

already nearing 2 p.m. Immediately after lunch hour, items Nos. 12 to 16 relating to formal introduction of Bills will be disposed of, and Private Members' business will be postponed to that extent. In my opinion it would not take more than half an hour. If hon. Members like, we may not go for lunch but we may continue...

SOME HON. MEMBERS: No, no.

MR. SPEAKER: We now adjourn for lunch till 3 p.m.

13.57 hrs.

The Lok Sabha adjourned for Lunch till Fifteen of the Clock.

The Lok Sabha reassembled after Lunch at three minutes past Fifteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

SHRI MOHAMMAD ISMAIL (Barackpore): I want to mention one thing for your information. This is a telegram which I have received from my constituency:

"Kailash Chowbey Texmaco Workers Union leader seriously stabbed last night in residence by Congressite goondas stop Rowdies threatening our members stop Police not arresting culprits stop Situation grave stop Request intervention stop"

Trade union workers have been stabbed in their residence. The police do not intervene. I want to make this submission...

MR. DEPUTY-SPEAKER: Order, order. Let us get on with the business.

A number of Bills are to be introduced. Some hon. members have given notice that they would oppose the introduction of these Bills. In this connection, I would say that generally there are two grounds on

which introduction of a Bill can be opposed. First, that the Bill is outside the legislative competence of this House, and second, that there are procedural obstacles. Merits of the Bill are not matters for opposing introduction.

PROF. MADHU DANDAVATE (Rajapur): Also demerits.

MR. DEPUTY-SPEAKER: Demerits and merits are not matters for opposing introduction; they are matters for discussion. I would like hon. members to keep this in mind when they make their submissions.

15.05 hrs.

**KONKAN PASSENGER SHIPS
(ACQUISITION)* BILL**

THE MINISTER OF SHIPPING AND TRANSPORT (SHRI KAMLA-PATI TRIPATHI): I beg to move for leave to introduce a Bill to provide for the acquisition and transfer of the Konkan passenger ships in order to serve better the needs of the maritime passengers of the Konkan coastal region and for matters connected therewith or incidental thereto.

MR. DEPUTY-SPEAKER: Motion moved:

"That leave be granted to introduce a Bill to provide for the acquisition and transfer of the Konkan passenger ships in order to serve better the needs of the maritime passengers of the Konkan coastal region and for matters connected therewith or incidental thereto".

PROF. MADHU DANDAVATE (Rajapur): After noting your observation, I will only try to point out to you what are the procedural difficulties on the basis of which I am actually opposing the introduction of

[Shri Madhu Dandavate]

the Bill at this stage. In the statement of objects and reasons appended to the Bill, it has been specifically stated that Messrs. Chowgule Steamships Ltd. demanded a 40 per cent rise in the fares, and even when the matter was being discussed and considered at a committee level they threatened to close down the service and refused to carry on the service at the previous fares even when the monsoon season was over. As a result of that, Government have decided to take over this company. The ordinance was issued on the 7th November, and the notification was issued on the 14th November. The notification that was issued on the 14th November contradicts the aims and objects of this particular Bill.

The Statement of Objects and Reasons appended to this Bill clearly states that because the Chowgule Steamships had demanded 40 per cent and they had threatened closure, this was being taken over. I am all for take-over. In fact, we had actually carried on an agitation for that purpose.

Now, the procedural difficulty is this. Government themselves had appointed the Bhave Committee to go into the problem of the fare structure. That committee had recommended that a 20 per cent increase might be permitted. But before this Bill has been brought forward, on 14th November, Government had come forward with a notification in which they had announced that there would be a 30 per cent increase in passenger fares. It is on that particular basis that this Bill has been brought forward, and that creates difficulties...

SHRI VIKRAM MAHAJAN (Kan-
gra): What is the difficulty?

PROF. MADHU DANDAVATE: I have made it very clear. If my hon. friend has not understood, I am sorry for his understanding...

SHRI VIKRAM MAHAJAN: Why should he not elucidate it?

PROF. MADHU DANDAVATE: Even though the earlier recommendation was for an increase by 20 per cent only, the notification makes it clear that it would be an increase of 30 per cent. In spite of the earlier recommendation that 20 per cent increase may be there, this Bill has been brought forward...

MR. DEPUTY-SPEAKER: I think he has made his point.

PROF. MADHU DANDAVATE: Further, in the Statement of Objects and Reasons, Government have stated that they want to run it on a no-profit-no-loss basis. I would submit that that is also being applied in a wrong manner only on a small strip. If the principle of no-profit-no-loss is applied to the Shipping Corporation of India as a whole on cargo services as well as passenger services, it will be found that since the Shipping Corporation of India has enormous profits without any increase in fares it would be possible to run these services. But I find that that is not the basis of this Bill, and, therefore, I am opposing it straightway at the introduction stage itself.

I wish to make it clear once again that I am not at all opposed to the take-over of Chowgule Steamships Ltd.

SHRI VIKRAM MAHAJAN: There is nothing to reply to. There is no constitutional point. There is nothing to answer. So, why should the hon. Minister answer?

PROF. MADHU DANDAVATE: I do not see why a Member should direct the Minister not to reply.

MR. DEPUTY-SPEAKER: I think we are entering a very interesting phase of our democracy and parliamentary functioning. When front-benchers of the ruling party or back-benchers of the ruling party start shooting off directions to the Minister 'Don't answer this' or 'Don't answer that', a very interesting phase we are entering...

SHRI VIKRAM MAHAJAN: What I said was that there was no constitutional point involved, and therefore, the hon. Minister need not answer. I did not direct him. I said that there was no constitutional point involved. There was no shooting off of any direction. It is a wrong observation....

