

(b) whether he gave any advice to Government on the finances and planning of India; and

(c) whether Government had invited him to India?

THE MINISTER FOR FINANCE (SHRI C. D. DESHMUKH): (a) Yes, Sir.

(b) and (c). No, Sir.

USE OF OTHER RANKS BY THE OFFICERS FOR NON-OFFICIAL WORK

62. SHRI K. C. GEORGE: Will the Minister for DEFENCE be pleased to state whether it is permissible under military law for Military Officers to use other ranks for non-official and domestic work?

THE DEPUTY MINISTER FOR DEFENCE (SARDAR S. S. MAJITHIA): No.

SYNTHETIC RUBBER

63. SHRI M. VALIULLA: Will the Minister for NATURAL RESOURCES AND SCIENTIFIC RESEARCH be pleased to state:

(a) whether any synthetic rubber was sent in December last to the Bengal Water-proof Works Limited, Calcutta for test;

(b) if so, where the synthetic rubber was prepared; and

(c) whether this artificial rubber-works out cheaper?

THE MINISTER FOR EDUCATION AND NATURAL RESOURCES AND SCIENTIFIC RESEARCH (MAULANA ABUL KALAM AZAD): (a) to (c). During the past two years work on the production of factice, a rubber substitute has been going on in the plastics division of the National Chemical Laboratory of India, Poona. Brown and white commercial grades of factice have been prepared there from tobacco-seed oil. 1 lb. samples of the brown and white grades of

factice prepared were supplied in December 1952 to the Bengal Waterproof Works Limited, Calcutta for testing.

EMOLUMENTS OF THE ARMED FORCES PERSONNEL

64. SHRI K. C. GEORGE: Will the Minister for DEFENCE be pleased to state whether there has recently been any increase in the number of debit balances and deductions from the emoluments of the personnel of the Armed Forces; and if so, whether any enquiry has been made into the causes of the increase?

THE DEPUTY MINISTER FOR DEFENCE (SARDAR S. S. MAJITHIA): The answer to the first part of the question is in the negative; the second part of the question does not arise.

MESSAGE FROM THE HOUSE OF THE PEOPLE

THE PATIALA AND EAST PUNJAB STATES UNION LEGISLATURE (DELEGATION OF POWERS) BILL, 1953

SECRETARY: Sir, I have to report to the Council the following message received from the House of the People, signed by the Secretary to the House*

"In accordance with the provisions of Rule 115 of the Rules of Procedure and Conduct of Business in the House of the People. I am directed to enclose herewith a copy of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Bill, 1953, which has been passed as amended by the House at its sitting held on the 30th April, 1953."

I lay the Bill on the Table.

SHRI H. C. MATHUR (Rajasthan): Sir, I wished to move a Motion for Papers and I gave notice some five or six days ago. If in such a grave matter the Ministry takes such a long time, I think they should be shaken

•(•Postponed from the~3~rd~March~1953]

from their lethargy. If it takes more than six days, what is the use of a Motion for Papers in this House?

MOTION OF PRIVILEGE

SHRI B. C. GHOSE (West Bengal): Sir, I gave notice of a Motion of Privilege and may I, with your permission, explain the reasons for which I gave notice of that Motion? The Motion of Privilege relates to an incident which in the form in which it has arisen, is probably unprecedented in the recent history of parliamentary democracy. It is not for me to say anything about the propriety or congruity of a Member of the Government in the other House raising a question about the conduct of the Leader of the same Party in this House. The question that was raised in the other House has two aspects. The first was in relation to certain observations that were made by the Leader of this House here during a discussion on a point of order raised by my friend, Mr. Rajagopal Naidu, as to whether a particular Bill was or was not a Money Bill. An hon. Member said there that those observations cast a reflection on the Speaker of the other House and that was also upheld by the Deputy Speaker. The second aspect was far more serious namely that the Leader of this House was directed to be present in the other House presumably to answer charges regarding the statements made by him during the discussion here to which I have already referred.

So far as the first point is concerned, Sir, I believe anybody who is not unduly sensitive or touchy or whose vision is not jaundiced will see that the statement or the remarks made by the Leader of the House during that discussion did not cast, nor were they intended to cast, any reflection on the Speaker. All that the Leader was concerned to do, as far as I can see, was to offer an interpretation and explain the implications of article 110 of the Constitution, particularly clauses (3) and (4).

