

1994, in the payment of gratuity  
 (Amendment) Bill 1993" :-

seventh to Thirty-second sittings of the  
 Committee on Private Members' Bills and  
 Resolutions held during the current sessions.

**Enacting Formula**

**13.20 hrs.**

That at page 1, line 1,-

**COMMITTEE ON PETITIONS**

For "Forty-fourth" Substitute "Forty-fifth".

**Minutes**

(1)

[English]

Clause -1— Short—Title

SHRI P.G. NARAYANAN  
 (Gobichettipalayam) : Sir, I beg to lay on the  
 Table of the House the Minutes (Hindi and  
 English versions) of the First to Fourth,  
 Sixth, Eighth to Tenth, Twelfth to Eighteenth,  
 Twentieth to Twenty Fourth, Twenty Sixth,  
 Twenty Ninth and Thirtieth sitting of the  
 Committee on Petitions.

That at page 1, line 4, -

For "1993" substitute "1994". (2)

**13.19 hrs.**

**Assent to Bills**

[English]

[English]

SECRETARY - GENERAL : Sir, I lay on  
 the Table the following two Bills passed by  
 the Houses of Parliament during the current  
 session and assented to since a report was  
 last made to the House on the 2nd May,  
 1994:-

MR. SPEAKER : Should we take up  
 Matters Under Rule 377 after the recess ?

(1) The Appropriation (Railways)  
 No. 2 Bill, 1994

SHRI SAIFUDDIN CHOUDHURY  
 (Katwa) : Yes Sir.

(2) The Appropriation (Railways)  
 No. 3 Bill, 1994

[Translation]

**13.19-1/2 hrs.**

SHRI GEORGE FERNANDES : What is  
 the hon. Minister of law, Justice and Company  
 Affairs doing—has not been stated in the  
 agenda.

[English]

**COMMITTEE ON PRIVATE MEMBERS'  
 BILLS AND RESOLUTIONS**

**13.21 hrs.**

**Minutes**

RE : WITH DRAWAL OF CONSTITUTION  
 (SEVENTY FIRST, AMENDMENT BILL  
 AND REPRESENTATION OF THE  
 PEOPLE (AMENDMENT) BILL PENDING  
 BEFORE THE HOUSE.

[English]

SHRI S. MALLIKARJUNAIAH (Tumkur)  
 : SIR, I Beg to lay on the Table the Minutes  
 (Hindi and English versions) : Of the Twenty-

THE MINISTER OF STATE IN THE

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ) : Sir, I need your permission to say something.

MR. SPEAKER : Yes.

SHRI H.R. BHARDWAJ : You will appreciate that after the deliberations of all the leaders of Opposition, we had come to certain consensus on the matter of electoral reforms. Thereafter I made my move to withdraw the pending Bill. According to the directions of the hon. Speaker, sufficient time was required to circulate those and to give time to Members. I have to wait to withdraw those Bill. You will appreciate that the matter is urgent.

The new Bills can not to introduced unless I am allowed by this honourable House to withdraw the earlier two Bills, namely, the Constitution (Seventy-first) Amendment Bill and the Representation of the People (Amendment) Bill, 1993 which are pending.

MR. SPEAKER : Are you on the withdrawal of the earlier Bills or are you on withdrawal of the earlier Bills as well as introduction of the new Bills ?

SHRI H.R. BHARDWAJ : I want to introduce the new Bills also. (*Interruptions*)

MR. SPEAKER : I will hear you.

SHRI H.R. BHARDWAJ : I will just take one more minute. Because it was the concern of the House to proceed with the electoral reforms, we have gone ahead. But I do appreciate that we have to go by the parliamentary laws and procedure. That is why I gave sufficient time, My motions are pending now for sufficient time. I request you to kindly get the sense of the House to allow me to withdraw the old Bills and introduce the

new Bills.

SHRI JASWANT SINGH (Chittoragh) : The hon. Minister for law, Justice and Company in his request that he has made to the House, amongst other things has added a great many things. He has suggested that in the consultations that you very kindly arranged there came into existence a consensus thought no such unanimity or consensus come into being.

Secondly, he has suggested that he has circulated the Government's request for withdrawal of the pending Bills. I do not know to whom he has circulated this request and we are not going to act on what has happened in the other House.

