THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): Sir, I introduce the Bill.

SHRI NIREN GHOSH (Dum Dum): Mr. Speaker, Sir, I rise on a point of order. I want to draw your attention to rule 367A(2). The Speaker is duty-bound when it comes on the indicator to announce it. Any correction can come only after that and not before. The rule 367A (2) says:

"After the result of the voting appears on the indicator board, the result of the Division shall be announced by the Speaker and it shall not be challenged."

MR. SPEAKER: You have to read also parts (3) and (4) of the same Rule which say:

"(3) A member who is not able to cast his vote by pressing the button provided for the purpose due to any reason considered sufficient by the Speaker, may, with the permission of the Speaker, have his vote recorded verbally by stating whether he is in favour of or against the motion, before the result of the Division is announced.

(4) If a member finds that he has voted by mistake by pressing the wrong button, he may be allowed to correct his mistake, provided he brings it to the notice of the Speaker before the result of the Division is announced."

So, it is alright.

The House stands abjourned for one hour to meet at 1420 hours.

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

Lok Sabha reassembled after Lunch at twenty-two minutes past Fourteen of the Clock.

[MR. GULSHER AHMED *in the Chair*]

STATEMENT *RE* ESSENTIAL SERVICES MAINTENANCE (ASSAM), ORDINANCE

MR. CHAIRMAN: Now, we shall take up item No. 15 of the List of Business. Shri Yogendra Makwana.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS: (SHRI YOGENDRA MAKWANA):

I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Essential Services, Maintenance (Assam) Ordinance, 1980.

NATIONAL COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) BILL*.

MR. CHAIRMAN: Next item No. 16 Shri Pranab Kumar Mukherjee.

THE MINISTER OF COMMERCE AND STEEL AND MINES (SHRI PRANAB MUKHERJEE):

I beg to move for leave to introduce a Bill to provide for the acquisition and transfer of the undertakings of Messrs. National Company Limited with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued manufacture, production and distribution of articles made of jute, which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

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*Published in Gazette of India Extraordinary, Part II, section 2, dated 26-6-80.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for the acquisition and transfer of the undertakings of Messrs. National Company Limited with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued manufacture, production and distribution of articles made of jute, which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI PRANAB MUKHERJEE: I introduce† of the Bill.

STATEMENT RE. NATIONAL COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS ORDINANCE

MR. CHAIRMAN: Item No. 17-Shri Pranab Mukherjee:

THE MINISTER OF COMMERCE AND STELL AND MINES (SHRI PRANAB MUKHERJEE):

I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the National Company Limited (Acquisition and Transfer of Undertakings) Ordinance, 1980.

14.24 hrs.

ASSAM STATE LEGISLATURE (DELEGATION OF POWERS) BILL*

MR. CHAIRMAN: Item No. 18—Shri Yogendra Makwana.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): I beg to move for leave to introduce a Bill to confer on the President the power of the legislature of the State of Assam to make laws.

MR. CHAIRMAN: Motion moved:

"That leave be granted to introduce a Bill to confer on the President the power of the Legislature of the State of Assam to make laws"

SHRI CHANDRAJIT YADAV (Azamgarh): Sir, I want to oppose the introduction of this Bill. I fail to understand why this most unusual step has been taken by the Government. For so many months the Assembly in Assam has been kept in a suspended animation. And I can understand that there is a special situation prevailing in Assam. So, the elections have not taken place, and the Assembly is perhaps not in a position to meet. But the Parliament is there. This Parliament has already passed 2 Votes on Account for Assam. This step by the Government to give this power to the President to Legislate on behalf of the Legislature of Assam is most unusual. This is against the spirit of the Constitution. I dont think this has happened at any time. The President is there, and he has been issuing ordinances in extraordinary situations.

I have been trying to look into the Constitution to see what can be the provision under which President is being given power by this House. The only Article which I could identify--may be the Law Minister will be able to explain to me—is Article 70 of the Constitution, which says:

"Parliament may make such provision as it thinks fit for the discharge of the functions of the

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†Introduced with the recommendation of the President.