

[Shri Ram Niwas Mirdha]

vision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President..”

Now Art. 110 (1) says :

“For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely :— ...

(b) the regulation of the...”

SHRI MADHU LIMAYE : It has been disposed of last time.

यह नये मन्त्री हैं, इसलिए फिर से आपत्ति उठा रहे हैं ।

श्री राम निवास मिर्धा : जैसा कि मैंने पहले ही कहा है, इस बिल के प्रति हमारा विरोध नहीं है । लेकिन यह मेरा कर्तव्य है कि मैं संवैधानिक स्थिति को सदन के समक्ष रखूँ, ताकि इस बिल में कोई कमी न रह जाये । मैं सदन को आश्वासन देना चाहता हूँ कि सरकार फिर भी इस बिल का समर्थन करेगी और राष्ट्रपति से यह निवेदन करेगी कि वह इसके बारे में अपना रीकमेंडेशन दे दें ।

श्री मधु लिमये : उपाध्यक्ष महोदय, इस सदन में इस बारे में बहस हो चुकी है । संविधान के अनुच्छेद 314 को हटाने से आई सी० एस० अफसरों की तनख्वाह और पेंशन आदि पर कोई असर नहीं पड़ता है । यह विधेयक तो एक एनेर्जलिंग प्राविजन है । इसके बाद सरकार को सबस्टेंटिव लेजिसलेशन लाना पड़ेगा, जिसमें फ़िनांशल प्राविजन होंगे । संविधान में जो वादा किया गया है, उसको हटा देने के बाद सरकार इस बारे में सबस्टेंटिव लेजिसलेशन ला सकती है । संविधान में संशोधन करने के लिए राष्ट्रपति की अनुमति की कोई आवश्यकता नहीं है । पिछली बार यह

मुद्दा उठाया गया था और यह रूलिंग दिया जा चुका है कि राष्ट्रपति की अनुमति की कोई आवश्यकता नहीं है । नये-नये कानून मन्त्री बनते हैं और नये-नये सुझाव लाते हैं ।

एक माननीय सदस्य : वह यह मन्त्री हैं ।

श्री मधु लिमये : उपाध्यक्ष महोदय, बावन पत्तों का इतना रीशफ़ल हुआ है कि हमको पता नहीं है कि कौन क्या है । मैं समझता था कि यह कानून मन्त्री हैं । इस बारे में आपका निर्णय हो चुका है कि संविधान के अनुच्छेद 314 को हटाने के लिए राष्ट्रपति की अनुमति माँगने की कोई आवश्यकता नहीं है ।

MR. DEPUTY SPEAKER : This Bill is identical with the one which was discussed in the House on a previous occasion. That was not passed by the requisite majority. Therefore, I think the Bill is quite in order.

Now the question is :

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

*The motion was adopted.*

श्री मधु लिमये : मैं विधेयक को पेश करता हूँ ।

#### UTTAR PRADESH LEGISLATIVE COUNCIL (ABOLITION) BILL\*

श्री जार्ज फरनेंडीज (बम्बई-दक्षिण) : मैं प्रस्ताव करता हूँ कि उत्तर प्रदेश राज्य विधान परिषद् के उत्सादन तथा तत्सम्बन्धी अनुपूरक, प्रासंगिक और अनुवर्ती विषयों की व्यवस्था करने वाले विधेयक को पेश करने की अनुमति दी जाये ।

MR. DEPUTY-SPEAKER : Motion moved :

“That leave be granted to introduce a

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Bill to provide for the abolition of the Legislative Council of the State of Uttar Pradesh and for matters supplemental, incidental and consequential thereto."

SHRI RAJ DEO SINGH (Jaunpur) :  
On a point of order, Sir.

MR. DEPUTY-SPEAKER : I do not know whether there is any point of order when a Member seeks leave to introduce a Bill. There are members who have written to me expressing their intention to oppose the introduction. They have done that. Now what is the point of order that you have ? I cannot follow.

