

[Shri Indrajit Gupta]

most cynical and brutal manner, resorted, after declaring it publicly, to a full scale bombardment on North Vietnam. Everybody was hoping that a peace settlement was in the offing. Mr. Kissinger was going hither and thither. This was a smoke-screen, we find, for the Presidential Election. I would like to know the Government's reaction to it. (Interruption) Will we continue to hear about the 'Indian love-call' and are these the ideals and aims that you share with the United States who are carrying on this type of barbarous aggression? (Interruption).

MR. SPEAKER: The Minister.

SHRI SWARAN SINGH: At the end of October this year, substantial accord had been reported at the Paris Peace Talks and high hopes were raised of an early peaceful settlement of the Vietnam question. These hopes were further strengthened by the resumption of the talks in the month of November and with a prolonged second round which began on the 4th of December. The whole world was waiting for the good news of restoration of peace to this war-torn land when suddenly the news of the fresh deadlock was received. It has given a serious setback not only to the settlement of the Vietnam problem but also to the problem of restoration of peace in the entire Indo-China. Even more distressing is the news of the resumption of massive U.S. bombing raids on the Vietnamese territory and mining of the DRVN territorial waters. While the world was waiting for Christmas to bring cheer and news of peace, it has brought news of renewed destruction and bitterness.

The Government of India feels sorely disappointed at the tragic turn of events and hopes that wiser counsels will prevail, that there will be immediate stoppage of all bombings and acts of war, that there will be no shifting of positions likely to retard the progress of Paris Talks which, we believe, have not been called off, and

that an early accord on peace settlement in Vietnam would be signed without any more delay.

SHRI INDRAJIT GUPTA: Are you neutral between the bomber and the bombed? I want to know what is this kind of pious neutrality. The Government of North Vietnam has charged that all the terms of the agreement have been agreed to, that only the Americans have to sign and then, they backed out under the pressure of President Thieu. You have got nothing to say about them? You say that you share the aims and ideals. About these butchers of Vietnam, you have no word of condemnation? We do not want to hear these pious moralizations. Is this the role of India?

..... (Interruptions).

MR. SPEAKER: Mr. Indrajit Gupta, please resume your seat. Now, Papers to be laid—Shri Dalbir Singh.

श्री सुख चन्द राव (मृगा) :
अध्यक्ष महोदय, दो मम्बरों ने पन्द्रह दिन पहले 115 के मातहत नोटिस दिया था क्योंकि मंत्री महोदय ने शक्य उत्तर दिया था। उमका उत्तर दिलवाया जाय।

अध्यक्ष महोदय : वह आपको भेज दिया जायेगा। अनुवाद में कुछ गलती हो गई थी।

SHRI S. M. BANERJEE: (Kanpur):
Sir, I rise on a point of order....

12.35 hrs.

RE. BUSINESS OF THE HOUSE

SHRI SHYAMNANDAN MISHRA (Begusarai): I have sought your permission to raise a question of principle with regard to allotment of time for the non-official business. It relates purely to the matter of procedure and practice which is, indeed, of the highest importance in so far as parliamentary democracy is concerned.

There are certain issues, Mr. Speaker, which remain unresolved after all the discussion that had taken place yesterday. My submission to you is that you must give a clear ruling as to what happens to an admitted motion, to a motion which has been admitted by the Chair. Does it naturally die or is there somebody to look after it?

(2) Then, who allots the time for the discussion of such a non-official motion which has been admitted by the Chair?..

MR. SPEAKER: You raised it yesterday and I have given my ruling.

SHRI SHYAMNANDAN MISHRA: Yesterday, you were pleased to say that it is none of the Chair's concern to see what happens to it later on.

My submission is that it is exactly the first concern of the Chair and nobody else's, because Rule 190 says that it is the Chair which allots the time and not the Government..... (Interruptions) That is the view. There are only two conditions attached to it. One, the Chair has to consult the Leader of the House and (2) the Chair has to take into consideration the state of business in the House. Otherwise, the allotment of time has to be made by the Chair. So, the Chair may kindly revise its opinion about this—that the time has to be allotted by the Government.

