

SHRI K. P. UNNIKRISHNAN: Sir, I sent two notices of privilege motions, against Mr. Atal Bihari Vajpayee and Mr. H. M. Patel.

MR. SPEAKER: Not only you, but Mr. Ravi also has given.

SHRI K. P. UNNIKRISHNAN: I am talking only for myself. I sent two notices and since then I have been repeatedly requesting you to bring them before the House for consideration as it involved many grave issues.

MR. SPEAKER: I want to get some points clarified. Therefore I am inviting both the Law Minister and the Minister of External Affairs, not only for your motion but also for Mr. Ravi's motions. We will take up that on Monday. I will give you an opportunity and also to the other side to clarify the point.

SHRI K. P. UNNIKRISHNAN: Sir, I have also a contingent motion relating to the privileges that the Attorney General be called before the House to clarify the position.

MR. SPEAKER: I will give you an opportunity on Monday.

12.42 hrs. :

RE: BUSINESS OF THE HOUSE

PROF. P. G. MAVALANKAR (Gandhinagar): Sir, please refer to Rule 13 and Rule 15. My point of order is this: before we start the legislative business at this point of time, actually, I thought that either from you or through the Minister of Parliamentary Affairs, the House would have been given some indication of the business before us either for tomorrow or for next week.

MR. SPEAKER: Tomorrow we are not sitting.

PROF. P. G. MAVALANKAR: My point is that the Minister of Parliamentary Affairs had not come out today with any statement on Government business for next week. Now, we want to know what happens to the Constitution Amendment Bill which has been circulated. We want to know whether it is going to be introduced in this Session or not. There is no indication about that. There is no indication whether that Bill is coming or not. There is no indication whether the Shah Commission's Reports, both preliminary and the second one, are coming or not. There is no indication whether the Anti-defection Bill is coming or not. There is

no indication whether the Comprehensive Industrial Relations Bill is coming or not. In regard to all these Bills, from time to time, in this current Budget Session, Government has been promising us that they would introduce them in this very current Session, but no indication about that was there. I have been pressing for a long time for the Anti-Defection Bill along with other Members and I have also been objecting to the Act regarding pensions to the former Members of Parliament. I have been asking about this and the Government have been telling me that they were in two minds on it. Members may not agree on my mentioning about the pension to ex-Members. But I am quite clear in my mind. The pensions for Ex-MPs. must be abolished. Kindly hear me. The Minister of Parliamentary Affairs has not come out with any statement. In the absence of such a statement about the business of the House in the current session, we want you to tell us three things. Are we meeting tomorrow?

MR. SPEAKER: I am not going to answer any question; if the Minister wants to say anything, he may.

PROF. P. G. MAVALANKAR: We must know; we have to make plans. Unless the House is told as to what is the plan of the budget session, how are we to plan our programmes? We have to go to our constituencies. Are we meeting tomorrow? Are we also going to meet beyond the 16th? My last point is: whether on Monday the 15th, to which date everything had been shifted, question hour, call attention. . . .

MR. SPEAKER: All that is known.

PROF. P. G. MAVALANKAR: Question hour, call attention, privilege motion, two major debates, introduction of new Bills—to do all this on Monday, are we going to have a session from 11 a.m. till midnight?

MR. SPEAKER: Mr. Mavalankar will be allowed to make a speech every day? What is this?

PROF. P. G. MAVALANKAR: Are we going to finish all that? That is my point. There is the debate on the Verghese Committee report; and then the debate on student unrest.

SHRI K. LAKKAPPA: On a point of order. The President of India has summoned the Members of the Rajya Sabha and Lok Sabha for a joint session on 16th but doubts have arisen in the minds of Members of this House whether it is a new session, whether he is going to address that session, whether Members

are entitled to go back and come for the new session. After twenty years, this has been convened by the President of India and therefore it is considered a new joint session. This has not been clarified under the rules. Therefore, I want clarification on this issue.

MR. SPEAKER: No law point will be decided by the Speaker; it is a matter for the courts to decide.

SHRI K. LAKKAPPA: What is the procedure for attendance at joint session by Members?

MR. SPEAKER: You may try your luck.

SHRI K. LAKKAPPA: Under the rules it is not provided. You may apply your mind.

MR. SPEAKER: I am not going to do that.

SHRI KANWAR LAL GUPTA: I want to remind you, that yesterday you were kind enough to say that all the items in today's agenda paper would be taken up on Monday.

