

[Shri A. K. Sen.]

suggested that we must take the Constitution as an inflexible permanent thing. Certainly not. I have no pretensions as a civil lawyer or as a constitutional lawyer and I hope I shall always be willing to learn, and also learn from the opposite side. I am sure they perform a very useful function because I accept his claim that the democracy we are building up here owes a great deal to the opposition because, after all, democracy cannot function without opposition. That is a different point, Sir, but I shall always protest against any playful way of referring to our Constitution, the way of trifling with it, which betrays a lack of respect, lack of conviction in the nobility and the vitality of the institutions which rest on the Constitution. These institutions may change, may undergo change in spirit or even in structure, but the way to refer to a Constitution to which we have all pledged our loyalty should be quite different. That is all that I said. I object to the manner in which reference was made to the Constitution.

SHRI BHUPESH GUPTA: Amen.

DR. W. S. BARLINGAY: The hon. Minister has not answered my question regarding the figures that I referred to.

SHRI A. K. SEN: These figures were arrived at after very mature consideration by Government. We have representatives from Bombay in the Government. We have representatives from U.P. in the Government. We had representatives from the respective Governments. It is difficult to unravel now all the factors which have gone into the making of these figures.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

(After a count). Ayes—45; Noes—7.

The motion was adopted.

THE INTER-STATE CORPORATIONS BILL, 1957

MR. DEPUTY CHAIRMAN: Next Bill. Mr. A. K. Sen.

SHRI KAILASH BIHARI LALL (Bihar): You said that after the business is over . . .

MR. DEPUTY CHAIRMAN: What is it?

SHRI KAILASH BIHARI LALL: It is a question of personal information, with your permission I want to say. Yesterday when Mr. Datar was speaking he said: "I was extremely surprised at the manner in which my hon. friend, Shri Kailash Bihari Lall, spoke. He spoke almost in—can I say—a primitive manner, a reactionary manner. It is surprising, Sir, that he expects representation in respect of every Committee. It is not possible, Sir, now, so far as the public are concerned." It seems he was not mentally present here in the House. Otherwise, everybody knows in this House, it was Shri Zail Singh who spoke from that side, from our party . . .

MR. DEPUTY CHAIRMAN: What is it?

SHRI KAILASH BIHARI LALL: He spoke of representation in that committee. I have not spoken a single word about representation. Whatever I spoke was about the constitution of the Delhi Development Authority and the constitution of the Advisory Council. And Shri Datar has ascribed to me what Shri Zail Singh spoke. I find he has made it defamatory, by saying not only 'primitive' but also by casting aspersion that I want to be present in every committee and all that. I want that you should order for the expunction of it, or it should be ruled out as not relevant so far as my speech is concerned, or it should go down on the record that I have spoken, so that the truth may prevail.

MR. DEPUTY CHAIRMAN: We will see about it.

THE MINISTER OF LAW (SHRI A. K. SEN): Sir, I move:

"That the Bill to provide for the reorganisation of certain corporations functioning in two or more States . . ."

SHRI KAILASH BIHARI LALL: Sir . . .

MR. DEPUTY CHAIRMAN: Order, order. The hon. Law Minister is speaking.

SHRI KAILASH BIHARI LALL: Sir . . .

MR. DEPUTY CHAIRMAN: Will you please sit down, Mr. Kailash Bihari Lall? We are in the midst of some other business.

SHRI KAILASH BIHARI LALL: . . . and so I say this cannot go on like this. I request you, Sir, to say as to what is your decision.

MR. DEPUTY CHAIRMAN: Please sit down, Mr. Kailash Bihari Lall.

SHRI KAILASH BIHARI LALL: I sit down. But you have to say something.

SHRI A. K. SEN: Sir, I move:

"That the Bill to provide for the reorganisation of certain corporations . . ."

SHRI KAILASH BIHARI LALL: Sir, I have repeatedly requested you for your decision but you insist on my sitting. You treat us like school boys. I leave the House under protest.

(At this stage the hon. Member left the House.)

MR. DEPUTY CHAIRMAN (To Shri A. K. Sen): Please go on.

