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LOK SABHA

Tuesday, 13th December, 1955

The Lok Sabha met at Eleven of the Clock

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON

CODE OF CIVIL PROCEDURE  
(AMENDMENT) BILL

PRESENTATION OF REPORT OF JOINT  
COMMITTEE

Shri Barman (North Bengal—Reserved—Sch. Castes): I beg to present the Report of the Joint Committee on the Bill further to amend the Code of Civil Procedure, 1908.

CONSTITUTION (EIGHTH AMENDMENT) BILL—Concl'd.

Clause 2—(Amendment of article 3)

Mr. Speaker: We will now proceed to the clause by clause consideration of the Bill further to amend the Constitution of India.

Shri Joachim Alva (Kanara): May I interrupt and ask one thing? I believe you stated yesterday that voting may take place at 2 P.M. Is it not possible that both the votings for consideration and the final passing may simultaneously take place at about 2 o'clock?

Mr. Speaker: I believe, there is some misunderstanding on the part of the hon. Member and, perhaps, of other hon. Members also. Two hours' time has been allotted for all

482 LSD

2420

the remaining stages of the Bill and the anticipation was that we might take it at 12 and that at 2 P.M. voting will take place. But, if the House is prepared to finish the Bill earlier, we shall have the voting earlier than that. If not, then, of course, by 2 P.M. at the latest. That is the position.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Will there be two votings or one? Both at 2 o'clock?

Mr. Speaker: There will be two divisions. But the first division has necessarily to be before 2 o'clock—at any time between 12 and 2,—as soon as the consideration motion is finished. It was decided yesterday that the lunch convention shall be suspended. The hon. Minister.

The Minister of Law and Minority Affairs (Shri Biswas): Sir, I do not think I am called on to say anything because I expect none of the amendments will be moved by the hon. Members who have given notice of them. All that I need say is to express my thanks to the hon. Members for the realistic and helpful attitude they took up. (Interruption)

Mr. Speaker: So, I will first enquire as to which of the amendments are going to be moved. I will take them in order. The hon. Members may reply whether they are moving or not.

No. 2, Shri Algu Rai Shastri—absent

No. 10, Shri Shree Narayan Das—is he moving his amendment?

Shri Shree Narayan Das (Darbhanga Central): Yes, Sir, I am moving my amendment.

**Mr. Speaker:** No. 1, Shri Sadhan Gupta—absent.

No. 12, Shri Mulchand Dube—is he moving?

**Shri Mulchand Dube** (Farrukhabad Distt.-North): Yes, I am moving, Sir.

**Mr. Speaker:** Amendment No. 13, Shri Bogawat—is he moving?

**Shri Bogawat** (Ahmednagar South): I am not moving, Sir.

**Mr. Speaker:** Amendment No. 24 is the same as No. 13; I will just call the name. Shri Dasaratha Deb.

**Shri Biren Dutt** (Tripura West): I am moving, Sir.

**Mr. Speaker:** No. 14, Shri Mulchand Dube—and 15 also. He is not replying. He does not move. Amendment No. 25, Shri Dasratha Deb.

**Shri Biren Dutt:** Sir, I am moving.

**Mr. Speaker:** No. 3, Shri Kamath.

**Shri Kamath** (Hoshangabad): I am moving.

**Mr. Speaker:** Amendment No. 16, Shri Mathew.

**Shri Mathew** (Kottayam): Sir, I am not moving.

**Mr. Speaker:** No. 17.

**Pandit Thakur Das Bhargava** (Gurgaon): Not moving.

**Mr. Speaker:** No. 18.

**Shri Kesavalengar** (Bangalore North): Not moving.

**Mr. Speaker:** No. 4.

**Shri Kamath:** I am moving it.

**Mr. Speaker:** No. 19.

**Shri Bogawat:** Not moving.

**Mr. Speaker:** No. 20.

**Pandit Thakur Das Bhargava:** Not moving.

**Mr. Speaker:** No. 5. Shri Algu Rai Shastri is absent. Then, No. 21.

**Shri V. G. Deshpande** (Guna): I am moving it.

**Mr. Speaker:** No. 22.

**Shri N. C. Chatterjee** (Hooghly): Not moving.

**Mr. Speaker:** No. 23.

**Shri S. V. Ramaswamy** (Salem): Not moving.

**Mr. Speaker:** I shall just state which amendments are going to be moved and hon. Members may check up and if any is left out, my attention may be invited to it. The amendments that are to be moved are 10, 12,....

**Shri Mulchand Dube:** My amendment Nos. 14 and 15....

**Mr. Speaker:** He might note them down, but when I called No. 15, he was not attentive. I think, however, that it is the same thing as amendment No. 25 which is being moved and he can check it up.

The amendments that are to be moved are 10, 12, 24, 14, 25, 3, 4, and 21.

I think there is no other amendment to be moved. The hon. Members who wish to move their amendments may now do so.

**Shri Biswas:** There is one amendment standing in my name.

**Mr. Speaker:** That will come to clause 1 which we shall take later. I am now on clause 2.

**Shri Shree Narayan Das:** I bag to move:

Page 1—

for clause 2 substitute:

"2. Amendment of article 3. In article 3 of the Constitution, for the proviso, the following provisos shall be substituted, namely:—

'Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President:

Provided further that the President shall not make such recommendation where the proposal contained in the Bill affects the area, boundaries or name of any of the States

specified in Part A or Part B of the First Schedule unless the Bill has been referred by the President to the Legislature of that State for expressing and communicating its views thereon within such period as may be specified in the reference or within such further period as the President may allow and until the expiration of the period so specified or so allowed and until the views so expressed have been published in the Gazette of India."

**Shri Biren Dutt:** I beg to move:

(1) Page 1, line 11—

after "Part B" insert "or Part C".

(2) Page 1, line 12 and 13—

after "Legislature of that State" insert "and the electoral colleges of Tripura and Manipur".

**Shri Kamath:** I beg to move:

(1) Page 1, lines 13 and 14—

for "within such period as may be specified in the reference" substitute within a period of not less than three months to be specified in the reference".

(2) Page 1, line 16—

add at the end: "and the views so obtained have been placed before Parliament."

**Shri V. G. Deshpande:** I beg to move:

Page 1—

after line 16, add:

"Provided further that a provision involving complete merger of a Part A or Part B State into other State or States will not be made in the Bill unless majority of the members of the Legislature in that State has voted for such merger."

**Mr. Speaker:** These amendments are now before the House.

**Shri Kamath:** I have moved my amendments Nos. 3 and 4. The purpose of amendment No. 3 is this. It

is to substitute for the words "within such period as may be specified in the reference" the words "within a period of not less than three months to be specified in the reference". I want to prescribe a minimum period. Parliament should lay down a minimum period so that we may convey a solemn assurance to all the State Legislatures that the rights and powers conferred upon them by the Constitution in so far as this vital matter is concerned are in no way affected or curtailed. The procedure adopted in regard to this Bill, unfortunate as it has been, has also had tragic repercussions outside. We have to bear in mind that this is a Constitution (Amendment) Bill and not an ordinary piece of legislation. Even ordinary Bills go to Select Committee, but this has not gone to Select Committee. A vital rule was suspended and, thereby, you, Sir, were practically by-passed. The indecent haste with which the Government and their party have gone about in this matter has created such a bad impression outside on the people and even on the M.L.As. in the States that I would like to introduce this particular safeguard. Two days after the rule was suspended and the Bill was introduced, I had a letter from a Congress M.L.A. from one of the States—I do not wish to mention his name.....

**Shri Velayudhan** (Quilon *cum* Mavelikkara-Reserved-Sch. Castes): Are you sure he is a Congress M.L.A.?

**Shri Kamath:** I know him personally. He expressed astonishment at the procedure Parliament had adopted and I do not want to quote the whole letter—ended by saying that this Parliament appeared to ride rough-shod over the State Legislatures also.

**The Minister of Natural Resources** (Shri K. D. Malaviya): I am glad that he had drawn some inspiration from a Congress member.

**Mr. Speaker:** The hon. Member need not mind the interruptions.

**Shri Kamath:** I am thankful to you if they are not so worth while, but I wish they were more audible.

**Mr. Speaker:** They should not be audible at least to the hon. Member.

**Shri Kamath:** In this particular matter, the House will recall—those colleagues of mine who were in the Constituent Assembly and those who are familiar with constitutional law all over the world—that a Bill of this kind lays down a definite *modus operandi*, a definite and rigid *modus operandi* because it is an important matter. However unimportant may be a particular amendment, the fact that it is an amendment to the Constitution at once introduces a vital matter before the House. One of the recent constitutions, the Irish Constitution, lays down, I believe, that the Bill must go before the country and must be before the country for six months and only then the Irish Diet can take it into consideration. Our Constitution has not made a provision of that nature. I tried to introduce it in the Constitution, but it was not acceptable to the majority of the Constituent Assembly, but that is another matter. We are grateful, as you were pleased to say yesterday, that this would not be a precedent, but I was not happy at all over what has happened. I could not understand—and I cannot even now understand—the why of it. If we had informal consultations, why could there not have been a Select Committee? And the same time would have been taken by it, the procedure would have been duly followed and it would have been a good precedent for the future and no departure of a vital character would have been made.

**Dr. Lanka Sundaram** (Visakhapatnam): Why not the whole House go into committee?

**Mr. Speaker:** Hon. Members are aware that we have a limited time for discussion and let him finish his speech. Hon. Members, time permit-

ting, will have an opportunity of putting questions and getting replies. Otherwise, he will go on for a much longer time than justifiable.

**Shri Kamath:** If there had been a Select Committee on this Bill, a correct precedent would have been created in the House. Anyway, what has happened has happened and it is unfortunate, but today we are face to face with this Bill and we have to make the best of a bad job. Therefore, by this first amendment of mine, I would like to fetter the Government's hands. Government may say "We are always reasonable and we will see that a reasonable period is given" and things of that sort. But we Members of Parliament are concerned more with the Members of the State Legislatures, not the Governments as such. We have to look their interests. Therefore, it is very essential that Parliament must convey to these—our counter-parts in the States' legislatures—that we are anxious to safeguard their rights. If that is not done it may be that the Government—the President means the Government and I need not dilate upon that—might only prescribe one month's period for this important business.

The argument may be advanced that the SRC report has been before the country for months now and that the States Assemblies have considered that report. People also have had an opportunity to look into the report and give their reactions, views, etc. If you look at the provisions of this Bill, you will see that it refers to the Bill that the Government propose to introduce in the Parliament and not the report at all. The Bill I am sure will be in an entirely different from the proposals in the report. Therefore, it is all the more necessary that a Bill particularly of this character—it is almost inevitable that the Bill will be different from the proposals of the SRC—must be before the State legislatures for at least a month or so.

[MR. DEPUTY-SPEAKER in the Chair]

The Assemblies may take some time in meeting. It is not easy. The communication from the Centre to the States will take some time. The Assembly has to be summoned and it has to meet. Perhaps the M.L.As. will have to go and contact their constituents because the Bill may be and, will be, of a different character from what they have seen in the SRC report. They might have contacted the constituents only with reference to the proposals of the SRC. If the Bill is of a different nature it is very necessary that the MLAs should have an opportunity to contact their constituents and get their views with regard to the provisions of the Bill that the Government is going to introduce.

Notices of some amendments were given prescribing a ceiling or a maximum period of three months; that is absolutely pointless. The maximum of three months is as good as no limit or no minimum at all. It may be in 15 days or a month. There is no point in moving an amendment suggesting a maximum with regard to the period. The minimum is very very necessary so as to ensure that there would be adequate time given for the Governors in the States to summon the assemblies, and for the MLAs to contact their constituents with regard to the provisions of this Bill and for the Assemblies to meet and discuss and to transmit their proceedings to the Centre.

The other amendment No. 4— is this, that the views obtained by the Government from the States should be placed before the Parliament. The Bill should not be introduced without that being done. I would even like that the entire proceedings of the State Assemblies should be called for. If these conditions are ensured by accepting these amendments then whatever has happened during the last few days might be rectified. The ineptitude of the Government followed by—If I may say

so the myopic folly of the Benches—in moving for the suspension of a vital rule has led to certain apprehensions. If this attitude takes root on the Benches opposite, the day is not far distant when our Constitution will be reduced to a mere scrap of paper. (An Hon. Member: of course) I do not know what this 'of course' means. I wish at least to put off that evil day. As far as it lies in our power, let us put off that evil day. We have suspended the rules; we have dispensed with the Select Committee; we have even reduced the time to about two hours. This procedure has to a large extent derogated from—I do not say the sanctity of the Constitution but certainly—the very vital and important principles of the Constitution of any country. Far more important than any other Bill, is this amending Bill. All Important Bills go to Select Committees. Even small amending Bill to the Constitution must go before a Select Committee; this too must have gone to the Select Committee. It should have been published in the Gazette a month earlier so that it might have been before the country, so that the people could also have had an opportunity. That has not been done. No Select Committee was appointed, but there were only informal consultations. It is very irregular; it was not proper at all for an amending Bill of this nature. I am afraid, if this amendment is not accepted, it will prove, conclusively, to the hilt Government's desire, preparedness or readiness to ride roughshod over Parliament and the State legislatures.

**The Minister of Defence Organisation (Shri Tyagi):** How can it be 'roughshod' when there is only one vote against?

**Shri Kamath:** I am talking of the procedure adopted. At any rate, I hope it will not be a precedent. The Speaker has said so. The atmosphere that has been created is very unfortunate and therefore, I would like to see that this atmosphere is to a large extent, as far as it lies in our power,

[Shri Kamath]

rectified. I, therefore, commend my two amendments for the acceptance of this House.

श्री बी० जी० बेशपांडे : उपाध्यक्ष महोदय, मैं क्रमांक २१ नवम्बर, का संशोधन सदन के सम्मुख रखता हूँ। मेरा संशोधन इस प्रकार है :

"Page 1—

after line 16, add:

"Provided further that a provision involving complete merger of a Part A or Part B State into other State or States will not be made in the Bill unless majority of the members of the Legislature in that State has voted for such merger."

