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Tuesday, December 21, 1971
Agrahayana 30, 1893 (Saka)

LOK SABHA DEBATES

(Third Session)



(Vol. X contains Nos. 21 to 31)

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA

*Tuesday, December 21, 1971/Agrahayana 30, 1893
(Saka)*

The Lok Sabha met at Ten of the Clock.

[Mr. Speaker in the Chair]

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER MOTOR VEHICLES ACT

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : I beg to lay on the Table a copy of Notification No. 67/71/F. No. 34-13/70-TR (Hindi and English versions) published in Andaman and Nicobar Gazette dated the 12th May, 1971, making certain amendments to the Andaman and Nicobar Islands Motor Vehicles Rules, 1939, under sub-section (3) of section 133 of the Vehicles Act, 1939. [Placed in Library. See No. LT—1320/71]

SECOND INTERIM REPORT OF THIRD PAY COMMISSION

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : I beg to lay on the Table a copy of the Second Interim Report (Hindi version) of the Third Pay Commission. [Placed in Library. See No. LT—1321/71].

REVIEW OF ANNUAL REPORT OF BHARAT ALUMINIUM CO.

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI SHAHNAWAZ KHAN) : I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section. (1) of section 619A of the Companies Act, 1956 :—

- (1) Review by the Government on the Working of the Bharat Aluminium Com-

pany Limited. New Delhi, for the year 1970-71.

- (2) Annual Report of the Bharat Aluminium Company Limited, New Delhi, for the year 1970-71 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT—1322/71].

ANNUAL REPORT OF PRESS COUNCIL OF INDIA AND A STATEMENT RE-MYSORE GOVT. NOTIFICATION.

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY) : I beg to lay on the Table—

- (1) A copy of the Annual Report (Hindi version) of the Press Council of India for the year 1970, under section 18 of the Press Council Act, 1965. [Placed in Library. See No. LT—1323/71]
- (2) A statement (Hindi and English versions) explaining the reasons for not laying on the Table the Hindi version of the Mysore Government Notification No. G. S. R. 72 published in Mysore Gazette dated the 10th March, 1971. [Placed in Library. See No. LT—1324/71].

NOTIFICATIONS UNDER EXPORT (QUALITY CONTROL AND INSPECTION) ACT, TEXTILES CONTROL AUDIT. ORDER, ETC.

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : I beg to lay on the Table—

- (1) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 17 of the Export (Quality Control and Inspection) Act, 1963 :—
 - (i) The Export of Frozen Lobster Tails (Inspection) Rules, 1971

[Shri A. C. George]

published in Notification No. S. O. 5369 in Gazette of India dated the 7th December, 1971.

- (ii) The Export of Jute Products (Quality Control and Inspection) Amendment Rules, 1971 published in Notification No. S. O. 5372 in Gazette of India dated the 8th December, 1971. [Placed in Library. See No. LT—1325/71].

- (2) A copy of the Textiles (Production by Knitting, Embroidery, Lace making and Printing Machines) Control Amendment Order, 1971 (Hindi and English versions) published in Notification No. S. O. 3166 in Gazette of India dated the 28th August, 1971, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT—1326/71].

- (3) (i) A copy of the Mysore Silkworm Seed and Cocoon (Regulation of Production, Supply and Distribution) (Amendment) Rules, 1971, published in Notification No. G. S. R. 201 in Mysore Gazette dated the 1st July, 1971, under sub-section (3) of section 18 of the Mysore Silkworm Seed and Cocoon (Regulation of Production, Supply and Distribution) Act, 1959, read with clause (c) (iv) of the Proclamation dated the 27th March, 1971 issued by the President in relation to the State of Mysore.

- (ii) A statement showing reasons for delay in laying the above Notification. [Placed in Library. See No. LT—1327/71].

WEST BENGAL EMPLOYEES, PAYMENT OF COMPULSORY GRATUITY RULES

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA) : I beg to lay on the Table a copy of the West Bengal Employees' Payment of Compulsory Gratuity Rules, 1971, published in Notification No. 3937-I.R./E.L./IIR-1/17 in Calcutta Gazette dated the 10th September, 1971, under sub-section (2) of section 11 of the West Bengal Employees' Payment of Compulsory Gratuity Ordinance, 1971 read with clause (c) of the Proclamation dated the 19th March,

1970 issued by the President in relation to the State of West Bengal. [Placed in Library. See No. LT—1328/71].

ACCOUNTS OF I. I. T. KANPUR

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (PROF. D. P. YADAVA) : I beg to lay on the Table a copy of the Certified Accounts (Hindi and English versions) of the Indian Institute of Technology, Kanpur for the year 1969-70 along with Audit Report thereon under sub-section (4) of section 23 of the Institutes of Technology Act, 1961. [Placed in Library. See. No. LT—1329/71].

10.03 hrs.

MESSAGE FROM RAJYA SABHA

SECRETARY: Sir, I have to report the following message received from the Secretary of Rajya Sabha :—

"In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 20th December, 1971, agreed without any amendment to the Commissions of Inquiry (Amendment) Bill, 1971, which was passed by the Lok Sabha at its sitting held on the 29th November, 1971."

PUBLIC ACCOUNTS COMMITTEE

TWENTY-NINTH REPORT

श्री बागवत झा भाषा (भागलपुर) : अध्यक्ष महोदय, मैं 1969-70 के विनियोग लेखे (सिविल), (इक-तार), (रेलवे) और (रक्षा सेवाएं) में दक्षिण गये स्वीकृत अनुदानों तथा प्रसारित विनियोगों से अधिक व्यय के बारे में और लोक सेवा समिति (बोली लोक सेवा) के 123वें प्रतिवेदन में अंतर्निष्ठ सिफारिशों पर सरकार द्वारा की गई कार्यवाही के बारे में लोक सेवा समिति का 29वां प्रतिवेदन प्रस्तुत करता हूँ।

18.65 hrs.

STATEMENT RE : RUPEE-DOLLAR RATE

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : Mr. Speaker, Sir, hon. Members will recall that after the suspension of convertibility for the US dollar by the US Government on August 15, a number of major currencies were allowed to fluctuate freely in relation to the US dollar whose formal parity with gold remained unchanged. The Government of India decided at that time to maintain the exchange rate for the rupee in terms of gold and therefore in relation to the dollar as well. Consequently, over the past few months, while the Rupee-dollar rate has remained unchanged around Rs. 7.50 per dollar, the exchange rate for the rupee in terms of other currencies, such as Sterling, Mark etc., has fluctuated in response to the change in the sterling-dollar or the mark-dollar rate.

The rupee-sterling rate has accordingly moved up over the past few months and in terms of the decision we had taken in August, the latest buying and selling rates announced by the Reserve Bank, prior to the realignment of parities of major currencies over the last week-end, gave a medium rate of Rs. 18.9677 per pound. This represents an appreciation of sterling in relation to the rupee by some 5.4 per cent as compared to the situation that prevailed before August, 1971.

Hon. Members are aware of the decisions taken over the week-end by the Group of Ten. Subject to approval by the US Congress it is proposed to increase the price of one ounce of gold in terms of US dollar from \$35 to \$38. i.e. by 8.57 per cent. The United Kingdom and France have decided to maintain their official parity unchanged so that their currencies will appreciate by 8.57 per cent in relation to the dollar. In the case of Germany and Japan, their currencies are to appreciate by roughly 13.57 and 16.88 per cent respectively in relation to the dollar. Simultaneously, the 10 per cent import surcharge levied by the United States is proposed to be lifted.

In giving their approval to these changes, the executive directors of the International Monetary Fund have also decided that, if necessary, other countries may declare the

exchange rate for their currencies provisionally in terms of the currency of another member. The Fund has also decided to permit variations within a wider margin of 2.25 per cent of any rate now adopted by a member country.

Government have reviewed the situation arising from these proposed changes. At the present juncture, it is all the more important that we determine our own action in terms of our basic objective of increasing self-reliance, i.e. increasing export earnings and import substitution. In order to avoid, to the maximum extent possible, any disturbance to our exporters and importers, it has been decided to maintain the existing rupee-sterling rate. As I have already mentioned, just prior to the decision taken by the Group of Ten over the week-end, the Reserve Bank's buying and selling rates gave a medium rate of Rs. 18.9677 per pound. It is this rate which the Reserve Bank has been asked to maintain. We will, of course, take advantage of the wider margin of 2.25 per cent now permitted by the International Monetary Fund if we consider it necessary and desirable. In order to avoid any uncertainty in the markets opening this morning decisions on the above lines have been announced and I am taking the earliest opportunity of making a statement in the House.

While continuity is being maintained in terms of the rupee-sterling rate, this will now imply a rupee-dollar rate of approximately Rs. 7.279 per dollar as against Rs. 7.50 per dollar which has been the case hitherto. Our maintaining the rate *vis-à-vis* sterling, therefore, also implies an appreciation of roughly 3 per cent for the rupee *vis-à-vis* the dollar. Since other countries like ourselves might take advantage of the wider margins, these rates can, of course, vary from time to time.

Hon. Members would appreciate that it is best for us to adopt a course which maintains continuity to the maximum possible extent with the recent past so that the basic interests of export promotion and import substitution are not affected. We shall continue to maintain as stable a climate as possible for our exporters and importers while taking into account such changes as we must in the interest of the primary objective of growing self-reliance.

10.10 hrs.

AIRCRAFT (AMENDMENT) BILL*

THE MINISTER OF STATE IN THE
MINISTRY OF TOURISM AND CIVIL
AVIATION (DR. SAROJINI MAHISHI) :
I beg to move for leave to introduce a Bill
further to amend the Aircraft Act, 1934.

MR. SPEAKER : The question is :

"That leave be granted to introduce
a Bill further to amend the Aircraft Act,
1934."

The motion was adopted.

DR. SAROJINI MAHISHI : I introduce
the Bill.

**SUPREME COURT JUDGES (CONDI-
TIONS OF SERVICE) AMENDMENT
BILL***

THE MINISTER OF LAW AND JUSTICE
(SHRI H. R. GOKHALE) : I beg to
move for leave to introduce a Bill to amend
Supreme Court Judges (Conditions of Service)
Act, 1958.

MR. SPEAKER : The question is :

"That leave be granted to introduce
a Bill to amend the Supreme Court Judges
(Conditions of Service) Act, 1958."

The motion was adopted.

SHRI H. R. GOKHALE : I introduce†
the Bill.

10.11 hrs.

**HIGH COURT JUDGES (CONDITION
OF SERVICE) AMENDMENT BILL***

THE MINISTER OF LAW AND JUSTICE
(SHRI H. R. GOKHALE) : I beg to
move for leave to introduce a Bill further to
amend the High Court Judges (conditions of
Service) Act, 1954.

MR. SPEAKER : The question is :

"That leave be granted to introduce
a Bill further to amend the High Court
Judges (Conditions of Service) Act, 1954."

The motion was adopted.

SHRI H. R. GOKHALE : I introduce†
the Bill.

**CONSTITUTION (TWENTY-SEVENTH
AMENDMENT) BILL***

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
K. C. PANT) : I beg to move for leave to
introduce a Bill further to amend the Con-
stitution of India.

MR. SPEAKER : The question is :

"That leave be granted to introduce
a Bill further to amend the Constitution
of India."

The motion was adopted.

SHRI K. C. PANT : I introduce the
Bill.

10.12 hrs.

**GOVERNMENT OF UNION TERRITO-
RIES (AMENDMENT) BILL***

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
K. C. PANT) : I beg to move for leave to
introduce a Bill further to amend the Govern-
ment of Union Territories Act, 1963 and also
further to amend the Sixth Schedule to the
Constitution and the Representation of the
People Act, 1950.

MR. SPEAKER : The question is :

"That leave be granted to introduce
a Bill further to amend the Government
of Union Territories Act, 1963 and also
further to amend the Sixth Schedule to the

*Published in Gazette of India Extraordinary, Part II, section 2, dated 21.12.71

†Introduced with the recommendation of the President.

Constitution and the Representation of the People Act, 1950."

The motion was adopted

SHRI K. C. PANT : I introduce† the Bill.

COMPANIES (AMENDMENT) BILL*

THE MINISTER OF COMPANY AFFAIRS (SHRI RAGHUNATHA REDDY) : I beg to move for to introduce a Bill further to amend the Companies Act, 1956.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Companies Act, 1956."

The motion was adopted

SHRI RAGHUNATHA REDDY : I introduce the Bill.

10.13 hrs.

NEWSPAPERS (PRICE CONTROL) BILL

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY) : I beg to move :

"That the Bill to provide for the Control, in the interests of the general public, of the prices of newspapers with a view to ensuring that newspapers continue to function, in the prevailing conditions, as effective mass communication media and for securing their availability at fair prices, be taken into consideration."

Sir, the House will recall that with the imposition with effect from the 15th November, 1971, of an excise duty of 2 paise on newspapers having a circulation in excess of 15,000, a large number of newspapers all over the country increased their prices not only to the extent of the excise duty but well in excess of it. The price increase was, however,

not uniform. It varied from 3 paise to 8 paise, including the excise duty in both cases,

The newspapers justified the price increase on the ground that even apart from the excise duty, there had been increase in cost, and that they had been contemplating a price increase entirely independent of the levy of the excise duty. This argument could not, however, be regarded as valid for at least two reasons. First, the fact that even apart from the excise duty, the price increases varied from 1 paise to 6 paise showed that these increases were not entirely in response to the cost increase which, even if they could not be absorbed by the newspapers in the normal way, could not have had such varied effect on their finances. Secondly, the cost increases, whatever they may have been, have had their influence over a period of time. I wish they should not have chosen the same date, that is, the 15th of November when the excise duty came into force, to increase the newspaper prices. This naturally arouses some doubts about their intentions.

The House will recall that this matter of increases in the newspaper prices came up for consideration on the 24th of November, 1971, in connection with the situation in Calcutta where as a result of such increases and the consequent strike of newspaper hawkers, the city has to go without newspaper for a number of days. On that day, in a statement in this House, I appealed to all newspaper-owners to restrict their price increase to the actual amount of the excise duty payable by them. I am happy that the Calcutta newspapers heeded this appeal, and by reversing their earlier decision, agreed to publish their papers at the pre-15th November prices plus the excise duty that had then become payable. The newspapers in other parts of the country did not, however, follow suit, though I had made it clear that my appeal was directed to newspapers all over the country, and that the same pattern would be followed everywhere.

The House is aware of the keenness of Government to hold the price-line, specially in the present situation, where it is more than over necessary not to allow any runaway prices. In this effort to hold the price-line, the Government naturally look upon the newspapers for

*Published in Gazette of India Extraordinary, Part II, section 2, dated 21.12.71.

†Introduced with the recommendation of the President.

[Shrimati Nandini Satpathy]

help as the principal media to influence public opinion. For this, therefore, they should have set a good example by not increasing the price which was unrelated to the fact of the situation.

Government are aware that there have been increases in certain items of cost. To what extent these increases can be absorbed by the newspaper, either in the present method of working, or by taking special steps for this purpose, is a matter for detailed examination which, if the newspapers so desire, Government will be ready to undertake. There can, however, be no justification for *ad hoc* increases of different magnitudes by different newspapers in response to the same set of circumstances. The newspapers have themselves claimed that they are the disseminators of information and knowledge. This is indeed so, but that is all the more reason why the newspapers should exercise special restraint in the matter of prices.

The Bill which I seek leave to place before this House for consideration is intended for this purpose. It enables Government to fix prices but provides for revision and review on the representation of newspapers. The guidelines for determining the prices of newspapers have also been specifically provided for in the Bill. In placing the Bill before the House, I am fully aware of the important role which the newspapers play in a democracy such as ours. It is indeed to strengthen this role, to increase the circulation of the newspapers and to make them a more effective media of mass communication that I feel that a Bill of this nature has become necessary. As I have pointed out, the Bill is of an enabling nature. It gives Government the power to fix prices. It does not require Government to do so. I would once again appeal to all newspaper-house, specially to those which have increased their prices beyond the prices charged by them immediately prior to the 15th November, 1971, to refrain from increasing the prices beyond what they charged on that day except to the extent of excise duty payable by them. By doing so, they will make it unnecessary for Government to issue any order under the Act which is now sought to be passed. It will, however, be open to newspapers to represent to Government their difficulties on the ground of cost increase, and Government will, after due consideration, decide what price increases, if any, would be

reasonable. It is only by acting thus that the newspapers will uphold the best traditions of the press and thereby further increase the confidence the people have in them.

With these words, I beg to move that the Bill taken into consideration.

MR. SPEAKER : Motion moved :

"That the Bill to provide for the control, in the interests of the general public, of the prices of newspapers with a view to ensuring that newspapers continue to function, in the prevailing conditions, as effective mass communication media and for securing their availability at fair prices, be taken into consideration."

SHRI SAROJ MUKHERJEE (Katwa) :

Mr. Speaker, Sir, I think every section in this House will appreciate the purpose of the Bill and welcome the Bill, the purpose of the Bill being that the continued publication of newspapers should not be disrupted and the common man, the newspaper reading public, may get paper at a fair price; and for that, price control is necessary. But through the Speaker I want to request the Minister in charge,—though it is not her department—that as the war is over and we have won victory, the duty levied on the newspapers must now be abolished.

In my opinion, the newspaper readers should never be subjected to any impost by way of a levy on newspapers because every civilised country wants that the percentage of newspaper readers should increase day by day. If any such levy is imposed, the burden will obviously fall on the readers. All sections of the House want that the number of newspaper readers should increase and the publication of newspapers is not interrupted. But regrettably, I cannot restrain myself from saying that one of our colleagues here, a member of the ruling party, I am referring to Shri P. R. Das Munshi—he is not here—demanded in a public meeting in Calcutta that *Ganashakti*, the daily organ of the CPIM in West Bengal was still coming out and it should not be allowed to come out. I do not know how a Congressman professing to be a democrat wants to stop the daily organ of another party. I am constrained to ask what a lover of democracy he is.

Coming to the Bill, the Minister should look into the affairs of small newspapers. In the Bill, it has been mentioned that various classes of newspapers will be taken into consideration while fixing the price of newspapers. But it should have been more specific concerning the small newspapers because we who run small and medium newspapers know the difficulties of running them since the cost of production in their case is higher than in that of the big newspapers who have the advantage of earning lakhs of rupees through advertisements. They can lower the prices. But in our case, the cost of production is very high and try to increase the size of our papers like the *Ganashakti*, we have necessarily to increase the price. In our case, it was done after the imposition of the duty because at the same time we increased our size. We added the duty of 2 paise and increased the price by another 2½ paise for the increase in size. This has to be considered by Government before issuing orders in such cases, because there may be cases where injustice may be done to newspapers, big or small, if they are not consulted and their statement accounts, cost of production etc. are not analysed. I have not put in any amendment to this effect, but my request is that Government should look into this factor before passing orders in each case. I suggest there should be a small parliamentary committee to advise the Minister so that the order in the case of each newspaper does not prove wrong or unjustified. This is necessary because if it is left to the department, there may be discrepancies or injustices done. To avoid that, the Minister should take advice from a small parliamentary committee or some such committee before issuing final orders in the case of each newspaper.

On the whole, we support the Bill. But there should be protection for small and medium newspapers and consultation with them before their prices are reduced. If the suggestion of a small parliamentary committee is unacceptable, let the Minister at least take care to see that the small and medium newspapers are not hard hit by their orders.

श्री बार० बी० बड़े (हरदोल) : माननीय अध्यक्ष महोदय, मैं इस बिल का विरोध करता हूँ। कारण यह है कि मंत्री जी ने यह नहीं बताया कि जो प्रेस काउंसिल आफ इंडिया है, उसकी कंसल्ट किया गया है या नहीं। जो प्रेस काउंसिल आफ इंडिया बनो हुई है उसकी

ओपिनियन ली गई है या, नहीं। क्या यह बात सब नहीं है कि 15 नवम्बर के पहले ही कुछ पेपर्स अपनी प्राइसेज बढ़ा लेते थे, क्योंकि उनको अपने कर्मचारियों को डी० ए० और भत्ता देना था। चूँकि सभी चीजों की मार्केट प्राइस बढ़ रही है इसलिए 15 नवम्बर के पहले ही उन्होंने कहा था कि हम प्राइसेज बढ़ा रहे हैं लेकिन इसकी तरफ सरकार ने कोई ध्यान नहीं दिया। फिर सरकार ने एक्साइज इंपूटी भी लगा दी। मैं कहता हूँ फिजिशियन हील वाइसेल्फ—पहले सरकार को एक्साइज इंपूटी हटानी थी और फिर प्रेस वालों से कहना था कि प्राइसेज न बढ़ायें।

अध्यक्ष महोदय, इस बिल के क्लॉज 1 में लिखा हुआ है—

"It extends to that part of India wherever the Government thinks fit."

यह केवल कलकत्ते में जो स्थिति थी, उसके लिये ठीक था लेकिन सदर्न इंडिया और मध्य प्रदेश में इस बिल को लागू नहीं होना चाहिए था। कलकत्ते में हाकर्स ने स्ट्राइक की थी और प्राइसेज बढ़ गई थी इसलिए कलकत्ते के बारे में ठीक है लेकिन जो बाकी पार्ट आफ इंडिया है उसमें इसको लागू नहीं होना चाहिए। एक ही चक्की में सभी को पीसना ठीक नहीं है। बड़े पेपर्स को तमाम एडवर्टाइजमेंट मिलते हैं। जो कांग्रेस पार्टी के पेपर्स हैं या जो कांग्रेस पार्टी के तरफ के पेपर्स हैं या जो पेपर्स कांग्रेस पार्टी के फंवर में हैं उनको तो बहुत एडवर्टाइजमेंट मिलते हैं लेकिन जो पेपर्स कांग्रेस पार्टी के खिलाफ हैं, उनको एडवर्टाइजमेंट नहीं मिलते हैं और जब उन पेपर्स को एडवर्टाइजमेंट नहीं मिलते हैं तब उनकी जो बिक्री होती है उसी से अपना निर्वाह करना पड़ता है। इसलिए छोटे छोटे पेपर्स पर इसको क्यों लागू होना चाहिए, यह बात समझ में नहीं आती है।

मन्त्री जी ने कहा है कि यह एक एनेक्जन्स प्राविजन है लेकिन मेरा ऐसा कहना है कि यह एनेक्जन्स प्राविजन बहुत ही डेंजरस है। इसमें लिखा है :

3 (1) If the Central Government is of opinion that for the purpose of securing the

[श्री आर० बी० बड़े]

availability of any newspapers or any class of newspapers at fair prices, it is necessary or expedient to do so, the Central Government may, from time to time, by order published in the Official Gazette, determine the maximum prices which may be charged for such newspapers or newspapers of such class as may be specified in the order.

इसमें लिखा है कि सेंट्रल गवर्नमेंट के पास प्राइस फिक्स करने की पावर रहेगी। केन्द्रीय सरकार के पास इस एनेक्टिंग प्राविजन का होना बहुत डेंजरस है। ऐसी हालत में अगर कोई कांग्रेस का पेपर होगा तो उसके खिलाफ कोई ऐक्शन नहीं लिया जायेगा लेकिन अगर कोई पेपर जनसंघी या कम्युनिस्ट होगा तो उसके खिलाफ ऐक्शन लिए जाने की सम्भावना बनी रहेगी। इसलिये मैं कहता हूँ कि एनेक्टिंग होते हुए भी यह बड़ा डेंजरस है। डिमोक्रेसी में प्रेस का एक बड़ा भारी महत्व होता है और केवल इसलिए कि प्राइसेज बढ़ रही हैं, इस तरह का बिल लाना मैं मुनासिब नहीं समझता हूँ।

इसमें एक प्राविजन पनिसमेंट देने के सम्बन्ध में है लेकिन अपील का कोई प्राविजन नहीं है। अपील सेंट्रल गवर्नमेंट के पास होगी। इस प्रकार से सेंट्रल गवर्नमेंट ने सारी सत्ता अपने हाथ में ही रखी है। डिमोक्रेसी का एक बड़ा अंग न्यूजपेपर्स को समझा जाता है, समाचार पत्रों को प्रजातंत्र का रक्षक समझा जाता है लेकिन यहां पर केन्द्रीय सरकार सारे अधिकार अपने हाथ में ही ले रही है। अंधा बाटे रेवड़ी, फिर फिर अपने बौं दे। इसी कारण मैं इसका विरोध करता हूँ। जहां प्राइसेज बढ़ी हैं और उसका कारण पता है, वहां तो ठीक है लेकिन 15 नवम्बर के पहले ही मन्त्री जी के पास न्यूजपेपर वाले आए थे और कहा था कि हम प्राइसेज बढ़ा रहे हैं क्योंकि मंहगाई बढ़ गई है लेकिन उस पर ध्यान नहीं दिया गया। सबन इंडिया का "हिन्दू" पत्र है और मध्य प्रवेश के पत्र हैं जिन्होंने कहा था कि हम प्राइसेज बढ़ा रहे हैं—एक्सचेंज इयूटी के कारण नहीं, बल्कि हमें अपने कर्मचारियों को बढ़ा हुआ डी० डू० देना है क्योंकि मंहगाई बढ़ गई है

इसलिये हम प्राइसेज भी बढ़ा रहे हैं लेकिन उसकी तरफ सरकार ने कोई ध्यान नहीं दिया अगर प्राफिट कमाने के लिये ही कोई प्राइस बढ़ाना चाहता हो, तब तो आपकी बात सही है लेकिन अगर वास्तव में कोई डिफिकल्टीज हों तो उनकी तरफ ध्यान देना चाहिये। इसमें सेंट्रल गवर्नमेंट ने सारी सत्ता अपने हाथ में ही रखी है। इसके लिये अपीलेट एथारिटी का प्राविजन इसमें रखना चाहिये था, जैसे कि प्रेस काउंसिल आफ इंडिया है। ऐसी कोई बाड़ी इसमें रखनी चाहिये थी। तो फिर वह कम से कम निष्पक्ष न्याय उनको मिलता। इसलिये माननीय मंत्री महोदया से कहता हूँ कि यह जो कहा है कि एक्सचेंज टु दि होल आफ इंडिया, यह न कहते हुए एक्सचेंज टु दैट पार्ट आफ इंडिया जैसे कलकत्ता है, जहां कि प्राइसेज बढ़ गई है, वहां के लिये किया जाना चाहिये। और अपीलेट एथारिटी सेंट्रल गवर्नमेंट के पास रख दिया यह भी ठीक नहीं है। उसमें सेंट्रल गवर्नमेंट के पास अपील होगी तब तक आप का आर्डर स्टे होगा या नहीं होगा, यह भी पता नहीं है। मेरा यह कहना है कि वह स्टे होना चाहिए क्योंकि अगर एक एक दो दो महीने तक आपके यहां से जवाब नहीं जाता है और आपके यहां से दो दो तीन तीन महीने तक टालते चले जाते हैं, पत्रकार दफ्तरों के चक्कर काटते काटते थक जाते हैं। तो जिस वक्त अपील होती है, उसी वक्त इनको स्टे मिलना चाहिये।

इन्हीं शब्दों के साथ मैं इसका विरोध करता हूँ।

SHRI ANANTRAO PATIL (Khed): This Bill, though small in size, will have a big impact and far-reaching effect on the newspaper industry. As a Member of this hon. House and a member of the press industry, I am obliged to place before the House some facts and make a few suggestions for the consideration of the Government.

