

with all the other measures that we have already taken, will encourage equity investment by individuals and would further facilitate the establishment of new industrial units in the country.

6. The Government Securities market has for sometime now depended mainly for subscription from institutions, some of them Government agencies. Private subscription to Government securities has been very small. Possibly, private investment goes into other forms of investment opportunities provided by Government. Even so, it seems necessary for Government to cultivate this market. Income earned on Government securities is at present subject to the unearned income surcharge. It is proposed to provide that in the case of individuals, the surcharge leviable on unearned income will not be levied on income arising from interest on Government securities.

7. I would also refer to another change which it is proposed to be introduced. We have been receiving a significant amount of remittances from our nationals and others who are not normally residents of this country. Of late, there has been a decline in the total amounts received by way of such remittances and the Government has received a number of representations in regard to the facilities which we provide to non-residents who wish to remit money to India. I would like to reiterate that the money repatriated by non-residents is not subject to taxation even as at present. What is more non-residents who bring money into India for temporary periods are allowed to repatriate freely these funds provided they are kept in a non-resident account and income-tax is paid on any interest earned. Because of this provision regarding the payment of income-tax on interest earned, many non-residents particularly those of Indian origin, who might have otherwise liked to keep their funds in India for varying

periods are discouraged from doing so as many other countries offer more attractive facilities. It is, therefore, proposed to provide that interest accruing in a non-resident account on moneys transferred by a non-resident to India from abroad through recognised banking channels and maintained in any bank in India will be exempt from Indian taxation. Such interest will not be included in the taxable income if any, of the non-resident for the assessment year 1965-66 and subsequent years. Repatriation of these funds together with interest earned will of course continue to be allowed freely as at present.

8. The measures I have just announced all relate to taxation matters and will therefore have naturally to form a part of the next Finance Bill. I have, however, decided to announce them at this stage and make them applicable from now onwards as I feel that, even during the next two months, these measures would have a beneficial effect on the economy.

Shri P. K. Deo (Kalahandi): Sir, this statement may be circulated.

Shri Hari Vishnu Kamath (Hoshangabad): This statement should be circulated.

Mr. Speaker: All right.

12.55 hrs.

GOLD (CONTROL) BILL—contd.

Mr. Speaker: The House will now take up legislative business. Submission to the vote of the House of the following motion moved by Shri T. T. Krishnamachari on the 23rd December, 1964, namely:—

“That the Bill to provide, in the economic and financial interests of the community, for the control of the production, supply, distribution, use and possession of, and business in, gold and ornaments and other articles of gold and for matters connected therewith, as amended, be passed.”

[Mr. Speaker]

The question is:

Shri Hari Vishnu Kamath: On a point of order, Sir. I wish to invite your attention to rule 367 of the Rules of Procedure and make a few submissions in connection with that. Yesterday afternoon when you were not in the Chair....

Mr. Speaker: First of all, I have to apologise to the House. Ordinarily, I remain present in the Chamber....

Shri Hari Vishnu Kamath: No; that is all right.

Shri Nath Pai (Rajapur): No aspersions on you.

Mr. Speaker: But I am sorry that I was not here. Yesterday I had trouble in my eye; therefore, I left at half past three o'clock. I wanted to apologise to the House; otherwise, normally I do remain here till the House rises.

Shri Hari Vishnu Kamath: Far be it from my mind to find fault with you.

Mr. Speaker: I do not say that the House finds fault with me. But Shri Ranga has written to me.

Shri Hari Vishnu Kamath: Your spirit of dedication to the House, to Parliament is worthy of emulation by the Treasury Benches also.

Shri Nath Pai: Now that you yourself have apologised for your very temporary absence from the House, may we....

Mr. Speaker: That question cannot be taken up now.

Shri Hari Vishnu Kamath: Yesterday, in the afternoon, as the glittering debate on the Gold (Control) Bill limped to its foregone conclusion, the close of the debate was marked, unfortunately, by a few sizzling moments. I am reading from the transcript, because there was infringement, maybe technical, of rule 367. If there had not been that infringement, all this trouble or whatever you may call it would not have arisen in the House. May I read out rule 367?

Dr. M. S. Aney (Nagpur): It was agreed that nothing of the talk that took place between Shri Ranga and Mr. Chairman would be on record.

Shri Hari Vishnu Kamath: I do agree that that was agreed between the Chairman and Shri Ranga. But my point is different. Sub-rule (1) of rule 367 says:

"On the conclusion of a debate, the Speaker shall put the question and invite those who are in favour of the motion to say "Aye" and those against the motion to say "No"."

