

Committee on Private Members' Bills and Resolutions presented to the House on the 4th March, 1959."

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Thirty-sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 4th March, 1959."

The motion was adopted.

Mr. Deputy-Speaker: Bills to be introduced.

Shri Hem Raj. Absent.

Shri Ram Shankar Lal. Absent.

Shri Arjun Singh Bahaduria.

14.30 hrs.

HYDROGENATION OF OILS (OFFENCES) BILL\*

श्री अर्जुनसिंह भदौरिया (इटावा) :  
उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि सहकारी समितियों सम्बन्धी विधान को समेकित करने तथा उस में संशोधन करने वाले एक बिल को पेश करने की अनुमति दी जाए ।

The Minister of Law (Shri A. K. Sen): Sir, I have a point of order in regard to this. As you know, it is not the practice of the Government...

Mr. Deputy-Speaker: May I put it first?

The question is:

"That leave be granted to introduce a Bill to provide for prevention of Hydrogenation of Oils in India and for matters connected therewith."

Shri A. K. Sen: That is not the one. The hon. Member has moved for leave to introduce a Bill to consolidate and amend the law relating to Co-operative Societies. He did not move for leave to introduce the Hydrogenation of Oil Bill.

Mr. Deputy-Speaker: He is not moving for leave for that Bill?

Shri Arjun Singh Bhaduria: I am moving for leave to introduce the second Bill too.

Mr. Deputy-Speaker: First on the Order Paper is the Bill that I have mentioned and it has preference.

श्री अर्जुनसिंह भदौरिया : उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि भारत में तेलों को जमाने पर रोक लगाने और तत्सम्बन्धी बातों की व्यवस्था करने के लिए एक बिल को पेश करने की अनुमति दी जाए ।

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for prevention of Hydrogenation of Oils in India and for matters connected therewith."

The motion was adopted.

Shri Arjun Singh Bhaduria: I introduce the Bill.

14.32 hrs.

CO-OPERATIVE SOCIETIES BILL

श्री अर्जुनसिंह भदौरिया ( इटावा) :  
उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि सहकारी समितियों सम्बन्धी विधान को समेकित करने तथा उस में संशोधन करने वाले एक बिल को पेश करने की अनुमति दी जाए ।

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

“That leave be granted to introduce a Bill to consolidate and amend the law relating to Co-operative Societies.”

**The Minister of Law (Shri A. K. Sen):** I raise a point of order.

If you will good enough to look to the Seventh Schedule, item 32, you will find that the law relating to co-operation and co-operative societies falls exclusively within the State jurisdiction. Previous to 1919, we had two Acts of the Central Legislature. After 1919 co-operation and co-operative societies became a transferred subject. Under the Government of India Act, 1935, it became a provincial subject and under the Constitution, it is a State subject. So, I do not know how the Parliament can really entertain this Bill at all.

**श्री अर्जुन सिंह भवौरिया :** माननीय कानून मंत्री महोदय ने यह राय जाहिर की है कि चूंकि यह विषय प्रान्तीय सरकारों का है, इसलिए इस विधेयक को स्वीकार नहीं किया जा सकता है। इस संबंध में मैं यह निवेदन करना चाहता हूँ कि जो केन्द्रीय सरकार का कोओप्रेटिव सोसाइटीस ऐक्ट, १९१२ है वह अभी तक भी इन-फोर्स है, वह अभी लागू है। ऐसी हालत में यह कैसे कहा जा सकता है कि कोई दूसरा संशोधन या कोई दूसरा नया बिल नहीं लाया जा सकता है।

दूसरी बात जो मुझे कहनी है यह है कि मिनिस्ट्री आफ फूड एंड एग्रिकल्चर ने गवर्न-मेंट आफ इंडिया की तरफ से कमेटी ऑन कोओप्रेटिव ला जो बनाई है और उसकी जो रिपोर्ट है, उसने भी इस बात को स्वीकार किया है, उसने भी माना है कि देश के अन्दर एक ऐसा कानून होना चाहिये जो सहकारिता आन्दोलन को आगे बढ़ा सके और ऐसे एक कानून की बहुत आवश्यकता है जिस का एक