Thirdly, I would like to ask you— (Interruptions) That is the view. (Interruptions) These are the issues of the highest importance. When there are a number of motions, naturally, the question that arises is: who selects the motion which should come up for discussion. You have now suspended the Sub-Committee which used to be there. Would you leave it to the Minister and the Government to select the business which should be taken up for discussion here?

These are some of the important issues which have to be clarified by

the Chair because, yesterday, whatever fell from the lips of the Chair has confused the issues, if I can use that word.

Lastly, is it open to the Government to squeeze a motion out of the agenda?

I do not know where do we stand after having spent so much labour on our motions I would like you to give your considered opinion on all the issues.

SHRI S. M. BANERJEE (Kanpur): I am not saying about this item. Let them have a discussion if they want. My submission is: after the statement of the hon. Minister for External Affairs....

MR. SPEAKER: That is over now.

SHRI S. M. BANERJEE: You allow us a call attention motion and give us an opportunity.

SHRI SHYAMNANDAN MISHRA: What is your ruling on the above issues I have raised? I will go on pursuing those issues because they relate to parliamentary practice and procedure. These are not issues which should remain in a confused state. We would like to have a clear guidance from the Chair.

SHRI JYOTIRMOY BOSU (Diamond Harbour): My Motion on Maruthi Limited was dated the 11th of November and you found it in order and admitted it.. Shri Raj Bahadur has not found time for it. (Interruption)

MR. SPEAKER: I fail to understand all this.... (Interruption)

SHRI JYOTIRMOY BOSU: They want to shield malpractices..

SHRI SHYAMNANDAN MISHRA: Why don't you give time to the Chair to pronounce its verdict on the issues which I have raised?

SHRI PILOO MODY (Godhra): When you keep on saying that I have given my ruling, do we take it that you have abdicated the powers given to you by the rules and have now permitted the Government.. (Interruption) I am sorry my throat is bad..

MR. SPEAKER: It is working very well.

SHRI PILOO MODY: Do we take it that you have abdicated all the powers to the Government and that henceforth all Motions that are admitted by you will only be discussed at the pleasure of the Minister of Parliamentary Affairs? If he wants he will say, yes, this can be discussed, and if he does not want, he can say, no, I will not. Am I to understand it in this way?

THE MINISTER OF PARLIAMEN- TARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR): We have never questioned, we shall never and we cannot, question your wisdom on the admission of Motions. There are various Motions moved under Rule 184 and Rule 193. As the hon. Members know we got as many as about 50 Motions under Rule 184. In the first meeting of the Business Advisory Committee, about 8 or 10 subjects were chosen. I could accommodate seven of them. We have got the rule. There was a Sub-committee which used to select subjects on the basis of urgency and importance of the subject. You know that we have already allowed many subjects on this basis and we have discussed also many subjects like C.I.A., the S.T.C., the Student Unrest and so on. We have said that we would like to have a discussion on the Plan also, when it comes as a subject of Motion. Merely vague motions will not do. My objection is two-fold, one is regarding paucity of time and the other is vagueness of the subject.

SHRI PILOO MODY: You cannot say that something is vague. I say this is a correct subject.

MR. SPEAKER: It had already been discussed and I gave my ruling on it yesterday. Now I find this is again being repeated. I may tell you that whenever any business comes, which are submitted by the Government or the Private Member, the procedure is this. They are laid before the concerned Committees. In the case of Private Members' Motions, the Private Members' Committee goes into them. There are no-day-yet-named Motions. There is Government business, for which Motions are received, and they are also put before the Business Advisory Committee which allocates time.

In the case of no-day-yet-named motions, all of them go to a sub-committee known as No-day-yet-named-motions subcommittee. When I was going to send them to the sub-committee, all the hon. Members who were present asked me why when the main committee or the whole committee was there, I was going to appoint a sub-committee.

What does consultation with him mean? It means that we all consult each other. Hon. Members sit on one side, and the Government people sit on the other side, and then the time is fixed. So, where is the question of my abdication?

SHRI PILOO MODY: This is evading the main issue.

MR. SPEAKER: There is a practice that in the case of all these motions under rule 193 or rule 184, they all go to that sub-committee and they choose the motions....

SHRI JYOTIRMOY BOSU: We had chosen this motion.

