

bonus. If he gives this assurance, I am prepared, for the time being, to withdraw my Bill. Let him tell us that Government are actively considering it, and will bring forward a suitable measure. Otherwise, I am not going to withdraw it.

15 hrs.

Shri B. R. Bhagat: I may again say that when I referred to the Bonus Commission, I did not say that this particular matter had been referred to them. I only said that they were going to decide about the principles, and norms of bonus which may have indirectly some relevance to this aspect also. But I said very clearly about this particular aspect of the matter where I concede the point that there is some substance in the point raised by the hon. Member, that we are ourselves considering the question. Where an insurer has funds and is not wilfully or deliberately declaring bonus, although the employees have a legitimate right to it, and where just now in the Act there is no remedy, we are considering the question as to what steps should be taken and what amendments should be brought forward. It is not as if we are considering it for two or three years. That was because, as you know, and as I said in my reply, we ourselves were thinking, and our intention was, that such cases should be taken to the industrial tribunal, and the labour unions were also advised that they should take such cases to the industrial tribunal. But, only after the judgment of the Supreme Court was there, we are considering it, in fact, not only considering it but actively considering it. So, I think that that should satisfy the hon. Member.

Shri Indrajit Gupta: Since the intention of Government, as the Deputy Minister himself admits, was something else, but that intention has not been realised, is he prepared to rectify this position by an early amendment?

Shri B. R. Bhagat: As I said, we are actively engaged in considering what should be done, how it should

be done, what the pros and cons of this aspect of the matter are and so on.

Shri S. M. Banerjee (Kanpur): The hon. Minister has stated that this Bonus Commission was seized of this problem.

Shri B. R. Bhagat: Leave aside the bonus commission just now. I did not say that.

Shri S. M. Banerjee: I only ask whether this particular point has at all been referred to the Bonus Commission for consideration.

Shri B. R. Bhagat: I am sorry I could not follow what the hon. Member said.

Shri Indrajit Gupta: In view of what the hon. Minister has stated, I hold him to this, and I take this as an assurance that Government are actively considering the question of rectifying this anomaly.

Shri B. R. Bhagat: I am sorry. I did not give any assurance. In whatever way my hon. friend may take it, I stand by what I have said that we are looking into this matter, and we are engaged in considering this particular aspect of the matter.

Shri Indrajit Gupta: In the face of this which I take as an assurance, I beg leave to withdraw the Bill.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw his Bill?

Several Hon. Members: Yes.

The Bill was, by leave, withdrawn.

15.04 hrs.

CONSTITUTION (AMENDMENT) BILL

(Amendment of articles 100 and 189)
by Shri M. L. Dwivedi.

Shri M. L. Dwivedi (Hamirpur): I beg to move:

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

Shri S. S. More (Poona): May I rise to a point of order regarding this Bill? Should I raise the point of order immediately or defer it until after the hon. Member has moved the motion for consideration?

Mr. Deputy-Speaker: We have no business before us just at this moment. So, let the hon. Mover finish his speech.

Shri S. S. More: That is why I seek your advice whether I should postpone it till after the hon. Mover has finished his speech.

Mr. Deputy-Speaker: Let him move the motion, and then I shall place it before the House, and then the hon. Member can raise the point of order.

Shri Hari Vishnu Kamath (Hosangabad): Where is the Minister concerned? He is not present here.

Shri S. M. Banerjee (Kanpur): The Law Minister should be here.

Mr. Deputy-Speaker: The concerned Minister must be here.

Shri Sheo Narain (Bansi): The Deputy Minister of Finance, Shri B. R. Bhagat is here.

An Hon. Member: The Minister of Parliamentary Affairs should be present here.

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): For the time being, I am here.

Shri Nath Pai (Rajapur): I rightly concede that Shri B. R. Bhagat is among the more intelligent members of his team. But what we are interested in is that either the Law Minister or the Minister of Parliamentary Affairs should be here. Only yesterday, we pointed out the cavalier manner in which they treat this House, and we do urge that you should convey our grievance to them.

Mr. Deputy-Speaker: This is non-official business, and Government are represented here.

Shri Hari Vishnu Kamath: This is a Constitution Amendment Bill and not an ordinary Bill.

Shri S. M. Banerjee: In that case, we can discuss this outside the House also.

Shri M. L. Dwivedi: This is a Bill by a private Member, and if there is any question with regard to law or anything relating to the Constitution, I shall be able to reply to the points because the Bill is mine. Therefore, whether the Minister is present here or not does not matter.

Mr. Deputy-Speaker: Government are represented here. The Minister of Parliamentary Affairs also has just now come.

Shri S. M. Banerjee: Why should the hon. Mover say that he will reply on behalf of the hon. Minister?

Shri Warior (Trichur): Does it mean that there should not be any Minister present here at all?

श्री म० ला० द्विवेदी : संविधान में संशोधन करने के लिए मैंने जो विधेयक प्रस्तुत किया है, वह एक साधारण सा विधेयक है और उन कठिनाइयों को दूर करने के लिए है जो समय समय पर सामने आती रहती हैं। माननीय सदस्यों को मालूम है कि हमारे संविधानकारों ने जब कोरम के सम्बन्ध में व्यवस्था की थी संविधान में, उस समय उन को इस बात का पता न था कि दोनों सदनों और राज्यों की विधान सभाओं में ऐसी स्थिति पैदा हो सकती है कि काम बहुत बढ़ जाये और उन्हें इतने अधिक समय के लिए बैठने की आवश्यकता पड़ सकती है कि माननीय सदस्य थक सकते हैं और कभी कभी कोरम की कमी भी हो सकती है। इस कारण से अत्यन्त आवश्यक कार्य, अत्यन्त आवश्यक विधेयक संसद के सम्मुख जो होते हैं या विधान सभाओं के सम्मुख जो होते हैं, वे रुक सकते हैं।

आप को पता है कि इस समय हम लोग एक आपातकालीन स्थिति में से हो कर गुजर रहे हैं और इस समय रुपये पैसे तथा समय की बचत करना बहुत आवश्यक है। सिर्फ कोरम की वजह से सदन की कार्रवाई स्थगित करनी पड़े और जो व्यय हो रहा है वह होता रहे, यह एक दुरुपयोग होगा उन संविधान की धाराओं का जिन धाराओं में हम ने कोरम के सम्बन्ध में कुछ बातें निश्चित की थीं।

आप को यह भी मालूम है कि आज भी सदन की अनुमति से ऐसी व्यवस्था है कि कोरम का प्रश्न नहीं उठाया जा सकता है, उस समय के लिए जब कि दुपहर में लंच का समय होता है, भोजन का समय होता है, अर्थात् एक बजे से ले कर ढाई बजे तक यह प्रश्न नहीं उठाया जा सकता है। क्या माननीय सदस्य नहीं जानते हैं कि यह व्यवस्था संविधान के विरुद्ध जाती है? किन्तु हम ने स्वीकार कर लिया है कि इस समय कोरम का प्रश्न नहीं उठाया जायेगा और इस को एक कन्वेंशन के रूप में हम निभाते आ रहे हैं। यह एक प्रथा है जो चल रही है। आज मैंने जो कुछ काम किया है वह केवल यह है कि जो काम कन्वेंशन द्वारा हो रहा है, उसे मैं संविधान संशोधन विधेयक के द्वारा स्वीकृत करा दूँ, विधिवत् वह काम होता रहे, ऐसा इस सदन से स्वीकृत करा दूँ।

इसके अतिरिक्त मैं माननीय सदस्यों का ध्यान इस ओर भी आकर्षित करता हूँ कि दूसरे देशों में भी ऐसी ही प्रथाय चली आ रही हैं। उदाहरण के लिए इंग्लैंड में अध्यक्ष बाध्य नहीं हैं इस बात के लिए कि सदन में जिस वक्त कोरम न हो तो वे कोरम को देखेंगे ही। वहाँ पर अध्यक्ष महोदय बगैर इस बात का खयाल किये हुए सदन की कार्रवाई को चलाते रह सकते हैं, चाहे कोरम हो या न हो

