

*The*  
**Journal of Parliamentary  
Information**



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## FOREWORD

**T**HOUGH the modern form of democracy with its machinery of elections, the modes of discussions, debates and taking decisions, the functioning of the executive government and the administration to give effect to the decisions reached are comparatively new to us, the substance of self-government itself is an ancient institution in this country and it had survived, though feebly, in the village communities till about the middle of nineteenth century. That self-government was, however, restricted only to local needs of the population and it was, in no sense, a political democracy concerned with the defence of the country, its foreign relations, its coinage, customs, etc.

In the British times, democracy on modern lines by the application of the elective principle for selection of representatives was gradually introduced, first in the local bodies and thereafter in the provincial and central administrations. To start with, the scope of powers and functions of these representative institutions was extremely limited and was expanded as time went on. The result has been that we have been pretty well accustomed to think of democracy in terms of the British pattern and we have, therefore, been looking upon the mother of Parliaments as our model. Though the scope of the pre-independence legislatures was very limited, they had in them the seeds and the paraphernalia of democratic and representative legislatures.

It was, therefore, very natural that our Constituent Assembly preferred the model of Parliamentary Democracy, by which is meant substantially the British model of Parliamentary life, as an ideal form of government to serve the best interests of the people. There have been some departures here and there from the British model, but substantially the model adopted in our Constitution is the British model.

We have now created the necessary machinery for elections on adult franchise as also framed some rules for conduct of business in the legislatures. We have thus given the outward shape to our democracy. But we have yet to achieve that democracy which we aim at and aspire for. Though democracy must have a body to exist, its real soul consists of what may be called the democratic attitude or the democratic mind. In essence, the quality of democracy will depend not upon the rules for election or the rules of conduct of business, etc. but upon the spirit and attitude of those who are called upon to function as members of the democratic legislatures.

It will be appreciated that the British democracy functions efficiently and it is considered to be the ideal parliamentary democracy in the world because of the impersonal approach to all problems by members, the common goal of the good of the country, the spirit of toleration, mutual adjustment and compromise. It is not run merely by counting of heads or hands or by the volume of the voice one way or the other in the Houses of Parliament. It is necessary for us, therefore, to develop such a "parliamentary spirit", but we have to watch the working of our legislatures and evolve the spirit and the procedure for real parliamentary democracy, best suited to our own soil, genius and traditions.

Our progress in the direction of establishing parliamentary democracy will naturally be slow and arduous. But we must work hard and be patient. If we want to make parliamentary democracy a success in our land, in the sense that it serves the best interests of the people and achieves peace, progress and prosperity, it follows as a corollary to what I have stated that, though British precedents in Parliamentary life are a very valuable guide to us inasmuch as they crystallise human experience over centuries, it will neither be possible nor desirable for us to copy each and every one of them for the simple reason that our thought and temperament, our culture and tradition, our social structure and history are all so different from those of the British. Further, some of their conventions and forms are a matter of historical growth; and their constitution, though well settled, is yet an unwritten one. We have, therefore, to go on experimenting and trying, so that finally we may stabilise the conduct of proceedings in our legislatures in the light of experience we gain in the present formative period of our independent national existence and life.

It becomes necessary, then, for the various legislatures in the land to be continuously informed of the activities, the problems, the solutions—attempted or suggested—of each of them so that each legislature will have the advantage of a common pool of experience and knowledge and will thus be enabled to function better in the interest of the people. The Journal of Parliamentary Information will, I hope, supply this need and hence I welcome it and wish it well.

I trust that the Journal of Parliamentary Information will not only be a useful record of important happenings in all legislatures in India, but will also be a forum for expression of views and opinions contributing to the evolution of the best pattern of democracy for India.

G. V. MAVALANKAR.



## MESSAGE FROM THE PRESIDENT OF INDIA

**O**UR Constitution came into force on the 26th January, 1950 and for 2 years and 4 months the old Constituent Assembly continued to function as the interim Parliament. In May, 1952 elections under the new Constitution were completed and governments formed. Our Constitution has deliberately chosen the British model of parliamentary democracy although there are some items which have been taken from the American Constitution. It remains to be seen how far we are able to combine the two systems of democracy even to the very limited extent we have tried to do. For successful working of the Constitution it is necessary that the Members should be alert and they should keep themselves well posted with the affairs of their constituencies, if not of the country as a whole. But more than this, they should be familiar with the procedure of such parliamentary institutions. The object of Parliament is to govern the country according to the wishes of the people, for the good of the people. These are ascertained through their representatives who come and sit in Parliament. The representatives, therefore, are the mouth-piece of the people and they can represent them truly only if they are well posted with facts and have no other object except service of the people. A great deal of time of Parliament may be wasted and similarly a great deal of work can be accomplished in a short time. Whether the one or the other will happen depends upon the vigilance, ability and application of the Members. When I speak of the Members, I mean Members belonging to all Parties, whether sitting behind the Ministers or in opposition to them.

A journal which will furnish information and give points that may be of help to the Members will easily create room for itself. I am, therefore, glad that it has been decided to bring out a journal of a comprehensive kind which, apart from summarizing what happens in Parliament and various Assemblies, will also contain articles on subjects which are calculated to be of interest to Members of Parliament and to the country at large. I wish it all success.

RAJENDRA PRASAD.

## MESSAGE FROM THE VICE-PRESIDENT OF INDIA

**I** AM delighted to know that we will soon have a Journal of Parliamentary Information. We have adopted the parliamentary system of Government. For the successful functioning of this system the parties in the Parliament and their followers should accept certain basic assumptions, such as loyalty to the State and the Constitution, and willingness to effect changes of government by persuasion, not force, by free elections and not direct action. If the different groups in the Parliament do not affirm their adherence to these principles, parliamentary government cannot function satisfactorily. There is an ironic sentence in Montalembert "When I am the weaker, I demand liberty, because it is your principle; when I am the stronger, I take it away from you, because it is no principle of mine."

The safeguards of a democratic system are an independent judiciary, Public Service Commission and audit. We should not do anything to impair their integrity and independence.

Democracy does not mean that all men are equal in ability. It provides that all men should have equal opportunities for the development of their unequal talents. It is not in any way inconsistent with the leadership of the wise, the intelligent and talented spirits. If every body is some body, then no one is any body.

I do hope that the system of government we have adopted which is in the spirit of our country will be able to achieve the welfare—physical, mental and moral—of our millions. By their fruits we shall know them, not by their beliefs, doctrines or ideologies.

S. RADHAKRISHNAN.

## MESSAGE FROM THE PRIME MINISTER OF INDIA

**B**Y our Constitution, we are committed to the democratic parliamentary system of Government. In these days of rival ideologies and international conflict, we have tried to keep apart from these clashes of opinions in the international sphere and have tried to seek a path for ourselves and we have decided to base our Constitution and governance on the democratic parliamentary system. That system appears to us to have obvious virtues. Its critics point out that it is rather slow moving in these dynamic times which require a rapid change from the old to the new. Ultimately, the system which yields large dividends in the shape of the well-being and advancement of the people, will probably survive in every country.

Will the parliamentary system in India yield these dividends? The future alone can answer. But I am convinced that this is basically the right system for us, even though it may be necessary to make minor variations in it by amending our Constitution so as to remove any obstructions to our progress. I believe that it is suited to our national genius and the extension of this democratic system right down to our panchayats takes us back, to some extent, to our past periods of history. Thus, in a sense, it has its roots in the past, even though the modern forms of it may be new.

The modern world offers us tremendous problems, among them, the problem of securing individual liberty in the context of the highly specialised and centralised administrative and other machinery which has become inevitable today. Without that specialised machinery, we cannot function as an efficient and prosperous nation. Without individual freedom, we lose what is of the greatest value in life.

The development of technology has again led to problems of colossal magnitude. In the final analysis, this development is embodied in the hydrogen bomb, and the vital choice before the world is great progress on co-operative lines or conflict and utter destruction.

How then will the parliamentary system face these problems? I think that it will face them successfully and triumph in the end.

JAWAHARLAL NEHRU.

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## Our Journal

*By M. N. Kaul*

**G**REAT institutions take root, grow, develop, progress and spread if there is life and vitality in them. It is an organic necessity. The good work done on the foundations laid by them is generally enshrined in people's minds and hearts and give them a permanent place in the historical evolution of men, matters and affairs. While it is necessary that their activities and achievements should be publicised, it is also of the utmost importance that the forces which are at work but which are subtle and hidden to the naked eye should be discerned by the knowing minds and stated concisely as a background to their growth from time to time.

Parliamentary democracy is not new to our country. We read in books on the ancient history of India that such institutions were prevalent in those days, had reached a stability of their own, and were respected by the people who felt devoted to their forms and conventions. Although such institutions were eclipsed through the historical processes and we had reached a stage when it appeared that we were

borrowing such knowledge from some of the civilised countries in the West, the core of the Indian people remained sound and in tune with the very essence of parliamentary democracy. This was demonstrated when, immediately after our Independence, the country adopted the republican form of Government, accepted adult franchise and favoured parliamentary democracy. Then in the first General Elections held in 1952, it returned the largest number of representatives to Parliament and the State Legislatures in a very calm and peaceful atmosphere. When anyone in any part of the world hears that 106 million people went to the polls and that all the elections were held not only peacefully but to the satisfaction of all the contending parties all over this vast country within a short space of time, one cannot but marvel at the discipline and behaviour of the Indian people as well as their deep-rooted respect and love for parliamentary democracy.

In India now, we have a Parliament and 24 legislatures. The total membership comes to about 4471. All combined make a grand Parliament which

under the Constitution is split up into various autonomous units for the governance of this great country. The voters who today number more than 170 millions and whose numbers are likely to increase in the years to come are entitled to know what this Parliament and the legislatures are, what they are doing; it is most important for them also to know what is the procedure which enables them to work in harmony resulting in government by discussion and an increasing measure of happiness and prosperity to the people. It is, therefore, necessary that there should be a proper forum through which all this knowledge must be spread for the education of the voter and for the information of the expert.

The Constitution being a fundamental document contains basic provisions only. The Rules of Procedure for Parliament and the State Legislatures can never be exhaustive and can state only the principles. Institutions develop from day to day and in this dynamism, forms change and there is constant reform of procedures and practices. Then a master mind arises, collects these waves and brings out a synthesis of the various forces at play, gives them a shape and presents them in a lucid language. But Parliamentary institution, being dynamic in character, gives little time even to the master mind to state with any degree of certainty the changing position in the most accurate and precise form on any given date. Such expositions may become sometimes out of date particularly in

so far as the intricate working of the various processes is concerned.

There is therefore the need that all the knowledge available from time to time, scientific and technical, should be spread quickly and currently so that mind reacts upon mind and the procedure is firmly and securely laid. Parliamentary institutions prosper only when correct procedures are adopted and adhered to. Of necessity such procedure must be in consonance with the genius of the people of the time and inevitably the old forms and old processes give way to new ones just as the cycle of the universe moves on without any notice or drum-beating.

The idea of starting a journal which would fulfil the need of disseminating information currently on matters affecting parliamentary practice and procedure has been always there. This is a forum through which interest in the scientific approach to the problems of parliamentary practice and procedure can be stimulated. This is a medium through which information can be collected, classified and spread to all who are interested in the subject.

There are a very few journals of the kind in the world and there has been none in India so far. It is therefore in the fitness of things that a journal should be started immediately even with a modest beginning in the firm hope that it may prove to be a vehicle of strengthening parliamentary democracy, oiling and gearing its engines and endearing it to the people.

## *Our Journal*

One of the aims of the journal is to present authoritative information on parliamentary procedures and practices that are being continuously evolved in the various legislatures in India and also in other countries. The assistance rendered by the various State Legislature Secretariats in getting material for this issue of the journal is gratefully acknowledged. It is

hoped that they would continue to extend their co-operation in making the future issues of the journal a greater success and in evolving it in the years to come as an authoritative work aiming at a measure of perfection. It is needless to say that any suggestions for its improvement will be gratefully received, considered and implemented.

# Vice-President's Address to U.S. Senate

## PRESENTATION OF GAVEL

**D**R. Sarvapalli Radhakrishnan, Vice-President of India, presented the U.S. Senate on November 17 with an ivory gavel on behalf of the Rajya Sabha.

The visit of Dr. Radhakrishnan to the Senate was covered by the *Congressional Record* of November 17. The report, which gives a faithful word-picture of the presentation ceremony and also records the speeches delivered on the occasion by Dr. Radhakrishnan, Vice-President Richard Nixon, Senator Knowland and Senator Johnson, is reproduced below:—

"The VICE-PRESIDENT: The Chair has learned that a distinguished visitor, Vice-President of India, is in the Capitol. If the majority leader would like to make a motion that the Senate take a recess, such a motion will be entertained at this point.

Mr. KNOWLAND: Mr. President, I move that the Senate now stand in recess, subject to the call of the Chair, so that it may receive a message from the Vice-President of India.

The VICE-PRESIDENT: Before the motion is put, the Chair will appoint the majority leader and the minority leader to escort the Vice-President of India from the office of the Vice-President to the rostrum of the Senate.

The question now is on agreeing to the motion of the Senator from California."

[The motion was agreed to; and (at 2 o'clock and 14 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate being in recess, the Honourable Sarvepalli Radhakrishnan, Vice-President of India, escorted by the Committee

appointed by the Vice-President, consisting of Mr. Knowland and Mr. Johnson of Texas, entered the Chamber and took the place assigned him on the rostrum in front of the Vice-President's desk.

The members of the party accompanying the Vice-President of India included the Honourable G. L. Mehta, the Ambassador of India to the United States and the Honourable J. K. Atal, Minister of India to the United States, who were seated in the diplomatic gallery.]

"The VICE-PRESIDENT: It is my pleasure to present to the Members of the Senate and to our guests in the galleries one of the world's great scholars, the Presiding Officer of our sister parliamentary body, the Council of States of India, the Vice-President of India. (Applause, Senators rising.)

Vice-President RADHAKRISHAN: Mr. Vice-President and Members of the Senate, it is a great honor to have an opportunity to speak to the Members of this world-famous assembly. I appreciate it very much, and I am grateful to you for giving me this privilege.

As your Vice-President just remarked, we have taken quite a number of things from your Constitution; and one of these is the obligation of the Vice-President of India to preside over the Rajya Sabha or the Council of States, corresponding to your Senate. In fact, not only this one thing was taken by us from your Constitution, but quite a number of other things were taken by us from it. Among them is our statement of objectives—justice, freedom, equality and fraternity. This statement echoes the ringing words of Jefferson in the Declaration of Independence:—

"That all men are created equal, that they are endowed by their Creator with certain unalienable rights, that

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among these are life, liberty, and the pursuit of happiness.'

These are not mere phrases of propaganda, but they are products of a deep-felt faith which have inspired millions, both inside and outside the United States of America.

We, in India, became free in August 1947. We remember with gratitude the sympathy and the support we had from your Government and people during the years of our struggle for independence.

When power was handed over to us, many persons felt, and so stated, that we would not be able to hold together; that our civil service would break down; that with disorganization of the country, there would be no law and order, and no security of life and property. But these doubts have now been dispelled. We have been able to hold the country together. The civil service is working as efficiently as it could. Law and order prevail. There is not a part of the country in which a writ of the Government does not run; and travellers from other countries come to our country and travel from one place to another without any insecurity of life and property.

But those doubts merely indicate the colossal character of the task which faces our country. We have 360 million people, and on our voters' list we have 170 million, and in the last general election nearly 106 million went to the polls. That will give you a measure of the immensity of the task which is facing our country. We know that those who are interested in this experiment of democracy will give us their utmost sympathy and goodwill in our attempts to develop a great democracy in India.

We realise that political freedom is not an end in itself. It is a means to social equality and economic justice. In the last letter which Jefferson ever wrote, he said:

'The mass of mankind was not born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately by the grace of God.'

The end of all governments is to give a status of social equality and provide economic opportunity for the common people. We,

in our country, are now engaged in the enterprise of effecting a social and economic revolution. The word "revolution" need not scare us. It does not mean barricades and bloodshed. It means only speedy and drastic changes. We are interested not only in our objectives, but in our methods; not only in what we achieve, but in how we achieve. Through peaceful, constitutional processes we won our independence and integrated our country; and now we are striving to raise the material standards of our people. Even if these methods are slow and cumbrous we hope they will be speedy and effective. Even if we meet defeat in our attempt to replace force by persuasion, the politics of power by the politics of brotherhood, we are convinced that the defeat will be only temporary, for goodness is rooted in the nature of things; kindness and love are as contagious as unkindness and hate.

Our past traditions and our recent history demonstrate that lasting results are achieved by peaceful methods. We must not cut the knots with the sword, but we must have the patience to untie them. In this atomic age we feel that it is foolish, if not dangerous, to fall short of patience and a sense of proportion.

No society is static; no law is unchanging; and no constitution is permanent. Given time and patience, radical changes may happen both in human nature and in systems of society which reflect human nature.

When my Government asked me to present this gavel to you, Mr. Vice-President, I looked up some references on the subject. *The Freemason's Monitor* of 1812 contains the following passage:

'The common gavel is an instrument made use of by operative masons to break off the corners of rough stones, the better to fit them for the builder's use; but we, as Free and Accepted Masons, are taught to make use of it for the more noble and glorious purpose of divesting our minds and consciences of all the vices.'

The gavel is used by masons to chisel off round corners. To build a statue out of rough stone was the work of the gavel. Human nature is the raw material. It is as



yet unfinished and incomplete. To integrate human nature, this gavel is being used. It is for the purpose of breeding and training good, disciplined men. That is the purpose of the gavel.

On behalf of the young democracy of India and of the Rajya Sabha, I have the honour and the pleasure to present to you, Mr. Vice-President, this gavel, in the earnest hope that the legislators of the Senate will discuss all problems, national and international, with calmness and composure, with freedom from passion and prejudice, with the one supreme object of serving your great people and the human race. May this gavel serve as a symbol to strengthen the bonds between our two countries and to promote cooperation, understanding, and friendship between our two peoples. (*Applause, Senators rising.*)

The VICE-PRESIDENT: Mr. Vice-President of India, Members of the Senate, and guests of the Senate, the Chair believes that our guests in the galleries, as well as Members of the Senate, will be interested in a little history concerning the two gavels which the occupant of the Chair now holds in his hands. The one on the right is the gavel which, according to tradition, has been used in the Senate since 1789. It is 165 years old. It is made of ivory capped with silver. The Chair does not know whether it was because the gavel was used more frequently than usual during the previous session of the Senate, or because the previous session of the Senate was perhaps a somewhat longer one. However, it began to come apart toward the close of the session.

As a result, the Sergeant at Arms of the Senate set about to find a new gavel. The problem was to find a piece of ivory large enough from which to carve a gavel similar to the one which the Senate had traditionally used. He was unable to find the proper sized piece of ivory through the usual commercial sources, and consequently he contacted the commercial attache of the Embassy of the Government of India. From thereon, however, the matter was out of his hands. They not only furnished the piece of ivory but they furnished the gavel, which the Vice-President of India has presented to the Senate today.

For the benefit of those who have been in the galleries in the past, and those who will be there in the future, we shall place the old gavel, which no longer can be used because it is coming apart, in a box which will be kept on the Senate rostrum while the Senate is in session. We shall use in its place the gavel of solid ivory which has been presented to us, it seems to me quite significantly and appropriately, by the largest democracy in the world, through the Vice-President, the presiding officer of our sister parliamentary body in India.

The Chair is sure that Senators would like to hear responses from the majority leader and the minority leader to the remarks of the Vice-President of India. (*Applause.*)

Mr. KNOWLAND: Mr. President, Mr. Vice-President, I know that I speak for Members of the United States Senate when we extend to you a warm greeting. You come to us from one of the newest free governments in the world, and also the largest free government in the world, to this Republic of the United States of America. I know that you will extend to your colleagues over whom you preside in your country our appreciation of their thoughtfulness in sending us this gavel, which our Presiding Officers will use in the sessions of the Senate of the United States.

The people and the Government of the United States have an earnest desire to live in cordial friendship with the great nation of India. We have different problems. Our history has been somewhat different from that of India; yet we, too, sprang from a colonial period. We knew what it was to win our freedom, and we are proud of that freedom as we know your own great country is proud of its freedom. We have recognised our responsibilities in helping to maintain a free world of freemen. We know that your great country is no less interested in furthering the effort to maintain a free world of freemen.

This is not your first visit to our country. You are no stranger here. When you go back to India you will carry with you the friendship and affection of the people of our country for yourself as well as for your

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country. This affection is expressed in the unanimous voice of the Senate of the United States.

The VICE-PRESIDENT: The Senator from Texas (Mr. Johnson) will respond for the minority.

Mr. JOHNSON of Texas: Mr. President, Mr. Vice-President, and my colleagues in the Senate, it is a great pleasure to have you, Mr. Radhakrishnan, with us today. Your nation is rich in history, and has made numerous contributions to the culture of the world which are real and enduring. As we go down the road in this critical hour, searching for the peace and prosperity so necessary to free civilisation, we trust that

we can march together in a spirit of friendship and mutual trust and confidence. It is good to have you come among us. (*Applause*).

The VICE-PRESIDENT: The Chair is sure that Members of the Senate would like to greet the Vice-President of India personally. Therefore the recess will continue until Members of the Senate have had that opportunity."

*[Thereupon Vice-President Radhakrishnan took his place on the floor of the Senate, in front of the rostrum, and was greeted by Members of the Senate, after which he and the distinguished visitors and guests retired from the Chamber.]*

## Short Notes

### Unveiling of Portrait

#### Portrait of Dadabhai Naoroji Unveiled

**O**N the 13th March 1954, Mr. Speaker Mavalankar unveiled the portrait of Dadabhai Naoroji, in the Central Hall of Parliament in the presence of a distinguished gathering which included the Vice-President, Dr. Radhakrishnan, Members of Parliament, and Dadabhai Naoroji's grandson, Shri K. A. O. Raoji. The portrait was painted by a Parsi Artist, Shri J. A. Lalkaka and was presented to Parliament on behalf of the Parsi community by Shri Naoroji Wadia, Vice-Chancellor of the Bombay University. Speaking on the occasion Shri Mavalankar said:

"It is but natural and proper that we always try to keep green the memory of those whom we have followed and succeeded and pay homage to the founders of our national life of today. As time passes on, we and the succeeding generations are apt to forget as to who led our struggle for national existence and who laid deep the foundations of our national life and in our ignorance or vanity we might feel that the achievement we see today is entirely our own creation. It is, therefore, very essential that every one of us remembers that we stand firm because of the foundations of old; and as an aid to our memory, have before our eyes the pictures of those who have left their foot-prints on our march to *Swaraj*. It is they who had inspired us to our efforts and kindled in our hearts the desire for freedom. The memory of their examples will keep us in a steadfast manner to the ideals of service to our people. It is,

therefore, necessary to have, constantly before our eyes, these beacon lights, reminding us of the course of our path to the present state and of our responsibilities to the future generations."