यह संशोधन इस हेतु से नहीं रक्खा जा रहा है कि राज्य पुनर्गठन आयोग का जो प्रत्यावर्तन है उस में कोई विलम्ब उपस्थित हो और मैं स्पष्ट कर देना चाहता हूँ कि हम यह नहीं चाहते कि सरकार ने जो कार्यक्रम बनाया है, उसमें किसी प्रकार की दखल हो क्योंकि यह विषय देश के सामने करीब एक वर्ष से पेश है और हर एक पहलू उसका जनता के सम्मुख है। इसी के कारण संविधान सभा में इस प्रकार का मत ठीक प्रकार से प्रदर्शित होने वाला है। हम ने जो पहला संविधान बनाया था उस में इसी के लिये यह किया था, देश में जब पहला संविधान बनाया गया तब धारणा यह थी कि प्रान्तों की पुनर्रचना की जायेगी। पर इस पार्लियामेंट और प्रान्तों की पुनर्रचना के बाद आखिर कुछ स्थैर्य रहना चाहिये या नहीं, यह सब से महत्वपूर्ण विषय है क्योंकि हम जब संविधान में संशोधन कर रहे हैं तो यह केवल कल या परसों या अगली फरवरी में जो विधान हमारे सामने आने वाला है उसी के लिये नहीं है। संविधान में संशोधन नो एक ही दफा किया जाता है पर उस के लिये यह ध्यान में रखना बहुत आवश्यक

है कि जो कुछ भी संशोधन किया जाय उस में स्थैर्य हो। हो सकता है कि इस पुनर्रचना के बाद भी किसी प्रान्त को हटाने का प्रयत्न किया जाय। जैसा कामत साहब ने कहा अगर आज की सरकार कोई कालावधि निर्धारित नहीं करती है तो आगे चल कर गड़बड़ी पड़ सकती है। आज की सरकार तो समझदार है, रीजनेबल समय में काम कर सकती है, ऐसे प्रश्नों पर विचार करने के लिये साल दो साल भी दे सकती है, परन्तु कल ऐसी परिस्थिति भी आ सकती है कि किसी एक प्रान्त के खिलाफ दो चार प्रान्त एकत्रित हों, या किसी भी प्रान्त के लोगों के विषय में कोई सरकार अन्याय करना चाहती हो और बाकी प्रा तों को इस बात की समझ न हो, और इस सभा में उस की चर्चा न हो, जनता के सामने वह संशोधन आ जाय इतना समय न दिया जाय, तो क्या ऐसी हालत में हम उस प्रान्त के लोगों को इतना समय नहीं देंगे कि वह अपने भविष्य के बारे में विचार भी कर सकें। अगर किसी प्रान्त को समूल नष्ट करना हो तो क्या आप उस के लोगों के मत का विचार नहीं करेंगे? आज तो हो सकता है कि आप उन के विचार विमर्श कर के उन के विचार जान लें, लेकिन जैसे आज आप ग श्रेणी और ख श्रेणी के राज्यों को समाप्त कर देना चाहते हैं उसी तरह से कल की सरकार महीने दो महीने, हफ्ते दो हफ्ते, रोज दो रोज या घंटे दो घंटे में किसी राज्य को समाप्त कर देना चाहे तो क्या यह देखने की आवश्यकता नहीं है कि उस प्रान्त की विधान सभा का बहुमत इस के पक्ष में है या नहीं। इतनी सी बात मैं आप से पूछता हूँ। इसी दृष्टि से मैं ने यह संशोधन दिया है। क्योंकि आज भी हम देखते हैं कि मध्य भारत ख श्रेणी का राज्य है। हम देख रहे हैं कि वहां के सभी क्षेत्रों ने, वहां की विधान सभा के लोगों ने, वहां के सब राजनैतिक दलों ने, म्यूनिसिपैलिटियों ने, बार एसोसियेशनों ने,

सभी ने एक मत से यह विचार व्यक्त किया है कि मध्य भारत को मध्य प्रदेश में नहीं मिलाया जाना चाहिये। परन्तु उन का इतना प्रचण्ड बहुमत होते हुये भी हम क्यों उन को जबर्दस्ती दूसरे प्रान्तों से मिला रहे हैं ? दूसरे प्रान्तों के बारे में, जैसे बम्बई है, आप कहते हैं कि बहुमत की राय नहीं है कि उस को दूसरे प्रान्त में मिलाया जाय, लेकिन मध्य भारत के विषय में इतना प्रचण्ड विरोध होते हुये भी आप जनता की इच्छा के विरुद्ध कार्य करने जा रहे हैं। आज तो खैर कुछ भी हो जाये, लेकिन आगे भविष्य में इस प्रकार की बुरी परिस्थिति इस देश में न हो इस के लिये मैं ने यह संशोधन रक्खा है।

मैं कहता हूँ कि इस आयोग के बारे में आप का जो रवैया है उस से मेरा विरोध जरूर है, परन्तु आयोग की जो सिफारिश है उस के सम्बन्ध में मैं चाहता हूँ कि पार्लियामेंट जल्दी से जल्दी फ़ैसला करे कि उस को क्या करना है। परन्तु आगे के लिये जो सेट-अप आप प्रान्तों का आज बना रहे हैं उस को बदलने के रास्ते में जितने रोड़े धटकाये जा सकते हैं उतने रोड़े धटकाये जाने के पक्ष में मैं हूँ। इसी लिये जान बूझ कर मैं ने यह संशोधन रक्खा है। मैं ने आज ही देखा कि संविधान में संशोधन करते समय पहले आपने यह रक्खा था कि प्रवर समिति को यह विधेयक भेजा जाना चाहिये। बाद में हमारे विरोधी दल के सदस्य श्री हीरेन मुकर्जी ने, जो कि ग्राक्सफोर्ड ग्रेजुएट की डिग्री से विभूषित हैं, बड़ी अलंकृत भाषा का प्रयोग किया। उस को आप समझे नहीं। कलकत्ते के लोगों से मुझे मालूम हुआ कि जब बेरीबेरी की बीमारी आई तो एक ग्राहक ने व्यापारी से कहा कि जो व्हाइट आयल मस्टर्ड आयल में मिलाया जाता है उस से बेरीबेरी हो जाती है। इससे प्रच्छन्न तो यह होता कि व्हाइट आयल के बजाय मस्टर्ड यानी ससों के तेल में जहर मिला दिया

जाता। उस व्यापारी ने उस में जहर मिला दिया और बेचना शुरू कर दिया। जब उस को मैजिस्ट्रेट के सामने ले जाया गया तो उस ने कहा कि ग्राहक ने ही तो मुझे सूचना दी थी कि जहर मिलाया जाय तो प्रच्छन्न है। इसी तरह से श्री हीरेन मुकर्जी ने अध्यक्ष महोदय से कहा कि इस बिल को ग्राइडेन्टिकल न कहने के बजाय रूल को ही क्यों न सस्पेंड कर दें। उन के कहने से रूल प्राफ़ प्रोसीजर को भी सस्पेंड कर दिया गया। उस के बाद इस विधेयक को प्रवर समिति में भी नहीं भेजा गया, क्यों नहीं भेजा गया इस का मुझे पता नहीं। और आज उस पर चर्चा भी हो रही है। यानी हर एक चीज में प्रोसीजर को सस्पेंड कर दिया गया। इस से मेरे हृदय में भय होता है कि यह तो ठीक है कि आज कोई बुरी बात नहीं हो रही है, लेकिन इस प्रकार की आदत सदन को नहीं पड़नी चाहिये। मुझ को मालूम है कि प्रारम्भ में तो आप एक बात कर जाते हैं लेकिन बाद में आदत पड़ जाने पर किसी चीज के विषय में यह हो सकता है कि जब चाहा एक घंटे के अन्दर मन में आते ही कि प्रोसीजर तोड़ दें, उस को तोड़ दिया। अगर हम इस तरह की बातें करने लगे तो कैसे काम चलेगा। मेरा भगवान में विश्वास है, मैं ने उस की शपथ ली है कि मैं संविधान का पालन करूंगा, आज सेकुलर राज्य के लोगों को भले ही परमेश्वर का ध्यान न हो। लेकिन हम ने संविधान के प्रति जो शपथ ली है उस के प्रति इस प्रकार का खिलवाड़ करना मैं प्रच्छन्न नहीं समझता हूँ। राज्य के फ्यूचर सेट-अप के बारे में इस प्रकार की आदत होना ठीक नहीं है। आज तो विधेयक के आने में दो महीने पड़े हैं, इस के लिये मैं अन्यायवाद देता हूँ, लेकिन हो सकता है कि कल कोई दो घंटे के अन्दर यह तय कर ले कि हमें तो प्रान्तों का भविष्य बदलना है और उस को तुरन्त कर डाले बिना राज्य के विचारों को जाने हुए तो यह ठीक नहीं होगा। इस-

[श्री वी० जी० देशपांडे]

लिये इस सम्बन्ध में कुछ समय तो निर्धारित होना चाहिये कि कब तक राज्य अपने विचार भेज दें। आगे देश में जो राज्य बनेंगे उन के बारे में, खास कर जहां तक पूरा ही समाप्त करने का विषय है उस के बारे में तो भ्रवश्य ही इस का ध्यान रखा जाना चाहिये। मान लीजिये कि कोई महाराष्ट्र के राज्य को या उत्तर प्रदेश के राज्य को पूरा ही समाप्त करना चाहे, कल देश में ऐसी हवा घा जाय कि कंटिगुइटी हो या न हो उत्तर प्रदेश को गुजरात के साथ मिला दिया जाय। दूर की कोई बात नहीं है लेकिन दोनों को मिलाया जरूर आवे, और हिन्दुस्तान की सरकार भी इस पक्ष में हो कि राज्य के लोगों की इच्छा के विरुद्ध उत्तर प्रदेश को गुजरात से मिला दिया जाय, तो वह रूल को सस्पेन्ड कर के भ्रवश्य कर लेगी। इसी कारण से मैं इस प्रकार का रोड़ा भटकाना चाहता हूं, खास कर मध्य भारत में इस प्रकार की जीवन मरण की समस्या हमारे सामने आई है। इसलिये मैं सदन से प्रार्थना करना चाहता हूं कि इस प्रकार की रूकावट इस विधान के स्वरूप में भ्रवश्य डाली जाय।

**Shri N. C. Chatterjee:** Mr. Deputy-Speaker, I was very happy that yesterday the Speaker and all sections of the House accepted my humble suggestion that although we are not having a formal Select Committee we should have a chance of discussing the matter with the hon. Home Minister and the Law Minister. I am happy that we had the privilege of having a very fair and frank discussion with them, and, after that, I should appeal to the House not to press any amendment but to accept the Constitution Amendment Bill as it has been framed.

**Shri S. S. More (Sholapur):** Will Shri V. G. Deshpande follow that?

**Shri N. C. Chatterjee:** I am appealing now to Shri V. G. Deshpande

also and I hope he will accede to my request. I am giving my reasons why I say so. This Reorganisation Commission's Report has raised acute controversies. As you know, people from Maharashtra, Bengal, Orissa, those who championed the cause of Madhya Bharat and Visal Andhra have very serious points to make which will be duly placed before the House. They are very much perturbed. I hope they will place it with cogency and moderation and with due stress. I have no doubt that will be done. But, one thing is certain. I am one of those who are thoroughly opposed to the suggestion that anything should be done to put this S. R. C. Report in cold storage. One great statesmen and one hon. Minister are reported to have suggested that it should be put in cold storage for years to come. That is a counsel of despair and I thoroughly disagree with them. Even if it comes from a man of the position of Rajaji I honestly feel that it is not a suggestion which should be accepted.

We have many points of difference with this report of Sir Fazal Ali's Commission, but one thing they have stated is that they have firmly rejected the suggestion that the reorganisation scheme should be postponed for at least 20 or 25 years. I agree with them that the problem of reorganisation has become emergent because India with a programme of large scale planning has to think in terms of enduring political unity. In the interest of inter-provincial amity and the larger interests of India as a whole I appeal that this problem should be tackled and finished as early possible.

I yield to none and do not yield to Shri Kamath in his anxiety to implement the constitutional convention of having a Select Committee especially when the organic law of India is going to be changed. Whatever may be the amendment it ought to be done, but, unfortunately, a crisis developed in spite of our wishes, may be due to



some defect or some bungling somewhere, and we had to dispense with the rules.

What I am suggesting is this. The Ministers pointed out to me and I am convinced—I hope the House is convinced—that this article will have to be amended. Would you kindly look at this proviso, which says:

“Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States specified in Part A or Part B of the First Schedule, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon.”

You know that one of the recommendations of the States Reorganisation Commission is that Part C States shall be liquidated. I hope everybody welcomes that. They have also held that—I hope the Parliament will implement it—these artificial distinctions between Part A and Part B States should also be effaced. For the elimination of Part A and B States and the elimination of the distinction among the States and the pattern of these different categories of States, we have got to amend again the Constitution. I hope the House will agree that there is something in the point made by the Home Minister that even if we have this proviso today, as it is framed, they will have to bring in a Bill to modify the provision to fit in with the final verdict of the Parliament after consulting the wishes of the legislatures of different States. Therefore, I am sorry that a Constitutional amendment is becoming an annual event and I do not like it.

**An Hon. Member:** A half-yearly event!

**Shri N. C. Chatterjee:** We ought to treat the Constitution with great respect. Whatever it is, it is not a printed finality, in the language of Justice

Holmes. A situation has developed, and for the proper working of democratic set-up, it is absolutely essential that so far as possible, there should be unilingual States, so that there will be no hiatus, no cleavage and no lack of co-ordination between the Government and the people. All the important political parties, so far as I know, in India are committed to this principle and the sooner it is done the better. The definite, unanimous conclusion of the Fazl Ali Commission is, and Shri Fazl Ali and his two colleagues, Dr. Panikkar and Shri H. N. Kunzru, have said:

“The task of redrawing the political map of India must, therefore, be now undertaken and accomplished without avoidable delay, in the hope that the changes which are brought about will give satisfaction to a substantial majority of the Indian people”.