Then, the second one says:

"The Speaker shall then say: "I think the Ayes (or the Noes, as the case may be) have it"."

Then follows:

"If the opinion of the Speaker as to the decision of a question is not challenged, he shall say twice:"—

it says, "he shall say twice"—

"The Ayes (or the Noes, as the case may be) have it"—

that is, the Ayes have it; or, the Noes have it, the Noes have it.

Now, if you look to the transcript of the debates—I have got a copy, the reporters' copy, here from the Library—what happened was that my hon. friend, Shri Sonavane who was in the Chair.... (*Interruption*).

An hon. Member: Sonavane, and not Sonavane.

Shri Hari Vishnu Kamath: I said, "Sonavane". I have known him for more than ten years.

Mr. Speaker: Why spend time on whether it is "Sonavane" or "Sonavane"?

Shri Hari Vishnu Kamath: I did not do it; other Members said that.

Mr. Speaker: He might briefly state his point of order. Why take time?

Shri Hari Vishnu Kamath: I have quoted the rule. You wanted us to quote the rule in advance; that is why I quoted rule 367 first.

Now, will you kindly take the reporters' copy of the transcript with you? My hon. friend, Shri Masani, at the close of the debate, as the Chairman was about to put the question to vote, said:

"Sir, on a point of order. There is another business before the House".

If you look to the previous page, the time given there is 16.30. It was already past 4.30 and at this page it would be 4.32 or 4.33; it shall be 16.33, perhaps. According to the agenda, the list of business, yesterday there was another item to be taken up at 4.30, that is, the Minister's reply to the debate regarding the price of cars. My hon. friend, Shri Masani, rightly raised that point. He was quite right in raising that point that there was other business before the House at 4.30 p.m. and he said:

"further consideration of this motion will have to be postponed till tomorrow."

He was absolutely right, perfectly right, in saying that. What does the Chairman say? It is:

"Mr. Chairman: There is no point of order.

Shri M. R. Masani: It is a point of order."—

—he rightly repeated it again. Then, further the Chairman says:

"Mr. Chairman: It is a matter of convenience to take up that item....".

Sir, in Parliament, I think, you have hardly—if my memory does not betray me—ruled that convenience should take precedence.... (*Interruption*).

13 hrs.

Shri Harish Chandra Mathur (Jalore): Convenience of the House.

Shri Hari Vishnu Kamath: He did not make it clear. He says:

"It is a matter of convenience.."

Then, Mr. Masani said:

"We cannot allow any deviation from the procedure...."

—rightly again—and the Chairman again repeats:

"It is a question of convenience."

Whose or for whom, he did not say. And then Mr. Ranga rightly interrupted him saying:

"It is not a question of convenience."

(*Interruption*) Why all this interruption? Now, the crucial part is....

Mr. Speaker: He should draw it to my attention briefly....

Shri Hari Vishnu Kamath: Unless you have the background, it is rather difficult to understand. The crucial part is:

"Mr. Chairman: The question is:

'That the Bill, as amended, be passed.'

Those in favour of the Bill may say 'Aye'.

Several hon. Members: 'Aye.'

Mr. Chairman: Those against it may say 'No'.

Some hon. Members: 'No!'

He should have then said, according to sub-rule 2:

"I think the 'Ayes' have it".

The record does not show that. He did not say:

"I think the 'Ayes' have it".

[Shri Hari Vishnu Kamath]

He straightway goes on to say:

"The Ayes have it; the Ayes have it".

I think that is a violation of the rules. There should be a proper procedure followed. There are the Rules of Procedure. (*Interruptions*). It is not proper that the Rules of Procedure should be laughed at.

Mr. Speaker: I am not laughing.

Shri Hari Vishnu Kamath: Not you, Sir. Some Members do unfortunately

Therefore, I feel that the storm, the heat, yesterday would have been prevented and the time of the House would have been saved yesterday, if the rules had been properly observed. Ultimately, what did he decide? Mr. Hathi also interjected and helped....

The Minister of State in the Ministry of Home Affairs (Shri Hathi): Not to waste time now. I helped you. I thought it would be taken up immediately.

Shri Hari Vishnu Kamath: Mr. Hathi said:

"...I think the best thing would be to keep it pending. We will inform the Speaker what has transpired and then whatever decision he takes will be followed by us."

Now, Sir, I make an appeal to you today to ensure that such things, such incidents, do not take place and the rules are observed properly. That is what I wanted to stress and emphasize.

Mr. Speaker: I will take greater care....

Shri Hari Vishnu Kamath: Not you Sir. You always have been taking care.