### Judiciary

\* \* \* \*

#### Independence of the Judiciary in the United Kingdom.

Sir Winston Churchill while moving the second reading of the Judges' Remuneration Bill on the 23rd March, 1954 paid a handsome tribute to the British Judiciary which "with its traditions and record was one of the greatest living assets of our race and people". Sir Winston said that the service rendered by judges demanded the highest qualities of learning, training and character—qualities which could not be measured in terms of pound, shilling and pence. It was the duty of Parliament to ensure that the judges were not unduly pressed by the money problem. In the course of the speech delivered on the floor of the House Sir Winston Churchill said:

"The principle of the complete independence of the Judiciary from the Executive is the foundation of many things in our island life. It has been widely imitated in varying degrees throughout the free world. It is perhaps one of the deepest gulfs between us and all forms of totalitarian rule.

Parliament has a vital interest in the efficiency and the integrity of the bench because Parliament and the

Judiciary are interdependent and, from different angles, they exercise and enforce their control upon the Executive. Parliament decides what the law shall be and the judges decide what, in fact, Parliament has made it. The labours of Parliament in enacting the law depend for their effectiveness very largely on the fact that there is behind Parliament an independent Judiciary applying and enforcing the law with high integrity and a great measure of commonsense and knowledge of daily life, and with high professional skill, and applying it in conformity with the intentions of Parliament.

The British Judiciary, with its traditions and record, is one of the greatest living assets of our race and people and the independence of the Judiciary is a part of our message to the ever-growing world which is rising so swiftly around us. It is the duty of Parliament to make sure that the judges are not unduly pressed by the money problem which had arisen from the great diminution of their incomes and that their need to maintain a modest but dignified way of life suited to the gravity, and indeed the majesty of the duties they discharge, shall not be rendered impossible. Parliament has to ensure that those few men who are capable of rendering this exceptional service in all its forms are attracted towards doing so, and that their circumstances when they have taken office are such as to enable their powers to be exercised in the public interest without financial anxiety or personal distraction."

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### **Constitutional Changes**

#### **Proposed U.S. Constitutional Amendment: Number of Judges of the Supreme Court.**

A proposal fixing the membership of the U.S. Supreme Court at nine, was passed by the Senate on the 11th May, 1954 by a roll-call

vote of 58 to 19. Besides fixing the Court's membership, the proposed amendment which is a joint resolution provides for:

(1) Compulsory retirement of all Federal Judges at the age of 75, except those appointed for fixed terms; and

(2) depriving Congress of the powers to restrict the authority of the Supreme Court to consider Constitutional cases within its appellate jurisdiction. This is a prerogative rarely used by Congress.

The proposed Constitutional amendments, after passage by two-thirds vote in the Senate and House, must be ratified by Legislatures of three-fourths of the States before becoming operative.

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#### **Voting Age in U.S.A.**

On the 21st May, 1954 the Senate rejected President Eisenhower's proposal that the Constitution be amended to lower the voting age from 21 years to 18. The vote was 34 in favour of the amendment to 24 against. The affirmative votes fell short of the required majority of two-thirds of those present and voting. In addition to a two-thirds vote in both Houses, ratification by at least thirty-six States is required for adoption of an amendment to the Constitution.

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#### **Separate Rolls for Coloured Voters**

On the 14th June, 1954, the Nationalist Government of the Union of South Africa failed by nine votes to obtain the necessary two-thirds majority of both Houses of Parliament to amend the Constitution to provide

separate representation of coloured voters in Parliament. Previously four attempts were made by the Government to separate the coloured voters. In 1951 the separate Representation of Voters Act was rejected as invalid by the Appeal Court because it failed to get two-thirds vote at a joint session. In 1952 the Government introduced the High Court of Parliament Bill which would have empowered Parliament to override the Courts and make valid the rejected Voters Act. The Court rejected this attempt too. A third attempt was made last year when a Bill was introduced to remove the entrenched clauses in the British Parliament's 1909 South Africa Act. The entrenched clauses guaranteed voting and language rights which could not be altered without a two-thirds majority. The Bill also failed to get the necessary two-thirds majority. The original Bill was revived at the end of the last session of Parliament and referred to an All-party Select Committee. The Committee, however, failed to arrive at an agreement, the United Party being flatly against the principles of the Bill.

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#### **Constitutional Changes in Pakistan**

On the 21st September, 1954 the Pakistan Constituent Assembly\* passed a Bill divesting the Governor-General of his powers to dismiss the Council of Ministers by amending Section 10 of the Government of India Act, 1935 as adopted by Pakistan. The passage of the Bill has

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\*Dissolved by the Governor-General on October 24, 1954.

created in Parliament a full-fledged party system of Government responsible to the Federal Legislature. The relevant clause of the Bill reads:

"There shall be a Council of Ministers, the Prime Minister as the head, to aid and advise the Governor-General in exercise of his functions. The Governor-General shall be bound by the advice of Ministers".

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#### **Chinese Constitution Adopted**

The draft Constitution of the People's Republic of China was unanimously adopted by the National People's Congress on the 20th September, 1954. A report on the draft Constitution was presented to the Congress on the 15th September, 1954 by Liu Shaochi on behalf of the Committee for the Drafting of the Constitution of the People's Republic of China.

The Committee for the drafting of the Constitution, headed by Comrade Mao Tse-tung, had been formed in January, 1953 by the Central People's Government Council. In March this year the Committee had received a Draft Constitution from the Central Committee of the Communist Party of China. After discussion for two months by democratic parties, popular organisations and others, a draft had been published for public discussion on the 14th July, 1954.

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### **No-Confidence Motions**

#### **No-Confidence Motion against the Speaker (Legislative Assembly, Orissa)**

A motion for the removal of the Speaker of the Orissa Legislative Assembly from his office was moved by the Leader of the Opposition on the 10th April, 1954. While moving the motion, the Leader of the Opposition said that the Speaker had failed to protect the privileges of members.

The Speaker, who came into the House towards the close of the debate said in his reply that ever since he became the Speaker, he had been observing the rule of non-party man. He suggested the appointment of a Committee to consider the difficulties enumerated by the Leader of the Opposition.

The motion was lost, the voting being 48 for and 69 against. The strength of the House is 140, but the rest of the Members were absent.

At the time of voting the Speaker was not present in the Chamber. The Deputy Speaker who was then occupying the Chair did not vote.

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#### **Procedure for Moving a No-Confidence Motion against the Speaker (Legislative Assembly, Rajasthan)**

On August 3, 1954 the Rajasthan Assembly adopted a motion moved by the Chief Minister, Shri Jai Narain Vyas, laying down that a motion of no-confidence against the Speaker or the Deputy Speaker of the Assembly should have the support of at least one-fifth of the total strength of the House. While speaking in

favour of his motion, the Chief Minister mentioned that in West Bengal and Travancore-Cochin, the minimum strength required to support a no-confidence motion against the Speaker or the Deputy Speaker is one-third of the total membership of the House, in Assam, Madhya Bharat and Hyderabad one-fourth, and in U.P. and Madras one-fifth.

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### **Casting Vote**

#### **Casting Vote by Speaker (Legislative Assembly, Hyderabad)**

On the 12th April, 1954 while the House was discussing the Hyderabad Abolition of Cash Grants (Amendment) Bill, an Opposition amendment seeking stoppage of payment of compensation to recipients of a few categories of cash grants was put to vote. Voting was 51 for and 51 against the amendment. The Speaker exercised his casting vote and declared the amendment lost. This is the first time the Speaker has exercised his casting vote in the two-year old Assembly.

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### **Budget**

#### **Modification of Budget Demands (Legislative Assembly, Bombay)**

The Finance Minister of Bombay (Dr. Jivraj Mehta) was called upon by the Speaker on the 12th March, 1954 to modify his budget demand totalling Rs. 5,99,68,460 under "General Administration" so as to exclude the demand for Rs. 3 lakhs under discretionary grants to Ministers.

This sum was sought by the Government for the creation of a fund to be placed at the disposal of the Chief Minister for promotion of research in the State.

Upholding the point of order raised by Shri S. M. Joshi (Praja-Socialist) challenging the constitutional validity of the provision, the Speaker said that when full details were not available, "as they are not available in the present case", a fresh vote of the legislature was necessary for payment of individual grants from time to time from the discretionary grants to the Ministers. Under the existing rules relating to the regulation of discretionary grants at the disposal of Ministers if at the time of obtaining the budget provision, full details (such as names of the institutions, justification of the provision and the maximum amount up to which payment could be made to each institution) are given, a fresh vote of the legislature would not be necessary for payment of individual grants from time to time.

The Finance Minister readily modified the demand under "General Administration" and the House voted the modified demand totalling Rs. 5,96,68,460.

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### **Members' Salaries and Allowances**

#### **Members' Expenses: Statement by Sir Winston Churchill in the House of Commons in the U.K.**

On the 14th April, 1954 while making a statement in the House

of Commons on the recommendations of the Select Committee on Members' Expenses, Sir Winston Churchill held that in spite of the report being unanimous methods of dealing with this problem other than those recommended by the Committee will have to be considered in view of the peculiar circumstances of the case.

On the 14th May, 1954, the House debated the report, and on the 24th May, 1954 a free vote of the House carried a motion, supported by backbenchers on both sides of the House, to raise the salary or allowances of members from £1,000 to £1,500.

On the 24th June, 1954, Sir Winston Churchill made the following statement:

"On April 14, I said to the House: 'There is no doubt that a number of hon. members are oppressed by serious difficulties because heavy and necessary expenses absorb so much of the parliamentary salary'. But I also said that, in the view of Her Majesty's Government, it would not be right in the present circumstances to proceed in the particular manner recommended by the select committee—namely, to increase the parliamentary salary from £1,000 to £1,500 a year.

The view did not prevail when an all-party motion was set down in Opposition time to test the opinion of the House on a free vote on May 24. By long parliamentary practice a motion which calls for a money charge but which is unsupported by a recommendation from the Crown, can be debated in the House only as an expression of parliamentary opinion, and cannot effectively impose that charge. The responsibility for recommending a money charge rests inseparably with the Crown acting through the executive. While the opinion of the House

remains on record, it cannot be said that there is at present that wide measure of agreement in the House which I put forward in my statement of April 14—with, I think, general acceptance—as being desirable on this particular issue. Her Majesty's Government do not therefore feel justified in present, circumstances in pressing forward with the steps necessary to put the increase of salary from £1,000 to £1,500 a year into effect.

However, we still adhere to the view that a number of hon. members are oppressed by serious financial difficulties and we should be prepared forthwith to discuss with the leaders of the Opposition parties an alternative method of dealing with this particular problem.

The Government are sympathetic to the opinion recorded by the House on May 24 that legislation should be introduced to improve the financial position of junior Ministers. (Opposition cries of 'Oh!') But there is no opportunity to introduce such legislation before the summer recess.

The Select Committee's recommendations about pensions have been referred to the Trustees of the Members' Fund as resolved by the House on May 24. The trustees have already begun their study of the problem and the Government will give full and sympathetic consideration to their report."

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### Commons Chamber

#### **Air Conditioning in the House of Commons Chamber**

On the 21st May, 1954 the House of Commons debated the question of air conditioning in the Chamber. Dr. Barnett Ross who initiated discussion said that the atmosphere might create dryness of the throat and sinus infection. He wanted to know to what extent the air conditioning in the Chamber was respon-

sible for such a condition. He enquired of the possibilities of ionizing the atmosphere of the Chamber with a view to counteracting the evil effect of the radiant heat produced by the members present. "In working in a Chamber like this", he said, "Physiological efficiency depends on three factors—temperature, humidity and air motion—that is, the movement of clear air. Temperature control alone does not command comfort, because humidity is equally important". Sir Alfred Bossom said that the complaints regarding air-conditioning arrangements were common in all the great debating chambers of the world. He suggested that experts concerned with the air conditioning should analyse a sample of the Brighton air to discover its qualities and to ascertain what qualities were lacking in the air of the Commons Chamber. The Parliamentary Secretary to the Ministry of Works (Mr. J. R. Bevens) said that an investigation had shown recently that the air had been too hot and too dry, especially towards evening, and the method had now been found of limiting the sudden rise in temperature which took place usually at about half past nine when the Chamber became crowded. The radiant heat produced by a full House, when there were 1,000 people present, including members, strangers, and the Press, caused a rise in temperature of five degrees, but by putting in air at a temperature of about 52 degree, the rise had been limited to three degrees.

He promised to consider the suggestion regarding an ionizer.

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## **Powers and Privileges of**

### ***Parliament***

#### **Competence of Parliament to make Retrospective Laws**

In a judgment delivered on the 15th December, 1953, in the case of Shri Madan Gopal Kabra *Versus* the Union of India, the Supreme Court held that Parliament was competent to make a law imposing tax on the income of a person resident in Part 'B' States in respect of any year prior to the commencement of the Constitution when no liability to pay tax existed.

This view was expressed by the Court while allowing an appeal preferred by the Union of India against the decision of the Rajasthan High Court which had, on an application made under Article 226 of the Constitution by Shri Madan Gopal Kabra, a businessman of Jodhpur, issued a writ directing the Union of India not to take any action against Shri Kabra for assessment of income-tax on income which had accrued to him prior to April 1, 1950.

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#### **Press and Parliament**

Addressing the Journalists at the Southern India Journalists Federation Press Club, Madras on the 20th October, 1953 Shri M. N. Kaul, Secretary of the Lok Sabha, expressed the view that in a democracy the proper functioning of the Press was vital to the functioning of Parliament. Shri Kaul said:

"So far as we in Delhi are concerned, I can say with confidence that our relations with the Press are very cordial. Ever since I took up the responsibility of the present office, it has

been my privilege to have gone abroad and watched the working of Parliaments in England and on the Continent and in America. The more I have travelled, the more I have come to the conclusion that the Press is not only linked with Parliament, but it is in a certain very definite sense of the word, an extension of Parliament. That is the point of view from which I envisage the relations of the Press with Parliament. The reason for it is very clear. You will see from the very preamble of our Constitution that in India the sovereignty resides in the people themselves. That being so, it is vital that the proceedings of Parliament are presented to the people correctly through the Press, because it is only through the Press that the reactions of the people can as it were be transmitted back to Parliament".

He went on to say that in regard to the privileges of Parliament, the practice in the Indian Parliament was very simple.

"We do keep a general watch over how the correspondents who come to the Press Gallery report proceedings of Parliament. All that the Speaker is concerned with primarily is that they faithfully report the proceedings and at the same time uphold the dignity of Parliament. There have been a few cases of breaches, but our invariable practice in such cases is that we write to the editor of the paper concerned and settle the matter, as it were, out of court. In almost all cases we have been satisfied that the breach of privilege committed was not deliberate, that either the correspondent who made the mistake was a new man or he did not know the exact scope of the privilege. He invariably expressed his regret and the matter was closed. Even if the matter is mentioned in Parliament, the Speaker says: 'I have taken up this matter with the editor.' The usual explanation is given, that it is an inadvertent mistake".

Shri Kaul said that he could not at that time recall any case where, in

recent time under the presidency of the present Speaker, any Press pass had been cancelled.

"We take the view, following the House of Commons practice, that in minor cases of breach of privilege, no notice need be taken. It is only in very serious cases, particularly in cases where the attempt at committing breach of privilege is very deliberate or very patent that the House of Commons, whose practice we have been following in India, resolves to take notice of the breach committed. During the last 200 years the House of Commons had not committed to prison any person for breach of privilege. Although the technical power to commit a person to prison for breach of privilege is there, it has not been exercised. All that has happened in recent times is that the person against whom action has been taken is called to the Bar of the House and there reprimanded; and even such action is only taken after a Committee has examined the whole matter and reported to the House. In the House of Commons the ritual or procedure for attendance is itself so exacting that it serves as a punishment".

Explaining the scope of privilege, Shri Kaul said:

"The problem here was not one of defining privileges but of developing suitable conventions. There were many matters relating to breach of privilege which could be dealt with by the Parliament staff or the Speaker. In regard to contempt and breach of privileges, members of the House stood in the same position as members of the public. They could be brought before the House on a charge of breach of privilege or contempt of the House. The idea underlying privileges of the House was that there should always be the reserve power in Parliament, emphasising its sovereignty, in the same manner in which courts have power to punish contempt, and its authority, as the highest tribunal in the land in the sphere of legislation, should not be held

to ridicule. But it does not mean that it amounted in any way to restriction of the liberty of the Press or the citizen's liberty of criticism. What have got to be avoided and dealt with are breaches of a technical character. Everybody will agree that if there is a report of a Select Committee, it should not be published in advance. The only branch of privilege on account of which there is a certain feeling that it may, at times, lead to hardship is the branch called the contempt jurisdiction of Parliament. We must not use language which Parliament may say brings the authority of that body into contempt. That privilege it is impossible to define, nor is it desirable to define it precisely for very good reasons".

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#### Legislature and the Press

On the 5th March, 1954 the Speaker of the Uttar Pradesh Assembly, Shri A. G. Kher, suggested the formation of a Press Gallery Committee for purposes of consultation between the Press and the Speaker and said that complaints against the Press should not generally be made in the House but in his chamber, except in "extreme cases of intransigence, or affront in the House." Clarifying his observations made previously in the House, when he advised the Press to report the business of the House in the same order as it took place, the Speaker stated that the two powerful organs of public opinion (*viz.* the Legislature and the Press) which influence the mind so powerfully should work in cooperation and in unison to build a stable democratic State. He asked the House "to treat the Press as if it were a projection or an extension of the Legislature."

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### **Constituents' Letters to M.P.**

During Question Hour in the House of Commons on the 16th March, 1954, Mr. Chetwynd asked the Prime Minister whether he would give instructions that the contents of Constituents' letters enclosed by a Member of Parliament in his correspondence with Government Departments, would not be divulged or conveyed to persons not in the service of the Government. The Prime Minister (Sir Winston Churchill) said that in many cases disclosure to persons or organisations outside the Government service was necessary to find out the facts or remedy the matter complained about. The matter could not be dealt with by a general rule against disclosure, but clearly Departments must exercise great discretion about the circumstances in which disclosure was appropriate. A reminder was being issued to Departments in that sense. The Prime Minister suggested that Members might consider on occasion asking their correspondents, in cases where they were contemplating a reply from the Government, whether the contents could be divulged.

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### **A Ruling on Privilege**

A question of privilege was raised in the House of Commons on the 21st June, 1954 when Sir Herbert Williams, a Conservative Member, drew the attention of the Chair to the report of a speech by Mr. Emanuel Shinwell, Socialist M.P., published in the *Daily Mail*. Mr. Shinwell, was reported to have said: "... it (an election) would be an opportunity to 'get rid of the crazy Tories—the

wretches, the rascals, the rapscallions'". As the reference was obviously to the Members on the Treasury Benches, Sir Herbert suggested that it was a gross breach of the privileges of the House to refer to Members in these terms.

The Speaker gave the following ruling:

"My view of it is that hard words used against persons and parties are dealt with, if necessary, by the law of defamation, which includes both oral and written words. It is only where the House as a whole is affected by the words that a question of privilege may arise."

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## **Government Departments**

### **Economy in Government Departments (U.K.)**

In a paper entitled "Parliamentary Control of Public Expenditure" read at the Conference of the Institute of Municipal Treasurers and Accountants at Bournemouth, Sir Frank Tribe, Comptroller and Auditor-General, spoke of the growing tendency for Members of Parliament to try to persuade the Government to spend more, although still retaining their traditional vigilance against unauthorised expenditure. The financial conscience of the nation, he said, which in Gladstone's day was shared broadly by the whole House of Commons was now largely the prerogative of Crown and the executive, though some back-benchers and organs of the Press urged the cause of economy spasmodically. "Is it possible," he asked, "that with the vast growth and complexity of

## Short Notes

public expenditure in recent years and the inevitable interest of the Treasury in nearly every political issue, individual members of Parliament have unconsciously lost some of their old sense of financial responsibility feeling that financial issues are safely left to the Treasury." Sir Frank Tribe thought that it might be a healthy thing if it become customary in the House of Commons for all references to substantial expenditure to be accompanied by a short statement of their effect on taxation which might do something to associate income and expenditure in the minds of members and encourage a greater sense of financial responsibility.

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### **Information by Government Departments (Legislative Assembly, Madras)**

On the 12th March, 1954 during question hour in the Madras Legislative Assembly, the Chief Minister was asked if any directive had been issued by the Government to the Heads of the Departments not to give any information on any matter required by the Members of the Assembly.

The Chief Minister replied that no such directive had been issued. He further said that the Government Order of 1947 provided that District Collectors could give information of a factual or statistical nature to the members of the Legislature, but that the contents of any correspondence or communications of a confidential nature were not to be divulged. Information on questions involving statements of

general policy for which a higher authority is responsible should not also be given. In all such cases the Collector should send a courteous reply regretting his inability to supply the information. Subsequent instructions had vested similar powers in other District officers subject to their obtaining the prior approval of the Head of the Department concerned.

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### **Services and Facilities to Members of Parliament**

#### **Some Recent Improvements in Parliament House**

Several improvements have been effected in the recent past in the building, and especially the Chamber, for providing better facilities and comforts to the Members as well as visitors.

*Press Gallery.*—The Press Gallery of the Lok Sabha has been remodelled. The total seating capacity has been raised from 73 to 84 seats. The seats have been arranged in four rows, leaving sufficient passage for the convenient movement of the Press Correspondents. The first two rows comprising 60 seats have been provided with collapsible desks for writing purposes. The sound arrangements have been improved.

*Visitors' Galleries.*—Felting has been spread over the stairs leading to the seats of the Visitors' Galleries with a view to minimising the noise due to movements of visitors.

For the improvement of audibility in the Galleries hanging circo-phones have been provided.

*Chamber of the Lok Sabha.*—The lighting arrangements in the Chamber have been completely overhauled. Felting has been provided on the steps leading to the Speaker's room from the Chamber. Two small reproducers have been provided on either side of the Speaker's Chair for better audibility for the occupant of the Chair.

*Central Hall.*—Desks in the Central Hall have been provided with immovable ash trays for the convenience of Members.

*Installation of a teleprinter in the Parliament House.*—A teleprinter has been installed in the alcove of the Outer Lobby of the Lok Sabha so that Members can be kept informed of the latest developments at home and abroad.

*Committee Rooms in the Parliament House.*—There are three Committee Rooms on the first floor of the Parliament House for the use of Parliamentary Committees. It has now been decided to decorate these rooms with suitable photographs. A few enlargements of some Indian historical scenes which have been prepared by the Bhulabhai Memorial Institute, Bombay, have been selected, and will shortly be exhibited in these Rooms.

*Decoration of the Parliament House.*—A scheme for the decoration of the Parliament House which is being worked out at present envisages 124 panels depicting historical illustrations from the 3rd Millennium B.C. to the present day. These will depict the important events and persons in the history of the nation including the struggle for Independence. The work

of executing the paintings has been entrusted to some of the leading artists of India. In addition to the portaits, there will also be statues of some of the leaders of the country.

