

tation of further programme, and whether in this matter there is adequate coordination between the concerned Directorates.

9. To review in broad terms the adequacy, both in terms of quality and quantity, of seismic, drilling, testing, production and other important equipment at present available and in use in the ONGC, and if gaps and shortcomings are revealed to suggest measures for removing these;

10. To review the deployment of drilling rigs and seismic equipment and suggest measures for their better and more effective utilisation;

The Committee is being requested to give their report within a period of three months.

12.55 hrs.

**BUSINESS ADVISORY COMMITTEE  
THIRD REPORT**

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : I beg to move :

"That this House do agree with the Third report of the Business Advisory Committee presented to the House on the 15th July, 1971."

MR. SPEAKER : The question is :

"That this House do agree with the Thud Report of the Business Advisory Committee presented to the House on the 15th July, 1971."

*The motion was adopted*

12.56 hrs.

**WEST BENGAL STATE LEGISLATURE  
(DELEGATION OF POWERS) BILL\***

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

SHRI SOMNATH CHATTERJEE—rose.

MR. SPEAKER : You should be very brief.

SHRI SOMNATH CHATTERJEE (Burdwan) : Of course, with your permission, Sir.

This is a matter of importance, an important piece of legislation which is sought to be introduced.

This Bill seeks to do away with the entire democratic process of legislation. Because, there could be no opportunity of discussion or of debate in respect any Bill or anything that may be passed or law enacted in respect of West Bengal,

So far as the Constitutional provision is concerned, I know, the Minister will refer to Art. 357. But that should be taken recourse to in gravest emergency : not as a regular procedure to be adopted in every case where Presidential rule is promulgated. So far as the Constitution is concerned, there are various provisions in Part IV, dealing with Directive Principles which are never taken recourse to, and this has become something like a monument of Government's in action and apathy because Government has never taken any steps for the purpose of enforcing the Directive principles.

Just because there is a Constitutional provision it is not necessary that Parliament should abdicate its function of enacting law for the purpose of the State over which Presidential rule is promulgated and leave the entire process of legislating for that State to the executive, in the name of the President. It will give rise to tendencies of passing laws without discussion, laws which will be in the nature of 'anti-people' laws. And, we will have no opportunity to discuss that. The only provision made is that there can be amendment of any of the Acts which are passed by the President in exercise of the powers under this statute. But, Sir, that will be only in the case of amendment that may be proposed, but there is no scope for general discussion or for disapproval of the Presidential Act that may be passed.

[Shri Somnath Chatterjee]

Another provision is saying that the President whenever he considers it practicable to do so, shall consult the Consultative Committee. This provision itself contains a rider that the President may not even consult the Consultative Committee. Therefore, there is no scope for discussion or debate on any proposal that the President may choose to enforce.

I wish to make this submission. The only plea that has been taken is that Parliament may not find time to legislate for West Bengal. This plea, I submit, should not be taken into consideration because executive legislation or any expediency cannot really be a substitute for proper legislation to be enacted by the elected body to be considered, debated and discussed.

13 hrs.

No executive expedient can be a substitute for following the ordinary norms of parliamentary democracy. If the House and the Government could find time to initiate Bills and retrograde measures like the Maintenance of Internal Security Bill and if many hours of this House could be taken for passing such a legislation, surely, this House can afford time for the purpose of enacting important legislation which Government think it necessary to be promulgated in West Bengal. Therefore, why should this House be completely bypassed for the purpose of initiating legislation for West Bengal ?

The other point to which I want to draw the attention of the House is that the President has the power under the Proclamation to issue ordinances under article 213. Therefore, that power is being retained by the President under the Proclamation itself. If there is any necessity, when Parliament is not in session, certainly the President can issue ordinances, which as hon. Members are aware, will remain for six weeks after the House is called. Within that time, Parliament can pass such legislation. Therefore, I would submit that Government should consider withdrawing this Bill and should not arrogate to themselves such blanket, wide and arbitrary powers to pass any legislation without ever coming to Parliament for the purpose of its sanction.

I would also like to point out that this time the Central Government have dissolved the West Bengal Legislative Assembly, according to us in the most partisan manner, because on the last occasion when President's rule was imposed, for four months the legislature was kept alive, but this time we had the unseemly spectacle that even before the Ministry tendered its resignation, the Assembly was dissolved just to prevent the single largest political party in West Bengal from coming to power through the democratic process. After having dissolved the legislative assembly in the most arbitrary manner now the executive government wants to take up the entire legislative processes also without allowing any Bills or proposed legislation to come before any elected body.

