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LOK SABHA

Monday, 11th April, 1955.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12 Noon,

PRESIDENT'S ASSENT TO BILL

**Secretary:** Sir, I have to inform the House that the Essential Commodities Bill, 1955, which was passed by the Houses of Parliament during the current session was assented to by the President on the 1st April, 1955.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER THE SEA CUSTOMS ACT.

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha):** I beg to lay on the Table a copy of each of the following Customs Notifications under sub-section (4) of section 43B of the Sea Customs Act, 1878 as inserted by the Sea Customs (Amendment) Act, 1953:

- (1) Ministry of Finance (Revenue Division) Notification No. 163, dated the 18th December, 1954.
- (2) Ministry of Finance (Revenue Division) Notification No. 164, dated the 18th December, 1954; and

(3) Ministry of Finance (Revenue Division) Notification No. 28, dated the 26th February, 1955.

[Placed in Library. See No. S.114/55.]

**Shri R. K. Chandhuri (Gauhati):** May I respectfully point out one thing, if you.....

**Mr. Speaker:** Afterwards; let the regular business be commenced and then we shall see.

ELECTION TO COMMITTEE

CENTRAL SILK BOARD

**Mr. Speaker:** I have to inform the House that up to the time fixed for receiving nominations for the Central Silk Board, six nominations were received. Subsequently, two members withdrew their candidatures. As the number of the remaining candidates was thus equal to the number of vacancies, I declare the following members to be duly elected to the Board:

1. Pandit Lingaraj Misra.
2. Shri Dodda Thimmaiah.
3. Shri Bimalaprosad Chaliha.
4. Shri Y. Gadilingana Gowd.

CONVENTION RE. QUORUM

**Mr. Speaker:** Now, we will pass on to the regular legislative business. What has the hon. Member to submit?

**Shri R. K. Chandhuri (Gauhati):** I respectfully submit that under the

[Shri R. K. Chaudhuri]

present procedure we are having no recess. Many Members have to absent themselves from the House while important matters are going on. At least today and tomorrow we are expected to be here so that there may not be any chance of there being any want of quorum. I would request that a certain hour be fixed for today and tomorrow to enable the Members to go for lunch.

**Mr. Speaker:** The hon. Member will note that this is a convention which the House has adopted and has agreed to follow for purposes of putting through the business of the House and having longer time for discussion. There has been a safeguard, however, that between the hours of 1 and 2.30 no voting will take place, so that any of the Members who wish to remain absent may remain absent during that hour, have their lunch and come back to the House. That is the only thing. I do not think it is possible now to revise the order, but the matter is entirely in the hands of the House.

I must modify my remarks in the light of the information the Secretary gives me. A voice vote is taken during that period, but if it is challenged no count is taken. That is the position.

**Shri Bhagwat Jha Azad** (Purnea cum Santal Parganas): Are we to understand that within these hours no quorum will be required also?

**Mr. Speaker:** I do not think I should say that, because quorum is a provision made by the Constitution. But the real position is this: when the House starts its business it is always with a quorum and it is always presumed that the quorum continues. Unless the attention of the Chair is drawn to the want of quorum, though the Chair has also powers *suo-motu* to count and see whether the quorum is there or not, usually the Chair will not do it and the convention has been that Members also will not try to draw the attention of

the House to the absence of quorum, if they really want that the business of the House should be proceeded with.

**Shri Raghavachari** (Penukonda): With your permission, Sir, may I submit one point? The proposal that was made before the convention started was that if during that period, that is, between 1 and 2.30 P.M. the House possessed the minimum strength required for a quorum then voice votes could be taken and business could be carried on. Even when the strength fell short of the quorum and, as you said, nobody drew the attention of the Chair to that, the proceedings will still go on under the convention. Therefore, it reduced itself to this. Even when there is no quorum between those hours voice votes can be taken and the proceedings carried on unless where voting is required by a division. But if a division is forced and if the number present is less than the quorum, it cannot proceed. That is how the convention is to be read.

**Mr. Speaker:** That is a matter of record and we shall consider it if a dispute or a difference arises.

#### CONSTITUTION (FOURTH AMENDMENT) BILL

**Mr. Speaker:** The House will now take up consideration of the Constitution (Fourth Amendment) Bill as reported by the Joint Committee. As the House is aware 10 hours have been allotted for the consideration and passing of this Bill, out of which 6 hours will be devoted to general discussion, 3 hours to clause by clause consideration and 1 hour to third reading.

**The Prime Minister and Minister of External Affairs** (Shri Jawaharlal Nehru): I beg to move:

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."