

and others responsible for it that on a matter of this nature it was very necessary that they should have had consultations with the Opposition parties in Parliament at least. Parties mean all parties here because this is a matter which concerns all of us.

SHRI MAHAVIR TYAGI (Uttar Pradesh) : I have read in the Press that the Prime Minister has declared that she is anxious to take the Opposition parties into confidence in regard to this matter. Under these circumstances, Sir, I would suggest that the party in power should not commit themselves by introducing it. Let them postpone this idea. I think the Prime Minister has contemplated consultations. Therefore, my appeal to the hon'ble Leader of the House is that this item might be kept back, not withdrawn, not introduced until the Prime Minister has had occasion to discuss with the Opposition parties, otherwise it is no use inviting the Opposition for consultation.

SHRI R. K. MISHRA (Rajasthan) : Discussion and consultation can continue simultaneously. They can give their advice to the Prime Minister while the House discusses the Ordinance and the Bill.

SHRI NIREN GHOSH (West Bengal) : Sir, there has been widespread suspicion in the country that this ordinance has been hastily promulgated in order to protect the Prime Minister herself against whom an election case is pending. In the circumstances it is a black, dirty ordinance. It has been promulgated just before Parliament was due to meet. Therefore, I question the sincerity of the Prime Minister in entering into any serious dialogue and discussion with the Opposition as regards electoral reforms. She has rejected out of hand proportional representation and the right to recall an elected Member. I accuse the Chief Election Commissioner because he has always been partial to the ruling party. The elections have been rigged in Kashmir and West Bengal and it would be so in Bihar, as Mr. Narayan has said. So I would request the Government not to place this Ordinance on the Table of the House.

SHRI D. D. PURI (Haryana) : This is a stage at which papers are being laid on the Table of the House. If anything is said with regard to the merit we are not opening our lips. We agree to support this thing because we are conscious of the fact that all this can be said when it is discussed after being introduced. At this stage let not an impression be created that there is only one-sided view in regard to these ordinances. I would respectfully submit that at the stage of laying papers on the Table of the House the merit of the ordinance should not be permitted to be discussed.

MR. CHAIRMAN : All these matters will be discussed later.

SHRI RAJNARAIN : Point of order.

I. The Maintenance of Internal Security (Amendment) Ordinance, 1974

II. The Sick Textile Undertakings (Nationalisation) Ordinance, 1974

III. The Representation of the People (Amendment) Ordinance, 1974

SHRI OM MEHTA : Sir, I beg to lay on the Table, under sub-clause (a) of clause (2) of article 123 of the Constitution, a copy of each (in English and Hindi) of the following Ordinances :—

(i) The Maintenance of Internal Security (Amendment) Ordinance, 1974 (No. 11 of 1974).

(ii) The Sick Textile Undertakings (Nationalisation) Ordinance, 1974 (No. 12 of 1974).

(iii) The Representation of the People (Amendment) Ordinance, 1974 (No. 13 of 1974).

[Placed in Library. See LT No. 8427/74 for (i) to (iii).]

श्री लाल बहादुर शास्त्री : ये पाइंट ऑफ ऑर्डर पर खड़े हुए हैं और मंत्री महोदय बीच में एन्टीसिपेट करके बोल देते हैं ।

श्री राजनारायण : श्रीमन्, मैं आपके द्वारा इस सरकार से निवेदन करूंगा और आपके सेक्रेटेरियट से निवेदन करूंगा कि जो यह अध्यादेश है लोक

प्रतिनिधित्व कानून के खर्च से संबंधित उसे रखने की इजाजत न दी जाये। मैं उसके रखने का विरोध कर रहा हूँ।

एक माननीय सदस्य : वह तो रख दिया गया।

MR. CHAIRMAN : It has been laid.

SHRI RAJNARAIN : I have got every right to oppose it, Mr. Chairman.

सभापति . ये लोग नए हैं, नहीं जानते, वह अभी रखा नहीं गया। श्रीमन्, आप अपनी बात कहने का हमें मौका दें। अगर मैं अपनी बात यहां नहीं कह पाऊंगा तो कहां कह सकूंगा। मुझे कहने की आवश्यकता इसलिए अधिक पड़ रही क्योंकि कानून मंत्री ने कहा है कि यह अध्यादेश उन्होंने विरोध-पक्ष के हित के लिए जारी किया है।

श्री रजनीश सिंह (हरियाणा) : गलत।

श्री रवी राय (उड़ीसा) : गोखले साहब का बयान तो देखो।

श्री राजनारायण : ट्रेजरी बेंच के लोग भी इस बात को मान गये कि श्री गोखले का बयान गलत है। श्रीमन् मैं यह कहना चाहता हूँ कि यह अध्यादेश किसी को बचाने के लिए नहीं किया गया है। यह शुद्धता कानून का भाषा में श्रीमती इंदिरा नेहरू गांधी को बचाने के लिए किया गया है। मैं आपसे निवेदन करूंगा कि श्रीमती इंदिरा नेहरू गांधी ने खुद ही कबूल किया है।

MR. CHAIRMAN : Don't go into details. (Interruption) Let it not be recorded.

