

**MR. CHAIRMAN:** You can have that. There are two motions also.

**SHRI HARI VISHNU KAMATH:** After these motions, you give 2½ hours.

*(Interruptions)*

**MR. CHAIRMAN:** I, according to the sense of the House, take the Government's motions first. But before that, I would like to say something. Mr. Roy wanted to say something earlier, because he has to go and attend some meeting. Though his name comes after two names, with your permission, I will just ask him to finish it. Mr. Roy, you finish it.

*(Interruptions)*

**MR. CHAIRMAN:** All will be completed. Everybody will be getting a chance. That is why I got the sense of the House.

**(viii) ACUTE SHORTAGE OF POSTAL ARTICLES IN DHANBAD, BIHAR.**

**SHRI A. K. ROY (Dhanbad):** Mr. Chairman, with your permission, I would like to make the following statement under rule 377.

There is an acute and chronic shortage and even non-availability of essential items like Post cards, Inland letters and stamps in addition to envelopes in the industrial complex of Dhanbad District of Bihar where people from all parts of the country come and work requiring these items for communication in their families daily and as a part of their life. These shortages do not come as occasional, but have become a permanent feature of the working of the Post Officers at Dhanbad. The Minister of Communications must look into the matter and do the needful to remove these difficulties in the area.

151.11 hrs.

**RE. BUSINESS OF THE HOUSE**

**MR. CHAIRMAN:** Now we will take up Mr. Mandal's item first.

**SHRI HARI VISHNU KAMATH:** I am on a point of order here. I am aware we are racing against time. *(Interruptions)*

**MR. CHAIRMAN:** We cannot every time change the decision.

**SHRI HARI VISHNU KAMATH:** 3.30 is not sacrosanct. We are racing against time. I dare say you will agree, and the House will also agree, that at all times, under all circumstances, we must conduct our House business in accordance with the Rules of Procedure and the Constitution. That should not be ignored. I would draw your attention to Rules 74, 75, 76, 300, 302 and 304. The constitution of Joint Committees and Select Committees and their functioning is governed by these rules.

**MR. CHAIRMAN:** How are we breaching them?

**SHRI HARI VISHNU KAMATH:** Here this motion was carried first by the House, by the Lok Sabha on the 14th August, 1978 and was concurred in the Rajya Sabha on the 17th August, and the Joint Committee, in pursuance of adoption of that motion by this House and by the other House also, started functioning, working. The genesis of this motion is some what obscure.

**MR. CHAIRMAN:** You are on item No. 27.

**SHRI HARI VISHNU KAMATH:** 27, Mr. Mandal's item, motion regarding the Joint Committee. Now the genesis of this motion is, to my mind, rather obscure. The only light that came was from a motion for extension of time which made by the Chairman of the Joint Committee a couple of days ago in this House. The House, in its wisdom, rightly de-

[Shri Hari Vishnu Kamath]

cided that the time for submission of the Report should not be extended till the next year. But time was extended till the end of December--end of the winter session this year. The Motion that was made last year is sought to be amended now. That motion was made and carried. In pursuance of the Motion the Committee was borne. The Joint Committee is working and has done a part of its work. Now the amendment has come to the motion that was made and adopted about ten months ago i.e. last year. I would like to know from the Minister under what Rules of Procedure this motion is being made, because there is no precedent. I have not been here for the last 25 years but I have been here for about 13 or 14 years. To my knowledge, there is no such precedent for such a motion by which an amendment to a motion carried last year can be made empowering and asking the Committee to work now according to the amended motion. Where is the Rule?

The only rule which, perhaps, may be construed as being of some application is Rule 301. But that is not helpful to the Government. That is the only rule which I could find. I have not been very diligent about this matter. But after the little work that I put in this morning, I found there was one Rule 301. There is no other Rule wherein such a motion can be made amending the Motion carried last year. That Motion has been implemented. The Committee is functioning and has done part of its work. Now the Committee wants to do more work. This appears to me to meet the wishes of the Committee which wants to do some more work. Please see Rule 301—

"When a Bill has been referred to a Select Committee, any notice...

MR. CHAIRMAN: Hon. Members who have given notice for 377 should not feel disturbed. Their chance

will come positively. That has been decided by the House.

HON. MEMBERS: But in what time?

MR. CHAIRMAN: Just after the motion.

