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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Tuesday, the 22nd November, 1955

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON

MOTION FOR ADJOURNMENT

SITUATION IN BOMBAY

Mr. Speaker: I have received a notice of an adjournment motion from Shri A. K. Gopalan and Shrimati Renu Chakravartty which relates to the situation in Bombay and some other related points. I find some difficulty in the admissibility of this motion; but a reference is made to the calling up of the military. That is why I am inclined to have some statement of facts from the hon. Minister.

I might also invite attention to one fact that this notice was handed over to me after the commencement of today's meeting of the House. It should have been, if at all, given before the commencement of the sitting. But, I will not rule it out on that ground but will keep it over for tomorrow so that the hon. Minister may give us such facts as he can, with reference to this.

PAPERS LAID ON THE TABLE

SUMMARY OF BUDGET ESTIMATES OF INDIAN AIRLINES CORPORATION

The Minister of Communications (Shri Jagjivan Ram): I beg to lay on the Table a copy of the summary of the budget estimates of Revenue and Expenditure of the Indian Airlines Corporation for the year 1955-56,

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under sub-rule (5) of Rule 3 of the Air Corporations Rules, 1954. [See Appendix I, annexure No. 27].

MOTOR VEHICLES (AMENDMENT) BILL

The Minister of Railways and Transport (Shri L. B. Shastri): I beg to introduce the Bill further to amend the Motor Vehicles Act, 1939.

PRESS AND REGISTRATION OF BOOKS (AMENDMENT) BILL

Clause 19.—Insertion of new section (22 etc.)

Mr. Speaker: The House will now proceed with the further clause-by-clause consideration of the Bill further to amend the Press and Registration of Books Act, 1867.

Shri Kamath (Hoshangabad): Sir, yesterday I mentioned my amendment to clause 19 of the Bill which seeks to bring the State of Jammu and Kashmir within the purview of this measure, and I invited your attention to article 370 of the Constitution, clause (1) (b).

Mr. Speaker: I may invite his attention to one difficulty which I feel with reference to his amendment being in order. It is good that he invited my attention to this particular article. I stated to him yesterday that he might consider the question of a prior consultation or agreement with the Jammu and Kashmir Government before the President is vested with the jurisdiction. In this case, there has been no prior consultation nor consent of that Government. How can this amendment come before the House? How can this House say that this piece of legislation will also apply to the State of Jammu and Kashmir when the Constitution itself provides that it may be done only with the

[Mr. Speaker]

consent of that Government? That is the difficulty which I am feeling about the admissibility of this amendment.

Shri Kamath: To get over the difficulty that would confront my amendment I just wanted an assurance from the hon. Minister, on the lines given yesterday with regard to another matter, that before Bills are piloted in this House by the Government, they would at least take the step of consulting the Government of Jammu and Kashmir with regard to their concurrence or otherwise. The other day this point was raised before the Joint Committee on the Citizenship Bill—and I refer to that because the report is now before the House—and it was said that the Bill would apply to Jammu and Kashmir and it was not necessary to state that it expressly includes—rather, India expressly includes—Jammu and Kashmir. I do not know whether there was previous consultation or concurrence. But, on all matters where it is easily possible to have consultations with the Government of Jammu and Kashmir, it should be done and Government, henceforth at least, must give an assurance to this House that on every measure that comes before this House they will have prior consultation with the Government of Jammu and Kashmir as to whether they would like to have that measure made applicable to their State or not. If that assurance were forthcoming, I may not press this amendment on this occasion because as you said, and rightly too, there has been no prior consultation with the Government of Jammu and Kashmir. But, in regard to future at least an assurance from the Government is necessary that they will have prior consultation and if possible will have the concurrence of that Government with regard to any measure that is sought to be brought before this House. If that is made today, I can consider whether my amendment should be pressed or not. Of course, as you said,

it may not be admissible in view of the Constitutional difficulty. That I do realise and appreciate. I would like the hon. Minister to give an assurance on behalf of the Government—I do not know whether he can do that. But the Prime Minister is happily present here. Apparently he is not listening to the debate—probably he is not interested in this Bill. He might make a statement in this matter, if not today at least tomorrow that they will consult the Government of Jammu and Kashmir on every measure that they bring before the House in future.

