

laws, then we cannot make any laws at all. Then you ought to leave law-making in the hands of some body which did not represent political parties; you ought to give up the idea of the majority party assuming office and administering the country, and so on. That is an impossible situation for any kind of parliamentary Government to be carried on.

With regard to outside employment we all know that our Defence policy is defence, it is not offence. And if our Air Force has to overstep the boundaries of our own territory that can be done only in the defence of our own country: not for the purpose of invading another country or helping another Government to crush political movements in that country. It was pointed out that in the case of the Territorial Army there is a provision that you cannot employ such forces outside your own country without specific sanction from the Central Government and such a provision is not to be found in this Bill I wish to point out merely this that the Air Force is somewhat different in this matter from the Army. The Air Force ought to take decisions on the spur of the moment. An emergency may crop up and there will be no time to think about it and apply to the Central Government for sanction and wait for it before the Air Force can be ordered to take action. We have got to recognize that particular fact. You can only demand that if they overstep our limits it must be only in defence of our own interests and in order to prevent an enemy from encroaching, or committing an aggression, on our own territory. We should give greater freedom to the Air Force in this matter than to the Army.

I think I have covered most of the points that were raised in this debate. I only wish to say that I should like, if possible, that this Bill becomes law before the end of this session. That is why we have fixed, in the draft motion that is now under debate, the date, 30th of this month, for the report of the Joint Select Committee to the House. I hope hon. Members will co-operate with us in concluding the discussions in the Select Committee in time for the report to be submitted before the due date. First this has got to go to the other House with a message and we have got to get their concurrence to ten of their Members serving on this Committee.

Mr. Deputy-Speaker: The question is:

"That the Bill be referred to a Joint Committee of the Houses, consisting of 31 members; 21 members from this House, namely: Major General Jagannathrao Krishnarao Bhonsle, Shri Shahnawaz Khan, Sardar Surjit Singh Majithia, Shri P. T. Chacko, Shri T. S. Avinashilingam Chettiar, Shri Tekur Subrahmanyam, Choudhary Raghbir Singh, Prof. Nibaran Chandra Laskar, Shri Uma Charan Patnaik, Shri M. S. Gurupadaswamy, Shri Hirendra Nath Mukerjee, Shri Girraj Saran Singh, Shri Rayasam Seshagiri Rao, Shri Rameshwar Sahu, Shri Awadheshwar Prasad Sinha, Pandit Balkrishna Sharma, Pandit Krishna Chandra Sharma, Shri T. R. Neswi, Shri Jaipal Singh, Shri Ajit Singh, and the Mover and 10 members from the Council;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 30th July, 1952;

that in other respects the rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to the Council that the Council do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Council to the Joint Committee."

The motion was adopted.

MESSAGE FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following message received from the Secretary of the Council of States:

"I am directed to inform the House of the People that the Council of States, at its sitting held on Thursday, the 24th July, 1952, has passed the enclosed motion concurring in the recommendation of the House of the People that the Council do join in the Joint Committee of the Houses on the Bill further to amend the Preventive Detention Act, 1950. The names of the members nominated by the Council to serve on the said Joint Committee are set out in the motion."

[Secretary]

Motion

"That this Council concurs in the recommendation of the House of the People that the Council do join in the Joint Committee of the Houses on the Bill further to amend the Preventive Detention Act, 1950, and resolves that the following members of the Council of States be nominated to serve on the said Joint Committee: Diwan Chaman Lal, Pandit Sitacharan Dube, Shri R. C. Gupta, Shri Bhalchandra Maheshwar Gupte, Shri K. S. Hegde, Shri Jaisukh Lal Hathi, Pandit Hirday Nath Kunzru, Shri P. S. Rajagopal Naidu, Shri K. P. Madhavan Nair, Acharya Narendra Deva, Shri Osman Sobhani and Shri P. Sundarayya."

Mr. Deputy-Speaker: I understand that the first sitting of the Joint Select Committee on the Bill further to amend the Preventive Detention Act will be held at 2-30 P.M. tomorrow and therefore, the sitting of the House in the afternoon tomorrow will stand cancelled.

ESSENTIAL GOODS (DECLARATION AND REGULATION OF TAX ON SALE OR PURCHASE) BILL

The Minister of State for Finance (Shri Tyagi): I beg to move:

"That the Bill to declare, in pursuance of clause (3) of article 286 of the Constitution, certain goods to be essential for the life of the community, as reported by the Select Committee, be taken into consideration."

I am grateful to the Members of the Select Committee who after exhausting themselves in the House took an active interest in the deliberations of the Select Committee, and applied their minds, and gave many suggestions. These as well as those which came from various quarters were considered and after a long deliberation, we have just given a report which I hope the Members of this House may have gone through. There was not much to be discussed in the Select Committee except the number of commodities which were to be included in or excluded out of the Schedule to the Bill.

There was one more point that was discussed here by my colleague when he moved the motion for the

consideration of this Bill. It was whether the laws which were also made by the State Governments before the passing of this Bill by us, or before the Constitution came into force, were to be amended by means of the measure which was before this House. In this connection my colleague had already explained and the fact is that what is implicit in the Constitution was tried to be made explicit by adding the words 'made after the commencement of the Act' in the Bill. These are the words which upset some of my friends. They thought that with these words this measure would dominate over or overrule the State enactments which has been completed in the past. There was some such suspicion lurking in the minds of some of my learned friends and they thought that it would be better to delete the words 'made after the commencement of this Act' from the Bill. In the meantime, we consulted the Law Ministry. My hon. friend, Pandit Thakur Das Bhargava has been discrediting my opinions about law, he being an old lawyer, I am sure he would care more for the opinion of the Law Ministry in this matter. We have been of the view and that is the view of the Law Ministry also, that as the Constitution stands, we shall not be able to make any changes by means of this measure in the laws which the State Governments had already enacted, both before the coming into force of the Constitution and also those laws which they enacted before this measure has been passed by this Parliament and about that. I think, instead of arguing in my own layman's language, I would rather prefer to read the opinion of the Law Ministry. That is practically all that has to be said about this Bill. There is no other argument: the Bill is very small and I do not want to take more time of the House. I understand that by one o'clock we could finish the Bill if that objection were not there. I am reading it just to avoid further arguments in this connection:

"The question may be divided under two heads:

(1) whether article 286(3) applies to laws made before the commencement of the Constitution, that is, before the 26th January, 1950; (2) whether the article applies to laws made during the period between the commencement of the Constitution and the enactment of a law of Parliament under that article.