#### Suspension 4313 .

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# [Division No. 1]

Aney, Dr. M. S. An janappa, Shri Basappa, Shri Bhagat, Shri B. R. Bhakt Darahan, Shri Bhargava, Shri M. B. Braicshwar Pressd, Shri Chakraverti, Shri P. R. Chaturvedi, Shri §. N. Chavan, Shri D. R. Colaco, Dr. Das, Dr. M. M. Desai, Shri Morarji Deshmukh, Shri Shivaji Rao S. Gandhi, Shri V. B. Genga Devi, Shrimati Gupta, Shri Ram Ratan Hajarnavis, Shri Hem Rai, Shri Jadhav, Shri, Tulshidas Jagjivan Ram, Shri Joshi, Shri A. C.

Bhattacharya, Shri Dinen Buta Singh, Shri Daji, Shri Gupta, Shri Kashi Ram

Kamath, Shri Hari Vishnu

Mr. Deputy-Speaker: The result of the division is as follows:

Ayes 64; Noes 14.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri B. R. Bhagat: I beg to move:

"That the Bill be passed".

Mr. Deputy-Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

### 17.17 hrs.

SUSPENSION OF FIRST PROVISO TO RULE 74.

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): I beg to move:

### ATES

Jyotishi, Shri J. P. Karuthiruman, Shri Khadilkar, Shri Kotoki, Shri Liladhar Krishnamachari, Shri T. T. Lalit Sen, Shri Mahtab, Shri Mahishi, Shrimati Sarolini Mathur, Shri Harish Chandra Melkote, Dr. Mohiuddin, Shri Mohsin, Shri Morarka, Shri Mukane, Shri Naik, Shri Maheswar Nehru, Shri Jawaharla l Parashar, Shri Patel, Shri Rajeshwar Pattabhi, Raman Shri C. R. Pratap Singh, Shri Reghuneth Singh, Shri

### NOES

Mahida, Shri Narendra Singh Muhammad Ismail, Shri Mukerjee, Shri H. N. Murmu, Shri Sarkar Rameshwaranand, Shri i

[17.32 hrs.]

Raj Bahadur, Shri Rain Dr D S. Ramakrishnan, Shri P. R. Rane, Shri Rao, Dr. K. L. Rao, Shri Thirumala Sharma, Shri D.C. Shastri, Shri Lal Bahadur Sidheshwar Prasad, Shri Singh, Shri D. N., Sinha, Shri B. P. Subbaraman, Shri Tiwary, Sbri D. N. l'iwary, Shri K. N. Tombi, Shri Upadhyaya, Shri Shiva Datt Varma, Shri Ravindra Venkatasubbaiah, Shri P. Vidyalankar, Shri A. N. Virbhadra Singh, Shri Yadava, Shri B.P.

Roy. Dr. Sardish Sen , Shri Ranen SezLivan, Shri Singh, Shri Y. D.

"That the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application  $t_0$  the motion for reference of the Bill to provide for Legislative Assemblies and Councils of Ministers for certain Union territories and for certain other matters to a Joint Committee of the Houses be suspended."

Sir, I have already applied to you for permission. I submit that the motion to suspend the rule may be put to the House.

Mr. Deputy-Speaker: Motion moved:

"That 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 reference of the Bill to provide for Legislative Assemblies and Councils of Ministers for certain Union territories and for certain other matters to a [Mr. Deputy-Speaker].

Joint Committee of the Houses be suspended."

Shri Hari Vishnu Kamath (Hoshangabad): In moving the motion, the Minister of State has not given any reasons why the rule should be suspended. It is no use his saying summarily that he has said something earlier. I do not know whether he has said something earlier. Today he must give the reasons for it. Without that, we cannot proceed to discuss this motion.

Shri Hajarnavis: The reason, I thought, was obvious. In any case an hon. Member of Shri Kamath's intelligence and experience in the House does not require....

Shri Hari Vishnu Kamath: It is not for me; it is for the House. Otherwise, privately outside you and I can have it.

Shri Hajarnavis: The question was examined by us and it was thought that probably some of the matters which are dealt with in the Bill may be covered by some of the clauses of article 110. That being so, it would attract proviso to rule 74. We are anxious that there should be a Joint Committee with which the Members of the other House should also be associated, because we are making provisions in respect of representation and we should also consult the Members of the other House. So, we are proposing a Joint Committee to be appointed and therefore, we are asking that the proviso to rule 74 may be suspended in this case.

Mr. Deputy-Speaker: The question is:

"That 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 reference of the Bill to provide for Legislative Assemblies and Councils of Ministers for certain Union territories and for certain <sup>a</sup> other matters to a Joint Committee of the Houses be suspended."

Shri Hari Vishnu Kamath: I would only like to....

Mr. Deputy-Speaker He has already spoken. I am putting the motion to the House.

Shri Hari Vishnu Kamath; The motion is for discussion now and I want to submit.

Mr. Deputy-Speaker: He should have got up earlier, as soon as the Minister finished.

Shri Hari Vishnu Kamath: I got up and I wanted him to state the reasons.

Mr. Deputy-Speaker: He has given the reasons and I am putting the motion to the House. There cannot be any discussion.

Shri Hari Vishnu Kamath: The motion is for discussion.

Mr. Deputy-Speaker: He should have immediately got up. I am very sorry.

Shri Hari Vishnu Kamath: I am sorry, Sir. Under the rules, any motion before the House is open for discussion. How can you rule cut discussion on any motion?

