

[Shri T. B. Vital Rao]

was placed before the Tripartite Committee. After June 1955, there was no Indian Labour Conference held at all. It was held only in May, 1955, and the International Labour Conference was held in June 1955.

Mr. Deputy-Speaker: Other Ministries had to be consulted.

Shri Abid Ali: I did not say "Tripartite Conference"; I said "Tripartite Committee". A meeting of the Tripartite Committee was held and this matter was considered and their decision communicated to us. On that basis, Government's decision has been arrived at and now it is being placed here.

Shri Kamath (Hoshangabad): The Order Paper shows that the Statement laid on the Table refers to the action taken or proposed to be taken. So part of it refers to action proposed to be taken. May I not request Government to afford an opportunity to the House to discuss the recommendations of the International Labour Conference before they finally make up their mind as to what action should be taken in these matters. This is a very important matter.

Shri Abid Ali: I am entirely in your hands.

Mr. Deputy-Speaker: I will consider it.

Shri Feroze Gandhi (Pratapgarh Distt.—West cum Rae Bareli Distt.—East): May I know whether the Motion standing in my name will be taken up at 15.00 hours today? I ask this because it is not on the Order Paper today, though it was on the Order Paper yesterday.

Mr. Deputy-Speaker: It is on the Order Paper even today.

Shri U. M. Trivedi (Chittor): On a point of order.

Mr. Deputy-Speaker: Before anything is placed before the House?

Shri U. M. Trivedi: Yes.

Mr. Deputy-Speaker: Unless something has been placed before the House, a point of order cannot be raised.

VACATION OF SEAT OF A MEMBER

Shri Altekar (North Satara): I beg to move:

"In pursuance of clause 4 of Article 101 of the Constitution of India the seat of Shri Sibnarayan Singh Mahapatra, Member of Lok Sabha, who has been absent from all meetings of the House for a period of more than 60 days is hereby declared vacant".

Mr. Deputy-Speaker: Motion moved:

"In pursuance of, clause 4 of Article 101 of the Constitution of India, the seat of Shri Sibnarayan Singh Mahapatra, Member of Lok Sabha, who has been absent from all meetings of the House for a period of more than 60 days is hereby declared vacant".

Shri U. M. Trivedi (Chittor): My point of order is only this. This is a Motion which ought to come from the Leader of the House or from the Minister of Parliamentary Affairs. Shri Altekar, in his capacity as Chairman of the Committee on Absence of Members, moved the Motion regarding the Report of the Committee yesterday. With that, his duty was finished. Today's Motion is a Motion on behalf of Parliament; it ought to come either from the Minister of Parliamentary Affairs or from the Leader of the House.....

Mr. Deputy-Speaker: Or someone authorised by the Leader of the

House. The only question is whether the hon. Member has been so authorised.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I may inform you, Sir, and through you, the House, that the Prime Minister has delegated his authority to the hon. Member in this connection, and the latter has moved the Motion in that capacity.

Shri Kamath: On another point of order. This Motion by my hon. friend, Shri Altekar, is not in order because we have had no notice of the Motion as prescribed by the Rules. Unless that notice has been waived by you—I believe it cannot be waived under the Rules—it cannot be taken up. It is an important matter relating to the unseating of a Member and declaring his seat vacant. I request you to see that the Motion is put off till tomorrow or the day after, as required by the Rules, so that we may be in a position to table amendments to the Motion.

Shri Altekar: Full discussion over this matter was held yesterday and the House is quite aware of the situation. Now you can allow this Motion to be moved even today.

Shri Kamath: This is a substantive Motion. We have to table amendments.

The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari): How could there be any amendment to this Motion?

Mr. Deputy-Speaker: I cannot conceive of any amendments that can be moved. When we passed the Motion yesterday, this would automatically follow. This is the natural consequence of what we have already done. I should, first of all, like to know from the hon. Member if he can suggest to the House or to me what amendments he desires to make. Perhaps in that case I may consider them.

Shri Kamath: I am sure you will agree with me that you must give us some time to think over this matter. Before we table amendments, we on this side of the House—whatever the other side may do—always think and then table amendments. We got a packet this morning, not even last night or yesterday evening. I got my packet at about 9 hours today. Then I saw this. You certainly do not expect us to make up our minds before we consider this and table suitable amendments. So this may be brought up tomorrow.

