

अध्यक्ष महोदय : आप ने नाम नहीं दिया है (व्यवधान)

श्री शिव नारायण (बांसी) : नहीं, आप का नाम नहीं है।

श्री हुकम चन्द कछवाय (देवाग) : मैं जानना चाहता हूँ कि पाकिस्तान ने जितनी सम्पत्ति हमारी देवायी है वह लगभग सरकार ने भ्रन्दाजा लगाया है कितने की है क्या उस के जवाब में जो पाकिस्तान की सम्पत्ति हमारे देश में है उस पर कब्जा करने का सरकार विचार रखती है ?

श्री बागड़ी : अध्यक्ष महोदय

अध्यक्ष महोदय : आप का नाम तो नहीं है। आपने नाम दिया है ?

श्री बागड़ी : मुझे पता नहीं है।

अध्यक्ष महोदय : कामत, चक्रवर्ती, हेम बरुआ, विश्वानाथ पाण्डेय,

श्री बागड़ी : क्या मंत्री जी बताने की कृपा करेंगे . . .

अध्यक्ष महोदय : आप बैठने की कृपा करिए।

14.37 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SEVENTY-FOURTH REPORT

Shri Hem Raj (Kangra): I beg to move:

"That this House agrees with the Seventy-fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 24th November, 1965."

Mr. Speaker: The question is:

"That this House agrees with the Seventy-fourth Report of the Committee on Private Members' Bills and Resolutions presented

to the House on the 24th November, 1965."

The motion was adopted.

श्री मधु लिमये (मुंगेर) : अध्यक्ष महोदय, मैं ने यह जो असरकारी सदस्यों का काम होता है उस के सम्बन्ध में व्यवस्था का प्रश्न उठाने की

अध्यक्ष महोदय : मैंने तो दूसरे का नाम लिया है (व्यवधान) आप बतायें कि आप क्या कहना चाहते हैं ? आप ने कोई नोटिस दिया है ?

श्री मधु लिमये : दिया है अध्यक्ष महोदय, दिया है। बहुत दिन पहले दिया है।

अध्यक्ष महोदय : बहुत अच्छा, मैं बुला लूँगा फिर। इन को बोल लेने दीजिए।

14.39 hrs.

MOTION UNDER RULES 388 RE: RESOLUTION ON INDIA QUITTING THE COMMONWEALTH

Shri D. N. Tiwary (Gopalganj): I beg to move:

"That rule 30 of the Rules of Procedure and Conduct of Business in Lok Sabha be suspended in its application to the Resolution regarding India quitting the Commonwealth moved by Shri Bhagwat Jha Azad on the 24th September, 1965, further debate on which was adjourned on the 12th November, 1965."

On that day, I was not allowed to move the second motion.

Mr. Speaker: That could not be a ground.

श्री मधु लिमये (मुंगेर) : अध्यक्ष महोदय मैं ने अपने पत्र में आप से यह निवेदन किया था कि 23 सितम्बर, को-पिछले सत्र की बात है-जब यह फैसला हुआ कि आखिरी दिन में

हम लोग काश्मीर समस्या पर श्री भारत-पाक सम्बन्धों पर विचार करेंगे, तो श्री भागवत झा आजाद ने यह प्रश्न उठाया कि उन का जो शुकवार का प्रस्ताव आने वाला है राष्ट्र-कुल सम्बन्धी उसका क्या होगा। प्रधिकृत कार्य-वाही के अनुसार उस समय आप ने कहा है कि उस को भी लिया जाएगा। इसलिए उस को लेने के लिए फैसला किया गया।

23 तारीख के बुलेटिन में यह खबर छपी थी कि उनको नहीं लिया जायेगा यानी शुकवार को जो संकल्प हैं उन पर बहस नहीं होगी, केवल काश्मीर और भारत-पाक सम्बन्धों पर बहस होगी। यह बुलेटिन में छा चुका है। लेकिन आप ने फंमला किया कि इसको लिया जाएगा और 24 तारीख को श्री सुरेन्द्र नाथ द्विवेदी ने भी यह मसला उठाया था कि आज डाई बजे से इन संकल्पों पर जो चर्चा होने वाली थी जिनमें एक श्री भागवत झा आजाद का भी है, उनका क्या होगा। उस के बारे में फैसला हुआ कि भागवत झा आजाद को भी अपने संकल्प रखने की इजाजत पीटर फ्लवारिस के साथ-साथ दी जाएगी।