Thirdly, this particular issue about withdrawal of pending legislation is not featured in today's List of Business. It is not even a Supplementary List of Business which belated courtesy at least the Minister of State of the Ministry of Communications — despite it being an irregularity — displayed to the House. This is not even a supplementary List of Business. I do not know which procedure or adherence to which procedure the hon. Minister is suggesting. He is very faithful. When it is not even the supplementary List of Business, it is not part of any consensus, we are not aware of any requesting move by the Minister or the Government for withdrawal of legislation. We are not clear in our minds as to why they wish to withdraw. The Government has not so far explained why they wish to withdraw. Under these circumstances, before going to the substance of our objection to the withdrawal proper this preliminary objection that I have, on the Government's request as such must be dealt with before we can proceed further. I certainly, on behalf of my party, request you not to accept the Government's request for withdrawal of pending legislation unless all these aspects

are fully satisfied.

[*Translation*]

SHRI GUMAN MAL LODHA (Pali) : Mr. Speaker, Sir, the hon. Minister of Law has presented two Bills and the permission should be granted to withdraw both the bills. Besides it he should be allowed to bring some other new Bills. There is no mention of these Bills in today's List of Business and the revised list has not been circulated by the office till now. Likewise if any hon. Member or Minister seeks permission to raise an issue in the House due to some special reasons, he should not be granted permission in writing, and the merits and demerits should be discussed here and he should not be given the opportunity to take the decision at his own. There are two provisions in Chapter 5 under 19-A and 15-B of the directions issued by you at various times in which it is clearly stated :

[*English*]

"19(A)(1) A Minister desiring to move for leave to introduce a Bill shall give notice in writing of his intention to do so.

(2) The period of notice of a motion for leave to introduce a Bill under this direction shall be seven days unless the Speaker allows the motion to be made at shorter notice."

[*Translation*]

Sir, thereafter it is stated in directions issued under 19-B

[*English*]

"No Bill shall be included for introduction in the List of Business

for a day until after copies thereof have two days before the day on which the Bill is proposed to be introduced :

" Provided that Appropriation Bills, Finance Bills, and such Secret Bills as are not put down in the list of business may be introduced without prior circulation of copies to Members:

Provided further that in other cases, where the Minister desires that the Bill may be introduced earlier than two days after the circulation of copies or even without prior circulation, he shall give full reasons in a memorandum for the consideration of the Speaker explaining as to why the Bill is sought to be introduced without making available to Members copies thereof in advance, and if the Speaker gives permission, the Bill shall be included in the list of business for the day on which the Bill is proposed to be introduced".

Kindly note the words "he shall " used here. It is mandatory.

[*Translation*]

Sir, now the question arises what were the specific reasons which compelled him to take up the issue of amendment in this session in our constitution, without giving a notice of 7 days without informing you and without circulating it before two days while the precedents under the rules are before you. Even today the specific reasons have not been mentioned. Under these circumstances, I would like to know from you that how the hon. Minister expects to seek

your permission on such an important issue in such a casual manner without mentioning the amendment to be done in the People Representative act and without mentioning the Bill and its clauses. My submission to you is that you should not grant permission in this regard and you should make it clear to the House that the issue of amendment in the Constitution is very serious. If the Government feels need of amendment in the constitution, then it can be taken it-should be done as per rules and the law of the land and it can be up in the next session or a special session can be called for this purpose. If the Government feels that there is a dire need of it then as per the rules the question of withdrawal will come up and it would be like the birth of a child before marriage, then how will it be? Till now the engagement has not been solemnised and Bhardwaj Sahib wants everything before it.

MR. SPEAKER : He wants divorce before marriage and the wants to withdraw the Bill and bring another one.

SHRI GUMAN MAL LODHA : He is seeking divorce and going for remarriage after if but before all this the hon. Minister is willing to give birth to children and in this way opposing the Family Planning scheme. Therefore my submission to you is that you know the rules and regulations and not only this House but the whole nation is looing towards you. The Government is flouting all the rules and the constitution to bring an end to it since it has happened first in emergency now again your permission can be sought. My submission is that permission should not be granted and ask the hon. Minister to abide by the rules and it should be brought next time.

SHRI GEORGE FERNANDES : Mr. Speaker, Sir, my submission is that it is like

making mockery not only of House but of the Constitution also. You should not allow it.

Mr. Speaker : Instead of suggesting me what to do and what not to do, just tell me what can be done and what can not be done?

