

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

ADOPTION OF EIGHTH REPORT

Mr. Deputy-Speaker: The House will now take up non-official business adoption of the Eighth Report of the Committee on Private Members' Bills and Resolutions.

Shri Altekar (North Satara): Mr. Deputy-Speaker, Sir, with your permission I move:

"That this House agrees with the Eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 5th May, 1954."

Sir, one of the functions of this Committee was to examine the Private Members' Bills that were introduced in this honourable House and to classify them in categories A and B, as laid down in sub-clause (b) of clause (1) of rule 44, according to the nature, urgency and importance of the matter.

The Committee held its first meeting in this connection on the 6th March, 1954 and considered this particular aspect, the nature, urgency and importance of the Bill, and in order to clarify the whole situation, they have laid down certain principles which will help the classification of these Bills under these categories.

The first principle is that in the light of public opinion there is a general necessity and demand for the measure proposed. If there is such a public demand and necessity for this Bill, then it would come under category A and, if not, it will be relegated to category B.

The second principle is that if the Bill seeks to remedy some defect or lacuna in the existing legislation and if it is of great importance, then it will come under category A.

The third principle is that if it is not opposed to the Directive Principles of State Policy as defined in the Constitution and there are other important considerations, then it will be placed under category A.

Then, if there is already a measure in the legislative programme and if an hon. Member has moved a private Bill in that connection and if the disposal of that meets the purpose of such a Bill, then it will be placed under category B.

If there is a comprehensive measure by which the Government want to place the whole matter before the House and there is a Bill which deals only with some of these aspects and if such a Bill is moved by an hon. Member, then it will be classed under category B. and generally when such a Government measure is coming up the Bill will not be placed under category A.

If there is a great necessity for such a Bill, though the Government may be bringing in such a comprehensive Bill later on, and if in spite of that it is desirable that the elucidation of Government's policy should be there earlier on the floor of the House, then it will be placed under category A.

Sir, these are the six principles that have been laid down at the first meeting of the Committee on Private Members' Bills and Resolutions. I have already stated that.

There is another important aspect which was considered by this Committee and that was, when a certain Bill required the recommendation of the President because it was in the nature of incurring some expenditure from the Consolidated Fund of India and therefore this House could not consider it under article 117(3), and if such consent was refused by the President that Bill cannot be considered on the floor of this House; that Bill was relegated to category B. We have considered ten such measures in the case of three of which such consent was refused by the President.

Certain other measures were also placed in category A because they were of importance and consent was not refused. We can not expunge such a Bill because even though the President has refused his recommendation, it being already introduced is on the

[Shri Altekar]

list and even the House cannot expunge it and it will have to be kept alive until the whole life of the House is over. But, some times it may so happen that an hon. Member, who has brought such a Bill and who has failed to secure the recommendation of the President, may afterwards persuade the President and may get his permission and then the Bill will come under category A.

These were the important considerations that weighed with the Committee in classifying these Bills. As I have already explained, the Committee held six sittings for this particular purpose and the hon. Members who sent in these Bills and also the representatives of the Ministries concerned were called for and heard. After considering the *pros* and *cons* and also according to the principles enunciated, the Committee came to a conclusion with respect to the nature of the Bills and classified them accordingly under categories A and B. The Bills classified under category A have been shown in Appendix I and those classified under category B in Appendix II.

I recommend that the general principles laid down in paragraph 7 of the report be accepted by the hon. Members and I further request that the Bills as classified by the Committee in categories A and B also be adopted by the House.

Mr. Deputy-Speaker: Motion moved:

“That this House agrees with the Eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 5th May, 1954.”

Shri K. K. Basu (Diamond Harbour): Sir, I want one clarification. Unless the whole list of A is exhausted or finished, the Bills under category will not come up. Is that the idea?

Mr. Deputy-Speaker: There will be many Bills under A and many under category B. There will be separate ballots among each category.

Shri Altekar: According to rule 27(2), it is provided that unless those placed in category A are finished, those in category B will not be taken for consideration.

Shrimati Renu Chakravartty (Basirhat): The criterion has been laid down that a particular Bill will have to be important enough to warrant it to be categorised as 'A'. Suppose a particular Bill is very important for a section of the people and not applicable to all sections of the people, suppose it is applicable to a particular section, say, of the workers, which is quite an important section, would that warrant it to be eligible for being categorised as 'A' or because it does not apply to all sections of the people, would it be put into category 'B'?

Shri Altekar: May I answer to this at the end or after the questions are put by other hon. Members?

