

[श्रीमती इन्द्रा गांधी]

माननीय सदस्य ने बिहार के बारे में एक सवाल पूछा है। जहाँ तक मंत्री जानकारी है, बिहार के एक मिनिस्टर ने जो बयान दिया है, वहाँ के मुख्य मंत्री ने उस पर कुछ कार्यवाही की है, यानी किसी को यह देखने के लिये भेजा है।

श्री गुमानब ठाकुर: मजफ्फरपुर जिले में जो दो व्यक्तियों के भूख से मरने की खबर है, मुख्य मंत्री ने उस पर जांच कमीशन बिठाया है। मैं तो गया और सहरसा जिलों की जान कर रहा हूँ। वहाँ के लिये कोई जांच कमीशन नहीं बिठाया गया है।

Mr. Deputy-Speaker: If hon. Members agree, I shall put all the amendments together to the vote of the House.

Shri P. K. Deo (Kalabandi): They may be put separately.

Some hon. Members: They may be put together.

Mr. Deputy-Speaker: I shall put them together.

All the amendments were put and negatived.

Mr. Deputy-Speaker: I shall now put the original motion to the House. The question is:

"That an Address be presented to the President in the following terms:—

"That the Members of Lok Sabha assembled in this Session are deeply grateful to the President for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on the 18th March, 1967."

The motion was adopted.

17.18 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

The Minister of Law (Shri Govinda Menon): Sir, I beg to move:

"That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration."

I hope, Sir, that much by way of explanation may not be necessary for the passage of this Bill. As the House knows, late in February this year an ordinance was issued under the following circumstances. It was the desire of many sections of the House that after the election was completed of the Members of the Fourth Lok Sabha a 'lame duck' session of the Third Lok Sabha need not be held as was done in the previous years—1952, 1957 and 1962. In order to enable the President to summon the Fourth Lok Sabha it had to be constituted and for that purpose an amendment of the Representation of the People Act was necessary. It was done by this Ordinance and the object of this Bill is to substitute that Ordinance by a regular Act of Parliament. I hope the House will unanimously approve of this Bill.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration."

Half an hour has been allotted for this Bill.

Shri S. M. Banerjee (Kanpur): I do support this Bill, because some of us thought that this lame duck session was useless when new Members were elected in the general elections. But we cannot shut our eyes to the fact

that the lame duck session gave both members, newly elected members as well as those members who were unfortunately defeated, to meet here once and exchange views. That was the main object with which the lame duck session was thought of earlier. During the lame duck session congratulations and condolences were exchanged between members. In this session, for instance, we could not meet either Shri Patil or our good friend, Shri Atulya Ghosh. If they were here, we could have expressed our sorrow on their defeat and gave them the reasons for their defeat.

Shri Sonavane (Pandharpur): Mr Deputy Speaker, I rise to support the motion moved by the hon. Law Minister. Here I want to say something. The lame duck session was summoned and then, surprisingly enough, on the suggestion of some of the members of the opposition, it was cancelled and the first session of the Fourth Lok Sabha was convened. This is the first time in the history of this Parliament that the members of the Lok Sabha who either did not contest in the general elections or were unfortunately defeated in the polls did not get an opportunity of a get together and a photograph, unlike the earlier Lok Sabhas. Added to that, some inconvenience was also caused to those members who were to retire.

I do not know what object was achieved by the Government by so readily accepting the suggestion coming from one or two Members, howsoever eminent they may be. In my opinion, it was a great mistake. What was the object achieved? If it was for economy or some other purpose, that was not achieved: The travelling expenses of the outgoing members had to be paid. Added to that, inconvenience was caused to the new members in the matter of accommodation. So, the whole arrangements became topsy turvy. The first session of the Fourth Lok Sabha also only served the same purpose for which the lame

duck session was originally convened. It was called for a short duration to pass the Vote on Account.

Therefore I felt that the Government did not act wisely in this matter and no useful purpose was served, a lot of inconvenience was caused, economy was not effected and the good tradition of a farewell meeting of old friends who were to retire did not take place. All that was good in the lame duck session was lost. The unceremonious way, the way in which the retiring Members were made to go, was really most unhappy and I thought, it was not a good feature. The Government should not have acted in this way. They have not achieved any purpose; probably, only the ego of the Opposition was satisfied and nothing else.

