

12.32 hrs.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:—

'In accordance with the provisions of rule 101 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 10th September, 1963 agreed to the following amendments made by the Lok Sabha at its sitting held on the 29th August 1963 in the Indian Sale of Goods (Amendment) Bill, 1962:—

Enacting Formula

1. That at page 1, line 1, for the word "Thirteenth" the word "Fourteenth" be substituted.

Clause 1

2. That at page 1, line 4, for the figure "1962" the figure "1963" be substituted.'

12.33 hrs.

PUBLIC ACCOUNTS COMMITTEE

THIRTEENTH REPORT

Shri Tyagi (Dehra Dun): Sir, I beg to present the Thirteenth Report of the Public Accounts Committee on the Appropriation Accounts (Railways) 1961-62 and Audit Report (Railways), 1963.

12.33 hrs.

PRESENTATION OF PETITION

Shri A. K. Gopalan (Kasergod): Sir, I beg to present a petition signed by Shri Hari Om and a crore and two and a half lakhs others regarding rise in prices, taxes and other matters. A few petitions are here and the others are deposited outside.

Shri Hari Vishnu Kamath (Hoshangabad): May I ask whether one-time revolutionaries have become petitioners now?... (*Interruptions.*)

Mr. Speaker: I am rather surprised that the question should be asked of me.

12.34 hrs.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): With your permission, Sir, I rise to announce that Government Business in this House during the week commencing 16th September, 1963, will consist of:—

- (1) Discussion on the present international situation and the policy of the Government of India in relation thereto on a motion to be moved by the Prime Minister on 16th September, 1963.
- (2) Consideration of any item of Business carried over from today's Order Paper.
- (3) Discussion on the statement laid on the Table of the House by the Minister of Defence on the 2nd September, 1963, regarding NEFA Enquiry and the statement made by the Minister of Defence on 9th September, 1963 on 'Our Defence Preparedness' on motions to be moved by Shri Prakash Vir Shastri and others and Shri Bhakt Darshan respectively.
- (4) Consideration of motions for the constitution of a Committee on Public Undertakings.
- (5) Discussion on the Annual Report of the University Grants Commission for the year 1961-62 on a motion to be moved by the Minister of Education.

In order that the members get adequate time for discussion of these items of business, it is proposed that the House may have a sitting on Saturday, the 21st of September.

Mr. Speaker: Shri Kamath has given me notice that he wants to put certain questions.

Shri Hari Vishnu Kamath (Hoshangabad): Sir, with the Lok Sabha bulletin of the 1st August before me, as I survey the wide gap between promise and performance, it seems the position can be aptly summed up in words which somewhat parody the well-known lines of a famous poet. So many Bills, so much business: So little done, such Ministers to be... (Interruptions.)

Shri Hem Barua: Does the Minister know the poet?

Shri Hari Vishnu Kamath: I think the Minister knows; he is a lover of poetry.

Mr. Speaker: I would request him to be brief and relevant.

Shri Hari Vishnu Kamath: I wanted to raise five points but two of the points could more or less be easily disposed of. The motion regarding committee on public undertakings has been announced already. The other one on planning also need not be discussed today.

Now, I come to the three points which are important in my humble judgment. The first one is with regard to the allocation of time for the various items coming up before the House. May I invite your attention to rules 362 and 363 which governed more or less the procedure in the provisional Parliament and I believe for one or two years of the first Lok Sabha? I believe that much of the work that Parliament is expected to do in the interest, of the nation, as the mirror of national opinion and the instrument of national will, cannot be carried out effectively if a strict, rigid,

time-limit is imposed on every item of business coming before the House. I remember that in the time of the first Speaker of the Lok Sabha, Shri Mavalankar, in those early days, in the provisional Parliament, there was, I believe, no Business Advisory Committee which fixed these rigid time-limits or time-schedules for every business, but the Speaker had an eye on the business, on the debate that was going on in the House, and if he felt that the debate was being carried on properly and effectively, and there was substantial contribution being made thereto, he allowed the business to be carried on. I remember—I believe you were also present in the House—on two or three occasions during that period when a closure was sought to be applied by Members of the Congress Party, he refused to accept the motion and he let the debate be carried on. So, my first point is that the Government should not make recommendations for allocation of time for various items of business, legislative or other business. It is strictly you who should decide—

Mr. Speaker: The Business Advisory Committee should continue or—should be—

Shri Hari Vishnu Kamath: It should continue, but only for such items that are considered necessary, not for every item of business.