What I am pointing out is that I myself had tabled a motion and I thought it will be desirable to have some kind of time guaranteed to the State legislatures. We know that our Constitution is different from the American Constitution. Under the American Constitution, they have got to take the consent of the States before making an amendment to the Constitution. In our Constitution, consent is not a condition precedent, but ascertainment of the wishes of the legislatures is a condition precedent. In some Constitutions, they demand a referendum. I pleaded with the hon. Minister that although we do not want a referendum, although we do not want consent, it would be desirable that the people of the areas affected should have some chance of expressing their views through their constitutionally elected members of the legislatures. I hope that when the hon. Home Minister or the Law Minister comes forward next time, they will think seriously of a time-limit. I do not mention the time-limit in the sense of a ceiling, but I am thinking of some reasonable period to be prescribed so that no State can be hustled out of existence.

[Shri N. C. Chatterjee]

We are a sovereign Parliament; we have got giant's strength but it would not be fair, just or equitable or in consonance with the democratic Constitution to liquidate any State; because we have a giant's strength, we must not use it like a giant. It is inevitable that these clauses will have to be amended in the future when we accept the States Reorganisation Commission's report, and I think there is a good deal of cogency in the argument that you will have to put the Constitution again in to shape and then we will have the ninth or the tenth amendment to the Constitution. I hope that the hon. Ministers will then be pleased to take into consideration our reasonable suggestions. It is not in a spirit of obstruction, not in a spirit of opposition for the sake of opposition, but we want to give the people of the States concerned, the constitutional guarantee of a minimum period within which they can consult the wishes of the electorate and all the people concerned. I hope the hon. Minister will also be pleased to repeat categorically and give an assurance on the floor of this House that on future occasions, there should be no attempt to circumvent the Select Committee. We are happy that we have got a chance of having an informal Select Committee and having a fair, frank and free discussion, and I am convinced that in the present crisis there is no other way out but to accept the Bill as drafted. The sooner it is implemented and the sooner this troublesome, delicate task is finished without any further emotional upsurge or embittering inter-provincial feelings, the better for the people of the States and the people of India as a whole.

Shri Biren Dutt: Yesterday, I requested the Minister to give us an assurance that the opinion of the electoral colleges of Tripura and Manipur will be ascertained. He said that he would consider those amendments. I want that this right should be guaranteed by the Law Minister. If I can get a categorical assurance

about this I do not want to press my amendment. Yesterday, the Home Minister said clearly that the members of the electoral colleges will be called upon to give their opinion and their opinion will be ascertained. If he can give us a similar undertaking that the opinion of the people of Part C States will also be ascertained, I do not want to press my amendments.

Shri Shree Narayan Das: I welcome this Bill. Bpt I have suggested an amendment. That amendment suggests two provisos. In the Bill, the proviso provides for two or three things. One is, a limitation has been put on the introduction of the Bill. Unless the President recommends that a Bill to make changes in the territories, the area or the boundaries or name of any of the States shall be introduced, a Bill cannot be introduced. The second limitation that has been put is, unless the views of the States concerned are ascertained or rather, unless the Bill has been referred to the State Legislatures for expressing their views, the Bill cannot be introduced. Formerly, in the original provision, it was incumbent on the Central Government to ascertain the views of the States concerned. Unless those views were ascertained, the President was not in a position to recommend for the introduction of any Bill for this purpose. Now, by this amending measure, we are going to change the whole thing. Now, the responsibility is going to be put on the States concerned. If the present provision is accepted, then the States concerned will have to express their views within the specified period. Two or three points have been mentioned in this connection. First, it was 'ascertainment' of the views from the States concerned. In the Bill in regard to which the motion for reference to the Select Committee was not passed, only "expression of the views" was mentioned. During the discussion in this House, the House was of the opinion that the words "expression of views" do not put in any limit and that, whether the

States concerned expressed their views and communicated their views to the Central Government or not, the Central Government, after referring the Bill to the various legislatures, would be in a position to introduce the Bill. It is a very important matter. The Indian Union consists of so many States—Part A, Part B and Part C. After the States Reorganisation Commission was appointed and submitted its Report which is going to be implemented by the Government this amendment has become necessary. I am in favour of this amendment. I want that no State should be allowed to come in the way of the Central Government making necessary adjustments with a view to changing the area, boundary or name of any State.

**An Hon. Member:** Why not abolish the States altogether?

**Shri Shree Narayan Das:** That is a separate question to be decided by this House. But, I think in a country like India, there must be only a federal form of Government. Unitary Government may be suitable in the case of certain countries, but for a country like India with so many diversities, only a federal form of Government is more suitable. I will not myself request the House to abolish all the States.

**Shri M. P. Mishra (Monghyr North-West):** You want federal Government only in name.

**Shri Shree Narayan Das:** I want federal Government not only in name, but in actual practice also. So far as the powers defined in the Constitution are concerned, they should be exercised by the Central Government in the national interests of the country. Some items are provided in the State List and least interference in that sphere will be very good and healthy thing to do. The only purpose of my amendment is this. I have recast the whole thing only to make it more clear. One limitation has been put that no Bill can be introduced in the House unless the

President recommends it. Another limitation that has been put is with regard to the ascertainment of views. The Bill should be referred to the States concerned for expressing and communicating their views. There may be a contingency. The Bill may be referred to a certain legislature and the legislature may express its views in the form of a Resolution or in some other way. Here the Central Government, without awaiting the communication, may introduce a Bill. Doubts arose on the last occasion and the hon. Law Minister said—he interpreted this provision like that—that it was not incumbent on the Government to wait for the communication of the decision of the legislature. What is the intention of the hon. Minister? His intention is that the views should be expressed and communicated to the Central Government; the Central Government, after considering the views expressed by the States concerned, will decide whether the Bill should be introduced or not.

**Mr. Deputy-Speaker:** Are the views to be expressed in a forest or to whom? "Communication to the legislature for the expression of its views" means, expression of its views to the Central Government and not to the Sahara desert.

**Shri Shree Narayan Das:** The legislature may express its views in the form of a Resolution. I do not know why the word "ascertainment" has been taken away and the word "expression" has been put in. It has been put in because there is some difference between the two. I ask, what is the harm if it is made clear that the views should be communicated within a specified period?

**Mr. Deputy-Speaker:** The hon. Member wants to say, communicated by post, telegram, in writing or orally and so on.

**Shri Shree Narayan Das:** What is the harm if the word "ascertainment" is there instead of the word "expression"?

[Shri Shree Narayan Das]

Another point I want to mention is that the views expressed by the State Legislatures should be published in the Official Gazette of India. The views should be made public, so that everyone concerned in the whole country should know what views have been expressed with regard to the provisions of the Bill. Therefore, I want to add the words "Official Gazette" in the end. This is the purpose of my amendment.

**Dr. Suresh Chandra (Aurangabad)**  
What is the purpose?

**Shri Shree Narayan Das:** If the hon. Member has been listening to my speech, he will understand the purpose. If the amendment that I have suggested is accepted, and if the views expressed by a certain State are published in the Official Gazette, it will be in the interests of the nation as a whole. There is no harm in Government accepting my amendment.

**Shri C. C. Shah (Gohilwad-Sorath):** This is a simple Bill. No doubt, being a Bill to amend the Constitution, it is important, because every amendment of the Constitution, howsoever minor, is by itself important. On account of the urgency of the matter and for reasons well known to the House, we had to dispense with the reference to Select Committee and also to suspend a Rule of procedure. But it has been made amply clear and Mr. Kamath need have no apprehensions about it, that it constitutes no precedent and it has been done only because of the urgent circumstances existing now. I need not deal with that point any further.

I now come to the second amendment moved by Mr. Kamath for putting in a time-limit within which the State legislature can express its views. The present Bill is an improvement in two respects upon the Bill which was previously introduced. In this Bill, the President is given power to extend the period within which a State legislature should express its views and secondly, the

Bill for changing the area, boundary etc. is not to be introduced in this House until the specified or extended period has expired. The object of these two changes in the Bill now before the House is that every State legislature should be given ample opportunity to express its views and communicate them. It must be amply clear that there is no intention either on the part of the House or the Government that any legislature should be hustled in regard to that matter. Undoubtedly, any change in the area, boundary or name of a State is an important matter and therefore, it is necessary that the State legislature should have full opportunity to express its views and that those views should be fully considered by this House. Therefore, I submit that even though no time-limit is put here, it is amply clear from the provisions of the Bill itself that it is the desire of the House and the Government to give every State legislature full opportunity to express its views. There can be no apprehension about that and therefore, it is unnecessary to introduce any time-limit in the Bill. In some cases more time may be necessary and in some cases less time may be necessary. It may be that the amendment of area, boundary or name is of a very minor character which needs very little time for the legislature to consider. On the other hand, it may be of a very major character. Therefore, to introduce any rigid time-limit is unnecessary and may prove, on the contrary, a delaying factor. For this reason, the flexibility has been kept in this Bill and the time-limit has been left to the discretion of the President. This should be ample safeguard for any State legislature to express its view.

1 P.M.

The amendment of Mr. V. G. Deshpande raises a more fundamental issue. According to his amendment, if the Bill involves complete merger of a Part A or Part B State, it should have the consent of the majority of the Members of that legislature. This

is counter to the very fundamental idea of article 3. Article 3 gives full power to the Parliament to change, alter or amend the area, boundary or name of any State. The safeguard for the State legislature is that its views should be ascertained. That article does not require that there should be the consent of the majority of the Members of the State legislature. The amendment proposed by Mr. Deshpande in effect means that unless the State legislature of a Part A or Part B State consents by a majority to the proposed change, the Bill cannot be introduced. I submit that, at the time when we discussed article 3 in the Constituent Assembly, this matter was fully discussed and after great deliberation, the Constituent Assembly came to the conclusion that so far as the change of boundaries or the name or area was concerned, Parliament must be the supreme authority. No doubt, the views of the State legislatures must be ascertained. But, their consent was not necessary. That was the principle which we deliberately adopted at that time. All that we are doing at present by this Amendment Bill is only to set a time-limit within which expression of views must be made. We are not changing the fundamental principle underlying article 3, namely, the supremacy of Parliament to change the area or boundaries or name of any State. I submit that the amendment of Shri V. G. Deshpande goes beyond the principle underlying article 3, a principle which we did not accept at that time. The reason for that,—I need not go into all that— is obvious. Ours is a federation entirely different from the American or the Australian federations, where independent sovereign States existing prior to the Union had federated voluntarily into a Union, delegating certain powers to the Union. That was a different position altogether from ours. We created the States, so to say, by the Constitution itself, and described the area, boundaries and the name of each of the States. Therefore, we deliberately reserved power to the Parliament that any

change in the area, boundaries or name of the States must be the supreme concern of the Parliament, undoubtedly, after ascertaining the views of the State legislatures. I therefore submit that neither amendment is necessary and that the Bill, as moved, is in order.

**Shri Raghavachari (Penukonda):** I rise to support the Bill and oppose all the amendments. Only in respect of the amendment proposed by Shri Kamath, I would propose a slight addition and also certain omission of words, as otherwise the whole purpose of this Amendment Bill would be defeated and it would be inconsistent with the purpose behind this Bill.

The amendments that are now given notice of and moved fall under three categories: (i) that some specific time should be included in the original reference or in the subsequent, extension (ii) that after the matter is considered by the States, their opinions must be placed before this House again and (iii) that the consent of the State legislatures or a majority is essential for the introduction of a Bill.

Before I deal with these, I would very respectfully submit that the arguments advanced by Shri C. C. Shah have no force so far as the objection against the amendment of Shri V. G. Deshpande is concerned. The argument was that the Constituent Assembly had considered all this very elaborately and article 3 does not contemplate the consent of the States and therefore this need not be considered. He must remember, and I respectfully submit to the whole House, that this House is now again and again trying to set at naught or amend or alter the principles that the Constituent Assembly had embodied in the Constitution. Therefore, to say that we had considered it and this is not consistent with that, does not hold water because we are out to change all articles of the Constitution if we feel that our exigencies require that.

**Mr. Deputy-Speaker:** Apart from Shri C. C. Shah's objection, how does he defend this objection? Is it not out of order because it must have relation to the amending Bill? The amendment only seeks to amend an article, and not to introduce a new principle.

**Shri Raghavachari:** I started by saying that I am opposing all the amendments. What I am saying is that the argument of Shri C. C. Shah has no force.

I agree with him and many other Members that limiting the discretion that is now vested in the President to include a particular period either in the first reference or in extending the time, is to put a serious limitation which may not work in the interests of the country. After all, the maximum time indicated in the amendments is two months or one month. It may be that, except in the present extraordinary circumstances, the President, whenever he wants, may give six months or even a longer time or a lesser time.

**Shri Kamath:** Mine is the minimum.

**Shri Raghavachari:** To limit the discretion will not really advanced the case. I do not expect any President to be so unmindful as not to give a reasonable time. Therefore, I oppose all the amendments.

Coming to the amendment proposed by Shri Kamath, he wants the views so obtained to be placed before Parliament. I respectfully draw his attention to the Constitution Amendment as it is now proposed. It does not impose the obligation of obtaining the views at all. A State may send views or may not send views. Therefore, if he says 'so obtained' it comes to the old 'ascertaining'. That is the wording which they have changed. They only want to give a chance to the States to express their opinion within a particular time. If they do not care to express their opinion, there is nothing obtained. Unless it is obtained, 'so obtained' to be placed before the

House' becomes impossible. Therefore, if he says in this amendment, 'views, if any, may be placed', that would serve the purpose. But, his amendment does not really carry out this purpose. Therefore, I am not in favour of even that amendment.

I would like to refer to one other point. My hon. friend, a Congress Member,—said that it is his personal view—wants this expression of opinion of the States to be published in the Gazette. Any opinions expressed by the State legislatures are published in the newspapers. Does the hon. Member think that there are more people who read Gazettes than newspapers?

