

no. 19 the name of Shri Lakhman Lal Kapoor may be substituted in place of Shri G. S. Mishra. These are the only two changes.

MR. DEPUTY-SPEAKER : Now, I shall put the concurrence motion regarding the Foreign Marriage Bill, with these two names substituted, to the vote of the House. The question is :

"That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to make provision relating to marriages of citizens of India outside India, made in the motion adopted by Rajya Sabha at its sitting held on the 13th May, 1968 and communicated to this House on the 15th May, 1968 and do resolve that the following thirty members of Lok Sabha be nominated to serve on the said Joint Committee, namely :

Shri C. M. Krishna,
 Shri Ramchandra J. Amin,
 Shri A. E. T. Barrow,
 Shri B. N. Bhargava,
 Shri Jyotirmoy Bosu,
 Shrimati Ila Pal Choudhuri,
 Shri B. K. Daschowdhury,
 Shri Devinder Singh,
 Shri Shri Chand Goyal,
 Shri V. N. Jadhav,
 Shri Shiva Chandra Jha,
 Shri Z. M. Kahandole,
 Shri Dhireswar Kalita
 Shri Liladhar Kotoki,
 Shri V. Krishnamoorthi,
 Shrimati Sangam Laxmi Bai,
 Shri Vikram Chand Mahajan,
 Dr. M. Santosham,
 Shri Lakhman Lal Kapoor,
 Shrimati Shakuntala Nayar,
 Shri Vishwa Nath Pandey,
 Shri S. B. Patil,
 Shri Bhola Raut,
 Shri Mohammad Yunus Saleem,
 Shri P. A. Saminathan,
 Shri Shiv Kumar Shastri,
 Shri Janardan Jagannath Shinkre,
 Shri Sant Bux Singh
 Shri Nagendra Prasad Yadav, and
 Shri P. Govinda Menon."

The motion was adopted.

MOTION UNDER RULE 388 RE. INSURANCE (AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT) : Sir, on behalf of Shri Morarji Desai I beg to move :

"That this House do suspend the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for the reference of the Bill further to amend the Insurance Act, 1938, so as to provide for the extension of social control over insurers carrying on general insurance business and for matters connected therewith or incidental thereto and also to amend the Payment of Bonus Act, 1965, to a Joint Committee of the Houses."

SHRI SRINIBAS MISRA (Cuttack) : Sir, on a point of order. This motion seeks to suspend the first proviso to rule 74 of the Rules of Procedure and Conduct of Business. It is a provision which is contained not only in the rules but also in the Constitution. Rule 74 reads :

"When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely :—

- (i) that it be taken into consideration; or
- (ii) that it be referred to a Select Committee of the House; or
- (iii) that it be referred to a Joint Committee of the Houses with the concurrence of the Council; or
- (iv) that it be circulated for the purpose of eliciting opinion thereon :

"Provided that no such motion as is referred to in clause (iii) shall be made with reference to a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 of the Constitution."

The Minister by moving such a motion has admitted that this Bill comes under article 110, sub-clauses (a) to (f) of clause 1. Once it is admitted, the Constitution comes into play. Now, article 109 says :

"(1) A Money Bill shall not be introduced in the Council of States."

Now, it has been introduced here. This Bill is pending in this House. It is a question of privilege of this House that a Money Bill should not be introduced in the Council of States, in the other House, simultaneously. For associating the Rajya Sabha in such a Joint Committee, the Bill has to be introduced there simultaneously. It must be pending there so that Rajya Sabha will pass a resolution, nominating some members to serve in the Joint Committee. It is a question of privilege of this House and, being a constitutional bar, we have no power to waive it. This matter came up for consideration in this House on an earlier occasion when the then Speaker, Shri Mavalankar, decided with respect to the Indian Income-tax Amendment Bill, 1951 that being a Money Bill it cannot be referred to a Joint Committee. There is only one such instance which has been given at page 407 of *Practice and Procedure of Parliament* by Kaul and Shakhder. Article 109(2) says :

"After a Money Bill has been passed by the House of the People it shall be transmitted to the Council of States for its recommendations. . . ."

So, before it is passed by this House, it cannot be transmitted to the other House and the other House cannot take cognisance of the Bill. So, the motion for suspension of the first proviso to rule 74 under rule 388 is untenable and it cannot be done.

