

[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

the Bill comes up for consideration, Government reserves the right to oppose it not merely on the ground that it is *ultra vires*, but on merits as well.

Mr. Deputy-Speaker: Rule 72 provides that if a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the Member who moves from the Member who opposes the motion, may, without further debate, put the question. I propose doing it.

The question is:

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

The motion was adopted.

सेट गोविन्द दास : मैं इस विधेयक को उपस्थित करता हूँ ।

TRAINING AND EMPLOYMENT BILL

Dr. P. S. Deshmukh (Amravati East): I beg to move for leave to introduce a Bill to make provision for employment and training for employment and to establish a comprehensive youth employment service.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to make provision for employment and training for employment and to establish a comprehensive youth employment service."

The motion was adopted.

Dr. P. S. Deshmukh: I introduce the Bill.

ORPHANAGE BILL

श्री एम० एल० द्विवेदी (जिला हमीरपुर):
जिनके माता पिता अथवा दूसरा कोई संरक्षक जीवित न हों, ऐसे अनाथ बालकों के सरकार द्वारा पालन-पोषण, शिक्षा-दीक्षा तथा अन्य संरक्षण के लिये मैं एक विधेयक प्रस्तुत करने के लिये सदन की अनुमति चाहता हूँ ।

Mr. Deputy-Speaker: Was notice given in Hindi?

Shri M. L. Dwivedi: I gave the notice in Hindi, but was asked to give the English translation also.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for bringing up, maintenance and education of children who have lost their parents and have no other person to look after them in proper manner."

The motion was adopted.

श्री एम० एल० द्विवेदी : मैं विधेयक प्रस्तुत करता हूँ ।

MONOGAMY ENFORCEMENT BILL

Pandit Thakur Das Bhargava (Gurgaon): I beg to move for leave to introduce a Bill to enforce monogamy and to prohibit and penalise future bigamous marriages and to declare them illegal.

Shri Pocker Saheb (Malappuram): I oppose this motion. It is against the fundamental rights guaranteed by the Constitution.

Mr. Deputy-Speaker: I have duly taken note of the hon. Member's opposition. He is in a minority. The question has been allowed.

Shri Pocker Saheb. You may rule it out, but I raise my objection to it on the ground that it is against the fundamental rights guaranteed by the Constitution.

Mr. Deputy-Speaker: I think the hon. Member is a little too late.

Shri Pocker Saheb: Not at all. I have been bawling out from the very beginning.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to enforce monogamy and to prohibit and penalise future bigamous marriages and to declare them illegal."

The motion was adopted.

Pandit Thakur Das Bhargava: I introduce the Bill.

MUSLIM WAKFS BILL

Shri Kazmi (Sultanpur Dist.—North cum Faizabad Dist.—South-West): I beg to move for leave to introduce a Bill to provide for the better governance and administration of Muslim Wakfs and the supervision of Muta-wallis' management of them, in India.