

Rice and Paddy (Assam)  
Price Control Order, 1960.

- (n) G.S.R. No. 51, dated the 12th January, 1960 making certain amendment to the Rice and Paddy (Assam) Price Control Order, 1960.
- (o) G.S.R. No. 119, dated the 30th January, 1960 making certain amendment to the Rice (Northern Zone) Movement Control Order, 1958.
- (p) G.S.R. No. 120, dated the 30th January, 1960 making certain amendment to the Punjab Paddy (Export Control) Order, 1959.
- (q) G.S.R. No. 121, dated the 30th January, 1960 making certain further amendment to the Inter-Zonal Wheat Movement Control Order, 1957.
- (r) G.S.R. No. 123, dated the 29th January, 1960 making certain amendment to the Rice (Eastern Zone) Movement Control Order, 1959.
- (s) G.S.R. No. 124, dated the 29th January, 1960 making certain amendment to the Calcutta Rice (Movement Control) Order, 1959.
- (t) G.S.R. No. 125, dated the 29th January, 1960. [Placed in Library, See No. LT-1876/60.]

12.10 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS  
FIFTY-FIFTH REPORT

**Sardar Hukam Singh (Bhatinda):** I beg to present the Fifty-fifth Report of the Committee on Private Members' Bills and Resolutions.

CORRECTION OF ANSWER TO  
STARRED QUESTION NO. 923

**The Minister of State in the Ministry of Transport and Communications**

(**Shri Raj Bahadur**): In reply to a supplementary question, asked by Shri Subodh Hansda on the 16th December, 1959 and arising out of Starred Question No. 923 by Sarvashri Subodh Hansda, S. C. Samanta and R. C. Majhi regarding transmitting stations on the East and West Coasts, I had stated that the equipment for the two Chains on the East and West Coasts is to be obtained under the Colombo Plan. What I meant to say was that an expert had been obtained under the Colombo Plan for the installation of the Decca Chains. The equipments have been purchased by us from the United Kingdom.

12.11 hrs.

TERMINATION OF SUSPENSION  
OF MEMBER

**Shri Khuswaqt Rai (Kheri):** May I raise a point of order?

**Mr. Speaker:** On this matter?

**Shri Khushwaqt Rai:** No. But it concerns a matter which affects the business of this House. My point of order is that a member of this House is being kept out against the rules. So, I am raising this point of order for the enforcement of the rules. The rules cannot be enforced in a manner whereby a member is kept out of the House against the rules. This concerns the business before the House because in conducting the business of the House every member who is elected and who is in Delhi is entitled to be present. Now he has been kept out against the rules. If I may be permitted to read rule 374(2) of the Rules of Procedure . . .

**Mr. Speaker:** The hon. Member will kindly resume his seat. I will give him an opportunity to speak. This is a very important matter. Yesterday when I named Shri Jagdish Awasthi and asked him to withdraw, Shri Braj Raj Singh and Shri Banerjee brought it to my notice that the Rules of Procedure had not been followed in that case and, therefore, they wanted to

[Mr. Speaker]

raise the matter, so far as the naming of Shri Awasthi is concerned, I said to both Shri Braj Raj Singh and Shri Banerjee that I would look into the matter. They have agreed to see me at 1.15 today. I do not want to keep any member out of this House. So far as the point of order is concerned, certainly, a point of order can be raised if an hon. Member, who is entitled to be here, is not allowed to come here, I do not dispute that that point can be raised here. Shri Mahanty did not tell me that he wanted to raise this point. Otherwise, I would have said "All right; go on". So far as this matter is concerned, I do not want to keep any member but of the House illegally or improperly without following the proper procedure. If hon. Members will bear with me, as soon as this work is finished, I shall look into this matter myself and try to satisfy the hon. Members. However, if this matter has to be decided in this House, I will bring it up at 2.30 or 3 today.

**Shri Braj Raj Singh (Firozabad):** I have agreed to see you in the chamber today. He has now been debarred from attending the House.

**Mr. Speaker:** All right, I will hear him now.

**Acharya Kripalani (Sitamarhi):** May I say a few words?

**Mr. Speaker:** I will hear Shri Braj Raj Singh first on this point.

**Shri Braj Raj Singh:** I do not want to discuss this matter now, because you wanted me to see you in your chamber, and I have agreed to do so. I want to submit only one thing now. I could see you only at 1.15 or round about that. Till then Shri Jagdish Awasthi is being debarred from attending the House.