सारे नियम और कानून मैं ने पढ़े हैं। आपके इस फैसले का और मदन ने सर्व-सम्मति से जो फैसला किया, उस का किसी ने विरोध नहीं किया, उसका मैं यह धर्म निकालता हूँ कि हमारे जो नियम हैं उन के अनुसार वह स्थिति हो गया। मदन की कार्यावाही से यह स्पष्ट हुआ। प्रधान मंत्री जो ने अपने जवाब में भी यह कहा था कि राष्ट्र-कुल के सम्बन्ध में जो बातें रखी गयी हैं उनका जवाब मैं इसलिए नहीं देता हूँ कि पहले सत्र में इस संकल्प पर बहस होने वाली है। इसलिए उन्होंने जवाब नहीं दिया और आपने भी कहा कि आज इस पर जवाब देने की कोई आवश्यकता नहीं है।

इसलिए मेरा निवेदन है कि आपके फैसले पर सर्व सम्मति से सदन ने मुहर लगायी थी इसलिए जहाँ तक श्री भागवत झा आजाद

के संकल्प का सवाल है, नियम 30 लागू ही नहीं होता। यह बात मैं मानता हूँ कि औपचारिक ढंग से कोई प्रस्ताव नहीं रखा था जैसा कि इन्होंने आज रखा है, लेकिन आपके फैसले का और सदन ने जो उस पर मुहर लगायी उसका यह साफ मतलब होता है श्री भागवत झा आजाद के संकल्प के बारे में सदन का फैसला है कि वह निमम स्थिति है। इसलिए मेरा निवेदन है कि अपने पुराने फैसले के अनुसार इस प्रस्ताव को नियम स्थिति करने के लाने की कोई आवश्यकता नहीं। सदन का श्री आप का फैसला है। तो इस संकल्प का जो समय दिया गया है समिति द्वारा उस समय तक इस पर बहस की जाए।

श्री स० मो० बनर्जी (कानपुर) : मैं आप का ध्यान इस तरफ दिलाना चाहता हूँ कि इससे पहले भी ऐसा हुआ है। उस वक्त शायद एक मिनट के लिये श्री ए० के० गोपालन को एक संकल्प मूव करने की इजाजत दी गयी थी। बाद में उस रिजोल्यूशन के बारे में भी कुछ कहा गया, लेकिन उसका पाठ हूड की हैसियत से रखा गया और उस पर फिर बहस हुई। इसलिये जो तर्क श्री मधु निमये ने श्री भागवत झा आजाद के प्रस्ताव के बारे में पेश किए हैं मैं निवेदन करता हूँ कि वह सही हैं। उस प्रस्ताव पर काफी लोग बहस करना चाहते थे और आपकी महमति से और मैं कहूँगा कि आपकी दानिशमन्दी से वे दोनों प्रस्ताव हमारे सामने हैं, पीटर फ्लवारिस साहब का और श्री भागवत झा आजाद जी का। श्री भागवत झा ने अपने प्रस्ताव को मूव किया और बाकायदा उस पर बीस मिनट तक बोले। इसकी चर्चा बीबीसी रेडियो ने की और हमें गाविया भी खूब दी। अगर आज यह एनराज सरकार की तरफ से घटा है कि आज वह प्रस्ताव न लिया जाए तो उसका मतलब यह होगा कि सरकार की नीति है कि वह कामन वेल्प में रहना चाहती है

अध्यक्ष महोदय : इस वक्त तो नियमों पर चर्चा चल रही है।

श्री स० स० बनर्जी : मैं कहता हूँ कि रूल 30 ए लागू नहीं होता। इसलिए मैं दरखास्त करूँगा कि हम लांग इस पर चर्चा करें ताकि यह प्रस्ताव देश के सामने आ जाय।

Shri Hari Vishnu Kamath (Hoshangabad): Sir, I rise on a point of order May 1, at the outset make it clear that I yield to none in my desire to ensure that this important resolution of Shri Bhagwat Jha Azad is discussed in this House not for 3 hours, but for 3 days even. None will be happier than I if that is discussed in extenso and threadbare. But may I submit in all humility that the House would be setting a bad precedent if rules are sought to be superseded, sidetracked and by-passed even though it be a very important resolution?

Taking the point made by Shri Limaye first, if my memory serves me right, what you said on 24th September was that this resolution of Shri Azad would be taken up in the next session. If my memory does not betray me, I believe you also said that it would be taken up on the first day set for private members, bills and resolutions in the next session.

Mr. Speaker: I only said it would be a part-heard resolution.

Shri Hari Vishnu Kamath: That means naturally, it would come up on the first day set for private members' resolutions. According to your direction, it was set down on the order paper. Then a motion was brought forward by Shri D. N. Tiwary. A substitute motion was brought forward by Shri Shree Narayan Das, which was ultimately carried and the other one fell through. So, there cannot be a complaint on that score, as alleged by Shri Limaye and Shri Banerjee, that your direction has been set at naught. Your directions have been carried out, but the House decided that it should not be taken up that day. Then the rules came into operation. Today my friend, Shri Tiwary has moved for the suspension of Rule 30(2), under rule 388.