SHRI S. M. BANERJEE (Kanpur) : Is the hon. Member trying to raise a point of order or opposing the introduction ? Has he given it in writing or not ? It has to be given in writing. If he has not given in writing, then he cannot raise it. It has to be given in writing if he wants to oppose it. If he has not given it in writing. I am sorry he cannot do that now.

MR. DEPUTY-SPEAKER : If it is a point of order relating to the order in the House It can be raised at any time.

But, if it is opposition to the introduction of a Bill, then previous notice has got to be given. That is the position.

So, I would request the hon. Member who has just now raised a point of order to wait for a while. In the meantime I will give a chance to those Members who have written to me expressing their intention to oppose the Bill at the introduction stage. Now, Mr. Prakash Vir Shastri.

श्री प्रकाशवीर शास्त्री (हापुड़) : उपाध्यक्ष महोदय, जहां तक मेरा सम्बन्ध है आपको और सदन को यह पता है कि मैं प्रारम्भ से इस पक्ष का रहा हूँ कि देश में जितनी भी विधान परिषदें हैं, उनकी कोई विशेष आवश्यकता नहीं है। पीछे जब पश्चिमी बंगाल और पंजाब की विधान परिषदों की समाप्ति के विधेयक यहां आये थे, तो मैं सदन के उन सदस्यों में से था, जिन्होंने उनका स्वागत किया था। उत्तर प्रदेश हो या बिहार या कोई अन्य राज्य, उसकी

विधान परिषद् की समाप्ति के लिए अगर विधेयक कोई प्रस्ताव आयेगा, तो मुझे उसका स्वागत करने में प्रसन्नता होगी। लेकिन वह विधेयक के सम्बन्ध में मुझे जो सबसे बड़ी अप्राप्ति है, उसको मैं आपके सम्मुख रखना चाहता हूँ।

जिस ढंग से यह विधेयक यहां आया है, उसकी वैधानिकता पर मुझे अप्राप्ति है। उत्तर प्रदेश विधान सभा में जब वहाँ की विधान परिषद् के उत्सादन सम्बन्धी प्रस्ताव आया, तो उस समय जिस ढंग से उसको पारित किया गया, उसके सम्बन्ध में अगले दिन ही समाचारपत्रों में विपरीत प्रतिक्रियाएं प्रकट की गईं। उत्तर प्रदेश विधान सभा में तीन बड़ी पाटियां हैं। जैसा कि समाचारपत्रों से ज्ञात होता है, उन तीनों बड़ी पाटियों के सदस्यों और उनके प्रति-रिक्त कई सदस्यों ने, जिनकी संख्या 240 से अधिक थी, विधान सभा के अध्यक्ष को लिख कर दिया कि हम अपने पूर्व निर्णय पर फिर से विचार करना चाहते हैं—उस प्रस्ताव पर फिर से विचार करना चाहते हैं, जो किसी ढंग से शीघ्रता में पारित घोषित कर दिया गया था। विधान सभा के अध्यक्ष ने उस बात को स्वीकार भी कर लिया है, लेकिन...

श्री स० मो० बनर्जी : मेरा पाइंट आफ ऑर्डर है। मेरा कहना यह है कि उत्तर प्रदेश एसेम्बली में चाहे सही तरीके से हो, चाहे गलत तरीके से हो, चाहे जल्दी हो चाहे देरी से हो, चाहे बहुमत से हो और चाहे अल्पमत से हो, प्रस्ताव पारित हुआ और उसके बाद यहां भेजा गया। मेरे मुझजिब दोस्त, श्री शास्त्री, कह रहे हैं कि वहां के 240 सदस्यों ने लिख कर दिया है कि वह प्रस्ताव जल्दबाजी में पास हो गया था। फर्ज कीजिए कि यहां पर कोई प्रस्ताव पास हो जाये कि प्रिवी पर्स को एबालिश कर दिया जाये और उसके बाद श्री पी० के० देव या उनकी पार्टी के कोई सदस्य कहते हैं कि वह प्रस्ताव तो जल्दबाजी में पास हो गया

[श्री स० मो० बनर्जी]

था, तो क्या वह प्रस्ताव पास हुआ न समझा जायेगा? The U. P. Assembly has passed a Resolution. It cannot be questioned here.

