

SHRI N. K. SANGHI : I introduce the Bill.

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of article 368)

SHRI MADHU DANDAVATE (Rajapur) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI MADHU DANDAVATE : I introduce the Bill.

18.12 hrs.

MOTION RE: CONDUCT OF MEMBERS DURING PRESIDENT'S ADDRESS—Contd.

MR. DEPUTY-SPEAKER : We take up further discussion of the Resolution moved by Shri...

SHRI S. M. BANERJEE (Kanpur) : The Speaker has already given a ruling to postpone it to the next session.

SOME HON. MEMBER : No, no.

AN HON. MEMBERS : It should be ruled out of order.

SHRI A. K. GOPALAN (Palghat) : Is it the same Motion which was brought a few minutes ago ? I want to say something about the procedure first.

MR. DEPUTY-SPEAKER : You do not know what I am going to say. Whatever I do will be with the pleasure of the whole House. The House is Supreme ; it can agree to suspend the rules. I will be guided by that.

The House is aware that on the discussion of the Motion moved by Shri Malhotra, it was agreed put to the House and agreed that the discussion might be adjourned—till what time was not said.

श्री हुकम चन्द कच्छबाय (मुरेना) : भगले सेशन तक ।

THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : I asked for 10 minutes. It was adjourned for 10 minutes.

MR. DEPUTY-SPEAKER : The record would show that. As far as I remember, the decision was to adjourn the discussion—till what time, that was not said.

SHRI RAJ BAHADUR : For 10 minutes.

MR. DEPUTY-SPEAKER : I am told by Secretary that the Speaker said it is adjourned either until sometime today or to the next session. What is supposed to be an agreed amendment has been brought to my notice. With the permission of the House, I will read it out.

SHRI INDRAJIT GUPTA (Alipore) : First it should be decided whether this matter should be taken up or not. Then only you can read it out.

MR. DEPUTY-SPEAKER : A suggestion is made that we can resume the discussion which was adjourned some time ago.

SARI SHYAMNANDAN MISHRA (Begusarai) : Ignoring the non-official business ?

MR. DEPUTY-SPEAKER : That is for the House to decide.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Under what rule ?

MR. DEPUTY-SPEAKER : I said at the beginning that the House is supreme. You ask me under what rule. I am not immediately able to lay my hands on the rule, but even if there are rules that stand in the way, it has often happened that we have suspended those rules.

SHRI D. N. BHATTACHARYYA (Serampore) : In the case of unanimity.

MR. DEPUTY-SPEAKER : Or by majority.

SHRI D. N. BHATTACHARYYA : Not by majority.

SHRI SHYAMNANDAN MISHRA : On a point of order. Once the non-official business is taken up, it cannot be stopped unless $2\frac{1}{2}$ hours are devoted to it.

MR. DEPUTY-SPEAKER : I am not doing anything. I am putting it to you. It is not as if we are in the midst of one business. We have finished one part of the business, namely introduction of Bills.

SHRI ATAL BIHARI VAJPAYEE (Gwalior) : Non-official business has not been completed.

SHRI JYOTIRMOY BOSU : It is not correct. If the Government is trying to pressurise the Chair, we shall take very serious note of it.

SHRI RAJ BAHADUR : We have the remotest idea of pressuring the Chair. I would submit respectfully that the Speaker was pleased, in view of the views expressed from various corners of the House, to adjourn the discussion on this particular resolution.

SHRI JYOTIRMOY BOSU : How do you allow the Minister to speak and ignore me ?

MR. DEPUTY-SPEAKER : I will listen to you.

SHRI JYOTIRMOY BOSU : I caught your eye long before he did.

MR. DEPUTY-SPEAKER : Anyway, he is in the middle of his speech.

SHRI JYOTIRMOY BOSU : This is not fair.

SHRI RAJ BAHADUR : The Speaker was pleased, with the consent of the House, to allow some time for redrafting the amendment, and now we have again come with

the amendment and we have presented it to you to be adopted by the House. That is the position.