**Mr. Speaker:** I have no objection. I will hear him immediately.

**Shri Khushwaqt Rai:** May I say a few words?

**Mr. Speaker:** I will call Shri Braj Raj Singh because he gave notice earlier.

**Acharya Kripalani:** May I say a few words?

**Mr. Speaker:** Let him, first of all, raise this matter.

**Acharya Kripalani:** I am not talking on this point; I am talking on the general question. Because, many times such questions arise whenever there is a notice for raising adjournment motion. It is a question of conflict of duties. You have a duty to perform to the House, and the members have a duty to perform, not only to their constituencies, but they have also to express their views and keep them before the whole nation. Therefore, would it not be possible to reconcile these two duties by some procedure which may be adopted? I would suggest that unless a matter concerns the movement of military forces, every person who moves adjournment motions should be allowed a few minutes to have his say, and then you may disapprove of it, or disallow that motion. Yesterday, there was a question of firing and we hear that even the Chief Minister of Bombay has sent some protest to the Home Minister here. So, it has become just like an international affair in which a Chief Minister sends a note of protest to the Home Minister here, and the people in those areas are generally interested in this matter, and some members .

**Mr. Speaker:** Let him resume his seat. I will give him opportunity . . .

**Acharya Kripalani:** Let me finish..

**Mr. Speaker:** He is going into the details.

**Shri Nath Pai (Rajapur):** No, Sir.

**Acharya Kripalani:** I understand your position. But you must also understand the position of the members. They have to justify their existence here to the country and to their

constituencies. If they are given a few minutes, I think there will be a saving of time for the rest of the day and no scenes will be created. I am only making a suggestion and it is for you to accept or reject it. My suggestion is just to expedite the business, not to prolong or delay it. If on a matter, which is not on the movement of troops, an adjournment motion is given notice of, if a few minutes are given to the mover to explain his position, even if it is afterwards disallowed, at least his constituency will know that its representative is not sitting idle and doing nothing.

**Shri Tyagi (Dehra Dun):** May I say a few words?

**Mr. Speaker:** Let me explain. Then I will hear Shri Tyagi also. So far as the suggestion that every hon. member who moves an adjournment motion should be given an opportunity to express his views is concerned, I do not agree that the suggestion that has been made is good. Each case has to be decided on its merits. Acharya Kripalani has suggested that to avoid further difficulties in the House, all adjournment motions, except those relating to the movement of troops may be automatically brought up here and the hon. Members who have moved it allowed to say what they have to say. Some of these subjects come entirely within the jurisdiction of the States. That is No. 1. In some cases, if hon. Members are given an opportunity on the floor of the House, they cause more damage. I am not talking of the present instance, because the illustration or instance that has been quoted to me has no reference to it. There are cases and cases where, in the interests of proper administration, we ought not to bring it up at all, though some hon. Members may be interested in it. Therefore, on an earlier occasion, I gave a ruling on this subject, which I am prepared to reconsider, that to avoid further difficulties in this matter I shall invite the leaders of all the groups to consider how far we can allow them. I suggested that on an earlier occasion, but not one of them has sent me any note, except Shri Mahanty, and one other hon.

Member, whose note I received this morning. I am prepared to discuss this matter. As it is, this is what I have been observing: on all matters I have got the right to say "it is not right that I should bring it up here". No matter will automatically come here, because a member is interested in it. I have to decide whether it is a State subject or it is the responsibility of the Centre. Therefore, to allow automatically everything to come up here would be improper; and about taking away the time of the House for merely satisfying one hon. Member who wants to make some statement here because he is representing his constituency, surely there are members in the local Legislatures also who are equally competent to represent their constituencies. It is their business. I would not like hon. Members to take upon themselves what is the legitimate duty of the local legislators. There are cases and cases. Now I am not deciding this particular case. Secondly, there may be absolutely trivial matters which ought not to be allowed to interrupt the proceedings of the House in this way. They can be brought up either by questions or in some other ways. Thirdly, there are immense opportunities. The same matter comes up. So, it is not right that I should allow all this.

These are the considerations that weigh with me. Does the hon. Leader of the House want to say something?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** The issue appears to me quite a simple one. So far as I am concerned, I do not wish to come in the way of the discussion of any important matter in this House. But the issue is this, namely, if a subject is considered by you to be inadmissible, whether that subject should be read out or discussed here. That is the simple issue. It is not for me to decide as to what is admissible and what is inadmissible. It is for you to decide. If you, in your wisdom, have decided that a subject is inadmissible then I take it that it is inadmissible. There is no half-way house between admissibility and inadmissibility.

