

THE
PARLIAMENTARY
DEBATES OFFICIAL
REPORT

IN THE HUNDREDTH SESSION OF THE RAJYA SABHA

Commencing on the 28th March, 1977/the 7th Chaitra, 1899 (Saka)

RAJYA SABHA

*Monday, the 28th. March, 1977/the
7th Chaitra, 1899 (Safca)'*

The House met at fifty-five minutes past eleven of the clock, *Chairman pro tern*, Shri Banarsi Das,, in the Chair.

ADDRESS BY THE VICE-PRESIDENT/ACTING AS PRESIDENT

SECRETARY-GENERAL: Sir, I beg to lay on the Table a copy (in English and Hindi) of the Address by the Vice-President acting as President to both the Houses of Parliament assemble^ together on the 28th March, 1977.

माननीय सदस्यगण, मैं नई लोक सभ के सदस्यों को बधाई देता हूं और छठी संसद् के संयुक्त अधिवेशन में आप सबका स्वागत करता हूं ।

इस अवसर पर जब हम एक सौम्य और परिचित चेहरा नहीं देखते तो मेरे विचार हमारे भूतपूर्व राष्ट्रपति श्री फखरुद्दीन अली अहमद की ओर जाते हैं, जो एक वरिष्ठ राजनीतिज्ञ, विवेकपूर्ण सलाहकार, अनुभवी अगुवा तथा सज्जन पुरुष थे । आज हम उनके निधन पर शोक प्रकट करते हैं और वेगम आबिदा अहमद को अपनी हार्दिक संवेदनायें देने के ।

अभी जो आम चुनाव हुआ है उससे प्रभावपूर्ण तथा निर्णायक ढंग से यह सिद्ध हो गया है कि जनता को अपनी ताकत, लोक-तन्त्रात्मक प्रक्रिया की जीवन-शक्ति, जिसकी जड़ जमी है, पर कितना भरोसा है । जनता ने प्रशासक के मनमानेपन तथा व्यक्ति-पूजा के अम्युदय तथा गैर संवैधानिक शक्ति केन्द्रों के विरुद्ध वैयक्तिक स्वतन्त्रता, लोकतन्त्र तथा विधि-नियम के पक्ष में अपना स्पष्ट निर्णय दिया है । यह चुनाव हमारी लोक-तन्त्रात्मक व्यवस्था की एक स्वस्थ दो-दलीय प्रणाली के विकास की दिशा में एक महत्वपूर्ण मोल-पत्थर है ।

मेरी सरकार ज .ता द्वारा दिए गए निर्णय को हर तरह से पूरा करने के लिए वचनबद्ध है । ऐसा करने में यह मान कर नहीं चला जाएगा कि जनता कुछ नहीं जानती और सरकार ही सभी उत्तर और हल जानती है । पिछले दो वर्षों में लोगों पर कई अत्याचार किए गए तथा उन्हें असीम कष्ट झेलने पड़े और कई लोगों की तो जानें भी गईं । इस दुःखद अनुभव के कारण यह बात कहनी पड़ी ।

माननीय सदस्यगण, नई सरकार ने तीन दिन पहले कार्यभार सम्भाला है । अभी जो ये कई उपाय करना चाहती है उनकी विस्तृत योजना बनाने का अभी समय नहीं मिला है । ये उपाय इस वर्ष यथा समय किए जाएंगे और

आपके सामने पेश किए जाएंगे। पर, फिर भी, कई कामों पर तत्काल ध्यान देना है और सरकार इन्हें तुरन्त अपने हाथ में लेगी।

सबसे पहला काम है जनता की मौलिक स्वतन्त्रताओं और नागरिक अधिकारों पर रोक हटाना, जिससे विधि-नियम तथा प्रेस की स्वतन्त्रता का अधिकार फिर से स्थापित हो। 1971 में जिस बाह्य आपातकाल की घोषणा की गई थी उसे मेरे द्वारा कल रद्द कर दिया गया है। सरकार निम्नलिखित कदम उठाएगी :—

