

**MOTION RE FIRST REPORT OF THE COMMITTEE ON PRIVATE MEMBERS' BILLS**

**Mr. Chairman:** In considering this motion,—it is a very simple one—I would request the hon. Members not to exceed the time-limit of five minutes. After all, there is only half an hour, and only five or six Members can take part. Mr. Altekar.

**Shri Altekar (North Satara):** I beg to move:

“That this House agrees with the first Report of the Committee on Private Members' Bills presented to the House on the 9th December, 1953.”

Sir, there was a committee on Private Members' Bills nominated by the hon. Speaker as per rule 37A, and after considering the Bills that were placed before it in two meetings that were held on the 4th and 8th December, 1953, it has presented this report to this House.

Sir, according to the rule, the Bills fall under two heads, one is as regards the amendments to the Constitution and the other is on matters which do not seek to amend the Constitution but which are on questions of importance—whichever question the hon. Member wants to move before this House. So far as Bills which do not concern the Constitution are concerned.....

**Shri S. S. More (Sholapur):** On a point of order. My submission is that the motion stands in the name of Shri M. A. Ayyangar. He happens to be the Chairman of this particular Committee and under the rules published in the Gazette on 3rd October, 1953, he has to submit the report. If any motion is to be moved, as a matter of fact, it should be moved by the person in whose name the motion stands. Of course, as far as Government is concerned, I can well understand that when a particular Minister has tabled a motion, another Member of the Government can move that motion for consideration of the House, allowing the original Member to take refuge. But, as far as private Bills

are concerned—this is more or less a private motion—my submission is that under the rules, the hon. Member who has tabled the motion must move it. Of course, the hon. Member has moved this particular motion happens to be a Member of the Committee, but my submission is, I would like to.....

**Shri Altekar:** According to Rule 37H, the motion can be moved by any Member. There is no such restriction placed on the mover of the motion. “At any time after the report has been presented to the House a motion may be moved that the House agrees or agrees with amendments or disagrees with the report.”

**Shri S. S. More:** Will you allow me to explain? The Secretary referred to some sections, to some particular rule. The hon. Member who says that the motion may be moved that the House agrees or agrees with amendments or disagrees with the report. In view of the proviso under rule 37H—“Provided that not more than half-an-hour shall be allotted for the discussion of the motion and no member shall speak for more than five minutes on such a motion.”—and as per the motion which has already been given notice of by the Chairman of the Committee, can a motion of which notice had been given by one Member be permitted to be moved by another Member in this fashion? It might be a precedent for us....

**Mr. Chairman:** I understand what fell from the hon. Member. He was raising two points. My ruling is this on the first point. The rule is quite clear on this point. Rule 37G(2) says “The Report of the Committee shall be presented by the Chairman or by a member of the Committee to the House.” On the second point we all know that so far as the Deputy-Speaker is concerned, if he is in the House, then he must preside in the absence of the Speaker. When presiding, it is difficult for him to move any motion. So, it means that whenever the Deputy-Speaker is the Chairman of any Committee, and he is the

Chairman in many Committees, no motion can be made by the Deputy-Speaker at all when the Speaker is not in the House. No motion can be made by the Chairman also as such. The practice in this House has been—I have been a Member on the Panel of Chairmen for a long time—that sometimes when there were certain amendments in my name, those amendments were allowed by me to be moved by other Members, since a person who is in the Chair, cannot be supposed to move them. So, so far as the practice and the rules are concerned, it is perfectly open to Mr. Altekár to move the motion.

**Shri S. S. More:** With your permission.

**Mr. Chairman:** It has been decided. No further argument.

**Shri S. S. More:** I am referring you to another rule.

**Mr. Chairman:** The point of order has been raised. It has been decided. That is the end of the matter.

**Shri S. V. Ramaswamy (Salem):** I raise another point of order.

**The Minister of Law and Minority Affairs (Shri Biswas):** How many minutes of the half-hour shall we waste on points of order?

