

विकास निगम (संशोधन) नियम, 1979 को प्रकाशित करने वाली वाणिज्य, नागरिक पूर्ति और सहकारिता मंत्रालय (नागरिक पूर्ति और सहकारिता विभाग) की अधिसूचना सां० का० नि० सं० 592, दिनांक 21 अप्रैल, 1979 की एक प्रति (अंग्रेजी तथा हिन्दी में)

[Placed in Library. See No. LT-4613/79].

**RE. DEMAND FOR A DISCUSSION ON THE TWO ORDINANCES PROMULGATED JUST BEFORE THE COMMENCEMENT OF THE SESSION**

**SHRI PRANAB MUKHERJEE** (West Bengal): Sir, I would like to draw the attention of the House through you to this matter for which I have sought your permission.

Yesterday, we raised a very pertinent question regarding the Ordinances laid on the table of the House. According to the constitutional provision—Art. 123(2)(a)—it is the inherent right of this House either to disapprove...

**MR. CHAIRMAN:** Of Parliament.

**SHRI PRANAB MUKHERJEE:** I am talking of both the Houses of Parliament.

**MR. CHAIRMAN:** You are an expert. Therefore, you put the word "Parliament".

**SHRI PRANAB MUKHERJEE:** Okay, it is the inherent right of Parliament to disapprove the Ordinance when it is laid on the Table of the House. This is the course of action which follows when Ordinances are laid on the Table of the House. The Government can bring a Bill replacing the Ordinance and to save the time of the House, usually it is being

discussed simultaneously with the Motion of disapproval of the Government proposal to replace the Ordinance by the normal Bill.

Sir, a peculiar situation has arisen. Yesterday, the moment the Ordinances were laid on the Table of the House, almost all sections of the House, including some Members from the ruling party, had raised their voices that these Ordinances were repugnant, that these Ordinances were detrimental to the interests of the common people and the working class, and, therefore, the House should have an opportunity to discuss and express its views on each of these at the earliest opportunity. Motions disapproving the Ordinances have already been submitted to your Secretariat, but unfortunately the Government has not come forward either by allotting time for the discussion of the Motions for disapproval, or by bringing the Bills for the replacement of the Ordinances. Sir, if the Government wants to think that they will act on the Ordinances and they would like to take advantage of the time of 6 weeks, they are mistaken. It is the desire of the House to discuss it and disapprove it and not to give the opportunity to the Government to act on the Ordinance itself. Therefore, we demanded yesterday that it would be incumbent upon you to protect the constitutional right of Parliament to express its views on an Ordinance when the entire section of the Opposition and a section of the ruling party feel that these Ordinances were uncalled for particularly when Parliament was about to have its Session. Secondly, it is going to harm the interests of a large section of the community. Therefore, I would beg of you, as the Chairman and custodian of this House, to exercise your discretion. It is not always necessary that we will have to be guided by the Leader of the House to allot time for the business of the House. You yourself can do it. The Leader of the House is nowadays an invisible commodity. Very often he is not found and the

Minister of State for Parliamentary Affairs is just giving his reaction in the normal routine manner. Therefore, it would be our request to you, Sir, to see that we are not placed in a position where a pandemonium like the November Session is repeated. We are clear on one point. We would like to express our views on these Ordinances. We are going to disapprove these so far as the numerical strength of this House is concerned, it has already been clearly shown to the Government and it is clearly understood that all sections of the House, including a few Members belonging to them, are against the Ordinances. There is no chance of getting this Ordinance being passed or being approved by this House.

SHRI B. D. KHOBRA (Maharashtra): Will these some Members from this House vote against the Ordinance?

SHRI PRANAB MUKHERJEE: I do not know. But even if they do not vote, and if all the 70 or 71 Members of the ruling party support the Ordinance or oppose the motion for disapproval of the Ordinance, so far as the numerical strength of the combined Opposition is concerned, as they have expressed their views yesterday, it is clearly indicated that the Ordinance has no chance of getting the approval so far as this House is concerned. Therefore, it would be a fraud on the Constitution, it would be a fraud on the right of Parliament as a whole if the Government simply wants to pass it taking the opportunity of six weeks time that they can get. It would be our request to you to allow time for discussion on the motion of disapproval which has already been given in the names of Members of the various sections of the House.

SHRI BHUPESH GUPTA (West Bengal): This is now a Constitutional issue following from the mandate of the Constitution. I will presently point out to you the relevant provision in the Constitution and the rules of the House. We are not arguing

with the Government. I am not in the hands of the Government nor are you under any obligation or moral consideration to consult the Government about this matter.

Sir, article 123(2)(a) is very relevant which deals with the Ordinance. It says:—

“An ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament or . . .”.

This is very significant.

“... if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions...”.

We are on that, Sir—“if before the expiration of that period”. The Constitution contemplates very clearly by this phrase or formulation which I have read out to you that the House is expected to have a chance, an opportunity of disapproving it before the expiration of six weeks. This is a mandatory provision, and I expect, Sir, the Vice-President of the country and the Chairman will be protecting, preserving and safeguarding the mandatory provision of the Constitution. Sir, if the contemplation of the Constitution was that we must wait for six weeks, then the formulation “before the expiration” would not have been here. This is very explicit, unequivocal meaning of the English word put in here. Neither was it in the contemplation of the Constitution-makers nor is it in the provision of the article that we are under obligation to wait till six weeks or till the time of the expiration. Sir, we are not concerned with the Bill. There is no reference to the Bill here. Here is the only right given to the two Houses of Parliament. Yes, the Ordinance

[Shri Bhupesh Gupta]

will be laid before you and if you do not like it, disapprove of it immediately or at any time you like. This is the position.

Then what does the Rules of Procedure say? Function? They do not come in. This is only on the list of Government Business. In what form? They have laid the Ordinance on the Table of the House. That is the Constitutional provision. It is Government business already. What we have not decided is the time, time to be allotted for discussion and so on. This is all. This is not a business which is not before the House. It is already before the House the moment it has been laid. Sir, we had given notice of a motion disapproving these Ordinances and I am surprised why it has not even been circulated here. I do not understand why this is not circulated. You ask your office to do it.

Now, Rule 33 says:—

“It shall be the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Chairman of the Council in consultation with the Leader of the Council may direct for being referred to the Committee.”

All that you have to do now, Sir, is if you do it now, you can do it here. But should you need any advice, call a meeting of the Business Advisory Committee and allot the time today. We would like to have it started in the afternoon. Otherwise it will be clear fraud on the Constitution and our mandatory right will be taken away.

