

SHRI BHUPESH GUPTA: That is the position. Therefore, I would ask the hon. Members to support me in preventing the hon. Minister from going in that direction, because I think it is not a question of what advice is given. They may or may not take it. Everybody knows that such Advisory Committees influence the Government policies within their respective spheres. Government does not have even time sometimes to go through or examine in detail as to what the advice is. Their tendency, their proneness, is to implement such advice. I think it would be very, very wrong to have foreigners connected with it.

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 1, line 18, for the word 'thirty' the word 'ninety-nine' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

2. "That at page 2, after line 2, the following be inserted, namely:—

'(c) and further specify that under no circumstances more than one per cent of the sum assured is re-insured with any foreign company'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

3. "That at page 3, after line 4, the following proviso be inserted, namely:—

'Provided that no person who is in any way connected with a foreign insurance company shall be appointed to the Advisory Committee'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

4. "That at page 2, line 4, after the word 'fire' the words 'or marine' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI B. R. BHAGAT: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE ORISSA STATE LEGISLATURE (DELEGATION OF POWERS) BILL, 1961

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS
(SHRI B. N. DATAR): Sir, I beg to move:

"That the Bill to confer on the President the power of the Legislature of the State of Orissa to make laws be taken into consideration."

Sir, this is a simple measure. At the time when the approval of the President's Proclamation was under debate in this House and in the other, an assurance had been given that a Bill would be brought forward for the purpose of forming a Consultative Committee to be associated with the President for making Presidential laws. You are aware, Sir, that on earlier occasions also this practice had been followed. Therefore, in this case also it was considered necessary that there ought to be a small Committee for advising the President on

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various Bills that were likely to come forward for consideration with a view to having President's Acts. After the Proclamation was issued enquiries were made as to whether there were any Bills for immediate consideration. The Chief Secretary of the Orissa Government intimated to us that there were certain Bills which required immediate attention. In fact in respect of two Bills, Ordinances had been issued by the Governor as the Legislature was not then in session. Those two Bills were:

- (1) The Orissa Zilla Parishad (Amendment) Bill, 1961.
- (2) The Orissa House Rent Control (Amendment) Bill, 1961.

The Ordinances in respect of these Bills have expired, and it is essential that these two Bills should be immediately passed into law. In addition, three more Bills of a fairly urgent character have also been mentioned by the Chief Secretary:

- (1) The Orissa Merged Territories Petition Writers Continuance of Licences (Amendment) Bill, 1961.
- (2) The Orissa Sales Tax Laws (Amendment) Bill, 1961.
- (3) The Orissa Taxation (on goods carried by roads or inland water-ways) Bill, 1960.

Thus, Sir, you will find that five Bills are there of an urgent nature, and it is not unknown that sometimes it might become necessary during the President's rule to have President's Acts urgently in respect of certain matters. That is the reason why the present Bill has been brought forward.

The second point that requires to be considered in this connection is the number of members of the Parliamentary Committee to be associated with the President. You will find in the proviso to clause 3 that we have stated that the number should be ten from the Lok Sabha and five from the Rajya Sabha. After reconsidera-

tion of the matter we have come to the conclusion that this number is likely to be inadequate, and for that purpose I am bringing an official amendment to increase this number to 21, that is 14 from the Lok Sabha and 7 from the Rajya Sabha. As you are aware, Sir, in all such cases it is often necessary that there ought to be Members from other States also. For this purpose it is necessary to vest full discretion in the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha. That is the reason why Government considered it advisable that the number should be raised from 10+5 to 14+7.

Some amendments have been brought forward. With regard to them I shall mention in a general way that the provisions of this Bill follow the same line that was adopted whenever such power was delegated to the President on former occasions. An hon. Member has stated that these words "whether Parliament is or is not in session" should not be used. These words are not liked by some hon. Members and they suggest that the power of making President's laws or Acts should be exercised by the President only when Parliament is not in session. May I point out the actual difficulties? One is that both the Houses of Parliament are not in session for all the time. This House is also rising early. Secondly, even when both Houses are in session, they have got a lot of business before them and may not find it possible to give attention to the Bills that are urgently required to be passed so far as the State of Orissa is concerned. That is the reason why these words ought to be there.

Then, exception also has been taken to the expression "whenever he considers it practicable to do so". These were the words which had been used in the earlier Acts also. May I point out that sometimes it might be difficult to call a meeting of such a Consultative Committee at short notice? In such cases where the interests of

the State of Orissa require that immediate action by the President is essential such Acts will have to be passed by the President at very short notice. But all the same we are trying to follow the convention. May I tell the House that as far as possible we convene the meetings even at short notice wherever it is possible so that after consulting the Consultative Committee the President finally passes the Act. There is also a corrective which might be noted. This is sub-clause (4) of clause 3:

"Either House of Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2)".

So far as this is concerned, Parliament has the power of making necessary amendments when it considers them necessary, and as soon as both the Houses have agreed upon them, then naturally the President has to make necessary amendments on these lines.

My hon. friend, Shri Bhupesh Gupta, has brought certain amendments of a highly general nature. What little I have to say in respect of them I would say only when he prefers to move them. The last amendment that my hon. friend has brought appears to be out of date in the context of the present Bill. So far as the question of fixation of pay scales according to the recommendations of the Pay Commission is concerned, that is not a matter for the Consultative Committee at all. My hon. friend will see that either the President has to take action or on his behalf the Governor has to take action or, after the elections are held and a popular Ministry

is in power, it is naturally for the popular Ministry to take action in this respect. Therefore, the Consultative Committee is not the forum for implementing the Pay Commission's recommendations. Under these circumstances you will find that whatever is sought to be done is in the interests of Orissa, is for the purpose of enabling the President to consult the Consultative Committee of Parliament before a President's Act is passed, and you will appreciate that with a view to seeing to it that representative opinion is reflected in this Committee we have ourselves agreed to increase the number of members of the Consultative Committee from the two Houses.

Sir, I move.

The question was proposed.

SHRI BHUPESH GUPTA (West Bengal): Mr. Deputy Chairman, Sir, I wish to make some general observations and then I shall explain my amendments. It seems that one of my amendments is under assault.

MR. DEPUTY CHAIRMAN: Fifteen minutes each. There are four speakers.

SHRI BHUPESH GUPTA: Well, we shall sit a little longer if necessary and there is no harm in sitting a little longer. That House sits till seven o'clock sometimes. The time should not be restricted.

MR. DEPUTY CHAIRMAN: Let us finish it.

SHRI BHUPESH GUPTA: Anyhow, we shall try. You said that it was fifteen minutes for each. You have the power to extend the time. You may not give it. But you have the power to ask the House to sit a little longer if necessary. This is the last item on the agenda and on the other Bill we have saved time.

Anyway, the position is this. Now here we are giving the powers of Parliament to the President on the

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ground that either Parliament may not be in session or it may be pre-occupied with other business. Well, Sir, when Parliament is not in session, one can understand the position. If certain important Bills were to be passed or legislations were to be introduced, the Government could act quickly and get them passed. We can judge those things on merits. But when Parliament is in session, is it right for the Government to adopt the position that we will not discuss it or that we will not be able to discuss it? For one thing, how do they prejudge the position of Parliament? When the matter is brought up when we are in session, it is for the Business Advisory Committee of both the Houses of Parliament to consider it and see whether having regard to the importance of it, the House should find time or whether the discussion should be deferred. Here is an attempt to by-pass the rights and privileges of Parliament particularly when it is in session. Now this is an extraordinary thing that we are doing in this country. The habit of it is bad. I do not say that it is bad in every case. But if we get into that kind of habit, we will find ourselves in a situation where the President would be legislating, ignoring the powers of Parliament. It is none of the normal functions of the President to legislate. The functions of Parliament are given to Parliament and it is only on extraordinary grounds that they can be tampered with but here we find that the Government is tampering with them at pleasure. Now you consider it. What right has the Government got to tell us that the House will not find time? It is for them to give notice of the Bills and other things that are to come up and then it is for the House and for the competent bodies of the House like the Business Advisory Committee to decide the question of the availability of time. This is a very bad thing. It does not speak well of the manner in which sometimes some members of the Government view the affairs of Parlia-

ment. Now, Sir, delegated legislation is not done. In our country we have provided for it in the Constitution. We cannot help it at this stage here. But it is not done. What happens? Who actually legislates? Now we are getting a consolation prize here in the form of a Committee. I shall come to that Committee later. But who actually legislates? The officials. Am I to believe that the President sits with all these things in Orissa and reflects upon them and sponsors or initiates legislation? No. It is the bureaucrats on the spot, that is to say in Orissa—maybe a Secretary of the Department, maybe the Chief Secretary, maybe certain other officials—who conceive of certain measures, then pass on their suggestions to the higher authorities and then they take shape. The President's stamp is put on it and it becomes the law of the land. That is how actually it is done. Let us have no illusion about it. It is there. Such legislations are generally the measures of the bureaucrats of the executive who pass them on to the Ministries. Now I will be told that the Ministers look into them. Yes. But if we are so busy here not being able to take up legislation even when we are in session, how am I to understand that Shri Lal Bahadur Shastri will be such great leisure that everything that comes from that quarter he will deeply study? He may study; he may be inclined to study but you cannot have it both ways. We are here, we shall be busy. Therefore, I take it that the Home Minister of the Government will also be busy; there at his residence or in the South Block of the Secretariat, he will not be free to deal with everything. In other words, the suggestion is this that whatever the Government can do or the Minister can do, let them do it. I am not reflecting on the individual here. Now how right his argument is, how it is understandable, I do not know. If you are busy, we are all busy. If you are free, we are all free. If you are free here, we can take up legislation here as well. Therefore, this is a sort of refine-

