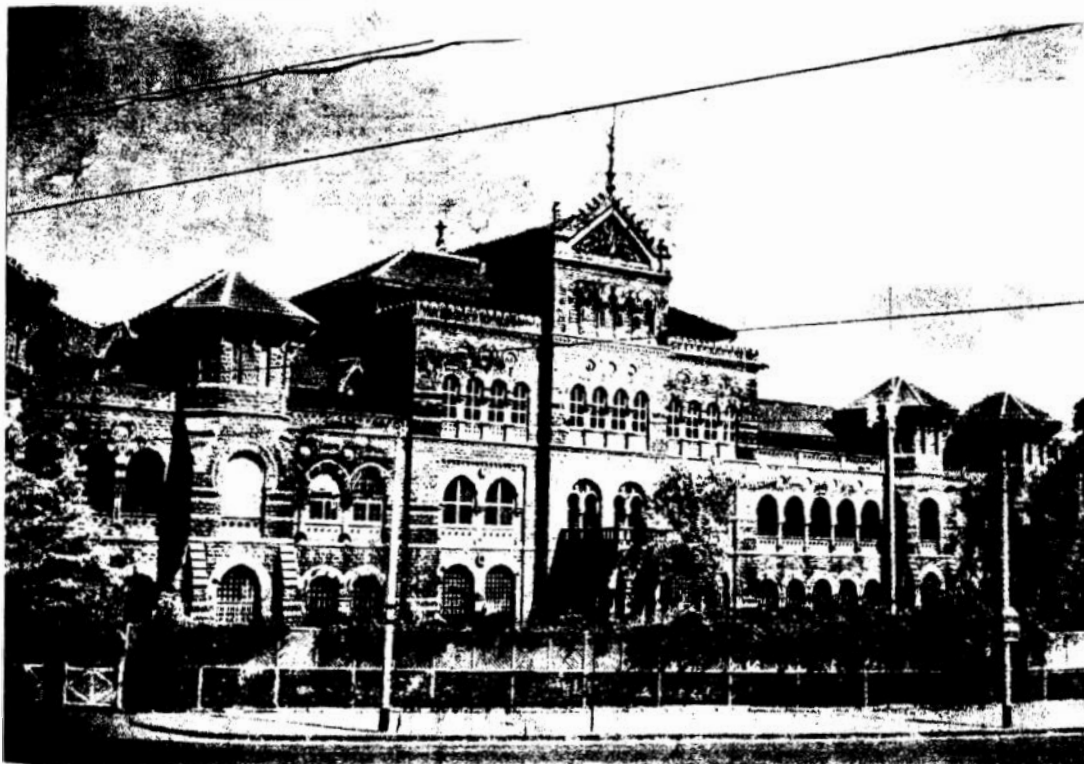


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Information



*A view of the Bombay Legislature Building*

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No. 2

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# THE JOURNAL OF PARLIAMENTARY INFORMATION

Volume III ]

October, 1957

[ No. 2

## Estimates Committee (Second Lok Sabha) Inaugurated

### SPEAKER'S ADDRESS TO NEW MEMBERS\*

Friends,

It is so kind of my friend, Shri Mehta,\*\* to have invited me to inaugurate the first meeting of the Estimates Committee.

The Estimates Committee was formed on the 10th April, 1950 for the first time. It happened to be the first Chairman of the Estimates Committee. I fully remember how it was started. Shri Mavalankar inaugurated it and the then Finance Minister, Shri Matthai, was also present. We have had a number of Estimates Committees and this is not the first time that the Committee has been formed.

#### *Continuity of Membership*

So far as the work is concerned, I understand that three-fourths of you are new to the Estimates Committee. I would very much wish that Rules may be so framed as to have an Estimates Committee for a two-year term at a time. A member takes six months to settle down to his work and within another six months his membership of the Committee may come to an end. So far as the Congress Party is concerned, I am aware, that the same Member is allowed to continue for a period of two years and one-third of the members go out by rotation. If the other Parties also adopt a similar procedure, it will lead to continuity of work of the Committee.

#### *Functions of the Committee*

So far as the functions of the Committee are concerned, this Committee is the watchdog of the finances of the country. You may remember that a short time ago the budget estimates were presented to the House. In the House of Commons the estimates are referred to a Committee of the Whole House. The Speaker does not preside over the Committee of the Whole House; but the Chairman of Ways and Means who is called Deputy Speaker presides. Here also I had in view a similar procedure that the Budget for each year may be referred to a Committee of the Whole House. Thereafter the Committee of the House may split itself into various Sub-Committees according to the Ministries or the Departments and they may go through the whole estimates in detail sitting across the table with the Minister-in-charge and try to cut out various items so that real economy can be effected. In some measure this suggestion of mine was adopted last year, when the House had to consider the Second Five Year Plan. I suggested then that all the recommendations contained in the Plan may be put under four broad heads and four big Committees may be appointed each to consider certain particular subjects. It did very useful work. I, therefore, thought that we might adopt a similar procedure. But opinion on this matter has not crystallised so far.

\*Text of the speech delivered by Shri M. Anantashayam Ayyangar, Speaker, Lok Sabha on the 17th July, 1957 while inaugurating the Estimates Committee of the Second Lok Sabha.

\*\*Shri Balwant Rai Mehta, Chairman, Estimates Committee.

In the absence of such a procedure or even if that procedure is to be adopted every year, the Estimates Committee may be necessary. Within a short time of a month, even a Sub-Committee or a Committee of the Whole House may not be able to go into this—into these various items—in such a detailed manner, as the Estimates Committee can do.

The Estimates Committee does the work of scrutinising in each year matters relating to a particular Department of the Government. They take up a Department or a Ministry where a lot of savings can be effected or ought to be effected. Starting from 1950 down to the present year as many as 68 Reports dealing with various Ministries have been submitted to Parliament. I understand that during the last two years as many as 52 Reports relating to the Ministries of Production, Railways, Communications, Transport, Community Development and Defence have been submitted to the House while sixteen Reports had been submitted by the earlier Committees. They have done a lot of work.

The function of the Committee is to suggest economy consistent with efficiency. In the nature of things, a policy as to whether Government may undertake a particular project or not is decided by Parliament as a whole. But, suppose, after the Budget is passed, a new service is thought of, which was not contemplated at the time the Budget was prepared. In the British period the practice was to refer the new service to a Committee which was called the Standing Finance Committee, which scrutinised new services in the absence of Parliament during the inter-session period. If any new undertaking is thought of now, there is no Committee for that purpose.

The Public Accounts Committee looks into the accounts only after the expenditure has been incurred. It is a *post-mortem* examination. On that score we cannot minimise the importance of the Public Accounts Committee. Even the *post-mortem* is a continuous process. The *post-mortem* of previous year's accounts may become useful for the succeeding years. The Auditor General audits the accounts—his is a concurrent audit and also audit after the expendi-

ture is incurred. The Audit Report is then before the Public Accounts Committee. They scrutinise it. They invite the officers of various Ministries and put questions to them to clarify certain points. They elicit various facts in this manner, with a view to see that excess or improper expenditure is not incurred. They have been doing useful work.

The Estimates Committee, the Standing Finance Committee and the Public Accounts Committee—all three put together—discharge all the functions relating to the finances of the country as a whole. There is a lacuna now in that the Standing Finance Committee is not there. A token grant is asked for by way of Supplementary Demand during the course of the year relating to any new service which was not contemplated at the time of the presentation of the Budget to the House. It is brought up before the House. The House would not have the time to scrutinise the demands. The Estimates Committee, however, can discharge these functions.

At no time can Parliament, even if it should sit all the year round, scrutinise every item of the Budget. Even in case the other procedure *viz.*, the procedure of referring the Budget to the Committee of the Whole House as in the House of Commons, is adopted, even then the recommendations of the Estimates Committee for the year with respect to particular Ministries will be very useful.

We will assume that this year the Budget is referred to a Committee of the Whole House and the House splits itself into various sub-committees. One of the sub-committees goes into, say, the Ministry of Production. Then, the report of the Estimates Committee will be very useful. They will be able to ask the Government why they have not implemented such and such recommendations and if they have been implemented, as to how far they have been implemented and so on. Therefore, this will be a useful instrument in the hands of Members of Parliament for the Parliament as a whole to advise on economies consistent with efficiency.

### Questions of Policy

I would like next to refer to the question of policy. The question of suggesting any leviation in the policy comes only incidentally and not directly before the Estimates Committee. We have no right to enunciate any particular policy to be adopted by Parliament. But when once a particular policy has been adopted by Parliament and expenditure has been incurred, it is open to the Estimates Committee to find out how far that policy has affected the finances of the country as a whole and whether a modification of that policy would not yield better results. In that way, we can consider incidentally the matters of policy which have already been adopted by Parliament. Otherwise it would be too much for the Estimates Committee to enter into the domain of policy and then say that a particular policy is wrong.

### Mode of Examination

In your first meeting, you get together and decide upon the Ministries which have not been taken up for examination so far. Then you ask for a memorandum on the administration of that particular Ministry, and then issue a questionnaire. If further details have to be got, you can issue a supplementary questionnaire.

Hon. Members may divide themselves into various sub-committees in convenient groups in respect of the various heads of expenditure or the various items. They have got the right even to go to the offices to find out how exactly they are working. You can also go and make an on-the-spot study of the various items—particularly with respect to river valley projects and so on. You can get the material from the Ministries and after examining it and studying it, you can call for the officials of the Secretariat to come here and you can examine them in detail so as to get any information which is not available there, with a view to find out how the loopholes might be plugged. Thereafter, you prepare the draft report and send it to the Ministry for factual verification. Then you finalise the report and submit the same to Parliament.

After I assumed charge as Speaker, I requested our friend, Shri Mehta to give me a copy of all the reports before presenting them to Parliament for the reason that the Speaker can give instructions from time to time with respect to the proceedings of all Committees of Parliament—not that I wanted to interfere with the working of the Committee but I wanted through these reports to keep in touch with the working of the Committee. With my experience in Parliament I thought I might make some suggestions here and there—and not interfere with the decisions of the very august body chosen by Parliament consisting of as many as 30 Members.

### Discussion of the Report in the House

On the subject of discussing the Reports in the House, questions have been put and I have been asked why I did not allot one or two days for discussing the report of the Estimates Committee in the Parliament as a whole. I have not allowed—nor did Shri Mavalankar allow—a regular debate on the report of the Estimates Committee. My fear has been this. We, as a Committee here, represent all sections and shades of opinion in the House. We take decisions. We cross-examine the witnesses from the various Ministries. Ultimately, before presenting the report to Parliament, we send such reports for factual verification and the opinion is all our own. The Ministries are entitled to hold their own views, but ultimately our opinion ought to prevail. On the other hand, if, after the presentation of the report we allow discussion on the report, the Minister who may not see eye to eye with the Committee will gather support on some general proposition on political grounds and on such an issue being raised in an acute form the usefulness of the report may be nullified. We wanted to make the recommendations of the Committee as good as obligatory upon the Ministry or the Government to adopt. Therefore we have evolved this procedure.

### Implementation of Recommendations

It is an obligation cast upon the Government or the particular department to report to the Committee soon after the report is

submitted to the House as to how far they have been able to implement it. Whenever it is thought that a recommendation cannot be implemented, they inform the Committee that they are taking some more time for a particular reason.

If they find any practical difficulty in implementing a particular recommendation, then the procedure is this. They have to write to the Chairman of the Estimates Committee that so far as that particular matter is concerned, they find certain peculiar difficulties. Or, it may be that a particular item of information which was not available then is made available now and in the light of that information it may become necessary to modify the recommendation. The Chairman of the Estimates Committee places this matter once again for consideration of the Estimates Committee. The Committee may then modify the recommendation, if necessary.

So far, this practice or convention has been established. At no time does the Government or the Ministry say: 'We are not going to implement the recommendation'. This convention has been honoured so long. It has developed.

I am glad to find that even in the early years of the working of this Committee, the work of this Committee was very favourably reviewed in a U.N. publication relating to Finance. In respect of the various institutions or the various instruments that have been developed to keep a watch on the expenditure of the State, there is a very favourable review relating to the work of the Estimates Committee. Nothing should be done which will detract from that position.

These recommendations of the Committee are by convention as good as resolutions of Parliament which are binding upon the Government. If they want to interfere with any particular recommendation or if they want to get it modified, they must once again invoke the aid of the Chairman of the Estimates Committee and through him of the Committee, to modify the recommendation on account of circumstances which have occurred later or in the light of certain

material which could not be made available to the Committee in spite of proper diligence.

### *Responsibility of Members*

Now, I would like to make a personal appeal to you. You are undertaking a very serious responsibility. Sometimes a Member puts questions about which the Ministers or the Secretaries feel agitated. So, deal with them tactfully. Without their co-operation we will not be able to get much work done.

I am sure you will be able to discharge all the duties of your office as this Committee has been doing all these years. I have all praise for this Committee. During the last session I was wondering as to how our friend, Shri Mehta, was able to look into so many Ministries. While the previous Committees could produce only 16 reports, the last two Committees, in a short period, produced 52 reports. I admire the enormous amount of diligence that has been displayed by this Committee particularly by Shri Mehta as Chairman of the Committee. Therefore, I had no hesitation in requesting him to continue to be the Chairman once again, and I was extremely glad when he agreed to continue as Chairman of the Committee. I am sure that with his experience as Minister in Saurashtra and his experience here and in various other capacities, he will bring to bear his knowledge and experience and will guide this Committee.

### *Appointment of Committees by Government*

Another difficulty arises occasionally. While you are going through a particular subject of the Ministry, an over-zealous Secretary of the Ministry appoints a Government Committee to deal with the same subject. You have taken charge of a particular subject here and your report should go to Parliament. They appoint a Committee to go into the same matter. There is one Committee there and another Committee here. The general public thinks that there are two Committees and they are not able to know which report is good and which is bad. Ultimately there is confusion.

Therefore, we have said that, when once the Estimates Committee takes on hand an enquiry relating to the affairs of any particular Ministry, that Ministry shall not appoint another Committee. If any such Committee is appointed it should not consist of any person who is a Member of Parliament. Let not the opinion of a Member of Parliament in one capacity be quoted against him in another capacity. If, however, there is to be a Committee not touching that particular subject, then, the permission of the Speaker, of course on the advice of the Chairman of the Estimates Committee, is asked for by the Ministry to permit the individual Member to serve on the other Committee. The report of the Government Committee is not allowed to be published before it is sent to the Estimates Committee for its consideration. Through all these years we have been trying to preserve the importance of the report of this Committee lest it should be bypassed by some other report of another Committee going through the same subject.

#### *Liaison between Financial Committees*

I wanted to bring about a convention that some of the members of the Estimates Committee may also be Members of the Public Accounts Committee and *vice versa* so that what happens there may also be understood by some of the members here. But this was not agreed to. Therefore, we decided that at important meetings of the Committee, we may invite the Chairman of the Public Accounts Committee to see what exactly is happening here. I would request the Chairmen of both the Committees to work in unison. If a particular Department is taken up there for scrutiny and the same thing comes up here, let there be no clash so far as this matter is concerned. Avoid difference of views. In the Public Accounts Committee there are about 22 members and here there are 30 members. But the Public Accounts Committee consists of not only members of the Lok Sabha but members of the Rajya Sabha also. Members of the Rajya Sabha are not allowed in this Committee because under the Constitution the Rajya Sabha has no right to interfere with

or cut down any item of the Budget. They have no jurisdiction over the Budget except by way of discussion of the items of the Budget. You know that under the Constitution if a Bill is certified to be a Money Bill by the Speaker, the other House has no jurisdiction over it except by way of a general discussion and the right of making a recommendation to Lok Sabha. Therefore, it is that in the Estimates Committee members of Rajya Sabha are not associated.

It is not so with respect to the Public Accounts Committee which deals with the expenditure which is already incurred. It is open to them also to have their own small committee to examine the accounts of expenditure. Therefore Members of Rajya Sabha are associated with the Public Accounts Committee of the Lok Sabha. Between the Estimates Committee and the Public Accounts Committee, let there be no difference of opinion. Whenever it is likely that on the same subject there may be two views, I will request the two Chairmen to sit together and settle the matter.

These are in brief the duties and responsibilities of the Estimates Committee. The whole country looks to the Estimates Committee to suggest ways and means of economising the expenditure. I particularly appeal to you to exert all your energy at this juncture when we are embarking upon the Second Five Year Plan and when we are at our wit's end to find resources. If we are not able to suggest economies which will catch the imagination of the people, we will not be doing much. It requires greater effort to be put in. Nobody will misunderstand you even if you go a little farther than you would normally do in times of plenty.

I trust that your Reports would be valued much more than any previous Reports hitherto placed before the House, because each year we gain by experience. I am confident that with the personnel that have come here you will be able to substantially contribute to increasing our income or economising the expenditure for the purpose of fulfilling our Second Five Year Plan. I wish you all good luck.



# ADDRESSES AND SPEECHES

## Committee on Government Assurances (Second Lok Sabha)

### SPEAKER'S ADDRESS TO NEW MEMBERS\*

1957

Friends,

The object of every Parliamentary Committee is to assist Parliament as a whole in carrying on its work. We have a number of Committees. There is a Committee to check the accounts and also suggest economies and see to it that the Government does not spend more money than what is granted by Parliament. We have the Subordinate Legislation Committee to see that the Executive does not exceed or abuse the powers granted by Parliament in regard to rule-making. In various ways, Parliament keeps control over the Executive and also over the finances of the country. The Committee on Assurances is an equally important Committee.

During the question hour, in answer to many questions and during discussion on Bills, hon. Ministers say, "I will consider", "I will look into the matter", "I will gather information," "We are considering", etc. If we leave it at that stage and leave it to the individual Member to write to the Ministers, it will be endless. In various ways, they commit themselves. So, it was felt by my predecessor in 1953 that a Committee of this kind was necessary to look into the various assurances and see that these assurances, promises, undertakings, etc. were implemented by the various Ministries, on whose behalf the Ministers gave these assurances on the Floor of the House.

To assist this Committee, the Question Branch of the Lok Sabha Secretariat culls out all the assurances, promises and undertakings by the various Ministers during the

Question Hour. Another Branch culls out assurances, etc. given on the Floor of the House during proceedings other than Questions and Answers.

All these things are then put together and tabulated. So far as the Government side is concerned, the Minister of Parliamentary Affairs also prepares his own list of assurances, promises, undertakings etc. Formerly, he used to give the list after the session was over. But now, from time to time, even during the sessions, he prepares the lists and sends them to our office. His office culls out these things from the proceedings, sends them to the various Ministries, gets replies from them, consolidates them and then the Minister lays a statement periodically on the Table of the House stating that such and such an assurance or promise or undertaking has been implemented.

Our office compares those assurances which the Department of Parliamentary Affairs have culled out, and which, according to them are assurances, with the list of assurances that we have prepared. And wherever any important item or items appear to be omitted, those items are brought to the notice of this Committee.

This Committee then takes up those things, looks into them and finds out whether those are really assurances or not. If the Committee feels that they are either assurances or promises or undertakings which have got to be implemented by Government, then the matter is taken up with Government, and we write to them.

\*Text of the inaugural address delivered by the Speaker, Shri M. Ananthasayanam Ayyangar, on the 8th August, 1957 at the first sitting of the Committee on Government Assurances (Second Lok Sabha).

With respect to the assurances which are accepted, the Committee insists upon the assurances being implemented by action or by gathering of information or by consideration as the circumstances of the case require.

The previous Committee also laid down some rules and regulations to find out what were assurances. I would only make one suggestion in this regard. My suggestion is that these assurances, promises etc. may be put under three categories conveniently: those that are really substantial assurances; those which are in the nature of promises to do something and thirdly, those which are undertakings, such as gathering of information etc., which are less than assurances and promises. All the assurances, promises etc. can be put under one or the other of these groups. On the substantial matter you should be a little insistent.

Formerly it used to take sometimes two years or two and a half years for the implementation of the assurances. The previous Committee had fixed a maximum of only two months within which it ought to be implemented. Therefore, you will have to watch from time to time what assurances have to be implemented.

The important point to be considered is whether an expression is really an assurance or not. First of all decide whether it is an assurance, then get it settled as early as

possible and if it is not done, negotiate and send it to the Speaker.

Then there is another important point. Very often it is said that a particular assurance has been implemented, but if you go through the matter you will find that there is no implementation at all. Sometimes, a portion which is not material may be implemented, but the substance of it may not be. Therefore you have to scan the statement regarding implementation with vigilance and see whether the assurance has been really implemented or not.

I must place on record my deep appreciation of the hard work that the Members of this Committee did under the chairmanship of Shrimati Sucheta Kriplani for some time and later on under Shri K. S. Raghavachari.

It appears that during the previous three or four years, about 5000 assurances were given on the floor of the House, and well over 4000 were implemented. All credit for it goes to the previous Committee and the office and the alacrity with which they were looking into all these matters and got them implemented. It is not an easy matter. All the grand pioneering work has been done; so, there is not much of difficulty now.

This Committee will be a very useful limb of Parliament. It will see that what is promised on the Floor of the House is implemented.

# Committee on Subordinate Legislation (Second Lok Sabha)

## ADDRESS BY THE DEPUTY SPEAKER •

Friends,

I am glad that it is now my privilege to welcome you here in this Committee. Some of us are old members, and we shall have the benefit of their study and experience in the working of this Committee. Others who join now have fresh ideas and new approach to grapple with the problems that would require our earnest efforts and careful attention.

Our Committee has very important functions to perform. As elected representatives of the people we have to safeguard the interests of the people. We have a written Constitution and certain broad limits have been laid down within which the Parliament is to function as a sovereign body. There is the Judiciary to declare whether any limits have been transgressed. Then, as the Supreme Legislature of the land, the Parliament enacts laws and directs the Executive to administer those laws. In a Welfare State the spheres of activity of the State are increasing and the administration pervades every walk of a citizen's life. Naturally the work of the Parliament increases, and the scope of the legislation becomes very wide. Even where the Parliament is continuously in session as in England, except for brief intervals of recess, it is not possible for it to enact all details of legislation that are required in the country. Besides that, there is always a need for certain amount of flexibility within which adjustments may be necessary at occasions. Sometimes immediate action becomes necessary and technical details can be worked out only by experts. It is agreed now that the delegated legislation is a

necessity. But at the same time there is a risk involved in it. Unless suitable checks are exercised there is always the danger of the Executive abusing the powers vested in it. It is this Committee which would be exercising these checks on behalf of the Parliament. We shall have to see whether the authority delegated by Parliament in the Statutes has been properly exercised to the extent permissible and in the manner envisaged. We shall be making our reports to the Parliament advising it for taking any action which may be deemed necessary.

But in discharging our duties we would not be acting in hostility to the Executive. Our objective is uniform and our efforts would be complementary. The Executive always try to comply with the wishes of the Parliament and frame rules and regulations in exercise of the authority vested in them by law. Sometimes in their eagerness to discharge their duties more expeditiously and effectively the Executive may commit mistakes. May be, sometimes out of thirst for greater power they might go astray. We have to keep them on the right track. We are the friends of the Executive and not their enemies. We have to help them in the proper discharge of their duties for the benefit of the masses.

There is another danger. The Subordinate Legislation, namely the rules, regulations, by-laws and orders, are mostly framed by the officials of the Secretariat in their rooms. These officials have a different approach. They have little contact with the masses and seldom know what is the effect of a particular legislation on those who are

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\*Text of the Address delivered by the Deputy Speaker, Lok Sabha, Sardar Hukam Singh, on the 16th July 1957, while inaugurating the Committee on Subordinate Legislation of the Second Lok Sabha.

### *Addresses*

affected by it. We know the intentions of the Legislature as well as the interests of the people and hence we are best suited to advise in these respects.

This Committee has another peculiar feature. There are no parties and no factions here. Once a law is enacted by the vote of the majority, it becomes the combined will of the Parliament. Then it is

the concern of all parties to see that it is administered properly. From the proceedings of this Committee, Members might have noticed that all the decisions were arrived at unanimously and I hope that that tradition would be continued by us too and we would be able to pull on in a combined manner and co-operatively and with the same will and determination as is expected of us.

*Of all the forces working for peace, I think one of the best is our organisation of Parliamentarians, particularly in the Commonwealth, where not only Governments meet, but members of all parties and legislatures meet and understand each other, understand their point of view and explain their point of view. It is only by this understanding that we shall rid ourselves of the troubles of the world and march into an era of peace and prosperity.*

—EARL ATTLEE in his speech to the U.P. Legislature, Lucknow, on October 22, 1956.

## Short Notes

### **Use of I.A.F. Planes by the Prime Minister for Tours other than Official in Nature**

The question of the use of IAF planes by the Prime Minister for tours other than official in nature, cropped up in 1951, and again in 1957 at the time of the second General Elections. The matter was referred to the Comptroller and Auditor General in October 1951, and a Press Note was issued with his approval on 20th October, 1951 explaining the whole position. The Press Note said:

"As is the practice in other countries, the Indian Air Force maintains a special flight within its communication Squadron to meet the transport requirements of certain holders of high office for whom it is desirable in the public interest to provide expeditious means of travel. The use of these aircraft ensures the elimination of the delays incidental to travel by public modes of transport and at the same time makes it possible for facilities to be provided for the despatch of official business during the journey and for adequate security arrangements to be made. The Prime Minister normally travels by one of these aircraft on his official tours.

The Prime Minister, in his capacity as the leader of his political party, has recently had, and will in future continue to have, occasion to undertake journeys by air for other than official purposes. The nature of the journey on such occasions is different from normal official tours but the Prime Minister cannot on this account divest himself, for the period of the journey, of his position and responsibilities as head of the Government. The business of the Government never comes to a standstill, and the Prime Minister

is never off duty. Whatever the character of the journey performed by him, the need for eliminating delays in travel, for providing facilities for the transaction of official business during the journey and for making suitable security arrangements remains unchanged. It is, therefore, considered advisable that even for journeys by air for other than official purposes, the Prime Minister should, as far as possible, travel by I.A.F. aircraft. For such journeys, however, the Prime Minister will pay for himself and for the members of his party, other than those in official attendance on him and therefore entitled to travel at the cost of the Government fares equal to the current commercial fares, where the journey is between two places connected by a commercial service and in other cases at a rate to be prescribed by the Government from time to time. In addition, a detention charge will be made in the event of an aircraft being detained at an outstation beyond a reasonable period."

• • •

### **Election of Speaker: Speaker's Announcement that he would cease to be a Party man (Bihar Legislative Assembly)**

On May 18, 1957, Shri Vindheswari Prasad Varma, a Member of the Bihar Legislative Assembly, was unanimously re-elected Speaker of the Assembly. While replying to the felicitations offered to him on his election, Shri Varma said:

"In Parliamentary Democracy, the office of the Speaker is of great responsibility....."

I declare before you that in keeping with the traditions of the House, I shall have no connection from today with any party. My treatment of all parties will continue to be based on equality and impartiality.....I shall

continue my efforts to be just and to maintain justice without any favour to either side.”\*

**Inauguration of the public accounts Committee (1957-58) by the Speaker, Lok Sabha**

The Public Accounts Committee of the Second Lok Sabha was inaugurated on the 7th August, 1957 by Shri M. Ananthasayanam Ayyangar, Speaker of Lok Sabha. The Finance Minister was also present by special invitation.

In the course of his address, the Speaker briefly traced the history and working of the Public Accounts Committee in the past and drew attention to the important role of the Public Accounts Committee in Parliamentary control over public expenditure. In the context of the vast developmental expenditure, he observed, the work of the Committee had assumed added importance.

The Speaker emphasised that the Committee should examine very strictly cases revealing laxity in budgetary control over expenditure. In particular, cases of irregular re-appropriations, excesses over voted grants, supplementary demands for grants, expenditure over new services, etc. should receive careful scrutiny by the Committee. As Members of the Public Accounts Committee, it was necessary for them to keep a vigilant eye upon all financial matters coming up before the House from time to time.

The administration has become very complex and in order that the Committee could fulfil these functions adequately, it would be advisable for the Members to divide themselves into sub-committees or working groups, select certain Ministries/Departments and study their working critically. In his words:

“Unless you know the details of the administration in every department, you can never do justice to this Committee. Therefore, it is not even two years, I would like the members of this Committee to continue here for three consecutive years, so that you may have a hang of it”.

Proceeding further, the Speaker observed that although the examination by the Committee was *ex post facto* by closer co-ordination with the work of the Estimates Committee, the recommendations made by the Public Accounts Committee would go a long way in avoiding extravagant and wasteful expenditure.

“Do not think that the Estimates Committee is something different. Both are Parliamentary Committees. We have to have two Committees because one cannot do the work of the other. In order to avoid overlapping it will be useful if the Chairman of the Public Accounts Committee attends occasionally the meeting of the Estimates Committee and *vice versa*. In that case they may not also put forth different views on the same subject. One may work in co-operation with the other”.

Actually today the Public Accounts Committee is not functioning in that concept of *post mortem*. Many of the current matters of importance come under its scrutiny. He observed:

“Whenever there is a particular information which comes to your notice, in addition to what you are considering, you may take up that matter and also ask the Auditor-General to look into it, and then submit a Report to Parliament. We would like to have as many Reports as possible on all current matters; not merely on old matter but the current matters also.”

