

(Shri Annasaheb P. Shinde.)  
 section (1) of section 619A of the  
 Companies Act, 1956:—

(i) Review by the Government on the working of Modern Bakeries (India) Limited, New Delhi, for the year 1973-74.

(ii) Annual Report of the Modern Bakeries (India) Limited, New Delhi, for the year 1973-74 along with the Audited Accounts and the comments of the comptroller and Auditor General thereon. [Placed in Library. See No LT-9274/75]

ANNUAL REPORT FOR 1973-74 *re.* SEAMEN'S PROVIDENT FUND SCHEME, 1966

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI H. M. TRIVEDI): I beg to lay on the Table a copy of the Annual Report (Hindi and English versions) for the year 1973-74, on the working of the Seamen's Provident Fund Scheme, 1966 [Placed in Library. See No LT-9275/75]

ANNUAL REPORT FOR 1973-74 *Re.* COMPANIES ACT, 1956

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): I beg to lay on the Table a copy of the Annual Report (Hindi and English versions) for the year 1973-74 on the working and administration of the Companies Act, 1956, under section 638 of the said Act. [Placed in Library. See No. LT-9276/75]

PROCLAMATION IN RELATION TO NAGALAND, ORDER BY THE PRESIDENT IN PURSUANCE TO PROCLAMATION AND REPORT OF THE GOVERNOR OF NAGALAND TO PRESIDENT

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA

REDDY): I beg to lay on the Table—

(1) A copy of the Proclamation (Hindi and English versions) dated the 22nd March, 1975 issued by the President under article 356 of the Constitution in Relation to the State of Nagaland, published in Notification No. G.S.R 157(E) in Gazette of India dated the 22nd March, 1975, under article 356(3) of the Constitution

(2) A copy of the Order (Hindi and English versions) dated the 22nd March, 1975, made by the President in pursuance of sub-clause (i) of clause (c) of the above Proclamation, published in Notification No. G.S.R 158(E) in Gazette of India dated the 22nd March, 1975.

(3) A copy of the Report (Hindi and English versions) dated the 20th March, 1975 of the Governor of Nagaland to the President [Placed in Library. See No. LT-9277/75].

(Interruptions)

MR SPEAKER: I am not allowing any observations at this stage. After all, this is just laying on the Table. The Proclamation is coming up for discussions tomorrow. If you start discussing even when papers are laid on the Table, there will be no end to the debate.

SHRI SEZHIYAN (Kumbakonam): My point is that the Proclamation is not in the proper form. I am not going into the contents of the Proclamation, but the form in which it has been issued now is invalid and against the provisions of the Constitution. Therefore, that point has to be taken up now.

MR. SPEAKER: The ruling in this House has been—I have also earlier quoted my predecessor's ruling and interpretation—that when a paper is laid on the Table, these questions of validity or legality shall not be taken up. It is coming up for discussion when you will have opportunities.

**SHRI SEZHIYAN:** The discussion will be on the political decision, whether Government has taken the correct decision or not. Having taken a decision, they have brought out a Proclamation. I say that it is not in proper form, it goes beyond the Constitution, it is unconstitutional and invalid. Please allow me to put my points. I will be very brief in my submission.

**MR. SPEAKER:** May I tell you that I go by the same observation that at the time of laying on the Table no objection about its constitutional validity or legality can be taken up? When it comes up for discussion, you can raise it. This is not the table for that.

**PROF. MADHU DANDAVATE:** (Rajapur): I seek your ruling on one point. The political aspect of the discussion is one thing, and the legality of the Proclamation is another.

**MR. SPEAKER:** I have not gone into the political aspect. I have said that at the time of just laying a paper on the Table, there is no question of legality or otherwise. We have been following this rule. The Chair is not in a position to pronounce on constitutional aspects. So, when this comes up for discussion you raise all these points. It is not a very healthy practice that a paper is just laid on the Table, and you start objecting.

**SHRI JYOTIRMOY BOSU** (Diamond Harbour): If the Government takes recourse to an unconstitutional operation, we are here functioning under oath to uphold the Constitution, and we have to discharge our duties. At no point of time can the House allow anything that is unconstitutional to be done on the floor of the House.