ment, constitutional refinement, and political jugglery which are of a very low order. Well, we talk of such things. We know how things will be done. We saw it in the case of Travancore-Cochin, we saw it in the case of Kèrālā, we saw it in the case of PEPSU and we are going to see it again in this particular case. On all occasions it is the executive there. Now which is that executive? And you saw how the Orissa executive behaved? They passed an Ordinance when they did not have the power to pass it and when the matter was referred to the Central Government for opinion as to what should be done, well, the people there did not wait for the opinion of the Central Government and passed the Ordinance. There the Home Minister was quite right—the officiating Home Minister I mean and we expect him to be the Home Minister soon. I support him. He said that they could have waited. A man of commonsense that he is, he would naturally say that having referred it to them, they should have waited or at least enquired by trunk call. The trunk telephone could have been utilised. I make trunk calls on important matters with our partymen all over the country, and the Government, the mighty Government, could utilise the trunk service or the advice could have been sought by the Governor or somebody acting on his behalf. I do not know if any trunk call was put through but it does not seem to be so. Otherwise, a truthful man like Shri Lal Bahadur Shastri would have certainly mentioned something about the trunk call. He had not done it. Therefore, I take it that there was no such trunk call. Therefore, it was done like that. The executive ignored it and when Parliament was in session, in a great hurry the Ordinance was issued. Because somebody said that certain monies had to be paid to certain friends, to certain contractors, to certain business men, the Ordinance was passed to make payments. And do you know what was said there in Orissa. Hon. Members ought to know it. It

was that if the Ordinance was not passed, the M.L.As. would not be in a position to return home. Who would pay their daily and travelling allowances? Such futile arguments were advanced by the personalities sitting in the Raj Bhavan and in the ministerial quarters. This is what was said. This is the executive which is going to be vested with the actual powers of legislation. This is how they are going to behave. Now, Sir, in this connection I mention how they have behaved in this entire period irresponsibly. Here I have got the Governor's Address. Well, here is the advice of the executive. The Governor addressed the Legislature during the middle of February, 16th February, and there was not the slightest indication that on the 21st of February he would be faced with a situation of accepting the resignation of the Ministry. It was all fine, everything was very fine and smooth and this was the Governor's Address. Everybody knows how the Address comes to be written. Anyway, the Governor comes to the Legislature, makes the Address but the country is not told

MR. DEPUTY CHAIRMAN: We are not concerned with that.

SHRI BHUPESH GUPTA: We are concerned with that.

MR. DEPUTY CHAIRMAN: We are concerned with the Bill.

SHRI BHUPESH GUPTA: We are concerned with legislative power, we are concerned with the Orissa State Legislature (Delegation of Powers) Bill, and in that connection what happened in Orissa is very important. We are giving this power with respect to the State of Orissa, and are we not entitled to discuss this subject? If that is not allowed, then cut out the discussion and we shall go home.

MR. DEPUTY CHAIRMAN: Speak on the Bill.

SHRI BHUPESH GUPTA: I say people should be given power with a proper reminder. This is the position. Can you say this is not the object of the Bill? When a similar power was given with respect to the State of Kerala, long discussions took place here. Now we are saying the same sort of thing. Now, Sir, if time is the factor and time should condition our argument and logic, forgetting everything that had happened in Parliament in the past, then it is better that we pack off and go home. We came here rushing for all this business and we can rush back home. Now I do not like Parliament being treated that way by anybody. I am giving here the power of the Orissa State Assembly and the power is being given to the executive and I am entitled to say how the executive should behave.

MR. DEPUTY CHAIRMAN: It is given to the President—not to the executive.

SHRI BHUPESH GUPTA: Is it not to the executive? Well, Sir, then we cannot discuss President, and everything is President. Under the Constitution Shri Lal Bahadur Shastri becomes the executive. He is the President's Minister and the Cabinet in which he is, advises the President. It is not that it is not the executive. Let us come to brass tacks. It is the executive. Let him say that the President does it, all on his own. Let him say that the Ministry does not come into the picture, that it is all President, I shall sit down. Say that it is all that divine institution. I shall sit down. There is the constitutional propriety. In the British Parliament it is referred to as the Crown, and by Crown is meant the Government. If you say such a thing that the President is supreme, not the executive, then Shri Lal Bahadur Shastri would not be in the picture in this matter. No. The President is one who takes advice from him. Therefore I want to criticise Shri Lal Bahadur Shastri. I am not criticising him personally be-

cause he has just come to hold the Home portfolio. I wish him good luck. All I am saying is about the relevancy of my point.

Now, Sir, this is how it will behave, the actual functioning will take place in this manner. Sir, I have said enough to express my apprehension about it. Personally I have great regard for the Home Minister who is here. Naturally, his failures are not his failures. His failures are the failures of his party. His failures are the failures of the Government. In a different situation he would be faring much better. I know it.

MR. DEPUTY CHAIRMAN: If he were in your party.

SHRI BHUPESH GUPTA: Well, Sir, I would ask him to come and join me; I would seriously consider having him in our party if he made an application, and it is because he is a good man, and for all good men our party doors are open. After all, many people are in our party, who have been in the Congress Party. Some of his colleagues are in our party, for example, Dr. Z. A. Ahmad. Dr. Ahmad was once the Joint Secretary of your U.P. Congress Committee, and I think he talked to him some time in the second person, and so on. There was some such thing. But we should be very happy, Sir, if you could persuade Shri Lal Bahadur Shastri to consider the advisability of coming to the Communist fold first and then think of making the application to the party provided he gets two persons to recommend his application. I would very much consider his case—not about others so easily, because good men are welcome. Anyway, Sir, this digression has come and the substantial point is lost, the thread of it is lost. You are sometimes humorous also, and when you are humorous, I am all the more humorous, because humour begets humour.

SHRI H. P. SAKSENA (Uttar Pradesh): I am your greatest admirer here in this House.

SHRI BHUPESH GUPTA: Yes, Sir. I am very sorry if by appreciating somebody else I have not, by implication, appreciated my admirer. I do appreciate him; I respect him.

AN HON. MEMBER: Come here.

SHRI BHUPESH GUPTA: Now this is the position. The question is how it will be done. Now it is the Orissa Government which will be advising our Home Ministry and that which will be formulating things is the basic Government, the Government of Orissa, where the administration had been divided in loyalties between two groups—not all—but some—the Gana-tantra Parishad and the Congress, and you know there may be a conflict there and so on. I hope the Home Minister will look into such a matter. He is very good. I think wherever there is trouble inside the party to which he belongs he is sent and used to be sent to set matters right. I think Orissa needs a little attention. He should go there and look a bit into the party affairs there. They are basic, but administration is the thing that matters. Therefore, if he goes there and looks into it, things will improve.

As far as legislation is concerned, a number of laws and Bills have been mentioned, but then this is the trouble—we do not know anything except the names and what these Bills contain. Would I like to give the Government powers to pass them? How can I decide without looking at the Bill? Maybe some of those Bills are good and I would like to support them, and when I am giving the power, it is also necessary for the Government to seek from the House the advice, as to whether they would like to suggest certain modifications in the Bills when the Bills are passed. Since you give us these Bills, it has become very difficult. That is the attitude of the Government. Again I make this observation not so much against the Government here. It was the duty of the Orissa Government to make all these Bills available in sufficient numbers to the Central Minis-

try here so that they could circulate them, because that would be the subject matter to be referred to in this House. They should have foreseen it. We do not have them. In this connection, Sir, I mention one thing, a land Bill, their land legislation. Here I think this is something that I said yesterday. A certain Act, the Tenancy Relief Act, expires in June. Now the tenants have to be given full protection. If necessary, legislation has to be passed in order to give full protection to the tenants, and we shall be in support of such legislation; we are not opposed to it. But is there any such contemplation on the part of the Government as to how they would meet the situation? Then, Sir, I would suggest—when they legislate in such matters—to them to take into account the manner in which even the recommendations of the earlier Congress Government's committee with regard to land reforms were rejected later on by the subsequent Coalition Ministry, because they had proposed a lower ceiling, not so high as did the Coalition Ministry. The earlier Government made certain provisions which were in the interests of the peasantry specially. Now these have gone. Therefore I would like—if that Bill or similar measures come with regard to the tenants and peasants—that the Government should improve them in the light of the recommendations that their own Government made. Sir, it is very very important for Orissa. 200 and 300 acres of land for a family it gives—by all kinds of arrangements—and leave no land whatsoever for distribution amongst the peasants whereas Orissa has the largest percentage of landless labourers. This is something which the Government should take up. And the price? Why should it be like that, so high? Let the Government distribute—it is not distributing. The landlord sells his surplus land and charges a high price. The landlord is made to sell under the law, and he charges a very high price, the market price. How many peasants that way can buy? Therefore modification should be made or, if necessary, subsidiary legis-

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lation should be made with a view to acquiring this surplus land. The Government should directly distribute it at a reasonable price and in a manner which would make them really the owners of the land. That should be done.