SHRI GEORGE FERNANDES : Just tell him that he should leave the House.

MR. SPEAKER : Please tell me what can be done as per the rule.

SHRI GEORGE FERNANDES : The way he come here and the way he moved upto this place, it appeared from it as if we are doing something wrong. We do admit that electoral reforms are must. We may be sitting many side of the House but we have been suggesting about electoral reforms since long. But the way, the Government wants to bring this Bill, is neither liked by the House nor by the nation. It appears as if something wrong is going to take place. The last effort of the hon. Minister of Law to give it final shape seal should not be successful. The rules are at their own place. I know that you have the privilege of suspending all the rules but before it is circumstances should also be taken into consideration specially when there is not one but two things. First there is the rule of withdrawal and secondly the rule of notice when both these are surpassed then, my submission is that, nothing wrong will take place in the country and everything will be as it is. Moreover nothing wrong is going to happen in two months or so. Therefore, this Bill should not be brought in any case. I would not like to go into the details whether there is unanimity on it or not. Once again my submission to you is that to maintain the dignity of the House and the constitution you should utilise your powers.

[English]

SHRI SAIFUDDIN CHOUDHURY (Katwa) : Sir, actually we have been surprised to see that no mention is there in the Order Paper of today. Even it was not there yesterday that the Electoral Reforms Bill will be introduced by the Minister for consideration of the House.

For long, we have been discussing this matter and many meetings have been called of the Leaders of different political parties. This matter is very urgent matter. Many critical situation arose in the past in respect of certain decisions taken by the Election Commission and we had to pass general laws for the Multi-member Election Commission. Now, we have been demanding to bring forward a Bill. We have been pressing the Government so that constitutional status can be given for the crisis that is there and to remove that. But we do not know. They have been delaying so much.

Now I understand that today it is a matter of technicality. The rule sare also very important and at times are sacrosant. But in the past, we have done this also We feel that it is urgent and necessary to enact certain laws to amend the constitution for democratisation of the Election Commission which couducts elections in the country and about which unseemly controversy is taking place. Two Election Commissioners are there and they are not given an entry into the Election Commission. We do not understand the situation. But the question is who will put the mind to remove this kind of stalemate, I want to know about it. Then, what will be their answer to the people ?

In the headlines, it come that the Bill will be placed and certain things will be done. Are we responsible Member or not ? If it is a matter of technicality we should uphold it at

any cost, Do not introduce it at the cost of democracy. But I feel for the sake of democracy, this Bill must be introduced. And before that, withdrawal permission should be given.

MR. SPEAKER : If you are a little less ambiguous, it will help me.

SHRI JASWANT SINGH : Sir, I seek your indulgence because this whole matter came up so suddenly that in the initial permission that was granted to me, there were one or two aspects which I was not able to highlight sufficiently. I am not on the point of the Chief Election Commissioner or I am not on the merits of the intended legislation. I am, at the present moment, only on the procedure of withdrawal. I am not even on introduction because introduction generates in its vagueness altogether certain queries. So far as withdrawal is concerned, I wish to draw you attention to two Rules, namely Rule Nos. 110 and 111.

I submit that one of the pieces of legislation for which a request has been made for withdrawal, such a request, in addition to suffering from the deficiency, which is not purely technical, or not being listed in the List of Business, Supplementary List, etc., etc., suffers from two additional deficiencies. Rule 110 says:

“Provided that where a Bill is under consideration by a Select Committee of the House or a Joint Committee of the Houses. as the comes maybe, notice of any motion for the withdrawal of the Bill shall automatically stand referred to the Committee...”

I will not read the entire rule. Let me just elaborate the first point. So far as the Constitution amendment Bill on Delimitation

Commission is concerned, that Bill was first passed by the other House. Having been passed by the other House, it come here. At the stage of consideration itself, the House in its wisdom said no stop, let it go to a select Committee of this House. Now, the Select Committee of this House has deliberated over it. It has submitted a report, but the report has not been taken up. I submit that till such time the fate of the report of that Select Committee...

MR. SPEAKER : No, please do not go into that. The rule is very clear on this. It says: If it is under consideration of the committee. That consideration stage is over. As far as the withdrawal is concerned, if the Bill is introduced in the other House and having been passed there, if it comes here, we have to pass a resolution and send it there. The Select Committee does not come into picture.