There are other considerations also. It has been laid down by the Speaker in this House that these are matters in which the Speaker exercises discretion. In regard to money Bills there is the statutory constitutional bar. In regard to other Bills where there are financial provisions, the Speaker exercises discretion. While exercising discretion many aspects are considered, one of which is whether there will be saving of time,

which is what the Minister proposes here. But it is not applicable to this case. The only instance where the matter has been thoroughly discussed is in the States Re-organisation Bill where there are some financial clauses.

15 HRS.

It was referred to a Joint Committee. There this House waived its right and the first proviso to rule 74 was suspended. But that is a different matter. The States' Re-organisation Bill was a Bill for reorganising the States and there was some consequential financial provision. That suspension is not relevant for the purpose of the present Bill.

The present Bill admittedly is a Money Bill; otherwise, this Resolution would not be there. This Resolution says that the first proviso to rule 74 be suspended. That proviso only refers to article 110 relating to Money Bills. So it is admitted in the Resolution that this is a Money Bill. Therefore it cannot be referred to a joint Committee and this Resolution is infructuous. This House cannot pass this Resolution.

SHRI K. C. PANT : Sir, the point is a simple one. This Bill is not a Money Bill within the meaning of article 109 because it does not deal exclusively with matters referred to in article 110, sub-clauses (a) to (g) of clause (1). The purpose of this exclusion is to move the second motion so that Members of Rajya Sabha can be associated with it. He is going on the interpretation that this is purely a Money Bill. This is a financial Bill.

SHRI SRINIBAS MISRA : If it is not a Money Bill, the question of suspension of the proviso does not arise. Why should he move this motion and why should we pass it ?

AN HON. MEMBER : It is redundant.

SHRI SRINIBAS MISRA : Let him withdraw the motion.

MR. DEPUTY-SPEAKER : I shall explain it.

SHRI SURENDRANATH DWIVEDY (Kendrapara) : Are you joining in the discussion or are you giving your ruling ?

MR. DEPUTY-SPEAKER : I am giving my opinion. As the Minister of State for Finance has put it, this is not a Money Bill in the strict sense of the term. You will accept it.

SHRI SRINIBAS MISRA : That is another matter.

MR. DEPUTY-SPEAKER : You referred to the States' Re-organisation Bill where some financial implications were there and at that time the rule was suspended. You admitted that here.

SHRI SRINIBAS MISRA : No, Sir.

MR. DEPUTY-SPEAKER : If there is any doubt, I will clarify it. Secondly ultimately who is to decide whether it is a Money Bill or not? It is the Speaker. Article 110(3) says :—

“If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final.”

If I am convinced that it is purely a Money Bill, I would certainly have considered your objection very seriously, but as you yourself are not sure, from your own argument, that it is strictly a Money Bill—some financial implications are there; that you admit—I do not think your objection is valid.

SHRI SRINIBAS MISRA : I am not now on the provisions of the Bill, whether it is a Money Bill or not. According to the Resolution, which wants to suspend the first proviso to rule 74, it is a Money Bill. According to them it is a Money Bill; otherwise, why this Resolution?

The proviso to rule 74 says :—

“Provided that no such motion as is referred to in clause (iii) shall be made with reference to a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 110 of the Constitution.”

This Resolution is because the Government has assumed that this is a Money Bill. If it is not a Money Bill why should they move such a Resolution? If they withdraw the Resolution, we will then come to the question whether it is

a Money Bill or not when we take up the second motion. If he is sure that it is not a Money Bill, let him withdraw the motion. The motion is infructuous. It cannot be moved. What is the use of this motion? Let him make it clear.

MR. DEPUTY-SPEAKER : I wanted to give you full opportunity to place your case before the House.

SHRI SRINIBAS MISRA : Let us be clear about it. My point of order refers to the Resolution itself. The Resolution says that they want to suspend Rule 74, first proviso, which refers to a Money Bill and nothing else. Therefore, they have assumed that this is a money Bill. Because it is a money Bill, they want this proviso to be suspended.

MR. DEPUTY-SPEAKER : I have followed your argument. You are repeating it.

SHRI SRINIBAS MISRA : Let us assume, for the sake of argument, that this is not a money Bill. I will have my say when the Bill is moved. If it is not a money Bill, what is the value of such a resolution?