श्री कृष्ण गुलाब देशमुख (धमरावती) :
उपाध्यक्ष महोदय, मैं आप से यही प्रार्थना करता हूँ कि यह जो लेम डक सेशन कंसिल किया गया और नयी पार्लियामेंट का पहला सेशन बुलाया गया उस के बारे में मेरे मित्र ने कहा है कि नये जो मेम्बर यहां आये हैं उन को बहुत मुश्किल में पड़ना पड़ा। अभी तक यहां रहने को भी जगह नहीं है, जो फ्लॉट्स हैं वह पुराने मेम्बरस के पास है.....

Mr. Deputy-Speaker: May I ask the hon. Member whether it has any relevance to the Bill?

Shri Sonavane: It is perfectly relevant. What else is relevant?

Mr. Deputy-Speaker: You can voice your dissatisfaction regarding accommodation.

श्री कृष्ण गुलाब देशमुख : मेरा कहने का मतलब बोझा आगे है। मेरा मतलब यह है कि यह जो इस वकत सेशन बुलाया गया यह हमारे अपोजीशन के मित्र हैं इन के कारण बुलाया गया है। उन लोगों ने जो अपोज की हमारी गवर्नमेंट से तो उस वकत उन

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को बुझ करने के लिये किया गया। हम लोगो को जो कांग्रेस के मेम्बर हैं उन से पूछा भी नहीं गया कि यह बात करनी चाहिये या नहीं करनी चाहिये। खर, वह बात जाने दीजिये। वह बात हो गई। लेकिन मैं यह अपील करना चाहता हू कि यह परमानेंट फीचर नहीं बनना चाहिए आज जो उस से यह बिल लाया गया है। परमानेंट फीचर होन वाला है और परमानेंट फीचर के लिये मेरा कहना है वह नहीं होना चाहिये। यह जो कुछ किया गया उस को हम मान्यता देते हैं लेकिन जो बिल लाया गया और जो कानून बनाया जा रहा है यह हमेशा के लिये होने जा रहा है और भागे चलकर कभी भी लेम डक सेशन नहीं होगा, पुराने मेम्बरान प्राणे नहीं पायेंगे और हमेशा के लिये यह एक भच्छी कन्वेंशन वापस ली जा रही है। तो मैं यह अपील करता हू कि इस को हमेशा के लिये नहीं करना चाहिये। आडिनेस जो निकाना गया, उसको वॉलडेड करने के लिये बिल आता तो मझे कोई ऐतराज नहीं था।

श्री कृष्ण गोपाल सेन गुप्ता (पूर्णिवा)
मैं भी अपने मित्र को तार्ड करता हू। बात कर के जो हमारे पुराने मित्र थे और जो हार गये चाहे वह इस तरफ के थे या उस तरफ के थे, वह लोग आते तो हमारे मित्रों को जो तकलीफ हो रही है मकानों के लिये, वह न होती। उन लोगों का घाना भच्छा रहता। वह भा जाते, अपना मिलजुलकर जाते। आखिर पाच वर्षों के लिये यहा आते हैं तो इतने समय मे उनकी यहा कुछ स्थिति हो जाती है और वह हार गये तो तो वह तो चाहे इधर के हो चाहे उधर के हो, दोनों तरफ के हारे हैं। यह लेम डक सेशन होना बहुत जरूरी था। आज जो तकलीफ नये मेम्बरों

को हो रही है वह इसलिय हो रही है कि वह लोग आ नहीं पाये और आते तो अपना सरेडर करते। वैसे अब भ्रमल तक उनके लिए हो रहा है। तो वह जो उन्होंने कहा, उसकी मैं तार्ड करता हू। ऐसा भागे नहीं होना चाहिए।

Shri Sonavane: The life of the Third Lok Sabha was also cut short

Shri G Viswanatham (Wandiwash): Mr Deputy-Speaker, it was unanimously agreed by all parties including the Congress Party, to cancel the lame duck session. It is surprising to know that some hon Members—I hope, they are Congress Members—oppose the cancellation of the lame duck session. Probably, they want another lame duck session to be recalled. I do not know. This was agreed to by all parties and there is no necessity of opposing that at this late moment.

