SHRI S. C. SAMANTA : I introduce the Bill.

GIFT TAX (AMENDMENT) BILL*

(Amendment of sections 22, 23, etc.)

SHRI S. C. SAMANTA (Tamluk) : I move for leave to introduce a Bill further to amend the Gift Tax Act, 1958.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Gift Tax Act, 1958."

The motion was adopted.

SHRI S. C. SAMANTA : I introduce the Bill.

COMPANIES (AMENDMENT) BILL*

(Insertion of new section 43 B and Amendment of sections 224, 237, etc.)

SHRI S. C. SAMANTA (Tamluk) : I move for leave to introduce a Bill further to amend the Companies Act, 1956.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Companies Act, 1956."

The motion was adopted.

SHRI S. C. SAMANTA : I introduce the Bill

CONSTITUTION (AMENDMENT) BILL*

(Amendment of articles 330 and 332)

SHRI SURAJ BHAN (Ambala) : I move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI SURAJ BHAN : I introduce the Bill.

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15 05 hrs.

CONSTITUTION (AMENDMENT) BILL—*Contd.*

(Amendment of articles 32 and 226) by Shri Tenneti Viswanatham

MR. DEPUTY-SPEAKER : We shall take up further consideration of the Bill moved by Shri Tenneti Viswanatham on the 19th December, 1969. One hour was allotted and 33 minutes had been taken. 27 minutes are left. Shri Narayana Rao was on his legs ; he is now absent. Shri Kunte.

SHRI DATTATRAYA KUNTE (Kolaba): This is a very simple Bill...

SHRI PRAKASH VIR SHASTRI (Hapur) : If it is simple, then why speak on it ?

SHRI DATTATRAYA KUNTE : It may be a simple Bill but there are certain things which have to be brought to the notice of Members like my hon. friend. It is a simple Bill and there is no complication involved. All the same, if the Constitution were not so amended, the litigant would unfortunately suffer, as has happened as a result of the recent decision of the Supreme Court given in the year 1968. You will find from the Statement of Objects and Reasons that there also it was a majority judgment, three judges supporting one stand and two judges supporting the other stand which we are trying to take here.

This Bill seeks to modify articles 32 and 226 of the Constitution in such a way that it should be possible for any litigant to get the advantage of these articles, where he has through some mistake not been able to take advantage of the provisions in time. After all, this a case where delay should be excused. That is all that is being suggested. In the Limitation Act, we have provisions where for proper reasons delay is excused

*Published in Gazette of India, Extraordinary, Part II, section 2, Dated 27-2-70.

[Shri Dattatraya Kunte]

and the reasons for delay are taken into consideration. But because there is no such mention in the Limitation Act and rightly so, these two articles, namely articles 32 and 226 should be properly amended so that it should be passible for the Supreme Court and the authorities concerned to give the benefit to the litigant by excusing the delay for proper reasons. I do not think that any further elucidation is necessary.

15.07 hrs.

[Shrimati Jayaben Shah *in the Chair*]

श्री शिव चन्द्र झा (मधुबनी) : मोटे तौर पर मैं इस विधेयक का समर्थन करता हूँ। पैटीशनर को पैटीशन दाखिल करने में यदि देरी हो जाती है तो केवल इसलिए कि देरी हो गई है, उसको अपके हक से वंचित किया जाए, यह ठीक नहीं है। उसको वंचित न किया जाए इससे मैं सहमत हूँ। लेकिन सवाल यह पैदा होता है कि अखिर कितनी देरी होनी चाहिये। इसका कोई समय तो निर्धारित होना चाहिये। मान लीजिये कि बहुत ज्यादा अर्से के बाद, बहुत सालों के बाद वह पैटीशन दाखिल करता है तो क्या इससे इनएफिशैंसी का सिलसिला शुरू नहीं हो जाएगा ? क्या इससे हाई कोर्ट और सुप्रीम कोर्ट में भी इनएफिशैंसी नहीं आ जाएगी ? इस वास्ते समय तो निर्धारित होना ही चाहिये।

