

the country's foreign policy from entanglements with Anglo-American imperialist diplomacy in world affairs."

*The motion was negatived.*

**Mr. Speaker:** I will now put the amendment of Shri N. Sreekantan Nair. The question is:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House feels that the wrong policies adopted in regard to Kashmir have led to the U.S.-Pak alliance which has embittered further the relations between India and Pakistan."

*The motion was negatived.*

**Mr. Speaker:** Now, the hon. Members, Messrs. Lanka Sundaram, Ram Subhag Singh, Syed Ahmed, S. V. Ramaswamy, N. Somana, Jethalal Joshi and K. C. Sharma wish to have the leave of the House to withdraw their amendments.

*The amendments were, by leave, withdrawn.*

**Mr. Speaker:** The only amendment that now remains is that of Shri Raghuramaiah.

The question is:

That in the motion, the following be added at the end, namely:—

"and having considered the same, this House approves of this policy."

*The motion was adopted.*

**Mr. Speaker:** I will now put the motion, as amended.

The question is:

"That the present International situation and the policy of Government of India in relation thereto be taken into consideration and having considered the same, this House approves of this policy."

*The motion was adopted.*

#### MOTION RE. ASSOCIATION OF MEMBERS FROM COUNCIL OF STATES WITH PUBLIC ACCOUNTS COMMITTEE—*Concl'd.*

**Mr. Speaker:** The House will now proceed with the further consideration of the following motion moved by Shri Jawaharlal Nehru on the 12th May, 1953, namely:—

"That this House recommends to the Council of States that they do agree to nominate seven members from the Council to associate with the Public Accounts Committee of this House for the year 1953-54 and to communicate to this House the names of the members so nominated by the Council."

This motion was under discussion.

**Shri S. S. More (Sholapur):** May I, with your permission, Sir, rise on a point of order? As the Order Paper shows, this is further consideration of the motion moved by Shri Jawaharlal Nehru on the 12th May, 1953. I shall only invite your attention to Rule 238 of the Rules of Procedure and I need not say anything further. The rule says:—I shall read it with your permission—

"On the prorogation of a session, all pending notices other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notice must be given for the next session.

Provided that fresh notice shall be necessary of intention to move for leave to introduce any Bill in respect of which sanction or recommendation has been granted under the Constitution if the sanction or recommendation as the case may be has ceased to be operative."

I would also refer to the rule that when motions are to be moved, notices are to be given for them.

**Shri M. A. Ayyangar (Tirupati):** May I say a word, Sir?

**Mr. Speaker:** Not necessary.

**Shri S. S. More:** My submission is that this motion was moved on the 12th May, last. That session was prorogued. Then there was another session in the month of August-September. That too was prorogued. This is the next session after that. I submit that fresh notice should have been given under this particular rule.

I may refer also to article 107 of the Constitution, which makes an exception in the case of certain Bills. Sub-clause (3) says:

"A Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses."

My submission is that any other thing except a Bill pending in the House shall lapse. That is a necessary implication from this particular article. On the basis of this article read with rule 238 which requires fresh notice for any pending business, my submission is that this particular motion conflicts with these two provisions and is, as such, bad. I submit this for your ruling.

**Mr. Speaker:** I think the point is very clear. The hon. Member has, I believe, misread and misinterpreted the provisions both of article 107 as well as the rule. Article 107 speaks of Bills and says that prorogation will not lead to the result of lapsing. It saves certain Bills from lapsing. The utmost consequence would be that Bills which are not coming within this may lapse. But, that is a different proposition. So far as rule 238 is concerned, it deals with giving of notices. In the rule, the wording is 'pending notices'. It further says "fresh notice must be given".

**Shri R. N. S. Deo** (Kalahandi-Bolangir): Would you allow me to make some further submission, Sir?

**Mr. Speaker:** Not now. I have already started giving my ruling. I am giving it according to the practice prevailing.

In fact, it is a surprise to me that this point of order should have come up in respect of a part-heard matter.

It is not a notice now. The Motion was taken up for discussion. The House is seized of it and that has been postponed. There is no question of giving any fresh notice at all. It is business which was part-heard and which is now coming up by order of the House. I do not think there is anything very substantial in that point of order.

Dr. Krishnaswami.

**Dr. Krishnaswami** (Kancheepuram): Mr. Speaker, Sir, on the last occasion when the Leader of the House sponsored this motion, doubts were expressed from all sides of the House as to whether we could have a Joint Committee for Public Accounts. I am not inclined to consider this question from a technical point of view or from the angle of superiority of the House of the People over the Council of States. But, this motion raises issues of first rate importance which we cannot avoid and which it is not in the interests of both Houses to ignore.

[MR. DEPUTY-SPEAKER *in the Chair*]

I think, Mr. Deputy-Speaker, that one of the reasons for the claim of representation on the Public Accounts Committee being advanced is the assumption that the Council of States has the right to be associated with this House in bodies exercising financial control and scrutiny. The relevant article on which my friends rely for sustaining this position is article 151(1) which reads as follows:

"The reports of the Comptroller and Auditor General of India relating to the accounts of the Union shall be submitted to the President, who shall cause them to be laid before each House of Parliament."

What is the intendment and import of this provision in our constitution?

