

अध्यक्ष महोदय : यह मैं ने नहीं कहा

श्री बागड़ी : मैं ने पूछा है ।

अध्यक्ष महोदय : पहले इसे खत्म करें या जो पहले बिजनैस हाथ में है उसको लें ।

Mr. Speaker: We take up the Bill clause by clause.

The question is:

"That clauses 1 to 3, the Schedule, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clauses 1 to 3, the Schedule, the Enacting Formula and the Long Title were added to the Bill.

Shri Swaran Singh: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

12.14 hrs.

RE: POINT OF ORDER

श्री बागड़ी (हिसार) : प्वाइंट ऑफ ऑर्डर । लोक सभा के कार्य संचालन सम्बन्धी नियमों के नियम संख्या ३५८ के उप नियम (३) में दिया हुआ है :

"कोई सदस्य, जिसने कोई प्रस्ताव प्रस्तुत किया हो, उत्तर के रूप में पुनः बोल सकेगा, और यदि प्रस्ताव किसी गैर-सरकारी सदस्य द्वारा प्रस्तुत किया गया हो तो सम्बन्धित मन्त्री, अध्यक्ष की अनुमति से (चाहे वह वाद-विवाद में पहले बोल चुका हो या नहीं) प्रस्तावक के उत्तर देने के बाद बोल सकेगा ।"

और नियम ३५८ में दिया गया है :

"नियम ३५८ के के उपनियम (३) के उपबन्धों के अधीन रहते हुए वाद-विवाद सब अवस्थाओं में मूल प्रस्ताव के प्रस्तावक के उत्तर देने पर समाप्त हो जाएगा ।"

इसके तहत मुझे जवाब देने का मौका नहीं मिला हालांकि मैंने कहा था कि मुझे जवाब देने का समय दिया जाए, लेकिन हाउस एडजर्न कर दिया गया । इसलिये मैं चाहता हूँ कि मुझे जवाब देने का मौका दिया जाए।

अध्यक्ष महोदय : उसकी बहस जब चल रही थी उस वक्त आप उठे थे यह बात ठीक है । लेकिन डिप्टी स्पीकर साहब ने लिखा है कि डिस्कशन इज ओवर यानी बहस खत्म हो गयी । उनका फैसला काबिले पाबंदी है । मैं कोई अदालत अपील नहीं हूँ जो उनके फैसले को हटा सकूँ । अगर कोई सवाल मेरे वक्त में उठेगा तो उस वक्त मैं उस पर गौर करूँगा । मैं इसमें दखल नहीं दे सकता क्योंकि मैं उनके ऊपर आला अफसर नहीं हूँ कि जो उन्होंने खस हालात में फैसला दिया है उसमें मैं तब-दली ला सकूँ ।

श्री बागड़ी : लेकिन कानून तो स्पष्ट है । दो और दो चार होगा पांच नहीं हो सकता ।

अध्यक्ष महोदय : जिससे आप अपील करना चाहते हैं उसको अस्तित्थार न हो तो क्या किया जा सकता है ?

श्री त्यागी (देहरादून) : मैं कुछ अर्ज करना चाहता हूँ । इस वक्त चर्चा इस बात की है कि अगर कोई प्रस्ताव पेश किया गया हो और उस पर बहस हो तो प्रस्ताव पेश करने वाले को जवाब देने का मौका दिया जाना चाहिए । परन्तु कल जो बहस चली थी उसमें माननीय सदस्य ने कोई प्रस्ताव नहीं रखा था, सिर्फ बहस शुरू की थी और बहस हो गयी । बहस को शुरू करने के साथ-साथ

अगर वह एक प्रस्ताव भी रख देते कि "मैं तजवीज करता हूँ कि इस चीज को पास किया जाय" तो फिर जवाब का सवाल उठता। लेकिन जब प्रस्ताव ही नहीं रखा गया तो जवाब का सवाल कैसे उठ सकता है ?

Shri Daji (Indore): Day before yesterday and yesterday we were discussing similar motions. Day before yesterday the motion was moved by our friend, Shri Ram Ratan Gupta that the report of the National Industrial Development Corporation be taken into consideration and he was given the right of reply. Yesterday also the motion was of the same nature. I must respectfully submit that Shri Bagri rose immediately and he even tried to draw the attention of the Chair to his right of reply. We were also submitting to the Chair that he had a right of reply. Even then abruptly the Chair chose to discontinue the proceedings. Therefore, it is not a question of appeal. That was the business transacted last yesterday evening and we are entering upon a new work today. This is just the proper moment to raise it.

