

factory in the public sector but co-operatives should be assisted and encouraged.

Such action as is necessary for implementing these decisions has been/is being taken.

Employees' State Insurance Scheme

3008. Shri Hem Barua: Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact that a certain Member of Parliament has brought out charges of corruption and irregularities in the working of the Employees' State Insurance Scheme in the Delhi Administration;

(b) if so, what are those charges; and

(c) what steps have been taken so far to ascertain the truth of the charges?

The Deputy Minister of Planning and Labour and Employment (Shri L. N. Mishra): (a) Yes.

(b) The main charges are excessive expenditure, mis-appropriation of stores, irregular purchases and appointments, and preparation of unnecessary special indents for the provision of medical care by certain officials in charge of Medical administration.

(c) Certain enquiries have been made. The matter is under the consideration of the Delhi Administration.

12-10 hrs.

MOTION OF NO-CONFIDENCE

Mr. Speaker: I have received notice of a no-confidence motion from Shri Braj Raj Singh:

"Under Rule 198 of the Rules of Procedure and Conduct of Business I move a non-confidence motion against the Cabinet of Shri Jawaharlal Nehru." (Interruptions).

Order, order. With respect to no-confidence motions no grounds need be set out. It is only a censure motion that requires the grounds. If the motion is allowed by the House to be taken on a particular day I shall fix it. At that stage the hon. Member can develop all his arguments, not only what he has stated here. Now, may I know if there are 50 Members to rise in their seats to support this? (Interruptions).

Shri Braj Raj Singh: (Ferozabad) rose—

Mr. Speaker: The rule is this:

"A motion expressing want of confidence in the Council of Ministers may be made subject to the following restrictions, namely:—

(a) leave to make the motion shall be asked for after questions and before the list of business for the day is entered upon;"

The Question Hour is over. He has tabled the motion and I have brought it up now.

"The member asking for leave shall, before the commencement of the sitting for that day, give to the Secretary a written notice of the motion which he proposes to move."

I have got the motion before me. He gave it to the Secretary.

"If the Speaker is of opinion that the motion is in order, he shall read the motion to the House and shall request those members who are in favour of leave being granted to rise in their places."

I have read the motion to the House. So far as the grounds and other things are concerned, they do not form part of the motion. Nobody need give any reasons. If the majority do not want the Government, they can send away the Ministry. So, at the time of developing the arguments, at the time of making the motion when it is brought

[Mr. Speaker]

up here, the hon. Member can develop his arguments. Therefore, the simple question is, are there 50 members here to rise in their places?

Shri Braj Raj Singh: May I make a submission, Sir?

Mr. Speaker: I am not going to allow it. Order, order. It is not for the hon. Member to read; it is for the Speaker to read. Are there 50 members to rise in their seats? No.

Shri P. N. Singh (Chandauli): Sir, on a point of order.

Shri Braj Raj Singh: I am submitting something about the interpretation of the rule. You have said 50 persons have not risen in their seats.

I have great respect for you. But am I not entitled to ask from you what is the form in which it has to be made? You have not prescribed any form in these Rules of Procedure nor in the Constitution nor anywhere else. When it is not provided as to what shall be the form of a no-confidence motion, we have to fall back on the practice of the House of Commons. There the procedure is that the grounds are given. The grounds for want of confidence are given in the motion itself. That is why I have given these grounds. Unless the grounds are read over to the House, how can the members decide whether they should be in favour of it or against it? That is my point—because you have not provided the form anywhere in the rules.

Mr. Speaker: Yes; I will come to it. But, what is the point of order of the other hon. Member?

श्री प्र० ना० सिंह : (बन्दीली) : श्रीमान्, मेरा व्यवस्था का प्रश्न यह है कि जो सबस्टेंशल मोशन के साथ प्राउन्ड्स दिये गये हैं उनको हाउस में पढ़ा जाना चाहिये।

अध्यक्ष महोदय : आपने इस पर दस्तखत किया है ?