MR. SPEAKER: No; on Thursday's agenda.

SHRI KANWAR LAL GUPTA: There were two discussions, one about the Verghese Committee report and the other on student unrests.

PROF. P. G. MAVALANKAR: If all things are to be discussed, it will be till midnight.

MR. SPEAKER: You have made a big speech; why should you make a second speech?

SHRI KANWAR LAL GUPTA: My plea is that it is your commitment. The Minister of Parliamentary Affairs does not come into this; when you make a commitment on the floor of the House, it is expected that it would be honoured. It is the wish of the House. Therefore, whether you finish it on Monday or Tuesday or Wednesday, that is entirely your look out.

MR. SPEAKER: I have not made any orders that the business listed for Thursday will be disposed of on Monday. I have merely said that the Question Hour of Thursday will be taken up on Monday. I do not know what the Government is going to do.

SHRI KANWAR LAL GUPTA: You may kindly see that. My second point is about the Shah Commission's report...

MR. SPEAKER: Mr. Mavalankar has already mentioned that.

SHRI KANWAR LAL GUPTA: I wanted to support him.

MR. SPEAKER: Is it necessary? Your name must also appear. That is all you wanted.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): I can understand the anxiety of my hon. friend, Mr. Mavalankar to see that no Friday passes without a discussion on Government Business for the next week. He has raised some questions about a number of Bills which he said that at different points of time, the Government has said that it would introduce or it would try to introduce during this session. In respect of these Bills, at different points, practically every week, these questions have been raised and the Government has kept the House informed of the progress regarding the Bills. The other day the Prime Minister made a statement and I myself also made a statement in regard to the comprehensive Industrial Relations Bill just two days ago.

As far as the Constitution Amendment Bill is concerned, it is the intention of the Government to seek the leave of the House to introduce it on Monday. As far as the Bill regarding defection is concerned...

PROF. P. G. MAVALANKAR: Anti-defection Bill.

SHRI RAVINDRA VARMA: 'Regarding defection bill' also means anti-defection Bill. As far as the hon. Member is concerned, his views on the subject are well known and therefore, whether I say 'the Bill regarding defection' or 'anti-defection Bill', he will have only one understanding of it. I am quite sure about it.

The House is aware that on 11th, there was a meeting with the leaders of the opposition parties, and it is the hope of the Government that we would be able to complete the work of formulating the Bill during this week and if completed, that will also be introduced on Monday. As far as the Shah Commission's report is concerned,...

SHRI KANWAR LAL GUPTA: That is very important.

SHRI RAVINDRA VARMA: ... Two interim Reports have been presented and the House is aware of that. The anxiety of the Government has been to see that

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along with the reports, a statement showing the action the Government proposes to take is also laid on the Table of the House.

SHRI KANWAR LAL GUPTA:
Correct.

SHRI RAVINDRA VARMA: It is our hope and belief that it would be possible for us to lay the statement on the Table of the House on Monday. As far as the business itself is concerned, there was a complaint that the Minister of Parliamentary Affairs did not make a statement today. You are well aware that you yourself proposed to the House that the business listed for.

Thursday would be taken up on Monday and you took the pleasure of the House and it is on record that the House has agreed to it. That is the reason why I did not want to take the time of the House to come forward with a statement that the Business for Monday would be the same as it was listed for Thursday.

MR. SPEAKER: There was one other matter as to whether 16th will be the last day.

PROG. P. G. MAVALANKAR: Or you go beyond that?

SHRI A. K. ROY: We find that labour is becoming the worst casualty. We would like to know what has happened to the Comprehensive Industrial Relations Bill and why it has not been introduced, whether it is for want of time or the Government could not make up its mind. So far as I know, it is not for want of time, but the Government could not make up its mind as to what they should provide in it, whether they should give liberty to the workmen to elect their own unions and in regard to other provisions also. I would like to tell the whole House that if they deal with the labour in this way and if the Comprehensive Industrial Relations Bill is deferred like that, the Industrial peace will be jeopardised. And the responsibility will be that of the present Government.

SHRI B. SHANKARANAND: On a point of order, Sir. The Minister of Parliamentary Affairs has mentioned the next week's business in the House and that business pertains only to one day, i.e. Monday. If that is the business and it is going to end on Monday itself, because we have received summons from the President today that a joint session of the two Houses will be convened on the 16th, the question will arise whether this House will

close on Monday and the joint session will be a fresh session, because the members have to make up their minds. This House is concerned about the programmes of the members.