एक माननीय सदस्य: वहाँ पर अनरिटेन कांस्टीट्यूशन है।

श्री म० ला० द्विवेदी : यह मैं मानता हूँ कि वहाँ पर अनरिटेन कांस्टीट्यूशन है। लेकिन वहाँ पर मेज़ पार्लिमेंटरी प्रेक्टिस उन बातों के लिए लागू होती है जिनके बारे में हमारा संविधान खामोश होता है या जिन के बारे में संविधान में कोई व्यवस्था नहीं होती है। उस को आप वहाँ भी मान्य समझते हैं। माननीय सदस्य इसलिए इस का विरोध नहीं कर सकते हैं कि वहाँ संविधान नहीं है और वह बात वहाँ लागू नहीं होती है। इंग्लैंड की पार्लिमेंटरी प्रेक्टिस से हमने बहुत कुछ प्रेरणा हासिल की है और जब कभी भी हमारा संविधान किसी विषय पर खामोश होता है या उस में कोई बात नहीं होती है तो मेज़ पार्लिमेंटरी प्रेक्टिस के आधार पर हम कार्य करते हैं। जिस देश को आधार मान कर हमने वहाँ पर प्रजातंत्र की स्थापना की है, वहाँ पर भी ऐसी व्यवस्था है कि कोरम होना अनिवार्य नहीं है। हमारे वहाँ जब संविधान बनाया गया तो उसमें कहा गया कि अध्यक्ष महोदय के लिए यह आवश्यक है कि वे देखते रहें कि ११० कोरम है अथवा नहीं। मैंने अपने विधेयक में यह बात नहीं कही है कि ११० कोरम न रहे। यदि माननीय सदस्यों ने मेरे बिल के स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन्स को देखा है तो उन को साफ पता लगेगा कि उसमें यह लिखा हुआ है :

"It is sufficient if it is provided that the quorum shall be one-tenth of the total strength of the House."

इसके अतिरिक्त यह है कि संविधान में जो ११० की व्यवस्था की गई है, उसे हम स्वीकार करते हैं और उसका संशोधन नहीं करना चाहते हैं। संशोधन हम इस बात का करते हैं कि

"Until Parliament by law otherwise provides, the quorum to constitute a meeting of either House of Parliament shall be one-tenth of the total number of members of the House."

मेरा संशोधन करने का केवल मंशा यह है कि जहाँ पर ये शब्द हैं

[श्री म० ला० द्विवेदी]

"Until Parliament by law otherwise provides"

इस की जगह पर ये जोड़ दिये जायें

"Save as otherwise provided by rules regulating the procedure of the House."

मैं सिर्फ इतनी व्यवस्था करना चाहता हूँ अनुच्छेद १०० में। इसी प्रकार से राज्यों में जो विधान मंडल हैं वहाँ के लिये अनुच्छेद १८६ है। चूँकि यहाँ के लिये मैं संविधान के अनुच्छेद १०० में संशोधन उपस्थित कर रहा हूँ इस लिये उसी प्रकार का जो अनुच्छेद १८६ राज्यों के विधान मंडलों के लिये है उसमें संशोधन उपस्थित कर रहा हूँ। वहाँ के लिये भी इस प्रकार का संशोधन आवश्यक है।

हमने इस को अपनी स्वीकृति दे दी है चाहे वह जानकारी में दी हो या अनजाने में दी हो क्योंकि हम इस बात को मान रहे हैं कि १ बजे से २ बजे तक इस सदन में कोरम पर जोर नहीं दिया जाता हालाँकि यह असंवैधानिक है। जब हमने इस कंवेशन को स्वीकार कर लिया है, और हम इस चीज को वैलिड करना चाहते हैं, इस को विधि का रूप देना चाहते हैं, तो माननीय सदस्यों को आपत्ति नहीं होनी चाहिये क्योंकि इस सदन की कठिनाइयों को दूर करने के लिये ही मैंने यह संशोधन विधेयक प्रस्तुत किया है।

जैसा मैंने बतलाया है, हमारा सदन पांच बजे से अधिक समय के लिये भी बैठता है। संसद् सदस्यों के जो क्षेत्र हैं वे देश के दूर दूर के हिस्सों में हैं। दूसरे देशों में इतनी दूर दूर के क्षेत्र नहीं होते हैं। सदस्यों का कर्तव्य हो जाता है कि वे समय समय पर अपने क्षेत्रों में भी जायें। इसलिये भी इस विधेयक को स्वीकार कर लेना उचित है। संविधान में स्वयम् इस बात का उल्लेख किया गया है कि किन किन स्थितियों में

विशेष रूप से कोरम की आवश्यकता है। उदाहरण के लिये संविधान के अनुच्छेद :

"६१ (२) (बी), ६१ (४), ६० (सी) ६४ (सी), १०८ (४), १२४ (४), २१८, २४६ (१), ३६८ आदि "

इन अनुच्छेदों के लिये एक विशेष कोरम की आवश्यकता होती है। इस में मैं कोई संशोधन नहीं कर रहा हूँ। इस का मतलब यह है कि जिस प्रकार से संविधान के संशोधन के लिये आवश्यक है कि कुल सदस्यों का बहुमत हो और उपस्थित सदस्यों में से दो तिहाई का बहुमत हो, उस में मैं को संशोधन नहीं करना चाहता हूँ। उन को वहाँ रहना ही है। यह संशोधन विधेयक तो केवल इस सदन के नित्य प्रति की कठिनाइयों को दूर करने के लिये है, जिस में कि यदि कभी यह सदन पांच बजे के बाद छः ७ या कभी कभी ८ बजे तक भी बैठे तो कोरम का प्रश्न न उठाया जाय तब इस आपातकालीन परिस्थिति में इन बातों के उठने से बेकार रुपया बरबाद न हो और हमारा काम चलता रहे।

हम चाहते हैं कि यहाँ पर १११० का नियम कोरम के सम्बन्ध में रक्खा जाये लेकिन साथ ही साथ यदि यह निश्चित करे, यदि इस सदन की प्रक्रिया में, रूल्स में हम यह निश्चित करे कि कोरम का प्रश्न नहीं उठाया जायेगा तो वह निर्णय चलना चाहिये। आज भी यह कंवेशन चल रहा है। मैं उसी को विधि का रूप देने के लिये यह विधेयक सदन के सामने रख रहा हूँ। यही व्यवस्था आज लंका, कनाडा, इंग्लैंड तथा दूसरे संसदों में भी चल रही है।

डा० मा० श्री० अण्णे (नागपुर) : क्या इसी तरह से संशोधनकर के संविधान में चल रही है जैसे कि आप करना चाहते हैं ?

श्री म० ला० द्विवेदी : हमने जो भी कंवेशन माना है उस को मैं विधि का रूप

देने जा रहा हूँ। ११० के कोरम की जो व्यवस्था है वह ज्यों की त्यों रहेगी। इस सम्बन्ध में डी० डी० बासु ने जो संविधान की कमेंटरी लिखी है उस की ओर सदन का ध्यान आकर्षित करना चाहता हूँ। उन में लिखा है :

"It is debatable whether the Speaker can, in the absence of law, as contemplated by clause (3) dispose off the quorum during any period or any part of a sitting."

कहने की मंशा यह है कि यदि कोई हमारे इस क्वेश्चन को सुप्रीम कोर्ट में या दूसरी जगह चैलेंज करता है तो वह असंवैधानिक ठहराया जा सकता है और जो मुविधा आज सदन के लिये है वह खत्म हो सकती है जिस के फलस्वरूप बहुत सी कठिनाइयाँ सामने आ सकती हैं। उन कठिनाइयों को दूर करने के लिये मैंने यह संविधान का संशोधन विधेयक प्रस्तुत किया है।

इस के अलावा आप को इस बात का भी पता होगा कि विधि मंत्री ने इसी प्रकार का एक संशोधन सन् १९५५ में प्रस्तुत किया था और लोक सभा सचिवालय ने उस के लिये प्रेरणा दी थी क्योंकि लोक सभा सचिवालय ने यह अनुभव किया था कि संविधान की कोरम की व्यवस्था के कारण कार्य विधि में और संसदीय कार्य के चलाने में बड़ी कठिनाइयाँ उपस्थित होती हैं और उस के सम्बन्ध में सदन को कोई अधिकार नहीं है। यही नहीं, अध्यक्ष महोदय या जो सभापति होते हैं उन के और सदन के सामने जो कठिनाइयाँ उपस्थित होती हैं उनका अनुमान सदस्य लोग लगा सकते हैं। उन कठिनाइयों को दूर करने के लिये ही लोक सभा के सचिवालय ने भारत सरकार के विधि मंत्री को लिखा था और प्रेरणा दी थी और उन्होंने एक संशोधन विधेयक रक्खा भी था संविधान के लिये, लेकिन समय न होने के कारण और प्रथम लोक सभा के समाप्त

