

[Shri Jawaharlal Nehru]

may very well be—we cannot say—slight error on their part—of course, in the air, there are no markings—of a few miles, or it may be deliberate. Two or three miles will be covered in a few seconds before going back.

Shri N. Sreekantan Nair (Quilon): Have you not got anti-aircraft guns?

Shri Jawaharlal Nehru: Anti-aircraft guns are not used on such occasions. They are not set there to be used just then and there. They are not spread out all over the face of the country. There are various installations in other places and to protect them anti-aircraft guns are set. Therefore, if I may say with all humility, there is nothing to get excited about here.

Shri Hem Barua: Sir, on a point of order.

Mr. Speaker: There is no point of order. Now, papers to be laid on the Table.

Shri Hem Barua: Sir, on a point of order. May I say . . .

Mr. Speaker: Order, order. I am not allowing it.

Shri Hem Barua: Here is a Defence Minister who has made a categorical statement that Pakistan aircraft has violated our territory. Now the Prime Minister says . . .

Mr. Speaker: Order, order. He should resume his seat.

12.28 hrs.

RE. CALLING ATTENTION NOTICE

श्री बूटा सिंह (मोगा): अध्यक्ष महोदय, राजघाट के सामने करीब ५० हरिजन भूखे मर रहे हैं कई दिन से उन की नौकरी का कोई इन्तजाम नहीं किया गया है. न उन के बारे में अखबारों में कुछ आ रहा है।

(Interruptions) मैंने कालिग अटेंशन भी दिया है उसका कोई (Interruptions)

अध्यक्ष महोदय : मैं यहां नहीं बतला सकता कि कालिग अटेंशन नोटिस का क्या हुआ ।

श्री बूटा सिंह : उन में बच्चे हैं, औरतें हैं, बूढ़े हैं। उन की हालत बहुत खराब है। उन के लिये डाक्टर का कोई इन्तजाम नहीं किया गया है। (Interruptions)

एक माननीय सदस्य : उन की डिमांड क्या है ।

अध्यक्ष महोदय : अब आप बैठ जायें ।

श्री बूटा सिंह : मंत्री उन की तरफ कोई ध्यान नहीं दे रहे हैं ।

PAPERS LAID ON THE TABLE

ARMED FORCES (SPECIAL POWERS) CONTINUANCE ORDINANCE.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I beg to lay on the Table a copy each of the following papers:

- (1) The Armed Forces (Special Powers) Continuance Ordinance, 1964 (No. 1 of 1964) Promulgated by the President on the 2nd April, 1964, under provisions of article 123(2)(a) of the Constitution.
- (2) Explanatory statement giving reasons for immediate legislation by the Armed Forces (Special Powers) Continuance ordinance, 1964, as required under rule 71(2) of the Rules of Procedure and Conduct of Business in Lok Sabha. [Placed in Library. See No. LT-2630/64].

Shri Hari Vishnu Kamath (Hoshangabad): On a point of order and clarification.

Mr. Speaker: (On this statement?)

Shri Hari Vishnu Kamath: Yes, on this statement.

I am going to raise a triune, three in one, question. First of all, I invite your attention and the attention of the House to the fact that this Act which is being renewed by an Ordinance on the 2nd April, that is, yesterday, is an Act of 1958. This Ordinance promulgated unfortunately when the Lok Sabha is in session is Ordinance No. 1 of 1964. This is the first Ordinance to be promulgated this year. May I ask the Government first whether they were not awake to the fact that the Act of 1958, a six-year old Act—it is not an Act which was passed a few months ago or last year—was due to expire some time this month on a particular date and why they were so somnolent as not to take notice of the fact that it would expire soon and take action well in time? The Parliament met in February. Both Houses of Parliament were in session in February. Certainly, unless the Secretariat which was concerned, the Law Ministry or whoever was concerned, was somnolent, if not fast asleep, they would have known that this was to expire some time in April. They should have brought forward legislation early in February.

Secondly, I would like to know why it is that the hon. Minister of Parliamentary Affairs is laying this on the Table today. The hon. Minister of Defence or the hon. Minister of Law would be more appropriate or competent Minister perhaps to take notice of this matter and lay it on the Table of the House.

Lastly, if they had taken notice of this matter and if they had been seized of this matter earlier when both the Houses of Parliament were in session, the business of the House

could have been interrupted at that time and this could have been easily passed. I know that under the Provisional Recovery of Taxes Act some deadline is fixed for the Finance Bill and all that, but the Rajya Sabha adjourned, I think, on the 17th March. That means, till the 17th March they were absolutely unalive and not at all awake to the fact that this would expire.