SHRI RAJNARAIN : (Continued to speak).

SHRI R. K. MISHRA : On a point of order, Sir.

SHRI M. P. SHUKLA (Uttar Pradesh) : Sir, this is extraneous to the subject-matter on the agenda. I rise on a point of order. These things cannot be said at this stage. Under the Constitution, the Government is bound to lay the paper on the Table, and duty-bound they have done it. We cannot discuss the merits unless the question comes up before the House. These things are absolutely extraneous. They cannot be dis-

cussed here at this stage. I request you not to allow them to discuss these things at this stage.

MR. CHAIRMAN : Mr. Rajnarain, it was quite all right when you made a mention, but when you are entering into a discussion, it is not correct. There will be another occasion.

(Interruptions)

श्री राजनारायण : श्रीमन्, मेरा पाइंट आफ ऑर्डर है। मेरा पाइंट आफ ऑर्डर यह है कि मैं क्यों कहता हूँ कि इसको ले न किया जाए, प्रधान मंत्री ने अपने को बचाने के लिए इस अध्यादेश को जारी किया क्योंकि प्रधान मंत्री ने रिटन रिस्पाई में इस को कबूल किया है कि

MR. CHAIRMAN : Don't take down.

SHRI RAJNARAIN : (Continued to speak).

SHRI M. P. SHUKLA : What he has said is without the permission of the Chair and it should not go on record.

MR. CHAIRMAN : You are unnecessarily entering into details, Mr. Rajnarain.

SHRI M. P. SHUKLA : The matter is *sub judice*.

SHRI RAJNARAIN : It is not *sub judice*.

MR. CHAIRMAN : Please resume your seat.

SHRI M. P. SHUKLA : What he says is *sub judice* and it cannot be discussed here (Interruptions) I will not allow him to transgress the rules of the House. What he has mentioned about the written statement of the Prime Minister before the court is *sub judice*. It cannot be discussed here. We will not allow it.

श्री राजनारायण : श्रीमन्, आप इनको रोक लीजिए। मैं आपसे यह कहना चाहता हूँ कि यह ले न हो। इसके लिए सदन की राय ली जाए कि यह अध्यादेश रखा जाए या नहीं... सदन में।

MR. CHAIRMAN : That is all right. Please resume your seat.

श्री प्रकाशवीर शास्त्री : मैं आपके माध्यम से किसी व्यक्तिगत केस की चर्चा न करने हुए सिद्धान्त की चर्चा करना चाहता हूँ।

SHRI OM MEHTA : We have already laid it.

SHRI M. P. SHUKLA : On a point of order. It has already been laid.

MR. CHAIRMAN : Just one minute. It does not matter.

श्री प्रकाशवीर शास्त्री : आपके माध्यम से मैं सिद्धान्त की चर्चा केवल इसलिए करना चाहता हूँ कि यह सदन भारतवर्ष के लोगों के लिए सबसे बड़ा संरक्षण केन्द्र है और सदन के अधिष्ठाता होने के नाते आपका कर्तव्य है कि देश में किसी भी अधिनियम या आर्डिनैन्स के कारण कोई गलतफहमी पैदा होती हो तो आप संबंधित मंत्री या सरकार को यह कहें उस अध्यादेश की पुष्टि कराते समय इस प्रकार का स्पष्टीकरण करें जिससे कि देश में गलतफहमी न रहे। जिससे इस समय कोई गलतफहमी पैदा न हो। मैं इस बात को अपने कथन से कहना चाहता हूँ। मैं कहना चाहता हूँ कि जब सर्वोच्च न्यायालय का एक निर्णय हुआ तो उसके दो या तीन दिन के पश्चात् राष्ट्रपति का अध्यादेश जारी हुआ। राष्ट्रपति ने जो अध्यादेश जारी किया और जिस जल्दबाजी में जारी किया इससे देश में गलतफहमी पैदा हुई। पहली बात मैं यह कहना चाहता हूँ कि सर्वोच्च न्यायालय के निर्णय को इतना लाइटली या इतना हल्केपन से न लिया जाये कि जो निर्णय हो उसके दो दिन बाद ही राष्ट्रपति के द्वारा अध्यादेश जारी हो जब कि संसद की बैठक उसके कुछ दिन बाद होने जा रही हो।