Mr. Speaker: Who should decide?

Shri Hari Vishnu Kamath: You, Sir, in consultation with the Leader of the House. That is also what the rule says.

Mr. Speaker: All these rules should be read together. He desires that some agenda should be brought about and the Business Advisory Committee should consider only those items that are entrusted to it by the Speaker, when the Speaker considers that such items are so important that some time-limit should be placed on them. Is it the idea? |

Shri Hari Vishnu Kamath: No, Sir, it is the other way round. If they are very important, and the entire House is interested, if they are of national importance, no time-limit should be fixed at all, and you can keep a watchful eye and attentive ear on the proceedings that are going on and see whether the debate is proceeding effectively and usefully.

Mr. Speaker: All right; that is the first point. What is the second one?

Shri Hari Vishnu Kamath: The second point is the one which I have been raising in vain during the last few sessions of the third Lok Sabha. It is about the annual duration of Parliament sessions. I have these figures—they should be authentic—compiled by the Reference and Research Section of the Lok Sabha Secretariat. I find that there has been a slow and steady erosion of time that Government deems fit to devote to parliamentary work. (*Interruption.*) I will take only the budget sessions. In one session, it was 92 days; then 89 days; it was 106 days in one budget session in the first Lok Sabha; another was for 96 days. Now, we have come down to 89 days. Then came 86. The last one which ended this year was for 76 days. I think Shri Mavalankar, the first Speaker, was eminently right when he said that Parliament, if it should fructify the will of the nation, the people, as the true mirror of national opinion, and an instrument of the popular will should sit for at least seven months in the year, not less.

The last point is with regard to the Constitution (Amendment) Bill for amending article 100 of the Constitution, relating to the quorum of the House. As this is the last statement that the hon. Minister is making in this session, I want to reiterate what I said last time, namely, that the Government has been unconscionably delaying this matter which has been pending since 1955, when the first Speaker, Shri Mavalankar, advised the Government to bring forward a Bill with regard to

this matter. But for some reason best known to themselves they have not moved at all in this matter. I would like to state in all humility, but all earnestness that most of us on this side of the House would like to give notice to the Government that if they do not bring forward a Bill, as advised by you also and not only by Shri Mavalankar, to amend Article 100 relating to quorum, within the first two weeks of the next session, we shall not regard ourselves as bound by the unconstitutional convention which is being followed here with regard to quorum. According to his own statement made earlier, the Bill should be introduced.

Mr. Speaker: I have noted down his points. Dr. Singhvi.

Dr. L. M. Singhvi (Jodhpur): I would also submit that there should be a reconsideration of the hours during which we sit and also the possibility of restoring the lunch hour.

Mr. Speaker: That was considered the other day when it was raised by Dr. Lohia. We have considered it.

Shri U. M. Trivedi (Mandsaur): Sir, I support Mr. Kamath's demand so far as the very hard attitude that has been adopted and I should say the anti-State manner in which debates on Bills are conducted is concerned. It becomes impossible for anyone to say within 15 minutes or 10 minutes or 5 minutes allotted what he wants to say on the whole Bill which is before the House and to make the criticisms on the clauses which he wants to make. It becomes extremely difficult. Sometimes, there is another thing which comes to notice. Although every Member may belong to a particular group, yet so far as taking part in the debate is concerned, it cannot be said that only one speaker from that particular group should be allowed and that others should not express their views at all. That is why I say that this rigidity about this time limit should go. We realise that there should not be waste of time. At the same time,

It should also be realised that we are here as representatives and in our own way we want to express before the House the effects that we find and the suggestions that we want to make to the Government, so that there can be proper appreciation of our views by the Government and by the public at large. We are here for that purpose and I would say that this rigidity about this affair should go.

Shri S. M. Banerjee (Kanpur): I find from the announcement of the Minister that a discussion on planning has not been included. When we are sitting for a day more, I would like to know why a discussion on planning is not allowed. The second point is—I would appeal to you also—in the other House, Members are discussing the serious implications arising out of the Supreme Court judgment on D.I.R. We have also given a calling attention notice, which is under consideration still. I would only request the Minister through you that a similar discussion should be held in this House also.

