

The motion was adopted.

SHRI P. SHIV SHANKER: I
introduce the Bill.

STATEMENT RE REPRESENTATION
OF THE PEOPLE (AMENDMENT)
ORDINANCE, 1979.

THE MINISTER OF LAW, JUSTICE
AND COMPANY AFFAIRS (SHRI P.
SHIV SHANKER): I beg to lay on the
table an explanatory statement (Hindi
and English versions) giving reasons
for immediate legislation by the Re-
presentation of the People (Amend-
ment) Ordinance, 1979.

12.09 hrs.

PREVENTION OF BLACKMARKET-
ING AND MAINTENANCE OF
SUPPLIES OF ESSENTIAL COM-
MODITIES BILL*

THE MINISTER OF COMMERCE
AND STEEL AND MINES & CIVIL
SUPPLIES (SHRI PRANAB MUK-
HERJEE): I beg to move for leave
to introduce a Bill to provide for de-
tention in certain cases for purpose of
prevention of blackmarketing and
maintenance of supplies of commodi-
ties essential to the community and
for matters connected therewith.

(Interruptions)

SHRI NIREN GHOSH (Dum Dum):
I oppose it. . . . (Interruptions)

MR. SPEAKER: I have got with me
the names of Members who want to
oppose the Bill at the introduction
stage. I will now call them. They
may please be precise.

SHRI JAGJIWAN RAM (Sasaram):
Let the motion be moved first. The
motion is not before the House.

MR. SPEAKER: He has moved the
motion. Shri Jyotirmoy Bosu,

SHRI JYOTIRMOY BOSU (Diamond
Harbour): Sir this pernicious ordi-
nance was promulgated in October,
1979 and since the . . .

SHRI K. RAMAMURTHY (Krishna-
giri): As rightly pointed out by

Babuji, the motion is not before the
House. How can he raise the objec-
tion at this stage the motion has not
been moved since it is not the pro-
perty of the House.

MR. SPEAKER: The motion is be-
fore the House. Motion moved:

"That leave be granted to intro-
duce a Bill to provide for detention
in certain cases for the purpose of
prevention of blackmarketing and
maintenance of supplies of commodi-
ties essential to the community and
for matters connected therewith."

SHRI JYOTIRMOY BOSU (Diamond
Harbour): In the Statement of Objects
and Reasons, it is stated:

"Although the Essential Commodi-
ties Act, 1955 made comprehensive
provisions for the regulation of pro-
duction, supply, distribution, prices
and trade and commerce in com-
modities declared essential under
the Act and although the penal pre-
visions in the Act were made more
stringent in accordance with the re-
commendations of the Law Com-
mission in their Forty-seventh Re-
port, it was found not adequate to
deal with situation."

Can you imagine a Government as
helpless as this? I will cite an exam-
ple. This Ordinance was promulgated
in October, 1979 and good three
months have passed and during these
three months, the price rise has been
phenomenon, one of the highest in re-
cent times. The Ordinance has not
worked. Therefore, this preventive
detention Act is not going to deliver
the goods. Unless there is a real po-
litical will to suppress blackmarketing
and profiteering by those who are
financing all this big bourgeois poli-
tical parties, the objectives, cannot be
achieved. . . . (Interruptions). What
happened? When COFEPOSA was
enacted, a circular came from the
then Prime Minister's Secretariat in
1976, if I remember correctly—if you
want, I can get a copy—in which it
was stated that no action should be

taken against the big business houses which were involved in invoice manipulation.

We have got enough documents. This pernicious Bill is for detention without trial. If a Government cannot, with all the huge administrative machinery at its command, bring culprits to book, it is strange. I am quite aware that in a capitalist system, it just cannot be done because profit is the only motive of every operation in this country. (Interruptions). In the objects itself, it has been clearly stated that the law is incapable of taking charge. It does not necessarily mean that in a democracy, you are going to detain people—after revelations of Emergency and after what the Shah Commission has pointed things out time and again. (Interruptions). My party will use all the power at its command... and you can see that in West Bengal there is not a single case of blackmarketing.

If you read Article 22 of the Constitution, you will find that its spirit is that detention without trial should not be done. It is clearly stated. I am not a lawyer. I do not go into the language. Justice Hidayatullah—Mr. Shiv Shanker, please look at the judgement delivered by Mr. Hidayatullah—has clearly decried this sort of a measure.

