

[Shri Niren Ghosh.]

Iranian light crude they are importing light Arabian crude and for this the Caltex is demanding 8.75 dollars per barrel in place of 8.32 dollars per barrel and the apprehension is that per barrel there will be a rise of one dollar and in terms of foreign exchange it may amount to Rs. 50 to 60 crores annually. Both these companies have also demanded 4.26 dollars per barrel for the crude imported by them between 16th October and 31st December last year.

That has been done. For that import, they are now demanding an increase whereas this should be 3.80 dollars. OPEC countries have come to this conclusion that 71 per cent can be added to the posted price and there cannot be any premium but these companies are demanding increased price. In the opinion of the Petroleum & Chemicals Ministry, the price should be 3.80 dollars against which they are asking, as I said, 4.26 dollars. They are, thus, violating the rules. New Caltex has demanded an increase and this increased price is also provisional. They can demand more. The price of 8.97 dollars is on a provisional basis for the light Iranian crude without any reasons whatsoever. Sir our fears have come true in the matter of taking 76 per cent of the equity shares, 24 per cent that remain in their hands give the company greater power. After Esso, Caltex and Burmah Shell boomed in this country and they hold the entire country to ransom. Everybody knows that the cost of production per barrel is only 3 to 4 cents and the posted price is arbitrary and fixed in a fictitious manner at 2 or 3 or 4 dollars and above that, they are demanding this increase. I do not know what the foreign exchange position would come to. Instead of Rs. 1200 crores, it might come to Rs. 1500 crores for the import of crude

and all that if you concede to that position. So, it is a serious matter. I would like the Petroleum and Chemicals Minister to make a statement before the House in order to clarify the entire position. The matter is too serious for the country from the foreign exchange point of view.

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THE GUJARAT STATE LEGISLATURE
(DELEGATION OF POWERS)
BILL, 1974

MR. DEPUTY CHAIRMAN : The Home Minister.

THE MINISTER OF HOME AFFAIRS (SHRI UMASHANKAR DIKSHIT) : Sir, I beg to...

SHRI V. K. SAKHLECHA (Madhya Pradesh) : On a point of order.

MR. DEPUTY CHAIRMAN : The point of order is only for the matter which is before the House.

SHRI V. K. SAKHLECHA : He is introducing a Bill and my basis objection is in regard to this itself.

MR. DEPUTY CHAIRMAN : I want to know what is the matter before the House on which you want to raise a point of order.

SHRI V. K. SAKHLECHA : Sir, he is introducing the Bill.

MR. DEPUTY CHAIRMAN : How do you know unless the Minister gets up and says something?

SHRI UMASHANKAR DIKSHIT : Sir, I beg to move for leave to introduce a Bill to confer on the President the power of the Legislature of the State of Gujarat to make laws.

MR. DEPUTY CHAIRMAN : Now, what is your point of order?

SHRI V. K. SAKHLECHA : My point of order is that under Article 356 this Gujarat Assembly was suspended.

Now we do not know whether the President has dissolved the Gujarat Assembly...

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF WORKS AND HOUSING (SHRI OM MEHTA) : His party is interested that it should not be dissolved.

SHRI V. K. SAKHLECHA : We moved a motion for the dissolution of the Assembly. This order is in the name of President. Instead, the newspaper reports say that President was not informed and the Governor dissolved the Assembly. It is completely unconstitutional. Under the notification issued on 9-2-1974, power to Governor was given : "In pursuance of sub-clause (i) of clause (c) of the Proclamation issued on the 9th day of February 1974 by me under Article 356 of the Constitution, I hereby direct that all the functions of the Government of the State of Gujarat and all the powers vested in or exercisable by the Governor of that State under the Constitution or under the law in force of the State..." This power by the President was delegated for all the work that has to be done by the State but this power of dissolution of the Assembly is vested in President himself and the dissolution by the Governor and not informing this House regarding dissolution, is completely unconstitutional.