SHRI JASWANT SINGH : No, Sir, let me place it before you. You can rule it out.

MR. SPEAKER : I have ruled it out on the Standing Committee now.

SHRI JASWANT SINGH : Sir, even if you take into account the fact that the Standing Committee's recommendations have not even been considered by the House... (Interruptions).

MR. SPEAKER : If the matter is with the Standing Committee and the process of consideration is going on, then this procedure has to be adopted. Now that they have considered it and sent the report to us, that procedure is not applicable.

SHRI JASWANT SINGH : Sir, since the report has not been considered by the House, it is my submission to you that the consideration by the Committee is not over. If the report of the Standing Committee is not

considered and if the Committee is made null and void by a withdrawal motion, then comes my second objection. If you rule it out, then comes my second objection which is that if a Bill originates in the Council of States, we can only send a motion that we concur to such a withdrawal. And until we concur, the other House cannot do it. Now look at the practical difficulty. I do not understand - though, of course, it is yet another example of the great confusion that prevails in this Government, but without meaning any individual disrespect to the very capable Minister for Parliamentary Affairs - the manner in which Parliamentary affairs are being handled, the utter casualness with which the House is being treated... (Interruptions).

MR. SPEAKER : His difficulty is in carrying everybody with him. If it is on his own, then he can do anything.

SHRI JASWANT SINGH : I realise, Sir, but that is the challenge of the parliamentary affairs. The very challenge of parliamentary affairs is to carry the maximum number. If we have been consulting with each other for the past so many days, surely all the necessary attendance steps that needed to be taken, could have been anticipated. The Member could have been informed that procedurally we will be required to withdraw these Bills, but not on the last day, not at the last minute when for the first time - which otherwise they are all most punctilious about - the House has not been adjourned for lunch break for Namaz. Normally every Friday this punctiliousness is unexceptionably maintained. Today the confusion in the Treasury Benches is so profound that even this great symbol of secularism has been placed aside and we are being asked to say: No all these things are now unnecessary

MR. SPEAKER : I hope, in future he will stick to it.

SHRI JASWANT SINGH : He will stick to the rules. I again appeal to you that I see no merit in this request. This merit is born of confusion, not out of a desire for electoral reforms or greater democratisation.

MR. SPEAKER : Thank you. Yes, Mr. Bansal.

SHRI NIRMAL KANTI CHATTERJEE (Dum dum) : Sir, Just I want to say something.

MR. SPEAKER : You need not speak on this. On economic issues I shall hear you.

SHRI NIRMAL KANTI CHATTERJEE : On the rules issue also, you hear me, Sir. (Interruptions)

MR. SPEAKER : Please, I will allow you on economic issues.

SHRI NIRMAL KANTI CHATTERJEE : I want to speak on rules also. (Interruptions)

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Sir, hon. shri Jaswant Singh referred to Rule 110. I am not referring to the first proviso. The second one deals with the bills which originate in the Council of State. I do not know whether he has scared to see as to really the motion is sought to be moved by the Minister. (Interruptions)

MR. SPEAKER : Bansalji, to make the long story short, the only point he is trying to make is: What is the justification for justification for doing it at this point of time ?

SHRI PAWAN KUMAR BANSAL : With utmost respect I would like to say the rules do not stipulate that this has to be brought in the List of Business. That is how they were trying to make it. They say since it has not been included in the List of Business, something is being done hurriedly at the last moment. the

rule says:

"The Member in charge of Bill, may, at any stage of the Bill, move for leave to withdraw the Bill on the ground that subsequently he intends to move a fresh one".

And 'subsequently' has been interpreted by the hon. Sepakers earlier to mean 'immediately thereafter' also.

The second part of what the hon. Minister is wanting to do today is the introduction after the withdrawal and nothing more than that. Why should we be objecting to it ? It is not that he is saying that we should discuss the Bill and it should be taken up for consideration.

MR. SPEAKER : The justification for having a list and the agenda is to see that every Member is informed in advance.

SHRI PAWAN KUMAR BANSAL : There are as many as eleven cases where even introduction has been permitted.

MR. SPEAKER : We have done it with the consensus of everybody in the House. That is what is what we are trying to do now.

(Interruptions)

MR. SPEAKER : What is the justification for doing it now ? If you are on that, please speak.

