

[श्री ओम प्रकाश त्यागी]
1908, में आगे संशोधन करने वाले विधेयक को
पेश करने की अनुमति दी जाए।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908."

The motion was adopted.

श्री ओम प्रकाश त्यागी : मैं विधेयक पेश करता हूँ।

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of Articles 120, 210, 345
etc.)

SHRI MURASOLI MARAN (Madras South) : Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI MURASOLI MARAN : Sir, I introduce the Bill.

MITHILA DEVELOPMENT BOARD
BILL*

श्री शिव चंद्र झा (मधुबनी) : मैं प्रस्ताव करता हूँ कि उत्तर बिहार के शीघ्र कृषि ओद्योगिक विकास के लिए एक बोर्ड के गठन की

व्यवस्था करने वाले विधेयक को पेश करने की अनुमति दी जाए।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the formation of a Board for the purpose of rapid agro-industrial development of North Bihar."

The motion was adopted.

श्री शिव चंद्र झा : मैं विधेयक पेश करता हूँ।

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of Articles 120, 210
and Part XVII)

SHRI MURASOLI MARAN (Madras South) : Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI MURASOLI MARAN : Sir, I introduce the Bill.

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of Article 217)

श्री ओम प्रकाश त्यागी (मुरादाबाद) : मैं प्रस्ताव करता हूँ कि भारत के संविधान में

आगे संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाए ।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

श्री श्री प्रकाश त्यागी : मैं विधेयक पेश करता हूँ ।

16.34 hrs.

CONSTITUTION (AMENDMENT)
BILL

(Omission of article 314) by Shri

Madhu Limaye—Contd.

MR. DEPUTY-SPEAKER : The House will now take up further consideration of the motion of Shri Madhu Limaye :

"That the Bill further to amend the Constitution of India be taken into consideration."

We have already started the discussion. Shri Madhu Limaye has taken one minute. He may continue his speech.

SHRI N. K. P. SALVE (B:tl) : I rise on a point of order. My point of order is that we cannot proceed ahead with this Bill. This Bill takes us into an area entry into which requires President's recommendation under Article 117 read with Article 110 of the Constitution. I wish to make it absolutely clear that I consider the measure proposed in the Bill as extremely salutary and very desirable. We should get rid of the privileges of this un-Indian Indian Civil Service which are sought to be done away with by this Bill. I have absolutely nothing against the Bill. Since I considered the measure very salutary,

I too consider it very necessary for us to make sure that we are not guilty of any technical laps which might bring about invalidation of the Act itself.

This Bill seeks deletion of Article 314 of the Constitution.

Inter-alia, Sir, Article 314 of the Constitution provides as follows. I quote :

"Except as otherwise expressly provided by this Constitution, every person who having been appointed by the Secretary of State or Secretary of State in Council to a civil service of the Crown in India continues on and after the commencement of this Constitution to serve under the Government of India or of a State shall be entitled to receive from the Government of India and the Government of the State, which he is from time to time serving, the same conditions of service as respects remuneration, leave and pension, etc. etc."

This Article guarantees continuation of the same service conditions to the I. C. S. Officers notwithstanding the transfer of power from the British to the Indian hands. The crucial words under consideration, I submit, are 'the same rights as respects remuneration, leave and pension'. These have to be considered. The term 'remuneration' has been the subject matter of interpretation by the Supreme Court in the case of Accountant General, Bihar *versus* N. Bakshi reported in A. I. R. 1962, Supreme Court 505. In that judgment, the Supreme Court, while dealing with the term 'remuneration' have stated that the term 'remuneration' is of the largest amplitude and is of the widest connotation. I would, with your permission, read only the relevant portion of the placitum. The expression 'remuneration' in Article 314 is not used in any limited sense as merely salary. If a person was in receipt of a payment, or receipt of a percentage, or any kind of payment annually, it would be termed remuneration.