

श्री जार्ज फरनेन्डोज : अध्यक्ष महोदय,
मेरा व्यवस्था का प्रश्न है 376 और 307
(1) में।

SHRI S. M. BANERJEE : What is the
argument? There should be some argument.
The Deputy Speaker had spent a sleepless
night on his ruling. You should tell us the
argument also.....

MR. CHAIRMAN : I have already
determined that point. He has no right to
challenge it now. Let the hon. Member
resume his seat now.

14-11 hrs.

POINT OF ORDER RE. PETITION

श्री जार्ज फरनेन्डोज (बम्बई दक्षिण) :
मेरा व्यवस्था का प्रश्न 376 और 307 (1)
के अन्तर्गत है। आज सुबह मैंने एक याचिका
इस सदन में पेश की है.....(व्यवधान)....
मैं उसकी भाषा को नहीं उठा रहा हूँ। यह
भाषा पर नहीं है। यह हमको अभी नोटिस
आफिस से मिला है।

MR. CHAIRMAN : He has every right
to raise a point of order on a subject
before the House. The subject which he is
raising is not before the House. His petition
is not before the House.

श्री जार्ज फरनेन्डोज : अध्यक्ष महोदय,
रूल 376 पर मैं खड़ा हूँ। मैं पेटिशन पर नहीं
बोल रहा हूँ। आप रूल 376 देखिए।

'A point of order shall relate to the
interpretation or enforcement of these rules
or such articles of the Constitution as
regulate the business of the House.....'

MR. CHAIRMAN : Let the hon.
Member resume his seat. The meaning of
rule 376 is this.

श्री जार्ज फरनेन्डोज : आप मेरी बात
सुन लीजिए। मैं इस वक्त हाउस के विधान

को लेकर और रूल के एन्फोर्समेंट को
लेकर आपके सामने अर्ज करना चाहता हूँ।
आज सुबह मैंने याचिका पेश की। अभी लोक
सभा सेक्रेटरिएट ने मेरी याचिका को यहाँ
पर सजुसेट किया है.....

MR. CHAIRMAN : The meaning of
rule 376 is this. If there is any subject
before the House or if there is a consti-
tutional question he can raise a point of
order. Since that particular subject is not
before the House, there can be no
discussion on it now, and let the hon.
Member resume his speech.

श्री जार्ज फरनेन्डोज : नहीं, अध्यक्ष
महोदय, मुझे दूसरा कोई समय नहीं मिलेगा
इसको उठाने का। आप मेरी बात को एक
बार सुन लें। मैं रूल के एन्फोर्समेंट को
लेकर सवाल उठा रहा हूँ। आप उसको
पढ़ लें।

"A point of order shall relate to the
interpretation or enforcement of these
rules or such articles of the Constitution
as regulate the business of the House and
shall raise a question which is within the
cognizance of the Speaker".

अब मैं एक वाक्य को पढ़ कर सुना
देना चाहता हूँ जिस को स्पीकर के आफिस
ने बांटा है....

MR. CHAIRMAN : Again, he is
dealing with an extraneous matter.

श्री जार्ज फरनेन्डोज : अध्यक्ष महोदय,
यह मामला सदन के सामने है इस वक्त।

MR. CHAIRMAN : He can raise it by
a separate notice. I shall analyse it. Let
him kindly sit down. The business before
the House is the resolution of Shri S. S.
Kothari and he is in the midst of his
speech; therefore, there can be no point
of order.

SHRI S. M. BANERJEE (Kanpur) :
We are raising a point of order on that.

श्री जार्ज फरनेन्डोज : अध्यक्ष महोदय, अगर नियमों का भंग इस वक्त होता है तो मैं व्यवस्था का प्रश्न खड़ा करने का अधिकार रखता हूँ।

MR. CHAIRMAN : I have already given the ruling.

श्री जार्ज फरनेन्डोज : इस वक्त नियमों का भंग हो रहा है। एक क्षण भी सदन बैठता है और नियमों का भंग हो रहा है तो मुझे व्यवस्था का प्रश्न उठाने का अधिकार है।

MR. CHAIRMAN : The hon. Member is raising a point of order on a matter which is not before the House.

श्री जार्ज फरनेन्डोज : मेरी बात को बिना सुने हुए आप यह कह रहे हैं। मैंने सुबह एक याचिका पेश की.....

MR. CHAIRMAN : He is raising a point of order on something which is not before the House.

SHRI S. M. BANERJEE : It is there on the Order Paper.

