

[Shri H. N. Mukerjee]

found to be practically impossible to arrange a discussion, at least we perhaps might have a statement by the Leader of the House, because he himself is going abroad and the House is going to be in recess for more than two months and that is why I suggest that some time may be set apart for some kind of a discussion on the present posture of foreign affairs.

**The Prime Minister (Shri Jawahar Lal Nehru):** I am always agreeable to this House to discuss any aspect of foreign affairs. The only difficulty that arises is normally how to find time and we have now got two days more, fairly full days. It is not clear to me how to find time for a discussion. If it so pleases you, Sir, and the House, I can, either tomorrow or the day after, make a brief statement after the Question Hour.

The hon. Member in his suggestion is quite right in saying that there are important issues taking shape all over the world, in the West and East. There is no doubt about that. At the same time, the fact that things are on the move in many places makes it a little difficult to discuss them in detail because one has to be a little cautious about saying things lest something we might say might, instead of helping, hinder, but if it so pleases the House, I shall make a brief statement about some of these matters either tomorrow or the day after, as you think fit.

**Dr. Lanka Sundaram (Visakhapatnam):** Would it at all be possible to have an hour or two tomorrow afternoon or the day after tomorrow for a discussion?

**Mr. Deputy-Speaker:** Particularly in view of the fact that the whole thing is in a fluid condition and we are not responsible for many of these things—we have to watch and see lest we should disturb by our own action or statement or do anything which might be misinterpreted—I think it will be advisable to ask the Prime Minister to make a statement in the manner he chooses without allowing a debate on that matter at that stage. He may make a statement as convenient to him either tomorrow or the day after immediately after the Question Hour.

**Dr. Lanka Sundaram:** In view of your ruling, Sir, can we, belonging to either side of the House, suggest to the Leader of the House the subjects on which we want to have information?

**Mr. Deputy-Speaker:** Any hon. Member can write to me giving particular

points on which he would like to have elucidation.

**Dr. Lanka Sundaram:** We may fix the day after tomorrow for this so that we can send our suggestions.

**Mr. Deputy-Speaker:** We will have it day after tomorrow.

MOTION RE ASSOCIATION OF MEMBERS OF COUNCIL OF STATES WITH PUBLIC ACCOUNTS COMMITTEE—contd.

**Dr. Lanka Sundaram (Viskhapatnam):** I confessed to disillusionment yesterday when the Prime Minister, as Leader of the House, moved a motion before us for discussion this afternoon. I had hoped that this question would be discussed threadbare either in the Business Advisory Committee or in consultation with Leaders and Members of various Groups and parties in this House. I am sorry that such a position was not reached by us, with the result that I considered, with due respect to you and to the Leader of the House, that the motion was rather abrupt in its character and implications. I would like to say at the very outset that there should be no disposition on the part of any Member of this House to dispose of this motion on a party basis, and I hope that my appeal will be heard in the proper quarters, because I feel that the motion, if passed in this House, is fraught with numerous implications of vital importance, not only to the rights and privileges of this House but also to the privileges and rights of the other House.

Yesterday, the Prime Minister said and I hope I am quoting him correctly—that the decision of the Public Accounts Committee was wrong. I feel, and I say so with a sense of responsibility, that a statement of this character coming from the Leader of the House is rather unfortunate, because the Public Accounts Committee is one of the vital organs of this House, and it has come to a unanimous decision on the subject matter of this motion, and I do hope that Members of the Public Accounts Committee who are present here today would stand up and justify the position they have reached.

**The Prime Minister and Leader of the House (Shri Jawaharlal Nehru):** May I intervene? I cast no aspersions on the Members of the Public Accounts Committee. As a matter of fact, it was odd to me to say so. I did not know at all what the Public Accounts Com-

mittee had said or written about this matter till rather accidentally and casually about four days ago; it came to my notice. Nobody sent it to me. Neither did the Public Accounts Committee machinery come to my notice. The Public Accounts Committee deals with certain matters of great importance, but I may submit the Public Accounts Committee is not a high authority on constitutional practice. In regard to that matter I felt the Committee was wrong.

**Dr. Lanka Sundaram:** I am satisfied with the explanation of the Prime Minister. I have got the report of the yesterday's debates. The words used by him made me to understand that the Public Accounts Committee Members were completely in the wrong. I will not pursue the point any further.

I feel that there was a tremendous amount of misapprehension as to the character of the work done by the Public Accounts Committee, and also as to the rights and privileges of this House on money matters and matters relating to money affairs. If I am not mistaken, the primary function of the Public Accounts Committee is to ensure that the funds voted by this House are properly utilised. Secondly, it has to go over the report of the Comptroller and Auditor-General annually, and unless and until the Public Accounts Committee of this House examines the report of the Comptroller and Auditor-General, this House cannot examine the report as such of the Comptroller and Auditor-General. If you permit me, I will make a reference briefly to Rule 196 of the Rules of Procedure and conduct of the Business of this House. Rule 196 (2) runs as follows:

"In scrutinising the Appropriation Accounts of the Government of India and the report of the Comptroller and Auditor-General thereon, it shall be the duty of the Committee on Public Accounts to satisfy itself.

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;

(b) that the expenditure conforms to the authority which governs it; and

(c) that every re-appropriation has been made in accordance with the provisions made in this behalf under the rules framed by competent authority."

With your permission, Sir, I would like to emphasize the word re-appropriation;

for, I will come to that very soon with certain illustrations of the importance of the matter contained in this motion. The House of the People alone can vote estimates more than everything else. I hope the hon. Leader of the House will bear with me on this point, no moneys granted by this House can be reduced except by this House. As I will show very soon, the Public Accounts Committee comes into the picture in this very material respect. Under article 151, the annual report of the Comptroller and Auditor-General is laid on the Tables of both the Houses as a matter of procedure. The report of the Comptroller and Auditor-General as such is not discussed either by this House or by the Council of States. This, to my mind, is a very important point and as I will show in the course of my arguments, this point cannot be neglected before we pass this motion. The report of the Comptroller and Auditor-General is only discussed in relation to the manner in which the Public Accounts Committee examines this report. Here, I would like to say in a parenthesis that the Comptroller and Auditor-General performs certain executive functions within the provisions of the Constitution, and presents what might be described as the preliminary expert report on the manner in which the funds voted in this House are properly utilised. I would request the hon. Leader of the House in particular, and also this House, to remember that the Public Accounts Committee can go beyond the report of the Comptroller and Auditor-General, and can call for evidence and submit its findings to this House, with the result, that the functions of the Public Accounts Committee are exceptional in terms of the rights and privileges of this House. Without the Public Accounts Committee's vetting, if you will permit me to say so, the report of the Comptroller and Auditor-General, in the light of the further evidence as they may obtain from time to time, this House does not, as a matter of course, as a matter of procedure, go into the manner in which the funds voted by this House are utilised.

On the other hand, the Council of States has no power to vary or alter or make any recommendation in respect of these very vital money matters. Yesterday, my hon. friend Mr. Chatterjee made reference to taxation without representation. I would not like to go into an examination of the implications of such a broad proposition. But, I want the House to remember, and I want your guidance in

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this matter, that no money can be expended in excess of the moneys voted by this House. It is here that the Public Accounts Committee comes into the picture very pertinently. I have before me one of the reports of the Public Accounts Committee—the second report of the Public Accounts Committee on the accounts relating to 1948-49. I am quoting from page 2 where it deals with Defence estimates.

"In the Defence estimates that year there was excess of 1½ crores of rupees. This is what the Public Accounts Committee say:

"The Committee regret that these excesses cannot be regularised at this stage."

The point at that time was that this report was published when our present Constitution was not in operation. The question whether or not any money voted by this House has been exceeded in expenditure is a matter entirely within the purview of the Public Accounts Committee, with the result, that the powers and functions of the Public Accounts Committee are perilously near those of the Estimates Committee.

Here, I would like, with your permission—I hope the House will bear with me for a few seconds—to draw a distinction between the limitations on the powers of the Council of States and the actual powers of the House of the People. Because, I consider that is a very vital and important question of procedure and privilege. It is not a political question. It is not a party question. It is a question concerning the rights and privileges of this House. Under article 113, the Council of States cannot make any recommendation in respect of Demands for Grants. Under article 115, there is no provision for the Council of States to deal with Supplementary, Additional or Excess Grants. Under article 116, Votes on Account are not placed before the Council of States. More than everything else, I hope you in your wisdom will sustain this point, the Council of States cannot regularise any variation from the Grants made or Votes made by this House. With the result that the sum total of the picture of the Public Accounts Committee comes into bold relief when it is remembered that the Public Accounts Committee is vital organ of this House alone and has nothing to do with the other House. I am sure the Leader of the House will not quarrel with me when I make the broad proposition that what the Con-

stitution prevents the Council of States from doing as a whole, as a body, this motion seeks to do in an indirect way, by the association of a certain number of Members of the other House with the elected representatives of this House on the Public Accounts Committee to go through the accounts. I hope this House would examine this point, because I consider this is one of the most important points which has to be remembered in this connection.

There is another aspect to the question. The Cabinet is collectively responsible to this House. That is a constitutional position which cannot be disputed. I am sure that if by any chance the Public Accounts Committee makes an adverse recommendation on the spending proclivities or activities of certain Departments of Government, it would mean virtually a vote of no confidence, a vote of censure on the Government. With the result that the competence of this House is related to the entire constitutional structure in regard to voting of moneys and the spending of moneys. In other words, the Public Accounts Committee is an exclusive organ of this House.

