

RULING BY THE CHAIR

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JAYANT SINHA): Mr. Deputy Chairman, Sir, I move that the Bill further to amend the Insurance Act, 1938 and the General Insurance Business (Nationalisation) Act, 1972 and to amend the... *(Interruptions)*...

SHRI P. RAJEEVE (Kerala): Sir, what about my Motion?

SHRI JAYANT SINHA: Insurance Regulatory and Development Authority Act, 1999, as passed by Lok Sabha, be taken into consideration.” ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: One second, one second. There are other Members. Shri M. P. Achuthan. Shri P. Rajeeve.

SHRI P. RAJEEVE: Sir, I am moving the Statutory Resolution because this is to disapprove the Ordinance.

MR. DEPUTY CHAIRMAN: No. One Motion is enough.

SHRI P. RAJEEVE: Sir, I am moving this.

MR. DEPUTY CHAIRMAN: No, no. It is already moved. Shri Derek O’ Brien, it is already moved. Your name is also there. That is all.

SHRI DEREK O’BRIEN (West Bengal): Sir, I know it is moved. I will not speak now. I will speak when the Bill comes.

MR. DEPUTY CHAIRMAN: Okay; I will allow you. Now, Shri Subbarami Reddy. This Resolution is in the names of all these Members. Now, the Minister can move the Motion.

SHRI JAYANT SINHA: Sir, I move....*(Interruptions)*...

SHRI P. RAJEEVE: Sir, I have an objection to moving the Motion. ...*(Interruptions)*... My objection is, this is The Insurance Laws (Amendment) Bill, 2015. Actually, the hon. Chairman made a ruling two days back that we have no power to decide the functions of the other House. We totally agree with that. But I think we have the power to decide the functions of this House as per the rules and as per the precedents. Sir, we have a Bill, the Bill as proposed by the Select Committee.

MR. DEPUTY CHAIRMAN: So, are you opposing the introduction on this Motion?

SHRI P. RAJEEVE: No; I am making a point of order. This is not introduction, Sir. This is consideration.

MR. DEPUTY CHAIRMAN: Okay.

SHRI P. RAJEEVE: Then, Sir, the thing is, we have a Bill as proposed by the Select Committee. There is no power to the Government to withdraw a Bill which is proposed by the Select Committee. Then, we have the Bill, the same Bill, and now we are considering the other Bill, the same Bill. There is only one difference. '2014' is in that Bill which has been proposed by the Select Committee and this Bill is Insurance Laws (Amendment) Bill, 2015, as passed by the Lok Sabha. Our hon. Chairman always mentioned that whenever we read the Constitution, except the money matters, the Council of States came before the other House. Then, which Bill will prevail? Which Bill is supreme? Our Bill is here, that is, the Select Committee Bill. That is a property of the House. It is here. ...*(Interruptions)*... The Government has no power to withdraw a Bill which has been submitted by the Select Committee. The Government has the power to withdraw a Bill which is introduced by the Ministry. Sir, it is specifically stated in the rules regarding withdrawal. Then, my question is: Which Bill are we going to take up? If we are going to take up this Bill, then what is the fate of the Select Committee Report? That is the Select Committee Report. There is a difference between a Standing Committee and a Select Committee. Select Committee Report is submitted to the House along with the Bill itself. The Standing Committee is entirely different. It is specifically stated in the rules. Then, which Bill are we going to take up? If we are ready to dilute the powers of the Council of States, then it is okay. I have no objection to that. I think people will come and go, Governments will come and go. The fathers of the Constitution formulated our Constitution with due conscience. How these two Houses would function is clearly drafted. Now, I request the Chair to protect the dignity of the Council of States. I request this to the Chair. The people will come and go, Governments will come and go. You should consider the Bill which is the property of this House first and take up a discussion on that. We can pass that Bill, the Bill proposed by the Select Committee. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Now, Mr. Rajeeve is saying that there is a Bill here which has been recommended by the Select Committee. That is one point. Second, there is another Bill, according to you, which has been passed by the Lok Sabha and transmitted to this House. As per the Constitutional provision, we have to consider that Bill also. Now, your problem is, which is to be considered. You say that the Select

[Mr. Deputy Chairman]

Committee Bill is to be considered. This is your point. In that case, I see your point. It is a genuine doubt. But one of your points, which you raised while speaking, I have to answer first. A bill transmitted or presented to this House from the Select Committee, the House can consider that Bill in any of the ways allowed in the rules. It is because any Bill, once it has come to the House, is a bill for consideration. What can we do with the Bill for consideration? Either you can reject, or pass or the Government can withdraw it, if the House agrees, with the consent of the Members. So, that Bill sent by the Select Committee to this House is the property of this House and we can decide on that Bill, what we want. If we want to allow that Bill to be withdrawn, we can allow that. If we want to reject that Bill, we can reject that. If we want to pass that Bill, we can pass that. Nothing binds us because we are supreme. There is nothing that binds us because we are supreme.