Mr. Deputy-Speaker: I have very great regard for the hon. Member and very great confidence in his resourcefulness as well as the extent of knowledge that he possesses. We are all agreed on that. But if he or any other Member could conceive of any amendment that could be made, I would certainly have given time. Under the present circumstances, I am of the opinion that this Motion has to follow as a matter of course, consequent upon the Motion that we have adopted. Therefore, I do not think it necessary to postpone it.

Shri Kamath: May I urge again that the amendment is not just an amendment? It can be a substitute motion also. That has been our practice. In all humility, may I submit that yesterday what we accepted was a recommendation that a Motion might be brought forward? But we can substitute that Motion by another Motion. That is within the competence of this House and of hon. Members. Therefore, I would earnestly request you to give us time till tomorrow so that by this evening we could table amendments.

Mr. Deputy-Speaker: Substitute motion is also an amendment to the Motion that is before the House. It is nothing beside amendment. Even now, I am not convinced that any substitute motion can be tabled in this respect. The House has refused to condone the absence of the Member. If that decision stands, I do not

[Mr. Deputy Speaker]

think any purpose would be served by our postponing it.

Shri Kamath: Is not the House competent to revise its own decision?

Mr. Deputy-Speaker: If the House wants to revise its decision, let the House do it now.

Shrimati Renu Chakravartty (Basirhat): I just wanted to make a suggestion. Could we not possibly change the words "all meetings of the House for a period of more than 60 days"? I read through the Report of the Committee. It is a very serious Report. I am sure this House has been rather indulgent towards several Members who have not attended the House adequately. After reading the Report, I find that the Member has been absent for about 500 days out of 600 days and so on—I am not sure of the exact number. But this is a fantastically and amazingly large number of days. So I would suggest that instead of putting down 60 days here, we should mention that number of days so that the world would know that it is only in very exceptional circumstances that we have done it. This is a very flagrant dereliction of duty, and consequently, the seat is now being declared vacant. Therefore, I would like the wording to be tightened up, if it is at all possible.

Mr. Deputy-Speaker: I do not agree with the hon. Member because the figures as to the number of days for which the hon. Member has been absent have already been given yesterday and the world has known it. It has been published in the papers and everybody knows it. Now, under the Constitution and the Rules we have only to say that the hon. Member has been absent for more than 60 days. In consequence of what we have passed yesterday this motion has to follow.

Shri Altekar: Sir, it is my unpleasant duty to come forward with this motion but the discussion yesterday

will clearly show how the House has been over-indulgent to the hon. Member. It has been brought to his notice that if he remains absent for more than 60 days, his seat is liable to be declared vacant. He has been absent for more than so many days and the House has yesterday agreed to refuse to give him leave and this motion follows as a corollary. Therefore, I submit that this House should declare his seat vacant and accept this motion. No more discussion is necessary after yesterday's decision.

Shrimati Renu Chakravartty: After having read the report I have to say one thing. The Committee did everything possible to get an adequate reply from the Member concerned. That was done individually. But I felt that there was just one small thing that had not been done. I hope that in future at least it would be done. The hon. gentleman belongs to the majority party in the House. Everything was done to get his reply individually. Should not the party machinery be made to persuade the hon. Member to give the reply? The party apparatus should also be brought to bear upon him and get the answer more quickly than was done here. Actually, the Member was written to more than 4 or 5 times and, finally, it was the executive authority that was called upon to help the Committee in order to get the reply. So, this is a small suggestion that I have to make.

Mr. Deputy-Speaker: That will be an internal affair of the party; we are not concerned with that here.

Shrimati Renu Chakravartty: We are concerned with parties also in this House and as such I suggest that.

Shri Kamath: Mr. Deputy-Speaker, while I yield to none in my anxiety to see that every hon. Member, every colleague in this House, whether belonging to the right, left or centre, discharge his or her respon-

sibilities to the House and remains present in the House as far as is possible for him or her, yet, in this particular matter, I feel that the Committee has been guilty of a grave dereliction of duty.