I rise to oppose the introduction of this Bill with all the might at my command.

DR. SUBRAMANIAM SWAMY (Bombay North East): I rise to oppose the introduction of the Bill, because it provides for preventive detention. The idea underlying preventive detention is abhorrent to our democratic society. The world over the human rights movement has made it a major plank. Any Government which cannot rule a country without preventive detention, is not fit to rule. Therefore, my fundamental objection is to the preventive detention aspect of this Bill.

I was surprised that this Government has brought this Bill, considering that this was brought in the form of an ordinance by the previous Government. (Interruptions) This Bill has come after an ordinance brought in by the previous Government. That previous Government was brought into existence by people like Mr. Jyotirmoy Bosu's party. (Interruptions).

MR. SPEAKER: Order, order please.

DR. SUBRAMANIAM SWAMY: Of course, those who are shouting now here, also helped. So far as Mr. Jyotirmoy Bosu is concerned, it is one of his moral chickens coming home to roost. Therefore, I fully and thoroughly oppose the introduction of this Bill.

MR. SPEAKER: Now Mr. Somnath Chatterjee.

SHRI H. N. NANJE (Hassan): I am on a point of order.

MR. SPEAKER: There is no point of order. Under what rule?

SHRI H. N. NANJE: I would like to draw your attention to rule 72. The rule says:

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, brief statements from the member who opposes the motion and the member who moved the motion, may, without further debate, put the question...."

MR. SPEAKER: But I have allowed him.

SHRI H. N. NANJE: But only one person; not all.

MR. SPEAKER: It is my discretion. I have looked into it. The Sixth Lok Sabha did it and now I am doing it. Now, Mr. Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE (Jadavpur): Mr. Speaker, Sir although the title of the Bill is The Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Bill, 1980, our genuine apprehension is—it has been proved by the past

conduct of the different governments especially the Congress Government that we had—that it is more used for purposes other than those mentioned in this Bill.

When the MISA was passed, solemn assurances were given on the Floor of this House by the then Prime Minister who is again the Prime Minister and by the then Home Minister that it will not be used against a single political opponent in this country. I need not dwell upon that how and what type of misuse it was made of, namely, the MISA against the political opponents in this country. Therefore, our objection is on principle, because it seems that the Congress (I) Government in this country cannot survive without a black law, draconian law like this. And although we are hearing fulminations against the Lok Dal Government, care-taker government every minute we find that this Government has openly adopted a pernicious measure which had been brought in by the ordinance that was promulgated by the Lok Dal Government. We are against it, whatever Dr. Subramaniam Swamy might have said. He should have been forthright in reminding my friends opposite that it was with their written support that the Lok Dal Government sat here.

PROF. MADHU DANDAWATE (Rajapur): It never sat here.

SHRI SOMNATH CHATTERJEE: The position is this. In view of the scant respect the Ruling Party has for civil liberties, we are protesting against the introduction of this Bill; and also on the point of constitutional incompetence I am also opposing the introduction of this Bill. You would be kind enough to go through clause 8 which provides for supply of the grounds of detention within a certain time, say, five days; in some cases 10 days. The Constitution which was amended by the Forty-Fourth Constitution Amendment Act provided that. It is a constitutional provision, namely, that the grounds of detention would have to be given as soon

as possible after the detention. A Bill, a statute cannot add to the constitutional provisions. What is sought to be done is this. There is sought to be a fixation of a time limit which is contrary to the constitutional provision. Therefore, what is sought to be done by clause 8 is that it impinged directly on Article 22(5) of the Constitution of India. The hon. Minister would kindly take the trouble of looking at it if he has a copy of the Constitution; if he has not, I can give him that.

SHRI PRANAB MUKHERJEE: I have.

SHRI SOMNATH CHATTERJEE: I hope he has the latest edition also, not the old one. I would request the hon. Minister to address us on that. Therefore, it goes to the root of the validity of the Bill itself. Therefore, in the light of that you will kindly look into that and give your ruling whether it is permissible to introduce this Bill at all.

PROF. MADHU DANDAVATE: He has challenged the legislative competence of that.

