

of the Ministry of Finance (Revenue Division) Notification No. 71—Income-tax, dated the 2nd December, 1953, extending the term of appointment of the Income-Tax Investigation Commission up to the 31st December 1955. [Placed in Library. See No. S-207/53.]

NOTIFICATION re RESERVE BANK OF INDIA (NOTE REFUND) RULES, 1935

Shri M. C. Shah: I beg to lay on the Table, under the proviso to Section 28 of the Reserve Bank of India Act, 1934, a copy of the Reserve Bank of India Notification No. 22, dated the 29th October, 1953, making amendments to the Reserve Bank of India (Note Refund) Rules 1935. [Placed in Library. See No. S-208/53.]

ELECTION TO COMMITTEES

INDIAN CENTRAL COCONUT COMMITTEE

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnaappa): I beg to move:

“That in pursuance of clause (g) of Section 4 of the Indian Coconut Committee Act, 1944, as amended by the Indian Coconut Committee (Amendment) Act, 1952, read with Rule 5 of the Indian Central Coconut Committee Rules, 1945, Members of this House do proceed to elect, in such manner as the Speaker may direct, a Member from among themselves to serve on the Indian Central Coconut Committee, in place of Shri P. T. Chacko, who resigned his seat in the House with effect from the 3rd July, 1953.”

Mr. Speaker: The question is:

“That in pursuance of clause (g) of Section 4 of the Indian Coconut Committee Act, 1944, as amended by the Indian Coconut Committee (Amendment) Act, 1952, read with Rule 5 of the

Indian Central Coconut Committee Rules, 1945, Members of this House do proceed to elect, in such manner as the Speaker may direct, a Member from among themselves to serve on the Indian Central Coconut Committee, in place of Shri P. T. Chacko, who resigned his seat in the House with effect from the 3rd July, 1953.”

The motion was adopted.

Mr. Speaker: I have to inform Members that the following dates have been fixed for receiving nominations and withdrawal of candidatures, and for holding an election, if necessary, in connection with the Indian Central Coconut Committee, namely:—

Date for nomination	Date for withdrawal	Date for election
15-12-53	16-12-53	21-12-53

The nominations for the Committee and the withdrawal of candidatures will be received in the Parliamentary Notice Office up to 4 p.m. on the dates mentioned for the purpose.

The election, which will be conducted by means of the single transferable vote, will be held in Committee Room No. 62, First Floor, Parliament House, between the hours 2-30 and 5 p.m.

SPECIAL MARRIAGE BILL

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

“That this House concurs in the recommendation of the Council of States that the House do join in the Joint Committee of the Houses on the Bill to provide a special form of marriage in certain cases, and for the registration of such and certain other marriages and resolves that the following Members of the House of the People be nominated to serve on the said Joint Committee, namely: Shri Hari Vinayak Pataskar. Shrimati Indira

[Shri Biswas]

A. Maydeo, Shri Narhar Vishnu Gadgil, Pandit Balkrishna Sharma, Shri Nardeo Snatak, Shri Ram Saran, Shri Muhammed Khuda Buksh, Shrimati Sushama Sen, Shri Awadeshwar Prasad Sinha, Dr. Hari Mohan, Shri Dodda Thimmaiah, Shri G. R. Damodaran, Shri C. P. Mathew, Shri Viswanath Reddy, Shri Tek Chand, Shrimati Subhadra Joshi, Shrimati B. Khongmen, Shri B. N. Mishra, Shri N. Somana, Shri Purnendu Sekhar Naskar, Shri B. Pocker Saheb, Her Highness Rajmata Kamlendu Mati Shah, Shrimati Sucheta Kripalani, Shrimati Renu Chakravartty, Dr. A. Krishnaswami, Shri M. R. Krishna, Shri B. Ramachandra Reddi, Shri P. N. Rajabhoj, Shri K. A. Damodara Menon, and Shri Tridib Kumar Chaudhuri."

Some Hon. Members: What about the Mover? (*Interruptions*).

Mr. Speaker: Motion moved:

"That this House concurs in the recommendation of the Council of States that the House do join in the Joint Committee of the Houses on the Bill to provide a special form of marriage in certain cases, and for the registration of such and certain other marriages and resolves that the following Members of the House of the People be nominated to serve on the said Joint Committee, namely: Shri Hari Vinayak Pataskar, Shrimati Indira A. Maydeo, Shri Narhar Vishnu Gadgil, Pandit Balkrishna Sharma, Shri Nardeo Snatak, Shri Ram Saran, Shri Muhammed Khuda Buksh, Shrimati Sushama Sen, Shri Awadeshwar Prasad Sinha, Dr. Hari Mohan, Shri Dodda Thimmaiah, Shri G. R. Damodaran, Shri C. P. Mathew, Shri Viswanath Reddy, Shri Tek Chand, Shrimati Subhadra Joshi, Shrimati B. Khongmen, Shri B. N. Mishra, Shri N. Somana, Shri Purnendu Sekhar Naskar, Shri B.

Pocker Saheb, Her Highness Rajmata Kamlendu Mati Shah, Shrimati Sucheta Kripalani, Shrimati Renu Chakravartty, Dr. A. Krishnaswami, Shri M. R. Krishna, Shri B. Ramachandra Reddi, Shri P. N. Rajabhoj, Shri K. A. Damodara Menon, and Shri Tridib Kumar Chaudhuri."

Pandit Balkrishna Sharma (Kanpur Distt. South *cum* Etawah Distt.—East): With your permission, I would like to draw your attention and the attention of the House to the Resolution passed by the Council of States, in this connection. According to that Resolution, this Joint Committee will be governed by the Rules of Procedure followed by that House, which means that the chairman of this Committee will be from that House, and that this Joint Committee in which the majority of the Members will be from this House, will submit their report to that House. In these circumstances, should we, without going into this particular part of that Resolution, pass this motion?

Shri M. Khuda Baksh (Murshidabad): Sir, may I make a submission on the point raised by my hon. friend? I have seen the Resolution in the uncorrected copy of the proceedings of the other House. It is specifically laid down therein that the Rules of Procedure etc., as has been already mentioned by my hon. friend, will be those of the other House. He has also mentioned that the majority of the Members that shall serve on that Committee will be from this House. The Members from the other House, I understand, number 15, while the number of Members from this House is 30.

There is one other thing to which my hon. friend has not drawn your attention, *viz.* that the Resolution, when it was presented to this House, was not in its entirety, as passed by the other House.