Lastly, the Speaker touched upon the question of parliamentary control over autonomous bodies. He pointed out that although very large sums of money were involved in the running of such bodies, there was very little parliamentary control over their expenditure. In his view, the accounts of every autonomous body should be examined by the Comptroller and Auditor General.

\*Translated from Proceedings in Hindi.

In conclusion, he said that control by the Committee should be continuous.

"Try to have a Standing Committee of your own not only for today but perpetually. If you dispose of a thing to-day you must watch from time to time how it is going. Don't merely be satisfied that you have made a Report and nothing more has to be done. If the Report has been implemented, see how far it has gone through."

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**Sittings of the Public Accounts Committee Parliament of India (Members of P.A.C. of Madras Assembly attend as observers):**

In pursuance of a decision taken at the Conference of the Chairmen, Public Accounts Committees of the various State Legislatures and Parliament, copies of the programme of the sittings of the P.A.C. of Parliament were circulated to all State Legislatures to enable Members and Officers of the State Public Accounts Committees watch

the proceedings of the Committee, if they so desire.

In August 1957, the Speaker of the Madras State Legislative Assembly addressed the Speaker, Lok Sabha, that the Chairman and some Members of the State Public Accounts Committees desired to watch the proceedings of the Central P.A.C. as observers. The Speaker, Lok Sabha, welcomed the idea and considered such visits to be of mutual advantage and also helpful in establishing healthy conventions and standard in the working of the Public Accounts Committees.

The Chairman of the Madras Public Accounts Committee with 12 Members, accompanied by the Secretary, Madras Legislative Assembly, accordingly, attended the sittings of the Central Public Accounts Committee held on the 6th and 7th September, 1957. They also had an informal discussion with the Chairman of the Central P.A.C. on matters relating to the working of the Committee.

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# Position and Functions of the Deputy Speaker

By M. N. Kaul,

Secretary, Lok Sabha.

WITH the advance of Parliamentary Democracy in India, the office of the Deputy Speaker has grown in importance and after the enforcement of the new Constitution in 1950, the Deputy Speaker has come to acquire a more prominent position.

## *Constitutional Position*

The office of the Deputy Speaker in India is as old as the Central Legislature itself. Till 1947, however, the holder of the office was known as Deputy President, but in 1948, when the office was revived, the designation was changed to Deputy Speaker.

The office of the Deputy President was provided for under the Government of India Act, 1919, section 63C (2) of which stated as follows:—

“There shall be a deputy president of the Legislative Assembly, who shall preside at meetings of the Assembly in the absence of the president, and who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.”

Section 22 of the Government of India Act, 1935 laid down the following provisions concerning the Deputy President:

- (1) He was to be chosen by the Federal Assembly as soon as may be and so often as his office became vacant.
- (2) He was to vacate his office if he ceased to be a member of the Assembly. He could resign his office by writing under his hand addressed to the Governor-General and could be removed from office by a resolution of the Assembly passed by a majority of all the then members of the Assembly.
- (3) While the office of the Speaker was vacant, he was to perform the

duties of the Speaker, and during the absence of the Speaker from any sitting of the Assembly, he was to act as Speaker.

- (4) He was to be paid such salary as might be fixed by the Federal Legislature.

The above provisions, however, never came into force.

The transitional provisions relating to the functioning of the Central Legislature as contained in paragraph 63 of the Ninth Schedule to the Government of India Act, 1935, remained in force till the 14th August, 1947. Section 22 of the Government of India Act, 1935 was brought into operation after Independence by the India (Provisional Constitution) Order, 1947 issued by the Governor-General on the 14th August, 1947 under the Indian Independence Act, 1947, but provisions relating to the Deputy Speaker contained in it were omitted.

During the Second Session of the Constituent Assembly (Legislative) which commenced on the 28th January, 1948 need was felt for having a Deputy Speaker to preside over the sittings of the Assembly in the absence of the Speaker and necessary amendments were made in the Rules of Procedure of the Constituent Assembly (Legislative) on the 1st May, 1948 to revive this office.

The Constitution of India\* contains provisions relating to the Deputy Speaker analogous to Section 22 of the Government of India Act, 1935 except that under article 112(3)(h) his salary is now charged on the Consolidated Fund of India and that he has to address the letter of resignation to the Speaker and not to the President.

\*See articles 93 to 97.



*Position of the Deputy Speaker*

The question regarding the position and functions of the Deputy Speaker was raised as early as 1921. On the 1st September, 1921, the President of the Assembly, Sir Frederick Whyte, made *inter alia* the following observations regarding impartiality of the Deputy Speaker:—

“The Assembly must create its own precedents and traditions to establish and to protect the impartiality of the Chair and pending the evolution of these traditions we can rely upon the individual discretion of the Deputy President himself.

“It has been suggested to me, from more sources than one, that the analogy of the House of Commons—if properly followed—would compel the Assembly to forbid the Deputy President to take part in ordinary debate and thus preserve the impartiality of his official character.

In point of fact, the House of Commons has no Rule nor Standing Order which forbids the Deputy Speaker—better known as the Chairman of Ways and Means—to take part in debate; but the conditions of his office and the established tradition of the House effectively preclude him from doing so.

In the matter of the analogy between the Deputy Speaker and the Deputy President, I would suggest to the Assembly the desirability of following faithfully the spirit of Westminster but of modifying to its own needs the letter of House of Commons practice.

It is for this Assembly to evolve its own practice, and to establish its own institutions for the discharge of its duties as a legislative body. Your Deputy President carries upon his shoulders the obligation to uphold the evenhanded impartiality of the Chair even when he himself is not the occupant of it. That obligation is laid upon him by the will of his colleagues when

they elect him; and it should ever be his first care to observe it. It must be obvious to those who survey his position that he does not and cannot enjoy perfect freedom to take part in debate, and in accepting election to the office he also accepts the sacrifice of many otherwise tempting Parliamentary opportunities. The fact of his election singles him out from the ranks of the Assembly as one—one among many perhaps—whose qualities inevitably give him eminence. In some sense, therefore, he is to be regarded as a leading personality, whose voice the Assembly would not willingly silence. Hence my reluctance to shackle his discretion by any iron rule; and as I do not propose to anticipate the remote and improbable occasion of indiscreet action on his part, I will not even adumbrate the appropriate action of the Chair or of the Assembly in that event.

At the same time I will not conceal from this House the conviction which is growing in my mind, that in the not very distant future, it may be found desirable to place in his charge some of the functions which naturally fall to officers directly responsible to a Legislative Chamber. By this means his office would grow in importance, and the Assembly will gain by securing greater control over the whole field of its work.

To those—and I have direct evidence that they are not a few—who are somewhat perplexed by the contrast between the intrinsic importance of the Deputy's office and of its present appearance as that of a sinecure, I would say that many great results have emerged from lesser origins, and that in any case, *Solvitur Ambulando.*”

*Position under the New Set-up*

The prophecy of Sir Frederick Whyte has already come true. During the days of the old Legislative Assembly the election of the

## Position and Functions of the Deputy Speaker

Speaker and Deputy Speaker was subject to the approval of the Governor-General, while under the existing Constitution the offices of the Speaker and Deputy Speaker are quite independent of the Executive. They are elected by the House and can be removed only by the House itself.

Their salaries, under article 112(3)(b) of the Constitution are charged on the Consolidated Fund of India, as of other high dignitaries whose office is sought to be made non-political in character.

In addition, under the well-established conventions, no discussion is permitted in the House on any matter relating to his office although there is no bar under article 113(1) to the House discussing demands relating to charged expenditure.

The duties of the Deputy Speaker under the Rules of Procedure and under the new set-up have become more onerous than they were in the days of the Central Legislative Assembly. There is a provision\* in the Rules of Procedure and Conduct of Business in Lok Sabha that if the Deputy Speaker is a member of a Parliamentary Committee, he is to be appointed its Chairman. During the First Lok Sabha, the Deputy Speaker was member of six important Parliamentary Committees out of which he was Chairman of four. The Speaker was Chairman of the other two Committees, but whenever the Speaker was absent, he had to preside over the sittings of these Committees as well. He had thus to spend a good deal of time in connection with the business of these Committees. In the second Lok Sabha also, the Deputy Speaker is a member of seven Parliamentary Committees out of which he is Chairman of four, the Speaker being Chairman of the remaining three.

During the days of the Central Legislative Assembly the House used to meet only for short periods and that too at long intervals. At present the House sits for nearly eight months in a year and the duration of the sittings has also been increased from about five hours as in the case of the Central Legislative Assembly to about seven hours a day. Therefore, it is not practicable for the

Speaker to be present in the House throughout the sitting on each day. Every now and then, when he has to attend to his other duties, he has to vacate the Chair, and in his absence it is usually the Deputy Speaker who presides over the deliberations of the House.

In short, the Deputy Speaker is now a whole-time officer of the House and is largely associated with the activities of the House in various ways.

A question as to whether the Deputy Speaker "could exercise the rights of an ordinary member to participate in Debates and attack or criticise the Government and take part in divisions of the House", was raised at the Conference of Presiding Officers held in 1953. The Presiding Officers participating in the Conference expressed diverse views on the subject. The Chairman (Shri G. V. Mavalankar) concluding the debate on the point, however, observed:—

"The question of the Deputy Speaker is a question which each Deputy Speaker has to consider himself and decide. Undoubtedly he is a member. But I think he has also to remember that he has to preside in the Legislature and, therefore, a responsibility lies on him to so conduct himself in the debates that Members of the Parties do not take him to be a party-man. And this limitation applies not only to his taking part in debates inside the House, but even in politics outside—and not only in taking part but also so far as the language of expression of views is concerned. That is a question on which he has to exercise his discretion."

At the Centre, neither of the two Deputy Speakers in the First Lok Sabha (Shri M. Ananthasayanam Ayyangar and Sardar Hukum Singh) tabled any question, resolution or Bill during their tenure in office. They also withdrew the notices of questions etc. given by them before their election to the office. Therefore, it may be said that a

\*Proviso to rule 53(1) of the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition).

convention has already been established in Lok Sabha that the Deputy Speaker does not sponsor Bills, resolutions etc. nor does he table questions.

*Position in the House of Commons, U. K.*

In the House of Commons, U.K., while the office of the Speaker is of ancient standing, the office of the Deputy Speaker is comparatively of recent origin and has come to be evolved out of necessity. Until 1855, the House of Commons literally could not sit, not only if the Speaker's office was not filled but unless he was personally in the Chair. On occasions, when the Speaker was absent, the House had to adjourn or to elect another Speaker, who conveniently retired when the first Speaker returned. "In 1855, on the report of a Select Committee, a standing order was agreed to, which enables the Chairman of Ways and Means as Deputy Speaker to take the Chair during the unavoidable absence of Speaker and perform his duties".\*

Under the present practice, "if the unavoidable absence of the Speaker is announced to the House by the Clerk, the Chairman of Ways and Means acts as Deputy Speaker and performs the duties in relation to all proceedings, until end of the sitting, or he takes the Chair on the request of the Speaker, but in this case he cannot exercise the Speaker's functions with regard to the closure and selection of amendments".\*\*

"The Chairman of Ways and Means during his occupation of that office follows the same tradition of abstention from party controversy as the Speaker.

He no longer exercises the rights of the ordinary Members to participate in debates and divisions of the House. His independence has not the same formal guarantees as that of the Speaker, as he is appointed on the motion of a Minister of the Crown from

the supporters of the Government, and is unlikely to be re-elected on a change of Government. His seat is liable to be contested and his salary placed upon the Estimates.

As the result of a report from a Select Committee, the Prime Minister proposed, with the general agreement of the House, that the Chairman and Deputy Chairman should in future refrain from acting in a professional capacity on behalf of or against any Member of the House".†

*Comparison of position of Deputy Speaker (India) & Chairman of Ways and Means (U.K.)*

In the House of Commons, U.K., unless the absence of the Speaker is formally announced, the Deputy Speaker is not authorised to put the question on a motion for the closure of a debate; nor may he exercise the power of selecting amendments. In India no such fetters have been put on his office and the Constitution itself provides that while presiding in the House he shall have all the powers of the Speaker.

Secondly, in U.K., the salary of the Deputy Speaker (Chairman of Ways and Means) is put as an ordinary grant before the House whereas the salary of the Deputy Speaker in India is charged on the Consolidated Fund of India and is not subject to the vote of the House.

There is no guarantee either in U.K. or in India that the seat of the Deputy Speaker shall not be contested during the general elections.

Taking all factors into consideration it may be said that although the office of Deputy Speaker in India is not as old as that of his counterpart in U.K., yet he enjoys in many ways a more prominent and more privileged position.

\*May, 15th Edition, page 237.

\*\*Dod's Parliamentary Companion, page 488.

†May, 15th Edition, p. 239.

# Inter-Parliamentary Relations

By S. L. Shakkher,

*Joint Secretary, Lok Sabha Secretariat.*

WHEN our country became free in 1947 there were immediately requests to Parliament from international bodies such as the Inter-Parliamentary Union and the Commonwealth Parliamentary Association (then known as Empire Parliamentary Association) to become their members and to open Indian Branches. It may be mentioned here that although the old Central Legislative Assembly was a member of the Empire Parliamentary Association it had ceased to function as an Indian Branch on our attaining Independence. Speaker Mavalankar considered carefully the requests in consultation with the Prime Minister and decided that Indian Parliament should become a member of the Inter-Parliamentary Union. A resolution was adopted by the Constituent Assembly (Legislative) authorising the Speaker to form an Indian Parliamentary Group. In moving the resolution the Prime Minister said:

"A Group constitutes itself and announces its membership (of Inter-Parliamentary Union). The Union is a federation of National Groups. Each Group within a Parliament draws up its own rules of association and fixes the amount of contribution of its members. In its internal working each Group is autonomous subject of course to the limitation that it conducts its work in conformity with the aim of the Inter-Parliamentary Union to which it is affiliated. . . . . I expressed the view of Government that we would welcome our association with the Union and that if this House is sending representatives, it will be in the fitness of things if the Speaker chose those representatives and not the Government."

## *Change of Name of Empire Parliamentary Association to Commonwealth Parliamentary Association*

As regards the invitation from the Empire Parliamentary Association, the Speaker stipulated that consistent with the status of India which she had attained on Independence she could no longer be a member of a body which smacked of imperialism and he observed that until the name of the organisation was changed and India given a status of equality she could not be a member thereof. At about the same time changes in the organisation of the Empire Parliamentary Association were under consideration of that body and the member countries were engaged on preparing a new Constitution for it. Thus in 1948 when the Conference of the Empire Parliamentary Association was held in London, India was invited to participate therein in anticipation of forming a Branch in order to assist in the shaping of the future constitution of the Association. Speaker Mavalankar himself led the delegation and took active part in the deliberations of the Conference. His suggestions were accepted. The Association was named as "The Commonwealth Parliamentary Association" and its constitution provided equal status for India in the same way as that of other self-governing dominions.

## *Formation of Inter-Parliamentary Group*

On India becoming a member of the Inter-Parliamentary Union and the Commonwealth Parliamentary Association, a question arose whether there should be two separate Branches of the two international bodies. While the Inter-Parliamentary Union were indifferent, the Commonwealth Parliamentary Association urged that the Indian Branch of the Association should be a separate Body dealing only with the affairs

of the Commonwealth Parliamentary Association. Speaker Mavalankar considered the whole matter in consultation with the Prime Minister and leading Members of Parliament and came to the conclusion that it was in the interest of smooth working of the Indian Branch that there should not be separate Branches independent of each other for the various international bodies. It was felt that the sovereign status of the country demanded that our Parliament should in no way be a subordinate Branch of any outside body. The question whether India should be a Branch of any international body and how it should manage its internal affairs should be left to be determined by the Indian Branch itself and should not be subject to control, whether in theory or in practice, from any outside authority. It was considered necessary that the decision whether India should continue to be a member of these or other bodies should rest with India itself and the organisation that was proposed to be formed for this purpose should be such as to contain that freedom of action independent of any outside influence or authority. Keeping these considerations in view it was decided that an autonomous body having its own constitution and directing its own affairs should be formed. A meeting of the Members of Parliament was then called and it was resolved that an autonomous body called the Indian Parliamentary Group should be formed.

#### Constitution

The Constitution of the Indian Parliamentary Group provides that its membership is open only to the Members of Parliament. Ex-Members of Parliament and Members of the Provisional Parliament or Constituent Assembly (Legislative) or Central Assembly can become affiliated members and they are entitled to limited rights which are separately defined.

Each member is required to pay a subscription of Rs. 20 per annum. The affairs of the Group are looked after by an Executive Committee consisting of a President, two Vice-Presidents, Treasurer and twelve members. The Speaker is the *ex-officio* President of the Group and the Executive Committee. The other officebearers and

members of the Executive Committee are elected annually. Usually the Deputy Speaker and the Deputy Chairman are elected Vice-Presidents. As to the appointment of the Treasurer and other members, authority is given at each annual meeting of the General Body to the Speaker to nominate them. The Secretary of Lok Sabha is the *ex-officio* Secretary of the Group and the Executive Committee.

#### Aims and Objects

The aims and objects of the Indian Parliamentary Group have been defined as follows:—

- (a) to promote personal contact between Members of Parliament;
- (b) to study questions of public importance that are likely to come up before Parliament;
- (c) to arrange lectures on political, defence, economic, social and educational problems by Members of Parliament and distinguished persons;
- (d) to arrange visits to foreign countries with a view to develop contacts with Members of other Parliaments; and
- (e) to function as the National Group of the Inter-Parliamentary Union and also the Indian Branch of the Commonwealth Parliamentary Association in conformity with the aims and objects of these two organisations.

#### Functions and Activities

The Group thus functions as the Indian Branch of the Commonwealth Parliamentary Association as also the National Group of the Inter-Parliamentary Union. Parliamentary good-will missions and delegations are sent to foreign countries and received in India on behalf of the Group. The Group also arranges talks by distinguished visitors and prominent persons. Among those who have addressed Members of Parliament under the auspices of the Group may be mentioned such distinguished guests as Marshal Bulganin, Mr. Khrushchev, Sir

Anthony Eden, Mr. Aneurin Bevan, Mr. Chou En-lai, President Nasser, Dr. Ali Sastraomidjojo, U Ba Swe and Mr. Bandaranaike.

The Group conducts Study Committees. There are three active Study Committees at present—on defence, foreign affairs and shipping. The idea behind these Study Committees is that Members get authentic facts and exchange ideas and equip themselves for better debates in the House. Sometimes the Study Committees send memoranda to the Ministers on conclusions they have reached after study of a particular problem. These memoranda are for the information of Ministers and for such action as they may consider necessary. The Ministers also come and address the Study Committees on various matters on which they are engaged.

The group also provides assistance to visiting members of other Parliaments and other distinguished persons, holds receptions or entertainments in their honour and provides facilities to them to study the working of Parliament. These contacts are greatly welcomed by both the visiting members and the Members of Parliament because they provide opportunities for exchange of useful information and establishment of intimate contacts at informal gatherings.

*Proposal to Start Indian Parliamentary Association.*

There is now a proposal, which has reached an advanced stage, that an Indian Parliamentary Association should be formed. The idea was first mooted some years ago at a Conference of Presiding Officers that there should be a forum where the Members of the various State Legislatures and Parliament may meet together and discuss freely questions of policies of their States with reference to matters of common interest such as Education, Public Health, Internal Trade and Commerce, Food and Agriculture, Local Self Government, etc., so as to help each other in the moulding of such policies and in evolving a common or uniform point of view in respect of such questions and to advance national unity by affording opportunities of personal contact. The question of forming such an Association was discussed formally and informally at several successive conferences of the Presiding Officers and by

the Presiding Officers with the members of their Legislatures. The scheme has been approved in principle by the Indian Parliamentary Group and the various State Legislatures and is now in the process of implementation. A draft constitution is also under preparation for the said Association. Broadly speaking, representatives of State Legislatures and Parliament will meet once a year and discuss matters of common interest which will be set out in advance. The conference will be held in different States from year to year. All this is designed to ensure that the fundamental unity of the country is achieved by providing opportunity for contacts between members of legislatures who are the highest organs of administration in the country. This will also enable them to know at first hand the problems confronting the various parts of the country and to bring to bear upon such problems their experience so that there is complete interchange of thought and ideas among the legislators from the various constituent parts of the Union.

*Parliamentary Delegations*

Whenever delegations return from foreign countries they make reports on their impressions and experiences and such reports are published under the auspices of the Group. Each individual member of a delegation is encouraged to write his own impressions so that one who reads the report may form his own conclusions and may in this way get to know various aspects of the life in such foreign countries. These reports are valuable as contemporary records. They are not generally made public or put on sale, in order to enable members of delegations to express their views freely; but are circulated to members of the Group and are available for study to other Members of Parliament who are not members of the Group. The reports are primarily intended to give a background of the country visited and the information so gathered by the members proves helpful in assessing the progress made by the countries in the various walks of life.

The Group also sends delegations to the annual conferences of the Inter-Parliamentary Union which are held from year to year in the capitals of the various countries of the world.

## Inter-Parliamentary Union

The Inter-Parliamentary Union is an association of Parliamentary Groups constituted within the various national Parliaments for the purpose of promoting personal contacts between the members of different Parliaments. The idea of such a Union first took shape at a preliminary meeting organised in Paris in 1888 by William Randolph Cremer, a Member of the British Parliament and Frederic Passy, a Deputy of the French Chamber. As a result of their efforts, the first Inter-Parliamentary Conference was held in Paris on June 30, 1889 with members of nine Parliaments (France, Great Britain, Belgium, Denmark, Hungary, Italy, Liberia, Spain and the United States) taking part in it. Since then, the Union has gradually grown in strength and activities and includes at present 46 national Parliamentary Groups. They include all the big and small countries of the world. Among the members of the Union are U.S.A., Argentina, Austria, Albania, Belgium, Brazil, France, Germany, Great Britain, Bulgaria, Burma, Ceylon, Denmark, Finland, Greece, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Luxembourg, Monaco, Netherlands, Norway, Pakistan, Phillipines, Poland, Rumania, Spain, Sudan, Sweden, Switzerland, Syria, Czechoslovakia, Thailand, Turkey, U.S.S.R., Yugoslavia, Australia and Laos.

The Union has so far organised 45 conferences, the last one having been held at Bangkok in November 1956.

### *Aims and Objects*

The aim of the Union is to promote personal contacts between members of all Parliaments, constituted into National Groups, and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of democratic institutions and in the advancement of the work of international peace and co-operation particularly by means of a universal organisation of nations. The Union also studies and seeks solutions to all questions of an international character suitable for settlement by parliamentary action and makes suggestions for the development of

parliamentary institutions with a view to improving the working of those institutions and increasing their prestige.

### *Constitution*

The Union is directed by an Inter-Parliamentary Council. Each National Group is represented on the Council by two delegates. The Council elects its President for a period of three years which may be extended for a further period of two years. The election takes place at the time of the annual conference.

### *Functions and Activities:*

The functions of the Council are to summon the annual conference, fix its agenda, institute Study Committees, propose the President and Vice-President of the Conference and Members of the Executive Committee, select the venue of the Conference appoint the Secretary-General of the Union, fix the amount of the annual budget, and to take all steps necessary for the realisation of the aims of the Union.

The administrative organ of the Union is the Executive Committee which exercises powers delegated to it by the Council in accordance with the statutes. The Committee is composed of nine members belonging to different Groups. The President of the Council is the *ex-officio* member and President of the Executive Committee. The other eight members are elected by the Conference from among the members of the Council, consideration being given to the contribution made to the work of the Union by the candidate and his Group and to securing a fair geographical distribution. Members of the Committee are elected for a term of four years and are not eligible for re-election for the next two years but are replaced by Members belonging to other Groups.

The Central Office of the Union is called the Inter-Parliamentary Bureau, which is located at Geneva. It is directed by a paid Secretary-General who is appointed by the Inter-Parliamentary Council. Under the directions of the Executive Committee, the Bureau executes the decisions taken by a Conference or the Council. The Inter-Parliamentary Bureau corresponds with the

## *Inter-Parliamentary Relations*

Groups, brings out publications and reports and also prepares the preliminary memoranda on the questions to be studied by the Union.

### *Conferences*

The Union holds Conferences once a year, as a general rule, its meetings being held in the capitals of various countries where the Parliament building of the inviting country is always placed at its disposal. The Inter-Parliamentary Group of the country, in which the Conference is to meet, is responsible for the organisation of the meeting.

The size of the delegation to the Conference as fixed by the Statutes is related to the size of the country in terms of its population from which each Group comes and to the size of the Group itself. The Inter-Parliamentary Conferences are thus a true reflection of Parliamentary opinion as represented by the Groups of the Union. Votes at the Conferences are allotted on a mixed basis, the chief factor being population.

Every session of the Conference opens with a general debate on the basis of the Report submitted by the Secretary-General in the name of the Council. A part of the Report bears upon the general political situation of the world.

### *Study Committees*

The resolutions submitted to these Conferences are drawn up by Standing Study Committees on which every Group has one representative. There are at present seven Standing Committees, each dealing respectively with (a) political and organisational matters, (b) juridical questions, (c) economic and financial subjects, (d) non-self governing territories and ethnical questions, (e) reduction of armaments, (f) social and humanitarian questions, and (g) intellectual relations.

As a rule a sub-committee is first set up to study any question which has been chosen for discussion at a Conference and to prepare a preliminary draft resolution. This is then examined in detail by the full Committee to which the question more particularly concerns at a special Study Session. Once agreement has been reached on the

wording of the proposed resolutions, they are presented to the Council for approval and rapporteurs are then appointed to bring them together with a report to the full Conference. All these documents are printed in a special publication known as the "Preliminary Documents". This procedure enables the plenary session of the Union to discuss carefully prepared proposals which, if adopted, may fairly claim to be the well-considered opinion of a representative parliamentary body.

### *Council and Study Committee Meetings*

Meetings of the Council and Study Committees are held in spring, *i.e.*, nearly six months prior to the annual conference. These meetings are also held in the capital or other selected places of the country which may extend an invitation for the purpose. Such meetings are miniature conferences and representatives in smaller numbers of almost all countries are present. The Study Committees are useful instruments for collecting facts, gathering different points of view and embodying agreements in appropriate language. These are more or less business meetings but members take opportunity in informal gatherings, receptions and private meetings to discuss current affairs and to keep themselves informed of the events as they are developing in various parts of the world.

Those who have attended conferences or meetings of Council and Study Committees have stressed their importance to their own countries. The atmosphere is one of equality, cordiality and respect for each other's views and countries. Since the Inter-Parliamentary Union is not charged with any executive responsibility nor are delegations sponsored by Governments, no tensions of any serious nature, such as are noticeable in U.N.O., are visible here. The members develop a certain brotherhood and unconsciously feel that they belong to the same family even though they may be of different nationalities. There is exchange of much courtesy and mutual regard among the members of the various delegations and usually some good friendships at a personal level are forged.



*Special Features*

A special feature of the working of the Inter-Parliamentary Union is that delegations are not bound by Government instructions. The delegations are composed of Members from the various Parties or Groups in National Parliaments and thus both Government and Opposition Members from various countries are represented at the Conference. Each delegate is entitled to offer his own views on any matter before the Conference and the same delegation may present two or three points of view. Even at the time of voting, members are at liberty to vote as they like and they are not bound by any official instructions.

Among non-Governmental international organisations, the Inter-Parliamentary Union holds a position of unique importance. Of all unofficial organisations it stands closest to the Government and is able to press with immediate effect for the ratification and application of international convention and, in general, it exerts direct influence on Government policy in matters touching the relations between States.

Each National Group keeps its Parliament informed of the resolutions adopted at the Conference of the Inter-Parliamentary Union which calls for parliamentary or Governmental action and also reports to the Office of the Union as to the action taken thereon.

*India and The Inter-Parliamentary Union*

The Indian Parliamentary Group has been sending delegations to the annual conferences of the Inter-Parliamentary Union since 1949. As India had not become formally a member of the Union, a formal delegation was not sent to the Conference in 1948. Only two observers, Dr. B. V. Keskar and Shri R. R. Diwakar, were sent. Formal delegations have been sent since 1949 to the Conference held at Stockholm (1949), Dublin (1950), Istanbul (1951), Berne (1952), Washington (1953), Vienna (1954), Helsinki (1955) and Bangkok (1956). Since last year, the Indian Group has been sending delegates to the Council meetings and Study Committees also.

Soon after the Indian Group joined the Inter Parliamentary Union, the annual Con-

ference which met in Stockholm in 1949 elected Shri Mohan Lal Gautam as a Member of the Executive Committee of the Union. This was a fitting tribute to India as being an important country in Asia. After Shri Gautam ceased to be a Member of Parliament after the General Elections in 1952 his place on the Executive Committee was filled by the nomination of Shri A. C. Guha who continued to be a member of the Executive Committee till 1953.