MR. DEPUTY-SPEAKER : I will explain.

SHRI R. D. BHANDARE (Bombay Central) : May I make a submission?

MR. DEPUTY-SPEAKER : I will explain it.

SHRI R. D. BHANDARE : Have you already made up your mind?

MR. DEPUTY-SPEAKER : There is no substance in the argument. Otherwise, I would have, certainly, taken help from other constitutional pundits.

SHRI K. C. PANT : Sir, you have said that it is a financial Bill, not a money Bill strictly. I have explained the reasons. It is entirely within your discretion, within your power, to say whether the Bill is a money Bill or not.

MR. DEPUTY-SPEAKER : That I have already said. He has advanced one more argument, article 110(b) which reads :

“the regulation of the borrowing of money or the giving of any guarantee

[Mr. Deputy Speaker]

by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;”

Now there are two questions.

श्री एस० एम० जोशी (पूना) : उपाध्यक्ष महोदय, माननीय सदस्य ने जो पहला सवाल उठाया है, आप उस के बारे में क्लिग दीजिए। पहला सवाल यह है कि अगर यह मनी बिल नहीं है, तो यह रेजोल्यूशन क्यों पेश किया गया है।

MR. DEPUTY-SPEAKER : Even then, as I have said, he has realised the weakness of his argument when he referred to the earlier case of the States Reorganisation Bill. That is a precedent which he has referred to. At that time, this Rule was suspended because certain financial implications were involved. Therefore, on this occasion also, under article 110(b), it is essential to suspend the Rule and proceed with the business. As I have said, the final authority is with the Speaker. It is not strictly a money Bill but there are certain financial implications involved. So, this Rule is to be suspended.

SHRI SRINIBAS MISRA: We are going too fast, rather putting the cart before the horse. Now you are trying to decide whether it is a money Bill or not I am not on that. Whether it is a money Bill or not, it will come subsequently. Now, we are on the Resolution. According to them, this Resolution comes under article 110(a) to (f). The Resolution itself says so. You may kindly read the Resolution. It says.

“That this House do suspend the first proviso to Rule 74 of the Rules of Procedure.....”

If it is not a money Bill, why should the first proviso to Rule 74 be suspended? If it does not come under article 110(a) to (f), why should it be suspended?

MR. DEPUTY-SPEAKER : You are making a mistake. As you have just now said, any of the matters specified

in sub-clauses (a) to (f). I have pointedly mentioned article 110(b) under which there are two parts. The first part refers to money matters and the second part refers to financial matters.

SHRI SRINIBAS MISRA : I think, you are in a hurry. Let me make it clear.

MR. DEPUTY-SPEAKER : I am not in a hurry. I have followed your argument. If it is not a money Bill, why should this proviso be suspended? But even if it is not a money Bill strictly speaking, and even if the Speaker has ruled that it is not a money Bill, still under article 110(b), there is the second proviso :

“or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;”

Though not strictly a money Bill yet it involves financial considerations. It is for that purpose that this suspension is called for.

SHRI SRINIBAS MISRA : How can that be?

श्री एस० एम० जोशी : उपाध्यक्ष महोदय, एक मिनट के लिए मुन लीजिए। आप फर्क कर रहे हैं (बी०) और (सी०) में। आप जरा 110(1) देखिए :

“For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters....

तो मनी बिल के बारे में साफ लिखा हुआ है। अब यह (बी०) में क्या फर्क है (सी०) में क्या फर्क है इसका कोई अर्थ नहीं है, फाइनेंशियल इन्वाल्वमेंट है या नहीं, इस का कोई सवाल नहीं है। इसमें साफ लिखा हुआ है :

deemed to be a Money Bill if something of this kind comes.

और आप तो कह रहे हैं कि (बी०) के अन्दर यह नहीं आ रहा है, आ जायगा तो मनी बिल हो जायगा। हम यह नहीं कह रहे

है। हम यह कह रहे हैं कि जब यह रेजोल्यूशन यहां आया है तो इस का मतलब है कि गवर्नमेंट समझती है कि यह मनी बिल है। अगर मनी बिल है तो यहां पहले आना चाहिए, वहां नहीं आना चाहिए।

SHRI DATTATRAYA KUNTE (Kolaba) : Before you come to a conclusion I would really like to know one thing. Before the hon. Minister moved this motion he should have given an explanation as to why he wanted the proviso to rule 74 to be suspended. If he had given that explanation then he would have had to say whether this Bill contained any of the provisions mentioned in Article 110(a) to (f). As long as he does not do that, Shri Srinibas Misra's point is valid. Merely because he has said that it ought to be presumed to be a money Bill you cannot say that you rule that it is not a money Bill. We are not asking for a ruling from the Chair as to whether this is a money Bill or not.

