

equal wings of the same Parliament and we have to carry on harmoniously and set down certain conventions.

Shri Frank Anthony (Nominated—Anglo-Indian): I doubt that.

Shri Hari Vishnu Kamath: Not quite equal.

Shri Hem Barua: Their powers are not the same.

Mr. Speaker: The Constitution itself has laid down the spheres, and certain powers, and they would be respected always. That is there. But now that the matter has come to that stage, as has been suggested by Shrimati Renu Chakravartty, the Government might take early steps just to have these matters settled as soon as possible.

Shri Hari Vishnu Kamath: Can they not do it within a week?

Mr. Speaker: I do not know. I cannot insist anything like that.

Shri Hari Vishnu Kamath: If they have the will, they can. They have no will in the matter.

Mr. Speaker: Order, order. We now take up clause-by-clause consideration of the State of Nagaland Bill.

12.33 hrs.

STATE OF NAGALAND BILL—contd.

Mr. Speaker: We now take up clause 2.

Shri Hari Vishnu Kamath (Hoshangabad): I have amendment No. 6. I beg to move:

Page 1, line 7 and wherever it occurs—

for “Central” substitute
“Union”(6).

Under the Constitution, there is no such entity as the “Central” Government. We have only the “Union”

Government in the Constitution and therefore I would ask the Law Minister to accept this simple amendment to bring the Statute into conformity with the Constitution.

The Minister of Law (Shri A. K. Sen): In the General Clauses Act which is the dictionary for the interpretation of our statutes the word is “Central” Government, and therefore, all our statutes use the word “Central” Government, and we should not break that long tradition and amend the General Clauses Act for that purpose.

Mr. Speaker: So, the hon. Member does not press it, I believe.

Shri Hari Vishnu Kamath: I do not press my amendment.

*The amendment was, by leave,
withdrawn.*

Mr. Speaker: The question is:

“That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Speaker: Then, I shall put clauses 3 to 6 together.

Shri Hari Vishnu Kamath: I request you to take each clause separately.

Mr. Speaker: There are no amendments.

Shri Hari Vishnu Kamath: Under Rule 88 they may be put separately. I would make an earnest appeal to you. I would like to speak on them, though there may not be any amendment.

Mr. Speaker If it is the desire that any clause should be taken up separately, certainly I shall do so. If the hon. Member wants any clause to be taken up separately and speak on it, I shall take that clause separately. Does he want to speak on clauses 3 to 6?

Shri Hari Vishnu Kamath: I would like to speak on clause 6.

Mr. Speaker: Then, I shall put clauses 3 to 5 together.

The question is:

"That clauses 3 to 5 stand part of the Bill".

The motion was adopted.

Clauses 3 to 5 were added to the Bill.

Clause 6.—(Representation in Council of States)

Shri Hari Vishnu Kamath: I have got an amendment....

Mr. Speaker: There is no amendment from him to clause 6.

Shri Hari Vishnu Kamath: I am sorry; it is to clause 7.

Mr. Speaker: The question is:

"That clause 6 stand part of the Bill".

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7.—(Bye-election to fill vacancy)

Shri Hari Vishnu Kamath: I beg to move:

- (i) Page 3, lines 9 and 10, for "a bye-election" substitute "an election" (7).
- (ii) Page 3, line 10, omit "the vacancy in" (8).

The second amendment is a consequential amendment to the first. If the amendments are accepted, the clause would read as follows:

"As soon as may be after the appointed day, there shall be held an election to fill the seat allotted to the State of Nagaland in the Council of States."

May I invite your attention and the

attention of the House to clause 10 of the Bill, where the language used is similar to the language I have proposed in my amendments? Clause 10 reads as follows:

"The sitting member of the House of the People representing immediately before the appointed day, the Naga Hills-Tuensang Area shall, as from that day, represent the State of Nagaland in that House and shall continue to do so until a person is elected in accordance with law to fill the seat allotted to the parliamentary constituency of Nagaland".

