

POWER TO MAKE RULES Sections And Committees

Mr. K. M. Munshi, supporting Mr. Bannerjee's amendment, said that it would be extremely unwise to omit the words "Sections and Committees" because that would show that the Assembly was not the self-determining and self-governing institution which we insisted it was.

"Acharya Kripalani himself mentioned," he said, "that if we leave the things as it is, rules could be made whereby you can lay down that Sections and Committees will not have power to make rules which are contrary to or inconsistent with the rules made by this Committee. That himself shows that it is competent for this procedural committee to regulate to some extent the procedure of the Sections and Committees." In view of the debate that had already taken place, it was much better that the words "Sections and Committees" stood rather than leave the matter open to further discussion and points of order later on, he added.

"It should be laid down definitely by this House that the Constituent Assembly is one and indivisible, that the Sections, as already pointed out, are the sections of the Assembly, and that they may not form themselves into independent bodies which can make their own rules inconsistent with the rules of this Assembly.

Mr. Basanta Kumar Das asked for a ruling from the Chairman how far the Constituent Assembly would be entitled to give direction or to examine the work of sections and of the Advisory Committee.

The Chairman said that he had no desire that his ruling should be dragged into the Federal Court and, therefore, would not give any.

PANDIT NEHRU'S REMARKS

Pandit Jawaharlal Nehru, intervening in the debate said, "This resolution was considered to be a formal resolution but from the trend of the discussion it appears there are larger, fundamental issues in the minds of honourable members. Obviously, we have got those issues in our minds and many of us hold strong views about them. If this discussion goes on, all manner of things, which no doubt will be considered at various stages in the House, will have to be considered now. In this particular issue, I doubt if there is any difference of opinion in the House.

Undoubtedly, said Pandit Nehru, the various Committees and Sections of the Constituent Assembly were a part of the House. Undoubtedly anything that was done in those Committees and Sections which came into conflict with the directions of the Assembly would have to be considered by the House. "As this resolution is drafted—and I had something to do with the drafting—I thought the original draft was the appropriate draft but when this matter is brought up in the shape of an amendment, then obviously it becomes an entirely different matter to oppose that amendment because that becomes an expression of the view of the House."

The member from Assam had brought the Advisory Committee into the picture. The Advisory Committee obviously and patently had to report to the Constituent Assembly. He took it that all Committees of the House would have to report to it.

Pandit Nehru suggested to Mr. Kripalani to accept the amendment.

Dr. M. R. Jayakar said that on merits, he would have supported the amendment but there were a few considerations which he wished to urge against

an express mention of the words "Sections and Committees".

He urged the House to remember that "Sections" included "B" and "C" Sections and further that in the "B" and "C" sections there was the likelihood—almost the certainty—of a certain group of men who are not present here today and who may be present when the sections begin to function". That group of men was not present in the House today owing to a feeling of some hostility.

"Would you like at this stage to legislate for them in advance or would you rather leave this

question as included in the word Assembly instead of rubbing it in too much by the express mention of the word "Sections", which means sections "B" and "C" he asked. He urged members to consider whether as a matter of expediency they would not let the matter remain where it was, namely that no rules could be framed by sec-



Dr. M. R. Jayakar

"B" and also "C" which were in conflict with the rules of the Assembly. "Would you rather not let it rest on this very very wise provision? Or would you go further and rub the point in by saying that we here today, in the absence of that group of men, make it necessary that the rules framed by the Assembly will also apply to the Sections, which is absolutely unnecessary, because all the rules of the Assembly include the rules of the Sections?"

"I would, therefore, suggest this cautious proceeding in the absence of an important group of men who are not present here but who are watching these proceedings with a very jealous and suspicious eye to discover whether you are taking anything out of their hands. In deciding this in anticipation of their arrival, may it not interfere with their future arrival in a friendly atmosphere. Therefore, I suggest that the words stand as in the original resolution of Acharya Kripalani instead of going further to mention expressly what is included in the word."

Mr. D. P. Khaitan, supporting the amendment, said, "I have not the slightest doubt that whether a group of members are present or not, this Assembly has to proceed with its work in its entirety, irrespective of the question whether that group decides to join or not to join."

ANGLO-INDIAN SUPPORT

Mr. S. H. Prater (Anglo-Indian) supporting Dr. Jayakar's arguments, said it would be good to follow what he had said. "We may all want to do this thing but not at this stage. There is time for it and, therefore, I wholeheartedly support the resolution as originally moved by Acharya Kripalani."

Mr. Sarat Chandra Bose urged that to settle all future disputes the House should accept the amendment.

Referring to Dr. Jayakar's speech, he said, "I do not think it will introduce any conflict at all in future if this Assembly were to lay down rules of procedure which would govern not only the main Assembly but its Sections and Committees as well. On the contrary, I feel that it would resolve many a conflict in advance. If we are thinking that any conflict may arise between the main Assembly and Sections, we had better resolve that conflict now by including the words "Sections and Committees."

"SUPREME BODY"

Mr. B. G. Kher said that the House ought not to leave any doubt that the Assembly was the supreme body so far as the procedure of the Sections was concerned. After the debate that had taken place, it would be impolitic now to refuse to accept the words "Sections and Committees." "We were not at all certain today whether the Sections were going to sit. The way out of it would be to give the proposed Committee powers to co-opt so that if the rules framed were not acceptable to any section of members or if any suggestions were made, the Committee might from time to time be able to suggest amendments and alterations which could be confirmed, ratified or rejected by the House."

Mr. Jairamdas Daulatram said that the Union Constituent Assembly was the supreme body and must have the right to frame rules for its Sections and Committees. On this point no room should be left for any interpretation.