दूसरी बात मैं कहना चाहता हूँ कि माननीय मंत्री जी श्री गोखले ने इसके ऊपर एक स्पष्टीकरण किया। अपने स्पष्टीकरण में उन्होंने यह बात कही कि इस समय भारतवर्ष के उच्च न्यायालयों में इस तरह की चुनाव याचिकाएं लगभग 250 के करीब पड़ी है।

श्री महावीर प्रसाद शुक्ल : 182।

श्री प्रकाशवीर शास्त्री : हमारे महावीर प्रसाद शुक्ल के अनुसार यह 182 हैं। लेकिन श्री गोखले ने इस बात को कोई स्पष्टीकरण अपने वक्तव्य में नहीं किया कि 182 चुनाव याचिकाओं में से ऐसी कितनी याचिकाएं हैं जिनके अन्दर चुनाव संबंधी व्यय अधिक होने के कारण याचिकाएं दायर की गईं ? मेरा कहना यह है इस भ्रम का निराकरण होना चाहिए।

दूसरी बात को मैं विशेष रूप से कहना चाहता हूँ कि श्री गोखले ने अपना वक्तव्य देते समय यह भी कहा कि इससे केवल सत्तारूढ़ पार्टी को लाभ होने वाला नहीं है बाकी सभी पार्टियों को भी होने वाला है। मैं कहना चाहता हूँ कि जैसा महावीर त्यागी जी ने कहा कि इस अध्यादेश की पुष्टि करने से पहले प्रधान मंत्री सब पार्टियों के नेताओं को बुलाए और बुलाने के बाद अगर वे सहमत हों तब यह अध्यादेश पुष्टि के लिए रखा जाए।

THE LEADER OF THE HOUSE (SHRI UMA SHANKAR DIKSHIT) : Many points of order have been raised. I submit with due respect that all the points that have been raised are questions of merit. All these questions will come before the House. When papers are laid, it would be possible for any one of us to point out some defect or on other. If it were some technical matter or a matter about some rules of the House, it could be understood. But the merits of the papers that are laid on the Table of the House are not to be discussed at this time. These questions will come up before the House and with your permission the House will discuss them. I would request you to give your ruling on the subject so that the other papers may be laid or treated as having been laid on the Table of the House.

SHRI BHUPESH GUPTA : Before you give the ruling, I would submit that ruling is not called for. We can certainly say how the Ordinance came about as we have done in the past. Naturally these are not points about your power or jurisdiction.

You can lay anything on the Table of the House. Even Shri Uma Shankar Dikshit can be laid on the Table of the House. We are not questioning that. When this Ordinance was issued, what were the circumstances in which it was issued? This was the point. Government should have consulted others and should have gone into the question of electoral reform. For example, today in view of the Supreme Court judgement, Government should have come forward with a statement as to what they propose to do with regard to the electoral law. There are many things to be considered such as proportional representation, recall and other provisions. We read in the newspapers of Prime Minister's statement that something will be done. I do not know what it is. Government should say something on this subject. This Ordinance that is being laid is highly controversial. I do not wish to discuss the Ordinance. That will be done later. The matter is serious because it does not concern one Party or only the administration. It affects the entire political system of the country and the working of it. When this Ordinance is being laid on the Table, Government should make a statement not only with regard to why they issued the Ordinance, but also state what they are going to do in the future. The Prime Minister says that this is only a temporary arrangement. What is the lasting arrangement? This is what I would like to know. We are now supposed to discuss the Ordinance in the absence of any other clearer statement from the Government. Therefore, I am urging upon the Government: "Come forward with a statement as to what you propose to do by way of initiating consultations amongst the various parties in the country with a view to changing drastically some aspects of the electoral law to keep the big money out of the reach of the elections and so on and see that the elections are truly free and fair." This is what we should like to urge because the gist of the Ordinance is this and you are going to amend the Representation of the People Act. If you are amending this Act, you should then see as to how you are going to improve matters so that we can have at least the minimum conditions

for free and fair elections. Sir, what we feel all the more is that the democratic institutions in the country are being threatened from certain points.

SHRI LAL K. ADVANI: Sir, I would not have risen a second time. But, because the Leader of the House has just now said that all that has been said just now can be said when the Ordinance is going to be discussed. I would say that if the Bill is brought forward before this House, then the matter ends. We want that before the Ordinance is passed or before the Bill is brought forward before this House, the Government should discuss with us to see whether this kind of an Ordinance is really required and the question of money power in elections has to be considered in its widest aspects and you cannot bring forward a Bill here and then say that we should discuss it.

SHRI UMA SHANKAR DIKSHIT: As Mr. Bhupesh Gupta has rightly pointed out, the Prime Minister has definitely stated...

SHRI RAJNARAIN: What?