Shri Raghavachari (Penukonda): Category 'A' is constantly being supplemented, and until this category is exhausted, there is no chance for category 'B'. Every day category 'A' may get augmented; so category 'B' may better be abolished completely.

Mr. Deputy-Speaker: But those are the rules.

Shri Altekar: If a Bill contains provisions of an important nature and the whole country has got interest in it, though, as a matter of fact, it relates to a particular section, the Committee may waive it and recommend that it be put into category 'A'. With respect to the question raised by my friend, Shri Raghavachari, I have to state that category 'A' comprises of Bills which are of a very important nature; and if there are Bills of a very important nature although they may have come later but are of greater importance than those that will come under category 'B', they will come under category 'A' and will get precedence on account of their greater importance and urgency.

Shrimati Renu Chakravarty: For instance, there are certain Bills which are to come before the House—at least, the Government has promised that certain measures relating to workers will come before the House. In view of that, certain Bills have been put into category 'B'. Suppose the Government just delays—now it is already three years and another 1½ years will be over—and then that category will remain. In effect, we will not be able to bring the Bills which have once been categorised as 'B' into 'A' for the simple fact that Government has not brought forward the Bills they promised.

Shri Altekar: If there is such a Bill which is of great importance and it is put into category 'B' because Government is going to bring forward a Bill of a very comprehensive nature, and if there is delay on the part of the Government, the hon. Member concerned may again request the Committee. In that case it will be re-considered and put into category 'A' if it is of great importance and Government is delaying.

Shrimati Renu Chakravarty: That means any matter may be re-opened with the Committee.

Sardar A. S. Saigal (Bilaspur): Yes.

Shri D. C. Sharma (Hoshiarpur): I beg to submit that this categorisation of Bills is not a very healthy practice. I say so in view of the following reasons. Every private Bill that is presented by a Member is dictated by his conviction or some particular necessity or some urgent need which he wants to voice. This is the one privilege that is enjoyed by him in the House, and to snatch that privilege away from him by categorising these Bills is—I may be forgiven for saying this—almost schoolmasterish. I beg to submit that these Bills are already subjected to the hazards of the ballot—and it is a very very big hazard—and you know there are many persons who may always be drawing a blank and never draw the prize, that is to say, who may never

have the good fortune to have their Bills considered. That is a big hazard that private Member runs when he presents a Bill. On the top of it, you are making him liable to another hazard, namely, that you are classifying these Bills. I have nothing to say against the rules that you have put forward for the classification. They are admirable and I do not want to go into the merits of the rules. I think they are all right.

Mr. Deputy-Speaker: The hon. Member is objecting to the Rules of Procedure already framed. There is no question of arguing this matter. The report that has been published is in accordance with the rules laid down in chapter VII of the Rules of Procedure, namely, rules 40 to 50. These rules were framed and they have been in force. As a matter of fact, every opportunity is given to the hon. Member, who has tabled a Bill, to be present when the Committee takes into account the other Bills. He is asked to give his opinion why it should be placed in category 'A' or not in category 'B'. Even if it refers only to the good of a section of the community, it is allowed to be put into category 'A' and it is not a hide-bound department. Once the hon. Member makes another request, the Committee itself may review and put it into category 'A', and it is for the purpose of seeing that important Bills are given preference over others which may come by way of ballot. I think it is in the interest of all and for the convenience of Members.

One other thing existed for which the rules were amended. Hitherto new Bills which were important and notice of which had been given for the purpose of introduction, could not be introduced at all until all the Bills which had been already introduced were disposed of, and therefore, they would not see the light of day. The rules were modified to give preference to this.

With regard to the other Bills, important Bills are categorised under 'A'

[Mr. Deputy-Speaker]

and others of a less important nature under 'B'. Therefore it is a flexible position from category 'B' to category 'A' and from time to time we review the position and the importance of the Bills. This is only an experiment. If any hon. Member is not satisfied with the categorisation, if he wants a Bill that is put into category 'B' to be put into category 'A', he can, when this motion was brought forward here, move an amendment to that effect and the House will have the opportunity to consider and decide whether the Bill should be put into category 'A'. Therefore, there is nothing done over the head of Parliament also and the Parliament has ample opportunity to find out whether a particular Bill ought to be given priority or not. Let us try this experiment and see how far it is useful. We cannot abrogate it now.

Shri S. V. Ramaswamy (Salem): Once the Bills are placed in category 'B', they are placed under the sentence of death. May I be assured that it will not be so?

Mr. Deputy-Speaker: Only useless Bills will be thrown away. They will be dead.