The second point is far more serious. To direct or ask the Law Minister who

is not only a Member of this House but is also its Leader to be present in the other House presumably to answer charges in respect of statements made by him in this House is a procedure which is not only extraordinary and astounding but, I should say, betrays a lamentable ignorance of parliamentary practice. That practice, Sir, is clearly laid down in 'May's Parliamentary Practice' in the following terms:

It is on page 143 of the book, 14th Edition.

"The leading principle which appears to pervade all the proceedings between the Houses of Parliament is that there shall subsist a perfect equality between them, and that they shall be....."

MR. CHAIRMAN: You need not read it. It is clear

SHRI B. C. GHOSE: I am sure, Sir, that you know it, but may I read it for the benefit of the other Members here? It reads:

"The leading principle which appears to pervade all the proceedings between the Houses of Parliament is that there shall subsist a perfect equality between them, and that they shall be, in every respect, totally independent one of the other. Hence it is that neither House can claim, much less exercise, any authority over a Member of the other. Neither House of Parliament can take upon itself to punish any breach of privilege or contempt offered to it by any Member of the other House. If any complaint is made against any individual Member or against any of the officers of the other House the usual mode of proceeding is to examine into the fact and then lay a statement of that evidence before the House of which the person complained of is a Member or officer."

That being the position, I believe, Sir, that a clear case of a breach of pri-

[Shri B. C. Ghose.]

vilege has arisen in regard to the incident that was raised in the other House. The procedure that is available to us, Sir, is to refer it to the Committee of Privileges and I would request you to send it to a Committee of Privileges for their decision so that they may take such steps as is necessary in this case and secondly, I have another submission to make namely, that until the Committee has considered this matter and has come to any final decision, the Law Minister who is a Member of this House and is our Leader must not be permitted to be present in the other House to answer any charges in regard to the statement made by him in this House.

MR. CHAIRMAN: I don't want to allow any discussion on this.

THE LEADER OF THE"" COUNCIL (SHRI C. C. BISWAS): Sir, you will of course give your ruling on the motion moved but I want to submit only this with reference to the two points which were raised by my hon. friend. First of all, I may assure my hon. friend and others concerned that I never cast any slur upon the Speaker in what I said nor was it ever my intention to do so. I would be unworthy of the position I hold if I had said something which would sully the integrity of the Speaker or of the Chairman of either House of Parliament. I have sufficient responsibility to be conscious of the honour which is due to their position. Secondly, as regards the other point whether I should be permitted to go to the other House at the invitation of the Deputy Speaker, I do not propose to raise the constitutional question. I shall go there. I was present in that House and I did not hear the Deputy Speaker making a request to me but he said to me afterwards that he had made that request. If that request was made, I owe it to him as a matter of courtesy—not as a matter of constitutional obligation. Let us at any rate set an example of good behaviour.

SHRI RAJAGOPAL NAIDU (Madras): There is another question of privilege.

MR. CHAIRMAN: That is regarding publication. I will come to it later. Mr. Ghose was good enough to read this paragraph. It says:

"If any complaint is made against any individual Member or against any of the officers of the other House, the usual mode of proceeding is to examine into the fact and then lay a statement of that evidence before the House"

A mere complaint is not precluded and does not involve any breach of privilege either of a Member or of the Council.

SHRI H. N. KUNZRU (Uttar Pradesh): There is no complaint made to us.

MR. CHAIRMAN: The question was raised in the other House.

SHRI B. C. GHOSE: It is the second point.

MR. CHAIRMAN: That is, our hon. Leader of the House is required to present himself there. Regarding that, he has made it clear that it was a request that was made to him and not any kind of command that he should present himself, presumably as you said, to answer the charges.

SHRI K. S. HEGDE (Madras): What are the circumstances.

MR. CHAIRMAN: I am afraid, that I cannot give my consent to this Motion for Privilege.