SHRI CHANDRAJEET YADAV (Azamgarh): Mr. Speaker, Sir, this Ordinance was brought in a particular situation. But now the present Government is going to make it a regular legislation. I am opposing the leave to introduce the Bill and am saying that this new Government has taken charge, why should the Government have a lack of self-confidence that it cannot create a condition in the country where such a legislation is not necessary. Why should they want to detain people without giving them fair and enough opportunities to defend themselves? Therefore, I would like to say that this kind of things like blackmarketing, hoarding and rising prices have to be stopped and the Government will get total support from everybody if they take effective measures. But I would appeal to the Government that, before thinking of bringing this kind of legislation, they

must take necessary steps to establish public distribution system on a large scale. They should also create a condition where the blackmarketeers and hoarders are treated as anti-social elements. I think that the present laws are enough to take care of these things. Therefore, I would like that this Bill should not be introduced. I oppose the leave to introduce the Bill.

SHRI G. M. BANATWALLA (Pon-nani): May I draw your attention to rule 72? I want to raise a point of order. Under rule 72 it is clearly provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon. Here an hon. Member is challenging the constitutional competence of the Bill and therefore, a full discussion is necessary under the proviso to rule 72.

MR. SPEAKER: I have given full consideration. I have allowed four Members to speak on it.

SHRI G. M. BANATWALLA: That is not a full discussion.

MR. SPEAKER: That is more than required. I have overruled your objection, Please take your seat.

(Interruptions)

SHRI G. M. BANATWALLA: The point I am raising is totally different. It is not about four Members having opposed it; four Members gave notice. That is all right. Here the constitutional competence is challenged. Therefore a full discussion in which other Members who have not given notice can take part under proviso to rule 72.

MR. SPEAKER: The hon. Member will remember that even after the expiry of the time I allowed Members to take part in the discussion. How do you say that it is beyond the legislative competence. It is his opinion.

(Interruptions)

MR. SPEAKER: I have closed it. Shri Mukherjee.

SHRI PRANAB MUKHERJEE: You have called me. Let the hon. Members listen to me. I have moved this motion and let them listen to me. They can decide whether it is beyond legislative competence.

(Interruptions)

MR. SPEAKER: Order, order. It is a matter of opinion. I have to decide it. You cannot take it for granted.

SHRI SOMNATH CHATTERJEE: The hon. Speaker never decides it.

MR. SPEAKER: It has been the practice here that the Speaker does not give a ruling as regards legislative competence.

SHRI INDRAJIT GUPTA (Basir-hat): The Law Minister wants to say something.

SHRI G. M. BANATWALLA: Our rights are being encroached upon. It is unfair.

MR. SPEAKER: Your word cannot be the final say.

SHRI G. M. BANATWALLA: Let the House have a full discussion and then the House will decide about constitutional validity.

MR. SPEAKER: Mr. Chatterjee has said something. Now let us here Mr. Pranab Mukherjee.

SHRI INDRAJIT GUPTA: The Law Minister is standing up to reply. He wants to say something about the constitutional competence. Let us hear him. (Interruptions).

MR. SPEAKER: The Law Minister is the authority on law. Let him explain.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKER): So far as the question of legislative com-

petence is concerned, that is covered by Entry No. 3 in the Concurrent List of the Seventh Schedule, read with article 22 of the Constitution. Now the objection that has been raised by my hon. friend, Shri Chatterjee is, that clause 8 of this Bill contravenes article 22(5). That would not be a case of legislative competence. Article 22(5) says that as soon as may be, the person detained may be informed of the grounds on which he is detained. Clause 8 of the Bill says that in ordinary circumstances, within 5 days he should be informed of the grounds and in extraordinary circumstances he should be informed of the grounds not later than 10 days. So far as this objection is concerned, it does not fall within the case of legislative competence at all. Legislative competence is there under Entry No. 3 read with article 22. If I have got to concede to the arguments of my friend, at best all that he can say is that clause 8 is opposed to article 22(5). Beyond that he cannot say that the Bill lacks legislative competence. I may say that clause 8 is perfectly valid and such provisions were upheld by the Supreme Court. Therefore, the question of legislative competence does not arise in this case. Only if you come to the conclusion that this House lacks the legislative competence, then only a full-dress debate is allowed. Since there is no question of legislative competence, the question of full-dress debate does not arise.

SHRI RAM JETHMALANI (Bombay North-West): Kindly read rule 72.

(Interruptions)

Under Rule 72....