As far as the compensation is concerned, I need not say much. It should not be paid to the big landlords for the present. Now this drastic improvement is needed. I repeat this thing for the simple reason that unless Government does something about it, things will not improve. I do not know what will be the results of the next elections. Well, if no party gets a majority, the same kind of a coalition may come in again. They have not taken any vow before any temple that they will not have another Coalition Ministry there. If they are in distress, they may again embrace each other to the detriment of Orissa. Therefore, Sir, the Central Government should take measures that way.

Then, Sir, about my amendments.

MR. DEPUTY CHAIRMAN: You may take them up later.

SHRI BHUPESH GUPTA: You want me to speak later. All right. I want to say here only about the last amendment. About my last amendment, amendment No. 4.

MR. DEPUTY CHAIRMAN: I am going to rule that amendment out of order.

SHRI BHUPESH GUPTA: I was fearing that. Sometimes we understand you by looking at your face.

MR. DEPUTY CHAIRMAN: You want to empower the Committee. The Committee is only an advisory committee.

SHRI BHUPESH GUPTA: You cannot rule it out. You must hear me before ruling it out.

MR. DEPUTY CHAIRMAN: You may speak on it when you come to amendments.

SHRI BHUPESH GUPTA: By looking at your face I could gather that you were thinking along this line. We have been here for nine years and we know each other. Before you rule it out, I want to enter into an argument as to why it should not be ruled out. But that will be a point of order. Here I am not raising that point of order.

MR. DEPUTY CHAIRMAN: I do not want to take any reasons. I have ruled it out.

SHRI BHUPESH GUPTA: I forget what you have said. Now, we are providing for the appointment of an Advisory Committee. We have got every right to give them advice as to when the Committee should be constituted and how it should be constituted. Now, I give them the advice. Firstly, that Committee should meet frequently and they should not take things easily and lightly. Secondly, they should meet in Orissa as far as possible. Fortunately, our present Home Minister is very hale and hearty and he can move about. Therefore, he would not mind going to Orissa, I believe. Why do I say this thing is because there are certain matters which require detailed study and from Delhi it is not possible. It is better that for such purposes we have meetings in Orissa so that people may be consulted formally or informally. Sometimes informal consultations are necessary, and I am sure Mr. Shastri, the hon. Home Minister, would not like such advice to be ruled out even if it came from non-official quarters, not associated with the Committee directly. Therefore, the meeting should be in Orissa.

Thirdly, this Committee should take up the question of General Elections, as to how they should be conducted. That is very, very important, because I think the only function of this Committee would be to see that the elections are properly conducted. Other

things I do not know. Within two months how much can be done? Therefore, it is very important that the Committee gives proper advice.

MR. DEPUTY CHAIRMAN: It is to advice the President on legislation.

SHRI BHUPESH GUPTA: How do you know that legislation will not be passed? I do not know whether an Ordinance will not be passed.

MR. DEPUTY CHAIRMAN: Now you should finish.

SHRI BHUPESH GUPTA: So, that should be done. I am coming to legislation, naturally and other things. I think if the number in the Committee is higher, they should first of all consider the question of legislation. That should be passed. Even if it is not passed, they should try to get it passed with regard to certain matters like backward areas and industrialisation of Orissa.

Then, Sir, about the composition of the Committee. I am very glad that the number has been increased, but here my trouble is this. I find that there are 20 Members in the Lok Sabha and 10 in this House from Orissa. Altogether there are 30 Members. I would not like any Member of Orissa to be left out of that Committee. Firstly, all these 30 Members should be there on that Committee. Therefore, the number should be 30 plus something, and not 30 minus something. All these 30 Members should be there. After all, the Orissa Legislature is not there. Therefore, why should they not be given a chance to discuss this matter? Mind you, there is only one Member from my Party and I am saying this thing. I am taking a great security risk. There is no doubt about it. But even so, on questions of principles I want that all these thirty should join the Committee. And if there is a lady Member—I do not know if there is a lady Member in the other House—she should be taken too. So they should

be there on the Committee. And there should be plus something.

MR. DEPUTY CHAIRMAN: Please finish.

SHRI BHUPESH GUPTA: Let me finish. So, it should be plus something more. Now, why do I say that? At the time of the Kerala affair, as you know, the suggestion was that all Members of Parliament would be on the Kerala Advisory Committee. That was the original decision. Suddenly it went into the head of some astute person in the Government that in this way the Committee would have a clear majority, because at that time we were in a majority in this House and in the other House too—in both the Houses. Therefore, in order to prevent the Communists having a majority and giving the right kind of advice, they decided to have outsiders.

SHRI AKBAR ALI KHAN (Andhra Pradesh): That is the whole difficulty.

SHRI BHUPESH GUPTA: That is how the principle of outsiders came in. Outsiders were taken in to reduce us, the majority, into a minority in that Committee. We objected to it. As you know, Sir, the Land Reform Bill was there before the President and advice was being given. If the Communists had been in a majority, the President would have been confronted with either accepting the advice of the majority, which at that time would have been from our Opposition if the Committee had not been enlarged, or rejecting the advice. Therefore, in order to obviate that situation, whether to accept the advice of the Advisory Committee . . .

MR. DEPUTY CHAIRMAN: That will just do.

SHRI BHUPESH GUPTA: Let me finish the sentence. "Just" will not do. I have not yet finished the sentence. After all, English grammar is grammar. It is a question of grammar.

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So, that was done because that point would have been raised. Therefore, it was done to prevent that kind of situation. But here I know that the Communists and others will not be in a majority. I have seen the Orissa people there and I would suggest that in order that the Congress Party does not have a majority on that Committee, others should be taken in. I am suggesting the same thing that you did at the time of Kerala. You transformed the Communist majority into a minority by inclusion of Members from outside the State. I would ask Lal Bahadur Shastriji to play the same game and transform the majority of Congress Members on that Committee into a minority by taking more Members from the Opposition, including the Communist Party, from outside Orissa and I will see where the politics stands here or whether it will be again double book-keeping in Constitutional affairs Sir, that is what I feel. I have made this suggestion. I know that Committee was not formed by him but this one is to be formed by him unless he declines to form this Committee. Therefore, I would ask him to reconsider this thing as to how the Committee should be formed. He should express his opinion.

As far as other things are concerned, I will speak when my amendments come.

SHRI ROHIT M. DAVE (Gujarat): Mr. Deputy Chairman, Sir, I must admit that I am not very happy regarding this particular Bill. The hon. Minister has told the House that whenever the President took the authority under article 356 of the Constitution and whenever there was the President's Proclamation, every time such a Bill was brought forward before Parliament and Parliament approved that Bill. It is true, but at the same time it is also true that this kind of routine which is now being followed from time to time is creating a situation in which Parliament, which is given a very important function under article

356 of the Constitution, is divesting itself of that function and is merely having a ritual of first acquiring that power under the President's Proclamation and then quietly delegating that power again to the President. In order to fully appreciate, Sir, the significance of such a move, it is necessary to go into the history of this sort of powers that were conferred on Parliament by the Constitution in the past.

Sir, under the Government of India Act, 1935, under section 93, some such situation was contemplated and certain provisions were made in case such a situation arose either at the Centre or in some of the provinces, as they were called at that time. At that

4 P.M. time it was decided that the Governor-General should have both the executive as well as the legislative power in his hands in case such a situation arose either at the Centre or in the Provinces. Now the framers of the Constitution have not accepted that particular formula when our Constitution was framed and have definitely made a distinction between the executive power and the legislative power and they have stated that as far as executive power is concerned, the President can straightway take these powers into his hands through a Proclamation but as far as legislative powers are concerned, these powers vest in Parliament. I am aware of the fact that the Constitution also provides that Parliament in its turn might delegate these powers to the President or to some authority to be named by him, but obviously, when this distinction between the executive and the legislative power was made in the Constitution, it is quite reasonable to suppose that only under exceptional circumstances Parliament was to delegate that power to the President again or to any authority to be named by him. If it was the intention of the framers of the Constitution that the legislative as well as the executive power should vest in the President himself, then the scheme which was envisaged in section 93 of the Government of India Act would have been copied in the

Constitution. The very fact that it has not been done clearly shows that the framers of the Constitution expect Parliament to exercise the legislative powers and only in exceptional circumstances, should this power be delegated to the President or to any authority to be named by him. This was to my mind the real intention and the real scheme as it is envisaged in the Constitution but what do we find? Whenever there is a Proclamation, automatically this Bill is brought and passed by Parliament and the powers are vested in the President. What is the necessity of this ritual to be gone through at the time of every Proclamation whereby Parliament might divest itself of its power the moment it has got it? There seems to be no sense in this type of ritual to be gone through after every Proclamation. It has been stated that this becomes necessary because of the fact that Parliament might not have sufficient time to consider the various Bills and therefore it is desirable that this power should be vested in the President. Again I ask the same question: Were not the framers of the Constitution aware of the fact that there was the function which Parliament had to perform regarding the Central Government and that Parliament might not find time to look into the legislative matters of the territories, the executive power and the legislative power for which have been taken away by the Centre? Here again the very fact that the Constitution is passed is proof that Parliament is supposed to function as originally envisaged and it clearly shows that the Constitution expects this Parliament to find time to discharge its functions. I am not at all satisfied that there would not be sufficient time for this Parliament to go into the various problems that are connected with the exercise of the legislative powers which were originally in the Legislature and which were, because of the Proclamation, vested in Parliament.