Now, finally, I want to make a point. Mr. Pranab Mukherjee has made it. There has been a visible demonstration before you that the overwhelming majority of this House do not like these Ordinances. They have exercised whatever was available to them in order to sufficiently

impress upon the Chair and assert their right that these Ordinances are not wanted by this House and, in the light of that, by walking out yesterday and voicing their opposition to it. Sir, what else can you do? Even in this matter will you not show some regard to the overwhelming majority of this House? I do not understand. I do not assume that you will not. But what you wanted, I do not know. If we had a no-confidence motion, we would have moved it and we would have had the Government out. But we do not have it. That is all the more reason why we should be allowed. Meanwhile, repression is going on. Meanwhile, the Government is carrying on and, as I say, this whole thing is a fraud. What they want, they know very well. When they issued the Ordinance, they knew very well, as far as the Reserve Bank is concerned, that this will not be endorsed. Six weeks will be utilised for bullying, suppressing and attacking the Bank employees and others. That is all the more reason why, Sir, you should give us a chance. Otherwise, do you expect us to be concerned with the Government business? I ask you, we have been co-operating all the time and I think you will not expect us to do that thing. Sir, I think we would be perfectly justified in claiming priority for discussion on the two Ordinances—discussion not on anything else but the disapproval motion. First let them have the discussion and, after that, proceed with other business. They can discuss it in the other House also but that is not our concern here.

Sir, this is what I am impressing upon you and I do hope you will kindly listen. We have been very much aggrieved last year and, Sir and I hope that it will not be done in this case also. We are not here as charity boys. We stand by Fundamental Rights given to us by the mandate of the Constitution and I demand that the right of the House be respected.

SHRI DEVENDRA NATH DWIVEDI (Uttar Pradesh): Mr. Chairman,

Sir, this is not the first time. (*Interruptions*) For the past one year the Rajya Sabha is being prevented by the Treasury Bench, to discuss and decide its own business. Sir, we are confronted with a situation in which Government is asking for the right to decide what will be discussed between Monday and Thursday, the four days which are allowed for Government business. On Friday, of course, we can discuss anything. But the Government is trying to arrogate to itself, a minority Government, a Government which does not enjoy majority in this House, time and again is arrogating to itself, the right and the power to decide as to what will be discussed between Mondays, Tuesdays, Wednesdays and Thursdays.

This is a situation which should not be permitted by you as the custodian of the Rajya Sabha, which is not contemplated by the Constitution and which is not contemplated by the Rules of Business. Here my senior colleague Shri Bhupesh Gupta has raised a motion which clearly envisages a situation... (*Interruptions*) Well, the hon. Deputy Prime Minister leaves when he finds himself in an embarrassing situation. Now, the Constitution clearly envisages a situation in which contrary to the Government's desire, the House disapproves of a certain ordinance. Sir, if the Government agrees that the House should disapprove an ordinance, it would not have been provided for. The very fact that the Constitution has provided for an eventuality and a situation in which the Rajya Sabha disapproves of a certain motion on ordinance before the expiry of six weeks means that it has been envisaged in the Constitution that the Lok Sabha or the Rajya Sabha can discuss and reject an ordinance against the wish of the Government. Now, how can we do that? The only way is that you as the Chairman may fix the time for a discussion soon, if possible, between tomorrow and day after tomorrow, so that this House

can collectively reject a draconian measure which is being opposed even by the Janata MPs. Therefore, I beg of you, Sir, that you immediately summon a meeting of the Business Advisory Committee and between tomorrow and day after tomorrow you allow us the opportunity to reject these ordinances.

SHRI B. D. KHOBRAGADE: Sir, this is a very important matter that this House is discussing. In fact, the Prime Minister or the Leader of the House should have been present in this House, but both were absent. The Deputy Prime Minister was present here, but I do not understand why he has left the House when such an important matter is being discussed. This is a very important matter and he should not have left the House. Therefore, I record my strong protest against the departure of the Deputy Prime Minister.

SHRI DEVENDRA NATH DWIVEDI: He has gone to check how many people have resigned from the party.

SHRI B. D. KHOBRAGADE: All right. Let it be as many... (*Interruptions*) Just excuse me. (*Interruptions*)

SHRI BHUPESH GUPTA: Many people are leaving the party. Mr. Charan Singh may be interested in that part.

SHRI B. D. KHOBRAGADE: Yesterday also a large number of Members had expressed their views and expressed their strong sentiments against the ordinances. So the sentiments of the House are well known. As has been pointed out by Mr. Pranab Mukherjee and Bhupeshda, some of the Members from the Janata Party are also opposing these ordinances. If I remember correctly, the socialist section led by one of the Ministers, Mr. George Fernandes, has also announced an 8-point or a 9-point programme and they have said that they would

[Shri B. D. Khobragade]

oppose the compulsory Deposit Scheme (Amendment) Bill. It means that a section of the Janata Party is opposing this Bill. When such sentiments are being expressed by almost all the Members, including the Members from the Janata Party. I do not understand why there should not be any discussion on it in this House. All that the Members are demanding is a discussion on the ordinances, whether approving or disapproving them; a decision will be taken by the House. But, in view of the fact that there is a strong feeling in the House that a discussion should be held, it should be held as early as possible. It is not necessary that this House should wait for six weeks because there is a provision in the Constitution that an ordinance can be in force for 6 weeks. I do not think there should be no discussion in this House for six weeks. The discussion should be held as early as possible. But there is another aspect also. The sentiments of this House, or of the majority of the Members of the House, have been known and those feelings should be respected. There is a provision in the Constitution that the President can at any stage withdraw an ordinance. Therefore, taking into consideration the sentiments of the House, I appeal to the President that he should withdraw these ordinances.

**SHRI DINESH GOSWAMI (Assam):** Sir, I want to raise a procedural point for your consideration and ruling. My point is that under article 123 a Member has a right to give a motion against an ordinance. This is a Constitutional right that we possess, that if an ordinance is promulgated, then a motion of disapproval may be given by anyone of the Members; and the outside limit is six weeks. If this disapproval motion is not taken into consideration, automatically after six weeks it lapses. The outside limit is six weeks. But when a motion is given, may I know from you, Sir, what the rule is which governs the motion. I do not find a

single rule in the Rules of Procedure and Conduct of Business in the Council of States, which deals with particularly this type of motions because the only chapter relating to motions, relates to the motions of public importance. This is not one of those motions. The motions relating to public importance are different from the motions which occur from the Constitutional provisions. In the absence of specific rules dealing with the motions of disapproval, we will have to go to the residuary powers under Rule 266 because it says:

"All matters not specifically provided in these rules and all questions relating to detailed working of these rules shall be regulated in such a manner as the Chairman may, from time to time, direct."