I do not want any suspicion, as a result of the operation of this motion, if it is passed by this House, that the Council of States, through their elected representatives under the provisions of this motion, are influencing a vital Committee of this House in one way or another. In terms of the implications of what I have said so far, there is a distinct possibility, if this motion is acceded to by this House, that the majority opinion of the elected representatives on the Public Accounts Committee is likely to be converted into a minority opinion, as a result of the participation by the Members chosen by the other House. Yesterday, the Prime Minister said—I am quoting from page 16647 of the uncorrected debates:

"This Public Accounts Committee has nothing to do with, what I might call, the financial powers of this House, which of course, are supreme in that matter."

I am glad he said so. He also said yesterday:

"...it is open to the other House to appoint a Public Accounts Committee of its own."

With your permission, Sir, I would like to examine this in few seconds. I say that the contention of the Leader of the House is untenable, for the

simple reason that if at all a Public Accounts Committee is appointed by the other House, it cannot make any recommendations varying in one way or another the money proposals passed by this House. In other words, if any Public Accounts Committee is appointed or elected by the other House on its own responsibility, it would become infructuous, it would become completely inoperative. The implementation of the recommendations of the Public Accounts Committee is a matter of vital importance. I claim, and I hope the House will not have any objection to this claim, that the other House cannot implement the recommendations, with the results, that it cannot elect a Public Accounts Committee of its own.

I would not labour the point which my hon. friend Mr. Chatterjee developed yesterday about the elected, representative character of the Members of this House, and about the manner of indirect election which is responsible for the creation of the other House. I would like to draw a distinction and clearly enunciate, with your permission, the financial powers of this House. There are four categories of financial powers. Money Bills; in respect of this category of Money Bills, they can only be introduced in the House of the People. The Speaker alone is the sole authority for certifying what a Money Bill is. The Council of States has only 14 days to make any recommendations for varying the provisions of these Money Bills. With the result, and I say this with the greatest amount of respect to the other House because I believe in the Constitution, the other House can only offer subordinate co-operation to the House of the People in respect of Money Bills. I hope this position will not be disputed on either side of the House.

The second category relating to the financial powers of this House are the financial Bills. They cannot be introduced in the Council of States. They can only be introduced in this House first. It must vote on these Bills, with the consequent result that this House does not share its powers with the Council of States on financial Bills. Of course, I am thoroughly aware of the point that the Council has the power to suggest amendments, but in case those amendments to the financial Bills as passed by that House are not agreeable to us, there must be joint session. And I am not here to labour the point as to what will be the result in joint session, as a result of the total number of people present in this House and the total number of people in the other House, and so on and so forth.

The third category deals with Grants. Taxation, expenditure, questions of fraud and so many other questions are involved. Only this House competent to deal with these questions, and these are matters germane to the activities of the Public Accounts Committee.

With your permission, I would make a brief reference to one of the Rules of the procedure of this House dealing with public corporations. I refer to rule 196 (3) (a):

"It shall be also the duty of the Public Accounts Committee—to examine the statement of accounts showing the income and expenditure of State Corporations, Trading and Manufacturing Schemes and projects together with the balance sheet of statements...."

In other words, in every aspect in regard to these four categories of powers relating to Money Bills, financial Bill, Grants and Votes on Account and State Corporations, the powers of this House are indisputable and above controversy. In all these categories, I venture to say, the proper authority for spending, the proper spending of voted amounts and the condonation or regularisation of excess on Grants—and I made a reference to Rs. 19½ crores in one single report of the Public Accounts Committee of this House with regard to Defence Accounts a few minutes ago—is entirely within the purview of the House of the People, and the Council of States does not come into the picture at all. In other words, if this motion is passed, the inalienable rights of this House will be tampered with, and I make an appeal to the hon. Leader of the House not to be hasty in proceeding with this motion for a division, because we in this first Republican Parliament must lay down adequate safeguards for the protection of our rights, and also procedure which will be enduring in character.

Yesterday, the Prime Minister said: "We should not quote British practice at all". I have no reason to wallow in British practice for my present purpose, but I would like to remind this House and in particular the Leader of the House about the fact that financial provisions in our Constitution are lifted bodily word for word, if I am not mistaken, from the British Parliamentary Act of 1911, with the result that any plea that we should not possibly be enamoured of British practice becomes out of place.

And here, in parenthesis, as a sort of tailpiece, I would like to make a reference to one very interesting point. The Council of States today is given 14 days for making recommendations

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on any Money Bills as passed by this House whereas in the British House of Lords, they have got a full month. Here also the powers, of the Council of States as embodied in our Constitution and the Rules of Procedure of this House are slightly less than what the British House of Lords has.

Then I would like to say that the Estimates Committee and the Public Accounts Committee were formed exclusively to function on behalf of the House of the People. And here I beg the Leader of the House to remember this very important point—to my mind it is the most important of the entire series of points I am trying to make—viz., that the excess Grants can be voted by this House alone, with the result that the association of Members of the other House with Members elected by this House on the Public Accounts Committee would become utterly unconstitutional, for the reason that they cannot be associated with any recommendations as regards regularisation of excess Grants of which I gave you one eloquent example in one year alone amounting to nearly Rs. 19½ crores.

I would like to know from the Leader of the House whether the association of elected representatives from the other House with Members chosen by this House would work within the framework of the Rules of Procedure of this House, especially rules 196 and 197, under the direction of the Speaker of this House. This is a very important point. Supposing one Member of the other House does not subject himself to the discipline of the Speaker or the Chairman of the Public Accounts Committee as nominated by the Speaker, what is the remedy? Will this House go to the other House with a begging bowl and make a request?

**Shri Jaipal Singh** (Ranchi West—Reserved—Sch. Tribes): Never.

**Dr. Lanka Sundaram:** I want you, Sir—because as you were chairman of the Rules Committee, you have gone into this question and come to a decision already—to particularly examine this aspect of the question. Seven Members from the other House are to be associated with 15 of this House. What happens? Who is to control them? The hon. Leader of the House yesterday said that the report of the Public Accounts Committee of the future would, under the provisions of this particular motion—if it is passed—be placed only on the Table of this House. What about the other House? It cannot be placed before the other House, obviously. And secondly, why should any outsider,

an outsider other than the chosen representatives of this House, be associated with a Committee to make recommendations? These are points which have got to be looked into.

I would like to know whether there was any prior assurance given on behalf of the Council of State that any chosen representatives under the operation of this motion would be subject to the discipline of the Speaker and the Chairman of the Public Accounts Committee. Without that, this motion cannot be considered.

**Shri S. S. More** (Sholapur): Will that assurance be valid?

**Dr. Lanka Sundaram:** I want to know as a matter of fact whether such an assurance was obtained in advance. These are very important issues. I believe these have got to be looked into rather carefully. I would rather the Attorney-General appears here.

**Mr. Deputy-Speaker:** What happens if there is a joint session? Does not the Speaker preside over the joint session....

**Dr. Lanka Sundaram:** He does.

**Mr. Deputy-Speaker:**.... and exercise control over both the Houses? Likewise here.

**Dr. Lanka Sundaram:** The Speaker would not be the Chairman of the Public Accounts Committee.

**Mr. Deputy-Speaker:** His nominee.

**Dr. Lanka Sundaram:** Yes. It is a question of a regular all round examination. You are aware of the activities of the Public Accounts Committee.

**Mr. Deputy-Speaker:** I am only addressing myself to this question of disciplinary action of control.

**Dr. Lanka Sundaram:** Firstly, I was saying that the Chairman will have got to go through it day by day without any knowledge of the Speaker, unless a reference is made.

As I said earlier, I would like to know whether any assurance was obtained in advance from the other House that these Members would be subject to the discipline of the Speaker or his nominee. I was saying it is a matter which has got to be looked into rather carefully.

Hon. Members who are going to speak will make other points I am sure. It is for the Attorney-General to come and tell us exactly whether the Constitution, the conventions under the Constitution, and under the Rules of this House and democratic practice are not flouted as

a result of the operation of this motion. And if the hon. Leader of the House will bear with me, I would ask for an adjournment of discussion of this motion till the next session, so that all these questions can be looked into and I can give my assurance that I am not indulging in dilatory tactics at all. Nothing will happen if we in this House, with only two days left, do not dispose of this motion. And actually the work of these Committees, the Public Accounts Committee and the Estimates Committee, for which elections are taking place day after tomorrow, will not be an urgent matter till the next session, and I hope he will not reject this suggestion I am making, that further discussion be held over till the next session, and meanwhile all these matters can be gone into.

In any case, I hope that the implications of this motion are experimental in character. In fact, I want a definite time-limit, in case the hon. Leader of the House cannot agree to the suggestion made that we should adjourn to discuss this motion or the operation of this motion till the next session. Let it not be rushed through this House today, and let it be adjourned till the next session so that the Constitutional position can be looked into. I am trying to be helpful and brief. Let him hasten slowly, and more than anything else, I am anxious—he is a great democrat—that he should not muzzle his own Party Members as regards participation in this debate as well as voting on this motion. It is a matter of procedure, of constitutional privilege. (*Interruption*) I am making an appeal to the Leader of your own Party. I said this is a matter of constitutional procedure. It is not politics. There is no party question in it. Every hon. Member should speak on it and a free vote should be taken. Let it be taken as a result of unfettered and unbridled discussion. Let there be full discussion because I am convinced once this matter goes through, there will be further claims on us. We have gone through certain incidents to which I would not make any detailed reference. We also had a Committee which reported on the rights and privileges and emoluments of Members of both the Houses. That report has not been discussed. Once this is allowed to go through I feel there will be further demands.

