

[Shri T. T. Krishnamachari]

1954. [Placed in Library. See No. S-321/54.]

(17) Ministry of Commerce and Industry notification No. 4(1)-T.B./54, dated the 4th September, 1954. [Placed in Library. See No. S-321/54.]

(18) Report of the Tariff Commission on the continuance of protection to the Cotton and Hair Belting Industry, 1954. [Placed in Library. See No. S-322/54.]

(19) Ministry of Commerce and Industry Resolution No. 6(1)-T.B./54, dated the 7th September, 1954. [Placed in Library. See No. S-322/54.]

(20) Ministry of Commerce and Industry notification No. 6(1)-T.B./54, dated the 7th September, 1954. [Placed in Library. See No. S-322/54.]

(21) Report of the Tariff Commission on the continuance of protection to the Cocoa Powder and Chocolate Industry, 1954. [Placed in Library. See No. S-323/54.]

(22) Ministry of Commerce and Industry Resolution No. 12(3)-T.B./54, dated the 7th September, 1954. [Placed in Library. See No. S-323/54.]

(23) Ministry of Commerce and Industry notification No. 12(3)-T.B./54, dated the 7th September, 1954. [Placed in Library. See No. S-323/54.]

STATEMENT SHOWING ACTION TAKEN BY GOVERNMENT ON VARIOUS ASSURANCES etc.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers

during the various Sessions shown against each:—

(1) Supplementary statement No. IV. Sixth Session, 1954 of the Lok Sabha. [See Appendix VII, annexure No. 8.]

(2) Supplementary Statement No. IX. Fifth Session, 1953 of the Lok Sabha. [See Appendix VII, annexure No. 9.]

(3) Supplementary Statement No. XIV. Fourth Session, 1953 of the Lok Sabha. [See Appendix VII, annexure No. 10.]

(4) Supplementary Statement No. XIX. Third Session, 1953 of the Lok Sabha. [See Appendix VII, annexure No. 11.]

(5) Supplementary Statement No. XIX. Second Session, 1952 of the Lok Sabha. [See Appendix VII, annexure No. 12.]

(6) Supplementary Statement No. XX. First Session, 1952 of the Lok Sabha. [See Appendix VII, annexure No. 13.]

SUPPLEMENTARY DEMANDS FOR GRANTS—1954-55

The Minister of Finance (Shri C. D. Deshmukh): I beg to present a statement showing Supplementary Demands for Grants for expenditure of the Central Government (excluding Railways) for the year 1954-55.

BUSINESS OF THE HOUSE—contd.

Mr. Speaker: I do not think that I need to say anything very lengthy with reference to the point of order raised by the hon. Member, Shri Mukerjee. As I stated yesterday, the voting on the Constitution Amendment Bill was to take place after the flood debate was over. Ordinarily it is known that the House sits up to 5 P.M. With a view to saving time, if the House chose to sit longer, I do not see as to how it could be considered that the debate should be taken to have ended. Of course, I must admit that to some extent it is a violation of the existing order of

allocation but I think the House concurred in that, by the very fact that it consented to sit. The House was sitting and the only inference I could draw from the fact that the House was sitting was that the House either acquiesced or consented. Whatever it may be, one does not know what actually happened; I do not know. I presume hon. Members were present up to 6 o'clock and many hon. Members having been present without raising any objection to the continuance of the sitting of the House beyond 5 o'clock, I think, I am entitled to presume, absolutely in common sense, that the House has consented. The House having thus consented to the extension of the debate, I do not think how this point arises. However, it is a small matter. The real matter is, I believe, the point which was raised in this House at six o'clock on the question of voting on the Constitution Amendment Bill. That is the real point. This point of order is merely a cover to strengthen that point. That is how I look upon it. Now, if the time was over, is it expected that the House should, sit even beyond the time it was continuing to sit, continue to sit any further? It passes my comprehension how it could be insisted that the House ought to sit to any length of time just to have voting. The considerations mentioned by Shri H. N. Mukerjee may be there or may not be there. We are not concerned with that. As it was, as the House rose, I do not see any objection to the voting having been postponed.

Then, there is a difference between a motion of the type tabled on the Flood debate and a motion in respect of a Bill. The motion in respect of a Bill cannot be simply talked out. It has to be voted upon. It may be voted down or it may be voted for. But, a vote has to be taken on that. The situation with reference to the Flood debate is that, in such kinds of debates, we debate and generally we never have a voting. So, the utmost that can be said,—the point boils down to this—is that, the unfinished speech of

the hon. Minister may not be continued now, if the House does not wish to hear him. I have no objection to that. Because he had already exceeded, with the concurrence of the House, the time yesterday, if he proposes today to exceed that time against the allocation order of this House, it is for this House to decide whether he shall speak or not.

