

**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.

You said; six hours. Then the suggestion was for two days. The time was allotted in the Business Advisory Committee—two days, eight hours, not by me. Therefore, I have included it. The main question is whether time was allotted or not allotted.

**SHRI SHYAMNANDAN MISHRA:** They are subverting everything. We shall have to take a firm line.

**SHRI PILOO MODY (Godhra):** We should not have him in that Committee because every decision made there is gone back on, and he comes and defends it. (Interruptions).

**MR. SPEAKER:** If you are in doubt, I shall see the proceedings. So far as I remember, when they allotted six hours, the Members said there should be more time and then I observed: let it be two days. (Interruptions). I shall see the proceedings.

**SHRI JYOTIRMOY BOSU:** You have clearly said that it can come in the next session, if I can rely on my memory.

**MR. SPEAKER:** So much was discussed; some people said: next session and some said this session. So far as the allotment of time was there, time was allotted.

**SHRI PILOO MODY:** May I make a submission? When it was being argued that there was no time for these motions, we kept counting on the paper and said: you have only got 6—8 hours business, how are you going to employ the rest of the week, particularly after this Bill has been put off to the next session? Even then nothing was said.

**SHRI RAJ BAHADUR:** We said that we would not take up the Education Bill and we should not take up other Bills.

**MR. SPEAKER:** I will see the proceedings.

डिस्कशन तो इसका बहुत हुआ और इसके बाद 6 घंटे के बजाय मैंने सजेस्ट किया

दो दिन रखे जायें। यह थाका था। उसके बाद यह प्राया कि प्राज लेना है कल लेना है। टाइम एलोकैट किया कि इट बिल टेक सो मच टाइम ।

**SHRI INDRAJIT GUPTA (Alipore):** We take it that although this item appears in this printed list and time has been allocated for it, it does not mean that this will be necessarily taken up this session.

**MR. FRANK ANTHONY:** Made a special plea that it is a complicated Bill which will require several hours to go through the clauses; The whole Criminal Procedure Code is being revised. It cannot be dealt with so easily.

**श्री अटल बिहारी वाजपेयी (ग्वालियर):** क्या अगली बैठक के लिए भी अभी से समय दिया जा रहा है? क्या अगली बैठक के लिए भी अभी से समय तय किया जा रहा है? यह इममें रखने की जरूरत क्या थी?

**SHRI RAJ BAHADUR:** So far as this Bill is concerned, time was allotted. I did not submit to my friends—they might perhaps in the heat not remember that—that we are very keen to put through this Bill. (Interruptions). If you want to discuss it again in the Business Advisory Committee, I have no objection.

**SHRI JYOTIRMOY BOSU:** Two things were quite clearly registered and recorded yesterday: The Criminal Procedure Code Bill will not be taken up this session and the Mulki Rules Bill will not be introduced in this session.

**MR. SPEAKER:** No. Don't put it in my mouth. You do not spare anybody.

**SHRI SEZHIVAN (Kumbakonam):** For the Mulki Rules Bill, no time has been allotted here. What does it mean?

MR. SPEAKER: I did not say anything. After you asked for my ruling yesterday, the Government then came and said they are very keen to introduce this Bill. So, I am giving my ruling today.

PROF. MADHU DANDAVATE (Rajapur): Many of us in this House have been feeling that these of us who want to raise certain basic issues before the country, because of these procedural wrangles, never get any time, because we do not hold the House to ransom. You yourself should evolve some machinery to see that all these procedural wrangles are decided outside the House first and then it should come before the House, so that the time of the House is not wasted.

14.10 hrs.

#### MULKI RULES BILL

MR. SPEAKER: Orally I give my ruling, but this time I have got it in writing, to be more precise.

Yesterday, after Shri Ram Niswas Mirdha moved for leave to introduce the Mulki Rules Bill, several Members opposed it on legal and constitutional grounds. The legislative competence in regard to the subject matter of the Bill was also challenged by some Members. Shri Atal Bihari Vajpayee sought to move that the Attorney General might be invited to give his opinion on legal aspects of the Bill. He has subsequently tabled a motion also.

I have since considered the matter and looked up the precedents. So far as the question of legislative competence of the House is concerned, it is the accepted practice in Lok Sabha that the Speaker does not give any ruling on whether a Bill is constitutionally within the legislative competence of the House or not. The House also does not take a decision on the specific question of *vires* of a Bill. It

is open to Members to express their views in the matter and to address arguments for and against the *vires* for the consideration of the House. The Members take this aspect into account in voting on the motion for leave to introduce the Bill or on the subsequent motions on the Bill.

As regards calling the Attorney General, I had referred the matter to the Minister, Shri R. N. Mirdha. I am informed by him that the Government have no doubt about the competency of the House to take up this legislation and, therefore, the Government do not feel any need to call the Attorney General before the House.

I therefore, hold that the motion for leave to introduce the Bill should be put to the vote of the House.

14.12 hrs.

#### MINES (AMENDMENT) BILL— Contd

#### EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE

MR. SPEAKER: Shri A. P. Sharma moved the motion for the extension of the time for the presentation of the Report of the Joint Committee on the Bill further to amend the Mines Act, 1952.

The question is:

“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.”

The motion was adopted.