

**MESSAGES FROM THE LOK SABHA****i. THE APPROPRIATION (RAILWAYS) BILL, 1970.****11. THE APPROPRIATION (RAILWAYS) NO. 2 BILL, 1970****111. THE HARYANA AND PUNJAB AGRICULTURAL UNIVERSITIES BILL, 1970**

SECRETARY : Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary of the Lok Sabha:—

(I)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Appropriation (Railways) Bill, 1970, as passed by Lok Sabha at its sitting held on the 28th March, 1970.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

(")

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Appropriation (Railways) No. 2 Bill, 1970, as passed by Lok Sabha at its sitting held on the 28th March, 1970,

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

(III)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Haryana and Punjab Agricultural Universities Bill, 1970, as passed by Lok Sabha at its sitting held on the 28th March, 1970."

Sir, I lay a copy of each of the above on the Table.

**THE WEST BENGAL STATE LEGISLATURE (DELEGATION OF POWERS) BILL, 1970**

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K.S. RAMASWAMY) : Sir, I move for leave to introduce a Bill to confer on the President the power of the Legislature of the State of West Bengal to make laws.

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 West Bengal to make laws."

SHRI A. P. CHATTERJEE (West Bengal) : Sir, I oppose the introduction.

SHRI SUNDAR SINGH BHANDARI (Rajasthan) : Then we can take it up after lunch.

SHRI A. P. CHATTERJEE : You may hear me after lunch.

MR. DEPUTY CHAIRMAN : You may make a brief statement.

*(Interruptions)*

SHRI A. P. CHATTERJEE : With great respect, Sir, I find that when certain Members rise and make long speeches, you cannot control them. Whenever we rise before we say anything, you say "Be brief." We are always brief.

MR. DEPUTY CHAIRMAN : There have been long statements and a lot of interruptions from you also.

SHRI A. P. CHATTERJEE : Therefore, I am making my submission on this. As far as this Bill is concerned, it is stated that it will confer on the President the power of the Legislature of the State of West Bengal to make laws. A memorandum is also attached to the Bill as required— a memorandum regarding the delegated legislation. On this question I am inviting your attention to Rule 65 of the Rules of Procedure. Please look at Rule 65 which reads like this —

"A Bill involving proposals for the delegation of legislative power shall be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character."

Look at the memorandum as given here. I do not think that the memorandum is in terms of Rule 65. And that is the point I am making before you. The memorandum regarding the delegated legislation reads like this. Its first sentence is this—

"The power of the Legislature of the State of West Bengal to make laws...."

That power of the Legislature has been taken away. And there is nothing very much to justify the delegation as to why actually it is being done, as required under Rule 63. Then the second sentence reads like this—

"Before exercising the aforesaid power the President is required... to consult a Committee of Members of Parliament..."

This sentence also does not say why this power of Parliament to make laws on behalf of the Legislature of West Bengal is proposed to be delegated to the President. The third sentence also does not say anything. It reads like this —

"Any Act enacted by the President in exercise of the aforesaid power is required to be laid before each House of Parliament and Parliament may direct modifications to be made in the Act."

That also does not give any reason or justify at all why this delegation is sought to be made by Parliament to the President. The only thing that the memorandum says is this. Read the last sentence—

"The delegation of legislative power is in pursuance of the express provision in this behalf in Article 357(1) (a) of the Constitution and is necessary as it will not be easy for Parliament to find time to deal with the various legislative measures that may be required in respect of the State of West Bengal."

That is the only reason given for the delegation of power by Parliament to the President. As far as that last sentence is concerned, I wish to analyse that sentence in this fashion, whether it is in terms of Rule 65 or not. Rule 65 says specifically and categorically that it has to say whether this delegation is of normal or exceptional character. Here the point is—this. As far as Article 357(1) (a) is concerned—of course, Article 357(1) (a) says that Parliament's power may be delegated to the President, but then—it never says that it

should always be normal for Parliament to make such delegation of its powers to the President. Therefore, it should have been clearly stated here as to why actually it is treated as a normal delegation or whether it is treated as an exceptional delegation. That is not there.

