

# The Journal of Parliamentary Information

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VOLUME IX

JULY 1963/ASADHA 1885 SAKA

Role of Legislature in Emergency  
*Sardar Hukam Singh*

The Parliamentary Secretary in India  
*H. B. Shukla*

Legislation in cases of Acquisition of Territories

Interruption and walk-out by certain MPs during President's Address

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Origin and Growth of Legislature in Bengal  
*A. K. Niyogi*

SHORT NOTES

RECENT LITERATURE OF PARLIAMENTARY INTEREST

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# The Journal of Parliamentary Information

VOLUME IX

JULY 1963/ASADHA 1885 SAKA

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# Role of Legislature in Emergency

## SPEAKER HUKAM SINGH'S ADDRESS TO PRESIDING OFFICERS

[*The Twenty-eighth Conference of Presiding Officers of Legislative Bodies in India was held at Chandigarh for two days on February 10 and 11 this year, with Sardar Hukam Singh, Speaker of Lok Sabha, in the Chair. We give below excerpts of the more important portions from the Chairman's address on the opening day of the Conference.—Editor.*]

Friends,

I deem it a pleasure and privilege to welcome you here this morning. This Conference of ours is an institution of over forty years' standing and many distinguished men have presided at its meetings. As I take the chair today, I am deeply conscious of the great honour and the responsibility that have fallen upon my shoulders but, with your indulgence and kind co-operation, I have every hope that our deliberations would be fruitful and instructive and you would carry back happy memories.

Where we are gathered to-day—Chandigarh—is more than a mere city

in mortar and stone. It is a tribute to the forward-looking spirit of man, his bold imagination, and his genius for synthesis. Above all, it represents the spirit of modern India which has its roots buried in the past but draws its sustenance also from the living waters of the present; which makes the best of every vicissitude and phoenix-like rises every time, even from its ashes, young and vigorous. What is more symbolic than that we should be meeting here in this hour of national emergency?

### TEMPLES OF DEMOCRACY

The British Parliament in the modern world has been called the "Mother of Parliaments". This description emphasises the historical origin of Parliament and its development over the centuries in Great Britain and the spread of that concept to other countries. There is another aspect from which the concept of Parliament can be viewed and this aspect should appeal to Indian sentiment and history. Parliament may well be described as a modern

temple. In the ancient Greek democracy, where the number of people was small, they all assembled in the market place. With the growth of big cities and population, it became necessary to have a representative assembly. Our Constitution provides: "WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC.....do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION." This preamble adopts the concept of the sovereignty of the people.

Parliament is based on the faith. *Vox populi vox dei* (The voice of the people is the voice of God). It is the representatives of the people in their sovereign capacity that assemble in the Chamber of Parliament and there conduct their deliberations. As Burke put it, the duty of a Member is first to his conscience, then to his country, and last to his constituency. The emphasis in the discharge of duties is on conscience—that is, to discharge one's duties according to one's own concept and not for any selfish or parochial ends. These representatives when they assemble in Parliament or in any Assembly have a power which they do not possess, nor can they effectively discharge if they were to assemble, say, in a public hall. When they assemble in Parliament, the atmosphere is in some sense of the word charged with sanctity and solemnity. Parliament is presided over by one of its members and all the members look to him to conduct the business of Parliament according to rules and with absolute impartiality. It is that confidence of the members in the Speaker which increases his effectiveness and his capacity to discharge his duties properly. He is the symbol of the sovereignty of the House and all members bow to him

and pay their proper respects to him. Decorum has to be maintained and debate has to be conducted according to the rules. No unwarranted aspersions have to be cast and the rules of debate must not be transgressed and, where they are so transgressed, the Speaker is there to call the members to attention.

The concept of contempt of Parliament has been evolved in order to emphasise its dignity and absolute faith that although Parliament judges the matter itself, it will do so with impartiality and fairness. Debates have to be orderly, based on a proper motion, and opinion is ascertained by members rising in their seats or on a division. A minimum number of members has to be present so that the House can conduct its business.

All these rules have evolved over a long period and have now become crystallised as established parliamentary procedure. The broad concepts of the sovereignty of the House, its power to punish for contempt, its rules which provide for orderly business and the emphasis that that business should be conducted with decorum, all go to show that it would be correct to say that Parliament or an Assembly is a modern temple. If that concept is ingrained in the minds of people and the legislators, Parliament as a whole will rise to a higher stature in the minds of the people and the functioning of Parliament would be more effective and its proceedings will command great respect and Parliaments and Assemblies will be not so much the citadels, as it is often said, but temples where people enter upon the business—to whatever faith they belong—in a prayerful mood and with a view to discharge the heavy responsibilities that have been cast upon them by the people,

## Role of Legislature in Emergency

### NEW CHALLENGE

The orderly manner in which vast numbers of the population went to the polls at the last elections and the swiftness with which it was all gone through demonstrated once more the maturity of our people and their faith in the democratic way of life. Even more than this, for the last one decade we have been concerned with the experiment of achieving through the democratic apparatus large-scale economic advancement and in this we have met with a measure of success. To-day democracy is facing a new challenge in the country in the form of external threat to her security. It is a new kind of experience and, if I may say so, a chastening experience for us, and much depends upon how we are able to meet this challenge successfully.

### SPECIAL BURDENS ON LEGISLATURE IN EMERGENCY

In this context of national emergency new burdens and special obligations fall upon the Legislatures in the country and they have to get oriented to the needs of the occasion. Political freedom is the foundation of all other freedoms, and when this is threatened a grave situation arises. In that hour there can be no room for anything that divides people. I am glad that there is awareness of this in the Parliament and I am sure the same position obtains in the State Legislatures also. Legislators are expected to function with a high sense of responsibility and it is their duty to impose upon themselves a voluntary restraint and not say or do things within the Legislature or outside which are prejudicial to the national interest or affect public morale adversely. The attitude should be one of co-operation in all possible ways and

the proceedings within the Legislature should reflect the high seriousness of national purpose.

Legislatures, I said, are the 'temples of democracy' where the chosen representatives of the people arrive at decisions and approve policies after full and free discussion. In the face of national danger, there has been a spontaneous drawing together of the people, 'an emotional gathering up', of the kind never witnessed before. It is the duty of the Legislature to avail of this opportunity to consolidate this unity and forge enduring bonds. In this task the legislators have a vital part to play. They are the leaders of the community and they should, therefore, set the pace for others to follow. In their word and deed they should be a source of inspiration to others around them. They should explain policies and decisions approved by Parliament and Legislatures to the people, to the common man, and strive to enlist their sympathy and active co-operation with the administration.

### PROCEDURAL DEVELOPMENTS IN PARLIAMENT

I shall first give an account of some of the main procedural and other developments in our Parliament, particularly Lok Sabha, since we met last, before I refer to some of the special steps taken in the context of the emergency.

#### *Convention re: Adjournment Motions*

You all know the importance of correct conventions in the functioning of Legislatures. Last year when the new Lok Sabha met, I suggested to the House that a convention might be established that no adjournment motion might be moved on the day when the President addressed the Houses of Parliament. A sanctity attaches to the Address by the Head of the State and I

felt it was only proper that the sitting on the day of the President's Address should be confined to transacting only formal business and no controversial matters should be entered into. The House approved of the suggestion and it was agreed that the adjournment motions tabled might be taken up on the next day.

I also called a meeting of the leaders and representatives of various Groups and informed them that henceforth I would try to dispose of all the Calling Attention Notices on the same day on which they were tabled. The result has been that the members have begun to achieve their objective by resort to Calling Attention Notices more often, and the number of unnecessary notices of Adjournment Motion has gone down.

#### *No Speech on Motion for election of Dy. Speaker*

Another point worth mentioning arose at the time of choosing the Deputy Speaker. Four motions for choosing the Deputy Speaker had been tabled and all of them were moved. After moving one of the motions a member submitted that though the rules regarding the motions for choosing the Speaker and the Deputy Speaker did not make provision for members to speak on the motions, he might be permitted to avail himself of the general right of members to speak on a motion as he wanted to explain why the Opposition had proposed their own candidate. Thereupon I ruled that as specific rules had been laid down for choosing the Speaker and the Deputy Speaker, such motions were treated as distinct from motions in general and therefore the members could not make any speech at that stage.

#### *No-expenditure Certificate*

In case of a Bill where there appears to be a doubt that, if enacted, it would involve expenditure from the Consolidated Fund of India, we have recently started a practice of asking the Ministries concerned either to forward the financial memorandum and obtain recommendation of the President, or in the alternative to furnish a 'No-expenditure Certificate'. 'No-expenditure Certificates' have been furnished by the Ministries in some cases.

#### *Procedure in Suspensions of Members*

Rules of Procedure of Lok Sabha provide that when a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof is named by the Speaker, he shall forthwith put the question that the member be suspended from the service of the House for a period not exceeding the remainder of the session. During the Second Session of Third Lok Sabha when a motion for suspension of a member had been moved, another member sought to move an amendment to reduce the period of suspension. I then ruled that no amendment to the motion could be moved. If the House so desired, the suspension could be terminated on a separate motion moved in that behalf and adopted by the House.

#### *Points of Order*

Under the Rules of Procedure of Lok Sabha a point of order shall relate to the interpretation or enforcement of the rules or such articles of the Constitution as regulate the business of the House and shall raise a question which is within the cognizance of the Speaker.

## *Role of Legislature in Emergency*

The rules specifically provide that a member shall not raise a point of order to ask for information or to explain the position or which may be hypothetical.

It is a well-settled practice that on a point of order being raised, the member who is on his feet must give way. A point of order is thus an extraordinary process which, when raised, has the effect of suspending the proceedings before the House. The test whether a point raised is a point of order or not is not whether the Chair can give any relief but whether it involves an interpretation of the Rules, Directions or the various provisions of the Constitution which regulate the business of the House and whether it raises a point which the Chair can decide.

### *Abuse of right by Members*

My experience about the use to which the procedure for raising points of order is usually put is not a happy one. Every day points are raised by members which are no points of order at all but are intended either merely to seek information from the Government or for placing before the House the member's own views, or his observations or comments on what the Minister or other member has said. Sometimes points of order are raised during the course of a speech of a member, or when a business has just finished and before the next one has been taken up, and sometimes points of order are not related to the business before the House. An analysis of points of order raised by members during the last three sessions of Lok Sabha shows that out of about 316 so-called points of order raised by members, as many as 280 were frivolous and it was in respect of 36 only that the Chair was required to make some observations.

I feel that it is necessary to put some check on this growing tendency on the part of members to unnecessarily interrupt the proceedings by having their say in the guise of raising points of order. This can be checked in the following ways:

(i) No point of order may be allowed to be raised during the course of a speech of a member, and if a member has a point of order he may be required to state it immediately at the end of the speech;

(ii) If the Chair has ruled out three so-called points of order of a member consecutively as being frivolous, the member should not be allowed to formulate a new point of order orally for a period—say a week, or such a member should be required to submit in writing the point which he wishes to raise and allowed to raise it only after the Chair has granted him permission to raise the same;

(iii) The Rules of Procedure may be suitably amended and a provision made that if the Chair, having knowledge of the past conduct of a member, feels satisfied that the member would not be raising any point of order but only unnecessarily obstructing the proceedings, he may, in his discretion, refuse to allow the member to interrupt, though the ostensible excuse put forward may be the raising of a point of order. But this requires detailed discussion and deliberation as there may be a difference of opinion on this.

### *Interruptions in House*

Apart from raising frivolous points of order, there is a tendency on the part of certain members to indulge in a sort of running commentary when Ministers



are speaking. So far as interruptions are concerned, our practice in Lok Sabha is that a member may interrupt another member if the member in possession of the House is willing to give way. The Chair cannot, however, force the member on his feet to give way. As a matter of principle, an occasional interruption correcting a mistake in a statement made by a member may be allowed but frequent interruptions are deprecated as they tend to prevent the member in possession of the House from exercising his right of addressing the House. If a member wants to make a personal explanation in the middle of a speech of another member, he can do so only where the member making the speech gives way. If the member does not give way, then the member who wishes to make a personal explanation must wait until the member who is speaking has finished his speech and then he should seek the permission of the Chair to make a personal explanation.

In order to check unnecessary and frequent interruptions I think we might in the first instance appeal to the members to refrain from doing so. If the appeal has no effect on a member, the Chair should hold that he is guilty of obstructing the proceedings of the House which amounted to disorderly conduct and enforce the provisions laid down in the rules.

#### *Need for Decorum*

For the proper functioning of parliamentary democracy it is very necessary that not only the members conduct themselves in the House in proper manner but also the freedom of speech guaranteed by the Constitution is not misused. I have noticed that some members while speaking raise their

hands or point their fingers, or shout at the top of their voice. Such gestures and behaviour give rise to counter-gestures and shouting from other members, and this gives the appearance of disorder and affects the dignity of the proceedings and decorum in the House. This is highly undesirable and I have impressed upon members to desist from such tendencies.

#### *Extended Activities of PAC*

*Examination of Finance Accounts.*—The Public Accounts Committee at the Centre had so far been limiting their activities mainly to the examination of Appropriation Accounts of the Government of India. The Rules of Procedure and Conduct of Business in Lok Sabha have, however, provided for the examination of the annual Finance Accounts of the Government of India also. It had not been possible for the Public Accounts Committee to take up this work in the past mainly because the compilation of these accounts had been considerably in arrears. These arrears have since been cleared and the Public Accounts Committee for the first time this year has undertaken the systematic examination of the Finance Accounts of the Government of India. This includes important items, such as revenue position, debt position, foreign aid, and loans and advances by the Central Government etc. This examination also includes a detailed scrutiny of the revenue receipts of the Union.

I need hardly stress the importance of this aspect of the work of the Public Accounts Committee, as it will enable the Committee to have an effective check on the assessment, collection and correct allocation of revenues. It will also assist the Government in ensuring that any loopholes in the prompt and

adequate recovery of the dues are brought to light and plugged.

*Financial Review of Public Undertakings.*—The Public Accounts Committee have also examined the Financial Review of the selected Public Undertakings etc. given by the Comptroller and Auditor General in his Audit Report (Civil), 1962 and would be presenting a separate report on that also. These would be the first results of the extended activities of the Committee in recent times.

*Scope of Functions of C&AG.*—As you are no doubt aware, certain conflicting opinions had been expressed in the recent past about the powers and functions of the Comptroller & Auditor General of India and the procedure adopted by him in auditing and reporting on the accounts of Government. The matter was raised in the Parliament also. In order that there should be a clear appreciation of the scope of functions of this important constitutional authority, the Committee examined the matter in detail and have made their recommendations in their Fourth Report presented last December.

#### *Tours by Parliamentary Committees*

The question of tours of Parliamentary Committees comes before me from time to time and I am sure similar questions must be coming up before the Presiding Officers of the States also. I have been thinking on this matter whether such tours should be undertaken by the Parliamentary Committees and if so, whether there is need to lay down any principles which should govern this matter.

So far as the Central Assembly was concerned, no Parliamentary Com-

mittee ever undertook a tour. When the provisional Parliament and later the Lok Sabha came into being, some members of the Committee on Estimates, which was established for the first time in 1950, and the Public Accounts Committee were permitted occasionally to make a study of a project or undertaking on the spot with definite indications as to the matters which they had to look into, and to report their observations to the Committee. Gradually this convention was extended and the whole Committee began to undertake tours to acquaint themselves with the working of projects, undertakings, offices and institutions outside Delhi. Sometimes these study tours arise directly as a result of the matter under the investigation of the Committees. But generally such tours are undertaken by the Committees to acquaint themselves with the working of the institutions, undertakings etc. in the particular area which they visit. Such tours have also increased in number and the Estimates Committee and the Public Accounts Committee have been by convention undertaking such tours by their own resolutions. The matter does not come up before the Speaker for his permission before these two Committees undertake tours.

So far as tours of the Select Committees and other Parliamentary Committees are concerned, they have been very rare, almost nil. In those rare cases when they feel the need to go, the Committees ask for the permission of the Speaker, specifying the reasons, before they undertake the tour.

I have looked into the practice in the U.K. There the Standing Committees on Bills or the Public Accounts Committee do not undertake any tours. The Estimates Committee too do not under-

take any tour to study on the spot the organisations which they are examining for the time being. The sub-Committees of the Estimates Committee may, however, be given power to adjourn from place to place. The sub-Committees would not normally visit Central Offices of Ministries but may visit out-stations with specified terms of reference.

In India a departure seems to have been made from the practice prevalent in the U.K. so far as the Estimates Committee and the Public Accounts Committee are concerned, on the ground that India was a vast country and the Committees, in order to be able to do full justice to their work in the beginning when members were quite new to the work of such Parliamentary Committees, should see the working of the projects and institutions before they commented upon them.

When this matter came up before the late Speaker Shri G. V. Mavalankar in 1955, he issued a direction that sittings of a Committee or a sub-Committee, whether formal or informal, should invariably be held within the precincts of the Parliament House, and if for any reason it became necessary to hold a sitting of a Committee outside the Parliament House, the matter had to be referred to the Speaker for his directions. He also stipulated that whenever a Committee was on study tour, informal sittings might be held at the place of visit but at such sittings no decision should be taken or any evidence recorded. His idea was that the Committees were the creatures of the sovereign Parliament and as such partook of the sovereignty and dignity of Parliament itself, and therefore they had to act in an atmosphere where their

authority was not challenged and their dignity was maintained.

I subscribe to the same view and I feel that it is not the duty of the Committees to seek information by travelling from Delhi to other places in India and to meet the possible witnesses or persons who are interested in a matter that was coming up before the Committees and find out from them as to what their reaction was. Rather, it is for the Committees to call the witnesses or the interested parties and ask them to submit what they wish to say and place their views before the Committees at their seat of meeting in a formal manner, either by submitting a written memorandum or by giving oral evidence.

I, therefore, feel that tours by Parliamentary Committees including the Estimates Committee and the Public Accounts Committee should not normally be undertaken and, if a Committee has to make a study of any particular matter, project or undertaking, the Committee should formulate the precise terms of reference and send a select sub-Committee consisting of a few members who are interested in the study of the particular subject and ask them to make a report to the Committee. In all such matters, as in the case of Select Committees on Bills, the matter should be placed before the Speaker for his orders before a tour is undertaken.

I have stated this at some length to enable you to think over and give me the benefit of your advice so that as far as possible an opinion may be formed on this matter, which will guide us in regulating this matter in the various Legislatures.

## Role of Legislature in Emergency

### SIMPLIFICATION OF PROCEDURE DURING EMERGENCY

I was referring to the special role of the Legislatures in an emergency and their duty to strengthen the hands of the Government to function effectively. When Lok Sabha was summoned for the first time during the emergency, I felt that we should consider simplification of some of our procedures in the House so that the Ministries could find more time to devote to their urgent tasks in connection with the emergency. With this end in view I conferred with the leaders and representatives of all the opposition groups in the House and the Minister of Parliamentary Affairs and we decided upon a few procedural changes.

*Questions.*—Some of these changes relate to Questions. The practice of sending to Ministries advance copies of notices of questions has been discontinued and instead such advance copies are sent only of admitted questions as soon as decision regarding their admission is taken. This has been done to save the labour and expenditure involved in the Ministries in the collection of material in respect of questions which are ultimately disallowed. In preparing the roster for answering of questions by Ministers, the Ministries are now divided into five groups, instead of three as was the practice earlier, so that the questions pertaining to a Ministry now come up for answer only once a week. Not more than five questions in all, and out of them not more than three for oral answer, are placed in the name of any one member in the List of Questions for a day. Also, the total number of questions in the List of Questions for oral answer on a day has been restricted to thirty.

*Private Members' Resolutions.*—In the case of Private Members' Resolutions, a member who desires to move a resolution is now required to give in the first instance a written intimation to that effect. Only the names of members who send such intimations are balloted and those securing the first four places in the ballot become eligible to give notice of one resolution each. These resolutions, if admitted, are put down in the List of Business.

*Amendments.*—The number of amendments to motions and resolutions has also been reduced. Under the present arrangements each Party or Group may, if it so desires, table an amendment only in the name of any one or several members of the Party or Group. The practice of individual members giving a large number of separate amendments has now stopped.

### ECONOMIES EFFECTED

In addition to introducing procedural simplifications, a number of economy measures were also taken. On the Secretariat side, the services of twenty-three officers of the Secretariat were placed at the disposal of the Government of India for work connected with the emergency, besides relieving two reservists for active service and one for Home Guard work. Two officers have taken up Emergency Commissions in the Defence Forces. The staff voluntarily agreed to work extra hours without any overtime allowance for the duration of the emergency. Drastic economies were introduced in the use of stationery, telephones, furniture, electric appliances like heaters etc. and the position has been kept under constant review.

d that instead of calling non-organisations and individuals to for giving evidence, written memomight be called for from them. evidence has now been reduced. es of meetings are now cyclostyled ot printed and, in practically every the number of copies has been d to the barest minimum.

publication of various Journals eriodicals and other publications ht out by the Secretariat has been suspended or their periodicity re-

gency.

You will remember that, at the instance of the Prime Minister, I wrote to all of you suggesting similar measures to be taken by you to assist the State Governments in defence work and to effect economy in expenditure. I am glad to say that I have received favourable and encouraging response from all of you. The steps that all of you have taken are very substantial and I congratulate you on this achievement.

*Democratic institutions are never done; they are like living tissue, always a making.*

—WOODROW WILSON.

## H. B. SHUKLA

### *Secretary, Gujarat Legislature Secretariat*

post of Parliamentary Secretary seems to have come into existence in any way of Parliamentary convention. During the pre-Independence when Provincial autonomy was introduced under the Government of India Act, 1935, it was Bombay which took the lead in this matter and created the post of Parliamentary Secretary during the formation of her Ministry. Even after the Independence, Bombay has continued this convention and now it seems to have been firmly established at the State level as well as in other States. If we examine the provisions of the Constitution it is clear that Articles 74 and 163 of the Constitution speak only of the Council of Ministers with the Prime Minister or the Chief Minister as the head of the Council to aid and advise the President or the Governor, as the case may be. The Indian Constitution does not make use of the word Cabinet and the expression "Council of Ministers" is used both in relation to the Union as well as the States. But in practice we do find that the Council of Ministers includes not merely Ministers of the Cabinet, but Ministers of State, Deputy Ministers and Parliamentary Secretaries also and they all are members of the Council of Ministers†,

which is collectively responsible to the House. In India, the Ministers and Deputy Ministers are appointed by the President or the Governor on the advice of the Prime Minister or the Chief Minister, as the case may be. They are administered oath of office and secrecy by the Head of the State. Article 102(2) of the Constitution makes an exemption from disqualification only in the case of Ministers, but in the Union as well as the States this has been supplemented by legislation intended to remove expressly the disqualification in the case of the Deputy Ministers and Parliamentary Secretaries also.

The Parliamentary Secretary may be said to be in a sense the junior most Minister, although in several respects he stands on a footing of his own. To illustrate, he is not given the oath of office or secrecy by the Head of the State; his appointment is made by the Prime Minister or the Chief Minister by a special order presumably in consultation with the Head of the State; and his salaries and allowances are not mentioned in the Ministers' Salaries and

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far as the Centre is concerned, the Deputy Ministers (rather than the Parliamentary Secretaries) would seem to correspond to the Parliamentary Secretaries in the United Kingdom. The Parliamentary Secretaries at the Centre in India are not regarded as part of the Council of Ministers as such, although they may act on behalf of the Government in their respective Houses and also to some extent outside.—*Editor.*

Allowances Act but by way of Government Resolution only\*. For other purposes like free-furnished quarters, motor-car, travelling allowance etc., he is treated almost on par with other Ministers and is allowed to deputise the Minister inside and outside the House. In the Warrant of Precedence, he is placed above the executive officers of the Government.

#### BRITISH PATTERN

Since we have adopted the British pattern of parliamentary democracy and accepted the salient features of some of the British parliamentary conventions, it would not be out of place to examine the status and functions of a Parliamentary Secretary in England. Since he is a member of the Ministry, it will be essential to know the formation and working of the British Ministry. In England, the final development of the Cabinet system has led to a distinction between the Ministry and the Cabinet. The Cabinet is a smaller body which shapes the policy of the Government and includes heads of major spheres of Government. Members of the Cabinet are invited by the Prime Minister to join him in tendering advice to the Monarch as regards the government of the country, while the Ministry is a larger body comprising several categories of Ministers, who have this common characteristic that they remain in office with the Government and lose it with its fall.

In England, Ministers are divided into four broad categories, *i.e.* Ministers of Cabinet, Ministers with Cabinet rank

but not members of Cabinet, Ministers of State, *i.e.* without Cabinet rank and Parliamentary Secretaries. Minister-in-charge of a Department, though not member of the Cabinet, has substantially the same rights and responsibilities as the Cabinet Minister while a Minister of State stands somewhere between the full Minister and the Parliamentary Secretary. There is no institution there of Deputy Ministers, as we have in India. Instead, they have Parliamentary Secretaries. Sir Ivor Jennings in his book *Parliament* says "Until recently he was known as Patronage Secretary, a name descending from the more expansive days when a majority was kept by patronage or influence or, as some would say, corruption." Originally his functions were largely concerned with the distribution of honours and decorations. Later on, his functions became more akin to those of Government Whips. Nowadays, Government Whips also come from this category of junior ministers and the Chief Whip of Government is known as Parliamentary Secretary to the Treasury. Since 1906 the institution of Parliamentary Secretary has taken a definite shape and name. Nowadays, a departmental Minister usually has a Parliamentary Secretary to assist him and the number of Parliamentary Secretaries varies according to the size of the Department. Parliamentary Secretaries are either the members of the House of Commons or of the House of Lords. Parliamentary Secretaries are the junior ministers whose appointment is not made by the Sovereign, though

\*At the Centre, the Parliamentary Secretary does not receive any special salary other than what he draws as an M.P. As for the daily allowance, when Parliament is in session or he attends any of its Committee meetings, he draws what is normally admissible to him as an M. P. under the rules. At other times, when on official duty, he is allowed a daily allowance of Rs. 20. Also, he is provided with rent-free furnished accommodation (with free telephone) in Delhi throughout the year, and when on duty, is entitled to such medical facilities for himself and his family as are admissible in the case of Deputy Ministers.

—Editor.

## *The Parliamentary Secretary in India*

Sovereign is informed of such proposed appointments. Constitutionally speaking, they have no powers except those delegated by the Minister concerned, who remains fully responsible to Parliament for all the decisions taken by him. Though not members of the Cabinet, Parliamentary Secretaries are bound by the Cabinet decisions. They are rarely called to Cabinet meetings except when their Ministers are absent. Moreover, they are bound by the principle of collective responsibility and the normal duration of the post is co-terminous with the Ministry unless they resign or are removed earlier. Thus Parliamentary Secretaries are members of Government and are available to assist the Minister in the office as well as on the front bench. Their function is not merely to assist the Minister but to be accessible to the members of Parliament who seek information or wish to make representation or any complaint so that their Ministers are made fully aware of the parliamentary apprehensions and the lobby talks. Many matters are dealt with by the Parliamentary Secretary on his own but he has always to bear in mind the desirability of talking things to his Minister or warning him about the troubles ahead. As regards the special qualifications for the Parliamentary Secretary, Mr. Disraeli once said:

The office of Parliamentary Secretary requires consummate knowledge of human nature, the most amiable flexibility and complete self-control. Knowledge of human nature and amiability are perhaps the most essential requirements of all whips. They must know all their members; they must be aware of every kind of opinion that blows; they must understand the temper and whims of the opposition, they must know when to cajole, when to persuade and when to threaten. The House must be treated on a large scale as a Committee is treated on a smaller. Obstruction can be removed by a gentle conversation before hand. Proposal will find acceptance if they are put to one

man in one way and to another man in another way. Ruffled feathers must be smoothed and sensitive skins gently stroked. Most of the process of Parliamentary management is conducted in the lobbies and smoke rooms where indeed the only really dangerous opposition arises.

Describing the life the Parliamentary Secretary, the Rt. Hon. Lord Morrison in his book *Government and Parliament* says:

The life of the Parliamentary Secretary can be interesting and fairly full, or on the other hand, uninteresting and rather empty according to the attitude of the Minister and, to some extent, the higher civil servants. If departmentally, he is left out in the cold or given little or nothing to do, it is, I think, cruel, foolish and unfair. It is cruel because it will develop unhappiness and bitterness in the heart of the Parliamentary Secretary; it is foolish because the Parliamentary Secretary of today is a possible Minister of the future and it is desirable for him to learn all he can including the taking of responsibility; it is unfair because, apart from creating a feeling of frustration, it makes a fool of the Parliamentary Secretary when he hears through other channels of things he ought already to have known about and is driven to tell inquiring M.P.s that he is sorry but he knows nothing about it. Nor should it be forgotten that he has important duties to discharge with and for the Minister from the Treasury Bench. Moreover, there is the important consideration that the proper employment of the Parliamentary Secretary can lighten the burden of the Minister.

In the case of the Minister being a Peer, it is, of course, absolutely essential for the Parliamentary Secretary in the Commons to be in 'on the ground floor' of departmental discussions, for he is the departmental spokesman in the House of Commons. A similar need arises where the Minister is in the Commons and the Parliamentary Secretary is in the Lords.

There are some matters of exceptional secrecy which even Parliamentary Secretaries cannot be told about, but generally speaking the more they know about the work of the Department and the more they can take a positive or consultative part in the appropriate fields of administration the better.



## The Parliamentary Secretary in India

### Parliamentary Private Secretaries

Apart from the Parliamentary Secretaries, in England there are also Parliamentary Private Secretaries who should not be confused with the former. The Parliamentary Private Secretaries are M.P.s who serve the Ministers in an honorary capacity in regard to his parliamentary functions and duties. They cannot officiate on his behalf either in the House or outside it and are not members of Ministry. They have limited functions which do not go beyond the stage of consultation or advice.

### PARLIAMENTARY SECRETARIES IN INDIA

We have adopted this convention of appointing Parliamentary Secretaries in India and bearing in mind the above position, it would not be wrong to conclude that the Parliamentary Secretary in India should enjoy the same position as his counterpart in England. The Parliamentary Secretary in India is supposed to be a junior member of the Council of Ministers who is bound by the Cabinet decisions as well as the principle of collective responsibility and holds office so long as the Ministry is in power. No doubt, he is required to be a member of the Upper or Lower House. Not being appointed by the Head of the State, he can be removed under the orders of the Prime Minister or the Chief Minister. In the absence of any statutory recognition, the post of Parliamentary Secretary is considered more or less as a political appointment without any legal or constitutional sanction. In England, some sort of statutory recognition is given to the post but this is lacking in India. Shorn of the fanfare noticeable at the time of appointment of Ministers and Deputy Ministers and with no legislative recognition, the post

of Parliamentary Secretary in India has not gained the importance it has in England.

Ordinarily, the appointment of a Parliamentary Secretary serves the twin purpose of training the young and capable members of the party to shoulder higher responsibilities and also of lightening the burden of the hard-worked Ministers. Though the functions of a Parliamentary Secretary have nowhere been specified, as he is exercising authority assigned by the Minister, broadly he serves under and subject to the Minister's overall control. His principal function obviously is to assist the Minister in his parliamentary work. Such assistance can assume different forms.

*Legislative work.*—In the legislative field he would have to study all matters coming up before the Legislature which pertain to his Minister's portfolio and prepare notes for the Minister, including notes for speeches, and discuss bills, resolutions, cut-motions etc. with him. He should also be prepared to take part in the debates on behalf of the Government, particularly in matters relating to his Minister's portfolio, whenever he is called upon by his Minister to do so. When a bill is debated, the Minister would normally take the more important clauses and amendments and the Parliamentary Secretary the less important ones. A Parliamentary Secretary may wind up the Debate, if desired by the Minister. He may also be appointed as a member of a Select Committee.

