

[Mr. Speaker]

spirit dominate over all our deliberations and guide us to our destination.

He could have easily lived a full hundred years to see the fruition of his efforts both inside Parliament and outside, but he did not live to see it. If, during those days, there had been a responsible government, then, on account of the many resolutions which he threw out almost unanimously and defeated the Government, he, in a responsible system of government, could have changed the Government and taken up the Ministry himself, but he did not do so. Fortunately for us, he has left and made a gift to us of his illustrious son who has taken that place and who is guiding the destinies of our land. There is not a single member of his family, whether man or woman, who did not sacrifice and place his or her all at the service of the Motherland.

He was a great statesman. He drafted a Constitution in those days. He was a bold fighter. He fought without rancour and took defeat without bitterness.

Let us follow his example today. Let his memory be kept alive in our minds. Let our parliamentarians take his lesson to heart and make this Parliament one of the, if not, the, most outstanding Parliaments of the world.

Now, let me proceed to the work before us.

#### DOWRY PROHIBITION BILL

LAI'D ON THE TABLE, AS PASSED BY BOTH HOUSES WITH AMENDMENTS AGREED TO

**Shri M. L. Dwivedi** (Hamirpur): I have got a point of order....

**Mr. Speaker:** Order, order. I am coming to his point of order.

We are meeting today in pursuance of a summons issued to all Members of both Houses of Parliament to meet

and deliberate and decide upon matters of difference which have arisen between the two Houses. Formally, I shall ask the Secretary to lay the Bill over which we are going to have discussion and with respect to which amendments on points of disagreement have to be tabled, on the Table of the House. Let that Bill be formally laid on the Table. Thereafter, I shall hear the point of order.

**Secretary:** I lay on the Table the Bill to prohibit the giving or taking of dowry as passed by Lok Sabha and Rajya Sabha with the amendments agreed to by both the Houses.

11.05 hrs.

#### POINT RE: PROCEDURE

**श्री म० ला० द्विवेदी (हमीरपुर) :**  
अध्यक्ष महोदय, आज का जो यह दोनों सदनों का मिला-जुला सत्र बुलाया गया है उसके लिये प्रक्रिया में प्रोभीजर में, जो लिखा हुआ है वह इस प्रकार है :

"The Secretary shall issue a summons to each Member specifying the time and place for a joint sitting."

इसमें यह नहीं बतलाया गया कि कितने समय की सूचना दी जानी चाहिये। लेकिन साथ ही साथ ७वें रूल में लिखा हुआ है :

"At any joint sitting the procedure of the House shall apply with such modifications and variations as the Speaker may consider necessary or appropriate."

जहां तक मेरा ख्याल है, इस सत्र का बुलाया जाना परम्पराओं के अनुकूल नहीं है। इस कारण या तो इस कार्रवाई को स्थगित कर देना चाहिये या अध्यक्ष महोदय इस पर अपना मोडिफिकेशन जारी करें।

इस सम्बन्ध में मैं यह प्रकाश डालना चाहता हूँ कि जो संसद् के सदनों की मिली-जुली बैठक के लिये नियम बनाये गये हैं, उन में कोई समय निर्धारित नहीं किया गया है कि कितने दिन पूर्व सूचना देनी चाहिये बैठक को बुलाने के लिये। लेकिन साथ ही साथ ७ वें रूलमें लिखा हुआ है कि यदि अध्यक्ष महोदय उचित समझें तो वे इसमें तरमीम करके अपनी आज्ञा जारी कर सकते हैं। अभी तक अध्यक्ष महोदय ने कोई तरमीम जारी नहीं की। लेकिन साथ ही साथ लोक-सभा के जितने नियम, धारारों और परम्परायें हैं वे इस बैठक के लिये लागू होती हैं। लोक-सभा की जो चेप्टर २ में प्रक्रिया धारा ३ है, उसमें लिखा हुआ है।

“Provided that when a session is called at short notice or emergently, summons may not be issued to each member separately but an announcement of the date and place of the session shall be published in the Gazette and made in the press, and members may be informed by telegram.”

मेरा कहना यह है कि यह बैठक शोर्ट नोटिस पर नहीं बुलाई गई, न किसी इमर्जेन्सी पर बुलाई गई है, क्योंकि बैठक बुलाये जाने के जो कारण हैं वे छः महीने पूर्व से मालूम हैं।

**Mr. Speaker:** The hon. Member will kindly resume his seat. I have heard the point of order. A point of order has only to be stated and not argued.

The point of order that has been raised is that individual notices have not been sent to hon. Members. But I find that summons have been sent to Members.

**Shri M. L. Dwivedi:** The summons have not been issued in time. According to the convention of Parliament, one month's notice was necessary for issuing the summons, and that has been the practice in respect of the joint sessions held so far. That has not been followed in this case.

