

MR. SPEAKER : And you do it without sending a copy of the Bill.

SHRI K.V. THANGKA BALU : We have sent the copy of the Bill only yesterday.

MR. SPEAKER : No, I did not receive the copy of the Bill yesternight and that is why, it was not included in the agenda and that is why, supplementary agenda had to be issued.

SHRI K.V. THANGKA BALU : We are sorry for the delay and that is why, I seek your indulgence to grant us permission to introduce the Bill today. You were kind enough to give permission today..(Interruptions)

MR. SPEAKER : Mr. Acharia, let me deal with this issue in my own fashion. Please cooperate with me. Mr. Minister, you will only explain as to why you did not give me two days notice for circulation and seven days notice seeking my permission to circulate.

SHRI K.V. THANGKA BALU : Sir, I am very sorry for the delay.

MR. SPEAKER : All right, you have explained. Now, I will pass the order.

Now, I think this is a very important Bill and importance of the Bill cannot be denied. As I have explained, I was asked for inclusion of this Bill in the agenda without the Bill. I refused and that is why, a supplementary agenda was issued. Now, if supplementary agenda is issued, I do not know whether the Members have received the copies or not.

SEVERAL HON. MEMBERS : No, no.

SHRI K.V. THANGKA BALU : Sir, we have submitted copies...(Interruptions)

MR. SPEAKER : If some Members on the Floor of the House say that they have not received and some Members say that they have received the Bill. I will accept both the statements. Some might have received and some might not have received. This kind of a Bill should have been received by all members.

Now, there is one more point which I shall have to consider while using the discretion. If the notice is given any time. I have no discretion and it will be admitted. If any Member is objecting to the introduction of the Bill, he can do it only on the basis of its constitutionality. Now, here is a point relating to the rules that the notice has not been given. We have no opportunity to go through it. It is not only so for all the Members but I also had no opportunity to apply my mind. That is the position in which we have landed. And if this Bill was to be introduced, considered and passed, it would have been a different thing. The position today is, you introduce the Bill, it has to go to the Standing Committee; the Standing Committee has to report back to the House; you have to consider it and then, you shall have to send it to the other House.

If the entire House agrees to this, I have no objection but if you want that I should use my discretion. I am not willing to use my discretion.

SOME HON. MEMBERS : Why?

MR. SPEAKER : Not necessarily...(Interruptions)

DR. KARTIKESWAR PATRA (Balasore) : Sir, there is one rule...(Interruptions)

SHRI P.C. THOMAS : In that case, I would like to make one point...(Interruptions)

MR. SPEAKER : I think we shall continue with the discussion under Rule 184 and we will take up Matters under Rule 377 later.

[Translation]

SHRI RAM VILAS PASWAN (Rosera) : Mr. Speaker, Sir, it would have been better if it would have been passed.

MR. SPEAKER : No, it can not be passed in this way.

[English]

SHRI P.C. THOMAS : Sir, I am on a point of order...(Interruptions)

SHRI BASUDEB ACHARIA : Sir, I would like to present a petition with your permission. When my name was called, I was not present.

MR. SPEAKER : Yes.

15.24 hrs.

PETITION RE: INCLUSION OF DESWALI MAJHI
COMMUNITY IN THE LIST OF SCHEDULED TRIBES

SHRI BASUDEB ACHARIA (Bankura) : Sir, I beg to present a petition signed by Shri Ankur Chand Majhi, Bihar Pashimbanga Deswali Majhi Samaj Unnayan Samity, Village and P.O. Pirrah, Distt. Purlia (West Bengal) regarding inclusion of Deswali Majhi Community in the list of Scheduled Tribes.

MR. SPEAKER : Now, Mr. Thomas, what is your point of order?

SHRI P.C. THOMAS (Muvattupuzha) : Sir, this is regarding the matter on which the discussion was going on.

MR. SPEAKER : I have concluded it.

SHRI P.C. THOMAS : Sir, you have said that you are not going to use your discretion. In that case I would submit that the view of the House should be taken.

MR. SPEAKER : The view of the House has been expressed.

SHRI P.C. THOMAS : No, Sir, it has to be taken up by division. It has to be through voting.

MR. SPEAKER : I am not going to put it to the vote of the House. If the House is unanimous on that point, I shall have no objection to suspend it.

