

Mr. President : I shall now put Dr. Ambedkar's amendment.

The question is:

"That with reference to amendment No. 1723 of the List of Amendments, in clause (3) of article 97 for the words 'revenues of India' the words 'Consolidated Fund of India' be substituted."

The amendment was adopted.

Mr. President : The question is:

"That article 97, as amended, stand part of the Constitution."

The motion was adopted.

Article 97, as amended, was added to the Constitution.

Article 98

Shri H.V. Kamath : Mr. President, Sir, I move:

"That in clause (1) of article 98, for the words 'Each House of Parliament may make rules for regulating, subject to the provisions of this Constitution' the words 'Subject to the provisions of this Constitution, either House of Parliament may make rules for regulating, be substituted.'"

There are two separate amendments in this: one is the transposition of a phrase in one clause and other is substitution of the word 'each' by the word 'either'. These are amendments of a drafting nature but in my humble judgment I believe that this is better English and it conforms more to the rules of syntax. I do not think there will be any objection or difficulty in the way of accepting this amendment and I hope the House will endorse my suggestion. Sir, I move.

(Amendments Nos. 1725 and 1726 were not moved).

Mr. Naziruddin Ahmad : Sir, I have to move my amendment No. 1727 not because I want to move it but because on this hangs the amendment of another honourable Member. I move it to accommodate the honourable Member. I beg to move:

"That clause (4) of article 98 be omitted."

Shri Jaspat Roy Kapoor (United Provinces: General): Before moving my amendment, I would like to thank my Honourable Friend, Mr. Naziruddin Ahmad, for having moved his amendment No. 1727, for that enables me to move my amendment to this amendment.

Sir, I am not moving amendment No. 14. I am moving amendment No. 15 only.

I move:

"That with reference to amendment No. 1727 of the List of Amendments, in clause (4) of article 98, after the word 'absence' the words 'the Chairman of the Council of States, or in the absence of both' be inserted."

Thereafter clause (4) would read:

"At a sitting of two Houses the Speaker of the House of the People, or in his absence the Chairman of the Council of States or in the absence of both such person as may be determined by rules of procedure made under clause (3) of this article, shall preside."

The Drafting Committee has appended a note to this clause (4) at the bottom of page 44, saying that the committee is of opinion that the Speaker of Parliament, as the House of the People is the more numerous body. That of the House of the People should preside at a joint sitting of the two House is good far as goes but when the speaker of the house of the People is absent I think the appropriate procedure would be to permit the Chairman of the Council of State to preside. The Chairman of the Council of State is an elected person, elected by both House of Parliament, and I see no reason, Sir, when the Speaker of the House of the People is not present, why in his absence the Chairman of the Council of State should not be authorised to preside. Clause (4) as it stands says: That in the absence of the Speaker of the house of the People such other person shall preside as may be determined by rules of procedure made under clause (3) of this article."

Now this practically shuts out the chairman of the Council of States from presiding, for I think it will not be seriously contended that the Chairman of the Council of State may be permitted to preside over the joint sitting in accordance with rules that may be framed under clause (3). The President, when framing such rule in consultation with the Chairman of the Council of States, I am sure, will not have before him the proposal emanating from the Chairman of the Council of States himself that he should be authorised to preside in the absence of the Speaker of the House of the People, because he must be a very presumptuous Chairman of the Council State, a person who has absolutely no delicacies, who would be so audacious as to put forward such a suggestion to the President that he should be authorised to preside in such a contingency. I think it is necessary, therefore, that we should provide in clause (4) that when the Speaker of the House of the People is absent, the Chairman of the Council of the State should preside.

Sir, I beg to move.

(Amendment nos. 1728 and 1729 were not moved.)

Mr. President : So all the amendments have been moved of which we have received notice. Does any one now like to speak?

Shri T. T. Krishnamachari: Sir, while I quite admit the logic of the amendment moved by Mr. Kapoor-I do not know what Dr. Ambedkar will do in the matter, but my own feeling is that the clause as it is had better stand rather than be amended by the suggestion of Mr. Jaspat Roy Kapoor for this reasons: The proper arrangement will be that either the Chairman of the Council of State should preside, and in his absence the Speaker should preside; or the arrangement should stand as it is, because the Chairman of the Council of States happens to be the Vice-President of India, and has a unique position, second only to that of the President, and perhaps the Premier or somebody like that. To put him in a position below the Speaker would mean a very invidious distinction-making a person who is likely to succeed the President or take over his duties under certain circumstances to be put below the Speaker of the House of the People.

Again there might be some objection to put the speaker below the Chairman of the council because that might involve a question of rivalry between the two House as to which House takes the first place. It is a very delicate and difficult position, and I think the Drafting Committee has solved the position by eliminating the Chairman of the Council of State who is the view-President from the picture altogether, and it is best from all points of view that once the two House sit together, the Vice-President who is Chairman of the Council goes out completely from the picture and the Speaker presides. The acceptance of the suggestion of Mr. Jaspat Roy Kapoor though

[Shri T. T. Krishnamachari]

is might look logical, is, I think, likely to create a delicate situation which had better be avoided by the article being allowed to remain as it is.

