

[Sh. M.V. Chandrashekara Murthy]

[English]

MR. SPEAKER: Now let us take up the legislative business. We shall take up items No. 45, 46 and 47 together.

22.31 hrs

UTTAR PRADESH STATE LEGISLATURE
(DELEGATION OF POWERS)
BILL

As Passed by Rajya Sabha

[English]

MR. SPEAKER: The question is:

"That the Bill to confer on the President the power of the Legislature of the State of Uttar Pradesh to make laws, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted

MR. SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

SHRI GUMAN MAL LODHA (Pali): Just one minute, Sir....[*Interruptions*]. Why? How can you stop us? This is not mobocracy. It is a very serious Bill, Sir....[*Interruptions*]

[Translation]

SHRI RAM NAIK (Bombay North): Is this Surajkund?...[*Interruptions*]....

MR. SPEAKER: He is co-operating. Why are you disturbing without any reason.

{*Interruptions*}

SHRI GUMAN MAL LODHA: I just want to take one minute, Sir. The only point which I want to make out is that in this Bill which has been produced before this House for consideration, there is no provision that the matter would be put for the approval of the House. Although the provision says that it would be laid on the Table of the House once the decisions are taken, there is no provision that it would be laid within a particular period. That is number one. The second thing is that the approval of the House would be taken on that. Therefore, I want to oppose it on this ground that firstly, the violation of the democratic parliamentary system is there on account of the President's rule in a State under article 356. Article 357 certainly authorises in that condition that laws can be made. But on this point there is no provision under article 357 whether approval of the House should be taken or not taken. My submission is that in a parliamentary democracy, everything should originate and everything should be subject to the approval of the House. If the Houses in the Legislative Assemblies in those States are not sitting, then at least the decisions which are taken, the laws which are made under article 357, must be put before this House and the approval must be taken. The House may approve or disapprove ..[*Interruptions*]

MR. SPEAKER Is there any Constitutional provision to this effect?

SHRI GUMAN MAL LODHA: No, Sir. I am saying that there is no Constitutional requirement either way. Article 357 is silent on that point. I am not opposing it on the ground that it is not permissible under the Constitution. I am not opposing it on the ground of propriety. I am saying that parliamentary democracy and the supremacy and sovereignty of this Parliament and this House warrants that all laws must be put here within a particular period. There is no such thing

a particular period. There is no such thing prescribed in the Bill which has been presented. Secondly, it must be subject to the approval of the House. These are the two points which I want to raise.

[Translation]

SHRI BHAGWAN SHANKAR RAWAT (Agra): I would like to say one thing. I have moved an amendment.

MR. SPEAKER: It will come during clause-by-clause discussion.

[Interruptions]

[English]

MR. SPEAKER: When we take up the Clause I will allow you.

SHRI AHAMED (Manjeri): Sir, This House has already passed a similar Bill previously in respect of Jammu and Kashmir. This is not the first time that the House is going to discuss that Bill [Interruptions]

MR. SPEAKER: I think that I can direct from the Chair that all that is necessary to be done as per the Constitution will be done.

MR. SPEAKER: Now we take up Clause by Clause consideration of the Bill.

MR. SPEAKER: The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause -3 Conferment on the President of the Power of the State Legislature to make Laws

SHRI BHAGWAN SHANKAR RAWAT

(Agra): Sir, I beg to move:

Page 1, lines 16 and 17,

omit "whenever he considers it practicable to do so,"(1)

Page 2, line 2, -

add at the end -

"and incorporate the recommendations of the Committee in the Act."(2)

Page 2, line 4, -

for "as soon as may be" substitute -

"within thirty days" (3)

[Translation]

Sir, I would like to submit that the Article 357 is ambiguous and it has no specific provision. [Interruptions] So I have moved these amendments. This is the discretion of the President to appoint the proposed Joint Committee which will consist of 30 members - 20 from Lok Sabha and 10 from Rajya Sabha. My submission is that they may discuss any matter, but through this amendment I intend to make a provision that recommendations of the committee should be incorporated in the Act so that the feelings of the public can be reflected therein since Lok Sabha is the House of the people. Secondly, the Bill or the Act should be laid on the Table of the House within 30 days.

