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LOK SABHA

Thursday, 26th April, 1956

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-34 A.M.

ESTIMATES COMMITTEE

TWENTY-FIFTH REPORT

जी० बी० जी० मेहता (गोहिलवाड) : मैं रेल्वे मंत्रालय सम्बन्धी एस्टीमेट कमेटी (प्राक्कलन समिती) की २५वीं रिपोर्ट को पेश करता हूँ।

RULES COMMITTEE

THIRD REPORT

Sardar Hukam Singh (Kapurthala—Bhatinda) : I beg to move :

"That this House agrees with the Third Report of the Rules Committee laid on the Table of the House on the 25th April, 1956."

Mr. Speaker : Motion moved :

"That this House agrees with the Third Report of the Rules Committee laid on the Table of the House on the 25th April, 1956."

Shri Kamath (Hoshangabad) : I rise to a point of order. I rise with considerable trepidation because, at the back of my mind is the apprehension, Mr. Speaker, that whatever I say or the language in which I couch my thoughts and arguments might be adjudged unparliamentary or improper by certain standards of dignity, decency and decorum.

Mr. Speaker : This preamble is unnecessary. Who is going to adjudge? It is wrong. Is the hon. Member suggesting to the Speaker that he must be care-

ful when he says that the Member should not use certain words and that those words are not proper? All this preamble is unnecessary. The hon. Member will kindly resume his seat if he is not familiar with the proper language of expression.

Shri Kamath : I am not familiar with the standards....

Mr. Speaker : If he is not familiar, he ought to choose between two courses.

Shri Kamath : In my parliamentary experience and with my knowledge of other Parliaments also, I would say that.....

Mr. Speaker : That is another matter. He ought not bring all those things here. What is the matter on which he wants to speak now?

Shri Kamath : It is a very important matter. I hope you will appreciate it by and by and I hope the House also will appreciate it. My hon. friend, Sardar Hukam Singh, has moved this motion. I am sure there is complete unanimity or agreement in this House on....

Mr. Speaker : Points of order are raised by merely stating the points. Then, if I want further elucidation, I will ask the hon. Member to explain the point. What is the point of order now?

Shri Kamath : I hope that the House would agree that the report presented to the House should be a correct factual report.

Mr. Speaker : That observation also is not necessary. What is the point of order?

Shri Kamath : The point of order is that the report submitted to the House today is not a correct report, and the proceedings of the Committee, in so far as they relate to those of us who were invited to be present and those of us who moved amendments to the rules,—I am referring especially to rule 167—are not correct.

Mr. Speaker : The hon. Member has tabled an amendment. If he wants to

[Mr. Speaker]

press his amendment, let him refer to it and say that the report does not carry out what he said. Then I will allow him to speak on it. Now, what is the point of order?

**Shri Kamath:** My point of order is that this report should be presented after it has been corrected properly.

**Mr. Speaker:** That is what he referred to earlier. I want his further points. The hon. Member did not refer to the amendment.

**Shri Kamath:** Considering the importance of this matter, I would like the Leader of the House to be present, because it is an important matter relating to the Constitution and the amendments to the rules of procedure relating to the Constitution. We would not lose, and the heavens will not fall, if we postpone it by a day or two till the Leader of the House is back in the House. I would appeal to you and the House to bring it up later on, say, after two or three days. If you uphold that point, I will not proceed further. If you do not uphold that point, I will proceed further.

**Mr. Speaker:** The hon. Member will proceed.

**Shri Kamath:** I will take up rule 167 first. There are two rules before us—rules 167 and 169. I need not read rule 167. The proviso to the rule says that the Speaker can, with the unanimous concurrence of the House, put clauses or schedules of the Constitution amending Bill together to the vote of the House. I put an amendment to the Committee to which the Committee's report makes no reference. The Committee's report says that "They however agreed that it was necessary to insist upon the unanimous consent of the House as that would be tantamount to a veto by one member upon a course of action which was otherwise approved by the House." I made my point very clear. I insisted that the unanimous consent of the House should be had, with even the right of veto by one Member, so far as this matter was concerned. But unfortunately, the report makes it appear that all the Members who were invited to the Committee meeting agreed on this point that the veto should not be insisted upon.

**Mr. Speaker:** Does it say so? The hon. Member is not a Member of the Committee. He was invited to come.

He suggested amendments. Does the report say so?

**Shri Kamath:** Please read paragraph 5 of the report.

**Mr. Speaker:** Yes. I have read it "They" really means the Members of the Rules Committee. It has not been drafted correctly. Shri Kamath gave an amendment. The other hon. Members did not agree. So, the word "they" refers only to the Members of the Rules Committee. Finally, the Members who had tabled amendments were asked to withdraw so that the Rules Committee might look into the whole matter. They unanimously agreed. That is all.

**Shri Kamath:** So far as I understand the English language, the word "they" here does not show the correct position.

**Mr. Speaker:** Why does he canvass the proposition again? I agree that the word "they" in this context is likely to apply to the Members who tabled the amendment. But what was intended was that it should apply to the Members of the Rules Committee.

**Shri Kamath:** Let me proceed further by your leave. I invite your attention to Rule 126 which deals with ordinary Bills. I will read out Rule 126(2), and the proviso:

"The Speaker may, if he thinks fit, put as one question group of clauses to which no amendments have been moved:

Provided that if a member requests that any clause be put separately, the Speaker shall put that clause separately."

The Constitution Amendment Bill is more than an ordinary Bill. I have moved an amendment to the proposed proviso to Rule 167, which proposes to whittle down the powers of the House, which the House enjoys with regard to even ordinary Bills. What would be the result of the amendment which is proposed to be accepted in effect? In effect, the result of that amendment will be that even if there is no unanimity, if the majority of the House is in agreement, then the Speaker can put all the clauses—2, 3, 4, 5 and so on—together to the vote of the House. This, in effect, makes a Constitution Amendment Bill, even less important than an ordinary Bill. In the case of an ordinary Bill, a single Member can exercise his vetoing power, and the clauses shall be put separately. Proviso to Rule 126(2) says,

"The Speaker shall put that clause separately"; it does not say, "the Speaker may put it," I do not know what process of reasoning the Committee has arrived at that conclusion, namely, that even if a simple majority of the House is in agreement, the Speaker or the Chairman is competent to put the clauses of the Constitution Amendment Bill together.

I am constrained to say that there is a growing tendency to hustle, muzzle and throttle as the session drags on to a close. Especially when we are discussing a Bill of this kind—a Bill to amend the Constitution—time is of no consideration whatever. Every clause relating to every article that is proposed to be amended must and shall be put to the House separately. The House is well aware that your predecessor, Mr. Mavalankar set up certain high traditions and conventions which I hope we will all uphold in this House. With regard to the elimination of the Question Hour, though there is no specific provision in the rules, he created this convention that even a single Member can veto the proposal for the elimination of the Question Hour. I have exercised that privilege more than once by being the single Member saying that the Question Hour shall not be eliminated and your predecessor congratulated me on helping to build the tradition which is the cornerstone of the parliamentary process. Question Hour is the cornerstone of the parliamentary process. If that is so, how much more important should a Bill to amend the Constitution be regarded? \*

श्री रघुनाथ सिंह (जिला बनारस) : अभी तक हम लोगों की समझ में नहीं आया कि आप क्या कहना चाहते हैं ?