The scheme is expected to be completed within a period of three years.

*Structural and other improvements in the Parliament House.*—The following improvements have been effected: (i) Provision of wooden lockers in the Outer Lobbies of the Lok Sabha for the use of Members; and (ii) conversion of the Lobby of the Central Hall into six self-contained retiring rooms for Members of Parliament. One room has been reserved for lady members.

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### **Parliamentary Officials**

#### **Mr. Owen Clough**

Mr. Owen Clough, till recently Editor of the Journal of the "Society of Clerks-at-the-Table in Empire Parliaments" retired from the editorship of the Journal on the 30th November 1952 on attaining the age of 80. He is one of the most distinguished authorities in the Commonwealth on Parliamentary institutions and the Journal, which he founded, is regarded as one of the standard books of reference on Parliamentary procedure in Commonwealth countries.

Mr. Owen Clough retired as Clerk of the Senate of the Union of South Africa in 1929 after serving for nineteen years in that post. He founded the Society of Clerks-at-the-Table on his retirement. He had conceived the idea when

### Short Notes

he first became a "Clerk-at-the-Table". He was Secretary, Treasurer and Editor of the Journal up to 1952. He was awarded the C.M.G. for his contribution of important Parliamentary papers.

Mr. Owen Clough is the author of the first book to be published in South Africa on Parliamentary procedure and of more than 180 articles on constitutional subjects in the Journal. Mr. Clough, who is fond of walking, has an interesting recipe for health—the three "W's"—walking, work and water. He is proposing to write a book of his reminiscences.

Mr. Clough has been in correspondence with the Secretary of the Lok Sabha for many years now. The Secretary, on learning about the retirement of Mr. Clough, wrote to him appreciating the valuable service he has rendered through the Journal and sending him his best wishes in his retired life. In his reply, Mr. Clough has made special mention of the splendid co-operation he has received from the "Clerks-at-the-Table" in India.

At one time, it looked as though the Journal might have to be wound up with Mr. Clough's retirement, but, fortunately, the administration of the Society and its Journal has been taken over by the Parliamentary officials at Westminster.

Mr. Clough has made special mention of the attitude of the Indian Parliament in the "Mudgal Case"—an article on the "Mudgal Case" contributed by the Joint Secretary of the Lok Sabha appeared in a recent issue of the Journal—which showed the high tradition which India is determined to maintain in her Parliamentary life.

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#### Sir Frederic Metcalfe

Sir Frederic Metcalfe, who has been Clerk of the House of Commons since 1948, and has served the House for more than 30 years, has retired during the summer recess. Sir Frederic Metcalfe, who is 67, went to the Table as Second Clerk-Assistant in 1930 and from 1937 to 1948 he was Clerk-Assistant with Sir Gilbert Campion (now Lord Campion) whom he succeeded as Clerk of the House.

Mr. Edward Abdy Fellowes who has succeeded Sir Frederic as Clerk of the House of Commons was born on June 23, 1895. He was educated at the Marlborough College and during World War I served in the Queen's Royal Regiment. He was awarded the M.C. in 1917. He became Assistant Clerk in the House of Commons in 1919 and Second Clerk Assistant in 1937.

# An Ideal Parliamentary Official

By S. L. Shakhder

WHEN one enters the career of service as a Parliamentary Official little does one know that it is the beginning of a career which is full of hazards, at times painful, at times soothing and which at the same time holds out a promise of making him a perfect or a near perfect man. One at first believes that it is yet another job in the line of a civil servant and it gives the same amount of joy or sorrow as may be the case with a normal job under the executive Government. The change that comes over the official is imperceptible, slow and is discernible only towards the end of his career. He will emerge as a full-blown person if he has withstood all the shocks and vicissitudes and taken his full share in the joys of the moment over long years of service.

## *Service to the Country*

A parliamentary official has to do a good deal of study, assimilate the facts, and present a picture or display an approach which is regarded as objective in character. He has an honourable position in society, a satisfaction that in the discharge of his service to Parliament, which is the only guarantee against tyranny of the people, he is serving the country and the nation. If he assists in maintaining the correct and high standards which Parliament endeavours to lay down, he would have

done a tremendous service to the millions of his countrymen. The good work of Parliament results in happiness of the people, in the quickening of the initiative of the nation and in the raising of the standard of life generally and much depends upon a Parliamentary Official as to how he assists in such endeavour.

## *Attitude of Objectivity*

A parliamentary official unlike his counterpart in the civil service comes daily in contact with all sections of political opinion in the country. A Government is generally composed of persons who belong to a party having one ideology. A civil servant is required to execute the policies laid down by Government, and he knows his master's mind and follows the policy. A parliamentary official on the other hand has to serve simultaneously both the Government of the day and those who are opposed to it. He has to hold a balance between the ruling party and those who are opposed to the very existence or ideologies of that party. This involves a tremendous strain and requires a mind and approach which must be regarded as uncommon. Proceedings in Parliament are oftentimes compared to a parliamentary battlefield, where shootings take place without bullets or arrows but which are much sharper and more piercing. One has to have always his wit ready at his

## *An Ideal Parliamentary Official*

command, an attitude of objectivity and a sense of fairness when tempers run high and the opposing parties are battling feverishly to win their points. In such prevailing tempers and excitements one has to keep the mind cool and display sobriety so that one does not get mixed up in the whirlwind of feverish activity which proceeds at a more rapid pace than one can think of. One has to hold the balance between the opposing view points in such a way as not to wound the feelings of anybody. Even a slight variation in his attitude might cause unlimited harm not only to the official but also to the whole system of relationship between Parliament and parliamentary officials.

### *Spirit of Tolerance*

Whatever political and other views a parliamentary official may have, he has to undergo such an acute transformation of ideas that one wonders whether he has not become neutralised or his mind has not ceased to function. On a closer study one will find that that is not so. By constantly hearing opposing view points and arguments one inevitably comes to the conclusion that these various contacts lead him to moderation and an understanding that each one has a view point. A kind of tolerance enters into the mind of the official and he becomes truly disinterested in any proposition before him as enumerated by our great sages and particularly by the sacred "Gita".

### *Supply of Factual Information*

A parliamentary official ceases to attribute motives and judges matters

as it were, from a distance, unconcerned with the drama and as to the merits or demerits of the respective policies and records his opinion in an objective way. He does not concern himself with what views a member has. He has to help all alike and just in the same way as he may help a member whose views may happen to coincide with his own views. If a member wants any information or reference he will gladly give it to him, bearing in mind always that he does not draw conclusions and does not argue for or against the view point of the member. His business is to give the member factual information and it is for the member to draw inferences and conclusions and make such use of it as he may like.

### *Patience and Self-control*

A parliamentary official has to have an enormous fund of patience. A smile on his face, a cheerful look even in the face of a deliberate provocation will stand him in good stead. He will soon understand that such a provocation came as a result of the agony of the moment or something having gone wrong somewhere. A member appreciates nothing but patient hearing from a parliamentary official. If a member has exceeded the limits of decency or decorum he comes later to correct his own mistake. A member invariably tries to keep excellent relations with the official and even if in a particular instance he has deviated from this normal rule it is more due to some exceptional circumstances than any desire to be discourteous or unreasonable. Generally members desire nothing but



to maintain cordial relations and to pass over petty errors or omissions on the part of officers. Sometimes, however, a provocation may be over a very trivial matter. A member may not have received a visitor's card applied for by him, or he may have been stopped by somebody at the gate or may not have received a reply to his enquiry, or may have a suggestion which he wishes to be implemented quickly and the like. A parliamentary official may well consider that the temper displayed by a member is not commensurate with the gravity of the offence. But if he exercises self-control, and deals with the situation calmly, he will soon find that he is richly rewarded in that the matter is settled to the satisfaction of both.

#### *Attributes of Greatness*

The House represents the sovereignty of India and each member is a part of that sovereignty. The attribute of greatness is, among other high and noble things, that occasionally it gets flared up over a small matter, not so much to expose that incident, but to assert its authority. If one realises this basic principle one can feel reasonably fortified by the belief that ultimately in contact with those who compose a focal institution even a small person, in some measure, however infinitively small it may be, benefits in the long run in the crucible of experience.

#### *Avoiding Publicity*

The work of a parliamentary official is devotion to duty, unruffled by uninformed criticisms, unmoved by the

praise of the excessively indulgent and unmindful of the material advantages. He shuns publicity, he aspires for no cheap popularity. His only desire is to work whenever called upon—morning, evening, night or mid-day. His comfort is that he is conscious of the useful work that he is doing; he comes into contact with individuals who are responsible for shaping the destiny of people, for better or for ill, and his ambition is that the car of Parliament, which is the one guarantee against all that is evil, is on the right road and is well-gearred and oiled.

#### *Upholding the Dignity of the Speaker*

A parliamentary official is an adviser to the Speaker. The Speaker is the embodiment of impartiality and represents the sovereignty and dignity of the House. There are a large number of activities which a parliamentary official has to discharge on behalf of and in the name of the Speaker. He has to give decisions; he has to record opinions and he has to advise the Speaker. It goes without saying that in order that he is able to discharge all these functions to the satisfaction of all concerned he has to partake in some measure, however small, of the qualities of the Speaker. He has to uphold the name and dignity of the Speaker not by any device of propaganda, not by any underhand means but by the straight road of his actions which must be based on honesty, sincerity of purpose and impartiality of outlook. He has to act in the wider national interest uninfluenced by any personal considerations or views of his own. He has to subordinate the self to the requirements

of the country as a whole and eschew any thoughts of sectional or short range interest.

*Advising the Parliamentary Committees*

By far the most important function of a parliamentary official is to advise parliamentary committees. It is a task which demands great qualities of mind, judgment, maturity of thought, etiquette and ability to express in a clear and well-knit language. The first duty of an official attending on a parliamentary committee is to see that its decisions are carefully noted and put in a language which is dignified, courteous and of a standard expected of a parliamentary committee. His function is to depict truth based on facts from which conclusions might themselves emerge. He has to avoid unnecessary superlatives, words and phrases which are harsh in their meaning or tone or which may tend to exaggerate a situation or a fact or minimise the effect that is intended to be created. In short, the language must be soft, forceful in its import and portray facts as can be reasonably attempted. A parliamentary official has to hear a mass of evidence tendered before committees, has to read and digest equally voluminous records and papers and sift facts, reconcile incompatibles and produce memoranda in easily assimilating forms and indicate the conclusions to which they lead for the use of committees. He has to put committees wise on the activities of the administration, on the operation of the laws and rules made by Government and suggest directions in which reform is needed. He has to place before the Com-

mittees possible implications of a suggestion so that no aspect of it is ignored before they come to a final decision. He has to note the decisions of the committee and of the House carefully and watch on behalf of both whether action is being taken. He has to see that a decision arrived at by a committee on a Bill is properly embodied in the re-draft of the particular clause or portion of the Bill, that there is no ambiguity and that the intention has been faithfully carried out.

The committee recognises in the parliamentary official a friend and guide. The members will easily and quickly be influenced by the advice of the official because they know it is impartial and objective in essence. Government, they know, is after all committed to a policy and the various representatives on their behalf will somehow uphold that policy and elucidate it in that light. This is good so far as the understanding of the problem or view point of the Government is concerned, but a committee in order to come to its judgment must know the other side also and then on balance come to a correct decision on the advice of some one who is not interested in either view points.

A parliamentary official must have a keen sense of perception, quick grasp of essentials and non-essentials and nimbleness of mind. He has to listen to a lot of relevant and irrelevant discussion, evidence or speeches; but he must be quick to take note of the points which have a bearing on the subject under discussion, must have ability of quickly putting them together and in a

language which is acceptable to all the various sections of opinion in the committee. Someone once compared the proceedings in a Committee to a gush of water from a spring which emits both clear and muddy water at a very high speed. The person who is anxious only to rescue the pure water from the impure must be ready with his buckets to seize it immediately for it is intermittent and occasionally and for short durations it is crystal clear. Similarly a parliamentary official must be quick to catch the crystals in a series of speeches or discussions as quickly as he can for they may soon get mixed up with the impure which come immediately in their wake.

#### *Knowledge of Men and Affairs*

A parliamentary official must have encyclopaedic knowledge. He must read the daily papers, reports, books, periodicals and be posted with the latest and up-to-date information on all matters. He should be current in regard to foreign affairs, matters relating to Defence, Railways, Labour, Education, Health, Agriculture, Scientific Research, to mention a few, and in short he must epitomise in his mind the knowledge and latest facts about the whole activity concerning life, nation and the world. He may be called upon to handle any of these matters in the committee or in the House and unless he has a background, unless he has a full grasp of the matter, he may soon find himself incapable of dealing with it. He has to ensure that he does not grow static in a changing world scene or events. He has to deal with dynamic events, and dynamic per-

sonalities and be abreast of the basic causes that lead to such events and understand vital forces at work. He has to have knowledge and yet wider knowledge of the men, events and affairs and he will realise that each experience is perhaps on a higher level than the previous one for it carries subconsciously somewhere the memory of the past success and failures.

#### *All Work is Alike*

All work is alike to him. It may be a minor administrative matter or a big question of policy. It may relate to distribution of papers to members, issuing of cards, printing of parliamentary papers, residential accommodation, T.A. and D.A. or it may relate to the development or problems of the automobile industry, the rules regarding recruitment of I.A.S. and I.F.S. officers, the International Treaties, the Railway Workshops, the Fertiliser Factory, Shipyards, Aircraft Factory, Atomic Energy, Bank Award and so on. Everything has to be attended to with equal care and thought.

#### *Resolving Complicated Matters*

All matters which he handles are combustible in character. A Member brings in a question, a resolution, or a Bill or a Motion and is vitally interested in the matter. His constituency is involved, his position in the trade union is affected, or it is a social matter to which he has devoted his whole life, and one may suddenly find that a rule comes in the way—the matter should appropriately be dealt with in a State Legislature or is purely of a local interest or is under the adjudication

of a Court—and he may experience some difficulty in getting it admitted. But it is not enough that the rule is quoted to a member or he is dealt with curtly. The parliamentary official has to resolve the matter and give him satisfaction, advise him on the re-draft of the matter which may make it admissible and deal with it in a hundred other ways so that the matter is dealt with on a human plane in the full knowledge of the implications involved and the member is reasonably satisfied with the official in any conclusions that he may arrive at.

#### *Quickness of Action*

A parliamentary official has to be quick in his work. He has to deal with the matter as soon as it arises and give it personal attention. If he does not deal with it immediately he may not as well deal with it at all. The time factor is of great essence in dealing with parliamentary work. A Member gives notice of an adjournment motion calling attention, a question, a resolution and it has to be dealt with before the time and date when it has to be taken up. Sometimes the official has only a few minutes or hours to deal with the matter. He must always be aware of the current and the latest position so that he can advise when the matter arises. He has always to be conscious that his advice has to be reasonable and accurate. He works under the public gaze as it were and any mistake on his part becomes public sooner than he will imagine. He has to be conscious of this fact always so that it makes him supple of mind and quick of action and reasonable in his

approach. He has to grapple with too many situations at a time. In parliamentary work many things get crowded in a short space of time and a parliamentary official has to keep his presence of mind in order that he may be able to handle them quickly and in the minimum time possible. He has to keep note of all procedural matters, do research every day as the work in the House or committee proceeds, keep in touch with the precedents and bring the rules and practices up to date. He has to take care that the pressure of work and tensions which are created by the importance and urgency of a matter do not have the better of him. He has always to apply the tone of moderation to his work and devise methods which may enable him to attend to it quickly.

#### *Respect to Members*

A parliamentary official has to bear in mind that members are generally sensitive. He has to study each one of them. He has to be fully conscious of the fact that a member represents hundreds of thousands of people who have returned him to the House. A member is a symbol of the collective strength of the people of his constituency and has to be approached from that standpoint. What he says may be therefore important and valuable for he speaks on behalf of his constituents. He represents their collective voice, collective wisdom and collective thought. He cannot therefore be lightly treated and due consideration has to be shown to him. In honouring the member we are honouring the people who have chosen him as

their representative. While serving and understanding him we are understanding the people whose aspirations he represents. It is, therefore, a complex task, a task which is fascinating and helpful and when a problem which a member poses is too big must we wonder why it should be so for it is not his individual problem but the problem of the many.

#### *Part of the August Body*

A parliamentary official generally feels youthful and full of energy in the company and presence of such an august body of which mentally and physically he makes himself a part. At times he feels weary of the problems that face him. Both are part of him and shape him into what he is and out of this constant conflict, struggles and contentment a newer and newer personality is arising in him and gives him a glow which makes him far superior to what he was when he started. "He has **much** that gives him an equilibrium of

mind and spirit, a calm and unharried outlook on life which refuses to get flared and flustered at changing events."

#### *An Ideal to be Cherished*

I write this with a great sense of humility and profound knowledge that it is only an ideal which may be difficult to attain. This is my idea of what a parliamentary official ought to be and I have come to these conclusions after observing the working of Parliaments not only in India but abroad and also after having intimate conversations with parliamentary officials of the various parliaments. I have always felt that the basic approach of the numerous officials is the same and there is much in common in the functions and aspirations of parliamentary officials wherever they may be in this wide world. Someone has aptly remarked that it is a study in character, reformation and purification of the nobler instincts of man and a resolve to attain to a yet higher life—all rolled into one.

# Relations Between the Ministers and the Civil Servants\*

## THE CRICHEL DOWN CASE

**I**N 1937 some 725 acres of land at Cricchel Down in Dorset, forming part of three farms, was purchased, in spite of opposition from the owners, by the Air Ministry to be used as a bombing range. In 1949 the Air Ministry decided that it had no further use for this land, which was then transferred to the Ministry of Agriculture pursuant to section 88 of the Agriculture Act, 1947. The Ministry of Agriculture, in accordance with normal practice, handed over the management of Cricchel Down to the Agricultural Land Commission, a body corporate established by Section 68 of the Agriculture Act, 1947 for the express purpose of managing and farming land vested in the Ministry. Although the Land Commission was responsible for the management of the land, they, in fact, were advised by and carried out their executive functions through the medium of the Lands Service which is an integral part of the Ministry and whose officers were all civil servants.

The original owners of the Cricchel Estate (or more correctly their successors in title) applied at various times to the Land Commission requesting that either the land be sold back to them or be rented to them so

that they could farm it. The Ministry did not accede to their requests and decided to equip the 725 acres as a separate farm. This involved considerable expenditure on which, as it was later found out, no adequate return was likely to be received. The land was subsequently sold to the Commissioners of Crown Lands and let by them, in spite of opposition from the original owners, to a tenant who had no previous connection with the property.

At different stages Lt.-Commander Marten (whose wife had succeeded to the Cricchel Estate on the death of her father Lord Alington) took up the matter with the Ministry and the Commissioners of Crown Lands. On the 28th September, 1953, a Petition signed by a large number of important farmers and landowners in the district was sent by Lt.-Commander Marten to the Minister (Sir Thomas Dugdale) asking for a public enquiry into the circumstances leading to the sale of Cricchel land to the Commissioners of Crown Lands. After further correspondence the Minister saw Lt.-Commander Marten on 22nd October, 1953, and, as a result of that interview decided to direct that a Public Enquiry be held.

### *The Enquiry*

On the 6th November, 1953 Sir Andrew Clark, Q.C. was appointed to

\*Article prepared on the basis of the Report of Sir Andrew Clark, Q.C., proceedings of the House of Commons, press notes and editorial comments appearing in papers and journals.

hold an enquiry into the Crichel Down Case. The terms of reference were:—

“To enquire into the procedure adopted (a) in reaching the decision that land at Crichel Down should be sold to the Commissioners of Crown Lands; (b) in the selection of a tenant by them; and the circumstances in which those decisions were made, but excluding from the enquiry all questions of governmental policy and in particular, any question of whether preferential treatment should have been given to any applicant on the ground of previous ownership or occupation of the land.”

### *Finding*

The finding of Sir Andrew Clark was that the Minister, in reaching his decision, was substantially misled about the facts and that various other irregularities had occurred. He however clearly stated that there was no trace in this case of anything in the nature of bribery, corruption or personal dishonesty. Some of the important points in the finding of Sir Andrew Clark are reproduced below:—

1. “The decision of the Land Commission in August 1950 to equip and let Crichel Down as a single self-contained unit was, from a purely financial point of view, unsound. There was a sharp divergence of expert opinion as to whether or not this method of dealing with the land would result in increased production, but there were undoubtedly ample grounds for coming to the conclusion that it would do so. Whether the advantages of increased production were such as to outweigh the financial disadvantages is a question of Government policy outside the scope of my inquiry.”

2. “Captain Taylor’s offer in May, 1952, to pay a rent of £2,000 per annum for the bare land unequipped brought into striking relief the financial disadvantages of the proposal to spend

some £20,000 of public money in equipping the land, and the question of whether the desirability of increased production was nevertheless sufficient to justify this expenditure should have been carefully reconsidered as a policy question at the highest level. Captain Taylor’s offer was shelved by the Land Commission and no reconsideration at all was given to the original decision. It was clear that by this time both the Lands Service and the Land Commission had become so infatuated with the idea of creating a new model farm that they were determined not to abandon the scheme for financial reasons.”

3. “Lieut.-Commander Marten’s offer to purchase the Crichel Area in May, 1952, was never considered by the Land Commission as they had no power to sell, and was never passed on to the Ministry because the Land Commission at that time were under the erroneous impression that the Minister had no power to sell the land or that at any rate it was a fixed Government policy not to sell any land.”

4. “When the Land Commission were required by the Ministry in July, 1952, to submit a report as to the desirability of selling the Crichel Area back to the Crichel Estate, the Lands Service, whom they asked to supply the necessary report, failed to take the necessary steps to ensure that an accurate and objective report was supplied. Mr. Brown was too junior and inexperienced to have been entrusted with such an important task.”

5. “In order to enable a proper decision to be made as to whether Crichel Down ought to be equipped and farmed as one unit or whether it ought to be sold back to the original owners the following facts should have been clearly presented to the Minister in a proper brief:—

(a) The whole of Crichel Down had been compulsorily acquired for Defence purposes in the face of strenuous opposition by the owners at a total cost to the Government of £12,106.

## *The Crichel Down Case*

(b) The previous owners were anxious to repurchase their respective holdings and would have paid a total of about £21,000 for the land in its then condition.

(c) The previous owners were all first class farmers and could have been relied upon to farm their respective areas properly from their existing buildings which were adequate for the purpose.

(d) It would cost approximately £32,000 to equip Crichel Down as a self-contained unit and when so equipped the maximum rent which could possibly be obtained would be about £2,100 per annum (£3 per acre) gross without allowing for repairs or depreciation, which would provide not more than £1,400 net, and that whether or not this rent could be maintained would depend on the future of agriculture generally.

(e) A detailed statement by the Ministry's expert advisers setting out the respects in which and the extent to which they estimated that food production would be increased by equipping Crichel Down and farming it as a single self-contained unit."