*Departmental work.*—Under the Rules of Business, the Secretary of the Department is responsible for disposal of cases in the Department and for the careful observance of the Instructions. The primary responsibility for noting and submitting the matter to the Minister rests with the Secretary of the

Department. Before the pre-Independence era, the Parliamentary Secretary was not expected to note on the files. But this handicap has disappeared with the advent of Independence and now the Parliamentary Secretaries in many States do note and express opinions on matters they have to deal with, before submitting them to the Minister. As he would be speaking in the Legislature on behalf of the Government, it is essential that he should be fully acquainted with the policy of the Government in the portfolio of his Minister and should also have a general knowledge of the broad details of the administration of his Department. He has necessarily to keep in touch with all cases relating to the subjects with which he is concerned. Secret and confidential files are not ordinarily submitted to him, but, under special or general instructions from the Minister, he can have access to such information relating to any particular case he is dealing with.

*Deputising for the Minister.*—Under the instructions from and on behalf of the Minister, he may meet deputations, arrange interviews with the Minister or select visitors, receive and answer correspondence, and put up to the Minister important matters upon which correspondence is received, undertake tours and carry out inspections and inquiries as may be directed by the Minister. In

England such day-to-day routine jobs are entrusted to the Parliamentary Secretary and this leaves the Minister concerned more free to devote his time to parliamentary and administrative work.

In England Government Whips are drawn from Parliamentary Secretaries, the Chief Whip being called Parliamentary Secretary to the Treasury. In India the post of Government Whip is not mixed up with that of Parliamentary Secretary.

The Rules of Procedure of Parliament and State Legislatures in India define a Minister as including the Deputy Minister as well as the Parliamentary Secretary. But the Rules of Procedure have their own limited sanction and parliamentary conventions have their own sanctity only so far as the procedural matters of the House are concerned. But no court of law would give recognition to such conventions in the face of a written Constitution, unless some sort of legislative recognition is given to them. It may be easy for those who are conversant with Parliamentary affairs to understand and realise the status and functions of the Parliamentary Secretary in the House but constitutionally and legally his position is somewhat vague. To sum up, though the Parliamentary Secretary in India dons the mantle of a *de facto* Minister, his *de jure* position remains rather anomalous.

*In a democratic structure of government, there is nothing irrevocable.  
We can sit down and consider any matter at any time.*

—JAWAHARLAL NEHRU

## Legislation in Cases of Acquisition of Territories\*

Under international law two of the essential attributes of sovereignty are the power to acquire foreign territory and the power to cede part of national territory in favour of a foreign State. Such acquisition or cession of territory is made by a sovereign State in exercise of its treaty-making power. The manner of exercise of this treaty-making power in any country—that is to say, how treaties can be concluded and how, when so concluded, they may be implemented—is however determined by the limitations and conditions imposed by the provisions of the Constitution or constitutional usage in that country.<sup>1</sup>

### CONSTITUTIONAL PROVISIONS IN INDIA

In India Article 1(3) of the Constitution read with the First Schedule<sup>2</sup> describes the territory of India. Any acquisition or cession of territory therefore necessitates sooner or later<sup>3</sup> an alteration in that description of the territory of India in the aforesaid provisions; or, more particularly, it occasions an amendment of the First Schedule to the Constitution.

The legislative procedure for effecting the necessary amendment in this behalf in the Constitution is regulated by Articles 2, 3, 4 and 368 of the Constitution. Article 2 empowers Parliament by law to admit into the Union, or establish, new States. Under Article 3, Parliament may, likewise, by law—

- (a) form a new State out of the territories of existing States or parts thereof or by uniting any territory to a part of any State;
- (b) increase the area of any State;
- (c) diminish the area of any State;
- (d) alter the boundaries of any State; and
- (e) alter the name of any State.

Article 4 lays down that any law made under Article 2 or 3 shall contain provisions for the amendment of the First and Fourth Schedules to the Constitution, as may be necessary, but the law shall not be deemed to be an amendment of the Constitution for the purposes of Article 368. Article 368 states the special procedure<sup>4</sup> to be

\*Prepared by Research Branch, Lok Sabha Secretariat.

<sup>1</sup>Cf. Advisory Opinion of the Supreme Court of India in Special Reference No. 1 of 1959.

<sup>2</sup>Art. 1(3) defines the territory of India as comprising (a) the territories of the States; (b) the Union territories specified in the First Schedule; and (c) such other territories as may be acquired. The First Schedule mentions the names of States and Union territories and specifies the territories of each of those States and Union territories.

<sup>3</sup>In the case of acquisition of territory the need does not arise immediately. For when a territory is acquired it automatically stands absorbed as part of the territory of India by virtue of Art. 1(3)(c). Only at the time the territory is decided to be formally established as a State or incorporated as a Union territory, or merged with an existing State or Union territory, the need for amendment of the First Schedule arises. In the case of cession of territory, on the other hand, since it directly and immediately affects the territories of one or more States or Union territories and therefore the content of the existing entries in the First Schedule, an amendment becomes immediately necessary.

<sup>4</sup>This article stipulates that the related Bill shall be passed in each House of Parliament by a majority of the total membership of that House and by a majority of not less than two-third of the members present and voting. In the case of certain entrenched provisions, the article in addition requires ratification of the Bill as passed by Parliament by the Legislatures of not less than one half of the States.

followed for amendment of the Constitution.

#### PROCEDURE IN CESSION

In so far as legislative action to give effect to cession of territory is concerned, the Supreme Court in their Advisory Opinion on the Special Reference re: Berubari held that it could be done only by a regular amendment of the Constitution in terms of Article 368. Their argument was that 'the power to cede national territory in favour of a foreign State cannot be read in Article 3(c)\* by implication', Article 3 broadly stated being concerned, according to them, with the internal adjustment *inter se* of the territories of the constituent States of India. In consequence, they held, a law relating to Article 3 would not be competent to cover cases of cession of territory and therefore a formal amendment of the Constitution under Article 368 would be necessary<sup>6</sup>. Following this Opinion the Central Government brought forward two separate Bills *viz.*, the Constitution (Ninth Amendment) Bill, 1960 and the Acquired Territories (Merger) Bill, 1960—one to amend the Constitution to give effect to the transfer of certain territories from India to Pakistan, and the other to provide for the merger into the States of Assam, Punjab and West Bengal of the territories acquired by India from Pakistan, in pursuance of

the agreements entered into between the two countries.

#### PROCEDURE IN ACQUISITION

There is no enabling provision in the Indian Constitution for the acquisition of territory, even as there is none for cession. Only Article 1(3) refers *inter alia* to 'such other territory as may be acquired'. By virtue of this provision, as soon as any territory is acquired by India in the exercise of its inherent right as a Sovereign State, the acquired territory automatically becomes comprised within the territory of India and it is treated as a Union territory in view of clause (30) of Article 366 of the Constitution', even though it is yet to find any mention in the First Schedule to the Constitution.

An acquired territory may then be (i) admitted into the Union, or established, as a new State under Article 2; or (ii) united with a part of any of the existing States to form a new State as contemplated under Article 3(a); or (iii) it may merely be attached to any of the existing States under Article 3(b). There has so far been no occasion when an acquired territory was admitted or constituted as a new State. The merger of Chandernagore with West Bengal by the Chandernagore Merger Act, 1954 furnishes an example

\*Art. 3(c) provides that 'Parliament may by law . . . diminish the area of any State'.

<sup>6</sup>The Supreme Court stated the position in this connection thus :

The effect of Article 4 is that laws relating to Article 2 or Article 3 are not to be treated as constitutional amendments for the purpose of Article 368, which means that if legislation is competent under Article 3 . . . , it would be unnecessary to invoke Article 368. On the other hand, it is equally clear that if legislation in respect of the relevant topic is not competent under Article 3, Article 368 would inevitably apply. . . .

<sup>7</sup>Under the definition in this clause "Union territory" means 'any Union territory specified in the First Schedule and includes any other territory comprised within the territory of India but not specified in that Schedule'.

### Legislation in Cases of Acquisition of Territories

of action under Article 3(b), i.e. of an acquired territory merely added to an existing State, thereby increasing the area of that State. The law of Parliament in all these cases becomes relatable to either Article 2 or 3 and therefore, in view of Article 4, will be deemed an ordinary legislation even though it contains, as indeed it must, provisions for the amendment of the First Schedule and, in some cases, also of the Fourth Schedule to the Constitution.

The Constitution is silent in regard to the procedure to be followed when instead of planning any of the above courses, an acquired territory is proposed to be incorporated and continued as a Union territory or is to be merged with an already existing Union territory. These are not covered by either Article 2 or 3. For Art. 2 relates to the admission into the Union or establishment of new States and obviously will not therefore apply. And, as for Art. 3, the Supreme Court have categorically held that this Article 'in terms does not refer to the Union territories' and that 'if an increase or diminution in the areas of the Union territories is contemplated... it cannot be effected by law relatable to Art. 3'. Where Article 2 or 3 does not apply, as a corollary Article 368 inevitably applies—that is, in other words, a formal amendment of the Constitution becomes necessary. This was apparently the reason why regular Constitution Amendment Bills—the Constitution (Tenth Amendment) Bill, 1961 and the Constitution (Twelfth Amendment) Bill, 1962—were brought forward by Government when Dadra and Nagar Haveli

in 1961, and Goa, Daman and Diu later, were constituted as Union territories, although the position was not made clear when a point of order was raised at the time the former Bill came up for consideration in Lok Sabha.<sup>9</sup> Again, for the same reason obviously, a regular Constitution Amendment Bill—the Constitution (Fourteenth Amendment) Bill—was brought forward for formally incorporating "Pondicherry" as a Union territory in the Constitution.

#### CENTRE *vis-a-vis* STATES IN ACQUISITION AND CESSION

Because of the federal form of the Indian polity, in the context of acquisition and cession, the question as to the position of the Centre *vis-a-vis* the States assumes some importance. In the USA in all such cases the Constitution requires the 'consent' of the Legislatures of the States concerned<sup>10</sup> while in Australia, in addition to such consent, the consent also of the electors of the affected States is stipulated.<sup>11</sup> Under the Indian Constitution the related legislation is left in the hands of the Union Parliament<sup>12</sup> with provision, however, for a measure of consultation with the States concerned.<sup>13</sup>

The provision for consultation is contained in Article 3 of the Constitution. The Proviso to this Article lays down that when legislation under this Article affecting the area, boundaries or name of any State is brought forward, the Bill for the purpose shall not be introduced in Parliament unless—

the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such

<sup>9</sup>Cf. Advisory Opinion of the Supreme Court *oh. cit.*

<sup>10</sup>See L.S. Deb., 14.9.61, cc. 2143-51.

<sup>11</sup>See Art. IV, s. 3(1) of the American Constitution.

<sup>12</sup>See Sections 123 & 124 of the Australian Constitution Act.

<sup>13</sup>Wife Art. 253 of the Constitution and Entry 14 in list I of the Seventh Schedule.

<sup>14</sup>Only in the case of the State of Jammu & Kashmir the 'consent' of the State Legislature is laid down as necessary in these matters.

period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.

This Proviso prior to its amendment in 1955 required the President to 'ascertain' the views of the Legislature of the affected State. Under the provision in its present form, all that is required is that, before its introduction in Parliament, the Bill should have been referred by the President to the concerned State Legislature(s) for expressing their views thereon and the period allowed should have expired.<sup>14</sup>

The reference to the State Legislature does not bind the hands of Parliament either, in any manner whatsoever. It has been held by the Speaker of Lok Sabha that when once a Bill has been introduced in Parliament after proper reference no further reference to the State Legislatures concerned is necessary in respect of any amendments that may be proposed or adopted in Parliament and the Bill may be passed by Parliament in any form it may choose.<sup>15</sup> The same view was taken by the Supreme Court in *Babulal v. State of Bombay*, A.I.R. 1960 S.C. 51.

The reference to State Legislature as required by the Proviso to Article 3 applies only to laws made under that

Article. In other words, when an acquired territory is admitted into the Union or established as a new State under Article 2, or it is constituted as a Union territory or merged with an existing Union territory (when the related law would be under Article 368), there is no provision for reference in the Constitution. Likewise in the case of legislation for cession of territory, which would be under Article 368, whatever may be done as a matter of administrative policy, no constitutional obligation rests on the Centre for reference of the Bill to the Legislatures of the affected States. The resulting position appears to be somewhat anomalous. To illustrate, when a piece of new territory is proposed to be added to a State or its area diminished as part of any territorial readjustment *inter se* among the constituent States, the related law comes under Article 3 and therefore the affected States become entitled to reference; whereas, when a portion of the territory of a State or States is proposed to be ceded away once for all to a foreign country, the affected State or States enjoy no such right of consultation under the Constitution because the related legislation happens to fall outside Article 3. This was brought to the notice of the Supreme Court, but their reply was that "if on its fair and reasonable construction Article 3 is inapplicable this incidental consequence cannot be avoided."

<sup>14</sup>See Speaker's ruling in Lok Sabha on a point of order raised in connection with the Acquired Territories (Merger) Bill, 1960—L.S. Deb. 16.12.1960, cc. 5988-6002.

<sup>15</sup>See Speaker's ruling in connection with the States Reorganisation Bill, 1956—*Vide* LS Deb. (II) 7.8.1956, cc. 2426-31.

# Interruption and Walk-out by certain M.Ps. during President's Address\*

An unprecedented event occurred in the annals of the parliamentary history of India, when on the 18th February, 1963 certain M.Ps. interrupted the President as he started reading his Address in English to both Houses of Parliament assembled together under Article 87 of the Constitution, and later staged a walk-out. Five members of Lok Sabha were involved in the incident. The first one to interrupt the President was Swami Rameshwaranand who asked the President in Hindi to speak in "Rashtrabhasha Hindi". The President said "You will have it read" and continued his address. Sarvashri Ram Sewak Yadav and Mani Ram Bagri also interrupted the President and then the former said in Hindi "I am leaving the House as I am unable to understand". This was followed by a walk-out by Sarvashri Ram Sewak Yadav, Mani Ram Bagri, B. Singh Utiya and B. N. Mandal.

## DISCUSSION IN LOK SABHA

Immediately after the Lok Sabha assembled in its chamber later on the same day, the matter regarding interruptions and walk-out during the President's Address was raised by Shri Jaipal Singh, M.P. He said that "the behaviour of certain of our colleagues is a very serious reflection on the dignity of the Lok Sabha". He suggested the ap-

pointment of a Committee to look into the matter. Similar views condemning the incident were expressed by other members representing the various parties and groups in the House.

Suggesting the appointment of a Committee, the Speaker observed:

"Whatever has happened today is really very unfortunate, and reprehensible too. A duty is cast upon the President under the Constitution, and he was there in deference to that obligation and he addressed both Houses.

The occasion is very solemn and some decorum has to be observed. We are there just to listen to that Address, which is, of course, as I have said, a solemn occasion, and at that moment, to make such demonstrations or to obstruct the President from delivering his Address is unbecoming of a Member of Parliament.

...there is another thing, namely, the code of conduct for any hon. Member also, and that governs him whether he be inside the House or outside it. He has to conduct himself in a dignified manner in so far as he is a Member of Parliament. In my opinion—of course, it is a *prima facie* view—I have not gone into the case—it is an insult to the Constitution itself and a violation of the oath that the Members have taken.

So far as the calculated move was concerned, there can be no doubt about it because previous intimation had been given. It has appeared in the papers as well and it was known to everybody that

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\*Prepared by Committee Branch, Lok Sabha Secretariat.

they were going to do this. Therefore, it was done with an intention, premeditated and pre-conceived.

Then the President had told them that it did not behove them and, therefore, they should stop; but a sustained effort was made to stop the President from delivering that Address. Therefore, he had to ask me to take some action or do something. But when I stood up, certainly the Members decided to walk away.

Therefore, if the House agrees—of course, I will consult Members—we can appoint a Committee to go into this<sup>1</sup>.

The House authorised the Speaker to appoint a Committee to investigate the matter.

The Prime Minister then suggested that the Speaker "might be pleased to convey to the President the deep regret of the House at this indecorous behaviour and that you have taken some steps about the appointment of a Committee."<sup>2</sup> A letter expressing regret over the incident was accordingly sent to the President by the Speaker. The President in his reply appreciated "the feeling of the House on the unfortunate incident".<sup>3</sup>

#### APPOINTMENT OF COMMITTEE

On February 19, 1963, the Speaker made the following announcement<sup>4</sup> in the House:

In pursuance of the decision taken by Lok Sabha on the 18th February, 1963, I hereby nominate a Parliamentary Committee consisting of:

1. Shri S. V. Krishnamoorthy Rao,
2. Shrimati Renu Chakravartty,<sup>5</sup>
3. Shri Sachindra Chaudhuri,
4. Shri G. N. Dixit,
5. Shri Surendranath Dwivedy,
6. Dr. Govind Das,

7. Shri Jaipal Singh,
8. Pandit Jwala Prasad Jyotishi,
9. Sardar Kapur Singh,
10. Shri Harish Chandra Mathur,
11. Shri Maheswar Naik,
12. Shri Shivram Rango Rane,
13. Shri Asoke K. Sen,
14. Shri Satya Narayan Sinha, and
15. Shri U. M. Trivedi.

to investigate the conduct of Sarvashri Ram Sewak Yadav, Mani Ram Bagri, B. Singh Utiya and B. N. Manca and Swami Rameshwaranand in connection with the disorder created by them at the time of the President's Address to both Houses of Parliament assembled together under article 87 of the Constitution on the 18th February, 1963, and to consider and report whether such conduct of the said Members was contrary to the usage or derogatory to the dignity of the occasion or inconsistent with the standards which Parliament is entitled to expect from its Members and to make such recommendations as the Committee may deem fit.

Shri S. V. Krishnamoorthy Rao shall be the Chairman of the Committee;

The Committee shall make a report to the House by the 2nd March, 1963;<sup>6</sup> and

In other respects the Rules of Procedure of the House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make.

#### PROCEEDINGS IN THE COMMITTEE

The Committee held their first sitting the next-day *i.e.* on February 20, 1963. The Committee decided in the first instance to give an opportunity to the five members involved in the incident to appear before the Committee to explain their position.

The Committee, accordingly, heard the members concerned at their sittings held on February 27 and March

<sup>1</sup>LS Deb. 18.2.1963, cc. 8-9.

<sup>2</sup>*Ibid.* cc. 9-10.

<sup>3</sup>*Ibid.* 19.2.1963, c. 124.

<sup>4</sup>*Ibid.* 19.2.1963, cc. 173-74.

<sup>5</sup>The hon. Member subsequently resigned and the Speaker nominated Shri H. N. Mukerjee in her place, *ibid.* c. 200.

<sup>6</sup>The time for the presentation of the report was extended by the Speaker upto the 12th March, 1963, on a request made by the Committee [L.S. Deb., 2.3.1963, Minutes, dated 27.2.1963].



2 and 7, 1963. Sarvashri Ram Sewak Yadav, Mani Ram Bagri and B. N. Mandal also submitted to the Committee written statements.

At their fifth and last sitting held on March 8, 1963, the Committee deliberated on their draft report.

#### FINDINGS OF THE COMMITTEE

According to the Committee, this was the "first case of its kind in our Parliament which not only affects the dignity of the President, Parliament and its Members, but also raises the wider issue of laying firm foundations for the successful working of the Constitution and the Parliament". The Committee further observed:

... the President's Address to Parliament is the most solemn and formal act under the Constitution. This solemn occasion should, therefore, be marked by dignity and decorum.

It is important, from the point of view of showing proper respect to the Constitution, that every member should maintain utmost dignity and decorum. It is as much a constitutional obligation on the part of the members to listen to the President's Address with decorum and dignity as it is on the part of the President to address Parliament. Any action on the part of a member which mars the occasion of the President's Address or creates disturbance is thus unbecoming of him as a member of Parliament.

Further, according to Article 79, Parliament consists of the President and the two Houses. A member must show due respect to the President while he is discharging his duties under Article 87, in order to uphold the dignity of Parliament itself.

As regards the disciplinary powers of the House over its Members, the Committee stated:

The House of Commons, U.K. has disciplinary powers in regard to the conduct of its members. The extent and ampli-

tude of the words 'conduct of a member' has not been defined exhaustively and it is within the powers of the House of Commons in each case to determine whether a member has acted in an unbecoming manner or has acted in a manner unworthy of a member. Under the term 'conduct of a member' action can be taken against a member even though the facts of a particular case do not come within any of the recognized heads of breach of privilege or contempt of House.

It may also be mentioned that the House exercises its jurisdiction of scrutiny over its members for their conduct whether it takes place inside or outside the House.

#### CONCLUSIONS OF THE COMMITTEE

The Committee reported their conclusions as follows:

The action of Sarvashri Ram Sewak Yadav, Mani Ram Bagri and B. N. Mandal in interrupting the President during his Address to Members of Parliament was deliberate, premeditated and preconceived. This is evident not only from the evidence they tendered before the Committee but also from the correspondence exchanged between Shri Ram Sewak Yadav, M.P. (Leader of the Socialist Group in Lok Sabha) and the President and the Prime Minister, in which Shri Ram Sewak Yadav had been informed that the President's Address would be read both in English as well as in Hindi. Sarvashri Mani Ram Bagri and B. N. Mandal were also aware of this position, as admitted by them in their statements submitted to the Committee.

From the statements submitted by Sarvashri Ram Sewak Yadav, Mani Ram Bagri and B. N. Mandal and the evidence given by them, it is clear that they had decided from the very beginning to demand that the President should speak in Hindi when he rose to address the two Houses assembled together and to obstruct him if he did otherwise. Their statements and evidence have failed to disclose any defence of their conduct. While professing to serve the cause of Hindi, the Committee feel that they have done the greatest disservice to that cause and the promotion of that language as laid down in the Constitution.

## *Interruption and Walk-out by certain M.Ps. during President's Address*

The offence of Sarvashri Ram Sewak Yadav, Mani Ram Bagri and B. N. Mandal has been further aggravated by the nature of the statements they have chosen to submit to the Committee, in which they cast serious reflections on the President and the Committee. Even after the Speaker had clarified in Lok Sabha on the 25th February, 1963 that the purpose of the President in asking him to take some action was only to ask him to do something so that he could continue his Address without interruptions, Sarvashri Ram Sewak Yadav, Mani Ram Bagri and B. N. Mandal have alleged in their statements that the President had encroached upon the rights of Lok Sabha or committed a contempt of Lok Sabha by asking the Speaker to take some action against certain members. The Committee take a grave view of such conduct of the members.

The Committee consider that the conduct of Sarvashri Ram Sewak Yadav, Mani Ram Bagri, B. Singh Utiya and B. N. Mandal and Swami Rameshwaranand, M.Ps., during the President's Address on the 18th February, 1963, was undesirable, undignified and unbecoming of a Member of Parliament. Their conduct was contrary to the usage and derogatory to the dignity of the occasion.

The Committee, however, note that Swami Rameshwaranand did not do anything in a premeditated or deliberate manner. The moment he was assured that the President's Address would also be read in Hindi, he sat down quietly. He also did not join the others in walking out of the Central Hall. He assured the Committee that he meant no disrespect to the President and that had he known that his action would be considered improper he would not have done it.

From the evidence of Shri B. Singh Utiya also it appears that his conduct was not premeditated. The Committee accept his statement that he did not know what had passed between Shri Ram Sewak Yadav and the President or the Prime Minister. He said that if he had known that his conduct would be construed as disrespectful to the President he would not have joined the walk-out.

Having regard to these statements, the Committee have taken a lenient view of the conduct of Swami Rameshwaranand and Shri B. Singh Utiya.

The Committee record their emphatic disapproval of the manner in which the President's office has been dragged into this unseemly controversy and express their profound regret that any Member of Parliament should have indulged in any action which should even remotely reflect on the dignity of the President.

### RECOMMENDATIONS OF THE COMMITTEE

The recommendations of the Committee are contained in paragraphs 26 to 28 of their Report which run as follows:

26. The Committee recommend that Sarvashri Ram Sewak Yadav, Mani Ram Bagri and B. N. Mandal be reprimanded for their undesirable, undignified and unbecoming conduct during the President's Address on the 18th February, 1963, and for aggravating their offence by their evidence before the Committee subsequently.

27. As regards Shri B. Singh Utiya and Swami Rameshwaranand, the Committee feel that the ends of justice will be adequately met by expressing disapproval of their conduct.

28. The Committee recommend that if in future any Member of Lok Sabha interrupts or obstructs the President's Address to both Houses of Parliament assembled together, either before, during or after, the Address, while the President is in the Hall, with any speech or point of order or a walk-out or in any other manner, such interruption, obstruction or show of disrespect may be considered as a grossly disorderly conduct on the part of the offending member and dealt with by the House subsequently on a motion moved by a member.

The Committee recommend that, in future for any disorderly conduct during the President's Address committed by a member, he may be suspended from the service of the House for a period which may extend upto one year.

CONSIDERATION OF REPORT

On March 19, 1963, Shri S. V. Krishnamoorthy Rao (Chairman of the Committee) moved the following motion<sup>7</sup> in the House:

That this House agrees with the recommendations contained in paragraphs 26 and 27 of the Report of the Committee on the Conduct of certain Members during the President's Address presented to the House on the 12th March, 1963.

While moving the above motion, Shri S. V. Krishnamoorthy Rao said that the disturbance created by certain Members during the President's Address on the 18th February, 1963 was "an unprecedented event in the annals of the history of this Parliament" and that "no such incident has ever occurred during the past fifteen years". He added that "the Committee could have recommended a stronger action, but since it is an incident which has happened for the first time in the history of Parliament the

Committee have taken a lenient view and recommended that they should be reprimanded".

Explaining why the recommendation of the Committee contained in paragraph 28 of their Report had not also been referred to in the motion for adoption by the House, Shri S. V. Krishnamoorthy Rao said that that recommendation was "only a suggestion for future events". He felt that to adopt that recommendation would be restricting the powers of the House which was a sovereign authority. He added that each case had to be judged on its merits.

The Speaker then placed the motion before the House and asked the members concerned about whose conduct the Report had been made, one by one, to make statements in their defence, if they so desired.

After all the five concerned members had made their statements, there was a

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<sup>7</sup>The following procedure [based on the practice in the House of Commons, U.K., *vide* May, 16th Ed., pp. 103, 141-43; H. C. Deb. (1947-48) 443, cc. 1095-1100, 1198-99, 1227-28] was prescribed by the Speaker for being followed when the motion re: Report of the Committee was taken up in the House:

(i) After the mover of the motion has made his speech and the motion has been placed before the House by the Speaker, the members concerned about whose conduct the report has been made, will be asked by the Speaker, one by one, to make statements in their defence, if they so desire. As soon as a member has finished his statement, he will be directed by the Speaker to withdraw from the House and to wait in the Lobby, and the member concerned shall do so forth-with.

(ii) The members concerned will then wait in the Lobby till they are asked to attend in their places.

(iii) After the House has taken a decision on the matter, the members concerned will be asked to attend in their places.

(iv) If the House takes a decision to reprimand the members concerned, they will be asked to stand in their places when the Speaker will deliver the reprimand.

[L.S. Bn. (II) 15-3-1963, para 541]

When the motion was taken up in the House on March 19, 1963, some members objected to the above procedure. Thereupon, the Speaker took the sense of the House and allowed the members about whose conduct the Report had been made, to remain present in the House throughout the discussion instead of withdrawing to the Lobby after making their statements.

While reprimanding, the Speaker did not ask the members being reprimanded to stand in their places. They accordingly remained seated. The Speaker (standing) reprimanded the members concerned.

[L.S. Deb. 19-3-1963, cc. 4701-90]

*Interruption and Walk-out by certain M.Ps. during  
President's Address*

discussion in the House on the matter. Intervening in the debate, the Leader of the House (Prime Minister Shri Jawaharlal Nehru) said that the recommendations of the Committee about the punishment to be given were "about the least that this House can do". He urged the House to adhere to the Committee's report and fully carry out their recommendations. In this connection, he observed:

...the least we can do is to accept this and thereby give an indication to this House, to the country and to other assemblies in India that we shall adhere strongly to the behaviour that is expected of such a high assembly as Parliament and other representative bodies in India. We have to set an example to them, and if we are weakened in this it will be a bad day for Parliament and for our future work.

After some discussion the motion moved by Shri S. V. Krishnamoorthy Rao was adopted by the House. The

Speaker, thereafter, reprimanded Sarvaswari Ram Sewak Yadav, Mani Ram Bagri and B. N. Mandal, both in Hindi and in English, in the following terms:

Ram Sewak Yadav, Mani Ram Bagri and B. N. Mandal. The House has adjudged your conduct during the President's Address to both Houses of Parliament assembled together under Article 87 of the Constitution on the 18th February, 1963, as undesirable, undignified and unbecoming of a Member of Parliament and contrary to the usage and derogatory to the dignity of the occasion. This offence of yours was further aggravated by the nature of the statements you chose to submit to the Committee appointed to investigate your conduct.

In the name of the House, I reprimand you for this undesirable, undignified and unbecoming conduct during the President's Address and for subsequently aggravating your offence by your evidence before the Committee appointed to investigate your conduct.<sup>8</sup>

*The Cabinet is an autocracy exerted with the utmost publicity, under a constant fire of criticism, and tempered by the force of public opinion, the risk of a vote of lack of confidence and the prospects of the next election.*

—Lowell in Government of England.

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<sup>8</sup>L.S. Deb. 19-3-1963, cc. 4789-90.

# Estimates Committee of Lok Sabha

## —A REVIEW OF REPORTS PRESENTED BY THE COMMITTEE DURING THE PERIOD 1950-57 —(5)\*

[This is the fifth instalment of the Review of the Reports of the Estimates Committee presented during the period 1950—57, which, it may be recalled, is in six parts: (i) Economy and Efficiency; (ii) Financial Matters; (iii) Staff; (iv) Stores; (v) Certain Important Matters including Policy; and (vi) Miscellaneous. The current instalment from the third chapter of the Review deals with such staff matters as Recruitment, Training, Pay, and Promotions.—Editor.]

### III. STAFF

During the course of their examination of the various Ministries and Departments of the Government of India, the Committee have paid particular attention to matters relating to staff, not only from the point of view of their efficiency but also in regard to matters like recruitment, training, pay, promotions, welfare facilities etc. Some of the important recommendations made by the Committee in regard to staff matters are dealt with in this Chapter.

#### A. RECRUITMENT

##### *Selection of Officers for technical appointments*

In their Second Report, the Committee dealt with the question of selection of

officers for technical appointments and wrote as follows<sup>1</sup>:—

‘It has come to the notice of the Committee that the field of selection of certain technical appointments such as Engineers is restricted to a certain category of persons only. As an instance, the Chief Engineer of C.W.I.N.C. is selected from one of the existing or retired Chief Engineers of States or Central Government. It is obvious that an officer of this category is seldom found and then a plea is advanced that competent persons are not available. It goes without saying that, when the field of selection is so limited, a competent person will be found with great difficulty. The Committee cannot understand why the field of selection is limited in such cases and why the selection is not wide enough to cover other categories of officers also. It is therefore urged that in making such appointments the selection should be rather broad-based and should cover a wider field from which better choice can be made. This applies to other posts of technical character also and it is hoped government will give serious consideration to this matter.

The Committee also feel that a list of all the technically qualified personnel should be prepared and added to from time to time so that the list may be consulted when making appointments to the various posts.