**Shri S. V. Ramaswamy:** Under sub-rule (2) of Rule 37G, there is no provision for the mover to make a speech here.

**Mr. Chairman:** Order, order Mr. Altekár.

**Shri Altekár:** I was submitting that as regards the Bills which are in connection with matters other than amendments to the Constitution, the Committee has to examine them after they have been introduced in this House and divide them into two categories A and B according to their importance and urgency. Then, of course, the time is to be allowed for a particular Bill and then it would be the time allotted for all its stages.

So far as the Bills in connection with other matters—that is other than constitutional—which came up before

the Committee, were concerned, there was the Bill for the consideration of which my hon. friend Shri Seth Govind Das was already on his legs. We sought to determine the time for all its stages and we decided that four hours should be taken for the consideration of the Bill.

As regards the other Bills, that is, Bills seeking amendment to the Constitution, they are to be considered by the Committee before they are introduced in this House, and the Committee has to report to the House whether leave should be granted to move those Bills. We examined all these Bills. While examining whether leave should be granted or not, four important principles were laid down. They are mentioned in the report. I am not going to repeat them, because time is short. But one important point which I would like to make for the consideration of the House is that when a Bill is brought to amend the Constitution the most important thing that has got to be borne in mind is that our Constitution was framed by a Constituent Assembly which was specially elected for that particular purpose.

The Constituent Assembly has considered all the aspects of the various questions that have arisen and has framed the Constitution after a thorough discussion of the pros and cons. It is hardly three years and we are the first elected Parliament under that Constitution. The experience we had of the working of the Constitution is barely for two years. It has to be borne in mind by every one of us that the Constitution is a sacred document and it should not be lightly treated. The subject matter of the three different Bills that are now sought to be introduced in this House, regarding the election or otherwise of the Governor, the abolition of the Second Chambers and raising the age-limit of the Members, were thoroughly thrashed out in the Constituent Assembly, and I beg to submit that nothing unforeseen, nothing new, has taken place which warrants any change in the Constitution.

[Shri Altekar]

Sir, I do not want to take any more time of the House, because other hon. Members are anxious to speak. But I would like to mention that the matter was considered by the Private Members' Bills' Committee at two different meetings. The members concerned were called before the meeting and those present placed their views before it. The Committee gave dispassionate consideration to all matters and has submitted its report, and I suggest that it should be accepted by the House.

**Mr. Chairman:** Motion moved:

"That this House agrees with the first Report of the Committee on Private Members' Bills presented to the House on the 9th December, 1953."

**Shri M. S. Gurupadaswamy (Mysore):** On a point of information. May I submit that the Members in whose names the Bills are standing may be given a chance first to speak?

**Mr. Chairman:** This is not asking for information. It is a direction to the Chair. The Chair will exercise proper discretion in the matter.

**Shrimati Renu Chakravartty (Basirhat):** On a point of information: are we expected to finish discussion on this motion by half past six.

**Mr. Chairman:** By 6:35. Five minutes were taken on some other subject.

**Shrimati Renu Chakravartty:** There are only fifteen minutes left; several of us who have tabled amendments are anxious to take part.

**Mr. Chairman:** The Chair is not responsible for it.

**Shri S. S. More:** I want to raise another point of order.

Though some of the Members are welcoming my point of order with a sort of derisive laughter.....

[MR. DEPUTY-SPEAKER in the Chair]

I am very happy, Sir, that the Chairman of the Committee against

whom I have got a lot of complaints happens to be in the Chair.

The motion is that the first Report of the Committee on Private Members' Bills presented to the House be accepted. There are no definite recommendations, one, two, three, four, which we are asked to accept. So, this motion by itself is very vague.

**Shri K. C. Sodhia (Sagar):** On a point of order. My submission is whether the Chairman of the Committee who has presented this report is at all warranted to occupy the Chair.

**Shri S. S. More:** I do not want to be so rude.

**Mr. Deputy-Speaker:** I do not think there is any point of order.

**Pandit Thakur Das Bhargava (Gurgaon):** The points raised are: that this motion has been made by another Member of the Committee, not by the Chairman himself. The other point is.....