Acharya Kripalani (Bhagalpur cum Purnea): He is no more interested.

Mr. Speaker: Whatever it may be, if the House desires that he should continue, he will continue...

Some Hon. Members: Certainly.

Mr. Speaker: ...whatever he left yesterday. If the House so desires, it is open to the House to say, let him finish. It is open to the House to say that he shall not speak any further.

Shrimati Renu Chakravartty (Basirhat): It was raised on Saturday.

Mr. Speaker: Order, order. The matter is entirely in the hands of the House. As I pointed out, the House has acted in a certain way on Saturday with excess timings, with its consent, as I am interpreting or seeing this matter...

Shrimati Renu Chakravartty: That is not correct.

Mr. Speaker: Opinions may differ on that point. The conduct of the House is clear.

Shri S. S. More (Sholapur): May I seek some clarification?

Mr. Speaker: Let me finish. So, I personally see no irregularity at all either in the House having sat beyond 5 o'clock or in the postponement of the voting on that particular Bill. In fact, I did not mention that the voting will take place at 6 o'clock. If I had said so, then, matters would have stood differently. Then, of course, there should have been a suspension of the debate for the time being and the voting taken. All that I said was—I advisedly said so not

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knowing the implications of what the hon. Member from the opposition says—I said, let the Flood debate be over, and then let us have voting. It meant that if the House chose to rise at five o'clock, the voting was to take place after the Flood debate for four hours was over; and if the House chose to sit longer, of course, after the Flood debate was over. It was also competent for the House to sit beyond six or seven o'clock to any length of time. But, the House did not choose. As it was, the normal working hours being over, I do not think that it would have been proper on the part of the Speaker or the Chairman to compel the House to sit against its wishes. That disposes of all the points.

Shrimati Renu Chakravartty: You said, Sir, that the voting will be taken at the end of the Flood debate. May I just point out that in the minds of almost all the Members including the Chairman Shri Pataskar, it was expected—our mind was clear—that the voting should be taken at the end of the day. This is what Shri Pataskar said:

“Now, as already announced, the debate on this Motion for the consideration of the Bill to amend the Constitution is now concluded and I will put it to the vote at the end of the day.”

The second point which you have raised is that we consented to the increasing of the hours of debate and that since we did not raise any objection, you take it that the House has consented to it. Firstly, I would like to point out that actually, the allocation of time was voted upon and it was agreed. Therefore, without any motion, I submit that we cannot extend the hours of debate.

Thirdly, I should like to point out that we did want to extend and finish this debate, Shri Nanda's speech, etc. But, without putting it to the vote of the House, the Chair gave a ruling. Therefore, I plead that it was not a correct ruling and as such there has

been some irregularity in the procedure.

Shri S. S. More: May I seek.....

Mr. Speaker: It will be difficult to deal with each point if I am to deal with them at the end. That does not matter. I have sufficiently dealt with this matter.

Shri S. S. More: I want to have one clarification from you, which will be useful for our further guidance. Under rule 38, a certain report of the Business Advisory Committee was put before the House by a motion and that motion was accepted. When the House itself has accepted a motion, if it wants to vary or change that particular order, in the rules that have been framed by you, in rule 39, a special procedure has been prescribed for the variation of an order. As an eminent lawyer, you know, Sir, that when a special procedure has been prescribed, the general rules are suspended and the special procedure becomes immediately applicable. Under rule 39, if any variation is to be effected, then, it has to be effected after following a certain procedure. The variations are supposed to be so important that no other person is allowed to make that submission but the Leader of the House. That shows the importance of the matter or the reluctance of the House or the rules to allow any variation on any flimsy grounds. My submission is this. We shall be coming across such situations more and more often. We are out to follow the allocation order of the verdict of the House when it has been passed by a majority. If a decision of the majority is to be undone, it should be by virtue of another motion under rule 39. Merely because the House chose to sit, it cannot be said that it waived or by its silence, amended the original allocation order. Then, it will mean that rule 39 is not an exhaustive rule, and that in addition to the variation contemplated by rule 39, there might also be a variation in the allocation order by a silence of

the House or by the House not asserting. That would be a dangerous situation to which we shall be reduced to.