I would, therefore, like to have a categorical explanation from the Government as to why they did not take action in the matter earlier when both the Houses were in session because the Ordinance-making power is a very extraordinary power and we would like it to be avoided it as far as possible. It is an abnoxious power that we have vested in the President. We would like to do away with it as soon as possible and therefore Government should be alive to the fact that this power should be used as little as possible. They should have come before the House with a Bill in this regard well before the Rajya Sabha adjourned. Let the Government explain why they did not do so.

Shrimati Renu Chakravarty (Barrackpore): I would also like to join my hon. colleague in this particular point. I think, this will be the first time that we shall be passing an Ordinance when Parliament is in session. Actually because the Rajya Sabha is not in session, the explanation will be that we have to pass an Ordinance. But this is no explanation at all because the Rajya Sabha was prorogued only a few days ago. As my hon. friend has pointed out, this was due and they should have known this well in advance. Therefore, lest this may become a very dangerous precedent, we should not allow this to go unopposed, unchallenged and unnoticed and Government has to give us adequate explanation why it is that when Parliament is in session an Ordinance is necessary to be passed in this manner.

Shri Ranga (Chittoor): Explanation or no explanation from their side, so far as we are concerned, we do condemn the step taken by the Government. Apart from this phoney emergency that we are supposed to be in, except in a national crisis, in which, of course, they have got to resort to such things, it is inexcusable on the part of Government to resort to this procedure and to give this wrong advice to the President so as to bring the President's authority into contempt and this House's authority into derogation.

Shri U. M. Trivedi: (Mandsaur): The preamble of this Ordinance says that the Bill to this effect has been introduced. If the Bill has been introduced, I see no reason why it could not have been passed. When the Bill was introduced, why did the delay in passing the Bill take place? If a Bill has been introduced and is before the House, I say that this is most unparliamentary and most undemocratic that an Ordinance is being put before the House. What is this? We ought to have a proper explanation in this matter.

The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): I should like to express my regret at the fact that this has been brought in this particular way although it is perfectly legal and this is not the first time that this has been done. In 1958, I think, twice Ordinances were promulgated. These are formal Ordinances for extension of period when the period is expiring. But, unfortunately, it is not realised by various Ministries concerned that the other House was not in session and they thought a Bill would be brought in. They brought in the Bill but the other House was not going to be in session and time was expiring. So, we were forced in the circumstances to bring in an Ordinance strictly under the rules pertaining to this. I realise and appreciate that normally this would not

be done and I hope it will not be done. But in a formal matter of this kind.....

Shri Ranga: How could it be formal?

Shri Jawaharlal Nehru: It is formal in the sense of extending this date.

Shrimati Reou Chakravartty: It is only because of the nature of the Bill that we are not making a fuss; otherwise, we would have done so.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): It is expiring on the 4th.

Shri Ranga: Some other hon. Minister should answer it so that we would be in a proper position....

Shri Jawaharlal Nehru: Really the difficulty was—I would be quite frank with the House—that there has been some confusion as to which Ministry had to deal with this, whether the Ministry of Defence, the Ministry of External Affairs or the Ministry of Law or any other Ministry. Some time was lost in that.

Shri Hari Vishnu Kamath: With the statement that he has made my impression is confirmed that the Government has committed violation of the spirit of article 123 of the Constitution. If you will kindly read article 123 of the Constitution....

Shri Ranga: There is no need for a Minister of Parliamentary Affairs, if these things were to continue. He should resign.

Shri Hari Vishnu Kamath: The Ordinance, of which I have got a copy here, clearly implies that the President has taken notice of the fact that both the Houses were in session when the Bill was introduced. It must have been introduced when both the Houses were in session; otherwise, it will not be mentioned in the preamble. Let us have the date when it was introduced.

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): Last week.

Mr. Speaker: Rajya Sabha was in recess?

Shri Jawaharlal Nehru: Yes, Sir; it was in recess.

Mr. Speaker: It was introduced on the 25th March.

Shrimati Lakshmi Menon: May I explain this? This was a regulation which used to be applied to Nagaland. It was not a legal enactment. It used to be extended from year to year. But on the 1st December Nagaland became a State and after its attaining statehood, the Law Ministry pointed out to us, this regulation could not be extended and a legal enactment must be enacted in order to apply the Armed Forces (Extension of Power) Act or whatever it is. So, the legislation was initiated by the Defence Ministry. It came to us. We had referred it to the Governor of Assam. All this took time and we could not introduce the Bill in time so that it could be passed before the Demands for Grants were taken up by this House.

Shri Frank Anthony (Nominated—Anglo-Indians): It is a lame excuse.