It is true that nearly 150 newspapers have increased their price since 15th November along with the excise duty. The increase in price ranges from 3 to 7 paise per copy. We must go into the reasons why this has happened.

When the excise duty was imposed, we were expecting that Government would make it compulsory that the increase should not be more than the two paise, but the Government did not take any such step, but when there was a strike in Calcutta newspapers, Government had made certain commitments to the Calcutta newspapers, and so they thought it fit to apply this to all newspapers in the country. Government made an appeal on the floor of the House that newspapers should voluntarily reduce their prices, but most of them did not respond and this has compelled the Government to bring this measure.

I am very glad that the Government is fully aware of the interests of the readers of newspapers, but while fixing the prices, it should be done in relation to the number of pages. We were expecting that a statutory price-page schedule would be laid down which would help the small and medium newspapers also. This arbitrary and unilateral increase in price has been resorted to, you will find, mostly by the big national newspapers which are English newspapers. There are some language newspapers also but they belong to the chains and groups.

Suppose a newspaper having six pages was selling at 12 paise, and now it has increased the price to 15 paise, one paisa in excess of the excise duty, it is because the agents make payment after 90 days and the newspapers have to pay the excise duty per day. To make good that loss, the small and medium newspapers have increased their price by one paisa. So, the small papers should not be equated with the papers which have increased their price by seven paise and are having a revenue of several lakhs by way of advertisements.

In Clause 3 Government are taking power to issue orders from time to time fixing the maximum price. This is good, because the readers would get the newspapers at a fair price. Government have also enumerated some guidelines for the fixation of the prices, but they are not complete. It is said in clause 3(d), that certain relevant circumstances will be taken into consideration, but the circumstances have not been defined. I would urge upon the Government to take into consideration the number of pages also in fixing the price. You must take into consideration the circulation and also the maximum space given by the newspaper to matter and

to advertisement. There are newspapers which give 16 pages out of which 12 pages carry advertisements only. The ratio is 70 to 30 whereas the Press Commission recommended a ratio of 35 to 65 or 40 to 60. The ratio has gone reverse but Government has not done anything. Also, the price should be related to the pages. As I said you must take into consideration the maximum space given to matter and the maximum space given to advertisements. You must also take into consideration whether it is a big, medium or small newspaper and whether it is a English newspaper or an Indian language paper and also whether the paper belongs to a big chain or group or it belongs to public trusts and cooperative societies. These classifications must be taken into consideration while fixing the price. The classification should not be on the basis of the classification of newspapers which you have made in the case of salaries of journalists for wage board award implementation. The classification must be on the basis of circulation, the revenue it gets from advertisements, whether it is small, medium or big newspaper and whether it is a language newspaper or English newspaper. You should also take into consideration the relation of price to the number of pages. While moving the Constitution Twenty-fifth Amendment Bill, Mr. Gokhale said, the price-page schedule was struck down because the Constitution Twenty-fifth Amendment Bill was not passed then. Now that we have passed it, I request the Government to bring the price-page schedule, and help to run the industry in a better way and make it an effective media of mass communication. Please do not think haphazardly. Think coolly and calmly and bring in the next session the statutory price-page schedule.

With these words, I support the Bill.

SHRI K. NARAYANA RAO (Bobilli) : Sir, last time when hon. members expressed concern about the over-night increase in the price of newspapers in response to the imposition of excise duty, we were all shocked for more than one reason. Firstly, when the country has been facing such a calamity and excise duty was specially meant to meet that calamity, would it be moral, legal and ethical for any industry to take advantage of that opportunity to make profits? Secondly the reasons given by the industry do not hold good. If any newspaper had really any difficulties about the cost structure, it could have

[Shri K. Narayana Rao]

taken another opportunity to increase the price. Synchronising it with this special occasion clearly shows the behaviour of the capitalists in this country.

Actually what has been happening in our economic system for a number of years now is this. Whenever indirect taxes have been imposed, every industry including those manufacturing consumer goods, has been taking that opportunity to increase the price of the commodities thus creating inflationary tendencies. Actually, the consumer has been forced to pay not only the excise duty but also the increase in the price which is far above the excise duty. It is an elementary principle of economics to make a distinction between direct and indirect taxes. Direct taxes are borne directly by the people on whom you have imposed it whereas the indirect taxes are passed on to the consumer. But we have now a new economic theory under which when the excise duty is passed on to the consumer, it will be a little more than what is actually imposed by the Government. It is happening in this country. In fact, a part of the excise duty is supposed to be absorbed by the industry; but, they are not only doing that but they are passing a little more than the tax to the consumer. This is a matter which the Finance Ministry should look into. They should ensure that whenever any excise duty is imposed the price rise is only equal to the duty because this unfortunate phenomenon is taking place in this country. Government should bring forward a comprehensive Bill prohibiting the industries from increasing the price over and above the excise duty that is imposed from time to time. With these words I support this Bill.

SHRI INDRAJIT GUPTA (Alipore) :
Mr. Speaker, as far as the intention of this Bill goes, it is laudable and I think everybody here will support it. But we have to note that it required a national emergency before the government thought of coming forward with such a measure. It was not until a large number of newspaper proprietors decided to take advantage of the crisis condition in order to raise their prices, it was not till then that the government work up to this need of having a statutory power with them to see that the prices for newspapers are ensured to the reading public. However, better late than never.

Now that this Bill has come, I would just like to point out that the considerations which have been stipulated in clause 3 which the Central Government will have regard to when fixing prices have rather an ominous sort of flavour about them. Once this statute is applied in the case of any newspaper, or group of newspapers, and these criteria are to be gone into, including (d) which says "all other relevant circumstance", I am apprehensive lest we should get into the same kind of rut as the authorities have got into when fixing the price of motor cars in this country. The same kind of trouble will arise again if all these factors have to be gone into, and they are wide. "all other relevant circumstances", I think is a phrase which provides the loophole for these newspaper proprietors and we will find that there is a constant tendency for the prices to move upward. Even if the government fixes the maximum price from time to time, that ceiling will tend to move in an upward direction gradually, as it happened in the case of motor cars.

For one thing it is very difficult to implement it unless the government have any effective method of checking two very basic factors, and I do not think at present they are able to check them. One is the question of newsprint, the improper purchase or procurement of newsprint by some of the big newspapers and disposal of that newsprint in the black market. There is no need to dilate on that. I think the Minister knows it too well. It is a very long established, well flourishing racket which is going on. I can speak of Calcutta. While I cannot speak of other places, I can assume that it is happening elsewhere too. It is being indulged in by Ananda Bazar Patrika and some other newspapers. Attempts have been made from time to time to prosecute them for this but nothing much came out of it.

Then my friend, Mr. A. K. Sen's paper, **BASUMATI**, has been closed for some time. One of the reasons for that, the so-called financial difficulties, which they pleaded, is known to everybody in Calcutta. It is a fact that the newsprint which they had been getting was being disposed of elsewhere and was not being used for the purpose for which it has been procured. The evil has been there. There is no check on this at all.

The second factor is the question inflated figures of circulation which obviously are resorted to in order to procure advertisements. Now, there is some system, ABC system and all that, which is supposed to be foolproof. As far as I know, it has never prevented newspapers from inflating their figures of circulation, even if they want to, and the cumulative result of all this is, as Mr. Patel has said just now and has quite correctly pointed out, that as far as the big newspapers are concerned, which we are reading every day, you see that sometimes on one page of that newspaper, there is hardly 25% of the reading matter.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : 10%

SHRI INDRAJIT GUPTA : 75% or even more is only advertisements. There is nothing else. The newspapers are hardly worth reading sometimes because of this. This is a factor which, I presume, has to be taken into account when determining the price of papers. What is their actual circulation figure? What are the actual expenses or is that they have incurred on newsprint, illegal that that newsprint is being properly used being used as a source of further profit and and what is the proportion of advertisements revenue to their actual revenue earned from the selling prices of these papers. I don't know whether the Government, having taken this enabling power by themselves, is really serious about going into all these facts whenever the question of fixing the prices arises. If so, I am apprehensive also that under the present system there is going to be endless litigation on every order. On every order there will be endless litigation. The orders will be challenged in the High Court and in the Supreme Court. I do not know whether the old grounds on which the Price Page Schedule was struck down will not be resurrected again. Of course, you have now got powers by which that can be overcome. You can if you want to. But that Price Page Schedule Order which was at that time put forward with some similar idea in mind was, as you know, struck down on the ground that it violated the Fundamental Right of freedom of expression of the newspaper and in order to delay this matter and obstruct every time, under clause 3 an attempt is made to fix fair prices on the basis of consideration of so many factors including all other relevant circumstances. There will be endless litigation

involved and these orders will be challenged from time to time. So, the Government should be very careful to see what the legal aspect of this is going to be and how they can make it as foolproof as possible. Otherwise, we are going to run into great difficulties.

As the Minister herself has said in her introductory remarks, there was no justification whatsoever for the recent increase over and above the excise duty. But why was this opportunity taken? What is the reason for that? That she does not tell us. None of these newspapers pleaded that simply because of the excise duty, they have to increase by five or six or seven paise. That was not related to the excise duty. It was related to something else. What was that something else? Some of the newspapers put a little announcement in their columns saying that it was due to the rise in the cost of newsprint. Did she tell us something about that? Did they go into that? What did they find?

Increases generally are not justified. But that did not prevent these people, it did not prevent the same newspaper from increasing the price in one city of its edition there and not increasing the price of its edition in another city. The THE STATESMAN did it. THE TIMES OF INDIA did that. THE INDIAN EXPRESS did it. The same newspaper, the same company. There was no explanation given whatsoever and even to-day we do not know what exactly was their logic behind it or what the Government think about it.

Basically it is a question of monopoly ownership. You cannot get away from this and when she replies, I would like the Minister to tell us once again since the session is about to end in a day or two as to what has happened to that proposal to bring forward a Bill to diffuse the ownership of these monopoly newspapers. The idea was put forward. There was a big storm in the newspaper circles and we were told that the freedom of the Press is going to be extinguished and a big hullabaloo was created and some Minister came forward with some press statement and so on trying, I think, to allay the fears of these newspaper magnates and saying, 'No, No. It is not a Bill or anything. Just it is an idea that has been thrown out and we will be very careful to see that nobody's legitimate rights are encroached upon.' and so on and so forth.

[Shri Indrajit Gupta]

After that, however, we find that nothing more is being mentioned, about that Bill. When the hon. Minister replies to the debate, I would, therefore, like to know from her whether Government have got any firm decision or not to draft a Bill like that for the diffusion of the ownership of these big monopoly newspapers and whether they will assure the House that such a Bill will in fact be brought forward at least at the beginning of the next session. Without curing this disease which has handed over the bulk of the press of our country to a small group of monopoly-owners, they will never be able piece-meal to solve these questions, namely how to fix prices, what to do with newsprint, what the policy regarding advertisements should be and so on and so forth.

What Shri Anantrao Patil has said on the problems of big and small newspapers is correct. I support the amendments which stand in his name, because if Government are going to specify the factors which should be taken into consideration, then they should specify the factors which he has mentioned as well. Of course, the hon. Minister can say that all that is covered by the phrase 'all other relevant circumstances'. But in that case, nothing need be specified and Government can simply say 'taking all relevant circumstances into account'. But Government have not done so; instead, they have spelt out (a), (b), (c), (d) and so on. In that case, Shri Anantrao Patil has quite correctly, I think, put forward the suggestion that the following factors are also relevant, namely the question of circulation, the number of pages, the relation between space for matter and space for advertisements and whether the newspaper is a big one or a small one. All these factors are relevant, and these are the relevant factors which must be taken into account. I think that they should be spelt out here so that this omnibus clause does not become only a shelter for the newspaper-owners to hide behind and to bring in certain other things. Let the thing be specified as far as possible saying that these are the relevant factors which Government are going to take into account.

These are the suggestions that I want to make. Generally, the Bill is welcome. But it should be strengthened and it should be made more fool-proof and it should not become a sterile thing like the question of

fixing of prices of motor cars, because otherwise we shall be ending up like that in the end. Finally, while supporting the Bill generally, I would request the hon. Minister to consider Shri Anantrao Patil's amendments and see if she can accommodate them or something similar to them at least, and to tell us whether Government are really going to come forward with that Bill for diffusing the ownership of the monopoly newspapers without which this problem can never be solved.

SHRI AMRIT NAHATA (Barmer) : I also welcome the Bill. I feel that this measure has been long overdue.

One of the reasons why the prices were increased during this period of emergency was that the demand for newspapers became inelastic during this period, and everybody wanted to read as many newspapers as possible, and everybody wanted to read each and every newspaper, and, therefore, the demand was inelastic during this period.

AN HON. MEMBER : Not inelastic, but elastic.

SHRI AMRIT NAHATA : No, it became inelastic. The rise in prices could not affect the demand for newspapers during this period of emergency. That is why the newspaper-owners raised the prices. Otherwise, in ordinary times, the tendency of big newspapers is to lower the prices and not to raise the prices, because during the ordinary times, there is competition and the demand is elastic and people tend to shift from one newspaper to another which has a lower price compared to the other one. Therefore, I find that there is some element of contradiction between the declared policies of the Government in general and the particular measure that is being adopted today.

Ordinarily, the entire enlightened public opinion in the country has stood by the demand for price-page schedule, which means that these big chains, the monopoly papers thrust upon us big volumes of paper every morning running to 20 or 25 pages with supplements and yet the prices they charge are very low and the result is that these big newspapers swallow the small newspapers which cannot stand competition with them.

So, in the ordinary state of affairs, it would be legitimate if the newspapers are priced in proportion to the pages they have, and therefore a rise in prices of big business newspapers should be a welcome thing, and it should not be a thing about which we should be concerned. But since during this period of emergency, when everybody wanted to read newspapers, when national interests transcended all other political parties and class interests by and large, the Indian newspaper industry took a commendable restraint, took a very healthy position as regards the national crisis. Except one dirty rag known as *Current*, the treacherous paper which stabbed at the back of the nation effort and the editor of which was detained—and I learn he has been released and even during the period of his detention the editor was kept in a hospital where he could have his whisky,—by and large, the newspaper industry did act with commendable restraint. Almost the entire press had a unanimity and it stood by us, by the people, stood by the Government and it stood by the armed forces.

But I must take this opportunity to draw the attention of this House to a signal failure of our press correspondents, our war correspondents. While the foreign newspaper representatives, foreign photographers, foreign TV representatives, were at the front for taking rare photographs of the actual fighting, we did not see any such photographs in our newspapers. A photograph speaks a lot; columns of articles and letters do not convey anything. I must confess that our press photographers and our war correspondents failed us during this period of crisis. (*Interruptions*). But by and large, we must say that the Indian press behaved in a very responsible manner and in a patriotic manner. The most reprehensible thing during this period was this rise in prices. I would request the Government not to worry itself about the prices in future. But the Government must collect all the increases in prices as a levy during this period. Whatever increase in price there has been it must be collected. Suppose a newspaper, instead of one paise, prices it at seven paise, the entire seven paise increase must be collected for the refugees and for the Defence Fund. That would be the correct solution. Or it can be used to compensate or to give a rebate to the smaller newspapers from which the levy may be reduced and those increased prices must be collected by the Government as a levy. How it can be done legally, I do not

know. But the Government must find out a way in future. We expected that the Government would introduce a comprehensive Bill to liberate our press from the monopoly clutches to free the press from the monopoly interests. Today, by and large, our press is not free. It is a slave. We do not have editors as such. We have proprietors, and we do not see editorials in the press. We see only proprietorial in the newspapers. Whatever the jute magnates or the industrial magnates demand, the editors have to write. They are slaves of the proprietors. I would like the Government to free these journalists, the editors, and free the press from this bondage of this big business monopoly. For that, we were told that a comprehensive Bill to diffuse ownership and management of the press would be brought before Parliament. Nothing has been heard of it in this session. We expect that in the next session, the Government will come forward with a comprehensive Bill to free the press and end the monopolists' grip over our press. Only then the freedom of the press shall be maintained in our country.

This is a very minor measure which should have been brought in earlier; after all, a price-rise should not be the concern of the Government. The major concern of the Government should be to liberate the press from monopoly ownership.

SHRI MURASOLI MARAN (Madras South): Mr. Speaker, Sir, at the outset, I want to say that this Bill is unrealistic and unwanted at this moment. Formerly, we were given the impression by the Treasury Bench that this levy was going to be a temporary one. Now, the war is over and we are going to have elections to the State legislatures also sooner than later. But at this stage, this Bill is brought forward. I am afraid that this levy on newspaper readerships is going to be a permanent item. That is the impression gained by us.

11.00 hrs.

It is stated in the Statement of Objects and Reasons that there was some kind of special situation in Calcutta, but the Government firmly dealt with that situation and now they have reduced the prices. The same technique can be adopted for all other newspapers all over India. But instead of that, the Government is wasting the time of the House by bringing forward a Bill of this kind.

[Shri Murasoli Maran]

The Bill is unrealistic in the sense that it has not considered the various aspects of fixation of price of newspapers. The newspapers cannot raise their price by the exact price of the excise levy alone. For example in Tamil Nadu we have to pay commission to the wholesale agent, and that agent has to give commission to the retail agent. I am told that in a city like Bangalore all the retailers have formed a powerful association and they insist that they should be given 40 per cent commission. So, this Bill does not take these factors into consideration.

This Bill freezes the prices of the newspapers as they prevailed before 22nd October, 1971. But if somebody starts a new newspaper, he can fix his own price because it does not come within the purview of this Bill. So, this is an escape route for the newspaper people.

Who is going to fix or control the price of newspaper? Is there going to be an impartial Tariff Commission? No. The Government is going to take over the job of fixing the prices. This is highly reprehensible in the sense that Government means so many things. Politics will play a predominant role, and I think they are going to incur notoriety which is unwanted. I suggest that the Press Council may be given the duty of fixing the prices. They will be impartial and they can go into all the factors. The Government, instead of taking up this onerous job on its shoulders, should transfer it to the Press Council as it is a competent body. In the absence of a Tariff Commission, it is a better device.

What are the factors that determine the price of a newspaper? Not only the excise duty, not only its cost. The advertisement revenue is the major source of a newspaper. You are controlling the price, but you are allowing the newspapers, the big monopoly newspapers, to raise their advertisement tariff. You are telling the Goenkas and other press barons that they should not raise their price but they can raise their advertisement tariff, the Government will not stand in their way. That is what the Government wants to tell them by this Bill. That is the impression we get. There is no restriction on those who are earning lots of profit by means of advertisements. The smaller and medium newspapers do not get enough advertisements. The Finance Commission, 1969 says:

"There is no doubt that the advertisement revenue forms an important source of income of the newspapers which in some cases may be as much as 50 to 75 per cent of the total income,"

They derive 75 per cent of their total income from advertisements. This Bill does not stop it. They can play havoc and increase their profit, but Government is closing its eyes to it.

The excise duty on newspapers itself is unrealistic and unwarranted. The purchase tax on newspapers is a tax on the newspaper-reading habit. You could have avoided it and done something else suggested by the Constitution itself. Article 269 envisages that a tax can be levied not only on the sale and purchase of newspapers but also on the advertisements published therein. Here is a tax resource given by the Constitution itself but Government have ignored it. They don't want to touch the advertisements published in big newspapers of monopolists like Mr. Goenka. On the other hand, they are taxing the newspaper reading habit. The Fifth Finance Commission thoroughly went into this question and devoted a chapter to this aspect whether to tax newspaper readers or the advertisements. They came to this firm conclusion:

"Part of the burden of the tax may indirectly fall on the Government of India or the State Governments, unfortunately. We consider that this is *prima facie* a reasonable resource from which additional revenues assignable to States could definitely be raised."

They considered whether to tax the purchase of newspapers, but they have come to the conclusion that it is not advisable because the newspaper reading public is very low in India as compared to other countries. In a democracy, newspaper is a powerful weapon. So, they have said firmly, don't tax the newspaper readers by imposing purchase tax. Instead there is a gold mine: You tax the advertisements. If you do that, the incidence of taxation will fall not on the reader but on the publishers who are giants. Otherwise, those who give the advertisements can afford to pay it. Instead Government has chosen to tax the readers. Sooner this excise duty is removed, the better it will be for democracy in this land.

Sometime ago, we heard much about diffusion of newspaper ownership, but conveniently it was leaked out to the public. Now we are not able to hear such fiery speeches from persons like Shri Raghunatha Reddy or Shrimati Nandini Satpathy. After the mid-term poll, they have come to some kind of understanding. We know that during the mid-term poll, one gentleman wrote that Mrs. Gandhi was a communist. Now he says that Russia is the greatest friend of India and there is nobody else except Mrs. Gandhi who can lead the country. These are boneless creatures. They will fall at your feet today, but tomorrow they will fling at your throat and strangle it. Don't be disappointed. Be awakened to the situation.

We find that everything that is there helps only the big monopoly newspapers. Newsprint allocation, for instance, is devised in such a way that it would help only the big chain newspapers. The smaller and medium newspapers are not at all considered. They are given a newsprint quota and they are asked to get it from the STC. In Madras, when we went to the STC, they said, "There is no stock". So, we have to buy it in blackmarket from the big newspapers. It is devised in that manner. Therefore, I suggest that STC should be asked by your ministry to have buffer stocks, so that always they may be in a position to supply newsprint to the smaller and medium newspapers. Now, newspapers which have a circulation of 15000 and below are exempted from this tax. But at the time Government was considering diffusion of ownership, which leaked out, they said, that newspapers with a circulation of 25000 and less would be considered as small newspapers. Now they have reduced it to 15,000. So, the people worse hit by this taxation is the medium type of newspapers.

I want to point out another lacuna in this Bill. This Bill asks the newspapers not to raise the prices. But there is another possibility. Prices have reached the saturation point. The big newspapers can reduce the prices so that by competition they can kill the small and medium type of newspapers. For example, in the case of a big newspaper in Madras the advertisement revenue is more than Rs. 2 crores. It can supply the newspaper free and yet get profits. This kind of newspapers will reduce their prices just to complete and kill the small and medium newspapers. This Bill has no provision to meet such contingencies.

So, I would request the hon. Minister to drop this Bill and drop the tax itself. You can raise resources in some other way. For example, you can tax the advertisement revenue. But perhaps the Constitution says that the Central Government should collect the tax on advertisements and give it to the States. That is why the Centre is chary of taxing advertisement revenue. You have to reconsider the whole problem and bring forward a broad-based Bill.