- (1) पिछले दो सालों में आन्तरिक सुरक्षा कानून का जो घोर दुरुपयोग हुआ, उसकी पूरी समीक्षा की जाएगी, जिससे इसे रद्द किया जा सके और इस बात की जांच की जा सके कि न्यायालयों में जाने के अधिकार को बरकरार रखते हुए देश की सुरक्षा तथा आर्थिक अपराधों में निपटने के लिए वर्तमान कानून का और सशक्त बनाने की आवश्यकता है या नहीं।
- (2) इस आशय का कानून बनाया जाएगा जिसमें यह सुनिश्चय हो सके कि कोई भी राजनीतिक अथवा सामाजिक संगठन पर पाबन्दी न लगाई जाये जब तक पर्याप्त आधार न हो और इस सम्बन्ध में न्यायिक जांच न की जा चुकी हो।
- (3) आपत्तिजनक सामग्री के प्रकाशन पर रोक सम्बन्धी अधिनियम को रद्द किया जायगा। विधायिकाओं की कार्यवाहियों को छापने के प्रेस का अधिकार फिर से लौटाया जाएगा।

- (4) जन प्रतिनिधित्व अधिनियम संशोधन में भ्रष्ट आचरणों को जो व्याख्या की गई है तथा जिन कुछ व्यक्तियों के चुनाव अपराध को न्यायालयों की संवीक्षा से बाहर रख कर संरक्षण दिया गया है, उन्हें रद्द किया जाएगा।

इस वर्ष के दौरान, जनता तथा संसद्, संसद् तथा न्यायपालिका, न्यायपालिका तथा कार्यपालिका, राज्य तथा केन्द्र, नागरिक तथा सरकार में सन्तुलन फिर से लाने के लिए, जिसकी व्यवस्था हमारे संविधान के निर्माताओं ने की थी, संविधान में संशोधन करने की एक व्यापक योजना आपके सामने प्रस्तुत की जाएगी। इसके अन्तर्गत अनुच्छेद 352 (तीन सौ बावन) के प्रावधानों का संशोधन शामिल है, जिनसे आपातकाल की घोषणा करने के अधिकार तथा सम्बद्ध अनुच्छेदों के दुरुपयोग पर रोक रखी जा सके, जिससे कि इस बात का सुनिश्चय हो सके कि राष्ट्रपति शासन संविधान में उल्लिखित उद्देश्यों के अनुसार ही लागू हो, न कि किन्हीं बाहरी उद्देश्यों से।

पिछले कुछ समय से एक जो गम्भीर स्थिति उत्पन्न हुई है वह यह है कि सूचना तथा जनसंपर्क माध्यमों की स्वतंत्रता तथा निष्पक्षता खतम हो गई है। मेरी सरकार ऐसे उपाय करेगी जिनसे इन माध्यमों को लोकतंत्र में उचित स्थान दिया जा सके। ऐसे उपाय भी किए जायेंगे जिनसे यह सुनिश्चय हो सके कि आकाशवाणी, दूर-दर्शन, फिल्म-प्रभाग तथा अन्य सरकारी माध्यम उचित तथा निष्पक्ष तरीके से काम करें।

पिछले साल इस देश के कई इलाकों में परिवार नियोजन का कार्यक्रम जिस प्रकार से चलाया गया उससे जनता में

में जितना आक्रोश देखा गया वह पहले कभी नहीं देखा गया इससे इस कार्यक्रम को, जो राष्ट्र के कल्याण के लिये महत्वपूर्ण है, भारी नुकसान पहुंचा। परिवार नियोजन एक ऐच्छिक कार्यक्रम तथा एक व्यापक नीति के अभिन्न अंग के रूप में जोरदार ढंग से चलाया जाएगा, जिसमें शिक्षा, स्वास्थ्य, मातृ-केन्द्र और बाल कल्याण, परिवार कल्याण, महिला-अधिकार तथा पीण्टिक आहार शामिल हैं।

आर्थिक क्षेत्र में सरकार 10 वर्षों की अवधि में गरीबों हटाने के लिये वचन बद्ध है। ग्रामीण क्षेत्रों अपेक्षाकृत उपेक्षा से अर्थव्यवस्था में एक भयानक असंतुलन उत्पन्न हुआ, जिससे लोग गांव से शहरों की ओर जाने लगे हैं। किसानों को अपने उत्पादन का उचित दाम नहीं मिला है। कृषि तथा सम्बद्ध विकासों के लिये विनियोजन बहुत ही अपर्याप्त है और गांव की स्थिति सुधारने की आवश्यकता पर बहुत कम ध्यान दिया गया। एक लाख से ज्यादा गांवों में पीने के पानी जैसी प्राथमिक सुविधा भी नहीं है। मेरी सरकार रोजगार उन्मुख नीति अपनाएगी, जिसमें कृषि विकास, कृषि उद्योग, छोटे और कुटीर उद्योगों को, विशेष रूप से ग्रामीण इलाकों में प्राथमिकता मिल सके। ग्रामीण क्षेत्रों में न्यूनतम आवश्यकताओं के प्रावधानों तथा समग्र ग्रामीण विकास को भी ऊंची प्राथमिकता दी जाएगी। पंचवर्षीय योजना की यथासंभव समीक्षा की जाएगी। योजना की प्रक्रिया में फिर से प्राण संचार किया जायगा और छठी पंचवर्षीय योजना पर अविलंब काम शुरू होगा। इस साल बाद में अंतिम बजट पेश करते समय उन अर्थिक कार्यक्रमों की घोषणा की जाएगी जिन्हें चलाने का प्रस्ताव है।