हो जाने के कारण वह विधेयक रद्द हो गया और उस पर वाद विवाद नहीं हो सका।

इस सम्बन्ध में समय समय पर कई बार प्रश्न उठाये गये, संसद् सदस्यों ने उठाये और इस तीसरी लोक सभा के समय में भी अध्यक्ष महोदय ने और संसद् सदस्यों ने इस के सम्बन्ध में प्रश्न उठाये कि संविधान की जो कड़ाई है कोरम के विषय में उसे दूर किया जाय। मैंने इस सदन के अभिमत को देखते हुए सोचा कि इन कठिनाइयों को इस विधेयक के द्वारा दूर किया जा सकता है। इसीलिये मैंने यह संविधान संशोधन विधेयक प्रस्तुत किया है और मैं आशा करता हूँ कि यह सदन इस पर विचार करेगा।

मैं इस विधेयक को सदन के सम्मुख प्रस्तुत करता हूँ।

Mr. Deputy-Speaker: Motion moved:

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

Shri S. S. More: My point of order is this. The Constitution contemplates that a change in the quorum should be only by law—'Until Parliament by law otherwise provides, the quorum to constitute a meeting of either house of Parliament shall be one-tenth of the total number of Members of the House'. The effect of the present legislation will be that instead of by law, we are making a change by rules of procedure, which is not the intention of the Constitution. The mover wants only to change 'Until Parliament by law otherwise provides' and put in 'Save as otherwise provided by rules regulating the procedure of the House'. Here his amendment ends. What happens to the other words of the particular clause, 'the quorum to constitute a meeting of either House of Parliament shall be one-tenth of the number of members of the House'? All these words are left intact. The

[Shri S. S. More]

result will be that there will be a contradiction: in the first part there will be 'Save as otherwise provided by rules regulating the procedure of the House' and later those particular words will follow. My submission is that this Bill seeking to amend the Constitution cannot, by any stretch of the imagination, be said to be 'by law' which is contemplated under the Constitution. If it is not a law, if he only wants to substitute the rules of procedure for the word 'law', it is definitely against the spirit of the Constitution.

Mr. Deputy-Speaker: What prevents this House from changing the Constitution itself? It has got the power to do so. That is what he is seeking to do. There is no point of order.

Shri Warrior: We oppose this Bill for several reasons. First of all, we are sorry that a Member from the Government Party itself has brought forward such a Bill, because legislatures and Parliaments are primarily concerned with the business of Government. Private Members' Bills and Resolutions are only an offshoot of that; they are a concession given to private Members, especially to the Opposition, by sufferance.

Mr. Deputy-Speaker: Where it is said so—that it is only the right of the Opposition?

Shri Sheo Narain: Every Member has equal right.

Shri Warrior: It is not written anywhere, but it is there in practice. We know there will be difficulties if practice is put into words and forms. Then everybody will oppose it. But in his heart of hearts everybody knows that such and such things are there. That is why I mention this. It is a conventionally accepted theory that legislatures are meant primarily for the conduct of government business, to facilitate administration. It

is one of the major wings of Government. We do not say so in so many words. It may not be written in any Constitution, but that is accepted.

In the first instance, it is the primary duty of the Government itself to muster sufficient representative character for the legislature in the form of the presence of elected Members. It is the duty of the Government Whip to see that at least the quorum prescribed in the Constitution is present here.

It will be almost out of place to quote here any thing from the British practice. Although *May's Parliamentary Practice* may give some other view, the main thing is that in Britain there is no written constitution as such, while here we have a written constitution, and the combined and collective wisdom of our constitution-makers has given this primary importance that this House should not lose apparently or intrinsically its representative character at any moment of its deliberations, and in order to ensure that, they have put it deliberately, intentionally, after much discussion and consideration, that there must be at least one-tenth of the Members as quorum. To seek to change that will be going against the basic idea enshrined in that constitutional provision.

Of course, this august House is competent to make certain changes if necessary in the smooth functioning of the democratic system that we have accepted, but is this of such a fundamental, basic nature? I do not think that this is of such a nature.

We passed, for instance, the Fifteenth and Sixteenth amendments to the Constitution. Compared to them, this Bill is not a basic necessity, it does not give any basic reason or justification for changing the provision of the Constitution. If it is for the advancement of the people in any aspect, either in their economic or

social life or any other aspect of their life, we can understand that there is necessity for changing the provisions of the Constitution, to attune it to the present demands of the people and their aspirations, but this is not of such a nature.

We always say inside and outside the House we must respect the Constitution, that we should not seek to dabble with it as and when we wish, unless pressed by an urgent and unavoidable necessity to make an alteration in the provisions of the Constitution. This is not of such a nature.

Not only that. Members might have very many difficulties in being present here. That I can understand. I also had experience of that, but that does not mean that the people do not expect us, Members elected on a representative basis, to be present here. The Government, the Constitution and the parliamentary rules and procedures have given all the facilities that can be given to the Members to be present here and to discharge the responsibilities they have undertaken to the electorate as well as to the Constitution to which we have taken an oath. Hence, it has become the primary duty of the Members, it is enjoined on us by our democratic system to be present here representing the people's views and aspirations and make our full quota of contribution to the discussions and decisions arrived at by this august assembly. Hence, I do not think that this amendment should be made. Rather, it would be fitting to encourage more attendance of members and their taking more active interest in the deliberations and decisions of this House. Hence, our party opposes this amendment.

Dr. M. S. Aney: I regret I have to oppose the Bill which my learned friend has moved. I believe he has looked at things more from the point of view of conveniences and inconveniences.

Certain conventions have been observed for some time in this House, and he wants to make those illegal things statutory and legal. That is his idea. He thinks that instead of having illegal conventions, it is better to legalise them and live under them. Actually, the attempt should be to remove all those illegalities and keep everything on a sound basis of law and constitution.

What is the real object of having a quorum introduced in the Constitution? The quorum is not only a matter of form. India is represented here. The 500 Members are the representatives and that work that is done in this House is supposed to be national work. Everything that is done here is of national importance, of importance to the country as a whole. And what is the test for showing that the work which is being transacted in this House is of national interest? If the minimum that is laid down, if at least one-tenth of the Members of the House are present here, then it could be said that they are supposed to be interested in that matter. You may reduce to one-twentieth if you like, but you have to find some minimum to show that the business that is transacted is not a matter in which nobody or only a few are interested, but one in which the nation is interested. In order to stand that test of national importance, it is necessary that some minimum percentage of the Members of the House as a whole must be present here, and it has to be provided by some kind of statutory rule. That is why the quorum has been fixed. You may reduce the quorum, but you have to fix some figure and be guided by that, and not by the conventions which are observed here.

There is a convention that during such and such hours no vote should be taken, not that we can proceed without a quorum if somebody draws the attention of the Speaker. As soon as attention is drawn, he has no option but to call for the quorum and get the Members present here, or adjourn

[Dr. M. S. Aney]

the House if they are not present in sufficient numbers. The rule is imperative, because those who made the Constitution wanted to keep up the representative character of this House in carrying on its business throughout. It must act in that representative capacity, and the world must see it from that point of view. That is why the provision for quorum so solemnly enacted ought to be kept.

If you want to make it more easy for Members, make some other change, but do not dispense with it and do not try to perpetuate the illegality sanctifying it as law. That is what my hon. friend wants to do. That is why I am very sorry I have to oppose it.