SHRI BHUPESH GUPTA (West Bengal) : The point is, we have also read the papers. First of all I think that the Gujarat Assembly was self-dissolving. That it has gone is good riddance. It should have gone much sooner but for the cussedness of this Government. There is a thing called...

MR. DEPUTY CHAIRMAN : What do you want to say on this ?

SHRI BHUPESH GUPTA : It is a good thing that it has gone. With regard to the point he has raised I think that it can be done this way also. It has been done according to what we have read on instructions from here. Governor has been asked to act on behalf of the President and he has ordered dissolution. If that is so then I think it has been done under the delegation the President has given to the Governor. Anyway the Home Minister will clarify the position. Therefore that way there is no difficulty, and I do not want to raise any constitutional point because then the Assembly may get revied again. I do not know what is in their mind. We do not want to tread on delicate ground. After a lot of effort, persuasion, argument and pressure we have succeeded in getting it dissolved ; it should have been dissolved much earlier.

SHRI NIREN GHOSH (West Bengal) : Virtually it had gone much earlier.

SHRI BHUPESH GUPTA : Its carcass had remained. They were hanging on to the carcass of the Gujarat Assembly. That is also gone now. I think my friend will agree that it is a good thing that it is gone. Let us not agitate this point any more.

SHRI NIREN GHOSH : Sir, my only point is this. Dissolution was ordered on Friday last and Parliament was in session. The Cabinet should at least have considered the position. It was after so much furore in Parliament that this was done. That very day itself they could have come before Parliament and laid the Presidential Proclamation or Order on the Table of the House. When Parliament was in session it was improper to do like this.

SHRI BHUPESH GUPTA : On Thursday I met the Prime Minister and

[Shri Bhupesh Gupta.]

pleaded with her I do not know with what result but on Friday it went. I am however a little happy that at least within less than 24 hours it was done.

SHRI KRISHAN KANT (Haryana) :

The point raised by Mr. Sakhlecha becomes intractuous. The Assembly has already been dissolved. I thought he would have come forward and congratulated the Government for the dissolution which he says was overdue.

SHRI V. K. SAKHLECHA : I would have congratulated them for the dissolution all right but here the question is how it was done.

SHRI KRISHAN KANT : This is a Bill to confer on the President the power of the Legislature to make laws. This is very necessary and it should be allowed to be introduced.

(Interruptions)

SHRI BHUPESH GUPTA : They moved a motion disapproving the Proclamation. If that had been passed then the Assembly, the Ministry, everything might have been revived. Today they are raising this point which if accepted the Assembly would get revived. I do not know what they want.

MR. DEPUTY CHAIRMAN : I have heard what you said ; there is no point of order.

SHRI UMASHANKAR DIKSHIT : At the time when the President issued the Proclamation on the same day simultaneously he also passed an Order and in that Order he said that all the powers that he had assumed under the Constitution shall be exercisable also by the Governor of the State. Therefore there is no constitutional or legal infirmity in the action taken now. Moreover the President was in touch with the developments and the Prime Minister

had herself sought his advice in the matter. So there is no question either of the impropriety or of constitutional or legal infirmity in the matter.

MR. DEPUTY CHAIRMAN : The question is—

“That leave be granted to introduce a Bill to confer on the President the power of the Legislature of the State of Gujarat to make laws.”

The motion was adopted.

SHRI UMASHANKAR DIKSHIT :

Sir, I introduce the Bill.

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

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

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

THE BUDGET (GENERAL) 1974-75—contd.

(General Discussion)

SHRI KALI MUKHERJEE (West Bengal) : Sir, in the Budget that was presented on the 28th February the hon. Finance Minister stated, while defining the principal concepts, “that every Central Budget has to strike a proper balance between the requirements of accelerated growth, stability, greater social justice and self-reliance.” Let us see whether any of these four principles have been maintained in the Budget for 1974-75. Having gone through the Economic Survey that was distributed to us prior to the submission of the Budget, we find certain facts which do not consistently follow the principles that he has enunciated. In some places he has admitted in his Speech that “progress