

SHRI NARESH GUJRAL: Sir, please hear me; this is very important. ...*(Interruptions)*... This is not a speech; but let me finish my argument. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Nareshji, you understand that we are not speaking... ...*(Interruptions)*... I will allow you. But understand that we are not speaking on this subject at all. It is a technical question. ...*(Interruptions)*... Let me complete. I have to give a ruling. I thought you will advise me on that ruling. That only I want.

SHRI NARESH GUJRAL: Sir, the floor was given to me. So, I have said that we were delighted to hear the former Prime Minister. ...*(Interruptions)*... He said that as Prime Minister certain assurances were given.

MR. DEPUTY CHAIRMAN: No, no; that is not going on record.

SHRI NARESH GUJRAL: *

RULING BY THE CHAIR

MR. DEPUTY CHAIRMAN: That is not going on record. I am not allowing that. ...*(Interruptions)*... I want to give my ruling. Now, I want to give the ruling; sit down. ...*(Interruptions)*... What the former Prime Minister said is relevant or not, your certificate is not now needed. It is on record. ...*(Interruptions)*... It is on record. ...*(Interruptions)*... See, you are wasting the time. I want to give the ruling. Now, listen please.

Hon. Members, I was trying my best to elicit opinion and get suggestions from the hon. Members. That is why I tried to hear legal luminaries and others also. But, yes, I was strict in the sense that I want only opinion on this, at this point. I am sorry, if I have been very strict on that. Listen. The reason is this. I will first explain that. Number one, this Bill is at the voting stage. The discussion was over on this Bill. So, there is no point in discussing it again. Number two, Andhra issue was discussed for four hours. So, this is not the time to discuss the merit or demerit or pros and cons of that decision or this decision. The only issue before me is, I was about to put the Bill to vote. Hon. Leader of the House raised an objection. So, naturally, I want to take a correct decision on that. For that, I thought you will advise me. I thank Kapil Sibalji, Jairamji, Ghulam Nabiji, Ram Gopal Yadavji, Shri C.M. Ramesh and Nareshji also for whatever you have said. Where you deviated from the basic point, I questioned that also, and for that, don't misunderstand me

*Not recorded.

because I have to take a decision. Number one, see, I will first explain this. Ram Gopalji said that the Bill is already introduced; it was permitted by the President also; so at this stage, you proceed with this because it is already here for voting. But it is very clear in Rule 186(7) which was pointed out here, It says, “On a Bill being introduced in the Council of States or at subsequent stage, if an objection is taken...” That means, at any stage, an objection can be taken. That is the rule. At this stage also, objection can be taken.

Secondly, if the Bill is a Money Bill within the meaning of Article 110 and should not be proceeded within the Council, the Chairman shall, if he holds the objection valid, direct that further proceedings in connection with the Bill be terminated. Here, “if the objection is valid” means, if the Chairman considers it a Money Bill, then, it has to be terminated then and there. If not, there is the next step. “If the Chairman has any doubt in regard to the validity of the objection...”, what should he do? “...he shall refer the matter to the Speaker whose decision on the question shall be final.” The point is, in the Constitution if no power is given to the Chairman, then under the rules also, it can’t be given. The Constitution does not give power to the Chairman to decide it to be a Money Bill or not. The rules also are framed accordingly. That is the point. If there is a doubt, ...*(Interruptions)*...

SHRI SATYAVRAT CHATURVEDI (Madhya Pradesh): Sir, it is said, ‘if the Chairman has any doubt’. It means, in case the Chairman does not have any doubt, then he is the decision-maker; he need not.. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: That is the crucial point. If the Chairman has a doubt... ...*(Interruptions)*... Let me complete. I have heard you. ...*(Interruptions)*... Listen to me, please.

If the Chairman has a doubt, then, he cannot decide. He has no authority to decide. In a way, the Chairman of Rajya Sabha is vested with zero power in deciding whether it is a Money Bill or not. There is no scope for even a rethinking by the Chairman. Therefore, I am giving the ruling.

The Andhra Pradesh Reorganisation (Amendment) Bill, 2015 was introduced by Dr. K. V. P. Ramachandra Rao in the Rajya Sabha in the month of August, 2015. The Bill was taken up for consideration on 11th March and 29th April, 2016. A point has been raised that the Bill is a Money Bill under Article 110 of the Constitution. Rule 186(7) states, “On a Bill being introduced in the Council, or at a subsequent stage, if an objection is taken that a Bill is a Money Bill within the meaning of Article 110 and should not be proceeded within the Council, the Chairman shall, if

he holds the objection valid, direct that further proceedings in connection with the Bill be terminated". But under Rule 186(8), if the Chairman has any doubt in regard to the validity of the objection, he shall refer the matter to the Speaker, whose decision on the question shall be final in accordance with clause (3) of Article 110 of the Constitution.

Since the matter is not free from doubt, I, therefore, under Rule 186(8) refer the matter to the hon. Speaker for a decision. Till then, further proceedings in connection with the Bill stand deferred. ...(*Interruptions*)...

Bill deferred

PRIVATE MEMBERS' BILLS — (Contd...)

MR. DEPUTY CHAIRMAN: We will now take up the Constitution (Amendment) Bill, 2016. (insertion of new article 21B) Shri Ghulam Nabi Azad. ...(*Interruptions*)...

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): Sir, it is Shri Tiruchi Siva's Bill, not my Bill. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Sorry, we will now take up the Constitution (Amendment) Bill, 2015 (amendment of article 324). Shri Tiruchi Siva to move the Bill for consideration.

**The Constitution (Amendment) Bill, 2015
(Amendment of Article 324)**

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, I move:

That the Bill further to amend the Constitution of India, be taken into consideration.

Sir, in the interest of student and teacher community and in the interest of a better tomorrow, I am introducing this Bill. ...(*Interruptions*)... Sir, a country with a stable economy, stronger armed force, an advanced technology or a developed medicine will not enter into a better tomorrow. It is only the youth force today in this country, which will ensure the nation for a better future ...(*Interruptions*)... and the youth could be triumphed ...(*Interruptions*)... Sir, I would like to say that till the age of 14, a child spends most of his time at home and at school. At the age of 14, the child ...(*Interruptions*)... Before that, Sir, we shape him, we develop him and give him necessary knowledge. It depends on what kind of parents and school teachers(*Interruptions*)... Most of the time, the children are at school and to