**Shri S. S. More:** You have not yet heard my point.

**Mr. Deputy-Speaker:** Hon. Members might take it from me that I have absolutely nothing to do in this matter. I have no personal interest in it. I am a Member of several Select Committee, though I am not anxious to be in them. The Deputy-Speaker when he is a member of a Select Committee presides over them. No exception has till now been taken on this ground. I may inform hon. Members that I keep an open mind on the subject. Therefore with a clean heart they can proceed.

But a point of order, if one is sought to be raised, must be clearly stated.

**Shri S. S. More:** My point of order is that this report is against the Constitution and our Rules of Procedure. It circumscribes the rights of private members to participate in the proceedings of the House, according to the freedom granted to them under the Constitution.

One of the recommendations of the Committee is that any Bill suggesting an amendment to the Constitution should not be allowed to be even introduced in the House. A private member has been defined in the Rules of Procedure as any other other than a Minister.

Under Article 105 of the Constitution the rights and privileges of the Members of this House are on a par with those of the House of Commons. I would refer you in this connection.

**Mr. Deputy-Speaker:** Not necessary, the hon. Member need only state the point.

**Shri S. S. More:** I am substantiating them with authorities.

**Mr. Deputy-Speaker:** It is not necessary.

**Shri S. S. More:** I am habituated to argue with authority.

**Mr. Deputy-Speaker:** The hon. Member ought not to import the practice in a court into this House.

Hon. Members have got a right to state a point. Whenever I do not understand a point I will request them to explain them. Under the rules points have only to be stated.

**Shri S. S. More:** I quite see, Sir, but some of us are quite new to Parliament. So, this report goes against Article 105, if I may say so.

**Mr. Deputy-Speaker:** That is the privilege article. Hon. Member may kindly resume his seat. I have understood his point of order.

First of all, this is only a recommendation made by a committee. It is for the House to decide whether leave to introduce should be granted or not. It is open to hon. Members to move an amendment on the lines of Mr. Ramaswamy's and seek the vote of the House.

**Shrimati Renu Chakravarty:** Are we to take it that the recommendations of the Committee are only of a recommendatory character? But

from the way it has been framed, it does not seem so.

**Mr. Deputy-Speaker:** Hon. Members will kindly look into the rules. These recommendations are only recommendatory. Unless the House accepts and agrees with those recommendations they won't be binding on anybody. It is open to the House to throw out the motion, in which case the recommendations would not have any effect, or accept it with such modifications as it chooses. The House is absolutely free to come to its own conclusion. Anything affecting the Constitution is an important matter; so a Committee of the House has gone into this matter.

**Shri S. S. More:** Unfortunately I have not been properly understood. I know we are running against time. We cannot help it. There is the question of the rights and privileges, and one of the important recommendations of the Committee is, if I can read it to be precise....

**Mr. Deputy-Speaker:** I have given my ruling. There is absolutely no question of this Committee's recommendation binding upon this House unless it is an order of the House. Therefore nobody is fettered and no privilege is interfered with. The House can oppose and throw it out.

**Shri S. S. More:** Even under the rules of the constitution of the Committee itself, powers were given to the Committee to examine, not to make any recommendation. And if the Committee has made recommendations, they are *ultra vires*.

**Mr. Deputy-Speaker:** The hon. Member is leaping from one point to another.

**Shri S. S. More:** Sir, I have to shift to another point....

**Mr. Deputy-Speaker:** Order, order. I cannot go on allowing this kind of thing. When he raised his point he must have been complete. If he wants to oust the jurisdiction of the House and not entertain any report, even with respect to that point he will

[Mr. Deputy-Speaker]

kindly look into Rule 37 G, H and i, where there is a report contemplated. And the report may be accepted or rejected by the House. Therefore they have to send a report to the House.

**Shri S. S. More:** May I bring to your notice Rule 37E which says that "the functions of the Committee shall be....

**Mr. Deputy-Speaker:** Order, order. I am not going to allow any more discussion on this. Because if I satisfy the hon. Member on E he will go to G. He will kindly read the portion that relates to the report.

**Shri S. S. More:** Do you mean, Sir, that without reading it I am raising the point? It is a slur on me.

**Mr. Deputy-Speaker:** I am not making any general remark. When he raised a point of order he must have made it complete—one, two, three, four. Still I allowed him. But he wants to go to another point. I have given my ruling on the point of order.

