem for the House and for the Chair and we are second to none in that. Nor is any question of prestige involved in issuing ordinances, I deny that. 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 these matters come up for discussion. I would request you to suspend your judgment till then.

SHRI SEZHIYAN: What is the judgment he expects?

श्री कृष्ण लिंगम् (बांका) : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। आप मुझे इस प्रश्न को उठाने दीजिए। मैं यह कहना चाहता हूँ कि ये जितने अध्यादेश जारी किए गए हैं, ये संविधान की धारा 123 के तहत किए गए हैं। इन अध्यादेशों के लिए यह जरूरी है कि राष्ट्रपति यह माने कि इन को तत्काल जारी करने की आवश्यकता थी। यदि ऐसी स्थिति थी तो हर आर्डिनेन्स से साथ स्पष्टीकरण सदन के सामने

रखने की जरूरत है, वरना हम लोगों को कैसे पता चलेगा कि इन का तत्काल जारी करना क्यों जरूरी था ? इसके बिना हम अपनी राय इन पर कैसे दे सकेंगे। इस लिए मेरा अनुरोध है कि आप आदेश जारी कर दीजिए हर आर्डिनंस के साथ एक स्पष्टीकरण दिया जाए।

MR. SPEAKER: It was very interesting to hear you talk about my previous rulings. I appreciate them so much. The objections are mainly to the ordinances issued in July. I think even right up to 6th July, that is a reasonable time. The main objection is about the ordinances issued on the 15th and 17th July. I am going to look into it as to what was the urgent need for this quick action when already it was known that the session is starting on the 22nd. The minister says he will try to bring these facts before me.

श्री मधु सिन्घे : इन के साथ एक्सप्लेनेटरी मैमोरेण्डम क्यों नहीं है — यही तो मैं कह रहा हूँ।

MR. SPEAKER: We can consider that suggestion for future. That is not the question at present. You have quoted my rulings. That is the only bad thing that sometimes one is confronted with one's own rulings. They are used only up to the limit where they can be useful for you. You have not read other part of it. As to what is very clear and near I have to decide. In that case, it was just a day or two days earlier. Now it is five days, I should say, or even one week. You all kept quite over that and gave me advice on other matters. Still, I believe they must satisfy me as to what was the urgent nature of it. I am not going to give a ruling on that now. I must get all the facts. Until then I am not going to displease you or oblige you.

STATEMENT Re. MARKET LOANS FLOATED BY THE CENTRAL GOVERNMENT, INCOME-TAX (2ND AMDT.) RULES, 1974 AND NOTIFICATIONS ETC.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH): I beg to lay on the Table:—

- (1) A statement (Hindi and English versions) indicating the result of market loans floated by the Central Government in July, 1974. [Placed in Library. See No. LT-7067/74.]
- (2) A copy of the Income-tax (Second Amendment) Rules, 1974 (Hindi and English versions) published in Notification No. S.O. 291 (E) in Gazette of India dated the 14th May, 1974, under section 296 of the Income-tax Act, 1961.
- (3) A copy each of the following Notifications (Hindi and English versions) under section 38 of the Central Excises and Salt Act, 1944:—
 - (i) The Central Excise (Third Amendment) Rules, 1974 published in Notification No. G.S.R. 528 in Gazette of India dated the 1st June, 1974.
 - (ii) The Central Excise (Fifth Amendment) Rules, 1974, published in Notification No. G.S.R. 612 in Gazette of India dated the 22nd June, 1974.
 - (iii) The Central Excise (Sixth Amendment) Rules, 1974 published in Notification No. G.S.R. 613 in Gazette of India dated the 22nd June, 1974.
 - (iv) The Central Excise (Fourth Amendment) Rules, 1974, published in