श्री प्र० ना० सिंह : दस्तखत का सवाल नहीं है, चूंकि यह सवाल सदन के सामने उपस्थित है, इसलिये मैं अपनी बात कह सकता हूँ। जहाँ कहीं अविश्वास के प्रस्ताव आते हैं उनको लाने के दो तरीके हैं। एक तरीका तो यह होता है कि केवल सेंसर मोशन दे दिया गया और दूसरा तरीका यह है कि उसके प्राउन्ड्स भी दे दिये गये। अपने यहाँ कोई इस तरह का नियम नहीं है कि उसका क्या आर्डर होगा। कुछ नहीं कहा गया है कि प्राउन्ड्स दिये जायें या नहीं। लेकिन हाउस आफ कामन्स में श्री एटली ने चॉर्ज को इकूमन के खिलाफ सन् १९५२ और १९५३ में जो नो कानफिडेंस मोशन रखा था उस प्रस्ताव में उन्होंने कहा था :

“That this House regrets that Her Majesty's Government is dealing with the Business of the House incompetently, unfairly and in defiance of the best principles of Parliamentary democracy and the national interest, and records the view that this is in part brought about by the efforts of Ministers to force through measures, unrelated to the needs of the nation, for which they have no adequate support in Parliament or the country.”

इसी तरह सन् १९४५ और १९४६ में लेबर गवर्नमेंट के खिलाफ मोंगन या वोट आफ नो-कनफिडेंस आया था उसमें ये प्राउन्ड्स दिये गये थे

“That this House regrets that His Majesty's Government are neglecting their first duty, namely, to concentrate with full energy upon the most urgent and essential tasks of the re-conversion of our industries from war-time production to that of peace, the provision of houses, the speedy release of men and women from the Forces to industry, and the drastic curtailment of our swollen national expenditure and deplores

the pre-occupation of His Majesty's Ministers, impelled by Socialist theory, with the formulation of long-term schemes for nationalisation, creating uncertainty over the whole field of industrial and economic activity, in direct opposition to the best interest of the nation, which demands food, work and homes."

मेरा प्वाइंट ऑफ ऑर्डर यह है कि मॉशन में जो ग्राउन्ड्स दिये हुये हैं उनको चेयर को अपनी तरफ से खत्म करने का कोई भी रूल में विधान में नहीं दिया हुआ है। मेरा प्वाइंट ऑफ ऑर्डर यह है कि जिस तरीके से मॉशन रखा गया है उस पूरे मॉशन को और उसके ग्राउन्ड्स को पढ़ा जाये। पार्लिसीज के आधार पर हम मौजूदा सरकार को सेंसर करना चाहते हैं पूरे मॉशन को पढ़ा जाये ताकि हाउस के सामने सारी बातें आ सकें और लोगों को ५० की संख्या में हाउस में उठने में सहूलियत हो।

Mr. Speaker: A point of order has been raised that grounds for the motion of no-confidence can be given and they have to be read out to the House. I have divided it into two portions.

At this stage, we will assume there are not 50 members to rise in their seats. [Prima facie at least 50 members must have no confidence in the Government; that is, the number required to form a quorum. If 50 members do not rise and a single member gets up and reads all the charges—fortunately he has put only 3 clauses here—and ultimately there is not even one other member to rise in his seat to support him, am I to allow all this when there is no opportunity for others to state anything against it? The impression will be brought about that only there are not others not supporting for various reasons but the grounds are there. They are read out *ex parte* without any opportunity for anybody to refute it. Therefore, in the House of Commons they have made a distinction. That distinction has not

been read out. The distinction is between a censure motion and a no-confidence motion. The Government can be censured for various reasons. The Government need not be censured but can be kept out of office if the majority do not want them.

We are aware of cases where members of one group have changed over to another group after the Parliament meets. Originally the Government party might have been in a majority. Subsequently, some members are taken over to the other side and the Opposition convince them that they are just. Therefore, if the majority is in favour of the Opposition, am I to say, 'You have not given the reasons; therefore you are out of court?' The point is, can I insist upon the reasons being given?