**Shri K. K. Basu:** (Diamond Harbour): He wants to add to the bulk of the Gazette.

**Shri Raghavachari:** The question is whether they are going to express their opinion. Suppose I am the representative of a State; my State does not want to consider it at all. Seeing that the President has all the power and the Central Government has all the power, I do not wish to worry myself; I keep quiet; I do not wish to send any opinion. What is to be published in the Gazette? It becomes difficult.

Therefore, I am opposed to all these amendments. I would very respectfully submit for the consideration of the House that the Bill, as now introduced, may be passed. Only I would add this. The Government have given us an assurance also. Not only an assurance, in actual practice, we have been given all the views expressed by the States so far. I would request the Government to say that whenever any opinion is expressed by the States, it will be placed in the hands of the Members of Parliament before the Bill is considered.

**Shri T. S. A. Chettiar:** (Tiruppur): It is true, and the House knows it, that this States Reorganisation Commission's report has unleashed the emotions of the people in various

## Bill

places. There is a great tamil saying from the *Kural* that if you must do a thing urgently, you must do it urgently and if you must wait, then, you must do it after waiting for some time. In matters like this, it seems to us that when finality is reached, then, we settle down to work. Until finality is reached, agitation goes on eternally. In our own case, when there was partition between Madras and Andhra, when there was the question of Madras city, there was a great deal of agitation. When once it was decided, we settle down. After all, we know that it is open to the Andhras to live in Madras even today and do all business. So, there is a case for saying that if there are things which trouble people, and which lead to emotional outbursts, the sooner they are decided, the better it will be, for once they are settled, people will get down to work.

But there is also another aspect which has to be borne in mind, and that is that in big matters where it requires time for people to think over and to act, sufficient time must be given. I feel therefore that the only amendment which is worth consideration, out of all the amendments that have been moved, is the one relating to the fixing of time by the President. I do hope that the people who are at the helm of affairs, all wise people, will give sufficient time for consideration of big matters. For instances, in a matter like the future of Bombay, I feel there is some case for a greater time to be given. I am sure in such cases adequate time will be given.

The improvement that has been made in the present Bill is the addition of the phrase 'or within such further period as the President may allow'. That is a sufficient guarantee that the situation will be considered from time to time, and such period as will be necessary will be given for the State Legislatures. I feel that in this respect this Bill is certainly an improvement on the Bill that was rejected by the House for not com-

manding the required constitutional majority.

There is one matter of procedure over which I have not really been happy, and that is in regard to the methods adopted for the introduction of this Bill by suspending the rules. I am not very happy over the suspension of the rules. My hon. friends said that this would not be a precedent for the future. But it does not lie in the mouth of anybody to say now that a particular thing done today will not become a precedent tomorrow, because it is open to the House tomorrow or the day after to decide in whatever way it likes and when such problems are raised. So, everything that is done once is bound to be quoted as a precedent in the future. I would rather have wished that this precedent had not been created at all for the introduction of this Bill.

The hon. Law Minister made an astounding interpretation of the Bill saying that the proposals may be referred to the States for their opinions thereon, and the Bill may be introduced here. But the last few words of the proposed amendment, namely, 'and the period so specified or allowed has expired' makes the position amply clear that such contingencies will never arise. From that point of view, this Bill is certainly an improvement on the previous Bill.

I hope therefore that the Bill will be accepted unanimously. I hope also that the people at the helm of affairs will see that no hustling takes place. Simply because power has been taken, it does not mean that there must be any hustling. I have ample confidence in the people at the helm of affairs and therefore I hope that such hustling will not take place.

**Mr. Deputy-Speaker:** Before I call upon other hon. Members, I would like to fix the time. I find that there are two or three hon. Members who have risen to speak; I shall try to call them. We shall try to finish the clause-by-clause consideration by 1-40 P.M. Then, I shall call upon the hon.

[Mr. Deputy-Speaker]

Minister. Then I shall put the clauses to vote. Then, we shall have the third reading.

**Shri Kamath:** You will put the clause or clauses to vote? Rule 167 says that each clause should be put separately.

**Mr. Deputy-Speaker:** The clauses, the Preamble etc. At 1-40 P.M. the discussion on them must conclude.

पंडित ठाकुर दास भार्गव : मैं इस बिल को बड़े जोर से सपोर्ट करता हूँ। हमारे बहुत से मेम्बर साहबान ने, खुसूसन कामत साहब ने एक नोट आफ पेसिमिज्म स्ट्राइक किया है, यहां पर, जिस का मुझे अफसोस है। कहते हैं कि ग्राहिस्ता ग्राहिस्ता शायद हमारा कान्स्टिट्यूशन एक स्कैप आफ पेपर हो जायगा। बहुत से मेम्बरान ने कहा कि यह प्रिसिडेंट नहीं कायम किया गया है, यह सस्पेन्शन आफ रूल प्रिसिडेंट नहीं बनेगा। हमारे ला मिनिस्टर साहब ने भी फरमाया है कि यह प्रिसिडेंट नहीं होगा। ताहम भी मैं अर्ज करना चाहता हूँ कि जिन हालात में यह बिल आया, जिन हालात में हम ने अपना रूल सस्पेन्ड किया उन को देखते हुए मैं कह सकता हूँ कि अगर कोई ऐसा ही मौका आ जाय जैसाकि इस वक्त आया, तो मुझे कोई शुक्हा नहीं है कि फिर भी रूल को सस्पेन्ड करना होगा। इस रूल को सस्पेन्ड करने में खराबी ही क्या है? अगर मैं इस पार्लियामेंट के बाहर जा कर बतलाऊं कि हाउस ने चार घंटे इस बिल पर खर्च किये और तीन घंटे इस बात पर खर्च किये कि यह रूल सस्पेन्ड हो या नहीं, और वह होना चाहिये था, सारा हाउस यह चाहता था कि रूल सस्पेन्ड हो जाय, लेकिन फिर भी बहस होती रही, तो लोग हमारा मजाक उड़ायेंगे। मैं कहना चाहता हूँ कि जो कुछ हम ने किया वह सही किया। यकीनन यह प्रिसिडेंट नहीं होगा कि आइन्दा कोई बिल सेलेक्ट कमेटी में न जाय, लेकिन दरअसल इस को नहीं जाना चाहिये था।

इस बिल के अन्दर इतनी यूनेनिमिटी है कि इस को सेलेक्ट कमेटी में भेजे जाने का सवाल ही पैदा नहीं होता। कल रात जो डिस्कशन हुआ वह इतना मुफ़ीद साबित हुआ कि सारे एमेन्डमेन्ट्स बेकार हो गये।

एक चीज़ का मैं जिक्र करना चाहता हूँ। कान्स्टिट्यूशन के प्राविज़न ३ का असली मंशा यह था कि पेश्तर इस के कि कोई बिल इन्ट्रोड्यूस हो, हमारे प्रेजिडेंट साहब लेजिस्लेचर्स की राय को मालूम कर लें। मेरे खयाल में इस उसूल का जो मकसद था उसे किसी तरह से भी खत्म नहीं किया गया सिवा एक चीज़ के कि अगर कोई स्टेट लेजिस्लेचर ऐसा एंटिट्यूड अख्त्यार करना चाहे और नान कोअपरेट करना चाहे, राय जाहिर न करना चाहे, तो उसे बेशक एलिमिनेट किया गया, और किया जाना चाहिये। अगर कोई राय नहीं भेजना चाहता तो उस को आप मजबूर कैसे कर सकते हैं? इस के अलावा इस बिल के अन्दर जो मौजूद है वह सारी की सारी बातें बिल्कुल साफ हैं। मसलन सवाल यह था कि स्टेटों को मौका मिले या नहीं अपनी राय के इज़हार करने का। तो आप उन को सिर्फ मौका ही नहीं देंगे बल्कि अगर वह उस टाइम लिमिट को बढ़ाना चाहें तो उस के लिये भी उन को मौका दिया जायेगा। पहले बिल पर यह मेरा सुझाव था और मुझे खुशी है कि यह मंज़ूर कर लिया गया है।

जहां तक सवाल उन की राय के भेजने का है उसके अन्दर यह था कि राय आयेगी लेजिस्लेचर की। मैं ने कल एक एमेन्डमेन्ट भेजा था जिस को मैं ने बाद में पेश नहीं किया। मैं नहीं चाहता कि सिर्फ लेजिस्लेचर की राय ही आये, बल्कि जितने मेम्बर लेजिस्लेचर के हैं उन सब की राय जो कुछ हो उस का रेकार्ड आये। उस लेजिस्लेचर



की सारी प्रोसीडिंग्स जो हों वह प्रेजिडेन्ट साहब की खिदमत में भेजी जायें क्योंकि हम समझते हैं कि कई एक ऐसे लेजिस्लेचर हैं जिन में माइनारिटीज है, उन की राय का भी रेकार्ड या कन्क्लूजन आना चाहिये। उन की राय का भी पूरा इजहार होना चाहिये और एन्टायर प्रोसीडिंग्स प्रेजिडेन्ट साहब के सामने आनी चाहियें कि सारे लेजिस्लेचर के आदमियों की राय यह है। इसीलिये मैं ने एमेन्डमेन्ट भेजा था कि सारी प्रोसीडिंग्स भेजी जायें ताकि उन के सामने सारा नक्शा आ जाय। लेकिन कल हमारे आनरेबल ला मिनिस्टर साहब ने यकीन दिलाया कि वह ऐसा ही प्रोसीजर रखना चाहते हैं और लेजिस्लेचर्स की कुल प्रोसीडिंग्स ही आयेंगी, तो परेशानी दूर हो गई।

दूसरा सवाल यह था कि टाइम एक्स्टेंड किया जाय। तो मैं समझता हूँ कि यह चीज बिल के अन्दर ही पिनहां है कि टाइम एक्स्टेंड हो सकेगा। अभी बतलाया गया कि हालांकि बिल बना नहीं है लेकिन बहुत से स्टेट लेजिस्लेचर्स ने अपनी रायें जाहिर की हैं। मैं समझता हूँ कि कोई भी शोड आफ ओपीनियन नहीं है जोकि गवर्नमेंट के सामने नहीं आई है। जो असल मकसद है इस बिल का कि गवर्नमेंट को हर एक आदमी की राय मालूम हो, वह पूरा किया जा रहा है। और अब से पहले ही बहुत काफी पूरा हो चुका है। मुझे कोई शक नहीं है कि गवर्नमेंट आफ इंडिया कभी इस तरह का रबैया अख्यार नहीं करेगी कि लोग अपनी राय का इजहार न कर सकें, लेकिन मैं अर्ज करता हूँ, और श्री चैटर्जी साहब ने भी फरमाया कि हम चाहते हैं कि गवर्नमेंट आफ इंडिया पर भी कुछ पाबन्दी रहे। जो हमारा कान्स्टिट्यूशन है, उस को हम ऐसा बनायें कि गवर्नमेंट आफ इंडिया पर भी थोड़ी पाबन्दी रहे। उस को बनाते वक्त हम ने दफा १६ में फंडामेंटल राइट्स 482 LSD

भी कुछ रखते हैं, हालांकि हम जानते हैं कि हमारी गवर्नमेन्ट ठीक ही काम करेगी, लेकिन फिर भी हम ने उस के ऊपर कुछ पाबन्दियां रखीं। अपनी तरफ से हम ने उस के लिये भी रीजनेबल रेस्ट्रिक्शन्स रखे। हम चाहते हैं कि आइन्दा जो बिल आयें उस में हम टाइम मुकरर नहीं करें, लेकिन उस में हम सिर्फ रीजनेबल टाइम जरूर रखेंगे कि रीजनेबल टाइम गवर्नमेन्ट आफ इंडिया जरूर देगी, जोकि डिफरेंट स्टेट्स के लिये डिफरेंट होगा और उस के बाद भी स्टेट्स को एक्स्टेन्शन आफ टाइम पाने का अख्यार रहेगा। गवर्नमेन्ट आफ इंडिया उन की सारी प्रोसीडिंग्स भी मंगायेगी और उन को कंसीडर भी करेगी क्योंकि ऐसर्टन करने के दो माने होते हैं। एक तो राय का इजहार और उस के बाद उस का ऐसर्टन करना। तो मैं अर्ज करता हूँ कि यह जो बिल हम आज पास कर रहे हैं उसको हमें फोरन पूरी स्पॉर्ट के साथ पास करना चाहिये और उस को अच्छी तरह से एग्जिक्यूट भी करना चाहिये। आइन्दा जो बिल बनेगा उस में मैं उम्मीद करता हूँ कि हमारे मिनिस्टर साहब जो एमेन्डमेन्ट्स में ने दिये हैं उन को इनकार-पोरेट करेंगे।

इसलिये मैं अर्ज करता हूँ कि जितनी जल्दी हो सके हम इस बिल को पास कर दें क्योंकि जो असल मंशा है वह यह है कि जल्दी से जल्दी उस को रिपोर्ट के बारे में फैसला हो और लोगों में बिटरनेस न बढ़े। इस बिल को पास भी किया जाय और जितनी भी स्टेजेज हैं वह जल्दी ही पूरी कर दी जायें। मुझे इसे कहने की जरूरत नहीं है कि हालांकि एमेन्डमेन्ट में कहीं दर्ज नहीं है कि पार्ट सी स्टेट्स या एलैक्टोरल कालेजेज की राय पूछेंगे। लेकिन हमारे मिनिस्टर साहब ने हाउस में एम्प्योरेंस दिया है कि वह उन की राय भी पूछेंगे। हमारे मिनिस्टर साहब जहां तक यह बिल नहीं

[पंडित ठाकुर दास भार्गव]

जाता है उस से भी आगे जाने को तैयार हैं । खिला शकोशुबहा यह चीज कहने का कोई मौका नहीं है कि हम पूरे तौर पर उन को अपनी राय का इश्हार करने का मौका नहीं देंगे ।

**Dr. Lanka Sundaram:** I am convinced that there is no disposition on the part of any hon. Member to attempt to withhold the power which Government seek to invest the President with to deal with certain contingencies in regard to the organisation of States. Only two objections have so far come to the fore. One is as regards the manner in which this Bill is being sought to be passed by this House or through this House. First, there were on the opening day of the session, two Bills—the Fifth and the Sixth Amendment Bill. Then one of clauses of the Constitution (Fifth) Amendment Bill became Constitution (Seventh) Amendment Bill. Then the procedural tangle started. Now, finally, we have the Constitution (Eighth) Amendment Bill. In other words, there was, shall I say, disapprobation from certain Members of the House about the manner in which this Bill has been sought to be rushed through this House. During the process of it, they have destroyed the very salutary convention of this House, namely, that every Constitution amendment Bill should be committed to a Select Committee.