(Interruptions)

MR. SPEAKER: Please sit down. I will decide everything.

*(Interruptions)***

MR. SPEAKER: Nothing is to be recorded without my permission. You are referring under Rule 72 to what?

*(Interruptions)***

MR. SPEAKER: Please sit down. He is referring to Rule 72.

*(Interruptions)***

MR. SPEAKER: Under the rule they are referring something and I have to decide it. You are not competent. Please sit down.

*(Interruptions)***

MR. SPEAKER: I have called the hon. Member. He is pointing to a certain rule. I am going to listen to it. Why are you trying to interrupt?

*(Interruptions)***

MR. SPEAKER: I will decide whether it is out of order or not. Please sit down.

*(Interruptions)***

SHRI RAM JETHMALANI: Sir, in the exercise of your discretion you have been good enough to permit brief statements from those who oppose the introduction of the Bill under the first part of Rule 72. Now, the first part is over. There are some Members who wish to oppose the introduction of this Bill not on the ground of any principle or otherwise, but on the ground that the Bill is outside the legislative competence of this Parliament. Now, legislative competence does not depend merely upon an entry in the three Lists. There can be lack of legislative competence because the Bill is opposed to a Fundamental Right which is guaranteed under the Constitution because every Fundamental Right is a restriction upon the legislative competence of Parliament. Parliament cannot transgress beyond certain limits. Mr. Shiv Shanker should have no difficulty in appreciating that there can be lack of legisla-

tive competence on two grounds. One ground has been mentioned by Mr. Chatterjee. The other ground on which I am opposing and on which I hope the Law Minister will apply his mind seriously to this problem and not go by mere party considerations is this. In the famous judgement known as the Maneka Gandhi Passport case the Supreme Court has laid down the principle (i) that hereafter nobody shall be deprived of liberty except in accordance with the procedure established by law, and (ii)—which is a revolutionary change of law—that the procedure must be fair. Now, any procedure in which...

(Interruptions)

MR. SPEAKER: Please sit down. He is referring to a certain thing.

SHRI RAM JETHMALANI: If you read that judgment carefully, you will find that the judgement lays down the principle that no procedure can be considered fair in which a person is deprived of his liberty at the whim of the executive authorities. In other words, Article 21 as interpreted recently by the Supreme Court make it competent for Parliament to pass a law of preventive detention in which a person will be deprived of his liberty merely because an executive officer has suspicion. Now, the second ground of lack of legislative competence is that of clause 3(b) which defines the prejudicial activities in question. Clause 3(b) is wholly beyond the legislative competence because Entry 3 of List III which you have talked about does not cover Clause 3(b) at all. It may possibly cover the first part, but the second part is wholly outside the sphere of legislative competence under Entry 3 of List III. We would request you, therefore, to kindly apply your mind to this.

Sir, I want to remind the Law Minister of his Party's manifesto with which I heartily agree that his

Party has pledged.. (Interruptions). I am bold enough to survive this noise and you cannot prevent me from making my submission by making noise. It is useless and you are only wasting time.. (Interruptions).

Their own party manifesto says that they will restore the rule of law, they will establish the rule of law, they will sustain the rule of law. The rule of law has been defined by the International Commission of Jurists, at which the representatives of India and the representatives of this Congress Government were present, thus. They have said that preventive detention in time of peace is inconsistent with the rule of law. Therefore, I wish to remind you that you are doing something which is inconsistent with your own manifesto, with your own declared policies, and you have blindly adopted a measure which was introduced by the Lok Dal Government for reasons which are not far to seek.

Those who have been long enough in this Parliament will recall that even when my Government, the Janata Party Government, tried to introduce the Criminal Procedure Code (Amendment) Bill which contained provision of preventive detention, the whole party opposed the move of the Government, and ultimately our own Government was defeated by our own party because we said that we shall not allow preventive detention. So, it is a question of principle. The more noise they are making, the less we are inclined to entrust them draconian power to this Government.

MR. SPEAKER: After I have heard everybody, I will put it to the House, and the House will decide.

SHRI PRANAB MUKHERJEE: would like to make one submission. So far as the legislative competence of the Bill is concerned, that has been well taken care of by my colleague, the law Minister.