Mr. Speaker: That he can tell me.

Shri Ranga (Chittoor): The other day, when Dr. Lohia made those remarks, I for one did not have any notice at all that he was going to raise that question. I could not follow his speech also. Immediately thereafter you did not think it necessary to give any opportunity for us to express our views and you expressed your views along with the Minister of Parliamentary Affairs. I would like to suggest that you may be good enough to call a meeting of the leaders of the various parties, so that we can consider the question of hours of sitting for this House, because quite a number of us are really keen about the lunch hour.

Mr. Speaker: The other day also, I said that it is always the pleasure of the House to change those hours. For the present, we are having these hours. As for the suggestion he has made, I would certainly welcome that. If some other time is suitable and the Members can agree, I would not have any objection to that.

Shrimati Renu Chakravartty (Barackpore): About the time for the considerations of the Bills, etc., when Mr. Mavalankar introduced this idea about the Business Advisory Committee, the convention was that we could continue to speak on the Bills till it was finished or sometimes it was to be talked out. Sometimes the Speaker's rulings used to give rise to certain differences and we used to insist that we should have more time to speak. I for one agree with my friends who have been urging that we should have more time, because we feel sometimes it is ridiculous to ask anybody to speak for about 5 or 10 minutes. At the same time, I would not like to have it left in the hands of the House. The majority is, after all, with the Congress Party. So, I would not like to leave it to the House to decide how many hours we should have for a Bill. Therefore, I would urge that there should be a *via media* and what we discuss within the Business Advisory Committee should be considered more sympathetically by the Minister of Parliamentary Affairs and adequate time should be given. Sometimes he always insists on something and we always insist on more time and we cannot find a *via media*. So, I urge that we should not completely rule out the Business Advisory Committee, but at the same time, we should have some more time for the Bills to be discussed.

Some Hon. Members rose—

Mr. Speaker: This is not a general debate that is going on. I did not get any previous notice from other Members.

श्री राम सेवक यादव (बाराबंकी) :

अध्यक्ष महोदय,

अध्यक्ष महोदय : आर्डर, आर्डर ।

श्री राम सेवक यादव : अध्यक्ष महोदय, अभी जो उन्होंने कार्यक्रम बतलाया है, मैं उसी के सम्बन्ध में कुछ निवेदन करना चाहता हूँ। मेरा निवेदन यह है कि पिछड़े वर्ग

[श्री राम सेवक यादव]

आयोग का जो प्रतिवेदन है १९५५ में आया था और वह सदन के पटल पर भी रक्खा गया। सरकार की ओर से इतनी असावधानी बर्ती गई कि आज तक उस पर कोई चर्चा नहीं हुई। मैं ने इस पर एक प्रस्ताव दिया था, कल वो स्वीकार हुआ लेकिन मैं देखता हूँ कि अगले सप्ताह में उक्त विषय पर कोई समय निर्धारित नहीं किया गया है तो मैं मंत्री महोदय से चाहूँगा कि वह इसके लिये कुछ समय निकालें ताकि इस पर बहस और चर्चा हो सके।

Mr. Speaker: Before I ask the Minister of Parliamentary Affairs to answer all the points raised by Mr. Kamath....

An Hon. Member: On a point of order....

Mr. Speaker: Order, order. When I am speaking, does he want me to sit down?

I would just put it to the opposition whether this procedure of the Business Advisory Committee is more advantageous to them or whether they would like, as has been suggested by Mr. Kamath, that the Government whip at his pleasure moves "that the question be now put". It was still open to the Members and if they want, that can be restored.

Shri Surendranath Dwivedy (Kendrapara): It has been suggested that we sit round the table and consider the whole matter.

Mr. Speaker: Always the Opposition gets the advantage if we sit there in the Business Advisory Committee and they stress their point. Up to now, we have always been unanimous in all our decisions. Now, if the hon. Members in the opposition want that this should be left to the House and that the Minister might move "that the question be now put", always we will be having those quar-

rels. The Members would be fighting that more time should be given and the ruling party would be pressing that there had been enough discussion. Of course, in some cases, I can say whether there has been enough discussion or not. But ordinarily I shall have to put the question to the House and the hon. Members of the Opposition should realise what the fate would be. The procedure that we are following is certainly more advantageous to them. They can press for their claims on any particular item whenever they feel that the time is not adequate. Whenever the question has arisen here in the House, I have exercised that discretion.

