

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 भोगेन्द्र झा : मैं विधेयक को पुरःस्थापित करता हूँ ।

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# BIHAR LEGISLATIVE COUNCIL (ABOLITION) BILL \*

श्री भोगेन्द्र झा (जयनगर) : मैं प्रस्ताव करता हूँ कि बिहार राज्य की विधान परिषद् के उपादन का तथा उसके अनुपूरक, प्रातुषंगिक और पारिणामिक विषयो का उपबंध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए ।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the abolition of the Legislative Council of the State of Bihar and for matters supplemental, incidental and consequential thereto."

SHRI YAMUNA PRASAD MANDAL (Samastipur) : I want to oppose it.

MR. DEPUTY-SPEAKER : You have not given any prior notice to the Chair and besides I have put it to the House.

Let the lobbies be cleared.—Now the lobbies have been cleared.

THE MINISTER OF EDUCATION AND SOCIAL WELFARE AND MINISTER OF DEPARTMENT OF CULTURE (SIKSHA AUR SAMAJ KALYAN MANTRI AUR SANSKRITI VIBHAG MANTRI) (SHRI SIDDHARTH SHANKAR RAY) : Sir, may I point out a constitutional difficulty and a constitutional defect with regard to this Bill ? As this Bill is out of order.....

MR. DEPUTY-SPEAKER : Order, please. I will explain to you the procedure. Kindly sit down. When a Bill is given notice of for introduction, it is open to any Member to give a notice in writing to the Speaker that he wants to oppose the introduction of the Bill. There is no scope for any discussion at this stage, and therefore, I am sorry I cannot entertain any discussion now. (*Interruption*) It should have been done before, by giving notice. Anyway, I put it to the House. The question is :

"That leave be granted to introduce a Bill to provide for the abolition of the Legislative Council of the State of Bihar and for matters supplemental, incidental and consequential thereto."

SHRI ATAL BIHARI VAJPAEYEE (Gwalior) : Sir, let the House not be divided on this.

MR. DEPUTY-SPEAKER : That is for the House to decide.

SHRI ATAL BIHARI VAJPAYEE : Just now you have established a precedent that no Bill should be opposed at the introduction stage.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SANSADIYA KARYA TATHA NAUWAHAN AUR PARIWAHAN MANTRI) (SHRI RAJ BAHADUR) : The point is, constitutionally the Bill cannot be brought unless and until the conditions are satisfied. (*Interruptions*)

\* Published in Gazette of India Extraordinary, Part II, section 2, dated 28-5-71.

MR. DEPUTY-SPEAKER : Order, order. An appeal has been made; the appeal has been heard. Now, it is for the house to decide. I am putting it to the house. The question is :

"That leave be granted to introduce a Bill to provide for the abolition of the Legislative Council of the State of Bihar and for matters supplemental, incidental and consequential thereto."

*The Lok Sabha divided :*

Division No. 1]

[14.25 hrs.

AYES

Banerjee, Shri S. M.  
Bhattacharyya, Shri Dinen  
Bhaura, Shri B. S.  
Bose, Shri Jyotirmoy  
Brahman, Shri Rattan Lal  
Chatterjee, Shri Somnath  
Chaudhary, Shri Ishwar  
Deb, Shri Dassaratna  
Gupta, Shri Indrajit  
Harza, Shri Manoranjan  
Jha, Shri Bhogendra  
Joshi, Shri Jagannathrao  
Maran, Shri Murasoli  
Melkote, Dr.  
Modak, Shri B. K.  
Mukherjee, Shri Saroj

Pandey, Dr. Laxmiprasad

Roy, Dr. Saradish

Sezhiyan, Shri

Shastri, Shri Ramavtar

Shastri, Shri Shiv Kumar

\* Siddayya, Shri S. M.

Vajpayee, Shri Atal Bihari.