**Shri S. S. More:** But why this slur, Sir? May I protest?

**Mr. Deputy-Speaker:** He has made his protest!

**Shri M. Khuda Baksh** (Murshidabad): Sir, it is most unusual. The hon. Member was addressing you on a point of order, and in the midst of it another Member from this side rose to a point of order. But the other Member was allowed to make a speech in the midst of a point of order that was already in progress. I think it was unusual and not in order. I want your ruling on this.

**Mr. Deputy-Speaker:** The point of order is over. As soon as he rose he might have raised a point of order.

**Shri S. V. Ramaswamy:** I beg to move:

That for the original motion, the following be substituted:

"That this House disagrees with the Report of the Committee on Private Members' Bills on Bill No. 127 of 1952."

In moving this I wish to place before the House that the Report submitted by the Committee is not very satisfactory. The very purpose of private Members' Bills or the right of a private Member to move a Bill or bring a Resolution before the House will be defeated if this report is accepted. The right of a private Member to move a Bill is a very valuable right which we shall not deny ourselves. Private Members are the spear-heads of public opinion. It may be that the Constitution is a very sacred document. We all accept it. But nevertheless we are living in changing times. From year to year, almost from day to day, we are living in a world which is changing. And to say that the Constitution must remain, as it was framed, for ever would be wrong. It is to suit the changing times and circumstances that we as private Members bring forward either Resolutions or Bills. It is to suit the changing need of the time, for instance, that I have brought this Bill. I am referring to my Bill No. 127 of 1952. The other Bill, No. 124, I myself did not press. It may be that when the Constituent Assembly framed our Constitution the situation was entirely different. Now, this Bill seeks the abolition of Upper Houses in the States. As you know, under the Constitution, in six States you have got Upper Houses. The question of Second Chambers is a very old question. Any student of constitutional history will know that it has been discussed threadbare. Nevertheless, in the present context I wish to urge whether it is necessary to maintain Second Chambers in the several States. One argument that I wish to advance is that under the Constitution the strength of the Legislative Assemblies in the several States has been increased to such a

great extent that it is absolutely superfluous for an Upper House to function in the States.

I will give you only one example. In my district of Salem in the Madras State, before the Constitution we had eight Members for the Legislative Assembly. Now, under the present Constitution we are having twenty-two Members. If the membership of the Lower House has increased nearly three-fold, what is the purpose in having another House and putting ourselves to the enormous expenditure of having membership of the other House. We wish to economise in administration. Parliamentary democracy shall not be a burden upon the taxpayer.

**An Hon. Member:** Go on.

**Shri S. V. Ramaswamy:** I am addressing the Chair. The Chair is not listening.

**Mr. Deputy-Speaker:** Order, order. The hon. Member must conclude.

**Shri V. P. Nayar (Chirayinkil):** That shows that the Chair has been listening!

**Shri S. V. Ramaswamy:** Sir, as I was submitting, parliamentary democracy shall not be a burden upon the taxpayer. To have these Upper Houses in the States is, in my humble opinion, a costly futility. Because, the same debates that are held in the Lower House in the States are repeated in the Upper House, involving a duplication of T.A., D.A., printing, stationery, this, that and the other. It appears to me to be a needless waste.

Sir, it is half past six. May I continue? I have not finished.

**Mr. Deputy-Speaker:** No. Five minutes were allowed to the hon. Member. He has exceeded five minutes. We will go to another amendment. **Shrimati Renu Chakravarty.**

**Shri N. M. Lingam (Coimbatore):** My amendment is the first.

**Shrimati Renu Chakravarty:** Sir, while moving my amendment I would like to make a little correction and that is to delete the last few words, namely "on Bill No. 127 of 1952". It is a small mistake.

I beg to move:

That for the original motion, the following be substituted:

"That this House disagrees with the Report of the Committee on Private Members' Bills."

