

12.12 hrs.

ELECTION TO COMMITTEE

INDIAN NURSING COUNCIL •

The Minister of Health (Dr. Sushila Nayar): Sir, I beg to move the following:

"That in pursuance of clause (o) of sub section (1) of section 3 of the Indian Nursing Council Act, 1947, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Indian Nursing Council."

Mr. Speaker: The question is:

"That in pursuance of clause (o) of sub section (1) of section 3 of the Indian Nursing Council Act, 1947, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Indian Nursing Council."

The motion was adopted.

12.12½ hrs.

BUSINESS ADVISORY COMMITTEE

THIRD REPORT

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I beg to move the following:

"That this House agrees with the Third Report of the Business Advisory Committee presented to the House on the 6th August, 1962."

Mr. Speaker: The question is:

"That this House agrees with the Third Report of the Business Advisory Committee presented to the House on the 6th August, 1962."

The motion was adopted.

1339 (Ai) LSD—6.

12.13 hrs.

NATIONAL CO-OPERATIVE DEVELOPMENT CORPORATION BILL—
contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri S. K. Day on the 6th August, 1962, namely:—

"That the Bill to provide for the incorporation and regulation of a corporation for the purpose of development of agricultural produce and certain other commodities on cooperative principles and for matters connected therewith, as amended, be passed."

Shri Trivedi.

Shri U. M. Trivedi (Mandsaur): Before I proceed with this, I want to raise a point of order on this question and seek your clarification whether the procedure adopted in allowing clause by clause discussion of this Bill yesterday was in order or not. The point was raised yesterday and the hon. Deputy-Speaker who was in the Chair proceeded with the debate. I refer to rule 75.

Mr. Speaker: If the House has proceeded with it and the Deputy Speaker has allowed it, I am not a court of appeal.

Shri U. M. Trivedi: I am not appealing to you as a court of appeal; I want this clarification because this question will again come up.

Mr. Speaker: When it comes up again whoever is in the Chair will take a decision; I cannot take any abstract interpretation.

Shri U. M. Trivedi: It is patent on the face of it.

Mr. Speaker: The Deputy Speaker was in the Chair; he has allowed the discussion. The House has passed the clauses. There is nothing that can be raised now on this question and we cannot discuss whether that discus-

[Mr. Speaker]

sion was *intra vires* or in conformity with the rules or not; that cannot be taken up now.

Shri Tyagi (Dehra Dun): I beg to submit that the question that arises is a question of procedure; whether you or the Deputy Speaker can go against the rules because a wrong ruling given may not go as a precedent for future. It is for that clarification that your ruling is needed. The House has agreed to the ruling because we have passed those clauses and so, as you say, we cannot take any objection to the procedure because it was regularised by the Deputy Speaker. But now the relevant question before the House is: whether you or the Deputy Speaker have the right to over rule the bylaws.

Mr. Speaker: We have no authority to over rule the law or other rules. But the difficulty is, whatever the Chair decides, that is the right interpretation at that moment. Therefore, if the Deputy-Speaker has taken a decision in those particular circumstances, on a particular case, for those circumstances and for that particular case that is the right decision and I cannot sit in judgment over that. If it is an abstract interpretation of any rule, that would be a different thing.

Shri Tyagi: Will you agree that it will not go down as a precedent for the future?

Mr. Speaker: Every case is to be decided on its merits when it comes.

Shri U. M. Trivedi: It is not a question of every case. It is a question of the rule itself. The rule is very clear, and if we want to change the rule we must change it. The application of the rule is such that it is going to occur just now, in one minute or in another half an hour. The point at issue is very simple.

Mr. Speaker: Order, order. I request the hon. Member just to ap-

preciate my difficulty. If it is likely to arise within half an hour, I will be here and he can raise it, and I can give a decision. That would be a different thing altogether but now, without anything being before us, I cannot take an abstract question of a rule or procedure and then give my advice or my judgment on it. Probably I might be called at that moment to give my own ruling. That is a different thing altogether. At this moment, when there is nothing before me, I cannot review or revise or just modify whatever has been done by the Deputy-Speaker. It would be only a fruitless discussion if we enter into it. I would request the hon. Member to proceed with his speech.