There seems to be some misapprehension in regard to what happened in the Council on the 29th instant. Some Members expressed a doubt whether the Bill in question was a Money Bill according to the requirements of article 110(1). A few felt that doubts could be raised even after the certificate was issued by the Speaker. At this stage

the Leader of the Council referred to these doubts and suggested that it would reassure the House if it was told categorically that the Speaker had applied his mind to this question and issued the certificate after a full and fair consideration of all aspects of the matter. When that statement which reiterated the obvious, came to us yesterday from the House of the People, the matter was concluded. It was nobody's intention, least of all of the Leader of the Council, to cast aspersions on the integrity and impartiality of the Speaker. It is our anxiety in this Council to do our best to uphold the dignity of the Speaker and the privileges of the other House as we expect the other House to protect our interests and privileges.

SHRI H. N. KUNZRU: May I make a submission to you Sir. Both you and the Law Minister have said that the Law Minister has not been directed to appear before the other House, but has only been requested to do so. I shall take it Sir, that this is correct. But if we always accept such requests, a convention will soon arise that Members of this House should appear before the other House in order to answer charges against them. Whether the Law Minister has been ordered to appear before the other House or has been requested to do so, the fact remains that he will be there to answer a charge against him. Here again the form may be varied. Before the person who has given notice of a motion of privilege speaks, the Law Minister may speak and make his meaning clear, he may make both his meaning and his intentions clear. But this cannot conceal the fact that the Law Minister has been asked to go to the other House to answer a charge against him, whether it is formally made against him at a sitting of the House or not. I think, therefore, Sir that while we should all do our best to maintain friendly relations between the two Houses, we should at the same time do nothing which will impair the status of this House in matters of privilege.

MR. CHAIRMAN: We are having a

long discussion; you said you would only make a submission.

SHRI H. N. KUNZRU: Yes. Sir. I want to reinforce what I have said. In order to make you feel that what I have said is a substantial point, I wish to draw your attention to article 105 of the Constitution, clause (3). It says-

"In other respects, the powers, privileges and immunities of each House of Parliament."

That means other than those referred to in clauses (1) and (3).

"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."

So, whatever the difference between this House and the other House in legislative matters, for instance in dealing with Money Bills may be, in matters of privilege it occupies a position of complete equality with the other House because both the Houses enjoy the same immunities and privileges as the House of Commons in England pending the passing of any legislation on the subject by our Parliament. It is, therefore. •.....

MR. CHAIRMAN: Dr. Kunzru, I wish to say one thing: it was just an accident that the Law Minister was present there in the other House. It was by a mere accident that he happened to go there at the fag end of the meeting and he was present there and then they said "Tomorrow we will take it up". That is how it happened.

SHRI B. C. GHOSE: On a point of fact, Sir, I want to make a submission: I will not take more than two minutes.

SHRI H. N. KUNZRU: The belter course would have been for the Deputy Speaker if he felt that anything had been said in the House that reflected on the Chair, to communicate with you and have the matter settled in a friendly way but the other House is in no disposition to recognise this House as equal to it in matters relating to dignity and privilege. It has taken formal action in that respect. If the Deputy Speaker still takes a different view and refers the matter to you in a friendly way, I shall not have the slightest objection to your asking the Law Minister to make a statement in the other House but, in the present circumstances, I think, Sir, that the appearance of the Law Minister in that House

HON. MEMBERS: Derogatory.

SHRI H. N. KUNZRU:..... may or may not be derogatory to him but will certainly be derogatory to this House. I, therefore take the strongest objection to it.....

1 Interruptions by Shri H. P. Saksena.)

Sir, this House has the right, with all respect to you, to take the strongest objection to the procedure proposed by the Law Minister which seems to have met with your approval. If your decision is not final, I will earnestly request you to reconsider.....

MR. CHAIRMAN: I have no finality.

SHRI B. C. GHOSE: On a point of fact, Sir, Pandit Thakur Das Bhargava stated

MR. CHAIRMAN: That I know.

SHRI B. C. GHOSE: YOU stated that it is incidental.

MR. CHAIRMAN: Mr. Biswas came to be there by accident, that is all. I did not say that.....

SHRI B. C. GHOSE: We should know what the proceedings were. Now, Pandit Thakur Das Bhargava

MR. CHAIRMAN: I did not say anything like that. I said that the Law Minister's appearance there was an accident. I did not say that this was incidental.

