

the quorum to constitute a meeting of the Committee shall be one-third of the total number of members of the Committee;

the Committee shall submit its recommendation to this House by the 28th February, 1963;

the Chairman shall have power to add such other members to the Committee as he may consider necessary;

in all other respects, the rules of procedure of this House for Select Committees shall apply with such variations and modifications as the Chairman may make."

The motion was adopted.

POINT OF ORDER RE OBSERVANCE OF THE PROVISIONS OF RULE 56 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS

SHRI BHUPESH GUPTA (West Bengal): Sir, before you take up the legislative business, I rise on a point of order concerning the Rules of the House. I would request you to have a copy of the Rules of Procedure of the Rajya Sabha supplied to you, for I would invite your attention to rule 56 of the Rules of Procedure and Conduct of Business in the Rajya Sabha and in particular to the proviso of that rule. What does the rule say with regard to business in the House? It says:

"When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely:—

- (i) that it be taken into consideration;"

Now, we are today concerned with the motion for taking into consideration a number of Bills. These Bills are

listed here. And then the proviso says:

"Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for two days before the day on which the motion is made, and such objection shall prevail, unless the Chairman allows the motion to be made."

So, Sir, you have the discretion, for the rule says "unless the Chairman allows" it. (*Interruptions*) Let me develop my argument. I have only read out the rule. Unless the Chairman allows it, the motion cannot be made. I concede that you have the power. But you have the power in relation to this substantial proviso in the rule. That is to say, in extraordinary circumstances and so on, you may allow the motion. You have the discretionary power. It is not the rule but the exception. It is not the normal order but it is the discretion of the Chairman. What happened here? Yesterday I think on Wednesday evening we had the Bulletin from the Secretariat of the Rajya Sabha. The Bulletin of Wednesday was distributed to us on Thursday along with these Bills concerned and it says:

"Secretary reported three messages from the Lok Sabha informing the Rajya Sabha that the Lok Sabha—

(i) at its sitting held on the 4th September, 1962, had passed the Constitution (Fourteenth Amendment) Bill, 1962,

(ii) at its sitting held on the 5th September, 1962, had passed the Oil and Natural Gas Commission (Amendment) Bill, 1962 and the Industries (Development and Regulation) (Amendment) Bill, 1962."

These are the Bills which were circulated to us on Thursday, along with

[Shri Bhupesh Gupta] this Bulletin. Therefore, two days' notice was not given. They were not in our hands for two days.

The other thing is this, and I make this point in all seriousness and stress it, that the Government goes ahead with its business regardless of the rules. Did the Government apply to you, Sir, so that you might exercise your discretionary power and waive the normal rule with regard to notice? For 24 hours we have had it in our hands, whereas for 48 hours we should have had it in our hands. Did the Government apply to you? It seems the Government takes things for granted in these matters. If you say that the Government approached you with the request that the rule should be waived and you have exercised your discretion, then I should have no objection. I am all in favour of passing the measure today. I am not quarrelling about that. I only want to place before you that taking advantage of the absent-mindedness of some of us the Government rushes business towards the end of the session. You have a slack season in the earlier part of the session and towards the end of the session the Government does not even bother about the rules of procedure of the House. It seems there are two sets of rules in this House. One is rigidly applied in the case of the Opposition and the other is waived or ignored in the case of the Treasury Benches. That should not be the rule in this House or the convention in this House. Therefore, I would request you and submit to you to exercise your discretion. You should exercise today under the rule your discretion so that we can proceed with the conduct of business in the House, and at the same time, I would request you to criticise the Government because it had not got your permission; it left it to the Opposition to seek your permission to waive the rule so that we can go ahead with the business of the House. It is improper on the part of the Government. It shows scant regard on the part of the Government towards the Rules of Procedure of the House, and above all, it shows scant regard

on the part of the Government towards the Chairman of the House, because it does not even have the courtesy to approach you with the request that you should waive this rule in order to transact certain business. This is all I can say. You may proceed with the business, but please exercise your discretion now and then let us proceed.

SHRI M. P. BHARGAVA (Uttar Pradesh): May I make a submission?

MR. CHAIRMAN Nafisul Hasan

SHRI NAFISUL HASAN (Uttar Pradesh) Sir, we have got two Houses. If any of the Bills originates in this House and copies are not made available to the hon. Members of this House, then naturally, we should have a legitimate complaint. But these two Bills were introduced in the other House and copies of these Bills, as introduced, were made available to all of us long ago. And they were passed in the very form in which they were introduced in the House. Therefore, it cannot be said that their contents were not available to us. Under the circumstances, I think it is a proper case in which the Chairman should exercise his special power.

