

Date: 25/1/54

THE

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Tuesday, 12th May 1953

The House met at a Quarter Past Eight
of the Clock

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-15 A.M.

PAPERS LAID ON THE TABLE

APPROPRIATION ACCOUNTS ETC. OF THE
DEFENCE SERVICES.

The Minister of Finance (Shri C. D. Deshmukh): I beg to lay on the Table a copy of each of the following papers under article 151(1) of the Constitution:

- (i) Appropriation Accounts of the Defence Services for the year 1950-51. [Placed in Library See No. IV.O.1(94).]
- (ii) Commercial Appendix to the Appropriation Accounts of the Defence Services for the year 1950-51 and the Audit Report thereon. [Placed in Library. See No. IV.O.1(96).]
- (iii) Audit Report, Defence Services, 1952. [Placed in Library. See No. IV.O.1(95).]

REPORT OF A SURVEY ON PUBLIC ADMINISTRATION IN INDIA

The Minister of Finance (Shri C. D. Deshmukh): I beg to lay on the Table a copy of the Report of a Survey on Public Administration in India by Shri Paul H. Appleby. [Placed in Library. See No. IV.A.O.(134).]

MOTION Re ASSOCIATION OF MEMBERS
OF COUNCIL OF STATES WITH PUBLIC
ACCOUNTS COMMITTEE

The Prime Minister and Minister
of External Affairs (Shri Jawaharlal
Nehru): I beg to move:

"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."

Mr. Deputy-Speaker: Motion moved:

"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."

Dr. Lanka Sundaram (Visakha-
patnam): May I make a submission? May I know from you, Sir, whether it is a fact that the Public Accounts Committee and the Rules Committee have unanimously recorded their opinion that this association should not be permitted, and the Chairman of the Public Accounts Committee wrote a letter to the Chairman of the other House that it would not be possible.

Mr. Deputy-Speaker: How is that relevant for the purpose here?

Shri Jawaharlal Nehru: May I answer it, Sir? It is a fact and that was considered in all its legal aspects by the highest legal authorities and the Speaker was also consulted. The Public Accounts Committee members were completely in the wrong.

Shri N. C. Chatterjee (Hooghly): This raises a matter of great importance. I had the opportunity of being a member of the Rules Committee and you now, Sir,—you were presiding over that Committee,—it is a matter which raises issues of fundamental importance in regard to money Bills and certain other matters over which this House has got the sole authority, and it would not be at all right and proper to allow the other House to participate in the discussions of the Committee which we appoint. It is a matter which will lead to considerable complications and may lead to undesirable clashes between the two Houses which we want to avoid. After a good deal of deliberation, after dispassionately considering the matter and discussing the pros and cons, we unanimously recommended that this should not be allowed. It may be that if we allow it there may be occasions when all the nominees of the Council may swamp the Committee and thereby it will really be the wishes of the people who are not responsible to the electorate which will determine the financial commitments of this country. Really we cannot share this responsibility with the Members of the other House. The whole Constitution is based on the fundamental principle that there shall be no taxation without representation. We are responsible to the electorate; we have been returned by their vote and suffrage and it is our business to determine what shall be the expenses, and to control the same. It would not be right to allow this motion. I am not making any reflection on the Members of the other House; it is not their business, it is not their prerogative, it is not their function and they should not share in the deliberations of this Committee and because it raises such important points, I would request that if the Prime Minister is determined to press it, there should be a special debate where members can come thoroughly prepared and this thing should be thrashed out fully without feeling and without rancour. Especially having regard to the unfortunate incident that we have had with the other House, I would not like to say anything which would widen the cleavage between these two Houses....

Mr. Deputy-Speaker: That chapter is closed. That need not be referred to now.