At the invitation of the Indian Parliamentary Group, the 101st session of the Executive Committee of the Inter-Parliamentary Union, was held in New Delhi in December, 1955. In the history of the Union it was the first time that meetings of the Executive Committee were held in Asia. The meetings of the Executive Committee were attended by representatives of National Groups of Ceylon, Finland, Iraq, Italy, Switzerland, Thailand and the U.S.S.R. who are members of the Executive Committee. Lord Stansgate, who is the President of the Executive Committee as well as the Council of Inter-Parliamentary Union presided at these meetings. The meetings of the Executive Committee were preceded by informal discussions for two days between the representatives of the Asian Groups and the Inter-Parliamentary Bureau. Delegates of five National Groups namely, Burma, Ceylon, India, Pakistan and Thailand participated in the discussions. The purpose of these informal consultations was to consider the means of increasing Inter Parliamentary co-operation in Asia. In pursuance of the opinion expressed at the informal meetings of the Asian Group, Dr. H. N. Kunzru, Leader of the Indian Parliamentary Conference at Bangkok advocated at the meeting of Political and Organizational Committee the holding of Asian-African Regional Conferences under the auspices of the Inter-Parliamentary Union. The matter was referred to the Executive Committee of the Inter-Parliamentary Union. The Executive Committee considered the request submitted to the Political Committee by Dr. Kunzru and warmly welcomed the desire expressed by the National Asian Group to make it better known in their region and to strengthen their national link.

## *Inter-Parliamentary Relations*

At the meeting of the Economic and Financial Committee held at Bangkok the Indian delegate Shri B. C. Ghosh, Member of Parliament, suggested the inclusion of "Techniques in problems of planning in underdeveloped countries" in the agenda of the Committee for consideration at its next meeting. The suggestion was accepted by the Committee and the subject has been included in the agenda. The Executive Committee of the Inter-Parliamentary Union decided at Bangkok to establish a Sub-Committee of five members to give preliminary consideration to the problem of stabilisation of primary products.

At Dubrovnik meetings in 1955 Shri Raghuramiah moved on behalf of the Indian and Sudanese Groups the following resolution which was adopted by the Committee on 7th April, 1956:—

"The XLVth Inter-Parliamentary Conference, Believing that self-government is the inalienable right of all peoples,

Noting that a power may consider that a territory administered by it is not yet ready for self-government, and that a transitional period is desirable,

Recommends that, failing direct agreement, the question of eligibility for self-government should be submitted to the United Nations;

Further recommends that, in cases where the United Nations considers that a people is not yet ready for self-government, it should recommend the period of time and advise on the manner in which the people concerned shall be made ready therefor, and that the administering power, pending the attainment of self-government, should report from time to time to the United Nations on the progress made towards this end."

India has thus taken considerable interest in the affairs of the Inter-Parliamentary Union from the very beginning of its membership of Union.

### **Commonwealth Parliamentary Association**

The Commonwealth Parliamentary Association as its name implies is an organisation composed of Branches formed in the legislatures of various Commonwealth countries. It consists of main Branches formed in the National Parliaments of independent member countries of the Commonwealth, State and Provincial Branches formed in State or Provincial Legislatures within member countries of the Commonwealth, auxiliary

Branches formed in Legislatures of countries under responsible government but which are not fully self-governing and affiliated Branches formed in Legislatures of any other parts of the Commonwealth under responsible or representative Government.

### *Aims and Objects*

The aim of the Association is to promote understanding and co-operation for common purposes between those engaged in the Parliamentary Government of the countries of the Commonwealth by the establishment of machinery for the exchange of information and of individual visits and to promote understanding and co-operation by similar means between those Members and the Members of Legislatures outside the Commonwealth having close political and Parliamentary association with them.

The Commonwealth Parliamentary Association began in 1911. It originated in a suggestion made by Mr. L. S. Amery in 1911 in connection with the Coronation of King George V. He proposed that "His Majesty's faithful Commons from each part of the Empire should, by delegations of their members, be present at the Coronation" and it was, when these delegations assembled in London, that the Association (then the Empire Parliamentary Association) was born.

### *Conferences Held*

Before the War two important Conferences were held in 1935 and 1937. At these two Conferences, matters relating to foreign affairs, defence, shipping, communications, trade, finance, agriculture, migration and parliamentary government were attended by members of Legislatures from the various parts of the Commonwealth (including India) numbering 152 in 1935 and 195 in 1937.

At the Conferences held since the Second World War in London in 1948, in Wellington (New Zealand) in 1950, in Ottawa in 1952 and in Nairobi in 1954 similar general subjects were discussed, though the subject of 'Delegated Legislation' was an additional subject at the last Conference. At the Conference to be held in New Delhi this year it is intended to discuss the problem of

underdeveloped countries in the Commonwealth and the role of English language in the Commonwealth.

#### *General Council*

Since the General Council was established it has been the aim to hold these Conferences every two years.

The work involved in the Association's activities, formerly undertaken by the United Kingdom Branch, was felt after the Second World War to be properly the affair of the whole Association; and constitutional changes in the Commonwealth also suggested the need for some central organisation to act as a liaison body.

At the Commonwealth Parliamentary Conference in October 1948, it was agreed that a General Council should be formed and that the name of the organisation should be changed from the "Empire Parliamentary Association" to "Commonwealth Parliamentary Association".

The headquarters of the Council are in London. This Office provides a centre for the issue of publications, the organization of Conferences, and for research and information on current Commonwealth affairs for the members of all Branches.

#### *Facilities and Privileges Available to Members of Commonwealth Parliamentary Association*

The Association provides for its individual members the following specific facilities:

- (a) *Introduction and Hospitality:* A Branch, Affiliated Branch or Associated Group uses its best endeavours to provide introductions and hospitality for visiting members from other Commonwealth countries. The Secretary of the Association in any country has to be notified of the intended visit of a member by the Secretary of the member's Branch of the Association, and steps are taken to arrange for him a cordial reception and provide him with personal introductions, if so desired.
- (b) *Travel Facilities:* The Association secures special terms for its mem-

bers when visiting those countries where Branches exist. Travel concessions for visiting members of the Association, ranging from free transportation for a member, his wife and family to a half-rate on the railways of the country visited are provided by the Branches.

- (c) *Parliamentary Privileges:* Members visiting any country in which a Branch or Associated Group exists, receive preferential treatment in the matter of access to the Galleries, Lobbies, Dining and Smoking Rooms of the Legislature of that country for the purpose of hearing debates and meeting other Members of the Association.
- (d) *Special Information:* The Secretary-General and Secretaries of the Branches endeavour to provide special information on any subject which Members may wish to investigate.
- (e) *General Facilities for Intercourse:* The machinery of the Association can, in general, be utilised to enable Parliamentarians of the countries concerned to exchange visits, either individually or collectively, with facility and to obtain the fullest information possible on matters of common interest.
- (f) *Publications:* A free regular supply of information is contained in the three quarterly publications of the Association, the "Journal of the Parliaments of the Commonwealth", the "Report on Foreign Affairs", and the "Summary of Congressional Proceedings, U.S.A." The "Journal" gives in summarised form the debates, during the previous three months, in the various Parliaments of the Commonwealth on any matters likely to be of particular interest to Members. The "Report on Foreign Affairs" provides an expert commentary on the affairs of the various countries concerned, regarding the main events and tendencies in those

## *Inter-Parliamentary Relations*

countries. "The Summary of Congressional Proceedings", as its name implies, is a digest of the debates in the Congress of the United States which have special interest for the Commonwealth. Recently arrangements have been made to meet the timelag in the distribution of the "Report on Foreign Affairs" by issuing a monthly "Commentary on Foreign Affairs" which is sent by airmail to those desiring to receive it. This keeps Members who are specially studying foreign affairs up-to-date between issues of the quarterly Reports.

In addition to the above publications, the General Council of the Commonwealth Parliamentary Association supplies to every Branch adequate number of copies of the publications of the Commonwealth Economic Committee which is an official organisation formed by the Commonwealth Governments in 1925. The memoranda and reviews prepared by the Committee's Intelligence Branch on "Commonwealth Trade" are particularly valuable. Another outstanding publication is the "Commodity Series" of seven volumes which is also issued annually. They present in convenient form up-to-date summaries of world production, international trade and consumption regarding a group of allied commodities, with reference to the Commonwealth countries.

### *Conferences and Delegations*

An important activity of the Association is the organisation of Commonwealth Parliamentary Conferences which take place every two years. These Conferences are attended by delegates from every Branch, meeting at one of the Commonwealth capitals, as the guests of the Branch there, the inviting Branch being also responsible for the overseas transport of all delegates. It is possible, when occasion offers, for more than one Branch to join together as joint hosts. For the ensuing Conference which is scheduled to be held in New Delhi in December this year, India and Ceylon have joined as hosts in inviting this Conference. Talks are afoot

to ascertain whether Pakistan will also join as a joint host with India and Ceylon.

Regional Conferences are also held by the Branches which are in close proximity and have special interest in common. These have taken place in Australia, the West Indies, Singapore and the Federation of Malaya. Delegations are also organised from one Branch to another thus enabling parliamentarians in one part of the Commonwealth to acquire knowledge at first hand of some other parts. Generally speaking, the entertainment of these delegations is undertaken by the inviting Branch with the support of the Government in the country visited and in any case the delegates themselves are not asked to defray any expenses on travelling or accommodation.

### *Place of Association in the Commonwealth*

The work of the Association has been summarised in one of its publications as follows: "In all the years of its existence, the Association claims credit for no specific constitutional change, no far-reaching legislative enactment, not even so much as a resounding resolution; yet it has played a genuine and valuable part in the development of ideas about and within the Commonwealth. It is indeed something more than the mere words 'An Association of the Parliaments of the Commonwealth' can imply. Through the facilities it offers, the various legislators can obtain the necessary knowledge and understanding of each other and of each other's problems without which no common approach is possible. They can confer frankly as with members of the same family and take back with them to their own lands the fruits of experience they have gathered which, in the course of their normal parliamentary duties, they can distribute among their colleagues and constituents. By these means throughout the entire Commonwealth a certain common background of thought and opinion can be created, which at times of international crisis may be reflected in a readiness for common action".

### *India and the Commonwealth Parliamentary Association*

Delegations from the Indian Branch of the Association have participated in the Com-

monwealth Parliamentary Conferences held in London (1948), Wellington (1950), Ottawa (1952) and the representatives of the Indian Branch of the General Council have taken an active part in the annual Council meetings held in New Zealand, Ceylon, Canada, England, and Jamaica.

State Branches of the Associations have been formed in the Legislatures of six Indian States, namely, West Bengal, Bombay, Madras, Madhya Pradesh and Uttar Pradesh. They are autonomous Branches and deal direct with the General Council of the Association. Like the main Branch, they send delegates to the annual Conferences and to the meetings of the Council. So far, only West Bengal has sent delegates, as other State Branches have come into existence only recently.

A feature of the working of the Commonwealth Parliamentary Association is that no resolutions are framed or moved nor any decisions taken. A subject is put down for discussion and members express their views. The consensus of opinion can be gathered only by going through the record of proceedings and not by any carefully worded conclusions drawn by the Conference itself. This is in keeping with the pattern of Commonwealth relations that no decision should be formed but only opinions

gathered. There are thus no Study Committees or any clear-cut decisions of the Association for consideration or ratification by the respective Governments.

Another feature of the working of the Association is that at the time of the Conferences, the host country or host countries arrange tours lasting for nearly four or five weeks for all the participating delegates, numbering over 100, before and after the Conference. The delegates are taken round, at the expense of the host country and shown all the important places and aspects of life—cultural, social, historical and modern. These tours provide various opportunities of contacts between the Members of various Parliaments and this naturally enables them to have a full all-round discussion of important problems of common concern with people holding responsible political positions in their respective countries. While all this enables the delegates, free of any cost to themselves to study and see all that a country has to offer, the inviting country has this satisfaction that such eminent people will carry impressions of their country and act as its ambassadors of goodwill and friendship towards the people of other countries. Experience of the past Conferences has abundantly shown that any money thus spent is amply repaid.

# The Ten Minutes Rule\*

By P. A. Bromhead,

Lecturer in Political Theory and Institutions, Durham University, Durham.

(This article is based on part of a chapter in a book on private members' bills, to be published by Routledge and Kegan Paul)

THE right enjoyed by private members of the House of Commons to bring forward Bills under the so-called "Ten Minutes Rule" is based on Standing Order No. 12. The Standing Order provides that "On Tuesdays and Wednesdays—notice of motions for leave to bring in Bills . . . may be set down for consideration at the commencement of public business. If such a motion be opposed, Mr. Speaker, after permitting, if he thinks fit, a brief explanatory statement from the Member who moves and the Member who opposes any such motion respectively shall put either the question thereon, or the question, that the debate be now adjourned."

The device has often been attacked. In 1931, in his memorandum to the Select Committee on Procedure, Captain Crookshank (who at that time was considered to be particularly expert on procedure from the private members' point of view, and had not yet held office) complained that Ten Minute Bills were mostly used "for giving publicity to some (generally ephemeral) grievance, which could be done better between 11 and 11-30"<sup>1</sup>. He advocated the abolition of the device.

In 1950 Mr. Herbert Morrison, then Leader of the House, resisted Mr. Pickthorn's proposal to restore the right to introduce Bills under the Ten Minutes Rule, which had then been suspended for eleven

years. He pointed out that if the time taken up by a Ten Minute Bill was not to be forfeited to the main debates, the House would have to sit later. This is a good point. There are already too many late sittings; on the other hand, a reduction in the time available for the main debate hurts private members more than it hurts the Government. A reduction of seventeen minutes<sup>2</sup> deprives at least one backbench member of the chance of speaking, and sends his carefully prepared speech into the waste paper basket, unspoken.

The Ten Minutes Rule was in fact the last of the private members' rights to be restored after the war years. It was restored, by 235 votes to 229, against the wishes of the Labour Government, for the session of 1950-51, and has been in operation ever since. It differs from other private members' occasions (apart from the daily Question hour) in at least three important ways. All the other "rights"<sup>3</sup> provide for the distribution of the time available by means of a ballot; they all (except the motions in Committee of Supply) give the time at the end of a period of sitting, when most members are likely to have gone home; they all provide opportunities for a reply from a Minister. The Ten Minutes Rule does none of these things. It allows any member to bring forward a proposal on any Tuesday or Wednesday, at a time of the day when the House is likely to be very full, and there is customarily no reply from any spokesman of the Government.

\*Reproduced from *Parliamentary Affairs* (Autumn 1955) with the kind permission of the Author and the Editor *Parliamentary Affairs*.

1. H.C. 161 of 1930-31, Q. 2909.

2. This was the average time in fact consumed on each Ten Minute Bill in 1950-51. Cf. below.

3. Ten Fridays each session (except 1950) since 1948-49 for Bills, ten Fridays (since 1950-51) for motions, and the last half hour (at least) of every day's sittings and the whole of the last day's sitting before each of the seasonal holidays (or postponed forward matters on the Adjournment). Motions may also be moved on certain Supply days.

The Ten Minutes Rule is, of course, not the normal way of bringing in private members' Bills; it is only supplementary to the vastly preferable device of introduction under the ballot. But only about twenty members can win places in the ballot in each session. For members who have not won places in the ballot, the Ten Minutes procedure is an alternative to another method of proposing Bills which at first sight seems so much easier that the uninitiated may be surprised that the Ten Minutes Rule is used at all. Under Standing Order No. 35 any Member may put down a bill on any day and his bill is given an automatic First Reading and is ordered to be printed. Under the Ten Minutes Rule the best that can happen is that the House gives leave to introduce a Bill, or in other words to do that which could have been done under S.O. No. 35 in any case. Yet these days the right to introduce unballoted Bills under S.O. No. 35 is hardly used at all. The advantage of the Ten Minutes Rule is that it gives the introducer an opportunity of making a speech on behalf of his measure and perhaps of enlisting support for it. Under neither method is the Bill likely to make any further progress towards enactment into law, unless it is so entirely uncontroversial that it is allowed to pass through its second reading stage as an unopposed measure, without any discussion whatever. It has indeed a rather slender chance of coming up for Second Reading on one of the ten regular private members' Fridays, if all the balloted Bills down for that day are disposed of very quickly; but this is an outside chance. A non-balloted Bill introduced under S.O. No. 35 will almost certainly be consigned to oblivion without even a word having been said about it. If introduced under the Ten Minutes Rule, a really very uncontroversial Bill may stand a better chance of being allowed to pass as an unopposed measure than it would otherwise have had<sup>4</sup>, if it is not so uncontroversial it at least obtains some publicity.

Because of the time of day at which Ten Minutes Rule Bills are dealt with, the publicity gained in the House of Commons under this procedure is really very substantial. A study of the Division lists shows the extent to which these Bills force themselves on the attention of members. In the fourteen Divisions on Ten Minute Bills in the four sessions of 1950-54 the number voting was never less than 321<sup>5</sup>, the greatest number was 465, and the average was 396. On balloted Bills on Fridays, on the other hand, during the same period, the seven Divisions on Second Readings<sup>6</sup> produced an average of 221 members voting in each Division, and the smallest number was only 95. The greatest number, 476, was on the Transport (Amendment) Bill of 1951, which was treated as a party question and was quite untypical of balloted Bills. If this is excluded from the calculation, the average was only 189.

The superiority of the publicity obtained under the Ten Minutes Rule to that gained under other types of procedure for private members' business is well illustrated by the fate of two recent proposals for the immediate institution of a fixed date for Easter. (The Easter Act 1928, already on the Statute Book, provides for the fixing of the date to be made operative by an Order in Council which is to be introduced only when certain bodies have expressed their agreement. No Government has yet made any move towards putting the Act into force.)

In 1948 Mr. Wilson Harris had the fourth and last place on a day before one of the seasonal adjournments, and used his place for the purpose of advocating immediate action by the Government to make the Act operative forthwith. In his autobiography he relates how his audience consisted of the Home Secretary and one other member, Mr. Driberg<sup>7</sup>. Yet three years later, when Sir Richard Acland brought forward substantially the same proposal in the form of a Ten Minute Bill, 384 Members voted in the Division. The 279 in favour included Mr.

4. Cf. Lord Hamingford, *What Parliament is and Does* (Cambridge U.P., 2nd ed., 1948), p. 40.

5. It should be noticed, however, the only 196 members voted on Mr. Bell's *Treason Bill* on 8th March, 1953.

6. Including Divisions on closure motions on Second Reading debates.

7. Wilson Harris, *Life So Far* (Jonathan Cape, 1954), p. 297. Cf. H.C. Deb. 23th March, 1948, Col. 2426-26. It is only fair to mention that at least two other members must have been present for some of the proceedings. *Standard records* brief insertions by Mr. Washington Lodge (Cols. 3461, 3443 and 3446), and by Mr. Joynton-Hicks (Col. 3444).

## Ten Minutes Rule

Churchill (then Leader of the Opposition) and seven Ministers with seats in the Labour Cabinet. It seems hard to deny the difference between the amount and value of the parliamentary publicity obtained on these two occasions.

Seeing that the chief ground for complaint against the Ten Minutes Rule is related to the time that it consumes, it is worth enquiring how much time it has in fact consumed in recent years. Although the usual designation of this form of procedure refers to "ten minutes", neither the Standing Order nor Erskine May in fact mentions any specific length of time as the limit for speeches. Erskine May does, however, use the term "Ten Minutes Rule", and thus apparently gives some sanction to the idea that speeches should not be longer than ten minutes. For more exact definition he refers to a ruling of Speaker Fitzroy in 1931, but when we refer to this ruling we find that the Speaker merely recalled the terms of the Standing Order and seemed to agree with a suggestion that the introducer of a Bill had been overstepping the limit by speaking for fourteen minutes<sup>8</sup>.

It is certainly well understood that neither the proposer nor the opposer should speak for more than ten minutes. Occasionally a member exceeds the limit for reasons beyond his control. Mr. Silverman's speech on behalf of his Death Penalty (Suspension) Bill in 1953 took seventeen minutes, but he was much interrupted. More often the speeches are well under ten minutes in duration.

If we look at the Ten Minutes Rule debates of the four sessions from 1950 to 1954 we find that the longest lasted for twenty-six minutes, the shortest for about five minutes. Thirteen out of the total of thirty-seven motions were agreed to without any opposing speech. On the whole 37 motions the average time consumed was about thirteen minutes on each<sup>9</sup>. Fourteen of the thirty-seven motions were decided by Divisions, which took about ten minutes

each, so if we count the Divisions the average time consumed by each motion came to seventeen minutes. In all, the average time spent on motions under the Ten Minutes Rule was about two and a half hours in each of the four sessions.

A study of the use made of the Ten Minutes Rule since its restoration suggests that it is in fact very adaptable, and can be made to serve several types of purpose.

In the first three post-war sessions<sup>10</sup> in which the Rules was in operation twenty-five Bills were brought forward, six of which eventually went on to receive the Royal Assent. Five of these had their Second Reading stages taken unopposed, but three of them<sup>11</sup> produced some discussion at the later stages, by which time they took their place in the queue along with the balloted Bills emerging from the Standing Committee.

None of these five Bills had produced any opposing speech on originally being proposed under the Ten Minutes Rule, and it may be that their successful passage unopposed through this stage without opposition helped them to be allowed to go through Second Reading without objection. The sixth of the Ten Minutes Bills to be enacted was the Slaughter of Animals (Pigs) Bill, which owed its success in the first place to the rapid progress made by the later stages of the balloted Bills of the session. It was able to come forward for Second Reading on Friday, 24th April, 1953, (nine days after introduction), at 1 P.M. by which time the House had disposed of the later stages of all the balloted Bills which had by then been through Standing Committee.

On seven other Bills during these three sessions the motion for leave to introduce was accepted by the House without a Division, but no further progress was made. Some of these Bills were introduced again in later sessions, either by other private members under the ballot or by the Govern

<sup>8</sup> Erskine May, 19th (1930) ed., p. 369, H.C. Deb., 10th Nov. 1931, Col. 1785.

<sup>9</sup> It is not possible to calculate the average time taken exactly, because Hansard does not always record the time at which the proposer of a motion began his speech, though it sometimes does so. These calculations are made on the assumption that each column of Hansard represents four minutes.

<sup>10</sup> This survey omits the session of 1953-54 because the final results of this are not available at the time of writing.

<sup>11</sup> The Disposal of Uncollected Goods Bill of 1951-52, the Criminal Law (Amendment) Bill of 1952-53, and the Accommodation Agencies Bill of 1953-54. The two which were unopposed all through their Parliamentary stages were the Cremation Bill and the Cornish Quilting Bill. The latter was so fully an agreed measure that there was no need for it to go to Standing Committee.



ment. They included the Pool Betting Bill, which was eventually brought in under the ballot and passed into law in 1954, and the proposal to amend the law about the lighting of motor-cars, which was passed in 1953.

Of the twelve proposals decided by Divisions five were approved for First Reading and seven rejected<sup>13</sup>. None of the twelve made any further progress at all. Two other proposals were negatived without a Division.

One interesting feature about the recent Bills proposed under the Ten Minutes Rule, as opposed to the Bills brought in under the ballot on Fridays, is that, while the Friday Bills have generally avoided party questions, several partisan proposals have been brought in under the Ten Minutes Rule. Three of the Ten Minute Bills of the session 1950-51 produced Divisions on party lines. One of these, aiming to restrict the rent of garages in London, got all its support from the Labour benches. It obtained a majority of 269 votes to 196. The other two were favoured by Conservatives, and were defeated. The first was Sir Herbert Williams' proposal to give the House the power of praying against all Statutory Instruments which have to be laid before Parliament, and the second was Mr. Hutchinson's proposal to improve the basis of compensation paid to owners of property requisitioned by public authorities for demolition. (Mr. Hutchinson had time to refer to the rather scandalous case of a man turned out of a house valued at £2,000 and given £925 in compensation). In the next session Mr. Geoffrey de Freitas asked for leave to bring in a Bill to provide that at least two-thirds of the members of the Cabinet should be taken from the House of Commons. This matter was then at the centre of party controversy. Mr. de Freitas' proposal was part of a fairly sustained campaign then being waged by the Labour Party against the system of "overlords" in Mr. Churchill's new Cabinet.

In the session of 1953-54, there were divisions on party lines on two Labour mem-

bers' proposals, one brought in by Mr. Bing for the control of the specific gravity of beer, and one brought in by Mr. Fenner Brockway to prevent summary deportations from British Colonial territory. There were, in addition, two Bills proposed on successive days by Labour members for the imposition of price controls in certain fields of commercial activity.

There have been some proposals concerning the Constitution in general. The Ten Minutes Rule seems to be very well adapted for the introduction of some types of proposal in this field. Now that peers seem to be ineligible for the highest offices in the State, a good deal of sympathy has been felt for politicians who inherit peerages and thus become subject to crippling disabilities in their political lives. It was under the Ten Minutes Rule that Mr. Paget in 1953 brought forward his proposal that men who inherited peerages in the future should be allowed to continue to sit in the House of Commons. Mr. Walter Elliot, in opposing the measure, said that "this was not a matter for perfunctory discussion and decision of the House, nor should even the principle be discussed in that way". His view was widely accepted, but it remains true that the subject was worth bringing forward, and that the Ten Minutes Rule was probably better adapted than any other type of procedure for its introduction at that time.

Another feature of Ten Minute Bills is that they seem to allow more complete freedom of voting than do other types of proposal. The leaders of the Opposition do not often vote against one another in any circumstances, except on matters which are clearly questions of personal feeling and conscience, like the laws about Sabbath observance. Yet on the Peers Bill Mr. Attlee, Mr. Morrison, Mr. Gaitskell and Mr. Dalton voted against, while Mr. Griffiths, Mr. Isaacs and Mr. Strachey voted in favour of the proposal, and on Mr. Donnelly's proposal about the licensing of barristers the Labour leaders were again divided.

13. One of the five had the unusual distinction of producing a tie at the Division. The voting on Sir Ian Fraser's Licensing of Airports Bill was 178 to 178. The Speaker decided that it was his duty to vote in such a way that the House would have a further opportunity of considering the matter, so he gave his casting vote in favour of the introduction of the Bill.

## Ten Minutes Rule

In general there seems to be reasonably little ground for complaint, with respect to the proposals brought forward in 1950-53, that the Ten Minutes Rule was being used for the airing of particular or merely ephemeral grievances. It is true that on one or two occasions the member proposing the introduction of a Bill referred to a particular matter of current interest. Mr. Silverman asked leave to introduce his Death Penalty (Suspension) Bill soon after the murderer John Halliday Christie had confessed to the murder of Mrs. Evans. Mr. Silverman referred to the case in his speech. A little before this Mr. Donnelly, in proposing a Bill to give the Bar Council disciplinary powers over barristers, referred to the circumstances in which a barrister had recently been suspended by the Benchers of his Inn. He had, incidentally, asked parliamentary questions on the subject twice during the previous fortnight. These two instances, particularly that of the proposal about the death penalty, can hardly be regarded as mere airings of ephemeral grievances. After all, the proposal to abolish the death penalty had been often heard before, and Mr. Silverman had himself brought forward the proposal with much éclat five years earlier, as an amendment to the Labour Government's Criminal Justice Bill.

In 1953-54, however, there was quite a crop of proposals, all brought forward by Opposition members, which seemed to fall into the category deplored by Captain Crookshank in his memorandum. In February, 1954, there were the two price control Bills, brought in on successive days, one criticizing the high expenditure on advertising etc. by detergent manufacturers, and the other complaining about the imposition of minimum prices for sparking plugs. On the second day a conservative member complained that this series of measures was "an abuse", and "part of a deliberate manoeuvre to get over party propaganda".

A month later another Labour member brought forward a proposal to give "equal pay" throughout the Government service. This was part of a wider campaign in which every possible parliamentary device was used on the same day for the same purpose. Two public petitions had been brought in, and twenty-one parliamentary questions asked (occupying fully half the Question hour) on the same topic.

It is noteworthy that although these last three proposals were all highly controversial they were all allowed to be brought in for First Reading without a Division. It is as though their opponents had decided not to fall into a trap. They had apparently returned to the old precept, stated by Jennings in 1939, that "the simplest way to deal with these measures is to ignore them"<sup>13</sup>

It is quite legitimate, and a perfectly proper and constructive use of the Ten Minutes Rule, to seize a specially suitable moment for the proposal of a Bill, a moment when some striking instance of an abuse, real or imagined, attributable to the existing state of the law, is fresh in the public mind.

But that is not the same thing as to invent a Bill at short notice in order to create an opportunity for ventilating a current grievance more effectively than could be done by the use of the other forms of procedure, such as the adjournment at the close of each day's sitting. It is this sort of practice that Captain Crookshank apparently had in mind when he attacked the Ten Minutes Rule in 1931.

We can agree readily that the Ten Minutes Rule would present considerable disadvantages if it were too often used for ventilating grievances. Such a practice would be regrettable not only because it would be a distortion of the device, but also because the Ten Minutes Rule is ill-adapted for grievance debates in so far as the oppo-

<sup>13</sup> Since 1934 the House seems to have continued to move along the lines suggested by the treatment of these three controversial bills of 1934. Opposition to motions for leave to introduce bills has become less frequent than in the previous years. In the whole of the session of 1954-55 (which was, of course, a short session owing to the dissolution of Parliament in the spring), only one of the Ten Minute Bills was opposed. This was the Licensing at Airports Bill, which was all owed to be brought in by 234 votes to 137. Even Mr. Fallick's Decimal Currency Bill was unopposed although he actually pleaded for a division, in order that the feeling of the House might be expressed.

In the session of 1953-56, up to the end of February 1956, no opposition was offered to any of the motions under the Ten Minutes Rule, although here included Mr. Silverman's highly controversial bill for the abolition of the death penalty.

ing speech is always made by a private member and not by a Minister. The normal rules of give-and-take of parliamentary life require that when the Government is attacked (as it must be when a grievance is ventilated), the appropriate Minister ought to reply to the attack. It is both his duty and his privilege to defend himself, and to explain and to attempt to justify his actions or his failures to act.