Looking back over the acrimonious and even somewhat clumsy controversies which have been gone through by hon. Members, I feel that a Select Committee could have been appointed to go into it or the whole House could have gone into a Committee. It is a matter of vital form, though not of substance. I would only say, with great respect to my hon. friend, Pandit Thakur Das Bhargava, that what the Speaker announced yesterday from the Chair, not for the first time, I am sure, namely, that this will not constitute a precedent, is all that this House has been able to salvage out of the controversies of the past few days. Be-

cause, I am convinced, as I said at the very outset, that there is no disposition on the part of any hon. Member—as far as I could judge from the debate so far—to withhold the power with which the President is sought to be invested, because there will be certain contingencies where a State legislature might not fulfil the form in which certain resolution or bill has to be passed and remitted here. As a matter of fact, if you review the position of State legislatures during the past few days, some legislatures have not been able to pass necessary resolution—for example, I mention the Hyderabad State Legislature; I am not casting any aspersion upon that legislature at all; for whatever reasons, most of us can understand, namely, based on a strong conviction relating to the rights and wrongs involved in the proposals contained in the SRC Report.

Now, when the Bill regarding the formation of the Andhra State was remitted back to us, this hon. House had gone through the process of receiving the Bill with the opinions of the Madras State legislature, the Mysore State legislature etc. in order that the Andhra State Bill may be passed. Supposing—and the supposition has a very valid basis in fact, as far as I am concerned, as far as my knowledge of this problem goes—if there is any recalcitrance—I am sorry I have to use a very strong word—on the part of any State legislature, it is open to this sovereign Parliament to take the power to ensure that such recalcitrance is not possible in certain circumstances. So I am entirely in agreement with the principle of the Bill.

There is only one other small point I would like to make and that is this. The whole controversy about this Bill arose, if I am not mistaken because of a certain statement made at the time of the last meeting of the Working Committee of the Congress when—I am not definite whether it is part of the resolution; I presume it is not part of the resolution of the Working Committee—the phrase “fourteen days’ time” was bandied

about. It entered the newspapers. The intention behind this decision of the Working Committee was said to be that the State legislatures should be given only fourteen days' time to comply with the request from the Centre for passing the necessary resolution or passing the necessary legislation before this hon. House can take it over. But for that particular unfortunate incident, I am sure this House would not have gone through the procedural wrangle it has had to go through during the past two weeks. Now, I understand—and I am prepared to be corrected by any competent spokesman on the Treasury Benches—that the intention of the ruling party seems to be to give a month's time to the State legislatures to go through this procedure. I honestly feel that this time is not sufficient. If I am wrong, I would like to be corrected. The whole discussion is now centred on what is the time which the President is going to give. In the revised Bill, Constitution (Eighth) Amendment Bill on the Order Paper, there is a provision made for giving the power to the President to extend the time-limit, but without stating the minimum time which he should give under the proposed article 3. I do hope that before this Bill is passed by this hon. House, there will be an assurance forthcoming either from the Law Minister or the Home Minister or the Leader of the House—he was here a little while ago—exactly defining the intention behind the main operative portion of the Bill, namely, the time to be given. Without mentioning it, there is no point in providing power to the President to extend the time to be given. That seems to be the substance of the matter.

I repeat again that I wholeheartedly am in agreement with the principle of the Bill because I am anxious that in our federal Constitution the residuary power should vest with this Parliament and not with State legislatures. After all, each one of the hon. Members of the House—barring one or two nominated for certain pur-

poses—has been elected by the same electorate at the same time as members of the State legislatures were elected. In other words, we are not only having equal powers but certainly we have residuary powers in our favour. From the constitutional angle, I have no difficulty at all. Now the only question is about giving a reasonable opportunity to the State legislatures to state their views properly—that is the sum and substance of this Bill. I do hope before the Bill is passed the Minister in-charge during his reply to the debate will indicate what is exactly the intention of Government in this respect, in order to set at rest wrong impressions created in the country about "fourteen days' time." We would also like to have some clarification about the one month's time which, it is talked of very widely in the Lobbies and elsewhere, the Government are going to give.

डा० सुरेश चन्द्र : उपाध्यक्ष महोदय, जो विधेयक इस समय सदन के सम्मुख उपस्थित है इस का मैं समर्थन करने के लिये खड़ा हुआ हूँ। इस विधेयक पर बहस करते समय यह उपयुक्त मौका नहीं है कि राज्यों के पुनर्गठन के सिद्धान्तों के बारे में बहस की जाये। यह तो एक सादा सा बिल है और इस बिल पर बहस करते समय हमें राज्यों के पुनर्गठन के सिद्धान्तों पर बहस नहीं करनी है। इस बिल के जरिये से केवल हमारा जो विधान है उस में एक यह संशोधन किया जा रहा है कि जो हमारी स्टेट लेजिस्लेचर्ज हैं उन को इस बात का मौका दिया जाय कि वे एक अवधि में जो चीजें उन के पास भेजी जायें उन पर अपने विचार भेज सकें और साथ ही राष्ट्रपति को यह अधिकार भी दिया जा रहा है कि वह इस अवधि को कम या ज्यादा भी कर सकते हैं। इस बिल का एक उद्देश्य यह भी है कि स्टेट लेजिस्लेचर्ज को यह कहने का मौका न मिले कि उन्हें वक्त कम या ज्यादा मिला है।

श्री पंडित ठाकुर दास मार्गव ने भी कहा कि हमारे जो रूल्ज हैं उन को हम ने

[डा० सुरेश चन्द्र]

रोक कर ठीक ही किया है। मैं मानता हूँ कि वह एक बहुत बड़े कानूनदा हैं और उन के मुकाबले में जहाँ तक कानूनी मामलों का ताल्लुक है मैं कुछ भी नहीं हूँ। लेकिन मैं श्री भविनाश लिंगम जेडिटयार साहब से सहमत हूँ कि यह जो नियम हम ने रोका है यह हम ने ठीक नहीं किया है और मुझे इस से बहुत संतोष नहीं है। मैं यह समझता हूँ कि यदि किसी प्रवर समिति को यह बिल भेज दिया जाता तो यह ज्यादा अच्छा होता। यहाँ पर यह कहा गया है कि जो इस नियम को हम तोड़ रहे हैं इस संसद की सहमति से यह इसलिये किया जा रहा है क्योंकि एक बहुत आवश्यक चीज़ हमारे सामने उपस्थित होनी है। लेकिन, फिर भी मैं इस से बहुत संतुष्ट नहीं हूँ। यद्यपि अध्यक्ष महोदय ने यह आश्वासन दिया है कि यह किसी भी प्रकार से प्रेसिडेंट नहीं होगा लेकिन फिर भी मैं समझता हूँ कि यह किसी न किसी तरह से प्रेसिडेंट रहेगा।

श्री पंडित ठाकुर दास भार्गव जी ने कहा कि हम प्रोसीजर के बारे में लम्बी चौड़ी बहस कर के अपना वक्त गंवाते हैं। भेरी राय में यह बात कहना ठीक नहीं है क्योंकि पार्लियामेंट में बैठ कर हम जो बहस करते हैं वह सब प्रोसीजर के मुताबिक ही करते हैं और हर चीज़ प्रोसीजर के मुताबिक ही चलती है। अगर ऐसी बात न हो तो हमारी बहस में और एक पब्लिक मीटिंग की बहस में फर्क ही नहीं रह जायेगा। उस बजह से इस को "वेस्ट आफ टाइम" कहना, मैं समझता हूँ कि मुनासिब नहीं होगा।

मैं कामत साहब के इस कथन से सहमत नहीं हूँ कि स्पीकर साहब की प्रोपोनियन को बार्ड-पस किया गया है। कामत साहब ने यह भी कहा कि "We have ridden roughshod over Parliament" मैं नहीं समझता कि यह बिल्कुल सही है क्योंकि जब संसद की सहमति हुई तो वह तकरौबन

सर्वसम्मति ही थी। इसलिये यह कहना कठोर शब्दों का प्रयोग करना है जो, मैं समझता हूँ, कामत साहब के मुँह से बहुत शोभा नहीं देते।

श्रीर ज्यादा न कह कर अन्त में मैं यह कहना चाहता हूँ कि यह एक बहुत सादा संशोधन है, लेकिन महत्वपूर्ण है, इस लिहाज से कि इस के अन्दर जो विधान सभायें हैं उन को पर्याप्त समय दिया गया है कि उस के अन्दर वे अपने विचार व्यक्त कर सकें, और हमारे जो राष्ट्रपति हैं उन को भी यह अधिकार दिया गया है कि यदि कोई विधान सभा पर्याप्त समय में अपने विचारों को व्यक्त न कर सके तो उस को श्रीर ज्यादा समय दिया जाये। यह एक बिल्कुल मुनासिब बात है।

श्री देशपांडे ने जो संशोधन दिया है वह तो बिल्कुल ही अनुपयुक्त है और मैं समझता हूँ कि उस का कोई विशेष स्थान नहीं है। और श्री जो दूसरे संशोधन दिये गये हैं उन का भी विशेष स्थान नहीं है।

इतना कह कर मैं इस बिल का हृदय से पूर्ण रूप से समर्थन करता हूँ।

**Shri S. S. More:** Mr. Deputy-Speaker, Sir,.....

**Mr. Deputy-Speaker:** I believe the hon. Member will finish in five minutes. Then there is Shri Tek Chand, who is the only Member left.

**Shri S. S. More:** I will not take much time, Sir.

Taking advantage of this debate, I want to make one suggestion. If we compare our Constitution with the constitutions of other countries, we find that our constitution enters into too many details of administration and when a constitution enters into too many details, as we go on implementing the constitution, our experience leads us to the conclusion that these details need modification, and,

therefore, an amendment of the constitution becomes inevitable.

I want to make a suggestion to Government that too many details ought not to be there in the Constitution and, therefore, Government should see their way to appoint a Joint Committee of both the Houses to find out in what particulars, in the light of our experience of the last 6 or 7 years, this Constitution needs amendment. I can quote precedents from the House of Commons or from the experience of the United Kingdom. There, on many occasions, Joint Committees are appointed not only for the purpose of screening a Bill which is already drafted by a Select Committee but Joint Committees are appointed for the purpose of making concrete suggestions to Government, in the light of basic principles, to frame a Bill itself. From our own House, I can say that the hon. Speaker was pleased to appoint a committee on Offices of Profit to define what are the offices of profit, to give precedents and to prescribe the necessary ambit of the different offices and that committee has already submitted its report which will be the basis of a new comprehensive Bill to define what is Office of Profit. If we do not want, every alternate day, to be faced with a Constitution (Amendment) Bill, it will be highly necessary to take both the Houses into confidence and appoint a representative Joint Committee of both the Houses, commissioned to find out what are the details of the Constitution which need elimination from our present Constitution.

For instance, take the constitution of the Supreme Court and the High Courts. There are constitutions of good many countries in the world—I need not quote because I have no time—where the constitution of the Supreme Court and the judiciary is entirely outside their Constitutions and is governed by another statute. It does not form part of the Constitution. So, if any change is necessary in such a matter, then it is not

done by amending the Constitution as such but by amending that particular statute which refers to that point.

This is what I want to say and from this aspect I want to approach the amendment which has been placed by my hon. friend Shri Deshpande as well as the amendment which my hon. friend Shri Kamath has moved. They are again asking us to go into unnecessary details. Not only that. Shri Deshpande's amendment, if it is implemented would mean that the State Legislatures shall be given the power of vetoing the sovereign power of this House.

Now, a written constitution, by its very nature, is a constitution which limits the sovereignty of Parliament. As far as the United Kingdom is concerned, without a written constitution the Parliament is more sovereign than our present Parliament. But, Shri Deshpande is out to ask this House to further abrogate some of its powers in favour of the State Legislatures whose mind will not work detached from local passions. Local people may be victims to some local passions and prejudices while the Parliament, composed of representatives from all over the country, can look into the matter from a more detached point of view. Therefore, I would submit that Shri Deshpande's amendment is of a very vital nature and very detrimental because it will mean a sort of abdication of some measure of power on the part of this House. I would, therefore, oppose that amendment and would further say that this suggestion of appointing some committee to find out what are the particular provisions which need amendment before a Bill is initiated by Government should be proceeded with. Otherwise, we shall be faced with a number of Constitution (Amendment) Bills and in that way we shall be subjecting ourselves to the ridicule of the whole world, of countries which have succeeded in framing small Constitutions embodying fundamental principles only. That is the only suggestion that I want to make.

**Shri Tek Chand (Ambala-Simla):** I rise to support the Bill and oppose the amendments—in particular, the amendment moved by my hon. friend Shri Deshpande. Shri Deshpande's amendment is open to serious objection and it is fraught with great difficulties. The object of this amendment is virtually that this Parliament should completely surrender and abdicate its sovereign power; not only that, but to make it within the gift of the State Legislatures to permit or not to permit a measure that is proposed regarding the merger of one State into another State. Such an amendment is contrary to the higher national interests of the country and of which this Parliament is necessarily the principal custodian. The result will be that any State Legislature.....

**Shri Nand Lal Sharma (Sikar):** Which amendment?

**Shri Tek Chand:** I am referring to amendment No. 21. Possibly my learned friend behind me has come only a short time ago and, therefore, he was not present when Shri Deshpande moved his amendment.

The effect and the result of Shri Deshpande's amendment will be that it will be open to a State Legislature to put obstacles, to put a brake upon the entire proposal made under article 3 of the Constitution.