[Shri Jawaharlal Nehru]

lity. Therefore I do not quite understand how it can be raised when, after full consideration in the Chamber or as you may be pleased to give to it, you have come to a decision. Your decision has naturally to be followed. What the hon. Member, Acharya Kripalani, says amounts to this, namely, that a subject has been considered inadmissible but nevertheless an opportunity should be given for the inadmissible subject to be raised here so that the constituents of that hon. Member might know. I do submit that if one admits that proposition there is no limit to it. Then hon. Members this side or that side of the House all have constituencies. It is not only the Opposition that have constituencies . . . (Interruption). It happens. Others also have constituencies' interests.

**Shri Rajendra Singh (Chapra):** You only have constituencies . . . . . (Interruption).

**Shri Jawaharlal Nehru:** We have no constituency.

**Acharya Kripalani:** There are some clear cases and there are some border cases. In clear cases, certainly you have the right. But there are some border cases, for instance, yesterday's case in which many people were interested . . . . . (Interruption). As I submitted, even the Chief Minister of Bombay has sent a protest.

**Pandit Thakur Das Bhargava (Hisar):** May I submit . . . .

**Shri Jawaharlal Nehru:** It is not for me to decide as to what is a clear case. That is entirely for you to decide. I cannot. I gladly accept your decision in regard to the admissibility of a case. Sometimes it may be that in giving that decision the decision is an easy one. Sometimes it is more complicated. That burden is cast upon you and not upon me. I accept it. But my point is that once it is decided by you that it is inadmissible; it would not be right for that matter to be raised here. The hon. Member mentioned about bringing something to the notice of the constituents of an hon. Member, that he is taking interest. That argu-

ment applies to all the 500 hon. Members of this House; obviously, because they are all interested in their constituencies. If an exception is made in one case there is no reason why it should not be made in 100 or 500 cases. The result would be that there will be no work done in Parliament at all then.

**Shri Tyagi rose—**

**Mr. Speaker:** The position is clear. If the procedure that I have been adopting is adopted, it would not lead to all this inconvenience. The procedure is this. I have to decide whether I should bring it up before the House or not. I cannot share that responsibility with others. I decide it. There may be clear cases. There may be border cases. So far as border cases are concerned, generally I bring them up here. I have been doing so. I bring them up here, allow an opportunity to the hon. Member concerned to state it and then ask the hon. Minister also to state his case. Then I say, "In view of what has been said, I do not think that it is necessary to give my consent." That is what I say.

But in other cases where I may take one view and disallow it, when I send information to the hon. Member, he may disagree. Then what I sometimes say is, "Very well, bring it up." On the other hand if I say that what I have said is right and if I feel so then there is no argument that is necessary. I tell him, "You can come and see me in my Chamber or write to me and convince me. I will bring it up tomorrow." What is happening is that hon. Members are impatient. Even when I say that "I will look into it, I wish to be satisfied, you only satisfy me, do not raise it but immediately obey my orders, I will bring it up", they want to disobey and defy and say, "Very well, if you want me to allow you to proceed properly, allow me to have my own way." Then a conflict comes in as to whether I shall have my way or I shall allow the hon. Member to have his way. That is the only difficulty. That

was the only thing that created the difficulty yesterday.

Shri Khadilkar came to my room and told me about this. I told him, "I do not agree". Then he said, "No, no, I want to raise the matter." Then I said, "I do not agree. I am going to disallow. What is the use of your raising it?" I went out of the way and told him, "If you raise it, I will take disciplinary action against you. Let him deny it. Now, after this he comes and raises it. Then I told him, "Still if you want to convince me, I will give you an opportunity to convince me. Come to my Chamber leisurely today or write to me. If I am satisfied, I will bring up that matter." I do not want to stand on prestige. There may be some things which may be overlooked. I may be wrong in some matters. I am prepared to consider. But the hon. Member is too impatient. He wanted to force the issue notwithstanding what I told him. It is not right.

There were nine adjournment motions yesterday. If I had only allowed Shri Khadilkar to make a statement, I would have spent away all the time in respect of adjournment motions day in and day out notwithstanding that I come to a different conclusion, I do not know how Acharya Kripalani will manage the show if he wants me to allow every hon. Member notwithstanding my coming to a different conclusion. I would therefore request him to advise his followers and all the others that if I come to a conclusion, it is open to them to convince me and I will change my mind. But when I say, "I disallow it", let them not persist and say, "Notwithstanding your disallowing it, I will bring it up." I need not bring it up today. I may bring it up to-morrow. I will allow him ample opportunity. I will hear him. I never shut myself away. If he does not want to come and see me in the Chamber, let him write to me. These are all privileges that an hon. Member has.