Shri Kamath : आप शांति से सुनते जाइये, जो अभी तक नहीं समझ पाये हैं, वह आप समझ जायेंगे ।

Even if this amendment is passed by the House—of course, I have no doubt that it will be passed—am I to understand that the provision which has been made in the rules, namely, the proviso the Rule 126(2), for ordinary Bills will not apply to a Bill to amend the Constitution? Am I to understand that?

Mr. Speaker : The hon. Member has got a right to say it.

Shri Kamath : If that is so, if this provision with regard to ordinary Bills will not apply to Bills amending the Constitution, and if this amendment is adopted by this House, I am very pessimistic about the future of the parliamentary process in this country.

One word more and I have done. There was a sound reason why this proviso to Rule 167 was incorporated. It was done as far back as five or six years ago and it has worked well. That has been applied to so many Bills amending the Constitution and there has been no trouble with regard to the working of that rule. The main reason to my mind—that is obvious—with regard to this particular proviso is that so far as the Constitution is concerned, one single party, a majority party, should not be able to amend the Constitution as it likes. That is why "unanimous concurrence" and "two-thirds majority" have been provided, as far as the Constitution amendment is concerned. Otherwise the proceedings of the House with regard to Constitution Amendment Bills will be reduced to a farce and mockery unless the rules are enforced by the Chair strictly. In the Constitution (Ninth Amendment) Bill, there is for instance a clause—I forget the number of it—which provides for not more than 500 Members for Union States and 20 Members for Union territories. I am in agreement with the first part which provides for 500 Members, but certainly I am not in agreement with the second part providing for 20 members for the Union territories.

If you accept the amendment, you put a Member in a position in which he can vote on a particular clause of the Bill, but not on some other clause of the Bill. The suggested amendment vests powers in the Speaker or the Chairman which were not contemplated at all, as far as Bills to amend the Constitution are concerned. I think this is a retrograde amendment and I oppose that.

Mr. Speaker : The hon. Member has got 5 minutes more.

Shri Kamath : Rule 169 refers to voting on motions in respect of Bills. I am in agreement that so far as a motion for sending a Bill for public opinion is concerned, a special majority may not be necessary. I agree with the Committee because at that stage, the House does not accept the principle of the Bill But, when a motion is made for refer-

\*Expunged as ordered by the Chair.

[Shri Kamath]

ence of a Bill to a Select Committee of the House, the House is committed to the principle of the Bill. The Rules Committee's amendment seeks to do away with the special majority at this stage. That is to say, you commit the House to a Bill without caring for the two-thirds special majority provided in the Constitution. I think this stage is much more important than the stage which is reached when the Bill comes back from the Select Committee. I would even do away with the requirement for the two-thirds majority when the Bill comes back later on from the Select Committee. At the earlier stage when the House commits itself to the principle of the Bill, there must be a two-thirds majority, otherwise, it will defeat the object of article 368 of the Constitution.

One word more. I would only say that I was not surprised when my Communist friends tabled an amendment about dropping of the word unanimous. I was not surprised because a majority of them have no faith in parliamentary democracy or parliamentary institutions. However, even at this stage I would appeal to them to withdraw their amendment and see that unanimous concurrence of the House is obtained before the Speaker puts two or three clauses together of the Amending Bill to the vote of the House.

**Dr. Krishnaswami (Kancheepuram):**  
Mr. Speaker . . .

**Mr. Speaker:** Five to seven minutes for each Member; there is not much time.

**Dr. Krishnaswami:** I will try my very best to compress.

It is difficult to differ from those who are our colleagues, who have given considerable thought to this matter. But, I should like to invite the attention of the House to the proposed amendments which concern themselves not merely with regulating the procedure of the House of the People, but also seek to conform to the procedure laid down for us in the Constitution. Non-compliance with the procedure would result in invalidating constitutional amendments and consequently lead the courts with power to enquire into the procedure adopted by us.

**Mr. Speaker:** In regard to these matters, as is observed, whenever an hon. Member wants to move an amendment and press it,—I understand the hon.

Member wants to press the amendments—let him state the amendment and then support it by arguments.

**Dr. Krishnaswami:** I have moved two amendments. One with reference to rule 167 which I wish to be retained as it is. Another with reference to rule 169 which refers to the omission of clauses (i) to (iv).

I should like to refer to article 368 of the Constitution because it will help us to appreciate what exactly is involved. Article 368 refers to passing of a Bill. 'Passing' is not merely a term of art which refers to third reading. In my opinion, it is intended to relate to the adoption of amendments by this House. If a Bill consists of more than one clause, each clause, in my judgment, is an amendment of the Constitution. It is possibly certain that the special procedure prescribed for each amendment should be followed strictly in the case of each clause. That is to say, when words are said that each clause shall now stand part of the Bill on the motions, except the motion with reference to the short title, enacting formula and long title, we should have the specified majority put in the Constitution. If this be not done and only the special procedure applied to the third reading that the Bill be passed, then, some Members who do not oppose the Bill, but who are only opposed to particular clauses will not have an opportunity of voting down that clause. The object of article 368 to have each amendment passed by a special majority would be rendered nugatory in my opinion. To avoid this argument, it would be safer to adopt this to the second reading as well. Rule 167 refers to it. The proviso to the rule is sought to be changed and the amendment seeks to give power to the Speaker to put all the clauses and Schedules to the vote of the House with the concurrence of the House. By concurrence of the House a simple majority is intended for putting the clauses to the vote which will have to be carried by a special majority. If by a simple majority these clauses are clubbed together, those who do not vote for the clauses being so put will be deprived of the opportunity of voting against any one or the other of the clauses of the group which they do not approve. This would infringe, in my opinion, the right given to Member and also the citizens whom he represents. Anyone can move the Supreme Court for redressing this matter. While I agree that unanimous concurrence is too res-

trictive a condition, because in a House where 60 per cent of the Members are present, any one can exercise a Polish veto even though 40 per cent want it. I believe that it is wrong to go to the other extreme of relying only on concurrence by a simple majority. Obviously, the amendment should make provision for concurrence to clubbing being approved by a special majority of two-thirds of those present and at least 51 per cent of the total Membership of the House. The rationale of this rule would be that where two-thirds have approved such clubbing, it must be presumed that the House, to save time wants to take all the clauses together and also this procedure satisfies the constitutional requirement which has been put in article 368.

Rule 169 in my judgment, follows rule 167, which deals with clause by clause consideration of the Bill. Logically the motion for consideration should precede the clause by clause consideration. Here, it is rather strange that first reading succeeds the second reading. I also hold the view that the consideration stage is only an aid in execution of the passage of the Bill. It is not part of the passage of the Bill. Nevertheless, if the Rules Committee wants that that particular conditions should be put there, they can have it. But, it is also a restrictive condition. I should like to have this two-thirds majority confined to two stages, the second reading and third reading. In the second reading every clause is voted upon by a special majority. If the House so decides to club these clauses together, it must approve by a two-thirds majority and not by a simple majority, because that, obviously, would infringe the constitutional requirement. I wish the Rules Committee, the senior colleagues of mine in the Rules Committee like Pandit Thakur Das Bhargava and Sardar Hukam Singh and others, would go into this matter more thoroughly. Obviously, we do not wish to permit a rule of procedure which would be challenged in a court of law. We seek as far as possible to avoid interference in the internal business of the House by courts of law. But, where we follow constitutional requirements, courts of law would have the full and indubitable right of examining the procedure for finding out how far we have exercised our discretion and also reviewing our conduct. I therefore feel that we should change this proposed amendment to this concurrence provision by suggesting that it must be ap-

proved by a two-thirds majority of the House with 51 per cent of the membership. I believe that that is all one has to say on this matter. I would only wish the Rules Committee of this House to give considerable thought to this matter, because it is the purpose of this House to avoid litigation as far as possible, to pass laws which are valid and to see to it that its procedure conforms to the strict constitutional requirements that are laid down in article 368 of our Constitution.

