

[Mr. Speaker]

to us. I would give this advice; any Minister who goes out may confine himself only to the point for which he goes. If the Minister for Steel goes, let him not talk about anything other than steel. This will avoid all difficulties.

Under the circumstances, I do not think there is any necessity for me to give my consent to this. Consent is withheld to this motion.

Shri H. N. Mukerjee: Would you keep it pending till the Finance Minister comes back?

Mr. Speaker: No, no.

12.29 hrs.

POINT RE: ADJOURNMENT
MOTION

Mr. Speaker: I have to inform the House.....

Shri Frank Anthony (Nominated—Anglo-Indian): Mr. Speaker, I have given.....

Mr. Speaker: I have disallowed it.

Shri Frank Anthony: I wanted to raise one or two matters....

Mr. Speaker: Order, order. The hon. Member will hear me and then he may or may not raise it. I repeated the other day and I do so again. Besides being an ordinary Member, he is also one of the Panel of Chairmen; therefore, he must also know what exactly I have proposed to do.

All adjournment motions are brought to me. He knows and every other hon. Member knows that without my consent, it cannot be brought up before this House. As soon as I see an adjournment motion, I examine it and say either that it is a matter of law and order or some other thing,

this is not specific or definite or an urgent matter of public importance. It must be specific and definite; it must also relate to something which has been done in contravention of the prevailing rule or law etc. There must be neglect on the part of Government or improper action on the part of Government. There must be default. I consider all these and come to some conclusion. After all, I have to come to some conclusion and I do so. Then, when I tell him that I am not going to allow, the hon. Member may keep his soul in patience. If he wants to persuade me to allow the discussion, he will kindly write to me or talk to me. I am prepared to bring it up if I am satisfied. There is no such urgency with respect to this matter that unless it is decided today the Heavens are going to fall. Therefore, the hon. Member may satisfy me whether the statement of a particular Minister which he refers to is such that a discussion should take place on it, adjourning all the other work of the House. I have got to decide that matter. I have done that and if any hon. Member wants to get up against it it is disobeying my orders.

I am giving the hon. Member an opportunity—I am not shutting him out permanently—to come and talk to me in my Chamber. If he convinces me, I can bring it before the House tomorrow, if not today. If I am not convinced, there is no other remedy except that he must get rid of me.

Shri Frank Anthony: Sir.....

Mr. Speaker: Order please. He cannot get rid of me so soon.

Shri Frank Anthony: I want to raise a point of order, unless you say I cannot raise it.

Mr. Speaker: On a prior occasion—it was some five years ago, soon after my becoming Deputy-Speaker—this very hon. Member wanted to raise a

point of order. I then told him that there could not be a point of order in vacuum—when one item of work had finished and when another item was to be commenced. Then I heard him at length and said that a point of order could not be raised after one subject is over and another has not started. Similarly, now also there cannot be any point of order unless he says that some person has come who is not a Member or who is not entitled to take part or any Member is disturbing the business of the House. A point of order can be raised only with respect to a matter that is being considered. But, there is no such matter now before the House.

Shri Frank Anthony: My point of order refers to the ruling which you have been pleased to give. The point of order which I wanted to raise is this. With all due respect, I submit that your ruling is not in order when you say that you can dispose of an adjournment motion in your Chamber. With the utmost respect, I say that it is not within the competence of the Chair to do so.

I have studied the rules. I may be wrong but rules 184 to 187 say that there shall be no general discussion on adjournment motion without the previous consent of the Speaker. I am certainly not entitled to raise a general discussion in this House on an adjournment motion without your previous consent.

The point of order I am raising is about my right as a Member of the House in respect of an adjournment motion in this House. The House has to be seized of the matter. Whether it satisfies the conditions of admissibility is not a matter between me and the Speaker in his Chamber. I refuse to see the Speaker or any Chairman on a matter of adjournment motion. It is a matter of urgent public importance. I and the House between us have the right to be seized of it. You have absolute jurisdiction to disallow the motion but I submit that it is on a par with a point of order.

I have the right to formulate the grounds of admissibility and you have the right to disallow the motion. But you must hear me. And I submit with the utmost respect that the reason you have given here is palpably untenable.