SHRI A. K. SEN: Sir, I beg to move:

"That the Bill to provide for the reorganisation of certain corporations functioning in two or more States by virtue of section 109 of the States Reorganisation Act, 1956, and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

This is a non-controversial Bill. Hon. Members are aware that the States of Bombay, Madhya Pradesh, Andhra and Hyderabad underwent very large-scale transformation. Territories were shifted from one State to another and new States were formed. But under certain Statutes of the old States, which have undergone transformation, certain statutory corporations were incorporated. Hon. Members will find a list of the Statutes at page 3 in the Schedule annexed to the Bill. Now, these statutory corporations had their activities spread over the entire territory comprised in the boundaries of the former States as they were. Now, by reason of the reorganisation of these States, these State corporations will now have activities beyond the frontiers of these States as they are now reorganised. Now, in order to provide for difficulties which may arise as a result of these corporations spreading out into other territories, the States Reorganisation Act by section 109 provided for certain transitional remedies pending final solution by legislative enactment by Parliament. Now, we are really providing for a permanent solution in respect of these States. We have framed schemes for the co-ordination of the activities of the inter-State corporations and these schemes may be approved by the Central Government, if they have submitted them to the Central Government. It is a necessary and very important measure consequent on the reorganisation of States; and statutory corporations instead of being intra-State corporations have become inter-State corporations.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill to provide for the reorganisation of certain corporations functioning in two or more States by virtue of section 109 of the States Reorganisation Act, 1956, and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

DR. W. S. BARLINGAY (Bombay): Mr. Deputy Chairman, I wholeheartedly support the Bill. As a matter of fact, the Statement of Objects and Reasons, as set out, is very very clear. No speech is necessary. In supporting this Bill, I just wanted to ask some questions of the hon. Minister for the sake of clarification. The hon. Minister will find that so far as the Schedule is concerned, it is very inadequate. There are several Acts which have not been included in the Schedule. Now, if this is so, if I am right in this, I do not see what is the propriety of having a Schedule at all. Suppose, for instance, there are, say, hundred Acts which ought to have been included in the Schedule but have not been so included. Then, why make out a list of only eleven and leave out those 89? I do not see any reason or purpose in this. You already have clause 5, according to which the Central Government may, by notification in the Official Gazette, specify in the Schedule any Act under which a body corporate constituted for a State is functioning in two or more States by virtue of section 109 of the States Reorganisation Act, 1956. So, you can always issue that kind of notification. I am raising a question of drafting, that is all.

SHRI KISHEN CHAND (Andhra Pradesh): Mr. Deputy Chairman, in so far as this is a continuation of the States Reorganisation Act, I have no objection against it. But may I point out that here it is stated that if there is a corporation which has split up into various States, on account of the reorganisation, the Central Govern-

ment will step in and will co-ordinate the work of that corporation? I would like to know from the hon. Minister the position in the following instance. There was a compulsory State life insurance scheme in the Hyderabad State, before the Hyderabad State was split up into three different areas. I would have thought that if this Bill had come in advance, that State life insurance fund would have been kept as an entity by itself; but it was not done so. The State life insurance fund was split up into three parts. One was taken by Andhra; the other went to Bombay; and the third went to Mysore. Not only was the fund split up, but the people who were transferred to various States are finding great difficulties in the matter of payment of their instalments, etc. Further the fund has become a very small fund, and, therefore, the cost of valuation, etc., will go up tremendously. I would like to know—if there were corporations which are now split up over two or three States—whether it is the policy of Government to keep that corporation intact as a unit, or it has to be split up between the three States? According to this Bill, I think, the underlying idea is to retain the corporation which is now working in two or three States. If you keep it as one unit, why was the Hyderabad State life insurance fund distributed?

3 P.M.

In the Schedule, you will find certain laws and Acts which are not in the nature of corporations. Here again, I will give an example—the Hyderabad Nurses, Midwives and Health Visitors' Registration Act, 1951. That is not a Corporation. It is just an Act for the registration of nurses, midwives and health visitors. If it is split up into various States—if the Hyderabad portion goes to Andhra, another portion goes to Mysore and the third portion goes to Bombay—what will happen? What I would have liked in this Bill is this. This Act should get an all-India sanction from Parliament and after it

gets that sanction, it will be applicable to these nurses, midwives and health visitors whether they are in the Andhra Pradesh or the reconstituted Mysore State or the Bombay State. So, it is an incomplete Bill. Its main object is for Corporations. I gave you an example where a Corporation was split up instead of being retained as a unit, in three portions corresponding to the three States where its branches have been distributed. Secondly, there are Acts which have nothing to do with Corporations. There are certain Acts about qualifications, about professional work. These Acts have to get applicability from Hyderabad to other States. For that, there is no provision in this Bill. Therefore, I would like a very clear enunciation of all these points from the hon. Minister.