**Shri S. S. More (Sholapur):** Mr. Speaker, I propose to be very brief. The real point is, what is the meaning of the word 'passed' as given in article 368. I submit that your predecessors, having long experience, interpreted this word in a particular manner and laid down rules of procedure to that effect. That procedure was laid down in the first edition of our rules, in the second edition of our rules, in the third edition of our rules and the fourth edition of our rules. On no occasion was the interpretation put upon this particular clause challenged by any one. It may be inconvenient to Government on occasions. That is evident. But, the mere convenience Government should not compel us to modify the meaning of the word 'passed'. As far as article 368 is concerned, on two occasions, the Constitution itself has abrogated its application. Take for instance, article 4, where it says that under certain circumstances, this article shall not apply. Then again, under article 240, regarding certain legislations, it has definitely been said that article 368 will not apply.

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My submission is that we have to interpret the word 'pass'. Now, can the mere mechanical passing at the last stage be said to be the real passing of the Bill? My hon. friend Shri Kamath has pointed out that it is at the stage when a motion is made for consideration, that the whole House has to take into consideration the principle of the Bill; and if the principle is accepted by this House, then it goes on to the other stages, namely the stages of giving effect to the principle of the Bill and nothing more. So, in essentials, we must see that the House has a particular majority as laid down by article 368. That in the spirit of article 368 though the letter may lead us somewhere else. But we have to apply the Constitution not in its letter but in its spirit. That is my first contention.

[Shri S. S. More]

My second contention is that these rules are supposed to be in operation under clause 2 of article 118. You will recall that I had raised a point regarding the constitutionality or the legality of these rules, and I had a protracted correspondence with Government and the Minister of Parliamentary Affairs wrote to me a letter two years back saying that he was taking steps to place all these rules before the House, for under article 118 (1) it is the privilege of the House to pass these rules.

I have cared to read the past proceedings right from 1854 onwards, and even in those bureaucratic days, I find that the House was in charge of passing the rules. I would make an earnest appeal to you to consider this matter. Even this Rules Committee, though it may be styled as a parliamentary committee, is a committee created by the Speaker only, and we do not know how far he had rights under article 118 in this respect, because that article gives him power only to adapt or modify them. A separate and independent framing of the rules is quite another thing. It cannot come under the two expressions 'modifications' and 'adaptations'. But I do not want to go into the interpretation of those words now. Let us start on a clean slate.

I would make an earnest request to you and particularly to the Minister of Parliamentary Affairs to fulfil the promise that he gave me. He told me, 'I am taking steps to place these rules before the House, and that will meet your point'. But it is more than two years, and still, his very sensitive memory is not yet prepared to take necessary steps for implementing that promise.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** For obvious reasons, I could not do so during this session. I had promised last session, but we are so hard-pressed now, that I could not do so during this session.

**Shri S. S. More:** That was made two years ago, and not during the last session. I had a lot of correspondence. . . .

**Shri Satya Narayan Sinha:** The House has got to approve of whatever the Rules Committee does.

**Shri S. S. More:** Even that is under the rule-making powers of the Speaker. This House has not passed any resolution saying that the Rules Committee is

authorised to legislate on behalf of the House. Unless such an authorisation is made, there cannot be any delegated legislation. The Speaker may in his own way pass a rule, appoint a Rules Committee, and the report of that committee may be approved, but that sort of approval is not a direct legislation by the House of its own rules of conduct. The Minister of Parliamentary Affairs has sufficient experience to know that delegated legislation without the authority of the State is something which is illegal. I do not want to go into the details.

The Rules Committee has suggested a very substantial improvement. It is a question of recording a two-thirds majority opinion of the House, because a constitutional amendment is supposed to be a very relevant and a very important amendment. It is for you, Sir, to interpret whether the word 'pass' means only the formal passing at the last stage, or whether it goes to the root of the matter or the heart of the matter, and the House has to give its verdict by that majority, when it is accepting the principle of the Bill. That is a matter for your consideration.

**Shri Raghavachari (Penukonda):** As a Member of the Rules Committee, it is my duty—however inappropriate or undignified it may appear to be that Members of the same party are ranged on opposite sides—to explain the point of view of that committee.

Hon. Members who brought amendments to the proposed amendment wanted to rely entirely upon the interpretation that they would like to put upon the word 'passed' in article 386 of the Constitution. The question is whether the word 'passed' used there relates to the last stage before a Bill is passed, or to all the stages through which a Bill must go before it gets passed. That is the sole crux for interpretation.

The law officers of Government and some of us also, taking a very strict view of these words, do feel that the interpretation that the word 'passed' refers only to the last stage has great force in it; it cannot be brushed aside as an incorrect interpretation. All the objections that are now raised depend on the belief that only one interpretation is the correct interpretation. I, as a lawyer, am bold to say that it is too much of courage for any one to say that his is the only proper interpretation.

**Shri S. S. More:** Supposing our interpretation is accepted?

**Shri Raghavachari:** I shall come to that presently. My next point is that this interpretation is not an interpretation which has been put only yesterday or today—it is unfortunate that this amendment has come just at this time, synchronising with the Constitution (Ninth Amendment) Bill. It is not so. In fact, I have been a Member of the Rules Committee for over two years now, and even at the time of the late Shri Mavalankar, the matter had come up there. This opinion of the law officers of Government was also considered, and we all agreed that a very correct interpretation might be that the passing refers to the last stage only. But what we were concerned with as Members of the Rules Committee,—and supported also by the experience of the late Shri Mavalankar—was, that it was advisable to err on the safe side, and that for the sake of the dignity and the sacredness of tampering with or altering the Constitution, we must insist upon a special majority at certain stages. So, it was a matter of compromise, it was a matter of practicability, it was a matter of doing business with the proper decorum that made us feel that we must accept, not the correct and strict interpretation of the word 'passed' applying only to the last stage, but that it must be extended to the other stages also. Therefore, we thought that at the consideration stage, there must be a majority of two-thirds, and again at the clause by clause stage also, it must have a two-thirds majority.

So, as practical men, as men who wanted that business must go on, as men who were interested in seeing that the country must know that Parliament was not simply trafficking or dealing lightly with the Constitution, we did insist, and the late Shri Mavalankar also supported it, that the old rules as they stood, should continue.