हम सभी कहते हैं कि समाज में हर काम वार फुटिंग पर होना चाहिये। यह आज की सब से बड़ी जरूरत है। सिर्फ यह जरूरी नहीं है कि सरकार के अफसर ही वार फुटिंग पर काम करें, बल्कि हर नागरिक, साधारण नागरिक भी भले ही वह पैटीशन दाखिल करना चाहता है या कोई बात आगे बढ़ाना चाहता है उसका भी फर्ज है कि निर्धारित समय के अन्दर और टाइम टेबल बना कर अपने काम को आगे बढ़ाये। यदि हम छूट दे देते हैं कि उसकी जब मर्जी होगी तब वह पेटीशन दाखिल कर दे, तो इसको कोई भी पसन्द नहीं करेगा। उसका नतीजा होगा कि बहुत देरी से और लम्बे अर्से के बाद भी पैटीसंज दाखिल की जाएगी। उसका असर समाज पर भी पड़ेगा। समाज में सुस्ती की एक लहर दौड़ जाएगी, इनएफिशैंसी पड़ेगी और इसका नतीजा यह होगा कि इंसाफ भी देरी से मिलेगा। मैं मानता हूँ कि यदि देर हो जाए तो भी उसको हक होना चाहिये पैटीशन दाखिल करने का लेकिन उसके लिए कोई समय आप अवश्य निर्धारित कर दें, एक साल, दो साल या पांच साल। श्री विश्वनाथन से मैं प्रार्थना करता हूँ कि एक मियाद वह अवश्य रखें। अगर लम्बी-लम्बी देरी को बरदाश्त किया गया, इनएफिशैंसी को बरदाश्त किया गया तो इससे समाजवाद जो हम लाना चाहते हैं, उसको भी आघात पहुंचेगा। मैं चाहता हूँ कि एक समय निर्धारित कर दिया जाए, दो, चार या पांच साल का ताकि इनएफिशैंसी न आए न नागरिक के काम में और न ही हाई कोर्ट या सुप्रीम कोर्ट के काम में। समाजवाद या प्लांड इकोनोमी जो भी आप कहिये उसका यह तकाजा है कि एक टाइम टेबल के मुताबिक चला जाए।

इन शब्दों के साथ मैं इस बिल को कंडिशनल सपोर्ट देता हूँ।

SHRI VIKRAM CHAND MAHAJAN (Chamba) : This Bill is a timely Bill and I think that it should be supported, and in any case, Government should refer this to a Select Committee as to whether the necessary amendments should be made in the Constitution.

Under atricle 226 of the Constitution, every citizen has a right to move the High Court, if there is any legal right of his which is being infringed, I am a practising lawyer and I have seen that in many cases, the High Courts have thrown out very good cases where there were genuine grievances of the poorer sections of society on the ground that as the petitioners have come after a delay of three months, the courts will not interfere under article 226. But the Constitution has not prescribed any limitation in

that article. But the High Courts have taken rulings from English decisions wherein they have said that in cases of extraordinary remedies against Infringement of constitutional rights, such limitation should be there, and the citizens should come to the court as early as possible because it is a legal right which is being infringed. But the courts have forgotten that India is a country where illiteracy is predominant, and it often happens that the litigants are misguided by many people. If the case is good on merits, and if a great injustice has been done to a citizen, then the court should interfere, but I can cite hundreds of cases where the courts have declined to interfere on the ground that the citizen has not come at an earlier stage. The normal period within which they want the citizen to come before them is three months. I think it is a great injustice which is being perpetuated merely because of the interpretation of the courts. and I think that Government should take this opportunity and accept the principle of this Bill and refer it to a Select Committee, if they cannot accept it straightway.