Government in their reply stated<sup>2</sup> that the recommendations were unexceptionable and were actually being followed in practice. All direct appointments to higher technical posts were made through the U.P.S.C. who gave the widest possible publicity and also advised on the qualification and

\*Prepared by Estimates Committee Branch of the Lok Sabha Secretariat.

<sup>1</sup>2 (EC-1LS) para 18, pp. 10-11.

<sup>2</sup>36R (EC-1LS) pp. 9-10.

## *Estimates Committee of Lok Sabha*

conditions prescribed for appointment. Government stated further:

Where the appointments are made on a tenure basis from State Services, with or without consultation with the UPSC as the rules may require, the cases of all officers available and recommended for appointment are duly considered by the competent authority and a selection is made on merits.

As regards appointments made to posts having a pay of Rs. 2,000 p.m. or above, or to posts of Heads of Offices, etc., all such appointments are made only with the approval of the Appointments Committee of Cabinet. This will secure that all posts are filled after the most careful consideration and by the selection of the best available officers.

Government have already accepted the need for maintaining a list of technically qualified personnel. The UPSC have been requested to prepare and maintain these lists.

### *Appointments to Senior Posts in C.P.W.D.*

In their Fifth Report the Committee referred<sup>3</sup> to the appointment of the Chairman and Members of the Central Water and Power Commission and wrote that the Committee were not satisfied with the method and mode of their recruitment. They suggested that the selection of men to these posts should not be confined to a limited number of persons possessing certain experience but should be more broad-based. They wrote further as follows:

The Committee therefore recommend that a list of experienced engineers in all branches from all parts of the country should be drawn up. The list should contain names of engineers who have at least rendered fifteen years service as Executive or Superintendent Engineers and

above. The Committee are confident that if selection is broad-based a good number of capable men would be available to man the posts in the Commission.

Government accepted<sup>4</sup> this recommendation and a list was compiled. The Central Government also requested the State Governments to provide for deputation reserve to enable the centre to draw on the States for its requirements of engineers.

### *Register of technical personnel*

In the same Report the Committee also recommended<sup>5</sup> that a register of experts and other technical persons in all branches of engineering, likely to be useful in the work of river valley projects, should be maintained by the Central Water and Power Commission, and that appointments of engineers and other technical persons should be made from this list.

Government in their reply stated<sup>6</sup> that a list of expert engineers was being compiled as recommended.

### *Recruitment of programme personnel in . . . All India Radio*

While dealing with the recruitment of staff in the All India Radio, the Committee in their Twelfth Report recommended<sup>7</sup> that the programme staff in the various regional Stations should know the language of the region. They also felt that the Station Director of a Station should be capable of exerting an expert influence on the programme being broadcast from the Station and as such he should know the main regional language in which most of the broadcasts are made. The Committee wrote further as follows:

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<sup>3</sup>5R (EC-1LS) para 16, p. 10.

<sup>5</sup>5R para 125, p. 65.

<sup>7</sup>12R (EC-1LS) paras 140-141, p. 49.

<sup>4</sup>49R (EC-1LS) pp. 36-37.

<sup>6</sup>49R (EC-1LS) p. 21.

The Committee would urge that an Expert Committee be appointed to enquire into this matter and set standards for all posts in All India Radio whose functions have a direct bearing on the programmes.

Government stated<sup>8</sup> in reply that recruitment of permanent programme personnel on linguistic consideration was not feasible in view of the difficulties that would be encountered in retaining them permanently at the same Station or in the same linguistic area, due to the requirements of the system of transfer, promotions etc. The deficiencies in the matter of linguistic personnel were, however, proposed to be made good by the appointment on contract basis of producers who were specialists in different fields of programmes of any particular linguistic group, a procedure which was said to have been well tried in the B.B.C. As regards the question of setting standards for the regular posts in the A.I.R. whose functions had a direct bearing on the programmes, Government stated that a proposal for the amalgamation of non-gazetted posts on the programme side of A.I.R. had been formulated and was awaiting the approval of the U.P.S.C.

Commenting on this reply the Committee wrote<sup>9</sup> further as follows:

The Committee would stress the desirability of setting standards for all posts including those of Station Directors and Assistant Station Directors whose functions have a direct bearing on the programmes and reiterate the recommendation that an Expert Committee should be appointed to enquire into this matter. The Committee further desire that the economy aspect of the proposal of Government to appoint programme producers on contract basis in addition to the programme personnel in the A.I.R. may also be considered by the Expert Committee.

### *Recruitment of staff artists in All India Radio*

In the same Report the Committee recommended<sup>10</sup> that in the All India Radio all staff artists, except Literary Advisors etc. should be recruited only on the recommendation of the Screening Committees and appointed initially for a period of about 6 months. During this period, their performance should be carefully watched by AIR who may also, if felt desirable, request the members of the Screening Committees individually to listen to their performances and express opinions. If the artist did not come up to expectation during the period of these six months, his services should be dispensed with.

Government accepted<sup>11</sup> this recommendation and stated that this was being implemented not only for staff artists proper but for the programme production staff as well.

### *Recruitment to Railway Service Class II*

In their Twenty-fourth Report on staff matters in the Railways the Committee observed<sup>12</sup> that there was so direct recruitment to Class II posts and appointments were made by promotion of Class III employees on the basis of recommendations of the Selection Boards. The Committee wrote as follows regarding such selection:—

The Committee agree with the recommendation of the Railway Corruption Enquiry Committee that the question of honesty and integrity of the candidates should be given greater emphasis while making these selections.

Government in their reply stated<sup>13</sup> that necessary action had already been taken as recommended by the Railway Corruption Enquiry Committee.

<sup>8</sup>31R (EC-2LS) p. 63—65.

<sup>10</sup>12R (EC-1LS) para 149, pages 51-52.

<sup>12</sup>24R (EC-1LS) para 7, pp. 2-3.

<sup>9</sup>*Ibid* para 3, pages 2-3.

<sup>11</sup>31R (EC-2LS) p. 38.

<sup>13</sup>29R (EC-2LS) p. 4.

Recruitment to Railway Service  
Class III

Dealing with recruitment to Class III posts on the Railways, the Committee recommended<sup>14</sup> that the result of candidates who appeared and were successful at the examination for the recruitment conducted by the Railway Service Commissions should be intimated to them.

Government accepted<sup>15</sup> this recommendation and suitable instructions were issued by the Railway Board to the Railway Service Commissions.

The Committee were also critical<sup>16</sup> of the lack of planning in the recruitment of Class III employees in the Railways. Requisitions for recruitment were furnished by Railways to the Commissions piecemeal, or at uneven intervals, with the result that the Commissions sometimes had to advertise the same category more than once and had to hold fresh examinations each time. They made the following recommendation in this regard:

The Committee recommend that the Railways should plan in advance their requirements of staff for at least six months and should furnish the same to the Railway Service Commissions at fixed intervals, leaving sufficient margin of time with the Commissions to plan their selections.... The Railway Service Commissions are at present required to recruit staff for about 100 categories and if proper planning is done by the Railways of their requirements, the Commissions can group together advertisements and selections for a number of categories, where the prescribed qualifications are the same. The Committee recommend that the Railway Service Commissions should hold combined tests for a number

of categories. This would save considerable time and energy, and expedite the process of recruitment.

The Committee also observed<sup>17</sup> that the number of candidates who were called for the test was about four times the number of vacancies and as such all who were eligible were not called. Those who were not called naturally suffered from a sense of frustration and at times even suspected the impartiality and fairness of the selections. The Committee recommended that the Railway Ministry should create conditions whereby it would be possible for the Commissions to hold examinations for all eligible candidates.

Government in their reply<sup>18</sup> stated that these recommendations had been accepted and that necessary instructions had been issued to all Railways.

The Committee also recommended<sup>19</sup> that as the number of candidates would be large and it might be necessary to employ outside examiners to value the papers, an examination fee of Rs. 2 or 3 may be charged from each candidate to meet this expenditure.

Government in their reply<sup>20</sup> stated that the principle of levying a fee had been accepted and that the question of the amount of the fee to be levied was under consideration.

The Committee also recommended<sup>21</sup> that suitable psychological tests should be gradually introduced with a view to find out the aptitude of candidates for different types of jobs. This, the Committee felt, would prevent the possibility

<sup>14</sup>24R (EC-1LS) para 16, p. 7.

<sup>15</sup>24R (EC-1LS) para 18, pp. 7-8.

<sup>16</sup>29R (EC-2LS) pp 4-5 and 70-71.

<sup>20</sup>29R EC- 2LS) pp 44-45.

<sup>15</sup>29R (EC-2LS) p. 4.

<sup>17</sup>Ibid para 19-21, p. 8.

<sup>19</sup>24R (EC-1LS) para 22 pp. 8-9.

<sup>21</sup>24R (EC-1LS) para 24, p. 9.



of putting square pegs in round holes and improve the tone of the administration. They wrote further as follows:

The Committee are also of the opinion that the present method of recruiting certain categories of staff such as office clerks and typists only by a written test and without an interview should be discontinued. They feel that an interview of the candidates to form an idea about their personality and capacity to express themselves is necessary.

The Committee also suggest that in the matter of welfare of labour and other educational and social activities within the administration of the Railways, those who have experience in the line and who have done some work for social welfare or labour welfare and such other activities, may be given due consideration at the time of recruitment.

Government in their reply stated<sup>22</sup> as follows:—

The Public Services (Qualifications for Recruitment) Committee in their report recently submitted to the Government of India have indicated the lines on which the written tests for selection of candidates for the public services should be conducted by the recruiting authorities. The recommendations of this Committee are under consideration and suitable instructions in the matter will be issued to all concerned as soon as a decision is arrived at.

The recommendation that all candidates for appointment as Office Clerks and Typists should in addition to the written test be interviewed has been accepted.

The recommendation that the past experience of the candidate in the line should be given due consideration by the recruitment authorities has also been accepted.

#### *Brochure showing jobs offered by Railways*

In the same Report the Committee recommended<sup>23</sup> that the Railway Board should bring out a small brochure con-

taining a brief description of the different types of jobs offered by the Railways, their nature, further prospects, emoluments, age and educational qualifications required.

Government in their reply<sup>24</sup> stated that the recommendation had been noted and that a brochure on the lines indicated was under preparation.

#### *Recruitment of staff for community development work*

Dealing with the question of recruitment and training of staff for Community Development Programme, the Committee in their Fortieth Report observed<sup>25</sup> that there were several deficiencies in this matter which required to be remedied. There was shortage of personnel and in many cases inadequate training was given to the staff selected. The Committee wrote as follows regarding this matter:

A stage has come when an overall integrated view should be taken of the requirements of different categories of staff, their mode and rate of recruitment, the period and nature of training and the training facilities to be provided... The Committee suggest that the C.P.A. should call a Conference of all Development Commissioners at an early date mainly for the purpose of ascertaining the detailed requirements of trained personnel in various trades and with a view to ensure that the recruitment and training programmes during the Second Plan will be commensurate with the requirements.

Government in their reply<sup>26</sup> stated as follows:

The matter has been considered by the Sixth Development Commissioners' Conference and the Central Committee, and, on the basis of the conclusions reached, State Governments and Central Ministries have been asked to gear up their training programme to meet the requirements.

<sup>22</sup>29R (EC-2LS) pp 71-72.

<sup>24</sup>29 R (EC-2LS) p. 5.

<sup>26</sup>64R (EC-2LS) p. 2.

<sup>23</sup>24R (EC-1LS) para 26, p. 10.

<sup>25</sup>40R (EC-1LS) paras 63-64, pp. 14-15.

## Estimates Committee of Lok Sabha

The Committee also made several suggestions<sup>27</sup> for the recruitment and training of personnel required for Community Development work. They wrote as follows:

The Committee would like to make the following broad suggestions in this connection:

(1) In the case of Village Level Workers, the minimum qualification of matriculation may be relaxed, if the candidate is otherwise suitable.

(2) A certain percentage of vacancies in various categories may be earmarked for candidates belonging to scheduled castes and scheduled tribes, other qualifications being equal.

(3) As far as possible the candidates recruited for the posts of Village Level Workers should belong to rural areas.

(4) A written undertaking should be taken from each candidate recruited for Community Development programme that he would be prepared to live in villages. The Headquarters of Village Level Workers and other categories of staff for Community Development programmes should be in villages as far as possible.

(5) Training Centres for the Village Level Workers and other categories of staff should as far as possible be located in village.

(6) Advisory Committees consisting of officials and non-officials should be formed for each training centre established for the training of different categories of staff.

(7) The Community Development programme offers a wide scope for employment. Therefore the Community Projects Administration should bring out a pamphlet giving the different categories of staff required for Community Development work, their minimum qualifications, the mode of recruitment, the approximate number of candidates required. State-wise the period and nature of training and the

prospects of their future promotions. This pamphlet should be liberally circulated in schools and universities.

(8) The avenues of promotion of different categories of staff employed in the Community Development Work should be decided and made known to the staff. There should be a liberal provision for promotion of Village Level Workers to higher posts. A minimum percentage of such posts may be earmarked for being filled by the promotion of Village Level Workers. Such promotions may be given effect to primarily on the basis of good results achieved in the areas under the charge of the Village Level Workers.

(9) The training programme of the personnel required for the work of Community Development Programme should include a working knowledge of the country's Five Year Plan. No efforts should be spared to inspire the trainees with a living faith in the Plan so that they may perform their duties with zeal and with a missionary spirit work among the village people.

In the opinion of the Committee higher the rank of the candidate selected, the greater should be the stress on the possession of the qualities referred to above.

The feasibility of utilising the services of leaders connected with All India Khadi Board and All India Village Industries Board in the selection of suitable candidates might also be examined.

Government in their reply stated<sup>28</sup> that the recommendation at (1) to (3) and (5) to (9) above had been accepted. As regards item (4) Government felt that a written undertaking was not necessary. The Committee commenting upon this wrote further as follows:

The Committee suggest that if in the conditions of service a para be added that each candidate recruited for C.D. Programme would have to live in the villages, no written undertaking would be necessary.

<sup>27</sup>40R (EC-1LS) para 66 pp. 15-16.

<sup>28</sup> 64R (EC-2LS) pp. 35-40

*Recruitment of Superintendents of Lighthouses*

In their Forty-seventh Report on Lighthouses the Committee observed<sup>29</sup> that the post of Superintendent of Lighthouses of the Calcutta district had been sanctioned in 1955 and though almost two years had elapsed the post had not been filled. The main difficulty appeared to be that the U.P.S.C. had not been able to recruit officers with suitable qualifications. The Committee suggested that in view of this difficulty, the feasibility of recruiting candidates with suitable educational qualifications and then giving them intensive training in India and abroad might be examined to overcome the shortage.

Government in their reply<sup>42</sup> stated as follows:—

Five temporary posts of Assistant Executive Engineer (Class I Scale Rs. 350-850) have been sanctioned for a period of two years. The incumbents of these posts will be attached to senior officers as understudies and will be absorbed in regular vacancies at the end of two years as the senior officers themselves get absorbed in higher vacancies. Action is being taken to recruit suitable candidates to these posts.

Two of the officers recruited in 1951-52, who have gained sufficient experience, have now been promoted to two of the three sanctioned posts of Director of Lighthouses and Lightships (formerly known as Superintendent of Lighthouses). The third post has already been filled by recruitment of a superannuated person through the U.P.S.C. Thus at the moment all the sanctioned posts of Directors are filled.

*Shortage of senior officers in Ordnance factories*

In their Fifty-fifth Report on Ordnance factories the Committee observed<sup>31</sup> that there was a shortage of experienced senior officers in the Ord-

nance Factories and that the position had become critical due to increasing number of defections from among them. At the present rate the vacancies might not be filled for a long time to come, which would make the position very critical. The Committee had been informed that attempts had been made to recruit men from the open market through the U.P.S.C. but this had not met with encouraging results in spite of relaxations having been permitted in the requisite qualifications. The Committee wrote as follows regarding this matter:

The Committee consider this particularly unfortunate and they have discussed the possible explanation in a latter section. They suggest that special steps be taken to fill the shortages among the Senior executives in the Ordnance Factories by means of special recruitment in various age-groups so as to attract experienced persons from private industry also.

Government in their reply<sup>42</sup> stated that the recommendation was accepted and would be given effect to. They wrote further as follows:

The difficulty in recruiting experienced persons so far has been due to the unattractiveness of the existing pay scales, especially when attractive terms to the technical officers are offered outside. Steps are being taken to improve the pay scales and other terms of service, to make the Indian Ordnance Factory Service as attractive as possible.

*Recruitment of non-gazetted and non-industrial staff in Ordnance Factories*

In the same Report the Committee were critical<sup>32</sup> of the over centralisation in the matter of recruitment of non-gazetted and non-industrial staff in Ordnance Factories. They wrote as follows:

The Director General, Ordnance Factories is empowered to recruit all staff pertaining to non-Gazetted and non-

<sup>29</sup>47 R (EC—1 LS) para 14, pp. 5-6.

<sup>41</sup>41 R (EC—2 LS) pp. 8-9.

<sup>55</sup>55 R (EC—1 LS) para 4, p. 4.

<sup>42</sup>42 R (EC—2 LS) p. 2.

<sup>55</sup>55 R (EC—1 LS) para 12, p. 5.

Industrial (other than Class IV) categories, and the Superintendents of Ordnance Factories are empowered to recruit class IV and industrial staff. The Committee would like to caution against excessive centralisation. They were told, however, that powers to recruit non-industrial staff, other than Class IV, could not be delegated to the Superintendents as it might result in situations when junior men might get promotions in one Factory while senior men in the same grade in the next-door Factory might still be awaiting their promotions. It was explained that formerly when non-industrial staff like Supervisors etc., were appointed locally on factory to factory basis, such complaints were frequent and that these powers had been centralised only to put an end to such situations.

Government in their reply<sup>34</sup> stated that the interviews of outside candidates were carried out by the factories in consultation with the Employment Exchange and only approval was obtained from DGOF's Headquarters to such appointments as recommended by the factories. As regards transfer on regional basis Government stated that as factories doing similar work and therefore requiring non-gazetted staff of similar trades were not located in the same region, transfer on a regional basis was not possible in all cases. Further restriction of transfers on regional basis would result in blockade of promotion.

#### *Recruitment of ratings*

In their Sixty-second Report on Shipping the Committee suggested<sup>35</sup> that a statistical study should be conducted in regard to the extent of employment secured by the ratings from training schools so that the rates of recruitment to these schools could be so regulated in order to avoid prospects of long periods of unemployment to the ratings turned out from these institu-

tions on the one hand and shortage of ratings on the other. They wrote further as follows:

The Committee would recommend that the training facilities may be suitably increased after obtaining the result of the statistical study referred to above and proper publicity given for the sea-career to attract the right sort of men. The initial qualification for admission and training facilities could be reviewed with a view to make it possible for the fittest among the trainees to rise, after experience is gained, to be admitted to the ranks of Officers.

Government in their reply stated<sup>36</sup> that the 'statistical study' as suggested by the Committee was being made every month and necessary adjustments were also being made wherever necessary. As regards the suggestion for attracting the right sort of men Government stated<sup>37</sup> that men who could take to manual work with zeal and satisfaction were the right type to be selected for training as seamen. The ship-owners who were associated in the selection of candidates were strongly averse to the recruitment of highly educated boys. It had, therefore, been Government's policy not to encourage admission of highly educated boys for training as seamen but to train only such boys who were well-built, used to manual work, and seafaring traditions and were likely to stick on to the seafaring profession. These arrangements had proved very satisfactory and it was, therefore, not considered advisable to make any serious changes in so far as initial qualifications were concerned. So far as opportunities for the cadets to become officers were concerned, it was stated that seamen in the deck Department might, if they desired, sit for the examination for certificates of competency on

<sup>34</sup> 42 R (EC-2 LS) pp. 26-28.

<sup>35</sup> 62 R (EC-1 LS) paras 98-99, pp. 25-26.

<sup>36</sup> 53 R (EC-2LS) p. 5.

<sup>37</sup> *ibid* p. 28-31.

completion of the required sea service. On the engineering side, however, such opportunities were not open to seamen, inasmuch as before they were eligible to sit for the second class engineers examination they had to undergo a period of training in approved workshops which were not ordinarily available to them.

Commenting on this reply the Committee wrote<sup>43</sup> as follows:

The Committee regret that the bar on the persons having high qualifications being appointed as seamen and inadequacy of the training facilities for the lowly qualified persons might come in the way of the persons appointed as seamen rising to higher ranks. They, therefore, feel that a reorientation is called for with regard to the recruitment and training of seamen and that arrangements should be made to ensure that persons entering service at lower levels due to unfavourable circumstances might have reasonable opportunity to rise, provided they are equipped with the required aptitude and ability, to the highest position in the field.

#### B. TRAINING

##### *Training in Geology*

While dealing with the Geological Survey of India in their Fourth Report the Committee recommended<sup>44</sup> that, in order to augment the existing geological staff and to produce better qualified personnel in the Universities, a co-ordinated plan should be evolved in consultation with the Ministry of Education, the Inter-University Board and the various State Governments to revise the curricula of the studies imparted in Geology to the Graduates and post-Graduates in the Indian Universities, so that more practical training is imparted in the Universities.

Government in their reply stated<sup>45</sup> that the principle underlying this recommendation had been accepted and that necessary action was being taken.

##### *Training of tele-communication engineers*

In their Twelfth Report on All India Radio the Committee observed<sup>46</sup> that though educational institutions had made available more and more candidates every year, the demand for tele-communication engineers had exceeded the supply. The Committee wrote as follows regarding this matter:

The Committee would urge that Government take up this matter with the Universities and encourage them to have increased facilities for such training, so that the country's demands are fully met. The Committee would also urge that the Universities be encouraged to start courses in subjects which would meet AIR's future needs, e.g. specialised training in television engineering and so forth. Long term planning would be practical wisdom.

The Committee would also recommend that in order to keep up the efficiency of the engineering service intensive specialised training should be given for a specified period at Delhi to all new recruits. They should be trained in all aspects of radio engineering and subjected finally to a practical test before being absorbed permanently into the service.

Government in their reply<sup>47</sup> stated as follows:

The recommendation of the Committee will be implemented. In the meantime, the scheme of recruiting Shift Assistant instead of Technical Assistants has been commenced. As considerable difficulty was experienced in practice in recruiting Technical Assistants with the requisite tele-communication engineering qualification, Shift Assistants will be drawn from the ranks of outstanding graduates in physics and will be given tele-communication training by A.I.R. for about six months. They will also gradually gain experience in their actual work thereafter. They would become eligible for promotion and/or open selection as Technical Assistants later. It is also proposed to establish a technical wing of the Staff Training School where intensive training of the kind envisaged by the Committee will be imparted.

<sup>43</sup>Ibid para 3, page 1.

<sup>44</sup>4R(EC-1LS) para 91, pp. 43-44.

<sup>45</sup>44R(EC 1LS) p. 86.

<sup>46</sup>2R (EC-1LS) paras 156-157, p. 53.

<sup>47</sup>31R (EC-2LS) p. 39.

## Estimates Committee of Lok Sabha

### *Training in cost accounting on the Railways*

In their Twenty-first Report on the Railways the Committee recommended that a proper system of costing on modern lines should be set up in the Railway workshops. They also recommended<sup>43</sup> that for this purpose officers from the Railways should be sent to the Chittaranjan Locomotive Works where a cost accounting unit on modern lines had been set up, for a short period of intensive training.

Government in their reply<sup>44</sup> stated as follows:

The prescribed programme of training for probationary officers in the Indian Railway Accounts Service already includes a course of training in Cost Accounting at Chittaranjan. Instructions are also being issued to the Railways that when Class II officers are to be posted as Workshop Accounts Officers in arrangements expected to be long-term, measures should be adopted to enable them to study the system of Cost Accounting and Production Control at Chittaranjan for some period.

In order to set up costing units in major workshops, the Board have already recruited Cost Accountants and Cost Accounts Officers. In addition, a comprehensive scheme has been drawn for affording practical and theoretical training for Railway Officers and staff by the Institute of Cost and Works Accounts, Calcutta. The first batch of I.R.A.S. Officers have already completed their training in April, 57, and the first batch of clerks are under training.

### *Training at Railway Staff College, Baroda*

While dealing with the facilities for training of officers on the Railways in their Twenty-fourth Report, the Committee recommended<sup>45</sup> that the activities of the Staff College at Baroda

should be increased to cover the training of probationary officers, systematic refresher courses for junior officers and special courses for the senior officers. The Committee further observed :

The per capita expenditure of the Staff College, Baroda was Rs. 2769, during 1952-53, Rs. 2476, during 1953-54 and Rs. 3468, during 1954-55. The Committee consider this expenditure as unduly high and recommend that it should be brought down substantially by making more intensive use of the training facilities available. The Committee further recommend that the training courses at Staff College, Baroda, should be suitably revised so as to include the study of general principles of the Constitution of India, division of functions and distribution of legislative and executive authorities, disciplinary rules, civic duties and responsibilities and allied matters. The duration of training for each item should also be carefully scrutinised and then fixed.

The Committee also fully endorse the following recommendations of the Railway Corruption Enquiry Committee:

In addition to the normal course of training given to the Officers, lectures by the Heads of Departments and General Managers on the duties and responsibilities of the Officers to keep the Administration clean should be arranged. Canons of financial propriety, absolutely impartial dealings with staff under them, and allied matters should form the subject matters of these lectures. Public men working in the political and social fields should also be periodically invited to impress on the trainees the importance of their social responsibilities, in the discharge of their duties.

In addition, the Committee would also suggest that eminent educationists might be invited to visit the Staff College and offer their suggestions in the various fields of activities of the College. The Committee also suggest that study tours by officers of one zone to other zones should be encouraged with a view to better understanding of the working of different zones and imbibing fresh ideas.

<sup>43</sup> 21 R(EC—1 LS) paras 130-131, p. 40.

<sup>44</sup> 27 R(EC—2 LS) pp. 49-52.

<sup>45</sup> 24 R(EC—1 LS) para 51-53.

Government stated<sup>46</sup> that the recommendations had been accepted in principle. Steps were being taken to implement the recommendation to increase the activities of the Staff College. The *per capita* expenditure would automatically be reduced when the number of trainees were increased. Government also stated that the syllabi of the College had already been revised to include the subjects mentioned by the Committee. The recommendation to arrange lectures by Heads of Departments etc. had been accepted and suitable instructions had been issued by Government.

*Training of Class IV staff on Railways*

Referring to the training facilities for Class IV staff on the Railways the Committee wrote<sup>47</sup> as follows:

The Committee agree that training facilities should exist for all categories of workers including unskilled ones and recommend that literacy in the regional language be insisted on at the time of recruitment of Class IV staff. For the illiterate Class IV staff already in service, a scheme of paying lump-sum literacy bonus for the acquisition of literacy and providing simple and interesting literature should be explored by the Railway Board. The Committee recommend that a Committee of educationists referred to earlier for reviewing the training facilities should prescribe brief training courses for different categories of Class IV staff. This training should be not only for one particular job, but for one or two other allied jobs also, so as to permit of better utilisation of manpower.

Government in their reply stated<sup>48</sup> that action was being taken to reiterate the orders providing that only persons who were literate should be recruited to the Class IV Railway Service in future. Government also accepted the principle that training facilities should be provided for all categories of staff and

stated that the matter was receiving their attention.

*Training in handling of goods on the Railways*

In their Twenty-sixth Report on the Railways the Committee dealt<sup>49</sup> with the problem of proper handling of goods on the Railways and recommended that specialised training should be given to those people who were required to handle goods, in order to teach them the right way of handling goods and the proper method of storing goods in wagons and in goods sheds. They observed in this committee.

Some kind of a certificate may be given to those who undergo such a training, and eventually only such persons who possess the certificates should be permitted to handle the goods. At present, it is sometimes noticed that callous mis-handling of goods goes on in the very presence of the station masters, goods supervisors etc. They should also be told in no uncertain terms that such indifference on their part would be regarded as dereliction of duty.

Government in their reply<sup>50</sup> stated that the recommendation had been accepted and that necessary instructions had been issued to the Railways.

*Training facilities at I.C.F., Perambur*

While dealing with the Integral Coach Factory at Perambur in their Thirty-second Report the Committee had<sup>51</sup> this to say regarding the training of personnel at the Factory:—

Visualising the need for specially trained technicians capable of working on the manufacture of the integral type of coaches, the project provides for the establishment of a Training School with its own satellite workshops and a hostel. After training about 600 men annually during the initial four years, the School will switch over to training apprentices

9R (EC—2LS) pp.9—11

4R (EC—1LS) para 72, p.25.

9R (EC—2LS) p.12-13.

<sup>46</sup> 26R (EC—1LS) para 68, p. 21

<sup>47</sup> 32R (EC—2LS) p. 16.

<sup>48</sup> 32R (EC—1LS) para 84, p. 21.

on the regular scheme of 3½ years, the number being reduced to approximately 150 a year. The Administration is also constructing a hostel for 250 apprentices. The Committee recommend that the training facilities to be provided should be of the same standard as at Chittaranjan. Apprentices from other Railways might also be sent for training at Perambur and Chittaranjan for short periods.

Government in their reply<sup>52</sup> stated that the recommendation had been accepted.

*Staff for manufacture of Rolling Stock during Third Plan*

In the same Report the Committee recommended<sup>53</sup> that the Railway Ministry should calculate their requirements of staff for the manufacture of rolling stock during the Third Plan and take steps to see that a nucleus of trained men was available in time for the Third Plan period. The Committee wrote that import of rolling stock should be put a stop to by the end of the Second Plan, if not earlier.

Government in their reply<sup>54</sup> stated as follows:

The question of training sufficient men to stop import of rolling stock by the end of the Second Plan period as far as possible is already receiving the attention of the Railway Board and steps have been taken to form a nucleus of trained men to meet the increased needs of trained personnel. In fact, the capacity of the Technical School at Chittaranjan Locomotive Works has already been increased and a school has been established at the Integral Coach Factory, Perambur.

*Study of Railway operation in the U.S.A.*

In their Thirty-third Report on the Railways the Committee recommended<sup>55</sup> that it might be advantageous to depute one or two officers to make an on-the-

spot study of the Railways in the U.S.A. and find out the exact reasons for their being able to carry such a heavy load of traffic efficiently with so little staff. They felt that such a study was bound to reveal many features which might prove useful in increasing the efficiency of Railways and enabling them to carry more traffic with the existing limited resources.

Government in their reply<sup>56</sup> stated that the Railway Board had given careful consideration to this question and were of the view that the problem was beyond the scope of one or two officers visiting the U.S.A. for an 'on-the-spot' study, as no useful comparisons could be drawn between the two countries owing to the great difference in the extent of their industrial and technological development and the consequent differences in the extent of mechanisation etc.

*Training of Regional Tourist Officers*

Dealing with the training imparted to Regional Tourist Officers the Committee in their Thirty-fourth Report on Tourism, remarked<sup>57</sup> as follows:

The Committee were given to understand that two months' training was being given to the Regional Tourist Officer before he or she was posted in an independent charge of a tourist office. The Committee consider this to be totally inadequate and recommend that a proper training of 6 months should be laid down for the Regional Tourist Officers as well as the Assistant Regional Tourist Officers. They also recommend that knowledge of at least one foreign language besides English should be insisted upon in all future recruitment.

The Committee also recommend that the staff in the tourist offices should be encouraged to learn foreign languages by offering them suitable inducements.

<sup>52</sup> 74R (EC—2LS) p. 27.

<sup>53</sup> 32R (EC—1LS) para 96, p.24.

<sup>54</sup> 74R (EC—2LS) p.50.