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao): He has moved for the suspension of both sub-rules (1) and (2)—the entire rule 30.

Shri Hari Vishnu Kamath: The Order Paper says only sub-rule (2). If the entire rule is sought to be suspended, there should be an amendment to the motion on the order paper for which notice is required.

Shri Bhagwat Jha Azad (Bhagalpur): For the suspension of sub-rule (2) he has given notice. For the suspension of sub-rule(1), he has moved with the permission of the House.

Shri Hari Vishnu Kamath: The notice given on the last day lapses, unless it is renewed. Today's notice is only for sub-rule(2).

Let me have your undivided attention, Mr. Speaker. I do not want that the House should set a precedent which might boomerang upon the House sometime in future. Now the entire rule 30 is sought to be included in the motion, and not merely sub-rule(2). If it has your consent, we can proceed further. It is left to you.

Mr. Speaker: I am considering it. He may continue.

Shri Hari Vishnu Kamath: If the entire rule is sought to be suspended, there will be more or less a complete vacuum in which I do not know how you or I or the House can function. Nature abhors a vacuum; science abhors a vacuum; everyone abhors a vacuum. There will be a vacuum of rules.

Shri Vidya Charan Shukla (Mahasamund): It is suspended only for the purpose of the present motion; not for all time.

Shri Hari Vishnu Kamath: Even with this motion, how can we proceed? I submit, the House having given a decision on this matter on the 12th November, it is not open to

the House to revive the decision in this session. For that I rely upon rule 186(vi):

"186. In order that a motion may be admissible, it shall satisfy the following conditions, namely:—

One of the conditions is—

"(vi) it shall not revive discussion of a matter which has been discussed in the same session."

Now, Sir, the Deputy-Speaker who was in the Chair that day, on the 12th November, at the end of the discussion on the point of order raised by me said—I am reading from the stenilled copy of the debate—

"Shrimati Renu Chakravartty: Let us understand, Sir, what has been accepted by the House.

Mr. Deputy-Speaker: The debate on the motion moved by Shri Bhagwat Jha Azad has been adjourned."

That was the decision of the House. "Adjourned" under the rules means "adjourned *sine die*". Unless and until it is fortunate enough to come in the ballot again, "adjourned" means "adjourned *sine die*", in terms of Rule 30(2). The phrase used there is "*sine die*", which means it is adjourned without a date, it is adjourned indefinitely. (*Interruption*).

Sir, it attracts also, besides Rule 186, Rule 338 which says:

"A motion shall not raise a question substantially identical with one on which the House has given a decision in the same session."

Now, Sir, the House decided on 12th November, a fortnight ago, that this be adjourned *sine die*. The Deputy-Speaker also said that it will have to seek its luck in the ballot for resolutions. Therefore, at that point of times, at that stage, the matter

was left there. Today the motion is for reviving a discussion on this matter which had been decided, in the sense that it was adjourned *sine die*. The decision taken a fortnight ago on this matter, as I said, was that the debate be adjourned *sine die* and it should go to the ballot again. There are two aspects of the matter: one is adjournment *sine die* and the other is that automatically, *ipso facto*, it goes to the ballot. That was the decision taken. Now that decision is sought to be altered and discussion is sought to be revived on this issue. It means that it should not go into the ballot or, so to say, risk the ballot, it should get priority and that it should come automatically.

I wish, Sir, there was a rule for resolutions as there is a rule for Bills, dealing with A-categorisation and B-categorisation. That would have been the safest, straightest and the best way. I do not know if there is a rule for resolutions—I am not aware, I am rather ignorant of that. For Bills there is a rule to put them into category A and category B, and category A Bills supersede all category B Bills, and they come on top. I do not know whether for resolutions there is a similar rule.

An hon. Member: No.

Shri Hari Vishnu Kamath: Then, unfortunately, this resolution has got to be balloted again.

Now, there has been a surprise sprung upon the House that Rule 30(1) also should be suspended and not merely Rule 30(2). I think wisdom has dawned too late upon the Member or Members concerned. They are in a quandary, an awkward situation and, therefore, they seek to suspend the entire rule.

My initial objection is that the House should have notice of the motion for suspending sub-rule (1) also of Rule 30. The House should have adequate notice.

श्री बागड़ी (हिसार) : प्रजेज तो हिन्दुस्तान से बहुत पहले के ही नाराज हैं। प्रजेजों की वकालत क्या कर रहे हो ?

Shri Hari Vishnu Kamath: I do not know whether Shri Bagri has followed me. I yield to none in my anxiety....

