

MR. CHAIRMAN You put a question

SHRI BHUPESH GUPTA How can I put a question on lies?

SHRI ABID ALI Sir, I might point out that his colleague in the locality is accustomed to telling lies, and the hon Member here protects him. They have to take care of themselves.

DR SHRIMATI SEETA PARNAND Is it a fact that two of the three collieries are watery mines and the third also, when it will be locked up from day after tomorrow, will be completely out of commission? What steps is the Government taking in that event to put them in proper working conditions, should this lockout last for some time?

SHRI ABID ALI Yes, Sir, employers are threatening to declare a lockout and our officers there are persuading them to have a little more patience so that our officers can help to restore peaceful atmosphere.

Sir with regard to the remark of the hon Member—he says these are lies—I do not think you are allowing it to go on record.

SHRI BHUPESH GUPTA Is the hon Minister of Employers, pardon me, of Labour aware of the fact that these employers and their managements are using hooligans and hirelings with the connivance of the authorities in order to break up the unions and create their own unions and thus stop all normal trade union activities there?

SHRI ABID ALI True, Sir there are some hooligans and these money-lenders are getting support from the colleagues of my friend there.

SHRI BHUPESH GUPTA That is a part of the lie.

MR CHAIRMAN Next item

PAPERS LAID ON THE TABLE

THE MINERALS CONSERVATION AND DEVELOPMENT (AMENDMENT) RULES, 1960

THE MINISTER OF REVENUE AND CIVIL EXPENDITURE (DR B GOPALA REDDI) Sir, on behalf of Shri K D Malaviya I beg to lay on the Table, under sub-section (1) of section 28 of the Minerals Conservation (Regulation and Development) Act, 1957 a copy of the Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) Notification GSR No 1458 dated the 1st December, 1960, publishing the Minerals Conservation and Development (Amendment) Rules 1960 [Placed in Library See No LT-2574/60]

RECOMMENDATIONS OF DIRECT TAXES ADMINISTRATION ENQUIRY COMMITTEE ACCEPTED BY GOVERNMENT

DR B GOPALA REDDI Sir I also beg to lay on the Table a statement showing further recommendations of the Direct Taxes Administration Enquiry Committee which have been accepted by Government either fully or with modification [Placed in Library See No LT-2563/60]

SYNOPSIS OF PROCEEDINGS OF PARLIAMENTARY COMMITTEES ON DRAFT THIRD FIVE YEAR PLAN

SHRI K SANTHANAM (Madras) Sir, I beg to lay on the Table the Synopses of Proceedings of Parliamentary Committee 'A' (Policy, Resources and Allocations) on the draft Third Five Year Plan [Placed in Library See No LT 2579/60]

SHRI JAIRAMDAS DAULATRAM (Nominated) Sir, I beg to lay on the Table the Synopsis of Proceedings of Parliamentary Committee 'B' (Industry Power and Transport) on the draft Third Five Year Plan [Placed in Library See No LT-2580/60]

SHRI K SANTHANAM Sir, on behalf of Shri T S Avinashilingam Chettiar, I beg to lay on the Table the Synopsis of Proceedings of Parliamentary Committee 'C' (Agriculture

and Rural Economy) on the draft Third Five Year Plan. [Placed in Library See No LT-2581/60]

ड।० रघुबीर सिंह (मध्य प्रदेश)
नीमरी पंचवर्षीय योजना के प्रास्ताविक सम्बन्ध
में समदीय समिति डा. (समाज सेवाये)
की कार्यवाही का माराज में सभा पटल पर
रखता हूँ। [Placed in Library. See
No LT-2582/60]

SHRI K SANTHANAM. Sir, on behalf of Shri T S Avinashulingam Chettiar, I beg to lay on the Table the Synopsis of Proceedings of Parliamentary Committee 'E' (Technical Manpower and Scientific Research) on the draft Third Five Year Plan [Placed in Library See No LT-2583/60]

(I) THE CONSTITUTION (NINTH AMENDMENT) BILL, 1960 AND (II) THE ACQUIRED TERRITORIES (MERGER) BILL, 1960—continued

SHRI NAFISUL HASAN (Uttar Pradesh) Mr Chairman, Sir, I rise to support the two motions moved by the hon. Prime Minister for taking into consideration the two Bills, namely, the Constitution (Ninth Amendment) Bill, 1960 and the Acquired Territories (Merger) Bill, 1960. These two measures have been under discussion not only in the other House but also in the Press and on the platform, and a number of constitutional objections have been raised by the critics of these measures. I will, first of all, deal with them.

It is said that the present Parliament is incompetent to deal with this legislation as by one of the Bill at least it is proposed to cede the national territory of the country. It is said that the present Parliament owes its existence to the existing Constitution and since there is no provision in this Constitution for cession of territory, the present Parliament is not competent to make a law to cede any territories of India.

It is suggested by the critics that there should be a referendum or at least there should be an election on this issue and that, after the verdict of the electorate, if it is in favour of cession of territory, this legislation should be taken up. My submission to this objection is that it is entirely baseless. I will draw the attention of this honourable House to the opening words of the preamble of the Constitution. It reads:

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC . . ."

This clearly shows that we are a sovereign State and there can be no doubt that it is one of the necessary attributes of a sovereign State that it can both acquire and cede territory.

Sir, this sovereign power is in no way limited or abridged by any of the provisions of the Constitution excepting that in so far as the exercise of this power entails the necessity of amending the Constitution, then according to article 368 of the Constitution, a certain procedure is to be followed, namely, that a legislation for amending the Constitution is to be passed not by a bare majority but by a majority of the total membership in each House and also by a two third majority of the Members present and voting.

There is absolutely no provision for a referendum in our Constitution. It may be in the Constitution of any other country, but that cannot be applied to our country. Thus, it will appear that this objection has no basis whatsoever.

Sir, there has been much criticism that the Government are not following the instructions of the Supreme Court and are ignoring them. It is contended that the Supreme Court has definitely held that these agreements result in the cession of territory. Nobody is questioning that finding of the Supreme Court. The