

MR. DEPUTY-SPEAKER : The result\* of the Division is : Ayes : 17; Noes : 48.

*The motion was negative*

This House further resolves that he be sentenced to simple imprisonment till 6 P.M. on the 18th November, 1968, and sent to Tihar Jail, Delhi."

*The motion was adopted*

17.20 HRS.

MOTION RE : CONTEMPT OF THE HOUSE

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH) : I beg to move :

"This House resolves that the person calling himself Shri Gopal Tripathi who threw some papers from the Visitors' Gallery on the Floor of the House at 3 P.M. today and whom the Watch and Ward Officer took into custody immediately has committed a grave offence and is guilty of the contempt of this House.

This House further resolves that he be sentenced to simple imprisonment till 6 P.M. on the 18th November, 1968, and sent to Tihar Jail, Delhi."

MR. DEPUTY-SPEAKER : The question is :

"This House resolves that the person calling himself Shri Gopal Tripathi who threw some papers from the Visitors' Gallery on the Floor of the House at 3 P.M. today and whom the Watch and Ward Officer took into custody immediately has committed a grave offence and is guilty of the contempt of this House.

17.21 HRS.

CONSTITUTION (AMENDMENT) BILL

(Amendment of Article 368) by Shri Nath Pai

MR. DEPUTY-SPEAKER : Now we shall take up Mr. Nath Pai's Bill.

Mr. Nath Pai.

SHRI LOBO PRABHU (Udipi) : I have raised a Constitutional objection. I have given notice that it should be referred to the Attorney-General.

MR. DEPUTY-SPEAKER : Let him move first.

SHRI FRANK ANTHONY (Nominated—Anglo-Indians) : Mr. Deputy-Speaker, may we know what is the time allotted for this discussion ?

MR. DEPUTY-SPEAKER : 2½ hours. But you know, as the debate develops, the Chair has some discretion. We shall consider it at the proper time. I know what you want.

SHRI FRANK ANTHONY : The general feeling is we have discussed on at least three occasions; it is a sweeping measure and it is better. . . .

MR. DEPUTY-SPEAKER : After a lengthy debate it was referred to a Joint Committee.

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\*The following Members also recorded their Noes :—

Ayes : Shri K. P. Singh Deo.

Noes : Shri Himatsingka.

**SHRI V. KRISHNAMOORTHY** (Cudalalore) : Each party should be given one hour on this. It has to be ratified by State Legislatures.

**SHRI FRANK ANTHONY** : The discretion is with the Chair, but that is for giving another hour or so. What I think this should not be discussed in such a cavalier fashion. Government is taking power to destroy the constitution.

**MR. DEPUTY-SPEAKER** : That won't be doing justice. Now, initially when this motion was before the House, we have debated it for several days, for several hours. Then it was referred to the Joint Committee. Now it has come with this report. So it was never dealt with in a cavalier manner. You will get an opportunity to place your point of view.

**SHRI LOBO PRABHU** : The Committee has made some changes in a substantial manner. It will not be correct to say that the Bill has been substantially discussed. This Bill affects the Constitution. This Bill affects the oath which we have taken under the Constitution. I won't use the word 'cavalier'. This Bill cannot be dismissed in a very short time, in a very light-hearted manner and I would suggest, that from the very beginning, you may decide that at least five hours should be given....

**SHRI FRANK ANTHONY** : Five hours is not enough.

**SHRI SHRI CHAND GOYAL** (Chandigarh) : I support the suggestion made by Shri Frank Anthony that more time should be allotted to this. Now that we have the evidence of the Advocates-Generals, eminent lawyers and people of this country, I think, it will be desirable, it will be in the interest of the House that proper time and adequate time is given to this Bill. Therefore, Sir, we just appeal to you to allot at least 7 or 8 hours....

