

Mr. Speaker: The result of the division is:

Ayes 188; Noes 15.

The motion was adopted.

श्री बागड़ी : अध्यक्ष महोदय, इसके विरोध में मैं वाक आउट करता हूँ।

अध्यक्ष महोदय : आर्डर, आर्डर।

(Shri Bagri then left the House.)

श्री बड़े : अध्यक्ष महोदय, मैं दो मिनट चाहता हूँ।

17-06 hrs.

COMPULSORY DEPOSIT SCHEME
BILL—contd.

Mr. Speaker: We had decided that we would continue with the discussion of the Bill till it is finished. The Private Members' Resolutions that were fixed for yesterday were put up today, and we had expected that we might be able to start the non-official business by 2:30. But that was not possible. And now, at 5 O'clock, we have also fixed the further discussion on the Compulsory Deposit Scheme Bill. There was an objection taken and I was asked to give a ruling on that matter. I am prepared with that also. So, we have to postpone one or the other, because both cannot be taken. Either the non-official business can be taken up now or the further discussion of the Compulsory Deposit Scheme Bill. *(Interruptions).*

Shri Hari Vishnu Kamath (Hoshangabad): We can take up the Compulsory Deposit Scheme Bill on Monday.

Shri A. P. Jain (Tumkur): The Compulsory Deposit Scheme Bill may be taken up now.

Shri Gauri Shankar Kakkar (Fatehpur): It may be taken up on some other day.

Mr. Speaker: There is one difficulty. If we do not take up the non-official business today, that will lapse.

Shri Daji (Indore): We have 2 hours for non-official business. It is the only period when private Members' Bills and Resolutions could come up. So, one hour will not be sufficient. 2½ hours must be allotted next week.

Mr. Speaker: We can give one hour to the first Resolution. There is only one hour left to the first Resolution tabled by Shrimati Subhadra Joshi. If we can allow that, the second one can be taken up only for five or ten minutes. But that will not lapse then, and it could come up again.

What about the Compulsory Deposit Scheme Bill?

Some Hon. Members: It can be taken up on Monday.

Mr. Speaker: As regards the merits of that Bill, we can continue the discussion on Monday, but I will take only five minutes for disposing of the objection that had been taken.

Shri S. M. Banerjee (Kanpur): We have to raise other points also, Sir.

Mr. Speaker: I am not concerned with them. They could be dealt with as and when they come up. Now, there is only one point.

Shri S. M. Banerjee: The hon. Minister submitted yesterday that this House cannot move such a motion.

Mr. Speaker: I am going to give my decision on that. Now, an objection was taken, and a motion has been made by Shri A. P. Jain that this House advise the Government to ask or call for the Attorney-General to come and give his opinion on the constitutional point whether the

whole or part of this Bill is *intra vires*.

The objection was taken by the hon. Finance Minister that this House is not competent to consider such a motion at this stage. He said that the House cannot call the Attorney General; it cannot entertain such a motion. He has also questioned under what rule it was being made. These two objections have been taken by the hon. Finance Minister.

So far as the first is concerned, whether the House can consider such a motion or not, whether the House is competent to act or not, this House has power to make recommendations. It may be only for the executive Government to call the Attorney General. I am not giving any decision on that; I am leaving that aside. But even if only Government can call him, then too it is open and within the competence of this House, by a motion or a resolution, to ask the Government, to advise the Government, to request the Government and to recommend to the Government. All these are the forms of the resolutions and motions that are given and the House can express its opinion. "This House is of the opinion". "This House recommends to the Government". "This House requests the Government"—all these forms are there. Therefore, the House can always express its opinion and ask the Government to act in a particular manner. It is a different thing whether the Government accepts it or not or what the consequences might be. Therefore, there is no hindrance in the House expressing an opinion on a motion like that.

Then I come to the next thing. Already what we are discussing, what is before us, is the motion. "That clause 4 stand part of the Bill". There is one motion before the House. Therefore, at one and the same time, there cannot be two motions that can be discussed. The only provision that we have got under the rules is this. When a Bill is being discussed, in the course of the discussion, the only motion that

can be moved before anything else is taken is under rule 109 where it is laid down that:

"At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker."