We are here asked to give our consent or approval to the Resolution

passed by the other House. Therefore, Sir, I thought that it would be proper that the entire Resolution passed by the other House should have been presented to this House. Otherwise, we are not in the know; we are not in possession of the proceedings of that House. It was only because this matter was mentioned in the Lobby that my hon. friend and I had an opportunity of looking into the debate in the other House and we found that the Resolution as passed by that House was not presented before this House. Hence, Sir, this difficulty has arisen. We are not in possession of the Resolution passed by the other House. Therefore, I would suggest that the Resolution as passed by them—because we are not in a position to amend it—shall have to be passed over to the other House for amendment before we can accept it. Otherwise, we shall be bound by that Resolution as such, which, I think, would be in gross contempt of this hon. House.

Shri S. V. Ramaswamy (Salem): On a matter of clarification, Sir?

Dr. Lanka Sundaram (Visakhapatnam): Sir, I concur with the statements made by my hon. friends, Pandit Balakrishna Sharma and Mr. Khuda Baksh. You will see, Sir, that this question involves vast problems of constitution, procedure and privilege, and that is why, Sir, I gave notice of a substitute Motion to the Motion of my hon. friend, the Law Minister, so that if you in your wisdom consider it proper and necessary, you can have a full-dress debate upon the points of constitution, procedure and privilege involved before we go into the merits of the Bill. Frankly speaking, Mr. Speaker, you will see the Bill is not before this House at all. If you permit me, Sir, we may take up these points of constitution, procedure and privilege first and then go into the merits later on, if that is necessary. If you permit me, I will move my motion; otherwise, I will wait till such time as is necessary. It so happens

that mine is the only amendment in the Order Paper.

Mr. Speaker: There are two other amendments also.

Dr. Lanka Sundaram: They are amendments to my substitute Motion.

Mr. Speaker: I think he may move his Motion at this stage and then as the debate develops, we shall see actually what the position is.

Dr. Lanka Sundaram: Mr. Speaker, I beg to move:

That for the original motion, the following be substituted:

“This House takes note of the recommendation of the Council of States that this House do join in the Joint Committee of the Houses on the Bill to provide a special form of marriage in certain cases, and for the registration of such and certain other marriages, and resolves that the following members of the House of the People be nominated to associate with the said Committee:

Shri Hari Vinayak Pataskar, Shrimati Indira A. Maydeo, Shri Narhar Vishnu Gadgil, Pandit Balakrishna Sharma, Shri Nardeo Snatak, Shri Ram Saran, Shri Muhammed Khuda Baksh, Shrimati Sushama Sen, Shri Awadeshwar Prasad Sinha, Dr. Hari Mohan, Shri Dodda Thimmaiah, Shri G. R. Damodaran, Shri C. P. Mathew, Shri Viswanath Reddy, Shri Tek Chand, Shrimati Subhadra Joshi, Shrimati B. Khongmen, Shri B. N. Mishra, Shri N. Somana, Shri Purnendu Sekhar Naskar, Shri B. Pocker Saheb, Her Highness Rajmata Kamlendu Mati Shah, Shrimati Sucheta Kripalani, Shrimati Renu Chakravarty, Dr. A. Krishnaswami, Shri M. R. Krishna, Shri B. Ramachandra Reddi, Shri P. N. Rajabhoj, Shri K. A. Damodara Menon, and Shri Tridib Kumar Chaudhuri.”

[Dr. Lanka Sundaram]

If you permit me and if the House agrees, I should like to place my arguments before the House so that these constitutional and procedural points may be disposed of.

Mr. Speaker: Let me place the amendment. Amendment moved:

That for the original motion, the following be substituted:

"This House takes note of the recommendation of the Council of States that this House do join in the Joint Committee of the Houses on the Bill to provide a special form of marriage in certain cases, and for the registration of such and certain other marriages, and resolves that the following members of the House of the People be nominated to associate with the said Committee:

Shri Hari Vinayak Pataskar, Shrimati Indira A. Maydeo, Shri Narhar Vishnu Gadgil, Pandit Balakrishna Sharma, Shri Nardeo Satak, Shri Ram Saran, Shri Muhammed Khuda Baksh, Shrimati Sushama Sen, Shri Awadeshwar Prasad Sinha, Dr. Hari Mohan, Shri Dodda Thimmaiah, Shri G. R. Damodaran, Shri C. P. Mathew, Shri Viswanath Reddy, Shri Tek Chand, Shrimati Subhadra Joshi, Shrimati B. Khongmen, Shri Bhupendra Nath Mishra, Shri N. Somana, Shri Purnendu Sekhar Naskar, Shri B. Pocker Saheb, Her Highness Rajmata Kamalendu Mati Shah, Shrimati Sucheta Kripalani, Shrimati Renu Chakravarty, Dr. A. Krishnaswami, Shri M. R. Krishna, Shri B. Ramachandra Reddi, Shri P. N. Rajabhoj, Shri K. A. Damodara Menon, and Shri Tridib Kumar Chaudhuri."

Shri M. S. Gurupadaswamy (My-sore): May I know whether the consent of all these Members has been taken.

Mr. Speaker: I presume it must have been.

Shri S. V. Ramaswamy: On a point of order, Sir.

Mr. Speaker: Let me first dispose of the amendment to this amendment.

Shri N. C. Chatterjee (Hooghly): I wanted to raise a point of order.

Mr. Speaker: Let me first dispose of this. Then I will hear all points of order.

Shri Kasliwal (Kotah-Jhalawar): I have an amendment to Dr. Lanka Sundaram's amendment.

Mr. Speaker: Yes, I am just looking into that. He wishes to move it

Shri Kasliwal: I wish to move it only to project attention on the question which has just been raised. I do not propose to say anything else on this particular aspect.

Mr. Speaker: Let him move the amendment.

Shri Kasliwal: I beg to move:

In the amendment proposed by Dr. Lanka Sundaram, printed as No. 1 in List No. 1—

for "and resolves that the following Members of the House of the People be nominated to associate with the said Committee," substitute—

"but regrets that it is unable to concur in the said recommendation."

Shri M. Khuda Baksh: On a point of order, Sir.

Mr. Speaker: Amendment moved:

In the amendment proposed by Dr. Lanka Sundaram, printed as No. 1 in List No. 1—

for "and resolves that the following Members of the House of the People be nominated to associate with the said Committee," substitute—

"but regrets that it is unable to concur in the said recommendation."

There is a further amendment to this motion by Mr. S. V. Ramaswamy. Does he wish to move it?

Shri S. V. Ramaswamy: I wish to raise a point of order before moving my amendment.

Mr. Speaker: My point is, let the main proposition, the amendments and the whole subject be in the possession of the House and then we shall hear all people who want to say anything in respect of any point of order on the constitution or procedure. That is why I am asking the hon. Member to move his amendment first and not raise his point of order. I shall hear his point of order also.

Shri M. Khuda Baksh: I wish to raise a point of order arising from the amendment which has been just moved by my hon. friend.

Mr. Speaker: First, let all the amendments be before the House.

Shri S. V. Ramaswamy: I would like to know, Sir, whether the main motion is itself in order.