I do not know whether there is a seat at present allotted to that region in the Council of States, so that as a consequence of this law being passed, it falls vacant. But if that is not the position, it is, to use a very mild word, laughable that there is a bye-election. When there is no seat at all, how can there be a vacancy? When a seat has been filled once there can be a vacancy caused by resignation, by death or otherwise. But when a seat is being allotted to that State, that is required to be filled by an election and not a bye-election. Therefore, I hope the Minister will accept my amendments.

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): I am told that in drafting matters, the word "vacancy" was perhaps a correct word, but looking from the point of view of English, I think the hon. Member's amendments are desirable. Therefore, I am prepared to accept the amendments. That is, the clause will read:

"...there shall be held an election to fill the seat allotted to the State of Nagaland...."

Shri Hari Vishnu Kamath: Thank you.

Mr. Speaker: Amendments Nos. 7 and 8 have been accepted by the Government. I shall now put them to the vote of the House.

The question is:

Page 3, lines 9 and 10, for "a bye-election" substitute "an election" (7).

The motion was adopted.

Mr. Speaker: The question is:

Page 3, line 10, omit "the vacancy in" (8).

The motion was adopted.

Mr. Speaker: The question is:

"That clause 7, as amended, stand part of the Bill".

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clauses 8 to 10 were added to the Bill.

Clause 11.—(Strength of Legislative Assembly)

Mr. Speaker: Is any amendment going to be moved? No.

The question is:

"That clause 11 stand part of the Bill".

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12—(Rules of Procedure)

Mr. Speaker: Is amendment No. 19 for the insertion of new clause 11A going to be moved? No.

The question is:

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Shri Hari Vishnu Kamath: I would request you to go a little more slowly.

Clause 13.—(Common High Court for Assam and Nagaland).

Shri Hari Vishnu Kamath: I want to speak on that clause.

Mr. Speaker: First let me find out whether amendments Nos. 20 and 21 are going to be moved. No.

Shri Hari Vishnu Kamath: A deep study of clause 13 will yield certain desirable results. I feel it is not quite invulnerable on grounds of the Constitution. I will invite, at the outset, your attention and the attention of the House to article 214 of the Constitution. Article 214 of the Constitution is regarding the High Courts in the States. I suppose that this clause pertains to High Courts in the States. Article 214 reads as follows:

"There shall be a High Court for each State".

Mark the word, Sir, the word used is "Shall". Now, it is quite unexceptionable for the Government to constitute a High Court for the State of Nagaland. I do not dispute that point. But the point at issue is whether by adopting or passing this clause of the Bill you will not violate article 214 of the Constitution as it has been applied to Assam, because Assam will be deprived of a High Court for itself. According to this article, there shall be a High Court in each State. "A High Court" means a separate High Court for each State. Here you are creating a common High Court. I welcome the principle. I suggested in 1956 during the debate on the States Reorganisation Bill, that there should be common High Courts for zones in India. I suggested then, but it was not accepted, common High Courts and common Governors for five zones in India. I wish it had been accepted; but it was rejected. But today they are up against this hurdle of the Constitution which says: "There shall be a High Court for each State". According to the interpretation of the debates in the Constituent Assembly, at that time, if I remember a right, the trend and the conclusion of the debates was that every State in India shall have a separate High Court.

Mr. Speaker: Where does he read the word "separate"?

Shri Hari Vishnu Kamath: That is my interpretation of the article which says: "There shall be a High Court....."

Mr. Speaker: He may read article 231 also.

Shri Hari Vishnu Kamath: Article 231 says:

"Notwithstanding anything contained in the preceding provisions of this Chapter, Parliament may by law establish a common High Court for two or more States or for two or more States and a Union territory."

Dr. M. S. Aney (Nagpur): That was on your suggestion.

An Hon. Member: Withdraw.

Shri Tyagi (Dehra Dun): Don't bother now.

Shri Hari Vishnu Kamath: Anyway, Sir, I will speak on other aspects of the matter.

Dr. M. S. Aney: Do you remember that this article was inserted at your request in the Constituent Assembly?

