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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Monday, 28th November, 1955

The Lok Sabha met at Eleven of the Clock.

[Mr. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12-09 P.M.

BUSINESS ADVISORY COMMITTEE

TWENTY-EIGHTH REPORT

Shri M. A. Ayyangar (Tirupati): I beg to present the Twenty-eighth Report of the Business Advisory Committee.

ELECTION TO COMMITTEE

Shri B. G. Mehta (Gohilwad): I beg to move:

"That the Members of this House do proceed to elect in the manner required by sub-rule (4) of Rule 243 of the Rules of Procedure and Conduct of Business in Lok Sabha, one Member from among their number to serve on the Committee on Estimates for the unexpired portion of the year 1955-56 vice Shri R. Venkataraman resigned."

Mr. Speaker: The question is:

"That the Members of this House do proceed to elect in the manner required by sub-rule (4) of Rule 243 of the Rules of Procedure and Conduct of Business in Lok Sabha, one Member from among their number to serve on

the Committee on Estimates for the unexpired portion of the year 1955-56 vice Shri R. Venkataraman resigned."

The motion was adopted.

MANIPUR (COURTS) BILL

The Deputy Minister of Home Affairs (Shri Datar): I beg to introduce the Bill to provide for the establishment of a Judicial Commissioner's Court and other Courts in Manipur.

CONSTITUTION (SEVENTH AMENDMENT) BILL

The Minister of Law and Minority Affairs (Shri Biswas): 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."

The motion was adopted.

Shri Biswas: I introduce the Bill.

Mr. Speaker: As regards the Constitution (Seventh Amendment) Bill which has just been introduced, hon. Members will find that it is restricted only to one article of the Constitution. The Constitution (Fifth Amendment) Bill which was introduced formerly covers about 10 or 11 articles. Therefore, they have now thought it proper to introduce a new Bill just to expedite consideration and passing of the amendment to one particular article.

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[Mr. Speaker.]

The Constitution (Seventh Amendment) Bill which has been introduced today is a one clause Bill seeking to amend article 3 of the Constitution. The Business Advisory Committee have considered the programme for the consideration and passing of this Bill. The Committee have suggested that the motion for reference of this Bill to a Select Committee should be set down for consideration on Wednesday, the 30th November, 1955. The Report of the Select Committee should be presented on Thursday, the 1st December, 1955. The Bill as reported by the Select Committee should be taken up for consideration and passing on Friday, the 2nd December, 1955.

The Business Advisory Committee have recommended four hours for all the stages of this Bill: 3 hours for reference of the Bill to a Select Committee and one hour for consideration and passing of the Bill as reported by the Select Committee.

So, that is the programme recommended by the Business Advisory Committee.

Shri T. S. A. Chettiar (Tiruppur): This is undoubtedly an important Bill but the Business Advisory Committee has chosen to allot 3 hours for reference of the Bill to a Select Committee and only one hour for the consideration stage which is the stage when amendments are to be moved. To my mind it seems that we must have some more time when we can consider the amendments to the Bill rather than have 3 hours for considering the motion to refer the Bill to a Select Committee.

As you have observed, Sir, this is a one clause Bill and the real point is that some time limit be imposed within which the State Governments have to submit their opinion. In fact, that is the only point in this Bill. Therefore, if the time-limit that has been suggested by the Business Advisory Committee has to be adhered to, then I would suggest that the Bill be

straightway taken for consideration so that the House will have some time to consider the Bill as well as the amendments. I hope the House will accept my suggestion and if there is any difficulty in accepting this I would certainly say that for the consideration stage much more time must be given than for merely referring it to a Select Committee.

Shri Tulsidas (Mehsana West): In the.....

Shri Biswas: Sir, I will....

Mr. Speaker: Let me hear the hon. Member first and then the hon. Minister can make his observations.

Shri Tulsidas: In the Business Advisory Committee it was felt that whatever the suggestions the House will have it will be much better to put them up at the time when the Bill is referred to a Select Committee and not at a later stage because in that case the suggestions of the several Members of the House will be considered by the Select Committee. Then when the Bill comes for passing and consideration stage the matter is more or less finalised. If the House still desires that the allotment of time should be changed and differs with the view of the Business Advisory Committee it can do so.