I ask the Leader of the House to agree to an adjournment of a decision on this motion, so that after having detailed discussion we can examine the matter. In any case, if there is going to be a decision, all hon. Members,

especially my friends on the opposite side, should discuss it freely and frankly and vote without any party feeling.

**Shri N. C. Chatterjee (Houghly):** All bicameral Constitutions some times present us with this type of difficulty, and it is not in a spirit of hypersensitiveness or exaggerated notions of importance that I am opposing this motion. I have carefully considered this and I am constrained to say that this motion is thoroughly unconstitutional, infringing both the letter and the spirit of the Constitution. The House of the People will be stultifying itself. You should not allow outsiders to intervene in a sphere where the Constitution has said that it is your own exclusive jurisdiction and your exclusive function. It will be improper. I am not enamoured of British precedents. But there the Attorney-General stood the other day and he was lecturing to this House and asking us to follow British precedents. Why? Because he was saying that the relevant articles of the Constitution were based on the British model. You know better than anybody else that this gamut of articles, beginning with articles 109 and 110 and the following articles are based on the British model.

**An. Hon. Member:** Copied.

**Shri N. C. Chatterjee:** Yes. They have been copied. The British model makes it clear that the House of Commons in financial matters has a position of absolute supremacy and that cannot be shared by the House of Lords or any member of the House of Lords. It is unthinkable. It is a breach of privilege taking some people other than members of the British House of Commons on the Public Accounts Committee. They will never tolerate it. They will say 'We are stultifying ourselves. It cannot be done'. The whole structure of the parliamentary system as was evolved there is inconsistent with the acceptance of this position, that they are going to have collaborators of members of the House of Lords in financial matters. It cannot be tolerated. Why? Let us test it dispassionately, without any disrespect to the hon. Members of the other House. We say that this Constitution deliberately and consciously assigns certain functions and privileges and duties which we alone can discharge. Now, look at it. What is the Public Accounts Committee going to do? I do not for one moment accept the hon. the Prime Minister's suggestion that it is a mere scrutinising body. It is not so. It is not so under our Rules. First look at rule 196: ,

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"There shall be a Committee on Public Accounts for the examination of accounts showing the appropriation of sums granted by the House for the expenditure of the Government of India...."

That is the main, dominant function. It is the primary purpose. The House grants moneys for the expenditure of certain departments of the Government of India. Therefore, the particular department gets money from us. They are the custodians of that money, disbursing the money which we have given them. They are accountable to us and the accountability has to be discharged by that department to us or to the Committee which we ought to remember. What else. That is the basic principle which we ought to remember. What does the Constitution do? How do you make this amount available to the Government, sums granted by the House for expenditure? How do you do it—by voting Grants? What do you say in the Constitution? Article 113 (2) says that these Grants shall be voted only by the House of the People and not by the Council of States.

"So much of the said estimates as relates to other expenditure"—that is, expenditure not charged upon the Consolidated Fund of India—"shall be submitted in the form of demands for grants to the House of the People, and the House of the People shall have power to assent or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the annual specified therein."

Therefore, the Grants are the exclusive privilege of the House of the People. What functions we give to the Public Accounts Committee? Their legal functions are to see whether the moneys voted by this House whether the Grants sanctioned by this House, have been really applied for the purpose for which the House sanctioned them. That is the real purpose of the Public Accounts Committee. And I submit, with regard to that matter, the House and the House alone has got the right and has got the duty and has got the function to discharge, as it is a matter within the exclusive jurisdiction of the House.

Reference was made and you were pleased to put a question to Dr. Lanka Sundaram about joint sittings of both Houses. If you look at article 108 which talks of joint sittings of both Houses, there is a proviso: "That

nothing in this clause shall apply to a money Bill'. They have expressly said that with regard to Money Bills. Joint sittings are excluded. Why? Because it is our function. Look at article 108 (1)—when you can have a joint sitting. (1) When a Bill is rejected by the other House and (2) when the Houses have finally disagreed as to the amendments to be made in the Bill. With regard to a Money Bill, can it be rejected by the other House.

An Hon. Member: No.

Shri N. C. Chatterjee: No, the Council of States cannot. Under our Constitution a Money Bill can originate only in the House of the People. The Council of States has no power to reject or amend any Money Bill. It is expressly provided. So far as Money Bills are concerned, the Council of States can only make recommendations. And you know the recommendations can be accepted by the House or may not be accepted by the House. Therefore, this is the sole prerogative of this House. There is no question of any disagreement. They cannot amend it. Even with regard to the Appropriation Bill, you know they cannot alter the destination. They cannot amend it. You know the Appropriation Bill really crystallises the Grants as sanctioned by this House. Even there you know the language is perfectly clear. They cannot alter the destination of any Grant so made. They cannot vary the amount. Therefore, what is their power? Their power really, to be candid, is nil. They can only make recommendations and it is for this House accept or not to accept.

What is the Public Accounts Committee going to do? The Public Accounts Committee is going to see whether the Grants that have been sanctioned by this House, the money that has been provided to certain departments by the vote of this House, have been properly applied for the purposes for which we have sanctioned them. In that matter there is no scope for the collaboration of outsiders, however eminent they may be, however well-intentioned they may be. Is there any scope for their co-operation? Are you not setting a dangerous precedent? Are you not saying this: A has got the money. He has made, say, an assignment of a crore of rupees to X and says: 'X, you render account to me'. X is rendering account to A. But then Y comes in and says, 'No, we will share the accountability; the custodian of the money, the trustee of the money or the donee of the money must also account to me'.

On principle this is not correct. It is not that the House of Commons brought about this convention out of any spirit of self-importance, but it is the cardinal principle on which parliamentary democracy, constituted as it is, should function. We have been elected on the basis of adult suffrage. This is the democratically constituted Chamber and, therefore, consciously, deliberately the Constitution-makers have given us this power and this function. Therefore, in financial matters we have got the exclusive power and we have got the exclusive jurisdiction. Every Committee of ours should be functioning as a Committee of this House composed of Members of the House. A Joint Committee, as I have told you, cannot function. There is no scope for invocation of a Joint Committee. You cannot say that there will be any question of disagreement. There is no scope for it. They cannot amend. The article is perfectly clear.

In order to make the position clear, Article 109(1) says that a Money Bill shall not be introduced in the Council of States. The Constitution says that a Money Bill is to originate only in this House and secondly, it says that they can make some recommendations within a period of 14 days. If the House of the People accepts any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both the Houses with the amendments recommended by the Council of States. If the House of the People does not accept any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the House of the People without any of the amendments recommended by the Council. This is a clear recognition of the supreme sovereign power of this House of the People in financial matters. This House will be stultifying itself by doing something against the Constitution, by allowing others to interfere in a sphere exclusively its own. You know, as I have told you, the Appropriation Bill stands on the same footing. They cannot vary, they cannot amend, they cannot alter the destination of any Grant, they cannot even reduce it by one rupee. Therefore, you cannot give power to a part of the Council which does not belong to the whole Council. The cardinal principle of law which determines the operation of such a Constitution is that you cannot indirectly do a thing which you cannot directly do. You cannot indirectly confer upon the Council of States this power; you are conferring upon a Committee of that

Council power to do a thing which the whole Council cannot do. That is improper; that is not right.

What is the original thing? The original thing is the voting. The original thing is really the Grant. That is entirely and exclusively our function and our business. Therefore, I am submitting that the Public Accounts Committee, when they are going to scrutinise and to see whether the grants have been properly applied or not for the purposes for which this House sanctioned them, or this House intended them to be used, they are really discharging our functions. Really, it is the House of the People that is functioning through the Committee and there should be no question of outside collaboration or co-operation. I know that as the rule stands, there is no question of any co-operation or any participation by the Members of the Council of States. You must amend the rules first before you can do anything. But, I am not merely on the technical question of amending the rules. I am stressing a more fundamental point, that you should not allow any other functionary or any other body to trespass upon a subject which is exclusively within your sole jurisdiction according to the Constitution.

The Prime Minister was good enough to say what will happen if the other House sets up a Committee. Let them appoint, not one Committee but 15 Committees. What can they do? They cannot do anything; they cannot touch one pie; they cannot add one rupee, cannot subtract one anna from our votes. They cannot do anything; they cannot also touch the Appropriation Bill; they can please themselves by appointing Committees.

But, in this matter, we are fortunately or unfortunately a sovereign body. They have got no power to touch it; they cannot touch the Money Bills; they cannot touch the Votes; they cannot touch the Grants; they cannot touch the Appropriation Bill; they cannot divert it; they cannot alter it; they cannot reduce it; they cannot in any way divert it. They can please themselves by appointing committees. But, effectively, so long as this Constitution stands, their reports will be printed for their own consumption; they cannot be operative at all; constitutionally or legally; nor can they have any effective influence over the House of the People. They cannot make any recommendations; that is the most important thing.

What I am submitting is: it will therefore not be right to say that when people are scrutinising, why not allow



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the elder statesmen to scrutinise it? We have got respect for elder statesmen; we know how they behave and how they have behaved. People tell me that we are all brothers at law. I hope we shall function like that. (*Interruption*). But, we still say that they are sometimes younger, sometimes—because they are impulsive. But, anyhow, I will not cast any aspersions. I have great respect for some of them, but I say it will not be right to say, they are only scrutinising and why not you allow 15 of your Members plus seven of theirs to scrutinise. I say it is not so simple. It is infringing the spirit and the letter of the Constitution.

