

Amendment Rules, 1967, published in Notification No G.S.R. 944 in Gazette of India dated the 24th June, 1967

- (ii) The Indian Police Service (Probation) Third Amendment Rules, 1967, published in Notification No G.S.R. 945 in Gazette of India dated the 24th June, 1967

[Placed in Library See No LT-907/67]

12 17 hrs

COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS

SEVENTH REPORT

Shri Khadlikar (Khed) I beg to present the Seventh Report of the Committee on Private Members' Bills and Resolutions

ESTIMATES COMMITTEE

FIFTH REPORT

Shri F Venkatasubbaiah (Nandyal) I beg to present the Fifth Report of the Estimates Committee on the Ministry of Education—(i) Indian Museum, Calcutta and (ii) Victoria Memorial Hall Museum, Calcutta

12 18 hrs.

ELECTION TO COMMITTEE

EMPLOYEES STATE INSURANCE CORPORATION

The Minister of State in the Ministry of Labour, Employment and Rehabilitation (Shri L. N. Mishra): I beg to move

"That in pursuance of section 4(i) of the Employees' State Insurance Act, 1948, as amended by the Employees' State Insurance (Amendment) Act, 1966, read with rule 2A of the Employees' State Insurance (Central) Rules, 1950, the members of Lok Sabha do proceed to elect, in such manner as

the Speaker may direct, two members from among themselves to serve as members of the Employees' State Insurance Corporation for the remainder of the term of four years commencing from August, 1966, subject to the other provisions of the said Act"

Shri Kanwar Lal Gupta (Delhi Sadar) On a point of order

Mr Speaker. He has moved the motion. It has to be put to the vote of the House. In the meantime, he rises on a point of order. Point of order at any time he likes? He can raise it later.

The question is

"That in pursuance of section 4(i) of the Employees' State Insurance Act, 1948 as amended by the Employees' State Insurance (Amendment) Act, 1966, read with rule 2A of the Employees' State Insurance (Central) Rules 1950, the Members of Lok Sabha do proceed to elect in such manner as the Speaker may direct, two members from among themselves to serve as members of the Employees' State Insurance Corporation for the remainder of the term of four years commencing from August, 1966 subject to the other provisions of the said Act"

The motion was adopted

Mr Speaker Mr Nath Pal

12 20 hrs.

MATTER UNDER RULE 377

DISPOSAL OF AJOURNMENT MOTIONS

Mr. Speaker: Now, Shri Nath Pal.

Shri Nath Pal (Rajapur) Mr Speaker, Sir, on the 3rd July

Shri Senavase (Pandharpur) What is it that he is raising?

Mr. Speaker: I have allowed him to raise it. He has written to me something, and I have permitted him to raise it.

Shri Senavase: About what subject?

Mr. Speaker: If he hears the hon. Member then he will know it. I have allowed him to raise it. He has written to me and I have permitted him.

Shri Senavase: It is not there on the agenda

Mr. Speaker: The printed agenda may include certain items, but the Speaker may allow any other item also. So, it is not a question of the printed agenda only.

Shri Senavase: We cannot be taken by surprise. We must also be given notice.

Mr. Speaker: Under the rules, I am authorised to allow it. So, he cannot control it. He must read the rules again.

Shri Nath Pal: I thank you very much.

On the 3rd July, when the House was discussing my adjournment motion, and when we had reached the conclusion of the debate, since the Government spokesman on that day, it being the Home Minister, agreed to four of the suggestions or demands which had come from me and those who had participated in the debate, and since he had agreed to accept one demand in a modified form and there was a general consensus for the first time on the major issue that was raised, it was felt that there should not be a division, and the whole House had felt that what had happened at Tihar jail was a great tragedy. In the light of this feeling which was generally expressed, I remarked as follows:

"I thank every Member of the House who supported this, and I declare I am not going to press my adjournment motion."

Mr. Speaker, Sir, it is a very important matter that I am seeking to raise, namely, the right of the House to talk out a matter. When I said that,

the Deputy-Speaker who was then in the Chair observed to this effect:

"I take it that the House gives permission to the withdrawal of the motion."

There was no such permission sought by me. I am quoting from the official proceedings of the Lok Sabha for the day. Shri Surendranath Dwivedy then remarked:

"No withdrawal. It is talked out."

The Deputy-Speaker then remarked:

"It will be more graceful. As I said when you were about to move your motion."

Then he gives what is tantamount to a ruling of the presiding officer, and says:

"After the Home Minister's appeal, it would be more graceful if you withdraw it. There is no provision for talking it out."

Then, I go on pleading with the Deputy-Speaker. I am not complaining against the Deputy-Speaker, but it is a matter of procedure which I am raising. I then go on pleading with the Deputy-Speaker that it is a well-established practice, and if you will permit me, I shall quote what I have pleaded with him. I said:

"We have sat here for as many years as you, only if my memory is not failing me, when there is such an agreement like this, the well-established custom of the Lok Sabha is that we do not try to press it. The matter is talked out. This is the well-established procedure."