श्री बागड़ी : उन को वकालत छोड़ दो ।

श्री हरि विष्णु कामत : हम तो यह चाहते हैं कि यह तीन दिन डिस्कस हो जाय ।

श्री बागड़ी : बहुत बुरा कर रहे हो । क्यों उन के गीत पा रहे हो ? उन की वकालत छोड़ दो ।

अध्यक्ष महोदय : इस तरीके से कोई डिबेट तो नहीं टूगा । जब यह बोल रहे हैं वो उन्हें बोल लेने दीजिए । (*Interruptions*)

Shri Hari Vishnu Kamath: Then I come to Rule 30, sub-rules (1) and (2). After sub-rule 30(1) is suspended, what will happen? Sub-rule (1) says:

"When on a motion being carried the debate on a private member's Bill or resolution is adjourned to the next day allotted for private member's business in the same or next session, it will not be set down for further discussion unless it has gained priority at the ballot."

If the House agrees to the suspension of sub-rule (1), that goes. The next sub-rule is:

"When the debate on a private member's Bill or resolution is adjourned sine die, the member in charge of the Bill or the mover of the resolution, as the case may be may, if he wishes to proceed with such Bill or resolution on a subsequent day allotted for private members' business, give notice for resumption of the ad-

journe_d debate and on receipt of such notice the relative precedence of such Bill or resolution shall be determined by ballot."

I do not know whether it is in order for a member other than the mover of the resolution to move a motion—I am rather shaky on that point—and you may decide on that point also.

Both these sub-rules refer to the ballot. If, according to the motion before the House—it is the only motion before the House and there is no notice of the other motion—the sub-rule is suspended ultimately by the House, what will happen is that sub-rule (2) of Rule 30 will disappear and rule 30(1) will operate. That is the predicament in which, unfortunately, the important resolution of my hon. friend, Shri Bhagwat Jha Azad, will be placed.

So, Sir, you will have to decide two issues. The first point to be decided is whether the motion for suspension of sub-rule (1) of Rule 30 without notice is in order. Secondly, if rule 30(2) is suspended by the House ultimately, the point to be decided is whether or not Rule 30(1) will come into operation, whether it will still stand. If Rule 30(2) is suspended, according to the motion that is before the House, sub-rule (1) will still function, it will still operate. Therefore, sub-rule (1) of Rule 30 will still be in operation and under that this will have to go into the ballot. Therefore, on either ground, as well as, on the other grounds which I have already stated, we cannot revive the discussion.

Mr. Speaker: Rule 30(1) had had its effect, a motion was carried and the debate on the resolution was adjourned to the next day allotted for resolutions. It has not been put down now on the Order Paper because it had not gone to the ballot.

Shri Hari Vishnu Kamath: Now they seek to suspend sub-rule (1) also. If I heard Pandit Tiwary

aright, he seeks to suspend both the sub-rules, the entire rule and not only sub-rule (2).

Shri Bhagwat Jha Azad: Rule 30 as a whole.

Shri Hari Vishnu Kamath: The hon. Member says that the motion is to suspend the entire rule even though sub-rule (1) has operated. Sub-rule (1) has operated and the debate on the resolution was adjourned. I do not know how a rule which has already operated to its detriment, to its disadvantage, which has already worked, can be suspended. Now? There are also Rule 186(vi), and Rule 338 which I have mentioned.

Lastly, I would say that notice of the motion, if it is sought to be moved, to suspend sub-rule (1), is necessary, and that cannot be allowed without adequate notice.

18 hrs.

श्री बागड़ी : अध्यक्ष महोदय, मैं दो बीन मिनट में अपनी बात रख देता हूँ। पन्द्रह दिन पहले जो धार्डर पेपर था, उस के ऊपर इस रेजोल्यूशन के घाने का मतलब यह है कि दफा 30 बिल्कुल मुप्रत्तिल थी। अगर यह मुप्रत्तिल न होती, तो लाटरी डाले बतौर वह धार्डर पेपर पर कैसे घाता ? घाप 23, 24 सितम्बर की कार्यवाही को बढ़ लीजिए। उससे साफ़ जाहिर हो जायेगा कि दफा 30 मुप्रत्तिल थी। इस में तो कोई बहस की बात नहीं रह जाती है। जहाँ, अगर अंग्रेज की बकालत की बात हो, तो वह तो अलग बात है।

Shri Bhagwat Jha Azad: May I submit that the first point raised by Shri Limaye and other friends including myself was that because you had given that permission on 24th to move the Resolution, it was presumed that this rule does not operate. Although our friends have argued, I need not bring in any argument in support of my point.

I immediately come to the motion which has been moved by Shri Tiwary, to which Shri Kamath has taken objection. The first argument of Shri Kamath is that it is a bad precedent. To this I say that it is not very often but very rarely that this House has suspended the rules, and that too under certain special circumstances. And that has been done not only in the case of resolutions but in the case of other motions also. Whenever the House has felt that the operation of this rule should be suspended in the case of some motion or resolution, it has done it. Therefore, to say that this is a bad precedent is not at all correct. May I draw your attention to one particular instance. In this very year, in the month of March when Dr. L. M. Singhvi moved a motion in this House, Shri N. C. Chatterjee moved a motion that the debate be adjourned and he also moved for the suspension of this rule. Therefore, even in the case of resolutions this rule has been suspended, at least once. Therefore, to say that this is a bad precedent is beside the point.

