

**Members' Bills and
Resolutions**

Paper of 28th August, there was an item concerning Motions to be moved by the hon. Minister of Commerce and Industry....

Mr. Speaker: That was raised here. I will just find out. Let the papers listed in the Order Paper be first laid on the Table

12-12 hrs.

RE: MOTION FOR ADJOURNMENT

Shrimati Renu Chakraverty (Barrackpore): May I ask what has happened to the adjournment motion we had tabled about the modification in the Government's Industrial Policy Resolution? We have not received any information about it—I am sorry. I have just been informed that a communication has been received by us.

12.12½ hrs.

PAPERS LAID ON THE TABLE—
contd

RULES UNDER INCOME TAX ACT

The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha): I beg to lay on the Table a copy each of the following Rules under section 296 of the Income-tax Act, 1961:

- (i) The Income-tax (Amendment) Rules, 1962, published in Notification No. S.O. 2029 dated the 30th June, 1962.
- (ii) The Income-tax (Second Amendment) Rules, 1962, published in Notification No. S.O. 2565, dated the 10th August 1962. [Placed in Library. See No. LT-384/62].

12.13 hrs.

**COMMITTEE ON PRIVATE
MEMBERS' BILLS AND RESO-
LUTIONS**

SEVENTH REPORT

Shri Krishnamoorthy Rao (Shimoga): I beg to present the Seventh Report of the Committee on Private Members' Bills and Resolutions.

12.13½ hrs.

STATEMENT RE: DISTRIBUTION
OF G. C. SHEETS

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): During the half-an-hour discussion on the distribution of G. C. Sheets in the House on the 21st June, 1962, it was mentioned by some Hon'ble Members that the despatches to States were not on an equitable basis and some States were unduly favoured by despatch of disproportionately large quantities of sheets. In this connection some criticism was also made against the Iron and Steel Controller personally.

2. I have looked into this matter carefully. The main reason why the despatches to certain States were comparatively higher than to other States was that these States were carrying a much larger back logs of outstanding orders for supply of G. C. Sheets and of much longer duration. Naturally, the despatches had to be arranged by the Iron and Steel Controller in proportion to the outstanding. My enquiry has revealed that there was nothing improper behind these large despatches and there is nothing which would cast a reflection on the integrity of the Iron and Steel Controller.

12.14 hrs.

RE: OMISSION OF ITEM FROM
ORDER PAPER—contd.

Mr. Speaker: Dr. L. M. Singhvi and Shri S. M. Banerjee had raised a point that there has been omission of an item in today's Order Paper.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Perhaps you are aware that there was some reference made to this motion in the other House the other day. Subsequently, a large number of Members of both Houses met informally and they approached me and suggested that this matter should be

[Shri Satya Narayan Sinha]

postponed till the differences between the two Houses with regard to certain powers of the Members of the other House are resolved.

Shri Hari Vishnu Kamath (Hoshangabad): There are no differences yet. It has not been discussed at all in the House.

Shri Hem Barua (Gauhati): They cannot settle the differences. It is for you, the hon. Speaker, to decide.

Mr. Speaker: Let the Minister be allowed to proceed.

Shri Hari Vishnu Kamath: Let him continue.

Mr. Speaker: The hon. Law Minister wishes to say something.

Shri Satya Narayan Sinha: In deference to their wishes, I got this item removed from the agenda for the time being.

Shri Frank Anthony (Nominated—Anglo-Indians): Whose wishes?

Shri Satya Narayan Sinha: Wishes of a large number of Members of both Houses.

Shri Hari Vishnu Kamath: Both Houses? On a point of clarification.

Mr. Speaker: Order, order. The hon. Law Minister.

Shri Hari Vishnu Kamath: Let him further explain.

The Minister of Law (Shri A. K. Sen): May I submit that in fact it is not right to ignore the very strong feeling which was expressed in the Rajya Sabha? The Chairman himself sent for me and I had a long discussion with him yesterday. I submit that it would have been most unseemly not only here but in the world outside if the two Houses came to a conflict on this issue with which Parliament itself is very vitally concerned. Therefore, for a very good reason we have taken it out, to find an area of agreement between the two Houses.

Shri Hari Vishnu Kamath: On a point of clarification, Sir, may I ask the Law Minister to throw some light on this particular aspect of the matter, as to what exactly the point at issue, the point of conflict, in the other place is.

Shri A. K. Sen: The hon. Member was not here when the last Parliament was discussing this. You will recall, Sir, that the original proposal was for the setting up of a joint committee consisting of Members drawn from both Houses. Objection was raised by many Members here on the ground that the functions of the Estimates Committee were peculiar to Members of this House, and it would be wrong to associate Members of the Rajya Sabha with that function; and thereupon, we again had consultations with that House, with the Chairman, our present President.