SHRI A. K. SEN: Sir, these Statutes have been included in the Schedule because the Corporations constituted under these Statutes have been found to have come into difficulty by reason of their activities spreading out into different States, which were originally parts of some States. If there are any other Statutes under which any other Corporation has been created . . .

SHRI KISHEN CHAND: It is not a Corporation at all.

SHRI A. K. SEN: . . . they will be included; that can be easily done without passing a new law under clause 5 of the Bill. Therefore, there will be no difficulty. If fresh facts come to our notice which require that certain other Corporations constituted under certain other Acts should also be treated in the same way, we can solve the difficulty in no time.

With regard to the points raised by Mr. Kishen Chand, I am sorry that I have not been able to follow him accurately. I have not been able to appreciate his real difficulty. He says that certain Insurance Act of the old State of Hyderabad . . .

SHRI KISHEN CHAND: The Hyderabad State life insurance fund.

SHRI A. K. SEN: If there was any difficulty in its work, I am sure the States would have informed us. The very fact that they have not informed us shows that there has been no difficulty in its working. It is a simple answer.

SHRI KISHEN CHAND: Insurance itself is suffering.

SHRI A. K. SEN: If it has been suffering, we would have known about it. If this is the question of life insurance, all life insurance business is now to be run by the Life Insurance Corporation.

SHRI KISHEN CHAND: That is not the thing . . .

SHRI A. K. SEN: If it is general insurance . . .

SHRI KISHEN CHAND: I would tell the hon. Minister that it is life insurance.

SHRI A. K. SEN: It is difficult to deal with this matter. I have not got the Act. I have not got information about the activities of the Corporation. It is difficult for me to answer any hypothetical difficulty. But, should there be any difficulty, clause 5 will solve that in the same way as I have already mentioned.

DR. W. S. BARLINGAY: If I may point out to the hon. Minister . . .

MR. DEPUTY CHAIRMAN: Not another speech, Mr. Barlingay.

DR. W. S. BARLINGAY: I am only asking a question by way of clarification.

MR. DEPUTY CHAIRMAN: You asked the question and he gave you the reply. It cannot go on—question and answer, question and answer.

I am putting the Motion to the House.

[Mr. Deputy Chairman.]

The question is:

"That the Bill to provide for the reorganisation of certain corporations functioning in two or more States by virtue of section 109 of the States Reorganisation Act, 1956, and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

DR. W. S. BARLINGAY: Now, I want to raise that question once more, because I am entitled to speak on this clause 5 for a minute or two.

MR. DEPUTY CHAIRMAN: All right.

DR. W. S. BARLINGAY: The hon. Minister, unfortunately, was not here for all the portions of my speech. So, I want to make my point clear once more.

MR. DEPUTY CHAIRMAN: He told you that, if there are any other Acts which have not come to the notice of the Government, without amending the Act, they can include them in the Schedule.

DR. W. S. BARLINGAY: I understand that very well. But I am not suggesting

MR. DEPUTY CHAIRMAN: I do not see any difficulty. Yes, you can go on.

DR. W. S. BARLINGAY: I am not suggesting that there is any legal difficulty there at all. There is no legal difficulty. And so far as the hon. Minister goes, he was perfectly within his rights. He was perfectly correct. The difficulty which I pointed out was merely one of drafting. Under clause 5, the Government has ample powers to add to the Schedule. Now, the point is this. For instance, suppose there are a hundred Acts which deserve to be included in the Schedule by virtue of the States Reorganisation Act. There are, in fact, hundreds of them and in that case, the question is,

why do we want to have this inadequate Schedule including only eleven Acts, when you already have, under clause 5, ample powers to notify them in the Gazette.

MR. DEPUTY CHAIRMAN: I do not see the harm. Where is the harm? Various State Governments have to bring the fact to the notice of the Central Government.

DR. W. S. BARLINGAY: As I said, I was only raising the question of drafting.

MR. DEPUTY CHAIRMAN: It may be nine; it may be three; it may be nine hundred. All those things will come here as soon as the Government knows about them. Where is the harm?

DR. W. S. BARLINGAY: Then, it can be done by way of notifications.

MR. DEPUTY CHAIRMAN: I cannot understand your difficulty.

(To Shri A. K. Sen) Any reply?

SHRI A. K. SEN: It is not necessary. It is a question of redrafting. It is better left to us.

MR. DEPUTY CHAIRMAN: The question is:

"That Clauses 2 to 5 stand part of the Bill."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

The Schedule was added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

SHRI A. K. SEN: Mr. Deputy Chairman, I beg to move:

"That the Bill be passed."

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.