In the House of Commons a very important debate arose when some matter pertaining exclusively to the jurisdiction of the House of Commons came up before the House of Lords and they said that it was a breach of privilege, doing something against established convention. Is this a convention which would be healthy? I submit, not. It may be the thin end of the wedge; it may lead to other complications, other demands. To day, it is the Public Accounts Committee, tomorrow it may be the Estimates Committee. We have had their co-operation; we do not want to have misunderstanding. We do say that it will not be simplified by simply saying, it is only a scrutinising Committee and let them come in.

The main test is this; they have to see whether the Grant has been properly applied. Whose Grant? The House of the People's Grant. Sanctioned by whom? By the House of the People. Has it been applied properly for the purposes for which it was sanctioned? Sanctioned by whom? By the House of the People, and by nobody else. I submit that really it would not be proper to allow interference by them, however eminent they may be. Really the Constitution did not think of collaboration in this sphere. Otherwise, why should there be this clause in this article with regard to joint sitting, that it shall not apply to finance Bills? This clause is there just to indicate that it is a conscious imitation of the British practice and there shall be no question of any joint sitting so far as Money Bill or finance is concerned. If you cannot have any joint sitting there, why should you have a joint sitting in miniature form? I submit really the Council of States has no *locus standi* under the Constitution. I am not thinking of individual Members, I am thinking of the Council as such. They are a body which is perpetual; they cannot be

dissolved; there is no general election at the end of five years or any other period. They go out from time to time in compartments. But, our position is entirely different.

I submit that it is also important to remember a point which my hon. friend Dr. Lanka Sundaram has made, the political aspect of it; and the political aspect has some importance. Now, supposing the Public Accounts Committee finds that one Minister or one particular Minister's Department is guilty of misappropriation of public funds and it censures the Government or makes some remarks that amount to a censure of the Government, who can censure the Government? Only this House. Would you allow any other person not belonging to this House, to censure the Government and turn out the Government and pass a vote of censure or pass a recommendation which amounts to something like a censure? I submit that such a recommendation could only come from a body which is constitutionally clothed with the power, namely, the House of the People, and no other. Therefore, I could understand a suggestion that they should come there only for the purpose of sitting or watching and not voting because they cannot vote. How are you going to give equal opportunities to them? (*Interruption*). You are really giving them powers which the Constitution has deliberately denied them, has consciously taken away from them and has said shall not be given to them. Therefore, I submit that it will not be right, fair or constitutional and it will be creating an unhealthy precedent which will be a dangerous precedent and it should not be tolerated in any shape or form by this House.

Shri S. S. More: I frankly concede that this particular motion owes its birth to the generosity of the Leader of the House. If we study the history of the countries where two chambers have been brought into existence, we frequently come across the spectacle of the two chambers fighting like Kilkenny cats for getting some domination over the administration of the country. When such disputes develop, when animosities are created and they fight, someone has to reconcile the two conflicting interests and the same experience is being repeated here.

The other day the Council of States people were very particular about their own privileges. They entered into a sort of open fight with this House and passed a resolution calling upon the Minister concerned not to remain present in this House

when a particular matter was being discussed. I fear that these two chambers have come into existence...

**Shri Thanu Pillai** (Tirunelveli): On a point of order, Sir. Can he refer to a dispute which was closed long before?

**Mr. Deputy-Speaker:** There is no point of order in this.

**Shri S. S. More:** The two Houses have come into existence only a year or so back and within a very short period of our constitutional existence, a sort of bitterness, a sort of rivalry, is already prevailing between the two Houses. So, what is the position of this House of the People? This question will have to be viewed, not from a generous point of view, not from a benevolent attitude of reconciling the two conflicting interests, but from a constitutional point of view.

We have framed a written Constitution. What is the constitutional position? What are the rights and privileges of the House of the People and what are the limits of the rights and powers of the Council of States? That is the question which will have to be dispassionately and thoroughly gone into.

The previous speaker, has already referred to some of the relevant provisions of the Constitution. Article 109 et seq refer to the financial powers of this House. As far as financial matters are concerned, the Council of States have been given very little say in the matter. I will refer you in particular to article 109. A Money Bill shall not be introduced in the Council of States. However, they have been given some power to make recommendations, but it is not obligatory on this House to accept those recommendations and this House is perfectly competent to reject those recommendations.

Then, a sort of legal fiction has been created in clause (4) of article 109. It reads:

"If the House of the People does not accept any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the House of the People without any of the amendments recommended by the Council of States."

So this particular article does not give any freedom to the Council of States to say: "Well, it was the House of the People which was responsible for passing this Money Bill; we rejected it." No. By this particular clause we created a legal fiction that even when the House of the Peo-

ple does not accept any of the recommendations of the Council of States, the Money Bill will be considered to have been passed by "both Houses".

Why all these precautions? Why all this fencing of the powers of the Council of States? To find this we must go to the composition of the two Houses. The Council of States is supposed to be representative of the different States, while we are supposed to be representatives of the people.

**Shri S. V. Ramaswami** (Salem): Not supposed to be: we are.

**Shri S. S. More:** I accept that correction. As a matter of fact I was speaking with great caution, so as to make my arguments acceptable to the other side. If they are prepared to go to that extent, I am prepared to accept the correction.

Clause (4) of article 80 says:

"(4) The representatives of each State specified in Part A or Part B of the First Schedule... shall be elected by the elected members of the Legislative Assembly of the State etc."

While article 81 says that we are directly elected by the people. If the people are to be taxed, when a thing is to be done with their money, then, it is the direct representatives of the people who should have the sole sovereign power. In order to realise the significance of this in its reality, we have to go to the parliamentary history of England.

The King was there. But the House of Commons developed as an instrument of the people's will. It started a long and bloody fight, I might say, with the King and the House of Lords. The House of Commons as the real representative of the common people wanted to have the sole power as to how people would be taxed and how their money would be spent in the administration of the country. The House of Commons became the watch-dog of the interests of the people and the Parliamentary Act of 1911—which has been quoted by the previous speaker—terminated one of the fiercest chapters in the parliamentary history of England. It decided once and for all that as far as the finances of the country are concerned, the House of Lords would have nothing to say and that they will not have any finger in the pie of public finance. That was the final reply of the House of Commons.

We have accepted these provisions. As my hon. friends Dr. Lanka Sundaram and Mr. Chatterjee have pointed out, we have bodily lifted

[Shri S. S. More]

these provisions from the Parliamentary Act of 1911 and incorporated them in the Constitution. When we incorporated these in the Constitution, we have in a way accepted the past history which was responsible for bringing the Parliamentary Act of 1911 into existence. If that is accepted, the real representatives of the people who have been returned to this House must have the exclusive, undiluted power in financial matters.

The Council of States as far as financial matters are concerned, have been given a power of discussion, but they have no power of voting. Rule 158 of the Rules of Procedure of the Council of States says:

"On a day to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved nor shall the Budget be submitted to the vote of the Council."

The House of Commons was very careful to see that public money was not misspent and so brought into existence an audit department. But the audit department was run by civil servants. The Parliament, that is the House of Commons, had no direct control over the audit department. They wanted a second string to their bow. They wanted each audit report should be scrutinised by a body of popular representatives. Thus the Public Accounts Committee came into existence.

I need not go into past history. It is enough if I say that it was Gladstone who devised the system of scrutiny by Public Accounts Committee. The House will permit me to read an extract from a book which clearly indicates the powers and functions of the Public Accounts Committee. I am reading from page 165 of *The Pageant of Parliament* by Michael MacDonagh.

"The Chief duty of the Comptroller and Auditor-General is to take care that nothing is paid out of the National Exchequer except under proper authority. He also examines the vouchers and audits the accounts of the expenditure of each Department and reports upon them annually to Parliament in three big volumes of figures and comment, dealing separately with the Army, the

Navy, and the Civil Service. Lest this supervision of the Exchequer and Audit Department over expenditure should not be sufficient, the House of Commons appoints every session a Public Accounts Committee composed of members of business experience whose duty it is, so to speak, to give moral support to the audit of the auditor."

So, it is the sole responsibility of this House to see how these amounts are being utilised and whether they are wasted or needlessly spent:

"If the Comptroller and Auditor-General has a complaint to make of any abuses or irregularity in the accounts of any Department, he makes it to the Public Accounts Committee, and they, in turn, call the attention of the House of Commons to it."

So, it is a sort of intermediary between the House itself and the Auditor-General. If the Auditor-General has any complaints, he has to make them through the agency of this Committee:

"Moreover, the Committee passes in review the annual volumes of the Comptroller and Auditor-General called 'Appropriation Accounts', containing the accounts which are supplied to him by each of the Departments, showing what it has done with the money voted for its services, and his own comments upon these accounts, and they disallow any expenditure which the supervision shows to have been unlawfully or unduly made. The reports of the Committee to the House of Commons are noted for independence of view and criticism uninfluenced by party considerations. It is a sort of watch-dog of the Departments, which, by its insistent and minatory barks, draws public attention to any irregularity or extravagance in expenditure. Thus, the Public Accounts Committee helps to maintain parliamentary control over expenditure to the extent, at least of seeing that the Departments fulfil their statutory obligation to expend the moneys voted to them strictly in conformity with the resolutions of Parliament."

The examination of public expenditure and the appropriation of moneys voted by Parliament is the exclusive responsibility of this House and the Public Accounts Committee is the instrument or agent of this House which can go into the actual appropriation of the voted amounts.