अब मैं वैदेशिक सम्बन्धों पर आता हूँ। मेरी सरकार उन सभी वायदों को निभाएगी

जो पिछली सरकार कर चुकी है। यह समानता और परस्पर सद्भाव के आधार पर सभी पड़ोसी तथा विश्व के अन्य देशों के साथ मैत्री भाव रखगी और गुट निरपेक्षता की सही नीति अपनाएगी। मुझे यह कहने में खुशी हो रही है कि मेरी सरकार अगले महीने के प्रारम्भ में गुट निरपेक्ष समन्वयात्मक व्यूरो की बैठक की मेजबानी करेगी। मेरी सरकार सभी विकास-शील राष्ट्रों के साथ आर्थिक और तकनीकी सहयोग तथा सम्बन्धों को भी मजबूत करने पर विशेष ध्यान देगी।

माननीय सदस्यगण, आपका वर्तमान अधिवेशन छोटा होगा, जिसमें वित्तीय मामलों—संघ की पूरक मांगों, राष्ट्रपति शासन के अन्तर्गत राज्यों, और आम बजट के सम्बन्ध में बोट आन एकाउन्ट, रेल बजट तथा राष्ट्रपति शासन के अधीन राज्यों के बजट—पर तत्काल ध्यान देना होगा। आगामी महीनों में आपके सामने बहुत ही व्यस्त कार्यक्रम है। आज राष्ट्र को आपसे बहुत बड़ी अपेक्षा है और मेरा विश्वास है कि आप उन कार्यों को जो आपके सामने सरकार द्वारा पेश किए जाएंगे, लगन और तत्परता से पूरा करने में अपना सहयोग देंगे। मैं इन कार्यों की ओर आपका आग्रह करता हूँ और आपकी सफलता की कामना करता हूँ।

जय हिन्द।

(Text of the Address by the Vice-President acting as President, in English)

Honourable Members, I extend my felicitations to the members of the new Lok Sabha and welcome you all to the joint session of the Sixth Parliament.

On this occasion when we miss his benign and familiar presence my thoughts go to our late President Shri Fakhruddin Ali Ahmed in whom we have lost an elder statesman, a wise counsellor, an experienced leader.

and a perfect gentleman. We mourn his loss today and convey out sincere and heartfelt condolences to Begum Abida Ahmed.

The General Election just concluded has effectively and decisively demonstrated the power of the people, the vitality of the democratic process in India and the deep root that it has taken. The people have given a clear verdict in favour of individual freedom, democracy and the rule of law and against executive arbitrariness, the emergence of a personality cult and extra-constitutional centres of power. The election marks an important milestone in the evolution of our democratic polity into a healthy two-party system.

My Government pledges itself to fulfil in every way the mandate given to it by the people. In doing so, it will not take the people for granted or assume that they know nothing and that the Government alone knows all answers and solutions. The traumatic experience of the last two years during which many atrocities were committed on the people and they had to undergo untold sufferings and some have even died, has brought home the relevance of this.

Honourable Members, the new Government has taken charge only three days ago. It has not had the time to work out the details of the various measures it intends to adopt. This will be done in due course during the year and placed before you. Nevertheless, there are some urgent tasks to be attended to and the Government will take them in hand immediately.

The most urgent task is to remove the remaining curbs on the fundamental freedoms and civil rights of the people, to restore the rule of law and the right of free expression to the Press. The external emergency proclaimed in 1971 has been revoked by

me yesterday. The Government will also take the following measures:

(i) Having regard to the gross abuse to which the Maintenance of Internal Security Act has been put. during the last two years, a thorough review of the Act will be undertaken with a view to repealing it and examining whether the existing laws need further strengthening to deal with economic offences and security of the country without denying the right of approach to courts.

(ii) Legislation will be introduced to ensure that no political or social organisation is banned except on adequate grounds and after an independent judicial enquiry.

(iii) The Prevention of Publication of Objectionable Matters Act will be repealed. Immunity which the Press enjoyed in reporting the proceedings of legislatures will be restored.