Shri Biswas: I was only going to point out that the Government were very anxious that this short Bill should be disposed of as quickly as possible. If I am permitted to move for the Bill being taken into consideration and also passed at the same sitting, that will in my opinion, if I may venture to say so, be the best course to be adopted. If the House thinks that this being a Constitution Amendment Bill there must be a formal reference to a Select Committee that is another matter. I personally think that the whole thing may be discussed on the floor of the House in the first instance, subject to any ruling that you may be pleased to give.

Mr. Speaker: I am entirely in the hands of the House and the opinion was not very firm one way or the

other. It was thought that it is a Constitution Amendment Bill and therefore it is better to have a practice of referring all such Bills to a Select Committee and then bring it to the House. However, in a Bill of this nature whatever is done with reference to this Bill may not create a precedent that a Constitution Amendment Bill may not be referred to a Select Committee. This is an exceptional occasion and in view of the pressure of time and the urgency to put the Bill through, if the House is agreeable that the Bill may be taken up straightway. I am entirely in the hands of the House.

Several Hon. Members: Yes; it may be taken up on the 30th November, 1955.

Shri Raghavachari (Penukonda): I would submit that the Members in the House are not in a position to appreciate or participate or even to make any observation on the whole matter under discussion because we actually do not know what the Business Advisory Committee has recommended in respect of this Bill. You have also indicated that according to the recommendation of the Business Advisory Committee the matter will come up on Wednesday for consideration. Therefore, till we actually know the thing the matter may be postponed. I only make a submission that Wednesday is the day when this matter can be considered and a decision taken rather than today in the absence of our knowing anything about the recommendations.

Mr. Speaker: I may clarify the ground. The Business Advisory Committee allots time and the priorities are fixed in consultation with the Business Advisory Committee but it is the responsibility of the Government. The only thing here is, the Bill has already been before the House for some days. As I said, the Fifth Amendment Bill has already been introduced and copies are, I believe, in the hands of Members. If the Fifth Amendment Bill be seen it would be seen that 11 articles are being

touched it would take a very long time to dispose of that Bill in its entirety.

Shri Raghavachari: This is only a clause of that Bill.

Mr. Speaker: Hon. Members may just here me. Therefore, the Business Advisory Committee thought and suggested that in view of the urgency of having the States' opinions in respect of the States Reorganisation Commission's Report within a certain specified time to keep to the time schedule, so that the elections may not have to be postponed in 1957 it will be better that the Government, only introduce a separate Bill dealing with the amendment of article 3 and that is what the Government have done. There is nothing more to be discussed or read about this. People may have different views which they can advance at the consideration stage and if the Bill is fully considered there is practically nothing to go to a Select Committee. That was the view of some Members. All the same, just by way of a fear that a precedent might be created to proceed with the consideration and passing of Constitution Amendment Bills without reference to Select Committees a token reference was suggested and that is how this proposal comes in. But, I think if we agree that this shall not be treated as a precedent in view of the exceptional circumstances we might straightway, as the House is expressing its views, make the allotment of 4 hours' time in all and the Bill may be placed immediately for consideration.

Shri Tulsidas: I would suggest, that after all, you are the custodian as regards the articles of the Constitution. So, I would rather not like that the matter should proceed without reference to the Select Committee. With due deference, I should say that the procedure suggested is not a healthy one.

Shri Kasliwal (Kotah-Jhalawar): I suggest that the whole of Wednesday should be allowed for consideration as well as passing of this Bill.

Mr. Speaker: The only point is whether the Bill is to be considered on the same day, continuously, or there should be a token reference to the Select Committee. That is the only point. Four hours have already been recommended by the Business Advisory Committee and I believe that time is acceptable to the House.

