

Mr. Deputy-Speaker: It is true that normally leave to introduce is granted in this House, and only in very rare cases such leave has been refused. But so far as non-official Bills are concerned, it is the practice that if they relate to amendment of the Constitution, then the Committee has also to consider whether permission is to be granted or not. Then it makes its recommendations here. It is not an ordinary amendment which is to be made. A certain majority is required for the passing of the Bill also.

Shri Tangamani: It relates to election of Governors.

Mr. Deputy-Speaker: I am talking of Constitution amendment Bills in general for the present. In such cases, the Committee has to scrutinise whether really permission is to be granted or not. In Rule 294, the functions of the Committee have been laid down. Objection is raised that there is a reference to the previous decision of the Committee. But that also has to be taken into consideration if the same circumstances weigh, as were taken into account previously and there had been no change in those circumstances. If there had been some change in the circumstances, the Committee would be free to decide what should be proper under the present circumstances. But in this case particularly, the Committee thought that there had been no change in the circumstances. The same considerations weighed this time also. Therefore, that recommendation has to be made to the House now.

I shall now put the motion to the vote of the House.

The question is:

"That this House agrees with the Ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 20th November, 1957."

The motion was adopted.

RECOGNITION (OF SERVICES TO THE COUNTRY) BILL

Raja Mahendra Pratap (Mathura):
Mr. Deputy-Speaker and the House.

Mr. Deputy-Speaker: It is to be addressed only to the Deputy-Speaker and not to the House.

Raja Mahendra Pratap: I beg to move for leave to introduce a Bill to recognise the services to the country of certain persons, namely, Shri Vir Savarkar, Shri Birendra Kumar Ghose (brother of Shri Arbindo Sant) and Dr. Bhupendra Nath Datta (brother of Swami Vivekananda).

Mr. Deputy-Speaker: Motion moved:

"That leave be granted to introduce a Bill to recognise the services to the country of certain persons, namely, Shri Vir Savarkar, Shri Birendra Kumar Ghose (brother of Shri Arbindo Sant) and Dr. Bhupendra Nath Datta (brother of Swami Vivekananda)."

Shri C. R. Narasimhan (Krishnagiri): On a point of order. The Bill which has been circulated to us does not contain the recommendation of the President. As it deals with expenditure I do not know whether according to our rules this can be introduced.

Mr. Deputy-Speaker: Which rule?

Shri C. R. Narasimhan: I do not remember the particular rule.

The Minister of Law (Shri A. K. Sen): It is under the Constitution itself—article 117.

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States:

[Shri A. K. Sen]

“Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax.

“A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties or for the demand of payment of fees for licences or fees for services rendered or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.....”

It may not be for that reason to be regarded as involving one of the purposes mentioned in clause (1). But in clauses 1 and 2 of this Bill, it is said that in recognition of the services of certain people, they shall receive Rs. 500 per month from the Government. The whole Bill is only concerned with expenditure on the part of Government. Therefore, recommendation of the President is necessary for introduction.

Shri Mohammed Tahir (Kishan-ganj): Permission may be had afterwards.

The Minister of State in the Ministry of Home Affairs (Shri Datar): You will kindly see article 110 also. Sub-clause (c) relates to payment of moneys out of the Consolidated Fund or withdrawal of moneys therefrom; (d) is about appropriation of moneys out of the Consolidated Fund.

Mr. Deputy-Speaker: Does it fall under article 117 or 110?

Shri A. K. Sen: Article 110 is automatically attracted. My objection is really on the ground that this is a Bill which involves one of the matters contained in 110(a) to (f) and, therefore, it is prohibited from being introduced without the recommendation of the President.

Mr. Deputy-Speaker: Has the Raja Sahab anything to say?

Raja Mahendra Pratap: May I explain?

Mr. Deputy-Speaker: This is what I have requested the hon. Member to do.

Raja Mahendra Pratap: I think this is a very important Bill. It is a question of looking into the matter patriotically. These patriots....

Mr. Deputy-Speaker: We are not discussing the merits here. Has the hon. Member anything to say with regard to the objection that has been raised?

Raja Mahendra Pratap: I would say that even raising this objection reflects upon your patriotism.

Mr. Deputy-Speaker: Order, order.

