

that on the 23rd June, 1971, Shri Era Sezhiyan sought to raise a question of privilege against the Editor, Printer and Publisher of the *U Kyrowh Ka Rilum*, a weekly newspaper published in Khasi from Shillong, for publishing a news report containing remarks allegedly defamatory of Shri G. G. Swell, Deputy Speaker of this House. I then said :

"I will refer this to the Editor of the paper. After I receive the reply, I will consult Mr. Sezhiyan and the Deputy Speaker. If they are satisfied, I will drop it. Otherwise, this will go to the Privileges Committee".

In reply to a letter sent to the Editor of the said newspaper, Shri U.L.L.D. Basan, describing himself as the Ex-editor of the said newspaper, stated that he had resigned as the Editor, Printer and Publisher of the paper since 22nd June, 1971, due to ill-health. He added *inter alia* as follows :-

"... the news-item was really a letter to the Editor from C M Lyngdoh dated 10th June, 1971 and the letter was published as a news item instead of a letter to the Editor. . .

... it is not my intention to ridicule or speak contemptuously against the dignity of the House of the People or of the Office of the Deputy Speaker. I am very sorry, I caused pains to the Hon'ble Member of the House of the People.

"I am sorry also I hurt the feeling of Prof. G. G. Swell and apologise for the same as well as the delay of sending my reply".

"In the above circumstances, I fervently appeal and pray that the hon. Speaker may be pleased to drop the matter and for which act of kindness, I shall remain ever grateful".

A letter was addressed to Shri Basan on 20th July 1971, to have his contradiction and regret in respect of the impugned news item published prominently in the next issue of the *U Kyrowh Ka Rilum* and to send a copy thereof for my information. Another letter was addressed to Shri C. M. Lyngdoh, the alleged author of the impugned news letter, C/o Shri Basan, asking him to submit by 31 July 1971, for my consideration what he might have to say in the matter.

No reply, has, however, so far been received from either of them.

In the circumstances, if the House agrees, the matter may be referred to the Committee of Privileges.

SOME HON. MEMBERS : Yes.

MR. SPEAKER : This will go to the Committee of Privileges.

श्री अटल बिहारी वाजपेयी (ग्वालियर) :
अध्यक्ष जी, आप के सुझाव से सारा सदन सहमत है, यह मामला विशेषाधिकार समिति को सौंप दीजिये ।

अध्यक्ष महोदय : सौंप दिया गया है ।

12.37 hrs.

POINT OF ORDER RE PASSING OF
THE CONSTITUTION (TWENTY
FOURTH AMENDMENT) BILL

SHRI JYOTIRMOY BOSU (Diamond Harbour) : On a point of order under rule 155. Yesterday when the Constitution Twenty-Fourth Amendment Bill was being passed here, a point of order was raised by Shri Pilloo Mody under rule 155. May I draw your attention to the last proviso to this rule which reads :

"Provided further that the Short Title, the Enacting Formula and the Long Title may be adopted by a simple majority".

He had questioned the procedure we adopted in this case. We know from past experience that the Banks Nationalisation Act was struck down by the Supreme Court for the lapse of the Law Ministry as a result of which instead of Rs. 48 crores, we had to pay a compensation of Rs. 87 crores. Let us not leave any lacuna in this case. I submit that you make it clear that the passing of this Bill by this House leaves no ground for anyone to challenge it in a Court of law.

MR. SPEAKER : I thank him so much. I myself made it clear at that time. I may assure the House that I studied this point thoroughly before following the procedure we followed.

SHRI SEZHIAN (Kumbakonam) :
In all the previous 23 amendments this procedure was followed.

MR. SPEAKER : This was the procedure followed in previous constitutional amendments and we have followed it in this case also.

In the last Parliament, the Rules Committee considered this on a suggestion made by Shri Madhu Limaye and others. It was said that a Bill is passed when the Speaker puts the question to the House saying :

"The question is :

"That is Bill be passed".

and the Bill is passed according to the requisite majority. The members of the Rules Committee said that there is no need for the special majority during the clause by clause voting and this majority is required only when the Speaker puts the question finally to the House at the end of the Third Reading stage.

