

ALL-INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) AMENDMENT RULES

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table a copy of the All-India Services (Death-cum-Retirement Benefits) Amendment Rules, 1962 published in Notification No. G.S.R. 966, dated the 21st July, 1962, under sub-section (2) of section 3 of the All India Services Act, 1951. [Placed in Library, see No. LT-350/62.]

CENTRAL SALES TAX (REGISTRATION AND TURNOVER) RULES

The Deputy Minister of Finance (Shri B. R. Bhagat): I beg to lay on the Table a copy of Notification No. G.S.R. 1001 dated the 28th July, 1962 making certain further amendment to the Central Sales Tax (Registration and Turnover) Rules, 1957, under sub-section (2) of section 13 of the Central Sales Tax Act, 1956. [Placed in Library, see No. LT- 351/62.]

12.03 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTH REPORT

Shri Krishnamoorthy Rao (Shimoga): I beg to present the Report of the Committee on Private Members' Bills and Resolutions.

✓ 12.03½ hrs.

CONSTITUTION (THIRTEENTH AMENDMENT) BILL*

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): I beg to move for leave to

introduce a Bill further to amend the Constitution of India.

Mr. Speaker: The question is:

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

Shri Hari Vishnu Kamath (Hoshangabad): On a point of order, Sir. I may be permitted to invite your attention to rule 66 of the Rules of Procedure and Conduct of Business, which reads as follows:

"A Bill, which is dependent wholly or partly upon another Bill pending before the House, may be introduced in the House in anticipation of the passing of the Bill on which it is dependent."

Now, if you will be pleased to have a look at the Bill which is sought to be introduced, the Constitution (Thirteenth Amendment) Bill, it is wholly dependent upon the State of Nagaland Bill, but that has not been introduced, and so it is not pending before the House. I have got a copy of the Bill before me, the State of Nagaland Bill. The main clause of that Bill is as follows:

"As from the appointed day, there shall be formed a new State known as the State of Naga land comprising the territories...."

Mr. Speaker: I follow. He might proceed.

Shri Hari Vishnu Kamath: The Constitution (Thirteenth Amendment) Bill is entirely dependent upon the State of Nagaland Bill which has not been introduced and which is not pending before the House. This Bill cannot therefore be introduced in the House unless the other Bill is introduced.

Shri S. M. Banerjee (Kanpur): The number should be changed.

Shri Hari Vishnu Kamath: Whatever it is. I am not a stickler for

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rules. Far from it. I am only sorry for an attitude of mind which is reflected in this indifference and scant regard for the rules which the House has made. I venture to prophesy that if this attitude is not rectified and not corrected, this very attitude will in course of time, in the long run, be detrimental, even fatal, to the healthy growth of parliamentary institutions in our country.

Mr. Speaker: I am sorry; probably Shri Kamath had something which happened earlier also in his mind to pass these remarks. There are two things in regard to this Bill. In regard to these two Bills, one is not dependent on the other but each is dependent on the other; both are dependent; there is no Bill here which we can call independent. In this case, there is this difference. Secondly, it can be introduced in the House in anticipation of the passing of the other. Introduction is not barred. When we come to the consideration stage, if there are two Bills and one is dependent on the other, then certainly that objection can be taken. It can be introduced in anticipation of the passing of the Bill on which it is dependent. If both are dependent on each other, and if one has to be introduced, the second one would follow. What should be the procedure for that? If one were dependent on the other, certainly I would first see that the one that is independent must be introduced first and then it would be followed by the second. But in the present case both depend upon each other and therefore there is this distinction.

Shri Hari Vishnu Kamath: Sir, on a point of clarification. May I earnestly appeal to you to clarify your ruling which has been given? You say that they depend upon each other, sort of interdependent. If you look at the provisions of the other, the State of Nagaland Bill, that provides for the creation of the State of Nagaland. Unless that State is created, you cannot amend the Constitution. Therefore, I venture to submit that this

Constitution (Amendment) Bill is primarily dependent upon the State of Nagaland Bill and unless that is introduced first and made pending before the House under Rule 66, the other Bill cannot be introduced.

Mr. Speaker: Can Nagaland be constituted without amending the Constitution?

Shri Hari Vishnu Kamath: It can be constituted . . .

Mr. Speaker: I do not agree there; Nagaland cannot be constituted until the Constitution is amended and the Constitution cannot be amended unless we pass the Bill here. Therefore, both are interdependent.

Shri Hari Vishnu Kamath: If I remember aright, when the States Reorganisation Bill was before the House, in the First Lok Sabha, the Bill was taken up first and then only the amendment of the Constitution was taken up; that is my impression.

Mr. Speaker: There was some difference and I have tried to state it; I am of this view. The question is:

Shri Hari Vishnu Kamath: But, Sir, there is another objection. That is under the Constitution, and not under the Rules. Under article 3 of the Constitution, that is, the proviso, it says:

"Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President..."

That has been given. It reads further:

" . . . and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired."

[Shri Hari Vishnu Kamath]

May I submit, that at the moment the House is not aware whether this has been done. I may remind the House and you too, that when the States Reorganisation Bill was before the House, before the amending Bill was introduced, I remember that the proceedings of the legislatures of the various States were made available to Members and laid on the Table of the House.

Mr. Speaker: Yes. He is right. But the Bill was referred to the Assam Legislature; they have discussed it and the report has been received. It is available at the counter and the hon. Members can get copies of that.

Shri Hari Vishnu Kamath: Does it refer to the Nagaland Legislature, the Territorial Council?

Mr. Speaker: Yes. The question is:

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

The motion was adopted.

Shri Jawaharlal Nehru: I introduce the Bill.

12.10 hrs.

STATE OF NAGALAND BILL*

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): I beg to move:

"That leave be granted to introduce a Bill to provide for the formation of the State of Nagaland and for matters connected therewith."

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the formation of the State of Nagaland and for matters connected therewith."

The motion was adopted.

Shri Jawaharlal Nehru: I introduce the Bill.

12.10½ hrs.

APPROPRIATION (No. 4) BILL.*

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): On behalf of Shri Morarji Desai, I beg to move:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1962-63."

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1962-63."

The motion was adopted.

Shri B. R. Bhagat: I introduce the Bill.

12.11 hrs.

APPROPRIATION (RAILWAYS) No. 4 BILL*

The Minister of Railways (Shri Swaran Singh): I beg to move:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1962-63 for the purposes of Railways."

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service