Mr. Deputy-Speaker: I must point out to the hon. Member that he should keep in view the decision that we have already taken yesterday. Now, if we go into the regularity of that report or any defect in that, that would not be relevant because the House has already taken a decision on that report.

Shri Kamath: My submission again, Sir.....

Shri U. M. Trivedi: May I, with all respect to my hon. friend, raise this point of order.

Mr. Deputy-Speaker: No discussion.....

Shri U. M. Trivedi: This is a point of order, Sir. This is a Committee appointed by the hon. Speaker and not a committee elected by the House. Any reflection upon the Committee is a reflection upon the Speaker himself. I therefore submit that these words should not be used by the hon. Member.

Mr. Deputy-Speaker: There is no decision of the Committee now. It is a decision of the House. I may bring to the notice of the hon. Member that whatever the Committee might have done, now it is a decision of the House and we have to proceed further in view of that decision. It would not be relevant here to discuss what the Committee did.

Shri Kamath: Now, the House is seized of the matter. The Committee goes out and has gone out. I again submit that, in my humble judgment, the House is competent to revise a decision that it took yesterday or even an hour or two ago if it so thinks. The House is supreme. Therefore I ask why the House should not revise its decision of yesterday. I shall not take much time.

Mr. Deputy-Speaker: I am not objecting to the hon. Member's taking a long time. But I only wanted to bring to his notice that now that the motion is before the House, it is for the House to accept it or reject it. If yesterday's decision is to be reviewed, that may be done by a different motion. So far as the present motion before us is concerned, the House has to give its opinion whether it agrees with it or not. If the hon. Member has any idea of requesting the House to revise its decision of yesterday, then, it should be done in a different manner by a separate motion and according to set procedure. Now we have got this motion. The hon. Member can speak on it and say that the House might throw it out and give his reasons. But, so far as the revision of yesterday's decision is concerned, that should be done in a separate way.

Shri Kamath: You are the custodian of the rights of the House, Sir, and that is why I requested you to give us time to table an amendment but you were good enough not to give us that opportunity. That is a separate matter. Now I would urge the House that the approval which was given to the Committee's report yesterday might be undone today. Cannot the House, if it thinks so, reopen the matter and reconsider it? It can do so if new factors are brought before it or in the light of new circumstances. I would only submit that the Committee which condoned his absence for about 500 days more or less should not spring this surprise on the hon. Member,— I use that expression because after having allowed him to be absent for about 500 days, in this session the final session, this drastic action is being taken. The Committee, I think should be censured by the House, for having sat over the matter for such a long time. The hon. Member might have thought that he could get a little more leave. It is human

[Shri Ramnath]

nature to expect that having been allowed to be absent for 500 days or so—which has been condoned—the absence of a few more days would also be condoned.

Mr. Deputy-Speaker: I may again bring to the notice of the hon. Member that this way of discussing the attitude of the House or the Committee is not relevant to this motion. Rule 321 says:

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

So, the hon. Member is not in order in raising all these questions now in connection with the present motion.

Shri Kamath: This also raises the same question.

Mr. Deputy-Speaker: This is a corollary, a step consequent on the decision which we have already taken. Has the hon. Member anything else to say?

Shri Kamath: Sir, can you not, as the custodian of the rights and privileges of Members, decide that when this motion is considered by the House, the Member concerned should be present here? You remember, Sir, that even in the case of Shri Mudgal, in the last Parliament he was present in the House and he was given an opportunity to defend himself. Even a condemned man, condemned to the gallows, is given a last chance. Here we are unseating a Member and so he must be given a last chance.

Mr. Deputy-Speaker: I am sure the hon. Member will differentiate between the two. The complaint here is that the Member does not come and the hon. Member says that he should come.

Shri Kamath: He has not been told about this action being taken.

Mr. Deputy-Speaker: That question cannot be taken up now. The House has already made a decision. Notice was given, reminders were sent and in spite of all those he did not care to come. Those facts must be taken as correct and we have now to proceed further.

Shri Kamath: He was asked to explain why he was absent and he was also told that it might attract the penalty contained in the relevant article of the Constitution. Not that it will or must attract, but might attract—that was the wording. So the hon. Member might have been under the impression that no such action would be taken against him.

