

about the recent findings about the staff of the Pakistan High Commissioner in Calcutta who have refused to owe allegiance to West Pakistan. What I wish to bring to the notice of the Government through you is, the Government should put some teeth in their behaviour and in their action when they consider Pakistan's relations with this country. I demand that the Government must put more teeth and strength in retaliating to whatever Pakistan does because this demoralises the entire tone in the country. It is very necessary that the Government must take some steps in retaliation in this connection by disconnecting the telephone of the High Commissioner of Pakistan in Calcutta, if he is there, or even the Pakistan High Commissioner here because we must boost the morale of Mukti Bahini which is fighting in Bangla Desh against very heavy odds and the Indian Government's action in this connection will be appreciated and will create better morale in that fighting force which is called the Mukti Bahini and also teach a lesson to the Pakistan Government.

1 P.M.

REFERENCE TO LIST OF MINISTERS ENJOYING FURNITURE ABOVE THE PRESCRIBED SCALE

SHRI BHUPESH GUPTA (West Bengal) : Sir, last week you will remember an assurance was given by the Minister on the direction of the Chair that the names of those Ministers who are enjoying furniture above the scale of Rs. 38,000/- would be placed before the House on Monday. In the List of Business for today there is no indication that such a statement is going to be laid today. Do I understand that this assurance solemnly given by the Minister himself on the direction of the Chair is going to be flouted or do I take it that in the course of the day it will be laid on the Table of the House ? I should like to know where we stand. The Minister had said that on Monday it will be laid on the Table of the House.

MR. DEPUTY CHAIRMAN : All right ; you have raised this matter. Mr. Om Mehta will be here in the afternoon and he will find out the position.

REFERENCE TO DISCUSSION ON RE- COGNITION OF BANGLA DESH

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, एक जानकारी मुझे आप से यह करनी है कि बंगला देश के बारे में जिस दिन यह सदन बैठा था उस दिन यह हुआ था कि बहस हो और यह कहा गया कि आज नहीं कल, कल नहीं परसों, उसको ढाला गया, तो मैं यह जानना चाहता हूँ कि बंगला देश को मान्यता की बात पर क्या बहस होगी, होगी या नहीं और यह जो अभी प्रश्न उठा ...

श्री उपसभापति : राजनारायण जी, आप की पार्लियामेंटरी पेपर्स मिले होंगे उस में शनिवार को जो प्राइवेट मेम्बरस डे है उस दिन प्राइवेट मेम्बरस रेजोल्यूशन आयेगा इस पर, बंगला देश को रिकग्निशन देने के बारे में और उस दिन इस पर बहस होगी ।

SHRI BHUPESH GUPTA (West Bengal) : Sir, Mr. Om Mehta is here.

MR. DEPUTY CHAIRMAN: He will find out let us know. Why don't you have patience ?

The House stands adjourned till two p. M.

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

The House reassembled after lunch at two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

REFERENCE TO SHRI KALYAN ROY'S ALLEGATION THAT SHRI S. R. VASAVADA WAS IN COLLUSION WITH BIRLAS IN NOT RESTARTING CLOSED MILLS IN WEST BENGAL

SHRI S. R. VASAVADA (Gujarat) : Sir, on 22nd July 1971, during the Question Hour, while the Minister for Foreign Trade was dealing with a question regarding closed textile mills in the country, Shri Kalyan Roy, in a supplementary question, pointed an accusing finger at me and said that I as the Chairman of the National Textile Corporation was in

[Shri S. R. Vasavada]

collusion with Birlas and, therefore, no closed mill in West Bengal was restarted. He also added that none of the Birla mills have been closed down.

As a charge was levelled against me I wanted to repudiate the same then and there but, unfortunately, I did not get the opportunity to do so on that day.

I now take the opportunity to categorically repudiate the charge made by Shri Kalyan Roy against me. I want to make it clear to the hon. Member that the National Textile Corporation has no power by itself to take over a mill. A closed mill is taken over by the Union Government under the provisions of the Industries (Development and Regulation) Act, 1951 j after the procedure laid down in that Act is completed. The State Government approaches the Central Government to appoint an Investigation Committee under that Act and after that Committee's report is studied by both the Central and the State Government concerned and if the mill is found viable and the State Government is willing to share 49 per cent of the expenses required to restart the mill and is also prepared to apply the Unemployment and Relief Act, the Central Government take over the mill under that Act and appoints an Authorised Controller. The National Textile Corporation, after examining the report of the Investigation Committee, helps the Government in assessing the working capital requirements and supervises and guides the Authorised Controller in running the mill. The National Textile Corporation is a Government-owned Corporation, registered under the Companies Act, and is nothing but a body of experts. The function of its Technical and Financial Directorate is to restore to health of the sick mills taken over by the Government. The National Textile Corporation has come into existence since 1.4.1968 while the Industries (Development and Regulation) Act was passed as early as 1951. There is no mention of the National Textile Corporation in the Industries (Development and Regulation) Act. As mentioned above, it is the agency created by the Government to supervise and guide the Government-owned textile mills. The National Textile Corporation by itself cannot take over a closed mill.