SHRI BHUPESH GUPTA: Sir, one point I would like to submit before you consider the matter. On a point of submission, Sir. He need not brief you for the exercise of your discretion.

MR. CHAIRMAN: He agrees with you.

SHRI BHUPESH GUPTA: I was surprised that the hon. Member who had been a Vice-Chairman of the House should speak like that. The Bills introduced are not the Bills within the meaning of this provision. Bills introduced there undergo changes and amendments. The Constitution (Fourteenth Amendment) Bill has come with a slight amendment and, therefore, this is no reasonable notice. The Land Acquisition Bill was introduced in the Lok Sabha and it came to us yesterday with a number of amendments.

Therefore, it cannot be said that the Bill introduced in the other House means circulation under the provisions of the Rules, irrespective of whether an amendment has been made or not. This is a Bill for consideration and we are not concerned with the Bill as introduced. We are only concerned with the Bill as passed by the other House which has come up for consideration and hon. Members should know that there is a considerable difference between the Bill as introduced and as passed. We are not discussing the Bill as introduced but we are discussing the Bill as passed by the other House. Therefore, I am a little shocked and surprised that an hon. Member, an experienced Member, who had occupied the Chair, should have come out with this kind of suggestion which do not conform to the dignity of the House.

SHRI B. D. KHOBARAGADE (Maharashtra): The hon. Member said just now that the Bill could not be circulated because it was under discussion in the Lok Sabha. But, Sir, we have a full-fledged Minister of Cabinet rank for Parliamentary Affairs. That Minister should have arranged the business of both Houses in such a way that the rules of procedure of this House are observed and the Bills are circulated according to the rules two days earlier. It is the responsibility of the Minister of Parliamentary Affairs and he should have looked to that job with greater care and he should show respect and regard to the Chair and rules of this House.

MR. CHAIRMAN: Mr. Bhargava.

SHRI BHUPESH GUPTA: On a point of order, Sir. Is the Government replying? Our allegation is not against you, Sir, but it is against the Government.

MR. CHAIRMAN: It is absolutely unnecessary to labour the point. I understand it.

SHRI M. P. BHARGAVA: Mr. Chairman, many of the points raised by Mr.

Bhupesh Gupta are not very relevant. Members are seized of a Bill as soon as it comes in their hands. The Constitution (Fourteenth Amendment) Bill was circulated to Members on the 31st August. The Oil and the Natural Gas Commission Bill was circulated. . . (Interruptions) Let me make my submission. The Industries (Development and Regulation) Bill was also in our hands on the 1st of September. Thereafter, they were considered by the Lok Sabha and were sent here. In the meantime, the business of this week was announced by the Minister of Parliamentary Affairs on Friday last. So, from Friday we were seized of the matter. We knew that these Bills would be considered during this week and as soon as they were passed by the Lok Sabha, they were sent here and they were circulated. Now, hon. Members of this House are expected to follow the proceedings of the other House and it is not always possible to be very technical about the rules, that forty-eight hours notice should be given. It depends on when the Bills are passed in the other House and when they come here. So, I think, the technical objection raised by Shri Bhupesh Gupta is not very relevant.

SHRIMATI JAHANARA JAIPAL SINGH (Bihar): Sir, I rise to seek some information. We would like to know whether it is a fact that three Parliamentary Delegations are shortly leaving this country. If so, we would like to know. . . .

MR. CHAIRMAN: That is not relevant to the matter we are discussing now. This will come later, not now. We are in the midst of a controversy.

SHRI M. S. GURUPADA SWAMY (Mysore): Sir, I want to make one point. I heard the remarks of my hon. friend, Mr. Bhargava. It is very strange indeed.

MR. CHAIRMAN: Mr. Gurupada Swamy, is it necessary? I have heard one point and I have heard the other point.

SHRI M S GURUPADA SWAMY My point is simple. It is very strange and extraordinary that the Government should exhibit this attitude in bringing these Bills so late and giving us so little time for consideration and leaning upon the Chair for the exercise of its discretion in this matter. I want the Chair to exercise its discretion only in abnormal and extraordinary circumstances. There are no extraordinary circumstances in this case. There was ample time for the Ministry to give us sufficient notice for consideration. This Bill should have been taken up in the very early part of the Session in the other House and also in this House. I do not know what extraordinary reason was there for .

MR CHAIRMAN This has been the burden of the rest of the discussion except for those who were against it.

SHRI B K P SINHA (Bihar) Sir, it seems to me that the Opposition has spoiled an extremely good case by extremely bad advocacy. They have tried to bring in the Government unnecessarily. (*Interruption*) While I entirely dissociate myself with the feelings they have expressed against the Government, I share their feelings in substance. A feeling has been growing in this House that this House of late is not being treated fairly.