<sup>55</sup> 33R (EC—1LS) para 125, p.46.

<sup>56</sup> 96R (EC—2LS) p. 90.

<sup>57</sup> 34R (EC—1LS) para 32-33, p.11.



Government in their reply<sup>58</sup> stated that the time lag between sanctioning of a post and availability of candidates through the U.P.S.C. was about 6 months. If the training period was extended to six months, the posts would have to be kept vacant for a long time. Government stated that the recommendation had been partially accepted and the training period had been extended to three months. Government also added that if knowledge of a foreign language was prescribed as an 'essential' qualification few candidates would be forthcoming. As such it had been prescribed as a 'desirable' qualification only. Steps were being taken to encourage the staff to learn foreign languages after recruitment.

*Training of midwives for Community Development Work*

In their Fortieth Report on the Ministry of Community Development, while dealing with the problem of training of personnel for the health programme in Community Project areas, the Committee referred<sup>59</sup> to the position regarding training of midwives as follows:

The Committee note that the position in respect of the training of midwives is not satisfactory as only 657 have been trained and 118 are undergoing training out of a total of 10,096 required upto the end of the Second Plan Period. The Committee, therefore, recommend that the Ministry of Community Development should seriously take this matter up with the Health Ministry to make satisfactory arrangements to complete the training in time.

Government in their reply<sup>60</sup> stated as follows:

The Union Ministry of Health have discontinued the training of midwives as it has been decided to train a better type of worker called the Auxiliary Nurse Mid-

wife. At present training of Auxiliary Nurse Midwives is going on in 39 Institutes in various parts of the country. Substantial financial help is being offered by the Ministry of Health. The Ministry of Community Development have been and are taking steps to encourage this training programme through the Development Departments of various States. The chief difficulty is the lack of adequate number of women personnel with basic minimum qualifications necessary for such training. The minimum basic qualification is Middle Class Pass.

*Shortages of technical staff for animal husbandry and public health*

While dealing with Community Development Projects in their Forty-second Report, the Committee recommended<sup>61</sup> that vigorous steps should be taken to overcome the shortages of technical staff in the fields of animal husbandry and public health. The Committee also recommended<sup>62</sup> that Village Level Workers (Gram Sevaks) should be trained in dealing with the ordinary ailment of cattle.

Government in their reply stated<sup>63</sup> that necessary action had been taken by the Ministry of Agriculture in this regard. Besides, arrangements were being made by State Governments for procuring the services of more animal husbandry and health staff by liberalising the conditions of service. As regards the training to Gram Sevaks Government stated<sup>64</sup> that the necessary training in first aid treatment to animal was being imparted to them in all Extension Training Centres.

*Training in maternity and child welfare*

In the same Report the Committee while dealing with maternity and child

<sup>58</sup> 52R (EC-2LS) p.36-37.

<sup>59</sup> 40R (EC-1LS) para 47, p. 11.

<sup>60</sup> 64R (EC-2LS) p. 33.

<sup>61</sup> 42R (EC-1LS) para 65-66, p. 21.

<sup>62</sup> *Ibid* para 74, p. 23.

<sup>63</sup> 72R (EC-2LS) p.23-24.

<sup>64</sup> *Ibid* para 25.

welfare in Community Development Project areas observed<sup>65</sup> that the chief problem in the field of maternity and child health had been the lack of trained personnel and that to solve the problem a training programme had been sponsored by the Ministry of Health. The Committee recommended that the training programme should be considerably accelerated in order to meet the requirements adequately.

Government in their reply stated<sup>66</sup>:

The main difficulty in implementing this recommendation is the non-availability of women workers with the prescribed educational qualifications and of specified age-groups. It may be mentioned that substitutional financial assistance is offered to State Governments to augment the existing facilities and to set up new facilities for training purposes. Efforts in this connection are, however, going on and will be continued. The recommendation has also been brought to the notice of the State Governments.

#### *Training of technical personnel of the Lighthouse Department*

In their Forty-seventh Report in Lighthouses the Committee dealt<sup>67</sup> with the training of technical personnel of the Department. The shortage of personnel was standing in the way of suitable employees being sent abroad for technical training. The absence of such specialised training was aggravating the shortage of available trained personnel. The Committee observed in this connection as follows:

The vicious circle has got to be broken, and the sooner it is done the better. The Committee also suggest that the feasibility of utilising the services of the senior lighthouse mechanic, who was sent to the U.S.A. in 1954, for imparting an intensive course of advanced technical training to other mechanics in the department should be examined carefully.

Government in their reply<sup>68</sup> stated that a comprehensive scheme for the training of technical personnel had already been drawn up and the services of the mechanic concerned would be utilised in training other mechanics.

In the same Report the Committee also emphasised<sup>69</sup> the need to train up an adequate number of staff to meet the specialised needs of the Lighthouse Department during the Second Five Year Plan. They recommended that a well-integrated scheme of training in India and abroad to overcome the shortage of trained personnel appeared necessary.

In their reply Government stated<sup>70</sup> that a scheme of training prepared by the Department of Lighthouses and Lightships was under consideration by the Planning Commission and the Ministry of Finance.

#### *Technical staff for Major Ports*

While dealing with the staff requirements of major ports in their Forty-eighth Report the Committee wrote<sup>71</sup> as follows regarding the shortage of technical staff:

It has been stated by the Ministry that an assessment has been made of the requirements of the various categories of technical staff required in major ports and the shortage of manpower relates mainly to pilots, specially those possessing Master Mariner's Certificates, the training process for which is being accelerated. In regard to training of Indians in Harbour Engineering, the Committee appointed for the purpose recommended that the Executive and Assistant Engineers should be given fullest opportunity to visit all the major ports for studying the conditions there and there should be a Central Library containing up-to-date literature on the subject.

While the above steps may be alright so far as they go, the Committee recommend

<sup>65</sup> 42R (EC—1LS) para 127, p.39.

<sup>66</sup> 72R (EC—2LS) p. 37.

<sup>67</sup> 47R (EC—1LS) para 63, p. 22.

<sup>68</sup> 41R (EC—2LS) p.15.

<sup>69</sup> 47R (EC—1LS) para 66, p.23.

<sup>70</sup> 41R (EC—2LS) p.15.

<sup>71</sup> 48R (EC—1LS) para 231, p.77.

that with a view to have a nucleus of a band of engineers who can form a panel of Consultants, it is necessary, apart from giving facilities to selected personnel to visit places abroad, that these personnel should be given actual experience by being attached to the Port projects, the construction of which is being handled by foreign firms.

Government in their reply stated<sup>72</sup> as follows:

The recommendation is accepted. Selected port engineers are given facilities to go abroad on study tours. As port development works are supervised by Port Engineers, they have acquired considerable experience in harbour works carried out by foreign contracts in recent years. In the case of the Bombay Marine Oil Terminal Project, leading Indian Engineers employed outside the Ports also were selected in consultation with the Institution of Engineers (India) to act as Observers during the construction. Besides, during the execution stage, twelve of the Port Trust Engineers served on the staff of the Resident Engineer of the Consulting Engineers for day-to-day supervision.

#### *Apprentice Training Scheme in Ordnance Factories*

In their Fifty-fifth Report on Ordnance Factories, the Committee while dealing with the training of apprentices in the factories observed<sup>73</sup> that there were very few separate instructional staff and the training was mainly looked after by the Superintendents of the factories. The Committee felt that this was an unsatisfactory arrangement. The training schemes were held in 11 factories. The Committee felt that this arrangement was not conducive to the efficient and economic working of the scheme. They recommended that the training scheme should be centralised on regional or zonal basis and that the training courses should be rationalised. Until this was done, the Committee suggest that the feasibility of centralising this scheme

under the Artisan Training School, Ambernath might also be considered.

Government in their reply<sup>74</sup> stated:

The suggestion to centralise the Apprentice Training Scheme under the Principal, A.T.S. with fundamental training in the Artisan Training School and final specialisation in training centres is already under consideration, under the revised integrated scheme of training which is under examination. With the introduction of this scheme, the Committee's suggestion will be substantially met.

#### *Shortage of Draughtsmen in Ordnance Factories*

In the same Report the Committee referred<sup>75</sup> to the shortage of Draughtsmen in Ordnance Factories and wrote as follows:

The Committee are surprised to learn about the shortage of Draughtsmen in Ordnance Factories in spite of the existence of Draughtsmen Training Scheme in nine Ordnance Factories. They are led to the obvious conclusion that either the requirements of Draughtsmen were not properly assessed or the training facilities were not fully utilised by the authorities or both. The Committee consider this most unfortunate.

However, in view of the better training facilities for Draughtsmen at the Artisan Training School, Ambernath, the Committee do not see any need for the continuance of the other training scheme in the nine Ordnance Factories and recommend that the Draughtsmen Training Scheme at Ambernath should be made permanent and expanded further, so as to meet the entire demand of this category of staff of all the Ordnance Factories.

Government in their reply stated<sup>76</sup> that there was no serious shortage of Draughtsmen in Ordnance Factories. They stated further as follows:

Out of a total sanctioned number of 315 posts, only 25 remained unfilled, for which 26 men were under training; 8 of those have completed their training in March,

<sup>72</sup>67R (EC-2LS) pp. 12-13.

<sup>73</sup>55R (EC-1LS) para 76, p. 34.

<sup>74</sup>42R (EC-2LS) p. 18.

<sup>75</sup>55R (EC-1LS) para 89, p. 37.

<sup>76</sup>42R (EC-2LS) pp. 19-20.

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1957 and 18 more will complete it by September, 1957. In addition 5 more are undergoing training in other factories and a further batch of 25 trainees are due to be out in June, 1958 to fill maintenance and additional vacancies. The existing training scheme, is, therefore, being fully utilised. We have also planned for further increase under the integrated training scheme.

### *Refresher courses for Supervisory Staff in Ordnance Factories*

The Committee also recommended<sup>77</sup> the introduction of short refresher courses to members of the supervisory staff in Ordnance factories. In this connection, the Committee observed:

The curriculum of training may be drawn up to include subjects like managerial functions, industrial relations and problems, factory expenditure, cost control etc. The Committee would like to stress that in this scheme, due emphasis should be laid on the subject of cost control in the Ordnance Factories and efforts should be made to make the supervisory staff and through them the whole organisation more cost conscious. In the Committee's view, the value of this training would be further enhanced if, in addition to the training instructors, senior members of the managerial staff of the Factories and the technical college are invited to give lectures to the trainees in this school.

Government in their reply<sup>78</sup> stated that the recommendation had been accepted and would be implemented as soon as the organisational problems could be overcome.

### *Training within industry*

In the same Report, the Committee also recommended<sup>79</sup> that schemes like "Training Within Industry" as existed in the U.S.A. should be introduced in the Ordnance factories for training of supervisory staff. They observed:

The Committee understand that in U.S.A. and in Europe a highly organised

scheme of training, known as "Training within Industry" has been developed, particularly for the supervisory staff, who have to function as organisers, managers and instructors of their working group, whose coordination they have to ensure. The features of this system are that they concentrate on three phases of supervision viz., the need to instruct (Job instruction); the need to handle staff effectively (Job Relations); and the need to organise (Job Members): The method of instruction is by discussion and within the relatively short time available, the course deals only with primary essentials. The most important feature of Training Within Industry is that it offers a general programme, irrespective of the individual industry. The Committee understand that in Belgium this scheme has been further enlarged to include industrial hygiene, elementary psychology, work study, Belgian social and economic problems, labour legislation, accident prevention, report writing, elements of leadership and management. They also understand that the International Labour Organisation is developing the Training Within Industry in many parts of the world. The Committee suggest that similar schemes on a wider scale be introduced in all public undertakings in India, including the Ordnance Factories at an early date.

Government in their reply<sup>80</sup> stated as follows:—

We have already taken advantage of the "Training Within Industries" course, but for want of men whom we can spare for the purpose the progress has not been satisfactory. It is hoped to take an increasingly active part in future. A copy of this Recommendation has also been forwarded to Ministry of Labour for necessary action in so far as they are concerned.

### *Shortage of trained personnel for road construction work*

In their Fifty-ninth Report on National Highways and Roads the Committee observed<sup>81</sup> that without trained personnel it would not be possible to successfully execute the various road construction schemes. They wrote that there was no

<sup>77</sup>55R (EC-1LS) para 102, pp. 42-43.

<sup>78</sup>42R (EC-2LS) p. 6.

<sup>79</sup>55R (EC-1LS) para 103, p. 43.

<sup>80</sup>42R (EC-2LS) p. 21.

<sup>81</sup>59R (EC-1LS) para 106, p. 31.

use having a bigger plan and at the same time having a meagre provision for personnel. The Committee wrote as follows regarding this matter:

The work of road construction has suffered because of the shortage of technical personnel like overseers and draftsmen in the States. The Committee, therefore, recommend that the Ministry should assess the requirements carefully and take some concrete steps to overcome the shortage of staff of these categories. The question whether the category of "draftsmen" is really essential or whether it can be dispensed with should also be examined with an open mind.

Government in their reply stated<sup>82</sup> that the Engineering Personnel Committee set up by the Planning Commission to assess the country's requirements of technical personnel in all fields recommended that the annual intake to engineering degree and diploma courses should by end of 1960-61 be increased to 9754 and 18421 respectively. Actually the intake of students had already been increased to 10,000 and 20,000 respectively and it was further proposed to establish 9 new colleges and 27 polytechnics in the country as centrally sponsored institutions. This would increase the intake to degree and diploma courses to 13,165 and 24,000 respectively. Government added that arrangements were also being made for providing specialised practical training to serving engineers, both officials and non-officials, in modern methods of highway and bridge engineering by deputing them to more advanced countries under the various technical assistance programmes.

In regard to draftsmen, Government stated as follows:

As for the essentiality of 'draftsmen', the matter was discussed at the Chief Engineer's meeting held at Shillong in

May, 1957. Draftsmen are mostly required for preparing drawings and assisting the engineering personnel in detailed engineering calculations and in framing estimates. In the present set-up it is not possible to dispense with them.

### *Training on "Dufferin"*

In their Sixty-second Report on Shipping the Committee while dealing<sup>83</sup> with the problem of training for the merchant navy wrote that they were favourably impressed with the standard of training and the smartness of the boys under training in the T.S. Dufferin.

### *Marine Engineering training*

While referring<sup>84</sup> to the marine engineering training they observed that provision existed in the Directorate of Marine Engineering for increasing the intake of boys to 80 every year. They recommended that in future the intake might be stepped to this number.

Government in their reply stated<sup>85</sup> as follows:

The recommendation made by the Committee has been duly considered by the Government of India and action has already been taken to increase the intake of the Institution from 50 to 65 boys from August 1958 entry. The question of further increasing the intake having regard to the future requirements of the Merchant Navy is under constant review.

### *Shortage of Naval Architects*

In the same Report the Committee wrote<sup>86</sup> that they were informed that there was an acute shortage of naval architects in India. They recommended that the Ministry of Defence who are concerned with the designing of naval vessels and the Ministry of Production who are concerned with the ship-building might jointly work out a scheme for meeting this shortage.

<sup>82</sup>66R (EC-2LS) pp. 3-5.

<sup>83</sup>62R (EC-1LS) para 51, p. 12.

<sup>84</sup>Ibid para 84, p. 21.

<sup>85</sup>53R (EC-2LS) p. 4.

<sup>86</sup>62R (EC-1LS) para 63, p. 24.

Government in their reply stated<sup>77</sup> that this question had been considered in the past. It was felt that the facilities provided at the Indian Institute of Technology at Kharagpur, where there were already courses in naval architecture, would be adequate to meet the requirements at least for some time to come. The consideration of the question of opening a new course in naval architecture had been deferred for some time.

### *Life-boat training for seamen*

The Committee also referred<sup>78</sup> to life-boat training for seamen and observed that a life-boat training establishment had been set up at Bombay to give Indian seamen instructions and training in the launching and management of ships' life-boats and to prepare them for Certificates of Efficiency as life-boatmen. Regarding this training they said:

Under international convention passenger ships are required to have certified life-boatmen while cargo ships are not so required. It is not necessary that every one of the seamen should be trained as life-boatman since under the regulations only a certain proportion of the members of the crew of the passenger vessels need to be in possession of life-boatmen's certificate. There is a proposal to start a life-boat training school in Calcutta on the lines of the one at Bombay. The Committee are of the opinion that the life-boat training should be regarded as indispensable for every seaman. The feasibility of giving this training on board the ship should also be examined.

Government in their reply stated<sup>79</sup> that the question of establishment of a Life-boat Training Centre at Calcutta was under consideration. They stated further as follows:

As regards full training aboard ship for the purposes of life-boatmen's certifi-

cate, the Indian Merchant Shipping (Masters) Rules, 1956, *inter alia*, provide for weekly or fortnightly life-boat drills in passenger and cargo ships to ensure that the crew understand the uses of life saving equipment etc., and are practised in the duties they have to perform. The officers in passenger ships are encouraged to train their crew in this manner as necessity arises and opportunity offers.

In their Sixty-second Report the Committee referred<sup>80</sup> to the training of tindals and wrote as follows:

At present most of the tindals are not competent as seamen or are so stubborn in their ignorance that they have no use even for safety equipment and do not even display navigation lights. This leads to fatal accidents to vessels and life. The remedy lies in educating them not only in navigation and seamanship but also in the traditions of the sea. The schools which may be stated either by the Centre or by the maritime States may educate them in these traditions and no tindal should be allowed to take charge of a vessel unless he has passed the qualifying tests. The tests should be oral and elementary in the beginning but should be made stiffer in course of time.

Government in their reply<sup>81</sup> stated that the recommendation had been accepted and that steps were being taken to start a scheme for training of tindals at selected centres.

### *Defence Training Institutions*

Dealing with the Training Institutions of the Defence Services in their Sixty-third Report the Committee observed<sup>82</sup> that there were 25 training institutions in the country and that they were quite sufficient for the requirements of the country. The Committee were informed that a proposal to start a combined Land and Air Warfare School to train the Army and Air Force Officers together was under consideration. The Committee hoped that an early decision would be reached in the matter.

<sup>77</sup>55R (EC-2LS) pp. 25—28.

<sup>78</sup>62R (EC-1LS) paras 120-121, p. 32.

<sup>79</sup>53R (EC-2LS) p. 20.

<sup>80</sup>62R (EC-1LS) para 168, p. 39.

<sup>81</sup>53R (EC-2LS) p. 7.

<sup>82</sup>63R (EC-1LS) para 6, p. 2.

Government informed<sup>93</sup> the Committee that they had decided to establish a Land Warfare School.

Dealing with the question of accommodation for the Training Institutions the Committee observed<sup>94</sup>:

As regards their accommodation, the Committee were told that in most cases it was a mixture of permanent and war-time temporary accommodation. They recommend that important training institutions of the Defence Services should also receive due share of funds so as to reduce the extent of temporary accommodation. In this connection they suggest that the feasibility of utilising the places and similar other buildings of ex-Rulers of States at certain hill stations as well as other places, be examined.

Government in their reply<sup>95</sup> stated as follows:

Government are alive to the urgency of putting up permanent accommodation for the training institutions and this matter is given due priority when allocation of our limited funds is made to various projects. The possibility of utilising available places and similar other buildings is always kept in view but the location of training institutions has very often to be decided on the basis of factors other than availability of accommodation.

### *National Defence Academy*

The Committee felt<sup>96</sup> that the National Defence Academy should provide the entire pre-commission training

for all the officer cadets of all the three services. They wrote as follows regarding this matter:

They recommend that so long as this ultimate goal is not capable of being attained for one reason or another, the question of providing at least the entire Army training at the N.D.A. should be examined on a priority basis. They feel that this would besides fostering common outlook and *esprit de corps* among the three Services result in some saving in the cost of maintaining two or even more establishments by way of expenditure on buildings, on equipment and on instructors.

Government in their reply<sup>97</sup> stated that the recommendation had been considered and it had been found that the entire pre-commission training to the Naval and Air Force cadets could not be provided at the National Defence Academy due to lack of facilities which it was impossible to provide at Khadakvasla. The question of giving the 4th year training to Army Cadets at the National Defence Academy was linked up with the final decision on the location of the Military College. The Committee was informed by Government that the question whether the Military College should continue at Dehra Dun where it had been since its inception or move to Khadakvasla was under consideration of Government.

### *Training of staff in Military Dairy Farms*

While dealing with Military Dairy Farms in their Sixty-fourth Report the Committee observed<sup>98</sup> as follows regarding the training of staff in the Farms:

While the Committee agree that the staff should have ample opportunities of seek-

<sup>93</sup>107R (EC-2LS) p. 2.

<sup>94</sup>63R (EC-1LS) para 7, p. 2.

<sup>95</sup>107R (EC-2LS) p. 19.

<sup>96</sup>63R (EC-1LS) para 113, p. 29.

<sup>97</sup>107R (EC-2LS) pp. 52-53.

ing advancement in career, they would like to stress that all categories of staff should be given intensive training in dairy farming. The Committee understand that there are three types of courses. Persons recruited do not go to the school immediately but are sent there according to seniority. They may have to work for five or six years before they get a chance to go to the school. The Committee do not consider this as satisfactory. The training should be given soon after recruitment, before the person is actually put on the job. Later refresher courses or higher standards of training according to the aptitude and capacity of the individuals can be given, to equip them to hold higher posts. The types of training given should be suitably rearranged for such purposes.

#### Government in their reply <sup>99</sup> stated:

Through different kinds of courses, intensive training in dairying is provided for the farms staff, and attendance at these courses is essential for promotion to various grades. The Committee of Experts for Dairy Farms has also recommended recently the holding of refresher courses and further development of the Advisory and Investigational Centres at MEERUT, staffed by experts in various lines, in order to achieve the same end as recommended by the Estimates Committee. The recommendations of the Dairy Farms Experts Committee are expected to be submitted for sanction at an early date.

The Committee of Experts for Military Farms has also suggested the holding of some courses at the National Dairy Research Institute at KARNAL for the staff of Military Farms in order to obviate duplication and to take advantage of the facilities available at the Degree College at KARNAL.

### C. PAY

#### Salaries to be fixed in relation to previous status

In their Second Report the Committee recommended<sup>100</sup> that salaries of

Government officials should be fixed in relation to their previous status. They wrote as follows regarding this matter:

The Committee have come across some instances in which officers have been appointed under the Central Government on salaries which were disproportionate to their previous salaries in business or under State Governments. The Committee think that this matter should be looked into by the Ministry of Finance carefully and appropriate rules laid down so that there is no abuse of power and waste of public money involved in such appointments.

#### Government in their reply stated<sup>101</sup> as follows:—

Appropriate rules and scales of pay have been laid down for the various recognised services under the Central Government. Any person recruited to such services either through a competitive examination conducted by the U.P.S.C. or on passing the test laid down for the purpose, must be allowed the general scales of pay fixed for the service, irrespective of the salary that he might be drawing in business or under State Government.

Besides these recognised services there are certain *ad hoc* posts. Action has now been taken to prescribe the scales of pay for practically all such posts having regard to the duties and responsibilities attaching to such posts and the qualifications which the holders are required to possess.

These scales have been formulated in accordance with the general level of remuneration recommended by the Central Pay Commission.

Any individual appointed to these posts has his pay fixed on the scale of pay attached to the post. Normally, only the minimum of the scale is admissible.

<sup>99</sup>64R (EC-1LS) para 60, p. 23.  
<sup>99</sup>35R (EC-2LS) pp. 12-13.

<sup>100</sup>2R (EC-1LS) para 17, p. 10.  
<sup>101</sup>36R (EC-1LS) pp. 26-27.



*Pay and service conditions of Scientific personnel*

In their Seventh Report on the Ministry of Food and Agriculture the Committee pointed out<sup>102</sup> that there was great disparity in the scales of pay of research workers and those of administrative officers working in other Government Departments. The Committee recommended that the emoluments and terms of service of each category of scientific personnel should be so fixed that they compare favourably with those admissible to officers of equivalent status elsewhere. They wrote as follows:

The Heads of Research Institutes are generally persons of high technical qualifications and international reputation and the country expects the very best from them. In order that persons of talent are attracted towards the Research Institutes, the emoluments and terms of service of such category of scientific personnel should be so fixed that they compare favourably with those admissible to officers of equivalent status elsewhere. In the course of the examination of the working of the Research Institutes the Committee noticed that the entire staff of one Institute was temporary even though they had put in service for a number of years. The Committee feel that the status, terms and conditions of service of Research Officers and staff should be settled early on a satisfactory footing from the point of view of getting the maximum benefit from their research work.

Government in their reply stated<sup>103</sup> as follows:

Government are examining the possibility of constituting a Central Agricultural and Animal Husbandry Service for manning technical posts in the Ministry and various Research Institutes under its administrative control. The constitution of such a service will, it is hoped, bring about an all-round improvement in the existing conditions and provide opportunities for utilising services of the research staff in the best manner possible.

*Ceilings on salaries in the Private Sector*

In their Ninth Report the Committee recommended<sup>104</sup> a ceiling on salary in the private sector. They wrote that there was a great need for removing anomalies existing between private and public employment and for rationalising services as a whole. They felt that early steps should be taken to examine the question of prescribing ceilings on salaries in private employment consistent with the policies and principles adopted for the public sector.

Government in their reply stated<sup>105</sup> that the Planning Commission was examining these questions.

*Payment for handling of hazardous cargo in Ports*

In their Forty-eighth Report on Major Ports the Committee dealt<sup>106</sup> with the problem of handling of hazardous cargo and wrote as follows:

The Vasist Committee recommended *inter alia* the supply and use of protective clothing and other equipments, to handle noxious and dangerous goods or caustic and corrosive substances and decision has been taken to supply workers with the protective appliances. The Committee suggest that the question of making some suitable additional payment for the handling of the hazardous cargo should be considered sympathetically at an early date.

*Pay scales in Ordnance Factories*

In their Fifty-fifth Report on Ordnance Factories the Committee observed<sup>107</sup> that a large number of trained officers and men had resigned and left the Ordnance Factories. This had depleted the strength of the experienced staff and the Committee considered it very disturbing. The Committee understood that the main cause of this was the poor pay scales and unattractive service conditions in the Ordnance Factories.

<sup>102</sup>7R (EC-1LS) para 60, p. 37.

<sup>103</sup>53R (EC-1LS) p. 106.

<sup>104</sup>9R (EC-1LS) para 42, p. 30.

<sup>105</sup>57R (EC-1LS) p. 27.

<sup>106</sup>48R (EC-1LS) para 232, p. 78.

<sup>107</sup>55R (EC-1LS) para 17, p. 7.

In this connection the Committee observed:

The Committee view this position with great concern and do not see why there should be so much disparity in a basic matter like pay-scales in the undertakings administered by two sister Ministries of the same Government. They understand that similar disparities also exist in the other categories of staff mentioned above. They recommend that immediate steps should be taken to examine the whole pay structure of the various comparable posts in all Government undertakings and to bring about uniformity therein as far as may be possible so that certain Government Departments and concerns might not benefit at the expense of others, which besides causing personnel difficulties would have a very serious effect on the efficiency and morale of the staff working in the concerns affected by this exodus and would be particularly dangerous in the case of Ordnance Factories since they affect the very security and safety of the country.

Government in their reply stated<sup>108</sup> that the recommendations have been noted and that active steps had been taken in that direction.

#### *Pay scales in the Defence Services*

In their Sixty-third Report on Defence Training Institutions the Committee observed<sup>109</sup> that the best material in the country was not forthcoming for service in the Defence Services. One of the reasons for the lack of enthusiasm to seek a career in the Defence Forces was the pay scales and conditions of service of officers. The Committee wrote as follows regarding this matter:

It was pointed out to the Committee that until a few years ago the pay-scales of the officers were much better and that they had been reduced to the present levels which were unattractive as compared with the pay-scales of some of the other civil services. The Committee suggest that this question may be had comprehensively examined.

Government in their reply stated<sup>110</sup> that substantial improvements had been effected in regard to this matter. Two major decisions taken during the year 1958, in respect of age of retirement of officers and substantive promotions to higher ranks, had considerably improved the career prospects of officers in the three services. In addition, these measures would also enable officers to earn higher retiring pension. It was estimated that the financial gain in the life earnings of a majority of service officers as a result of these measures would amount to Rs. 75,000 to Rs. 1,00,000. The number of substantive posts in the higher appointments had been substantially increased in all the three Services.

#### D. PROMOTIONS

##### *Promotions to higher posts in Government of India Presses*

While dealing with the Stationery and Printing Department in their Fourth Report, the Committee referred<sup>111</sup> to appointments to certain higher posts in the Government of India Presses. These were made on the basis of seniority. On this matter the Committee wrote thus:

It is necessary that there should be more efficiency in the ranks of supervisory staff and senior appointments. It is also necessary that in these higher posts there should be highly competent technical men who have got experience of the working of the Press as a whole. Therefore the Committee consider that supervisory posts should be declared as selection posts and appointments to them made on the basis of merit notice. It has been brought to their notice that certain appointments are not made through the Union Public Service Commission. The Committee consider that the Commission should be associated with the selection for these appointments.

<sup>108</sup> 42R (EC—2LS) p.8

<sup>109</sup> 63R(EC—1LS) para 133, p. 36

<sup>110</sup> 107 R (EC—2LS) pp 65—68

<sup>111</sup> 4R (EC—1LS) para 58, p. 27

Government in their reply<sup>113</sup> stated as follows:

Supervisory posts which are not filled by direct recruitment are already treated as selection posts and are filled on the basis of merit with due regard to seniority. Class I supervisory posts are filled on the basis of selections made by a Departmental Promotion Committee with which a representative of the U.P.S.C. is associated in regard to Class II and Class III posts it is not obligatory to consult the Commission under the Union Public Service Commission Consultation Rules. There has been no change in the Rules.

### *Promotions in the Services*

In their Ninth Report on Administrative, Financial and Other Reforms the Committee dealt with<sup>113</sup> the question of promotions in the services. In some cases promotions were made by an officer in his individual capacity; in some others they were made on the basis of recommendations by Departmental Committees; and in still some others solely on the recommendations of the U.P.S.C. In some cases promotions were made strictly on the basis of seniority. The Committee commented that these different systems and rules gave rise to anomalies and discontent and lowering of morale and efficiency in some respects. The Committee's observations in this regard were as follows:

It is now an accepted principle in all the modern countries and business concerns that—

(i) promotion should be solely on the basis of merit regardless of the seniority of the persons concerned in service;

(ii) persons should be judged for promotion by the people who have watched their work and conduct over a period;

(iii) promotions should be made on the recommendation of a Committee

consisting of not less than three Officers one of whom at least is acquainted with the work of the person concerned. In each case, the Committee should record in writing the grounds on which claims of persons, if any, senior to the person selected were overlooked;

(iv) in judging the person on the basis of the confidential reports on him, it should be seen that he was warned in time of the defects noticed in his work and conduct and that if he did not show improvement he was warned again; and

(v) if no warning has been given to a person, it should not be presumed that the reports on him are so good as to justify his promotion.

The Committee suggest that in future these principles should be observed in making promotions and the present anomalies and defects should be removed so that the public services are in the hands of competent people in all grades and that promotions are given on the basis of merit, efficiency and good conduct alone.

Government in their reply stated<sup>114</sup> as follows:

(i) Promotions to higher posts classified as selection posts are mainly made on the basis of merit and to posts in lower grade on the basis of seniority subject to rejection of the unfit. It would not be desirable to adopt merit as the sole criterion for the latter. Even where promotions are based on merit, seniority must be given due weight.

