

Member wants to raise any other debate, he may give me due notice, and I shall consider, time permitting, whether that matter may be allowed.

I do not know whether the House will be prepared to sit after 5-30 P.M. today and go on beyond even 6 P.M. when the half-an-hour discussion will come to a close. I do not know whether without previous notice hon. Members will be prepared to sit beyond 6 P.M.

Shri Nambiar (Mayuram): We are prepared to sit upto 6-30 P.M.

Shri S. S. More (Sholapur): Does the hon. Member speak for the whole House?

Shri U. M. Trivedi (Chitoor): We are not prepared.

Mr. Speaker: Further, there is no precedent for a half-an-hour discussion being extended beyond half an hour. Therefore, if the House feels it necessary, and I am also satisfied that there is a large demand on the part of the Members of the House, I shall try to give sufficient notice in advance, and fix up a separate occasion for that.

Shri Kamath (Hoshangabad): You were pleased some time ago to extend the time in the case of the discussion on the jaundice epidemic in Delhi. That was carried over to the next day, as a matter of fact.

Mr. Speaker: But the House is not unanimous in this matter, even apart from that.

Shri V. P. Nayar (Chirayinkil): I would submit that if it is possible to find one hour during any of these days, this discussion itself can be taken up during that period. I find that several hon. Members are very much interested in a discussion of greater length. In half an hour, I submit, justice cannot be done to this subject. I gave notice of a half-an-hour discussion, only because that was one possible way of raising the question in the House.

Mr. Speaker: I shall consider later on whether it should be half an hour or one hour. I shall consult also the Minister, and if it is possible, I shall try to extend the time, if the House is willing. But as I find, at present, the House is not willing. If it is willing to sit for

half an hour more, I shall consider the question of extending it from half an hour to one hour.

MANIPUR STATE HILL PEOPLES (ADMINISTRATION) REGULATION (AMENDMENT) BILL

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Datar on the 15th March, 1956, namely:

"That* this House recommends to Rajya Sabha that leave be granted to withdraw the Bill to amend the Manipur State Hill Peoples (Administration) Regulation, 1947, for the purpose of making provision for elected village authorities and for matters connected therewith, which was passed by Rajya Sabha on the 21st September, 1954, and laid on the Table of this House on the 23rd September, 1954."

The Minister in the Ministry of Home Affairs (Shri Datar): When this matter was taken up last time, a number of hon. Members wanted clarification as to whether the Bill that is sought to be withdrawn should be amended. I have considered all the circumstances, and I find that so far as this Bill is concerned, it is more or less of a limited nature, in the sense that it deals only with the introduction of an elective element, so far as the constitution of village authorities is concerned. In the present case, what Government propose is this. After this Bill was passed by the Rajya Sabha, certain factors have happened, namely that in the Manipur State, the Codes of Civil and Criminal Procedure have been introduced. We have got a hierarchy courts, civil and criminal. But Government consider that there should also be a systematic attempt at keeping the village courts. Under the Regulation of 1947, all the village authorities were *ipso facto* entitled to carry on their work, and there were certain criminal powers vested in them. There were also certain outmoded provisions therein, as for example, ordeal in some cases. It was considered that we had outlived all those times and, therefore, a new Bill would be better.

* This motion was subsequently amended by the Speaker *vide* Part II Debates, dated 11-5-1956, Cols.—2657-58.

[Shri Datar]

Under the new Bill, which will be introduced immediately, the purpose is to have full provisions made for the purpose of having elected village authorities. Secondly, village courts will be established and powers will be given in respect of civil and criminal matters so far as they are concerned. It has been provided that the village courts will be concurrent with the various courts that are established under the Codes of Civil and Criminal Procedure. It is considered that those village courts should continue in Manipur, especially in the hill areas. For that purpose, comprehensive provisions had to be made and, therefore, in view of the new situation arising after the Bill was passed by the Rajya Sabha, it was found necessary that that Bill of a limited nature ought to be withdrawn and a new comprehensive Bill, dealing not only with the village authorities but also with the village courts in a more specific and organised manner should be introduced in this hon. House. We are advised that inasmuch as that Bill has been passed by the Rajya Sabha, that Bill has got to go to the Rajya Sabha, and we have got to seek the permission of the Rajya Sabha to withdraw the Bill. In accordance with this advice, I desire that this House should recommend to the Rajya Sabha that leave be granted to withdraw the Bill to amend the Manipur State Hill Peoples (Administration) Regulation 1947, for the purpose of making provision for elected village authorities and for matters connected therewith, which was passed by Rajya Sabha on the 21st September 1954 and laid on the Table of this House on the 23rd September 1954.

