

"The rebuff by the electorate of the Central Government's policies of toppling the elected Governments and reversing the popular verdicts in West Bengal, Bihar and the Punjab.

The encouragement of aggressive regional movements such as Shiv Sena, Lachit Sena, etc.

Failure to promote balanced development of different parts of the country and different parts of individual States."

May I request those Members who are in favour of leave being granted to this motion to rise in their places?

I find there are more than fifty members in favour of leave being granted. Leave is granted.

श्री रवि राय (पुरी) : अध्यक्ष महोदय, मेरा सुझाव है कि बिजनेस ऐडवाइजरी कमेटी बुला कर, कि यह कब लिया जाय अविश्वास प्रस्ताव, वहीं तय हो जाना चाहिये।

MR. SPEAKER : I will have to ask the Government also about it. Last time the opposition did not want the Government to continue even for one hour. They said, the Government could not function and do any business and therefore, it must be discussed here and now. Government accepted the challenge and even though normally after the President's Address we adjourn, on that day the opposition insisted and we immediately began the discussion. Now also I must ask the Government.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY AND MINISTER OF PLANNING (SHRIMATI INDIRA GANDHI) : We have no objection. We are prepared to take it up now.

MR. SPEAKER : Government is prepared. If the opposition wants a little time, I can take it up tomorrow.

श्री मधु लिमये : मेरा सुझाव है कि एक बजे के बाद तुरन्त बैठें बिजनेस ऐडवाइजरी कमेटी में और तुरन्त तय करें कि कल लेना है या कब लेना है।

SHRI SURENDRANATH DWIVEDI (Kendrapara) : I do not think it is necessary for the Business Advisory Committee to con-

sider it because the rules provide that you are to fix the time after consulting the Leader of the House. We did not think there was any necessity for such a motion, but now that it has come, it should be discussed just now.

MR. SPEAKER : I think so. Government is ready. The Business Advisory Committee may decide other items of work.

श्री छटल बिहारी बाजपेयी (वलरामपुर) : अध्यक्ष महोदय यह निर्णय करना होगा कितना समय आप देंगे और इसके बारे में अगर आप चर्चा कर लें तो कोई आपत्ति नहीं है क्योंकि एक बजे के बाद हम मिल सकते हैं और इसका निर्णय कर सकते हैं कि कितना समय देना होगा।

MR. SPEAKER : It is true. But we cannot keep this hanging. Keeping this pending and discussing other subjects will not look fair.

श्री मधु लिमये : दो बजे लीजिये।

SHRI S. M. BANERJEE (Kanpur) : Let it start from 2 o'clock.

MR. SPEAKER : We will take up at 2 o'clock. The only point to be decided is whether it should be discussed for one day or 1½ days or for 5 hours. We are taking it up at 2 o'clock.

12.09 hrs.

CUSTOMS (AMENDMENT) BILL, 1968

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI P. C. SETHI) : The Customs (Amendment) Bill, 1968 was introduced in the Lok Sabha on the 3rd December, 1968. Because of heavy legislative programme of the Lok Sabha, the Bill could not be taken up for consideration. As the House is aware, Customs (Amendment) Ordinance, 1969, incorporating the basic provisions of the Bill has since been promulgated by the President on the 3rd January, 1969. At the time of issuing the Ordinance, it was considered desirable to make certain drafting changes so as to make the provisions clear. These drafting changes had been incorporated in the Ordinance.

[Shri P. C. Sethi]

It is now proposed to introduce a new Bill in replacement of the Ordinance, instead of taking up the Customs (Amendment) Bill, 1968 for consideration and passing by the Lok Sabha. Accordingly, I move for leave to withdraw the Customs (Amendment) Bill, 1968.

SHRI SHRI CHAND GOYAL (Chandigarh) : Mr. Speaker, Sir.....

MR. SPEAKER : He may just state his points and not go into the merits of the Bill.

SHRI SHRI CHAND GOYAL : This motion has been moved under rule 110 which reads as under :

"The Member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill on the ground that—

- (a) the legislative proposal contained in the Bill is to be dropped ; or
- (b) the Bill is to be replaced subsequently by a new Bill which substantially alters the provisions contained therein ; or
- (c) the Bill is to be replaced subsequently by another Bill which include all or any of its provisions in addition to other provision ;....."

My submission in this respect is that the present motion which seeks to withdraw the Customs (Amendment) Bill does not comply with any of these three contingencies because there is absolutely no proposal to drop the Bill, we are not going to bring forward a new legislation which will be substantially different, from the one which is sought to be replaced, and thirdly, the new Bill does not include any additional provision which entitles the Member in charge of the Bill to withdraw the same.

Another objection that I want to bring to the notice of the House is that when the House was possessed of that Bill there was absolutely no justification for the Government or, the President to issue an Ordinance on that subject. An Ordinance certainly can be

issued when there is such an urgent need for the Government to pass a certain legislative measure and the two Houses are not in session. It is true that the last Parliament was prorogued on the 20th December and when the Ordinance was issued on 3rd January our House was not in session. But the question is that this Bill had been moved in this House on 3rd December 1968 and the Bill was on the agenda awaiting disposal. Nowhere is there an instance when a Bill is already there of which the House is seized, that the President issues an Ordinance. This is a rare instance where the exceptional power of the President has been used to issue an Ordinance when the House was already seized of a Bill. I have already given notice of a motion to disapprove this Ordinance. That has already been admitted and circulated. If that motion is passed by the House then the Government will have to re-introduce the Bill and that will delay the disposal of this Bill. In these circumstances I vehemently oppose the motion which is being brought forward for withdrawal of the Customs (Amendment) Bill, 1968.

MR. SPEAKER : The question is :

"That leave be granted to withdraw the Bill further to amend the Customs Act, 1962, which was introduced on the 3rd December, 1968."

The motion was adopted

SHRI P. C. SETHI : Sir, I withdraw the Bill.

The Bill was by leave, withdrawn

12.15 hrs.

COSTOMS (AMENDMENT) BILL* 1969

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI P. C. SETHI) : Sir, I beg to move for leave to introduce a Bill further to amend the Customs Act, 1962.

MR. SPEAKER : The question is.....

श्री शिवबन्धु झा (मधुबनी) : अध्यक्ष महोदय, मैंने आपको पत्र लिख कर यह भेजा

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