I agree entirely with the hon. Leader of the House that once I pass an order, let it not be disobeyed here. Let hon. Members not say, "notwithstanding your order, I will take the law in my own hands." That is what led to all this trouble yesterday. If he had only acted according to my advice, I would have heard him as leisurely as I am prepared to hear Acharya Kripalani. Then if necessary I would change my view. It is not as if my view is perfect.

**Acharya Kripalani:** If you had given him just two minutes he would have explained it.

**Shri Khadilkar (Ahmednagar):** On a point of personal explanation. I must be given an opportunity to explain the position.

**Mr. Speaker:** Having said that I disallowed, I should eat my own words! What is this kind of advice? I cannot understand it.

**Shri Khadilkar:** On a point of personal explanation. What you have said is not correct. Let me state very frankly what happened yesterday. I came to your Chamber. You came a bit late. I explained my position, showed all the telegrams regarding the fring to the hon. Deputy-Speaker and also a letter from Shri Dange, who unfortunately could not attend the House because he was in bed. I pleaded with you that this matter was not strictly a State matter because it is a border issue. You were in a hurry when I mentioned it to you. You said, "It refers to a State subject. So I will not allow it." This much happened in the Chamber. When you were entering the House, I said that this is a matter which is not strictly a State subject. But you entered the Chamber. This is what happened. I am stating the facts. Because it was a matter which was on the border actually as well as on the border decision, there was some confusion. There was no desire to disobey you. But the urgency of the matter was such and you had not enough time to look into it that I tried to raise it.

**Mr. Speaker:** Even on the statement of facts as stated by Shri Khadilkar, he has no case, for the reason that as soon as he told me, I said, "It is a State matter and I am not going to allow." The later thing possibly he did not hear in a hurry. I told him, "If you persist, I will take disciplinary action against you." I went out of the way. Later on I thought that I need not have even said that. But I did say so because I found that he was too anxious to press that and raise that matter here. I wanted to avoid it, that is, to avoid a precedent even by an hon. Member of the standing of Shri Khadilkar. Therefore I told him that. Possibly he did not hear it.

As regards the other portion of the statement, I told him that this is a State subject. I passed the order on the papers here and sent the order in writing that I am not going to allow it. In spite of it he is interested in that matter and wants to raise it. I am sure what all I did yesterday is absolutely right. If it occurs again, I will do the same thing. I am really sorry. Hon. Members ought not to take that kind of attitude. Certainly they may convince me later on. There is no harm. Even now I advise hon. Member that if I come to a conclusion, kindly obey the orders.

If they want that matter to be reopened, I am always willing and ready to reopen it. I am prepared to hear any reasonable argument, I will try to abide by it.

**Shri Hem Barua (Gauhati):** May I make a humble submission? Yesterday you wrote to our Members that this was a State subject, but then we were not convinced that this was a State subject, because it involves a border dispute between two States and we just wanted to convey that to you, because we wanted to be enlightened.

**Mr. Speaker:** That is all right. The hon. Member raises one point. I come to a conclusion and disallow the adjournment motion on one ground. If he has another ground, or he

possibly thinks that that ground is not right, even then an order is an order. Therefore, the best way of convincing me is writing to me, or seeing me, and I will bring it up the next day. Let them not raise it here, that is all the point.

What is the point of order?

**Shri H. N. Mukerjee (Calcutta—Central):** You have been pleased to observe that what you did yesterday was, in the circumstances, absolutely correct. I had no intention of referring to it, but it seems that certain rules have not been properly observed even by yourself. In regard to what was done yesterday, when you required the abstention from the House

**Mr. Speaker:** That is the point that is being raised. This does not refer to that. What I said just now about what I did yesterday refers to the disallowing of the adjournment motions and preventing him from raising this matter. This is a different issue altogether on which I am going to hear the hon. Member.

**Shri H. N. Mukerjee:** In regard to the adjournment matter . . .

**Mr. Speaker:** I am hearing the hon. Member regarding that other matter. Shri Braj Raj Singh.

**Shri Braj Raj Singh:** I wanted to raise the matter of the suspension of Shri Jagdish Awasthi from the service of the House for seven days.