Now, his other point is that the two Bills are substantially identical, that is, the Bill that has been sent to the Select Committee and the Bill that has been transmitted from the other House are substantially identical. After going through the provisions of the Constitution and the Rules of Procedure relating to condition and procedure to be followed from stage of introduction to passing of a Bill in the Rajya Sabha, I have come to the conclusion that although it may be unusual and unprecedented that two substantially identical Bills are here – one is our property; the other is transmitted from the other House; that is certainly unusual and unprecedented – yet there is no constitutional provision or rule which prohibits the listing of a Bill passed by the Lok Sabha in the Rajya Sabha even if it is substantially identical to a Bill, which is already pending in the Rajya Sabha as long as it meets the requirement as set out in the Constitution and the Rules of Procedure. The Insurance Laws Amendment Bill, 2015, as passed by Lok Sabha, has accordingly been listed in the agenda of today. The House may exercise the procedural option open to it. ...*(Interruptions)*... Let me complete. ...*(Interruptions)*... Let me complete. ...*(Interruptions)*...

श्री नरेश अग्रवाल (उत्तर प्रदेश): सर, मेरा एक प्रश्न है।

MR. DEPUTY CHAIRMAN: I have already ...*(Interruptions)*...

श्री नरेश अग्रवाल : सर, फाइनल रूलिंग से पहले मैं एक चीज़ जानना चाहता हूँ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Don't interrupt me while giving the ruling. ...*(Interruptions)*...

श्री नरेश अग्रवाल : फाइनल रूलिंग से पहले मैं एक चीज़ जानना चाहता हूँ। आपने कहा कि यह हाउस, फाइनेंस बिल के अलावा सुप्रीम है।

MR. DEPUTY CHAIRMAN: No, no. Let me complete. I have not completed, Nareshji. Therefore, the procedural option left to this House can be exercised. I have already said, the House, if you want, can allow that Bill to be withdrawn. If the House wants, it can reject and defeat the Bill. If the House wants, it can pass it. You are supreme. You can take the decision. That is my ruling. ...*(Interruptions)*...

श्री नरेश अग्रवाल : इसमें मुझे एक चीज़ क्लीयर करानी है। चूंकि काँस्टीट्यूशन में बहुत क्लीयर नहीं दिया हुआ है, आपने खुद अपनी रूलिंग में कहा, अगर लोक सभा में पास हुआ बिल, जो राज्य सभा में आया, वह गवर्नमेंट ने विदज़ॉ नहीं किया और हम जो बिल सेलेक्ट कमेटी से लाए, उस बिल को इस हाउस...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: I only said, all options are available. ...*(Interruptions)*...

श्री नरेश अग्रवाल : मैं यह पूछ रहा हूँ। अगर हमने सेलेक्ट कमेटी से पास किया हुआ बिल, जो अमेंडेड बिल है, उसको पास कर दिया तो फिर कंट्री में एक्ट कौन सा लागू होगा?

MR. DEPUTY CHAIRMAN: No, no. ...*(Interruptions)*... I have already said ...*(Interruptions)*...

श्री नरेश अग्रवाल : क्या हमारे बिल को लोक सभा चेंज कर सकती है, मैं बस इतना जानना चाहता हूँ? क्या लोक सभा हमारे अमेंडेड बिल पर बहस कर सकती है और उसको पास कर सकती है?

MR. DEPUTY CHAIRMAN: No; I have already given the ruling. ...*(Interruptions)*... The ruling is clear. ...*(Interruptions)*... The ruling is clear. Perhaps, you did not listen to it. The ruling is clear. There is nothing in the Constitution or in the Rules of Procedure that prevents listing of this Bill transmitted from the Lok Sabha in the List of Business. So, that is already included in the List of Business. There is nothing in the Rule that prevents it. ...*(Interruptions)*...