(iv) The amendment to the Representation of Peoples Act which redefined corrupt practices and afforded protection to electoral offences by certain individuals by placing them beyond the scrutiny of the courts, will be repealed.

During the course of the year, a comprehensive measure will be placed before you to amend the Constitution to restore the balance between the people and Parliament, Parliament and the Judiciary, the Judiciary and the Executive, the States and the Centre, the citizen and the Government, that the founding fathers of our Constitution had worked out. This will include provisions to amend Article 352 to prevent the abuse of the power to declare emergency and of the relevant Articles to ensure that President's Rule is imposed strictly in accordance with the objectives mentioned in the Constitution and not for extraneous purposes.

One of the very serious developments in the recent past was the erosion of the freedom and impartiality of the media of publicity and information. My Government will take Steps to restore to the media their due place in a democracy. Steps will also be taken to ensure that All India Radio, Doordarshan, Films Division and other Government media function in a fair and objective manner.

Nothing has roused public anger and resentment so much as the manner in which the family planning programme was implemented last year in several parts of the country. This has caused a major set back to the programme which is vital for the welfare of the nation. Family planning will be pursued, vigorously as a wholly voluntary programme and as an integral part of a comprehensive policy covering education, health, maternity and child-care, family welfare, women's rights and nutrition.

In the economic sphere, the Government is pledged to the removal of destitution within a definite timeframe of 10 years. Relative neglect of the rural sector has created a dangerous imbalance in the economy leading to migration of people from rural areas to urban centres. The farmer has been denied reasonable and fair price for his products. Allocations for agriculture and related developments have been grossly inadequate and the need to improve conditions in the villages has received scarce attention. More than a lakh of villages do not even have the most elementary facilities for drinking water. My Government will follow an employment-oriented strategy in which primacy will be given to the development of agriculture, agro-industries, small and cottage industries especially in rural areas. High priority will also be given to the provisions of minimum needs in rural areas and to integrated rural development. To the extent possible at this point of time, the Fifth Five Year Plan will be reviewed. The

planning process will be revitalised and work on the Sixth Five Year Plan will be taken up without delay. My Government will announce at the time of the presentation of the final budget later this year the details of the economic programme that is proposed to be followed.

I now come to external relations. My Government will honour all the commitments made by the previous Government. It stands for friendship with all our neighbour's and other nations of the world on the basis of equality and reciprocity and will follow a path of genuine non-alignment. I am glad to say that my Government will be hosting a meeting of the Non-aligned Co-ordinating Bureau early next month. My Government will also give very special attention to the strengthening of ties and economic and technical co-operation with all developing nations.

Honourable Members, your present session will be a short one in which you will have to attend to urgent financial business—the Supplementary Demands of the Union and the States under President's Rule, and the Vote on Account regarding the General Budget, the Railway Budget and the budgets of States under President's Rule. A heavy and busy schedule lies ahead of you in the coming months. There is today a mood of expectancy in the country and I trust that you will co-operate fully in attending to the business that will be placed before you by Government, with thoroughness and expedition. I commend you to your tasks and wish you all success.

Jai Hindi.

OBITUARY REFERENCE

सभापति : मैं अत्यन्त दुःख के साथ भूतपूर्व सदस्य श्री बी० के० मुकर्जी तथा श्रीमती नारायणी देवी वर्मा के निधन का उल्लेख कर रहा हूँ ।

[सभापति]

श्री बी० के० मुकुर्जी का जन्म और शिक्षा कमिल्ला (जो अब बांग्ला देश में है) में हुई। वह एक महान् स्वतन्त्रता सेनानी और अनुशीलन पार्टी के सक्रिय सदस्य थे। वह एक सक्रिय मजदूर संघ कार्यकर्ता थे और उनका अखिल भारतीय ट्रेड यूनियन कांग्रेस, इण्डियन नेशनल ट्रेड यूनियन कांग्रेस तथा उत्तर प्रदेश के अन्य अनेक मजदूर संघों से सम्बन्ध था। अन्तर्राष्ट्रीय श्रम संगठन की अन्तर्राष्ट्रीय परिवहन समिति की जो बैठक सन् 1945 में लन्दन में, और सन् 1947 में जेनोवा (इटली) में हुई थी उसमें वे कर्मकारों के प्रतिनिधि थे। सन् 1952 में वह राज्य सभा के लिए निर्वाचित हुए और 1958 में तक इसके सदस्य रहे। श्री मुकुर्जी ने इस सभा की कार्यवाही में बहुत रुचि लगाई, खास तौर से उन विषयों में जिनका सम्बन्ध श्रम कल्याण और मजदूर संघों से थे। उनकी मृत्यु से हमने मजदूर संघ के हितों और श्रम कल्याण के एक हिमायती को खो दिया है।