Secondly, under article 136 of the Constitution, there is no limitation prescribed for taking up cases in the courts. But the High Courts and the Supreme Court have prescribed under their power to make rules a period of 90 days and 60 days. I again submit that this power is an extraordinary power given to the Supreme Court under the Consritution to interfere in cases of grave injustice, and no rule should be permitted to stand which will curtail the powar of the Supreme Court to interfere in cases of grave injustice. As I have pointed out already, this interpretation has neen taken from the English decisions, and I submit that it is in the interests of the poorer sections to have this Bill. So far as the more affluent sections are concerned, they are advised by good lawyers and they can go quickly and have their grievances redressed. But it is the poorer sections of society that do not have sufficient legal advice available to them and that suffer the consequences of these arbitrary rules which have been made by the different High Courts and the Supreme Court. I snbmit that it is time to remove the limitation. I submit that the limitation should be at least a year, if at all this power is to be effectively exercised in favour of the poorer sections of society. Therefore, I humbly submit to Government that they should accept the Bill as it is, or in any case refer this to a Select Committee.

SHRI S. KUNDU (Balasore) : This is a Bill of far-reaching importance, because what was never thought of in the Constitution or what was not even contemplated by many jurists has really been done by the judgment of the Supreme Court in which they have said that on grounds of delay and on grounds of laches writs cannot be admitted uuder article 32.

Sir, the Constitution-makers, while framing the Constitution, provided uifferent forums in the High Courts and the Supreme Court. In the High Courts, through article 226, they have given certain discretionary powers to the judges to decide on the merit, whether to admit the case or not. But in article 32, they have kept it free. They thought that every citizen, however low or however high, rich or poor, should at least have a chance to go to the highes: forum of the judiciary in this country, to agitate or to safeguard the rights given to them under the fundamental rights. If we take away that right which has been given by the Constitution, by a judgment of the Supreme Court saying that because it is delayed they cannot go to the court, it would not be right, and indirectly like the Golaknath's case we are going to pass an amendment of the Constitution. I consider that the Constitution-makers never thought that article 32 cannot be invoked by anybody after some delay or if there were some laches somewhere. Therefore, this judgment will greatly impair the fair justice to be given to the people.

In this connection, I will read out a few lines which have been pronounced by Justice Hedge of the Supreme Court in one of his dissenting judgments; these are very valuable. He said :

> "Should this court, an institution primarily created for the purpose of safeguarding fundamental rights guaranteed under Part III of the Constitution, narrow down those rights ? The implications of these decisions are bound to be far-reaching. It is likely to pull down from high pedestal now occupied by the fundamental rights to the level of other civil rights. I am apprehensive that this decision may mark an important turning-

[Shri S. Kundu]

point in downgrading the fundamental rights guaranteed under the Constitution. I am firmly of the view that the relief asked for under article 32 cannot be refused on the grounds of laches."

This has a far-reaching consequence I am happy that Prof. Ranga is agreeing with me, He is a sensible and reasonable, elderly statesman of ours. He agrees with us We all agree with this, and we must congratulate Mr. Tenneti Viswanatham that he has brought this Bill. I request the Government to accept this Bill.

SHRI RANDHIR SINGH (Rohtak): Mr. Chairman, we are grateful to Shri Tenneti Viswanatham for bringing forward this lacuna which exists in articles 32 and 226 of the Constitution. There is no mention of limitation in these articles for any writ, whether *habeas corpus* or *certiorari* or *mandamus* or any other writ. As our society changes, the necessity is greater and greater on the part of the public, especially as the people come to understand things, gain greater standards of living and understand their social and other rights. The people realise their fundamental rights, and for redeeming their fundamental rights, they have to knock at the doors of the courts, especially in a country like ours where we follow the British law, and British law is the progeny of the Roman law. There are maxims like *ignorantia legis neminem excusat*—ignorance of law is no excuse, and delay defeats equity. There are maxims like these. There are 80 to 85 per cent of the people who live in the rural areas of the country, most of whom are illiterate, and 80 per cent of their writs relate to land. Except 10 to 15 per cent of the people who live in the cities who know the limitation period, most of the others in the villages, about 90 per cent of the people, get a knowledge of the limitation period years and years after the period has run off. So, this is something which is the need of the hour, and Shri Tenneti Viswanatham has realised it. This is something which is of very great importance and of vital utility to the people living in the rural areas.

