

[Shri K. K. Shah]  
everything to accommodate the striking junior doctors.

Two members of the Action Committee came and reported to me early this morning that their efforts to get the understanding ratified by the General Body and had not succeeded.

In the circumstances, I regret to inform the House that having exhausted all avenues of persuading the striking junior doctors to resume duty, Government have had no alternative but to issue a Notification under the Essential Service Maintenance Act, 1968, and Prohibitory Order thereunder in the public interest in consultation with the Delhi Administration. A copy of each of the Notification and the Prohibitory Order is placed on the Table of the House. [Notification No. S.O. 1417, dated 10th April, 1969 and Prohibitory Order No. S.O. 1418, dated the 10th April 1969 [Placed in Library. See No. LT 670/69].

SHRI S. M. BANERJEE (Kanpur) : They are being bullied. (*Interruption*)

SHRI K. K. SHAH : I hope, even now the striking doctors would accept our assurances and resume duty forthwith. (*Interruption*)

SHRI VASUDEVAN NAIR (Peermade) : Under threat of your orders ?

SHRI K. K. SHAH : I also take this opportunity once again to thank the senior doctors, Members of Parliament belonging to all parties, the public and the Press for their cooperation and understanding.

12.05 hrs.

MOTION UNDER RULE 388 RE. CONSTITUTION (TWENTY-SECOND AMENDMENT) Bill

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : Sir, I beg to move :

"That rule 338 of Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for

leave to introduce, and taking into consideration of the Constitution (Twenty-second Amendment) Bill, 1969, be suspended." (*Interruption*)

MR. SPEAKER : Shri Daschowdhury... (*Interruptions*).

SHRI B. K. DASCHOWDHURY (Cooch-Bihar) : Sir, the question of suspension of Rule 338 of the Rules of Procedure can only come if we find that the withdrawal is proper and in order. I beg to submit, with respect to this august House, that the withdrawal that was made the other day, on the 2nd April, is not in order. Hence my Point of Order. I draw your kind attention to Rule 339. Rule 339 (1) says :

A member who has made a motion may withdraw the same by leave of the House.

Now, Rule 339 (2) says :

The leave shall be signified not upon question but by the Speaker taking the pleasure of the House. The Speaker shall ask : Is it your pleasure that the motion be withdrawn ?

If no one dissents, the Speaker shall say :

(I want to emphasise the word shall in two places).

"The motion is by leave withdrawn."

Now, I beg to refer to the proceedings that were taken down on the 2nd April. I am quoting from that. You put the question as follows :

"The questions is :

"That leave be granted to withdraw the Constitution (Twenty-second Amendment), Bill, 1968 as reported by the Joint Committee, which is pending in the Lok Sabha."

Then it says :

"The motion was adopted."

I submit, sir that it has been particularly stated in Rule 339 (2) that the Speaker shall ask : Is it your pleasure that the motion be withdrawn? We do not find any such thing in the proceedings here. Therefore, the withdrawal is not in order. That is my Point of Order.

**MR. SPEAKER :** Which is not in order? The House gave leave and it was withdrawn.

**SHRI B. K. DASCHOWDHURY :** Let me submit, Sir. The leave was given. But if subsequently any of the Hon. Members finds that the motion for leave was not in order, what is the remedy?

**MR. SPEAKER :** You are quoting wrong rule and presuming so many things. Please do not oppose something which was done already on an earlier day. But it is your right to oppose this motion for suspension. You please oppose it, if you want to, or allow others to do so.

**SHRI B. K. DASCHOWDHURY :** If we find subsequently that what was done is not in order, then what is the course open to us? On that I want a ruling from you.

**MR. SPEAKER :** You can oppose this motion. That is the remedy.

**SHRI B. K. DASCHOWDHURY :** How can we oppose something now when previously something was done which was not in order?

**MR. SPEAKER :** You are free to oppose it now. You feel what was done is irregular. But there are some people who feel that it was regular. You have to argue now this motion and say that this is not in order. On that basis you have a right to oppose this motion. Please oppose it.

