

DR. K. L. RAO: The hon. Member from Gujarat knows that it is not the Narmada project only that is now under discussion. We are discussing today the flood damage in Gujarat and the floods have been caused by rivers other than Narmada. The Narmada dam problem is of course there. So far as I know, there is a rise, over and above that in the Narmada, in the other river systems. Therefore, really the question is this. My hon. friend from Gujarat, Shri Mavalankar, always wants to find out the date, when the project was sanctioned, what is the date, etc. I have given all the available information in my reply the other day. The point is, the three Chief Ministers are going on discussing, and we shall take it up at the earliest moment. But every morning, every day, in questions and answers, the hon. Member, Mr. Mavalankar raises Narmada, Narmada. (Interruptions).

SHRI P. G. MAVALANKAR: I have come from Ahmedabad today. (Interruptions).

MR. SPEAKER: Order, order. Why should you talk so loud, Mr. Mavalankar, at the top of your voice and why should you go on like that all the day? Just at the flag-end of the day, at least, bring down your tone.

MR. SPEAKER: Why are you saying all these things without first listening to him? I have allowed him to make a statement.

SHRI DINEN BHATTACHARYYA: (Serampore): We want to know whether the Minister is going to make a commitment that within a certain definite time-limit the wholesale trade will be taken over.

MR. SPEAKER: I do not know. Let us hear him. The hon. Minister. (Interruptions).

THE MINISTER OF AGRICULTURE (SHRI F. A. AHMED): The successful implementation of a policy of take-over of wholesale trade in rice requires not only careful consideration of the operational details but also full involvement and co-operation of the State Governments and political parties. Discussions are therefore being held with the State Chief Ministers. Consultations are also going on with the leaders of the Opposition Parties and the next meeting is scheduled to be held later this week.

It will, therefore, be advisable to await the outcome of these consultations.

17.30 hrs.

STATEMENT RE. TAKEOVER OF WHOLESALE TRADE IN RICE

MR. SPEAKER: The hon. Minister for Agriculture will now make a statement. (Interruptions). No more questions. I am passing on to the next item.

SHRI SAMAR GUHA (Contai): Prime Minister and other Ministers as also the opposition leaders have had a discussion on this matter. It was decided that we shall meet again on the 6th. The different parties were asked to give their memoranda.

17.32 hrs.

CODE OF CRIMINAL PROCEDURE BILL—Contd.

MR. SPEAKER: We shall now resume the debate on the Code of Criminal Procedure Bill. We have already fixed the time.

SHRI RAM NIWAS MIRDHA: I beg to move

“That the debate on the Code of Criminal Procedure Bill, 1972, which was adjourned earlier today, 5th September, 1973, be resumed now.”

MR SPEAKER: The question is: .. (Interruptions) Order, Order. First you do not allow me to listen to the Members and then when I get up you do not allow Members to listen to me. You see what a difficult situation it is. We may continue still, but a day will come when it cannot be continued like this. So it is much better you do not do like this. The first motion says that the debate be resumed. Of course we had fixed the time when it was to be resumed. So, there is no need for any motion for that. It has already been resumed. The second motion is that Rule 338 of the Rules of Procedure be suspended in its application to the motion for the recession of the decision of the House adopting clause 125 with certain amendment. Then the third motion is that the decision of the House adopting with certain amendments clause 125 be rescinded.

श्री मधु लिमये : क्या आप पेश करने की उन को इजाजत दे रहे हैं ? अगर रहे हैं तो मेरा सशोधन है ।

श्री अटल बिहारी वाजपेयी (ग्वालियर) : आप हम को भी सुनिये ।

श्री मधु लिमये : आप माननीय दंडवते जी को पहले सुन ले क्योंकि वह वाइंट आफ़ ऑर्डर पर बोल रहे हैं । जहां तक मेरे बोलने का सवाल है मैं तो मंत्री द्वारा प्रस्ताव पेश होने के बाद ही बोल सकता हूँ ।