Shri S. S. More (Sholapur) rose—

Mr. Speaker: Let me first place the motion before the House.

Shri S. S. More: I would like to raise certain questions regarding the validity of the motion before you place it before the House, if you will permit me.

Mr. Speaker: Let me formally place the motion before the House and then I will hear any objection that he has.

Shri S. S. More: I abide by your decision, but my submission is that this motion, by itself, is not admissible. So I want to raise the point before it is placed before the House.

I have tried to study the rules of procedure, particularly rules of procedure regarding Bills which originate in the other House, and after having stud-

ed those rules, I find it difficult to find out any particular rule under which such a motion can be moved.

The other House has passed that measure. Once the other House passes a measure, it sends it back to this House, and then this House is in possession of that measure. How can we make a request to the other House to grant permission to withdraw a measure which has already left its hands, has reached us and is now in possession of this House? Therefore, I would request the Hon. Minister, before I make a definite assertion, to point out the relevant provision under which he is moving such a motion, which appears to be a rather queer motion.

Shri L. Jogeswar Singh (Inner Manipur) rose—

Mr. Speaker: Does the hon. Member want to speak on this point?

Shri L. Jogeswar Singh: I want to say something on the Bill.

Mr. Speaker: I have my own doubts about one matter. This House is not seized of this matter. Under the rules, when a Bill originates in the Rajya Sabha, is passed by it and is transmitted to this House, the Bill shall, as soon as may be, laid on the Table. This was done in 1954 or so. Rule 152 says:

“At any time after the Bill has been so laid on the Table, any Minister in the case of a Government Bill, or, in any other case, any member may give notice of his intention to move that the Bill be taken into consideration”.

Has that been given?

Shri Datar: That is normally done. That is not done in this case.

Mr. Speaker: It is only laid on the Table of the House. The House is seized of the matter only when a motion for consideration is moved. At that stage, it may be said that we have considered this matter and in view of some other Bill pending, we are advised that we should send it back to the Rajya Sabha to withdraw it. I am coming to the point whether withdrawal is possible or not. But as a preliminary, that must be done because this House does not seem to have jurisdiction over this; it is seized of this only when a formal motion that the Bill be taken into consideration is moved. Then he may say that in view of the fact that another Bill is being introduced in this:

House, this may be withdrawn. Has the other Bill been introduced?

Shri Datar: No, it has not been introduced.

Mr. Speaker: It may be stated that in view of the prospect of introducing another Bill—a more comprehensive one—this Bill may be withdrawn by the other House. The hon. Minister may answer both these points.

Shri Datar: Yes. So far as the first point is concerned, I am submitting that as soon as a Bill having been passed by the Rajya Sabha has been laid on the Table of the House, this House has been seized of the matter. Therefore, the House might not only be called upon to consider the Bill but also to consider the Bill in another aspect, by way of requesting the other House to withdraw the Bill.

Shri Kamath: Under which rule?

Shri Datar: So far as the technical issue is concerned, your suggestion appears to be that only when I move for consideration of the Bill can I move for withdrawal.

Mr. Speaker: Then alone will the House be seized of this matter. After that, a motion may be moved for withdrawal. I have my doubts regarding the point that the mere placing of the Bill on the Table of the House dispenses with the need to introduce it here, because it is introduced there. Not that it stands in the way. The hon. Minister may even orally move it. I will try to waive notice so far as consideration is concerned. But the substantive point, whether we can do it or not, remains. I feel that a motion for consideration might be necessary, however short the notice may be. I will hear the hon. Minister of Legal Affairs also on this.

Shri U. M. Trivedi (Chittor): May I make a suggestion? This Bill is not introduced in this House. The new Bill that has to be introduced in the House can be introduced, without making any further effort to reach the consideration stage. Then he can move for withdrawal of the Bill in that House. We can take up consideration of the new Bill.

Shri Datar: This House has been seized of the Bill. Therefore, while there is one Bill before this House for consi-

deration, it is immaterial when the motion that it be taken into consideration is moved. The question is whether I can introduce another Bill without this motion. If there is no objection, I shall introduce the other Bill.

