

resigning member and in the interest of the House, because he is going to say good-bye to us for a long time, out of humanitarian considerations, and I know how much of a human being you are I hope you will give him an opportunity to make his submission.

**Mr. Speaker:** More often rather adverse criticism is made against me that I do not have sympathy. Now I am obliged to Shri Hem Barua that he gives me that much of consideration.

**Shri Hem Barua:** I always do so.

**Mr. Speaker:** Yesterday, we had a discussion on this for about one hour and I expressed my difficulty in that respect. Of course, I am obliged to Shri Hiren Mukerjee that he always uses good language and it is good that I always learn from him. But I am bound by the rules. I have expressed my difficulty. After hearing the members yesterday it was agreed and the Leader of the House also consented, that we will amend the rules.

**Shri Hem Barua:** Yes, the House has agreed to amend the rules.

**Mr. Speaker:** We will amend that. But until they are amended, I have to go by the present rules. Now, Shri Krishnamoorthi Rao.

12.26 hrs.

COMMITTEE ON, PRIVATE MEMBERS BILLS AND RESOLUTIONS

MINUTES

**Shri Krishnamoorthy Rao** (Shimoga): I beg to lay on the Table the Minutes of the Ninety-sixth to Hundredth sittings of the Committee on Private Members' Bills and Resolutions held during the current session.....

**श्री बागड़ी (हिसार) :** मेरा व्यवस्था का प्रश्न है। उस को आप सुन लीजिये। मैं

आप से इस प्रश्न पर व्यवस्था चाहता हूँ। कि जो आप यह सदन चलाते हैं मैं उस को कायदे के मुताबिक नहीं समझता हूँ। एक माननीय सदस्य जब बोल रहे हों तब आप दूसरे सदस्य को बोलने की इजाजत देते हैं। जब तक पहले सदस्य का बोलना बन्द न हो जाये या उसकी पूरी नहीं सुन ली गई हो, उसके पहले दूसरे को आप बुला लेते हैं और दो आदमियों को एक समय में बुलवाते हैं। इस तरह से आप सदन को कण्ट्रोल नहीं करते हैं, बल्कि यह इस सदन के हकों पर डाका है क्योंकि सदस्यों की पूरी बात सुनी नहीं जाती। मैं आप की व्यवस्था चाहता हूँ कि क्या यह जायज है कि एक मेम्बर बोलता रहे और दूसरे मेम्बर को आप बुला लें तथा दोनों साथ बोलते रहें।

**अध्यक्ष महोदय :** बिल्कुल जायज नहीं है और यह बड़ा पाप है। जो ऐसा करते हैं और मेरे मना करने के बावजूद बोलते रहते हैं, वह पाप करते हैं।... (अध्वबान)

**श्री बागड़ी :** इस तरह से सदन चलेगा नहीं।

**अध्यक्ष महोदय :** जो इस तरह से बोलता है वह खुद मर्यादा को भंग करता है। जब यहां पर मैं मना करता हूँ तो लोग मेरा कहना नहीं मानते। बोलते चले जाते हैं फिर मुझ से कहते हैं कि आप कण्ट्रोल नहीं कर सकते हैं।

**श्री बागड़ी :** अगर आप कण्ट्रोल नहीं कर सकते हैं तो आप सदन को रोक दीजिये। ऐडजन कर दीजिये। लेकिन आप को यह अधिकार नहीं है कि इस तरह से काम चलायें।

**Shri Hari Vishnu Kamath:** (Hoshangabad): Sir, I rise on a point of order. Yesterday, in your wisdom which we seldom question in this House, you ruled, and rightly so, that the resignation of a member should be in conformity with the Rules of Procedure. Rule 240....

**Mr. Speaker:** If he wants to make a submission, or whatever it is, to the House, unless I give that consent, can he make it in spite of me?

**Shri Hari Vishnu Kamath:** A member can resign.

**Mr. Speaker:** He is entitled to resign but not to make a statement in the House.

**Shri Hari Vishnu Kamath:** Sir, I am reading the rule in conjunction with what you stated yesterday. That is what I propose to do. The rule says, that a member resigning should submit his resignation in the appended form:—

"I hereby tender my resignation of my seat in the House with effect from....".

