

Shri Biswanath Das (Orissa : General): Sir, I have very little quarrel with the Resolution that was so ably moved by Mr, Munshi but I must frankly confess that I am not happy with the Report that has been presented to us. The Report seems to support the adaptations which I am afraid very few Members of this House will do. Both the Report and Mr. Munshi's Resolution therefore proceed on the basis that the Constituent Assembly which has been the Dominion Parliament from the 15th of this month has to function in absolutely two different capacities, namely the Constituent Assembly and the Dominion Parliament. Having taken up this stand, namely absolute separation out and out, they necessarily follow the same course throughout their plan and that in where the Parting of the ways comes in. A reading of the Indian Independence Act of 1947 shows that the Constituent Assembly is the supreme legislature of this country. That is a position which has been accepted by the Constituent Assembly, or if not by the Constituent Assembly, at least it has been accepted by our leaders and the Constituent Assembly is a party to A from the 14th August. This Constituent Assembly has accepted the Indian Independence Act, has elected its leader and has authorised the leader to go and invite Lord Mountbatten to be the Governor-General of India. In that view of the question, the Constituent Assembly as such, has accepted the position assigned to it by the Indian Independence Act of 1947. Therefore there no use saying, today at this late hour, that we function as two different bodies, that we function differently and absolutely for different purposes. The purposes are one and the same; and while on the one hand we have to prepare a Bill for the future constitution of India and pass it into an Act we have also to look to the day to day administration of the country and also undertake such other legislation as might be necessary. Therefore the proposal of the Committee to function in a dual capacity and also the Resolution of my Honourable friend Mr. Munshi giving the silent 'approval of the House to the same cannot be accepted by us. That is where my complaint is. Sir, if once we accept this principle it means two Secretariats and that we will have the same experience of the Secretariat of the Constituent Assembly who are not efficient nor very polite and should undergo some training in politeness and good manners.

Shri Biswanath Das: Yes, if necessary I can cite examples. An Honourable friend spoke about their inefficiency. I must say that the Secretariat of the Constituent Assembly is not efficient. In these circumstances, these are mainly additional arguments as to why we cannot take these two functions as dual functions. If we undertake to do the work of the Constitution-making on different days, with which suggestion I fully agree, it is not because we are different, but for convenience of the transaction of the business. To quote another illustration, let us take the disposal of the business in the High Courts. There we have civil matters on one day, criminal on other days and so on. In the same way this one single body will undertake the disposal of Constitution-making on certain specified days, and ordinary legislative business on some other days.

Shri Biswanath Das: Yes, Sir, Having done that, I came to the second question on which I wish to address the Honourable Members of this House and that is the question of adaptations. Sir, adaptations have been undertaken without consulting the Honourable Members of this House and important alternations have been made to which I must record here a note of protest. Let me illustrate my point. We have met here in the Constituent Assembly, in a single session. We have no session except one, namely we begin and we will close as and when we decide. Our rules are very clear in this, If we adjourn from time to time it is because for our own convenience and for the convenient transaction of our business. But the fact remains that the Constituent Assembly functions as one single body till its main business is over, namely, the preparing and passing of our constitution. Sir, having seen those rules, the Parliamentary Act has been framed which means it has been accepted. Therefore the position remains that the Constituent Assembly sits till along, be it for one year, or two years or six months, it is all one session. This being the position, I strongly protest against the adaptations wherein it has been laid down that the Governor-General has to summon us to sit in sessions, of the Parliament to transact business. It is no concern of his, no business of his. We are members of the Constituent Assembly and the Constituent Assembly meets and adjourns at its pleasure. We cannot delegate its functions to the Governor-General however much we may love him, like him or respect him. Nor do we delegate this important function to the Honourable President, though we love him, like him, and esteem him. Sir this adaptation is very unfortunate and I think it is fair that we should record our protest.

Secondly, I come to prorogation. We have met and we ourselves shall prorogue. No authority, no power on earth can make us prorogue this Assembly and we cannot delegate this function to any other authority except the Constituent Assembly itself. In this view of the matter, I am not prepared to accept the adaptation. I have just picked up a few and there are a number of other items on which adaptations are not necessary, nor are they fair to us.

I now come to the third question, the participation of the States. My Honourable friends, the Members of this Committee have recommended to us that they, the States representatives should be with us. We are prepared to have them here. But is it their proposal that they should not only participate in our deliberations and discussions but also in the matter of voting? I must frankly confess that I must take more time to think over the question than what has been given. So far as the States representatives are concerned, they constitute about 6 Members-- a fairly good fraction of the strength of the legislature. It would be very hard, very difficult for us to agree without further consideration whether these 62 Members of the Constituent Assembly should be allowed to vote with us also in a budget for which they have absolutely no responsibility--except in respect of the three subjects.

Before closing. I would beg of you to consider the question, that we have got a Legislative Assembly Secretariat, well-trained, efficient and ready at hand to do the work. Under these circumstances, why should we have a duplicate Secretariat, which means puzzle, expenditure and inefficiency? Under these circumstances I would beg of you to consider this question from the point of view of finance and from the point of view of efficiency.