I can go to the Supreme Court and say, "Your decision is palpably untenable....."

Mr. Speaker: I am afraid there is a limit beyond which the hon. Member cannot go. What he says is.....
(*Interruption*).

Shri Frank Anthony: You have said this is a continuing matter. It is not a continuing matter. The statement of the Home Minister who is in charge of the language policy of the country is in direct violation of the assurance given by the Prime Minister. It is not a continuing matter. You have been pleased to disallow it on the ground that the Minister of State when he said that Hindi will come in as a language.....(*Interruptions*).

Shri Ramanathan Chettiar (Pudu Kottai): On a point of order, Sir. The hon. Member is questioning the ruling given by you as Speaker. I do not think he can question the ruling of the Chair. He can question the ruling outside the House.

Shri Tyagi (Dehra Dun): A submission can be made.

Mr. Speaker: I have understood both the hon. Members.

Shri Frank Anthony: With regard to the right to raise an adjournment motion in this House.....

Mr. Speaker: The point of order raised by the hon. Member is that under the rules my consent is necessary for the purpose of enabling a discussion here, but I should bring it up here and then satisfy him whether my refusing consent is right or not and that he has got the right to discuss about my consent.

[Mr. Speaker]

I do not say that no adjournment at all could be moved. Consent depends naturally upon the subject matter of the motion. Before consent is given I have to decide whether it is a matter of urgent public importance. I have also to decide whether it is a State matter or a matter that can be brought up here. Therefore, in effect, what he wants is that this House should decide whether all conditions are satisfied or not. He wants that I must give him an opportunity here. That is not the rule, and that is not the interpretation of the rule.

If that is so, then, as a matter of fact, I will have to bring up here every question given notice of. Twenty thousand questions came to me; I admit some of them; I reject some of them.

The hon. Member says he does not care about my Chamber. The Chamber is part of the House. The Chamber is not my private house. I sit as Speaker, whether I sit here or in the Chamber. I am entitled to dispose of matters in my Chamber. As a matter of fact, I dispose of many matters—whether a resolution is in order or not, whether an amendment is in order or not and various other matters. I put my signature to Bills which have been passed by both Houses of Parliament. I do not do all these things in the House with your consent. I sign Acts which the Supreme Court enforces. Therefore, the Speaker's Chamber is a part of this House. I am not prepared to accept this new kind of interpretation.

So far as consent is concerned, whether to questions or motions, it is I that have to decide whether it should be given or not. I am not going to give an opportunity. It is absolutely against the spirit of the rules. Then practically the whole matter may be

discussed which I do not want to discuss here. It is not everything, every statement made anywhere in the world that can form the subject-matter of an adjournment motion. For discussion of an adjournment motion two and a half hours are given. Here it will take two hours to decide the admissibility. Not only this hon. Member but some other hon. Members will have the right to say that it is urgent and that in addition to the grounds given by Shri Frank Anthony they have got other grounds. He may say that there is a default on the part of Government. What is sought to be avoided will be discussed and I think we cannot get on with any work here.

I have got the right—the Speaker has got the right, whoever may be the Speaker—to find out whether consent should be given or not. I will treat it as a contempt of the Speaker if hereafter any hon. Member wants to raise a point of order regarding it, obstructing all the proceedings of the House. If he has any doubt he can convince me. The hon. Member says that he refuses to come to my Chamber. Hereafter I am not going to call the hon. Member to my Chamber for any purpose. He has been a member of the Panel of Chairmen. I am seriously considering whether I should have the hon. Member in the Panel of Chairmen because he does not respect the Speaker's Chamber. I never expected this kind of statement from an old parliamentarian.

Therefore, if any hon. Member feels that consent ought not to have been withheld by me, it is open to him to write to me whether he cares to come to me or not. I will look into the matter and if I still feel that there are no grounds I will immediately send him a reply, or otherwise I will bring it before the House.

But, so far as this case is concerned, if he does not care to come to my Chamber, I am not prepared to call him hereafter.

Shri Frank Anthony: Sir, I must respectfully protest against your reflection. I merely said that so far as my adjournment motion is concerned, I am not obliged to come to the Speaker's Chamber. But you have used that to say that you will have seriously to consider removing me from the Panel of Chairmen. You may take it from me that I am resigning from the Panel of Chairmen and from every other committee. I am asserting my right as a Member. Because I happen to be an isolated independent Member here, you use gratuitously offensive remarks against me. I am resigning here and now from the Panel of Chairmen.

Mr. Speaker: I accept it most gladly. We will now proceed to the next time.

Shri M. R. Masani (Ranchi-East): Will you allow me a minute, Sir? The issue that arises is whether or not this House should know what the subject-matter of an adjournment motion tabled by an Hon. Member is and the grounds on which the Chair allows or disallows it. This morning you disallowed two adjournment motions. In regard to one, you allowed the House and the country to know for 25 minutes what the motion was about and why it was disallowed. The Prime Minister even made a statement. Is it not fair that this House should know what other adjournment motions were tabled this morning and why the Chair disallowed them? That is all we want to know. If the House is not allowed to know what the adjournment motion is about, it takes away something from the Members of this House which belongs to this House.

Mr. Speaker: Is it the suggestion of Shri Masani that I must bring up every adjournment motion before the House? Any person can table an adjournment motion. He may say he feels it is very important.

I have divided adjournment motions into three groups. In the first category are those which, *prima facie*, according

to me, it is not necessary to bring up before the House and spend away the time of the House. There is a lot of difference between this one and the other that was brought up before the House today, if the hon. Member will look into it. I do not want to go into the merits of it. Every hon. Member feels that immediately he tables an adjournment motion I must bring it up before the House and discuss it. The argument is, "Because you allowed 25 minutes for the other, you must allow us 15 minutes"—I am not prepared to accept it. If *prima facie* there is nothing in an adjournment motion which requires clarification, etc. it is open to me not to bring it up before the House; but disallow it. But on the other hand, if I want clarification and I would like to hear the hon. Member concerned at the primary stage, to find out what exactly is the matter, whether it is such a serious thing and so on. I bring it up and hear hon. Members so that I may give my consent or I may withhold it.

If I make up my mind to give consent, I will request 50 hon. Members here to get up and then if I find the requisite number, I will allow it. So, these are the three stages or the three modes in which the adjournment motions are dealt with.

There is no good drawing an analogy between the one and the other. There are cases and cases. It only shows that I am not arbitrary. Wherever I feel that I must take the House into confidence, if there is something serious and if I want to hear anything more I am only too anxious to bring the matter up here though, I may myself feel in my mind that it is not a fit motion for adjournment. In these circumstances, let us not draw an analogy. This is a single instance; it is rather unfortunate. He said that he is not recognising the Chamber and, therefore, I was obliged to say, "I will allow you not to recognise the Chamber at all. . . ."

Shri Jaipal Singh (Ranchi West-Reserved-Sch. Tribes): Will you kindly clarify the position of the three different kinds of adjournment motions? You have not made it clear yet.

Dr. Sushila Nayar (Jhansi): Sir, on a point of order.

Mr. Speaker: Let me hear him.

Shri Jaipal Singh: Sir, I hope I have understood you correctly. Your ruling means that where you have not admitted adjournment motions, no discussion shall take place. The only discussion that shall take place is after consultation—that is, in the case of a person who will see you or write to you. Then, you will give your reasons. If you are satisfied, it will come up. So, your ruling is that once you disallow a motion, no discussion will be permitted, but in other cases, you will give an opportunity to Members. The confusion starts with regard to the second and third types of adjournment motions and I would like to know what exactly you mean.

Mr. Speaker: *Prima facie*, it is open to me to come to a conclusion as to whether an adjournment motion is to be given consent to or not. If I am definite that consent ought not to be given, I disallow it. I do not bring it up here.

Shri Jaipal Singh: No discussion.

Mr. Speaker: No discussion. The third type is where I am in a little doubt and I would like to have some more facts regarding the matter before I come to a conclusion, e.g., with respect to the urgency or with respect to the correctness of the facts as stated: whether it is from some newspaper or other source which makes the hon. Member believe. Then I get the Government's version. After hearing both sides if there is a general agreement that nothing more need be done

in regard to that matter. I do not give my consent. In one case when it was a serious matter, I allowed an adjournment motion and a full-dress discussion. So far as the first is concerned, where I refuse to give my consent and I dispose of it in my Chamber, I give an opportunity to the hon. Member to write to me, or if he can call on me, I would allow him an opportunity to present his case. Even in such cases, that opportunity is there. If I am satisfied that some further elucidation is necessary, I will bring it up here on this next day and thus allow him and other hon. Members to tell me not only in my Chamber but in the House also. To that extent discretion must be left to me. I am not shutting out any hon. Member. I am trying to take jurisdiction only in one case out of a hundred and if even that is refused to me, I cannot get on in this House.

I would request all hon. Members to remember that the other Assemblies are watching how we are carrying on the proceedings. If Shri Anthony wanted, he might have told me or written to me. If I am satisfied with respect to the other reasons set out in the letter I would not have hesitated to change my opinion. If he would convince me, I am always prepared. I am not against any particular hon. Member. In these circumstances, let this matter be set at rest here. Does Dr. Sushila Nayar want to say anything more?

Dr. Sushila Nayar: Sir, I want to submit in all humility that, under the rules, there could be no discussion of the ruling of the Speaker and for the last fifteen minutes or so we are discussing the ruling of the Speaker. You are extremely kind and generous in permitting it. It is for the House to respect the Chair and thus respect itself. I submit in all humility that henceforward you will be so kind as not to give a single minute for a discussion of the ruling given by the

Speaker because that is the only right procedure and the right standard of dignity and behaviour that is becoming of us... (Interruptions).

Mr. Speaker: She is only reiterating what I said.

Raja Mahendra Pratap (Mathura): Let us all form a harmonious group so that friction may be removed. We can all sit together and try to come to one point. Let there be harmony. (Interruptions)

Shri C. K. Bhattacharyya (West Dinajpur): May I make one submission? In the West Bengal Assembly, the Speaker allows the adjournment motions to be read in the House and then disallows them, if necessary.... (Interruptions)

Mr. Speaker: Order, order. We shall proceed to the next business.

12.46 hrs.

PAPERS LAID ON THE TABLE

AMENDMENTS TO DELHI (CONTROL OF BUILDING OPERATIONS) REGULATIONS

The Minister of Health (Shri Kar-markar): I beg to lay on the Table, under sub-section (3) of Section 19 of the Delhi (Control of Building Operations) Act, 1955, a copy of each of the following Notifications making certain amendments to the Delhi (Control of Building Operations) Regulations:

- (i) S.R.O. No. 2777 dated the 24th November, 1956;
- (ii) S.R.O. No. 1710 dated the 25th May, 1957;
- (iii) S.R.O. No. 3083 dated the 28th September, 1957; and
- (iv) S.R.O. No. 3823 dated the 30th November, 1957.

[Placed in Library; See No. LT-918/58.]

HIMACHAL PRADESH SEED POTATO (CONTROL) ORDER

The Minister of Cooperation (Dr. P. S. Deshmukh): I beg to lay on the 184(A) LSD-5.

Table, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955, a copy of the Himachal Pradesh Seed Potato (Control) Order, 1958 published in Notification No. G. S. R. 758A dated the 29th August, 1958.

[Placed in Library; See No. LT-919/58.]

AMENDMENTS TO DELHI MOTOR VEHICLES RULES

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): I beg to lay on the Table, under sub-section (3) of Section 133 of the Motor Vehicles Act, 1939, a copy of each of the following Notifications making certain amendments to the Delhi Motor Vehicles Rules, 1940:—

- (i) Notification No. F. 12/130/56-MT/HOME dated the 3rd September, 1958 published in Delhi Gazette;
- (ii) Notification No. 12/154/56-MT/HOME dated the 3rd September, 1958 published in Delhi Gazette;

[Placed in Library; See No. LT-920/58.]

12.47 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 125 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 11th September, 1958, agreed without any amendment to the Banaras Hindu University (Amendment) Bill, 1958, which was passed by the Lok Sabha at its sitting held on the 2nd September, 1958".