We have been told that there are certain Bills which are to be gone through there and that this House adjourned earlier and the two Houses

might not be in session simultaneously and therefore these difficulties might arise. May I ask the hon. Minister, does not the same argument also apply to the legislative business as far as the Centre is concerned? The Centre has to go through a large number of legislative measures. There are all sorts of Bills coming up. Some of the Bills are lying there pending. They come over here and in spite of that, we do adjourn during the particular period and then again assemble and carry on our legislative business. The whole scheme of the two Houses meeting and the programme and the time-table which is fixed for the two Houses clearly show or envisage all these facts. Therefore, there is nothing new in the situation that there are going to be certain Bills which are to be passed in order that the Government work in Orissa could be carried on. The Government work at the Centre is also to be carried on and Parliament has to discharge its functions here also. Why this House and the other House could not discharge the functions with reference to the legislative matters in Orissa also, is a problem which I have not been able to understand.

As I said earlier, if we were to take for granted this type of Bills and merely pass them whenever there is a Proclamation, a very dangerous situation is likely to arise. It is true that we have the power to review any legislation that might have been enacted by the President or the authority named by him and we are also entitled to make certain modifications. It is also true that there is a provision for an Advisory Committee and that Committee might meet and advise the President and might discharge the functions of Parliament in a short Committee but when Parliament itself has got certain powers under the Constitution, I think it is very dangerous to confine its powers merely to the review of legislative measures or to delegate these powers to a small committee which again is purely an advisory committee. These powers are for Parliament and Parliament has to exercise these powers, not just the

[Shri Rohit M. Dave.]

power of review, not just the power of advice but the power of enactment, and these powers should not be delegated by Parliament as a matter of course to the President or to any authority. It might happen that we might have to work harder, it might happen that we might have night-sittings. I am quite sure that Members of Parliament would be quite willing to discharge their public duty by going through a strenuous programme of legislation and see that they are in a position to discharge the functions and responsibilities that have been entrusted to them by the Constitution. Therefore, this plea of not sufficient time for Parliament to look into these matters, that these measures were passed in the past, that certain legislative measures have to be gone through immediately, that this House does not meet concurrently with the other House, such arguments, if they are carried to their logical conclusion, might result in situations wherein the effective control and the effective responsibilities of Parliament might not be properly discharged by Members of the House and that would be a very tragic situation. Therefore I at least expect the Government to see that when Parliament is in session, wherever there is any legislative measure to be enacted, that is brought before Parliament and the President does not exercise his right of enacting a legislative measure even when Parliament is in session because I can understand that when Parliament is not in session, when a certain emergency does arise, when a certain situation develops, which requires immediate attention, the President might exercise the power of making a legislation in the case of Orissa or any other territory which might be a proclaimed territory at that time. Even with the Parliament in session, the President exercising this right perhaps with the advice of a small advisory committee is not a situation which is likely to lead to healthy democratic practice and healthy democratic traditions. I hope, Sir, that

Government would accept my amendment thereby preserving and conserving some measure of democratic powers which the Constitution has given to this Parliament and not delegate these powers to the President or to the other authorities.

SHRI MAHESWAR NAIK (Orissa): Mr. Deputy Chairman, I rise to support the Bill which is before the House at the moment. I listened with great attention to the speeches of the two hon. Members who preceded me. As far as I could make out from the speeches, it did not seem to be the intention of those two speakers to contend the provisions of the Bill. Their contentions, as far as I could guess, are on a different footing. The competence of the Parliament to confer on the President powers of legislation in respect of Orissa is not contended by either of the two speakers who preceded me. Once the competence of Parliament to delegate power to the President is accepted I do not understand why the President should not have the power to legislate whenever there is no Parliament or even when Parliament is in session. After all, Sir, the Bill does not envisage that the President should delegate his power to any other authority, either belonging to the Union Government or to the State Government. So, Sir, the question of the President functioning as the legislature of Orissa is not of much value even if it is contended that the President should not legislate when Parliament is in session. After all, the President has got the power to promulgate ordinances whenever Parliament is not in session. Once we accept the principle that the President should function as the legislature of the Orissa State, I do not find any valid reason why he should function as such only when Parliament is not in session.

Having said so, Sir, I must confess that I am not happy over the Statement of Objects and Reasons given in the Bill. The hon. Minister in charge of the Bill has stated in that Statement that under the Proclama-

tion of the President dated the 25th February, 1961, the powers of the Legislature of the Orissa State are now exercisable by or under the authority of Parliament. He goes on to say that such legislative measures as may be necessary for the State can be taken up by the Parliament only by postponing its business. When I say that I am not happy over it, I mean to say that this particular statement, at least by implication, means that even when Orissa is under the President's Rule, the legislative powers of the Parliament do not seem to include power to legislate in respect of Orissa. Of course, I feel that I am wrong there but the construction appears to me to be that the business of Parliament consists only of business excluding that relating to Orissa even though the State is under President's Rule. Further on, the Statement of Objects and Reasons says, even then it is likely that Parliament may not have the time to deal with legislative measures in regard to the State of Orissa. Sir, I do not quite understand the significance of this. It is only with an eye on the volume and importance of business before us that time is fixed; it is not that business is apportioned according to the time available.

Coming to the provisions of the Bill, I am happy about the proviso to clause 3 which provides for the constitution of a consultative committee consisting of Members of Parliament. Originally, the clause stipulated that the committee would consist of ten Members from the Lok Sabha and five from the Rajya Sabha. From an amendment, I find that this number now is raised to 21, but at least for once I am perfectly in accord with the views of my friend, Mr. Bhupesh Gupta, that all the Members coming from Orissa, both in this House and in the other, should be taken into this committee. After all, when the Orissa legislature is not functioning, the legislature which was the only forum for voicing the views of the public, at least all those who represent Orissa

here in Parliament should be associated with this committee.

Sir, this brings me to another point. While replying to the debate on the President's Proclamation, the Home Minister, Shri Lal Bahadur Shastri, said that he was contemplating the constitution of a consultative committee consisting of all the Members coming from Orissa. I am happy that some other Members of Parliament, coming from other States, are also going to be associated with this committee, but I feel that all those Members who now represent Orissa should also be asked to associate themselves with this committee if we have any respect for popular association. Sir, I would like to draw the attention of the House to another point also. It is certainly a very happy augury that the President under the mandatory provisions of this Bill shall consult a committee constituted for this purpose, consisting of Members of both the Houses. But I am not very happy about the words "whenever he considers it practicable to do so" that occur in this provision here. On the one hand we are giving powers to the President making it obligatory for him to consult the committee before enacting any such Act but on the other hand with the introduction of these words "whenever he considers it practicable to do so" we are probably taking away that salutary provision. I am not therefore happy about these words and I am glad that an amendment to delete these words has been tabled by one of the hon. Members. I wish, Sir, that the hon. Minister should consider this question of deletion of this words.

Sir, I have not many things to add. All that I have to say is before the next elections which are announced to be held early in the month of June we should here in Parliament act in such a manner in the matter of legislation for the State of Orissa that at least the people of Orissa should not think that the popular element which is supposed to be associated through Parliament Members is not prevented

[Shri Maheswar Naik.]

from being so associated in any enactment made by the President. With these words, Sir, I support the Bill.

SHRI DIBAKAR PATNAIK (Orissa): Sir, my amendment is a simple one. I only want to delete these words "whenever he considers it practicable to do so" from clause 3. While moving my amendment, I hope that the Government . . .

SHRI B. N. DATAR: Are we dealing with amendments at this stage, Sir?

SHRI DIBAKAR PATNAIK: I have already circulated it.

SHRI B. N. DATAR: At the next stage when we take up the clause by clause consideration, the hon. Member may move his amendment. That will be the proper stage.

MR. DEPUTY CHAIRMAN: Yes; this is a general discussion on the Bill.

SHRI DIBAKAR PATNAIK: I consider that the Bill is most undemocratic—this Orissa State Legislature (Delegation of Powers) Bill, 1961—otherwise this may be called the Henry VIII Bill. Now, in the country we have panchayat raj, panchayat samitis, Legislatures and Parliament, but in Orissa the Assembly is dissolved, and the fate of nearly 170 lakhs of people will be handled by our President alone and there is provision in this Act for some Members to advise the President as to how to run the Administration in Orissa. But it is very difficult for the President from Delhi to rule Orissa which is 1,400 miles from here. If the President himself delegates his power to anybody else, he may delegate it to the Governor and I think the Governor may consult all the M.Ps. of Orissa alone concerning the affairs of Orissa State. All the M.Ps. of Orissa are elected by the electorate of Orissa.