Then, I would rather say that a conscious attempt was made to circumvent the rules. We know that under article 368, a certain majority is required for passing this motion and in the rules that have been framed for the guidance of the House, a two-thirds majority is contemplated for every stage. When the Government saw the difficulty in which they were likely to be placed in the matter, we were particular to raise the matter before six o'clock. With due deference to you, Sir, we would say that you did say that voting be taken after the debate on the floods was over; but what you said must be read in the context of the allocation order. The debate on the Constitution Amendment Bill terminated at 1-55. Four hours were allotted for the Flood debate. That was over by 5-55. We have tried to be vigilant according to our own lights and we raised this question before six o'clock. There was no alternative to the learned Chairman who was in the Chair to get away from the categorical application of rules 38 and 39. Of course, it was open to the Leader of the House, with the majority that he commands, to submit that the allocation order be varied. But, let there be an honest and frontal way of changing the rules or the application of the rules. Such a sort of thing should not happen. Otherwise, the rule of the majority is likely to be used to the detriment of democratic principles which should not happen in this country.

Shri Raghuramaiah (Tenali): May I say a few words, because so many Members have been heard from the other side? There seems to be some confusion in regard to the difference between a motion for discussion on the floods and a motion on the Constitution Amendment Bill. As regards the voting on the Constitution Amendment Bill it was very clear to us—I

do not know how Shrimati Renu Chakravartty says that many Members thought it would be at six—to us it was very clear. You were good enough to say that it will be after the Flood debate discussion is over. And there is no question of 6 P.M. We might have continued till 7 P.M., if Members wanted time for discussion of the Flood debate. Therefore six P.M. is quite irrelevant. The material portion of it was you were good enough to say that this will be taken up after the Flood debate is over.

Now, the question has been raised whether under rule 39 any extension of the four hours could be made. On the question of extension of time I can understand the Members' opposition now saying "if you want to hear the hon. Minister Shri Nanda further, the Leader of the House should make a formal request and the House should agree". The scope for a formal application under rule 39 arises here and now; on Saturday there was no question of it. The House was adjourned. The Speaker, or rather the Chairman who was then in the position of the Speaker, under rule 15 determined that the House should stand adjourned.

I would request that the two things should be kept separate. Whether we should extend the time for the Flood debate is entirely a different matter for the House now to decide. But there can be no question of the voting having to finish on Saturday itself, in view of your very clear ruling on the matter.

Shri K. K. Basu (Diamond Harbour): This is a very important matter, as you have yourself said, and your ruling on this will have a far reaching effect on the growth of parliamentary democracy in our country. I need not request you, you have been long in the Chair either in this House or in other Chambers; if you please charge your memory, you categorically said that under the Business Advisory Committee's report, which has been adopted by the House, the

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discussion on the Constitution Amendment Bill will cease at 1-55; and, as we want to develop a convention, you said the voting will not take place then and there but will be postponed till the end of the day.

Mr. Speaker: Not till the end of the day.

Shri K. K. Basu: Till the Flood debate is over. But in your mind was the knowledge that it has been allocated, and it will go on for four hours. Therefore, if your intention had been that the voting should take place at the end of the Flood debate, the House would have sat up to 5 and therefore at 12 o'clock next day there would not have been that particular proposition of invoking that convention that between 1 and 2-30 or 1-30 and 3 there shall not be any voting. So I request and beg of you to charge your memory as to what was really your intention. Because, as you have said, whatever ruling you give will have a far reaching effect and it will be a precedent so far as our House is concerned. I tried to look up all the decisions of the Chair from 1920. But there have been no such cases. Therefore I request you to give a careful consideration to this and lay down some precedent which may help us in the development of democracy in our country.

Shri Raghavachari (Penukonda): By the way in which you have looked at it very legalistically and technically, you will pardon me. Sir, if I say that it was equally the responsibility of the Speaker or the Chairman at the time to give respect and refer to the decisions that have already been taken both as regards the time of ending the debate and also as regards the time of taking the vote on the other matter. In fact you want now to interpret, inferentially, that "you sat, therefore you are deemed to have extended; you have not raised the point, therefore you are deemed to have consented". These are considerations which might arise when we have

not already decided about these things, when the rules have not decided about them; these are not to be interpreted now; because it is a well known secret that the Government could not command the majority at the time. And there were attempts here by Mr. Gadgil saying "now it is 6 o'clock; you may defer the matter of decision on this point of order till Monday" and some other man saying some similar thing. So the whole matter has taken such a turn that an unfortunate impression is created, not only in the minds of the people here but the whole world that there has been an attempt to get over a particular decision that we have taken and the decisions of this House are not respected.

Dr. N. B. Khare (Gwalior): Practically speaking, to my mind, there appears no confusion at all as was sought to be impressed on the House. I feel there is only conspiracy and no confusion.