श्रीमती नारायणी देवी मानकलाल वर्मा का जन्म मध्य प्रदेश में सिंगोली में 1902 में हुआ। उन्होंने हमारे स्वतन्त्रता संग्राम के दौरान क्रान्तिकारी तथा असहयोग आंदोलनों में सक्रिय भाग लिया और अपनी राजनैतिक गतिविधियों के कारण उन्हें कारागार में रखा गया तथा बाद में मेवाड़ से निष्कासित कर दिया गया। वह विभिन्न सामाजिक, सांस्कृतिक और शैक्षणिक संगठनों से भी सम्बद्ध रहीं। सन् 1970 में उन्हें राज्य सभा के लिए चुन लिया गया और सभा के सभी वर्गों का उन्हें अत्यन्त सम्मान प्राप्त था।

हम श्री बी० के० मुकुर्जी और श्रीमती नारायणी देवी मानकलाल वर्मा के निधन पर गहरा दुःख प्रकट करते हैं।

मैं माननीय सदस्यों से निवेदन करूंगा कि वे अपने स्थानों पर खड़े हो जाएं और दिवंगतों की स्मृति में एक मिनट का मौन रखें।

(Hon. Members then stood in silence for one minute)

सभापति : महासचिव शोक संतप्त परिवारों के सदस्यों को हमारी ओर से हार्दिक दुःख तथा गहरी समवेदना प्रेषित करेंगे।

NOMINATION OF THE LEADER OF THE HOUSE

सभापति : मुझे प्रधान मंत्री जी, श्री मोरारजी आर० देसाई से, निम्नलिखित सन्देश प्राप्त हुआ है :—

“मैं एतद्द्वारा श्री एल० के० आडवाणी को, जो सरकार के सदस्य बन गए हैं, राज्य सभा का नेता नाम-निर्देशित करता हूँ।”

मैं कांग्रेस के सदस्यों से अनुरोध करता हूँ कि वे अपने दल के नेता की सूचना शीघ्रताशीघ्र मुझे भेजने की कृपा करें।

चूँकि राज्य सभा के उपसभापति का पद...

श्री योगेन्द्र शर्मा (बिहार) : केवल कांग्रेस दल के ही नेता की सूचना आपको चाहिए, और किसी दूसरे दल के नेता की सूचना नहीं चाहिए?

सभापति : उसकी सूचना पहले से है।

श्री गुणानन्द ठाकुर (बिहार) : कांग्रेस के भी नेता पहले से हैं, श्री कमलापति त्रिपाठी।

सभापति : अभी तक विधिवत् सूचना नहीं मिली है। उस वक्त तो वे सदन के नेता थे।

12 NOON

ANNOUNCEMENT RE ELECTION OF
DEPUTY CHAIRMAN

सभापति : चूंकि राज्य सभा में उपसभापति का पद रिक्त हो गया है इसलिए मैंने राज्य सभा में प्रक्रिया तथा कार्य-संचालन विषयक नियमों के नियम 7 के अधीन बुधवार 30 मार्च 1977 को उपसभापति के उक्त पद के लिए निर्वाचन कराने की तिथि निश्चित कर दी है। निर्वाचन उस दिन मध्याह्न पूर्व 11 बजे होगा।

SHRI BHUPESH GUPTA; (West Bengal): Sir, I have a submission to make. At what point do I make the submission? It is with regard to a certain procedure adopted by the authorities working on behalf of this House. After the papers are laid and before the General Budget is presented, I can do it, or I would like to do it now.

CHAIRMAN: Mr. Gupta, this may be considered when the Budget is laid on the Table.

श्री जगदीश जोशी (मध्य प्रदेश) : व्यवस्था का प्रश्न यह है कि सदन की सामान्य परम्परा यह रही है कि शोक प्रस्तावों को सभापति खड़े हो कर पढ़ते थे। जैसे आपने पढ़ा क्या वह उचित था ?