**SHRI V. KRISHNAMOORTHY** :

This is not an ordinary Bill. This is a Bill which amends the very fundamental rights of the Constitution. My submission is this, namely, why it should be part of private members' business. Actually Government supports this Bill. As such it should form part of the Government business. We cannot dispose of this Bill, Constitution (Amendment) Bill, within one hour or two hours. We must have at least one or two days. We have to discuss it completely and in detail. It has to be ratified by Majority State Legislative Assemblies. This cannot be discussed within the Private Members' Business hour and disposed of. So I would request that the Government can very well have it in the Government list of business.

We can discuss it for one or two days, Sir. Otherwise we cannot do justice for this Bill, Sir.

**MR. DEPUTY-SPEAKER** : I would like to ask the hon. Member—Why do you want to derogate the private members' business to that level? Whether Government supports it or not, that is a different matter. You can claim for more time....

**SHRI SURENDRANATH DWIVEDI** (Kendrapara) : It may not go as Government business. It is a private business. But this House has the right to give more time. His suggestion is this, let it be discussed for one or two days, not a few hours or 2½ hours.

**SHRI PILOO MODY** (Godhra) : If the Bill is to be discussed let it be discussed on Friday afternoon every alternate week for the next five years... After all, after this Bill is passed, the Constitution will not be worth anything at all and there would be time enough to abrogate the Constitution itself. We are in the process of destroying the Constitution and I suggest that we do it with great delicacy every alternate Friday afternoon for the next five years, Sir.

**MR. DEPUTY-SPEAKER :** Should we spend more time on this?

**SHRI DATTATRAYA KUNTE**  
(Kolaba) : I want to point out some-  
thing else.

**THE MINISTER OF LAW (SHRI GOVINDA MENON) :** Considering the importance of the Bill, I support Shri Frank Anthony and others and say that 2½ hours would be too insufficient for discussion of this Bill.

**MR. DEPUTY-SPEAKER :** The question of a little extension of time is left to the discretion of the Chair. This matter was considered by the Committee on Private Members' Bills and Resolutions. It will be taken up there for further extension of time. So there is no question of shutting out debate or curtailing time and not allowing Members to express themselves to their satisfaction.

**SHRI V. KRISHNAMOORTHY :** You have not properly understood my observations. The mere fact that the Bill has been sponsored by a private Member does not deprive Members of their right to express our views adequately. Since the ruling Party has undertaken to get this Bill passed and since it has got a big power here, let Government themselves move for consideration of the Bill on their own accord.

**SHRI GOVINDA MENON :** We do not accept that.

**SHRI DATTATRAYA KUNTE :** This request by many members belonging to different parties indicates, if anything, that the Committee which is doing its work does not take all these factors into consideration. We had a difficulty yesterday and we are having one today. Therefore, you as Chairman of the Committee will bring it to the notice of the Committee that they should apply their mind more carefully than they have done, because otherwise this is what happens. You will tell us here that this is what the Committee has decided and that should be adhered to.

**MR. DEPUTY-SPEAKER :** The maximum time in one sitting which the

Committee can give is 2½ hours. We have given that to the Bill. But in the next sitting, we will consider it.

**SHRI GOVINDA MENON :** Some more time may be found for this Bill.

**SHRI NATH PAI (Rajapur) :** I am very glad that there is a belated realisation of the importance of the Bill that we are trying to adopt in this House on the part of some Members. One advantage this Bill has yielded is that some Members now at least are reminded that they are Members of Parliament, of the Lok Sabha, and their presence has been made available to us after a long, long time. I am very happy to see Shri Frank Anthony present in the House after a very long time, after we had discussed many things. None-the-less, I fully support him in his demand that there must be a full and thorough discussion, with two qualifications. Shri Anthony is not aware perhaps of what happens in this House. No private Member's Bill has been discussed for so long as this Constitution (Amendment) Bill. No Committee of Parliament gave so much attention to listening to differing and dissenting views as this Committee has done. Never in the history of a Private Member's Bill has so much care been taken to accommodate differing views. Just a casual look by Shri Anthony will convince him how many sittings we held, how we went out of our way to invite dissenters to come, depose and convince....

