

makes a clarification, if other Members want to speak. I will allow them, but not now..

*(Interruptions)*

*[English]*

SHRI SOMNATH CHATERJEE: The Finance Minister should know what is the feeling of the house. We have noticed that he believes in making snide remarks and hitting below the belt. *(Interruptions)*

MR. SPEAKER: I have sent that notice.

SHRI SOMNATH CHATTERJEE: Sir, this cannot go on like this. *(Interruptions)*

*[Translation]*

MR. SPEAKER: Please take your seat. It is the duty of the House to protect the Privileges of its hon. Members and it is also the responsibility of the Chair. I here would be no discrimination. We have always tried to protect the dignity and you have always been observing it. Please take if for granted that the same thing will be done in this case also, but let us listen to him....

*(Interruptions)*

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Has the Finance Minister informed you?

MR. SPEAKER: He has said that he will explain.

SHRI ATAL BIHARI VAJPAYEE: When?

MR. SPEAKER: I have received the letter at 10.30 a.m.

SHRI NITISH KUMAR (Barh): Please call him has not gone out. It has become a habit will the Finance Minister... *(Interruptions)*

MR. SPEAKER: If you stretch it unnecessarily, it will lose its importance.

*[English]*

SHRI SOMNATH CHATTERJEE: What is your reaction? This is not the first occasion, he believes in making snide remarks and hitting below the belt.

He always does that. If he cannot sell his anti-people economic policies, it is not my fault. By abusing others he cannot get away with it. *(Interruptions)*

SHRI CHANDRASHEKHAR (Ballia): Mr. Speaker, Sir, it is not a simple matter. I have been seeing that consistently for two years. I am being maligned by certain people because I hold a view on economic policy. And where is the Finance Minister busy about now? Why did he not come to the House at 12 o'clock? Why should we wait for him? Can he say anything and get away with it? Is this the way? I tell you, Mr. Speaker, I am not going to compromise on this issue. If I can say I am ashamed of it, I can also fight it out. And the Congress benches are keeping quiet on it. *(Interruptions)*

*[Translation]*

SHRI NITISH KUMAR: This matter cannot be decided Chamber. It has to be decided in the House.. *(Interruptions)*

**12.20 hrs.**

RE: PROCEDURE OF VOTING IN THE HOUSE.

*[Translation]*

SHRI AJIT SINGH (Bagpat): Mr. Speaker, Sir, I would like to raise an issue about the procedure of voting in the House under Rule 367. Everyone is aware that under this Rule, any Member of Parliament can vote only from his

seat because there is electronic voting system here. If he feels that his vote has been wrongly recorded, he is given a slip by a member of the Staff of the House and then that slip is brought to you. I would like to tell you what happened here yesterday? Shri Munda cast his vote from seat No. 378. He recorded his vote as abstained. Every one saw that yellow bulb glowing. After that, some of the Members sitting in front of him went to him. Those who were sitting in his front and back tried to persuade him to change the vote. I told them to take their seats. There was an altercation also. I know why those Members wanted to change the vote of Shri Munda. They were afraid that if the vote of Shri Munda was rightly recorded, they can be disqualified from the House. The more regrettable thing is that some of the Ministers sitting there also went to him. (Interruptions) Please listen to me till I complete. (Interruptions) I am not taking the name of any Minister. (Interruptions)

SHRI NITISH KUMAR: We will not let the House function if he is not allowed to speak. (Interruptions)

[Translation]

\* SHRI NITISH KUMAR: If you want to express your views you may do so some after his speech is over.

SHRI RAJNATH SONKAR SHASTRI (Saidpur): If you do not allow us to speak we will also not allow you to speak. (Interruptions)

SHRIMRUTYUNJAYA NAIK (Phulbani): I am asking a question from him.

[English]

MR SPEAKER: Shri Mrutyunjaya Naik, I am not allowing you. Please sit down now.

(Interruptions)

MR SPEAKER: Shri Mrutyunjaya Naik, I warn you. In spite of my asking you a many times

to sit down, you are not sitting down. It is not correct.

(Interruptions)

MR SPEAKER: You do not have to. You allow me to do that.

[Translation]

SHRIMRUTYUNJAYA NAIK: That Member has not complained in the House so far.

SHRI AJIT SINGH: Mr. Speaker, Sir, I have not mentioned name of any Minister. I am unable to understand as to why an hon. Member is so much worried. I was rather going to say that when the hon. Minister came I had asked him not to lobby. He returned to his seat and you are getting annoyed for nothing. I was supporting your Minister saying that he had behaved properly. Afterwards, Munda Saheb tried to go out the doors of the House were closed. He came out of the House and sat in the inner lobby.