MR. SPEAKER: Even though there was no rule regarding this in the rules relating to the Business Advisory Committee, we followed the practice set up in the last two Lok Sabhas, and, therefore, I had allowed it....

SHRI JYOTIRMOY BOSU: You are not saying the correct thing. I am very sorry to say this.

MR. SPEAKER: The Committee then selected a few motions. The normal practice has been that the hon. Minister finds time for them.

SHRI PILOO MODY: Has to find time.

MR. SPEAKER: So far as consultation by the Speaker is concerned, the Speaker consulted him in the presence of both sides....

SHRI SHYAMNANDAN MISHRA: It was the Chair's responsibility.

MR. SPEAKER: ... and selected some of them, and then it was for the hon. Minister to fix the time for them

SHRI PILOO MODY: When you say that the Minister has to fix the time, it means that the Minister has to find time.

MR. SPEAKER: I cannot fix any business unless the time is available for it. It is for the hon. Minister to say whether time is available or not.

SHRI PILOO MODY: When you say that the hon. Minister has to find time, it does not mean that he may not find the time for it; he has to find the time for it.

SHRI SHYAMNANDAN MISHRA: Rule 190 is very clear. You have to allot the time.

SHRI INDRAJIT GUPTA (Alipore): Whatever processes may be gone through, whether we set up sub-committees or constitute other committees and so on, which are not explicitly provided for in the rules and which we do by convention, ultimately the matter is decided quite clearly by rule 190 which says:

"The Speaker may, after considering the state of business in the House and in consultation with the

Leader of the House, allot a day or days or part of a day for the discussion of any such motion."

MR. SPEAKER: The hon. Minister was consulted in the very presence of the hon. Members, in the Business Advisory Committee.

SHRI JYOTIRMOY BOSU: Do not shield the Government.

MR. SPEAKER: Let him not say such things.

SHRI INDRAJIT GUPTA: When the discussions took place in the Business Advisory Committee, Shri Jyotirmoy Bosu was pressing for time for discussion on Maruti Ltd, and I was pressing for time for discussion on the approach to the Fifth Plan....

SHRI PILOO MODY: So do I.

SHRI INDRAJIT GUPTA: But there was no agreement reached. Government's stand and our stand were not one of agreement. Then, the meeting of the Business Advisory Committee was over. Then, the matter is left to you under rule 190. Now, you have to decide....

SHRI SHYAMNANDAN MISHRA: the Leader of the House.

SHRI INDRAJIT GUPTA: ... and it cannot be left to Shri Raj Bahadur.

SHRI RAJ BAHADUR: I have already said that we are prepared for a discussion on the Plan.

SHRI SHYAMNANDAN MISHRA: We would like to know if you have conducted all the consultations that are required by rule 190, what is the child of your consultations? Have the consultations produced something or have they proved to be sterile or barren?

MR. SPEAKER: This is not something new. All these years, these have been put before the Business Advisory Committee, and consultations are held in the very presence of

[Mr. Speaker]

hon. Members. There is no private chamber where I take the Minister and consult him or hold consultations with him. It is done in the presence of Members.

SHRI PILOO MODY: I am prepared to get you legal opinion on the rules as they are written, to say that the Minister has no option in the matter except to find time.

MR. SPEAKER: Everything does not go by legal opinion. We are bound by the conventions and practices of this House.

SHRI PILOO MODY: The hon. Minister cannot deny us of the right to have the discussion.

SHRI SEZHIYAN (Kumbakonam): Since the issue has now come up before the House, I want you to decide this matter. There are two aspects. One is to admit the motion, and see in what form it can come, and when it is to be taken up in the House. Another aspect of it, as rightly pointed out by Shri Indrajit Gupta is that rule 190 clearly gives you the option that you should consult....

MR. SPEAKER: I cannot do it alone.

SHRI SEZHIYAN: ...and then fix the time. As regards the question of admissibility, in which we are interested, the hon. Minister of Parliamentary Affairs has been saying repeatedly that he will decide whether it is a proper motion or not to come up before the House. I say emphatically that it is not his function. It is for the Speaker to decide in what form the motion should come. Therefore, the hon. Minister should not interfere with that....

MR. SPEAKER: What is happening now? It never arose all these years.