As there is no Assembly there, and as the 140 members of the Orissa Assembly are not functioning today, there is no real democratic structure there. The voters there have elected 20 Members to the Lok Sabha and we have here 10 Members elected through the Assembly. Thus these 30 people are the real representatives of Orissa who can be responsible to the people for the running of the Administration of Orissa, and to look after the day-to-day affairs of the State. These people know what is happening in Orissa and what will be good for the people of Orissa and what is bad for the people of Orissa. But if the Government thinks that because the matter has come from Bhubaneswar to Delhi, an all-India Committee should advise the President or the Governor, it is the most impracticable suggestion. No other M.Ps. can be responsible to the people of Orissa if anything happens there. The hon. Minister said that the life of five Bills has to be extended. Today we know that the Land Reforms Bill is not enforced in Orissa. The Tenants Relief Bill is not enforced in Orissa. We do not know what happens there. Under the circumstances I vehemently and forcefully place before you this suggestion. We have lost one M.P.—Mr. Uma Charan Patnaik—and we are 29 here one of whom is a Minister. He may find some time to go to Orissa. Now, the Government is suggesting a Committee with 21 Members to advise the President. But instead of that if we could raise the number to 30 and if it is confined to the Orissa M.Ps. alone, that will serve the purpose of the Orissa people and meet the aspirations of the Orissa people. It is the next best after the dissolution of the Assembly. I will next come to the merit and to the details of the amendment that I want to move. My amendment is very simple. I only say—I am not speaking about . . .

MR. DEPUTY CHAIRMAN: We will take it up later.

SHRI DIBAKAR PATNAIK: I will move that when it is necessary. With

these observations I appeal to the Government to see if they can accommodate Orissa public opinion. From that side hon. Member, Shri Maheswar Naik, said it in his speech and I am also supporting him.

SHRI BISWANATH DAS (Orissa): I have listened very carefully to the speeches and discussions that have taken place on the floor of this House, especially two speeches from two stalwarts, one of the Communist Party and the other of the P.S.P. My friend, the leader of the Communist Party, has played the role of a leader carrying on an election speech from the floor of the House. And I bless him for all that. My hon. friend, Shri Dave, made a powerful and fine theoretical analysis of the Constitution, parliamentary trends, as also an analysis of the delegated powers under the Constitution. No one is happy, as he rightly says. Is Government happy? Are the hon. Members of the House happy? None is happy, because abnormal circumstances have come to the fore. The resignation of the Ministry is not one of normalcy. It is an abnormal situation. The Proclamation following it, as also the dissolution of the Assembly, all these are abnormal circumstances. And the Union Government has to face abnormal circumstances. If I have reason to congratulate them on the way they have attempted to face things, it is because they have tried, attempted and done their very best to follow democratic traditions, so far as possible and available to them.

SHRI BHUPESH GUPTA: The hon. Member is making a speech for election to the Rajya Sabha from Orissa next time.

SHRI BISWANATH DAS: No, Sir. I am only explaining the objections raised on the floor of the House. My hon. friend, Shri Dave, did give a very good analysis of the powers of Parliament and the Constitution regarding delegated powers, as and when Parliament is in session or not in session. I would plead with him

to consider certain things. Parliament has got the power under the Constitution to delegate powers. Has it not been delegating, year after year, powers to the Estimates Committee to scrutinise the Budget presented by the Union Government? We pass the Budget, but with the clear understanding that it would be thoroughly scrutinised by our limbs, by a body appointed by ourselves, elected or selected by ourselves. We delegate our functions to the Estimates Committee. It scrutinises the Budget right through. That is not all. We have got the Public Accounts Committee. The function of Parliament is to scrutinise and see whether the executive can . . .

SHRI BHUPESH GUPTA: *Post mortem.*

SHRI BISWANATH DAS: Maybe *post mortem*. It is *post mortem*. This *post mortem* is also provided for in the Constitution. The framers of the Constitution knew that it would be a *post mortem* examination. *Post mortem* examinations are useful and necessary and are helpful also. Therefore, delegated legislation, delegated powers, are a part of the Constitution. I plead with both of them and with the Opposition Parties that the Government in this case has done nothing except to invoke those powers, consistent with articles 356 and 357. I find nothing irregular, nothing wrong, nothing illegal in what they have done. What is it that they have done? Article 356 confers certain specific powers on the President to carry out his responsibilities that devolve on him along with the Proclamation and the dissolution of the Assembly. How is he to give effect to these powers? I once again congratulate the hon. Ministers for having chosen the right track, not to spend a pie without legislative sanction. Similarly, it is a very well-known fact that we have our fullest confidence in the President. He is not only the leader today. He was the leader, he has been the leader and he is the leader. Therefore, there is no question about our confidence

[Shri Biswanath Das.]

in him. Despite all that, what is being proposed? The proposal is that he will consult the Committee of the Houses. I plead again with the hon. Members of the House, as also with the Union Government, that that Committee should have only representatives of Orissa. Any addition to the Members of the Committee from outside will only impede the progress of the work, because it will be difficult for them to come and attend.

SHRI BHUPESH GUPTA: We will come.

SHRI BISWANATH DAS: That will be the difficulty. Otherwise, there is no objection. I see there is little objection. After all, all these delegated powers are only for a period of three months or for a period of 2½ months. Therefore, I feel that my hon. friend, Shri Bhupesh Gupta, is trying to create a tempest in a tea pot. Where is the need for a tempest? Where is the need for fretting and fuming? It is an absolutely unnecessary and uncalled for tempest. I plead with you and through you with the hon. Members of this House that this legislation is not only necessary, but it is also a useful legislation. It is not only democratic, but also popular, because it conforms to all the canons of democracy and popular administration and people's co-operation in the administration. How else could you have done it? It has been stated that there should not be powers vested in the President to resort to legislation even, when Parliament is in session.

SHRI BHUPESH GUPTA: May I just interrupt him? The hon. Minister of Parliamentary Affairs is here. Will you kindly ask him to come and sit here, because we will have to raise certain points?

SHRI BISWANATH DAS: I am sorry . . .

MR. DEPUTY CHAIRMAN: Please go on.

SHRI BISWANATH DAS: Sir, this is a fine distinction because, as I have already stated, the period is only two and a half months or at best three months. The legislation that has to be undertaken during the period includes a few local Acts which are essentially necessary to give operation to the legislative measures enacted by the local Legislature. Where is the difficulty, where is the objection, where is the ground for complaint? I feel, Sir, that while one friend was anxious to carry on a propaganda right from this place to Orissa, another friend was making a very theoretical analysis to meet a practical situation. Therefore, I would beg of them not to press these things, but to give the Bill their support, a Bill which is for a necessary, useful, popular and democratic working operation. I would only appeal to the hon. Chairman of our House and the hon. Speaker of the other House not to appoint Members from outside Orissa, because if they do it, it will be a sort of spoke in the wheel of early accomplishment of things which need to be speeded up. In the alternative I would plead and beg of them to consider the need of nominating friends from neighbouring States so that there will be little difficulty. I am speaking only from the aspect of physical possibility of movement and not anything else. Parliament has a right to nominate Members and to be represented in matters of administration in Orissa. That is not denied, that is not disputed, but these physical difficulties are inherent, and I would appeal to the hon. Chair here and also in the Lok Sabha to consider this aspect.

With these words I thank the Government and welcome the measure.

SHRI AKBAR ALI KHAN: Mr. Deputy Chairman, so far as the question of principle is concerned, I am entirely with my friends, Mr. Bhupesh Gupta and Mr. Dave, that we are here to guard with all the vigilance possible that the power of legislation does not pass from Parliament to the

executive. So far as the anxiety to safeguard the democratic principle is concerned, at least once my friend, Mr. Bhupesh Gupta, claims that he wants to protect democratic principles, and I have no desire to quarrel with him.

SHRI BHUPESH GUPTA: We have protected it for the last eight years.

SHRI AKBAR ALI KHAN: I wish you were doing it. But the question here is that an emergency situation has to be dealt with, and particularly my friend, Mr. Bhupesh Gupta, has accepted that it is an emergency situation, has accepted that the Coalition must go and the President's Rule must come.

SHRI BHUPESH GUPTA: I call it constitutional sabotage.

SHRI AKBAR ALI KHAN: At the same time he has said that there was no other alternative to President's Rule. There is this difference between the speech that you delivered when the Kerala issue was there and your present speech. If you want, I can quote copiously from the speeches that you and your colleagues delivered in this House and in the Lok Sabha that of course the Government in Orissa must go and the President's Rule must come. What I mean is that you have to be consistent. That is what I want to say.

SHRI MAHESWAR NAIK: That is in the nature of their ideology.

SHRI AKBAR ALI KHAN: I wish that at least on these questions of principle my friends are consistent. When they say that there is an emergency there and there should be President's Rule, then the passing of this Bill is absolutely the natural corollary of that rule. It is a consequential thing. When we want to give the President the power to administer, we must give him full power to meet all contingencies and not create difficulties in his way if

there are situations where he has to pass a law. Of course I can understand those who contest and say that no emergency was there and no President's Rule was wanted. I can understand that. They are at this stage also contesting that no power should be given to the President.

The other point that has been made out is as though a very serious thing is happening and the power of Parliament is absolutely being neglected. I think if they had read the provisions of articles 356 and 357 . . .

SHRI BHUPESH GUPTA: I have read them four times just now.