Mr. Deputy-Speaker: He should have got up earlier.

Shri Hari Vishnu Kamath: I did get up earlier and I wanted the Minister to make clear the reasons.

Mr. Deputy-Speaker: When I read out the motion, he should have got up.

Shri Hari Vishnu Kamath: Only after you place the motion before the House, there can be a discussion.

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Mr. **Deputy-Speaker:** All right, what has he got to say?'

Shri Hari Vishnu Kamath: Mr. Deputy-Speaker, Sir, I wish to say that today in the course of less than two or three hours this is the second occasion on which a rule of procedure of the House is sought to be suspended under rule 388, and it is really an extraordinary occasion because in the same day within less than three hours this occasion has arisen. The Treasury Benches, the Minister and the Government are to be blamed for this state of affairs. If they had only taken some care about this Bill they could have avoided this. We had a similar occasion in the last session. That was a Constitution Amendment Bill and we readily agreed to a Joint Committee of both the Houses. This is the Government of Union Territories Bill which is not of the same significance, not of the same enormous importance as the Constitution Amendment Bill. We readily agreed on that occasion to have the rule suspended. But the Government should go slow about disregarding or setting aside the rules of the House for their own convenience. For a Bill of this kind, I would have preferred if a Select Committee of this House had taken up the Bill first, discussed it and sent it back to the House. Then, after we had passed it it could have been transmitted to the other House. The Government did not make up its mind about this Bill, though the enabling Bill was passed by us in the August session. Since then they have been sitting pretty over this matter and delayed the bringing of this Bill before the House. Today they want to suspend the rule. I only request you, Sir, to direct the Treasury Benches to SO arrange their business, to so arrange the Bills that are to come before the House, that on every occasion a particular rule of procedure of the House has not to be suspended. They have got the majority behind them, an embattlad cohorts behind them, and they can get rules suspended; we cannot prevent it. Certainly, it is becoming

# PHALGUNA 25, 1884 (SAKA) of First Proviso 4318 to Rule 74

more and more blatant. In the first Parliament there were not so many occasions on which rules were suspended, but now in one year we have had seven occasions on which the rules have been suspended. This should not happen again. I only request you to warn the Treasury Benches to take heed betimes lest worse befall.

Mr. Deputy-Speaker: The question is:

"That 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 reference of the Bill to provide for legislative Assemblies and Councils of Ministers for certain Union territories and for certain other matters to a Joint Committee of the Houses be suspended."

Those in favour may say "Aye".

Several Hon. Members: Aye.

Mr. Deputy-Speaker: Those against may say "No".

Some Hon. Members: No.

Mr. Deputy-Speaker: The "Ayes" have it.

Shri Narendrasingh Mahida: The "Noes" have it.

Mr. Deputy-Speaker: Does he want a division?

Shri Narendrasingh Mahida: Yes, Sir.

Mr. Deputy-Speaker: Let the lobbies be cleared.

I will put the motion again to the vote of the House. The question is:

"That 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 reference of the Bill to provide for Legislative Assemblies and Councils of Ministers for

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[Mr. Deputy Speaker]

certain Union territories and for certain other matters to a Joint Committee of the Houses be suspended."

Those in favour may kindly say 'Aye'.

Several Hon. Members; Aye.

Mr. Deputy-Speaker Those against may kindly say No.'

Some Hon. Members: No.

Some Hon. Memebers: The 'Ayes' have it; Now, it is not challenged. 'Ayes' have it the motion is carried.

The motion was adopted.

# 17.27 hrs.

### GOVERNMENT OF UNION TERRI-TORIES BILL

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): Sir, I beg to move:

"That the Bill to provide for Legislative Assemblies and Councils of Ministers for certain Union territories and for certain other matters be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this, House, namely Shri R. Achuthan, Shri Ramchandra Vithal Bade, Shri Laxmi Narayan Bhanja Deo, Shri Brij Basi Lal, Sardar Buta Singh, Dr. Antonio Colaco, Sardar Daljit Singh, Shri Dasaratha Deb, Dr. P. D. Goitonde, Shri R. M. Hajarnavis, Shri Gauri Shanker Kakkar, Shri R. Keishing, Shrimati T. Lakshmi Kanthamma, Shri Lalit Sen, Shri R. N. Yadav Lonikar, Dr. Mahadeva Prasad, Shri Dhuleshwar Meena, Shri Mohammad Yusuf, Shri H. N. Mukerjee, Shri Partap Singh, Shri Man Sinh P. Patel, Shri Surendranath Dwivedy, Shri S. V. Krishnamoorthy Rao, Shri R. V. Reddiar, Shri Sanji Rupji, Shri Era Sezhiyan, Shri S. T. Singh, Shri Hari Charan Soy, Shri N. M. Wadiwa, and Shri Lal Bahadur Shastri and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 15th day of April, 1963;

that in other respects the Rules of Procedure of this House relatting to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

In place of Shri Shivram Rango Rane who has informed me that he is not willing to serve on the Committee, I have suggested the name ot Shri Surendranath Dwivedy.

Sir, it is rather late in the day that this motion comes up for discussion in this House, but we are committed to establish institutions for larger participation of the local representatives in the local administration and, therefore, the hon. Home Minister requested the House yesterday that we should squeeze in some time, though it is rather late in the midst of our busy legislative programme, to send this Bill to the Joint Committee. We are anxious that as far as possible this Bill should find its way to the Statute Book and be enacted into law which will emerge as a result of this legislative activity and should come into operation as early as possible.