But you will remember that last time, when the motion for reference of the Constitution (Seventh Amendment) Bill came up, on account of just two or three Members being locked out, the whole thing had to be gone through again, and a lot of public time, and the time of Parliament had to be wasted over it. It was not that Parliament did not want the passing of that Bill, but only the technicalities stood in the way, and therefore, public time was wasted, and things went on like that. That occasion made Government realise that they

might change the law entirely in accordance with the strict interpretation that the word 'passed' applies only to the last stage. We again stood in the way, and we did persuade Government to accept the substance of it, namely that the purpose of the rule should not be lost, and that at the consideration stage, at the clause by clause consideration stage, and at every other stage, the solemnity and sacredness of constitutional amendments should be preserved. Government also accepted that. So, what is now before the House is the result of a compromise.

I am free to confess my own view that a strict interpretation of the word 'passed' refers only to the last stage. When that interpretation is accepted, then compromise is the thing which practical men get into. It is very easy to interpret it technically and stand on. But who is going to break the whole law on this interpretation through a court. It is good for an argument. But is it practical? Is it real? Is it going to happen? I, as a Member of the Rules Committee, think that the amendments that we have proposed are practical, and useful, and will preserve the dignity and the seriousness with which the whole thing is done.

I would like to make only one more submission, and that is this. As regards the language that is used, the word 'unanimous' is now removed. Therefore, under rule 167 what was the privilege of one individual to hold up the work of the House has now been taken away. That is the complaint which Shri Kamath now makes.

**Shri Kamath:** What about rule 126?

**Shri Raghavachari:** I shall come to that. Let him not please interrupt.

What was the privilege of a Member to take pride by saying, 'I have made the business of the House stand still for half an hour' has now been removed. My difficulty is that as a practical man, as I said, though I am also a lawyer, I mean business.

**Shri Chattopadhyaya (Vijayavada):** Lawyers are not practical?

**Shri Raghavachari:** The unanimity relates to the clubbing of the clauses to be put together. So far as the passing of the clauses is concerned, that is done by the majority of the House. So ultimately it is the majority of the House that passes it. It is even two-thirds ma-

[Shri Raghavachari]

majority that will pass the clause at the earlier stage. But here for a few minutes it is one voice that holds up the thing. Strictly and technically, there may be something in its favour, but to me as a business man or as a man concerned with the public time of the House, it does not appeal.

Then I come to Dr. Krishnaswami; I am sorry I have to refer to his amendment; he will excuse me for that. His amendment is that so far as rule 167 is concerned, the word 'passing' will include all the stages and it must be by the same special majority, and therefore, this will apply to the consideration stage and every other stage. But when he gave notice of an amendment to clause 169, he said 'omit sub-clauses (i) to (iv)'. That is the consideration stage, omit; Select Committee stage, omit; Joint Committee stage, omit; and public opinion stage, omit. Only at the last passing stage, we want special majority. That is the amendment which he gave to rule 169. On rule 167, he contends that 'passing' includes all stages. I would respectfully point out to him that this interpretation will lead to a contradiction between one and another. So as Members of the Rules Committee, we could not take such views: one argument for this and another argument for that. We must have a common argument for both. Therefore, we have passed this rule. I appeal to the House to realise that the Rules Committee's recommendations are practical and will not take the substance away from the power of this House. Therefore, it is most sensible and must be accepted.

**Shri Nambiar (Mayuram):** I beg to move:

That for the proposed amendment, the following be substituted:

"In rule 169—

- (a) in clause (i), for the word 'it' the words 'the Bill' shall be substituted;
- (b) in clause (ii) for the word 'it' the words 'the Bill' shall be substituted;
- (c) in clause (iii), for the word 'it' the words 'the Bill' shall be substituted;

(d) for clause (iv), the following shall be substituted, namely:—

'(iv) the Bill, as reported by the Select Committee of the House, or the Joint Committee of the Houses, as the case may be, be taken into consideration, or';

(e) for clause (v), the following shall be substituted, namely:—

(iv) the Bill or the Bill as amended, as the case may be, be passed'."

This is my amendment to rule 169. I submit I cannot agree with the decision of the Rules Committee in paragraph (8); they say that a special majority is not needed in the case of submission of a Bill to a Select Committee. I submit that once a Bill is submitted to a Select Committee, the principle of the Bill is accepted, and it is exactly there that we want a special majority to prevail. Therefore, I agree with the suggestion already made that the proposed amendment made by the Rules Committee is wrong and it cannot be accepted. It vitiates the very principle, the fundamental aspect, that we have already agreed to in the Constitution. Therefore, I submit that my amendment may be accepted.

With regard to rule 167, it was exactly my amendment that the Rules Committee has agreed to. With regard to the provision of unanimity, we discussed it in detail and we came to the conclusion that it need not be there. As observed by Shri Raghavachari, one Member need not hold up the business of the House for a long time, especially when we are going to amend the Constitution in order to redraw the boundaries of our States. We are all interested in seeing that that reorganisation is done effectively and as quickly as possible. Therefore, in order to avoid wastage of time, we thought we should try to ensure the quickest passing of the Bill. It was only with that end in view that we, of the communist party, agreed to that.

Therefore, if there is any misunderstanding in mind of Shri Kamath, as reported, I beg to differ from him on this point and say that it was only with that end in view, and not to stifle the right of any hon. Member, that we agreed to that amendment. If he finds that that amendment does not do good, we can change it further, at least for the time being. I would appeal to the House to accept my amendment.



**Mr. Speaker :** Amendment moved :

That for the proposed amendment, the following be substituted :

"In rule 169—

- (a) in clause (i), for the word 'it' the words 'the Bill' shall be substituted;
- (b) in clause (ii), for the word 'it' the words 'the Bill' shall be substituted;
- (c) in clause (iii), for the word 'it' the words 'the Bill' shall be substituted;
- (d) for clause (iv), the following shall be substituted, namely:—  
'(iv) the Bill, as reported by the Select Committee of the House, or the Joint Committee of the Houses as the case may be, be taken into consideration, or';
- (e) for clause (v), the following shall be substituted, namely:—  
'(v) the Bill or the Bill as amended, as the case may be, be passed.'

**The Minister of Legal Affairs (Shri Pataskar) :** I would like to submit that the Rules Committee has taken a very practical view of the thing without, in any way, sacrificing the principles underlying the rules framed with respect to Constitution Amendment Bills.

There have been one or two fundamental objections which I really fail to understand. It was suggested that making an alteration like this in the rules might offend article 368 of the Constitution, and might be challenged in the Supreme Court or in any other court, and might be struck down. So far as I can think of, I have no such fear, and all such apprehensions are misplaced for the simple reason that article 368 itself contemplates what is meant by the word 'passing'. It says :

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

The wording itself shows that it contemplates two stages, the introduction stage and the stage of passing. There are other stages also involved in a Bill. Therefore, I think that the correct, strict, legalistic interpretation of article 368 can only be that it relates to the

passing of the Bill. We ourselves, even in the present rules, contemplate all those other stages, for example, introduction, reference to Select Committee, then another motion that the report of the Select Committee be taken into consideration and so on. Naturally, I think there is no fear that article 368 can ever be interpreted to mean that it is something else than what is really meant by the word 'passing'.

Shri S. S. More tried to argue that probably it was on an interpretation like this that the rules were framed in that way and therefore, that might be utilised as an argument by some people in a court of law that now we are doing something which is against the Constitution. As a matter of fact, whatever may be the interpretation, it is always open to this House when framing rules to introduce certain other restrictions, if it liked. That was probably the reason why all those special restrictions were introduced when the rules were framed.