Secondly, I am on this point and I wish to say that as far as Article 356 is concerned, the President has, by Proclamation, withdrawn all the powers of the Legislature of the State of West Bengal, and those powers are to be exercised by Parliament. Now, if those powers are to be exercised by Parliament, I do not see why actually those powers should not be exercised by Parliament and why they should be exercised by the President as a delegate of Parliament. I am saying this that as far as the Legislature of the State of West Bengal is concerned, it has a particular composition. Now, if that power is delegated to the President, we know that the President has to consult a Consultative Committee which will be constituted by 40 Members from the Lok Sabha and 20 Members from the Rajya Sabha. In that particular Consultative Committee suppose an honourable Member of the Jan Sangh will also be included; perhaps. The Jan Sangh, you know, has been wiped out as far as West Bengal is concerned. These Jan Sangh Members will not make their debut in the Consultative Committee or try to interfere in the affairs of West Bengal. Is it proper for the Jan Sangh people to be in that fashion brought in through the back-door into a discussion, into a consultation, on the question of the affairs of the State of West Bengal? There—what I am submitting is this that it will not at all be difficult for Parliament to keep the powers which have been taken for itself by the President under Article 356. It is not at all a normal procedure for Parliament to delegate its powers to the President as soon as there is a Proclamation under Article 356. In the special situation which prevails in the State of West Bengal, in the context of the special composition of the West Bengal Legislature which you saw before the President's rule, I think it is necessary and it is important and proper and also it would be appropriate if Parliament continued to exercise the legislative powers as far as the State of West Bengal is concerned, it would be appropriate and important if those legislative powers were not delegated to the President who will certainly have to exercise his powers in this regard through a Consultative Committee in which certain Members may find their

[Shri A. P. Chatterjee]

place, like the Swatantra and Jan Sangh who were in the last election completely swept off in the State of West Bengal. So I submit that it is not at all normal for Parliament to delegate its powers to the President. But then it is perhaps exceptional. If it is exceptional, I do not know why it should be exceptional. In any event, what I am submitting is this that this memorandum regarding the delegated legislation not being in terms of Rule 65, not saying whether it is normal or exceptional—if it is exceptional, not saying what the special reasons are for such exceptional delegation—this Bill has not been rightly introduced. Unless this memorandum is amended clarifying whether it is normal delegation or exceptional delegation, and if it is exceptional delegation, giving the special reasons for its being so, this Bill cannot be introduced. This is my submission.

SHRI KRISHAN KANT (Haryana) : I also rise on a point of order on the introduction of this Bill. I want your ruling on this. Here you are going to introduce a Bill to confer on the President the power of the Legislature of the State of West Bengal to make laws. Sir, this Bill can be introduced only after the Resolution moved by the Home Minister seeking Parliament's approval to the Proclamation issued by the President in relation to the State of West Bengal, is adopted—But this House has not yet accepted that Proclamation. Without the acceptance of the Proclamation by the House, how can this Bill be introduced ?

SHRI NIREN GHOSH (West Bengal) : I was also going to rise on a point of order on the same ground.

SHRI KRISHAN KANT : It is a matter of procedure . . . .

SHRI NIREN GHOSH : Parliament has not yet approved it. It is not yet seized of this matter.

SHRI KRISHAN KANT : Mr. Deputy Chairman, supposing for the sake of argument this House does not approve of the Proclamation, then where is the question of introducing any Bill ? So, it is now a question of procedure. First the Proclamation should be accepted and adopted and only then this Bill should be introduced.

SHRI NIREN GHOSH : Sir, I also rise on a point of order. You should first decide whether it is procedurally correct or not. It is not procedurally correct. First the Proclamation should be adopted. Only after that this Bill will come; otherwise it will be irregular. I support Mr. Krishan Kant on that point. A Proclamation has been issued by the President. Parliament is in session. It was at the fag end of some discussion. Nothing has been done about it. No approval has been secured from Parliament. And without securing the approval of Parliament you want to delegate powers to the President. It is absurd. It is irregular.