First of all, the Minister has to give an explanation why he considers this to be necessary as this Bill invokes Article 110. As long as he does not give that to jump to a conclusion that it invites attention to Article 110 and later on to jump to the conclusion that it is the sweet prerogative of the Chair is not proper. I should think that even if it is left to the Chair to decide whether it is a money Bill or not, it is a matter of discretion and not of individual judgment. So, let not the Chair think that it has.....

MR. DEPUTY-SPEAKER : I have not exercised.....

SHRI DATTATRAYA KUNTE : It is not a question of your exercising. You have not exercised it. But I am referring to the manner and method in which you put it to the House that ultimately it is the authority of the Speaker. I say, yes, I shall bow down to the authority of the Speaker, but the authority of the Speaker is that of a judicial mind and not in his individual judgment is that exercised in his judicial discretion. Therefore, he must apply his mind and that is why I am helping him to apply
L38LSS/68—10

his mind. That is, why, first of all, let the hon. Minister come forward and explain how at all this Bill comes under the provisions of Article 110(1)(a) to (f). Let him make that clear first. As long as he does not make that clear, if my hon. friend here says that it might be a money Bill, or it might not be a money Bill, it is no use. Let him make it clear why he is moving this motion. Is he afraid that it comes under Article 110 and if it comes under Article 110 this motion might be required? If it comes under Article 110(1)(a) to (f) then it has to be construed as a Money Bill and, therefore, the hon. Minister must make this point clear first. If he does not care to make it very clear, then naturally objections will be raised and Government have got to answer it. The objections have got to be answered not merely by a ruling from the Chair but by cogent arguments by the hon. Minister.

MR. DEPUTY-SPEAKER : The hon. Member is perfectly within his rights to expect a statement as to why the suspension of this proviso is called for. To that extent, his argument is very valid. The House would like to know, before it exercises its judgment, and I also would like to know the position before I exercise my judgment. Therefore, I would like the hon. Minister to clarify the position.

SHRI K. C. PANT : May I draw your attention to sub-clause (c) of clause 1 of article 110 of the Constitution which reads thus :

"The custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund."

This sub-clause (c) is obviously attracted by this Bill.....

MR. DEPUTY-SPEAKER : When he moves for the suspension of the rule, he will have to give the reasons why he is coming forward for the suspension of the rule. A statement is called for on that.

SHRI K. C. PANT : As you yourself have rightly pointed out, the difference between the money Bill and the

[Shri K. C. Pant]

financial Bill is very clear. (*Interruptions*). My hon. friend was saying that the Chair was not applying its mind. Therefore, please let him allow me to address the Chair. I hope my hon. friend will understand.

SHRI DATTATRAYA KUNTE : I am trying to.

SHRI K. C. PANT : The difference between a money Bill and a financial Bill is there and that has got to be understood. Article 110(1) reads thus :

"For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely.....".

If a Bill deals only with the matters mentioned in sub-clauses (a) to (f) of this article, then it is a money Bill. In the other case, where it does involve expenditure coming within the provisions of these sub-clause (a) to (f) it is a financial Bill, if it deals with other things also and not only with them. That is the difference between a money Bill and a financial Bill.

The proviso here which has been read out again and again is that :

"Provided that no such motion as is referred to in clause (iii) shall be made....."

Clause (iii) refers to reference of the Bill to a Joint Committee of both Houses. The proviso further reads :

".....with reference to a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 of the Constitution".

Sub-clause (c) of article 110(1) refers to the custody of the Consolidated Fund and the payment of moneys into or the withdrawal of moneys from it. Therefore, this Bill is not a money Bill but it is a financial Bill.

Therefore, unless this motion is made it cannot be referred to a Joint Committee of both the House.

SHRI DATTATRAYA KUNTE : Before you give your ruling, please allow us to make our observations also.