(Interruptions)

MR. SPEAKER : I do not need help.

SHRI NIRMAL KANTI CHATTERJEE : Sir, I want to seek one clarification from you.

MR. SPEAKER : You should know that you cannot ask clarifications or reasons from

the Chair.

*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE :  
Sir, on the basis of a rule I am asking. The rule exclusively says about the Bill being controlled.

*(Interruptions)*

MR. SPEAKER : I will hear Shri Srikanta Jena.

*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE :  
Sir, allow me for half - a - minute.

MR. SPEAKER : Your rely upon my understanding.

SHRI NIRMAL KANTI CHATTERJEE :  
I will and shall certainly do so. I will make my position explicit. Under Rule 31 it is stated that in case anything is not listed, then it shall be transacted at any sitting with the permission of the Speaker. The only question relevant about the list, therefore, to me is whether the permission has been given by the Speaker.

MR. SPEAKER : Are you questioning me ?

SHRI NIRMAL KANTI CHATTERJEE :  
Sir, if you are referring to conventions I will not say, It has already been referred to.

MR. SPEAKER : Please do sit down. You have to read - to understand these things - the entire rules.

SHRI NIRMAL KANTI CHATTERJEE :  
This is what I am trying to do.

MR. SPEAKER : There are ample powers given to the Speaker to see that the business is transacted in the House. There are inherent powers.

*[Translation]*

SHRI BHOGENDRAJHA : (Madhubani)  
: Mr. Speaker, Sir, I would like to speak on behalf of Communist Party of India.

MR. SPEAKER : No, no it is not the question of Communist Party. It is concerned with law.

SHRI BHOGENDRAJHA : Mr. Speaker, Sir, Communist Party is constituted under the law and it is not as per of anyone's wish.

*[English]*

MR. SPEAKER : Let me have the Communist interpretation of the rules..

*(Interruptions)*

*[Translation]*

SHRI BHOGENDRAJHA : Mr. Speaker, Sir, there are two aspects of this issue. The one of regarding the withdrawal of the old Bill and the hon. Minister has said that under the rules it can not be done and that is why the permission of the House has been sought. During my five terms in Lock Sabha, it has happened more than a dozen times that the rules have been set aside and the important business have been taken up. Therefore, there is nothing new in it. Dozens of such examples, I can cite. Therefore, the issue of withdrawal should be taken up separately. Mr. Speaker, Sir, the point of discussion is that the old bill has made the matter worse. Issues were raised about the Election Commission. Then the criticism came that it has been brought late and Mr. Speaker, Sir,



it is right that when we try to take every one with us the complications come up but a solution to those is also found. Therefore, under these circumstances this Bill should neither be discussed and nor it should be passed. Therefore, my submission is that the unanimous decision of all the hon. Members regarding its withdrawal is right. and apart from that the permission of discussion on it should be given a second thought so that the complications may not go a long way since we all are participant in the progress of our democracy.

[English]

SHRI SRIKANTA JENA (Cuttack) : Mr. Speaker, Sir, I will not go into the details of the rules because you are the competent authority to decide about the rules. The point is the Government should have or could have given the notice of 48 hours. The application of waiver is purely in your discretion and whether you will apply it or not, that also purely depends on you.

Sir, it was discussed in the meeting of the leaders and it was decided not on the technicality, but on the merit of the Bill. There is a difference between the BJP and other parties of the House. As far as the content of the Bill is concerned, we support the Multi - Member Election Commission giving equal powers to all the Election Commissioners with a condition that the mode of appointment of the Election Commissioners has to be done according to the recommendations of Goswami Committee. We have stated this position very categorically in the meeting itself to the Government. (*Interruptions*)

MR. SPEAKER : That is the difficulty. You agree on something and you do not agree on some other thing.

SHRI SRIKANTA JENA : Sir, we have

been demanding that the Representation of People Act has to be amended. There are many issues like the State funding of elections etc., and we have been supporting the Government on those issues. We had an apprehension that the Government is delaying this matter. If 48 hours notice had been given earlier, then this issue would not have come to the House. But the question is about the urgency of the matter. We treat this matter as very urgent. We feel that the Government is not at all sincere on this Bill. We can understand the stand of the BJP. They are saying that they are for electoral reforms, but they are opposed to this Bill. (*Interruptions*). The question of technicality is different matter. Therefore, we feel that this issue is an urgent matter and it could have come earlier. We have also clarified that we are prepared to sit two more days also and pass this Bill with this rider.

