

14.58 hrs.

[MR. SPEAKER in the Chair]

साधन गुप्ता साहब ने कहा कि हमें चाहिये कि हम इस कानून को पूरे तौर पर मुश्तकर करें ताकि लोगों को इस का पूरी तरह से पता चल सके। शायद वह जानते नहीं हैं कि स्टेट गवर्नमेंट्स हैं जोकि कानून बनायेंगी अपने आप। मेरा कानून तो सिर्फ दिल्ली पर लागू होगा। वह एक किस्म का मॉडल है और हर एक स्टेट गवर्नमेंट को अस्तित्वार होगा अपने कानून बनाने का और हर एक स्टेट गवर्नमेंट अपने कानून बनायेंगी। वे चीजें स्टेट गवर्नमेंट के सामने आयेंगी। इस लिहाज से हर एक को यह पता लग जायगा कि जो हमारा कानून बन रहा है उस की क्या वजह है, क्या हम चाहते हैं। इसलिये मैं अर्ज करना चाहता हूँ कि जो तरमीमें दी गई हैं, एक साल या दो साल या तीन साल की मैं उन को मानने के लिये तयार नहीं हूँ। बारह महीने की तरमीम को मैं मान चुका हूँ और उस से मैं वापिस नहीं जाना चाहता। १८ महीने या २ बरस या ३ बरस इस को कर दिया जाय इस को मैं मानने के लिये तयार नहीं हूँ। मैं यह भी नहीं चाहता हूँ कि किसी कम्पीटेंट आफिसर को जो डिक्लीशनरी पावर दी गई थी आज से नौ बरस पहले, वह उन को दुबारा दी जाय ताकि उन को वे इस्तेमाल करें। मैं नहीं कहता कि बुरी तौर पर इस्तेमाल हुआ लेकिन मैं समझता हूँ कि वक्त आ गया है कि यह मिनिस्ट्री खत्म हो, कम्पिटेन्ट आफिसर्स भी खत्म हों, कस्टोडियन भी खत्म हों और इन्वेन्वी पूल भी खत्म हो। हमेशा के लिये यह चीज नहीं चलनी चाहिये और मैं चाहता हूँ कि इस में आप मेरी मदद करें और मेरा हाथ बटायें।

15 hrs.

Mr. Speaker: The question is:

"That the Bill to amend the Evacuee Interest (Separation) Act, 1951, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Speaker: We shall now take up the Clause-by-Clause consideration. Any hon. Member moving any amendment?—I see none. I shall put all the Clauses together.

The question is:

"That clauses 1 to 3, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clauses 1 to 3, the Enacting Formula and the Long Title were added to the Bill.

Shri Mehr Chand Khanna: Sir, I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

15.01½ hrs.

MOTION RE. DRAFT OUTLINE OF THIRD FIVE YEAR PLAN—contd.

Mr. Speaker: The House will now revert back to the consideration of the motion regarding the Draft Outline of the Third Five Year Plan. I shall now put the amendment of Shri Ranga to the vote of the House.

Shri Ranga: May I request you to read it out? If you are not doing that, I will read it out.

Mr. Speaker: It is on the Order Paper which is with everyone.

Shri Ranga: Even then the House should know it.

Shri Speaker: Then I should read it out. Why should he read it? That is not the practice. When I put it to the vote of the House, I must read it.

Acharya Kripalani: May I Sir, seek some information from you and from the Government? This is a Draft Plan. The draft may be changed. How can we commit ourselves to a draft even if it is said that it only enunciates general principles. You know, Sir, that general principles come to be radically modified when details are worked out. So I think it would be better, now that we have discussed

[Acharya Kripalani]

it, if no vote is taken upon it because then we would be committing ourselves to things about which we know very little at present.

Shri Tyagi: On behalf of the Government there is no amendment seeking to approve of this. Therefore from this side it is discussion alone. There are only amendments which want to negative it. We want that on those amendments votes must be taken so that the country at large may know as to what the view of Parliament is.

Acharya Kripalani: How could there be any vote on the amendments when there is no proposition before the House?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): May I point out that, on behalf of the Government, we deliberately did not put forward an amendment saying that we approve of this as a whole. It was not an accidental thing. We thought that this was a matter for discussion in a preliminary stage and not that the House should disapprove of it or approve of it. We wanted comments etc. Therefore I merely wished to explain it. But, of course, if some hon. Members opposite wish to press their amendments, so far as we are concerned they can do so and we shall vote as we choose.