(ii) & (iii). The procedure of Departmental Promotion Committees already ensures to the greatest practicable extent that the suitability for promotion is judged by a group of officers who between them have personal knowledge of the work and conduct of the officers under consideration as well as of the officers who have recorded Confidential Reports on them. The instructions already provide that the D. P. C. should record their reasons for any supersessions recommended.

(iv) & (v). These principles are already followed.

<sup>113</sup> 44R (EC—1LS) p. 11

<sup>113</sup> 9R (EC—1LS) para 53-54, p. 42

<sup>114</sup> 57R (EC—1LS) pp. 34-35

### Promotions to Senior Scale Posts in the Railways

In their Twenty-fourth Report on Railways the Committee dealt with<sup>115</sup> promotions to the senior scale posts in the Railways and observed as follows:

These are not selection posts and are filled by promotion of the seniormost suitable junior scale officer. Under the existing system, the promotion from junior scale to senior scale is on the basis of seniority subject to suitability. In this respect, the Committee reiterate the recommendation of the Indian Railway Enquiry Committee (1947) in para 188 of their Report that certain definite standards of efficiency, which must be attained by the junior scale officer before being promoted to the senior scale, should be laid down and that the junior scale posts should really be the training ground for future holders of senior scale and administrative posts. The Committee further suggest that a junior scale officer should be interviewed by a Board consisting of three Heads of Departments before he is for the first time promoted to a senior scale post.

Government in their reply stated<sup>116</sup> that the promotion of a junior scale officer to a senior scale post was made on the basis of confidential reports which determined an officer's suitability for such promotion. Such promotion had to be approved by the Deputy General Manager (Personnel), the head of the department concerned, and the General Manager. In view of this arrangement Government did not consider it necessary that the junior scale officer should be interviewed by a Board of three heads of departments.

Commenting on this reply the Committee wrote<sup>117</sup> further as follows:

In the opinion of the Committee an interview is very necessary for forming a balanced view about the suitability of the officer to be promoted. It is also learnt that due to increased requirement of officers sometimes very junior officers have to be promoted to senior scale and as such, it would be advisable

to test the efficiency of the officer before first promotion, through a board of three heads of departments. The Committee, therefore, reiterate their earlier recommendation in this regard.

### Promotions within Class III posts on the Railways

In the same Report the Committee referred<sup>118</sup> to promotions within Class III posts in the Railways. The Committee felt that the promotion policy must be closely co-ordinated with suitable training policy and that the Railways must be able to forecast the number of people likely to be required for different posts to make the employees realise that opportunities were open to them to further their prospects, if they equipped themselves. They recommended that the avenues of promotion in various departments should be clearly laid down and made known to the staff. They also recommended that the seniority lists of staff should be expeditiously finalised and circulated to the staff, so that they could form an idea about their prospects of promotion.

The Committee also wrote as follows regarding promotions of Scheduled Caste employees:

Definite quotas have been laid down for their recruitment to initial categories; but no such quotas have been laid down for their promotions to higher selection posts. This is natural because a candidate cannot and should not be promoted to the higher selection posts on any consideration except that of merit. In this connection, however, the Committee very much appreciate the recent scheme of training introduced for the Scheduled Caste employees in the Railway Board's Office to bring them to the requisite standard for promotion to the Assistants posts. This scheme will assist in providing suitable opportunities of promotion to the Scheduled Caste employees without impairing the efficiency. They, therefore, recommend that this scheme should be introduced on individual Railways also.

<sup>115</sup> 24R (EC—1LS) para 76, p 27.

<sup>116</sup> 29R (EC—2LS), pp. 79-80.

<sup>117</sup> *Ibid.* page 2.

<sup>118</sup> 24R (EC—1LS) para 82, pages 29-30.

Government in their reply<sup>119</sup> stated that the question of co-ordinating promotion policy with suitable training was already under consideration. Instructions had also been issued to the Railway Administrations that they should indicate the number of vacancies to be filled arising out of the superannuation of staff or otherwise at the time of inviting recommendations from their Divisional offices etc., with a view to holding selections for the required posts. In the case of non-selection posts, the staff concerned were generally aware of their chances and these posts were filled on the basis of seniority-cum-suitability, the suitability whether of an individual or a group of employees being determined by the authority competent to fill the posts on the basis of the record and/or departmental basis, if necessary. As regards the higher grade posts, Government stated that their number was very limited and the staff were very well aware of the vacancies likely to occur and to which they could look forward for promotion. So far as the avenues of promotion of the staff were concerned, Government stated that according to the directive issued by the Railway Board, Railway Administrations had drawn up the channels of promotion of different categories of staff and these had been published for the information of the staff. Apart from this, the same were contained in the Indian Railway Establishment Code, Volume I. This part of the recommendation had thus been met with. The combined seniority lists of staff had also been finalised generally and were being circulated to them. However, even in the absence of seniority lists, the staff were aware of their chances of promotion.

As regards the recommendation<sup>120</sup> relating to promotion of scheduled caste employees Government stated that the recommendation had been accepted for consideration when planning for expansion of training facilities.

*Promotion of Class IV employees to Class III posts on the Railways*

Referring to promotion of Class IV employees to Class III posts the Committee<sup>121</sup> stated as follows:

The Committee are in agreement with the views expressed by the Indian Railway Enquiry Committee (1947) that regular and wide avenues of promotion should be provided for deserving men belonging to these services. They, therefore, recommend that age restrictions for the purpose of recruitment to any category of Class III service should be suitably relaxed in the case of those who are already employed on the Railways in Class IV and have rendered satisfactory and efficient service. The recruiting authorities should consider them, if qualified, for promotion to Class III.

Government in their reply<sup>122</sup> stated that provision already existed for promotion of Class IV employees to Class III posts.

*Relaxation of age limits to compete for promotion to higher classes on the Railways*

The Committee also recommended<sup>123</sup> that apart from giving promotions on the Railways to employees from the lower classes to higher classes, they should also be permitted to compete for the posts in the next higher class by direct recruitment, if they so desired, and that the minimum age qualification might be suitably relaxed for this purpose.

Government replied<sup>124</sup> that relaxation of age limits was made to enable Class III staff to compete for various ser-

<sup>119</sup> 29R (EC—2LS), pp. 51-52.

<sup>120</sup> *Ibid* page 14.

<sup>121</sup> 24R (EC—1LS), para 87, p. 31.

<sup>122</sup> 29R (EC—2LS), pp. 16-17.

<sup>123</sup> 24R (EC—1LS), para 85, pp. 30-31.

<sup>124</sup> 29R (EC—2LS), p. 14.

vices in Class I, except Transportation (Traffic) and Commercial Department. Class IV staff were already being allowed to compete for Class III vacancies filled by direct recruitment through the Railway Service Commission and they were granted the necessary relaxation of age limit. Class II posts were normally filled by promotion of suitable Class III staff.

#### *Promotion to senior posts in the Lighthouse Department*

In their Forty-seventh Report on Lighthouses, the Committee referred<sup>125</sup> to the promotion to senior posts in the Lighthouse Department. It was reported by the Ministry that as senior posts in the Department required qualifications which were not ordinarily possessed by lightkeepers and head lightkeepers, the question of these categories of personnel being eligible for promotion to such senior posts did not arise. The Committee wrote as follows regarding this matter:

The lot of the lightkeepers and the head lightkeepers is a hard one, as they have often to pass their life in out-of-the-way and secluded places. They do not even have any future prospects of promotion. The Committee, therefore suggest that suitable avenues of promotion for this category of staff should be opened up. A certain percentage of the next higher technical posts in the department should be earmarked for them. Suitable technical literature should be circulated among them and periodical refresher courses arranged. Those amongst them who show special interest and initiative should be selected for specialised intensive training (in India and or abroad) to make them properly equipped for the higher technical posts. This method has two advantages. It will open up suitable avenues of promotion for this category of staff, and it will also assist in overcoming the shortage of technical staff in the Department.

Government in their reply<sup>126</sup> stated as follows:

As the existing lightkeepers do not possess the requisite minimum technical qualifications, it is not possible to consider them for promotion to higher technical posts in the Lighthouse Department. It has, however, been decided that for the posts of Lighthouses that have been or are about to be set up, the minimum qualifications to be prescribed should be a degree or diploma in Electrical Radio Engineering. A suitable proportion of the higher technical posts in the Department will be earmarked for the promotion of such lightkeepers.

#### *Slow rate of promotions in Ordnance Factories*

Referring to the service conditions in Ordnance Factories in the Fifty-fifth Report, the Committee observed<sup>127</sup> that one of the reasons which made service there unattractive was the slow rate of promotion compared to other Government Departments. The Committee wrote as follows regarding this matter:

The Committee are inclined to think that it would be desirable to ensure that there should be uniformity in prospects in various similar services.

The various problems referred to by them in this section have to be tackled realistically and from the point of view of the national good and not from the narrow good of a particular Ministry or Industry. They, therefore, suggest that this question should be tackled at a very high level and that the Cabinet itself should give a policy decision in this matter so that a certain amount of equality of opportunity and prospects exists in all the Ministries and industries in the country. They further suggest that armed with this policy decision, the Home Ministry should take action to see that it is effectively implemented by all concerned.

Government in their reply stated<sup>128</sup> that the recommendations had been noted and that active steps were being taken in that direction.

<sup>125</sup> 47R (EC—1LS), para 57, p. 20.

<sup>126</sup> 42R (EC—1LS), p. 14.

<sup>127</sup> 55R (EC—1LS) para 18-19 pp. 7-8.

<sup>128</sup> 42R (EC—2LS) p. 8.

# Origin and Growth of the Legislature in Bengal\*

By

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In tracing the origin and early history of the legislature in Bengal one has to go to the beginnings of the legislative institution in the country. It is a story which dates back to the earliest days of the East India Company.

The germ of the legislative power enjoyed by the East India Company from the beginning lay embedded even in Elizabeth's Charter of 1668. The seed for the future growth of legislatures in India may however be said to have been sown by the Royal Charter of 1726 which authorised the Governors and Councils in the three presidencies to make 'bye-laws, rules and ordinances' not contrary to the laws of England.

The Regulating Act of 1773 appointed a Governor General and four Counsellors for the government of the Presidency of Fort William in Bengal and empowered them "from time to time to make and issue such rules, ordinances, and regulations for the good order and civil government of the Company's settlement at Fort William and other factories and places subordinate thereto". Under the Act the presidencies and Councils of Madras and Bombay were subordinated to the Bengal government and they were required to send copies of all their orders and regulations to Bengal, although there is nothing to show that the latter had any power of modifying them. The legislative power of the Governor-General's Council was confined both by its constitution and in practice to the presidency of Bengal.

The Charter Act of 1833 for the first time distinguished the legislative authority from the executive. The Governor-General and Counsellors were styled as "the Governor-General of India in

Council" and the Council, strengthened by the appointment of one additional whole-time legislative member, were empowered to legislate for the whole of the British territories in India, the governments in Madras and Bombay being authorised merely to propose drafts or projects of laws for the consideration of the Governor-General of India in Council.† The laws made from now on were to be known as 'Acts' instead of 'Regulations'.

The next significant step was taken under the Act of 1853 when seven Counsellors (designated 'Legislative Counsellors') were added to the Governor-General's Council for legislative purposes. The proceedings of the Council were now made open to the public and the Governor-General had no overruling power in matters of legislation except in the final veto after the passing of the Bill. This new Council enjoyed great freedom during the time of Lord Dalhousie. Although the Act made no provision for the appointment of any Indian as a member of the Council, it was Lord Dalhousie who suggested the filling up of a seat with a 'native legislator' and also made an innovation by appointing Babu Prasanna Kumar Tatore of Calcutta to be the Clerk-Assistant of the Council.

## ESTABLISHMENT OF THE LEGISLATIVE COUNCIL FOR BENGAL

Under the Indian Councils Act of 1861, the Governor-General was directed to establish a separate Legislative Council for the Presidency of Bengal consisting of the Lt.-Governor and some nominated members. A Legislative Council for Bengal was accordingly

\*1962 was the centenary year of the West Bengal Legislature. In this article the author, who retired as Assistant Secretary last year after over thirty years of service in the State Legislature, traces the growth of the Legislature in Bengal from the early days of the East India Company.—Editor.

†Legislative power to these presidencies was restored only under the Indian Councils Act of 1861.

## *Origin and Growth of the Legislature in Bengal*

established by a proclamation of January 18, 1862. The first meeting of the Legislative Council of Bengal established in pursuance of the above Act was held on Saturday, February 1, 1862 under the presidency of Sir John Peter Grant, Lt.-Governor of Bengal. The Council used to sit for the "purpose of considering projects of Law" at least once a year, and even more if the Lt.-Governor found it advisable, and meet at 11 A.M. each Saturday, at Belvedere, Calcutta.

The establishment of these Councils, at the Centre and in the presidencies, however, failed to give satisfaction to the educated Indians who under the leadership of the Indian National Congress now demanded for more positive representation in the Councils. This was to some extent met by the Act of 1892, under which the maximum strength of the Bengal Legislative Council was raised to 20 (from the erstwhile maximum of 12), seven of whom were to be elected. Under this Act the members also obtained the two important rights of asking questions and discussing the annual financial statement.

The number of members of the Council was further raised to 50 under the Indian Councils Act of 1909 which provided that there must be a majority of non-official members in each Provincial Council, their number varying with the local conditions. Representation for minor interests and classes was also provided for through nominations. The right to ask supplementary questions (confined to the questioner and not to other members) and the right to discuss any matter of general public interest were now obtained under this Act.

The reforms under the Act of 1919 promised responsible government in India and greater constitutional powers for the Provincial Legislatures by enlarging the electorates and increasing the number of elected members in the Legislatures. The number of members in the Bengal Council was raised to 125, of whom 70% was fixed to be the maximum number of elected members

and 20% to be nominated from among the officials. Besides this, the Governor was authorised to make rules to increase the number by nomination, with persons having special knowledge of matters concerning any legislation already introduced or to be introduced in the House.

Also, for the first time, provision was made for the appointment of a Presiding Officer and the Governor ceased to preside over the meetings of the Council. Nawab Sir Samsul Huda was the first non-official President to be appointed for the Council.

The Bengal Legislative Council constituted under the 1919 Act was formally inaugurated on February 1, 1921 by H.R.H. the Duke of Connaught. The hour of meeting, which hitherto was 11 A.M., was changed to 3 P.M. by a Resolution moved\* in the House on February 7, 1921. The Council, which earlier used to sit either at Government House or at Belvedere, Calcutta, now met at the Town Hall, Calcutta. The venue was once again changed on February 9, 1931 from the Town Hall to its new building "Council House" (now known as the "Legislative Building").

### *Under the 1935 Act*

Two Chambers of Legislature—a Legislative Council and a Legislative Assembly—were created for Bengal under the Government of India Act, 1935. The life of the 250-member Assembly was fixed at five years unless sooner dissolved; while the Council, with a membership of not less than 63 and not more than 65, was made a permanent body not subject to dissolution. There was a provision for nomination by the Governor of 6 to 8 members in the Council. Members were now allowed a monthly salary in addition to the allowances drawn by them earlier. Sir Md. Azizul Huq was elected the Speaker of the Assembly on April 8, 1937, and on the next day Shri Satyendra Chandra Mitra was elected the President of the Council. Once the Presiding Officers were elected by the respective Houses, no approval by the Governor

\*Mr. R. M. Watson Smyth, a member of the Council representing the Bengal Chamber of Commerce.



was required under the Act. Revised sets of Rules of Procedure and Conduct of Business were also adopted by the two Houses.

The creation of separate electorates under the 1935 Act and the Communal Award encouraged the growth of political organisations on a communal basis and led to inter-communal jealousies between Hindus and Moslems. In this situation the Muslim League Party with the co-operation of the Krishak Proja Party and a few other smaller groups in the Legislature formed the government in Bengal in 1937, while the Congress Party, which secured only 22% of the total seats, acted as the main Opposition Party in the Assembly.

#### *1946 General Elections*

In the general elections held in the Provinces in 1946, out of the 250 seats in the Bengal Assembly, the Muslim League won 113 of the 119 Muslim seats (including 2 for Muslim women), and the Congress obtained 87. The Muslim League, headed by Mr. H. S. Suhrawardy, formed the government in the Province. Following this there was acute communal tension in Bengal and the neighbouring Province of Bihar, and for some time communal disturbances broke out throughout the country.

#### *Partition and After*

The British Government had now made up their mind about the transfer of power to Indian leaders and what happened since is recent history. In Bengal the members of the Bengal Legislative Assembly meeting in two groups—representatives of the predominantly Muslim areas, and those of the predominantly non-Muslim areas, separately—voted for the partition of Bengal on June 20, 1947, and the Province was divided into West Bengal and East Pakistan. With the passing of the Indian Independence Bill in July 1947, the birth of two separate Dominions—India and Pakistan—was complete by the middle of August that year.

The Legislative Assembly of West Bengal met in its first session after Independence on November 2, 1947; and,

under the provisions of the Government of India Act, 1935 as adapted, the Bengal Legislative Council stood abolished. The number of members in the Assembly was 92, representing the constituencies that fell within the area of West Bengal. The Congress Party formed the government in the State, and the Opposition in the Assembly consisted of 23 members.

#### *West Bengal Legislature under the Constitution*

The Constitution of India again made provision for a bi-cameral Legislature for West Bengal. On the Legislative Council, which is a continuing body not subject to dissolution, most of the members are elected and some nominated. The Council was constituted after the General Elections in 1952 and was initially composed of 51 members, with Dr. Sunil Kumar Chatterji as its elected Chairman. In the Legislative Assembly, whose tenure is five years—unless sooner dissolved, barring a few nominated members, members are chosen by direct election. There is a provision for nomination by the Governor of a few members from the Anglo-Indian community and the number of such members in the Assembly is 4. After the General Elections the Assembly met for the first time on June 18, 1952, and Shri Saila Kumar Mukherjee was elected the first Speaker.

The strength of both the Houses was increased by the States Re-organisation Act of 1956—from 238 to 252 in the case of the Assembly, and from 51 to 75 in the Council.

The Congress Party has been forming the government in the States so far, securing at the three general elections in 1952, 1957 and 1962 respectively 66%, 60·8% and 62·3% of the seats in the Assembly.

The Rules of Procedure and Conduct of Business as modified and adapted under the Constitution, earlier governed the proceedings of the Assembly. These were replaced by a new set of rules framed by a Committee set up for that purpose, which was adopted by the House in 1961 during the Speakership of Shri Bankim Chandra Kar.

## Short Notes

### (a) *Parliamentary Activities & Events* **All-India Whips Conference**

The Whips of Legislatures in India met for a two-day Conference in Bombay on October 24 last year. Shri Y. B. Chavan, then Chief Minister of Maharashtra, inaugurated the Conference.

The Union Minister of Parliamentary Affairs, Shri Satya Narayan Sinha, who presided over the Conference, said that it was a narrow conception of the Whips' functions to regard them as confined to "making the House and keeping the House". Their duties and tasks were wide and manifold and drew within their compass everything that affected the parliamentary machine for good or evil.

Shri Sinha deplored the tendency on the part of some elected members to resort to unruly behaviour in some of the State Legislatures and even in Parliament and said that it was a serious matter which deserved the attention not only of the leaders of public opinion but of the country as a whole. As for the Whips, he said, it was their duty, to whichever party they belonged, to help maintain the dignity of the House as also an atmosphere of cool and calm deliberation.

Referring to the practice of introducing and rushing Bills when the Session was coming to a close, which left no adequate notice and opportunity to members for detailed study and examination,

Shri Sinha suggested that the Whips, who were vitally involved in managing smooth passage of Government business, should give thought to this in the light of their experience in the State Legislatures and make appropriate recommendations.

Shri Sinha further emphasised the importance of a balanced division of time for legislative and non-legislative matters and dwelt on the virtues of debate on general subjects. "It has a prophylactic effect on executive action, stimulates general vigilance all round and keeps the Government in touch with the sentiments aspirations and expectations of the people. It also goes a long way in keeping the general public actively interested in the deliberations of the legislatures", he said.

Among the functions of the Whips Shri Sinha also listed the promotion of specialisation amongst members. He referred in this connection to the informal Consultative Committees at the Centre and the visits organised for members to the various projects and centres of developmental activity for on-the-spot study. He said the Whips should look out for other avenues of specialisation as well and train younger Parliamentarians in particular fields.

At the Conference, which concluded on October 25, a number of recommendations were adopted. Some of the major recommendations are:

- (i) Under no circumstances should the Question Hour be allowed to be sacrificed

or dispensed with for the sake of transaction of Government business. Bills should not be rushed through towards the end of a session unless they are very urgent and essential. More time should be found for the deliberation of the Budget and other matters of discussion, either by adjustment of sittings or extension of duration of sessions as may be found suitable in the various States. There should be not less than five working hours for each sitting.

(ii) The status of the Government Chief Whip should be raised to that of a Minister and Departments of Parliamentary Affairs set up in all the States, as at the Centre.

(iii) In order to promote specialisation amongst the members Informal Consultative Committees should be constituted in all the State Legislatures on the pattern at the Centre. The various political parties functioning in the State Legislatures should further form Department-wise Committees and ask their members to specialise in various subjects.

(iv) The system of study tours and visits to projects of importance should be adopted so as to equip the members with first-hand knowledge and help them towards healthy and well-informed criticism and appraisal of the developmental activities on the floor of the legislature.

(v) The Libraries attached to Legislatures should be strengthened and a special service with some research workers organised which would collect and help Members with information on the subjects they are interested in or on which they are desirous of speaking.

(vi) Pre-planned and deliberate incidents of lack of decorum and discipline should not be encouraged. All parties represented in the Legislatures who have faith in the parliamentary machinery should take a serious note of any such conduct on the part of a member. The presiding authority should enforce the existing rules and regulations as strictly as possible in order to maintain the dignity and decorum of elective bodies, and, if the existing rules are found inadequate for the purpose, they should be suitably amended in consultation with the leaders of all parties.

(vii) The Department of Parliamentary Affairs should organise adequate publicity, through radio broadcasts, documentary films, pamphlets and literatures in regional languages, for the work and functioning of Parliament and the State Legislatures with a view to promoting

increased respect for and interest in parliamentary institutions.

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### **Conference of Presiding Officers of Legislative Bodies in India**

The 28th Conference of Presiding Officers of Legislative Bodies in India was held for two days on February 10 and 11 this year in the Legislative Council Hall of the Punjab Legislature in Chandigarh.

The Conference opened with a Welcome Address by the Presiding Officers of Punjab Legislature. This was followed by the address of the Chairman of the Conference, Sardar Hukam Singh, Speaker of Lok Sabha.

The Conference then discussed the following points: (i) Simplification of Parliamentary Practice and Procedure during the present emergency, and (ii) Part to be played by the Presiding Officers and Legislatures during the period.

### **Fifty-first Inter-Parliamentary Conference**

The 51st Inter-Parliamentary Conference was held in Brasilia (Brazil) in October-November last year. The delegation to the Conference from India was composed of Shri S. V. Krishnamurthi Rao, Deputy Speaker, Lok Sabha (Leader), Shri K. Hanumanthaiya, M. P., Shri M. Henry Samuel, M. P. and Shri S. N. Mukerjee, Secretary, Rajya Sabha.

The following subjects were discussed at the Conference:—

- (i) An Appeal for Peace to the Great Powers.
- (ii) Free Functioning of Parliament, a Pre-requisite for the Rule of Law.
- (iii) The Role of International Trade in Promoting Balanced Economic and Social Progress in Developing Countries.
- (iv) Draft Convention on Measures to be taken in the International Field

## Short Notes

against those Guilty, in the Exercise of Public Officer, of Fraudulent Enrichment prejudicial to the Public Interest.

- (v) Methods and Pre-requisites for General Disarmament:—
- (a) Measures for Lessening International Tension.
  - (b) Constitution of an International Force to meet Immediate Needs.
  - (c) General Acceptance of Compulsory Jurisdiction of the International Court of Justice in the Settlement of Disputes between States.

During the Conference period, meetings of the Inter-Parliamentary Council, Standing Study Committees, and Executive Committee of the Inter-Parliamentary Union were also held.

The Association of Secretaries-General of Parliaments also met in Brasilia about this time.

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### **Eighth Commonwealth Parliamentary Conference**

The Eighth Commonwealth Parliamentary Conference was held in Lagos (Nigeria) in October-November last year. The Indian delegation to the Conference led by Sardar Hukam Singh, Speaker, Lok Sabha, included Shrimati Violet Alva, Deputy Chairman, Rajya Sabha, H.H. Maharaja P. K. Deo, M.P., Shri Naval Prabhakar, M. P. and Shri M. N. Kaul, Secretary, Lok Sabha. Shri Keshab Chandra Basu, Speaker, West Bengal Legislative Assembly also attended the Conference as a delegate from the West Bengal Branch of the Commonwealth Parliamentary Association.

The following subjects were discussed at the Conference:—

- (i) The role of the Commonwealth in the modern world.
- (ii) Regional co-operation within the Commonwealth, with special reference to:
  - (a) Political and economic co-operation.

- (b) The European Economic Community.
- (c) Educational and technical co-operation.
- (iii) International affairs and defence, with special reference to alignment and non-alignment, disarmament and the Commonwealth and the United Nations.
- (iv) The character, role and potentialities of the Commonwealth Parliamentary Association.

Pre-Conference tours, which lasted some two weeks, were arranged by the Nigeria Branch of the C.P.A.

Sardar Hukam Singh, Shrimati Violet Alva and Shri M. N. Kaul had to return to India without attending the Conference owing to an emergency session of Parliament summoned in the wake of the Chinese aggression.

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### **Indian Parliamentary Delegation to USSR and Mongolia**

A ten-member parliamentary delegation from India led by Sardar Hukam Singh, Speaker of Lok Sabha, visited the USSR and Mongolian People's Republic in September-October last year. Other members of the delegation were Shri J. N. Hazarika, Shri Inder J. Malhotra, Shri Bakar Ali Mirza, Shrimati Sharda Mukerjee, Shri Sarjoo Pandey, Shri Rohit M. Dave, Shri Jagan Nath Kaushal, Shri B. K. P. Sinha—all members of Parliament, and Shri M. N. Kaul, Secretary, Lok Sabha. During the three-week tour the delegation was the guest of the Parliaments of the two countries.

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### **Indian Parliamentary Delegation to U.S.A.**

At the invitation of the U.S. Government a seven-member Indian Parliamentary delegation led by Sardar Hukam

Singh, Speaker of Lok Sabha, made a five-week tour of the United States commencing from the third week of June, this year. The other members of the delegation were Shrimati Violet Alva, Deputy Chairman of Rajya Sabha, Shri Surendra Nath Dwivedy, Shri Diwan Chand Sharma, Shri R. K. Khadilkar, Shri Gopal Swarup Pathak, and Shri M. N. Kaul, Secretary to Lok Sabha. The first ever visit by a Parliamentary delegation from India to the United States, it was regarded as important for the opportunity it afforded the Indian parliamentarians to explain to their American counterparts India's point of view on matters of common interest, at the parliamentary level.

The delegation had a busy itinerary which took them to several States and included visits to governmental organisations, educational institutions, historic centres, industrial areas and other places of interest in the United States. In the course of their tour the party visited Williamsburg, one of the important cities of Colonial America and seat of the government from 1699 to 1780, Springfield, capital of Illinois and the scene of the early career of Abraham Lincoln and his final resting place, the Manned Spacecraft Centre at Houston, and the East-West Cultural Centre in Hawaii. During the trip the delegation met President Kennedy and Vice-President Lyndon Johnson and had an opportunity of meeting several American Senators, Congressmen, Justices of the Supreme Court, Cabinet officials and other leading figures in the public life of that country.

### **Ombudsman in New Zealand\***

In September last New Zealand adopted the legislation to appoint a Parliamentary Commissioner for Investigations, based on the Scandinavian "Ombudsman" system. With this enactment New Zealand became the first country in the Commonwealth to create this office.

The institution of an Ombudsman appointed by Parliament to safeguard the rights of citizens against encroachment by the Government or its servants has been in existence in Sweden, Finland and Denmark—in Sweden from as far back as 1809; in Denmark ever since 1954; and in Norway, since June last year.

The relative bill in the New Zealand Parliament, which was reintroduced† on June 14, 1962, received an unopposed second reading on July 26, and, after being debated by the Statutes Revision Committee, passed the Report stage and the third reading on September 6, 1962.

Following are some of the principal features of the new office under the New Zealand enactment:—

The Parliamentary Commissioner for Investigations, to be called the "Ombudsman", will be appointed by the Governor-General on the recommendation of Parliament, made in the first or second session of every Parliament. He will have the status of an officer of Parliament. A Commissioner may be reappointed.

Complaints to the Commissioner must be against an administrative action or non-action of Government Departments and specified semi-Government organizations, or of any officer, employee, or member thereof "in the exercise of any power or function conferred upon him". The Commissioner cannot review

\*Based on material contained in *Keesing's Contemporary Archives*, 1962, pp. 19103-104.

†An earlier bill introduced in August 1961 did not reach the second reading stage during the session because of other parliamentary business.

## Short Notes

the decisions of Ministers themselves, but may review recommendations to a Minister from a Government Department.

The Commissioner may start an investigation either on a complaint made to him by any person, or on his own initiative. In addition, any committee of the House of Representatives may refer to him, for investigation and report, any petition before it or any matter relating thereto. All investigations will be in private.

The Commissioner's powers can be exercised even though the subject of the complaint may by statute have been excluded from the right of appeal or review; but, he has no jurisdiction, where there is provision for appeal to a court or tribunal. He cannot investigate matters relating to members of the armed forces. In case of any doubt concerning his jurisdiction, he may apply to the Supreme Court for a declaratory order.

The Commissioner may refuse to proceed with an investigation if it appears to him that (i) the complainant has adequate remedy under the existing law or administrative practice; (ii) the complainant has had knowledge of the matter complained of for more than twelve months; (iii) the complaint is "trivial", "frivolous or vexatious" or is not made in good faith; or (iv) the complainant has no sufficient personal interest in the subject-matter of the complaint.

The Commissioner may require anyone to furnish information or produce documents, and may summon anyone to appear before him and examine him on oath; he cannot, however, so summon and examine persons outside the specified Government Departments and organizations without the Attorney-General's approval. He may, with prior notification of the head of the Department or organization concerned, also enter the premises occupied by the Departments or specified organizations and inspect them.

Anyone bound by special provisions of the law to maintain secrecy may refuse to give information or produce documents in breach of his obligation of secrecy. (Information may also be refused in cases where the Attorney-General certifies that its disclosure might (a) prejudice the country's security, defence, or international relations, or (b) prejudice the investigation or detection of offences, or (c) involve the disclosure of Cabinet deliberations, or of Cabinet proceedings relating to matters of a secret

or confidential nature whose disclosure would be injurious to the public interest.

Before any adverse report or recommendation is made, the Commissioner must give the affected Department, organization or person an opportunity to be heard. He may at any time consult the Minister concerned and on the request of the latter consult him after the investigation and before forming a final opinion.

On the conclusion of his investigation the Commissioner will make a private report to the appropriate Department or organization, together with such recommendations as he thinks fit, and request them to notify him "within a specified time" of the steps which it is proposed to take to give effect to his recommendations. A copy of the Commissioner's report and recommendations will be sent to the Minister concerned.

If within a "reasonable time" after the Commissioner's report no "adequate and appropriate action" is taken, the Commissioner may, after considering any comments made by or on behalf of the Department or organization concerned, send a copy of his report and recommendations to the Prime Minister, and thereafter may report to Parliament.

The Commissioner is required to inform the complainant of the results of the investigation. Reports of the Commissioner are privileged as if they are reports of court proceedings, and no proceeding or decision of the Commissioner can be challenged in any court except on the ground of lack of jurisdiction.