So this was thoroughly examined. The Rules Committee's Report was laid on the Table on 9th December 1970. They fully agreed with this and recommended that only the last stage of the Bill need be passed by the requisite majority.

That is why I said—just at the start of the voting where I mentioned—that we are not bound to follow the old procedure except by way of abundant caution. The Rules Committee reports were laid on the Table of the House. This was what was said by the Rules Committee :

"The Committee have given careful and deep consideration to all aspect of the matter. The Committee have come to the conclusion that in accordance with the provisions of articles 100 (1) and 368 of the Constitution and their correct legal interpretation, special majority for Bills seeking to amend the Constitution should be required only at the final stage of passing the Bill when the motion in respect of such a Bill is "that the Bill, or the Bill as amended, as the case may be, be passed".

This amendment had not been adopted by the previous House, because of its dissolution soon after ; yet the reports of the Committee are there, and they were duly laid on the Table of the House. So, I thought that there should be no doubt left. In spite of this, I took precautions.

Now, about rule 155, I assure you that I followed all the precautions. There are two types of majorities. Rule 155 says :

"Each clause or schedule, or clause or schedule as amended, as the case may be, (of a Bill seeking to amend the Constitution) shall be put to the vote of the House separately and shall form part of the Bill if it is passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

Provided that the Speaker may, with the concurrence of the House, put clauses and/or schedules, or clauses and/or schedules as amended, as the case may be, together to the vote of the House in which case the result of the voting shall be taken as applicable to each clause or schedule separately and so indicated in the proceedings :

Provided further that if a member requests that any clause or schedule, or any clause or schedule as amended, as the case may be, be put separately, the Speaker shall put that clause or schedule, or clause or schedule as amended, as the case may be, separately :

Provided further that the Short Title, the Enacting Formula and the Long Title may be adopted by a simple majority."

There are two types of majorities. One is the simple majority as we follow in all other cases in the business of the House. In this rule, it is mentioned, "... majority of the total membership of the House"—the whole House— "and by a majority of not less than two-thirds of the members present and voting." For this, there is a definite provision, that the voting shall be by division ; that is as stated in rule 158. So, that was followed. But there is a proviso at the end of rule 155 :

"Provided further that the Short Title, the Enacting Formula and the Long Title may be adopted by a simple majority."

SHRI JYOTIRMOY BOSU : By vote.

MR. SPEAKER : "By a simple majority."

SHRI INDRAJIT GUPTA (Alipure) :
How is it to be ascertained ?

MR. SPEAKER : The amendments to the clause and the schedule are decided by a majority of the members present and voting in the same manner as in the case of any other Bill. We have followed it in the case of the amendments ; and also in case of Short Title, Enacting Formula and Long Title. We followed the same procedure in all the Constitution (Amendment) Bills so far passed—all the 23 Bills.

Now, about voting. In rule 185, it is mentioned :

“Voting shall be by division whenever a motion has to be carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.”

And the proviso to rule 55 has already been read. There is no mention of majority of the total membership. There is no mention of division. It is just like any other ordinary motion. These things, that is, the Title, the Enacting Formula and the Long Title, are not taken as amendments of the Constitution. They are just formal clauses of a Bill.

The courts cannot go into the procedure followed, which is our internal matter. My declaration that this House has passed the Bill by the requisite majority is enough. They cannot go into the procedural details. Procedure cannot be questioned in any court. I made it very clear because this was considered even before the Bill was taken up. I saw all the 23 Amendments of the Constitution passed earlier. Then we had opinions and we discussed together, and we thought we should not depart from the practice followed in the past. But it is not at all essential, as the Rules Committee has recommended. As I said in the very beginning, we are not bound to put all the clauses to special majority but only the final stage when we say that the Bill is passed. But as a matter of abundant caution we decided to follow the old procedure. I assure you cent per cent that I had examined it in detail and followed correct procedure laid in our Rules of Procedure and Conduct of Business of Lok Sabha.

SHRI S. M. BANERJEE (Kanpur) :

As you rightly said, the Supreme Court is not going to take note of the procedure adopted in this House. We have passed many Bills by a more voice vote, without a division.

