

12 hrs.

RE. ADJOURNMENT MOTION

SOME HON. MEMBERS rose....  
(Interruptions)\*

MR. SPEAKER: Nothing is going on record without my permission.

(Interruptions)\*

PROF. MADHU DANDAVATE (Rajapur): Why don't you allow submissions to be made by the members?

अध्यक्ष महोदय : आप इन को कह दें कि चुप हो जायें, ताकि आपकी बात सुन सकूँ ।

PROF. MADHU DANDAVATE: I want to make a submission. All the Opposition parties in the House have given adjournment motions on the Garhwal election report. It is not a question of the Election Commission at all. The Election Commission in its observations has said that indirectly the Chief Minister of Uttar Pradesh has informed them, "I cannot maintain law and order to hold election". It is a failure to fulfil constitutional obligation. We are not raising the question of the Election Commission. It is a failure of the Government to fulfil constitutional obligations. Therefore, it is a fit case for adjournment motion. (Interruptions) Try to understand the issue before you give your ruling. Please note that we are not raising the Election Commission issue. We are raising the failure of constitutional obligations by the Government. That is the issue. (Interruptions)

MR. SPEAKER: I am on my legs now. Please sit down.

I appealed to you yesterday. The same position is still persisting today.

The Rules do not change overnight. And we in the group meeting of all the Opposition Parties' leaders, had

discussed this matter. My position is very clear.

SHRI HARIKESH BAHADUR (Gorakhpur): It is a dangerous attack on democracy. It will have far-reaching effect.

(Interruptions)

MR. SPEAKER: Pleased sit down. I am much more concerned with the democratic processes in this country. I have been entrusted with it.

(Interruptions)

MR. SPEAKER: When I am speaking, why do you interrupt?

(Interruptions)

MR. SPEAKER: Please sit down. When I am speaking, why do you interrupt me?

(Interruptions)

MR. SPEAKER: Please sit down.

I said yesterday and even today, as I said, I am personally interested because I am a farmer's son' just coming from a rural village, occupying this highest position, only due to the fact that the people of India opted for democracy, and that is why I am here.

(Interruptions)

MR. SPEAKER: I am bound by the Rules. The Rules are laid down by the House.

(Interruptions)

PROF. MADHU DANDAVATE: We have also been elected by people in the same way.

(Interruptions)

MR. SPEAKER: That is what I said. that is just an example.

(Interruptions)

MR. SPEAKER: Why are you interrupting me. Why can't you sit down?

(Interruptions)

MR. SPEAKER: What he is saying will not go on record; he is speaking without my permission.

(Interruptions)

MR. SPEAKER: If this is the democratic way you are going to proceed, then, it is absolutely irresponsible.

I have come to understand and all the Members had also agreed, according to the Rules laid down in the book, I am ready to discuss anything under the Sun and I have entrusted this task to you. Let me have a way out and I will get it discussed. Last time, we had discussed it.

(Interruptions)

MR. SPEAKER: Please, sit down. I am standing.

SHRI HARIKESH BAHADUR: On a point of order.

(Interruptions)

MR. SPEAKER: I am standing. This is most irresponsible.

(Interruptions)

MR. SPEAKER: As regards Notice of Adjournment Motion on postponement of by-election in Garhwal, Hon. Members know that it basically raises the question of a decision given by the Chief Election Commissioner, who is a Constitutional authority.

(Interruptions)

MR. SPEAKER: I am giving my ruling.

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): It is the Chief Minister of U.P. ....

(Interruptions)

MR. SPEAKER: Why don't you listen to me? Listen to me first. Why don't you have the patience to listen to me?

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): I am listening.

MR. SPEAKER: If you had listened to me, you would not have said this. No, I cannot proceed. Why don't you listen to be?

SHRI BAPUSAHEB PARULEKAR: I am listening but you are not correctly placing it. . .

MR. SPEAKER: Then, listen, You are interrupting me.

(Interruptions)

MR. SPEAKER: I am correcting myself. Please sit down.

The conduct of the Chief Election Commissioner can only be raised by way of a substantive motion provided for in Article 324 of the Constitution.

(Interruptions)

MR. SPEAKER: Let me finish first.

SHRI HARIKESH BAHADUR: I am on a point of order.

MR. SPEAKER: How can you rise, when I am speaking?

(Interruptions)

MR. SPEAKER: What are you trying to do? Please sit down. I am saying something according to the book which has been given to me by you; it is not my own.

It would be recalled that my distinguished predecessor, Mr. Speaker Dhillon, had made the following observations on the 25th March, 1971 when some questions were raised about the functioning of the Election Commission; he said:

"This Parliament is not over and above the Election Commission so far as elections are concerned."

Hon. Members know that we had occasion to discuss in the last Session about the desirability of some electoral reforms. It is open to the Members to give a suitable notice which could be considered for admission on merits.