Shri Sadhan Gupta (Calcutta—South-East): This point, as Mr. Basu has stated and as others have also emphasised, raises very important matters and has very far-reaching implications. You will remember, Sir, that it was you who proposed that we should establish a convention that the House will not be counted during a certain time. Now, normally, when the debate on the Constitution Amendment Bill had ended at 1-55, it was the duty of the Presiding Officer, whether you or the Chairman, to put it to vote, and it was the right of the Members of the House to insist on that vote. But because of the convention suggested by you, we agreed to defer it to the end of the Flood debate which had been allocated four hours.

The Flood debate had run its course of four hours. And then it was obvious that there was some difficulty in getting the Constitution Amendment Bill through. And it would be apparent to any impartial person that in spite of the obvious desire that was expressed

by a section of the House, the House was suddenly adjourned without following the usual procedure prescribed in rule 38.

If this sort of thing happens—apart from its illegality which has been more than pointed out by many hon. Members—if this kind of thing happens it means that the convention becomes very difficult to observe. Because, if by observing the convention, Members of the House are deprived of their right to put a question at a time which they consider advantageous, and deprived of their right by a procedure which is not prescribed by the rules, by a procedure which is contrary to the rules, which is a violation of the rules, then it becomes very difficult for the growth of such healthy conventions and it really brings the House to ridicule.

Therefore I would ask you, Sir, to give your most anxious consideration to this aspect and to the far-reaching implications that this aspect implies, before you give a ruling on this matter.

Mr. Speaker: As I said, it will be difficult for me to deal with each and every point raised by the various speakers, nor to my mind is it necessary to do so.

The whole structure of the argument seems to have been based upon an assumption—I do not know how far it is true or how far it is wrong, it may be right or it may be wrong—on the assumption, as I was saying, that the majority party had not the necessary number of Members present in the House. (*Interruption*). Now, I do not want to attribute motives to any one. At least before me there is no proof of that particular fact. What would have happened? In the ordinary course the debate would have gone on till five, and the House should have risen by that time, which meant the necessary postponement of the voting, because I had announced to the House that the voting will take place after the flood debate was over; the flood debate would have been

postponed to today, and then the voting would have taken place. If that had happened, I do not think the Members of the Opposition who are raising all these points would have had anything to say about it. All that they could say is that they could not finish the debate within the time-limit fixed by the Allocation Order. But as, I believe, Shrimati Renu Chakravartty or somebody from the Opposition said, they wanted to finish the flood debate, and therefore, they exceeded the usual time-limit of the session of the House. I do not see anything wrong in that. If the House wants to finish its business before a particular date, it was perfectly entitled to sit for longer time, as much as it liked. They could have sat for half an hour, and said, "postpone; we shall sit for half an hour more tomorrow or on Monday". Instead of that, they sat up to six o'clock. Every Member was perfectly entitled to say, "I am not prepared to sit any longer, even if the House wanted to"; and the majority would then have decided.

But the situation that has arisen today is of a peculiar character. Howsoever much an argument be advanced, or howsoever much, assuming, I am sympathetic and prepared even to grant what the Opposition is saying, I cannot see as to how we can now sit on Saturday. That Saturday is gone, and we cannot get back the day or put back the clocks of our life, and be here for voting on Saturday. So, it is no use arguing that point. As I said, it is clear that it is argued on the assumption that Government had no majority.

Then there is another aspect which I felt to be rather amusing, that Members interpreted not only the minds of others, but one hon. Member while raising the point of order even interpreted my own mind. It was alleged that even when I said, after the flood debate, I had in my mind that the House will sit longer, I had in my mind that the flood debate will be extended and I had also in my mind that the voting will take place at six o'clock. Well,

[Mr. Speaker]

many a time, it is our experience that others tell us what our mind was. It is wrong to assume all these things, and then say that the voting should have taken place at 6 P.M. Apart from the House sitting for an excess time and the debate continuing today, in so far as it may have been irregular now to extend it today, I said, it is entirely in the hands of the House. The hon. Minister, if the House so pleases, may not continue the debate.

There was another point raised by Shri S. S. More, and that was about the rules. Now, I need not go to the interpretation of the rules at this stage. But I do not see the charm of a particular decision of the House being revised by a special motion being brought, and not by taking the sense of the House.

Shri S. S. More: No sense was taken.

Mr. Speaker: The sense was already there in the action of the House, as I have been saying. (*Interruptions*). I now stand on a firmer ground, on the admission of the Opposition Member who said that they wanted to finish the debate...

An Hon. Member: And the voting.

Mr. Speaker: What else is required in taking the sense of the House? It is not that a vote is to be taken. (*Interruptions*).