6. ".....Mr. Eastwood's (Permanent Commissioner of Crown Lands) highly improper suggestion that something might be done to mislead the applicants into thinking that their applications had received due consideration speaks for itself and calls for no further comment."

7. "When Crown Lands first learnt of the previous applications there would have been no difficulty whatever in then advertising the tenancy for public tender and so keeping faith with the applicants. When Mr. Wilcox (an Under-Secretary at the Ministry) received Mr. Eastwood's letter showing that Crown Lands did not intend to do this, the matter should at once have been referred to the Minister for his directions. Mr. Wilcox was guilty of a grave error of judgment in taking upon

himself to tell Crown Lands that they would not be expected to implement any promises the Lands Service had made. His ready acceptance of Mr. Eastwood's improper suggestion that something might be done to mislead the applicants was equally improper, and had he not thought that there might be some such way out of the difficulty it is very unlikely that he would have been so ready to tell Mr. Eastwood that Crown Lands could ignore the previous applicants."

8. "Mr. Wilcox's unnecessary enquiry into the circumstances in which Lieut.-Commander Marten obtained licences to build certain cottages three years previously was a regrettable lapse from the standard of conduct the public is entitled to expect from responsible civil servants, and had the unfortunate result of making it appear to the Lands Service that Lieut.-Commander Marten had been attempting to deceive the Ministry."

9. "There was a certain amount of lack of liaison between officials at the Ministry, and some letters were not drafted as clearly or as tactfully as they might have been."

10. "A most regrettable attitude of hostility to Lieut.-Commander Marten was evinced by Mr. Eastwood, Mr. Wilcox and Mr. Thomson and to a lesser degree by certain other junior officials. There was no excuse whatever for this attitude. Lieut.-Commander Marten acted perfectly properly throughout and was merely endeavouring to stand up for what he conceived to be his moral rights. This attitude was engendered solely by a feeling of irritation that any member of the public should have the temerity to oppose or even question the acts or decisions of officials of a Government or State Department."

### *Discussion of the Report in the House of Commons*

The findings of the Report aroused keen interest among Members of Parliament. On the 15th June, 1954



Sir Thomas Dugdale, Minister of Agriculture, made the following statement in the House of Commons:

"Sir Andrew Clark's report on the Crichel Down inquiry is published today. Sir Andrew Clark states in conclusion 25 of his report that 'there was no trace in this case of anything in the nature of bribery, corruption, or personal dishonesty'. The inquiry has thus achieved my main purpose, which was to deal with any rumours and suggestions of this kind.

The report contains criticisms of the actions and conduct of the Agricultural Land Commission and of a number of individuals. So far as those criticised are persons and most of them are for whose conduct I am answerable as a Minister of the Crown, the responsibility rests with me. That responsibility I wholly accept.

I have naturally given to those who are criticised an opportunity of making to me such observations as they wished on those parts of the report which referred to them. Having considered the observations and explanations I have received, I must in fairness say that I have formed a less unfavourable view of many of the actions taken by those concerned than appears in the report."

On the 6th July, 1954 a member of the House of Commons (Sir Waldron Smithers) asked the Prime Minister if in view of the facts disclosed in the Crichel Down Report and of the amount of detailed work that had to be undertaken by Government Departments, he would set up a Committee to examine and make recommendations regarding the responsibilities of Ministers and their relations with their Civil Service Advisers. The Chancellor of the Exchequer (Mr. Butler) replied in the negative and

hoped that the question of Ministerial responsibilities and relations between the Minister and the Civil Servants would be referred to in the forthcoming debate on the Crichel Down Report.

The debate on the Crichel Down Report took place on July 20, 1954. In a statement made in the House of Commons on that date, Sir Thomas Dugdale announced Government's general policy on the disposal of agricultural land which was acquired compulsorily or under the threat of compulsion and was no longer required for the purposes for which the use of Government's special powers would be justified. The land in such cases, he said, would be sold and transfer of such land from one department to another would not be made in future, unless at the time of transfer the receiving department could and would have bought the land compulsorily if it had been in private ownership.

There was one exception where the land had been so substantially altered in character that it could not be used for agriculture in the same way as when it was originally acquired. In such cases the land might be retained in public ownership to be rehabilitated. He further stated that the Government had considered also the attitude to be adopted to the claims of the former owners or their successors to buy back the land and would consider each case on its merits, with the desire that where the circumstances showed that the land could properly be sold to the former owner or his successors who could establish a claim,

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this would be done at a price assessed by the district valuer as being the current market-price. Sir Thomas Dugdale added that this policy could not be applied retrospectively.

Referring to the future of Crichel Down itself, he announced that the Government would be prepared to apply this new procedure to Crichel Down even though in general it could not be applied retrospectively.

Earlier Sir Thomas Dugdale made a reference to the "issue of great Constitutional importance" arising in connection with the conduct of Civil Servants in the case. He asserted firmly that his advisers were certainly not guilty of wilfully misleading him but he disclosed that to consider what disciplinary action might be necessary, the Prime Minister had appointed a small advisory committee to review this aspect. The committee had stated that five Civil Servants were criticised in the report and they had reached the conclusion that the usefulness of Mr. Eastwood, the Permanent Commissioner of Crown Lands, as a public servant would be impaired if he were to remain in his present post. They recommended his transfer to other duties and recommended no action with regard to the other four officers.

At the end of the speech Sir Thomas Dugdale announced: "As the Minister responsible during this period, I have therefore submitted my resignation to the Prime Minister who is submitting it to the Queen."

### Issues Involved

Commenting on the findings of Sir Andrew Clark, *The Economist* wrote in its issue of the 19th June, 1954:

"The wider issues arising from this affair are themselves of differing grades of importance. In the first place, it is clear that some principles need to be laid down for the proper disposition of land that has been compulsorily acquired for a specific necessary purpose when that purpose has ceased to exist. Most people would say that in most cases, the obviously equitable course would be to offer it for sale back to the original owners. But the Crichel Down report reveals that, in official circles, this is the one course of action that everyone unites to avoid.

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Rules are needed; and the first rule should be that, when the original necessity for taking away a person's property has disappeared, the property should be offered for sale back to its original owner unless it can be proved to the satisfaction of some independent enquiry or tribunal that some other disposition of it would better serve the public interest.....

Everyone would agree that the public interest should, where necessary, override the desires of individuals. But what is the public interest, and who shall determine it? An enormous mass of legislation has now been built up on the assumption that every public servant has a natural affinity for the public interest and can be deemed (without further enquiry) to be acting in such a way as to ensure it.....The virtue of the Crichel Down Report is that it exposes how false this theory is. The public official can be as stupid, as inaccurate, as wrong-headed, as selfish, as mendacious, as obstinate as if he were in private employment.....

Every subject who has a quarrel with the Crown has a right to know that his case will, at some stage, be

submitted to some wholly independent person for an impartial opinion."

*The Times* in a leading article published in its issue of the 20th July, 1954 stressed the need of Parliamentary control over defaulting Civil Servants. It said:

"Individual Civil servants cannot—and should not—be called to account, by Parliament. But it is Parliament's duty to reassert the simple standards of good government and, when they find there has been a falling away, to call to account those who are responsible to them in either House."

The resignation of Sir Thomas Dugdale as Minister of Agriculture following the discussion of the report of Sir Andrew Clark vindicated the right of the private individual to seek redress against arbitrary official action.

In a leading article captioned "After Crichel Down" published in its issue of the 24th July, 1954, *The Economist* wrote:

"The battle of Crichel Down has advanced the standard of individual rights in these disputes with officialdom; but it has not yet carried it to final victory. Before Crichel Down Civil servants felt almost inviolate,

and Ministers had no pressing reason to pry around their departments to ensure that isolated acts of despotism did not occur; now both parties are very much on the alert. Before Crichel Down the public felt that it could never hope to press disputes to the point of redress; now it is licking its chops. There will be disagreement whether this should be called an attitude of vigilance or of vindictiveness; but there will be agreement that it could lead to many more explosions as noisy as that which has just engulfed Crichel Down. The real measure of the need will not have been taken if the only result of this affair is a resolve to make enquiry into future Crichel Downs before they have reached such an explosive stage. What is needed is a new principle of government, to be applied right through the whole body of delegated power: that no Minister and no department shall take any decision affecting the rights or property of any individual without the papers being referred—not necessarily for decision, but at least for report—to some wholly independent scrutiny."

Mr. Deryck Abel writing on this subject in *The Fortnightly* of September, 1954 said,

"A text should be boldly inscribed on the portico of each Government edifice 'The liberty of each, limited alone by the like liberty of all'."

# Shri Rafi Ahmed Kidwai

*By S. L. Shakdher*

**I**N the death of Shri Rafi Ahmed Kidwai, Parliament has suffered a loss in so far as building up of relationship between the Minister and Parliament is concerned. Shri Kidwai commanded respect from all sections of the House and whatever he said was heard with attention. There was a background to his reputation—all sections of the House considered him a sound and efficient administrator who could make up his mind quickly and enforce the decisions effectively. He knew the basic facts and was never caught in contradictions. He always made short speeches and gave lot of information. Shri Kidwai was not regarded as a demagogue, orator or a fine speaker. He rather spoke in a gruff voice and never employed any stage habits.

It is remarkable that he never once refused to answer a short-notice question or the demand for a discussion on any subject concerning his Ministry. He was always prepared to place facts before Parliament. Whenever he found that people's minds were agitated or Members were concerned over a particular matter, he would come forward with announcements of policy before there was time for attacking him. He would at once confound his opponents and win general sympathy for his case. Whenever any member spoke with

fury or excitement with a view to attack his policy, he would interrupt him and point out any inaccuracy in his statement. Sometimes, he would simply nod or shake his head while a Member was leading an attack so that attention of the House was properly directed towards the correct facts. His speeches or interruptions or answers were always brief and no unnecessary or extra words were ever used. He was thus heard with attention and what he said was followed carefully.

He was very popular in the lobby. The Opposition knew that he was a good friend who meant business. One great quality which Shri Rafi Ahmed Kidwai displayed was that he understood and showed tolerance for a point of view held by his opponent. He always gave an impression that he understood that the Opposition had a point of view, although in shaping his policy, he might not agree with that point of view. That went a long way in creating a true relationship between him and the Members.

Once the officers of his Ministry felt some hesitation in making available a file to the Estimates Committee. When the matter was referred to him, he at once sent the file to the Chairman stating also the point of view of his Ministry, but observing at the same time that it was in the public interest

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that the Committee should be given all facilities and assistance in its work and the Committee on its part should respect the point of view of the officials and treat the matter as confidential. The personality of Shri Rafi Ahmed Kidwai shone on such occasions and he created a deep impress upon those who came in contact with him. He was a powerful builder of relationship on right lines between Ministers and Members of Parliament. The way he

spoke, the way he dealt with matters of Parliament, the way he respected the views and criticisms of the Opposition, despite the fact that he was regarded as an outstanding Minister and administrator, made it transparently clear that he was at core a sound democrat and a true Member of Parliament. It can thus be said that he laid truly the foundations of an everlasting character for the correct relationship between the Minister and the House.

# Some Parliamentary Activities at a Glance

## Debates in Parliament

### Peaceful Uses of Atomic Energy

Initiating the two-hour discussion in the Lok Sabha on the 10th May, 1954 Prof. Meghnad Saha said that there was a great future for the development of atomic energy for peaceful purposes. He referred to President Eisenhower's proposals made before the General Assembly of the United Nations on the 8th December, 1953 and said that the Government of India should pursue the U.S. President's plan for a pool of atomic raw materials on which the smaller and backward countries could draw for purposes of peaceful research. Prof. Saha called for the scrapping of the Atomic Energy Commission and the Atomic Energy Act in their present forms and demanded in their place a more comprehensive programme which would speed up research in the country. Among the members who participated in the discussions were Prof. H. N. Mukerjee, Shri K. D. Malaviya, Shri Raghuramiah, Shri N. Sreekantan Nair and Shri Joachim Alva.

Intervening in the debate, Prime Minister Nehru referred to the political difficulties which prevented the U.N. from arriving at an agreement regarding the prohibition of atomic armament. He agreed that atomic energy could be developed for peaceful uses

and in a country like India the need for atomic energy was great. Referring to President Eisenhower's proposal the Prime Minister said:

"This tremendous and vast power is being given to a body which is even independent of the United Nations, which has sponsored it or started it. Who will be in this body? That is an important factor. Either you make the body as big as the United Nations with all the countries represented, or it will be some relatively small body, inevitably with the Great Powers sitting in it, and lording over it, and I say with all respect to them that they will have a grip on all the atomic energy areas and raw materials in every country. Now, in a country like India, is it a desirable prospect? When hon. members talk so much of international control, let us understand, without using vague phrases and language, what it means. There should be international control and inspection, but it is not such an easy matter as it seems. Certainly, we could be entitled to object to any kind of control which is not exercised to our advantage. We are prepared in this, as in any other matter, even to limit, in common with other countries, our independence of action for the common good of the world: we are prepared to do that, provided we are assured that that is for the common good of the world and not exercised in a partial way, not dominated over by certain countries, however good their motives might be."

As regards the work now being done in this country the Prime Minister admitted that progress had been slow. He assured the House that the Atomic Energy Commission was ready

to proceed with the work on the nuclear reactor and declared that the country did not depend upon foreign sources for fissionable materials needed for this job. With regard to the suggestion of Prof. Saha to scrap the Atomic Energy Act, the Prime Minister said:

"We have no objection to scrapping it or what is more probably desirable, amending it, if necessary. We may come to this House for amending the Act. Let us consider the matter right from the beginning. We are perfectly agreeable to consulting or having a conference of eminent scientists and discussing these matters with them. If they make any suggestions for the improvement of the Act or for the improvement of the work, we shall certainly accept and adopt them. Even now, as a matter of fact, within the compass of this Act, we are trying to improve and expand our work."

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### **Taxation by Ordinances**

On the 16th February, 1954, the Lok Sabha on a notice given by Dr. A. Krishnaswami and Dr. Lankasundaram discussed the issue of ordinances. The Speaker permitted the discussion with the following observations:

"I admitted the discussion on the ground, as I felt, that it raises an important constitutional issue about the power of Government to issue Ordinances. It will be recognised that that is not a democratic way of doing things and it is only in exceptional circumstances that Government may issue Ordinances. They can, only if they must. On that point, of course, every Ordinance will rest on its own facts .....this question, as I see it, has to be looked at not from a party point of view but from the general point of view of setting up traditions of Parliament. ...."

It is a question for the entire House to take into consideration, and if they agree and say 'Well, it is proper' it is proper. But if they think that it is not proper, they may say so; let them not be guided by party considerations or considerations of prestige. As I remarked, we are the first Parliament under the new Constitution and the greatest responsibility lies on us all concerned to set precedents or traditions, which will be really having a democratic foundation. It is not a question of challenging the powers under the Constitution...."

Initiating the discussion, Dr. A. Krishnaswami pointed out that during the brief recess between the meetings of the Parliament, seven ordinances, at the rate of one ordinance per week, were issued and that this is a dangerous development and constitutes a serious infringement of the rights and privileges of the House. He further emphasised that the test of emergency, in the case of fiscal ordinance should be much greater than in the case of other ordinances. In the case of fiscal measures, it is the Parliament and the Lok Sabha that is the sovereign authority to raise a tax and direct how the money shall be spent.

Dr. Krishnaswami suggested that a committee of the whole House, with the Speaker as Chairman, be appointed to review all such ordinances.

Six other members participated in the discussion. Dr. Lankasundaram and Prof. H. N. Mukherjee, described it as lack of Legislative Planning, and 'Anti Freedom Device' respectively. Shri N. C. Chatterji called upon the government to build up healthy conventions. Shri V. B. Gandhi considered it to be a question of practical difficulties, appealed for moderation in

criticizing the government, and justified the tax levies by ordinances under the existing circumstances.

Dr. N. M. Jaisooriya thought that certain vital principles were at stake as there was an inherent tendency in the executive to use the powers in excess and arbitrarily and the function of the Parliament was to curb such use of power by the executive. Pandit Thakurdas Bhargava eulogised the observations made by the Speaker and strongly criticized the imposition of any taxes without the approval of Parliament.

At the end of the discussion the Ministers of Finance and Home Affairs explained the government's point of view. He said that each ordinance should be individually studied on its own merits. As to "precedents", Shri Deshmukh pointed out six instances in which taxes were imposed by ordinances. Shri Deshmukh dealt with the tax-levying ordinances one by one and placed before the House the facts and circumstances which necessitated an ordinance instead of a bill in the House in each case. In conclusion, he said:

".....the real trouble is not any desire on the part of Executive to ignore the House, but perhaps the inability on the part of the Executive to foresee each and every circumstance as it develops. There are administrative delays and there are, as I said, lapses in regard to foreseeing the future.

You may perhaps say that these are instances of lapse of foresight. Those are defects from which Executives all over the world, I think, do suffer.....what has exercised the mind of the House here is not so much

the question of administrative delays, or lack of foresight—although they are certainly entitled to blame the Government in individual cases where these things could have been foreseen—but it seems to me that it is a case of indirectly, so to speak, ascribing *mala fides* to the Executive, and that I am in a position to deny. I say that in every case there was an honest exercise of judgment and a great deal of cogitation, because by this time the Executive also is very keenly aware of the view that the legislature takes of the issue of ordinances, and I can assure the House that if an ordinance is issued it is issued after the most mature and deliberate consideration....."

Further defending the government Dr. Katju observed in conclusion:

"It is open to Parliament, it is open to the people of India to decide that the Constitution should be amended and that the ordinance-making power should be completely taken away from the executive government. But if they want to give it, then I say it would be most improper that that responsibility should be shared with anybody. The executive government should be solely responsible for the exercise of that power. An Ordinance may be called for at twenty-four hours' notice, forty-eight hours' notice. Secondly, the Constitution as it exists gives the most complete power of supervision to Parliament to approve of the action, to disapprove of the action and to censure the Government. What more do you want?....."

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### Review of Financial Control

On the 19th May, 1954, the Prime Minister made a statement in the Rajya Sabha on Financial Control. Excerpts from the Prime Minister's speech are reproduced below:

"During the last three years, the Government have given much thought



and consideration to the problem of improving administrative procedures. Ever since Independence, the activities of the various departments of Government had increased greatly and many new departments had been opened and new types of activity undertaken..... Vast schemes and projects were undertaken and new industries entirely under State control, were started. Thus Government, both at the Centre and in the States, was becoming more and more involved in social and industrial undertakings. The administrative set-up was progressively adapted to meet the requirements of this new situation and, on the whole, this was done with some success.....

The constitution of the Planning Commission and the emergence of the Five-Year Plan involved further a new approach to many of our problems in addition to adding to the duties and responsibilities of both the Central and State Governments.....

As a result of this consideration, it was decided to set up an Organisation and Methods Division in the Cabinet Secretariat and to establish an Institute of Public Administration. This has been done..... It was felt that an examination should be made into the causes of delay and an improved procedure should be evolved and, whenever necessary, changes made in the administrative organisation..... On the 17th January, I wrote a note on this subject suggesting a review of—

(1) The Civil Service (Classification, Control and Appeal) Rules, with a view to their adaptation in the Union and State Governments in regard to conditions of employment and conduct, discipline, etc;

(2) the existing arrangements for manning higher Secretariat posts under the Union and State Governments with a view to securing maximum administrative efficiency, flexibility and interchangeability;

(3) Fundamental Rules and Supplementary Rules with a view to revising and codifying them; and

(4) the existing financial procedure with a view to expedite Government business.

I added that this review should take place especially from the point of view of expediting the implementation of our Five-Year Plan and the various projects that we have undertaken or may undertake in the future. I appointed Shri Ashok Kumar Chanda, then Secretary, Production Ministry, and selected to be the next Auditor-General, to undertake this review.....

About the same time, a Senior Secretaries' Committee..... was appointed..... with a view to consider the question of expediting the disposal of governmental work and implementation of schemes included in the first Five-Year Plan.

The Finance Ministry has also undertaken a scrutiny of financial procedures.....

Among the subjects under review are the feasibility of the devolution of more financial powers to Ministries and other administrative authorities and the question of pre-audit. It is also under consideration how far it is desirable to include in the proposed expenditure in the Budget only such items as have been previously scrutinised fully and accepted.....

The enquiries are not yet complete and a proper consideration of the material received will take some further time.....

The Organisation and Methods Division have initiated a combined operation to improve the speed and quality of work done in the Secretariat.....

The Institute of Public Administration will bring together officers engaged in administrative processes as well as citizens affected by them, set up joint teams for detailed study of the different aspects of public administration, and thus promote co-operation and understanding of each other's needs and difficulties."

### **Competence of Parliament to Enact Certain Laws**

When the Indian Cattle Preservation Bill introduced by Seth Govind Das was being taken up for consideration by the House on the 11th December, 1953, a point of order questioning the competence of the House to enact such a legislation was raised. The Chair observed that it was for the House to decide whether the Bill was *ultra vires* or *intra vires*. During the debate on the point of order, the Law Minister pointed out that the matter formed the subject of entry No. 15 in List No. II of the Seventh Schedule of the Constitution and it was, therefore, not for the Central Legislature to enact any such law. Before proceeding further with the Bill, the House expressed a desire to hear the Attorney-General of India on this matter.

On the 1st May, 1954, the Attorney-General of India, Shri M. C. Setalvad, made a statement in regard to the Bill. Shri Setalvad said that in his opinion the subject-matter of the Bill did not fall under any of the items mentioned in the Union List or the Concurrent List but was covered by several items in the State List. The object of the Indian Cattle Preservation Bill, Shri Setalvad said, was clearly to preserve both milch and draught cattle by stopping their slaughter in public licensed slaughter houses or in private places, and to improve the milk supply of the country and provide enough draught cattle for agricultural purposes. Scanning the Union and Concurrent Lists, he found no entry under which the subject matter of the Bill could be

placed or to which it could be related. Shri Setalvad said that no doubt the Directive Principles of the State Policy referred to prohibiting the slaughter of cows and calves, but this had no application to the legislative competence of Parliament.

The Speaker stated that the Members who wanted to discuss the issue might do so when the Bill came up next before the House.

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### **Procedural Points**

#### *Estate Duty Bill*

A procedural point arose during the course of the consideration of the Estate Duty Bill.

It was provided in clause 34 of the Bill that the rates of estate duty would be fixed by another Act of Parliament and in accordance with that provision a separate Bill, *viz.* the Estate Duty Rates Bill, was introduced in the House.

As the clause by clause consideration of the main Bill was proceeding, Government changed their mind and proposed that instead of fixing the rates of estate duty by a separate Bill, the provisions of the latter should be incorporated in the main Act itself by an amendment and the other Bill, *viz.*, the Estate Duty Rates Bill, withdrawn. This was objected to by a member who contended *inter alia* that the amendment was beyond the scope of the Bill and offended against Rule 117 (1) of the Rules of Procedure of the House of the People according to which an amendment should be within

the scope of the Bill and relevant to the subject matter of the clause to which it relates.