SHRI AKBAR ALI KHAN: Then probably you have not followed them. The position is this. As soon as Parliament meets, these President's Acts have to be placed before them, and it is open for the Houses to pass a resolution within a week and modify those Acts, and it is incumbent upon the executive and the President to pass amending Acts according to the modification that has been made by the Houses of Parliament through the resolution. There is that supremacy of Parliament even in an emergency. That is why we are proud of our Constitution. It is one of the best, most ideal and most democratic constitutions. Even in extreme contingencies and emergencies, even in the most severe situations, the supremacy of Parliament is maintained. So, to say that there was no occasion for the Bill is unwarranted. When you give the power, let it be exercised with all efficiency, with all diligence and in the best interests of the people. After all it is a matter of a few months. Now take this case. The Rajya Sabha was not sitting, and the constitutional and legal pandits did not think of the thing before we adjourned. Afterwards this special session had to be called. Of course it establishes the supremacy of Parliament, but at the same time I am sorry for the expenditure that has been involved in this matter. With a little foresight things could have been foreseen and this

[Shri Akbar Ali Khan.]

calling of the special session could have been easily avoided. Anyhow, so far as this Bill is concerned, it is a consequential Bill. After the decision this House has taken of declaring that it is an emergency situation and when all the parties which were working the Constitution, which were running the Government had said that they could not do it any more, the charge that both of my hon. friends have brought in these circumstances could not be substantiated.

Sir, I support the Bill.

SHRI B. N. DATAR: Mr. Deputy Chairman, I shall be very brief in replying to the arguments that have been adduced by the hon. Members. Two hon. members in particular, my friend, Shri Dave, and my friend on this side, Shri Naik, raised certain questions more or less of a theoretical character. Shri Dave went into the Government of India Act of 1935. We are not governed by that Act. We are governed by the provisions of the Constitution. Under the Constitution the scheme is that, when action has to be taken under article 356 for taking over the rule of a particular State in the hands of the President, the executive power of the Government automatically has to devolve on the President. So far as the legislative powers are concerned, they devolve on, or are by the Constitution delegated to, the President, and for that purpose it has been made very clear in article 356(1)(b) that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. Accordingly, under the Constitution, the executive power of the Government of Orissa vested in the President automatically on the issue of the Proclamation and simultaneously the legislative power of the Orissa Legislative Assembly which had been dissolved vested in Parliament. Under these circumstances, the question arises whether the power can be exercised by Parliament directly or whether it can be delegated at all. So far as this ques-

tion of delegation is concerned, I would invite your attention to article 357(1)(a) and this has been referred to in the Statement of Objects and Reasons. Here it is stated that it shall be competent for Parliament to confer on the President the power of the Legislature of a State to make laws, etc. And now I have come before this House only for the purpose of a further delegation of the powers of Parliament to the President. Therefore there is nothing undemocratic as one hon. Member on the other side stated so far as the present Bill is concerned.

Then, my hon. friend, Shri Maheswar Naik, took objection to the wording of the Statement of Objects and Reasons and especially he referred to the wording 'by postponing its business.' May I point out in this connection that the normal business of Parliament is defined in the Constitution? That is on behalf of the whole of India. The normal business of a State Legislature is to be carried on by that Legislature. Now here in this case under the articles of the Constitution to which I have made a reference, powers of the Legislature of the Orissa State have been devolved upon or delegated to Parliament. Under these circumstances, the normal business of Parliament has been referred to by the expression 'its business'. Now this is an additional business in view of the Proclamation and therefore we find that Parliament has to carry on its work under great strain. So many pieces of legislation have to be passed by both Houses of Parliament as early as possible. It is natural, it is perfectly advisable, that the powers of the Legislature should be delegated to the President by Parliament. This is all that has been meant so far as the Statement of Objects and Reasons is concerned. Now, this has been provided for, as I stated, in article 357(1)(a).

Secondly, the Constitution by itself does not provide for the composition of a Consultative Committee at all. It would be perfectly open to the

President to make the President's laws according to his discretion as he is the constitutional head of the Government of India. Under these circumstances, when this question arose some years ago, some opinion was expressed that the President should be associated also with a Consultative Committee. That was accepted, as I have pointed out, in a responsive manner, and since then on about four occasions, we have had similar Bills passed and the President has always been consulting generally the members of the Consultative Committee. Occasions might arise when it might be difficult for him to consult them. It is only for such a purpose, for such an exceptional occasion, that the words "whenever it is practicable" have been put in. Under these circumstances, I would point out to my friend that the work before Parliament is always heavy and often-times both the Houses of Parliament also are not in session—sometimes this hon. House is also not in session. Under these circumstances, the President carries on the administration, the executive administration, and he will have recourse to legislation only when it is absolutely essential, when it is of an urgent character. This has to be taken into account and that is why it has been stated that on certain occasions it might be difficult for the President himself to consult the Consultative Committee. Generally, we are trying our best in all cases to see to it that we consult them. We have consulted such Consultative Committees and normally we shall do that.

Then my hon. friend raised another question about the composition of the Committee. The hon. Mr. Biswanath Das stated the Members of Parliament from Orissa should all find a place in the Committee and he also made a further suggestion without in any way disputing the principle that as far as possible, those Members from Orissa should be there or at best some Members from the adjoining States. I may point out here that if this is accepted, it would mean

something out of the way. When the administration of a State is vested in the President and the legislative powers are vested in Parliament, then naturally it is the President that has to carry on the administration so far as even one State is concerned and hon. Members from other States are equally interested in seeing to it that proper legislation is made for Orissa or the State whose administration has been taken over.

SHRI AKBAR ALI KHAN: But they should be as few as possible.

SHRI B. N. DATAR: Whatever that may be, in principle the Members from other States are equally entitled for the simple reason that so far as the Lok Sabha is concerned they are the direct representatives of the whole country and so far as this hon. House is concerned, it is also representative in a certain way. Under these circumstances, I would submit that though on practical grounds something might be stated, still in principle it has to be accepted that the President will really carry on the administration on behalf of Parliament and Parliament also will legislate without making any distinction between the Members of one State and others because here we have got one unit and that unit has to govern, for the time being, a particular State. Therefore, taking this principle into account, what has been done is that the selection of the members of this Committee from among the Members of this House has been left to the discretion of the hon. Chairman and in regard to the other House, it has been left to the discretion of the hon. Speaker. They will take all these things into consideration and make the selection and the selected members will constitute the Consultative Committee.

Lastly, so far as Mr. Bhupesh Gupta is concerned, his speech, at least seven-eighths of it, was full of digressions and naturally it was unrelated to the Bill under consideration. He himself felt that. I am glad that

[Shri B. N. Datar.]
sometimes such—I would not use any
stronger expression . . .

SHRI BHUPESH GUPTA: Yes.

SHRI B. N. DATAR: . . . consci-
ousness dawns upon him. There were
digressions in his speech. He did not
raise any particular points which had
a direct bearing on the subject
except stating that the meetings of
the Consultative Committee should
be held in Orissa. That is a question
for consideration. If it is possible
they might be held here when both
Houses are sitting or if it becomes
absolutely essential, then the ques-
tion also can be considered. There-
fore, I do not find any substance in
the speech of my hon. friend so far
as this Bill is concerned.

The question was proposed.

5 P.M.

MR. DEPUTY CHAIRMAN: The
question is:

"That the Bill to confer on the
President the power of the Legis-
lature of the State of Orissa to
make laws be taken into con-
sideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We
shall now take up the clause by clause
consideration of the Bill.

Clause 2 was added to the Bill.

*Clause 3—Conferment on the Presi-
dent of the power of the State
Legislature*

SHRI ROHIT M. DAVE: Sir, I
move:

1. "That at page 1, lines 12-13,
for the words 'from time to time
whether Parliament is or is not in
session' the words 'when Parliament
is not in session' be substituted."

SHRI BHUPESH GUPTA: Sir, I
move:

2. "That at page 1, after line 15,
the following proviso be inserted,
namely:—

'Provided that no such Bill
shall be enacted as a President's
Act that seeks to impose taxes or
any other levies on the peasants,
workers and other sections of the
working people or seeks to
restrict, in any manner, the civil,
liberties and democratic rights of
the citizens'."

3. "That at page 2, after line 2,
the following provisos be inserted,
namely:—

'Provided further that the
advice of the Committee shall
not be given effect to if such
advice is contrary to the interests
of the workers, peasants and
other sections of the working
people:

Provided also that the records
of the proceedings of the Com-
mittee shall be laid before each
House of Parliament'."

MR. DEPUTY CHAIRMAN: Your
amendment (No. 4) is out of order,
because it is not the function of the
Committee to take up the question of
the implementation of the recommen-
dations of the Pay Commission
appointed by the Government of
Orissa.

SHRI BHUPESH GUPTA: I would
ask you, Sir, to reconsider your ruling
for the following reasons. I think
you will reconsider it. You may give
the ruling that I cannot move it, but
you please see what I say. You will
please read my amendment:

"The Committee constituted under
sub-section (2) shall, immediately
after its constitution, take up . . .

Note the words "take up", Sir. I am
not here saying that the Committee
shall implement, etc. It shall only
take up the question of the imple-
mentation of the recommendations of
the Pay Commission, etc., for the
purpose of giving their advice whether

legislation should be initiated to give effect to this kind of thing. There may be a need for legislation—I do not know. Therefore I want the Committee to be authorised that way, and also the President to be given the necessary advice. It shall take up all necessary steps for raising—I do not say they will raise it—the emoluments of the Orissa State Government employees. Now here, in the Bill as you see it, a committee will be formed—something new. A committee will be formed consisting of a certain number of Members of Parliament. In article 357 of the Constitution it is said:

“Where by a Proclamation issued under clause (1) of article 356, it has been declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament, it shall be competent”—etc.

Now here it is said:

“by or under the authority of Parliament” powers shall be exercised. And here, while we are giving this power, the same authority of Parliament is being used with a view to creating a body which shall advise him. Naturally, we do not say that that advice is binding.”