I am aware that in Article 4 of the American Constitution and also in sections 123 and 124 of the Australian Constitution there is a provision where the consent of the State Legislatures has to be obtained beforehand. But, then, their Constitution is totally different, their genius is different. They were independent States which just formed the United States of America. The independent States existed first and the United States came in later. Similarly, in Australia, there were peculiar local exigencies which happily do not exist here. We are concerned essentially with the unity of the country, with the solidarity of the country and this amendment of my learned friend breaks up that solidarity.

Regarding the elimination of the expression, 'ascertaining the views of the Legislatures' as it exists in the proviso today, I submit that there has been a considerable improvement now in the language of the changed proviso. You will notice that originally in section 290 of the Government of India Act, 1935, there was a proviso wherein it was stated that the Governor-General shall ascertain the views of the Government of any Province. But there is a world of difference between ascertaining the views of a government and ascertaining the views of a legislature. It is much easier to ascertain the views of a government but it may not be equally easy to ascertain the views of a legislature. The State Legislature may not co-operate, may not choose to give its views with the result that there will be an absolute deadlock. Under the circumstances as visualised at present, the result will be that an opportunity is being given to the local legislatures. If they care to express their views, their views will be examined. If they feel that there is not sufficient time within which they could express their views, they can prevail upon the President to extend the time and within the extended time they have another opportunity to express their views more fully. Therefore, under the circumstances, I feel that from every point of view, the Bill deserves to be passed.

There is one matter about suspension of the rules. The circumstances in which the rule had been suspended requires no apology from anybody. There are circumstances, there are occasions when it is in the higher interest that rules should be suspended, and I have no doubt that there may not be a precedent in future, but if need be and occasion arises, under suitable circumstances, resort may be made and should be made to this particular provision.

**The Minister of Home Affairs (Pandit G. B. Pant):** Yesterday, in accordance with the arrangement arrived at here, we met at an informal conference and we had the privilege

of discussing the amendments as well as other matters pertaining to this Bill, with some of the distinguished Members of this House. Shri Kamath, Shri Chatterjee, Shri More, Pandit Bhargava, all were there and I had the opportunity of explaining to them what the Bill meant and what were our intentions, and we dispersed with the feeling—at least I had that—that no amendment would be discussed here today. But after all, that may be due to the wrong inference drawn by me from the kindness with which I was treated.

**Shri Kamath:** Have a cup of tea!

**Pandit G. B. Pant:** All the same, I am glad that the matter has been discussed thoroughly. Sometimes there are lingering doubts left when questions are not handled in a straightforward and open manner in the House. The Bill had a definite purpose. It was introduced with a view to expedite the process of finalisation of the consideration of the Report of the States Reorganisation Commission and to have ample assistance of all sections of opinion and particularly of the legislatures before framing any specific proposals for the consideration of this honourable House. I would like to state at once that this Bill is not a final one for all time to come. In fact, as mentioned by Shri Chatterjee, it will probably have to undergo revision soon after we have taken decisions on the basis of that Report, because it refers to Part A and B States and there will be no A and B States if the proposal of the Commission is accepted by this House. So, the clause with which we are concerned here will have to be amended in any case. If any further change is considered necessary, we will certainly be prepared to give serious thought to any suggestions that may be made by hon. Members. I have, however, been somewhat perplexed by an attitude of distrust. I do not see any ground for these misgivings. If actions do not assure people, words perhaps cannot. What have we done? We consulted the Chief Ministers of the States at a time when we were not bound to consult

them. We referred the Report which had come from the Commission which had spent considerable time over the issues that were under their consideration, for the scrutiny of the entire country, and still more so, of the legislatures. There was no law making it incumbent on the Government to refer the matter to the legislatures, but we did. We did because we think it will strengthen us; we did because we want to work in a democratic way; we did because we rely on the co-operation of our people, of the legislatures and of the hon. Members of this House. We can have all that only when we seek their assistance in a constructive way. So, it would be unwise on the part of any Government to thrust or impose anything on any part of the country against its wishes. When we have gone out of our way in a matter like this, I do not see where is the room for any suspicion that Government, on its part, will try to hustle matters in an indecent way. That seems to me to be somewhat, if not cruel, at least inconsiderate.

As to the proposal, what we have said is only this, that the time will be fixed by the Government, but for what?—only to enable it to place a Bill before this House. This House consists of the representatives of the people, it has the final voice in everything. If it be of the opinion that we are proceeding with undue haste and that a brake is necessary, it can ask for the circulation of the Bill, it can take any other measure. If it wants, it can even throttle it completely. It seems that the Members of the House perhaps sometimes forget their own powers, their own might, and that can be the only explanation for the attitude that they have betrayed. What is it that you want to be done and why is there this sort of opposition?

A reference has been made to the suspension of the rule. That is not quite relevant or necessary at this stage, but the point requires a little clarification.

[Pandit G. B. Pant]

We suspended the rule? Did any individual suspend it? Did Government suspend it?

**Shri Algu Rai Shastri** (Azamgarh Distt.-East cum Ballia Distt.-West):  
The rules.

**Pandit G. B. Pant:** The entire body of Members of this House minus one did that. Then against whom is the complaint? Is it the complaint that all the Members of this House acted wrongly that this decision amounted to an abuse of the process if I may say so? If that is so then it is a reflection on the discretion, wisdom and capacity of this House. I hope nobody had any such intention.

What are the rules meant for? When a rule is suspended is anything unconstitutional done? There is a rule in the rules that any rule may be suspended. When the Speaker acts according to that rule, what is the irregularity about it? He suspends a rule and observes a rule in suspending that. Does that rule say: What is the rule to be suspended and what is the rule to be used? What were the circumstances under which the rule was suspended?

So far as this Bill is concerned, whether it is identical with its predecessor or not, it is accepted by all that it is an improvement on the previous Bill. But so far the previous Bill itself went, it was supported, I think, by about 246 hon. Members and there were only two against it. Should we be prevented by any rule from giving effect to the unanimous will of this House? Are our rules meant to carry out the collective will and wisdom of this House or are they to come in the way of the will of this House being carried out. The suspension of a rule which had come in the way of the implementation of the unanimous decision of this House was

necessary in order to maintain the dignity and majesty of our House. So, to regard it as an encroachment on the rights of this House is, I think, an utter misconception.

Coming to this amendment about the views of the legislatures in the States not only being ascertained but being made binding on this Parliament, I think Shri Deshpande in a way out-heroded Herod. When this Constitution was framed, the Constituent Assembly consisted exclusively of representatives of the State Legislatures and they were satisfied with the provisions that have been placed in our Constitution. They did not feel the need of any other safeguard. They left it to Parliament to take decisions on all these matters. But Shri Deshpande wants to cripple this Parliament and to say that a State legislature should have a dominance over the Parliament and its decision must prevail against the concensus of opinion or the considered view of this Parliament. He must understand in this country we proceeded on a different basis. We had almost a sort of a unitary Constitution and out of that we carved a number of States. It was not a conglomeration of independent States that was given the garb of a federation here. Here we had a unitary Constitution and the entire country was under one Government for all practical and real purposes, while in other countries like America, independent States agreed among themselves to combine together for certain purposes. It might have been suitable and proper in their cases but here they need not necessarily be so and certainly are not because whatever action you may take in one State, it certainly produces reactions on other States and also in the neighbouring States. So, unless Parliament takes a decision, no one can take an integrated view of such matters within their own legislatures. So, it was deliberately provided that opportunities for the expression of their views should be given to them but the decision should be taken by the Parliament itself.



I do not think there was any other matter to which I am required to refer now. I have already assured the House and I would advise the local administrations—the Chief Commissioners—of Manipur and Tripura to consult. (An Hon. Member: Kutch also) Yes Kutch and if there is any similar State which I have forgotten, that State also—to consult so far as feasible the members of the electoral colleges. We were not required under the rules to consult 'C' class legislatures but we have consulted them; now we are going to consult them again. We have been more anxious to consult them than hon. Members of this House sitting here. We want the support of the entire nation. We do not want to delay the implementation of the proposals of the Commission with such modifications as may commend themselves to the wisdom and judgement of this House a day longer than necessary. We are not going to do so because we have faith in ourselves and we have faith in our country. So, we will go ahead and see that the decisions are reached and implemented without delay and that is the purpose of this Bill.

**Mr. Deputy-Speaker:** I shall put the amendments to the vote of the House. Are any amendments withdrawn?

**Shri Shree Narayan Das:** I withdraw my amendment.

**Shri V. G. Deshpande:** I do not want to press my amendment and beg leave to withdraw it.

**Shri Kamath:** You may put my amendment No. 3 to vote and not 4, which I do not press.

**Mr. Deputy-Speaker:** Shri Biren Dutt had already said that he is not pressing his amendments. So all these amendments are withdrawn.

*The amendments were, by leave, withdrawn.*

**Mr. Deputy-Speaker:** I will put amendment No. 3 of Shri Kamath to the vote of the House. The question is:

Page 1, lines 13 and 14—  
for "within such period as may be specified in the reference."

substitute "within a period of less than three months to be specified in the reference".

*The motion was negatived.*

**Mr. Deputy-Speaker:** I shall put clauses 1 and 2 together.

**Shri Kamath:** Before you put this motion to the vote, I would invite your attention to rule 167. We must have correct record; otherwise it might be questioned later on. The provision to this rule says:

"Provided that the Speaker may, with the unanimous concurrence of the House, put clauses Schedules together to the vote of the House in which case the result of the voting shall be taken as applicable to each clause or schedule separately and so indicated in the proceedings."

So far I do not think that it has gone on record that the House has actually unanimously agreed to this procedure.

**Mr. Deputy-Speaker:** I am asking the House. Hon. Member is anticipating me. Under the rules as pointed out by the hon. Member, it is open to the Speaker to put all such clauses grouped together instead of asking the House to divide again and again. I am only trying to group clause 1 along with clause 2. Notwithstanding so many amendments regarding clause 2, in respect of the title clause there have been no amendments and so we are not divided on that clause. Therefore, I think the unanimous view of the House is that clauses 1 and 2 might be put together. Is it the view of the House?

2 P.M.

**Several Hon. Members:** Yes.

**Shri Kamath:** If a particular Member wants to support clause 1 and not clause 2 then what will happen?

## Bill

**Mr. Deputy-Speaker:** If an hon. Member says: "I am not going to allow a unanimous vote on this" then there is voting. It is only a formal one. When passing, along with clause 2 we must pass clause 1 also. If he is opposed to a clause he can say so and there is voting. I think we may put clauses 1 and 2 together.

**Shri Biswas:** There is one amendment to clause 1—No. 8—by which we seek to substitute "(fifth Amendment)" for "(Eighth Amendment)".

**Mr. Deputy-Speaker:** Under the rules the Speaker can correct that without putting it to the vote of the House. Therefore, I think there is no need to put clause 1 separately to the vote of the House. If that amendment has to be moved formally it may be done, but I am told that under the rules it is not necessary and that

I can give a direction. The Speaker has got the right to make a formal amendment of that kind and do the necessary correction. Therefore, the Speaker will do so. So, I believe there is unanimous opinion of the House that clauses 1 and 2 may be put together.

**Several Hon. Members:** Yes.

**Mr. Deputy-Speaker:** There has to be Division. The bell is being rung...

[MR. SPEAKER in the Chair]

**Mr. Speaker:** I think I may put clauses 1 and 2, the Enacting Formula and the Title together.

The question is:

"That clauses 1, 2, the Enacting Formula and the Title stand part of the Bill."

*The Lok Sabha divided: Ayes 377; Noes Nil.*

## AYES

Division No. 5]  
 Abdullabhai, Mulla  
 Achal Singh, Seth  
 Achalu, Shri  
 Achint Ram, Lala  
 Achuthan, Shri  
 Agrawal, Shri H. L.  
 Agrawal, Shri M.L.  
 Ajit Singh, Shri  
 Akarpuri, Sardar  
 Alagesan, Shri  
 Alekar, Shri  
 Alva, Shri Joachim  
 Amrit Kaur, Rajkumari  
 Anandchand, Shri  
 Asthana, Shri  
 Ayyangar, Shri M.A.  
 Azad, Maulana  
 Azad, Shri Bhagwat Jha  
 Babunath Singh, Shri  
 Badan Singh, Ch.  
 Balkrishnan, Shri  
 Baldev Singh, Sardar  
 Balmiki, Shri  
 Banerjee, Shri  
 Bansal, Shri  
 Bansilal, Shri  
 Barman, Shri  
 Barupal, Shri P.L.  
 Basappa, Shri  
 Basu, Shri A.K.  
 Basu, Shri K.K.  
 Bhagat, Shri B.R.  
 Bhakt Darshan, Shri  
 Bharti, Shri G.S.  
 Bhargava, Pandit M.B.  
 Bhargava, Pandit Thakur Das  
 Bhartiya, Shri S.R.  
 Bhatt, Shri C.  
 Bhawani Singh, Shri  
 Bhawani, Shri  
 Bheekha Bhai, Shri  
 Bhonsle, Shri J.K.  
 Bidari, Shri  
 Birbal Singh, Shri  
 Biren Dutt, Shri  
 Bogawat, Shri  
 Borkar, Shrimati Anusayabai  
 Bose, Shri P.C.  
 Brajeshwar Prasad, Shri  
 Brohmo-Choudhury, Shri  
 Chakravartty, Shrimati Renu