Rule 374 of the Rules of Procedure says:

"The Speaker may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof."

Even for naming a Member, there are certain conditions precedent. Those conditions must be fulfilled, only then can the hon. Speaker name a Member. In the present case what happened was this. I refer to page

134 of the proceedings of yesterday—Part II—Proceedings other than Questions and Answers. There I find the following:

“श्री जगदीश अवास्थी (बिल्हीर): अध्यक्ष महोदय में . . .”

Only that much was uttered by Shri Jagdish Awasthi. In the proceedings not another single word has been uttered by Shri Jagdish Awasthi, either in Hindi or in English or any other language. Only this much has been uttered:

“अध्यक्ष महोदय, में . . .”

For the naming of a Member, the condition precedent is that he should persistently and wilfully obstruct the business of the House.

**Shri C. D. Pande** (Naini Tal): That he was doing, exactly that.

**Shri Braj Raj Singh:** Anyway the records show that he was not at all persistent. Even if it be that this अध्यक्ष महोदय, में . . . is deemed

to be an obstruction of the business of the House, it was not at all persistent, nor is it wilful, because he had no intention of obstructing the business of the House. He wanted to raise another matter, which of course, had been disallowed by you, by way of an adjournment motion. That was about the firing in Rihand dam. With that I am not concerned for the present.

When a Member is suspended, the first condition is that he should be named, and then, after naming him, this is what should be done according to clause (2) of rule 374:

“If a member is so named by the Speaker, he shall forthwith put the question that the member (naming him) be suspended from the service of the House for a period not exceeding the remainder of the session:”

What happened in this case was this. After Shri Jagdish Awasthi had said

“अध्यक्ष महोदय, में . . .” you rose, and I quote:

“Mr. Speaker: I will have to ask the hon. Member to keep out of

the House. If he does not go and persists in doing like this, I have no other method than to send him away. . . . (Interruptions). Order, order. The hon. Member may kindly keep out of the House. I have repeatedly seen that he is disturbing this House. He is the one hon. Member who does not care for the ruling of the Chair however-much I may insist. It is not only for one day. I will have to request him to keep out of the House for seven days if the House concurs with me.”

**Mr. Speaker:** Members said “Yes.” That is the next sentence.

**Shri Braj Raj Singh:** Of course, I am coming to that. Yesterday was the first day of the session. You might have got something in your mind about the persistent and wilful obstruction of Shri Jagdish Awasthi in the business of the House, but yesterday being the first day of the session of this House, no such things could have occurred. Anyway, when you said,

“I will have to request him to keep out of the House for seven days if the House concurs with me.”

here it is on record:

“Some Hon. Members: Yes.”

Even if this be deemed to be that the majority of the Members of the House concurred with your view for the suspension of Shri Jagdish Awasthi from the service of the House for seven days, it was not putting the question to the House. There is a procedure for putting the question to the House. I am not required to explain this matter to you, how the question is put to the House.

Here in clause (2) of rule 374 it is mentioned:

“If a member is so named by the Speaker, he shall forthwith put the question that the member (naming him) be suspended from the service of the House for a period not exceeding the remainder of the session.”

[Shri Braj Raj Singh]

My submission is that Shri Jagdish Awasthi was never named. Even if it is deemed that he was named, the question for suspending him from the service of the House for seven days was never put to the House. After that I had risen and submitted:

"This is not the procedure".

My impression was that perhaps you had not put the question and Shri Jagdish Awasthi was not to be suspended from the service of the House for seven days. Later on, when I looked into the notes which are sent to us by the Secretariat, I came to know that he had been suspended from the service of the House for seven days.

My feeling is this, that under the rules of procedure....

**Mr. Speaker:** He has explained.

**Shri Braj Raj Singh:** ....no order was passed suspending him, he was not at all suspended, and if he is not here today in the House, he is not here illegally. He has the right to enter the House, he can enter the House. He was in a mood to enter the House. I said: "No, when there is an order, may be a palpably wrong order, that order must be brought to the notice of the Speaker and then only some action should be taken." So, my submission is this that because the order does not exist in law, this should be made clear that Shri Jagdish Awasthi has not been suspended from the service of the House for any day.

