

[Shri Swaran Singh.]

has been removed by others who removed either the wire.....

Shri U. M. Trivedi: May I give the information to the hon. Minister? It was removed by the Government, and by the Railways, and the entire thing has been utilised for the purpose of rolling iron, during the war.

Shri Swaran Singh: During the war.

Shri Bade: After the war also.

Shri Swaran Singh: That only supports what I said, about the difficult period through which we have had to pass. As regards the general question of fencing, it is an unfortunate thing, but it is a fact that at a number of places where it had been provided the wire has been cut and removed, and even the supports have been removed. And I am sorry to admit, but it is a fact, that even at places where walls have been put up, even those have been demolished, parts of it, and unauthorised entrances have been made. But still, at places where there is electrification, and the particular place that was pointed out by Shri Dinen Bhattacharya, we will examine it. And if in the surrounding areas there is a lot of population, and that is a place which is very much frequented, and there is also electrification, if there is a justification for providing fencing, we will certainly provide the fencing also.

These were some of the points that were urged by the hon. Members. I have no intention to repeat what I said on the earlier occasion. I want to assure the House that I take a very serious view of this. Some hon. Members have expressed sympathy with me. I am grateful to them. This is a matter which cannot be solved by sentiment. It is easy, and perhaps very easy, to shirk responsibility. But it requires some determination and some effort to continue to discharge the responsibility and to

find answers for the various ills rather than to shirk the responsibility and to throw up one's hands.

So far as track circuit is concerned, I have said something about it in my opening speech.

Dr. M. S. Aney (Nagpur): How is it easy to shirk responsibility in a matter of this kind?

Shri Swaran Singh: Shirking responsibility is this way: some hon. Member suggested that I should resign. It is easy to resign.

Mr. Deputy-Speaker: The discussion is over. We will now take up the non-official business.

14.35 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FIFTH REPORT

Shri Hem Raj (Kangra): Sir, I beg to move.....

श्री प्रकाशबोर शास्त्री (बिजनौर) : श्रीमान् स्रान एं व्वाइंट आफ् स्रार्डर । में प्राइवेट मैम्बर्ज विल्ज एंड रेजोल्यूशन सम्बन्धी कमेटी की रिपोर्ट के बारे में

Mr. Deputy-Speaker: Let the motion be first moved.

Shri Hem Raj: I beg to move:

"That this House agrees with the Fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 16th August, 1962."

Mr. Deputy-Speaker: Motion moved.

"That this House agrees with the Fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 16th August, 1962."

श्री प्रकाशवीर शास्त्री: उपाध्यक्ष महोदय, मैं निवेदन करना चाहता हूँ कि प्राइवेट मेम्बरज बिलज एंड रेजोल्यूशन सम्बन्धी कमेटी की रिपोर्ट इस सदन के सामने प्रस्तुत की जाती है और उस को अन्तिम स्वीकृति यह सदन देता है। मेरा विधेयक, दि कांस्टीट्यूशन (अमंडमेंट) बिल, १९६२ इस कमेटी के सामने गया था। इस विधेयक का उद्देश्य केवल मात्र इतना ही है कि चूँकि राज्यों में पृथकतावादी मनोवृत्ति बढ़ रही है और देश के खंडित होने की भावना को धीरे धीरे प्रोत्साहन मिल रहा है, इसलिये ऐसी व्यवस्था की जाये कि यह देश एक बना रह सके और उस की एकता को किसी भी समय किसी प्रकार का संकट उत्पन्न न हो। लेकिन जब इस कमेटी के सामने यह बिल गया, तो इस ने इस को इन्ट्रोड्यूस करने की अनुमति नहीं दी। मैं निवेदन करना चाहता हूँ कि इस सदन की परम्परा यह रही है कि इंडोडकेशन स्टेज पर किसी बिल का विरोध नहीं किया जाता है। यह बात और है कि गवर्नमेंट उस बिल को स्वीकार न करे और उस में सहमत न हो। इस समय मैं इस सदन में अनुमति चाहता हूँ कि मुझ को यह विधेयक प्रस्तुत करने की अनुमति दी जाये।

Mr. Deputy-Speaker: Has Shri Hem Raj anything to say on this?

Shri Hem Raj: Sir, the Constitution (Amendment) Bill which my hon. friend Shri Prakash Vir Shastri has brought says that "India, that is Bharat, shall be one consolidated unit exercising absolute and undivided sovereignty with full and unhindered powers of Government, in all branches of administration." In a way he wants that there should be a unitary form of Government.

