

Shri V. G. Deshpande (Guna): Will copies be supplied to us?

Mr. Speaker: They will be circulated.

BUSINESS ADVISORY COMMITTEE

THIRTY-SEVENTH REPORT

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

"That this House agrees with the Thirty-seventh Report of the Business Advisory Committee presented to the House on the 23rd May, 1956."

Mr. Speaker: Motion moved:

"That this House agrees with the Thirty-seventh Report of the Business Advisory Committee presented to the House on the 23rd May, 1956."

Shri Kamath: I beg to move.

That at the end of the motion, the following be added:

"subject to the modification that—

(1) '3 hours' instead of '2 hours' be allotted to the consideration and passing of the Travancore-Cochin State Legislature (Delegation of Powers) Bill; and

(2) 'not less than 1 hour' instead of 'not more than 1 hour' be allotted to the Rules regarding emergency recruitment to I.A.S."

Shri Satya Narayan Sinha: Sir, may I suggest one thing? I would suggest with your permission, Sir, that Shri Kamath should be included in the Business Advisory Committee so that he will be a party to the decision. Because he is not committed to the decision of his Party, if he is there on the Committee.....

Shri Kamath: There is no such motion before the House. The motion and my amendments are before the House.

Sir, I shall be very very brief with regard to my amendments.

Mr. Speaker: They speak for themselves.

Shri Kamath: Yes Sir, but I would like to draw your attention and the attention of the House to one thing. With regard to my first amendment relating to the Travancore-Cochin State Legislature (Delegation of Powers) Bill, the House will recollect—if my hon. colleagues do not recollect, then I would like to point out—that the first Bill of this kind was debated in this House in August 1951 and that was the Punjab State Legislature (Delegation of Powers) Bill. The Provisional Parliament was occupied with this Bill for over a day and a half. The hon. Home Minister, Shri C. Rajagopalachari, was in charge of the Bill and there was extensive discussion. There was a very lengthy and a very useful discussion on that Bill, and a day and a half—nearly 6 to 7 hours—were taken up by that Bill. Now, to my mind the present Bill is a more serious Bill than the Punjab State Legislature Bill, because it has more serious repercussions than that Bill had ever had. The effect of this Bill would be to kill—more or less in the parliamentary sense—the State Assembly members of the Malabar District of Madras. They will go out of existence.

Shri A. M. Thomas (Ernakulam): No, no.

Shri Kamath: Sir, on the appointed date of the S.R. Bill, the Malabar members of the Madras Assembly would go out of existence. That, Sir, is a very serious repercussion of that Bill. Therefore, we must give more thought to this Bill before it is finally passed by this House. We must provide for certain safeguards and other measures. Therefore, I think that three hours may be allotted to this Bill and I am sure my hon. colleagues would not grudge this act of atonement for the slaughter of democracy in Travancore-Cochin.

As regards my second amendment by which I seek to put in "not less than one hour", the motion as it stands rather fetters your powers which I do not wish to do, nor the House either. I am sure the House will agree to the proposition that the exercise of your discretionary powers must simultaneously conduce to the extension of rights and privileges of this House. From that angle, I think the amendment seeking to extend the time beyond one hour if necessary—it is left to your discretion—must be accepted. My amendment seeks to ensure a minimum of one hour and not a maximum of one hour as the motion seeks to do. My friend Shri Satya Narayan Sinha is

[Shri Kamath]

always anxious to enlarge the powers of the Members, but I do not know why in this matter he has gone astray. I think, Sir, this must be rectified and I am sure he would not have any objection to accept this amendment of mine because it carries out the spirit of the Business Advisory Committee which wants us to see that full discussion on this matter is held in this House. Yesterday, you will recollect, Sir, when a question about this matter was asked, as many as 25 hon. colleagues rose in their seats to put supplementaries on the question of the emergency recruitment to I.A.S. Therefore, I venture to suggest that one hour at least—if possible, an hour and a half—might be allotted for this discussion. That is why I have moved this amendment ensuring a minimum of one hour subject to increase or extension by you at your discretion.

In the end, with regard to item No. 3, that is, the exodus from East Pakistan, I would suggest that both the Ministers must be here when that discussion is held. The Minister for Minority Affairs made a statement in the House the other day. The Minister for Rehabilitation is mostly outside Delhi nowadays. I would request you, Sir, kindly to see that both the Ministers are present in the House when that matter is taken up. It is not enough if Shri Biswas alone is present. Shri Mehr Chand Khanna should also be present so that the matter may be fully looked into.

Mr. Speaker: Amendment moved:

That at the end of the motion, the following be added:

“subject to the modification that—

(1) ‘3 hours’ instead of ‘2 hours’ be allotted to the consideration and passing of the Travancore-Cochin State Legislature (Delegation of Powers) Bill; and

(2) ‘not less than 1 hour’ instead of ‘not more than 1 hour’ be allotted to the Rules regarding emergency recruitment to I.A.S.”