A point has been raised by Mr. Ram Jethmalani and others on a question of principle whether we should have a preventive detention measures at all or not. I am really amused to listen to this because when they brought the Constitution Amendment Bill, if I remember correctly, when they amended article 22 of the Constitution, they retained the provision of preventive detention, and the wording incorporated in this Bill is practically lifted from there.

SHRI RAM JETHMALANI: I opposed on the floor of the House even my own party's measure.

SHRI PRANAB MUKHERJEE: Mr. Ram Jethmalani may be a very important person, and sometimes he may consider himself as more than a party, but when we talk of the party system, individuals do not count, and however important Mr. Ram Jethmalani or "X" or "Y" may be his party retained preventive detentions. The question is the whatever safeguards were provided in the amendments brought forward by the Forty-fourth Amendment by the Janata Party Government—I am not talking of the Lok Dal Government—have been bodily incorporated in the text of this ordinance and this Bill.

SHRI JYOTIRMOY BOSU: So, you are following them.

SHRI PRANAB MUKHERJEE: This is an enabling provision. Mr. Jyotirmoy Bosu went to the extent of saying that the Government of West Bengal was not going to apply it. I would humbly and most respectfully remind him that he should forget the existence of a weak Government at the Centre. We know our competence, how within our area of competence to make a State Government agree to abide by a provision. I am not going into that problem now.

*(Interruptions)***

MR. SPEAKER: Nothing should be recorded without my permission.

SHRI PRANAB MUKHERJEE: Another aspect of the argument which Mr Subramaniam Swamy and Mr Ram Jethmalani said is that they are opposed to any type of preventive detention. Perhaps, in their exuberance, they forget that COFEPOSA, which is a Preventive Detention Act, is very much there in the statute book and the Janata Government, during its tenure of two years, did not remove that piece of legislation from the statute book. So far as this piece of legislation is concerned, it is to take care of the black marketeers etc. and COFEPOSA is to take care of the smugglers. COFEPOSA already exists. The Janata Government did not remove that piece of legislation from the statute book. Therefore, I seek the permission of the House to introduce the Bill.

MR. SPEAKER: I have heard the views from every side of the House. Now I will put it to the House. Every Member can vote according to what he thinks proper.

As Division Numbers have not so far been allotted to Members, it is not possible to hold the Division by the Automatic Vote Recording Machine. Division will now take place by slip system. Members will be supplied of their seats with 'Aye'/'No' printed slips for recording their votes. 'Aye' slip is printed on one side in green, both in English and Hindi, and 'No' in red on its reverse. On these slips Members may kindly record votes of their choice by signing and writing their names, constituency and State/Union Territory and date legibly at the places specified on the slip. Members who desire to record 'Abstention' may ask for the 'Abstention' slip which is in yellow colour. Immediately after recording his vote, each Member should pass on his slip to the Division Clerk who will call upon his seat to collect the same for handing over to the Officers at the Table.

"That leave be granted to introduce a Bill to provide for detention in certain cases for the purpose of prevention of blackmarketing and maintenance of supplies of commodities essential to the community and for matters connected therewith."

The Lok Sabha divided

Division No. 4]

[12.45 hrs.

AYES

Abbasi, Shri Kazi Jalil
 Abdul Samad, Shri
 Ahmed, Shri Mohd. Asrar
 Ahmed., Shri Md. Kamaluddin
 Ajit Pratap Singh, Shri
 Anbarasu, Shri Era
 Ansari, Shri Shafigullah
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Anthony, Shri Frank
 Arjunan, Shri K.
 Arunachalam, Shri M.
 Ashfaq Hussain, Shri
 Athare, Shri Chandrabhan Balaji
 Azad, Shri Gulam Nabi
 Aziz Imam, Shri
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Banwari Lal, Shri
 Barot, Shri Maganbhai
 Behera, Shri Rasa Behari
 Bhagat, Shri H. K. L.
 Bhagwan Dev, Shri
 Bhardwaj, Shri Parasram
 Bhikhabhai, Shri
 Bhoi, Dr. Krupa Sindhu
 Bhole, Shri R. R.
 Bhuria, Shri Dileep Singh
 Bijendra Pal Singh, Shri
 Birbal, Shri
 Birender Singh Rao, Shri