There are cases about resettlement and aquisition of land. Now there is something in the offing about the fundamental right to property. Therefore, in these circumstances, I feel a reasonable limitation period would be 3 years; I do not agree even to one year. There may be *bona fida* cases where he did not know something out of sheer mistake of certain facts There may be other cases of about fundamental rights of minorities, etc. If there are educated people, the limitation period may be less. But in cases of land, the limitation period should not be less than 3 years. Of course, there can be no discrimination between literate and illiterate litigants. But for a case which concerns property, where most people are illiterate litigants, the limitation period should be at least three years.

Some cases are disposed of in less than two minutes at the Supreme Court level. Do you realise the huge expenditure incurred by the poor litigant? Even a small lawyer will not accept less than Rs. 500 or Rs. 1000 and there are other expenses. I am not casting any reflection on the profession, but knowing that a case will not stand before the Supreme Court for even a minute, people are fleeced. There is some inherant right left to the court, but after three months, there is no discretion left.

As I said, I feel the limitation period in respect of cases involving fundamental rights, should be at least 3 years Normally in property cases, it is 12 years. In cases of recovery of money in money suits, it is three years. In the case of fundamental rights, even if you do not provide for 12 years, it should be at least three years. One year is less. I hope Government would appreciate the urgency of this in the changing society and see to it that this is incorporated in the statute book in proper shape, bearing in mind the national interest and the interests of the underdogs and the peasantry, a predominant portion of whom are illiterate.

श्री भोगेन्द्र झा (जयनगर): सभाध्यक्ष महोदया, यह संशोधन जो हमारे सामने है इस में अभी न्यायालय में, न्याय-पालिका में जो सम्पत्ति की विषमता के चलते अन्याय हो जाता है उस में थोड़ी राहत मिलेगी क्योंकि अभी की व्यवस्था में, मैं भ्रष्टाचार की बात अभी नहीं कर रहा हूँ, मान लिया जाय कि सौ प्रतिशत ईमानदारी नीचे ऊपर तक है, तब भी न्याय की

खुले आम बिक्री हो रही है, न्यायालयों में न्याय बिक रहा है। हाई कोर्ट सुप्रीम कोर्ट तक पहुंचते-पहुंचते पांच सात दस हजार रुपये खर्च हो ही जाते हैं। तो ऐसी स्थिति में जब कि कानून में कहने के लिए तो सब बराबर हैं लेकिन जिस के पास पैसा नहीं है वह न्याय पा नहीं सकेगा न न्यायालय में पहुंच सकेगा, वह न्यायालय में पहुंच भी नहीं सकेगा क्योंकि न्याय की बिक्री हो रही है और जैसा हमारे मित्र ने अभी कहा है कि बहुत लोग निरक्षर हैं, इसलिए निरक्षर हैं कि विद्या की भी बिक्री हो रही है, सरस्वती माता बिक रही है, विद्यालयों में रुपये का फाटक खुला हुआ है, जिन के पास फाजिल पैसा नहीं है उन को विद्या नहीं मिल सकती, ऐसी स्थिति में जो एक साल का बन्धन लगा हुआ है उस के रहते जिन के पास पैसा नहीं है उन के लिए न्यायालय में पहुंचने में देर हो ही जाती है, नकल लेने में और नाजायज पैसा अगर खर्च नहीं कर पाये तो देर हो ही जाती है, तो वैसी स्थिति में मैं आग्रह करूंगा कि यह एक छोटा सा संशोधन है लेकिन थोड़ी राहत इससे मिलती है, इसलिए इस संशोधन को सदन स्वीकृत करे, पारित करे, यही मेरा निवेदन है और मुझे आशा है कि इस से बहुत राहत नहीं, बल्कि थोड़ी राहत मिलेगी और एक कदम हम आगे बढ़ा पाएंगे तथा लोगों को न्याय दिलाने में सुविधा देंगे।