श्री शशि नूषण (दक्षिण दिल्ली) : अध्यक्ष महोदय, मैं श्रीमती नन्दिनी सत्यपी को धन्यवाद देता हूँ कि वह यह प्रस्ताव लाईं। मैं चाहता हूँ कि जब भी किसी चीज पर एक्साइज ड्यूटी लगे तब जिस तरह के हमारे देश के हालात हैं उनको देखते हुए बढ़ती कीमतें रोकने के लिये इस तरह का बिल जरूर आना चाहिये। हमारे दूररे मंत्रियों को श्रीमती नन्दिनी सत्यपी से सबक लेना चाहिए। चाहे सीमेंट पर एक्साइज ड्यूटी लगे चाहे बीनीं पर लगे, किसी चीज पर भी लगायें, उसकी कीमत मार्केट में वेहिसाब बढ़ जाती है। हमारे देश में जो ब्लैक-मार्केटिजर्स हैं वह हमेशा इस चीज तथा टैक्स बढ़ाने का फायदा उठाते हैं और बड़े अखबारों के मालिक भी उन्हीं लोगों में से हैं। इन लोगों ने इस एक्साइज ड्यूटी का भी फायदा उठाया है। यह उनकी आदत है। उन लोगों को कोई ज्यादा नुकसान नहीं हो रहा था, साथ ही देश की जनता डिफेंस के लिये अखबार पढ़ने के लिये 2 पैसे देने को तैयार है। उसको इसमें कोई ऐतराज नहीं है। जब वह बड़ी से बड़ी कुर्बानी कर सकती है तब उसकी 2 पैसे अधिक देने में कोई दिक्कत नहीं है। लेकिन इस तरह की चीजों का फायदा उठाना जो मोनोपोलिस्ट हैं उनकी आदत है, चाहे वह जूट के मालिक हों चाहे दूसरे अखबार मालिक हों, इस युद्ध संकट में देश की सेवा के बजाय उन्होंने चीजों की कीमतें बढ़ाई हैं। सब लोगों ने साथ दिया है, देश की जनता ने साथ दिया है, लेकिन ब्लैक-मार्केटिजर्स ने अपना काम जारी रखा। चूंकि इस तरह की बढ़ती कीमत को कर्ब करने के लिये यह बिल लाया गया है इसलिये मैं श्रीमती महोदय को धन्यवाद देता हूँ।

[श्री शशि भूषण]

और कहना चाहता हूँ कि जब भी किसी चीज पर एक्साइज ड्यूटी लगे तब इस प्रकार का बिल हमेशा लाया जाये ताकि कीमतें बढ़ें नहीं। कीमतों को बढ़ने से रोकने के लिये सरकार के पाम कोई न कोई हथियार जरूर होना चाहिये। इस दिशा में यह प्रस्ताव एक ऐतिहासिक कदम है।

जहां तक मोनोपोली प्रेस की आदत को बदलने का सवाल है, बहुत दिनों तक इस विषय की चर्चा चली। कई वर्षों से प्रेस बिल को लाने की बात चल रही है। फिर यह हुआ कि उस पर विचार हो गया है, संकुलित हो गया है, लेकिन पता नहीं वह प्रेस बिल कहा खो गया। मैं नहीं समझता कि मंत्री महोदय किसी दबाव के कारण प्रेस बिल को नहीं ला रही हैं। हो सकता है कि कोई कानूनी देख रेख की विकल्प हो। मुझे विश्वास है कि जो दूसरे मंत्रालय है वह उनको सहयोग देंगे और प्रेस बिल यहां पर जल्दी आयेगा।

सरकार ने न्यूज एजेंसीज का कारपोरेशन बनाने का बहुत दिनों से वादा किया था क्योंकि न्यूज एजेंसियों में इस कदर करप्शन बढ़-इन्तजामी चल रही है जिसका ठिकाना नहीं है, चाहे वह पी टी आई की धांचसी हो या दूसरी एजेंसी का अधूरापन हो। मैं चाहता हूँ कि मंत्री महोदय न्यूज एजेंसी का कारपोरेशन बनाने के लिये जल्दी से जल्दी प्रस्ताव लायें। बड़ा न्यूज एजेंसी में काम करने वाले जो पत्रकार हैं या दूसरे कर्मचारी हैं वह सरकार की तरफ देख रहे हैं। सरकार जहां इतने समाजवादी, प्रगतिशील कदम उठा रही है और सही दिशा में उठा रही है, वहां वह अखबारों में मोनोपोली को कन्ट्रोल करने के लिये भी जल्दी से जल्दी प्रस्ताव लाये। हो सकता है कि इन्फ्लेक्शन के कारण इस तरह का जरूरी बिल अब तक न आ सका हो, लेकिन हम आशा करते हैं कि अब वह जल्दी ही लाया जायेगा।

एक सप्तेन हमारे श्री० एन० के० के

साथी ने दिया कि ऐडवर्टाइजमेंट्स पर जरूर टैक्स लगाया जाना चाहिये। मोनोपोली प्रेस बहुत ज्यादा ऐडवर्टाइजमेंट्स निकाला करते हैं। मैं समझता हूँ कि ऐडवर्टाइजमेंट्स के बारे में जरूर कोई न कोई कदम उठाया जाना चाहिये। अगर छोटे अखबारों को इससे कोई विकल्प होती है तो सरकार उनको ऐडवर्टाइजमेंट्स दे कर उनकी सहायता कर सकती है। मोनोपोली प्रेस में जो ऐडवर्टाइजमेंट्स आया करते हैं वह ज्यादातर बड़े-बड़े मिल-मालिकों से आते हैं, इंडस्ट्रियलिस्ट्स से आते हैं। इस लिये बहुत अच्छा संज्ञान है कि जो ऐडवर्टाइजमेंट्स होते हैं उन पर ज्यादा से ज्यादा टैक्स लगाया जाये क्योंकि ऐसा न होने पर अखबार के मालिकों को तो फायदा होता है, एक जेब से दूसरी जेब में पैसा जाता है, लेकिन सरकार को नुकसान होता है।

मैं कहना चाहता हूँ कि प्रेस के अधिकारों को भी बढ़ाना चाहिये। जो लिखने वाले हैं, उनके अधिकार भी बढ़ने चाहियें, लेकिन अगर वह राष्ट्र के इम्तहान के समय अपने अधिकारों का दुरुपयोग करते हैं तो उसके लिये सरकार को सख्त कदम भी उठाने चाहियें। पिछले दिनों "करेंट" ने दो तीन आर्टिकल लिखे। मुजीबुर्रहमान से भी कहलाया कि वह पाकिस्तान के दो टुकड़े नहीं चाहते। कहा कि वह पुराने मुसलिम लीगी है। मैं इस समय उस सारी बात में नहीं जाना चाहता, लेकिन मैं समझता हूँ कि महाराष्ट्र सरकार ने "करेंट" के एडिटर की सेवा ही की है कि उन्हें थोड़े दिनों के लिए बन्द कर दिया और जनता के हाथों से बचा लिया, वरना जिस ढंग से इम्बर्डी में डिमांस्ट्रेशन हो रहे थे, जिस ढंग से जनता में "करेंट" के खिलाफ रोष था, वह समाप्त न होता और भड़क जाता। लेकिन अन्य पत्रकारों से पूरी तरह से वैश को सहयोग दिया है। बहुत से वार-कॉरेस्पॉण्डेंट अपनी जान पर खेल कर बनवा देश के बारे में और बहुत अच्छा हक अदा किया। मैं चाहता हूँ कि अगर यह अखबार मोनोपोलिस्ट के साथ न रहें जो वष-

कार लोग देश की और अधिक सेवा कर सकते हैं।

मंत्री महोदय पत्रकारों की सहायता के लिये जल्दी ही बिल लायें। वह इस समय जो बिल लाई है, उस कदम के लिये मैं फिर उनकी सराहना करता हूँ।

SHRI SHYAMNANDAN MISHRA (Begusarai) : Mr. Speaker, Sir, I shall confine myself to the price aspect of the problem to which the Bill is devoted. It does seem to me that the assumptions behind the Bill do not seem to justify such a measure. There may be other reasons for a measure of this kind, but the justifications which the Government have advanced do not seem to be adequate enough.

The first assumption is that previous to the imposition of excise duty that is, before the 22nd day of October, 1971, the prices were all right. Secondly, the newspapers having circulation above 15,000 have been the villains of the piece and that other newspapers have not been offenders in this respect. Thirdly, if the price is limited to the excise duty, there can be no objection to it. If that is so, a comprehensive measure of this kind may not be considered to be justified. All newspapers having circulation of less than 15,000 are being brought under the purview of this Bill, that is, those who do not have to pay the excise duty and so on are also being brought under the purview of this measure. Therefore, I should say, this instrument can be used in a manner which may not be in consonance with the freedom of the press. It may well be that the price control is made an instrument for news or views control. That fear is aroused because Government takes upon itself the responsibility for fixation of price. The Government may not have the necessary experience or expertise in this matter and yet it takes upon itself the responsibility for the fixation of price.

With regard to other commodities, there are bodies which have got necessary expertise and they are asked by the Government to fix the prices. So, I would express my agreement with the view that only a body like the Press Council, which also will have to develop a particular section with necessary amount of expertise in this matter, should be entrusted with the task of fixing prices. (Interruptions) But the Government taking upon itself the

responsibility of fixing the prices seems to me a very onerous responsibility and the Government, in the process, may be lending itself to the charge that it is using this instrument in a coercive manner.

I would also like to suggest that if the Government thinks that in some other respects also, that is, in respect of the newspapers which have got very low circulation, they have a duty in this matter, I should think that this Bill will prove to be a measure which would come in the way of coming up of the newspapers with very low capital.

I do not know whether this kind of instrument can also be placed in the hands of the State Governments or whether the State Governments also may not come up with a measure—I do not know about the constitutional position—but if the State Governments also come forward with measures of this kind, then it will be a great force in their hands.

I would express myself in agreement with the view that in some of the newspapers they have been rather exceeding the limit so far as the prices fixed for them are concerned and in that respect I would like to suggest that the Government should come forward with some kind of a list of the newspapers which have been responsible for this. Even, with regard to the illustrations that have been given by the Government, it does seem to me that these newspapers corrected themselves after some time and they did not impose that kind of price upon their newspaper readers later on. So, the principle seems to be very much limited but the powers that are sought to be taken, seem to be very vast.

SHRIMATI NANDINI SATPATHY : I am grateful to the hon. Members for the support they have extended to the Bill in general. Certain suggestions have been given by some of the hon. Members and some apprehensions have been expressed by other members.

While supporting the Bill, the hon. Member, Mr. Patel, pleaded for the Price Page Schedule. He did not do it here only, he was doing it for some time and also the amendment that he has brought up is connected with the same thing. I would like to mention here that we have taken this thing into consideration and we are quite aware of the fact that unless the price is related to the

[Shrimati Nandini Satpathy]

page, it will be very difficult for us as well as for the readers as far as the newspapers are concerned. So, we have taken this factor into consideration. Whether we will bring it in some form or in a different form, is a matter to be considered still.

As far as the tax on advertisements is concerned which Mr. Murali Maran has suggested, I would like to mention here that we have also taken this factor into consideration and the Government is very seriously thinking about this.

Some of the hon. Members here expressed the view that the small and medium newspapers should be helped and helped in a proper manner. I fully agree with all those hon. Members and I hope the hon. Members are quite aware of the fact that it is the pronounced view of the Government to help the small and medium newspapers in all possible manner. But, I have no hesitation to admit here....(Interruption)....that in spite of certain efforts, we have seen that uptill now it was not possible for us to fully help the small and medium papers. I mean to say that we could have helped them as much as possible. But, still it is our constant effort and we are all the time on the move to see that the small and medium newspapers are helped and helped in a proper manner. As far as this aspect is concerned, I would like to say that regarding the newsprint and regarding the advertisements, we have taken proper care to see that the small and medium newspapers are helped.

SHRI R. S. PANDEY (Rajnandgaon) : May I know from the hon. Minister whether the Government is considering the appointment of a commission to determine advertisement income and the cost of production in order to fix prices?

SHRIMATI NANDINI SATPATHY : This suggestion has been made a number of times; it is something which should be taken into consideration in the future.

Some hon. Members have expressed their apprehensions about black marketing in newsprint as well as newspapers showing an inflated figure. With the limited machinery that we have got at our disposal we are trying our best to see that there will not be blackmarket-

ing in newsprint. We are trying to put all possible checks to see that there are no inflated figures given to the Government by the newspapers. We are trying to develop this machinery so that we can have a proper check on the newsprint, which is rather like gold to us, and about the inflated figures of circulation.

Hon. Member Shri Indrajit Gupta referred to diffusion of ownership and the Press Bill which was so much talked about. I can assure the House that it has not been shelved. During this session a number of questions have been raised by hon. Members to which we have given answer that an informal group of Ministers had been asked to look into the matter in detail and as soon as they have finished a proper study of the whole situation, Government would look into the matter and I hope that something will be possible within a short time.

SHRI INDRAJIT GUPTA : After they have gone into the matter, you will go into the matter? Will you bring a Bill in the next session or not?

SHRIMATI NANDINI SATPATHY : It is difficult for me to say whether it will be possible for us to bring it in the next session or not. I do not say that it will not be possible. At the same time, I want to repeat that a group of Ministers are informally going into the matter....(Interruptions) As soon as we have examined the whole thing, something will be decided. We have not shelved it and we have no intention of shelving it.

Some Members say that now that the war is over, there is no need to have this levy on the newspapers. I think this feeling is not correct. Hon. Members are aware that the present phase is over; still the country is passing through difficult times as far as the economic situation is concerned. It is for the Finance Ministry to take a decision on it.

Hon. Member Shri Murali Maran expressed his apprehensions and said that while deciding about these things, politics will come into play and newspapers may have to suffer. Some other Members also expressed the view that politics will play a dominant part while deciding about the price. I want to assure the House—I think the House is

aware—that with regard to advertisement and newsprint all these years Government have seen that no partisan political attitude was taken anywhere. No politics will come into play in this matter. This has got very limited implication ; this is an enabling Bill which will simply give power to the Government. If the newspapers on their own reduce the price, then I hope the Government will not have to do anything in this matter.

In my introductory remarks I appealed to newspapers and I take this opportunity again to say that they should see that price does not increase beyond the two paise levy. While mentioning about this I think I have also discussed this point about the price increase. The newspaper people have said that the increase has got something to do with the increased cost, particularly increase in the price of newsprint. Shri Indrajit Gupta said that we had not said anything on why they have raised their prices. I mentioned that the reason given by the newspapers was the increased cost, increase in the price of newsprint and because of that they have increased the price. I have made this appeal earlier, today also I say that if there is anything like that we can go into the whole thing ; it should be related to the real increase of anything ; it cannot just be arbitrary ; they cannot raise the price without having any relation to the situation.

SHRI INDRAJIT GUPTA : That means that you admit that the cost of newsprint might have gone up.

SHRIMATI NANDINI SATPATHY : It has gone up.

SHRI INDRAJIT GUPTA : It did not go up in Bombay, only in Calcutta ?

SHRIMATI NANDINI SATPATHY : There should be some uniformity, some relationship. The price of newsprint has gone up but they should not have done like this. There should be some uniformity. I do not want to impute any motive but I should say that they should not have done so at this moment when the country was facing a threat of aggression. . . . *(Interruptions)*

A point was raised by Shri Amrit Nahata and Shri Shashi Bhushan ; they have made certain suggestions which are really encouraging to us I hope those suggestions will help us in taking certain decisions and fur-

ther steps. With these words I commend the Bill to the House.

MR. SPEAKER : There are no amendments except amendment No. 1 to clause 3. There are no amendments to the consideration motion.

SHRI ANANTRAO PATIL : May I once again request her to accept my amendment and incorporate it in any form.

SHRI INDRAJIT GUPTA : We want a division on this amendment.

MR. SPEAKER : Today we have a lot of work to do. We have accepted that we would not take much time on this. I find that some hon. Members have sent their names for the third reading also. I hope that they would be very brief and confine themselves to one or two minutes only.

SHRI JYOTIRMOY BOSU : Kindly give me five to seven minutes, because I have some important points to make.

MR. SPEAKER : The next Bill, namely the Constitution (Twenty-seventh Amendment) Bill is just a formal one in nature, but I know that Members would still like to speak on it, and in fact, some Members do want to speak on it. So, I hope that those who want to speak on the third reading will be very brief.

The question is :

“That the Bill to provide for the control, in the interests of the general public, of the prices of newspapers with a view to ensuring that newspapers continue to function in the prevailing conditions, as effective mass communication media and for securing their availability at fair prices, be taken into consideration.”

The motion was adopted

MR. SPEAKER : The question is :

“That clause 2 stand part of the Bill.”

The motion was adopted

Clause 2 was added to the Bill.

Clause 3 *(Power to fix maximum prices of newspapers)*

MR. SPEAKER : There is an amendment to this clause standing in the name of Shri Anantrao Patil. Is he moving it ?

SHRI ANANTRAO PATIL : The hon. Minister in the course of her reply agreed in principle, but I would request her to give an assurance that all these points will be taken into consideration in fixing up the maximum price.

MR. SPEAKER : So, he is withdrawing it ?

SHRI JYOTIRMOY BOSU : No, there is no leave of the House to withdraw it. I am a known dissenter.

SHRIMATI NANDINI SATPATHY : I have already mentioned that we have taken these factors into consideration, though not exactly in that form, but the entire idea would be brought into the picture . .

SHRI INDRAJIT GUPTA : When ?

SHRI JYOTIRMOY BOSU : Let the hon. Minister move her own amendment.

SHRIMATI NANDINI SATPATHY . At the time of fixing the prices, we shall definitely take these things into consideration. I had said this earlier, and again I assure the hon. Member that we shall take these things into consideration.

SHRI JYOTIRMOY BOSU : If she wants to do something, she can move an amendment here and now, and let it be put before the House.

MR. SPEAKER : It is too late now.

SHRI ANANTRAO PATIL : I am not pressing the amendment.

SHRI JYOTIRMOY BOSU : I dissent to his withdrawing the amendment from the House. I am dissenting. So, you may put it before the House.

MR. SPEAKER : But he has withdrawn that amendment.

SHRI ANANTRAO PATIL : I have not moved the amendment. So, how does the question of withdrawal arise ?

MR. SPEAKER : He has not moved it at all ?

SHRI JYOTIRMOY BOSU : But then he got up and spoke on the amendment. He made a speech on it. What is he saying now ?

MR. SPEAKER : He says that he did not move it. When I called clause 3...

SHRI JYOTIRMOY BOSU : He got up and made a speech.

MR. SPEAKER : He says that he has not moved it. When he spoke in the first reading, he referred to it, but that was not the stage of moving the amendment. On clause 3, when the hon. Minister has given certain assurances, he has said that he has not moved the amendment. So, what am I to do now ? I have to accept what he says namely that he has not moved the amendment.

SHRI JYOTIRMOY BOSU : He had said just a little while ago that he was withdrawing it. That proves that he had moved it. So, you cannot treat the House in this way.

MR. SPEAKER : When he says that he has not moved it, what should I do ?

SHRI JYOTIRMOY BOSU : He has moved it. You may kindly check up from the record.

SHRI INDRAJIT GUPTA : He has said that he is not pressing it. That means that he has moved it and he is not pressing it to a vote. But we want to press it to a vote.

SHRI ANANTRAO PATIL : May I clear the position ? Before moving the amendment, I asked the hon. Minister to give an assurance, which she did, and, therefore, I did not move it.

SHRI JYOTIRMOY BOSU : I beg your pardon, Sir. It is on record that he has sought to withdraw it. What does he want to withdraw ? Surely, he wants to withdraw something which he has moved ?

MR. SPEAKER : He has said that he is not moving the amendment. He categorically says that. So, what am I to do ?

SHRI JYOTIRMOY BOSU : Kindly go through the record. He said 'I withdraw it'. That means he had moved it.

MR. SPEAKER : Kindly do not do like this.

SHRI JYOTIRMOY BOSU : Kindly put it before the House.

MR. SPEAKER : What shall I put ? There is nothing to be put.

SHRI JYOTIRMOY BOSU : Then what did he withdraw ?

MR. SPEAKER : The question is :

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

SHRI JYOTIRMOY BOSU : This is out of order.

SHRI INDRAJIT GUPTA : This is undermining the whole value of the Bill.

MR. SPEAKER : He has undermined himself !

The question is :

"That clauses 4 to 9, Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 4 to 9, Clause 1, the Enacting Formula and the Title were added to the Bill

SHRIMATI NANDINI SATPATHY : I beg to move :

"That the Bill be passed."

MR. SPEAKER : Motion moved :

"That the Bill be passed."

SHRI JYOTIRMOY BOSU : May I say 'better little than nothing, better late than never'. This trouble and defiance started from the total monopolistic control of the Indian newspaper industry mainly by 7 groups which control 80 per cent of it. They are the

Birlas, Sahu-Jains, Goenkas, Mafatlals, Tatas, Statesman and others. There are 650 dailies and 10,000 weeklies out of which 7 groups, as I said, control 80 per cent of the circulation.

The price-page schedule was defied. No Bill has been brought forward to reintroduce it. Newspapers do not reach our millions. This is standing in the way of our national progress. It is a medium for education. But the readership is abnormally low. On 8-7-71, Shrimati Satpathy said that Government would be bringing forward measures and enactments for curbing monopolies and other things. May I ask what has happened to that assurance ?

I charge this Government with acting as the saviour of the monopoly press who in return are the saviours of Shrimati Gandhi and her party. That is why Shrimati Gandhi retains the portfolio herself so that she can control even newspaper monopolists easily through advertisements, quotas of newsprints, bank and LIC advances. Nothing has been done to control them ; on the other hand, 75 per cent of the advertisements has gone to 10 big ones. The remedy is to destroy the monopoly. What about the Newspaper Finance Corporation Bill which was introduced in this House ? It has been shelved. Is it a fact that the Prime Minister is sitting over the Bill ?

Now Government are confusing the people with diffusion of newspaper ownership. It has in fact led to concentration of ownership. On 8-7-71 Shrimati Satpathy said that the Bill had been referred to the department of Company Affairs. We want to know here and now what has happened to that.

Even today 60 per cent of the newsprint is imported. There has been no growth of the newsprint industry. There is widespread black-marketing prevailing. The *Anand Bazar Patrika* was caught redhanded ; but it was allowed to go. The *Basumati* edited by a Congressman, Shri Asok Sen, was also caught redhanded indulging in blackmarketing. But nothing has been done. Shri P. C. Verma got a quota but never brought out a paper. Nothing has been done about it.

I have sent the details of the black market prices to the Minister. But so far, no reply has come. A tonne of newsprint costs Rs. 1,400 at the controlled price, but it has been sold in the black market at Rs. 2,300 to

[Shri Jyotirmoy Bosu]

Rs. 3,000. One group got 24,200 metric tonnes of newsprint in one year, 1969-70, whereas 220 small dailies and 1,096 weeklies got only 22,323 metric tonnes of newsprint. Seven big groups of big monopolists grabbed 88,559 tonnes of newsprint.

Is it true that out of a total advertisement of Rs. 50 crores, only four per cent was given to small newspapers? In the public sector, advertisements to the extent of 85 per cent went to the big press, and only 15 per cent to the smaller ones. Ten large papers alone get 75 per cent of the advertisements. The private sector gives Rs. 30 crores of advertisement per year, and the Government finance one group, the paid-up capital of which is Rs. 1.2 crores, to the extent of Rs. 10.6 crores which was borrowed. The *Anand Bazar Patrika* gets Rs. 60 lakhs from the public sector financial institutions.

What has happened to the Press Commission? It was constituted 17 years ago, and Mr. Gujral promised last year that there would be a second Press Commission, but it is yet to be fulfilled.

I would like to have a reply on all these points.

SHRI D. K. PANDA (Bhanjanagar) : Sir, the present problem is very simple. But the whole thing has been some what complicated by the Government. The Bill's objective as is stated, is quite clear. We could have put a ban on further increases beyond the excise duty. That would have been a simple thing. As for the maximum price that is going to be fixed and the manner in which it is going to be fixed, the criterion that has been fixed under this Bill—all these leave a lacuna. Under clause 3(2) (d), "all other relevant circumstances" have to be taken into consideration. We are quite clear about the car prices order, which was struck down by the Supreme Court and 16 per cent return that was argued about was upheld and 12 per cent return was stoutly rejected. One can very well imagine that the same shall arise and this very Bill cannot stand the scrutiny of the Supreme Court because the emergency is going to be lifted and after withdrawal of the emergency, Article 19 will no longer remain in suspension.

**Expunged as ordered by the Chair,

We are very well aware how the tycoons, all the monopolists, big press-owners, have been already conspiring to see that the 24th, 25th and 26th Constitution (Amendment) Bills are struck down. There was also a conspiracy to set up only a small newspaper editor or a small journalist to see that all these three big constitutional amendments are struck down.

So, I would like to draw the attention of the entire House and the attention of the hon. Minister to the very fact that already there is a.**

MR. SPEAKER : Order, order. I am not going to allow this. This will be expunged.

SHRI D. K. PANDA : This is relevant to what has happened; the proceedings, etc. (Interruptions).**

Therefore, I plead that let there be an appropriate tribunal for the fixation of prices under this Bill.

MR. SPEAKER : I am so sorry. This imputation will not be allowed on the record.

Now, the question is...

SHRI JYOTIRMOY BOSU : Sir, the Minister should reply. She is there.

SHRIMATI NANDINI SATPATHY : I think the points raised by Shri Jyotirmoy Bosu are all of a general nature. They have got nothing to do with the particular Bill. Also, I may say that I have replied to most of the points while I was moving for the consideration of the Bill.

As far as the Press Bill is concerned, I have already said that we are considering it, and the Bill relating to Newspaper Finance Corporation is ready.

It is not correct to say that the Prime Minister is sitting on the file. Certain other things are to be done; that is why it has been delayed. It is coming in the next session. Mr. Bosu should not read politics into everything.

About the Press Commission—I do not

know whether I have referred to this matter in this House on an earlier occasion in the Rajya Sabha I replied that the Government was considering the setting up of a Second Press Commission at this moment.