MR. DEPUTY-SPEAKER: That is his opinion.

SHRI VIKRAM MAHAJAN: May I ask what the constitutional point involved in this is?

MR. DEPUTY-SPEAKER: Now, they try to issue directions to the Chair also.

SHRI VIKRAM MAHAJAN: There is no constitutional point involved.

MR. DEPUTY-SPEAKER: He is entitled to his opinion that there is no constitutional issue involved. But he did say, and I think it has gone on record that 'there is nothing to answer and therefore why should the hon. Minister answer?'

SHRI VIKRAM MAHAJAN: There is no constitutional point involved. That is what I am saying.

श्री कान्ता पति त्रिपाठी: मान्यवर मुझे खेद है कि आपको थोड़ा कष्ट इस पर हो गया। सभी आपकी आज्ञा का पालन करेंगे और इन बैचों पर बैठने वाले तो जरूर ही करेंगे।

जो प्रश्न अभी दण्डवते जी ने उठाया है मैं समझता हूँ कि साधारणतः इन्ट्रोडक्शन के स्टेज पर बिल का विरोध नहीं किया जाता है।

'It is not usual, if not unusual'

कि इन्ट्रोडक्शन की स्टेज पर किसी बिल को अज्ञोत किया जाये। मान्यवर, आपने कहा कि अज्ञोत तभी किया जा सकता है

जब कोई चीज लेजिस्लेटिव कम्पिटेंस के बाहर हो या प्रक्रिया सम्बन्धी हो। लेकिन उस वेसिस पर इसको अज्ञोत किया जा सकता है ऐसी बात नहीं है। मेरिट की बात तो कनसिडरेशन की स्टेज पर ही कही जा सकती है। उस वक्त माननीय सदस्य को पूरा हक होगा कि वह इस बिल के मेरिट पर जो कुछ कहना चाहें, वह कहें, और जो भी अमैंडमेंट लाना चाहें, वह लायें। माननीय सदस्य यह मंजूर करते हैं कि वह इस पैसंजर मविस को लेने के प्रोजेजल से पूरी तरह सहमत हैं। तो फिर सिर्फ इसलिये कि इसके लिये आर्डिनेंस इश्यु किया गया था, इसके इन्ट्रोडक्शन का विरोध करना उचित नहीं है। जो आर्डिनेंस इश्यु किया गया था, उसके स्थान पर बिल पास करना ही है। और इसलिये इस बिल को इन्ट्रोडयूस किया गया है। इस बिल के आब्जेक्ट्स एण्ड रीजन माननीय सदस्यों को दिये गये हैं। कनसिडरेशन स्टेज पर माननीय सदस्य अपने विचार रख सकते हैं और हाउस उसके बारे में फैसला करेगा।

MR. DEPUTY-SPEAKER: I do not think that Shri Dandavate's objection has any ground for opposing the introduction. It relates to the merits. His submission is that the ground on which the Bill has been built up has really no basis. He can say that at the time of discussion of this Bill and not now.

The question is:

"That leave be granted to introduce a Bill to provide for the acquisition and transfer of the Konkan passenger ships in order to serve better the needs of the maritime passengers of the Konkan coastal region and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI KAMLAPATI TRIPATHI: I introduce† of the Bill.

MR. DEPUTY-SPEAKER: No, no. Anyway, let him make his point.

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STATEMENT RE: KONKAN PASSENGER SHIPS (ACQUISITION) ORDINANCE

THE MINISTER OF SHIPPING AND TRANSPORT (SHRI KAMLAPATI TRIPATHI): I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Konkan Passenger Ships (Acquisition) Ordinance, 1973, as required under rule 71 (1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

SHRI SEZHIYAN: Rule 72 says:

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves

So, after the grounds for opposing are stated, it is for you to decide whether those grounds are valid or not. I do not want any new convention to be set up. Supposing a Bill is opposed by a Member, if it is on the ground of legislative competence, then a full discussion is to be permitted...

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15.11 hrs.

INCOME-TAX (AMENDMENT) BILL*

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH): On behalf of Shri Yeshwantrao Chavan, I beg to move for leave to introduce a Bill further to amend the Income-tax Act, 1961.

MR. DEPUTY-SPEAKER: I want to hear him, and, therefore, I have called him.

MR. DEPUTY-SPEAKER: Motion moved.

SHRI SEZHIYAN: In this case, I want to oppose the introduction on two grounds. Firstly, two days' clear notice has to be given for introduction after a Bill is circulated to Members. But that rule seems to be suspended by a memorandum given by the hon. Minister....

"That leave be granted to introduce a Bill further to amend the Income-tax Act, 1961."

MR. DEPUTY-SPEAKER: And agreed to by the Speaker.

SHRI SEZHIYAN (Kumbakonam): Before I come to the Bill sought be introduced, I would like to make one submission regarding the observation made by you to the effect that a Bill could be opposed at the introduction stage if it was beyond the legislative competence of the House or if there was any constitutional issue involved. I would like to point out that under rule 72 of the Rules of Procedure, a Bill can be opposed even on its own merits; so, I think we need not have to show....

SHRI SEZHIYAN: Anyhow, I want to appeal to the hon. Minister, to the House and to the Speaker that such waivers should not be allowed, because in the memorandum that has been given under rule 19(1)(b), nowhere are the real reasons for the Bill being introduced so urgently are to be found. Nowhere has it been stated why they want to have the introduction of this Bill today and

†Introduced with the recommendation of the President.

*Published in Gazette of India Extraordinary, Part II, Section 2, dated 14-12-73.