Mr. Speaker: I do not think the hon. Minister of Law should go into those details at this moment. The hon. Members here in this House feel perturbed, but this is not the occasion that we should take up anything. Let any proposal come. I will only make enquiries whether that proposal is intended to be brought here in the near future or not. When the proposal comes, then this House can look into it, whether any Members...

Several Hon. Members rose—

Srimati Renu Chakravarty (Barrackpore): May I make a submission? After all, even in the last session this resolution came up, but for various reasons it had to be shifted on to this session. Now we are almost at the end of the session. Does it mean that this whole question of the public undertakings is not going to be discussed even in this session, and will it be postponed further, while we find from the papers that an attempt is being made by the Government to modify the Industrial Policy Resolution?

Mr. Speaker: That was the question I put, whether it was intended to bring it here shortly or not.

Shrimati Benu Chakravartty: That must be clearly stated here, because things are being done without letting us know.

Shri Daji (Indore): May I make a statement?

Mr. Speaker: First let the answer come.

Shri Daji: The whole thing may be replied to jointly. Our submission is...

Shri Indrajit Gupta (Calcutta-South West): One point of clarification, Sir.

Mr. Speaker: Both of them cannot stand simultaneously. One must sit down.

Shri Indrajit Gupta: You decide.

Mr. Speaker: Shri Indrajit Gupta.

Shri Indrajit Gupta: Those of us who had the good fortune to be in the last Parliament recall, as the hon. Law Minister said, that a similar motion—not exactly this motion—was brought forward, and after an inconclusive debate, it was withdrawn, and we were not informed what the future course would be. Again, for the last three days it has appeared on the Order Paper, and suddenly again it is being withdrawn. I only want to know this: when an important motion of this type is intended to be brought forward by the Government, would it not be better for them to decide whether they wish to pursue a certain motion or not, instead of continually bringing it forward on the Order Paper and then taking it out again. How many times is it going to be done?

Shri Daji: My submission is this. You were pleased to rule that this is not the proper occasion to raise it and it should be discussed only when a motion is brought but my difficulty is this, and I think I am echoing the

opinion of many Members of the House, that when once a motion is tabled and the Order Paper is read out for the entire week and is approved if a particular item is to be withdrawn, at least courtesy requires that the whole House should be informed. It is just withdrawn and we are just left guessing. That is why we had to raise it. We were not informed whether it would come up or not.

Shri Satya Narayan Sinha: Yesterday, after the decision was taken, I had informed you, Sir, informally. There was no time; otherwise, I would have informed the House.

Shri Hari Vishnu Kamath: The matter is before the House, and it cannot be withdrawn without the consent of the House.

Mr. Speaker: There is no question of getting permission from the House to withdraw only because one item appears on the agenda. Certainly by this change, some inconvenience is caused. That is all right, but if something is brought that causes surprise, the hon. Members can have objection that they were not prepared to take it up, or they did not prepare themselves for that discussion, but simply because one item is dropped at the end, I do not think, unless the House is seized of the matter, any permission is required. Of course, it would be advisable that when once an agenda is prepared, normally it should be followed, because the hon. Members...

Shri S. M. Banerjee rose—

Mr. Speaker: Order, order. I do not think there is anything that has to be discussed just at this moment. That is my difficulty.

Shri Daji: We wanted a clarification.

Mr. Speaker: That question I put, and the hon. Members did not allow the answer to be given.

I have put that question myself whether the Government propose to

[Mr. Speaker]

bring that shortly in this House or whether there is any proposal to postpone it to the next Session or some indefinite period.

Dr. L. M. Singhvi: Before the hon. Minister replies I want to raise a point of order.

Shri P. K. Deo: May I know from the Minister of Parliamentary Affairs if it has been put before the Business Advisory Committee?

Mr. Speaker: That is not the business of the Business Advisory Committee.

Dr. L. M. Singhvi: Sir, on a point of order. Rule 25 of the Rules of Procedure says:

"Provided that such order of business shall not be varied on the day that business is set down for disposal unless the Speaker is satisfied that there is sufficient ground for such variation."

This matter was shown on yesterday's list and the variation was made yesterday to the best of my information. Therefore, if this variation has been made, we are entitled to know whether, in the first place, the Speaker has been fully satisfied that such variation was called for. It is only after that that we can make further comment.

Mr. Speaker: I do not think this proviso means what the hon. Member tries to make out.

"Provided that such order of business shall not be varied on the day....".