**Shri Bhupesh Gupta (West Bengal):** No notice is required. The articles of the Constitution clearly say that you have ample powers to conduct the proceedings of the House.

**Some Hon. Members:** The hon. Member is not audible. He may move forward to the mike.

**Shri Bhupesh Gupta:** I stand here to oppose the point of order that has been raised. It is dilatory in approach. In article 108 of the Constitution, it is laid down in what circumstances the President may be pleased to summon a Joint Sitting of both Houses of Parliament. The question is whether the requirements under article 108 have been fulfilled in this matter, and as far as we can make out from the summons that we have received, these requirements have been fulfilled. Therefore, on that score, no question arises so as to challenge the validity of the summoning of the session or the sitting here.

With regard to the Rules of Procedure and Conduct of Business in the Joint Sitting, it has been clearly stated in the rules that have been read out that formally, the rules of the House will apply, and the term 'House' has been defined in the rule preceding the one which the hon. Member cited. The term 'House' means in this case the House of the People or the Lok Sabha, and the term 'Council' means the Rajya Sabha or the Council of States.

Therefore, you are perfectly entitled to proceed and no question of time and no other convention arises. Even assuming that it does, these rules enable you to modify them. Modification may be by word or may be by action. I take it that when you are in the Chair, you have modified the rules by your conduct and action.

Therefore, the point of order is invalid, frivolous and dilatory, and I submit that it may be rejected.

**Shri M. L. Dwivedi:** The Law Minister should reply.

**Mr. Speaker:** There is no right of reply to the hon. Member.

We are meeting today in accordance with the Notification issued by the hon. the President. He has summoned us to meet. The Secretary is authorised under the rules which have been framed under article 118 of the Constitution to give the date and time of the meeting. The date of the meeting has been given as the 6th May. As regards the time of the meeting, we have met at 11 A.M. Further it is in the hands of the House as to how long we should sit to dispose of the business before us. I intend devoting both today and the 9th for the purpose of discussion and voting of this Bill. But if the House so desires, it can conclude it earlier; if it so desires, it may sit for a longer time, today. The rules do not impose any restriction on us in this respect. Therefore, there is no point of order.

So far as the 30 days' notice is concerned, this is not a normal session. Under the Rules of the House of the People, 30 days' notice is prescribed for the purpose of enabling hon. Members to table their Bills and Resolutions so that by the time the House meets, the Bills, may be ready, the ballot might have taken place and so on. For all these purposes, notice is required.

So far as today's meeting is concerned, notice is required only for amendments. For tabling amendments, more than 2 days have been allowed. That is sufficient. That has been done. There has been no controversy with regard to that.

So far as the other rules are concerned, from time to time I can regulate the procedure, in so far as it is not inconsistent with the rules that have been already framed. We are not tied down hand and foot. From time to time, we can find out what rules are necessary. There is no harm in that.

श्री अ० मु० तारिक (जम्मू तथा काश्मीर) : मैं दरखास्त करना चाहता हूँ . . . .

(میں درخواست کرنا چاہتا ہوں . . .)

**Mr. Speaker:** Order, order. Let us proceed with our business.

RE: MOTION FOR ADJOURNMENT

Shri Braj Raj Singh (Firozabad) rose—

**Mr. Speaker:** Shri Braj Raj Singh.

श्री ब्रजराज सिंह : अध्यक्ष महोदय, मैंने एक कामरोको प्रस्ताव की सूचना दी थी। यह पार्लियामेंट का सम्मिलित अधिवेशन चल रहा है। जैसा कि आपने कहा, हिन्दुस्तान आजाद होने के बाद अपने तरीके का यह पहला अधिवेशन है। इसलिये मैं उसूल का एक प्रश्न उठाना चाहता हूँ, और वह यह है कि जब सम्मिलित अधिवेशन संसद् का चल रहा हो तो संसद् के किसी सदस्य को यह अधिकार है या नहीं कि सरकार की किसी विफलता के लिए वह सदन के स्थगन का प्रस्ताव पेश कर सके। यह अपनी तरह का नया अधिवेशन हो रहा है और हमें भविष्य के लिए परम्परायें बनानी हैं, इसलिए मैं इस समय आपका ध्यान आकर्षित करना चाहता हूँ कि मैंने जो कामरोको प्रस्ताव दिया है वह इसलिए कि दिल्ली में बिजली की सप्लाई बन्द होने की सम्भावना पैदा हो गई है। यह कहा गया है कि आज भी कुछ समय के लिए बिजली की सप्लाई खत्म हो जाएगी।

**The Minister of Law (Shri A. K. Sen):** On a point of order. Under the Constitution, I object to the discussion of any matter not covered by the subject-matter of the reference. Under article 108 of the Constitution....

**Mr. Speaker:** When an hon. Member gets up, until he speaks out, I do