SHRI B. C. GHOSE: How the question of privilege arises is this: Pandit Thakur Das Bhargava said: 'I would further respectfully beg of you to kindly direct the hon. the Law Minister to be present in this House then because this matter relates to what he said in a speech also.' Presumably we know why. Then, the Deputy Speaker requested him to be present. If it were only necessary for him to be present to offer an explanation the correct procedure would have been, even if he did not want to refer it to you, for him to pass such a request unofficially and not on the floor of the House to the hon. the Law Minister to be present at that moment.

SHRI J. R. KAPOOR (Uttar Pradesh): May I, with your permission, Sir, submit

(Interruption by several hon. Members.)

MR. CHAIRMAN: Order, order.

SHRI B. C. GHOSE: I feel, therefore, that the question of privilege—which you said did not arise—does arise

SHRI J. R. KAPOOR: May I, Sir, with your permission submit that there is another aspect of the question which is of a still greater importance and that is this. You, Sir, as Chairman of this House, are the sole authority to judge as to whether what is said here is proper or improper. Is it open to anybody, whether he is a Member of the other House or anybody else to question the propriety of what is said here if you, Sir, as Chairman, have considered it to be in perfect good order? The statement that the Law Minister made was made in your presence. You never objected to it and, Sir, you never considered it to be anything unfair, improper, derogatory to

anybody. That being the position, Sir, the question arises as to whether anybody in this world can question your judgment or your discretion and your verdict though not expressly given but obviously by implication because you did not object to it. It is not a question of privilege of any Member of this House but a question of the dignity of the Chair—may not be of this House.

SHRI C. C. BISWAS: There is a slight mistake in the statement which the hon. Member has made. The Chair was then occupied by the Deputy Chairman.

SHRI J. R. KAPOOR: That makes no difference. Whosoever occupies the Chair is the Chairman and enjoys his rights and privileges.

SOME HON. MEMBERS: That does not matter.

MR. CHAIRMAN: What I feel is that you are behaving with such excitement (An Hon. Member: Undoubtedly) and enthusiasm. You take it from me that it is not my business or intention in the least to do anything which is likely to impair the dignity of this House (*Loud cheers*) or the privileges of any of the Members. Mr. Mathur for instance asks a question here. We can ask the Minister to be present here at 5.30 when we are taking up that question. The Deputy Speaker did come to me. He was in my room this morning and when I spoke to him, I explained to him what the position was. He said that it was, all a misapprehension which would be cleared up. But let us not do anything which is likely to accentuate feelings and make us feel that we are working at cross purposes. That is not our intention. This has never been my intention. When I say that I read the proceedings and I am satisfied that no slur was ever intended to be cast by any Member, least of all, by the Leader of the Council, then that is final and that is conclusive so far as we are concerned and I have no doubt that the

other House will give sufficient consideration to the views that I have expressed.

SHRI H. N. KUNZRU: Has your attention been drawn, Sir, to the fact that in the proceedings of the other House, as reported in the papers, the Deputy Speaker is believed to have said that he had sent for the proceedings of this House, read the hon. the Law Minister's speech and he felt that he had been guilty of a breach of privilege.....

MR. CHAIRMAN: What he said was: "*Prima facie* there is the impression that a slur is cast on the Speaker." These are the words which he used.

SHRI K. S. HEGDE: The important point is not whether that particular statement was derogatory to the Speaker or not. That is entirely beside the point. What I ask is: Is it the other House or the Speaker of the other House who is the guardian of our rights and privileges, or is it you, Sir? Undoubtedly it is you, Sir. If our conscience rights and privileges are to be in the keeping of the other House we shall have no place here at all. You are to protect our rights, Sir, not the other House. What we are objecting to today is their very consideration of the question about what speeches were made on the floor of this House, and if this were allowed our rights would be reduced to a farce and all speeches in future also may be the subject-matter of consideration by the other House.

MR. CHAIRMAN: We should set a good example and not consider what happened there.

SHRI K. S. HEGDE: We are undoubtedly at one with you, Sir, in saying that we shall cast no reflection on the dignity of the other House but at the same time we shall stand to a man to protect our own rights.

MR. CHAIRMAN: Quite true.

SHRI K. S. HEGDE: Now, Sir, the Leader of this House has been requested, ordered or asked to go there and this is something derogatory to this House and if this is allowed, Sir, this will be a convention and this will last for long. You know, Sir, in parliamentary history conventions play a very great part, and it is for you now to protect our rights at this stage.