The Minister of Information and Broadcasting (Dr. Keskar): May I say that my hon. friend Shri Kamath's amendment is clearly inadmissible. Under article 370(1) of the Constitution the power of Parliament to make laws in respect of Jammu and Kashmir is limited to such matters in the Union and Concurrent List which, with the concurrence of the Government of Jammu and Kashmir, the President may by orders specify. In exercise of these powers the President, with the concurrence of the Government of Jammu and Kashmir, has issued the Order dated the 15th May, 1954 called the Constitution Order, 1954. Under this order, the Parliament has no powers to make any law in respect of such matters as are specified in the Concurrent List. This particular subject is in the Concurrent List. As such, we cannot make any provision for the application of this particular legislation to Jammu and Kashmir. Therefore, the amendment is not admissible.

Secondly, as for the point made by Shri Kamath that the Government should give an assurance that in this matter the Government of Jammu and Kashmir will be consulted—as far as a general assurance is concerned I cannot give that general assurance. But, on all desirable legislation the Government of Jammu and Kashmir is consulted and with their concurrence a number of legislative measures are also put on the statute book of that State.

Dr. Lanka Sundaram (Visakhapatnam): Is not this legislation desirable?

Dr. Keskar: I cannot give a specific assurance that the Government of Jammu and Kashmir will be consulted immediately on all legislation and I cannot with regard to this Bill, give a specific assurance that it will be done.

Shri Kamath: May I request the Prime Minister to lend his ear to this, and a bit of his mind too?

Mr. Speaker: It is not necessary to go into the wider question at this stage. The amendment is out of order.

I will now put clause 19 to the House.

The question is:

"That clause 19 stand part of the Bill".

The motion was adopted.

Clause 19 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Dr. Keskar: I beg to move:

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

Mr. Speaker: The question is:

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

The motion was adopted.

COMPANIES BILL

Mr. Speaker: We will now take up the next item of business, the further consideration of the motion moved by Shri M. C. Shah on the 21st November, 1955. I do not think I need read the motion again. There are certain amendments one, I think, by Shri Kemath. If he wants to say anything, he may do so.

Shri Kamath (Hoshangabad): I had moved my amendment yesterday. This relates to clause 324. It is on the same lines as the one which I sought to move yesterday with regard to the

other Bill which has just been passed. The Minister of Information and Broadcasting yesterday gave an assurance that Government would make up its mind on the recommendation of the Delegated Legislation Committee, but I do not know whether the assurance was given on behalf of the Cabinet as a whole—I take it that it was so—but I would like to have a similar assurance if this amendment is not acceptable straightway. I would again repeat this because the hon. Home Minister is present here fortunately, and in the Joint Committee on the Citizenship Bill, the Home Minister on behalf of the Government accepted this proposition and a new clause has been inserted in the Bill which will shortly come up before the House. When a very senior Minister like the Home Minister has accepted this proposition, I think it should almost automatically, *ipso facto*, apply to all measures coming up before the House and I believe there is nothing which stands in the way of the Government as a whole accepting this proposition. Anyway, I would like the Finance Minister to tell the House what he or his part of the Government feels with regard to this particular point, and if this is acceptable as I hope it will be, there is no further quarrel between him and me. Otherwise I will pursue the matter later on. If the assurance is on the lines of the one given by the Minister of Information and Broadcasting, then we might reconsider the position in the light of the advice that you gave yesterday. May I pause for a while for the Minister to say something on the subject?

Mr. Speaker: What arguments can he advance in support of this?

Shri Kamath: If the Minister does not accept the proposition, then I might say something more.

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I do not accept the amendment. Shall I give my reasons?

Mr. Speaker: The Minister does not accept the amendment.