SHRI S. S. KOTHARI (Mandsaur): The fundamental rights enshrined in our Constition consitute the corner-stone of democracy. If domocracy is to be preserved in the country it is of the utmost importance that not only should the fundamental rights be preserved but the right to constitutional remedies under articles 32 and 226 should not be limited on account of the time factor. Of course, a reasonable time limit is inevitable. You cannot say that the fundamental rights should be enforced even after a lapse of 10 or 12 years. I think a period of three to five years would serve the purpose. The person aggrieved has to approach the High Court or the Supreme Court within that period.

I would, therefore, submit that the effect of the majority judgment of the Supreme Court should be nullified and the amendment suggested by my colleague, Shri Tenneti Viswanatham, should be accepted. That amendment says that the remedy under the article should not be denied to a petitioner on account of the time factor. Whenever the Supreme Court or the High Court feels that it is a fit case for issuing a writ of *mandamus, habeas corpus, certiorari,* prohibition or *quo warranto,* that right should not be whittled down merely because there is some delay in filing the writ. Therefore, I support this Bill.

SHRI S. N. MISRA (Kannauj): It is my experience as a member of the bar that whenever you approach the Supreme Court or the High Court on a writ petition under articles 32 or 226, in most of the cases the writ is thrown out on the ground that the petition was belated, even though it is a guarantee given to the litigants to approach the High Courts and the Supreme court. Because of this limitation that guarantee could not be availed of by many of the aggrieved people. There is a tendency on the part of the courts to throw away writ petitions only on the ground of delay. Because no limitation is prescribed some of the High Courts go to the extent of saying that it is belated even when it is only two months old. The Allahabad High Court always throws out writ petitions if they are more than 90 days old. Therefore, it is very necessary to ensure that there is no period of limitation. It would be open to the courts to dismiss the petition on any ground other than delay. I submit that the amendment before the House should be accepted and no period of limitation should be provided so that the courts shall not be in a position to throw out a writ petition only on the ground of delay. I support this amendment.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI M. YUNUS SALEEM): Madam Chairman, I am really very much surprised to hear the arguments of learned Members of this House in support of the amendment, particularly of some hon. Members of this House who are members of the bar also.

[Shri M. Yunus Saleem]

It is a matter of common knowledge that wherever a remedy is provided it is subject to certain conditions.

In articles 32 and 226 of the Constitution certain extraordinary remedies have been provided to seek redress from the High Courts and the Supreme Court particularly with regard to fundamental rights. These remedies are discretionary remedies and in the exercise of powers in a discretionary remedy by Judges of the High Courts and the Supreme Court one should consider how it would be possible for any court to grant a remedy if the impugned order coming before the High Court or the Supreme Court was passed 10, 12 or 15 years before moving the court. There must be some limit.

According to this amendment which has been moved by the hon. Member there would be no bar in respect of limitation to the remedy. It would be a very difficult situation. Supposing, the impugned order was passed some time in 1952 and the aggrieved party was continuously sleeping over the matter for 18 years ; the aggrieved party files an application under article 32 or 226 in 1970 and says that because there is no limitation provided under article 32 or 226 he is entitled to come before the court as a matter of right. The result would be no limit in time ; when it becomes the whim of a litigant he will move the High Court or the Supreme Court under article 226 or 32.

The judges of the High Courts and the Supreme Court are custodians of the Constitution. If the delay is properly and reasonably explained, in a fit case I am certain the delay shall be condoned and has been condoned in general cases. I am aware of cases under articles 32 and 226 where writ petitions have been entertained even after five years. But one has to satisfy the judicial conscience of the court that the aggrieved party was unable to approach the court on certain very reasonable grounds and, therefore, the court should consider whether on account of these reasons his application under article 32 or 226 should be considered or not.