**MR. SPEAKER:** We are not allowing. This has not yet been discussed. He is just laying it on the Table. Merely laying it cannot add to its legality or otherwise.

**SHRI INDRAJIT GUPTA** (All-pore): It is entirely within your power. You have given permission to the Minister to lay certain papers on the Table of the House, and it is item 5A in the Supplementary List of Business. I want to know from you whether before you admitted the Supplementary List of Business, you as Speaker satisfied yourself that this action which has been taken and which is being laid here in the shape of certain papers was done on the basis of entirely wrong facts or not.

**MR. SPEAKER:** It is not my job to go into that, whether facts are right or not. It is for the House to discuss. All Proclamations are laid on the Table of the House. It is not the Speaker's job that before he allows it, he goes into the facts, whether they are right or not.

**SHRI INDRAJIT GUPTA:** This is the most irregular procedure on the part of the Speaker and that of the Government. What to do about it? You must satisfy yourself.

**MR. SPEAKER:** I satisfied myself that he has come with a Proclamation which should be laid on the Table. I only satisfied myself that there is some Proclamation.

**SHRI SOMNATH CHATTERJEE** (Burdwan): So far as Bills are concerned, we have got a specific rule here that the question of constitutionality can be raised at the time of introduction itself. Similarly, in respect of a Proclamation issued under the Constitution, the question whether it has been issued properly in accordance with the Constitution or not should be allowed to be raised.

**MR. SPEAKER:** That will come up when it comes up for discussion.

**SHRI SOMNATH CHATTERJEE:** Otherwise it will become merely a matter of discussion and voting, nothing also. Kindly hear the nature of the objection.

MR. SPEAKER: I think I do not have any power to say that no Proclamation can be laid on the Table of the House. When it comes up for discussion, you are fully competent to raise your points. You are asking me to exercise powers which I do not have

SHRI JYOTIRMOY BOSU: You cannot allow anything to be done on the floor of the House which is against the Constitution. I respectfully request you to hear us

MR. SPEAKER: You have been already heard

SHRI JYOTIRMOY BOSU: No, you have not. You give me one minute. Let me make a submission. Then you can say that you still allow the Proclamation to be laid on the Table

MR. SPEAKER: I have heard and I still say that nothing can prevent its being laid on the Table of the House

SHRI S M BANERJEE (Kanpur): I am not raising a point of order whether it is legal or not because it is unconstitutional. I want a ruling from you whether it comes under your permission or not. When we give you in writing that we want to raise an object on when any document is to be laid on the Table of the House, we are allowed to do so. I am not talking about legislative competence etc.

Of course, it should apply in this case also. You have said it is a simple document which is laid on the Table. You have said its constitutionality cannot be discussed.

MR. SPEAKER: At this stage

SHRI S M BANERJEE: In this particular case, we wanted to oppose even the laying of this particular document. We gave it in writing

before 10 O'clock. It is not a surprise we are springing on you. It is not as simple as it looks.

MR. SPEAKER: It is not so complicated as you make it.

SHRI H N MUKERJEE (Calcutta—North—East): I wish to make a submission and incidentally an appeal to the House. You have also indicated that there will be a discussion of the Proclamation and hon. Members will have an opportunity to express their views. In view of that, I want to make an appeal to the House that, because the matter at issue at the moment relates to Nagaland, a very sensitive area, about which I remember even 10 or more years ago, this House used to take a very special care, nothing should be said or done which might aggravate the situation which, may be for the fault of the Government or any other reason, is very tense. May I appeal that on this kind of issue, we should not make too much of some purely technical point. Of course, if we have something very serious, political or otherwise we have to say it. I would only remind the House of a certain special responsibility that we have in relation to a part of our country which is the focus of intrigues from international quarters of a description which should make us a little more than ordinarily cautious than we ought to be. Therefore, it is not a question of the right of Parliament, which you have upheld, to discuss this Proclamation threadbare. I would appeal to everybody concerned for the time being to hold their hand and at least to give an impression to the world outside that over this kind of issue, we do not want to do something which might accentuate a situation which possibly is not too happy.

MR. SPEAKER: Secretary—  
General.