

These are the amendments before the House to the Motion moved. Does the hon. Minister want to say anything?

Dr. Katju: Have you held that the amendments are in order?

Mr. Deputy-Speaker: No.

Dr. Katju: Then, do you propose to hold them in order? Because my position is this. It is open to any hon. Member to vote against the consideration of the Bill on any ground he likes. One ground may be that it does not go far enough. The instructions to the Select Committee that it should go farther than the Bill into the very teeth of Rule No. 100 and I respectfully submit that so long as the Rules of Business stand, that is not permissible. You were pleased to point out that the Speaker can suspend the Rules of Business. I speak subject to correction, but that matter is dealt with by Rule No. 280 where it is said:

"Any Member may with the consent of the Speaker move that any Rule may be suspended in its application to a particular motion before the House, and if the Motion is carried, the rule in question shall be suspended for the time being."

That is the only thing. I do not know whether that motion will be applicable to this Rule No. 100. Till that is done, Rule No. 100 stands, and we had an instance only four days back in a Bill—I do not know what exactly its name was; I think it was the Bill for amendment of the Criminal Procedure Code—which gave rise to a great discussion about aerial bombardment and naval bombardment in which there were dozens of amendments which were all ruled out by the Speaker on the ground that they went beyond the scope of the Bill, the scope of the Bill merely being that for the purpose of dispersal of an unlawful assembly, the Magistrate may be entitled to call for not only the assistance of the Military, but also the assistance of other armed personnel. There were many amendments moved that the President should declare an emergency and so on, the District Magistrate should be consulted etc., and the Speaker ruled out all those amendments. Now, I respectfully suggest that if that Bill had gone to the Select Committee, the Select Committee would have been bound to take exactly the same procedure which the hon. Speaker took on the floor of the House. It is not permissible to go outside the scope of the bill. This certainly binds the House, and binds the Select Committee still more strongly. Therefore, this amendment which has just been moved

that a Select Committee appointed with express instructions to go beyond the scope of the Bill is out of order.

Shri Raghabachari: It was not meant to extend the operations of existing Act. It was only an amendment.

Mr. Deputy-Speaker: The Secretary will now read a message.

MESSAGE FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following message received from the Secretary of the Council of States:

"In accordance with the provisions of sub-rule (5) of rule 162 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to return herewith the Appropriation (No. 2) Bill, 1952, which was passed by the House of the People at its sitting held on the 4th July, 1952, and transmitted to the Council of States for its recommendations, and to state that the Council has no recommendations to make to the House of the People in regard to the said Bill."

The House then adjourned till Half Past Three of the Clock.

The House re-assembled after lunch at Half Past Three of the Clock.

[**MR. SPEAKER** in the Chair.]

PREVENTIVE DETENTION (SECOND AMENDMENT) BILL—Contd.

Mr. Speaker: The House will now proceed with the further consideration of the Preventive Detention Bill.

Shri Gadgil: Sir, in the morning there was so much confusion created at any rate in my mind on account of the walk-outs and walk-ins, the number of amendments moved for referring the Bill to a Select Committee or a Joint Select Committee, or a Select Committee to report beyond the scope of the Bill according to the meaning of the rules as I understand, that I thought it would be better if it were possible for me to put myself in the mental climate of an ordinary unsophisticated commonsense man and then approach this question which is undoubtedly of vital importance today. I therefore formulated four questions for my own satisfaction, on the answers to which the whole thing, in my opinion, depends.

The first question that I posed myself was whether this piece of legislation is consistent with our Constitution, or is correct and proper constitutionally.

The second question was whether there was the need for such a legislation.