This is what exactly he has done. He has perhaps sent it to you in advance.

**An Hon. Member:** No.

**Shri Hari Vishnu Kamath:** He has not sent it yet; then, it is good.

**Shri Namblar (Tiruchirapalli):** Because then, like yesterday, the estoppel would come.

**Shri Hari Vishnu Kamath:** His letter says:—

"I hereby tender my resignation of my seat in the House with effect from 16.00 hours today.",

that is to say, at 4 o'clock his membership will cease if that takes effect.

If I understood you aright yesterday—I have rarely misunderstood you in this House—when my colleague, Shri Nath Pai, raised this issue yesterday and this rule, was read along with rule 357, as far as I could remember, you did not demur completely; you had your own reservations on that point, but the impression that the House got was that you were more than half willing

or disposed to accept the position adumbrated by my hon. colleague, Shri Nath Pai.

You rightly ruled that once a Member resigns, nothing more can be done. He ceases to be a Member and he has no *locus standi*, as a Member, to take further part in the proceedings of the House. But my hon. friend, Shri Laxmi Dass, has not resigned yet, even if you take what you said yesterday literally. "I am resigning" means, "I am about to resign." My knowledge of this foreign English language is very meagre but even from what little I know, "I am resigning" means, "I am going to resign". It has not yet taken effect. According to his own letter—this letter says it in so many clear words, definitely, unequivocally, unambiguously, categorically—his resignation will take effect from 4 o'clock today.

**Shri C. K. Bhattacharyya (Raiganj):** But before 16:00 hours he may withdraw it.... (*Interruption*).

**Some Hon. Members:** No, no.

**Shri Hari Vishnu Kamath:** Now, may I crave your indulgence and of the House a little more? Rule 357 does not rule out personal explanation on any issue whatsoever. It does not say that on any particular issue he must make a personal explanation. What does it say? It says:—

"A member.... (*Interruption*).

**An Hon. Member:** On a point of order, Sir.

**Mr. Speaker:** One is being raised. Unless I hear that, how can I consent to hear another?

**Shri Hari Vishnu Kamath:** They do not understand. That is our misfortune.

A Minister, as my hon. friend said yesterday, who represents nobody except himself.... (*Interruption*).

**Shri C. K. Bhattacharyya:** Every day the same thing is being repeated

**Shri Hari Vishnu Kamath:** Does not matter.... (Interruption).

Not being a Member of the House, a minister can make a statement, but a person, who represents a million—a man in a million, so to say—cannot make a statement!

That apart, what does the rule say? It says:—

“A member may, with the permission of the Speaker,—

I hope, in your magnanimity you will give and will continue to give your permission on such occasions—

“make a personal explanation although there is no question before the House”.

Even though there is no question before the House—and what he wanted to say was no question before the House—he is eligible, not entitled because your permission is necessary for doing that, to make any statement on this issue provided that he does not raise any controversial matter.

What he is going to say may be very brief—we do not know yet. And, if he raises any debatable or controversial matter, you can pull him up straightaway. We will have no objection.

**Shri Nath Pal (Rajapur):** We will support it.

**Shri Hari Vishnu Kamath:** You may stop it straightaway. But I submit in all humility and with all earnestness that he is eligible to make a statement why he is resigning, why today at 4 o'clock, the deadline or the D-hour, he proposes to part company with us. We will be sorry to leave him and part company with him, but we leave it to him, to his own judgement. As long as he does not raise any debatable matter, any controversial matter, I do hope, in your magnanimity, in your discretion, you will, with the liberal interpretation of the rules, permit him to make a brief statement as was understood yesterday after the remarks

that you made and the observations that the Leader of the House also made, I would request you to permit him to make a brief statement.