सभापति : जो हो चुका उसके बाद उठाना उचित नहीं लगता।

CANCELLATION OF SITTING OF
THE HOUSE ON THE 29th March
1977

श्री रत्नो राय (उड़ीसा) : कल राम नवमी का त्यौहार है। राम-नवमी राष्ट्रीय त्यौहार है। मैं आपसे प्रार्थना करूंगा कि सदन की अनुमति से कल छुट्टी का ऐलान किया जाए।

13 R.S.—2.

सभापति : इस सम्बन्ध में मेरी माननीय कमलापति जी से भी बातचीत हो गयी है। वे भी चाहते हैं कि कल सदन का कार्य स्थगित रखा जाए। इसको ध्यान में रखते हुए कल सदन की बैठक नहीं होगी किन्तु सचिवालय खुला रहेगा।

Reference to appointment of Chairman pro
tern

SHRI BHUPESH GUPTA (West j Bengal): Sir, I wish to make it clear that what I am going to submit to you is in no way meant to be any personal reflection. Persons are not involved in this. I am concerned with the principles, more especially when we are thinking of restoring democratic norms of functioning. Article 91 says that when the office of Chairman is vacant in our House, it is for the President to nominate someone to discharge the functions of the Chairman. Here in this House, a crisis arose, firstly due to a tragedy because of the death of Shri Fakh-I ruddin Ali Ahmed, the President, The Chairman of this House or the Vice-President became the Acting President. Naturally he could not come. Therefore, he was not available to discharge the usual functions assigned to him *ex-official as the* Chairman of this House. Then the Deputy Chairman of the House, another presiding officer, got elected to the other House and under the Constitution, automatically he ceased to be a Member of this House. Therefore, we were faced with a situation in which we did not have any Chairman or Deputy Chairman. Now in that situation, article 91 had been invoked in order that the President could appoint someone to discharge the functions of the Chairman. Now, Sir, the President in such matters is supposed to act on the advice of the Council of Ministers. There is no situation in which the President does not act except on the advice of the Council of Ministers.

[Shri Bhupesh Gupta] And here the Government comes in and I want to tell the new Government something right from the first day, what should not be done by them. Now here the Government was not concerned in advising the President. It was an executive act. The Government was concerned with meeting the crisis which had arisen in this House as a result of the two vacancies more or less simultaneously taking place. Now, Sir, it was the duty of the Government or the Council of Ministers or the Minister of Parliamentary Affairs to consult the Opposition also, apart from their own party-men as to how the crisis could be tided over, as to who should be appointed, as to who should be recommended to the President for appointment as the temporary Chairman, man to discharge the functions of the Chairman. Now, technically the Government is undoubtedly empowered to advise the President; in fact, they have done it; I have no quarrel with them. It is they who advise. It is good that the Government has done many things, good things, like the lifting of the other Emergency yesterday. But that is not the point. The point here is it is a question of appointing someone from amongst us. I say, no personal thing should be involved in it. I am not at all concerned with persons. Sir, it is a question of appointing someone temporarily from amongst Us to discharge the functions of the Chairman till either the Chairman is available or a Deputy Chairman is elected by this House. Now, Sir, was it not right for the Government to consult us in the Opposition? I do not know what Mr. Kamalapati Tripathi will be saying. Perhaps they are not in a mood to say anything. But here, I say, it was a matter concerning the House and since you could not have election immediately, obviously the situation has to be met and some one must be in the Chair. But then consultation must not have been given up. The Prime

Minister or the Minister for Parliamentary Affairs whoever becomes the Leader of the House should have thought that there should be a little consultation, before giving advice, as to who should be in the Chair. This is not a party issue. I regret we were completely ignored. Democratic norms and Parliamentary norms should be restored in such matters. Please do not take this as any kind of reflection on you. You are sitting there and you have all the cooperation, all the respect and all our affection due to the Chair. No doubt about it. But I say executive action should have been better informed so that after consultation, one from amongst us should have been appointed. Now, this is one-sided action. This part of the House is completely ignored. That is not the way to start. I hope the Prime Minister or his colleague Shri Advani, both of whom are here, will kindly consider such things in future so that a decision in such matters could be taken on the basis of consultation and, as far as possible, unanimous agreement. This is not a technical matter. When the Deputy Chairman is to be elected I request there should be thorough consultation between both sides of the House so that we can come to an agreement, if possible, as to who should be chosen. Consultation should be given precedence. This kind of advice or action is rather bad. Again I say nothing is meant against you. I have every respect for your office. This is a question of principle. I would like to know if some members of the House can kindly enlighten us on the subject as to how this decision came to be taken and why we were all ignored in this matter.