SHRI UMRAOSINGH (Jalandhar) : Mr. Speaker, Sir, I want to make a small submission.

R. SPEAKER : Please do not burden me. I will get confused.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ) : Mr. Speaker, Sir, this is a very simple matter and I am grateful that I have been enlightened by the submissions of the hon. Members. The normal rule is that the period of notice required to introduce a Bill is seven days. But Direction 19 B of the hon. Speaker says :

"No Bill shall be included for introduction in the list of business for a day until after copies thereof have been made available for the use of Members for at least two days before the day on which the Bill is proposed

to be introduced."

Sir, you will kindly appreciate that I gave the notice for the withdrawal on 11th of this month. I circulated the Bill to the hon. Members on 12.5.1994 and thereafter I waited because I had to make the copies. I want to make the records straight that not only the copies were circulated, but two other memoranda were also circulated. They were circulated through the Secretariat of this hon. House on 12th of this month.

SHRI GEORGE FERNANDES (Muzaffarpur) : A notice of two days is required. But you circulated it only yesterday morning. I got my copy at 9.00 a.m. yesterday.

SHRI H.R. BHARDWAJ : I am just making a brief submission. Please hear me. I am not insisting that I should be accepted.

Sir, I give respect to the hon. Member's suggestion and I have no two opinion on the matter of interpretation. The hon. Speaker will be the final judge. Here an impression has been given that the copies were not circulated. But copies were circulated yesterday, as I have already submitted.

[Translation]

MR. SPEAKER : If you speak, I will get confused.

[English]

SHRI H.R. BHARDWAJ : I just want to take one more minute. Direction 36 says :

"When a Bill pending in Lok Sabha is sought to be withdrawn by Government, a statement containing the reasons for which the Bill is being withdrawn shall be circulated to members by the

Ministry concerned sufficiently in advance of the date on which the motion for withdrawal is sought to be made."

It is not two days.

SHRIGUMAN MALLODHA (Pali) : Even now, it is not there.

SHRI GEORGE FERNANDES : He has gone himself out of the court. Thank you for drawing the attention of this provision. (Interruptions)

SHRI H.R. BHARDWAJ : I am just meeting a few points. "Sufficiently in advance" will be interpreted by the Chair whether I have been able to give sufficient notice.

I have circulated the Bill.

MR. SPEAKER : I just want to know, for withdrawal also reasons are to be given ; are they circulated to the Members.

SHRI H.R. BHARDWAJ : We have to give the reasons. They were given alongwith the copies of the Bill. Memorandum of reasons is always given with the Bill. My statement has also been circulated. (Interruptions)

MR. SPEAKER : If you keep quiet, it will help a lot.

SHRI H.R. BHARDWAJ : My statement giving reasons was also circulated along with the Bill.

MR. SPEAKER : There are two things. You want to withdraw some Bill and you want to introduce some other Bill. For withdrawal also, you have to give reasons.

Have you circulated those reasons ?

SHRI H.R. BHARDWAJ : Yes, I have circulated.

SHRI SUFUDDIN CHOUDHARY (Katwa) : We got I yesterday.

SHRI H.R. BHARDWAJ : Rule 110 is precisely the rule which enables me to withdraw when it is pending before this House. The conditions are, no Bill is before any Committee.

MR. SPEAKER : That I have already decided.

SHRI H.R. BHARDWAJ : As the hon. Member has made it clear, I am in your hands and in the hands of the House. If you will be gracious enough to allow me to introduce the Bill, I will be very happy.

SHRI JASWANT SINGH : I am very grateful to you for permitting me to intervene again.

I am very grateful to the hon. Minister for Law indeed for having drawn attention to a provision which I have personally overlooked, that is, the provision of Direction 36 which says that when the withdrawal is to be effected, that withdrawal must be accompanied with a detailed statement by the Government, which statement ought to be with the Member sufficiently well in advance.

I am not yet at the introduction and the requirement of introduction. If you permit me to say, firstly, the conditions of the House, the requirements of the House for withdrawal must be impeccably fulfilled before we can take up consideration of introduction.

I submit that the conditions attendant upon, precedent upon or required for withdrawal have not been met. If those have

not been met, I appeal to you not to grant permission to the Government for withdrawal of the pending Bill.

