shall be one-third of the total number of members of the Committee;

That in other respects, the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

That this House recommends to the Rajya Sabha that the Rajya Sabha do join in the said Joint Committee and to communicate to this House the names of members to be appointed by the Rajya Sabha to the Joint Committee."

The motion was adopted.

13.03 hrs.

AUROVILLE (EMERGENCY PROVISIONS) BILL*

MR DEPUTY-SPEAKER: There are two Bills for introduction; and I think we will take a few mintutes and finish that business.

THE MINISTER OF EDUCATION AND SOCIAL WELFARE (SHR S. B. CHAVAN): I beg to move for leave to introduce a Bill to provide for the taking over in the public interest, of the management of Auroville for a limited period and for matters connected therewith or incidental thereto.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): I object to the introduction of this Bill under rule 72. My objections are two fold. Firstly the notification came up before the Calcutta High Court with reference to the competence of the President to issue the notification and the object for which Auroville is being taken over by the Government. The Calcutta High Court granted a stay; that is to suggest that the High Court felt there was a *prima facie* case in the contention of the petitioners. Finally the Calcutta High Court rejected that petition and against that the objection has been filed in the Supreme Court. If I am right the matter is right now being heard on this question before the Supreme Court, with reference to the competence of this legislation whether that violates the provisions of article 26 of the Constitution. The matter being thus *sub judice*, the Bill not be introduced because the very matter is right now under consideration before the Supreme Court.

My second objection is this. Article 26 mentions, "subject to public order, morality and health..." It is only with reference to these three things that under article 26 legislation can be made with reference to religious denominations—Hon. Minister would say that Auroville is not a religious denomination. That is the very point which is being discussed and considered by the Supreme Court. I therefore submit that it would be showing disrespect to the Supreme Court, and so, the Bill should not be introduced today. Inasmuch as the introduction is against the provisions of the Constitution, article 26 and inasmuch as the matter is *sub judice*, it would be contrary to the mandatory provisions of the Rules of Procedure, I object to its introduction.

MR. DEPUTY-SPEAKER: Now, Dr. Vasant Kumar Pandit what is your position?

DR. VASANT KUMAR PANDIT (Rajgarh): Apart from Rule 72 under which the introduction of this Bill is opposed as being *sub-judice* as my hon. colleague has said the question that arises is of procedure. There is so much haste in the matter. What haste has the Government to introduce this Bill when it is being heard by the Chief Justice of the Supreme Court today? Why should it not be done on some other day? They could have waited for some time. This will be setting up a bad precedent. Last time we had objected to it, as it is a question of procedure and lead precedent. When a matter is being heard in the Supreme Court and High Court almost the same time, there

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[Dr. Vasant Kumar Pandit]

should be no hurry to come and introduce the Bill in the House. There are still 20 days left for the Government and the hon. Minister has been the Chief Minister of Maharashtra. Such a Bill would not have been allowed to be moved in the Maharashtra Assembly. (*Interruptions*)

MR. DEPUTY-SPEAKER: Now he is a Central Minister. (*Interruptions*)

DR. VASANT KUMAR PANDIT: I therefore request the Minister not to set up such a bad practice and precedent. I would appeal to the Government that we should wait for a day or two. There are another 20 days for them to come to the House as soon as the judgment of the Supreme Court is given this evening or tomorrow.

SHRI BAPUSAHEB PARULEKAR: We should lay down some healthy precedents. I beileve hon. Minister will agree with this.

SHRI S. V. CHAVAN: Sir, the hon. Member has raised objection under Rule 72. Rule 72 is absolutely clear on this point. It 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:
>
> 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."

So, the main point for consideration is whether under Articles 25 and 26 to which the hon. Member has referred, the Ordinance which is now proposed to be replaced by a Bill, whether the Central Government has the legislative competence. (*Interruptions*)

SHRI BAPUSAHEB PARULEKAR: That we are not objecting. (*Interruptions*)

SHRI S. B. CHAVAN: Only if the legislative competence is questioned by the hon. Member...Otherwise there can be no objection on this point. (*Interruptions*). Now, about the precedents I would like to refer to rulings which were given by the Speaker. An exactly similar kind of question was raised in this House.

An Ordinance was issued and thereafter it was to be replaced by a Bill. One hon. Member raised exactly the the same point, that the matter is *sub-judice* and 'we will be laying a very bad precedent if we legislate before the decision is given by the Court.'...

SHRI BAPUSAHEB PARULEKAR: I would like to know whether the matter was being heard right at the same time in the Supreme Court. It may be pending for a long time, for many years. (*Interruptions*)

SHRI S. B. CHAVAN: In Lok Sabha on November 18, 1965 wherein the Speaker has made it absolutely clear that there is no bar. In that case even a stay order seems to have been given by the court, but the Speaker gave a ruling—'It concerns only the Government. The Court have not informed us anything. There is no stay order as such and that is why we are free to take up discussion of the Bill.'

SHRI BAPUSAHEB PARULEKAR: Of what Year?

SHRI S. B. CHAVAN: 1965.

MR. DEPUTY-SPEAKER: Mr. Chavan, the only objection Mr. Parulekar may raise is that this ruling is by the Speaker, not by the Deputy-Speaker.

SHRI S. B. CHAVAN: Therefore, both constitutionally as well as from the point of view of propriety, I do not find anything objectionable in this and I would request the House to grant the leave.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the taking over in the public interest, of the management of Auroville for a limited period and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI S. B. CHAVAN: I introduce the Bill.

13.10 hrs.

STATEMENT *RE* AUROVILLE (EMERGENCY PROVISIONS) ORDINANCE, 1980

THE MINISTER OF EDUCATION AND SOCIAL WELFARE (SHRI S. B. CHAVAN): I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Auroville (Emergency Provisions) Ordinance, 1980.

13.10 hrs.

BIRD AND COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS AND OTHER PROPERTIES) BILL*

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI CHARANJIT CHANANA): Sir, I beg to move for leave to introduce a Bill to provide for the acquisition and transfer of the undertakings of the Bird and Company Limited for the purpose of ensuring the continuity of production of goods which are vital to the needs of the country and for the acquisition of shares held by the Bird and Company Limited in the specified companies for the purpose of securing to those undertakings the facilities and advantages derived by reason of such shareholding with respect to the operation and functioning of those undertakings and also to enable the Central Government to exercise such control over the affairs of the specified companies as is necessary to ensure that the affairs of those companies are not mismanaged and for matters connected therewith or incidental thereto.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the acquisition and transfer of the undertakings of the Bird and Company Limited for the purpose of ensuring the continuity of production of goods which are vital to the needs of the country and for the acquisition of shares held by the Bird and Company Limited in the specified companies for the purpose of securing to those undertakings the facilities and advantages derived by reason of such shareholding with respect to the operation and functioning of those undertakings and also to enable the Central Government to exercise such control over the affairs of the specified companies as is necessary to ensure that the affairs of those companies are not mismanaged and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI CHARANJIT CHANANA: I introduce** the Bill.

13.12 hrs.

STATEMENT *RE.* BIRD AND COMPANY LIMITED (ACQUISITON AND TRANSFER OF UNDERTAKINGS AND OTHER PROPERTIES) ORDINANCE, 1980

THE MINISTER OF STATE IN THE MINISTRY INDUSTRY (SHRI CHARANJIT CHANANA): I beg to

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**Introduced with the recommendation of President.