An Hon. Member: No, Sir.

Mr. Speaker: I cannot insist upon the reasons being given. You must judge it from both sides. Can I insist upon the reasons being given for the purpose of admitting a no-confidence motion? (*interruptions*). Order, order. The giving of reasons is not a condition precedent to the admission of a motion. If it is said that I cannot insist upon the grounds being given for the motion being introduced in the House, can it be said, whether it is necessary or not, if they are given they must be read out to the House? The only point is, if I am not entitled to insist upon the grounds being given, merely because a member has given the grounds should I read them, when there is no opportunity for others to refute it?

Shri Ranga (Tenali): Before you give your ruling, Sir, may I make one or two submissions? I do not differ from what you have been pleased to say so far. But the difficulty in our House is that we do not have one party in Opposition. We have a number of groups. We are all different political parties. One particular party has decided to give notice of this

[Shri Ranga]

motion. You are expected also to ask whether there are 50 members in support of the motion before you can possibly give permission to get it discussed at all. We are being embarrassed in this manner that we do not know the grounds. After all we are in Opposition because we do not have faith and confidence in the Ministry.

Shri Tyagi (Dehra Dun): What?

Shri Ranga: Yes, that is so. But that is different matter. But that does not mean that we should move a vote of no confidence every day.

Mr. Speaker: We are straying away from the point.

Shri Ranga: I must know the reasons for which he wants to move this vote of no-confidence before I can decide whether I should agree with him or the House should agree with him.

Mr. Speaker: I have heard the point of order. . . . (Interruptions).

Shri S. M. Banerjee (Kanpur): You have not answered the point of order.

Mr. Speaker: Order, order. I will have to take exceptional remedies against this hon. Member. I am trying to dispose of the point of order and it is not for him to say that I have not given reasons.

Shri S. M. Banerjee: You have not heard me.

Mr. Speaker: I am not going to hear him; I have heard one hon. Member who raised the point of order. I have allowed the leader of another group. It is wrong to say that after coming here for the first time I should allow him to make a motion so that the hon. Members may know the charges. Shall I allow them sometime to go into the Lobby so that they may say to each other: you must support my no-confidence motion? He must make sure

that he has got fifty Members with him. It is not a matter for canvassing here; he must canvass outside and convince a number of people so that he has at least fifty Members with him. Has he got fifty hon. Members to support him? . . . (Interruptions). Will he allow me to speak or not? . . . (Interruptions).

An Hon. Member: We will allow.

Mr. Speaker: Order, order, I resent very much this kind of childishness. Hon. Members must consider the dignity of the House; they detract from it; they detract from their own dignity. They bring down the prestige of the House. It is unfortunate. The point has been raised and I am bound to answer it and dispose of this matter. The point is whether the grounds ought to be allowed to be read here.

Shri P. N. Singh: Grounds are given.

Mr. Speaker: I am not going to read them out.

Shri H. N. Mukerjee (Calcutta—Central): May I make a submission, Sir?

Mr. Speaker: How many persons should I allow? The point of order was made and as soon as it was raised Shri Ranga stood up and I allowed him. If Shri Mukerjee wanted to say something, he could have stood up then and I would have allowed him. I am now giving my ruling. No-confidence motions are to be distinguished from censure motions. He may move a censure motion giving reasons to convert the House to his viewpoint. So far as no-confidence motions are concerned, the position is different. Article 75 says that the Council of Ministers shall be collectively responsible to the House of the People. Rule 198 had been framed under it. It says that a motion expressing want of confidence in the Council of Ministers may be made subject to certain restric-

tions. The Speaker should be of the opinion that the motion is in order and it should satisfy all the other conditions that have been set out. We will assume that Shri Braj Raj Singh did not give any of those grounds, even then I am bound to bring it up here and it is enough if he says that there are fifty hon. Members who will get up. So, it is for him to influence all the other hon. Members so that the motion of no-confidence may be admitted. So, it cannot be rejected for want of any ground being set out.