MR. DEPUTY-SPEAKER : I would request Mr. Shastri not to say some thing that may cast reflection on what the U. P. Assembly has done. If you say, U. P. Assembly has passed in a hurry, it is a kind of reflection.

DR. RAM SUBHAG SINGH (Buxar) : The Minister of Parliamentary Affairs is present here. The Law Minister is sitting here. Let the Law Minister say about these things. Let him clarify the position.

श्री प्रकाशवीर शास्त्री : मेरी आपत्ति यह है कि उत्तर प्रदेश विधान सभा के सामने वह प्रस्ताव अभी विचाराधीन है। अगर उत्तर प्रदेश विधान सभा में वह प्रस्ताव स्वीकार हो गया होता, तो वह अध्यक्ष, लोक सभा और सरकार के पास आता और उसके सम्बन्ध में विधेयक एक निजी विधेयक के रूप में न आकर सरकार की तरफ से आता। चूंकि यह विधेयक एक निजी विधेयक के रूप में आया है, इसलिए यह प्रतीत होता है कि माननीय सदस्य को इस बारे में पूरी जानकारी नहीं है और उन्होंने समाचारपत्रों में प्रकाशित कुछ समाचारों के आधार पर यह विधेयक रख दिया है। अगर यह विधेयक सरकार की तरफ से आता, तो उसका विरोध करने की कोई आवश्यकता नहीं थी। सब राज्यों की विधान परिषदें समाप्त हों, हम इस बात का स्वागत करेंगे, लेकिन सरकार की तरफ से यह विधेयक नहीं आया है और लोक सभा के अध्यक्ष ने इस बारे में कोई सूचना नहीं दी है कि उत्तर प्रदेश विधान सभा ने इस प्रस्ताव को अपनी स्वीकृति देकर यहां भेज दी है या नहीं। केवल समाचारपत्रों की जानकारी के आधार पर इस प्रकार का विधेयक पेश होना और उसकी अनुमति मिलना यह अर्बैध है।

DR. RAM SUBHAG SINGH : Let us know from the hon. Law Minister what the correct position is.

SHRI SHEO NARAIN (Basti) : Let the Law Minister explain the position and then the Members can have their say.

श्री मधु लिये (मुंगेर) : अध्यक्ष महोदय, आप संविधान की धारा 169 खोलिए। उसमें यह दिया है :

"Notwithstanding anything in article 168, Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting.

(2) Any law referred to in clause (1) shall contain such provisions for the amendment of this Constitution as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions as Parliament may deem necessary.

(3) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368."

यह एक मात्र धारा है संविधान की, इसमें कहीं भी अपने प्रस्ताव पर पुनर्विचार करने की बात नहीं है। एक दफा प्रस्ताव हो गया, अब असेम्बली के अधिकार से मामला चला गया। अब इस प्रस्ताव पर विचार करके इसको पास करना या इसको फेल कराना यह अब संसद का काम है। अब विधान सभा को इसमें कुछ करना नहीं है। विधान सभा ने जल्दबाजी में किया या नशा करके किया इसमें जाने की कोई जरूरत नहीं है।... (ब्यबधान)... मैं ठीक कह रहा हूँ। यह बड़ा बचपना हो रहा है। क्या मतलब है अब इसका? दो तिहाई बहुमत से प्रस्ताव हुआ और उस पर आप पुनर्विचार की बात कर रहे हैं? विधान सभा का प्रस्ताव हो चुका है। इस पर विधेयक रखने का जार्ज

फरनेन्डीज साहब को पूरा अधिकार है। असल में सरकार का यह कर्तव्य था कि विधेयक लाकर पालियामेंट को वह मौका देती। लेकिन जब सरकार कर्तव्यच्युत होती है तो मैं निजी सदस्यों की जो सतर्कता है उसकी सराहना करना चाहता हूँ कि उन्होंने यह विधेयक लाकर सदन को यह मौका दिया। इसलिए यह जो इनका विरोध है यह बिल्कुल बे-बुनियाद है। विधान सभा को पुनर्विचार करने का कोई सर्वेधानिक अधिकार नहीं है। यह बिल्कुल गैरकानूनी है।