Though he thought that the matter sought to be incorporated by the amendment was quite relevant, the Deputy Speaker expressed a doubt in regard to the amendment being within the scope of the Bill. He observed in this connection:

"...As regards this amendment being within the scope of the Bill, I am only considering it this way...If originally the rates had been incorporated in the Bill itself, there could not have been any objection...the only objection seems to be that if it had been incorporated in the Bill itself, originally, it could have been considered properly by the Select Committee and as it is a separate Bill, the matter can be considered by a Select Committee now. It is open to the House to send it to the Select Committee or not to send it to the Select Committee, but anyhow even that chance has been taken away. That is the reason for the objection.

"However, this is a serious matter. I do not want this to be a precedent for the future. The rule as it stands is that the amendment shall be within the scope of the Bill. True, it is not inconsistent. It is in the nature of things that it can be in the Bill. This is an Act of Parliament. All the same, technically, I am afraid, it is not within the scope of the Bill. I would suggest, therefore, that this rule may be suspended and if the hon. Minister makes a motion then it is for the House to suspend the rule, in which case we can take it up and allow the House an opportunity to go into the matter."

Accordingly, the Finance Minister moved a motion for the suspension of Rule 117 (1) which was adopted by the Lok Sabha and the Estate Duty

Rates Bill was subsequently withdrawn.

#### *Demands for Grants for Railways*

In connection with the Demands for Grants for Railways during the Budget Session 1954 a large number of Cut Motions had been given notice of but all of them could not be discussed within the time available. If all of them were moved formally and a general discussion thereon permitted, most of the Cut Motions would only go on record without being replied to, thus defeating the purpose behind them. It was, therefore, suggested by the Speaker that the Opposition Parties might decide by mutual agreement on a few major grievances which they wished to discuss on Cut Motions and, for the rest, he suggested the following course:

"Any Member, who wants to make a suggestion or a point of grievance whether it relates to his constituency or in general in respect of these demands, whether he has moved or tabled a Cut Motion or not, may give a small memorandum, say of about 10 lines, mentioning the point...and then at leisure the replies may be placed on the Table of the House. After all these suggestions, requests or criticisms come in and the replies are given they will go into the proceedings as Memoranda."

The Speaker, however, imposed one limitation on this procedure, namely, that one Member could only submit one memorandum and no more. The House accepted the procedure suggested by the Speaker. The Members who were desirous of inviting the attention of the Minister of Railways in connection with any matter under the

Demands for Grants on Railways were requested by means of the Parliamentary Bulletin to send a memorandum to the Lok Sabha Secretariat before the discussion on the Demands for Grants on Railways concluded. One hundred and eleven memoranda were received during the Session which were consolidated, numbered *seriatim* and sent to the Minister of Railways. Replies to 110 admitted memoranda were received from the Ministry of Railways (Railway Board) and placed on the Table of the House.

#### *PEPSU Appropriation Bill*

During the 7th Session of Parliament the President withheld his consent to the P.E.P.S.U. Appropriation Bill, 1954, which had been passed by both the Houses. This Bill was passed by the Lok Sabha on the 24th February, 1954 and was transmitted to the Rajya Sabha on the 25th February, 1954. The Rajya Sabha passed it on the 1st March, 1954 and sent it back with its Message. The Assent Copy was presented to the President on the 8th March, 1954.

The Proclamation issued by the President assuming to himself all the functions of the Government of PEPSU was approved by the House on the 12th March, 1953 and by the Council on the 26th March, 1953. The resolution for continuance in force of the above Proclamation was adopted by the Council of States on the 15th September, 1953 and by the House of the People on the 16th September, 1953. In the normal course, the Proclamation, by virtue of the first Proviso to

Article 356 (4) of the Constitution, would have continued upto the 26th March, 1954. On 7th March, 1954, the President's rule was revoked by a Special Proclamation.

The PEPSU Appropriation Bill as passed by the two Houses was presented to the President for assent on the 8th March, 1954. Since the competence of Parliament to enact a Bill for PEPSU had come to an end on the 7th March, 1954, the President could not give his assent to the Bill. The Speaker made an announcement to the House stating the reasons for the President withholding his assent to the PEPSU Appropriation Bill.

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#### **Changes in the Designation of the two Houses.**

On the 14th May, 1954 the Speaker made the following announcement in the House of the People:

"For the benefit of hon. Members who do not know yet Hindi perfectly I shall just state this in English.

"Hon. Members know that 'House of the People' is the English expression for the Hindi term 'Lok Sabha' and as a further step in the process of adoption of Hindi as the national language in this House, I have decided with the concurrence of the Leader of the House that this House should officially be known as the 'Lok Sabha' and all Parliamentary papers should carry this title.

"Accordingly, the Secretariat of this House will be known as the Lok Sabha Secretariat. Notices etc. may be addressed henceforth accordingly."

The Chairman of the Council of States made the following statement in the House on the 23rd August, 1954:

"With the concurrence of the Prime Minister and the Leader of the

Council, I have decided that the Council of States will be called 'Rajya Sabha' and its Secretariat, 'The Rajya Sabha Secretariat.'"

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## **Parliamentary Questions**

### **Some Questions Answered**

Some of the interesting information elicited through questions in Parliament is given below:

#### *Organisation and Methods Division* (15th February 1954)

The Minister of Home Affairs was asked if the decision of the Government to set up an Organisation and Methods Division and to sponsor the establishment of an Institute of Public Administration, as suggested in the Appleby Report, had been put into effect.

The Deputy Minister of Home Affairs (Shri B. N. Datar) stated in reply that the Organisation and Methods Division would begin to function in the Cabinet Secretariat from the 1st March, 1954.

As regards the Institute of Public Administration, Shri Datar said that it would be an autonomous association of persons and organisations interested in the study of Public Administration and would be registered as a society under Act XXI of 1860.

#### *Amendment of the Constitution* (22nd March 1954)

The Minister of Law was asked if it was a fact that proposals had been invited from the various State Governments regarding amendments to the Constitution and if Government had

suggested the lines on which suggestions were required and whether Government proposed to introduce a Bill for amending the Constitution.

Affirming that proposals had been invited from the various State Governments, the Minister of Law (Shri C. C. Biswas) stated that the States were free to suggest any amendment that they considered necessary. The Minister informed the House that the suggestions received from the States had to be considered very carefully by the Government before any amendment Bill could be introduced.

#### *State Enterprises* (8th March 1954)

The Minister of Production was asked if Government proposed to consider the feasibility of publishing the accounts of all State enterprises in commercial form, and constituting every State enterprise into an autonomous body and associating with its management non-officials drawn from commerce and industry.

The Minister of Production (Shri K. C. Reddy) replied that the accounts of all State enterprises run as joint stock companies were maintained in commercial form and conform to the requirements of the Indian Companies Act in all respects. As regards statutory corporations, the form and method of publishing the accounts were prescribed by the relevant enactments.

He further stated that barring enterprises of strategic importance and of public utility, such as the Ordnance factories, Railways, Posts and Telegraphs and other similar undertakings,

### *Committees at Work*

which were departmentally managed, all State commercial enterprises were as far as possible run as autonomous bodies.

#### *Manual of Office Procedure (24th March, 1954)*

The Minister of Home Affairs, was asked if the intended Manual of Office Procedure had been finalised by the Manual Committee and if the draft provisions in the Manual were given sufficient trial by the Ministries in the first instance before incorporation in the Manual.

The Deputy Minister of Home Affairs (Shri B. N. Datar) stated in reply that the Manual of Office Procedure had not been finalised as yet. He informed the House that the draft Manual, along with the comments of the Ministries, would, before finalisation, be examined in detail by the Organisation and Methods Division recently set up in the Cabinet Secretariat.

#### *Economy in the Expenditure of the Central Government (24th March, 1954)*

In reply to a question asked as to the total economy effected in the expenditure of the Central Government by implementation of the recommendations of the Estimates Committee, the Deputy Minister for Finance (Shri M. C. Shah) said that approximately rupees fifty-one lakhs (Rs. 43.3 lakhs recurring and Rs. 7.81 lakhs non-recurring) had been saved by implementing the recommendations of the first four of the six reports of the Estimates Committee.

#### *Comptroller and Auditor-General (29th March, 1954)*

Asked if Government proposed to bring forward a Bill regulating the duties and powers of the Comptroller and Auditor-General contemplated under Article 149 of the Constitution, the Deputy Minister of Finance (Shri M. C. Shah) stated that the matter was under consideration and he could not say when the Bill could be introduced in the Parliament. The present duties and powers of the Comptroller and Auditor-General were regulated under an Order of 1936 as adapted by an Order of 1947.

#### *Indian Missions Abroad (7th May, 1954)*

Questioned about the steps taken for the strengthening of the budgetary and financial control of Indian Embassies and Missions abroad, the Deputy Minister of External Affairs (Shri A. K. Chanda) replied that a Foreign Service Inspectorate had recently been formed and a Senior Finance Officer would be associated with the inspecting team when it went out on its first inspection. The Inspectors associated by the Finance Officer would examine the working of the Missions and suggest methods of better financial checks over expenditure incurred by them.

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### *Committees at Work*

#### *Select Committee on Estimates (U.K.): Tour of Inquiry by M.P.s. on the Continent.*

The Select Committee on Estimates of the House of Commons in a special report published on

the 13th April 1954 stated that to complete their examination of the Civil Estimates for the Foreign Service and for Public Buildings Overseas, a sub-committee wished to take evidence from officials of the Foreign Service in the office of the United Kingdom High Commissioner in Germany and in the Embassies in Paris and Rome.

In a memorandum submitted to the Select Committee on Estimates, the Clerk of the House, Sir Frederic Metcalfe, had informed them that it was not within the power of the House to authorise one of their Committees to sit in the territory of a foreign State because this would amount to a claim to exercise authority outside British territory. Sir Frederic was, however, of the opinion that it would be proper for a group of members to make inquiries abroad on behalf of the Committee, provided they did not purport to sit as a Committee, and exercise the powers granted by the House to one of their Committees.

Accordingly a motion was tabled in the House of Commons on the 14th April 1954 by the Chairman of the Select Committee on Estimates, Captain Waterhouse, proposing that leave of absence should be granted to seven members of the Committee "to make inquiries on behalf of the House into certain expenditure in connection with the office of the United Kingdom High Commissioner in Germany and the Embassies in Paris and Rome".

On the 12th May, 1954, the Leader of the House, Mr. Crookshank, told the Chairman of the Select Committee on Estimates that he did not see any

chance of finding time to discuss the motion tabled a month ago. It appeared that the seven members could go abroad and make their enquiries—provided they did not purport to sit as a Committee of the House,—without the motion being approved.

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**Report of the Estimates Committee on the Public Works Department (Legislative Assembly, Uttar Pradesh)**

The Estimates Committee of the Uttar Pradesh Legislative Assembly presented its first report on the Public Works Department to the House on the 15th March, 1954. The Committee envisaged a saving of Rs. 4,67,900 in the working of the P.W.D. The major items under which economy has been suggested are administration and construction. Reduction of at least fifty per cent. posts of Superintending Engineers, delegation of ordinary duties of the Superintending Engineer to the Executive Engineer; enlargement of the territorial jurisdiction of the Executive Engineer; abolition of the Transport Division, reduction by five per cent. in the cadre of Assistant Engineers are some of the measures suggested by the Committee to effect saving in administration. The Committee has also recommended the reduction in the amount of contingency for construction works from 5 to 2 per cent.

Two general but important observations made by the Committee are that the estimates on the cost of projects should be worked out in detail so as to

avoid modifications and additions later resulting in the final estimates going up very high and that in the construction of factories and such other projects young officers and apprentice engineers should be associated so that the country might not depend upon foreign help. Some of the recommendations made by the Committee to avoid wastages and effect improvement in administration are:

(1) Government should examine the disparity in the original and revised estimates of the Robertsganj Cement Factory.

(2) The stock of cement, wood, coal, iron and other building materials should not be piled at the site years before the construction of works.

(3) Government should consider the desirability of revising the system of grants for purposes of construction with a view to making them in the nature of non-lapsable funds.

(4) The existing contract system should be improved.

(5) Some standards should be fixed for Government buildings for offices and residences.

(6) The Estate Office should be dismembered and the functions of accommodation to members should be transferred to the Assembly Secretariat.

(7) The number of staff cars should be considerably reduced.

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#### **Public Accounts Committee and Universities (U.K.)**

The question of the financial independence of Universities has long been the subject of a controversy between the Public Accounts Committee (House of Commons) and the Treasury. The Public Accounts Committee have from time to time pressed that the books relating to the

capital expenditure of the Universities financed by the Treasury, which is to the tune of £7 million a year, should be scrutinised by the Comptroller and Auditor-General. The Treasury, on the other hand, have asserted that this would necessitate increased official intervention in University affairs. As a compromise the Treasury have recently proposed\* that the University Grants Committee should appoint one or two people to visit the Universities and investigate their methods of controlling capital expenditure and to report back to the University Grants Committee. Their reports, together with recommendations for improvement, would be made available to the Public Accounts Committee.

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#### **Report of the Public Accounts Committee (Legislative Assembly, Rajasthan)**

In their first report presented to the House on the 15th March, 1954, the Public Accounts Committee of the Rajasthan Legislative Assembly made detailed observations on the working of various departments and pointed out serious irregularities in management and supervision which had put the Government to incalculable financial loss. The Committee in their report observed that about Rs. 1,50,00,000 advanced by way of loans were outstanding against a number of individuals and societies but no adequate steps were taken for their recovery. There were a number of cases

\* Treasury Minute. Special Report from the Committee of Public Accounts, Session 1953-54 HMSO. 1s.



of embezzlement and misappropriation of Government money involving lakhs of rupees but departmental proceedings were either not instituted at all or very much delayed. Other administrative lapses pointed out by the Committee were improper budgeting of accounts, non-maintenance of accounts relating to stores, indiscriminate tours by Officers, etc. The Committee condemned the complacent and defeatist attitude displayed by the Finance and other departments in remedying grave financial irregularities.

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**Public Accounts Committee (India)**

*Examination of Finance Accounts of  
the Central Government*

The question of scrutiny of the Revenues of the Government with particular reference to Borrowings, Public Debt, etc. has engaged the attention of successive Public Accounts Committees in recent years. In order to enable the Committee to start scrutinising the receipt and borrowing sides of the Government Accounts the Committee had desired that the Ministry of Finance should present to them a skeleton of a form devised in consultation with the Comptroller and Auditor-General in which the Accounts embracing the Receipt and Debt sides could be prepared. At their meeting held on the 29th June, 1954 the Committee approved the skeleton forms which the Ministry of Finance had furnished to them and decided that the Accounts should be compiled with effect from the year 1951-52, the latest year for which the figures of actuals were available.

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**Report of the Select Committee on  
House of Commons Accommodation,  
etc. (U.K.)**

The Select Committee on House of Commons Accommodation etc. in their report published on the 22nd June, 1954, have recommended the establishment of a new House of Commons Commission to regulate the appointment of officers and officials of the House. The Committee consider that the present Commissioners should be replaced by a body of experienced members drawn from the House who would undertake not only the present functions of the Commissioners with regard to staff, but also wider duties in relation to the accommodation and management of the House.

Under the Act of 1812 the following were appointed Commissioners: The Speaker, the Secretaries of State, the Chancellor of the Exchequer, the Master of the Rolls, the Attorney-General and the Solicitor-General provided they were members of Parliament. The Select Committee have stated that the Master of the Rolls is now ineligible to be a Member of Parliament and cannot therefore be a Commissioner.

The Committee have recommended that the Speaker should be the Chairman of the new Commission and that the following should be members thereof:

**The Leader of the Opposition (or  
his Deputy),**

**The Chancellor of the Exchequer  
(or another Treasury Minister),**

**The Minister of Works (or his  
Parliamentary Secretary).**

In addition to the above there should be appointed a suitable number of other members, not less than nine, one of whom would be selected by the Speaker as Vice-Chairman.

The Committee have proposed that the Commission should be set up at the beginning of each Parliament to serve for the duration of that Parliament. In addition to discharging the duties of the present Commissioners, it should advise the Speaker on Estimates for the House, the allocation of accommodation, the library and the 'facilities and services necessary to enable M.P.s. to discharge their duties' and it should control the arrangements for the kitchen and refreshment rooms.

Legislation would be necessary to give effect to the Committee's recommendations.

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#### **Proposal to Set up a House Committee (U.K.)**

During discussion on a vote in connection with the House of Commons Accommodation on the 22nd July, 1954 a Member (Sir Herbert Williams) suggested that a House Committee could be set up to see that there was greater comfort for every one, to which members who felt they had a grievance could have access. Another member (Mr. Henry Brooke) said that the House as a body should be able to exert greater influence over the arrangements than hitherto had been possible. Machinery was needed by which members could have suggestions examined. Earlier in the debate the

Chairman of the Select Committee on House of Commons Accommodation (Mr. Stokes) stated that in place of existing arrangements the Select Committee had recommended that a Committee of experienced members should be set up to deal with the accommodation and amenities of the House.

In the course of his reply to the debate Mr. Crookshank, Leader of the House of Commons, said that Government would examine the proposal for the establishment of a House Committee.

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#### **House Committee (Lok Sabha)**

The House Committee consisting of 12 members was reappointed by the Speaker for the second term, viz. 26th May, 1953 to 25th May, 1954, on the 25th April, 1953. During its term of office the Accommodation Sub-Committee of the House Committee functioned for allotment of residential accommodation to Members. The House Committee held five meetings during the period under review and among other things dealt with additions and alterations in Members' residences, the construction of additional flats on the North and South Avenues, the scheme for Members joining the Contributory Health Service Scheme and the supply of furniture in Members' residences.

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#### **Select Committee on State-owned Industries (U.K.)**

In reply to questions asked in the House of Commons on the 13th July, 1954, Mr. Crookshank, Lord

Privy Seal, announced the Government's intention to table next session a motion for the appointment of a Select Committee of the House of Commons on the nationalised industries. A note circulated with the reply recalled that the Select Committee recommended that there should be a standing committee, to be designated the Committee on Nationalised Industries, for examining the reports and accounts of those industries and for obtaining further information as to their "general policy and practice." The note added that the Government thought it premature to create a standing committee but proposed, in the first place, to move next session for a committee under an *ad hoc* motion.

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#### **Committee on Subordinate Legislation (Lok Sabha)**

When moving for consideration of the Bill to provide for the extension of certain laws to certain Part C States on the 11th April, 1950 Dr. B. R. Ambedkar, Minister of Law in the Provisional Parliament, made the following suggestion in the House:

"It may be, if there was time, I would suggest to the House that at a later stage the House may consider the procedure which has recently been adopted in the House of Commons which consists of having a Standing Committee of the House to examine such delegated legislation and to bring to the notice of Parliament whether the delegated legislation has exceeded the original intentions of Parliament or has departed from it or has affected any fundamental principle. This is a matter which we may take up independently."

The Speaker wrote to Dr. Ambedkar on the 24th June, 1950 forwarding to him a Memorandum prepared on the subject by the Secretariat for his reactions. Dr. Ambedkar sent an outline of a scheme of the Committee. The Secretariat then framed draft rules on Subordinate Legislation. The draft rules were adopted by the Rules Committee of the House at their meeting held on the 24th April, 1951.

The first Committee on Subordinate Legislation was constituted with ten Members on the 1st December, 1953. As the strength of the Committee was increased by an amendment to the Rules, five more Members were nominated to the Committee by the Speaker on the 13th May, 1954. The Committee have so far held six meetings on the 11th December, 1953, 12th, 17th and 25th March and 6th and 11th May, 1954. The first report of the Committee was presented to the House on the 17th March, 1954.

The important recommendations made by the Committee in this report are as follows:

(1) *Bills containing proposals for delegation of legislative powers—*

(i) The memorandum accompanying a Bill should give full purport and effect of the delegation of power to subordinate authorities and also the points which may be covered by the rules, the particulars of subordinate authorities or the persons who are to exercise the delegated power and the manner in which such power is to be exercised.

(ii) Government should provide memoranda in respect of all Government Bills which are pending before the House and which contain proposals for rule-making powers.

(iii) In future all Bills introduced in the House should invariably contain detailed memoranda on the lines indicated in (i) above.

(2) *Uniformity in the Provisions of Acts delegating legislative powers—*

(i) In future the Acts containing provision for making rules, etc. shall lay down that such rules shall be laid on the Table as soon as possible.

(ii) All these rules shall be laid on the Table for a uniform and total period of 30 days before the date of their final publication.

(iii) In future the Acts authorising delegation of rule-making power shall contain express provision that the rules made thereunder shall be subject to such modifications as the House may wish to make.

(3) *Notifications issued under the Estate Duty Act—*

(i) Government should take the very first opportunity of placing the Rules, Regulations, etc. on the Table of the House.

(ii) In future the Minister while laying the relevant rules on the Table should explain to the House any delay which may have occurred in complying with the terms of statutes and their normal interpretation.

\* \* \* \*

**Committee on Private Members' Bills and Resolutions (Lok Sabha)**

A Committee on Private Members' Bills which under the rules has the following functions, was appointed by the Speaker on the 1st December, 1953:

(i) To examine Private Members' Bills seeking to amend the Constitution of India before they are introduced;

(ii) to classify Bills into categories "A" and "B" according to

their nature, urgency and importance;

(iii) to recommend time-limit for the discussion of the stage or stages of each Bill;

(iv) to examine Bills as are beyond the legislative competence of the House;

(v) to perform such other functions as may be assigned to it by the Speaker from time to time.

On the 4th December, 1953 the Committee adopted a resolution enlarging its functions so as to include the question of allocation of time to Private Members' Resolutions. The Rules of Procedure were amended subsequently to provide that the Committee should recommend time-limits for the discussion of Private Members' Resolutions and other ancillary matters.

In one of their reports the Committee enunciated certain principles, which are summarised below, in regard to Bills seeking to amend the Constitution:

(i) The Constitution should be considered a sacred document—a document which should not be lightly interfered with and it should be amended only when it is found absolutely necessary to do so.

(ii) It should be seen that amendments to the Constitution are suggested as a result of sufficient experience.

(iii) Notices of Bills from Private Members should be examined in the background of the

proposals or measures which Government may be considering at the time.

(iv) The Constitution should be adapted to the current needs and demands of the progressive society and any rigidity which may impede progress should be avoided.

From its inception and till about the close of the Sixth Session of Parliament the Committee had presented nine reports. The eighth report of the Committee is important from procedural point of view. It lays down the principles of classifying Bills into category "A" and category "B" according to their nature, urgency and importance. The relevant extracts from the report are given below:

"One of the functions of the Committee is to examine Private Members' Bills after they are introduced and before they are taken up for consideration in the House and to classify them according to their nature, urgency and importance into two categories, namely, category A and category B. The Committee laid down the following general principles to guide them in their task of categorising Bills:

(i) that in the light of public opinion there is a general necessity and demand for the measure proposed;

(ii) that the Bill seeks to provide for a lacuna or remedy a defect in an existing legislation;

(iii) that it is not opposed to the directive principles of state policy as defined in the Constitution, the secular nature of the State or public policy and opinion;

(iv) that there is already a measure in the Legislative programme due for consideration by the House;

(v) that there is a possibility of a comprehensive measure being introduced by Government at a later date; and

(vi) that the measure proposed is of such importance and urgency that, irrespective of a more comprehensive measure being introduced later, its consideration earlier will at least bring about a statement of Government policy or help in settling an important issue."