Chaliha, Shri Bimalaprosad  
 Chanda, Shri Anil K.  
 Chandak, Shri  
 Charak, Th. Lakshman Singh  
 Chatterjee, Shri Tushar  
 Chatterjee, Dr Susilranjan  
 Chatterjee, Shri N.C.  
 Chaturvedi, Shri  
 Chaudhary, Shri G. L.  
 Chavda, Shri  
 Chettiar, Shri Nagappa  
 Chettiar, Shri T.S.A.  
 Chowdhury, Shri N. B.  
 Dabhi, Shri  
 Damar, Shri Amar Singh  
 Damodaran, Shri G.R.  
 Damodaran, Shri Nettur P.  
 Das, Dr. M.M.  
 Das, Shri B.  
 Das, Shri B.C.  
 Das, Shri B.K.  
 Das Shri Beli Ram  
 Das, Shri K.K.  
 Das, Shri N.T.  
 Das, Shri Ram Dhani  
 Das, Shri Ramananda  
 Das, Shri Shree Narayan  
 Datar, Shri  
 Deb, Shri S.C.  
 Deogam, Shri  
 Desai, Shri K.N.  
 Desai, Shri Khandubhai  
 Deshmukh, Shri K.G.  
 Deshpande, Shri G.H.  
 Dholakia, Shri  
 Dhulekar, Shri  
 Dhusiya, Shri  
 Digambar Singh, Shri  
 Diwan, Shri R.S.  
 Dube, Shri Mulchand  
 Dubey, Shri R.G.  
 Dutt, Shri A.K.  
 Dutta, Shri S.K.  
 Dwivedi, Shri D.P.  
 Diwivedi, Shri M.L.  
 Eacharan, Shri C.  
 Ebenezzer, Dr.  
 Gadgil, Shri  
 Gandhi, Shri Feroze  
 Gandhi, Shri M.M.  
 Gandhi, Shri V.B.  
 Ganga Devi, Shrimati

## 2-02 P.M.

Ganpati, Ram Shri  
 Garg, Shri R.P.  
 Gautam, Shri C.D.  
 Ghose, Shri S.M.  
 Gidwani, Shri  
 Giridhari Bhoi, Shri  
 Gopalan, Shri A.K.  
 Gopi Ram, Shri  
 Gounder, Shri K.S.  
 Govind Das, Seth  
 Guha, Shri A.C.  
 Gupta, Shri Badshah  
 Gupta, Shri R.K.  
 Gupta, Shri Sadhan  
 Gurupadaswamy, Shri  
 Hansda, Shri Benjamin M.S.  
 Hari Mohan, Dr.  
 Hasda, Shri Subodh  
 Hazarika, Shri J.N.  
 Heda, Shri  
 Hembrom, Shri  
 Hem Raj, Shri  
 Hukam Singh, Sardar  
 Ibrahim, Shri  
 Iqbal Singh, Sardar  
 Iyyunni, Shri C.R.  
 Jagivan Ram, Shri  
 Jain, Shri A.P.  
 Jain, Shri N.S.  
 Jaisooriya, Dr.  
 Jajwara, Shri  
 Jange, Shri  
 Jatav-vir, Dr.  
 Jaysinh, Shrimati  
 Jena, Shri K.C.  
 Jena, Shri Niranjan  
 Jethan, Shri  
 Jhunjhunwala, Shri  
 Jyendra Singh Sardar  
 Joshi, Shri Jethalal  
 Joshi, Shri Krishnacharya  
 Joshi, Shri Liladhar  
 Joshi, Shri M.D.  
 Joshi, Shri N.L.  
 Joshi, Shrimati Subhadra  
 Jawaal Prasad, Shri  
 Kajrolkar, Shri  
 Kale, Shrimati A.  
 Kamble, Dr.  
 Kanungo, Shri  
 Karmarkar, Shri  
 Kasliwal, Shri

Katham, Shri	Nesamony, Shri	Shah, Shri C.C.
Katju, Dr.	Neawi, Shri	Shah, Shri Raichandbhai
Kayal, Shri P.N.	Neavia, Shri	Shah, Shrimati Kamleudu Mat
Kazmi, Shri	Nijalingappa, Shri	Shahnawaz Khan, Shri
Kelappan, Shri	Palchoudhury, Shrimati	Shakuntala, Shrimati
Keshavaingar, Shri	Pande, Shri B.D.	Sharma, Pandit Balkrishna,
Keskar, Dr.	Pande Shri C.D.	Sharma, Pandit K.C.
Khan, Shri Sadath Ali	Pandey, Dr. Natabar	Sharma, Shri D.C.
Khedkar, Shri G.B.	Pannalal, Shri	Sharma, Shri K.R.
Khuda Bakh, Shri M.	Paragi Lal, Ch.	Sharma, Shri R.C.
Kirolikar, Shri	Parakh, Dr. J.N.	Shastri, Shri Algu Rai
Kottukappally, Shri	Parikh, Shri S.G.	Shastri, Shri R.R.
Krishna, Shri M.R.	Pataskar, Shri	Shivananiappa, Shri
Krishna Chandra, Shri	Patel, Shri B.K.	Shobha Ram, Shri
Krishnamachari, Shri T.T.	Patel Shri Rajeshwar	Shriram Narayan, Shri
Krishnaswami, Dr.	Patel, Shrimati Maniben	Shukla, Pandit B.
Kurcel, Shri B.N.	Patil, Shri Kenavade	Siddanawajappa, Shri
Lakshmayya, Shri	Patil, Shri S.K.	Singh, Shri D.N.
Lal Singh, Sardar	Patil, Shri Shankargauda	Singh, Shri D.P.
Lallanji, Shri	Pawar, Shri V.P.	Singh, Shri H.P.
Laskar, Shri	Pillai, Shri Thanu	Singh, Shri L. Jageswar
Lingam, Shri N.M.	Prabhakar, Shri Naval	Singh, Shri M.N.
Lotan Ram, Shri	Rachiah, Shri N.	Singh, Shri T.N.
Madiah Gowda, Shri	Radha Raman, Shri	Singhal, Shri S.C.
Mahata, Shri B.	Raghavachari, Shri	Sinha, Dr. S.N.
Mahodaya, Shri	Raghubir Sahai, Shri	Sinha, Shri Anirudha
Majhi, Shri Chaitan	Raghubir Singh, Ch.	Sinha, Shri B.P.
Majhi, Shri R.C.	Raghunath Singh, Shri	Sinha, Shri G.P.
Mojithia, Sardar	Raguramaiah, Shri	Sinha, Shri Jhulan
Malaviya, Shri K.D.	Rahman, Shri M.H.	Sinha, Shri K.P.
Malliah, Shri U.S.	Raj Bahadur, Shri	Sinha, Shri Nageshwar Prasad
Malvia, Shri B.N.	Rajabholi, Shri P.N.	Sinha, Shri S.
Malviya, Pandit C.N.	Ramanand Shastri, Swami	Sinha, Shri Satya Narayan
Malviya, Shri Motilal	Ramananda Tirtha, Swami	Sinha, Shri Satyendra Narayan
Man'al Dr P.	Ramesahviah, Shri	Sinha, Shrimati Tarakeshwari
Mascarene, Kumari Annie	Ramaswamy, Shri P.	Sinhaasan Singh, Shri
Masuodi, Maulana	Ramaswamy, Shri S.V.	Snatak, Shri
Masuriya Din, Shri	Ram Dass, Shri	Sodhia, Shri K.C.
Mathew, Shri	Ramnarayan Singh, Babu	Somani, Shri G.D.
Maydeo, Shrimati	Ram Saran, Shri	Subrahmanyam, Shri K.
Mehta, Shri Asoka	Ram Shankar Lal, Shri	Subrahmanyam, Shri T.
Mehta, Shri B.G.	Ram Subhag Singh, Dr.	Subramania Chettiar, Shri
Mehta, Shri Balwant Sinha	Ranbir Singh, Ch.	Sunderam Dr. Lanka
Mehta, Shri J.R.	Rane, Shri	Sunder Lal, Shri
Mishra, Shri Bibhuti	Ranjit Singh, Shri	Suresh Chandra, Dr.
Mishra, Shri L.N.	Rao, Shri B. Shiva	Swami, Shri Sivamurthi
Mishra, Shri Lokenath	Rao, Shri K.S.	Tandon, Shri
Mishra, Shri M.P.	Rao, Shri P. Subba	Tek Chand, Shri
Mishra, Shri S.N.	Rao, Shri Rajagopala	Tewari, Sardar R.B.S.
Misra, Shri B.N.	Rao, Shri Seshagiri	Thimmalah, Shri
Misra, Shri R.D.	Rao, Shri T.B. Vittal	Thomas, Shri A.M.
Misra, Shri S.P.	Raut, Shri Bhola	Tivary, Shri V.N.
Mohiuddin, Shri	Ray, Shri B.K.	Tiwari, Pandit B.L.
Mo'arka, Shri	Reddi, Shri Bawara	Tiwari, Shri R.S.
More, Shri K.L.	Reddi, Shri Ramachandra	Tiwary, Pandit D.N.
More, Shri S.S.	Reddy, Shri B.Y.	Tripathi, Shri H.V.
Mudaliar, Shri C.R.	Reddy, Shri Janardhan	Tripathi, Shri V.D.
Muhammed Shaftee, Chaudhuri,	Reddy, Shri Viswanatha	Tyagi, Shri
Mukne, Shri Y.M.	Richardson, Bishop	Ukey, Shri
Muniswamy, Shri N.R.	Rishang Keishim, Shri	Upadhyay, Pandit Mushahwar Dutt
Murli Manohar, Shri	Rup, Shri Bishwa Nath	Upadhyay, Shri Shiva Dayal
Murthy, Shri B.S.	Rup Narayan, Shri	Upadhyaya, Shri Shiva Dutt
Musafir, Giani G.S.	Sahu, Shri Bhagabat	Vaishnav, Shri H.G.
Mushar, Shri	Sahu, Shri Rameshwar	Vaishya, Shri M.B.
Muthukrishnan, Shri	Saksena, Shri Mohanlal	Varma, Shri B.B.
Naidu, Shri N.R.	Saksena, Shri S.L.	Varma, Shri M.L.
Nair, Shri C.K.	Samanta, Shri S.C.	Veraswamy, Shri
Nanda, Shri	Sanganna, Shri	Verma, Shri B.R.
Narasimhan, Shri	Sanakarapandian, Shri	Vidyalankar, Shri A.N.
Naskar, Shri P.S.	Sarmah, Shri Debewar	Vyas, Shri Radhelal
Nathwani, Shri N.P.	Saryawadi, Dr.	Waghmare, Shri
Nehru, Shri Jawaharlal	Sen, Shri P.G.	Wilson, Shri J.N.
Nehru, Shrimati Shivravati	Sen, Shrimati Sushama	Wodeyar, Shri
Nehru, Shrimati Uma	Sewal, Shri A.R.	Zaidi, Col.

N )ES

Nil

*The motion was adopted*

**Mr. Speaker:** The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

I should say that the motion is carried unanimously.

*Clauses 1, 2 the Enacting Formula and the Title were added to the Bill.*

**Shri Biswas:** I beg to move:

"That the Bill be passed".

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

"That the Bill be passed."

**Shri Kamath:** I want only two minutes.

**Mr. Speaker:** What I was thinking was that as the doors are already

[Mr. Speaker]

closed I might proceed immediately, and without going into further division, adopt this result as the voting on the third motion also. If the hon. Member is keen, I cannot deny him the right. Well, the doors will be open for two minutes.

**Shri Raghavachari:** I may invite your attention to rule 131(2) read with rule 171. You will find from rule 171 that "In all other respects, the procedure laid down in the rules with respect to other Bills shall apply". But here, I understand that the word "Eighth" was changed into "Fifth". So, it becomes an amendment. Of course, it is open to you to allow the motion in spite of that amendment. I only wanted to enquire whether you have allowed this motion to be moved to day itself.

**Mr. Speaker:** I understand that the Deputy-Speaker has given directions that that change from Seventh or Eighth to Fifth can be made later on by the Speaker. It is a patent thing and therefore, there is no necessity for putting it to the House.

**Shri Kamath:** Mr. Speaker, the Home Minister's speech has been edifying in parts, but I am afraid it has not completely illuminated the whole terrain. Yesterday during the informal consultations, he told us much more than what he has done in the House today, particularly with regard to the second amendment....

**Mr. Speaker:** Order, order. What happened at the informal discussion need not be brought in here.

**Shri Kamath:** I would like to invite attention to this particular aspect of the matter, which I understand, my friend Dr. Lanka Sundaram also has pointed out. The Government, I am told has made up its mind on this aspect of the matter, with regard to the period—one month, two months or three months. But the hon. Minister made no mention of it in his speech. If that is done, it will be good.

The second aspect of this matter was whether the views and the proceedings of the legislature would be placed before Parliament. If that is also made clear during the third reading, it will be very helpful to the House and also to the States.

The hon. Home Minister was pleased to refer to the suspension of the rule. I do not want to question the right of the House or whether it did well in suspending the rule. But the main point is this. You had reserved your ruling but you Sir, were by-passed. That was unfortunate.

**Mr. Speaker:** This is only a repetition of the points already mentioned.

**Shri Kamath:** I only wanted to draw your attention to that. Ultimately, in the last analysis, it was due to the ineptitude and the indifference of the Members opposite which impelled even the Prime Minister, the Leader of the House, to caution Members of his party to be more careful about their presence in Parliament. It was the inefficiency of the Members opposite which impelled the Prime Minister to do that. I want to impress that aspect of the matter upon the Benches opposite.

I would only hope that the assurance given by you, Mr. Speaker, yesterday that this will not be quoted as a precedent for the future will be respected by your successors in this *gadi* and every Bill to amend the Constitution will follow the real regular and effective procedure that is necessary for amending the basic law of this country.

**Mr. Speaker:** Has the hon. Minister anything to say?

**Pandit G. B. Pant:** I have not been able to understand the sense or substance of what Mr. Kamath said.

**Shri Kamath:** It is not my fault.

**Pandit G. B. Pant:** It is mine altogether.

**Shri Kamath:** Honours divided.

## Bill

Mr. Speaker: He referred to a certain what I may call, assurance given by the Chair that certain things would not be treated as a precedent. Of course, it is always true subject

to the conditions prevailing from time to time. I shall put the motion:

The question is:

"That the Bill be passed."

The Lok Sabha divided: Ayes 377; Noes Nil.

