

[Shri Satya Narayan Sinha]

moved by the Minister of State in the Ministry of Home Affairs.

- (5) Discussion on the Report of the Intermediate Ports Development Committee, on a motion to be moved by Shri T. B. Vittal Rao and others, on Wednesday, the 21st December, at 3 P.M.

12.12 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Several Hon. Members rose—

Mr. Deputy-Speaker: Shri Braj Raj Singh:

Shri Braj Raj Singh: (Ferozabad): There has been so much agitation in the country about the bifurcation of the double-member constituencies. The hon. Minister has not said anything about it. We do not know whether any measure regarding that subject will be coming next week or not.

Mr. Deputy-Speaker: He has only stated what is coming next week.

Shri Braj Raj Singh: That means the Bill to that effect will not be coming?

Mr. Deputy-Speaker: That means other things are not coming.

RE. POINT OF ORDER

Shri Tridib Kumar Chaudhuri (Berhampore): Sir, before you take up the next item of business on the Order Paper, and call upon the hon. Prime Minister to introduce the Acquired Territories (Merger) Bill....

Mr. Deputy-Speaker: The Speaker has ruled many a time that unless some work or some item on the agenda is before the House, a point of order about it cannot be raised. How can a point of order be raised about that?

A point of order cannot be raised in a vacuum. Let something come before the House.

Shri Tridib Kumar Chaudhuri: It is on the Order Paper.

Mr. Deputy-Speaker: Let it come.

Shri H. N. Mukerjee (Calcutta—Central): Under the rules, we are not permitted to raise a point of order when a question on any motion is being put to the House, and the procedure in this House has always been that the moment a Minister makes a motion regarding the introduction, the Chair puts the question and asks for the vote to be taken. That being so, I think it is within our rights for us to invoke rule 376(2) which says:

“A point of order may be raised in relation to the business before the House at the moment.”

Now, my submission is that this business is before the House at the moment, because the Minister of Parliamentary Affairs has already made whatever statement he wished to make, and at the moment the business before the House is, according to the Order Paper, the motion to be moved by the Prime Minister. This goes to the root of the matter and the point of order I wish to raise is such that I hope you will be in a position to uphold it and stop further discussion.

Shri Tridib Kumar Chaudhuri: Before you give your ruling on the point of order, I may be allowed to...

Mr. Deputy-Speaker: First, let that point of order be decided. Rule 376 is before me. The Minister of Parliamentary Affairs has only stated what is to come next week, and there cannot be a point of order about the business that would be taken during the next week. There are still two days ahead. That is not the business before the House at this moment. So, that disposes of the point so far as

the statement of the Minister of Parliamentary Affairs is concerned.

The second point is about the Acquired Territories (Merger) Bill. It is on the agenda today and it has to be taken up next. But let it come before the House. The hon. Member has argued that after the Minister stands up to introduce it and just tries to get leave, the Speaker gets up and puts it to the House. But there is some interval in between, and then is the time for the hon. Member to get up and say, "Now, this item is before the House" and then raise his objection if any. Unless we take that up, and that comes up before the House, no point of order can be raised.

Shri Tridib Kumar Chaudhuri: If I may anticipate, the point of order is....

Mr. Deputy-Speaker: But there is nothing before the House in relation to which a point of order can be raised. The hon. Prime Minister.

12.17 hrs.

ACQUIRED TERRITORIES
(MERGER) BILL*

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, I beg to move:

"That leave be granted to introduce a Bill to provide for the merger into the States of Assam, Punjab and West Bengal of certain territories acquired in pursuance of the agreements entered into between the Governments of India and Pakistan and for matters connected therewith."

Mr. Deputy-Speaker: Motion moved:

"That leave be granted to introduce a Bill to provide for the merger into the States of Assam, Punjab and West Bengal of certain territories acquired in pursuance

of the agreements entered into between the Governments of India and Pakistan and for matters connected therewith."

Some Hon. Members rose—

Shri Mahanty (Dhenkanal): I have got a different point of order.

Mr. Deputy-Speaker: I will hear all the points of order that are to be raised. Shri H. N. Mukerjee.

Shri H. N. Mukerjee (Calcutta—Central): Mr. Deputy-Speaker, Sir, I wish to raise a point of order in regard to the motion for leave to introduce which the Prime Minister has just made. I feel that the Bill which he has tried to introduce in this House is vitiated under the terms of the Constitution on account of certain defaults which have taken place in regard to the formulation of this business.

In the Statement of Objects and Reasons, it is stated in paragraph 3 as follows:

"As required by the proviso to Article 3 of the Constitution, this Bill was referred by the President to the Legislatures of the States of Assam, Punjab and West Bengal who have expressed their views thereon."

12. 18 hrs.

[MR. SPEAKER in the Chair.]

it is signed by the Prime Minister—Shri Jawaharlal Nehru—and is dated the 12th December, 1960.

Under article 3, it has been said that the President shall ascertain the views of the legislatures of the States concerned before he makes his recommendation, and on this point the commentators seem to think that the views of the State legislatures are to be ascertained on two points: (a) as