Chakradhari, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrasekharappa, Shri T. V.
 Charanjit Singh, Shri
 Chawdhury, Shri A. B. A. Ghani
 Channupati, Shrimati Vidya
 Chingwang, Shri
 Chiranji Lal, Shri
 Chouhan, Shri Fatebhanu Singh
 Dabhi, Shri Ajitsinh
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Das, Shri A. C.
 Dennis, Shri N.
 Desai, Shri B. V.
 Devarajan, Shri B.
 Dhandapani, Shri C. T.
 Digvijay Singh, Shri
 Doongar Singh, Shri
 Dorai Sebastian, Shri S. A.
 Dubey, Shri Bindeshwari
 Dubey, Shri Ram Nath
 Ekka, Shri Christopher
 Era Mohan, Shri
 Faleiro, Shri Eduardo
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chhitubhai
 Gandhi, Shri Sanjay
 Gehlot, Shri Ashok
 Ghutran Azam, Shri
 Giriraj Singh, Shri
 Gohil, Shri G. B.
 Gounder, Shri A. Senapathi
 Gowda, Shri D. M. Putte
 Gurbinder Kaur, Shrimati
 Harikesh Bahadur, Shri
 Hembram, Shri Seth
 Jai Narayan, Shri
 Jain, Shri Bhiku Ram
 Jaydeep Singh, Shri

Kailash Pati Shrimati
 Kalpnath Shankar, Shri
 Kama! Nath, Shri
 Kandaswamy, Shri M.
 Karma, Shri Lachman
 Kashirsagar, Shrimati Kesharbai
 Kaul, Shrimati Sheila
 Keyur Bhusan, Shri
 Khan, Shri Arif Mohammad
 Khan, Shri Malik M. M. A.
 Kidwai, Shrimati Mohsina
 Kochack, Shri Ghulam Rasool
 Kosalram, Shri K. T.
 Krishna Pratap Singh, Shri
 Krishna, Shri S. M.
 Krishna, Shri G. Y.
 Kuchan. Shri Gangadhar S.
 Kulandaivelu, Shri V.
 Kunwar Ram, Shri
 Lakshmanan, Shri G.
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Maha!a, Shri R. P.
 Mahendra Prasad, Shri
 Makwana, Shri Narsinh
 Mullu, Shri A. R.
 Mani, Shri K.B.S.
 Manphool Singh, Shri
 Mavani, Shri Ramjibhai
 Meena, Shri Ram Kumar
 Mehta, Dr. Mahipatray M.
 Mishra, Shri Hari Nath
 More, Shri Ram Krishna
 Motilal Singh, Shri
 Mubarak Shah, Shri Khwaja
 Mukhopadhyaya, Shri Anand Gopal
 Mundackal, Shri George Joseph
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Nadar, Shri A. Neela!ohithadasan
 Nagaratnam, Shri T.
 Nahata, Shri B. R.
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.

Nanje, Gowda, Shri H. N.
 Nayak, Shri Mrutyanjaya
 Negi, Shri T. S.
 Netam. Shri Arvind
 Nihal Singh, Shri
 Nitya Nanda Misra, Shri
 Odedra, Shri Maldevji M.
 Oraon, Shri Kartik
 Pahadia, Shri Jagannath
 Palaniappan, Shri C.
 Pandey, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Parmar, Shri Hiralal R.
 Patel, Shri Ahmed Mohammed
 Patel, Shri Amrit
 Patel, Shri C. D.
 Patel, Shri Shantubhai
 Patel. Shri U. H.
 Patil, Shri Balasaheb Vikhe
 Patil, Shri Shivraj V.
 Patil, Shri A. T.
 Patil, Shri Uttamrao
 Patil, Shri Vasant Rao
 Patil, Shri Veerendra
 Phulwariya, Shri Virda Ram
 Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Pushpa Devi Singh, Kumari
 Prabhu, Shri R.
 Pradhani, Shri K.
 Prasanna, Shri S. N.
 Quadri, Shri S. T.
 Raghavan. Shri V. S. Vijaya
 Rahim, Shri A. A.
 Rai, Shrimati Sahodarabai
 Raju, Shri P. V. G.
 Rakesh, Shri R. N.
 Ram, Shri Ramswaroop
 Ramamurthy, Shri K.
 Ramaswamy, Shri Pandayatehi S. S.
 Ramulu, Shri H. G.
 Rana Vir Singh, Shri

