

concessions as a minister which are now being treated as assurances given by the Government. It must be found out whether the present Bill is in conformity with those assurances and whether at least an attempt has been made to try to implement some of the assurances which were given on the floor of the House years ago. These are matters for consideration. I know very well that the hon. Minister is very considerate in dealing with the problem; we know only too well the extraordinary patience that he has displayed in dealing with the question of displaced persons from Pakistan. At the same time, I am sure he will appreciate the sweet reasonableness of the demand that some opportunity should be given to the members of this House to understand the problem properly and to come to some kind of understanding and diverse principles on the basis of which the Bill can be improved upon so as to make it acceptable to all and beneficial to all. With these few remarks, I support the motion given notice of by Shri Banerjee, if he has moved it.

श्री भू० ना० मंडल (सहरसा) :
 उपाध्यक्ष महोदय, आज हाउस में पब्लिक प्रीमिसेज (इविकशन ऑफ अनएथोराइज्ड आकुपेट्स) एक्ट, १९५८ को अमैंड करने के हेतु अमैंडमेंट बिल पेश है। अभी उस एक्ट को पाम किये थोड़े ही दिन हुए हैं लेकिन उस को अमैंड करने के लिए यह संशोधन विधायक लाने की सरकार ने ज़रूरत मसूस की।

जो एक्ट पास हुआ था वह ऐसे ढंग का एक्ट था जोकि पास नहीं होना चाहिए था लेकिन उस एक्ट को और भी खराब और सख्त बनाने के लिए आज यह संशोधन विधेयक हाउस के सम्मुख लाया गया है। मैं इस अमैंडमेंट बिल का विरोध करता हूँ। इस के साथ ही चाहता हूँ कि वह एक्ट जिस को कि वह इस तरह से अमैंड करना चाहते और यह अमैंडिंग बिल, इन सारी बातों

पर विचार करने के लिए वापिस कर लें। मैं ऐसा इसलिए कहता हूँ कि हिन्दुस्तान में जो अभी संविधान चल रहा है और उस संविधान की जो मंशा है उस के खिलाफ वह मूल ऐक्ट पास किया गया है और यह अमैंडिंग बिल भी उन के खिलाफ लाया गया है।

इस देश में बसने वाले हर एक आदमी के लिए उस के आदास की व्यवस्था होना आवश्यक है। आदमी को लाइफ़ की जो नैसेसिटीज़ हैं उन नैसेसिटीज़ में एक नैसेसिटी शैल्टर की भी है। उस के रहने के लिए जगह चाहिए, यह जीवन की एक बुनियादी आवश्यकता है और यह एक नैचुरल नैसेसिटी है जिस का कि समुचित प्रबन्ध एक जनतंत्रीय व्यवस्था में होना ही चाहिए। उस जनतंत्र में जिस का कि संविधान के मुताबिक सारा कामकाज चल रहा है, लोगों के रहने की समुचित व्यवस्था नितात आवश्यक है।

संविधान की यह मंशा हमेशा रही है कि इस देश का रहने वाला व्यक्ति जहाँ भी चाहे वह जा सकता है। जहाँ भी चाहे वहाँ जा कर वह अपना कारोबार कर सकता है। अब अगर कोई गरीब आदमी कहीं बाहर से आ कर दिल्ली में रह जाता है और वह बेचारा गरीब आदमी यह समझता है कि यहाँ दिल्ली में रह कर कुछ काम धंधा कर सकता है और अपनी जीविकोपार्जन कर सकता है..

Mr. Deputy-Speaker: The hon. Member will continue his speech when official business is taken up the next day. Now we will take up non-official business.

14.30 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

TWENTY-FORTH REPORT

Shri Hem Raj (Kangra): Sir, I beg

[Shri Hem Raj]

to move:

"That this House agrees with the Twenty-fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 28th August, 1963."

Mr. Deputy-Speaker: The question is.

"That this House agrees with the Twenty-fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 28th August, 1963."

The motion was adopted.

14.31 hrs.

CONSTITUTION (AMENDMENT)
BILL

(Amendment of article 368)—contd.
by Shri Hari Vishnu Kamath.

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the following motion moved by Shri Hari Vishnu Kamath on the 16th August, 1963:

"That the Bill further to amend the Constitution of India be taken into consideration."

Fifty-five minutes are left. Shri R. S. Pandey was on his legs. Is he here?—No. Does anybody else want to speak? I will give five minutes each. The Minister will have to be given some time and Shri Kamath will have to be given some time for reply.

Shri B. K. Das.

Shri B. K. Das (Contai): Mr. Deputy-Speaker, Sir, Mr. Kamath was one of the Constitution-makers and so he has rightly put the spirit of the Constitution in the Statement of Objects and Reasons. He says, "While the Constitution must not be regarded as a rigid, sacrosanct document,

yet its amendment should not be resorted to lightly". But he himself wants, by his proposed amendment, to make it very rigid.

Shri Hari Vishnu Kamath (Hosangabad): Not at all.

Shri B. K. Das: In ordinary Bills, if the quorum is present in the House and a majority of that quorum—it may be, say, twenty-six—passes a Bill, that is enough. But in the case of an amendment of the Constitution a majority of two-thirds of the Members present and voting is necessary and further a majority of the total membership is necessary for passing such an amendment.

I think the Constitution-makers were fully aware that in order that there may not be any rigidity and in order that the amendment is not passed very light-heartedly there should be some provision, and they very rightly laid down this provision. And if we look to the House today, when Mr. Kamath wants his amendment to be passed, we do not find this two-thirds majority of the total membership, of the House present here, nor is there a three-fourths majority voting in favour of his amendment. So it is impossible even for him to have the consent of the House to pass this Bill. I think Mr. Kamath has given us enough opportunity, and reasons also, for opposing his Bill. So I think that he should not press for the amendment that he has brought, and the provision, as it is, is enough for wisely considering any amendment of the Constitution that may be coming before us. With these few words, I oppose the Bill.

श्री यशपाल सिंह (कैराना) : उपाध्यक्ष महोदय, जब हम यह कहते हैं कि हमारा कांस्टीट्यूशन सेक्रिड, पवित्र और पाकतरा है, तो उस में जल्दी जल्दी चेंज करने से उस की पवित्रता के ऊपर लांछन आता है। ऐसा होता है कि जब सुप्रीम कोर्ट या हाई कोर्ट