SHRI R. D. BHANDARE : You have already given your ruling.....

MR. DEPUTY-SPEAKER : Only on one point namely whether it is a money Bill or not.

SHRI R. D. BHANDARE : So kindly do not say that you are going to determine the point now.

MR. DEPUTY-SPEAKER : Whether it is a money Bill or whether certain financial matters are there, and, therefore, article 110 is attracted, is a point on which I have given my ruling, and I shall stick to that. But the hon. Member had raised a different point altogether.

SHRI R. D. BHANDARE : The question whether it is a money Bill or not is a different question. The very fact that the motion for suspension of the proviso to rule 74 is moved shows that this Bill deals with matters pertaining to a money Bill within the meaning of article 110(1). The question is why such a motion should be moved if it is not a money Bill. The hon. Minister must answer this question. You should also apply your mind to this. I wanted to explain this point but then you said that you had already determined it.

MR. DEPUTY-SPEAKER : I took the question which he raised very seriously for two reasons. When the House wants to apply its mind regarding the suspension of a rule, the hon. Minister must justify why suspension is called for. Therefore, I have said that it is a very valid point that he has made, and I asked the hon. Minister to meet the point raised. Even if I consider that it is not a money Bill, still a statement to this effect is called for, a cogent statement giving the reasons why he has come forward with this motion for suspension of the proviso. The hon. Minister has tried to explain it away. But I would suggest that that will not be proper; it will not be proper for me to decide on that basis. As the hon. Member has also pointed out, it is the privilege of the House that the House also must be satisfied, and the hon. Minister must satisfy the House by making a statement on why this motion is required.

SHRI K. C. PANT : Was there any lack of clarity in what I had said ?

MR. DEPUTY-SPEAKER : The main point is that unless he comes forward with a statement.....

SHRI K. C. PANT : I have come forward with a statement already.

SHRI K. NARAYANA RAO (Bobbili) : Why not an explanation only ? Is it necessary that a statement must be made ? He has already explained his point of view. Then what else is there to be explained ?

MR. DEPUTY-SPEAKER : On that point, I have given a clear ruling. If we are asked to suspend the rule, then he must convince the House.

SHRI K. NARAYANA RAO : He has convinced the House already.

MR. DEPUTY-SPEAKER : Then alone, we can do it and otherwise not.

SHRI K. NARAYANA RAO : If one is not prepared to be convinced, how can one be convinced ?

SHRI SURENDRANATH DWIVEDY : Let him come forward with a statement tomorrow.

SHRI K. C. PANT : I think you were on the point of being convinced when perhaps certain new doubts were raised. I personally have not quite been able to follow what the new doubts are.

The simple point is this. If this is not a money Bill but only a financial Bill, in that case, is article 110 attracted or not ? If article 110 is attracted, is rule 74 attracted or not ? If rule 74 is attracted and we want a Joint Committee, is it necessary to move this motion or not ? These are the issues. I would like to have your ruling on these issues.

MR. DEPUTY-SPEAKER : I am on a different point. As I have already said, I do not consider it a Money Bill. even then, the House has a right—that is the main point raised and it is a procedural matter—to know why a particular rule needs suspension. They have to apply their mind on that point. It is a serious matter because the rules

have the sanction of the whole House. If any particular rule needs suspension for procedural reasons at any time, you must come forward with a statement.

SHRI K. C. PANT : May I understand your observation to mean that, whenever anybody comes forward with a motion to suspend a rule, an explanation will have to be attached to it ? May I know whether this was a past ruling or this will be a prospective one. . . . (*Interruptions*).

SHRI V. KRISHNAMOORTHY (Cuddalore) : He should not question your ruling.

MR. DEPUTY-SPEAKER : He is not questioning my ruling. He only wants a clarification. . . . (*Interruption*).

SHRI SURENDRANATH DWIVEDY (Kendrapara) : Ruling is a ruling whether it has any precedent or whether it will apply later on. That is not the question at issue. A ruling has to be obeyed and the Minister by questioning you whether it is a prospective ruling or has a precedent, does not want to obey what you have said.

MR. DEPUTY-SPEAKER : If I have understood him correctly, there was no question of challenging my ruling. He was a little confused on this point and he wanted to get it clarified.