**SHRIMATI SUSHILA ROHATGI (Bilhour) :** In deference to the healthy conventions of this House not to oppose any Bill, whether it be private or Government at the initial stage. I am not opposing the introduction of this Bill just now. But at the same time I would like to say also in deference to the liberty and freedom which has been given to every Assembly, whether it is of U.P. or of Bihar or of any other, and has been enshrined in the Constitution, that the same Assembly which had passed a resolution on the 27th April is also competent to reconsider it at a later date. Whether it was signed by ..

**MR. DEPUTY-SPEAKER :** We are not aware of it.

**SHRIMATI SUSHILA ROHATGI :** In deference also to article 168 (1) (a) of the Constitution which we are here to guarantee and preserve and protect. I would also say that it is entirely within the jurisdiction of any Assembly to oppose, to add or to delete any Chamber of the House, but at the same time, it is written down specifically in the case of U.P. that it shall have two Chambers. So, I would like to say that when the same Assembly which had passed it in a very confused state of affairs...

**SHRI MADHU LIMAYE :** What confusion ?

**SHRIMATI SUSHILA ROHATGI :** I did not disturb the hon. Member when he was speaking. Let me have my say now.

**SHRI MADHU LIMAYE :** I have only asked a question. I am not disturbing.

**SHRIMATI SUSHILA ROHATGI :** I would like to point out that there are charges of breach of faith in the sense that the Leader of the House and the Leader of the Opposition had both agreed that a certain time be fixed for the voting, but the time was changed ; then, there are charges of forgery of six signatures ; there are also charges that a list of the members has not been submitted even up to this day, and people do not know whether that resolution is valid in the eye of law...

**SHRI S. M. BANERJEE :** I rise on a point of order. You should disallow all this.

**MR. DEPUTY-SPEAKER :** I have already said that whatever we may say here, let us not say anything that may cast any reflection on the behaviour or the way the U.P. Assembly conducted its proceedings.

**SHRIMATI SUSHILA ROHATGI :** I entirely agree that we should uphold the dignity of every Assembly. We are the custodians of their rights. But what I mean to say is that in these circumstances since it casts some shadow on the Resolution which was passed, or may not have been passed, and since there is another resolution tabled urging reconsideration, I would only say that at the time of reconsideration full thought should be given and there should be no hurry in proceeding with it, and procedural defects should be taken into account.

**SHRI SHANTILAL SHAH (Bombay-North-West) :** If the Law Minister makes a statement now, it will make things easier for us.

**श्री बलराज मधोक (दक्षिण दिल्ली) :** इससे पहले कि यह बिल डिस्कस किया जाय यह आवश्यक है कि यह मालूम हो कि क्या उत्तर प्रदेश के स्पीकर ने इस सभा के स्पीकर को या गवर्नमेंट को कोई सूचना दी है कि वहां इस प्रकार का बिल पास हो गया है, ला मिनिस्टर यह बता दें, फिर आपका काम बिल्कुल ईजी हो जाता है। अगर कोई सूचना अधिकृत आई नहीं तो फिर यह आवश्यकता बन जाते हैं इसलिए ला मिनिस्टर यह क्लीयर कर दें।

MR. DEPUTY-SPEAKER : Before we go further, I have here copy of a letter transmitted by the Secretary to the Legislative Assembly. It is in Hindi, but I shall read out an English translation of it.

"Under rule 101 of the Rules of Procedure and Conduct of business of the Uttar Pradesh Legislative Assembly and clause 1 of art. 16) of the Constitution of India, I am directed to forward a copy of the following Resolution adopted by the Uttar Pradesh Legislative Assembly in its sitting held on the 29th April, 1970 :

"This House resolves that the Legislative Council in the State of Uttar Pradesh be abolished.

"Of the members present in the aforesaid sitting of the Uttar Pradesh Legislative Assembly Ayes were 220 and Noes 21. The total number of members of the Legislative Assembly is 426."

