

RULES OF CONDUCT OF CONSTITUENT ASSEMBLY

Requirements Of State Paper Observed In Every Respect

From Our Special Representative

NEW DELHI, December 22.

THERE was a brief public sitting of the Constituent Assembly on Saturday, after which it went into a committee of the whole House and considered "in camera" the report of the committee on the rules of procedure. A fourth of the body of rules was adopted on Saturday and further consideration was undertaken on Sunday.

The Chairman made a public and formal reference to what has already been done in respect of Dr. Jawaharlal Nehru's resolution on the objectives of the Assembly. He said he had a list of about 50 members who wished to speak on the resolution, and it was obviously not possible to carry on the discussion any further without holding up other important work of the Assembly. He, therefore, interrupted the discussion on that and allowed other important items to be introduced.

"If we have further time thereafter," he continued, "we may have a further discussion on that resolution. It may be that before we rise for Christmas there may be no more time for a discussion on that resolution and therefore further discussion may be taken up when we meet again. By that time we may have the advantage of the presence of others not here now and we may also have the advantage of their views. Further discussion on the resolution will therefore remain suspended till we meet again."

DISCUSSIONS WITH STATES

The Assembly adopted with minor amendments a resolution moved by Mr. K. M. Munshi constituting a committee to confer with the Negotiating Committee set by the Chamber of Princes and with other representatives of Indian States to fix the distribution of the 93 seats reserved

for the States and the method by which the representatives of the States should be returned. The committee is to report to the Assembly the result of the negotiations. The personnel of the committee is Maulana Azad, Dr. Nehru, Sardar Patel, Dr. Pattabhi Sitarayya, Mr. Shann



Mr. K. M. Munshi.

kerrao Deo and Sir N. Gopalaswami Ayyangar. Provision is made for the addition of not more than three other members later, evidently by the Muslim League.

The mover stressed the necessity to begin parleys with the States Negotiating Committee at the earliest possible date.

AMENDMENTS MOVED

Amendments were moved seeking to ensure representation for minorities and insisting that the States should be represented only by one people, but they were withdrawn in response to explanation given by Dr. Nehru, Mr. B. G. Kher and Mr. P. R. Deshmukh. Dr. Nehru pointed out that the committee was in the nature of a plenipotentiary and it was the usual practice in such cases for its recommendations to be accepted "in toto" unless any vital principle had been violated, for its proposals would embody compromises with a third party. It was, however, open to the Assembly to reject its recommendation. Dr. Nehru also drew attention to the fact that the committee would have to carry on negotiations with States not represented in the other Negotiating Committee. This, coupled with the wording of the resolution, appears to suggest that the negotiations will be of a tripartite character, involving British India, the Chamber of Princes and non-Chamber States.

Mr. Kher argued that there was no need for communal representation on a committee which would only fix the composition and method of States' representation. Mr. Deshmukh disliked any proposal which would tie the hands of the committee or prejudice or prejudge the issue involved in the contemplated negotiations.

The resolution was carried unanimously.

Mr. Munshi, moving that the House go into committee to consider, the rules framed by the committee, explained outstanding points.

RULES OF PROCEDURE

The rules of procedure framed for the the conduct of business in the Constituent Assembly bear evidence of deep thought and attention to minute detail. They also show consideration for the fact that the Muslim League is not a party to it, and the framers are convinced that the League could not have serious objection to the rules. Provision has been made for addition to the strength of the committees to be formed under the rules so that the League can have its fair share of representation, as has been done in the case of the committee to confer with the States Negotiating Committee, namely, according to the proportion which the strength of the Muslim Block bears to the total strength of the Union Assembly.

Mr. K. M. Munshi of Bombay, who has played a leading part in the framing of the rules, in moving for their adoption, explained that it was open to the House to amend or add to the rules in consultation with the Steering Committee, which means that the League would have a hand in such alteration. Mr. Munshi also referred to the need for the adoption of the rules before the Assembly dispersed for Christmas and for the appointment of three committees, namely, the Steering Committee, the Staff and Finance Committee and the Credentials Committee. Elections to committees will be by proportional representation by means of the single transferable vote.