\* \* \* \*

### **Rules Committee**

Soon after the commencement of the First Session of the Lok Sabha, a Rules Committee was constituted on the 26th May, 1952 by the Speaker to advise him whenever modifications and adaptations are required to be made in the rules regulating the procedure and conduct of business in the Lok Sabha under clause (2) of Article 118 of the Constitution. The Committee is reconstituted yearly and was last reconstituted on the 13th May, 1954.

The Speaker is the *ex-officio* Chairman of the Committee which consists of 15 Members appointed from all sections of the House including the Opposition. Whenever any important issue is under discussion in the Committee, leaders of various groups in the House and important Members are also present at the meetings by special invitation.

During the period commencing from the date of its first constitution up to the end of 1954, 10 meetings have been held and various modifications and adaptations of the rules have been recommended to the Speaker and having been accepted by him, have been

incorporated in the Rules of Procedure. These adaptations and modifications have been published in the *Gazette of India Extraordinary*, Part I, Section 1 from time to time and copies thereof circulated to members and made available to the public also.

In one of their reports, the Rules Committee have stated that the following principles should govern the formulation of procedure either by way of rules, rulings or conventions:

(i) As far as possible all important matters should be provided for in the Rules of Procedure:

(ii) in some cases where rigidity was not to be observed and the matter was left to be developed on the basis of experience, the matter might be regulated by rulings from the Chair or directives from the Speaker in pursuance of the Rules of Procedure, and

(iii) in due course when conventions or practices became well settled, they might either be incorporated in the Rules of Procedure or included in the directives from the Speaker.

\* \* \* \*

#### **Committee on Petitions (Lok Sabha)**

The Speaker issued the following directive to the Committee on Petitions:

"The petitions serve two principal objects; one is to state the merits of the public matter to which the petitioner wishes to invite the attention of the House, i.e. all the members including the Minister and the second object is to show and stress the quantum of importance which the public outside are giving to the matter. Petitions relating to the latter category have to

be admitted if the matter is of such a type that it is considered necessary by the public to place the matter again and again for the attention of Members. The function of such petitions is to intensify and focus opinion so that the Government may be moved to quick action.

"The petition also gives an opportunity to Members to know the public opinion and feeling.

"The people have a right to petition the House. This engenders a feeling in the public that Parliament is their own."

While noting the above directive of the Speaker the Committee made the following recommendations:

"(i) That a copy of the relevant report of the Committee should be sent to the petitioner concerned for his information and in case of more than one signatory to the petition, to the first signatory, and also to the member concerned if the petition is presented by the latter.

(ii) A petition on a Bill, ever after the latter has been passed or enacted into law, shall be considered by the Committee and necessary recommendations made thereto."

\* \* \* \*

#### **Joint Sitting of the Committees of Privileges of the Lok Sabha and the Rajya Sabha.**

On the 12th May, 1954 in the Lok Sabha, Shri N. C. Chatterjee sought leave to raise a question of privilege arising from a letter which he had received from the Secretary of the Rajya Sabha. It was stated in the letter that in a speech delivered by Shri N. C. Chatterjee before the conclusion of the session of the All-India Hindu Mahasabha held in Hyderabad on the 10th May, 1954, he is reported

to have said certain words which appeared to be a reflection on the proceedings of the Rajya Sabha, and that these words were a subject-matter of a question of privilege of that House. The Secretary, Rajya Sabha, also requested Shri Chatterjee to intimate to him whether the statements attributed to him had been correctly reported in the newspapers, before further action was taken by the Chairman in the matter.

In this connection, the question of jurisdiction was raised, and it was contended that members of the Lok Sabha were amenable to the jurisdiction of the Speaker, and not to that of the other House.

On the 14th May, 1954, the Speaker observed that Privileges Committees of both the Houses might examine the procedure that should be followed in cases where a breach of privilege or contempt of the House was alleged to have been committed by a member of the other House. The Chairman of the Rajya Sabha had concurred in this view.

The Joint Sittings of the Committees of Privileges of the two Houses were held on the 15th, 18th and 21st May, 1954 under the Chairmanship of Dr. Kailas Nath Katju. The Committees examined the question in all its aspects, and came to the conclusion that the following procedure should be followed in a case where a member, officer or servant of the House was alleged to have committed a breach of privilege or contempt of the other House:

“(1) When a question of breach of privilege is raised in any House in

which a member, officer or servant of the other House is involved, the Presiding Officer shall refer the case to the Presiding Officer of the other House, unless on hearing the member who raises the question or perusing any document, where the complaint is based on a document, he is satisfied that no breach of privilege has been committed or the matter is too trivial to be taken notice of, in which case he may disallow the motion for breach of privilege.

(ii) Upon the case being so referred, the Presiding Officer of the other House shall deal with the matter in the same way as if it were a case of breach of privilege of that House or of a member thereof.

(iii) The Presiding Officer shall thereafter communicate to the Presiding Officer of the House where the question of privilege was originally raised a report about the enquiry, if any, and the action taken on the reference.”

The Committee were also of the opinion that if the offending member, officer or servant tendered an apology to the Presiding Officer of the House in which the question of privilege was raised or the Presiding Officer of the other House to which the reference was made, no further action in the matter might be taken.

The report of the Joint Sitting of the Committees was presented to the Houses on the 23rd August, 1954.

\* \* \* \*

#### **Committee on Assurances (Lok Sabha)**

The Committee was initially constituted by the Speaker on the 1st December, 1953, under Rule 274 of the Rules of Procedure.

The functions of the Committee are to scrutinise the assurances, promises

## Committees at Work

and undertakings etc., given by Ministers, from time to time, on the floor of the House and to Report on

(a) the extent to which such assurances have been implemented; and

(b) where implemented, whether such implementations have taken place with the minimum time necessary for the purpose.

The Committee held three sittings. At their first sitting held on the 14th December, 1953, the Committee considered the procedure to be adopted for scrutinising the assurances and their implementation. The Committee also examined the forms of various assurances given on the floor of the House and decided that they should be codified in one place.

At their second sitting held on the 5th March, 1954, the Committee examined the various assurances given during the first three Sessions of the House and the extent to which they had been implemented. The Committee also took up with the Ministries concerned some of the specific assurances in which the Committee felt that action reported to the House had not been adequate.

At their sitting held on the 9th April, 1954, the Committee reviewed the work and agreed to make a report to the House on the work done by them so far.

The First Report of the Committee on Assurances was presented to the House on the 23rd April, 1954. The

following are the recommendations made by the Committee in its Report:

(1) A list of standard forms of assurances, promises or undertakings should be adopted.

(2) In regard to assurances relating to the first three sessions of the House which have been outstanding for one year and more, the Ministries concerned should state the reasons which were responsible for such delays.

(3) A maximum period of two months should be fixed for the implementation of an assurance. Where, however, it is not possible for a Ministry to comply with this requirement it should report to the Committee giving the reasons for the delay, so that the Committee could judge how far it was beyond the power of the Ministry to implement the assurance either within the specified period or in an adequate manner.

(4) It is not adequate to give answers to assurances in a general manner. The action taken by the Government should be specific and complete in all respects.

(5) The responsibility of the Government does not end by merely laying down instructions, but they should follow up by asking the authorities to furnish particulars in order to satisfy that instructions are being properly observed.

(6) Whenever it is not possible to implement a suggestion the reasons therefor or the difficulties experienced in that connection should be stated.

\* \* \* \*

### Business Advisory Committee (Lok Sabha)

The Business Advisory Committee consisting of fifteen members, was constituted on the 14th July, 1952 and continued with the same complement of members up to the 13th May,



1954, under the Chairmanship of the Speaker. The Committee was reconstituted on the 13th May, 1954. The main function of the Committee is to recommend the allocation of time and hours for the discussion of all stages of Government Bills and for the consideration of the other Business of the House.

Some of the important features of the Committee are:

(1) The Committee is composed of members representing all the parties and groups in the House.

(2) In the case of important and controversial Bills members representing different shades of opinion in the House are invited to attend the meetings of the Committee in order to ensure that the recommendations of the Committee are acceptable to all the sections of the House.

[In the case of the Estates Duty Bill the Finance Minister gave his advice and opinion on the Bill to the Committee which thereupon fixed a time-limit for the passage of the Bill.]

(3) A Sub-Committee of the Business Advisory Committee is nominated to prepare a detailed time-table in respect of passing of certain Bills for the consideration of the main Committee. The Sub-Committee also fixes the priorities of amendments so that only relevant and important amendments could be tabled thereby avoiding waste of time.

(4) The recommendations of the Committee are announced by the Speaker in the House. Thereafter the Minister of Parliamentary Affairs moves a motion for approval by the House of the allocation of time proposed by the Committee in regard to the Government legislative and other business as announced by the Speaker. After adoption of the motion by the House, the time recommended by the Committee constitutes an order of the House.

The Committee held eight sittings during the year 1953, and six sittings during the Sixth Session, 1954 for allotment of time for consideration and passing of Government Bills and also for other business of the House.

Some of the important recommendations of the Committee were:

(1) In the case of Estates Duty Bill, the Committee recommended that if the discussion on the clauses of the Bill did not end on the scheduled date the House might also sit in the afternoon on those days for completion of the discussion on specific clauses.

(2) During the Sixth Session, 1954 the Committee allotted time for discussion on peaceful uses of Atomic Energy, a point which was raised by Shri Meghnad Saha, M.P.

(3) The Committee also allotted time for a statement by the Prime Minister and a discussion thereon on the 19th and 20th May, 1954 regarding the South East Asia Prime Ministers' Conference held in Colombo.

(4) A Sub-Committee of the Business Advisory Committee recommended that if the Session were to conclude on the specified date, Government should revise its legislative programme and drop some of the non-essential Bills so as to fit it within the time-table recommended by the Sub-Committee. It was the Sub-Committee's wish that there should be no complaint later on that for want of time an important Bill could not be passed and that an Ordinance had to be issued. The main Committee concurred in the views of the Sub-Committee.

(5) The Committee also recommended that the period fixed for collection of taxes under the Provisional Collection of Taxes Act may be extended from 60 days to 90 or 120 days in order to afford more time for discussion of Finance Bill and Budget. The matter is still under consideration.

**Committee on Absence of Members  
from the Sittings of the House  
(Lok Sabha)**

The Committee on Absence of Members from the Sittings of the House consisting of 15 Members, was constituted on the 12th March, 1954 for one year. The Committee held, in all, four meetings on the 18th March, 14th April, and 14th and 19th May, 1954 to consider leave applications from members. At their first meeting held on the 18th March, 1954, the Committee laid down the following principles for considering applications for leave of absence from members:

(1) Each application for leave of absence shall be considered on its merits and after examination of the reasons advanced in the application;

(2) An application for leave of absence shall specify the definite period from what date to what date the leave is required and the reason for which such leave is required;

(3) Leave of absence should be applied for in the first instance for a period not exceeding sixty days;

(4) Whenever a member is continuously absent from the meetings of the House for a period of sixty days or more, without obtaining permission, a letter shall be addressed to him requesting him to state for the information of the Committee the reasons for such absence. On receipt of his reply, or after a reasonable time, the case will be considered by the Committee;

(5) (a) When the Committee makes a recommendation that leave of absence be granted or the absence be condoned the pleasure of the House will be taken by the Speaker in the following terms one or two days after

the date of presentation of the Report to the House:

“The Committee in its Report has recommended that leave of absence be granted (or absence be condoned) in respect of Shri .

The Member(s) is/are being informed accordingly.”; and

(b) the decision of the House shall thereafter be communicated to the Member; and

(6) (a) Where leave is not recommended by the Committee, a motion for consideration, adoption etc. of the Report, after it is presented to the House, will be moved by a member of the Committee under the Rules [Rule 290(3)];

(b) The decision of the House on such a motion shall be communicated to the Member.

The Committee presented their First, Second and Third Reports on the 25th March, 19th April and 20th May, 1954 respectively and they were adopted by the House.

\* \* \* \*

**Procedural Matters**

**ADJOURNMENT MOTION**

**Motion to discuss the action of the Government in agreeing to the discussion of a certain matter in one House and in not agreeing to a similar discussion in the other House.**

An adjournment motion was given notice of on the 17th February, 1954, in the House of the People by Shri

Hirendra Nath Mukerjee and Shrimati Renu Chakravartty regarding the situation which developed of the use of police and military force whilst a strike of the Secondary School teachers was in progress in Calcutta. The motion was not admitted by the Speaker.

On the same day, a motion for Papers on the same subject was moved in the Council of States. The Chairman of the Council admitted the motion and after consultation with the Leader of that House and the Minister of Home Affairs fixed the discussion to be raised on the 18th February, 1954.

Thereupon on the 18th February, 1954, in the House of the People, Dr. Lanka Sundaram gave notice of an adjournment motion seeking to discuss the action of the Government in agreeing to a discussion in the Council of States on the situation arising out of the strike of the Secondary School teachers in Calcutta and in not arranging such a discussion in the House.

The Speaker after hearing the views of the House, gave his consent to the motion being moved and discussed the same evening.

After an hour's discussion the question being put "that the House do now adjourn", the motion was negatived.

\* \* \* \*

**Matters which can be raised during Discussion on Budget and Finance Bill not to be raised on Adjournment Motions.**

In the Budget Session, 1953, an adjournment motion was tabled by Shri Tridib Kumar Chaudhuri seeking

to discuss the question of revision of the minimum wages and other concessions in respect of the Tea-Plantation workers by the West Bengal Government. The Deputy Speaker while refusing to give his consent to the motion ruled:

"This matter has from time to time been brought up before this House, in some form or other. Already, there has been a half-an-hour discussion the other day regarding minimum wages when the Labour Minister was here and said that he was going there and that he would arrange for a tripartite conference and so on. . . . Then, there are also ample opportunities for hon. Members to raise this matter before the House and make further suggestions during the discussion on the Budget and the Finance Bill. Therefore, I think that this is not a fit adjournment motion for me to give my consent."

\* \* \* \*

**ADJOURNMENT OF THE HOUSE ON THE DEATH OF A MEMBER DURING INTER-SESSION PERIOD.**

**Adjournment of the House as a mark of respect to the memory of the Late Dr. Syama Prasad Mookerjee.**

According to the normal convention, if a member dies during the inter-session period, a reference is made by the Speaker on the first day of the following session and the House stands in silence for a minute as a mark of respect to the deceased. The House does not adjourn on such occasions.

During the inter-session period between the Third and the Fourth Sessions, 1953, Dr. Syama Prasad Mookerjee, a prominent member of the House, passed away. When the House met on the 3rd August, 1953, for its

Fourth Session, the Prime Minister while paying tributes to him observed:

"Many hon. Members have come to me and suggested that this House should rise for the day in token of respect. Well, naturally every Member present, I have no doubt, would agree with that proposition and the Government appreciate that sentiment. The only difficulty that the Government had in considering such a proposal was that it was a precedent which is against our normal convention. But I recognise that in such a matter the wishes of the House are more important than conventions and precedents. In suggesting to you, Sir, and to the House—if it so wishes—to adjourn the business of the House on this occasion, after what you will be pleased to say, may I add, as a guidance for future occasions, that whatever happens in future this old convention should not be broken on any future occasion. Otherwise, difficulties will arise. Naturally, a firm convention should be firmly kept in future, regardless of personalities, but that need not apply for the present, and on the present occasion, I would respectfully suggest to you and to the House that after the preliminary remarks such as you may be pleased to make, we should rise and we should adjourn for the rest of the day in token of respect for the member who has passed away."

While agreeing to the suggestion made by the Prime Minister, the Deputy Speaker observed:

"I believe it is the general desire of the House that the House should stand adjourned and not do any other business as a mark of respect for the demise of Dr. Syama Prasad Mookerjee."

The House accordingly adjourned till the following day without transacting any business.

\* \* \* \*

## OBITUARY REFERENCE

**Obituary Reference made in the House on the Death of a Prominent Person who was neither a sitting Member nor an ex-Member.**

Normally it is not the convention in the House to make obituary references to the passing away of persons who are not either sitting members or ex-members, except in the case of outstanding and leading personages.

On the 30th November, 1953, the Prime Minister, with the leave of the Speaker, made a reference to the passing away of Shri B. N. Rau, Judge of the International Court of Justice, The Hague, who had never been a member of the House. Associating himself with the reference made by the Prime Minister, the Speaker observed:

"Although as stated by the hon. the Leader of the House, it is not the practice in this House to make references to the passing away of non-members, either of this Parliament or its predecessors when the hon. the Leader of the House asked me as to whether I could permit him to make a reference, I instinctively felt that I must, because the case here is quite exceptional. Apart from the unique personality of Mr. B. N. Rau and his eminent services to the country, what weighed most with me was that he was, as it were, interwoven in our present Parliamentary life. He worked for it during the last few years of his life, and we all know what a valuable document in the form of the Constitution we have got. He was also the architect of the Hindu Law Reform Bills. Thus his association with Parliament or the Legislature was so extensive and so wide that it is only technically that he was not a Member of Parliament. Apart from that, of course, he was an eminent Indian and it is but proper that we all

should gratefully remember him and express our sorrow at his sad demise at a comparatively (as the Leader of the House said), young age. We may send our condolences to his family in their sad bereavement. I entirely associate myself with all that the Leader of the House has said."

The House stood in silence for a minute as a mark of respect to the deceased.

\* \* \* \*

#### JOINT COMMITTEE ON BILL

**The House while agreeing to join the Joint Committee on a Bill proposed by the other House is not committed to the Principle of the Bill.**

The Council of States passed a motion for referring the Special Marriage Bill to a Joint Committee of the Houses of Parliament and recommending to the House of the People to agree to join the Committee. On the 17th December, 1953, while the House of the People was considering the motion for agreeing to join the Committee, a question arose as to whether, by agreeing to the motion, the House would be committing itself to the principle underlying the Bill. The Deputy Speaker thereupon observed:

"There is no commitment of this House. This resolution is asking this House to send some members to associate with the deliberations of the Select Committee. But that does not involve any commitment of this House so far as the principle of the Bill is concerned. This House is not committed to the principle of the Bill. It is open to it to reconsider the question of the principle of the Bill when the motion for consideration of the Bill as passed by the other House comes up. It can throw out the motion and say

that the House is not agreeable to the principles of the Bill or to its being enacted into law."

\* \* \* \*

#### GOVERNMENT AMENDMENT RULED OUT OF ORDER

**Government amendment ruled out of order as it sought to insert new provisions which are contrary to the provisions of clauses of the same Bill already adopted.**

On the 9th September, 1953, when the clause by clause consideration of the Estate Duty Bill was in progress, Government proposed an amendment for the insertion of a new clause 37A. The amendment was opposed by a member on the ground that the new clause 37A offended against Rule 117(1) of the Rules under which an amendment should not be inconsistent with any previous decision of the House. His contention was that the new clause sought to levy duty on the estate of living persons which was contrary to clauses 5 and 7 of the Bill already adopted according to which the duty would be levied on the estate of a deceased person only.

Upholding the objection, the Deputy Speaker ruled:

".....Objections have been raised against the inclusion of this new clause on the ground among others, that sub-clauses (2) and (4) relate to joint families either Mitakshara or Marumakkattayam and that these two sub-clauses are opposed to the very object and scope of the Bill.....These two amendments according to me will impose a duty upon the property of a living person....."

".....If the amendments are accepted, it will mean that property

which never belonged to the deceased at any time but belonged only to the sons will be taxed.....

.....Under these circumstances, I hold that both sub-clauses (2) and (4) are beyond the scope of the Bill and no amount of arguments will set it right."

\* \* \* \*

#### ADMISSION OF QUESTIONS, RESOLUTIONS, ETC.

#### Admission or Disallowance of notices of Questions, Resolutions, Amendments, etc. by Speaker on ground of wider national interest.

While admitting notices of questions, amendments, resolutions, etc. the Speaker does not judge whether the disclosure of information asked for or discussion in the House is in the public interest or not. It is for the Government who is responsible for conducting the executive branch of the State to weigh all information in its possession and to determine whether at a particular time, disclosure of any matter, either in reply to a question or in answer to a debate or resolution, is in the public interest or not. The Speaker also does not compel the Government to give any information, if in its judgment, it does not think that it is proper or desirable for it to do so. The Speaker is not concerned with what line the Government is ultimately likely to take, because it is for the House to determine whether the Government is right or wrong in withholding any information from the House. The Government is responsible to the House, and is, therefore, accountable to the House for its actions.

The Speaker, however, as the guardian and custodian of the privileges of the House and representing

the symbol of its sovereignty has to judge for himself whether a matter to be raised in the House is in the wider national interest or not. It is a duty cast upon him to see irrespective of the attitude of Government or the Opposition or any member of the House, what should be allowed to be brought before the House in the shape of a question, resolution, motion, amendment, Bill, etc. If he comes to the conclusion that a particular matter should not be raised in the House irrespective of the fact whether Government are willing to give the information, he nevertheless disallows it. If on the other hand, he feels that a particular matter should be allowed to be raised in the House in the wider national interest, he overrules representation or objection of the Government and admits the notice. Such matters arise rarely; but when they do, the Speaker examines the *pros and cons* of the proposition and gives a decision. The following illustration may be cited:

Certain Questions of the Ministries of External Affairs and Defence were disallowed by the Speaker of the Lok Sabha on the ground that it was not in the wider national interest to admit them.

\* \* \* \*

#### Questions: Bracketing of Names

During the Fifth Session, 1953, a new procedure of bracketing names of Members (who gave notices of similar questions on the same subject) to questions already admitted was introduced. This enabled the Members whose names were bracketed to have priority over the other Members in asking supplementary questions.

\* \* \* \*

### **Questions of Public Importance**

A new rule has been introduced as Rule 70(3) of the Rules of Procedure of the House. According to this if a Minister is unable to answer a question of sufficient public importance at short notice, the Speaker can direct the same to be placed as the first question on the list of questions for the day on which it would be due for answer. Not more than one such question shall be accorded first priority on the list of questions for any one day.

### **Question List**

An important change effected in the procedure is to print questions in the name of each Member in the list of questions for oral answers every day in three rounds or less according to the number of questions admitted in his name. Thus all Members who have questions in the list on any day will have one question each entered in the first round and after completing all the Members in the list, their second and third questions, if any, shall be appropriately placed in the second and third rounds, respectively. The priority of questions *inter se* in each round will be determined according to the time and date of receipt of the corresponding notices.

\* \* \* \*

### **Questions: Observations by the Chair**

On the 25th February, 1953 when a Member enquired whether advance copies of answers could be sent to Members, the Deputy Speaker observed that the importance of the Question Hour would disappear if it was so done.