You announced that any Member who wanted to make correction in his vote might stand up on his seat. They would be provided slips to carry out correction. You repeated it 4-5 times and waited for 5-10 minutes. Even then he did not come forward and uproar in the House went on. At that time you announced that you would call the concerned Member and talk to him.

[English]

MR SPEAKER: You shall have to be very careful with the words. I said if you think that he pressurised him, you bring it before me. I will ask him. I did not say I will call him.

(Interruptions)

[Translation]

SHRI AJIT SINGH: I am sorry if I did not hear the full statement. Whether saying correct. But

afterwards it is happened that several M.Ps and Ministers approached him when he was sitting in the lobby....(Interruptions)

SHRI PAWAN KUMAR BANSAL (Chandigarh): The Government is finding away out to bridge the loopholes..(Interruptions)

[English]

MR. SPEAKER: Please do not interrupt him. I think the Minister of State for Parliamentary Affairs wants to say something. He will say something. Let me hear.

[Translation]

SHRI AJIT SINGH: Mr. Speaker, Sir, as far as I remember I was not present in the lobby. But it is in my knowledge that the Members and the Ministers persuaded him, got the card filled up and no employee of the House took that card or slip to you. I would like to quote from page No. 832 of the Procedure and Practice in Parliament written by Kaul and Shakadher.

[English]

"It is a contempt of the House to force a Member into a particular lobby."

[Translation]

It means that it amounts to contempt of the House if endeavour is made to change the vote. In this case some Members have tried to change the vote openly in the House and in the lobby. I would like to know whether you have considered his vote that was recorded here or you have taken into account any other vote. Secondly, how would the Minister of Parliamentary Affairs like to comment on the matter of contempt of the House?.....(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL BALKRISHNA WASNIK)

: Mr. Speaker, Sir, Shri Ajit Singh, raising this issue, has tried to say that the Ministers went there....(Interruptions)

SHRI RAJNATH SONKAR SHASTRI : You yourself had come here...(Interruptions)

SHRI MUKUL BALKRISHNA WASNIK : Please listen. I am also saying the same thing. Yes, I had come. This House knows very well. As and when any conflict among the Members arises and it goes beyond limit, the Members of the parliament try to handle the situation and being reconciliation. The House witnessed this thing yesterday. A vulgar and tense situation was created among the Members. It became necessary to handle the situation. I had gone there. (Interruptions) But I never tried to change his vote. I had gone there to handle the situation. It is wrong to level allegation that efforts were made to change his vote. It is an attempt to mislead the House...(Interruptions)

SHRI AJIT SINGH : Mr. Speaker, Sir, I have already said that the two Ministers came here and they returned after my intervention. But he has conceded that he had gone there to lobby. There can be a Verbal conflict between me and Shri Ram Lakhanji.; We can shout at each other. But I fail to understand that at what time it appeared as if we were seen jostling with each other, Shri Ram Lakhan is himself sitting here....(Interruptions)

SHRI MADAN LAL KHURANA (South Delhi): It is your duty to bring the House to order.

[English]

MR. SPEAKER: You are crossing the limit. You do not understand what you are saying.

[Translation]

Mr. Khurana may please sit down.

(Interruptions)

SHRI AJIT SINGH : Sir, it is not the issue.

I am admitting that they went back. I mean to say that no M. P. can get his vote registered except from his seat. It amounts to contempt of the House if any other M.P. or Minister tries to get other Member's vote changed. That is my submission. I am not levelling any allegation against Shri Wsnik....(Interruptions)..

SHRI GEORGE FERNANDES (Muzzaffarpur): Sir, what is your ruling on this (Interruptions)

MR. SPEAKER: If you remember correctly, yesterday, at the fag end of the debate, there was commotion in the House. In Pursuance of your suggestion that the result of the vote should not be announced. I was asking the Members to take their seats. I was told that one Member was being pressurised from both the sides to vote. When it was brought to my notice, I said: "if you think that his is being pressurised, let him come before me. I will ask him what is his view and that vote would be recorded." This is what I said.

(Interruptions)

SHRI TARIT BARAN TOPDAR (BARRACKPORE): He was not in a position to come. (Interruptions)

MR. SPEAKER: If he were brought before me, I would have asked him, "what is your correct vote?" I would have included his correct vote in favour of or against it. But he was not brought to me. I was told that he was asked to express his views. He had expressed his views on the slip of the paper and put his signature. That was taken as the correct one.