TWELVE CHAPTERS

There are 12 chapters and 63 rules in all. The chapters deal with definition, admission of members and vacation of seats, business of the Assembly, the President, Vice-Presidents, the office of the Constituent Assembly, committees, budget, salaries and allowances, doubts and disputes as to elections, consideration of draft constitutions, and miscellaneous.

There is specific mention of the requirements of the State Paper of May 16 which are observed in every respect. Negative significance attaches to the absence of any reference to voting by provincial units, the presumption being that voting will be by individuals present. There is specific mention of clause 19 sub-clause 7 of the State Paper, which refers to the method of voting on resolutions varying the basic provisions of the State

Paper plan or raising major communal issues.

The relevant rule says, "Any question relating to a matter referred to in Paragraph 19 sub-clause 7 of the statement of May 16 shall be decided as laid down therein."

Another rule bearing on this subject runs: "In all matters relating to procedure or the conduct of business, the decision of the chairman shall be final—provided that when a motion raises an issue which is claimed to be a major communal issue, the chairman shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision; and provided further that no section shall trespass upon the functions of the Union Assembly or vary any decision of the Union Assembly taken upon the report of the Advisory Committee referred to in Paragraph 20 of the statement of May 16. It shall be the exclusive function of the Advisory Committee to initiate and consider proposals and to make a report to the Assembly upon fundamental rights, clauses for the protection of minorities and the administration of tribal and excluded areas; and it shall be the exclusive function of the Assembly to take decisions upon such report and further to decide the question of the incorporation of these rights in the appropriate part of the constitution."

MEETINGS AT DELHI

It is stipulated that the Assembly, the sections and the various committees shall meet in New Delhi, that the rules should apply mutatis mutandis to the sections and committees of the Assembly with freedom to sections to make standing orders not inconsistent with the general rules. No question which has once been decided by the Assembly shall be reopened except with the consent of at least one-fourth of the members present and voting. Two-fifths of the strengths shall be the quorum for both the Assembly and the sections, provided that when a section is settling the provincial constitution for any province included therein, the presence of at least two-fifths of the representatives of that province shall be necessary. This would mean that the constitution of Assam and the Frontier Province cannot be framed if all the seven "general" members representing Assam and two of the three representatives of the Frontier stay out.

The official language of the Assembly shall be Hindustani (Hindi or Urdu) or English, and records are to be kept in English or Hindustani (both Hindi and Urdu). The Assembly shall not be dissolved except by a resolution assented to by at least two-thirds of the whole number of members of the Assembly. This rule is believed to be intended to emphasize the sovereignty of the Assembly retaining within itself the right to put an end to itself. Similarly, the provisions for settling election disputes, including the right to appoint an election tribunal, seek to uphold the Assembly's sovereignty, although the issue of an ordinance by the Governor-General is contemplated in order to vest the tribunal with the requisite legal authority. This seems to have been accepted already, as the dispute concerning the election of the Baluchistan representative was reserved for decision by the Assembly itself.

ASSEMBLY BUDGET

The Assembly will have sole control over its staff, advisory as well as executive, and frame its own budget. The President may make temporary staff appointments to enable the sections to meet, but thereafter the sections can appoint their own secretaries, subject to confirmation by the President, and these will rank as joint secretaries in the Assembly Office. The Government of each Governor's province in a section may appoint a provincial secretary subject to the confirmation of the President and these provincial secretaries will rank as Deputy Secretaries.

The President shall be the guardian of the privileges of the Assembly, its spokesman and representative and its highest executive authority. There will be five vice-presidents, namely, the three chairmen of sections and two others to be elected by the Assembly. These five together will co-ordinate the activities of the Assembly and its different branches.

The Steering Committee, which accords proportionate representation to the Congress, the League and the States, is endowed with vast powers of regulation and co-ordination of the Assembly, sections and committees and is to function as the central administrative machinery of the constitution-making body.

The three committees will probably be elected on Monday, leaving room for the League and the States to be represented thereon later.