As regards the validity of the rules, I think that is not relevant for the present purpose; that is a different matter.

**Shri Kamath :** What about rule 126 ?

**Shri Pataskar :** I would suggest that the present amendments made by the Rules Committee are very simple. What do they say? In the proviso to rule 167, the word 'unanimous' is omitted. The only object is that a single Member should not hold up the thing and that the Speaker should be given the power to put the clauses together. I expect that even now, whenever power is given to the Speaker to do a certain thing, he always does it after ascertaining the wishes of the House.

**Shri Kamath :** Make it mandatory.

**Shri Pataskar :** So far as rule 167 goes there is practically no hardship caused, unless some people think that the Speaker cannot be trusted at all. But looking to the matter as to whether he should or should not, in the first instance, club together certain clauses, and whether he should ascertain the wishes of the House in the matter....

**Shri Kamath :** What about rule 126 for ordinary Bills ?

**Shri Pataskar :** With respect to rule 169, what are the suggestions made by the Committee? With respect to all important matters, naturally they say that that majority will be required. For ins-

[Shri Pataskar]

tance, there is a motion like this: "That the Bill as reported by the Select Committee or the Joint Committee, as the case may be, be taken into consideration." Naturally, that is the stage at which they accept that there should be such a majority in view of the constitutional provision. But when the motion is merely "that the Bill be referred to a select committee" and when the Bill is again going to come before the House after the report of the select committee, because a further motion has to be made at that stage, it is very rightly suggested by the Rules Committee that this may go out. It is an addition to the restrictions which are contemplated in article 368 of the Constitution. For the motion "that the Bill be referred to a Joint Committee of both the House or that it be circulated for eliciting public opinion, it is certainly not necessary that there should be such a majority. Therefore, the recommendations of the Rules Committee are not only consistent with the Constitution, but they are intended to place certain reasonable restrictions in respect of Bills of this nature which are of an important character.

**Sardar Hukam Singh:** Mr. Speaker, I moved the motion and I am responsible to reply. I would request my hon. friends who have spoken so far to give me a little indulgence.

The first point is that for ordinary Bills, Rule 126(2), proviso gives power even to one member to veto the decision of the House. He can call out that such and such a clause may be put separately and the Speaker is bound to put that clause separately to the vote of the House. In my opinion, there is no inconsistency between 126 and 167 or the Rules as they have been amended. Supposing the Speaker says "that clauses, 2, 3, 4, and 5 be taken together" and one hon. Member stands up and says that "clause 3 may be put separately," then, it does not debar the Speaker from putting clause 2, 4, and 5 together. In Rule 126, the wording is:

"... the Speaker shall put that clause separately."

But, clauses, 2, 4 and 5 can be clubbed together.

**Shri Kamath:** If I say that clause 4 should be put separately?

**Sardar Hukam Singh:** Then, clause 4 shall be put separately. If somebody says that clause 5 should be put sepa-

rately, then, it has also got to be put separately. It is the right of the individual member to say that such and such a clause may be put separately and not that such and such clauses should not be put jointly or together. Now, what the Rules Committee has done is to take away that right of an individual Member.

You will recall the discussion that took place. There is no intention to take away the right of any particular member to call out that a particular clause may be taken separately. That would remain as it is. Putting some clauses together and allowing a Member, if he so desires, to say that a particular clause be voted upon separately are two different things. I think they are distinct and it should be understood clearly. It is not the voting that we are abridging. Even if the clauses are taken together, the same majority of two-thirds shall be required for passing. That majority is not being reduced. That right is not being taken away; if the House, by a majority says that clauses 4 and 5 be taken together, those are taken together. The right of the House to throw them away or to vote upon them is not abridged because those clauses, put jointly, could be passed only with the majority of two-thirds. (*Interruption*). Those clauses would not be deemed to have been passed unless the requisite majority of two-thirds is there. This right is there—the right of an individual Member to say that particular clause be taken separately—and the Rules Committee also holds the view that right of the ordinary Member should not be taken away.

**Shri Kamath:** I have no quarrel.

**Sardar Hukam Singh:** But, so far as the joining of those clauses is concerned, that is not debarred. We can save time when only all the clauses can be taken together and no Member has any objection. But, should there be complete unanimity of the House for taking the clauses together? Even for passing the clauses, only a majority of two-thirds is required. Each of these clauses will be passed only when there is two-thirds majority. But, when we only take the opinion whether these clauses be taken together or jointly, does it stand to reason that we should insist that there should be unanimous concurrence of the House? Should it be more strict even than passing the clauses? So, in my opinion, what the Rules Committee has done is very reasonable and advisable and it stands to reason that so far as the joining together of

clauses is concerned, the Speaker may take the opinion of the House. Any Member shall be justified in pointing out to the Speaker that a particular clause, on which he feels he has to vote differently, may be put separately. This is how I feel.

Then, we come to the second point so far as Rules 167 and 169 are concerned. It has been argued here whether the word 'passing' means only the stage when the motion is made that the Bill be passed or whether it includes all the different stages. In my opinion, it is no use arguing now. There are Members who were and are still of the opinion that it is only the last stage, namely, the motion that the Bill be passed, which is intended in article 368 of the Constitution. Why go through all the discussion over and over again? The Rules Committee has admitted that it was only by way of abundant caution that it has not said that two-thirds majority would apply only to that portion.

There are so many stages through which a Bill has to pass. First is the introduction stage. That is a formal affair. Nobody says that that should require a two-thirds majority. That introduction may be done even by a notification in the Gazette. Nobody says that a two-thirds majority is required for that.

We come to the next stage, that the Bill be taken into consideration. There is an option given to the Member in charge of the Bill either to move that motion or, in place of that, and not at the next stage, to make a motion that the Bill be referred to a select committee or a joint committee or that it be circulated for eliciting public opinion thereon. But will these stages in the passing of the Bill carry us any further? They are only intermediate steps in order to reach a stage where the Bill can be considered. After the opinion has been ascertained from the public, after it has been considered by the Select Committee or after it has been considered by the Joint Committee, we come back or revert to the same old stage where we left, that the Bill be taken into consideration.

**Shri S. S. More** : When a Bill is referred to a Select Committee, it is taken that the House has accepted the principle of the Bill.

**Sardar Hukam Singh** : I am coming to the principle exactly and perhaps my friend rather anticipated me.

Those stages are intermediary steps in order to come to a conclusion. What is the Bill that is to be considered by the House? What is the form in which it should be considered? In my opinion, the only stages for passing are consideration motion, clause by clause stage and then passing. Reference to a Select Committee or eliciting public opinion etc., only aid us in reaching the stage where we might consider the Bill as it has come before the House. We have lost nothing by sending it for eliciting public opinion or for reference to a Select Committee.

It has been argued that we stand committed to the Bill. What is that committal? As my friend says, take the Constitution (Ninth Amendment) Bill; what is the committal? The committal is that the Constitution is being amended, and on certain sections. Is the House not competent to reject every clause except one clause? I say the House is competent to do that, and perhaps Shri More differs from me. In my opinion, we are not committed to accept each and every clause. We can reject every one of them except one or two and we will be justified in doing so.