If it is entered here and if it is intended to vary that, it would be a different thing. At that time, certainly, the House would be consulted and some explanation would be given for the variation to be made in the agenda if it has to be done that day. This was put yesterday....

Dr. L. M. Singhvi: And varied yesterday.

Mr. Speaker: Might have been varied. I got that information. That was also informal, but at the last moment. I thought that the Government had no intention to put it here on the next day's agenda. Advance information is given. So far as the business of the day is concerned, there is no variation that has been made. (Interruptions). I think the only question is that the Members want to know whether the matter is coming at all for discussion or not. And much is made of that. That is all I wanted to know.

Shri P. K. Deo rose:

श्री सत्य नारायण सिंह : आप भी कह लीजिए ।

Shri P. K. Deo (Kalahandi): I just wanted to find out....

अध्यक्ष महोदय : आप उनके कहने से खड़े हो गये मने तो इजाजत नहीं दी ।

Shri Satya Narayan Sinha: I have explained the circumstances in which this postponement is made; and I am afraid it will not be possible to bring the motion in this Session at least.

Shri P. K. Deo: I just wanted to find out if this withdrawal from the List of Business has been done *suo motu* by the Minister of Parliamentary Affairs or according to the decision of the Business Advisory Committee.

Mr. Speaker: The Business Advisory Committee has nothing to do with the Order of Business or the priorities that are to be given to any particular item. The Business Advisory Committee only allots time to the items that are brought by the Government before it. The agenda is put before the Committee by the Government and the Committee's job is only to allot time and not to arrange priorities or to prepare the Order Paper.

Shri Hem Barua: May I seek a clarification from you, Sir? Is it because of the fact that objection has been raised in the other House that there has been the postponement of this item? And, now, the Minister declares that it may not come at all during this Session. May I know from you whether the relationship of this House with the other House in certain matters, financial and things like that, has later on been defined? As far as I remember, it was defined during the late Speaker Mavalankar's time and it was well defined (*Interruptions*). I raise this because the Law Minister has objected to my saying like that. We are not here because of the precedents before us. We are not here to bow down to the objections the other House might have.

Mr. Speaker: Order, order. The hon. Member may kindly resume his seat. As I said earlier, it is premature just at this moment to criticise anything or to discuss anything or to raise any controversy. When the actual thing comes in, certainly we shall say what we have to say. I know hon. Members are very zealous of guarding their own rights. If they want to take any exception they can take it when something concrete comes before them. The only objection they can now take, as was taken by Shrimati Renu Chakravartty, is this. It was put in the last session; then it was put for this session. Now it is being postponed once again. That is the only objection.... (*Interruptions*).

Shrimati Renu Chakravartty: It is a very important matter regarding the public sector but I feel that this matter is being pushed out and this House is not permitted to consider it. The hon. Minister of Parliamentary Affairs knew it; we had a lot of discussion as to when this should be brought forward. He had discussions with me also about the difficulties; he mentioned those points also. Now just seven days before the session ends, we are told that it will

not be possible. Will not the country surmise that the Government is not serious about the question of the public sector and its proper functioning?... (*Interruptions*).

Shri Satya Narayan Sinha: I may say that the whole trouble has arisen because of the Leader of the hon. Members in the other House; otherwise this question would not have arisen.

Shrimati Renu Chakravartty: As if you always listen to everything that the Leader of the Opposition in the Other House says? Why not you settle it with him?... (*Interruptions*).

Dr. L. M. Singhvi: The proposal has been before us for a long time. Now some sort of a pill has been administered and there is an abortion. I want to know how this could be done without taking the House into confidence? The opinion of the other House has counted so much with the Government.... (*Interruptions*).

Mr. Speaker: Order, order. That is not the question at all. I do not think any further discussion is required at this moment. The only objection in which I could find some substance is that the Government has been giving the assurance that the Committee was being constituted. But so far the work is being done by the Estimates Committee and that is going on. There is a sub-committee of fifteen Members to look into the public undertakings only.... (*Interruptions*). Order, order. I do not think there is anything to be discussed. It is not relevant here to say that the Government has been swayed by the other House or something else.... (*Interruptions*).

Shri Hari Vishnu Kamath: There is something pertaining to your own exalted self and I would make a brief submission. This morning, papers carried the news that the Chairman of the Council has told that House,

[Shri Hari Vishnu Kamath]

that is the Council, that he will consult you in this matter. Have you been consulted so far by the Chairman?

Mr. Speaker: If I have any consultations with the Chairman, I do not think the Members should require me to disclose all that.... (*Interruptions*).

Shri Hari Vishnu Kamath: No, not the content of the talk, but only whether you have been consulted or not.

Mr. Speaker: If he wants to know only the fact whether I had any meeting with him on this, I may say that he has not consulted me.