The other question is this. When the grounds are set out, should I read those grounds here? If I do, then, the position would be that even if leave is not granted, the grounds will stand and the other side will have no opportunity to meet those charges. I find that this would be an injustice done to the other side.

Shri P. N. Singh: There is no provision for moving a censure motion here in our rules.

Mr. Speaker: Are fifty hon. Members standing in their seats? No. Leave is not granted.

Papers to be laid on the Table. Shri Kanungo.... (*Interruptions*).

PAPERS LAID ON THE TABLE

REPORT OF THE INDIAN DELEGATION TO THE 18TH SESSION OF CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Minister of Commerce (Shri Kanungo): Sir, I beg to lay on the Table a copy of the Report of the Indian Delegation to the 18th Session of Contracting Parties to the General Agreement on Tariffs and Trade held in Geneva from May 15 to 19, 1961. [Placed in Library. See No. LT-3181/61].

MOTION OF NO-CONFIDENCE— Contd.

Shri Braj Raj Singh (Ferozabad): Unfortunately, there is no mention of censure motion in our Rules.

Mr. Speaker: I will not allow it to be taken up if hon. Member has not got fifty members to rise in their seats. How many are there? There are only five. The motion is rejected.

Shri Ranga (Tenali): We are not able to understand what is going on, Sir (*Interruptions*).

Shri Braj Raj Singh: This is not the procedure, Sir.

Mr. Speaker: Order, order. I will have to ask the hon. Members either to resume their seats and not indulge in this sort of interruption. (*Interruptions*). Order, order. I have given a ruling.

Shri Braj Raj Singh: You have not decided about the form.

Mr. Speaker: I have ruled that so far as no-confidence motion is concerned, whatever grounds might be given, only that portion which reads: "That this House has no confidence in the Government headed by so and so...." that alone will be read by the Speaker of the House. After leave is granted, no confidence motion can be moved and all the grounds can be urged. Otherwise, it will be a gross injustice to the other side who have no opportunity.... (*Interruptions*). I have decided; I am not going to allow it.

Shri Ranga: Sir, our position in the Opposition becomes absolutely untenable. I do not happen to belong to that Party; they have given notice of this. Nobody told me for what reasons they want to move it. Should I not be in a position to know whether I should agree to give leave to it so that it may be discussed or not and whether I should get up in support of that motion or not? You have not given us any opportunity. What is the use?

Shri H. N. Mukerjee: Sir, fifty of us have to make up our minds as to whether we should stand in our places in support of the no-confidence motion or not. Unless we hear something in regard to the grounds set out in the motion, it is not possible physically and mentally to make up our minds. As it has happened, suddenly for some reason—I do not know what motivates my hon. friend Shri Braj Raj Singh—they have thought it fit to bring forward this motion. There has not been time to meet them in the Lobby... (*Interruptions*). I beg of you to remember that, in spite of our divisions and weaknesses, it is to you that we in the opposition look in order to uphold whatever rights that we have (*Interruptions*). They may laugh but we have to function in a difficult environment and face the hostility of people who are massed against us, sometimes even without reason... (*Interruptions*). It is with all humility and a due sense of duty which we owe to you and to the House that I am making my submission that the Opposition, especially at the far end of this Parliament, should not get the impression that if it is trying to agitate a particular matter, on a technical ground, it is being ruled out. As far as my Group is concerned, we have not got an inkling as to the grounds on which Shri Braj Raj Singh is moving this motion. If he says something very tangible, very objective and very cogent, then it is very conceivable that Shri Ranga and I and others on this side may rise in support of that motion... (*Interruptions*) but before listening to the remarks, it is impossible for us to make up our minds. That is why you should allow the grounds to be conveyed to us so that we can make up our minds.