Mr. Speaker: That will be different. I have not decided that.

Shri S. V. Ramaswamy: I am not moving an amendment to that motion which is itself not proper.

Mr. Speaker: Then he need not move it or may move it subject to the whole thing being in order.

Shri S. V. Ramaswamy: I am moving my amendment subject to the main motion being adopted by this House. My amendment reads:

In the motion, add the following at the end:

“which will work under the Rules of Procedure of the House of the People”.

Mr. Speaker: Amendment moved:

In the motion, add the following at the end:

“which will work under the Rules of Procedure of the House of the People”.

Mr. Speaker: So it seems, looking at the desire of a large number of hon. Members to raise points of order on the constitutional aspect, it is better that we first restrict ourselves to points of order on the constitutional position.

Dr. Lanka Sundaram: Mr. Deputy-Speaker, Sir.....(*Interruptions*).

Mr. Speaker: Order, order. I am going to vacate.

Dr. Lanka Sundaram: Coming events cast their shadows.

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

Mr. Deputy-Speaker, Sir, the House will realise that I have given notice of my motion seeking to substitute the motion of my hon. friend, the Law Minister, specifically to raise a debate on the constitution, procedure and privilege involved in the proposal of the Government that this House do agree to the nomination of certain people to serve on a Joint Select Committee originating in the other place. I would like to say straightway, Sir, that I do not propose to say anything about the merits of the Bill. Even though I have got one or two small points about the contents of the Bill, I am entirely in agreement with the Mover of the Bill. I say so because I heard with considerable amusement that certain Members opposite or the party in power, have sought to interpret my motion as constituting a sly attempt on the part of the mover to sabotage the Bill. I am here freely to confess that there is no intention of that type on my part.

Having said this, Mr. Deputy-Speaker, the House will not fail to be struck by a very extraordinary point involving even on a wider basis the question of the constitution, procedure and privilege involved in the motion of my hon. friend, the Law Minister. On the Order Paper, Sir, today you will see there are three distinct motions. One motion—apart from the motion

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which is now under debate—is in the name of the Law Minister—on the recommendations of the Joint Committee of Parliament on allowances and abbreviations for Members of both the Houses. You will notice, Sir, that a Joint Committee of both the Houses appointed on a motion in this House reported in July last year—17 months ago—and made certain recommendations and the report came for disposal in this House, the designation or abbreviation “M.P.” has been appropriated by Members of the other House. I do not wish to comment on the implications of this. There will be other occasions when the motion proper is taken up. But I am drawing your attention to this point.

3 P.M.

Then there is the Prime Minister's motion on the Order Paper, seeking to resume the debate which was left unfinished on May 12th and 13th of this year. The motion relates to the association, on our invitation,—that means, the invitation of this hon. House—of seven elected Members of the other House with the Public Accounts Committee of this House. It so happens that I had spoken on the motion on 13th May last, and I do not wish to repeat any one of those arguments. But with your permission, I would request the House to remember that these three different motions on the Order Paper today, each in its own way, seeks to destroy, disrupt and derogate from our rights, privileges etc. guaranteed under the Constitution.

Shri B. Das (Jajpur-Keonjhar): No. no. Do not be alarmed.

Dr. Lanka Sundaram: The House will bear with me. In the case of the motion regarding the Special Marriage Bill, the Law Minister seeks the concurrence of this House with the recommendation of the Council of States for the election of Members to serve

on the Select Committee. If you see the motion on the joint committee on abbreviations and allowances, it wants the House to accept the recommendations seventeen long months after the report was made by the joint committee which was appointed on the motion of this House. And finally, the Prime Minister's motion attacks the same problem from another angle. It invites the other House to nominate seven Members to work on our Public Accounts Committee.

I regret to say this, Mr. Deputy-Speaker, but all this and many other things which are happening now in regard to the relationships between this House and the other House are done with a view to provoke a constitutional deadlock and crisis. I regret to have to say this, but I say it without any fear of contradiction. I wish these methods were straightforward, these methods were frontal, but these things are being sought to be done in an indirect way, in the most curious manner imaginable.

Having said this, I will address myself to my motion in relation to that of my hon. friend the Law Minister. You will recall that intervening in the debate on the 13th May of this year, the Prime Minister with reference to his motion on the Public Accounts Committee said as follows:—(I am quoting from page 17, 153—of the uncorrected debates)—

“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.”

I am sure that no hon. Member of this House would have any quarrel with the Prime Minister in this enunciation. Then the Prime Minister proceeded:—

“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."

Sir, I base my approach to this particular problem in terms of the statement made by the Prime Minister who, unfortunately, does not happen to be present with us today because he is out of town.

Without covering the ground I sought to cover when I spoke on the motion of the Prime Minister in May last, I would like to invite the attention of the House to the serious implications of the present move of my hon. friend the Law Minister, who has the motion in respect of the *Special Marriages Bill* in his name.

In the first place, Mr. Deputy-Speaker, the Constitution does not leave any doubt as to the relative powers, functions and procedure in respect of either House of Parliament. Article 105(3) clearly states the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House. They 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, or the Parliament of the United Kingdom, and of its members and committees.

My first point is with reference to Article 105(3). There is no rule so far made by mutual consent by both the Houses, governing this particular procedure. There is also no provision for a committee of this character in the *British Parliament*.

Article 107 clearly indicates that apart from money Bills which are disposed of in Articles 109 and 117 and in whose case the powers of the House of the People are supreme, the relative positions of both the Houses even in respect of other Bills are not left in doubt. Clause (1) of this Article provides for the originating of Bills in either House, but clause (5) lays down that Bills pending in the Council of States shall, subject to Article 108, lapse on the dissolution of the House

of the People. The implication is clear. Once the House of the People disappears from the scene for any reason, the other House is put out of operation.

Article 108 deals with the rejection of a Bill, disagreement to amendments on a Bill, or the lapse of six months time after the passage of a Bill by one House, and the President issuing summons for a joint session of both Houses. The language is, "unless the Bill has lapsed by reason of a dissolution of the House of the People". Of course, money Bills are completely outside the scope of this particular proposition. The main significance of this point is that even in respect of Article 108, which provides for joint sessions of both the Houses, there is no provision for a joint select committee even in the case of a joint session, and none at all about the Council of States transmitting a motion to this House for a joint select committee.

There is one more Article of the Constitution which I have to examine here, viz. Article 118, which makes provision for both the Houses making their own rules of procedure. Clause (3) of this Article empowers the President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, to make rules as to the procedure with respect to joint sittings of, and communications between, the two Houses. Clause (4) of this Article provides that the Speaker is to be the presiding authority at these joint sittings, or in his absence such person as may be determined by rules of procedure. In other words, the Speaker of the House of the People is the Speaker of Parliament—the Speaker of Parliament constituted by both the Houses of Parliament—and there is no question of this position being detracted from in any circumstances. That, so far, deals with the Constitution.