## AYES

## Division No. 6 ]

Abdullahai, Mulla  
Achal Singh, Seth  
Achal, Shri  
Achint Ram, Lala  
Achuthan, Shri  
Agrawal, Shri H. L.  
Agrawal, Shri M. L.  
Ajit Singh Shri  
Akarपुरी, Sardar  
Alagesan, Shri  
Altekar, Shri  
Alva, Shri Joachim  
Amrit Kaur, Rakjumar  
Anandchand, Shri  
Asthana, Shri  
Ayyangar, Shri M. A.  
Azad, Maulana  
Azad, Shri Bhagwat Jha  
Babunath Singh, Shri  
Badan Singh, Ch.  
Balkrishnan, Shri  
Baldev Singh, Sardar  
Balmiki, Shri  
Banerjee, Shri  
Bansal, Shri  
Bansilal, Shri  
Berman, Shri  
Berupal, Shri P. L.  
Besappa, Shri  
Basu, Shri A. K.  
Basu, Shri K. K.  
Bhagat, Shri B. R.  
Bhakt Darshan, Shri  
Bharati, Shri G. S.  
Bhargava, Pandit M. B.  
Bhargava, Pandit Thakur Das  
Bhartiya, Shri S. R.  
Bhatt, Shri C.  
Bhawaniji, Shri  
Bheekha Bhai Shri  
Bhonsle, Shri J. K.  
Bideri, Shri  
Birbal, Singh Shri  
Biren Dutt, Shri  
Bogawat, Shri  
Borker, Shrimati Anusayabai  
Bose, Shri P. C.  
Brajeshwar Prasad, Shri  
Brohmo-Choudhury, Shri  
Chakravarty, Shrimati Renu  
Chaliha, Shri Bimalprasad  
Chanda, Shri Aril K.  
Chandak, Shri  
Charek, Th. Lakshman Singh  
Chatterjee, Shri Tushar  
Chatterjee, Dr. Sushilranjan  
Chatterjee, Shri N. C.  
Chaturvedi, Shri  
Chaudhary, Shri G. L.  
Chavda, Shri  
Chettiar, Shri Nagsappa  
Chettiar, Shri T.S.A.  
Chowdhury, Shri N.B.  
Dabhi, Shri  
Damar, Shri Amar Singh  
Damodaran, Shri G.R.  
Damodaran, Shri Nettar P.  
Das, Dr. M. M.  
Das, Shri B. C.  
Das, Shri B. C.  
Das, Shri B. K.  
Das, Shri Beil Ram  
Das, Shri K. K.  
Das, Shri N. T.  
Das, Shri Ram Dhani  
Das, Shri Ramananda  
Das, Shri Shree Narayan  
Datar, Shri  
Deb, Shri S. C.  
Deogam, Shri  
Desai, Shri K. N.

Desai, Shri Khandubhai  
Deshmukh, Shri K. G.  
Deshpande, Shri G. H.  
Dholakia, Shri  
Dhulekar, Shri  
Dhusiya, Shri  
Digambar Singh, Shri  
Dinan, Shri R. S.  
Dube, Shri Mulchand  
Dubey Shri R. G.  
Dutt, Shri A. K.  
Dutta, Shri S. K.  
Dwivedi Shri D. P.  
Dwivedi, Shri M. L.  
Echaran, Shri I.  
Ebenezzer, Dr.  
Gadgil Shri  
Gardhi, Shri Feroze  
Gandhi, Shri M. M.  
Gandhi, Shri V. B.  
Ganga Devi, Shrimati  
Ganpati Ram, Shri  
Garg, Shri R. P.  
Gautam, Shri C. D.  
Ghose, Shri S. M.  
Gidwani, Shri  
Giridhari Bhoi, Shri  
Gopalan, Shri A. K.  
Gopi Ram, Shri  
Gounder, Shri K. S.  
Govind Das, Seth  
Guha, Shri A. C.  
Gupte, Shri Badshah  
Gupte, Shri R. K.  
Gupte, Shri Sadhan  
Gurupadaswamy, Shri M. S.  
Harada, Shri Benjemin  
Hari Mohan, Dr.  
Hasda, Shri Subodh  
Hazarika, Shri J. N.  
Heda, Shri  
Hembrom, Shri  
Hem Raj, Shri  
Hukam Singh, Sardar  
Ibrahim, Shri  
Iqbal Singh, Sardar  
Iyyunni, Shri C. R.  
Jaggiwan Ram, Shri  
Jain, Shri N.S.  
Jaisoorya, Dr.  
Jaiswar, Shri  
Jangde, Shri  
Jatav-vir, Dr.  
Jaysahri, Shrimati  
Jena, Shri K. C.  
Jena, Shri Niranjan  
Jethan, Shri  
Jhunjhunwala, Shri  
Jogendra Singh, Sardar  
Joshi, Shri Jethalal  
Joshi, Shri Krishnacharya  
Joshi, Shri Laldhar  
Joshi, Shri M. D.  
Joshi, Shri N. L.  
Joshi, Shrimati Subhadra  
Jwala Prasad, Shri  
Kajrolkar, Shri  
Kale, Shrimati A.  
Kamath Shri  
Kamble, Dr.  
Kanungo, Shri  
Karnadkar, Shri  
Katiwal, Shri  
Katiya, Dr.  
Kaya, Shri P. N.  
Kazmi, Shri  
Kelappan, Shri  
Keshavsiengar, Shri  
Kekar, Dr.  
Khan, Shri Sadath Ali  
Khardekar, Shri  
Khedkar, Shri G. B.  
Khuda Bakh, Shri M.

## 2-30 P.M.

Kirolikar, Shri  
Kottukappally, Shri  
Krishna, Shri M. R.  
Krishna Chandra, Shri  
Krishnamachari, Shri T. T.  
Krishnaswami, Dr.  
Kureel, Shri B. N.  
Kureel, Shri P. L.  
Lakshmayya, Shri  
Lal Singh Sardar  
Lallanji, Shri  
Laskar, Shri  
Lingam, Shri N. M.  
Lotan Ram, Shri  
Madiah Gowda, Shri  
Mahata, Shri B.  
Mahodays, Shri  
Majhi, Shri Chaitan  
Majhi, Shri R. C.  
Majithia, Sardar  
Malviya, Shri K. D.  
Malliah, Shri U. S.  
Malvia, Shri B. N.  
Malviya, Pandit C.N.  
Malviya, Shri Motilal  
Mandal, Dr. P.  
Mascarene, Kumari Annie  
Masudoi Maulana  
Masuriya Din, Shri  
Mathew, Shri  
Maydeo, Shrimati  
Mehta, Shri Asoka  
Mehta, Shri B. G.  
Mehta, Shri Balwant Singh  
Mehta, Shri J. R.  
Mishra, Shri Bibhuti  
Mishra, Shri L. N.  
Mishra, Shri Lokenath  
Mishra, Shri M. P.  
Mishra, Shri S. N.  
Misra, Shri B. N.  
Misra, Shri R. D.  
Misra, Shri S. P.  
Mohiuddin, Shri  
Morarka, Shri  
More, Shri K. L.  
More, Shri S. S.  
Mudaliar, Shri C. R.  
Muhammad Shafiq, Chaudhuri  
Mukne, Shri Y. M.  
Muniawamy, Shri N. R.  
Murl Manohar, Shri  
Murti, Shri B. S.  
Musafir, Giani G. S.  
Muthukrishnan, Shri  
Naidu Shri N. K.  
Nair, Shri C. K.  
Nanda, Shri  
Narasimhan, Shri  
Naskar, Shri P. S.  
Nathwani Shri N. P.  
Nehru, Shri Jawaharlal  
Nehru, Shrimati Shrivastvi  
Nehru, Shri mati Uma  
Nesamony, Shri  
Newari, Shri  
Newatia, Shri  
Nijalingappa, Shri  
Palchoudhury, Shrimati B.  
Pande, Shri B. D.  
Pande, Shri C. D.  
Pandey, Dr. Natabar  
Pannalal, Shri  
Paragi Lal, Ch.  
Parekh, Dr. J. N.  
Parikh, Shri S. G.  
Pataskar, Shri  
Patel, Shri B. K.  
Patel, Shri Rajeshwar  
Patel, Shrimati Manibea  
Patil, Shri Karavade

## Bill

Patil, Shri S. K.  
 Patil, Shri Shankargauda  
 Pawar, Shri V. P.  
 Pillai, Shri Thanu  
 Prabhakar, Shri Naval  
 Rachiah, Shri N.  
 Radha Raman, Shri  
 Raghavachari, Shri  
 Raghuraj Sahai, Shri  
 Raghbir Singh, Ch.  
 Raghunath Singh, Shri  
 Raghuramaiah, Shri  
 Rahman, Shri M. H.  
 Raj Bahadur, Shri  
 Rajabhoj, Shri P. N.  
 Ramanand Shastri, Swami  
 Ramananda Tirtha, Swami  
 Ramasami, Shri M. D.  
 Ramasahasiah, Shri  
 Ramaswamy, Shri P.  
 Ramaswamy, Shri S. V.  
 Ram Dass, Shri  
 Ramnarayan Singh, Babu  
 Ram Saran, Shri  
 Ram Shankar Lal Shri  
 Ram Subhag Singh, Dr.  
 Ramchar Singh, Ch.  
 Rane, Shri  
 Ranjit Singh, Shri  
 Rao, Shri B. Shiva  
 Rao, Shri K. S.  
 Rao, Shri P. Subba  
 Rao, Shri Rajagopala  
 Rao, Shri Seahagiri  
 Rao, Shri T. B. Vittal  
 Raut, Shri Bhola  
 Ray, Shri B. K.  
 Reddi, Shri Ewara  
 Reddi, Shri Ramachandru  
 Reddy, Shri B. Y.  
 Reddy, Shri Janardhan  
 Reddy, Shri Viswanatha  
 Richardson, Bishop  
 Rishang Keishing, Shri

Roy, Shri Bishwa Nath  
 Rup Narain, Shri  
 Sahu, Shri Bhagabat  
 Sahu, Shri Rameshwar  
 Sakasena, Shri Mohanlal  
 Sakasena, Shri S. L.  
 Samanta, Shri S. C.  
 Sanganna, Shri  
 Sankarapandian, Shri  
 Sarmah, Shri Debeswar  
 Satyawadi, Dr.  
 Sen, Shri P. G.  
 Sen, Shrimati Sushama  
 Sewal, Shri A. R.  
 Shah, Shri C. C.  
 Shah, Shri Reichandbhai  
 Shah, Shrimati Kamleudu Mati  
 Shahnawaz Khar, Shri  
 Shakuntala, Shrimati  
 Sharma, Pandit Balkrishna  
 Sharma, Pandit K. C.  
 Sharma, Shri D. C.  
 Sharma, Shri K. R.  
 Sharma, Shri R. C.  
 Shastri, Shri Algu Rai  
 Shastri, Shri R. R.  
 Shivananjappa, Shri  
 Shobha Ram, Shri  
 Shriman Narayan, Shri  
 Shukla, Pandit B.  
 Siddananiappa, Shri  
 Singh, Shri D. N.  
 Singh, Shri D. P.  
 Singh, Shri H. P.  
 Singh, Shri L. Jogeswar  
 Singh, Shri M. N.  
 Singh, Shri R. N.  
 Singh, Shri T. N.  
 Singhal, Shri S. C.  
 Sinha, Dr. S. N.  
 Sinha, Shri Anirudha  
 Sinha, Shri B. P.  
 Sinha, Shri G. P.  
 Sinha, Shri Jhulan

Sinha, Shri K. P.  
 Sinha, Shri Nageshwar Prasad  
 Sinha, Shri S.  
 Sinha, Shri Satya Narayan  
 Sinha, Shri Satyendra Narayao  
 Sinha, Shrimati Parkashwari  
 Simhasan Singh, Shri  
 Snatak, Shri  
 Sodhia, Shri K. C.  
 Subrahmanyam, Shri K.  
 Subrahmanyam, Shri T.  
 Subramania Chiettiar, Shri  
 Sundaram, Dr. Lanka  
 Sunder Lal, Shri  
 Suresh Chandra, Dr.  
 Swami, Shri Sivamurthi  
 Tandon, Shri  
 Tek Chand, Shri  
 Tewari, Sardar R. B. S.  
 Thimmaiah, Shri  
 Thomas, Shri A. M.  
 Tiwari, Shri V. N.  
 Tiwari, Pandit B. L.  
 Tiwari, Shri R. S.  
 Tiwary, Pandit D. N.  
 Tripathi, Shri H. V.  
 Tripathi, Shri V. D.  
 Tyagi, Shri  
 Uikey, Shri  
 Upadhyay, Pandit Munishwar Dutt  
 Upadhyay, Shri Shiva Dayal  
 Upadhyaya, Shri Shiva Datt  
 Vaishnav, Shri H. G.  
 Vaishya, Shri M. B.  
 Varma, Shri B. B.  
 Varma, Shri M. L.  
 Veeraswamy, Shri  
 Verma, Shri B. R.  
 Vidyalkankar, Shri A. N.  
 Vyas, Shri Radhelal  
 Waghmare, Shri  
 Wilson, Shri J. N  
 Wodeyar, Shri  
 Zaidi, Col

## NOES Nil

*The motion was adopted.*

**Mr. Speaker:** The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

**Shri Kamath:** Does it mean Unanimously?

**Mr. Speaker:** It means unanimously.

[MR. DEPUTY-SPEAKER in the chair]

## HINDU SUCCESSION BILL—Contd.

**Mr. Deputy-Speaker:** The House will now resume further consideration of the motion namely:

"That the Bill to amend and codify the law relating to intestate succession among Hindus, as passed by Rajya Sabha, be taken into consideration."

Shri Pataskar.

**Shri Nand Lal Sharma (Sikar):** On a point of order. I submit that the present Bill is *ultra vires* of the Constitution, in so far as it offends against the fundamental rights to freedom of religion as guaranteed by the Constitution under articles 25 (1), 26(b) and 15 (1). Now, article 25 (1) reads as follows:

"Subject to public order, morality and health and to the other provisions of his Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion."

Article 26 further states:

"Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(b) to manage its own affairs in matters of religion;

(c) to own acquire movable and immovable property...."