I would now like to refer to Rule 197. Under this rule, the Speaker has complete control over the Public Accounts Committee, and if we now associate these seven Council of States Members, possibly tomorrow a demand may be made by the Council of States that along with the Speaker the Chairman of the Council of States also may have some control. There is also another aspect to this question, Rule 197(9) says:

"The Committee may, if it thinks fit, make available to Government any completed part of its report before presentation to the House. Such reports shall be treated as confidential until presented to the House."

Now, if the reports of the Public Accounts Committee are to remain confidential for all intents and purposes and if some other Members who are not Members of this House are associated with this Committee, the reports will naturally cease to be confidential. Therefore, taking all these factors into consideration, I submit that we must be firm in this matter. It is not a question of taking some Members from the other House. It is not a question of generosity. It is not a question of sitting round a table and governing the country. The Constitution is there and we must strictly observe the rules. Not only should we respect the letter of the Constitution but its spirit also.

There is another point in regard to which I require some clarification. The motion says that these seven Members will be 'associated'. Does it mean that they will merely sit in the Committee and partake in the deliberations, but would not have the right to vote? That is not clear. In regard to the Delimitation Act, certain local committees have been brought into existence and there you have provision for associate members. They have no vote; they can only participate and make suggestions. Now, what will be the position of these associate Members in the Public Accounts Committee? Are they there wholly for tendering their advice, or are they going to give their votes also? This position has to be cleared up.

Looking to the particular purpose for which the House of the People has been given sovereign powers over the finances of the country and looking to the parliamentary history of the House of Commons from which these provisions have been bodily lifted, I feel that if we pass this motion we would be doing a great disservice to the country. Personally,

I feel that the Council of States has no reason to exist. Mahatma Gandhi, when speaking before the Federal Structure Committee at the time he attended the Round Table Conference, said that there should be no second chamber in our country, as it would imply a distrust of the masses. As with other principles of Mahatma Gandhi, this principle also has been ignored and a second chamber has been created. It shows a distrust of these 500 representatives of the people who have been directly returned by the people and implies that they are not faithfully representing the interests of the people. We have created a body which has no reason to exist in modern conditions. Assuming for a moment that it must exist for some time, and must continue for some time, I say that if we allow them to share power with us, we would be going against the letter and spirit of the Constitution and would be doing a great disservice to the country.

**Shri Joachim Alva (Kanara) rose—**

**Mr. Deputy-Speaker:** He will have his chance. Mr. Raghavachari.

**Shri Joachim Alva:** Before the debate proceeds further, I would like to ask the Chair two questions:

- (1) Is it open to the Speaker to nominate members from the Council of States to this Committee?
- (2) If the Chairman be nominated, whether he will have a casting vote?

I merely want clarification.

**Shri Raghavachari (Penukonda):** I rise to protest against the motion. I do not wish to elaborate or repeat the arguments advanced already by previous speakers. However much Government or other interested people might try to argue differently, the Constitution definitely lays the entire responsibility on this House for scrutinising the expenditure and appropriation of public money; it is, in fact, a duty cast on this House. Reference was made to rule 196. Article 118(1) requires rules to be framed for the conduct of business of this House and these rules have been framed in accordance with the Constitution. Rule 196 says that this Committee has the exclusive privilege and right of examining the public accounts. It further proceeds to say that the examination shall be done by a committee elected from amongst Members of this House by this House. Therefore, this motion attempts to go contrary to the Constitution; not only the Constitution but also the statutory rules framed under it. It will go, not

[Shri Raghavachari]

in one but in many respects, contrary to them. If you read this rule 196 and the next rule you will find that it is possible that the functions and the responsibilities vested in this Committee may be asked to be discharged by a smaller Committee which has all the powers of the undivided committee. And the quorum also is fixed as four. Therefore, if the other Members come in, any four of them can sit (*An Hon. Member: Swamp the Committee.*) and then the proceedings will be as if they were the proceedings of the entire Committee.

Other friends have already stressed the point that that House is not a House directly elected. And for aught I know in the space of a few more years the Upper House will be entirely the House of the ruling party. Because whenever a vacancy occurs by this rotation it is only Congress Members that can get in, and it will become a packed House. And the elected representatives, in whom the Constitution specially and specifically lays the responsibility, will be exposed to the risk of countenancing the discharge of that duty by other people.

In fact even this motion does not say what is the kind of powers those people should have. It says "to nominate... and associate with the Members of this Committee". The rules require that the Committee must be elected by the House. Where has nomination a place there? And Members of the other House? Because they must be Members of this House only.

It is unnecessary to elaborate on this. It is enough to state the point that the proposed motion would simply go contrary to and be not at all in conformity with the existing rules which are statutorily framed.

Another point I wish to stress is that the Leader of the House, I expect, is bound to protect the rights and privileges of this House. Rather than doing that he is possibly actuated by the consideration that there is some other body which is anxious to come here and says "let us make a compromise". Well, compromise is very good when disputes need not be settled in conformity with the statutes and the statutory law. The best intention of bringing about a compromise when any claim is made is not to concede a portion of the claim, even when it comes almost to not dealing with it according to law. Therefore, my submission is that this vague motion, without definiteness as to what the functions or the rights of these new associate Members will

be, and not in conformity with but contradictory to the rules and the Constitution, is not permissible.

The next point I wish to state is this. This is not a new matter. It has been agitating for the last many months. The Prime Minister in his remarks while moving this motion said that he had written eight months ago to the Speaker, and gave some details. We know that this very Committee considered this matter elaborately when the other House sent up some proposals of amendments of the rules, and the Committee unanimously resolved that it is not in conformity with the Constitution and should not be permitted. Then the matter was referred to the Rules Committee. That Committee also unanimously resolved that it should not be done. After the Public Accounts Committee and the Rules Committee and all the functionaries actually exercising the powers under the Constitution have all resolved unanimously that it should not be permitted, this motion comes. I should have expected the Prime Minister at least to have had some courtesy of consulting various Party Leaders. But in the face of so much history that it is against the Constitution, against the rules, and against the unanimous opinions of the Committees set up, he has suddenly come with a motion of this kind because he is actuated by very good motives of compromise.

To my mind, therefore, these are all matters which are very relevant to be considered in this connection and it is not a matter where we should be guided simply to bring about a kind of compromise between this House and the people of the other House that are agitating to have some power by way of association. Therefore, I would oppose this motion.

Shri H. N. Mukerjee (Calcutta North-East): It is not often that we find ourselves in agreement with the Government Party. But when we do, we do not hesitate to say so. As we are not wedded to constitutional pedantry, we do not consider that it is the business of the Opposition to oppose every single time, whatever the point of view may be.

**The Minister of Home Affairs and States (Dr. Katju):** Go ahead.

Shri H. N. Mukerjee: There is laughter in certain sections of the House, but we have survived so many other shafts of attack from all sides and I suppose if laughter is, sort of, directed against us we can very well survive it.

**An Hon. Member:** Dr. Katju is appreciating it.

**Shri H. N. Mukerjee:** I must say also we have certain minor misgivings regarding the motion. I shall refer to them a little later. But by and large we support the motion, and even though that might mean that we have to state our difference from certain other sections of the Opposition I am afraid we have no other alternative than to do so.

I should say that we are as jealous of the rights and prerogatives of this House as anybody else. But at the same time I should say that we must not overdo this business of standing on the rights of this House and behaving in a fashion which might in effect mean something which we do not wish to do. That is why I say that the British tradition of struggle and conflicts between the two Houses is, for obvious historical reasons, not a tradition which we have got in this country and certain precedents which are drawn from British Parliamentary history do not always apply, at least they are not really validly relevant, to the conditions of our own country.

I say, of course, that the House of the People being directly elected by the votes of our people is far and away the most important constituent as far as Parliament is concerned. But Parliament is defined in the Constitution. In Parliament we figure most prominently. There is no getting away from it, and if anybody should try to whittle down the paramount position of the House of the People in the scheme of Parliament surely we should oppose it. But in Parliament there is also the other House, whether we like it or not it is there; and there is also the President. And the three together constitute Parliament. It should be our objective, if we are at all interested in running the country as best as we can, to bring about a harmonious relationship between ourselves and the other House. I know also...

**Shri Gidwani (Thana):** What is the programme of the Communist Party regarding second chambers? Are they in favour of maintaining second chambers?

**An Hon. Member:** Very good.

**Shri H. N. Mukerjee:** My hon. friend tries to anticipate my arguments. I suppose he has made some study of Communist ideology and he ought to know the way we think generally of second chambers, not being dogmatic, not being wedded to certain conceptions that are static and

unchanging. We do not say that second chambers are to be discarded in all places. As far as this particular Constitution is concerned only yesterday I had to say in reply to Dr. Katju that we are not head over heels in love with the Constitution and that if we had our way we would drastically overhaul it beyond recognition, and we would do it in a really democratic fashion. So far as this particular Constitution is concerned, everybody knows, I expect, what we think of it. Everybody ought to know. My friend Dr. Gidwani ought to know what we think of this present Constitution. And in that setting of it we have certain bodies like ourselves and the Council of States. What are we saying? That there is Parliament constituted by ourselves, the Council of States and the President. We are the most important single constituent in the scheme of things. We have our rights and privileges and prerogatives which we are not going to allow to be whittled down. But we are not going to overdo this game. We should not, particularly in the present posture of affairs, try to create a situation between the two Houses where instead of cordiality there is a sort of hostility.