Now, with your permission, I will address myself to an examination—as

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briefly as I can—of the rules of procedure of this hon. House and of the rules of procedure of the other place. Our rule 74(3) makes provision for the introduction of a motion in this House by the mover of a Bill that it shall be referred to a joint committee of the two Houses with the concurrence of the Council of States. Our rule 146, conferring rights on Members to move motions for select committees, clearly states: "if the Bill has not already been referred to a Select Committee of the Council or to a Joint Committee of both Houses, but not otherwise". It is here that the House must examine the rules of procedure of the other House. There is no provision there for a joint committee of the type which is envisaged in certain exceptional circumstances by the rules of procedure of this hon. House.

Pandit Balkrishna Sharma: Can it originate here?

Dr. Lanka Sundaram: I am glad that my hon. friend has made a reference to it. Actually, this hon. House since the first republican elections moved motions and got two joint committees appointed, namely, the joint committee on the Preventive Detention Bill and the Auxiliary and Air Forces Bill.

It is here that you must concentrate on the position of the other House. You, Mr. Deputy-Speaker, would recall as Chairman of our Rules Committee that an attempt was made by the other House last year by sending to us its draft rule 80-A. Section (4) of the draft rule 80-A makes it mandatory that the Chairman of such committees—for joint committees originating in the other place—shall be appointed by the Chairman of the Council from amongst the members of the committee, and that the Deputy Chairman of the Council of States, if he is a member of such committee, shall be appointed Chairman of the committee. Section (5) of this draft rule of the other House empowers the Chairman of the Council of States to

appoint the chairman of a joint committee if the original chairman was unable to attend. Then come two important provisions. Section (8) says that the time and place for the meeting of the joint committee shall be fixed by the Chairman of the Council. Section (9) says—

"In order to constitute a meeting of the Joint Committee the quorum shall be one-third of the number of members of the Council and one-third of the number of members of the House in the Joint Committee."

That means two quorums in a Joint Committee, on the motion of the other House, as adumbrated in these draft Rules. Finally, Sir, section 10 of the Rules provide for variations and modifications of the Rules to be made only by the Chairman of the Council of States, meaning thereby that the powers and functions of the Speaker of the House of the People are completely set at naught.

You are aware, Sir, that when this draft Rule was transmitted to this House, our Rules Committee have gone into it and have completely rejected it. Our grievance is that when the Government knows that the Rules Committee of this hon. House has totally rejected the propositions made one year ago by the other House, they are coming now through the back door to compel the House to accept them—a proposition rejected by the Rules Committee. Obviously, Sir, there cannot be two quorums. Our rule is to have one-third of the total members. You will see that at the moment a lot of confusion or complication will arise even about the technical point of quorum and also the manner in which the meetings are called and proceedings held. I consider, Sir, that the rejection by the Rules Committee of draft rule 80-A of the other House is sufficient notice to the Government that they shall not force a constitutional deadlock or crisis on this House, and I am sorry that the hon. Law

Minister has been obliged to bring this motion here through the back door. Now, Sir, I know most of my hon. friends would like to enter into this debate with as much sincerity and passion,—constitutional passion—as myself, and I would like to summarise the technical positions involved in a proposition of this character.

As regards the question of privilege, who will decide? 30 Members of this House, a majority working under a chairman nominated by the Chairman of the other House? Will Members of this House submit to the discipline, on questions of privilege, of the chairman appointed by the Chairman of the Council of States? That is the position. The Constitution says that the powers and privileges will be the same as in the House of Commons in the U.K. There is no precedent in the entire British Parliamentary history of a Joint Committee on the motion of the House of Lords, with a majority of the Members of the House of Commons functioning under the direction and control and rules of procedure of the other House. What about minutes of dissent? Every Member of a Joint Committee is entitled to write a note of dissent, and the Speaker has also the power to expunge from the proceedings phrases or statements which are unparliamentary or inappropriate. Supposing on this Committee, if my hon. friend's motion goes through, some Members of this hon. House submit a minute of dissent—it is not an academic question. You, Sir, have so much experience of Joint Select Committees. It so happens that I have recently experience of two Select Committees. We know there was an occasion only this year a few days ago about expunging of passages. Will this House submit to the indignity of being governed by the presiding officer of the other place? What about disturbances in a Joint Committee? Who will control?

Dr. M. M. Das (Burdwan—Reserved—Sch. Castes): Why should the Members create disturbances?

Shri S. S. More (Sholapur): Dr. Katju will control them.

Dr. Lanka Sundaram: I would like to be taken seriously, Sir, because we are trying to discuss the question quite comprehensively and with a sense of responsibility. In the event of indiscipline, whose jurisdiction is it to control it? Supposing a witness is recalcitrant, is the Speaker of the House to deal with him or the Chairman of the Council of States? What about payment of allowances, etc.? Is it from our budget or from their budget. There will be certain papers produced before the Joint Committee. The question whether they are to be kept secret or confidential has to be decided by the Speaker, or will this be done by the Chairman there? Then, proceeding to the difficulties regarding voting, there are many doubts regarding the manner in which the votes are to be cast. I know that at a particular meeting of a Select Committee of this House a Member declared that he was breaking the quorum, and he sat in the same room and broke the quorum.

An Hon. Member: Name him.

Dr. Lanka Sundaram: My hon. friend knows it. Actually an hon. Member of a Select Committee of this House declared that he was breaking the quorum, sat in the same room for half an hour and the proceedings could not be held. These, therefore, are not academic issues. Who is to take disciplinary action in such cases? It related to the Estate Duty Select Committee, of which I was a member.

Finally, there is a very important point. Even if the hon. House will not accept all my points, I think they will accept this at least. The practice in this House is this. The Chairman of a Select Committee is nominated by the Speaker on grounds of competence. The latest example is the Government Assurances Committee, and a Member of the Opposition is the Chairman of this Select Committee. It is something of extraordinary constitutional,

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procedural and even political importance. You know what happens now, and I say the reverse will happen in this case. Today, suppose, there is a 3 to 1 majority, and, suppose the reverse to be the case tomorrow or the day after in this Parliament or in one of the State Legislatures. What will be the position then? You cannot run a Select Committee on the basis of parties or political principles. Select Committees are committees which are the servants of the House, with certain special duties assigned to them, which they should perform before sending the issues for disposal by the House. Again, who will keep the records of the proceedings of the Joint Select Committee as adumbrated by the motion before this hon. House. These are some of the technical questions which the House must examine before this motion is allowed even to be considered.