SHRI C. C. BISWAS: May I have your permission and the permission of the House because I propose to go there not.....

(Interruption.)

I am going there in the exercise of my Fundamental Rights.

SHRI H. N. KUNZRU: You are going there as a Member of this House and no Member of this House can be asked to answer for his conduct in this House to any member of the other House.

MR. CHAIRMAN: We seem to forget that the Ministers have got the right of attending both the Houses. Yesterday when he went there, did he go to answer that charge? He is not going to answer a charge. There is no charge when we say specifically that there has been no slur and there is an end of the matter and there should not be any kind of charge which he is to answer.

SHRI C. C. BISWAS: May I suggest, Sir, that the statement which you have made today and the relevant proceedings of the House be transmitted to the other House?

MR. CHAIRMAN: Yes, I will pass them on.

SHRI C. C. BISWAS: If still there upon any statement is made by Mr. Bhargava or anybody else then I shall have to reply and in the course of my reply I will make the constitutional position perfectly clear that.....

AN. HON. MEMBER: You are not to go there at all.

SHRI C. C. BISWAS: I am not here because I may be compelled to attend but I am here as a matter of courtesy. Have I your permission to go there? (Interruptions)

MR. CHAIRMAN: I am sorry that by these interruptions you are merely bringing down the level of work here..

PROF. G. RANGA (Madras): Sir, he has asked you for a direction and the hon. Mr. Kunzru has already said.....

MR. CHAIRMAN: What I am feeling in this matter is this that we are not proceeding in the right way. After all, nothing is lost by giving examples of dignified behaviour.

PROF. G. RANGA: That is all true, Sir.

MR. CHAIRMAN: That is also true, Sir. that in this particular matter you are not right.

SHRI H. N. KUNZRU: Consider, Sir, for a moment what would have happened, had a question of privilege been raised here with regard to what had been said by a member of the other House or by the Leader of the House, the Prime Minister. Is it conceivable that the Prime Minister would have appeared here to answer a charge against him?

MR. CHAIRMAN: Certainly, he will come here and explain the position.

SHRI H. N. KUNZRU: There will be an uproar in the other House.

MR. CHAIRMAN: Nothing at all. I do not believe that. I think we can ask the Prime Minister to come and explain any ambiguity.

SHRI C. G. K. REDDY (Mysore): Sir, the entire House is behind this that the Law Minister is not to go there. The question of the Law Minister's individual opinion does not come into the picture at all. The entire House is of the opinion that he is*

not to go there to answer the charge that he has said something as Leader of the House here day before yesterday and I hope, Sir, that he will respect the wishes of the House.

SHRI H. P. SAKSENA (Uttar Pradesh): As a compromise, Sir, he may be permitted.....

(Interruptions.)

MR. CHAIRMAN: I am sorry to say that this House is not setting a good example of how to conduct itself in discussions.

PROF. G. RANGA: I think it is better, Sir, that we suspend the session now, when we do not seem to get an opportunity of saying the proper thing, and again and again it is being allowed to be raised. My point is only this that the hon. the Leader of the House can go there after they themselves first of all give up their motion. Let them give up their motion without any discussion. It will be also a gesture of goodwill from their side. Otherwise he does not go. If he wants to go as Member of the Government, then let him resign his membership here in this House. Then he can go; otherwise* it would be ridiculous. Now tomorrow Dr. Kunzru would be asked to go there; I may be asked to go there. Sir, excepting yourself, all are liable to be called there.

MR. CHAIRMAN: Why an exception in my case?

PROF. G. RANGA: You do not happen to be a Member of this House and therefore you are immune from this trouble. Everyone of us is liable to be called there on an occasion like this. That they should have allowed this occasion to arise is most unfortunate. I am one with you. Sir, in hoping and in trying to the best of our ability to see that the best possible relations prevail between these two Houses. Unfortunately this question has been raised in this fashion. The only thing that we can do is to request

the hon. the Leader of the House not to think in terms of requests and obligations and courtesies and all those things. Courtesies will have their place, provided this atmosphere is re-moved and put aside. And for that, the condition precedent is this: Let them withdraw their motion; let them not proceed with it at all, in the light of the discussions that we have had in our own House, and thereafter it would be left to the Speaker or the Deputy Speaker to send for the Law Minister and have a talk with him privately, if need be, even in their own house. But it would be wrong on the part of that House or of any one of them to direct or request the Law Minister, as a Member of this House and as the Leader of this House, to go over there, merely because he also happens to be the Law Minister.