SHRI H.R. BHARDWAJ : This statement, whether it is adequate or not, it is for this House. But I have given the reasons in my statement.

SHRI UMRAO SINGH : I shall distinguish between withdrawal and subsequent introduction.

MR. SPEAKER : That is already clear.

SHRI UMRAO SINGH : The reasons has only to be given in the case of withdrawal. Rule 110 says:

The member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill on the ground that —

MR. SPEAKER : There is no need to quote that rule.

SHRI UMRAO SINGH : The Bill is to be replaced. That is not withdrawn, The first and the second conditions, laid down under the Rule, for withdrawal of the Bill are separate and different. The First condition is that the legislative proposal contained in the Bill in to be dropped. The second condition is entirely different.

The second condition is that the Bill is to be replaced subsequently by a new Bill which substantially alters the provisions contained therein.

A new Bill is now brought in place of the previous Bill and the Bill is pending. The note and the reasons for bringing the new Bill are given.

MR. SPEAKER : Will you please

sympathise with me ? I do not need all those things. I am clear in my mind.

SHRI UMRAO SINGH : Subsequent Bill has also been introduced and has been circulated.

MAJ. GEN. (RETD) BHUWAN CHANDRA KHANDURI (Garhwal) : For introduction of the Bill, two clear days should be given before the day of introduction. Today is 13th: Two clear days before the day of introduction should be there. So, it cannot be introduced today. It can be introduced only tomorrow.

MR. SPEAKER : I allow this matter to come before the House even though it was not on the Agenda because I knew that some members are very much interested in passing this Bill and some Members do not totally agree with the Bill and some Members are against the Bill. I thought the matter could be decided on the floor of the House as we did in past cases. I did not want to decide it in my Chamber. I wanted to decide it in the House because in many cases with consensus, with agreement between the members, we have passed the Bill. In this case, there are two things. One, the withdrawal of the Bill and two, the introduction of the Bill.

As far as the withdrawal is concerned, it has to be done in a particular manner. But the manner in which it has to be done is simpler than the manner in which the Bill has to be introduced. The Bill was passed in the other House. It has been sent to this House and then here it is sought to be withdrawn. The procedure which is to be followed is that the Resolution goes to the other house. the other House agrees with the Resolution because the other House has passed the Bill and then, if it is agreed to by the other House, it is brought here and then it is withdrawn. But in case of withdrawal also, the reasons have

to be given and what kind of reasons can be there for withdrawal is also laid down in the rule. Whether the reasons are sufficient or whether the reasons are not sufficient is an issue on which there can be differences of opinion between the Members. Whether sufficient time was given for the Members to study the reasons given is question which has to be decided. Here on the floor of the House, I am told that the reasons were given to the Secretariat alongwith the Bill. I am told by some Members that they have not received the reasons. But some other members said that they have received the reasons. So, here this point is not very clear, what is the sufficient time that should be given to the Members to study the reasons ? That is the question. Here the Rules are very clear, It is not said that two days or 48 hours is the sufficient time. It is only said "sufficient time". Less than two days time cannot be sufficient time.

As far as withdrawal is concerned, there should not be great difficulty.

But as far as introduction is concerned, there are very-very valid points, Seven days notice is to be given to the Secretariat. Not only that. Before the Bill is introduced on the floor of the House, 48 hours notice should have been given to the members to study the Bill and to form their own opinion whether the Bill should be introduced here or not. I am afraid because of the difficulties faced by all of you here, seven days notice has certainly not been given in this matter.

**14.00 hrs.**

I am afraid that two days time, that is, 48 hours' time, is also not given to that Members to study the Memorandum and the Bill which is circulated to the Members. This is about electoral reforms. This involves amendment to the Constitution. People have very sharp

division of opinion on these points. In such cases, I am afraid it may not look proper for all of us to allow the introduction of the Bill and to consider it.