**Shri A. M. Thomas (Ernakulam)** : The entire Bill we can reject even at the consideration stage.

**Sardar Hukam Singh** : Not the consideration; I am discussing the Select Committee stage. When we say that the motion is accepted that the Bill be referred to a Select Committee and we stand committed to the principle, what is that principle that we are committed to besides the one that the Constitution will be amended or must be amended on the lines given in those clauses? Can we not reject any of those clauses? Cannot the Select Committee throw them out? Cannot the Select Committee change them? What is the principle? We have seen in the Bills that we have sent that the entire shape has been changed. There is nothing that binds us from changing or altering the particular clauses.

**Pandit Thakur Das Bhargava (Gurgaon)** : The Select Committee can also recommend that the Bill may be withdrawn. That also can be done.

**Sardar Hukam Singh** : Yes, that also can be done. Therefore, what is there that we stand committed to except the principle that an amendment is there? The Select Committee cannot say that we are not going to consider it.

**Shri S. S. More :** When we are discussing a report from the Select Committee, some Members say, "Go by the principle of the Bill". There are Bills where some principle is involved. Once we are committed to the principle by reference to the Select Committee, we may try to give effect to it by some other means, but the principle cannot be ignored.

**Mr. Speaker :** If the hon. Member differs, let him differ. Other hon. Members will be able to follow.

**Sardar Hukam Singh :** Unless a concrete thing is put before me that this is the principle which the House stands committed to and is bound by it, I cannot answer that allegation or charge. In my opinion, the only principle to which the House would stand committed, if we take the case of the Constitution (Ninth Amendment) Bill, is that the Constitution is to be amended so far as those particular clauses are concerned. But the Select Committee as well as the House have complete authority to reject or throw them out absolutely. Of course, the Select Committee stands committed in this sense that it cannot say that it will not amend any of these things and it will send them back. The Select Committee cannot say that. This is all what it means. We stand committed to consider the amendments to these clauses and decide upon them. Therefore, there is nothing that should terrify us—that we stand committed to it, that it is a serious thing and so on, and that even for reference to a Select Committee, there ought to be two-thirds majority.

In my opinion, so far as unanimous concurrence is concerned, there is no need for that unanimity. Concurrence is enough. So far as the second point is concerned, a reference to a Select Committee does not take us anywhere. The House takes up the thread where it left. Instead of making the motion that it be taken into consideration, there are intermediary steps that are to be taken. The House has absolute authority on the Bill to take up the thread where it left and it can take it into consideration after the report of the Select Committee has come. We lose nothing. It is only the time that we save. Therefore, I support my motion and commend it to the House.

**Mr. Speaker :** There are two rules Nos. 167 and 169 relating to the special procedure to be adopted when a Bill

to amend the Constitution is before the House. Those two rules were modified by the Rules Committee and the report was sent to the House. Amendments were tabled to both the rules and suggestions made to the modifications of the rules made by the Rules Committee. Amendments were tabled both under rule 167 and rule 169.

Out of these amendments tabled, one was by Shri H. V. Kamath, that the proposed amendment be omitted. That is in the nature of a negative one. When the rule or clause is put to the vote of the House, the House can reject it—Shri Kamath may lead and the others may follow. Therefore, there is no specific amendment, as has been held commonly. There cannot be an amendment that the clause of the Bill be omitted. When the clause is put to the vote of the House, it can be thrown out at that time. Therefore, it is not strictly an amendment.

Regarding the amendment tabled to the original report by Shri Nambiar that the word "unanimous" may be omitted and the rest may be accepted, for the benefit of the House, in a few words let us see what exactly is the position regarding rule 167. There were two views expressed. One was on behalf of Government that even with respect to a Constitution Amendment Bill, it is only at the passing stage or the third reading stage, that a special majority of the members of the House and two-thirds majority of those present ought to be insisted upon, on reading of article 368 strictly. It was sought to be explained away by some other Members that passing is comprehensive, and must refer to all the stages of introduction, consideration and passing and merely at the last stage it would not be useful because in the earlier stages so much of time is to be spent on the amendments and if ultimately the majority is not in favour of it, all that time would have been wasted.

Strictly reading this, it is interpreted that it applies only to the passing stage. There is much force in that. There are in the Constitution itself various stages referred to. In article 368, introduction stage is referred to in the earlier portion and passing is referred to in the later stage. At the time of introduction of the Bill, there is no special majority required. In article 368 itself, it makes a difference between the majority that is required for passing in the introduction stage and passing in the

passing stage or the third reading stage. In between the introduction and consideration stages, there is no reference made in article 368, but the Constitution as such, refers to the consideration stage in another article. All this I am referring to only for the purpose of showing that the Constitution makers were well aware of the three stages through which a Bill must pass. In article 117 (3) of the Constitution, a reference is specifically made to the consideration stage and the passing stage.

With respect to financial Bills, no financial Bill shall be passed in any of the Houses, unless for the consideration thereof, the President had given consent. The President's consent is necessary for the consideration itself as, when consideration has to be gone through, so much time of the House would be taken up. Therefore, advisedly, it is stated that even for the consideration, you must have the sanction so that the passing may be done. These three stages of a Bill are specifically contemplated in various provisions of the Constitution.

Therefore, there is much force in the contention on behalf of the Government that article 368, which insists upon a special majority, applies only to the passing stage *i.e.*, third reading stage. If we argue that all the stages of the legislation including clause by clause consideration, should have a special majority, is there any force in it? I sought to explain that after all there is no harm if, instead of passing it only by a nominal majority, a bigger majority is insisted upon. What is the harm in doing so? They will say that the Bill is passed not merely by 51 per cent of those present or of the whole House, but 66 per cent. of those present. The Bill is not going to be lost or become illegal merely because it is passed by a bigger majority. As against this, the provision in the Constitution was shown that in all other respects, a simple majority of votes was necessary. A Bill was thrown out on the last occasion simply because three persons had been locked out and could not come in. If the Government persisted in taking it to the Supreme Court possibly they may take the view that article 368 is intended for the last or final stage and that in the earlier stages a simple majority is enough and therefore the House cannot say that it is illegal if there is only a simple majority. In between, on account of the importance of the Constitution and lest

an impression should be created, as for example when there is one view and there are only fifty persons—that is, ten per cent of the total strength—and out of those fifty persons, if 26 form the majority in the case of a Bill, including a Constitution Amendment Bill, in the earlier stages, it will be binding on all the other stages, including even the third reading stage—of course, it is open to the hon. Members to reject it but the scope of the discussion in the third stage is limited as against the scope of the discussion at the consideration stage—in view of all these, the Rules Committee tried to make the best of a bad situation. Article 368 applies only to the passing of the Bill. Now, as I am advised and as the Members of the Rules Committee considered, if it is sought to be enforced and if it applies strictly, nobody can insist upon an absolute majority of the Members of the House to come with a special majority of the Members in between. What has been done has been done with the best of intentions.

