

PAPERS LAID ON THE TABLE

Statement of Bills assented to by Hie President

SECRETARY-GENERAL: Sir, I lay a statement (in English and Hindi) showing the Bills passed by the Houses of Parliament during the Eighty-ninth Session of the Rajya Sabha and assented to by the President:—

1. The Gujarat Appropriation (No. 2) Bill, 1974.

2. The Pondicherry Appropriation Bill, 1974.

3. The Direct Taxes (Amendment) Bill, 1974.

4. The Cinematograph (Amendment) Bill, 1974.

5. The Coal Mines (Conservation and Development) Bill, 1974.

6. The Major Port Trusts (Amendment) Bill, 1974.

7. The Essential Commodities (Amendment) Bill, 1974.

8. The Finance (No. 2) Bill, 1974.

9. The Industries (Development and Regulation) Amendment Bill, 1974.

10. The Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Bill, 1974.

11. The Press Council (Amendment) Bill, 1974.

12. The Companies (Temporary Restrictions on Dividends) Bill, 1974.

13. The Indian Iron and Steel Company (Taking over of Management) Amendment Bill, 1974.

14. The Additional Emoluments (Compulsory Deposit) Bill, 1974.

15. The Compulsory Deposit Scheme (Income-tax Payers) Bill, 1974.

16. The University of Hyderabad Bill, 1974.

17. The Esso (Acquisition of Undertakings in India) Amendment Bill, 1974.

18. The Companies (Amendment) Bill, 1974.

19. The Payment of Bonus (Amendment) Bill, 1974.

20. The Appropriation (No. 3) Bill, 1974.

21. The Appropriation (Railways) No. 4 Bill, 1974.

22. The Interest-tax Bill, 1974.

23. The Delhi Sikh Gurdwaras (Amendment) Bill, 1974.

24. The Oil Industry (Development) Bill, 1974.

25. The Constitution (Thirty-fourth Amendment) Bill, 1974.

Report of the Parliamentary Committee on pay of the officers and staff of the Parliament Secretariats

SECRETARY-GENERAL: Sir, I also beg to lay on the Table a copy of the Report (along with other connected documents) of the Parliamentary Committee appointed to advise on the changes considered desirable in the structure of pay and allowances, leave and pensionary benefits of the officers and staff of the Rajya Sabha and Lok Sabha Secretariats. [Placed in Library. See LT. No. 8438/74].

Petroleum Products (Regulation of supply to retail outlets) Order, 1974

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): Sir, on behalf of Shri K. R. Ganesh, I beg to lay on the Table a copy (in English and Hindi) of the Ministry of Petroleum and Chemicals Notification G.S.R. No. 396(E) dated the 18th September, 1974, publishing the

Petroleum Products (Regulation of Supply to Retail Outlets) Order, 1974, under subsection (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. [See LT. No. 8445/74]

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

SHRI LAL K. ADVANI (Delhi): Sir, on <i>point of order. He is about to lay on the Table of the House three Ordinances. The first relates to the Maintenance of Internal Security Act...

SHRI RAINARAIN (Uttar Pradesh): MISA means Maintenance of Indira Security Act.

SHRI LAL K. ADVANI: The second pertains to the sick textile undertakings and the third, about which I have to raise this point of order, refers to the Representation of the People Act. Rajnarainji is directly connected with it; I am not directly connected with it. I think that after the Supreme Court's judgment in the Sadar Bazar Constituency case, this House and this Government should have thought in terms of implementing its wise recommendation as to how to curb money power in elections. It was a very wise recommendation.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): It has nothing to do with this.

SHRI LAL K. ADVANI: I am not going to discuss it now. I only want to point out that instead of doing that and proceeding on the direction that the Court has issued, the Government has come forward with this Ordinance which I regard as undemocratic; it is not only undemocratic but *mala fide*, and it is a virtual contempt of the judiciary because it is a pre-emptive assault on the decision of the Court, and several cases which are pending in the Court, they have been in a way negated by means of this Ordinance. Therefore, my submission through you is that the Gov-

ernment should withdraw this Ordinance immediately rather than trying to place it on the Table of the House. When the matter comes up before the House for discussion, I will certainly discuss it. At the moment, I certainly think that this is a blot on Indian democracy. It is very bad. Government by ordinance is bad in itself. But ordinances of this nature are pernicious, more perverse, and they should not in any way have been resorted to.

SHRI BHUPESH GUPTA (West Bengal): I have a submission to make on this. With regard to item (III), that is, the Representation of the People (Amendment) Ordinance, I have only to say this. I am not going into the merits of the Ordinance at this stage; as you rightly said, this is not the occasion, when an Ordinance is laid on the Table of the House. The Ordinance was issued despite the fact that Parliament was meeting. I would like to point out to the Government that any such matter should not be done so hurriedly. There could have been consultations with the various parties, between the ruling party and the opposition parties, as to how the situation could be met, in view of the Supreme Court's judgment, in order to protect the democratic interests. That was not done. I think, many times this House and the other House have made observations about ordinances, whether good or bad. That should be taken note of. Besides, here is an occasion. But the Government does not have a statement. I think along with this, the Government should have made a statement as to what they propose to do with regard to the electoral reforms. This most important step should be taken for implementing certain electoral laws in order to see how money power and other factors do not vitiate and frustrate elections. Ordinance is not the answer. This is what I say. I would like the Government immediately to take the necessary steps and amend, if necessary, the Constitution also—so that money power is, as far as possible, kept out of election. That should be done. Surely, Government has shown a little disregard for the Opposition. I would say to the Law Minister

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

ID. 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 Undertaking (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 पार्लट ऑफ इंडिया पर रखे हुए हैं और मंत्री महोदय बीच में एन्टीसिपेट करके बोल देते हैं।

श्री राजनारायण : श्रीमान्, मैं आपके द्वारा इस सरकार से निवेदन करूंगा और आपके सेक्रेटरीजट से निवेदन करूंगा कि जो यह घोषणा है जोकि