

DOWRY RESTRAINT BILL

Shri Dabhi (Kaira North): I beg to move for leave to introduce a Bill to restrain the custom of taking or giving of dowry in marriages.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to restrain the custom of taking or giving of dowry in marriages."

The motion was adopted.

Shri Dabhi: I introduce the Bill.

PUNISHMENT FOR ADULTERATION OF FOODSTUFFS BILL

Shri Jhunjhunwala (Bhagalpur Central): I beg to move for leave to introduce a Bill to provide for punishment of those found guilty of adulteration of foodstuffs.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for punishment of those found guilty of adulteration of foodstuffs."

The motion was adopted.

Shri Jhunjhunwala: I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL

Shri Madhao Reddi (Adilabad): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

I would like to make a statement, Sir. ...

Shri Pocker Saheb (Malappuram): As there are many Members who do not know what this Bill is about, will the hon. Speaker be pleased to give a gist of the objects and reasons of the Bill, so that the Members might know what it is about in order to enable them to exercise their votes?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The hon. Member from the other side said that he did not know what this was. Nobody, in fact, no Member of the Government knew either what this was. I doubt if many Members of the House knew about this, except that we have all suddenly seen that it is an amendment to the Constitution. [An amendment to the Constitution is a rather serious thing—it may be a good thing, but it is a

serious thing. It has to be considered carefully and properly and not be allowed to come in by a side-door and without the Members knowing anything about it, their voting this way or that way. I seek your guidance in the matter. I submit that I am not going to say anything on the merits of the question. It may be good or bad, but when there is a question of amending the Constitution, some slightly special procedure might be adopted either by the Government or by Members of the Opposition, and it should not come in this way, when people do not even know what they might have to vote for.]

Shri R. K. Chaudhury (Gauhati): On a point of order, Sir. It has been a convention in this House not to oppose the grant of leave (*Interruptions*).

Mr. Speaker: Hon. Members may kindly leave all these matters to the Chair. Otherwise, I am prepared to vacate the Chair, and they may settle the point among themselves. Let there be no interruptions.

Shri R. K. Chaudhury: In view of what has been just now said by the hon. the Leader of the House, I would submit that we are not cognizant of many Bills, and we know about them only after they are introduced. Therefore, the convention was—it had grown up in the previous House at least—that we do not oppose leave to introduce a Bill. I know that the Opposition has started first the ball rolling by opposing such leave before. But that is no reason why we should not respect the convention which we have created, especially when that convention has been there for a very long time, not only in this Parliament, but in the previous Parliament as also in the Central Legislature before. Therefore, Sir, I would ask you, in the circumstances mentioned by the hon. the Leader of the House, to continue that convention.

Dr. S. P. Mookerjee (Calcutta—South-East): May I draw your attention to one thing? What the hon. the Prime Minister has said certainly deserves consideration, that we should not lightly attempt to amend the Constitution. But article 368 which lays down the procedure for amendment of the Constitution reads:

"An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament....."

Our rules also do not lay down that while a Bill to amend the Constitution is to be introduced, a different procedure is to be followed. It can

[Dr. S. P. Mukerjee]

only be done by the introduction of a Bill under the provisions in the rules, unless we amend them otherwise.

Shri M. A. Ayyangar (Tirupati): Whether an objection is raised or not, if a Bill is to be passed, it must conform both to the Constitution and the rules framed under the Constitution. Under article 368, a special procedure has been prescribed for amending the Constitution. The Constitution itself treats such a Bill in a special way as different from the other Bills. Hon. Members are aware that with regard to financial Bills, there is a particular procedure which has been prescribed, namely that they can be introduced only in a particular House and so on. Likewise, the Constitution also is a thing which ought not to be lightly interfered with. My feeling is that at this stage itself, whether any objection is raised or not, the persons who sponsor the Bill must themselves get a vote of 51 per cent. majority in the House, and also of 66 2/3 per cent. of the members that are present. I do not agree with the contention that this applies only to the third reading stage, merely because it is said that if a Bill is passed, it must receive the assent of the President. The passing of a Bill requires three stages. Without introduction, there cannot be any passing at a later stage. There is no question of circumscribing the provisions of the Bill or limiting the meaning of this article only to the last stage.....

Mr. Speaker: Order, order. That question will arise only if those who want to introduce the Bill get a majority, and not till then. Supposing the motion to grant leave is defeated, how will that question arise? At this stage, it is problematical.

Pandit Thakurdas Bhargava (Gurgaon): May I make a submission before the House, Sir? On a previous occasion, when Mr. Kamath's Bill was sought to be introduced, the motion for grant of leave to introduce was defeated at the very first instance. Therefore, it is not true to say that in respect of every Bill, permission to introduce is given as a matter of course.

Shri Jawaharlal Nehru: I confess that this matter has taken many of us by surprise, because we did not know what this Bill was: even when Members are voting for it, we do not know what it is for. Only about a minute or two ago, we saw that it is an amendment to the Constitution. It does raise some important issues as my hon. friend has just pointed out. I

would submit that—you, Sir, not so much in regard to this particular matter, but for future guidance, may consider this—for the present, I would, if I may say so, respectfully advise the House not to oppose the introduction of the Bill.

Mr. Speaker: The question is:

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

The motion was adopted.

Shri Madhao Reddi: I introduce the Bill.

[MR. DEPUTY-SPEAKER in the Chair]
INDIAN CATTLE PRESERVATION BILL

सेठ गोबिन्द दास (मंडला-जबलपुर दक्षिण) : मैं प्रस्ताव करता हूँ कि मुझे अपने पशुधन रक्षा सम्बन्धी विधेयक को उपस्थित करने की अनुमति दी जाय।

The Minister of Law and Minority Affairs (Shri Biswas): I may tell the House at once that I am not going to oppose the introduction of the Bill. But I only wish to make it clear...

Mr. Deputy-Speaker: At this stage, no speech of any kind is allowed.

Motion moved:

“That leave be granted to introduce a Bill to preserve the milch and draught cattle of the country.”

Shri Biswas: All that I wish to state is, as I have already pointed out to the Mover himself, that this Bill is *ultra vires* of the Constitution, because it deals with a subject which is in the State List. The question of preservation of cattle is a matter exclusively for the States to deal with, because it is an item included in List No. II. I have pointed out also that I do not propose to oppose the introduction of the Bill, as I do not want to break the established convention in this respect. Having regard to a previous ruling of yours given on another occasion when a similar Bill was introduced by my hon. friend, in 1947, and you said that you would not rule it out of order, I am not inviting you either to rule the present Bill out of order now, on the ground that it is *ultra vires*, but I am only giving notice to the hon. the Mover that when