I respectfully submit that there is no bar to the right which has been granted under the Constitution. On account of laches only a bar to adopt a certain remedy has been created. The majority judgment of the Supreme Court delivered in *Trilokchand Motichand versus Bombay Sales Tax Commissioner* has discussed this point on the basis of the authorities of the American and English courts where it has been said that when a litigant does not care to move the court within a reasonable period a discretionary remedy cannot be granted to any party as a matter of right.

I appeal to my lawyer brothers to consider what will be the position if a person—it may be the subject-matter of litigation about the right of property or any other right—gets information of the impunged order and sits tight over it for several years and comes to the court one fine morning and he is not even required to explain the delay. If this amendment is accepted, the result will be that he will not be called upon to explain the delay. As the Bill stands now, there will be no restriction, no limitation, about it.

SHRI A. K. SEN (Calcutta—North-West) : Is the hon. Minister prepared to fix a reasonable time-limit as Mr. Misra suggested, say, 3 years or 4 years ?

SHRI M. YUNUS SALEEM : I think, I will be prepared to consider if some proposal comes. But I am placing my submission before the House on the Bill as has been moved by the hon. Member.

SHRI RANDHIR SINGH : I make a proposal that it should be 3 years.

SHRI M. YUNUS SALEEM : I reads as follows :

> "No remedy under this article shall be denied to any petitioner by the Supreme Court on the ground of delay."

This is an amendment to article 32. There is a similar amendment to article 226 saying :

> "No remedy under this article shall be denied by a High Court to any petitioner on the ground of delay."

So, according to this, even after 30 years lapse if the petition is filed, it must be entertained by the court. I am constrained to submit that if this is accepted, it will place the courts in a very difficult position. Even

today, the courts are flooded with petitions under articles 226 and 32.

If there is no limitation prescribed, everybody, instead of going to an ordinary court of law will be attracted to move the High Court and the Supreme Court. I submit the honourable House will consider this aspect of the case that there is not a single remedy prescribed under the civil law for which limitation is not prescribed. Here, the hon. Member wants that there should be no limitation at all. That is not possible. I am not prepared to accept this Bill and I request the hon. Member to withdraw it.

SHRI A. S. SAIGAL (Bilaspur) : Will the hon. Minister accept an amendment for 3 years ?

MR. CHAIRMAN : Not at this stage.

SHRI M. YUNUS SALEEM : Let the hon. Member withdraw the Bill.

SHRI RANDHIR SINGH : My proposal is already there.

SHRI TENNETI WISWANATHAM (Visakhapatnam) : Madam Chairman, this is a simple case of amending articles 32 and 226. Article 32 reads like this.....

SHRI KANWAR LAL GUPTA (Delhi-Sadar) : There is no Cabinet Minister in the House. Of course, the ex-Cabinet Minister is here. If he can officiate, I don't mind.

SHRI TENNETI VISWANATHAM : Article 32 begins with this language which is slightly different from Article 226 which distinction the hon. Minister must know. Article 32 begins like this :

> "The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed."

The right to move the court is guaranteed. It is not merely a right to get a remedy. The right to move the court is a fundamental right. Part III, you remember, contains all fundamental rights. There are other fundamental rights. But the right to move the Supreme Court by itself is a fundamental right and it cannot be abridged. That thing should not be lost sight of. Chief Justice Mr. Hidayatullah's judgment overlooked it. If you turn to the dissenting judgment of Justice Mr. Hedge you will find that he was relying not merely on his own views but he was also relying upon the views of Justice Rajagopala Ayyangar, who speaking for the majority observed that :

> "Once it is proved to the satisfaction of this court that by State action the fundamental right of a petitioner has been infringed, it is not only the right but the duty of this court under Article 32 to afford relief to him by passing appropriate orders in that behalf. The right given to the citizen to move this court under Article 32 is itself a fundamental right and the same cannot be circumscribed or curtailed except as provided by the Constitution."