Therefore, if there is something which is not specifically provided in the rules—and my submission to you is that so far as the motion for disapproval of the ordinance, a right guaranteed to the House under the provisions of the Constitution, is concerned, no specific provision has been made in the Rules of Procedure—you shall have to apply rule 266, and the entire powers under Rules 266 rest, with you. And, therefore, we shall have to interpret that way in the absence of specific provision or specific rule. You, under Rule 266 must direct for it if the entire Opposition wants a discussion today under the Rules of Procedure. The Government may come and say that it does not permit a discussion today. Therefore, I am saying that in view of the specific powers granted to you under Rule 266 apart from the general powers which you possess to maintain the rights of the members of the House, you should give a direction when the entire Opposition is asking for a discussion of the motion and when there is no specific provision. The ball is entirely in your own court and the Government does not come into the picture. It is for you to enlighten us as to whether you can do so under Rule 288.

**SHRI P. RAMAMURTI** (Tamil Nadu): The issue is one between the powers of the executive and those of Parliament. We should know which is supreme with regard to legislations in this country, whether Parliament is supreme or the executive is supreme. After all the Constitution contemplates that when Parliament is not sitting, a situation may arise when it may be necessary to have a legislation, and in that case if the President is satisfied that such a legislation is necessary, he may promulgate an ordinance. But the President is not Parliament. Parliament is different from the President. Therefore the President in his wisdom think that at a particular moment an ordinance is necessary. The Constitution clearly provides that if an ordinance is promulgated, it shall be placed on the Table of Parliament on the opening day and that the ordinance will cease to operate after six weeks unless—this is the most important thing—before those six weeks both the Houses pass a resolution approving that ordinance. Therefore, to say—whether the President was right in issuing that ordinance and whether the ordinance should continue or not, is the prerogative, not of the executive, not of the Government, but of the entire Parliament. This is the basic question. Have we not got the right? Why should the Government be afraid of a discussion on it? After all this is also a Government business. They have passed an extra-ordinary legislation suppressing the rights of the workers and defining “strike” in a manner which has been struck down by the High Courts, which no sane man in this country will accept as strike and no man in the world will accept it as strike. That is the definition of “strike” in the ordinance they have given in order to see that those people who disobey that will be put in jail for five years. I do not think that this Government will put any employer for five years or even One year or even for one day in jail. But a worker who acts according to

norms which they themselves have laid down, they say, would be interpreted to be on a strike. The courts have held that it is not strike. Therefore, they have brought this Draconian legislation, the type of which this country has never seen or any democratic country has never seen. Therefore, why should they be afraid of it? After all it is a part of the Government business. Why should not the Government say, “All right, you have got the right; Parliament has got the right to express disapproval. Let it be taken up first.” Or they could have brought the Bill itself. Drafting the Bill does not take much time. You have drafted the Ordinance. You just make it a Bill and bring it before the House and give precedence to it. What prevented you from doing it? You did not do it because you want to subvert the Constitution; you want to take away our right to tell you that you have acted wrongly and that this Ordinance should not prevail. Therefore, this is a sinister move. You know as a matter of fact, that this Bill will not be passed by this House, by both Houses of Parliament. I am absolutely certain that even in the other House where that party enjoys a majority, they will not be able to pass the Bill because I know that many Members of the ruling party... (*Interruptions*)

**SHRI JAGJIT SINGH ANAND** (Punjab): There is no majority there.

**SHRI ANANT PRASAD SHARMA** (Bihar): They have lost the majority today.

**SHRI P. RAMAMURTI**: Even if they have a majority, I know that many Members of the ruling party will either absent themselves or disobey them and vote against it. This is the position. They know that this Bill will not be passed, and that even if it is passed there, this House will reject it. Knowing this full well, they brought this Ordinance just four days before Parliament was to meet and they now want to deny us also our right to disapprove it. Can this be allowed? Why are you afraid? If you

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are sure that what you have done is correct, why are you afraid of facing Parliament. This is what I want to ask you. And you call this democracy? You say you are fighting for democracy. You say you are fighting for parliamentary rights. Is this the democracy that you fought for? Therefore, Sir, I want to ask them straight. Are you prepared, have you got the courage, or are you cowards, to face Parliament on this question? Answer this question straight. If they are cowards, then, Sir, you have got a responsibility, and if you don't exercise that responsibility, then we will have to take the House into our own hands. We cannot allow them to have it their way. This is all I have to say. Therefore, I will ask them a straight question. Unfortunately, Sir, on such an important question, people who count have run away. What am I to do?

SHRI BHUPESH GUPTA: Mr. Dharia counts.

SHRI P. RAMAMURTI: He counts.

SHRI BHUPESH GUPTA: I do not know when he will be discounted. Discounting has started.

SHRI ANANT PRASAD SHARMA: One minute. I have also given a motion.

SHRI P. RAMAMURTI: I have not finished. Therefore, Sir, I want him to answer on behalf of the Government. He is sitting there. Let him answer whether the Government has got the courage to take it up immediately or not. If the Government does not have the courage, if it is a cowardly Government, then the House has to take up the whole question. You have got to decide, Sir, and then the House will have to take up the problem. I will move that the business be suspended. I move that all listed business be suspended and this resolution disapproving the Ordinance be taken up first. I am moving it formally. Let the House decide. You can't decide.

SHRI ANANT PRASAD SHARMA:

Sir, the Leader of the Opposition has given enough indication yesterday that on such an important issue, you have to take the decision and not the Government. You see, the Government has done their job. It appears that they have got no courage to face the House. They are not coming forward to face the House. Therefore, in these circumstances, Sir, you have to decide whether you are going to permit us to have this discussion. We have given motion and the Leader of the Opposition has told you yesterday very clearly that if this discussion is not allowed for disapproval of the Ordinance, today, it will not be possible for the House to conduct any other business. That is what I wanted to say.

MR. CHAIRMAN: In view of the opinions expressed by several Members of this House, I would like to know from the representatives of the Government what they have to say specifically.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KRIPAL SINHA): Sir, yesterday and also today hon. Members from different parties have pressed upon you, and through you, on the Government, to allow time for the disapproval resolution on this Ordinance. Sir, in the last 30 years I do not know whether there is any such precedent in this House, that the Government brought an Ordinance and the motion for disapproval was moved earlier and that was disapproved. Sir, the convention in both Houses... (*Interruptions*)

When honourable Members were speaking, we were listening to them patiently. At least this much courtesy I should get; I should get a patient hearing, not interruptions. Never was a disapproval motion discussed in this House before the Bill replacing an Ordinance was brought. An Ordinance was placed in the

House and then the disapproval motion was discussed either on that day or on the following day. The Constitution enjoins a period of six weeks or so. If within that period of six weeks the Government does not bring the Bill, then I can understand. But the Government has given no such indication...