SHRI A. K. GOPALAN : What are we doing today ? Will you tell us what you are doing ? All the time you are stressing the importance of procedure, technicalities, formalities etc. Here a resolution came and then an amendment. The other amendment by Shri Vajpayee has not been withdrawn by him, and now a third thing is coming. I want to know why they are in a hurry because nothing is going to happen to the decency and decorum of the House because the House will adjourn today.

SHRI RAJ BAHADUR : If they do not want the amendment, we would like the original resolution to be put to vote.

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। रूल 26 में लिखा है कि :

"The last two and a half hours of a sitting on Friday shall be allotted for the transaction of private members' business."

नियमों में 'शेल' का प्रयोग किया गया है। सदन को अधिकार नहीं दिया गया है। एक बार हमने गैर-सरकारी कार्यवाई शुरू कर दिया आप स्वीकार करेंगे कि गैर-सरकारी कार्यवाई शुरू हो चुकी थी। (व्यवधान) आपने मेम्बरों को बुलाया और उन्होंने गैर-सरकारी विषयक पेश किए, इसका मतलब यह है कि गैर-सरकारी कार्यवाई शुरू हो गई थी। अब ढाई घंटे तक वह कार्यवाई चलेगी, उसके बाद भी कोई कार्यवाई नहीं होगी क्योंकि उसके लिए लास्ट $2\frac{1}{2}$ अर्ब्स होंगे। उसके बाद भी रेजोल्यूशन नहीं आ सकता। आप इसको स्वीकार करेंगे कि मैंने स्वयम् संशोधन दिया है, और जो घटना उस दिन घटी थी उसकी गम्भीरता को मैं कम करके नहीं दिखलाना चाहता। परन्तु आज इसको लेने के बजाय अगर हम अगले अधिवेशन तक टाल दें तो आस्मान गिरने वाला नहीं है, इस सदन की प्रतिष्ठा को आघात पहुँचने वाला नहीं है।

MR. DEPUTY-SPEAKER : I think we can get through the whole business if you all agree and listen to me patiently. The position under the rules is very clear. We have taken Private Member's Business. Unless there is the unanimous consent of the House, we cannot take up something else in the midst of Private Member's Business. That is clear under the rules. Now I want to put it to the House whether we can take up the other business.

SHRI R. D. BHANDARE (Bombay Central) : Before you put it to the House I want to say this. Let the records be straight. The Speaker has already determined that so far as the resolution moved by Mr. Malhotra is concerned the discussion might be postponed for sometime until an agreed amendment or a fresh amendment is brought forward.

SOME HON. MEMBERS : No.

SHRI R. D. BHANDARE : That would be borne out by the record. Later on another amendment has been drafted by Mr. Mohan Dharia a copy which has already been given to you. The question that now arises is whether the Speaker has the right to decide whether the discussion on that resolution could be resumed now. I am referring to rule 389 which deals with the residuary powers of the Speaker. Whenever there is no specific provision to deal with any particular matter, they come under the residuary powers or the discretionary powers which reside with the Speaker. The Speaker has already decided this point. He has said : let an amendment be drafted which is in agreement with the main resolution and which is not at a tangent with that resolution. Therefore the Speaker had given time to draft an amendment. An amendment has been drafted and a copy had been submitted to you and you should now allow us to move the amendment of Mr. Dharia. That is what has happened. This is permissible under the rules. Therefore, there would be two amendments before the House, one moved by Mr. Vajpayee and Mr. Manoharan and the other one, a fresh amendment of Mr. Mohan Dharia.

Is this not the position obtaining under the circumstances ?

SOME HON. MEMBERS *repe-*

MR. DEPUTY-SPEAKER : Order, please.

SHRI S. M. BANERJEE : Sir, on a point of order.

MR. DEPUTY-SPEAKER : I shall listen to you. I am on my legs now. I shall listen to your point of order. Let me first put to the House the position as it is. I shall first read the rules. Rule 25 says :

"On days allotted for the transaction of Government business, such business shall have precedence and the Secretary shall arrange that business in such order as the Speaker may, after consultation with the Leader of the House, determine:

Provided that such order of business shall not be varied—

It is mandatory—

"shall not be varied on the day that business is set down for disposal unless the Speaker is satisfied that there is sufficient ground for such variation."