Shri T. K. Chandhuri (Berhampore): May I make a submission with regard to the objection that has been raised? Article 110(c) and (d), particularly (d), relates to the appropriation of moneys out of the Consolidated Fund of India. This Bill does not really ask for any appropriation to be made out of the Consolidated Fund of India. It only says that certain persons will get a pension of Rs. 500/-.

Several Hon. Members: From where?

Shri T. K. Chandhuri: From any fund that the Government has already appropriated.

Mr. Deputy-Speaker: Let us hear arguments though they may not be convincing. We have to hear them.

Shri T. K. Chandhuri: There are certain funds already appropriated. This only makes a recommendation. There is the Prime Minister's Relief Fund; there is the Political Sufferers' Relief Fund and there are other funds also. They have been appropriated

from the Consolidated Fund of India. Further this Bill.....

Shri Tyagi (Dehra Dun): This will be misappropriation.

Shri T. K. Chaudhuri: For a good cause.

Mr. Deputy-Speaker: As I see it, the objection has not much of force. There are two kinds of Bills. One kind is a Money Bill and the other a Bill that involves expenditure and is not exactly a Money Bill. So far as a Money Bill is concerned, that cannot be moved unless the permission has been obtained previously before it is introduced. But, so far as article 117 (3) a Bill which involves expenditure out of the Consolidated Fund is concerned, that requires permission for the consideration of the Bill and not for the introduction of the Bill.

My attention has been drawn to article 110(c) and (d). 110(c) does not apply here because it relates to the custody of the Consolidated Fund or the Contingency Fund of India; and (d) is the appropriation of moneys out of the Consolidated Fund of India.

This appropriation question was raised some time ago here in this Parliament, rather in the Constituent Assembly (Legislative). There the Law Minister had described that this appropriation meant appropriation of certain funds for which demands had been passed. And the Deputy Speaker there said:

"I entirely agree with the hon. Law Minister in coming to the conclusion that appropriation as used in article 110(1)(d) is only a term of art and it applies only to cases which are referred to in article 114. Therefore, the provisions of the Bill do not militate against referred to in article 114. Therefore, the provisions of the Bill do not militate against the provisions of article 117(1). Of course, this involves expenditure from the Consolidated Fund and therefore

comes within the purview of clause (3) of article 117. (Parl. Deb. Part II, 12th April, 1951, cc. 6727-28).

This Bill also attracts clause (3) of article 117. It would require the recommendation of the President for consideration and passing and not for the introduction of the Bill."

Now, the question is:

"That leave be granted by introducing a Bill recognise the services to the country of certain persons, namely, Shri Vir Savarkar, Shri Birendra Kumar Ghose (brother of Shri Arbindo Sant) and Dr. Bhupendra Nath Datta (brother of Swami Vivekananda)."

Those in favour will please say 'Aye'.

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those against will please say 'No'.

Several Hon. Members: No.

Mr. Deputy-Speaker: I think the 'Ayes' have it.

Shri A. K. Sen: The 'Noes' have it.

Mr. Deputy-Speaker: I will have the lobbies cleared.

Some Hon. Members: This is the first time that introduction is opposed.

Mr. Deputy-Speaker: Other Bills have been opposed. Shri Kamath's Bill was opposed. When it is opposed I have only to ask for the votes of the House.

Shri A. K. Sen: May I explain why it is being opposed? Since it cannot be taken into consideration without the recommendation, it will really be taking up the time of the House uselessly by introducing it.

Mr. Deputy-Speaker: Order, order. Now, I have asked the lobbies to be cleared.

14.50 hrs.

[MR. SPEAKER in the Chair.]

Mr. Speaker: I will put the motion again.

The question is:

"That leave be granted to introduce a Bill to recognise the

services to the country of certain persons, namely Shri Vir Savarkar, Shri Birendra Kumar Ghose (brother of Shri Arbindo Sant) and Dr. Bhupendra Nath Datta (brother of Swami Vivekananda)."

The Lok Sabha divided:

Ayes 48;

Noes 75.

Division No. 3

AYES

14.51 hrs.

Awasthi, Shri
Beck, Shri Ignace
Bhaucha, Shri Naushir
Choudhury, Shri S. C.
Dasgupta, Shri
Deo, Shri P. K.
Dige, Shri
Elias, Shri M.
Gaikwad, Shri B. K.
Ganpati Ram, Shri
Ghodasar, Shri Fatehsinh
Ghosal, Shri
Ghose, Shri Bimal
Godsora, Shri S. C.
Gopalan, Shri A. K.