The second argument of Shri Kamath is based on rules 186(vi) and 338. Rule 186(vi) says that when a motion has been rejected by the House, it cannot be brought before the House during the same session. I may submit that no such motion has been brought before the House. There was no motion before the House to suspend rule 30(1) or (2). Therefore, rule 186(vi) is not at all applicable to this case.

Then he referred to rule 338 which says that once a decision has been taken by the House on a motion a substantially identical motion cannot be moved in the same session. I give the same argument. What happened on the 12th November was this. When Shri Tiwary moved his motion, a substitute motion was moved by another Member and that was adopted. If Shri Tiwary's motion had been rejected by the House then

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alone would rules 186(vi) and 338 become applicable.

Therefore, these two rules are not at all applicable to the present case. Coming to rules 30(1) and (2) I can only say that I feel, because this motion has been adjourned it does not mean adjourned *sine die*. Rule 30(1) says that if a motion is carried that the debate on a private Member's resolution or Bill be adjourned to the next day allotted for private Members' business in the same or next session, it will have to be balloted afresh. But because Shri Tiwary's motion was not voted, rule 30(1) does not apply.

In rule 30(2) the term '*sine die*' is there. In the substitute motion that term was not used. If it is presumed that it is *sine die* then rule 30(2) would become applicable. Therefore, the motion is that the operation of rule 30(2) should be suspended.

I think it is within the competence of this House to suspend this rule and it will not be creating any bad precedent. I need not dwell on the point how the whole House, the entire nation, the intellectual and the commoner, every one is interested in this motion.

श्री रघुनाथ सिंह (वाराणसी) : अध्यक्ष महोदय, चूंकि मेरा रेजोल्यूशन घाने वाला है, इसलिए मुझे भी एक मिनट मिलना चाहिये।

अध्यक्ष महोदय : अगर आप अपने रेजोल्यूशन को सेफगार्ड करना चाहते हैं, तो वह तो दूसरा सवाल है।

Shri D. C. Sharma: (Gurdaspur): My first submission is this. We have suspended the rule in the past in the case of Ministers, Deputy Ministers and Members. We have done it in the case of Members who have moved Resolutions. So, I do not think the heavens are going to fall if the

rules are suspended, in favour of Shri Bhagwat Jha Azad.

Secondly, an hon. Member has said on the floor of the House that we have no right to revise our judgment. In that case, how is it that a judgment which was given on a previous day was again revised? I do not understand why an hon. Member should make an argument which makes him condemned his own words.

The third point is that this Resolution has been not only before this House but it has been before the whole of this country since the 24th of September. At the same time, if the discussion of the Resolution could not be continued last time it was because the mover of the Resolution had gone abroad, not for sight-seeing, not for holiday-making but for doing some good work for the whole country. That is why this Resolution could not be taken up that day. Shri Tiwary was perfectly justified in saying that the further consideration of that Resolution could not be done on that day. Now that the hon. Member has come back—according to the hon. Member, Shri Kamath, he has come too early; he should have come after the session was over; unfortunately, he has come too early—I think he has every right to move this Resolution.

Then, Sir, you had given this Resolution special recognition that day. We were discussing the international situation that day and normally you do not take up Resolutions moved by any private Member on that day. But, you gave this hon. Member as much importance as you gave to the Foreign Minister and you allowed him to move his Resolution along with the motion proposed by the Minister of External Affairs. So, this Resolution has got a unique importance, a special significance, a particular relevance in the context of today and I feel anybody who tries to

argue about the rules in a pettifogging manner should not be listened to and that we must suspend the rules as we have done in the past.

Shri Vidya Charan Shukla: The only thing I would like to point out, because some of my points have been covered by Shri Sharma, is that all the rules that Shri Kamath referred to are relevant only in the case of substantive motions, not in the case of a motion of this kind which is sought to be moved by Shri Tiwary. All the rules that Shri Kamath quoted are not relevant because the motion before the House is not a substantive motion.

