

Mr. President : The question is:

“That in amendment No. 429 of List XVIII (Second Week), in clause (3) of the proposed new article 280-A, after the word ‘operation’ the words ‘Parliament shall have Power to make laws in respect of subjects contained in the State List as if they were subjects in the Concurrent List, and’ be inserted.”

The amendment was negatived.

Mr. President : The question is:

“That in amendment No. 429 of List XVIII (Second Week), clause (4) of the proposed new article 280-A be deleted.”

The amendment was negatived.

Mr. President : The question is:

“That in amendment No. 429 of List XVIII (Second Week), for paragraph (ii) of sub-clause (a) of clause (4) of the proposed new article 280-A, the following be substituted:—

- (ii) a provision requiring all Bills to be reserved for the consideration of the President after they are passed by the Legislature of the State.’ ”

The amendment was negatived.

Mr. President : The question is:

“That in amendment No. 429 of List XVIII (Second Week), clause (5) of the proposed new article 280-A be deleted.”

The amendment was negatived.

Mr. President : I shall now put the original amendment of Dr. Ambedkar. The question is:

“That after article 280, the following new article be inserted:—

‘280A. (1) If the President is satisfied that a situation has arisen whereby the financial stability or credit of India or of any part of the territory thereof is threatened, he may by a proclamation make a declaration to that effect.

- (2) The provisions of clause (2) of article 275 of this Constitution shall apply in relation to a proclamation issued under clause (1) of this article as they apply in relation to a Proclamation of Emergency issued under clause (1) of the said article 275.
- (3) During the period any such proclamation as is mentioned in clause (1) of this article is in operation, the executive authority of the Union shall extend to the giving of directions to any State to observe such canons of financial propriety as may be specified in the directions, and to the giving of such other directions as the President may deem necessary and adequate for the purpose.
- (4) Notwithstanding anything contained in this Constitution—
 - (a) any such direction may include—
 - (i) a provision requiring the reduction of salaries and allowances of all or any class of persons serving in connection with the affairs of a State;
 - (ii) a provision requiring all Money Bills or other Bills to which the provisions of article 182 of this Constitution apply to be reserved for the consideration of the President after they are passed by the Legislature of the State;
 - (b) it shall be competent for the President during the period any proclamation issued under clause (1) of this article is in operation to issue directions for the reduction of salaries and allowances of all or any class of persons serving in connection with the affairs of the Union including the judges of the Supreme Court and the High Courts.
 - (5) Any failure to comply with any directions given under clause (3) of this article shall be deemed to be a failure to carry on the Government of the State in accordance with the provisions of this Constitution.’ ”

The motion was adopted.

Article 280A was added to the Constitution.

Article 85

Mr. President : We shall now take up the other items.

Shri T. T. Krishnamachari : Sir, I move:

“That for clause (3) of article 85, the following clause be substituted:—

- ‘(3) In other respects, the privileges, immunities and powers 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 reason for making this change is that the scope of the sub-clause has to be extended as the original clause merely referred to the privileges and immunities of Members only. All that the present clause seeks to do is to apply it to the two Houses to all the Members and to the Committees of each House. This has been necessitated by the reason of the fact that we have provided in entry 69, List I, Schedule VII the legislative power to Parliament in 69A. The legislative power reads:

“The privileges, immunities and powers of each House of Parliament and of the Members and Committee of each House.”

In order to bring sub-clause (3) of article 85 in line with that entry, this amendment has been moved. Honourable Members of the House will please see that it merely seeks to expand the privileges, immunities and powers from the members to the Houses and also to the Committees and it is a matter which will not invoke controversy as it is consequential on the House accepting 69A, List I, Schedule VII.

The Honourable Shri K. Santhanam : Clause (4) also provides the same Privileges to Committees as to the Members.

Mr. President : This refers to the House also, not only to the Members.

