

ing Members for the periods indicated against each:

- (1) Shri V. K. Krishna Menon—
7th March to 4th May, 1974
(Tenth Session)
- (2) Shri Nthuram Mi: dha—7th
April to 2nd May, 1974
(Tenth Session).

Is it the pleasure of the House that leave as recommended by the Committee may be granted?

HON. MEMBERS: Yes.

MR. SPEAKER: The Members will be informed accordingly.

SHRI S. M. BANERJEE (Kanpur): Sir, the rule should be 'No work; No pay'. You cannot discriminate between an MP and an employee. Railway employees will not get their salaries during the strike period. The rule should be 'No work; No pay'. I move an amendment that leave should be granted without pay.

MR. SPEAKER: This is not a motion. This is an observation. You cannot move an amendment. The work of MPs is not confined purely to the Chamber, as I have seen from my personal experience. You go out for strikes, for arrests and for all types of unlawful activities, and you still get that! If I accept the amendment of Shri Banerjee, it will cover everything, including unlawful activities, whether one is in jail or striking and so on.

SHRI S. A. SHAMIM (Srinagar): As if we are paid for our work.

SHRI H. N. MUKERJEE (Calcutta—North-East): It would be graceful on our part to send good wishes for the speedy recovery of Shri Krishna Menon, who is on leave.

MR. SPEAKER: He is one of the very distinguished members of this House. We are very proud of him.

We wish him very speedy recovery and long long life.

SHRI S. M. BANERJEE: What about other members?

MR. SPEAKER: It all depends.

12.36 hrs.

SUPREME COURT NOTICE TO THE SPEAKER IN THE MATTER OF SPECIAL REFERENCE RE. PRESIDENTIAL ELECTION

MR. SPEAKER: The House will recall that on the 2nd May, 1974 some members raised in the House the question of Notice issued to me by the Supreme Court of India in the matter of Special Reference under Article 143 of the Constitution of India regarding the Presidential Election. As I had not till then received any such Notice, I said that when it came, I would consult the General Purposes Committee before I take a decision.

I received the Notice dated the 1st May 1974 from the Supreme Court on the evening of 2nd May, 1974. The Notice states *inter alia* as follows:—

"Whereas under Article 143 of the Constitution, the President of India has been pleased to refer to this Court (copy of Reference enclosed herewith), the following questions of law for consideration and report,"

After reproducing the questions referred by the President to the Supreme Court and stating certain facts, the Notice states further:—

"Notice is hereby given to you so that you may, if so advised, enter appearance in the above matter and file 100 copies of the written arguments... by 12 noon on the 20th day of May, 1974.

[Mr. Speaker]

Take further notice that the above Special Reference will be listed for hearing before the Court on Monday, the 27th day of May, 1974...., when you may appear before the Court by an Advocate of the Court and take such part in the proceedings before this Court as you may deem fit."

The language is very cautious about it.

I placed the matter before the General Purposes Committee on the 7th May, 1974. The General Purposes Committee advised that neither the Lok Sabha, nor the Speaker, should enter appearance in the Supreme Court in this matter.

If the House agrees, the Supreme Court may be informed accordingly.

HON. MEMBERS: Yes Sir.

SHRI SHYAMNANDAN MISHRA (Begusarai): Our humble submission is that the Attorney-General should have played his legitimate role in this matter and he should have advised the hon. Court that it is not done in the case of a Presiding Officer of a Legislature. What the Attorney-General did on that occasion is also a question which we have to consider. The hon. Law Minister had undertaken to tell the House what exactly the Attorney-General had said on that occasion.

SHRI H. N. MUKERJEE (Calcutta—North-East): It is on record that the Law Minister made a promise.

MR. SPEAKER: The Committee considered only that part of the reference which deals with the Speaker giving his views to the Court. I will see the records to find out what the Law Minister said at the time.

SHRI H. N. MUKERJEE: He promised to make a statement.

MR. SPEAKER: When this came to the notice of the Attorney-General, even then I was not informed about it. I received it direct from the Supreme Court.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): Earlier also, notices were issued and, in fact, some of the State Legislatures appeared in the earlier Supreme Court Reference.

MR. SPEAKER: We considered this matter in the Committee and we thought that we should confine our decision only to the Speaker of the Lok Sabha and leave it for the State Legislatures to follow the procedure as they decide. They differed from us in the past. I will be sending this decision for their information only. I will not advise them. Rather, I am not entitled to advise them on this matter. It is up to them to decide as they like.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Let the House decide it. I think, you have taken the opinion of the House.

MR. SPEAKER: I got the consensus of the House. I hope, you all agree.

HON. MEMBERS: Yes.

SHRI JYOTIRMOY BOSU: Unanimously.

12.41 hrs.

COMMITTEE ON ABSENCE OF MEMBERS FROM SITTINGS OF THE HOUSE

MINUTES

SHRI S. C. SAMANTA (Tamluk): I lay on the Table Minutes of the Thirteenth to Fifteenth sittings of the Committee on Absence of Members from the Sittings of the House, held during the current session.