**SHRI B. K. DASCHOWDHURY :** On this particular motion you have permitted to raise my point. We find that the question of suspension of rule at this stage has come only because of the failure of the Party in Power—the Congress Party—to get through the Bill the other day. We know that there are certain sanctities to the Articles of the Constitution and the Rules

in the Rules of Procedure of this House. I do not know what they will do in future. If there is some mistake committed, to correct that mistake, every now and then, they will say that Articles of the Constitution should be suspended or the Rules of Procedure should be suspended.

So I strongly oppose that point. At least the sanctity of the rules should be respected.

**श्री अटल बिहारी वाजपेयी (बलरामपुर) :** अध्यक्ष महोदय, गृह मंत्री महोदय ने अपने प्रस्ताव के द्वारा नियम 338 के निलम्बन की मांग की है। मैं इस नियम को पढ़ कर सुनाना चाहता हूँ।

“A motion shall not raise a question substantially identical with one on which the House has given a decision in the same session”.

इस बात से कोई इन्कार नहीं कर सकता कि संविधान में संशोधन का जो विधेयक सदन में प्रस्तुत किया गया था, वह स्वीकृत नहीं हो सका। उसके बाद गृह मंत्री महोदय ने उस विधेयक को वापस लेने की अनुमती मांगी। अध्यक्ष महोदय यह सच है, कि वह अनुमति दे दी गई लेकिन दासचौधरी जी जो कह रहे हैं, उसमें भी कुछ बल है।

**अध्यक्ष महोदय :** वह तो हो गया।

**श्री अटल बिहारी वाजपेयी :** हो तो गया, लेकिन जो गड़बड़ पहले हो गई, आगे नहीं होनी चाहिए। जो वापस लेने का प्रस्ताव था वह सदन के सामने रखा जाना चाहिए था। वह नहीं रखा गया। दुर्भाग्य से मैं उस दिन सदन में मौजूद नहीं था। लेकिन बाद में आपने सदन की अनुमति मांगी और अनुमति दे दी गई। आज आप कह रहे हैं कि अगर आप चाहें विरोध करने वाले आप चाहें तो गृह मंत्री जी के प्रस्ताव को ठुकरा सकते हैं और ठुकराने के लिए तर्क

[श्री अटल बिहारी वाजपेयी]

दे सकते हैं। अध्यक्ष महोदय, तर्क तो हम दें सकते हैं मगर वोट हम कहां से ला सकते हैं।

अध्यक्ष महोदय : तो मैं क्या करूं।

श्री अटल बिहारी वाजपेयी : मेरा निवेदन है कि इस सम्बन्ध में आप की सहानुभूति हमारे साथ होनी चाहिए। प्रश्न तर्क का है, हमारे नियमों का और नियम सम्बन्धी प्रक्रिया का है। ऐसी कौन सी भ्रसाधारण परिस्थिति पैदा हो गई है कि गृह मंत्री महोदय इसी सूत्र में यह विधेयक पास करना चाहते हैं। अध्यक्ष महोदय, आप को याद है कि ऐसी परिस्थिति एक बार पहले भी पैदा हुई थी और नियमों को निलम्बित करने के बारे में सदन में एक मत नहीं हो सका था। इसलिए विशेष सत्र का आयोजन किया गया था। गृह मंत्री चाहें तो अगले सत्र के लिए रुक सकते हैं। एक गलत परम्परा सदन में स्थापित की जा रही है क्योंकि जिनके ऊपर इस संविधान संशोधन विधेयक को पास कराने का दायित्व था वे अपने नायित्व को पूर्ण नहीं कर सके और अपनी विफलता के लिए वे नियमों को निलम्बित कराना चाहते हैं, संसदीय प्रक्रिया दूषित करना चाहते हैं। कम से कम हम इस में शामिल नहीं हो सकते।

मैं सोचता था कि गृह मंत्री महोदय कोई कारण बताएंगे कि यह विधेयक लाने की इतनी जल्दी क्या है? आसाम का मामला कई साल से लटका हुआ है। दो महीने में कोई आसमान टूटने वाला नहीं है। आसाम से भी गम्भीर परिस्थिति तो तेलेंगना में पैदा हो गई है लेकिन तेलेंगना के मामले में सरकार धीरे चलना चाहती है, सहम कर चलना चाहती है और गृह मंत्री महोदय स्वीकार करेंगे कि आसाम के बारे में संविधान में संशोधन विधेयक लाकर और राज्यों में इस तरह की मांगें खड़ी करने का हम दरवाजा खोल देना चाहते हैं। सचमुच विधेयक को जाने की आज जरूरत नहीं है, विधेयक को थोड़ा रोकने की जरूरत है।