There must be a certain temptation for private members to use the Ten Minutes Rule for the purpose of airing off grievances, and so to get infinitely more publicity than they could get on the adjournment. It is perhaps because the temptation is so obvious that it is so well resisted. The House of Commons is remarkable for its corporate respect for unwritten rules which require no other sanction than the well-known general opinion of members. In a strange way, party discipline itself probably reinforces such unwritten rules, even when they are not concerned with party questions.

When we come to attempt a final assessment of the system of the Ten Minutes Rule, we may begin by recognizing that it is not easy to find specific justifications for it. It is not very fruitful as a producer of new Acts on the Statute Book. Six Acts helped on their way in three years, all of them entirely uncontroversial, and all of which Parliament probably ought to have been able to pass without difficulty if the general procedure had been fully rational, is not a very impressive result from a device which takes up two or three hours of parliamentary time, all at the most valuable period of the day, each session. If the device has not produced

ventilation of grievances either, we may perhaps ask what use it is after all. The concrete answer seems to be that, apart from the six Bills which were enacted, it has enabled other constructive and useful proposals to be canvassed and discussed and brought nearer to eventual success. But more important than the concrete results are the intangible results. On the one hand, several interesting and worth while ideas have been brought before Parliament and public opinion. On the other hand, the House of Commons has found itself stimulated and, it may be, amused from time to time in a way which must surely be good for its vitality. In these days when we hear so much of the complaint that the excessive power of the Government and of the party machines is destroying the liveliness of Parliament, there must be some value in the mere fact of having a private member's bill come forward now and again for discussion at some time other than an obscure Friday's sitting in a sparsely-attended House.

The complaint about the time consumed becomes less impressive when we remember that the House seems quite ready between Questions and the beginning of the main business, on wholly pointless divisions on proposals to suspend the Ten O'Clock Rule, so that the main business may be continued after 10 P.M.

On the balance it seems that, as it has been used in the past few years, sparingly, for Bills which differ widely in type and aim, and rarely for the mere raising of current grievances, the House of Commons has reason to be glad that it has preserved this type of procedure.

# Dissolution of Legislatures and Formation of Cabinets\*

## Dissolution of Legislatures

THE Constitution of India provides for a five-year term for both the Lok Sabha and the Legislative Assemblies in the States. Article 83 (2) of the Constitution states:

"The House of the People (Lok Sabha), unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the House."

Article 172 (1) contains similar provisions with regard to the Legislative Assemblies of the States.

After dissolution, a new Lok Sabha and new Legislatures have to be constituted in terms of Section 14 of the Representation of the People Act, 1951, which provides that

"A general election shall be held for the purpose of constituting a new House of the People on the expiration of the duration of the existing House or on its dissolution."

And further that

"The President shall by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission, call upon all Parliamentary constituencies to elect members in accordance with the provisions of this Act.

"Provided that where a general election is held otherwise than on the dissolution of the existing House of the People, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of that House would expire."

Similar provisions exist in Section 15 of the Act for the constitution of State Legislatures, with the variation that in their case the notification in the Gazette is to be made by the Governor of the State concerned.

The first Lok Sabha and the State Assemblies under the present Constitution were constituted in 1952 after the first General Elections. Their first meetings were held on different dates during March, April and May 1952, and their terms, except in the case of Andhra Pradesh and Kerala\*\* were coming to an end during the corresponding months in 1957. As new Assemblies had to be constituted soon after, elections were held in accordance with the provisions of the Representation of the People Act, in February-March 1957, a little before the terms of the old Assemblies were due to expire. When the elections were in progress, the old Lok Sabha and several State Assemblies like those of Bihar, Bombay, Mysore, Punjab, Rajasthan and U.P. even held their sessions. These Assemblies were later dissolved by formal notification issued by the President or the Governor, as the case may be, so as to constitute the new Legislatures, elections for which had since been completed.†

## Resignation of Old Ministries and Formation of New Cabinets

The dissolution of old Legislatures and the constitution of new ones were followed by the resignation of old Ministries and the formation of new Cabinets. Although the Constitution provides that the Cabinet should be collectively responsible to the Legislature and that a Minister, who for any period of six consecutive months is not a member of either House, should cease to be a Minister, it does not call for the tendering of resignation by the Cabinet either on the eve or conclusion of the elections or simultaneously with or

\* Prepared by the Research & Reference Branch, Lok Sabha Secretariat.

\*\* Elections had been held in Andhra Pradesh excluding the Telangana region in 1954, soon after the formation of the Andhra State in October 1953. Consequently the Legislature was not dissolved in 1957 and no fresh elections were held except in the Telangana Region. In Kerala, consequent on the promulgation of President's rule on 13<sup>th</sup> March, 1956, the Assembly had been dissolved on that date.

† No notification of dissolution was issued in the case of Assam, Madhya Pradesh, Orissa and Rajasthan, as the terms of the Assemblies there had expired and they stood automatically dissolved due to efflux of time. (Please see the chart appended at the end of the article).

immediately after the dissolution of the Legislature. No term of office has been laid down for the Cabinet and the dissolution of the Legislature does not amount to termination of the life of the existing Cabinet. It is not, therefore, necessary for the Ministry to resign immediately the Legislature is dissolved, and in fact it can resign at any time before or along with or after the dissolution of the Legislature.

The different procedures followed in the various States in India in regard to the formation of Cabinets following the dissolution of their Assemblies illustrate the above point. In some States, the resignation of the old Ministries followed immediately after the dissolution of the old Legislatures, while in others the old Cabinets continued in office even after the dissolution of the Assemblies. In all States except Assam, Bombay, and Orissa the Governors accepted the resignations immediately on their being tendered, while in the case of these three States, the resignations were accepted a little later, as explained below.

At the Centre, the Lok Sabha was dissolved on 4th April, 1957, but the Union Cabinet did not resign immediately. It continued in office until 16th April, when the Prime Minister tendered his resignation and that of his colleagues to the President just on the eve of the formation of the new Cabinet. The new Ministry was formed on the 17th April and sworn into office by the President on the same day.

The same procedure was followed in the case of Bihar and Madhya Pradesh as well. In Bihar, the Assembly was dissolved on 2nd April, 1957, but the Ministry continued in office until 5th May, 1957, when it resigned and the new Ministry was formed and sworn in on 6th May. In Madhya Pradesh, the term of the old Assembly had expired on 5th March, 1957 due to efflux of time, but the Ministry continued until 14th April. It resigned on the latter date and the new

Ministry was formed and sworn in on the 15th April, 1957.

In Orissa, the term of the old Assembly had expired on 4th March, 1957, but the Ministry continued in office until 1st April, when it submitted its resignation to the Governor. The resignation was accepted by the Governor on 6th April on which date the new Ministry was formed.

In Rajasthan also, although the Assembly stood dissolved by efflux of time on the 28th March, 1957, the Ministry continued until 2nd April, 1957, on which date it tendered its resignation. It was asked by the Governor on 3rd April to remain in office until a new Ministry was formed on 11th April, 1957.

In the case of Madras, Mysore, Punjab, U.P. and West Bengal, the old Ministries resigned immediately on the dissolution of the old Legislatures. The Legislative Assemblies of Madras, Punjab and U.P. were dissolved on 31st March, 1957 and those of Mysore and West Bengal on 1st April and 5th April respectively. The resignations of the Ministries in these States were accepted immediately by the Governors but they were requested to continue in office until new Ministries were formed and sworn in.\*

In Assam, the term of the Legislative Assembly expired on 4th March, 1957, and the Ministry tendered resignation on the same date. The resignation was accepted by the Governor on 22nd April, 1957, on which date the new Ministry was also formed and assumed office.

Similarly in Bombay, the old Ministry tendered resignation immediately on the dissolution of the old Legislature on 4th April, 1957, but the resignation of the Ministry was accepted by the Governor on 12th April, 1957, on the eve of the formation of the new Ministry.†

\*The new Ministry was formed in Madras on 19th April, 1957, in Mysore on 19th April, in Punjab on 9th April, in U.P. on 10th April and in West Bengal on 16th April. (See chart at end of article).

†Bombay Government Gazette, Ministry, Part I, General Section, Extra No. 26 dated 14th April, 1957.

## Dissolution of Legislatures and Formation of Cabinets

In Andhra Pradesh and Kerala the situation was somewhat different. In Andhra, the elections held recently were only in the nature of bye-elections, being confined only to a part of the State, viz., the Telangana region. The question of dissolution of the Assembly and of the resignation of the Ministry did not, therefore, arise in that State.

In Kerala, consequent on the promulgation of President's rule<sup>a</sup> in the State from 23rd March, 1956, and the dissolution of the Assembly on that date, there was neither a Ministry nor a Legislative Assembly functioning there. The new Assembly of Kerala was constituted only on 1st April, 1957 after the recent elections and the President's rule was revoked on 5th April, 1957, when the new Ministry of Kerala was also sworn in.

### ANNEXURE

*Statement showing dates of dissolution of the old House, resignation of the old Ministry and formation of a new one.*

	Date of Dissolution of the old House	Date of Resignation of the old Ministry	Date of acceptance of Resignation	Date of Formation of New Ministry
Lok Sabha	4-4-57	16-4-57	16-4-57	17-4-57
Assam	4-3-57**	4-3-57	22-4-57	22-4-57
Bihar	2-4-57	5-5-57	5-5-57	6-5-57
Bombay	4-4-57	5-4-57	12-4-57	12-4-57
Madhya Pradesh	5-3-57**	14-4-57	14-4-57	15-4-57
Madras	31-3-57	31-3-57	31-3-57	13-4-57
Mysore	1-4-57	1-4-57	1-4-57	19-4-57
Orissa	4-3-57**	1-4-57	6-4-57	6-4-57
Punjab	31-3-57	1-4-57	1-4-57	9-4-57
Rajasthan	28-3-57**	2-4-57	3-4-57	11-4-57
U. P.	31-3-57	31-3-57	31-3-57	10-4-57
West Bengal	5-4-57	5-4-57	5-4-57	26-4-57

<sup>a</sup>Constitution of India (Extraordinary Part II Section 3 No. 5) dated March 23, 1956.

\*\*No formal notification of dissolution was issued as the term of Assembly had expired and it stood automatically dissolved due to efflux of time.

## Committee on Petitions of the Lok Sabha\*

**I**T is an inherent right of the people in a democracy to present petitions to Parliament with a view to ventilating grievances and offering constructive suggestions on matters of public importance. This right has been well-recognised in India and Parliament has made elaborate rules of procedure for the presentation of petitions† by the people and their consideration by the House.

### Subject Matter of Petitions

Rule 160 of the Rules of Procedure of the Lok Sabha states:

“Petitions may be presented or submitted to the House with the consent of the Speaker on—

- (i) a Bill which has been published or which has been introduced in the House;
- (ii) any matter connected with the business pending before the House; and
- (iii) any matter of general public interest.”

Matters which are *sub-judice*, or for which a remedy is available under the law or which fall within the purview of States Legislatures cannot be made the subject of petitions to the Lok Sabha.

### Procedure for Presentation

Every petition has to be in the proper form as laid down in the rules and is to be addressed to the House. It may be submitted either directly or through a Member,

in which case it has to be countersigned by him. Petitions may be presented to the Lok Sabha by a Member or, if submitted direct, they will be reported to the House by the Secretary.

### Representations

Petitions, which are not in proper form but are otherwise admissible, are, not rejected but are edited by the Lok Sabha Secretariat so as to bring them in line with the prescribed form. Sometimes, however, letters, telegrams, copies of resolutions etc., which are not strictly admissible under the Rules as petitions are received in the Lok Sabha Secretariat. These are treated under the direction of the Speaker as *Representations* and considered by the Committee.

### Committee on Petitions

The number of petitions being large, it is not possible for the House to consider each petition in detail and direct action thereon. A “Committee on Petitions” consisting of not less than fifteen Members is, therefore, nominated by the Speaker at the commencement of each Parliament, or from time to time as the case may be, and is entrusted with the work. It is the duty of the Committee

- (i) to examine every petition referred to it by the House, and if the petition complies with the rules, to direct that it may be circulated among the Members *in extenso* or in summary form;
- (ii) to report to the House on specific complaints made in the petition, after taking such evidence as it deems fit;

\* Prepared by the Committee Branch, Lok Sabha Secretariat.

† Rules 160-167 of the Rules of Procedure & Conduct of Business in Lok Sabha.

## *Committee on Petitions of the Lok Sabha*

- (iii) to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future; and
- (iv) to consider representations, letters and telegrams from various individuals, associations etc., which are not covered by the rules relating to petitions and give directions for their disposal.

### *Origin of the Committee*

The Committee on Petitions of the Lok Sabha is one of the oldest Committees of the House and dates back to the old Legislative Assembly of the pre-Independence era. It was first constituted by the then President of the Assembly on 20th February 1924. Its strength was fixed at five and remained unchanged until early 1954. In April 1954, however, the strength of the Committee was increased to fifteen, in order to provide adequate representation to all parties and groups in the House.

The Committee was known as the "Committee on Public Petitions" until 1931, when its name was changed to "Committee on Petitions".

The Committee submitted its first report to the House on 19th February, 1925 on certain petitions relating to the Indian Penal Code (Amendment) Bill, popularly known as the "Age of Consent" Bill. Since then, the scope and volume of work of the Committee has increased a great deal, especially after the inception of the first Lok Sabha under the present Constitution. The public have become increasingly aware of their rights under the new democratic structure, and this is reflected in the fact that over 2,000 petitions and representations

were received during the period of the first Lok Sabha.

### *Work of the Committee*

Of the 2019 petitions and representations received during the life of the first Lok Sabha, 351 were found admissible as petitions. The Committee held 31 sittings and presented 12 reports to the House on petitions. Of these, 311 petitions were on Bills pending before the House, six were on the Report of the States Reorganisation Commission, and the rest on other matters of general public interest. Some of the petitions in the last category were suggestions for the amendment of the Displaced Persons (Compensation and Rehabilitation) Act, amendment of the Indian Arms Act, amendment of the Indian Post Office Rules and facilities for third class passengers in railways.

The petitions of all the three categories were considered by the Committee and suitable recommendations were made to the House. The recommendations were forwarded to the Ministries concerned for implementation and some of them relating to the railways have been implemented, while others are being followed up.

Even with regard to representations, which were not strictly admissible as petitions, the Committee took steps to get the grievances of the people concerned redressed, by taking up the matter with the Ministries.

The Committee on Petitions, thus, acts as an important link between the people and the Government, by bringing to the notice of the latter, through the House, public opinion on several matters of public importance and providing an effective means of moving the Executive to quick action in cases of genuine grievance.



# Contributions by Companies to Funds of Political Parties\*

The question of companies making contributions to the funds of political parties came to the fore recently, when two companies—the Indian Iron and Steel Co., Ltd., and the Tata Iron and Steel Co., Ltd.,—made applications to the Calcutta and Bombay High Courts respectively, under section 17 of the Companies Act, 1956\*\* seeking confirmation of the alteration in their Memoranda of Association for the purpose of enabling them to contribute funds to the political parties.

## Observations of the Calcutta High Court

The application of the Indian Iron and Steel Co. was disposed of by Justice Mukharji of the Calcutta High Court on 23rd February, 1957. While making the order confirming the alteration, the learned judge observed:

"The object is stated plainly to be to contribute to the funds of political parties which will advance policies conducive to the interest of the company. Persuasion by contribution of money lowers the standard of administration even in a welfare state of democracy. To convert convictions and conscience by money is to pervert both democracy and administration....."

"As the number of applications here are becoming more and more numerous by which the companies are trying to divert commercial funds to political purposes, it is essential in the interest of both commercial and public standards to have immediately legislation on the subject to keep the springs of democracy and administration reasonably pure and unskinned and before it is too late to control the dangers and mischiefs inherent in the situation.

"In the absence of such legislation in India today, the point, however, must be governed by the provisions of the Companies Act, 1956. The Courts are not concerned either with the legislative policies or with questions of fancied

beads of public policy not recognised by law or even with their own ideas of public morality. Nevertheless the law requires the Courts to sanction such alteration of memorandum of companies and has not left it merely to the wisdom of the shareholders exhibited in their special resolution at a general meeting. It is, therefore, the duty of the Court before giving the seal of its sanction to call attention to the dangers of this situation....."

"The decision on this application for the present must depend on the actual provisions of the Companies Act, 1956, and their interpretation. If the Companies Act, 1956, permits such alteration and if the Constitution of India does not prevent it, then no further question arises, and the amendment of the memorandum must have to be allowed and sanctioned, although even then the Court can impose any terms and conditions as it thinks fit....."

"The Statute lays down no limitation about the objects and purposes of a company, except that the purpose of a company must always be a 'lawful purpose' as provided in section 12 of the (Companies) Act. According to my interpretation, contribution to political funds or political object is not legally prohibited, and therefore such a contribution is within the meaning of the expression of 'lawful purpose' in section 12 of the Act....."

"To describe contribution to political funds or political parties as bribery may be helpful in pointing out the danger inherent in the situation but is incorrect as a description in law. It is not bribery under any of the legislative enactments at present prevailing in India such as bribery under the Indian Penal Code or under the Corrupt Practices Act or under the Prevention of Corruption Practices Act or any other law....."

"The question then becomes whether a company's contribution to the political funds of political parties can be said to be required to enable it to carry on its business more economically or more efficiently..... Business efficiency is a word of large connotation. A healthy relationship between the Government and administration on the one hand and Iron and Steel industry on the other does, in my view, lead to business efficiency in the modern age. I am, therefore, of the opinion that the proposed alteration of the objects of the Memorandum of the company successfully passes through the test provided in sub-clause (a) of section 17(1) of the Companies Act, 1956....."

\*Prepared by the Research and Reference Branch, Lok Sabha Secretariat.

\*\* Section 17 (1)(a) of the Act provides that a company may, by special resolution, alter the provisions of its memorandum with respect to its objects so far as may be required to enable it to carry on its business more economically or more efficiently.

Section 17(c) provides that the said alteration shall not take effect until and except in so far as it is sanctioned by the Court on petition.

Section 17(d) provides that the court may make an order confirming the alteration either wholly or in part and on such terms and conditions as it thinks fit.

## Contributions by Companies to Funds of Political Parties

"This view or interpretation is fortified by section 293 (1) of the Companies Act, 1956, which by its sub-clause (e) provides that the Board of Directors shall not except with the consent of such company in general meeting contribute after the commencement of the Act to charitable and other funds not directly related to the business of the company, any amounts the aggregate of which in any financial year exceed Rs. 25,000 or 5 per cent of its average net profits, whichever is greater. . . . I shall interpret the words 'other funds' to include a company's contribution to the political funds of political parties, and that certainly would be funds not directly relating to the business of the company. In other words, I interpret this provision in the Companies Act to be an indication that such a contribution, far from being unlawful or legally prohibited, is permissible."

The Court, therefore, confirmed the alteration in the Memorandum of the company, on condition that it shall remain operative for a period of six years during which the company should show in their balance-sheet and profit and loss account every year every single contribution directly or indirectly made to any particular political party by name, the amount and date of contribution, and that after the expiry of six years the company should again apply to the Court for the continuance of the sanction to the alteration of the Memorandum.

### Views of the Bombay High Court

More or less similar orders and remarks were made by the Bombay High Court on the application of the Tata Iron and Steel Co., Ltd. The application of this company was first heard by Justice Tendolkar on January 11, 1957, who confirmed the alteration sought by the company and remarked:

"The power to give contributions or donations to political parties is obviously quite capable of being used for corrupting public life. . . . (But) it is not the function of the Court to give effect to whatever may be its own personal view of what is right in this context, for then the Court would be usurping what are undoubtedly the functions of Parliament under the Constitution. . . . An attempt to guard against the inherent dangers by appropriate legislative action is essentially a function of Parliament."

On an appeal preferred in the same Court on this application, Chief Justice Chagla and Justice Desai observed:

"On first impression it would appear that any attempt on the part of anyone to finance

a political party is likely to contaminate the very springs of democracy. . . . (But) we could only be guided sitting in a Court of law by legal principles and not by our own views as to politics or morality. . . ."

"The new power or activity or object which is sought to be introduced by the company in its memorandum is not unlawful. . . . In this connection, it should also be borne in mind that if we were to refuse to sanction this amendment and reject the petition of the company, there is nothing in the view of the law that we have taken to prevent the company from reconstructing itself and to have a new memorandum including this object. . . ."

"We think it our duty to draw the attention of Parliament to the great danger inherent in permitting companies to make contributions to the funds of political parties. It is a danger which may grow apace and which may ultimately overwhelm and even throttle democracy in this country. Therefore, it is desirable for Parliament to consider under what circumstances and under what limitations companies should be permitted to make these contributions. . . . In our opinion, section 293 (of the Companies Act) is not a sufficient check on this evil. . . . The least that Parliament can do is at least to require the sanction of the Court before any large amount is paid by the company to the funds of a political party."

The learned judges finally ordered that in addition to the condition laid down by the trial judge, (i.e. of showing the contributions made by the company to any political party in the profit and loss account and balance sheet of the company) the company should also at the end of every financial year publish in two leading newspapers in India, one of which must be published in Bombay, a complete statement of all the contributions and donations made by it to any political party or cause.

### Discussions in Parliament

The question of companies making contributions to political funds also figured in discussions in Parliament on more than one occasion. On 3rd September, 1955, when section 293 of the Companies Act was being discussed in the Lok Sabha it was suggested by Members that (1) the provision should not be taken advantage of for the purpose of augmenting the election fund or any other fund of any political party, and that (2) contributions made by companies to political parties should be reported to the shareholders and made known to the

public\*. The then Finance Minister, Shri Deshmukh, pointed out that although the danger of misuse or circumvention did exist, the power of companies to make contributions should not be regarded purely from the political point of view.\*\*

On 20th March, 1957, during the debate on the President's Address, a Member, Shrimati Renu Chakravarti, raised the matter again in the House and said that the Calcutta High Court had drawn attention to the inherent dangers of the companies making contributions to political parties and demanded that there should be legislative enactment against such donations.† Another Member, Shri N. C. Bharucha also

referred to the same judgement on 24th May, 1957, and in reply to his question as to what steps the Government proposed to take in the matter, the Finance Minister, Shri T. T. Krishnamachari, replied as follows:††

"The Court have in this case directed that a proper disclosure of all such payments should be made in the company's accounts. Whether it is necessary to make this disclosure a general requirement of the law is the only matter to be considered.....

"This question of contribution by parties and organisations to political party funds is something probably which will have to be gone into later on not only big money interests that contribute to political parties but also other interests which are compelled to contribute to the funds of political parties as a result of a certain agitation carried on by political parties on their behalf."

*The progress of democracy seems irresistible, because it is the most uniform, the most ancient and the most permanent tendency which is to be found in history.*

—De Tocqueville.

\**Let India Debate*, Vol. VI, Pt. II, No. 30, Col. 10070, 10114—10117.

\*\**Let India Debate*, Vol. VI, No. 30 (Pt. II), Col. 10161 & 10163.

†*Let India Debate*, Pt. II, No. 118—119.

††*Let India Debate*, Pt. I, dt. 24-5-57.

# Some Parliamentary Activities at a Glance

## DEBATES IN PARLIAMENT AND STATE LEGISLATURES

### Lok Sabha Resolution on Nuclear Tests: Prime Minister's Remarks regarding the forwarding of the Resolution to Foreign Parliaments

On the 22nd May, 1957, the Lok Sabha discussed and later adopted unanimously the following Resolution moved by Shri V. K. Krishna Menon, on behalf of the Government:

"This House views with anxiety and concern the continued development and production of nuclear and thermonuclear weapons of mass destruction which if employed in any armed conflict, would spell the destruction of mankind and civilization.

This House expresses its more immediate and grave concern about the present menace arising from the harmful and unpredictable effects of radiation consequent on the continuing explosions of nuclear and thermonuclear weapons for test purposes which are carried out by the United States, the Soviet Union and the United Kingdom.

This House regrets and deprecates that despite the declared intentions of all nations not to embark upon war and in the face of the mounting opinion and anxiety in the world in regard to the grave and growing menace of these tests of nuclear and thermonuclear weapons, to the present and the future of mankind, the Great Powers concerned have not abandoned their programmes of such test-explosions. These have already proved injurious to populations in lands both far and near to the location of such tests and dangerously pollute the world's air and water and threaten the present and future generations with known and unknown risks and consequences.

This House further expresses its considered opinion that the proposals at present canvassed for the so-called Limitation and Registration of these tests will not help to rid the world of the dreadful consequences of radiation to present and future generations, nor pave the way to the abandonment of these weapons of mass destruction. On the other hand, such regularisation would tend to make thermonuclear war seem more legitimate and to appear to have the sanction of the world community.

This House earnestly appeals to each and all of the three Great Powers concerned at least to suspend without further delay their programmes for the explosions for test purposes of nuclear and thermo-nuclear weapons pending agreement on their discontinuance and the abandonment of the production and stock-piling of such weapons.

This House considers that if any or all the Powers concerned take the initiative or agree to the suspension of their test-explosions, a substantial contribution would be made to rid the world of the fear which has led to the present armaments race and open the way for the lowering of tensions, progress towards disarmament and international co-operation and peace".

Among several amendments moved to the above Resolution was one by Shrimati Parvathi Krishnan, which said:

"that the appeal of this House be forwarded to the Parliaments of the U.S.A., U.S.S.R., and the U.K."

The Prime Minister while replying to the debate, observed as follows on this amendment which was not accepted:

".....the passage of this Resolution in this House is something much more for the world—not only for our country but the world—than sending it in an envelope to some other House. I know it has sometimes been the practice of some Parliaments to send resolutions like this to other Parliaments. If I may say so with all respect, Sir, I do not want this practice to be adopted by this House. We pass resolutions and it is for the world to read them, and they do read and take notice of them."

### Essential Commodities (Amendment) Bill, 1957 Permitted for Introduction with out Prior Notice to Members (Lok Sabha).

The Essential Commodities (Amendment) Bill, 1957 had not been included for introduction in the main List of Business for the 30th May, 1957, as proof copies of the Bill were received from the Ministry of Law on the 29th May, 1957 late in the night at about 10 p.m. On a request made by

the Minister of Parliamentary Affairs on the morning of the 30th May, 1957, a Supplementary List of Business for that date containing an entry for the introduction of the Bill was issued to Members along with the copies of the Bill in the Chamber on the morning of the 30th May, during the Question Hour with the permission of the Speaker.

When the Minister of Food and Agriculture rose to move for leave to introduce the Bill, objection was taken by several Members that an important Bill was sought to be introduced and passed without prior intimation to the Members. The Minister of Food and Agriculture (Shri Ajit Prasad Jain) explained that members had expressed grave concern over the rise in prices and the Bill aimed at providing that the price payable for the stocks of food that might be acquired should be the average of the prices during the previous three months. In order that the hoarders might not take advantage of their hoardings and stocks might be acquired at reasonable prices, it was necessary that the Bill be passed urgently.

The Prime Minister observed that he appreciated the feeling of concern on the part of opposition members at the Bill having been brought forward on the penultimate day of the session as it was not a normal procedure. Government did not wish to push through the Bill without the consent of the House, he said and added that the Bill was not a complicated one and did not affect the small trader or the farmer. It simply laid down a fair price so that food hoarders might not exploit the prevailing high prices and the Executive too might not have any undue discretion in the matter. He suggested that the Bill could be introduced on that day and taken up and passed on the next day.

The Speaker observed:

"Late last night the hon. Minister for Parliamentary Affairs informed me, that in

view of the rise in prices it was proposed to introduce this urgent measure. The Chair, in response to the various suggestions made from time to time and objections raised, has always been anxious that as far as possible the number of ordinances during the inter-session period ought to be cut down. Therefore, when the Minister for Parliamentary Affairs requested me to put it down on the agenda I allowed it to be put down on the business for this day under Rule 31(2).....

"To avoid ordinances being passed and an early opportunity being given to this House, I allowed it to be put down in the Order Paper. So far as its being brought up in the business of the day is concerned, I have given permission and no exception can be taken."

The motion for leave to introduce the Bill was then put to the vote of the House and adopted and the Bill was introduced. The Bill was taken up for consideration and passing on the next day i.e., the 31st May, 1957.

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Adjournment of the House of Commons (U.K.) under Standing Order No. 9: Debate on the Ruling of the Speaker.

On the 22nd July 1957, in reply to a question in the House of Commons, the Secretary of State for Foreign Affairs (Mr. Selwyn Lloyd) made a statement on the situation in Oman and said:<sup>1</sup>

"The Sultan of Muscat and Oman has requested British assistance and this request has been agreed to. The local British authorities are considering with him the best form which this might take. They have been given discretion within certain limits to take military action."

Thereupon a Member, Mr. Wedgwood Benn, asked the Foreign Secretary whether the Government would give an assurance to the House that the British troops would not be engaged until the House had been informed of it in advance. On a reply in the negative, he immediately raised a point of order and asked for leave to move an

<sup>1</sup> Rule 31(2) of the Rules of Procedure 1957:

"Save as otherwise provided in these rules, no business not included in the list of business for the day shall be transacted at any sitting without the permission of the Speaker."