Now, the present Constitution was passed only fifteen years back, and that Constitution is being run very efficiently. And consequently, if this amending Bill which Shri Prakash Vir Shastri has brought forward is

put before the House, then this will be changing the whole Constitution itself.

The previous Private Members' Bills and Resolutions Committee has laid down certain principles in this regard, and one of those principles was that "the Constitution should be considered as a sacred document—document which should not be lightly interfered with".

Now, this experiment is going on for the last more than fourteen years, and it has been going on very successfully. Therefore, if at this stage such an amendment is put forward, it will change the whole Constitution, and this would be against the spirit of the Constitution.

Secondly, as regards these Bills to amend the Constitution, if the Government due to some expediency considers that certain amendment is necessary, only in that case the Constitution should be amended....

Shri Vidya Charan Shukla (Mahasamund): Several of them have come from private Members.

Shri Hem Raj: If such Constitution Amendment Bills are permitted, then several Bills like this will be brought forward.

An Hon. Member: There are other Constitution Amendment Bills.

Shri Hem Raj: At present there are certain Constitution Amendment Bills but they do not change the basis of the Constitution. But here, by his Bill Shri Prakash Vir Shastri wants to change the very basis of the Constitution. I therefore oppose the proposal.

Shri Vidya Charan Shukla rose—

Mr. Deputy-Speaker: I will make the position clear. Under Rule 294 the functions of the Committee shall be:

"(a) to examine every Bill seeking to amend the Constitution

[Mr Deputy Speaker].

notice of which has been given by a private member, before a motion for leave to introduce the Bill is included in the list of business."

The instructions to the Committee are:

"The Constitution should be considered as a sacred document—a document which should not be lightly interfered with and it should be amended only when it is found absolutely necessary to do so. Such amendments may generally be brought forward when it is found that the interpretation of the various articles and provisions of the Constitution has not been in accordance with the intention behind such provisions and cases of lacunae or glaring inconsistencies have come to light."

This amendment, which Shri Prakash Vir Shastri has brought forward, is not of this type. This is what clause 2 of his Bill says:

'For Articles 1, 2, 3 and 4 of the Constitution, the following shall be substituted, namely:—

"India, that is Bharat, shall be one consolidated unit exercising absolute and undivided sovereignty with full and unhindered powers of Government, in all branches of administration."

In short, he wants to substitute the federal character of the Constitution by a unitary character. And all the subsequent clauses in the Bill are in consonance with that. That is why the Committee thought that this was going to the root of the matter, that it was a fundamental question, that it was not a question of interpretation of any particular clause or any such thing. And this is what they have said in their report:

"The Constitution (Amendment) Bill by Shri Prakash Vir

Shastri sought to change the Federal character of the Constitution into Unitar. After hearing the views of the Member-in-charge" that is Shri Prakash Vir Shastri, "and the representatives of the Ministry of Law and considering all aspects of the matter, the Committee were of opinion that the Bill will not be allowed to be introduced."

That is the report of the Committee. And that report is before the House. However, I leave it to the House.

If the House agrees to the introduction of the Bill, I have no objection. I have stated the facts. It is for the House to consider the matter. I think no further discussion is necessary on this point.

Shri U. M. Trivedi (Mandsaur): I want to raise a point of order on this point. The whole question is this. In rule 294, the functions of Committee are given. They are:—

"(a) to examine every Bill seeking to amend the Constitution notice of which has been given by a private member, before motion for leave to introduce the Bill is included in the list of business;"

This is the only thing left in the hands of the Committee. Can the Committee travel beyond this function? It is for the House to reject the Bill and not for the Committee. The introduction may be opposed in the House; but it cannot be objected to by the Committee.

Mr. Deputy-Speaker: That is why I am leaving it to the House. There is no point of order.

Shri Vidya Charan Shukla: The Bill is not being introduced now; it is only the Report of the Committee that is being taken for consideration.

Shri Bade (Khargone): My point of order is that we do not know what the Bill is.

Mr. Deputy-Speaker: I told the House that it is going to the fundamental root of the Constitution. He wants a Unitary Constitution in the place of the Federal Constitution. I read also the particular clause in question.

Shri Prakash Vir Shastri: I want the unity of India.

Mr. Deputy-Speaker: This is clause 2 of his Bill:

"2. For Articles 1, 2, 3 and 4 of the Constitution, the following shall be substituted, namely:—

'India, that is Bharat, shall be one consolidated unit exercising absolute and undivided sovereignty with full and unhindered powers of Government, in all branches of administration.'