Shrimati Lakshmi Menon: Now, the House is adjourned and the regulation expires tomorrow, that is, on the 4th. So, the only alternative for us was to promulgate the Ordinance because even if the Bill was enacted in this House it cannot become a law unless it is passed by the other House. So, under the circumstances the only alternative was to pass an Ordinance for the rest of the period so that when the Rajya Sabha assembles again, the Bill can be passed.

Shri Hari Vishnu Kamath: I submit in all humility...

Shrimati Renu Chakravartty: Does it take three months?

Mr. Speaker: So far as today is concerned, there is justification, namely, because the other House is not in session, this Ordinance was necessary. But hon. Members' complaint is that when both Houses had remained in session for more than a month, the Government ought to have planned it beforehand, known it and brought the Bill for passing.

Shri Jawaharlal Nehru: That is so for which I express my regret. But I would like to point out that this was a very unusual occurrence because, as my colleague has said, the Regulation was applicable to the Nagaland. The fact that the Nagaland became a State in between was not adequately appreciated which necessitated our coming to this House. That is the difficulty.

Shrimati Renu Chakravartty: That it should take 2½ months is a very serious thing. Something is brought to the notice of the Government in the month of December. December goes, January goes, February goes, half of March goes and yet we cannot get the necessary advice from the Law Ministry, the External Affairs Ministry and the Governor of Assam. If this is the rate at which our Government functions in a very important strategic sector, then what may happen in other matters is well understood.

Shri Hari Vishnu Kamath: I submit in all humility and with all respect to the Prime Minister—I appreciate the sense of regret that he has tendered to the House—is he not conscious that the emergency is still on? If this is the attitude of the Government and the mind of the Government during emergency, I shudder to think what will happen when there is no emergency. Therefore, I wanted to impress upon him and invite your attention to the fact that article 123, the spirit of it if not the letter also, clearly says that the President shall not pass an Ordinance when the Parliament is in session.

[Shri Hari Vishnu Kamath]

The Minister of State said that the Bill was introduced on the 25th March—it means hardly 4 days after the Rajya Sabha adjourned. That makes the confusion worse confounded. I do not know why the Government is working like this without a mind, without a rudder, without any plan or programme. It is a very sad state of affairs for the country. The Government is just drifting....

Mr. Speaker: That is enough.

Shri Hari Vishnu Kamath: You should kindly advise the Government.

Mr. Speaker: The Prime Minister has expressed his regret. That is enough. There is nothing more than that.

12.42 hrs.

PUBLIC ACCOUNTS COMMITTEE

TWENTY-FIFTH REPORT

Shri Tyagi (Dehra Dun): I beg to present the Twenty-fifth Report of the Public Accounts Committee on Appropriation Accounts (Civil), 1961-62 and Audit Report (Civil) 1963 relating to the Ministries of Finance and Steel, Mines and Heavy Engineering and the Financial Results (Civil Grants) and Grants-in-Aid.

ESTIMATES COMMITTEE

FIFTY-FIRST REPORT

Shri A. C. Guha (Barasat): I beg to present the Fifty-first Report of the Estimates Committee on the Ministry of Steel, Mines and Heavy Engineering—Heavy Engineering Corporation Limited, Ranchi.

12.43 hrs.

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DEMANDS FOR GRANTS—Contd.

MINISTRY OF INDUSTRY—Contd.

Mr. Speaker: Shri V. B. Gandhi may continue his speech.

Shri V. B. Gandhi (Bombay Central South): Mr. Speaker, Sir, yesterday I was saying that I would like to say a few words about an industry which has the largest number of self-employed people in the country. That industry is the powerloom industry. That industry today is in a bad plight and this plight has been brought about by the imposition of new excise duty under the Budget proposals and also by the revocation of certain exemptions from duty which were enjoyed by the smaller units of the industry under certain circumstances. Before I sit down, I propose to make an earnest appeal to the Ministry to take timely and appropriate measures to save an important industry with such a large content of self-employed element.

Let us now look at the background of the subject. The powerloom industry, as we all know, is a cottage industry. The average unit of ownership consists of 2 to 4 looms. Usually, the weaver and his family all work occasionally employing outside help. Although it is a cottage industry and a small-scale industry, the aggregate size of this industry is rather larger. There are one lakh powerlooms in the country and this compares with only 2 lakhs of powerlooms in the composite mills sector. Now, this industry, as I said, is facing a crisis. And what is the reason for this situation? It is certainly not that the industry is lacking in efficiency because it is a very competitive industry and that competitiveness has been proved under severe conditions. Then, it is not that the industry is lacking in skill and experience for skill and experience in this industry is traditional because the workers and the owners of this industry are the people who were formerly