(Interruptions)

*Translation]*

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, two questions arise. One relates to his casting of vote and the other relates to the place where the vote was changed. These are two different questions

*English]*

MR. SPEAKER: I have no full information about all those things. I had asked the Members....

(Interruptions)

SHRI GEORGE FERNANDES: You first listen to me. I am not going to hold a lengthy discussion on it. These are two questions. One question is whether he had cast his vote in

a right manner or he has made correction later on. Secondly, the main issue that has been raised by my colleague Shri Ajit Singh is about the place where he changed his vote and whether he has changed his vote on his own while sitting on his seat or he has changed his vote at some other place outside his seat. This matter cannot be taken lightly....(Interruptions) That is why we would like that this matter should be referred to the Privileges Committee or it should be brought before the House....(Interruptions) If this matter is not discussed in the House then it will become a precedent that Members are free to cast their vote anywhere....(Interruptions) Slips may be obtained even outside the lobby...(Interruption)

SHRI NITISH KUMAR: It is our right since we have observed the entire situation. That is why we were drawing your attention towards this aspect and were informing you that an hon. Member is being pressurised in the Lobby and efforts were being made to change his vote. We made repeated requests. You might remember that you had announced that the Members who wish to change their vote...(Interruptions)

MR. SPEAKER: You are repeating the same thing. I had never made any comment on it even after hearing both the sides. But an hon. Member informed me here. I asked him if it was so, let him come here...(Interruptions) He has every right to cast his vote as per his wishes.

(Interruptions)

SHRI NITISH KUMAR: When you had made an announcement that anybody who wanted to change or modify his vote might do so....(Interruptions) If the vote has been recorded wrongly, then he may stand up on his seat. But he was not in his seat. He was in the Lobby...(Interruptions) It will set up a bad precedent. Tomorrow, votes may be got recorded in the Central Hall.

*[English]*

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): You please hear me before giving

a ruling

MR SPEAKER I do not have to hear everybody

SHRI NIRMAL KANTI CHATTERJEE Please bear with me I want to quote the rule

MR SPEAKER Which rule?

SHRI NIRMAL KANTI CHATTERJEE It is Rule 367A, Sub-rule (3) It is stated there

A member who is not able to cast his vote by pressing the button provided for the purpose due to any reason considered sufficient by the Speaker may, with the permission of the Speaker have his vote recorded verbally by stating whether he is in favour of or against the motion

Sir, all of us remember the fact you did say that you wanted to hear from him And he was not there to state that Since he was not there to state that can his vote be taken? Sir it is provided in the rules

MR SPEAKER Now, you sit down This is unnecessary

SHRI NIRMAL KANTI CHATTERJEE We are all witness to the fact you did call him but he was not present When he was not present how can his vote be altered?

SHRI BASUDEV ACHARIA (Bankura) Without hearing him, how did you decide?

MR SPEAKER You please sit down You do not understand anything but even then you ask the questions

SHRI AJIT SINGH (Baghpat) Mr Speaker, Sir according to Rule 367 (a) sub-clause (4), it says

If a Member finds that he has voted by mistake by pressing the wrong

button he may be allowed to correct his mistake provided, he brings it to the notice of the speaker before the result of the division is announced "

Shri Munda did not bring it to your notice He was not even in his seat

MR SPEAKER Please sit down I am very thankful to Shri Ajit Singh because he is pinpointing the provisions, I am thankful to Shri Nirmal Kanti Chatterjee also to pinpointing these provisions Now let us read the provisions It says

Where the Speaker directs under Clause (c) of sub-clause (3) of Rule 367 that the votes be recorded by operating the automatic vote recorder it shall be put into operation and the Members shall cast their votes from the seats respectively allotted to them by pressing the buttons provided for the purpose After the results of the voting appear on the indicator board the result of the division shall be announced by the Speaker and that shall not be challenged "

Now let us come to the two relevant provisions What is the second relevant provisions? It says

A Member who is not able to cast his vote by pressing the button provided for the purpose due to any reason considered sufficient by the Speaker may, with the permission of the Speaker have his vote recorded verbally by stating whether he is in favour of or against the motion " (*Interruptions*)

MR SPEAKER Please do not interrupt me now because to understand, you shall have to hear me

Now, he has to record verbally by stating

whether he is in favour of or against the motion before the result of the division is announced. If he had not recorded his vote or he has recorded his vote wrongly, as many Members have done and all the Members whose votes were recorded wrongly they were corrected later on. And when I had said let the slips be given and that the Members should sit in their seats and let them correct it they have corrected it. So, it applied to them.