Acharya Kripalani: If there has to be no vote, hon. Members who have given notice of their amendments may not like to move them.

Shri Tyagi: Let them say so.

Mr. Speaker: I asked hon. Members earlier as to which of the hon. Members wanted me to put their amendments to the vote of the House. Only Shri Ranga wanted his amendment to be put to the vote. I felt that all the other hon. Members wanted to say that all of them may be put together. But some of them were not willing to press them.

Shri Ranga: Am I to understand that the House is not supposed to be committed to anything at all, either to the preamble or to the conclusion of this draft Plan if the House is not divided on this particular question?

Shri Jawaharlal Nehru: No, Sir. I should like the House to be committed against the amendment of Shri Ranga so far as we are concerned.

Shri Ranga: We are prepared to accept it.

Shri Jawaharlal Nehru: If his amendment is at all correct then we should give up this whole business of finalising. It is obvious that then this whole thing collapses and we give up taking any further step in this particular matter. Therefore, it is important that this matter should be decided so far as his amendment is concerned.

Acharya Kripalani: May I submit that a negative decision of the House also means approval?

Shri Tyagi: It does indirectly, because after all, when there are amendments to negative.....

Mr. Speaker: One at a time.

Acharya Kripalani: As I submitted, this negation of one amendment, whatever it is, also indirectly comes to be the approval of the Draft Plan which may be radically changed even during the course of its finalisation. So I submit that there is no point in taking a vote one way or the other and the amendments may be considered as out of order.

Shri Tyagi: rose—

Mr. Speaker: I need not hear him. I have already admitted all the amendments. The position is clear. Acharya Kripalani said that the Government has brought this Draft Plan. They would like to have the views of the House. Now if the House merely leaves it at this stage, certainly the Government is entitled to conclude that the House is generally in favour of the consideration of the Plan, the policy etc.

With respect to the details, they will certainly take all the details into consideration and then effect such modifications as may be necessary. Somebody can move that the Draft Plan as it is may be approved, in which case without the approval of the Parliament nothing more could be done. Then there is a negative one. If this is carried, the Plan itself falls through. If, on the other hand, it is

as the details are concerned, of course they are all subject to modification.

Shri Ranga: There is no positive motion from the Government.

Mr. Speaker: It is another matter. I am not here to interpret. It is not for me to give an interpretation of what the consequences will be. It is enough for me to say whether the amendment is in order or not. I hold that the amendment is in order. The House may vote for or against it.

The question is:

"That for the original motion, the following be substituted, namely:—

"This House, having considered the Third Five Year Plan—A draft Outline laid on the Table of the House on the 1st August, 1960, disapproves of it because—

(a) it is unrealistic and misleading by reason of an overestimate in the targets of production and of savings and other resources; it under-estimates the required outlay mainly by ignoring the rising costs due to inflation inherent in the Plan; and is in the result improvident;....."

I am sure all hon. Members have got the Order Paper with them. If Shri Ranga and his Party members are not able to convince the House by

all their speeches, my reading it now is not going to convince them one way or the other. Those in favour may please say 'Aye'.

Some Hon. Members: Aye.

Mr. Speaker: Those against may please say 'No'.

Several Hon. Members: No.

Mr. Speaker: The Noes have it.

Shri Ranga: The Ayes have it.

Mr. Speaker: Let the lobbies be cleared.

The Lok Sabha divided.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sir, I have voted wrongly. I have voted as 'abstention'. It should be 'No'.

Mr. Speaker: Very well. I will add one to the 'Noes'.

Shri Naraindin (Shahjahanpur—Reserved—Sch. Castes): My vote is not shown as there is no light. My vote should be 'No'.

Mr. Speaker: I will add that also.

Ch. Badan Singh (Bisauli): My machine is not working. I want to vote against.

Mr. Speaker: I will add one more to the 'Noes'. The result of the division is as follows:

Ayes: 9.

Noes: 221.

[DIVISION NO. 4]

AYES

[15.30 HRS.]

Kamal Singh, Shri
Laxmi Bai, Shrimati
Masani, Shri M.R.

Matin, Qazi
Mohammed Imam, Shri
Ram Garib, Shri

Ranga, Shri
Sugandhi, Shri
Thakore, Shri M.B.