Mr. Speaker: I am responsible for everything that happens, whoever might be in the Chair. I am responsible for everything that happens. (*Interruption*). I may assure him....

Shri Hari Vishnu Kamath: You have yourself rightly ruled in the past that the decision, the ruling of the Chair, whoever is in the Chair, whether it is the Chairman or the Deputy-Speaker, cannot be overruled by you. They are responsible....

Mr. Speaker: Therefore, according to Mr. Kamath's own statement I cannot overrule it. So, what has happened is final.

Shri Hari Vishnu Kamath: But you must advise them....

Mr. Speaker: Just now he said it...

Shri Hari Vishnu Kamath: You are not responsible.

Mr. Speaker: I was wrong and he corrected me that whoever is in the Chair has complete authority at that moment. (*Interruption*). Order, order. So far as this is concerned, I may assure the House that certainly we will sit together and just see that no complaint arises of this sort. I am really amazed just to listen that because the Chairman did not say, "I think the Ayes have it", the whole thing is upset. I do not agree that if he had said, "I think....", then that would have made a difference at that moment.

Shri Hari Vishnu Kamath: It is three times in all. It is in the rule.

Mr. Speaker: I have read it. Sometimes we mean what is written in the rules though we may not have conveyed that much in the very words. Therefore, if sometimes we say, "The Ayes have it, the Ayes have it" that conveys "I think, the Ayes have it"...

Shri Kapur Singh (Ludhiana): There is a material difference between the two.

Shri Hari Vishnu Kamath: Amend the rule in that case.

Mr. Speaker: Then, again I must say that when the Chairman said that there was no point of order, what he meant was that even if there is another business put down at 4.30 p.m., then it is also for the House to see that the business that we have in hand is finished and the other business might be pushed back a little. There is no harm in that. That is done every day. That is what he meant by convenience of the House.

Shri Hari Vishnu Kamath: He did not mean that. He did not say that.

Mr. Speaker: Now, I am going to put it before the House. The question is.

Shri Sinhasan Singh (Gorakhpur): On a point of order, Sir. My point of order is different, whether you can put it again to the vote of the House after the House had voted for it yesterday when the Chairman who was in the Chair had declared it as passed....

Mr. Speaker: I have followed him.

Shri Sinhasan Singh: It was the Home Minister who said that it should be taken up again today. I do not know whether such a precedent can be created. My submission is, after the House has once passed, can there be again re-voting on it?

Mr. Speaker: I have followed him. That also is a question....

Shri Sham Lal Saraf (Jammu and Kashmir): There is something more also....

Mr. Speaker: Order, order. First I should be heard when I am on my legs. (Interruption) Order, order, it is not only the Home Minister who said it that we will place it again on the agenda today. The Chairman also said it. Therefore, that question

does not arise. Now, even if a vote had been taken and the Chairman had declared it, subsequently he said it that it would be put for submission to the House and, therefore, because it is also the decision of the Chairman, I am to abide by it.

Shri Kapur Singh: My point of order is this. You have just now been pleased to give an indication that so far as the rule which my hon. friend has quoted is concerned, it would not materially affect the procedure of the House whether the expression "I think the Ayes have it" is omitted or not. I wish to submit that there is a material difference between these two expressions. The expression "I think the Ayes have it" is a question of opinion whereas the expression "The Ayes have it" is a statement of fact. There is a material difference between the two and if the proper wording of the rule is not observed, it makes a material difference to the proceedings of the House.

Mr. Speaker: I agree there is a difference between the two. As I said before, when we say in a summary manner, "The Ayes have it, the Ayes have it", we mean, "I think the Ayes have it" because every time it is challenged, we allow that. If that is not allowed, then the Members can have a grievance.

Shri Hari Vishnu Kamath: Amend the rules.

Mr. Speaker: The question is:

"That the Bill, as amended, be passed".

Let the Lobbies be cleared.

The Lok Sabha divided:

Shri Nambiar (Tiruchirapalli): There is real gold on our side.

Shri Kapur Singh: I have made a genuine mistake while voting. I wanted to vote for 'Noes' but I have wrongly pressed the button for 'Ayes'.

श्री माते (टीकमगढ़) : मैं लाल दबाना चाहता था लेकिन सफेद दब गया ।

अध्यक्ष महोदय : मैं इस को नहीं में गिन लेता हूँ ।

Shri Ram Harkh Yadav (Azamgarh): I want to vote for 'Ayes'.

Shri A. S. Saigal (Janjgir): The machine on my table has not worked. I think that there is some defect with the machine. I want to vote for 'Ayes'.