SHRI ANANT PRASAD SHARMA:  
You cannot function like this.

(Interruptions)

DR. RAM KRIPAL SINHA: Why are you all rising when I am on my legs?

SHRI BHUPESH GUPTA: You are on your legs only physically.

DR. RAM KRIPAL SINHA: I have requested you to listen to me patiently. I have listened to you; I have listened to the emotionally surcharged speech of Shri Ramamurti.

I think there was no need of saying cowards and all that. No disapproval motion was ever discussed before the Ordinance itself was placed before the House or the Bill following the Ordinance came...

SHRI DEVENDRA NATH DWIVEDI: Even the CPM is deserting you.

DR. RAM KRIPAL SINHA: The convention in this House has been that when the Bill following an Ordinance is introduced by the Government, on that very day or on the day following, the disapproval motion is also discussed and finally disposed of. This has been the convention. I therefore urge patience on the part of the Members. When the Government brings the Bill, if the House disapproves it, and if that House also disapproves it, that is, if both the Houses disapprove the Ordinance, then the Ordinance goes. If you have the majority here and if the people there also do not want it, then it will be disapproved. But before the process is gone through, what is all this talk of being cowards and all

that? We all know who is what. We all know who is coward and who is brave. We all know it. I would most humbly submit, let us not break this convention. This is the established convention. As far as allotment of time is concerned, we have heavy Government business and I do not think we can go on with Government business in this way. When the Bill is introduced, you are free to disapprove it. I would most humbly plead with the House, with all honourable Members of the Opposition, not to obstruct the business of the House. Day in and day out we sit in the House and say, we won't allow Government business to proceed. What effect will it have on the masses? We should consider that aspect (Interruptions) Please sit down. I did not disturb you. It is Government business that the House has been summoned for. And if we say everyday that Government business will not proceed, I do not know what impression the whole country is having about us, about the House. So I would plead with senior leaders like Shri Ramamurti, Shri Bhupesh Gupta, the Leader of the Opposition, Shri Shastriji and all other senior leaders, to think a bit coolly about this problem. Merely saying we won't allow Government business in this House will not help anybody. This is not such a small thing. It creates a certain atmosphere in the country which is not...

SHRI DEVENDRA NATH DWIVEDI: Sir on a point of order...

SHRI PRANAB MUKHERJEE: There is no need of lecturing on the atmosphere.

DR. RAM KRIPAL SINHA: When the Government brings the Bill, the Resolution disapproving the Ordinance...

(Interruptions)

MR. CHAIRMAN: Honourable Members, please bear with me; if you



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want to reply effectively, you must hear him first. I have never prevented any Member from expressing his views. But before you want to reply, please hear him completely so that you can reply effectively.

AN. HON. MEMBER: Do not repeat.

DR. RAM KRIPAL SINHA: After all, the hon. Members are repeating the same thing which they said yesterday. But when I rise to speak, you say 'do not repeat'. Now, they are all senior Members. Hon. Member Shri Bhupesh Gupta has said nothing today which he did not say yesterday. Shri P. Ramamurti has said nothing new today. So also, hon. Members Shri Dwivedi and Shri Mukherjee.

SHRI BHUPESH GUPTA: But you have not said anything at all.

DR. RAM KRIPAL SINHA: They all said the same thing which they said yesterday. Still, you are asking me not to repeat.

SHRI JAGJIT SINGH ANAND: By this, has he added anything to his substantive submission?

DR. RAM KRIPAL SINHA: I am reminding the hon. Members and House on the established convention regarding discussion of disapproval motions of an Ordinance. Secondly, the Government have not said that the Bill is not coming. When the Bill comes, you are free to disapprove it, if that is the wisdom of the House. As it is, Government's business is heavy and the House has been summoned to transact Government business. I do not think there is any hurry to discuss this disapproval motion.

SHRI DEVENDRA NATH DWIVEDI: I am on a point of order.

SHRI N. P. CHENGALRAYA NAIDU (Andhra Pradesh): Sir, the Leader of the House is not here. Therefore, please postpone this till tomorrow

when the House can hear what the Leader of the House has to say.

SHRI VISWANATHA MENON (Kerala): You call him here.

SHRI PRANAB MUKHERJEE: Why is he not here? Ask your leader to be here. We want to listen to him. We want him to be here.

SHRI DEVENDRA NATH DWIVEDI: On a point of order.

SHRI JAGANNATHRAO JOSHI (Delhi): I am on a point of order.

SHRI DEVENDRA NATH DWIVEDI: I stood first.

SHRI JAGANNATHRAO JOSHI: I think I was the first to stand.

MR. CHAIRMAN: You can also raise your point. Since I think Mr. Dwivedi stood first, let us hear him first. Then I will call you.

SHRI JAGANNATHRAO JOSHI: My point of order is about his rising on a point of order. My point is that each one of them has already spoken about this Ordinance. And the Minister has replied. Again, he is getting up. Mr. Ramamurti is getting up. Is this to continue like this? There will then be no end to it. For instance, Shri Bhupesh Gupta has spoken. Shri Pranab Mukherjee has spoken. Now, it is for you to take a decision. Otherwise, Government business will not be transacted here.

SHRI DEVENDRA NATH DWIVEDI: My point of order relates to the point that has been made by the Minister. It is very simple. He has invoked the convention of the House to make the point that in as much as in the past the disapproval resolution has been discussed along with the Bill and, therefore, we should not be allowed to take up the Ordinance first.

Now, there are two points I want to make. One is that probably he has a

total misunderstanding about the convention. Convention presupposes consensus. Unless the whole House agrees to continue certain convention, that convention has no meaning. This convention has been built up over a period of time, under certain circumstances when one Party had been in majority in both the Houses and whatever happened there was controlled by the Party which had a majority. But no convention can prevent this august body to decide whatever it wants to decide. This is not the concept of convention. If we decide to break a convention and set a new precedent, it is within the rights of the Rajya Sabha to do so.

My second point is that a convention does not override the Constitution.

SHRI PRANAB MUKHERJEE: Exactly.