I do not wish to add to a feeling of bitterness which I find has already come into existence between the two Houses. I do not like the Constitution. We are made to function under this Constitution but if we are to function at all, let us do something which is going to bring some good to this country. If I had my way and if the present Constitution had to be changed, I would do it. I do not want the second chamber to remain as a mere decoration, much too expensive a decoration. If we make up our mind about it, we can abolish the Upper House. We may sit down here, change the Constitution and we can abolish the Upper House altogether but if the other House is there, surely it has a right to say that it ought to be given opportunities for constructive work within the ambit of the Constitution.

As far as association of the other House in the Public Accounts Committee is concerned, that is an additional opportunity for work by Members of the other House within the ambit of the Constitution. If we find that that does not militate against our essential rights and privileges and prerogatives, I see no reason why we should oppose the motion in as vehement and wholehearted a fashion as I have noticed so far.

I have heard ad nauseam statements made by constitutional pundits in this

[Shri H. N. Mukerjee]

House regarding what Money Bills are and about complete control over Money Bills. Everybody knows it. There is no good repeating that sort of thing but at the same time we cannot forget that the Council of States under our present Constitution has a particular position. If we compare the position of the Council of States at the Centre with the second chambers in the States, wherever they are, we find that the Council of States has got a very special position. For example, in regard to legislation, the Council of States can bring about a state of things where a joint sitting of both the Houses is contemplated under the Constitution. The second chambers in the States cannot bring about a joint sitting of these Houses. The reason for it is, as was amply shown during the debates in the Constituent Assembly, that we have a federal structure. We have at least a quasi-federal structure. If the emphasis is more on the unitary aspect of our administration, still it is something of a federal structure. In a federal structure, you do need some sort of a second chamber. If we had our way, we would have linguistic provinces all over the place and we would have a second chamber which would be a House of Nationalities. We would try to reshape the entire scheme which you have got today. We cannot get it today but you have got a very weak, a very remote, almost unrecognisable approximation to that sort of thing. For the time being here is a body which has got a place accorded to it by the Constitution whose Members want participation in the activities of this country's administration and here is an opportunity where they might very well fit in.

The Constitution says that when the Comptroller and Auditor-General makes a report, that report has to be placed before both Houses of Parliament. The President has got to place the report, before both Houses of Parliament and as the Prime Minister said yesterday, there is nothing to prevent the other House from appointing its own Public Accounts Committee. What exactly is the function of the Public Accounts Committee? Does the Public Accounts Committee enable Members thereof to control the financial allocation of funds? Of course, it does not. As a body of Parliament, the Council passes the Appropriation Act. We, of course pass those Grants. The Council of States does not pass the Grants. After the Grants are passed, they are incorporated in the Bill and the

Finance Minister goes across to the other House and there he places the Appropriation Bill and it has got to be passed in that body. It has got a special position and that body also has a right to have placed on its Table the report of the Comptroller and Auditor-General. That body has certainly a right to examine the way in which moneys appropriated have been spent. It is a *post mortem* examination, how much money has already been spent and to find out whether Government administration has been conducted properly or not. It is very necessary that our people get greater opportunities of seeing how the administration is actually conducted. If the maladministration is exposed, as it occasionally is in the report of the Comptroller and Auditor-General, it should certainly be open to discussion, it should certainly be open to examination by Members of the Council of States and that is exactly what we want to do. The Council of States obviously wants a greater share in the business of Parliament. The Council of States obviously desires—especially today, psychologically speaking, it has a very strong desire, for reasons that I need not go into—that it should have greater opportunities. One example of this is participation in the work of the Public Accounts Committee. So I would say if we do not want the Council of States, let us abolish it by all means. It is much too expensive. If we want to function effectively and rightfully within the ambit of the Constitution, then surely we should have the association of the Council of States in the Public Accounts Committee.

Now, I come to the last point, the misgivings to which I made a reference earlier. I do not know why the Leader of the House did not think fit to take all sections of the House into his confidence by having some discussion with them. I really cannot understand why Members of the Opposition are suddenly given notice that a certain motion will be moved by the Prime Minister and almost without any opportunity for preparation, we are confronted with a motion of this sort. I should think that the Leader of the House should have thought fit to have taken the different sections of the House, especially the Opposition, into his confidence before this motion was brought up.

I would say also that certain difficulties have been pointed out, difficulties in regard to the operation of the rules, difficulties in regard to the exact connotation of the word 'association' and that sort of thing. These

difficulties are of such a nature that possibly it might be thought desirable to postpone decision on this issue till perhaps the next session. The points which have been raised have really a certain amount of technical relevancy and they might cause all sorts of complications which certainly we want to avoid. I think, on the whole, as things stand, in spite of our attitude towards the Constitution, it is quite desirable that the association of the Council of States should be there in the Public Accounts Committee but since there are certain technical questions involved and since different groups in the House had not been consulted, I submit perhaps it would be more advisable and wiser for Government to postpone forcing a decision here and now. Otherwise, by and large, I support this motion and I hope as far as our attitude towards the Constitution generally is concerned, we have made it clear over and over again. As far as our attitude towards the second chambers is concerned, that is also very clear. As I said before we want a House of Nationalities but we have not got linguistic States all over the place. It is by no means satisfactory but as long as it is there, let it be given opportunities for work. I hope the Prime Minister will at least consider the points of view which have been raised here and the difficulties and complications which are likely to arise if a decision is forced at a very rapid pace. That is why I suggest that the decision on this might perhaps be postponed.

**Shri Raghuramalah (Tenali):** On a point of information, I want to know whether opportunities will be given to Members on this side of the House to express their views on this very important motion? May I know when we can catch your eye.

**Mr. Deputy-Speaker:** I have no objection. I did not find any hon. Member expressing a desire to speak.

**Shri Raghuramalah:** Mr. Gandhi and myself.....

**Mr. Deputy-Speaker:** Hon. Members can certainly catch my eye. After Mr. Jaipal Singh has finished, I will try to give an opportunity to Members who want to speak.

**Shri Thanu Pillai:** Members on the other side have been able to catch your eye.

**Mr. Deputy-Speaker:** Hon. Members need not cast any aspersion.

**Shri Thanu Pillai:** I did not cast any aspersion. What I meant was that it so happened that only Members on the other side were able to speak.

**Mr. Deputy-Speaker:** It is very very wrong. I did not find any hon. Member who expressed a desire to speak. I know the hon. Member raised a point of order. Barring that he did not catch my eye. I have no objection to sit and if the House so desires, we will go on having this debate from day-to-day. Let there not be an aspersion that the Chair did not call any hon. Member to speak. I am prepared to call every hon. Member in this House who wants to speak. It is for the hon. Members to rise from their seats and indicate their desire to speak.

**Shri Gidwani:** Is it a fact that Government have decided to postpone consideration of this motion?

**Mr. Deputy-Speaker:** I do not know.

**Shri Jaipal Singh:** I have hardly any contribution to make by way of either support or opposition to this motion. *Prima facie*, I am bound to oppose this motion because our colleagues in this House in the Public Accounts Committee and also in a congress of the various leaders in this House have already unanimously condemned the suggestion that any Members from the other House should be associated in the Public Accounts Committee. *Prima facie*, the matter ends there, as far as I am concerned.

I think it would help our discussions considerably if the Mover of this motion were to tell us quite clearly whether in the matter of the condonation of excess expenditure, the Members of the Public Accounts Committee would be in a position to condone the excess expenditure. Then, the whole situation changes. Then, I have no doubt whatever that even the friends of the Mover of this motion would support us in throwing out this motion.

I am afraid I am not a constitutional pundit. But, all the same, it is very interesting to listen to the jargon that is produced for and against the constitutional aspect of this motion. I feel that we have been thinking too much in what has been said so far of the prospective aspect of the Money Bill, whereas the work of the Public Accounts Committee is a matter of the past. The money has already been spent. It is not a question of how the money should be spent hereafter. It has already been spent. There is no question of voting money, no question of increasing



[Shri Jaipal Singh]

it or decreasing it. Therefore, I again come back to my point that the Mover of this motion ought to make it clear—otherwise, we will be going round and round the mulberry tree—whether by this motion he would like to empower the Members of the other House with authority to condone excess expenditure. That is a very very vital point with regard to this motion.

As I said earlier, I do not want to prolong anything that I have to say. *Prima facie* I am opposed to this motion. But, I do not see why we should be so touchy about our own rights and privileges and not avail ourselves of the talent that is in the other House, if it does not in any way intrude upon our authority in regard to the Money Bill aspect of the whole question. (An Hon. Member: It does.) If I understand the work of the Public Accounts Committee, they may scrutinise—scrutinise what—whether the money that has been voted by this House—and only this House can vote—has been properly spent. The Public Accounts Committee may condemn the manner in which money may have been spent. It does never at any stage say, all right, give more money. I would urge upon the Mover of this motion to make it clear as to what exactly he means by the wording "association of the Members of the other House with means by the wording "association of the Members of the other House with the formation of the Public Accounts Committee, because that clinches the whole situation. If they have full Membership, if they have the right to vote, I have no doubt whatever in my mind that this motion should be thrown out lock stock and barrel.

Shri V. B. Gandhi (Bombay City—North): Mr. Deputy Chairman,....

Dr. Lanka Sundaram: Go to the other place.

An Hon. Member: Influence of the other House.

Shri Gadgil (Poona Central): Shadow of coming events.

Shri V. B. Gandhi: I beg your pardon, Sir. Mr. Deputy-Speaker, some of us on this side of the House must confess to an impression that the discussion so far from the other side has had an air of unreality. (Some Hon. Members: Oh!) We had expected some really brilliant effort on the part of the Opposition to make out their case. However, let us come to the subject before us.