SHRI SEZHIYAN: He may be asked to find time, but it is for you, Sir, to decide which motion should come up. Therefore, it is not for the

Minister to say which motion can come. He cannot say that. It is for the Speaker to say which motion can come and it is for the Minister to find the time.

MR. SPEAKER: Let him find the time and I will allow it.

SHRI JYOTIRMOY BOSU: So far as the motion regarding Maruti is concerned, he is not willing. He could find time for discussion of a motion regarding cyclones and flood, even in regard to a place where there is no cyclone. But when it comes to Maruti, he wants points. When I give him points, he says there is no time. When we say we will forgo the lunch hour, he says 'We cannot do it'. It is a shame on them—cowards.

SHRI RAJ BAHADUR: I will quote from our own precedents in this regard. I am trying to help, not hinder.

"Previously, the question as to which of the admitted motions should be brought before the House for discussion was left to Government. The members were not satisfied with such a procedure....

Nor are they now—

"The matter was raised in the Business Advisory Committee at its sitting held on November, 14, 1960 which then appointed a sub-committee to select such motions".

The motions are selected by the BAC according to the urgency and importance of the subject matter. Out of five or six of these, the sub-committee chose one or two notices and the Government provided time for discussion of the same in the House during the following week, Discussion on no-day-yet named motions is arranged in such a way that no member can move more than one motion during a session. Here I may submit that Shri Jyotirmoy Bosu who had given notice of such motions has had his name in four such motions, three under rule 193 and one under another. I can read out those

motions. The motion regarding the **STC** was in his name. The discussion on the student unrest was in his name. The discussion on the Delhi University was in his name. Today the discussion on the GGS Medical College at Fardabad is in his name also.

Some hon members rose—

MR SPEAKER I am afraid we cannot discuss it in the House. It is for the Minister to find time. The Speaker cannot find time. Either the Business Advisory Committee should do it or the Minister is asked to provide time for it.

SHRI PILOO MODY He must be instructed to provide time.

SHRI SFZHIYAN We can forgo lunch hour for three days.

MR SPEAKER No, no question of forgoing lunch hour.

SHRI SEZHIYAN It is a suggestion to Government to consider.

SHRI INDRAJIT GUPTA If we are forgoing lunch hour, what about the discussion on the Plan? I will insist on that.

MR SPEAKER We are not forgoing the lunch hour.

SHRI PILOO MODY Shri Raj Bahadur has just misled the House.

SHRI JYOTIRMOY BOSU I have not moved a single motion this session. (Interruptions)

MR SPEAKER Do not make this a fish market.

SHRI SHYAMNANDAN MISHRA The Chair should recognise that it is the deciding authority in this matter.

MR SPEAKER I asked the Government to find the time. When they find the time, I will fix it.

SHRI JYOTIRMOY BOSU Sir—

MR SPEAKER No, No Shri Dalbir Singh.

13.56 hrs

PAPERS LAID ON THE TABLE

REVIEW AND ANNUAL REPORT OF COCHIN REFINERIES LTD

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI DALBIR SINGH) I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 819A of the Companies Act, 1956—

(1) Review by the Government on the working of the Cochin Refineries Limited, for the year 1970-71

(2) Annual Report of the Cochin Refineries Limited for the year 1970-71 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon [Placed in Library See No LT-4073/72]

PRESENTATION OF PETITION

SHRI B K DASCHOWDHURY (Cooch-Bihar) I beg to present a petition signed by Shri T T Jagtap and others regarding unemployment of Agricultural Graduates and Post-Graduates and Agricultural Engineers.

13 57 hrs.

MINES (AMENDMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE

SHRI A P SHARMA (Buxar): I beg to move

[Shri A. P. Sharma]

"That this House do further extend upto the 9th March, 1973, the time for the presentation of the Report of the Joint Committee on the Bill further to amend the Mines Act, 1952."

12.58 hrs.

RE: BUSINESS OF THE HOUSE—
contd.

SHRI JYOTIRMOY BOSU (Diamond Harbour): The Minister of Parliamentary Affairs ***(Interruption)*.

SEVERAL HON. MEMBERS rose—

MR. SPEAKER: It will not form part of the record. Everyday he is taking too much liberty.

SHRI SHYAMNANDAN MISHRA: (Begusarai): Sir, on a point of order. If the Minister has made an incorrect statement, the hon. Member has every right to contradict it.

