

12 hrs.

RE: ALLEGED BREACH OF  
PRIVILEGE

**Shri B. C. Kamble** (Kopargaon): May I say a few words with regard to the notice of breach of privilege which I have given? You have been pleased to convey through an officer of the Lok Sabha Secretariat that you are not willing to give your consent. Even then, my submission is that you may kindly avail of the proviso to rule 225 and make a reference in the House and see what Government have to say with regard to the breach of privilege. This breach of privilege arises....

**Mr. Speaker:** I am not going to allow this.

**Shri B. C. Kamble:** This arises out of article 335.

**Mr. Speaker:** I shall tell the House about this. I only wanted him to utilise the provisions of rule 225.

Shri B. C. Kamble has given me a notice of a privilege motion, but I said that I did not give my consent to this privilege motion; there is a provision in rule 225, stating that if I like, whenever I refuse to give my consent, I can read it out to the House; but even that depends upon my desire and my will as to whether I should find it a proper one to be brought up before the House or not; merely because an hon. Member wishes me to do so, I am not bound to do it. Anyhow, the hon. Member who has given notice of that motion wants me to read it out. I shall yield to his request.

His motion is this, that there is, according to him, a breach of privilege, arising

"...out of a fact of non-observance of article 335 of the Constitution of India by the Ministry of Defence and the establishment of the Supreme Court in the mat-

ter of recruitment of the Scheduled Castes and Scheduled Tribes. There is no reservation made for the members of the Scheduled Castes and Scheduled Tribes in the Armed Forces, even though the Constitution has commenced for since nearly 10 years."

Under article 335 of the Constitution, he claims that there must be reservation in the Armed Forces etc. for Scheduled Castes and Scheduled Tribes. The article reads only thus:

"The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State."

So, there is no obligation. Even assuming that it is so, there are other opportunities for raising it. I have already admitted a discussion on the Report of the Commissioner for Scheduled Castes and Scheduled Tribes, and it is coming up soon.

It is not a matter of privilege at all, and I am really surprised to find that the hon. Member should raise it now, even though I had sent word to him that I did not think it was a case of privilege at all.

After all, nobody prevents him from raising this matter at the proper time. Government will certainly give consideration to all these matters, and they will naturally explain why they have not done so. Irrespective of the fact that there is absolutely no provision in the Constitution compelling them to do so, they have been doing so in various other cases. If they have not followed it in this particular respect, they must have their own reasons, and they will give out those reasons. This is not a matter of any privilege. All the same, inasmuch as the hon. Member wanted

me to read it out to the House, I did so. I refuse to give my consent to it.

**Shri B. C. Kamble:** I shall be satisfied if Government give some indication with regard to this specific matter.

**Mr. Speaker:** Hon. Members cannot have their satisfaction as they like. I have refused to give my consent. The hon. Member merely asked me to read it out here. I have given him that much of indulgence already. He cannot expect anything more now.

So far as Shri Vajpayee is concerned, he has just tabled a motion of privilege. I do not read it out just now. I shall take time. Hon. Members must remember that they must give me some time to consider what they have given notice of; they cannot suddenly bring it up here and expect me to read it out to the House; it may be a question of privilege, or it may not be a question of privilege; after all, it may create some disturbance, and there might be no question of privilege involved. I must first be satisfied that *prima facie* there is a case of breach of privilege. I shall consult and then bring it up before the House, if necessary.

**Shri B. C. Kamble:** May I take it that my motion is held over?

**Mr. Speaker:** I have refused my consent, once, twice and thrice. I am not going to hold it over.

**Shri B. C. Kamble:** I had given notice on Friday last.

**Mr. Speaker:** Now, Papers to be Laid on the Table.

12.06 hrs.

## PAPERS LAID ON THE TABLE

### APPROPRIATION ACCOUNTS OF DEFENCE SERVICES

**The Minister of Finance (Shri Morarji Desai):** I beg to lay on the Table, a copy of the Appropriation Accounts of the Defence Services for the year 1958-59 and Commercial Appendix thereto. [*Placed in Library. See No. LT-2249/60.*]

### REPORT OF COMMISSIONER FOR LINGUISTIC MINORITIES

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** I beg to lay on the Table a copy of the Report of the Commissioner for Linguistic Minorities for the period 1st August, 1958 to 31st July, 1959, under article 350B of the Constitution. [*Placed in Library. See No. LT-2250/60.*]

### NOTIFICATION UNDER ALL INDIA SERVICES ACT

**Shri Datar:** I beg to lay on the Table a copy of Notification No. GSR. 841 dated the 30th July, 1960 making certain amendment to Schedule III to the Indian Police Service (Pay) Rules, 1954, under sub-section (2) of section 3 of the All India Services Act, 1951. [*Placed in Library. See No. LT-2251/60.*]

### AMENDMENT TO RESERVE AND AUXILIARY AIR FORCES ACT RULES

**The Deputy Minister of Defence (Shri Raghuramaiah):** On behalf of Sardar Majithia, I beg to lay on the Table a copy of Notification No. SRO. 5-E dated the 9th July, 1960 making certain further amendment to the Reserve and Auxiliary Air Forces Act Rules, 1953, under sub-section (4) of section 34 of the Reserve and Auxiliary Air Forces Act, 1952. [*Placed in Library. See No. LT-2252/60.*]