The Commissioner will make an annual report to Parliament, in addition to his right to report at any other time.

Sir Guy Richardson Powles, from 1960 until recently New Zealand's High Commissioner to India, has been unanimously elected by the New Zealand Parliament as the country's first Ombudsman.

### (b) *Constitutional and Electoral Matters*

#### **President of French Republic: Alteration in Mode of Election**

At a referendum held in October last, the French people approved a proposal to amend the French Constitution to

provide for a change in the method of election of the President of the Republic. The proposal thus approved became law\* on November 6, 1962.

Under the previous law the President of the Republic was elected by an electoral college comprising the members of Parliament, of the General Councils and of the Assemblies of the Overseas Territories as well as the elected representatives of the municipal councils. The election was by an absolute majority of votes on the first ballot and, if this was not obtained, by a relative majority on the second ballot.

The election of the President under the provisions of the Constitution as now amended will be by direct universal suffrage, by an absolute majority of the votes cast. If this majority is not obtained on the first ballot, a second ballot is to be held, wherein only the two candidates who have received the greatest number of votes on the first ballot will be candidates.

The procedure for the conduct of the election will be regulated by a new set of provisions, which provide that not less than eighteen days before the first ballot candidatures have to be presented, individually or collectively, by at least one hundred citizens who are members of Parliament, members of the Economic Council, elected members of General Councils or elected mayors. This number should include the elected representatives of at least ten different Overseas Departments or Territories.

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### **Yugoslavia adopts new Constitution**

The Yugoslav Federal Parliament unanimously adopted on April 7 this year a new Constitution—the third since

1946—which changed the name of the People's Federal Republic of Yugoslavia to "Socialist Federal Republic of Yugoslavia".

Under the new Constitution\*\* the Federal Assembly, which is the supreme organ of power and of self government within the framework of the rights and duties of the Federation, comprises five chambers: the Federal Chamber as a chamber of delegates of the citizens in the communes and republics, and the Economic Chamber, the Chamber of Education and Culture, the Chamber of Social Welfare and Health, and the Organisational-Political Chamber, as chambers of delegates of the working people in the working communities. The members of the Federal Chamber elected by the republican assemblies and the assemblies of the autonomous provinces constitute the Chamber of Nationalities, which has certain special rights and duties for safeguarding the equality of the peoples of Yugoslavia and the rights of the republics, as set forth in the Constitution.

While every citizen enjoying suffrage is eligible for election to the Federal Chamber, only working men, members of organs of management of working organizations or associations of such organisations, and trade union officers, in the corresponding field of work are eligible for election to the Economic Chamber, the Chamber of Education and Culture, and the Chamber of Social Welfare and Health. To be eligible for election to the Organizational-Political Chamber a person has to be a member of an organ of management of an organization or association of organizations, or be an official of an organization, in the social-political field.

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\*Law No. 62-1292 relating to the election of the President of the Republic by universal suffrage (6th November, 1962).

\*\*The summary given here is based on *The Constitution of the Socialist Federal Republic of Yugoslavia* in English, published by the Secretariat for Information of the Federal Executive Council, Beograd.

### Short Notes

Each of the chambers, acting with the Federal Chamber on terms of equality, is competent to consider matters and pass laws in its field, although there is no bar to a chamber considering matters not within its jurisdiction and offering suggestions to the competent chamber. Social plans come within the purview of the Economic Chamber, and the federal budget and the annual financial statement are the concern of the Organisational-Political Chamber. Certain matters fall within the exclusive jurisdiction of the Federal Chamber, such as consideration of questions of foreign policy, national defence, state security and general internal policy; passing of laws or ratification of international agreements in these fields; election and removal of the President and members of the Federal Executive Council; and determination of the emoluments of deputies and other officers elected or nominated by the Federal Assembly. The Constitution envisages joint sessions of all the chambers for the discharge of certain affairs in the jurisdiction of the Federal Assembly, such as, election of the President and Vice President of the Republic and the President and Vice-Presidents of the Assembly; extension of the term of deputies etc.

The President is no longer the head of the government under the new Constitution, but will function as "the head of the State". He is elected for a period of four years and is eligible for re-election for another term. This provision limiting the presidential tenure will not however apply to the first President of the Republic, Josip Broz Tito.

The Constitution also provides for a Constitutional Court to settle questions regarding constitutionality of laws, resolve disputes between the Federation and a republic or between republics, and

decide matters of conflict between the courts and the federal or State authorities.

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### Constitutional Reforms in Nepal

In Nepal, after twentyeight months of abeyance of parliamentary rule, King Mahendra promulgated on December 16 last year a new Constitution establishing a 'party-less panchayat democracy'. According to the Royal proclamation on the occasion, parliamentary government, introduced earlier under the 1959 Constitution, could not prove suitable to Nepal because of lack of education and political consciousness among the people and on account of its being out of step with the country's history and traditions. The new Constitution now envisages a panchayat democracy, 'organised from the base upwards', in a four-tier system of village, city, district and zonal panchayats, with a National Panchayat at the apex aimed at enlisting direct popular participation in the administration. The National Panchayat, a unicameral legislature with a third of its membership retiring every second year, is to be composed of 90 members elected by the zonal panchayats, 15 elected by different class organizations, and four by graduates, besides the Royal nominees who will not number more than 15 per cent of the elected element. The National Panchayat will elect its own Chairman, and a feature here is a steering committee of Ministers of Law, Finance, Home and Panchayat Affairs, which will advise the Chairman in the conduct of business of the assembly. The Ministers are to be drawn from the National Panchayat, the King appointing the Ministers as well as the Chairman and Vice-Chairman of the Council of Ministers. The Ministers are directly and indivi-



dually responsible to the National Pan-chayat whose vote of no confidence by a two-thirds majority may 'affect the tenure of a Minister concerned'. The usual basic freedoms are also guaranteed by the Constitution. The 125-member National Panachayat started functioning on April 14 this year.

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### **Amendments to the Indian Constitution**

In recent months four Constitution Amendment Bills were passed by the Indian Parliament. While two of these—13th and 14th Amendment Bills—have received the Presidential assent and become part of the organic law, the other two (15th and 16th Amendment Bills) are still in the process of ratification by the State Legislatures in accordance with the procedure prescribed under Art. 368 of the Constitution.

#### **THE CONSTITUTION (THIRTEENTH AMENDMENT) ACT, 1962**

By an agreement reached in July 1960 by the Government of India with the leaders of the Naga Peoples Convention, the Naga Hills Tuensang Area, a Part 'B' tribal area within the State of Assam, was to be formed into a separate State of Nagaland within the Indian Union, it was further decided that the Governor of Nagaland would be responsible (i) for law and order so long as the situation in the State remained disturbed on account of hostile activities inside the area; (ii) for the funds that might be made available to the State by the Government of India; and (iii) for administering the Tuensang district for a period of ten years (or more) if the Regional Council to be set up for that area so recommended. No law passed by the Nagaland Legislature was to extend to the Tuensang district unless so recommended by the Regional Council. And, likewise, no

law of Parliament in respect of certain matters (such as the religious and social practices of the Nagas, Naga customary law and procedure, administration of civil and criminal justice involving decisions according to Naga customs and traditions, and ownership and transfer of land and its resources) was to apply to the new State, unless so decided by the Naga Legislature.

As these matters were peculiar to the proposed new State, provision in that behalf had to be made in the Constitution. The Constitution (Thirteenth Amendment) Bill was accordingly brought forward in the Second Session of Third Lok Sabha. For the formation of the new State itself, a separate Bill relating to Art. 3 was simultaneously introduced.

The Constitution (Thirteenth Amendment) Bill, introduced in Lok Sabha on August 21, 1962, was discussed and passed by Lok Sabha on August 28 and by Rajya Sabha on September 7, and after necessary ratification by the State Legislatures, was assented to by the President on December 28, 1962.

Following is the full text of the enactment:—

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

#### *Short title and Commencement*

1. (1) This Act may be called the Constitution (Thirteenth Amendment) Act, 1962.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

#### *Amendment of Part XXI*

2. In PART XXI of the Constitution—

(a) for the heading, the following heading shall be substituted, namely:—

**"TEMPORARY, TRANSITIONAL AND SPECIAL PROVISIONS";**

## Short Notes

(b) after article 371, the following article shall be inserted, namely:—

### Special provision with respect to the State of Nagaland

“371A. (1) Notwithstanding anything in this Constitution,—

(a) no Act of Parliament in respect of—

(i) religious or social practices of the Nagas,

(ii) Naga customary law and procedure,

(iii) administration of civil and criminal justice involving decisions according to Naga customary law,

(iv) ownership and transfer of land and its resources,

shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides;

(b) the Governor of Nagaland shall have special responsibility with respect to law and order in the State of Nagaland for so long as in his opinion internal disturbances occurring in the Naga Hills-Tuensang Area immediately before the formation of that State continue therein or in any part thereof and in the discharge of his functions in relation thereto the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken:

Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this sub-clause required to act in the exercise of his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgment:

Provided further that if the President on receipt of a report from the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order in the State of Nagaland, he may by order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order;

(c) in making his recommendation with respect to any demand for a grant, the Governor of Nagaland shall ensure that any money provided by the Government of India out of the Consolidated Fund of India for any specific service or purpose is included in the demand for a grant relating to that service or purpose and not in any other demand;

(d) as from such date as the Governor of Nagaland may by public notification in this behalf specify, there shall be established a regional council for the Tuensang district consisting of thirty-five members and the Governor shall in his discretion make rules providing for—

(i) the composition of the regional council and the manner in which the members of the regional council shall be chosen:

Provided that the Deputy Commissioner of the Tuensang district shall be the Chairman *ex officio* of the regional council and the Vice-Chairman of the regional council shall be elected by the members thereof from amongst themselves;

(ii) the qualifications for being chosen as, and for being, members of the regional council;

(iii) the term of office of, and the salaries and allowances, if any, to be paid to members of, the regional council;

(iv) the procedure and conduct of business of the regional council;

(v) the appointment of officers and staff of the regional council and their conditions of services; and

(vi) any other matter in respect of which it is necessary to make rules for the constitution and proper functioning of the regional council.

(2) Notwithstanding anything in this Constitution, for a period of ten years from the date of the formation of the State of Nagaland or for such further period as the Governor may, on the recommendation of the regional council, by public notification specify in this behalf,—

(a) the administration of the Tuensang district shall be carried on by the Governor;

(b) where any money is provided by the Government of India to the Government of Nagaland to meet the requirements of the State of Nagaland as a whole, the Governor shall in his discretion arrange for an equitable allocation of that money between the Tuensang district and the rest of the State;

(c) no Act of the Legislature of Nagaland shall apply to the Tuensang district unless the Governor, on the recommendation of the regional council, by public notification so directs and the Governor in giving such direction with respect to any such Act may direct that the Act shall in its application to the Tuensang district or any part thereof have effect subject to such exceptions or modifications as the Governor may specify on the recommendation of the regional council:

Provided that any direction given under this sub-clause may be given so as to have retrospective effect;

(d) the Governor may make regulations for the peace, progress and good government of the Tuensang district and any regulations so made may repeal or amend with retrospective effect, if necessary, any Act of Parliament or any other law which is for the time being applicable to that district;

(e) (i) one of the members representing the Tuensang district in the Legislative Assembly of Nagaland shall be appointed Minister for Tuensang affairs by the Governor on the advice of the Chief Minister and the Chief Minister in tendering his advice shall act on the recommendation of the majority of the members as aforesaid;

(ii) the Minister for Tuensang affairs shall deal with, and have direct access to the Governor on, all matters relating to the Tuensang district but he shall keep the Chief Minister informed about the same;

(f) notwithstanding anything in the foregoing provisions of this clause, the final decision on all matters relating to the Tuensang district shall be made by the Governor in his discretion;

(g) in articles 54 and 55 and clause (4) of article 80, references to the elected members of the Legislative Assembly of a State or to each such member shall include references to the members or member of the Legislative Assembly of Nagaland elected by the

regional council established under this article;

(h) in article 170—

(i) clause (1) shall, in relation to the Legislative Assembly of Nagaland, have effect as if for the word 'sixty', the words 'forty-six' had been substituted;

(ii) in the said clause, the reference to direct election from territorial constituencies in the State shall include election by the members of the regional council established under this article;

(iii) in clauses (2) and (3), references to territorial constituencies shall mean references to territorial constituencies in the Kohima and Mokokchung districts.

(3) If any difficulty arises in giving effect to any of the foregoing provisions of this article, the President may by order do anything (including any adaptation or modification of any other article) which appears to him to be necessary for the purpose of removing that difficulty:

Provided that no such order shall be made after the expiration of three years from the date of the formation of the State of Nagaland.

*Explanation.*—In this article, the Kohima, Mokokchung and Tuensang districts shall have the same meanings as in the State of Nagaland Act, 1962."

#### THE CONSTITUTION (FOURTEENTH AMENDMENT) ACT, 1962

The French establishments of Pondicherry, Karikal, Mahe and Yanam became territories of the Indian Union with effect from August 16, 1962 on the ratification of the Treaty of Cession by the Governments of India and France. It was proposed to formally incorporate these territories as a Union territory of 'Pondicherry' in the Constitution.

There were other matters as well for which provision had to be made. The maximum of twenty members fixed by Art. 81(1)(b) as the representation for the Union territories in Lok Sabha had

## Short Notes

already been reached and in order to enable representation being given immediately to Pondicherry and to provide for future contingencies it was considered necessary to raise the number to twenty-five. Provision also had to be made for representation of the territory in Rajya Sabha.

It was also proposed to create Legislatures and Councils of Ministers in the Union territories\* of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry broadly on the pattern of the scheme which was in force in some of the Part C States prior to the reorganisation of States in 1956. Necessary legislative power had to be conferred on Parliament to enact laws for the purpose.

The Constitution (Fourteenth Amendment) Bill, introduced in Lok Sabha on August 30, 1962, sought to make provision for the above matters. The Bill was discussed and passed by Lok Sabha on September 4 and by Rajya Sabha on September 7 and after the necessary ratification by the State Legislatures, was assented to by the President on December 28, 1962.

Following is the full text of the enactment:—

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

### Short title

1. This Act may be called the Constitution (Fourteenth Amendment) Act, 1962.

### Amendment of article 81

2. In article 81 of the Constitution, in sub-clause (b) of clause (1), for the words "twenty members", the words "twenty-five members" shall be substituted.

\*In all these territories, except Goa, Daman and Diu, popular governments have since been set up, from July this year. In the Union territory of Goa, Daman and Diu, where elections are yet to be held, popular government is expected to be sworn in sometime in December this year.

### Amendment of the First Schedule

3. In the First Schedule to the Constitution, under the heading "II. THE UNION TERRITORIES", after entry 8, the following entry shall be inserted, namely:—

"2. Pondicherry: The territories which immediately before the sixteenth day of August, 1962, were comprised in the French Establishments in India known as Pondicherry, Karikal, Mahe and Yanam."

### Insertion of new article 239A

4. After article 239 of the Constitution, the following article shall be inserted, namely:—

### Creation of local Legislatures or Council of Ministers or both for certain Union territories.

"239A. (1) Parliament may by law create for any of the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry—

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union territory, or

(b) a Council of Ministers,

or both with such constitution, powers and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution."

### Amendment of article 240

5. In article 240 of the Constitution, in clause (1),—

(a) after entry (d), the following entry shall be inserted, namely:—

"(e) Pondicherry:";

(b) the following proviso shall be inserted at the end, namely:—

"Provided that when any body is created under article 239A to function

as a Legislature for the Union territory of Goa, Daman and Diu or Pondicherry, the President shall not make any regulation for the peace, progress and good government of that Union territory with effect from the date appointed for the first meeting of the Legislature."

*Amendment of the Fourth Schedule*

6. In the Fourth Schedule to the Constitution, in the Table,—

(a) after entry 20, the entry "21. Pondicherry. . . 1" shall be inserted;

(b) for the figures "225", the figures "226" shall be substituted.

*Retrospective operation of certain provisions.*

7. Section 3 and clause (a) of section 5 shall be deemed to have come into force on the 16th day of August, 1962.

THE CONSTITUTION (FIFTEENTH AMENDMENT) BILL, 1962

The Constitution (Fifteenth Amendment) Bill proposes several miscellaneous amendments to the Constitution that had for some time been under consideration.

The Bill was introduced in Lok Sabha on November 23 last year and referred\* to a Joint Committee of both Houses of Parliament on December 11. The Bill as reported by the Joint Committee was considered for three days\*\* and passed by Lok Sabha on May 1; and was discussed by Rajya Sabha for two days@ and passed on May 9, 1963. The Bill has now to be ratified by the State Legislatures as provided under Art. 368 before it is presented for assent.

Following are the amendments to the Constitution proposed in the Bill as passed by both Houses of Parliament:

*Determination of questions re. Age of Judge*

*Articles 124 and 217.*— Articles 124 and 217, which prescribe the age of retirement for Judges of the Supreme Court and of High Courts respectively, are silent on the procedure to be followed when a question arises as to the correct age of a Judge. These articles are now being amended so as to provide that—

- (i) in the case of a Judge of the Supreme Court, the age 'shall be determined by such authority and in such manner as Parliament may by law provide'; and
- (ii) in the case of a Judge of a High Court, 'the question shall be decided by the President after consultation with the Chief Justice of India and the decision shall be final'.†

*Age of Retirement of High Court Judges*

*Articles 217 and 224.*— Keeping in view the recommendation of the Law Commission‡ in their Fourteenth Report, Art. 217 is being amended to raise the retirement age of a Judge of a High Court from sixty years to sixty-two years.

\*See L.S. Deb. 8-12-1962 & 11-12-1962 and R.S. Deb. 12-12-1962.

\*\**Ibid.* 29-4-1963 ; 30-4-1963 ; & 1-5-1963.

@R.S. Deb. 7-5-1963 & 9-5-1963.

†In the Bill as introduced the provision made in both cases was that 'the question shall be decided by the President after making such inquiry as he may deem necessary and his decision shall be final'. The provisions as they figure in the Bill as passed follow the recommendations of the Joint Committee.

‡Actually, the Law Commission's suggestion was to raise the limit to sixty-five years.

Similarly, Art. 224 is also being amended to raise to sixty-two years the age limit of sixty years prescribed for additional and acting Judges of High Courts.

*Attendance of Retired Judges at sittings of Supreme Court and High Courts*

*Article 128.*—This Article empowers the Chief Justice of India to request at any time, with the previous consent of the President, any retired Judge of the Supreme Court or the Federal Court to sit and act as a Judge of the Supreme Court. Since the number of such retired Judges is not likely to be large at any time, this Article is being amended so as to extend the field of choice to cover retired Judges of High Courts who may be qualified for appointment as Judges of the Supreme Court.

*New Article 224A.*—By a new Article 224A provision is sought to be made to enable the Chief Justices of High Courts also to request, with the previous consent of the President, retired Judges of their or other High Courts to sit and act as Judges in their Courts.

*Compensatory Allowance for Judges in Transfer*

*Article 222.*—Art. 222 provides for the transfer of a Judge from one High Court to any other High Court. Since such transfer must entail additional financial burden on the Judge so transferred this Article is being amended so as to provide for payment to the Judge 'in addition to his salary such compensatory allowance as may be determined by Parliament by law and

until so determined, as may be fixed by an order of the President'.

*Writ Jurisdiction of High Courts*

*Article 226.*—A recent decision† of the Supreme Court has established that since the seat of the Government of India is in New Delhi, the only High Court which has jurisdiction to issue writs under Art. 226 to the Central Government is the Punjab High Court. Since this must involve hardship to litigants from distant places, this article is being amended so that the High Court within whose jurisdiction the cause of action arises may also have jurisdiction to issue directions, orders or writs to any Government, authority or person, notwithstanding that the seat of such Government or authority or the residence of such person is outside the territorial jurisdiction of the High Court.

*Rights over sea bed and sub-soil of continental shelf*

*Article 297.*— This Article is being amended to include a reference to 'continental shelf' so as to make clear that India's sovereign rights extend also over the sea bed and sub-soil of the continental shelf adjoining its territories and beyond its territorial waters. This has already been affirmed in a President's proclamation.

*Procedure in Dismissal, Removal and Reduction in rank of Civil Servants*

*Article 311.*— Clause (2) of Art. 311, as it stands, provides that no civil servant shall be dismissed, removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

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†A.I.R. (1961) S.C. 532.

The above provision is now being amended\* as follows:

No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during such inquiry:

*Appointment of Acting Chairman in Public Service Commissions*

*Article 316.*— This Article is being amended to provide for the appointment of an acting Chairman when necessary.

*Clarification of Entry 78 in Union List*

A minor amendment is being made to clarify that the expression 'organisation of the High Courts' in this Entry includes also matters relating to 'vacations'.

THE CONSTITUTION (SIXTEENTH AMENDMENT) BILL, 1963

The Constitution (Sixteenth Amendment) Bill seeks to give effect to the suggestions for amendment of the Constitution made by the Committee on National Integration and Regionalism for the preservation and maintenance of the integrity and sovereignty of the Indian Union.

The Bill, which was introduced on January 21 this year, was on the next day referred to a Joint Committee of

both Houses of Parliament. The Bill as reported by the Joint Committee was considered and passed by Lok Sabha on May 2 and by Rajya Sabha on May 9, 1962. The Bill as passed by both Houses of Parliament has to be ratified by the State Legislatures before it is presented for assent.

Following are the amendments to the Constitution proposed in the Bill as passed by the Houses of Parliament:

*Article 19.*—This Article is being amended to enable the State to make, in the interests of the sovereignty and integrity of India, any law imposing reasonable restrictions on the exercise of the freedom of speech and expression, of assembly, and of association guaranteed under Clause (1) of this Article.

*Articles 84 and 173 and Third Schedule:*— Articles 84 and 173 (which relate to the qualifications for membership of Parliament and State Legislatures respectively) and the Third Schedule containing the forms of oath are being amended so as to provide that every candidate for membership, as well as Members, of Parliament and State Legislatures, Union and State Ministers, Judges of the Supreme Court and High Courts, and the Comptroller and Auditor General of India should take an oath to uphold the sovereignty and integrity of India.

\* \* \* \*

\*The original intention in proposing an amendment to this Article was to exclude from its purview "reduction in rank" and to restrict the opportunity to only one of being heard in respect of the charges. The Joint Committee did not favour the exclusion of 'reduction in rank' from the scope of the constitutional safeguard and so restored it in this clause. In the House, the clause was amplified to provide for additional opportunity of representation in respect of the penalty proposed, where it happens to be dismissal, removal or reduction in rank.

## Short Notes

### Election symbols recognized for use at future elections

The Election Commission, in a notification issued on September 22 under the Conduct of Election Rules 1961, announced State-wise the names of 14 political parties for whom symbols have been reserved for allotment at future elections. Following are the political parties with the symbols reserved for them:

<i>Party</i>	<i>Reserved Symbol</i>
Congress	.. Two bullocks with yoke on
Communist	.. Ears of corn and sickle
Swatantra	.. Star
Praja Socialist	.. Hut
Socialist	.. Tree
Jana Sangh	.. Lamp
Dravida Munnetra Kazagham	.. Rising Sun
Akali Dal	.. Hand
All Party Hill Leaders Conference	.. Flower
Jharkhand	.. Cock
Peasants and Workers	.. Cart
Muslim League	.. Ladder
Forward Block	.. Lion
Republican	.. Elephant

While a candidate sponsored by any of the above political parties has to

choose, and will be allotted, the symbol reserved for his party, in the case of other candidates they may choose any one of the ten free symbols specified in the notification. The 'free symbols' are: (i) bicycle (ii) boat (iii) camel (iv) horse (v) pot (vi) railway engine (vii) scales (viii) spade (ix) sparrow and (x) two leaves. When more candidates than one indicate their preference for the same symbol, the returning officer is required to decide by lot the allotment.

\* \* \* \*

### Bye-elections to Lok Sabha and State Assemblies

Fifty-four bye-elections—10 to Lok Sabha and 44 to State Assemblies—have been held so far since the last General Elections in 1962.

Of the 10 bye-elections to Lok Sabha, the Congress won four, Swatantra three, and the Socialists, Dravida Munnetra Kazagam and an Independent one each.

In the State Assemblies, of the 44 seats, the Congress secured 26; the Praja Socialist Party, and the All-party Hill Leaders' Conference 5 each; Independents 3; Swatantra 2; and the Communists, Jan Sangh and Muslim League one each.

A State-wise analysis of the results of these bye-elections will be found in the Tables that follow.



*Journal of Parliamentary Information*

ANALYSIS OF  
RESULTS OF BYE-ELECTIONS HELD SINCE GENERAL ELECTIONS  
(1962)\*

A. LOK SABHA

Name of State in which held	Total No. of bye-elections held in the State	No. of seats won by the different Parties/Independents							
		Cong.	Jan Sangh	P.S.P.	Soc.	Swa.	D.M.K.	Ind.	
1. Andhra Pradesh	1	..	..	..		1	..	..	
2. Gujarat	2	..				2			
3. Madhya Pradesh	1	1					..		
4. Madras	1	..					1		
5. Mysore	2	2				..	..	..	
6. Uttar Pradesh	3	1	..	..	1	..	..	1	
<b>TOTAL</b>	<b>10</b>	<b>4</b>	<b>..</b>	<b>..</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>1</b>	

B. STATE ASSEMBLIES

Name of State	Total No. of bye-elections held	No. of seats won by the different Parties/Independents								
		Cong.	Comm.	PSP	JS	Swa.	APHLC	Mus. League	Hindu Maha-sabha	Ind.
1. Andhra Pradesh	4	4	..	..	..	..	..	..	..	..
2. Assam	7	..			..	..	5			2
3. Bihar	3	1		..	1	1				
4. Gujarat	3	1	..	1		1				
5. Kerala	4	2	1					1		
6. Madhya Pradesh	5	4		1						
7. Madras	1	1		..						
8. Maharashtra	2	1		1						
9. Mysore	2	1		1						
10. Orissa	4	3		1						
11. Uttar Pradesh	2	2	..							
12. West Bengal	7	6	..	..	..	..	..	..	..	1
<b>TOTAL</b>	<b>44</b>	<b>26</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>..</b>	<b>3</b>

\*Based on material supplied by the Election Commission of India, as on 9 June 1963.

(c) Procedural Matters

**Lok Sabha: Absence without leave—  
Position of a Member who has not  
taken seat in the House.**

During the Fourth Session of Third Lok Sabha, when the Report of the Committee on Absence of Members came up before the House on May 7, the case of Shri U. Muthuramalinga Thevar was raised. Since his election at the general election Shri Thevar had not taken his seat in the House and, on applications on grounds of illness, was being granted leave of absence from the sittings of the House, from time to time. In the Fourth Session Shri Thevar had not even applied for leave and his continuous absence during the session had amounted, on the date of the report, to 76 days—that is, well beyond the permissible limit of 60 days prescribed in Art.101(4)\* of the Constitution.

On a point of order, a Member wanted to know whether any elected member, who had not taken the oath of membership of the House, was entitled to be a member and, if he was not, whether the House could at all take action in respect of that member.

**The Speaker in reply observed:**

He may not have taken the oath, but he was regularly elected as a Member. He may not be entitled to certain other facilities, salaries and other things, unless he takes his seat here. But so far as membership is concerned, he continues to be a Member unless this House refuses him leave of absence†.

\* \* \* \* \*

\*Art. 101(4) reads as follows :

(4) If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant :  
Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

†L.S. Deb., May 7, 1963, cc. 18290—97.

‡Ibid., April 26, 1963, c. 12316.

§Ibid., April 27, 1963, cc. 12524-31.

**Lok Sabha: Procedure for moving  
another Motion when a motion in respect  
of a Bill is already before the House.**

On April 26, 1963 during discussion on clause 4 of the Compulsory Deposit Bill in Lok Sabha, a member (Shri Ajit Prasad Jain) moved the following motion:

This House desires that the Attorney General be heard on the point whether the whole or any part of the Compulsory Deposits Bill is *intra vires* of the Constitution‡.

The Finance Minister objected to the moving of the motion and wanted to know the rule under which it had been moved.

On the next day, when discussion on the Bill was resumed, the Speaker observed, that at the time the motion by Shri Jain was moved, there was already a motion before the House, namely, "that clause 4 do stand part of the Bill" and, therefore, only after a motion under rule 108 to adjourn discussion on the clause of the Bill was adopted, the motion regarding calling the Attorney General could be discussed and put to the House.

Thereupon Shri Jain moved a motion for postponement of discussion on clause 4 which, however, was negatived on division.§

\* \* \* \* \*

**Lok Sabhas Postponment of all formal business for timely completion of financial business on the last of the allotted days**

On April 17, after the Question Hour, the Speaker announced that in order to conclude discussion on the Demands for Grants of the Ministry of Finance by 17.00 hours and to apply the guillotine in respect of the outstanding Demands at that time, it was necessary to postpone all the formal items of business standing on the Order Paper (*i.e.* Short Notice Question, Calling Attention Notice, Papers to be laid on the Table, Presentation of Reports, Statements by Minister and Member and Motions for election to Committees) till after 17 hrs. on that day.

Accordingly, all the formal items of business were taken up after 17 hrs. that day excepting for the statement by Member, which was postponed to the next day upon a joint request from the Member and the Minister concerned.\*

\* \* \* \*

**Lok Sabha: Propriety of Members writing to Ministers about individual cases**

On April 17, while replying to the debate on the Demands of his Ministry in Lok Sabha, the Finance Minister referred to the speech of a Member regarding corruption in high quarters and said that the Member concerned had written to him once to drop a customs case against a particular firm. The Member concerned (Shri Ansar Harvani) suggested that his letter might be laid on the Table, and, a few days later, the Minister of Finance laid on the Table

a copy of the Member's letter as well as his reply thereto.

On April 24, another Member (Shri Hari Vishnu Kamath), with the previous permission of the Speaker, raised the matter in the House and questioned the propriety of Shri Harvani's action in writing that letter to the Finance Minister for dropping the case, when it was pending enquiry by the Customs department. Shri Kamath wished to know whether the conduct of the Member did not tantamount to undue interference with the process of law.

The Speaker, thereupon, observed:

If any hon. Member knows that there is an enquiry pending, judicial or semi-judicial against any person, then, certainly, it is not fair or proper for any Member to interfere in that or to exercise his influence to bring about any change or to affect the result. But if the enquiry is simply in the Ministry, and the Minister is enquiring, then, certainly, every hon. Member has got every right to write to the Minister and to give the facts as are known to him. That is the right of the Members, namely, to bring every fact to the notice of the hon. Ministers, which they know, according to their knowledge†.

\* \* \* \*

**Lok Sabha: Baseless allegation in House: Member asked to tender apology**

On April 22, the Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir) made a statement regarding certain allegations made against him by a member (Shri Mani Ram Bagri) in the House some time back. From the Minister's statement it was apparent that the allegations were baseless and were not supported even by the document on the strength of which the Member had made the allegations. Shri

\**Ibid.*, April 17, 1963, cc. 10150 and 10319.

†L.S. Deb. 24-4-1963, cc. 11619-20.