SHRI J. R. KAPOOR: To end the thing gracefully

MR. CHAIRMAN: Order, order The hon. Member has already spoken.

DR. RADHA KUMUD MOOKERJI (Nominated): Sir, my submission is this. Your pronouncement on the subject which is at issue is enough for the purposes of this House and no Member of the House is entitled to question your ruling. Your ruling is final and must be acceptable to the other House. We have made our position quite clear. There is no slur whatsoever intended upon the Deputy Speaker of the other House. Your ruling today is final so far as we are concerned, and no Member of this House has any need to answer any fresh charge or make any further statement, because your statement is final and conclusive.

DR. SHRIMATI SEETA PARMA-NAND (Madhya Pradesh): I wanted to say the same thing. There are only two issues involved in this: one is making a precedent, and the second is your opinion that there is no slur and the Deputy Speaker's opinion that.

[Dr. Shrimati Seeta Parmanand.] there is a slur. This House must be guided by your opinion. Your opinion is final, and as such the Deputy Speaker may kindly be requested to revise his opinion. This House must stand -by your decision, which was arrived at after reading the proceedings that no slur whatsoever was meant, and as such we have to agree that there should be no precedent and the Law Minister as the Leader of the House cannot be permitted by this House to go there.

SHRI H. N. KUNZRU: Will you, Sir, please advise the other House to drop the motion of privilege? The Law Minister can then appear before the other House.

MR. CHAIRMAN: I have asked the other House.

श्रीमती सावित्री निगम (उत्तर प्रदेश):
अध्वक्ष महोदय, मेरे विचार में एक तिल का नाइ बनाना, एक छोटे से 'मोल' को 'माउन्टेन' बनाना हम लोगों के लिये शोभनीय नहीं है। इस सम्बन्ध में मुझे

*[SHRIMATI SAVITRY NIGAM (Uttar Pradesh): Sir, in my opinion it is not befitting on our part to make a mountain out of a mole hill. With regard to this question I would like to.....].

SOME HON. MEMBERS: No, no. Sit down; sit down.

श्री बी० बी० शर्मा (उत्तर प्रदेश):
बैठिये, बैठिये।

*[SHRI B. B. SHARMA (Uttar Pradesh): Please sit down.]

श्रीमती सावित्री निगम : इस सम्बन्ध में मुझे एक बात निवेदन करनी है।.....

*[SHRIMATI SAVITRY NIGAM: I would like to say one thing with regard to this question. Sir.....]

श्री बी० बी० शर्मा : कोई जरूरत नहीं है, बैठ जाइये।

*[SHRI B. B. SHARMA: YOU need not say anything. Please sit down.]

MR. CHAIRMAN: Order, order.

DR. R. P. DUBE (Madhya Pradesh): I submit that the sense of the House is that the Law Minister can go as Law Minister

AN HON. MEMBER: No.

DR. R. P. DUBE: but in view of the opinion which you have expressed, he cannot express any opinion which is not in consonance with the opinion which you have given. Your decision is final. He can go as Law Minister. There is no harm in it. But he cannot take part in the discussion on this subject.

SHRI B. K. P. SINHA (Bihar): Sir, I feel that we should not bother ourselves with what was the exact import of the language used by the hon. Law Minister. He may have used proper language or improper language, wise or foolish language; but it is for this House to judge whether the language used was proper or improper. We have our own privileges. Every statement made in this House is immune. It has certain immunity, and that immunity is not controlled by any notions that the other House may have of its own privileges or its own rights. It is for us to judge and to come to a decision.

The second question is: Should the Law Minister be allowed to go there? It may be a request, or it may be an order. I feel that in the circumstances of this case this request amounts to an order, and an order which impairs our dignity, which is derogatory to our dignity, and which impairs our privileges. I feel that in the circumstances this House should direct the hon. Leader of this

House, the Law Minister, not to appear in the other House while this matter is being discussed there. If he were to do that, we would set a very bad precedent for the future. That means that today we pass the death sentence on ourselves, on this House. That is all I have to say. We should not be guided in this matter by etiquette, by formality or by any such thing. It is primarily a question of our existence today and I feel that the Law Minister should be directed—and that is the consensus of opinion in this House—not to appear.