That is the only motion that can be made and no other motion can be taken up or moved in the House while another motion is being discussed in the House. Therefore, while the motion before the House is "That clause 4 stand part of the Bill", unless that discussion is postponed and a motion is made to that effect, no other motion can be moved. Therefore, this House cannot consider and I cannot entertain or put a question to this House about the motion that Mr. A. P. Jain has made. It has really been done in all the cases where the Attorney General has been invited to speak on the Bills. Even in that Cattle Preservation Bill, that was exactly what was followed at that time. A request was made and of course, the Government agreed there. Then the discussion on the Bill was postponed. Pandit Thakur Das Bhargava made a regular motion which was adopted. Then that discussion was postponed and afterwards the other motion about the Attorney General was made.

Therefore, so far as that motion of Mr. A. P. Jain in that form is concerned, that cannot be considered so long as we are in the midst of the discussion on the motion "That clause 4 stand part of the Bill". Therefore, the only thing that could have been done, if the House wanted, was a motion under rule 109 that the discussion be postponed. Because that is not before me, therefore, I cannot....

Shri A. P. Jain: I shall make that motion now. I beg to move:

"That the discussion on clause 4 of this Bill be adjourned."

Mr. Speaker: The question is:

"That the discussion on clause 4 of the Bill be adjourned."

Those in favour may say "Aye".

Some Hon. Members: "Ayes".

Mr. Speaker: Those against may say: "No".

Several Hon. Members: No.

Mr. Speaker: The "Noes" have it.

Some Hon. Members: The "Ayes" have it.

Mr. Speaker: Let the lobbies be cleared.

Shri A. P. Jain: No canvassing please. (*Interruptions*).

Mr. Speaker: Order, order.

Shri Priya Gupta (Katiyar): Is the Parliament under the grip of the Minister for Parliamentary Affairs?

Mr. Speaker: Order, order. He is not allowing me to speak a word. The way in which Whips have to go round or pass their word is one thing. But that should not appear in the House as if it is being done. They can send round their word.

Shri Daji: There is no convention for anything, for procedural matters. This is the first time in Parliament that whip is being issued.

Mr. Speaker: I am not concerned with that. I cannot order that they should not do it.

Shri Daji: Sir, I rise to a point of order. Can a Member move across and in between the seats and make signs?

Mr. Speaker: That I have already said. What is the point of order then?

Shri Daji: The Minister must express regret for it.

Mr. Speaker: I have already stopped him.

Shri Ranga (Chittoor): What is it that you have stopped, Sir?

Shri Daji: He must withdraw.

Shri Ranga: You have stopped him, Sir, but the mischief of has been done already. (*Interruptions*).

Mr. Speaker: How can I withdraw, if something has already been done?

Shri Daji: He must himself withdraw it he; must express regret.

Shri H. N. Mukerjee: Sir, the Leader of the House is there. The Minister is sitting to his right. The Minister of Parliamentary Affairs behaved, quite obviously, in a manner which drew your censure. We do expect that the Leader of the House should intervene and ask the Minister of Parliamentary Affairs to apologise to you, Sir, and to the House. If they do not do it, we can draw our own conclusions. After all, what you have said is the property of the country. (*Interruptions*). Lords of creation, is that what they imagine they are?

Mr. Speaker: The question is:

"That the discussion on clause 4 of this Bill be adjourned".

The Lok Sabha divided.

Mr. Speaker: The result of the division, as shown by the machine, is Ayes 75; Noes 124. Are there any mistakes that I have to correct?

An Hon. Member: I am for 'Ayes'. It should be recorded.

Another Hon. Member: I am for 'Noes'.

Mr. Speaker: All right.

Division No. 24]

AYES

[17.18 hrs.