There is one amendment of which notice has been given by Shri Brajeshwar Prasad. But that is covered by another amendment—No. 397. Therefore this does not arise,

Shri Brajeshwar Prasad : But there are two parts (a) and (b) on the next page.

Mr. President : Yes, there is 3(b). But is this a matter for the Constitution? That the President shall issue a White Paper is not a matter for the Constitution. The President shall issue a White Paper if it is suggested to him or if a resolution, is passed in the Assembly.

Shri Brajeshwar Prasad : The whole purpose is to know what are the powers and privileges of the members of the House of Commons.

Mr. President : You may ask the President to issue that White Paper but it cannot form part of the Constitution.

Shri Brajeshwar Prasad : I can make a verbal change in this amendment.

Mr. President : I think we had better leave it alone.

Shri R. K. Sidhwa : Sir, when this article was discussed last time we were not certain what were the privileges of the Members of the Commons. I tried to find it out from May's Parliamentary Procedure but I could not. So, let us know something as to what are the privileges of the Members of the House of Commons. Otherwise a conflict may arise in Parliament. Until two or three years after the formation of Parliament these privileges may not be framed because I know that no act of privileges have so far been framed till now although under the Government of India Act, 1935 there is a provision that Members' Privileges may be framed; they have not been framed either in the Centre or in the provinces except in two Provinces.

The Honourable Dr. B. R. Ambedkar : Sir, I might with your permission inform my Friend Sidhwa that since the time when the discussion took place I

made a little research and I find that the South African Parliament has passed an Act defining the immunities and privileges. I have got a copy; if he wants. I can transmit it for his study. It might be possible later on for our own Parliament to embody the privileges.

Shri Brajeshwar Prasad : Sir, in amendment No. 419 the words "Provincial Parliament" occur. This is a printing mistake. The word is not "Provincial", but "Provisional". This is a separate amendment which has not been moved by anybody else. May I move it?

Mr. President : I suppose the Provisional Parliament has got all the powers and privileges of the Parliament which will be of a permanent nature. So this does not arise really.

Shri Mahavir Tyagi : Could we not leave this power to the Parliament itself to decide?

Mr. President : That is exactly what the article says. The Parliament will define the powers and I privileges, but until the Parliament has undertaken the legislation and passes it the privileges and powers of the House of Commons will apply. So, it is only a temporary affair. Of course the Parliament may never legislate on that point and it is therefore for the Members to be vigilant.

Shri H. V. Kamath: Will it be open to the Provisional Parliament to define these powers ?

Mr. President : Certainly, it will be open to it, if it chooses to do it.

Shri B. Das : Sir, in this amendment No. 419, is it the "*Provincial* Parliament" or the "*Provisional* Parliament"?

Mr. President : It is a mistake. It ought to be "Provisional Parliament". When Mr. Brajeshwar Prasad pointed it out I did not follow him. It is a mistake in printing. So, the Provisional Parliament has the same right as the permanent Parliament. Is any discussion necessary? So, I will put this amendment to vote.

The question is:

"That for clause (3) of article 85, the following clause be substituted—

- (3) In other respects, the privileges, immunities and powers 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 amendment was adopted.

Article 111

Shri T. T. Krishnamachari : Mr. President, Sir I move:

"That for the proviso to clause (1) of article 111, the following proviso be substituted:—

'Provided that no appeal shall lie to the Supreme Court from the judgment, decree or final order of one judge of a High Court.' "

This, in effect, simplifies the position as it now is. The present proviso is a longish one. The present proviso which the amendment seeks to supplant reads thus:—

"Provided that no appeal shall lie to the Supreme Court from the judgement, decree or order of one judge of a High Court or of one judge of a Division Court thereof, or of two or more judges of a High Court, or of a Division Court constituted by two or more judges of a High Court, where such judges are equally divided in opinion and do not amount in number to a majority of the whole of the judges of the High Court at the time being."

It is felt that this is not necessary by reason of the fact that this was borrowed from the original Letters Patent, which was amended in 1928. The amended