SHRI UMA SHANKAR DIKSHIT: ... that this is not ruled out and that the question of electoral reforms could be considered...

(Interruptions)

SHRI NIREN GHOSH: What is the use?

SHRI UMA SHANKAR DIKSHIT: On the first day of the Session, when the papers are being laid on the Table of the House, at this time you expect the Government and the Prime Minister to lay down their policy before the House? Sir, the question can come up later...

(Interruptions)

SHRI NIREN GHOSH: You are in a minority...

(Interruptions)

SHRI UMA SHANKAR DIKSHIT: Sir, the hon. Members have expressed their views and the members of the Government have heard them. In any case, these will be conveyed to the concerned ministers of the Government and I think that is enough.

श्री लाल ब्राह्मणो : इस स्टेज पर हम यह अपेक्षा करते हैं कि सरकार यह बिल लाने से पहले हम से डिसकशन करेगी।

श्री उमाशंकर दीक्षित : यह अत्यन्त असाधारण बात कही जा रही है। सरकार कोई बिल लाने से पहले सब बातें बता दें, यह कैसे हो सकता है। जब बिल लाएंगे तो उसके कारण भी बताएंगे।

SHRI NIREN GHOSH : This is an extraordinary Ordinance . . . (Interruptions) . . . You know that this is an extraordinary Ordinance.

SHRI LAL K. ADVANI : This perpetuates the money power in elections . . . (Interruptions). This perpetuates the money power in elections.

श्री राजनारायण : श्रीमन्, मेरा पाइंट आफ़ ऑर्डर है। मैं आपके द्वारा यह व्यवस्था का प्रश्न उठाना चाहता हूँ कि क्या सर्वोच्च न्यायालय के निर्णय के विरुद्ध कोई भी सरकार को . . .

(Interruptions)

SHRI OM MEHTA : Sir, he is again speaking.

श्री राजनारायण : क्या यह उचित है, क्या सम्मानपूर्ण है कि जब प्रधानमंत्री के विरुद्ध चुनाव भाविका हमारे द्वारा उठाई गई हो तो यह सरकार कहे कि यह टैम्पेरेरी मेजर है। क्या टैम्पेरेरी मेजर इसलिए है कि प्रधान मंत्री का चुनाव पेटिशन जो हमने दाखिल किया हुआ है, वह खत्म हो जाये। हमें इन्टिमीडी प्रभी मिली थी। वह चाहती कि श्री जयप्रकाश जी से बात करें। वह चाहती हैं कि इलेक्टोरल रिफॉर्म सब लोगों से बात करके हों। हम उनसे आपके द्वारा बड़े प्रदब से कहना चाहते हैं और श्री दीक्षित जी प्रधान मंत्री तक यह बात पहुँचा दे कि चुनाव एक्सपेंसेज के बारे में उनका रिटर्न स्टेटमेंट है कि जिला परिषदों के चुनाव के लिए एक फण्ड क्रिएट किया गया है और जिला परिषदों के चुनावों में लाखों-लाख रुपये व्यय किये गये हैं। कांग्रेस पार्टी ने 1 लाख 10 हजार रुपयों का चेक दिया है। मैं चाहता हूँ . . .

(Interruptions)

SHRI M. P. SHUKLA : Sir, again he is saying these things and I object to it. He does not know law and that is why he is talking all nonsense. This matter is *sub judice* and it cannot be discussed here.

MR. CHAIRMAN : That is all right. Whatever he has said about the Court and other things need not be recorded.

SHRI RAJNARAIN : I am not referring to any statement made in the Court. Everything is published.

MR. CHAIRMAN : Whatever it is, we are not concerned with them.

SHRI RAJNARAIN : But the whole country is concerned. Sir, I will request you not to proceed in this manner.

कलंक इस वृद्धावस्था में आप अपने ऊपर न लें। अपनी रुलिंग से आप प्रधानमंत्री को बचा रहे हैं। ऐसी रुलिंग नहीं होनी चाहिए।

MR. CHAIRMAN : Now, whatever points had to be expressed have been expressed by the Members and the Leader of the House has also explained that at the appropriate time all the points will be discussed. Therefore, let us proceed further with the business.

Reports of the Monopolies and Restrictive Trade Practices Commission

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA) : Sir, I beg to lay on the Table a copy each (in Hindi) of the following Reports of the Monopolies and Restrictive Trade Practices Commission, under section 62 of the Monopolies and Restrictive Trade Practices Act, 1969 :—

- (i) Report under section 21(3)(b) of the said Act in the case of Messrs, Gwalior Rayon Silk, Manufacturing (Wvg.) Company Limited, Nagda, (M.P.) and the Order dated the 3rd May, 1974, of the Central Government thereon.