

MR. DEPUTY-SPEAKER: The hon. Member may continue next time.

Now we take up the next item.

15.29 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
TWENTY-NINTH REPORT

MR. DEPUTY-SPEAKER: The House will now take up Private Members' Business.

Shri Gomango.

SHRI GIRIDHAR GOMANGO (Koraput): Sir, I beg to move the following:—

"That this House do agree with the Twenty-ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th March, 1979."

MR. DEPUTY-SPEAKER: Motion moved:

"That this House do agree with the Twenty-ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th March, 1979."

Mr. Purnanarayan Sinha, you wanted to say something.

SHRI PURNANARAYAN SINHA (Tezpur): Mr. Deputy Speaker, Sir, as you know, there is a committee sitting to impress upon the Government about the categorisation of Bills. There are a large number of hon. Members who have tabled various non-official Bills. You will remember that there was a discussion on the flood situation. This discussion was held on two days. This discussion has not concluded as yet. There are some resolutions which are very important, which are far below on the serial numbers in the list. Therefore, some decision should be taken on this in order to bring forward the important subjects for discussion in the House or there should be a special

session, altogether for Non-official Bills and Resolutions of the Members so that the Members may feel that their subjects are considered for discussion and they may also be given assurance that the Resolutions or the Bills moved by them are taken up by the Government for discussion. But I think this report which is before me, has excluded the old ones and brought forward the new ones. I would therefore request that the Private Members' Bills and Resolutions may be taken up by the House for consideration with due priority. This is my submission.

MR. DEPUTY-SPEAKER: As far as our submission goes, in the case of the Private Members' Bills, the Committee goes into the importance of the topicality of the Bill or otherwise and then it decides on this. It sometimes happens that some Members have asked for recategorisation—they go to the Committee and explain the position—of their Bills or Resolutions as the case may be. There are already, I think, about 15 Bills pending in the 'A' Category and there are several which are in the 'B' Category. So, the Committee is seized of that and every time when a new request comes from the Members concerned and they do take decision on that. It does not mean that new Bills are taken up and the old Bills are relegated. It is not like that. It could be that any of the Private Bill might have been considered by the Committee when the Member concerned asked for its recategorisation because of its importance. So, I would request you to write to the Committee.

SHRI PURNANARAYAN SINHA: I have made a request to recategorise my Bill on Members' Salaries and Allowances from 'B' to 'A' so that it may be taken up for discussion. But I am sorry to know that it has not been done as yet.

MR. DEPUTY-SPEAKER: Perhaps the Committee felt that it was not that important. You can again write to the Committee. As far as other point made by you, that is about having a special day for non-official business, I think you better write to the Rules Committee suggesting that.

Now, the question is:

„That this House do agree with the Twenty-ninth Report of the Committee on Private Members' Bill and Resolutions presented to the House on the 15th March 1979.”

The motion was adopted.

15.33 hrs.

RESOLUTION RE: BAN ON COW
SLAUGHTER

SHRI G. M. BANATWALLA (Pon-nani): Mr. Deputy-Speaker, Sir, I have already given to the Speaker a letter that I propose to raise a point of order involving two or three points on which I shall most briefly speak. Sir, on 1st May 1954, the then Attorney General, Mr. M. C. Setelvad, made a statement in the House on the subject with respect to imposition of total ban of the slaughter of cows. The question of the competence of this House to legislate or ask the Central Government to impose a total ban on the slaughter of cows has come up before this House. Not only that. The Attorney General himself was asked to be present in the House and on 1st May 1954, the then Attorney General, Shri M. C. Setelvad made a statement on the floor of the House. I will read it out.

“The conclusion therefore is that the subject-matter of the Bill is not to be found in the list with which Parliament is concerned, that is List-I and List-III, and is to be found in various entries in List-II which is the exclusive sphere of the State Legislature.”

This has been the opinion of no less a person than the Attorney General of India. He himself made that state-

ment on the Floor of the House. It is rather unfortunate that despite the clear point of view, a juristic opinion placed before this House, we are proceeding with the discussion with respect to the imposition of total ban on cow slaughter. I submit that when this House is not in a position to come to any effective decision capable of implementation with respect to the total ban on cow slaughter, then the entire discussion is a discussion in vacuum. I, therefore, appeal to you to give a clear-cut ruling on the subject.

I have also another point to place before you. The procedure envisaged by our Rules is different in the case of Bills and Resolutions. We are today seized with a Resolution. In the case of Bills, the objection on the ground that the Bill initiates legislation outside the legal competence of the House is to be taken as per rule 72 by opposing the introduction of the Bill itself. It is thereafter that the House decides after a full discussion. I, therefore, understand that the Speaker does not rule on the constitutionality or otherwise of the Bills. But this is not the procedure in the case of the Resolutions. In the case of Resolutions, we are governed by Rule 174, whereby it is the Speaker and not the House that decides on the admissibility of a Resolution. Kindly see the wording of Rule 174. It explicitly states that the Speaker shall decide about the admissibility of a Resolution. It is, therefore, imperative on the part of the Speaker to decide on this point that I am raising with respect to the admissibility of this Resolution. In view of the imperative language of Rule 174, it shall not be proper on the part of the Speaker to shirk from his responsibility and ask the House itself to come to a decision. Therefore, my humble submission is that in the case of a Bill and in the case of a Resolution, the question of admissibility is differently decided as is specifically laid down in Rules 72 and 174 of our Rules of Procedure.