MR. SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

11.52 hrs.

MOTION RE: SUSPENSION OF PROVISIO TO RULE 66

MR. SPEAKER : Before we take up item No. 17, namely, the Constitution (Twenty-seventh) Amendment Bill, we know that it is very much inter-dependent on item 18.

We have to go through the procedure of suspending the proviso to Rule 66.

SHRI S. M. BANERJEE (Kanpur) : I do not know how far it is correct but there seems to be another Constitution Amendment Bill, 28th Amendment. There is only one day left.

MR. SPEAKER : That is why I am saying that the motion for suspension of the proviso to rule 66 has to be moved, because we are at the fag end of the session and I wonder if we would be able to sit beyond tomorrow. So we must be cautious about these formalities. Shri K. C. Pant will move that motion now.

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
K. C. PANT) : I beg to move :

"That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for consideration and passing of the Constitution (Twenty-Seventh Amendment) Bill, 1971 in as much as it is dependent upon the North Eastern Areas (Reorganisation) Bill, 1971."

MR. SPEAKER : The question is :

"That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for consideration and passing of the Constitution (Twenty-Seventh Amendment) Bill, 1971 in as much as it is dependent upon the North Eastern Areas (Reorganisation) Bill, 1971."

The motion was adopted.

11.54 hrs

CONSTITUTION (TWENTY-SEVENTH AMENDMENT) BILL

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
K. C. PANT) : Sir, I beg to move :

"That the Bill further to amend the Constitution of India be taken into consideration."

Last week when the House considered the North Eastern Areas Reorganisation Bill, 1971 I had given the broad details of the composite scheme of reorganisation proposed for the northeastern areas. The present Bill seeks to give effect to certain aspects of the scheme. We have also simultaneously studied the recommendations made by the Administrative Reforms Commission on the administration of Union Territories with legislatures and felt that the present opportunity should be availed of to give effect to those recommendations also.

Clause 2 of the Bill seeks to amend article 239A so as to include Mizoram in that article in order to enable this House to pass a law providing for the creation of a legislative assembly and a council of ministers in that Union Territory. This is part of the scheme of reorganisation. When the Manipur Hill Areas District Councils Bill of 1971 came up before the House I had indicated that we shall make a provision for continuing the hill areas committee of the legislature. This was a part of the safeguard intended for the tribals in Manipur. Clause 5 of the Bill seeks to give effect to this intention. Ordinarily the hill areas could have been declared as

[Shri K. C. Pant]

scheduled areas under the Fifth Schedule, but the scheme of safeguards we have envisaged is somewhat different. Even so, it is necessary that whatever powers are available to the Central Government under paragraph 3 of that Schedule should be available in respect of hill areas even if we do not operate on the Fifth Schedule. That is why we have made a provision on the lines of that paragraph for a report by the Governor etc., in clause (2) of the new article 371C.

Following the recommendation made by the Administrative Reforms Commission, we have made a provision in Clause 3 for inserting a new article 239B in the Constitution. This article will confer ordinance-making powers on the Administrators more or less on the lines of article 213. There is, however, a slight departure in that the Administrator will have to obtain the instructions of the President before promulgating ordinances irrespective of whether they relate to matters in the State list or the Concurrent List. This departure has been made because Parliament is empowered to legislate for the Union territories in regard to all matters in the Seventh Schedule and in effect matters in the State List have to be looked upon as being on a par with those in the Concurrent List so far as the Union territories are concerned.

Article 240 confers on the President regulation-making powers in respect of the Union territories of Andaman and Nicobar Islands, the Laccadive, Minicoy and Amindivi Islands; Dadra, and Nagar Haveli, Goa, Daman and Diu and Pondicherry. The powers relating to Goa, Daman and Diu were held in abeyance when legislatures were created for these Union territories.

11.58 hrs.

[Mr. DEPUTY SPEAKER in the Chair]

Experience has underlined the need for such powers in the case of Union territories and legislatures also when the legislature is dissolved or its functioning is suspended. It is also considered necessary to include in this article the two new Union territories, namely Mizoram and Arunachal Pradesh. Clause 4 of the Bill seeks to achieve this object.

I commend this Bill to the House.

SHRI DASARATHA DEB (Tripura-East) : It is a welcome feature that the Union territory of Mizoram is now getting a legislature and Council of Ministers, but I would have been much happier if this had been provided for Arunachal Pradesh also. That is also a tribal area, and the people's participation in the administration is an essential and desirable objective if we want the progress of our country. Particularly this tribal area has suffered from age-long suppression and oppression and so these weaker sections of our people should be enabled to keep pace with the other advanced sections of our country.

The most disquieting feature of the Bill is that it seeks to arm the administrator and the President with undue powers. This will not produce a healthy atmosphere. Rather, it is a design to control the Legislative Assembly and the Ministers by some bureaucrats, because the Administrator will be only from the ranks of the bureaucrats.

The Bill also seeks to empower the Administrator to issue ordinances when the Assembly is not in session, but it is not understood why he should be given powers to by-pass the Council of Ministers, because when the Assembly is not dissolved the Council of Ministers is functioning, and so it must be made obligatory on his part to take the consent of the Council of Ministers.

12.00 hrs.

This Bill seeks to give undue power to the President. Article 240 of the Constitution says :

"The President may make regulations for the peace, progress and good Government of the Union territory....

Provided that when anybody is created under article 239A to function as a Legislator for the Union territory of Goa, Daman and Diu or Pondicherry the President shall not make any regulation for the peace, progress and good government of that Union territory with effect from the date appointed for the first meeting of the Legislature."

So, the Constitution-makers did not want to give such a power to the President if in any Union territory a Legislative Assembly has been formed and a Council of Ministers

has been constituted. But here the sponsors of this Bill suffer from the same disease from the very beginning. They are very reluctant to give scope to the tribals to participate in the affairs of the administration in their local areas. After a long struggle and shedding of blood by the Mizo people, Government has come forward to give something, but even there the Government's mind is not open yet. When the Legislative Assembly is dissolved, they want to empower the President to make certain regulations in the name of good government, peace, etc. But we have got our own experience. We have seen how things are going on in a number of States where President's rule has been imposed. President's rule is not a good government. Rather it is a bad government. The entire thing is given into the hands of the burraucrats and they are suppressing the People in the name of good government. In Mizoram also, if the Assembly is dissolved and if this power is given to the President to make some regulation in the name of peace, good government, etc. it is against the spirit of the Constitution. So, such a power should not be given. Mr. Pant wants to amend this proviso of the Constitution which gives certain scope to the people of that area where a Legislative Assembly and a Council of Ministers exist. That is why, while welcoming the fact that after a long struggle our Mizo brothers are going to have a Legislative Assembly and Union territory, I say that this provision in the Constitution should be there and it should not be amended.

श्री कमल मिश्र मधुकर (केसरिया) : उपाध्यक्ष महोदय, यह बिल स्वागत योग्य है। सरकार चाहती है कि जहाँ पर भी आदिम जातियों और पहाड़ी क्षेत्रों के लोगों को कठिनाइयाँ हैं, उनको दूर करने के लिए प्रशासनिक सुधार आयोग ने जो सिफारिशें की हैं, उनको लागू करने की दिशा में आपने कदम उठाया है, लेकिन इसमें इस बात का ध्यान भी रखना चाहिए कि जिससे जनता के अधिकारों को अधिक हक मिल सके, उनके अधिकारों को किसी प्रकार बाध नहीं पहुँचाई जाए। लेकिन आपने ऐसा किया है कि प्रशासक को ऐसे अधिकार दे दिये हैं, इन अधिकारों से यह हो जाएगा कि प्रशासक ही सही अर्थ में प्रशासन करेगा, इससे बहुत ही कठिनाइयाँ पैदा हो जाती हैं।

हमारे मसौदा समिती भी ये कह रहे हैं कि

कि यह बात बिलकुल साफ हो जानी चाहिए कि हम प्रशासक को कितना अधिकार देने जा रहे हैं। क्या जनतंत्र में यह सही है कि अधिकार प्रशासक को दिया जाए या यह सही है कि अधिकार उनको दिया जाए जो जनता का प्रतिनिधि हो? इसलिए मैं समझता हूँ कि बिल में यह कमी है। हमारे माननीय मंत्री जी जब बिल लाये तो उन्हें इस बात की सोचना चाहिए या कि हम जनता को अधिकार देकर उन पिछड़े हुए इलाकों के लोगों को वे सुविधायें दें, जिससे कि वह प्रशासन को चलाने में अपना हिस्सा बंटानें। लेकिन यह जरूरी होता है कि हिस्सा बंटाने के सिलसिले में जनता जीवन की समस्याओं और कठिनाइयों को हल करने के लिए समर्थ होनी चाहिए। ऐसे इलाकों के लिए संविधान में व्यवस्था यह है कि जनता को सक्रिय रूप से प्रशासन में, अपने भाग्य निर्णय में फैसला करना चाहिए, ऐसी व्यवस्था होनी चाहिए, लेकिन इसमें आपने प्रशासक को अधिकार देकर इसको छीन लिया है। उसमें प्रशासक को यह अधिकार दे दिया है कि वह जो कुछ चाहे कर सकता है। वह आर्डिनेंस लागू कर सकता है, वहाँ की जनता की इच्छाओं, वहाँ की समस्याओं के संदर्भ में नीकरशाही के रूप में काम कर सकता है। इसलिए हम कहते हैं कि नीकरशाहियत को जनतंत्र में सही माने में नहीं चलने देना चाहिए।

हमारे मंत्री महोदय यह स्वीकार करेंगे कि कुमाँचल के इलाकों के लोगों की समस्याओं को हल करने की दिशा में कदम उठाया है। वहाँ इस बात पर ध्यान दिया गया है कि विभिन्न प्रश्नों पर वहाँ के जन प्रतिनिधियों की सहमति हो जानी चाहिए ताकि वह आर्डिनेंस जारी किया जा सके। इसीलिए मैं कहूँगा कि इस कानून में दोष है, इसकी त्रुटि को दूर किया जाए तभी जाकर आपका कानून सही हो सकता है, तभी उस उद्देश्य की पूर्ति हो सकती है, नहीं तो अनुभव यह होता है कि हमारे माननीय मिश्र ने बताया है कि प्रेसिडेंट क्ल बुरा ही होता है। कभी अच्छा भी होता है, जैसे गुजरात में सिंडिकेट के इरादे को तोड़ने के लिए वहाँ प्रेसिडेंट क्ल कर दिया तो वहाँ सिंडिकेट को बाध नहीं, इसमें

[श्री कमल मिश्र मधुकर]

उसका समर्थन किया। लेकिन जहाँ प्रेसिडेंट कूल से जनता के अधिकारों को चोट लगती हो तो हम उसका समर्थन नहीं कर सकते। इसलिए इन दो बातों पर अधिक ध्यान दिया जाता तो यह बिल अधिक कारगर होता। फिर भी इन दोनों त्रुटियों का सुधार कर लिया जाए, हम-निम्न मैं इसका स्वागत करता हूँ।

SHRI N. TOMBI SINGH (INNER MANIPUR) : Mr. Deputy-Speaker, Sir, I rise to support the Constitution (Twenty seventh Amendment) Bill. Since this Bill is the final stage of the reorganisation of the north-eastern areas, it is not my intention to strike any discordant note at this stage but it is with much great reluctance that I am supporting the last portion of the bill which provides for more powers for the President to constitute committees in the hill areas and also the provision for extending the power of the Union Government to direct the State Government, in so far as it relates to the administration of the hill areas. I have to say here that the Union Government have made a very deep and painful study of the hill areas, and I would like to repeat my earlier observation that by and large the studies have been satisfactory and we have great appreciation for them. But the last note appears to have betrayed our assessment of the situation. According to this provision, specially, the insertion of 371C, sub-clause (2), it provides the extension of the Union Government executive power to the giving of directions so far as it relates to the administration of Manipur. The Union Government will be acting like a jealous mother always roaming around the house of his married daughter peeping through small holes to see whether she is ill-treated or not.

After all, the basic idea underlying the protection given to these hill areas, the tribal people, is that there is some difference between the plains people, and the hills people. Now when there is an element of exaggeration of the gap between the two sections of the people, when the Union Government, mentally as well as physically, tries to continue the suspicion, after giving so much of protection, then perhaps what will come out of this measure will be that some officers who will be happening to work there on deputation—the President will not be going there;

the Home Minister, in spite of his best intentions and best of generosity, will not be going there—will be administering those areas may be for two or three years, and it will be their heaven to do whatever they want. Even now, in these areas, the story is not different. In a place where there are more than 30 Scheduled Tribes, big or small, it is very easy for an administrator, an officer, there to perpetuate his stay and to perpetuate his plan of setting one tribe against another tribe and *vice versa*.

Whenever we provide such provisions, such safeguards, we should see that the areas grow into more and more harmonious life, not that the safeguards promote widening of the gaps which is now suspected. What I would like to submit is, while 371C, sub-clause (1) is understandable, we do not know how the Home Minister feels it necessary to provide that the Union Government has to extend its executive power in spite of the autonomy and safeguards given to direct and widen the gaps between the people there. I would like to know what is the intention of the Government behind it.

I listened with rapt attention and also with appreciation the sentiments expressed by my hon. friend from Tripura. He himself represents the tribal people there. He did not even appreciate this, because, in the name of protection of certain tribes, the general political harmonious life of the people may be disturbed. He himself being a representative of the tribal people does not appreciate it.

I would like to get a clarification from the Home Ministry as to what is the ultimate intention of the Home Ministry after having made such a nice legislation, such a measure, to safeguard and also to satisfy the political aspirations of the people of these areas. Why has this provision been made necessary? This will only allow the officers there to perpetuate their plan.....

MR. DEPUTY-SPEAKER : You have made that point very clear. You want the Home Ministry to explain that.

SHRI N. TOMBI SINGH : This is a very important point. In the place of so many interests, tribal, sectional.....

MR. DEPUTY-SPEAKER : You are repeating your points.

SHRI N. TOMBI SINGH : I am trying to put forward a new point.

The maximum advantage is being taken by the bureaucratic elements. I do not mean anybody, I do not mean any individual, but the class as a whole. They have a role to play. Now, so far, the role of the bureaucratic has not been satisfactory. Whatever disharmony and whatever hostilities have come up there, have been due to that. Now this provision will only just encourage such officers who would like to perpetuate their stay or their playing the tribe against the tribe, playing one section against another section. I would like to have a clarification on this point.

MR. DEPUTY-SPEAKER : Order, please. Why repeat the same thing ?

SHRI N. TOMBI SINGH : With these words, I support the Bill.

SHRI G. VISWANATHAN (Wandi-wash) : While welcoming the Bill in as much as it provides for a legislature and Council of Ministers for Mizoram, I would like to point out some of the defects in this Bill.

When we are providing a Legislature and a Council of Ministers, I do not understand why we are going to empower the Administrator to issue ordinances above the head of the Council of Ministers and the Legislature. Then, the very purpose of creating a Council of Ministers and a legislature is defeated. Already, the Lt. Governors of the Union Territories, as many of us know, have arbitrary powers. They are semi-dictators and this will make the powers still worse. In Mizoram and Arunachal Pradesh they will become full dictators.

It confers on the President the power to make Regulations even after Mizoram and Arunachal Pradesh have a legislature and a Council of Ministers as Union Territories. I can understand if the power was there before conferring the Union Territory status on these two areas, but, once they become Union Territories, this power should not be with the President, it should be vested in the legislature and the Council of Ministers. It

means that the Central Government does not believe the Council of Ministers and the legislature there. Is that the intention of the Government of India ?

Again, this issuing of ordinances has become the order of the day. I do not know whether the Central Government or the State Governments or the Union Territories have issued ordinances, but it is almost rule by ordinance. I am not against ordinance, I am not against ordinances, if it is inevitable and if it is quite necessary. But you can find ordinance being issued in our country, the largest democracy in the world, just one or two days before the meeting of the legislature or the Parliament, where it is the case of the State Government or the Central Government. This power to promulgate ordinances given to the Administrator should be taken away.

Again, as far as Manipur is concerned, I am glad they are going to have a committee of the Legislative Assembly, the member elected from the hill areas of Manipur. Not only the Hill Areas in Manipur, but the whole State needs to be developed. I do not know how many members of Parliament have visited Manipur. It is another Kashmir in the east. The whole country, I think, has neglected Manipur. And the communications system is very inadequate and very bad. The Government of India should think on it and improve the communications system not only in the hill areas of Manipur but in the whole Eastern Region and especially Manipur. If that is done, we can attract a number of tourists. Just like Kashmir, we will have another Kashmir in the east so that the State can earn foreign exchange by getting foreign tourists.

With these words, generally I support the Bill.

SHRI D. BASUMATARI (Kokrajhar) : I whole-heartedly support this Bill. The other day I said that I was first against having disintegration of State in the Eastern region. But, in a democratic country if people, then there is no way out than to bifurcate it. You know it, Sir. Therefore, I need not say more.

My intention was to combine all the hills and the plains tribals of Assam and Ahoms and other backward sections.

MR. DEPUTY-SPEAKER : How do you do it by this Bill ?

SHRI D. BASUMATARI : Now, when Government have come forward with a Bill just to give opportunity to the tribals to develop according to their own genius, I have no alternative but to support it wholeheartedly.

There is one point that I would like to make clear in this regard, Whereas Mizoram has been brought into a full-fledged Union territory, in the case of NEFA, however, there is a mental reservation. The assumption seems to be that the NEFA people are not so developed. But I would submit that it is a paradise of the bureaucratic people. So, I suggest that that paradise should be removed as soon as possible. The people of NEFA also should be given the same figure as those of Mizoram. The hon. Minister Shri K. C. Pant need not wait for the people of NEFA to start an agitation before granting them these rights. Just as Mizoram is a full-fledged Union territory, likewise, Arunachal Pradesh also should be made into a full-fledged Union territory without any mental reservation in regard to its powers.

When these two areas become Union territories, then certainly you cannot keep the North Cachar and Mikir Hill areas isolated. They are at present with Assam politically, but not ideologically, because they have their own culture and manners and they do not stand any comparison with the people of the Kashi and Garo Hills. Therefore, they are afraid of the very advanced people of Khashi Hill and, therefore, they preferred to be with Assam. But after separating the Mizoram and NEFA areas from Assam, I do not think that there is any option left to them for their being with Assam. Let them also be allowed to develop according to their own genius and in their own way. Let them also have the responsibility of administration for their own development. At present, they seem to have a feeling that they are not having due share in the administration and they are not treated well even in spite of the fact that three are in the council of Ministers out of four M. L. As. from that region.

MR. DEPUTY-SPEAKER : We are talking of Mizoram and Manipur now. We are not talking of Assam.

SHRI D. BASUMATARI : It is linked with Assam....

MR. DEPUTY-SPEAKER : How is it linked with Assam ?

SHRI D. BASUMATARI : When Government are thinking of doing so much good to the tribal people, why should they not think of the tribals of other areas too ? I had mentioned this the other day also. They also have the same types of backwardness with different customs and manners, and, therefore, Government should deal with them also in the same way. They should not wait for any agitation to be launched by those tribals, but give them also some responsibility in administration and enable them to develop according to their genius.

There is one point that I would like to say very frankly. What my hon. friend Shri Tombi Singh has said is quite correct, namely that we should not give any loophole to the people to have a separatist mentality. But then having allowed them to have these separatist idea, why should Government wait for agitation from the tribals of other areas before they concede to them also the same rights ? As far as the tribes in other areas are concerned, they are not able to safeguard their lands or their interests. I had already referred to all this the other day while speaking on the other occasion and so I would not like to repeat it. In those areas where the Fifth Schedule is operating, Government should examine whether the Sixth Schedule cannot be applied to them. I would also like the hon. Minister Shri K. C. Pant to examine whether the Fifth Schedule can also be made applicable to the backward belt and backward block constituted in Assam. Wherever it is possible according to population.

SHRI RANABAHADUR SINGH (Sidhi) : I rise to support this Bill. I welcome it in the sense that it is an effort on the part of Government to recognise the aspirations of the people of Mizoram and to give them a greater share in governing their region. In this respect, I would like to draw the attention of Government to the fact that here an exercise has been tried to give a very limited kind of freedom to the people in this region.

Cl. 3 of the Bill clearly says that the administrator will have the power to pass Ordi-

nances. I believe this power would be a limiting one, as far as giving these people, a democratic share in the Government goes. I feel it is about time we in this country took a pragmatic view. I am aware that for the last 20 years there has been an effort on the part of Government to give powers to the panchayats in different States. At the same time, there are provisions in the Panchayat Acts which almost make these bodies absolutely ineffective. There is the danger that this action of Government to constitute a separate state of Mizoram might be shortcircuited by this provision giving the power of ordinance-making to the administrator.

Cl. 5 mentions that the President will retain the power of setting up a committee of the Legislative Assembly. On the face of it, it has been justified on the ground that it would protect the people of the hill areas and give them a better forum inside the Assembly by virtue of this committee. I believe this is also a reflection of the state of things in which our Government have taken this decision to form the State, as this provision shows that it is a little premature. Had this not been a fact, I believe that this provision would have been redundant. In this an effort has been made to satisfy the political demand of the people for a separate hill state and to sustain it by giving this proviso which gives the President the power to appoint a committee of the legislature apart from the legislative body itself.

Thirdly, I think Government have rightfully a very soft corner for the adivasis and other undeveloped people of regions like this. I wish Government would very kindly carry that soft corner inside their heart to the other regions where people who live in the backward hill states or hilly regions of the central and southern parts of the country have also so far been deprived of their say in such matters.

I support the Bill and wish it all success.

SHRI K. C. PANT : I am grateful to all the members who spoke because all of them have supported this measure. They have pointed out that through this measure Mizoram would be enabled to have a Legislative Assembly and Council of Ministers and in this way we take another step towards the fulfilment of the aspirations of an important

section of the people of the north-east region of this country.

The people of Mizoram have been extremely keen to have their own Legislative Assembly and Council of Ministers.

AN HON. MEMBER : Is it pronounced Mizoram or Mizorum ?

SHRI K. C. PANT : Mizoram.

As the name has been mentioned, I would like to say this name was also selected by the people themselves. We are talking of territories now. (*Interruptions*)

Therefore, we did not insist on calling it a Pradesh or tagging on any other name to it. We respected their desire, their sentiments, and chose the name Mizoram deliberately. That is the history of this name.

AN HON. MEMBER : Also about Arunachal Pradesh.

SHRI K. C. PANT : Arunachal Pradesh was suggested by the people themselves. Their Council suggested it, and therefore we accepted it.

Sir, the other part of the provision is in respect of the hill areas, to a part of which Shri Tombi Singh referred and not the whole of it. I shall come to that presently. Generally speaking, the enlargement of the powers of the Union territory legislatures as recommended by the ARC has been welcomed by the House. But there have been one or two points of criticism.

I would like to explain that in respect of Arunachal Pradesh there is certainly no desire to deny them a Legislative Assembly, but at this stage, after discussions with the leaders of Arunachal Pradesh, we are all agreed that we should take a step which is in consonance with the present stage of developments there. By any means, it does not preclude taking other steps when the time is ripe, and I am sure the House will enable us to take these steps when the time comes.

We are all agreed that this participation is a cardinal principle on the basis of which our country functions. I know that the welcome

[Shri K. C. Pant]

this Bill has received is in recognition of the furtherance of that basic principle as embodied in this Bill.

Sir, there is some amount of confusion with regard to the Administrator's power to issue ordinances. If my hon. friend would refer to article 213 of the Constitution, he will find that there also the words are :

"...If at any time...Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require."

This identical language is used here.

"...the Administrator thereof is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require."

Just as in the case of Assemblies and the Council of Ministers in the States, where the Governor does not act on his own but he acts on the advice of his Council of Ministers, similarly here, the administrator will act on the advice of the Council of Ministers. (*Interruptions*) It is the same as in the Constitution; the exact words; identical. I can only explain. I have explained that the advice of the Council of Ministers will be the basis on which the Administrator will act, when issuing any ordinance. I cannot be clearer than that.

SHRI P. VENKATASUBBAIAH (Nandyal) : The Minister has just now stated that whatever has been mentioned in the Constitution has been inserted in this Bill. Does the Minister mean that any ordinance that is to be issued by the Administrator will have the approval of the Council of Ministers?

SHRI K. C. PANT : It obviously cannot have the approval of the legislature because an ordinance will be issued only when the legislature is not in session, on the advice of the Council of Ministers.

On the regulation making powers, it must be understood that even ordinarily the Parlia-

ment can legislate in respect of a Union territory and when a State is taken over by the President, under President's rule, then Parliament starts legislating for the State. Even in these cases, as the House knows, Parliament gives power to the President to enact any legislation on its behalf. Here, almost the same provision is there; but not exactly the same. The President has been given the power. Even in respect of State Assemblies, the President is given that power. Here also the President has been given that power. I do not really know whether the criticism is because of some misunderstanding in this matter.

The only other point was that of Shri Tombi Singh : Why bring in this question of report to the President and the power to issue directives to the Central Government. This is an ordinary power, a part of the Fifth Schedule. He knows very well that in the whole country in tribal areas the fifth Schedule applies, and can apply... (*Interruptions*.) other than Assam. Manipur was part of Assam. It is not part of Assam. In Manipur there were different provisions; there was the hill areas committee. He knows it. Even now we have made provisions for the safeguard of tribals which are somewhat different from the Fifth Schedule provisions. But nevertheless we have thought it proper and necessary to include within these provisions also provisions of the Fifth Schedule which are included in part 3 of that Schedule. It is to this that he objects.