PROF MADHU DANDAVATE: On a point of order, Sir. The Minister had moved a motion that the discussion on this Bill should be adjourned for one hour. Prior to that, Shri Madhu Limaye had moved an amendment which sought adjournment of the discussion for a reconsideration of clauses 125, 108, 109, 110 and 144. This amendment was rejected, which means that this House does not want a reconsideration of these clauses including 125. So, that has defeated the

very purpose for which the Minister was seeking adjournment. You should take note of this.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, मेरा व्यवस्था का पक्ष है । मंत्री महोदय ने एक नियम को स्थगित करने की इजाजत मांगी है । मुझे पता नहीं कि आप इजाजत देने जा रहे हैं कि नहीं ।

अध्यक्ष महोदय : इजाजत तो आप को देनी है, मैं तो दे नहीं रहा हूँ ।

श्री अटल बिहारी वाजपेयी : अगर एक बार जो चीज सदन द्वारा स्वीकृत कर ली गई है उस पर पुनर्विचार के लिये आप नियम को ताक पर रखने की इजाजत देंगे तो मामला केवल मंत्री तक सीमित नहीं रहेगा, आप को इस सुविधा को सभी मेम्बरों को और विशेषकर विपक्षी दलों के मेम्बरों को भी प्रदान करना होगा । आप एक वाद का दरवाजा खोल देंगे, और फिर आप हमें उस प्रकार का मोशन लाने से बचत नहीं कर सकते ।

अध्यक्ष महोदय, आप जानते हैं कि यह विधेयक मेलबट कमिटी से हो कर आया है, वहां उस पर विचार हुआ । उस पर राज्य सभा विचार कर चुकी है । जिस धारा में सशोधन के लिये मंत्री महोदय रूल को ताक पर रखना चाहते हैं वह धारा वहां पास हो चुकी है । अब बटं रीडिंग की स्ट्रेज पर बिना पहुँच गया है, और फिर मंत्री कार्यवाही धारा 125 में वापस ले जाना चाहते हैं । रूल 338 में माफ़ लिखा हुआ है ।

"A motion shall not raise a question substantially identical with one on which the House has given a decision in the same session."

यह इस सेशन में नहीं ला सकते। कोई आसमान तो टूटने वाला नहीं है। एक बार आप इस तरह की परम्परा कायम कर देंगे तो इस का कहीं अन्त नहीं है। प्रति दिन इस तरह के मोशन आयेंगे और आप पर आरोप लगेगा कि आप सरकार की बात मान कर नियम स्थगित कर देते हैं और विरोधी दलों की बात नहीं मानते।

अध्यक्ष महोदय : हाउस को करना है, मुझे थोड़े ही करना है।

This is not something concerning the Chair. A motion is brought and the decision has to be given by the House. The Chair does not come in.

SHRI S. A. SHAMIM (Srinagar): May I make a submission on what Shri Vajpayee has said?

MR. SPEAKER: He has not said anything else.

SHRI S. A. SHAMIM: He said that the reconsideration of clause 125 would be a great catastrophe and would create a very bad precedent. I would remind Shri Vajpayee that this Parliament is in the process of passing a particular Bill. Even a court which passes a death sentence after finding an accused guilty, if new facts are brought before the court on the basis of which the court feels justice has not been done to the accused, the court does not hesitate to release him. So, even the courts are allowed to use their inherent power to resile from an earlier order. In this case, while Parliament is in the process of passing a measure, some doubts have been expressed with regard to clause 125 that it should not be adopted as it is but should be reconsidered. I do not see any harm in that.

SHRI G. VISWANATHAN: I object to the Minister's move to have reconsideration of a clause which has already been adopted. My first objection is

that we have already passed through the clause by clause consideration and reached the third reading. Under the rules the Minister cannot move a substantial amendment at this stage.

Secondly, as pointed out by Prof. Dandavate, Shri Madhu Limaye's motion wanted postponement or adjournment of the consideration of the Bill to reconsider certain clauses, including clause 125, and that was voted down by the House. So, that was the decision of the ruling party and of the House. So, procedurally clause 125 cannot be reconsidered. Of course, I have no objection to its reconsideration but how are you going to overcome the procedural difficulty? Under the rules you cannot do it.

SHRI JAGANATHA RAO (Chattrapur): Shri Raghu Ramaiah's motion has been carried.