श्री शिव नारायण (बांसी) : मैं कहना चाहता हूँ कि यद्यपि पहले दिन इस रेजोल्यूशन के लिये मौका नहीं था, लेकिन आपने श्री भागवत झा झाजाद को स्पेशल चांस देकर इसको मूव करवाया। लीडर आफ दि हाउस, प्राइम मिनिस्टर, ने अपने रेप्लाई में कहा कि हम श्री झाजाद के रेजोल्यूशन के सम्बन्ध में इस वक्त जवाब नहीं देंगे, बल्कि बाद में देंगे। इस लिये इस रेजोल्यूशन के साथ सारे हाउस और सारे कंट्री का प्रेस्टीज बंधा हुआ है। श्री झाजाद ने ऐसा रेजोल्यूशन इस हाउस में पेश किया। माननीय सदस्य अपने प्राइवेट विजिनेस के लिए नहीं, बल्कि गवर्नमेंट और मुल्क के विजिनेस के लिए बाहर गए थे। वह ब्यूरिंग दि सेशन बाहर गये थे और सेशन के एडजर्न होने से पहले ही लौट आये। मैं निवेदन करना चाहता हूँ कि इस रेजोल्यूशन के साथ श्रीमन् और इस हाउस का प्रेस्टीज एट स्टेक है। इसलिये इसको लिया जाना चाहिये।

Shri Vasudevan Nair (Ambalapuzha): Sir, you will be pleased to remember that this Resolution falls in a special category, and that should be the most important consideration, apart from the niceties of rules, for deciding this question. I wholeheartedly support the motion for the suspension of this rule. I may point

out that you have treated this Resolution in a special category. That should be borne in mind even now. We have motions moved by Private Members, no-day-yet-named motions—for example, the motion of Shri Yashpal Singh—which are proceeding from session to session. You will remember that the discussion on the motion on the report of the Backward Classes Commission was concluded only yesterday. I feel there is no harm in treating this Resolution a little differently from an ordinary Private Member's Resolution. I am really sorry to find that Shri Kamath has stood as a stumbling block in this case.

Shri Bada (Khargone): Sir, I quite agree with Shri Kamath. I have also discussed it with him. The best way is to suspend this rule, looking to this Resolution which is very important and about which the whole country is keen, so that it can be taken up in this session. I support Shri Bhagwat Jha Azad.

Shri G. N. Dixit rose—

Mr. Speaker: Does he want to say something legal? I am not concerned with extraneous circumstances.

Shri G. N. Dixit (Etawah): I want to say a word if you will permit me. Apart from my views on the main Resolution, the law appears to be clearly in favour of Shri Azad and Shri Tiwary. On the main Resolution I may hold views not in agreement with that; but, so far as this rule 388 is concerned, it is independent of all other rules. Rule 388 has no bearing or connection with rule 30 or any other rule. The only way to withhold this Resolution is that you withdraw your consent. Once the consent is accorded, rule 388 clearly states:—

"Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the

[Shri G. N. Dixit]

motion is carried the rule in question shall be suspended for the time being."

This means, withholding it lies only within your power. If you give your consent, the motion is before the House and the majority of the House will decide about it. No other rule comes in the way of rule 388. This is the position in law.

Shri Nath Pal (Rajapur): Sir, I would just like to draw your attention to rule 388, which has a very particular aspect. I trust, in our eagerness to discuss a very important matter, we will not be descending to the level of attributing motives as was done earlier. Since the matter is of the utmost importance, I fully endorse Shri Bhagwat Jha Azad's plea and we should have a special debate. But what we are discussing now is something very different and of great importance. May I point out to the rule referred by the hon. Member who just preceded me, rule 388? I just beg your indulgence for having to read it. It says:—

"Any member..."

Let us read it very clearly.

"Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House".

The very important thing is that the motion must be before the House. That motion does not exist today—Shri Bhagwat Jha Azad's Resolution, which ought to have been discussed and which was put aside because of a technical thing. We are only discussing the procedure and not the merits of Shri Bhagwat Jha Azad's Resolution. So, I beg of all Members not to make a reflection on a man like Shri Kamath. . . (Interruption).

Some hon. Members: No, no.

Shri Nath Pal: I am very glad, I have the assurance of the House. I am very happy.

Mr. Speaker: Let us consider it coolly.

Shri Nath Pal: That is my plea. I may point out that Shri Bhagwat Jha Azad's motion is not today before the House. Had it been before the House, the suspension of this rule with regard to that motion would have been appropriate. This rule is to be suspended with regard to a motion. Do we have a motion before us? Does the House have a motion before it today? That motion has already been suspended because of an earlier decision and, therefore, the motion to suspend this rule does not become applicable here. That is my submission and I want the House to coolly ponder over it.

Shri Jaganatha Rao: Sir, Shri Kamath relied on rule 186(vi) and rule 338. Rule 186(vi) applies only to a case where it shall not revive a discussion of a matter which has been discussed in the same session. The word used there is "revive"; that means, a motion which has been rejected and subsequently is sought to be revived, is barred in the same session under rule 186(vi).

Rule 338 says:—

"A motion shall not raise a question substantially identical with one on which the House has given a decision in the same session."