On the 20th March, 1953 when a Member tried to elicit information by way of a supplementary question regarding the contents of a Bill, this was not permitted.

On the 17th April, 1954 when an attempt was made to ask questions relating to the work of the Estimates Committee, the Speaker observed that questions relating to matters within the purview of the Committee of the House should not be asked on the floor of the House.

\* \* \* \*

### **Committees on Bills: Directives of the Speaker**

The Speaker has issued the following directives to the Chairmen of Select Committees on Bills:

(a) Along with the Report of the Select Committee the following documents will also be presented to the House:

(1) The Minutes of the various meetings of the Select Committee;

(2) Government amendments, if any; and

(3) other important papers, if any, made available to the Members of the Select Committee and approved by the Chairman of the Committee for presentation to the House.

(b) As soon as the Report of a Select Committee is presented to the House the Report together with the following papers will be printed and circulated to the Members of the House:

(1) Notes and Minutes of Dissent, if any;

(2) the Bill as reported by the Select Committee;

(3) the minutes of the various meetings of the Select Committee;

## Procedural Matters

(4) Government amendments, if any; and

(5) other important papers, if any, made available to members of the Select Committee.

The papers mentioned against items Nos. (3) to (5) may, where necessary, be printed separately.

### Minute of Dissent

In connection with the Report of the Select Committee on the Representation of the People (Amendment) Bill, 1953, a Member of the Committee desired to submit his Minute of Dissent after the Report had been presented to the House. The request of the member was not acceded to in accordance with the past practice which is based on the following decision given by the late Sir Shanmukham Chetty, President of the Legislative Assembly:

“The final form of the report of a Select Committee is as it is presented to the House. No additions or alterations can be made to the report after it has once been presented. . . . . All supplementary notes and minute of dissent, which are to form part of the report, must be handed in before the report is presented to the House.”

### FINANCIAL COMMITTEES OF PARLIAMENT

#### Implementation of the Recommendations by the Executive Government

The Public Accounts Committee in their Fourth Report on the ‘Import and Sale of Japanese Cloth’ recommended that a judicial enquiry should be held to fix the responsibility for handling this transaction which had resulted in a loss of Rs. 55 lakhs to Government, including the delay in the disposal of cloth and that thereafter, action should be taken

against the Officers who had failed to safeguard the interests of the Public Exchequer. On the 11th August, 1953, the Minister for Commerce and Industry laid on the Table of the House a statement in connection with this matter. It was stated therein that Government had decided “that there was no need for a judicial enquiry into the transaction, as they were fully convinced that such an enquiry was not likely to bring out any fresh facts.” At their meeting held on the 27th August, 1953, the Committee considered the various implications arising from the departure made by the Minister for Commerce and Industry from the well-established procedure in not having given an opportunity to the Committee to consider the above statement and to give their opinion thereon before it was laid on the Table of the House. The Committee recommended that the procedure laid down in Para. 4 of the late Finance Department Resolution No. D/1200-B, dated the 13th June, 1930 for dealing with the recommendations of the Public Accounts Committee as set forth in their Reports should continue to be followed by the Government.

The Committee also sought the guidance of the Speaker in the matter who directed that a Circular should be sent to all the Ministries of the Government of India laying down that in cases where Government were not in a position to implement a recommendation made by a Financial Committee of Parliament, viz., the Public Accounts Committee or the Estimates Committee and Government had reasons to disagree with the recommendations of the Committee, the Ministry concerned



should in consonance with the well-established procedure place their views before the Committee who may, if they think fit, present a further report to the House after considering the views of Government in the matter.

\* \* \* \*

**Evidence tendered at the Meetings of the Public Accounts Committee: Question of supply of Extract therefrom to Committees appointed by the Executive Government before its presentation to the House.**

In the course of the examination by the Public Accounts Committee of the Railway Audit Report, a suggestion was made by a member that a copy of the *verbatim* record of discussion that took place on certain corruption cases in Indian Railways should be forwarded to the Railway Corruption Enquiry Committee appointed by the Railway Board for investigation. The Committee referred the matter to the Speaker for his direction. The Speaker made the following observation:

"It would perhaps be inconsistent not only with the dignity, but with the purpose for which Parliamentary Committees are set up, that Parliamentary Committees should seek the removal of grievances or irregularities through negotiations with Committees set up by the Executive Government for certain limited purposes of administration.

A Parliamentary Committee has a much superior status and we have to establish a convention for the maintenance of that status. If, therefore, the Public Accounts Committee feels that some particular steps should be taken, it is better that it makes a recommendation in the Report which the Executive is bound to consider and it will be for the Executive then to refer the matter, if they like, to the Railway Corruption Committee.

There has been a convention not to disclose the deliberations or discussions or evidence before the Parliamentary Committees to any outsider. This is necessary to ensure a full and free discussion in the Committees. The Members taking part in the discussions in the Committees ought not to feel any embarrassment that their statements will be communicated to others. The communication may also open up the possibilities of influence being exercised on Members in respect of the views expressed.

For these reasons, I am unable to comply with the request."

\* \* \* \*

**Evidence given before the Public Accounts Committee or its Sub-Committee: Question of supply of *verbatim* record to the Executive Government.**

Rule 374(2) of the Rules of Procedure and Conduct of Business in the Lok Sabha provides that no part of the evidence, oral or written, report or proceedings of the Committee which has not been laid on the Table shall be open to inspection by any one except under the authority of the Speaker. A reference was made to the Lok Sabha Secretariat by the Ministry of Irrigation and Power for the supply of the *verbatim* record of evidence tendered before the Hirakud Sub-Committee of the Public Accounts Committee. Since the proceedings of the Hirakud Sub-Committee were not printed and presented to the House, the matter was placed before the Speaker who issued the following directives:

"(1) The relevant proceedings of the Sub-Committee might be supplied

## Procedural Matters

to the Minister on the following conditions:

(a) that the proceedings are treated as secret and no part thereof is divulged or quoted in any correspondence or otherwise;

(b) that no one except the Minister peruses the proceedings.

(2) Before furnishing the proceedings of the particular meeting of the Committee/Sub-Committee, it should be verified as to what particular portions the Minister desires to see and then it should be examined whether the Report of the Committee/Sub-Committee was based on those proceedings and if it is found that the Report was based on the proceedings in question, then only the relevant proceedings should be given to the Minister. Otherwise, the proceedings need not be furnished."

\* \* \* \*

### **Ministers not to be called before the Financial Committees of Parliament**

In pursuance of the provisions of sub-rule 11(a) of Rule 238 of the Rules of Procedure, the Speaker directed that a Minister should not be called before the Public Accounts Committee either to give evidence or for consultation in connection with the examination of Accounts relating to his Ministry by the Committee. The Chairman of the Committee might, however, when considered necessary, have an informal talk with the Minister concerned in order to apprise him of:

(1) any matters of policy laid down by a Ministry with which the Committee did not fully agree; and

(2) any matters of a secret and confidential nature which the Committee would not like to bring on record in their report.

But this shall only be done after the Committee have concluded their deliberations.

A similar directive was issued by the Speaker under Sub-rule 13(a) of Rule 239 of the Rules of Procedure with regard to the Estimates Committee.

\* \* \* \*

### **Appointment by Government of a Committee to consider matters under investigation by a Parliamentary Committee.**

The Estimates Committee (1952-53) which examined the estimates relating to the Ministry of Food and Agriculture had appointed a Sub-Committee to examine *inter alia* the working of the Central Tractor Organisation. While the subject matter was still under consideration of the Estimates Committee, Government appointed a Committee consisting of three Members of Parliament under the Chairmanship of Shri B. H. Zaidi, M.P. to examine certain aspects of the Land Reclamation Project. The appointment of such a Committee was criticised by some Members on the floor of the House on the 20th August, 1953.

As the setting up by Government of a parallel Committee consisting of some Members of Parliament was likely to create complications, the case was placed before the Speaker who directed that a Circular should be issued to all Ministries stating that before appointing any Committee consisting wholly or partly of Members of the Lok Sabha, the Ministry concerned might make a reference to the Lok Sabha Secretariat to ascertain whether a Parliamentary Committee was already engaged on any of the matters on which Government proposed to appoint a Committee.

The Estimates Committee at their meeting held on the 21st April, 1954 also considered this matter and recorded the following conclusions:

(1) The Committee had no objection to Government appointing departmental Committees consisting of officials of Government for consideration of any matters which were concurrently under the examination of the Estimates Committee but the reports of such Committees should not be published without the concurrence of the Estimates Committee;

(2) the matters which are referred to such departmental Committee should normally relate to technical subjects where expert advice is necessary. Reference of matters of a general nature should be avoided;

(3) whenever Government propose to appoint a Committee consisting wholly or partly of non-officials including Members of Parliament to examine matters which are at the same time under the examination of the Estimates Committee they should invariably consult the Chairman of the Estimates Committee in advance before constituting such a Committee. It will be open to the Estimates Committee either to refuse permission for the appointment of such a Committee and examine these matters themselves or authorise Government to proceed with the constitution of the Committee as they deem fit. In cases of doubt, however, in any particular matter the guidance of the Speaker should be sought.

\* \* \* \*

**Disclosure of certain Information to the Press regarding matters under consideration of the Estimates Committee.**

As a sequence to the disclosure of certain suggestions made by a Sub-Committee of the Estimates Committee through a statement made by its Chairman, the Chairman,

Estimates Committee gave the following ruling at the meeting of the Committee held on the 15th July, 1953:

(1) Members of the Committee shall not divulge to the Press or the public the proceedings of the Committee.

(2) Members shall not, either in their capacity as Members or individuals, disclose any information that they might have obtained as Members, any points of dispute that might have arisen or any discussion as to what is going to be the recommendation of the Committee.

(3) Any useful information regarding the working of the Committee or their Sub-Committees shall be given to the Press by the Chairman.

\* \* \* \*

**Members of Estimates Committee not to appear as witnesses before any Committee, Commission, etc. formally or informally.**

The Estimates Committee, at their meeting held on the 21st April, 1954, adopted the following Resolution:

"This Committee resolve that no Member of the Committee should appear as a witness before any Committee, Commission, etc. formally or informally in regard to a matter which is under examination of the Estimates Committee."

\* \* \* \*

**Raising in the House of matters under consideration by the Estimates Committee.**

At the meeting of the Estimates Committee held on the 21st April, 1954, a question was raised as to whether Members of the Estimates Committee could ask questions, supplementaries, etc. in the House on matters which were under consideration of the Committee.

## Procedural Matters

The Committee observed that the Members of the Committee should, as far as possible, avoid asking questions, etc. in the House regarding matters which were under consideration of the Committee at one time or the other.

\* \* \* \*

### **Reports of the Estimates Committee: Consideration of Comments furnished by Ministries:**

In accordance with Rule 21 of the internal Rules of Procedure of the Estimates Committee, the reports of the Estimates Committee are forwarded to the Ministries concerned for factual verification prior to their presentation to the House. At the meeting of the Estimates Committee held on the 10th November, 1953, a question was raised whether it was proper for a Ministry to furnish comments on recommendations when they were called upon to point out factual errors only. The Committee recorded the following conclusions:

(1) While forwarding the reports, the Ministry concerned should be asked to point out only factual inaccuracies. It is, however, not necessary to write to the Ministry that comments on recommendations are not required. If any comments are voluntarily offered by the Ministry they will be placed before the Chairman;

(2) The Ministry may point out factual inaccuracies, submit fresh facts not brought to the notice of the Committee before;

(3) All corrections of a formal nature which are necessary will be corrected under the orders of the Chairman;

(4) The Chairman will in his discretion place before the Committee all

additional facts furnished by the Ministry or facts which are likely to alter decisions.

\* \* \* \*

### **Utilisation of the services of an official of a Ministry the estimates of which are under consideration of the Esti- mates Committee or its Sub- Committee.**

At the meeting of the Estimates Committee held on the 15th July, 1953, the Chairman pointed out that the practice of utilising the services of an official of the Ministry the estimates of which were under consideration of the Committee or a Sub-Committee was not a desirable one. He, therefore, directed that whenever the Committee or a Sub-Committee required the services of a Stenographer during their visits to the various Offices and Institutions, the Lok Sabha Secretariat would, as far as possible, make arrangements for providing a Stenographer from their staff.

\* \* \* \*

### **Admittance of Members of Estimates Committee of State Legislatures at the Meetings of the Estimates Committee.**

At the meeting of the Estimates Committee held on the 15th July, 1953, the Committee decided to grant permission to the Members of the Estimates Committee of the Legislative Assemblies of Assam and Rajasthan to watch the proceedings of the Committee. The Speaker and Members of the Estimates Committee of the Assam Legislative Assembly attended the sittings of the Estimates Committee held on the 22nd, 23rd and 25th July, 1953.

## CONFERENCE OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA

Gwalior

(October 24-26, 1953)

**T**HE Conference of Presiding Officers of Legislative Bodies in India was held at Gwalior from the 24th to 26th October, 1953 under the Chairmanship of Shri G. V. Mavalankar, Speaker of the Lok Sabha. The Conference had a special importance inasmuch as it was the first meeting after the general elections of 1952.

The Conference discussed various matters covering Legislatures and their Secretariats and adopted the following Resolutions:

(1) This Conference of the Presiding Officers of Legislative Bodies in India is of opinion that the various Legislature Secretariats should be placed on an independent footing and free from the control of the Executive Government, and that necessary steps be taken by the Chairman of the Conference for the achievement of this objective.

(2) In the opinion of this Conference, it is necessary to have a glossary of administrative, constitutional, parliamentary and legal terms in Hindi as early as possible with words common to as many languages as possible and so framed that the words will be easily understandable to the people in general, and that the Education Ministry be requested, as they are compiling such a glossary, to take this into consideration and proceed with the work with expedition and publish the glossary. The Conference further recommends that the words selected may be sent to the various heads of Legislatures and their suggestions in respect of them be invited.

(3) That this Conference is of opinion that it is desirable in the interests of the development of free democratic institutions in this country that a convention should be established to the effect that the seat from which the Speaker or the Chairman stands for re-election should not be contested in the elections that are held from time to time, and steps for making a beginning in that direction may be pressed upon the Government by the Chairman in the light of discussions held in this Conference.

The Conference agreed to the proposal to organise an Inter-Legislature Association which was intended to facilitate informal exchange of views between members of the various Legislatures on questions of all-India importance which come up before the Legislatures.

The following conclusions were also reached:—

(1) When the Governor or Rajpramukh addresses the Members, it does not constitute a meeting of the Legislature and, as such, a member who has not taken oath, can attend such a meeting.

(2) Legislature Secretariats of Part C States should be, as far as possible, on the same level as those of Parts A and B States.

(3) It is desirable that State Legislatures should, before addressing the foreign Parliaments, make a reference to the Lok Sabha Secretariat for any information relating to Parliamentary practice and procedure. In case the information is not available in India, it may be obtained from a foreign Parliament.

## Conference of Presiding Officers

The Conference also discussed the following points on which either no conclusion could be arrived at or decision was postponed till a later date.

(1) Formation and functions of Financial Committees.

(2) Competence of State Legislatures to take contempt proceedings against persons resident outside the State territories, under powers conferred by Article 194(3) of the Constitution.

(3) Position of the Presiding Officer or Officers of the State Legislature in the event of the suspension of the State Legislature.

(4) Desirability of introducing the system of Mace as a symbol of authority in the State Legislature.

(5) Absence of the Presiding Officers of the Bihar Legislature.

(6) Status, rank and emoluments of the Deputy Speaker and the Deputy Chairman of the State Legislatures.

(7) Propriety of selection of a Minister who is not a member of the House as the Leader of the House.

(8) Creation of an All-India Service for Secretaries, etc., of the Legislative Bodies in India.

The Conference accepted the invitation from the Speaker of the Jammu and Kashmir Assembly for holding its next session in Srinagar.

\* \* \* \*

### Srinagar

(June 14-16, 1954)

The next Conference of Presiding Officers of Legislative Bodies in India was held at Srinagar on the 14th, 15th and 16th June, 1954.

Sixty-two Speakers and Deputy Speakers of the Assemblies and Chairmen and Deputy Chairmen of the Councils accompanied by twenty-nine Secretaries attended the Conference,

which was presided over by Shri G. V. Mavalankar, Speaker of the Lok Sabha. The Conference opened with the welcome speech of the Speaker, Jammu and Kashmir Constituent Assembly (Legislative). Thereafter, the Chairman delivered his address.

Before taking up the agenda, the Conference passed a condolence resolution on the death of Dr. Satya Pal and Shri H. Siddaiya, late Speakers of Punjab and Mysore Assemblies respectively.

There were 14 points on the Agenda of the Conference, which were discussed during the three days that the Conference met. Apart from these, the Conference also discussed and adopted a resolution regarding uniformity of rules relating to Parliamentary Committees in all State Legislatures.

A resume of the discussion on some of the important points is given below:

(1) *Governor's Address*.—The Conference discussed as to how the situations arising out of walk-outs in State Legislatures and Parliament during Address of Governors and the President should be tackled. The Conference was divided on this question.

One section thought that there should be a set of rules, or the Constitution should be amended, to provide some sort of penalty for those who created such scenes. The other section was of the opinion that it was not a question to be provided for by rules, and that it should be left to the good sense of members to develop healthy conventions for holding in esteem the Constitution and the symbols of authority created by the Constitution.

(2) *Privileges.*—The Conference discussed whether a Minister who was a member of the Legislative Assembly was liable to disciplinary action by the Legislative Council for any breach of privilege committed by him, and whether the Privileges Committee of the Council was competent to recommend any disciplinary action in such a case. The Conference was of the view that while a Minister could address, or take part otherwise in the proceedings of the House of which he was not a member, he could not exercise any voting powers in that House. Under the Constitution he had certain privileges and therefore certain obligations.

As the matter had already come up recently in Shri N. C. Chatterjee's case, the Conference decided to wait for the report\* of the Committee of both the Houses of Parliament, and to consider this question at the next Conference.

(3) *Immunity from Arrest.*—The Conference discussed whether a member of a Legislature was immune from arrest under the Preventive Detention Act within the precincts of the House (i) while the House was sitting, (ii) while the House was not actually sitting but the Legislature was in session, and (iii) while the House was not in session. The consensus of opinion of the Conference was that no member could be arrested within the precincts of the House under the Preventive Detention Act or under any law. As to what constitutes the precincts of the House

was a matter which each individual Speaker should decide for himself.

(4) *Leader of the Opposition.*—The Conference was unanimous in its agreement with the following principles laid down by the Speaker of the Lok Sabha, regarding recognition of Parties or Groups in the House, namely—

(i) that a party should have a distinct ideology and programme of its own on the political, economic or social side; and

(ii) that it should have a party organisation not only inside the House but also outside which is in touch with the public opinion on all important issues before the country.

(5) *Inter-Legislature Association.*—The Conference noted the progress made in the formation of the Inter-Legislature Association since the last Conference and desired that further progress should be reported to the next Conference.

(6) *Indian Parliamentary Service.*—The Conference left the consideration of the question regarding creation of an Indian Parliamentary Service to the Secretaries' Conference which should report to the Presiding Officers Conference their conclusion for further consideration.

(7) *Resolution re. Uniformity of Rules of Procedure in State Legislatures.*—The Conference also adopted the following resolution regarding uniformity of Rules of Procedure in State Legislatures:—

"This Conference is of the opinion that the rules of procedure of all

\*The Report of the Joint Sitting of the Committees of Privileges of the Lok Sabha and Rajya Sabha was presented to the two Houses on the 23rd August 1954. The recommendations contained in the Report were approved by the Lok Sabha on the 2nd December, 1954 and by the Rajya Sabha on the 6th December, 1954. For details of the recommendations see Section : "Committees at Work".

### *Conference of Presiding Officers*

Parliamentary Committees in the various States should be on the same lines as those in force in Parliament, and this Conference requests the Chairman to take up the matter with all the State Legislatures."

The Conference accepted the invitation extended by the Speaker of Saurashtra and decided that the next Conference should be held in Saurashtra sometime in January, 1955.



# CONFERENCE OF SECRETARIES OF LEGISLATIVE BODIES IN INDIA

## Gwalior

(October 23, 1953)

**T**HE first Conference of Secretaries of Legislative Bodies in India was held at Gwalior on the 23rd October, 1953 under the Chairmanship of Shri M. N. Kaul, Secretary of the Lok Sabha. This was in response to a resolution passed unanimously in the Conference of the Presiding Officers held in 1950, "with a view

(1) to discuss administrative, procedural and other matters at Secretary-level;

(2) to bring about uniformity of organisation in Legislature Secretariats throughout India;

(3) to consider and to report on any matters referred to by the Conference of the Presiding Officers; and

(4) to recommend to the Conference of the Presiding Officers any points which require their consideration."

In his inaugural address Shri Kaul said:

"This is the first time since the establishment of Parliamentary system and institutions in our country that we have met in a more or less formal manner to discuss our common problems and to find solution to them in a co-operative effort.....

Our work is of a continuous creative activity. Experiments in parliamentary procedure and practice are of such wide scope that one cannot rest content with what has so far been established, but must always be on the look-out for new avenues and new ideas to fit them in the pattern of

democracy as it develops from day to day. Procedure like everything else is a changing phenomenon and those who are concerned with it directly or indirectly have to develop the art of application of new ideas to the existing circumstances. We all know how things which may be good for one country may not be in keeping with the set-up of society, tradition and thought of another country. We have therefore to be very careful to see that nothing which will not fit in the structure of our procedure is borrowed from another country simply because it has worked well in that country.

It is often said that our parliamentary procedure is based on the British system. As a general proposition the statement is correct. But when we come to its detailed working we find important differences between the two systems. It is not my purpose here to go into the details and the directions in which the two systems differ. Suffice it to say that whereas the main principles are more or less similar there is quite a good deal of difference in details.

Parliamentary procedure indeed occupies a very high place in the modern system of Government. We are bound by our Constitution and that Constitution can best work only if its parliamentary system is based on sound lines. One of the details is that respect for the parliamentary institutions must increase day by day and that Parliament must feel its authority over the affairs of the country; not only the parliamentary system should be sound in theory, but the people who are the true masters of this country, should be satisfied that Parliament and the Legislatures work in the most democratic manner. We, as Secretaries of the various Legislatures, are therefore to fulfil a task which is both exacting and important.

India is a vast country and I conceive all the Legislatures in the various States and Parliament as one grand Parliament of this country. The mere fact that it is split up in the various States is only for administrative and organisational convenience. If this country is to be great, we have to see that each part of this grand Parliament functions effectively. We have to see that there is uniformity of procedure, organisation and administration of these various parts of this grand Parliament. Broadly speaking there should be a common pattern which should apply throughout these various Legislatures. This is in the fitness of things because their objective is the same, namely, to raise the standards in all spheres of human activity to the highest degree of achievement.

As Secretaries of the various Legislatures we have thus to conceive ourselves as belonging to a single family, the servants of this grand Parliament. We have to feel ourselves closer to each other and to derive strength and sustenance from each other. Each of us should feel that he has a body of able and sympathetic corps of brother officials by his side. We have to develop a great *esprit de corps* among ourselves so that the common purpose is achieved."