Aney, Dr. M. S.
Azad, Shri Bhagwat Jha
Bade, Shri
Banerjee, Shri S. M.
Barua, Shri Hem
Basant Kunwari, Shrimati

Bist, Shri J. B. S.
Brij Raj Singh, Shri
Chanda, Shrimati Jyotsna
Daji, Shri
Das, Shri N. T.
Deshmukh, Shri Shivaji Rao S.

Dhaon, Shri
Dharamalingam, Shri
Dwivedi, Shri M.L.
Elayaperumal, Shri
Gaironde, Dr.
Gopalan, Shri A. K.

Gounder, Shri Muthu
 Gupta, Shri Kanahi Ram
 Gupta, Shri Priya
 Himatsingka, Shri
 Ismail, Shri M.
 Jadhav, Shri M. L.
 Jain, Shri A. P.
 Joshi, Shrimati Subhadra
 Kadadi, Shri
 Kakkar, Shri Gauri Shankar
 Kamath, Shri Hari Vishnu
 Kar, Shri Prabhat
 Khadilkar, Shri
 Krishnapal, Singh, Shri
 Kunhan, Shri P.
 Kureel, Shri B. N.
 Lalit Sen, Shri
 Laxmi Dass, Shri
 Manoharan, Shri
 Mehta, Shri Jashvan

Abdul Wahid, Shri T
 Alva, Shri Joachim
 Anjanappa, Shri
 Babunath Singh, Shri
 Bajaj, Shri Kamalnayan
 Balakrishnan, Shri
 Balmiki, Shri
 Basappa, Shri
 Bhagat, Shri B. R.
 Bhakt Darshan, Shri
 Bhanja Deo, Shri L. N.
 Bhattacharyya, Shri C. K.
 Brajeshwar Prasad, Shri
 Chakraverti, Shri P. R.
 Chandrasekhar, Shrimati
 Chaudhry, Shri C. I.
 Chavan, Shri D. R.
 Chavda, Shrimati
 Chuni Lal, Shri
 Daljit Singh, Shri
 Das, Shri Sudhansu
 Dasappa, Shri
 Deo Bhanj, Shri P. G.
 Desai, Shri Morari
 Deshmukh, Dr. P. S.
 Dhuleshwar Meena, Shri
 Dinesh Singh, Shri
 Firodia, Shri
 Ganapati Ram, Shri
 Gandhi, Shri V. B.
 Ganga Devi, Shrimati
 Govind Das, Dr.
 Gupta, Shri Ram Ratan
 Gupta, Shri Shiv Charan
 Hajarnavis, Shri
 Hazarika, Shri J. N.
 Heda, Shri
 Hem Raj, Shri
 Himatsingka, Shri
 Jagjivan Ram, Shri
 Jaimir, Shri S. G.
 Jedhe, Shri

Menon, Shri Krishna
 Misra, Dr. U.
 Mukane, Shri
 Mukerjee, Shri H. N.
 Murmu, Shri Sarkar
 Nair, Shri Vasudevan
 Nath Pai, Shri
 Pande, Shri K. N.
 Patil, Shri D. S.
 Patil, Shri M. B.
 Pillai, Shri Nataraja
 Prithvi Raj, Shri
 Raghavan, Shri A. V.
 Rajaram, Shri
 Ranga, Shri
 Reddy, Shri Eswara
 Reddy, Shri Narasimh
 Saha, Dr. S. K.
 Sen, Dr. Ranen

