

(Md. Deputy-Speaker)

Consolidated Fund of India, it has to have the President's recommendation for its consideration. Shri Siddayya's Bill involves expenditure from the Consolidated Fund of India...

SHRI S. M. BANERJEE: I am only asking why it has been delayed.

MR. DEPUTY-SPEAKER: He has not even asked for it.

SHRI S. M. SIDDAYYA (Chamarajanager): I shall abide by your decision. But the point is that in the case of such Bills moved by private Members, the office used to advise us to get the recommendation of the President, but in my case, there was no such advice made available to me.

MR. DEPUTY-SPEAKER: I am really surprised that this should come from the hon. Member. He is a senior Member of the House. It is supposed that hon. Members should know the work in the House and the provisions of the Constitution and so on and so forth. That should not be any plea that he should be advised. But, at the same time, the office tells me here that they wrote to him on the 30th April, 1971 that he should seek the recommendation of the President, but he has not done so. Therefore, I am sorry that we cannot take it up.

SHRI S. M. SIDDAYYA: I did not receive that letter.

MR. DEPUTY-SPEAKER. Shri Chandrappan is not there. Dr. Laxminarayan Pandeya is also not there.

SHRI S. M. BANERJEE : What will happen to these Bills? For instance, Shri Chandrappan never expected that his Bill would come up so soon. Will these Bills lose their priority?

MR. DEPUTY-SPEAKER : The rules will take care of that.

The next Bill is Shri Samar Guha's. But his Bill also involves expenditure from the Consolidated Fund. He has

applied for the recommendation. But it has not come.

16.26 hrs.

RE. UNION TERRITORIES SECONDARY EDUCATION BILL

By Shri Samar Guha

SHRI SAMAR GUHA (Contai) : I have a submission to make. This is not the first time, but the second time that this Bill has come before the House. It has been pending for six months or so. By chance we get priority for our Bills in the ballot, I got it twice. Twice the recommendation of the President has not come. Am I not entitled to know why it is so? I know the President has the prerogative, the constitutional right; because it involves expenditure from the Consolidated Fund, naturally the President's recommendation is essential. But this is a helpless position. I had applied for the recommendation. The Legislative Branch could help. Can you suggest any means by which we can be helped? Or are we to be penalised? Twice I got priority. Twice it could not come through because the recommendation could not come. Some means will have to be devised to help us out.

SHRI MADHU LIMAYE (Banka) : On a point of order.

MR. DEPUTY-SPEAKER: Let me deal with his point first. I will come to you later.

SHRI MADHU LIMAYE: He has only made a submission.

MR. DEPUTY-SPEAKER: He has made a point. I think under the rules, the Member should apply through the Minister concerned. The recommendation also should come through the Minister concerned. These are the rules. I do not know whether Government has anything to say on that. It is six months since he has applied for it. It has not come. If it is so, if it is as the hon.

member said, I think there is something very wrong in the communication line. Either 'yes' or 'no' should have come. Has the Minister got to say anything about it? This relates to the Ministry of Education? Is he here?— He is not even here.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS (SHRI K. RAGHU
RAMAIAH) : How can he be here?

श्री मधु लिमये : उपाध्यक्ष महोदय, मेरा पायंट आफ़ आर्डर है। यह सही है कि संविधान के अनुसार सदस्यों को कुछ विधेयकों के पेश करने के लिए राष्ट्रपति की अनुमति प्राप्त करनी पड़ती है, लेकिन आप जानते हैं कि इन प्रश्नों के बारे में राष्ट्रपति कोई अपने से निर्णय नहीं करते, बल्कि वह केन्द्रीय सरकार की सलाह पर ही चलते हैं। अगर स्थिति यह है—और आज तक सभी लोग यह मानते हैं कि यह स्थिति है—, तो यह जिम्मेदारी राष्ट्रपति की नहीं है, हालांकि नाम राष्ट्रपति का दिया जाता है। मैं समझता हूँ कि चाहे किसी बिल को सदन में पेश करने के लिए राष्ट्रपति की सम्मति आवश्यक हो, और चाहे जो बिल विधान मंडलों द्वारा पास हो गये हों, जिन को गवर्नर कभी कभी राष्ट्रपति के विचारार्थ रक्षित करते हैं, उन के लिए राष्ट्रपति की एसेन्ट जरूरी हो, उन दोनों में कोई फर्क नहीं है और उन दोनों में मलाह देनी है केन्द्रीय सरकार ने। प्रैजिडेंट द्वारा एसेंट देना, या अनुमति देना, ये दोनों काम एसे हैं, जो केन्द्रीय सरकार की सलाह पर किये जाते हैं। क्या वजह है कि महाराष्ट्र विधान मंडल द्वारा पास किया गया एक एक खेती संबंधी कानून दो साल से राष्ट्रपति, और केन्द्रीय सरकार, के पास पड़ा हुआ है ?