Shrimati Renu Chakravarty: I may submit that it is not a question of a quarrel between this House and the upper House.

Mr. Speaker: It is a quarrel among ourselves.

Shrimati Renu Chakravarty: No, Sir. There has been a sort of an insinuation by certain Members that the Lok Sabha Members are against giving equal rights to the Rajya Sabha Members. That is not the point. Our point is that the Government can arrange a meeting between some or a large number of Lok Sabha Members and Rajya Sabha Members and thrash out these points even within 24 hours so that we can have this discussion by the end of this session. Surely that spirit of co-operation can be assured.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, I do not know if the hon. Member really intended to say that the Government was trying to postpone this discussion. Government has been trying to get it through; it is Government's proposition and it is Government's proposal. But the fact of the matter is that a resolution, or whatever it was, was carefully drafted, but it did not meet with the approval of the other House. I am not going into that question now. The

only question, therefore, is that it is desirable for us to find some form of words which is agreeable to this House and agreeable to the other House. Yesterday, an attempt was made for sometime. It did not succeed, and if it can succeed today or tomorrow, well and good, and we shall have those discussions. But if it did not succeed yesterday, it is doubtful whether it will succeed within 24 hours' time. That is our difficulty. If it succeeds, it is good.

Some Hon. Members *rose—*

Mr. Speaker: Order, order. There should be some end to this. With all respect, I have to make a submission to this House and I would like the Government also to consider it. The Government ought to have taken this into account beforehand. It ought to have been considered earlier before the matter was brought before this House. When a matter has been brought before this House, then—I am not raising any controversy—we are seized of the matter. But it should not be for the second House—be it there or here—that they should anticipate what would happen and then raise objection. This matter could have gone there and they must have discussed it there when the opportunity arose. Before that could be done, objections were taken, and then, at once, some observations were made, and the Government took some attitude. If the was before this House, of course, it would have been allowed to go on, and then, when the opportunity was there, certainly they could have discussed it or taken any objection to that. If the Government had any fears they should have discussed that earlier and come to a decision where all Members should have agreed. I do not say that there are any differences between the two Houses or that any controversy should be raised. There ought not to exist any superiority of one House over the other. Both are

equal wings of the same Parliament and we have to carry on harmoniously and set down certain conventions.

Shri Frank Anthony (Nominated—Anglo-Indian): I doubt that.

Shri Hari Vishnu Kamath: Not quite equal.

Shri Hem Barua: Their powers are not the same.

Mr. Speaker: The Constitution itself has laid down the spheres, and certain powers, and they would be respected always. That is there. But now that the matter has come to that stage, as has been suggested by Shrimati Renu Chakravartty, the Government might take early steps just to have these matters settled as soon as possible.

Shri Hari Vishnu Kamath: Can they not do it within a week?

Mr. Speaker: I do not know. I cannot insist anything like that.

Shri Hari Vishnu Kamath: If they have the will, they can. They have no will in the matter.

Mr. Speaker: Order, order. We now take up clause-by-clause consideration of the State of Nagaland Bill.

12.33 hrs.

STATE OF NAGALAND BILL—contd.

Mr. Speaker: We now take up clause 2.

Shri Hari Vishnu Kamath (Hoshangabad): I have amendment No. 6. I beg to move:

Page 1, line 7 and wherever it occurs—

for “Central” substitute
“Union”(6).

Under the Constitution, there is no such entity as the “Central” Government. We have only the “Union”

Government in the Constitution and therefore I would ask the Law Minister to accept this simple amendment to bring the Statute into conformity with the Constitution.

The Minister of Law (Shri A. K. Sen): In the General Clauses Act which is the dictionary for the interpretation of our statutes the word is “Central” Government, and therefore, all our statutes use the word “Central” Government, and we should not break that long tradition and amend the General Clauses Act for that purpose.

Mr. Speaker: So, the hon. Member does not press it, I believe.

Shri Hari Vishnu Kamath: I do not press my amendment.

*The amendment was, by leave,
withdrawn.*

Mr. Speaker: The question is:

“That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Speaker: Then, I shall put clauses 3 to 6 together.

Shri Hari Vishnu Kamath: I request you to take each clause separately.

Mr. Speaker: There are no amendments.

Shri Hari Vishnu Kamath: Under Rule 88 they may be put separately. I would make an earnest appeal to you. I would like to speak on them, though there may not be any amendment.

Mr. Speaker If it is the desire that any clause should be taken up separately, certainly I shall do so. If the hon. Member wants any clause to be taken up separately and speak on it, I shall take that clause separately. Does he want to speak on clauses 3 to 6?