Shri Barrow (Nominated-Anglo-Indians): I believe that if the Bill is sent to the Select Committee there will be some time lag no doubt. But after the various discussions have taken place at the general consideration stage, the small time lag will give the Members a chance to consider what has been put forward, and so, the final hour would be then just sufficient for us to enable the Members to make up their minds finally about the Bill.

Shri Biswas: May I remind hon. Members here that this particular clause which is the subject-matter of this new Bill was already included, as you have pointed out, in the Bills which were introduced on the opening day of this session. Therefore, Members have had full information regarding the purpose and purport of the Bill. Nothing more. There is not one comma or semi-colon which has been changed. It is in just the same form as it stood originally when it was introduced and was placed before the House on the opening day of this session. Therefore, there need not be any fear that Government is bringing some thing as a surprise on Members in this short Bill. Nothing of the kind. Therefore, if you give members sufficient time to think out all the amendments which hon. Members may wish to move, it may be better. So, instead of taking it up on Wednesday, it may be taken up on Thursday and let it be disposed of in one sitting. There would be no difficulty. Every one will be getting a chance and full consideration may be given to the Bill.

Shri N. C. Chatterjee (Hoogly): I hope will remember that it was the

unanimous wish of the Business Advisory Committee that on principle there should be a reference to the Select Committee on a Bill which wants to amend the Constitution. Therefore, we think it is a desirable thing to refer it to the Select Committee, and the Select Committee can finish its labours in one sitting. What is the difficulty? We are not accusing the Government as springing some surprise on us, but we think that one should concede the wishes of all parties and all sections of the House and the unanimous recommendation of the Business Advisory Committee that on principle there should not be an *ad hoc* discussion in the House without mind being applied in the atmosphere of a Select Committee.

Shri Raghuramaiah (Tenali): May I make one submission? Two points have been raised as to why it should be referred to the Select Committee. One is that there should be a token reference to the Select Committee on the general principle that the Constitution being sacred all amendments to it should be more carefully gone through by the Select Committee. The purpose of that has already been served by the very importance which we are attaching it; and you, Sir, have been good enough to say that this should not be a precedent and that it is under the pressure of extremely strenuous circumstances. Therefore, the object is served once we make it understood that this is not to be a precedent.

Secondly, it has been suggested that there should be a time lag, however small it may be, between the discussion here and the consideration motion, so that hon. Members may make up their minds on the Bill. The Bill is so simple, as pointed out by you, and there is only one point, namely, whether a time-limit should be fixed or not for the reply which State Governments have to give. I do not think it is such a complicated thing as to require some time lag between

the general discussion and consideration after the Select Committee submits the report. There is the whole of tomorrow to study the Bill. I would, therefore, urge that, as an exceptional case, we should pursue the matter without reference to the Select Committee.

Shri N. C. Chatterjee: When this Bill is taken up, hon. Members should realise that, when we are amending the Constitution, it is not merely for this time but for all time that we are clothing the executive or the President with powers which may be abused in the future. Therefore, I am particularly anxious to see that suitable amendments may be moved here and that they should be discussed in a Select Committee and possibly the Committee will take only an hour and a half, and then we can come the next day and finalise the whole thing in the House.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Some of the Members have said that it was the unanimous decision of the Business Advisory Committee. I do agree. But you remember that practically, they decided originally that the Bill should be straightway taken and finished. But one of the Members objected to it and I certainly agreed to his suggestion that the Bill may be referred to the Select Committee on the same day, that is, on Wednesday, and should be taken up the next day, Thursday, and the whole thing be finished on that day. My friend Shri Chatterjee has also referred to this, and if it is agreed to, we have no objection. The Select Committee report should be submitted on Thursday and the whole thing should be finished on Thursday. That was the agreement generally arrived at by us at the Business Advisory Committee.

Mr. Speaker: Let us not take more time on this aspect, because I find that we are all substantially agreed on the substance of the proposal. Only the technique is now to be settled. So, it seems that there is a meeting point between the two, but there is one little

difficulty, in the way of procedure, which Members have to solve. It was originally suggested that we should have one day between the first two stages, because, after the Select Committee report was presented some time was required for circulating the report and for receiving some amendments also which, of course, is a different matter. But I think the whole thing can be compromised by saying that we take up the Bill, discuss for three hours, as suggested by the Business Advisory Committee on Wednesday, refer it to the Select Committee, the Select Committee makes the report by the evening of the same day — if that is possible — and the report might be circulated, if at all it is possible, the next morning, and the Bill be finished on Thursday.