Mr. Speaker: I think so.

The Minister of Legal Affairs (Shri Pataskar): The position is not exactly clear. The procedure is that whenever a Bill originates in the other House and has been passed by that House it can only be taken up here after it is transmitted to us. So the most important stage is the transmission. Under rule 151, there is provision for what is to be done when a Bill originating in the Rajya Sabha has been passed by it and is transmitted to this House. Our rule says what will be done, what will be the motion, how it will be laid on the Table of the House.

Mr. Speaker: What is the effect of transmission?

Shri Pataskar: When the Bill is transmitted to this House, are we not in charge of that Bill? Or is it merely a mechanical process? That is the point.

Shri Datar: Does the hon. Minister of Legal Affairs say that we are in charge of the Bill and that I can move for withdrawal of the Bill?

Shri Pataskar: Yes.

Shri Datar: Then I have no objection.

Mr. Speaker: If I have doubts, I will ask the hon. Minister. I was also thinking aloud. We shall settle this matter. It consists of two portions: If this House is regularly seized of this matter, whether we can send it back to the other House? As soon as a Bill is passed in one House and is transmitted to the other House, after being passed by the House, the question may arise whether that House has still got jurisdiction until we send it back to that House? The Minister in the Ministry of Home Affairs, Shri Datar, has stated that once the Bill is laid on the Table of this House and has passed the gates of that House, it is only this House that has got jurisdiction. Undoubtedly, after having sent the Bill away, that House may have no jurisdiction unless it is requested by this House to withdraw it or we send it back to that House.

I was considering whether by merely sending the Bill to this House, this House is clothed with jurisdiction, though that

[Mr. Speaker]

House might have lost it, and whether a further step has to be taken by moving a formal motion for consideration. At that stage, you may send it back to the other House. I feel that once a House has passed a Bill and has sent it to the other House, it has no jurisdiction, without the concurrence of the other House, to withdraw that Bill or to pursue the matter. That House has no jurisdiction now. Only this House has got jurisdiction. Now, that it has been placed on the Table of the House, it has been introduced and we have no right to reject it. It only requires somebody to take it; otherwise, it will lie dormant.

So far as the second stage, that is the taking into consideration, is concerned, it may be plausible to argue that even without a formal motion for consideration, any other motion may be made in this House and, accordingly, this motion has been made. Only after this motion has been passed by this House, that House will have jurisdiction.

There seems to be no force in Shri More's argument. The other House loses jurisdiction and it is this House that has got it. The only point for consideration is whether this house is in seising of the Bill. I feel that the placing of the Bill on the Table of this House is introduction and, before consideration, any motion of this kind that it may be sent back to the other House for withdrawal may properly be made.

If Shri More has got anything further to say, I will hear him.

Shri S. S. More: I think the proper motion under the Rules ought to be a motion under Rule 149, the 'Removal of a Bill from the Register of Bills'. I speak subject to correction.

Under Rule 147, the member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill. This is with reference to a Bill which is introduced in this House; and such a motion for withdrawal can be made at any stage of the Bill. Assuming for the sake of argument that the Rules of the other House are similar to our Rules—I plead ignorance of those Rules—once a Bill is transmitted to this House, it comes to be a Bill on the Register of Bills of this House, and becomes a pending Bill in this House. If you see Explanation (iii) to clause (2) of Rule 149, you will find that a Bill originating in the Rajya Sabha and transmitted to this House and laid on the Table of this House

under Rule 151 or Rule 159, is also a Bill pending in this House. Therefore, it is a pending Bill in this House and if, for some reasons, the Government do not want to proceed with that Bill, then, the proper motion which they can make in this House is not a motion requesting the other House to grant permission to withdraw the Bill, because it is none of the business of this House to make a request to that House in this respect, but, since we are possessed of this matter, we can treat it as a Bill pending before this House, a Bill in the Register of Bills of this House, and proceed for the removal of the Bill from the Register of Bills, though it is a Bill originating in the other House.

Mr. Speaker: But it can be done only after rejection of any of those motions mentioned in sub-clause (i) to (v) of rule 149; but, there is no such motion.