The Deputy-Speaker again opens:

"As I said, it would be more graceful to withdraw it."

I was not much concerned about how graceful I was, but I was concerned about the well-established procedure. But the Deputy-Speaker said:

"Whatever I have seen of the procedure, there is no provision for talking out."

(Shri Nath Pai)

There is just one more observation that I shall quote before I argue on the question that the ruling of the Deputy-Speaker is not in keeping with well-established practice, runs counter to the practice of the House, abridges my right and embarrasses me. I said:

"Since you say that the procedure is not like this, while disagreeing with you, since we are concerned with the substance and not the procedural forms, and since the substance has been granted, I withdraw my motion".

In the first place, I want the House to show me a little indulgence since the matter does not concern any party or an individual but the rights of the House. I would first like to put the record very clearly on this. Rule 62 of the Rules of Procedure of the Lok Sabha is very clear on the question whether a vote is necessary on an adjournment motion. Rule 62 reads thus

"The Speaker may "

The sentence opens with this auxiliary verb 'may'.

The rule reads thus:

"The Speaker may, if he is satisfied that there has been adequate debate, put the question at 12.30 hours or at such other hour not being less than two hours and thirty minutes from the time of commencement of the debate."

Therefore, in the first place, I want to submit to the House that there is no obligation that a vote shall be taken on adjournment motions because the rule says 'The Speaker may..', and the word 'may' shall not mean here 'shall'. Whenever the Lok Sabha has wanted that the directive should be 'shall', it has so very clearly stated it in the rules. So, talking vote on an adjournment motion, as I have submitted already, is not obligatory.

Having quoted the rule, may I point out what Shri E. S. More, who was a

distinguished Member of this House, has said in his book on Parliamentary Practice while concluding an elaborate discussion of the rules of procedure covering and embracing adjournment motions? This is on page 462:

"It is not infrequent that adjournment motions are talked out".

Now I will cite something more substantial to substantiate my point of view. I would refer you to page 388 of the Central Assembly Debates (5 September, 1939) and the procedure followed. There was a motion for adjournment which was being discussed it was moved by Sir Syed Raza Ali

Shri Sonavane: We should have been given notice of this. Then we could have come prepared ourselves for it. It should have been brought on the agenda paper

Shri Nath Pai: Would you kindly clarify the position to him?

Mr. Speaker: I do not know I attempted it but have not succeeded fully.

Shri Surendranath Dwivedy (Kendrapara): This is an unnecessary interruption

Shri Nath Pai: Let me satisfy him by saying that I had given notice to the Speaker under rule 377.

Shri Sonavane: But the House was not informed in advance. That is my complaint

Shri Nath Pai: I would like you to refer to page 387 of the debates and see the remarks of Sir Muhammad Yamin Khan on this:

"The matter is talked out".

Then Shri N. M. Joshi said, 'There is no closure on this motion', which substantiates my point.

Then at page 388, Sir Syed Raza Ali says:

"I submit that my intention has been served".

Therefore, he does not want to move. The precedent is established. In that case, the Chair will not take the vote of the House.

This is the well-established practice. I found in the index of adjournment motions in the Central Assembly there were as many as 50 cases listed—I was not in a position to finish my research work within this short time because I wanted the Lok Sabha records to be rectified.

Then I will come to the most important point in this. I do not think the Deputy-Speaker has been very lucky whenever an adjournment comes up and he happens to be in the Chair. There was a previous occasion, on the 24th May, when he happened to be in the Chair and you know that a difficulty arose. The matter was discussed on the 26th May. After having heard a long debate as to what transpired on the 24th May, you were pleased to remark:

“Now I would say that the adjournment motion has been talked out”.

In the first place, I have cited the rules of procedure. Then I cited the well-established authority of the Central Assembly procedure. Then I quoted a ruling given by you less than just a month ago. I submit that the motion being allowed to be talked out should not be stopped. It is not only a question of the embarrassment caused to the individual.

Why do I ask it? If a decision is given by a presiding officer and if there is a subsequent decision by the Chair, I take it the latest decision holds the field. This decision was given by you on the 26th May. The Deputy Speaker gave his decision day before yesterday. So for purposes of guidance, may I know which shall prevail? I want that your ruling should prevail because that is in keeping with the rights of this House, it is also in conformity with the traditions of this Parliament which is

heir to the Central Assembly with greater powers and sovereignty. I therefore submit that you agree with my submission to you and restore to us the full right which we were enjoying till doubts were created by the decision of the Deputy Speaker.

Some hon. Members rose—

Mr. Speaker: No discussion now. A point has been urged. It is very clear.

श्री मधु लिमये(मुंगेर): अगर आप इस बारे में निर्णय ले रहे हैं, तो आप पहले हमें भी सुनिये ।

Mr. Speaker: If I allowed it, it would go on like that.