SHRI P.C. THOMAS : Sir, this needs to be done by division.

MR. SPEAKER : This is in the discretion of the Speaker. You please take your seat...*(Interruptions)*

SHRI CHANDRA SHEKHAR (Ballia) : Sir, I have a basic objection. Let us not put this House in a ridiculous position. When the Speaker has passed on to the next agenda...*(Interruptions)*

SHRI P.C. THOMAS : He is not using his discretion...*(Interruptions)*

SHRI CHANDRA SHEKHAR : Please listen to me. *(Interruptions)*

Mr. Speaker, Sir. You have passed on to the next item on the agenda; the hon. Member has presented his petition. I do not know what is in the agenda? After all this if you come back to the same thing I do not know of any precedent like this. This should not be allowed to happen...*(Interruptions)*

SHRI P.C. THOMAS : Sir, may I submit...*(Interruptions)*

MR. SPEAKER : I have said that I am not using my discretion. I am not allowing it. There are divisions. The Bill is good but even if it is good, it cannot be passed in this Session by the Tenth Lok Sabha because it has to go to the Standing Committee; it has to come back here; and then it has to go to the other House; it cannot be passed; it has to be done by the other House. In view all these things it is no good using the discretion. Now, please sit down.

SHRI P.C. THOMAS : Sir, this is very unfortunate...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : This has happened due to the total bungling by the Government...*(Interruptions)*

SHRI P.C. THOMAS : Sir, there is precedent...*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K.V. THANGKA BALU) : It is not that we want to introduce the Bill...*(Interruptions)*

SHRI ARJUN SINGH (SATNA) : This is the attitude of the Leader of the House.

[Translation]

SHRI RAM VILAS PASWAN (Rosera) : The Government has been promising it for the last three years.

SHRI SOMNATH CHATTERJEE : We would like to know, why did you not send it? You are just saying that my senior Minister did it - is that an answer?

SHRI K.V. THANGKA BALU : I am explaining. We have no intention of politicising it...*(Interruptions)* You are politicising the issue. We are not interested in politicising it. We want to really help the people...*(Interruptions)*

SHRI ARJUN SINGH : Why did you not do it 10 days before...*(Interruptions)* Who prevented you? You could have done it 10 days earlier...*(Interruptions)*

MR. SPEAKER : Minister, you cannot help. Please keep quiet...*(Interruptions)*

SHRI P.C. CHACKO (Trichur) : It is not a technical question...*(Interruptions)*

[Translation]

MR. SPEAKER : Please sit silently. Why are you disturbing me?

[English]

SHRI P.C. THOMAS : Sir, on this matter it has been discussed as to whether in the Ruling that the Speaker, in the nature of cases, is not going to exercise his discretion. Now, Sir, as per the precedent and as is being usually done, I would submit that...

MR. SPEAKER : No, no, you quote the rule under which I have to take the vote of the House. I would do that.

SHRI P.C. THOMAS : Even in your order you have said that it is for the House to decide or for the Speaker to exercise his jurisdiction. So, you have said that you are not exercising the discretion. So, my only submission is...*(Interruptions)*

SHRI CHANDRA SHEKHAR : Sir, there should be some limit.

SHRI P.C. THOMAS : Sir, the majority decision might be taken.

MR. SPEAKER : It is not a point of order. There is no rule to that effect. Even for that I have to use discretion. If the entire House wants that it should be introduced, I cannot say "no" to it. If there is a division in the House, I cannot help it. Let us take the next item on the agenda...*(Interruptions)*

SHRI K.V. THANGKA BALU : Sir, the majority wants to discuss.

MR. SPEAKER : It is not the majority. Mr. Minister you should be ready on all these points. I have not said anything against you. Please do not expose yourself.

SHRI CHANDRA SHEKHAR : Can I have a submission, Sir.

325 *Motion Re: Expression of dissatisfaction at the government's failure to answer charges relating to the 'Hawala Case' and to allegations about illegal pay-offs*

MR. SPEAKER : Yes.

SHRI CHANDRA SHEKHAR : Mr. Speaker, Sir, by implication the Government has expressed its stand that they cannot spare even the Speaker. For concealing their bungling, they can impute motives to the Speakers Rulings also.