NOES

Asgar Hussain, Shri  
Austin, Dr. Henry  
Barman, Shri R. N.  
Barupal, Shri P. L.  
Chandrasekharappa, Shri T. V.  
Chaudhary, Shri Nitiraj Singh  
Chaudhury, Shri Amarsingh  
Chellachami, Shri  
Daschowdhury, Shri B. K.  
Deo, Shri S. N. Singh  
Gopal, Shri K.  
Kailas, Dr.  
Kale, Shri  
Kamble, Shri T. D.  
Kaul, Shrimati Sheila  
Kavde, Shri B. R.  
Laskar, Shri Nihar

\* Wrongly voted for Ayes,

Lutfai Haqaa, Shri  
 Mahajan, Shri V.S.  
 Malhotra, Shri Inder J.  
 Mandal, Shri Yamuna Prasad  
 Mishra, Shri Bibhuti  
 Mohammad Tahir, Shri  
 Mohammad Yusuf, Shri  
 Mohsin, Shri  
 Oraon, Shri Kartik  
 Pandey, Shri R. S.  
 Pandey, Shri Tarkeshwar  
 Panigrahi, Shri Chintamani  
 Patil, Shri S. B.  
 Patil, Shri T. A.  
 Raj Bahadur, Shri  
 Ramkanwar, Shri  
 Ramshekhar Prasad Singh, Shri  
 Raut, Shri Bhola  
 Rudra Pratap Singh, Shri  
 Sanghi, Shri N. K.  
 Sayeed, Shri P. M.  
 Shambhu Nath, Shri

Shankaranand, Shri B.  
 Sharma, Shri N. K.  
 Sharma, Shri R. N.  
 Shastri, Shri Shivpujan  
 Shukla, Shri B. R.  
 Siddayya, Shri S. M.  
 Sonar, Dr. A. G.  
 Suryanarayana, Shri K.  
 Swamy, Shri Sidrameshwar  
 Tiwary, Shri K. N.  
 Tombi Singh, Shri N.  
 Yadav, Shri N. P.  
 Zulfiqar Ali Khan, Shri

MR. DEPUTY-SPEAKER : The result\* of the division is as follows :

Ayes 53 ; Noes 106.

*The motion was negatived.*

\* The result announced includes the names of the following Members who recorded their votes through Tellers :

**Ayes :** Sarvasbhi Ram Deo Singh, Shiv Shanker Prasad Yadav, M. M. Joseph, Varkey George, J.B. Dhote Bishwanath Jhunjhunwala, Onkar Lal Bawa, Rana Bahadur Singh, D. N. Singh, K. Ramakrishna Reddy, Samar Mukherjee, R. V. Bade, Muthuswamy, Hamendra Singh Banera, Phool Chand Verma, D. K. Panda, Krishna Halder, Hukam Chand Kachwai, Bharat Singh Chauhan, S. P. Bhattacharyya, Biren Dutta, C. K. Chinnaraji, Shrimati Bibha Ghosh, Sarvasbhi R. P. Ulaganambi, J. M. Gowder, C. Janardhanan, Jagadish Bhattacharyya, Gadadhar Saha, T. S. Lakshmanan, Madhurya Halder and A. K. Saha.

**Noes :** Sarvasbhi Siddhartha Shankar Ray, Sher Singh, Bedabrata Barua, Ankinedu, P. Gangadeb, P. R. Das Munai, A. N. Chawla, Kumar Majhi, Shrimati Sahodrabai Rai, Sarvasbhi Kera Singh Yadav, Popatlal Joshi, K. Basappa, Krishnarao Patil, R. B. Paswan, Mohan Dharai, Satish Chandra, A. K. Kotrashatti, J. N. Mandal, E. V. Vikhe Patil, Robin Kakoti, Tarun Gogoi, Mani Ram Godara, Gajadhar Majhi, M. Ram Gopal Reddy, K. K. Rami Reddy, R. D. Bhandare, Appalanaidu, Bhuvarehan, H. K. L. Bhagat, R. P. Yadav, Sanjevi Rao, Arvind Netam, L. K. Dumada, Dhamankar, Jagannath Mishra, Pampa Gowda, B. V. Naik, Dinesh Chandra Goswami, Tuna Oraon, R. V. Swaminathan, Ram Surat Prasad, M. T. Raju, T. Sohan Lal, P. Venkata Reddy, Ramubhai Patel, Chandee Gowda, Ramkrishna, T. Balakrishnaiah, N. Shivappa, Shastri Dayal Singh, Damodar Pandey, Lakshmi Narayan, Hiralal Doda and Chakrabhar Singh.