cision of such an authority would be questionable by an appeal to the Supreme Court under Article 136 of the Constitution.

Just as in the High Courts, sometimes a matter is decided by a single judge of the High Court, and even though a High Court judge has disposed of a matter, an appeal lies in the High Court itself before two judges or a large number of judges, the legal position would be that in regard to this single judge of the High Court who would be deciding a dispute as an authority constituted, an appeal would like against the decision of that single judge of the Supreme Court before the Supreme Court as such under Article 136 of the Constitution.

I hope that with this clarification, any doubts in the matter anywhere in the country, which might otherwise have been there and the point which had now been so pointedly raised, would be completely set at rest and we shall get the co-operation of the entire House in our firm resolve, as quickly as possible, to put the constitutional position on a sound footing which is in the fitness of things in a democratic country.

MR. DEPUTY-SPEAKER: He has answered all the points. Has he leave of the House to introduce the Bill?

SHRI SHYAMNANDAN MISHRA: One point remains to be clarified. According to the provision of Article 329 of the Constitution, the appeal is perhaps not eliminated. I want to know the clear position. It appears to me—on a cursory view of Article 329; as the Bill was circulated amongst us this morning and we did not have enough time to go into it—in accordance with the provision of Article 329, that the appeal is not barred.

SHRI SHANTI BHUSHAN: In fact, earlier also, before the High Court was designated as the authority to deal with the election petition, the House would recall that there used to be a tribunal to decide election petitions. At that stage, this very question had been raised in High Courts and the matter had ultimately gone to the Supreme Court and arguments had been advanced that because Article 329 contemplated no authority other than the authority laid down under Article 329, it would alone decide the election disputes. Therefore, that had ruled out either the writ petition in the High Court against the decision of the election tribunal or an appeal to the Supreme Court under Article 136. But the Supreme Court had decided on that question that Article 329 did not rule out the constitutional power of the Supreme Court to entertain a writ petition against the decision of the election petition or the power of the Supreme Court under Article 136 to entertain the appeal against the decision of the tribunal. There is no reason to think that the Supreme Court will not take this in view.

MR. DEPUTY-SPEAKER: The question is:

> "That leave be granted to introduce a Bill to provide for authorities to deal with disputed elections to Parliament in the case of Prime Minister and Speaker of the House of the People and for matters connected therewith."

The motion was adopted.

SHRI SHANTI BHUSHAN: I introduce† the Bill.

STATEMENT *RE*: DISPUTED ELECTIONS (PRIME MINISTER AND SPEAKER) ORDINANCE

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): I lay

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†Introduced with the recommendation of the Vice-President acting as President.

[Shri Shanti Bhushan]

on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Disputes Elections (Prime Minister and Speaker) Ordinance, 1977.

13.15 hrs.

MOTION OF THANKS ON THE ADDRESS BY THE VICE-PRESIDENT ACTING AS PRESIDENT

MR. DEPUTY-SPEAKER: We shall begin further discussion on the motion of thanks on the Address by the Vice-President acting as President.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Before we begin discussion on the motion of thanks on the Address by the Vice-President acting as President, I would like to make a statement regarding the sitting of the House. Yesterday, you would recall, it was decided that the debate on the motion would continue for an hour this morning and the Prime Minister would be requested to reply to the debate at 2 P.M. As things have gone on in the House now, we see that one hour after the Question Hour is over and the time for lunch recess has come. I would, therefore, request you to agree to forego the lunch recess and continue with the debate on the President's Address. This will give an opportunity to more hon. Members to speak and participate in the debate. The Prime Minister will then reply to the debate at 3 P.M.

SHRI K. RAGHU RAMAIAH (Guntur): Sir, it has been the customs and the procedure in this House all these years that when changes like this are made, the Opposition is also consulted. While I have no objection to the present proposal, I would like my hon. friend, the Minister of Parliamentary Affairs, to follow the time-honoured customs of consulting the Opposition about any extension of time or extention of the sitting of the House or any such accommodation. We are willing to cooperate. But we should not be ignored.

SHRI RAVINDRA VARMA: I wish to say that I am extremely sorry that I did not have the occasion to consult the Opposition. I will see that such a lapse does not occur in future.

MR. DEPUTY-SPEAKER: I think the House agrees to the suggestion put forward by the Minister of Parliamentary Affairs.

HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: I would also suggest that, if need be, we may sit beyond 6 O'clock today to complete some of the Government business.

श्री शरद यादव (जबलपुर) : उपाध्यक्ष महोदय, मैं थोड़ा सा बिहार वाला मामला जो था उसकी ग्रौर ग्रापका ध्यान दिलाना चाहता हू । ग्राप देखिये कि हिन्दुस्तान में जो भी मामला हुग्रा है बिहार विधान सभा को भंग करने के बारे में कितने नौजवानों की जानें गईं, कितनी ही हमारे साथ ज्यादतियां ई, सब कुछ हुग्रा ग्रौर 90 ग्रादिमियों ने इस्तीफा दे रखा है । ग्रौर उस विधान सभा को जिसने इतने सब पाप किये हैं भंग कराने के प्रश्न पर नौजवान लोग लोक सभा के सामने भूख हड़ताल कर रहे हैं । बिहार में नौजवान तकलीफ में हैं, उनकी भ वनाग्रों को ठेस लग रही है । लाखों लोंगों ने दस्तखत करके दिया है कि इस लोक सभा के चुनाव में बिहार की जनता ने सारे के सारे कांग्रेस के जो खड़े हुए बिजली के खम्भे थे सब को हरा दिया । मैं भी छात्र संघर्ष समिति के सदस्यों के साथ प्रधान मंत्री से मिला था ग्रौर उन्होंने 8 दिन का वक्त दिया था कि इस बीच कोई फैसला हो जायगा । लेकिन ग्रभी तक उस बारे में कोई फ़ैसला नहीं हुग्रा है । बिहार के लोगों की जो भ वनायें हैं, जितनी कुरबानियां