Shri Ranga: We will see the experience over this coming Constitution (Seventeenth Amendment) Bill.

Mr. Speaker: That is a different thing. If he wants, we will try and keep it open to the House; and then, the Minister of Parliamentary Affairs shall have the power to move "that the question be now put".

Shri Satya Narayan Sinha: With your permission, Sir, I would like first to take up the last point which my friend, Shri Kamath has raised about this anti-quorum business. I admit it is sometimes very difficult to comprehend the mind of my hon. friend. I did not perhaps follow what he actually meant. He sometimes talks about anti-quorum. He himself had brought a Bill to that effect. He had withdrawn that Bill; I do not know for what reasons. When Mr. M. L. Dwivedy's Bill came absolutely on the same lines on which the Government had introduced that Bill, when somebody asked Mr. Kamath why he had withdrawn his Bill, Mr. Kamath is reported to have said, "I was not serious about it".

Shri Hari Vishnu Kamath: I did not say that.

Shri Satya Narayan Sinha: I am quoting from the proceedings. I do not know when you are serious and when you are otherwise.

When Shri M. L. Dwivedi brought that Bill forward there was some discussion in the House and I would like to read out what my hon. friend Shri Kamath said. He said:

"I do not want to read the proceedings of the Constituent Assembly. The Bill is ill-conceived, ill drafted, undesirable and pernicious."

Not only that. He said that from the Constitution it should not be taken out and it should remain where it is. Therefore, I do not understand actually what he means. Does the hon. Member mean that the quorum business should be taken out of the Constitution or the number of 50, or whatever it is, that is prescribed there should be reduced? We should know his mind before we can give our reaction.

Shri Hari Vishnu Kamath: By your leave, Sir, may I submit—I am sorry to interrupt—that if and when the Government decides to bring forward the Bill they cannot and they shall not get the support of the Opposition. Let them stew in their own juice. They shall have to pass it on their own strength. They can pass it, if they so choose, with their own strength—we will not support it at all—and get it on the statute-book. They can pass it on their own strength, on the strength of the Congress Party. We will not support it. Why should we support it?

Shri Satya Narayan Sinha: I have not well appreciated what he has stated. He wants it to be taken out of the Constitution but he will not be a party to it?

Dr. L. M. Singhvi: He does not want it. His point is that this convention should not be observed and that the Whips and the Minister of

Parliamentary Affairs should ensure better attendance in the House.

Shri Hari Vishnu Kamath: I want the Constitution to remain as it is. If you want to pass the Bill you will have to do it on your own strength.

Shri Satya Narayan Sinha: Therefore, the question of amending the clause relating to quorum is not necessary?

An hon. Member: Not at all.

Shri Satya Narayan Sinha: Many a time it has been explained that it is our responsibility and also the responsibility of the Opposition to maintain the quorum in the House.

Dr. M. S. Aney (Nagpur): Yours is a bigger responsibility.

Shri Hari Vishnu Kamath: It may be proportionate.

Shri Satya Narayan Sinha: Our responsibility is bigger, I admit. But the Opposition cannot be absolutely absolved of that responsibility (*Interruption*).

Mr. Speaker: Order, order. Shall this continue in this manner?

Shri Hari Vishnu Kamath: Let us take a count every time. He does not understand at all what we are saying.

Mr. Speaker: The result is that nobody is able to understand anything (*Interruption*). In this confusion how can I understand anything?

Shri Satya Narayan Sinha: He has also not understood what I said, that is our misfortune.