SHRI HARI VISHNU KAMATH: Any notice even by the Members, that would be a dangerous precedent, if Motions are being amended ten months later.

"When a Bill has been referred to a Select Committee, any notice given by a member of any amendment to a clause in the Bill shall stand referred to the Committee provided that where notice of amendment is received from a member who is not a member of the Select Committee such amendment shall not be taken up by the Committee unless moved by a member of the Committee".

Though this does not apply, is not at all helpful, yet this is the only Rule I found that may have some partial application or has some relevance.

MR. CHAIRMAN: I think the point has been made.

SHRI HARI VISHNU KAMATH: Please tell us under which Rule this motion is being made.

श्री उज्ज्वल (देवरिया): माननीय कामत साहब ने जो प्रश्न उठाया है उसके सम्बन्ध में एक बात कहना चाहता हूँ। यह भी बता दें कि 14 अगस्त, 1978 का जो प्रस्ताव था उसको आज बदला जा रहा है दूसरे संगोष्ठी से तो यह क्यों बदल रहे हैं? और जो कमेटी ने काम किया है क्या यह जो निर्णय लेगा तो उस कमेटी के काम पर भी रेट्रोस्पेक्टिव एफेक्ट से लागू होगा?

PROF. P. G. MAVALANKAR (Gandhinagar): On the face of it the matter is so obvious.

MR. CHARMAN: I think, the point of order needs no support.

श्री सुरेश चान (धम्बाला) : सभापति महोदय, परचांस में उम कमेटी का चैयरमैन हूँ जिसके बारे में एतराज है। उसमें केवल एक प्रोपोजिशन थी जो हाउस प्रोमिटेड कर गया था प्रोरिजनल मोशन में। 1950 के दो प्रार्डर्स हैं, एक शेड्यूल्ड कास्ट्स के बारे में और दूसरा शैड्यूल्ड ट्राइब्स के बारे में,

That omission is being supplied only nothing more.

दोनों के दोनों प्रार्डर्स स्टेटस से रिलेट करते हैं। यूनियन टैगिरीज के बारे में जो प्रार्डर है वह 15 के कारीब है उनको इस कमेटी क परम्पू में लाने के लिए यह मोशन किया जा रहा है।

MR. CHAIRMAN: The purpose is all right.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI): Had there been any specific rule to prohibit this kind of motion, I could have fully appreciated it. But I would interpret what is being done by taking recourse to rule 389, which provides for residuary powers. It is being submitted to the House again. Nothing is being done by the Government or by the Select Committee. With the consent of the House, something is sought to be done. A motion has been brought before the House to rectify something wrong that has happened. I do not think there is anything to bar it. If there is any specific rule in the rules of procedure or the Constitution which precludes the House from taking this up, that is a different matter.

SHRI HARI VISHNU KAMATH: It is a dangerous precedent.

PROF. P. G. MAVALANKAR: I do not know how recourse is taken to rule 389—residuary powers of whom?

SHRI L. K. ADVANI: Of the House.

PROF. P. G. MAVALANKAR: Residuary powers are given to the Speaker, not to the House.

SHRI L. K. ADVANI: The Speaker has permitted this motion to be brought otherwise, the motion would

have been out of order. I am sure when the Speaker has permitted it, it can be considered by the House.

MR. CHAIRMAN: I think the point of order raised by Shri Kamath cannot hold good because there is no specific bar. I am afraid I could not find any precedent of such a motion having been moved and having been allowed or disallowed. As has been pointed out, the Speaker has permitted it. Because there is no bar to such a motion being brought, I hold that the point of order does not hold good.

SHRI HARI VISHNU KAMATH: Does Rule 389 give a blanket permission to move any motion?

PROF. P. G. MAVALANKAR: Whatever you rule becomes a precedent for the future. Therefore, unless you are very sure, you may say that it is only for this purpose that you have given this ruling.

MR. CHAIRMAN: On the merits of this case, I have given this ruling. Mr. Mandal may move the motion.

15.23 hrs.

#### SCHEDULED CASTE AND SCHEDULED TRIBES ORDERS (AMENDMENT) BILL

AMENDMENT TO THE MOTION FOR REFERENCE TO JOINT COMMITTEE

THE MINISTRY OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL): I beg to move:

“That in the motion for reference of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1978, to a Joint Committee of the Houses adopted by Lok Sabha on the 14th August, 1978, and concurred in by Rajya Sabha on the