Sir, it is a very important report which has been brought before this House and one which we must emphatically throw out. Because, it goes against the fundamental rights granted under the Constitution to every Member elected to this House. You, Sir, have of course made it already clear that the report is only of a recommendatory character. But I agree with Mr. More that the very constitution of this Committee and its functions, as written down in this report, go against the fundamental rights of Members and no authority has any right to take away the right of Members to bring forward any amendments to the Constitution. My friend Mr. Altekar was emphatic in saying that nothing new has happened to warrant that there should be changes to the Constitution. One very big change has come about, and that is that the Constituent Assembly when it was formed was formed with Members who were elected under the 1935 Constitution. There was absolutely nothing called an opposition. There were no such people who had come to the electorates and been returned from them. Almost all of us, many of us, have been returned on certain manifestoes, which we have presented to the people and in those manifestoes, there are many points which need an immediate amendment of the Constitution. For example, I should like to point out that we have been returned on the manifesto demanding deletion of the article which says that there can be no confiscation of property without compensation. We stand on that and we demand that there should

[Shrimati Renu Chakravartty]

not be anything which takes away from us the right of bringing forward in this House what we have promised to the electorate and therefore, cannot accept the report of this Committee.

We have been told in the recommendation, especially on page 3, that the Constitution should be considered as a sacred document. The framers of the document have not regarded it as a sacred document. They have cared tuppence for it when we see that even within a short period from the time of its birth, they have not faltered in bringing an amendment when it was a question of curtailing civil liberties. At that time, it was not regarded as a sacred document. Now, when we want that certain other amendments should come forward, all these arguments are brought forward that it is a sacred document and that nothing has changed and therefore we cannot be allowed the right to bring forward amendments to the Constitution.

The report says: that the Constitution can be amended only when it is found absolutely necessary to do so. Who has given the right to anybody to say that it is absolutely necessary to do so or not? Only the people can tell us. They have told us in unequivocal language; they have given us a mandate that we should demand a change in the Constitution. Therefore, most emphatically I say that we cannot accept the recommendations of this Committee.

Furthermore, it has been said that we have to go into the interpretation of the various articles and provisions of the Constitution and into the intention and what was behind the minds of those who framed it. We were not there. We were not a party to the framing of the Constitution. We accept many parts of it; many other parts we do not accept. Therefore, we will not allow anybody to touch our right to demand that there should be a change and bring forward amendments. Nobody can take away that right from us.

In para 6 (3) it is stated:

"Generally speaking, notices of Bills from Private Members should be examined in the background of the proposals or measures which Government may be considering at the time...."

I think very few people in this country will know what is going on in the mind of the Government. Certainly, we are not in a position to fathom what they are thinking.

**Shri S. S. More:** Even they do not know their own mind.

**Shrimati Renu Chakravartty:** I should like to point out some concrete examples. We have been told the other day that the Law Minister is going to find out ways and means of how he should bring forward such Bills as the Dowry Bill, and other social Bills. We have been demanding the Rao Bill. Even today we find there is no comprehensive law incorporating all that was contained in the Rao Bill. We have no faith in what the Government is thinking. We have got to fathom their intentions, understand them and then we will be allowed to bring forward Bills in this House. This position is completely untenable.

Then again in sub-para (4) it is stated:

"Whenever a private Member's Bill raises issues of far-reaching importance and public interest, the Bill might be allowed to be introduced so that public opinion is ascertained and gauged to enable the House to consider the matter further."

Again, I emphatically say that there is no question of "might be allowed". It is our right and we will not allow any body to challenge that right. We come from the Opposition parties. We are not in the party of the Government. It is only right that, when we are given a very meagre right of bringing forward Bills and Resolutions, nobody should put any sort

of a curb on the right that we have. Continuing the report says:

"In determining whether a matter is of sufficient public importance, it should be examined whether the particular provisions in the Constitution are adequate to satisfy the current ideas and public demand at the time."

Who is to gauge that? If we say that that is the demand of the people, who is to gauge that? I am afraid the Members in the Treasury Benches have got yards of cotton wool pushed into their ears and it is difficult for them to hear what people outside are saying. I would say that it is impossible to lay down such principles. Who is to decide what are the current ideas and public demand at the time?

The report says:

"In other words, the Constitution should be adapted to the current needs and demands of the progressive society and any rigidity which may impede progress should be avoided."