SHRI KV. THANGKA BALU : I never said anything against the Speaker.

15.31 hrs

MOTION RE: EXPRESSION OF DISSATISFACTION AT THE GOVERNMENT'S FAILURE TO ANSWER CHARGES RELATING TO THE 'HAWALA CASE' AND TO ALLEGATIONS ABOUT ILLEGAL PAY-OFFS-TO SOME MEMBERS OF PARLIAMENT - CONTD.

SHRI JASWANT SINGH (Chittorgarh) : Sir, I am making this submission only because you called the hon. Member to continue with the discussion under Rule 184. My submission is very direct and I will put it across in three or four sentences.

A great deal of the discussion under Rule 184 involves the hon. Prime Minister, Sir, who has found it convenient only to come for a very short intervention here which lasted barely two or three minutes. Now that the debate is in its concluding stage and great many questions may arise which might not be in the competence of the otherwise very competent Minister of State, I can only request that the hon. Prime Minister should please be present. I say this because there will be questions which will be directly addressed to him, which only he can answer. It is a request only that I can make to the good sense of the Treasury Benches. I know that they are deficient in it but whatever is there, please summon the Leader of the House.

[Translation]

SHRI RAM VILAS PASWAN (Rosera) : Mr. Speaker, Sir, in this context, I would like to make a submission that the motion moved by us and Shri Indrajit and Shri Somnath Chatterjee is about the amendment to the original motion. So far, it has not been circulated. We have requested to include in it our demand for resignation of the Prime Minister. The Member, who has moved it has no objection to it and I think that the House should also not have any objection to it. This amendment should be included in it and the provision of voting if necessary, should also be included in it.

[English]

SHRI PAWAN KUMAR BANSAL (Chandigarh) : It cannot be accepted, Sir.

MR. SPEAKER : Explain as to why it cannot be accepted.

PHALGUNA 22, 1917 (Saka)

326 *Motion Re. Expression of dissatisfaction at the government's failure to answer charges relating to the 'Hawala Case' and to allegations about illegal pay-offs*

SHRI INDRAJIT GUPTA (Midnapore) : The amendment should have been circulated. It has been given yesterday.

MR. SPEAKER : If I admit it, it will be circulated.

SHRI PAWAN KUMAR BANSAL : I am extremely grateful to you for giving me this opportunity. My submission is that a specific motion worded by Shri Atal Bihari Vajpayeeji was moved under Rule 184. If an amendment is sought to be moved to that, the first question that would arise is whether that could be included at the time when a motion like that was sought to be moved. Sir, before I come to the relevant Rule dealing with the amendments, I would like to see your indulgence to refer to Rule 186 only.

MR. SPEAKER : We should be legal but...*(Interruptions)*

SHRI PAWAN KUMAR BANSAL : I will try not to be legal, Sir.

MR. SPEAKER : You should be legal but you should be lucidly legal

SHRI PAWAN KUMAR BANSAL : Sir, Rule 186 says:

"In order that a motion may be admissible it shall satisfy the following conditions, namely :-

(iv) it shall be restricted to a matter of recent occurrence;

...*(Interruptions)*.. Please let me complete. I know of your capabilities but let me complete what I have to say. Sir, Rule 186 further says;

"(v) it shall not arise a question of privilege;

(vi) it shall not revive discussion of a matter which has been discussed in the same session;"

MR. SPEAKER : That is on motion. This is an amendment to the motion.

SHRI PAWAN KUMAR BANSAL : Sir, before I come to Rule 344, I would only seek your indulgence to refer to this again. It says, "it shall not revive the discussion of a matter which has been discussed in the same session." Yesterday, Sir, the whole day we discussed this matter as far as it pertained to the allegation against the Prime Minister. You would see, Sir, there are two parts of the motion under 184 that is before you. One deals with the perceived failure of the Opposition...*(Interruptions)*...

* The perception of the Opposition is about the failure of the Government to answer charges relating to the Hawala matter. The second point is to answer charges relating to illegal pay off to the Members of the Parliament and this was precisely the subject that was before us yesterday. By including that again today, we are doing nothing but reviving the discussion...*(Interruptions)* and the Rule I have quoted, if you had bothered to just listen to what I was saying. Thereafter, kindly refer to Rule 344: