

Union Public Service  
Commission (Consultation)  
Regulations

detention was not mentioned there. Have we not got information about the place of detention?

**Mr. Speaker:** The hon. Home Minister will kindly issue general instructions to give the place of detention also. Wherever a Member is arrested, any further details that could be given might be given.

**The Minister of Home Affairs (Pandit G. B. Pant):** What instructions have to be issued?

**Mr. Speaker:** In these telegrams, the arrest is notified and time is mentioned, but the place of detention is not given.

**Pandit G. B. Pant:** If one is detained under the Preventive Detention Act and if one has to be tried in a court, then has the lock-up in which he is kept to be specified along with the town in which he is kept?

**Shri Braj Raj Singh:** That is the provision of the rule—that the place of detention has to be mentioned.

**Pandit G. B. Pant:** If the rule is already there, then it will be observed.

**Shri Braj Raj Singh:** They are committing a breach of the rule.

**Mr. Speaker:** Normally, under the rules there is no obligation. But as a matter of convention, it appears the place where they are kept in custody is also noted. If it is possible, Government might do so.

asking you to kindly allow me to suggest that the UPSC (Consultation) Regulations, which have been placed for the consideration of this House for today, may be returned to Government. According to article 320(5), these Regulations were placed on the Table of this House. According to the same article, this House and the other House have a right to discuss and amend those Regulations. For 14 days they ought to have been placed on the Table of the House. The matter was so arranged that they were placed for 14 days. Within those 14 days, Shri Braj Raj Singh and others gave notice of amendments. The amendments cannot be disposed of except today. Even if you were pleased to allow them to be disposed of today, they would not get the concurrence of the other House. According to article 320(5), the concurrence of both Houses should be taken to amend these Regulations. After all, the Constitution has given the right to this House and the other House to discuss and amend these Regulations. So it is but necessary that Government should place us in a position and give such time that this House and the other House may be able to discuss and amend these Regulations.

According to article 320(5), these Regulations will now become good law in spite of the fact that no opportunity has been afforded to this House and the other House to discuss and amend them. I therefore submit that these Regulations may be returned to Government so that they may be placed before the House next session and this House and the other House may be afforded the right, which is given by the Constitution, to discuss and amend these Regulations.

**Mr. Speaker:** If they have already been placed before the House, what is to be done?

**Pandit Thakur Das Bhargava:** At the same time, enough time was not allowed and opportunity was not afforded to this House to discuss them and amend them and to ask the other

14.31 hrs.

MOTIONS RE: MODIFICATION OF  
UNION PUBLIC SERVICE COM-  
MISSION (CONSULTATION) RE-  
GULATIONS

**Pandit Thakur Das Bhargava (Hissar):** With your permission, may I bring one matter to your notice? Yesterday I gave notice of a motion

Union Public Service  
Commission (Consultation)  
Regulations

[Pandit Thakur Das Bhargava]

House to concur in the amendments. So practically this is a fraud on the Constitution, when the Constitution says that both Houses have the right to amend these Regulations and Government should place these Regulations before both Houses in such a time that both Houses may be able to discuss them.

Shri Braj Raj Singh has given notice of amendments.

Mr. Speaker: When were they placed before the House?

Shri Braj Raj Singh (Firozabad): 11th September.

Mr. Speaker: Today is the 27th. The rule about 14 days has been observed.

Pandit Thakur Das Bhargava: Before the 14 days were over, Shri Braj Raj Singh gave notice of his amendments. Therefore, the discussion ought to have taken place at such a time that they could be sent to the other House to be discussed.

Mr. Speaker: We are not worried about the other House. So far as this House is concerned, when was notice given by the hon. Member?

Shri Braj Raj Singh: It was given within the 14 days.

Mr. Speaker: If they were laid on the Table on the 11th, the last day was 25th.

Pandit Thakur Das Bhargava: If you will kindly refer to article 320(5), you will be convinced that my complaint is perfectly justified.

Mr. Speaker: The amendment tabled by Shri Braj Raj Singh is out of order as he wants this to be referred to a Joint Committee.

Shri Braj Raj Singh: There is another set of amendments. Article 320(5) says:

"All regulations made under the proviso to clause (3) by the

President or the Governor of a State shall be laid for not less than fourteen days before each House of Parliament or the House or each House of the Legislature of the State, as the case may be, as soon as possible after they are made, and shall be subjected to such modifications, whether by way of repeal or amendment, as both Houses of Parliament or the House or both Houses of the Legislature of the State may make during the session in which they the so laid".

Now my point is that the 14 days have elapsed. My amendment is there. Another amendment is also there. They have not been discussed yet, but because 14 days have elapsed, these Regulations are liable to become good law without their being discussed by the House. That is the difficulty. Without the House getting an opportunity to discuss these Regulations and amendments, the Regulations are liable to become good law.

Shri Harish Chandra Mathur (Pali): Within three days of these Regulations being laid on the Table of the House, I tabled amendments to them. When the Business Advisory Committee met, you had invited me and you allotted two hours for it. I specifically pointed out that it is obligatory that these regulations are discussed during this session. It is constitutionally obligatory, and in view of my bringing all this to your notice, you gave preference to my amendments and to the discussion of these regulations. The other two Bills which were considered were lower in the list of business, but I do not know what happened. I think the Government will be able to explain. You know the position. The discussion of these regulations was relegated to the background and the other two Bills came up for discussion first. Still I thought it would be possible for this House to

discuss these regulations and to pass them on to the Rajya Sabha. But to-day now we find that it is not possible to do so.

I think it is obligatory on the part of Government to let these regulations be discussed by the House. This is a constitutional obligation. They cannot become law until and unless an opportunity is given to this House to discuss these Regulations. If we are not to discuss these Regulations, I do not know what the position is. It appears to me that the motion tabled by my hon. friend that these Regulations may be returned to the Government is not in order. I at least could not find any rule or regulation under which we can take to such a course. My hon. friend being an able parliamentarian of much longer standing may be able to point out under what provision he wants to move the motion that it be returned to Government.

But I am very clear in my mind that these Regulations must be discussed during this session by both this House and the other House according to the constitutional obligations of the Government

**The Minister of Home Affairs (Pandit G. B. Pant):** Under the Constitution, these Regulations should be laid on the Table of this House and should be available for 14 days. Both these conditions have been fulfilled.

**Mr. Speaker:** When were these Regulations made?

**Pandit G. B. Pant:** I think they were made only recently. I do not exactly remember.

**Shri Harish Chandra Mathur:** They were published in the Gazette on 1st September.

**Pandit G. B. Pant:** 1st September. So they were placed on the Table of this House. We would have been happy if the matter was discussed and the amendments had also been taken up.

But we have done our part. If there are so many things which cannot be done, it cannot be helped. There are so many questions tabled for every day, but if only 15 or 20 questions are covered, the rest 'lapse'. Similar is the case with other things. There are so many questions of which notice has been given which are not taken up. Similarly Resolutions also will lapse. Today we had a long discussion over the privilege motion but when the time for non-official business arrived, the subject had to be left half-way. I am not the master of time. I cannot extend one hour into two; nor can anybody else do so. So, so far as I am concerned, I do not see what remedy there is. I am prepared to suggest that if hon. Members want to make any recommendations or move any resolutions regarding this, I will have no objection to their doing so in the next session or any session they like. But so far as these regulations go, the needful has been done. And it is not here alone; there are two Houses which are concerned and I have done what I was required to do.

**Mr. Speaker:** All that the hon. Home Minister can do, he has done. He has placed it on the Table and allowed fourteen days. It so happened that the fourteenth day came only a day or two before the close of the session.

**Pandit G. B. Pant:** The House can start from the first day. Notice can be given from the first day.

**Mr. Speaker:** Unless all the notices are received within fourteen days, nothing can be done.

**Shri Braj Raj Singh:** The hon. Home Minister laid it on the Table only on the 11th.

**Mr. Speaker:** The hon. Member may kindly resume his seat. There is no point in interrupting like this. All that I say is that in future, as far as possible, there should be sufficient time within which amendments can be tabled. On the first day we cannot start, because hon. Members have to

[Mr. Speaker].

go through it and then come forward with their amendments or objections. Therefore, as far as possible, if we can allow sufficient time to this House—say, one or two more days—without getting stuck up like this, it would be better. Today we have spent our time on the privilege motion. If any hon. Member had at that moment pointed out this fact, I would have given my consent to the privilege motion only on the next session.

**Shri Braj Raj Singh:** Actually, I suggested this yesterday before the Bill about High Court Judges was taken up.

**Mr. Speaker:** One of the two courses has to be adopted. If there is no objection to it being discussed on a formal motion to be moved to stand over to the next session, when discussion can take place, it can be done. Or, if hon. Members find some technical or legal difficulty, I have no objection to its being discussed today, provided the House is willing to sit after 5 for an hour or so. Either of the two courses can be adopted.

**Pandit Thakur Das Bhargava:** May I point out that as a matter of fact we have now changed such provisions in this way that instead of all these things being discussed in the same session we are enacting them so as to allow that they may be discussed in this session or the next session? But so far as the orders under the Constitution are concerned, they are very clear. They say that both the rules and the amendments must be discussed by both Houses in the same session in which they are laid on the Table. So, even if we sit for an hour and pass it, it will be infructuous. Therefore, I would suggest the adoption of another course. After all, the Rules of Procedure are only meant to serve a certain purpose. As Lord Blackston has said, they cannot be used for the purpose of doing injustice. The only way in which we can solve this problem is by asking the Government to take back these rules and bring them up again during the next session.

**Mr. Speaker:** How can they take back?

**Pandit Thakur Das Bhargava:** Merely because there is no rule it does not mean that no practice enabling the House to exercise its right should be followed for the time being. In the absence of a rule, if any difficult debate arises, it is for the Speaker to take a decision and make a rule.

**Mr. Speaker:** I am not so confident. The hon. Home Minister says that even though statutorily they might become rules at the end of fourteen days, if per chance a resolution is framed suitably and discussed and passed by this House during the next session, he is willing to consider that. The discussion can be carried over to the next session. He will then see the opinions expressed in the House and take some steps to modify the rules. Therefore, I will allow hon. Members to move their motions and they will stand over till next session. The hon. Home Minister has given an assurance that in the light of the opinions expressed here on such resolutions he will modify the rules.

Shri Harish Chandra Mathur's motion will be treated as moved. I will treat all those motions as moved, except those that are out of order.

**Shri Braj Raj Singh:** I would plead that my motion is in order.

**Shri Harish Chandra Mathur:** Do I understand that you have accepted the suggestion of Pandit Thakur Das Bhargava that this matter may be referred back to the Home Minister?

**Mr. Speaker:** No. The following are the motions relating to the Union Public Service Commission (Consultation) Regulations, 1958, which have been indicated by the Members to be moved:

Regulation No	Motion No.
1	5
3	1
The Schedule	2, 3, 8, 9, 10, and 4.

Union Public Service  
Commission (Consultation)  
Regulations

**Shri Braj Raj Singh:** I beg to move:

This House resolves that in pursuance of clause (5) of article 320 of the Constitution the following amendment be made in Regulation No. 1 of the Union Public Service Commission (Consultation) Regulations, 1958, laid on the Table on the 11th September, 1958, namely:—

before "Consultation" insert  
"Exemption from".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

**Shri Harish Chandra Mathur:** I beg to move:

This House resolves that in pursuance of clause (5) of article 320 of the Constitution the following amendment be made in Regulation No. 3 of the Union Public Service Commission (Consultation) Regulations, 1958, laid on the Table on the 11th September, 1958, namely:—

in sub-clause (c), omit—

"to a Central Service, Class II, or".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

This House resolves that in pursuance of clause (5) of article 320 of the Constitution the following amendment be made in the Schedule to the Union Public Service Commission (Consultation) Regulations, 1958, laid on the Table on the 11th September, 1958, namely:—

omit item No. (5).

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

This House resolves that in pursuance of clause (5) of article 320 of the Constitution the following amendment be made in the Schedule to the Union Public

Service Commission (Consultation) Regulations, 1958, laid on the Table on the 11th September, 1958, namely:—

in item No. (7), omit "and administrative".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

**Shri Braj Raj Singh:** I beg to move:

This House resolves that in pursuance of clause (5) of article 320 of the Constitution the following amendment be made in the Schedule to the Union Public Service Commission (Consultation) Regulations, 1958, laid on the Table on the 11th September 1958, namely:—

omit item No. (8).

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

This House resolves that in pursuance of clause (5) of article 320 of the Constitution the following amendment be made in the Schedule to the Union Public Service Commission (Consultation) Regulations, 1958, laid on the Table on the 11th September, 1958, namely:—

omit item No. (9)

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

This House resolves that in pursuance of clause (5) of article 320 of the Constitution the following amendment be made in the Schedule to the Union Public Service Commission (Consultation) Regulations, 1958, laid on the Table on the 11th September, 1958, namely:—

omit item No. (11).

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

**Shri Harish Chandra Mathur:** I beg to move:

This House resolves that in pursuance of clause (5) of article 320 of the Constitution the following amendment be made in the Schedule to the Union Public Service Commission (Consultation) Regulations, 1958, laid on the Table on the 11th September, 1958, namely:—

omit item No. (12).

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

**Mr. Speaker:** These motions are now before the House.

#### RE. INSECURITY OF LIFE IN RAILWAY TRAVEL

**Pandit D. N. Tiwari (Kesaria):** Mr. Speaker, on the same lines as the U.P.S.C. (Consultation) Regulations, with your permission, I beg to raise a discussion on the insecurity of, and danger to, life and property in railway travel and protection of railway staff against police and other officials who violate railway rules.

**Mr. Speaker:** Very well. It will stand over.

14.47 hrs.

#### COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

##### TWENTY-EIGHTH REPORT

**Sardar Hukam Singh (Bhatinda):** I beg to move:

"That this House agrees with the Twenty-eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th September, 1958."

**Shri D. C. Sharma (Gurdaspur):** I request that the time allowed for my resolution be extended from 1½ hours to 3 hours. It is a very important resolution. I do not think it can be discussed within 1½ hours.

Sir, I beg to move:

"That at the end of the motion the following be added, namely:—

"Subject to the modification that the time allotted for the discussion of the Resolution regarding Appointment of a Committee to inquire into the unemployment problem be increased by 1½ hours."

**Mr. Speaker:** I shall now put this amendment to the vote of the House.

The question is:

"That at the end of the motion the following be added, namely:—

"Subject to the modification that the time allotted for the discussion of the Resolution regarding Appointment of a Committee to inquire into the unemployment problem be increased by 1½ hours."

*The amendment was adopted.*

**Mr. Speaker:** The question is:

"That this House agrees with the Twenty-eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th September, 1958;

"Subject to the modification that the time allotted for the discussion of the Resolution regarding Appointment of a Committee to inquire into the unemployment problem be increased by 1½ hours."

*The motion was adopted.*