Under article 108(3),

"Where the President has under clause (1) notified his intention of summoning the Houses to meet in a joint sitting..."

Only with respect to this, I am asking whether the President has notified his intention before issuing the summons.

MR. SPEAKER: Yes; you have got the notice. I have issued notice to them. There is no point of order.

SHRI B. SHANKARANAND: You cannot say there is no point of order. What about the session?

MR. SPEAKER: That is a legal question. I cannot decide it.

SHRI B. SHANKARANAND: There is no legal question. You have to decide. The question is, who decides what should be the duration of the Lok Sabha Session. Is it some legal authority or the Speaker?

MR. SPEAKER: No; whether the joint session is a continuation...

SHRI B. SHANKARANAND: I am not asking about the joint session. I am asking about the current session, when it will end.

MR. SPEAKER: The current session will end on the 16th.

SHRI B. SHANKARANAND: 16th?

MR. SPEAKER: I am sorry, 15th.

SHRI B. SHANKARANAND: It will end on 15th. That is all right. That is all I wanted.

SHRI RAVINDRA VARMA: Mr. Mavalankar raised the question whether all the business listed for Thursday, which has now been put down for Monday, would be transacted that day. You were pleased to say that you had not given any assurance of that kind: you only said that the business will be taken up on Monday. We on our part would have no objection to the House sitting on Wednesday to complete the work that has been put for Monday.

SHRI B. SHANKARANAND: Sir, you have said that this session will end on the 15th. How can you have a session on 17th? No; you cannot have it, when the Speaker has given a ruling that the House will end on Monday.

SHRI RAVINDRA VARMA: What I have said is that we have no objection to sit on Wednesday to complete the work that has been listed for Monday.

SHRI B. SHANKARANAND: The Government is bungling. The government is not clear in its mind. (*Interruptions*). How can there be a joint session in between one Lok Sabha session? Under what provisions of the constitution? We are guided by the constitutional provisions and not by the whims and caprices of the government. We are not guided by your whims and caprices. There are constitutional provisions.

SHRI RAVINDRA VARMA: There is no question of anybody's whims or caprices. There is the question of the provisions of the Constitution. The summons have been issued according to the provisions of the Constitution.

SHRI SHYAMNANDAN MISHRA: Since the Minister of Parliamentary Affairs has said that the House might sit on Wednesday, my submission is, that the Lok Sabha having ended on Monday, as I see it, the duration of the present Lok Sabha session will have ended on Monday and the joint session on Tuesday would be a session under the new summons of the President. The Joint Session will be interposed between Monday and Wednesday. Therefore, my submission is that for a special Session on Wednesday there will have to be a special summons of the President to call the Lok Sabha. Otherwise, there can not be a sitting on Wednesday. This seems to me the patent constitutional position which cannot be avoided.

13.00 hrs.

SHRI HARI VISHNU KAMATH: Sir, I am on a point of order. Under Rules 13 and 15 ...

THE PRIME MINISTER (SHRI MORARJI DESAI): I do not see why it is said that Lok Sabha is going to end on the 15th. When was it so declared, I do not know.

SHRI B. SHANKARANAND: The Speaker said it.

(*Interruptions*)

MR. SPEAKER: Don't misquote me. All that I said was, the conclusion of the Session will have to be decided after consulting the Government. According to the present indication, it will be 15th. If the Government requests for extension, it is always possible.

SHRI B. SHANKARANAND: You have clearly said that it is ending on the 15th.

MR. SPEAKER: As per the information available.

SHRI SHYAMNANDAN MISHRA: The interposition of a Joint Session makes the position completely different. A Joint Session is supervening; it is coming under a special summons of the President.

SHRI MORARJI DESAI: It is provided in the Constitution itself that a Joint Session can be called during the time both the Houses are sitting. Therefore, there is no question of Joint Session not taking place on the 16th, and the other thing is coming on the 17th. Both the things can happen. There is nothing wrong in it. It is entirely within the Constitution. We have gone into it and I do not see how these objections can arise. Let the Lok Sabha also sit on the 17th. Let it be decided today.

SHRI HARI VISHNU KAMATH: At the outset, I do not agree with my hon. friend, Shri Mishra, that this Session is scheduled to end on Monday; the House was summoned in February and until the House is adjourned *sine die*, it continues to sit so, there is no bar to the House sitting on Wednesday and Thursday, and even beyond. There is no bar at all. (*Interruptions*). That summons is in force and it continues.