SHRI DINESH JOARDER: If the Rules of Procedure permit, we have no objection to the reconsideration of clause 125. In that case, as mentioned in the motion moved by Shri Madhu Limaye, all the other clauses, to which objection has been taken, should also be reconsidered.

SHRI B. V. NAIK (Kanara): The submission made by Shri Vajpayee is very attractive. Rule 388, which deals with the suspension of rules, says:

"Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried the rule in question shall be suspended for the time being."

This is the last but one rule in the Rules of Procedure. It was not the intention of Parliament that rule 388 was ever to remain a dead rule. In that case, they would not have framed such a rule. This rule is meant to meet contingencies like the present one, where six crores of people are going to be affected by a provision. In the circumstances, the use of rule 388 is perfectly valid.

SHRI B. R. SHUKLA: Rule 338 does not apply to the consideration and withdrawal of a Bill. So far as the provisions relating to Bills are concerned, there is a separate chapter for that. The Bill remains for consideration upto the last stage, that is, up to the third reading of the Bill. Therefore, the House has not decided any question regarding any provision of the Criminal Procedure Code finally. When the House is still seized of the Bill, it has every right to reconsider the matter till the matter is finally closed. Therefore, rule 338 is wholly irrelevant and inapplicable so far as the consideration of provisions of the Bill are concerned.

SHRI D. N. TIWARY: Three motions were placed before the House, one by Shri Limaye, one by other Member and one by the Government. Two motions were negatived and the third was adopted. Therefore, the consideration of other motions does not arise. The motion of Shri Limaye was negatived by this House. The motion moved by the Government was carried.

MR. SPEAKER: It is not regarding negatived or adopted. It is about rescinding the decision.

SHRI EBRAHIM SULAIMAN SAIT (Korhikode): I feel, this Bill has not been finally passed and it is in the process of being passed. When the Government feels that some fundamental mistake has been committed previously and they have come forward to rectify it and they want the permission of the House, the House should be generous enough to give its permission. Moreover, if there is some such fundamental defect, we must not just go according to the procedure. As pointed out by Mr. Naik, the procedure does not stand in the way of re-opening certain clauses. I would submit that in case permission can not be given for re-opening clause 125 alone we have no objection to giving permission for re-opening of other clauses also as demanded by Shri Limaye.

Therefore, there should be re-consideration of clause 125 and other clauses also, as demanded by Shri Limaye.

MR. SPEAKER: I have received this amendment to the main motion by Shri Limaye...

SHRI RAM NIWAS MIRDHA: The main idea in putting this motion or any other motion, in making a request to you to do so, was to see that we could pass the Bill in this session. But it seems it is not possible to pass the Bill in this session. It gives an impression that we are trying to hustle the whole thing. We have no idea to hustle the whole thing. We on our side would not mind if it is postponed to the next session.

SHRI MADHU LIMAYE rose—

MR. SPEAKER: Mr. Limaye, kindly sit down. I have to ask him a question.

You want to postpone it in the form as it is or in some other form? You are not pressing for this. Are you withdrawing it?

SHRI RAM NIWAS MIRDHA: We want to postpone it to the next session.

श्री मधु लिमये अध्यक्ष महोदय, पहले आपने इनको अनुमति दी कि वे प्रस्ताव रखें जिस के तहत कुछ नियमों को निलम्बित करने की बात मंत्री महोदय कह रहे हैं और उनका उद्देश्य यह है कि 125 पर पुनर्विचार किया जा सके। अब एक नया प्रस्ताव ले कर ये आया है। कुछ तो प्रक्रिया चलनी चाहिये। पहले कहा कि इस प्रस्ताव को जिस को उन्होंने पेश किया वापिस ले रहे हैं। मैं यह समझ रहा हूँ कि उन प्रस्ताव के साथ उनका आपके सामने कमिटमेंट हुआ है कि अगली बार जब इसके ऊपर विचार किया जाएगा, आज करे फल करें, अगले सेशन

में करें तो 125 के साथ साथ 106, 108, 109, 110 और 144 उन पर भी विचार किया जाएगा (इंटरप्शन) जो तब हुआ है वही बता रहा हूं। अड़ता नहीं आ रहा हूं। रिकार्ड होना चाहिये कि इसके बारे में एग्जिमेन्ट हो गया है।