श्री यशपाल सिंह (कैराना) : उपाध्यक्ष महोदय, द्विवेदी जी को मैं बधाई देता हूँ कि उन्होंने लोगों की अनुविधा का ख्याल किया और चेंबर के इनकनवीनिअंस का भी ख्याल किया। उन का जीवन देश सेवा में गया है। उनके इंटेंशन तो गुड हैं, इसलिए बधाई देता हूँ, लेकिन जो बात उन्होंने कही है वह डिमाक्रेंसी के खिलाफ है। अतः मैं इस रिजोल्यूशन की ताईद नहीं कर सकता। उन का विचार बहुत सुन्दर है। लेकिन अक्सर ऐसा होता है कि The way to hell is often paved with good intentions. कई दफा ऐसा होता है कि अच्छे विचार होते हैं पर उनके कारण अनिष्टकारी कार्य हो जाते हैं। हम यहां जनतंत्र के मंदिर में बैठे हुए हैं और इस मंदिर में ४४ करोड़ इन्सानों का रिप्रेजेंटेशन होता है। यहां अगर दस बीस आदमी बैठकर कोई बात तै कर लें तो विल्कुल अनडिमाक्रैटिक है। हमारी परम्परा तो यह रही है कि सारे भारत में एक राय खिलाफ थी, भगवान राम के खिलाफ एक राय थी, तो भी एक राय के ऊपर उन्होंने भगवती सीता का त्याग कर दिया था और यहां हम करोड़ों आदमियों की राय को इग्नोर करें, यह कुछ अच्छा नहीं लगता है। हम लोग यहां काम करने के लिये आये हैं। जनता

ने चुन कर हमें यहां पर भेजा है। लाखों का दिल दिमाग हमारे साथ है तो फिर यह अच्छा नहीं लगता कि कोरम न हो तो भी हम कोई बात पास कर लें। यह कतई अनकांस्टीट्यूशनल है। जब हम को काम करने का शौक नहीं होगा तो हम कैसे इस चीज को चलायेंगे? मेरी राय तो यह है कि लोक सभा की सिटिंग के बीच में थोड़ी हाफटाइम की छुट्टी होनी चाहिए जिससे कि लोग खाना खा कर फिर समय पर हाज़िर रह सकें। यह उचित नहीं है कि कुछ लोग यहां खाना खाने के लिए या और किसी काम पर बाहर चले जाय और यहां का काम चलता रहे। लोक सभा में मੈम्बरों की उपस्थिति रैगुलर होना चाहिये।

मुझे पहले ही से काम करने का शौक था। रात दिन मैंने काम किया है। यहां से एक मिनट के लिए भी गैरहाज़िर होना मैं अपने लिए गुनाह समझता हूँ। जैसा मैंने अभी अर्ज किया मुझे एक तो पहले ही काम करने का बहुत शौक था और दूसरे मुझे प्रधान मंत्री जी को कोठी के पास फ्लैट मिल गया है और इसलिए हर वक्त प्रधान मंत्री जी का वह संदेश "आराम हराम है" उस की ध्वनि मेरे कानों में गूँजती रहती है। "आराम हराम है" इसकी शुआएँ यानी किरणें मेरे दिल को हमेशा छूती रहती हैं, वैसे वाकई यह बात सही है। कि जब तक हम अपने देश का निर्माण न कर लें, तब तक आराम हराम है। आज देश के निर्माण का काम हम करना है। इसलिए आज जरूरत इस बात की है कि हम हर एक की राय को जानने की कोशिश करें। जो यहां हाउस से कीसिटिंग से गैरहाज़िर रहते हैं और कोरम पूरा नहीं करते हैं वह दोषी हैं और वह उस जनता की आवाज़ को जिसने कि उन्हें यहां चुन कर भेजा है, नहीं पहुंचाना चाहते हैं। मेरा दरखास्त यह है कि इस बिल को वापिस लिया जाय और मੈम्बरान से यह कहा जाय कि वे ठीक समय पर आया करे और

ठीक समय पर यहां से जाया करें। सैंस ज़्यादा लम्बे न किये जायें। छोटे छोटे किये जायें क्योंकि मੈम्बरों को अपने निर्वाचन क्षेत्रों में भी काम करना होता है और जनता के पास जा कर उन की राय लेना होता है। कानून का यह तथ्य हमारे सामने है :

“Law is nothing but the will of the people expressed in terms of law.”

जब पीपुल की राय को हम यहां ऐक्सप्रेस नहीं कर सकते तो फिर यहां हमारा बैठना बेकार है। इसलिए थोड़ी सी सुविधा के लिए अपने कर्तव्य से बचने की जो चेष्टा इस बिल के द्वारा हो रही है वह सर्वथा अनुचित है। मनुष्य को सुविधा, अनुविधा की कोई पर्वाह न करते हुए सतत अपने कर्तव्य पूर्ति की ओर बढ़ने रहना चाहिए और कर्तव्य की ओर बढ़ने का मतलब ही यह है कि आराम हराम हो जाता है, सुविधा हराम हो जाती है। हमें रात दिन काम करना है और जब रात दिन काम करना है तो यह अच्छा नहीं लगता कि यहां प्रोसीडिंग चलती रहे, हाउस चल रहा हो और हम लोग बाहर फिरते रहे, कोई कनाट प्लेस में घूम रहा हो तो कोई चांदनी चौक में फिर रहा हो। इसलिये मेरा खयाल है कि अगर इस बिल को हम पास करेंगे तो यह अनडमोन्स्ट्रिक होगा, अनकेस्टिट्यूशनल होगा। जिस जनता के नुमायन्दे बन कर हम यहां आये हैं उस के प्रति हम अपने कर्तव्य का पालन नहीं करेंगे।

अगर एक दिन कोरम के अभाव में हाउस ऐडजर्न हो जाता है तो उस से जनता के ऊपर २५००० रुपये का बोझ पड़ता है। अब बजाय यह बिल लाया जाता, हम इस बारे में सोच कर कोई ऐसा बिल लायें कि जो शक्स गैरहाज़िर होगा वह दोष का जिम्मेदार होगा। उस गैरहाज़िर व्यक्ति के ऊपर डेमोक्रेसी के हनन करने का दोष होगा। इस तरह का बिल लाने के बजाय इस तरह का बिल यहां आना चाहिए था

ताकि कोई भी मेम्बर बैठक के समय हाउस से गैरहाज़िर न रह सके। मैं द्विवेदी जी से दरखास्त करता हूँ कि वह अपने इस बिल को वापिस ले लें। उन्होंने देशभक्ति और जनसेवा का जो मार्ग अपनाया है उस के लिए मैं उन को मुबारकबाद देता हूँ और हम सब इस के लिए उन के बहुत मशकूर हैं लेकिन अपने इस मौजूदा बिल को वापिस ले लें तभी यह डेमोक्रेसी ठीक तरह से चल सकेगी।

श्री ज्वा० प्र० ज्योतिषी (सागर) :

उपाध्यक्ष महोदय, मुझे खेद है कि श्री म० ला० द्विवेदी ने जो संशोधन विधेयक सदन के सामने प्रस्तुत किया है उस के सम्बन्ध में मुझे कुछ ऐसे विचार प्रकट करने हैं, जो विचार मुमकिन है कि शायद सरकार को भी पसन्द न हों। सरकार द्वारा प्रस्तावित इस तरह का बिल सदन के सामने नहीं आ पाया, उस को मैं बड़ा सौभाग्य समझता हूँ क्योंकि इस तरह का बिल प्रजातंत्र को मजबूत करने वाला नहीं है। हम ने इस देश में प्रजातंत्र स्थापित किया है। प्रजातंत्र के माने यह होते हैं कि हम जोकि जनता का प्रतिनिधित्व करते हैं, आपस में चर्चा करें और विचार विनिमय करें। एक व्यक्ति किसी विषय में क्या विचार रखता है उन विचारों को सुन और फिर उस के ऊपर अपनी राय कायम करें। कहा गया इंग्लैंड में क्या हो रहा है और सीलोन में क्या हो रहा है? ठीक बात है। वहां इस तरह का विधान हो कि कोरम न होते हुए भी बहस चलती रहती हो और केवल मतदान लेते वक्त कोरम का खयाल किया जाता हो, अब किन्हीं देशों में अगर गलतियाँ हो रही हैं तो इस के माने यह नहीं हैं कि हम अपने देश में भी गलती करें? यह बड़ी गलत चीज़ होगी अगर हम गलत बातों का अनुकरण करते हैं। हम को अपने विवेक से काम लेना चाहिये। चूँकि इस

[श्री ज्वा० प्र० ज्योतिषी]

