

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): Mar. Sisodia.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SAWAISINGH SISODIA): I beg to lay . . .  
(Interruptions) . . .

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): What about my Motion?

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA):  
When it has gone to the Joint Committee ...  
(Interruptions)

SHRI JAGDISH PRASAD MATHUR; I accept it; I would rather withdraw it. You accept my amendment but the persons are different. That means basically both" the Motions are not similar; they are different.

SHRI R. V. SWAMINATHAN: Names are different. Your amendment is accepted.

SHRI JAGDISH PRASAD MATHUR; That is what I say. Either it should be defeated or, withdrawn.

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): Mathur Sahib, your motion was to send this Bill to the Joint Select Committee, which has been accepted. The names are different. Was your motion for names or for a reference to the Joint Select Committee?

SHRI JAGDISH PRASAD MATHUR; Both. Madam, my contention I is . . .

SHRI ARVIND GANESH KULKARNI (Maharashtra): Point of order, Madam. Would you please take your seat, Madam? I am on a point of order. This type of procedure is not adopted under the rules. What, Madam, you have now put to vote is another motion without taking cognizance of the motion moved by my friend Mr. Mathur, which you ought to have—I do not blame you . . .

for that. His motion first should have been taken up, it should have been defeated and then the Government motion should have been moved. Now, Madam, if you are going to say . . . (Interruptions) Madam, what I was submitting to you was that Mr. Mathur has moved a motion to send this Bill to the Joint Select Committee with a different set of persons. Now the Government has come forward itself to move this motion with another set of persons. Mr. Mathur or anybody here is not of the view that we insist on the persons suggested by Mr. Mathur, but as per the practice, procedure and rules, Mr. Mathur's motion should first have been put to vote or it should have been taken back and then this motion would have been brought. Then it would have been in order. . What unfortunately has happened is that the motion is already passed.

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): There was a Supplementary List of Business which says that the motion by the Minister was amended

SHRI ARVIND GANESH KULKARNI; That is the Supplementary List, but the original List of Business . . .

SHRI JAGDISH PRASAD MATHUR: My contention is different. Of course, my motion has been accepted by the Government but my motion and the Government motion are not absolutely identical.

SHRI ARVIND GANESH KULKARNI; Your motion is not adopted.

SHRI JAGDISH PRASAD MATHUR; The essence is adopted. They have accepted it. It is not adopted, but they have accepted it. But the motions are not identical. They are different motions inasmuch as the personnel of the Committee are different. Either I should be allowed to withdraw the motion or it should be put to vote.

SHRI R. RAMAKRISHNAN (Tamil Nadu): Madam, both Mr. Mathur and Mr. Kulkarni have made out points of procedure. The spirit is accepted. Let us not wrangle over it. It is a small thing. What Mr. Kulkarni has said is right. But it is a small and minor procedural matter. The matter should be dropped here.

SHRI JAGDISH PRASAD MATHUR: I do not accept it. It is a procedural matter. I congratulate the Government for accepting my proposal, but my contention is that the two motions are not identical. They are different in the sense that the personnel are different. Either I should withdraw it or it should be put to vote.

PROP. SOURENDRA BHATTACHARJEE (West Bengal): He should have been called to withdraw his motion.

SHRI JAGDISH PRASAD MATHUR: I want a ruling whether my motion and the Government motion are absolutely identical. If they are not identical, they should be taken up differently; if they are, they should not be.

SHRI NARSINGH NARAIN PANDEY (Uttar Pradesh): Madam, Vice-Chairman, may I, with your permission . . . ? (Interruptions).

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): Let him speak.