SHRI DEVENDRA NATH DWIVEDI: The Constitution does not even override the Rules of Business. So, the constitutional provision is that it is open to both the Houses to disapprove of the Ordinance before this six-week period. Now, naturally this Government would want it to be taken up six weeks later. But the House wants it to be taken up earlier. Now, the Constitution provides for such a situation and the House can do so. That is number one. Convention does not override the Constitution. Then, number two is this: If in its wisdom the House decides to do away with certain conventions, then it should do so. Two more points I will make briefly, Sir. Sir, you are the custodian of this House and you must reflect the sentiments and views of this House. In your wisdom, you have asked the Government and in asking the Government you have practically indirectly directed the Government to indicate as to when this should be taken up. But this Government, in accordance with its tradition, is again showing contempt and disrespect to the

sentiments of the House and all sections including a section of the ruling party. And like somebody who will close his eyes and ears, he has got up now and referred to certain conventions about which he knows so little. Therefore, I would urge upon you as the Chairman of the Rajya Sabha to direct the Government that the Government must indicate as to whether it is prepared to take up the matter today and tomorrow and it should again call the Business Advisory Committee.

SHRI P. RAMAMURTI: I am afraid, Sir, that my honourable friend does not know that when in the previous years both the resolution disapproving of a particular Ordinance and the Bill were taken up simultaneously, it has done only by consent. The Ordinances that were promulgated at that time were not of this obnoxious and of this draconian character. Therefore, the Members of Parliament who had given notice of disapproval might have agreed saying, "All right. We must wait for the Bill. It does not matter." But here is a matter where there is no question of those conventions. Here is a legislation the like of which this country has not seen. Are we here to allow the Executive to operate on that?

AN HON. MEMBER: What about the railway strike?

SHRI P. RAMAMURTI: We had that and we asked for it.

SHRI HARI SHANKAR BHABHRA (Rajasthan): What about the emergency?

SHRI P. RAMAMURTI: Then you want to behave like them, like the Congress Party? Then you say so. But at that time you thundered against it. You thundered against it at that time.

PROF. N. G. RANGA (Andhra Pradesh): In the case of those Ordinances it was for six months and this is only for six weeks and they are doing it

[Prof. N. G. Ranga]  
advisedly. But this House would be there. (*Interruptions*).

SHRI P. RAMAMURTI: But that is a different matter. The point, therefore, is that he cannot take shelter behind the act that earlier the resolution for disapproval and the Bill were taken up and discussed simultaneously. Secondly, he says that the Bill will be brought forward here. Where is the provision in the Constitution to the effect that the Bill must be brought forward? There is no provision. You may or may not bring forward the Bill. Where is the provision? You may bring forward the Bill or you may not. You may not bring forward it because within these six weeks you would be able to suppress the workers.

DR. RAM KRIPAL SINHA: You are again going into the merits.

SHRI P. RAMAMURTI: So, you may bring forward that or you may not. But are we here to allow the Executive to usurp the powers of legislation of Parliament, the legislative rights of Parliament and give to the Executive those powers? The Constitution clearly provides that if Parliament feels that an Ordinance is not necessary, it can disapprove of it and we are seeking the earliest opportunity in view of the Draconian nature of this legislation. We do not want to give powers to the Executive to continue to act in this manner and repress the workers. Every day hundreds of people are being arrested and we do not want to give to the Executive that power. That is why, Sir, I say that Parliament's will has to prevail and not the will of the Government. That is why I say that this is a matter in which he cannot quote precedents and conventions. Those precedents are not relevant and they have no relevance whatsoever to this particular legislation. We have got the right to disapprove of it and, therefore, it is not in the wisdom of the Government to give us time or

not to give it. That is why, Sir, I have given notice of two resolutions and I am moving one immediately. And, Sir, I move:

That the business of the House listed in the agenda papers be suspended and the two Resolutions disapproving of the two Ordinances be taken up for consideration immediately.

This is the Resolution which I had given notice of, Sir, and I want an answer.

DR. RAM KRIPAL SINHA: I will again request him and plead with him to think a hundred times before you proceed with this about what type of atmosphere it would create in the country... (*Interruptions*)

SHRI PRANAB MUKHERJEE: It is too much to bear.

DR. RAM KRIPAL SINHA: We are deeply interested in the welfare of the working class, and that is why during the last two years we have taken measures which were not taken in thirty years, for the welfare of the working class. There are people who are shouting in the name of the working class. Where were they—these trade union leaders—when 44,000 persons of the working class were dismissed from service and put behind the bars during the emergency? Where were these labour leaders?

They were in collusion with them. And today they are shedding crocodile tears. We stand for the working class and we have done something for the working class which was not done in the last thirty years. We have taken these measures... (*Interruptions*) We are not to learn from these benches... (*Interruptions*) So, I would plead with him, because he is a senior Member. Shri Bhupesh Gupta and Shri Ramamurti are senior Members and they know what sort of climate it will create. If the Bill is not brought, it will automatically lapse. So what

is the hurry about? I do not think that the Government has stated that it is not coming with the Bill . . .  
(Interruptions)

SHRI DEVENDRA NATH DWIVEDI: You did not indicate when it is coming. Bring it tomorrow.

DR. RAM KRIPAL SINHA: You did not do this in the past. I will have to call for records. You did not have the courage to oppose emergency measures in this House and today you are shedding crocodile tears... (Interruptions)

SHRI KALP NATH RAI (Uttar Pradesh): Sir, on a point of order.

DR. RAM KRIPAL SINHA: I will request Shri Ramamurti and Shri Bhupesh Gupta to think about it coolly, and I appeal to the Leader of the Opposition to... (Interruptions)

MR. CHAIRMAN: You are not allowing him... (Interruptions)

DR. V. P. DUTT (Nominated): Sir, on a point of order. Such a serious matter is being discussed in this House. There is a stalemate, there is a deadlock here. The Leader of the House is not present. He is away in some meeting or the other. I would like to know what is happening to the Government. Why is the Leader of the House not present? The Leader of the House should be here to indicate to us what is the Government's decision... (Interruptions)

SHRI BHUPESH GUPTA: Sir, we heard the speech very patiently, of my friend, young friend, Dr. Ram Kripal Sinha. He wanted to impress upon you by reasoning about convention. Well, Sir, I wish he had not mentioned it. Sir, when I heard his speech, I felt I was hearing a voice from a Moghul harem in the last days of the Moghul Empire... (Interruptions) Sir, we are not in the days of the Moghul Empire, nor are these the

last days of the Moghul Empire. Neither are we confronted with a harem in desperation in panic...