**Mr. Speaker:** All these facts and points were made out even yesterday. It is only a repetition that is being made.

**Shri Hari Vishnu Kamath:** This is before he has resigned.

**Mr. Speaker:** After hearing all that, I made my submission to the House that so long as these rules were there, I could not allow those reasons in the resignations to be brought on record which the Member, when he tenders his resignation, was precluded from doing so. That was my submission that I made yesterday.

**Shri Hari Vishnu Kamath:** That was after he resigned, not before.

**Mr. Speaker:** Now, he resigns from 16:00 hrs. So, upto 16:00 hrs. he remains a Member. But he does not get any extra rights because he is going to resign at 16:00 hrs. Therefore, he has not got any additional rights now beyond what an ordinary Member enjoys. I am rather surprised. He has the rights of an ordinary Member and unless I allow him....

**Shri Priya Gupta (Katihar):** On a point of order, Sir.

**Mr. Speaker:** On my standing? Let me finish that.

He is a Member. I have not yet received any resignation letter from him. This might be his intention. He has all the rights of a Member and nothing beyond that. Therefore, unless I allow him, he cannot make a statement.

**Shri Nath Pal:** There is a vital difference between the two. —

**Shri Hari Vishnu Kamath:** This is before he has resigned.

**Mr. Speaker:** I cannot interpret the rules in that manner.

श्री मधु लिनये (मुंगेर) : एका नदस्य के नाते उनको ध्यान देने की इजाजत दी जाये आप इजाजत दे सकते हैं। यह आप के अधिकार में है।

अध्यक्ष महोदय : रूल के मुताबिक ही में दे सकता हूँ।

डा० राम मनोहर लोहिया (फर्रुखाबाद) : मैं नियम पढ़ कर सुनाता हूँ।

अध्यक्ष महोदय : एक घंटा कल इस पर बहस हो चुकी है।

डा० राम मनोहर लोहिया : 377 और 389 में पढ़ कर आप को सुनाता हूँ।

अध्यक्ष महोदय : ये सब कल पढ़े गए हैं।

श्री मधु लिनये : 357 का जिक्र हुआ है, 377 का नहीं।

श्री लक्ष्मी दास (मरयालगुडा) : मैं आप के सरासर नाइंसाफी वाले और जम्हूरियत के खिलाफ निर्णय की वजह से अपना इस्तीफा आपके सामने पेश कर रहा हूँ।

12.37 hrs.

#### COMMITTEE ON PETITIONS

Shrimati Jyotsna Chanda (Cacha):

I lay on the Table the Minutes of the Twenty-fifth and Twenty-sixth sittings of the Committee on Petitions held during the current Session.

12.37½ hrs.

#### OPINION ON CONSTITUTION (AMENDMENT) BILL

Dr. L. M. Singhvi (Jodhpur): I lay on the Table Paper No. 1 to the Bill further to amend the Constitution of India which was circulated for the purpose of eliciting opinion thereon by the direction of the House on the 12th August, 1966.

12.37½ 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 115 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 30th November, 1966, agreed to the following amendments made by the Lok Sabha at its sitting held on the 16th November, 1966, in the Banaras Hindu University (Amendment) Bill, 1966:—

#### Enacting Formula

1. That at page 1, line 1,—

for "Sixteenth" substitute "Seventeenth".

#### Clause 1

2. That at page 1, line 4,—

for "1965" substitute "1966".

#### Clause 2

3. Clause 2 not adopted.

#### Clause 3

4. That at page 2, line 13,—

for "principal Act" substitute—

"Banaras Hindu University Act, 1915 (hereinafter referred to as the principal Act)."

5. That at page 3,—

for lines 1 to 6, substitute—

'(j) "University" means the Banaras Hindu University.'

#### Clause 4

6. That at page 3, lines 13 and 14,—

for "Madan Mohan Malaviya Kashi Vishwavidyalaya" substitute "Banaras Hindu University".

#### Clause 5

7. Clause 5 not adopted.

#### Clause 16

8. That at page 11, line 33,—

for '1965' substitute "1966..."

#### Clause 17

9. That at page 12, line 13,—

for "1965" substitute "1966".