(Interruptions)

**PROF. MADHU DANDAVATE:**  
We do not challenge your ruling, Sir.  
We want a clarification on that.

**MR. SPEAKER:** I appeal to you to come with a motion which I can admit, and I will admit, but not like this.

*(Interruptions)*

**MR. SPEAKER:** Nothing is going on record without my permission.

*(Interruptions)\**

**MR. SPEAKER:** I will grant permission if you like. Let all these gentlemen sit down. Mr. Satish Agarwal.

**SHRI SATISH AGARWAL (Jai-pur):** With your permission I would like to submit only this much that the language of the Adjournment Motion that we have given notice of does not at all censure the decision of the Election Commission; it is only on the failure of the Government to meet the Constitutional obligation of providing the necessary assistance to the Election Commission...

**MR. SPEAKER:** Excuse me for the interruption. I would just ask you to give me a motion which I could admit. You know it.

**SHRI SATISH AGARWAL:** Sir, we are not censuring the Election Commission at all. We have given notice of an Adjournment Motion censuring the Central Government and the State Government of U.P. for not providing the necessary assistance to the Election Commission for holding the election in time. That is our Motion.

**PROF. MADHU DANDAVATE:**  
May I seek a clarification...

**MR. SPEAKER:** You know my limitations.

**PROF. MADHU DANDAVATE:**  
Knowing your limitations, I am seeking certain clarifications. Your ruling is not at all related to the notice that all of us have given. Let me make this very clear: We fully agree with your observation that, as far as the present position of the status of the Election Commission is concerned, it being an autonomous body, Parliament cannot discuss the conduct of the Election Commission. Therefore, we have not raised the issue of Election Commission deliberately, not to embarrass you. What we are raising is on the basis of the statement made by the Election Commission wherein he has said...

**MR. SPEAKER:** Last time you brought something. Again you bring something. I will allow it.

**PROF. MADHU DANDAVATE:**  
Let me complete the sentence, Sir. It is not a compound sentence, it is a simple sentence. All that I am saying is that we have actually condemned in our Adjournment Motion, the failure of the Government to meet the Constitutional obligation of ensuring free and fair election, of conducting the election. If the Chief Minister says that they cannot maintain law and order during the election, it is left to the Central Government to take charge of the administration and conduct the election...

**MR. SPEAKER:** Please sit down. If the Election Commission had directed the Government, then I would have...

**PROF. MADHU DANDAVATE:**  
Please tell us how our Adjournment Motion is related to your ruling.

**MR. SPEAKER:** You give another motion; I will admit it; I will have no hesitation in admitting it, but not like his. You know it.

**PROF. MADHU DANDAVATE:**  
How does your ruling affect our Adjournment Motion?

**MR. SPEAKER:** I will allow any motion to discuss the subject, but in proper terms.

Papers to be laid—Shri P. C. Sethi.  
(Interruptions.)

**MR. SPEAKER:** You give me in the proper form and I will admit it. You know it, all know it and I know it.

12.16 hrs.

### PAPERS LAID ON THE TABLE

REVIEW ON AND ANNUAL REPORT OF INDIAN PETROCHEMICALS CORPORATION LTD., FOR 1980-81

**THE MINISTER OF PETROLEUM, CHEMICALS AND FERTILIZERS (SHRI P. C. SETHI):** I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(1) Review by the Government on the working of the Indian Petrochemicals Corporation Limited, for the year 1980-81.

(2) Annual Report of the Indian Petrochemicals Corporation Limited, for the year 1980-81 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT—2895/81.]

### NOTIFICATION UNDER MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT]

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR):** I beg to lay on the Table a copy of the Monopolies and Restrictive Trade Practices Commission (Conditions of Service of Chairman and Members)

Amendment Rules, 1981 (Hindi and English versions) published in Notification No. GSR 508(E) in Gazette of India dated the 7th September, 1981, under sub-section (3) of section 67 of the Monopolies and Restrictive Trade Practices Act, 1965.

[Placed in Library. See No. LT—2896/81.]

### NOTIFICATION UNDER INDIAN TELEGRAPH ACT

**THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI KARTIK ORAON):** I beg to lay on the Table a copy of the Indian Telegraph (Third Amendment) Rules, 1981 (Hindi and English versions) published in Notification No. GSR 744 in Gazette of India dated the 8th August, 1981, under sub-section (5) of section 7 of the Indian Telegraph Act, 1885.

[Placed in Library. See No. LT—2897/81.]

### NOTIFICATION UNDER CENTRAL EXCISES AND SALT ACT, COMPULSORY DEPOSIT SCHEME (INCOME-TAX PAYERS) ACT AND CUSTOMS ACT AND UNDER CENTRAL EXCISE RULES

**THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI MAGANBHAI BAROT):** I beg to lay on the Table:—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 38 of the Central Excises and Salt Act, 1944:—

(i) The Central Excise (Twenty-sixth Amendment) Rules, 1981, published in Notification No. GSR 525 (E) in Gazette of India dated the 23rd September, 1981 together with an explanatory memorandum.

(ii) The Central Excise (Twenty-first Amendment) Rules, 1981, published in Notification No. GSR 991 in Gazette of India dated the 7th November, 1981.