श्री नरेश अग्रवाल : मैंने लिस्टिंग की बात नहीं की। मेरा कहना है कि सेलेक्ट कमेटी ने अगर किसी लोक सभा के बिल को अमेंड किया और उस अमेंडमेंट के साथ बिल इस हाउस ने पास कर दिया तो क्या लोक सभा हमारे उस बिल पर कंसिडर कर सकती है?...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: No. That I cannot say. ...*(Interruptions)*...

श्री नरेश अग्रवाल : देश में लॉ कौन सा बनेगा? वह हाउस...(व्यवधान)...

MR. DEPUTY CHAIRMAN: I cannot say. ...(Interruptions)... I cannot comment on that. ...(Interruptions)...

श्री नरेश अग्रवाल : काँस्टीट्यूशन में किसको राइट है?... (व्यवधान)...

MR. DEPUTY CHAIRMAN: Nareshji, one second. ...(Interruptions)... I cannot comment on the Lok Sabha proceedings or procedure. I am only saying that the Bill before us in the List of Business is 2015 Bill transmitted by Lok Sabha. ...(Interruptions)...

श्री नरेश अग्रवाल: श्रीमन्, यह संवैधानिक crisis पैदा हो गया है। आपकी रूलिंग ने एक यह संवैधानिक crisis पैदा कर दिया है क्योंकि यह crisis इस वजह से हुआ है कि वह हाउस कहता है कि हम जनता के चुने हुए हैं, हम सुप्रीम हैं, यह हाउस कहता है कि ... (व्यवधान)...

MR. DEPUTY CHAIRMAN: No discussion on the Ruling. ...(Interruptions)...

श्री नरेश अग्रवाल: श्रीमन्, आप मेरी बात सुन लीजिए।

MR. DEPUTY CHAIRMAN: No discussion on the Ruling.

श्री नरेश अग्रवाल: श्रीमन्, संविधान में पहले राज्य सभा का गठन किया गया है, फिर लोक सभा का किया गया है। ... (व्यवधान)...

MR. DEPUTY CHAIRMAN: No discussion on the Ruling.

श्री नरेश अग्रवाल: आप इसे संविधान में देख लीजिए। ... (व्यवधान)...

SHRI SATISH CHANDRA MISRA (Uttar Pradesh): Sir, besides this Ruling... (Interruptions)...

श्री नरेश अग्रवाल: श्रीमन्, यह तो संवैधानिक संकट पैदा हो गया है। ... (व्यवधान)...

SHRI SATISH CHANDRA MISRA: Sir, kindly look... (Interruptions)...

MR. DEPUTY CHAIRMAN: I will allow you. ...(Interruptions)... I will allow you. ...(Interruptions)... I am only saying that there will be no discussion on the Ruling. But I can call you. The point is, I have clearly said this. Neither in the Constitution nor in the Rule Book is there any provision which prevents the 2015 Bill, presented in the List of Business, from consideration. That is all what I am saying. You can consider that. ...(Interruptions)...

श्री नरेश अग्रवाल: श्रीमन्, अभी आगे भी आएगा। ...*(व्यवधान)*...

SHRI SATISH CHANDRA MISRA: Sir, I am not on the Ruling given by the Chair.

MR. DEPUTY CHAIRMAN: Don't discuss the Ruling.

SHRI SATISH CHANDRA MISRA: No, Sir. I am not discussing that. ...*(Interruptions)*... Kindly consider another aspect also. I think another Ruling may be required for that. Kindly see Rule 93. Before that, it is mentioned "Procedure after presentation of Report of Select/Joint Committee." It says that after the presentation of the final report of a Select Committee of the Council, or a Joint Committee of the Houses, on a Bill, the member in charge may move that the Bill as reported by the Select Committee of the Council, or the Joint Committee of the Houses, as the case may be, be taken into consideration. Now I want to know whether the Bill as reported by the Select Committee which is being asked that it may be taken into consideration would be taken up. Or the Ruling that you have given that the other Bill will be taken up... *(Interruptions)*... Or this will be omitted. ...*(Interruptions)*... What will be the effect of this Rule? ...*(Interruptions)*... That is the question. ...*(Interruptions)*... What will be the effect of the Select Committee Report and the Rule given here? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I got your point. Before me, in the List of Business, there is only one Bill. That is the Bill of 2015. ...*(Interruptions)*...

SHRI P. RAJEEVE: It is not approved by the BAC. This is one point. Another point that I want to add is this. ...*(Interruptions)*...

श्री नरेश अग्रवाल: श्रीमन्, दो बिल हैं। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Before me, there is only one Bill. ...*(Interruptions)*...