हो सकता है कि यह सरकार तेलेंगना के आन्दोलन के सामने दब जाए। अगर संविधान में संशोधन करना है तो फिर आसाम के लिए क्यों? फिर तेलेंगना के लिए भी कर लेना। हम नहीं चाहते कि संविधान में संशोधन हो। हम आसाम के लिए संशोधन का विरोध कर रहे हैं और हम पृथक तेलेंगना का विरोध कर रहे हैं। मैं चाहूंगा कि गृह मंत्री महोदय इस सदन में स्पष्ट करें कि कौन से ऐसे कारण हैं जिनमें नियम का निलम्बन करना आवश्यक है, इस सत्र में विधेयक जाना आवश्यक है और गलत परम्परा स्थापित करना आवश्यक है? मैं सदन के सदस्यों से भी कहूंगा कि वे गृह मंत्री महोदय के प्रस्ताव को ठुकरा दें।

SHRI RANGA (Srikakulam) : On this narrow point, I am inclined to agree with my hon. friend, Shri Vajpayee. At the same time, we are also anxious like the Government to see that the Bill becomes an Act as soon as possible.

But then what is the procedure to be followed? We made one grave mistake. True, the Government Party was very much more responsible, but some of us who are in favour of the Bill also plead guilty for our inability to muster strength on that occasion. After all, there are certain occasions when apart from party divisions, there are national and extra-party ways of looking at things. We look at this particular Bill in an extra-party way.

SHRI ATAL BIHARI VAJPAAYEE : Why not do that in the case of the Telengana problem?

SHRI RANGA : That is why I could not agree with my hon. friend. They were willing to put their finger in the pie where they do not have much of a responsibility. But then we said we could not welcome that kind of co-operation. But here we wanted to co-operate in the passing of this Bill. Then there is this particular difficulty. We do not want our Constitution to be taken up in such light hearted manner and to be dealt with in this manner. You have in your judgment given permission to let this motion come before the House. I cannot complain about your

judgment and I am anxious that steps should be taken to speed up the passage of this Bill. You must have also felt the same way and therefore I appreciate your decision.

But now what do the Government want to do? They want to get it passed. Are they going to make this as a precedent for a similar procedure in future also? This is a Bill over which so many political parties are agreed. There are other Bills also which seek to amend the Constitution. We want that such bills should be given special consideration and should be treated with care and a greater sense of responsibility. I thought that you were going to give us that assurance on behalf of the house. Any how, I would like the Government to reassure us that they are not going to treat this as a precedent and are not going to seek in future your permission in the manner in which they have done. Whenever constitutional amendments come to be considered, they should certainly see that this instance is not quoted or treated as a precedent.

**SHRI H. N. MUKERJEE** (Calcutta North East) : I had already indicated the attitude of our party towards the measure which is now sought to be brought again before the House by the Home Minister. Substantially as Mr. Ranga has put it, we are in agreement with the idea. It is a misfortune that procedural proprieties did not happen to be observed as they ought to have been in this case. I am quite willing to share Mr. Ranga's regret that some of us on the Opposition also did not pull our full weight but I repeat that it is not the business of the Opposition to pull the chestnuts out of the fire for the Government. It is for the Government Party to make sure that a measure which they have brought before the House is passed. If it does not get passed or if it is obstructed it has morally a very serious reflection upon the position of the Government. Therefore, it is an unfortunate situation with which we are faced.

I am also unhappy as Mr. Vajpayee put it—I refer to the point raised by Mr. Daschowdhury that perhaps the rules were not very strictly observed at an earlier stage because as far as my recollection goes, if even one single member objects the Bill cannot be withdrawn by leave of the House. I was not present here and I do not know happened last time, nor am I going to quarrel over it

because I am substantially in agreement with what is being sought to be done.