DR. BHAI MAHAVIR (Madhya Pradesh): The chronic bachelor does not know anything about a 'harem'. How is he making this comparison at all?... (Interruptions)

SHRI BHUPESH GUPTA: Only people like us can imagine the state of their condition... (Interruptions) But you have a bachelor in Mr. Morarji Desai—a married bachelor. But he has children all the same. Anyhow, now let us not go into the bachelorhood and spinsterhood. Sir, what did he say? He said about convention. I have always heard this thing from these benches. What happened in those days? That side used to have the majority. Therefore, they could conduct the business as they liked. We had thought that even if we insisted, we would not succeed. Therefore, having lodged our protest we reconciled to the reality of the Government having the majority. Now, Sir, this is an unprecedented situation. That analogy will not hold good. The majority is on this side. The majority wants to shape its business in a particular way. In the old days, when I raised the objection, the majority shaped its business in the event of a dissension and the majority was not on my side. Therefore, why should he bring in that convention? Such a situation never existed in the history of this House. This is what you must understand. Sir, here we have pointed out the mandatory provision. We are asking you to implement that. Dr. Ram Kripal Sinha has given all kinds of arguments. Has he made any point? Now he is showing a little anger and excitement. But I am full of forgiveness because, after all, their house is collapsing like a pack of cards. 22 Members have already gone. If ten more go, they become a minority Government. I can understand their discomfiture, panic, anarchy and loss of head. I understand everything

[Shri Bhupesh Gupta]

But, Sir, it is for you to be calm and quiet. We are on solid ground. In view of the fact that the overwhelming majority of the House has demonstrated their opposition to the ordinance and since the overwhelming majority of the House decides through its Business Advisory Committee the business of the House and since that majority, through its representatives, has been asking for priority to this business, suspending all other business, I do not see what alternative you have. You have no option open to you. Certainly you have some discretion. But here, in this thing, you have to go by this thing. We are saying that we want our rights to be protected. The Government should understand the new situation. There is no precedent for it. I do not know in how many Parliaments of the world a situation of this kind exists in which the Government is staggering in one House and is doomed for two years in the other House. In which Parliament of the world such a situation exists? I would like to know from any knowledgeable man. Here comes the Gautam Buddha of the Janata Party, Mr. Advani. Sir, he believes in silence. I know that he is an intelligent man and a calculating man. Often I have compared him with Cassius-lean hungry and yet calculating. He knows that we are right absolutely. Perhaps he can give some argument. Arguments can always be given. All my friends on this side, the Leader of the Opposition and we have asked for a little regard to be shown. Parliamentary democracy is being molested and mauled every day by this Government. Sir, let us not be a party to it and let not the Chair look on passively and allow the molestation of the Parliamentary institution to the disgrace of the great nation, to the shame of all, of us.

SHRI JAGJIT SINGH ANAND: Sir, in the other House the Socialist group is already on record that it is against these two Ordinances. So, they are in a minority already.

SHRI N. K. P. SALVE (Maharashtra): Sir, I am glad that the Leader of the House is present here. He would not be able to understand and appreciate the sentiments of the House. Sir, the Minister of State for Parliamentary Affairs is usually a responsible and restrained person. And when he rose to reply to the debate, I expected of him a much greater responsive approach. But he has not prepared his case today properly and he advanced arguments which can only be considered as arguments in sheer despair. Sir, does he really think that he will be able to save himself and his Party from drowning by sticking on to the straw of convention of 30 years? Is there a convention in this House or the next House or in any House of Parliament, governed by parliamentary democracy, where the majority of the House wants a particular discussion and that discussion is disallowed day in and day out? Is there a convention, is there a precedent anywhere? You cite one precedent anywhere. Nothing is more subvertive of the cardinal principles of parliamentary democracy than to deny to this House the very discussion, the very business that it wants to conduct itself. And in a matter like this you are speaking of convention, you are pontifizing and sermonizing about the convention. Is there a convention where such a discussion was asked for to disapprove of an Ordinance and it was not complied with? You show us a single precedent. It is no use talking vaguely in the air.

Sir, the point that I want to make for your consideration is this. What is the basic philosophy behind the relevant article which has been raised? The founding fathers have provided for an opportunity. They have provided an article dealing with the disapproval of an Ordinance. There is a basic philosophy behind it. There are three organs under the Constitution for our entire working. There is the Legislature, the Parliament. There is the Judi-

ciary. There is the Executive. Sir, usually, making the laws is the prerogative only of the Legislature and the Parliament. In exceptional circumstances, Sir, the Executive can by an Ordinance arrogate to itself what, in fact, is the prerogative and right of the Legislature and the Parliament. But, Sir, while this authority and power was given to the Executive, the founding fathers have provided for a check that should they abuse, should they misuse such authority, Parliament need not wait for six weeks. The provision, Sir, that six weeks or the disapproval whichever is earlier in the point of terminus. It is one of the basic philosophies which I want you to consider, Sir. If, however, that is subverted and that is not given the due weight, then the very cardinal principle of Constitution would be brought to an end. And, Sir, agreeing with what Mr. Dinesh Goswami has said that there is no provision in our Rules for a motion which deals with the disapproval of an Ordinance I respectfully submit that it has got to be dealt with by you, Sir, under your residuary power. You need not go to the Leader of the House or the Government for consultation. And, therefore, Sir, if you do not want the subversion of this very cardinal principle enshrined in our Constitution that if the Executive is to arrogate to itself the legislative power, and the legislative power is not to be grossly abused, then the Parliament is supreme to put a check to it. That is the issue, Sir. And if that is the issue, Sir, I implore upon you. Do not drive us to desperation. We have reached a point of no return. Do not drive us to desperation. I am not holding out any threat, Sir. In humility, I am putting it to you. Do not drive us to desperation. Things have come to a point. The Government is sinking of its own sins. We do not need to do anything for that. It is not for that purpose. But, Sir, this draconian, this obnoxious, this tyrannical measure has been unleashed on

the people. If we do not disapprove of this, we will not be worthy of our salt. It is for you to consider to give us an opportunity to voice our disapproval lock, stock and barrel. That is my submission.

श्री जगदीश प्रसाद साधुर (उत्तर प्रदेश) : मैं एक बात कहना चाहता हूँ। सब से पहले प्रश्न खड़ा किया था प्रणब बाबू ने और उन्होंने भी यह बात कही थी कि इस सदन की और दूसरे सदन की भी यह परम्परा रही है कि आर्डिनेन्स और उस का बिल एक साथ लाया जाता है। उन्होंने ठीक प्रश्न खड़ा किया था, परन्तु उस के बाद शर्मा जी ने यह धमकी दी कि यदि इस पर अभी बहस नहीं करायी गयी तो सदन की कार्यवाही नहीं चलने दी जायेगी। उनकी इस बात से यह बात स्पष्ट हो गयी है कि हमारे सामने बैठे जो बन्धु हैं उनका इस विषय पर बहस कराने का उद्देश्य क्या है। इस उद्देश्य को देखते हुए सरकार के लिये यह आवश्यक हो जाता है कि जल्दी से जल्दी वह इस बिल को सदन के सामने लाये। परन्तु अभी संविधान के प्रावधानों को चर्चा की गयी है और दलील देते हुए सत्वे साहब ने कहा कि उस के प्रावधान का अर्थ यही है कि वह जब चाहे 6 सप्ताह में इस प्रकार के आर्डिनेन्स को डिस्अप्रूव कर दें। बात बिल्कुल ठीक है लेकिन 6 सप्ताह के प्रावधान का अर्थ यह नहीं है कि जिस दिन सदन बैठे उसी दिन वह लिया जाये। दलील यह दी जा रही है कि यदि 6 सप्ताह का समय दे दिया गया तो सरकार जो कुछ करना चाहती है मजदूरों के साथ वह उस में कर सकती है। लेकिन सरकार तो जो कुछ करना चाहती है वह दस दिन में भी कर सकती है और वह एक दिन में भी कर सकती है, परन्तु प्रश्न यह है कि बिल आये या नहीं आये। अगर बिल न लाने की बात होती तो सरकार