Mr Deputy-Speaker: The question is—

"That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration."

Shri S M Bamerjee: Sir Members have spoken let the hon Minister reply.

Mr. Deputy-Speaker: There was no point made, so, he does not want to reply.

Shri S M. Bamerjee: Why?

Shri Sonavane: If it is irrelevant, he must get up and say that it is irrelevant.

Mr. Deputy Speaker: The question is—

Shri Sonavane: He must reply to the debate.

Mr. Deputy Speaker: When no new point has been made, it is not necessary for him to reply.

Shri Sonavane: He has to meet the points raised as to why the life of the Third Lok Sabha was cut short, where the economy was effected, why the inconvenience was caused to the Members and all that.

Shri V. Krishnamoorthi (Cuddalore): The Minister had piloted the Bill and some hon. Members participated in the debate. Some points were made. It is the duty of the Minister to give reply to them.

Mr. Deputy-Speaker: At the third reading stage, he will say something.

Shri V. Krishnamoorthi: He must reply at the first reading stage.

Mr. Deputy-Speaker: I have already put the motion to the vote of the House. At the third reading stage, he will make some observations.

Shri Sonavane: On a point of order, Sir.... (Interruption.)

Mr. Deputy-Speaker: Order order.

Shri S. M. Banerjee: Sir, you are an eminent parliamentarian apart from being the Deputy Speaker. As you know, there have been some past traditions and conventions. The Minister may simply say, "I have nothing to add to what I have said before." But he should reply to the debate. Otherwise, it will be a dangerous thing and any Bill can be passed like that.

Mr. Deputy-Speaker: I have accepted your suggestion. As I have already said, I put the question to the vote of the House. At the third reading stage, he will say something and reply to the points made here.

Shri Sonavane: On a point of order, Sir. On every debate, at the first reading stage, the Ministers do reply. The Ordinance was required to be issued. He has explained the reasons. But when some points are made in the course of the debate on the Bill, it is essential that the Minister should reply to that. We should know what were the compelling reasons....

106 (a) L.S.—9.

Mr. Deputy-Speaker: Let me complete this process and then I would request the hon. Minister to say something at the final stage of the Bill, that is, the third reading of the Bill.

Shri Dattatraya Kunte (Kolaba): If he is to make the observations at the third reading stage, these will be out of order at that stage.

Mr. Deputy-Speaker: No, no. The question is....

Shri Sonavane: Do we assume that the Minister has no reply to this?

Mr. Deputy-Speaker: As I said, he will say something at the concluding stage. Please resume your seat.

Shri Sonavane: You should give your ruling on my point of order at the proper stage. The Minister must reply at this stage. I demand that your ruling should be there.

Mr. Deputy-Speaker: It is not a question of ruling.

The question is:

"That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We will now take up the clause-by-clause consideration of the Bill. Before I put clauses to vote, I would request the Minister to say some thing (Interruption).

Shri Deorao Patil (Yeotmal): Why should the Chair request him?

मंत्री महोदय अगर उत्तर देना चाहते हैं तो वह अपना उत्तर दे देंगे बाकी अगर वह नहीं देना चाहते हैं तो नहीं देंगे।

Shri V. Krishnamoorthi: It is duty of the Minister to give reply. There should be no request from the Chair. (Interruption).

Shri Govinda Menon: I have absolutely no objection in giving a reply. Actually, I wanted to give a reply. But by that time, you, Sir, had put the question to vote and, therefore, I thought that it would be irregular and discourteous to you if I got up to make a speech at that stage. I do not want to show any discourtesy to Members of this House. I shall be the last person to show any discourtesy. I am completely in agreement with the Members who said....

Shri V. Krishnamoorthi: Is he making a speech on the first reading or second reading or third reading?

Shri Dattatraya Kunte: I would like to know what proceedings are going on in the House.

Mr. Deputy-Speaker: He is speaking on clause 2.