MR. SPEAKER: I will see to it.

SHRI SHYAMNANDAN MISHRA: So, kindly ask him whether he sticks to his statement.

MR. SPEAKER: I will get the information from him.

SHRI SHYAMNANDAN MISHRA: Kindly ask him.

SHRI JYOTIRMOY BOSU: Let it go on record that I have not moved a single motion this session, and Mr. Raj Bahadur is deliberately misleading the House.**

I am telling so.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR): I have not said anything without consulting the record. I have

consulted the record before saying that.

SHRI JYOTIRMOY BOSU: I have not moved any such motion. You should resign. *(Interruption)*

MR. SPEAKER: When I say I am going to find it out, why are you still interrupting?

SHRI JYOTIRMOY BOSU: You should name the Minister. He is misleading the House. He is misleading you. **He should go out from the House. You are a Minister of Parliamentary Affairs; you must quit. You, Sir, should name him. *(Interruption)*

MR. SPEAKER: Order, order. There is no question of naming him. You must sit down. I am getting the information.

SHRI RAJ BAHADUR: Along with four or five Members who are responsible for the motion on STC, his name appears. His name appears along with four or five others on the motion regarding the student unrest in Delhi. His name appears on all these motions. The record will show that.

SHRI JYOTIRMOY BOSU rose—

MR. SPEAKER: He says it is in that motion. You sit quiet.

SHRI INDRAJIT GUPTA (Alipore): He has made a factually incorrect statement.

SHRI SHYAMNANDAN MISHRA: Let him express regret for that. He has given a wrong impression to the House that the hon. Member had moved some motions.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS, MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF SPACE (SHRI-MATI INDIRA GANDHI): Why don't you check it?

**Expunged as ordered by the Chair.

SHRI JYOTIRMOY BOSU: **

(Interruption)

SOME HON. MEMBERS rose—

MR. SPEAKER: What is this? Everything must be expunged—what he has said. It will be expunged. He is taking too much liberty. If a Minister says something, the hon. Member can repudiate it in a polite language. They must not use this language. He is taking too much liberty. (Interruption).

SHRI VASANT SATHE (Akola): He must withdraw what he has said. We cannot stand this any more.

MR. SPEAKER: Order, order. Item No. 7.

14.00 hrs.

MOTION RE: TWENTY-FIRST REPORT OF BUSINESS ADVISORY COMMITTEE

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR): I beg to move:

"That this House do agree with the Twenty-first Report of the Business Advisory Committee presented to the House on the 18th December, 1972."

MR. SPEAKER: I shall now put this motion to the vote of the House.

SHRI FRANK ANTHONY (Nominated—Anglo-Indians): There was a consensus in the Committee that the Criminal Procedure Code should not be taken up in this session. Let me at least say what happened there. First of all, only four hours had been allotted; then it was raised to 8 hours.

MR. SPEAKER: You cannot divulge what took place in the Committee.

SHRI FRANK ANTHONY: But they are proposing to take it up. I am opposing it because in the Committee the opposition representatives said that eight hours would be totally inadequate. It is a crucial Bill.

MR. SPEAKER: It was 8 hours. They left two hours with me.

SHRI SHYAMNANDAN MISHRA (Begusarai): I would like you to reconsider this. There was a consensus in the Business Advisory Committee that this subject should not be taken up during this session.

SHRI JYOTIRMOY BOSU (Diamond Harbour): I have written to you in this regard. Yesterday in the Business Advisory Committee it was clearly understood by all of us that this Bill would not come up in this session. Today we see it has been included. This is another gimmick of this Government; you cannot rely on them about anything.

MR. SPEAKER: The question is:

"That this House do agree with the Twenty-first Report of the Business Advisory Committee presented to the House on the 18th December, 1972."

Those in favour will say 'Aye'.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Those against may say 'No'.

SOME HON. MEMBERS: No.

MR. SPEAKER: I think the 'Ayes' have it.

SOME HON. MEMBERS: No, the 'Noes' have it. (Interruptions).

SHRI RAJ BAHADUR: I said in the Committee that we were keen to take up this Bill. We proposed four hours.

**Expunged as ordered by the Chair.