MR. DEPUTY-SPEAKER: Do not bring in Maharashtra now. We are concerned with this Bill only now. You are raising the question of a Maharashtra Bill pending assent.

श्री मधु लिमये : उपाध्यक्ष महोदय, मैं इलस्ट्रेशन दे रहा हूँ। आप इनने एलजिक क्वेश्चन हो रहे हैं ?

MR. DEPUTY-SPEAKER: You are saying something about the Maharashtra Bill which requires President's assent.

श्री मधु लिमये : सिद्धान्त की बात मैं कह रहा हूँ। उस के लिए इलस्ट्रेशन दे रहा हूँ कि केवल ममर गुडा के, केम में यह नहीं हुआ है...

MR. DEPUTY-SPEAKER: This is not a question of assent; this is a question of recommendation for consideration.

श्री मधु लिमये : वही मैं कह रहा हूँ। तो एसेंट का देना या रेकमेंडेशन करना एक ही बात है। यह दायित्व है केन्द्र सरकार का। इसलिए मैं आप से कह रहा हूँ कि आप सरकार के जो मंत्री हैं उन को डांटिए, उन को फटकारिए। कहिए कि यह तो एक प्रीपारिक बात है, इन की सम्मति के बिना कोई बिल पास होता है क्या? चर्चा कराने का एक निजी मौका सदस्यों को मिलता है इधर दो तीन साल से मैं देख रहा हूँ, हमारे मुझावों को तो कभी कभी मान लेते हैं लेकिन प्राइवेट मेम्बरों के लिए कोई विधेयक ये कभी पास नहीं होने देते।

MR. DEPUTY-SPEAKER: Your point is so clear that it does not need any elaboration... (Interruptions). Why do you anticipate what I am going to say? At the same time Members should not interject one point of order within another point of order. It becomes a wheel within a wheel. There is no end to it.

MR. SAMAR GUHA: I am on a point of order.

MR. DEPUTY-SPEAKER: There cannot be a point of order within a point of order. There cannot be a

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wheel within a wheel. I think Mr. Limaye has correctly stated the constitutional position that in these matters the President acts on the advice of the Government. If this thing has been pending for the last six months the least I can say is that it is very unfortunate, it is most unfortunate. It does not reflect well on the functioning of the Ministry concerned. Why should so much delay take place? Therefore, technically we cannot take it up now. I must say that this is unfortunate. I hope the Ministries would take note of this. This should not happen in future. It is not showing proper respect to Parliament, for another reason that even the Minister of Education is not here. He can take the plea that we cannot anticipate that this will happen... (*Interruptions*). That may sound legitimate. I think that no hon. Member should anticipate this House in any thing. If he anticipates that this Bill would not be taken up that is also not right, because any contingency may arise. We insist that the Members in the opposition should be here; if they are not here their Bill falls through. They have to go to the ballot again, that is the position of the rule. It cannot automatically be taken up next time. They lose their opportunity. I think it is equally necessary that Government also should not take things for granted and they should be here. I do not know. We are now landed in a very funny situation. We cannot take up Shri Samar Guha's Bill. We cannot take up Shri H. M. Patel's Bill because he is not here. We are without any business.

SHRI S. M. BANERJEE: My submission is that in this particular case, Prof. Samar Guha did apply. The paper must have reached President or his office or it is with the Ministry concerned, we do not know. The Education Minister is not here. We cannot say that the President has not given his sanction for it or has given sanction for it. The Minister is not here, Prof. Samar Guha is here. It is not as if he is carrying in his pocket the sanction and he is moving

about. In anticipation of the sanction, he should be allowed to move his Bill.

SHRI SAMAR GUHA: You have rightly pointed out that ultimately it is the responsibility of the Education Minister who is concerned with the Bill. This is not the first time this has happened. This Bill was on the agenda earlier also and almost a similar thing happened. From whom should I get the explanation why the recommendation of the President for this Bill has not been given? Only the Education Minister can explain that. Would you kindly direct the Education Minister to let me know why the recommendation of the President is being delayed? I would also like to know whether you have any special power to enable me to get priority next time, under these special circumstances.