श्री अटल बिहारी वाजपेयी : विल पर चर्चा म्यगिन हो रही है। इसका अर्थ यह नहीं है कि आप मंत्री महोदय को इस बात की इजाजत दे रहे हैं कि 125 द्वारा जो पाम हो चुकी है उसको अगले सेशन में फिर से पुनर्विचार के लिए पेश करें। तब आप अनुमति देंगे और सदन इजाजत देगा तब यह मामला उठ सकता है।

SHRI SOMNATH CHATTERJEE : I had moved a motion today "that the debate on the Code of Criminal Procedure Bill, 1972, be adjourned till 'the next Session'" and that was negatived by the House. Now an identical motion is being moved by the hon. Minister. Therefore, rule 338 will stand in the way. Rule 338 should be suspended in respect of this motion (Interruptions).

SHRI MADHU LIMAYE He should apologise to Mr Somnath Chatterjee and the House.

MR SPEAKER: It is a very interesting position. Mr Somnath Chatterjee, you can move the motion for suspension of rule 338

SHRI SOMNATH CHATTERJEE: Sir, I beg to move.

"That the operation of rule 338 be suspended for the purpose of consideration of the motion 'That the debate on the Code of Criminal Procedure Bill, 1972, be adjourned till the next Session'."

MR. SPEAKER: His motion is that rule 338 be suspended in relation to his earlier motion for adjournment of the debate till the next Session

Let me be sure as to where we stand. Now, you will bring this Bill in the next session. From which point?

SHRI DINEN BHATTACHARYA. You must make the announcement first that the Rule has been suspended. Then he will move.

MR. SPEAKER: I wanted to be sure if this Bill will be carried over to the next session. The same Bill from the same stage... (Interruptions) That is all right.

SHRI K. RAGHU RAMAIAH: I would like to say before the motion for adjourning this Bill to the next session is moved, that the agreement which was arrived at before you, is in relation to to-day's motion and what will happen in the next session is open to the House... (Interruptions) I want to make it very clear that it is in relation to to-day's motion

श्री कृ. रे. No, no. अध्यक्ष महोदय, यह विटरेयल है। उन्होंने जो बचन दिया है, वह उस में रिगल घाउट नहीं कर सकते हैं। उन का पुनर्विचार का धारा 106 आदि के बारे में का जो प्रस्ताव है, वह कार्यन्वित होना चाहिए।

SHRI K. RAGHU RAMAIAH The Speaker is also there. It is in relation to to-day's motion that I said that I have no objection in accepting the amendment of Mr Madhu Limaye. To-day's motion will not be moved. Therefore, there is no agreement about it. That is all what I want to say. Next session we will see. We will consider it on merits

SHRI MADHU LIMAYE: Not 'We will see'.

SHRI K. RAGHU RAMAIAH: I cannot bind myself.

MR. SPEAKER: Please do not take it lightly. He is not pressing his first motion. Only this Bill will be adjourned to the next session. As to what will be the position at that time, will be seen at that time. (Interruptions) Order, please. The further debate and discussion on this Bill at the stage we are leaving it to-day will be taken up in the next session. As to what follows and what procedure you follow at that time will be seen then. I hope you approve of this?.. (Interruptions) Adjournment to the next session.

SHRI SOMNATH CHATTERJEE: Until the decision on my motion for adjournment which was rejected, is rescinded first, this motion cannot come.

MR. SPEAKER: This motion by Mr. Somnath Chatterjee, I will put. The question is—

"That the operation of rule 138 be suspended for the purpose of consideration of the motion 'That the debate on the Code of Criminal Procedure Bill, 1972, be adjourned till the next Session'."

The motion was adopted.

MR. SPEAKER: I am putting after the decision is rescinded another thing to carry over the business to the next session ...

श्री प्रमल बिहारी बाजपेयी : अध्यक्ष महोदय, क्या आप श्री सोमनथ चट्टर्जी का प्रस्ताव माननीय सदस्य ने रूल के सस्पेंशन के बारे में पूछ लिया है। उस के बाद उन के एमेंडमेंट पर जो क्रमवा क्रिया था, उस को रद्द करना पड़ेगा। और तीसरी स्टेज वह होगी, जब हम तय करेंगे कि इस बिल पर डिस्कशन अगले सेशन के लिए एडजर्न किया जाये।

SHRI G. G. SWELL (Autonomous Districts): The first motion is to suspend the rule. That has been clearly moved by Mr. Somnath Chatterjee.