SHRI TRILOKI SINGH (Uttar Pradesh): May I say a few words? I am afraid, I find it not possible to agree with the formulation made by the hon. leader of the Communist Party of India in this House. I think that what has been done is not only

strictly in consonance with the provisions of article 91(1), but also according to Parliamentary practice. It is not that after somebody from this House is elected to the other House he automatically ceases to be a member of this House. Even after election, it is open to him to retain his membership here..... (Interruptions). Whether hon. Members on this side or that side agree with me or not, is a different matter. This is the submission I have to make. In such situation's, it has always been the prerogative of the Crown in the United Kingdom or the President here or the Governors in the States... (Interruptions). I very patiently listened when the hon. leader of the Communist Party was speaking. I was saying that what has been done is not only strictly in conformity with the provisions of the Constitution, but also with the long-standing Parliamentary practice in this country. In the case of the States it is the Governor who appoints the presiding officer. I may remind the Chair, Sir, that in 1937, it was Nawab Mohammad Ismail, who was the seniormost Member, who was appointed. At that time, the honourable Member in the UP Assembly, Chaudhury Bhoop Singh of Bijnor, who had been a Member of the UP Assembly for the longest time, was appointed. Therefore, Sir, it is perfectly open to the President in this case to appoint any one from amongst the Members of the Council of States to act as the Chairman till the Deputy Chairman is elected. That is all that I have got to say on this.

SHRI BHUPESH GUPTA; Sir, I have not said . . .

CHAIRMAN: Mr. Bhupesh Gupta, please take your seat. You already had your say.

THE PRIME MINISTER (SHRI MORARJI R. DESAI): May I say a word, Sir? So far as what was said I

by the honourable Member who spoke just now is concerned that is the legal position. But we do not want to rest only on the legal position. We would like to keep the Opposition in possession of complete information about it. We are trying to do that. But we had not much time. If there is any departure from that, I hope my honourable friend, Shri Bhupesh Gupta, should not be worried about it. I would only request him to bear with us this time. In future, you will have no cause for any complaint.

SHRI BHUPESH GUPTA; All right, Sir.

CHAIRMAN: Mr. Bhupesh Gupta, now Mr. Triloki Singh was making a point, I would read out the relevant rule:

"If a person who is already a Member of the Council of States and has taken his seat in such Council is chosen a Member of the House of the People, his seat in the Council of States shall, on the date on which he is chosen, become vacant."

So, that question does not arise.

अब सदन दो बजे तक के लिए स्थगित किया जाता है।

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

The House reassembled after lunch at two of the clock. Chairman pro tem Shri Banarsi Das, in the Chair.

PROCLAMATIONS REVOKING THE PROCLAMATIONS ISSUED IN THE CONTEXT OF INTERNAL DISTURBANCES AND EXTERNAL AGGRESSION

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI LAL K. ADVANI): Sir, on behalf of the Minister of Home Affairs, I lay on the Table a copy each (in English and Hindi) of the following documents:

[Shri Lai K. Advani]

(1) Proclamation [G.S.R, No. 117 (E)] made by the Vice-President acting as President on the 21st March, 1977, under sub-clause (a) of clause (2) of article 352 of the Constitution revoking the Proclamation of Emergency, issued under clause (i) of the said article on the 25th June, 1975. [Placed in Library. See No. LT-3/77].

(2) Proclamation [G.S.R, No. 132(E)] made by the Vice-President acting as President on the 27th March, 1977, under sub-clause (a) of clause (2) of article 352 of the Constitution revoking the Proclamation of Emergency, issued under clause (i) of the said article on the 3rd December, 1971. [Placed in Library. See No. LT-4J77].

SUPPLEMENTARY DEMANDS FOR
GRANTS FOR EXPENDITURE OF
THE CENTRAL GOVERNMENT ON
RAILWAYS FOR THE YEAR
1976-77

THE MINISTER OF RAILWAYS (SHRI MADHU DANDAVATE): Sir, I lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants for Expenditure of the Central Government on Railways for the year 1976-77.

SUPPLEMENTARY DEMANDS FOR
GRANTS FOR EXPENDITURE OF THE
CENTRAL GOVERNMENT (EXCLUDING
RAILWAYS) FOR THE YEAR 1976-17

THE MINISTER OF FINANCE (SHRI H. M. PATEL): Sir, I lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants for Expenditure of the Central Government (excluding Railways) for the year 1976-77.

SUPPLEMENTARY DEMANDS FOR
GRANTS FOR EXPENDITURE OF
THE GOVERNMENT OF TAMIL
NADU FOR THE YEAR 1976-77

THE MINISTER OF FINANCE (SHRI H. M. PATEL): Sir, I lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants for Expenditure of the Government of Tamil Nadu for the year 1976-77.