रूप हो और एक रूप किसी कानून को देना तभी सम्भव है जब कि केन्द्रीय सरकार कोई कानून बनाये या कोई नियमावली तैयार करे। लेकिन आज हम देख रहे हैं कि विभिन्न प्रांतों के अन्दर विभिन्न रूपों में सहकारी समितिों के बारे में कानून हैं, बर्हि-लाज है और बे बिगड़ी हुई दशा में है और उन से सुधार की कोई सम्भावना नहीं है। इस वस्ते यह बात जरूरी समझी गई है कि एक ऐसा विधेयक पेश किया जाए, एक ऐसा कानून बनाया जाए जो कि सारे देश पर लागू हो सके।

अभी माननीय मंत्री महोदय की तरफ से दलील पेश की गई है कि यह विषय प्रान्तीय सरकारों का है। लेकिन मैं आपको बतलाना चाहता हूँ कि केन्द्रीय सरकार के मातहत भी कुछ प्रदेश हैं, जैसे बिल्सी है, हिमाचल प्रदेश है जहां पर कि इस कानून को लागू किया जा सकता है। इस बास्ते मैं समझता हूँ कि इस विधेयक का स्वीकार किया जाना बहुत आवश्यक है। मैं समझता हूँ कि अगर यह प्रान्तीय सरकारों का सबजेक्ट है, तो साथ ही साथ केन्द्रीय सरकार का भी सबजेक्ट है।

माननीय मंत्री महोदय ने जो दलील दी है वह एक ही बात से खत्म हो जाती है कि सेंट्रल गवर्नमेंट का जो कोओप्रेटिव सोसाइटीस ऐक्ट, १९१२ है वह अभी तक इन-फोर्स है और मैं कोई कारण नहीं दे रहा हूँ कि इन बिल को पेश करने की अनुमति क्यों न दी जाए।

**Mr. Deputy-Speaker:** Has the hon. Law Minister anything to say about Union Territories?

**Shri A. K. Sen:** Yes, it may be applicable only to the Union Territories. Then, this Bill has to be changed. As it is, it cannot be introduced. It says that it extends to the whole of the State of India.

**Mr. Deputy-Speaker:** The hon. Member can argue that during the discussion or after the introduction of the Bill perhaps that amendment might be made.

**Shri A. K. Sen:** It is for you to give a ruling.

**Mr. Deputy-Speaker:** I am not giving a ruling.

**Shri A. K. Sen:** We are really here to assist the hon. Member. As hon. Members know, there is a National Development Council resolution which says that the law relating to cooperation and cooperative societies should be made simpler. That is a different matter. It may be that all the States may have to legislate simultaneously after the agreement is arrived at amongst the States.

The reason as to why the Act of 1912 is still in operation is article 372 which continues all Acts in operation at the commencement of the Constitution even though some of them may fall within the jurisdiction either of the Central Legislature or of the State Legislatures, as the case may be. But that does not mean that it becomes a Central subject. It is true that only with regard to the Union Territories it is permissible for Parliament to legislate. But I presume that it is not the intention of the hon. Mover to confine his Bill only to the Union Territories. In fact, the objects proclaim otherwise.

It is a question of competence, whether as it is you can introduce it here. Unless you amend it, I think you cannot even give leave for introduction of this Bill, because as it is, it is beyond the competence of the Parliament. That is the point. If the hon. Member wants to bring a Bill which is applicable only to Union Territories, certainly he can do so. That will be a different Bill altogether.

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

"That leave be granted to introduce a Bill to consolidate and

amend the law relating to Co-operative Societies."

*The motion was negatived.*

14.38 hrs.

**BANKING COMPANIES (AMENDMENT) BILL\***

**Shri Ram Krishan Gupta (Mahendergarh):** Sir, I beg to move for leave to introduce a Bill further to amend the Banking Companies Act, 1949.

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

"That leave be granted to introduce a Bill further to amend the Banking Companies Act, 1949."

*The motion was adopted.*

**Shri Ram Krishan Gupta:** Sir, I introduce the Bill.

**BANK OF PATIALA MERGER BILL\***

**Shri Ram Krishan Gupta (Mahendergarh):** Sir, I beg to move for leave to introduce a Bill to merge the Bank of Patiala with the State Bank of India.

**Mr. Deputy-Speaker:** Is there not a Bill already? Perhaps there is one.

**An Hon. Member:** There is a great difference.

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

"That leave be granted to introduce a Bill to merge the Bank of Patiala with the State Bank of India."

*The motion was adopted.*

**Shri Ram Krishan Gupta:** Sir, I introduce the Bill.