श्री प्रकाशवीर शास्त्री : अब यहां पर यह सवाल पैदा होता है कि आपको सूचना आने के बाद इनको बिल लाना चाहिए था। गवर्नमेंट यह बिल क्यों नहीं लाई? सवाल यह है कि यह प्रस्ताव अघिकृत रूप में आया है तो गवर्नमेंट बिल क्यों नहीं लाई?

MR. DEPUTY-SPEAKER : I am giving a little further information. This letter was addressed to the Minister of Law, Government of India, Minister of Home Affairs, Government of India, Minister of Parliamentary Affairs, Government of India, Minister of Finance and Parliamentary Affairs, Uttar Pradesh, Secretary, Lok Sabha and Secretary, Rajya Sabha. The Lok Sabha Secretariat has also issued this in its bulletin of May, 4. It is also available in the Parliament Library.

SHRI KANWAR LAL GUPTA (Delhi Sadar) : What is the attitude of Government? Are they supporting it or no?

SHRIMATI SUSHILA ROHATGI : Following from the letter you read out, one clarification is needed. According to the rules of procedure of the U. P. Assembly, rule 101, a copy should be sent to the Minister concerned. Was that done?

MR. DEPUTY-SPEAKER : We cannot discuss about the rules of the U.P. Assembly here.

SHRI SHANTILAL SHAH : I have here a copy of rule 101 of the U.P. Assembly which has been referred to by the Secretary in his letter. It says :

"A copy of every Resolution which has been passed by the House"—

The House in U. P.—

"shall be forwarded to the Minister concerned".

That is the Minister concerned of the U. P. Government. The point, therefore, is that if it is sent to every minister here, that is not the proper communication. It should be sent to the Minister in U. P.

MR. DEPUTY-SPEAKER : He has also sent to the Minister of Finance and Parliamentary Affairs, U. P.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI K HANUMANTHAIYA) : In this case it is not so much a question of constitutional impropriety. This House has passed previously two such legislations. In this case, it is a question of following the procedure which we have been accustomed to.

So far as the U.P. Legislature is concerned, we cannot question the validity of the voting or the proceedings of the Assembly under article 212(1). Therefore, the question of constitutional and legal propriety does not rise. The only question which is causing a little difficulty is this. Usually, it is the State Government, either the Chief Minister or the concerned Minister or the Chief Secretary who addresses the Government of India, the concerned Ministry, that such a resolution has been passed.

SHRI MADHU LIMAYE : Is that mandatory?

SHRI KANWAR LAL GUPTA : Does it debar a private Member from bringing a legislation?

SHRI K. HANUMANTHAIYA : If after I have finished, there is still some doubt, I shall explain.

The only difficulty is...

SHRI S. M. BANERJEE : Political.

SHRI K. HANUMANTHAIYA : ...that the State Government has not written to the Government of India requesting them to sponsor this legislation. The question now arises - it is a very difficult question, and we have to be very careful regarding the future. Suppose the Speaker of the Assembly sends it to the Speaker here. The two Speakers are not executive authorities, they cannot sponsor legislation. Therefore, usually the communication is sent to the concerned Minister.

SHRI SHRI CHAND GOYAL (Chandigarh) : It was sent to the Minister of Parliamentary Affairs also.