Now, Sir, I come to Rules 13 and 15. Please read the rules. Rule 13 says:

"The House shall sit on such days as the Speaker, having regard to the state of business of the House, may from time to time direct."

Now, my earnest request to you is not to abdicate your functions and powers. Today I find there is some business and that business might spill over to Monday. Then there is the Verghese Committee Report, there is a motion by Mr. L. K. Advani and then there is a motion given by two of my friends and colleagues. Rule 15 says:

"The Speaker shall determine the time when a sitting of the House shall be adjourned *sine die* or to a particular day, or to an hour, or part of the same day."

Now, we would like to know my hon. friend Mr. Mavalankar raised this point—whether you will make a categorical declaration, give a categorical direction that the House shall sit, if necessary, even in an

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all-night Session on Monday to conclude all the business. (*Interruptions*). Or, if that is not possible, you must make a statement or the Minister must make a statement in the House or the Prime Minister should make a statement that the House may sit on Wednesday and Thursday, if necessary.

MR. SPEAKER: I will examine the matter and decide on this. No further debate on this.

(*Interruptions*)

SHRI VASANT SATHE: I am under article 108 of the Constitution. It will help you. I will tell you what I am saying. I am on a point of order. Kindly see the legal position. You can take it up at 2 o'clock. But this point is not decided yet.

श्री वसन्त देव नारायण साठे : अध्यक्ष महोदय, एक बज कर पांच मिनट हो गया है। अगर आप इन्हें सुनना चाहते हैं तो इन्हें अपने कैम्बर में बुला कर सुन लें।

MR. SPEAKER: I have not decided at all. I said I want time to decide it.

SHRI B. SHANKARANAND: Before you decide, you should hear us.

MR. SPEAKER: We now adjourn and will meet again at 2.05 p.m.

13.07 hrs.

The Lok Sabha adjourned for Lunch till Five Minutes past Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Nine Minutes past Fourteen of the Clock.

[Mr. SPEAKER in the Chair]

RE. BUSINESS OF THE HOUSE—
Contd.

MR. SPEAKER: Two questions were raised before me. They are:

(1) When is the present session going to end; and

(2) whether the Joint Session called by the President of India is a separate session.

So far as the first question is concerned, I have been informed that probably this session will come to an end, on the 16th of this month, the last day

being reserved for the Joint Session. According to law, a session summoned comes to an end when the House is adjourned *sine die* or when it is prorogued. Therefore, no one is in a position to say as to when the session comes to an end until that decision is made.

So far as the second question is concerned, it depends upon the construction of article 108 of the Constitution. A decision on that requires deeper consideration. I do not think any need has arisen for deciding that issue at this stage. If and when the occasion arises for deciding it, and if it is a matter for me to decide, then I shall go into the matter.

SHRI M. SATYANARAYAN RAO (Karimnagar): You said our session was ending on the 16th, the last day being reserved for the joint session.

MR. SPEAKER: That is the information given to me.

SHRI M. SATYANARAYAN RAO: After the joint session, are we again coming and sitting here?

MR. SPEAKER: I do not know.

SHRI M. SATYANARAYAN RAO: Who will say that the House adjourns *sine die*?

SHRI VAYALAR RAVI (Chirayinkil): Government must inform you that this is their programme. So, it solely depends on the Minister of Parliamentary Affairs to stand up and say how long they want to continue the session.

MR. SPEAKER: He can only give the information, because ultimately it depends upon me.

SHRI VAYALAR RAVI: I seek a clarification. Is it not possible to say when the session ends? When are you going to say that the House is extended or that it will end? Please make it clear. Let the Minister make it clear.

SHRI K. GOPAL (Karur): Last week when Mr. Kamath raised the question as to when the session would end, so that we could arrange our programme, I distinctly remember that the Prime Minister came forward and said, "Certainly not beyond the 16th." It is on record. This I want you to consider.

SHRI M. SATYANARAYAN RAO: Unless it is said that the House is adjourned *sine die*, it cannot be adjourned.

MR. SPEAKER: Mr. Minister, have you any information regarding that?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): I do not know whether it is your intention to prolong the discussion after your ruling, but you very wisely divided the questions raised into two and said that on the first question, which was about the duration of the current session of the Lok Sabha, you had been informed that the House would go on till the 16th, the last day being reserved for the joint session. Hon. Member Mr. Gopal also referred to the statement that the Prime Minister made in the House. These two are not contradictory. Government's intention is, as you have stated, that the current session's work should end on the 16th, including the joint session on the 16th.