It was suggested at the Conference that because of lack of facilities available for training personnel to man the Legislative Secretariat, the Indian Universities should provide a course of studies in Parliamentary Procedure.

\* \* \*

## Srinagar

(June 21, 1954)

The Conference of Secretaries of Legislative Bodies in India met again at Srinagar on the 21st June, 1954. Twenty-six Secretaries and other officers were present. The Conference opened with the address of the Chairman, Shri M. N. Kaul, Secretary of the Lok Sabha.

The Conference considered the question of the creation of an Indian Parliamentary Service and appointed a Sub-Committee to consider, frame rules and report on the matters to the Chairman of the Conference. The Sub-Committee consists of Secretaries of the Legislative Assemblies of Madras, Uttar Pradesh, Orissa and the Punjab; the Secretaries of the West Bengal and Bombay Legislatures and of the Jammu and Kashmir Constituent Assembly and Joint Secretary of the Lok Sabha as Member-Secretary of the Sub-Committee. Shri A. R. Mukherjee, Secretary of the West Bengal Legislature, was appointed Convener of the Sub-Committee.

The Conference agreed that a Journal of Parliamentary Information, the work on which had already been undertaken by the Lok Sabha Secretariat, should be brought out at an early date.

The Conference was also of opinion that the Secretaries should meet more frequently.

## BOOK REVIEWS

**Government and Parliament: A Survey from the Inside** by Herbert Morrison (Published by Oxford University Press, Price 21s. net).

**M**R. Herbert Morrison needs no introduction to students of Parliamentary Government. An accomplished Parliamentarian of Great Britain and an actual participant (as a member and a Cabinet Minister) in the deliberations of the House of Commons, Mr. Morrison has known intimately the 'inside of the Parliament' and is competent to write about the relationship between the Parliament and Government. His book entitled "Government and Parliament: A Survey from the Inside" is studded with glimpses of his personal experience. Mr. Morrison says many a time he had to work till early hours of the morning and had to get up again at 8 A.M. Fifteen hours a day was usual.

The book contains several subtle passages concerned particularly with the elucidation of the Parliamentary imponderables. Mr. Morrison has developed the theory of Peers for life. He has favoured a total reorientation of Parliamentary procedure on the pattern of the one adopted in local governments. He shows himself a strong advocate of the British Party System, as opposed to the Swiss democracy run by experts in perpetual coalition with the populace. Other subjects dealt with relate to the relation between the Government and the Opposition and between the Government and the

back-benchers, the work of Parliamentary Secretaries and Cabinet Committees.

The book is a valuable addition to the existing literature on Parliamentary system of Government.

\* \* \* \*

**Some Characteristics of the Indian Constitution** by Sir Ivor Jennings (Oxford University Press, 1953, pp. 86, Rs. 4-4).

This publication contains the text of three lectures delivered by Sir Ivor Jennings in March 1952 under the auspices of the Madras University. In these lectures, the author examines some of the "peculiarities" of the Indian Constitution, which he found "most interesting" and "most susceptible of criticism". According to him, the first defect of the Constitution is its rigidity due to its undue length and difficulty of amendment. The federal feature of the Constitution and the inclusion of the State Constitutions in the text have also made it exceedingly complicated and rigid. But it must be remembered that all federal constitutions are rigid to some extent or other, and that of all the federal constitutions in force to-day, the Indian Constitution is the least rigid. It is also well to compare, in this connection, the view of Prof. K. C. Wheare in his *Modern Constitution* that "the Constitution of India strikes a good balance" in the procedure for its amendment and

that "this variety in the amending process is wise, but it is rarely found". As regards its federal nature, it must be borne in mind that the various parts of India, with their diverse interests and different stages of development, can only start as a federation, and that even then the Constituent Assembly has created a very strong union and insisted that "the national interests ought to be paramount".

Secondly, Sir Ivor does not like the inclusion of the Fundamental Rights or the Directive Principles of State Policy in the Constitution. He feels that these rights or liberties should be taken to be inherent in the people and should not be embodied in the Constitution. But he forgets that the historical and political background in India is different from that in Britain, where the people had to wage a continuous struggle with the Sovereign to secure these rights and that, even in that country, some of these rights have been enshrined in enactments like the Petition of Right and the Bill of Rights, which have as much practical force and validity as a constitution. As regards the Directive Principles of State Policy, Sir Ivor contends that the socio-economic conditions of the world may change in the future, particularly with the coming in of the atomic age, when many of the Fabian Socialist ideas incorporated in the directive principles may be found to be outmoded. But this can hardly serve as sufficient reason for not embodying in the Constitution certain broad principles of human equity and justice which have been evolved after centuries of political and social development, for the guid-

ance of the Government, at least for the present and the immediate future.

The author has, however, a word of praise for the Constitution for having specified the subjects under the Union, the State and the Concurrent Lists "in considerable detail". But even here, he feels that "much State legislation may be nullified by non-observance, due to the frequent challenges to its validity", and that the Constitution should have defined only the State List subjects, leaving all the rest as residue to the Union. But this is necessitated by the Indian conditions and background.

Some of his points about the undue length of the Constitution, the complicating features of federalism and the defects in drafting the fundamental rights are noteworthy, but the author's natural bias for English political institutions and traditions is apparent.

■ \* \* \*

**European Parliamentary Procedure: A Comparative Handbook** by Lord Campion and D. S. Lidderdale (Published for the Inter-Parliamentary Union by George Allen and Unwin Ltd., London, 1953, 30s.).

This handbook, admirably prepared, describes briefly the systems of Parliamentary procedure in certain Western European countries which are represented in the Inter-Parliamentary Union. The countries selected are Belgium, Denmark, Finland, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom. Egypt of the pre-Naguib days, whose parliamentary system is of the West

European type, is also included. All these countries have a system of responsible Cabinet government which shows that the authors have purposely excluded those which follow the American Presidential system.

The body of the book consists of a series of chapters on the procedure of each of the Parliaments mentioned, arranged in alphabetical order of States. The material in each of these 'national' accounts follows a uniform order of subjects so as to assist rapid consultation and facilitate comparison between one chapter and another. To these accounts is prefixed an introductory chapter in which the salient points of resemblance and contrast (arranged in the same order of subjects as is followed in the 'national' accounts) are brought together and explained by reference to constitutional and other basic causes. All these chapters describe briefly, but adequately, the position and privileges of members of Parliament, the basic organisation of the Chambers, the organisation of time and business, the regulation of debate, the legislative process, Committees, financial procedure and the control of administration. In the end, are three useful tables, one giving relevant constitutional data on such matters as electoral procedure, relation of the government to the legislature and the method of dissolution, and the other two on the dates and hours of sitting and committees respectively. The addition of a select bibliography at the end would have enhanced the value of the publication a little more.

The book really satisfies a long-felt need and will be found useful

and interesting not only by parliamentarians but also by all students of parliamentary institutions. It may be hoped that the learned authors would follow up this book with similar publications, one for the Commonwealth countries and another for those following the American model.

\* \* \* \*

**The Origins of the Labour Party, 1880—1900** by Henry Pelling. (Published by Macmillan & Co. Ltd., London, 1954, 21s.).

This is a factual story of the British Labour Party during the crucial period of its history—the last two decades of the nineteenth century. The author has traced the origins of the Party from the formation of the Social Democratic Federation and other Socialist Leagues headed by Hyndman, Morris and others, and has given a detailed account of the early struggles and activities of these pioneer leaders, as gleaned from contemporary records and other sources. He has also included in the narration the many important external factors which had a direct and indirect part in the creation of the Labour Party. Thus, the initial support which the Party received from the Liberals, the early stages when it had to work as a Parliamentary group within the Liberal Party, the influence of the Irish Nationalists and the effect of the economic changes in the United States are all described fully. Special attention has been paid to the religious associations of the Labour Movement and the numerous Labour Churches founded during that period.

### *Book Reviews*

The author has done adequate justice to all the personalities who worked to build up the Labour Movement, and particularly to Keir Hardie, who first created the Independent Labour Party and also gave the Labour Movement its dual character, that is, of working for the practical improvement of the day-to-day conditions of Labour and of achieving the Socialist Utopia. He has also given a very readable account of Blatchford, the Socialist propagandist who provided the new Party with members, of Champion, Morris, Hynd-

man and a host of others. There is, besides, a good deal of information on the social, religious and economic environment of Socialist and Working-class politics during that period.

On the whole, the story has been told in vivid detail, and the author has rendered a striking service to the Labour Movement as well as to history, by his book on one of the principal political parties of England, whose origins have already begun to be forgotten as a thing of the past.

APPENDIX I

Statement showing the activities of the State Legislatures\* in India during the period 1st July, 1953 to 30th June, 1954

Name of Legislature	Sessions	Legislation				Questions				Short Notice	Committees		Points of Interest
		No. of Bills passed	Starred	Unstarred	Government Notices Admitted	Starred	Unstarred	Name	No. of Members				
	(during the period 1-7-53 to 30-6-54)												
		1-7-53 to 30-6-54	Government Members	Private Notices Admitted	Government Notices Admitted	Noticed	Noticed	Noticed	Noticed	Admitted			
I	2	3	4	5	6	7	8	9	10	11	12	13	
Ajmer Legislative Assembly.	1. From 28-9-53 to 10-10-53 2. From 2-11-53 to 9-11-53 3. From 15-3-54 to 12-4-54	5	79	63	4	3	3	3	3	1. Committee on Estimates 2. Committee of Privileges 3. Committee on Public Accounts. 4. Committee on Petitions	9	6	6
Andhra Legislative Assembly.	1. From 23-11-53 to 14-6-54 (four sittings comprising 56 days)	17	2213	1673	124	88	75	28	1. Privileges Committee 2. House Committee 3. Public Accounts Committee.	15 13 14			The report of the Andhra Prohibition Enquiry Committee appointed by the Government was discussed on the 27th May, 1954. The report was adopted.

**Appendix**

<b>Assam Legislative Assembly.</b>	1. From 26-8-53 to 12-9-53	11	213	168	429	368	31	3	1. Public Accounts Committee.	9
	2. From 5-3-54 to 6-4-54	18	..	176	163	461	357	4	2. Privileges Committee	7
								..	3. Committee on Petitions relating to Bills.	5
<b>Bihar Legislative Assembly.</b>	1. From 2-9-53 to 9-10-53	12	..	1567	1148	237	222	193	1. Public Accounts Committee.	13
	2. From 1-2-54 to 24-4-54	16	..	3186	2539	797	777	440	2. Committee of Privileges	21
									3. Library Committee.*	..
									*Number of members not fixed.	..
									4. House Committee	11
									1. Private Members' resolution proposing the appointment of a Committee to enquire into the reasons for the increase of unemployment in the State was moved in the Assembly on the 11th September, 1953 and was adopted by the House on the 9th October, 1953.	
									2. A Statutory motion regarding the abolition of the second Chamber in the State of Bihar was discussed on the 24th April, 1954. The discussion remained inconclusive.	
<b>Bihar Legislative Council.</b>	1. From 14-9-53 to 9-10-53	11	..	41	39	480	444	5	1. House Committee	5
	2. From 1-2-54 to 26-4-54	15	1	154	140	647	620	22	2. Library Committee	..
									3. Privilege Committee	..
									*The Chairman nominates any number of members.	..
<b>Bengal Legislative Assembly.</b>	1. From 25-8-53 to 1-10-53	26	..	406	394	..	..	28	1. Committee of Petitions	5
	2. From 12-12-53 to 24-12-53	11		85	73			5	2. Privileges Committee	10
	3. From 20-2-54 to 3-4-54	26	..	315	276	..	..	25	3. Public Accounts Committee.	12
									4. Estimates Committee	15

\*Excepting West Bengal, Bhopal and Delhi.



*Journal of Parliamentary Information*

	1	2	3	4	5	6	7	8	9	10	11	12	13
<b>Bombay Legislative Council.</b>													
1. From 8-9-53 to 1-10-53	26	..	21	21	..	..	..	..	1	1	1. Committee of Petitions 2. Privileges Committee	5 7	
2. From 21-12-53 to 24-12-53	11	..	17	17	..	..	..	..	..	..			
3. From 20-2-54 to 2-4-54	26	..	13	9	..	..	..	..	5	4			
4. From 26-4-54 to 27-4-54	..	..	..	..	..	..	..	..	..	..			
<b>Coorg Legislative Assembly.</b>													
1. From 28-9-53 to 29-9-53	4	..	49	46	31	29	..	..	..	..	1. Committee of Privileges 2. Committee of Petitions 3. Finance Committee 4. Public Accounts Committee.	5 5 5 5	
2. On 14-10-53	1	..	..	..	..	..	..	..	..	..			
3. From 12-3-54 to 20-3-54	4	..	78	52	52	46	..	..	..	..			
<b>Himachal Pradesh Legislative Assembly.</b>													
1. From 1-12-53 to 28-12-53	4	..	239	216	20	16	10	2	2	2	1. Committee of Privileges 2. Committee of Petitions 3. Public Accounts Committee 4. Finance Committee 5. Rules Committee 6. Estimates Committee	6 4 7 7 7 7	
2. From 15-3-54 to 7-4-54	6	..	288	245	4	3	3	2	2	2			
<b>Hydrabad Dn. Legislative Assembly.</b>													
1. From 10-9-53 to 7-10-53	10	..	1186	503	111	127*	5	3	3	3	1. Committee on Estimates 2. Committee on Public Accounts. 3. Committee on Privileges 4. Committee on Subordinate Legislation. 5. Committee on Rules. 6. The Business Advisory Committee. 7. Committee on Un-employment.	8 7 5 10 10 9 9 13	A statement was made during the February-April, 1954 session by the Minister for Finance regarding the establishment of Industrial Finance Corporation.
2. From 10-12-53 to 8-1-54	6	..	388	271	58	50	7	5	5	5			
3. From 22-2-54 to 13-4-54	19	..	838	622	227	199	10	3	3	3			

\*Including starred questions admitted as unstarred.

<b>Jammu and Kashmir Constituent (Legislative) Assembly.</b>	8	..	358*	301	..	..	..	..	..	..			
1. From 5-10-53 to 19-10-53	19	1	656*	577	..	..	..	..	..	..			
2. From 24-3-54 to 20-4-54													

\*This includes unstarred and short notice questions.

Madhya Bharat Legis- lative Assembly.	15	..	1683	1079	..	..	24	3	1. Committee on Petitions	5	1. A motion of no-
									2. Privileges Committee	10	confidence in the
									3. Public Accounts Com- mittee.	9	Cabinet moved by
2. From 22-2-54 to 30-3-54	21	..	1819	1192	1024	430	13	7			the Leader of Op- position was dis- cussed in the Hou- se on the 10th and 11th September, 1953. On the 11th September, 1953 when the motion was put to vote it failed to get the majority required.
											2. A branch of the Commonwealth Parliamentary As- sociation has been formed.

## Appendix

Madhya Pradesh Legislative Assembly.	7	..	1871	1347	85	65	22	4	1. Committee on Petitions	3	A Vidhan Sabha Pat- rak, in two parts, is being issued since September/October
									2. Committee on Privileg- es.	10	1953 Session, for
2. From 20-12-53 to 15-1-54	11	..	880	680	11	10	8	1	3. House Committee	6	the information of
									4. Library Committee	10	the members of
3. From 26-2-54 to 2-4-54	6	..	1566	1145	63	36	15	4	5. Public Accounts Committee	10	the Assembly. Part
									6. Committee on Estimates	15	I of the Patrak is issued every day on the days of the sittings of the As- sembly and con- tains a summary of business transacted during the day while Part II con- tains such informa- tion as would have ordinarily been communicated to members by a cir- cular or memoran- dum and is issued as and when found necessary.

	1	2	3	4	5	6	7	8	9	10	11	12	13
<b>Madras Legislative Assembly.</b>													
1	From 1-7-53* to 30-7-53	5 ..	185	153	5	5	67	56	1	Public Accounts Committee.	15	The Chief Minister (Shri C. Rajagopalachari) made a statement regarding his proposed resignation on the 25th March, 1954.	
2	From 14-12-53 to 29-1-54	9 ..	1645	1258	82	82	157	120	3	Committee of Privileges	16		
3	From 22-2-54 to 30-6-54	10 ..	2374	1815	242	242	249	197	4	House Committee	14		
	(Continued beyond June 30)									Rules Committee	5		
<b>Madras Legislative Council.</b>													
1	From 9-3-53 to 31-7-53	5 ..	60	55	1	23*	14	9	1	House Committee	9		
2	From 28-12-53 to 30-1-54	10 ..	253	230	12	19*	8	8	2	Committee of Privileges	10		
3	From 25-2-54 to 30-6-54	15 ..	358	305	26	35*	4	2					
	(Continued beyond June 30)												
*Including starred questions admitted as unstarred.													
<b>Mysore Legislative Assembly.</b>													
1	From 13-7-53 to 7-8-53	5 ..	317	313	..	..	37	20	1	Public Accounts Committee.	7	A discussion took place during the January, 1954 session on the report of the Mysore Public Service Commission for the year 1951-52.	
2	From 12-1-54 to 22-1-54	27 ..	1042	1023	..	..	43	13	2	Estimates Committee	12		
3	From 1-3-54 to 20-4-54								3	Privileges Committee	7		
	<i>N.B.</i> —Under the Rules of Procedure all questions are treated as starred.								4	House Committee	7		
									5	Committee on Petitions	5		
									6	Special Committee on Rules of Procedure.	9		
<b>Mysore Legislative Council.</b>													
1	From 13-7-53 to 27-7-53	5 ..	137	137	118	118	12	9	1	Privileges Committee	5	The Editor, Printer and Publisher of the Newspaper 'Satya' was administered by the Chairman in pursuance of the recommendations of the Privileges Committee which considered the question of breach of Privilege by that paper.	
2	From 12-1-54 to 21-1-54	27 ..	232	225	83	81	15	7	2	House Committee	5		
3	From 15-3-54 to 24-4-54								3	Special Committee on Rules of Procedure.	9		
									4	Committee on Petitions	5		
<b>Orissa Legislative Assembly.</b>													
1	From 21-9-53 to 10-10-53	4 ..	864	624	366	260	28	..	1	Estimates Committee	9	A resolution under article 179 of the Constitution for	
									2	Public Accounts Committee.	5		

Appendix

2. From 17-2-54 to 10-4-54 11 2210 1709 569 411 40 12 3. House Committee 9 removal of the Speaker was discussed on the 10th April, 1954.

PEPSU Legislative Assembly. 1. From 26-3-54 to 10-4-54 3 .. 247 130 1 1 54 42 1. Committee on Public Accounts. 7 A non-official resolution moved by Shri Hans Raj Sharma expressing concern on account of the proposed U.S.A.-Pakistan Military Pact was discussed and adopted. 2. Estimates Committee 7 3. House Committee 5

Punjab Legislative Assembly. 1. From 28-9-53 to 14-10-53 27 .. 592 426 61 53 43 23 1. Public Accounts Committee. 9 2. Estimates Committee 9 3. Library Committee 6 4. House Committee 5 5. Committee on Privileges. 10 6. Committee on Petitions. 5

Punjab Legislative Council. 1. From 1-10-53 to 14-10-53 27 .. 96 86 31 22 8 8 1. Committee connected with the comfort and convenience of Members of the Council. 5 2. From 8-3-54 to 6-4-54 21 142 128 4 3 7 7 3. From 19-5-54 to 22-5-54 4 .. 15 13 13 2 2 2. Committee on Petitions 5

Rajasthan Legislative Assembly. 1. From 2-9-53 to 11-9-53 6 .. 325 119 .. .. 2 2 1. Committee on Privileges 10 2. Rules Committee 10 3. Public Accounts Committee. 10 4. Estimates Committee 15 5. Petitions Committee 5 6. House Committee 5 2. From 5-3-54 (Session continued beyond June 30)

Saurashtra Legislative Assembly. 1. From 14-9-53 to 22-9-53 26 .. 240 194 16 15 1 .. 1. Committee on Petitions 5 2. From 16-11-53 to 18-11-53 .. .. .. .. 2. Committee on Privileges. 7 3. From 10-3-54 to 29-3-54 21 1 289 253 19 19 3. Committee on Subordinate Legislation. 7 4. From 3-5-54 to 4-5-54 .. .. .. .. 4. Committee on Public Accounts. 8 5. Committee on Estimates. 7

I	2	3	4	5	6	7	8	9	10	11	12	13				
Travancore-Cochin Legislative Assembly.	1. From 22-9-53 to 23-9-53	N.B.—Since the Assembly was dissolved unexpectedly with effect from the 24th September, 1954 no further action could be taken on these.	5	282	187	120	147	21	7	1. Public Accounts Committee	7	7				
													74	110	..	..
													929	1298	..	..
U.P. Legislative Assembly.	1. From 3-8-53 to 13-1-54	N.B.—1839 lapsed due to prorogation.	19	2854	1417	135	59	1066	57	1. Estimates Committee	25	25				
													87	60	1989	136
													2506	4740	..	..
U.P. Legislative Council.	1. From 25-8-53 to 29-12-53	N.B.—1960 lapsed due to prorogation.	2	610	549	..	..	10	10	1. Privileges Committee	9	9				
													418	418	..	..
													640	640	..	..
(Session continued beyond June 30)																
Vindhya Pradesh Legislative Assembly.	1. From 7-9-53 to 3-12-53	N.B.—No distinction between questions such as starred and unstarred is made and supplementary questions can be asked on all questions.	5	..	420	194	242	111	30	3	1. Committee of Privileges	7				
													277	177	5	..
													216	277	177	5
U.P. Legislative Assembly.	2. From 22-2-54 to 30-6-54	N.B.—1960 lapsed due to prorogation.	3	..	282	216	277	177	5	..	2. Committee on Estimates	15				
													277	177	5	..
													216	277	177	5
(Session continued beyond June 30)																
<p style="text-align: center;"><i>Note.</i>—No distinction between questions such as starred and unstarred is made and supplementary questions can be asked on all questions.</p>																
<p style="text-align: center;">*These ceased to function from the 3rd December, 1953.</p>																
<p style="text-align: center;">1. There was a special discussion on the Reorganisation of Services on 14-9-53.</p>																
<p style="text-align: center;">2. A no-confidence motion against one of the Ministers was moved and discussed on 5-4-54.</p>																
<p style="text-align: center;">3. On the 24th February, 1954 the motion of Thanks on the Lt. Governor's Address was moved by the Deputy Speaker. A point of</p>																

order was raised if the motion of Thanks could be moved by the Deputy Speaker or a Minister.

The Speaker ruled that although there was no bar under the Rules of Procedure of the House for any member to move such a motion yet generally the convention in most of the legislatures was that such a motion is always moved by a Member other than a Minister or Deputy Speaker. He observed that it would have been more in fitness of things if the motion would have been moved by a private member other than the Deputy Speaker.

## *Appendix*