So far as rule 167 is concerned, it says that clause after clause of the Bill shall be put to the vote of the House and shall be carried by a special majority. It is there. Even now it is there. The proviso only says that in cases where there are no amendments and one clause follows another, a number of them can be put together to the vote of the House with the unanimous concurrence of the House. Even if they are to be put separately or together, a special majority is necessary and the necessary number of Members ought to be there. Division on each clause will take time—going into the lobby and coming out each time. It does not make any difference either, if a group of clauses is put together. So, power is given to the Speaker under the existing rule to put all the clauses together with the unanimous concurrence of the House. But the point is: should it stand? In practice, what does it mean? If one hon. Member says: No, I want this particular clause separately, and another Member mentions another clause, the Speaker cannot put to the vote of the House all the clauses together. He is bound to put every clause separately.

As against this, Shri Kamath pointed out rule 126 and said that we had been going behind it. He has forgotten that, without the consent of the House, the Speaker, if he so chooses, can club all the clauses together and put them to the vote of the House. No doubt, one hon. Member can get up and say: "Put

[Mr. Speaker] this clause separately". That does not mean that he can go on asking to put clause after clause separately. The earlier portion of rule 126 places absolute power in the discretion of the Speaker. The view of the House is not taken at all. There is not even the unanimous concurrence of the House; not even the normal concurrence of the majority is cared for. The Speaker can put them together in his discretion. We are not interpreting the language correctly if we say that by this we draft into a worse position.

**Shri Kamath :** There is the proviso.

**Mr. Speaker :** I am not going to allow the tail to wag the head. The hon. Member need not interrupt me. I am not exchanging views; I am saying what I think to be proper. Therefore, by this rule 126 to say that you are making it appear that it is easier and less rigorous than for an ordinary Bill is not right.

Under rule 126, it is true, when the Speaker exercises his right and says that all these clauses to which amendments have not been moved can be put together, it is open to an hon. Member to say that a particular clause shall be put separately. I consider it so. That was my view also in the Rules Committee. It has always been the practice. If an hon. Member says that, on account of the particular importance of a particular clause, it must be put separately, it is done so. My reading of the rule 167 is that it is subject to rule 127. There is also a specific rule 171. In all other respects, it says that the other rules shall apply. But even in rule 167, whereas it is obligatory on the Speaker to put clause after clause, all of them together can be put to the vote. He may put those clauses together. The one is obligatory and the other is optional. When the hon. Member feels that he has no majority but merely to drag on, he goes on saying: "Put this also to the vote.", it has not been specifically provided for. Whoever occupies the Chair then, will give due weight to all this. As pointed by Shri Kamath, he may have some objection. There may be only twenty out of five hundred Members. These are all cases where the Speaker will certainly exercise his discretion and allow particular clauses to be put. Therefore, there need be no misunderstanding so far as this is concerned. This will be satisfied with the removal of the word 'unanimous'. The 'concurrence' of the House is enough. Under those circumstances,

no hon. Member need have any difficulty or fear that the rights of the House will be taken away an amendment of the Constitution will be passed lightly. Under those circumstances, I will now put the question to the vote of the House as to whether the amendment suggested by the Rules Committee in its Second Report that the present rules may stand and also the proviso, without the word 'unanimous' so that any number of clauses can be put together. It is open to Shri Kamath, if he still wants, to object, in spite of what all I have said about the powers of the Speaker and ask the clauses to be put separately. He may do so.

The question is :

"In the first proviso to rule 167 the word 'unanimous' shall be omitted."

*The motion was adopted.*

**Mr. Speaker :** So far as rule 169 is concerned, there are several stages after the introduction of the Bill—consideration stage, reference to a Joint or Select Committee, circulation, etc. It is the unanimous view that the circulation motion need not be carried by a special majority. So far as the consideration motion is concerned, it is not sought to be interfered with. It requires the majority. The only point is this. It may be sent to a Select Committee. The motion for reference to a Select Committee may be thrown out. Then, the report of the Select Committee is brought before the House and a motion, that the report of the Select Committee be taken into consideration, is made. The House can very well say: "It shall not be taken into consideration." There is no doubt some difference as to what can be said on the earlier motion and on later motion. There are various ways in which, the House, if it is otherwise inclined and does not want to allow a Bill to be passed, can throw it out. The Rules Committee was conscious of the fact. But, all the same, they felt this way. At the early stage, at the time of sending it to the Select Committee, Members need not be kept daily in attendance until the Select Committee comes back with its report. In between there may be some difficulty. Under those circumstances, practically no substantial difficulty or injustice will arise. It is only a technical one. Nothing is lost if this arrangement is made which is done fully conscious of the fact that, whereas on one side it was said that no special majority is necessary at no stage of the Bill, we have

restricted it and applied it only in respect of one stage and that is when the Bill is sent to a Select Committee. After it returns from the Select Committee the House can consider it and insist on a majority. Therefore, that is only a small difference or there is no difference made. Under those circumstances the Rules Committee thought that this is a very wholesome provision not unnecessarily putting restriction or making an unnecessary special provision. But, all the same, the rights of the House have been sufficiently safeguarded. I will now put the amendment made by the Rules Committee to the vote of the House.

**Shri Nambiar :** My amendment has to be put first, Sir.

**Mr. Speaker :** I will come to his amendments. What is his amendment? "It" is a pronoun and "Bill" is a noun. At the earlier stage the word "Bill" is used and later on, in the other clauses, the word "It" is used. If the word "It" is not to be used and everywhere the word "Bill" has to be used, then there is no need for a pronoun in the dictionary at all. (*Interruptions*). I shall only to the substantial amendment of Shri Nambiar.

**Shri Raghavachari :** Sir, with your permission, I might submit that the word "It" has already been substituted by the word "Bill" by an earlier amendment of the Rules Committee.

**Mr. Speaker :** If that is so, then by way of abundant caution it has been done here also.

I will now come to the substantial amendment of Shri Nambiar which says that even at the earlier stage of a Bill before it is sent to a Select Committee, there ought to be a special majority.

**Shri Kamath :** There is my amendment also.

**Mr. Speaker :** I will take both of them together. They sail in the same boat. The question is :

"That the present Rule 169 be continued with the provision that even at the stage when a Bill is referred to a Select Committee or Joint Committee, a special majority as provided in Article 368 of the Constitution is necessary."

Those in favour will please say 'Aye'.

**Some Hon. Members :** Aye.

**Mr. Speaker :** Those against will please say 'No'.

**Several Hon. Members :** 'No'.

**Mr. Speaker :** I think the 'Noes' have it.

**Some Hon. Members :** The 'Ayes' have it.

**Mr. Speaker :** All right. hon. Members will rise in their seats.

**Shri Nambiar :** We want a division, Sir.

**Shri Kamath :** It is a matter of principle, Sir.

**Mr. Speaker :** There is no matter of principle involved. Let me have an idea first. If hon. Members are under the impression that they will get some more Members if I ring the bell, I will ask for the bell to be rung and thereafter I shall ask them to stand in their seats.

**Shri V. P. Nayar (Chirayinkil) :** We want our names also to be recorded.

**Mr. Speaker :** Names will remain by good deeds. Now, let the bell be rung.

**Shri Kamath :** This is a good deed, Sir.

**Mr. Speaker :** I shall now put the amendment to the vote of the House again. The question is :

"That the present Rule 169 be continued with the provision that even at the stage when a Bill is referred to a Select Committee or Joint Committee, a special majority as provided in Article 368 of the Constitution is necessary."