Shri Hari Vishnu Kamath: I proposed that in the States Reorganisation Bill. It may be that my hon. friend, the elder statesman, has better memory than myself. I yield on that point.

May I ask, Sir, for more light to be thrown on certain other aspects of this matter: In the first place, it is said here in clause 13:

"(2) Expenditure in respect of the salaries and allowances of the Judges of the common High Court shall be allocated between the State of Assam and the State of Nagaland in such proportion as the President may by order determine".

I would like,—of course, I have not given an amendment in this matter—

as I said yesterday, to assert the supremacy of Parliament, a very healthy principle which has been upheld in the Constitution in respect of various articles, to request the Government to provide for the orders of the President to be laid before Parliament.

Secondly, I would like to know from the Government where exactly this High Court will function; that is to say, whether it will have two functions from one seat or whether there will be two separate seats, one in Shillong and the other at Kohima or somewhere else in Nagaland. I want to know whether there will be a Bench in Kohima or whether the High Court will be permanently at Shillong. To satisfy the demand that will be created owing to the creation of a separate State of Nagaland, to satisfy the wishes and desires of the people there, we should go a step further and also provide for a efficient Bench, a numerically strong Bench of the High Court at Kohima or some other place in Nagaland. I would ask Government to go into this matter.

Shri A. K. Sen: So far as the allocation of expenditure between the Assam Government and the Nagaland Government is concerned, that must be left to the President. We cannot give the details now. As to the question of placing it before Parliament it is such a minor matter, that I do not think anybody will be interested in it. Nobody will read it. The expenditure on the High Court is charged to the Consolidated Fund. We have to carry on the High Court.

With regard to having a Bench at Kohima, it cannot be dictated from here. It is for the High Court to determine where it will sit. If it is feasible and if other conditions warrant having a Bench in Kohima, I have no doubt that the High Court will listen to a demand in this behalf, but we should not dictate to the High Court where they should sit or where they should not sit.

Mr. Speaker: Anyhow, there is no amendment. Now the question is:

"That clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14 to 18 were added to the Bill.

Clause 19 was added to the Bill.

Clause 20 to 22 were added to the Bill.

Clause 23.—(Distribution of revenues)

Shri Jawaharlal Nehru: I beg to move:

- (i) Page 8, line 34,—omit "(1)".
- (2).
- (ii) Page 9,—omit lines 5 to 8.
- (3).

In clause 23 the second paragraph seems to be redundant. It is obviously correct but it is redundant. So, I submit that sub-clause (2) of clause 23 should be deleted and the figure "(1)" before sub-clause (1) should be removed.

Shri Hari Vishnu Kamath: How is it redundant?

Shri A. K. Sen: It is not necessary.

Mr. Speaker: The question is:

- (i) Page 8, line 34,—omit "(1)".
- (2).
- (ii) Page 9,—Omit lines 5 to 8".
- (3).

The motion was adopted.

Mr. Speaker: The question is:

"That clause 23, as amended, stand part of the Bill".

The motion was adopted.

Clause 23, as amended, was added to the Bill.

Clauses 24 to 27 were added to the Bill.

Clause 28—(Provisions as to continuance of courts and of officers etc.).

Shri Hari Vishnu Kamath: I beg to move:

Page 10, line 21,—

after "inconsistent with" insert "or repugnant to" (23).

If the amendment is accepted, it will read as follows:—

"All courts and tribunals and all authorities discharging lawful functions throughout the Naga Hills-Tuensang Area or any part thereof immediately before the appointed day shall, unless their continuance is inconsistent with or repugnant to the provisions of this Act or until other provision is made by a competent Legislature.....".

I want to make it, if I may use the word, absolutely foolproof from the legal point of view and I should think that it will be acceptable to the hon. Law Minister and the Prime Minister.

Shri Jawaharlal Nehru: The words 'inconsistent with' are much wider. They cover repugnant too. Therefore it is just a redundancy and adding a few more words. I submit that we should not add words unnecessarily.

Shri Hari Vishnu Kamath: May I submit that it has a different connotation? I do not seek to replace or substitute some words but add the words 'or repugnant to'.