SUPPLEMENTARY DEMANDS FOR
GRANTS FOR EXPENDITURE OF THE
GOVERNMENT OF NAGALAND FOR THE
YEAR 1976-77

THE MINISTER OF FINANCE (SHRI H. M. PATEL): Sir, I lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants for Expenditure of the Government of Nagaland for the year 1976-77.

SUPPLEMENTARY DEMANDS FOR
GRANTS FOR EXPENDITURE OF
THE GOVERNMENT OF PONDICHERRY FOR THE YEAR

~~1967~~

THE MINISTER OF FINANCE (SHRI H. M. PATEL): Sir, I lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants for Expenditure of the Government of Pondicherry for the year 1976-77.

SHRI K. ALYAN ROY (West Bengal): Sir, will you ask Mr. Patel to say something about the scrapping of the Compulsory Deposit Scheme and the black Bonus Act? He should . . .

CHAIRMAN: This is not the occasion. Mr. Dandavate.

THE BUDGET (RAILWAYS) 1971-78

THE MINISTER OF RAILWAYS (SHRI MADHU DANDAVATE): Sir, I lay on the Table a statement (in English and Hindi) of the estimated receipts and expenditure of the Government of India for the year 1977-78 in respect of Railways.

THE BUDGET (GENERAL) 1977-78

THE MINISTER OF FINANCE (SHRI H. M. PATEL): Sir, I lay on the Table a statement (in English and Hindi) of the estimated receipts and expenditure of the Government of India for the year 1977-78.

REFERENCE TO REPEAL OF THE PREVENTION OF PUBLICATION OF OBJECTIONABLE MATTERS ACT, RESTORATION OF FEROZE GANDHI ACT AND RELEASE OF NAXALITES HELD UNDER MISA..

SHRI BHUPESH GUPTA (West Bengal): Sir, my friend Mr. Advani is sitting there. May I have an assurance from him that two Bills, one repealing the Prevention of Publication of Objectionable Matters Act and the other restoration of the Feroze Gandhi Act, will be taken up this very week? I think the hon. Minister will very well introduce himself to the country by restoring the Feroze Gandhi Act and repealing the other Act. As far as we are concerned, we are giving full co-operation, so that you do this expeditiously. Let the Parliament start with the restoration of what has been taken away from us, namely, the Feroze Gandhi Act. It will be a very good gesture. I will appeal to my friend Mr. Advani, who was sitting with me—in fact, I am occupying his place now—to do this, to bring this change. I have introduced a Bill already for this restoration. If he does

not like that, well, the Government can bring it. I think it is better if the Government brings it. My bill can also be taken up with your consent. You can give permission that the Bill which is before the House can be taken up.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI LAL K. ADVANI): So far as the issue which Mr. Bhupesh Gupta has raised is concerned; my Government is committed to restoring the freedom of the Press fully, repealing the Prevention of Publication of Objectionable Matters Act and the restoration of the Feroze Gandhi Act regarding the freedom that the Press has enjoyed in respect of the parliamentary proceedings. I look forward to being able to present these Bills.

SHRI BHUPESH GUPTA: There should be no difficulty. It will not present any kind of difficulty.

SHRI KALYAN ROY (West Bengal): What about bonus and scrapping of Compulsory Deposit Scheme? The Minister should assure us that he will take necessary steps.

CHAIRMAN: You will have enough opportunities for raising these things.

SHRI BHUPESH GUPTA: I understand that MISA will not be repealed. It will be reviewed. I want the Central Government to take steps about it. Many of the Naxalite prisoners are in jail. Other prisoners are also there. I think the Government should give direction that all Naxalite prisoners in West Bengal and other places should be released. Two of them were hanged during the emergency. I will ask the Government to give some benefit to their families.

THE BUDGET (TAMIL NADU)
1977-78

THE MINISTER OF FINANCE (SHRI H. M. PATEL): Sir, I lay on the Table a statement (in English and Hindi) of the estimated receipt, and

[Shri H. LI. Patel] expenditure of the State of Tamil Nadu for the year 1977-78.

THE BUDGET (NAGALAND)
1977-78

THE MINISTER OF FINANCE (SHRI H. M. PATEL): Sir, I lay on the Table a statement (in English and Hindi) of the estimated receipts and expenditure of the State of Nagaland for the year 1977-78.

THE BUDGET (PONDICHERRY)
1977-78

THE MINISTER OF FINANCE (SHRI H. M. PATEL): Sir I beg to

lay on the Table a statement (in English and Hindi) of the estimated receipts and expenditure of the Union Territory of Pondicherry for the year 1977-78.

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The House then adjourned at seven minutes past two of the clock till eleven of the clock on Wednesday, the 30th March, 1977.