SHRI BHUPESH GUPTA (West Bengal) : Mr. Deputy Chairman, a point has been raised and it should be considered not merely from the technical, constitutional, angle, but also from the political angle. Now, there is a Proclamation and a copy of it has been laid on the Table of the House. Surely it should be discussed first; otherwise, how are you going to prejudge what verdict the House will give in regard to the Proclamation ? I am not saying what one should say or one should not say. But in the nature of things, the Proclamation would require the approval of the House. And, of course, that does not mean that till the approval of the House is given, the Proclamation is not in force. It is in fact in force. At the moment Parliament is in session and a copy of the Proclamation has been laid on the Table of the House. It is here and Parliament is given a chance to consider the matter and make its suggestions, observations or comments. After that the question of a Bill could arise. Now, how do you know what the House is going to say ? We are still discussing the Proclamation at this stage. The verdict of the House cannot be prejudged. Therefore, why is the Government in a hurry ? Besides, this routine work will not do. Parliament will be in session at least for some time. At least the other House will continue to be in session till almost the middle of May or, may be, later than that. When Parliament is in session the power should vest in Parliament. The Presidential power is something obnoxious. If it becomes absolutely unavoidable it comes; we know. It is obnoxious. Therefore even that question should be gone into as to whether during the Session of Parliament the President should have the powers to legislate outside the Houses of Parliament in regard to West Bengal. That is a point which can be argued from the political angle as also from the constitutional angle.

"because it may well be a fraud on the Constitution. On the one hand the Parliament is in session, on the other hand the President is given the power to run the Administration on the advice of a Committee consisting of some Members of Parliament, whose opinions are not even binding on the President. Now here in the House the President will be bound by the decision of the House but there in the Committee the President will not be bound by the opinion of the Committee. That creates an anomalous position, (Time Bell rings) Finally, Sir, we are getting a little apprehensive that police and other officials are now carrying on repressive measures against the various left parties and other exploited classes and in support of the jotedars. We would not like to give power to the President under any circumstances, because such power could be used to take away the advantages of the people under the United Front Government. We would not like, Mr. Deputy Chairman, to take advantage of the internal trouble of the United Front and invoke the Presidential power against the toiling people. (Time Bell rings) I am finishing, Sir. Therefore this matter should be kept pending. I would appeal to the Leader of the House not to proceed with this business of introduction. Here we have received a telegram, saying :

"Armed attack on AITUC workers by the management of Sunkarpur colliery led by Manager and contractor Rama-nuj Tewari. Several quarters ransacked and looted. Several CPI workers also arrested. Demand immediate release of CPI workers and take action against Manager and Contractor. Serious situation. ..."

As you know, Sir, the police has not been corrected under the United Front; it is a misfortune. Now the police is attacking all the United Front Parties and especially those parties which are connected with the working class movement. I make it plain in this House that we are not going to tolerate this kind of situation.

SHRI NIREN GHOSH : Sir, he says that the police has not been corrected under the United Front Government. How can he say that ?

SHRI A. P. CHATTERJEE : My friend is quite right. As far as Mr. Bhupesh Gupta is concerned, I am rather a little amused by the hypocritical tears that he is shedding; after demolishing and sabotaging the United Front he too speaks on

behalf of the United Front, about saving the gains of the peasants from the jotedars by playing into the hands of the jotedar party, which is the Bangla Congress. Even Mr. Karanja's 'Blitz' has said that the CPI has surrendered to the Bangla Congress, which is the party of the jotedars. I wonder how he says that the gains of the peasants have to be saved from the jotedars. I do not know what greater sanctimonious hypocrisy can ever surpass that of Mr. Bhupesh Gupta.

(Interruptions)

MR. DEPUTY CHAIRMAN : Order, order.

SHRI BHUPESH GUPTA : Sir, I would not like to enter into a debate with my friend, Mr. Chatterjee, here. He is a lawyer and he has to speak for somebody. Even when nobody is there, he has to speak for somebody. Therefore I will not enter into a quarrel with him; he may say anything he likes. We are accustomed to all these things. Now, Sir, the point is...

MR. DEPUTY CHAIRMAN : What is your point ?

SHRI BHUPESH GUPTA : Sir, the point is that you can understand the mentality of some hon. Members when I am supporting Mr. Krishan Kant that this should be deferred, it is a very valid proposition. ..