Shri S. M. Banerjee: Nobody has spoken on clause 2.

Mr. Deputy-Speaker: There is no amendment.

Shri Dattatraya Kunte: Then, all clauses be put to the House.

Shri Tulshidas Jadhav (Baramati): I want to speak on clause 2.

Mr. Deputy-Speaker: He may speak. Let the Minister conclude.

Shri Tulshidas Jadhav: The First Reading is over. I think, now the Second Reading is going on.

Mr. Deputy-Speaker: Clause-by-clause consideration is going on. Does he want to speak?

Shri Tulshidas Jadhav: Yes; I want to speak.

उपाध्यक्ष महोदय, फर्स्ट रीडिंग के ऊपर कई माननीय सदस्यों ने ऐतराज उठाये . . .

Shri G. Vishwanathan: On a point of order. There is no amendment to this. When there is no amendment, how can a member speak?

Mr. Deputy-Speaker: He can speak.

श्री तुलसीदास जाधव : जो कई माननीय सदस्यों ने एजेण्डा किया उस में तथ्य है और मिनिस्टर को फर्स्ट रीडिंग के वकत जवाब में कुछ कहना चाहिए था। अब जो लास्ट सेशन होता है, पांच साल के अन्त में जो लास्ट सेशन होता है तो उस में कोई मੈम्बर को यह बवाल नहीं रहता कि हम वापिस नहीं आयेगे और इसलिए वह अपने मकान और सामान आदि का इंतजाम भी मुनासिब तरीके से नहीं करता है। यह जो लेम डक सेशन हुआ करता है उस में आकर यह सब बंशोस्त करके चला जाता है। अब यह जो लेम डक सेशन हुआ करता था वह अब के नहीं हुआ है और वह हमेशा के लिए बंद होने वाला है। इसके लिए मेरा कहना है कि पुराने मੈम्बरों को उसके न होने से होने वाली असुविधाओं को ध्यान में रखते हुए अगर लेम डक सेशन आयन्दा किया जाय तो उचित ही होगा और इसकी मांग भी कई माननीय सदस्यों ने की है क्योंकि ऐसा न होने से मੈम्बरों को बड़ी असुविधाओं का सामना करना पड़ता है। अब पांच साल के अर्से में मੈम्बरों का यहां काफी अटैचमेंट हो जाता है, लेना देना हो जाता है और अभी तक जो रिटन नहीं होते वे वे इन लेम डक सेशन में अपना सारा लेनदेन साफ कर लेते थे और वापिस फर्स्ट खाली करके चले जाया करते थे। लेकिन ऐसी इस बार लेम डक की व्यवस्था न होने से उन मੈम्बरों को काफी असुविधा का सामना करना पड़ रहा है क्योंकि उन को अपने फर्स्ट आदि खाली करने और भरना सब बाईड आऊ करने के लिए खर्चा करना होता है और सामान आदि ले जाने में भारी असुविधा होती है।

इस के अतिरिक्त यह जो माइटेडिफिकेशन कार्ड्स मੈम्बरों को दिये जाते हैं वह एक निश्चित अवधि के लिए होते हैं। अब जब उस का कुछ काम नहीं रहता क्योंकि

लेख एक सेशन है नहीं तो वह प्रायेण किस लिए? अब उस को खास तीर से अपना कनेट खाली करने और सामान यदि उठाने के लिए भ्राना पड़ता है। जो उन के आइडेंटिफिकेशन कार्ड्स को मुद्रित है वह 16 अप्रैल तक रहती है। यहां भी ऐसा कहा गया है कि वह भी नहीं चलेगा क्योंकि सेशन दूसरा खाली हो जाने से वह आइडेंटिफिकेशन कार्ड्स रद्द हो जाते हैं और इस से उन लोगों को खुद अपना खर्च करके यहां पर भ्राना पड़ता है। अब उस हालत में जब उनको सहूलियत होगी तभी वह यहां पर प्रायेण और उस कारण उनके कनेट्स में जो उनका ताला लगा होता है जब तक वह उन्हे खाली करके आप को न दे तब तक आप उन को नये मेंबरस को एनाट नहीं कर सकते हैं और इस कारण नये भ्राने वाले मेंबरस को भी उचित आवास सम्बन्धी व्यवस्था नहीं मिल पाती है। इन कारण हम देख रहे हैं कि एक एक मकान में दो, दो मेंबरस रह रहे हैं और उस कारण उन्हें जो तकलीफ हो रही है उस को भी हमें देखना होगा। अब जैसा मैं ने कहा अगर वह लोग आ जायं पुराने मेंबरस और उनके आइडेंटिफिकेशन कार्ड्स ज्यादा दिन तक बैलिड रहे ताकि वह यहां पर सहूलियत से आ सकें और अपने मकान खाली करके अपना सामान लेकर अपने घरों को वापिस जा सकें यह सहूलियत उन मेंबरस को आप दे।