Shri Tyagi: May I submit a few words, Sir? After all, you are the guardian of the procedures of this House. You are to see that the Parliament works properly and in a dignified manner. There is no doubt about it. I may say that I, as a member of this party, am not afraid of any charges which may be read out. But the ques-

tion is, this thing may become a routine affair—one Member sending hundreds of charges every day and they would be read and then, you will ask those hon. Members who may be supporting the motion to stand, and so on. Now, you, Sir, have rightly asked hon. Members to stand. We saw only one Member standing!

श्री रामसेवक दाबड़ (बाराबंकी) :
श्रीमन, मैं एक व्यवस्था का प्रश्न उपस्थित करना चाहता हूँ ।

Mr. Speaker: Order, order. Let the hon. Member continue.

Shri Tyagi: Therefore, with all humility, I think we must be fair to give my hon. friends on the opposite side the best chance of coming out with any charges against us. We are prepared to face them boldly and if we cannot face them, we have no business to be on this side. There is no question of hiding anything from the nation. Let the country know what the charges are. Let the country also know what our defence about the charges is. You have rightly said that if this becomes a routine, then any Member can send hundreds of charges every day, and they are to be read out as in the case of an Adjournment Motion. Therefore, my submission to the Opposition is, let us establish a convention: whenever there is a no-confidence motion, let them go into the lobby. Let all the Opposition Parties come together and consult together and come out with some charges. Then they may be read if there are 50 Members in support of them. Therefore, you are right, may I humbly submit, in what you said.

श्री रामसेवक दाबड़ : मैं श्री त्यागी को यह बताना चाहता हूँ कि इस सम्बन्ध में नियम यह है कि यदि एक बार नान-कॉन्फिडेंस मोशन गिर जाये, तो उसी सेशन में दूसरी बार कोई और नान-कॉन्फिडेंस मोशन नहीं रखा जा सकता है ।

Mr. Speaker: Order, order. I am not going to allow any discussion on the ruling that I have given. This is a very important matter. I have considered the ruling and have considered the grounds. Though I have given my ruling, I once again heard Shri Ranga, the leader of one group and Shri H. N. Mukerjee who is speaking on behalf of the Communist Party. The grounds are these. Shri H. N. Mukerjee said that if he hears what Shri Braj Raj Singh has put into the motion, then he will be in a position to make out whether he should stand in support of it or not.

An Hon. Member: Permission.

Mr. Speaker: Permission at this stage. They may support it at this stage, but later on they may not support it. Some hon. Members may be rightly under the impression that leave may be granted, whatever might be the result of the motion ultimately, whether it is carried or not. I am not attributing any motives to them. At this stage, Shri Mukerjee's argument is that he will be denied the opportunity to know whether leave should be granted or not, and therefore he says, "We must hear the charges". Normally, has the other side an opportunity to refute, if I allow the charges to be read? *(Interruption.)* Order, order. Shri H. N. Mukerjee wants to come to a conclusion merely because an hon. Member puts down certain charges; he won't have the opportunity to hear the other side refute them. This argument has no legs to stand upon for this reason: merely because some charges are made, and on account of those charges only if they are set out in the motion of the mover, he comes to a conclusion without hearing the other side. Is it just? Is it possible now for me to give the other side an opportunity? Is there a provision for it at this stage? No. *(Interruptions.)* Order, order. That means, even without leave being granted and fifty Members rising in their seats, I allow an argument here and an argument there, and ultimately it becomes a regular motion that is admitted even without leave being

granted. Hon. Members do not follow that we have to create precedents for the future. *(Shri Braj Raj Singh: There must be precedents created.)* Yes; that is exactly what I am saying.

