

REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL**EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE**

Pandit Thakur Das Bhargava
(Gurgaon): Sir, I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Representation of the People Act, 1951, and to make certain consequential amendments in the Government of Part C States Act, 1951, be extended up to 15th February, 1956."

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Representation of the People Act 1951, and to make certain consequential amendments in the Government of Part C States Act, 1951, be extended up to 15th February, 1956."

The motion was adopted.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS**FORTIETH REPORT**

Shri M. A. Ayyangar (Tirupati): Sir, I beg to present the Fortieth Report of the Committee on Private Members' Bills and Resolutions.

BUSINESS ADVISORY COMMITTEE**TWENTY-EIGHTH REPORT**

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House agrees with the Twenty-eighth Report of the Business Advisory Committee presented to the House on the 28th November, 1955."

Mr. Speaker: The House will recall that the Report of the Business Advisory Committee requires formal amendment in view of the unanimous opinion of the House expressed on the 28th November, 1955.

I will therefore put the amended motion to the vote of the House.

The question is:

"That this House agrees with the Twenty-eighth Report of the Business Advisory Committee presented to the House on the 28th November, 1955 with the modification—

(a) that instead of three hours, only two hours shall be allotted for reference of the Bill to the Select Committee, and

(b) that instead of one hour, two hours shall be allotted to the consideration and passing of the Bill as reported by the Select Committee."

The motion was adopted.

CONSTITUTION (SEVENTH AMENDMENT) BILL

Mr. Speaker: We shall now take up the motion that the Bill further to amend the Constitution of India be referred to a Select Committee.

Dr. Lanka Sundaram (Visakhapatnam): Sir, I want to raise a point of order with reference to this Bill, before we take it up, for your ruling.

You will notice that on the 21st of this month the Constitution Fifth Amendment and Sixth Amendment Bills were introduced in this House. According to the order of the day agreed to by the House no time was allotted for these two Bills in the current session, and also in the motion which has just been agreed to there is no provision at all for the disposal of these two Bills. In other words, the present Bill called the Seventh Amendment Bill will have to be passed in this session in advance of this

[Dr. Lanka Sundaram]

House taking over the disposal of the Constitution Fifth and Sixth Amendment Bills. To say the least, it is a very extraordinary state of affairs and if there is no intention on the part of the Government to place the Constitution Fifth and Sixth Amendment Bills on the statute-book, there is no need to rush the present Bill. This is my submission.

Shri S. S. More (Sholapur): What is the point of order?

Dr. Lanka Sundaram: I thought Mr. More would assist me.

The second submission is in regard to the manner in which this Bill has been brought on the Order Paper. The Bill was introduced day before yesterday and the Members of this hon. House got the papers only yesterday morning, and there was no possible opportunity given to them for submitting, for instance, a motion for circulation. I would have very seriously attempted to do it because I am vitally connected with the Bill. You, Sir, are responsible for building up the procedure in this House, and I for one seriously consider that this is an abridgement of the rights of the Members, and I want a ruling on this point of order in regard to these two aspects.

Mr. Speaker: I do not know whether the hon. Member was present in the House when this question was discussed on Monday, the 28th instant.

Dr. Lanka Sundaram: I have fully studied the proceedings carefully.

Mr. Speaker: Then, it must be obvious to him as to what the circumstances were in which the Government are introducing this Bill or rather introduced this Bill and how the whole procedure was settled by the House itself. It is agreed on all hands that this Bill has to be passed as early as possible in view of certain business coming up before the House in due course of time—not necessarily during this Session but during the next year. It is related to the question of

holding elections in 1957. The Business Advisory Committee was unanimous on the point that the Bill was of an important nature and to repeat what I said on the 28th instant as the Constitution (Fifth Amendment) Bill contained a number of articles, and would take a long time, it was desirable to put through a one-clause Bill so that the passing of that Bill might be expedited.