Therefore, Sir, if I can create here . . .

SHRI MAHESWAR NAIK: On a point of order, Sir.

SHRI BHUPESH GUPTA: It will come later. Two points of order cannot go on at the same time. Mine is a point of order.

SHRI MAHESWAR NAIK: It is a point of order, Sir, that I . . .

SHRI BHUPESH GUPTA: You see Mr. Maheswar Naik. You are an experienced parliamentarian

MR. DEPUTY CHAIRMAN: Please let him go on.

(Interruption.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: My point of order and your point of order cannot go on simultaneously. There will be collision. The points of order can follow one after another like the jet planes. Otherwise they will clash and they will crash. Here is my thing. The other thing may follow. But this should not be disposed of hurriedly. As I said, article 357 of the Constitution lays it down in that manner. Therefore there is no provision directly in the Constitution for the appointment of an advisory Committee of this kind. But when we confer power under the Constitution on the President here, we are creating a body which—I do not know—at any rate is not contemplated in article 357. But once we create a body related to this provision, certainly we can ask that committee to take up certain questions, and this question of the implementation of the recommendations of the Pay Commission, and so on. We can take it up. That is within our competence. It should be related not to any other thing except to the question of the committee itself, which we are validly creating. I do not see how it can be regarded as out of order.

Then, Sir, here you are laying down even the number of Members to constitute the parliamentary committee; that is to say, you are not leaving it to the President to fix the number. Parliament is using this authority. Now all the power is being delegated, even to settle the minutest detail, the number of the committee, as to how many it will consist of and the manner in which the committee will be created, that is to say, the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha shall nominate a certain number of Members. All these things we are doing. In fact, if we can do this thing, let it fall in line—in agreement we say *sui generis*—and we can ask the committee to do or not to do a certain thing within the ambit of its function, namely advice. It does not legislate—I agree. Therefore I submit,

[Shri Bhupesh Gupta.]

Sir, you consider it. I submit that it would be a misconception of the Constitution and of the legislation before us if we think that the committee cannot be asked to take up certain matters when we are asking the committee to be constituted in a particular way and by assuming a definitely settled principle here. That is why I say it is absolutely within the Constitution and it cannot be ruled out of order. I am not giving any function to this committee in this amendment except the function to take up the question of the implementation of the recommendations of the Pay Commission appointed by the Government of Orissa and shall take all necessary steps for raising—note the word 'for'; I do not say 'to'—the emoluments, etc. It is for you, Sir. I am here to represent. My fear is that we are readily disposed of. I would request you to consider it, and the request that I make on behalf of the House is the question of the right and privilege of the House. Today I have given this amendment. Others may have given. I am prepared not to press this amendment. I am prepared to withdraw it even, if you like, only if you give me the assurance that what the Attorney-General says in this matter will be done. I would even request: Let the matter go to the Supreme Court to get their opinion, whether an amendment of this type is valid or not. If you give me any of these assurances, I would not press it, if you just say that you are seeking the advice of the Attorney-General in this matter or, if you like, you may go to the Supreme Court, but as it is, Attorney-General is the highest legal authority available to the executive. If you say this thing I will not trouble you with this amendment. I shall keep it apart till the advice comes. Well, ordinarily I may not have tabled it, but here is the question of the privilege of the House

SHRI AKBAR ALI KHAN: On a point of order, Sir. My friend wants the supremacy of the Attorney-

General whereas we are the supreme authority here to decide. We protest against this suggestion.

SHRI BHUPESH GUPTA: Mr. Akbar Ali Khan always gets derailed. Attorney-General is provided for in the Constitution.

SHRI AKBAR ALI KHAN: He is not a Member of this House.

SHRI BHUPESH GUPTA: But you can seek his advice. Being a lawyer he should know that we can even summon the Attorney-General to come here and address the House. Now, Sir, you seem to have already made up your mind to rule the amendment out of order. You may consider your ruling and you may consider which will be the wise course, because I would not like the Deputy Chairman to get embarrassed. I am interested in your prestige, because that is my prestige. Will you kindly refer it to the Attorney-General?

MR. DEPUTY CHAIRMAN: It is not necessary. I feel it is not necessary.

SHRI BHUPESH GUPTA: Well, Sir, in that case I would have no other alternative but to vindicate the right and privilege of the House. I would not only move it, I would press it and, if possible, I would like to press the button also over this matter.

MR. DEPUTY CHAIRMAN: I hold it out of order.

SHRI BHUPESH GUPTA: I hope, Sir, somebody will take it up in the Supreme Court. This thing I hope, Sir . . .

MR. DEPUTY CHAIRMAN: You can yourself take it up.

SHRI BHUPESH GUPTA: I would not. I will fight here and I hope there will be other Members somewhere to take it up in the Supreme Court and

see that the amendment was not *ultra vires* the Constitution or any such law. This is an interesting case.

MR. DEPUTY CHAIRMAN: You can take it up, if you like, Order, order.

SHRI B. N. DATAR: I want to move an amendment.

SHRI BHUPESH GUPTA: Sir, . . .

SHRI B. N. DATAR: I want to move my amendment.

SHRI BHUPESH GUPTA: Only the point of order has been dealt with, not the amendments. My two amendments are there.

MR. DEPUTY CHAIRMAN: The other amendments have to be moved.

SHRI DIBAKAR PATNAIK: Sir, I move:

5. "That at page 1, line 17, the words 'whenever he considers it practicable to do so' be deleted."

SHRI B. N. DATAR: Sir, I move:

6. "That at page 1, line 18, for the word 'ten' the word 'fourteen' be substituted."

I also move:

7. "That at page 2, line 1, for the word 'five' the word 'seven' be substituted."

The questions were proposed.

SHRI ROHIT M. DAVE: I only want to say, in favour of my amendment, that I am very anxious that this Parliament should discharge all the obligations which the Constitution has imposed upon it and at least when the Parliament is in session, it should be the responsibility, privilege and an obligation of the Parliament to undertake the legislative responsibility for a proclaimed area. When the Parliament is not in session, perhaps

some case might be made out for the powers to be delegated to the President or some other authority but when the Parliament is in session, the Parliament should undertake this responsibility and this obligation itself and merely under the plea that it might not be having sufficient time to discuss the legislative measures connected with the proclaimed area, it should not divest itself of the responsibility and obligation which are cast upon it by the Constitution

SHRI BHUPESH GUPTA: I am a little happy because these two other amendments of mine have survived the assault. One has fallen a casualty in this manner. I do not know what to say because everything that I say is taken as an election speech according to Shri Biswanath Das, our esteemed friend.

MR. DEPUTY CHAIRMAN: It is self-explanatory. Do not say anything.

SHRI BHUPESH GUPTA: But then, will he accept it? You are convinced, I know, about the rightness of the amendments. I have to convince him. You do not control the majority in the House that way. It is Mr. Datar for the present. Mr. Das every time said that I made an election speech. May I say that Mr. Das also was making an election speech if you bear in mind that the Congress Parliamentary Board finalises the list of candidates to the Rajya Sabha from the Congress Party and the election is done by the Members of the Legislature there? Therefore I might as well say that the bouquets that Mr. Das was throwing was the finest art in the matter of elections. He was pleasing the Government so that the next nomination comes. That does not help very much. He is not here unfortunately. He is very sure of his re-nomination.

MR. DEPUTY CHAIRMAN: Come to the amendments.

SHRI BHUPESH GUPTA: Again, election speeches have been made by

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Mr. Das and I would like to learn from him how to make an election speech because I am also a Rajya Sabha Member.

The amendment says:

"Provided that no such Bill shall be enacted as a President's Act that seeks to impose taxes or any other levies on the peasants, workers and other sections of the working people or seeks to restrict, in any manner, the civil liberties and democratic rights of the citizens".

You will say that it is very self-explanatory and you will be right in saying so because I always say things which are self-explanatory but even then, I have to argue and say one or two words. Why do I say these? It is because we are giving, and by now they have taken over, the power of the legislature and I want to give a direction I want to tell them that this power which is, in essence, the executive power under the cover of parliamentary delegated responsibility should not be exercised with a view to imposing taxes or other economic burdens on the working people. I have deliberately used the words 'working people'. If they impose burdens on the exploiting classes at the top, I have no objection but here the Orissa people are poor. They should not be subjected to additional taxation or economic burdens. Why did I say that? It is because I find that when the Orissa matters came before the Finance Ministry of the Government of India, they, instead of meeting the deficit, started adjusting it to see how to get more taxes from the people of Orissa and I fear that the same mentality may exist and they may pass their orders and pass even small legislations to raise the taxes and so on. Therefore, I want to make it absolutely clear. I want to protect the people of Orissa. Mr. Maheswar Naik will let his people down because he is sitting in the wrong Benches but I want to help him if he will take my help.

SHRI MAHESWAR NAIK: You work with a different motive.

SHRI BHUPESH GUPTA: But you are not taking my motive. Amendment is not motive. Amendments are words and they will help you. Reject my motives, I may have bad motives but how do you see the amendments? Are they good or bad? Are they not protecting the people of Orissa against certain possible economic aggression or economic inroads by the Central Government? If it is so, let my motive go to hell and let me go to hell, if you like, but take my amendments.

SHRI MAHESWAR NAIK: It is not the monopoly of Mr. Gupta to protect the people of Orissa.