Shri D. C. Sharma: Let me put one question in all humility. This categorisation of Bills, to my limited understanding, is a curtailment of the privileges of the Members. That is what I say.

Mr. Deputy-Speaker: It is not a curtailment. It is better organisation. Are we to go by some organisation of plan in this House or not?

Shri D. C. Sharma: Because, Sir, to categorise the Members into two classes, class A and class B, is not correct when all Members are equal. Whatever it is, you say this man has produced something which is A class and another Member has produced something which is B class. It is not....

Mr. Deputy-Speaker: Does the hon. Member contend that all Bills are of equal importance?

Some Hon. Members: No.

Mr. Deputy-Speaker: The rules are there. The report has been presented in accordance with the rules. No amendment has been tabled so far as any of the Bills are concerned that a Bill in category B has to be put in category A. Therefore, there is no opposition, except in general principle. Let us see.

Shri Kazmi (Sultanpur Distt.—North-cum-Faizabad Distt.—South West): I want a clarification. So far as categorisation is concerned, I am not opposed to it. I wanted you to clarify one thing. There are many Bills in which the Government contemplate to bring legislation on particular lines. A private Member brings a Bill on the same lines. It comes up before the Committee for consideration and the Government say that they have in their contemplation a Bill of a similar kind, and therefore it may be placed in category B. I quite understand that. But, the only difficulty is, at what stage the Government have got their contemplation so far as that Bill is concerned. We know that so far as this House is concerned, legislation of the Government is quite voluminous and the chances of a Government Bill coming up for discussion before the House are not very bright. What I say is this. You must fix a stage at which the Government have the matter. If they have drafted a Bill or they are ready with a Bill, then, the private Member may not move it. If they have got only in their contemplation, thinking that they will bring a Bill of that kind, that is one thing.

Shri Altekar: Sir.....

Mr. Deputy-Speaker: Order, order. I have not called the hon. Member. No hon. Member can start off like that.

Shri Kazmi: There is another point on which I want clarification. Government at one stage.....

Mr. Deputy-Speaker: Does the hon. Member refer to any of these Bills put in category A or B?

Shri Kazmi: No.

KAZIS BILL

Mr. Deputy-Speaker: Then, it is a general discussion. I am not going to allow that any more. If any particular Bill has been put in category B merely because there was an assurance or suggestion on the part of the Government that they are going to introduce legislation, which is not going to be achieved for an indefinite time, we can see. The hon. Member who tables the Bill will be there and the representative of the Ministry will also be there. Both will be heard. If there is a reasonable chance or immediate prospect, it will be done. Otherwise, for a short time it will be put off or it may not be put off. We are arguing hypothetically. There is not a single case where an hon. Member has tabled an amendment that what should be categorised as class A has been classed as B. When the matter comes up, it is for the House to consider. The matter can be placed before the Committee.

The question is:

"That this House agrees with the Eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 5th May, 1954."

The motion was adopted.

**PREVENTION OF CORRUPTION
(AMENDMENT) BILL**

Shri U. C. Patnaik (Ghumsur): I beg to move for leave to introduce a Bill further to amend the Prevention of Corruption Act, 1947.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Prevention of Corruption Act, 1947."

The motion was adopted.

Shri U. C. Patnaik: I introduce the Bill.

Shri Kazmi (Sultanpur Distt.—North-cum-Faizabad Distt.—South—West): I beg to move for leave to introduce a Bill to provide for the appointment of persons to the office of Kazi and for performing and keeping a record of marriages and divorces amongst Muslims.

Shri Pocker Saheb (Malappuram): On a point of order, there is already a Bill for which we have given leave. It is already there. The hon. Member is introducing another Bill for the same purpose.

Mr. Deputy-Speaker: What is that Bill?

Shri Kazmi: That is not a fact. My hon. friend has not seen the Bill. It is a different Bill.

Shri Pocker Saheb: It is there in the list.

Shri Kazmi: May I enquire if he has seen this Bill?

Mr. Deputy-Speaker: Leave granted here?

Shri Pocker Saheb: Yes. This is another Bill for the same purpose.

Mr. Deputy-Speaker: What is the number of the Bill?

It must be in either category A or B.

Shri Kazmi: It is B.

Mr. Deputy-Speaker: What is the number of the Bill, which he says, according to him, blocks this present Bill?

Shri Pocker Saheb: Bill 83 of 1932: The Muslim Kazis Bill.

Mr. Deputy-Speaker: Has the hon. Member compared the Bills?

Shri Pocker Saheb: I have not seen the new Bill. How can I compare?

An Hon. Member: How can he then object?