28. The Shillong (Rifle Range and Umlong) Cantonments Assimilation of Laws Bill, 1954.

29. The Himachal Pradesh and Bilaspur (New State) Bill, 1954.

PRESENTATION OF THE REPORT OF THE JOINT SITTING OF THE COMMITTEES OF PRIVILEGES OF THE HOUSES.

THE LEADER OF THE HOUSE (SHRI C. C. BISWAS): I present the report of the Joint Sitting of the Committees of Privileges of the Lok Sabha and the Council of States on the procedure to be followed in cases where a breach of privilege or contempt of the House is alleged to have been committed by a Member of the other House.

Report *of the Joint Sitting of the. Committees of Privileges of the Lok Sabha and the Rajya Sabha*

1, the Chairman of the joint sitting of the Committees of Privi leges of the Lok Sabha and the Council of States, having been autho rised to present the report on their behalf, present this report.

2. In connection with the point of privilege raised by Shri N. C. Chatterjee in the Lok Sabha, the Speaker observed in the House on the 14th May 1954, tbat the Privileges Committees of both the Houses might examine the procedure that should be followed in cases where a breach of privilege or contempt of the House was alleged to have been committed by a member of the other House. The Chairman of the Council of States, to whom the Speaker forwarded a copy of the relevant proceedings of the House, concurred in this view at the sitting of the Council of States held on the 15th May 1954.

3. Accordingly, three joint sittings of the two Privileges Committees were held on the 15th, 18th and 21st May 1954 and the whole question was examined in all its aspects.

4. The Prime Minister was good enough to record a note *{vide* Appendix I) for the use of the Committees. The Committees have given due consideration to the views expressed therein. The Committees are anxious that whatever procedure is decided upon it should be such as would lead to mutual understanding, harmony and goodwill between the two Houses. The procedure should be so devised that a possible conflict or friction between the two Houses is avoided and at the same time the independence of, and respect due to, each House is fully secured.

5. The Committees have considered carefully the procedure followed in the Parliament of the United Kingdom in such cases. An extract from May's Parliamentary Practice is given at Appendix II. The Committees observe that the British procedure falls in two parts—one dealing with initiation of case and conducting of enquiries to be completed by the House in which a complaint is made; and the other relating to taking proper measures for reaching findings and conclusions and deciding as to the nature of punishment (if any) to be dealt with by the House to which the offending member belongs. The Committees note that this procedure is based on some ancient cases and in modern times there has been no case in the U.K. in which this procedure has actually been followed.

6. Article 105(3) of our Constitu tion provides as follows: —

"(?) Ia other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law. and, until so

defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution." The Committees consider that this Article equates only the privileges of our Houses of Parliament with those obtaining in the House of Commons in the United Kingdom and does not make it obligatory on our Parliament to follow the same procedure as obtains in the United Kingdom. The Committees feel that we are completely free to prescribe our own procedure and by consent form conventions which would be suitable to our requirements or circumstances

7. Having fully considered all these matters, including the views expressed in the Prime Minister's note referred to in paragraph 4 above, the Committees are of the opinion that the following procedure should be followed in a case where a member or officer or servant of *one* House is alleged to have committed a breach of privilege or contempt of the other House: —

(i) When a question of breach of privilege is raised in any House in which a member, officer or servant of the other House is involved, the Presiding Officer shall refer the case to the Presiding Officer of the other House, unless on hearing the member who raises the question or perusing any document, where the complaint is based on a document, he is satisfied that no breach of privilege has been committed or the matter is too trivial to be taken notice of. in which case he may disallow the motion for breach of privilege.

(ii) Upon the case being so referred the Presiding Officer of the other House shall deal with the matter in the same way as if it were a case of breach of privilege of that House or of a member thereof.

(iii.) The Presiding Officer shall thereafter communicate to the Presiding Officer of the House where the question of privilege was originally raised a report about the enquiry, if any, and the action taken on the reference.

8. It is the intention of the Committees that if the offending member, officer or servant tenders an apology to the Presiding Officer of the House in which the question of privilege is raised or the Presiding Officer of the other House to which the reference is made, no further action in the matter may be taken after such apology is tendered.

9. The Committees suggest that if the recommendations contained in paragraphs 7 and 8 above are accepted then rules en the subject in identical terms may be framed and incorporated in the Rules of Procedure of each House.

NEW DELHI; K. N. KATJU
The 22nd May, 1954.

PAPERS LAID ON THE TABLE.— continued.

MINISTRY OF HOME AFFAIRS NOTIFICATION AMENDING THE UNION PUBLIC SERVICE COMMISSION (CONSULTATION). REGULATIONS.

THE DEPUTY MINISTER EOR HOME AFFAIRS (SHRI B. N. DATAR): On behalf of the Minister for Home Affairs and States. I lay on the Table, a copy of the Ministry of Home Affairs Notification No. 18/10-54-Ests (B), dated the 1st July 1954. amending the Union Public Service Commission (Consultation) Regulations, under clause (5) of article 320 of tbe Constitution. [Placed in Library, See No. S-234/54.]

MINISTRY OF FINANCE (REVENUE DIVISION) NOTIFICATIONS THE

DEPUTY MINISTER FOR FINANCE (SHRI A. C. GUHA): I lay on the Table a copy of each of the following Notifications under subsection (4) of section 43B of the Sea Customs Act, 1878: —

(i) Ministry of Finance (Revenue Division) Notification No. 49, datcj the 29th May 1954, relating to t'ne allowance of drawbacks on certaiBi articles.