**Shri S. M. Banerjee (Kanpur):** Whatever my hon. friend Shri Braj Raj Singh has said, I personally feel, is correct. I remember one instance here in the House. Once Shri Arjun Singh Bhadauria was asked by the Deputy-Speaker—at that time he was in the Chair—to keep out of the House; he was named and he refused to go out. There was a suggestion, the suggestion came actually from the Chair that he should be suspended from the House for seven days. I

remember that this motion was formally moved by the Chair or by the Leader of the House and it was carried, there was a vote; two people were not for it, they wanted he should not be expelled; and others voted for it. Then he was physically removed by the Marshal. So, naturally I feel that this particular decision you have taken, without attributing any motive or challenging your decision, should be reconsidered, and I once more appeal to your sense of justice and impartiality to review yesterday's decision. It was all done in confusion; you were also provoked, we were also provoked, and this happened.

**Shri Nath Pai:** I am not prolonging this because I happen to be one of those who incurred your wrath yesterday and was suspended for the day.

An impression is being created that there is a section in the House which seeks persistently to defy your authority to flout the authority of the Chair; and the Prime Minister today has thrown in his massive weight in strengthening that impression.

I want to say one word. Had there been any such thing on our part, yesterday we would have been fully justified in refusing to go out in spite of the Marshal, because, for one thing, I know that much of law that the procedure was not fully adhered to. There was, on the other hand, this consistent determination on our part to uphold your authority and the prestige of the House. Even a cursory glance at the rules of procedure showed very clearly that Shri Jagdish Awasthi could enter the House, but once again what was in our mind was to make it always possible for us to uphold your authority. It is very wrong to create this impression that a certain section always tries to flout your authority, that there are some bad boys. (*Interruption*) Please listen. This is one of the examples of bad behaviour.

May I therefore submit that we will be always eager to uphold your autho-



riety because we know that in your authority and your prestige is the prestige of this House, but we would also like you to bear in mind that when we try to defend our right, we are defending your authority also, and the best example of this is that we allowed ourselves to be suspended when the procedure was not strictly adhered to by you; and another example is that Shri Jagdish Awasthi was wrongly, not wrongly but wrongly in the sense that the procedure has not been followed, suspended, but we prevailed upon him to keep out.

**Shri H. N. Mukerjee** rose—

**Mr. Speaker:** How many hon. Members should I hear? It is a point of order. I have heard sufficiently. Has the hon. Member anything to say against what has been said?

**Shri H. N. Mukerjee:** There are certain issues. I would like, first of all, to draw your attention to the fact that this House has not formulated its own rules, as the Constitution wanted it to. And in the meantime, adaptation of the rules as prevailing at the time of the formulation of the Constitution, by yourself has been the method by which we are proceeding. And that makes it all the more incumbent, I say it with all respect, that the rules are observed very carefully. I was not present at the time the incidents took place yesterday. There might very well have been a very provocative atmosphere; I do not quite know. But, even so, as my hon. friend Shri Nath Pai has said, we look upon you as upholding the dignity of the Members of the House as well as of the Chair symbolising the total House, so to speak. Besides, we have read in constitutional law and all that kind of thing that the object of the rules of Parliament is mainly to protect the interests of the Opposition, and particularly, the minority parties in their efforts to expose the misdeeds of the Government and all that kind of thing. It is, therefore, incumbent on the Chair to see that the rights of the minority parties are not trespassed upon in any way.

Yesterday, it does appear that while you were certainly within your rights to ask any individual Member or more to withdraw from the House and stay away for the rest of the day, you did not put before the House any motion regarding the suspension of any single Member, whether Shri Jagdish Awasthi or anybody else for seven days or for any other period. There, therefore, does seem to have been a technical infraction of the rules, and I do feel that the thing might very well be set right if you today ask the House to put its seal of approval (*Interruption*). I would much prefer your undivided attention, however valuable the advice being tendered to you might be. I do feel that when a Member of Parliament is addressing the Chair, it is incumbent that the Chair's attention is not diverted by whatever advice is tendered to it. I do feel that it is only right and proper and it would be a very seemly and dignified gesture on your part, if, considering the situation and considering also that we are just beginning a very momentous session, you ask the House to make a motion regarding the suspension which was ordered yesterday in regard to Shri Jagdish Awasthi.....

**Shri Nath Pai:** It is not actually necessary.

**Shri H. N. Mukerjee:**... We can do so under rule 374, and I suggest that that is done without delay.

**Shri Hem Barua:** This suggestion is not welcome.

**Mr. Speaker:** I have no objection to accept that. Hon. Members will see that I am equally interested, if not more interested, in seeing that order is maintained here.