NOES

Achar, Shri
Achint Ram, Lal
Alva, Shri Joachim
Amjad Ali, Shri
Aney, Dr. M.S.
Babunath Singh, Shri
Badan Singh, Ch.
Bahadur Singh, Shri
Bejai, Shri Kamalnayan
Bakliwal, Shri
Balmiki, Shri
Banerjee, Shri Pramathanath
Banerjee, Shri S.M.
Banerji, Shri P. B.
Bangshi Thakur, Shri
Barman, Shri

ppa, Shri
Basumatari, Shri
Beck, Shri Ignac e
Bhagat, Shri B.R.
Bhakt Darshan, Shri
Bhargava, Pandit M.B.
Bhargava, Pandit Thakur Das
Bharucha, Shri Nauskar
Bhattacharya, Shri C.K.
Bidari, Shri
Birbal Singh, Shri
Bist, Shri J.B.S.
Biswas, Shri Bholanath
Borooh, Shri P.C.
Brahm Prakash, Ch.
Chanda K. Shri
Chaturvedi, Shri

Chavda, Shri
Chettiar, Shri Ramanatha n
Choudhry, Shri C.L.
Chuni Lal, Shri
Damani, Shri
Das, Shri N.T.
Dasappa, Shri
Datar, Shri
Daulta, Shri P. S.
Deb, Shri N.M.
Deb, Shri P. G.
Deo, Shri P. K.
Desai, Shri Morarji
Deshmukh, Shri K. G.
Dindod, Shri
Dinesh Singh, Shri

Dube, Shri Mulchand	Mehta, Shrimati Krishna	Rup Narain, Shri
Dublish, Shri	Melkote, Dr.	Sadbu Ram, Shri
Eacharan, Shri V.	Minimata, Shrimati	Shah, Shri Bhagabat
Gandhi, Shri Feroze	Mishra, Shri L. N.	Sahu, Shri Rameshwat
Gandhi, Shri M. M.	Mishra, Shri R. R.	Saigal, Sardar A. S.
Ganpati Ram, Shri	Mishra, Shri S. N.	Samanta, Shri S. C.
Ghosal, Shri Aurobindo	Misra, Shri B. D.	Samantisinbar, Dr.
Ghosh, Shri N. R.	Mohan Swarup, Shri	Sanganna, Shri
Godsora, Shri S. C.	Morarka, Shri	Sarhadi, Shri Ajit Singh
Gounder, Shri K. Periaswami	Mukerjee, Shri H. N.	Satish Chandras, Shri
Guha, Shri A. C.	Murmu, Shri Paika	Selku, Shri
Gupta, Shri Ram Krishan	Murthy, Shri B. S.	Sen, Shri A. K.
Gupta, Shri Sadhan	Muthukrishnan, Shri	Shah, Shrimati Jayaben
Harvani, Shri Ansar	Nair, Shri Kuttikrishnan	Shankaraiya Shri
Hanada, Shri Subodh	Nair, Shri Vasudevan	Sharma, Shri D. C.
Heda, Shri	Nallakoya, Shri	Sharma, Pandit K. C.
Hem Raj, Shri	Nanda, Shri	Sharma, Shri R. C.
Jagjivan Ram, Shri	Naraindin, Shri	Shastri, Shri Lal Bahadur
Jain, Shri M. C.	Narayanasamy, Shri R.	Shastri, Shri Prakash Vir
Jangde, Shri	Naskar, Shri P. S.	Shobha Ram
Jhunjhunwala, Shri	Nayak, Shri Mohan	Shree Narayan Das, Shri
Jinachandran, Shri	Nehru, Shri Jawaharlal	Shukla, Shri Vidya Charan
Joshi, Shri A. C.	Nehru, Shrimat Uma	Siddiah, Shri
Joishi, Shrimati Subhadra	Oza, Shri	Singh, Shri D. N.
Kalika Singh, Shri	Padalu, Shri K. V.	Singh, Shri D. P.
Kanungo, Shri	Padam Dev, Shri	Singh, Shri K. N.
Kar, Shri Prabhat	Pahadia, Shri	Singh Shri M. N.
Karmarkar, Shri	Palchoudhuri, Shrimati Ila	Sinha, Shri Anirudh
Kedaria, Shri C. M.	Pande, Shri C. D.	Sinha, Shri Gajendra Prasad
Keshava, Shri	Pandey, Shri K. N.	Sinha, Shri Jhulan
Keskar, Dr.	Pandey, Shri Sarju	Sinha, Shri Satya Narayan
Khadiwala, Shri	Panigrahi, Shri Chintamooi	Sinha, Shri Satyendra Narayan
Khan, Shri Osman Ali	Panna Lal, Shri	Sinha, Shrimati Tarakeshwari
Khan, Shri Shah Nawaz	Parvathi Krishnan, Shrimati	Somani, Shri
Khimji, Shri	Patel, Shri N. N.	Soren, Shri Debi
Khushwaqt Rai, Shri	Patel, Shri P. R.	Subbarayan, Dr. P.
Kistiyaia, Shri	Patel, Shri Rajeshwar	Sultan, Shrimati Maimconca
Kodiyar, Shri	Patil, Shri S. K.	Sumat Prasad, Shri
Kripalani, Acharya	Prabhakar, Shri Naval	Sunder Lal, Shri
Krishnappa, Shri M. V.	Prodban, Shri B. C.	Surya Prasad, Shri
Kumarar, Shri M. K.	Radha Mohan Singh, Shri	Tariq, Shri A. M.
Kumbhar, Shri	Radha Raman, Shri	Tewari, Shri Dwarikanath
Lachhi Ram, Shri	Raghubir Sahai, Shri	Thimmaiah, Shri
Lahiri, Shri	Raghunath Singh, Shri	Tiwari, Shri R. S.
Laskar, Shri N. C.	Raghuramaiah, Shri	Tiwari, Pandit D. N.
Mahagaonkar, Shri	Rajendra Singh, Shri	Tula Ram, Shri
Mahanty, Shri	Ram Saran, Shri	Tyagi, Shri
Maiti Shri, N. B.	Ram Subhag Singh, Dr.	Uike, Shri
Majhi, Shri R. C.	Ramaswamy, Shri S. V.	Umrao Singh, Shri
Malviya, Shri K. D.	Rane, Shri	Upadhyaya, Shri Shiva Datt
Malacra, Shri Inder J.	Reo, Shri Jaganatha	Varma, Shri B. B.
Malliah, Shri U. S.	Rao, Shri Thirumala	Varma, Shri M. L.
Malviya, Shri Motilal	Raut, Shri Bhrta	Vyas, Shri Radhelal.
Maniyangadan, Shri	Reddy, Shri Nagi	Wadiwa, Shri
Mathur, Shri Hariash Chandra	Reddy, Shri R. L.	Warior, Shri
Mehta, Shri Asoka	Reddy, Shri Ramakrishna	Wilson, Shri J. N.
Mehta Shri B. G.	Reddy, Shri Rami	Wodeyar, Shri
Mehta, Shri J. R.	Roy, Shri Bishwanath	