Shri Govinda Menon: As I was beginning to say, I meant no discourtesy to the House or to any Member of the House in not reply to the points raised by my friends on the earlier occasion. I should say that although it is not legal'y obligatory on the part of the Mover of a motion to make a reply, a reply can be made because a point was made....

Shri Senavane: No debate is at all necessary?

Shri Govinda Menon: Even without a debate, a motion can be moved

and passed in Parliament. There is no legal objection.

Shri V. Krishnamoorthi: Provided nobody talks on the motion. When somebody talks, the Minister is bound to reply.

Shri Govinda Menon: Usually a debate takes place and it is open to the mover either to reply or not. That is the legal position. A reply is usually given, but it is not obligatory to make a reply. I did not mean any discourtesy to the House. Because you had put the matter to vote, I thought that I should not intervene at that stage. I am very sorry if any misunderstanding has arisen on that account.

As was referred to by one hon. Member there was a political decision by all the different parties in this House that it would be advisable not to have the lame duck session. The lame duck session had been called to meet some time in the middle of March. But at that time elections to all the constituencies except four had taken place, and it was thought that it would be anomalous if after having elected all but four of the five hundred odd Members of the Fourth Lok Sabha, the old members were called to meet. That was the point raised and that was agreed to by the leader of the Congress Party. That was how it happened.

I do agree to the sentiments of my hon. friends that it would have been a great social occasion if the Members of the Third Lok Sabha had met, as they had done earlier in a lame duck session in 1952, 1957 and 1952. I do not remember whether on the previous occasions the elections had been completed in the way in which they were completed this time, but my recollection is that they were not completed in that manner. Therefore it was decided that since all but four Members of the Fourth Lok Sabha had been elected there

[Shri Govinda Menon]

was no reason why the Fourth Lok Sabha should not be constituted.

For enabling the constitution of the Fourth Lok Sabha this amending ordinance was issued. Some inconvenience has ensued, as has been referred to by some hon Members here. But that is no reason why this anachronism should have been allowed to prevail.

Shri Sonavane: Why was it not contemplated earlier?

Shri Govinda Menon: After the lame duck session had been called, these aspects of the matter were pointed out to the Prime Minister, and all the leaders of the different groups in this House agreed that this course might be adopted. That was the situation under which the ordinance was issued, and now it is necessary that the ordinance should be replaced by a regular Act of Parliament, and that is the reason for this Bill.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

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

Shri Govinda Menon: I move.

"That the Bill be passed".

Mr. Deputy-Speaker: Motion moved

"That the Bill be passed"

Shri K. G. Deshmukh: I want to speak.

Mr. Deputy-Speaker: He cannot speak now. The hon Minister has already replied. The question is...

Shri Sonavane: This is the third reading stage. Every Member has a right to speak.

Shri K. G. Deshmukh: This is the third reading stage, and if you permit me, I have a right to speak.

Shri Sonavane: He will take only two minutes and let him say what he wants.

Shri K. G. Deshmukh: If there is no time that is a different matter, but I have a right to speak.

Mr Deputy-Speaker: All right, let him have his say also.