Sir, at present the provision is that the Act will be laid on the Table of the House but no time limit has been prescribed for that. As a result of that if the House does not meet for three months, the bill will not be laid on the table of the House causing an irreparable

[Sh. Bhagwan Shankar Rawat]

loss. Therefore, in order to avoid that loss and to ensure that the President actually acts as per the democratic norms even under the rules, I have moved this amendment. Union Government has promulgated the ordinance on 6th December and today it is the end of the March and the committee has not been constituted. The advisory committees could have been constituted through ordinance also, but this has not been done in any of the states. This indicates that in the Presidents rule, elected representatives including Parliament have been ignored. Governors have never taken advice from members of Parliament in any States till date. I think, for the sake of democracy this sentiment of public should be conveyed to the President. This will justify why it is necessary to adopt this amendment.

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT). Mr. Speaker, Sir, the hon. Member has moved three amendments. One of these amendments is that consultation with the consultative Committee should be made compulsory. Sir, at times we are required to go on for such legislations as are of urgent nature and it may be possible that consultation with the consultative committee may not be made. What the hon. Member has opined is right and the opinion of the Government is also right, but the point is that the formality of consultation should not be made compulsory since it may hamper the pace of work. The consultative committee is already there to offer consultation, but if we make a provision that a Bill cannot be passed without consultation proceeding it, then the very purpose of the Bill will get defeated. Certain amount of latitude in administration is therefore required so as to provide a scope for taking up legislations of emergent nature without proceeding consultation that

may be delayed for certain reasons. It would not be in the interest of the nation if we do not have such a provision. I would therefore like to emphasise that the formality of consultation should not be made compulsory, but we will have the practice of seeking consultation so the consultative committee should remain in existence.

Secondly, the hon. Member has suggested to make the recommendations of the Consultative Committee compulsory. Mr. Speaker, Sir, the importance of the consultation is over when the recommendations of the Consultative Committee are made compulsory. Then in that case even the name of that committee would have to be changed to Mandatory Committee. Whenever there is consultation, it is always in the mutual interest. It is thus the feelings of the people get reflected in the functioning of the Government and do also influence the rules of administration and moreover, they lend a sense of responsibility to arrive at a sensible decision. But if it is decided that the recommendations of the consultative committee have got to be followed compulsorily, then the committee will deviate from its very purpose.

Thirdly, the hon. Member has suggested to fix 30 days time to execute the consultation recommended by the consultative committee. It is also not possible. This is because it is, at time, not possible to give the recommendation a shape of legislation through Parliament within 30 days. I therefore hope that the hon. Member would realise this point. The view of the Government and that of the Government and that of the hon. Member is one and the same, but there should be no restriction that may obstruct the work of the Government.

I hope that the hon. Member would withdraw the amendments that he has suggested. Nevertheless, the feelings of the hon. Member is very much in accordance

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(Delegation of Power)Bill
with the policy of the Government and the
Government would fully endorse to it
(Delegation of Power)Bill
Clause 3 was added to the Bill.

SHRI BHAGWAN SHANKAR RAWAT
Mr Speaker, Sir, the hon. Minister has, however, not replied to my question, because it is already, more than 3 months and the Consultative Committee has not yet been formed. If the hon. Minister categorically gives an assurance to form the Committee within 15 days, then I am ready to withdraw the amendments that I have moved I support the democratic process and that is why I am accepting what has been said by him, but of course, I am doing it half heartily There is no need of enacting an Act even an ordinance can serve the purpose.

SHRI RAJESH PILOT: The hon. Member wants me to form a Committee in 15 days, I do hereby assure that I would form the Committee within 14 days

[English]

SHRI BHAGWAN SHANKAR RAWAT
I seek leave of the House to withdraw my amendments Nos. 1, 2 and 3 to clause 3 of the Bill

MR. SPEAKER. Is it the pleasure of the House that the amendments moved by Shri Bhagwan Shankar Rawat be withdrawn?

SEVERAL HON. MEMBERS: Yes.

Amendments No. 1, 2 and 3 were, by leave, withdrawn.

MR. SPEAKER: I shall now put clause 3 to the vote of the House.

The question is"

"That clause 3 stand part of the Bill".

The motion was adopted

MR. SPEAKER: The question:

" That the clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted

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

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
RAJESH PILOT): Sir, I beg to move.

"That the Bill be passed "

MR SPEAKER The question is:

"That the Bill be passed."

The motion was adopted.

22.42 hrs

MADHYA PRADESH STATE LEGISLATURE
(DECLARATION OF POWERS)
BILL

As Passed by Rajya Sabha

[English]

MR. SPEAKER: There is no amendment to the motion for consideration.

The question is:

"That the Bill to confer on the President the power of the Legislature of the State of Madhya Pradesh to make laws, as passed by Rajya Sabha, be taken into consideration."

The motron was adopted