देश में हम ने प्रजातंत्र स्थापित किया है इसलिए यह जरूरी है कि प्रजातंत्र पर आघात करने वाली किसी भी गलत प्रणाली की हम नक़ल न करें। मेरी समझ में नहीं आता है कि जब हम ६ या १० लाख व्यक्तियों का प्रतिनिधित्व करने के लिए यहां आये हैं, उन्होंने ने हम पर एक जिम्मेदारी डाली है और जब हम इस सदन में उस की पूर्ति को आये हैं तो क्या कारण है कि हम लोग इस सदन में न बैठें, यह कोरम की कमी आखिर हो ही क्यों? मैं समझता हूं कि ऐसा विधेयक आता कि सदन के अंदर कोरम में जो कमी होती है उस की पूर्ति के लिए सदस्यों को इस के लिए मजबूर किया जा सकता कि वे यहां सदन की कार्यवाही के दौरान बैठे रहें तो ज्यादा ठीक होता।

हम सब लोगों ने जनता का प्रतिनिधित्व करने की कसम ली है। आखिर हम लोग चाहते क्या हैं? क्या हम यह चाहते हैं कि सदन के सदस्य रहते हुए हम अपनी बकालत करते रहें, दुकान आदि चलाते रहें? क्या हम चाहते हैं कि जब सदन यहां चल रहा हो तो हम सिनेमाओं में बैठ कर नाच व गाने का आनन्द उठाते रहें? जब हम ने जनता का प्रतिनिधित्व करने की कसम खाई है तो हमारा लाजिमी कर्तव्य है कि जब सदन चल रहा हो तब सदन के अंदर उपस्थित रहें और विचार विनिमय आदि करें।

उपाध्यक्ष महोदय, विचारों के आदान प्रदान की बुनियाद पर प्रजातंत्र कायम होता है। अगर हम इस सदन की बहस में शामिल नहीं रहते हैं, इस सदन में जब बहस चलती है, उस समय उपस्थित भी नहीं रहते हैं तो हम एक दूसरे के विचारों को कैसे समझ सकेंगे? “वादे वादे जायते तत्व बोधा”। ज्ञान-प्राप्ति का रास्ता यही है कि हम बहस मुबाहिसा करें और उन में भाग लें। बहस मुबाहिसे के द्वारा देश व समाज के लिए

कौन चीज़ मुफ़ीद है और कौन हानिकारक, उस पर सोच विचार कर के उचित फैसले पर पहुंचें। मैं महसूस करता हूं कि श्री द्विवेदी सदन के सामने जो विधेयक लाये हैं वह मूलतः एक गलत विधेयक है। इस से हमारे प्रजातंत्र की बुनियाद कमजोर पड़ने वाली है। कोई भी प्रगति प्रजातंत्र के कार्य में इस के द्वारा नहीं आने वाली है। हमारे मित्र द्विवेदी जी ने जो कोरम का प्रश्न उठाया कि कोरम के पूरा न रहने के कारण कभी कभी बहस स्थगित करनी पड़ती है और काम मुचार रूप से नहीं चल पाता है तो मैं समझता हूं कि हम विधान में ऐसा दुस्ती करें जिस से कि कोरम पूरा रखना हमारे लिए लाजिमी हो जाय। यह नहीं कि हम लोगों को इस प्रकार से और भी झूट दे दें कि वे इस सदन की कार्यवाही में शामिल न हों। यह बड़ी गलत चीज़ है। अगर यह विधेयक हम आज पास करते हैं तो मुझे लगता है कि उस का नतीजा कल यह होने वाला है कि एक नया अमेंडमेंट आयोगा और मुमकिन है कि फिर वोट देने के लिए भी हम यहां पर इकट्ठा होना आवश्यक न समझें शायद एक ऐसा विधेयक यहां से पास कर दिया जाय और विधान में संशोधन कर दिया जाय कि मੈम्बर लोग अपना वोट प्रौक्सो से कर सकें। या अपने घरों में बैठे रह कर अपनी दुकानों व अलातों में बैठे रह कर चिट्ठी के जरिए अपनी राय लिख कर भेज दें कि उन की क्या राय है। एक विह्व हो जाय कि हमारी पार्टी का यह मत है और पार्टी के मत के अनुसार मेम्बर लोग घर बैठे हुए अपना मत लिख कर भेज दें। मैं समझता हूं कि प्रजातंत्र की दृष्टि से यह विधेयक उचित नहीं है। इस के बारे में शासन का क्या मतव्य था वह मुझे द्विवेदी जी की बात से मालूम हुआ। शासन का क्या मतव्य है मुझे उस का इल्म हुआ लेकिन मैं समझता हूं कि इस बारे में फिर से विचार किया जाय और अभी जल्दा से इस को हाउस में प्रैस न किया जाय।

Shri K. K. Verma (Sultanpur): Mr. Deputy-Speaker, Sir, this amending Bill is a very simple one. Formerly, it had been provided that until Parliament by law otherwise provides the quorum to constitute a meeting of both Houses of Parliament shall be one tenth of the total number of Members of the House. So, our constitution-makers had already provided that if Parliament so desires they may change this provision about quorum.

Dr. M. S. Aney: Change it but not dispense with it.

Shri K. K. Verma: The words used are: "Until Parliament by law otherwise provides,". So, the Parliament is the sovereign authority. It may provide for quorum or for another procedure. There was no impediment to our providing another procedure. So, Shri Dwivedi only wants to change it into "Save as otherwise provided by rules regulating the procedure of the House". I think this amendment is quite reasonable, and as he has explained, it is up to the House to provide such rules that may be suitable. While the Bill is under consideration by Parliament—whether it be a Bill or a motion or a resolution—there are several stages and one stage is the consideration of the motion or resolution or the Bill. So, we may make such a rule that while a Bill is under consideration we may not insist upon quorum of one-tenth, but when it comes to passing of a Bill or a motion or a resolution, that quorum should be required. I do not think that this amendment provides any such law or procedure by which, as some hon. Members expressed, democracy is affected. Shri Dwivedi has already quoted by saying that in some of the oldest democracies such a provision has been made, and that the Parliaments of those countries act according to those provisions as pointed out by him. So, I do not think any such provision is being made here which is contrary to democracy. On the other hand, as Shri Yashpal Singh pointed out, when the House is ad-

journing for want of quorum, then a heavy financial burden is cast upon the public, because we are not able to transact that business, while, all the same, Members are entitled to their allowances. So, in order to avoid such difficulties, and also in order to avoid this financial loss, I think this provision which is being sought to be made here is quite sound and I would recommend that this House may be pleased to pass it.

Shri Hari Vishnu Kamath: Mr. Deputy-Speaker, Sir I have no hesitation in saying at the very outset that this Bill brought up by my good old friend Shri Dwivedi is an ill-conceived, ill-drafted, undesirable and pernicious piece of legislation.

Shri S. M. Banerjee: It will then come under the DIR!

Shri Hari Vishnu Kamath: May I invite your attention first to the articles of the Constitution dealing with this matter of quorum? I shall refer to article 100. I need not deal with the second one, the subsequent article, because it is an identical one. Let me first take article 100, clauses (3) and (4). As you will remember, Sir,—you were also a member of the Constituent Assembly—this was discussed in extenso, extensively, in the Constituent Assembly. I do not want to read the proceedings of the Constituent Assembly because I do not want to take the time of the House at the moment on that point; after due deliberation and careful consideration of all the aspects of the matter, the provision with regard to quorum was duly inserted, with the fullest sense of responsibility, by the Constituent Assembly in this article 100. Clause (3) of article 100 reads as follows:

"(3) Until Parliament by law otherwise provides, the quorum to constitute a meeting of either House of Parliament shall be one-tenth of the total number of members of the House."

[Shri Hari Vishnu Kamath]

As you know, the Speaker and his predecessors have so often held that "to constitute a meeting" means the beginning of the sitting of the House. Therefore, it has been deliberately differentiated there. Clause (3) is differently worded from clause (4). Clause (4) deals with the matter of quorum during the sittings of the House. First, there is the wording: "to constitute a meeting" in clause (3). That is the commencement of the sitting, which is 11 o'clock or any other time which the Chair may fix. In the second one, that is, in clause (4), you do not have this prefix or phrase: "Until Parliament by law otherwise provides,". Clause (4) reads as follows:

"(4) If at any time during a meeting of a House there is no quorum, it shall be the duty of the Chairman or Speaker, or person acting as such, either to adjourn the House or to suspend the meeting until there is a quorum."