<sup>2</sup> House of Commons Official Report, 22nd July, 1957 Col. 32-40.

## Some Parliamentary Activities at a Glance

adjournment of the House under Standing Order No. 9<sup>1</sup> "to draw attention to a definite matter of urgent public importance, namely, the decision of Her Majesty's Government to offer British military assistance to the Sultan of Muscat and Oman."

The Speaker, however, refused leave for the motion and held:—

"This submission must fail on the ground of urgency..... We are not in possession of any of the facts of the situation which would entitle me to regard this as an urgent matter..... I think that the House should..... wait for something which may make such a motion as this definite and urgent. At present, it is not so, to my mind.

He also said:—

"There are this week four Supply Days, next week there is the Appropriation Bill and on any of these days this matter can be discussed in all its aspects. That is, in itself, sufficient ground, as has been ruled by all my predecessors, for my refusing to receive a motion of this sort."

On the 29th July, 1957, Mr. Wedgwood Benn moved the following motion<sup>2</sup>:

"That this House is of the opinion that the statement made by the Secretary of State for Foreign Affairs on 22nd July, in which he announced that the British authorities in Muscat and Oman had been given discretion within certain limits, to take military action, constituted a definite matter of urgent public importance under Standing Order No. 9, and regrets that Mr. Speaker did not rule to that effect."

Speaking on the motion, Mr. Benn said that it was a House of Commons matter and he was only appealing to the House of Commons to review one of the rulings given by the Chair. The House had entrusted two types of responsibility to the Chair, he added, the first being "the responsibility of acting as an umpire between both sides of the House" and the second of acting as

"interpreter of our Standing Orders." He was only appealing, he said, to the House of Commons against the Chair's interpretation of Standing Order No. 9, just as an appeal is taken from a lower court to a superior court. He complained that by such an interpretation of Standing Order No. 9, the Speaker was depriving the backbenchers of even their already limited right of being heard in the House and that the Speaker should have seen if at least forty members supported his motion before ruling on it himself by refusing leave. Mr. Benn finally concluded by saying:—

"Just as the judge, whose ruling is reversed on appeal, is not taken thereupon to be censured for all his conduct, so this motion is a motion of censure on one act, but not a motion of no-confidence in the Chair or the present occupant of the Chair. To underline that..... it is not my intention to vote for my motion. If I have permission, I shall withdraw it, in order that there shall not be a Division of the House upon it."

Mr. Paget, who seconded the motion, felt that it would be desirable if the Speaker, while acting under Standing Order No. 9 heard arguments, wherever necessary, before, instead of after, giving his decision. He suggested that the working of this Standing Order should be reviewed by the Rules Committee.

After a debate in which several members took part, the Secretary of State for Home Department and Lord Privy Seal (Mr. R. A. Butler) remarked that it was wrong to have on the Order Paper motions criticising the rulings given by the Chair, as the authority of the Chair and the dignity of the House were bound up together and "to imperil one is to imperil the other." Referring to "endless precedents" quoted by Erskine May and citing the passage therein that "the motion has been refused when an ordinary parliamentary opportunity will occur short-

1. Standing Order No. 9: (1) No motion for the adjournment of the House shall be made until all the questions asked at the commencement of business on Monday, Tuesday, Wednesday, or Thursday have been disposed of, and no such motion shall be made unless by a Minister of the Crown before the orders of the day or motions have been entered upon, unless a member rising in his place shall propose to move the adjournment for the purpose of discussing a definite matter of urgent public importance, and shall either obtain the leave of the House, or if such leave be refused, the consent of not less than forty Members who shall thereupon rise in their places to support the motion, or unless, if fewer than forty Members and not less than ten shall thereupon rise in their places, the House shall, on a division, upon question put forthwith, determine that such motion shall be made. If leave is given or the motion is so supported, or the House so determines that it shall be made, the motion shall stand over until seven of the clock on the same day.

2. Any Proceedings which has been postponed under this order shall be exempted from the provisions of Standing Order No. 1 (Sittings of the House) for a period of time equal to the duration of the proceedings upon a motion under this order, and may be resumed and proceeded with at or after ten of the clock.

3. House of Commons Official Report, 29th July 1957 Col. 88c—911.

ly or in time"<sup>4</sup> he said that the Speaker had only acted according to precedent when he ruled that the matter might be raised later on any of the Supply Days. He, therefore, felt that the Speaker's ruling was a just and proper one and hoped that the mover would withdraw his motion.

After a few more Members had also spoken, the motion was by leave of the House withdrawn by the mover.

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## COMMITTEES AT WORK

### Work of the Committee on Government Assurances (Lok Sabha).

The Committee on Government Assurances (Lok Sabha), which was constituted on the 13th June, 1956, continued in office until the dissolution of the First Lok Sabha on the 4th April, 1957.

During their sittings held on 22nd and 27th March the Committee considered the procedure that should be adopted with respect to the outstanding assurances, in view of the impending dissolution of the First Lok Sabha.

In the light of rule 285 of the Rules of Procedure,\* the Committee decided to select from among the pending assurances such of them as were of a substantial character and public importance and to incorporate them in their Fourth Report so as to enable the successor Committee of the new House to pursue them.

Accordingly the Committee selected certain specific and substantial assurances and listed them in the appendix to their fourth report and recommended that they be implemented by Government.

Shri K. S. Raghavachari, Chairman, Committee on Government Assurances, presented the Fourth Report of the Committee to the First Lok Sabha on the 28th March, 1957.

The Committee on Government Assurances of the Second Lok Sabha was constituted by the Speaker on the 5th June, 1957.\*\*

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### General Purposes Committee: Scope and Functions

The Speaker of the Lok Sabha, besides presiding over the deliberations of the House, has also to settle other matters relating to the working of the House. With a view to have informal consultations with the representatives of the various Parties and Groups in regard to the various directions in which the work of the House could be improved or organised on better lines, the Speaker constituted a General Purposes Committee on the 26th November, 1954.

The Committee consists of the Speaker as Chairman, and the Deputy Speaker, members of the Panel of Chairmen, Chairmen of Parliamentary Committees and Leaders of the various Parties and Groups, as members.

As the Speaker stated at the first sitting of the General Purposes Committee held on the 26th November, 1954 the functions of the Committee are generally to advise the Speaker on matters, not appropriately falling within the purview of any other Parliamentary Committee, which he places before them from time to time. The Speaker did not lay down any hard and fast terms of reference to the Committee and felt that the matter should be left to be settled by a process of evolution in the light of experience gained from time to time. He

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4. May's Parliamentary Practice, 15th Ed. p. 358.

\*Rule 285 of the Rules of Procedure says: A Committee which is unable to complete its work before the expiration of its term or before the dissolution of the House may report to the House that the Committee has not been able to complete its work. Any preliminary report memorandum or note that the Committee may have prepared or any evidence that the Committee may have taken shall be made available to the new Committee.

\*\*The inaugural address delivered by the Speaker on the occasion of the first sitting of this Committee appears on page 6.

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explained that primarily the idea was to give an opportunity to the House through the Committee to express their feelings on a particular matter before a decision was taken. The discussions in the Committee could provide a background on which the decisions of the Speaker could be based, so that such decisions could eventually command general acceptance.

During the two years of its existence, the Committee held eight sittings and considered various subjects, which *inter alia* included the duration of sittings of the House, adjournment of the House on the death of a sitting member, automatic voting system for the House, holidays to be observed by the Lok Sabha and arrangements for proper and speedy printing of Parliamentary papers.

The Committee does not present any Reports to the House or to the Speaker, who is himself the Chairman of the Committee. A record of minutes is kept and circulated to the Members.

The Committee may appoint sub-committees as and when considered necessary, for detailed examination of any matter placed before it and a sub-Committee presents its report to the whole Committee.

During the life of the first Lok Sabha, five sub-committees of the General Purposes Committee were appointed, one each to consider questions of duration of the sittings of the House; adjournment of sittings of the House on the demise of a Member, ex-Member or an outstanding personality; printing of Parliamentary Papers; proposal for constructing a new building for the Constitution Club; and accommodation for M.Ps. and staff of the Lok Sabha Secretariat and Maintenance of Parliamentary buildings. The sub-committees presented their reports to the whole Committee.

### Truman Committee (U.S.A.)\*

During World War II, the U.S. Senate set up a special committee on the initiative of Senator Harry S. Truman (Later President of the United States) to investigate

the national defence programme of the U.S. Government. The Government was at that time rapidly expanding the national defence machinery and making contracts and purchases involving billions of dollars and charges were being made that these contracts and purchases were "handled through favouritism." As a result, Mr. Truman, submitted to the Senate a resolution on February 10, 1941, calling for a special committee to investigate the national defence effort.

When the Committee was set up, Mr. Truman, as the author of the resolution, became its Chairman. He selected six Senators, four Democratic and two Republican Members, to serve on the Committee. Mr. Hugh Fulton, a well-known lawyer, was selected as the Committee Counsel. Later on, as the work of the Committee increased, the number of investigators was increased to fifteen in addition to the original members of the Committee.

The Committee was authorised to examine every phase of the entire war programme. Its purpose was to conduct an investigation into the defence effort simultaneously with the war programme, in order that "mistakes could be remedied before any irretrievable damage was done."

With a view to preparing a proper background for its investigations, the Committee first interviewed the Secretaries of War and Navy, the Director of the Office of Production Management, the Chief of Staff and other officials and thus established a working relationship with the Executive branch of the Government.

The investigations were first conducted in respect of the camp construction programme and later extended to the other segments of economy involved in the war effort. The Committee made on-the-spot studies and interviewed several unofficial witnesses such as labour representatives, lobbyists, manufacturers, industrialists, small business people etc. The hearings were conducted in Washington and dozens of other cities

\*Based on the "Memoirs of Harry S. Truman" Vol. I.



around the country. All the hearings were public and the several reports of the Committee submitted to the Senate from time to time were made available to the Press.

The Committee found that "the war effort was bogging down because of red tape and bureaucratic waste, because of overlapping jurisdictions and the failure to delegate authority and because of conflicts between military and civilian agencies." Many of the reports contained definite recommendations for legislation to correct defects that had been brought to light. A number of suggestions were enacted into legislation by the Congress. The War Department also took steps to remedy many of the defects pointed out by the Committee, as a result of which there was a "more concerted effort toward winning the war, a tightening of efficiency between civilian and military programmes and the reduction of losses in materials, time and man-power".

Some of the subjects into which the Committee conducted investigations were, besides camp construction, automobile industry, aluminium, rubber, copper, plane engines, shipping losses, small business, labour, Government administration of war production programme etc. "In all, the Committee made recommendations resulting in the estimated saving of 15 billion dollars to the American tax-payers. This was accomplished at a cost of approximately 400,000 dollars, the amount of total appropriations granted for the Committee's work. Savings in efficiency, man-hours and lives could not be calculated, of course, while the preventive influence wielded by the Committee kept countless problems from ever developing." The Committee filed a total of 32 reports since its creation on March 1, 1941, and there was no dissent to any of these.

PROCEDURAL MATTERS

Privilege

✓ Motions of Privilege not to be moved unless the Speaker gives consent

On the 28th May 1957, a Member of the Lok Sabha, Shri Anthony Pillai sought permission of the Chair to move a motion

of privilege given notice of by him on the previous day. Thereupon, the Speaker observed:

"Notice of any motion for raising a debate or calling attention or privilege first comes to the Speaker. He exercises his judgment whether to bring it before the House or give his consent for its being brought before the House.....Any notice that is given to the House will be disposed of and the result will duly be communicated to the Member if I disallow it or it will be brought up before the House, if I allow it."

The next day, the Member enquired from the Speaker the ground on which leave had been refused to him to move the privilege motion. The Speaker thereupon observed:

"Under the Rules, I have to give consent for raising any question of privilege in the House. I did not give my consent. If the Hon. Member is not satisfied or wants further elucidation, he may come and see me in my Chamber between 3 and 4 P.M."

When the Member referred to the practice in the British House of Commons in support of his contention, the Speaker elucidated the point further and said:

"We have framed certain rules suitable to our own needs and conditions. In other respects where this Parliament has not made any rule or passed any law, the general practice prevalent in the House of Commons before the date of commencement of the Constitution will prevail. Here there is a specific rule, that is, the Speaker has to give his consent and if he does not give consent the matter cannot be raised. I have refused to give consent.....The particular rule says:

'A Member may' with the consent of the of privilege either of a Member or of the Speaker, raise a question involving of breach House or of a Committee thereof.' [Rule 222.]

"The consent of the Speaker is a condition precedent to raising a question of privilege.....the Speaker has the right to find out *prima facie* whether there is a case to be brought before the House. If I find that there is no such *prima facie* case I will not bring it before the House. Therefore I have disallowed it."

Oath

✓ Objection to the Language of the Oath taken by a Member: Speaker's Ruling (Madhya Pradesh Vidhan Sabha).

On 2nd July, 1957, Shri V. Sakhlecha, a Member of the Madhya Pradesh Vidhan

Sabha, raised a point of order in the House stating that the oath taken by Shri Shakir Ali Khan, another Member, was different from the prescribed form and that the Member had used in his oath several words of his own choice which were different from the words of the oath as stated in the Constitution. Shri L. N. Gupta, a third Member, also said that the oath taken by Shri Shakir Ali Khan was different both in language and substance from the oath taken by other Members and that, therefore, he should be administered the oath once again, without which he would not be entitled to take a seat in the House.

The subject was raised again in the Vidhan Sabha on the 3rd and 4th July, to which the Speaker replied that he was enquiring into the matter and that until he gave his ruling, the Member should be deemed to have taken the oath in the proper form.

Giving his ruling on the 8th July, the Speaker observed:

"The House is already aware that the Hon'ble Member from Jawad Constituency (Shri Virendra Kumar Sakhecha) raised a point of order on the 2nd July, 1957 to the effect that the Hon'ble Member from Bhopal Constituency (Shri Shakir Ali Khan) made the oath in words different from the words contained in the form supplied to Hon'ble Members of the House by the Vidhan Sabha Secretariat. The form of oath supplied to the Hon'ble Member by the Vidhan Sabha secretariat was in Hindi.

An enquiry was made from the Hon'ble Member from Bhopal Constituency whether he had made any change in the wording of the form of oath supplied to him by this Secretariat and according to the information received from him, he made the oath in the following words:—

मैं, शाकिर अली खान, जो विधान सभा के लिए  
सदस्य चुना गया हूँ, सच्चाई से एहद करता हूँ  
कि मैं कानून के बिना काम भारत के دستور के लिए  
यकीन और एहतदारम रखूँगा तथा जिस घोड़े को मैं  
हासिल करने जाता हूँ, उसके बरतारम को एहतदारम  
के साथ पूरा करूँगा।\*

Under Article 188 of the Constitution, the oath has to be made and subscribed "according to the forms set out" in the third Schedule of

the Constitution. That form is in English and has also been translated in other languages mentioned in the Eighth Schedule of the Constitution. What is most necessary is that the oath must conform to and satisfy the essentials mentioned in Article 188 of the Constitution.

The essential ingredients, in my opinion are that the words used in making the oath must—

- (i) denote the fact of swearing of affirmation;
- (ii) convey that the person making the oath has pledged himself to "bear true faith and allegiance to the Constitution of India"; and
- (iii) convey that the person making the oath has pledged himself to "faithfully discharge the duty" upon which he is about to enter.

Applying these tests to the wordings used by the Hon'ble Member from Bhopal Constituency (Shri Shakir Ali Khan) in making the oath, I will indicate whether in my opinion they do or do not fulfil these essentials.

(i) The Hon'ble Member has for the words "solemnly affirm" used the word "सच्चाई से एहद करता हूँ". The word "एहद" means "Vow" and therefore the expression "सच्चाई से एहद करता हूँ" conveys the same meaning as is conveyed by the words "solemnly affirm". The first essential has been complied with:

(ii) Then for the words "I will bear true faith and allegiance" the Hon'ble Member has used the words "यकीन और एहतदारम रखूँगा।"

I have been advised that the word "यकीन" merely means "belief" and the word "एहतदारम" means "respect". The words "यकीन" and "एहतदारम" cannot, therefore, be deemed to convey what is intended by the words "true faith" and "allegiance". To owe allegiance to the Constitution of India is of the highest importance in the oath to be made and must be strictly complied with. I am therefore, of the opinion that this essential has not been fulfilled.

(iii) Then for the words "I will faithfully discharge the duty" the Hon'ble Member has used the words "फरदग को एहतदारम के साथ"

etc. Here also the words "एहतदारम" cannot be deemed to convey the sense of "faithfully". This word is very significant in the wording of the oath. In the context in which it has been used, it really means "by that faith which the person making the oath has pledged himself to bear to the Constitution". The word used by the Hon'ble Member in this case does

\*The English translation of the oath taken reads :

"I, Shakir Ali Khan, who have been elected a Member of the Legislative Assembly, now solemnly that I will bear belief and respect for the Constitution of India as set out by law as contained and will carry out the duties upon which I am about to enter with respect."

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not, therefore, correctly convey what is intended by the English word. The third essential also has thus not been complied with.

The position, therefore, is that the Hon'ble Member cannot be deemed to have made an oath as required under Article 188 of the Constitution. I, therefore, rule that the Hon'ble Member must, before further sitting or voting in this House, again make the oath in a proper form."

The Member thereafter took the oath in the proper form.

### Official Gallery

Officials Sitting in the Official Gallery may Take Down Notes of Proceedings: Speaker's Ruling (Madhya Pradesh Vidhan Sabha).

On the 15th July, 1957, Shri Jagdish Chandra Joshi, a member of the Madhya Pradesh Vidhan Sabha raised a point of order and sought the Chair's ruling whether officials in the Official Gallery could take down notes of proceedings of the House. The Speaker overruled the objection and said that the officials were part of the Government, and could, therefore, take down notes.

### Financial Committees

Presentation to (Lok Sabha) of Reports of Financial Committees on Dissolution of House.

The Estimates Committee (1956-57) of the Lok Sabha, at their sitting held on the 29th March, 1957, approved, subject to factual verification, the 67th and 68th Reports of the Ministry of Defence dealing respectively with the Hindustan Aircraft (Private) Ltd. and the Ordnance Factories (Stores, Plant and Machinery and Production). Since the Lok Sabha had already been adjourned *sine die* on the 28th March, 1957, the Committee authorised the Chairman to present the Reports to the Speaker and to request him to carry out any corrections that might be necessary as a result of factual verification as well as to order their printing, publication and circulation under Rule 280 of the Rules of Procedure.\*

The 68th Report was accordingly factually verified and after the necessary corrections were carried out under the orders of the Speaker, was ordered to be printed and circulated.

As regards the 67th Report, which was sent to the Ministry of Defence for factual verification, certain changes therein were desired by the Ministry of Defence. As a result, discussions were held on the 20th August, 1957, between the Chairman, Estimates Committee and the representatives of the Defence Ministry, as a result of which certain changes in the Report were agreed to. The Speaker agreed that the changes which were agreed upon by the Chairman, Estimates Committee and the representatives of the Ministry of Defence might be incorporated in the Report and got formally checked by the Ministry. The revised draft was then sent to the Ministry for checking and thereafter necessary final corrections were carried out in the draft under the orders of the Speaker.

Since, however, the House had been dissolved on the 4th April, 1957, it was not possible to present the Reports to the House during its next session (as required under Rule 280 of the Rules of Procedure) as the next session was that of the new House. It was, therefore, decided that the requirements of Rule 280 would be met if the Report was laid on the Table of the new Lok Sabha by the Secretary, Lok Sabha.

The 68th Report was accordingly laid on the Table by the Secretary on the 20th May, 1957 and the 67th Report on the 11th September, 1957.

A similar procedure was followed in the case of the Report of the Public Accounts Committee as well. At their sitting held on the 22nd March, 1957, the Public Accounts Committee (1956-57) had authorised the Chairman to finalise its 25th Report on the "Import and Sale of Japanese Cloth." The Chairman approved and signed the Report on the 3rd April, 1957, by which time the House had adjourned *sine die*. The Report

\*Rule 280 of the Rules of Procedure says:

"The Speaker may, on a request being made to him on a day when the House is not in session, order the printing, publication or circulation of a report of a Committee although it has not been presented to the House. In that case, the report shall be presented to the House during its next session at the first convenient opportunity."

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was presented to the Speaker on the same day soliciting his orders for its printing, publication and circulation under Rule 280 of the Rules of Procedure. As the House had been dissolved on the 4th April, 1957, it was decided to have the Report laid on the Table of the new House, which was accordingly done on the 20th May, 1957.

The Speaker has since issued a direction on 1st June, 1957 laying down a procedure on the above lines for future guidance in connection with the presentation of reports after the dissolution of the House.

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**Public Accounts Committee (Parliament of India): Constitution of Working Groups.**

With the constitution of the Public Accounts Committee for the year 1957-58, an idea was mooted that some Working Groups of the Committee might be set up to study in detail the mass of material submitted to the Committee by the Ministries relating to the various Accounts and any other matter referred to them so that the examination of

Accounts by the Committee might be facilitated. It was felt that the Working Groups had an advantage over the Sub-Committees inasmuch as they would not be subject to rules applicable to the Sub-Committees and would be helpful in speeding up the work. The Groups could informally discuss matters and submit their conclusions to the Committee for consideration.

The Public Accounts Committee approved this proposal and decided to set up the following four groups from amongst the Members of the Committee:

- (i) Working Group on the Defence Services Accounts.
- (ii) Working Group on the Railways and Posts and Telegraphs Accounts.
- (iii) Working Group "A" on Civil Accounts.
- (iv) Working Group "B" on Civil Accounts.

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## Decisions from the Chair

### Adjournment Motions

It is a parliamentary convention that before the President addresses Parliament, no business other than the taking of oath or affirmation by Members and the election of the Speaker should be taken up in the House. Consideration of adjournment motions tabled on the opening day of the first session of a new House before President addresses Parliament would, therefore, be postponed.

(L.S. Deb. Pt. II, 11-5-57).

### Amendment of Bills

The usual period of notice of amendments to Bills may be waived in cases where the Bill is taken up for consideration with shorter notice than is required under the rules.

(L.S. Deb. Pt. II, 31-5-57).

### List of Business

An item of business not included in the list of business for the day may, be allowed

for discussion by the Speaker on that day, if he considers it urgent.

(L.S. Deb. Pt. II, 30-5-57).

### Calling Attention Notices

More than one calling attention notice may be admitted by the Speaker on the last day of a session, although according to Rules, only one such notice can be ordinarily taken up on any particular day.

(L.S. Deb. Pt. II, 31-5-57).

### Ordinance

A resolution seeking to disapprove an ordinance cannot bar the progress of a Government Bill which seeks to replace that ordinance.

(L.S. Deb. Pt. II, 24-5-57).

## Privilege Issues

### Narasimha Rao Case: Failure to Inform Speaker of the Arrest of a Member, a Breach of Privilege

#### Hyderabad and Andhra

[On the 18th June, 1952, Shri V. D. Deshpande, a Member of the late Hyderabad Legislative Assembly raised a question of privilege in the Assembly stating that the arrest of another Member, Shri K. L. Narasimha Rao on the 25th May 1952 by a sub-inspector of police was not brought to the notice of the Speaker immediately after the arrest.

The Committee of Privileges, which considered the matter, found the sub-inspector, Shri V. Seetharamiah, guilty of breach of privilege and recommended that he be brought before the Bar of the House and admonished. Since in the meantime the officer had gone over to the service of the newly-created Andhra State, an approach was made to that Government who replied that they would themselves communicate the admonition to the person concerned, if so desired by the Hyderabad Legislative Assembly.

As this was, however, different from what the Committee of Privileges had recommended, the issue was again referred to another Committee which recommended that the Andhra Government should be again requested to cause the appearance of Shri Seetharamiah before the Bar of the Hyderabad Legislative Assembly to receive the admonition. The report of this Committee which was signed on 22nd September, 1955, was adopted by the Hyderabad Legislative Assembly on 6th March, 1956.]\*

The Hyderabad Government accordingly wrote to the Andhra Government on 20th March, 1956, to send Shri Seetharamiah to

the Bar of the Hyderabad Legislative Assembly for receiving admonition. After some correspondence, the Andhra Government finally reported on 25th September, 1956 that in their opinion public admonition of Shri Seetharamiah before the Bar of the Assembly on the eve of the integration of Andhra with a part of Hyderabad under the States Reorganisation Act was not advisable for various reasons and that therefore the question might be taken up after integration.

On 1st November, 1956 the Hyderabad State was disintegrated and a part of its territory including the constituency of Shri Narasimha Rao, the arrested member, was transferred to the State of Andhra to form the new State of Andhra Pradesh, which thereupon under the provisions of the S.R. Act became the principal successor State to the Hyderabad State. The sitting members of the Hyderabad Legislative Assembly representing that part of Hyderabad also became members of the Andhra Pradesh Legislative Assembly on the same date.

On the 5th March 1957, the Speaker of the Andhra Pradesh Assembly issued a warrant addressed to the Inspector General of Police requesting him to produce Shri Seetharamiah before the Bar of the Assembly on the 23rd March 1957 to receive admonition. Thereupon, the Secretary to the Government of Andhra Pradesh in the Home Department addressed a letter to the Secretary of the Andhra Pradesh Legislature on 21st March 1957 stating that his Government had examined the question as to whether the present Andhra Pradesh Legislature could be a successor to the Hyderabad Assembly and competent to enforce a decision taken by the latter and that they had obtained legal opinion thereon.

\*Full details of this case prior to this date have been published in Vol. 11, No. 1 (April, 1956) issue of this Journal. PP. 91-3.

The legal opinion was to the effect that that as the M.L.A.s of that part of Hyderabad which had merged with Andhra Pradesh had ceased to be members of the Hyderabad Assembly, their *locus standi* as members of the Hyderabad Legislature had come to an end. It maintained that the alleged contempt involved in the case was the contempt of the Speaker and the Assembly of the Hyderabad State which had ceased to exist. There was thus no Speaker nor members of the Hyderabad Legislature who could administer the admonition decided upon by the Hyderabad Assembly and its Speaker. It was also argued in the legal note that the members of the Hyderabad Legislature, whose contempt had been allegedly committed by the sub-inspector, had now become members of the Andhra Pradesh, Bombay and Mysore Legislatures (to whose States the different parts of Hyderabad had been transferred) and if he was to be admonished, he would be required to appear before the Bars of all the three Legislatures for receiving admonition, which would be rather fantastic. It was, therefore, urged that the most logical course would be to consider the proceedings as having become extinct by virtue of the fact that the Hyderabad Legislature and its Speaker had ceased to exist as such. It was also contended that the States Reorganisation Act, which made certain provisions for the transfer of pending proceedings to the corresponding court, tribunal, authority etc. in the successor State, did not include the proceedings initiated by and pending before a Legislature.

The letter of the Home Secretary added that the sub-inspector concerned was on medical leave, and if he became fit enough to travel, he would be present on the date specified in the warrant. The letter also suggested that as the matter had become sufficiently old and was bound to attract unusual publicity, it might better be dropped.

On the 23rd March, 1957, Shri Seetharamiah, the sub-inspector, did not appear before the Bar, as he was still ill and unable to travel. The Speaker of the Andhra Pradesh Assembly made a statement recapitulating the facts of the case and said that

one of the important privileges of the House was that when a Member of the House was arrested on a criminal charge, the arresting authority should immediately intimate the fact, together with the reasons therefor, to the Speaker, who would read the communication in the House. Failure to give such intimation to the Speaker on the part of the arresting authority constituted a breach of privilege and contempt of the House, he added.

On the 25th March, 1957, the Speaker gave the following ruling:—

"I hold that as the Andhra Pradesh State is the principal successor State to the Hyderabad State under section 2 clause (m) sub-clause (ii) of the States Reorganisation Act 1956, the Andhra Pradesh Legislative Assembly is the principal successor to the Hyderabad Legislative Assembly. All laws, regulations, resolutions etc., passed by the Hyderabad Legislative Assembly in respect of Telangana area (part of Hyderabad merged with Andhra Pradesh) are binding on and enforceable by the Andhra Pradesh Legislative Assembly until and unless the latter chooses to amend or repeal them. In the particular case before us the offence of breach of privilege and contempt committed by the said V. Seetharamiah, Sub-Inspector of Police, relates to a constituency in the Telangana area and to a member of a constituency in that area who is now a member of the Andhra Pradesh Legislative Assembly.... In May's Parliamentary Practice, 15th edition at page 133, it is stated that it is clear that breach of Privilege in one Parliament may be punished in another succeeding. Here it is a mere case of execution of the sentence passed by the former Legislative Assembly. The legal opinion obtained by the Government has erred in not examining the law on the contempt or breach of privileges of the House of Commons and the Legislative Assemblies in India. I have no hesitation in holding that my warrant issued to the Inspector General of Police to produce the said V. Seetharamiah, Sub-Inspector of Police, before the Bar of this Assembly, on 23-3-1957 to receive the punishment of admonition is perfectly valid.... But on that day I gave a ruling that if a petition of unconditional apology admitting the guilt by the accused Sub-Inspector of Police is filed before me on 28-3-1957 I am prepared to accept it and withdraw the Case. But as the consensus of opinion of the House was that the said Sub-Inspector of Police should personally come before the Assembly and present such petition to me and as that much is necessary on account of the prolongation of the case for four years and three months caused by him or on his behalf, I hereby order that the said V. Seetharamiah, Sub-Inspector of Police should be present in person on 28-3-1957"

\*As Shri V. Seetharamiah was still sick, he appeared before the Bar of the Assembly on the 15th April, 1957.

at 3-30 p.m., before me in this Legislative Assembly. If he then presents a petition of unconditional apology admitting his guilt I shall accept it and withdraw the case against him. Otherwise, he will be admonished before the Bar of the Assembly by me. The warrant is suspended till 28-3-57 as the Inspector General of Police promised to produce him on the date I fix."