Shri Kalyan Roy has complained that none of the Birla mills has been closed down or taken over by the National Textile Corporation. Let it be noted that a Birla mill can be taken over only when it is closed or is likely to be closed and when the State Government approaches the Central Government to take over that mill. If any of the Birla mills is closed anywhere in the country, it is for the State Government to take initiative and approach the Central Government to put in motion the machinery under the Industries (Development and Regulation) Act. It is only after this National Textile Corporation can come into the picture. Thank you.

SHRI BHUPESH GUPTA (West Bengal) : Unfortunately Mr. Kalyan Shankar Roy is not here. I do not know what he said on that day, but he will have something to say. The fact remains that you have made no recommendation yet . . .

SHRI S. R. VASAVADA : The National Textile Corporation recommends only after it receives the report. The State Government has also to agree to pay 49 per cent and apply the Unemployment Relief Act.

SHRI BHUPESH GUPTA : That is a different matter.

SHRI S. R. VASAVADA : That is the main thing.

SHRI BHUPESH GUPTA : I am not supporting or opposing what Mr. Kalyan Roy had said.

SHRI S. R. VASAVADA : If you want to make another statement, that is different, but I am answering what Mr. Kalyan Roy had said.

SHRI BHUPESH GUPTA : That is all right, but the fact remains and the sum and substance of it is the recommendation has not been made and Mr. Kalyan Roy fears that it will never be made. He has his own interpretation of it. You are within your right to say what you said. You are a labour leader and very well-known man. How is it that a Committee which is headed by such a man . . .

MR. DEPUTY CHAIRMAN : It is not about that. It is an entirely different matter.

SHRI S. R. VASAVADA : Mr. Kalyan Roy said that I am in collusion with the Birlas and, therefore, none of the Birla mills is closed down. He should be happy that it is not closed. When a Birla mill is closed, then only a committee will be appointed and the Government will take it over.

SHRI BHUPESH GUPTA : You are there. All right. Let him come. I do not say anything.

SHRI S. R. VASAVADA : You have said that you do not want to say any thing, and yet you have said it.

SHRI BHUPESH GUPTA : You are entitled to clarify it.

MR. DEPUTY CHAIRMAN : Please sit down.

THE BUDGET (WEST BENGAL), 1971-72 General Discussion—contd.

SHRI D. B. SINGH (Bihar) : Mr. Deputy Chairman, Sir, before I enter into the details of the Budget provisions I consider it proper to clear the air by adverting to some of the questions raised during the discussion of an allied matter and which concerns this as well, that is, the validity of the appointment of Shri Sidharta Shankar Ray. Heavy weather was made. The answer lay in the provisions of the Constitution itself. Article 356 of the Constitution, to which I may invite your attention, says :

"... the President may by Proclamation—

(a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or any body or authority in the State other than the Legislature of the State ;

(b) declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament ;

(c) make such incidental and consequential provisions as appears to the

President to be necessary or desirable of or giving effect to the objects of the Proclamation, including . . .*

MR. DEPUTY CHAIRMAN : The relevant provision is "assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor . . ." Now, after the taking over of the functions, apart from the legislative functions which Parliament takes over—and it is referable—the power of the President is obviously enlarged or widened, and therefore in exercise of these functions, not the specific clause empowers him but clause (c) gives him wide powers to make incidental and the consequential provisions which . . .

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, प्वाइन्ट आफ् आर्डर। सम्मानित सदस्य जो बोल रहे हैं, यह प्वाइन्ट नहीं है। प्वाइन्ट यह था कि प्रोक्लेमेशन के बाद दिया गया—पहले एक मन्त्रिवा राष्ट्रपति ने जब सारे पावर्स राज्य-पाल को दे दिये तो क्या राष्ट्रपति उनको फिर छीन सकता है। इस प्वाइन्ट को मीट करना चाहिए सम्मानित सदस्य ने।

SHRI D. P. SINGH : I will answer my learned friend as well. The scheme of the Constitution is that the President having by a Proclamation assumed to himself all the powers and the functions including the legislative and governmental functions, and that proclamation having come into effect under clause (1), the only manner of terminating the Proclamation is provided for under clause (2) reading "Any such Proclamation may be revoked or varied by a subsequent Proclamation." Therefore short of variation, short of revocation by a Consequent Proclamation, there is no other provision in the Constitution which can impinge upon the validity of the Proclamation once made. Any letter any appointment, anything incidental or direct, can have no bearing whatsoever. Clause (c) gives him the power, the incidental power to suspend in whole or in part the operation of any provision of this Constitution, the relating to any body or authority of State.

श्री राजनारायण : जरा एक मिनट .