Shri U. M. Trivedi: Mr. Speaker, Sir, the second reading of this Bill was hurriedly gone through. The grouse of the House is that one could not come prepared to argue the whole matter on account of certain peculiarity of the procedure which was adopted in rushing through this Bill. The first and foremost thing in this Bill was that the financial memorandum on which I raised an objection was supplied to me a minute before the third reading started. It was impossible for anyone to go back on what has taken place. Once the rushing has been done and once the various stages had been completed, it was extremely difficult for me to offer a proper criticism on the various provisions of this Bill.

However, my objection to this Bill, as I have said, is this. Even at this stage, I do not think it will be improper for the Government to agree that the nomination of all the members under clause 3 should be reconsidered and reconsidered at the Governmental level. Nominating all the members and then having a close preserve for themselves and providing perhaps a remuneration by way of honoraria or by way of fees, or whatever we may

call it, to so many members, will be a sort of appointment to sinecure posts of persons who are favoured by the Government.

With these few words, I would request the Minister of Community Development to look into this matter even today and agree that this nomination must be left to the hands of this House and be made as suggested by me.

Shri Inder J. Malhotra (Jammu and Kashmir): Sir, yesterday also I stressed one point, that this law should be extended to the State of Jammu and Kashmir. I would again request the Minister to take whatever steps are necessary for the extension of this law to Jammu and Kashmir State.

I listened very attentively to the speech of Shri Trivedi yesterday and today also. I do not understand why he has got some apprehension that by passing this law and by the creation of this Corporation, something very undesirable is going to happen to the country. On the contrary, I think that basically it is a very simple change in the law. Previously the Board was taking care of all the things now mentioned as functions of this Corporation. There is a little technical change that instead of the Board, now the Corporation will be functioning. I think by the formation of such a Corporation, the co-operative movement would, in every sphere of its activities, definitely receive better encouragement, and incentive.

Regarding nominations of members, I do not totally agree with what Shri Trivedi has mentioned. But I would certainly say that the nominations of all the members should not be left to the discretion of Government, but some non-official agencies, especially representatives of cooperative societies and organisations, should also be allowed to serve in this Corporation.

Dr. L. M. Singhvi (Jodhpur): Sir, Speaking at the fag end of the debate, I have not much to say. But I do want to invite the attention of the Minister very emphatically to the fact that there are certain provisions which ought to be reconsidered even at this late stage, because these clauses are not inconsonance with the known principles of law and with the general trends of legislation in this country.

Mr. Speaker: How can the Minister reconsider at this stage when the House has passed all the clauses?

Dr. L. M. Singhvi: These clauses may really make this piece of legislation a very unwholesome one.

Mr. Speaker: He may give his opinion, but how can the Minister reconsider at this stage?

Dr. L. M. Singhvi: Not only the Minister, but the House also, because it so happens that in the parliamentary form of Government, if the Minister so chose, perhaps he would carry the party with him and then, of course, the House would be of that mind. If we look at clause 6, we find that the Central Government may remove from office any member only by giving him a reasonable opportunity of showing cause against the proposed removal. Neither the grounds on which a person may be removed are stated nor is it mentioned that a statement of the grounds would be furnished to him as to the cause of his removal. This is entirely repugnant to the entire scheme of legislation in this country. I think this is a matter which does deserve reconsideration in the hands of this House.

There is another matter to which I invite attention of this House and that is clause 21, which says:

The Central Government, if it is of opinion that the Corporation has failed to carry out its

[Dr. L. M. Singhvi]

functions under this Act or that for any other reason it is not necessary to continue the Corporation, may, by notification in the Official Gazette, dissolve the Corporation from such date as may be specified in the notification."

This provision also, I think, runs counter to the very principle of the existence of a corporation. The main justification for having a corporation is to provide it, to arm it with a certain measure of autonomy, and if the Central Government can abolish or dissolve this corporation at its sweet will and discretion without any prescribed procedure of law, then it would not be in accordance with the very purpose which has been stated by the Deputy Minister, while he opened the discussion in the House, and the Minister while he was replying to the debate.

The Minister of Community Development, Panchayati Raj and Co-operation (Shri S. K. Dey): Mr. Speaker, Sir, I would not like to burden this House with another speech today. Whatever I had to say on the various points raised yesterday on this Bill, I have attempted to cover as comprehensively as I could. A few points have been raised by the hon. Member Shri Trivedi, today, and I would, very briefly, like to answer those points.