SHRI K. GOPAL: I have a suggestion to make. Why not we sit tomorrow and take up the business meant for Monday? The spill-over of that can be taken up on Monday.

SHRI B. SHANKARANAND rose—

MR. SPEAKER: You have already made your submission and I have given my decision.

SHRI HARI VISHNU KAMATH (Hoshangabad): If I heard you aright, the first part of your ruling was that this session will continue till the 16th, the last day being reserved for the joint session. I think there is a slight inconsistency about this, because the President has summoned...

MR. SPEAKER: I have not given a decision. I said I had been informed. I am merely giving you the information given to me by the Government.

SHRI HARI VISHNU KAMATH: Yes, but let the Government explain. The President has summoned a joint session as a result of the *contretemps* in the Rajya Sabha and we are having the joint session on the 16th. With my meagre intelligence, and according to my interpretation of the Constitution on the same day there cannot be a session of the Lok Sabha as well as a joint session.

MR. SPEAKER: What is the difficulty? After the joint session is over, the Lok Sabha can meet, there is no difficulty.

SHRI HARI VISHNU KAMATH: Is there a provision? Let the Government explain.

MR. SPEAKER: If they want. Mr. Rao raised the pertinent question, when we are going to adjourn. Therefore, the Lok Sabha may have to meet after the joint session.

SHRI HARI VISHNU KAMATH: If this is the position, then the Government should explain that.

MR. SPEAKER: I am merely telling you the position that if they want, the Lok Sabha can meet. Mr. Satyanarayana Rao raised a very pertinent question as to when we are going to adjourn. Therefore, the Lok Sabha may have to meet after the Joint Session is over.

SHRI HARI VISHNU KAMATH: I would implore you not to feel so helpless. The Government must help you. It is not that the Government is sitting there idling and not helping you. The Government, the Minister of Parliamentary Affairs should try to help you. Therefore, you said that this is the information given by the Government. This is very hard position for the Speaker to take. I am sorry to say this. I hope, you do not feel offended; you do not take it amiss. The Ministers are not—I am sorry to say that—cooperating with you in case the position is like this. So, the Minister should tell us whether on Tuesday, 16th there will be only a joint session or joint session plus Lok Sabha session. This is very important.

MR. SPEAKER: I have been consulting.

SHRI HARI VISHNU KAMATH: The Constitution is very clear on that point. The President summons the Lok Sabha. He also summons the joint session. Unless it is made clear that the two sessions will be there, the session of the Lok Sabha and the joint session, the summons of the President will be incomprehensible, will be some what infructuous.

SHRI SAMAR GUHA: I want to draw your attention to the implications of the two summons in succession by the President. I do not find any clear answer from the Constitution or from the rules. The first session was summoned by the President. How do you take this summons?

MR. SPEAKER: I have said that I have not decided.

SHRI SAMAR GUHA: Whether it will be taken as supersession of the earlier summon. If it is in supersession of the earlier summons and if you say that after the joint session, immediately the Lok Sabha will sit then it is very difficult. Then the President will issue fresh summons for the sitting of the Lok Sabha. That is one difficulty. The second difficulty is that if the President issued the first summons. If it is considered by the second summons as superseded, that means

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that the joint session is a fresh session. Then the Members are entitled to enjoy the facility of going home and coming back. This is the constitutional position. In that way, the Lok Sabha ends a day before that. Therefore, the Members will be entitled to all the privileges that they have and they are coming to attend a completely new session. I would seek your guidance in the matter. I am not finding anything either in the Constitution or in the rules. How do you explain it? Whether it is one being superseded by the other. If it is taken as a supersession, then the implications of that may be taken into consideration.

SHRI B. SHANKARANAND: Because you have not given your ruling...

MR. SPEAKER: I have already given my ruling. So far as construction of Article 103 of the Constitution is concerned, I am not going to construe because I have one difficulty and that is, whether I will have to do it or the Government has to decide this matter. The second matter is even if I have to decide, the occasion has not arisen. If anybody sends a bill, at that time it will be considered.

SHRI B. SHANKARNAND: Are we to understand by your ruling now that we can raise objections, points of order in the joint session itself?

MR. SPEAKER: I have given my ruling.