Gupta, Shri Sadhan
Halder, Shri
Iyer, Shri Easwara
Kalika Singh, Shri
Kodiyar, Shri
Kumbhar, Shri
Kunhan, Shri
Lal, Shri R. S.
Mahendra Prasad, Raja
Majhi, Shri R. C.
Matin, Shri
Menon, Dr. K. B.
More, Shri
Mukerjee, Shri H. N.
Mullick, Shri B. C.
Nayar, Shri V. P.

Paichoudhuri, Shrimati Ila
Panigrahi, Shri
Patel, Shri P. R.
Pillai, Shri Anthony
Proddan, Shri B. C.
Ramsam, Shri
Reddy, Shri Viswanatha
Saksena, Shri S. L.
Samanta, Shri S. C.
Sampath, Shri
Singh, Shri L. Achaw
Soren, Shri
Sugandhi, Shri
Supakar, Shri
Tangamani, Shri
Vajpayee, Shri
Valvi, Shri

Achar, Shri
Arumugham Shri R. S.
Bahadur Singh, Shri
Bangshi Thakur, Shri
Bhagat, Shri B. R.
Bhargava, Pandit Thakur Das
Birbal Singh, Shri
Chuni Lal, Shri
Daljit Singh, Shri
Desappa, Shri
Das, Shri Shree Narayan
Datar, Shri
Desai, Shri Mognaji
Eacharan, Shri I.
Ganapathy, Shri
Gandhi, Shri Feroze
Ghosh, Shri M. K.
Hajirnavis, Shri
Hasda, Shri Subodh
Hem Raj, Shri
Heda, Shri
Hukam Singh, Sardar
Jain, Shri M. C.
Jinchandran, Shri

Josh, Shri A. C.
Josh, Shrimati Subhadra
Kanakasabai, Shri
Karmarker, Shri
Karm Singh, Shri
Kastiwai, Shri
Keshava, Shri
Khan, Shri Shahnewaz
Krlahna, Shri M. R.
Krishnamachari, Shri T. T.
Malviya, Shri Motilal
Masuriya Din, Shri
Mehta, Shrimati Krishna
Mishra, Shri B. D.
Mishra, Shri L. N.
Muniasamy, Shri N. R.
Naidu, Shri Govindarajulu
Nair, Shri C. K.
Narayanawamy, Shri R.
Padam, Dev, Shri
Pahadia, Shri
Parmar, Shri Y. S.
Raj Bahadur, Shri
Raju, Shri D. S.
Ramakrishnan, Shri
Raman, Shri Pattabhi

Rane, Shri
Rao, Shri Jaganath
Rungsung Suisa, Shri
Saigal, Sardar A. S.
Samant Sinhar. Dr.
Sangamma, Shri
Satyabhama Devi, Shrimati
Scindia, Shrimati Vijaya Raju
Sen, Shri A. K.
Shankaraiya, Shri
Sharma, Shri D. C.
Sharma, Shri R. C.
Shukla, Shri V. C.
Siddananjappa, Shri
Singh, Shri D. N.
Sinha, Shri Gajendra Prasad
Subramanyam, Shri T.
Surya Prasad, Shri
Tewari, Shri Dwarikanath
Thimmaiah, Shri
Thirumala Rao, Shri
Thomas, Shri A. M.
Tula Ram, Shri
Ulke, Shri
Umrao Singh, Shri
Upadhyaya, Shri Shiva Datt
Wadwa, Shri

NOES

The motion was negatived.

Raja Mahendra Pratap: In protest against the decision I have to leave.

Mr. Speaker: Shri Jhulan Sinha.

Raja Mahendra Pratap: I hope every Bengali and every Maratha will also walk out.

(At this stage Raja Mahendra Pratap and some other hon. Members left the House).

14.51 hrs.

Mr. Speaker: Order, order. I find hon. Members go on disobeying the rules of the House. When I, or whoever is in possession of the Chair, get up all other Members will kindly sit down. We have to set an example for ourselves. Also, there are 14 Assemblies and 8 Councils working in this country apart from other Parliaments elsewhere.

Shri Nath Pai (Rajapur): No insult was meant to you, Sir. That happened because we were just walking out.

Mr. Speaker: Shall I sit down for five minutes and allow hon. Members to walk out?

Shri Nath Pai: Yes, Sir, we were in the process of walking out.

14.51½ hrs.