Therefore, I submit that this Bill will be a fraud on the constitutional and legislative power that has been conferred on Government, and this House will not be doing its duty in abdicating all its powers and functions if it enacts this law. Therefore, I beg to oppose the introduction of this Bill.

**SHRI K. C. PANT :** The House will recall that the President has declared in his Proclamation on 29th June this year that the powers of the State Legislature of West Bengal shall be exercised by or under the authority of Parliament, and hence all the powers of that State legislature are now exercisable by Parliament.

Any important issue in relation to West Bengal can be raised in Parliament under the different provisions of the Rules of Procedure. But the schedule of business before the House is so tight that it would not be possible for it to consider in detail urgent legislative measures which may be required to be enacted for the West Bengal State. Therefore, in accordance with article 357, which my hon. friend has himself cited, it has been the usual practice of Parliament to confer on the President the power of the legislature of a State to make laws.

The present Bill follows in all its major aspects the pattern of earlier legislation on this subject adopted by the House for West Bengal when it was under President's rule on the last occasion. It provides as usual for the setting up of a committee consisting of 60 Members, 40 from Lok Sabha and 20 from

Rajya Sabha. This committee is required to be consulted by the President in regard to the legislative proposals. This is so far as the legislative competence aspect is concerned.

As regards the other aspect as to how the legislature was dissolved etc. etc. all these matters can certainly be discussed when we come before the House for approval of the Proclamation, and that would be the time and not this to discuss those things.

DR RANEN SEN (Barasat) : May I make a submission ?

MR. SPEAKER : He should have followed the practice of sending an intimation to me earlier. The Minister has replied.

DR. RANEN SEN : It is just a clarification. Previously also all the Bills meant for West Bengal used to be brought before this House. How is the power taken away now from this Parliament ? Now there is President's rule. We are working as the legislature for West Bengal also. Therefore, all the powers vesting in that Assembly should vest in us.

SHRI K. C. PANT : That is why the Bill. Dr. Ranen Sen will remember that during the last Presidential rule, we enacted some very important and useful pieces of legislation including land reform legislation and the Consultative Committee was consulted at the time.

MR. SPEAKER : The question is :

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

*The motion was adopted*

SHRI K. C. PANT : I introduce the Bill.

13.07 hrs.

DEMANDS FOR GRANTS, 1971-72—Contd

MINISTRY OF AGRICULTURE—Contd.

MR. SPEAKER : Further discussion and voting on the Demands for grants under

the control of the Ministry of Agriculture together with cut motions moved. We will continue upto 3.30 P.M. How much time does the Minister require for reply ?

THE MINISTER OF AGRICULTURE (SHRI F. A. AHMED) : About half an hour.

MR. SPEAKER : I think we can spare that time on Monday. He will reply on Monday.

SHRI F. A. AHMED : Yes.

श्री अन्निका प्रसाद (बलिया) : अध्यक्ष महोदय, हम पहले ही कह रहे थे कि चूंकि ऐसी-कलचर से चार विषय सम्बन्धित हैं इस लिये हम पर कम से कम दस घण्टे चाहियें, लेकिन आपने छः घण्टे ही रखे हैं। अब आधा घण्टा बढ़ाने से क्या होगा ? कम से कम चार घण्टे और बढ़ाये जाने चाहिये।

MR. SPEAKER : Shri Shinde was on his legs. He will try to be brief.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ANNASAHEB P. SHINDE) : Yes.

Yesterday I said that many senior colleagues of ours had participated in the debate which had been very useful and constructive. Shri Genda Singh, Shri Darbara Singh and a number of others really enlightened us on a number of issues. I am thankful to all the members who have spoken.

I would like to say that Shri M. Satyanarayana Rao was very unfair to me, my Ministry and to my Minister. I am not allergic to criticism. In fact I am such a worker and colleague of yours who would like to welcome criticism as it will help us to improve matters. But when personal references were made to Shri F. A. Ahmed, I felt extremely unhappy.

SHRI M. SATYANARAYAN RAO (Karimnagar) : I have not said anything objectionable. I have great respect for him. But so far as agriculture is concerned, it is a