Then, rules 26 says :

"The last two and a half hours of a sitting on Friday shall be allotted for the transaction of private members' business" "Shall be allotted"—it is mandatory.

It is very clear. As far as I am concerned, I am not aware whether the Speaker has fixed a particular time for resuming this business. It has not been brought to me. (Interruption) Order, please.

SHRI R. D. BHANDARE : Consult the Secretary.

MR. DEPUTY-SPEAKER : I know nothing about it. It has not been brought to my notice officially that the Speaker has determined that this particular time is to be taken up for resumption of this business. It has also not been brought to my notice that he has said that there should be an agreed resolution to be brought here.

SHRI R. D. BHANDARE : You were not here then.

MR. DEPUTY-SPEAKER : As far as I am concerned, I am not aware of it. That is the point. Now, you can raise your point of order.

SARI JYOTIRMOY BOSU : The basic issue is this, The Speaker's ruling was based on what I had raised under rule 340 : adjournment of debate on motion. It says :

"At any time after a motion has been made, a member may move that the debate on the motion be adjourned."

AN HON. MEMBER : It was not accepted.

SHRI JYOTIRMOY BOSU : Keep quiet. The hon. Speaker was kind enough to say that the whole thing be closed for the time being. Since the Speaker is not in the Chair now, I am afraid you would not be right in cutting into private members' business ; that will set a bad precedent for the whole House for times to come.

SHRI S. M. BANERJEE : My point of order is this. The motion under rule 340 was moved by Shri Jyotirmoy Bosu. Kindly read rule 340. It says :

"At any time after a motion has been made, a member may move that the debate on the motion be adjourned."

Even the permission is not needed from the Speaker. Even the permission of the Speaker is not necessary. The Speaker can overrule it. It is open to the Speaker to over-rule it on the ground that it is frivolous or superfluous. He could have overruled it on those grounds. But the Speaker, in his wisdom, did not overrule it. He agreed almost and said that this could be taken up later on,--if my memory is not failing,--in the next session. (*Interruption*) In the meantime, when he saw the head of Shri Raj Bahadur nodding, he said that if it could be unanimously brought, it could be discussed today. Shri Raj Bahadur said that he will bring it within 10 minutes. He said, "within 10 minutes." Then the Speaker perhaps said, "at any time of the day." As you have correctly put it, the rule was quoted by Shri Vajpayee. This is the time which should be utilised for private Members' business. Really, today is the day for discussing private Members' Bills, but because the Bills were not given notice of and were not ready, resolutions have been allowed, and one resolution is now pending before the House. This particular motion of Mr. Malhotra is also a private members' motion because all the members who have tabled it are private

members. It has not been moved by the Leader of the House or by any Minister.

I would urge on the Minister of Parliamentary Affairs to have patience. Let this go to the next session. Heavens will not fall. By that time, the conduct of the member also may improve.

MR. DEPUTY-SPEAKER : I do not have the record just now of what the Speaker said. But I am told that he had said that it may be taken up either today or in the next session. Now my ruling is, it cannot be taken up now in the midst of private members' business. At the end of the business today, we may resume this discussion.

SHRI SHYAMNANDAN MISHRA : Any ruling of the Chair cannot be to the prejudice of some of the existing rules which have already been adopted.

MR. DEPUTY-SPEAKER : You can write to me, but don't question my ruling now. At the end of the private members' business, if the House wants, we can resume this. We shall finish the list of business and at the end take it up.

SHRI SHYAMNANDAN MISHRA : Unless the rule is waived, that cannot be done.

SHRI RAJ BAHADUR : When Mr. Vajpayee moved his amendment, we did not raise any objection because we thought this is an important matter and we should get as much unanimity or consensus as possible in this matter. Only for the sake of consensus, we did not object to his amendment. Even now we could consider this appeal, but the point is that we have spent so much time on this matter and we have been guided by the opinions expressed by many hon. members and by the Speaker himself. They have taken the view that the matter should be comprehensively examined. Having done that, we want it to be discussed and finished today.

18.34 hrs.

RESOLUTION RE : WITHDRAWAL OF
 CENTRAL FORCES FROM WEST
 BENGAL—*Contd.*

MR. DEPUTY-SPEAKER : The House