We have got fourteen legislatures in our country, and I do not want any person in any part of our country, not to speak of the other countries in the world, to copy any of the things that happen here, particularly, those that may cause disturbance of the proceedings of the House. I have always been indulgent, and to my own conscience, I have been very much

[Mr. Speaker]

more indulgent to Members of the Opposition, and I have given them larger opportunities than hon. Members on this side of the House have had individually; as a party, they may have had opportunities to speak, but, I know that there are hon. Members who have come new, and they have not had an opportunity to speak at all in this House, but that kind of thing cannot be said regarding the Opposition Members here; one or the other of them would have spoken at some time. Unless it be that they did not want to speak, all others have had opportunity. Therefore, I am here anxious to safeguard the rights of the minority as against the Government in all reasonable manner. But if that kind of indulgence should be abused, and prevention of the business of the Government is sought to be made, I am sure that hon. Members would agree with me that I must exercise my right and see that no disturbance is made: the work of this House must go on.

Now, let me divide this into two portions. So far as Shri Nath Pai is concerned—I have had very good relations with all Members here; as for Shri Khadilkar, I found him to be one of our very good men, and Shri Nath Pai also equally so; therefore—it is rather unfortunate that he should have brought up this matter; normally, he never wanted, and I am sure, he never wanted, to flout the decision of the Chair. But in his anxiety to see that he has justified his choice as one of the constituents from his constituency, and considering the seriousness of the matter, as he understood it, he wanted to bring it up. If he had only waited, all this trouble would not have arisen yesterday.

Therefore so far as Shri Nath Pai and Shri Hem Barua and Shri Khadilkar are concerned, it was only for a day, and, therefore, I do not think they have any right to complain. And no point of order arises out of that.

Regarding what Shri Braj Raj Singh has stated, what I would say

is this. He has read the rules, and he has put forward two points of view. The first is regarding the subject-matter, that is, the merits, namely whether I am competent to send him away for a week unless persistently, every day he disturbs, or unless on that day he goes on persistently disturbing, once, twice, thrice and seven times, in which case alone I can send him away, on the seventh time for seven days outside the House. That is not the interpretation. The earlier portion of the rule relates to abuse of the authority of the Chair. That is the first point. The other is persistently obstructing the proceedings. I found him not at all obeying the Chair. And this is not just one occasion. I can cite others. I can wait and wait and when I find it is intolerable, I can keep him out of the House; and not wait until once again he disturbs me.

Therefore, on the merits, I am thoroughly satisfied. So far as this matter is concerned. I did not allow him. I refused to give my consent to his adjournment motion also. Under those circumstances, he had no right either to intervene on behalf of Shri Khadilkar or on his own behalf, because I had already disallowed it. He committed the same wrong as others had committed, and because he had been committing it seriously, I took that exceptional step.

So far as naming is concerned, it is a technical matter. I said, with the concurrence of the House; I did not want to exercise any authority which I did not have myself. If I have to suspend a Member, I have to name him, that is, if the House concurs. Then, there was nobody saying 'No'. Hon. Members said 'Aye.'

**An Hon. Member:** Only some hon. Members.

**Mr. Speaker:** There is not a single case where all hon. Members have said 'Aye'. There was not a single Member in this case who said 'No'.

**Shri Nath Pal:** We could say 'Yes' or 'No' only if you had put a motion; if Members had said 'Yes', it was only an interruption in what you were doing, because there was no motion being put.

**Mr. Speaker:** I could have said, I name so-and-so, and then, the question is that so-and-so be suspended.

**An Hon. Member:** That is the proper procedure.

**Mr. Speaker:** That is all that hon. Members want.

**Acharya Kripalani:** If we say 'No', you will say that we are interrupting.

**Mr. Speaker:** No, no. That is not the question. All that the hon. Members want is that I must have put the question and asked whether the House agreed, and by a majority, it would have been carried.

**Shri Khushwaqt Rai:** That is what should be done.

**Shri Tyagi:** Sometimes not.

**Mr. Speaker:** Now, the only question is whether it was done with the concurrence of the Members. Then, the Member said 'Yes'....

**An Hon. Member:** Only some Hon. Members said 'Yes.'

**Mr. Speaker:** Of course, it was only some hon. Members. Nowhere, at no time, even in a very important matter, do all the Members say 'Aye'. If they say 'Aye' and there is no 'No', I take it as 'Aye'; and even if there are only a few voices, I take it as 'Aye'.