SHRI K. C. PANT : Since Mr. Dwivedy has used some words which certainly reflect lack of respect on my part towards you, I must clarify this. The simple point was this. If I had known that the explanation was required of this, I would have been duty-bound to come to the House with the explanation. Therefore, I enquired whether it would have retrospective effect or prospective effect. In future, we will be guided by your ruling. There is no question of my not obeying the Chair. We on this side of the House are very sensitive to this. It would have been better if we had known that this was to come about so that we would have come with the explanation. If you now decide that even in the present case it will be better for the Government to bring forward an explanation, certainly we shall obey to your ruling. If, however, you are satisfied about the

[Shri K. C. Pant]

substantive matter now, then I would submit that you may give your ruling now and then for the future we will certainly come forward with the explanation... (*Interruptions*)

SHRI S. K. TAPURIAH (Pali) : You have ruled that the House must be satisfied with the explanation. The hon. Minister has tried his best, but he has not been able to satisfy the House. He has even said that if he had known earlier, he would have come forward with an explanation. So, the other things do not come. Let the Bill be postponed till tomorrow. Let them come with the explanation and after that, it can be discussed.

SHRI R. D. BHANDARE : May I make a submission? With due respect I am making a submission. The point is that if proviso to rule 74 is to come into play, then it is a Money Bill. (*Interruptions*).

MR. DEPUTY-SPEAKER : That is not the question.

SHRI R. D. BHANDARE : I am not re-arguing; I am not arguing on that point; I am only making a submission. You can reserve your ruling. You can say it is a Money Bill. Then the provisions of art. 110 are attracted. If you say it is not a Money Bill, then the rule of suspension does not apply. It is a very simple point.

SHRI K. NARAYANA RAO : Why should it not apply?

SHRI R. D. BHANDARE : Therefore, make up your mind.

MR. DEPUTY-SPEAKER : It is not that. As I have already said, looking to the provisions of art. 110 as they are attracted, I consider this involves certain financial matters and thought it is not a Money Bill in the strict sense of the term, this provision of suspension is called for and for that reason, he has given an explanation. The simple question is: after the verbal explanation given by the Minister concerned as to why he has come forward with this motion for suspension, is the House satisfied? As I have made very clear, on any issue when there is a motion for suspension of a rule brought forward, a

cogent statement from the mover is called for stating the reasons therefor.

SHRI S. K. TAPURIAH : In view of your ruling, let the Minister come forward with a statement tomorrow. Why take more time of the House like this in the meanwhile?

SHRI K. C. PANT : Certainly I would like to satisfy the House. I am sitting here only to try to satisfy the House in all matters. But there, under the Constitution, if any question arises whether a Bill is a Money Bill or not, it is the Speaker who has to come to a final conclusion.

SHRI S. K. TAPURIAH : That is not the issue here.

SHRI K. C. PANT : I would submit with all respect that in matters involving such intricacies and interpretation of the Constitution, rules etc. I am quite prepared to come and explain again to the House. But I would also submit that that this is not a matter to be decided by votes in the House or even by the sense of the House. It is for you to exercise your discretion and come to a decision (*Interruptions*). You are called upon, if I may say so, under the Constitution to come to your conclusion and give us the benefit of it in the form of a ruling.

SHRI S. K. TAPURIAH : He has already come to his conclusion.

MR. DEPUTY-SPEAKER : That benefit aspect has been disposed of. A new point was raised that when you ask for suspension, should you not come forward with a statement? You have already tried to convince the House.

SHRI K. C. PANT : You.

MR. DEPUTY-SPEAKER : After I gave my ruling, there is this particular point regarding the motion for suspension, the technicality of a statement. I adhere to my ruling.

AN HON. MEMBER : This is creating confusion... (*Interruptions*).

SHRI K. NARAYANA RAO : The point before the House is whether the Minister has made out a case for suspension. That is not the issue at all. The real

issue is whether this is a Money Bill at all. (*Interruptions*).

MR. DEPUTY-SPEAKER : That I have disposed of. Do not touch that point. It is not a Money Bill.

SHRI K. NARAYANA RAO : The Chair has ruled that it is not a Money Bill. The rest of the thing should fall. Is there any person present in the House who has raised the question....