NOES

Jena, Shri
 Jha, Shri Yogendra
 Jyotishi, Shri J. P.
 Kabir, Shri Humayun
 Kajrolkar, Shri
 Kanungo, Shri
 Kedaria, Shri C. M.
 Keishing, Shri Rishang
 Khanna, Shri Mehr Chand
 Krishna, Shri M. R.
 Lakshminanthamma, Shrimati
 Mahadeo Prasad, Shri
 Mahadeva Prasad, Dr.
 Mahtab, Shri
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Malliah, Shri U. S.
 Mandal, Shri Yamuna Prasad
 Maruthiah, Shri
 Mehrotra, Shri Braj Bihari
 Melkote, Dr.
 Mirza, Shri Bakar Ali
 Mishra, Shri Bibudhendra
 Morarka, Shri
 More, Shri K. L.
 More, Shri S. S.
 Murthy, Shri B. S.
 Musafir, Shri G. S.
 Naik, Shri Maheshwar
 Nanda, Shri
 Naskar, Shri P. S.
 Nehru, Shri Jawaharlal
 Nigam, Shrimati Savitri
 Oza, Shri
 Pandey, Shri Vishwa Nath
 Patel, Shri Chhotubhai
 Patel, Shri Man Singh P.
 Patel, Shri N. N.
 Patel, Shri P. R.
 Patel, Shri Rajeshwar
 Patil, Shri S. K.
 Patnaik, Shri B. C.

Sezhiyan, Shri
 Shastri, Shri
 Shashi Ranjan, Shri
 Shastri, Shri Prakash Vir
 Sheo Narain, Shri
 Singhvi, Dr. L. M.
 Sinha, Shrimati Ramdulari
 Sonavane, Shri
 Soy, Shri H. C.
 Sumat Prasad, Shri
 Swamy, Shri M. N.
 Swamy, Shri Sivamurthi
 Tan Singh, Shri
 Tiwary, Shri D. N.
 Varma, Shri M. L.
 Virmia Devi, Shrimati
 Vashram Prasad, Shri
 Yashpal Singh, Shri

I'attabhi Raman, Shri C. R.
 Pratap Singh, Shri
 Puri, Shri D. D.
 Raghuramaiah, Shri
 Raj Bahadur, Shri
 Ram, Shri T.
 Ram Swarup, Shri
 Rampure, Shri M.
 Rane, Shri
 Ranga Rao, Shri
 Rao, Shri Krishnamoorthy
 Rao, Shri Mythyal
 Reddiar, Shri
 Sahu, Shri Rameshwar
 Sanj Rupji, Shri
 Saraf, Shri Sham Lal
 Satyabhama Devi, Shrimati
 Sen, Shri A. K.
 Shah, Shrimati Jayaben
 Sham Nath, Shri
 Sharma, Shri D. C.
 Shastri, Shri Lal Behadur
 Shrimati, Dr. K. L.
 Singh, Shri D. N.
 Singh, Shri R. P.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Tarakeshwari
 Subbaraman, Shri
 Subramanyam, Shri T.
 Swaran Singh, Shri
 Thimmaiah, Shri
 Tiwary, Shri K. N.
 Tiwary, Shri R. S.
 Tula Ram, Shri
 Tyagi, Shri
 Uikey, Shri
 Upadhyaya, Shri Shiv Dutt
 Venkaiah, Shri Kolla
 Wadwa, Shri
 Yadav, Shri N. P.
 Yadava, Shri Ram Sewak

Mr. Speaker: The result of the division is: Ayes 76; Noes 125. The Noes have it.

The motion was negatived.

Mr. Speaker: So, the discussion on clause 4 would continue.

The Minister of Finance (Shri Morarji Desai): Sir, may I make a submission? I should like to make only one submission in this matter. Last night, I was very unhappy to learn that there is a feeling going round that we do not want the opinion of the Attorney-General to be brought before the House because, it is said, it is against the Bill. I was very unhappy to learn that such an opinion could have been there before anybody. I had said that the Attorney-General had not been consulted, because the Government was quite sure of the legal position in this matter. But, I am very unhappy that there should be such a feeling. In order to remove that feeling, I am certainly prepared to get the opinion of the Attorney-General and submit it to the House.

Shri S. M. Banerjee: Let him come before this House. Let him make a statement.

Shri A. P. Jain: Sir, I want to say a few words. With all respect, I would submit that getting the opinion of the Attorney-General and putting it before this House is no substitute for my proposal. There have been instances in the past when the Attorney-General came before the House and the whole House was thrilled to hear the Attorney-General making the statement. We asked some questions and he clarified them. Now, my position is that it is the privilege of the House that the Attorney-General should assist this House in forming its opinion, and I hold that propriety demands, I appeal to the Prime Minister and I appeal to the Finance Minister, that they should observe propriety. We are a nascent democracy and we are laying down traditions. Let us not lay down traditions which may not be to our credit in future.

