

Army Mission to Nepal

460. **Shrimati Ila Palchoudhuri:** Will the Minister of Defence be pleased to state the number and category of the Defence personnel which were sent to Nepal during the year 1956 and so far during 1957?

The Deputy Minister of Defence (Sardar Majithia): In April-May 1956, for about a week an Army contingent comprising 7 officers, 7 J. C. Os and 14 other ranks from the Gorkha Regiments of the Army attended the Coronation of the King of Nepal. Two bands also accompanied the contingent.

In addition, a special delegation comprising Lt. Gen. Sant Singh, the then GOC-in-C, Eastern Command, and two other officers went there a few days earlier and presented a General's sword to the King of Nepal.

During 1956 & 1967 no other Defence personnel were sent to Nepal except as replacements for those already serving there.

Promotion of Gandhiji's Teachings

461. { **Shrimati Ila Palchoudhuri:**
Shri Sanganna:

Will the Minister of Education and Scientific Research be pleased to lay a statement on the Table showing:

- (i) the number of meetings held by the Committee on Promotion of Gandhiji's teachings during the year 1956-57;
- (ii) the nature of decisions taken at these meetings;
- (iii) the recommendations of the Committee which have been accepted by Government; and
- (iv) the steps taken to implement them?

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): (i) to (iv) A statement is placed on the Table of Lok Sabha [See Appendix III, annexure No. 83].

Assistant's Examination 1957

462. { **Shri M. C. Jain:**
Shri H. C. Sharma:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that an open competitive test for recruitment to the Assistants' Grade in the Central Secretariat Service is being held by the U.P.S.C. in July, 1957;

(b) if so, what is the upper age limit prescribed for displaced persons serving in offices not participating in the Central Secretariat Service;

(c) whether any representations have been made to Government to the effect that certain offices have refused to forward applications to the U.P.S.C. from displaced persons, even though they are eligible to take the test in terms of the notice of the U.P.S.C.; and

(d) if so, the action taken thereon?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) 28 years on 9th February, 1957.

(c) No.

(d) Does not arise.

12 hrs.

QUESTION OF PRIVILEGE

Mr. Speaker: Papers to be laid on the Table.

Shri Anthony Pillai (Madras North): Sir, I have given a notice to you for moving a privilege motion. You have sent me a brief reply that you are not granting me the leave. May I know the reason why you are not granting me the leave?

Mr. Speaker: The hon. Member is aware that under the Rules I have to give consent for raising any question of privilege in the House. I did not give my consent. If the hon.

Member is not satisfied or wants further elucidation, he may come and see me in my Chamber between 3 and 4 p.m.

Shri Anthony Pillai: In the subsequent rules it is laid down that the Speaker should normally read the privilege motion sent to him.

Mr. Speaker: The hon. Member will read it again.

Shri Anthony Pillai: On the authority of May..

Mr. Speaker: I am not worried about May. We have a definite rule here, and I am not bound by May. The Constitution says that where there is no provision made for a particular position, the practice prevailing in the British House of Commons will prevail. Wherever there is a specific rule, the House of Commons practice will not prevail.

Shri Anthony Pillai: But it has been repeatedly laid down that with regard to a privilege motion, he shall not decide on the substance of it but proceed to

Mr. Speaker: It is open to the House to make its own rules, to go absolutely contrary to the rules prevailing in the House of Commons. We have framed certain rules suitable to our own needs and conditions. In other respects, where this Parliament has not made any rule or passed any law, the general practice prevalent in the House of Commons before the date of commencement of the Constitution will prevail. Here there is a specific rule, that is, the Speaker has to give his consent, and if he does not give consent, the matter cannot be raised. I have refused to give consent. If, however, the hon. Member wants to convince me or wants to get some elucidation, I have no objection; he may treat the Chamber as part of the House, between three and four or 3-30 and 4-30 he may fix an engagement and see me, I will try to convince him.

Shri Anthony Pillai: The question that I have raised is normally allowed in other democratic countries.

Mr. Speaker: I am not guided by that.

Shri Anthony Pillai: Under rule 225, if objection is taken and twenty-five Members rise, then leave shall be granted by the House.

Mr. Speaker: It is only after consent is given to make the motion. I refused to give the consent.

Shrimati Renu Chakravartty. (Bansirhat): May I make a submission? Uptill now, whenever a question of privilege has come before the House, either the matter has been referred to the Privileges Committee or the matter has at least been raised on the floor of the House. Uptill now I do not think any privilege motion has come before the House and been refused. Although I do not know what the privilege motion is that the hon. Member has brought forward, I think we should be allowed to know what it is and.....

Mr. Speaker: I do not agree. Otherwise, the provision that the consent of the Speaker is necessary will be absolutely ineffective. In many cases I have not allowed the privilege motion to come to the House at all. There may be cases where it is not a matter of privilege at all or the infringement is so trivial that it can better be settled outside the House. In other cases of importance the matter is brought before the House if I give consent. And therefore, discretion is vested in the Speaker. For instance, the Supreme Court decides. If it decides wrongly, what happens? Therefore, some authority is given the prerogative or right to give consent or not give consent. I have looked into this matter. I do not think it is a matter in which any question of privilege arises.