By way of a compromise. Mr. A. K. Sen, Mr. Randhir Singh and other friends are saying, 'Why not have three years for five years ?' Let me proceed Justice Hedge agrees with what Mr. Justice Rajagopala Ayyangar said in (1964) 1 SCR 332 but he goes further :

> "It is inappropriate to equate the duty imposed on this court to the powers of the Chancery Court in England or the equitable jurisdiction of the American Courts."

The reason is that there are now written fundamental rights in those countries. Their fundamental rights have not been drafted in the same way as in our Constitution and the reason, therefore, is as Mr. Justise Hedge says :

> "It is inappropriate to equate the duty imposed on this court to the powers of the Chancery Court in England or the equitable jurisdiction of the American Courts. The duty imposed by the Constitution cannot be compared with the discretionery powers."

The hon. Minister said that this is a discretionery power. Therefore, I do not want to dilate much on it.

SHRI A. K. SEN (Calcutta—North-West) : We have moved an amendment for referring this Bill to a Select Committee and the mover is accepting it. Let there be voting.

SHRI RANDHIR SINGH : We are moving that the Bill should go to a Select Committee.

SHRI RANGA (Srikakulam) : Who are the Members of the Committee ?

SHRI A. K. SEN : Shri Kanwar Lal Gupta, the Law Minister, myself, Shri Randhir Singh, Prof. Ranga and others.

SHRI RANGA : On the spur of the moment ? All parties should be there.

SHRI RANDHIR SINGH : You are there.

SHRI A. K. SEN : Madam Chairman, we are all agreed to send the Bill to a Select Committee. All of us are agreed about it.

SHRI RANGA : Even if Government is to accept certain matters had to be satisfied about constitutional amendments. By reference, it means, you are accepting the principles underlying this. It comes to that.

SHRI A. K. SEN : For that two-thirds majority is not needed. Not for refererce. (*Interruptions.*)

MR. CHAIRMAN : Order, order. Do you accept that amendment ?

SHRI M. YUNUS SALEEM : I have already placed my submission before this House and Mr. Tenneti Viswanatham has replied to the debate.

SHRI TENNETI VISWANATHAM : I have accepted reference to Select Committee.

SHRI KANWAR LAL GUPTA : Let the Minister accept it.

SHRI M. YUNUS SALEEM : This threatening will not do. I am not going to agree to this threatening ; this is a peculiar way of doing this. (*Interruption.*)

MR. CHAIRMAN : Let the Minister answer.

SHRI M. YUNUS SALEEM : I was going to submit, let the proper motion come before the House. There must be names and everything.

SHRI RANDHIR SINGH : Everything is there. You are number one on the list on the committee.

SHRI M. YUNUS SALEEM : I have not read it.

SHRI RANDHIR SINGH : This is the Motion. Sir, I beg to move.....

SHRI RANGA : Mr. Koushik's name may also be included.

SHRI RAJARAM (Salem): Mr. Krishnamoorthi's name may also be included.

SHRI RANDHIR SINGH : Yes, Sir, I beg to move :

"That the Bill further to amend the Constitution of India, be referred to a Select Committee consisting of 16 members, namely :

(1) Shri C. K. Bhattacharyya
(2) Shri Kanwar Lal Gupta
(3) Shri Shiva Chandra Jha
(4) Shri K. M. Koushik
(5) Shri V. Krishnamoorthi
(6) Shri D. K. Kunte
(7) Shri P. Govinda Menon
(8) Shri Srinibas Misra
(9) Shri S. N. Misra
(10) Shrimati Sharda Mukerjee
(11) Shri K. Ananda Nambiar
(12) Shri A. S. Saigal
(13) Shri Ebrahim Sulaiman Sait
(14) Shri A. K. Sen
(15) Shri Tenneti Viswanatham
(16) Chaudhuri Randhir Singh.

with instructions to report by the first day of the next session." (1)

SHRI RANGA : When is the Committee to report ?