श्री कंबर लाल गुप्त : . उपाध्यक्ष महोदय, मेरा प्वाइंट ऑफ़ ऑर्डर है। अभी मंत्री महोदय आपकी ओर यू० पी० विधान सभा के स्पीकर की अधोरिटी को चैलेन्ज कर रहे थे। वहाँ की विधान सभा को नियम के अनुसार जो प्रस्ताव उन्होंने पास किया है, उसे लोक सभा सैक्रेटेरियट के पास भेजना चाहिए और उन्होंने उस नियम के मुताबिक़ भेजा भी है। प्रस्ताव को भेजना का फायदा यह है कि जब आपके पास उसकी इन्टीमेशन आ जाती है, तो विधान के अनुसार कोई भी मेम्बर या सरकार उसके सम्बन्ध में वहाँ पर विधेयक ला सकता है। इस लिए मैं यह समझता हूँ कि अगर सरकार पोलिटिकल कन्वीनियन्स की वजह से या वहाँ पर चरण सिंह जी को खुश करने के लिए या उनके साथ एलाएन्स बनाये रखने के लिए नहीं लाती है, तो मेम्बर तो उसे ला सकता है। मेम्बर के लाने पर कोई पाबन्दी नहीं है। (व्यवधान)...आप मंत्री महोदय को मना कीजिये कि वह यहाँ के स्पीकर के बारे में या यू० पी० विधान सभा के स्पीकर के बारे में कोई ऐसी बात न कहें जिससे उनकी मानहानि होती हो... (व्यवधान)...वह यह कह रहे थे कि स्पीकर को भेजना का क्या फायदा है, स्पीकर को नहीं भेजना चाहिए।

MR. DEPUTY-SPEAKER : I do not know how he is challenging the authority of the Speaker.

SHRI S. M. BANERJEE : On a point of order. The hon. Law Minister was explaining to the House the circumstances and in his wisdom he criticised the role of the Speaker. He has also said that the State Government has not forwarded this to the Central Government. You have read out the resolution which was passed by the U. P. Assembly. In spite of that the Chief Minister or the Home Minister or any other Minister in the State Government has not cared to forward this resolution to the Speaker or the Central Government here, it is dereliction of duty. Once it has come to the Speaker, a private Member has every right to do it. The other Bill had been introduced by Mr. Bhogendra Jha. About the abolition of the Council in Bihar nobody objected to it. That part of the statement of the hon. Law Minister is totally irrelevant. My point of order is that no further discussion should be allowed and a vote should be taken. If they want to defeat it, let them defeat it. We want a vote nor more discussion.

SHRI RANDHIR SINGH (Rohtak) : This is not a point of order. The Minister should not be interrupted like this ; there is no point of order ; it is all disorder. Even the Law Minister is not heard. I protest against this.

MR. DEPUTY-SPEAKER : Many Members, on the plea of points of order, have raised a number of issues. Some of them are not points of order. Surely, at the end of it the Minister will have the right to reply ; I shall call him. But I think he will also be benefited by hearing what they say and reply to that.

SHRI K. HANUMANTHAIYA : It is not my business to reply to the points of order ; therefore I do not take that responsibility. What I am doing is to clarify the issue for the judgment of the House. So many points of order are being raised. Knowing that some of them are not relevant if you go on allowing people to speak and stop the Law Minister from making the position clear, I may not be of any use here. (Interruptions)

**SHRI RANDHIR SINGH** : I shall raise a point of order for every speech that they make ; it is misuse of point of order.

**MR. DEPUTY SPEAKER** : It is well-known that many hon. Members on the plea of points of order raise many issues which are not points of order. What can the Chair do ? When a Member rises on a point of order, it is the duty of the Chair to listen to him and then to over rule that point of order. If you ask me not even to listen to them, how can I function ?

**SHRI SHEO NARAIN** : On a point of order. The Minister was quite correct. When he was saying that the Government should not send it to the Speaker, he was not attacking the Speaker of the Lok Sabha or the Speaker of the Assembly. He was only making out the legal point ; the legality is that if any Bill has been passed in the Uttar Pradesh Assembly, it must come through the Government. That is the point. May I read one sentence from here ?

"That the Member should not be allowed to seek permission to introduce this Bill. The constitutional requirement is that this House can take cognizance of this measure only when the opinion of the Uttar Pradesh Assembly has been properly—

I emphasise the word 'properly'—

"and legally conveyed to the house. Rule 101 of the Uttar Pradesh Assembly states that all regulations passed by the Legislature have to be communicated to the Minister concerned."

And then it should come here. So, the Law Minister is not attacking you nor was he attacking the Speaker of the Uttar Pradesh Legislative Assembly.