There are two other points I would like to make. Whatever is done in the case of this Bill, there are two other Hindu Reforms Bills, and most of these points have been brought to the notice of the appropriate authorities in charge of the Bill. Are we to go through the same wrangling all over again before the House adjourns. And, all the three Bills must be referred to the Joint Select Committee before the House adjourns. It is something which is extraordinary and something which is unheard of. Having said this, I would like to say a couple of words on the theory of bicameral legislature. What is the position of the other House? It is a revising body and a body of elder statesmen, supposed to work in a calm atmosphere, an atmosphere completely divested from the rough and tumble of this House. Article 75(3) of the Constitution says that the Council of Ministers shall be collectively responsible to the House of the People. The position is clear. They are only to step in in cases where we go wrong. That revising position is now sought to be converted into a position of co-equal power.

An Hon. Member: Superior power.

Dr. Lanka Sundaram: Yes, superior in certain respects, with the result that the Rules Committee in its report to the House has brought out the position clearly, and said that the present position might be maintained and a step need not be gone further. I am raising this debate particularly with a view to laying down and putting beyond a shadow of doubt the procedure for the constitution of Joint Select Committees. I would like to say—I am sorry the Leader of the House is not here—that there seems to be a curious twist.....

Mr. Deputy-Speaker: What is the exact provision in the Resolution there? Have you got it here?

Shri Biswas: In the other House?

Dr. Lanka Sundaram: I shall finish my speech in a couple of minutes, Sir, before the Law Minister answers your point. I have seen the resolution, of course.

Shri Biswas: If you will please give me a minute, I will search it out from my papers here—I am sure I have brought it here with me.

Mr. Deputy-Speaker: All right.

Dr. Lanka Sundaram: There seems to be a curious twist about the manner in which the mechanism of party approach to cover the legislation has functioned in this regard. I am sorry to have to say this, but such of us in this House, irrespective of party, who are wide awake, know exactly what has happened. It is an attempt to sidetrack, it is an attempt to get things done by the back door when the right royal approach of amending the Constitution is there. The gravamen of my argument is this. My friend opposite wants to have the best of both the worlds. But our rules do not permit the motion for discussion in this House. And yet he brings it. Why do they not change the rules? I have tried to show it that the Constitution does not permit it—a position of this character. Why do not they amend the Constitution? These are questions which are not academic to my mind,

and I declare that posterity will judge us. Being the first republican Parliament, we have to set down very adequate, just and enduring rules of procedure, and without that parliamentary democracy cannot work. Very soon, through very important changes in some parts of the country, the party opposite may not be able to run the administration. It is not wishful thinking, but look at the danger; you are making it a pawn in the political game. For God's sake, do not do that. The rules of procedure should be binding for ever for all parties, and there must be a precedent of concrete value.

Finally, last time, I remember, Mr. Deputy-Speaker, the hon. Prime Minister brought in a motion about the Public Accounts Committee and all that. A three-line whip was issued by the party. It is their concern, but not mine, but even today, I appeal to my friends, especially the Law Minister, to leave the motion to the free vote of this House. Then you will know the result. This is a request which is not unreasonable, and if they want to exercise that party whip and mandate, I have no quarrel, because I do not belong to that party. This is a question which has nothing to do with any party controversy or quarrel. It is only a constitutional, procedural point, and that is why I gave notice of my amendment seeking to substitute the motion of the hon. Law Minister and to raise this discussion on constitutional procedure. If the vote is free, I am sure the result will not be in doubt at all.

Dr. N. B. Khare (Gwalior): I ask for an information: whether this House can consent to the appointment of a Select Committee to consider a Bill without at all agreeing with the principles of the Bill?

Mr. Deputy-Speaker: That will also be considered.

Shri Biswas: The resolution as passed by the Council of States and sent to this House is this:

"That the Bill to provide a special form of marriage in cer-

tain cases, and for the registration of such and certain other marriages be referred to a Joint Committee of the Houses consisting of 45 Members, 15 Members from the Council of States, namely,..."

the names are given in the resolution—

"and thirty Members from the House of the People; that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of Members of the Joint Committee; that in other respects, the rules of procedure of this Council relating to Select Committees will apply with such variations and modifications as the Chairman may make; that this Council recommends to the House of the People that the House do join in the said Committee and communicate to this Council the names of Members to be appointed by the House to the Joint Committee and that the Committee shall make a report to this Council within two months after its appointment."

Shri N. C. Chatterjee: Mr. Deputy-Speaker, Sir, I do maintain that this motion is thoroughly illegal, *ultra vires* and is repugnant both to the Constitution of India and the Rules of Procedure and Conduct of Business of the House of the People. There is no rule in the rules of procedure of our House which permits or sanctions any such motion. If you kindly turn to rule 74, you will find the heading is "Motions after introduction of Bills".

"When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely:—

(i) that it be taken into consideration; or

(ii) that it be referred to a Select Committee of the House; or

[Shri N. C. Chatterjee]

(iii) that it be referred to a Joint Committee of the Houses..."
or

(iv) that it be circulated for the purpose of eliciting opinion thereon."

Now, Sir, this Bill has not at all been introduced in the House of the People. There has been no motion moved with regard to the introduction, and we have got nothing to do with this Bill. It is not pending before us, and therefore, I maintain that the motion of the hon. Law Minister is against the rule.

I now, take, Sir, more fundamental points. The constitution of this Parliament is bicameral, as my friend Dr. Lanka Sundaram has pointed out. Articles 79 to 81 make it clear that Parliament shall consist of two Houses. Law passed by Parliament means law passed by both the Houses followed by the assent of the President, subject, of course, to the paramount provision that money Bills should not be passed by the Council in which sphere the House of the People has the power. That is covered by article 109. Now, if you look at article 118(1), each House is to function under the rules to be framed by them. The Constitution provides that you have got the power to frame the rules and that rule shall be binding and we shall be governed by those rules. Article 118(1) says so. The Constitution, therefore gives us the authority to frame rules. "Each House may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business". Under that article we have framed rules and they are binding on us.

If a motion for leave to introduce a Bill is carried, then it may be referred to a Select Committee or taken up for consideration. After the Bill passes through all its stages, it has

to be passed by a House in which it was introduced.

Now, Sir, if you will kindly turn to article 108 of the Constitution, you will find—and I submit that it is the most relevant article—the following provision:

"If after a Bill has been passed by one House and transmitted to the other House—

(a) the Bill is rejected by the other House; or

(b) the Houses have finally disagreed as to the amendments to be made in the Bill; or

(c) more than six months elapse from the date of the reception of the Bill by the other House...."

Then, the President can take certain courses of action. Therefore, Sir, under this article, after a Bill has been passed by one House, only then it can be transmitted to the other House. Our rule also contemplates that course. If you look at rule 142, you will see that it is also in conformity with the Constitution. In the chapter relating to "Bills originating in the Council and transmitted to the House", it is clearly stated by rule 142 thus:

"When a Bill originating in the Council has been passed by the Council and is transmitted to the House the Bill shall, as soon as may be, be laid on the Table."