Shri A. M. Thomas: Sir, as a member of the Business Advisory Committee I wish to tell the House the circumstances under which time has been allotted to these items by that Committee. This Travancore-Cochin State Legislature (Delegation of Powers) Bill is not at all a complicated piece of legislation. There are only some two or three clauses, but

I concede that some principle is involved and that is with regard to the propriety of delegation of the legislative powers of this House. The only question that is relevant to be raised before the House is the propriety of delegating the powers to the President. As far as this matter is concerned, in the history of this House it is the third time that an enactment of this kind has been necessary. There is also the legislation of 1951 that has been just referred to by Shri Kamath and if that is also taken this is the fourth occasion. When this matter was considered by the Advisory Committee, we thought that consistent with the demand that may be made for participation in the discussion on this Bill, two hours would be sufficient. The Government suggested only one hour. It was proposed by the Communist Party that a minimum of two hours would be necessary. Shri Asoka Mehta, representative of the PSP, to which Shri Kamath belongs, also agreed to it. Therefore, I do not think there is any necessity for giving more time to this Bill.

With regard to the other matter, as Shri Kamath himself has said, this matter has come up before this House on two or three occasions. A demand was made I think for a half-an-hour discussion.

Some Hon. Members: No, one hour.

Shri A. M. Thomas: One hour will certainly be devoted to this.

Shri Kamath: It is less than one hour.

Shri A. M. Thomas: If there is any doubt with regard to that, that may be cleared. I think that the motion has to be passed as it is, without any amendment.

Shrimati Renu Chakravartty (Basirhat): I want to point out one thing. We had asked for a two hours’ discussion, but now one very important point has been brought before this House by Shri Kamath which did not strike to us as members of the Committee. He has now pointed out about the going out of existence of the Malabar members.

Shri A. M. Thomas: That does not arise in this Bill. It will be taken up only when the SRC Bill comes up.

Shrimati Renu Chakravartty: It will come under this because delegation of powers is being made. This is an important point which may need a little bit of discussion. Therefore, if it is possible, I think the House should be able to extend the time.

Mr. Speaker : I will put the amendments to the vote of the House.

Shri Kamath : They may be put separately, Sir.

Mr. Speaker : The question is :

That at the end of the motion, the following be added :

"subject to the modification that—

'3 hours' instead of '2 hours' be allotted to the consideration and passing of the Travancore-Cochin State Legislature (Delegation of Powers) Bill ;"

The motion was negatived.

Mr. Speaker : I come now to the next amendment, regarding the rules for the emergency recruitment to I.A.S. This seems to be practically out of order. The Business Advisory Committee is expected to allocate time. If it says 'not more than 1 hour', does it mean I can give 15 hours? It is not so. After all, we have no advice as to what ought not to be the time which should be allowed :

The question is :

That at the end of the motion, the following be added :

"subject to the modification that—

'not less than 1 hour' instead of 'not more than 1 hour' be allotted to the Rules regarding emergency recruitment to I.A.S."

The motion was negatived.

Mr. Speaker : I shall now put the original motion to the vote of the House.

The question is :

"That this House agrees with the Thirty-seventh Report of the Business Advisory Committee presented to the House on the 23rd May, 1956".

The motion was adopted.

RULING RE: BRINGING EMPLOYER—EMPLOYEE DISPUTES BEFORE HOUSE

Shri N. C. Chatterjee (Hooghly) : Before the discussion on the second Five Year Plan is resumed, may I make a short statement on an important matter? On the 23rd May last, Shri A. K. Gopalan tabled an adjournment motion with regard to the railway workers'

strike in the Secunderabad division and at Kharagpur. The Railway Minister made a fairly long statement and he expressed the view that so long as the present railway workers' strike was not withdrawn completely and unconditionally, he was not prepared to consider any grievances of the workers or their request to refer the matter to adjudication.

You were good enough to rule out Shri Gopalan's adjournment motion. In giving your ruling you made certain observations which have deeply exercised the minds of some Members of this House and especially those of the Opposition. They may be mere *obiter dicta*. But we apprehend that coming from so exalted a person as the Speaker of the House they might be used as precedents for future occasions and that unless an immediate clarification is made, this may make our position difficult. We feel that the Members will not be in a position to discharge their duties and responsibilities as the elective representatives of the people unless the position is made clear. We have no intention to question your ruling. With due deference we were distressed by some observations made by you. You said that the dispute between the employer and the employees when the employer in this particular case was the Government—"Ought not to be brought up before the House for discussion and settlement". You also said that this House should not be used as "the forum for the purpose of settling such differences" and that the "public cannot be held at ransom by a section of the employees".

In view of the steady expansion of the public sector and in view of the further contemplated extension thereof under the next Five Year Plan, the State is going to be a very big employer of labour. We submit that it is the right and duty of the Members of the House to bring before Parliament matters of urgent public importance involving disputes or differences between the employer and the employees. The fact that technically a strike might not be legal or that the State is the employer should not be considered as grounds for negating discussions or for preventing interrogation of the Ministry concerned. We trust that you had no intention to say anything in curtailment of the rights and privileges of the Members of this House. But in the interests of all concerned, we submit that the position should be made clear.