They have had their say, and I did not interfere then.

So, what is the charm in having a motion? As I have been interpreting, the consent of the House is there, the House agreed, and the conduct of the House is very clear on that point. And the hon. Members forgot one thing that this House has got the power of suspending any rule.

Shri S. S. More: Only on a specific motion. (*Interruptions*).

Mr. Speaker: Order. order. Therefore, to attribute so much on a small incident of every day experience in this House is not correct. If an hon.

Member or an hon. Minister says, I am going to finish this argument or speech in five minutes' time, we do extend the session. It is not that we immediately say, the allocation order has to be changed, he cannot exceed by five minutes or even two minutes. We do not say like that.

All the intention of the rules is to help a proper debate. I should not, in this Chair, allow the rules to come in for throttling any debate or for conducting the debates in an improper manner. That is not the object of the rules. The rules are made for the convenience of the House. The House does not...

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): May I make a submission, before you make up your mind? The point that you were kind enough to lay stress on is this, namely, what is to happen to a Bill if no vote is taken. The question of any Bill being talked out is not provided for in the rules. Rules 145 to 149 which provide for the withdrawal of Bills do not make any provision in regard to lapsing of Bills.

Assuming that rule 39 is operative, it does not say that once the provision of that rule is not carried out what would happen to a pending Bill. It resolves itself, therefore, to a decision by the Chair under the powers vested in it under rule 386, viz. the residuary powers. Since no provision has been made in regard to a question of this nature, and since a Bill cannot lapse or be talked out, and since some decision has got to be taken on that point, I would venture humbly to suggest that your ruling might be given under rule 388.

Shri H. N. Mukerjee: May I point out one thing.....

Mr. Speaker: It has been sufficiently argued. Let us not take more time....

Shri H. N. Mukerjee: I am not making any fresh argument. I just want to point out to you that there

has been a newspaper report, which I shall send to you presently, to the effect that the Congress Party has sent an s.o.s. telegram to all its Members to come and vote, and the opportunity has been given by the weekend supervening between the forced continuation of the debate and the voting.

I consider this to be an infraction of privilege, and I hope you will let me raise this matter later on, if warranted to do so.

Mr. Speaker: At any rate, there is no evidence before the House that there were telegrams and all that. As for newspaper reports, one is very conversant as to how far they could be reliable. But I am not concerned with that. That would be an extraneous matter. If we are prepared to assume all the motives attributed, then, of course, there may be some meaning, but let us proceed without assumption of any motives or attributing any motives to anyone.

I was saying that there is no charm in having a motion. Even here, the hon. Member will see that the rule speaks of not a motion, but rule 39 says:

"No variation in the Allocation of Time Order shall be made except on the request of the Leader of the House....."

Shri S. S. More: Did he request? (Interruptions).

Mr. Speaker: Order, order, no interferences. I am able to read the English as it is in the rules.

All that has to be done is a request by the hon. Leader of the House who shall notify orally to the House that there was general agreement for such variation, which shall be enforced by the Speaker after taking the sense of the House. But where the House was unanimous....

Some Hon. Members: No, no.

Mr. Speaker: ...to go on with the flood debate beyond 5 P.M.

Some Hon. Members: No, no. (Interruptions).

Mr. Speaker: ...the usual sitting time.. (Interruptions). I do not propose to answer these interruptions. I may have their questions or answers. They may have their own views about it. But it is a procedure, a rough and ready procedure to enable the House to conduct its business in a proper manner. There is no meaning, or there is no charm in having a motion.

There is another point which was raised on Saturday—I do not propose to discuss it now—on the interpretation of rules Nos. 38 and 39. But one thing which I may say is that though I allowed the Members of the Opposition to have their arguments, it is not proper to challenge the ruling of the Chair. The matter was concluded by the ruling of the Chairman on Saturday; ~~it cannot be reopened by anyone, not even by me. It is not a desirable practice that the ruling of the Chair should be revised off and on. If the ruling is wrong, the House may have other remedies.~~

Shri S. S. More: What other remedies?

Mr. Speaker: It is not my business; it is for the hon. Member, who is so much conversant with the rules and in such detail, to see to that. If there are no rules, he can suggest rules, and if the House so likes, it may accept the rules.

So the matter is concluded (nat way, to my mind).

MOTION RE: FLOOD SITUATION
IN INDIA—Concl'd.

Mr. Speaker: Now, I would like to know the wishes of the House regarding the unfinished speech of the hon. Minister regarding the flood situation in the country. Would the House like the hon. Minister of Planning and Irrigation and Power to finish the reply to the debate?

Several Hon. Members: Yes, yes.