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, just one minute. The hon. Minister wants to make a statement.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, अगर हम खड़े होते हैं तो आप हल्ला करने लगते हैं, पहले आप हमको सुनिये ।

श्री उपसभापति : यह बात गलत है ।

श्री राजनारायण : देखिये, बराबर जब हम खड़े होते हैं, तो आप बैठो बैठो कहते हैं ।

श्री उपसभापति : आप हमेशा सदन का बहुत समय लेते हैं ।

श्री राजनारायण : हमारा भी संसदीय कर्तव्य है । जब हम खड़े होते हैं मालूम नहीं आप क्यों कहने लगते हैं बैठो बैठो । दिस इज व्हेरी वैड । मैं यह कहना चाहता हूँ कि सरकार

[श्री राजनारायण]  
 हमको सफाई दे कि यह प्रोक्लैमेशन को इस सदन के द्वारा अप्रूव कब कराया जा रहा है और जब तक प्रोक्लैमेशन अप्रूव नहीं हुआ है तो इस तरह के विधेयक को इंट्रोड्यूस करने की जल्दबाजी क्यों। इतना ही मैं जानना चाहता हूँ।

यही दो वाक्य मैं कहना चाहता हूँ।

SHRI K. S. RAMASWAMY : Sir, I agree with Mr. Krishan Kant on this point that the Bill may not be introduced before the discussion on the Proclamation is over. I therefore withdraw it until that discussion is over.

श्री राजनारायण : वह एग््री हो गये हैं। अब हम जा रहे हैं।

MR. DEPUTY CHAIRMAN : The House stands adjourned till 2.30 P.M.

The House then adjourned for an hour and thirtyseven minutes past one o'clock.

The House reassembled after lunch at half past two o'clock, MR. DEPUTY CHAIRMAN in the Chair.

RE. STRICTURES AGAINST BANGLA CONGRESS BY SHRI A. P. CHATTERJEE

SHRI PRANAB KUMAR MUKHERJEE (West Bengal) : Mr. Deputy Chairman, Sir, I want to make a very small submission.

MR. DEPUTY CHAIRMAN : We normally do not allow this after lunch hour.

SHRI BHUPESH GUPTA (We.f Bengal) : It is very good time after the lunch recess and you may allow him, Sir.

SHRI PRANAB KUMAR MUKHERJEE : Sir, whenever my friend, Mr. Arjun Prakash Chatterjee, gets an opportunity, he pours venom against my party and even in the forenoon of today while speaking he said that Bangla Congress is a party of *jotedars* and it is filled

with reactionaries. I can assure, the House that all *jotedars* in Bengal are now longer for any party other than the GPI(M). All of them have taken shelter under the long arm of the CPI(M) led by two big rich men, Mr. Jyoti Basu and Mr. Harekrishan Konar.

Thank you, Sir.

SHRI NIREN GHOSH (West Bengal): He is a new-comer to politics. He has to learn politics.

MR. DEPUTY CHAIRMAN : The Appropriation Bill, 1970.

### THE APPROPRIATION BILL, 1970

THE MINISTER OF SUPPLY AND THE MINISTER OF STATE IN THE MINISTRY OF FINANCE SHRI R. K. KHADILKAR: Sir, I beg to move:

"That the Bill to authorise payment and appropriation of certain further sums from arid out of the Consolidated Fund of India for the services of the financial year 1969-70, as passed by the Lok Sabha, be taken into consideration."

Sir, this Bill arises out of the Supplementary Demands for Grants of Rs. 97.76 crores voted by the Lok Sabha on the 25th March, 1970, and expenditure of Rs. 285.40 crores "charged" on the Consolidated Fund of India as detailed in the Supplementary Demands Statement laid before the House on the 16th March, 1970. As full explanations have already been given in that Statement, I would confine myself to a few introductory remarks on some of the important items for which provisions have been sought for in the present batch of Supplementary Demands. The amounts included in this batch represent the unavoidable minimum additional requirements, which have arisen after the passing of the second batch of Supplementary Demands for Grants in December, 1969. Out of the total amount of Rs. 383.16 crores, Rs. 91.36 crores are on Revenue Account, Rs. 26.80 crores are on Capital Account and Rs. 265 crores are for disbursement of Loans and Advances. The total requirement of Rs. 383.16 crores is likely to be set off to the extent of Rs. 94.67 crores on account of receipts, recoveries, etc., leaving the net outgo arising from these Supplementary Demands at Rs. 288.49 crores only.