I would request him to consider whether the Central Government is interested in bringing the tribal people and the plains people, valley people together or in separating them. He has given, I think, a very pertinent example. He has said that when the daughter is married and the parents take too close an interest in what is going on in the house of the husband, then perhaps that may lead to difficulties. I assure him that the parents' basic approach can only be to strengthen the marriage, it can never be to see that there is a divorce and the daughter comes back to the house; that can never be the attitude of the parents.

Similarly in this instance, it can never be the attitude of the Central Government that the hill area people and the valley people

should be separated from each other or that divisions should be created. He might consider that these powers are expected to give the tribals a sense of reassurance that their interests would be safeguarded by the Central Government. I personally feel that it will strengthen the bonds between them and the valley people and will enable this arrangement to work better. It is in that spirit, recognising the apprehensions of the tribal people that I would appeal to him to look into this matter. We are not going to issue directives lightly; I hope no occasion will arise when directives will have to be issued. As far as I know—I have been trying to check up—there were few instances where under the Fifth Schedule directions had been issued to any State. The very fact that there is such a provision gives a certain sense of reassurance to the tribals. Shri Basumatari wants this to be extended even to the Assam Valley. This shows you how the fact that it is on the statute book gives a sense of assurance to a certain class of people, to certain community, or tribes. It is this sense of assurance that will act as the cementing force, and not the other way.

In any case he asked me for my attitude. He knows very well my attitude in the matter. He knows how hard I have worked in order to bring about maximum understanding between the tribal people and the hill people and the valley people. One of the great sources of satisfaction to me in this whole matter has been the fact that the tribal people and the valley people have got together to draw up a scheme of safeguards and both have shown a very large measure of understanding for each other's problems. I hope that nothing will be said in this House now which will impart the sense of harmony that has been created.

I do not think that anything that is relevant has been left out. I thank you.

MR. DEPUTY SPEAKER : This being a Constitution (Amendment) Bill, adoption of the various Clauses of the Bill and passing it will be by a special majority. Let the lobbies be cleared. ...The lobbies have been cleared. The question is :

"That the Bill further to amend the Constitution of India, be taken into consideration."

The Lok Sabha divided :

Division No. 21]

[12.44 hrs.

AYES

Achal Singh, Shri
Afzalpurkar, Shri Dharmarao
Aga, Shri Syed Ahmed
Agarwal, Shri Virendra
Agrawal, Shri Shrikrishna
Ahmed, Shri F. A.
Alagesan, Shri O. V.
Ambesh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netani, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Aziz Imam, Shri
Bade, Shri R. V.
Bahuguna, Shri H. N.
Balakrishniah, Shri T.
Balathandayutham, Shri K.
Banamali Babu, Shri
Banerjee, Shri S. M.
Banerji, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lai
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhagirath Bhanwar, Shri
Bhandare, Shri R. D.
Bhargava, Shri Basheshwar Nath
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bisht, Shri Narendra Singh
Brahman, Shri Rattanlal
Brahmanandji, Shri Swami
Chanda, Shrimati Jyotana
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal

Chandrappan Shri C. K.
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shri D. R.
 Chellachemi, Shri A. M.
 Chhotey Lal, Shri
 Chhuttan Lal, Shri
 Choudhury, Shri Moinul Haque
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Damani, Shri S. R.
 Das, Shri Anadi Charan
 Das, Shri Dharnidhar
 Dasappa, Shri Tulsidas
 Daschowdhury, Shri B. K.
 Deb, Shri Dasaratha
 Deo, Shri S. N. Singh
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Dhamankar, Shri
 Dhandapani, Shri C. T.
 Dharamgaj Singh, Shri
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dutta, Shri Biren
 Dwivedi, Shri Nageshwar
 Gandhi, Shrimati Indira
 Gangadeb, Shri P.
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gopal, Shri K.
 Goswami, Shrimati Bibha Ghosh

Goswami, Shri Dinesh Chander
 Govind Das, Dr.
 Gowda, Shri Pampan
 Gowder, Shri J. M.
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hansda, Shri Subodh
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Hazra, Shri Manoranjan
 Horo, Shri N. E.
 Ishaque, Shri A. K. M.
 Jadeja, Shri D. P.
 Jaffer Shareef, Shri C. K.
 Jagjvan Ram, Shri
 Jeyalakshmi Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Joarder, Shri Dinesh
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kamakshaiah, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Kasture, Shri A. S.
 Kaul, Shrimati Sheila
 Kayde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotrashetti, Shri A. K.
 Krishna, Shri S. M.
 Krishnan, Shri E. R.
 Krishnan, Shri G. Y.
 Krishnan, Shri M. K.
 Kulkarni, Shri Raja
 Kumaramangalam, Shri S. Mohan

Kureel, Shri B. N.
 Laskar, Shri Nihar
 Madhukar, Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahata, Shri Debendra Nath
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malik, Shri Mukhtiar Singh
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manjhi, Shri Bhola
 Marandi, Shri Iswar
 Maurya, Shri B. P.
 Mehta, Dr. Mahipatray
 Mehta, Shri P. M.
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri Shyamnandan
 Modak, Shri Bijoy
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Mukerjee, Shri H. N.
 Mukherjee, Shri Samar
 Mukherjee, Shri Saroj
 Murthy, Shri B. S.
 Muruganatham, Shri S. A.
 Nahata, Shri Amrit
 Naik, Shri B. V.
 Narendra Singh, Shri
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Orson, Shri Kartik
 Orson, Shri Tuna
 Osa, Shri Ghanashyam
 Panda, Shri D. K.

Pandey, Shri Damodar
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandey, Shri Tarkeshwar
 Pandeya, Dr. Laxminarain
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Partap Singh, Shri
 Paswan, Shri Ram Bhagat
 Patel, Shri H. M.
 Patel, Shri Prabhudas
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Peje, Shri S. L.
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram, Shri Tulmohan
 Ram Dhan, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Parasada
 Rao, Shri Pattabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh

Ravi, Shri Vayalar
 Reddi, Shri P. Antony
 Reddy, Shri K. Kodanda Ramu
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Rohatgi, Shrimati Sushila
 Roy, Dr. Saradiah
 Sadhu Ram, Shri
 Saha, Shri Gadadhar
 Saini, Shri Mulki Raj
 Sakseena, Prof. S. L.
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankarrao
 Savitri Shyam, Shrimati
 Sen, Dr. Ranen
 Sen, Shri Robin
 Sequeira, Shri Erammo de
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shafee, Shri A.
 Shah Nawaz Khan, Shri
 Shailani, Shri Chandra
 Shakya, Shri Maha Deepak Singh
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Shri R. R.
 Sharma, Dr. Shankar Dayal
 Shashi Bhusan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Ratnanand
 Shastri, Shri Raghuvater

Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Siddayya, Shri S. M.
 Siddheswar Prasad, Shri
 Singh, Shri V. N. P.
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sivasamy, Shri M. S.
 Sokhi, Shri Swaran Singh
 Somasundaram, Shri S. D.
 Sonar, Dr. A. G.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Subravelu, Shri
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameswar
 Swatantra, Shri Teja Singh
 Tarodekar, Shri V. B.
 Tayyab Hussain Khan, Shri
 Tewari, Shri Shankar
 Tiwari, Shri R. G.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tombi Singh, Shri N.
 Tulsiram, Shri V.
 Ulkey, Shri M. G.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Sukhdeo Prasad
 Vidyalankar, Shri Amarnath
 Virbhadra Singh, Shri
 Viswanathan, Shri G.
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Yadava, Prof. D. P.

NOES

Nil

MR. DEPUTY-SPEAKER : The result* of the division is.

Ayes : 326

Noes : Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted :

MR. DEPUTY-SPEAKER : The adoption of the Clauses will also be by the same procedure.

The question is :

"That clause 2 stand part of the Bill."

The Lok Sabha divided.

Division No. 22]

[12.46 hrs.

AYES

Achal Singh, Shri
Afsalpurkar, Shri Dharamrao
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahmed, Shri F. A.
Alagesan, Shri O. V.
Ambesh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Axis Imam, Shri
Bade, Shri R. V.
Bahuguna, Shri H. N.

Balakrishniah, Shri T.
Balathandayutham, Shri K.
Banamali Babu, Shri
Banerjee, Shri S. M.
Banerji, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhagirath Bhanwar, Shri
Bhandare, Shri R. D.
Bhargava, Shri Basheshwar Nath
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Bheshmadev, Shri M.
Bhuvarahan, Shri G.
Bisht, Shri Narendra Singh
Brahmanandji, Shri Swami
Chanda, Shrimati Jyotsna
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shri D. R.
Chellachemi, Shri A. M.
Chhotey Lal, Shri
Chhuttan Lal, Shri
Choudhury, Shri Moinul Haque
Daga, Shri M. G.
Dilbir Singh, Shri
Dalip Singh, Shri
Damani, Shri S. R.
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar

*The following members also recorded their votes for Ayes :

Surveshri Darbara Singh, Ram Chandra Vikal, Devinder Singh Garcha, K. Pradhani, K. K. Shetty, Ramubhai Patil, J. G. Kadam, Pilo Mody, P. V. G. Raju, Gurdas Singh Bedal, Laxmidhar Bhatiyar and N. S. Kamble.

Dasappa, Shri Tulaidas
 Daschowdhury, Shri B. K.
 Deb, Shri Dasaratha
 Deo, Shri S. N. Singh
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Dhamankar, Shri
 Dhandapani, Shri C. T.
 Dharamgaj Singh, Shri
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dutta, Shri Biren
 Dwivedi, Shri Nageshwar
 Gandhi, Shrimati Indira
 Gangadeb, Shri P.
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gopal, Shri K.
 Goswami, Shrimati Bibha Ghosh
 Goswami, Shri Dinesh Chandra
 Govind Das, Dr.
 Gowda, Shri Pampan
 Gowder, Shri J. M.
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hansda, Shri Subodh
 Hari Singh, Shri
 Hashim, Shri M. M.
 Hasra, Shri Manoranjan
 Horo, Shri N. E.
 Ishaque, Shri A. K. M.
 Jadeja, Shri D. P.
 Jaffer Sharief, Shri C. K.
 Jagjwan Ram, Shri

Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Joarder, Shri Dinesh
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramchandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kamakshaiah, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad Shri
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Kasture, Shri A. S.
 Kaul, Shrimati Shela
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotrashetti, Shri A. K.
 Krishna, Shri S. M.
 Krishnan, Shri E. R.
 Krishnan, Shri G. Y.
 Krishnan, Shri M. K.
 Kulkarni, Shri Raja
 Kumaramangalam, Shri S. Mohan
 Kureel, Shri B. N.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Madhukar, Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahata, Shri Debendra Nath
 Mahesh, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malik, Shri Mukhtiar Singh
 Mallekha, Shri K.

Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Marandi, Shri Iswar
 Mehta, Dr. Mahipatray
 Mehta, Shri P. M.
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri Shyamnandan
 Modak, Shri Bijoy
 Modi, Shri Shrikishan
 Mody, Shri Piloo
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohsin, Shri F. H.
 Mukerjee, Shri H. N.
 Mukherjee, Shri Samar
 Mukherjee, Shri Saroj
 Murthy, Shri B. S.
 Nahata, Shri Amrit
 Naik, Shri B. V.
 Nair, Shri Sreekantan
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Oza, Shri Ghanshyam
 Panda, Shri D. K.
 Pandey, Shri Damodar
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandey, Shri Tarkeshwar
 Pandeya, Dr. Laxminarain
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Partap Singh, Shri
 Paswan, Shri Ram Bhagat
 Patel, Shri H. M.
 Patel, Shri Prabhudas
 Patil, Shri Anantao

Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Peje, Shri S. L.
 Qureshi, Shri Mohd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri P. V. G.
 Ram, Shri Tulmohan
 Ram Dhan, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasad
 Rao, Shri Pattabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Ravi, Shri Vayala
 Reddi, Shri P. Antony
 Reddy, Shri K. Kodonda Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Rohatgi, Shrimati Sushila
 Roy, Dr. Saradiah
 Sadhu Ram, Shri
 Saha, Shri Gadadhar
 Saini, Shri Mulki Raj
 Sakanna, Prof. S. L.
 Salve, Shri N. K. P.
 Samanta, Shri S. G.

Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sen, Dr. Ranen
 Sen, Shri Robin
 Sequeira, Shri Erasmo de
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shafee, Shri A.
 Shah Nawaz Khan, Shri
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Shri R. R.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Ramanand
 Shastri, Shri Ramavatar
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivnath Singh Shri
 Shukla, Shri B. R.
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri V. N. P.
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sivasamy, Shri M. S.

Sokhi, Shri Swaran Singh
 Somasundaram, Shri S. D.
 Sonar, Dr. A. G.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Subravelu, Shri
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swatantra, Shri Teja Singh
 Tarodekar, Shri V. B.
 Tayyab Hussain Khan, Shri
 Tewari, Shri Shankar
 Tiwari, Shri R. G.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tombi Singh, Shri N.
 Tulsiram, Shri V.
 Ukey, Shri M. G.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Sukhdeo Prasad
 Vidyalkar, Shri Amarnath
 Vikal, Shri Ram Chandra
 Virbhadr Singh, Shri
 Viswanathan, Shri G.
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Yadava, Prof. D. P.

NOES

NIL

MR. DEPUTY SPEAKER : The result*
 of the division is :

Ayes : 325

Noes : NIL

*The following members also recorded their votes for Ayes :
 Sarvaahri Hari Kishore Singh, B. P. Maurya, Shyam Sunder Mohapatra, K. Pradhan and
 Ramubhai Patel.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

*The motion was adopted.
Clause 2 was added to the Bill.*

Clause 3 (Insertion of new article 239B)

SHRI DASARATHA DEB : I beg to move :

Page 2, line 5, after "may" insert.

"on the advice of the Council of Ministers" (1)

The administrator has been given the power to issue ordinances when the Assembly is not in session, but the Council of Ministers is still there. Through this amendment, I want to provide that before issuing an ordinance, the Administrator should consult the Council of ministers. It should be made obligatory.

SHRI K. C. PANT : I have already explained it. In the Government of Union Territories Act, there is a specific provision under section 44, under which the Administrator has to act on the advice of the Council of Ministers.

MR. DEPUTY-SPEAKER : I will now put Mr. Dasaratha Deb's amendment to the vote.

The question is :

'Page 2, line 5, after "may" insert—

"on the advice of the Council of Ministers" (1)

The motion was negatived.

MR. DEPUTY-SPEAKER : Before I put clause 3, by way of abundant caution, let the lobbies be cleared.

12.50 hrs.

[Mr. Speaker in the Chair]

MR. SPEAKER : The question is :

"That clause 3 stand part of the Bill."

The Lok Sabha divided :

Division No. 23]

[12.51 hrs.

AYES

Achal Singh, Shri
Afzalpurkar, Shri Dharamrao
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahmed, Shri F. A.
Alagesan, Shri O. V.
Ambesh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Bade, Shri R. V.
Bahuguna, Shri H. N.
Balakrishnaiah, Shri T.
Balathandayutham, Shri K.
Banamli Babu, Shri
Banerjee, Shri S. M.
Banerji, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Batra, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhagirath Bhanwar, Shri
Bhandare, Shri R. D.
Bhargava, Shri Basaheshwar Nath
Bheeshmadev, Shri M.
Bhuvanahan, Shri G.
Bisht, Shri Narendra Singh
Brahmanandji, Shri Swami
Chanda, Shrimati Jyotsna
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrika Prasad, Shri
Chaturvedi, Shri Kaban Lal

Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shri D. R.
 Chellachemi, Shri A. M.
 Chhotey Lal, Shri
 Chhatten Lal, Shri
 Chittibabu, Shri C.
 Choudhury, Shri Moinul Haque
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Damani, Shri S. R.
 Darbara Singh, Shri
 Das, Shri Anandi Charan
 Das, Shri Dharnidhar
 Dasappa, Shri Tulcidas
 Daschowdhury, Shri B. K.
 Deo, Shri S. N. Singh
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Dhamankar, Shri
 Dhandapani, Shri C. T.
 Dharamgay Singh, Shri
 Dhusia, Shri Anant Prasad
 Dinesh, Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dwivedi, Shri Nagreshwar
 Gandhi, Shrimati Indira
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Godfrey, Shrimati M.
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gotkhinde, Shri Annasaheb
 Govind Das, Dr.
 Gowda, Shri Patappa

Gowda, Shri J. M.
 Gupta, Shri Indrajit
 Hansda, Shri Subodh
 Hari Kishore Singh, Shri
 Hashim, Shri M. M.
 Horo, Shri N. E.
 Ishaque, Shri A. K. M.
 Jadeja, Shri D. P.
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jayalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kamakshiah, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Kasture, Shri A. S.
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kiaku, Shri A. K.
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishna, Shri S. M.
 Krishnan, Shri E. R.
 Krishnan, Shri G. Y.
 Kulkarni, Shri Raja
 Kumaramangalam, Shri S. Mohan
 Kureel, Shri B. N.
 Lalji Bhai, Shri
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Madhukar, Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri

Mahata, Shri Debendra Nath
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manjhi, Shri Bhola
 Marandi, Shri Iswar
 Maurya, Shri B. P.
 Mehta, Dr. Mahipatray
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri Shyamnandan
 Modi, Shri Shrikishan
 Mody, Shri Piloo
 Mohammad Tahir, Shri
 Mohammud Yusuf, Shri
 Mohsin, Shri F. H.
 Muhammed Sheriff, Shri
 Murthy, Shri B. S.
 Muruganantham, Shri S. A.
 Nahata, Shri Amrit
 Naik, Shri B. V.
 Nair, Shri Sreeckantan
 Narendra Singh, Shri
 Nayar, Shrimati Shakuntala
 Nogi, Shri Pratap Singh
 Nimbalkar, Shri
 Oza, Shri Ghanashyam
 Panda, Shri D. K.
 Pandey, Shri Damodar
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Pankaj Hachip, Shri
 Parashar, Prof. Narain Chand

Parmar, Shri Bhaljibhai
 Partap Singh, Shri
 Paswan, Shri Ram Bhagat
 Patel, Shri H. M.
 Patel, Shri Prabhudas
 Patel, Shri Ramubhai
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Peje, Shri S. L.
 Pradhani, Shri K.
 Qureshi, Shri Mohd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Rai Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri P. V. G.
 Ram, Shri Tulmohan
 Ram Dhan, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Parasada
 Rao, Shri Pattabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Ravi, Shri Vayalar
 Reddy, Shri K. Kodanda Rama
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Rohangi, Shrimati Subila

Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Saksena, Prof. S. L.
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrinati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sequeira, Shri Erasmo de
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shafee, Shri A.
 Shah Nawaz Khan, Shri
 Shailani, Shri Chandra
 Shkaya, Shri Maha Deepak Singh
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Shri R. R.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Ramanand
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri

Singh, Shri V. N. P.
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Somasundaram, Shri S. D.
 Sonar Dr. A. G.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Subravelu, Shri
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swatantra, Shri Teja Singh
 Swell, Shri G. G.
 Tarodekar, Shri V. B.
 Tayyab Hussain Khan, Shri
 Tewari, Shri Shankar
 Tiwari, Shri R. G.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tulsiram, Shri V.
 Uikay, Shri M. G.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Phool Chand
 Verma, Shri Sukhdeo Prasad
 Vidyalkar, Shri Amarnath
 Vikal, Shri Ram Chandra
 Virbhadra Singh, Shri
 Vishwanathan, Shri G.
 Yadav, Shri Karan Singh
 Yadav, Shri R. P.
 Yadava, Prof. D.P.

NOES

Badal, Shri Gurdas Singh
 Bhattacharyya, Shri Dinen
 Bhattacharyya, Shri S. P.
 Brahman, Shri Rattan Lal
 Deb, Shri Dasaratha
 Dutta, Shri Biren

*Gangadeb, Shri P.
 Goswami, Shrimati Bibha Ghosh
 Halder, Shri Krishna Chandra
 Hazra, Shri Manoranjan
 Joardar, Shri Dinesh
 *Kadannappalli, Shri Ramchandran
 Krishnan, Shri M. K.
 Modak, Shri Bijoy
 Mukharjee, Shri Samar
 Mukherjee, Shri Saroj
 *Oraon, Shri Kartik
 Purty, Shri M. S.
 Roy, Dr. Saradish

MR. SPEAKER : The result ** of the division is :

AYES : 316

NOES : 19

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 (Amendment of article 240)

MR. SPEAKER : We will now take up clause 4.

SHRI DASARATHA DEB : I am not moving my amendment No. 2.

I beg to move :

'Pages 2 and 3,—

"omit lines 43 to 51 and 1 to 4 respectively." (3)

The President is given power to make regulations for the Union Territory when the Assembly is dissolved. Under article 240 :

"The President may make regulations for the peace, progress and good government of the Union territory of.....

Provided that when any body is created under article 239A to function as a Legislature for the Union territory of Goa, Daman and Diu or Pondicherry, the President shall not make any regulation for the peace, progress and good government of that Union territory with effect from the date appointed for the first meeting of the Legislature.

Any regulation so made may repeal or amend any Act made by Parliament or any existing law which is for the time being applicable to the Union territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to that territory."

Instead of this proposed amendment, I want to retain the provision of the Constitution itself in this Bill.

SHRI ERASMO DE SEQUEIRA (Marmagao) : I beg to move :

'Page 2, lines 50 and 51,—

for "President may, during the period of such dissolution or suspension" "

Substitute—

"Parliament may confer on the President or on such committee of its members as it may constitute or decide powers to" (5)

[*As modified*]

I am adding the words "powers to" at the end because without that the amendment would be incomplete.

The scheme of the Constitution is that whenever the legislature of a State is dissolved and President's rule is declared, the power to legislate vests in Parliament. There is a provision in the Constitution that Parliament may confer this power, delegate this power, to the President of India. Now, under this Bill what

*Wrongly voted for Noes.

**The Following members also recorded their votes :—

Ayes : Shri N. P. Yadav, Shrimati Sheila Kaul, Sarvashri Hari Singh, P. Antony Reddi, K. P. Unnikrishnan, Shyam Sunder Mohapatra, Tuna Oraon, N. Tombi Singh, M. C. Daga, Dhan Shah Pradhan, N. S. Kamble, P. Gangadeb, Ramachandran Kadannappalli, and Kartik Oraon.

Noes : Sarvashri Robin Sen and Gadadhar Saha.

[Shri Erasmo De Sequeira]

is sought to be done is that the power which presently vests in Parliament, where Union Territories are concerned, is sought to be vested directly in the President.

I personally oppose this change. I think, it is right that when any legislature is dissolved, the power of that legislature should vest in Parliament. It is for Parliament then to decide whether it wishes to confer the power on the President or whether it wishes to confer the power on a committee of its own Members.

I would request the hon. Minister to consider this.

SHRI K. C. PANT : May I just say a few words ? I only want to remind Shri Sequeira that there is a difference between the States and Union Territories. In respect of Union Territories, even ordinarily Parliament is empowered to legislate for them both in respect of the State List and the Concurrent List. There is a difference between the States and Union Territories in respect of powers of legislation by Parliament. In this case, what we are really doing is that we are not asking Parliament to legislate on each and every thing. Even in respect of State under the President's Rule, Parliament gives power to the President. This is even a simpler provision than that has been adopted. I have already explained at some length in my earlier reply.

SHRI ERASMO DE SEQUEIRA : That is hardly a convincing reply.

SHRI DASARATHA DEB : If any regulation is made by the President, will it be brought before Parliament first to get its approval ?

SHRI K. C. PANT : No.

MR. SPEAKER : First I put Amendment No. 3 moved by Shri Dasaratha Deb to the vote of the House.

The question is :

'Pages 2 and 3,—

"and lines 43 to 51 and 1 to 4 respectively." (3)

The motion was negatived

MR. SPEAKER : Now I shall put Amendment 5 of Shri Sequeira to vote.

The question is :

'Page 2, lines 50 and 51,—

for "President may, during the period of such dissolution or suspension"

substitute—

"Parliament may confer on the President or on such committee of its members as it may constitute or decide powers to"

(5) [*As modified*]

The motion was negatived

13 00 hrs.

MR. SPEAKER : The question is :

"The Clause 4 stand part of the Bill."

The Lok Sabha divided :

Division No. 24]

[13.02 hrs.

A Y E S

Achal Singh, Shri
Afzalpurkar, Shri Dharamrao
Aga, Shri Syed Ahmed
Agarwal, Shri Virendra
Agrawal, Shri Shrikrishna
Ahmed, Shri F. A.
Alagesan, Shri O. V.
Ambesh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Badai, Shri Gurdas Singh
Bade, Shri R. V.

