

SUSPENSION OF RULE 338

THE MINISTER OF HOME AFFAIRS (SHRI P. V. NARASIMHA RAO) : I beg to move :

“That this House do suspend rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for leave to introduce the Constitution (Fifty-third Amendment) Bill, 1984.”

MR. SPEAKER : Motion moved :

“That this House do suspend rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for leave to introduce the Constitution (Fifty-third Amendment) Bill, 1984.”

SHRI SATYASADHAN CHAKRABORTY (Calcutta South) : Sir I want to oppose it. I have submitted a notice.

अध्यक्ष महोदय : वह तो आपकी ही राय के मुताबिक किया है। अब आप क्यों अपोज करते हैं ?

SHRI SATYASADHAN CHAKRABORTY : I gave it according to your wishes. Let me submit. About the suspension of rule 338 which has been moved by Shri Narasimha Rao. (Interruptions)

अध्यक्ष महोदय : मेरे पास जिस-जिसने टाइम से दिया है सबका मेरे पास है।

SHRI SATISH AGARWAL (Jaipur) : We did not receive the papers today.

MR. SPEAKER : I waived that rule also. I waived that rule.

SHRI SUNIL MAITRA (Calcutta North East) : Till we came out of the house, the papers did not reach us.

अध्यक्ष महोदय : देखिए, भगवान की कृपा से बरसात हो गई, उसमें गाड़ी फंस गई, नहीं निकल सके तो मजबूरी थी।

मजबूरी में गाड़ी फंस गई रास्ते में बरसात की वजह से तो क्या किया जाय ? यह तो कोई बात नहीं हुई।

What will you do, if you get stuck up right at the Minto Bridge ?

SHRI SUNIL MAITRA : How could they give this example ? (Interruptions)

MR. SPEAKER : This was something.

SHRI SATYASADHAN CHAKRABORTY : Sir, we are not opposed to the amendment of the Constitution.

MR. SPEAKER : Then, what is it ?

SHRI SATYASADHAN CHAKRABORTY : What I would like to oppose and vehemently oppose is the way the Government is trying to do it. Yesterday, it failed because their Members were not present. I have given you in writing.

MR. SPEAKER : You cannot challenge it. I have given it.

SHRI SATYASADHAN CHAKRABORTY : Sir, I am on a point of order also. Kindly allow me to make my submission. Sir, the Minister has to explain why such an important amending Bill lost 2/3rd majority in the House. Why were their Members not present in the House though most of the Opposition Members were present ? (Interruptions)

MR. SPEAKER : Why are you doing it now ?

SHRI SATYASADHAN CHAKRABORTY : Sir, this is the Rules of Procedure. Is the House going to break the rules of procedure because of the laziness of the Members of the ruling Party ? They were in the Central Hall but they could not come to the House.

Now, rule 338 says :

“The motion shall not raise a question substantially identical with one on which the House has given a decision in the same Session.”

[Satyasadhan Chakraborty]

Sir, yesterday, the House has given its verdict.

MR. SPEAKER : It is all right.

SHRI SATYASADHAN CHAKRABORTY : If the Government is serious about it, they can have a separate session of the House. But I do not know why the rules should be violated.

MR. SPEAKER : There is no question of violation.

SHRI SATYASADHAN CHAKRABORTY : Sir, I support the Constitution (Amendment) Bill. But I oppose the way in which they bring it.

प्रो० अजित कुमार मेहता(ममस्तीपुर): अध्यक्ष महोदय, जहां तक इस विधेयक का सवाल है, मेरा उमसे कोई विरोध नहीं है।

अध्यक्ष महोदय : फिर पास होने दीजिए।

प्रो० अजित कुमार मेहता : लेकिन जिस तरीके से यह पास किया जा रहा है उससे मेरा विरोध है। सबसे बड़ी बात यह है कि सबके समर्थन के बावजूद भी यह विधेयक गिर गया। इस पर सरकार को खेद प्रकट करना चाहिए। अध्यक्ष जी, आपको याद है, जब प्रधान मंत्री जी यहां सदन में आती हैं, तो सारे सदस्य उपस्थित होते हैं, लेकिन इतने महत्वपूर्ण विधेयक पर सारे सदस्य उपस्थित नहीं थे।

SHRI INDRAJIT GUPTA (Basirhat) : Sir, I want to make a suggestion so that this type of an unfortunate incident which took place yesterday is not repeated. If you favour the suggestion, it can be done. We should change the rule so that, when a Constitution Amendment Bill is being voted on in the House and the division bell is rung, and if there are members present in this building somewhere in the Central Hall and they don't bother to come into the House to record their vote, they should lose their daily allowance for that day.