This, I think, is a little face saving statement on the part of the Committee, if I may be permitted to say so. You talk of progressive society and demands of progressive society and say, we do not want to avoid such things. I say that there are many points, which we as Members say, represent the current needs and demands of progressive society, which go against the Constitution. Nothing should be put in the way of our presenting that case. Therefore we oppose this report.

I shall just take 5 minutes more and I think I should be allowed to finish.

**Some Hon. Members:** No, no.

**Shrimati Renu Chakravartty:** I request the Members sitting opposite to let me finish.....

**Shri S. V. Ramaswamy:** Could we not take up this matter some other day?

**Shri V. G. Deshpande (Guna):** One full day should be given.

**Mr. Deputy-Speaker:** I find several hon. Members desirous of speaking. I do not want to throttle any discussion. This is the first time that this matter is coming up. A Committee has been appointed and it has made some recommendations. All the points of view have to be placed before the House. I will waive the rule and we will have discussion for another half an hour some other day so that all points of view may be placed before the Committee.

**Some Hon. Members:** One full day.

**Mr. Deputy-Speaker:** Why not tomorrow? All right; we will take it up on the next available day and we will have a discussion over this matter.

**Pandit Thakur Das Bhargava:** May I respectfully submit, Sir, that half an hour for this matter will not be sufficient as the points involved are very important. They go to the root of the matter.

**Mr. Deputy-Speaker:** I shall also tell the Speaker that this is a matter of first impression. I do not want any hon. Member or the House as a whole to be under the impression that this report is going to throttle them or stand in their way. Therefore, I will waive the rule and I won't put the Question now. I shall give the hon. Lady Member an opportunity to continue for five more minutes next time.

Hon. Members will also kindly bear this in mind. After all this is a recommendation to the hon. Members, in voting one way or the other. What is being done? All the four Bills are here. Each hon. Member who has given notice will assume that this is the time for introduction. Under Rule 72 of the existing rules, even apart from the new rules regarding the Committee, if a motion for leave to introduce a Bill is opposed—we will assume that the Government opposes—the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the Member who moves



[Mr. Deputy-Speaker]

and from the Member who opposes, the motion, may, without further debate, put the question. What I would submit to the House is this. The framers of the report do not arrogate to themselves the decision. They only make a suggestion. Even if individually everyone of these Bills should be introduced now, which I think is what is being done in this half an hour, what any hon. Member can claim under the existing rules, apart from this report—this is a new rule—is to make a statement if it is opposed, and then the other side, that is, the opponent, also makes a statement and then immediately the Question is put. Therefore, no valuable right which is now existing is taken away. In addition, the House has got an opportunity to consider the report. The report is not binding on the House. Therefore even at this stage, without allotting any more day, I can straightaway put these motions one after the other, which is as good as the Committee's report to the House. Let there be no wrong impression created at all. But, in view of the fact that this is a matter of first impression, and hon. Members are exercised over it under the impression that a lot of valuable right is being taken away, I have no objection to waive this rule and have a discussion on another day when next time we meet. I will tell the hon. Speaker that the general desire of the House is to discuss the matter because it is one which apparently is taking away a right which

is vested in them, more than what is provided in the report.

**Shri Baghavachari (Penukonda):** May I submit, Sir, what happens to the general accepted convention that there would be no objection at the time of introducing a Bill?

**Mr. Deputy-Speaker:** It is not so. The hon. Member will look into the previous records. Take the case of the Steel Bills. They were opposed and they were thrown out.

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PAPER LAID ON THE TABLE  
REPORT ON THE WORKING OF THE PRE-  
VENTIVE DETENTION ACT.

**The Minister of Law and Minority Affairs (Shri Biswas):** I beg to lay on the Table a copy of the Report on the working of the Preventive Detention Act, 1950 during the period 30th September, 1952, to 30th September, 1953. [Placed in Library. See No. S-206/53.]

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**Mr. Deputy-Speaker:** The hon. Lady Member may continue next time. Specific time will be fixed in due course.

The House will now stand adjourned and meet again on Monday at 1-30 P.M.

The House then adjourned till Half Past One of the Clock on Monday, the 14th December, 1953.

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