Therefore, these two rules have no application in this case. What happened on the 12th November was that a motion by Shri Shree Narayan Das that this Resolution be adjourned was carried; not that it was carried to the next day. Now, the motion of Shri D. N. Tiwary is that under rule 388, rule 30(2) be suspended. He wants the suspension of rule 30(2).

Now, only yesterday, my hon. friend, Shri Kamath's motion that the discussion on the Banaras Hindu University Bill be adjourned, was carried though the previous day it was rejected.

Mr. Speaker: The last point raised may be answered first, that is, so far as Shri Nath Pai's point is concerned.

Shri Jaganatha Rao: I would say that is a point really which has to be replied to. The other points, of course, need no reply. In rule 388 the words used are "a particular motion before the House". Whether a particular motion of Shri Azad is before the House is the point. That motion can be deemed to be before the House because it is not rejected, though it is not listed for today, I concede.

Mr. Speaker: I will take it up again because this is a point which appeals to me.

Shri Jaganatha Rao: That is a most vital point. Other points have no substance.

Mr. Speaker: I can help him in so far as there is a motion of Shri Bhagwat Jha Azad; that Resolution is there. That cannot be taken up unless we suspend the rule or it is rebalotted.

Shri Jaganatha Rao: I was going to say the same thing.

Shri Nath Pai: You did not do that. The Speaker helped you.

Mr. Speaker: He should study it further because I am myself not satisfied with my own explanation. Whether a motion which is not on the Order Paper but which the House has simply discussed and the debate on which has been adjourned, shall be considered as a motion before the House, is the question to which I want a reply.

So, I will just ask him to study it and give me the reply on Monday. This may be helpful. It does not

matter if it is taken up on an official day. We can take it up. That is an important point.

Shri Nath Pai: You are yet to decide the point raised by me, whether the original motion of Shri Bhagwat Jha Azad is before the House, because the rule can be suspended only in regard to the existing motion. My submission was that there is no motion before the House. Now, you are to decide whether that motion is alive or not. I am trying to follow your point.

Mr. Speaker: Whether that can be considered as a motion before the House is the point that I am asking him to study.

Shri Bhagwat Jha Azad: He can throw light on that; but I will only say that the suspension of the rules comes only when a motion before the House is adjourned. Nowhere the Rules of Procedure point out when a Member should move the motion to suspend the rule. Nowhere in the whole of the Rules of Procedure it is said when a Member can move such a motion—after the debate is adjourned, the same day, maybe. It may be pointed out to me that a rule debars a Member from moving a motion to revive the debate after suspension. The rule is absolutely silent. The rule gives me the right to move a motion the same day or five days, ten days or even a month after. Nowhere the rule points out that. Therefore the Member is absolutely within his right to move it.

Mr. Speaker: It is under rule 388 that it is being moved that rule 30(2) be suspended.

Shri Bhagwat Jha Azad: In that case, it is not a question of time but it is a question of your consent. If you withdraw your consent, nothing happens. But the motion before the House is to suspend rule 30(2).

Mr. Speaker: The hon. Member would first tell me whether this motion of Shri D. N. Tiwary is under rule 388.

Shri Jaganatha Rao: Yes, Sir.

Shri Radhela Vyas (Ujjain): May I make a submission? If rule 388 does not apply here because a motion is not before the House, it means that there is no rule for suspension of a rule with regard to a motion which is not before the House and, therefore, it is covered by rule 389. Under that Rule, you can take action.

Mr. Speaker: There is a specific Rule . . .

श्री मधु लिमये : अध्यक्ष महोदय, मेरी गुजारिश जो क्रम है, जो सिलसिला है, उसके बारे में है। मैं ने पहला प्रश्न उठाया ब्यवस्था का कि मेरी यह मान्यता है कि यह जो नियम 30 है वह इस वक्त मुलतवी : ।

अध्यक्ष महोदय : अगर आपका कहना यही है कि उस घांड़र में लेते हैं तो मेरा खयाल है कि यह बात नहीं है। मैं आपसे इस बारे में एग्री नहीं कर सकता क्योंकि मैं ने तो उस दिन यह कहा था कि :

This would be considered as part-heard and would be continued next time.

मगर उतके बाद जब फंसला हाउस का घ्रा गया कि इस को एडजर्न किया जाये तो मेरा उस वक्त का कहना कि यह नेक्स्ट डे लिया जायेगा कुछ माने नहीं रखता ।

श्री मधु लिमये : इसके सम्बन्ध में आप मेरी एक प्रर्ज सुन लीजिये । मैं ने उस दिन भी यह प्रर्ज किया था कि इस पर कोई निर्णय नहीं हुआ, क्योंकि आप देखिये

अध्यक्ष महोदय : आपने कहा था कि इतने घंटे जारी रहेगा

श्री मधु लिमये : नहीं नहीं, यह भी कहा था । बात यह है कि उस दिन के घ्रांड़र पेपर पर घ्राया कैसे । अगर नियम 30 लागू होता है तो इसका बैलट होना चाहिये था . . .