Division No. 14]

AYES

[13.13 hrs.

Achal Singh, Shri
Achuthan, Shri
Alagesan, Shri
Alva, Shri A. S.
Aney, Dr. M. S.
Anjanappa, Shri
Ankineedu, Shri
Azad, Shri Bhagwat Jha
Bakliwal, Shri
Bal Krishna Singh, Shri
Barkataki, Shrimati Renuka
Barupal, Shri P. L.
Basumatari, Shri
Baswant, Shri
Besra, Shri
Bhagat, Shri B. R. ?
Bhagavati, Shri
Bhakt Darshan, Shri
Bhanu Prakash Singh, Shri
Bhattacharyya, Shri C. K.
Borooh, Shri P. C.
Brajshwar Prasad, Shri
Brij Raj Singh, Shri
Brij Raj Singh-Kotah, Shri
Chandrasekhar, Shrimati
Chandriki, Shri
Chaudhry, Shri Chandramani Lal
Chaudhuri, Shri D. S.
Chavan, Shri D. R.
Chavan, Shri Y. B.
Chavda, Shrimati Joraben
Chuni Lal, Shri
Das, Dr. M. M.
Das, Shri Sudhansu
Dass, Shri C.
Deshmukh, Shri B. D.
Deshmukh, Shri Shivaji Rao S.
Dey, Shri S. K.
Dighe, Shri
Dinesh Singh, Shri
Ering, Shri D.
Gaekwad, Shri Fatesinhrao
Ganapati Ram, Shri
Gandhi, Shri V. B.
Ganga Devi, Shrimati
Hansda, Shri Subodh
Hazarika, Shri J. N.
Heda, Shri
Himatsingka, Shri

Jadhav, Shri M. L.
Jadhav, Shri Tulshidas
Jain, Shri A. P.
Jamunadevi, Shrimati
edhe, Shri
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Jyotishi, Shri J. P.
Kabir, Shri Humayun
Kajrolkar, Shri
Kamble, Shri
Koppen Shri
Keishing, Shri Rishn
Khadilkar, Shri
Khan, Shri Mehr Chand
Kisan Veer, Shri
Koujalgi, Shri H. V.
Kripa Shankar, Shri
Krishnamachari, Shri T. T.
Kureel, Shri B. N.
Lakhan Das, Shri
Lakshmikanthamma, Shrimati
Lalit Sen, Shri
Laskar, Shri N. R.
Mahadeo Prasad, Shri
Mahadeva Prasad, Dr.
Mahtab, Shri
Mahishi, Shrimati Sarojini
Maimoona Sultan, Shrimati
Majithia, Shri
Malaichami, Shri
Mandal, Dr. P.
Mandal, Shri J.
Mandal, Shri Yamuna Prasad
Maniyangadan, Shri
Mantri, Shri
Merandi, Shri
Maruthiah, Shri
Masuriya Din, Shri
Mathur, Shri Harish Chandra
Mathur, Shri Shiv Charan
Mehdi, Shri S. A.
Mehta, Shri Jashvant
Mekote, Dr.
Mengi, Shri Gopal Dutt
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri M. P.
Mohsin, Shri

Moraika, Shri
More, Shri K. U.
More, Shri S. S.
Mukerjee, Shrimati Sharda
Munzni, Shri David
Murli Manohar, Shri
Murthy, Shri B. S.
Muthiah, Shri
Naidu, Shri V. G.
Nallakoya, Shri
Nanda, Shri
Nayar, Dr. Sushila
Nigam, Shrimati Savitri
Niranjan Lal, Shri
Oza, Shri
Paliwal, Shri
Pande, Shri K. N.
Pandey, Shri R. S.
Pandey, Shri Vishwa Nath
Panna Lal, Shri
Pant, Shri K. C.
Paramasivan, Shri
Parashar, Shri
Patel, Shri Man Singh P.
Patel, Shri P. R.
Patel, Shri Rajeshwar
Patil, Shri D. S.
Patil, Shri S. B.
Patil, Shri S. K.
Patil, Shri T. A.
Patil, Shri V. T.
Pattabhi Raman, Shri C. R.
Pillai, Shri Nataraja
Pratap Singh, Shri
Raghuramaiah, Shri
Rai, Shrimati Sahodra Bai
Rajdeo Singh, Shri
Raju, Dr. D. S.
Raju, Shri D. B.
Ram Sewak, Shri
Ram Subhag Singh, Dr.
Ram Swarup, Shri
Ramakrishnan, Shri P. R.
Rampure, Shri M.
Rane, Shri
Rao, Shri Jaganatha
Rao, Shri Krishnamoorthy
Rao, Shri Muthyal