श्री अटल बिहारी वाजपेयी (स्वतंत्रियर):
मैं एक रचनात्मक मुझाव देना चाहता हूँ। इस गैर-सरकारी चर्चा के बाद आधे घंटे की चर्चा है श्री मधु निमये के नाम पर। वह चर्चा अभी ली जा सकती है। इस बीच में एजुकेशन मिनिस्टर को नमन किया जा सकता है। वह परमिशन ले सकते हैं प्रेसिडेंट की और आधे घंटे की चर्चा के बाद मदन समर गुहा के विधेयक पर विचार कर सकता है।

SHRI P. G. MAVALANKAR (Ahmedabad): Private members' time is a very sacred thing in the parliamentary set-up. We get just 2-1/2 hours in a week. So, this is an invasion on the rights of private members. Are we to suffer because the government is not functioning? I would request you to take into your hands special powers because of this special situation for which we are not responsible.

MR. DEPUTY-SPEAKER: I would request my professor colleagues not to forget that we are no longer professors in this House!

We have already established a precedent that if there is undue delay in the laying of papers that are to be laid, an explanation has to be given as to why there has been undue delay. In this case, for two years this recommendation has

not come. It is only fair that the Minister of Education should come forward with an explanation as to why this delay has taken place.

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष जी, आप मार्शल को भेज कर मिनिस्टर साहब को बुलाइए ।

MR. DEPUTY-SPEAKER: About the request of Mr. Guha, my sympathies are with him, but I cannot go against the rules. If I do that, all of you will jump on me next time.

Shri Vajpayee has made the suggestion, which has been supported by Shri Mavalankar that the Half-an-Hour discussion may be taken up now, because Shri Madhu Limaye is here, and this may be taken up later on. I think the rules do not allow that. The rules say that the last two and a half hours should be devoted to Private Members' business. The rules are very clear. If anybody wants to break those two and a half hours into two, I do not approve of that.

SHRI MADHU LIMAYE: You can vary the agenda.

MR. DEPUTY-SPEAKER: I do not want to do that.

SHRI ATAL BIHARI VAJPAYEE: With the permission of the House, it can be done.

MR. DEPUTY-SPEAKER: It can be done. But, let the House not treat the rules perfunctorily and cursorily. The rule clearly says:

"The last two and a half hours of a sitting on Friday shall be allotted for the transaction of private members' business."

The Half-an-Hour discussion is normally not taken as normal business of the House. That has been the convention.

श्री बबू लिमये : उपाध्यक्ष महोदय, मेरा वाइन्ट आफ आर्डर है, आप ने जो नियम पढ़ा है, उस के ऊपर ही क नियम है, उस पर आप का ध्यान क्यों नहीं गया ।

MR. DEPUTY-SPEAKER: What is that rule?

श्री बबू लिमये : रूल 25। उम में यह कहा गया है कि अध्यक्ष को अधिकार है, कार्य-सूची में जो मुद्दे दिये गये हैं, उन में वे अदन-बदल कर सकते हैं ।

MR. DEPUTY-SPEAKER: I have got your point. Shri Madhu Limaye is a very well-informed, very hard-working, very intelligent member. He should do this fairness to the Chair that the Chair has also a little brain. When you read rule 25, you should confine yourself to rule 25. The business is put in the Order Paper. Now the only thing I can understand about this is, if, for example, there is nothing on the Order Paper, if some urgent business comes in between, the Chair has the freedom to put that in before taking up the next business, or to inter-change the order. Here it is a question of time. The rule specifically says "the last two and a half hours" will be allotted for Private Members' business. You cannot break it up. Therefore, under the rules, it cannot be done.

SHRI S. M. BANERJEE: On many an occasion, when non-official business was going on, important statements were made, interrupting the proceedings of the House. I can quote many such instances.

MR. DEPUTY-SPEAKER: I do not know. If such things have happened, according to me, they are irregular under the rules; at least, that is my interpretation. If it is just a simple matter of one or two minutes, perhaps it may be done. Even so, I think it is most irregular.