Then, Sir, rule 144 provides for motions for consideration, and rule 145 for discussion. I may submit, Sir, that the only way that this House can take cognizance of the Bill is by complying with the provisions of rules, 142, 143, 144 and 145. The condition precedent is, Sir, that it must be passed in one House, and then transmitted to this House. It is only then that you can take cognizance of it and you can then deal with the Bill. This Special Marriage Bill was introduced in the Council of States. It was

debated there fully. The Council approved of the Bill and it resolved that this Bill be referred to a Joint Committee of the two Houses. Now, Sir, I maintain that the hon. Law Minister's motion is not in order because it will constitute a bad precedent, a dangerous precedent and if I may quote what Mr. Khuda Baksh said, it is certainly discourtesy shown to this House if not contempt of this House.

Sir, I am using the word 'discourtesy' because it has been pointed out in May's Parliamentary Practice that a resolution like this is always resented by the House of Commons as discourtesy. I am reading, Sir, from the latest edition of May's Parliamentary Practice—15th edition—page 641. There it is put down:

"It was formerly the practice, when either House desired to refer a matter, or to commit a bill, to a joint committee, for that House to appoint a committee, and send a message to the other House to inform it of the appointment, and to request it to appoint an equal number of its members to join with the committee appointed by the first House.

This course is not only inconvenient, as in the event of the other House not complying with the request, the order for the appointment of the committee would have to be discharged, but now would be regarded as discourteous to the other House."

Sir, our rules do not permit it. It is an act of discourtesy and I submit, Sir, that this should be held out of order. It is a bad precedent. The House has got to discuss the Bill. It has not accepted the principle of the Bill. Yet, the Law Minister asks this House.....

Mr. Deputy-Speaker: I understood from the passage to mean that it is discourtesy to the other House—the Council.

Shri N. C. Chatterjee: No. Discourtesy to the House which is commanded. The other House says: "We

have discussed the Bill. We have approved the principles of the Bill. We appoint a Committee. We ask you to send some Members to the Joint Committee". That, Sir, is resented and is discourteous or contemptuous.

Now, I come to a more fundamental consideration. I maintain that the Council of States is not at all competent to ask this House to select representatives to serve on their Committee. Firstly, this Bill is not at all before them; secondly it is not pending before this House; thirdly no motion has been moved for the consideration of this Bill; fourthly no motion for consideration has been at all passed by this House. It is only after a Bill is on the Order Paper and the House is in possession of it and the leave for introduction of it has been moved and it has been granted, that there can be a request for reference to a Select Committee. Rule 74 envisages the question of reference to Select Committee will arise only on this condition.

We are not using the word "discourtesy" purely out of any inflated notion of our importance, or to dramatise any cleavage between the two Houses. We are not resenting this in a light-hearted manner. Really this House is being asked to send its nominees to a Select Committee which will in fact be a committee of the other House, functioning under the guidance of the Chairman of the Council of States, to discuss something which is not at all before the House. Therefore, this House should not at all entertain any such motion.

Article 108 of the Constitution envisages that one House can deal with a Bill only after the transmission stage is over. Under the same article the Bill has to be laid on the Table. Sir, rule 142 of our Rules of Procedure is perfectly clear on this point. It reads:

"When a Bill originating in the Council has been passed by the Council and is transmitted to the House the Bill shall, as soon as may be, laid on the Table."

[Shri N. C. Chatterjee]

Then you can consider it and then you can discuss it. Now, this stage has not yet arisen. Therefore, we are not raising this merely as a debating point, a technical point, or legal disquisition. I am pointing out, Sir, that this kind of dangerous precedent, if accepted by the House, will lead to anomalous situations. It will be dangerous. Acceptance of the hon. the Law Minister's motion will mean that this House will really subordinate itself to the other House, and we should never be a party to that kind of subordination.

Although some members may be chosen from the House of the People, to participate in the Joint Committee, the report will be submitted to the Council of States. Sir, I do not know if we have got the printed report of the Council of States proceedings. It is headed, Council of States Debates, 16th May 1953 and 16th September 1953. On the 16th September the Law Minister moved the motion and it says clearly:

"In other respects (with respect to quorum, etc.) the Rules of Procedure of the Council of States relating to Select Committees will apply."

Therefore, Sir, our nominees, the nominees of the House of the People will be completely functioning under the Rules of Procedure of the Council.

Another amendment has been introduced: "with such variations and such modifications as the Chairman of the Council of States may make". This will completely be under their domination. The Joint Committee will make the report to the Council of States. Therefore, although we shall be nominating our men, our members, to serve on that Committee, that Committee's report will be made to the Council of States. The Council of States will then consider that report. It may reject it, or it may amend it. But what about this House? It won't come here; it is not coming here. A Select Committee

of this House will, therefore, be working purely under the direction and control of the other House.

Now, Sir, I would draw the attention of the House to our rules on Select Committees on Bills. Under rule 78:

"(1) The Chairman of the Committee shall be appointed by the Speaker from amongst the members of the Committee:

Provided that where the Deputy-Speaker is a member of the Committee, he shall be appointed Chairman of the Committee."

Mr. Deputy-Speaker: In case a Bill is introduced here and during consideration stage there is a motion for reference to a Joint Select Committee, under rule 75 "If a member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee of the House, or a Joint Committee of the Houses with the concurrence of the Council".

Therefore, when a Bill is introduced in this House and a motion for consideration is made as an amendment, it is open to any hon. member of this House to move that the Bill be referred to a Joint Select Committee of both Houses. If that motion is carried, the Chairman of that Joint Committee under rule 77 has to be appointed by this House. Is that the meaning?

Shri N. C. Chatterjee: Yes, by the Speaker.

In this connection I would refer the House to rule 84 which reads:

"The meetings of a Select Committee shall be held on such days and at such hour as the Chairman of the Committee may fix:"

If you are on that Committee, then you automatically become the Chairman of that Committee; you shall fix and regulate the proceedings of that Committee.

Mr. Deputy-Speaker: Therefore, in the Joint Select Committee I ought not to be nominated as a member?

Shri N. C. Chatterjee: You cannot be there as Chairman. Under Rule 88:

"A Select Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties."

Then, kindly look at the proviso:

"Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker whose decision shall be final."

Therefore, Sir, that power is being taken away.

Then again, please refer to rule 91 which reads:

"(1) The Speaker may from time to time issue such directions to the Chairman of the Committee as he may consider necessary for regulating its procedure and the organisation of its work."

That power is being taken away. Our Speaker cannot give any direction to the Chairman of that Committee which is going to be appointed.

Then, look at rule 91, sub-rule (2):

"If any doubt arises 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."

These are very important provisions. The House is being asked to concur in a recommendation of the Council of States. Unfortunately we have not got the printed copy of the resolution passed by the other House. If one looks at the resolution carefully, he will find that it says clearly: "In other respects rules of procedure of this Council shall apply".