That means, all State Legislatures will be abolished; all State Ministries will be abolished and it will be one Unitary Constitution. The subsequent clauses are also in consonance with this. And, the Committee considered that this was going to the root of the matter and that it was not a fit Bill to be introduced in the House.

However, I leave it to the House; and if the House gives him permission I have no objection.

I will put the question to the House.

Shri Sonavane (Pandharpur): What is the resolution before the House on which we are asked to give an opinion? That we should know.

Mr. Deputy-Speaker: I will put it like this:

And, add at the end—

"subject to this amendment that the Constitution (Amendment) Bill by Shri Prakash Vir Shastri be allowed to be introduced."

Shri Vidya Charan Shukla: This is not before the House. At present, the House is considering whether the Report of the Committee on Private Members' Bills and Resolutions should be accepted or not. After we have disposed of this matter, then we may consider...

Mr. Deputy-Speaker: We are considering the motion for the adoption of the Report of the Committee on Private Members' Bills and Resolutions. Shri Prakash Vir Shastri has raised the point that his Bill also should be included. Now, I am putting it to the House whether the House wants that Bill to be included or not. (*Interruptions*).

Shri Vidya Charan Shukla: We cannot consider the Bill.

Mr. Deputy-Speaker: We are not considering the Bill. It has only to be introduced. The question is whether the House wants the Bill to be introduced or not.

Shri S. M. Banerjee (Kanpur): The Bill is not there.

Shri Vidya Charan Shukla: It should be first considered and accepted or rejected.

Mr. Deputy-Speaker: If it is accepted then the Bill will also be included in the report of the Committee. If the House does not accept it, I will next put the report of the Committee to the vote.

Shri Vidya Charan Shukla: If he has put forward an amendment, we can consider it.

Shri U. M. Trivedi: Sir, you have been kind enough to read some passages from his Bill. He says, he should be allowed to make the motion even if leave be not given. This Bill has not been published in the Government Gazette. If the Bill were published in the Gazette we would be able to know what it is. We can have a discussion on it, whether it should be allowed to be introduced or not. This question may be considered by the House after the Bill has been published in the Gazette.

Mr. Deputy-Speaker: It cannot be published in the Gazette before it is introduced in the House. It is a Private Member's Bill. The House has to give permission to introduce the Bill. I will put the question before the House.

Dr. M. S. Aney (Nagpur): The House can never consider the matter unless the Member who drafted the Bill has asked for leave to introduce it. Unless that motion is there, it cannot be taken up.

Mr. Deputy-Speaker: It is the Report of the Committee on Private Members' Bills and Resolutions that is before the House for adoption. And, Shri Prakash Vir Shastri says that his Bill was not properly considered by the Committee; and he wants that his Bill also should be included as one of the 'Bills to be Introduced'.

Shri S. M. Banerjee: Let him move his amendment.

Mr. Deputy-Speaker: I am putting this amendment to the House. The House may or may not accept it. The question is:

Add at the end—

"subject to this amendment that the Constitution (Amendment) Bill by Shri Prakash Vir Shastri be allowed to be introduced."

Those in favour will please say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Deputy-Speaker: Those against will please say 'No'.

Several Hon. Members: 'No'.

Mr. Deputy-Speaker: The 'Noes' have it.

Shri Prakash Vir Shastri: The 'Ayes' have it.

Mr. Deputy-Speaker: Those who are in favour will please rise in their seats.

Shri U. M. Trivedi: We want division, Sir.

Mr. Deputy-Speaker: Not necessary. I find there are 21 for the motion.

Now, those who are against the motion will please rise in their seats.

I find there are 41 against the motion.

The motion is lost.

The motion was negatived.

Mr. Deputy-Speaker: Now, I will put the original motion to vote.

The question is:

"That this House agrees with the Fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 16th August, 1962."

The motion was adopted.

Shri Sonavane: On a point of information, Sir, when the automatic system of voting is there, why is it not being used?

Mr. Deputy-Speaker: Division can be taken either way. It is the discretion of the Chair.

14.50 hrs.

CONSTITUTION (AMENDMENT) BILL*

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

श्री म० ला० द्विवेदी (हमीरपुर) :
उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि भारत के संविधान में आगे संशोधन करने वाले बिल को पेश करने की अनुमति दी जाये।