

[श्री सुंदर सिंह भंडारी]

होनी चाहिये थी और उसके संबंध में भी मिनिस्टर साहब स्टेटमेंट देते। मैं जानना चाहता हूं उसके बारे में सरकार की तरफ से वक्तव्य क्यों नहीं आया ?

श्री रोहन लाल चतुर्वेदी : वह कोई सीरियस एक्सीडेंट नहीं था, इस वजह से नहीं दिया।

श्री सुन्दर सिंह भंडारी : सीरियसनेस की क्या कोई डेफिनिशन आपके पास है ?

श्री रोहन लाल चतुर्वेदी : मतलब यह है कि डेथ्स वगैरह हो जायें। मुझे बड़ा खेद है अगर माननीय सदस्य को कोई तकलीफ पहुंची, इन्क्विजिशन हुई, लेकिन उसके बारे में अगर कोई इत्तिला चाहें तो मैं जरूर दे दूंगा।

श्री सुन्दर सिंह भंडारी : जरूर दीजिए उसको।

**MOTION RE EXTENSION OF TIME
FOR PRESENTATION OF THE
REPORT OF THE JOINT
COMMITTEE OF THE HOUSES ON
THE HIRE-PURCHASE BILL,
1968**

SHRI R. T. PARTHASARATHY
(Tamil Nadu) : Sir, I beg to move :

"That the time appointed for the presentation of the Report of the Joint Committee of the Houses on the Bill to define and regulate the rights and duties of parties to hire-purchase agreements and for matters connected therewith or incidental thereto be further extended up to the first day of the Seventy-first Session of the Rajya Sabha."

The question was put and the motion was adopted.

**MOTION RE EXTENSION OF TIME
FOR PRESENTATION OF THE RE-
PORT OF THE JOINT
COMMITTEE OF THE HOUSES ON
THE CONTEMPT OF COURTS
BILL, 1968**

SHRI S. N. MISHRA (Bihar) : Sir, I beg to move :

"That the time appointed for the presentation of the Report of the Joint Committee of the Houses on the Bill to define and limit the powers of certain courts in punish-

ing contempts of courts and to regulate their procedure in relation thereto be further extended up to the first day of the Seventy-first Session of the Rajya Sabha."

The question was proposed.

SHRI BHUPESH GUPTA (West Bengal) : Mr. Vice-Chairman, I would like to speak on this. Before I say a few words on this motion I would like to make one thing clear. Whatever I say is not a reflection on the Select Committee or on the Chairman of the Select Committee. With this I start. In fact, I am very pleased with the work of the Select Committee and also with the work of the Chairman of the Select Committee. I am only placing before you a proposition. Now, as you know, the Contempt of Courts Bill was brought before the House and was sought to be passed almost in the matter of a day. We made representations to the Union Home Minister for referring the Bill to a Joint Select Committee where it could be gone into deeply. I am glad to say that the Select Committee is doing it and has done it. In fact, all have co-operated in this matter. At the same time, I have a feeling that the Bill should be reported back as soon as possible, at the earliest. We expected to pass this Bill during this Session. In fact, you, Sir, are the Chairman and you worked overtime and made us also work overtime. In fact, in one month you took two sessions. Not only that you even held a meeting on a Sunday. The whole idea of yours was to expedite it, but we find now that we have to come to the Budget Session. Why ? The answer is—I will take the House into confidence—when the matter was being expedited with the help of the Chair and co-operation of the Members of the Select Committee, many Members felt that the law of contempt should be defined. The Home Minister, Mr. Chavan, felt that it should not be defined, that is to say the old position should remain. But the Select Committee, by a majority, adopted an amendment defining the law of contempt. The moment it was done, the Government wanted time. They said : Now give us four weeks, because the Government was defeated. The House will be very pleased to hear that we, as the representatives of yours on the Select Committee, defeated the Government when it took the stand that the law of contempt should not be defined. Your honour was vindicated. Your

sentiments were indicated by all of us working together also a feeling of the Press and other people outside that the law of contempt should be defined. Indeed a definition had been adopted by a majority with the Home Minister voting against it. After that everything went wrong. He said : Give me four weeks' time. I have to think over it. Now that you have accepted the definition, everything has to be reconsidered. The Home Minister, it must be said in fairness to him, said : Now that you have accepted this definition of the law of contempt, I fully submit to that. I am not going to alter it. The definition will remain but we shall do something else. I do not know, but Mr. Vice-Chairman, you, as Chairman, was good enough to appreciate the Home Minister's point of view. Now, I demanded. . .

SHRI SUNDAR SINGH BHANDARI (Rajasthan) : Mr. Vice-Chairman, are we discussing the Select Committee ?

SHRI BHUPESH GUPTA : Yes, we are. Efforts should be made. . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Will you please take your seat ? Mr. Bhupesh Gupta is probably aware that the Committee is meeting on the 30th November. Then he can put forward his point of view to expedite the whole matter and the Chairman of the Committee will be very happy to expedite the whole matter with you.

SHRI BHUPESH GUPTA : To the Chairman of the Select Committee I can say through you. I have no doubt about that. I have doubt about my Home Minister in such matters. Now, I should like to know. . .

SHRI SUNDAR SINGH BHANDARI : You Home Minister. He is your Home Minister now. You should support him.

SHRI BHUPESH GUPTA : I see, and Mr. Mishra is yours.

SHRI SUNDAR SINGH BHANDARI : Yes.