SHRI P. RAJEEVE: Sir, along with Rule 93 you please read Rule 118. Second paragraph of Rule 118 specifically states the importance of the Select Committee. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Let me listen to the Minister. ...*(Interruptions)*...

SHRI P. RAJEEVE: Sir, let me complete this point. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No discussion on the Ruling. ...*(Interruptions)*... Let me hear the Minister. ...*(Interruptions)*... But there is only one Bill before me and that is the Bill of 2015. ...*(Interruptions)*...

SHRI NARESH AGRAWAL: Sir, there are two Bills. ...*(Interruptions)*... Both are the properties of the House. ...*(Interruptions)*...

SHRI P. RAJEEVE: Sir, that is not approved by the BAC. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Today, only one Bill is listed. ...*(Interruptions)*...

SHRI P. RAJEEVE: Sir, that is not approved by the BAC. ...*(Interruptions)*...

THE MINISTER OF URBAN DEVELOPMENT; THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION; AND THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Sir, the Government in its wisdom brought the Bill and it was referred to the Select Committee. The Select Committee in its wisdom made some recommendations. It could not be pursued further. Subsequently, the Government thought it wise, in view of the exigency, to bring an Ordinance. Once an Ordinance is issued, it becomes a law till it is disapproved or expired. The Ordinance was taken to the Lok Sabha. The Government has that right. The Lok Sabha in its collective wisdom has approved conversion of the Ordinance into a law. As per the procedure and the Constitution, the Government has brought that Bill before the Rajya Sabha. It is listed in today's business in the Rajya Sabha for its consideration. It was approved by the Lok Sabha. The Chair has earlier given a clear Ruling that nothing bars the Government from bringing the Bill, which is approved by the other House, in this House. Accordingly, it is listed in the Business List. I do not know what we are discussing otherwise.

Sir, everybody knows what were the circumstances when we could not proceed further earlier. I don't want to criticise anybody because that is not going to serve any purpose. My point is very simple. The Government brings a Bill or a private Member brings a Bill. Nobody else does it. The Government brought a Bill. The Bill is listed. A Statutory Resolution was moved asking for disapproval of the Ordinance. Now the Minister has to move the Bill for consideration. The House has to discuss it on merits and then move forward. I am afraid that we are unnecessarily just going around. ...*(Interruptions)*... After your ruling, there is no scope for any debate at all.

श्री नरेश अग्रवाल : माननीय उपसभापति जी, मेरा एक प्वाइंट ऑफ ऑर्डर है।...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: No, no. ...*(Interruptions)*... Nareshji, no point of order. ...*(Interruptions)*... That is over. ...*(Interruptions)*...

श्री नरेश अग्रवाल : महोदय, मुझे बहुत इम्पोर्टेंट बात कहनी है।...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: No more discussion on the ruling. ...*(Interruptions)*... I have given the ruling. ...*(Interruptions)*...

श्री नरेश अग्रवाल : आप मेरी बात तो सुन लीजिए।...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: I have given the ruling. ...*(Interruptions)*...

श्री नरेश अग्रवाल : नहीं, सर, एक मिनट, आप मेरी बात तो सुन लीजिए। ...*(व्यवधान)*...

SHRI M. VENKAIAH NAIDU: Sir, I would clarify Nareshji's point. ...*(Interruptions)*... I am asking the Chair. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Let the Minister complete. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, for the sake of clarification on what Nareshji has said, I can assure the House that once this Bill is approved, the Government is willing to withdraw the other Bill.

MR. DEPUTY CHAIRMAN: All right. ...*(Interruptions)*... Nareshji, please. ...*(Interruptions)*... It is over now. ...*(Interruptions)*... My ruling is there. ...*(Interruptions)*... No, I am not allowing you. ...*(Interruptions)*...

SHRI JESUDASU SEELAM (Andhra Pradesh): Sir, I was a Member of the Select Committee. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, I am not allowing you. ...*(Interruptions)*... Your leaders are here. Why do you interrupt? ...*(Interruptions)*... If they want, they will speak. Your leaders are here. ...*(Interruptions)*... But, I am not allowing you. ...*(Interruptions)*...

श्री नरेश अग्रवाल : माननीय उपसभापति जी, माननीय संसदीय कार्य मंत्री जी ने खुद यह स्वीकार किया है, उन्होंने कहा है कि अगर यहां सेलेक्ट कमेटी का बिल पास हो जाएगा, तो लोक सभा का जो बिल है, हम उसे वापस भेज देंगे। ...*(व्यवधान)*... अभी आपने खुद यह कहा है। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: That's okay. ...*(Interruptions)*...