About the Business Advisory Committee, Sir, you have already explained the position. Perhaps the House is aware that the Business Advisory Committee came into existence in the time of your illustrious

[Shri Satya Narayan Sinha]

predecessor Shri Mavalankar. I do concede that the system of having a Business Advisory Committee as such does not exist in many of the Parliaments of the world. But this Committee, at the time when it was constituted, was brought into being in consultation with the entire House. We know how it has been functioning since then. I claim that it has been functioning to the satisfaction of a very large number of people excepting a few. You will bear me out, Sir, that in the Business Advisory Committee as in all other committees according to our numerical strength in the House we have got a majority, but whenever we allot a certain number of hours for Government business not even on one occasion we have resorted to voting or put the question to vote. After that, whenever the Members of the Opposition wanted that the time should be extended we have left it to your decision and after taking the consensus of opinion we have always agreed to it. Even after that, whenever the House has demanded that the time should be extended we have never made any grievance of it and you in your discretion in consultation with the House have always extended the time. In spite of all this, if the Opposition wants that this right should be taken away Government will not be sorry for it. I would rather welcome it. As you said, Sir, it is more advantageous to the Opposition.

Shri U. M. Trivedi: You can take all the advantages of the Opposition. Keep them to yourself.

Shri Satya Narayan Sinha: Always, Sir, when a motion for closure is moved, if you think that the motion for closure has been moved at the proper time, you will admit the motion, put it to the vote of the House and decide accordingly.

Shri Hari Vishnu Kamath: Sir, I rise to a point of order. May I invite your attention to rule 352. He

said that as soon as a motion for closure is moved you will admit it.

Mr. Speaker: He has not said that. The hon. Member does not listen. He said that if the Speaker thinks that there has been sufficient discussion then alone he will admit it.

Shri Hari Vishnu Kamath: He did not say so.

Mr. Speaker: He said that.

Shri Satya Narayan Sinha: My misfortune is that my hon. friend does not hear what I say. Therefore, Sir, it is for you and the House to decide. About this particular item, the Constitution (Seventeenth Amendment) Bill, as we did not come to any agreement there we have left it to the House to decide.

Mr. Speaker: Other things I can decide when I call a meeting of the Members of the Opposition. There is only one question, Shri Kamath, and some other hon. Members also, have asked that the Session should be extended over a longer period.

Shri Satya Narayan Sinha: The duration of the Session always depends upon the quantum of legislative work. Proposals for legislative work always come from the side of the Government. If we have not on any particular occasion sufficient legislative work, I do not know what we should do, what the hon. Members want us to do.

Shri Ranga: There are so many important questions to be debated.

Shri Satya Narayan Sinha: There is a lot of non-legislative work which we are doing in this Session. The majority of the time we have devoted to non-legislative work. If my hon. friends will care to examine and compare with any Parliament in the world they will find that the time which we have devoted for non-legislative work is proportionately much higher than anywhere else. Even in the United Kingdom, in the House of Commons it is less. It is

a question of facts and you can make a comparison. The time that we allot for non-legislative work is much more than in any other Parliament. Even after that, if you say that we should sit whether there is work or no work, I leave it to you to decide.

Shri U. M. Trivedi: Nobody wants to sit with no work.

Mr. Speaker: Let us proceed now with the next item of business.

Shri S. M. Banerjee: He has not replied to my point about the debate on planning and the D.I.R.

Shri Hari Vishnu Kamath: I want to see a clarification.

Mr. Speaker: Order, order. All hon. Members should not stand up together. Hon. Members want to know about the debate on planning and D.I.R.

Shrimati Renu Chakravartty: We want to know about the planning debate and also the point raised by Shri Banerjee about D.I.R.

Shri Satya Narayan Sinha: The debate on planning was included in the agenda for this session. But many hon. Members from all sides went to the Minister for Planning and requested him to postpone it saying that it would be more useful and purposeful if the debate was taken up after the mid-term appraisal is made by the Government. It is on their request that it has been postponed; otherwise the Government was prepared to discuss this matter.

Mr. Speaker: What about D.I.R.?

Shri Satya Narayan Sinha: About D.I.R., Sir, it is not.... (*Interruption*).

Mr. Speaker: Order, order. What does Shri Maurya want?

Shri Maurya (Aligarh): What about the report of the Backward

Classes Commission? What has happened to that?

Shri Frank Anthony (Nominated-Anglo-Indians): You always treat

them in a stepmotherly way; you always treat them very badly.

Shri A. K. Gopalan (Kasergod): This D.I.R., Sir, is a very important thing. We must be given some opportunity to discuss it. Rajya Sabha is discussing it. (*Interruption*).