Mr. Speaker: The Government's position is that what is inconsistent must be repugnant also. So, I need not put it. He may withdraw it.

Shri Hari Vishnu Kamath: That is all right. I withdraw it.

The amendment was, by leave, withdrawn.

Mr. Speaker: The question is:

"That clause 28 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

Clauses 29 and 30 were added to the Bill.

Clause 31— (Power to remove difficulties)

Shri Hari Vishnu Kamath: Sir, by your leave I beg to move:—

Page 11,—

after line 6, insert—

“Provided that every order made under this section shall be laid before Parliament.” (25)

That is amendment No. 25, the last amendment in this List. I submit that this clause confers very extensive powers. I do not dispute the necessity or the desirability of such conferral, but I would only like to submit once again—I did it yesterday; I did it just a few minutes ago and I am reiterating my position—that in such matters the supremacy of Parliament must be upheld and accepted by the Government as well as by everybody else in this House. Here it provides—will you please read the language of this clause—

“If any difficulty arises in giving effect to the provisions of this Act.....”.

There are too many ‘anys’ in this clause; too often the word ‘any’ comes in. It says:

“If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything.....”.

This is very sweeping. I do not suggest that there will be misuse by the President of these powers, but it says that the President may do anything. Of course, there is a provision saying:—

“not inconsistent with such provisions which appears to him.....”.

to him, Sir, not to the House or the Parliament—

“to be necessary or expedient for the purpose of removing the difficulty.”

I have no doubt in my mind that we will have a succession of very able and wise Presidents in this land, but you cannot guarantee that. God alone knows what is in store for our country. So, this amendment will do good, I hope, in the future, in the coming years and centuries. To confer such a power and not to safeguard that power by Parliamentary supervision over that is inconsistent with the principles of parliamentary democracy that we have espoused and enshrined in our Constitution. Parliament is supreme and any order made by the President should be brought before the Parliament, specially an order made under a provision like this. With all due respect to the Treasury Benches and my hon. colleagues on the other side as well as on this side of the House, I would say before I close that any colleague of mine in this House will only stultify himself by not accepting the principle of the sovereignty of Parliament which I have sought to embody in this amendment. With this I commend this amendment to the acceptance of the House.

Shri Tyagi: What is the amendment?

Mr. Speaker: The amendment is that every order made should be placed before the House.

Shri Hari Vishnu Kamath: It reads:

“Provided that every order made under this section shall be laid before Parliament.”

The clause provides that you can do anything.

Shri Tyagi: Sir, I have to say something. I beg to support this amendment. I think enough damage has been done to the prestige of Parliament yesterday by providing that if the Governor issued some order or took some action which was contrary to the law, even contrary to the law enacted by Parliament, he was free to do so and that was not to be

brought either to the notice of Parliament or for the assent of the President. In the Schedule to the Constitution to which reference was made by the hon. Law Minister there is a provision already that no such law shall be brought into effect unless it has obtained the assent of the President, that is, at least of some elected representative of the people. Now, the Governor is not an elected representative. Therefore a non-elected representative should not have the freedom to override the decisions taken by the sovereign Parliament. The House has agreed to it and I do not want to criticise that. But in this case it would be but fair that any such order made by the President, although the President's order means the order of the Government of India—it is not the order of a single individual as is the case with the Governor; the President means the Government of India—is placed before this House. This section must be there because situations might arise where the Government has to act and cannot leave things to themselves. If the provisions of this Act are not really brought into effect, it is the responsibility of the Government to do the needful. But then it would be but fair that the orders which are in contravention of this are placed before this House.

Mr. Speaker: I would draw the attention of the hon. Prime Minister and the hon. Law Minister to article 392 of the Constitution in the Part relating to temporary and transitional provisions. Even under article 392 which says:—

“The President may, for the purpose of removing any difficulties, particularly in relation to the transition from the provisions of the Government of India Act, 1935.....”.

it was provided, namely:—

“Every order made under clause (1) shall be laid before Parliament.”

