

which will come in course of payment during the year ending the 31st day of March, 1964, in respect of 'Appropriation to Development Fund'."

15.30 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FOURTEENTH REPORT

Mr. Speaker: Now we take up Private Members' Business. Shri Hem Raj to move the motion.

Shri Hem Raj (Kangra): Sir, I beg to move:

"That this House agrees with the Fourteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 7th March, 1963."

Mr. Speaker: The question is

"That this House agrees with the Fourteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 7th March, 1963."

Shri Hari Vishnu Kamath (Hoshangabad): Mr. Speaker, Sir, I rise to oppose para 5 of this Report.

"The Committee suggests that not more than four Bills should be allowed to be given notice of by a Member during a session."

Sir, I invite your attention to Rule 294 of the Rules of Procedure. The Committee in making the suggestion has exceeded its powers.

Mr. Speaker: Rule 294?

Shri Hari Vishnu Kamath: Yes—Committee on Private Members' Bills and Resolutions. In my humble judgment, I feel, the Committee has gone far beyond the powers conferred

thereon under this Rule. The functions of the Committee are defined under this Rule—to examine every Bill, to examine all private members' Bills, to recommend the time, to examine every private members' Bill which is opposed in the House, and all that. I need not read out all those functions that are assigned to the Committee under this Rule.

Now, the suggestion that is made by the Committee in para 5 will, in effect, erode the powers, the rights, of private members conferred by Rule 65. Rule 65 reads as follows:

"Any member, other than a Minister, desiring to move for leave to introduce a Bill, shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill . . ." etc. etc.

The rights of members, the rights conferred by the existing rules of procedure, should on no account be whittled down or sought to be curtailed by a committee's recommendation. It may be that the committee may recommend that a particular Bill, of which notice has been given, might not be introduced or might not be moved for leave to introduce. But the giving of a notice of a Bill is a right which should on no account be curtailed and a member should be free, at liberty, to give notice of as many Bills as he likes. Sir, if I am permitted to say with all respect, this will be a serious erosion of the rights conferred by the existing rules of procedure upon private members in this House. Especially in a long budget session where there are more than, I believe, six days—sometimes more even—allotted for private members' Bills, it is wholly improper, it is wholly incorrect for any committee to make—and my hon. colleagues will agree—a recommendation which seeks to curtail the rights of members to give notice of Bills.

Dr. L. M. Singhvi (Jodhpur): Sir, while the jurisdiction and the competence of the committee, in my humble

[Dr. L. M. Singhvi]

opinion, would depend on Rule 294 under which the Speaker may assign a particular function to the Committee, we do not know whether this was also the function assigned to the committee by you. At any rate, there is this objection to the curtailment of an existing right. I think, before we can decide on this, we should very much like to know from you, Sir, whether this was a function assigned by you to the Committee and whether it is in pursuance of that assignment that the committee has proceeded to make this recommendation.

Shri S. M. Banerjee (Kanpur): Sir, I was also present in that meeting—and I am also one of the members of this Committee. Now, when we were discussing about the allotment of time for Bills, this question was raised by the Chairman, that is, by the Deputy Speaker. It was said that many members who table the Bills are not present in the House with the result that certain important Bills are not given proper priority.

You may remember, Sir, that even in the matter of non-official resolutions, what the previous practice was, we used to table hundreds of non-official resolutions and it was our sheer luck whether they were balloted or not. Now, the present practice is, the members have to give their names, say, for example, I—S. M. Banerjee—give my name for balloting and my name is balloted along with others and if my name secures priority, that is, my name is first, then I am asked to move the resolution.

Now, in the case of Bills, supposing I have tabled 10 Bills and my name is first in all the ten motions, then I am given only once chance. So, the Committee thought, almost unanimously, that there should be some restriction on this. If the restriction on this is going to be removed; I would humbly request that the restriction on non-official resolutions should also be removed.

Shri C. K. Bhattacharyya: I have followed the recommendation of the Committee and the speeches that have been made by members. It was never the intention of the Committee to curtail the rights of members. The Committee has made a suggestion in order to economise the time of the House and also to economise the energy of the officers of the Lok Sabha Secretariat. That is the conclusion I draw from the recommendations of the Committee. By giving notice of a large number of Bills, some of which may be on the off-chance—may not come up on the agenda—the distribution of the time of the House is not properly looked after. I think, allowing a member to give notice of four Bills in a session would be enough. How many Bills would a member want to move in a session and carry the House with him? My impression is that the Committee had no intention to curtail the rights of Members of the House. It is a suggestion only for economy.

Shri Hem Raj: Sir, when the suggestion was made, it was never the intention of the Committee to limit the rights of members for moving more than four Bills. But it thought that there are three sessions in a year and even if one member is given an option of moving four Bills in a session, it means that within a year he can move twelve Bills. In any case, it was never the intention to limit the rights of members. What was thought that a suggestion may be made in this regard as in the case of resolutions. Sir, during this emergency period, your goodself also requested the members to give some constructive suggestions in order to save the time of the Parliament. So, this is one of the suggestions that has been made by the Committee that, if the members so like, the House may take a decision that it would be sufficient for each member to move four Bills in a session. It has never tried to limit the rights of members of the House.

Mr. Speaker: That should be enough.