Bahuguna, Shri H. N.
 Balakrishnaiah, Shri T.
 Balathandayutham, Shri K.
 Banamali Babu, Shri
 Banerjee, Shri S. M.
 Banerji, Shrimati Mukul
 Berman, Shri R. N.
 Barua, Shri Bedabrata
 Barupal, Shri Panna Lal
 Basappa, Shri K.
 Basumatari, Shri D.
 Besra, Shri S. C.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhagirath Bhanwar, Shri
 Bhandare, Shri R. D.
 Bhargava, Shri Basheshwar Nath
 Bhattacharyya, Shri Dinen
 Bhattacharyya, Shri S. P.
 Bheeshmadev, Shri M.
 Bhuvarahan, Shri G.
 Bisht, Shri Narendra Singh
 Brahman, Shri Rattanlal
 Brahmanandji, Shri Swami
 Chanda, Shrimati Jyotsna
 Chandra Gowda, Shri D. B.
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrappan, Shri C. K.
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shri D. R.
 Chellachemi, Shri A. M.
 Chhotey Lal, Shri
 Chhuttan Lal, Shri
 Chittibabu, Shri C.
 Choudhury, Shri Moinul Haque
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Damani, Shri S. R.
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Das, Shri Dharnidhar

Dasappa, Shri Tulidas
 Daschowdhury, Shri B. K.
 Deb, Shri Dasaratha
 Dro, Shri S. N. Singh
 Deshmukh, Shri K. G.
 Dhamankar, Shri
 Dhandapani, Shri C. T.
 Dharamgaj Singh, Shri
 Dharia, Shri Mohan
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dutta, Shri Biren
 Dwivedi, Shri Nageshwar
 Gandhi, Shrimati Indira
 Gangadeb, Shri P.
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Godfrey, Shrimati M.
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gopal, Shri K.
 Goswami, Shrimati Bibha Ghosh
 Goswami, Shri Dinesh Chandra
 Gotkhinde, Shri Annasaheb
 Govind Das, Dr.
 Gowda, Shri Pampan
 Gowder, Shri J. M.
 Gupta, Shri Indrajit
 Hansda, Shri Subodh
 Hari Khabore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Hazra, Shri Manoranjan
 Horo, Shri N. E.

Ishaque, Shri A. K. M.
 Jadeja, Shri D. P.
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Joarder, Shri Dinesh
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kamakhshaiab, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kamble, Shri N. S.
 Kamble, Shri T. D.
 Kasture, Shri A. S.
 Kathamuthu, Shri M.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotaki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishna, Shri S. M.
 Krishnan, Shri E. R.
 Krishnan, Shri G. Y.
 Krishnan, Shri M. K.
 Kulkarni, Shri Raja
 Kumaramangalam, Shri S. Mohan
 Kureel, Shri B. N.
 Lalji Bhai, Shri
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Madhukar, Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.

Maharaj Singh, Shri
 Mahata, Shri Debendra Nath
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manjhi, Shri Bhola
 Marandi, Shri Iewar
 Maurya, Shri B. P.
 Mehta, Dr. Mahipatray
 Mehta, Shri P. M.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri Shyamnandan
 Modak, Shri Bijoy
 Modi, Shri Shrikushan
 Mody, Shri Piloo
 Mohammad Ismail, Shri
 Mohammad Talair, Shri
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Mukherjee, Shri Samar
 Mukherjee, Shri Saroj
 Murthy, Shri B. S.
 Muruganantham, Shri S. A.
 Nahata, Shri Amrit
 Naik, Shri B. V.
 Nair, Shri Sreekantan
 Narendra Singh, Shri
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Oza, Shri Ghanshyam
 Panda, Shri D. K.
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain

Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandey, Shri Tarakshwar
 Pandeya, Dr. Laxminarain
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parmar, Shri Bhaljibhai
 Partap Singh, Shri
 Paswan, Shri Ram Bhagat
 Patel, Shri H. M.
 Patel, Shri Prabhudas
 Patel, Shri Ramubhai
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Peje, Shri S. L.
 Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram, Shri Tulmohan
 Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramshokhar Prasad Singh, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Nageswara
 Rao, Shri M. S. Sankarji

Rao, Shri Nageswara
 Rao, Shri P. Ankincodu Parasada
 Rao, Shri Pattabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Ravi, Shri Vayalar
 Reddi, Shri P. Antony
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Rohatgi, Shrimati Sushila
 Roy, Dr. Saradish
 Sachhu Ram, Shri
 Saini, Shri Mulki Raj
 Saksena, Prof. S. L.
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sen, Shri Robin
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shafce, Shri A.
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shakya, Shri Maba Deepak Singh
 Shamabbu Nath, Shri
 Shanker Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.

Sharma, Shri R. R.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Ramanand
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivanth Singh, Shri
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri V. N. P.
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sivasamy, Shri M. S.
 Bohan Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Somasundaram, Shri S. D.
 Sonar, Dr. A. G.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Subravelu, Shri
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swatantra, Shri Teja Singh
 Swell, Shri G. G.
 Tarodekar, Shri V. B.
 Tayyab Hussain Khan, Shri
 Tewari, Shri Shankar
 Tiwari, Shri R. G.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tombi Singh, Shri N.
 Tukiram, Shri V.
 Ulkey, Shri M. G.

Ulaganambi, Shri R. P.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkateswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Phool Chand
 Verma, Shri Sukhdeo Prasad
 Vidyalankar, Shri Amarnath
 Vikal, Shri Ram Chandra
 Virbhadr Singh, Shri
 Viswanathan, Shri G.
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Yadava, Prof. D. P.

NOES

Sequeira, Shri Erasmo de

MR SPLAKER : The result* of the Division is as follows .

Ayes . 350

Noes : 1

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 (Insertion of new article 371C)

MR. SPEAKER The question is :

"That Clause 5 stand part of the Bill."

The Lok Sabha divided.

Division No. 25]

[13.04 hrs.

AYES

Achal Singh, Shri
 Afzalpurkar, Shri Dharamrao
 Aga, Shri Syed Ahmed

* The following members also recorded their votes for Ayes :—

Sarveshri Shrivaji Rao S. Deshmukh, Sat Pal Kapur, P. V. G. Raju and Shiv Shanker Prasad Yadav.

Agrawal, Shri Virendra
 Agrawal, Shri Shrikrishna
 Ahmed, Shri F. A.
 Alagesan, Shri O. V.
 Ambesh, Shri
 Ankineedu, Shri Maganti
 Ansari, Shri Ziaur Rahman
 Appalanaidu, Shri
 Arvind Netam, Shri
 Austin, Dr. Henry
 Awdhach Chandra Singh, Shri
 Azad, Shri Bhagwat Jha
 Aziz Imam, Shri
 Badal, Shri Gurdas Singh
 Bade, Shri R. V.
 Bahuguna Shri H. N.
 Balakrishnaiah, Shri T.
 Balathandayutham, Shri K.
 Banamali Babu, Shri
 Banerjee, Shri S. M.
 Banerji, Shrimati Mukul
 Barman, Shri R. N.
 Barua, Shri Bedabrata
 Barupal, Shri Panna Lal
 Basappa, Shri K.
 Basumatrai, Shri D.
 Basra, Shri S. C.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhagirath Bhanwar, Shri
 Bhandare, Shri R. D.
 Bhargava, Shri Basubhushwar Nath
 Bhattacharyya, Shri Dinen
 Bhattacharyya, Shri S. P.
 Bheeshmadev, Shri M.
 Bhuvabhan, Shri G.
 Bisht, Shri Narendra Singh
 Brahman, Shri Rattanlal
 Brahmanandji, Shri Swami
 Chanda, Shrimati Jyotsna
 Chandra Gowda, Shri D. B.
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrappan, Shri C. K.
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amar Singh

Chaudhary, Shri Nitiraj Singh
 Chavan, Shri D. R.
 Chhotey Lal, Shri
 Chhuttan Lal, Shri
 Chittibabu, Shri C.
 Choudhury, Shri Moinul Haque
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Damani, Shri S. R.
 Darbara Singh, Shri
 Das, Shri Anandi Charan
 Das, Shri Dharmidhar
 Dassapa, Shri Tulsidas
 Daschowdhury, Shri B. K.
 Deb, Shri Dasaratha
 Deo, Shri S. N. Singh
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Dhamankar, Shri
 Dhandapani, Shri C. T.
 Dharamraj Singh, Shri
 Dharia, Shri Mohan
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dutta, Shri Biren
 Dwivedi, Shri Nageshwar
 Gandhi, Shrimati Indira
 Gangadeb, Shri P.
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Godfrey, Shrimati M.
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gopal, Shri K.
 Goswami, Shrimati Bibha Ghosh
 Goswami, Shri Dinosh Chandra
 Gotkade Shri Anantashob
 Govind Das, Dr.

Gowda, Shri Pampam
 Gowder, Shri J. M.
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hanada, Shri Subodh
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Hazra, Shri Manoranjan
 Horo, Shri N. E.
 Ishaque, Shri A. K. M.
 Jadeja, Shri D. P.
 Jagjivan Ram, Shri
 Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Joarder, Shri Dinesh
 Joishi, Shri Popatlal M.
 Joishi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kamakshiah, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kamble, Shri N. S.
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Kasture, Shri A. S.
 Kathamuthu, Shri M.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotaki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishna, Shri S. M.
 Krishnan, Shri E. R.
 Krishnan, Shri G. Y.
 Krishnan, Shri M. K.

Kulkarni, Shri Raja
 Kumaramangalam, Shri S. Mohan
 Kureel, Shri B. N.
 Lalji Bhai, Shri
 Lambodar Baliyar,
 Laskar, Shri Nihar
 Madhukar, Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahata, Shri Debendra Nath
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manjhi, Shri Bhola
 Marandi, Shri Iswar
 Maurya, Shri B. P.
 Mehta, Dr. Mahipatray
 Mehta, Shri P. M.
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri Shyamnandan
 Modak, Shri Bijoy
 Modi, Shri Shrikishan
 Mody, Shri Piloo
 Mohammad Ismail, Shri
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shvam Sunder
 Mohsin, Shri F. H.
 Mukherjee, Shri Samar
 Mukherjee, Shri Saroj
 Murthy, Shri B. S.
 Muruganantham, Shri S. A.
 Nahata, Shri Amrit
 Naik, Shri B. V.
 Negi, Shri Pratap Singh
 Nimbelkar, Shri

Oraon, Shri Kartrik
 Oraon, Shri Tuna
 Oza, Shri Ghanhsyam
 Panda, Shri D. K.
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sudhakar
 Pandey, Shri Tarkeshwar
 Pandeya, Dr. Laxminarain
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Poakai Hoakip, Shri
 Parashar, Prof. Narain Chand
 Parmar, Shri Bhaljibhai
 Partap Singh, Shri
 Paswan, Shri Ram Bhagat
 Patel, Shri H. M.
 Patel, Shri Prabhudas
 Patel, Shri Ramubhai
 Patil, Shri Anantrao
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Peje, Shri S. L.
 Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramaih, Shri K.
 Rai Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri P. V. G.
 Ram, Shri Tulmohan
 Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramachkar Prasad Singh, Shri
 Rana, Shri M. R.

Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Ravi, Shri Vayalar
 Reddi, Shri P. Antony
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Rohtagi, Shrimati Sushila
 Roy, Dr. Saradiah
 Saha, Shri Gadadhar
 Saini, Shri Mulki Raj
 Saksena, Prof. S. L.
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sen, Shri Robin
 Sequeira, Shri Erasmo de
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shafee, Shri A.
 Shah Nawaz Khan, Shri
 Shailani, Shri Chandra
 Shaky, Shri Maha Deepak Singh
 Shambhu Nath, Shri
 Shankar Deyal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri R.

Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Shri R. R.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Ramanand
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P
 Shivappa, Shri N.
 Shivanth Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri V. N. P
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sivasamy, Shri M. S.
 Sohan Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Somasundaram, Shri S. D.
 Sonar, Dr. A. G.
 Stephen, Shri C. M.
 Subramaniam, Shri G.
 Subravelu, Shri
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swatantra, Shri Teja Singh
 Swell, Shri G. G.
 Tarodekar, Shri V. B.
 Tayyab Humain Khan, Shri
 Towari, Shri Shankar
 Tiwari, Shri R. G.
 Tiwary, Shri D. N.

Tiwary, Shri K. N.
 Tombi Singh, Shri N.
 Tulsiram, Shri V.
 Uikay, Shri M. G.
 Ulaganambi, Shri R. P.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Phool Chand
 Verma, Shri Sukhdeo Prasad
 Vidyalkar, Shri Amarnath
 Vikal, Shri Ram Chandra
 Virbhadra Singh, Shri
 Vishwanathan Shri, G
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Yadava, Prof. D. P.

NOES

Nil

MR. SPEAKER: The result* of the division is as follows:

Ayes: 351.

Noes: Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 5 was added to the Bill.

MR. SPEAKER: In regard to Clause 1, normally we do not have any special voting on it. But in this Bill there is something unusual about Clause 1, and, therefore, as a measure of abundant caution, I think that we should go through the same procedure. This will not be treated as a precedent, but in this case, since there is some doubt, we must have two-thirds majority on Clause 1 also. As a measure of abundant caution, I am advised that we should have special majority on this...

*The following members also recorded their votes for Ayes:—

Sarvaswari A. M. Chellachenni, Sadhu Ram, Tarun Gogoi and Shiv Shankar Prasad Yadav.

SHRI PILOO MODY (Godhra) : What is the doubt ?

MR. SPEAKER : There is something contained in it which is not normally contained in Clause 1.

The question is :

“That Clause 1 stand part of the Bill”.

The Lok Sabha divided :

Division No. 26]

[13.08 hrs.

AYES

Achal Singh, Shri
Afzalpurkar, Shri Dharamrao
Aga, Shri Syed Ahmed
Agarwal, Shri Virendra
Agrawal, Shri Shrikrishna
Ahmed, Shri F. A.
Alagesan, Shri O. V.
Ambesh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Badal, Shri Gurdas Singh
Bade, Shri R. V.
Bahuguna, Shri H. N.
Balathandayutham, Shri K.
Banamali Babu, Shri
Banerjee, Shri S. M.
Banerji, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhandare, Shri R. D.
Bhargava, Shri Basheshwar Nath

Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bisht, Shri Narendra Singh
Brahman, Shri Rattar
Brahmanandji, Shri Swami
Chanda, Shrimati Jyotsna
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shri D. R.
Chellachemi, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chittibabu, Shri C.
Choudhury, Shri Moinul Haque
Dalbir Singh, Shri
Dalip Singh, Shri
Damani, Shri S. R.
Darbara Singh, Shri
Das, Shri Anandi Charan
Dass, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deb, Shri Dasaratha
Deo, Shri S. N. Singh
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dhandapani Shri C. T.
Dharamgaj Singh, Shri
Dharia, Shri Mohan
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dube, Shri J. P.
Dumada, Shri L. K.

Dutta, Shri Biren
 Dwivedi, Shri Nageshwar
 Gandhi Shrimati Indira
 Gangadeb, Shri P.
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Godfrey, Shrimati M.
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gopal, Shri K.
 Goswami, Shrimati Bibha Ghosh
 Goswami, Shri Dinesh Chandra
 Gotkhunde, Shri Annasaheb
 Govind Das, Dr.
 Gowda, Shri Pampan
 Gowder, Shri J. M.
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hansda, Shri Subodh
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Hazra, Shri Manoranjan
 Horo, Shri N. E.
 Ishaque, Shri A. K. M.
 Jadeja, Shri D. P.
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Joarder, Shri Dinesh
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.

Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kamakshajiah, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kamble, Shri N. S.
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Kasture, Shri A. S.
 Kathamuthu, Shri M.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotoki, Shri Liladhar
 Krishna, Shri S. M.
 Krishnan, Shri E. R.
 Krishnan, Shri G. Y.
 Krishnan, Shri M. K.
 Kulkarni, Shri Raja
 Kumaramangalam, Shri S. Mohan
 Kureel, Shri B. N.
 Lalji Bhai, Shri
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Madhukar, Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahata, Shri Debendra Nath
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manjhi, Shri Bhoja
 Marandi, Shri Iswar
 Maurya, Shri B. P.
 Mehta, Dr. Mahipatray

Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri Shyamnandan
 Modak, Shri Bijoy
 Modi, Shri Shrikishan
 Mody, Shri Piloo
 Mohammad Ismail, Shri
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Mukherjee, Shri Samar
 Mukherjee, Shri Saroj
 Murthy, Shri B. S.
 Muruganantham, Shri S. A.
 Nahata, Shri Amrit
 Naik, Shri B. V.
 Nair, Shri Sreekanth
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Oza, Shri Ghanshyam
 Panda, Shri D. K.
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Tarkeshwar
 Pandeya, Dr. Laxminarain
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parmar, Shri Bhaljibhai
 Partap Singh, Shri
 Paswan, Shri Ram Bhagat
 Patel, Shri H. M.
 Patel, Shri Prabhudas
 Patel, Shri Ramubhai
 Patil, Shri, Anant Rao

Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Peje, Shri S. L.
 Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shafi
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram, Shri Tulmohan
 Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Parasada
 Rao, Shri Pattabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Ravi, Shri Vayalar
 Reddi, Shri P. Antony
 Reddy, Shri K. Kodanda Rami
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Rohatgi, Shrimati Sushila
 Roy, Dr. Saradhab
 Sadhu Ram, Shri

Saha, Shri Gadadhar
 Saini, Shri Mulik Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Shakti Kumar
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sen, Shri Robin
 Sequeira, Shri Erasmo de
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shafec, Shri A.
 Shah Nawaz Khan, Shri
 Shailani, Shri Chandra
 Shakyas, Shri Maha Deepak Singh
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri R. N.
 Sharma, Shri R. R.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Ramanand
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shinde, Shri Anasahab P.
 Shivappa, Shri N.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Siddesaya, Shri S. M.
 Siddhantwar Prasad, Shri

Singh, Shri V. N. P.
 Sinha, Shri Dharam Bir
 Sivasamy, Shri M. S.
 Sohan Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Sonar, Dr. A. G.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Subravelu, Shri
 Sudarshanam, Shri M.
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swami, Shri Sidrameshwar
 Swatantra, Shri Teja Singh
 Swell, Shri G. G.
 Tarodekar, Shri V. B.
 Tayyab Hussain Khan, Shri
 Tewari, Shri Shankar
 Tiwary, Shri R. G.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tombi Singh, Shri N.
 Tulsiaram, Shri V.
 Ukey, Shri M. G.
 Ulaganambi, Shri R. P.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswami, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Phool Chand
 Verma, Shri Sukhdeo Prasad
 Vidyalankar, Shri Amarnath
 Vikal, Shri Ram Chandra
 Virbhadra Singh, Shri
 Viswanathan, Shri G.
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Yadava, Prof. D. P.

NOES

NIL.

Mr. SPEAKER : The result* of the division is as follows :

AYES : 346

NOES : Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

Clause 1 was added to the Bill

MR. SPEAKER : There is no need for a special majority in respect of the Enacting Formula and the Title.

The question is :

"That the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

The Enacting Formula and the Title were added to the Bill.

SHRI K. C. PANT : I beg to move :

"That the Bill be passed."

MR. SPEAKER : The question is :

"That the Bill be passed."

The Lok Sabha divided :

Division No. 27] [13.09 hrs.

AYES

Achal Singh, Shri
Afzalpurkar, Shri Dharamrao
Aga, Shri Syed Ahmad
Agarwal, Shri Virendra
Agrawal, Shri Shrikrishna
Ahmad, Shri F. A.
Alagasan, Shri O. V.
Ambesh, Shri

Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Badal, Shri Gurdas Singh
Bade, Shri R. V.
Bahuguna, Shri H. N.
Balakrishnaiah, Shri T.
Balathandayutham, Shri K.
Banamali Babu, Shri
Banerjee, Shri S. M.
Banerji, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhagirath Bhanwar, Shri
Bhandare, Shri R. D.
Bhargava, Shri Basheshwar Nath
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Bheshmadev, Shri M.
Bhuvarahan, Shri G.
Bisht, Shri Narendra Singh
Brahman, Shri Rattanlal
Brahmanandji, Shri Swarni
Chanda, Shrimati Jyotsna
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chadrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shri D. R.

* The following members also recorded their votes for Ayes :-

Sarvaswari R. K. Sinha, A. K. Kotrasnabetti, P. V. G. Raju, Shiv Shanker Prasad Yadav, P. M. Mehta and Prof. S. L. Sakanna.

Chellachemi, Shri A. M.
 Chhotey Lal, Shri
 Chhutton Lal, Shri
 Chittibabu, Shri C.
 Choudhury, Shri Momul Haque
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Damani, Shri S. R.
 Darbara Singh, Shri
 Das, Shri Anandi Charan
 Das, Shri Dharnidhar
 Dasappa, Shri Tulasidas
 Daschowdhury, Shri B. K.
 Deb, Shri Dasaratha
 Deo, Shri S. N. Singh
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S
 Dhamankar, Shri
 Dhandapani, Shri C. T.
 Dharamraj Shingh, Shri
 Dharia, Shri Mohan
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dutta, Shri Biren
 Dwivedi, Shri Nageshwar
 Gandhi, Shrimati Indira
 Gangadeb, Shri P.
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 George, Shri A. C.
 Ghosh, Shri P. K.
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Godfrey, Shrimati M.
 Gogoi, Shri Tarun
 Gehain, Shri C. C.
 Gokhale, Shri H. R.
 Gopal, Shri K.
 Goswami, Shrimati Bibha Ghosh
 Goswami, Shri Dinesh Chandra
 Gotkhinde, Shri Annasaheb

Govind Das, Dr.
 Gowda, Shri Pampan
 Gowder, Shri J. M.
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hanada, Shri Subodh
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Hazra, Shri Manoranjan
 Ishaqur, Shri A. K. M.
 Jadeja, Shri D. P.
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Joarder, Shri Dinesh
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kamakshaiah, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kamble, Shri N. S.
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Kasture, Shri A. S.
 Kathamuthu, Shri M.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadlikar, Shri R. K.
 Kinder Lal, Shri
 Kleku, Shri A. K.
 Kotaki, Shri Liladhar
 Kottaschetti, Shri A. K.
 Krishna, Shri S. M.

Krishnan, Shri E. R.
 Krishnan, Shri G. Y.
 Krishnan, Shri M. K.
 Kulkarni Shri Raja
 Kureel, Shri B. N.
 Lalji Bhai, Shri
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Madhukar, Shri K. M.
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahata, Shri Debendra Nath
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manjhi, Shri Bhola
 Marandi, Shri Ishwar
 Maurya, Shri B. P.
 Mehta, Dr. Mahipatray
 Mehta, Shri P. M.
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Mishra, Shri Shyamnandan
 Modak, Shri Bijoy
 Modi, Shri Shrikishan
 Mody, Shri Piloo
 Mohammad Ismail, Shri
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Muhammed Sheriff, Shri
 Mukherjee, Shri Samar
 Mukherjee, Shri Saroj
 Murthy, Shri B. S.

Muruganantham, Shri S. A.
 Nahata, Shri Amrit
 Naik Shri B. V.
 Narendra Singh, Shri
 Nayar, Shrimati Shakuntala
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Oza, Shri Ghanshyam
 Panda, Shri D. K.
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip. Shri
 Parashar, Prof. Narain Chand
 Parmar, Shri Baljibhai
 Partap Singh, Shri
 Paswan, Shri Rambhagat
 Patel, Shri H. M.
 Patel, Shri Prabhudas
 Patel, Shri Ramubhai
 Patil, Shri Anantao
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Peje, Shri S. L.
 Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shefi
 Radhakrishnan, Shri S.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri F. V. G.
 Ram, Shri Tulmohan

Ram Dhan, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramshekhhar Prasad Singh, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nagaswara
 Rao, Shri P. Ankineedu Parasada
 Rao, Shri Pattabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Ravi, Shri Vayalar
 Reddi, Shri P. Antony
 Reddy, Shri K. Kodanda Rama
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Rohatgi, Shrimati Sushila
 Roy, Dr. Saradish
 Sadhu Ram, Shri
 Saha, Shri Gadadhar
 Saini, Shri, Mulki Raj
 Saksena, Prof. S. L.
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Shakti Kumar
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Savant, Shri Shankarrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sen, Shri Robin
 Sethi, Shri Arjun

Sethi, Shri P. C.
 Sezhiyan, Shri
 Shafec, Shri A.
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shakya, Shri Maha Deepak Singh
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Shri R. R.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Ramanand
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Sher Singh, Prof.
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivrath Singh Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri V. N. P.
 Sinha, Shri Dharm Bir
 Sivasamy, Shri M. S.
 Sohan Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Somasundaram, Shri S. D.
 Sonar, Dr. A. G.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Subravelu, Shri
 Sudarshanam, Shri M.
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.

Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swatantra, Shri Teja Singh
Swell, Shri G. G.
Tarodekar, Shri V. B.
Tayyab Hussain Khan, Shri
Tewari, Shri Shankar
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tombi Singh, Shri N.
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Unnikrishnan, Shri K. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Phool Chand
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Virbbadra Singh, Shri
Viswanathan, Shri G.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.
Yadava, Prof. D. P.

NOES

Sequeira, Shri Erasmo de

MR. SPEAKER : The result* of the division is as follows :

Ayes : 353

Noes : 1

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

13.11 hrs.

MOTION RE. SUSPENSION OF PRO-VISO TO RULE 66

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : I beg to move :

"That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for consideration and passing of the Government of Union Territories (Amendment) Bill, 1971, in as much as it is dependent upon the North Eastern Areas (Reorganisation) Bill, 1971, and the Constitution (Twenty-Seventh Amendment) Bill, 1971."