**श्री नरसिंह नारायण पाण्डेय : मुझे भी तो कुछ कहने दो ।**

**उपसभाध्यक्ष (डा० (श्रीमती) नजमा हयतुल्ला) : हाँ कहिए ।**

**श्री जगदीश प्रसाद माथुर : रूलिंग तो दें ।**

**उपसभाध्यक्ष (डा० (श्रीमती) नजमा हयतुल्ला) : उनको कह लेने दीजिए, फिर रूलिंग देंगे ।**

SHRI NARSINGH NARAIN PANDEY: Madam, Vice-Chairman, what Mr. Mathur has moved is a motion for reference of the Bill to a Joint

Select Committee. The spirit of the motion is that this should be referred to a Joint Select Committee. Now the Minister was pleased enough to accept it and Mr. Te has also put another motion, i.e. the supplementary motion. He wanted that the Bill should be referred to a Joint Select Committee. Only the names are different, on the basis of which Mr. Mathur says that it is not identical. I think it is the prerogative of the Minister to move for a reference to a Joint Select Committee; and he has moved it. Now Mr. Mathur should accept it because the principle of what he wants has been accepted. Supposing the names of the Members as proposed by him were not acceptable to him, this question may have been raised like this. So, the matter should come to an end.

SHRI ARVIND GANESH KULKARNI: A point of order.

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): Let me give my ruling. Just one minute. Let me answer him. Let me give my ruling.

SHRI ARVIND GANESH KULKARNI: Before you give your ruling, you must listen to us.

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): I have listened to you. You have spoken enough.

SHRI ARVIND GANESH KULKARNI: Mr. Pandey has raised the point.

SHRI SYED SIBTEY RAZI (Uttar Pradesh): The hon. Member wants to reply to Mr. Pandey. It is for you, not for him, to say anything. You have to give a ruling on it.

SHRI ARVIND GANESH KULKARNI: My dear friend, I am raising another point of order. I am quite justified to be heard. You may accept it or may not accept it. That is your wisdom, not mine.

Madam, what I want to draw your attention to is this. Please look to

[Shri Arvind Ganesh Kulkarni]

today's agenda. What we are insisting on is not the procedure, but >t is the convention to be established in the House. Suppose it is flouted by ignorance deliberately, a new procedure will come into being in this House. Madam, you please see today's agenda. It says:

"Rao Birendra Singh to move that the Bill to regulate . . . (etc.)".

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): There is a supplementary agenda, about which I told you.

SHRI ARVIND GANESH KULKARNI: Madam, why do you not be a little patient? I am coming to all those matters. You please see the supplementary agenda. There is the legislative business. Motion for reference of Bill to Joint Committee. All right. There is Mr. Mathur's amendment. He had given a proposal to send the Bill to the Joint Select Committee comprising of a different set of persons. Madam, what I want to request you is only this, that as per the procedure laid down under the rules and as per the conventions, the amendment of Mr. Mathur should have been moved first because, as you were doing at the tim<sub>e</sub> of the consideration of the other Bill, you first took the amendments and they were either withdrawn or not,

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HAPTULLA) ; It cannot be according t<sup>o</sup> the rules.

SHRI JAGDISH PRASAD MATHUR: I have seen the rule.

SHRI ARVIND GANESH KULKARNI: Why do you not allow me to complete? What I am saying is that according to the formality, Mr. Mathur's amendment should have been disposed of first, and then Mr. Swaminathan's amendment should have been taken up, if he<sup>na</sup>s been empowered to move the motion by Rao Birendra Singh.

SHRI R. V. SWAMINATHAN: Yes, yes.

SHRI NARSINGH NARAIN PANDEY: Madam, it wa<sub>s</sub> not at all necessary to move the amendment of Mr. Mathur. There is no such procedure.

श्री शिव चन्द्र झा (बिहार) : आपका  
लिस्ट अफ बिजनेस में जो है, अ टम नं० 2  
जरा सा सुना जाँए, उसके बाद यह सर्कुलेट  
किया गया है कि :

The supplementary agenda says:

"This item substitutes item No. 2 under the Heading 'LEGISLATIVE BUSINESS' included in the Revised List of Business for the day, issued on March 1, 1982."

So, in place of item No. 2, this motion has been substituted. He has moved it, and it has been adopted. Now I would like you to clarify the situation as regards Mr. Mathur's motion. There is a qualitative change now, Ther<sub>e</sub> is one motion already adopted By th<sub>e</sub> House. So, on that basis it has already been sent to the Joint Committee. You clarify Now I shall put clause 9 to vote, motion come<sub>s</sub> when already the Bill has been referred to the Committee. How does the question of Mr. Mathur's motion come now?

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): This amendment wa<sub>s</sub> to the original item. You are right, Mr. Jha.