There should be a second motion to be moved by somebody to rescind the earlier decision and the third motion to be moved by somebody that the discussion on this Bill be adjourned to the next session. It is clear that there should be three distinct motions to be moved by members individually.

18 hrs.

SHRI SOMNATH CHATTERJEE: Sir, I beg to move:

"That the decision of the House taken earlier today rejecting my motion for the adjournment of the further discussion on the Code of Criminal Procedure Bill, 1972, be rescinded."

MR. SPEAKER: Of course, you have given your decision on the suspension of the rules. Now, this is about rescinding of the earlier decision.

I will now put Shri Somnath Chatterjee's motion to the vote of the House.

The question is—

"That the decision of the House taken earlier today rejecting Shri Somnath Chatterjee's motion for the adjournment of the further discussion on the Code of Criminal Procedure Bill, 1972, be rescinded."

The motion was adopted.

SHRI SOMNATH CHATTERJEE: Sir, I beg to move

"That the debate on the Code of Criminal Procedure Bill, 1972, be adjourned till the next Session".

MR. SPEAKER: Of course, all of you will agree to it. I will put it. The question is—

"That the Debate on the Code of Criminal Procedure Bill, 1972, be adjourned till the next session".

The motion was adopted.

MR SPEAKER: This motion is adopted. This is carried to the next session. Shri T.A. Pai.

18.02 hrs

COKING AND NON-COKING COAL
MINES (NATIONALISATION)
AMENDMENT BILL

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI): Mr. Speaker, Sir, I beg to move:

"That the Bill to amend the Coking Coal Mines (Nationalisation) Act, 1972, and the Coal Mines (Nationalisation) Act, 1973, as passed by Rajya Sabha, be taken into consideration."

Sir, since the Coking Coal Mines (Nationalisation) Act, 1972, received the President's assent, it has come to notice that in certain cases there are minor discrepancies in the description of the various coking coal mines listed, in the Schedule to the Act. It is thought desirable to remove these discrepancies, and such other discrepancies as may be brought to notice hereafter, by issue of suitable notifications if the power in this regard is vested in the Government ...

MR. SPEAKER: How much is this? How many minutes you would need?

SHRI T. A. PAI: A short one. I will make it short.

Sir, in the course of the administration of the coking coal mines, we also found that considerable arrears were due to the employees by way of wages and statutory liabilities and we wanted to see that before the secured and unsecured debts were cleared these were deducted also in performance to both secured and unsecured debts. And, for this purpose, since it may not be possible for a large body of workmen or their dependants to make claims, we wanted to confer this power on the Coal Mines Provident Fund Commissioner.

With these objects, I have brought forward these Amendments, to bring it in conformity with the Recent Coal Mines Nationalisation Act which this House has passed. Thank you.

MR. SPEAKER: Now, the question is:

"That the Bill to amend the Coking Coal Mines (Nationalisation) Act, 1972, and the Coal Mines (Nationalisation) Act, 1973; as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

18.04 hrs.

RE: SHORT NOTICE QUESTIONS

MR SPEAKER: Now, a Member has given notice of a Short Notice Question and the Minister has accepted it—some other Minister. Should we allow it? Because, the earlier decision was, we will not accept anything other than a straight discussion on the Plan.

SHRI ATAL BIHARI VAJPAYEE (Gwalior): Unless we know the nature of the question....

MR SPEAKER: Nature of the question may be urgent. But because it is a Short Notice Question, it has been addressed to the Minister and he has accepted it. I think I should not come in his way.

If there was any other question, I would not have allowed it. But, he has accepted the Short Notice Question. I think that I should not deprive the Member of his opportunity.

SHRI ATAL BIHARI VAJPAYEE: You accept the Short Notice Question at your convenience.

MR. SPEAKER: What do you like me to do? If the Member gets the chance let him get it. Why should we come in the way? Otherwise, if it were with me, I would not have accepted the ordinary Question.

One will come up tomorrow and the other the day after.