Therefore, I am willing to reconsider. Do you mean to say that Shri Jagdish Awasthi's coming and sitting here injures me? On the other hand, I would request hon. Members on the Opposition to view it not merely from a technical point of view, but view it in a larger light and support it. I do not want this kind of thing to happen. I can certainly say, yes, there is no harm, and I might have

put this question; if I had put the question, possibly, the result would not have been different. Now, under those circumstances, it is not a mere technical matter. I, once again, appeal to all hon. Members, and particularly, to the leaders of the various Groups, and in their absence, to whoever is responsible for the particular party, to see to it that orderly progress is maintained. If they are not satisfied with any particular ruling, they are entitled to convince me; they should only wait for some time more. This kind of thing even on the very first day or the second day pains me as much as it does any other hon. Member. It is not very good to see in the newspapers that there was so much of trouble every day, and so on and so forth. I am willing to allow opportunity to hon. Members; if hon. Members want to say that the order is illegal, let them come and sit and by all means let them try to convince me. But I do not want that kind of thing to take place again. I am willing, if the hon. Member, Shri H. N. Mukerjee, says that let this be withdrawn, I am only too anxious to do so; I would advise the House to withdraw it.

**Shri Tyagi:** It may be withdrawn.

**Shri Jawaharlal Nehru:** I only wish to say a few words. I have not closely studied the rules about this matter. But it is clear from what I have heard the hon. Members opposite say, that there are certain definite rules about naming etc. In matters of this kind, even though what is done is correctly done, lest any misapprehension should remain in the minds of any person in this House that it was not correctly done, the rule normally should be followed.

May I respectfully suggest to you that, because a measure of misapprehension has arisen in regard to this matter, you may be pleased to allow the hon. Member, Shri Jagdish Awasthi, to come back to the House? I also suggest that in future we should follow this rule, so as not to leave

[Shri Jawaharlal Nehru]

any misapprehension in anyone's mind in regard to naming a Member.

**Shri H. N. Mukerjee** rose—

**Shri Jadhav (Malegaon):** On a point of information. I want only one minute.

**Mr. Speaker:** I have heard sufficiently.

A point of order has been raised stating that under Rule 374, before a Member is suspended for any particular period, he should be named and the question ought formally to be put to the House. Now, that has not been followed in this particular case. As soon as Shri Jagdish Awasthi got up, I observed:

"I will have to ask the hon. Member to keep out of the House. If he does not go and persists in doing like this, I have no other method than to send him away. (Interruptions). Order, order. The hon. Member may kindly keep out of the House. I have repeatedly seen that he is disturbing this House. He is the one hon. Member who does not care for the ruling of the Chair, however much I may insist. It is not only for one day. I will have to request him to keep out of the House for seven days, if the House concurs with me".

Then some hon. Members said:

"Yes".

I thought this was sufficient in the circumstances.

**Some Hon. Members:** No, no.

**Mr. Speaker:** Anyhow, I do not want to stick to that. A motion might have been formally moved and the question might have been put and the motion adopted. But irrespective of this matter, inasmuch as there is a volume of opinion to the effect that Shri Jagdish Awasthi should come back into the House, I have no objection to allow him to come back with retrospective effect.

Now, I would only say that irrespective of any technical observance of the rule, let there be no opportunity or occasion for any hon. Member being asked to keep out of the House even for a day. Let all that has happened yesterday be washed out. Let us start afresh.

**Shri Khushwaqt Rai:** I wish to seek clarification on one point.

**Shri Raghunath Singh (Varanasi):** The chapter should be closed.

**Shri Khushwaqt Rai:** That chapter is closed. But he does not want me to raise a point. You said in your ruling something relating to the previous conduct of the hon. Member. So far as I know about parliamentary democracy, the question of previous conduct has never been taken into consideration in these matters. What has happened in the past is past. So I would request you to have this matter looked into and then clarify it.

**Mr. Speaker:** The House will now proceed to the next item of business.

12-54 hrs.

#### STATEMENT RE: TWO AIR ACCIDENTS

**Mr. Speaker:** Before I call upon the hon. Minister of Transport and Communications to make a statement regarding two air accidents to the Indian Airlines Corporation aircraft, I may inform the House that notice of two Calling Attention motions and 21 questions have already been received on this subject. Inasmuch as the hon. Minister, in pursuance of a previous direction I gave, was willing to make a statement himself, I just wanted to bring to the notice of the House that hon. Members have also been vigilant and wanted to ask questions and elicit answers.

**The Minister of Transport and Communications (Dr. P. Subbarayan):** The statement is rather long. With