MR. SPEAKER : The question is :

"That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for consideration and passing of the Government of Union Territories (Amendment) Bill, 1971, in as much as it is dependent upon the North Eastern Areas (Reorganisation) Bill, 1971, and the Constitution (Twenty-Seventh Amendment) Bill, 1971."

The motion was adopted

13.12 hrs.

GOVERNMENT OF UNION TERRITORIES (AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : I beg to move† :

"That the Bill further to amend the Government of Union Territories Act, 1963 and also further to amend the Sixth Schedule to the Constitution and the Representation of the People Act, 1950, be taken into consideration."

This is the fourth Bill in the series of legislation we are contemplating to give effect

*The following members also recorded their votes for Ayes :

Servashri S. Mohan Kumaramangalam, R. K. Sinha and Sudhakar Pandey.

†Moved with the recommendation of the President.

[Shri K. C. Pant]

to the scheme of reorganisation of the north-eastern area. Most of the provisions of this Bill are confined to the new Union territory of Mizoram. However cl. 5-7 are of general application to all the Union territories legislatures and seek to give effect to the recommendations of the ARC. As I had stated earlier, the Commission has recommended that the Legislative Assemblies of the Union Territories should be empowered to function in a manner similar to that of State Legislatures.

Coming to the details of the Bill, cl. 2 seeks to include Mizoram among the Union Territories to which the Government of the Union Territories Act extends. 98 per cent of the people of Mizoram belong to the scheduled tribes and there are practically no scheduled castes in this area. In view of this, it is proposed that in the 30 member Legislative Assembly of Mizoram, there need be no reservation of seats for scheduled castes or scheduled tribes.

Cl. 3 makes consequential amendments which will enable the legislatures of the Union Territories to legislate on matters relating to trade, commerce and intercourse within the territory of India to the same extent as the legislatures of States can legislate under art. 304 of the Constitution.

By cl. 6, the legislative powers of the Legislative Assemblies of the Union Territories are sought to be enlarged on the lines of article 254 of the Constitution, keeping in view the basic difference between States and Union Territories, namely that in the case of Union Territories Parliament can legislate in regard to matters in the State List (Seventh Schedule) of the Constitution also.

Cl. 7 follows art. 200 of the Constitution with necessary changes to enable the administrators to assent to Bills passed by the Union Territory legislatures. Bills relating to matters which are to be reserved for consideration of the President when passed by State legislatures will be so reserved when passed by the legislatures of the Union Territories.

In addition, it has been provided that Bills relating to the Pawi-Lakher region should be reserved for the consideration of the President. This is a special safeguard for the minority tribal groups in this area.

When the North-Eastern Areas Reorganisation Bill was being considered, Shrimati Chanda referred to this point and I had assured her that we shall be making adequate provisions for these tribal groups. Sec. 25A is modelled on art. 201 of the Constitution.

Cl. 9 and 10 contain the usual provisions for the delimitation of assembly constituencies. Cl. 11 again provides for a special safeguard for the people of Pawi-Lakher area in the executive field. Because Mizoram adjoins foreign territories, it has also been decided that the administrator should have special responsibility for the security of the border. Once a Legislative Assembly is created for Mizoram, it is hardly necessary to have a District Council for the entire area. The Mizo representatives have agreed that the Council must be abolished and the operation of the Sixth Schedule to the Constitution confined to the Pawai-Lakher area. Clause 12 of the Bill seeks to achieve this object. Clause 13 of the Bill makes some amendments in the sixth schedule to the Constitution to give effect to the intention to confine the operation of the schedule to the Pawi-Lakher area. It also provides for a regional council or regional councils in the area being made into District Councils. As Mizoram will be getting a Legislative Assembly, clause 14 seeks to amend the Representation of the People Act, 1950, to provide that the Assembly of the Union territory shall function as the electoral college for choosing the member of the Rajya Sabha who would represent that Union territory.

It is also our intention that the election to the Legislative Assembly of Mizoram should be held as soon as possible. The representatives of the Mizo people were somewhat apprehensive that there may be delay in holding the elections. We have, therefore, made our intention clear in clause 15.

In as much as this Bill enlarges the powers and functions of the Legislative Assemblies of Union territories, I hope the Bill will be welcomed in Pondicherry and Goa, Daman and Diu also. For the people of Mizoram, we are providing a fully democratic institution so that they may have the maximum opportunity to fashion their development programmes and devote their entire attention to the welfare of the people. I hope the House would welcome this Bill and accord its approval.

MR. SPEAKER : Motion moved :

“That the Bill further to amend the Government of Union Territories Act, 1963 and also further to amend the Sixth Schedule, to the Constitution and the Representation of the People Act, 1950, be taken into consideration.”

SHRI DASARATHA DEB (Tripura East) :

Mr. Speaker, Sir, the Union territory of Mizoram has come into being after the North-Eastern Areas (Reorganisation) Bill, 1971, was passed in this House. This Union territory of Mizoram will now be having a Legislative Assembly with a Council of Ministers. Certainly this is a welcome feature, and we welcome this Bill.

But on this occasion, I want to express the opinion that if this Union territory of Mizoram, in the place of a District Council under the State of Assam, and a Legislative Assembly with its Council of Ministers had come without much shedding of blood of the Mizo brethren, it would have been a much happier one. I say this because a lot of blood-shed had occurred in the Mizo area, and this bloodshed and disruption could have been easily avoided if the Government of India had taken this measure much earlier. However, it is better late than never.

My complaint against the Government of India was that this Government failed to see the sentiments and aspirations of the tribal people who had been suffering, for a long, from handicaps in every walk of life in society.

I have a strong feeling that if this present arrangement which we are now seeking to introduce in Mizoram had come earlier, then, most of the misguided Mizo brethren who took up arms for the secession of Mizoland from the Indian Union and making it an independent Mizoland could have been persuaded not to take up such steps as they had taken already. That way, I say much bloodshed and much agitation in the minds of the Mizo people there could have been avoided.

You had denied their legitimate and fundamental rights and aspirations of the tribal people so long, and you suppressed them when they raised their head to achieve their objectives through constitutional means. Therefore,

you forced them to take the course which might not be considered good for the unity and solidarity of this country. That was a very unhappy affair. When these neglected and oppressed people, having been frustrated, took up arms, you suppressed them mercilessly and you declared them hostile, and now you have had to do this because none of us wanted secession of any part of India.

But before the situation took such a turn, you should have handled the matter in a manner in which the just cause of the aggrieved tribal people was respected. But the Government did not make any effort in time and we are sorry. Because of that you are responsible for the loss of life of so many Mizo brethren who were misguided and who had to struggle and then they wanted secession, though it was a wrong course. But even then the Government could have tackled the matter in a different way. By this 27th Amendment, I see that the Mizo brethren are getting a legislative assembly and a council of ministers. Even then so many interfering acts of the Administrator will be there because we have already given that power under the 27th Amending Bill.

In the Mizo area, there are Chakmas and Pawi-Lakheres; they are very weak. The Government have suggested regional councils. They want district council or something like that. That safeguard is well deserved. I am happy about those safeguards. The Chakmas were agitated; they were agitating for district councils. I am happy that that provision is there. At the same time I request that when the Assembly and the Council of Ministers come into being the Central Government and the Administrator should without delay hand over almost all the departments to them and allow them to tackle their problems in their own way. With these words, I support the Bill wholeheartedly.

13.25 hrs.

ANNOUNCEMENT RE. SITTING OF THE
HOUSE ON THURSDAY, DECEMBER 23,
1971

MR. SPEAKER : Before I call the next speaker, I want to say this. Originally we planned to adjourn *sine die* on the 22nd. Now

[Mr. Speaker]

the Minister says that there is a lot of business and we must have one day more....(Interruptions).

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : Three Bills that have got to be passed by this House tomorrow are : the Delhi Sikh Gurdwara Bill, the Northeastern Council Bill and the Constitution (28th Amendment) Bill. It is more or less non-controversial and I expect it will be finished as No. 1 in the morning,

MR. SPEAKER : As No. 1 ?

SHRI RAJ BAHADUR : Some Members were keen to go early ; they want to fly tomorrow. I hope they will co-operate with me. We shall take it up at 10.30 tomorrow. Anyway I leave that matter to you.

SHRI INDRAJIT GUPTA (Alipore) : Is this sufficient to carry on till the 23rd ?

SHRI RAJ BAHADUR : We have got other business also. A dozen Bills are there ; the Supreme Court Judges Bill, the High Court Judges Bill, etc. They have been introduced today. The Gratuity Bill is coming today and we shall refer it to the Select Committee.

श्री रामावतार शास्त्री : (पटना) आज हम लोगों ने ग्रेचुअटी बिल पर एमैंडमेंट्स दी हैं यह समझ कर कि कल दस बजे इस बिल को लिया जाएगा और आज हम एक बजे तक बैठेंगे। लेकिन हम उस बिल को आज ले रहे हैं। क्या उन एमैंडमेंट्स को आप स्वीकार कर लेंगे ?

श्री इन्द्रजीत गुप्त : हमने एमैंडमेंट्स दी हुई हैं कल के लिए। अब कह रहे हैं कि अभी हम बैठेंगे। उन एमैंडमेंट्स का क्या होगा ?

SHRI RAJ BAHADUR : I have been in consultation with the opposition parties. We are going to refer the Gratuity Bill to a Select Committee.

SHRI S. M. BANERJEE (Kanpur) : Since we have decided to sit on the 23rd and are

going to pass whatever Bills Government brings, I only request that some time should be fixed for a discussion of the international situation, because there are two things. Firstly, there are various news items that Mujibur Rahman is being taken to Peking etc, and we should condemn the attitude of Bhutto. You must have heard his speech yesterday. Secondly, let us get an opportunity to compliment and express our gratitude to those countries which helped us. Five minutes may be given to each party. But some discussion should be there.

SHRI DINEN BHATTACHARYYA (Serampore) : I agree with Mr. Banerjee.

SHRI RAJ BAHADUR : Last time when this question was raised, I begged of the hon. Members to consider that Shri Swaran Singh, our Minister of External Affairs, was not yet back. He knows the latest position. What is latest today may become out of date tomorrow. If he comes back, we shall certainly try to have a discussion.

SHRI S. M. BANERJEE : We are not going to discuss the niceties of the United Nations proceedings.

13.29 hrs.

GOVERNMENT OF UNION TERRITORIES (AMENDMENT) BILL—Contd.

SHRI N. TOMBI SINGH (Inner Manipur) : I support the Government of Union Territories (Amendment) Bill.

This session has turned out to be a most historic one. I would like to associate myself with the assessment made by the hon. Minister of Parliamentary Affairs that this is one of the most historic sessions. This is historic in so many respects. During this session we have liberated Bangla Desh and paved the way to further progress and world peace. This session has also passed many legislative measures which will remove the disabilities that have been prevailing in some areas of the Country like the North-eastern area:

This Bill is the fourth in a series. It is a welcome measure, and my observations will

be confined to Mizoram only. Mizoram is a very important and strategic area. The people are nice and well-educated. They have been able to develop themselves on their own genius for the last several centuries. In spite of the smallness of the area and population and their poverty, Mizos constitute a very refined section of our population in the east. This area has got several miles of international border. From the point of view of national security also, this area has to be developed.

This Bill is long over-due. On this occasion, we would like to congratulate the people of Mizoram who will be having a fresh lease of life. They have suffered long and they have been aspiring for this status. After this Bill becomes an Act, Mizos will have the consolation of having stepped over to a fresh lease of life. But this will not be sufficient. The development of Mizoram in the field of communications, industries and economic life will have to be taken up with the utmost consideration. Without that, the Mizos and other hill areas in the east who have been given a new status will not derive much benefit out of this legislation alone. So, this development will have to be undertaken quickly through measures of industrialisation, opening of new roads and communications, etc.

During the last century and before independence of the country, the foreigners played a great role in getting away the minds of the people in this area from the mainstream of national life. To some extent, they succeeded. So, in the eastern zone, the problem should be tackled from several points of view, from the economic point of view, from the point of view of education and also cultural and emotional integration, etc. We should try to bring them back into the mainstream of national life through all these measures. Pakistan and China did great havoc in these areas. I still doubt that there must be some reminiscence of the people who were trained in the wrong direction. They have to be reformed. How it can be done is best known to the experts of the Home Ministry. Many of them who have taken apparently wrong political views may be rotting in jails. On this happy occasion, we should think of measures which will bring about a change in their outlook and heart. This applies not only to the hostile Mizos but also to those in Nagaland, Manipur and other areas in the neighbourhood.

Is it not time that we change the outlook and attitude of the government as well as of the people? Now that a new situation has been created where people are very happy, we should take full advantage of the situation and this should be followed up. I would suggest that the Home Ministry should follow up with other programmes of development in the field of cultural and other activities of the people. Even the unfortunate section of the people who have been drawn away from the mainstream of national life should be brought back and the younger generation in those areas should be inculcated a sense of national unity and national consciousness.

With these few words, I wish the people of Mizoram a prosperous future. While congratulating them, I would also congratulate the Prime Minister and the Minister of State for Home Affairs, Shri K. C. Pant, and his team, who have done such a lot of work, who have taken such a lot of pains to bring about this very comprehensive measure. With the introduction and passing of the North Eastern Council Bill, which has been announced just now, I think this session will turn out to be one of the most historic sessions. During this session we have removed the disparity that has been prevailing, and this will move forward in other areas of the country where there is disparity, where there is discontent so that the country will prosper more and more and will move from strength to strength.

SHRI ERASMO DE SEQUEIRA (Marmagao) : Sir, any Bill which increases the power that is presently available to the Union territories is most welcome. Because, unfortunately, although the Union territories were designed to accelerate development, the scheme of things has worked to retard this development. It is good that the Union territory legislatures will now be able to act in a large measure of their own. Perhaps the hon. Minister well knows that it is not the legislative side that is the problem; it is the financial administration that goes a long way towards retarding development. I am glad that they have accepted the recommendation of the Study Team of the ARC on the legislature.

Now, I would like to invite their attention to some other recommendations which, if accepted, would go a long way towards accelerating development. For example, recommendation No. 7 says :

[Shri Erasmo De Sequeira]

"Even conceding that the Central Government have a direct interest in the budgets of the Union Territories as they provide the bulk of their revenues through grants and loans, a method must be found for restricting Central Scrutiny to the absolute minimum. This can be done by giving advance intimation of the quantum of Central assistance to the Territorial Administrations and thereafter allowing them to prepare their own budgets."

I think this is one of the most important recommendations and I wish it is accepted. There is another recommendation for the appointment of a Special Finance Commission Para 374 of the Study Team's Report says

"Once the award of the Special Finance Commission has been accepted by the Central Government, it will result in devaluation of a fixed amount (both grant and loan) every year for meeting non-plan revenue expenditure. Such Central assistance should be unconditional and it may be left to the Union Territory to utilize the funds in any manner it likes subject to overall powers of control with the Central Government."

This is the main difficulty faced by the Union Territories. There is too much of administrative confusion and they have to make too many references to Delhi which means delay and as a result there is retardation of development. If a special Finance Commission is appointed, it will look after the interests of the Union Territories. There are, for example, specific problems. As you all know, from Goa we export a lot of iron ore and earn foreign exchange. But that revenue goes to the Central Government. At the same time, the expenditure incurred for this export comes of the budget out of the Union Territory.

13.40 hrs.

[Shri K. N. Triwari in the Chair]

So, on one side, we have additional expenditure to create this revenue, on the other side, we have no revenue because these goods are exported. All these facts have to be taken into consideration. I would request the early

acceptance of the Finance Commission for Union Territories and also other recommendations that I have just read out.

Finally, I would like to ask my friend the hon. Minister of State for Home Affairs why he is being so specifically unkind to my Union Territory. He has moved Bills for Statehood of Manipur, Tripura and Meghalaya, and, for Goa, Daman and Diu which is to a much greater degree and extent viable, of that Bill, we have still no positive news.

Then, there are seats in the Council of States, in the Upper House, for Pondicherry, Manipur, Tripura, Mizoram and Arunachal Pradesh. What about Goa? There is no seat in the Rajya Sabha. Why this discrimination?

श्री रामावतार शास्त्री (पटना) सभापति महोदय, जो विधेयक यहाँ प्रस्तुत है मैं उसका समर्थन करना हूँ। लेकिन समर्थन करने के साथ साथ मैं यह जरूर कहना चाहता हूँ कि इस तरह के विधेयक की आवश्यकता बहुत पहले थी। किन्तु देर में ही सही सरकार ने जो कदम उठाया है उसका समर्थन किया जाना चाहिए। इसके सम्बन्ध में एक बात मैं जरूर कहना चाहता हूँ और वह यह कि बहुत सी बातें सरकार तब करती है जब कोई आन्दोलन उठ खड़ा होता है या गलत किस्म के लोग जनता की भावनाओं का फायदा उठा कर अपना उल्लू सीधा करने की कोशिश करते हैं। ऐसा अक्सर देखा गया है। इस के बारे में भी हम लोग सब जानते हैं कि मिजो क्षेत्र में राष्ट्र विरोधी तत्व या दूसरे किस्म के लोग जो हिन्दुस्तान से उसे अलग करने की कोशिश में थे, उन्होंने किस तरह से बहा हमारी एकता को तोड़ने की कोशिश की। ऐसे लोगों को मौका इसीलिए मिलता है कि सरकार समय पर पिछड़े हुए इलाकों की या आदिवासी क्षेत्रों की तरक्की के लिए, वहाँ के विकास के लिए कदम नहीं उठाती और जब बहा कोई हंगामा होता है, कोई आन्दोलन होता है, तब सरकार को विवश हो कर के ऐसा करना पड़ता है। इस बिल के जरिए से सरकार मिजोराम,

अरुणाचल या पूर्वांचल के क्षेत्र में वहां की जनता को जो अधिकार अपनी सरकार गठित करने का, अपने मतों का प्रयोग करके अपने मनोनुकूल सरकार बनाने का तथा अपनी सरकार चलाने का दे रही है, जाहिर है इस से वहां की जनता को आगे बढ़ने में और अपने भविष्य को गढ़ने में मदद मिलेगी। लेकिन मैं चाहूंगा कि जो अधिकार आप उसे दे रहे हैं उन अधिकारों की सही ढंग से क्रियान्विति हो। इन अधिकारों पर सही ढंग से अमल किया जाय। इस बात को भी देखना आपका कर्तव्य है। अगर आप ने इधर ध्यान नहीं दिया, केवल कानून बना कर छोड़ दिया तो जाहिर है कि वहां की जनता का विकास और उस क्षेत्र का विकास जो हमारी अन्तर्राष्ट्रीय सीमा पर पड़ने वाला क्षेत्र है, उस तरह से नहीं हो सकेगा जैसा कि होना चाहिए।

मैं यह कहना चाहता हूं कि वहां की गरीबी मिटाने के लिए, वहां की बेकारी मिटाने के लिए, वहां के लोगों को समाज में उचित स्थान मिल सके, इसके लिए जरूरी है कि वहां उद्योगधन्धे विकसित करने की तरफ विशेष रूप से आप ध्यान दें। वहां अगर आवश्यकता हो तो भूमि सुधार के लिए कदम बढ़ाएं और जो लोग बेजमीन हैं उनको जमीन देने की कोशिश करें। उनके लिए शिक्षा के लिए विशेष सुविधा दें और आवागमन के साधन विकसित करें। क्योंकि जब तक आवागमन के साधनों का विकास नहीं होगा तब तक उन क्षेत्रों के विकास में आप बहुत ज्यादा आगे नहीं बढ़ सकेंगे और न वहां की जनता को बहुत ज्यादा फायदा होगा। वहां के आन्तरिक जीवन को विकसित करने के लिए जरूरी है कि इन बातों की तरफ हम ध्यान दें, तभी हम वहां की जनता की गरीबी को भी मिटा सकते हैं। उसका असर हमारे देश में जो बहुत सारे पिछड़े हुए इलाके हैं, खास तौर के जो आदिवासी क्षेत्र हैं, उन क्षेत्रों की जनता पर भी पड़ेगा। उन में भी यह विश्वास पैदा होगा कि उनके लिए भी इस तरह की व्यवस्था की जाने वाली है और उनके लिए भी इस तरह की व्यवस्था आप को करनी

चाहिए ताकि हमारे देश में कोई भी ऐसी शक्ति सिर न उठाने पाये जो हमारे देश की एकता को, प्रभुसत्ता को चुनौती दे सके, उस में बाधा डाल सके और जनता को वरगला कर गलत नारों पर अपने साथ ले जा सके। अगर ऐसा नहीं करेंगे तो जाहिर बात है कि ऐसे लोग पैदा होते रहेंगे और हमारी एकता पर, हमारी प्रभुसत्ता पर चोट पड़ती रहेगी। इसलिए मैं आप से निवेदन करना चाहता हूं कि इस बिल के जरिए जितने भी अधिकार आप वे उन को दिए हैं उन अधिकारों की क्रियान्विति हो, इस की गारंटी करें और वहां की जनता के आर्थिक जीवन को विकसित करने के लिए, उन की गरीबी, बेकारी, अशिक्षा वगैरह को दूर करने के लिए, उनके अन्दर जो भी कठिनाई है उन को दूर करने के लिए आप उचित कदम उठाएं। तब इस बिल का मकसद पूरा होगा। अगर आप ने ऐसा नहीं किया तो आप का वह मकसद पूरा नहीं होगा कि वहां की जनता अपने पांव पर खड़ी हो सके और वह यह समझे कि देश उसका है। यह वह तभी समझे जब उनकी तमाम कठिनाइयों को दूर करने की हम आगे बढ़ेंगे और उन्हें वह विश्वास होगा कि यह देश एक है, यहां तमाम लोगों के फायदे के लिए कानून बन सकते हैं और बनाए जाते हैं। तब वहां के लोग संतुष्ट होंगे। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं और आशा करता हूं कि मैंने जो बातें कही हैं अगर वे आपके दिमाग में कहीं जचें तो जरूर आप उन पर अमल करेंगे।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): I am grateful to the Members for their support to this measure. There is no difference of opinion and I don't think I should take the time of the House in making a long reply.

I would join the Members who have participated in this discussion in extending our congratulations and our good wishes to the people of Mizoram for having achieved another stage in their forward march and for achieving something which they have been aspiring for.

[Shri K. C. Pant]

The leaders of Mizoram had met me several times in this connection and I am very happy that they have accepted the present scheme that we have drawn up and they accepted it in a very not only co-operative spirit but in the spirit which my hon. friend, Shri Tombi Singh, mentioned. They see in the present Bill and the measures that were adopted by the Lok Sabha, an evidence of the interest of Parliament and the Central Government in their welfare, our interest in seeing that they join the mainstream of the national life, our interest in seeing that they stand on their own feet and our interest in seeing that they manage their affairs in accordance with their own likes. And these indeed are the sentiments expressed by various sections of the House.

My hon. friend Shri Dasarasha Deb referred to the movement for secession and he felt that the Government should have acted earlier in regard to bringing the Union territory of Mizoram into being. Without going into that aspect of whether or not the timing is proper, I would like to suggest to him that any demand for secession has to be treated with firmness and has to be put down very very firmly by Government. He does not disagree with that. I think he had himself said that it was a wrong cause and it should have been put down, so, I think it is not proper to mix up the two things.

Even now, there are some among the Mizos who have not participated in this experiment of a union territory or who have not participated in the deliberations and who have not yet joined the mainstream of either life in Mizoram or national life. They have preferred to remain in Bangla Desh, and I am sorry that my reports are that many of them have collaborated with the Pakistani army in Bangla Desh against the freedom-fighters, and, therefore, for such people I at least have absolutely no sympathy. I do not take a vindictive view. Even today, if they want to come back and they want to join the mainstream of national life they are welcome to do so.

I do not think also that the House will take a vindictive view. But I must say that their action in helping the Pakistani army against the freedom-fighters is something which no one can condone. Therefore, we

should keep these matters in proper perspective.

I do accept that in a changed situation if there is any one among the rebels in Mizoram who wants to come back, then we already have an amnesty. I do not really see what we can do beyond that. We shall be receptive but we shall not be deceived.

He referred also to the case of the Pawis and Lakheres and Chakmas. I must tell him that this Bill came in a hurry and I had not time to look into this fully. He was under the impression that we were providing a district council for the Chakmas also. We are not doing so yet. We are providing a district council for the Pawis and Lakheres. But the Chakmas had met me, and I have told them that after this measure has been passed or after this bunch of measures has been passed, we shall ask the administrator in Mizoram to go into the question whether a separate district council is necessary to safeguard the interests of the Chakmas. So, we are aware of the problem, and we shall look into it. But this measure does not provide for it, and because they came to me at the last minute, the only way I could have examined their proposal would have been to hold up this measure, which I did not want to do because it would create misunderstanding in Mizoram and a lot of dissatisfaction.

My hon. friend Shri Tombi Singh made personal references to me for which I am very grateful to him. It has given me very great pleasure to be associated with the discussions with the various groups in north-eastern India and being a hillman myself, I have found a great deal of satisfaction in bringing other hill States into being. Also, as I have seen, many of the problems in these regions are similar to the problems of the areas from which I come. The atmosphere of friendliness and mutual trust in which these discussions have taken place have engendered in me the hope that the future of this whole region will be very bright and that all will get together to cooperate in building up a better north-eastern area.