Much has been said about financial burden. I regret to have to say that such a consideration, certainly valid perhaps and important from their point of view, has been imported into this debate. If at all that is thought to be valid, then the only course, the honest course, the way out of it, is to wind up Parliament and the State legislatures. That is the logical though not honourable course if this financial burden is sought to be given the importance which is being given to it by some hon. Members.

Shri M. I. Dwivedi: Where will you be then?

Shri Hari Vishnu Kamath: I am not worried so much as the ruling party. The ruling party is more worried about themselves. I may be out of Parliament. I do not worry about that.

श्री नाथ पाई : यह तो मन्दासी है ।

Shri Hari Vishnu Kamath: May I have your ear, Sir? What I was trying to impress upon my colleagues in this House is that if this is the only consideration that is governing the thoughts and minds of most of them—that if there is no quorum in the House and the House is adjourned there will be a financial burden on the nation—then, as I have said, do away with this Parliament, do away with this House; of course, automatically the quorum also goes when the House goes; the question of quorum will not arise.

But the more important, the more vital, the more essential aspect of the matter that we have to discuss today in connection with this Bill is the moral and psychological impact of this Bill upon our people, upon our nation, who have been only 15 years ago ushered into this world of parliamentary democracy. What will be the moral and psychological impact of this Bill on them? The Parliament is the supreme legislature of the nation. A municipal committee has also got a provision for quorum. I do not know whether the rules provide that even if there is no quorum the meeting of the municipal committee can go on. I am not sure. I have never been a member of a municipal committee, but even there is a provision for quorum. If unfortunately this Bill is passed into law, the people will think our Parliament has come to this sorry pass, that the ruling party, with its cohorts, the battling cohorts here—370 to 375 or more, is hard put to it to provide a quorum. The Prime Minister has been very, very helpful in this respect. When the quorum bell rings, he is the first to come into this House, but not so his colleagues in the House. I am sorry to say that the 375 Members cannot provide a quorum of 50 Members. What is the quorum? One-tenth of the total number of Members of the House. And there are 60 Ministers including Parliamentary Secretaries; it is 59 or 60—more than the quorum. Each member of the

House is supposed to represent, I believe, nearly a million—8 or 9 lakhs. My hon. friend, the former Defence Minister represented nearly double that number in North Bombay, the biggest constituency in India. But ordinarily it is about 8 or 9 lakhs of the population. Here my friend, Mr. Dwivedi seeks to impress upon the House that there are various difficulties which have arisen in the working of Parliament, and we have oftentimes come against this hurdle of no quorum and the House is adjourned.

What, Sir, is my amiable friend, the Minister of Parliamentary Affairs for? He has been straining his nerve with his colleagues, who do not respond to him as much as they should. He has been trying and his deputy whips numbering two or three have also been trying, apart from the regional whips—there is a big army of whips all over the country. . . .

Shri Muthyal Rao (Mahbubnagar): What about opposition Members?

Shri Hari Vishnu Kamath: I am coming to that.

Mr. Deputy-Speaker: The time allotted for this Bill is 1½ hours. He should conclude.

Shri Hari Vishnu Kamath: I am sorry, Sir. With due respect and due deference to you, I may submit that you are inclined to be rigid in this matter. The House is considering a Bill to amend the Constitution. . . .

Mr. Deputy-Speaker: That was the time fixed by the Business Advisory Committee and its report has been accepted by the House.

Shri Hari Vishnu Kamath: But the House is willing to extend the time. Under rule 292, the House can extend the time.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): It is to meet the wishes of the hon. Member that this Bill has been brought.

Shri Hari Vishnu Kamath: Let me explain. I have always been saying that no convention of the House can override the Constitution. I will prefer the Constitution to remain intact. But if the ruling party, which has a brute majority want to change this provision in the Constitution, they can bring forward an amending Bill and get it passed. We are helpless in that matter. But no convention can override the Constitution. You can pass an amending Bill. But the Constitution, as it is, must be respected. That is my position. During the last 15 years, whenever the point of quorum has been raised, I have always said that article 100 should be respected as long as it is not amended. I have been trying to impress that point, though I do not want it to be amended.

Mr. Deputy-Speaker: The hon. Member himself tabled a Bill to amend the Constitution.

Shri Hari Vishnu Kamath: I had withdrawn it long ago. It was just to test them. I was not serious about it. That was why I withdrew it.

Then, there is this aspect of the matter. What will our masters think? In a democracy, the people are the masters, who have elected us and sent us here, to serve them as best as we may in this august House. What impression will they gain? Nearly 45 or 50 crores of people of the Indian nation cannot ensure the presence of 50 Members in the Lok Sabha? It is a disgraceful state of affairs, if at all it comes to this sorry pass; it is anti-democratic and completely subversive of the spirit and letter of parliamentary democracy.

Before I close, may I also impress upon my colleagues that the way to build up a strong parliamentary democracy is not an easy one? It is not a bed of roses. Parliamentary democracy has got to be striven for. We must endeavour with all our might and main to make it a success. It is one of the fundamentals needed for

[Shri Hari Vishnu Kamath]

building the edifice of this parliamentary democracy. We must strive together, put our shoulders to the wheel, to the task of seeing to this that in this august House quorum is preserved. This amending Bill is not the way to ensure success of parliamentary democracy.

One point more. I have no hesitation in saying that those hundreds of my colleagues who are unable to preserve quorum do not deserve parliamentary democracy. Before, I close, I would also like to say one thing more. The Minister of Parliamentary Affairs, after Question Hour, in one of his routine Friday announcements, two or three weeks ago, said when I raised this question, that the Government was consulting the Law Ministry; the matter was receiving the earnest attention of the Law Ministry and the Government will bring forward a Bill, when certainly we will get more time for consideration. It will be better drafted, I believe, and better presented to the House. The Bill, as it is, I do not think, deserves the support of any Member of this House either on this side or on the other side, who really means well by parliamentary democracy.

Mr. Deputy-Speaker: Dr. Singhvi.

Dr. L. M. Singhvi (Jodhpur): Sir, the Bill before the House exemplifies the line of least resistance. . . .

Mr. Deputy-Speaker: Is it the desire of the House that the time for this Bill should be extended?

Some Hon. Members: Yes.

Mr. Deputy-Speaker: Then, we will finish all the stages of the Bill by 5 o'clock. I will give 5 minutes to each hon. Member.

Dr. L. M. Singhvi: You have laid down this rule after calling me. If only 5 minutes are to be allowed to me, I do not want to speak.

Mr. Deputy-Speaker: I have to provide time for so many hon. Members.

Shri S. S. More: It is a most important Bill; 5 minutes would not be enough to do justice to the subject.

Dr. L. M. Singhvi: How is it possible? This completely reduces parliamentary discussions to a mockery.

Mr. Deputy-Speaker: The hon. Member knows that 2½ hours are allotted for non-official business.

Dr. L. M. Singhvi: You may not allow a large number of speakers, but if you do not allow the speakers to make their points, what is the use?

Mr. Deputy-Speaker: Mr. More.

Shri S. S. More: Sir, this is a Bill of fundamental importance. It proposes to make a revolutionary and a rather retrograde change in the pattern of our democracy. I may tell you, Mr. Deputy-Speaker, that Indian democracy is held in great admiration and respect by the neighbouring countries. It is told that Ceylon has done a particular thing. Are we to follow Ceylon and Timbuctoo in this matter? Supposing the Bill is passed, let us imagine what would happen. The rules will provide that it is difficult to keep the quorum at 50 and so it will be reduced to 25. The result will be, out of this quorum of 25, only 14 persons will be present and taking decisions. In a House of 500 Members, 14 persons will be the deciding factor. My submission is that such a decision by a small tiny number of persons will not command the respect and admiration as it ought to in a parliamentary democracy.

There will be another sinister example that we would be setting up. When the Parliament, which is supposed to be the highest body, reduces its quorum to a shadow, the result will be that all the local boards and other bodies which require quorum will follow this example and the result will

be that a few persons, who can be counted on our fingers, will be taking important decisions. My submission is that the principle enunciated in the Bill is most sinister, objectionable and obnoxious. If you play havoc with the Constitution. . . .

Dr. L. M. Singhvi: He says, the Deputy-Speaker is playing havoc!