श्री अटल बिहारी बाजपेयी (बलरामपुर) : अध्यक्ष महोदय, एक बड़े महत्व का मुद्दा उठाया गया है। क्या यह जरूरी है कि श्री नाथ पाई ने जो कुछ कहा है, उस से हम सहमत ही हों ? अगर हमारी राय उस से अलग है, तो क्या हमें उस को कहने का अधिकार नहीं है ? आप अपना निर्णय देने से पहले इस बारे में हमें सुनिये ।

Mr. Speaker: If anybody raises a point and the whole House were to go on discussing it, what happens. It seems I made a mistake in allowing that.

श्री मधु लिमये : आप इस विषय को रूलज़ कमेटी में लीजिए । आप कोई निर्णय न दीजिए ।

Mr. Speaker: It is a good suggestion. They can discuss it. I do not like this matter being discussed here.

I am not giving any decision, but I would also clarify the position. I would like to take the House into confidence whenever I am in doubt, and that is why I allowed him to bring it before the House. It is not necessary that it should be printed on the order paper. They come and discuss with me. When I am not very clear in my

[Mr. Speaker]

mind, I say: all right, does not matter, even if it is a question of consulting my friends, the Leader of the Opposition and the Law Minister and others also, it will be good, instead of taking a decision. The suggestion that has been made that it should be considered in the Rules Committee is very good

Mr Nath Pai read the rule which prevailed in the year 1939, but some words have been deleted in our rules. All those words about talking out have been deleted. Do not take this as a ruling which I am giving now, since I agree it should go before the Rules Committee. I am only pointing out that the words mentioned in 1939 have been deleted in our rules.

As to my saying that it was talked out, under what circumstances did I say that? The previous day it had happened, and the question whether voting had taken place or not, whether the Deputy-Speaker putting it to the vote was valid or not was raised the next day when I came here. Therefore, the subject was not before me. All these things naturally should be considered in the Rules Committee. You change the rules if you want. If talking out as in the 1939 rules is necessary, we can certainly include that in the present rules also.

But for the present, we shall go to the next item. We have got about four hours more.

No decision is given, I am not giving any ruling as I said.

Shri Ranga (Srikakulam) : You could have made this clear in the Chamber itself. When you allowed it to be brought before the House, you should certainly hear us.

श्री रंगू निरुद्धे : अध्यक्ष महोदय, मैं एक प्रार्थना करता हूँ। हमें ऐसी परम्परा की जर्ना की बात, बुलाव कमेन्स की परम्परा की नहीं, स्पेशल लोक सभा और अन्य स्पेशल देवों की लोक सभाओं की उनकी परम्परा की जर्ना की बात। बुलावों के दिनों में, जो कमेन्स की उस की जर्ना की बात।

Mr. Speaker: We have got four hours more for general discussion on this.

Shri M. Y. Saleem (Nalgonda): May I make a submission? If you decide...

Mr. Speaker: I have not given a ruling.

Shri M. Y. Saleem: In future before you give a ruling, we should be made a party to it and allowed to express our views.

Mr. Speaker: Certainly. Now I am not giving any ruling. The Congress members are also there in the Rules Committee. It is not as though only one party is there. The Rules Committee means a committee of the whole House, including the Congress members. Hon members belonging to the Congress Party can also raise it. Therefore, it will be the business of the Rules Committee to look into this.

Shri Hem Barua (Mangaldai) : May I submit that that day you gave a definite ruling that it was talked out. Now, the impression might grow in the country and the House that you are trying to shelter the Deputy-Speaker.

Mr. Speaker: Mr Manubhai Patel was speaking on the Home Ministry's Demands. He might continue.

DEMANDS FOR GRANTS 1967-68—

Contd

MINISTRY OF HOME AFFAIRS—Contd

' श्री मन् नई वटल (इभार्ड) प्रध्यक्ष महोदय, कल गृह मन्त्रालय की मांगों के बारे में मैं कह रहा था, राष्ट्र की एकता को टकराने वाले ऐसे तत्व हमारे देश में हैं और खास कर के मुनेन्द्र नाथ द्विवेदी ने स्वीकार किया कि ऐसे एसीमेंट्स यहाँ मौजूद हैं, जो राष्ट्र की एकता को टकराते हैं। तब मैं कह रहा था कि बाहर या सदन में आप कहते हैं कि ऐसे एसीमेंट्स मौजूद हैं और उन्हीं समय मैं ने कहा कि हमें साहब को सुलनसुलना ऐडवोकेट कहते हैं। वास्तव में वास्तविकता किना आप और ए० के० बोपालम को खंड दे रहे थे कि अब ऐडवोकेट मौजुद के द्वारा काम नहीं हूँ होगा, दूसरे तरीके से हम काम को हल करेंगे तो ऐसे एसीमेंट्स