MR. SPEAKER : It was not questioned at all.

SHRI S. M. BANERJEE : You are correct. I only request that hon. Members should not raise this question and invite the attention of the Supreme Court. If it is a question of Long Title, this was an extraordinary Bill which is going to unsettle the titles of so many.

MR. SPEAKER : If you feel that I am wrong, I think then a better place for me should be to sit at home.

SHRI S. M. BANERJEE : You are not wrong.

MR. SPEAKER : I have studied. I am dead confident about it, about the procedure followed.

SHRI JYOTIRMOY BOSU : I draw your attention to the proceedings. I am trying to see that this is not taken to a court of law by those people who want to undo it.

MR. SPEAKER : Those who are not satisfied with this will never be satisfied.

SHRI JYOTIRMOY BOSU : The Supreme Court may not accept . . .

MR. SPEAKER : The courts cannot go into the procedure. They go by the declaration I make in this House that this Bill is passed by such and such a majority.

SHRI JYOTIRMOY BOSU : I quote from the proceedings.

MR. SPEAKER : There will be no debate on this.

SHRI B. N. REDDY (Miryalguda) : There is a Call Attention on atrocities by the policy on Harijans, including women, without any reasons, at the instance of the landlords, in Andhra Pradesh. This was an

[Shri B. N. Reddy]

atrocities in day light and even women were beaten. Please admit it because it is very important.

MR. SPEAKER : I have got no notice.

SHRI B. N. REDDY : I have given notice already.

12.47 hrs.

PAPERS LAID ON THE TABLE

INSURANCE (AMENDMENT) RULES.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : I beg to lay on the Table a copy of the Insurance (Amendment) Rules, 1971 (Hindi and English versions) published in Notification No. G. S. R. 1051 in Gazette of India dated the 21st July, 1971, under sub-section (3) of section 114 of the Insurance Act, 1958. [Placed in Library. See No. LT-799/71]

COAL MINES FAMILY PENSION SCHEME ETC.

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA) : I beg to lay on the Table—

- (1) A copy of the Coal Mines Family Pension Scheme, 1971 (Hindi and English versions) published in Notification No. G. S. R. 299 in Gazette of India dated the 1st March, 1971, under section 7A of the Coal Mines Provident Fund, Family Pension and Bonus Scheme Act 1948. [Placed in Library. See No. LT-800/71]
- (2) A copy of the Employees' Family Pension Scheme, 1971 (Hindi and English versions) published in Notification No. G. S. R. 315 in Gazette of India dated the 4th March, 1971, issued under section 6A of the Employees' Provident Funds and Family Pension Fund Act, 1952. [Placed in Library. See No. LT-801/71]

- (3) A statement (Hindi and English versions) showing reasons for delay in laying the above Notifications. [Placed in Library. See No. LT-802/71]

GOVERNMENT REVIEW AND ANNUAL REPORT OF NATIONAL MINERAL DEVELOPMENT CORPORATION LTD., NEW DELHI

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI SHAHNAWAZ KHAN) : 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 :—

- (i) Review by the Government on the working of the National Mineral Development Corporation Limited, New Delhi, for the year 1969-70.
- (ii) Annual Report of the National Mineral Development Corporation Limited, New Delhi, for the year 1969-70 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-803/71].

GUJARAT AGRICULTURAL LANDS CEILING (AMENDMENT) RULES ; AND FOODGRAINS (PROHIBITION OF USE IN MANUFACTURE OF STARCH) AMENDMENT ORDERS, 1971

THE DEPUTY MINISTER IN THE MINISTRY OF AGRICULTURE (SHRI JAGANNATH PAHADIA) : On behalf of Shri Shinde, I beg to lay on the Table—

- (1) A copy of the Gujarat Agricultural Lands Ceiling (Amendment) Rules, 1971 (Hindi and English versions) published in Notification No. GHM-204/M-ICH-1162/63374-J in Gujarat Government Gazette dated the 28th May, 1971, under sub-section (4) of section 53 of the Gujarat Agricultural Lands Ceiling Act, 1960, read with clause (c)(iv) of the Proclamation dated the 13th May, 1971, issued