SHRI KANWAR LAL GUPTA : It will report within four months.

SHRI RANDHIR SINGH : With instructions to report within four months

SHRI DATTATRAYA KUNTE : On the first day of the next session.

MR. CHAIRMAN : This is the amendment before the House.

SHRI M. YUNUS SALEEM : I do not accept it.

SHRI DATTATRAYA KUNTE : Let it be put to vote.

MR. CHAIRMAN : I shall put the question to the House.

15.55 hrs.

[Mr. Deputy-Speaker *in the Chair*]

MR. DEPUTY-SPEAKER : The lobbies have been cleared.

SHRI P. K. DEO (Kalahandi) : Will there be any more speeches ?

MR. DEPUTY-SPEARER : After the lobbies have been cleared, there is no more discussion.

SHRI M. YUNUS SALEEM : After having reconsidered the matter, I am inclined to accept the amendment.

MR. DEPUTY-SPEAKER : Unless the House is unanimous, I have no option but to put it to the House.

SOME HON. MEMBERS : If he accepts the amendment, then it is all right.

SHRI M. YUNUS SALEEM : I have said that I accept the amendment.

MR. DEPUTY-SPEAKER : Then, I think there is no object in putting it to the vote.

The question is :

"That the Bill further to amend the Constitution of India, be referred to a Select Committee consisting of 16 members, namely :

(1) Shri C. K. Bhattacharyya
(2) Shri Kanwar Lal Gupta
(3) Shri Shiva Chandra Jha
(4) Shri K. M. Koushik
(5) Shri V. Krishnamoorthi
(6) Shri D. K. Kunte
(7) Shri P. Govinda Menon
(8) Shri Srinibas Misra
(9) Shri S. N. Misra
(10) Shrimati Sharda Mukerjee
(11) Shri K. Ananda Nambiar
(12) Shri A. S. Saigal
(13) Shri Ebrahim Sulaiman Sait
(14) Shri A. K. Sen
(15) Shri Tenneti Viswanatham
(16) Chaudhuri Randhir Singh

with instructions to report by the first day of the next session."

The motion was adopted.

15.59 hrs.

FOREIGN AID (MAINTENANCE OF ACCOUNTS) BILL

श्री कंवर लाल गुप्त (दिल्ली सदर) : उपाध्यक्ष महोदय, मैं आपकी आज्ञा से अपना विधेयक सदन के सामने विचार के लिये रखना चाहता हूं । मैंने इस विधेयक में एक बात कही है कि जो विदेशी धन गलत तरीके से हमारे देश में आता है, उस के ऊपर कोई कड़ी निगरानी होनी चाहिये । मैंने यह कहा है कि कोई भी पार्टी, कोई भी संस्था, कोई भी व्यक्ति अगर विदेशों से धन लेता है तो उस को सरकार को खबर करनी चाहिये । उस आदमी को या उस संस्था को यह चाहिये कि उस का पूरी तरह से हिसाब रक्खे, और एक साल हो जाने के बाद वह सारा हिसाब किताब सरकार को दे ताकि सरकार को यह मालूम हो कि कितना धन विदेशों से आया है, वह खर्च कैसे कैसे होता है और ठीक तरह से होता है या नहीं ।

इस सदन में बार-बार बहस हो चुकी है । स्वयम गृह-मंत्री ने यह कहा था, जब उन्होंने रिपोर्ट रक्खी थी, कि वह एक विधेयक इस सम्बन्ध में सदन में रक्खेंगे । मुझे दुःख है कि आज ढाई साल बीतने के बाद भी ---यह रिपोर्ट इंटेलिजेंस ब्यूरो की 1967 में सरकार को मिली थी--आज तक सरकार कोई विधेयक इस सम्बन्ध में नहीं लाई । आज अगर कोई हिन्दु-