**SHRI KANWAR LAL GUPTA** : Again it is the old alliance.

**SHRI SHEO NARAIN** : It is a better alliance than yours.

**SHRI R. D. BHANDARE** (Bombay Central) : When you have read the letter addressed to the Speaker and to the Minister concerned, I do not think it would be wise, speaking for myself, to oppose the introduction of the measure. On its merits we may discuss it, but at the introduction stage, we

should not oppose it, because the point is very clear. Whether that Assembly followed the rules laid down by that Assembly or not is a matter for that Assembly, and we should not challenge it or we cannot discuss it. There can be no discussion on what happened in the legislature. Therefore, it is not wise to oppose it at the introduction stage.

**श्री तुलशीदास जाधव (बारामती)** :  
उपाध्यक्ष महोदय, मेरा कहना यह है कि जब पार्लमेंट में कोई सदस्य बोलता है तो उसका सेन्टेन्स ग़ौर उसकी बात पूरी होने पर ही उसमें कुछ मतलब निकाला जाना चाहिए। लेकिन होता यह है कि उसका सेन्टेन्स पूरा नहीं हो पाता कि बीच में दूसरा शुरू हो जाता है। इससे हमारे लिए दिक्कत पैदा होती है। चेयर का यह काम है कि जो सेन्सर बोलता है उसकी बात पूरी होनी चाहिए और तब उसका मतलब निकाला जाना चाहिए।

**MR. DEPUTY-SPEAKER** : May I request the hon. Members to allow the Law Minister to put his case before the House ? (Inter-ruption.)

SEVERAL HON. MEMBERS rose—

**MR. DEPUTY-SPEAKER** : Shri Kripalani

**SHRI J. B. KRIPALANI** (Guna) : I suppose there is a confusion between the legislative authority and the executive authority. If the legislature has given any opinion and for any reason the executive does not do its duty in forwarding it to the proper authorities, then will it be said that the executive is right or it is wrong ?

SOME HON. MEMBERS : It is wrong.

**SHRI J. B. KRIPALANI** : If a thing has been done by the legislature, whatever the executive may or may not do does not apply in this case, because the executive may have its own predilections or prejudices and points of view, and they may not be the points of view of the legislature. You said that the legislature has definitely passed this resolution, and then that government is out of court, this government is out of court and

so on. A private Member is entitled to proceed on what has been passed by the legislature. Unless we do that, we are confusing the legislature with the executive. I want your opinion whether the legislature can be confused with the executive.

**MR. DEPUTY-SPEAKER :** We are not concerned whether the executive is right or wrong. We are concerned with the point whether this Bill is admissible or not, whether it can be introduced in the House or not. That is the limited question here.

**श्री रणधीर सिंह :** डिप्टी स्पीकर महोदय, जहाँ तक इंट्रोडक्शन का सवाल है—चाहे वह किसी प्राइवेट मेम्बर का बिल हो या गवर्नमेंट का बिल हो उसके लिए इंट्रोडक्शन का हक हासिल है बशर्ते कि उसको प्रो. आउट न किया जाये।

दूसरी बात यह कि गवर्नमेंट ने लिखा है या नहीं लिखा है या स्पीकर ने लिखा है तो वह भ्रमलग बात है। सवाल यह है कि मान लीजिये कल को असेम्बली अपने पहले रेजोल्यूशन को रिसिन्ड करती है और हम लोग यहाँ पर उसको कन्सीडर कर रहे हैं तो उस वक्त क्या पोजीशन होगी ?

**SHRI TENNETI VISWANATHAM (Visakhapatnam) :** From the letter which you read, it only looks that this Government cannot sponsor this Bill. But that does not prevent a private member from sponsoring a Bill.