Shri Anthony Pillai: The matter that I have raised is about the leakage of budget secrets and under the proviso.....

Mr. Speaker: I am not going to allow it. The rule is already there. (Interruption). Order, order, the-

[Mr. Speaker]

hon. Member cannot browbeat the Speaker. I must give consent. Without my consent no privilege motion can be brought. It is for me to decide. So long as I am here I will try to exercise this right. It is open to an hon. Member to come to me and place certain facts before me. If I agree I will give my consent for it. If I do not agree I will try to convince him, and if he is not able to convince me my decision will prevail. That is the position. There is no good interrupting the proceedings of the House.

Shri A. K. Gopalan (Kasergod): I want to know this. As far as the previous Parliament was concerned when we were here, some two or three or four privilege motions came. On all those occasions, this procedure was not followed. Even when some were not put before the Privileges Committee, there was some discussion and then it was said that this matter should not go before the Privileges Committee. It was discussed and then decided that it need not go before the Committee. There were some other cases in which the matter went before the Privileges Committee. This is a new procedure. As far as the question of privilege is concerned, I do not question whether it is not the authority of the Speaker to give consent or not. You may reject it. But, we have got a right to know what this is. The power of the Chair is there not to give consent. But, we do not even know what is the privilege matter that is brought and that is rejected. We do not even know what it is. As far as this is concerned, we have a right to know what was it and why it is rejected. It is not like an adjournment motion or something. It is very important. As far as the privileges of the Members of this House are concerned, the Speaker has the right not to give consent. What is the privilege that is raised? Even that we do not know. We have a right to know that. This is a new procedure. Last time

it was not like this. I want to know why this procedure is being followed.

Mr. Speaker: I have heard on this point.

Shri Mahanty (Dhenkanal): I have to make a new submission.

Mr. Speaker: Order, order; I am not going to allow any more.

Shri Mahanty: This is new.

Mr. Speaker: I have heard enough. There is no use of interrupting.

The question is, are we bound by the rules framed in this House or some unknown practice with which I do not agree.

An Hon. Member: Not unknown.

Mr. Speaker: Hon. Members cannot go on interrupting.

The particular rule says:

"A member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the House or of a Committee thereof."

The consent of the Speaker is a condition precedent to raising a question of privilege. (Interruption) Order, order. Shri A. K. Gopalan referred to certain cases. Cases there are. There are three sets of cases. Any one of the 500 or a little more than 500 Members can raise a question of privilege. Are we to allow a discussion on that? Assuming I allow it to be raised here, am I not the person to see whether it is a matter of privilege or not? If it is for the House to decide, this rule should be abrogated. There is nothing for the consideration of the Speaker. If automatically some Member thinks there is a question of privilege, is the time of the House to be spent? If it is for the House to decide, I go out of the picture.

Shri A. K. Gopalan referred to certain cases. It must be, I think, there was a *prima facie* case and therefore I brought it before the House. The House would have considered it and found, this is a trivial matter, we may take an apology and wash it away without sending it to the Committee of Privileges.

Shri V. Raju (Visakhapatnam):
Sir,

Mr. Speaker: The hon. Member will try to have his soul in patience. He is new to this House. He cannot go on interrupting like this. I will take serious notice. The Chair has first to give consent and that is a pre-requisite. There are other cases which have not come to the notice of the House, where I have refused to give consent, where there is no question of privilege at all. The second set is, if I have a doubt, I allow it to be brought before the House. It is a small matter. The House says, no, it need not be referred to the Committee. Thirdly, there are serious matters in which the House says, these may be referred. I also gave a ruling with regard to a similar matter. If I were to disclose it to the House, am I going to put it before the House? Then, it is the consent of the House, not my consent. Why should there be this rule? The Speaker has the right to find out *prima facie* whether there is a case to be brought before the House. If I find that there is no such *prima facie* case, I will not bring it before the House. Therefore, I have disallowed it.

Shri Morarji Desai: Papers to be laid on the Table.

Several Hon. Members rose—

Mr. Speaker: Order, order.

Shri A. K. Gopalan: You have said enough.

Will you allow us to say a word about it?

Mr. Speaker: How many times?

Shri A. K. Gopalan: Because we want to know....

Mr. Speaker: Order, order.

Shri A. K. Gopalan: As a protest we leave the House.

(Shri A. K. Gopalan and some other hon. Members then withdrew from the House)

Shri Nath Pai (Rajpura): One small point.

Mr. Speaker: I am not going to allow.

Shri Anthony Pillai: The proviso is very clear. It says...

Mr. Speaker: I am not going to allow. It is not right he should interrupt the House.

Shri Nath Pai: May I make one statement?

Mr. Speaker: I will not allow.

Shri Nath Pai: You are making up your mind before hearing us.

(Sir Anthony Pillai then withdrew from the House)

PAPERS LAID ON THE TABLE

REPORT ON WORKING OF CENTRAL SILK BOARD

The Minister of Commerce and Industry (Shri Morarji Desai): I beg to lay on the Table a copy of the Report on the working of the Central Silk Board for the period from 1st April, 1956 to 31st March, 1957 in pursuance of an assurance given by the Minister of Commerce and Industry during the discussion on the Central Silk Board (Amendment) Bill on