SHRI B. SHANKARNAND: I am not challenging your ruling. The President under Article 108 can notify his intention of calling a joint session. But if you look to Article 180(3) it is different because it deals with the summoning of the session.

That is why I want to bring to your kind notice article 108. I quote:

"If after a Bill has been passed by one House and transmitted to the other House—

(a) The Bill is rejected by the other House; or

(b) the Houses have finally disagreed as to the amendments to be made in the Bill; or

(c) More than six months elapse from the date of the reception of the Bill by the other House without the Bill being passed by it,

the President may, unless the Bill has lapsed by reason of a dissolution of the House of the People, notify to the Houses by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill."

When the House is sitting he can only notify his intention. That is what is provided here. Then, there is a proviso:

"Provided that nothing in this clause shall apply to a Money Bill."

The sub-clause (3) of article 108 is most important. It says:

"Where the President has under clause (1) notified his intention of summoning the Houses to meet in a joint sitting, neither House shall proceed further with the Bill, but the President may at any time after the date of his notification summon the Houses to meet in a joint sitting for the purpose specified in the notification and, if he does so, the Houses shall meet accordingly."

Article 108(3) deals with summoning of the Houses, not notifying the intention. The intention can be notified when the Houses are sitting. But this article 108(3) does not mention about the sitting of the Houses. It means that the summons can be issued only when the Houses are not sitting. Now, we are already sitting on the summons of the President. We are already here on the summons of the President. What happens to it? Can the President issue another summons when we have already been summoned here? Do you want us to raise these issues in the joint session?

MR. SPEAKER: I do not advise you anything at all. By deciding anything there will not preclude raising it anywhere else. This is not the forum to decide nor am I here to give any legal advice.

SHRI B. SHANKARANAND: It is not for the Government to decide these things. We do not want to give power in the hands of the Government to decide it. You are the only person to decide it. The Government is incompetent in these matters.

SHRI SHYAMNANDAN MISHRA: My submission is that the two questions are interlocked. They cannot be decided separately. What would be the duration of the session—about that, the Chair cannot take the decision. That position can be made clear only on the last day, that

is, Monday and so on. We are now confronted with a new summons. May I submit to you that article 108 says, while the House is sitting, it can be through a message: it cannot be through a summons...

MR. SPEAKER: I have already given the ruling. There is no point in arguing about it.

SHRI SHYAMNANDAN MISHRA: The whole thing is that the House has to understand your ruling.

MR. SPEAKER: That is not my responsibility. Making the House understand is not my responsibility. You should not put that on me.

SHRI SAMAR GUHA: You have left ambiguity in your ruling. You must clear it.

SHRI SHYAMNANDAN MISHRA: Your Secretary, the Secretary of Lok Sabha, has circulated to us the summons issued by the President. The Chair cannot be considered to be unaware of the summons. The Chair has just now taken the position that it has been informed by the Government. But it is your Secretary who has circulated to us the summons for the joint session. So, you are bound to be in the picture. When the old summons were in force, the new summons could not be issued. If the President was pleased to consider the House to be sitting, then he could only have sent a message to the House that he wanted that there should be a joint sitting on a particular day, it could not have been through a fresh summons. The Chair could help us in knowing what would be the duration of the session so that we can plan accordingly. If the session is going to end on Monday, we should know it. The position has been complicated by the Minister of Parliamentary Affairs who says that there will be a separate sitting on Wednesday. That is on the 17th. He has said that. Please consult the record.

MR. SPEAKER: That can be...

SHRI SHYAMNANDAN MISHRA: It is on record.

SHRI RAVINDRA VARMA: I did not say that there would be a sitting. I am sorry, the hon. Member did not hear me.

SHRI SHYAMNANDAN MISHRA: What did you say?

SHRI HARI VISHNU KAMATH: The old summons does not lapse.

SHRI SHYAMNANDAN MISHRA: Did not the Minister of Parliamentary Affairs say that the House would sit on the 17th 'May' (*Interruptions*)? Even if it is 'may', now 'may' has the force of 'shall' here in this context. The House wants to know definitely what would be the position of the House on the 17th and so on. The House wants to know the duration of the present session. The Minister interjects and says that the House may sit on the 17th. Then, at that time, Sir, I pointed out that if there is going to be a sitting of the House on the 17th, there shall have to be a fresh summons. The Prime Minister intervened to say that no fresh summons were required. So, please go into the record of the debates.