(Interruptions)

श्री राजेश कुमार सिंह (फिरोजाबाद) : अध्यक्ष जी, सरकार को कम से कम खेद प्रकट करना चाहिए। यह घटना एक अच्छी घटना नहीं थी।

SHRI SATISH AGARWAL (Jaipur) : Sir, we will not oppose the suspension of the rule. But minimum courtesy demands that the Minister must express regret for what happened yesterday.

(Interruptions)

MR. SPEAKER : Mr. A.K. Roy, you cannot move an amendment to this motion. It cannot be done according to the rules. You can object, if you like.

SHRI A.K. ROY (Dhanbad) : I have got only one line to add to the motion, at the end, "and regret that the Government failed to mobilise 50 per cent or half of the strength of the House..."

MR. SPEAKER : It cannot be done.

SHRI A.K. ROY : I can move an amendment as per the rules.

MR. SPEAKER : It cannot be done according to the rules.

(Interruptions)

MR. SPEAKER : The question is :

"That this House do suspend rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for leave to introduce the Constitution (Fifty-third Amendment) Bill, 1984."

The motion was adopted.

SHRI SATISH AGARWAL : Sir, before you proceed further with the business of the House, if I get your permission, I wish you many happy returns of the day on behalf of the whole Opposition.

अध्यक्ष महोदय : आपको बहुत धन्यवाद।

श्री हरीश कुमार गंगवार(पीलीभीत) : अध्यक्ष जी, जो क्वेश्चन्स-आन्सर छवते हैं, उनके बारे में

एक बात कहना चाहता हूँ। आज पांच क्वेश्चन्स लिए गए, इस प्रकार 12 मिनट में एक सवाल हुआ।

अध्यक्ष महोदय : मुझे आपत्ति नहीं है, मैं आपकी बात से सहमत हूँ। जब करते हैं तो मुश्किल पेश आती है, क्या करें। आपके सामने होता है। मैंने चार-चार सप्लीमेंट्री एलाउ किए हैं। इसके ज्यादा नहीं किया है।

श्री हरीश कुमार गंगवार : स्कूटर की घाँघले-बाजी के सम्बन्ध में क्वेश्चन नं० 441 इतना बड़ा सवाल था, लेकिन इसको जान-बूझकर रोका गया।... (व्यवधान)...

PROF. MADHU DANDAVATE (Rajapur) : Sir, I want to bring to your notice one fact. Day before yesterday, you had kept one ruling pending.

While I was speaking, Mr. Frank Anthony raised a point of order and he said, in regard to a judgment of Justice Mishra which I had quoted, that he had obtained a stay from the Supreme Court. I have made an enquiry. No doubt, the stay is given, but when a stay is given, only further action is suspended. The judgment stands where it is.

I have a right to quote the judgment. Don't expunge it. Otherwise, when I quote the judgment, the Press will come into troubles. You have not to expunge it. You should not expunge it.

MR. SPEAKER : I will look into it. I will find out the exact position. Then I will do it.

SHRI FRANK ANTHONY (Nominated Anglo-Indians) : I have written to you yesterday. I have also given a copy of the judgment to you. I have enclosed also the SLP—the whole criticism of the judgment.

MR. SPEAKER : I have got it. I have received it. Thank you very much, Mr. Anthony.

श्री रामविलास पासवान(हाजीपुर) : क्या कोई मेम्बर जो बाहर पैसा लेकर बकालत करते हैं, उसी चीज को यहां रेफर कर सकते हैं? उनको पहले रिजाइन करना चाहिये, इन तरह से रेफर करने का कोई अधिकार नहीं है।

MR. SPEAKER : It is not a point of Order. No, no. No question.

SHRI HARIKESH BAHADUR (Gorakhpur) : By taking money outside, he is pleading the case here. He should resign.

12.17 hrs.

CONSTITUTION (FIFTY-THIRD) AMENDMENT BILL*

THE MINISTER OF HOME AFFAIRS (SHRI P.V. NARASIMHA RAO) : Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

The motion was adopted.

SHRI P.V. NARASIMHA RAO : I introduce the Bill.

MATTERS UNDER RULE 377

- (i) Non-payment of bonus by Sri Synthetics Ltd., Ujjain and need for Government's intervention into its working

श्री सत्यनारायण जटिया(उज्जैन) : मध्य प्रदेश में कपड़ा मिलों और कृत्रिम रेशे निर्मित करने वाले कारखानों में काम करने वाले लोगों का भविष्य अनिश्चित है। इन्दौर का होप टैक्सटाइल्स मिल्स विगत काफी समय से बन्द है और इसके कारण हजारों लोग बेरोजगार हो गये हैं। उज्जैन के कपड़ा