Shri N. C. Chatterjee: I would not refer to it. But that makes us more cautious and more circumspect. So we all agreed that our prerogatives, our exclusive functions should not be

trespassed upon by anybody. We are responsible to the electorate. If we determine that so much money should be spent and so much money should not be given, how is it that Members of the other House who have nothing to do with it, who are not constitutionally responsible at all should have a voice in it? Why should our report be qualified or rendered nugatory and what would be the position? We are determining as the Public Accounts Committee elected by this House, responsible to the tax-payers, responsible to the people who have got to share the burden; we decide something and it may be that our decision, to some extent, if it is not superseded, may be modified by the votes of the people who are not at all responsible to those tax-payers and to the electorate. It is not fair, Sir, I submit to the members of the Rules Committee. Does the Prime Minister think that the Rules Committee or the Public Accounts Committee is not a responsible body? Sir, you know, apart from the members of the Rules Committee, you also associated representatives of different groups and parties; they also attended the Rules Committee discussions and discussed it for more than one day but after fully considering the matter we came to the conclusion, that this should not be allowed. The matter is very serious,—when the members of the Public Accounts Committee, the members of the Rules Committee and the representatives of the groups and parties were unanimous in their decision,—it should not be lightly dealt with. It should be the subject of a special debate and I think a special day should be allotted for the purpose of discussing this matter, with a full sense of responsibility I say, Sir, it should not be dealt with in a light-hearted manner.

Shri H. N. Mukerjee (Calcutta North-East): As far as we are concerned, we are, for a change, in agreement with the motion made by the Prime Minister. We have our reasons for doing so but I do not think it is necessary for me to go into these reasons at the present moment. But, since there appears to be a desire in certain sections of the House to have some little discussion on this point before they can come to a decision, might I suggest that perhaps an hour may be set apart tomorrow when this matter might be discussed.

Several Hon. Members: No, no, an hour is not enough.

Shri H. N. Mukerjee: I do not know if that will be sufficient. I should think we need not waste too

much time over this matter of adding a few Members of the other House to the Public Accounts Committee, as I think the Prime Minister has made this motion after a good deal of consultation at least in his own party and I hope also with the Chairman of the other House of Parliament. So, I take it that not much time would be taken up. I do not know if other Members of the Opposition view it differently. So far as we are concerned, we are in agreement with this motion. But since there is a desire in certain sections of the Opposition that this matter should be thrashed out a little carefully than the Prime Minister's motion today suggests, perhaps we might have some little time for it.

Shrimati Sucheta Kripalani (New Delhi): I should say that I too do not oppose the motion as such. But, I think it is a very marked departure from the usual parliamentary practice and it is understood that this House has got control over these matters. Therefore, when we want to introduce this kind of departure, it would have been better if all the parties had been consulted. In England, usually the Chairman of the Public Accounts Committee is a member of the Opposition. It is conceded that the Opposition has got a part to play in matters of finance. So, I think it would have been better if we had been consulted. We do want more time to think about it and I do not think the Opposition has considered it. What is the meaning of this association; whether those Members will be full Members of the Committee and in what capacity; what will be their part? All these, I think, raise very serious issues and it would be better if this motion is brought about in such a way that we are given a chance to think about it.

Shri Jawaharlal Nehru: As a matter of fact, naturally in a matter in which the House desires to discuss further, we should try to find time for that. There is no question of coming in the way of a full discussion of any matter. But the House knows that we are hard pressed for time in the next few days and it is not quite clear to me where to find that time even an hour or two. If the House is willing to sit in the afternoon, certainly we are prepared to deal with it this afternoon or any afternoon. But, obviously there would be no particular point in this motion unless it is accepted and dealt with fairly soon. May I mention, listening to the hon. Member. Mr. Chatterjee, I felt that he was lacking in his usual clarity of thought. He referred to taxation

without representation, Money Bills etc. I really did not understand who was taxing whom in this; whether the Public Accounts Committee tax the people or whether it considers Money Bills. All this reference was completely beside the point. He was speaking more like the man in the moon: it had no relevance at all.

The hon. lady opposite also said that something is being done without precedent. If I may submit with all respect this House and our Constitution are also without precedent. The two Houses started functioning after the general elections a year ago. About eight months ago this matter was considered and after taking legal advice in the matter, we (that is the Government), came to the conclusion which is embodied in this motion. It was nearly eight or nine months ago that this matter was first considered. For a variety of reasons—we were pressed for time as well—we did not bring it forward. Naturally we could not and we did not wish to take any step without the concurrence of the Speaker. The matter was first referred to the Speaker and first discussed with him. The Speaker ultimately approved of this approach of ours and, if I may say so, suggested that we might proceed in this way. We consulted not only the Ministry, but other eminent lawyers.

But the main point for the House to consider is this. 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. There is another Committee—the Estimates Committee. A distinction is made by us as between the Public Accounts Committee and the Estimates Committee. The Estimates Committee has something to do, perhaps, with those powers.