Shri Shree Narayan Das (Darbhanga Central): If the Bill is taken up for reference to the Select Committee, the whole time will be taken as proposed, and the presence of at least two-thirds majority will have to be secured; and then on the other day also, when the Bill is taken up for consideration after the Select Committee stage, the presence of at least two-thirds of the total strength of Members will be necessary. Though it is not such an important Bill, it makes it necessary that the presence of practically all the Members is secured on both the days?

Mr. Speaker: I think just a little inconvenience to Members to attend on both days is really not a proper excuse. The Members are charged with the duty of being present here and contributing to the debate and helping a proper procedure. So, I think we shall have this Bill brought up on Wednesday.

Shri Biswas: I want to say one point and it is this. When we are going to stick to the convention to which my hon. friend has referred—that it is a Constitution Bill and therefore it must go to the Select Committee and so on—the convention also requires that it should be a Joint Committee

[Shri Biswas]

which should go into the Bill. That means this Bill has got to be referred to the other House and that means further loss of time. That point of view may also be kept before the House.

Mr. Speaker: That point was also considered and it was thought that it will expedite the disposal of the Bill much earlier by having a Committee of this House only. If the other House wants, it is free to have its own Committee. There is no difficulty about it.

Shri T. S. A. Chettiar: If you want to decide that the Bill may be referred to the Select Committee. I would like to make an amendment, when it comes for consideration after the report of the Select Committee, that it should be given at least three hours for consideration after the Select Committee report is received. This is an important matter.

Mr. Speaker: We shall settle the time later. There is one thing on which I want an assurance from the hon. Members of this House. It may not be possible to circulate the report of the Select Committee immediately, before the Bill comes for consideration and the final passing stage. That is the difficulty. We shall adjust the timings when the Bill comes up when the motion for reference to the Select Committee is passed and when the Select Committee report is presented to the House.

Shri N. C. Chatterjee: If the final discussion on the passing of this Bill takes place on Friday, then there will be no difficulty, I think we will be able to spare one hour on Friday.

Shri Satya Narayan Sinha: That will go against the decision which we arrived at in the Business Advisory Committee. We had agreed in the Business Advisory Committee that the whole thing should be finished on Thursday.

Mr. Speaker: Taking into consideration all these facts, what difference

will 24 hours make? The other House is sitting up to the 23rd; Friday will be 2nd December and even in the non-official day we get 2½ hours and we can pass the Bill on that day. Even if we accept some kind of amendment later, we can divide the time as two and two. We can have 2 hours for the first stage and 2 hours for the final stage. This can be done by sitting longer for the Private Members' Business. We can adjust the timings like that.

Shri Satya Narayan Sinha: I agree.

Mr. Speaker: The only question is about the division of the time.

Shri T. S. A. Chettiar: We can have 2 hours and 3 hours respectively.

Mr. Speaker: We will have 2 hours and 2 hours. So, the report — it is not yet before the House — will stand amended to this extent. Instead of the general discussion being for 3 hours, it will be for 2 hours, and the clause-by-clause consideration—there will be only one clause—will take 2 hours. That is how the division of time will be made. We will have the Select Committee's report on Friday. The Select Committee, it is understood, will not apply for extension of time.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): I would like to make a submission, because my name has been indirectly brought in. The hon. Minister of Parliamentary Affairs stated that it was practically agreed that the Bill would be straightway taken and disposed of. I humbly submit that he suggested this and, it was I who opposed it and said that any amendment to the Constitution, even if it be to change a ful stop into a comma, must go to a Select Committee. That was the position.

UNIVERSITY GRANTS COMMISSION BILL

Mr. Speaker: The House will now proceed with the further clause-by-