On the 15th April, 1957, Shri Seetharamiah, the sub-inspector, appeared before the Bar of the Assembly. The Speaker announced that the Hyderabad Legislative Assembly, of which the Andhra Pradesh Legislative Assembly was the principal successor, had adjudged him guilty of breach of privilege and contempt of the House for not reporting the arrest of Shri K. L. Narasimha Rao, M.L.A. to the Speaker and had awarded him the punishment of admonition before the Bar of the House. The Speaker asked him if he had anything to say. Shri Seetharamiah thereupon tendered an unconditional apology. The Speaker accepted the apology and ordered him to withdraw.

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#### Breach of Privilege by the Editor and the printer of "Prabhat". BOMBAY

On the 21st June 1957, the Chief Minister of Bombay raised a question of privilege in the Bombay Legislative Assembly stating that the 'Prabhat' a Marathi Daily of Poona, had published in its issue dated the 14th June 1957 an editorial entitled "Bombay Legislature and Samiti Members" in which it had attempted to induce or procure the Members of the Assembly belonging to the Maharashtra Samiti:

- (a) to commit acts of disrespect to the House, and in particular to the Hon. Speaker;
- (b) to commit acts calculated to interfere with the procedure of the House;
- (c) to commit acts of disobedience to the lawful orders of the House, and in particular of the Hon. Speaker; and

- (d) generally to disregard and flout parliamentary decorum and procedure and the rulings of the Hon. Speaker and thereby to create utter confusion in the conduct of the business of the House.

The matter was referred to a Committee of Privileges by the Speaker for examination and report. The Committee issued a notice to the editor (Shri V. R. Kothari) and the printer and publisher (C. H. Gandhi) of the paper asking them to explain their conduct either by appearing before the Committee or through written statements. They submitted written statements to the effect that they could not be held guilty of breach of privilege inasmuch as on the 14th June 1957, when the editorial in question was printed and published, the Legislative Assembly, the breach of privilege of which was alleged, was not duly and lawfully constituted and was not in existence; and that the subject matter of the breach of privilege was not a matter of recent occurrence as contemplated in the rules of the Bombay Legislative Assembly. The printer and publisher of the paper further added that he, not being the editor, had nothing to do with matters of policy or editorial articles, and as such had no intention which could be attributed to him. The editor, however, affirmed that he wrote the editorial advising the Samiti Members to behave in that particular manner, only with the desire and motive of ushering in real democracy and popular administration in the State.

The Committee considered these replies and examined first the question whether the Legislative Assembly was duly constituted on the 14th June 1957, when the editorial appeared in the paper. It found that the Bombay Legislature had already been constituted on the 5th April 1957 when the necessary Gazette notification in terms of Section 73 of the Representation of the People Act, 1951,\* was issued after the second General Elections.

\* Section 73 of the Representation of the People Act, 1951, reads:

"Where a general election is held for the purpose of constituting a new House of the People or a new State Legislative Assembly, there shall be notified by the appropriate authority in the Official Gazette, as soon as may be after the date originally fixed for the completion of the election the names of the members elected for the various constituencies by that date..... and upon the issue of such notification that House or Assembly shall be deemed to be duly constituted."



As regards the question whether the contents of the editorial constituted a breach of privilege, the Committee found that the editorial, while exhorting the Samiti Members of the Legislature to behave in a particular way, also contained *inter alia* the following passages:

- (i) "There is no reason to care even for what is called parliamentary practices and etiquette."
- (ii) "There is absolutely no reason of feeling any qualms about parliamentary practices."
- (iii) "Our M.L.As should raise a clamour..... transforming the Legislature into a vegetable or fish market."
- (iv) "There is no need to care for parliamentary or any other sort of etiquette."
- (v) "They should flout..... whatever the ruling that is given by the Speaker. Even if they are ordered to leave the House, that order should be flouted."

The Committee, therefore, held that "the editor is guilty not only of breach of privilege of the House, but also of contempt of the House and its Hon. Speaker." As regards the printer and publisher, it held that "he also is guilty of the breach of privileges and of contempt, as he cannot under the law escape the responsibility for matters which are printed and published by him."

The Committee, therefore, recommended that:

"In respect of the printer and publisher... the ends of justice would be met by administering to him a stern admonition after calling him at the bar of the House.

In respect of the editor, it said:

".....the position is different. Even in his written statement, far from being apologetic, he has tried to aggravate the offences which

he has committed by writing the article in question.... The editorial in question seeks to undermine the very foundations of parliamentary system of government. In the circumstances, we are inclined to view this matter very seriously. We, therefore, recommended that the editor Shri V. R. Kothari should be called to appear at the Bar of the House and should be further asked to give an unconditional apology for his acts and should publish the same in all the daily newspapers of this State at his cost and until he does so he should remain in imprisonment till the House is prorogued."<sup>a</sup>

The Report of the Committee was taken up for consideration by the House on 20th July 1957. Before the motion for consideration was moved, the Speaker stated that the editor and the printer and publisher of the paper had been asked to be present in the House and that they might make a plea before the House, if they so desired. The editor, Shri Kothari, who was present, then made a statement. The printer and publisher, Shri Gandhi, was not present in the House. After the editor had withdrawn, the Chief Minister of Bombay, Shri Y. B. Chavan, moved the motion that the House "accepts the findings of the Committee and accordingly resolves:

- (i) that Shri C. H. Gandhi, printer and publisher and Shri V. R. Kothari, editor of the daily 'Prabhat' of Poona are adjudged guilty of breach of privilege and of contempt of this Hon. House and of the Speaker; and
- (ii) that they may, therefore, be called to appear at the Bar of the House and be administered a stern admonition by the Hon. the Speaker."

Explaining the motion, the Chief Minister said that although the punishment recommended by the Committee was justified and appropriate, the House might take a lenient view of the matter in the case of the editor, in view of the fact that he was an old gentleman and a former Member of the Bombay Assembly and also because it was the first breach committed by him and

<sup>a</sup>Two Minutes of Dissent were appended to the Report by three Members of the Committee. According to one Minute of Dissent, no breach of privilege had been committed, as the Assembly was not in existence as a 'duly and legally functioning Assembly' on the 14th June 1957, when the editorial was written and published and the contents of the editorial as a whole were aimed against the government and not against parliamentary government and practice. According to the other Minute, the breach of privilege committed was only technical in nature and, therefore, a warning to both the editor and the printer would be enough to meet the ends of justice.

in the life of the Bombay Assembly. The leader of the opposition who spoke on the motion, suggested an amendment that the word "stern" might be deleted from the motion. This amendment was accepted and the motion as amended was carried by 210 votes to 86. The editor was then called again to the Bar of the House and the Speaker admonished him as follows:

"Shri V. R. Kothari, the House adjudges you guilty of the breach of its privilege and also guilty of contempt of the House and its Speaker for writing the editorial article under the caption "Bombay Legislature and Samiti Members" in the issue of the daily 'PRABHAT' dated the 14th June, 1957. The editorial in question interferes with the due and proper procedure of the House and shows complete disregard and disrespect for parliamentary decorum, practice and procedure; it also seeks to lower, in the estimation of the public, the authority and dignity of the House and its Speaker. I, therefore, in the name of the House administer you an admonition for the offences committed by you."

On 24th July, 1957, Shri C. H. Gandhi, the printer and publisher of the paper was also summoned before the Bar of the House and admonished by the Speaker in the same manner as the editor.

### Leakage of the Budget. KERALA

On 7th June 1957, before presenting the State's budget for the year 1957-58 to the State Legislative Assembly, the Finance Minister of Kerala made a statement in the House referring to the alleged leakage of the budget by a local Malayalam daily *Kaumudi*, which had published in its issue of 5th June, 1957, what purported to be a summary of the budget estimates for the ensuing year. The Minister said that vigorous investigation of the matter had been ordered by the Government and a case had been registered under the Official Secrets Act against the printer and publisher of the paper and that further information as

and when available would be furnished to the House whenever required. A member of the House, Shri Narayana Kurup, thereupon represented that since a *prima facie* case of breach of privilege had been made out, the Speaker should refer the matter to a Committee of Privileges. The Speaker who gave his ruling on the 10th June observed as follows:

"The latest ruling on a matter almost similar to this is the one given by Shri M. Ananthasayanam Ayyangar, Speaker, Lok Sabha, in 1956.".....

The circumstances here make it still less a question of privilege. In order to take the House into confidence the Finance Minister has utilised the earliest opportunity that was capable of being used to lay before the House all available facts stating also the steps taken by Government to investigate into the matter and bring the offenders to book. For a determination of the question as to whether there has been a breach of privilege necessitating a reference to the Committee of Privileges, precedents of the Mother of Parliaments, and that of our Lok Sabha which should guide us, do not allow me and present before me a case justifying an order by the Speaker, for reference of this matter to the Committee of Privileges. I fail to understand that special advantage is going to be gained if the matter is referred to a Committee except that to a large extent the Committee will have to cover again the same ground which had already been gone into by the Government. Further, from the point of view of propriety also, a parallel enquiry to the one that is already being made by the Government will be out of order.

I am sure that the Finance Minister will keep the House informed of the further developments at the appropriate time.

In the circumstances that I have adverted to in detail and in the interests of the due enforcement of law, I hereby give this Hon'ble House my considered ruling that the Committee of Privileges need not be seized of this matter, because it is quite unnecessary."

### Lok Sabha

#### Premature publication of an Answer to Question

On 26th July, 1957, Shrimati Renu Chakravarty, a Member of Lok Sabha, rais-

\*On 3rd March, 1956, two Members of Lok Sabha, Shri A.K. Gopalan & Dr. Lanka Sundaram gave notices of adjournment motions alleging leakage of the budget for the year 1956-57 before it was presented to the House on 29th Feb., 1956. The Prime Minister made a statement that the Government had already taken steps to investigate into the matter and that the House would be informed of the results of the enquiry in due course. In view of this, the adjournment motions were not moved.

On the 6th, 9th & 12th March, 1956 Dr. Lanka Sundaram and some other Members raised a question of privilege on this issue and suggested a reference of the matter to a Committee of Privileges. Rejecting the suggestion, the Speaker in his ruling given on the 19th March, stated that the privileges and immunities of the Lok Sabha were similar to those of the British Parliament according to Article 105(3) of the Constitution and that the British Parliament had not treated such cases of budget leakage as a breach of privilege of the House nor sent them to the Committee of Privileges. (Full details of this ruling have been given in the Journal of Parliamentary Information, Vol. II, No. 1, pp. 89-90).

ed a point of privilege that the Press Information Bureau had released to the Press an answer to an Unstarred Question which was originally put down on the Order Paper for answer on the 23rd July, 1957, but was later converted into a Starred Question for answer on the 31st July, 1957.

The following day, the Speaker observed:

*"This matter was raised as a breach of privilege. The Principal Information Officer has sent a letter of apology. He came of his own accord to the Secretary and gave this letter to the Secretary."*

The Speaker then read out the contents of the letter to the House, whereupon the matter was not proceeded further, as no further action was considered necessary.

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(House of Commons)

#### U.K. Demand for Definition of Parliamentary Privilege

On the 11th April, 1957, in the House of Commons, U.K., Mr. Iremonger, M.P., stated that there was considerable public doubt and anxiety on the general question of the nature and extent of Parliamentary Privilege and requested the Leader of the House to grant some time for discussion of

a Motion put on the Order Paper in the name of six Members including himself.

The Motion read as follows:

*"That it be an instruction to the Committee of Privileges, in view of the prevailing public uncertainty and anxiety on the matter, to prepare and submit to the House a report which shall define the nature and clarify the purpose of Parliamentary Privilege; and recommend a procedure designed to secure its equitable protection."*

Mr. Butler, Lord Privy Seal and Leader of the House promised to give due consideration to the motion, but advised the Member to take his chances through a ballot for the Private Members' Motion.

He also recommended to the House to consider some very valuable statements contained in the Report of the Select Committee on the Official Secrets Acts of 5th April, 1959, which included the following weighty words of Sir William Blackstone:

*"The dignity and independence of the two Houses are in great measure preserved by keeping their privileges indefinite."*

The matter was not discussed any further.

*The Legislature tries to keep pace with the changing order by making fresh laws and amending old ones; it is, however, for the Court to carry out what the Legislature lays down and to interpret it in a way which brings out the understanding of the social forces at play, so that the interpretation may make things smoother in a changing world.*

—SHRI JAWAHARLAL NEHRU

in his address to the Conference of Law Ministers in New Delhi on 18th September, 1957.

## Constitutional Developments

### CONSTITUTION OF INDIA: SCOPE OF ARTICLES 2, 3 AND 4: PETITION AGAINST THE DISINTEGRATION OF HYDERABAD STATE: JUDGEMENT OF THE ANDHRA PRADESH HIGH COURT.\*

The validity of the States Reorganisation Act, 1956, and the disintegration of the former State of Hyderabad under that Act were questioned in a recent petition filed in the Andhra Pradesh High Court by one Shri Srikishan, a resident of Hyderabad. The petition prayed for a declaration by the Court that the Government of India had no legal or constitutional jurisdiction or authority to introduce the draft Re-organization Bill in Parliament which aimed at the disintegration and trifurcation of the Hyderabad State and for the Parliament to decide things that way and that the Act passed was *ultra vires* of the Constitution and was illegal.

The main contention of the petitioner was that:

- (i) The continued existence of the State of Hyderabad was guaranteed by the Constitution, and Article 3\*\* was not intended to abolish States but only to make alterations in their area or boundaries;

- (ii) Article 3 pre-supposed the existence of States and the provisions of that Article could not be invoked to implement the scheme of integration or disintegration of States;

- (iii) The conditions precedent laid down in the proviso to Article 3 were not complied with, *i.e.*, neither the Bill was introduced on the recommendation of the President nor the views of the concerned States were ascertained; and

- (iv) The constitutional procedure prescribed for amending the Constitution under Article 368† was not strictly followed.

The learned judges (Chief Justice Subba Rao and Justice Jaganmohan Reddy) who heard the petition, did not accept the contention of the petitioner that "the Constitution gave any inviolable and immutable guarantee for the continued existence of the State of Hyderabad".

\*Srikishan Vs. the State of Andhra Pradesh—Writ Petition No. 1081 of 1956.

\*\*Articles 2 and 3 of the Constitution states :

"2. Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.

"3. Parliament may by law—

- (a) form a new State by separation of territory from any State or by uniting two or more States or parts of States 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 ;
- (e) alter the name of any State ;

Provided that a Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as the President may allow and the period so specified or allowed has expired."

†Article 368 of the Constitution states :

"An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President for his assent and upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill."

Regarding point (i) in the petitioner's contention, they said:

"There is no express provision in the Constitution guaranteeing the continued existence of the State. Indeed, Article 368 of the Constitution provides for the amendment of the Constitution in the manner prescribed thereunder.... That apart, Article 4\* of the Constitution enables Parliament to make laws referred to in Articles 2 and 3 providing for amendment of the First and the Fourth Schedules and for making supplemental, incidental and consequential provisions. . . It is, therefore, abundantly clear that not only is there no constitutional guarantee to continue the State of Hyderabad for ever, but the provisions of the Article recognising it could be amended or deleted in the manner prescribed by the Constitution."

As regards point (ii) of the petition, the Judges observed:—

"The petitioner contends that Article 3 presupposes an existing State and the continuance of it and what is contemplated in the Article is only a re-adjustment of the boundaries or carving out parts of it for forming other States, and that the Article is not intended to do away with an existing State altogether. It is true that Article 3 operates on an existing State. But there is nothing in the Article which precludes Parliament from cutting away the entire area of a State to form a new State or to increase the area of another State."

Regarding point (iii) they said:

"Nor are we satisfied that the Bill was introduced in Parliament in disregard of the proviso to Article 3 of the Constitution. Nothing has been placed before us to show that the Bill had been introduced without the recommendation of the President. That apart, Article 255\*\* of the Constitution precludes Courts from questioning the validity of an Act on the ground that such previous sanction was not given. . . . In view of this Article, the Act cannot be questioned on the ground of want of previous recommendation of the President. The proceedings of the Andhra Legislative Assembly, the Mysore Legislative Assembly and the Bombay Legislative Assembly established that the Bill had been referred by the President to the Legislatures of the respective States for expressing their views thereon within the prescribed period, and they

accordingly did so. There is, therefore, no substance in this contention."

Regarding point (iv), the judges said:

"The argument that the Hyderabad State was omitted in the First Schedule of the Constitution without following the prescribed procedure laid down in Article 368 cannot also be sustained in view of Article 4 of the Constitution. Under Article 4, any law referred to in Article 2 or in Article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions as Parliament may deem necessary, and no such law as aforesaid shall be deemed to be an amendment of the Constitution for the purposes of Article 368. . . The amendment authorised to be made under Article 4 shall be deemed to be taken away from the category of amendments provided under Article 368, and therefore the procedure prescribed under the latter Article need not be followed. Section 12 of the Act was enacted by Parliament in exercise of the power conferred on it by Article 4 of the Constitution. If so, it, therefore, follows that the deletion of the State of Hyderabad from the First Schedule was valid.

"Further, presumably in super-abundant caution, the Constitution (Seventh Amendment) Act, 1956, was passed by Parliament. . . A new Schedule was substituted for the First Schedule of the Constitution and the substituted Schedule omitted the Hyderabad State."

"The Constitution (Seventh Amendment) Act, 1956, was passed by Parliament following the procedure laid down by Article 368 of the Constitution."

In view of these the learned Judges concluded:

"For the foregoing reasons, we hold that the disintegration of the State of Hyderabad was constitutionally valid."

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CONSTITUTION OF THE FEDERATION OF MALAYA

On 31st August, 1957, the Federation of Malaya became an independent State with-

\*Article 4 of the Constitution states :

"4. (i) Any law referred to in Article 2 or Article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary.

(ii) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of Article 368."

N.B.—The First Schedule contains the names and territories of the States forming the Indian Union and the Fourth Schedule contains the number of seats allotted to each State in the Council of States.

\*\*Article 255 of the Constitution states :

"No Act of Parliament or of the Legislature of a State and no provision in any such Act shall be invalid by reason only that some recommendation or previous sanction required by this Constitution was not given if assent to that Act was given."

## *Constitutional Developments*

in the Commonwealth. The Bill granting Malaya independent sovereign status was passed by the British Parliament on 31st July, 1957, and received the Royal Assent on August 1, 1957.

### **Important provisions**

#### *The Executive:*

The new Malayan Constitution provides for a Head of State who would be known as the Yang di-Pertuan Agong. He would be elected for a five year term by the Malay Rulers from amongst their number and would be succeeded in rotation by the Rulers of other States on a basis of seniority. In matters other than those within his discretion, he would act in accordance with the advice of the Federation Cabinet or of a Minister acting under the Cabinet's general authority. He would appoint the Cabinet which would be collectively responsible to Parliament, on the advice of the Prime Minister (Perdana Mantri). All Cabinet Ministers would have to be members of one or other of the two Houses of Parliament. The Head of State would appoint as Prime Minister a member of the House of Representatives, who, in his opinion, was capable of commanding the confidence of that House.

#### *The Legislature:*

The Federation Parliament (Majlis) would consist of a Senate (Dewan Negara) and a House of Representatives (Dewan Ra'ayat). The Senate would have 38 members of whom 22 would be elected (two from each State), and 16 would be appointed by the Yang di-Pertuan Agong. The Senate would be presided over by a President (Yang di-Pertua Dewan Negara) chosen from among its members. The Senators would have to be not less than 30 years of age.

The House of Representatives would have eventually 100 members (at first 104) elected in single-member constituencies by citizens who must have attained the age of 21, which is also the minimum age for election

to the House. The Speaker of the House (Yang di-Pertua Dewan Ra'ayat) would be chosen from among its own members.

#### *The Judiciary:*

There would be a Supreme Court whose judges would be appointed by the Head of State in consultation with the Rulers, the Prime Minister, and a Judicial and Legal Service Commission. Judges would hold office until they attain the age of 65 years. They can be removed from office on grounds of misbehaviour or inability or infirmity of body or mind, only on a representation made by the Prime Minister, or the Chief Justice in consultation with the Prime Minister, to the Head of State and after a reference by the Head of State to an independent judicial tribunal.

Important Articles\* of the Constitution relating to the Federal Legislature are given below:—

### **Federal Legislature**

#### *Constitution of Parliament*

44. The legislative authority of the Federation shall be vested in a Parliament, which shall consist of the Yang di-Pertuan Agong and two Majlis (Houses of Parliament) to be known as the Dewan Negara (Senate) and the Dewan Ra'ayat (House of Representatives).

#### *Composition of Senate*

45. (1) Subject to clause (4), the Senate shall consist of elected and appointed members as follows:

- (a) two members for each State shall be elected by the Legislative Assembly of that State.
- (b) sixteen members shall be appointed by the Yang di-Pertuan Agong.

(2) The members to be appointed by the Yang di-Pertuan Agong shall be persons who in his opinion have rendered distinguished public service or have achieved distinction

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\*The numbers given at the beginning of each para below indicate the number of the Article in the Constitution.

in the professions, commerce, industry, agriculture, cultural activities or social service or are representative of racial minorities or are capable of representing the interests of aborigines.

(3) The term of office of a member of the Senate shall be six years and shall not be affected by a dissolution of Parliament.

(4) Parliament may by law—

- (a) increase to three the number of members to be elected for each State;
- (b) provide that the members to be elected for each State shall be so elected by the direct vote of the electors of that State;
- (c) decrease the number of appointed members or abolish appointed members.

#### *Composition of House of Representatives*

46. (1) The House of Representatives shall consist of one hundred elected members except that the first House of Representatives shall consist of one hundred and four.

(2) After the completion of the first census to be taken after Merdeka Day Parliament may by law alter the number of members of the House of Representatives.

#### *Qualifications for membership of Parliament*

47. Every citizen resident in the Federation is qualified to be a member—

- (a) of the Senate, if he is not less than thirty years old,
- (b) of the House of Representatives, if he is not less than twenty-one years old.

#### *Absence of a member.*

52. If a member of either House of Parliament is without the leave of the House absent from every sitting of the House for a period of six months the House may declare his seat vacant.

#### *Casual vacancies*

54. Whenever there is a casual vacancy among the members of either House of Parliament it shall be filled within sixty days from the date on which it occurs, and an election shall be held or an appointment made accordingly.

#### *Summoning, prorogation and dissolution of Parliament*

55. (1) The Yang di-Pertuan Agong shall from time to time summon Parliament and shall not allow six months to elapse between the last sitting in one session and the date appointed for its first meeting in the next session.

(2) The Yang di-Pertuan Agong may prorogue or dissolve Parliament.

(3) Parliament unless sooner dissolved shall continue for five years from the date of its first meeting and shall then stand dissolved.

(4) Whenever Parliament is dissolved a general election shall be held within sixty days from the date of the dissolution and Parliament shall be summoned to meet on a date not later than ninety days from that date.

#### *President and Deputy President of Senate*

56. (1) The Senate shall from time to time choose one of its members to be Yang di-Pertua Dewan Negara (President of the Senate) and one to be Deputy President of the Senate, and shall transact no business while the office of President is vacant other than the election of a President.

(2) A member holding office as President or Deputy President shall cease to hold his office on the expiry of the term for which he was elected or appointed a member or on otherwise ceasing to be a member of the Senate and may at any time resign his office.

#### *Speaker and Deputy Speaker of the House of Representatives*

57. (1) The House of Representatives shall from time to time choose one of its members to be Yang di-Pertua Dewan Ra'ayat (Speaker) and one to be Deputy Speaker, and shall transact no business

## *Constitutional Developments*

while the office of Speaker is vacant other than the election of a Speaker.

(2) A member holding office as Speaker or Deputy Speaker shall vacate his office on ceasing to be a member of the House of Representatives and may at any time resign his office.

### *Oaths by members*

59. (1) Every member of either House of Parliament shall before taking his seat take and subscribe before the person presiding in the House an oath, but a member may before taking that oath take part in the election of a President of the Senate or Speaker of the House of Representatives.

(2) If a member has not taken his seat within three months from the date on which the House first sits after his election or such further time as the House may allow, his seat shall become vacant.

### *Address by the Yang di-Pertuan Agong*

60. The Yang di-Pertuan Agong may address either House of Parliament or both Houses jointly.

### *Parliamentary procedure*

62. (3) . . . . . each House shall, if not unanimous, take its decision by a simple majority of members voting; and the person presiding shall cast his vote whenever necessary to avoid an equality of votes, but shall not vote in any other case.

(4) In regulating its procedure each House may provide, as respects any decision relating to its proceedings, that it shall not be made except by a specified majority or by a specified number of votes.

### *Privileges of Parliament*

63. (1) The validity of any proceedings in either House of Parliament or any committee thereof shall not be questioned in any court.

(2) No person shall be liable to any proceedings in any court in respect of anything said or any vote given by him when taking part in any proceedings of either House of Parliament or any committee thereof.

(3) No person shall be liable to any proceedings in any court in respect of anything published by or under the authority of either House of Parliament.

### *Clerks of Senate and House of Representatives*

65. (1) There shall be a Clerk to the Senate and a Clerk to the House of Representatives.

(2) The Clerk to the Senate and the Clerk to the House of Representatives shall be appointed by the Yang di-Pertuan Agong and, subject to clause (3), each shall hold office until he attains the age of sixty years or such other age as Parliament may by law provide unless he sooner resigns his office.

(3) The Clerk to the Senate and the Clerk to the House of Representatives may be removed from office on the like grounds and in the like manner as a judge of the Supreme Court, except that the representation shall be a representation made by the President of the Senate or, as the case may be, the Speaker of the House of Representatives.

### *Exercise of legislative power*

66. (1) The power of Parliament to make laws shall be exercised by Bills passed by both Houses (or, in the case mentioned in Article 68, the House of Representatives) and assented to by the Yang di-Pertuan Agong.

(2) Subject to Article 67, a Bill may originate in either House.

(3) When a Bill has been passed by the House in which it originated it shall be sent to the other House; and it shall be presented to the Yang di-Pertuan Agong for his assent when it has been passed by the other House and agreement has been reached between the two Houses on any amendments made in it or when it is required to be so presented under Article 68.

(4) The Yang di-Pertuan Agong shall signify his assent to a Bill by causing the Public Seal to be affixed thereto, and after assenting to a Bill he shall cause it to be published as a law.



(5) A Bill shall become law on being assented to by the Yang di-Pertuan Agong, but no law shall come into force until it has been published, without prejudice, however, to the power of Parliament to postpone the operation of any law or to make laws with retrospective effect.

*Restriction on introduction of Bills and moving of amendments involving taxation, expenditure, etc.*

67. (1) A Bill or amendment making provision for—

- (a) imposing or increasing any tax or abolishing, reducing or remitting any existing tax, or
- (b) the borrowing of money, or the giving of any guarantee by the Federation, or the amendment of the law relating to the financial obligations of the Federation;
- (c) the custody of the Consolidated Fund, the charging of any money on the Consolidated Fund or the abolition or alteration of any such charge;
- (d) the payment of moneys into the Consolidated Fund or the payment, issue or withdrawal from the Consolidated Fund of any moneys not charged thereon, or any increase in the amount of such a payment, issue or withdrawal;
- (e) the compounding or remission of any debt due to the Federation;
- (f) the assignment of a tax or the making of a grant to any State;
- (g) the receipt of moneys on account of the Consolidated Fund or the custody or issue of such moneys or the audit of the accounts of the Federation or a State;

shall not be introduced or moved except by a Minister, and a Bill making provision for any such matter shall not be introduced in the Senate.

(2) A Bill or amendment shall not be deemed to make provision for any of the said matters by reason only that it provides—

- (a) for the imposition or alteration of any fine or other pecuniary penalty or for the payment or demand of a licence fee or a fee or charge for any service rendered; or
- (b) for the imposition, alteration or regulation of any tax or rate by any local authority or body for local purposes.

*Assent to Bills passed by House of Representatives only*

68. (1) Where a money Bill is passed by the House of Representatives and, having been sent to the Senate at least one month before the end of the session, is not passed by the Senate without amendment within a month, it shall be presented to the Yang di-Pertuan Agong for his assent unless the House of Representatives otherwise directs.

(2) Where—

- (a) a Bill which is not a money Bill is passed by the House of Representatives and, having been sent to the Senate at least one month before the end of the session, is not passed by the Senate or is passed by the Senate with amendments to which the House of Representatives does not agree; and
- (b) in the following session (whether of the same Parliament or not) but not earlier than one year after it was first passed by the House of Representatives the same Bill, with no other alterations than those mentioned in clause (3) is passed again by the House of Representatives and sent to the Senate at least one month before the end of the session and is not passed by the Senate or is passed by the Senate with amendments to which the House of Representatives does not agree,

the Bill shall, unless the House of Representatives otherwise directs, be presented to the Yang di-Pertuan Agong for his assent with such amendments, if any, as may have been agreed to by both Houses.

