

14.31 hrs.

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL*(Amendment of sections 342 and 562)
by Shri M. L. Divedi

श्री म० ला० दिवेदी (हमीरपुर): महोदय, मैं प्रस्ताव करता हूँ कि दंड प्रक्रिया संहिता, १८६८ में प्राये संशोधन करने वाले बिल को पेश करने की धनमति दी जाय।

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898".

The motion was adopted.

श्री म० ला० दिवेदी : महोदय मैं बिल पेश करता हूँ।

11.31½ hrs.

FACTORIES (AMENDMENT) BILL*

(Insertion of new section 9A) by Shri
S. C. Samanta

Shri S. C. Samanta (Tamluk): Sir, I beg to move for leave to introduce a Bill further to amend the Factories Act, 1948.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Factories Act, 1948."

The motion was adopted.

Shri S. C. Samanta: Sir, I introduce the Bill.

14.32 hrs.

LEGISLATIVE COUNCILS (COM-
POSITION) BILL*

by Shri Shree Narayan Das.

Shri Shree Narayan Das (Darbhanga): Sir, beg to move for leave to introduce a Bill to provide for the composition of the Legislative Councils of States and for matters connected therewith.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the composition of the Legislative Councils of States and for matters connected therewith."

The motion was adopted.

Shri Shree Narayan Das: Sir, I introduce the Bill.

14.32½ hrs.

CIVIL AVIATION (LICENSING)
BILL*

by Shri J. B. S. Bist

Shri J. B. S. Bist (Almora): Sir, I beg to move for leave to introduce a Bill to provide for the licensing of certain flying and to repeal relevant sections of the Air Corporations Act, 1953.

Mr. Deputy-Speaker: Motion moved:

"That leave be granted to introduce a Bill to provide for the licensing of certain flying and to repeal relevant sections of the Air Corporations Act, 1953".

Shri U. M. Trivedi (Mandsaur): Sir, I oppose the introduction.

Mr. Deputy-Speaker: Ordinarily, at the introducing stage a Bill is not opposed.

Shri U. M. Trivedi: Sir, I want to make my submission. This Bill cannot be introduced. This Civil Aviation (Licensing) Bill makes provision for expenditure out of the Consolidated Fund of India.

Dr. M. S. Aney (Nagpur): Sir, I rise to a point of order. It has been an established convention of this House that no objection is taken at the time of the introduction of a Bill. After the introduction, when the next stage is taken up objection can be taken. This has been the convention here.

Shri U. M. Trivedi: No, Sir. That is not the convention. The convention is according to the rules.

Shri S. M. Banerjee (Kanpur): There is no question of any rules in this matter. We have formed certain conventions and this is one of them.

Shri U. M. Trivedi: I will show you the law.

Mr. Deputy-Speaker: Order, order. There is a provision under Rule 72. It says:

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the Member who moves and from the Member who opposes the motion, may, without further debate, put the question."

There is no point of order.

Shri U. M. Trivedi: Sir, the Rule further lays down that if a Bill is opposed on the ground that it cannot be introduced without a particular recommendation of the President, it cannot be introduced in the House.

Sir, article 117 of the Constitution says:

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President...."

A recommendation of the President must be attached to this Bill which in clause 7 lays down the financial commitments. A Financial Memorandum is attached. When a Financial Memorandum is attached, it is admitted that expenditure from the Consolidated Fund of India is involved in it.

Clause 9 says:

"The Central Government shall provide the Board with such accommodation and equipment as appears to it to be necessary or expedient for the exercise of their functions and shall also provide from among its officers and servants such number of persons to act as officers or servants of the Board as it may from time to time think fit, and any expenditure incurred by the Board with the approval of the Central Government shall be defrayed by the Central Government."

The Schedule also provides for payment of money from the Consolidated Fund of India. The hon. Member who has sought to introduce this Bill is of the opinion that these expenses can be met out of the earnings from it. That is not the point. These are not water-tight compartments. Every income that is there goes into the Consolidated Fund of India and whatever is spent goes out of the Consolidated Fund of India. So any expenditure which goes out of the Consolidated Fund of India is barred under article 110 and must require the recommendation of the President. Therefore, on that ground I oppose the introduction of this Bill as provided for in article 117 read with rule 72.

Mr. Deputy-Speaker: Does Shri Bist want to say anything?

Shri J. B. S. Bist: Sir, I have only to say that, as he has already stated, no extra expenditure will be incurred, because this will bring in an income which will meet the expenditure. It is only an adjustment and no extra expenditure is involved. That is a point which would need an elaborate discussion, and I do not think it would arise at this stage. He says that it involves extra expenditure. I submit that it will not.

Mr. Deputy-Speaker: This does not come under 110, this comes under 117. The only thing is that it cannot be passed without the President's sanction. So there cannot be any objection to its introduction.

Shri U. M. Trivedi: Under article 117 recommendation of the President is necessary.

Mr. Deputy-Speaker: Order, order. I rule that there is no substance in his contention. The question is:

“That leave be granted to introduce a Bill to provide for the licensing of certain flying and to repeal relevant sections of the Air Corporations Act, 1953.”

The motion was adopted.

Shri J. B. S. Bist: Sir, introduce the Bill.

14.39½ hrs.

INDIAN POST OFFICE (AMENDMENT)* BILL

(Amendment of sections 68 and 69)
by Shri S. C. Samanta

Shri S. C. Samanta (Tamluk): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Post Office Act, 1898.

Mr. Deputy-Speaker: The question is:

“That leave be granted to introduce a Bill further to amend the Indian Post Office Act, 1898”.

The motion was adopted.

Shri S. C. Samanta: Sir, I introduce the Bill.

14.40 hrs.

PUBLIC EMPLOYMENT (REQUIREMENT AS TO RESIDENCE) AMENDMENT BILL*

(Amendment of section 5) by Shri J. B. S. Bist

Shri J. B. S. Bist (Almora): I beg to move for leave to introduce a Bill to amend the Public Employment (Requirement as to Residence) Act, 1957.

Mr. Deputy-Speaker: The question is:

“That leave be granted to introduce a Bill to amend the Public Employment (Requirement as to Residence) Act, 1957”.

The motion was adopted.

Shri J. B. S. Bist: I introduce the Bill.

14.40½ hrs.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL*

(Omission of section 87B) by Shri M. L. Dwivedi

श्री मा० ला० द्विवेदी (हमीरपुर) : मैं प्रस्ताव करता हूँ कि व्यवहार प्रक्रिया संहिता, १९०८ में आगे संशोधन करने वाले बिल 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 मा० ला० द्विवेदी : मैं बिल को पेश करता हूँ।