I should like to take another due from Prof. Ranga, which I do not do very often. That is that in regard to constitutional changes; perhaps it is time to think of many other basic matters in regard to which the Constitution would have to be very drastically altered. We must begin thinking of that process. The question of Centre-State relationship has come on to the agenda in a very militant and vehement fashion and it is time for the Government to think of this matter and have something like a constitutional commission of this House which would be almost in permanent session in order to find out what should or should not be done in regard to the Constitution.

**SOME HON. MEMBERS** rose—

**MR. SPEAKER** : This is only about the opposition to this motion. I do not think that there can be a debate. Only one or two Members need speak.

**SHRI A. K. GOPALAN** (Kasergod) : There are lapses on the part of the Government. But whatever be the lapses, I think it is necessary that this Bill should be passed in this session, as early as possible.

**श्री प्रकाशचौर शास्त्री (हापुड़)** : अध्यक्ष महोदय, सरदार पटेल ने देश छोटे-छोटे हिस्सों को एक बड़े रूप में परिणित कर के देश में 13 राज्यों के निर्माण का प्रारम्भ किया था। उस के बाद उन की इच्छा यह थी कि इन में से जितने और कम किए जा सकें उतना ज्यादा अच्छा है। लेकिन इस सरकार की गलती का नतीजा यह है कि आज 13 राज्यों से बढ़ कर के 18 तक बढ़ पहुँच गए हैं। अब 19वें राज्य के निर्माण के संबंध में हम विचार कर रहे हैं। यह परम्परा अगर पड़ गई तो मेरा अपना अनुमान है कि 19 पर ही जा कर इस की इतिश्री हो सकेगी ऐसा कहना कठिन है। इसलिए इस अवसर पर आप के माध्यम से मैं सरकार से यह जानना चाहूँगा और उस दिन भी जब इस विषय को स्थगित करने की बात आई थी तो यह पूछा गया था कि यह मंत्री यह

[श्री प्रकाश वीर शास्त्री]

बात तो बताएं कि इसी सेशन में इस विधेयक को पास करने के लिए जो इतनी आतुरता है उस के पीछे कारण क्या है? उस से भी तो सदन को कम से कम अवगत कराया जाना चाहिए। जिस बात से गृह मंत्री ने अभी तक सदन को अवगत नहीं कराया वह रहस्य क्या है?

दूसरी बात विशेष रूप से मैं यह कहना चाहता हूँ कि जैसे आसाम के अंदर एक छोटे से पृथक राज्य के निर्माण की बात है ऐसे ही दूसरे राज्यों में भी आन्दोलन प्रारंभ होने की संभावना है। तो एक ही बार यह सरकार अपना मन बना ले। रोज-रोज संविधान में संशोधन करने के बजाय एक बार वह अच्छी तरह से विचार कर ले। क्योंकि संविधान में बराबर इसी तरह छेड़छाड़ जारी रही तो संविधान की पवित्रता नष्ट हो जायगी। रोज-रोज संविधान में संशोधन करना संविधान की परम्परा को नष्ट करना है। यह मेरा निवेदन है।

MR. SPEAKER : The home Minister will reply to the points made by the Opposition in regard to this motion. But the discussion was held on the basis that it was a motion under rule 339. It was not under rule 339 that leave was sought. It is under rule 110. You can read the rules. Rule 110 is very clear. Therefore, what has happened has happened and it was correctly withdrawn also, because the leave of the house was given. It is not as though the Minister or the Speaker alone could do it. If anybody sees rule 110, he will find that it is very clear. I need not read the rule. Now I request the Home Minister to tell us about the points raised now.

Some Hon. Members rose.

MR. SPEAKER ; No further discussion.

SHRI B. K. DAS CHOWDARY : Just half a minute, Sir. Rule 110 should be read along with rule 339. (Interruption)

MR. SPEAKER : I am satisfied that it is thoroughly in order. Shri Chavan rose—

SHRI Ranga : I thought that the Prime Minister was going to give an assurance.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY AND MINISTER OF PLANNING (SHRIMATI INDRA GANDHI) : We had explained the whole position once. I have also spoken and I said that with the full co-operation of the hon. Members of this House I hope that this will pass through.