श्री शिव चन्द्र झा : बह<sub>न</sub> ! तो मैं कहता  
हूँ । आप क्लेरिफ ई क<sub>र</sub>जिए ताकि भविष्य  
में ऐसा न हों . . .

In future also such a situation may come.

SHRI P. N. SUKUL (Uttar Pradesh): Madam, Vice-Chairman, as per the convention, Mr. Mathur's motion should have been put to vote first. But now the other motion, the Government motion, has already been

put to vote and adopted. It means, by implication Mr. Mathur's 5P.M. motion has been eliminated. It stands eliminated by implication. *(Interruptions)*.

SHRI ARVIND GANESH KULKARNI: The Rajy<sub>a</sub> Sabha does not work by implications. It work<sub>s</sub> under rules and conventions. It does not work under implications. I am one with the Government . . .

SHRI P. N. SUKUL: Mr. Kulkarni, it does work under rules, but it works under rules as per the decisions of the Chair. The Chair has already got it done. How can you question it?

SHRI ARVIND GANESH KULKARNI: When Mr. Mathur-i<sub>s</sub> present here, he is not asked to move his amendment at all.

SHRI P. N. SUKUL: Mr. Mathur should have raised this point before it was put to vote. *(Interruptions)*.

SHRI R. RAMAKRISHNAN (Tamil Nadu): Is it a free-for-all going on here?

THE VICE-CHAIRMAN am. (SHRIMATI) NAJMA HEPTULLA;; We have had enough submissions. Please listen to me.

SHRI NARASINGHA PRASAD r.ANDA (Orissa): Please listen to me. *(Interruptions)*. Kindly listen to me. It is a question of rules. Certainly I know the rules of procedure of the House. In normal circumstances, Mr. Mathur's motion should have been put to vote first. Having not put it to vote, and another substantive motion having been adopted, Madam, I feel that Mr. Mathur's motion has become infructuous. But, at the same time, Madam, I would plead with you to observe that in futur<sub>e</sub> this kind of mistake should not recur.

SHRI R. RAMAKRISHNAN: I agree.

SHRI JAGDISH PRASAD MATHUR: My question is very simple. How do you dispose of my motion *suo motu*? My motion has been circulated . . .

SHRI P. N. SUKUL: Why didn't you raise the matter when the motion was put to vote?

SHRI JAGDISH PHASAD MATHUR: She abruptly called for voting. She should have called me . . . *(Interruptions)*.

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): Will you please listen to me? Under rule 70—Discussion of Principles of Bill—if you see clause (2), it says:

"fa) if the member in charge moves that the Bill be taken into consideration, any member may *move* as an amendment that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses with the concurrence

of the House, Or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion, or . . ."

SHRI ARVIND GANESH KULKARNI: So what?

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): Clause (b) says:

"(b) if the member in charge moves that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses with the concurrence of the House, any member may move as an amendment that the Bill be referred to a Joint Committee of the Houses with the concurrence of the House or a Select Committee of the Council, as the case may be, Or that the Bill be circulated for the purpose of eliciting opinion thereon by

a date to be specified in the motion."

(Interruptions)

SHRI JAGDISH PHASAD MATHUR: What does it mean?

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): Please listen. I have been hearing you. Now, according to the supplementary list of business, the original motion was changed. Your amendment was to the original motion. So it cannot be taken into consideration.

SHRI JAGDISH PRASAD MATHUR: I object. This is a very wrong ruling.

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): You cannot object. Now I am calling Mr. Sisodia.

**PAPERS LAID ON THE TABLE—  
contd.**

**Notification Of the Ministry of Finance  
(Department of Revenue) and related  
paper.**

SHRI SAWAISINGH SISODIA: beg to lay on the Table, under section 159 of the Customs Act, 1962, a

copy each (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notifications G S.R. Nos. 233(E) to 238(E), dated the 1st March, 1982, together with Explanatory Memorandum thereon. [Placed in Library. See No. LT-3496/82].

SHTSI JAGDISH PRASAD MATHUR (Uttar Pradesh): Madam, you have not been very wisely advised...

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): The House stands arjourned till H o'clock tomorrow morning.

The House then adjourned at five minutes past five of the clock till eleven of the clock on Wednesday, the 3rd March, 1982.