श्री प्रकाश बीर शास्त्री (विजनौर) :
 मैं भी आप से बड़ी नम्रता से निवेदन करना चाहता हूँ क्योंकि कल मैं उस समय सदन में उपस्थित था। अब जैसे कि त्यागी जी ने कहा कि वह प्रस्ताव नहीं था, वह एक बहस थी, तो आपको शायद पता होगा कि जिस धारा के अन्तर्गत मूवर ने वह बहस मांगी गई थी, उसका स्पष्ट उल्लेख है "अनियत दिन वाला प्रस्ताव"। उसके अन्तर्गत वह बहस मांगी गई थी और उस के अन्तर्गत जब वह बहस समाप्त हुई तो जिस धारा का आपने अभी उल्लेख किया है उसके अनुसार आप को दो मिनट देने चाहिये थे और प्रस्तावक को उत्तर देने का अवसर देना चाहिए था। प्रस्तावक महोदय इस बात का बराबर आग्रह करते रहे कि वे इस सम्बन्ध में कुछ कहना चाहते हैं लेकिन डिप्टी स्पीकर साहब ने बिना कुछ मुझे यह कह कर हाउस ऐडजर्न कर

दिया कि अब हाउस खत्म होता है। ऐसा करना इस धारा का उल्लंघन है। हम जानना चाहते हैं कि इस पर आपकी व्यवस्था क्या है ताकि भविष्य में इस प्रकार की कार्यवाहियाँ न हों।

Shri Tyagi: Sir, may I just clarify one thing.

Mr. Speaker: Order, order. The point is very clear. Why should we continue to spend more time on this?

Shri Tyagi: Sir, whenever such discussions are had, particularly from the Government side, we bring in an amendment to say that the policy is approved or disapproved. In that case a reply has to be given to the debate because votes have to be taken on that amendment. On this motion no votes were required to be taken. There was no proposal before the House. A discussion was sought to be had and we had the discussion.

Shri S. M. Banerjee (Kanpur): Sir, I was present in the House yesterday when this discussion took place. It was actually with the wishes of the House that the time was extended to 17.30 hours with the definite view that the mover of the motion may be allowed a few minutes to reply. Sir, I am not objecting to the ruling of the Deputy-Speaker. Perhaps, he in his wisdom did not allow him the right of reply. But what I object to most is that the Minister for Parliamentary Affairs and other senior Members of the Congress group who were here were constantly going to the Deputy-Speaker and telling him that there was a meeting going on of the Congress Parliamentary Group and that the discussion must come to an end. This is most objectionable.

Mr. Speaker: Order, order. We are criticising a thing which cannot be done just now. Whenever there is a motion, certainly the mover has got a right to reply. But in this case the discussion was raised under Rule 193—"Discussion over matters of urgent public importance for short duration".

[Mr. Speaker].

जिसके नीचे उन की बहस थी उस १९३ में साफ है :—

“There shall be no formal motion before the House nor voting”.

इसमें कोई चीज हो नहीं सकती थी ।

It can only be talked out; nothing further can be done in that.

यह तो है एक बात । मैं उस में भी नहीं ने रहा कि रूल का उस वक्त कोई उल्लंघन हुआ या न हुआ । यह सवाल इस वक्त मेरे सामने नहीं रखना जा सकता और मेरे पास कोई पावस नहीं है कि उस में कोई फैसला दूं । जो भी कुर्सी पर बैठा हो किसी वक्त चाहे वह स्पीकर हो, डिप्टी स्पीकर हो या पैनल आफ चेअरमैन से मिस्टर द्विवेदी हो, जो फैसला उस वक्त वह दे वह काबिले पाबन्दी है । उस वक्त के लिये वही आखिरी है । उस को बदल नहीं सकते । अगर मेम्बर साहबान कोई हाइपॉथेटिकल क्वेश्चन करना चाहते हैं जैसा कि बनर्जी साहब ने कहा कि आयंदा के लिये इस में कुछ होना चाहिए तो वह अलहदा सवाल है । जब सामने आयेगा तो उसको मैं कंसिडर करके अपना फैसला दूंगा ।

Shri S. M. Banerjee: The Leader of the House is here. Such meetings should not be organised immediately after the sitting of the House.

Mr. Speaker: Order, order. That is quite a different thing altogether. Whether a meeting should be organised or not has nothing to do with the question before the House. Even if the Deputy-Speaker was of the opinion that a reply should be given by the mover then he would not have adjourned the House and he would have continued sitting in spite of the fact that a meeting was there. The meeting would not have mattered in any case. इस वक्त मेरे अख्यार में नहीं है कि उसमें कुछ जा सकूँ । जो उन्होंने फैसला दिया वह उस बहस के लिए