Shri S. S. More: The Constitution-makers very wisely laid down that it shall be changed by law. Now the Bill seeks to leave it to the rules. The rules are not passed by the House, but by the small Rules Committee. This is again abdication of the responsibility of the House. Therefore, I propose that the Government will be ill-advised in accepting the principles of the Bill. We should rather stand by the provisions as they are, if we cannot better them.

16 hrs.

Dr. L. M. Singhvi: Mr. Deputy-Speaker, Sir, as I submitted, the Bill exemplifies the line of least resistance. It exemplifies the approach to bring into being through the back-door a provision which has operated sometimes with our sufferance and which sometimes has been objected to in every legitimate manner.

Sir, I should like to preface my submissions in this regard by saying that with the exception of a few countries where a convention has grown not to count the House during certain specified hours the constitutions of the world are unanimous in prescribing a certain quorum requisite for transacting any business. I would draw your attention, Sir, to article 1, Section V of the Constitution of the United States of America. It says:

"... a majority of each House shall constitute a quorum to do business."

There it is said: "a majority of each House", and not mere 50 Members of the House to transact any business. I would invite your attention also to Section 39 of the Australian Constitution Act which says:

"Until the Parliament otherwise provides, the presence of at least

one-third of the whole number of members of the House of Representatives shall be necessary to constitute a meeting of the House for the exercise of its powers."

Here the material phrase is "for the exercise of its powers". In Canada, Section 48 of the British North America Act provides:

"The presence of at least 20 members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers, and for that purpose the Speaker shall be reckoned as a member."

Section 35 makes a similar provision in the case of the Canadian Senate, the quorum in that case being 15 Senators. In South Africa, Ceylon, Japan and Burma also quorum is provided.

It appears that we are willing now, or at least the proposal signifies the willingness, to do away with this very salutary provision of the Constitution requiring a certain quorum to be present to do business in the House. I need hardly remind the House that there used to be a time in parliamentary democracies where it was the duty of the Chair at the time of the Chairman or the Speaker taking the Chair to count the House and to see that the House was properly made. By recent convention this has been changed. In our House the presumption is that the House is properly made until a Member raises the question. But once a Member raises the question, in law, according to the expressed terms of the Constitution, it is mandatory and incumbent upon the Chair to count the House and to ensure that the business of the House is transacted with full quorum.

I would like to point out through you, Sir, to the House, that what Shri More has said in his book is this. Shri More has been a deep student of parliamentary procedure. He, in his book, has this to say:

"Whatever the reasons, lack of quorum is becoming in the Indian Parliament a repeated fea-

[Dr. L. M. Singhvi]

ture. There are instances when it was pointed out three times a day that there was no quorum. As a Member put it humourously, lack of quorum seems to be like history which repeats itself."

He points out instances where in a single day as many as three times absence of quorum had to be pointed out in our House. We have brought into being a convention, a very unfortunate convention of not counting the House during certain specified hours. In the first place, this convention is completely in contravention of the express provisions of the Constitution. The convention purports to be borrowed from the practice of the British House of Commons under the Standing Order 27. But, Sir, it is forgotten that Great Britain does not function under a constitution which is binding on its legislature. We do. We have got to observe the mandatory provision of the Constitution, and if we are to allow our proceedings to become unreal and indeed ridiculous, we must insist that there is quorum in this House at all times.

It has been pointed out by many authors, and it has been observed at one time by the Speaker of this House also, that the responsibility for maintaining quorum in the House is primarily that of the Government Benches. Whenever we find that there is not enough quorum, I think we can legitimately blame the Government whips as well as the whips of the Opposition groups. If a time comes when we provide for this sort of constitutional change, it would be really writing and signing the death warrant of our effectiveness.

I feel that the Constitution (Amendment) Bill proposed by Shri Dwivedi seeks to do away the requirement of a parliamentary enactment for providing a different quorum than is provided in the Constitution. He wants to accomplish it through the modality of change of rules of procedure. This is unwarranted, this is entirely illogical and this is entirely improper. There is absolutely no justification for it. He also wants to take away the

requirement under clause 4 of article 100 requiring the Chair to count the House whenever it is necessary. That is the only safeguard, Sir, that we have.

One last point, Sir, and I would conclude. We pass day in and day out important legislation affecting the liberties of the people, affecting the lives of the people, affecting inter-relationship of subjects and the State. These are all important matters of far-reaching significance. How can we allow ourselves, in all fairness to the people whom we claim to represent, to have the business of the House transacted by a small coterie of people? It is very unfortunate and very unfair. I feel, that instead of agreeing to such a proposal to have a constitutional amendment seeking to allow for lack of quorum or absence of quorum, we should actually have a convention or, if necessary, enact legislation to ensure that every Bill that is passed in the House is required to be passed in the presence of a certain number of Members. Without this, Sir, we would never ensure proper legislation, representative legislation.

Shri Himatsingka (Godda): Mr. Deputy-Speaker, Sir, I find that the Bill as drafted appears to be innocent, absolutely harmless, but I feel that if this Bill is passed it will introduce a practice which will be very dangerous. What happens now? The quorum that has been fixed is only 10 per cent. I think you cannot have a lesser number for a quorum in a House which deals with the interests of the entire nation. I feel it is rather a sad spectacle when you find that important Bills are under discussion in the House, Bills like Compulsory Deposit Bill, Super Profits Tax Bill and other things like Budget, there is hardly a quorum and sometimes there is less than a quorum. If we allow it by law, then it will become worse. After all, this House deals with very important matters which affect the destiny of the whole nation. Therefore, we should not do anything to encourage this kind of laxity on the part of the Members, that they are not present in the House when impor-

tant matters are discussed. We know that even in elections a candidate who does not get one-sixth of the votes loses his security deposit. That is to say, he expects at least one-sixth of the persons to support him. If we cannot have 10 per cent. of the Members in the House which deals with important matters, it will be a sad day. Therefore, I feel that this Bill should be withdrawn.

Shri Gauri Shankar Kakkar (Fatehpur): Mr. Deputy-Speaker, Sir, I have very great respect for Shri Dwivedi, but still I rise to oppose the Bill which he has brought. Sir, the gist of democracy is to have as many persons as possible for taking certain decisions, certain views. Once we come to this decision that we can pass any legislation, any Bill, without having the necessary quorum, it will mean that we are doing away with the principle of a democratic set up and we are fast heading towards autocracy. Now, you are reducing the minimum number from fifty. As Shri More has said, if you pass this, you can get a certain legislation passed even with two members present. This would in effect mean not the operation of the democratic set up but a step towards proceeding to autocracy. Parliament is the highest parliamentary institution. If Parliament is setting this bad example this will be followed by other democratic institutions, and that would be a very sad day for the country. Because, then the other democratic institutions also will introduce this provision and they can do or undo anything without looking into the question of quorum. So, I feel that by this measure we are proceeding towards autocracy rather than democracy. We have to set up a good example for other democratic institutions, instead of setting up such examples as the present one.

Thirdly, I have to say that in Parliament, in the Lok Sabha, it is the responsibility of the ruling party to maintain the quorum, especially

when they have such an overwhelming majority. We have seen many instances in this House when the quorum is being challenged, and that is mainly the fault of the ruling party, because they do not give serious consideration to this aspect of the matter and allow important items of business to be discussed and piloted in the House without the quorum, which makes a mockery of democracy. I have myself challenged the question of quorum in this House many a time. I have seen many important Bills being discussed in the House without any quorum and yet not any member raising that point. I am of the firm opinion that this is an aspersion on the ruling party, which can very easily maintain the quorum, if only it wishes to do so.

Lastly, by introducing this Bill, we are by-passing the mandatory provisions of article 100 of the Constitution. According to clause (4) of article 100, the quorum is mandatory. If we just pass this Bill in order to take away the question of quorum from the purview of the Constitution and incorporate it in the rules of procedure or elsewhere, it would simply mean that we are resorting to a legislation to by-pass a mandatory constitutional provision.

So, in the end, in the name of democracy, because, I am sure, my hon. friend, Shri Dwivedi, for whom I have very great respect, believes in democratic set up, I would appeal to him that if he wants decisions to be taken by an overwhelming majority, by a bigger body, then he should withdraw this Bill, because his attempt to reduce the number by this Bill would lead to autocracy, and that would indeed be a very sad day for this Parliament and for the whole country.