Is there any difficulty in providing that here?

Shri Jawaharlal Nehru: There is no particular difficulty. I would not argue this matter. There are some consideration because of which perhaps it would have been better; but I am prepared to accept it, that is, the order to be laid before both the Houses.

Shri Hari Vishnu Kamath: Parliament means both Houses.

Shri A. K. Sen: The language that we apply in all the statutes is “laid before both Houses of Parliament”.

Shri Hari Vishnu Kamath: Article 392 says:—

“shall be laid before Parliament”.

Shri A. K. Sen: We have been using that language in all the statutes.

Shri Hari Vishnu Kamath: I accept his amendment to my amendment.

Mr. Speaker: I will put the amendment of Shri Kamath (No. 25) with the modification now suggested.

Shri A. K. Sen: May I also suggest a slight alteration? Clause 32 does not speak of an order but of rules made by notification. So, in place of the words “every order” the words “every such notification” will be better.

Shri Hari Vishnu Kamath: I am sorry, Sir, I have to interrupt my hon. friend, the hon. Law Minister. We are on clause 31 and not on clause 32.

Shri A. K. Sen: Then it is all right.

Mr. Speaker: The question is:

Page 11,—

after line 6, insert—

“(2) Every order made under this section shall be laid before each House of Parliament.” (25 as modified.).

The motion was adopted.

Mr. Speaker: The question is:

"That clause 31, as amended, stand part of the Bill."

The motion was adopted.

Clause 31, as amended, was added to the Bill.

Clauses 32 and 33 and the Schedule were added to the Bill.

13 hrs.

Clause 1—(Short Title)

Shri Hari Vishnu Kamath: I have given notice of an amendment to my amendments this morning. I think it is with you, Sir. Under the rules, I believe that it requires not one day's notice, but it can be given notice of..

Mr. Speaker: The hon. Member might move it. I shall allow him.

Shri Tyagi: Is it permissible? I just want a clarification.

Shri Hari Vishnu Kamath: I shall enlighten my hon. friend on that point.

Shri Tyagi: Can an hon. Member amend his own amendment?

Mr. Speaker: While moving it, he can amend it.

Shri Hari Vishnu Kamath: I think that under rule 80, it is permissible.

I beg to move:

- (i) Page 1, line 5 and wherever it occurs—for 'Nagaland' substitute 'that is, Naga Lima' (4).
- (ii) Page 1, line 5 and wherever it occurs,—for 'Nagaland' substitute 'that is, Naga Pradesh'. (5).

I move, therefore, that clause 1 be amended as follows. If the amendments suggested by me are accepted, clause 1 will read as follows:

"This Act may be called the State of Nagaland, that is, Naga Lima, Act, 1962".

—that is as in the Constitution—

Or, failing that, it will read thus:

"This Act may be called the State of Nagaland, that is, Naga Pradesh, Act, 1962."

May I invite your attention and the attention of the Prime Minister and my other colleagues in this House to what happened in the Constituent Assembly on the 18th September, 1949? I have got here the proceedings of the Constituent Assembly, of that date, from the Library this morning.

The original draft of article 1 in the Constitution, as my colleagues, that is, former colleagues in the Assembly, will remember, was to the effect that:

"India shall be a Union of States."

There was a very elaborate, very fine and very extensive discussion on that article to the effect that 'India shall be a Union of States'. Sir, you will also recall that debate in the Constituent Assembly.

There was so much pressure, and rightly so, exercised by Members, cutting across party lines, to the effect that it should read:

"India, that is, Bharat, shall be a Union of States."

Ultimately, in the final draft of the Constitution Bill, Dr. Ambedkar himself moved this amendment, which, therefore, I suppose, was acceptable to the Prime Minister and his colleagues in the Constituent Assembly. And the final draft which was moved in the Constituent Assembly and ultimately accepted by the Assembly unanimously was to this effect, namely:

"India, that is, Bharat, shall be a Union of States."