कतई है । अगर किसी वक्त किसी साहब के सामने जो यहां बैठे हों सवाल उठेगा तो उन हालात के मुताबिक जो उस वक्त पेश होंगे वह फैसला कर सकेंगे । यहां कोई कोर्ट आफ अपील नहीं है जो कि दुबारा उसे सुन सके । मेम्बरों में अगर कुछ अहसास हो कि इसमें कुछ गलती हुई है तो हो लेकिन मैं नहीं समझता कि कोई हुई है । इस बात का फैसला आयन्दा जब कोई सवाल उठेगा तभी हो सकेगा, इस वक्त नहीं ।

श्री प्रकाश वीर शास्त्री : अब फैसला तो आपने कर ही दिया फिर उसके बाद क्या फैसला करने को रह जाता है ? आपने जब यह कह दिया कि उसमें आप कोई गलती नहीं समझते हैं तो फिर अपील किसके सामने करी जाय ? आप ही तो इस हाउस के सबसे बड़े अध्यक्ष हैं ।

अध्यक्ष महोदय : क्या मुझे हक नहीं है कि मैं यह कह सकूँ कि मैं उससे इतिफाक करता हूँ ? लेकिन जैसा कि मैंने कहा कि आयन्दा जब कभी इस तरह का सवाल उठेगा तो उस वक्त के हालात को देखते हुए प्रीसाइडिंग आफिसर को यह देखना होगा कि उसने क्या फैसला दिया जाय । चूंकि यह सरसरी तौर पर मेरे सामने आया इसलिये मैं ने इस के बारे में कह दिया । लेकिन फैसला तो तभी होगा जबकि कोई इस तरह का मामला पेश हो ।

Shri Hari Vishnu Kamath (Hoshan-gabad): Sir, on a point of clarification. The ruling which you were pleased to give just now needs further clarification.

Mr. Speaker: I have not given any ruling. I have only stated that I am no court of appeal.

Shri Hari Vishnu Kamath: You have made a wise observation which needs further clarification, and it is this. There has been before the House

precedents in the past, conventions, whereby a Member raising a discussion of this kind has had the right of reply—some precedents. Therefore, I would earnestly appeal to you to make a categorical statement, not a ruling, as to whether the Deputy-Speaker yesterday when he was in the Chair was right or wrong in giving the ruling that he did. Of course, I am not requesting you to give it as an appellate court. Otherwise, the House would be helpless.

Mr. Speaker: Order, order. This House is supreme. I am not sitting here as a court of judgment. If I now declare that he (Deputy-Speaker) was right or wrong, then I am acting as a court of appeal. What else am I doing? On the one side, Shri Kamath says that I need not give a ruling as a court of appeal; on the other side, he says that I must declare whether the Deputy Speaker was right or wrong. These two things are contradictory. How can I give my opinion whether he was right or wrong? Whatever he did at that moment that was the correct decision and that has to stand for the moment.

Shri H. N. Mukerjee (Calcutta Central): Yesterday from what appears—I was not present—it seems the mover wanted to reply. Certain other members on this side of the House wished to impress upon the Chair that he should be given the right of reply, but the Chair merely disappeared and the House had to adjourn *ipso facto*. As the Chair was constrained to behave in that fashion, for good or bad reason, the House was left in a quandary and this kind of situation has taken place. So, we request some kind of guidance in this matter.

Mr. Speaker: I am very sorry I was not able to explain it though I tried to do it again and again. Firstly, the conduct of the Speaker or the Deputy-Speaker cannot be discussed in this manner. Without a substantive motion we cannot discuss it. Secondly, once a decision has been taken by the Deputy-Speaker, who was in the Chair at that moment....

Shri Bade (Khargone): No decision was taken. He just went away.

Mr. Speaker: That is also a decision (*Interruptions*). Order, order. We need not press it further. I have tried to make the position clear. It is my misfortune if I am not very clear in that respect.

Dr. M. S. Aney (Nagpur): Here I want to mention that in the Bulletin that is published by this Secretariat it is simply mentioned that after the speeches of the hon. Members the reply was given. Nowhere is it mentioned that the debate was concluded. Generally, whenever such discussions are referred to, a remark is made at the end that the discussion or debate is over. In this particular case, no remark like that has been put.

Mr. Speaker: The record that I have got shows that. Now this is over.

12.28 hrs.

LAND ACQUISITION (AMENDMENT) BILL

The Minister of Food and Agriculture (Shri S. K. Patil): I beg to move:

“That the Bill further to amend the Land Acquisition Act, 1894, and the validate certain acquisitions under that Act, be taken into consideration.”

The Land Acquisition Act of 1894 deals with two kinds of acquisition, *viz.*, acquisition of land for a public purpose and acquisition of land for companies. In the former case, compensation for such acquisition is paid out of the revenues of the State. But in the latter case, it is to be paid entirely by the company. Compensation payable for acquisition of land under the Act is ordinarily the market value plus fifteen per cent. as solatium. The provisions of Part VII of the Act of 1894 apply to acquisition of land for companies.