SHRI BASUDEBACHARIA: He was not in his seat.

MR SPEAKER: Shri Acharia, you have read the rules. The rules say

A Member finds that he has voted by mistake by pressing the wrong button he may be allowed to correct his mistake provided he brings it to the notice of the Speaker.

This was applicable to all the Members sitting here. It is not applicable only to one Member. Now it was not necessary for one particular Member to get up and say that he has voted wrongly. So it was applicable to all and when it was applicable and even after that some complaints were made and I thought it was my duty to find out as to how he is voting. I have said even after the opportunity given to him to correct his vote and even after he has corrected his vote if some Members have some doubts in their minds that the vote was given voluntarily or under pressure I myself wanted to know that the Member should come here and say that he was pressurised so that I could have corrected it.

SHRI GEORGE FERNANDES: Mr. Speaker, how could he be present when he was not in his seat?

MR SPEAKER: First of all I will read out this rule.

SHRI NIRMAL KANTI CHATTERJEE: How could you ascertain whether or not he was pressurised? (Interruptions)

MR SPEAKER: Please sit down now.

(Interruptions)

MR SPEAKER: I will read out the most important provision.

'After the result of the voting appears on the indicator board the result of the Division shall be announced by the Speaker and it shall not be challenged.'

Yesterday I had not only asked for the lobbies to be cleared, lobbies were cleared, votes were given with the machine and when Members wanted to correct them they were allowed to correct them but also after that when the objection was taken I said I will myself hear and correct it. This procedure was gone through not for a short time but for about half-an-hour. Even after that you are challenging next day the result given it would be an unending thing and then it would become every difficult for me to do it.

(Interruptions)

MR SPEAKER: Geetaji, please.

(Interruptions)

SHRI SOMNATH CHATTERJEE: One fundamental question, Sir. This is a matter for future guidance also. We should know this. Supposing I find that my vote has been wrongly recorded because I have pressed the wrong button can I call the House to sit in the lobby and correct it?

MR SPEAKER: I had asked him to come here and tell me.

SHRI SOMNATH CHATTERJEE: But that has not happened. He was not in the House. Who should I have brought him to you?

MR SPEAKER: The one who was challenging his vote should have brought him here.

(Interruptions)

MR. SPEAKER: On all the contingencies, at the spur of the moment, I will not lay down any rule or regulation. After consideration all aspects relating to it, I will do it. But I am trying to follow the rule. I will not say do this thing or do that thing. Because if I say do this thing or that thing considering only one aspect of the case, that would not be correct. So I am not giving any rule on this point. One shall have to follow the law. And the law says that one it is given, if everyday you are raising matters of this kind, it will be every difficult.

*(Interruptions)*

MR. SPEAKER: The most important part was that I myself wanted to confirm as to how he wanted to vote. If he was voting under pressure, he should have been brought to me.

*(Interruptions)*

MR. SPEAKER: Geetaji, please.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) This is a very serious question. After you called some one, if he does not turn up, how do you record his vote? We are seeking a clarification from you for our future guidance.

MR. SPEAKER. Please do not fight on technical points. You go by the substance.

*(Interruptions)*

MR. SPEAKER: Geetaji, please. Except Geetaji's statement, Nirmal Kantiji's statement is not going on record.

*(Interruptions) (...Not recorded).*

12.45 hrs.

#### PAPERS LAID ON THE TABLE

**Annual Report of and Review on the working of the Rehabilitation Council of India, New Delhi etc.**

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K. V.

THANGKABALU) On Behalf of Shri Sitaram Kesri: beg to lay on the Table-

- 1) (i) A copy of the Annual Report (Hindi and English versions) of the Rehabilitation Council of India, New Delhi, for the year 1991-92, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Rehabilitation Council of India, New Delhi, for the year 1991-92.

- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library See. No.LT.-4189/93]

- 3) (i) A copy of the Review (Hindi and English versions) by the Government on the working of the National Institute for the Mentally Handicapped, Secunderbad, for the year 1991-92 alongwith Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Institute for the Mentally Handicapped Secunderabad, for the year 1991-92

- 4) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in Library See. No.LT-4190/93]

- 5) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute for the Visually Handicapped, Dehra Dun, for the year 1991-92, alongwith Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Institute for the Mentally Handicapped, Secunderabad, for the year 1991-92

- 6) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (5) above