MR. CHAIRMAN : He is also challenging the ruling of the Chair. He may kindly resume his seat.

श्री जार्ज फरनेन्डोज : आप अध्यक्ष, महोदय, नियम 307 (1) देखिए।

"The Committee shall examine every petition referred to it, and if the petition complies with these rules, the Committee may direct that it be circulated".

MR. CHAIRMAN : This is a very simple matter. It does not require explanation. On any subject before the House, a point of order could be raised. Since his petition is not before the House, no point of order could be raised on it.

SHRI GEORGE FERNANDES : It is before the House.

MR. CHAIRMAN : No. Rule 307 does not come in.

श्री जार्ज फरनेन्डोज : अध्यक्ष महोदय, आप मेरी बात को न सुनते हुए व्यवस्था दे रहे हैं। इससे कई झंझट खड़े हो जाएंगे। यह पेपर आपके हाथ में नहीं मिला होगा..."

MR. CHAIRMAN : He can accuse me of quickly grasping his point.

श्री जार्ज फरनेन्डोज : मैं आप पर आरोप नहीं कर रहा हूँ। मैं अपनी परेशानी को रख रहा हूँ। यह लोक सभा के सेक्रेटरिएट के जरिए अभी बांटा जा रहा है। इस पर लिखा हुआ है :

"Petition presented by Shri George Fernandes.....is circulated in pursuance of the Speaker's Direction under Rule 307 (1) of the Rules of Procedure and Conduct of Business".

अब मेरी आप से यह अर्ज है कि 307 (1) में इसको सर्कुलेट नहीं किया जा सकता है और जब यह किया जा रहा है, नियमों का भंग हो रहा है तो मैं 376 में इस प्रश्न को उठा सकता हूँ।

MR. CHAIRMAN : I have already decided that the petition is not before the House. There are a number of pieces of papers circulated. On those pieces of papers, no point of order can be raised.

SHRI S. M. BANERJEE : Kindly read the petition. What is the prayer ?

SHRI GEORGE FERNANDES**

MR. CHAIRMAN : Nothing that he says is to be recorded.

SHRI GEORGE FERNANDES**

MR. CHAIRMAN : I know as much as he does. What is to be expunged under rule 380 ?

SHRI GEORGE FERNANDES**

MR. CHAIRMAN : That rule deals with expunging.

SHRI GEORGE FERNANDES**

MR. CHAIRMAN : Rule 379 is a presumption in favour of the Secretary. Let him kindly sit down.

SHRI S. M. BANERJEE : Nothing that he says is being recorded. But your observations are going on record. This is not fair.

MR. CHAIRMAN : Shri Fernandes is powerful enough to make out his case. He does not need the hon. Member's help.

SHRI S. KUNDU (Balasore) : What is this going on. What we say is not being recorded. But what you say is being recorded.

SHRI SHEO NARAIN (Basti) : He must obey the Chair.

MR. CHAIRMAN : I am drawing the attention of the House to rule 389 which states :

"All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct."

At the same time, the Speaker has power to rule any point of order which is raised on a subject which is not before the House out of order.

SHRI S. M. BANERJEE : After bearing.

STATUTORY RESOLUTION RE.
ESSENTIAL SERVICES
ORDINANCE—Contd.

SHRI S. S. KOTHARI (Mandsaur) : Rarely in the annals of parliamentary working have we come across the strange spectacle of the Treasury Benches fighting hard to save an opposition member's resolution. I thank the Government, and I hope that they would continue to support me till the end.

Time and again we on this side of the House, have deprecated the tendency of this Government to rule by ordinances. Ordinances constitute a negation of democracy, and legislation by the backdoor. Still Government persists in it.

On 30th August, 1968 the Lok Sabha adjourned. Barely two weeks elapsed, and this Government promulgated an ordinance suppressing the rights of workers to strike, their legitimate rights. May I submit that in the statement explaining the reasons for promulgating the ordinance the Government has said that for some months past they had been aware that employees, organisations were preparing to strike? If they were aware a few months before, why did they not come before the last session of Parliament with the Bill which they have now brought? It means that they deliberately wanted to legislate by ordinance, by the backdoor and to avoid coming before the House with this Bill, which is a draconian measure.

Secondly, the statement states that there was an emergency. What kind of synthetic emergency was there? It was a token strike for one day. Would that one-day strike have resulted in shaking the foundations of this Government? And then you find that the Bill is to be operative for five years. Is the emergency to last for five years? What does it mean? It is all a camouflage. All that it means is that