[श्री जगदीश प्रसाद माथुर]

की ईमानदारी पर संदेह करने की गुंजाइश हो सकती थी, लेकिन जैसा कि राज्य मंत्री जी ने कहा है उस से स्पष्ट है कि सरकार इस सम्बन्ध में बिल लाना चाहती है। तो बिल आये, या नहीं आये इस पर बहस चालू करने का कोई अर्थ नहीं है, केवल बात यह है कि आर्डिनेन्स पर बहस का समय कब रखा जाये। सदन स्वयं समय का विभाजन नहीं करता। इस के लिये सदन की ओर से बिजनेस एडवाइजरी कमेटी बनी है। बिजनेस एडवाइजरी कमेटी इज दि रिप्रेजेंटेटिव आफ आल दि हाउस। सारे सदन के जितने रूप हैं सब का वह प्रतिनिधित्व करती है। कम से कम दो साल से मैं देख रहा हूँ और उस के बारे में जानकारी हम को है कि सदन का जो समय है यहाँ की कार्यवाही के लिये उस के बारे में निर्णय बिजनेस एडवाइजरी कमेटी ही करती है और सदन उस के बारे में स्वयं विचार नहीं करता। तो यह परम्परा दो दिन के लिये तोड़ी जा सकती है, लेकिन उन्हें स्मरण होगा कि परम्परा का प्रभाव नियम और कानून के बराबर ही होता है। सदन को अधिकार है कि वह चाहे तो कानून बदल दे, लेकिन जब आप कानून लाने ही नहीं देना चाहते तो वह बदलेगा कैसे। तो मेरा निवेदन है कि सदन को आप यह अधिकार दें यह बात उचित है। आप यह अधिकार दे सकते हैं, लेकिन जो कार्य संचालन समिति है उस का जो अधिकार है उस की रक्षा भी जानी चाहिए और समय निश्चित करने के लिये उस का ही उपयोग किया जाना चाहिए। सरकार इस बात से मुकर नहीं सकती कि उस पर बहस न हो। कार्य संचालन समिति में सब मिल कर, जो दिन वह निश्चित करे बहस के लिये, उस दिन उस पर यहाँ बहस हो। परन्तु मुझे खेद है कि शर्मा जी ने ऐसी बात कही

कि यदि यह नहीं होता है तो सदन की कार्यवाही नहीं चलने दी जायेगी। मैं आप के माध्यम से उन से निवेदन करता हूँ कि वे अपने दल के लोगों को वाक़्खें वरना सदन की प्रतिष्ठा को उन्होंने काफी गिराया है पिछले दो सत्रों में, कम से कम उसे आगे न गिराये, यही निवेदन मैं अपनी जगह से करना चाहता हूँ।

SHRI PRANAB MUKHERJEE: Sir, I would like to clarify only on one point. Sir, it is not we who have brought disrepute to this House. Unfortunately, it is the party of the hon. Member who just spoke, which has done it. One whole session we devoted only to assert our right to get a date from the hon. Leader of the House to discuss the matter and express our views. One whole session we devoted and the Government did not budge an inch. The concept of the functioning of the Business Advisory Committee, about which Mr. Mathur just now spoke, had it been accepted by the Leader of the House, then the entire Winter Session of this House would not have practically been wasted.

Sir, it is true that for 30 long years it was the practice that the Government used to bring forth Bills replacing Ordinances and motions for repeal of ordinances simultaneously so as to save the time of the House. But here a new situation has arisen. A situation has arisen in which we do not want the Government to function in a particular manner and in which the Government wants to function in a particular manner through Ordinances. There is the question of relevance of time; otherwise, if it was an ordinary piece of legislation brought through Ordinance, this situation would not have arisen. Here the Government wants to act and we want the Government not to act and a clear mandatory provision is given to Parliament. If the Parliament feels that the Government should not act in a particular manner and if the

Government wants to act in that particular manner through Ordinances, Parliament is provided with power to strike that Ordinance even before six weeks. After the six weeks, the Ordinance will collapse automatically; if the Parliament does not take cognizance of it, after six weeks it will collapse automatically. There is no question of outer limit or inner limit. The question is, if the House desires to strike it down at an earlier date, it is competent to do that and the Constitution clearly provides for it. This is the expression. That is why the question of time comes. If you are so interested, you bring the Bill tomorrow. We are prepared to sit till tomorrow. Let the Leader of the House assure the House that he is bringing the Bill tomorrow. You have only to convert the Ordinance into Bill. You will be doing nothing more. But knowing full well that you will not be in a position to get it passed in this House—God knows what would happen in the other House—you want to act on a provision which is not going to get the sanction of Parliament when the Parliament is in session. We are not going to accept this position. This is the peculiar position which Mr. Mathur and his colleagues should keep in mind. If you are so serious and if you want to maintain the convention, bring the Bill simultaneously and we would have no objection. Bring it tomorrow; you would not take much time because the Ordinance will be converted into Bill, and we can discuss it. But what would be the position? As Mr. Ramamurti has said, in that House also you are in doubt whether you are going to get it passed. In this House you have no chance. Therefore, you are acting in a particular way which is not going to get the approval of the Parliament of this country and for six weeks you want to act in a particular way without the sanction, without the approval of Parliament. This is the moot point on which I again request you, for God's sake, on this particular issue, you guide us; give your clear verdict and with the residuary power which

is entrusted with you, with the provision of the residuary power, you fix a date on which we can express our views.

SHRI S. W. DHABE (Maharashtra): Sir,...

MR. CHAIRMAN: There is nothing new. Members belonging to your Party have spoken already. There is nothing for you to speak.