**SHRI J. B. KRIPALANI** (Guna) :  
We were not called.

SHRI NATH PAI : I would answer it.

**SHRI R. D. BHANDARE** (Bombay Central) : Why were we not called at all ?

**SHRI NATH PAI :** Hon. Members would do well to know the rules of procedure which is that when a Bill is referred to a Select or Joint Committee, so far as Members of the House are concerned, they have got the right to come there without being invited. They need not be called or invited by the Committee or Chairman. This is an

elementary rule regarding these Committees.

Regarding other witnesses, we did everything possible to invite them, beginning with the Supreme Court Bar.

**SHRI PILOO MODY :** What is the rule ?

**SHRI NATH PAI :** I will pass them on to Shri Piloo Mody so that he might ponder over them. They are rule 27(1), proviso to rule 29, then 77, 78, 157 and 305. I hope for the next five minutes he could go on scrutinising these so that I could carry on with more serious work before the House without interruptions.

**MR. DEPUTY-SPEAKER :** He may move his Motion and we might continue on the next occasion, as we have other business after 17.30 hours.

**SHRI NATH PAI :** This is a very serious subject, as Shri Anthony, Acharya Kripalani and Shri Krishnamoorthi have conceded. It is this realisation that we were trying to bring to this House. Let us have a proper and adequate debate. Let not superficial charges be hurled, let the matter be discussed on its merits. I make an appeal. It will be decided by the Committee to accommodate so far as the time factor is concerned. Those who agree with the majority report will be only too glad to have the benefit of the advice of the dissent and the criticism of our fellow members. We have no objection to the time being extended.

**MR. DEPUTY-SPEAKER :** You move the motion that it be taken into consideration.

**SHRI NATH PAI :** I have to conclude my speech, but I move ...

**SHRI LOBO PRABHU :** It is 5.30 now. Please note the time. A rule is rule. You have to take up the other business.

**SHRI V. KRISHNAMOORTHY :** This is how they suppress the rights of other people.

**SHRI LOBO PRABHU :** It is a violation of the rules if you allow him now.

**SHRI PILOO MODY :** May I return the rules to him with thanks? It will do him a lot of good to read them.

**SHRI NATH PAI :** I therefore beg to move ...

**SHRI LOBO PRABHU :** On a point of order.

**MR. DEPUTY-SPEAKER :** Private Members' Business started five minutes later than usual. So, I am within my rights.

**SHRI LOBO PRABHU :** You cannot extend the time.

**SHRI NATH PAI :** I will continue my speech next time, but I move :

"That the Bill further to amend the Constitution of India, as reported by Joint Committee, be taken, into consideration."

**MR. DEPUTY-SPEAKER :** He will continue his speech next time.

17.33 Hrs.

# HALF-AN-HOUR DISCUSSION SMUGGLING OF GOODS ON WEST BENGAL AND BIHAR BORDERS WITH NEPAL

**श्री बेनी शंकर शर्मा (बांका) :** उपाध्यक्ष महोदय, मैं आपके माध्यम से सरकार का ध्यान एक ऐसे अहम सबाल की ओर आकर्षित करना चाहता हूँ जो हमारे देश की आज की अधिकांश बुसाइयों की जड़ में है। आज देश में अवैध व्यापार, चोरबाजारी, भ्रष्टाचार तथा घूसखोरी का बोलबाला है। बेरोजगारी और महंगाई चरम सीमा पर है। यदि पंचवर्षीय योजना में कोई चीज बनी और बढ़ी है तो वह है स्मॉलिंग, ब्लैक मार्केटिंग और करप्शन, बेकारी और महंगाई जिस के लिए जिम्मेदार है आज की हमारी सरकार और अब तक की अपनाई गई उसकी गलत नीतियाँ। स्मॉलिंग, ब्लैक-मार्केटिंग और करप्शन का एक दूसरे से बोली दामन का सम्बन्ध है। स्मॉलिंग सामान