Those in favour will please say 'Aye'.

**Some hon. Members :** Aye.

**Mr. Speaker :** Those against will please say 'No'.

**Several Hon. Members :** 'No'.

**Mr. Speaker :** I think the 'Noes' have it. The amendment is negatived.

**Some hon. Members :** The 'Ayes' have it.

**Mr. Speaker :** All right. Hon. Members will rise in their seats.

**Shri Kamath :** Sir, I rise on a point of order. I wish to draw your attention to Rule 385, where it is said :

"After the lapse of two minutes he shall put the question a second time and declare whether in his opinion the "Ayes" or the "Noes" have it.

[Shri Kamath]

If the opinion so declared is again challenged, he shall direct the "Ayes" to go into the Right Lobby and the "Noes" into the Left Lobby...."

Therefore it is mandatory, Sir.

**Shri Nambiar** : There is no question of standing up.

**Shri S. S. More** : There is sub-rule (3) also.

**Mr. Speaker** : I know it. What happens is, first of all I put it to the vote of the House and judge it by the voice. If it is challenged, it is open to me to say : "All right, I will see once again" and put it to the vote of the House again. Then if I order a division, the bell must be rung. Now I have rung the bell for the purpose of enabling the hon. Members to get their support. I have never said that I will order a division. I only wanted to see if you were going to get greater strength. That is all what I have said. Advisedly I said, it is not for purpose of challenging and putting it to division. I only wanted to give the hon. Members an opportunity to get their Members here. All that I said has been noted down already. If I had noticed that their benches are full after the bell was rung I would have certainly ordered a division. They have not yet enriched their numbers even after two minutes' time.

The point here is not about 'Ayes' or 'Noes'. If the opinion of the Speaker about the decision of a question is challenged it is said : "he shall order a division". I do not see that there is any challenge made on my opinion so far as the numbers are concerned. There is no challenge at all.

**Shri Nambiar** : That does not matter.

**Mr. Speaker** : I never thought that it is a challenge. I never accepted it as a challenge. (*Interruptions*). Order, order. hon. Members cannot go on interrupting like this.

**Shri S. S. More** : "Challenge" is a technical word, Sir.

**Mr. Speaker** : All that the hon. Members wanted was that their names should be recorded. I said, if 100 people stand here, then it is worthwhile spending the time of the House and noting down their names. I therefore wanted to see how they were going to enrich their number.

They have not enriched themselves even after two minutes. Therefore, it is not a question of challenge and I have not accepted it as a challenge. They only want to chronicle their names, which I am not prepared to do.

**Shri Kamath** : I again rise on a point of order, Sir. Under the Rules the bell is rung only at a particular stage.

**Mr. Speaker** : The hon. Member is only reading some old Rules.

**Shri Kamath** : Let me have new Rules, Sir.

**Shri A. M. Thomas** : The Rule has been amended and it is provided :

"If the opinion of the Speaker as to the decision of a question is challenged, he may, if he thinks fit, ask the members who are for "Aye" and those for "No" respectively to rise in their places and, on account being taken, he may declare the determination of the House. In such a case, the names of the voters shall not be recorded."

The situation does not change even though the Division Bell has been rung.

Even at this stage it is not necessary to record the names.

**Shri Kamath** : If it is challenged ?

**Shri Nambiar** : We should not argue so much on granting of a division. This is only a reasonable demand.

**Mr. Speaker** : I would once again ask the hon. Members who are in favour of the amendment to stand in their seats. If they do not do so now I will declare the result by voice.

**Shri Kamath** : We stand under protest, Sir.

**Mr. Speaker** : The hon. Member has been protesting several times. I will have to ask him to be bodily removed.

**Shri Kamath** : Yes. I am prepared.

**Mr. Speaker** : There are 16 Members in favour of the amendment. Now, those against the amendment may kindly rise in their seats.

**Several Hon. Members** *rose*.

**Mr. Speaker** : There is a large number. So, by an overwhelming majority the amendment is negatived.

*The motion was negatived.*



**Mr. Speaker :** The question is :

"That this House agrees with the Third Report of the Rules Committee laid on the Table of the House on the 25th April 1956."

*The motion was adopted and the Lok Sabha agreed to the amendments to the Rules of Procedure as recommended by the Rules Committee.*

**Mr. Speaker :** The motion is adopted and the House agrees to the amendments to the Rules of Procedure as recommended by the Rules Committee.

#### STATES REORGANISATION BILL—contd.

**Mr. Speaker :** The House will now resume further discussion of the motion moved by the Home Minister on the 23rd of April for reference of the States Reorganisation Bill to a Joint Committee. The hon. the Home Minister will now reply to the debate.

**The Minister of Home Affairs (Pandit G. B. Pant) :** Sir, we have had ample time to study the way discussions have to be profitably conducted in this House during the last hour and a half. I heave a sigh of relief that I have the opportunity of saying a few words now.

Sir, the discussion on the motion which I had the privilege of placing before this House on Monday suggesting the reference of the States Reorganisation Bill to a Joint Committee has taken almost three full days and during the course of the debate more than fifty speeches were delivered. The points that have arisen as a result of the long debate do not call for any detailed examination at this stage. We are not taking any final decision and all that is necessary is to take note of the comments and suggestions that have been made and the views that have been expressed so that the members of the Joint Committee may have the benefit of the opinions expressed by hon. Members of this House.

The debate has, however, served a very useful purpose. I was glad to notice a distinct change in the atmosphere and the temper of the House and the Members. On the whole, the debate was conducted at a high level, with dignity and decorum but for one or two lapses.

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The matters under discussion had convulsed the country at one stage and had caused considerable commotion at certain places. Time, however, has had a mellowing effect. The atmosphere at the time we discussed the proposals which were mostly alike to those contained in this Bill in December last was murky. Several of the speakers struck notes of disappointment, pessimism, disquiet and even concern. The circumstances have agreeably changed to a certain extent.

We have heard the speeches delivered during the last three days. There was a manifest feeling of achievement and those who did not agree were actuated by a deep sense of sincerity and earnestness. But, on the whole, it can justifiably be claimed that the scheme embodied in the Bill had met with the general approval of this House. Most of the controversy centred round the City of Bombay. I do not propose to refer to that at least just now. The question has been discussed not only in this House but also outside threadbare in all possible aspects and all the pros and cons have been, I think, examined by the people who are interested in this vital problem. But if you leave aside that problem of Bombay which has become almost baffling and to which the solutions proposed so far have not appeared, at least to some of the hon. Members and to certain sections of our people, as satisfactory and conducive that question of Bombay still continues to loom large, but if for the time being; we put it out of the way, that we find that the proposals contained in the Bill have the general support of this House. It is a matter of gratification not only to me, but it should be so also to the hon. Members that the ticklish, intricate, delicate and complicated questions relating to the reorganisation of States and matters incidental and consequential thereto have been by and large satisfactorily settled. The controversies with regard to most of the matters have been set at rest.

I should like hon. Members to imagine for a moment the formidable character and the magnitude of the task in which we are all engaged. We are virtually redrawing the administrative map of India and it must be a heartening experience that with the aid of the democratic process, the sagacity, the goodwill and the co-operation of hon. Members of this House and other public men we have been able to reach conclusions which are embodied in this Bill and