### *Constitutional Developments*

(3) The alterations referred to in clause (2) are alterations certified by the Speaker of the House of Representatives to be necessary owing to the time which has elapsed since the Bill was passed in the earlier session or to represent amendments made in that session by the Senate.

(4) When a Bill is presented to the Yang di-Pertuan Agong in pursuance of this

Article it shall bear a certificate of the Speaker of the House of Representatives, that the provisions of this Article have been complied with, and that certificate shall be conclusive for all purposes and shall not be questioned in any court.

(5) This Article does not apply to any Bill for making any amendment to this Constitution.\*

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\* Votes of not less than two-thirds of the total number of members of each House shall be required in the case of the amendment of the Federal Constitution and the votes of not less than two-thirds of the total number of members of the State Legislative Assembly in the case of amendment of a State Constitution.

# Conferences

## INTER-PARLIAMENTARY MEETINGS AT NICE (APRIL 1957)

On the invitation of the French National Group of the Inter-Parliamentary Union, the Inter-Parliamentary Council, the Executive Committee and the seven Standing Study Committees of the Union met at Nice (France) from the 23rd to the 28th April 1957. The meetings were attended by representatives of 39 out of the 49 National Groups. An outstanding feature of this spring session was the attendance of a number of Asian countries—Iraq, Pakistan, India, Ceylon, Thailand, Laos and the Philippines.

The Indian delegation to the meetings was composed of Pandit H. N. Kunzru, M.P. (Leader), Shri Kotha Raghuramaiah, M.P., Shri B. C. Ghose, M.P. and Shri S. L. Shakhder, Joint Secretary, Lok Sabha (*Secretary of the delegation*).

### *Inter-Parliamentary Council*

The following subjects were put down by the Inter-Parliamentary Council on the agenda of the Inter-Parliamentary Conference to be held at London in September, 1957:—

- (i) The Refugee Problem;
- (ii) The Influence and Control of Parliament over the Government; and
- (iii) The Stabilisation of Prices of Primary Products.

Pandit Kunzru and Shri Raghuramaiah took part in the deliberations of the Council.

### *Standing Study Committees*

The Standing Study Committees held individual meetings. The subjects discuss-

ed by them included (i) The Means of Strengthening Collaboration between the I.P.U. and the United Nations; (ii) The Principles guiding the Development of Regional Activities within the Framework of the I.P.U.; (iii) The Functions of Parliament; (iv) Adoption of a Uniform System of Weights and Measures; (v) The Technique and Problems of Planning in Under-Developed Countries; (vi) The Development of Trade Unions and the Organisation of Labour in Non-Self Governing Territories; (vii) The Possibilities of Setting up an International Police Force; (viii) The Responsibility of Parliament in the Solution of Disarmament Problems; (ix) The Problem of Refugees; and (x) The Removal of Barriers to the Free Exchange of Information between Countries.

Pandit Kunzru attended the meetings of the Political and Organisation Committee and the Judicial Committee. Shri Raghuramaiah attended the meetings of the Committee on Social and Humanitarian Questions and the Committee on Reduction of Armaments, while Shri Ghose attended the Committee on Economic and Financial Questions. Pandit Kunzru was re-elected Vice-Chairman of the Political and Organisation Committee.

### *Sub-Committees*

The following three Sub-Committees also met from the 18th to the 20th April 1957:

- (i) *Juridical Sub-Committee*: This Sub-Committee was entrusted with the conduct of enquiry into the different types of Parliament existing in the world.
- (ii) *Social Sub-Committee*: This was set up by the Executive Commit-

## *Conferences*

tee during the Bangkok Conference in November 1956. It studied the various aspects of the Refugee problem.

- (iii) *Economic Sub-Committee:* The question before this Sub-Committee was the stabilisation of prices of primary products. India was represented in this Sub-Committee by Shri B. C. Ghose.

All the three Sub-Committees submitted their Reports to the main Committees.

## **Executive Committee**

Shri Shakti, Secretary of the Indian Delegation, attended the meeting of the Executive Committee of the Autonomous Section of the Secretaries General of Parliaments. His report on "The Budgetary System in Various Countries" was discussed at the meeting. It was decided that there should be a full discussion of the whole subject at London and thereafter a final report should be drafted.

## CHAIRMAN'S ADDRESS TO THE CONFERENCE OF PRESIDING OFFICERS, JAIPUR\*

Friends,

I join our friend, the Hon'ble Speaker of Rajasthan, in welcoming you to this ancient and historic city of Jaipur. More than three years ago, the then Speaker of Rajasthan extended an invitation for holding the Conference of Presiding Officers in Rajasthan. But others pressed for holding the Conference in their States and we had to put off holding the Conference here.

### *Glory of Rajasthan*

Rajasthan, as you all know, is the collective and classical denomination of that portion of India which was the abode of Rajput princes. Known as Rajwara in the familiar dialect of these parts, Rajasthan is the land of legends—legends which inspired the people of this country for ages past. Here ruled Virat of Matsya, at whose court Arjun, the Pandava hero, disguised as Brihannala, taught dancing and music to his would-be daughter-in-law, Uttara. Through Rajasthan flowed the river Sarasvati on whose banks sages and seers worshipped and composed their inspiring hymns.

From the eighth century onwards Rajputana played a conspicuous part in the history of northern and western India. During the Mughal period the Rajputs fought stubbornly to preserve their independence and culture. Todd has paid eloquent tribute to their heroism. To quote his words: "Rajasthan exhibits the sole example in the history of mankind of a people withstanding every outrage barbarity can inflict or human nature sustain, and bent to the earth, yet rising buoyant from the pressure and making calamity a whetstone to courage."

On the 30th March, 1949 the State of Rajasthan was inaugurated by the late Sardar Vallabhbhai Patel and a new integrated State thus came into being.

Jaipur is not only a city of palaces but a city in the ancient Indian culture. We are grateful to the Speaker of the Rajasthan Assembly for the opportunity that he has given to us to visit this historic city. I hope the Presiding Officers will immensely enjoy their stay here and time permitting visit other places of historical importance for which Rajasthan is famous.

### *Reorganisation of States*

Since we met in Madras in September last year, many changes have taken place in the national field. The political map of India was redrawn with the implementation of the States Reorganisation Act. As against the hitherto 28 constituent units comprising the Indian Union the Reorganisation Scheme provided for only 20 units—14 States and 6 Centrally-Administered Territories. The new States and Territories are grouped together in five different Zonal Councils which would discuss and make recommendations to the Centre with regard to matters of common interest in the field of economic and social planning, border disputes, linguistic minorities, inter-State transport and any matter connected with and arising out of the reorganisation of States.

Although the task of redrawing the political map of India has been completed, the more exacting task of consolidating and stabilising these administrative units remains. As I said in the last conference, the major problem before the country, Parliament and Legislatures, is one of national consolidation.

The Conference of Presiding Officers by holding its annual sittings in different States of the country plays a significant role in this respect and helps to serve this cause of national consolidation. Valuable personal contacts are established and a spirit of comradeship is created which is carried to

\*Full text of the Address delivered by Shri M. Ananthasayanam Ayyangar, Speaker, Lok Sabha, to the Conference of Presiding Officers held at Jaipur, on 14th October, 1957.

the respective States by the Presiding Officers attending the Conference.

### *Second General Elections*

An important national event of recent occurrence is the Second General Elections following the dissolution of Parliament and the State Legislatures. On the 4th April, 1957 the First Parliament of India elected on the basis of universal adult franchise was dissolved. The various State Legislatures which came into being after the first general elections also ended on various dates so as to prepare for the second General Elections. The working of the Parliamentary system in this country has earned unanimous acclaim from experienced parliamentarians.

While welcoming all the Presiding Officers who have been elected after the General Elections from the various States, I shall be failing in my duty if I do not pay a tribute to the good work done by the erstwhile colleagues, who came into being after the First General Elections in 1952. They worked the Constitution in the real spirit of democracy and tried to establish strong foundations of parliamentary democracy in their own sphere of activity contributing thus to the general growth of democracy in India as a whole.

For a long time past, we have been considering the desirability of setting up a convention by which the Speaker's seat ought not to be contested. But a general agreement in regard to the establishment of this convention was not reached and was left to grow in the natural course. I hope and trust that by the time of the next General Elections, the parliamentary system would have so well developed and the Presiding Officers would have conducted themselves in such a manner that the establishment of the convention could no longer be delayed.

### *Democratic Way of Life*

The task of the Presiding Officers' Conference from year to year is not merely to discuss the points of procedure, but to consider and devise means for the growth of democracy in the country and also to instil the spirit of the democratic way of life in the minds of the masses and make them lead

such a life. The substitution of discussion, deliberation, persuasion and decision as the means of settling differences between individuals, parties and States, for decisions by force, is the very essence of democracy. This atmosphere should pervade not only in the Parliament and the Assemblies, but in every other Assembly including local administrations and Panchayats.

The most distinguishing feature of the First Parliament in India has been the expression of a singularly tolerant spirit based on the tradition and temperament of the Indian people. It is a matter of gratification that the parties in Parliament and the State Legislatures have on many occasions subordinated their party considerations in the interest of the nation at large. It is a happy augury for the future of democracy that in our Legislatures respect for the Constitution has not been confined to any one party, but is shared by all the parties and groups.

### *Parliamentary Democracy*

Parliamentary democracy no doubt means a party system of Government. But decisions ought not to be purely on party basis. The governing party must as far as possible carry Opposition with them except in vital matters. Likewise the Opposition should also make healthy and responsible criticism and contribute to the decision by constructive suggestions. The Opposition must conduct itself in such a manner that in case there is an offer to them to take charge of the administration, they may be able to implement the suggestions that they make in the Assembly.

The proceedings of the Legislatures and Parliament are being watched carefully by the country at large. The Parliament for the country as a whole and the Assemblies and Councils for the States are the biggest and most powerful institutions for guiding human affairs. The Parliament and the Legislatures should, therefore, establish a prestige for themselves and so conduct themselves as to make every citizen feel that in the ultimate analysis the Parliament and the Legislatures could be looked upon for redress of their grievances.

The legislature must become the supreme instrument for the expression of people's will. I am not tired of saying that there ought to be no wrong without a remedy in the country. If no remedy is obtained through all the other channels, the Parliament and the Legislatures must get the grievance redressed. It is only then faith in Parliamentary democracy will increase and the Parliament and the Legislatures will become ever increasingly the binding force and the central authority around which the whole country will revolve.

A healthy opposition is a *sine qua non* for the growth of parliamentary democracy. I am glad that during the past elections, at least so far as Parliament is concerned, the seats of the leaders of the various groups in many cases were not contested by members belonging to other organised parties. I hope that such a convention will grow in the years to come. Consistent with this convention, it is also necessary that the Opposition should abide by the decisions taken in the legislatures where they function and never take to direct action themselves or encourage direct action when their viewpoints are not accepted by the legislatures where they function. Otherwise parliamentary democracy will become a farce.

The prestige of Parliament also depends upon the strength, calibre, and integrity of its members and the manner in which they are guided by the Presiding Officers. There is sufficient human material both in the Parliament and in the Legislatures. It is upto you to draw them out by giving capable men opportunities to exhibit their talent and to become great statesmen and parliamentarians. Leaders are not born, but many of them are made.

You must induce members to specialise themselves in various branches of administration, so that with authority they can speak in Parliament and shed light on the various topics that come up for discussion and decision.

Our activities during the past five years have been diverse and varied. There has not been any field which has not been touched upon by Parliament or the Legislatures in India. The responsibility of the State for

promoting economic development and economic justice has become a firmly established tenet of State policy. We have already completed the First Five Year Plan and have embarked on the Second Plan. A number of industrial plants, both in the public and private sectors, have been set up.

#### *Parliamentary Committees*

In keeping with the increase in the activities of the Welfare State, increased responsibilities have devolved on the Legislatures. Parliament—and this must also be the experience of the State Legislatures—is hardput to find adequate time for discussion of matters of general importance. In order, therefore, to save Parliamentary time, the discussion in the House should, generally speaking, deal more with policy and principles than with details. The Committee procedure should be made use of to a greater extent to discuss the details and the House should arrive at conclusions after careful consideration has been given to the details by the appropriate Committees. I mentioned last year, that this procedure was in fact adopted when the Parliament discussed the Second Five Year Plan. The constitution of a large number of Committees would enable the Parliament to concentrate on important matters and at the same time enable Members of Parliament to familiarize themselves with the details of administration.

#### *Executive Encroachment*

The threats to the proper functioning of parliamentary democracy arise from the Executive who even unintentionally encroach upon the power of Parliament and Legislatures. In the matter of financial control, the Parliament and Legislatures should never lose their grip. In recent years funds have been voted to autonomous bodies and provisions have been made to audit their accounts by authorities other than the Auditor General. I feel that wherever the Government funds flow, the Auditor General should have the right to examine that expenditure incurred by the institutions which solely depend on the Consolidated Fund or even those who get subsidies and grants from the Governments.

Another field of encroachment is the legislative field where owing to pressure of work

and for want of time, many things are relegated to the rulemaking power. Stricter watch both before and after the passing of the Bill containing provisions for delegated legislation has to be made by Parliament through its standing committees.

In the matter of judicial administration also the constitution of administrative tribunals and their working should be watched. Speed alone should not be the criterion for the establishment of such tribunals which do away with the jurisdiction of the normal courts effectively.

#### *Financial Committees*

In the field of finance the House should discuss questions of principle rather than details. With Government entering more and more into the economic affairs of the country, the responsibilities of the Parliament are increasing every day. Methods have, therefore, to be devised so that Parliamentary control over the affairs of the country, particularly in the field of economic and financial affairs, becomes more effective. At present we have two financial committees—Estimates Committee and the Public Accounts Committee—which consider and scrutinise the estimates and accounts in detail. These Committees have developed a system of working through sub-Committees. This practice should be systematically resorted to, so that Members can specialize in certain subjects. There should also be working groups of two or three Members of the Committees to study *ad hoc* matters in an informal manner and thereafter submit their findings to the main Committees.

The Estimates Committee of the Lok Sabha has recently begun at my suggestion to examine in an *ad hoc* manner matters affecting governmental activities of topical interest, which need looking into immediately and which should not be postponed for a comprehensive examination at a later date. I feel that such *ad hoc* enquiries at a time when the matters are still fresh will go a long way in effecting economy and efficiency in governmental working. I suggest that you might examine whether the Estimates Committees of Assemblies could also do likewise.

Another point to examine is to secure a continuity in the work of the Estimates Committee, the membership of which till now has been changing every year. The General Purposes Committee of the Lok Sabha has decided that the parties may observe a convention, while putting up candidates for election of the Committee, that one third of the sitting members may change by rotation every year.

In my last address, at Madras, I had mentioned that delays had occurred in the implementation of the recommendations of the Estimates Committee. In order to pursue this matter effectively, a sub-committee of the Estimates Committee has been appointed. The sub-committee did considerable work last year and presented eleven reports to the House on the state of recommendations in the corresponding reports. I expect that this procedure will make the Executive implement the recommendations more quickly.

Last year, the estimates of the Ministry of Defence were taken up for examination by the Estimates Committee of Lok Sabha. This required a special procedure since the scrutiny of the Defence estimates involved examination of secret problems and handling of secret papers. I am glad to say that the procedure that was devised, has been found successful in practice and that there has not been any difficulty in obtaining the necessary material and information from the Ministry.

In view of the increasing number of commercial and industrial undertakings in the public sector, the question of Parliamentary control over them has been repeatedly raised. As the Legislature provides the money for running these undertakings, it is entitled to know that the money sanctioned is being properly utilised. A sub-Committee of the Estimates Committee is keeping a continuous watch on the working of these undertakings.

A new procedure was adopted by me in connection with the presentation of the reports of the Financial Committees on the dissolution of the first Lok Sabha. Under rule 280 of the Rules of Procedure the Speaker may, on a request being made to him and when the House is not in session,



order the printing, publication or circulation of a report of a Committee although it has not been presented to the House. In that case the report is to be presented to the House during its next session at the first convenient opportunity. The 67th and 68th Reports of the Estimates Committee (1956-57) and the 25th Report of the Public Accounts Committee (1956-57) could not be presented to the Lok Sabha under rule 280 of the Rules of Procedure as the House had been dissolved before their presentation. It was, therefore, decided that the requirements of rule 280 would be met if the reports were laid on the Table of the new House by the Secretary, Lok Sabha.

#### *Budgetary Reform*

The question of Budgetary reform also requires closer examination not only at the Centre but in all the States. Some of the more important problems which should be examined in this connection are the Budget year, better presentation in such a way as to clarify the policy and the objectives which the expenditure is intended to further, exhibitions of Estimates connected with the Five Year Plans and developmental activities, and adoption of the programme and performance system of Budgeting. There should also be some Parliamentary control over borrowings by Government. A sub-committee of the Estimates Committee of Lok Sabha is currently considering these proposals.

#### *Committee on Government Assurances*

You might have experienced that unless the Administration is vigorously pursued, the assurances, promises or undertakings given by the Ministers on the Floor of the House in response to the suggestions, criticisms, or questions of Members often take a long time to implement. These assurances, etc. by themselves are not and cannot be sufficient unless they are fulfilled by the Government and that too in time. At the Centre, we have now developed a procedure whereby a Committee of the House makes note of all these assurances, undertakings etc. and statements showing action taken by Government thereon are placed before it. The Committee scrutinizes these statements to see that all assurances have been listed and implemented in time. Reports are present-

ed to the House from time to time and considerable improvement has been reported during the recent years.

#### *Government Committees*

An important question involving procedure and propriety refers to the cases where the Government may appoint a Committee to consider matters which are already under examination by a Committee of Parliament or a Legislature. An incident happened at the Centre when a Ministry appointed a committee consisting partly of Members of Parliament to look into certain aspects of a matter which was already under the examination by the Estimates Committee of the Parliament. The whole matter was examined in consultation with the Government and it was decided that a convention should be observed that a Ministry should not set up a committee to investigate or enquire into any matter if any committee of Parliament is already engaged on an examination of the same matter, unless the appointment of such a committee by the Government is clearly unavoidable in public interest. If a committee has to be appointed, no Member of Parliament should be appointed as a member of such a Committee except after previous consultation with the concerned Parliamentary Committee. The report of the Government committee is not to be published without proper consultation with the Parliamentary Committee. If any difference of opinion arises between the Ministry and the Parliamentary Committee, the guidance of the Speaker is to be sought. This procedure, of course, does not apply to a purely departmental committee composed entirely of officials which may be set up to examine specific questions and whose reports are not intended to be published.

I need not dilate upon the importance of Question Hour in a Legislature. It is the very breath of parliamentary democracy. Questions help the Members to keep the day-to-day administration under public gaze and thereby contribute to the establishment of an efficient and honest administration.

In order to help Members to prepare notices of questions, etc. an officer has been designated, and he is available in the Notice Office to answer enquiries and to give information and assistance.

## Conferences

### Indian Parliamentary Group

As you are probably aware, an autonomous body composed of Members of both Houses of Parliament, called the Indian Parliamentary Group, has been in existence since 1949. The Group functions as the India Branch of the Commonwealth Parliamentary Association as also the National Group of the Inter-Parliamentary Union. The Indian Parliamentary Group has constituted Study Groups on six subjects *viz.*, Defence, Foreign Affairs, Food and Agriculture, Commerce and Industry, Education and Shipping. Proposals are under consideration for constituting the seventh Study Group on Scientific Matters. Through the Parliamentary grant our relations with foreign Parliaments have developed considerably in recent years. It arranges talks by distinguished visitors and prominent persons. Thus, during the last year, the Prime Ministers of Indonesia, Burma, Ceylon, China and Poland addressed Members of our Parliament, as also Mr. Aneurin Bevan, Member of the British House of Commons.

While Parliamentary Delegations from Belgium, Norway, Syria, West Germany, the Netherlands and Japan visited us, an Indian Parliamentary Delegation consisting of 25 Members visited China in October 1956, in response to an invitation from the Chairman, Standing Committee of the National People's Congress of the People's Republic of China. Moreover, an Indian Parliamentary Delegation attended the Inter-Parliamentary Conference held in Bangkok in November 1956. In addition, an Indian Parliamentary Delegation also participated in the Inter-Parliamentary meeting held at Nice (France) in April, 1957.

### Inter-Parliamentary Union

The Indian Parliament is a member of the Inter-Parliamentary Union for the last nine years. We have been sending Parliamentary delegations to the annual conferences of the Union regularly. The Union is 68 years old. 49 countries of the world are its members.

The Union discusses matters of international interest and passes resolutions at the annual conferences. The Union sets up

Study Committees to propose subjects for discussion and to draft resolutions after careful study of the subjects involved.

India has been making an effective contribution to the work of the organization. On occasions subjects suggested by India have been taken up for further study and later for discussion at the conferences. Members of the Indian delegation have also sometimes been appointed Vice-Chairmen of the Study Committees and Rapporteurs for certain subjects.

This year the conference took place in London and the subjects for discussion were (1) Discussion on the International Affairs based on the report of the Secretary-General of the Union; (2) The Refugee Problem; (3) The Influence of and Control by Parliament over the Government; and (4) The Stabilisation of Prices of Primary Products. Resolutions were passed on the last three subjects. The third subject, *viz.*, the Influence of and Control by Parliament over the Government was proposed by India sometime ago and it was studied by a sub-committee of the Union and then, by the full Committee, and later a resolution was drafted for discussion at the London Conference. It is only one of the series of resolutions on the subject and in future conferences further resolutions will come up for discussion. In regard to the fourth subject—Stabilisation of Prices of Primary Products—one of our Members took an active part in the Study Committee which was appointed to study and frame a resolution on the subject.

The leader of our delegation, Pandit H. N. Kunzru, was nominated by the Indian Parliamentary Group as a candidate for election to the office of the President of the Union. But later on, he withdrew his candidature as it was understood that the general feeling in the Conference was that the acting President of the Union should be elected unanimously and the various contestants accordingly withdrew their candidatures. It is noteworthy that Pandit Kunzru had the full support of the Asian and African countries, the U.S.S.R. and the East European countries.

### *Commonwealth Parliamentary Conference*

The next Conference of the Commonwealth Parliamentary Association will be held in New Delhi from the 2nd to 10th December, 1957. India, Pakistan and Ceylon are the joint hosts. India will bear the cost of pre-conference and post-conference tours in India, the conference at Delhi and 45% of the cost of passage of delegates. Our guests will visit Bombay, Madras, Bangalore, Calcutta, Agra and Bhakra Nangal during their stay in our country.

At our last Conference in Madras, we considered the proposal to set up an Indian Parliamentary Service and a Committee was appointed to examine in detail the question of constitution of this Service in all its aspects and to make a report thereon to the Chairman of the Conference as early as possible. While appreciating the idea of having such a Service, the Committee feel that for the present there are practical difficulties in its execution. You will consider the report of this Committee.

At our last Conference, we also decided to set up a committee of Presiding Officers to consider the draft constitution of the Inter-Legislature Association. The constitution is ready and it is now before you for final approval.

### *Time-saving Devices*

With a change in the nature and activities of governments, there has necessarily come a corresponding change in the nature and volume of legislative work. Time factor has, therefore, become the crux of the problem. Several time-saving devices have been evolved to enable the House to complete its work within the time-limit such as, the Business Advisory Committee charged with the function of planning the business of the legislature, the setting up of Subordinate Legislation Committee and Select Committees on Bills. I think that much of the time can also be saved by formal or informal discussions outside the House through various Committees or Groups reflecting the different shades of opinions in the House. We have to think

of new devices whereby the business of the House can be conducted more smoothly, efficiently and speedily.

In order to save Parliamentary time, an automatic vote recording equipment has been installed both in Lok Sabha and Rajya Sabha. The whole process from the time of ringing the Division bells to the time of declaring the results does not normally take more than four minutes as against 15 to 20 minutes taken for a Division previously.

### *Research & Reference Service*

With a view to assisting the Members on matters pertinent to their legislative work and keeping them informed of the latest developments in various matters of topical interest, a Research and Reference Section was constituted in the Lok Sabha Secretariat in 1950. Members have been making good use of this Service as is evident from the fact that during the life of the First Parliament, this Branch answered as many as 1,105 references from Members. In addition, the Branch brings out a large number of publications such as Brochures, Information Bulletins and Bibliographies on important legislative measures. Among brochures, special mention may be made of those on Panch Sheel, Suez Canal, UNESCO, Atomic and Hydrogen Weapons and Souvenir on the achievements of the First Parliament which attracted attention. It is also bringing out some regular periodical publications like the Journal of Parliamentary Information, Abstracting Service, Atomic News Digest, Abstracts of Reports, Masik Lekh Saar (in Hindi) and Sansadiya Patrika (in Hindi).

I understand that some Legislature Secretariats have also recently started their Research & Reference Service. I wish them all success. We should have regular arrangement for exchange of all of our publications on a reciprocal basis. I would also suggest that we should examine the question of co-ordination of activities so that there may be no duplication of work.

I may say a word about the Journal of Parliamentary Information, which is a unique publication of its type in the East

## Conferences

and which brings together all the Parliamentary procedures and practices that are being continuously evolved in the Parliament and the various Legislatures in States and elsewhere. I am glad to say that the State Legislature Secretariats are fully co-operating in providing material for publication in the Journal and I would also say that we must continue these efforts in order to make the Journal a great success.

You will be interested to know that the Lok Sabha Secretariat has started this year a new quarterly known as "Privileges Digest", comprising not only news-items about recent privilege cases but also study and examination of these cases in Parliament and State Legislatures and in foreign countries. Articles of interest on the subject are also included. It is hoped that this Quarterly will serve as a useful and handy publication for consulting privilege cases of precedent value.

### *Information and Publicity*

A matter which deserves some consideration is public relations. People must be kept fully informed about the activities of Legislatures and effective liaison should subsist between the Legislature and the Press. In the Lok Sabha Secretariat we have set up a small Information and Publicity Section which issues hand-outs and communiques in regard to the activities of the Parliament and its Committees. Synchronizing with the conclusion of the First Parliament an exhibition was held in the Parliament House in March this year. The exhibition consisted of a number of photographs, charts, graphs, Parliamentary publications and photostat copies of some of the rare documents showing the landmarks in the constitutional evolution of democracy in India. I hope similar exhibitions will be held in different States at periodic intervals to acquaint the people with the work and achievements of Legislatures.

### *Decoration of Parliament House*

I might say a few words about the decoration of Parliament House. The Artists' Sub-Committee has already approved about 50 small-size coloured sketches and full-size pencil drawings and the artists will soon be painting them in full size on masonite boards. When the work is complete, a visitor to the Parliament House will find murals, portraits and statues depicting the history of our country from ancient to modern times. Four life-size portraits of Dr. Dadabhai Naoroji, Lokmanya Tilak, Lala Lajpat Rai, and Pandit Motilal Nehru presented by various organizations have already been put up in the Central Hall of the Parliament House. It has also been decided to put up portraits of four more national leaders, namely, Sardar Patel, Dr. Rabindra Nath Tagore, Shri C. R. Das and Pandit Madan Mohan Malviya as soon as they are ready.

I am glad to know that some State Legislatures have also taken steps to decorate their buildings with portraits of national leaders.

In its drive for effecting economy and improving efficiency, the Lok Sabha Secretariat has undertaken the task of simplifying the procedure and methods of work. An Organisation and Methods Team has been constituted for evaluating standards of performances and conducting job analyses and ensuring quality and quantity control.

In conclusion, I wish again to convey our sincere thanks to the Speaker of the Rajasthan Assembly and the Rajasthan Government for having made excellent arrangements for the Conference as also for the great hospitality extended to us. I thank you all for the patience and attention with which you have heard me.

## Editorial Note

With this issue, we complete three years of our Journal. During this period, it has been our endeavour to give as much information as possible to our readers on all aspects of Parliamentary practices and procedures that are being currently evolved in the Legislatures in India and abroad. It is our constant aim and endeavour to improve the Journal so as to make it more informative and useful to all sections of our readers, and any suggestions from them in this connection will, therefore, be always welcome.

With the coming into being of the Second Lok Sabha after the second General Elections, a number of Parliamentary Committees were re-elected. In this issue we have included some of the speeches delivered by the Speaker and the Deputy Speaker while inaugurating these Committees. We have also included the full text of the Chairman's address to the 23rd Conference of Presiding Officers of Indian Legislatures held in Jaipur in October.

We have reproduced in this issue an article entitled "*The Ten Minutes Rule*" by P.A. Bromhead, Lecturer in Political Theory and Institutions, Durham University, from the *Parliamentary Affairs*. Our thanks are due to the author and the Editor of *Parliamentary Affairs* for their kind permission to reproduce it in our Journal.

The Commonwealth Parliamentary Association is holding its Conference in New Delhi in the coming December. With a view to acquaint our readers with the aims and activities of this Association and India's participation and role in it, we have published in this issue an article entitled "Inter-Parliamentary Relations" which, we hope, will be of particular interest to our readers.

We take this opportunity of acknowledging the assistance that we have received from the State Legislature Secretariats in compiling the material contained in several sections of the Journal.