Shri S. S. More: I quite appreciate what you say. Rules 151 to 166 are supposed to be exhaustive and also the Rules in Chapter XXIX. If we scrutinise all these rules, we do not find a single Rule which does contemplate a motion of this kind. Therefore, in the case of Bills originating in the other House and transmitted to this House, certain motions alone can be made. You will be pleased to remember a ruling that you gave under Rule 135. These rules are categorically binding on us and we cannot go beyond those Rules. Therefore, if there is no specific Rule under which we can sponsor such a motion, then you will have to concede that there is some defect and this is not the way in which we can get over that defect—by making a request to that House. There is no legal coverage for this by the Rules. So, we shall be making a motion which may be infructuous. We will have to apply our mind and see whether such a sending back is permissible under their own Rules. If it is not, it will be difficult. This is rather uncovered ground and, therefore, we will have to apply our minds to it.

Shri Kamath: On a point of clarification which House exercises jurisdiction over a bill during the interregnum between the moment of transmission of the Bill by the other House and the time of making a motion in this House for the consideration thereof?

Mr. Speaker: That is what we are considering. There are two views. As soon as it leaves the other House, it loses all jurisdiction. The only point is whether from the moment that it leaves the other

House and it is placed on the Table of this House this House has got jurisdiction or whether it is only after a motion for consideration is made here that this House has jurisdiction.

From what Shri More read, it seems to be clear that a Bill originating in the Rajya Sabha and transmitted to this House and laid on the Table of this House, under rule 151 and 152, must be deemed to be a Bill pending in this House. There is no more doubt about that. Whenever a Bill is pending before the House, if it is a Bill originating in this House, then under Rule 147, the member in charge may move for leave to withdraw it. But, if the Bill originated in the other House and has been sent here for concurrence or discussion, all that we can do is to throw out the Bill, or agree with the Bill or make some amendments. We can do various things. Falling short of doing that, here, we can say, 'you withdraw it yourself'. Wherever we have got no specific rules and the needs of the situation require that, I think, we can utilise the residuary powers.

"All matters not specifically provided in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may from time to time direct."

Then, there is another reason why they want to withdraw it. A more comprehensive Bill is to be introduced. I think it has been circulated to Members.

Shri S. S. More: No, Sir.

Mr. Speaker: I have seen a copy of it. I understand, it is available in the Publications Counter. I understand it has always been the rule, that whenever notice of Bill to be introduced is given, it is available there. Copies of it will be available to Members to look into and, if necessary, even at the introduction stage to comment upon it.

The one relates only to the village authority being elected. That is the Bill that is passed by the Rajya Sabha. Under the Manipur Regulation Act, we want that the village authorities, who are nominated till now, must be elected. This later one is more comprehensive and also amends and consolidates the entire Bill. Under those circumstances, it is better to send away that Bill and take seizure of this Bill. I am only consider-

ing the matter for the purpose of exercising my discretion under rule 401. I see that no specific rule has been framed here for the purpose. Under rule 401, whenever a Bill originates from the other House and after it has been finally sent to this House, this House can make in suitable circumstances, subject to the permission of the Speaker, a motion as can be made by a mover of a Bill for withdrawal under rule 147. Inasmuch as that Bill originated in that House, an equally identical motion cannot be moved here and so a motion can be moved requesting that House to withdraw the Bill.

Shri S. S. More: Will you also lay down that under some emergency when the Speaker is invoked to use his powers under rule 401, there should be a specific request by the person who wants it? Otherwise, at the spur of the moment, to draw on the emergency power of the Speaker will be unfair to the Speaker himself.

Shri Datar: I make that specific request to you, Sir.

Shri U. M. Trivedi: That residuary power of the Speaker ought to be exercised only in the absence of any such rule in the House of Commons. If there is a provision in the House of Commons Rules about this very specific issue, then that will be the rule governing this.

Mr. Speaker: It is not a privilege; it is a general practice. I am also a bit of a lawyer.

Shri Kamath: Not a bit, Sir, but a big lawyer.

Mr. Speaker: Let us proceed. Have hon. Members got anything substantial to say on this? Nothing. I shall now put the motion to the House.

The question is:

"That* this House recommends to Rajya Sabha that leave be granted to withdraw the Bill to amend the Manipur State Hill Peoples (Administration) Regulation, 1947, for the purpose of making provision for elected village authorities and for matters connected therewith, which was passed by Rajya Sabha on the 21st September, 1954, and laid on the Table of this House on the 23rd September, 1954."

The motion was adopted.

* This motion was Subsequently amended by the Speaker. *Vide* Part II Debates dated 11-5-1956, Cols. 2657-58