**श्रीमती सावित्री श्याम (भांवला) :** उपाध्यक्ष महोदय, मैं इसके इंट्रोडक्शन का इसलिए विरोध करती हूँ कि जो प्रोसीजर असेम्बली को अस्तियार करना चाहिए या वह अस्तियार नहीं किया गया है। मिसाल के तौर पर असेम्बली का रेजोल्यूशन बाई सिम्बुल मैजारिटी होना चाहिए था या दू थर्ड मैजारिटी से होना चाहिए। जो दू थर्ड मैजारिटी मानी गई है तो जिन लोगों ने वोट नहीं दिया, एग्जटेन रहे उसका कंसिड्रेशन नहीं किया गया है।

तीसरी बात यह है कि यह मिनिस्ट्री से रेफर नहीं हुआ। इसके अलावा यह एक कंट्रोवर्शल चीज है इसलिए इसको वेरीफाई करना चाहिए और तभी इस सदन में इसको इंट्रोड्यूस होना चाहिए।

**SHRIMATI LAKSHMIKANTHAMMA (Khammam) :** One thing exercising our mind is the rights of the Speaker. Actually we have the grave instance of the Speaker of Andhra Pradesh resigning.

**MR. DEPUTY-SPEAKER :** We are discussing U. P. and you are bringing in A.P.

**SHRIMATI LAKSHMIKANTHAMMA :** Whether it is U.P. or A.P., our Speaker presides over the Speakers' Conference. So, the Speaker has a right to look into it. We should examine these things in detail.

**SHRI SHRI CHAND GOYAL :** He was saying that this resolution has been forwarded to the Speaker. I want to invite his attention to the fact that this has also been forwarded to the Law Minister here, to the Minister of Parliamentary Affairs and to the Home Minister. Therefore, that point has no validity.

**श्री बृज भूषण लाल (बरेली) :** उपाध्यक्ष महोदय, जब विधान सभा ने प्रस्ताव पास किया तो मैंने एक चिट्ठी प्रधान मन्त्री को लिखी कि आप यहाँ पर अपना बिल लाइये कौंसिल को एबालिश करने के लिए तो उन्होंने उत्तर दिया कि मैं इस पर गौर कर रही हूँ। और अब यह सरकार अगर बिल लाने के लिए तैयार नहीं है और कोई प्राइवेट मेम्बर ला रहा है तो उसमें क्या एतराज हो सकता है ?

**SHRI K. HANUMANTHAIYA :** There is no question of Government being unable to do anything in this matter. I was merely placing facts before the House, so that it may take its own decisions. It is not that we are trying to influence it one way or the other. For the first time in such a case the usual procedure of a State Government writing to the Central Government has not been followed.



[Shri K. Hanumanthaiya]

That is all what I want to say. As I have said in the very beginning, the question of constitutional and legal proprieties are not involved; it is only a question of procedural difficulty. In all other cases, including the case of the Bihar Council, the State Government officially wrote to the Central Government to sponsor such a Bill. That has not happened in this case. It is not our contention that merely because of this procedural difficulty this House cannot give leave for introduction. That is not my case. So far as the procedural difficulty is concerned, since it has arisen for the first time, it is my duty to place it before the House before it takes a decision on giving leave.

16.00 hrs.

So far as the Government is concerned, in any case we know that the legislature has passed that resolution and the constitutional requirements are clear. We would not oppose it.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the abolition of the Legislative Council of the State of Uttar Pradesh and for matters supplemental, incidental and consequential thereto."

*The motion was adopted*

श्री जार्ज फरनेन्डीज : मैं विधेयक पेश करता हूँ।

**PAYMENT OF BONUS (AMENDMENT) BILL\***

(Amendment of sections 10, 12, etc.)

श्री जार्ज फरनेन्डीज (बम्बई दक्षिण) : उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि बोनस संदाय अधिनियम, 1965 में आगे संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाये।

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Payment of Bonus Act, 1965"

*The motion was adopted*

श्री जार्ज फरनेन्डीज : मैं विधेयक पेश करता हूँ।

**CONSTITUTION (AMENDMENT) BILL\***

(Insertion of new article 24 A)

श्री कंबर लाल गुप्त (दिल्ली सदर) : उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि भारत के संविधान में आगे संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाये।

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*

श्री कंबर लाल गुप्त : मैं विधेयक पेश करता हूँ।

**CONSTITUTION (AMENDMENT) BILL\***

(Amendment of First Schedule)

श्री कंबर लाल गुप्त (दिल्ली सदर) : मैं प्रस्ताव करता हूँ कि भारत के संविधान में आगे संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाये।

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*