I fully agree with those hon. friends who have stressed the need to develop this area. I agree that administrative arrangements by themselves are not enough and that special attention will have to be paid to areas like

Mizoram where even now there are very few roads and communications are very scanty and where for the opening up of the area and its development, development of roads is a condition precedent. Similarly the development of industries in that area. I assure the House that we shall pay attention to these problems.

In this context, I would like to refer to the what Shri Sequeira said. He pointed out, though he did not mean it, that the Centre comes too much in the picture in regard to the Union territories. The bulk of the grants and loans to Union Territories comes directly from the Centre in the development of these regions. In the case of Union Territories, the Centre can make a bigger provision for their development where as in the case of the States, the distribution of resources to them is governed by certain laws and conventions with which the House is familiar and it is very difficult to give preferential treatment to one State without meeting a protest from other States. But in the case of Union Territories, the Centre is empowered and does make provision which help in the development of these Union Territories. Himachal Pradesh is a case in point.

Even in regard to other Union Territories, the Centre has done a lot to develop these regions. I am sure when my hon. friend, Shri Sequeira talked about too many references to the Centre, he realised that the responsibility for financing the schemes that of the Centre and hence a certain amount of extra interest has to be evinced by the Centre in seeing that the funds are well-spent. It is very difficult to have the cake and eat it too.

On the question of iron ore and the income going to the Centre, I would like to remind him that this is a situation common to many areas. Many areas export certain products but the export earning cannot be diverted to those regions. Otherwise, it will make nonsense of our centralised policy of exports and imports and the whole basis of the financial arrangements we have made.

I am sure all sections of the House join me in once again extending our warmest good wishes and congratulations to the people of Mizoram. I move.

MR. CHAIRMAN : The question is :

“That the Bill further to amend the Government of Union Territories Act, 1963 and also further to amend the Sixth Schedule to the Constitution and the Representation of the People Act, 1950, be taken into consideration.”

The motion was adopted.

MR. CHAIRMAN : The question is :

“That clauses 2 to 15, clause 1, the Enacting Formula and the Title stand part of the Bill.”

The motion was adopted.

Clauses 2 to 15, Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI K. C. PANT : I move :

“That the Bill be passed.”

MR. CHAIRMAN : The question is :

“That the Bill be passed.”

The motion was adopted.

14.00 hrs.

COMPANIES (AMENDMENT) BILL

THE MINISTER OF COMPANY AFFAIRS (SHRI RAGHUNATHA REDDY) : I beg to move :

“That the Bill further to amend the Companies Act, 1956, be taken into consideration.”

This is a very non-controversial Bill. It only enables companies to contribute to the National Defence Fund or any other Fund connected with defence, approved by the Central Government. There are certain restrictions in the Companies Act. I may tell the House that there was a similar provision during the last emergency. The distinction between this Bill and the previous one is that the present Bill makes it permanent on the Statute-Book and it also extends the scope of the provisions to the extent that it empowers any person who is exercising the power of the directors, in case the directors are not existing, to donate liberally to the National Defence Fund,

[Shri Raghunatha Reddy]

not withstanding any of the provisions of the Companies Act or the articles or the Memorandum of Association in respect of a company or any other type of organisation that comes within the purview of the Companies Act.

This is a very commendable Bill and I do not think I need make an elaborate speech.

I commend this Bill for the acceptance of the House.

MR. CHAIRMAN : Motion moved :

"That the Bill further to amend the Companies Act, 1956, be taken into consideration."

DR. RANEN SEN (Barasat) : Mr Chairman, Sir, on the face of it, the Bill looks to be non-controversial, but there are a few points which I want to be made clear by the Minister.

For example, in the Statement of objects and Reasons, it is stated that the Bill seeks to introduce a similar amending provision to enable the companies to make contribution to the National Defence Fund and other similar funds. What is the meaning of "other similar funds" ?

SHRI RAGHUNATHA REDDY : May I clarify it ? In the main clause which seeks to amend section 293, that is "in section 293B, it is stated, "...to the National Defence Fund or any other Fund approved by the Central Government for the purpose of National Defence." It may not be called a National Defence Fund. It may be any other fund.

DR. RANEN SEN : So, that point is clear. Now, secondly, I want to know another thing. Is it going to affect the demands of the workers for a bonus ? That is a very pertinent point. We have seen in the past that several companies, not one but several, in order to cheat the workers of their due share of the bonus, used to have recourse to certain contributions to the funds of political parties. This was a universally known factor in these days. Later on, that right to contribute to the funds of political parties was removed. It was a good thing. Still, knowing attitude of the employers in regard to the

payment of the workers, particularly bonus, we find even now that they are trying to circumvent the bonus question by making all sorts of contribution to all sorts of funds. For example, there are the perquisites that used to be given to the officers ; certain amenities to be given to the officers, or certain rearrangement of the offices such as the introduction of the air-conditioning system and all that. The whole office is being air-conditioned with a view to improve productivity. Mr. Kotliari of the Tatas had said that with air-conditioning, productivity increase because the energy of the workers, the employees, increases. That is true, but in regard to air-conditioning of the workers' quarters—not to speak of air-conditioning the office—they do not ever consider that question. They are even opposed to give any good accommodation or make any better arrangement for the living of the workers. That is known. But that is by the way.

The point is : how would it effect the workers' share of the bonus ? That is a very important point. Unless that is clear, I think all the companies that may be against of the community, the American companies, the British companies, even the monopolies of our country who want to cheat the worker will take advantage of this particular Bill and create havoc. That will create a lot of discontent among the workers. Why ? Naturally in time of war the workers may not object to that ; they will even support such a thing. Workers are prepared to pay one day's wage ; even seven days' wages as it was announced a few days back. But if in peace time also this provision is kept in tact workers will be resentful and they will start agitations and other things which will hamper the very cause for which the Bill is being brought forward. So, I want the hon. Minister to clarify this point. That is the moot point in regard to this Bill.

श्री मोहम्मद इल्हास (बैरकपुर) :
चेयरमैन साहब, इस बिल के बारे में मुझे कुछ ज्यादा नहीं बोलना है। श्री रानेन सेन ने यहाँ पर जो प्वाइन्ट रखा है उसी का डाउट मुझे भी है। इसमें यह रखा गया है कि कम्पनीज से उनके नेट प्राफिट का पांच परसेंट नेशनल डिफेंस फंड में लिया जायेगा। लेकिन कहीं ऐसा न हो कि इसका बन्सर मजदूरों के बीच

पर जाकर पड़े। इसलिए मैं समझता हूँ इसके बजाय अगर यह होता कि बोनस देने के बाद बाकी जो इनकम होगी उसका पांच परसेंट नेशनल डिफेंस फंड में लिया जायेगा तब बोनस पर उसका कोई असर नहीं पड़ सकता था। इस ऐक्ट के लागू होने के बाद हो सकता है कि एम्प्लायर्स यह प्ली नें कि हमको गवर्नमेंट को नेशनल डिफेंस फंड में देना होता है इसलिए बोनस 8 परसेंट या 5 परसेंट ही मिलेगा। इस तरह की बातें एम्प्लायर्स पहले से ही करते आ रहे हैं। इसलिए मैं चाहूंगा कि मंत्री महोदय इसकी सफाई करें।

दूसरी बात मैं यह कहना चाहता हूँ कि इमर्जेंसी के समय में ही यह किया जा सकता है, इसको जो परमानेंट नेचर देने की बात है वह नहीं होना चाहिए। इस सिलसिले में मैंने एक केमेन्डमेंट भी दे रखा है :

"during the period of operation of the proclamation of emergency"

इसका मकसद यही है कि इसको परमानेंट न बनाया जाये, सिर्फ इमर्जेंसी के टाइम में ही यह कायम रहे। जैसे ही इमर्जेंसी खत्म हो इसको भी हटा लेना चाहिए। इसके बारे में भी मैं मंत्री जी से जबाब चाहता हूँ।

*SHRI E. R. KRISHNAN (Salem) : Hon. Mr. Chairman, Sir, I am thankful to you for giving me an opportunity to say a few words on The Companies (Amendment) Bill introduced by Shri Raghunatha Reddy, the Minister of Company Affairs.

At the outset, I would like to say that several companies used to indulge in manifold ways in the misuse of funds of the companies. They were donating large chunks of the funds of the companies to some fund or the other. When this became a sort of epidemic, the Government amended the Companies Act stipulating that such a donation should be approved by the General Body in the form of a resolution. This acted as a constraint on the companies from donating huge sums of money. Similarly, restrictions were also imposed on the contribution of funds to political parties.

In the year 1962 when Chinese aggression took place, the Government amended the Companies Act empowering the Board of Directors of companies to make contributions to the National Defence Fund or any other Fund meant for the defence of the country without the limitations contained in the existing provision of Section 293.

This provision remained during the period of operation of the Emergency and it lapsed when the Emergency expired. Now, during the current Emergency in order to enable the Board of Directors or in their absence any other authorised person to make contributions in excess of Rs. 25,000 or 5% of the net profits without going through the formalities of resolution of the general body of the company to the National Defence Fund or any other Fund approved by the Central Government for the purpose of national defence, the Government have re-introduced a similar amendment. As this arrangement is meant for the defence of the country, this amending Bill has to be welcomed by one and all in this House.

The Government have introduced another welcome feature in this Bill. This facility is being made permanent. As I pointed out just now, I would like to congratulate the hon. Minister for making this permanent and the funds will be used for the noble objective of defending the country.

I would like to take this opportunity to mention that the companies in the private sector are without any compunction depriving the shareholders of their legitimate dues. You are aware, Sir, that the top management spends enormous amounts on perquisites and other unseemly luxuries with the result that it is not possible to declare even 2% dividend a year. There are many loopholes in the Companies Act which facilitate the management in such misappropriations and in consequence the poor shareholders are unable to get their legitimate share in the profits of the companies. I would appeal to the hon. Minister that he should bring forward a comprehensive amending Bill to the Companies Act at the earliest putting an end to the irregular use of funds of the Company by the top management. If I have to say frankly, the shareholders do not have any protection at all for the funds invested by them, leave alone the question of getting some dividend.

*The original speech was delivered in Tamil.

[Shri E. R. Krishnan]

While commending the present amending Bill for the approval of the House, I would like to stress that the Government should formulate a comprehensive amending Bill to the Companies Act plugging all loopholes and it should be done quickly if the Government are keen to accelerate the economic progress of the country

श्री आर० बी० बड़े (खरगोन) : सभापति महोदय, शासन ने जो कम्पनीज (अमेडमेंट) बिल प्रस्तुत किया है मैं उसका समर्थन करता हूँ। वैसे तो ऐसा लगता है कि यह बिल बहुत छोटा सा है, लेकिन उसमें लिखा है कि :

"The Bill seeks to introduce a similar amending provision to enable the companies to make contributions to the National Defence Fund and other similar Funds in excess of Rs 25,000 or 5 per cent the net profits."

यानी नेट प्राफिट का परसेंट देना चाहिये। अभी जो माननीय सदस्य बोले उन्होंने कहा कि इससे बोनस पर असर पड़ सकता है। मैं समझता हूँ कि यह ठीक न होगा। मैं चाहता हूँ कि मंत्री महोदय इसको खुलासा करें। यदि बोनस पर इसका असर पड़ेगा तो मैं इस प्वाइंट पर इसका विरोध करता हूँ।

1962 में जब यह बिल लाया गया तो इसलिये लाया गया था कि नेशनल डिफेन्स फंड में कंट्रिब्यूशन देने में बोर्ड आफ डाइरेक्टर्स को सुविधा हो। लेकिन उस वक्त यह कहा गया था कि इमर्जेंसी खत्म होने के बाद यह समाप्त हो जायेगा। लेकिन इस विधेयक के स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन्स में लिखा है :

"Opportunity is being taken to make this provision a permanent one....."

आपने इसको परमानेंट क्यों किया है। इसको इमर्जेंसी तक ही रहना चाहिये। मैं चाहता हूँ कि मंत्री महोदय इस पर भी प्रकाश डालें। साथ ही वह यह बतलायें कि बोनस पर इसका असर होगा या नहीं। अगर होगा तो यह बिता की बात होगी। बाकी 25,000 रु० से ऊपर के नेट प्राफिट्स पर 5 परसेंट देने की

जो व्यवस्था है उसका मैं समर्थन करता हूँ, लेकिन यह देखना चाहिये कि शेयरहोल्डर्स का इंटरेस्ट तो नहीं मारा जाता है। अभी मेरे पीछे बैठे हुए माननीय सदस्य ने कहा कि शेयरहोल्डर्स पर इसका असर होगा। मैं समझता हूँ कि उन पर असर नहीं पड़ना चाहिये। मंत्री महोदय को आश्वासन देना चाहिये कि बोनस और शेयरहोल्डर्स पर इसका असर नहीं पड़ेगा। ऐसा हो जाय तो मैं इस बिल का पूरा पूरा समर्थन करूँगा।

SHRI RAGHUNATHA REDDY : Contribution to the National Defence Fund is distinct from other types of contribution contemplated by the Companies Act. It is a very unique fund, it is for a very noble cause, and it is in the national interests that the company makes a contribution. Only in respect of other contributions certain restrictions have been placed by the law.

The only question that has been raised by Dr. Ranen Sen and other hon. friends is whether it would have any effect on bonus and other allied problems if it becomes a permanent measure. My humble reply is that the Government would naturally try to have contributions to a National Defence Fund only when it considers it necessary to have such contributions. Otherwise, if there is no national emergency and if the Government does not need funds for national defence, such contributions will not be encouraged. Therefore, the Government will have the discretion to receive contributions to the National Defence Fund at time when Government needs such funds.

Secondly, we are not forcing any company to make any contribution. This is only an enabling provision. If the management of the company in their wisdom consider that they should make a contribution to the National Defence Fund, the company should be enable to do so. I can assure the House that Government would exercise sufficient caution to see that this provision is not misused to deprive the workers of the benefits that would accrue to them.

DR. RANEN SEN : This will go down into the statute-book permanently even when there is no emergency.

SHRI RAGHUNATHA REDDY : The previous law was passed for the duration of the emergency period. But now we thought that just as there are provisions for charitable funds, etc., we can also make a provision permanently for contributions to a fund of this character. Naturally when emergency is not there Government will exercise sufficient caution in coming to a decision whether they should accept such contributions. If the receiver does not accept, the company cannot force it on the government. We thought of making it permanent in the statute-book because whenever there is an emergency, we need not trouble Parliament with this type of legislation. When we can provide for charitable funds, etc. we thought the National Defence Fund would be in a much better position.

I welcome the support given by the DMK member. He raised certain general questions about amendments to the Companies Act. I assure him that Government is examining the various amendments necessary in the Companies Act for giving protection to the shareholders and to enable rapid economic development of this country. When the Bill is ready, certainly hon. members would come to know about it.

With these words, I commend the Bill to the acceptance of the House.

MR. CHAIRMAN : The question is :

"That the Bill further to amend the Companies Act, 1956, be taken into consideration."

The motion was adopted.

Clause 2 (Insertion of new Section 293B)

SHRI MOHAMMAD ISMAIL : I beg to move :

Page 1, line 15, add at the end —

"during the period of operation of the proclamation of emergency" (1)

MR. CHAIRMAN : He has already spoken on it and the minister has replied to it. I will now put the amendment to the House.

Amendment No. 1 was put and negatived.

**Moved with the recommendation of the President.*

MR. CHAIRMAN : The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI RAGHUNATHA REDDY : I beg to move :

"That the Bill be passed."

MR. CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

14.20 hrs.

PAYMENT OF GRATUITY BILL

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR) : Sir, I beg to move :*

"That the Bill to provide for a scheme for the payment of gratuity to employees engaged in factories, mines, plantations, shops or other establishments and for matters connected therewith or incidental thereto, be taken into consideration."

There is at present no Central Act to regulate the payment of gratuity to industrial workers, except the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. The Government of Kerala enacted legislation last year for payment of gratuity to workers employed in factories, plantations, shops and establishments. The West Bengal Governor promulgated an Ordinance on the 3rd June 1971 prescribing a similar scheme of gratuity; the Ordinance has since been replaced by the West Bengal Employees' Payment of Compulsory Gratuity Act, 1971, enacted by the President on 28th August, 1971. Gratuity is also being paid by some employers to their workers under awards or agreements.

The enactment of the Kerala Act and the West Bengal Employees' Payment of Com-

[Shri R. K. Khadilkar]

pulsory Gratuity Act, 1971 have brought out the need for the introduction of Central legislation on the subject. If each State enacts its own legislation on gratuity, it will be difficult to ensure uniform conditions of service to the employees of establishments which have branches in more than one State; the mobility of these employees from one State to the other will also be affected.

The proposal for Central legislation on gratuity was discussed in the Labour Ministers Conference held at New Delhi on the 24th and 25th August, 1971. Representatives of most of the State Governments agreed that Central legislation on gratuity might be undertaken expeditiously. The subject was also considered by the Indian Labour Conference at its session held on the 22nd and 23rd October, 1971. The Conference recommended that Central legislation on payment of gratuity might be undertaken as early as possible. The workers' representatives at the Indian Labour Conference suggested that the proposed law, which should preferably be brought into force as an Ordinance, should apply to all establishments irrespective of the number employed should cover all wage-earners without any limit of salary. They further suggested that (a) there should be no ceiling on gratuity and no requirement of minimum qualifying service (b) the rate of gratuity in case of death or disability while in service should be higher (c) dismissal from service should not act as a disqualification for gratuity and (d) service should not be deemed to have been broken on account of strike, legal or illegal.

As recommended by the Labour Ministers' Conference and the Indian Labour Conference, it has been decided to undertake Central legislation on gratuity. In enacting the President's Act for West Bengal in August, 1971 care had been taken to so design its provisions that they could serve as far as possible, as norms for Central legislation. Accordingly, subject to certain modifications, the Central legislation has been modelled on the West Bengal Act.

The West Bengal Act extends to the following classes of establishments :

- (a) Factories as defined in the Factories Act, 1948 ;
- (b) Plantations as defined in the Plantations Labour Act, 1951 ;

- (c) Shops and establishments, as defined in the Shops and Commercial Establishments Act, in which ten or more persons are employed.

The coverage of the Bill is the same as in the West Bengal Act. However, the Kerala and West Bengal Acts do not apply to mines as the State Governments are not competent to enact legislation in regard to mines. There has been a persistent demand for provision of the benefit of gratuity to workers in coal mines and the proposed Bill provides for coverage of all mines as defined in the Mines Act, 1952. Provision has also been made for extension of the Act to other establishments employing ten or more persons.

Labour legislation normally covers only employees falling under the definition of workmen under the Industrial Disputes Act, 1947 i. e., those who do any skilled or unskilled manual, supervisory, technical or clerical work, except that supervisors drawing wages exceeding Rs. 500 per month are excluded. The definition excludes all employees employed mainly in a managerial or administrative capacity. Both the Kerala and West Bengal Acts exclude from their purview employees employed in a managerial or administrative capacity although the Kerala Act does include supervisors without any wage limit. For the purposes of the Bill, the definition in the West Bengal Act had been adopted, that is, employees employed on wages not exceeding Rs. 750/- per month to do any skilled, unskilled, semi-skilled or unskilled manual, supervisory, technical or clerical work have been covered.

Ceiling on quantum of gratuity

Gratuity is payable under the Kerala and the West Bengal Acts at the rate of 15 days' wages for each completed year of service subject to a maximum of 15 months' wages. All Gratuity Schemes in the country have adopted a ceiling of 15 months' wages ; this is also true of the Gratuity Scheme applicable to Government employees. It has, therefore, been provided that the quantum of gratuity shall not exceed 15 months' wages.

Qualifying service for gratuity

According to the West Bengal Act, gratuity is payable after completion of not less than of 5 years' continuous service except that no

minimum qualifying service is necessary in the case of death or total disablement due to accident or disease. The Kerala Act does away with minimum qualifying service in the case of superannuation also. It is necessary that there should be some minimum qualifying service if the concept of gratuity as a reward for continuous and satisfactory service is to be preserved. A qualifying service of 5 years has therefore, been proposed except in cases of death or total disablement due to accident or disease.

Definition of 'Wages'

As regards the definition of wages for computation of gratuity, 'wages' under the Kerala Act has been defined to include (in addition to basic pay) dearness allowance, value of any house accommodation or supply of light, medical attendance or other amenity or of any service or any concessional supply of foodgrains or other articles and any travelling concession. Under the West Bengal Act, the term 'wages' includes basic wages and dearness allowance. Under certain other Gratuity Schemes, the quantum of gratuity is related to the basic wage only. In many industries, the dearness allowance is higher than the basic wage and in such cases, gratuity based only on the basic wage would be too low and unrelated to present day realities. It is for this reason that workers are demanding that gratuity should be based on basic wages plus D. A. The dearness allowance is, therefore, taken into account for payment of gratuity; house rent and other allowances could, however, be excluded. At the Labour Ministers' Conference held in August, 1971, most of the State Governments agreed that for purposes of gratuity, "wages" should mean basic wage plus dearness allowance; this view was also accepted by the Indian Labour Conference.

As regards dismissal, the provision in the West Bengal Act reads as follows :—

"No gratuity shall be payable to an employee whose employment has been terminated for his gross misconduct.

Explanation : "Gross misconduct" means—

- (a) any act or wilful omission on the part of the employee resulting in loss or damage to, or destruction of, property belonging to or owned by the employer; or

(b) any serious act of violence on the part of the employee; or

- (c) any act on the part of the employee which constitutes an offence involving moral turpitude punishable under the Indian Penal Code."

The underlying concept is that misconduct on the part of an employee, no matter at which stage of service, should entail certain consequences either by way of reduction of the gratuity-payment or by its total forfeiture. There are various degrees and grades of misconduct and forfeiture of gratuity should arise only in the case of misconduct which may be described as grave or serious. The considerations bearing on this question have been summed up in a recent Supreme Court Judgment in the case of the Delhi Cloth and General Mills Co. Ltd and others *versus* its workmen and others.

Accordingly, disentitlement to gratuity for misconduct by way of any serious act of violence on the part of the employee would seem to be justified, but for his misconduct resulting in loss or damage to or destruction of property of the employer, forfeiture to the extent of the amount of loss directly suffered by the employer would be more appropriate. The workers' representatives have also complained that reference to offences involving moral turpitude may be construed as extending even to offences totally unconnected with the employee's service in the establishment. To remove this source of apprehension, a modification has been made in order to make it clear that the provision applies only to offences committed in the precincts of the vicinity of the establishment or in the course of the employee's service in the establishment.

Under the proposed legislation, the Central Government will be the appropriate Government for administration of the Act in mines and establishments belonging to, or under the control of the Central Government or in relation to establishment connected with a railway company, a major port, or an oil field and establishments having departments or branches in more than one State. The State Government concerned will be the appropriate Government for administration of the Act in other establishments.

Sir, now, as I said, I propose to move for reference of the Bill to a Select Committee

[Shri R. K. Khadilkar]
of the House, with your permission. Therefore, instead of my earlier motion, I beg to move:

"That the Bill to provide for a scheme for the payment of gratuity to employees engaged in factories, mines, plantations, shops or other establishments and for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of 20 members, namely :—

- (1) Shri R. D. Bhandare
- (2) Shri Dinen Bhattacharyya
- (3) Shri M. C. Daga
- (4) Shri C. T. Dhandapani
- (5) Shri Jagdish Chandra Dixit
- (6) Shri S. B. Giri
- (7) Shri Raja Kulkarni
- (8) Shri Prasannbhai Mehta
- (9) Dr. G. S. Melkote
- (10) Shri Jagannath Mishra
- (11) Shri N. Sreekantan Nair
- (12) Shri Damodar Pandey
- (13) Shri S. Radhakrishnan
- (14) Shri Ranen Sen
- (15) Shri R. N. Sharma
- (16) Shri R. R. Sharma
- (17) Shri C. M. Stephen
- (18) Shri G. Venkatswamy
- (19) Shri Balgovind Verma ; and
- (20) Shri R. K. Khadilkar

with instructions to report by the last day of the first week of the next session."

MR. CHAIRMAN : So, you are moving this motion for referring it to Select Committee. Mr. Daga.

SHRI M. C. DAGA (Pali) : I am not pressing my amendment.

MR. CHAIRMAN : The question is :

"That the Bill to provide for a scheme for the payment of gratuity to employees engaged in factories, mines, plantations, shops or other establishments and for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of 20 members, namely :—

- (1) Shri R. D. Bhandare
- (2) Shri Dinen Bhattacharyya
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- (7) Shri Raja Kulkarni
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- (10) Shri Jagannath Mishra
- (11) Shri N. Sreekantan Nair
- (12) Shri Damodar Pandey
- (13) Shri S. Radhakrishnan
- (14) Shri Ranen Sen
- (15) Shri R. N. Sharma
- (16) Shri R. R. Sharma
- (17) Shri C. M. Stephen
- (18) Shri G. Venkatswamy
- (19) Shri Balgovind Verma ; and
- (20) Shri R. K. Khadilkar

with instructions to report by the last day of the first week of the next session."

The motion was adopted.

MR. CHAIRMAN : The House stands adjourned till 10 a. m. tomorrow.

14.35 hrs.

The Lok Sabha then adjourned till Ten of the Clock on Wednesday, December 22, 1971/Pausa 1, 1893 (Saka).