श्री नरेश अग्रवाल : श्रीमन्, इस हाउस में दो बिल हैं, एक बिल लोक सभा का है और एक यह है।...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: No, no. ...*(Interruptions)*...

श्री नरेश अग्रवाल : इस हाउस की दो प्रॉपर्टीज हैं।...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Please. ...*(Interruptions)*... Today, in the List of Business, there is one Bill. ...*(Interruptions)*... आप बैठिए।...*(व्यवधान)*... आप थोड़ा बैठ जाइए। ...*(व्यवधान)*...

श्री नरेश अग्रवाल : श्रीमन्, हमें आपका संरक्षण चाहिए।...*(व्यवधान)*...

श्री उपसभापति : आप अभी थोड़ा बैठ जाइए।...*(व्यवधान)*... Listen to me. ...*(Interruptions)*... I will allow you. ...*(Interruptions)*...

श्री नरेश अग्रवाल : श्रीमन्, हमें आपका संरक्षण चाहिए।...*(व्यवधान)*...

श्री उपसभापति : आप मेरे दोस्त हैं, आप झगड़ा मत कीजिए। Let me speak. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*... I asked him to sit down, now you are getting up. You are Vice-Chairman. You sit down. ...*(Interruptions)*... I am on my legs. ...*(Interruptions)*... Why do you want to speak when I am standing here? You should know that. ...*(Interruptions)*... If I am standing here and asking everybody to sit down, then, you should not stand up. ...*(Interruptions)*...

I want to again make it very clear. Before me in the List of Business, there is only one Bill, that is, 2015 Bill. That is a Bill passed by the Lok Sabha and transmitted to this House as per Constitutional provision. And I am bound to start discussion on that. That is my ruling. Other things are over. ...*(Interruptions)*... Now, I am starting the discussion. ...*(Interruptions)*...

SHRI JAYANT SINHA: Sir...*(Interruptions)*...

श्री नरेश अग्रवाल : लेकिन उसको बीएसी ने एप्रूव नहीं किया है।...*(व्यवधान)*... उसको बीएसी ने एप्रूव नहीं किया है। ...*(व्यवधान)*...

SHRI P. RAJEEVE: Sir, this is for the first time in the history. ...*(Interruptions)*... You are creating a bad precedent. ...*(Interruptions)*... That is a bad precedent. ...*(Interruptions)*... What is the dignity of the House? ...*(Interruptions)*...

SHRI TIRUCHI SIVA: It is the property of the House. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: My ruling stands. ...*(Interruptions)*... But, I am adjourning the House for ten minutes. ...*(Interruptions)*...

The House then adjourned at nine minutes past four of the clock.

The House re-assembled at eighteen minutes past four of the clock,

MR. DEPUTY CHAIRMAN *in the Chair.*

MR. DEPUTY CHAIRMAN: The House is adjourned for another thirty minutes.

The House then adjourned at eighteen minutes past four of the clock.

The House re-assembled at forty-eight minutes past four of the clock,

MR. DEPUTY CHAIRMAN *in the Chair*:

SHRI K.N. BALAGOPAL(Kerala): Sir, I want to raise a point of order. Earlier, at 3.00 p.m., we wanted to clarify as to whether the Select Committee meeting would meet at the same time or later. Then the hon. Minister said that he would inform the Chairman and the meeting could be kept at 6 o' clock. But both the Committees have already met. I am a Member of the Select Committee. Believing the words of the Minister, I and many others did not attend.

SHRI TIRUCHI SIVA (Tamil Nadu): I too could not attend the meeting.

THE MINISTER OF URBAN DEVELOPMENT; THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION; AND THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): By the time the message was sent, they had met. But I can assure the Member that the business would start from the next meeting. ...*(Interruptions)*... The entire thing can be discussed again if needed. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Kindly listen. The Minister had communicated it. But by the time the communication reached, they had started. But the Minister is giving an assurance in this House that the whole thing will be discussed again. That assurance is enough.

SHRI K.N. BALAGOPAL: When will be the next meeting?

SHRI M. VENKAIAH NAIDU: The Chairman of the Committee will consult and inform you. The Government cannot decide that. I can only advise them. I have already advised them. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Balagopalji, don't get agitated. Hon. Members, I believe the Supplementary List of Business has been circulated. Now we will take the Insurance Laws (Amendment) Bill, 2008. Shri Jayant Sinha.