SHRI RANGA : That is not the point. The point is that this would not be made a precedent for the future.

MR. SPEAKER : Order, order. Some Members have given a motion that this should not be made a precedent and it should not be done like this. Last time, I think the hon. Prime Minister gave an assurance here. I do not think that the hon. Member there was here then. The Prime Minister herself gave an assurance before the House that it shall not be a precedent and we shall not do it again. It was done by her. Therefore, I thought that I need not permit that motion here. I think it is presumed, since all the parties have said that this shall not be a precedent and since the Prime Minister also has assured that, that it is the will of the House that it shall not be done again.

SHRI Y. B. CHAVAN : The only point which was made and which requires some explanation from me is this, namely, the point raised by Shri Vajpayee and Shri Prakash Vir Shastri : they asked, what is the hurry about getting the Bill passed in this very session. The only hurry, if I can explain it is that the Government has decided on the basis of the consensus among the two sections of views in Assam to implement this decision, and the decision, and the implementation of this decision is a very complex process in itself, because after the passing of this Constitution (Amendment) Bill, this will have to be ratified by more than nine States, and after that, a reorganisation Bill has to be introduced and considered by this House. (Interruption).

SHRI B. K. DAS CHOWDHURY : 17 people went on hunger-strike on the 8th April before the Assam Legislative Assembly

Shillong, against this Bill, and there is a loud protest throughout Assam against this Bill.

SHRI Y. B. CHAVAN : I expect that even that Bill may be referred to the Select Committee. So the whole process is a lengthy and complex one. If we complete this first step in this session, possibly the remaining steps can be completed in the rest of the year. Therefore, we thought that we should seek the permission of the House to treat this as an exception case ; of course, an exceptional case cannot be a precedent at any time, and the hon. Prime Minister has already assured the House that this will not be repeated again. I hope the House will accept this motion.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मैं एक दूसरी बात कहना चाहता हूँ। आप जरा प्रस्ताव की भाषा देखिए :

"That Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for leave to introduce, and taking into consideration of,..."

यह टेकिंग इनटू कंसिडरेशन कैसे आ गया ? कंसिडरेशन के लिए दूसरा मोशन लाना होगा। आप दूसरा मोशन देखिए कि वह इंट्रोड्यूस करने की इजाजत मांग रहे हैं। कंसिडरेशन की स्टेज अलग आती है। इस मोशन को अमेंड करना होगा।

SHRI Y. B. CHAVAN : The main idea was to introduce it and then consider it.

SHRI ATAL BIHARI VAJPAYEE : Consideration will come later on.

SHRI Y. B. CHAVAN : The proposal for consideration will have to be separately done ; there is no doubt about it. But we thought that rather by way of abundant precaution we could do it. If it becomes necessary, I am prepared to amend the motion.

MR. SPEAKER : It is amended; the words "and taking into consideration of" may be deleted. I shall now put the motion in its amended form to the House. The question is :

"The Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for leave to introduce the Constitution (Twenty-second Amendment) Bill, 1969, be suspended,

*The motion was adopted*

MR. SPEAKER : The rule is suspended.

12.26 hrs

#### CONSTITUTION (TWENTY-SECOND AMENDMENT) Bill\*

THE MINISTER OF HOME AFFAIRS  
SHRI Y. B. CHAVAN : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

श्री कर्बूर लाल गुप्त (दिल्ली सदर) : अध्यक्ष महोदय, प्रायः इस सदन की परम्परा यह रही है कि जो भी विधेयक आते हैं इंट्रोडक्ट्री स्टेज पर उन का विरोध नहीं किया जाता। लेकिन यह जो विधेयक अभी माननीय मंत्री महोदय ने रखा है यह इतना गंभीर है और इस के परिणाम इतने गंभीर होंगे कि हो सकता है कि देश के टुकड़े-टुकड़े भी हो जायें। यह दुख की बात है कि आसाम के अन्दर बहुत थोड़े से कुछ लोग हैं, उन के मन में यह संशय है कि आसाम के बाकी लोगों और भारत के लोगों ने हमारे साथ न्याय नहीं किया और यह और भी दुख की बात है कि 20 साल लगातार आजादी के बाद भी यह भारत सरकार और आसाम की