Bagri was absent on that day and the Speaker observed that he would ask the Member to explain to the House the circumstances under which he had given wrong information to the House.\*

On April 27, when Shri Mani Ram Bagri attended the House, he was called upon to make a statement on the subject. The Member explained that he did not give wrong information deliberately and the mistake was on account of his inadequate knowledge of English. The Speaker said that he would not take any action if the Member expressed regret and apologised to the House for the mistake. Shri Bagri then expressed regret and apologised for having given factually a wrong impression to the House. Thereupon, the Speaker declared the matter closed.\*\*

\* \* \* \*

#### Lok Sabha: Procedure in cases of Disputed Allegation.

On April 1, while replying to the Demands relating to his Ministry in Lok Sabha, the Minister of Home Affairs (Shri Lal Bahadur Shastri) made certain allegations against the Praja Socialist Party. On an objection being taken by the PSP members, the Home Minister promised to meet Shri Surendranath Dwivedy, Leader of their Group in Lok Sabha, and placed before him all the facts in his possession on which the allegations were based.†

After Shri Dwivedy had met the Home Minister, he sought the Speaker's permission to make a statement in the House explaining the position in regard to the matter. Since conflicting views

were expressed by the Home Minister and the Leader of P.S.P. the Speaker accorded permission to the Member, who made a statement in the House on April 8. After the statement by the Member the Speaker permitted the Minister of Home Affairs to give his version of the facts.

After both the statements had been made, Shri Dwivedy sought the Speaker's guidance as to the manner in which the House should proceed where a Minister makes allegations based entirely on a report with him and that report is claimed to be incorrect by the persons against whom such allegations are made. The Speaker, thereupon, observed:

....we are not a court here holding enquiries. The most that we can do is this. When there are two conflicting versions of the same thing, when facts are not admitted or proved, we cannot prove them by going into evidence just now; nor would the House and the members here give evidence and then come to a final judgment....Both the statements are there. Facts are not admitted.... Members can draw their conclusions from the statements that have been made....‡

\* \* \* \*

#### Suspended M.Ps.: No participation in elections to Committees.

In Lok Sabha, on April 29, 1963, a Member referred to the case of two Members who had been suspended from the service of the House a fortnight earlier and submitted that these Members were entitled to vote at the election to the Estimates Committee which was being held on that day.

Some members endorsed this view in support of which it was argued that the members concerned had been suspended

\**Ibid.* 22-4-1963, cc. 11082—84.

\*\**Ibid.*, 27-4-1963, cc. 12325—31.

†*Ibid.*, 1-4-1963, cc. 7238—50.

‡*Ibid.*, 8-4-1963, cc. 8447—58.

only from the service of the House and not their rights as members; that on the committees, to which elections were held by the system of proportional representation, all the groups had a right to be represented in proportion to their strength; and that as these committees existed for a whole year, their pattern and shape should not be allowed to be disturbed by the suspension.

This was, however, opposed by some other members; one of them argued that suspension from the service of the House meant suspension from taking part in its proceedings and that voting at election to committees, which could have taken place in the House itself but was being held elsewhere only for the sake of convenience, must be regarded as forming part of such proceedings.

Giving his views the Law Minister said that so long as the Speaker's punishment remained "there is no escape from the conclusion that they are debarred from functioning as members including participating in voting or exercising other rights. . . . Service as a member of the House carries all the functions of a Member *qua* Member. . . ."

#### The Speaker thereupon ruled:

The question exactly to be considered is whether this voting for election to the committee is a service of the House or not. . . . Originally we used to have our elections to the Committees inside the House and it was only as a matter of convenience that we thought that time might not be spent here and that the election might take place in some of the Committee Rooms. . . . Committees have been constituted by this House for particular purposes and working in Committees is also serving the House. Therefore, so far as I can make out—and I am of this opinion positively—working in Committees or voting therefor is also included in the service

of the House and, therefore, for the present, unless we change our rules, they are not entitled to vote\*.

\* \* \* \*

#### Termination of Suspension of Member—Adequacy of Apology left for Speaker's Decision.

On May 1, a Member (Shri Ramachandra Vithal Bade) moved a motion in Lok Sabha for the termination of the order of suspension against Shri Hukam Chand Kachwai, made by the House on April 13. In support of the motion, which was moved under rule 374(2) of the Rules of Procedure of Lok Sabha, it was urged that the punishment of suspension already undergone by Shri Kachwai might be considered sufficient and that, in view of his letter of April 22 to the Speaker, the order of suspension should be terminated.

Thereupon, a discussion ensued as to whether the letter of April 22 should be deemed as a letter of apology by the member. When consideration of the matter was resumed on the next day, the Prime Minister and Leader of the House submitted:

. . . . The normal rule of the House is that if an hon. Member against whom such action is taken by the House apologises, then the House may take a lenient view of it. But when it comes to the question as to whether the words used are adequate apology or not, I do not think this is a matter to be considered by the full House analysing each word. You are the guardian of the House, Sir, and I am quite content to abide by your decision. . . . I would suggest that the House may leave the matter in your hands; you can speak to the hon. Member and decide accordingly.†

The House agreed to the suggestion and discussion on the motion was postponed. Further discussion on the mo-

\*L.S. Deb. 29-4-1963, cc. 16352—55.

†L.S. Deb. 2-5-1963, c. 17394.

tion was not resumed during the session and with the termination of the session the period of suspension of the Member also expired.

\* \* \* \*

**U.K. House of Commons: Expressions "Wangle" and "Do not be so dishonest" held not unparliamentary.**

During the discussion on the Finance Bill in the Commons on July, 1962, a Member (Mr. Wade) referred to another Member (Mr. Nabarro) as follows:

...I think that what the hon. Gentleman is suggesting would by the general public be called a wangle.

When Mr. Nabarro demanded that the word "wangle" should be withdrawn, the Deputy Speaker ruled:

The word which I heard used was used in debate. It is not unparliamentary to use that word in debate\*.

A few days later, on July 9, when the Minister of Power was replying to the debate on a motion in respect of Pipelines Bill, a Member (Mr. Loughlin) interrupting the Minister said "Do not be so dishonest". When another Member enquired whether that was not unparliamentary, the Speaker observed:

It may be distasteful. It is not inevitably unparliamentary.†

\* \* \* \*

(d) *Reports from Committees*

**United Kingdom: Sub Judice Rule in Commons: Report of Select Committee on Procedure**

On June 20 the House of Commons adopted the Report‡ of the Select Committee on Procedure, to whom had been referred the matter of the rule relating to reference in the House to matters

considered *sub judice*. The Committee had presented their Report on March 5 this year.

**BACKGROUND TO REFERENCE**

The existing practice with regard to reference in the House to *sub judice* matters had developed in the Commons over nearly 120 years and during this period the various precedents and rulings had related to criminal cases, proceedings before Courts Martial etc. For the first time in December 1961 questions in respect of a case of civil action were disallowed on *sub judice* grounds. Since civil cases often prolonged for years, the application of the rule to such cases meant debarring the House from discussing the matter for a long time. Dissatisfaction with this state of affairs led to the reference of the entire question to the Committee for consideration.

**THE EXISTING PRACTICE**

The existing practice in respect of *sub judice* matters, the Committee were informed,@ was:

In regard to motions and debate, matters awaiting or under adjudication in a Court of law should not be the subject of proceedings in the House, while Parliamentary Questions should not be such as might prejudice a case under trial. This rule did not apply to Bills.

And, the responsibility for giving a ruling on these matters rested with the Chair, which was often handicapped in that the facts given in the notice of a motion or question were necessarily very brief, and the Chair, not being in possession of all the facts, was seldom

\*662 HC Deb. 3-7-1962 cc. 314-15.

†*Ibid.*, 9-7-1962 c. 1039.

‡First Report from the Select Committee on Procedure (Session 1962-63) on the Rule relating to Reference in the House of Commons to Matters considered as *Sub Judice*.

@*Cf.* Memorandum to the Committee by the Clerk of the House.

in a position to know with precision what was likely to cause prejudice. In the result, rulings in the past had been inconsistent, tending more and more to restrict the freedom of debate in the House. Because of the difficult position in which the Chair was placed, it was even suggested to the Committee\* that there should be no rule at all but it should be left to 'the good sense and feeling of the House'.

#### MAIN ISSUES CONSIDERED

The following were the issues considered by the Committee: (i) whether first of all there should be any formal rule, and, if there should be one, whether it should be the same for both criminal and civil cases; (ii) to proceedings before what other bodies, in addition to Courts of Law, should the rule apply; and (iii) at what point in the proceedings in a case should the operation of the rule begin and at what point cease.

#### RECOMMENDATIONS OF THE COMMITTEE

The Committee were of the view that on a matter of such importance some sort of a rule for the guidance of the Chair was necessary.

##### *In Criminal Cases*

The Committee felt that the existing practice worked satisfactorily in regard to criminal cases and accordingly recommended a rule, embodying the practice, in the following terms:

Matters awaiting or under adjudication in all courts exercising a criminal jurisdiction and in courts martial should not be referred to in any motion or debate on a motion or in any Parliamentary Question including a supplementary question.

##### *In Civil Cases*

As regards civil cases, the Committee felt that since civil proceedings could be

a matter of years, the application of the same strict rule that was applied to criminal cases would throw the door open 'for starting proceedings with a view to preventing comment in the House'. In his evidence before the Committee Mr. Speaker on practical consideration suggested that in civil cases the rule might begin to operate 'from the moment a case was set down for trial', stressing at the same time that the Chair should be given absolute discretion to rule as it thought fit depending upon all the circumstances of a case. The Committee accordingly recommended in respect of civil cases a rule in the following terms:

Matters awaiting or under adjudication in a civil court should not be referred to in any motion or debate on a motion or in any Parliamentary Question, including any supplementary question from the time that the case has been set down for trial or otherwise brought before the court, as for example by notice of motion for an injunction: such matters may be referred to before such date unless it appears to the Chair that there is a real and substantial danger of prejudice to the trial of the case.

##### *Motions under the Ten-Minute Rule Not Exempt*

The Committee made it clear that the above rules would apply also to motions for leave to bring in a Bill under S.O. No. 12 (the ten-minute rule) which, they said, were indistinguishable from other motions.

##### *Application of rule to bodies other than Courts of Law*

The Committee were of the view that, in addition to its application to proceedings before Courts of Law (including courts martial, election courts and the Restrictive Practices Courts), the *sub judice* rule should apply in respect of any judicial body to which the House

\*Cf. Evidence by Mr. Paget, M. P. before the Committee.

## Short Notes

had expressly referred any specific matter for decision and report.\*

As to the numerous statutory bodies, the Committee thought, the application of the rule as a matter of course would be too restrictive of the rights of Parliament and in such cases, therefore, there was no alternative to leaving the decision to the discretion of the Chair.

### *Operation of the Rule*

As to at what point in the proceedings in a case the operation of the rule should begin and where cease, in the different categories of cases, the Committee's recommendations were:

The rule should take effect

(i) in the case of a criminal case in courts of law, including courts martial, from the moment the law is set in motion by a charge being made;

(ii) in the case of a civil case in courts of law, from the time that the case has been set down for trial or otherwise brought before the court, as for example by notice of motion for injunction; and

(iii) in the case of any judicial body to which the House has expressly referred a specific matter for decision and report, from the time when the resolution of the House is passed.

The rule should cease to operate

(i) in the case of courts of law, when the verdict and sentence have been announced or judgment given, but resumed when notice of appeal is given until the appeal has been decided;

(ii) in the case of courts martial, when the sentence has been confirmed and promulgated, but resumed when the convicted man petitions the Army Council, the Air Council or the Board of Admiralty; and

(iii) in the case of any judicial body to which the House has expressly referred a specific matter for decision and report, as soon as the report is laid before the House.

The Committee, however, stressed in the end that in the last resort the discretion of the Chair must be absolute.

\* \* \* \*

### **House of Commons (UK): Expediting the Finance Bill: Report from the Select Committee on Procedure**

The report of the Select Committee on Procedure, to whom the consideration of methods of expediting the passage of the Finance Bill was referred, was presented to the House of Commons on †April 9 this year.

The Committee confined their attention to considering whether the passage of the Finance Bill could be expedited by committing either the whole Bill or parts of the Bill to Standing Committees. They heard evidence in this connection from the Government Chief Whip, the Opposition Chief Whip and the Chairman of Ways and Means, and received written evidence, in the form of memoranda, from the Clerk of the House, the Financial Secretary to the Treasury, and the Committee of Selection.

The Committee first considered how much time would be saved by committing a part of the Finance Bill to a Standing Committee. They were told that, out of the 8 days approximately spent by the Committee of the whole House on the Committee stage of the Bill, 2 or, at the most, 3 days might be saved by sending a sufficient part of the Bill up-

\*This was thought to be in consonance with the position recognised in the House, namely, that it was 'improper to ask questions in regard to matters which are at the moment under inquiry by a Select Committee.'

†Second Report from the Select Committee on Procedure (Session 1962-63) on Expediting the Finance Bill



stairs. They, however, noted that in that case some form of guillotine would have to be included in the motion for committal so as to ensure that the Standing Committee finished their work at the same time as the Committee of the whole House, and that motion would be debatable. Also, more time than the usual two days would have to be allowed at the Report stage for Members not on the Standing Committee to move amendments to the part of the Bill referred to it. These amendments, moved for the first time at the Report stage, would have little chance of success, since in their case the Government would not be in a position to promise further consideration of the amendment with a view to possible action at a later stage of the Bill. These apart, not more than a quarter of the number of Members now participating in the debates on the Finance Bill could expect to be accommodated on the Standing Committee. In the result, the Committee found that although it might be possible to commit certain parts or clauses of a Finance Bill to a Standing Committee, the main object of saving the time of the House would not be achieved by such a step.

It was clear that any saving of time could at all be expected only by committing the whole Bill to such a Committee or Committees. The Committee were however averse to such a course, being aware that there existed a strong body of opinion which believed that even the committal of a part of the Bill would be a breach of the constitutional principle that the House as a whole must keep control over the executive in the matter of taxation. Moreover, the time spent in recent years on considering the Budget and the Finance Bill, namely 16 days, representing about 10 per cent of

the time of the House, did not seem to the Committee 'to be an undue proportion of time to spend on the most important legislation of the Parliamentary year'. The Committee, therefore, reported that they 'do not recommend that any part of the Finance Bill should be committed to a Standing Committee, even as an experiment'. Any worthwhile saving of time would be doubtful and, even if such a step were successful in one year, there was no guarantee that it would be so in another, since it would all depend on the contents of the Bill (*i.e.* whether it was politically contentious or not) and on the good will of every Member and not merely on agreement 'through the usual channels'.

\* \* \* \*

**Writing of book by MP for Government Not an Office of Profit—Secretaryship not to be exempted in bodies where Chairmanship disqualifies: JCOP's Recommendations**

WRITING OF BOOK BY MEMBER

One of the questions considered by the Joint Committee on Offices of Profit, in their report presented to Parliament on April 30, was whether writing of a book for Government by a Member of Parliament on payment of remuneration would amount to holding of an office of profit under the Government. The matter arose from a reference by the Ministry of Information and Broadcasting who had proposed to commission a Member of Rajya Sabha, Shri K. Santhanam, to write a biography and pay him royalty for the work.

The Committee examined the various judicial decisions having a bearing on the interpretation of the term 'office of

profit' and of clause (d) of Sec. 7 of the Representation of the People Act, 1951. Under this provision a person becomes disqualified for membership of the Legislature—

if there subsists a contract entered into in the course of his trade or business by him with the appropriate Government for the supply of goods to or for the execution of any works undertaken by, that Government.

The Committee took note of the fact that when the clause was amended in 1958 the reference to "the performance of any services" in the earlier text was omitted and now, under the provision as it now stands, persons who occasionally broadcast any talk over the radio or contribute an article to a Government publication do not attract any disqualification.

Considering all this, the Joint Committee came to the conclusion that writing of a book by a member of Parliament is not an office and payment of remuneration by Government does not make it an office of profit under the Government. In the circumstances of the case, the Committee felt, the provisions of Sec. 7(d) of the 1951 Act were also not attracted.

While giving their views the Committee at the same time pointed out that under Art. 103 of the Constitution if any question arises as to whether a Member has become subject to any of the disqualifications mentioned in Art. 102(1), the matter has to be referred to the President, whose decision, on the advice of the Election Commission, alone is final.

#### SECRETARYSHIP OF BODIES IN WHICH CHAIRMANSHIP IS A DISQUALIFICATION

In the same report, the Joint Committee also expressed the view that where

the Chairman of a body is disqualified for membership of Parliament, the Secretary of that body should also be disqualified, as the latter has to perform duties which are generally onerous and of an executive nature. It is also not proper, the Committee felt, for a member of Parliament to work as a Secretary under the direction of a person who in such cases is often an official.

The Committee accordingly recommended amalgamation of Parts I & II of the existing Schedule to the Parliament (Prevention of Disqualification) Act, 1959 into a single Part so that the Chairman and Secretaries of all the bodies enumerated therein are excluded from exemption from disqualification, and, at the same time, also the addition of a new Part to list the bodies whose Secretaries alone are not to be exempted from disqualification.

\* \* \* \*

#### (e) Miscellaneous

##### Mace in the Commons

Prominent in the daily ceremonial of the British Parliament, particularly that of the Commons, is the Mace. It rests conspicuously on the Commons Table when the House is sitting, or the sitting is suspended; and is placed underneath the Table when the House goes into committee. When a stranger is brought to the Bar of the House, the Serjeant at Arms stands by him with the Mace on his shoulder. At the meeting of a new Parliament the Mace is not placed on the Table until the new Speaker has been elected; the Serjeant at Arms, who normally carries the Mace on his right shoulder, carries it in the crook of his left arm while walking in front of the

Speaker-elect before the latter has received the royal approbation\*.

The usage connected with the Mace has come to be so well established that not long ago the validity of a proceeding was sought to be questioned owing to the wrong position of the Mace at the time. It happened during the consideration of the Commonwealth Immigrants Bill in committee on December 6, 1961 when, upon grave disorder arising, the Chairman left the Chair to report the matter to the House. The Chairman then took the Chair as Deputy Speaker and suspended the sitting of the House for half an hour. When the House reassembled as a committee, the point was raised as to the propriety of suspending the sitting of the House when the Mace was still under the Table (which signified that the House was still in committee). The Chairman ruled that the House ceased to be in committee when he vacated the Chair and declined to discuss the constitutional position of the Mace.† On the next day, however, in deference to the wishes of the House the Speaker made his observations concerning the position of the Mace, as follows:

I understand that it is contended that the Deputy Speaker suspended the House before the Mace was replaced on the Table, and I am now asked what is the constitutional position if that contention is correct.

I am not prepared to accept the theory that no proceedings can take place when the Speaker is in the Chair and the Mace

is not on the Table, since, for instance, when an offender is brought to the bar of the House, the Mace is on the shoulder of the Serjeant at Arms. But I think it likely that, though certain proceedings can be taken without the Mace being on the Table, no vote of the House, even if it were arrived at unanimously, could be properly taken in these circumstances . . . . But it is my view that suspension upon grave disorder arising . . . is not an operation which would be invalidated just because the Mace was in the wrong position. It has the characteristic of being an act of the Chair in isolation as the servant of the House rather than an act of the whole House itself, like a Vote is. My view, as I say, is that in these circumstances suspension is not invalidated by the Mace being in the wrong position.‡

### **Laws held *ultra vires*—Import of Court's Pronouncement**

The precise import of a Court's pronouncement, when it holds a particular statute *ultra vires*, was explained by the Punjab High Court in *Messrs Nabha Rice and Oil Mills vs. The State of Punjab and Others* (CW 1741 of 1962) thus:

When a Court finds a statute in conflict with the Constitution it simply refuses to recognise it and determines the rights of the parties before it just as if the statute in question had no application. The Court does not annul or repeal the statute which conflicts with the Constitution. The Court may, and perhaps does, give reasons for ignoring and disregarding such a statute but its decision affects only the parties and the judgment cannot be considered to be against the statute. The reasons of the Court or the judgment or the opinion given by it operates as a precedent to be considered in other similar cases and that is about all.

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\*For an interesting account of *Maces : Their Use and Significance*, see article under that title by Peter Thorne Deputy Serjeant at Arms, House of Commons, in the *Journal of Parliaments of the Commonwealth*, Vol. XLIV No. 1 January 1963.

†650 HC Deb. 6-12-1961, cc 1477-79.

‡*Ibid.*, 7-12-1961, c. 1544.

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# APPENDICES

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## Appendices

Committee on Sub-ordinate Legislation . . .	4	1
House Committee . . .	2	..
Library Committee . . .	1	..
Joint Committee on Offices of Profit . . .	7	..
Select Committee on the Administrator-General Bill, 1962 . . .	2	..
Select Committee on Customs Bill, 1962 . . .	12	1
Select Committee on the Major Port Trusts Bills, 1962 . . .	1	..
Joint Committee on the Christian Marriage and Matrimonial Causes Bill, 1962 . . .	1	..
Joint Committee on the Constitution (Fifteenth) Amendment Bill, 1962 . . .	1	..
Joint Committee on the Specific Relief Bill, 1962 . . .	4	1

\*Includes 27 Short Notice Questions admitted as Starred.

\*\*Includes 2061 Starred Questions and 10 Short Notice Questions admitted as Unstarred.

†Includes Short Notice Questions admitted as Starred.

‡Includes Starred Questions and Short Notice Questions admitted as Unstarred.

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	1	2	3	4	5	6	7	8	9	10	11	12	13
<b>Rajya Sabha</b>													
Two Sessions :			48	..	4296	1424	2168	1557	64	7	Business Advisory Committee . . .	3	3
(i) 40th Session from 6th August to 7th September, 1962 (23 sittings);											House Committee	7	..
(ii) 41st Session commenced on 8th November and had not concluded by 31st December, 1962 (26 sittings).											Joint Committee on the Limitation Bill, 1962 . . . . .	6	1
											Joint Committee on the Indian Marine Insurance Bill, 1959	3	.
<b>Andhra Pradesh Legislative Assembly</b>											Public Accounts Committee. . . . .	5	
Two sessions :			10	..	2157	1608	2	256*	126	41	Estimates Committee	5	
(i) From 1st July to 4th August, 1962 (30 sittings) ; (ii) From 3rd December to 17th December, 1962 (13 sittings).											Subordinate Legislation Committee . . . . .	11	
											House Committee . . . . .	4	..
											Telangana Region: Committee . . . . .	6	?
											Sub-Committee and Ad-Hoc Committee of Telangana Regional Committee . . . . .	29	
											Joint Select Committee on the Andhra Pradesh Panchayat Samithis and Zilla Panchayats (Amendment) Bill, 1962 . . . . .	5	1
											Joint Select Committee on the Andhra Pradesh Village Panchayats Bill, 1962	6	..

Appendices .

Andhra Pradesh Legislative Council	Two sessions : (i) Sixth Session from 22nd March to 27th September, 1962; and (ii) Seventh Session—Commenced on 10th December and had not concluded by 31st Dec., 1962.	11	..	278	234	3	3	21†	2	Committee on Government Assurances . . . . .	4	..
										Joint Select Committee on the Andhra Pradesh Co-operative Societies Bill, 1962 . . . . .	12	..
										Joint Select Committee on the Andhra Pradesh Tenancy Bill, 1962 . . . . .	3	..
										Select Committee on the Andhra Pradesh Land Revenue (Additional Assessment) and Cess Revision Bill, 1962 . . . . .	6	1
Bihar Vidhan Sabha	Two sessions: (i) From 3rd September to 28th September, 1962 (17 Sittings); (ii) From 3rd December to 11th December, 1962 (7 Sittings).	17	..	3504	1798	478	464	145	89	Business Advisory Committee . . . . .	4	4
										Privilege Committee . . . . .	3	1
										Committee on Estimates . . . . .	72	2
										House Committee . . . . .	1	..
										Library Committee . . . . .	11	..
										Committee on Government Assurances . . . . .	9	..

\* Includes Starred Questions admitted as Unstarred Questions.  
† Of which 19 were admitted as Starred Questions.

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	1	2	3	4	5	6	7	8	9	10	11	12	13
Bihar Legislative Council	1	..	1	..	855	779	9	9	46	35	Public Accounts Committee . . . . .	8	
Two sessions: (i) Twenty fourth Session— from 7th September to 3rd October, 1962 (17 sittings); and (ii) Twenty fifth Session— from 3rd December to 14th December, 1962 (10 sittings).											Committee on Sub-ordinate Legislation	14	..
											Rules Committee . . . . .	6	1
											Committee on Sub-ordinate Legislation	10	..
											House Committee . . . . .	1	..
											Accommodation Sub-Committee . . . . .	3	..
											Privilege Committee . . . . .	3	..
											Assurance Committee . . . . .	15	1
											Private Members Bills & Resolutions	3	3
Gujarat Legislative Assembly	31	..	31	..	1385	988	145	132	85	62*	Estimates Committee	7	2
Two sessions : (i) From 29th June to 3rd August, 1962 (28 sittings); (ii) From 17th December to 19th December, 1962 (3 Sittings)											Public Accounts Committee . . . . .	6	..
											Assurance Committee . . . . .	3	1
											Business Advisory Committee . . . . .	6	6
											Private Members Bills & Resolutions Committee . . . . .	3	3
											Privileges Committee . . . . .	2	..

*Appendices*

<p>Jammu &amp; Kashmir Legislative Assembly</p> <p>Two sessions : (i) From 4th June to 29th July, 1962 ; (26 sittings) (ii) From 22nd to 31st October, 1962 (8 sittings)</p>	<p>35 .. 2041 1697 453 376 3 1</p>	<p>Public Accounts Committee . . . . . 11 Privilege Committee . . . . . 7 Committee on Government Assurances . . . . . 7 House &amp; Library Committee . . . . . 3 Business Advisory Committee . . . . . 1 Public Accounts Committee . . . . . 14 Committee on Estimates . . . . . 15 Committee on Private Members' Bills and Resolutions . . . . . 3 Committee on Subordinate Legislation . . . . . 9 Committee on Government Assurances . . . . . 3</p>	<p>..</p>
<p>Kerala Legislative Assembly</p> <p>One session— From 3rd October to 17th October, 1962 (9 sittings)</p>	<p>7 .. 1304†1260†</p>	<p>Public Accounts Committee . . . . . 14 Committee on Estimates . . . . . 15 Committee on Private Members' Bills and Resolutions . . . . . 3 Committee on Subordinate Legislation . . . . . 9 Committee on Government Assurances . . . . . 3</p>	<p>..</p>
<p>Madhya Pradesh Vidhan Sabha</p> <p>Two sessions : (i) From 25th June to 9th August, 1962 (34 sittings)(ii) From 10th December to 14th December, 1962 (5 sittings)</p>	<p>17 1 2523 1364 1621 1116 29 2</p>	<p>Business Advisory Committee . . . . . 2 Committee on Petitions . . . . . 7 Committee on Delegated Legislation . . . . . 4 Committee on Private Members' Bills and Resolutions . . . . . 2</p>	<p>..</p>

\*Of which 38 questions were treated as Starred Questions.

†Includes Unstarred Questions also.



*Journal of Parliamentary Information*

1	2	3	4	5	6	7	8	9	10	11	12	13
										Public Accounts Committee . . . . .	11	..
										Estimates Committee . . . . .	6	..
										Committee on Govt. Assurances . . . . .	5	1
										Select Committee on the M.P. Abolition of Cash Grants Bill, 1962 . . . . .	5	..
										Select Committee on the M.P. Ancient Monuments and Archaeological Sites and Remains Bill, 1962 . . . . .	3	..
										Select Committee on the Raipur University Bill, 1962 . . . . .	5	..
										Select Committee on the Indore University Bill, 1962 . . . . .	5	..
										Select Committee on the Gwalior University Bill, 1962 . . . . .	9	.
										Select Committee on the M.P. University for Agricultural and Allied Sciences Bill, 1962 . . . . .	2	.

### Appendices

<p>Madras Legislative Assembly One session from 29th March to 19th November 1962 (30 sittings)</p>	14	..	1942	1394	126	126	8	6	..
								Business Advisory Committee	4
								House Committee	5
								Public Accounts Committee	6
								Estimates Committee	10
								Committee on Subordinate Legislation	7
								Committee on Government Assurances	4
								Committee of Privileges (The Malai Murasu Case)	3
								Committee of Privileges (Dina Thanti Case)	1
								The Joint Select Committee on the Madras Iruvaram Inam Estates (Abolition and Conversion into Ryotwari) Bill, 1962	7
								The Joint Select Committee on the Madras Minor Inams (Abolition and Conversion into Ryotwari) Bill, 1962	7
								The Joint Select Committee on the Madras Lease-holds (Abolition and Conversion into Ryotwari) Bill, 1962	7
								Committee on Rules	2

Journal of Parliamentary Information

1	2	3	4	5	6	7	8	9	10	11	12	13
Madras Legislative Council	One session From 21st April to 19th November, 1962 (13 sittings)	14	..	467	408	1	1	6	6	Business Advisory Committee	3	..
										House Committee	1	..
										Committee on Govt. Assurances	2	..
Mysore Legislative Assembly	Two sessions : (i) From 2nd July to 27th September, 1962 (47 sittings); (ii) From 3rd December to 15th December, 1962 (12 sittings)	25	..	1,199	940	247	246	51	8	Committee on Private Members' Bills and Resolutions	1	1
										Committee on Public Accounts	9	1
										Committee on Petitions	1	1
										Select Committee on the Mysore Sales Tax (Amendment) Bill, 1962	2	1
										Select Committee on the Mysore Agricultural Income Tax (Amendment) Bill, 1962	1	1
										Report of the Select Committee on the Mysore Sales Tax (Second Amendment) Bill, 1962	4	1
										Report of the Select Committee on the Mysore Buildings Tax Bill, 1962	1	1
										Resources & Economy Committee	..	1

## Appendices

<p><b>Mysore Legislative Council</b></p> <p>Two sessions :            (i) From 2nd July to 27th September, 1962 (31 sittings); and (ii) From 3rd December to 20th December 1962 (16 sittings)</p>	<p>26 . . . . .</p>	<p>220</p>	<p>204</p>	<p>54</p>	<p>52</p>	<p>27</p>	<p>12</p>	<p>Resources &amp; Economy Committee . . . . .</p> <p>Committee on the Rules of Procedure and Conduct of Business in the Mysore Legislative Council . . . . .</p>	<p>..</p> <p>..</p>	<p>1</p> <p>1</p>
<p><b>Orissa Legislative Assembly</b></p> <p>One session: From 20th August to 31st October 1962 (30 sittings).</p>	<p>22 . . . . .</p>	<p>3229</p>	<p>2016</p>	<p>268</p>	<p>237</p>	<p>70</p>	<p>11</p>	<p>Committee on Estimates . . . . .</p> <p>The Committee on Public Accounts . . . . .</p> <p>The Committee on Govt. Assurances . . . . .</p> <p>House Committee . . . . .</p> <p>Business Advisory Committee . . . . .</p> <p>Select Committee on the Rules of Procedure and Conduct of Business in the Orissa Legislative Assembly . . . . .</p> <p>Select Committee on the Orissa Port Trust Bill, 1962 . . . . .</p> <p>Select Committee on the Orissa Additional Stamp Duty Bill, 1962 . . . . .</p> <p>Select Committee on the Indian Stamp (Orissa Amendment) Bill, 1962 . . . . .</p>	<p>11</p> <p>14</p> <p>3</p> <p>2</p> <p>1</p> <p>1</p> <p>2</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>	<p>..</p> <p>1</p> <p>..</p> <p>..</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>

*Journal of Parliamentary Information*

	1	2	3	4	5	6	7	8	9	10	11	12	13
Punjab Vidhan Sabha.			10	..	1281	1045	530	437	2	1	Public Committee	33	1
One session: From 5th November to 9th November, 1962 (5 sittings)											Accounts Committee	20	1
											Committee on Estimates	12	1
											Committee on Govt. Assurances	8	1
											Committee on Sub-ordinate Legislation	1	
											Business Advisory Committee	4	1
											Committee of Privileges		
											Public Committee	3	1
											Committee on the Orissa Co-operative Societies Bill, 1962.	3	1
											Committee on the Orissa Merged Territories (Village Offices Abolition) Bill, 1962	3	..
											Committee on the Orissa Agricultural House Sites Bill, 1962	1	..
											Committee on the Orissa Public Demands Recovery Bill, 1962	3	1
											Committee on the Orissa Gram Panchayat Bill, 1962	4	..