Now I do not think that it can be maintained that this article gives powers of financial scrutiny to the Council of States. It is clear that the article suggests that the President shall cause the reports of the Com-

troller to be laid before each House of Parliament. What is intended is that the report shall be laid on the Table for purposes of information. We have been accustomed in this House to have many reports laid on the Table of the House. If any hon. Member chooses to discuss them, he can certainly raise a debate subject to certain rules. But we have to distinguish between a power to raise a discussion and a power to scrutinise. The vital point which has to be taken into account is that in all matters where a discussion takes place, it is for the purpose of throwing light on some matter of public interest. But, a power of scrutiny stands on a different footing. I cannot understand how it can be argued that it should be possible for us to associate the Members of the Council of States with the Members of the House of the People on the Public Accounts Committee, solely because both Houses have the power to discuss, laying papers on the Table is a technical term of art.

Another point urged with some force by hon. Members, is that each House is the mistress of its procedure. Article 118 is invoked in this connection. Each House is certainly the mistress of its procedure. But, then all procedure is related to the powers and functions which any Assembly enjoys. It cannot be seriously maintained, Mr. Deputy-Speaker, that just because a House can control its own procedure, it can overstep the bounds of its powers. For instance, the House of the People is the House to which the Council of Ministers is accountable.

Can it be affirmed that the Council of States can have a provision in its rules of procedure whereby Ministers can be removed by a vote of no-confidence? If such a provision finds a place in the rules of the Council of States what would be its value? It would be I suggest without meaning any disrespect infructuous and would not have any value whatsoever. Therefore, I suggest that all procedure must be related to the powers which each House is endowed with by the people.

Let, me, consider the functions of the Public Accounts Committee in detail. The Public Accounts Committee apart from being a committee of scrutiny enjoys the power to condone excess of expenditure under Rule 196 (4). I refer to this because it is probably the most important provision which gives the Lower House full power and authority to examine and scrutinise financial accounts. Rule 196(4), as you will recollect, refers to the powers of the Public Accounts Committee to condone excess grants spent by a Department. It has the right to scrutinise them. It has the right to pass strictures, and it has the right to condone or to suggest that it will not condone them at all. It is, in effect, discharging a legislative power of this House. The House has delegated its duty to a sub-committee, and while it may be open to our House to reject the recommendation of the Committee, it very rarely happens that this House deserts its child.

I realise however, that on this matter hon. Members on the other side have made up their minds and that it is difficult for us to carry conviction to them. If today I am placing this point of view before this House, it is not with a view to importing acrimony into the debate or to promote disharmony between the two Houses. The Prime Minister is after all the Leader of this House and I make bold to appeal to him to consider the interests of this House as well. If he is convinced that in the interests of harmony we should certainly have some procedure which tends to give substantial authority to this House and at the same time does not prevent the association of Members of the other House with us then, of course, we may agree to a compromise. If it is argued that in the interest of harmony we should have a joint Committee, then we will have to consider the exact privileges and the powers which Members from the other House would have to enjoy. A joint financial committee, originating from this House is one in which the Chairman

[Dr. Krishnaswami]

of the Public Accounts Committee of this House will have the full power and authority to draw up the procedure. In matters pertaining to excess grants and similar subjects, which concern discharge of financial functions, it ought to be a sound and salutary rule that the Chairman of the Public Accounts Committee who would be elected from this House should regulate the procedure so as to give substantial power to the Members of this House. Those from the other House on this Committee will enjoy the capacity of being associate Members. They would certainly have the right to discuss, but when it comes to voting, I think the Chairman of the Public Accounts Committee should lay down rules whereby we have the assistance and wisdom of hon. Members from the other House, made available without their being given the power to vote on matters pertaining to excess grants and other such subjects which touch the financial powers of initiation of this House.

In conclusion, I hope it would be possible now that we have decided to associate Members of the Council of States with the House of the People. Only two weeks ago we were asked to join another Joint Select Committee of the Council of States and there we accepted the position of being associate Members. Similarly, when we have a joint Public Accounts Committee they would be associate members lending aid and assistance without strings. Let us all hope that this unseemly conflict between the two Houses is a thing of the past, and that the Leader of our House who has played a not inconsiderable part in emphasising the role which both Houses have to perform, will not forget that he is the Leader of the House of the People, that this House although it objected to this experiment is nevertheless willing to make a success of it. Probably as a result of the generous step that we have taken we may furnish an example to other countries

which have a bicameral legislature to emulate.

**Mr. Deputy-Speaker:** Does the hon. Minister want to say anything?

**The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru):** No, Sir.

**Mr. Deputy-Speaker:** The question is:

"That this House recommends to the Council of States that they do agree to nominate seven members from the Council to associate with the Public Accounts Committee of this House for the year 1953-54 and to communicate to this House the names of the members so nominated by the Council."

*The motion was adopted.*

#### PREVENTION OF DISQUALIFICATION (PARLIAMENT AND PART C STATES LEGISLATURES) BILL

**The Minister of Law and Minority Affairs (Shri Biswas):** I beg to move:

"That the Bill to declare certain offices of profit not to disqualify their holders for being chosen, as or for being members of Parliament or, as the case may be, the Legislative Assembly of any Part C State, as passed by the Council of States, be taken into consideration."

Hon. Members have, I hope, examined the provisions of the Bill which has been in their hands for some little time. They are aware of the provisions of Article 102 (i) (a) of the Constitution. This Bill has been brought before the House in pursuance of the express provision contained....

**Some Hon. Members:** We are not able to hear.

**Mr. Deputy-Speaker:** The hon. Minister may speak a little louder, and there may be lesser noise in the House.