

[Mr. Chairman]

Bills and Resolutions presented to the House on the 10th December, 1969."

The motion was adopted.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL*

(Amendment of Section 423)

SHRI M. N. REDDY (Nizamabad) : I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

MR. CHAIRMAN : The question is : "That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898."

The motion was adopted.

SHRI M. N. REDDY : I introduce the Bill.

DRUGS AND COSMETICS (AMENDMENT) BILL*

(Substitution of Sections 13 and 27)

SHRI N. K. P. SALVE (Betul) : I beg to move for leave to introduce a Bill further to amend the Drugs and Cosmetics Act, 1940.

MR. CHAIRMAN : The question is : "That leave be granted to introduce a Bill further to amend the Drugs and Cosmetics Act, 1940".

The motion was adopted.

SHRI N. K. P. SALVE : I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of Article 256)

SHRI N. K. P. SALVE (Betul) : I beg to move for leave to introduce a

Bill further to amend the Constitution of India.

MR. CHAIRMAN : The question is :

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

The motion was adopted.

SHRI N. K. P. SALVE : I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of Preamble and article 1, etc.)

SHRI K. D. TRIPATHI (Unnao) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. CHAIRMAN : The question is :

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

The motion was adopted.

SHRI K. D. TRIPATHI : I introduce the Bill.

INDUSTRIAL DISPUTES (AMENDMENT) BILL*

(Substitution of Section 17A)

SHRI S. KUNDU (Balasore) : I beg to move for leave to introduce a Bill further to amend the Industrial Disputes Act, 1947.

MR. CHAIRMAN : The question is :

*Published in Gazette of India Extraordinary Part II, Section 2, dated 19-12-69.

"That leave be granted to introduce a Bill further to amend the Industrial Disputes Act, 1947."

The motion was adopted.

SHRI S. KUNDU : I introduce the Bill.

15·34 hrs.

CONSTITUTION (AMENDMENT) BILL—*contd.*

(Amendment of articles 75 and 164 by Shri Kanwar Lal Gupta)

MR. CHAIRMAN : Now we may take up the Bills for consideration and passing. First is further consideration of the Constitution (Amendment) Bill by Mr. Kanwar Lal Gupta.

The hon. Minister.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW AND IN THE DEPARTMENT SOCIAL WELFARE (SHRI M. YUNUS SALEEM) : The object of this Bill as stated in its Objects and Reasons is :

"Whereas it is expedient to ensure that the persons who have not been elected by the people in elections do not occupy the important positions which empower them to frame and work out the policy of the Government it is felt essential to amend the Constitution in this respect".

The main object of moving this Amendment Bill is to ensure that all the members of the Cabinet may be members elected by elections held directly. While considering this important aspect of the issue, we have also to consider that it is not only our country where we have got democracy. There are many other countries also who have got similar provisions in their constitution and they have got an established convention and practice that at the time of the formation of the

Government and constitution of the Cabinet, people could be included in the Cabinet even if they are not members of either House. There is no legal fetter upon the Crown's prerogative in the matter of selection of Ministers so far as U.K. is concerned. In the U.K. there is no rule of law that a Minister at the very time of his appointment must be a Member of Parliament nor is there any definite time limit ; within which he has to become a member. The practice and convention in U.K. is that if a person is included in the Cabinet who is not a member of either the House of Commons or the House of Lords, in such cases either a seat is provided for him by persuading some of the members of the House of Commons to vacate a seat for him so that in a by-election he could be elected or the Minister may otherwise be created a peer and given a seat in the House of Lords.

Similarly, in Australia, Sec. 64 of the Australian Constitution says that no Minister of State shall held office for a longer period than 3 months unless he is or becomes a Senator or a Member of the House of Representatives. In Australia also in their Constitution they have got a similar provision that at the time of the constitution of the Cabinet a person may be included in the Cabinet but he has to get himself elected within 3 months instead of six months, either as a Senator or a Member of the House of Representatives. Exactly similar provision exists in the South African Constitution.

As I have submitted, not only in our country but in the constitution of all the countries, particularly, the Commonwealth countries, similar provision exists. In Ceylon a similar provision exists in sec. 49(2) of the Order-in-Council which says that a Minister who for any period of four consecutive