Now the only remedy is, as some Members have suggested, the rules might be waived. If the House wants to do it, of course, it can do it. But the only thing I would like to say is that this is not the way how the rules should be treated by the House—just because the Minister is not here, therefore, the rules

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are waived. Of course, we can waive the rules, if the matter is so important. We should treat the rules with a certain amount of seriousness. If you want to waive the rules because the Minister is not here, I do not approve of it. . . . (Interruptions)

SHRI K. RAGHU RAMAIAH: Now, as I understand, the simple question is whether the Half-An-Hour Discussion can be taken up. I think, it is the general desire of the House that you may be good enough to waive the Rule because it is an extra-ordinary situation. . . .

MR. DEPUTY-SPEAKER: I cannot waive the Rules; the motion has to be brought before the House.

SHRI K. RAGHU RAMAIAH: I move a formal motion. . . . (Interruptions)

SHRI SAMAR GUHA: Just now, you observed that because the Minister is not here, you are taking up this business. But the Minister is in the Lobby. I have found the Minister in the Lobby, not coming inside the House. Therefore, it is doubly denying the privilege and the right of the House while the Minister is in the Lobby and not coming inside the House. . . . (Interruptions)

MR. DEPUTY-SPEAKER: I have taken note of that. I have not accepted any motion. He cannot move a motion unless and until I give my consent. The Rule says:

"The Member with the consent of the Speaker. . . ."

I have not given my consent. Therefore, don't take it that it has been moved.

SHRI S. M. BANERJEE: On a point of order, Sir. I can tell you that you can do it. If you see the the Order Paper, it says, Half-An-Hour Discussion to be taken up at 5.00 P.M. or as soon as the preceding items of business are disposed of. What was the item before you? It was a point of order. The point of order has been disposed of now. (Interruptions)

AN HON. MEMBER: The Minister is coming.

SHRI MADHU LIMAYE: Ask him to go to the Rashtrapati Bhavan. (Interruptions)

MR. DEPUTY-SPEAKER: Order, please. Now, before the Minister of Education came in—we are very happy to have him in the House after so much of excitement, after so much of talk about him. . . .

SHRI ATAL BIHARI VAJPAYEE: Why should we very happy?

MR. DEPUTY-SPEAKER: If you here the end of my sentence, you will be the happiest person.

After so much of excitement in the House, after so much of talk about the Minister of Education, after everybody has been using his name, expressing his desire that he should be in the House, now that he has come, we should be happy. If anybody who is very much expected comes in, we should be happy. But, I think, we should show more and better respect to this House. All of us, whether we are Ministers or we are Members. . . .

SHRI ATAL BIHARI VAJPAYEE: Don't make it a general sermon. I am sorry to say, instead of reprimanding the Education Minister, you are preaching to the whole House. (Interruptions)

MR. DEPUTY-SPEAKER: Order, please. I am really surprised. I think, Mr. Vajpayee, when he talks to me quietly outside, will understand the meaning of what I say and, therefore, he will be happy.

Now, before the Minister came, this was the position. Now we were about to take up Bill No. 16 by Shri Samar Guha to provide for better organisation and development of secondary education. But we cannot take this up because this involves expenditure from the Consolidated Fund of India, and under the Constitution the recommendation of the

President is necessary. Mr. Samar Guha has applied for this recommendation of the President through your Ministry, and the recommendation has to come through your Ministry. Mr. Samar Guha has said that it is about six months now since he has applied. Also, as you know, under the rules when a Bill is to come up for discussion, he has to come through the ballot. Not everybody is lucky... (Interruptions) I am on my legs. Order, please. Luck has favoured Mr. Samar Guha twice and the Bill has come up for discussion, and it cannot be taken up. Now I have been told by the office that it is not six months but it is two years. The House is anxious to know from your Ministry why for two years now this recommendation has not been obtained.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN): First of all, I would like to offer my unconditional apologies to the hon. House and to you, Sir, for not being present when this matter was taken up. I was held up with another business and I was not expecting it to come up. I am very sorry. Therefore, I am not offering any explanation for my absence from the House.

Regarding this particular matter...

SHRI P. G. MAVALANKAR: Somebody is prompting him.

PROF. S. NURUL HASAN: It is very good to be prompted sometimes.

It appears to me that there is some misunderstanding about this. I was not under the impression that this Bill was being held up; when it appeared on the order paper, I thought that the discussion was going to start on this Bill. Therefore, I am quite prepared to deal with this. But I would request you to give me a chance; I will ascertain the fact whether the Presidential assent is required...