SHRI BHUPESH GUPTA: Certainly not. It is not my monopoly. Therefore I ask you to accept it. I am a very small partner. You are a monopolist in Parliament. You monopolise all power. Then I have said:

" . . . Seeks to restrict, in any manner, the civil liberties and democratic rights of the citizens."

Against another set of propensities of the Government, I want to protect because the Central Government or for that matter any authority of this type may feel like using this against the people to curtail the liberty especially when elections are coming in order to suit their party advantage and so on. That should not be there. Therefore I want to make it clear. Why? Here I follow the principle of the American Constitution of the 19th Century and the British constitutional principle that in such matters, it is the Parliament which remain supreme. Even if delegated authority is given, they may be utilised for enlarging the rights and liberties of the people and certainly not for imposing more economic burdens or political restrictions on them. These are the accepted principles of certain parliamentary institutions of the U.S. of Jefferson and Lincoln times, and

of the British parliamentary system. Therefore wholesome principles I am suggesting and you should accept them.

My second amendment is regarding what type of advice they should give. It says :

"Provided further that the advice of the Committee shall not be given effect to if such advice is contrary to the interests of the workers, peasants and other sections of the working people;

Provided also that the records of the proceedings of the committee shall be laid before each House of Parliament."

I explained why I say that a certain type of advice should not be accepted, or absolutely given effect to at all. I am restricting here the power in this respect because in delegating power, I must give it with my condition, because we found when we were in the Government in Kerala and when the Government was dismissed, the Kerala Land Legislation Act which we passed in the interests of the peasantry came to the President for his assent and it was withheld for two months and when the Committee was appointed, wrong type of advice was given because the majority in the Committee was created in such a manner that such advice could be got. A wrong type of advice was given and that was implemented. That advice went against the interests of the peasants of Kerala because that advice modified our Land Reforms Bill in the interests of the landlords and the big landlords. I have my fear.

SHRI JOSEPH MATHEN (Kerala): Immediately afterwards they have passed much more progressive legislations with regard to agrarian matters.

SHRI BHUPESH GUPTA: Then you accept my amendment. Then you would have no difficulty in support-

ing me. Therefore this is my experience. We functioned in that Committee and when it came to advice, the clash came between the two sets of advice. Some advised that the Land Reforms Bill as passed by the Kerala Legislature in June 1959 should be implemented and the President should give assent. Certain other advice came in, pressure from very big quarters that this should be modified in the interests of the landlords. Ultimately, the advice that was rejected was our advice in the interests of the peasantry and the advice that was accepted was the advice in the interests of the landlords. Here, all that I want is that advice given in the interests of the workers, peasants and other sections of the working people should not be rejected. Parliament cannot delegate authority and allow the delegated authority to use the powers with a view to affecting the interests of the people or impinging upon the interests of the people.

My other point is that the proceedings of these meetings should be placed before both the Houses. We are creating an authority and we would like to know as to who says what, what sort of discussion takes place because the Bill provides that we can even amend certain measures passed by the President. They will be placed before both the Houses and Parliament can modify them. Therefore, in order to understand as to whether they should or should not be modified, in order to examine these measures, it is essential that we have the records of the deliberations of the Advisory Committee; otherwise, we would not be in a position to understand as to what should be done.

The second ground for having the deliberations before us is this: If the Members who will be on the committee know that what they say would be subject to scrutiny by us, by all the other Members in this House, they would be more responsible and responsive to democratic principles and popular opinion. They

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would not be carried away easily—it would be difficult for them to be carried away—by party or petty considerations or certain other interests. They will always have in mind the possibility of their thing being criticised on the basis of the proceedings in this House and in the other House. I think we are entitled to it. We do not want to create a delegated authority and then go to sleep. I do not want Parliament to take that position at all. I want Parliament to be vigilant and keep a watching eye on the delegated authority.

Sir, these are the very wholesome amendments that I have moved. I do not know whether Mr. Datar would see any substance in them but then he does not believe in substance; he believes in shadow. That is why, I hope, Mr. Patnaik and others opposite, including Mr. Maheswar Naik, would support the amendments when they are put to vote.

SHRI DIBAKAR PATNAIK: Sir, my amendment is a very simple one. I am glad that the hon. Minister earlier agreed in principle with my amendment. He has said that the President will always consult the committee. In this Bill, it has not been made mandatory; it is only optional but I am making it mandatory, that the President should consult the committee before he enacts any Act or ordinance in the interests of the people of Orissa.

SHRI B. N. DATAR: Sir, the points raised in the course of the debate on these amendments were referred to by me and answered in a general way also. In the first place, Shri Dave wants the words "when Parliament is not in session" to be substituted for the words "from time to time whether Parliament is or is not in session". I have already pointed out, Sir, how it might be difficult to wait till both the Houses of Parliament are in session. Parliament consists of two Houses and Bills can be

brought forward and got through only when both the Houses are in session. Sometimes even when Parliament is in session, difficulties might arise and that is the reason why it is not possible to accept the substituted amendment.

Shri Bhupesh Gupta has raised certain points. The first point that he has raised appears to be the present day innovation of the party to which he belongs. Certain catchy expressions, almost slogans, are being brought forward whenever there are amendments to any Bill, either before this House or the other House, if I may be permitted to say so, for the purpose of the next General Elections and now here for the purpose of the mid-term elections.

SHRI BHUPESH GUPTA: Sir, imputing motives is not good.

SHRI B. N. DATAR: Sir, I cannot resist doing it. Whenever a Bill comes forward either in this House or in the other House, these expressions are placed before the House. The expressions are very interesting—peasants, workers and other sections of the working people, restriction of civil liberties and democratic rights of citizens, etc. May I point out that the Government has to work for the welfare of all the communities and that it would not be proper to make any such discrimination? It would be against the principles of the Constitution also. Let the hon. Member understand that we are trying to do our best to see to it that the lot of the workers in general is improved as early and as expeditiously as possible. Now, Sir, it would be highly unfair to believe that the consultative committee would do something to adversely affect or to restrict the civil liberties and democratic rights of the citizens. These are sacred rights to the extent that they have been embodied in the Constitution and it shall be the duty of all the authorities to protect these rights to the extent that they have been provided for in the Constitution.

Under these circumstances, may I point out that this particular amendment has been brought forward, again I would say, Sir, without offending my hon. friend, with an ulterior motive, with an eye on the General Elections and the mid-term election? There is no doubt about it.

SHRI BHUPESH GUPTA: Don't have it then.

SHRI B. N. DATAR: Further, Sir, these words have been repeated in the next amendment, workers, peasants and other sections of the working people. Workers have to be protected but there are other classes of people also and we are entitled to protect the rights of all the people, including workers and peasants and, therefore, Sir, it is not necessary to say anything.

So far as the records of the proceedings are concerned, the general practice that has been followed—and, in fact, there is a rule in the Rules of Procedure of the Lok Sabha—is to treat such proceedings as confidential. There is also a particular object in doing so.

SHRI BHUPESH GUPTA: We are not bound by the rules of the Lok Sabha.

SHRI B. N. DATAR: When such committees meet, there ought to be frank and unrestricted discussion, and if it is made a rule that all the proceedings of such committees have to be placed before Parliament, may I point out to my hon. friend, that it would be difficult to get the frankest opinion from all the Members of such committees? Under these circumstances, let us follow the ordinary practice.

SHRI BHUPESH GUPTA: Is it the hon. Minister's contention that the proceedings will not be . . .

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. N. DATAR: It is not my contention. I am merely pointing out the extreme results that are likely to follow if such a rule is to be embodied in the Bill itself. I would, therefore, oppose this.

I now come to Mr. Patnaik's amendment. So far as this is concerned, as I pointed out in my opening speech, these are the words which have been used in all the four Acts that were passed in this respect. Secondly, as I mentioned in my opening speech, sometimes it might become difficult, sometimes it might become impracticable, to get all the Members together for the simple reason, Sir, that hon. Members of this Committee might be from different parts of India, and if a Bill has to be passed immediately in the interests of the people of Orissa, then any such restrictive measure is likely to defeat the purpose of the Bill before us. That is the reason why in an extreme case it might not be practicable to do so, and generally, Sir, as I have assured the House, the President will be consulting the consultative committee.

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 1, lines 12-13 for the words 'from time to time whether Parliament is or is not in session' the words 'when Parliament is not in session' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

2. "That at page 1, after line 15, the following proviso be inserted, namely:—

'Provided that no such Bill shall be enacted as a President's Act that seeks to impose taxes or any other levies on the peasants, workers and other sections of the working people or seeks to restrict, in any manner, the civil liberties and democratic rights of the citizens:' "

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

3. "That at page 2, after line 2, the following provisos be inserted, namely:—

'Provided further that the advice of the committee shall not be given effect to if such advice is contrary to the interests of the workers, peasants and other sections of the working people:

Provided also that the records of the proceedings of the committee shall be laid before each House of Parliament.'"

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

5. "That at page 1, line 17, the words 'whenever he considers it practicable to do so' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

6. "That at page 1, line 18, for the word 'ten' the word 'fourteen' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

7. "That at page 2, line 1, for the word 'five' the word 'seven' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI B. N. DATAR: Sir, I move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: The House stands adjourned *sine die*.

The House adjourned sine die at thirty-three minutes past five of the clock.