So far as a motion of no-confidence is concerned, it is not obligatory for the mover to set out the grounds: it is clear. Shri Braj Raj Singh would not be out of court if the grounds are not set out. He can merely come here with a motion of no-confidence and it is not open to Shri H. N. Mukerjee to ask him, "Mr. Braj Raj Singh, what are your grounds?" He may ask him separately. If Shri Braj Raj Singh has got fifty Members by his side, it is not open to any hon. Member of this House to say that leave ought not to be granted. If Shri Braj Raj Singh has got fifty Members by his side, he can merely say, "Under the Constitution and the rules, I have got the right to take the motion; I have got fifty members by my side. Shri H. N. Mukerjee or any other Member may be quite in the dark as to the grounds, but I have got fifty Members by my side and you must give me leave." I am bound to give leave. Therefore, it is not for the purpose of convincing. When Shri Braj Raj Singh has got the right to bring fifty Members on his side already, and when he is not bound to give the reasons at this stage, in spite of the arguments of Shri H. N. Mukerjee and Shri Ranga, I am bound—this House is bound—to accept it, and fix a date within ten days in case leave is granted. I am asking hon. Members to read it the other way.

Shri Braj Raj Singh never wanted the support of Shri H. N. Mukerjee; he does not want the support of the other hon. Members here. Otherwise, he would have canvassed them separately and then come to this House. My ruling is correct; in the circumstances, it will stand for all time.

Shri Braj Raj Singh: As a protest against your ruling, which will establish a very bad practice for the future, we walk out from the House.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Go for ever.

(*Sarvashri Braj Raj Singh, Arjun Singh Bhadauria, Jadish Awasthi, Ram Sewak Yadhav, L. Achaw Singh and P. N. Singh then left the House.*)

Shri Tyagi : I request that it may be noted that only six Members were in support of it and walked out.

Mr. Speaker: The record will show it.

12-38 hrs.

EXPUNCTION

Raja Mahendra Pratap (Mathura): I want to leave the House for another reason. You did not allow my adjournment motion. I wanted to save the life of Master Tara Singh, and ** ** I want to say this, and I am walking out.

Mr. Speaker: Order, order. I will have to proceed against the hon. Member for contempt for having said that ** ** He says he wants to save the life of Master Tara Singh, and, if after a debate for two days in this House on this matter, I do not allow his adjournment motion, he says ** **. I will have to take contempt proceedings against him unless he tenders an unconditional apology to me.

Raja Mahendra Pratap: Sixteen days have passed and he has become much weaker in the last two days.

You did not allow my adjournment motion. So, as a protest, I am walking out.

Mr. Speaker: He may leave the House, if he so likes.

(*Raja Mahendra Pratap then left the House.*)

Some Hon. Members rose—

Mr. Speaker: Order, order. I do not want to proceed further on account of his age.

Shri Ansar Harvani (Fatehpur): The words ** ** may be expunged.

Shri D. C. Sharma: Yes, Sir.

Mr. Speaker: The words ** ** will be expunged. I thought he will himself honourably withdraw them.

12.39 hrs.

PAPERS LAID ON THE TABLE

(*Raja Mahendra Pratap then left the ANNUAL REPORT OF HINDUSTAN MACHINE TOOLS, LTD., REVIEW OF GOVERNMENT THEREON, AND STATEMENT RE. INVENTIONS PROMOTION BOARD*)

The Minister of Industry (Shri Manubhai Shah): I beg to lay on the Table a copy each of the following papers:

- (i) Annual Report of the Hindustan Machine Tools Limited for the year 1960-61 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under subsection (1) of section 619 of the Companies Act, 1956.
- (ii) Review by the Government of the working of the above Company. [*Placed in Library. See No. LT-3175/61*]
- (iii) A statement showing the amount of aid sanctioned and disbursed during the financial years 1960-61 and 1961-62 by the Inventions Promotion Board. [*Placed in Library. See No. LT-3180/61*]

EMPLOYEES' PROVIDENT FUND SCHEME

The Deputy Minister of Labour (Shri Abid Ali): I beg to lay on the Table a copy of the Employees' Provident Funds (Sixth Amendment) Scheme, 1961, published in Notifica-

**Expunged, as ordered by the Chair.