MR. DEPUTY-SPEAKER: It is required.

SHRI P. R. SHENOY (Udipi): On a point of order.

MR. DEPUTY-SPEAKER: I will hear your point of order. Please wait.

The Minister has just now said that he will ascertain whether this requires the President's recommendation or not. Which other authority is there in this House when I have said that it requires the President's assent?

SHRI P. R. SHENOY: On the same point, I am raising a point of order. Article 117 is not applicable to a Bill which seeks to amend the Constitution. While we amend the Constitution, we are not exercising our legislative power but the constituent power. I will read article 368....

MR. DEPUTY-SPEAKER: There is no question of amending the Constitution. What are you talking about? We are talking about Bill No. 16.

PROF. S. NURUL HASAN: Sir, in view of what you have said, I will take immediate steps to obtain the assent of the President.

SHRI ATAL BIHARI VAJPAYEE: The delay has not been explained. Why this delay?

SHRI P. G. MAVALANKAR: The Government cannot explain why there has been a delay of two years.

SHRI S. M. BANERJEE: Now, the hon. Minister says that he will ascertain the facts and then come. Then, what should we do in-between?

Secondly, you put a straight question. Why not put to him a straight question? Did he ever see the face of the Bill?

MR. DEPUTY-SPEAKER: I think we should leave the matter there. The Minister has expressed his apology and he has given a promise that he will look into it. Mr. Guha should be satisfied.

SHRI P. G. MAVALANKAR: What about the priority?

SHRI SAMAR GUHA: You directed the Minister to come forward with an explanation. I am entitled to as also the House is entitled to an explanation. The Minister says that he is not in a position to offer explanation at the moment. Naturally, you have given the benefit to the Minister but you are denying me almost a similar benefit. Can I make a request? You kindly waive the rule and allow that this Bill will have the priority on the next non-legislative business day so that it can be discussed.

MR. DEPUTY-SPEAKER: That will be examined. You have made the request. It will be looked into and examined with all the sympathy.

Now, we have finished the Private Members' business for the day. It is fortunate that we have Mr. Madhu Limaye here whose half-an-hour discussion has been put down for 5-30. But before I call Mr. Madhu Limaye, the Minister of External Affairs to make a statement.

Shri Swaran Singh.

16.57 hrs.

PAPERS LAID ON THE TABLE—
contd.

JOINT INDO-SOVIET DECLARATION ETC.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH): I have the honour to lay on the Table of the House the following documents which have been signed on November 9, 1973 during the visit of Mr. L. I. Brezhnev, General Secretary of the Central Committee of the CPSU and Member of the Presidium of the Supreme Soviet of the USSR:

(1) The joint Indo-Soviet Declaration signed by the Prime Minister of India, Shrimati Indira Gandhi on behalf of

the Government of India and Mr. L. I. Brezhnev, General Secretary of the Central Committee of the CPSU and Member of the Presidium of the Supreme Soviet of the USSR on behalf of the Union of the Soviet Socialist Republics.

(2) Agreement on the further development of economic and trade co-operation between the Republic of India and the Union of Soviet Socialist Republics signed by the Prime Minister of India, Shrimati Indira Gandhi, on behalf of the Government of India and Mr. L. I. Brezhnev, General Secretary of the Central Committee of the CPSU and Member of the Presidium of the Supreme Soviet of USSR on behalf of the Union of Soviet Socialist Republics.

(3) Consular Convention between the Government of the Republic of India and the Government of the Union of the Soviet Socialist Republics which has been signed by me on behalf of the Government of India and Mr. A. A. Gromyko, Minister of Foreign Affairs of the Government of USSR on behalf of the Union of the Soviet Socialist Republics.

(4) Agreement on co-operation between the Planning Commission of the Republic of India and the State Planning Committee of the Union of the Soviet Socialist Republics signed by Mr. D. P. Dhar, Minister of Planning, Government of India on behalf of the Republic of India and Mr. N. K. Baibakov, Chairman of the State Planning Committee of the Union of the Soviet Socialist Republics on behalf of the Union of the Soviet Socialist Republics.

[Placed in Library. See No. LT-5865/73].

Copies of the documents referred to above are ready for distribution to hon. Members except in respect of the Consular Convention which is rather a somewhat lengthy document and is still being stencilled. I have, however, placed a copy on the Table of the