He said that the paper which is supposed to be the financial memorandum attached to this Bill was submitted very late. I would only like to mention that actually there is no financial statement called for in this Bill for the simple reason that there is no special amount intended to be given to this Board. As I explained yesterday, every year this House sanctions a certain allotment to the Ministry for co-operative development. A portion of that allotment is routed through the Co-operative Development Board. It is not possible,

therefore, for the Ministry to anticipate what allotment this House is going to make from year to year and what portion actually will be spent through the Board. We can only give the past indications in the statement.

Shri U. M. Trivedi: Is it a charitable society?

Shri S. K. Dey: The only other thing on which an estimate perhaps would have been possible was the expenditure on establishment. This I mentioned at the very beginning, even before even the Bill was taken for first consideration, as you will find if you will kindly refer to the proceedings yesterday, and then we circulated a paper elucidating what we had to say to the House within about half-an-hour of the point at which this Bill was taken into consideration.

Shri Trivedi has mentioned that it is the intention of the Government to make this Board a close preserve of either the Government or the ruling party. There is no question of anything being a close preserve. I mentioned yesterday that it is an organisation that is being brought into being for close collaboration between non-official representatives of the co-operative movement and the representatives of the various ministries and agencies of Government which are closely involved in the development of co-operation in this country.

There is no question of any honorarium because no one who is a member in this draws any honorarium from the Board. The only expenditure that is incurred for the members is the expenditure for attending the meetings like travelling expenses, out-of-pocket expenses etc.

So far as nomination is concerned, I had already mentioned yesterday why we could not introduce into the working of this Board a system of election. It would immediately inject

group politics, party politics and other things. It is expected to be an agent of the Ministry for routing of certain expenditure and for promotion of the co-operative movement.

Shri U. M. Trivedi: Are you running a charitable society so that people will go and attend its meetings for mere out-of-pocket expenses? Is it a charitable institution?

Shri S. K. Dey: There are still people in this country—we are very happy—who are prepared to champion a worthy cause by taking out-of-pocket expenses.

Shri U. M. Trivedi: Call it a charitable society, and we all will go.

Shri S. K. Dey: All co-operatives are expected to be that. In this country, Sir, all office-bearers in co-operative institutions, even today, at least the bulk of them, work in an honorary capacity.

Shri U. M. Trivedi: And then they will cut each other's throat.

Shri S. K. Dey: Then, we shall examine the point made by Shri Gupta.

Shri Inder J. Malhotra: My name is Malhotra and not Gupta.

Shri S. K. Dey: I am sorry. We shall examine the question with reference to Jammu and Kashmir.

As for the clauses in the Bill being undesirable and unprogressive, as the hon. Member, Dr. Singhvi, mentioned yesterday and repeated today, I believe a lot of the so-called undesirable features of any, can be corrected by the rules of procedure which we shall be very careful in framing. So, I move:

“That the Bill, as amended, be passed”

Mr. Speaker: The question is:

“That the Bill, as amended, be passed”

The motion was adopted.

ASSAM RIFLES (AMENDMENT) BILL

Mr. Speaker: The House will now take up the consideration of the Assam Rifles (Amendment) Bill.

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): Sir, I beg to move:

“That the Bill further to amend the Assam Rifles Act, 1941, be taken into consideration.”

This is a very simple Bill and I do not think I should take up the time of the House to go into the details. The first object is that the Assam Rifles Bill should apply to a larger area than Assam itself. In fact, even now the Assam Rifles are functioning round about Manipur and other parts which are not in Assam. Therefore, it is only fair that this should apply to that larger area. So, instead of specifying particular places where they should function and this should be applied, we have stated that the Act will apply to the whole of India. Naturally, the Assam Rifles are usually stationed in the north east.

The second amendment deals with certain protection, certain powers and functions in these areas. These are difficult areas. Here I am not referring to Nagaland, because it hardly applies to Nagaland. Because, in Nagaland other measures apply and the army is there. But in other areas which have not been declared for the purpose, the Assam Rifles cannot function adequately without these powers.

I find that there are some amendments to the Bill. I have considered them, but I cannot accept any of