588 PSD.

Therefore, all our rules regarding proceedings of Select Committees are being abrogated, are being made inapplicable. The Law Minister's motion seems to be very innocuous. Accept the recommendation and kindly come and join the Joint Committee. Kindly wipe out all your rules, all your privileges, all your Speaker's prerogatives, all your self-respect and come and join as a subordinate functioning completely under the domination of the other House.

Mr. Deputy-Speaker: If it open under the Rules of Procedure of the other House by a resolution to say that the Speaker of this House may appoint a Chairman?

Shri N. C. Chatterjee: Let the other House pass that, then we shall consider it. But the recommendation, as it stands, simply means: you concur in the appointment as envisaged in this resolution of the Council of States; you shall have to function according to the rules of procedure of the Council of States; those rules can be varied, can be modified, can be altered at any time that the Chairman of the Council of States may choose to and the Joint Committee shall make a report to the Council of States.

Not only that. If we accept this motion what happens? According to the Law Minister's motion the Rules of the other House will come into play. Only one rule is abrogated, that is rule 61, which deals with quorum. Apart from that, all the other rules have full play. Under rule 60 the Chairman of the Committee shall be appointed by the Chairman of the Council of States from amongst the members of the Committee. However eminent and desirable a person may be chosen, he cannot be appointed Chairman; it must be from among their Members.

Mr. Deputy-Speaker: Let us understand things correctly. It is a joint committee that is envisaged. "From amongst the members of the Committee" in a joint committee, may mean Members of both Houses.

Shri N. C. Chatterjee: No, Sir. Kindly see the resolution passed. The resolution is that "in other respects the Rules of Procedure of this Council relating to Select Committee shall apply". The Rules of Procedure relating to Select Committees begin from rule 59 of that House. 59, 60, 62 and so on, every rule applies, except rule 61 relating to quorum which is *pro tanto* varied or superseded.

Then look at rule 62. "If a member is absent from two or more consecutive meetings of the Select Committee, without the permission of the Chairman of the Select Committee, a motion may be moved in the Council of States for the discharge of such member from the Select Committee". A very peculiar position for any of our Members to accept!

Then rule 66 says "The meetings of a Select Committee shall be held on such days and at such hour as the Chairman of the Committee may fix".

Rule 68 says "If notice of a proposed amendment has not been given before the day on which the Bill is taken up by the Select Committee, any member may object to the moving of the amendment and such objection shall prevail unless the Chairman of the Committee allows the amendment to be moved". If you put in thirty Members from here they will be completely at the mercy of their Chairman.

Then rule 70 says "If any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Chairman of the Council of States whose decision shall be final".

An Hon. Member: It is their committee.

Shri N. C. Chatterjee: They have deliberately put in a clause which is candid and clear that the Chairman of the Council of States shall decide all questions—of privilege, procedure, relevancy or irrelevancy, production of documents etc.

And then rule 73 says "The Chairman of the Council of States may from time to time issue such directions to the Chairman of the Committee as he may consider necessary for regulating its procedure and the organisation of its work". Therefore, not only the Speaker cannot do it, but the Committee also must function under the directions of the Chairman of the Council of States. They have deliberately taken these powers.

Mr. Deputy-Speaker: What is the harm?

Shri N. C. Chatterjee: Sir, your question gladdens the heart of the Law Minister.

Dr. Lanka Sundaram: May I recall, Sir, that in the Rules Committee over which you presided you gave the answer in paragraph 5?

Shri Biswas: Sir, will you kindly direct the Secretary to produce before this House the copies of the Resolutions which were passed by this House referring two Bills, to which reference has been made, to a joint select committee of both Houses? In what terms were those resolutions framed? Compare those terms with the terms of the Resolution which the Council of States has passed to this House.

Shri N. C. Chatterjee: Therefore, they reciprocate it, Sir, in the proper spirit! It is a very illuminating point made by the hon. the Law Minister!

Shri Biswas: In discussing points of constitutional law and propriety you need not refer to the action you have already taken?

An Hon. Member: We are the people.

Dr. Lanka Sundaram: Will the hon. Law Minister kindly see article 118 of the Constitution?

Shri N. C. Chatterjee: Has he seen article 118?

Shri Biswas: Unfortunately I have.

Shri N. C. Chatterjee: Clause (4) of article 118 says that at a joint sitting

of the two Houses the Speaker of the House of the People shall preside. Therefore the Constitution makes the Speaker paramount, and even in a joint sitting of the two Houses he shall preside, and not the Chairman of the Council of States, however eminent he might be. That is what the Constitution says and that is what the Constitution-makers provided. Does my hon. friend suggest that it would be perfectly proper for anybody nominated by the Chairman of the Council of States to preside over a joint committee which ought to emerge from a joint sitting of the two Houses?

And then rule 77—that wonderful rule—of the Council of States says: "The Report of the Select Committee on a Bill together with the minutes of dissent, if any, shall be presented to the Council of States by the Chairman of the Committee or in his absence by any member of the Committee". You can never expect that with thirty Members there will be no minute of dissent; there may be fifteen. They will all have to be sent to that Chairman and they will then go to the Council of States. It says "shall be presented to the Council of States by the Chairman of the Committee or in his absence by any member of the Committee. It obviously means that the Chairman of the Committee must be a Member of that House. If you, Sir, are there as our nominee you cannot function as the Chairman.

Then there is another rule, rule 79, which says that after the presentation of the final report of the Select Committee on the Bill, the member in charge may move that the Bill be taken into consideration or be re-committed, etc.

Mr. Deputy-Speaker: Order, order. Let there be less of talk. The hon. Member is developing his point. Let us hear it.

Shri N. C. Chatterjee: The motion of the hon. Law Minister in my humble submission is certainly repugnant to the

letter and the spirit of the Constitution and the Rules of Procedure of this House. Under article 118(4) of the Constitution in a joint sitting our Speaker shall preside. He shall have the determining voice, on questions of privilege, procedure, etc. According to my interpretation of the Constitution a joint committee can really emerge out of a joint sitting. In that case our Speaker will have a dominant voice. And, obviously, our Speaker will nominate the Chairman of the Committee and all the procedure shall be decided by him. I submit, Sir, that this motion ought to be withdrawn. (*Several hon. Members: Withdraw, withdraw*). We are elected Members. We should have paramount powers. All our minutes of dissent must be submitted to you. Our Speaker and, in his absence, you, Mr. Deputy-Speaker should have all the power. The Members of this House must have the final and dominant voice. We are not going to function in a subordinate capacity as ancillary or auxiliary, at the behest of the Law Minister. (*An hon. Member: At their mercy*).