MR. DEPUTY-SPEAKER : He has not followed the argument. Nobody has questioned my ruling regarding whether it is a Money Bill or not. After going through art. 110, I have ruled that it is not strictly a Money Bill. I have made that very clear. Even then, a point was raised—a very pertinent point—to which I have to apply my mind, whether when a person comes before the House with a motion for suspension of a rule, is it not obligatory on him to give a cogent statement why the suspension is called for? This is a procedural matter. On that point, I have given my ruling.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI M. YUNUS SALEEM) : May I make a submission?

SHRI VASUDEVAN NAIR (Peer-made) : Where is the Law Minister of the Government of India? Has the Government of India no Law Minister? I see the Deputy Minister here.

SHRI VASUDEVAN NAIR : We have sent a great Law Minister from Kerala. Where is he?

SHRI DATTATRAYA KUNTE : I was hoping that the Minister of State for Finance would advance cogent reasons why he wants the suspension of the rule, when he gets a second opportunity. If he thinks that he is not in a position to give that reason now, we shall be prepared to wait till tomorrow. Nothing is lost. On the other hand, if he is simply going to appeal to the Chair and depend upon the ruling of the Chair, really there will not be much discussion in the House. The Chair has rightly ruled that the House ought to be satisfied as to why the rule is being sus-

pending and cogent reason should be given. I was not able to understand—may be, there may be lack of understanding on my part—his argument as he tried to read sub-section (c) of Article 110(1). If his explanation had been that Article 110(1)(c) had been attracted by this Bill and therefore, he is seeking to suspend the rule, he has to give explanation how and why Article 110(1)(c) is being attracted. You have ruled that it is not a Money Bill. If so, the point arises: why is this procedure adopted? In his own mind, heart of hearts, he thinks it is a Money Bill. Because you have ruled that it is not a Money Bill, he cannot possibly go against your ruling. It also suited him at that stage. But then let him give cogent reasons why this rule has to be suspended? Is it because Article 110 is being attracted some way or the other? In what manner is it attracted? He can explain these things even tomorrow and nothing will be lost in 24 hours.

SHRI SURENDRANATH DWIVEDY : The question would have been simple if either the hon. Minister or you yourself have stated that this was a Money Bill and suspension was necessary. The point at issue is not that. The Minister also holds that it is not a Money Bill, but that only some financial provisions are given here. Therefore, it becomes all the more necessary to know why the suspension of the provision is necessary. He must come forward with a fuller statement so that we can apply our mind and see if suspension is necessary. He must come forward with a written statement and give us full facts and reasons also why it has to be suspended.

SHRI M. YUNUS SALEEM : May I say a few words? The business of this House is governed by certain rules. This is a motion moved under rule 388. Once the motion is moved and admitted by the Speaker, the question remains to be considered whether along with the motion any memorandum explaining the reasons for moving such a motion is necessary or not. I submit there is an independent chapter XIV governing the moving of motions in the House. Nowhere in the chapter there is any rule

[Shri M. Yunus Saleem]
which enjoins on the mover... (*Interruptions.*)

MR. DEPUTY-SPEAKER : Nobody questions the right to move a motion.

AN HON. MEMBER : He is questioning your ruling. You have already given a ruling that he should explain the reasons cogently.

SHRI M. YUNUS SALEEM : I may be permitted to complete my submission. I submit that the motions are governed by certain rules. What are those rules ? If it is a condition precedent that if a motion is moved to suspend a certain rule under rule 388, then it must be accompanied by an explanatory memorandum,—for that, where do we get this rule ? (*Interruption.*)

AN HON. MEMBER : Who is he to question your ruling ?

SHRI M. YUNUS SALEEM : I am submitting that in Chapter XIV, there is no rule to that effect which enjoins the mover, as a condition precedent, to append an explanatory note along with the motion. There is no necessity for any written statement. You will kindly consider rules 69 and 70 where a condition has been laid down that when any financial implication is involved a financial memorandum should be appended, and under rule 70, for Bills delegating legislative powers, an explanatory memorandum should be appended along with the Bill. These are the only two rules where you find...

SEVERAL HON. MEMBERS *rose*—

SHRI M. YUNUS SALEEM : They have no patience to hear me.

MR. DEPUTY-SPEAKER : Order, order. We have clinched the issue. Only a very limited scope is there. What Mr. Kunte raised is a pertinent issue—where you come forward with a motion to suspend the rule, is it not necessary to come forward with some cogent reasons why the suspension of the rule is asked for.