Yesterday, this point was argued and pressed here that in order to promote and to encourage the sense of oneness and to dispel the sense of separatism and estrangement between Nagaland and India, which might arise in either the rest of India or elsewhere in the country or even outside the country, this amendment should be accepted. I would again appeal to the Prime Minister that it is not too late for him to make up his mind as he did, and very wisely too, on

article 1 of the Constitution Bill. He was, I suppose, first not in favour of it, but ultimately he had to bow to the will of the Constituent Assembly, and I would appeal to him once again to accept this amendment.

If this is accepted, then Government can bring forward one-line amending Bill to the Constitution (Thirteenth Amendment) Bill which we passed yesterday, and make the consequential amendment accordingly therein as well.

Shri Tyagi: On a point of order. This is irrelevant because we have already adopted clause 3 of the Bill which reads thus:

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

So, the State has already been named by us as Nagaland. So, to bring about some change in the title of the Bill alone would not, in my opinion, be proper.

Shri Hari Vishnu Kamath: I am afraid that my hon. friend has not got the list of amendments before him. It is unfortunate that he has not seen the list of amendments. My amendment says 'wherever it occurs in the Bill'. And clause 1 is taken up only at the end.

Mr. Speaker: But we cannot amend the Constitution (Thirteenth Amendment) Bill by taking vote on this amendment now.

Shri Hari Vishnu Kamath: What I said was this. If this is accepted by the House, an amending Bill can be brought forward to that Bill which we passed yesterday.

Shri Tyagi: I want your ruling, Sir, on the point which I had raised.

Mr. Speaker: I shall give that ruling. Let me hear the hon. Law Minister also

Shri A. K. Sen: I must say that Shri Tyagi is right. Rule 80(2) of our Rules of Procedure and Conduct of Business in Lok Sabha says:

"An amendment shall not be inconsistent with any previous decision of the House on the same question."

The previous decision of the House, unfortunately for Shri Hari Vishnu Kamath, is embodied in the Constitution (Thirteenth Amendment) Bill now.

Shri Hari Vishnu Kamath: That is unfortunate for me; but it is also true, unfortunately for me, that my amendments Nos. 4 and 5 read as follows:

"Page 1, line 5 and wherever it occurs."

Unfortunately for me, clause 1 was put only at the end. If clause 1 had come up at the beginning, then it would have applied to the whole Bill. But it is usually the practice that clause 1 is taken up only at the end of the Bill for voting. That is unfortunate for me.

Mr. Speaker: That is how the rules provide and that is how we have proceeded. I did not do anything extraordinary.

Shri Hari Vishnu Kamath: I am not blaming you, Sir, at all; far from it.

Does it mean that henceforward, whenever we table amendments to a particular word or words occurring several times in the Bill, we shall have to repeat that amendment in respect of every clause? That has never been done so far. I have been in this House for nearly eight years, and it has never been done; the same amendment has never been moved to every clause in respect of this kind of thing.

Mr. Speaker: There is the difficulty pointed out by the hon. Law Minister also that an amendment shall not be

[Shri Hari Vishnu Kamath]
inconsistent with any previous decision of the House on the same question.

I think that that is so far as a Bill is concerned, so far as the clauses or the Schedule to a Bill is concerned. Now, we are on the second Bill...

Shri Tyagi: But we have already adopted clause 3.

Mr. Speaker: ... We took that decision yesterday in regard to another Bill.

Shri Tyagi: But I submit that we have already adopted clause 3 of the present Bill, and the voting has already been done.

Mr. Speaker: I agree; then, that would bar these amendments certainly.

Shri Hari Vishnu Kamath: For future guidance, I must know it. Does it mean that if a word or term which we propose to amend occurs several times in a Bill, henceforth, we should depart from the usual practice that has prevailed in this House that the Member may propose an amendment to clause 1 if it occurs for the first time, and then say 'wherever it occurs in the Bill'? That has been the practice always. I have never seen anything different before, and we have done this before, and, therefore, there should be no objection to this. Here, I have got an amendment only to clause 1. When clause 3 where also the term 'Nagaland' occurs was taken up, if I had said that I had an amendment in respect of that also, then, perhaps it would have been taken up at that stage, but I could not, because clause 1 comes only at the end for voting.