(At this stage Shri Nath Pai and some other hon. Members left the House).

Mr. Speaker: Hon. Members may, walk out now.

Shri A. K. Gopalan (Kasargod): Sir, I just want to say that this is the first time that a Bill is opposed at the introduction stage and vote taken thereon. There was a point of order raised from the other side and there was a discussion whether this Bill can be introduced. Then the Deputy-Speaker gave the ruling that it can be introduced. After that it was opposed. This is a very unusual thing that even at the very introduction a Bill is being

opposed. Now a very innocent Bill at the introduction stage is opposed even though it was ruled by the Deputy-Speaker that according to rules there is absolutely nothing against its introduction. If this is the case, every Bill can be opposed. Non-official Bills and resolutions can never come up in this House because there is a majority. Every non-official Bill or resolution which the other side does not like can never be discussed in this House. The object of a non-official Bill or resolution is that in cases where the Government is not bringing forward a Bill a private Member must have an opportunity to bring a Bill. If that is also opposed, I do not know what can be done to protect our right. So we protest against this and we request that we may be allowed, as a protest against this decision, to go out.

Mr. Speaker: Order, order. Let them hear me and then go out if they like; I cannot prevent anybody from going out. I have got a book here, L.B. 19—*Bills opposed in introduction from 1921 to 1954*. There are as many as 60 items. Hon. Members possibly are not aware of that. I shall send a copy and the hon. Member can look into it. Normally, Bills are not opposed at the stage of introduction, but in matters of extreme policy with respect to which either one side or the other does not want to give a particular impression to the country at the consideration stage they are thrown out. I have allowed the Preventive Detention Act to be opposed by my hon. friends here at the introduction stage. Therefore, there is nothing new.

Shri A. K. Gopalan: We gave reasons for the opposition; here we do not get any reasons, absolutely no reasons are given why they oppose it.

Mr. Speaker: If anything is opposed, the Chair will certainly call upon those persons who oppose to just make one statement and the other side to make one statement. There will not be any discussion.

Shri A. K. Gopalan: Sir, you do not know what happened here. They

[Shri A. K. Gopalan]

were asked why they opposed and they said that they opposed it under certain articles of the Constitution. Mr. Deputy-Speaker gave the ruling that as far as those articles were concerned there was nothing against the introduction of the Bill. No other reason was given why they opposed the introduction of the Bill.

Shri A. K. Sen: It was only on the question of the point of order that we stated our position.

Shri Feroze Gandhi (Rai Bareilly): Sir, I rise on a point of order.

Mr. Speaker: The point of order evidently is for the purpose of telling me that after the matter is over there is no question of raising it again. Shri Gopalan wanted to give an explanation for his going out. Now we are not considering any other point of order. The matter is over. Rules are there. They need not give an answer or an explanation. They merely make a statement. The Chair has no right to ask them to make a statement in a manner different from the statement they want to make. It is left to them to convince the House one way or the other. It is open equally for the Opposition to make a statement. The mode of making the statement is entirely in the hands of the persons making the statement. If they do not agree and they feel that the Government ought not to have opposed they are entitled to go out. Therefore, that matter is closed.

14.53 hrs.

(At this stage Shri A. K. Gopalan and some other hon. Members left the House).

Shri Feroze Gandhi: Sir, the Bill was introduced and at the introduction stage the Law Minister objected to it on some grounds. Those grounds were over-ruled by the Deputy-Speaker. Therefore, this action of opposing the introduction of the Bill by the Government amounts almost to a vote of 'no confidence' in the Deputy-Speaker.

Mr. Speaker: He has given his opinion; that is all. Now we go on with our business.

INDIAN RAILWAYS (AMENDMENT) BILL

(Insertion of new Section 99A and amendment of Sections 113 etc.)

Shri Jhulan Sinha (Siwan): Sir, I beg to move for leave to introduce a Bill further to amend the Railways Act, 1890.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Railways Act, 1890."

The motion was adopted.

Shri Jhulan Sinha: Sir, I introduce the Bill.

TRAINING AND EMPLOYMENT BILL

Shri D. C. Sharma (Gurdaspur): Sir, I beg to move for leave to introduce a Bill to make provision for employment and training for employment and to establish a comprehensive youth employment service.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to make provision for employment and training for employment and to establish a comprehensive youth employment service."

The motion was adopted.

Shri D. C. Sharma: Sir, I introduce the Bill.