SHRI P. RAMAMURTI: I only want to remind them of one thing. They are talking of precedents and all that. I would like to point out to them that when they were in a minority, and when the Government at that time refused to allow a discussion on the Pondicherry scandal and refused to allow a discussion on the Maruti affairs, it was Mr. Morarji Desai himself who went and sat in dharna in the Lok Sabha and compelled the Government to have a discussion immediately. Therefore, let them not talk of this. This is a matter affecting the public. The public outside wants to know what the Parliament is doing when the people are being attacked. Therefore, to day we are bothered about the image of Parliament. Public outside are asking: "This Government is attacking us everyday; what is this Parliament doing?" Therefore, it is the image of Parliament that we are interested in. It is from the point of view of public feeling that we are asking. By not discussing this matter, we are disparaging ourselves. That is why this question has become very important. They have set an example. When the Government was not prepared to allow a discussion, they compelled the Government by sitting in dharna there and Mr. Morarji Desai, the present Prime Minister, himself sat in dharna in the other House and that satyagraha was performed. I cannot forget it. It was a correct thing that was done; I agree. Therefore, the same thing we may also do if this important matter affecting the public interest is not allowed to be taken up immediately. That is what I would like to say.



**THE LEADER OF THE HOUSE (SHRI LAL K. ADVANI):** Sir, I appreciate the eagerness of the hon. Members to discuss this matter at the earliest. There is a difference between the earlier precedents and this one—an obvious difference. The issue is only of timing, the issue is not whether we discuss it or not discuss it, because the Constitution obligates us, having issued and promulgated an Ordinance, to come to the House with a Bill to replace it if there is Resolution of disapproval, that has to be discussed and it is the statutory right of any Member to move that Motion and give notice of such a Resolution. But basically, Sir, I would like to consider this matter as to whether it is for the House to insist that we should discuss it now and today. They can express their desire. I have taken note of it. I propose to discuss this matter with the Ministers concerned and to see that this House is given an opportunity to discuss it at the earliest. But I would like to say this. For example, in this House, the ruling party is not in a majority. It is in a minority. I happen to be the leader of the minority party in this House. Even though it is in a minority and I am the leader of the minority party, yet, I am declared the Leader of the House because the system of Parliamentary democracy and bicameral legislatures envisages that it is the Government which brings forward legislations. It is the Government which brings forward Bills to the House. It is the Government which determines when the House is to meet, what business it has to transact, what business it has to transact when and so on. All these things, the Government determines. It is not the majority of the House which determines this. Now, this basic fact has to be taken note of. No doubt, here there is a slightly different situation where a large section of the House, which has given notice of a motion of disapproval is keen to discuss this. I said I have taken note of it. I propose to discuss this with the other Ministers who are concern-

ed with the matter, because it is they who have to deal with it, it is they who have to pilot it and it is they who have to give arguments for it. But I do not concede that irrespective of what the Government says, the House determines when we should discuss and that we should discuss it here and now. Therefore, I leave it to you, Sir. When the Business Advisory Committee meets, this matter can also be taken up . . .

**SHRI DEVENDRA NATH DWIVEDI:** Do not pass the buck.

**SHRI LAL K. ADVANI:** I am not passing the buck.

**SHRI DEVENDRA NATH DWIVEDI:** You must respond. As the Leader of the House, you must respond to the sentiments of the House.

**SHRI LAL K. ADVANI:** So far as response is concerned, I have already responded. But so far as the legal and constitutional position is concerned, I am clear in my mind that so far as matters like when the House has to meet, what business the House is to transact, when the House is to transact business and so on are concerned, the responsibility lies with the Government, whether it is in a majority or in a minority.

**SHRI DEVENDRA NATH DWIVEDI:** Ordinarily, yes.

**SHRI KRISHNA CHANDRA PANT (Uttar Pradesh):** Sir, may I raise just one small point? Ordinarily, what the Minister says, what the Leader of the House says, is quite correct. Here is a situation when the Government would come forward with Bills presumably to get the Ordinances approved. But it is not obligatory on the part of the Government to do so. They may allow the Ordinances to lapse after six weeks and if the House wishes to express its disapproval of the Ordinances and if the Government does not come forward with the Bills, there is no op-

portunity for the House to express such a disapproval. In such a case, when the House wishes to express its disapproval of the Ordinances and the Government does not wish to come forward with the Bills, will you not consider this right of the House? Then, it is not part of the Government business as such. Therefore, whatever the Minister says does not apply to this. Therefore, Sir, it is you, who as the custodian of the rights of the House, have to apply your mind to this. Even if the Government is reluctant to allow a discussion on this, because it is the right of the House, you will have to find time for it outside Government business. Government will not come forward with any proposal for disapproval of its own Ordinances. This House still has the right to disapprove. Therefore, I do not think the two ideas should be mixed up. It is the right of the House and it is not open to Government to block a discussion and it is for you to protect us because it is our right.

MR. CHAIRMAN: I will call the Business Advisory Committee meeting tomorrow at 4.30 P.M.

SHRI KALP NATH RAI: Why not today?

MR. CHAIRMAN: You are not the Chairman. If you are the Chairman, you can decide on this.

SHRI BHUPESH GUPTA: This means we are losing two days.

MR. CHAIRMAN: The House stands adjourned till 2.15 P.M.

*The House then adjourned  
for lunch at fifteen minutes  
past one of the clock.*

The House reassembled after lunch at nineteen minutes past two of the clock, Mr. Deputy Chairman in the Chair.

## **CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE**

**Increasing Lawlessness in Mizoram and the North-Eastern Region of the Country Threatening its Security and Integrity**

SHRI G. C. BHATTACHARYA (Uttar Pradesh): Sir, I beg to call the attention of the Minister of Home Affairs to the increasing lawlessness in Mizoram and the North-Eastern region of the country threatening its security and integrity and the steps taken by Government to meet the situation.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL): Sir, the Government take a serious view of the conditions in the North-Eastern region in general and in particular in Mizoram, Manipur, Tripura and Nagaland. Of these, the developments in Mizoram cause us the most concern, but the situation even in Manipur and Tripura is disturbing.

As regards Mizoram soon after the mid-term elections to the Mizoram Assembly which were completed peacefully during the last week of April 1979, the Mizo National Front issued a "Quit Mizoram Notice" to all non-Mizos. The 'notice' required all non-Mizos to leave Mizoram by 1st July, 1979.

In pursuance of this 'Notice', some armed underground of the MNF kidnapped and killed Shri R. C. Chaudhury, Sub-Divisional Officer, PWD, Mizoram on the 13th of June, 1979. On the 23rd of June MNF underground fired on the Mizoram Police guard at the State Bank of India Branch in Saitul, causing injury to one constable. In another incident at Kolasib on the 1st July, 1979, two Jawans of the CRP were killed and two injured. In addition, four more violent incidents took place soon thereafter on the 1st and 2nd July in