Ranga, Shri N. G.
 Ranjit Singh, Shri
 Rao, Shri Jagannath
 Rao, Shri Jalagam Kondala
 Rao, Shri M. Satyanarayana
 Ravani, Shri Navin
 Rawat, Shri Harish
 Reddy, Shri G. S.
 Reddy, Shri G. Narsimha
 Rothuama, Dr. R.
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan
 Sahu, Shri Shiv Prasad
 Sajjan Kumar, Shri
 Sangma, Shri P. A.
 Satish Prasad Singh, Shri
 Sawant, Shri T. M.
 Scindia, Shri Madhav
 Selvaraju, Shri N.
 Sen, Shri Ashoke Kumar
 Sethi, Shri Prakash Chand
 Shaktawat, Prof. Nirmala Kumari
 Shamanna, Shri T. R.
 Shanmugam, Shri P.
 Shantaram, Shri
 Sharma, Shri K. C.
 Sharma, Shri Munder
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shankar Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Harikishan
 Shingada, Shri D. B.
 Shiv Shanker, Shri P.
 Shivendra Bahadur Singh, Shri
 Shivkumar Singh, Shri
 Shukla, Shri Vidya Charan
 Sidnal, Shri S. B.
 Singaravadivel, Shri S.
 Singh, Shri C. P. N.
 Solanki, Shri Babu Lal
 Solanki, Shri Natvarsinh
 Sontosh Mohan Dev, Shri
 Sparrow, General R. S.
 Sreenivasa Prasad, Shri V.

Subha, Shri P. M.
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing Rao
 Swami, Shri K. A.
 Swaminathan, Shri R. V.
 Tariq Anwar, Shri
 Tayeng, Shri Sobeng
 Tewari, Shri Narayan Datt
 Tewary, Prof. K. K.
 Thorat, Shri Bhausahab
 Thungori, Shri Prem Khandu
 Tripathi, Shri R. N.
 Tytler, Shri Jagdish
 Uike, Shri Chhotelal
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Velu, Shri A. M.
 Verma, Shri Jai Ram
 Vijaya Bhaskara, Shri K.
 Vishwa Nath Pratap Singh, Shri
 Vyas, Shri Girdhari Lal
 Wagh, Dr. Pratap
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri R. N.
 Yadav, Shri Ram Singh
 Yadav, Shri Subhash Chandra
 Yellaiah, Shri Nandi
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Anwar Ahmed, Shri
 Balan, Shri A. K.
 Balanandan, Shri
 Banatwalla, Shri G. M.
 Basu, Shri Chitta
 Bhattacharya, Shri Sushil Kumar
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chatterjee, Shri Somnath
 Chaudhary, Shri R. Motibhai
 Chaudhury, Shri Tridib
 Choubey, Shri Narayan

Chowdhary, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila Madhu
 Das, Shri R. P.
 Deo, Shri V. Kishore Chandra S.
 Fernandes, Shri George
 Ghosh, Shri Niren
 Giri, Shri Sudhir Kumar
 Gopalan, Shrimati Suseela
 Goswami, Shrimati Bibha Ghosh
 Goyal, Shri K. K.
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Hasda, Shri Matilal
 Horo, Shri Nirel Enem
 Imbichibava, Shri E. K.
 Indervesh, Shri Swami
 Jagjivan Ram, Shri
 Jagpal Singh, Shri
 Jaiba, Smt. Rane Sirdessai Sayogita
 Jethmalani, Shri Ram
 Karan Singh, Dr.
 Kashyap, Shri Jaipal Singh
 Khan, Shri Ghayoor Ali
 Khan, Shri Mahmood Hasan
 Kunhambu, Shri K.
 Kurien, Shri P. J.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mshata, Shri C. R.
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Sanat Kumar
 Mhalgi, Shri R. K.
 Mishra, Shri Satyagopal
 Mohammed Ismail, Shri
 Mukherjee, Shrimati Geeta
 Mukherjee, Shri Samar
 Ngagom Mohendra, Shri
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas

Pathak, Shri Anand
 Pradhan, Shri Amar Roy
 Premi, Shri Mangal Ram
 Rajan, Shri K. A.
 Rajesh Kumar Singh, Shri
 Ram Awadh, Shri
 Ram Kinkar, Shri
 Raman_a Rai, Shri M.
 Rasheed Masood, Shri
 Riyan, Shri Bajju Ban
 Roy, Dr. Saradish
 Saha, Shri Gadadhar
 Sankhwar, Shri Ash Karan
 Shailani, Shri Chandra Pal
 Shakya, Shri Daya Ram
 Shakya, Shri Ram Singh
 Shastri, Shri Rajnath Sonkar
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Singh, Dr. B. N.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Swamy, Dr. Subramaniam
 Syed, Shri Masudal Hossain
 Tirkey, Shri Pius
 Tur, Shri L. S.
 Verma, Shri Chandradeo Prasad
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Sheo Sharan
 Yadav, Shri Chandrajit
 Yadav, Shri D. P.
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

MR. SPEAKER: The result of the division is:

Ayes—238*; Noes—94.

The motion was adopted.

SOME HON. MEMBERS: This is a shame.... (Interruptions)

(Some Hon. Members then left the House)

*As corrected.

SHRI PRANAB MUKHERJEE: Sir, I introduce the Bill.

STATEMENT Re PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES ORDINANCE, 1979.

THE MINISTER OF COMMERCE AND STEEL AND MINES AND CIVIL SUPPLIES (SHRI PRANAB MUKHERJEE): Sir, I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Ordinance, 1979.

13.57 hrs.

CENTRAL EXCISES AND SALT AND ADDITIONAL DUTIES OF EXCISE (AMENDMENT) BILL*

THE MINISTER OF FINANCE AND INDUSTRY (SHRI R. VENKATARAMAN): Sir, I beg to move for leave to introduce a Bill further to amend the Central Excises and Salt Act, 1944, and the Additional Duties of Excise (Goods of Special Importance) Act, 1957.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Central Excises and Salt Act, 1944, and the Additional Duties of Excise (Goods of Special Importance) Act, 1957.

The motion was adopted.

SHRI R. VENKATARAMAN: Sir, I introduce† the Bill.

STATEMENT

RE. CENTRAL EXCISES AND SALT AND ADDITIONAL DUTIES OF EXCISE (AMENDMENT) ORDINANCE, 1979

SHRI R. VENKATARAMAN: Sir, I beg to lay on the Table an explanatory

statement (Hindi and English versions) giving reasons for immediate legislation by the Central Excises and Salt and Additional Duties of Excise (Amendment) Ordinance, 1979.

MR. SPEAKER: The House stands adjourned for Lunch. We shall meet again at 2.00 p.m.

13 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at four minutes past Fourteen of the Clock.

[MR. SPEAKER in the Chair.]

14.01 hrs.

Shri Naik Devarey G. (Kanara).

14.05 hrs.

MATTERS UNDER RULE 377

(i) NEWS BULLETINS BROADCAST BY ALL INDIA RADIO, DELHI ABOUT ELECTION TO LOK SABHA FROM PATNA CONSTITUENCY.

श्री रामावतार शास्त्री (पटना) : अध्यक्ष महोदय मैं आपकी अनुमति से नियम 377 के अधीन निम्नलिखित वक्तव्य इस सदन के सामने उपस्थित करता हूँ :

सातवीं लोक सभा के चुनाव के क्रम में पटना लोक सभा निर्वाचन क्षेत्र में डाले गए मतों की गिनती 7 जनवरी को श्री कृष्ण मैमोरियल भवन के मैदान में शुरू हुई। गिनती का काम लगातार 8 जनवरी को करीब 11 बजे दिन तक चलता रहा। मतगणना में भारतीय कम्युनिस्ट पार्टी के उम्मीदवार श्री रामावतार शास्त्री अपने प्रतिद्वंद्वी जनता पार्टी के श्री महामाया प्रसाद सिंह से बराबर आगे रहे और अन्त में वह 20,413 मतों से विजयी घोषित किए गए।

परन्तु आश्चर्य और खद की बात है कि आकाशवाणी का दिल्ली केन्द्र 8 जनवरी को 3 बजे सवेरे से 10 बजे दिन तक लगातार झूठा और पक्षपातपूर्ण प्रसारण करता रहा कि जनता पार्टी के उम्मीदवार श्री महामाया प्रसाद सिंह कम्युनिस्ट पार्टी के उम्मीदवार श्री रामावतार शास्त्री से

*Published in Gazette of India Extraordinary Part II. section 2, dated

†Introduced with the recommendation of the President.