## Book Reviews

**Parliament in India** by W. H. Morris Jones  
(Longmans, Green & Co., London, New  
York, Toronto 1957; pp. 417. Rs. 25/-)

The author who is at present Professor of Political Theory and Institutions in the University of Durham, acted as a constitutional adviser on Lord Mountbatten's staff during the transfer of power in India in 1947 and had thus occasion to study at first hand the political and constitutional developments during that period. He had also paid a visit to India in 1953-54 and during his nine months' stay here collected material on the working of the Indian Parliament and the State Legislatures, and his work is based on this material and the direct observations made by him.

The work begins with the question whether the Indian experiment at Parliamentary democracy and institutions would prove a success and deliver the goods to the Indian people, and with the reply concludes: "The experiment is working and parliamentary institutions are more firmly established in the way of life of the Indian people than they are in that of many a country in Europe."

The book is divided into seven chapters dealing respectively with the nature of Indian politics, the coming of Parliament, the House and the Member, parties and Parliament, procedure and privilege, officers and committees and the achievement of Parliament. The first chapter deals with the characteristic features of Indian political life and discusses the complexity of Indian politics with reference to the several kinds of diversity present in the Indian society, the unity attempted to be forged by the Constitution, the general attitude to authority and the secular and religious 'levels' of Indian politics.

The second chapter proceeds to outline the several stages by which, during the later

period of British rule, parliamentary institutions were introduced in India, the nature of experience gained by Indians in Parliamentary business in the pre-Constitution days and the circumstances under which the Constituent Assembly ultimately adopted Parliamentary democracy for the Indian Republic.

The nature of the relations between a private member belonging to the ruling party and the government and between the government and the opposition are discussed in the third chapter. A number of tables and charts have been added to it to illustrate the age, educational attainments, legislative experience, occupation etc. of the Members and the structure and composition of the Central and State Governments during 1947 to 1954.

The next chapter deals with the different political parties and their organisation in the legislatures. The chapter on 'Procedure and Privilege' describes the evolution of financial and other procedure, a typical Parliamentary day and the relations between the two Houses and also refers to certain cases of privilege that have occurred since 1950. The office of the Speaker, and his secretariat, the financial and other committees are described in the following chapter, while the last one gives an account of the achievements of Parliament in the field of legislation and control of the Executive, and as a public forum drawing popular attention.

The book also contains five appendices giving extracts from the Indian Constitution, the discussions of the former Central Assemblies after the Constitutional changes of 1861, 1892, 1909, 1919 and 1952, the dates of the sessions of the Central Assembly from 1921 to 1955, the frequency of divisions and voting figures and the Press Objectionable Matter (Amendment) Bill, 1953, as a model.

The work, as the author himself says in the preface, is mainly concerned with the period since the inauguration of the new Constitution in 1950 and the first general elections of 1951-52, although use has been made of information relating to the whole period since 1947.

• • • •

**The Approach to Self-Government** by Sir Ivor Jennings (Published by the Syndics of the Cambridge University Press, Cambridge, 1956, pp. 204, 16s.)

This work of Ivor Jennings is based on a series of talks given by him over the B.B.C. during 1956. The author, a well-known authority on Constitutional Law had lately been constitutional adviser to the Governments of Ceylon and Pakistan, and the B.B.C. in asking him to give these talks hoped that the experiences in constitution making gained by him in these Asian countries would be helpful to other countries of the Commonwealth approaching self-government.

The book is principally concerned with the practical problem of choosing the right type of Constitution for a new country which is about to govern itself for the first time. The author has stressed the fact that each country has its own special problems which are the result of its history, customs and population and that in framing its Constitution, all these factors should be taken into account. He adds that "every people is unique" and "every country must have a Constitution to suit itself, a Constitution made to measure, not one bought off the rack."

He says that in countries where there are complex plural societies, it is necessary to create a national patriotism which overrides communal loyalties and that "if possible one should avoid communal electorates, though it is often politically necessary to have them." As a first step towards common loyalty, he urges inter-communal co-operation where every community is allowed to play its part in national development.

The conclusive test for the grant of self-government in colonial territories is not whether politicians of ability could be found in these countries' but whether the people as a whole are ready for self-government which means a good standard of civic responsibility. He is not in favour of providing constitutional guarantees for minorities in a Bill of Rights, but would have measures to ensure democratic elections, such as the institution of an Election Commission and the existence of an independent judiciary, to safeguard democracy.

The author has dealt with at some length the problem of replacing "imported" officials in the administration by suitable local people and the allied question of giving the right kind of education and training to the local population with a view to equipping them for the task. So far as the Executive government is concerned, the Cabinet system of government, as being more flexible, is preferred to the Presidential type.

In the last chapter the transition from representative to responsible government is dealt with and the author expresses the opinion that responsible government to be given in the initial stages may be limited in scope. Various methods of limiting self-government have been discussed, *viz.*, division of subjects of government, legislative control by the Head of State, association of elected members of the legislature with the processes of government, etc.

• • • •

**Behind the President: A Study of Executive Office Agencies** by Edward H. Hobbs (Public Affairs Press, Washington, D. C. pp. 248, \$ 4.50)

This is an account of the Executive agencies of the President of the United States based on first-hand observation and extensive research on the subject. The author, who is Associate Director for Public Administration Research and Associate Professor of Political Science at the University of Mississippi has given up-to-date information about the growth, organisation and functions of these agencies with particular reference to the development in recent years.

The Executive Office of the President was established by the late President Roosevelt in 1939 soon after the outbreak of the last War, in order to provide for himself "an appropriate instrument to which he might delegate authority and responsibility" so that he can "reserve his time and energy for the major responsibilities" of his office.

The Bureau of the Budget is the largest and the most highly organised, and is the managerial backbone of the Executive Office. Its main function is to review departmental recommendations for legislation having a bearing on fiscal requirements, to hold estimates hearings and to fix budget ceilings for the departments.

The National Resources Planning Board is the agency for surveying the natural resources of the country and to recommend to the President and the Congress long-term plans and programmes for the wise utilisation of these resources.

The White House Office is meant to attend to the personal and public relations work of the President and takes precedence over the other units in the Executive Office. The Council of Economic Advisers advises the President of national economic policies, appraises the various programmes and activities of the Federal Government and gives timely information regarding economic developments and trends.

The National Security Council has the important function of "advising the President with respect to the integration of domestic, foreign and military policies relating to the national security."

The historical background to the development of all these agencies, their organisation and structure, their activities and inter-relations are all dealt with in detail by the author, as also a description of the various offices of Emergency Mobilisation.

The last chapter is devoted to the machinery under President Eisenhower who "has worked particularly hard to strengthen and streamline the structure of the Executive Office."

The book provides valuable information about the Executive machinery working behind the President and will be found useful for both the layman and the expert.

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**The Development of the Treasury—1660-1702**  
by Stephen B. Baxter (Longmans, Green and Co., London, New York, Toronto, 1957, pp. 301, Price 45 sh.)

This is an account of the growth of the British Treasury during the period 1660-1702. It has been compiled from original records like those of the Public Record Office and the British Museum, the Reports of the Historical Manuscripts Commission, the Journals of the House of Commons and the Calendar of Treasury Books and State Papers.

The work is broadly divided into two parts, the first part dealing with the Treasury at the highest level, giving an account of the Lord Treasurer, the Treasury Board and the relations between the Treasury and the rest of the administration, while the second part deals with the agencies subordinate to the Lord Treasurer.

The relations between the King and his Treasury and those between the Treasury and the other branches of Government are discussed in two chapters. The author sums up these relations as follows:

"The degree of effectiveness of Treasury control varied, and in no case could the Treasury itself withstand the determined wishes of the King. The King's freedom of action might be limited by statutes which the Treasury had to enforce. . . . but on matters of policy and on questions of specific expenses every rule depended ultimately on the will of the King. If he wished to go bankrupt, the Treasury could not stop him. The Treasury obtained in relation to the departments the right of information and



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in relation to the King the right of warning. It could play the role of Cassandra, but nothing more."

In conclusion, the author states that the development of the Treasury from 1660 to 1702 was "undoubtedly administrative and not constitutional." The steady expansion of

the Treasury's business counted for more in the long run than the enlargement of its formal powers. In its main features, the Treasury system reached maturity in 1676 and any weaknesses discernible in it thereafter were to be attributed to the Government as a whole and were not peculiar to the Treasury.

**APPENDIX I**

*Statement showing the activities of the Houses of Parliament/State Legislatures in India during the period 1st January 1957 to 30th June, 1957.\**

Name of the House/ Legislature	Session during the period 1-1-57 to 30-6-57	Legislation		Questions						Committees									
		No. of bills passed		Starred		Unstarred		Short Notice		Names	No. of Members	Points of interest.							
		Gov-ern-ment	Pri-vate Mem-bers	No-tices recd.	Ad-mitted	No-tices recd.	Ad-mitted	No-tices recd.	Ad-mitted										
1	2	3	4	5	6	7	8	9	10	11	12	13							
Lok Sabha	Two Sessions (i) From 18-3-57 to 28-3-57 (10 sittings) (ii) From 10-5-57 to 31-5-57 (17 sittings)	21		2411	956	150	515	157	18	(i) Business Advisory Committee (ii) Committee of Privileges. (iii) Committee on Absence of Members. (iv) Committee on Government Assurances. (v) Committee on Private Members Bills and Resolutions. (vi) Committee on Petitions. (vii) Committee on Subordinate Legislation. (viii) Estimates Committee. (ix) Public Accounts Committee. (x) General Purposes Committee (xi) Joint Committee on Salaries and Allowances of Members of Parliament.	15	15	15	15	15	30	45	15	15

\*The Appendix includes information received upto 31st October from States.

†The number includes starred questions admitted as unstarred.

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1	2	3	4	5	6	7	8	9	10	11	12	13
										(xi) Library Committee	9	
										(xiii) Rules Committee	15	
										(xiv) Parliamentary Committee to fix Hindi Equivalents for Parliamentary. Legal and Administrative Terms	34	
										(xv) Committee on Inscription in Parliament House	4	
Rajya Sabha	Two Sessions (i) From 18-3-57 to 29-3-57 (10 sittings) (ii) From 13-5-57 to 1-6-57 (17 sittings)	22	..	1081	..	57		18	..	(i) Business Advisory Committee. (ii) Rules Committee. (iii) House Committee. (iv) Committee on Petitions. (v) Committee of Privileges. (vi) General Purposes Committee.		
Andhra Legislative Assembly.	One Session From 20-3-57 to 1-8-57 (20 sittings)	7	..	2056	1559	27	27	84	29	(i) Business Advisory Committee. (ii) Public Accounts Committee. (iii) Estimates Committee. (iv) Privileges Committee. (v) House Committee.		
Bombay Legislative Assembly.	Two Sessions (i) From 14-3-57 to 3-4-57 (13 sittings) (ii) From 17-6-57 to 5-8-57 (40 sittings)	35	..	1635	1496	32	28	309	158	(i) Estimates Committee (ii) Public Accounts Committee (iii) Committee on Petitions (iv) Privileges Committee.	21 21 5 10	

*Appendices*

1	2	3	4	5	6	7	8	9	10	11	12	13
<b>Bombay Legislative Council,</b>	<i>Two Sessions</i> (i) From 14-3-57 to 3-4-57 (8 sittings) (ii) From 19-6-57 to 5-8-57 (18 sittings)	35		57	56			16	13	(i) Committee on Petitions.	5	
<b>Kerala Legislative Assembly</b>	<i>Two sessions</i> (i) From 24-4-57 to 25-7-57 (29 sittings) (ii) From 22-8-57 to 2-9-57 (9 sittings)	21		3927	3744	..		29	14	(i) Committee of Privileges. (ii) Committee on Government Assurances. (iii) Committee on Subordinate Legislation (iv) Committee on Private Members Bills and Resolutions. (v) Committee on Petitions (vi) Estimates Committee (vii) Public Accounts Committee. (viii) Library Advisory Committee.		
<b>M.P. Legislative Assembly</b>	<i>One session</i> from 9-1-57 to 17-5-57 (7 sittings)	5	..	580	297	301	210	1	..	..		
<b>Mysore Legislative Assembly</b>	<i>Two sessions</i> (i) From 18-3-57 to 27-3-57 (9 sittings) (ii) From 10-6-57 to 22-6-57 (12 sittings)	12	..	1490	1329	..	..	17	2	..	..	..
<b>Mysore Legislative Council.</b>	<i>Two sessions</i> (i) From 18-3-57 to 27-3-57 (9 sittings) (ii) From 10-6-57 to 24-6-57 (14 sittings)	12	..	122	115	42	40	7	6		..	..
<b>Punjab Legislative Assembly</b>	<i>Two sessions</i> (i) From 18-3-57 to 21-3-57 (4 sittings) (ii) From 24-4-57 to 17-6-57 (26 sittings)	28	..	897	735	451	370	66	12	(i) Business Advisory Committee (ii) Committee on Estimates.  (iii) Committee on Government Assurances. (iv) Committee on Subordinate Legislation.	5	9
											9	8

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	2	3	4	5	6	7	8	9	10	11	12	13
										(a) Library Committee	6	
										(ai) House Committee	5	
										(aii) Committee on Privileges.	10	
										(aiii) Committee on Petitions	5	
										(iv) Committee on Public Accounts.	12	
Punjab Legislative Council	Two sessions (i) From 18-3-57 to 28-3-57 (13 sittings) (ii) From 26-4-57 to 25-6-57 (14 sittings)	29	..	203	200	..		31	8	(v) Committee on Government Assurances.	6	
										(vi) Rules Committee.	8	
										(vii) Committee connected with Comforts and Convenience of the Members.		
										(viii) Committee on Petitions.	8	
U. P. Legislative Council.	One session From 11-4-57 to 9-5-57 (21 sittings)	11		519	445	19	17	51	22	(i) Committee on Privileges.	10	
										(ii) Committee on Petitions	10	
										(iii) Rules Revision Committee	10	
										(iv) Business Advisory Committee.	10	
										(v) House Committee.	10	
Rajasthan Legislative Assembly	Two sessions (i) From 18-3-57 to 21-3-57 (3 sittings) (ii) From 24-4-57 to 29-5-57 (24 sittings.)	17		866	474	60	51	15	..	(i) Business Advisory Committee.	5	
										(ii) Public Accounts Committee.	10	
										(iii) Estimates Committee	15	
										(iv) Committee on Government Assurances.	5	
										(v) Committee on Petitions	10	
										(vi) Committee on Privileges	10	
										(vii) House Committee	5	
										(viii) Select Committee on :		
										(i) the Raj. Police Bill, 1957	22	
										(ii) The Raj Societies Registration Bill	18	
										(iii) The Raj. Sec. Education Bill, 1957)	24	

**APPENDIX II**

*List of Bills passed by the Houses of Parliament and assented to by the President during the period 22<sup>nd</sup> January to 30<sup>th</sup> June, 1957.*

S.No.	Title of the Bill	Date of assent by the President
1	The Appropriation Bill, 1957	28-3-57
2	The Appropriation (No. 2) Bill, 1957	28-3-57
3	The Appropriation (Vote on Account) Bill, 1957	28-3-57
4	The Kerala Appropriation Bill, 1957	28-3-57
5	The Finance Bill, 1957	29-3-57
6	The Appropriation (Railways) Bill, 1957	29-3-57
7	The Prevention of Corruption (Amendment) Bill, 1957	29-3-57
8	The Kerala Appropriation (Vote on Account) Bill, 1957	30-3-57
9	The Appropriation (Railways) Vote on Account Bill, 1957	30-3-57
10	The Sea Customs (Amendment) Bill, 1956	2-4-57
11	The Foreigners Laws (Amendment) Bill, 1956	2-4-57
12	The Provisional Collection of Taxes (Temporary Amendment) Bill, 1957	27-5-57
13	The Essential Commodities (Amendment) Bill, 1957	4-6-57
14	The Copyright Bill, 1955	4-6-57
15	The Appropriation (No. 3) Bill, 1957	4-6-57
16	The Central Sales Tax (Amendment) Bill, 1957	4-6-57
17	The Life Insurance Corporation (Amendment) Bill, 1957	6-6-57
18	The Industrial Disputes (Amendment) Bill, 1957	6-6-57
19	The Reserve Bank of India (Amendment) Bill, 1957.	8-6-57
20	The Coal Bearing Areas (Acquisition and Development) Bill, 1957	8-6-57
21	The State Bank of India (Amendment) Bill, 1957	8-6-57

## APPENDIX III

List of Bills passed by the State Legislative Assemblies during the period 1st January 1957 to the 30th June 1957.\*

### Administration

#### *Bombay*

1. The Bombay Local Boards (Kutch Area) (Amendment) Bill, 1957
2. The Hyderabad District Board (Bombay Amendment) Bill, 1957.
3. The Bombay District Municipal Corporation (Amendment) Bill, 1957.
4. The Bombay Local Board (Kutch Area) (Second Amendment) Bill, 1957.
5. The Sir Sarson Jacob Boronetsy (Repealing) Bill, 1957.
6. The Hyderabad Public Security Measures (Amendment) and Supplemental Provisions Bill, 1957.
7. The Sales Tax (Validation of Appointments of Officers and Proceedings) Bill, 1957.
8. The Hyderabad District Municipalities (Bombay Amendment) Bill, 1957.
9. The Bombay District Municipal and Municipal Boroughs (Saurashtra Area) (Amendment) Bill, 1957.

#### *Kerala*

The Koodalmanichom Devaswom Proclamation (Amendment) Bill, 1957.

#### *Madhya Pradesh*

M. P. Creation of Commissions, Bill, 1956.

#### *Mysore*

The Bombay Local Boards (Mysore) Amendment Bill, 1957.

#### *Punjab*

1. The Punjab Public Service Commission (Additional Functions) (Amendment) Bill, 1957 (Bill No. 8—PLA of 1957).
2. The Punjab New Capital (Periphery) Control (Amendment) Bill, 1957. (Bill No. 9—PLA of 1957).
3. The Punjab Court of Ward (Validation of Exercise of Powers) Bill, 1957, (Bill No. 14—PLA of 1957).

### Agriculture

#### *Bombay*

The Indian Forest (Bombay Amendment) Bill, 1957.

#### *Kerala*

The Kerala Private forests (Assumption of Management) Bill, 1957.

#### *Rajasthan*

The Rajasthan Relief of Agricultural Indebtedness Bill, 1957.

### Constitutional

#### *Bombay*

The Bombay Prohibition of Simultaneous Membership Bill, 1957.

#### *Madhya Pradesh*

M. P. Legislative Assembly Prevention of Disqualification (Amendment) Bill, 1957.

#### *Punjab*

The Punjab State Legislature (Vacation of Seats) Bill, 1957 (Bill No. 3—PLA of 1957)

#### *Rajasthan*

1. The Rajasthan Legislative Assembly (Officers & Members Emoluments) Amendment Bill, 1957.
2. The Rajasthan Legislative Assembly (Officers & Members Emoluments) Bill, 1957.
3. The Rajasthan Ministers' Salaries (Amendment) Bill 1957.

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\*The Appendix includes information received upto 31st Oct. from States.

## Appendices

### Uttar Pradesh

U. P. State Legislature Members (Prevention of Disqualifications) (Amendment) Bill, 1957.

### Andhra

#### Economic

The Andhra Pradesh General Sales Tax Bill, 1957.

### Bombay

The Saurashtra Rent Control (Amendment) Bill, 1957.

### Kerala

1. The Kerala Surcharge on Taxes Bill, 1957.
2. The Madras Medium Cotton Mill Cloth (Sales Tax) Repeal Bill, 1957.
3. The Travancore-Cochin General Sales Tax (Amendment) Bill, 1957.
4. The Travancore-Cochin Insolvency (Amendment) Bill, 1957.

### Mysore

The Mysore Sales Tax (Amendment) Bill, 1957.

### Punjab

1. The Punjab Professions, Trades, Callings and Employments Taxation (Amendment) Bill, 1957 (Bill No. 1—PLA of 1957).
2. The Punjab General Sales Tax (Extension) Bill, 1957 (Bill No. 6—PLA of 1957).
3. The Punjab Cooperative Land Mortgage Banks Bill, 1957 (Bill No. 23—PLA of 1957).
4. The Punjab Professions, Callings and Employments Taxation (Second Amendment) Bill, 1957 (Bill No. 19—PLA of 1957).

### Rajasthan

The Rajasthan Sales Tax (Amending and Extending) Bill, 1957.

#### Educational

### Kerala

1. The Kerala University Bill.
2. The Kerala Education Bill.

### Punjab

1. The Punjab University (Amendment) Bill, 1957 (Bill No. 7—PLA of 1957).
2. The Press & Registration of Books (Punjab Amendment) Bill, 1957 (Bill No. 13—PLA of 1957).

#### Financial

### Andhra

1. The Andhra Pradesh Appropriation Bill, 1957.
2. The Andhra Pradesh Consolidated Fund (Withdrawal of Money) Bill, 1957.
3. The Andhra Pradesh Payment of Salaries and Removal of Disqualifications (Andhra Pradesh Amendment) Bill, 1957.

### Bombay

1. The Bombay Charged Expenditure Bill, 1957.
2. The Hyderabad Agricultural Income Tax (Amendment) Bill, 1957.
3. The Bombay Sales Tax Laws (Amendment) Bill, 1957.
4. The Bombay Appropriation (Vote on Account) Bill, 1957.
5. The Bombay (Supplementary) Appropriation Bill, 1957.
6. The Central Provinces and Berar Sales Tax (Amendment) Bill, 1957.
7. The Hyderabad Agricultural Income Tax (Second Amendment) Bill, 1957.
8. The Bombay Appropriation Bill, 1957.
9. The Bombay Sales Tax (Amendment) Bill, 1957.
10. The Bombay Finance and the Bombay Increase of Stamp Duties (Amendment) Bill, 1957.
11. The Bombay (Second Supplementary) Appropriation Bill, 1957.

### Kerala

1. The Kerala Appropriation (No. 1) Bill, 1957.
2. The Payment of Salaries and Allowances (Amendment) Bill, 1957.



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3. The Kerala Contingency Fund Bill, 1957.
4. The Kerala Appropriation (No. 2) Bill, 1957.
5. The Kerala Appropriation (No. 3) Bill, 1957.

### Madhya Pradesh

1. M. P. Appropriation Bill, 1956.
2. M. P. Contingency Fund Bill, 1956.

### Mysore

1. The Mysore Contingency Fund Bill, 1957.
2. The Mysore Appropriation Bill, 1957.
3. The Mysore Appropriation (Vote on Account) Bill, 1957.

### Punjab

1. The Punjab Appropriation (No. 1) Bill, 1957 (Bill No. 3—PLA of 1957).
2. The Punjab Appropriation (No. 2) Bill, 1957 (Bill No. 22—PLA of 1957).

### Rajasthan

1. The Rajasthan Appropriation (Vote on Account) Bill, 1957.
2. The Rajasthan Finance (Agricultural Income tax) Bill, 1957.
3. The Rajasthan Appropriation (No. 1) Bill, 1957.

### Uttar Pradesh

1. U. P. Appropriation (Second Supplementary) 1956-57 Bill, 1957.
2. U. P. Appropriation (Vote on Account) Bill, 1957.
3. U. P. Appropriation (Regulation of Excesses 1952-53) Bill, 1957.

### Health

### Kerala

1. The Kerala Maternity Bill, 1957.
2. The Kerala Anatomy, Bill, 1957.

### Rajasthan

The Rajasthan Vaccination Bill, 1957.

### Land

### Andhra

1. The Hyderabad Tenancy and Agricultural Lands (Andhra Pradesh Amendment) Bill, 1957.
2. The Andhra Pradesh Mica Bill, 1957.

### Bombay

1. The Bombay Merged Territories and Areas (Jagirs Abolition) (Amendment) Bill, 1957.
2. The Bombay Tenancy and Agricultural Lands (Amendment) Bill, 1957.
3. The Saurashtra Barkhali Abolition (Amendment) Bill, 1957.
4. The Hyderabad Agricultural Debtors Relief (Bombay Amendment) Bill, 1957.
5. The Bombay Merged Territories (Ankhadia Tenure Abolition and the Bombay Merged Territories Matdarl Tenure Abolition) (Amendment) Bill, 1957.
6. The Saurashtra Estates Acquisition (Amendment) Bill, 1957.
7. The Bombay Tenancy and Agricultural Lands (Second Amendment) Bill, 1957.
8. The Hyderabad Land Revenue (Amendment) Bill, 1957.
9. The Bombay Merged Territories Miscellaneous Alienations Abolition (Amendment) Bill, 1957.

### Kerala

The Travancore-Cochin Land Tax (Amendment) Bill, 1957.

### Madhya Pradesh

M. P. Reclamation of Land (Extension to Bhopal Region) Bill, 1956.

### Mysore

1. The Bombay Tenancy (Suspension of Provisions and Amendment) Bill, 1957.
2. The Mysore Tenancy (Amendment and Continuance of Tenancies) Bill, 1957.
3. The Coorg Tenants Bill, 1957.
4. The Hyderabad and Madras Areas Tenancy (Suspension of Provisions and Amendment) Bill, 1957.

## Appendices

### Punjab

1. The Punjab Consolidation of Land Proceedings (Validation) Bill, 1957 (Bill No. 4—PLA of 1957).
2. The Punjab Land Revenue (Surcharge) (Amendment) Bill, 1957 (Bill No. 12—PLA of 1957).
3. The Punjab Utilisation of Lands (Amendment) Bill, 1957 (Bill No. 18—PLA of 1957).
4. The Punjab Resumption of Jagirs Bills, 1957 (Bill No. 31—PLA of 1957).

### Rajasthan

Marwar Patta Ordinance (Recpal) Bill, 1957.

### Uttar Pradesh

1. The U. P. Consolidation of Holdings (Amendment) Bill, 1957.
2. U. P. Land Reforms (Evacuee Land) Bill, 1957.

## Legal

### Kerala

1. The Kerala Stay of Eviction proceedings Bill, 1957.
2. The Code of Civil Procedure (Kerala Amendment) Bill, 1957.
3. The Kerala Stay of Eviction Proceedings (Amendment) Bill, 1957.

### Bombay

The Bombay General Clauses (Amendment) Bill, 1957.

### Punjab

1. The Punjab Laws (Extension No. 1) Bill 1957 (Bill No. 3—PLA of 1957).
2. The Punjab Laws (Extension No. 2) Bill 1957 (Bill No. 11—PLA of 1957).
3. The Punjab Laws (Extension No. 3) Bill, 1957 (Bill No. 20—PLA of 1957)
4. The Court Fees (Punjab Amendment) Bill, 1957 (Bill No. 31—PLA of 1957).

### Rajasthan

1. The Rajasthan Laws (Extension) Bill, 1957.
2. The Rajasthan Civil Courts Laws (Extension) Amendment Bill, 1957.

### Uttar Pradesh

Provincial Small Causes Courts (U.P.) (Amendment) Bill, 1957.

## Labour

### Andhra

The Hyderabad Industrial Funds Rules (Andhra Pradesh Amendment) Bill, 1957

### Punjab

1. The Punjab Cotton Ginning and Pressing Factories (Amendment) Bill, 1957 (Bill No. 10—PLA of 1957).
2. The Industrial Disputes (Punjab Amendment) Bill, 1957 (Bill No. 28—PLA of 1957).
3. The Industrial Disputes (Amendment & Miscellaneous Provisions) (Punjab Amendment) Bill, 1957 (Bill No. 28—PLA of 1957).

### Uttar Pradesh

1. U.P. Industrial Disputes (Amendment and Miscellaneous Provisions) Bill, 1957.
2. U. P. Labour Welfare (Amendment) Bill, 1957.

## Social

### Bombay

1. The Bombay Corneal Grafting Bill, 1957.
2. The Bombay Abolition of Whipping Bill, 1957.

### Punjab

1. The Punjab Urban Rent Restriction (Amendment) Bill, 1957 (Bill No. 16—PLA of 1957).
2. The Punjab Abolition of Whipping Bill, 1957 (Bill No. 15—PLA of 1957).
3. The Punjab Backward Classes (Grant of Laws) Bill, 1957 (Bill No. 17—PLA of 1957).
4. The Sikh Gurdwaras (Amendment) Bill, 1957 (Bill No. 29—PLA of 1957).

## APPENDIX IV

### *Statistical Analysis of Bills Passed by Legislative Assemblies in India\**

Name of the State	Admi- nis- tration	Agi- cul- ture	Cons- titu- tional	Eco- nomic	Edu- cati- onal	Fin- ancial	Hea- lth	Land	Legal	Labour	Social	Trans- port	Total
Andhra . . . . .	..	..	..	1	..	3	..	2	..	1	..	..	7
Bombay . . . . .	9	1	1	1	..	11	..	9	1	..	2	..	35
Kerala . . . . .	1	1	..	4	2	5	2	1	3	..	..	..	19
Madhya Pradesh . . . . .	1	..	1	..	..	2	..	1	..	..	..	..	5
Mysore . . . . .	..	..	..	1	..	3	..	4	..	..	1	1	10
Punjab . . . . .	3	..	1	4	2	2	..	4	5	3	3	2	29
Rajasthan . . . . .	..	1	3	1	..	3	1	1	2	..	4	1	17
Uttar Pradesh . . . . .	..	..	1	..	..	3	..	2	1	2	1	1	11

\*The Appendix contains information received upto 31st October 1957 from States.