Rao, Shri Ramapathi
Rao, Shri Rameshwar
Rao, Shri Thirumala
Raut, Shri Bhola
Reddy, Shri K. C.
Reddy, Shrimati Yashoda
Roy, Shri Bishwanath
Sahu, Shri Rameshwar
Saijal, Shri A. S.
Sanji Rupji, Shri
Saraf, Shri Sham Lal
Satyabhama Devi, Shrimati
Shah, Shri Manabendra
Shah, Shrimati Jayaben
Shankaraiya, Shri
Sharma, Shri A. P.
Sharma, Shri K. C.
Shashi Ranjan, Shri
Shastri, Shri Lal Bahadur
Shastri, Shri Ramanand
Sheo Narain, Shri

Shinde, Shri
Shyamkumari Devi, Shrimati
Siddananappa, Shri
Sidheshwar Prasad, Shri
Singh, Shri K. K.
Singh, Shri R. P.
Singha, Shri G. K.
Sinha, Shri Satya Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Sivapraghassan, Shri
Soravane, Shri
Soy, Shri H. C.
Subbaraman, Shri
Subramaniam, Shri C.
Sumat Prasad, Shri
Suresh Pal Singh, Shri
Surya Prasad, Shri
Swarn Singh, Shri
Tahir, Sri Mohammed
Thimmiah, Shri

Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tiwary, Shri R. S.
Tula Ram, Shri
Tyagi, Shri
Upadhyaya, Shri Shiva Dutt
Vaishya, Shri M. B.
Valvi, Shri
Varma, Shri M. L.
Varma, Shri Ravindra
Veerasappa, Shri
Venkatasubbalah, Shri P.
Vijaya Raje, Shrimati
Virbhadra Singh, Shri
Vyas, Shri Radhejal
Wadiwa, Shri
Wasnik, Shri Balkrishna
Yadav, Shri N. P.
Yadav, Shri Ram Harkh
Yadav, Shri B. P.
Yusuf, Shri Mohammed

NOES

Alvares, Shri
Bade, Shri
Badrudduja, Shri
Basant Kunwari, Shrimati
Bhattacharya, Shri Dinen
Bhawani, Shri Lakhmu
Bheel, Shri P. H.
Biren Dutt, Shri
Buta Singh, Shri
Chatterjee, Shri H. P.
Dandekar, Shri N.
Dasartha Deb, Shri
Deo, Shri P. K.
Dharmalingam, Shri
Dwivedy, Shri Surendranath
Gokaran Prasad, Shri
Gulshan, Shri
Gupta, Shri Kanshi Ram
Gupta, Shri Priya
Kachhavaia, Shri Hukam Chand
Kakkar, Shri Gauri Shankar

Kamath, Shri Hari Vishnu
Kandappen, Shri S.
Kapur Singh, Shri
Kar, Shri Prabhat
Kohor, Shri
Koya, Shri
Krishnapal Singh, Shri
Kumaran, Shri M. K.
Laxmi Dass, Shri
Mahananda, Shri
Mahato, Shri Bhajhari
Mahida, Shri Narendra Singh
Manoharan, Shri
Masani, Shri M. R.
Mate, Shri
Mehta, Shri Jashvant
Mukherjee, Shri H. N.
Murmu, Shri Sarkar
Nambiar, Shri
Patnayak, Shri Kishen

Ramabadrn, Shri
Rameshwaranand, Shri
Ranga, Shri
Reddy, Shri Narasimha
Roy, Dr. Saradish
Sezhiyan, Shri
Shastri, Shri Prakash Vir
Shinkre, Shri M. P.
Siddhanti, Shri Jagdev Singh
Singh, Shri Y. D.
Singha, Shri Y. N.
Sivasankaran, Shri
Solanki, Shri
Swamy, Shri M. V.
Swamy, Shri Sivamurthi
Trivedi, Shri U. M.
Utiya, Shri
Venkiah, Shri Kolla
Vishram Prasad, Shri
Yashpal Singh, Shri

13.11 hrs.

Mr. Speaker: The result of the division is as follows:

Ayes: 209; Noes: 62*.

The motion was adopted.

MOTION RE. THIRTEENTH AND
FOURTEENTH REPORTS OF
U.P.S.C.

The Minister of State in the Ministry of Home Affairs (Shri Hathi): I beg to move:

"That this House takes note of the Thirteenth Report of the

*Noes: The name of one Member could not be recorded.