Shri Sinhasan Singh (Gorakhpur Distt.—South): As the hon. Member is arguing for the other Member, may I know whether he has sent a telegram asking him to come?

Shri Kamath: There is no question of arguing for or against him. I won't do it even for the hon. Member. I am only anxious that sound traditions should be set up in this House, in this Parliament.

Therefore, before unseating a Member, it is imperative on the part of this House that we must see to it that the Member concerned, the guilty person or the accused, is present here before he is finally asked to quit the House. It is but fair that at least that consideration should be shown to him.

Mr. Deputy-Speaker: Can the hon. Member show to us any provision of the Constitution, any rule or any precedent where a notice is required after such a decision has been taken by the House, that is, that the absence is not condoned, and the subsequent motion follows as a corollary? In between these two, is a notice required to be served? Can

the hon. Member show any provision, any rule or any precedent for this?

Shri Kamath: We do so many things in the House although there is no provision in the rules for them. I must be guided by you, not you by me.

Mr. Deputy-Speaker: Certainly. I must get guidance from every side, and particularly from the hon. Member.

Shri Kamath: I cannot be so presumptuous as to give you guidance.

Mr. Deputy-Speaker: I must be so humble.

Shri Kamath: Even assuming that, this thing must have come in the papers only this morning, and the Member concerned might have been able to read it only this morning or last night at the radio—I do not listen every day, I seldom listen to the All India Radio, it is not worth listening to. Perhaps the Member concerned could not have known till this morning the action taken against him. I submit that you in your mature wisdom will.....

Mr. Deputy-Speaker: That is not the subject under dispute.

Shri Kamath:agree with me and my hon. colleagues will agree with me that before this final action is taken, this *imprimatur*, is put on it, the Member should be present so that he may hear what is being done about him.

Shri Heda (Nizamabad): I want only to submit.....

Mr. Deputy-Speaker: I do not think there is anything that is to be said just at present on this.

Shri Heda: I want some information on this. This motion is unpre-

cedented, and never was a Member unseated like this. If there is a constitutional possibility that after having passed yesterday's motion we do not pass this motion, then I think that possibility can only arise when that Member is intimated of yesterday's decision. For that, some time should be allowed, and then if we do not hear anything from him, we can take the decision on today's motion. Therefore, nothing will be lost if today's motion is deferred, say, for a week, and the Member is given the last notice that such and such motion was passed, and if on that intimation to him he takes action then this House can consider that action I think that may be done.

Shri Tek Chand (Ambala-Simla): I do feel the impact of logic that after having approved of the report, it is a logical consequence that follows. The force of that argument I do appreciate, but there is one matter which requires a certain examination. No doubt we have been told—and that must be so, I accept that—those notices were sent to the hon. Member and his explanation was sought. But there is a distinction between sending of a notice and receipt of a notice. If you are satisfied that the notice was sent under a registered cover and that the notice was actually received by the Member, and therefore refusal to reply was in the nature of perhaps a contempt or may be indifference, that is understandable. But for our future guidance, it would be meet and proper if the Committee merely should not be satisfied by the issuance of a notice by the office but should ascertain whether the notice issued by the office reached its ultimate destination. A case may conceivably be that the Committee was very vigilant, very careful, very indulgent, in sending the notice, but it may very well be that the notice was not exactly received—may be he was in a condition of ill-health that the notice

[Shri Tek Chand]

could not get him or he was not in a position to appreciate the contents of the notice.

Shri Joachim Alva (Kanara): If I may interrupt the hon. Member, the notice was sent for three successive weeks.

Mr. Deputy-Speaker: I might inform the hon. Member that on behalf of the Parliament a notice was sent to the hon. Member concerned through the State Government. The State Government has acknowledged that and sent in a reply that the notice has been served along with the acknowledgment of the Member himself.

Shri Kamath: Kindly read the contents of the notice.

Mr. Deputy-Speaker: This is his own acknowledgment:

"With reference to your letter... addressed to the Chief Secretary, I am now to forward herewith the acknowledgment from Shri Mahapatra in token of receipt of his letter by him.....".