AN HON. MEMBER: It does not lapse.

SHRI SHYAMNANDAN MISHRA: He took the position that it did not lapse. That is different. What I am submitting is that while the House is sitting or is considered to be sitting, there can only be a message from the President; there cannot be a summons from the President. And therefore the position has to be made clear by the Chair.

MR. SPEAKER: I have given the ruling. What is the good of reopening it? I am not reopening it. What is the use of reopening it?

SHRI RAVINDRA VARMA: I have to set the record correct. I am only setting the record correct. I said, Government will not object. I did not say may or will.

SHRI VAYALAR RAVI (Chirayinkil): Your ruling I am not questioning. I am only reading the Constitution. The Prime Minister quoted this ruling. I am quoting Article 108 of the Constitution. It says:

"The President may, unless the Bill has lapsed by reason of a dissolution of the House of the people, notify to the Houses by message if they are sitting or by public notification if they are not sitting."

This is very important. Public notice comes if we are not sitting. We are sitting. There can be only message from the President. I remember it correctly that he has stated this. Then he further summons. What is the constitutional standing on the summons? This is the point. Your ruling is standing. So, the only question is whether it is standing or not. Is it necessary? What will be the position then? When will you adjourn the Lok Sabha? These are the three or four points, please clarify.

SHRI M. N. GOVINDAN NAIR (Trivandrum) : All the doubts that have been raised will be settled at a later date. That is how I understand your ruling. Therefore, you have made it clear. There was a discussion whether the House would continue on the 17th. That was there. But you have made it very clear that it is the view of the Government that it is not sitting beyond 16th. That is what you said. So, upto 16th, you sit. Whether it is on the new summons or on the old summons, that question, when an occasion arises, will be settled later.

MR. SPEAKER : There cannot be too many speakers. Mr. Kamath, I have heard you. No, I am sorry. Mr. Kamath, please help me.

SHRI HARI VISHNU KAMATH : A new point has been raised. Under article 108(3), the summons is also proper.

MR. SPEAKER : Mr. Kamath, I have told you, I am not deciding that point today. I am not going to decide it. This is not the forum to decide. I am not going to decide further. I have given the ruling. We now go to the legislative business.

AN HON. MEMBER : What is the date of the Joint Session ?

(Interruptions)

SHRI B. SHANKARANAND : The House is confused.

MR. SPEAKER : How can I help it? That is a matter for others.

SHRI B. SHANKARANAND : You have to help us. Who will protect us ?

(Interruptions)

MR. SPEAKER : I have told you it will be decided as and when necessary.

SHRI B. SHANKARANAND : For reserving the date 16th for the continuation of the business of the House, which summons, whether the first summons or the present summons, these are matters.... *(Interruptions)* Do you want the Members to go and come back ?

MR. SPEAKER : You take a risk. We now go to the legislative business.

SHRI B. SHANKARANAND : Any business conducted in the Joint session will be completely illegal.

MR. SPEAKER : They have got their legal opinion. You are a lawyer. You give your legal opinion. Now, we go to the legislative business.

14.30 Hrs.

ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUNDER) : I beg to move for leave to introduce a Bill further to amend the Aligarh Muslim University Act, 1920.

SHRI G.M. BANATWALLA (Ponnani) : Sir, on a point of order, under rules 69 and 70. Rule 69 says that a Bill involving expenditure shall be accompanied by a financial memorandum. Rule 70 says that the Bill should also be accompanied by a memorandum regarding delegated legislation. The spirit of these rules is that a total picture should come before the House.

Therefore, the hon. Minister should, along with the Bill, also present to the House the report on the Bill that he has received reportedly from the Minorities Commission. The Minorities Commission has submitted a report with respect to this Aligarh Muslim University Bill. That report should also be laid on the Table of the House. I am not opposing the introduction of this Bill. I only say that the purpose of these rules 69 and 70 asking for all these accompaniments is that: the total picture should come before the House. The Minorities Commission, a very important Commission, has submitted a report on the features of this Bill to the Government, and this fact has come in the newspapers. Therefore, the Government, while introducing this Bill, should also present this report, which they have received from the Minorities Commission, to the House.

MR. SPEAKER : I see no point of order.

The question is :

"That leave be granted to introduce a Bill further to amend the Aligarh Muslim University Act, 1920."

The motion was adopted.

DR. PRATAP CHANDRA CHUNDER : Sir, I introduce the Bill.