SHRI BHUPESH GUPTA : All right. The Home Minister is not mine. Anyway. . .

SHRI PITAMBER DAS (Uttar Pradesh) : I want to know whether Mr. Bhupesh Gupta claims Mr. Mishra to be his or no. He now belongs to the

Opposition, therefore, I claim him to be mine. Do you ?

SHRI BHUPESH GUPTA : Mr. Chairman, how can I deny that ? You belong to this House. I belong to this House. Others are sitting in this House. How can I deny occupation ? It is, an occupation. Israeli occupation is going on. Therefore I cannot deny the occupation. It is a matter to be settled in the United Nations under the Security Council resolution. That we will do later. Now all that I say is, I said divide the Select Committee, take the votes of those who want to expedite the matter and those who want to give time. Somehow or other no decision was taken. I feel as a Member of the Select Committee my right was not allowed to be exercised. In the records of the Select Committee it is said that the consensus of opinion of the Committee was in favour of giving extension. Some Members objected to the extension. I am reading from the records of the Select Committee. There is no such thing as consensus when a division is wanted. If I want a vote in this House, vote has to be taken. It is for you to record it or not. But you cannot say : I dispense with the procedure "Ayes" and "Noes". Here you cannot say that with consensus the Bill will be passed. No Bill is passed with consensus. A Bill is passed with a vote. "Ayes" and "Noes" have to be gone through, even if the Bill is passed unanimously. Here it is a strange thing. The motion was passed or not passed by consensus. Therefore, there was a great irregularity that took place. I must bring it to the notice of the House. I am sure you will rectify it and expedite this matter. I would appeal to you now as a Member of the House, let the Select Committee send this report during this session so that at least the Bill can be introduced, not introduced but can be considered during the session. It may go to the other House next session. I would appeal to you that this represents the sentiments of the House. It is not a party matter.

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair]

Members belonging to all parties are for the adoption of the amendment defining contempt. Therefore, I am not speaking in a partisan spirit but equally it is the feeling of the House and the Members that the Bill should be passed

[Shri Bhupesh Gupta]

as quickly as possible because people are suffering under the law of contempt because of the arbitrary use of the law of contempt by certain Judges, Magistrates and others in the country, they are playing havoc with that. That is why it went to the Select Committee. That is why we want to expedite this matter. That is why an amendment defining contempt was adopted by a majority defeating the Home Minister and the Government, and that is why, Mr. Vice-Chairman, I would appeal to you to convey to the Committee that this House desires that the Bill be reported back during this session so that consideration could be gone through and it could be sent to the other House, so that it can take it up on the first day of the next session. This is my only appeal.

SHRI M. P. BHARGAVA (Uttar Pradesh) : I can quite appreciate the feelings expressed by Shri Bhupesh Gupta. He knows what happened in the Select Committee. I do not want to go into that. The entire Committee was agreed that extension was necessary. The only question on which there was some difference of opinion was Mr. Bhupesh Gupta wanted extension up to the last day of the present session. Some other Members of the Committee felt on the other hand strongly that it would not be possible to consider a Bill of this importance during the session when the Members were busy in other work, and therefore it was considered necessary that extension be taken up to the first day of the next session. That, however, does preclude that the Committee cannot sit during the session, finish its work and submit the report before the last day of the session. That possibility is not ruled out. As Mr. Bhupesh Gupta has said, the Home Ministry have promised that it will send a revised draft of the Bill before the end of the month and we shall meet before the end of this month and then we can chalk out our programme. With this assurance I think Mr. Bhupesh Gupta will have no difficulty in supporting the motion for extension.

SHRI BHUPESH GUPTA : Thank you very much. I yield to you and I hope this spirit will be shown in the Committee meeting also. Thank you.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"That the time appointed for the presentation of the Report of the Joint Committee of the Houses on the Bill to define and limit the powers of certain courts in punishing contempts of courts and to regulate their procedure in relation thereto be further extended up to the first day of the Seventy-first Session of the Rajya Sabha."

The motion was adopted.

PRESENTATION OF THE REPORT OF THE JOINT COMMITTEE OF THE HOUSES ON THE INDIAN MEDICINE AND HOMOEOPATHY CENTRAL COUNCIL BILL, 1968

SHRI M. P. BHARGAVA (Uttar Pradesh) : Mr. Vice-Chairman, I present the Report of the Joint Committee of the Houses on the Bill to provide for the constitution of a Central Council of Indian Medicine and Homoeopathy and the maintenance of a Central Register of Indian Medicine and Homoeopathy and for matters connected therewith.

Mr. Vice-Chairman, I have to point out one very important aspect of this Bill to the House. The Bill as referred to the Joint Select Committee was for a Joint Council of Indian Medicine and Homoeopathy. The Committee unanimously decided that there should not be a Joint Council for Indian systems of medicine and Homoeopathy and therefore they decided to recommend that instead of one Joint Council two Councils should be formed, one for the Indian system of medicine and the other for Homoeopathy. The Committee was not within its jurisdiction to bring forward two Bills here for the bifurcation of the Council. So the Committee has finalised its recommendations as far as the Central Council for the Indian system of medicine is concerned, and the report is presented thereon. As far as Homoeopathy is concerned, they have been able to draft a model Bill for the consideration of the Government, and they have recommended to the Government that the Homoeopathy Bill be introduced as soon as possible. That cannot be done unless the House agree to the bifurcation of the Bill, because what was referred to the Joint Committee was only one Bill, a Joint Council for the two.