

MR. DEPUTY-SPEAKER : On what?

SHRI VAYALAR RAVI : It is about the salaries to be disbursed to the Kerala Government servants; because of the agitation, they are not getting anything. The office of the AG there is controlled by the Comptroller and Auditor-General in Delhi. It is creating a lot of problems there. There was already a strike in the AG's office in Trivandrum. Again they are going on a strike. Not a single employee of the Kerala Government will get salary. The strike in the AG's office should not take place. The Finance Minister should take the initiative. Even though there is a constitutional protection to the Comptroller and Auditor-General, whatever it may be, I am sorry he is a most inefficient man sitting on the top and creating a lot of problems for the AG's department. I appeal to the Finance Minister to take note of this and make endeavours to stop the strike in Trivandrum.

12.39 hrs.

#### RE. WITHDRAWAL OF PROCLAMATION OF EMERGENCY

SHRI SOMNATH CHATTERJEE (Burdwan) : Sir, the Supreme Court has delivered a judgment yesterday, in which the majority of the judges have held that Parliament is under no obligation to prescribe the maximum period for which a person could be detained under the preventive detention law. Accordingly, it has been held by a majority of judges that the preventive detention, till the expiry of the Defence of India Act, 1971, will be valid detention under the existing law. Justice P. N. Bhagwati, in his minority judgment said . . .

MR. DEPUTY-SPEAKER : Everybody knows it; it has appeared in the newspapers.

SHRI SOMNATH CHATTERJEE : . . . that a man can be detained till the end of his life so long as the Defence of India Act and the Proclamation of Emergency remain in this country. Therefore, in view of the very serious encroachment on the personal liberty which the fundamental rights give to the people in this country, I call upon the Government and I also request the House that this matter should be discussed immediately, and that the Proclamation of Emergency should be

withdrawn and the fundamental rights restored. Otherwise, any man can be detained without trial. (*Interruptions*).

SHRI G. VISWANATHAN (Wandiwash) : Sir, what is the need for the emergency now? What is the justification? The Government should revoke the emergency.

SHRI DINEN BHATTACHARYYA (Serampore) : Sir, the elections are going to be held both in Uttar Pradesh and Orissa. What is the need for this emergency? They must scrap it.

MR. DEPUTY-SPEAKER : Order please. It is all under the same issue. Now, although there is nothing in the Order Paper about this, as Mr. Chatterjee has raised it. . .

SHRI MADHU LIMAYE (Banka) : He has given notice.

MR. DEPUTY-SPEAKER : He has raised the point. That is all. There is no question of notice. I do not know. There is no such notice. (*Interruptions*). If it has been given, it has not been admitted, and therefore, there is nothing. But I have allowed him and Members are very exercised about it. (*Interruptions*) Order, please. All I can say is, Government may take note of the feelings of all the Members.

SHRI DINEN BHATTACHARYYA : Let them make a statement tomorrow.

श्री मधु लिमये : उपाध्यक्ष महोदय, श्री सोमनाथ चटर्जी ने जो प्रश्न उठाया है, वह बहुत महत्वपूर्ण है। संकटकालीन स्थिति को वापस लिया जाये - उसको यू० पी० चुनाव से पहले वापस लिया जाये।

श्री अटल बिहारी वाजपेयी (ग्वालियर) : उपाध्यक्ष महोदय, सारा आपोजीशन चाहता है कि इमर्जेन्सी को उठा लिया जाये। इस समय देश के लिए कोई इमर्जेन्सी नहीं है, सत्तारूढ़ दल के लिए भले ही हो।

SHRI SHYAMNANDAN MISHRA (Begusarai) : Only one second. Even on the expiry of two years after the Proclamation of Emergency, why should not the Government think it necessary to give reasons for its continuance? On what justification do they continue this emergency?

MR. DEPUTY-SPEAKER : Government may take note of it.

SHRI P. G. MAVALANKAR (Ahmedabad) : We want an assurance from the Government that they will lift the emergency immediately.

MR. DEPUTY-SPEAKER : It has been said by other hon. Members also.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Sir, the Minister of Transport and Shipping. . .

MR. DEPUTY-SPEAKER : I will come to you. I noticed in the Order Paper that certain motions or submissions under rule 377 have been allowed after this item. I will come to that. Shri Nitiraj Singh Chaudhary.

12.40 hrs.

PARLIAMENT (PREVENTION OF DISQUALIFICATION) AMENDMENT BILL\*

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITIRAJ SINGH CHAUDHARY) : I beg to move for leave to introduce a Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959.

श्री मधु लिमये : (बांका) : मैं आप का ध्यान पार्लियामेंट की एक कमेटी की रपट की ओर दिलाना चाहता हूँ—ज्वॉइंट कमेटी आन आफिसैज आफ प्राफिट, इस में कमेटी ने कहा है :

"The Committee feels that Government have not properly appreciated the recommendations of Joint Committee, on regard to disqualification of directorship. In some cases where the Committee observed that the Board of Directors enjoyed executive and financial powers and were thereby in a position to wield influence, they recommended disqualification of the office of directorship, even though the amounts payable to the holder was less than "compensatory allow-

ance." In other cases where they found that the Board of Directors do not enjoy such powers, they did not recommend the exclusion of directorship from exemption from disqualification. . ."

आगे चल कर कमेटी ने कहा है :

"The reasons why the Committee do not want membership of statutory/non-statutory bodies constituted by Government to be exempted from disqualification as a class, are given in para 5 of the Third Report (Second Lok Sabha). As observed there, membership of certain bodies is not compatible with membership of Parliament for one reason or the other. For instance, certain committees or boards are entrusted with executive, financial or judicial powers. In other cases, although membership does not carry any remuneration, it places the members in a position of power or influence or in a position to distribute patronage."

इसलिए मैं कहना चाहता हूँ कि इस बिल के साथ जो शेड्यूल में कम्पनियों के, कमेटियों के, बोर्ड के, एथॉरिटी के नाम लिए गए हैं उन की सदस्यता के साथ या डायरेक्टरशिप के साथ या चैयरमैनशिप-सेक्रेटरीशिप के साथ कितना इन को मानघन मिलता है इसकी भी जानकारी उन को जोड़नी चाहिए। साथ साथ क्या आर्थिक और वित्तीय सत्ता का प्रयोग, फाय-नेशियल पावर वील्ड करने का भी अधिकार इन पदों के तहत इन को मिला है, इसकी भी सूचना इस के साथ जोड़ देनी चाहिए। तो यों तो यह विधेयक वे वापस ले और यह जानकारी देकर फिर सदन के सामने रखें या सदन को आश्वासन दें कि विचार के लिए जब विधेयक आएगा तो यह सारी जानकारी सदन के सामने रखी जाएगी ताकि सदस्य इस बात पर निर्णय ले सकें कि यह जो शेड्यूल बने हैं वह ठीक हैं या गलत ढंग से बने हैं।

MR. DEPUTY-SPEAKER : Specifically because of your reservation, this Bill should be introduced and should be discussed.