श्री कृष्ण गुलाब देशमुख : उपाध्यक्ष महोदय, मैं ने मंत्री महोदय का भाग घ्याण से सुना है। उस से ऐसा मालूम होता है कि अभी जो हमारे चुनाव हुए है और उस में बहुत से नये मेम्बर चुन कर आ गये, इस कारण से यह सेशन बुलाया गया। लेकिन इस सम्बन्ध में मैं आप से कहना चाहता हूँ कि कुछ ऐ से भी प्रवेश है जहा अभी एनेक्शन नहीं हुए है और उन के कागज बहा के मेम्बर इस सेशन में नहीं आ सके हैं। अभी जो बतलाया गया है कि सब एनेक्शन हो गये यह बात सही नहीं है।

दूसरे अगर हमेशा ऐसा ही होना रहेगा तो एक साथ तो कभी भी सब जगह चुनाव नहीं होगा क्योंकि हमारा देश इतना बड़ा है और क्लाइमेट ऐसी है कि एक साथ सब जगहो पर चुनाव नहीं हो सकते। अगर लग्न तक सेशन हमेशा के लिये बन्द कर दिया गया तो मैं ऐसा ममजता हूँ कि कभी भी चुनाव में सब लोक एक साथ चुन कर नहीं आ सकेंगे और वे मेम्बर पहले सेशन में भाग नहीं ले सकेंगे और उन का नुस्तान होगा। इसलिये मैं कहना चाहता हूँ कि इस को परमानेंट फोचर न किया जाये।

Shri K. Narayana Rao (Bobbili): I am not sure whether this particular piece of legislation was at all necessary. I say so—I speak subject to correction—because under the Constitution of India, it is within the dis-

cretion and power of the President to summon Parliament or to dissolve it. In ordinary circumstances, the Parliament has to be in session for a period of five years. It is not necessary to bring in a separate Bill....

Shri Sonavane: Under what article the President is to exercise the power? Talking offhand does not help.

Shri R. Narayana Rao: This is my view. I do not have the document readily available. This is his prerogative under the Constitution. The President has the power to prorogue, dissolve or call Parliament. If he wants me to explain the legal position with detailed references to the relevant articles, I may not be able to do it because I have not the document with me now.

Be that as it may, what I mean to suggest is this, that it is rather intriguing that necessity for such a Bill was felt at all. The Third Parliament was summoned in April, 1962, and in normal circumstances it would be in existence for a period of five years. But due to certain circumstances the President is pleased or the President considers that the new Parliament should be called into session earlier. What he could do within his powers under the Constitution he did. So I do not know why for this purpose any Ordinance and a subsequent enactment were considered necessary. May be I am wrong in my view. But this is what I feel.

Shri Krishna Kumar Chatterjee (Howrah): The hon. Member who has just spoken has not taken into consideration the fact that an Ordinance was promulgated by the President. That being so, naturally a Bill to replace it has to come before the House. That Bill has already passed two stages. So naturally this question which he has raised should not have been raised.

Shri Govinda Menon: I would like to state for the information of the

hon. Member who raised the constitutional question that as soon as elections are over, it is not open to the President to call the members who have been elected by that process. Under section 73 of the Representation of the People Act 1951, Parliament or Assembly has to be constituted, and that constitution is effected by a notification by the Election Commission. It is that notification that was proposed to be made sometime in April after all the elections were over. Since it had to be done earlier, it became necessary to amend section 73 of the relevant Act. What is attempted here is to give effect to that amendment.

Shri J. Ahmad (Dhubri): I want to speak on this. I am in support of. . . .

Mr. Deputy-Speaker: No, No, he has no right to speak now.

The question is:

"That the Bill be passed".

The motion was adopted.

17.48 hrs.

LAND ACQUISITION (AMENDMENT AND VALIDATION) BILL

The Minister of State in the Ministry of Food, Agriculture, Community Development and Co-operation (Shri Annasahib Sinde): I beg to move:

"That the Bill further to amend the Land Acquisition Act, 1894 and to validate certain acquisition of land under the said Act, be taken into consideration".

The Land Acquisition Act, 1894, is applicable to the whole of India except the States of Kerala, Mysore, Rajasthan and Jammu and Kashmir which have their own laws on the subject. For acquisition of land for a public purpose, the procedure prescribed under the Land Acquisition Act, 1894, is that a preliminary notification is issued under section 4(1) of the Act which indicates that a parti-