Mr. Speaker: The hon. Member knew the procedure that would be adopted. When clause 3 was taken up, he ought to have been cautious and brought this to the notice of the House at that time that this amendment was also there, because that was the first opportunity that arose. If he had moved this amendment at that time and then said that wherever the term occurred, this

amendment should be made, that would have been all right. But, now, we have taken a decision already; and the hon. Member did not object to it at that time. My difficulty is that the decision of the House is there on a particular subject, and on the same question, I cannot put it to the House again to take a different view.

Shri Hari Vishnu Kamath: Is it not open to the House to review or revise its decision?

Shri Tyagi: There is also another point. Clause 1 cannot be operative in character. It only deals with naming the Bill. Therefore, any amendment to this clause which affects other clauses which are of an operative character is not possible.

Mr. Speaker: I have already said that it would be out of order now.

Shri Hari Vishnu Kamath: May I say this, again, on a point of order? Is it not open to the House to review or revise its own decision on a motion made by a Member?

Mr. Speaker: There is a regular procedure for it. It cannot be done as we proceed, and it cannot be said that one clause might be dealt with in a particular manner and another in quite a different manner. That is not done.

Shri Hari Vishnu Kamath: It is only on a technical ground that you have ruled it out.

Mr. Speaker: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill

The Enacting Formula and the Long Title were added to the Bill.

Shri Jawaharlal Nehru: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: Motion moved:

"That the Bill, as amended, be passed."

Two hon. Members, namely, Shri Bishanchander Seth and Shri Buta Singh had written to me that they might be allowed to speak in the third reading stage. But I find that both of them are not here. So, I shall put the motion to vote.

The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

13.10 hrs.

LAND ACQUISITION (AMENDMENT) BILL—contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri S. K. Patil on the 21st August, 1962, namely:

"That the Bill further to amend the Land Acquisition Act, 1894, and to validate certain acquisitions under that Act, be taken into consideration."

together with amendments moved thereon.

Shrimati Sarojini Mahishi was in possession of the House.

The Minister of Food and Agriculture (Shri S. K. Patil): Before the discussion starts, may I just refresh memory by a brief statement? You had originally given 4 hours to this Bill. Later on at the request of Members, you made it 6 hours. The discussion went on and amendments were moved. Then I made an appeal to you that if the discussion was postponed to a later date, I might possibly meet the point of view of some of the Members who had moved amendments so that I could be as near as possible to them without infringing the basic principles embodied in the Bill. You very kindly consented to that and there the matter ended.

After that, I had an opportunity of meeting some of the Members. I think quite a change has been made in some of the amendments; some amendments have been dropped and new ones have been added in order to accommodate the views of hon. Members as far as possible. There the matter stands.

Shri S. M. Banerjee (Kanpur): You very kindly increased the time allotted to six hours. We have spent four hours already.

Mr. Speaker: 4 hours and 35 minutes; 1 hour and 25 minutes remain.

Shri S. M. Banerjee: It is true that the hon. Minister met some of the Members of the Opposition as also of the ruling Party. But there are 54 amendments. Therefore, I submit that the time should be extended. This is a very controversial Bill. I do not think there is any Bill which has come up in this House which has become so controversial. We have gone through the latest amendments tabled by the hon. Minister and Dr. Ram Subhag Singh. We want that every word should be discussed.

Mr. Speaker: We can spend more time on clauses.

Shri S. M. Banerjee: The whole day should be allotted for this.

Shri Hari Vishnu Kamath (Hoshangabad): You may first be pleased to extend the time, because the Minister has put a new complexion to the Bill by meeting the viewpoints of some Members and bringing forward new amendments. It is almost a new Bill.

The Minister of Law (Shri A. K. Sen): It was only at the stage of clause by clause discussion that the question of considering amendments and the attitude of Government to the various amendments came up and then the hon. Minister in charge took time...

Shri Daji (Indore): That is not correct.