MR. CHAIRMAN: So far as his membership of this particular House is concerned, we might impose some obligations on him. But he cannot divest himself of his responsibilities in the other House also.

SHRI S. N. MAZUMDAR (West Bengal): Sir, I submit that the Law Minister should not go to the other House. Sir, I have quite a lot of goodwill for the other House. Sir, the Members of both the Houses of Parliament are here to serve the people. So there should be perfect co-operation between them and amicable relations. At the same time, Sir, I want that the dignity of the House should be upheld and I think, Sir, taking into consideration that some misapprehensions might have been caused in the minds of some Members of the other House, if what we have said here, is communicated to them, that should be sufficient to allay the misapprehensions in their minds and at the same time uphold the dignity of both the Houses.

SHRI GOVINDA REDDY (Mysore): You were pleased to observe, Sir, that the Law Minister can go there as Law Minister. Sir, if the Deputy Speaker of that House had requested him privately to ascertain what he meant when he made those remarks here, it would have been perfectly all right, but when there is a motion pending in the House on this subject and if the Law Minister goes there .36 CSD

to answer something that he is asked, then of course the privileges and the dignity of this House are involved, Sir. I therefore submit that if he is to go there in pursuance of the motion and to answer something that is raised there in the discussion on the motion, he should have the permission of the House to go there.

SHRI V. K. DHAGE (Hyderabad): May I just say one word? You have been good enough to say in your statement that there was no reflection made. At the same time you said that there is no charge that can be levelled against him. If that be the case, there is nothing for him to answer and therefore there is no need for him to go there. And that is why I submit, Sir, that the entire House here is of the opinion that the Law Minister should not go there especially in view of your ruling that there is no reflection cast on the integrity of the Speaker.

SHRI RAJAGOPAL NAIDU: Sir, Parliament does not mean only the House of the People. Parliament means the House of the People and the Council of States. Parliament has two wings—the House of the People and the Council of States. The two wings are equal. One wing cannot be detached and said that it is the House of the People which is the Parliament. Sir, it is below the decorum of this House if (we are asked to say that our Leader of the House should go to the other House and stand in the position of an accused to refute the alleged charges that are levelled against him. Sir, I wish to request every Member of this House to pass a resolution unanimously that our Leader of the House should not be allowed to go to the other House.

SHRI C. G. K. REDDY: No need of a resolution. He has agreed and I am sure he will accede to the request of the Members of the House.

MR. CHAIRMAN: From all sides 1 of the House opinions have been expressed and there does not seem to be

[Mr. Chairman.] be any kind of ambiguity about it and the Law Minister has listened to the whole thing. Let us now proceed with our next business.

SHRI C. C. BISWAS: Sir, I should like to have a special direction from this House as to what I should do either in my capacity as the Leader of the House or in my capacity as the Law Minister. It so happens that in the present matter it is difficult for me to dissociate one capacity from the other.

SHRI C. G. K. REDDY: Sir, I move:

"That this Council is of the opinion that the Leader of the Council be directed not to present himself in any capacity whatsoever in the House of the People when the matter sought to be raised by Pandit Thakur-das Bhargava with reference to the speech of the Leader of the Council regarding the certificate of the Speaker endorsed on the Indian Income-tax (Amendment) Bill, 1952, is under discussion in that House."

SHRI C. C. BISWAS: If the direction of the Council is that I need not appear in the other House, would you be good enough, Sir, to communicate this decision to the Deputy Speaker? I do not wish to lay myself open to charges of breach of privilege of this House in having acted against its wishes.

SHRI J. R. KAPOOR: Sir, may I move an amendment to this proposal? I move that the Chairman be requested to take up this matter with the Deputy Speaker

MANY HON. MEMBERS: No, No.

SHRI J. R. KAPOOR: in order to end the whole episode gracefully, I suggest that the Chairman be requested to take up this matter with

the Deputy Speaker there, and pending that, the Leader of the House should not go there to answer any charges.