Shri Kamath: Contents of the notice please.

Mr. Deputy-Speaker: That was read out yesterday. That is given in the report itself.

The hon. Member, Shri Tek Chand, may now proceed, but let him be brief.

Shri Tek Chand: On the assumption that the notice was served and acknowledged by the Member, no further question really arises. But since you were pleased to ask whether there was any provision or precedent or practice, I think that a last opportunity ought to be given to a Member who is about to be disqua-

lified. May I say only one thing—*audi alteram partem*? It is a well known rule of natural justice to hear the other side. You have already done justice, and if you can adjourn by about a week, I have no doubt that you will be doing a more effective justice in the matter.

Mr. Deputy-Speaker: It is for the House to decide whatever action is necessary. Personally I do not see any ground for postponement. I do not know whether there can be anything else between the two steps. I have not been able to judge even now or to visualise any possibility of some other thing under the circumstances. We have been told that if we are going to take a step against an hon. Member, a notice is necessary. Certainly it was necessary when the decision of yesterday was taken up, that is, so far as that decision was concerned. But now we have to stick to that decision. The absence of the hon. Member concerned has not been condoned. Where will the Member remain now, I fail to follow. Therefore, I do not see any reason for adjourning this debate. Let me put the question now.....

Shri Kamath: On a point of order. Sir. At the outset you said that you were not going to give us the opportunity to table an amendment. May I at least be permitted to move that consideration of this motion be postponed till the 12th December, 1956? That can be admitted by you.

Mr. Deputy-Speaker: Let it be moved.

Shri Kamath: I beg to move:

"That the consideration of the motion be postponed till the 12th December, 1956."

Mr. Deputy-Speaker: I will put it to the House.

The question is:

"That the consideration of the motion be postponed till the 12th December, 1956."

Those in favour will please say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Deputy-Speaker: Those against will please say 'No'.

Several Hon. Members: 'No'.

Mr. Deputy-Speaker: I think the 'Noes' have it. The motion is negatived.

Shri Kamath: The 'Ayes' have it.

Mr. Deputy-Speaker: I am ringing the bell.

There is Shri Altekar's motion for the vacation of the seat of Shri Mahapatra, and there is Shri Kamath's motion on it. I shall now put Shri Kamath's motion first.

The question is:

"That the consideration of the motion be postponed till the 12th December, 1956."

Those in favour may please say "Aye".

Some Hon. Members: "Aye".

Mr. Deputy-Speaker: Those against may please say "No".

Several Hon. Members: "No".

Mr. Deputy-Speaker: The "Noes" have it. The motion is lost.

Shri Kamath: The "Ayes" have it.

Mr. Deputy-Speaker: Those in favour may please rise in their seats. There are 12.

Now, those against may please rise in their seats. I see a large number. By an overwhelming majority this motion is lost.

The motion was negatived.

Mr. Deputy-Speaker: I will now put the main motion.

The question is:

"In pursuance of clause 4 of Article 101 of the Constitution of India the seat of Shri Sibnarayan Singh Mahapatra, Member of Lok Sabha who has been absent from all meetings of the House for a period of more than 60 days is hereby declared vacant.

The motion was adopted.

CENTRAL SALES TAX
BILL—concl'd.

Mr. Deputy-Speaker: The House will now resume further consideration of the motion relating to the Central Sales Tax Bill.

Shri L. Jageswar Singh (Inner Manipur): Mr. Deputy-Speaker, I was saying in my speech yesterday that certain essential items such as foodstuffs, kerosene oil and salt should be included in the Bill, as they are of very great special importance to the community. The reason for including these essential items is that there are certain States which generally impose exorbitant rates for certain foodstuffs. I consider that if these items are brought under the purview of the Central Government, they should be in a position to ensure a uniform policy.

to the notice of the House is that there should be some sort of a Taxation Board. As a general rule we find that all taxation will only affect the poor people and I am not in favour of taxing them. I am in favour of taxing the rich people and I am in favour of taxing the luxury goods. I do not, of course, mean that all goods should be exempt from all taxation.

In order to have a uniform policy all over the country, so far as Sales Tax is concerned, my suggestion is that there should be a Sales Tax Council and this organization should co-