श्री स० मो० बनर्जी : उपाध्यक्ष महोदय,
मैं इस बिल का विरोध करने के लिए खड़ा हुआ हूँ। मैं समझता हूँ कि यह सदन प्रजा-
तांत्रिक उसूलों का मंदिर है, यह जनता

[श्री स० मो० बनर्जी]

जनार्दन की मूर्ति है और संसद् के जितने सदस्य हैं वे सब उस के पुजारा हैं। इस अवस्था में यह बिल लागू उचित नहीं है। इस में केवल सवाल कोरम का नहीं है, इस में सवाल है कि ऐसा करने से प्रजातांत्रिक उसूलों का हनन होगा।

आप ठंडे दिल से सोचें कि जो कानून हम इस सदन में पास करते हैं वह इस देश के करोड़ों लोगों पर लागू होते हैं। अगर हम १५ या २० आदमी मिल कर उन कानूनों को पास कर दें तो वे लोग जो कि यहां आ कर हसरत भरी निगाहों से हमारी तरफ देखते हैं, उन के दिल में यह ख्याल पैदा होगा कि इतने थोड़े से आदमी मिल कर जनता के भाग्य का निर्णय कर देते हैं। इस का असर लोगों पर गलत पड़ेगा। मैं समझता हूँ कि संसद् के सदस्यों का सब से बड़ा कर्तव्य यह है कि संसद् के काम को सही तरीके से चलाने की कोशिश करें।

मैं आप का इजाजत से कहूंगा कि संसद् के सदस्यों के बारे में बाहर लोग क्या कहते हैं। अक्सर लोग कहते हैं कि अच्छी नौकरी मिल गयी। किसी ने मजाक में कहा कि संसद् सदस्य की परिभाषा क्या है, तो दूसरे ने हंसते हुए कहा कि चार सौ रुपया माहवार, २१ रुपया रोज, हां, ना की नौकरी, राज भवन में भोग, बोली क्या है, संसद् सदस्य। जनता समझता है कि हमारे ऊपर देश का काफ़ा पैसा खर्च होता है और उस पर अगर यह बिल पास हो जायगा तो उस का परिणाम यह होगा कि सदन में केवल भाषण देने वाला और आप नजर आयेंगे और तासरा आदमी नजर नहीं आयेंगा, क्योंकि उस का जरूरत नहीं होगा।

Shri Sonavane (Pandharpur): I want to know whether the hon. Member also would not be attending the House.

श्री स० मो० बनर्जी : मैं तो यहां रहता हूँ लेकिन मैं समझता हूँ कि यह रूलिंग पार्टी का फर्ज है कि वह कोरम को मेनटेन रखे। यह सवाल नहीं है कि पार्लियामेंट में कौन ज्यादा रहता है या कौन ज्यादा नहीं रहता। हम लोग तो विशेष रूप से जोंक की तरह चिपके रहेंगे।

श्री सत्य नारायण सिंह : आनरेबल मेम्बर ने शायद इस बिल को पढ़ा नहीं है। इस में कोरम घटाने का बात कहाँ है।

श्री स० मो० बनर्जी : मैं कहता हूँ कि फिर संशोधन लाने का क्या मौका था।

श्री सत्य नारायण सिंह : विधान से हटा कर इस चीज को रूलस में लाने का उद्देश्य है। किसी पार्लियामेंट में या किसी कॉन्स्टीट्यूशन में कोरम नहीं रखा गया है। अफसोस है कि हम ने कॉन्स्टीट्यूशन में इसे पास कर दिया। अब १५ साल के अनुभव के बाद हम इस चीज को रूलस में लाना चाहते हैं। तो इस में कोरम घटाने का सवाल कहाँ उठता है। इस को रूलस आफ प्रोसीज्योर में लाना है। फिर आप चाहे कोरम ५० के स्थान पर ७५ रख लें, आप को अधिकार है।

Dr. L. M. Singhvi: It is an incorrect statement to make, to say that quorum is not provided in any Constitution. As a matter of fact, it is provided in most Constitutions including those of the United States, Australia, Canada etc.

Mr. Deputy-Speaker: Order, order. The hon. Member had his say.

श्री स० मो० बनर्जी : मैं समझता हूँ कि हमारा संविधान अक्लमंद आदमियों ने बनाया है। अगर आज हम यह कहें कि वे अक्लमंद आदमी नहीं थे तो मैं कहूंगा कि उन लोगों के प्रति एक गम्भीर कटाक्ष करना

होगा। अगर आप इस बिल को पास करेंगे तो मैं समझता हूँ कि विधान की हैसियत एक स्कूल के लड़के की एक्सरसाइज बुक जैसी हो जायेगी कि जिसको जब चाहा तब काट दिया और बदल दिया। जब चाहा तब विधान को बदल दिया, ऐसा करने से तो यह बच्चों का खेल हो जायेगा। ऐसा करके तो जो सरकार प्रजातांत्रिक उसूलों पर चलना चाहती है, वही उनका जनाजा निकाल रही है और हम जो उसके खिलाफ आवाज उठाते हैं तो हम से कहा जाता है कि तुम खलल अन्दाज होते हो। इस बिल को पास करना प्रजातांत्रिक उसूलों पर कठाराघात करना होगा और इसलिये इसको पास नहीं किया जाना चाहिये।

मैं समझता हूँ कि अपोजीशन का यह कर्तव्य है कि अगर सदन में कोरम न हो तो वह सदन को इस बात का ध्यान दिलाये। हमको जन्ता ने यहां चुन कर भेजा है और मैं समझता हूँ कि ऐसा करना हमारा कर्तव्य है। मैं समझता हूँ कि संसद् सदस्य इस बात को महसूस करें कि उनका फर्ज क्या है और विधान में इस तरह को चेंज न किया जाये। हमको विधान में हमेशा कांट छांट नहीं करते रहना चाहिये। इस प्रकार से विधान को बदला गया तो इसका लोगों पर बुरा प्रभाव होगा। मैं समझता हूँ कि इस बिल को वापस लिया जायेगा और मिनिस्टर आफ पार्लियामेंटरी एफेयर्स, जो कि प्रजातंत्र के प्रतीक हैं और जिनका कर्तव्य है कि सदन में पूरा कोरम रखें, अपने इस कर्तव्य का पालन करेंगे।

उपाध्यक्ष महोदय : यह सब का कर्तव्य है।

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): Sir, we have patiently and carefully listened to the speeches made on this Bill. We feel that the matter requires further consideration and, probably, it cannot be disposed of in the limited time which is allotted to Private Members' Bills. Therefore, I move:

"That the debate on this Bill be adjourned".

Dr. L. M. Singhvi: Is he moving for an adjournment of the House or is he adjourning the discussion?

Shri Hajarnavis: Because, even if it is adjourned, it will probably come up for discussion on a future date. What is attempted to be done, or what we are trying to do is, as the Minister of Parliamentary Affairs has stated, to substitute....

Shri S. M. Banerjee: Sir, on a point of order.

Dr. L. M. Singhvi: Is it adjournment or postponement?

Mr. Deputy-Speaker: It is adjournment.

Shri S. M. Banerjee: May I submit.....

An Hon. Member: The question may be put.

Mr. Deputy-Speaker: The question is:

"That the debate on this Bill be adjourned".

The motion was adopted.

16.20 hrs.

DELHI LAND REFORMS (AMENDMENT) BILL

by Shri Naval Prabhakar

Shri Naval Prabhakar (Delhi-Karol-Bagh): Sir, I move:

"That the Bill further to amend the Delhi Land Reforms Act, 1954 and also to amend the Delhi Land Reforms (Amendment) Act, 1959 be taken into consideration."

उपाध्यक्ष महोदय, मेरा यह संशोधन विधेयक दिल्ली के किसानों को जो सुविधायें पहले के कानून के अनुसार दी गई हैं, उन को पूरा करने के लिये अत्यन्त आवश्यक है।

श्रीमन्, हमने १९५४ के अन्दर दिल्ली भूमि सुधार नामक एक विधेयक दिल्ली की विधान सभा में पास किया और दिल्ली के उन किसानों को, जो कि वह और उनके पूर्वज जिस भूमि को जोतते चले आ रहे थे और