SHRI S. MAHANTY (Orissa): The circumstances seem to be like this: The consensus of opinion is that the Law Minister whom we have acknowledged as the Leader of this House, should not go there to answer any charge, and we should not allow him to leave this Chamber. This unanimous view of this House should be communicated to the House of the People so that they may feel that the Members of the Council of States are not tenants-at-will of the other House.

SHRI B. M. GUPTE (Bombay): I suggest, Sir, that the whole matter should be ended by your making it clear to the other House that Mr. Biswas does not appear there as a Member or the Leader of this House.

SHRI C. G. K. REDDY: I have already moved the motion, Sir.

MR. CHAIRMAN: That the Leader of the House should not go there

SHRI C. G. K. REDDY: In any capacity whatsoever.

SHRI RAJAGOPAL NAIDU: The Leader of the House should not go there when that motion is being discussed in the other House.

MR. CHAIRMAN: When this particular matter is under discussion, he should not be present there.

HON. MEMBERS: Yes, Sir.

MR. CHAIRMAN: Very well.

The Resolution was adopted unanimously.

SHRI C. C. BISWAS: Sir, may I request you to convey this to the Deputy Speaker stating that I am required to be here? I told him that I would go there after I was free. It may be communicated to

him that I cannot go there in view of the wishes of this House.

MR. CHAIRMAN: I shall communicate this to him.

SHRI RAJAGOPAL NAIDU: I move that the discussion on this subject be closed.

**THE INDIAN INCOME-TAX
(AMENDMENT) BILL, 1952—continued.**

MR. CHAIRMAN: Mr. Kishen Chand. Amendments to clause 4 of the Bill.

SHRI RAJAGOPAL NAIDU (Madras): There is another matter

MR. CHAIRMAN: No. No.

SHRI RAJAGOPAL NAIDU: It is a very important matter. Sir.

19 A.M.

SHRI KISHEN CHAND (Hyderabad): Sir, I was saying yesterday that the Appellate Assistant Commissioner is the only final authority for determining matters of fact regarding any assessment and that he should be independent of the control of the Department in ascertaining and finding out those facts. This can be achieved by two or three ways one of which is suggested by my amendment by placing the Appellate Assistant Commissioner under the Law Ministry. Another method would be that the Appellate Assistant Commissioner be given the grade of the Commissioner and that he may not have further chances of promotion so that his independence is guaranteed. The hon. Finance Minister pointed out that the Appellate Tribunal has upheld the judgment of the Appellate Assistant Commissioners thereby proving that the Appellate Assistant Commissioners are independent. I would request the hon. Finance Minister to go to any sitting of the Appellate Tribunal. He will find that the cost involved to the poor assessee in engaging suitable lawyers

and accountants to appear there which is always situated in the four big cities of Madras, Bombay, Calcutta and so on, is so heavy that a large number of cases don't go there. There are several advocate Members of this House who may have experience of the Appellate Tribunal and they will certify that these cases are heard *in camera* which is against the practice of all judicial courts. If they are held in the open courts, the proceedings will be a matter of public property and will get due publicity in the papers and therefore justice would be fully meted out to the assessee. The proceedings are held *in camera* and often in half an hour 5 or 6 cases are disposed of hurriedly. I submit that there is a feeling of dissatisfaction in the assessee that only law points are dealt with by the Appellate Tribunal and therefore if we want full justice to the tax-payers of this country, it is very essential that the Appellate Assistant Commissioners are brought under the Law Ministry. There is no difficulty if they are in the same grade as Commissioners and they are permanently transferred from the Board of Revenue to the Law Ministry. I agree with the hon. Minister that they should be drawn from the I.T.O.s' ranks because only then they will have the necessary experience and detailed knowledge of the working of the Income-tax Act. In so far as he says that they should be recruited from the I.T.O.s I entirely agree, but his next conclusion is not correct that after recruiting them from I.T.O.s they cannot be transferred to the Law Ministry permanently. I don't see any force in that argument. I certainly agree that the salary of the Appellate Assistant Commissioner is less than that of the Commissioner and if it remains thus, anybody becoming an Appellate Assistant Commissioner would not like to come there because his prospects are barred. Therefore naturally we will have to raise the salary of the Appellate Assistant Commissioners to that of the Commissioner. In this Bill several Commissioners are being