Shri K. M. Munshi (Bombay: General): Sir, I think it would be best to leave the article as it is, without incorporating the Chairman of the Upper House. The reason is very simple. The Chairman of the Upper House is also the Vice-President and if we put the Speaker in the first instance it would not be right to put the Chairman next after him; and it may be that it would not be advisable to have a person who would be acting as a President in some temporary capacity or the other as the Speaker or the Chairman of this Joint sitting. It is from that point of view that it would be very improper, and I think it must be left to the rules to decide whether he should preside or not: But putting him expressly in this manner would be stultifying his position as Vice-President of the Union and it is very advisable to keep it as it is.

The Honourable Dr. B. R. Ambedkar : All that I can say is that I cannot accept Mr. Jaspat Roy Kapoor's amendment. It is much better that the matter be left elastic to be provided for by rules. With regard to Mr. Kamath's amendment, I certainly feel drawn to it. But for the moment I cannot commit myself, but I can assure him that this matter will be considered by the Drafting Committee.

Mr. President : Then I do not put Mr. Kamath's amendment to the vote. I treat it as a drafting amendment which the Drafting Committee will consider.

With regard to Mr. Jaspat Roy Kapoor's amendment No. 15, I would like to draw Dr. Ambedkar's attention to one point. In clause (2) of article 98 we have the words:

"With respect to the Legislature of the Dominion of India."

In another place we have used the expression "Constituent Assembly of India". I suppose Dr. Ambedkar would like to have the same expression here also?

The Honourable Dr. B. R. Ambedkar : Yes.

Mr. President : I was just pointing out that here in this clause (2) the expression "Legislature of the Dominion of India" occurs. Perhaps, the expression 'Constituent Assembly of India' will be better?

The Honourable Dr. B. R. Ambedkar : We have now got two Assemblies so to say, the Constituent Assembly sitting as Constituent Assembly and the Constituent Assembly sitting as legislature. We have rules on both sides. I think therefore it would be desirable to retain the words 'Dominion of India', so that we could adopt the rules which are prevalent on the other side.

Shri Jaspat Roy Kapoor : My submission is that for the words 'Legislature of the Dominion of India' we may have the words 'Constituent Assembly of India' and the word 'Legislative' within brackets. That is how we have describing our Constituent Assembly when it functions as Legislature.

The Honourable Dr. B. R. Ambedkar : We have to use the language of the Indian Independence Act. We have to restrict ourselves to the terminology of that Act.

Mr. President : If it will not create any difficulty, I do not mind it.

I will put the amendment moved by Shri Jaspat Roy Kapoor to vote.

Shri Jaspat Roy Kapoor : Sir, I seek leave of the House to withdraw it. I do not want it to have the fate of a defeated amendment.

Mr. President : If the House grants him leave to withdraw his amendment, it may be withdrawn.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President : The question is:

“That article 98 stand part of the Constitution.”

The motion was adopted.

Article 98 was added to the Constitution.

New Article 98-A

Mr. President : We have notice of an amendment to insert a new article by Dr. Ambedkar.

The Honourable Dr. B. R. Ambedkar : I moved:

“That after article 98, the following new article be inserted:—

<p>98-A. Parliament may, for the purpose of the timely completion of the financial business, regulate by law the procedure of and the conduct of business in, each house of Parliament in relation to any financial matter or to any Bill for appropriation of moneys out of the Consolidated Fund of India, and if and in so far as the provision of any law so made is inconsistent with any rule made by a House of Parliament under the last preceding article or with any rule or standing order having effect in relation to Parliament under clause (2) of that article, such provision shall prevail.’ ”</p>	<p>Regulation by law of procedure in Parliament in relation to financial business.</p>
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Mr. President : As no Member desires to speak on this amendment, I shall put the motion to vote.

The question is:

“That after article 98, the following new article be inserted:

<p>98-A. Parliament may, for the purpose of the timely completion of the financial business, regulate by law the procedure of and the conduct of business in, each house of Parliament in relation to any financial matter or to any Bill for appropriation of moneys out of the Consolidated Fund of India, and if and in so far as the provision of any law so made is inconsistent with any rule made by a House of Parliament under the last preceding article or with any rule or standing order having effect in relation to Parliament under clause (2) of that article, such provision shall prevail.’ ”</p>	<p>Regulation by law of procedure in Parliament in relation to financial business.</p>
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The motion was adopted.

Article 98-A was added to the Constitution.

Article 173

Shri T. T. Krishnamachari: May I suggest that, in continuation of these financial provisions relating to the Union which the House has considered, we