## Appendices

House Committee . . .	2	..
Library Committee . . .	6	..
Hindi Regional Committee . . .	4	2
(i) Sub-Committee on Development and Cottage and Small Scale Industries of the Hindi Regional Committee . . .		
	5	..
(ii) Sub-Committee on Education of the Hindi Regional Committee . . .		
	4	1
(iii) Sub - Committee on Local self Government and Village Administration of the Hindi Regional Committee . . .		
	1	..
(iv) Sub - Committee on Co-operative Societies of the Hindi Regional Committee . . .		
	5	..
(v) Sub-Committee on Agriculture of the Hindi Regional Committee . . .		
	2	..
(vi) Sub-Committee Appointed by the Hindi Regional		

	1	2	3	4	5	6	7	8	9	10	11	12	13
Punjab Legislative Council.													
One session : From 8th to 10th Novem- ber, 1962 (3 sittings)	10	..	..	..	441	359	59	48	3	..			
Rajasthan Legislative Assembly													
One session: From 10th October to 26th Octo- ber, 1962 (13 sittings)	4	..	..	..	1877	528	14	11	68	25			
Committee to suggest Amendments to the Existing Bye-Laws of the Hindi Regional Committee . . . . .												..	1
Punjab Regional Committee . . . . .												2	1
(i) Sub-Committee of the Punjab Regional Committee on Agriculture . . . . .												1	..
Committee on Government Assurances . . . . .												3	..
Library Committee . . . . .												2	..
House Committee . . . . .												3	..
Committee on Sub-ordinate Legislation . . . . .												14	..
Select Committee on the East Punjab Urban Rent Restriction.(Amendment) Bill, 1962 . . . . .												1	1
Committee on Petitions . . . . .												2	..
Committee on Sub-ordinate Legis-lation . . . . .												50	1
Committee of Privileges . . . . .												2	..
House Committee . . . . .												22	..
Estimates Commit-tee . . . . .												85	..
Public Accounts Committee . . . . .												41	..

Appendices

								Business Advisory Committee . . . . .	2	2
								Select Committee on the Rajasthan Noises and Music Control Bill, 1962. Select Committee on the Rajasthan Sales Tax (Amendment) Bill, 1962 . . . . .	2	..
								Assurances Committee . . . . .	8	3
								Business Advisory Committee . . . . .	5	1
								Delegated Legislation Committee . . . . .	19	
								Estimates Committee . . . . .	5	
								Public Accounts Committee . . . . .	16	..
								Petitions Committee . . . . .	3	1
								Rules Committee . . . . .	5	..
								U. P. Joint Committee on Offices of Profit . . . . .	1	..
								Business Advisory Committee . . . . .	8	8
								Privileges Committee . . . . .	1	1
								Rules Revision Committee . . . . .	1	1
								Petitions Committee . . . . .	1	..
								House Committee . . . . .	2	2
								Assurance Committee . . . . .	12	..
Uttar Pradesh Legislative Assembly.	One session : From 26th March to 14th December, 1962 (59 sittings).	24	..	6232	5015*	89	1991**	3361	108	
Uttar Pradesh Legislative Council.	One session : From 20th August to 14th December, 1962 (39 sittings).	13	..	1522	935	39	34	79	10	

\*Includes 1633 Short Notice Questions admitted as Starred Questions.

\*\*Includes 1233 Starred Questions, and 675 Short Notice Questions, admitted as Unstarred Questions.



## APPENDIX II

*List of Bills passed by the Houses of Parliament and assented to by the President during the period 1st July to 31st December, 1962.*

Sl. No.	Title of the Bill	Date of assent by the President
1	2	3
1	The Advocates (Second Amendment) Bill, 1962 . . . . .	4-7-62
2	The National Co-operative Development Corporation Bill, 1962	31-8-62
3	The State of Nagaland Bill, 1962 . . . . .	4-9-62
4	The Appropriation (No. 4) Bill, 1962 . . . . .	5-9-62
5	The Appropriation (Railways) No. 4 Bill, 1962 . . . . .	5-9-62
6	The Assam Rifles (Amendment) Bill, 1962 . . . . .	11-9-62
7	The Land Acquisition (Amendment) Bill, 1962 . . . . .	12-9-62
8	The Advocates (Third Amendment) Bill, 1962 . . . . .	14-9-62
9	The Atomic Energy Bill, 1962 . . . . .	15-9-62
10	The Extradition Bill, 1962 . . . . .	15-9-62
11	The Reserve Bank of India (Amendment) Bill, 1962 . . . . .	15-9-62
12	The Banking Companies (Amendment) Bill, 1962 . . . . .	16-9-62
13	The Industries (Development and Regulation) Amendment Bill, 1962	16-9-62
14	The Oil and Natural Gas Commission (Amendment) Bill, 1962	16-9-62
15	The Sugarcane Control (Additional Powers) Bill, 1962 . . . . .	16-9-62
16	The Appropriation (Railways) No. 5 Bill, 1962 . . . . .	24-11-62
17	The Appropriation (No. 5) Bill, 1962 . . . . .	24-11-62
18	The Foreigners Law (Application and Amendment) Bill, 1962 . . . . .	24-11-62
19	The Companies (Amendment) Bill, 1962 . . . . .	28-11-62
20	The Electricity (Supply) Amendment Bill, 1962 . . . . .	28-11-62
21	The Hindu Adoptions and Maintenance (Amendment) Bill, 1962 . . . . .	29-11-62
22	The Metal Tokens (Amendment) Bill, 1962 . . . . .	29-11-62
23	The Indian Tariff (Amendment) Bill, 1962 . . . . .	5-12-62
24	The Employees' Provident Funds (Amendment) Bill, 1962 . . . . .	5-12-62

## Appendices

1	2	3
25	The Pondicherry (Administration) Bill, 1962 . . . . .	5-12-62
26	The Petroleum Pipelines (Acquisition of Right of User in Land) Bill, 1962 . . . . .	7-12-62
27	The Defence of India Bill, 1962 . . . . .	12-12-62
28	The Customs Bill, 1962 . . . . .	13-12-62
29	The Gift-tax (Amendment) Bill, 1962 . . . . .	13-12-62
30	The Taxation Laws (Amendment) Bill, 1962 . . . . .	13-12-62
31	The Manipur (Sales of Motor Spirit and Lubricants) Taxation Bill, 1962 . . . . .	13-12-62
32	The State-Associated Banks (Miscellaneous Provisions) Bill, 1962 . . . . .	14-12-62
33	The Delhi Motor Vehicles Taxation Bill, 1962 . . . . .	15-12-62
34	The Warehousing Corporations Bill, 1962 . . . . .	19-12-62
35	The Personal Injuries (Emergency Provisions) Bill, 1962 . . . . .	19-12-62
36	The Multi-unit Co-operative Societies (Amendment) Bill, 1962 . . . . .	19-12-62
37	The Delimitation Commission Bill, 1962 . . . . .	19-12-62
38	The Emergency Risks (Goods) Insurance Bill, 1962 . . . . .	19-12-62
39	The Emergency Risks (Factories) Insurance Bill, 1962 . . . . .	19-12-62
40	The Workmen's Compensation (Amendment) Bill, 1962 . . . . .	19-12-62
41	The Working Journalists (Amendment) Bill, 1962 . . . . .	19-12-62
42	The Constitution (Thirteenth Amendment) Bill, 1962 . . . . .	28-12-62
43	The Constitution (Fourteenth Amendment) Bill, 1962 . . . . .	28-12-62

## APPENDIX III

List of Bills passed by the State Legislatures during the Period 1st July to 31st December, 1962

### Administration

#### Andhra Pradesh

1. The Andhra Pradesh Telengana (Area) Gram Panchayats (Amendment) Bill, 1962.
2. The Andhra Pradesh Panchayat Samities and Zila Parishads (Amendment) Bill, 1962.

#### Bihar

1. The Bihar Electricity (Temporary Control) (Amendment) Bill, 1962.
2. The Bihar District Boards and Local Boards (Control and Management) (Amendment) Bill, 1962.
3. The Bihar Maintenance of Public Order (Amendment) Bill, 1962.

#### Gujarat

1. The Gujarat Local Authorities Laws (Amendment) Bill, 1962.
2. The Bombay Merged Territories and Areas (Jagirs Abolition) (Gujarat Amendment) Bill, 1962.
3. The Bombay Public Trusts (Gujarat Amendment) Bill, 1962.
4. The Gujarat Municipalities (Extension of Term) Bill, 1962.
5. The Bombay Police (Gujarat Amendment) Bill, 1962.
6. The Gujarat Panchayats (Amendment) Bill, 1962.
7. Gujarat Municipal Laws (Amendment) Bill, 1962.
8. The Gujarat Local Authorities (Extension of Term) Bill, 1962.
9. The Saurashtra Rent Control (Gujarat Amendment) Bill, 1962.
10. The Gujarat Panchayats (Suspension of Provisions and Reconversion of Certain Local Areas into Municipal Districts) Bill, 1962.
11. The Bombay Village Panchayats (Gujarat Amendment) Bill, 1962.
12. The Gujarat Panchayats (Amendment) Bill, 1962.

#### Jammu & Kashmir

1. A Bill to provide for the appointment of Commission of Inquiry and for vesting such Commission with certain powers.
2. A Bill further to amend the Jammu & Kashmir Ministers' and Ministers of State Salaries Act, 1956.

#### Kerala

The Kerala Municipalities (Amendment) Bill, 1962.

#### Madhya Pradesh

1. The Madhya Pradesh Panchayats (Amendment) Bill, 1962.
2. The Madhya Pradesh Public Security (Amendment) Bill, 1962.
3. The Madhya Pradesh Local Authorities (Postponement of Elections) Bill, 1962.

#### Madras

1. The Madras City Municipal Corporation and District Municipalities (Amendment) Bill, 1962.
2. The Madras Local Authorities (Extension of Term of Office of Members) Bill, 1962.
3. The Madras (Added Territories) Extension of Laws Bill, 1962.

## Appendices

### *Mysore*

1. The Destruction of Records (Mysore Extension and Amendment) Bill, 1962.
2. The Mysore Home Guards Bill, 1962.
3. The Mysore Municipal Laws (Amendment) Bill, 1962.

### *Orissa*

1. The Orissa Panchayat Samiti and Zila Parishad (Amendment & Validation) Bill, 1962.
2. The Orissa Merged States (Laws) Amendment Bill, 1962.
3. The Orissa Tenants Relief (Amendment) Bill, 1962.
4. The Public Demands Recovery Bill, 1962.
5. The Orissa Local Bodies (Suspension of Elections) Bill, 1962.

### *Punjab*

1. The Punjab Gram Panchayat (Amendment) Bill, 1962.
2. The Punjab Requisitioning and Acquisition of Immovable Property (Amendment) Bill, 1962.

### *Rajasthan*

The Rajasthan Municipalities (Second Amendment) Bill, 1962.

### *Uttar Pradesh*

1. The U.P. Slum Areas (Improvement and Clearance) Bill, 1962.
2. The U.P. Hindu Public Religious Institutions (Prevention of Dissipation of Properties) (Temporary Powers) Bill, 1962.
3. The Uttar Pradesh Panchayat Raj (Amendment) Bill, 1961.
4. The Prisons (Uttar Pradesh Sanshodhan) Vidheyak, 1962.
5. The Uttar Pradesh Kshettra Samitis and Zila Parishads (Sanshodhan) Vidheyak, 1962.
6. The Uttar Pradesh Shops and Commercial Establishments Bill, 1962.

## Commerce & Industry

### *Andhra Pradesh*

1. The Andhra Pradesh Essential Articles Control and Requisitioning (Temporary Powers) (Amendment) Bill, 1962.

### *Gujarat*

1. The Gujarat Industrial Development Bill, 1962.
2. The Commercial Documents Evidence (Gujarat Extension and Amendment) Bill, 1962.

### *Orissa*

The Orissa Co-operative Societies Bill, 1962.

### *Punjab*

The Punjab Warehouses (Amendment) Bill, 1962.

### *Uttar Pradesh*

The Uttar Pradesh Weights and Measures (Enforcement Amendment) Bill, 1962.

## Education

### *Bihar*

The Bihar University Laws (Amendment) Bill, 1962.

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### Gujarat

The Bombay Primary Education (Gujarat Amendment) Bill, 1962.

### Madhya Pradesh

The Madhya Pradesh Indira Kala Sangit Vishwavidyalaya (Amendment) Bill, 1962.

### Mysore

1. The Bombay Primary Education (Mysore Amendment) Bill, 1962.

### Orissa

The Orissa University of Agriculture and Technology (Amendment) Bill, 1962.

### Punjab

The Punjab University (Amendment) Bill, 1962.

### Rajasthan

The University of Rajasthan (Amendment) Bill, 1962.

### Uttar Pradesh

1. The Uttar Pradesh Pravidhik Shiksha Vidheyak, 1962.
2. The Gorakhpur University (Amendment) Bill, 1962.

### Finance

### Andhra Pradesh

1. The Andhra Pradesh Land Revenue (Additional Assessment) and Cess Revision Bill, 1962.
2. The Andhra Pradesh Appropriation (No. 4) Bill, 1962.
3. The Andhra Pradesh Land Revenue (Additional Assessment) and Cess Revision (Amendment) Bill, 1962.
4. The Andhra Pradesh Motor Vehicles Taxation Bill, 1962.
5. The Andhra Pradesh Appropriation (No. 5) Bill, 1962.
6. The Andhra Pradesh Appropriation (No. 6) Bill, 1962.

### Bihar

1. The Bihar Appropriation (No. 3) Bill, 1962.
2. The Bihar Sales Tax (Amendment) Bill, 1962.
3. The Bihar Entertainments Tax (Amendment) Bill, 1962.

### Gujarat

1. The Bombay Stamp and Electricity Duty (Amendment) Bill, 1962.
2. The Gujarat Appropriation Bill, 1962.
3. The Gujarat (Second Supplementary) Appropriation Bill, 1962.
4. The Bombay Sales Tax (Gujarat Amendment) Bill, 1962.
5. The Gujarat Carriage of Goods Taxation Bill, 1962.
6. The Gujarat Education Cess Bill, 1962.
7. The Gujarat Carriage of Goods Taxation (Amendment) Bill, 1962.

### Jammu and Kashmir

1. A Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the Jammu and Kashmir State to meet the amount spent on certain services during the Financial Year ended on the 31st day of March, 1959 in excess of the amounts authorised for the said services.
2. A Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the Jammu and Kashmir State to meet the amounts spent on certain services during the Financial Year ended on the 31st day of March, 1960 in excess of the amounts authorised or granted for the said services.
3. A Bill further to amend the Excise Act, Samvat 1958.
4. A Bill further to amend the Jammu and Kashmir (Land Revenue Act, Samvat, 1996)

### Kerala

1. The Kerala Appropriation (No. 3) Bill, 1962.
2. The Kerala Appropriation (No. 4) Bill, 1962.
3. The Kerala Appropriation (No. 5) Bill, 1962.

## Appendices

### Madhya Pradesh

1. The M. P. Motor Vehicles (Taxation of Passengers Amendment and Validation) Bill, 1962.
2. The M. P. Motor Vehicles (Taxation of Goods) Bill, 1962.
3. The M. P. Rationalisation of Land Revenue Bill, 1962.
4. The M. P. Appropriation (No. 2) Bill, 1962.
5. The M. P. General Sales Tax (Amendment and Validation) Bill, 1962.
6. The Madhya Pradesh Appropriation (No. 3) Bill, 1962.
7. The Madhya Pradesh Appropriation (No. 4) Bill, 1962.
8. The Madhya Pradesh Sugar Cane (Purchase Tax) Amendment Bill, 1962.
9. The Madhya Pradesh Appropriation (No. 5) Bill, 1962.

### Madras

1. The Madras General Sales Tax (Amendment) Bill, 1962.
2. The Madras Agricultural Income-Tax (Amendment) Bill, 1962.
3. The Madras Appropriation Bill, 1962.
4. The Madras Motor Vehicles Taxation (Amendment) Bill, 1962.
5. The Madras Motor Vehicles (Taxation of Passengers and Goods) Amendment Bill, 1962.
6. The Madras Electricity (Taxation on Consumption) Bill, 1962.
7. The Madras Agricultural Income-Tax (Second Amendment) Bill, 1962.
8. The Madras Betting Tax (Amendment) Bill, 1962.

### Mysore

1. The Mysore Appropriation (Vote on Account) Bill, 1962.
2. The Mysore Sales Tax (Amendment) Bill, 1962.
3. The Mysore Agricultural Income-Tax (Amendment) Bill, 1962.
4. The Mysore Appropriation (No. 2) Bill, 1962.
5. The Mysore Appropriation (No. 3) Bill, 1962.
6. The Mysore Appropriation (No. 4) Bill, 1962.
7. The Mysore Appropriation (No. 5) Bill, 1962.
8. The Mysore Entertainments Tax (Surcharge) Bill, 1962.
9. The Mysore Health Cess Bill, 1962.
10. The Mysore Sales Tax (Second Amendment) Bill, 1962.
11. The Mysore Agricultural Income-Tax (Second Amendment) Bill, 1962.
12. The Mysore Buildings Tax Bill, 1962.
13. The Mysore Appropriation (No. 6) Bill, 1962.
14. The Mysore Land Revenue (Surcharge) (Amendment) Bill, 1962.
15. The Mysore Treasure Trove Bill, 1962.
16. The Mysore Motor Vehicles Taxation (Amendment) Bill, 1962.

### Orissa

1. The Bihar and Orissa Motor Vehicles Taxation (Orissa Amendment) Bill, 1962.
2. The Madras Motor Vehicles Taxation (Orissa Amendment) Bill, 1962.
3. The Orissa Sales Tax (Amendment) Bill, 1962.
4. The Orissa Appropriation (No. 5) Bill, 1962.
5. The Orissa Taxation (On Goods Carried by Roads) or Inland Waterways Validation Bill, 1962.
6. The Orissa Contingency Fund (Amendment) Bill, 1962.
7. The Orissa Appropriation (No. 6) Bill, 1962.

**Punjab**

1. The Punjab Temporary Taxation (Amendment) Bill, 1962.
2. The Punjab Appropriation (No. 3) Bill, 1962.
3. The Punjab Appropriation (No. 4) Bill, 1962.

**Uttar Pradesh**

1. The U. P. Motor Vehicles Taxation (Sanshodhan) Bill, 1962.
2. The U. P. Motor Gadi (Yatri Kar) Vidheyak, 1962.
3. The U.P. Sales Tax (Amendment) Bill, 1962.
4. The U.P. Appropriation (First Supplementary, 1962-63) Bill, 1962.
5. The U.P. Appropriation (Regularisation of Excesses 1958-59) Bill, 1962.
6. The U.P. Entertainments and Betting Tax (Amendment) Bill, 1962.
7. The U. P. Emergency Surcharge on Land Revenue Amendment Bill, 1962.
8. The U.P. (Urban Areas) Lands and Buildings Tax Bill, 1962.

**Health and Housing**

**Bihar**

The Bihar Maternity Benefit (Repeal) Bill, 1962.

**Gujarat**

The Bombay Medical Practitioners' (Gujarat Amendment) Bill, 1962.

**Jammu and Kashmir**

A Bill further to amend the Jammu and Kashmir Drugs Act, Samvat 2000.

**Mysore**

The Mysore Housing Board Bill, 1962.

**Orissa**

The Orissa Homoeopathic (Amendment) Bill, 1962.

**Rajasthan**

The Rajasthan Veterinary Practitioners Bill, 1962.

**Labour and Employment**

**Bihar**

The Payment of Wages (Bihar Amendment) Bill, 1962.

**Gujarat**

1. The Industrial Disputes (Gujarat Amendment) Bill, 1962.
2. The Bombay Labour Welfare Fund (Gujarat Amendment) Bill, 1962.

**Madhya Pradesh**

The M. P. Minimum Wages Fixation Bill, 1962.

**Madras**

The Madras Industrial Establishment (National and Festival Holidays) (Amendment) Bill, 1962.

**Mysore**

The Industrial Disputes (Mysore Amendment) Bill, 1962.

## Appendices

### Land and Agriculture

#### Andhra Pradesh

1. The Andhra Pradesh (Andhra Area) Preservation of Private Forests (Amendment) Bill, 1962.
2. The Andhra Pradesh (Andhra Area) Tenancy (Second Amendment) Bill, 1962.

#### Bihar

1. The Bengal Embankment (Amendment) Bill, 1962.
2. The Bihar Private Irrigation Works (Amendment) Bill, 1962.
3. The Ranchi District Tana Bhagat Raiyat's Agricultural Land Restoration (Amendment) Bill, 1962.
4. The Bihar Tenancy (Amendment) Bill, 1962.
5. The Chota Nagpur Tenancy (Amendment) Bill, 1962.
6. The Bihar Preservation and Improvement of Animals (Amendment) Bill, 1962.
7. The Bihar Public Irrigation and Drainage Works (Amendment) Bill, 1962.
8. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Bill, 1962.
9. The Santhal Parganas Rent Regulation (Amendment) Bill, 1962.

#### Gujarat

1. The Bombay Agricultural Pests and Diseases (Gujarat Extension and Amendment) Bill, 1962.
2. The Bombay Irrigation (Gujarat Amendment) Bill, 1962.

#### Jammu and Kashmir

1. A Bill further to amend the Jammu and Kashmir Forest Act, Samvat 1987.
2. A Bill further to amend the Jammu & Kashmir State Kutch Act, Samvat 1978.
3. A Bill further to amend the Jammu and Kashmir Tenancy Act, 1980.

#### Kerala

1. The Kerala Agriculturists Debt Relief (Amendment) Bill, 1962.
2. The Kerala Agrarian Relations (Second Amendment) Bill, 1962.

#### Madhya Pradesh

The M. P. Agricultural Produce Markets (Validation) Bill, 1962.

#### Mysore

1. The Mysore Tenancy Laws (Amendment) Bill, 1962.
2. The Bombay Tenancy and Agricultural Lands (Mysore Amendment) Bill, 1962.
3. The Bangalore Acquisition of Lands (Validation) Bill, 1962.

#### Orissa

1. The Orissa Prevention of Land Encroachment (Amendment) Bill, 1962.
2. The Orissa Irrigation (Amendment) Bill, 1962.
3. The Orissa Requisitioning and Acquisition of Immovable Property Bill, 1962.
4. The Orissa Government Land Settlement Bill, 1962.

#### Punjab

1. The Punjab Agricultural Produce Markets (Second Amendment) Bill, 1962.
2. The Punjab Requisitioning and Acquisition of Immovable Property (Amendment) Bill, 1962.
3. The Punjab Agricultural Lands (Second Amendment) Bill, 1962.
4. The Punjab Holdings (Consolidation and Prevention of Fragmentation) Second Amendment and Validation Bill, 1962.



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### *Uttar Pradesh*

1. The U.P. Zamindari Debt Reduction (Amendment) Bill, 1962.
2. The U.P. Land Laws (Amendment) Bill, 1962.
3. Application of Uttar Pradesh Debt Laws in relation to Urban Areas Bill, 1962. ¶
4. The Uttar Pradesh Consolidation of Holdings (Amendment) Bill, 1962.

### Legal

#### *Gujarat*

1. The Bombay Stamp and Court Fees (Gujarat Amendment) Bill, 1962.
2. The Bombay Court Fees (Gujarat Amendment) Bill, 1962.
3. The Bombay Execution of Decree (Temporary Postponement) (Gujarat Amendment) Bill, 1962.

#### *Jammu and Kashmir*

A Bill further to amend the Legal Practitioners Act, Samvat 1977.

#### *Kerala*

The Kerala Criminal Law Amendment Bill, 1962.

#### *Madhya Pradesh*

The Indian Stamp (M.P. Amendment) Bill, 1962. ¶

#### *Madras*

The Madras Stamp (Increase of Duties) Bill, 1962.

#### *Mysore*

1. The Mysore Stamp (Amendment) Bill, 1962.
2. The Provincial Insolvency (Mysore Extension and Amendment) Bill, 1962.

#### *Orissa*

1. The Orissa Additional Stamp Duty Bill, 1962.
2. The Indian Stamp (Orissa Amendment) Bill, 1962.

#### *Rajasthan*

The Rajasthan Laws Repealing and Amending Bill, 1962.

#### *Uttar Pradesh*

1. The U.P. High Court (Abolition of Letters Patent Appeals) Bill, 1962.
2. The U.P. Stamp (Amendment) Bill, 1962. ¶

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#### *Jammu and Kashmir*

1. A Bill further to amend the Jammu and Kashmir Legislative Assembly (Speaker's Emoluments) Act, 1956.
2. A Bill further to amend the Jammu and Kashmir Deputy Speaker's and Deputy Chairman's (Emoluments) Act, 1956.
3. A Bill to provide for the Salaries and Allowances of the Chairmen of the Jammu and Kashmir Legislative Council.

#### *Madhya Pradesh*

The Madhya Pradesh Legislative Assembly Prevention of Disqualification (Amendment) Bill, 1962.

## *Appendices*

### *Madras*

The Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1962.

### *Uttar Pradesh*

The Uttar Pradesh Legislature Chambers (Members Emoluments) (Amendment) Bill, 1962.

## **Social**

### *Gujarat*

The Bombay Rents, Hotel and Lodging House Rates (Control) (Gujarat Amendment) and Validation Bill, 1962.

### *Jammu and Kashmir*

A Bill to amend the Jammu and Kashmir Instruments (Control of Noises) Act, 1959.

### *Uttar Pradesh*

The Hindu Marriage (Uttar Pradesh Amendment) Bill, 1962.

## **Transport and Communications**

### *Madhya Pradesh*

Motor Vehicles (Madhya Pradesh Amendment) Bill, 1962.

### *Orissa*

The Orissa Port Trust Bill, 1962.

APPENDIX IV

Ordinances issued during the period 1st July to 31st December, 1962 by the Union and State Governments

Sl. No.	Subject	Date of promulgation	Date on which laid before the House	Date of cessation	Remarks
The Union	1 The Land Acquisition (Amendment) Ordinance, 1962 (Ordinance No. 3 of 1962)	20-7-1962	8-8-1962		Replaced by legislation.
	2 The Defence of India Ordinance, 1962 (Ordinance No. 4 of 1962)	26-10-1962	16-11-1962		Do.
	3 The Foreigners Law (Application and Amendment) Ordinance, 1962 (Ordinance No. 5 of 1962)	30-10-1962	13-11-1962		Do
	4 The Defence of India (Amendment) Ordinance, 1962 (Ordinance No. 6 of 1962)	3-11-1962	16-11-1962		Do.
	5 The Companies (Amendment) Ordinance 1962 (Ordinance No. 7 of 1962)	3-11-1962	13-11-1962		Do.
	6 The Pondicherry (Administration) Ordinance, 1962 (Ordinance No. 8 of 1962)	6-11-1962	19-11-1962		Do.
Andhra Pradesh	1 The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Extension of Term of Offices) Ordinance, 1962	1-10-1962	4-12-1962	11-1-1963	Do.
	2 The Andhra Pradesh (Andhra Area) Preservation of Private Forests (Amendment) Ordinance, 1962	15-11-1962	4-12-1962	19-1-1963	Do.

Bihar	1	The Bihar Electricity (Temporary Control) (Amendment) Ordinance, 1962 . . .	17-8-1962	3-9-1962	19-10-1962	Replaced by Legislation.
	2	The Bihar University Laws (Amendment) Ordinance, 1962 . . .	27-8-1962	3-9-1962	19-10-1962	Do.
Gujarat	1	The Bombay Medical Practitioners' (Gujarat Amendment) Ordinance, 1962	21-9-1962	18-12-1962	28-1-1963	Do.
	2	The Bombay Village Panchayats (Gujarat Amendment) Ordinance, 1962 . . .	27-10-1962	18-12-1962	28-1-1963	Do.
	3	The Gujarat Panchayats (Amendment) Ordinance, 1962 . . .	27-10-1962	18-12-1962	28-1-1963	Do.
	4	The Gujarat Local Authorities (Extension of Term) Ordinance, 1962 . . .	23-11-1962	18-12-1962	28-1-1963	Do.
Kerala	1	The Kerala Agrarian Relations (Second Amendment) Ordinance, 1962 . . .	6-9-1962	4-10-1962		Do.
	2	The Kerala Police (Amendment) Ordinance 1962 . . .	31-10-1962	7-1-1963		Do.
	3	The Kerala Tenants and Kudikidappubars Protection Ordinance, 1962 . . .	10-12-1962	7-1-1963		Do.
Madhya Pradesh	1	The Madhya Pradesh Probation of offenders repealing Ordinance, 1962 . . .	31-8-1962	10-12-1962		Laps under Article 213 of the Constitution.
	2	The Madhya Pradesh Indira Kala Sangit Vishwa Vidyalaya (Amendment) Ordinance, 1962 . . .	19-9-1962	10-12-1962		Replaced by Legislation.
	3	The Motor Vehicles (Madhya Pradesh) (Amendment) Ordinance, 1962 . . .	1-10-1962	10-12-1962		Do.
	4	The Madhya Pradesh Public Security (Amendment) Ordinance 1962 . . .	1-10-1962	10-12-1962		Do.
	5	The Madhya Pradesh Local Authorities (Postponement of General Elections) Ordinance, 1962 . . .	1-11-1962	10-12-1962		Do.

Sl. No.	Subject	Date of Pro-mulgation	Date on which laid before the House	Date of Cessation	Remarks
6	The Madhya Pradesh Sugar cane (Purchase Tax) Amendment Ordinance, 1962	19-11-1962	10-12-1962		Do
Mysore	1 The Mysore Tenancy Laws (Amendment) Ordinance, 1962	29-6-1962	3-7-1962	15-8-1962	Do.
	2 The Mysore Home Guards Ordinance, 1962	17-11-1962	3-12-1962	13-1-1963	Do.
Orissa	1 The Orissa Requisitioning and Acquisition of Immovable Property Ordinance, 1962	10-7-1962	20-8-1962	28-9-1962	Do.
	2 The Orissa Panchayat Samiti and Zilla Parishad (Amendment and Validation) Ordinance, 1962	26-6-1962	20-8-1962	27-9-1962	Do.
Punjab	1 The Punjab Gram-Panchayat (Amendment) Ordinance, 1962	26-9-1962	8-11-1962	7-12-1962	Do.
	2 The Punjab Temporary Taxation (Amendment) Ordinance, 1962	21-10-1962	8-11-1962	7-12-1962	Do.
	3 The Punjab State Legislature (Prevention of Disqualification) Amendment Ordinance, 1962	26-12-1962	19-2-1963	26-3-1963	Do.
Rajasthan	1 The Rajasthan Home Guards Ordinance, 1962	3-11-1962	27-2-1963		Do.
	2 The Rajasthan Home Guards (Amendment) Ordinance, 1962	24-11-1962	27-2-1963		Do.
	3 The Rajasthan Municipalities (Third Amendment) Ordinance, 1962	11-12-1962	27-2-1963		Do.
	4 The Rajasthan Urban Improvement (Second Amendment) Ordinance, 1962	13-12-1962	27-2-1963		Do.