The Public Accounts Committee is a scrutinising Committee. It scrutinises accounts, points out the failings and errors and mistakes made and that kind of thing, which anybody can really do. There can be no doubt that it is open to the other House to appoint a Public Accounts Committee of its own to do exactly the same thing, that is to scrutinise and say what it likes and what it does not like. It would be most unfortunate, I think, if there were two Committees functioning like this for two Houses trying to rival, or out-rival each other, and summoning large number of officers of Government, to explain this or that to them. As it is, a good deal of time of officers of Government is naturally spent on this and rightly so. But to duplicate all

[Shri Jawaharlal Nehru]

that would be unfortunate from various points of view. So that one does not come in the way of Members of the other House considering these matters. Only, perhaps, it leaves them to consider them separately and in a way, perhaps, which would tend to make the two Committees try to out-do each other. It would not be a healthy rivalry.

The only thing they can do in this is, as I said, to criticise, or scrutinise things. Our own impression has been that not only is it perfectly justified, but, it is—if I may say so—desirable and wholly in the spirit of the Constitution. There is no question of the other House encroaching on any special privileges of this House in any way. The Chairman of the Committee is appointed by the Speaker. My hon. friend Mr. Chatterjee pointed out that perhaps Members of this House may not be present, and some other Members might be. Even if that remote contingency arises—and remember that there will be fifteen Members of this House on the Committee, while the other House will have only seven—all that would happen is that some point would be noted, that is all. The final report of the Committee comes out after long proceedings and the report is submitted to the House. So no vague or dangerous development can take place, even if Members are not present there, except some noting. I do submit that this is a simple proposition and important issues which are referred to do not really arise in this. When they arise certainly they should be considered fully. This is a simple matter, which is conducive to efficiency of working and prevention of waste and duplication of work, which would help, if I may say so with all respect, in certain promotion of an atmosphere of co-operative working between Members of the two Houses, and I submit that this proposition might well be accepted by this House. If, however, the House wants a little discussion on it we have no objection.

Mr. Deputy-Speaker: Hon. Members have heard the Leader of the House, and leaders of the Praja Socialist Party and the Communist Party. This subject need not take a long time, but if it is the desire of the House that it should be discussed, I have no objection.

Shri Jawaharlal Nehru: May I suggest for the consideration of the House that instead of the question hour tomorrow, we may discuss this tomorrow morning.

Opposition Members: No, no.

Shri B. S. Murthy (Eluru): The other day I raised a point as regards a Resolution which the other House has passed.

Mr. Deputy-Speaker: I am afraid we are going from one thing to another.

Shri B. S. Murthy: Please give me a minute to make out my case.

Mr. Deputy-Speaker: I will not give him even a second.

The only point for consideration now is whether we shall proceed with the discussion of this motion straight-away, or take it up tomorrow. Once a motion is made hon. Members are entitled to discuss it. Perhaps some hon. Members may feel that they received notice of this motion only yesterday and that they had not sufficient time to study it. If the Leader of the House also agrees, this may stand over till tomorrow. If the House agrees the question hour tomorrow may be given up.

Some Hon. Members: No, no.

Mr. Deputy-Speaker: But hon. Members must be prepared to do some business. The question hour is necessary; the afternoon cannot be spared. It will create an impression that we are not prepared to do some work, at some sacrifice.

Shri B. S. Murthy: We may take it in a night session.

Mr. Deputy-Speaker: Having regard to the nature of the work we may sit tomorrow afternoon. We shall meet for this purpose at four o'clock tomorrow and carry on till six o'clock. There must be an end to this. It will be taken up tomorrow.

VINDHYA PRADESH LEGISLATIVE ASSEMBLY (PREVENTION OF DISQUALIFICATION) BILL—Contd.

Shri U. M. Trivedi (Chittor): Yesterday in the midst of the debate the House rose and I was just discussing the question whether it would be proper for us and whether it would be dignified for us to have this piece of legislation. When the hon. Member Mr. Shah was speaking I just interrupted him to enquire whether in the illustrations which he was trying to give there was a single case when finality was reached and the House of Commons, after the finality had been reached, passed a law setting at naught that finality. The reply of Mr. Shah was that I had a very wrong conception of finality and he would