Yesterday, in his speech, the Prime Minister has, in one expressive sen-

tence, put the whole subject matter of this discussion in its proper perspective. That sentence is this. The Prime Minister said:

"This House and our Constitution are also without precedent."

So, this House and our Constitution are without precedent. Then, if we must consider this proposition, we must consider it either in terms of precedents or in terms of the provisions of our Constitution. So far, most of the speakers from the other side have been carrying at the back of their mind, whenever they think of the Council of States or for that matter, any second chamber, the British experience in this respect. I bet none of them can speak on this subject without constant reference to the British experience, to the House of Lords. We have heard Mr. Chatterjee. Even he could not escape or could not avoid making reference to the British House of Lords. Why? Somehow or other, their whole background is filled with British experience. When we are thinking of the Council of States, is it fair and just that it should be compared with the House of Lords? After all, we know that the House of Lords is a hereditary House. It is also the product of circumstances connected with centuries of British history. If we must compare our Council of States with any of the second chambers, then we must at least be fair and just in our comparison, to choose such second chambers which are the products of the provisions of the Constitution of those countries, and also which are connected with federal form of Government. These two characteristics should be there in any comparison of our Council of States with any second chamber of any other country. It is a kind of mode or habit of thinking that a second chamber means the House of Lords and since the House of Lords, in its powers, is a futile body, our Council of States or any other second chamber must necessarily be so and if it is not so, it must be reduced to that state. That is a kind of argument with which I am sure most of us on this side are not prepared to agree.

Are all second chambers necessarily impotent or futile? We know—and I know most Members on all sides of this House will agree—that at least there is one second chamber, and that is the Senate of the United States, which has powers disproportionate to anything that the lower House, the House of Representatives of the United States Congress, has. Just to refresh the memories of my hon. friends, I would read the functions of two of

the many committees through which the United States Senate functions. Here is a committee called the Committee on Expenditure in the Executive Departments. And among the functions of this Committee are these:

"(A) Budget and accounting measures, other than appropriations.

(2) Such committee shall have the duty of—

(A) receiving and examining reports of the Controller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports.

Then:

(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

(D) studying intergovernmental relationships between the United States and the States and municipalities...."

There is another committee called the Committee on Finance. Let us remember we are talking about the second chamber of the United States. This committee has, among other functions, the following:

1. Revenue measures generally.
2. The bonded debt of the United States.
3. Customs, collection districts, and ports of entry and delivery.
4. Reciprocal trade agreements.
5. Tariffs and import quotas, and matters related thereto.

So, I would only suggest that whenever we think of a second chamber, it is not right that we should always think of the British House of Lords. There are second chambers and second chambers with powers varying from the powers that the United States Senate has to the other extreme point of what the House of Lords has or does not have.

Next comes the functions of the Public Accounts Committee. Much has been said in all the speeches we have heard this afternoon about the precious prerogative of this House to deal with money matters. Where do money matters at all come within the functions of the Public Accounts Committee? After all, as the Prime Minister has said, and with which we all of us agree, the function of the Public

Accounts Committee is to scrutinise the accounts. It is a *post facto* scrutiny. If we really want to determine whether or not the Public Accounts Committee has to do with the handling of money matters, we should ask ourselves just two questions. And those two questions are: can the Public Accounts Committee raise revenues? Let us answer that question. Can the Public Accounts Committee spend money? That is the second question. And let us answer that question also. The answer is, it cannot.

Mr. Chatterjee yesterday said something about there being no taxation without representation, and Mr. Chatterjee was trying to imply thereby that our Council of States lacked any authority to be there on the ground of representation. After all, we must concede that here, under our present Constitution, we have a federal form of Government. And under a federal form of Government, it is not enough to have just one kind of representation, but we have to have two kinds of representation. Representation according to the population of the country—that is one kind of representation. And the other kind is representation according to the States. And I am quite sure Mr. Chatterjee knows that our Council of States Members have been elected in accordance with the system of proportional representation by means of the single transferable vote—a form of representation which under certain circumstances is to be preferred to the regular election by direct vote of the voters. It is, therefore, not very charitable nor very fair to the other House to say that they are lacking in authority to be there on the ground of representation.

Coming to our own Constitution, what is the position of the two Houses under the provisions of our own constitution? I need not go into details on this point as in this House all of us are aware what the provisions are. However, I would just quote article 105 (3). It deals with the powers, privileges and immunities of the two Houses. And what does this clause say?

"In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution."

[Shri V. B. Gandhi]

Here, both the Houses are placed on an equal status in every respect, in respect of powers, privileges and immunities. Here are these two Houses, and about the other House there is a kind of attitude and certain very unfortunate expressions are being used in this House. I am quite sure all of us on this side of the House certainly do not approve any Member of our House calling Members of the Council of States "outsiders." That was a very unfortunate expression to be used in this House with reference to Members of the other House.

Under article 249, as an example, we can find what a real power in certain specific matters the other House has. If we in the national interest ever want to legislate with respect to a matter in the State list, under article 249, this House will first have to obtain the consent of the Council of States. And we can only act as long as the Council of States is pleased to continue to give us that consent. Such is the reality of the power that this Constitution has given to the other House.

It appears to us that this whole attitude, this whole approach, to this question as it has come from the other side can sometimes also be psychological, some kind of a fear, sub-conscious perhaps, unexpressed, but a fear that step by step the other House may gain supremacy over this House. But I think a little reflection will tell us that the powers that this House has are real. So long as this House continues to have the power of the purse, so long as the existence of Government is made dependent upon the vote of confidence of this House, we should have absolutely no complex, no fear of any kind.

Coming to rule 196 of the Rules of Procedure, of course, there appears some difficulty. But given the will, we do not believe that this difficulty can be a major one and if a choice has to be made between the changing of a rule and denying of a right or refusing the desire of the other House to serve, I am quite sure which way the choice of this House will lie.

Finally, confident, therefore, in our own status, we can and we want to be just to the Council of States.

**Mr. Deputy-Speaker:** Mr. Raghuramaiah.

**Shri A. P. Sinha (Muzaffarpur East):** How long will the debate continue, Sir?

**Shri Gadgil:** It was decided yesterday.

**Shri A. P. Sinha:** We have heard so many speeches. There is no time left for further speeches.

**Mr. Deputy-Speaker:** Originally we had fixed it for six o'clock. And then inasmuch as I got a chit from Mr. Gandhi, barring the Leader of the House, I adjusted it. Had I known that many others wanted to speak on this side, I would have called one by one and regulated it. We shall sit till 6-30.

**Shri A. P. Sinha:** How can it be?

**Mr. Deputy-Speaker:** Shall we sit till 6-30?

**Shri Jawaharlal Nehru:** I am in your hands, Sir. As a matter of fact, it was fixed at six and many people have made engagements after six. But it is for the House to decide.

**Dr. Lanka Sundaram:** May I make a suggestion, Sir?

**Shri Raghuramaiah:** I do not want to stand in the way if the House desires closure of the debate.

**Dr. Lanka Sundaram:** May I make a submission, Sir?

**Shri Jawaharlal Nehru:** I have listened naturally with the greatest respect and attention to what has been said on this motion and I hope I have profited by it. But that profit, I do not think, is related much to this motion, but to the general aspects of the Constitution.

I have felt that much that has been said, though perfectly true, has little relevance. Great stress is laid on the powers of this House, as if somebody was challenging them or perhaps making an attack on them; There is no doubt about what the powers of this House are in regard to money and financial matters. It is on that basis that we proceed. There the matter ends. Let us talk no more about it.

The second point is, whether this innovation—if you like—that my motion suggests interferes with those powers in any way. If it interferes with those powers, then it is a wrong motion. I accept that position. If it is likely to interfere with those powers, then we should be wary and see it should not do so. I accept that position. Why then this lengthy argument? In so far as the Public Accounts Committee is concerned, it is a creature of the rules, not of the Constitution. Rules, of course, can be changed, if we so will. The rules

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lay down, among other things that the Chairman of the Committee shall be appointed by the Speaker. That is number one. The Chairman, of course, has a casting vote. The Speaker may, from time to time issue such directions to the Chairman of the Committee as he may consider necessary, for regulating the procedure and the organisation of its work. On any doubts arising on any point of procedure or otherwise, the Chairman may, if he thinks fit, refer the point to the Speaker whose decision shall be final. Therefore, the Speaker plays a very important part in this. Nobody is seeking to diminish the authority of the Speaker given in these rules. If that is so, then I really do not understand where the difficulty arises, except something at the back of some Members' minds that this is some kind of a thin end of the wedge, and we do not quite know where this will lead us.

Well, it is a little difficult to deal with vague suspicions, suspicions also which flow not from anything in our Constitution but from some distant background knowledge of English history. Obviously, our Constitution is different. It may be similar in regard to certain Money Bills and others, but obviously, as an hon. Member said, our Council of States is something entirely different. It is envisaged as something different from the House of Lords. Whether in the dim future we have a second chamber or not, we are not considering. But the whole conception of the second chamber here was not an ineffective second chamber, not an unrepresentative second chamber, but a representative one, representing the country in a different way representing it by election, not by nomination or by birth, representing it by election—partly indirectly and partly directly. The Council of States is partly there by direct election and partly by indirect election by those who have been elected in the State Assemblies. (Interruption).