अध्यक्ष महोदय : उस दिन घ्राये तो इसकी सपोर्ट में था जो आप कह रहे हैं कि यह इरादा कि अगले दिन चलेगा ।

श्री मधु लिमये : यह मैं कह रहा हूँ . . .

अध्यक्ष महोदय ठीक है, उस दिन घ्रा गया, फिर जब हाउस ने फंसला किया . . .

श्री मधु लिमये : नहीं, उस वक्त नहीं लाया गया ।

अध्यक्ष महोदय : जब यह फंसला हो गया कि उस वक्त न लिया जाये तो कैसे हो सकता था ।

श्री मधु लिमये : ऐसा फंसला नहीं हुआ । स्पगित किया जाये । उसे पढ़ा जाये ।

Mr. Speaker: This is held over. I will hear the Law Minister again on Monday and then give my decision.

Shri Vidya Charan Shukla: We have to decide what is the meaning of a motion being before the House. This is the main thing. Is it that the motion has to be on the Order Paper or is it so when the motion is part-heard? The House is seized of the motion. It has been partly discussed. The Prime Minister had said that he would reply to it later.

Mr. Speaker: That does not make any difference, whether the Prime Minister says or I say.

Shri Vidya Charan Shukla: The main point is that the House is seized of the motion. It can be deemed to be before the House.

Mr. Speaker: That I will hear on Monday. (Interruption).

श्री हरि बिष्णु कामत : आप का अध्यादेश कब होगा ?

अध्यक्ष महोदय : मैं उसी दिन फंसला दे दूंगा । जो शब्द आपने कहे हैं अगर उनका मतलब है कि मैं फंसला करूंगा तो मैं फंसला उसी दिन दे दूंगा । (Interruption).

Order, order. We will now take up the next item.

Shri S. M. Banerjee: I have already given you a Resolution. Will you give your ruling on that? The argument is that since there is no motion before the House, so it cannot be suspended. Taking advantage of it—I wanted to fill up the vacuum—I gave you the Resolution... (*Interruption*).

Mr. Speaker: How can that be done? We now take up the other business.

Shri M. L. Dwivedi (Hamirpur): I want to move my motion.

Shri Bhagwat Jha Azad: There is a motion on the Order Paper; that ought to be allowed to be moved. We had asked the consent for moving the motion to suspend rule 30. There is a motion to suspend rule 30(2). That should be allowed to be moved.

Shri M. L. Dwivedi: I want to move this motion . . .

Mr. Speaker: That can only be moved if the first one is carried. Unless the first one is carried, how can the second one come in?

Shri Bhagwat Jha Azad: There is no question of first one being carried. Some of the Members hold that it is by the suspension of rule 30(2) only that it serves the purpose. That only comes when Mr. Tiwary does not move the original motion. But a Member who has given the motion wants to move that. You allow this motion to be moved. Let that be moved.

Mr. Speaker: Which one does he want to move?

Shri Hari Vishnu Kamath: Once it is adjourned sine die, it is not before the House.

Mr. Speaker: Which one does he want to move?

Shri M. L. Dwivedi: I want to move this motion.

Shri Bhagwat Jha Azad: It is in the Order Paper.

Mr. Speaker: Which one? This confusion should be avoided. Let me understand it.

Shri M. L. Dwivedi: Item 15 of the Order Paper:

"That rule 30(2) of the Rules of Procedure and Conduct of Business in Lok Sabha be suspended in its application to the Resolution regarding India quitting the Commonwealth moved by Shri Bhagwat Jha Azad on the 24th September, 1965, further debate on which was adjourned on the 12th November, 1965."

I want to move this motion.

Mr. Speaker: What did Mr. Tiwary do?

Shri M. L. Dwivedi: He said rule 30. He moved something different. I want to move the motion which is on the Order Paper.

अध्यक्ष महोदय : बहुत अच्छा, ठीक है। यह मूव हो गया।

It is held over till Monday. We now take up the other business. Shri Krishna Deo Tripathi—he is absent. Then, Shri Raghunath Singh.

15.27 hrs.

RESOLUTION RE. MODERNISATION OF INDIAN NAVY

Shri Raghunath Singh (Varanasi): Mr. Speaker, Sir, I beg to move:

"This House is of opinion that immediate steps be taken to develop and modernise Indian Navy in order to make it effective."

मैं इस संकल्प को प्रस्तुत करते हुए सदन का ध्यान आकषिप्त करना चाहता कि यह संकल्प सुरक्षा की दृष्टि से बहुत आवश्यक है। सुरक्षा की दृष्टि से