Mr. Speaker: That is all. Now the appeal has been made to the Government. Government have to consider it. Now I have to proceed with clause 4 of the Bill. What is the pleasure of the House?

Shri Hari Vishnu Kamath: Adjourn or take up Private Members' Business.

Mr. Speaker: We can continue the discussion on clause 4 on Monday. At what time?

Shri Tyagi (Dehra Dun): Sir, I want to know one thing. By what time will the opinion of the Attorney-General be made available to us?

Shri Morarji Desai: I cannot say by what time he will give it. I can only request him to give it as soon as he can.

Shri Tyagi: In that case, the difficulty is, after passing the Bill, it is no use getting his opinion.

Mr. Speaker: Order, order. I appreciate that point.

Shri Morarji Desai: I will try to obtain it by Monday.

Mr. Speaker: Then, I will not put it up for discussion on Monday. First let us have the opinion placed on the Table of the House. Then, we will fix the date.

Shri Hari Vishnu Kamath: Sir, on a point of clarification. The Finance Minister has been pleased to say that he is not averse to getting the opinion of the Attorney-General. Then, what further objection is there to the Attorney-General appearing before Parliament in person and giving his opinion? I thought that is much fairer to the Attorney-General than getting his opinion on paper.

Mr. Speaker: Order, order. I have put the motion to the House and it has been decided that the discussion would continue.

Shri S. M. Banerjee: I am only making an appeal.

Mr. Speaker: Those appeals they can make themselves. I am not to be brought in.

Shri Hari Vishnu Kamath: We were not referring to you; only to the Government.

Mr. Speaker: The House will now take up Private Members' Resolutions.

17.25 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

TWENTIETH REPORT

Shri Krishnamoorthy Rao (Shimoga): Sir, I beg to move:

"That this House agrees with the Twentieth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 24th April, 1963."

Mr. Speaker: The question is:

"That this House agrees with the Twentieth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 24th April, 1963."

The motion was adopted.

RESOLUTION RE: NATIONALISATION OF BANKS—Contd.

Mr. Speaker: Now the House shall take up further consideration of the following Resolution moved by Shrimati Subhadra Joshi on the 29th March, 1963:—

"In view of the emergency created by the Chinese aggression, this House is of opinion that banks should be nationalised in order to mobilise the national resources."

Time allotted was two hours of which 54 minutes have been taken up and 1 hour and 6 minutes remain. Shri P.K. Deo. He is not present. Shri Banerjee.

Shri S. M. Banerjee (Kanpur): Sir, I rise to support the Resolution moved by my hon. friend, Shrimati Subhadra Joshi. I definitely know that the hon. Finance Minister had expressed many times in this House that Government was not prepared to nationalise banks.

Mr. Speaker: Order, order. Will he kindly resume his seat? May I know how many hon. Members more want to participate in this debate. I see about ten hon. Members rising. The time left is only one hour.

Shri S. M. Banerjee: Time may be extended.

Shrimati Subhadra Joshi (Balrampur): Time should be extended.

Mr. Speaker: By how much should it be extended.

Shrimati Subhadra Joshi: By one hour.

Mr. Speaker: I will be prepared to do that, but then the House may not like to sit after 6 o'clock and this discussion will have to be postponed. So, some hon. Member might move a motion.

Shrimati Subhadra Joshi: Sir, I move:

"That the time allotted for this Resolution be extended by an hour."

Shri D. C. Sharma (Gurdaspur): I second it.

Mr. Speaker: That is agreed; that is the sense of the House.

Shri A. K. Gopalan (Kasergod): What about my Resolution?

Shri D. C. Sharma: Sir, I move:

"That the House may be adjourned now."

Mr. Speaker: Order, order. If the House is not prepared to sit after 6 o'clock then the only thing we can do, is that the discussion on this Resolution might be postponed.