**Shri S. S. More:** Nominated.

**Shri Jawaharlal Nehru:** There are a few nominees. For instance, the President has nominated some Members of the Council of States who, if I may say so, are among the most distinguished, taking everybody in Parliament altogether—it is true, distinguished in arts, sciences etc.—and our Constitution in its wisdom gave that. They do not represent political parties or anything, but they represent really the high water mark of literature or art or culture or whatever it may be. That is a small matter. In effect, the Council of States is supposed to represent the States,

as the name says so, through the State Assemblies or otherwise through local bodies or Universities or whatever it may be. Now, it may be improved upon or not. That is immaterial. But it is a definite and important wing of our Constitution, as it has been envisaged.

6 P.M.

It is perfectly true that in regard to financial matters its powers are strictly limited. Or rather those powers vest in the House of the People. There the matter is and it is not open to argument here or there. Nobody can say—I say so naturally—nobody here will say that by any special virtue as individuals or otherwise, Members of that House are inferior, or superior, or not as good or as bad as Members of this House. Some may be good in our opinion and some may be bad; that is immaterial. But what I mean is this: they do not represent a particular class or group; they come from the same classes and groups of political opinion as Members of this House. There is no difference of that type and it is desirable obviously that Parliament consisting of these two Houses should function in a smooth way, in a co-operative way and that each should have as much opportunity to co-operate with the other as possible. It was for this reason that we decided to have Joint Select Committees for particular Bills, wherever possible. Many of the arguments raised today may well be raised in regard to those Joint Select Committees. Not all; I say many of them can be raised. They would not apply as those arguments do not apply in this case either. We have Joint Select Committees because it is convenient, because it is desirable for us to have them. Bills, except Money Bills etc. go up to the other House, they are considered there and in order to avoid some cumbersome procedure which may have to be gone through again and again we have Joint Select Committees. We at least get theorised more wisdom also.

**Shri S. S. More:** Can we have a Joint Select Committee on a Money Bill?

**Shri Jawaharlal Nehru:** Apparently the hon. Member has not followed me. I said that. Therefore, there is no essential divergence in this matter, that is in a joint consideration of things. If you exclude the financial aspect and the Money Bills, where is the difficulty? So far as the Public Accounts Committee is concerned, it mainly deals with scrutiny of expenditure. It is quite clear that it does not deal with any other aspect which is the particular purview of this House. The Estimates Commit-

[Shri Jawaharlal Nehru]

tee might. Therefore, so far as the Estimates Committee is concerned, we have kept it apart. This proposal is not made in regard to the Estimates Committee.

There is just a possibility that in regard to—some hon. Member said—censure or something like that—an attempt to censure or cast blame on a Minister or a department of Government, I am not clear at the present moment—it may perhaps be considered a peculiar privilege of the Members of this House only. Censure of a Minister in that way and in many other ways is the privilege of this House. But, surely to point out an irregularity in accounting or in expenditure is not the peculiar privilege of anybody. Any person in the public street can do so. Of course, what effect it will have is another matter. It really does not matter whether some of the Members of the Public Accounts Committee differ. Ultimately that point has to be decided by this House. Nobody is going to limit the powers of this House in that respect. But even so, going a little further, that is a question that can be regulated even by rules. There is no peculiar difficulty, the rules have been framed by us. They can be framed to provide for that too, to provide for any contingency. There is really no difficulty in so far as I can see, except this great fear in our minds that something might happen. I really do not see why something might happen and how it should happen, because in the whole texture of our Constitution, the power of this House in the ultimate analysis is greater—whether it is when you meet together in joint session or in other ways, your numbers are always greater. Therefore, I do not fear it. Let us presume that some attempt at an invasion of the prerogatives of this House takes place; well, it should be considered as such. But, why for fear of that not do something which appears reasonable and desirable to do? Surely, that is not a reasonable way of approach to this problem.

The hon. Member opposite talked about compromise. Is it we are compromising with somebody in order to pour oil over troubled waters? He said that. I want to make it perfectly clear that this motion is not put forward as a kind of sop to anybody or as a compromise. It is put forward because it was considered desirable and workable and, as I hinted at it yesterday, the matter came up before us roundabout a year ago. We discussed in various ways and were generally of the opinion that this

should be done. But we did not wish to hurry; there has been the least hurry in this matter. The hon. Member said that we are trying to rush this. I have no desire to rush this at all. But, in my mind there is no sense of hurry because we had dilly-dallied with this problem for nearly a year, and as was natural, the person whose approval and general advice was quite essential in this matter was the Speaker. His advice was taken and the matter was referred to him and discussed with him. That took some time. As the House well knows, the Speaker was unwell for a long time and I did not wish to do anything at all till he was back at his place. All that led to those delays. Anyhow, there was no question of rushing through and there was no question of compromising something or in order to soothe the ruffled feelings of somebody else.

Then again, something has been said about associate Members. Who are these associate Members? The motion is a very simple one, inviting the Council of States to associate seven of its Members with this Public Accounts Committee. It is not for us to say how the Council of States will choose them. It is patent that they will choose them by election; they cannot choose them in any other way. We know that it is for them to decide. Naturally, they will choose election by proportional representation and all that. If they come to the Committee, as the major function of the Committee is scrutinising, there is no question of two grades of Members. They have the same grade and status. If any question arises—at the moment it is not in my mind—if any question arises which is the peculiar purview of this House, then that matter shall not be dealt with by them. If necessary, rules may be framed. There is nothing to prevent us doing that, to make things clear. Normally, that does not arise; it is a rare thing. But, there is no reason why we should be afraid—if I may use the popular word—of being bamboozled by somebody and forget our own rights and privileges. So I submit there is nothing that we need be frightened about. This is not any question of compromise in a bad sense of the word, doing something that we consider not good in order to gain, may be something else.

It is true it is my desire and I think it should be the desire of the House to cultivate to the fullest extent possible co-operation and friendly relations with the other House, because in the nature of things and in the nature of the Constitution that we

have, if we have not got co-operative relations, each can hamper and delay public work. There is no doubt about it. Each has the capacity for good certainly, but also for delay, and for just irritating and annoying, by delaying tactics, the other House. The conception of the Constitution is that Parliament is an integrate whole. I regret, as my hon. friend on this side regretted, describing a Member of the other House as an outsider. In a narrow sense you may use that but the conception behind it is not a happy one and we are all joined together in Parliament, shouldering the burden of Parliament, and looked up to by the people of India. If we do not co-operate with each other, what kind of lesson do we teach to the people of India? What will our States do? The whole structure of federal Government here requires the co-operation of not only both the Houses, but of the Central Government and the Governments of the States, between the State Councils and the State Legislative Assemblies. The background is one of co-operation everywhere. But the background is one of co-operative effort. Otherwise the constitutional machine of India creaks; it does not go fast and may be here and here it breaks down. There is some provision in the Constitution by which the President can take over the administration of a State, in case of failure of the normal constitutional machinery. But nevertheless those are unusual provisions and unusual procedures. The real thing is the co-operative effort among these and it is important that we at the top in these two Houses of Parliament set the pace. If we do not do it, obviously others will not do it. That is an important consideration. This is not an attempt at soothing, or presenting a sop, or a compromise. I do submit that the motion that I have made does not in the slightest degree infringe on the powers or the authority of this House, but is a desirable thing from the point of view of cooperative effort of the two Houses, from the point of view of showing an example to the others, other countries and other Parliaments, as to how this complicated structure of our Constitution can be made to work smoothly and effectively and with goodwill.

One thing has struck me, I am free to confess. Although I have said it is not my intention to rush through this motion, some hon. Members seem to have felt so. One hon. member did something which surprised me very much. He seemed to think that this motion had some secret motive behind it to get more Members of the Congress Party from the other House

on the Public Accounts Committee. That surprised me very much because the Members of the Houses will be represented on the Committee in the proportion that there are parties there. It is not going to be by nomination by one party; or by election of only one party's Members. That question does not arise. It depends on what type of Members there are and the groups there are.

**Shri Raghavachari:** It will not be so subsequently; it will be so only at the first election.

**Shri Jawaharlal Nehru:** It is rather a remarkable thing; the conception of democracy that some people sometimes lay stress on. It is said sometimes in this House, sometimes outside the House, sometimes in foreign countries, that in India they have got a one-party system. Why? Because one party happens to have a considerable majority. It is a very extraordinary idea of describing this as a one-party system. Because in a vast General Election one party gets a majority here and in all the States, it is a one-party system. Their idea perhaps is that we should break our heads and we should have a ten-party system as some countries may have. That may be considered a better democracy.

Hon. Members on the other side say that we are using our majority for this purpose and that. Of course, we are. What is the majority for?—not to bow down to the minority. And the majority, in spite of what hon. Members on the other side may say, represents the majority of the People of India. There the matter ends. That is democracy.

But I do submit that this is not a party matter, of course, and I do not wish it to be treated as a party matter. I entirely agree with hon. Members opposite who said that this should not be treated as a party matter. I did not bring it forward as a party matter; nor did I have the least desire to rush it or push it through the House, or give an impression to this House or anyone outside this House that a matter which some Members thought raised various constitutional points and difficulties was rushed through without having been given adequate thought or adequate consideration. Well, I have no doubt about this matter in my mind and I regret to say that the arguments advanced by hon. Members opposite have not convinced me to the contrary. Because, as I said just now, whatever possible difficulties you might have can always be got over by variation of the rules, if necessary. Even so, I am pre-

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pared—if that is the wish of the House and if the House permits me—to postpone further consideration of this matter to the next session, so that all hon. Members on the other side, as well as others, may have the fullest time to give it their thought and consideration and then we can decide.

**Mr. Deputy-Speaker:** In view of the statement of the hon. the Leader of the House, this matter will stand adjourned.

*The House then adjourned till a Quarter Past eight of the Clock on Tuesday, the 14th May, 1953.*