As regards the question of Members' rights of moving amendments for circulation and all that, it is purely a theoretical point. The House had considered those aspects. If the hon. Member wishes to move an amendment for circulation, I am prepared to satisfy him by waiving notice and he may move his motion even now; I have no objection to that. There is no idea of depriving any Member of the right of moving motions. It was specifically with a view to preserve the right of Members for moving motions that the House agreed that the report of the Select Committee should be presented tomorrow, the 1st December, and the Bill may be taken up for consideration and passing day after tomorrow. That gives them a time lag for moving such amendments as they like to move to this one-clause Bill. That is the position.

Dr. Lanka Sundaram: How can we pass the Constitution (Seventh Amendment) Bill before we pass the Fifth and Sixth Amendment Bills?

Mr. Speaker: Let us not be too technical about it. Too much technicality need not be there. If somebody reads the report of the House after fifty years, he might perhaps be inclined to think that we were childish about these things. A Bill is introduced in the House in an order and is given a number. The seventh number does not mean necessarily that it should be passed only after the fifth; it can be passed before the fifth is passed. We have a number of cases in which Bills are introduced and they are not taken up for a long time, but it is for the purpose of denoting spe-

(Seventh Amendment Bill)

cifically the particular Bill which will be introduced that the number is given.

Shri N. C. Chatterjee (Hooghly): After consideration, you can finally call it the Constitution (Fifth Amendment) Bill.

Mr. Speaker: That may be done, but I do not see the reason why that should be done at all. My mind is clear on the point; of course, there is scope for difference of opinion and hon. Members may argue for being more exact about it. But is it presumed that the Bills are passed by the House in the order in which they are introduced? Is that the presumption? Now that the point is raised, I myself want to be clear as to what is the point of consistency that this should be called the Fifth Amendment Bill and that should be called the Sixth Amendment Bill. I really do not see the point at all. I was saying that Bills are introduced and the numbers are given according to the time of introduction of the Bills. It is not that the Bills are passed in the order in which they are introduced. One may introduce a Bill today and it may not be taken up for some time. What is the objection?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): The usual procedure is that the requirements of semantics and aesthetics are attended to in the Third Reading of the Bill. I am sure my hon. colleague, the Mover, at the Third Reading of this Bill will suggest that the nomenclature of the Act shall be the Constitution (Fifth Amendment) Act. I have no doubt he will do it at the proper time.

The Minister of Defence Organisation (Shri Tyagi): The seventh cannot be the fifth child!

Mr. Speaker: I have no objection to that course being taken.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): If the Bill is taken up now, voting on it will take place between 1 and 2-30 p.m. Therefore, I would request

you to specify the time when the voting will take place. According to the schedule at present, it will take place at about 2-15 p.m. or something like that.

Mr. Speaker: In view of this difficulty, we might take the Abolition of Whipping Bill first.

Shri Thanu Pillai (Tirunelveli): This Bill envisages the curtailment of the time that the State Legislatures may take to give their opinion on such amendments to the Constitution. Now they are enjoying the privilege of taking their own liberty of time to pass their opinion. As it affects the present enjoyment of the privilege by the Legislatures, is it not necessary to take the opinion of the Legislatures and take their concurrence for passing this amendment? This is my point of order.

Mr. Speaker: It is not a point of order, but he can make a point of argument in respect of the Bill. If he wants to oppose the Bill, he may do so. Let us now proceed with the Abolition of Whipping Bill.

ABOLITION OF WHIPPING BILL

Mr. Speaker: We are taking the Abolition of Whipping Bill first.

Shri N. Sreekantan Nair (Quilon *cum* Mavelikkara): What about the Constitution (Seventh Amendment) Bill?

Mr. Speaker: As the hon. Minister of Parliamentary Affairs pointed out, if we take that Bill now, there will be difficulty about the voting time. We want to have the voting after 2-30 p.m. and, therefore, we shall first take some other Bill—Abolition of Whipping Bill first. After finishing it, we will immediately take the Constitution (Seventh Amendment) Bill. There is about 51 minutes' time in balance.

Pandit D. N. Tiwary (Saran South): I was on my legs the other day.