SHRI M. YUNUS SALEEM : Under what rule ?

MR. DEPUTY-SPEAKER : I have given my ruling. (*Interruption*) But Mr. Kunte and everybody, I presume, have gone through the financial memorandum where, though he has not just now quoted, it is very clearly said.....

SHRI SURENDRANATH DWIVEDY : Are you making a statement on his behalf ?

MR. DEPUTY-SPEAKER : No, no. I would have insisted on a statement according to my ruling. But the House has every right to know the reasons. In a financial memorandum, very cogent reasons are advanced as to why this particular suspension is called for. Although here it is not specifically at the end stated why suspension is called for, cogent reasons are given and therefore, I think that such a financial memorandum is enough statement. That is what I think.

AN HON. MEMBER : It is not correct.

SOME HON. MEMBERS *rose*—

SHRI DATTATRAYA KUNTE : There is another point of order. I refer to article 117 now.

MR. DEPUTY-SPEAKER : Is that on the rules of procedure ?

SHRI DATTATRAYA KUNTE : Article 117.

SHRI B. SHANKARANAND (Chikodi) : I have got a point of order.

MR. DEPUTY-SPEAKER : Shri Kunte has raised one first.

SHRI B. SHANKARANAND : My point of order will dispose of everything.

MR. DEPUTY-SPEAKER : I have called Mr. Kunte. If you have any other point, I shall listen to you.

SHRI B. SHANKARANAND : My point of order should be heard first.

MR. DEPUTY-SPEAKER : There cannot be a point of order on a point of order in this House. There is some procedure. How can I take it first ?

SHRI B. SHANKARANAND : It is about the procedure.

MR. DEPUTY-SPEAKER : There is a point of order which has been raised before you raised your point of order. Please resume your seat. I shall listen to you. Let me dispose of the first one. Let me hear his point of order first.

SHRI DATTATRAYA KUNTE : While giving your ruling that it was not a Money Bill, you were pleased to say and the minister was pleased to admit that it is a Financial Bill. Article 117 refers to financial Bills and says :

“(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States.”

It has been introduced in the Council of States.

MR. DEPUTY-SPEAKER : No; it has not been introduced there.

SHRI SURENDRANATH DWIVEDY : This is a motion to enable the Rajya Sabha to associate itself at the introduction stage. That means, it will be introduced there.

MR. DEPUTY-SPEAKER : According to article 117, this House gets priority regarding financial measures. But once we adopt it, then it can go there. Nothing has been done to introduce it there first. Now, what is his point of order.

SHRI B. SHANKARANAND : Whether it is a Money Bill or a Financial Bill, whether a statement is required or not—all these things we have discussed and you have given your ruling. I do not know whether still they will go on raising points of order and whether the discussion will go on.

MR. DEPUTY-SPEAKER : When matters of procedure or constitutional provisions are brought to the notice of

the Chair, it is the duty of the Chair to go into them meticulously. Now, I will put the motion.

The question is :

“That this House do suspend the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for the reference of the Bill further to amend the Insurance Act, 1938, so as to provide for the extension of social control over insurers carrying on general insurance business and for matters connected therewith or incidental thereto and also to amend the Payment of Bonus Act, 1965, to a Joint Committee of the Houses.”

The motion was adopted.

15.43 HRS.

INSURANCE (AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT) : Sir, with your permission, I would like to make some changes in the list of names of members of the Joint Committee. So far as your ruling is concerned, Sir, your ruling, as any other ruling, will always be a guide to us in future. The changes in names are as follows :

In place of Shri B. D. Deshmukh at Serial No. (1) substitute Shri K. Suryanarayana. In place of Shri Dhireswar Kalita at Serial No. 6 substitute Shri Ramavatar Shastri. This is an amendment moved by Shri Vasudevan Nair and we have accepted it. Then, in place of Dr. Mahadeva Prasad at Serial No. (9), substitute Shri Brahm Prakash. I beg to move :

“That the Bill further to amend the Insurance Act, 1938, so as to provide for the extension of social control over insurers carrying on general insurance business and for matters connected therewith or incidental thereto and also to amend the Payment of Bonus Act, 1965, be referred to a Joint Committee of the