Shri Bade (Khargaon): My learned friend said that their intention was not like that; it has been done with good intentions. But this sort of curtailment is found nowhere in any other Parliament. The Committee has not got the power to curtail the rights of members.

Mr. Speaker: I have followed the hon. Member. The first question put to me by Mr. Singhvi was whether under Rule 294, I had given that direction. I have not given any direction to the Committee so far as that is concerned under sub-rule (2).

Then the second thing is the objection taken by Mr. Kamath that the members have a right to give notice of any number of Bills under Rule 294. That is correct so far as it reads . . .

Shri Hari Vishnu Kamath: Rule 65.

Mr. Speaker: This is correct. I have no intention, nor had the Committee any such desire, to curtail their rights of giving notices of Bills. Perhaps, it is only for the sake of convenience. Normally, they do not have the opportunities and only a few members monopolise the whole thing. Probably, others do not get the opportunity. Then, in practical experience, the Members do not get any chance of moving more than four Bills in a session. It is hardly that they are lucky to get a chance of moving more than four Bills in a session. Even if one hon. Member gets a chance of moving them, he does not get the chance to get them through or to proceed with them. Therefore, the only intention was that unnecessarily the time of the Secretariat, as was said by our hon. friend there, might not be spent on that. We can change the words here and we can ask the hon. Members themselves to exercise restraint on themselves. Instead of saying: "No hon. Member shall be entitled to give notice of . . ."

Shri Hari Vishnu Kamath: Let it be amended that way. It cannot be accepted in this form.

Mr. Speaker: That is what I am putting to the House. We can make that amendment saying that hon. Members are requested to exercise restraint on themselves so that they would not give notice of more than four Bills in a session. Would that be all right? There is no restriction then on the rights of any hon. Member.

Shri Hem Raj: There is only voluntary restriction then.

Mr. Speaker: Shall I put the motion with the modification?

Shri Hari Vishnu Kamath: Sir, I am not personally interested; I have not introduced more than one Bill so far in the whole year. But I am concerned about the rights of Members.

Dr. L. M. Singhvi: Sir, this is a direction from you which we shall always try to practise. But I do not think it is necessary to put it in that way. It does not look nice.

Mr. Speaker: That does not place any restriction on any hon. Member.

Shri Hari Vishnu Kamath: You need not request, Sir. We can say: "The Committee requests. Members . . ." Why should you?

Mr. Speaker: We will say, "The Committee requests . . ." So, with this modification the question is put that the Report of the Committee be agreed to.

The question is:

"That this House agrees with the Fourteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 7th March, 1963, as modified."

The motion was adopted.

Mr. Speaker: So the modified report of the Committee is agreed to. Now we take up the Bills.

15.43 hrs.

CHILD MARRIAGE RESTRAINT
(AMENDMENT) BILL—*contd.*

Mr. Speaker: The House will take up further consideration of the following motion moved by Shri D. C. Sharma on the 22nd February, 1963:—

“That the Bill further to amend the Child Marriage Restraint Act, 1929, be circulated for the purpose of eliciting opinion thereon by the 31st October, 1963.”

Shri D. C. Sharma may continue his speech.

Shri D. C. Sharma (Gurdaspur): Mr. Speaker, Sir, I am asking for something very innocuous and harmless from the Members of the Lok Sabha. I request them to permit me, through the Lok Sabha, to circulate this Bill so that public opinion on it is invited. I feel that public opinion, when it is solicited, will be very much in favour of this Bill.

Sir, you will ask me why I have brought up this Bill in this House. Sir, the Child Marriage Restraint Act was passed in 1929. We are now in 1963. So many social changes have taken place during the last 34 years. So much of social transformation has gone on in my country during the last so many years that the time has come when in conformity with the spirit of the age, in accordance with the exigencies of our social circumstances and in conformity with the necessities of our planning, we should raise the limit of age for child marriage. In 1929 we put the limit of 18 years for a male child and 16 for a female child. Obviously, Sir, there is very little difference between the ages of the two, and that does not make for, what may be called, eugenic marriages. I request this

House to raise the age limit of a male child to 21 and of a female child to 18. I say this for the following reasons. I am not going to talk about a male child because I think so far as our religions go they have prescribed the age of marriage for a young man to be 25. I am not asking for 25, I am asking only for 21.

An Hon. Member: What is the logic in it?

Shri D. C. Sharma: There is no logic in it, but there is a social necessity for it.

I am submitting very respectfully, Sir, that so far as the age of the girl is concerned it has got to be stepped up for the following reasons. In the first place, our girls are taking more and more to education and as education advances the age limit also advances. I know that there is not so much of literacy or education up to this time amongst girls, but I think as time passes the girls will attain parity with boys so far as education is concerned. Sir, the more the number of educated women, the greater is the need to raise this age limit for marriage.

My second point is, when this Bill was passed we had very few, what I call, working women. By working women I do not mean women working in factories but women who take to careers, who become members of the Indian Administration Service, Indian Foreign Service, who become members of other services and who also try to earn their living on their own. This tendency on the part of our girls and our women becoming earning members of the society is growing every day.

15.47 hrs.

[DR. SAROJINI MAHISHI *in the Chair*]

As soon as this tendency starts showing itself, I think the age limit has got to be raised. Sir,