HON. MEMBERS No, no. There is no such feeling.

SHRI A B VAJPAYEE (Uttar Pradesh) Yes, there is.

SHRI B K P SINHA It is not being treated fairly. In the beginning of the Session we are short of business and we debated less important matters for a long long time. In the end of the Session, business is arranged in such a faulty manner that a lot of important business is rushed through in the last stages. That is not fair to the House and I express these sentiments for your information and action.

MR CHAIRMAN This is the end of the discussion.

SHRI DAHYABHAI V. PATEL (Gujarat) I want to . . .

SHRI A B VAJPAYEE We all support what Mr Bhupesh Gupta has said.

SHRI DAHYABHAI V. PATEL Just two sentences, Sir.

MR CHAIRMAN Since I have allowed so many, I may allow you also.

SHRI DAHYABHAI V. PATEL We all support the contention of Mr Bhupesh Gupta and in support of my argument I will quote what the Prime Minister said. He said the other day that the amendment suggested by my hon friend, Mr Mani was better worded. Why must Government rush through Bills in this fashion when they admit that revision by this House makes a Bill better, the amended wording reads better? Why don't they give enough time? I do not understand why Members on that side get up and try to defend a wrong cause, because even the Prime Minister has conceded it. Why can't they show some grace?

MR CHAIRMAN I hope no one else wants to say anything.

I have understood the position. I am glad that materially the House is in entire agreement on this that we should deal with the measures before us today and we should finish the business that is put down on the order paper, but I fully sympathise with the feelings of Members of this House, even a section of the House, if not the whole of the House, that there should be no feeling in this House of being hustled through. It happens that business has to come to us from the other House and if business is finished there late it comes to us too late. That happens. I would get in touch with the Government and I shall see that this feeling is removed as far as possible. I hope you will not grudge my exercising my discretionary powers.

SHRI DAHYABHAI V PATEL Cer-
tainly not, Sir

RESULT OF ELECTION TO THE CENTRAL ADVISORY BOARD OF EDUCATION

MR. CHAIRMAN Shri Satyacharan,
being the only candidate nominated
for election to the Central Advisory
Board of Education, is declared duly
elected to be a member of the said
Board

ENQUIRY RE PARLIAMENTARY DELEGATIONS

SHRIMATI JAHANARA JAIPAL
SINGH (Bihar) May I ask my point
of information now? Sir, we would
like to know whether it is a fact that
three Parliamentary Delegations are
shortly to leave this country We
would also like to know where they
are going, who is leading them, under
what criteria they were chosen and
how much of foreign exchange would
be spent

SHRI DAHYABHAI V PATEL
(Gujarat) How many Members of
the Opposition would be there?

SHRI BHUPESH GUPTA (West Ben-
gal) I would like to know not the
foreign exchange at this stage

SHRI A B VAJPAYEE (Uttar Pra-
desh) After they come back

SHRI BHUPESH GUPTA I would
like to know whether any presiding
officer of our House is leading any
delegation because the practice is that
when a number of delegations go, one
delegation is headed by the presiding
officer of the other House and one by
the presiding officer of this House I
am interested in knowing, again in the
interest of our House, whether we
have been left in the lurch in the mat-
ter or whether we have any of our
presiding officers, e.g. you, Sir, or the
Deputy Chairman, leading any of the
delegations

SHRI LOKANATH MISRA (Orissa):
Sir, I would like to submit that here
again this House has been neglected
As Mr Bhupesh Gupta said previously
the presiding officer or the deputy
presiding officer of this House used
to lead the delegation This time we
are told that neither the Chairman
nor the Deputy Chairman is leading
any delegation And we would like
to know how many from the Opposi-
tion are going in the delegations It
is not a question of sending people
from the ruling party, we would like
to know particularly how many
members from the Opposition are
going?

MR CHAIRMAN The information
is not available just now I will lay
the information on the Table of the
House very soon and you would know
who is going I have refused to go;
for certain personal reasons I have not
been able to go The Deputy Chair-
man is going but she is not leading
the delegation because the Speaker is
also going in another capacity So
that is it

SHRI A B VAJPAYEE Three
delegations are going and we would
have liked one of the delegations to
have been led by the Deputy
Chairman

MR CHAIRMAN I think you
should not discuss this matter here I
have decided that in consultation with
the Deputy Chairman She decided to
go to some place and there the
Speaker was also going in another
capacity

SHRI BHUPESH GUPTA We would
not like to discuss it, it is true We
would like to discuss this matter in
your chamber but the trouble is from
Government sources these things
appear in the newspapers and the
newspapers tell us the names of the
delegates and of the people who are
leading the delegations When they
make this public without going
through the process that you have
rightly suggested, then we naturally