This is a technical issue, I do understand. People have strong opinion, I do understand, Even though it is a technical issue, we could have overcome it. We did overcome it. We have amended the Constitution, When I was sitting in the Chair, amendment to the Constitution was allowed because every Member in the House got up and said : " Let us do it". When all the Members agree, there is nothing which this House cannot do. If all the Members do not agree, the Speaker has to decide and the Speaker would be wise in deciding the matter according to the rules and according to the Constitution. Even when the rules give him the jurisdiction and the discretion to decide, that discretion has to be used in a judicious manner and not in an arbitrary manner. Many of the lawyers sitting here know what is the legal point on that. In view of this, I am finding it very difficult to go by the Government's decision.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMRNTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA ) Sir, we do not want any suspension of the rules nor do we want to go against the rules. Whatever you have said is absolutely acceptable to us. We will comply with the rules and regulations. But we will have to request for the extension of the sitting of the House so that the rules can be complied with; sufficient notice could be given to the Members. They could study it. It could be before the House and in accordance with the rules it could be taken up for a decision by the House.

[*Translation*]

SHRI ATAL BIHAR VAJPAYEE

(Lucknow): Mr. Speaker, Sir the amazing items are presented before the House one after the other.

[*English*]

SHRI VIDYACHARAN SHUKLA : There is no way except to ask about time. That is all. because, time has to be given, according to the rules.

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, today whether the session will come to an end or not, has been an issue of discussion since last week. I beg your pardon, if you talk of the consensuous then a conclusion had come up and it was decided that the duration of the session will not be extended.

[*English*]

MR. SPEAKER : Yes.

SHRI ATAL BIHARI VAJPAYEE : The hon. Members have gone to their respective Constituencies. Now there is no question of extending the session. whenever the Government wants, it extends the House brings any Bill and any time it can set aside the rules. The House can not be trifled in such a way. Mr. Speaker, Sir we are against extending the Session.

SHRI RAJVEER SINGH : (Aonia) : Mr. Speaker, Sir, today even you ad said that it is the last day. Therefore, you had given us an opportunity to speak.

[*English*]

SHRI VIDYACHARAN SHUKLA : All these matters can be considered by you in consultation with the leaders of the various

parties. I am not suggesting that it should be done on Monday or Tuesday. The date which is convenient to all the Members and to you could be considered. You can consider it. You can consult the various party Members and party leaders about the dates on which we could again assemble. We, in our anxiety to conform to the rules and regulations, would like to request you to consult the party leaders and then appropriate dates which will be convenient to everybody can be decided upon. That is the reason why I have got up and made this request.

MR. SPEAKER : I think it would be very difficult for the Members if we extend the House now because by and large we were discussing about it. In all fairness to the Parliamentary Affairs Minister, I must say that he was saying that maybe it may become necessary. But then in our wisdom we took a decision not to extend the House beyond 13th. This was agreed to by the Members also. They have their appointments.

As far as having the sitting of the House is concerned, it may not be on Monday or Tuesday or after sometime which is acceptable to all of us. I will certainly consult the Members and then we can decide about it before the House rises as to how and when we can meet if we have to meet for these purposes. But it will be done in consultation with others.

SHRI NIRMAL KANTI CHATTERJEE (Dum dum): The announcement has to be made before the House rises. (Interruptions)

MR. SPEAKER : I will consult Shri Nirmal Kanti Chatterjee.

(Interruptions)

MR. SPEAKER : Well, I know that this is a very important issue and I know that the views are very strong on this point, on both

the sides of the House; and yet all the hon. Members have cooperated in a very—very understanding manner. I thank all the hon. Members for this cooperation.

(Interruptions)

SHRI H. R. BHARDWAJ : Sir, I am deeply obliged for your indulgence in permitting me.

MR. SPEAKER : Now, the House stands adjourned to meet again at 3.15 p.m.

1406 hrs.

*The Lok Sabha then adjourned for Lunch till fifteen minutes past Fifteen of the Clock.*

1520 hrs.

*The Lok Sabha then reassembled after lunch at Twenty Minutes past Fifteen of the Clock.*

(MR. DEPUTY SPEAKER *in the Chair*)

MATTERS UNDER RULE 377

- (i) **Need to Construct a National Highway Between Ranchi and Jaipur via Vilaspur and to Include it in Eighth Five Year Plan.**

[Translation]

SHRI KHELAN RAM JANGDE (Vilaspur) : Mr. Deputy Speaker, Sir, the former Prime Minister, Late Shri Rajiv Gandhiji had envisaged to highway between Ranchi and Jaipur via Vilaspur (M.P.) a proper survey was also conducted and the hon. Late Shri Rajiv Gandhiji had given it a top priority since this highway will play an