

12-13 hrs.

## RE: MOTION FOR ADJOURNMENT

**Shri Braj Raj Singh (Ferozabad):** Sir, you have been pleased to write to me about my adjournment motion with respect to the judgment delivered on the Nanavati case. My point is that the Centre is involved in this. While the application for leave of special appeal to the Supreme Court was pending, it was the Central Government which advised the Governor of Bombay to suspend the sentence. The Defence Minister also disclosed to the House that they had advanced Rs. 10,000 for the defence of Nanavati.

**Mr. Speaker:** Order, order. So far as Rs. 10,000 is concerned it is not a matter which now arises. It was stated here long ago and a question was also put as to why they ought to have given this advance. The Auditor-General has also remarked on it. Therefore, it is not a matter which can be brought up in an adjournment motion.

The other question is about the judgment of the Supreme Court. The Supreme Court has declared that the matter was *sub judice*, the Governor's authority to suspend the sentence lapsed, there cannot be concurrent jurisdiction for both and that they must be worked in a harmonious manner. Therefore, when both the judiciary and the executive have got jurisdiction over a matter they ought to be worked harmoniously. They do not take exception to the Governor's order before an application was filed in the Supreme Court. That stands. The only question was whether after an application was filed in the Supreme Court the Governor's order can stand as against the authority of the Supreme Court. When a question was put to the Prime Minister he said that he took advice from the Law Minister. Both the Law Minister and the Supreme Court are right. How can there be an adjournment motion on that?

The Supreme Court says that when once a matter becomes *sub judice* the Governor ought not to interfere; that is to say, the Governor has got a right and the Supreme Court also has got a right but they must be worked together in a harmonious manner. Therefore, when once a matter is *sub judice* it ought to be left to the Supreme Court to decide what ought to be done. The Supreme Court does not say that the Governor's order suspending the sentence passed before the matter was referred to the Supreme Court is wrong. Therefore, there is no matter for any adjournment of the House.

**Shri Tyagi (Dehra Dun):** Could the Home Minister clarify the position as to what they are going to do now after the judgment of the Supreme Court?

**Mr. Speaker:** The Supreme Court has taken possession of it and no honourable person has any right to interfere with it.

**Shri Tyagi:** I wanted to know whether they are going to change the Constitution now.

**Mr. Speaker:** We shall go to the next item of business.

12-15 hrs.

PAPERS LAID ON THE TABLE—  
*contd.*DECISION ON RECOMMENDATIONS MADE  
BY COMMITTEE TO ENQUIRE INTO  
AUTOMOBILE INDUSTRY

**The Minister of Industry (Shri Manubhai Shah):** Sir, I beg to lay on the Table a copy of Resolution No. A.E.Ind. 1(90), dated the 6th September, 1960, containing the Government of India's decisions on the recommendations made by the *Ad hoc* Committee set up to enquire into the Automobile Industry. [Placed in Library, See No. LT-2355/60.]

**Shri Tangamani (Madurai):** I beg to submit, Sir, that the decisions of the