Mr. Speaker: What he means to say is that one House is discussing it.

Shri Satya Narayan Sinha: Many things are discussed in one House which are not discussed in the other House.

Shri H. N. Mukerjee (Calcutta Central): If Members of this House give notice of a certain subject which is agitating the country and that subject is permitted through Government initiative to be discussed in the other House and not in this House, it really tantamounts to contempt of this House which Ministers have no right to.... (*Interruption*).

Mr. Speaker: Order, order. There has been enough of it. There ought to be some limit. It is already one o'clock.

Shri Ranga: He has made one important observation. I hope it is not final. He made a very emphatic observation that in no other Parliament is so much time given to non-legislative work as in this House thereby meaning that we are doing something which we are not supposed to be doing.

Shri Ranga: It comes to that.

Some hon. Members: No, no.

Shri Ranga: He prefaced his remarks by saying that the Session is called for transacting legislative business and all other work is only auxi-

[Shri Ranga]

liary. It is not so. So far as our own Parliament is concerned we have developed our own traditions.

Mr. Speaker: Yes, yes.

Shri Hari Vishnu Kamath: Sir, let me have half a minute.

Mr. Speaker: There ought to be some limit. I have allowed him enough time.

Shri Hari Vishnu Kamath: If you are good enough to permit me, I will take only quarter of a minute.

Mr. Speaker: If I can call myself "good enough", he should also be good enough.

Shri Hari Vishnu Kamath: The Minister made a statement in answer to my points, and so I want to seek one clarification. He said that the duration of the session depends on the business of the House. You agree, Sir, that since 1950-51 the business has increased, proliferated and ramified considerably. In spite of that.....

13 hrs.

Mr. Speaker: It cannot be taken up in the open House. We will consider it when we sit down separately.

श्री राम सेवक यादव : अध्यक्ष महोदय, पिछड़ा वर्ग के आयुक्त की जो रिपोर्ट है, उसके बारे में मंत्री महोदय ने कुछ नहीं कहा है। उस पर कब बहस हो सकेगी।

अध्यक्ष महोदय : जो वक्त है, उस में जो चीजें आ सकती हैं, उनको बताना दिया गया है। बाकी जो मैम्बर साहब शिकायत कर रहे हैं, उन के लिये डिसकशन नहीं हो सकेगा।

श्री मौर्य : कोई एश्योरेस तो उनकी तरफ से आ जाये।

अध्यक्ष महोदय : यह बात तो उनको कहनी है कि अगली बार जब मिलेंगे तो उसको

जरूर डिसकस करेंगे। आप बैठ जायें, यह बात मिनिस्टर साहब के कानों की है।

Shri Satya Narayan Sinha: Regarding the Defence of India Rules, I am told that a resolution by a private Member is being discussed in this House. So, the matter is before the House in that way.

Some hon. Members rose—

Mr. Speaker: Order, order. I cannot continue this discussion indefinitely. There must be some end to it. We will now take up the next item of business.

13.01 hrs.

DRUGS AND COSMETICS (AMENDMENT) BILL—Contd.

Mr. Speaker: The House will now take up further consideration of the motion moved by Dr. Susha Nayar to refer the Drugs and Cosmetics (Amendment) Bill to a Joint Committee. The time allotted is 3 hours, out of which 55 minutes have already been taken. 2 hours and 5 minutes remain.

श्री यशपाल सिंह (कैराना) : अध्यक्ष महोदय, इस बिल को मैंने बड़े गौर से पढ़ा इसके लिये मैं माननीय स्वास्थ्य मंत्र को भी महोदय को बधाई देता हूँ। इतना जरूर मैं कहना चाहता हूँ कि यह बिल पांच साल पहले आना चाहा था। जो देर हुई है, उससे देश को नुकसान ही हुआ है।

साथ ही मैं यो सुझाव भी देना चाहता हूँ कि इस बिल को होम्योपैथी के ऊपर भी लागू किया जाये। मेरी समझ में नहीं आता है कि आयुर्वेदी और एलोपैथी को आप इस में रखते हैं तो क्यों नहीं होम्योपैथी को भी रखते हैं, क्यों उसको अलग आप रखते हैं। उसके ऊपर भी यह बिल लागू होना चाहिये।