منسٹر آف ایجوکیشن و نیچرل

ریسرچ و سائنٹیفک ریسرچ (مولانا آزاد):
 میں یہ سمجھتا ہوں کہ بحث نے جو
 رخ اس وقت اختیار کر لیا ہے اس کو
 آگے بڑھانا بہتر نہیں ہوگا۔ بہتر یہ ہے
 کہ اس چمڑ کو اس وقت ملتوی کیا
 جائے اور دوسرا آئٹم لے لیا جائے۔ پھر
 اس کے بعد ہم ایک تہذیبی دماغ سے
 اس معاملہ پر غور کریں۔

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): I think that in view of the trend the Debate has taken just now it will not be proper to carry it on any further. It would be better to postpone it for the present and to take up some other item, so that we might be in a position to consider the issue dispassionately at a later stage.]

Dr. Lanka Sundaram: Long live the Speaker.

Mr. Deputy-Speaker: Order, order. The matter has been taken up. May I suggest to the Deputy Leader to make a formal motion that this matter do stand over to some other date or be adjourned to some other date? The House must approve of that.

Shri S. S. More: He can make a motion.

Mr. Deputy-Speaker: The Law Minister may make a motion.

Dr. N. B. Khare: On a point of information, Sir, if I want to shine your shoe, who can prevent me?

Shri Biswas: I do not quite follow the suggestion that was made by the hon. Deputy Leader. Unfortunately, I could not understand the language.

مولانا آزاد : مہدی تجویز یہ نہی
کہ اس کو ملتوی کیا جائے۔ پوسٹپون
کیا جائے۔

[Maulana Azad: My proposal was that it should be postponed.]

Shri Biswas: If the suggestion is, Sir, that we might sit round a Table and discuss the matter and that the motion may stand over for a day or two, that is one thing that I can appreciate; instead of letting off air on the floor of the House, it is much better if we could examine and come to a sensible decision. (*Interruption*). And I am confident that the principle which is found here in this Resolution represents a sensible decision.....

Some Hon. Members: No, no.

Shri Biswas:.....emulating the action of this very House in this respect. However, I have no objection to the matter being held over if it is to be discussed in a cool atmosphere, and in an absolutely dispassionate attitude. It is no use bringing your closed minds to a question on the plea of taking time to discuss it.

Sardar Hukam Singh (Kapurthala-Bhatinda): Sir, I take objection to the

implications of the statement of the hon. Law Minister. He has heard us say that this House takes strong objection to the Resolution passed by the other House. At the same time, it has been stressed that that Resolution expresses a sensible decision which means that our objection is something else than sensible. I do not think it should be allowed to be stated here in regard to a discussion that has taken place.

Some Hon. Members: Withdraw.

Shri Biswas: I have said that what I have done, I have done as a sensible sentient being. (*Interruption*).

Shri K. C. Sodhia (Sagar): Is this not sensible?

Mr. Deputy-Speaker: Order, order.

مولانا آزاد : مہیں یہ باتاعدہ تجویز
کوٹا ہوں کہ اسے ملتوی کیا جائے۔

[Maulana Azad: I beg to move:

"That the debate on the motion may be adjourned."]

Shri M. L. Dwivedi (Hamirpur Distt.): On a point of order, Sir,.....

Mr. Deputy-Speaker: Order, order. Here is a motion for adjournment of this debate.

Shri M. L. Dwivedi: I have a point of order.

Mr. Deputy-Speaker: I have heard that point of order relating to the Resolution as sensible. I shall put this motion to the House first. Then, I shall come to the point of order later.

مولانا آزاد : کل تک یا دو دن
کہئے۔

[Maulana Azad: Till tomorrow or for two days.]

Mr. Deputy-Speaker: Today is the 14th. Until the 16th. All right:

Pandit Thakur Das Bhargava (Gurgaon): May I make an amendment to this motion. If they want postponement, let it be postponed for a week, so that our Speaker and the Chairman of the Council of States and some other persons may put their heads together and evolve some new rules for a Joint Committee of this kind if they are necessary or indispensable. There are no rules today. I do not want it to be postponed for a day. That would not serve any purpose. It may be postponed for a sufficiently long time so that there may be some decision.

Mr. Deputy-Speaker: The question is:

"That the debate on the motion be adjourned till the 16th December, 1953."

The motion was adopted.

Mr. Deputy-Speaker: The debate is adjourned to the 16th. Now, Shri M. L. Dwivedi: what is the point of order?

श्री एम० एल० द्विवेदी : I want to raise a point of order. भग्नी उपाध्यक्ष महोदय, हमारे विधि मंत्री महोदय ने यह बताया कि जो हमारे डिप्टी लीडर साहब ने बिल को पोस्टपोन करने की बात चीत की थी उसके बारे में उन्होंने कहा कि मैं उसकी भाषा को नहीं समझ सका। आप हमारे विधि मंत्री लग भग दो वर्ष तक रह चुके हैं। मैं यह जानना चाहता हूँ कि दो साल तक संसद के मंत्री होने के नाते जो हमारी राज्यभाषा हिन्दी है, उस को यह नहीं समझते हैं तो क्या यह ठीक है ?

Mr. Deputy-Speaker: There is no point of order. The Constitution has given 15 years. I am afraid, he has 10 more years or 13 more years.

श्री एम० एल० द्विवेदी : कम से कम मन्त्रियों को तो यह उदाहरण रखना चाहिये।

मिस्टर डिप्टी स्पीकर : क्या करें।

The House will now take up the next item in the agenda: the Coir Industry Bill.

BUSINESS OF THE HOUSE

Mr. Deputy-Speaker: There are other items in the agenda. The motion on the Special Marriage Bill has been adjourned. I must take up the other Resolutions unless the House agrees not to take them. Resolution regarding Members' salary and allowances.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I request that that also may stand over.

Mr. Deputy-Speaker: Is it the general desire that discussion on this Resolution may also stand over?

Several Hon. Members: Yes.

Mr. Deputy-Speaker: That is the general desire. The debate is adjourned.

Then comes the motion regarding nomination of Members of the Council of States to the Public Accounts Committee. It is part heard. Should that also stand over?

Shri Satya Narayan Sinha: I request that that also may stand over.

Mr. Deputy-Speaker: That would also stand over. Now, Shri T. T. Krishnamachari.

COIR INDUSTRY BILL

Mr. Deputy-Speaker: The House will now take up the Coir Industry Bill as amended by the Council of States.

The Minister of Commerce (Shri Karmarkar): I beg to move:

"That the following amendment made by the Council of States in the Bill to provide for the control by the Union of the Coir industry and for that purpose to establish a Coir Board and levy a customs duty on coir fibre, coir yarn and coir products exported from India, be taken into consideration, namely:—

"That in sub-clause (4) of clause 17 of the Bill, for the words 'the House of the People' the words 'both Houses of Parliament' shall be substituted."

Sir, this is self-explanatory.