The motion was negatived.

Shri Tyagi: Only *nava graha!*

Mr. Speaker: All the other amendments have to be formally disposed of. I will put all the other amendments to the vote of the House together.

Amendments Nos. to 10, 12 and 13 were put and negatived.

Mr. Speaker: The House will now take up Private Members' Business.

15.15 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTY-EIGHTH REPORT

Shri Jhulan Sinha (Siwan): I beg to move:

"That this House agrees with the Sixty-eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 24th August, 1960."

Mr. Speaker: The question is:

"That this House agrees with the Sixty-eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 24th August, 1960."

The motion was adopted.

Mr. Speaker: Bills to be introduced.

Shri Jhulan Sinha—not moving.

Shri Hem Raj.

15.16 hrs.

LEGAL PRACTITIONERS (AMENDMENT) BILL*

(Amendment of sections 14 and 15)
by Shri Hem Raj

Shri Hem Raj (Kangra): I beg to move for leave to introduce a Bill further to amend the Legal Practitioners Act, 1879.

Mr. Speaker: The question is..... Order, order. I find a number of hon. Members leaving. Hon. Members are always forgetting that while I am standing, all other Members should sit down.

Shri Braj Raj Singh: Mostly it is on that side of the House.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Legal Practitioners Act, 1879."

The motion was adopted.

Shri Hem Raj: I introduce the Bill.

15.17 hrs.

LEGISLATIVE COUNCILS (COMPOSITION) BILL*

by Shri Shree Narayan Das.

Shri Shree Narayan Das (Darbhanga): I beg to move for leave to introduce a Bill to provide for the composition of the Legislative Councils of States and for matters connected therewith.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the composition of the Legislative Councils of States and for matters connected therewith."

The motion was adopted.